ENVIRONMENTAL AND NATURAL RESOURCES PROGRAM MANUAL

Department Of The Navy
Office Of The Chief Of Naval Operations
Washington, D.C. 20350

DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
WASHINGTON, DC 20350-2000

IN REPLY REFER TO

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OPNAVINST 5090.1A
OP-45

OPNAV INSTRUCTION 5090.1A

From: Chief of Naval Operations

Subj: ENVIRONMENTAL AND NATURAL RESOURCES PROGRAM MANUAL

Ref: (a) OPNAVINST 5040.7K; Subj: Naval Command Inspection Program

Encl: (1) Environmental and Natural Resources Program Manual
(2) Environmental and Natural Resources Program Checklist

1. Purpose

a. To discuss requirements, delineate responsibilities, and issue policy for the management of the environment and natural resources for all Navy ships and shore activities.

b. This is a substantial revision to the Environmental and Natural Resource Program Manual, and the manual should be reviewed in its entirety.

2. Cancellation. OPNAVINST 5090.1

3. Discussion

a. The Navy's ability to accomplish its mission requires daily operations in land, sea, and air environments. The Navy is committed to operating ships and shore facilities in a manner compatible with the environment. National defense and environmental protection are and must be compatible goals. Therefore, an important part of the Navy's mission is to prevent pollution, protect the environment, and conserve natural, historic, and cultural resources. In order to accomplish this mission element, personnel must be aware of the environmental and natural resource laws and regulations which have been established by Federal, state, and local governments. The Navy chain of command must provide leadership and a personal commitment to ensure that all Navy personnel develop and exhibit an environmental protection ethic.

b. The number of environmental regulations has increased significantly in recent years, and these regulations are in a continuous state of change. Additionally, this instruction discusses only Federal regulations and DoD and Navy requirements which apply to Navy ships and shore activities. Therefore, shore

activity personnel must ensure that they are aware of, understand, and comply with the additional requirements imposed upon their activities by state and local governments. This instruction addresses procedures by which ships will be made aware of the applicable state and local requirements for U.S. ports in which they may be moored.

c. Summary of Changes

(1) This instruction has been completely revised to ensure that it takes into account the recent changes in environmental legislation, regulations, and enforcement which have taken place since the last update of OPNAVINST 5090.1 in 1983. It also strengthens command responsibilities for environmental compliance and more clearly defines funding procedures. The manual has been made more readable by using a standard format consisting of:

(a) Scope

(b) Legislation

(c) Terms and definitions

(d) Requirements

(e) Navy policy

(f) Responsibilities.

(2) The new instruction contains 20 chapters in lieu of the 17 contained in the previous instruction. Chapters on funding environmental compliance, environmental compliance evaluations, and underground storage tanks have been added, and the chapter on natural, cultural, and historic has been divided into two chapters: natural resources management and historic and archeological resources protection.

(3) Other important changes found in this instruction include:

(a) Guidance is provided on environmental protection and natural resources outside of the U.S., its territories and possessions. (appropriate chapters)

(b) Direction is given on fees/taxes and personal liability. Revised noncompliance and notice of violation (NOV) reporting procedures are provided. (Chapter 1)

(c) There is a requirement for area coordinators to assign regional environmental coordinators within 90 days of issuance of the instruction. State environmental coordinators are defined and their responsibilities are provided. (Chapter 2)

(d) Hazardous waste management guidance has been modified to ensure it is compatible with that provided in OPNAVINST 4110.2 (NOTAL) and OPNAVINST 5100.19B (NOTAL). The application of the Emergency Planning and Community Right to Know Act to Navy activities is included. (Chapter 9)

(e) New requirements for solid waste management plans are included. These requirements include new segregation and recycling efforts. (Chapter 10)

(f) Information on oil and hazardous substances (OHS) spills/releases has been modified to reflect changes in the National Contingency Plan. (Chapters 11 and 17)

(g) Guidance to ships on the overboard disposal of plastics is provided. The responsibilities of ship commanding officers, Fleet Commanders in Chief and Commander, Naval Sea Systems Command regarding the handling of hazardous waste for ship undergoing an availability in a private shipyard are addressed. (Chapter 17)

d. Binder. This instruction is punched for use in a three-ring binder. The provided cover page and spine may be inserted into binders with transparent pockets.

4. Action

a. This instruction is applicable to all Navy commands, afloat and ashore. The policies, procedures, and actions prescribed are published without the necessity for implementing instructions from the various commands, bureaus, and offices, except as specifically directed. However, organizations that have significant environmental or natural resources responsibilities may find it necessary to provide additional guidance and supplemental instructions.

b. Addressees shall enhance the quality of the environment, combat environmental pollution per the responsibilities specified, and provide the necessary direction to ensure that the provisions of this instruction are adhered to on a continuous basis.

c. The policies and responsibilities of this instruction are effective immediately. Commands will implement the requirements

of this instruction into their operations in an expeditious manner. Except where specific action dates are provided, commands shall fully implement the requirements of this instruction within one year after promulgation. Monitoring of the implementation of this instruction shall be a part of environmental compliance evaluations (ECEs) accomplished per Chapter 4 of enclosure (1) or command inspections conducted per reference (a). Enclosure (2) is provided for purposes of monitoring compliance with the policies set forth in this instruction.

5. Reports and Forms

a. The following reports are required in this instruction:

(1) Report of Receipt of a Notice of Violation or Noncompliance, Report Symbol OPNAV 5090-4, Chapter 1 and Appendix C.

(2) Air, Water, Solid Waste, Noise, Pesticide, and Radiation Pollution Control (A-106) Report, Report Symbol DD-M(SA)1383(5090), Chapter 3.

(3) Report of Environmental Compliance Evaluation, Report Symbol OPNAV 5090-5, Chapter 4.

(4) Shoreside Cost of Compliance Report, Report Symbol OPNAV 5090-10, Chapter 4.

(5) Ship's Cost of Compliance Report, Report Symbol OPNAV 5090-11, Chapter 4.

(6) Solid and Hazardous Waste Annual Report, Report Symbol DD-P&L(A)1485(5090), Chapters 9 and 10.

(7) Annual PCB Inventory, Report Symbol OPNAV 5090-1, Chapter 9.

(8) Oil Spill Report, Report Symbol OPNAV 5090-2 (MIN CONSIDERED), Chapters 11 and 17.

(9) Hazardous Substance Release Report, OPNAV Report Symbol 5090-3 (MIN CONSIDERED), Chapters 11 and 17.

(10) Target Vessel Sinking Report, Report Symbol OPNAV 5090-12, Chapter 18.

(11) Burial At Sea Report, Report Symbol OPNAV 5090-9, Chapter 18.

b. The OPREP reports contained in this instruction are exempt from reports control by SECNAVINST 5214.2B.

c. The following form is available through normal Navy supply channels per NAVSUP P-2002:

FORM	TITLE	STOCK NUMBER
DD 1348-1 (3-74)	DOD Single Line Item Release/ Receipt Document	0102-LF-013-1060

d. Copies of the following forms may be obtained from the Naval Energy and Environmental Support Activity, Port Hueneme, CA 93043:

FORM	TITLE
OPNAV 5090/1 (Rev 3-83)	PCB Inventory
OPNAV 5090/2 (Rev 3-83)	Solid and Hazardous Waste Annual Report

S. R. ARTHUR

Deputy Chief of Naval Operations (Logistics)

Distribution:
SNDL Part 1 (Operating Forces of the Navy, Unified and Specified Commands, U.S. Elements of International Commands) (less 24J, 45, 46, 50, 51)
SNDL Part 2 (Naval Shore Activities) (less A1, A6, B, C, D1, D2, FJA, FJB FJC1, FL, FU, FV, V)

Copy to:

OP-45 (100)
SECNAV/OPNAV Directives Control Office
Washington Navy Yard, Bldg 200
Washington, DC 20374-5074 (30 copies)
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Philadelphia, PA 19120-5099 (300 copies)

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CHAPTER 1

GENERAL POLICIES AND RESPONSIBILITIES

1-1 Scope

1-1.1 **Manual.** This manual provides Navy policy, identifies key statutory and regulatory requirements, and assigns responsibilities for management of Navy programs for:

a. Compliance with related laws and regulations.

b. Protection of the environment

c. Conservation of natural resources

d. Preservation of cultural and historic resources

e. Pollution prevention

1-1.2 **Coordination.** The manual has been coordinated with the Commandant of the Marine Corps, but does not apply to Marine Corps activities.

1-1.3 **Applicability.** The policies and procedures in this manual apply to shore activities within the U.S., territories, and possessions, and to ship operations worldwide. Policies and procedures for overseas shore activities are covered in paragraph 1-5.18 and where specifically addressed in subsequent chapters. This instruction is intended to improve the internal management of the Navy environmental program, and is not intended to create any right or benefit, substantive or procedural, enforceable at law by any party against the Department of the Navy (DON), its officers, employees, or any person.

1-1.4 **Chapter Subject.** Chapter 1 provides the general principles, policy, and responsibilities applicable to the environmental and natural resources protection program. Subsequent chapters contain policy and responsibilities for specific program areas. For example, Chapter 2 describes the major environmental responsibilities for each command, Chapter 3 outlines procedures for funding environmental compliance, and Chapter 4 describes Navy policy for ensuring compliance with environmental and natural resources laws and regulations.

1-1.5 **References.** Section 1 of each chapter contains a listing of applicable Code of Federal Regulations (CFRs), Department of Defense (DoD) Directives, Secretary of the Navy Instructions (SECNAVINSTs), and Office of the Chief of Naval Operations Instructions (OPNAVINSTs).

Relevant references for Chapter 1 are:

a. DoD Directive 4700.2 of 15 July 1988; Secretary of Defense Award for Natural Resources and Environmental Management (NOTAL)

b. OPNAVINST 5430.48C; Office of the Chief of Naval Operations (OPNAV) Organization Manual (NOTAL)

c. OPNAVINST 5510.1H; Security Requirements (NOTAL)

d. OPNAVINST S5510.155; Classified Supplement to the Manual for Disclosure of Classified Military to Foreign Governments and International Organizations (U) (NOTAL).

1-2 Legislation

1-2.1 **Chapter Format.** Section 2 of each chapter contains a description of the legislation applicable to the program area described in that chapter. Appendix A contains a list of pertinent laws, Executive Orders (EOs), CFRs, DoD directives, and OPNAVINSTs. The summaries of law set out in this guidance should not be relied upon for full legal analysis of specific issues.

1-2.2 **10 U.S.C. 2667.** This Federal statute (update to Military Construction Authorization Act) authorizes DoD components to lease to commercial enterprises, non-excess Federal land that is not currently needed for public use.

1-3 Terms and Definitions. Section 3 of each chapter contains a list of Navy, regulatory, legal, and technical terms used in the chapter.

1-3.1 **Government Owned Contractor Operated (GOCO) Plants/Facilities.** GOCO facilities consist of government owned and controlled real property which is jurisdictionally separated and operated by a private contractor under a facilities use or management contract.

1-3.2 **Environmental Standards of General Applicability in the Host Country or Jurisdiction.** Substantive environmental standards that are applicable, in effect, and uniformly enforced pursuant to the national pollution control laws of the host country, or regulations that are similarly enforced, issued by host government agencies to implement national laws. The term does not include pollution control standards enacted or adopted by local governmental units or political subdivisions that do not implement national pollution control laws of the host nation or procedural comments. Specific provisions of Status of Forces Agreements (SOFAs) which permit or require applicability of standards other than those of the host country shall be considered part of the environmental pollution control standards of general applicability in the host country or jurisdiction.

1-3.3 **Executive Order.** An order, signed by the President under his Constitutional authority as Chief Executive, specifying responsibilities and/or actions required by executive branch agencies.

1-3.4 **Facilities.** Land areas and/or the collective individual real properties and fixed buildings/structures and equipment thereon.

1.3-5 **Major Claimant.** Major claimants are the administering and budget submitting offices for the Navy operation and maintenance and reserve personnel appropriations. For the purposes of this instruction the following are considered major claimants:

a. Office of Naval Research

b. Naval Intelligence Command

c. U.S. Navy Bureau of Medicine and Surgery

d. Naval Air Systems Command

e. Navy Military Personnel Command

f. Naval Supply Systems Command

g. Naval Sea Systems Command

h. Naval Facilities Engineering Command

i. Strategic Systems Projects Office

j. Military Sealift Command

k. Naval Space and Warfare Systems Command

l. Commander in Chief, U.S. Atlantic Fleet

m. Commander in Chief, U.S. Naval Forces, Europe

n. Chief of Naval Education and Training

o. Naval Telecommunications Command

p. Naval Oceanographic Command

q. Naval Security Group

r. Commander in Chief, U.S. Pacific Fleet

s. Commander, Naval Reserve Force

1-3.6 **Preliminary Assessment (PA).** An initial analysis of existing information to determine if a site requires additional investigation or action.

1-3.7 **Status of Forces Agreements.** Agreements on the stationing or operations of forces in a host country. They include multilateral or bilateral stationing, force operating, and base rights agreements.

1-3.8 **U.S. (or host country) Provided Overseas Facilities.** Overseas facilities constructed at the expense of the U.S. (or host country).

1-4 Requirements. Section 4 of each chapter contains a general discussion of requirements for the program area presented in that chapter. Requirements are actions required by laws, regulations, EOs or DoD directives. For detailed requirements, readers must refer to specific Federal, state, and local laws, regulations, and rules.

1-4.1 **Statutory Requirements.** Federal agencies are required to comply with applicable environmen-

tal protection requirements. The major environmental statutes contain waivers of sovereign immunity that provide for enforcement of Federal, state, and local substantive and procedural requirements. Since the application of sovereign immunity waivers vary somewhat with a specific situation and since these waivers are in a state of change, personnel should seek the advice of counsel, either Judge Advocate General (JAG) or Office of General Counsel (OGC), who can seek advice from major claimant or cognizant Engineering Field Division (EFD) on specific issues. The payment of fees, fines, or taxes is covered in paragraph 1-5.5.

1-4.2 Executive Requirements. EO 12088 requires all facilities owned by, leased to, or leased from the military to be designed, operated, and maintained per all legally applicable statutory requirements and to comply with all other environmental requirements to the maximum extent practicable. Officers and employees will cooperate with Federal, state, and local environmental protection agencies and comply with applicable standards and criteria issued by those agencies. Funds appropriated for pollution abatement projects will not be used for any other purpose unless authorized by law. The major Federal regulatory agency for pollution abatement is the Environmental Protection Agency (EPA). EPA assists the executive branch and the Congress in writing environmental legislation, develops the detailed Federal regulations and guidelines for compliance with the laws and, through EPA regional offices and state and local agencies, monitors compliance. The EPA Regions are shown in Appendix B.

1-4.3 Radioactive Material. Use and management of radioactive material will be per applicable rules, regulations, and requirements of the Naval Nuclear Propulsion Program (for matters pertaining to nuclear propulsion), Department of Energy (DOE), the Nuclear Regulatory Commission (NRC), Department of Transportation (DOT), and the EPA. Accordingly, radioactive/nuclear material management will not be addressed in this instruction.

1-4.4 Environmental Considerations in New Actions. The National Environmental Policy Act (NEPA) requires consideration of environmental effects for every major Federal action, which includes new construction and new programs. Such considerations must be built into the decision-making process at every level. Chapter 5 describes NEPA requirements and Navy policy and procedures in detail.

1-4.5 Representation of Federal Employees. The following summarizes Department of Justice (DOJ) policy for representation of Federal officers and employees:

a. If an employee or service member is named in a civil lawsuit in his/her official capacity, DOJ representation will be provided.

b. If an employee or service member is named in a civil lawsuit in his/her personal capacity, DOJ representation may be requested and may be provided if DOJ determines that it reasonably appears that the employee or service member was acting within the scope of his/her official duties and that representation is in the best interests of the U.S. DOJ will consider the Navy's recommendation in making such a determination.

c. An employee or service member prosecuted for criminal violations of environmental laws in Federal court will not normally be provided with representation by a DOJ attorney or the Navy. Representation by a DOJ attorney or the Navy may be available for a Federal employee or service member prosecuted for criminal violations in state court if DOJ determines that the actions that gave rise to the charges reasonably appear to have occurred in the performance of official Federal duties and such representation is in the best interests of the U.S. Representation by a military attorney is available for service members prosecuted by court-martial.

1-4.6 Payment of Attorney Fees and Judgments. DOJ representation will be free of charge to the employee or service member. If the employee or service member is found personally liable, the employee or service member will be responsible for paying any judgment or penalty out of personal funds, regardless of whether DOJ provided representation. There are currently no specific provisions for reimbursing an employee or service member for judgments incurred.

1-5 Navy Policy

1-5.1 General. The Navy's ability to accomplish its mission requires daily operations in the land, sea,

and air environment. The Navy is committed to operating its ships and shore facilities in a manner compatible with the environment. National defense and environmental protection are, and must be, compatible goals. The chain of command must provide leadership and personal commitment to ensure that all Navy personnel develop and exhibit an environmental protection ethic. Thus, an important part of the Navy's mission shall be to prevent pollution, protect the environment, and conserve natural, historic, and cultural resources.

All Navy personnel, civilian and military, all tenants, and contractors working for the Navy, shall comply with all applicable Federal, state, local, and internal environmental policies, regulations, and requirements. Navy personnel shall obtain all necessary Federal, state, and local permits for construction and operation of facilities, and comply with permit terms and conditions. When, in the interest of national defense and/or a particular mission, a Navy command considers that to comply with an applicable requirement is impractical or inappropriate due to security considerations, impact on the military mission, or cost/benefit reasons, the issue should be referred to Deputy Chief of Naval Operations (DCNO) (Logistics) (OP-04), via the chain of command. Presidential exceptions may be available under some statues, but such exemptions are extremely rare and will be sought only as a last resort and only with the approval of OP-04. Compliance with the requirement is not waived while the request is pending.

1-5.2 **Order of Actions.** The following is a general order or precedence for authorizing projects or actions:

a. Immediate action to protect human health and the environment

b. Compliance with applicable legal requirements relative to elimination or control of pollutants and protection of natural resources

c. Compliance with administrative and procedural requirements

d. Projects for environmental enhancement and/or recreational and aesthetic improvements.

1-5.3 **Pollution Prevention.** The preferred method of environmental protection shall be to eliminate or control, to the maximum extent feasible, the pollutant source. Means and methods for the elimination or minimization of pollutants shall be identified and, where possible, incorporated at the earliest stages of planning, design, and procurement of facilities, weapon systems, equipment, and material. Dedicated efforts shall be made to eliminate or minimize the use of hazardous materials (HM) and generation of hazardous waste (HW). Chapter 9 describes these programs in greater detail.

1-5.4 **Research, Development, Test and Evaluation (RDT&E).** RDT&E may be initiated to meet existing and anticipated environmental requirements. Such efforts shall focus on solving specific Navy problems, as opposed to broad efforts falling under the jurisdiction of other Federal agencies.

1-5.5 **Fees and Taxes.** The Congress of the United States has provided in most environmental laws that Federal facilities will be subject to reasonable service charges or fees related to the administration of environmental enforcement programs that are imposed by Federal, state, and local agencies. Service charges related to the Clean Water Act (CWA), the Clean Air Act (CAA), HM management, HW storage and disposal, and underground storage tanks (USTs) are among the types of charges that may be billed to an installation.

1-5.5.1 Congress has generally not provided for the payment of taxes by Federal installations and activities. It, therefore, becomes important to distinguish between those charges that are fees and those which, although not called taxes, have the character of taxes. This must be done before payments are made. Disbursing authorities shall consult with command counsel when a fee or service charge is first presented. See paragraph 1-6.4 concerning legal resources. Final positions on the legality of new fees shall be formulated in consultation with the DOJ at the headquarters level in appropriate cases.

1-5.5.2 In general, charges presented to a command as fees or for services shall be examined to determine whether:

a. The charge in question is imposed on all regulated entities without discrimination

b. The charge is a fair approximation of the costs to the state or local authority implementing the program at the Navy activity

c. Revenues from the service charge only fund the administrative costs of the associated program.

Negative answers to any of these inquiries suggest that the charge is a tax rather than a fee or service charge, thus obliging the U.S. to determine whether to contest it. Any questions relative to these charges should be referred to activity level command counsel.

1-5.5.3 Installations and activities questioning a charge, shall make clear to the authority demanding payment that delay for review is not a reflection of Navy resistance to regulatory action, but is necessary because of legal issues that must be resolved before payment lawfully may be made.

1-5.5.4 Should any agency impose a charge on which an environmental permit depends, and refuse to issue or maintain a permit needed for lawful operations of the facility pending legal review of the charge, the situation shall be immediately reported to OP-45 and the Comptroller of the Navy.

1-5.5.5 One statute currently exists which allows taxation of Federal activities by states. The Low Level Radioactive Waste Policy Act Amendments of 1985 empowers states to levy taxes for low level radioactive waste disposal under certain circumstances.

1-5.6 **Citations and Fines.** Any citation by a regulatory agency for an alleged violation of any substantive or administrative requirement or any attempt to levy a fine against a Navy facility shall be reported immediately and processed per the procedures of Appendix C.

1-5.7 **Personal Liability for Violation of Environmental Laws.** Environmental cases involving the Department of the Navy (DON) may be brought against the department itself, some smaller component, or individual officers or employees. The individual officers or employees may be named because the Navy can only act through its employees or service members. In most cases, these Federal employees and service members are named as defendants in their official capacities because the actions complained of are undertaken by virtue of their official authority. Such cases proceed without risk of personal liability for the employee. In some cases, however, a Federal employee or service member may be sued in his or her individual capacity for damages to persons or property under Federal or state law. Such cases involve risk of personal liability. Persons violating environmental laws or damaging the persons or property of others as a result of lack of care may be personally liable for the consequences. As discussed below, such liability may be for damages, for civil fines to force compliance with the law, or for criminal penalties used to punish violations of the laws.

1-5.7.1 **Personal Liability for Damages to Persons or Property.** Where a Federal employee or service member's actions causes damage to the person or property of another, the injured party may bring an action to recover the cost of the damage. In such cases, DOJ may substitute the U.S. for the individual if it determines that the individual was acting within the scope of his/her official duties. An individual exercising official authority to carry out command business per applicable Navy regulations would normally be determined to be acting within the scope of his/her official duties. Any employee or service member who is served with a complaint, subpoena, or other legal paper relating to activities undertaken pursuant to his/her official duties shall immediately report the same to the activities' staff judge advocate, command counsel, legal officer, or commanding officer for guidance on how to proceed. Additional guidance is available from the General Litigation Division of the Office of the JAG or Litigation Office of the OGC.

1-5.7.2 **Civil Liability for Fines.** Many environmental statutes impose civil penalties for violations of their requirements. Some of the statutes, such as the Safe Drinking Water Act (SDWA), make it clear that the penalties are not to be imposed on individual Federal employees. Liability under other statutes is not as clearly delineated.

1-5.7.3 **Criminal Liability.** Most environmental statutes impose criminal liability for willful or knowing violations. Some statutes impose criminal liability for negligent violations. Individual Federal employees may be charged with criminal liability if their action, or inaction, meet the requirements for imposing liability. Violations of environmental laws may be prosecuted in state or Federal courts. Service members may also be subject to trial by court-martial or to nonjudicial punishment for violation of environmental laws and regulations. Civilian employees who violate command regulations

on the environment may be subject to personnel actions.

1-5.8 **Reporting Noncompliance.** Immediately upon discovery, all Navy personnel shall report to the responsible command, those matters which have the potential to fail, or do fail, to comply with environmental requirements. If the responsible command is unknown, the noncompliance shall be reported up the individual's chain of command until the responsible official is determined. Notices of Violation (NOVs), Notices of Noncompliance (NONs), warning letters, warning notices, citizen suit notices, consent orders, or any other written or oral notice of deficiencies of Federal, state, interstate, or local environmental control laws or regulations shall be reported per the procedures of Appendix C. If necessary, assistance should be sought from the major claimant and EFD. (See Chapters 2 and 3 for detailed discussions on organizational responsibilities, available support, and funding for environmental compliance.) Navy policy shall be to effect prompt attention regarding areas not in compliance with applicable requirements. Such prompt attention is the best defense to possible criminal charges or individual penalties.

1-5.9 **Site Inspections.** Authorized EPA or state/local environmental regulators or representatives, upon presentation of proper credentials and subject to information security requirements of paragraph 1-5.10, shall be allowed to enter a Navy shore facility or berthed vessel at reasonable times to examine or copy records, inspect monitoring equipment, inspect work being performed in regard to environmental/regulatory compliance, or sample any wastes or substances which they have the authority to regulate. Further, such inspections shall comply with information and facility security requirements set forth in OPNAVINST 5510.1H (NOTAL) and paragraph 1-5.10 below. Activities may request EFD assistance at such inspections. Policy for inspections aboard ship is provided in Chapter 17.

1-5.10 **Information Security.** Navy shore activities are periodically visited by representatives of Federal, state, and local agencies who are exercising their regulatory authorities under environmental laws and regulations. Activities shall ensure that Navy regulations and Federal statutes governing the control and protection of classified and sensitive unclassified information are properly enforced while not interfering with the legitimate regulatory purpose being served. The following guidelines shall be used.

a. Only personnel with appropriate security clearances or access authorizations shall be permitted access to classified information, and then only upon a determination by the cognizant Navy official that a need to know exists to fulfill a legitimate regulatory purpose. In keeping with the need to know principle, such access shall be limited to classified information required to resolve the matter at hand. When access is permitted, arrangements must be worked out pursuant to OPNAVINST 5510.1H (NOTAL) to assure continued protection of the information by the regulatory personnel.

b. Navy commands handle a considerable amount of sensitive unclassified information controlled under Navy security regulations, Federal Export Control regulations, and other government wide requirements. While security clearances or access authorizations are not required for access to this information, a need to know determination shall still be made as described above for classified information, and only U.S. citizens may be permitted access in most cases. The holder of the information shall ensure that the recipient understands and complies with applicable security regulations governing dissemination and protection of the information before permitting access.

c. Access to certain categories of classified and sensitive unclassified information requires special authority. Specifically, access to classified or unclassified naval nuclear propulsion information or to the propulsion plant spaces of nuclear powered ships requires the specific approval of the Director, Naval Nuclear Propulsion (OP-00N).

d. Since access to classified and sensitive unclassified information by regulatory personnel creates administrative burdens for both the Navy and the regulator, as described above, Navy commands are encouraged to satisfy the needs of regulatory personnel using information which is publicly releasable. For example, if the needs of the regulator can be met by describing, in an unclassified fashion, work-site activities or demonstrating work-site practices using an unclassified mock-up without the need to visit the actual classified work-site, then such alternatives shall be employed.

Subordinate commands shall ensure that these guidelines are reflected in instructions which they issue covering this area.

1-5.11 **GOCO Facilities.** Navy offices or activities sponsoring the GOCO facilities shall exercise oversight through the facilities use or management contracts to ensure that the operating contractor complies with applicable environmental regulations.

1-5.11.1 **Facility use operations.** Officially assigned major claimants for a GOCO plant shall exercise oversight through the facilities use or management contracts to ensure that the plant complies with environmental regulations. When a GOCO plant has no operating contractor or lessee, the major claimant for the GOCO plant shall comply with the requirements of this instruction and, ensure that such compliance is per any legal proceedings or judgments against former operators or lessees. Officially assigned major claimant(s) for a leased property shall ensure that lease contract terms and conditions place full responsibility for environmental compliance on the lessee, and shall exercise appropriate oversight of the leased property to ensure lessee compliance with environmental regulations.

1-5.12 **Operations, Facility Use, or Lease Agreements.** These agreements shall require operation of all facilities and equipment under applicable substantive and procedural environmental requirements. Contractors shall obtain all necessary permits and sign the permits as operators unless otherwise directed by contract. Contractors shall advise the Navy of any permit, its conditions, and provide periodic compliance status reports as required by the managing Navy office. Each major claimant for assigned GOCO plant, non-excess GOCO plants, and non-excess military installations, and each Navy sponsor of a GOCO facility shall sign as owner for all environmental permits which each respective operating contractor or lessee of such assigned plant or facility is required to have per environmental regulations and laws. The landlord command shall develop a schedule and document periodic review of the environmental compliance of its lease and license holders.

1-5.13 **Facilities Leased or Rented by the Navy.** The owner of facilities leased or rented by the Navy shall be responsible for ensuring that the facilities comply with all applicable environmental requirements. The Navy activity renting/leasing the facility shall operate all facilities and equipment under all applicable substantive and procedural environmental requirements, obtain all necessary permits, and sign as operator, unless otherwise directed by contract.

1-5.14 **Real Estate Purchase.** The purchasing activity shall conduct a prepurchase environmental survey which includes a Preliminary Assessment (PA) for potential hazardous waste contaminated sites. If a PA was done by the seller then review documents for accuracy to determine if an on site survey needs to be done.

1-5.15 **Regional/Community Programs.** The Navy supports the participation of its employees and officers in regional and community programs to prevent pollution and address waste management issues. Such participation may include advisory functions or planning of pollution control facilities where Navy shore activities contribute to the problem to be addressed by that facility. When beneficial and authorized, the Navy may participate in funding of regional/community pollution control and solid waste management solutions. Before committing to participation, employees shall seek the advice of Navy counsel.

1-5.16 **Economic Analysis.** When practical and appropriate, economic analyses shall be conducted prior to making decisions among options for complying with environmental requirements. For example, it may be more efficient to contract out or transfer operations rather than fund pollution control projects. In other cases, it may be more economical to replace equipment as opposed to retrofitting to meet requirements. Long term pollution prevention options take precedence over short term controls wherever practical.

1-5.17 **Environmental Quality and Natural Resources Conservation Awards.** The Navy recognizes outstanding environmental protection and natural resources conservation achievements by Navy individuals and organizations. CNO annually presents several awards to installations, ships, and individuals for outstanding leadership and programs, innovation in problem solving, and exemplary approaches to incorporating environmental protection and natural resource concerns into training and day-to-day operations. CNO awards are the basis for submittal for annual DoD awards. Details of awards and nomination requirements are located in Appendix D.

1-5.18 Overseas Facilities

1-5.18.1 Fixed Facilities Provided by the U.S. and Operated by the Navy. The Navy shall program to repair, maintain, construct, or upgrade such facilities to ensure compliance with environmental standards of general applicability in the host country or jurisdiction, as modified by any applicable SOFAs or other international agreements. In addition, all facilities outside the U.S. shall comply with the worldwide baseline standards for environmental protection, as jointly developed by the DoD services. Individual chapters of this manual have specific guidance for various types of requirements. See Chapter 3 for policy on submission of compliance projects.

1-5.18.2 Facilities Provided by the Host Country for Navy Use, and for which the Navy is Responsible for Operating. The Navy shall observe best management practices (BMP) to comply with environmental standards of general applicability in the host country or jurisdiction. The Navy need not undertake capital improvement projects to retrofit host country-provided facilities with pollution control measures. Unless otherwise provided in the pertinent SOFA, host countries are expected to fund environmental compliance projects at facilities that they provide. Factors to be considered include:

a. Pollution abatement improvements may be accomplished as a result of inclusion in bilateral or multilateral negotiations on programs not directly involving environmental compliance.

b. In some cases host country-provided facilities have been significantly modified by the U.S. to meet operational requirements. When capital improvements are required to meet the environmental standards of general applicability in the host country or jurisdiction, the Navy may negotiate shared contributions for such improvements. It may be done, after consultation with the ambassador, when it is in the best interest of the Navy and does not establish a precedent. The contribution should normally be no more than the proportion of modification attributable to the U.S. Project funding request documents shall indicate the results of negotiations to include the basis for determination of the U.S. share.

c. If the host country declines to provide funds for required capital improvements or if negotiations with the host country for shared contributions are unsuccessful, the Navy may, when in the best interests of the Navy and without establishment of precedent, program for required pollution control capital improvement projects. Project funding request documents shall indicate the circumstances under which the projects are submitted.

1-5.18.3 Site Visits and Inspections. Federal law and EOs on information and physical security matters, as implemented in Navy regulations and the SOFA, shall govern access of host country environmental officials to U.S. controlled fixed facilities. Access by foreign officials to propulsion plant spaces of U.S. naval nuclear powered ships, or to naval nuclear propulsion information, is not authorized as established in OPNAVINST 5510.1H (NOTAL) and OPNAVINST 5510.55 (NOTAL) without CNO approval (OP-06 lead). If there are no provisions governing access, the senior U.S. commander of U.S. forces in the host country shall determine if access is in the best interest of the U.S. If access is recommended, OP-04 shall be notified at least three working days before the visit. Such information shall include confirmation that the intended access will not set any adverse precedents for other commands. Access may then be granted to host country environmental officials responsible for national pollution control matters. If access is denied, OP-04 shall be notified immediately. The U.S. ambassador to the country shall also be advised if access is denied.

1-5.18.4 Mobile Sources. Military vessels, aircraft, and vehicles that are operated in a host country and manufactured in the U.S. shall be designed to comply with applicable U.S. or international environmental standards. SOFAs shall govern the operation of mobile sources based in a host country. If no SOFA exists, mobile source operation shall be consistent with the substantive environmental standards that the host country's military forces observe concerning similar sources until an arrangement on the subject is worked out. Unless otherwise provided in a SOFA, transient mobile sources or those sources temporarily within a foreign jurisdiction are subject to that country's standards or to the extent specified by the clearance for visit.

1-5.19 Fleet/Shore Facility Relationship. When a fleet asset (naval vessel or aircraft) is present at a shore facility of a different command, such as at a shipyard undergoing overhaul, repair, or servicing,

the fleet asset is obliged to comply with the host command's environmental protection policies developed pursuant to this instruction.

1-6 Responsibilities

1-6.1 **DCNO (Logistics) or designee** shall:

a. Establish and regularly update policy, direct, and monitor progress of the Navy environmental and natural resources programs

b. Coordinate policy and program matters with the Assistant Secretary of the Navy (Installations and Environment) (ASN (I&E)), the Deputy Assistant Secretary of Defense (Environment) (DASD (E)), other services, the EPA, and other Federal agencies

c. Coordinate review and issuance of NEPA documents

d. Serve as the Office of the CNO (OPNAV) assessment sponsor for the environmental and natural resources programs

e. Serve as the OPNAV resource sponsor projects and program management.

1-6.2 **DCNOs, Assistant CNOs (ACNOs), and other resource sponsors** shall ensure environmental compliance by establishing requirements and providing resources, consistent with their missions and functions as assigned in OPNAVINST 5430.48C (NOTAL).

1-6.3 **Chief of Information (CHINFO)** shall:

a. Provide guidelines for the release of information involving environmental and natural resources matters

b. Provide guidance on the conduct of public affairs matters and public hearings required by environmental laws or regulations.

1-6.4 **Legal Resources.** JAG and OGC attorneys shall provide:

a. Legal advice concerning the interpretation of environmental laws and regulations and their effect on the operation of the Navy

b. Response to NOVs or similar assertions of non-compliance and to demands for payment of Navy funds from any environmental agency

c. The legal effect of provisions in contracts or agreements with respect to environmental matters.

JAG and OGC attorneys within the chain of command are the primary legal resource. Counsel assigned to Regional Environmental Coordinators, Naval Legal Service Offices, and EFDs are available to provide additional legal support upon request. Counsel with environmental law expertise are also available at the systems commands and Commander, Naval Facilities Engineering Command (COMNAVFACENGCOM.) Environmental litigation support is provided by JAG (Code-34) and the Litigation Office of OGC. Finally, JAG and Navy General Counsel have established a jointly supported Environmental Law Office within OGC and headed by the Assistant General Counsel (Environmental Law) to provide legal advice at the department level.

1-6.5 **The Director, Naval Nuclear Propulsion (OP-00N)** shall fulfill all responsibilities prescribed in EO 12344 and implementing Navy instructions for all matters pertaining to naval nuclear propulsion, including all radiological aspects of naval nuclear propulsion, oversight of radiological environmental compliance and monitoring, and involvement, where needed, in other environmental compliance and monitoring matters that affect naval nuclear propulsion.

1-6.6 **Major claimants** shall ensure that subordinate commands adhere to the policies in this manual and comply with applicable environmental requirements.

1-6.7 **Commander, Naval Facilities Engineering Command** shall provide environmental engineering, environmental compliance and contracting assistance to naval activities and commands upon request.

1-6.8 **Commanding officers of shore activities** shall:

a. Adhere to the policies in this manual

b. Cooperate with Federal, state, and local regulatory agencies and comply with applicable

substantive and procedural requirements established by such agencies

c. Coordinate important environmental and natural resources matters, especially violations, agreements and permit conditions, with EFDs, major claimants, and regional environmental coordinators (as defined/described in Chapter 2). Commanding Officers/Officer in Charge (OICs) of Tenant Activities will coordinate all environmental and natural resource matters with their host activity.

d. Submit nominations for the CNO Environmental Quality and Natural Resources Conservation Awards as appropriate

e. Ensure that environmental compliance requirements are integrated into all levels of activity management through the application of program management procedures including oversight, identification, and expenditure of sufficient resources to support the programs

f. Commanding officers of host activities shall apply for all Federal, state, and local permits, where appropriate, and coordinate permit conditions with all affected tenant commands. Where a Tenant Activity applies for a permit (e.g. air emission permit), it shall coordinate permit conditions with the host activity before execution.

1-6.9 Commanding officers of Navy vessels shall:

a. Adhere to the policies of this manual, specifically Chapters 17 and 18 on afloat environmental compliance matters

b. Cooperate with shore facilities in complying with applicable Federal, state, and local requirements.

CHAPTER 2

ENVIRONMENTAL PROGRAM MANAGEMENT AND ORGANIZATION

2-1 Scope

This chapter describes the Navy commands and offices responsible for providing overall direction and consistency for the environmental and natural resources programs and providing technical, legal, and data management support to Navy activities and commands. For National Environmental Policy Act (NEPA) information see Chapter 5.

2-1.1 References. Relevant references are:

a. 32 CFR 97; Release of Classified Information (NOTAL)

b. DoD Directive 5405.2 of 23 July 1985; Release of Information and Litigation in Testimony by DoD Personnel as Witnesses (NOTAL)

c. OPNAVINST 5400.24D; Jurisdiction of Area Coordinators (NOTAL).

2-2 Legislation

None specifically applicable to this chapter.

2-3 Terms and Definitions

2-3.1 Area Coordinators. Area coordinators and their jurisdiction have been established by OPNAVINST 5400.24D (NOTAL) to coordinate the actions of Navy shore activities within a wide geographic region.

2-3.2 Naval Environmental Program Management Group (NEPMG). This group consists of key managers, from both Navy and Marine Corps commands, which communicate frequently to ensure effective, consistent DON policy and program execution to satisfy environmental, natural resources and Navy mission requirements. The NEPMG is made up of one or more individuals from each of the following commands/offices:

a. CNO (Environmental Protection and Occupational Safety and Health Division (OP-45))

b. Commandant of the Marine Corps

c. Navy OGC/Navy JAG (NJAG) environmental law office

d. Navy Office of Legislative Affairs (OLA)

e. Major claimants

f. Regional environmental coordinators (defined below).

2-3.3 Naval Environmental Protection Support Service (NEPSS). The NEPSS consists of special offices, in various commands, tasked to provide environmental engineering, research, legal assistance, data management, and information exchange services to Navy and Marine Corps activities and to the NEPMG. The NEPSS consists of the following:

a. COMNAVFACENGCOM is the NEPSS manager

b. EFDs provide field level expertise in environmental engineering and legal support

c. Naval Energy and Environmental Support Activity (NEESA), Port Hueneme, CA coordinates NEPSS actions and funds and manages NEPSS specialty offices

d. Specialty Offices include:

(1) Ordnance Environmental Support Office (OESO) at the Naval Ordnance Station, Indian Head, MD provides Navy-wide support relative to ordnance and munitions.

(2) Aircraft Environmental Support Office (AESO) at the Naval Aviation Depot, North Island, CA provides Navy-wide support relative to aircraft and aircraft facility environmental protection.

(3) Ships Environmental Support Office (SESO) at the David Taylor Research Center, Annapolis, MD provides Navy-wide support relative to ships environmental protection.

(4) Marine Environmental Support Office (MESO) at the Naval Ocean Systems Center, San Diego, CA provides Navy-wide support relative to aquatic environmental protection.

e. Navy Laboratories include the following:

(1) Naval Civil Engineering Laboratory (NCEL), Port Hueneme, CA conducts environmental protection RDT&E relative to shore facilities.

(2) Naval Ocean Systems Center (NOSC), San Diego, CA conducts environmental protection RDT&E relative to aquatic environments.

(3) David Taylor Research Center (DTRC), Annapolis, MD conducts environmental protection RDT&E relative to ships.

(4) Naval Air Propulsion Center (NAPC), Trenton, NJ conducts environmental protection RDT&E relative to aircraft systems.

(5) Naval Surface Warfare Center (NSWC), White Oak, MD conducts environmental protection RDT&E relative to weapons and munitions.

2-3.4 Regional Environmental Coordinators. Regional environmental coordinators serve as the senior Navy officer in a local region to coordinate environmental matters and public affairs. Regional environmental coordinators are designated by area coordinators. Regional environmental coordinators may also be designated as Navy On-Scene Coordinators (NOSCs) for spill response as discussed in Chapters 11 and 17.

2-3.5 State Environmental Coordinators. State environmental coordinators are assigned by area coordinators to attend to Navy interests in a given state. In most cases, the regional environmental coordinator will also serve as the state coordinator in the state in which he/she is located. State coordinators will be designated on the basis of which command can most effectively attend to Navy interests and will normally be a command within the state with easy access to the state capital. NAVFACENGCOM EFDs will provide support to state coordinators in the form of tracking proposed regulations and legislation and conducting impact analyses and, where appropriate, respond directly to states per agreements with state coordinators. Responsibilities for state coordinators are defined in paragraph 2-6.11.

2-4 Requirements

None specifically applicable to this chapter.

2-5 Navy Policy

2-5.1 Consistency. Environmental regulations have increased exponentially in recent years. Navy shore activities are regulated by a wide variety of Federal, state, regional and local agencies. Requirements and interpretations vary widely. To ensure consistent responses to the various agencies and to avoid adverse precedents, all commands shall ensure coordination of:

a. Permit conditions

b. Demands for payment of Navy funds

c. Compliance agreements, settlements, negotiations

d. Responses to Notice of Violations (NOVs) from environmental agencies with the following organizations:

(1) Their major claimant

(2) Cognizant EFD

(3) Regional environmental coordinator.

2-5.2 New positions and agreements likely to set precedents shall be immediately sent to CNO (OP--45) with copies to the above organizations. Oftentimes, small nuances in agreements or permit conditions can have major Navy-wide implications.

2-5.3 Delegation. Navy personnel shall cooperate fully with Federal, state, and local officials and

attempt to reach agreement on environmental compliance matters at the lowest level possible, keeping in mind the coordination requirements outlined above.

2-5.4 **Host/Tenant Agreements.** All Navy hosts and tenants shall develop agreements, or include in existing agreements, the roles and responsibilities which exist with respect to environmental compliance. Such agreements shall include environmental compliance evaluations (see Chapter 4), NEPA documentation (see Chapter 5), contact with regulatory agencies, payment of fines/fees, permit signatures/duties, HW management, training, corrective and/or response actions, etc. Where appropriate, environmental compliance boards of host and tenant management personnel shall be established. In some cases, it may also be appropriate to assign tenant commanding officers/officers-in-charge as additional duty to host commanding officers.

2-5.5 **Release of Information.** Release of activity specific data and information to agencies outside the Navy is governed by applicable law and information security requirements should be released only by the commanding officer. NEPSS components shall not release information without activity approval. Information requests shall be forwarded to the activity for release of the information by the commanding officer of the activity or cognizant major claimant.

2-5.6 **Disputes.** Any differences in opinion between activities, regional environmental coordinators, and/or EFDs, relative to interpretation of laws, regulations, policies, permit conditions, negotiating positions, payment of fees, compliance agreements, etc. shall be raised to cognizant major claimants for resolution. If needed, such issues shall be raised to CNO (OP-45). Certain issues with potential Navy-wide impact may be brought to the attention of the NEPMG at the discretion of OP-45.

2-5.7 **Special Requirements Pertaining to Naval Nuclear Propulsion.** Any matters affecting or involving naval nuclear propulsion plants or nuclear support facilities or their associated radioactivity shall be coordinated with OP-00N who has responsibility for these matters.

2-6 Responsibilities

2-6.1 **DCNO (Logistics) or designee** shall:

a. Chair and coordinate actions of the NEPMG; determine Navy policy and positions based on recommendations of the NEPMG.

b. In conjunction with the Navy Office of Legislative Affairs (OLA) and the ASN (I&E), monitor proposed Federal environmental legislation, coordinate Navy impact analyses, and ensure articulation of Navy positions and concerns to Congress.

c. Convene ad hoc working groups of NEPMG and/or NEPSS members to address specific problems or proposed Federal legislation/regulations impacting Navy facilities or operations.

d. Develop an annual Environmental and Natural Resources Program Plan to outline long term objectives and specific annual goals.

2-6.2 **OP-00N** shall be responsible for environmental matters relating to naval nuclear propulsion, including radioactive wastes associated with naval nuclear propulsion.

2-6.3 **Major claimants** shall:

a. Designate one or more members to serve as a point of contact for command environmental and natural resources matters and participate in NEPMG actions.

b. Ensure subordinate commands coordinate all environmental matters as described in section 2-5.

c. Participate actively in the development of the annual Environmental and Natural Resources. Program Plan.

2-6.4 **Commander, Naval Sea Systems Command (COMNAVSEASYSCOM)** shall:

a. Consolidate positions and concerns from Naval shipyards, ship's systems programs, weapons stations, supervisors of shipbuilding, conversion, and repair (SUPSHIPS), and Naval inactive ships maintenance facilities.

b. Endorse annual actions and levels of effort of the SESO and OESO to ensure these offices are focused on key Navy environmental problems within their specialty area.

c. Serve as the lead for developing the ship's portion of the annual Environmental and Natural Resources Program Plan.

d. Manage the shipboard advanced development environmental protection RDT&E program.

e. Through the Supervisor of Salvage (SUPSALV), maintain oil and hazardous substance (OHS) pollution response equipment and expertise for Navy offshore and salvage related OHS spills or releases.

2-6.5 Commander, Naval Air Systems Command (COMNAVAIRSYSCOM) shall:

a. Endorse annual actions and levels of effort of the AESO to ensure this office is focused on key Navy environmental problems within its specialty area.

b. Consolidate positions and concerns from the Naval aviation and aviation maintenance community, including air operations, organizational, intermediate and depot level, and maintenance operations.

c. Serve as lead for developing the naval aviation portion of the annual Environmental and Natural Resources Program Plan.

d. Manage the naval aviation advanced development environmental protection RDT&E program.

2-6.6 Commander, Naval Space and Warfare Systems Command (COMNAVSPAWARSYSCOM) shall:

a. Endorse annual actions and levels of effort of MESO to ensure this office is focused on key Navy environmental problems within its specialty area.

b. Consolidate positions and concerns from the space and warfare systems community.

2-6.7 COMNAVFACENGCOM shall:

a. Provide overall coordination and management of the NEPSS.

b. Provide specialized environmental engineering and information management.

c. Analyze final Federal environmental regulations. Solicit input from major claimants, including Fleet Commanders on proposed rules.

d. Serve as the lead for developing the shoreside portion of the annual Environmental and Natural Resources Program Plan.

e. Manage the Navy Environmental Compliance Information System (NECIS).

f. Maintain the Defense Environmental Management Information System (DEMIS), analyze data, and prepare required reports and briefings as requested.

g. Monitor all proposed state legislation, rules, and regulations and determine those proposals which have the potential to impact Navy and Marine Corps operations or facilities. Summarize and transmit proposals via electronic means to appropriate commands and activities.

h. Prepare, for review by state coordinators, an analysis of the relevant operational, legal, and technical issues raised by the proposed state action. The analysis will include a draft Navy comment/position and comment period schedule.

i. To ensure responses to short deadlines, develop agreements with state coordinators outlining comment procedures and delegation of authority to EFDs to respond directly to states under agreed upon circumstances.

j. Designate, in each EFD and specialty office, a single point of contact for major claimants and regional environmental coordinators.

2-6.8 Chief, Bureau of Medicine and Surgery (CHBUMED) shall:

a. Determine, validate, and establish health related criteria and standards that are not available through Federal, state, or local laws or regulations.

b. Provide assistance to activities, offices, and commands concerning the health aspects of pollution sources or pollution control equipment, including development of medical monitoring programs.

c. Via field clinics, provide industrial hygiene and medical expertise to activities during spill events and other environmental emergencies.

d. Coordinate with the Agency for Toxic Substances and Disease Registry (ATSDR) for the timely completion of health assessments for National Priorities List (NPL) sites and toxicological profiles on any specific contaminant(s).

2.6.9 **Chief of Naval Education and Training** shall ensure effective training programs exist on environmental compliance and natural resources management throughout the Navy.

2-6.10 **Area coordinators** shall:

a. Within 90 days of this instruction, designate regional and state environmental coordinators (including coordinators for OCONUS territories) to ensure effective regional and state coordination and coverage of all Navy activities.

b. Review and modify regional and state environmental coordinator designations as necessary.

2-6.11 **Regional environmental coordinators** shall:

a. Coordinate public affairs in the region with respect to environmental matters and serve as point of contact for public and media inquiries when appropriate and/or of regional scope.

b. Ensure consistent positions, agreements, permit conditions, and responses to regulatory agencies within the region, coordinating closely with EFDs, major claimants, and affected shore activities. Where facilities are taking inconsistent positions on the same environmental issues, the regional coordinator shall assist in reconciling the inconsistency. In the case of unresolved differences among shore activities, EFDs, and/or major claimants, the issue shall be referred to the CNO (OP-45) as discussed in section 2-5. Regional environmental coordinators shall NOT enter into any compliance commitment or agreement for which it is not the permit holder; NOR shall the regional environmental coordinator make statements or sign any memorandum of understanding or similar document, if unresolved differences remain with any affected shore activities or commands.

c. Ensure the exchange of environmental information among Navy shore activities in the region, including the distribution of state, local, and regional laws, rules, and regulations, and hold, as necessary, meetings and/or conferences for regional commands on environmental compliance issues.

d. Develop local/regional plans of action for specific environmental initiatives in coordination with commanding officers of Navy and Marine Corps shore activities in the region and major claimants.

e. In cases were the regional environmental coordinator is not the NOSC for spill response, ensure that the NOSC spill contingency plans are reviewed, responsibilities are clearly outlined, and procedures are consistent with policies of the regional environmental coordinator. See Chapter 11 for more detail on contingency planning.

f. As requested, provide assistance to facilities in dealing with regulatory agencies.

g. Act as the liaison between visiting foreign warships and environmental regulatory personnel during ship visits.

h. Within 90 days of being designated as a regional environmental coordinator by the area coordinator, issue an instruction to all activities in the region outlining specific responsibilities and policies for coordination. This instruction shall not usurp the responsibility of each activity to operate under its chain of command.

2-6.12 **State environmental coordinators** shall:

a. Ensure that agreed upon Navy positions and concerns are articulated to state lawmakers and/or regulatory officials by appropriate Navy officials.

b. Keep appropriate major claimants, regional and area coordinators, and OP-45 informed on the status of important state legislative and regulatory proposals.

c. Ensure procedures are developed for review/comment of state laws/regulations, including delegation of direct response to states by EFDs under agreed upon circumstances.

2-6.13 **Commanding officers of shore activities** are responsible for compliance with all applicable regulatory requirements and shall continuously strive for improvements in all areas of pollution prevention. Organization, command commitment, program visibility, and communication/coordination shall be emphasized and commanding officers shall:

a. Coordinate important environmental matters with major claimants, regional area coordinators, and EFDs. Such matters include, but are not limited to:

(1) Negotiation of permit conditions

(2) Payment of fees and fines

(3) NOVs, NONs, or warning notices

(4) Compliance agreements or administrative orders

(5) Positions and concerns relative to new or proposed requirements; coordinate with state coordinator.

b. Certify and sign all environmental permits.

c. Immediately advise the major claimant of any proposal or requirement with potential to adversely affect the activity mission with information copies to the chain of command.

d. As described in section 2-5, ensure that host/tenant agreements exist which define roles and responsibilities between host and where applicable tenants with respect to environmental compliance (including permit conditions) and, where applicable, establish environmental compliance boards of host and tenant management personnel.

2-6.14 **Commanding officers and Masters of naval vessels** shall:

a. Ensure that shipboard environmental protection systems are properly maintained and operated to conform with applicable Federal, state, and local regulations.

b. Ensure that ship's personnel whose actions could adversely affect the environment are properly trained, attend appropriate schools, and are fully aware of appropriate documentation.

c. Report to the Fleet Commander in Chief (CINC) and the chain of command any conditions or systems/equipment malfunctions or personnel error which could have, or has, resulted in unlawful emissions or discharge.

d. Carry out the detailed responsibilities listed in paragraph 17-6.7 of this manual.

e. While at shore activities or at depot level repair activities, adhere to the policies established by the activity having environmental jurisdiction.

CHAPTER 3

FUNDING ENVIRONMENTAL COMPLIANCE

3-1 Scope

This chapter describes the two main methods for funding environmental compliance requirements and outlines the procedures for obtaining funds and tracking compliance requirements. For National Environmental Policy Act (NEPA) funding information see Chapter 5.

3-2 Legislation

3-2.1 Federal Anti-Deficiency Act. This law provides that no Federal official or employee may obligate the government for the expenditure of funds before the funds have been authorized and appropriated by Congress for that purpose.

3-2.2 Superfund Amendments and Reauthorization Act of 1986 (SARA). SARA reauthorized the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), amended its authorities and requirements, and established the Defense Environmental Restoration Account (DERA).

3-3 Terms and Definitions

3-3.1 Defense Environmental Restoration Account (DERA). The DERA is a DoD appropriation provided by Congress specifically for environmental restoration efforts. DERA funds are transferred by DoD to the Navy Environmental Compliance Account (NECA) based on relative priorities among services and fund availability. COMNAVFACENGCOM has been delegated authority to program and execute the DERA for the Navy. Chapter 13 contains a more detailed discussion of the DERA and the Installation Restoration (IR) Program.

3-3.2 Pollution Control Report. The Pollution Control Report (PCR) is an automated, on-line system for planning, programming, budgeting, and executing environmental compliance projects and Navy environmental program management (i.e., special studies and NEPSS costs). All Navy environmental compliance projects, which are nonrecurring and non-routine, no matter how funded (including GOCO projects funded by a Navy source), are entered into the PCR by COMNAVFACENGCOM EFD. The information is used to produce the Office of Management and Budget (OMB) A-106 report.

3-3.3 Navy Environmental Compliance Account. The NECA consists of OP-04 sponsored line items in the Operations and Maintenance, Navy (O&MN), Other Procurement, Navy (OPN), and RDT&E appropriations, and the Navy portion of the DoD sponsored DERA. The funds are used for:

a. Compliance projects, including remedial/corrective actions, to ensure facilities, ships, and equipment meet environmental requirements

b. Special studies needed for environmental program management (not including environmental impact statements or assessments; see Chapter 5)

c. Costs associated with operating the NEPSS

d. RDT&E to solve unique Navy environmental problems.

NECA is managed by CNO (OP-45). COMNAVFACENGCOM and COMNAVSEASYSCOM are delegated authority to program and execute certain line items relative to shore facility and ships environmental compliance, respectively. At times, other Echelon 2 commands receive NECA funds for specific environmental compliance purposes. Also, various Navy laboratories receive RDT&E funds for environmental RDT&E related to specific Navy problems. All rules relative to each appropriation apply. Thus, if a compliance project requires construction over $200,000, the project must be programmed in the Military Construction (MILCON) program, vice the NECA O&MN account.

3-3.4 OMB A-106 Report. OMB Circular A-106 (NOTAL) requires all Federal agencies to report environmental compliance requirements in a standard format, to the EPA. The Navy PCR is used to

produce this report, which is sent monthly by computer tape to EPA. Semiannually, EPA comments to agencies on project priorities and provides an overall assessment of the adequacy of agency funding for environmental compliance to OMB. If necessary, OMB may request changes in an agency's budget for environmental compliance.

3-4 Requirements

3-4.1 OMB Circular A-106 (NOTAL). As discussed in paragraph 3-3.4, OMB Circular A-106 requires Federal agencies to report, in a specified format, environmental compliance requirements. NAVFACINST 6240.3 (NOTAL) defines Navy procedures for complying with this requirement.

3-5 Navy Policy

3-5.1 Shoreside Compliance Costs. The Navy pays for shoreside environmental compliance in two ways (Figure 3.1 outlines those methods).

3-5.1.1 Base operations. Certain costs are routine, recurring, easily estimable, and payable within the activity commanding officer's yearly operating budget. Such costs shall be included in the activity's O&MN or Navy Industrial Fund (NIF) operating budget which is submitted to the major claimant. Although costs for NEPA documentation are not routine and recurring, they will be included in base operations expenses and are therefore not submitted in the PCR/OMB A-106 report. Activities are encouraged to charge those commands which use facility services for the full cost of the service as it relates to assuring legally mandated environmental compliance for day-to-day work.

3-5.1.2 Environmental Compliance Projects. Non-routine, nonrecurring compliance projects (remedial actions, corrective actions, air/water pollution controls, etc.) over $10K, required by environmental laws or regulations, or to bring a facility or operation into compliance, shall, in most cases, be funded by the NECA. Note that projects of MILCON scope are submitted per MILCON program procedures. Due to the uncertain environmental legislative and regulatory climate, these costs are difficult to plan, program, and budget at local levels. In addition, with base operating budget constraints, these requirements often exceed available funds. Therefore, such requirements shall be entered into the PCR and OMB A-106 process to ensure OPNAV level attention and reconciliation of requirements vs. resources at DoD, Navy, OMB, and EPA headquarters levels. Identification of such requirements in the PCR is vitally important to ensure that the true cost of Navy environmental compliance is recognized. However, all nonrecurring, non-routine, corrective projects, including projects under $10K, no matter how funded, shall be submitted per established procedures for entry into the PCR. Figure 3.2 outlines the entire process for funding environmental compliance requirements.

3-5.2 Ship Compliance Costs. Ship alterations (SHIPALTS) performed to meet environment compliance requirements shall be accomplished as part of the Fleet Modernization Program (FMP) and funded by OPNAV resource sponsors. Special studies, equipment, and RDT&E for new systems shall be budgeted by COMNAVSEASYSCOM. Figure 3.3 shows these funding methods.

3-5.3 GOCO and NIF Facilities. NIF facilities are eligible for NECA funds for nonrecurring, non-routine environmental compliance projects. GOCO facilities, as described in Chapter 1, are also eligible for NECA funds, consistent with specific facility use and operating contracts. All nonrecurring, non-routine environmental compliance projects paid for with any type of Navy funds, either directly or via an operating contract, shall be entered into the PCR. Forwarding correspondence shall clearly indicate if the project will be funded from other than NECA funds.

3-5.4 Facilities Leased or Rented by the Navy. NECA funds shall not be available for environmental compliance projects at facilities leased or rented by the Navy. The owner of facilities leased or rented by the Navy or a Navy contractor shall be responsible for funding all applicable environmental compliance projects. The funding for spills or releases on leased property is the responsibility of the cognizant command (see Chapters 9 and 12).

3-5.5 Assessment and Resource Sponsors. DCNO (Logistics) serves as the assessment sponsor for environmental and natural resource protection programs. As such, OP-04 shall perform analyses to estimate out-year environmental compliance costs

FUNDING FOR ENVIRONMENTAL COMPLIANCE (Shoreside)

Base Operations

- Routine, recurring costs
- Nonrecuring infrastructure repairs due to wear/tear
- Uses O&MN or NIF (activity) or claimant
- Commanding Officer's authority
- Not in OMB A-106 Report or ECRS
- Integrated cost of doing business

Examples...

- Staffing
- Facility O&M
- Training
- Permitting (recurring)
- HW disposal
- NEPA documentation

Environmental Compliance Projects

- Nonrecurring, non-routine costs
- Projects to achieve compliance and protect environment
- Uses O&MN, MILCON, RDT&E and DERA (OP-04)
- Usually central funding
- PCR and OMB A-106 process
- Funds new requirements

Examples...

- Assessments & cleanups
- Special studies
- NEPSS costs
- Air pollution controls
- Water pollution controls
- HW storage facility

Figure 3.1

PROGRAMMING & BUDGETING FOR ENVIRONMENTAL COMPLIANCE (Shoreside)

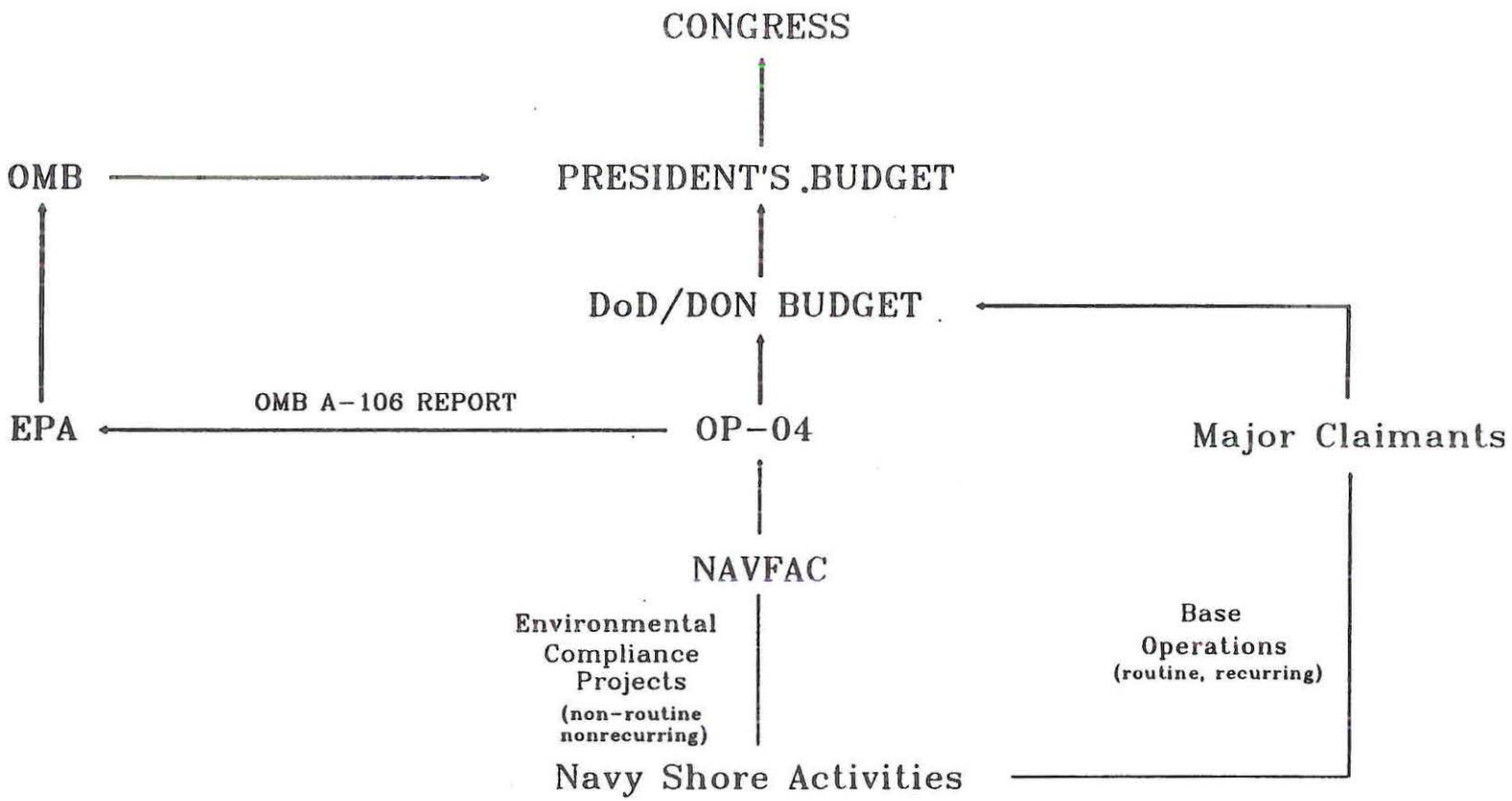
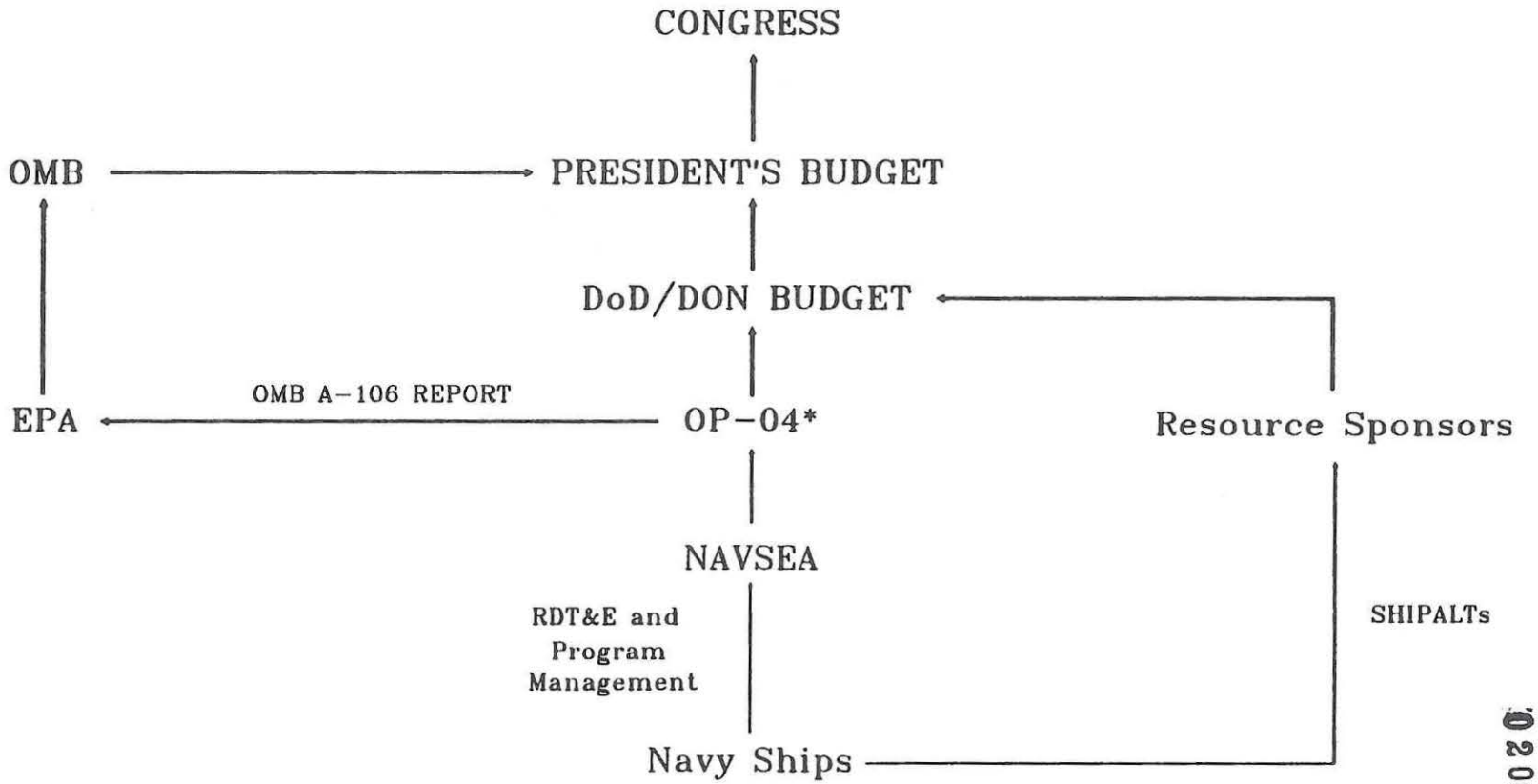


Figure 3.2

PROGRAMMING & BUDGETING FOR ENVIRONMENTAL COMPLIANCE (Ships)



*NOTE: Other resource sponsors also fund some RDT&E and program costs

Figure 3.3

based on Federal and state environmental legislative and regulatory trends. DCNO (Logistics) also serves as the resource sponsor for non-routine, nonrecurring environmental compliance projects and program management costs. Other OPNAV resource sponsors shall be responsible for ensuring sufficient funds are available for routine, recurring environmental compliance costs at the activity level.

3-5.6 **Limit on Use of NECA and DERA Funds.** Under EO 12088, funds appropriated for environmental compliance and environmental restoration shall be used only for those purposes unless otherwise authorized by Congress.

3-5.7 **Pollution Control Report.** All nonrecurring, non-routine environmental compliance requirements, no matter how funded, shall be entered into the Navy PCR for providing the Navy portion of the OMB A-106 report. Requirements and projects are entered by way of project "exhibits" (formats for providing required information). Information shall be clear, concise, complete, and kept up-to-date. Procedures and forms for PCR exhibits shall be established by COMNAVFACENGCOM in NAVFACINST 6240.3 (NOTAL).

3-6 Responsibilities

3-6.1 **DCNO (Logistics) or designee shall:**

a. Conduct assessments for resource sponsors relative to the state of Navy environmental compliance

b. Establish policy for management of the NECA, DERA, and PCR

c. Coordinate with resource sponsors, OP-08, NAVCOMPT, DoD, and OMB in the reconciliation of environmental compliance requirements vs. budgeted/programmed resources.

3-6.2 **DCNOs, ACNOs, and other resource sponsors shall:**

a. Ensure sufficient resources are made available to major claimants for routine, recurring environmental compliance requirements at Navy activities.

b. Ensure sufficient resources are made available to major claimants for RDT&E, procurement of equipment, installation, and alterations of vessels/aircraft to ensure compliance with environmental requirements not specifically waived by EO or legislation.

3-6.3 **Major claimants shall:**

a. Plan, program, and budget sufficient resources to fund recurring, routine environmental compliance requirements including NEPA documentation at their activities

b. Ensure activities, including GOCOs, submit all nonrecurring, non-routine environmental compliance requirements to NAVFACENGCOM EFDs as soon as such requirements are foreseen, for entry into the Navy PCR, per established procedures.

3-6.4 **COMNAVFACENGCOM shall:**

a. Manage the Navy PCR and A-106 report, issue related operating instructions, and ensure accuracy

b. Review nonrecurring, non-routine compliance projects to ensure proper funding source, regulatory requirements, technical solution, and cost

c. Provide monthly computer tapes of updates and new projects to EPA for the semiannual A-106 report; produce a semiannual A-106 report for DCNO (Logistics)

d. Resolve minor discrepancies in A-106 reporting with EPA and forward major issues involving funding levels and priorities to CNO (OP-45) for resolution

e. Provide management information, as requested by naval activities and commands, based on the Navy PCR and other environmental data

f. Plan, program, and budget (serve as the major claimant) for DERA, shore facility compliance projects, and NEPSS portions of NECA.

3-6.5 **COMNAVSEASYSCOM shall plan,** program, and budget for the ships' environmental compliance portion of NECA.

3-6.6 **Commanding officers of shore activities shall:**

a. Plan, program, and budget for routine, recurring environmental compliance costs via appropriate claimants, considering the guidance of paragraph 3-5.1.1.

b. Ensure all nonrecurring, non-routine environmental compliance requirements, including those funded with activity funds are forwarded to NAVFACENGCOM via EFDs, in the form of project exhibits.

CHAPTER 4

ENVIRONMENTAL COMPLIANCE EVALUATIONS ASHORE

4-1 Scope

This chapter outlines procedures and responsibilities to monitor, achieve, and maintain environmental compliance ashore, primarily through the Environmental Compliance Evaluation (ECE) Program.

4-1.1 **References.** Relevant references are:

a. SECNAVINST 5720.42D; Department of the Navy Freedom of Information Act (FOIA) Program (NOTAL)

b. SECNAVINST 5820.8; Release of Official Information for Litigation Purposes and Testimony by DON Personnel (NOTAL).

4-2 Legislation

None specifically applicable to this chapter.

4-3 Terms and Definitions

4-3.1 **Activity Self Environmental Compliance Evaluation.** Evaluations conducted by the Navy activity of its environmental and natural resources compliance posture and overall environmental management resulting in a report to the commanding officer or Contracting Officer's Technical Representative (COTR), if a Government-Owned/Contractor-Operated (GOCO) facility.

4-3.2 **Environmental Risk Survey.** Major claimant sponsored survey of a non-industrial activity to determine overall environmental and natural resources compliance and the potential risk its operations may have on the environment. A finding that an activity poses a low environmental risk is justification for its exemption from all or portions of the major claimant's ECE.

4-3.3 **Major Claimant Environmental Compliance Evaluation.** A detailed environmental and natural resources compliance evaluation conducted by the major claimant. The result of the ECE is a report from the major claimant to the activity's commanding officer or to the COTR, if a GOCO facility.

4-4 Requirements

Federal regulations and EPA policy on Federal facility compliance recommend environmental "auditing" or evaluations as a tool to ensure compliance and reduce NOVs and therefore, the need for inspections at Federal facilities.

4-5 Navy Policy

4-5.1 **Purpose.** The ECE program provides a means to monitor, achieve, and maintain compliance with environmental and natural resources regulations. ECEs in U.S. and territories shall address Federal, state, local, DoD, and OPNAV environmental and natural resources requirements, as well as the management of those programs. The program is intended to accomplish the following:

a. Verify whether Navy environmental and natural resources program management practices are in place, functional, and adequate

b. Identify actual and potential areas of noncompliance, or areas likely to be in noncompliance as a result of projected statutory/regulatory changes

c. Recommend corrective actions, including funding source, for achieving compliance

d. Provide immediate assistance to shore activities in the implementation of easily accomplished corrective actions.

4-5.2 **Program Structure.** The program is three tiered, using existing organizations and procedures to the maximum extent possible. The auditing tiers stress action at the local level and provide the

requirement for management oversight. The tiers are as follows:

a. Tier 1 - Activity self ECEs

b. Tier 2 - Major claimant conducted ECEs

c. Tier 3 - Navy Inspector General (IG) environmental compliance inspections.

4-5.3 Scope and Applicability to Overseas Activities. The ECE program applies to all shore activities within the U.S. and its territories, and to overseas activities. At overseas activities, ECEs may be accomplished as a joint service effort in regions with multiservice installations. ECEs at overseas activities shall address host country laws of general applicability, SOFAs, DoD, OPNAV policies (see specific sections on overseas requirements in each chapter of this manual), and the DoD worldwide baseline standard.

4-5.4 Frequency. ECEs shall be performed by the major claimants at each of their shore activities, including GOCOs, at least every three years, and no later than six months after an activity has been cited as a "significant non-complier" by a regulatory agency. Activity self ECEs shall be performed annually regardless of whether they have an Echelon 2 ECE or Inspector General (IG) environmental compliance inspection that year.

4-5.5 Host/Tenant Relationships. At shore activities with tenants, the host and tenant major claimants may jointly perform the ECE. Tenants exempted by the major claimant under paragraph 4-5.6 shall be covered under the ECE performed for the host activity by its major claimant, as well as the host activity's annual self ECE.

4-5.6 Exemption Procedures. The Navy has numerous shore activities which serve only administrative functions. Those shore activities typically have minimal environmental and natural resources management requirements and as a result pose little or no risk to the environment. Major claimants which have those types of facilities may elect to exempt them from ECEs so that they can concentrate their resources on shore activities with significant environmental or natural resources responsibilities. Major claimants may receive a full exemption from the performance of an ECE at an activity or a partial exemption from selective program elements of an ECE. The exemption from the ECEs is a two part process:

a. Major claimants shall perform environmental risk surveys at shore activities they think pose little or no environmental risk. Federal, state, and local environmental and natural resources compliance as well as management of both programs, shall be addressed in the risk survey. Risk surveys may cover individual activities or entire types of activities.

b. COMNAVFACENGCOM EFDs shall review the risk surveys and approve or reject the exemption. For risk surveys that cover entire types of activities, the survey shall be forwarded to the EFD servicing the major claimant. The approval process is necessary because COMNAVFACENGCOM EFDs may have knowledge of Federal, state, or local enforcement initiatives which could impact on a risk survey's findings. The review and approval process provides the checks and balances necessary for a credible environmental program.

4-5.7 ECE Report Format. Due to the enormous number of regulations and the need to summarize the result of ECEs for annual assessments, the ECEs shall use a standard format and checklists. Checklists shall address all Federal, state, and local environmental and natural resources requirements. COMNAVFACENGCOM shall develop checklists and detailed guidelines for report formats. Generally, the report shall consist of the following:

a. Part 1. Findings of Fact - Factual material including date/time/participants in ECE; a list or table, sorted by environmental statutes and natural resources program elements (e.g. Resource Conservation and Recovery Act (RCRA), Toxic Substance Control Act (TSCA), Clean Air Act (CAA), Clean Water Act (CWA), Safe Drinking Water Act (SDWA), land management, commercial forestry, fish, and wildlife management, outdoor recreation development, etc.), of operations and facilities in noncompliance. Regulation, statute, directive, etc. citations shall be included.

b. Part 2. Recommendations - Opinions and recommendations as to overall compliance and

means for correcting areas of noncompliance and other discrepancies. This part is intended to be the evaluator's vehicle for expressing his/her subjective evaluation which will assist naval authorities in deciding what course of action to take to maintain compliance or to bring non-compliant activities into compliance.

c. A projected total cost of compliance for the period in the six year defense plan (SYDP). Costs shall include those related to achieving compliance with future requirements such as tighter control of toxics in wastewater discharges.

d. Appendix of compliance checklists

e. Appendix of completed PCR exhibits for proposed compliance projects. Exhibits are to be completed for all nonrecurring, non-routine compliance projects.

f. Appendix of unique major claimant ECE requirements - this is optional and provided to give some flexibility to the ECE process.

4-5.8 Environmental Compliance Evaluation Releasability. In most cases, the release of ECEs shall be governed by the Freedom of Information Act (FOIA) and SECNAVINST 5720.42D (NOTAL). Draft ECEs are working documents and not subject to release until approved by the authority which ordered the ECE. ECEs shall not normally be kept in draft form for more than 60 days. Inasmuch as Part 1 and the Appendices (checklist) of the ECE set forth factual matters only, it is anticipated these records will be released unless they otherwise contain classified or sensitive unclassified information protected pursuant to statute or regulation. In the unlikely event such records contain such information, they shall be exempt from release to the extent such information cannot not be segregated from the balance of Part 1 and the Appendices. Since Part 2 contains internal advice, recommendations and subjective evaluations, it will usually be exempt from release. While FOIA controls the release of ECEs in the vast majority of cases, ECEs which are requested in situations involving existing or reasonably anticipated litigation, should be treated per SECNAVINST 5820.8; Subj: Release of Official Information for Litigation Purposes and Testimony by DON Personnel.

4-6 Responsibilities

4-6.1 Major claimants shall:

a. Implement the major claimant ECE program. Implementation responsibility may be delegated to a lower echelon claimant. Letters informing shore activities of an upcoming ECE and the final report from an ECE shall be issued by the major claimant. That responsibility cannot be delegated to COMNAVFACENGCOM or an EFD.

b. Ensure that their shore activities conduct annual self ECEs.

c. Conduct an ECE at each assigned shore activity at least every three years depending on compliance status, operational changes, and state/local regulatory climate as discussed above. Obtain assistance, as needed, from EFDs and specialty offices. Forward copies of all ECEs to COMNAVFACENGCOM, the appropriate EFD, and the regional environmental coordinator. Major claimants shall assume an active role in the ECE process. Major claimant personnel, at a minimum, shall be present at each activity for the final out-brief.

d. Advise the regional environmental coordinators if a deficiency or problem identified may result in significant adverse public relations and/or required regional coordination to solve. Ensure prompt corrective action and resolution of discrepancies found in ECEs.

e. Revise major claimant IG instructions to include a requirement that IG teams review the ECE report as well as the activity's self ECE to determine if appropriate follow-up action is being taken. The IG shall also conduct an overview of environmental and natural resources staffing, organization, and funding to determine their adequacy.

f. Perform a detailed environmental risk survey of each activity proposed for exclusion from ECEs. Forward risk survey results to COMNAVFACENGCOM, via the cognizant EFD, along with the command's recommendation of which shore activities should be excluded from the ECEs.

g. Provide funding for environmental risk surveys at their shore activities proposed for exclusion from ECEs.

h. Develop a summary assessment of the overall compliance posture at the end of each fiscal year and list shore activities currently exempt from all, or portions of the ECEs. The list shall identify which program elements are exempted for each activity. Guidance for conducting annual assessments shall be in the annual program plan.

i. Using the summary assessment, provide an annual briefing to CNO (OP-45) on the compliance posture of all claimant activities and discuss any compliance problems or environmental issues affecting operations, facilities, vessels, aircraft, and equipment.

j. Ensure environmental compliance is a factor in the performance evaluations of appropriate personnel.

4-6.2 COMNAVFACENGCOM shall:

a. In consultation with the major claimants, and within 90 days of this instruction, develop the ECE report format and issue an implementing instruction for this program.

b. Develop/maintain a system for tracking Federal and state regulations and producing ECE checklists; and update checklists semiannually.

c. Provide guidance and training in conducting ECEs for shore activities, EFDs, major claimants, and other commands, as needed.

d. Via the EFDs, provide support as part of the NAVFACENGCOM mission to claimants during ECEs and/or environmental risk surveys.

e. Via the EFDs, review major claimants' proposed shore activities for exemption from the ECEs. Each review shall be completed within 60 days of receipt of the environmental risk survey.

f. Develop guidance and a sample statement of work for preparation of an environmental risk survey.

g. In conjunction with the DEMIS and other environmental information collected, provide CNO (OP-45) with an annual executive summary of overall Navy compliance. Include trends, major claimant summaries, problem areas, and recommended actions. Based on projected laws/regulations, provide a shoreside cost of compliance analysis for the period in the SYDP.

h. Consistent with guidance for other services, develop a worldwide baseline standard to ensure protection of human health and the environment at overseas facilities.

i. Develop country specific ECE checklists for overseas activities per agreements among services.

4-6.3 COMNAVSEASYSCOM shall provide a ships' cost of compliance analysis for the period in the SYDP based on projected laws/regulations (including international agreements).

4-6.4 Regional environmental coordinators shall keep informed as to the results of ECEs at shore activities in their region. Take any required coordinating actions, consistent with Chapter 2 of this manual.

4-6.5 Commanding officers of shore activities shall:

a. Perform annual self ECEs unless exempted by a risk survey approved by the EFD and claimant. Self ECE reports shall be made available to major claimant IG teams.

b. Based on ECEs, and other information, develop and execute plans of action for achieving compliance. As described in Chapter 2, coordinate with appropriate commands if notifications and/or compliance agreements with regulatory agencies are required.

c. Ensure environmental compliance is a factor in the performance evaluations of appropriate personnel.

CHAPTER 5

PROCEDURES FOR IMPLEMENTING THE NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

5-1 Scope

The National Environmental Policy Act (NEPA) is a basic national charter for protection of the environment. It establishes policy, sets goals, and provides means for carrying out environmental policy. This chapter contains policy and guidance to ensure that Navy actions with the potential to have significant environmental impacts are accomplished per the letter and spirit of NEPA. The requirements of this chapter apply to any action affecting the environment inside the U.S., its territories and possessions. Proponents of proposed actions having the potential for significant effects on the environment outside the geographical borders of the U.S. and its territories and possessions must also take environmental considerations into account per Executive Order (EO) 12114 of January 4, 1979, (NOTAL) and DoD Directive 6050.7 of 31 March 1979 (NOTAL). Procedures to be followed when a proposed Navy action affects the environment outside the jurisdiction of the U.S. are presented in Appendix E.

5-1.1 **References.** Relevant references are:

a. 32 CFR 775; DON Procedures for Implementing the National Environmental Policy Act (NOTAL)

b. 40 CFR 6; EPA Regulations on Implementation of National Environmental Policy Act Procedures (NOTAL)

c. 40 CFR 1500-1508; Council on Environmental Quality Regulations on Implementing National Environmental Policy Act Procedures (NOTAL)

d. DoD Directive 6050.1 of 30 July 1979; Environmental Effects in the United States of DoD Actions; (NOTAL)

e. DoD Directive 6050.7 of 31 March 1979; Environmental Effects Abroad of Major Department of Defense Actions (NOTAL).

5-2 Legislation

5-2.1 NEPA mandates that Federal agencies "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on man's environment". NEPA further requires a detailed statement on the environmental impact of major Federal actions that significantly affect the environment be included in every recommendation or report on proposals for legislation. Two basic tenets of NEPA and the Council on Environmental Quality (CEQ) regulations are that:

a. Procedures must be in place to ensure that environmental information is available to decision makers and citizens before decisions are made and major Federal actions are taken.

b. The NEPA process should identify and assess reasonable alternatives to proposed actions to avoid or minimize environmental adverse effects.

5-2.2 NEPA created the CEQ which has provided regulations to implement the procedural provisions of NEPA.

5-2.2.1 CEQ regulations apply a three-tiered approach to assure that pertinent environmental information for major Federal actions is available to decision makers and the public:

a. Categorical exclusions

b. Environmental assessments (EAs)

c. Environmental impact statements (EISs).

Compliance criteria for each level will be discussed in detail in subsequent parts of this chapter.

5-3 Terms and Definitions

5-3.1 **Action Proponent.** Major claimant, subordinate command, or designated program manager, responsible for proposing and executing an action.

5-3.2 **Categorical Exclusion.** Actions which do not have, under normal circumstances, individually or cumulatively, a significant effect on the human environment or which have been previously found to have no such effect as a result of procedures adopted by the Navy for implementing the CEQ regulations and for which, therefore, neither an EA nor an EIS is required.

5-3.3 **CNO Environmental Review Panel.** A selected group of technical experts convened by OP-44E to review submitted EAs/EISs and recommend subsequent disposition/processing. Review panel composition will be on a subject-by-subject basis with specific subject-matter experts being named to the panel as appropriate and only for the length of time necessary to resolve the current issue.

5-3.4 **Cooperating Agency.** Any Federal agency other than a lead agency which has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or a reasonable alternative) for legislation or other major Federal action significantly affecting the quality of the human environment. A state or local agency of similar qualifications or, when the effects are on a reservation, an Indian tribe, may by agreement with the lead agency become a cooperating agency.

5-3.5 **Draft Environmental Impact Statement (DEIS).** Statements prepared for actions which may have a significant impact on the quality of the human environment or which are potentially controversial in environmental effects. DEISs are filed with the EPA and distributed to cognizant Federal, state, local, and private agencies, organizations, and individuals for review and comment before preparation of a final EIS.

5-3.6 **Environmental Assessment.** A concise public document which:

a. Briefly provides sufficient evidence and analysis for determining whether to prepare an EIS or a Finding Of No Significant Impact (FONSI)

b. Aids the Navy's compliance with NEPA when no EIS is necessary

c. Facilitates preparation of an EIS when one is necessary.

5-3.7 **Final Environmental Impact Statement (FEIS).** A completed statement, normally a separate and additional document (from the draft), which incorporates all pertinent comments and information made as a result of review of the DEIS. The FEIS is filed with EPA and distributed to recipients of the DEIS.

5-3.8 **Finding of No Significant Impact.** A document in which the Navy briefly presents the reasons why an action not otherwise categorically excluded will not have a significant effect on the human environment and for which an EIS therefore will not be prepared. The FONSI shall include the EA or its summary and shall note any other environmental documents related to it. If the EA is included, the finding need not repeat any of the discussion but may incorporate it by reference. A FONSI may be one result of review of an EA.

5-3.9 **Human Environment.** The natural and physical environment and the relationship of people with that environment.

5-3.10 **Impacts.** Impacts, as used in this chapter, are synonymous with effects, and include direct, indirect, and cumulative impacts. Direct impacts are caused by an action and occur at the same time and place as the action. Indirect impacts are also caused by an action; although occurring later in time or farther removed in distance from the action, they are still reasonably foreseeable. Indirect impacts include:

a. Growth inducing effects

b. Effects related to induced changes in the pattern of land use, population density, or growth rate

c. Related effects on the human environment.

Cumulative impacts result from the incremental impact of an action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time.

5-3.11 **Lead Agency.** The agency or agencies preparing or having taken primary responsibility for preparing an EIS.

5-3.12 **Legislative Environmental Impact Statement (LEIS).** An LEIS is the detailed statement required by law to be included in a recommendation or report on a legislative proposal to Congress. An LEIS shall be considered part of the formal transmittal of a legislative proposal; however, it may be transmitted up to 30 days later in order to allow time for completion of an accurate statement which can serve as the basis for public and congressional debate. An LEIS is not prepared for the annual request to Congress for MILCON authorization; rather, projects receive individual NEPA documentation as appropriate.

5-3.13 **Major Federal Action.** Any proposal initiated by a Federal agency (Navy). Actions include, but are not limited to:

a. New activities, including projects entirely or partly funded, assisted, conducted, regulated, or approved by the Navy

b. Substantive changes in continuing actions, such as substantial changes in operational tempo, areas of use, or in methodology/equipment, where these changes have the potential for significant environmental impacts.

c. Approval of specific projects, such as construction or management activities located in a defined geographic area, e.g., MILCON projects, public/private venture projects, unspecified minor construction projects, natural resources management projects, special projects, land acquisition, and locally funded projects

d. Adoption of programs, such as a group of concerted actions to implement a specific policy or plan.

5-3.14 **Mitigation.** Actions which reduce the severity or intensity of impacts of other actions to include:

a. Avoiding the impact altogether by not taking a certain action or parts of an action.

b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation.

c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.

d. Reducing or eliminating the impact over time by monitoring, maintaining, and/or replacing equipment or structures so that future environmental degradation due to equipment or structural failure does not occur during the life of the action.

e. Compensating for the impact by replacing or providing substitute resources or environments.

5-3.15 **Record of Decision (ROD).** A concise summary for publication in the Federal Register of the decision made by the Navy from among the alternatives presented in an FEIS. The document, prepared by the DCNO (Logistics) and approved by SECNAV will state the decision, identify alternatives considered (including that which was environmentally preferable), and discuss other considerations (non-environmental) that influenced the decision identified. Proposals to minimize environmental harm, if applicable, will be identified as well as those that are not implementable. Additionally, any monitoring associated with mitigation shall be addressed.

5-3.16 **Scoping.** There shall be an early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action. This process shall be termed scoping.

5-3.17 **Significance.** Significance of an impact is determined by context and intensity. Context is identified by the area or processes affected. Intensity refers to the severity of impact as derived from evaluating magnitude of effects on public health or safety, unique characteristics of the geographic area, controversy of environmental effects, risk analysis, precedents, relationship to other actions, cumulative impacts, and the potential for violating laws imposed to protect the environment.

5-3.18 **Supplemental Environmental Impact Statement.** A document describing environmental impacts of a project or proposal which is prepared when substantial changes are made in the proposed action that are relevant to environmental concerns, or when significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts becomes available. A supplemental EIS may be prepared at any time after preparation and filing of a DEIS or FEIS, and is filed with the EPA and distributed to recipients of the DEIS and FEIS.

5-4 Requirements

5-4.1 **Categorical Exclusions.** CEQ regulations provide for establishment of categorical exclusions for those actions which, after consideration by the Departments (Navy), have been found to not have a significant effect on the human environment individually or cumulatively, under normal circumstances, and therefore neither an EA nor an EIS is required. Categorical exclusions are applicable to those kinds of military actions which do not significantly affect the quality of the human environment, do not result in any significant change from existing conditions at the site of the proposed action, and whose effect is primarily economic or social. Even though a proposal generally fits the definition of a categorical exclusion, a categorical exclusion is not used if the proposed action:

a. Would affect public health or safety

b. Involves an action that may affect wetlands, endangered or threatened species, historical or archeological resources, or hazardous waste (HW) sites

c. Involves effects on the human environment that are highly uncertain, involve unique or unknown risks, or which are scientifically controversial

d. Establishes precedents or makes decisions in principle for future actions with significant effects

e. Threatens a violation of Federal, state, or local law or requirements imposed for protection of the environment.

A decision to forego preparation of an EA or EIS on the basis of one or more categorical exclusions is to be documented, including the exclusions found applicable, the facts supporting their use, and specific considerations of whether the exceptions to the use of categorical exclusion, set out above, were applicable.

5-4.2 **List of Categorical Exclusions.** The following are actions (listed in the same order and manner as 32 CFR 775) which, under normal conditions, are categorically excluded from further documentation requirements under NEPA:

(1) Routine personnel, fiscal, and administrative activities involving military and civilian personnel, e.g., recruiting, processing, paying, and records keeping

(2) Reductions in force wherein impacts are limited to socioeconomic factors

(3) Routine movement of mobile assets, such as ships and aircraft, in home port reassignments (when no new support facilities are required) to perform as operational groups, and/or for repair and overhaul

(4) Relocation of personnel into existing federally-owned or commercially-leased space which does not involve a substantial change in the supporting infrastructure (e.g., an increase in vehicular traffic beyond the capacity of the supporting road network to accommodate such an increase is an example of substantial change).

(5) Studies, data, and information-gathering that involve no physical change to the environment, e.g., topographic surveys, bird counts, wetland mapping, forest inventories, and timber cruising

(6) Routine repair and maintenance of facilities and equipment to maintain existing operations and activities, including maintenance of improved and semi-improved grounds such as landscaping, lawn care, and minor erosion control measures

(7) Alteration and additions of existing structures to conform or provide conforming use specifically required by new or existing applicable legislation or regulations, e.g., hush houses for aircraft engines and scrubbers for air emissions

(8) Routine actions normally conducted to operate, protect, and maintain military-owned and/or controlled properties, e.g., maintaining law and order, physical plant protection by military police and security personnel, and localize pest management activities on improved and semi-improved lands conducted under applicable Federal and state directives

(9) New construction that is consistent with existing land use and, when completed, the use or operation of which complies with existing regulatory requirements, e.g., a building on a parking lot with associated discharges/runoff within existing handling capacities, a bus stop along a roadway, and a foundation pad for portable buildings within a building complex

(10) Procurement activities that provide goods and support for routine operations

(11) Day-to-day manpower resource management and research activities that are under approved plans and inter-agency agreements and which are designed to improve and/or upgrade military ability to manage those resources

(12) Decisions to close facilities, decommission equipment, and/or temporarily discontinue use of facilities or equipment (where such equipment is not used to prevent/control environmental impacts). Note: Does not apply to permanent closure of public roads nor to base closures.

(13) Contracts for activities conducted at established laboratories and plants, to include contractor-operated laboratories and plants, within facilities where all airborne emissions, waterborne effluent, external radiation levels, outdoor noise, and solid and bulk waste disposal practices comply with existing applicable Federal, state, and local laws and regulations

(14) Routine movement, handling and distribution of materials, including hazardous materials/wastes that when moved, handled, or distributed are under applicable regulations

(15) Demolition, disposal, or improvements involving buildings or structures neither on nor eligible for listing on the National Register of Historic Places and when under applicable regulations (e.g. removal of asbestos, PCBs, and other hazardous materials)

(16) Acquisition, installation, and operation of utility and communication systems, data processing cable, and similar electronic equipment which use existing rights of way, easements, distribution systems, and/or facilities

(17) Renewals and/or initial real estate ingrants and outgrants involving existing facilities and land wherein use does not change significantly. That includes, but is not limited to, existing or federally-owned or privately-owned housing, office, storage, warehouse, laboratory, and other special purpose space.

(18) Grants of license, easement, or similar arrangements for the use of existing rights-of-way or incidental easements complementing the use of existing rights-of-way for use by vehicles (not to include significant increase in vehicle loading); electrical, telephone, and other transmission and communication lines; water, wastewater, stormwater, and irrigation pipelines, pumping stations, and facilities; and for similar utility and transportation uses

(19) Transfer of real property from the military to another military department or to another Federal agency, and the granting of leases (including leases granted pursuant to the agricultural outleasing program where soil conservation plans are incorporated), permits and easements where there is no substantial change in land use or where subsequent land use would otherwise be categorically excluded

(20) Disposal of excess easement interests to the underlying fee owner

(21) Renewals and minor amendments of existing real estate grants for use of government-owned real property where no significant change in land use is anticipated

(22) Pre-lease exploration activities for oil, gas or geothermal reserves, e.g., geophysical surveys

(23) Return of public domain lands to the Department of the Interior

(24) Land withdrawal continuances or extensions which merely establish time periods and where there is no significant change in land use

(25) Temporary closure of public access to military property to protect human or animal life

(26) Engineering effort undertaken to define the elements of a proposal or alternatives sufficiently so that the environmental effects may be assessed

(27) Actions which require the concurrence or approval of another Federal agency where the action is a categorical exclusion of the other Federal agency

(28) Maintenance dredging and debris disposal where no new depths are required, applicable permits are secured, and disposal will be at an approved disposal site

(29) Installation of devices to protect human or animal life, e.g., raptor electrocution prevention devices, fencing to restrict wildlife movement onto airfields, and fencing and grating to prevent accidental entry to hazardous areas

(30) Natural resources management actions undertaken or permitted pursuant to agreement with or subject to regulation by Federal, state, or local organizations having management responsibility and authority over the natural resources in question, including hunting or fishing during hunting or fishing seasons established by state authorities pursuant to their state fish and game management laws. With regard to natural resources regulated by another Federal agency, the responsible command may cooperate in any environmental analysis that may be required by the other agencies' regulations.

(31) Approval of recreational activities which do not involve significant physical alteration of the environment or increase human disturbance in sensitive natural habitats and which do not occur in or adjacent to areas inhabited by endangered or threatened species

(32) Routine maintenance of timber stands, including issuance of down-wood firewood permits, hazardous tree removal, and sanitation salvage

(33) Reintroduction of endemic or native species (other than endangered or threatened species) into their historic habitat when no substantial site preparation is involved.

5-4.3 EAs

5-4.3.1 General. An EA is an analysis of the potential environmental impact of a proposed action. When the military does not know beforehand whether or not the proposed action will significantly affect the human environment or be controversial with respect to environmental effects, an EA is prepared. The EA will either conclude that the proposed action will not significantly impact the environment, thus resulting in the preparation of a FONSI; or will conclude that the proposed action will significantly impact the environment, thus necessitating the preparation of an EIS.

5-4.3.2 Required EAs. EAs are prepared for those actions which do not fall under one or more of the listed categorical exclusions and which have the potential for significant environmental impacts. The following are examples of actions which, under normal conditions, would require preparation of an EA:

a. Training exercises on or over (airspace) non-military property

b. Major training exercises on military property which are not categorically excluded, for which the impacts are unknown, or the impacts are not already known to be significant

c. Dredging projects that increase water depth over previously dredged or natural depths

d. Proposed utilization of tidelands and freshwater wetlands

e. Real estate acquisitions or outleases of land involving:

(1) New ingrants/outgrants only, i.e., not renewals nor continuances wherein land usage remains the same

(2) Fifty acres or more where existing land use will change and will not be categorically excluded

(3) Renewals of agricultural/grazing leases when changes in animal stocking rates, season of use, or conversions to or from cropland are involved.

f. Acquisition of any size or ingrants/-outgrants which may be considered environmentally controversial, regardless of the appropriation or intended use

g. Family housing projects when resident population changes substantially

h. New target ranges or range mission changes which would increase environmental impact

i. Exercises conducted at the request of state (e.g. ship sinking for artificial reefs) or territorial governments wherein environmental impact might be expected

j. New low altitude aircraft training routes and/or special use airspace and warning areas wherein overflights impact persons or wildlife (particularly endangered species)

k. Mission changes, base closures/relocations/consolidations and deployments which would cause major long term population increases or decreases in affected areas. EAs are not required where impacts are purely socioeconomic and involve no potential for significant environmental impacts.

l. Any activity proposed that may jeopardize threatened or endangered species, or designated or proposed critical habitat of an endangered species. Associated but separate need for a biological assessment and consultation under the Endangered Species Act is discussed in Chapter 19.

m. Any activity proposed which would affect historical or cultural sites either now listed on the National Register of Historical Places or deemed eligible for inclusion on the National Register (see Chapter 20)

n. Permanent closure or limitation of access to any areas that were open previously to public use, such as roads or recreational areas

o. Construction or any other action resulting in discharges to or potential contamination of an aquifer, watershed, or recharge zone of the Safe Drinking Water Act (SWDA)

p. Irreversible conversion of "prime or unique farmland" to other uses

q. Transportation of hazardous substances, conventional munitions, or other wastes for intentional disposal into the oceans by any naval unit

r. Award or termination of contracts involving substantial quantities of natural resources, wherein Navy is the contracting agency

s. Any action for which the environmental effect is controversial.

5-4.3.3 Content of EAs. EA preparation should follow the basic format provided for EISs. The EA will briefly discuss the need for the action; evaluate all reasonable alternatives; the environmental impacts of the proposal; any avoidance, mitigation, environmental commitments, or environmental monitoring requirements; and a listing of the agencies and persons consulted.

5-4.3.4 Public Participation. The importance of public participation in preparing EAs is clearly recognized in CEQ regulations and commands proposing an action are to develop a plan to ensure appropriate communication with affected and interested parties. In determining the extent to which public participation is practicable, the following are among the factors to be weighed:

a. The magnitude of the environmental considerations associated with the proposed action

b. The extent of anticipated public interest

c. Any relevant questions of national security and classification.

5-4.4 EISs

5-4.4.1 **General.** An EIS provides full and unbiased discussion of significant environmental impacts and informs decision makers and the public of the reasonable alternatives which would avoid or minimize adverse impact or enhance the quality of the human environment.

5-4.4.2 **Guidelines and Standards.** Several guidelines that may be used to judge the significance of the effect of an action on the environment include:

a. The geographical extent of the action is often important. For example: construction, land use modification, etc., to support a limited maneuver or training exercise by an individual command may not normally have a significant effect upon the environment. However, training exercises on a broad geographic scale involving diverse natural areas would be more likely to have a significant effect on environmental quality.

b. The long-term impact of the action should be considered. An objective overview should be maintained toward the magnitude of environmental effects of both the immediately contemplated action and future actions for which the proposed action may serve as a precedent, and which may result in a cumulatively significant impact.

c. The risk potential must be evaluated. For example, even though the environmental impact of an efficiently run fuel depot may not be significant, the effects of an oil spill on the local fishing industry, or the surrounding beaches in the case of a tourist-oriented economy, may well render construction of such a depot very significant.

d. The sites having existing or possible historic, architectural, or archeological interest must be reviewed. See Chapter 20 for additional information regarding cultural resources.

e. The potential impact on endangered animal or plant species must be addressed, particularly if a "critical habitat" has been designated for such species by the U.S. Fish and Wildlife Service, or the National Marine Fisheries Service. See Chapter 19 for additional responsibilities in regard to protection of endangered species.

5-4.4.3 **Actions for Which EISs Must Be Prepared.** The following are examples of actions that may have a significant impact on the quality of the human environment or are potentially controversial in environmental effects, and therefore require preparation of an EIS:

a. Large dredging projects

b. Proposed major construction and filling in tidelands/wetlands

c. Establishment of major new installations

d. Major land acquisitions which will result in changed use of the property

e. New sanitary landfills

f. Disposal of biological or chemical munitions, pesticides, or herbicides other than in the manner in which they are authorized for use or disposal.

When an action is among those listed above, closely analogous to the same, or when an EA concludes impacts to be significant or environmentally controversial, the action proponent will prepare an EIS using procedures outlined in this instruction.

5-4.4.4 **EIS Preparation.** To achieve the goal of NEPA to prepare a concise and useful statement, action proponents are to prepare EISs in the following manner:

a. EISs will be analytic rather than encyclopedic.

b. Impacts will be discussed in proportion to their significance. There will only be a brief discussion of other than significant issues. As in a FONSI, there should only be enough discussion to show why more study is not warranted.

c. EISs will be kept concise and no longer than absolutely necessary to comply with NEPA, these regulations, and those issued by the CEQ. Length should vary first with potential environmental issues and then with project size.

d. EISs will describe the criteria for selecting alternatives.

e. The range of alternatives discussed in EISs, including the No Action alternative, will encompass those to be considered by the ultimate decision maker, or as directed by the lead agency if the DoD is a cooperating agency.

f. Before making a final decision, cognizant commands "shall" not commit resources prejudicing the selection of alternatives .

g. EISs will serve as a means of assessing the environmental impacts of proposed actions, rather than justifying decisions already made.

5-4.4.5 **Document Length.** The text of the EIS will be normally less than 150 pages. For proposals of unusual scope or complexity EISs should normally be less than 300 pages. Every effort should be taken to restrict the document to only pertinent facts and exclude material not directly applicable to the expected impact. The statement must contain sufficient information and baseline data to support the conclusions reached. Data may be appended to the statement as appendices.

5-4.4.6 **Contractor Involvement in EIS Preparation.** EISs, like EAs, are frequently prepared by contractors. In order to obtain unbiased analyses, contractors must be selected in a manner avoiding any conflict of interest. Therefore, contractors will execute disclosure statements specifying they have no financial or other interest in the outcome of the project. The contractor's efforts should be closely monitored throughout the contract to ensure an adequate assessment/statement, and also to avoid extensive, time-consuming, costly revisions. Further, project proponents must be continuously involved.

5-4.4.7 **Cooperation with State and Local Agencies.** To eliminate duplication with state and local procedures, commands will cooperate with state and local agencies to the fullest extent of the law practicable to reduce duplication between NEPA and state and local requirements. Such cooperation could include:

a. Joint planning processes

b. Joint environmental research and studies

c. Joint public hearings (except where otherwise provided by statute)

d. Joint EAs

e. Joint EISs.

5-4.4.8 **Scoping.** The scoping process shall:

a. Invite the participation of affected Federal, state, and local agencies, any Indian tribe, and other interested persons.

b. Determine the scope and the significant issues to be analyzed in depth in the EIS.

c. Identify and eliminate from detailed study the issues which are not significant or which have been covered by prior environmental review, narrowing the discussion of these issues in the statement to a brief presentation of why they will not have a significant effect on the human environment or providing a reference to their coverage elsewhere.

d. Allocate assignments for preparation of the EIS among the lead and cooperating agencies, with the lead agency retaining responsibility for the statement.

e. Indicate any public EAs and other EISs which are being or will be prepared that are related to but are not part of the scope of the impact statement under consideration.

f. Indicate the relationship between the timing of the preparation of EISs and the agency's tentative planning and decisionmaking schedule.

The functions identified to be performed in the preceding paragraphs may be carried out in the context of a public, informal meeting at which written responses or oral presentation resulting from the public notices may be received. Such meetings

may be held whenever practicable, but they are not mandatory. There is no authority for the payment of expenses incurred by any person(s) in the preparation and presentation of information at these meetings. In the event a meeting is not held, the issues are to be addressed by the cognizant command based upon responses to notices processed and documented.

As soon as practicable after the cognizant command has determined that an EIS is required and proper chain of command has been notified, OP-44E shall publish a Notice of Intent (NOI) in the Federal Register. The NOI will briefly describe the proposed action and the scoping process to be undertaken. If a public scoping meeting is to be held, a public notice of such meeting will be published in the Federal Register as part of the NOI, or as soon as practical. But in no case will a notice be published later than 15 days prior to the day of the public meeting. In addition to publication in the Federal Register, the NOI and announcement of scoping meeting may be mailed directly to concerned agencies, organizations and individuals and may be published in local newspapers.

5-4.4.9 **Significant Issues and Other Factors.**

5-4.4.9.1 **Classified Actions.** The fact that a proposed action is of a classified nature or sensitive unclassified does not relieve the proponent of the action from complying with the requirements of this instruction. EISs, both draft and final, as well as EAs are to be prepared, safeguarded, and disseminated per the requirements applicable to classified or sensitive unclassified information. When feasible, the documents are to be organized in such a manner that classified or sensitive unclassified portions are included as appendices so that the unclassified portions can be made available to the public. Review of classified or sensitive unclassified NEPA documentation will be coordinated with the EPA to fulfill requirements of Section 309 of the Clean Water Act (CAA).

A classified or sensitive unclassified EA/EIS serves the same informed decision making purpose as does a published unclassified EA/EIS. Even though the classified or sensitive unclassified EA/EIS does not undergo public review and comment, it will still be part of the information package that is placed before the decision maker for the proposed action. The content of a classified or sensitive unclassified EA/EIS (or the classified or sensitive unclassified portion of a public EA/EIS) will therefore meet the same content requirements applicable to a published unclassified EA/EIS. To the extent not already required by other provisions of this instruction, a classified or sensitive unclassified EA/EIS (or the classified or sensitive unclassified portion of a published EA/EIS) prepared with respect to nuclear weapons will address the following elements:

a. A description of the worst case accident considering the particular weapons involved

b. The best estimate of accident probabilities

c. Alternative site impact information

d. Additional information on potential land contamination and clean-up.

5-4.4.9.2 **Continuing Actions.** CEQ regulations define major Federal actions subject to evaluation under NEPA to include, among other thing, "New and continuing activities". The term "new activities" is intended to encompass future action, i.e., those which are not ongoing at the time of the proposal. The term "continuing activities" which may necessitate the preparation of a NEPA document will be applied by the DON to include activities which are presently being carried out in fulfillment of a military mission and function, including existing training functions, where:

a. The currently occurring environmental effects of which have not been previously evaluated in a NEPA document and there is a discovery that substantial environmental degradation is occurring, or is likely to occur, as a result of ongoing operations. Examples: a discovery that significant beach erosion is occurring as a result of continuing amphibious exercises; new designation of wetland habitat or discovery of an endangered species residing in the area of the activity, or

b. There is a discovery that the environmental effects of an ongoing activity are significantly and qualitatively different or more severe than predicted in a NEPA document prepared in connection with the commencement of the activity.

A substantial change in a continuing activity which has the potential for significant environmental impacts should be considered a proposal for a new action and be documented accordingly. Preparation of a NEPA document is not a necessary prerequisite, nor a substitute, for compliance with other environmental laws.

5-4.4.9.3 Emergency Actions. Where emergency circumstances make it necessary to take an action with significant environmental impact without observing the provisions of CEQ regulations, the Federal agency taking action should consult with the CEQ about alternative arrangements. Agencies and the CEQ will limit such arrangements to actions necessary to control the immediate impacts of the emergency. Other actions remain subject to NEPA review.

5-4.4.10 Time Limits. Commands commencing the preparation of an EIS are encouraged to set time limits appropriate to individual actions with due regard for operational requirements and the public and agency comment periods established by CEQ regulations. State or local agencies or members of the public may request the cognizant command to set time limits on the NEPA process. In determining time limits (required to complete the EIS) the command may consider the following factors:

a. Potential for environmental harm

b. Size of the proposed action

c. State-of-the-art analytic techniques

d. Degree of public need for the proposed action, including the consequences of delay

e. Number of persons and agencies affected

f. Degree to which relevant information is known and if not known, the time required for obtaining it

g. Degree to which the action is controversial

h. Other time limits imposed on the agency by law, regulations, or EO.

5-4.4.11 Format. All pages of the original document prepared should be 8 1/2 x 11 inch bond, although it is permissible to use foldout sheets as long as the 11 inch vertical dimension is retained. The following format will be used for all EISs and, to the extent appropriate, EAs:

a. Cover Sheet. The cover sheet will generally not exceed one page and will include:

(1) A list of the responsible agencies including the lead agency and any cooperating agencies

(2) The title of the proposed action that is the subject of the environmental analysis (and if appropriate the titles of related cooperating agency actions), together with the state(s) and county(ies) (or other jurisdiction if applicable) where the action is located

(3) The name, address, and telephone number of the person at the responsible command who can supply further information

(4) A designation of the analysis as an EA, DEIS, or FEIS or draft or final supplement

(5) A one paragraph abstract of the statement

(6) The date by which comments must be received.

b. Summary. Each EIS will contain a summary which adequately and accurately summarizes the statement. The summary sheet(s) will appear at the very beginning of the document immediately after the cover sheet. The summary will normally not exceed 15 pages. The summary will provide the following:

(1) The name of the action and whether it is administrative or legislative

(2) A brief description of the action and what geographical region (including state and county, as applicable) is particularly affected

(3) A summary of the environmental impact, particularly adverse environmental effects, and major mitigating actions required

(4) A description of alternatives considered

(5) A statement as to whether the action is anticipated to have a significant environmental impact or will be environmentally controversial

c. Purpose and Need. This section (which actually begins the body of the basic document) will briefly specify the underlying purpose and need (requirements and justification for the project) to which the action proponent is responding in presenting the alternatives including the proposed action.

d. Alternatives Including the Proposed Action. This section is the heart of the EA or EIS. Based on the information and analysis presented in the sections entitled EXISTING ENVIRONMENT (subsection e) and the ENVIRONMENTAL CONSEQUENCES (subsection f), it should present the environmental impacts of the proposal and the alternatives in comparative (matrix) form, thus sharpening the issues and providing a basis for choice among the options by the decision maker and the public.

Alternatives to the proposed action should include, where relevant, those not within the existing authority of the agency. A rigorous exploration and objective evaluation of the environmental impacts of all reasonable alternative actions are essential, particularly those actions that might enhance environmental quality or avoid some or all of the adverse environmental effects. Sufficient analysis, if applicable, of such alternatives and their environmental benefits, costs, and risks should accompany the proposed action through agency review process. If a cost-benefit analysis relevant to the choice among environmentally different alternatives is being considered for the proposed action, it should be incorporated by reference or be appended to the analysis as an aid in evaluating the environmental consequences. When a cost-benefit analysis is prepared, discuss the relationship between the analysis and any analysis of unquantified environmental impacts, values and amenities. The weighing of the merits and drawbacks of the various alternatives need not be provided where there are important qualitative considerations. In any event, the analysis should at least indicate those considerations, including factors not related to environmental quality which are likely to be relevant and important to a decision. That will prevent premature foreclosure of options which might enhance environmental quality or have less detrimental effects.

Examples of alternatives include:

(1) Taking no action

(2) Postponing action

(3) Selecting actions of a significantly different nature which would meet mission and project objectives with different environmental impacts

(4) Different designs or details of the proposed action which would present different environmental impacts (including mitigation measures)

In each case, the analysis should be sufficiently detailed to reveal the agency's comparative evaluation of the proposed action and each reasonable alternative. In all cases, however, the alternative of not proceeding with the project or proposal (No Action) must be evaluated.

e. Existing Environment of the Proposed Action. The EIS is to succinctly describe the environment of the area affected as it exists prior to a proposed action, including existing and anticipated uses/activities in the area, i.e., a baseline description from which to compare the probable impact. The descriptions are to be no longer than necessary to understand the effects of the proposed action. The amount of detail provided in such descriptions should be commensurate with the extent and impact of the action, and with the amount of information required at the particular level of decision making. Urban quality, historic and cultural resources, and the design of the built environment, including the re-use and conservation potential of various alternatives and mitigation measures should be discussed, if appropriate.

f. Environmental Consequences. This section forms the scientific and analytic basis for the comparisons presented under the alternatives section. The discussion will include the environmental impacts of alternatives including the proposed action, any adverse environmental impacts which cannot be avoided should the proposal be implemented, the relationship between short-term uses of man's environment and the maintenance and enhancement of long-term productivity, and any irreversible or irretrievable commitments of resources which would be involved in the proposal should it be implemented. This section should not duplicate the discussions in the alternatives section. "It shall include" several discussions, including:

(1) Direct effects and their significance, i.e., an assessment of the positive and negative effects of the proposed action. The attention given to different factors will vary according to the nature, scale, and location of proposed actions. Primary attention should be given in the statement to a discussion of those factors most evidently impacted by the proposed action.

(2) Indirect effects and their significance. Secondary or indirect consequences for the environment should be included in the analysis. Many major Federal actions, especially those that involve construction (for example, new installations, joint use of an installation, etc.), stimulate or induce secondary effects, in the form of associated investments and changed patterns of social and economic activities. Such secondary effects, by their impacts on existing community facilities and activities, by inducing new facilities and activities, or by changes in natural conditions, may often be even more substantial than the primary effects of the original action itself. For example, the effects of the proposed action on population and growth impacts should be estimated, if expected to be significant. An evaluation should be made of the effect of any possible change in population patterns or growth upon the resource base, including land use, water, and public services, of the area in question.

(3) Possible conflicts between the proposed action and the objectives of Federal, state and local land use plans, policies, and controls for the area concerned. That requires a discussion of how the proposed action may conform or conflict with the objectives and specific terms of approved or proposed Federal, state, and local land use plans, policies, and controls, if any, for the area affected, including those developed in response to environmental legislation. Where a conflict or inconsistency exists, the statement should describe the extent to which the agency has reconciled its proposed action with the plan, policy, or control. Justification for any decision to proceed, in the absence of full reconciliation, will be documented.

(4) The environmental effects of alternatives including the proposed action. Comparisons under the alternatives section will be based on the narrative.

(5) Energy requirements and conservation potential of various alternatives and mitigation measures. Comments regarding the energy impact, to include the alternatives considered, will be addressed.

(6) Any irreversible and/or irretrievable commitments of resources that would be involved if the proposed action is implemented. Identify from a survey of unavoidable impacts the extent to which the action irreversibly curtails the range of potential uses of the environment. Do not construe the term resources to mean only the labor and material devoted to an action. Resources also means the natural and cultural resources committed to loss or destruction by the action.

(7) Relationship between local short-term use of man's environment and maintenance and enhancement of long-term biological productivity. A brief discussion of the extent to which the proposed action involves tradeoffs between short-term environmental gains and the expense of long term losses or vice versa should be presented. It should also contain a discussion of the extent to which the proposed action forecloses future options. In this context, short-term and long-term do not refer to any fixed time periods, but should be viewed in terms of the environmentally significant consequences of the proposed action.

(8) Means to mitigate and/or monitor adverse environmental impacts (if not previously discussed). Indicate the extent to which countervail-

ing benefits could be realized by following reasonable alternatives to the proposed action that would avoid some or all of the adverse environmental effects. In that connection, where appropriate and meaningful, and as dictated by the scope of the action addressed, cost-benefit analyses of proposed actions may be attached, or summaries thereof, to the assessment or environmental statement. They should clearly indicate the extent to which environmental risk has been reflected in the analysis.

(9) Means to mitigate and/or monitor adverse environmental impacts (if not previously discussed). Mitigation measures in the form of avoidance, design modification, rehabilitation, preservation, or compensation shall be discussed when appropriate, and the extent of countervailing benefits derived from implementing mitigation measures and/or monitoring programs to avoid or reduce some or all of the adverse environmental effects shall be addressed.

Any mitigation measures included in the NEPA document must be coordinated with the appropriate chain-of-command to ensure concurrence, implementation feasibility, and funding availability. In many cases, mitigation measures should also be coordinated with cognizant regulatory agencies.

(10) Possible conflicts between the proposed action and the objectives of Federal, regional, state, and local (and in the case of a reservation, Indian tribe) land use plans, policies, and controls for the area concerned.

(11) Cumulative impacts (see paragraph 5-3.10) as appropriate and in context with the scope and magnitude of the proposed action.

g. List of Preparers. Environmental statements will be prepared using an interdisciplinary approach which will ensure the integrated use of the natural and social sciences and the environmental design arts. To ensure that this approach is undertaken, the statement will list the names, together with their qualifications (expertise, experience professional disciplines) of the persons who were primarily responsible for preparing the EIS or significant background papers, including basic components of the statement. Where possible, the persons who are responsible for a particular analysis, including analyses in background papers, will be identified. Normally the list will not exceed two pages.

h. Appendix. An appendix to an EIS (circulated with the EIS or readily available upon request) will list all Federal, state, and local agencies from which comments have been requested and provide a distribution list for the DEIS. In addition, the following optional information may be included:

(1) Material prepared in connection with an EIS (as distinct from material which is not so prepared and which is incorporated by reference) such as mailing lists, collection of comment letters, etc.

(2) Material which substantiates any analysis fundamental to the impact statement

(3) Analytic and relevant material to the decision to be made

i. Incorporation by Reference. To the extent practicable, commands preparing environmental statements will incorporate material into an EIS by reference when the effect will cut down on bulk without impeding agency and public review of the action. The incorporated material will be cited in the statement and its content briefly described. No material may be incorporated by reference unless it is reasonably available for inspection by potentially interested persons within the time allowed for comment. Material based on proprietary data will not be incorporated by reference.

j. Incomplete or Unavailable Information. When the action proponent is evaluating significant adverse effects on the human environment in an EIS and there is incomplete or unavailable information, the action proponent will always make clear that such information is lacking. For such situations the action proponent can take the following actions:

(1) If the incomplete information relevant to reasonably foreseeable significant adverse impacts is essential to a reasoned choice among alternatives and the overall costs of obtaining it are not exorbitant, the agency will include the information in the EIS.

(2) If the information relevant to reasonably foreseeable significant adverse impacts cannot be obtained because the overall costs of obtaining it are exorbitant or the means to obtain it are not known (e.g., the means for obtaining it are beyond the state-of-the-art), the action proponent will include within the EIS:

(a) A statement that such information is incomplete or unavailable

(b) A statement of the relevance of the incomplete or unavailable information to evaluating reasonably foreseeable significant adverse impacts on the human environment

(c) A summary of existing credible scientific evidence which is relevant to evaluating the reasonably foreseeable significant adverse impacts on the human environment, and

(d) An evaluation of such impacts based upon theoretical approaches or research methods generally accepted in the scientific community.

5-4.4.12 Record of Decision. The ROD as described in paragraph 5-3.14 is the decision made by SECNAV or his/her designee, that completed the EIS process. The ROD is published in the Federal Register and mailed to appropriate agencies, organizations and individuals.

5-4.4.13 Tiering. CEQ regulations encourage the use of tiering whenever appropriate to eliminate repetitive discussions of the issues and to focus on the actual issues ripe for discussion at each level of the environmental review. Tiering is accomplished through the preparation of a broad programmatic EIS discussing the impacts of a wide ranging or long term stepped program followed by narrower statements or EAs concentrating solely on issues specific to the analysis subsequently prepared. Tiering is appropriate when it helps the lead agency to focus on issues which are ripe for decision and excludes from consideration issues already decided or not yet ripe. A sequence of statements or analysis is conducted. The following are examples in which tiering can be accomplished:

a. From a broad program, plan, or policy EIS (not necessarily site specific) to a subordinate/smaller scope program, plan, or policy statement or analysis (usually site specific). For example, a national program providing for mineral exploration on military held lands with a subsequent analysis tiered for each installation impacted, or the initiation of a new training apparatus where the use of the apparatus itself may impact the environment with subsequent tiered analysis at each site proposed for locating such training.

b. From an EIS on a specific action at an early stage (such as need and site selection) to a supplement (which is preferred) or a subsequent statement or analysis at a later stage (such as environmental mitigation). For example, the planning for the use of long term staged construction for the establishment of a new installation to homeport and operate a class of vessels with a subsequent tiered analysis as each stage is programmed and proposed, or the planning for the construction of a communication network involving the establishment of sending and receiving apparatus at various geographic locations with a subsequent tiered analysis for each location sited, or a proposal for the homeporting of a new vessel to operate off of the east coast of the U.S. with a subsequent tiered analysis of the establishment of the homeport at a preferred specific east coast location.

5-4.4.14 Preparation of the Programmatic EIS. In addition to the discussion required by these regulations for inclusion in EIS, the programmatic EIS will discuss:

a. A description of the subsequent stages or sites that may ultimately be proposed in as much detail as presently possible

b. The implementing factors of the program that are known at the time of impact statement preparation

c. The environmental impacts that will result from establishment of the overall program itself that will be similar for subsequent stages or sites as further implementation plans are proposed

d. The appropriate mitigation measures that will be similarly proposed for subsequent stages or sites.

5-4.4.15 **Preparation of a Tiered Analysis.** The analytical document used for stage or site specified analysis subsequent to the programmatic EIS will also be an EIS when the subsequent tier itself may have a significant impact on the quality of the human environment or when an impact statement is otherwise required. Otherwise, it is appropriate to document the tiered analysis with an EA to fully assess the need for further documentation or whether a FONSI would be appropriate.

In addition to the discussion required by these regulations for inclusion in EISs and EAs, each subsequent tiered analysis is required to:

a. Summarize the program-wide issues discussed in the programmatic statement and incorporate discussions from the programmatic statement by reference

b. Concentrate on the issues specific to the subsequent action

c. State where the earlier document is available.

5-4.4.16 **Processing Programmatic Environmental Documentation.** Programmatic EISs and all of the subsequent tiered impact statements or EAs shall be prepared, circulated and filed with EPA in the same fashion as required of any other EIS.

5-4.4.17 **Processing Supplemental Statements.** Supplements to either DEISs or FEISs will be prepared if there are substantial changes made in the proposed action which are relevant to environmental concerns or significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts. Such supplements are usually prepared, circulated and filed in the same fashion as a DEIS or FEIS. However, scoping is not required.

5-4.5 **Procedures for Conducting Public Hearings Under NEPA.** Hearings will be conducted as follows:

a. Guidelines and Standards. Public hearings are appropriate in the following situations:

(1) Where the proposed action by the agency will have a direct or peculiar environmental impact on the people residing in a particular geographic area

(2) Where public organizations or members of the public possess expertise concerning the environmental impact of the action that may not otherwise be available

(3) Where no overriding consideration of national security or time makes it illegal or impractical to involve such organizations or members of the public in the consideration of a proposed action in which there is evidence of wide public interest

(4) When a request for a hearing by another agency with jurisdiction over the action has been submitted supported by reasons a hearing will be helpful.

b. Preparation for the hearing will include the following:

(1) The purpose of the public hearing on a proposed project is twofold. First, the hearing is intended to provide interested members of the general public with relevant information. Second, the hearing affords members of the public an opportunity to present their views of the proposed action. The two foregoing objectives dictate the format for conducting public hearings.

(2) If the proposed action does dictate that a hearing be held, the public must be advised of the proposed hearing via the Federal Register, at least 15 days prior to the scheduled hearing. This Federal Register notice is in addition to publication in local newspapers. Notification should include:

(a) Date, time, phone number of the hearing officer

(b) The request that speakers submit in writing their intention to participate

(c) Any limitation on the length of oral statements

(d) Suggestion that technical statements or statements of considerable length be submitted in writing

(e) Summary of the proposed action

(f) The findings contained in the DEIS

(g) Offices/location where the DEIS is available for examination.

(3) Copies of the DEIS will be made available to the public at the appropriate regional offices of the agency, if feasible. Copies of the DEIS should also be forwarded to the appropriate state, regional, and metropolitan clearinghouses (unless the governor of the state involved has designed some other point for receipt of the information), at the same time the statement is sent to CEQ, EPA, and other Federal agencies. The DEIS will be made available to the public at least 15 days prior to public hearings. Local outlets such as libraries, county commissioner's offices, etc., should be used whenever possible.

(4) The hearing should be held at a time and place and in an area readily accessible to civilian organizations and individuals interested in the proposed action. Hearings are generally preferable in a civilian facility such as a high school auditorium on a weekday evening when such groups can reasonably be expected to attend.

(5) The authority selecting a hearing officer should be cognizant of the dual purpose of the hearing in providing information to the public as well as soliciting the views of the public. The hearing officer should be of appropriate seniority, preferably military, be thoroughly familiar with the proposed action, and of suitable temperament to preside at a public meeting with, possibly, the news media in attendance. There should be only one hearing officer; assistance may be provided by other personnel who are also familiar with the proposed action or some phase of it. These personnel may be utilized in the presentation phase of the hearing to explain details or specialized portions of the proposed action.

(6) A verbatim written record of the hearing is required and an experienced court-reporter or stenographer may be used in preparing the record. A tape recording of the hearing may be made. All written exhibits submitted to the hearing officer during the hearing or prior to the record being completed should be appended to the record as exhibits. A list of persons attending the hearing should also be added to the record, the organizations or interests they represent and their addresses. Persons who have indicated that they desire a copy of the hearing may be mailed a copy when completed, subject to the cost of reproduction.

c. The following format for the conduct of a hearing is provided as a general guideline. Hearing officers should tailor the format for each hearing as the circumstances dictate to meet the objectives of the hearing. The objectives are to provide information to the public and to record the opinions of interested persons for later evaluation in conjunction with the proposed action.

(1) The hearing officer should be apprised of who is attending the hearing. A record of attendance is of assistance in preparing the record, in recognizing individuals who desire to make a statement, and in mailing written answers to persons who desire them. That record can be compiled by having each person attending the hearing complete an individual card indicating name, address, and organization represented, if any, and whether a statement will be made at the hearing. An appropriate number of attendants may be utilized to distribute and collect the cards and to separate cards of those who desire to make a statement from those who do not. The cards may then be used by the hearing officer as an orderly system for calling upon individuals who desire to make statements. Additionally, those individuals responding to the announcement and requesting opportunity to speak should be asked to provide copies of any remarks for hearing proceedings.

(2) The hearing officer should first introduce himself/herself and any assistants, make a brief statement as to the purpose of the hearing, and state the general ground rules for conduct. The explanation or purpose of the hearing will be simplified if written copies have previously been distributed to attendees or made available at the attendance desk. That would also be an appropriate point to welcome any dignitaries who are present. The

hearing officer should ensure that it is understood that he/she is not to make any decision as to whether the project is to proceed, be modified, or abandoned.

(3) The hearing officer should fully explain what the proposed action entails, including information on alternative courses of action. He/she may call upon one or more assistants to explain any particular phase of the program.

(4) The hearing officer should answer questions which seek clarification of the action only and should not attempt to respond to attacks on it. All questions asked should be included in the record of the hearing.

(5) The persons attending the hearing must be afforded an opportunity to present oral and/or written statements. The hearing officer should ensure that he/she has the name and address of each person submitting an oral or written statement. The attendees should be permitted to submit written statements during the hearing and within a reasonable time following the hearing (normally two weeks). A reasonable length of time (three to five minutes) should be allotted for oral statements, and if this action is contemplated, it should be publicized in the public notice of the hearing. Individuals who desire to make a written or oral statement but did not indicate so on the card submitted when they entered the meeting should be afforded an opportunity to do so after all other scheduled statements have been completed.

(6) When it is time to adjourn the meeting, the hearing officer should thank the attendees and adjourn the meeting. It may be that attendance will warrant an additional day, perhaps at another time and location. If so, the hearing officer should announce the intent, but not normally agree to again repeat the entire procedure of publishing in the Federal Register, etc. At the conclusion of the meeting, the hearing officer should not express any opinion on the merits of the proposals or comments presented by anyone at the hearing.

5-5 Navy Policy

5-5.1 **General.** The Navy shall act with care to ensure, to the maximum extent practicable, that in conducting its mission of providing for the national defense, it does so in a manner consistent with national environmental policies. In so doing, the Navy recognizes that the NEPA process includes the systematic examination of the likely environmental consequences of implementing a proposed action. To be an effective decision making tool, the process shall be integrated with other Navy-Marine Corps project planning at the earliest possible time. This ensures that planning and decisionmaking reflect environmental values, avoid delays, and avoid potential conflicts. Care shall be taken to ensure that, consistent with other national policies and national security requirements, practical means and measures are used to protect, restore, and enhance the quality of the environment, to avoid or minimize adverse environmental consequences, and to attain the objectives of:

a. Achieving the widest range of beneficial uses of the environment without degradation, risk to health and safety, or other consequences that are undesirable and unintended

b. Preserving important historic, cultural, and natural aspects of our national heritage, and maintaining, where possible, an environment that supports diversity and variety of individual choice

c. Achieving a balance between resource use and development within the sustained carrying capacity of the ecosystem involved

d. Enhancing the quality of renewable resources and working toward the maximum attainable recycling of depletable resources.

5-5.2 **NEPA Compliance.** To comply with NEPA, the Navy shall:

a. Assess environmental consequences of proposed actions that could affect the quality of the environment in the U.S., its territories, and possessions per DoD and CEQ regulations

b. Use a systematic, interdisciplinary approach that ensures the integrated use of the natural and social sciences and environmental considerations

in planning and decision making where there may be an impact on man's environment

c. Ensure that presently unmeasured environmental amenities are considered in the decision making process

d. Consider the reasonable alternatives to recommended actions in any proposal that would involve unresolved conflicts concerning alternative uses of available resources

e. Make available to states, counties, municipalities, institutions, and individuals advice and information useful in restoring, maintaining, and enhancing the quality of the environment

f. Use ecological information in planning and developing resource-oriented projects.

5-5.2.1 **EAs.** An assessment of an action shall be made by the action proponent unless it has been determined by appropriate authority that an EIS shall be prepared or that an action falls within the scope of one or more categorical exclusions.

EAs shall be processed within the Navy as follows, except as noted in paragraph 5-6.4:

a. The action proponent shall submit five copies of the completed EA to OP-44E via the chain of command.

b. In the forwarding endorsement, the action proponent shall provide recommendations relative to further disposition, if applicable and agree to implement any mitigating measures included in the EA that are necessary to reduce potential impacts to insignificant levels.

c. OP-44E shall evaluate the documented impact of the proposed action on the environment and shall advise the action proponent if additional information is required.

d. Based on evaluation of the EA, OP-44E shall decide whether a FONSI is appropriate, or whether the proposed action would generate significant impacts. If appropriate, OP-44E shall prepare a FONSI and notify the action proponent to complete public notification and the NEPA process.

e. If the proposed action involves:

(1) Effects of national concern

(2) Action closely similar to conditions which normally require the preparation of an EIS, and/or

(3) An action without precedent,

OP-44E shall prepare the FONSI in coordination with and for approval by ASN (I&E), for publication in the Federal Register. OP-44E shall also notify the action proponent to complete the public notification and NEPA process.

The FONSI for projects under these circumstances will be made available to the public (including Federal Register and state and areawide clearinghouses) for 30 days before the FONSI becomes final and the action may begin.

5-5.2.2 **EISs.** EISs shall be concise, clear, and to the point, and shall be supported by evidence that the Navy, as a whole, and the responsible command, in particular, have made the necessary environmental analyses.

An EIS shall be prepared for every recommendation or report on proposals for legislation and other major Federal actions undertaken by the Navy which significantly affects the quality of human environment unless otherwise provided in these procedures or other applicable laws.

5-5.2.2.1 The Navy must be accorded the position of lead agency or coordinating agency when dealing with state and local agencies.

5-5.2.2.2 **Emergency Circumstances.** Where emergency circumstances make it necessary to take an action with significant environmental impact without observing the provisions of these regulations, the responsible major claimant shall advise OP-44E who shall facilitate additional consultation with the CEQ via the ASN(I&E) about alternative arrangements. The Navy and the CEQ will limit such arrangements to control the immediate impacts of the emergency. Other actions associated with the emergency remain subject to the requirements of this instruction.

5-5.2.2.3 **Scoping.** OP-44E shall be notified as soon as possible after the cognizant command has determined an EIS is required.

OP-44E shall maintain and disseminate to action proponents a list of potentially interested national organizations, including those organizations which have requested that notices be regularly provided.

5-5.2.2.4 **Processing the DEIS.** The DEIS shall be processed as follows:

a. The action proponent shall submit ten copies of the DEIS to OP-44E via the chain of command. If the proposed DEIS concerns matters which can be expected to generate considerable public interest or controversy, a copy of the statement and all subsequent correspondence shall be furnished to the CHINFO by OP-44E.

b. In the forwarding endorsement, the appropriate major claimant shall provide recommendations relative to further disposition if applicable.

c. After receiving the proposed DEIS, OP-44E evaluates the documented impact of the proposed action on the environment and advises the action proponent if additional information is required.

d. If the document is to be filed as a DEIS, OP-44E shall forward it to the ASN(I&E) for approval for filing with EPA.

e. If the ASN(I&E) does not concur that the document should be filed, the statement may be returned for further action.

f. Once the decision is made to file a statement, the originator may be required to coordinate with or provide OP-44E with additional copies of the DEIS for distribution. The number of copies shall vary depending on the action contemplated.

g. In conjunction with the foregoing distribution, specific comments shall be requested from:

(1) Any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved or which is authorized to develop and enforce standards applicable to the proposed action

(2) Appropriate state and local agencies which are authorized to develop and enforce standards applicable to the proposed action

(3) Indian tribes, when the effects may be on a reservation

(4) Any agency which has requested it receive statements on actions of the kind proposed

(5) The public, affirmatively soliciting comments from those persons or organizations who may reasonably be interested or affected.

h. A minimum of 45 days is allocated for agency/public review, commencing with the date on which notice of the DEIS appears in the Federal Register. Normally that date will be the Friday following the week the statement is received by EPA. If, the Navy receives a timely request for additional time to comment, the time for that requestor can be extended. Failure to file timely comments shall not be a sufficient reason for extending the review period.

i. As part of the review process, public hearings may be held. A public notice (Federal Register and direct mailing) of hearing schedules will be published at least 15 days prior to the hearing.

5-5.2.2.5 **Processing the FEIS.** The FEIS shall be processed as follows:

a. After the passage of a minimum 45 days from the date the announcement of the DEIS appears in the Federal Register, a FEIS can be filed. All comments received on the DEIS shall be forwarded to the originator for incorporation into the FEIS. After review of the comments and views received, the originator shall prepare a single document setting forth all changes made to the DEIS. Where comments reveal previously unrecognized impacts or changes to identified impacts, sufficient analysis thereof shall be included. Reproduction of individual comments received from agencies and the public where relevant shall be accomplished; however, inclusion of verbatim records of public hearings

is discouraged. Consideration of the hearings can be ensured by summarizing those comments under relevant topic headings, followed by an appropriate response. A meaningful response to all responsible opposing views which have not been adequately addressed in the DEIS shall be included. Possible responses in the FEIS include:

(1) Modify alternatives including the proposed action

(2) Develop and evaluate alternatives not previously given serious consideration

(3) Supplement, improve or modify the analyses

(4) Make factual corrections

(5) Explain why the comments do not warrant further response, citing the sources, authorities, or reasons which support such a position, and, if appropriate, indicate those circumstances which would trigger a reappraisal or further response.

b. Where Navy response to comments can be accomplished by referencing sections contained in the DEIS, pertinent sections shall be clearly identified in the response.

c. After preparation of the FEIS, the originator shall again forward a minimum of ten copies of the statement to OP-44E for review and appropriate disposition. Upon approval of the FEIS by the ASN (I&E), OP-44E will notify the action proponent to being public distribution and shall file FEIS with the EPA. EPA will publish the notice of availability in the Federal Register which will start the 30 day public review period. The FEIS will be distributed to recipients of the DEIS and to any person, organization or agency which submitted substantive comments on the DEIS. EPA will publish a notice of availability in the Federal Register each week of the EISs filed the previous week. The minimum time period for FEIS public review will be calculated from the date of public documentation of this notice. Public distribution of FEISs will occur no later than the time that copies are filed with EPA.

5-5.2.3 Record of Decision. No decision which would result in the irretrievable commitment of resources shall be made on a proposed action until the later of the following dates:

a. Ninety (90) days after publication of the Federal Register notice announcing the filing of the DEIS with EPA

b. Thirty (30) days after publication of the Federal Register notice of the filing of the FEIS with EPA

At the time of decision on the proposed action or recommendation to Congress, OP-44E shall prepare a concise ROD under CEQ regulations for approval by SECNAV or his designee. After the ROD has been approved, OP-44E shall arrange for its publication in the Federal Register.

In addition to Federal Register publication, the action proponent shall distribute the ROD to all interested parties.

5-5.2.4 Processing Statements Originated by Other Federal Agencies. Environmental statements originated by other Federal agencies shall be processed as follows:

a. The Federal agency originating the impact statement submits the statement to ASN (I&E)

b. ASN (I&E) refers the statement to OP-44E for review

c. OP-44E, after independent review, and after referring the statement to the command or activity with the expertise for detailed review and return comments, advises ASN (I&E) of the concurrence/nonconcurrence with the statement for the Navy.

5-5.2.5 Public Hearing Under NEPA. In each case where a public hearing is deemed appropriate, OP-44E shall direct that a public hearing be accomplished (see paragraph 5-4.5). The following action shall be taken:

a. Information to be published in the Federal Register shall be forwarded by OP-44E to NJAG at least seven days prior to the scheduled publication date.

b. A Navy public affairs representative, if at all possible, shall monitor the hearing and assist Navy officials in dealing with news media covering the event.

5-5.2.6 CNO Environment Review Panel. The CNO Environment Review Panel shall:

a. Review EAs and EISs upon request of OP-44E.

b. Recommend to OP-44E and ASN (I&E) when in the panel's opinion, DEISs should be submitted to the EPA, other Federal agencies, and to the public for appropriate comment.

c. Recommend to OP-44E whether a FONSI or preparation of an EIS is the appropriate disposition of an EA under review.

The necessity for convening the review panel shall be an option left to the chair. In individual cases and depending upon the individual submission, unanimous panel concurrence is not necessary to decide on the dispensation of a particular assessment.

5-6 Responsibilities

5-6.1 General. Although SECNAV has the ultimate decisionmaking authority, responsibility for compliance with NEPA, as with all environmental responsibilities, rests within the entire Navy chain of command in the same manner as responsibility for developing and, ultimately, implementing the proposed action.

5-6.2 DCNO (Logistics) or designee shall:

a. Implement Navy policy regarding NEPA compliance.

b. Advise commands of the requirement for submitting EAs or EISs. When requested, furnish commands necessary information (i.e list of potentially interested national organizations for scoping process of EISs).

c. Provide review of documents submitted for CNO decision, including EAs and EISs. Make decisions on whether FONSI is appropriate for EAs submitted for CNO review, or if an EIS is required (see paragraph 5-6.4 for exceptions).

d. Coordinate review of selected EAs and statements through the CNO Environmental Review Panel.

e. Coordinate with the CEQ, EPA, the appropriate Assistant Secretaries of Defense, ASN (I&E), and other DoD components and Federal agencies concerned with environmental matters.

f. Coordinate with CHINFO for public release of EAs, EISs, FONSIs, RODs, and corresponding press statements and query responses.

g. Coordinate with JAG to place required notices in the Federal Register.

h. Coordinate with commands to decide feasibility of public hearings under NEPA process.

i. Provide assistance for actions initiated by private persons, state or local agencies, and other non-Navy/DoD entities for which Navy involvement may be reasonably foreseen.

j. Identify major decision points wherein environmental effects shall be considered as associated with naval actions.

5-6.3 Major claimants and commanding officers of shore activities shall:

a. Ensure that all appropriate instructions including those requiring written justification for projects or programs, collectively or separately, involving RDT&E, MILCON, O&MN, NIF, urgent minor construction, land acquisitions, natural resources management, weapons and support system procurement, and special projects, include the requirements for funding and scheduling for environmental documentation, as necessary.

b. Review potential environmental impacts associated with a proposed action at the initial planning stage, such as during the facility study in the instance of MILCON projects and also at each following significant step or decision in the development of a program or project as warranted. The

intent of NEPA is to encourage participation of Federal and state involved agencies and affected citizens in the assessment procedure, as appropriate. The lack of such coordination has been a significant point raised in subsequent litigation as well as causing a gap in information supplied for established review procedures. Accordingly, early contact with those affected shall be encouraged. The establishment of a dialogue in most instances shall be necessary if NEPA is to be implemented. The dialogue shall be sufficiently detailed and documented to identify significant impacts and environmental controversy.

c. Conduct assessments of the environmental effects of current and proposed actions under the criteria of this chapter and send appropriate documentation to OP-44E via the chain of command.

d. Participate in the formulation of, and ensure commitment to, FONSI/ROD conclusions and any mitigation and monitoring requirements established.

e. Complete environmental documentation for training exercises off military property at least 120 days before the authorization of the exercise in question. If it is not possible to prepare the appropriate environmental document within the time periods identified, OP-44E shall be so informed, preferably in writing. Pertinent sections of environmental documents prepared for training maneuvers shall also be incorporated into applicable operational plans.

f. Encourage by all means possible a sense of environmental responsibility and awareness among personnel to implement most effectively the spirit of NEPA. All personnel who are engaged in any activity or combination of activities which significantly affect the quality of the human environment shall be aware of the NEPA responsibility. Only through alertness, foresight, and notification through the chain of command shall NEPA goals be realized.

5-6.4 COMNAVFACENGCOM, or designee, shall be responsible for oversight of EAs for special projects, unspecified minor construction projects, and locally funded projects. That responsibility includes authority to approve and to coordinate the publication and distribution of FONSIs for that select group of project types. However, OP-44E shall be requested to coordinate EA review and publication of the FONSI in the Federal Register for a proposed action (within that select group) of national interest that:

a. Is, or is closely similar to one which normally requires the preparation of an EIS, or

b. The nature of the proposed action is one without precedent.

5-6.5 CNO Environmental Review Panel shall advise and assist the DCNO (Logistics) on EA and EIS matters.

5-6.6 Special Coordination Requirements. Communication and coordination are primary factors in a successful NEPA process and are the responsibility of all concerned. Command counsel and public affairs offices shall be integral parts of a concerted coordination effort. There are, however, several types of actions that require special coordination and, for which, action proponents shall establish coordination early in the NEPA process:

a. Real estate acquisition actions shall be coordinated with OP-44 (Shore Activities Division) and with the Real Estate Division of NAVFACENGCOM.

b. Actions involving the operation of ships and aircraft and those that are concerned with the management of natural resources shall be coordinated with OP-45 (Environmental Protection, Safety, and Occupational Health Division).

c. The Director, Naval Nuclear Propulsion (OP-00N), or designee, is responsible for implementing and carrying out the DON policy for NEPA compliance on nuclear propulsion related actions. Actions involving nuclear propulsion and nuclear-powered ship operation and maintenance shall be coordinated with OP-00N.

CHAPTER 6

AIR POLLUTION PREVENTION ASHORE

6-1 Scope

This chapter is applicable to air emissions from stationary and mobile sources for operations at all shore facilities within the United States, Commonwealth of Puerto Rico, Virgin Islands, Guam, American Samoa, and Commonwealth of the Northern Marianas Islands. Navy policy with respect to activities in foreign countries is provided in paragraph 6-5.1.

Requirements for the control of air emissions from ships are discussed in Chapter 17.

6-1.1 **References.** Relevant references are:

a. 40 CFR 50; Environmental Protection Agency Regulations on National Primary and Secondary Ambient Air Quality Standards (NOTAL)

b. 40 CFR 56; EPA Regulations on Regional Consistency Under the Clean Air Act (NOTAL)

c. 40 CFR 58; EPA Ambient Air Quality Surveillance Regulations (NOTAL)

d. 40 CFR 60; EPA Regulations on New Source Performance Standards (NOTAL)

e. 40 CFR 62; EPA Regulations on State Plans for Designated Facilities and Pollutants (NOTAL)

f. 40 CFR 65; EPA Regulations on Delayed Compliance Orders Under the Clean Air Act (NOTAL)

g. 40 CFR 66; EPA Regulations for Assessment and Collection of Noncompliance Penalties (NOTAL)

h. 40 CFR 69; EPA Special Exemptions from Requirements of the Clean Air Act (NOTAL)

i. 40 CFR 81; EPA Regulations Designating Areas for Air Quality Planning (NOTAL)

j. 40 CFR 82; EPA Stratospheric Ozone Protection Regulations (NOTAL)

k. 40 CFR 87; EPA Regulations on Control of Air Pollution and Aircraft and Aircraft Engines (NOTAL)

l. 40 CFR 372; EPA Toxic Chemical Release Reporting Regulations (NOTAL)

m. Dod Directive 4120.14 of 30 August 1977; Environmental Pollution Prevention, Control, and Abatement (NOTAL)

n. DoD Directive 6050.9 of 13 February 1989; Ozone Depleting Substances (NOTAL)

o. SECNAVINST 5090.5; Ozone Depleting Substances (NOTAL)

p. OPNAVINST 4100.4; Defense Fuel Supply Center (NOTAL)

q. OPNAVINST 5090.2; Ozone Depleting Substances (NOTAL)

r. OPNAVINST 5100.23B; Navy Occupational Safety and Health (NAVOSH) Program Manual (NOTAL).

6-2 Legislation

6-2.1 **Clean Air Act.** The Clean Air Act (CAA) of 1970 identifies several national goals to establish and achieve:

a. National Ambient Air Quality Standards (NAAQS)

b. New source performance standards

c. National emission standards for hazardous air pollutants.

To attain NAAQS, Federal and state ambient air standards are established for each criteria pollutant.

State and local governments develop and implement plans to prevent and control emissions of these pollutants at their sources. CAA also establishes maximum allowable increases of ambient air concentrations for some of the criteria pollutants for areas already attaining NAAQS.

The 1977 amendments to CAA require Federal facility compliance with all applicable substantive and administrative requirements for air pollution control. Applicable requirements are Federal, state, interstate, and local requirements.

CAA provides for direct regulation by EPA and limited regulation by state and local agencies of air emissions from certain categories of new motor vehicles and aircraft. Regulated motor vehicles include sedans, buses, trucks, pickups, and motorcycles. Vessels are not addressed in CAA; however, state and local air emission standards may be applied to ships (Chapter 17).

New CAA amendments are likely to be passed by the 101st Congress. This chapter will be revised after the passage of the expected new laws.

6-2.2 **Emergency Planning and Community Right to Know Act (EPCRA) of 1986.** This Act, also known as the Superfund Amendments and Reauthorization Act (SARA), Title III, in addition to CAA, addresses releases of HM to the environment. EPCRA calls for reporting releases of certain extremely hazardous substances (EHS) to the environment. See Chapters 9 and 11 for detailed requirements.

6-2.3 **Montreal Protocol (Protection of Stratospheric Ozone).** The U.S. is a party to the Montreal Protocol on Substances that Deplete the Ozone Layer. The Montreal Protocol requires that each nation party to the protocol limit its total production and consumption of certain ozone-depleting chlorofluorocarbon (CFC) (including halons) compounds. The EPA has developed regulations governing production, consumption and trade of CFCs. OPNAVINST 5090.2 (NOTAL) provides policies and responsibilities with respect to Navy actions for elimination of ozone depleting substances. Revisions to the Montreal Protocol where agreed to in June 1990. This chapter will be updated accordingly after Senate ratification of the revisions.

6-2.4 **Toxic Substance Control Act (TSCA).** The TSCA, Indoor Radon Abatement Section requires Federal departments to conduct a study of radon levels in Federal buildings and to provide results of the study to the EPA. The EPA will then provide a consolidated report on radon levels in Federal buildings to Congress. Congress upon review of the Federal buildings radon report may pass additional requirements for Federal departments as part of a comprehensive radon abatement program.

6-3 Terms and Definitions

6-3.1 **Air Toxics.** Pollutants that may pose a potential health risk when emitted into the air, but for which the EPA has not established a NAAQS.

6-3.2 **Criteria Pollutant.** Air pollutants for which NAAQS have been established. Criteria pollutants include particulate matter, carbon monoxide, sulfur dioxide, nitrogen oxides, ozone, and lead.

6-3.3 **Hazardous Air Pollutant.** An air pollutant to which no ambient air quality standard is applicable and which in the judgment of the EPA Administrator causes, or contributes to, air pollution which may reasonably be anticipated to result in an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness.

6-3.4 **Radon.** The radioactive gaseous element and its short-lived decay products produced by the disintegration of the element radium occurring in air, water, soil, or other media.

6-3.5 **Stationary Sources.** Any building, structure, facility, or installation which emits or may emit an air pollutant for which a NAAQS is in effect. Stationary sources for which air standards exist include boilers, incinerators, petroleum storage tanks, asphalt concrete plants, firefighting training facilities, sites for open burning of munitions, industrial processes such as plating and cleaning facilities, surface coating operations, spray painting, abrasive blasting, jet engine test cells, and rocket engine test facilities.

6-3.6 **Transportable Equipment.** Transportable equipment is often subject to similar air emission standards that apply to stationary sources. Transportable equipment includes generators, compres-

sors, heaters, asphalt kettles, and other such equipment, which are not self-propelled but are towed or mounted on a trailer or a self-propelled platform.

6-3.7 **Volatile Organic Compound (VOC).** In general, any organic compound that participates in atmospheric photochemical reactions.

6-4 Requirements

6-4.1 **State and Local Air Toxics Programs.** Nearly every state in the contiguous U.S. as well as the District of Columbia, Commonwealth of Puerto Rico, and the Virgin Islands has or is developing an air toxics program. State and local air toxics regulations and guidelines vary greatly. Existing state air toxics programs encompass many activities, including:

a. Case-by-case evaluation of sources as part of other regulatory programs

b. Emission inventory development

c. Federal or state initiative review.

6-4.2 **Control of VOCs.** Regulatory agencies are requiring existing stationary sources to successively reduce hydrocarbon emissions, and in some instances, nitrogen oxide emissions in an effort to reduce ambient ozone levels. If additional control measures are not sufficient to achieve the Federal ozone standard, regulatory agencies can require non-traditional control strategies, including material throughput limitations or emission caps on stationary sources, alternative fuels for mobile sources, and regulation of paints' and coatings' VOC content.

6-4.3 Stationary Sources

6-4.3.1 **Permits.** All persons including Federal agencies operating, modifying, demolishing, or constructing stationary sources will obtain and periodically renew permits as required by Federal, state, or local air pollution control agencies.

6-4.3.2 **Ambient Air Standard Compliance.** Applicants for permits to operate and/or construct air pollution sources will provide, as required by state/local agencies, assurances that the existing or proposed sources will not degrade ambient air quality. Such demonstrations may involve atmospheric dispersion modeling of the effect of emissions on ambient air quality concentrations. The modeling will be performed per EPA regulations and guidance.

6-4.3.3 **New Source Performance Standards (NSPS).** Each new, modified, or rebuilt source will be constructed and operated per either the EPA-issued NSPS standards or more stringent state or local requirements. New sources smaller than the NSPS minimum qualifying size, or for which no NSPS category has been established, will meet applicable state or local standards.

6-4.3.4 **Existing Source Standards.** Existing stationary sources will be brought into compliance with standards within the time frame required by the regulatory agency or as specified by variance or delayed compliance order (DCO).

6-4.4 **Hazardous Air Pollutants.** Sources emitting a designated hazardous pollutant will comply with all requirements of the EPA-issued national emission standards for hazardous air pollutants (NESHAP) or any more stringent state or local requirement. The current air standard issued by NESHAP includes asbestos.

6-4.4.1 **Disposal of Emission Residuals.** Pollutants removed by air pollution control equipment will be disposed of per the requirements of applicable Federal or state regulations.

6-4.5 Mobile Sources

6-4.5.1 **Fuels.** All facilities in the U.S. that dispense fuel for vehicles with catalytic converters will be equipped to dispense unleaded gasoline to such vehicles. Contracts for unleaded gasoline will not exceed limitations prescribed in Federal regulations. Vehicles designed to operate on unleaded gasoline will, under no circumstances, be altered to receive leaded gasoline or be fueled with leaded gasoline.

6-4.6 **Radon Assessment.** Federal facilities must be assessed to determine radon levels in occupied structures. Results of the assessment will be provided to Congress by the EPA.

6-5 Navy Policy

6-5.1 Navy Activities in Foreign Countries. Navy activities in foreign countries shall ensure compliance with environmental standards of general applicability in the host country as modified by SOFAs. Where practical, Navy activities overseas shall encourage the use of unleaded fuels.

6-5.2 Stationary Sources

6-5.2.1 Operating Out of Compliance. Each Navy stationary source unable to achieve timely compliance with applicable emission limitations shall request a variance or other administrative relief from the appropriate regulatory agency to continue operating until compliance can be attained (contact the NAVFACENGCOM EFD for assistance, if needed).

6-5.2.2 Monitoring, Recordkeeping, and Reporting. Where applicable, Navy commands shall comply with monitoring requirements prescribed either in Federal NSPS or state and local standards, DCOs, and permits. Reports shall be provided as required by state or local authorities.

6-5.2.3 Fuel Standards. Navy commands shall comply with Navy and regulatory requirements for sulfur and ash content, and other fuel composition requirements applicable to solid, liquid, and gaseous fuels for stationary fuel-burning equipment.

6-5.3 Hazardous Air Pollutants

6-5.3.1 Qualifying Navy sources of asbestos emissions shall comply with OPNAVINST 5100.23B (NOTAL) in addition to other Federal, state, and local requirements.

6-5.3.2 Open Burning. State implementation plans allow varying degrees of control in open burning for firefighting training and for treatment of explosive waste and other substances when no other feasible alternative exists. The Navy shall comply with applicable requirements, which may include prior approval (verbal or written, including permits) for each occurrence from the responsible regulatory agency, burn period restrictions, and limits on blackness or opacity of smoke emissions.

6-5.3.3 Routine Operations. All routine training exercises and ongoing actions at shore activities shall be planned and executed in a manner that ensures compliance with applicable standards.

6-5.4 Mobile Sources

6-5.4.1 Tampering with Emission Controls. Navy personnel shall be prohibited from permanently removing or rendering inoperative any device, or element of design, which is installed in a government motor vehicle or engine to comply with air quality regulations.

6-5.4.2 Vehicle Inspection and Maintenance (I/M). Navy commands shall comply with vehicle emission I/M requirements in all areas where states or their subdivisions have adopted such regulations. Commands are authorized to develop I/M procedures for their fleet vehicles as a part of normal preventive maintenance programs.

6-5.5 Air Pollution Emergency Episodes. Where required, Navy shore facilities shall have an air pollution emergency episode contingency plan that shall identify all actions that can reasonably be taken without compromising essential services and mission responsibilities. Regional environmental coordinators shall perform the functions of Navy air pollution episode coordinator within air quality control regions, or portions thereof, under their jurisdiction. See paragraph 6-6.3 for regional environmental coordinators' responsibilities as air pollution episode coordinator.

6-5.6 New Source Planning. Navy commands with direct responsibility for planning and designing a new emission source or the modification to an existing source shall coordinate review of the design with responsible EPA, state, or local authorities at the earliest practicable time in the design cycle.

6-5.7 Emission Offset. If issuance of a construction permit is conditional upon emission offsets, negotiate only offsets that are within DON administrative and operational control. Offset options outside Navy jurisdiction shall be considered only after consultation with CNO (OP-45).

6-5.8 Permits. Permitting authorities shall be encouraged to include as many emission sources as

practicable in a single permit to operate. In some cases, one permit to cover all sources under the administrative responsibility of a regional environmental coordinator may be most practical. If several large commands are co-located, a permit issued to each command may be more practical. Regulatory agencies shall be requested to include conditions in a multiple source permit that preclude action against all complying sources in the event one source goes out of compliance.

6-5.9 Use of Noncomplying Fuels

6-5.9.1 In the event of fuel shortage, a shore activity may, on rare occasions, be required to use a fuel that violates fuel composition standards. Activities shall coordinate with appropriate local air pollution control agencies and/or the EPA to obtain a variance or other administrative relief.

6-5.9.2 The policy and guidance of OPNAVINST 4100.4 (NOTAL) shall be followed in dealing with the Defense Fuel Supply Center regarding possible reduction or suspension of operations because of unavailability of fuel.

6-5.10 VOCs. Sources of VOC that shall receive scrutiny by regulatory agencies include organic liquid storage tanks and process transfer equipment, asphalt concrete plants, painting and coating operations, degreasing and paint stripping, and fueling operations. Activities shall consider VOC control options, such as material substitution; raw materials or product reformulation; and as a last resort the application of engineering controls to capture and remove or destroy the VOCs, before they are vented to the atmosphere.

6-5.11 Ozone depleting Substances. Navy commands shall comply with DoD Directive 6050.9 of 13 February 1989 (NOTAL), OPNAVINST 5090.2 (NOTAL), and SECNAVINST 5090.5 (NOTAL) on ozone.

6-5.12 Radon. Naval buildings and housing units occupied over four hours per day shall be tested for the presence of radon gas. Based on EPA's scheduling guidelines, all structures with radon levels over four pico-curies per liter (4 pc/l) shall be mitigated.

6-6 Responsibilities

6-6.1 COMNAVFACENGCOM shall:

a. Revise technical documents and manuals to reflect design, operation, monitoring, and testing parameters required by emission and performance standards and permit requirements for shore facilities.

b. Provide technical assistance to shore commands, as requested, to:

(1) Determine permit and variance requirements, obtain data, and complete applications

(2) Determine and implement requirements for mobile source controls.

c. Develop and provide to activity commanding officers required air applications/permits for preconstruction review/construction of MILCON funded air projects and pay related fees from the funds appropriated and budgeted for the projects. That includes initial source testing for startup of facilities and initial operating permits.

d. Maintain Navy-wide information on location and physical characteristics of Navy stationary sources, including key features of variances and DCOs.

e. Monitor the reporting and permitting requirements of emerging air pollution programs.

f. Identify compliance requirements for new construction by early coordination of all new projects or modifications with appropriate state/local and/or EPA regional office.

g. Identify appropriate emission offsets, where required for new construction, and prepare and coordinate projects to implement offset requirements.

h. Revise technical documents and manuals to reflect design parameters required to reduce radon levels in occupied structures.

i. Manage the Navy Radon Assessment and Mitigation Program (NAVRAMP), providing radon detectors to field installations, analyzing detectors upon return, compiling results, and providing results to EPA and the installations tested.

6-6.2 **Major claimants and subordinate commands** shall:

a. Ensure that activities under their command comply with current Federal, state, interstate, and local air pollution control requirements

b. Include requests for resources to meet air pollution control requirements in POM/budget submissions.

6-6.3 **Regional environmental coordinators** shall perform the functions of Navy air pollution episode coordinator within air quality control regions, or portions thereof, under their jurisdiction. Air pollution episode coordinators shall ensure that air episode plans and actions are consistent in degree and timing for all Navy activities in the affected episode area and also as consistent as possible with plans and actions of other Federal activities and state and local air pollution control authorities.

6-6.4 **Commanding officers of shore activities** shall:

a. Identify and submit environmental compliance projects, per Chapter 3, required to bring air sources into compliance

b. Sign applications for permits related to demolition, preconstruction, and construction phases of projects. Develop applications and pay related fees for non-MILCON projects. Similarly, sign applications and pay related fees associated with operations permits and variances to temporarily operate sources out of compliance with emission limitations.

c. Budget sufficient resources to maintain and demonstrate compliance, including all routine air monitoring and scheduled sampling or testing, and notify state and local authorities, to conform with permit requirements, of all instances of non-compliance

d. Submit, via the chain of command, to CNO (OP-45) all instances in which compliance with fuel standards is impractical

e. Maintain current records of physical, operational, and emission characteristics of air sources

f. Ensure the development of air episode plans as required, and provide copies of plans to cognizant EFD and regional environmental coordinators

g. In episode areas, cooperate with the Navy air pollution episode coordinator, EPA, and state and local air pollution control authorities in the execution of air episode plans

h. Ensure that motor vehicles and other mobile sources comply with applicable emission standards and other requirements

i. Develop and implement transportation control measures as required by state implementation plans

j. Implement, as an adjunct to routine vehicle maintenance programs, vehicle emissions I/M programs as required and ensure corrective maintenance necessary for compliance with emission standards is performed prior to returning vehicles to service

k. Implement and maintain proper adjustments in stationary heating and power plant operations to reduce total emissions. Substantial fuel savings can also result from proper combustion operations and combustion air monitoring.

l. Ensure radon detectors are properly installed in housing units and occupied structures per NAVFACENGCOM guidance.

m. Implement appropriate radon mitigation actions for structures with radon level over 4 pc/l.

CHAPTER 7

WATER POLLUTION PREVENTION ASHORE

7-1 Scope

7-1.1 This chapter identifies requirements and responsibilities relative to the prevention and control of surface and ground water pollution at Navy shore facilities within the United States, Commonwealth of Puerto Rico, Canal Zone, Virgin Islands, Commonwealth of the Northern Marianas Islands, Guam, America Samoa, and the Trust Territory of the Pacific Islands. Navy activities in foreign countries are covered in paragraphs 7-5.1 and 7-5.2.6.

7-1.2 Specific requirements for protection of drinking water supplies are discussed in Chapter 8. Navy response actions for spills of Oil or Hazardous Substance (OHS) in navigable waters are given in Chapter 11. Oil pollution prevention is discussed in Chapter 12. Pollution prevention related to vessel discharges is discussed in Chapter 17.

7-1.3 **References.** Relevant references are:

a. 40 CFR 104; EPA Regulations on Public Hearings on Effluent Standards for Toxic Pollutants (NOTAL)

b. 40 CFR 109; EPA Regulations on Criteria for State, Local, and Regional Oil Removal Contingency Plans (NOTAL)

c. 40 CFR 110; EPA Regulations on Discharge of Oil (NOTAL)

d. 40 CFR 112; EPA Regulations on Oil Pollution Prevention (NOTAL)

e. 40 CFR 113; EPA Regulations on Liability Limits for Small Onshore Oil Storage Facilities (NOTAL)

f. 40 CFR 122; EPA National Pollutant Discharge Elimination System Permit Regulations (NOTAL)

g. 40 CFR 125; EPA Regulations on Criteria and Standards for the National Pollutant Discharge Elimination System (NOTAL)

h. 40 CFR 129; EPA Toxic Pollutant Effluent Standards (NOTAL)

i. 40 CFR 130; EPA Requirements for Water Quality Planning and Management (NOTAL)

j. 40 CFR 230; EPA Interim Regulations on Discharge of Dredged or Fill Material into Navigable Waters (NOTAL)

k. 40 CFR 231; EPA Regulations on Disposal Site Determination Under the Clean Water Act (NOTAL)

l. 40 CFR 403; General Pretreatment Regulations for Existing and New Sources of Pollution (NOTAL)

m. 40 CFR 413-415, 417, 433; EPA Effluent Guidelines and Standards (NOTAL)

n. 40 CFR 504; State Sludge Management Program Regulations (NOTAL)

o. DoD Directive 4120.14 of 30 August 1977; Environmental Pollution Prevention, Control and Abatement (NOTAL).

7-2 Legislation

7-2.1 **Clean Water Act (CWA) (formerly referred to as the Federal Water Pollution Control Act (FWPCA)).** Under the CWA, EPA is required to identify the conventional, nonconventional, and toxic pollutants, and the degrees of technology which must be applied to remove these pollutants from point and nonpoint sources of wastewater. Point source discharge requirements are implemented through the National Pollutant Discharge Elimination System (NPDES), a nationwide permit program administered by EPA, or by state programs

with NPDES permitting authority. The CWA also authorizes EPA to promulgate pretreatment standards for industrial sources discharging effluent to publicly owned treatment works (POTWs).

7-2.2 **CWA and Marine Protection, Research and Sanctuaries Act (MPRSA) (Ocean Dumping Act).** Provide for the protection of contiguous zone waters from sewage sludge discharges and direct dumping. The MPRSA, through an ocean dumping permit program, provides procedures for the intentional disposal and/or abandonment of material into ocean waters.

7-2.3 **Safe Drinking Water Act (SDWA).** Requires EPA to set national primary drinking water standards and provides for direct control of underground injection of fluids that may affect ground water supplies. States assume the predominant role in executing groundwater protection programs. EPA has direct responsibility only if a state chooses not to participate in the underground injection control program.

7-2.4 **CWA, Rivers and Harbors Act of 1899, and MPRSA.** Distribute authority among EPA, the Army Corps of Engineers (COE), and the states to regulate dredge and fill operations and dredge/fill material disposal. EPA establishes the criteria and guidelines for protecting the nation's waters from contamination by dredged or fill material. The COE administers permit programs for dredge and fill operations in wetlands and waterways and construction activities in navigable waters. States, when approved by EPA, administer permits for discharge of dredged and fill material.

7-2.5 **Coastal Zone Management Act (CZMA).** Administered by the Department of Commerce, the CZMA provides grants to coastal states for the establishment of land use plans designed to preserve coastal resources. The Act also plays a significant role in water pollution abatement, particularly with regard to nonpoint source pollution. State coastal zone management programs frequently incorporate flood control, sediment control, grading control, and storm water runoff control statutes. Under CZMA, Federal actions that have a direct impact on the coastal zone must be consistent to the maximum extent practicable with the state program. As a result of their inclusion in state CZMA programs, these state statutes must be considered when addressing water pollution impacts of Navy projects.

7-3 Terms and Definitions

7-3.1 **Discharge.** Includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying or dumping, but excludes certain cases under CWA Section 402.

7-3.2 **Discharge of a Pollutant.** Any addition of any pollutant to:

a. Navigable waters from any point source, or

b. The waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft.

7-3.3 **Disposal Operations.** Disposal may consist of land disposal, with or without corresponding runoff to a navigable water, disposal into a navigable water, or ocean dumping. The introduction of dredged or fill material into any waters by any means constitutes disposal.

7-3.4 **Dredge and Fill Operations.** Dredge and fill operations encompass construction or other work involving excavation or discharge of dredged or fill material in waters of the U.S.

7-3.5 **Industrial Wastewater Pretreatment Process (IWPP).** Wastewater treatment process for industrial operations that discharges pollutants to a POTW or Navy owned treatment works (NOTW).

7-3.6 **Industrial Wastewater Treatment Plant (IWTP).** Industrial wastewater treatment facility that discharges pollutants directly to waters of the U.S.

7-3.7 **National Pollutant Discharge Elimination System.** A national program mandated by the CWA and requiring that a permit be obtained for the discharge of pollutants from any point source into waters of the U.S. Program may be administered by authorized state when authorized by EPA.

7-3.8 **Navigable Waters of the United States.** The waters of the U.S., including the territorial seas.

7-3.9 **Navy Owned Treatment Works.** Navy owned wastewater treatment facilities that treat domestic and pretreated industrial wastewaters. NOTWs are not POTWs for purposes of regulation.

7-3.10 **Nonpoint Source Discharges.** Discharges of pollutants from other than a point source. The most common Navy nonpoint sources include storm water run-off from agricultural and rangeland leases, construction areas, industrial areas, residential and commercial areas, impact zones, and training areas.

7-3.11 **Point source.** Point source means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel, or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.

7-3.12 **Pollutant.** Includes dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological material, radioactive materials (other than those regulated as source, by-product, or special nuclear material (SNM) under the Atomic Energy Act of 1954, as amended), heat, wrecked or discarded equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste discharged into water.

7-3.13 **Territorial Seas of the United States.** For the purpose of the CWA, the belt of the seas measured from the line of ordinary low water along that portion of the coast which is in direct contact with the open seas and the line marking the seaward limit of inland waters, and extending seaward a distance of three miles. (For international law purposes, the territorial sea extends to 12 n.m.)

7-3.14 **Toxic Pollutant.** A pollutant that has been listed by the EPA as toxic and one which could cause death, disease, behavioral abnormalities, cancer, genetic mutations, physical deformities, or physiological malfunctions and is subject to effluent limitations resulting from application of best available technology economically achievable (BATEA).

7-3.15 **Underground Injection.** The subsurface emplacement of fluids through a bored, drilled or driven well; or through a dug well, where the depth of the dug well is greater than the largest surface dimension. Under the EPA definition, a septic tank tile-field system is not included. Surface impoundments where the depth is less than the largest surface dimension and where the principal function is subsurface emplacement of fluids may also be excluded.

7-4 Requirements

7-4.1 General

7-4.1.1 The CWA and SDWA require compliance by Federal facilities with all requirements, substantive or procedural, applicable to point sources and nonpoint sources of water pollution. "Applicable requirements" means independent or concurrent to Federal, state, interstate, and local requirements.

7-4.1.2 To discharge any pollutant, after established compliance dates, that does not comply with effluent standards, treatment technology requirements, or other procedural or substantive requirements is unlawful. The discharge of radiological, chemical, or biological warfare agents or high-level radioactive waste is entirely prohibited.

7-4.2 Point Source Control

7-4.2.1 **Discharge Permits.** Permits are required for all point source discharges to navigable waters. Discharges will comply with all terms or conditions of EPA, state, or local-issued permits.

For all discharge points located in states that do not have authority to issue NPDES permits to Federal facilities, permits will be requested from and issued by EPA. If the state has a non-NPDES permit program, point sources will, when required, obtain a state permit as well as an EPA permit.

For all discharge points located in states that do have an EPA-approved NPDES program for Federal facilities, permits will be requested from and issued by the appropriate state agency.

Applications for permit renewal will be filed before the minimum lead time required by the permitting agency. All permit applications will be in the form format prescribed by the permitting agency.

Any monitoring records, including all original strip chart recordings for continuous monitoring, instrumentation and calibration, maintenance records, and all laboratory test results under sampling, will be retained for a minimum of three years at the activity where monitoring is performed if not otherwise prescribed, or as necessitated by pending litigation.

7-4.2.2 **Industrial Wastewater Treatment/Pretreatment.** Industrial wastewater discharges to POTWs are subject to national categorical pretreatment standards that have been developed for numerous industry categories. These standards are specified as new source performance standards and existing source performance standards. POTWs and NOTWs can impose more stringent limitations if necessary to protect the POTW or NOTW from damage, protect sludge disposal practices, protect human health, or comply with the treatment plant or NOTW's discharge permit. The inability of a treatment plant to continually meet its discharge permit limits due to failure of industrial users to pretreat can result in enforcement actions against both the operators of the treatment works and the industrial user.

7-4.2.3 **Discharges to NOTWs and POTWs.** Discharges to NOTWs and POTWs will meet all applicable general and categorical pretreatment standards. After the effective date of any new pretreatment standards for toxic substances, affected sources will comply within the time frame designated by the appropriate agency. Controls over discharges to municipal or regional treatment works will be through local ordinances, sewer use contracts, and possibly discharge permits. Requirements applicable to ship discharges to treatment works are in Chapter 17.

Dischargers to treatment works will notify the operator of such works of any substantial change in quantity or type of pollutants discharged into the treatment works; and any anticipated impacts of such changes on the effluent discharged from the treatment works or on the disposal of the treatment plant sludge.

7-4.2.4 **Storm Water Discharges.** Storm water discharges are subject to Federal, state, or local permitting. The 1987 amendments to the CWA establish NPDES permits to regulate storm water discharges associated with industrial activity; these regulations generally become effective in October 1992. States can require permits prior to October 1992 if the state determines that the runoff can impact the receiving body. Close coordination with Federal and state regulatory agencies is essential to determine applicable requirements for toxic and nonconventional pollutants and best conventional technology (BCT) limitations for conventional pollutants.

7-4.2.5 **Hazardous Pollutant Discharges.** Hazardous waste (HW) (as defined under RCRA) are often discharged to a treatment facility permitted under the CWA. If the treatment facility is "permitted by rule" (categorically listed in an EPA regulation), then a separate permit is not needed. Addition or discharge of HW to a treatment facility permitted under the CWA may require the treatment facility to also obtain a HW treatment permit (see Chapter 9). Spill responses are discussed in Chapters 11 and 12.

7-4.2.6 **Sludge Disposal.** Discharge of treatment plant sludge into navigable waters will comply with permit conditions. Incineration of treatment plant sludge will comply with air and HW requirements (see Chapters 6 and 9). Land disposal of treatment plant sludge will comply with applicable CWA and RCRA requirements (see Chapters 9 and 10).

7-4.2.7 **Waste Disposal Sites.** Surface water runoff and leachate from waste disposal sites will conform to applicable requirements specified for disposal of solid waste (Chapter 10) or HW (Chapter 9).

7-4.3 **Groundwater Protection.** The SDWA establishes a permit system for controlling the direct contamination of groundwater. Surface impoundments not covered by the SDWA may be regulated by states or EPA under the CWA or RCRA. Any discharges to state groundwater will meet applicable requirements.

7-4.4 **Dredge and Fill Operations**

7-4.4.1 **Permits.** Applications will be made to the COE for a permit to construct a structure in or to

otherwise alter or modify navigable waters or wetlands. Application for a dredge/fill operation also requires an application for a permit to discharge the material, unless the discharge is permitted under a general permit.

Applicants will have to obtain a certification from the state in which the permitted action is to take place that such actions will comply with applicable state effluent limitations, water quality related effluent limitations and standards, water quality implementation plans, and toxic effluent limitations. This will be done either as a part of the COE permit or independently if no COE permit is issued because of a nationwide or general permit. Applications will also include any appropriate state monitoring requirements.

COE and states with EPA approved dredging control programs may issue a general permit applicable for five years to categories of similar actions, on a state, regional, or nationwide basis, that will cause minimal environmental effects either singularly or cumulatively.

7-4.4.2 **Permit Exemptions.** Projects for which an EIS has been written and submitted to Congress and that have specific congressional authorization do not require COE or state permits.

Projects covered by a nationwide general permit require COE notification; but do not require individual permits, although, on a case-by-case basis, some additional individual requirements may be applied by COE or states.

7-4.4.3 **Discharges of Dredged or Fill Material.** Discharges of dredged or fill material into waters under COE jurisdiction will comply with Federal regulations. Disposal by ocean dumping requires a COE permit and compliance with EPA requirements.

Discharges to waters under the jurisdiction of states will comply with applicable permits and discharge regulations, including state fee schedules.

Disposal site selection may entail field sampling and analyses. Elutriate and/or bioassay test may be required to determine if the proposed dredged materials should be classed as polluted or unpolluted. Other surveys, including site monitoring, may be required at disposal sites before, during, and after disposal.

7-4.5 **In-water Construction.** The COE generally requires a permit for any in-water construction. States under the CWA can require a state water quality permit (or similar permit) for in-water construction regardless of whether a COE permit is required.

7-4.6 **Nonpoint Source Control.** Nonpoint source (also see Chapter 19) discharges will conform to best practicable management procedures as defined by EPA guidelines or state or regional plans under Section 208 of the CWA.

7-5 Navy Policy

7-5.1 **Navy Activities in Foreign Countries.** Navy activities in foreign countries shall ensure compliance with environmental standards of general applicability in the host country as modified by SOFAs.

7-5.2 **Point Source Reduction**

7-5.2.1 Navy policy shall be to reduce or eliminate wastewater treatment needs by elimination or reduction of volume and pollutants at the source.

7-5.2.2 The use of POTW collection and disposal systems is the preferred method of disposal of wastewater from shore activities whenever life cycle costs indicate such use to be most economical. Economic considerations shall include any capital cost contributions to the municipality for prorata share of system capacity, continuing user fees and surcharges, and any costs of pretreatment.

7-5.2.3 The construction and operation of NOTWs is authorized whenever use of a municipal system or other alternatives are not feasible or appropriate.

7-5.2.4 **Pretreatment Required.** Discharges to POTWs and NOTWs shall meet all general and applicable categorical pretreatment standards. NOTWs shall develop pretreatment programs to cover all known dischargers to the NOTW.

7-5.2.5 **Discharges from Navy Owned Treatment Plants.** NOTWs discharging to U.S. waters shall apply for and operate under Federal and state discharge permits and shall achieve secondary treatment and other effluent limitations as prescribed by discharge permits.

Navy owned IWTPs and other industrial processes discharging to U.S. waters shall comply with the applicable best practicable control technology (BPCT) or best available technology (BAT) standards and any other effluent limitations prescribed by discharge permits. Such sources, although in compliance with a discharge permit at the time of promulgation of new toxic effluent standards, are not automatically in compliance with the new standards. Where compliance dates are not established by permit renegotiation, affected sources shall comply with applicable toxic standards within one to three years, as specified by EPA or the state at the time of promulgation.

7-5.2.6 Navy treatment plant and collection system operators shall meet operator certification requirements of the state in which the treatment plant is located. Appropriate job descriptions for Navy treatment plant and collection system operator billets shall require a state certification or license as a condition of employment under Federal Personnel Manual, Supplement 271-1, Subchapter 3-4, License and Credentials (NOTAL). Overseas, commanding officers shall ensure that Navy treatment plant and collection system operators receive equivalent training and certification.

7-5.3 **Dredge and Fill Operations.** Navy activities proposing to undertake any action requiring COE permitting shall apply through the cognizant NAVFACENGCOM EFD to the COE District Engineer in the district where the proposed action is to be performed.

7-5.3.1 Permits for maintenance dredging shall include a permit expiration date that in no event will extend more than 10 years from the issue date. Requests for renewal from COE shall be filed with the cognizant District Engineer at least two years before expiration.

7-5.3.2 Early planning for dredge spoil disposal site selection, preparation, and use is essential. An Environmental Assessment (EA) shall be prepared by the sponsoring Navy activity and reviewed under Chapter 5 for each MILCON project involving a change to the width or depth of a channel or other water body.

7-5.3.3 Existing dredge spoil disposal sites, approved by COE, shall be used wherever possible. Proposed new dredge spoil disposal sites shall be identified to the cognizant COE District Engineer for evaluation and approval from two to two and a half years before project initiation.

7-5.4 **In-water Construction.** Navy activities shall ensure compliance with appropriate Federal and state regulations.

7-6 Responsibilities

7-6.1 COMNAVFACENGCOM shall:

a. Develop and provide applications and permits to activity commanding officers for construction and initial operation of MILCON funded projects, in-water construction, and all dredge/fill projects and pay related fees from the funds appropriated and budgeted for the projects.

b. Revise appropriate design criteria and manuals for treatment plant construction and operation to satisfy all environmental requirements including effluent limitations (including pretreatment limits if discharging to a POTW or NOTW), operating parameters and operator training.

c. Assist all commands, as requested, in identifying applicable effluent standards and the proper control technologies and best management practices.

d. Coordinate the review of all projects for the construction of new treatment works with the appropriate state and EPA regional offices to ensure early identification of siting restrictions, effluent limitations, and sampling and assessment requirements.

e. Maintain liaison with COE to facilitate dredge and fill project planning, preparation of EAs/EISs, and disposal site approval.

7-6.2 **Commanding officers of shore activities** shall:

a. Review and sign all applications for permits to construct wastewater treatment facilities; obtain, renew, and pay for all recurring discharge permits.

b. Provide the resources for operation performance monitoring, sampling, and testing, as well as for maintaining and demonstrating compliance with permit and pretreatment requirements and maintain records of all monitoring information.

c. If discharging to a POTW or NOTW:

(1) Comply with all applicable pretreatment requirements.

(2) Notify operators of treatment works of any changes to discharges or accidental discharges of pollutants.

d. If responsible for operation of a NOTW, IWTP, or IWPP:

(1) Notify the cognizant permitting agency of any changes in wastewater influent that may affect the ability of the plant to comply with applicable discharge requirements.

(2) Provide resources (tuition, travel, per diem) for training operators of treatment works and ensure compliance with applicable state certification requirements.

(3) Operate and maintain treatment works to ensure effluent discharges comply with applicable permit requirements.

(4) Develop pretreatment programs to control all industrial discharges to a NOTW.

e. Identify and submit environmental compliance projects, per Chapter 3, required to bring wastewater sources into compliance with applicable non-routine, nonrecurring requirements.

f. Obtain all necessary in-water construction permits.

CHAPTER 8

DRINKING WATER SYSTEMS AND WATER CONSERVATION

8-1 Scope

8-1.1 This chapter identifies requirements and responsibilities for protection of the quality of Navy drinking water and the conservation of water in the United States, Commonwealth of Puerto Rico, Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Marianas Islands. Navy policy with respect to foreign countries is provided in paragraphs 8-4.5, 8-5.1, and 8-5.3.

8-1.2 References. Relevant references are:

a. 40 CFR 141-143; EPA National Drinking Water Regulations (NOTAL)

b. 40 CFR 148; EPA Regulations on Hazardous Waste Disposal Restrictions for Class I Wells (NOTAL)

c. Dod Directive 6230.1 of 24 April 1978; Safe Drinking Water (NOTAL).

8-2 Legislation

8-2.1 Safe Drinking Water Act (SDWA). Specifies a system for the protection of drinking water supplies through establishment of contaminant limitations and enforcement procedures. EPA has two kinds of promulgated contaminant limitations:

a. Primary drinking water standards to protect public health. The six categories of primary drinking water contaminants are:

(1) Inorganic chemicals

(2) Organic chemicals

(3) Turbidity

(4) Microbiological

(5) Natural radioactivity

(6) Man-made radionuclides

b. Secondary drinking water standards that establish secondary maximum contaminant levels (MCL) for 13 contaminants which may affect the odor or appearance of the drinking water.

SDWA requires each state to adopt a program to protect wells within their jurisdiction from contamination.

States have primary responsibility to enforce compliance with national primary drinking water standards and sampling, monitoring, and notice requirements.

SDWA requires each Federal activity with jurisdiction over a public water system to comply with applicable Federal, state, or local requirements, whether substantive or administrative.

8-3 Terms and Definitions

8-3.1 Public Water System. Any collection, treatment, storage, or distribution facility for the provision of piped water for human consumption, provided that the system for which it exists has at least 15 service connections or regularly serves an average of at least 25 individuals daily for at least 60 days per year.

8-3.2 Maximum Contaminant Level (MCL). MCL means the maximum permissible level of a contaminant in water which is delivered to the free flowing outlet of the ultimate user of a public water system, except in the case of turbidity where the maximum permissible level is measured at the point of entry to the distribution system. Contaminants added to the water under circumstances controlled by the user, except those resulting from corrosion of piping and plumbing caused by water quality, are excluded from this definition.

8-4 Requirements

8-4.1 **General.** Public water systems are required to comply with contaminant limitations and monitoring and enforcement procedures contained in the National Primary Drinking Water Regulations, or state requirements where the state has enforcement authority. Meeting of secondary standards is advisable, but not mandatory.

8-4.2 **Sampling and Analysis.** Initial sampling to characterize each specified contaminant (and any required subsequent sampling) must be conducted within required time frames and at the frequencies specified. Sample analyses are performed in laboratories certified by EPA or cognizant state.

8-4.3 **Records.** Records of bacteriological analyses must be retained for five years; chemical/physical analyses, ten years.

8-4.4 **Noncompliance Monitoring and Reporting.** Commands operating public water systems must report to EPA regional offices or the cognizant state instances of noncompliance with primary national standards, variances or exemptions, including failure to comply with sampling/monitoring requirements. Noncompliance conditions must be reported to all persons served by the public water system and to the Navy chain of command. The timing and means for all notifications are prescribed in EPA regulations or applicable state/local regulations.

8-4.5 **Prohibition on Use of Lead Pipe, Solder, and Flux.** The use of lead pipe, solder, or flux in the installation or repair of any public water system or plumbing in residential or non-residential facilities providing water for human consumption is prohibited. Solders and flux are considered lead free if they contain less than 0.2 percent lead; pipes and fittings are considered lead free if the lead content is less than 8.0 percent. The prohibition also applies overseas.

8-4.6 **Lead in Drinking Water.** The EPA issued a guidance document in January 1989 entitled, "Lead in School's Drinking Water". EPA has asked states to use the guidance to establish water testing programs for schools. EPA has set an action level of 20 parts per billion (ppb) for lead in school drinking water in its guidance document.

8-4.7 **Cross-Connection and Backflow Prevention.** Cross-connection control programs will apply to both interior building domestic and fire protection plumbing systems as well as exterior water distribution systems. These programs help assure compliance with primary and secondary drinking water standards through establishing policy, procedures, and instructions for installing, repairing, maintaining, inspecting, and testing backflow prevention devices.

8-4.8 **Public Notification.** The owner or operator of a public water system which fails to comply with an applicable MCL or which fails to comply with the requirements of any schedule prescribed pursuant to a variance or exemption will notify persons served by the system.

8-5 Navy Policy

8-5.1 **Applicability to Navy Activities in Foreign Countries.** Navy activities in foreign countries are not, in general, subject to U.S. procedural requirements. However, drinking water systems at foreign activities shall be managed and controlled in substantially the same manner (i.e., in a manner equivalent to that in the U.S. as modified by applicable SOFAs) to ensure protection of public health.

8-5.2 **Navy policy** shall be to:

a. Comply with applicable Federal, state, and local safe drinking water regulations.

b. Provide appropriate public notification.

c. Promote water conservation.

d. Implement testing requirements to determine the extent of lead exposure from drinking water at shore facilities.

8-5.3 **Water System Operator Certification.** Navy water system operators shall meet certification requirements of the state in which the system is located. Job descriptions for new or vacant Navy water system operator billets shall require a state certification or license as a condition of employment per the Federal Personnel Manual, Supplement 271-1 Subchapter S3-4, License and Credentials

(NOTAL), at all facilities where state certification requirements are applicable. Overseas commanding officers shall ensure that water systems operators receive equivalent training and certification.

8-5.4 **Lead in Drinking Water.** All major claimants shall have a program to sample drinking water coolers for lead at all shore facilities. The sampling shall be conducted using a protocol developed by COMNAVFACENGCOM in April 1990. Initial screening, per the protocol, is required of all drinking water coolers with full protocol sampling of those coolers which have an initial sampling level of greater than 20 ppb. If full protocol sample results are greater than 20 ppb, and the drinking water cooler is determined to be the source of the lead, the cooler shall be immediately removed from service. In cases where sampling results are greater than 20 ppb but the drinking water cooler is not the source of the elevated lead levels, the cooler shall be secured and action taken to reduce the lead levels in drinking water system supplies.

In addition to coolers, all other drinking water outlets in priority areas such as, schools, day care centers, and hospital pediatric wards, maternity wards, and kitchen areas located on, or serviced by, Navy activities shall be initially screened using an EPA draft protocol, "Suggested Sampling Procedures to Determine Lead in Drinking Water in Buildings Other Than Single Family Homes" dated June 1988. If initial screening results exceed 20 ppb, affected outlets shall undergo full protocol sampling. If full protocol sampling exceeds 20 ppb, the affected water outlets shall be secured from service or permanent corrective measures instituted.

Following guidance from EPA, a copy of all test results shall be made available to the public (at the school) for all schools and day care centers where testing has been conducted. A notice of availability of the testing results shall be sent to affected parents. COMNAVFACENGCOM shall issue guidance for activity public affairs officers.

Activities which purchase water from an outside source, such as municipal or private water supplier, shall notify the supplier of high lead levels (greater than 20 ppb) as confirmed by full protocol sampling. Activities operating their own well or other drinking water source, and where necessary, activities supplied by outside sources shall implement interim or permanent lead mitigation measures to reduce lead levels where full protocol sampling confirms that lead levels exceed 20 ppb in drinking water outlets at priority areas.

Activities that are owners or operators of a public water system must notify EPA and, where applicable, state and local agencies of instances where lead in drinking water exceeds 50 ppb.

8-5.5 **Cross-Connection and Backflow Prevention.** Commands operating public water systems shall comply with all Federal, state, and local regulatory requirements regarding the preparation and implementation of cross-connection control programs.

8-5.6 **Navy Water Conservation Program.** A phased, Navy-wide program for conservation of water including leak detection shall be implemented with initial emphasis on the use of water in Navy industrial processes. The priorities of the program are economic payback and conservation of water as a declining resource.

8-6 Responsibilities

8-6.1 COMNAVFACENGCOM, via EFDs, shall:

a. Provide technical assistance, including requirements for cross connection control, to major claimants and activities in carrying out the requirements of this chapter.

b. Maintain management information, including a current inventory of Navy public water systems and any violation of safe drinking water standards.

c. Provide technical advice and prepare appropriate manuals or other forms of guidance for implementing water conservation within the Navy.

d. Manage the Navy's lead in drinking water program and coordinate actions of the other major claimants.

e. Provide assistance to shore activities through the EFDs for testing of drinking water outlets and selecting lead mitigation methods.

8-6.2 CHBUMED shall:

a. Revise instructions and other appropriate documents to reflect Navy requirements.

b. Establish and publish appropriate additional standards of water quality and monitoring requirements for Navy drinking water systems afloat and overseas.

c. Provide health related advice to Navy commands in carrying out their responsibilities for drinking water quality and distribution.

d. Ensure all personnel who collect samples and perform potable water system analyses are certified to do so per applicable Federal, state, and local regulations.

e. Ensure that health and safety issues are addressed for all lead mitigation measures considered by COMNAVFACENGCOM, especially chemical addition used to reduce lead in drinking water.

8-6.3 Major claimants shall:

a. Implement the lead in drinking water program at their shore activities

b. Budget and provide funding for testing drinking water outlets and implementing interim lead mitigation measures.

8-6.4 Commanding officers of shore activities shall:

a. Budget sufficient resources for recurring, routine operations, maintenance, and repair of drinking water systems in compliance with applicable standards, sampling/monitoring, reporting, record-keeping, and other substantive and administrative requirements, including BUMED requirements

b. Comply with EPA, state, and local drinking water requirements and with BUMED drinking water quality requirements overseas

c. Review the various uses of water at their activities to ensure that all economically practical water conservation measures are taken

d. Provide for the proper operation and maintenance of water meters, water saving devices, water reuse/recycle systems, and backflow protection devices

e. Provide resources (tuition, travel, per diem) for training operators of public water systems and ensure compliance with applicable state certification requirements

f. Identify and submit compliance projects per Chapter 3, for non-routine,nonrecurring requirements.

g. Sample drinking water outlets at their activity and report the results to the cognizant EFD. Notify the EPA and state and local agencies, if appropriate, where lead in drinking water at an activity owned or operated public water system exceeds 50 ppb.

h. Notify activity personnel in priority areas of lead testing results

i. Implement lead mitigation measures where appropriate

j. Ensure that plumbing repairs made to activity drinking water systems use lead free materials.

CHAPTER 9

HAZARDOUS WASTE AND PCB MANAGEMENT ASHORE

9-1 Scope

This chapter identifies requirements and responsibilities applicable to the prevention of pollution from hazardous material (HM), hazardous waste (HW), and polychlorinated biphenyls (PCBs) at Navy shore facilities within the United States, Commonwealth of Puerto Rico, Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Marianas Islands. Navy policy with respect to activities in foreign countries is provided in paragraphs 9-4.3.5 and 9-5.2.4. Chapter 17 deals with shipboard HM/HW management.

9-1.1 References. Although this chapter deals primarily with environmental compliance, an effective, overall program for the management and control of HM and HW must integrate environmental compliance with occupational safety and health policy. Relevant references are:

a. 29 CFR 1910.120; Occupational Safety and Health Administration (OSHA) Regulations on Hazardous Waste and Emergency Response (NOTAL)

b. 29 CFR 1910.1200; OSHA Hazard Communication Standard (NOTAL)

c. 40 CFR 116-117; EPA Regulations on Hazardous Substances (NOTAL)

d. 40 CFR 122-124: 260-270; EPA Regulations Implementing RCRA (NOTAL)

e. 40 CFR 125; Best Management Practices Criteria Under CWA (NOTAL)

f. 40 CFR 280; Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks (NOTAL)

g. 40 CFR 350; Trade Secrecy Claims for Emergency Planning and Community Right-To-Know Information and Trade Secret Disclosures to Health Professionals (NOTAL)

h. 40 CFR 370; EPA Hazardous Chemical Reporting and Community Right-To-Know Requirements (NOTAL)

i. 40 CFR 372; EPA Toxic Chemical Release Reporting Regulations (NOTAL)

j. 40 CFR 760-761; EPA Regulations for Controlling PCBs (NOTAL)

k. 49 CFR 100-199; Department of Transportation Hazardous Materials Regulations (NOTAL)

l. Dod Directive 4001.1 of 4 September 1986; Installation Management (NOTAL)

m. DoD Directive 4145.19 of 13 August 1975; Storage and Warehousing Facilities and Services (NOTAL)

n. DoD Directive 4210.15 of 27 July 1989; Hazardous Material Pollution Prevention (NOTAL)

o. DoD Directive 6050.8 of 27 February 1986; Storage and Disposal of Non-DoD Owned Hazardous and Toxic Materials on DoD Installations (NOTAL)

p. OPNAVINST 4110.2; Hazardous Material Control and Management (HMC&M) (NOTAL)

q. OPNAVINST 5100.23B; Navy Occupational Safety and Health (NAVOSH) Program Manual (NOTAL)

r. SECNAVINST 5191.1; Storage and Disposal of Non-DoD-Owned Hazardous and Toxic Materials on DON Installations (NOTAL)

s. National Fire Codes, 307 Chapter 7; Hazardous Materials Storage (NOTAL)

NOTE

OPNAVINST 4110.2 describes the Navy integrated logistics approach for effective HM control and management. This chapter complements that policy by providing mandatory elements for an effective HW management and minimization program.

9-2 Legislation

9-2.1 Hazardous Waste. The Resource Conservation and Recovery Act (RCRA, also known as the Solid Waste Disposal Act) regulates the management of solid waste and HW. The Hazardous and Solid Waste Amendments (HSWA) of 1984 amended RCRA to include the cleanup through corrective action of past releases of HW at RCRA-regulated facilities. RCRA provides for cradle-to-grave tracking of HW through a recordkeeping system that requires the manifesting of HW shipments from point of generation to ultimate disposal. HW treatment, storage, and disposal (TSD) facilities are regulated through the issuance of operating permits. RCRA provides that EPA may delegate authority to states to regulate HW under state law in lieu of RCRA. Irrespective of whether EPA has delegated HW authority to a state, state HW substantive and procedural requirements, including the requirement to obtain state permits, are applicable to Navy facilities pursuant to the RCRA waiver of sovereign immunity.

9-2.2 Hazardous Materials. HM is governed by several sets of requirements including the Hazardous Materials Transportation Act, OSHA, the Clean Water Act (CWA), the Clean Air Act (CAA), RCRA, HSWA, the Toxic Substance Control Act (TSCA), the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), and the Emergency Planning and Community Right-to-Know Act (EPCRA).

9-2.3 Polychlorinated Biphenyls. TSCA prohibits the manufacture, processing, and distributing in commerce of PCBs, except as exempted by EPA. TSCA also prescribes that use, marking and disposal of PCBs shall be strictly regulated by the EPA. TSCA generally bans the use, manufacture, processing, and distribution in commerce of PCBs. TSCA and the PCB regulations also strictly regulate the marking, storage, and disposal of PCBs. Regulations issued pursuant to TSCA require generator identification numbers and the manifesting of PCB wastes. Also, some state RCRA programs, particularly in the area of disposal, place additional restrictions on the handling of PCBs.

9-3 Terms and Definitions

9-3.1 Hazardous Material or Hazardous Substance (HS). Any material, which because of its quantity, concentration or physical, chemical or infectious characteristics may pose a substantial hazard to human health or the environment when released or spilled to the environment. In the case of ships, it includes HM turned into store (HMTIS) and HM turned into disposal (HMTID).

Designation of a material by this definition, when separately regulated or controlled by other instructions or directives, does not eliminate the need for adherence to that hazard-specific guidance which takes precedence over this instruction for control purposes. Such materials include ammunition, weapons, explosives and explosive-actuated devices, propellants, pyrotechnics, chemical and biological warfare materials, medical and pharmaceutical materials, medical waste and infectious materials, bulk fuels, radioactive materials, and other materials such as asbestos and mercury. Nonetheless, the foregoing materials should be considered hazardous to the extent personnel exposure may occur incident to manufacture, storage, use, and demilitarization of these items.

9-3.2 Hazardous Materials Turned Into Disposal. Shipboard non-usable HM awaiting transfer to a shore activity for disposal.

9-3.3 Hazardous Materials Turned Into Store. Full, properly sealed containers of usable HM in excess of a ship's needs awaiting transfer to a supply stock point for possible credit and redistribution.

9-3.4 Hazardous Waste. Any waste material, liquid, solid, or gaseous, that because of quantity, concentration, or physical or chemical characteristics, may:

a. Cause or significantly contribute to an increase in mortality or to a serious irreversible, or incapacitating reversible illness

b. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of or otherwise managed.

This excludes infectious and radioactive waste; if infectious or radioactive wastes are mixed with an EPA/state regulated HW then the hazardous constituents remain regulated as a HW. HW does not include HM with an expired shelf-life unless designated as such by a Defense Reutilization and Marketing Office (DRMO).

9-3.5 **Hazardous Waste Generator.** Any facility, by site, whose act or process produces HW or whose act first causes a HW to become subject to regulation.

a. Class I Generator. Monthly generation quantity of 1000 kilograms (kg) (2200 pounds (lbs)) or more HW or 1 kg (2.2 lbs) or more acute HW.

b. Class II Generator. Monthly generation quantity of 100 - 1000 kg (220 - 2,200 lbs) HW and less than 1 kg (2.2 lbs) acute HW.

c. Class III Generator (Conditionally Exempt Small Quantity Generator). Monthly generation quantity less than 100 kg (220 lbs) HW and less than 1 kg (2.2 lbs) acute HW.

9-3.6 **In or Near Commercial Buildings.** Within the interior of, on the roof of, attached to the exterior wall of, in an adjacent parking area serving, or within 30 meters of a non-industrial, non-substation building. Commercial buildings include:

a. Civilian or Navy personnel assembly buildings

b. Educational properties

c. Institutional properties (including museums, hospitals, clinics)

d. Residential properties (living quarters)

e. Stores

f. Office buildings (including administrative buildings)

g. Transportation centers (including airport terminal buildings, bus stations, or train stations).

9-3.7 **Large Capacitor.** A capacitor containing three or more lbs of dielectric.

9-3.8 **PCB Article.** Any manufactured article, other than a PCB container, that contains PCBs and whose surface(s) have been in direct contact with PCBs. This includes capacitors, transformers, electric motors, pumps, pipes, and any other manufactured items.

9-3.9 **PCB Container.** Any package, can, bottle, bag, barrel, drum, tank, or other device that contains PCBs or PCB articles and whose surface(s) have been in direct contact with PCBs.

9-3.10 **PCB Contaminated Transformer.** Any transformer that contains 50 parts per million (ppm) or greater of PCB, but less than 500 ppm PCB.

9-3.11 **PCB Equipment.** Any manufactured item, other than a PCB container, which contains a PCB article or other PCB equipment. This includes microwave ovens, electronic equipment, and fluorescent light ballasts and fixtures.

9-3.12 **PCB Item.** Any PCB article, PCB article container, PCB container, or PCB equipment that deliberately or unintentionally contains any PCB or PCBs (50 ppm or greater).

9-3.13 **PCB Leak.** Any instance in which a PCB item has any PCB on any portion of its external surface or surroundings.

9-3.14 **PCB or PCBs.** Any chemical substance that is limited to the biphenyl molecule that has been chlorinated to varying degrees or any combination of substances which contains such substance. Prior to stringent regulation of PCBs, PCBs were used in a variety of applications as a fire retardant and for other purposes, such as in sound insulating felt in submarines and in electrical cables. Often, PCBs were added in these applications without being

specified in material or equipment procurement specifications; thus, the presence of PCBs cannot always be determined through review of applicable procurement documents. In the disposal of materials and components, care should be taken to identify all potentially hazardous substances and carry out the disposal accordingly.

9-3.15 PCB transformer. Any transformer that contains 500 ppm PCB or greater.

9-3.16 PCB Waste Generator. Any person whose act or process produces PCBs that are regulated for disposal or whose act first causes PCBs or PCB items to become subject to disposal requirements, or who has physical control over the PCBs when a decision is made that the use of the PCBs has been terminated.

9-4 Requirements

9-4.1 Hazardous Waste

9-4.1.1 General. Any activity that generates, transports, treats, stores, or disposes of HW and any activity that produces, burns, distributes, or markets any HW-derived fuels must notify the EPA of their activities and comply with RCRA and other Federal requirements. Compliance with applicable state and local HW requirements is also required.

9-4.1.2 Identification of HW. HWs are "listed" (specifically named in Federal/state regulations) or may exhibit any of four characteristics:

a. Ignitability

b. Corrosivity

c. Reactivity

d. Toxicity (as determined by the toxicity characteristics leaching procedure (TCLP).

A determination whether any of these four characteristics apply to a waste can be made by checking the definitions in the appropriate Federal and state regulations, comparing the properties of the waste to those that define HW, or by using EPA-approved test methods. Mixtures of a solid waste and a listed HW are also considered hazardous and are regulated under RCRA. If a material is determined to be a HW, it may be subject to all, some, or none of EPA's HW regulations, depending on specific circumstances. It is the generator's responsibility to determine whether its waste is a HW subject to regulation under RCRA.

9-4.1.3 HW Generation. Threshold monthly generation rates and accumulation quantities are established in Federal regulations. Generation rates between 100 and 1,000 kilograms per month subject the generator, known as a "Small Quantity Generator," to limited HW generator requirements, which include obtaining an EPA Identification Number, using the Uniform Hazardous Waste Manifest to ship wastes off-site, and limiting on-site storage to less than 180 days (or 270 days if the waste has to be shipped more than 200 miles). If more than 1,000 kilograms per month are generated, the generator and the waste are subject to full regulation under RCRA.

Generators become storers if they accumulate HW for longer than the times prescribed in Federal regulations. A generator may accumulate as much as 55 gallons of HW or one quart of acutely HW in containers at or near any point of generation without a permit. However, any wastes in excess of that amount (the container is full) must be moved within 72 hours to a designated storage area, and must be disposed of within 90 days. Accumulations of HW in excess of 55 gallons stored for more than 90 days (and less in some states) requires a storage permit.

Generators (or Defense Logistics Agency (DLA) when they act as the contracting agent for HW removal) are obligated to send their HW to TSD facilities that comply with RCRA regulations. The generator will certify that the method the generator has selected for treatment, storage, or disposal is that practicable method available to the generator which minimizes the present and future threat to human health and the environment.

Generators must certify on the HW manifest that they have HW minimization (HAZMIN) programs in place at their sites. The programs will be designed to eliminate the use of HM altogether if

possible, or at least reduce the volume and toxicity of the HW.

A generator who generates a HW subject to Federal land disposal restrictions will notify the TSD facility that the waste is a restricted waste and must obtain, either from the TSD facility or on his own, certification that the waste is in compliance with those restrictions prior to its ultimate disposal. All listed and characteristic HW is subject to land disposal restrictions.

9-4.1.4 **HW Transportation.** Transportation of HW requires a manifest under RCRA (see paragraph 9-4.1.6). A transporter is subject to transportation requirements that, in large part, incorporate DOT regulations concerning labeling, marking, placarding, use of proper containers, and spills reporting. Transporters will have a valid HW hauler's license and number to pick up and haul within the generator's state and a valid license to haul through those states along the designated route to the TSD facility. Licenses may be checked by contacting the state HW office or the DRMO.

9-4.1.5 **HW Treatment, Storage, or Disposal.** TSD facilities need a permit to continue existing operations or to initiate new operations. EPA has developed a two-part permitting procedure. A Part A application confers interim status to an existing TSD facility allowing the facility to operate until a decision is made on the Part B permit application.

TSD facilities may only be expanded or significantly changed and still remain in an interim status with the approval of EPA regional offices. Interim status cannot be conferred on a new TSD facility if construction commenced after 19 November 1980. In such instances, a final permit must be applied for and obtained before construction may begin. Any construction before award of a Part B permit or modification of an existing Part B permit must be approved by the cognizant state or EPA.

Any existing facility which becomes subject to RCRA, due to new regulations or amendments to the existing regulations, will be granted interim status and may have a 12 month grace period to submit its Part B permit application.

9-4.1.6 **HW Manifest System.** The Uniform Hazardous Waste Manifest, or state equivalent, will accompany all HW transported over any public road. Manifests are obtained, prepared and signed by generators. The manifest does not replace the DRMO Disposal Turn-in Document (DD 1348-1). In circumstances where the DRMO is managing the pickup, transport, and disposal of HW for an activity, the DRMO will prepare the manifest.

NOTE

The DRMO is usually not the HW generator, even when they complete the manifest. The DRMO's practice is to use the facility's number on the manifest, and it is still the facility's responsibility to sign the manifest as the HW generator. If HM is turned-in to a DRMO for resale and is later determined by the DRMO to be HW, the DRMO is then considered to be the generator and will fulfill the generator requirements. Records must be kept and manifests received at the activity which actually generates the HW.

Sufficient copies of the manifest will be provided to allow the generator, each transporter, and the TSD facility operator designated to receive the HW to keep a copy for their records and to allow copies to be returned to the generator for recordkeeping and distribution to the appropriate state(s). Activities will also include a 24-hour manned duty telephone number in the "generator" block on each manifest. Each generator signatory will be authorized in writing to sign the manifest for the installation commander and/or permit holder, as appropriate.

9-4.1.7 **Reporting and Recordkeeping.** Generators will submit biennial reports (EPA Form 8700.13A) to the appropriate EPA regional office or designated state agency by 1 March of each even numbered year (Some states require an annual report, rather than the biennial report. Navy generators will also submit a Navy HW Annual Report to NEESA each year. See paragraph 9-5.5). A HW generating activity must contact the TSD facility if a signed manifest has not been received within 35 days of the date the HW was shipped. Generators who do not receive a copy of the manifest with the handwritten

signature of the owner or operator of the designated TSD facility within 45 days of the date the HW was shipped, must file an exception report with the EPA or state, as appropriate.

Copies of manifests signed by the generator, the transporter and the TSD owner or operator will be maintained for three years from the date the HW was accepted by the original transporter. Copies of reports filed with EPA will be retained for three years. Records of test results or waste analyses will be kept for three years from the date the waste was last sent to a TSD facility.

Generators of waste falling under land disposal restrictions must transmit notification to the TSD and maintain a copy for five years.

Transporters will report any discharge of HW in transit as specified in Federal regulations.

Operators of TSD facilities will, as applicable, submit annual or biennial reports on EPA Form 8700.13B or a state form to EPA regional offices or designated state agencies. A report of unmanifested waste must be filed with the state HW office within 15 days from the time a TSD facility accepts HW that is not accompanied by a manifest. Additional reports are required for specific types of TSD facilities.

9-4.2 Hazardous Materials

9-4.2.1 General. A number of Federal, state, and local regulations may apply to HM management. The most frequently applicable Federal requirements are summarized below.

9-4.2.2 Department of Transportation Requirements. Regulation of HM transportation by DOT generally applies to interstate shipments. However, many states have adopted Federal requirements to apply to intrastate transportation.

DOT has established regulations designed to ensure transportation safety for HM including the following areas:

a. Cargo tank certification

b. Shipping paper requirements

c. Tank inspection requirements

d. Loading/unloading requirements

e. Requirements concerning specific materials

f. Specifications for cargo tank design

g. Limitations of route assignments

h. Minimum standards for driver qualifications

i. Rules for attendance, surveillance and parking

j. General vehicle requirements

k. Accident reporting procedures

l. Procedures for responding to accidents.

9-4.2.3 Underground Tank Storage. Any activity that stores petroleum products, or HS (excluding RCRA HW) as defined by CERCLA, in underground tanks must comply with specific regulations for USTs issued by EPA per Subtitle I of RCRA (see Chapter 14).

9-4.2.4 Emergency Planning and Community Right-to-Know. EPCRA, also known as SARA Title III, establishes a series of requirements for facilities handling HM. Federal facilities are not specifically covered by the legislation, but Navy policy is one of voluntary compliance as discussed in paragraph 9-5.10. EPCRA involves facility compliance related to four main areas:

a. Community Emergency Planning. Facilities are required to notify the State Emergency Response Commission (SERC) if an extremely hazardous substance (EHS) is present at the facility in excess of the Threshold Planning Quantity (TPQ). The facility must also notify the Local Emergency Planning Committee (LEPC) of:

(1) A facility representative who will participate in the planning process

(2) Any relevant changes at the facility

(3) Information requested by the LEPC necessary to develop or implement the community emergency plan.

b. Emergency Release Notification. A facility where a hazardous chemical is used or stored is required to report a release of a reportable quantity of an EHS, or HS listed under CERCLA (see Chapter 11). Reporting is not required if the release results in exposure solely to persons within the boundaries of the facility, or if the release is federally permitted, continuous, or exempt from reporting under CERCLA. Immediate notification is to be made to the Community Emergency Coordinator of the LEPC(s) in the affected area, and to the SERC of the affected state(s). A follow up written report is also required. This report is different from the report to the National Response Center (NRC) for reportable quantity releases (See Chapter 11).

c. Hazardous Chemical Reporting. A facility required to maintain a Material Safety Data Sheet (MSDS) for a hazardous chemical under OSHA is subject to reporting if the chemical is present above the threshold quantity. The threshold quantity is the TPQ or 500 pounds (55 gallons), whichever is less, for EHSs, and up to 10,000 pounds for other substances. Facilities must submit MSDSs or a list of chemicals to the SERC, LEPC, and local fire departments. Annual submission of an Emergency and Hazardous Chemical Inventory Form is also required.

d. Toxic Chemical Release Reporting. Facilities in SIC Codes 20 - 39, with 10 or more full-time employees, must submit a Toxic Chemical Release Inventory Reporting Form if the facility manufactured, processed or otherwise used a toxic chemical above threshold amounts during the year. The report details emissions and releases of the chemical to all media from the facility over the year. The thresholds are: for a chemical manufactured or processed, 25,000 pounds per year and for a chemical used, 10,000 pounds. The form is submitted to the EPA and to the designated state agency.

9-4.3 Polychlorinated Biphenyls

9-4.3.1 General. PCB requirements of TSCA, as implemented by EPA regulations, are applicable to Federal facilities. Several states regulate PCBs through their RCRA programs.

9-4.3.2 Use, Management, and Disposal of PCBs. The following requirements are applicable to the use, management, and disposal of PCBs:

a. PCB storage areas and transport vehicles will be marked with special labels per applicable Department of Transportation (DOT) HM transportation regulations.

b. An annual written document log of the disposition of PCBs and PCB items must be prepared for each facility using or storing threshold quantities of PCBs, by July 1 covering the previous calendar year. This log must be kept on hand for review by the EPA. Additional recordkeeping requirements exist for storage and disposal facilities, PCB dielectric analyses, and inspections of PCB transformers and PCB contaminated transformers. (See paragraph 9-4.3.6 for additional recordkeeping requirements, not limited to storage and disposal facilities.)

c. PCB articles or PCB containers, as defined by EPA, stored for disposal will be disposed of within one year of the date that storage commenced unless EPA has granted a variance from this requirement. PCBs and PCB items designated for disposal will be stored in facilities which comply with specific design requirements. The facility will be operated, maintained and inspected per EPA requirements.

d. Non-leaking PCB articles and equipment, or leaking PCB items, if they are placed in non-leaking containers with absorbent, may be put in temporary storage facilities (those that do not meet the requirements of a permanent facility) for up to 30 days. Containers with non-liquid PCB-contaminated soil, rags, or debris from spills, and PCB containers with 50 to 500 ppm liquid PCB (as determined by a laboratory), may also be stored in temporary facilities. However, EPA requires that the date of removal from service be attached to all items in temporary storage, and that a spill prevention control and countermeasures (SPCC) plan be prepared for the temporary storage area if it is used to store containers of PCB-contaminated liquids (between 50 and 500 ppm PCB).

e. PCB transformers, PCB liquids, PCB containers, non-liquid PCB, and PCB items, if stored more than 30 days while awaiting disposal, must be stored in a permanent storage facility. The date removed from service must be marked on all items in the storage facility. PCB items must be received within nine months of being removed from service (or less if required by HW regulations) in a permanent PCB storage facility provided it meets the applicable, minimum criteria.

f. For PCB fluids containing 500 ppm or greater PCBs, disposal is generally via high temperature incinerators permitted by EPA. PCB contaminated mineral oil (less than 500 ppm PCBs) may be burned in high efficiency boilers provided specific EPA requirements are met and EPA and appropriate local and state approvals are obtained. Permitted chemical landfills, approved by EPA for PCB disposal, may be used for disposal of specific PCB items such as drained transformers, large capacitors and debris from PCB spills as well as other non-liquid PCBs or PCB items.

g. PCB transformers or electromagnets in use, or in storage for reuse, will be visually inspected for leaks at least once every three months. In situations where transformers have 100 percent secondary spill containment, or contain less than 60,000 ppm PCB, visual inspections may be reduced to once every 12 months. All leaking PCB transformers must be inspected daily until the leak has been repaired. Specific inspection and maintenance records will be maintained at least three years after disposal of transformers. Cleanup and repair of leaks will be initiated within 48 hours of discovery.

h. The use, and storage for reuse, of PCB transformers, electromagnets, or large PCB capacitors that pose an exposure risk to human food or animal feed is prohibited. If there is no exposure risk, the use of large PCB capacitors is also prohibited unless the capacitor is used within a restricted-access electrical substation, or a restricted-access indoor installation.

i. Fire-related incidents involving PCB transformers will be immediately reported to the National Response Center (NRC) (1-800-424-8802).

j. Activities are prohibited from storing or installing PCB transformers in or near commercial buildings. The use and storage for reuse of PCB transformers and large PCB capacitors located adjacent to or in the same air space as ventilating, heating, or air conditioning systems or their air intakes is prohibited.

k. All PCB transformers (including pole-mounted PCB transformers and those stored for reuse) will be registered with the fire department and shall be labelled per EPA requirements.

l. Activities will not store combustible materials within five meters of any PCB transformer or its enclosure.

m. As of 1 October 1990, activities may no longer use network PCB transformers with higher secondary voltages (i.e., secondary voltages equal to or greater than 480 volts, including 480/277 volt systems) in or near commercial buildings. Such PCB transformers will either be converted to PCB contaminated or non-PCB status through appropriate PCB removal processes, or removed/replaced and placed into storage for disposal.

n. As of 1 October 1990, all radial PCB transformers and lower secondary voltage network PCB transformers not in sidewalk vaults, (i.e., secondary voltages below 480 volts) used in or near commercial buildings will be equipped with electrical protection to avoid transformer failures caused by high current faults. In addition to this protection, all radial PCB transformers with higher secondary voltages (i.e., 480 volts and above, including 480/277 volt systems) used in or near commercial buildings will have electrical protection to avoid transformer failures caused by sustained low current faults. Radial transformers described above which are not provided electrical protection must be removed from service by 1 October 1990. Lower secondary voltage network transformers described above which are not provided with electrical protection must be removed from service by 1 October 1993.

9-4.3.3 Notification of PCB Waste Activity. In general, activities which generate PCB wastes are required to notify EPA and obtain an EPA identification number. However, generators who do not store PCBs or PCB items for over 30 days nor

operate a PCB storage facility subject to 40 CFR 761.65(b) or (c), are exempt from these requirements. For the purposes of manifesting PCB wastes, exempt generators are authorized to use the generic identification number "40 CFR 761". Activities which store, treat, or dispose of PCB wastes must have an EPA identification number and must notify EPA of their PCB waste handling activities.

9-4.3.4 **PCB Spills.** PCBs are listed in Federal regulations as a HS. A spill of a reportable quantity of "pure PCB" must be reported as required by regulation (see Chapter 11). Under the National Contingency Plan (NCP), all spills involving one pound or more, by weight, of PCBs must be reported to the National Response Center (NRC). Spills which directly contaminate surface water, sewers, drinking water supplies, grazing lands, or vegetable gardens must be reported to the appropriate EPA regional office within 24 hours. States, particularly those which regulate PCBs as a HM/HW, may have a more strict reporting requirement. The quantity of "pure PCB" spilled can be calculated using the PCB concentration of the spilled material, the amount of the material spilled, and the density of the particular type of PCB (if unknown, assume 10 lbs/gallon).

9-4.3.5 PCBs and PCB items manufactured in the U.S. may be shipped back to the continental U.S. (CONUS) for disposal. Foreign manufactured items must be disposed of in the host country.

9-4.3.6 **PCB Recordkeeping.** Each owner or operator of a facility which uses or stores at any one time at least 45 kg (99.4 lbs) of PCBs in PCB containers, or one or more PCB transformers, or 50 or more PCB large capacitors is required to maintain annual records and a written annual document log of PCB waste disposal activities. These records and the log must be retained for three years after the facility ceases using or storing PCBs and PCB items in quantities described above. The first annual document log will cover the period 1 January 1989 to 5 February 1990 and must be completed by 1 July 1990. Thereafter, the annual document log must be completed by 1 July (an EPA requirement; the Navy requires the log to be completed by 31 January and submitted to NEESA (see paragraph 9-5.5.1)) for the previous calendar year. Annual records will include all signed manifests for the calendar year and all certificates of disposal. The annual document log will contain specific inventory information for each type of PCB item as listed in EPA regulations.

9-4.3.7 **Manifesting PCB Wastes.** The generator of a PCB waste must prepare a manifest (EPA Form 8700-22 or the appropriate state equivalent) when the PCB waste is first introduced into commerce in a manner that will cause the waste to leave the generator's control. This will generally occur when a generator turns its PCB waste over to a transporter for delivery to an off-site storage or disposal facility. The condition will also be satisfied when the waste is placed on the generator's own transport vehicle for shipment to a commercial off-site storage or disposal facility, since the waste is being introduced into commerce in a manner which will cause the generator to lose control of the waste. A manifest need not accompany the shipment of waste, via either generator's vehicle or independent transporter, to a storage or disposal facility owned or operated by the end user of the PCBs and PCB items, because the generator has not yet relinquished control over the waste.

For the purposes of this requirement, DoD is viewed as a single organization. Further, DRMO central storage facilities are not considered commercial storage facilities. As such, the movement of PCB waste from a naval base to an off-site DRMO or another naval base for purposes of consolidation does not require a manifest since control of the waste is retained within DoD.

If the generator does not receive a signed copy of the manifest from the disposer or commercial storer within 35 days of shipment, then the generator will contact the transporter and/or disposer to determine the disposition of the waste. If the generator does not receive a manifest from the disposal facility within 45 days of shipment, then the generator must file an exception report with the EPA regional office. Copies of the manifests will be retained by the generator for at least three years after the facility ceases using or storing PCBs or PCB items in quantities described in paragraph 9-4.3.6.

9-4.3.8 **Certificates of Disposal and One Year Exception Reports.** For each shipment of manifested PCB waste, the disposer will prepare a Certificate of Disposal which will be sent to the generator within 30 days of the date of disposal. A generator

who manifests PCBs or PCB items to a disposer of PCB waste will submit a One Year Exception Report to the EPA Regional Administrator whenever the generator transferred the PCBs or PCB items to the disposer on a date within nine months from the date of removal from service and:

a. The generator has not received a Certificate of Disposal within 13 months from the date of removal from service

b. The generator receives a Certificate of Disposal for a disposal date more than one year after the date of removal from service.

The disposer is responsible for filing a One Year Exception Report for PCB wastes received more than nine months after removal from service.

9-4.4 **Training.** The U.S. Department of Labor OSHA has prescribed definitive training requirements for personnel associated with certain aspects of implementing RCRA. The OSHA Hazard Communication Standard requires that all personnel working with HM be given specific training, that MSDSs be available to such personnel, and that a Hazard Communication Plan be developed at each installation. In addition, the OSHA regulations on Hazardous Waste and Emergency Response require specific occupational safety and health training for HW and emergency response work. In addition, state training requirements should be evaluated.

9-4.5 **Radioactive Mixed Waste.** Sometimes RCRA HW may be mixed with radioactive waste, creating a combination which must be regulated under both RCRA and the Atomic Energy Act. All policy and other matters pertaining to such radioactive mixed waste are handled by the Director, Naval Nuclear Propulsion (OP-00N), if the waste resulted from naval nuclear propulsion work, and by OP-04 for all other Navy mixed waste.

9-5 Navy Policy

9-5.1 **General.** Navy activities shall comply with all Federal, state, and local regulatory requirements relating to HM and HW. Other elements associated with HW control include:

a. The establishment of shore activity HM authorized use lists (to control use of HM and amount of HW generated)

b. Changes and modifications to HM units of issue to ensure minimization of HW

c. An overall HMC&M Program encompassing all aspects of health and safety of Navy personnel and protection of the environment.

9-5.2 **Compliance with HW and PCB Management Requirements.** Navy activities shall comply with applicable HW and PCB management requirements. Compliance with all aspects of an EPA-approved state HW management program is considered compliance with Federal requirements. Activities shall ensure that contractors performing work for the Navy on Navy property comply with all applicable requirements while on-site. If a state has a program which is not approved by EPA, Navy activities shall comply with both the state and Federal program requirements. The Navy has non-electrical equipment and material containing PCBs. Repair, removal, handling, storage, and disposal of these items shall be done per applicable regulations. Unless a PCB (over 50 ppm) use is one of the specific exceptions provided in the regulations, the use of PCBs or a PCB item is regulated. All items or material containing PCBs shall be considered regulated unless the use is excepted, or in the case of disposal, unless the quantity is under the regulatory threshold.

9-5.2.1 **Applicability of RCRA to Navy Ships.** In instances where Navy ships transfer HM or HW ashore, either as HMTIS or HMTID, the responsibility for proper management is transferred to the receiving facility; however, ships' forces shall follow the requirements of OPNAVINST 5100.19B (NOTAL) with respect to handling, safety, and labeling of the material. The receiving shore facility shall be considered the generator. Requirements for Navy ships are given in Chapter 17. Retrograde of HM/HW from activities outside the continental U.S. (OCONUS) is not considered importation of HW under the RCRA regulations. Following proper arrangements, Navy activities shall accept OCONUS DoD shipments of HW.

9-5.2.2 **HM/HW from Navy Ships in Private Shipyards.** Federal contract law establishes several requirements regarding HW management under contracts, other than new construction, for work on board Navy ships in shipyards. Those requirements primarily affect Navy ships entering private shipyards for work administered by COMNAVSEASYSCOM; however, ships undergoing contracted work at Navy activities and under the cognizance of Commander, Military Sealift Command (COMSC) and Commander, Naval Supply Systems Command (COMNAVSUPSYSCOM) are also affected. These requirements are discussed in Chapter 17.

9-5.2.3 **Applicability of RCRA to Military Munitions and Ordnance.** Navy and DoD policy is that military munitions and ordnance are not a HW subject to regulation under RCRA until there is an intent for DoD to dispose of or destroy them. In that regard:

a. Assignment of munitions or ordnance to the Special Defense Property Account or Centralized Demilitarization Account does not by itself constitute a designation as a HW. Those munitions are, rather, awaiting a final decision of use, reuse, reclamation, sales, or demilitarization.

b. RCRA HW requirements are applicable to the demilitarization process at the point where a determination is made by an authorized DoD representative to destroy the item by open burning, open detonation, incineration, or other treatment unrelated to use, reuse, reclamation, or sale. The assignment of intent to dispose of or destroy a military munition or ordnance is made when the ammunition transfer record (DD Form 1348-1, DA Form 4508, or equivalent) is signed by the last approval authority acknowledging receipt of the munition or ordnance at a demilitarization facility.

c. After the decision is made to dispose of or destroy a military munition or ordnance, such items shall be managed per RCRA requirements and strictly under DoD regulations. Any resultant products generated by a demilitarization process, such as ash, sludge, or a residue, shall be considered HW and subject to regulation under RCRA.

d. Explosive Ordnance Disposal (EOD) is a non-routine operation conducted to abate an imminent and substantial hazard to public health, safety, or property, and such operations are not subject to regulation under RCRA. A RCRA emergency permit is, however, required for non-training EOD operations that extend beyond treatment or containment in place during an immediate response situation. RCRA requirements do not apply to EOD sites used solely for training or to sites used for emergency operations. If, however, the site is used for open burning or open detonation or to dispose of or destroy munitions or ordnance not related to training, then such areas are subject to regulation under RCRA.

e. Munitions and ordnance firing/explosive activities for training, research and development, and quality assurance/quality control testing purposes shall not be considered demilitarization or disposal operations. Further, RCRA regulations are not applicable to the associated firing tables or impact ranges (as long as such areas are not used for demilitarization or disposal purposes).

f. Off-specifications small arms ammunition of calibers up to and including 50 caliber shall not be considered "reactive" within the definition in RCRA.

g. Navy installations shall adhere to appropriate RCRA permitting requirements for demilitarization operations for conventional munitions and ordnance. Permits obtained shall adhere to existing DoD procedures and provide for adequate protection of human health and the environment and shall avoid unnecessary administrative burdens or operational requirements which would limit DoD's flexibility in managing its demilitarization program.

9-5.2.4 **Applicability to Navy Activities in Foreign Countries.** Navy activities in foreign countries are not, in general, subject to U.S. procedural requirements. However, HM/HW and PCBs at foreign activities shall be managed and controlled in substantially the same manner (i.e., in a manner equivalent to that in the U.S. as modified by applicable SOFAs) to assure protection of public health and the environment. This includes the development of management plans, ensuring equivalent personnel training, labeling, spill planning/response, Navy reporting, and implementing HW minimization. Navy policy shall be to minimize use of PCBs and

PCB items in foreign countries insofar as possible without degrading mission performance and shall take the following into account:

a. Federal PCB export/import regulations are not applicable to the deployment of DoD-owned PCBs or PCB items, or their return to the U.S. for use by military forces

b. Containers of PCBs and PCB items shipped to and from overseas locations shall be clearly labeled, accounted for in movement, and made available for customs inspections.

9-5.3 **Hazardous Waste Management Plans.** Under OPNAVINST 4110.2 (NOTAL), every Navy shore activity that generates HW shall include in its written plans and procedures for HMC&M, a HW management component. This component shall:

a. Identify each process and location of HW generated and handled by the facility

b. Determine applicable Federal, state, or local requirements

c. Describe the system for handling and disposing of the HW under these requirements.

Several activities, or even an entire complex, may be covered by a single plan, if appropriate. The plan shall be kept up to date to reflect changes in HW generation and use as well as applicable state and Federal regulations. The plan shall include a Plan of Action and Milestones (POA&M) for minimizing the waste from each process.

9-5.4 **Storage or Disposal of Non-DoD HM or HW on DoD Property.** DoD activities are prohibited by law from storing on-site or disposing on-site any hazardous or toxic material that is not owned by DoD. This prohibition does not apply to:

a. Strategic and critical materials in the National Defense stockpile

b. Temporary storage or disposal of explosives to protect the public or assist Federal law enforcement agencies, or in emergency situations

c. Disposal of excess explosives under a DoD contract after determining that feasible alternatives are not available

d. Temporary storage of nuclear materials under agreement with DOE

e. Storage of military resources for use in peacetime civil emergencies

f. Temporary storage of material from other Federal agencies during transportation or other emergencies.

9-5.5 **Navy Solid and Hazardous Waste Annual Report.** All Navy shore activities, worldwide that generate, store, treat and/or dispose of HW, shall prepare an annual calendar year report, per guidance provided by NEESA. The completed annual report shall be mailed by 1 February to NEESA. Class I and II generators (as defined by EPA regulations), shall report separately and directly to NEESA. Class III generators who are tenants shall be accounted and reported for by their host activity. Class III generators not under a host command shall report separately and directly to NEESA. One-time wastes from spills and installation restoration actions shall be reported as a separate category and not counted as generated quantities for HW minimization purposes. Only wastewater meeting the definition of HW (listed or characteristic) shall be reported. See Chapter 10 for a discussion of solid waste reporting.

9-5.5.1 **Navy PCB Annual Report.** All Navy shore activities which generate, use, treat, store, and/or dispose of PCBs shall annually inventory or validate all PCBs and PCB items per the procedures published by NEESA and as required by applicable Federal and state regulations. The completed Navy annual report for each calendar year must be forwarded to NEESA no later than 31 January of the following year.

9-5.6 **Navy and DLA Interface on HW and PCBs.** DoD has designated DLA as the responsible agency for worldwide disposal of all HW (including PCBs and PCB items) except for those categories of materials specifically designated for DoD component disposal. The assignment includes budgeting for storage facilities as well as maintaining state of the

art knowledge on technical developments for PCB disposal.

DLA shall accept accountability for storage for disposal of HW, PCBs, and PCB items. DLA shall also accept custody where the DRMO has storage conforming to EPA requirements. If neither the DRMO nor the generating activity has conforming storage, the activity with the "most nearly conforming storage" shall accept or retain custody.

Navy activities shall use the DLA-provided HW and PCB disposal service insofar as possible. Navy activities shall reimburse the appropriate DLA agency for HW and PCB disposal per procedures established by DLA and NAVCOMPT. Independent contracting for disposal of HW is an option for activities. DoD Directive 4001.1 of 4 Sep 1986 (NOTAL) allows activities not to use the DRMO for HW and PCB disposal if it will permit the best accomplishment of the installation mission, but DoD guidance indicates that such a decision should be concurred in by the component chain of command to ensure that installation contracts and disposal criteria are at least as stringent as criteria used by DRMO. A Navy activity commanding officer shall have the authority to contract for HW and PCB disposal if he/she feels it is essential to the successful accomplishment of the activity mission. If the commanding officer contracts directly for HW disposal, he/she is responsible for ensuring applicable compliance with Federal, state, and local requirements and establishing effective contractual oversight. Activities which dispose of PCBs and/or HW through a DRMO shall ensure that they obtain copies of all manifests and Certificates of Disposal from DRMO for HW they generated. Activities which contract directly for disposal shall obtain these certificates from the contractor.

9-5.7 PCB Transformers in Commercial Buildings. PCB transformers in commercial buildings shall be registered with building owners. PCB transformers in or near commercial buildings shall be registered with owners of all buildings located within 30 meters of the PCB transformer(s). For Navy installations, compliance with the requirement is adequate if PCB transformers in or near commercial buildings are registered:

a. For Navy tenants, with the organization that prepares fire evacuation plans and such locations are considered in developing the plans

b. For non-Navy tenants, registration is made to the tenant.

9-5.8 Navy PCB Equipment Removal Policy. Navy policy shall be to eliminate PCBs from all Navy owned electrical distribution systems and equipment, hydraulic fluids, and cooling and lubricating oils, to the maximum extent practicable. The following procedures shall be followed:

a. Transformers

(1) Determine, by gas chromatography or other appropriate method, the PCB concentration for all pad mounted and pole mounted transformers. Transformers shall be marked: PCB (500 or more ppm PCB); PCB-contaminated (50 to 499 ppm PCB); or non-PCB (less than 50 ppm PCB). PCB test results (in ppm) for each transformer shall be noted in the activity's records.

(2) In addition to the requirements of paragraph 9-4.3.2, by October 1998, eliminate all transformers containing 500 ppm or more PCBs. By October 2003, eliminate all transformers containing 50 ppm or more PCBs. To reduce future potential liabilities, transformer elimination shall be accomplished by replacement or removal with load transfer to other non-PCB transformers. Retrofill will be an acceptable alternative to replacement for transformers when it has a clear economic benefit (typically transformers in good condition, less than 25 years old, and 300 KVA or larger), and for those transformers which are difficult or impossible to replace due to constraints with their physical location.

(3) By 1 October 1990, eliminate all network PCB transformers near commercial buildings with higher secondary voltages (480 volts or higher). Higher voltage radial PCB transformers must be removed if they are not retrofitted with enhanced electrical protection.

(4) By 1 October 1990, all lower secondary voltage PCB transformers (below 480 volts) near commercial buildings must be removed if they are not equipped with enhanced electrical protection.

b. Capacitors

(1) Establish an accurate inventory of PCB large capacitors based on manufacturing information. Large capacitors established to be PCB capacitors shall be marked PCB. Large capacitors established to be non-PCB shall be marked non-PCB. PCB classification of each large capacitor shall be noted in activity records.

(2) By October 1998, eliminate all PCB large capacitors.

c. General Requirements. By 30 May 1991, all activities shall prepare a plan for the elimination of PCBs and PCB contaminated material from all transformers, capacitors, and associated electrical equipment, systems, and hydraulic and lubricating fluids. The plan shall include the proposed date of removal and the requested source of funding for each PCB item. Transformer and capacitor owners shall prioritize corrective projects based on the severity of mission impact if a fire, explosion, or major PCB spill would occur and the likelihood of such an incident occurring. Transformer and capacitor owners shall coordinate priorities with impacted customers. Pay special attention to the redesign of the power grid to accommodate PCB removal. Activity PCB elimination plans shall be submitted to major claimants via the cognizant NAVFACENGCOM EFD for review and approval. PCB elimination plans shall be updated each October.

d. Funding

(1) NIF activities shall use NIF funds for routine replacement of transformers and capacitors in their plant account, except when construction costs require the use of MILCON funding.

(2) At non-NIF activities, major claimants shall fund routine replacements of transformers and capacitors. Major claimants shall identify funding requirements and request any additional needed funds through the POM process.

(3) At both NIF and non-NIF activities, PCB transformer and capacitor replacements required by EPA regulation or which are in mission critical areas (i.e., where a spill/fire incident would result in the extended loss of essential facilities) are eligible for NECA funds. Per Chapter 3, requests for NECA funding shall be submitted to cognizant EFD.

(4) Activities shall fund testing of electrical equipment to determine PCB content.

e. Procurement. All future procurement of transformers or any other equipment containing dielectric or hydraulic fluid shall be accompanied by a manufacturer's certification that the equipment contains no detectable PCBs or that it contains less than one ppm PCBs at time of shipment. Such newly procured transformers and equipment should have permanent labels affixed stating the PCB concentration of any fluid contained within.

9-5.9 HW Minimization. Navy activities shall reduce HW generation and disposal per OPNAVINST 4110.2 (NOTAL) and by implementing a combination of the following procedures and processes in priority order:

a. Eliminating and/or reducing, at the source, the use of HM by changing the process, requirement, or materials used

b. Substituting a less hazardous/toxic HM in the process

c. Reducing and/or eliminating the generation of HW by production process or equipment changes

d. Recycling/recovery and reuse of the HM

e. Reducing and/or eliminating excess and expired shelf-life HM

f. Treating the HW to reduce the volume or to reduce it to less toxic or non-hazardous state.

g. Destruction of the HW

h. Disposal, as a last resort.

When requirements in technical directives or weapons system procedures require use of HM beyond the control of the activity, appropriate action shall be taken to advise the cognizant Echelon 2 command of the need for appropriate action.

9-5.9.1 **Certification.** Federal laws and regulations require certification on HW manifests that the activity, insofar as is economically practicable, has a program to minimize the volume and toxicity of wastes generated. To make such a certification, Navy activities must have a HAZMIN plan with POA&M.

9-5.9.2 **Goals.** Each Navy major claimant is to achieve a 50 percent (by weight) reduction of HW disposal for the five calendar year period 1988 through 1992, using 1987 as the baseline year. The long term goal is to eliminate HW disposal to the maximum possible extent by eliminating the use of HM and/or by implementing best management practices (BMPs) and best demonstrated available technology (BDAT).

9-5.10 **Compliance with Federal EPCRA Requirements.** The following procedures shall be used by Navy shore activities in complying with EPCRA:

a. All Navy shore activities (excluding foreign countries), including GOCO activities, shall determine if they exceed any TPQs. Each Navy activity that exceeds a TPQ is subject to the requirements of the EPCRA for emergency planning, providing of information, and emergency notification. Activity TPQs shall be determined by 1 December 1990.

b. Each activity that exceeds a TPQ shall notify the LEPC and the SERC points of contact and request to participate in local emergency planning functions. Point of contact notification shall be by formal letter and completed prior to 1 January 1991.

c. Activities that exceed a TPQ shall immediately notify the LEPC and SERC of any release into the environment of a listed HS that exceeds a reportable quantity for that substance. Releases that result in exposure to people solely within the boundaries of the activity do not require notification to the LEPC or SERC, regardless of whether or not the reportable quantity for that substance was exceeded.

d. Activities shall determine if they exceed any of the quantity thresholds for all substances they possess which require a MSDS. In general, if the quantity of a substance exceeds 10,000 lbs, it is reportable; if the substance is an EHM, the threshold is 500 lbs or its TPQ, whichever is lower. For reportable HS, activities shall submit a copy of the MSDS or a list of reportable HS to the LEPC, SERC and local fire department(s). Activities may negotiate with the local planning committees and be able to decrease the workload that EPCRA requires. For example, the activity may be able to satisfy the LEPC requirements with documents that are already available, such as hazardous material inventories, contingency plans and files of MSDSs. The information shall be submitted to the fire department that would routinely be the first alerted during an emergency. Generally, it would be the Navy fire department located on the base. However, it may be a non-Navy fire department separate from the activity. If a list is submitted, it shall contain the following information:

(1) A list of the hazardous chemicals for which a MSDS is required under OSHA regulations

(2) The chemical name or the common name of each such chemical as provided on the MSDS

(3) Any hazardous component(s) of each such chemical as provided on the MSDS

e. Activities shall submit Emergency and Hazardous Chemical Inventory Forms for all chemicals exceeding the above thresholds to the LEPC, SERC, and the local fire department annually, by 1 March. Activities may submit either Tier I or Tier II information.

f. Upon request for information by a health professional in writing, an activity shall provide the specific chemical identity of a hazardous chemical, EHM or toxic chemical. It shall include trade secret type information if a written agreement regarding confidentiality is obtained. Such information can be for patient treatment or for emergency planning. In the event of a medical emergency, the activity shall provide a copy of the MSDS, inventory form, and toxic chemical release form to any treating physician or nurse who requests such information and the physician or nurse determines that:

(1) A medical emergency exists

(2) The specific chemical identity is necessary for or will assist in emergency or first-aid diagnoses and treatment

(3) The individual(s) to be diagnosed or treated have been exposed to the chemical concerned.

In an emergency, no written confidentiality agreement is required.

g. Activities shall determine if they should submit Toxic Chemical Release forms (EPA Form R) based on the following criteria:

(1) The activity has 10 or more full time employees

(2) The activity manufactured (defined to include imported), processed, or otherwise used in the course of a calendar year any listed chemical in quantities greater than the established threshold.

A report shall be submitted if a listed chemical that is manufactured or processed over the course of the year exceeds the threshold of 25,000 lbs, or if the quantity of a listed chemical that is otherwise used exceeds 10,000 lbs during the course of a calendar year.

h. Activities shall submit an EPA Form R for each chemical that applies under the above paragraph. Initial submission of this information is due 1 July 1992 to the EPA, with a copy to NEESA, Code 112.

i. Information to be submitted to the LEPC, SEPC or non-Navy fire department shall be reviewed by the appropriate activity security personnel prior to its release to prevent the release of classified or classifiable information. In cases where information regarding the use of a substance is classified or classifiable, the activity need not comply with this instruction for that substance, but shall develop internal procedures consistent with the intent of EPCRA for protecting activity and off station personnel. The activity is responsible for reviewing all EPCRA Section 313 (toxic chemical release forms) data prior to submitting to the EPA and NEESA.

j. All activities are responsible for implementing the intent of EPCRA to protect the people within the boundary of the facility and within the community.

k. Host activities are responsible for designating a centralized point of contact. The point of contact may be a tenant activity. The centralized contact shall be responsible for coordinating all notifications, public contact and consolidating planning.

l. Tenant activities shall provide information to the host activity or central contact. All information shall be submitted sufficiently in advance of the deadlines established in this instruction to permit the central contact to meet deadlines.

m. Total Quality Management shall be utilized at host activities to facilitate data collection. Existing organizations such as the Hazardous Material Control and Management Committee may prove helpful in this endeavor.

n. Ordnance items, ammunition, and special weapons are excluded from the EPCRA reporting requirements (see paragraph 9-5.2.3).

o. Navy specific questions reqarding EPCRA shall be submitted to CNO (OP-45), COMNAVFACENGCOM or Engineering Field Division (EFD) as appropriate. General questions concering inventories, forms, calculations, etc. shall be directed to the EPA when possible. The EPA maintains an Emergency Planning and Community Right-to-Know Information Hotline, at (800) 535-0202. In Washington D.C. and Alaska the number is (202) 479-2449. The Hotline is operated from 8:30 am to 7:30 pm Eastern Time.

p. Assistance in determining Toxic Releases under EPCRA Section 313 may be requested from the Naval Facilities Engineering Command.

q. If appropriate, Regional Environmental Coordinators may request that all contiguous naval activities within their jurisdiction submit threshold determinations or any other documentation to them for a single submittal to the planning and response committees. That may be appropriate when none of the contiguous activities individually exceeds a

threshold, but threshold is exceeded by the aggregate quantities from the activities.

r. Navy policy and planning in relation to accidental release of HM is described in Chapter 11.

9-6 Responsibilities

9-6.1 COMNAVFACENGCOM shall:

a. Provide technical assistance to commands in complying with Federal, state and local HW, PCB, and HAZMIN requirements and in preparing activity HW management plans.

b. Prioritize HAZMIN projects and, as part of the NECA, manage funds for HAZMIN projects.

c. Produce an annual "Navy Hazardous Waste Minimization Report." The report shall show plans and progress toward achieving goals by each major claimant and the Navy as a whole, highlight successes and new technologies, and describe problem areas. The annual report shall also include procedures, methods, and techniques that contribute or detract from meeting the Navy 50 percent reduction goal. The report shall include activity HAZMIN points of contact; RCRA HW permit status Navy-wide; HW inspections, NOVs, and overall compliance; the Navy's top 20 disposers of HW; and the amount of HW disposed of by activity.

d. Develop and maintain a strategy, in conjunction with major claimants, to reach a long range goal of elimination of HW disposal to the maximum possible extent. The strategy shall describe in detail the BMPs and BDATs for each Navy process generating HW.

e. Conduct, in conjunction with CNO (OP-45), an annual meeting of major claimant representatives and other Navy and DoD organizations, as appropriate, to present the annual Hazardous Waste Minimization Report, exchange technical and procedural information, and improve the annual reporting system.

f. Maintain a HAZMIN technology transfer office to issue BMP and BDAT information to Navy activities, and serve as a central Navy clearing house for HAZMIN technologies.

g. Designate PWCs to receive, ship and store HW. Provide central area-wide storage facilities and contract disposal for HW for which the Navy has storage and disposal responsibilities.

h. Coordinate the permitting of all new HW management facilities with appropriate state and EPA regional offices to ensure early identification of siting restrictions and procedural requirements.

i. Pay fees for applications and permits for construction of MILCON funded HW management facilities from the funds appropriated for the project.

j. Explore alternatives to the use of PCBs in existing transformers and provide such information to appropriate commands and activities.

k. Make necessary changes to facility design criteria and operating instructions to incorporate Federal regulations regarding HW, HAZMIN, PCBs, and PCB items.

l. Include LEPC and SERC coordination in guidance for Navy OHS contingency plans.

9-6.2 COMNAVSUPSYSCOM shall:

a. Establish and implement a HMC&M program as required by OPNAVINST 4110.2 (NOTAL), throughout the supply system.

b. Maintain and update procedures to ensure that transportation, storage, and handling of HM/HW fully complies with applicable regulations.

c. Develop a program for the acquisition, stocking, and supply of conforming containers required for the transportation and storage of HW.

d. Include provisions in interservice support agreements (ISSA) with DLA for DLA/DRMS/DRMO support of HW requirements Navy-wide.

9-6.3 Director, Naval Nuclear Propulsion (OP-00N), is responsible for all matters pertaining to radioactive mixed waste resulting from naval nuclear propulsion plants.

9-6.4 **Chief, Naval Education and Training** shall develop and provide training on the safety and occupational safety and health aspects of HW to applicable Navy personnel. This training shall meet the requirements for OSHA regulations on Hazardous Waste and Emergency Response. Where possible, this training should be integrated into existing training.

9-6.5 **Major claimants and subordinate commands** shall:

a. Ensure that their activities comply with applicable Federal, state, and local requirements regarding the identification, generation, storage, transportation, treatment, and disposal of HW.

b. Budget and allocate sufficient resources to ensure required personnel training and to operate and maintain facilities in compliance with applicable HW requirements, including funding any HW disposal.

c. Ensure compliance with applicable requirements, including HAZMIN, at GOCO facilities.

d. Meet the established Navy goal of reduction of HW disposal by 50 percent by 1992. Develop long term programs, including changes in acquisition policies and procedures, to reduce use of HM and generation of HW.

e. Provide an input to COMNAVFACENGCOM for the Annual HAZMIN Report and provide appropriate representation for the HAZMIN annual meeting.

f. Designate a command point of contact for HAZMIN reporting/tracking issues.

g. Ensure that all activities generating HW report per the policy of this chapter and procedures published by NEESA.

h. Review and approve activity PCB elimination plans and ensure that resources are available for activity compliance with their plans.

9-6.6 **Commanding officers of shore activities** shall:

a. If the activity generates HW, include in its written plans and procedures for the HMC&M Program, designation of an appropriate responsible action official for HW and HAZMIN.

b. Determine, evaluate, and comply with applicable Federal, state, and local laws and regulations.

c. Develop a HW management\HAZMIN plan, including a POA&M for implementation of HAZMIN to each waste stream, and incorporate the plan in the overall HMC&M plan required by OPNAVINST 4110.2 (NOTAL).

d. Sign and submit, as appropriate, reports and other required data to EPA, state, or local agencies.

e. Submit an annual Navy HW report per the policy in this chapter and procedures published by NEESA.

f. Budget and fund the operation and maintenance of facilities and equipment necessary to handle, store, transport, treat, and dispose of Navy HW per applicable Federal, state and local requirements.

g. Ensure the training of personnel involved in HW operations per applicable Federal and state requirements.

h. Transfer accountability and custody of PCBs and PCB items stored for disposal to DRMO, insofar as possible.

i. Handle, store, mark, inspect, and assess risks of PCBs and PCB items according to applicable Federal or state regulations. With regard to PCB transformers and PCB contaminated transformers:

(1) Inspect for PCB leaks

(2) Repair all leaks

(3) Maintain records

(4) Provide notification to EPA.

j. Annually, inventory or validate all PCBs and PCB items per procedures published by NEESA and as required by regulatory agencies. The inventory shall be used to maintain required annual records and the annual document log. Reports shall be maintained at the activity for at least three years. Copies of the completed annual report shall be forwarded annually by 31 January to NEESA. Maintain records, for the life of the equipment (through disposal), for testing of PCB concentrations in hydraulic systems, heat transfer systems and converted or reclassified transformers.

k. Report PCB spills or incidents involving combustion as prescribed in Chapter 11 when the spill exceeds the reportable quantities established in Federal regulations. Fire-related incidents involving PCB transformers shall be immediately reported to the NRC regardless of quantity.

l. Register all PCB transformers and equipment with cognizant fire departments.

m. Prepare and update the activity PCB elimination plan and submit to the major claimant, via the cognizant NAVFACENGCOM EFD, for review and approval.

n. Establish and implement procedures to ensure the activity complies with EPCRA requirements.

9-6.7 **Commanding officers of shore activities assigned to receive HMTIS, HMTID, and HW from ships and other shore activities shall** provide accessible facilities to receive the HW and to store it per applicable EPA and/or state regulations until the material is disposed or transferred to DLA.

9-6.8 **Fleet CINCs and type commanders,** as appropriate, shall reimburse Navy shore activities receiving ships HW for expenses incurred in handling, storing and disposal.

CHAPTER 10

SOLID WASTE MANAGEMENT AND RESOURCE RECOVERY ASHORE

10-1 Scope

10-1.1 This chapter identifies solid waste disposal, resource recovery, and medical/infectious waste requirements, policy, and responsibilities within the United States, the Commonwealth of Puerto Rico, Guam, American Samoa, Virgin Islands and the Commonwealth of the Northern Marianas Islands. The requirements do not apply to ships at sea, aircraft in the air, and forces on maneuvers. Navy policy for overseas activities is discussed in paragraphs 10-5.1 and 10-5.7.

10-1.2 The management of HW is discussed in Chapter 9, and the reclamation and recycling of used oils is discussed in Chapter 12. Handling of solid wastes aboard ship, including special aspects of foreign garbage, is covered in Chapter 17.

10-1.3 References. Relevant references are:

a. 29 CFR 1910; Occupational Safety and Health Standards (NOTAL)

b. 40 CFR 240-241; EPA Guidelines for the Thermal Processing of Solid Wastes and for the Land Disposal of Solid Wastes (NOTAL)

c. 40 CFR 243; EPA Guidelines for Solid Waste Storage and Collection (NOTAL)

d. 40 CFR 245; EPA Guidelines for Resource Recovery Facilities (NOTAL)

e. 40 CFR 247; EPA Guidelines for Procurement of Products that Contain Recycled Material (NOTAL)

f. 40 CFR 248; EPA Guidelines for Federal Procurement of Building Insulation Products Containing Recovered Materials (NOTAL)

g. 40 CFR 250; EPA Guidelines for Federal Procurement of Paper and Paper Products Containing Recovered Materials (NOTAL)

h. 40 CFR 255; EPA Guidelines for Identification of Regions and Agencies for Solid Waste Management (NOTAL)

i. 40 CFR 257; EPA Regulations on Criteria for Classification of Solid Waste Disposal Facilities and Practices (NOTAL)

j. 40 CFR 259; EPA Medical Waste Regulations (NOTAL)

k. 40 CFR 268; EPA Regulations on Land Disposal Restrictions (NOTAL)

l. Dod Directive 4165.60 of 4 October 1976; Solid Waste Management - Collection, Disposal, Resource Recovery and Recycling Program (NOTAL)

m. SECNAVINST 4860.44F; Commercial Activities (NOTAL).

10-2 Legislation

10-2.1 The Solid Waste Disposal Act (SWDA) of 1965, as amended by RCRA. Requires that Federal facilities comply with all Federal, state, interstate, and local requirements concerning the disposal and management of solid wastes. Such requirements include permitting, licensing, and reporting. The SWDA encourages beneficial reuse of wastes through recycling and burning for energy recovery.

10-2.2 Military Construction Codification Act, Section 6. Contains a provision that allows net proceeds from the sale of recyclable materials to be used by Navy activities for certain purposes.

10-3 Terms and Definitions

10-3.1 Infectious Waste. Waste that contains pathogens with sufficient virulence and quantity so that exposure to the waste by a susceptible host could result in the transmission of an infectious

disease. The categories listed below are to be considered infectious waste:

a. Medical wastes from isolation rooms are often considered infectious waste. However, only those items which are contaminated or likely to become contaminated with infective material are defined as infectious waste.

b. Microbiological wastes including cultures and stocks of etiological agents containing microbes that, due to their species, type, virulence, or concentration are known to cause disease in humans. Examples include specimens from medical and pathology laboratories, discarded live vaccines, wastes from production of biologicals, cultures and stocks of infectious agents from clinical research and industrial laboratories, and disposable culture dishes and devices used to transfer, inoculate, and mix cultures.

c. Blood and blood products including waste blood, serum plasma, Pleurevacs, and hemovacs.

d. Pathological wastes including human tissues and organs, amputated limbs or other body parts, fetuses, placentas, and similar tissue from surgery, delivery, or autopsy procedures.

e. Sharps, including hypodermic needles, syringes, scalpel blades, Pasteur pipettes, specimen slides, cover slips, glass petri plates, and broken glass potentially contaminated with infectious material.

f. Contaminated animal carcasses, body parts, and bedding, including contaminated animal carcasses, body parts, and bedding of animals that were intentionally exposed to pathogens.

10-3.1.1 The following items are not considered infectious:

a. Absorbent materials containing small amounts (<20 ml) of blood or body fluids and no free flowing or unabsorbed liquid

b. Used products for personal hygiene, such as diapers, facial tissues and sanitary napkins.

10-3.2 **Installation (Military).** A group of facilities, located in the same vicinity, which support particular functions e.g., trash collection and provision of utilities.

10-3.3 **Managing Activity.** An administrative element assigned to manage the recycling program (including personnel, funds, and equipment).

10-3.4 **Office Waste.** Solid wastes generated in the buildings, rooms, or series of rooms in which the affairs of a branch of the government are carried on. Excludes waste generated in cafeterias, snack bars, or other food preparation and sales activities.

10-3.5 **Office Workers.** Military and civilian personnel other than janitorial and trade specialists.

10-3.6 **Qualified Recycling Programs (QRP).** Organized operations that review ongoing practices and material management efforts to recover scrap or waste from waste streams, for recycling or reuse. The program includes managing the recyclable materials to maintain or enhance their material use or marketability.

10-3.7 **Recyclable Materials.** Materials that normally have been or would be discarded (i.e., scrap and waste) and that may be reused after undergoing some type of physical or chemical processing. Recyclable materials do not include precious metal-bearing scrap and those items which may be used again for their original purposes or functions without any special processing; e.g., used vehicles, vehicle or machine parts, bottles (not scrap glass), electrical components, unopened containers of unused oil/solvent. Recyclable materials also do not include ships, planes, weapons, or any discarded material which must undergo demilitarization or mutilation prior to sale. Recyclable materials and materials awaiting demilitarization are not waste products.

10-3.8 **Recycling.** The process by which recovered materials are transformed into new, usable products.

10-3.9 **Resource Recovery.** The recovery of materials or energy from solid waste.

10-3.10 **Resource Recovery Facility.** Any physical plant that processes non-hazardous, commercial, or institutional solid waste, biologically, chemically, or physically and recovers useful products, such as

shredded fuel, combustible oil or gas, steam, metal, and glass for resale or reuse.

10-3.11 **Solid Waste.** 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, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to National Pollution Discharge Elimination System (NPDES) permits under the Clean Water Act or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954.

10-3.12 **Source Reduction.** Reducing, at the point of production, the volume or toxicity of material used before the products are purchased, used or discarded. This includes reuse of materials, items, or products prior to recycling and extension of shelf life.

10-3.13 **Source Separation.** The separation of recyclable materials at their point of generation by the generator.

10-3.14 **Waste Office Paper.** Letterhead, dry copy papers, miscellaneous business forms, stationary, typing paper, tablet sheets, and computer printout and cards. Classified wastes are explicitly excluded, except as applicable security directives allow their inclusion.

10-4 Requirements

10-4.1 **Solid Waste Collection and Storage.** Federal, state, and local requirements concerning collection and storage apply to military facilities generating solid wastes, whether the solid waste is collected by the military or by a non-military collector.

Federal regulations on solid waste have changed dramatically over the last several years with most changes occurring in the areas of:

a. HW management and permitting (see Chapter 9)

b. Federal procurement of selected products containing recycled materials/oil

c. Medical waste.

10-4.2 **Source Reduction.** Federal, state, and local requirements concerning source reduction apply to Navy facilities. This technique of preventing waste is the preferred method of managing solid waste.

10-4.3 Solid Waste Resource Recovery

10-4.3.1 **General.** EPA, with the cooperation of Federal agencies, has surveyed Federal activities to determine activity solid waste disposal rates within Standard Metropolitan Statistical Areas (SMSA). If the total solid wastes disposed of for all Federal activities within an SMSA totals 100 tons or more per workday (equivalent to 26,000 tons or more annually) after implementation and source separation and other waste reduction procedures, and one of the agencies accounts for 50 or more tons per workday (equivalent to 13,000 tons annually), EPA will designate a lead Federal agency to plan, organize, and manage resource recovery activities for all the Federal agencies in the SMSA.

10-4.3.2 **Resource Recovery Alternatives.** Alternatives for disposition of recovered materials include:

a. Sale of the solid wastes through the DLA; an example would be sale of refuse to a commercial or community facility which processes the waste into a fuel

b. Use of the solid waste as a fuel or fuel supplement at a Federal activity

c. Participation in existing or planned civilian community or commercial resource recovery facilities or systems. Where warranted, such participation may include funding a pro rata share of a community facility.

d. Donation of waste materials to a voluntary or community organization, even when the materials

are located on DoD owned, leased, or occupied facilities if:

(1) Materials were not government purchased or generated

(2) Materials, while owned or generated by DoD are uneconomical for government supported collection/disposal.

10-4.3.3 Recyclable Materials Sales Program. Federal legislation requires proceeds from the sale of recyclable materials from an installation to be used to cover operation, maintenance, and overhead costs incurred in the recycling operation. Any excess may be used for pollution abatement, energy, and safety projects and/or any nonappropriated morale or welfare purposes. (See paragraphs 10-5.5.8 through 10-5.5.11 for guidance on limitations on expenditures).

Accumulation of proceeds from sales of recyclable materials is authorized only for installations which have a QRP. A qualifying recycled program can be established by installation directive or regulation and will include the following program requirements:

a. The managing activity will be designated by the activity commanding officer. Potential managing units are the Morale, Welfare, and Recreation (MWR) Department, the Environmental Department, or the Public Works Department

b. Means for maintaining fiscal accountability for all funds received and disbursed

c. Maintenance of records of the quantity and types of materials sold for recycling

d. Review of all projects funded with the proceeds of recycling sales by the same chain of command that would normally review such projects if funded from normal appropriations. An activity may notify DRMO and accumulate proceeds through the sale of recyclable materials during the period that an activity directive is being prepared

e. Specific implementation of recyclable material sales requirements contained in this instruction

f. Notification of DRMO that the installation has a QRP as established by the Military Construction Codification Act and implemented by directives.

10-4.4 Solid Waste Disposal

10-4.4.1 General. Local requirements apply to solid waste disposal operations on Federal property, regardless of whether the wastes are created by Federal or other sources. Solid waste disposal operations off Federal property must also comply with local requirements if the agency has direct management control of the disposal operation.

10-4.4.2 Incineration of Solid Waste. Federal, state, and local requirements are applicable to incineration facilities designed to process 50 tons of solid wastes or more per day. The application of this capacity criterion will be interpreted to mean any facility designed to process, or actually processes, an average of 2.1 tons or more per hour.

Emissions will not exceed existing air quality or emission standards established by EPA, local, or state agencies. All waters discharged from the facility will be sufficiently treated to meet applicable effluent limitation standards. All necessary permits will be obtained.

An incineration facility for solid wastes must be operated in conjunction with a final land disposal facility. Land disposal is required, under EPA guidelines and applicable state regulations, for residues from the incineration operation and those non-hazardous wastes which cannot be incinerated for reasons of health, safety, or technological limitation. Only those land disposal facilities with appropriate operating permits will be used for residues and non-combustible materials.

10-4.4.3 Disposal in Military Owned Landfills. A land disposal site will be designed, constructed, and operated to protect the health and safety of personnel associated with its operation. Pertinent provisions of the Occupational Safety and Health Act and attendant regulations will apply.

The location, design, construction, and operation of the land disposal site will minimize environmental hazards, and conform to the most stringent of

applicable Federal, state, or local standards and requirements. Guidelines for operation and maintenance of a sanitary landfill are provided in NAVFAC Manual of Operation (MO) 213 (NOTAL).

10-4.5 Infectious Waste Management

10-4.5.1 General. Federal facilities that generate infectious waste are responsible for complying with state infectious waste regulations. Federal facilities that transport infectious waste across state lines are also responsible for complying with the transporter, disposal and manifesting requirements for the state into which it is transported. Requirements for waste generated aboard ships can be found in Chapter 17.

10-4.5.2 Demonstration Project. Federal facilities located in the following states are part of a two year (22 June 1989 to 22 June 1991) demonstration project: Connecticut, Louisiana, New Jersey, New York, Rhode Island, Commonwealth of Puerto Rico, and the District of Columbia. A Federal facility that is located in any of these states and generates more than 50 lbs/month of infectious waste is responsible for complying with EPA infectious waste regulations issued in March 1989.

10-5 Navy Policy

10-5.1 Navy Activities in Foreign Countries. Navy activities in foreign countries shall ensure compliance with solid waste standards of general applicability in the host country as modified by SOFAs or other international agreements.

10-5.2 Solid waste generated by Navy operations and actions on a Navy installation shall be considered government property for purposes of disposal except in those instances where Navy exchanges and commissary stores salvage and dispose of their recoverable resources. Solid waste generated by contractors on a Navy installation shall be governed under their contract requirements.

10-5.3 Navy Solid Waste Disposal Programs. These programs shall be designed as total systems which consider relative economic advantages of the latest technology as well as the potential for resource recovery. Activity solid waste management plans shall be developed using the following priority basis:

a. Source reduction

b. Recycling

c. Energy recovery

d. Waste treatment

e. Contained disposal.

10-5.3.1 Navy activities shall comply with Federal, state, and local recycling laws, regulations, and policies. Recyclable materials for which proceeds can be obtained through sales shall be managed through the activity's QRP. Any conflicts between Federal, state, or local requirements, as well as any situations which preclude compliance, should be brought to the attention of DCNO (Logistics).

10-5.3.2 NAVFACENGCOM MO 213 (NOTAL) provides guidance on requirements, maintenance, and operation of solid waste collection, storage, disposal, recycling, and energy recovery systems. MO-213 is available from Naval Publications and Forms Center, 5801 Tabor Avenue, Philadelphia, PA 19120.

10-5.4 Source Reduction.

10-5.4.1 Navy source reduction programs shall incorporate, where feasible, the following:

a. Composting to facilitate yard waste reduction

b. Reducing excessive packaging, especially where packaging is used for attractive merchandisability or convenience functions

c. Reducing waste generation in office by:

(1) Reusing materials (e.g. file folders, paper clips, interoffice routing envelopes, etc.)

(2) Dual-sided copying

(3) Using electronic mail instead of paper memos

(4) Reduced mailing and distribution list.

10-5.5 Solid Waste Resource Recovery

10-5.5.1 **Recycling.** All Navy activities shall implement source separation for recycling and develop a single authorized QRP. All tenant activities shall participate in the host activity's QRP. Materials for which proceeds can be obtained shall be sold through the host activity's QRP. Industrial funded activities shall operate a separate recycling program for materials purchased with industrial funds.

An activity recycling program shall be established for the following purposes:

a. To comply with Federal, state, and local environmental laws and regulations

b. To obtain proceeds from the sale of recyclable materials

c. To avoid excessive costs for disposal of solid waste by other means

d. To reduce the volume of wastes disposed in landfills

e. To reuse readily available resources.

10-5.5.1.1 The following materials shall be segregated for recycling:

a. Scrap metal

b. High-grade paper

c. Corrugated containers

d. Aluminum cans

10-5.5.1.2 Exceptions from recycling of those materials shall only be considered when:

a. Market analyses conducted by DRMO or the managing activity indicate that the recovered materials cannot be sold.

b. The net costs exceed net income plus avoided costs for disposal by another means. Cost analysis factors are given in Appendix F.

10-5.5.1.3 Estimation of the market for recovered materials, including estimated return from sale and length of market availability, should be requested from DRMO prior to any source separation effort.

10-5.5.1.4 The following additional materials shall be considered in the development of recyclable material markets:

a. Glass

b. Plastics

c. Newspapers from housing areas

d. Scrap wood

e. Other wastes as markets are found.

Economic analysis and market determination should be updated as market conditions change significantly, and such records should be maintained on file at the managing activity.

10-5.5.2 **Resource Recovery Facilities.** Navy activities shall not compete with a locally available commercial recycling industry which offers a total solid waste resource recovery system. Every effort shall be made to use the established commercial industry as specified in SECNAVINST 4860.44F (NOTAL)).

Construction of Navy resource recovery facilities shall be considered only after a thorough study has been made of alternate methods of processing solid wastes.

10-5.5.3 **Returnable Beverage Containers.** In states that have beverage container recovery laws in force, Navy activities shall comply with such laws. Any conflicts between Federal and state requirements, as well as any situations which preclude compliance, should be brought to the attention of DCNO (Logistics).

10-5.5.4 **Records.** Each installation shall make a determination as to what actions shall be or have been taken to adopt source separation requirements. In instances where a decision is made not to source separate, such decision shall be based on a fully

supported rational analysis. To determine solid waste management requirements, each installation shall keep records of solid waste disposed of and materials recycled. Records may be kept in the form of weight tickets, number and size of truckloads delivered, contractor billings, or any other means of accurately determining or establishing solid waste generation. Each installation shall also keep records of quantities of wastes which are recycled on a weight basis, proceeds from the sale of recyclable materials, and avoided costs for disposal.

10-5.5.5 After the establishment of an organized QRP, or concurrent with such program development, the installation shall coordinate with DRMO to determine whether the specific materials to be sold are actually recyclable materials. If a dispute occurs, the matter shall be referred through the chain of command for resolution. Recyclable material shall be sold by DRMO and 100 percent of the proceeds returned to the installation for use.

10-5.5.6 All Navy installations, including those which operate under NIF, shall participate in the program.

10-5.5.7 Proceeds from the sale of recyclable materials at an installation with a qualifying recycling program shall be deposited to **F3875 "Budget Clearing Account (suspense)." The accumulation of funds in **F3875 is not affected by fiscal year end, so proceeds acquired during one fiscal year may be carried forward and merged with proceeds of subsequent fiscal years. The proceeds shall be segregated within the account to allow accounting as to the amounts collected and their disposition.

10-5.5.8 Proceeds shall first be withdrawn from **F3875 to cover costs of operations, maintenance, and overhead for processing and handling the recyclable materials (including the cost of any equipment purchased for recycling purposes). Military personnel shall not be reimbursed from the proceeds of this account.

10-5.5.9 If a balance remains, not more than 50 percent of that balance may be used at the installation for projects for pollution abatement, energy conservation, and occupational safety and health activities. Not more than 50 percent of a minor construction project shall be paid for with proceeds from recyclable material sales. Pollution abatement, energy conservation, and occupational safety and health projects shall not be included in the normal military construction program if sufficient recycling proceeds are available at the installation which requires the projects.

10-5.5.10 Any remaining balance may be transferred to one or more of the local nonappropriated funding instruments supporting morale, welfare, or recreation activities of the installation as defined in existing DON regulations.

10-5.5.11 If the balance of an installation's proceeds remaining in **F3875 exceeds $2,000,000 at the end of a fiscal year, the amount in excess of $2,000,000 shall be deposited into the U.S. Treasury as miscellaneous receipts.

10-5.6 Solid Waste Disposal

10-5.6.1 Navy-owned landfills shall be designed to meet the most stringent of Federal, state, or local regulations. Navy-owned landfills shall meet the following minimum criteria:

a. Avoid constructing major structures on a completed land disposal site because of unpredictable settling and emission of entrapped methane gas.

b. Do not locate the site in an area where the attraction of birds would pose a hazard to low-flying aircraft.

c. Evaluate the hydrogeology of the site to provide for the protection of ground water resources.

d. Construct and grade the land disposal site to promote rapid surface water runoff without excessive erosion.

e. Ensure the landfill has a double liner with a leachate collection system.

f. Construct a groundwater monitoring system for the landfill.

g. Ensure the landfill has a leachate monitoring and disposal system. NOTE: Leachate may be hazardous and could require a permit to discharge.

10-5.6.2 Navy waste materials, including trash, rubbish, dunnage, garbage, construction debris, and liquid wastes, shall not be burned in open fires, except in limited situations as determined by health or safety considerations and with the approval of the appropriate local agency, state agency, and EPA regional office.

10-5.7 **Infectious Waste Management in Foreign Countries.** Navy activities in foreign countries are not, in general, subject to specific infectious waste requirements of this chapter as the requirements are based on U.S. laws and regulations. Nevertheless, infectious waste shall be managed in substantially the same manner as that in the U.S. to assure protection of human health and the environment.

Therefore, the packaging, handling, storage, transport, treatment, and disposal of infectious waste shall be consistent with U.S. standards to protect public health and the environment as modified by applicable SOFAs and other stationing agreements. In the absence of such agreements, infectious waste shall be handled as specified in Chapter 17 of this instruction.

10-5.8 **Navy Solid and Hazardous Waste Annual Report.** All Navy shore activities that generate more than one ton per day of solid waste shall prepare an annual report per guidance provided by NEESA. See Chapter 9 for a discussion of HW reporting. As discussed in Chapter 9, the report shall be mailed by 1 February to NEESA.

10-6 Responsibilities

10-6.1 **Solid Waste Source Reduction, Collection, Storage, Disposal, and Resource Recovery**

10-6.1.1 COMNAVFACENGCOM shall:

a. Be the technical focal point for solid waste management issues.

b. Maintain appropriate technical directives, design manuals, and operation manuals concerning solid waste source reduction, collection, storage, disposal, and resource recovery.

c. Assist, as requested, commanders and commanding officers of shore activities in developing resource recovery programs.

d. Develop and maintain solid waste reporting and information systems.

10-6.1.2 **Major claimants and subordinate commands** shall assure that activities under their command comply with current Federal requirements as well as applicable requirements of state, interstate, or local solid waste management agencies.

10-6.1.3 COMNAVSUPSYSCOM shall:

a. Investigate and develop methods to reduce packaging of materials supplied to the Navy.

b. Develop specifications for the purchase of items manufactured with recyclable materials.

10-6.1.4 **Commanding officers of shore activities** shall:

a. Develop solid waste management plans including source reduction and recycling programs and resource recovery facilities as required.

b. If in a tenant status, cooperate with the activity or lessor which provides solid waste collection and disposal services in the establishment of source reduction and separation programs.

c. If in a listed SMSA, cooperate with the designated SMSA lead agency.

d. Per paragraph 10-5.8, provide an annual solid waste management report to NEESA by 1 February of each year.

10-6.2 **Infectious Waste Management in the U.S. and in Foreign Countries**

10-6.2.1 BUMED shall:

a. Ensure NAVMEDCOMINST 6280.1 (NOTAL) instruction on infectious waste management for Navy medical treatment facilities is current.

b. Ensure that subordinate commands comply with Federal, state, local and SOFA requirements regarding the identification, generation, handling,

storage, transport, treatment, and disposal of infectious waste.

10-6.2.2 **Commanding officers of shore activities that generate infectious waste shall:**

a. Comply with the infectious waste management procedures specified in NAVMEDCOMINST 6280.1 (NOTAL).

b. Determine, evaluate and comply with Federal, state, local, or SOFA regulations that are more stringent than the requirements in NAVMEDCOMINST 6280.1 (NOTAL).

c. Request technical assistance, as required, from cognizant NAVFACENGCOM EFDs or BUMED in carrying out required actions.

d. Budget and fund the operation and maintenance of facilities and equipment necessary to handle, store, transport, treat, and dispose of infectious waste per applicable Federal, state, local, or SOFA regulations.

e. Manage infectious wastes in foreign countries to assure protection of human health and the environment and meet any applicable SOFA requirements.

10-6.2.3 **Commanding officers of shore activities assigned to receive infectious waste from ships shall:**

a. Provide accessible facilities to receive and store infectious waste per applicable Federal, state, local, or SOFA regulations until disposal of the materials.

b. Provide for disposal of infectious waste per applicable Federal, state, local, or SOFA regulations.

c. Manage infectious wastes in foreign countries to assure protection of human health and the environment as well as meet any applicable SOFA requirements.

10-6.2.4 **Fleet and type commanders,** as appropriate, shall reimburse Navy shore activities receiving ships' infectious waste for expenses incurred in handling, storing and disposing of the material.

CHAPTER 11

OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLANNING

11-1 Scope

This chapter identifies the requirements for the Navy to plan for and respond to oil discharges and hazardous substance (HS) releases (OHS spills) from Navy ships and shore facilities worldwide. Navy response to both its own spills and non-Navy spills is summarized in this chapter. The comprehensive management of hazardous materials (HM) and hazardous waste (HW) is described in Chapter 9. The prevention and minimization of oil pollution at shore facilities and aboard ships is discussed in Chapters 12 and 17, respectively. Navy policy for overseas activities is discussed in paragraphs 11-5.2 and 11-5.6.2.

11-1.1 References. Relevant references for this chapter are:

a. 29 CFR 1910.120: Occupational Safety and Health Administration Regulations on Hazardous Waste and Emergency Response (NOTAL)

b. 40 CFR 109: EPA Regulations on Criteria for State, Local, and Regional Oil Removal Contingency Plans (NOTAL)

c. 40 CFR 110: EPA Regulations on Discharge of Oil (NOTAL)

d. 40 CFR 113: EPA Regulations on Liability for Small Onshore Oil Storage Facilities (NOTAL)

e. 40 CFR 117: EPA Regulations Determination of Reportable Quantities for Hazardous Substances (NOTAL)

f. 40 CFR 252: EPA Guidelines for Federal Procurement of Lubricating Oils (NOTAL)

g. 40 CFR 300: EPA National Oil and Hazardous Substances Pollution Contingency Plan under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (NOTAL)

h. DoD Directive 5030.41 of 1 June 1977: Oil and Hazardous Substance Pollution Prevention and Contingency Planning (NOTAL)

i. OPNAVINST 5400.24D; Jurisdiction of Area Coordinator (NOTAL).

11-2 Legislation

11-2.1 Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). CERCLA, as amended by the Superfund Amendments and Reauthorization Act (SARA), requires EPA to promulgate revisions to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). NCP establishes the process for determining appropriate removal and/or remedial action for the nation's most serious (Superfund) HW sites. Additionally, the NCP establishes the national framework for planning and response to oil discharges and HS releases. NCP assigns responsibilities for OHS spill contingency planning and response to various Federal agencies, including DoD, and outlines state and local government and public and private interest group participation in these areas. NCP also specifies notification procedures for certain oil discharges and HS releases.

11-2.2 Clean Water Act (CWA). The CWA is the major Federal statute addressing improvement of the nation's water resources. Section 311 of the CWA deals with the prevention of and response to OHS spills into or upon the navigable waters of the contiguous zone. The CWA prohibits such discharges in quantities that are determined to be harmful to the public health or the environment. Oil discharges should be handled per applicable laws and regulations including reporting requirements for harmful discharges under the EPA Regulations for Discharge of Oil. Any person in charge of a vessel or an onshore facility who has knowledge that such a discharge has occurred is required to immediately notify the appropriate U.S. Federal agency. The CWA provides for large penalties for failure to provide such notification. The CWA also establishes a revolving fund, administered by the U.S. Coast

Guard (USCG), to allow rapid Federal response to oil discharges that cannot be adequately contained, controlled, and cleaned up by the responsible spiller.

11-2.3 **Emergency Planning and Community Right-to-Know Act (EPCRA).** This Act focuses on the hazards associated with toxic chemical releases. Most notably, specific sections of EPCRA require immediate notification of off-site releases exceeding reportable quantities of extremely hazardous substances (EHS) and CERCLA-defined HS to state and local emergency response planners. See paragraph 9-5.10 for specific compliance requirements relative to the Navy.

11-2.4 **Resource Conservation and Recovery Act (RCRA).** RCRA was established to protect human health and the environment from the hazards associated with solid wastes and HW generation, transportation, treatment, storage and disposal. Subtitle C of RCRA imposes specific requirements for developing spill contingency plans on the owners and operators of HW facilities. The requirements must be included in a facility HW management plan. Navy regional and local OHS pollution contingency plans address HS releases in a broader context and are not restricted to HW operations.

11-2.5 **Hazardous Waste Operations and Emergency Response.** The Occupational Safety and Health Act requires various levels of training for personnel involved in HW cleanup and emergency response operations.

11-2.6 **State Programs.** Most state regulatory programs contain provisions for OHS pollution contingency planning and notification of state and local authorities of OHS spills. In general, because states are integrated into the national response network through the Regional Response Teams (RRT), state regulations complement the Federal OHS spill response and contingency planning regulations.

11-3 Terms and Definitions

11-3.1 **Contiguous Zone.** A zone of the high seas, established by the U.S. under the Convention on the Territorial Sea and Contiguous Zone, which is contiguous to the territorial sea and which extends nine nautical miles (nm) seaward from the outer limit of the territorial sea.

11-3.2 **Discharge.** Discharge, as defined by the CWA, includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping of oil. It excludes

a. Discharges per a permit under the CWA

b. Discharges resulting from circumstances identified and reviewed and made a part of the public record with respect to a permit issued or modified under the CWA, and subject to a condition in such permit

c. Continuous or anticipated intermittent discharges from a point source, identified in a permit or permit application under the CWA, that are caused by events occurring within the scope of relevant operating or treatment systems.

For NCP purposes, discharge also means threat of discharge.

11-3.3 **Dispersant.** Dispersant means those chemical agents that emulsify, disperse, or solubilize oil into the water column or promote the surface spreading of oil slicks to facilitate dispersal of the oil into the water column.

11-3.4 **Federal On-Scene Coordinator (OSC).** The Federal OSC is the Federal official predesignated by EPA or the USCG to coordinate and direct Federal responses under the NCP, except for DoD HS releases. In the case of HS releases from DoD facilities or vessels, the OSC is predesignated by DoD and the DoD appointed OSC is the Federal OSC.

11-3.5 **Foreign Areas.** Any other countries, territories, or jurisdictions not contained under the definition of U.S.

11-3.6 **Hazardous Substance.** HS, as defined by CERCLA, means:

a. Any substance designated by the CWA

b. Any element, compound, mixture, solution, or substance designated by CERCLA

c. Any HW having the characteristics identified under or listed under RCRA (but not including any waste that has been suspended by Act of Congress)

d. Any toxic pollutant listed under the CAA

e, Any imminently hazardous chemical substance or mixture with respect to which the Administrator of the EPA has taken action under the TSCA.

The term does not include petroleum, including crude oil, or any fraction thereof, which is not otherwise specifically listed or designated as a HS and does not include natural gas, natural gas liquids, liquified natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).

11-3.7 Navy On-Scene Commander (NOSCDR). Commanders or commanding officers of designated naval shore activities or complexes (shoreside NOSCDRs) and of fleet units (fleet NOSCDRs). Shoreside NOSCDRs are predesignated by the cognizant NOSC. They are assigned on the basis of OHS spill risk and the response capability of the command to assure rapid, effective response to OHS spills. The numbered fleet commanders (fleet NOSCs) may predesignate one or more fleet NOSCDRs to direct on-scene OHS spill response operations within assigned ocean areas.

11-3.8 Navy On-Scene Coordinator (NOSC). The NOSC is the Navy official predesignated to coordinate Navy OHS pollution contingency planning and direct Navy OHS pollution response efforts in a preassigned area. Shoreside NOSCs are normally regional environmental coordinators predesignated by the area coordinators (see Chapter 2). Fleet NOSCs are the numbered fleet commanders who direct fleet operations within assigned ocean areas. The NOSC is the Federal OSC for Navy HS releases.

11-3.9 National Contingency Plan. The National Oil and Hazardous Substance Pollution Contingency Plan which provides the legal framework for Federal Government OHS pollution contingency planning and response. The NCP describes the Federal Response Team, the Regional Response Team, and the National Response Center.

11-3.10 National Response Center (NRC). The 24 hour OHS spill notification center, located at USCG headquarters in Washington, D.C. The NRC is the single Federal notification point. The NRC in-turn notifies the predesignated Federal OSC of reported OHS pollution incidents.

11-3.11 National Response Team (NRT). The Federal response organization, consisting of 14 Federal agencies, including DoD, established to coordinate OHS spill planning and response efforts. The NRT is chaired by the EPA with the USCG providing the vice chair.

11-3.12 Oil. Oil, as defined by the CWA, means oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil.

11-3.13 Regional Response Team (RRT). The Federal response network under the NRT consisting of regional Federal agency and state representatives. there are 13 RRTs, one for each of the ten standard Federal regions, a separate one for Alaska, one for Hawaii and the Pacific U.S. areas, and one for the caribbean areas.

11-3.14 Release. Release, as defined by CERCLA, means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any HS or pollutant or contaminant). It excludes:

a. Any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons

b. Emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine

c. Release of source, byproduct, or special nuclear material from a nuclear incident if such release is subject to requirements with respect to financial protection established by the NRC or any release of source, byproduct, or special nuclear material from any processing site designated under

the Uranium Mill Tailings Radiation Control Act of 1978

d. The normal application of fertilizer and herbicides.

For NCP purposes, release also means threat of release.

11-3.14.1 Federally Permitted Release. As defined in CERCLA, discharges in compliance with Federal laws including the CWA, the Clean Air Act (CAA), the Solid Waste Disposal Act (SWCA), the Marine Protection, Research, and Sanctuaries Act (MPRSA), and the Atomic Energy Act. Federally permitted releases also include any injection of fluid authorized under Federal underground injection controls or state programs submitted for Federal approval, and any injections of fluid or other material authorized under applicable state law associated with crude oil or natural gas production.

11-3.15 Reportable Quantity. A release of a CERCLA listed HS or a EPCRA listed EHS exceeding the limit for that substance. HS or EHS releases that equal or exceed these limits must immediately be reported to Federal, state, and local authorities.

11-3.16 Territorial Seas. The zone established by the U.S. under the Convention on the Territorial Sea and Contiguous Zone. For the purposes of this chapter, the territorial sea extends three nm seaward from the mean low water line of the U.S. shoreline. (This definition is applicable to most Federal legislation passed before 1989. For international law purposes, however, the "territorial sea" extends out 12 nm.)

11-3.17 Twelve Nautical Mile Zone. Contains the Territorial Sea Zone plus the Contiguous Zone and equals 12 nm.

11-3.18 United States. U.S. means the states, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Marianas Islands, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands, and any other territory or possession over which the U.S. has jurisdiction.

11-3.19 Vessel. As defined in the CWA and related Federal regulations, every type of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on the navigable waters of the U.S.

11-3.19.1 Public Vessel. Owned or bareboat-chartered and operated by the U.S., or by a state or political sub-division thereof, or by a foreign nation, except when such vessel is engaged in commerce.

11-4 Requirements

11-4.1 Contingency Planning. The primary requirement for Federal, including DoD, contingency planning in the U.S. areas stems from the NCP. The NCP requires Federal OSCs to prepare regional OHS pollution contingency plans. DoD is the Federal OSC for DoD HS releases. The NCP also requires all Federal OSC plans to be coordinated with proper Federal authorities and with overlapping Federal plans. International laws and various foreign regional agreements, protocols, and initiatives also require OHS pollution contingency plans from ship and shore facilities that pose a spill risk.

11-4.2 Notification for OHS Pollution Incidents in U.S. Waters. CERCLA and the CWA specify that all reportable quantity OHS spills occurring within U.S. waters be immediately reported directly to the NRC at USCG headquarters at 1-800-424-8802 or 202-267-2675 by voice communication. NRC notification will not be delayed for lack of information. Immediate voice notification to the NRC fulfills Federal notification requirements and ensures that the predesignated EPA or USCG Federal OSC will be notified. If the NRC cannot be reached by voice immediately, then the spiller/spill discoverer is required to immediately notify the closest EPA office or USCG station.

EPCRA requires that reportable quantity HS and EHS releases be reported to State Emergency Response Commissions (SERCs) and Local Emergency Planning Committees (LEPCs). As described in paragraph 9-5.10, Navy policy is to voluntarily comply with SERC and LEPC notification requirements. Reportable quantity OHS spills occurring within state waters, or with the potential to impact the U.S. shoreline, must be reported to applicable state environmental authorities by voice where required by state statute. Periodic follow-up reports

and after-action reports must also be made where required.

11-4.3 OHS Spill Notification for Non-U.S. Waters. Under international agreements, OHS spills that impact, or have the potential to impact a foreign shoreline must immediately be reported to the nearest affected nation. Spills that impact or have the potential to impact shorelines of Canada or Mexico fall within the scope of U.S./Canada and U.S./Mexico bilateral agreements and must also be reported immediately to the NRC. Additionally, OHS spills in Puerto, the Panama Canal Zone, and the U.S. Virgin Islands must also be reported to the NRC.

11-4.4 OHS Pollution Response. CWA and CERCLA prohibit the discharge of oil in harmful quantities and HS in reportable quantities into U.S. waters. When such discharges or releases by a Federal agency do accidentally occur, the spiller is responsible for taking all necessary actions to remove the oil or HS and mitigate adverse environmental impacts. The roles and responsibilities of the DoD in responding to DoD OHS spills are explained in the NCP. For DoD HS releases, the DoD assumes the role of the Federal OSC. As a Federal OSC, DoD is required to direct the Federal response effort, including coordination with the RRT and with other Federal, state, and local authorities. For oil discharges from DoD facilities or vessels or on DoD facilities, the DoD is responsible for cleaning up the oil and minimize damages. However, in this case, either EPA or the USCG assumes the broader role of the Federal OSC. Typically, EPA or USCG Federal OSC will monitor the response efforts of DoD and advise DoD of appropriate actions. If EPA or USCG Federal OSC determines that DoD response is inadequate or inappropriate, then the OSC may assume direct operational command of all response efforts, though DoD remains financially responsible for cleanup and damage costs.

11-4.5 Non-DoD Spills. DoD also has certain responsibilities to assist in the response to non-DoD spills. As shown in Figure 11.1, DoD is one of 14 Federal agencies that comprise the National Response Team (NRT). As a participating NRT member, DoD and its components are obligated to provide any assistance they can in responding to OHS spills of national concern, to the extent that DoD participation does not impair DoD mission capabilities. Additionally, the Naval Sea System Command's Supervisor of Salvage (SUPSALV) is highlighted within the DoD component of the NCP as one of the nation's Federal response assets. Specifically, for large offshore or salvage-related pollution incidents, SUPSALV personnel, equipment, and expertise may be requested by the USCG as the Federal OSC. To facilitate mobilization and funding of SUPSALV equipment and personnel for a non-DoD spill, SUPSALV and USCG have established an Interagency Agreement for Pollution Response.

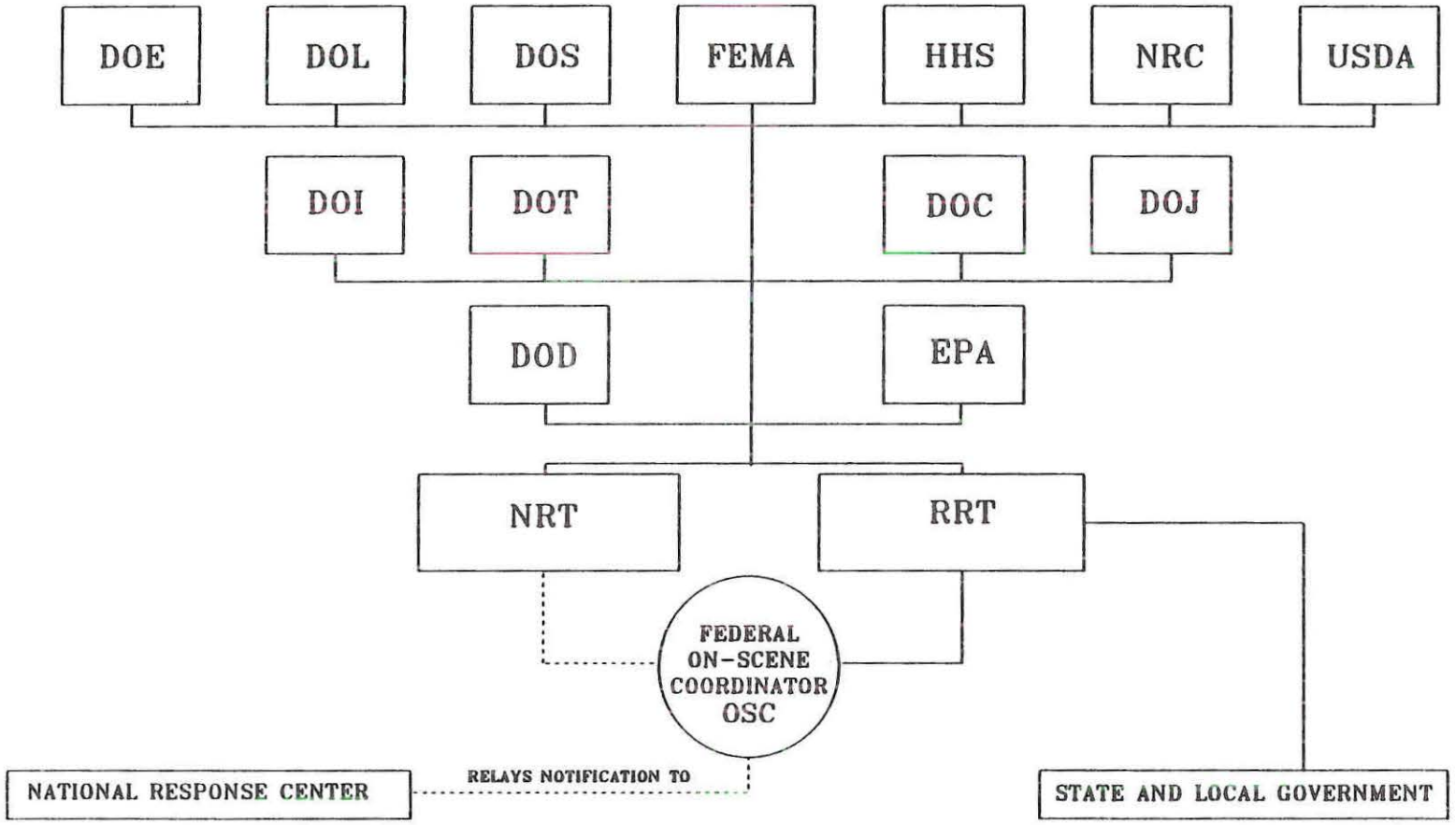
11-4.6 Natural Resource Trustee Responsibilities. The NCP assigns responsibilities to certain Federal agencies for protecting natural resources that are held in trust by the Federal government for the U.S. public. Responsibilities for natural resources protection are primarily divided among the Department of the Interior, the Department of Agriculture and the Department of Commerce's National Oceanic and Atmospheric Administration (NOAA). Individual states also assume trust responsibilities for natural resources protection. However, for natural resources located on DoD owned or leased property, DoD is responsible for protecting these resources from any environmental damage, including OHS spills.

11-5 Navy Policy

11-5.1 Navy Organization for Planning and Response. The Navy shall fully prepare for OHS pollution incidents, and where such incidents do occur, shall undertake immediate, direct action to minimize the harmful effects of OHS on the environment. The Navy OHS pollution contingency planning and response organization has been established to carry out this policy. The organization parallels existing chains of command and regional coordination authorities and satisfies the requirements and intent of Federal and state regulations.

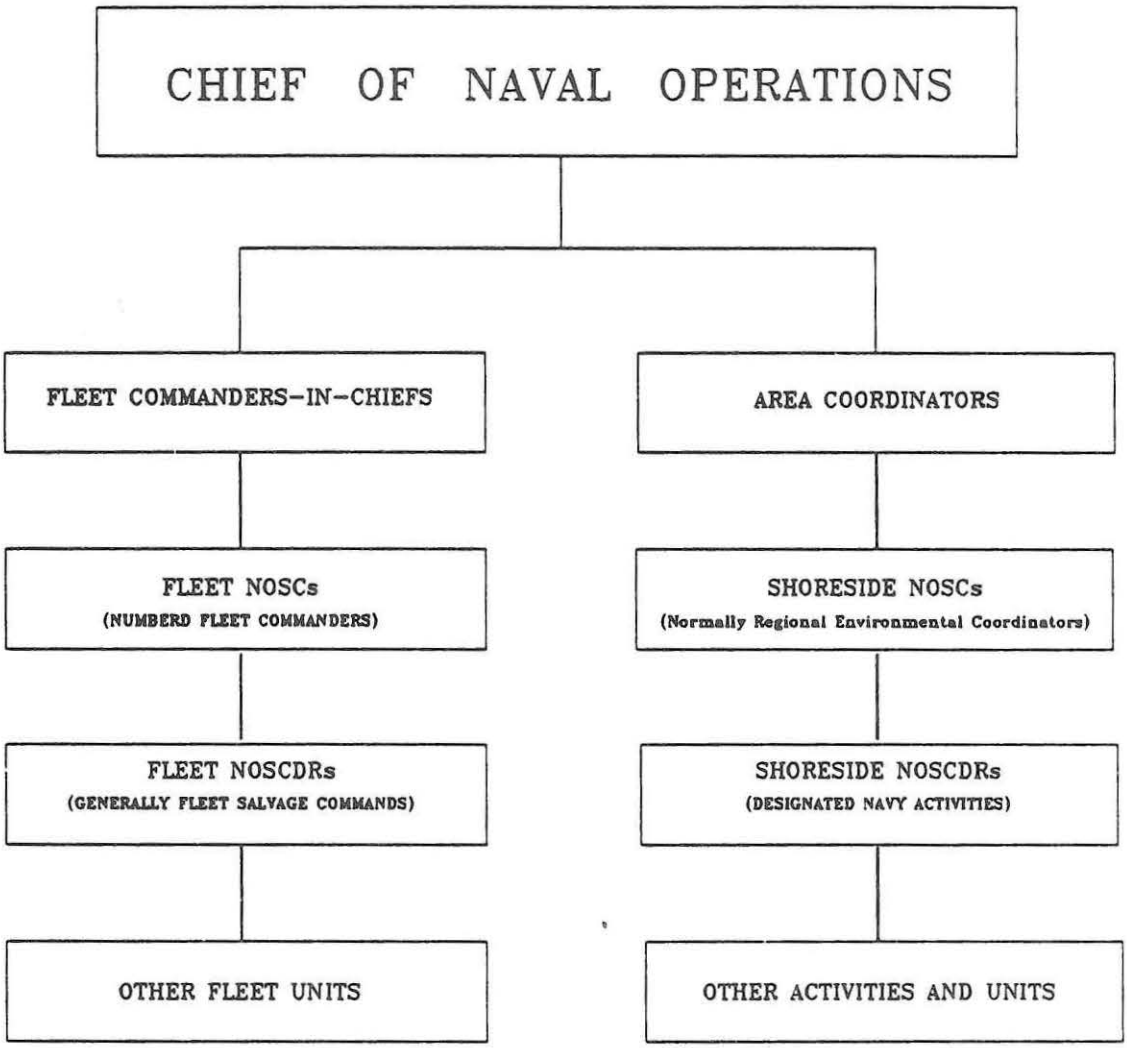
Figure 11.2 shows the Navy OHS pollution response organization. Area coordinators, assigned Navy area wide coordination authority by OPNAVINST 5400.24D (NOTAL), and Fleet CINCs shall establish OHS pollution contingency planning and response policies in their areas, consistent with this instruction.

NATIONAL CONTINGENCY PLAN CONCEPT



DOC - DEPARTMENT OF COMMERCE
DOD - DEPARTMENT OF DEFENSE
DOE - DEPARTMENT OF ENERGY
DOI - DEPARTMENT OF INTERIOR
DOJ - DEPARTMENT OF JUSTICE
DOL - DEPARTMENT OF LABOR
DOS - DEPARTMENT OF STATE
DOT - DEPARTMENT OF TRANSPORTATION
EPA - ENVIRONMENTAL PROTECTION AGENCY
FEMA - FEDERAL EMERGENCY MANAGEMENT ACT
HHS - DEPARTMENT OF HEALTH AND HUMAN SERVICES
NRC - NUCLEAR REGULATORY COMMISSION
NRT - NATIONAL RESPONSE TEAM
RRT - REGIONAL RESPONSE TEAM
USDA- U.S. DEPARTMENT OF AGRICULTURE

Figure 11.1



NAVY OHS POLLUTION RESPONSE ORGANIZATION

FIGURE 11.2

Area coordinators shall predesignate the shoreside NOSCs. Shoreside NOSCs shall generally be designated to parallel existing regional environmental coordination authorities. Shoreside NOSCs are Echelon 2, 3, or 4 commanders who generally represent the senior Navy commander for environmental matters within the region (see Chapter 2). NOSCs shall designate NOSCDRs. NOSCDR selections shall be made based upon a known or potential spill risk and the existence of prestaged response assets or the ability to rapidly obtain such assets if needed. Shoreside NOSCs shall preassign shoreside NOSCDR geographic boundaries which may extend beyond activity boundaries. NOSCs may also, as the situation arises, request the assistance of any NOSCDR in responding to a Navy OHS spill incident anywhere in the NOSC region. NOSCDR commands shall have fully trained On-Scene Operations Teams (OSOTs) to control, contain and clean up OHS spills. An alternative to this requirement is to have in-place a contract or mechanism to access trained, ready response personnel who can rapidly respond to any possible Navy spill. OHS pollution response contracts or arrangements to utilize USCG or EPA Basic Ordering Agreements may fulfill this requirement. Another alternative is to participate in an OHS pollution response cooperative. However, Navy participation in commercial spill response cooperatives may have legal, financial, and technical concerns that need to be carefully assessed. Therefore, all requests by Navy shore commands to participate in a spill cooperative shall be submitted to COMNAVFACENGCOM, through the EFD, for review and approval.

11-5.2 Foreign Areas. Regulations requiring comprehensive OHS spill contingency plans exist for many of the foreign nations where the Navy operates. Additionally, SOFAs, international agreements, and responsible overseas stewardship dictate that the Navy be responsible for minimizing adverse environmental impacts. Thus, Navy fleet units and shore activities worldwide shall develop and be ready to implement comprehensive OHS pollution contingency plans.

11-5.3 Shoreside Contingency Planning

11-5.3.1 NOSC Plans. Commanders designated as NOSCs shall have an OHS pollution contingency plan providing geographic coverage for the assigned area. NOSC plans shall conform to the contingency planning instructions issued by area coordinators and shall identify NOSCDR assignments and responsibilities within the NOSC region. These plans shall be coordinated and consistent with Federal regional OSC plans. They shall also be coordinated with other DoD component OSC plans, including Marine Corps plans, to the extent specified by DoD or as required by any Navy/DoD component interservice agreement. NOSC OHS pollution contingency plans shall be prepared in a format determined by CNO and shall be kept current at all times. They shall undergo, as a minimum, a thorough annual review and, if necessary, revision. COMNAVSEASYSCOM shall assist the NOSCs in developing NOSC plans in the proper format and shall assist in major plan revisions and updates.

11-5.3.2 NOSCDR Plans. Commanders and commanding officers designated as NOSCDRs shall have a NOSCDR OHS pollution contingency plan providing geographic coverage for the response area preassigned to the NOSCDR by the NOSC. NOSCDR plans shall comply with the NOSC contingency planning instruction and follow the general format prescribed by COMNAVFACENGCOM. NOSCDR plans shall be coordinated with state and local authorities, kept current, and reviewed and updated annually.

11-5.3.3 Local and Facility Plans. All Navy shore commanders and commanding officers not designated as NOSCDRs at an activity which has the potential to have OHS spills in reportable quantities shall develop activity spill contingency plans consistent with NOSC and NOSCDR plans and in a format prescribed by COMNAVFACENGCOM. Activity spill contingency plans shall be kept current and reviewed and updated annually.

11-5.4 Fleet Contingency Plans

11-5.4.1 NOSC and NOSCDR Plans. Each numbered fleet command shall have a NOSC plan covering the operational area for that fleet. Fleet NOSC plans shall comply with the cognizant Fleet CINC instruction for OHS pollution contingency planning. NOSC plans shall be developed in the format prescribed by COMNAVSEASYSCOM and shall be coordinated with Federal, state and foreign agencies, as appropriate.

Each fleet NOSC shall designate at least one fleet NOSCDR to provide operational assistance for large or complex fleet spills. The NOSCDR(s) should be the fleet salvage unit(s). The NOSCDR will not require a separate OHS spill contingency plan provided the NOSC plan contains country specific response data for each of the countries in the fleet operating area. Fleet NOSC/NOSCDR plans shall be kept current and reviewed and updated annually.

Fleet NOSC/NOSCDR OHS spill contingency plans can be developed either as a stand-alone document or as a chapter or annex to fleet operational orders (OPORDs), provided the format complies with COMNAVSEASYSCOM guidance. Fleet plans shall contain information consistent with adjacent shoreside NOSC plans and applicable senior officer present afloat (SOPA) instructions.

11-5.4.2 Shipboard Plans. Each Navy ship shall develop OHS spill contingency plans per guidance provided by COMNAVSEASYSCOM. Such plans shall be coordinated with fleet-wide NOSC/NOSCDR plans and shall be consistent with adjacent shoreside NOSC/NOSCDR plans and applicable SOPA instructions.

11-5.5 Notification Procedures. All reportable quantity Navy OHS pollution incidents occurring within U.S. waters shall be reported immediately to the NRC at 1-800-424-8802 or 202-267-2675 by voice communication. The Navy ship or shore activity responsible for the OHS spill shall notify the NRC to avoid delays. If responsibility for the spill cannot be determined, the first Navy unit that determines a reportable quantity spill has occurred shall notify the NRC. If the NRC cannot be reached by voice immediately, then the spiller shall immediately notify the appropriate shoreside NOSC who shall in-turn immediately notify the closest EPA office or USCG station identified in the shoreside NOSC pollution contingency plan.

Reportable quantity OHS spills occurring within state waters, or with the potential to impact the U.S. shoreline, shall also be reported to applicable state regulatory authorities. Upon notification of a OHS spills from a Navy shore activity, the cognizant NOSCDR shall notify state and local authorities and the NOSC of the spill. Navy ships spilling OHS, shall notify the cognizant NOSC and NOSCDR, if known, as specified in the shoreside NOSC contingency plan. The shoreside NOSC shall contact proper state authorities regarding the spill. Shoreside NOSCs, along with other affected Navy commands, shall be notified as follows:

a. All reportable quantity OHS spills shall be reported immediately to the applicable NOSCDR by voice communication, followed by a confirming OHS spill report via message or NAVGRAM (Appendices G and H).

b. For situations where spills occur outside pre-assigned NOSCDR jurisdiction, or where such jurisdiction can not be determined, the cognizant NOSC shall be notified by voice and then by message report. NOSCDRs shall notify the cognizant NOSC as specified in the NOSC Pollution Contingency Plan.

c. For OHS spills with the potential to cross NOSC boundaries, all affected NOSCs shall be notified

d. Spills which represent environmentally significant events or have the potential to cause adverse public reaction shall immediately be reported using the OPREP system (see OPNAVINST 3100.6E (NOTAL) for instructions on OPREP reports).

These requirements do not supersede any other Navy chain of command notification requirements.

11-5.6 Response Operations

11-5.6.1 Safety. Safety shall be the top priority for all Navy OHS pollution response operations. The safety and health of response personnel shall not be compromised at any point during on-scene response.

11-5.6.2 Navy Response. The Navy shall respond promptly to all Navy OHS spills. For Navy HS releases, the Navy as the predesignated Federal OSC, shall direct all cleanup actions required. For Navy oil discharges, either EPA or the USCG is the predesignated Federal OSC and has statutory authority to assume control of the response if Navy actions are ineffective or inadequate. The Navy policy for response to oil discharges is to contain and mechanically recover the oil. Other current and developing response methods, including chemical applications such as dispersants, gelling agents,

piston films, open-sea burning, bioremediation, and other similar techniques shall only be used in the special cases where recommended by an EPA or USCG Federal OSC, by a RRT in U.S. waters, or by a foreign country in foreign waters, except where such methods are necessary to protect human life. For offshore or salvage-related OHS response, COMNAVSEASYSCOM shall evaluate the possible use of developing technologies and recommend changes in operational response strategies, as appropriate. Likewise, for inland or harbor oil spill response or on-shore HS spill response, COMNAVFACENGCOM shall review the possible use of developing technologies and recommend changes in operational response strategies, as appropriate. Navy policy is to retain control of all Navy OHS pollution responses. It will require that the Navy response be rapid and effective.

11-5.6.3 Military Sealift Command (MSC) Spills. OHS spills from MSC ships shall be handled as follows:

a. Spill response for MSC ships under the operational control of a Navy fleet shall be handled in the same fashion as any other fleet ship spill. MSC ships shall notify Navy fleet commanders of any OHS spills which occur in the fleet commander's area. MSC shall be requested to provide funding data and technical assistance as necessary for response operations.

b. Spills from MSC ships not under the operational control of Navy fleets are the responsibility of the Commander, MSC (COMSC) through the MSC area commander. For significant spills, COMSC may request that the Navy Fleet CINC or shoreside NOSC coordinate and direct the response operation. The Fleet CINC may in turn request the assistance of the appropriate Navy numbered fleet commander.

11-5.6.4 Non-Navy Spill Response. Navy response assistance may be requested for non-Navy spills by the Federal OSC. Under the terms and conditions of the NCP and the Navy SUPSALV - Coast Guard Interagency Agreement for Pollution Response, the Navy shall respond to such requests.

11-5.6.5 Salvage-Related Spills. The Navy shall direct response efforts to pollution incidents resulting from Navy ship incidents, such as ship groundings. The cognizant fleet or shoreside NOSC shall direct these operations and coordinate closely with ongoing fleet salvage operations. Likewise, fleet salvage forces shall take all reasonable precautions to reduce the threat of OHS pollution from stricken vessels or craft. Navy SUPSALV shall provide advice, personnel, and equipment, as appropriate, for joint salvage/pollution operations.

The Navy shall fulfill obligations outlined in the NCP for Navy support to non-Navy salvage/pollution incidents.

In instances where a collision between a Navy ship and a commercial ship results in a spill from the commercial ship, the Navy shall not conduct or fund the response operations unless so directed by the CNO. In such situations, the Navy fleet commander shall report the spill, monitor the situation, and offer appropriate support to responsible authorities.

11-5.6.6 Navy Response to Other DoD Component OHS Spills. Navy assistance for other DoD component OHS spills may be requested by the DoD, the DoD component, or by the Federal OSC. Requests for Navy assistance are particularly likely for large marine oil spills and may come from the Defense Logistics Agency, the Marine Corps, or other DoD components. Navy response to such requests shall be consistent with procedures established by the DoD and with any applicable Navy/DoD component interservice agreement.

11-5.7 Training. Navy pollution prevention programs described elsewhere in this instruction should reduce the likelihood of a Navy OHS spill. Nevertheless, the Navy must be prepared to rapidly, effectively, and safely respond to any Navy OHS spill. In order to fulfill Federal safety requirements and make maximum use of combined Navy and other Federal response assets, Navy OHS response personnel shall have specialized training on the control and handling of OHS which is commensurate with their risk and responsibilities.

11-5.7.1 OHS Spill Response Safety Training. Navy spill response management and cleanup personnel require specialized safety training to reduce the likelihood of injury during response events. As a minimum, response personnel shall receive training which meets the requirements of the Occupation

Safety and Health Administration's Regulations on Hazardous Waste and Emergency Response.

11-5.7.2 OHS Spill Response Operations Training. NOSCs, NOSCDRs, and OSOT members shall receive specialized operational response training to familiarize them with the technical, organizational, and operational aspects of OHS pollution response. Initial training shall be received by all response team personnel as shortly after assignment as possible, and refresher training shall be provided consistent with personnel assignments and changes to OHS spill cleanup procedures and requirements.

11-6 Responsibilities

11-6.1 Area coordinators shall:

a. Develop and periodically update an area-wide OHS spill contingency planning instruction specifying NOSC and NOSCDR responsibilities for OHS spill contingency planning and response in the region

b. Predesignate shoreside NOSCs to plan for and direct response efforts to OHS spills from Navy ship and shore activities throughout the region

c. Coordinate with SUPSALV for the development, revision and update of the area-wide OHS spill contingency planning instruction and the individual NOSC plans.

11-6.2 Fleet CINCs shall establish contingency planning and response policies in their areas consistent with this instruction.

11-6.3 Shoreside NOSCs - U.S. areas shall:

a. Direct all major response efforts for Navy OHS spills within assigned shoreside boundaries to include coastal areas out to the 12 nm zone

b. Serve as the Federal OSC under the NCP for Navy HS releases within assigned geographic boundaries

c. Predesignate shoreside NOSCDRs and preassign geographic areas for response

d. Coordinate response operations with adjacent NOSCs, including fleet NOSCs, for Navy OHS spills which may impact more than one NOSC region

e. Develop in the general format prescribed by COMNAVSEASYSCOM and consistent with the area coordinator's instructions, area-wide NOSC OHS spill contingency plans and coordinate the development of the plans with the overlapping regional Federal OSC plans, as prescribed in the NCP

f. Coordinate response operations with the DoD representative to the RRT

g. Coordinate shoreside NOSC plans with fleet planning and operations and ensure that Navy SOPA instructions contain guidance for fleet OHS spill response that is consistent with the shoreside NOSC plans

h. Ensure that all Federal, state, and local OHS spill notification procedures are followed.

11-6.4 Shoreside NOSCs - foreign areas shall:

a. Develop overseas NOSC OHS spill contingency plans in the format prescribed by COMNAVSEASYSCOM and consistent with area coordinator instructions. Coordinate the development of these plans with applicable host nations.

b. Oversee response operations for Navy OHS spills within assigned areas and coordinate response operations with adjacent NOSCs and with applicable foreign nation agencies

c. Predesignate shoreside NOSCDRs and preassign geographic areas for response

d. Ensure all required foreign country OHS spill notification procedures are followed.

11-6.5 Fleet NOSCs shall:

a. Predesignate fleet NOSCDRs to provide direct operational assistance to fleet commanders for large fleet response incidents

b. Develop area-wide fleet NOSC plans in a format prescribed by COMNAVSEASYSCOM and

consistent with area coordinator instructions and coordinate these plans with adjacent shoreside NOSCs for the 12 nm zone

c. Ensure all required Federal, state, regional, local, or foreign government notifications are made promptly

d. Ensure that OPORDs and instructions containing guidance or policy for fleet OHS pollution response are consistent with fleet NOSC plans and SOPA instructions.

11-6.6 NOSCDRs shall:

a. Oversee response efforts for Navy OHS releases within preassigned NOSCDR areas until relieved by the NOSC, as well as support the NOSC for Navy response in areas outside of NOSCDR boundaries

b. Develop, annually review and periodically update sub-regional, or local, NOSCDR plans in a format prescribed by COMNAVFACENGCOM and consistent with policy direction and guidance provided by the NOSC

c. Review NOSCDR plans for consistency with appropriate state and local environmental and emergency planning authorities

d. Make all required Federal, state, and local notifications for Navy OHS spills and make Navy chain of command notifications up to the NOSC level.

11-6.7 Commanding officers shall:

a. Develop and annually review and update, as appropriate, activity or shipboard OHS spill contingency plans in a format prescribed by COMNAVFACENGCOM or COMNAVSEASYSCOM, respectively, and consistent with applicable NOSCDR and NOSC plans

b. Mitigate and clean up OHS spills from the Navy ship or activity.

11-6.8 Major claimants shall:

a. Ensure Navy spill response personnel receive appropriate training for OHS spill contingency planning and response

b. Fund OHS spill response expenditures that are beyond the capability of the Navy spiller.

11-6.9 COMNAVSEASYSCOM shall:

a. Assist area coordinators in the development and update of the area-wide OHS spill contingency planning and response instructions, to include the identification of appropriate NOSC commands

b. Assist NOSCs in the development and update of NOSC plans, to include the identification of appropriate NOSCDRs and NOSCDR response boundaries

c. Assist NOSCs in major OHS pollution response issues as they arise and in decision-making for major or offshore/salvage-related response operations

d. Provide expertise and equipment at the request of the Federal OSC for major offshore or salvage-related OHS pollution incidents.

11-6.10 COMNAVFACENGCOM shall:

a. Assist NOSCDRs and other Navy shore activities and fleet units with the development of local or activity OHS pollution contingency plans

b. With COMNAVSEASYSCOM, assist major claimants and area coordinators in the determination of training needs and the development of associated training curriculums.

c. Determine requirements, budget for, and procure investment category equipment for inland water and harbor oil spill control.

CHAPTER 12

OIL POLLUTION PREVENTION ASHORE

12-1 Scope

12-1.1 This chapter identifies requirements and responsibilities applicable to the prevention of oil pollution and the collection, reclamation, and disposal of oily wastes and waste oils. Requirements apply in all areas within the United States, Commonwealth of Puerto Rico, Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands. Navy policy with respect to activities in foreign countries is provided in paragraph 12-5.1.

12-1.2 The handling of petroleum products and residues defined as hazardous such as solvents and treatment sludge is addressed in Chapter 9. Navy response to oil spills under the NCP is given in Chapter 11. Management of USTs is addressed in Chapter 14, and shipboard oil pollution abatement is addressed in Chapter 17.

12-1.3 **References.** Relevant references are:

a. 33 CFR 154; DOT (USCG) Oil Pollution Prevention Regulations for Marine Oil Transfer Facilities (NOTAL)

b. 40 CFR 110; EPA Regulations on Discharge of Oil (NOTAL)

c. 40 CFR 112; EPA Regulations on Oil Pollution Prevention (NOTAL).

12-2 Legislation

12-2.1 **General.** CWA requires Federal activity compliance with applicable requirements concerning the control of oil pollution.

12-2.2 **CWA.** Prohibits the discharge of oil into any surface waters of the U.S., if the discharge violates applicable state water quality standards or effluent standards or causes a sheen on, or film upon, or discoloration of the surface of the water or adjoining shorelines, or causes a sludge or emulsion to be deposited beneath the surface of the water, or upon the shoreline.

12-2.3 **Military Construction Codification Act, Section 6.** Contains a provision that allows net proceeds from the sale of recyclable materials (including used oil) to be used by Navy activities for certain purposes.

12-3 Terms and Definitions

12-3.1 **Contaminated Fuel.** A mixture of one or more types of fuel oils, or an oil or oil mixture containing foreign matter such as dust, dirt, rust, water, or emulsion.

12-3.2 **HW Fuel.** HW and any fuel that contains HW that is burned for energy recovery in a boiler or industrial furnace.

12-3.3 **Industrial Boiler.** A boiler located on the site of a facility engaged in a manufacturing process where substances are transformed into new products, including the component parts of products, by mechanical or chemical processes.

12-3.4 **Industrial Furnace.** A device specifically listed by EPA as enclosed devices that are integral components of a manufacturing process and that use a controlled flame to accomplish recovery of materials or energy.

12-3.5 **Lubricating (Lube) Oil.** Crankcase oil, cutting oil, gear lubricant, metal-working lubricant, hydraulic oil, and transmission fluid.

12-3.6 **Navigable Waters.** Waters of the United States including the territorial seas.

12-3.7 **Off Specification Used Oil Fuel.** Any used oil fuel that exceeds contaminant specification levels provided in EPA regulations. These fuels are managed differently from HW fuels in that they can be blended with clean fuels to upgrade them to

specification used oil fuels. Used oil is assumed to be off specification unless demonstrated otherwise.

12-3.8 **Oil.** Any petroleum-based fluid or semi-solid. Oil includes crude oil, all liquid fuels (gasoline, kerosene, diesel, and all light and heavy fuel oil(s), lube oil, all waste oils, oil sludge, and oil refuse. Oil also includes synthetic-based lubricating and transmission products. In some instances, oil mixed with other wastes other than dredged spoil is defined as oil; in other instances, oil mixed with other wastes is defined as HW. PCB contaminated soils are addressed in Chapter 9.

12-3.9 **Recyclable.** The generic term for an oil that can be reclaimed or re-refined to a useful product.

12-3.10 **Segregation.** The process of grouping used oils into primary categories based on chemical compatibility and economic reuse.

12-3.11 **Specification Used Oil Fuel.** Any used oil fuel that does not exceed contaminant allowable limits provided in EPA regulations and contains no added HW. Off specification used fuels may be upgraded to this category by blending with other fuels.

12-3.12 **Transportation or Non-Transportation Related Oil Storage Facilities.** Shore activities with oil storage facilities are classified as either transportation-related or non-transportation related. Transportation-related facilities are primarily involved with bulk oil transfer. Bulk oil transfer includes transferring oil from stationary storage tanks to tanker ships, highway tankers, and railroad tank cars for transport to offsite locations. Non-transportation-related facilities are primarily involved in fuel storage for on site use.

12-3.13 **Used Oil.** Any oil that has been refined from crude oil, used, and as a result of such use, is contaminated by physical or chemical impurities. Wastes that contain oils that have not been used (e.g., fuel oil storage tank bottom clean-out wastes) are not used oil unless they are mixed with used oil.

12-3.14 **Used Oil Management Plan.** A document that identifies sources of used oils, primary used oil segregation groups, recycling options, and detailed operational requirements for a specific Navy facility or facilities.

12-3.15 **Used Oil Reclamation.** The removal of water and contaminants from used oil to permit the oil to be reused for some beneficial purposes, although not necessarily its original purpose.

12-3.16 **Used Oil Re-refining.** Refining of used oil to produce high quality base stocks for lubricants or other petroleum products.

12-3.17 **Utility Boiler.** A boiler that is used to produce electricity, steam, or heated or cooled air for sale.

12-3.18 **Waste Oil.** Oil which has been changed markedly from original specifications, thereby becoming unsuitable for further use within the Navy.

12-4 Requirements

12-4.1 Oil Storage Facilities

12-4.1.1 Transportation-related facilities serving tanker ships are subject to current USCG regulations. These regulations, which apply to all components of DoD, address aspects of the design and operation of on-shore and off-shore facilities that are engaged in the transfer of bulk oil to and from vessels.

EPA regulates oil spill prevention at an installation except for installation terminal facilities for transferring oil to ships containing more than 250 barrels of the oil. These terminal facilities are regulated by the Department of Transportation.

Military tanker type or bulk oil-cargo carrying ships are exempted by law from regulations concerning the design and operation of vessels which carry flammable or combustible liquid cargo in bulk.

12-4.2 **Spill Prevention Control and Countermeasure (SPCC) Plans.** Non-transportation-related facilities will have a SPCC Plan that provides a history of oil spill events, the potential for discharge of oil, as well as containment procedures and equipment to prevent oil spills into or upon a navigable waterway or shoreline of the U.S. SPCC plans must

initially be certified by a registered professional engineer, and must be reviewed, updated and recertified by a registered professional engineer at three-year maximum intervals.

12-4.2.1 SPCC plans are not required if the facility has an aggregate unburied storage capacity of 1,320 gallons or less of oil, provided no single container capacity exceeds 660 gallons; has a total underground storage capacity of 42,000 gallons or less; or could not reasonably be expected to discharge oil into or upon the navigable waters of the U.S. or adjoining shorelines because of the location of the facility.

12-4.2.2 New shore activities will prepare and implement SPCC plans within six months and one year, respectively, from the date the activity begins operation.

12-4.2.3 SPCC plans will be maintained at facility and be available to EPA Regional Administrators or their designated representatives, and state and local agencies for on-site review during normal working hours.

12-4.3 Used Oil Recycling

12-4.3.1 DoD policy memoranda direct military departments to maximize the segregation and recycling and reuse of used oils, and to comply with RCRA regulations.

12-4.4 Used Oil Fuels Burned for Energy Recovery

12-4.4.1 EPA and in some instances state and local agencies must be notified if:

a. HW fuel is transported or burned in either an industrial or utility boiler

b. Off-specification used oil fuel is burned in an industrial or utility boiler.

12-4.4.2 Specification used oil fuel must be tested or otherwise proven to meet the specification standards. EPA or the authorized state must be notified by the supplier or burner that the fuel is specification used oil fuel. Records of the analysis or testing must be kept for three years.

12-4.4.3 Manifests, invoices/vouchers, or records are required for HW fuel and off specification used oil fuels in transportation and in burning in either industrial or utility boilers.

12-4.4.4 Generators, transporters, and operators of either industrial or utility boilers using HW fuel are subject to RCRA storage standards if the fuel is stored for more than 90 days.

12-4.4.5 EPA must be notified by persons marketing or burning HW fuel, specification used oil fuel and off specifications used oil fuel. Transfer of regulated fuels between various DoD activities is not considered marketing, but the sale of regulated fuels by the DRMO is marketing by DRMO.

12-4.5 Prohibited Uses of Used Oil. Used oils will not be used for environmentally unacceptable purposes such as weed control, insect control, road surfacing, dust control, or open pit burning.

12-5 Navy Policy

12-5.1 Applicability to Navy activities in foreign countries. Navy activities in foreign countries shall not be, in general, subject to U.S. procedural requirements. However, oils and oil products at foreign activities shall be managed and controlled substantially in the same manner (i.e., in a manner equivalent to that in the U.S. as modified by applicable SOFAs) to assure protection of the environment. That includes the development of SPCC plans, ensuring equivalent personnel training, testing of fuels, meeting specifications, designating certain waste oils as hazardous wastes and therefore following the requirements of Chapter 9.

12-5.2 Oil Storage Facilities. Navy policy shall be to meet USCG regulations pertaining to transportation-related facilities and to exceed those regulations wherever practicable.

12-5.3 Used Oil Recycling. Oil shall be recycled and reused within the Navy whenever technically and environmentally feasible and when environmentally acceptable.

12-5.3.1 Military personnel and civilian employees shall be encouraged to collect used lube (crankcase)

oil from personal vehicles for recycling via Navy installation, local, or regional used oil recycling programs.

12-5.3.2 If recycling of used lube oil is infeasible for economic reasons, the lube oil may be burned as a fuel or fuel supplement provided that appropriate chemical and economic analyses are made to determine suitability of burning as well as compliance with air pollution control requirements (Chapter 6) and HW regulations (Chapter 9).

12-5.3.3 When allowed by military used oil specifications, large installations or complexes shall consider closed loop used lube oil re-refining by commercial re-refiners.

12-5.3.4 Net proceeds from the sale of used oil shall be used by a Navy generating installation which has a QRP for certain purposes as specified in Chapter 10.

12-5.4 SPCC Plans shall be developed as described in paragraph 12-4.2 and shall follow the guidance issued by COMNAVFACENGCOM.

12-6 Responsibilities

12-6.1 COMNAVFACENGCOM shall:

a. Provide technical advice and prepare revisions to the Oil Spill Prevention Control and Countermeasures Planning Manual (NEESA 7-030) (NOTAL) to assist shore activities in the preparation of SPCC plans.

b. Provide technical and administrative guidance associated with the collection, segregation, rerefining and disposal of used lubricating oil.

c. Provide technical and administrative guidance associated with the collection, segregation, rerefining and disposal of used contaminated fuels.

d. Provide technical advice and prepare appropriate manuals or other forms of guidance for used oil management.

12-6.2 COMNAVSUPSYSCOM shall provide technical and administrative guidance to Navy shore activities concerning USCG regulations.

12-6.3 Major claimants shall ensure that shore activities meet EPA requirements related to the prevention of oil spills and the preparation and review of SPCC plans.

12-6.4 Commanding officers of shore activities shall:

a. Ensure that activity SPCC plans are prepared per COMNAVFACENGCOM guidance, implemented, and reviewed within prescribed time frames.

b. Identify and submit, under Chapter 3, pollution abatement projects required for implementation of the activity SPCC plan.

c. Comply with Federal, state, and local requirements concerning oil pollution and used oil fuels for energy recovery.

d. Maintain a used oil recycling program.

e. Comply with USCG regulations for transportation related oil storage facilities.

CHAPTER 13

INSTALLATION RESTORATION

13-1 Scope

This chapter identifies Navy requirements and procedures, and assigns responsibilities for compliance with the Installation Restoration Program (IRP). The IRP provides for compliance with the procedural and substantive requirements of the CERCLA as amended by the SARA, as well as regulations promulgated under these acts or by state law. This chapter provides guidance on the investigation and cleanup of HW sites that are either located on Navy installations or are located off-station but had Navy waste disposal in them. The IRP is limited to the United States, its territories and possessions, and does not apply in foreign countries.

The Navy IR manual provides detailed guidance on the execution of the IRP and is included in this instruction by reference.

13-1.1 References. Relevant references are:

a. 29 CFR 1910.120; Occupational Safety and Health Administration (OSHA) Regulations on Hazardous Waste and Emergency Response (NOTAL)

b. 40 CFR 264; EPA Regulations for Owners and Operators of Permitted Hazardous Waste Facilities (NOTAL)

c. 40 CFR 302; EPA Designation, Reportable Quantities and Notification Requirements for Hazardous Substances Under CERCLA (NOTAL)

d. 40 CFR 355; EPA Regulations for Emergency Planning and Notification Under CERCLA (NOTAL).

13-2 Legislation

13-2.1 CERCLA. CERCLA, commonly referred to as the "Superfund" law, authorizes Federal action to respond to the release or threatened release of HS from any source, into the environment. The National Contingency Plan (NCP) is the basic regulation that implements the statutory requirements of CERCLA as well as Section 311 of the CWA. The NCP defines responses to HS releases or threatened releases. CERCLA Section 120 details the applicability of EPA regulations at National Priorities List (NPL) sites which are Federal facilities.

13-2.2 SARA. SARA reauthorized CERCLA, amended its authorities and requirements, and established the Defense Environmental Restoration Program, which outlines DoD requirements and establishes a fund account for DoD HW disposal sites.

13-2.3 State Laws. Many states have laws analogous to CERCLA. CERCLA does not enable delegation of the Superfund program to the states, but requires that applicable state laws concerning removal and remedial actions apply to Federal facilities not listed on the NPL.

13-3 Terms and Definitions

13-3.1 Administrative Record. An administrative record (AR) is the combination of documents and other material that provides the basis for the selection of a response action.

13-3.2 Facility. Any building, structure, installation, equipment, pipe or pipeline, well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft; or any site where a HS has been deposited, stored, disposed of, placed, or otherwise come to be located. The term "site" is used synonymously with the term "facility." At NPL installations, the EPA considers the term "site" synonymous with "installation."

13-3.3 Hazard Ranking System (HRS). The HRS is a mathematical rating scheme which EPA uses to rank the potential hazards to human health, welfare, and the environment presented by a site relative to other sites. Sites scoring above a certain value are added to the NPL. The Hazard Ranking System does not address the feasibility, desirability, or degree of cleanup required.

13-3.4 Hazardous Material or Hazardous Substance (HS). Any material, which because of its quantity, concentration or physical, chemical or infectious characteristics may pose a substantial hazard to human health or the environment when released or spilled to the environment.

Designation of a material by this definition, when separately regulated or controlled by other instructions or directives, does not eliminate the need for adherence to that hazard-specific guidance with takes precedence over this instruction for control purposes. Such materials include ammunition, weapons, explosives and explosive-actuated devices, propellants, pyrotechnics, chemical and biological warfare materials, medical and pharmaceutical materials, medical waste and infectious materials, bulk fuels, radioactive materials, and other materials such as asbestos and mercury. Nonetheless, the foregoing materials should be considered hazardous to the extent personnel exposure may occur incident to manufacture, storage, use, and demilitarization of these items.

13-3.5 Health Assessment. A health assessment is an analysis of information conducted to determine if the HS present at a site poses a risk to human health; if steps should be taken to reduce human exposure to the HS; and if surveillance of the exposed population is warranted.

13-3.6 National Priorities List (NPL). A list of sites throughout the U.S. with known releases or threatened releases of HS which EPA has determined are the nation's highest priorities for long-term remedial action. The list is revised at least annually by EPA.

13-3.7 Potentially Responsible Parties (PRPs). Those generators, transporters, and site owners or operators who may be responsible for a CERCLA site. This term is usually used in connection with off-installation sites.

13-3.8 Preliminary Assessment (PA). An initial analysis of existing information to determine if a site requires additional investigation or action.

13-3.9 Record of Decision. Written record documenting the selection of the appropriate remedy for a site.

13-3.10 Remedial Design/Remedial Action (RD/RA). Remedial Design (RD) is the translating of the FS into designs and specifications for site remediation. Remedial Action (RA) is the physical implementation of site remediation.

13-3.11 Remedial Investigation/Feasibility Study (RI/FS). Sites identified in the site inspection (SI) which pose potential threats to human health or the environment require a comprehensive investigation specified as an RI/FS. The RI/FS is an extensive technical study conducted to determine the nature and extent of the threat or potential threat posed by the release and determine what action, if any, should be taken to remediate the site.

13-3.12 Removal Action. Short-term, immediate actions taken to address releases of HS that require expedited response.

13-3.13 Site Inspection (SI). An on-site inspection to determine whether there is a release or potential release and the nature of the associated threats. The purpose is to augment the data collected in the PA and to generate, if necessary, sampling and other field data to determine if further action or investigation is appropriate.

13-3.14 Technical Review Committee (TRC). A committee established, wherever possible and practical, to review and comment on actions and proposed actions with respect to releases or threatened releases at sites. Committee participants may include representation from the EPA, appropriate state and local authorities, Federal and state natural resources trustees, representatives of the community, and Navy participants from the involved command and the EFD.

13-4 Requirements

13-4.1 Program Outline. The following general procedures are set forth under the NCP for initiating and carrying out the remedial process under the IRP:

a. Site discovery and notification

b. PA

c. SI

d. NPL ranking and listing

e. RI/FS

f. ROD

g. RD/RA

h. Operation and maintenance (O&M)

i. Long-term monitoring (LTM)

There are provisions throughout the process to ensure close coordination with regulatory agencies and the public. EPA and appropriate state and local officials must have adequate opportunity to review and comment on assessments/studies and proposals for removal/remedial actions. A flow chart outlining the IRP is provided as Figure 13.1.

13-4.2 Site Discovery and Notification. The following describes circumstances by which a site is discovered.

13-4.2.1 Knowledge of a release. As soon as knowledge of any release or threatened release (other than a federally permitted release) of a HS, in excess of a reportable quantity, the National Response Center, EPA, state and local authorities must immediately be notified.

13-4.2.2 Federal Agency Hazardous Waste Compliance Docket. EPA maintains a Federal Agency HW Compliance Docket. The docket lists those Federal facilities that submitted:

a. RCRA Section 3016, Biennial Inventory of Federal Hazardous Waste Facilities

b. RCRA Section 3005, Permits for Treatment, Storage, and Disposal of Hazardous Wastes

c. RCRA Section 3010, Notification of Hazardous Waste Generation, Transport, Treatment, Storage, or Disposal Activities

d. CERCLA Section 103, Notice of Hazardous Substance Release

The docket lists any installation which has submitted IR information to EPA. A PA must be accomplished for every site on the docket. EPA must make the docket information available for public inspection by establishing repositories of docket information at EPA regional offices.

13-4.2.3 CERCLA also authorizes the public to directly petition installations to conduct a PA if the person or organization believes that a HS release or threat of a release exists.

13-4.3 Removal Actions. Removal actions are part of the response process and are often the first response to a release or threatened release. Removals can be undertaken at any time. If a removal action does not fully address the threat posed by the release, then an orderly transition should be made from removal to another response.

The following factors should be considered in determining the appropriateness of a removal action:

a. Actual or potential exposure to HS, pollutants, or contaminants by nearby populations, animals, or food chains

b. Actual or potential contamination of drinking water supplies or sensitive ecological systems

c. HS, pollutants, or contaminants in drums, barrels, tanks, or other bulk storage containers that pose a threat of release

d. HS in soils largely near the surface that may migrate

e. Threat of fire or explosion

f. Availability of other Federal/state response mechanisms to respond to a release

g. Other factors which may pose threats to public health, welfare, or environment.

13-4.4 PA. A PA is required under the following circumstances:

a. After site discovery and notification

b. Within 12 months after listing on the Federal Agency HW Compliance Docket

c. Within 12 months of receiving a petition, unless the assessment is deemed inappropriate

INSTALLATION RESTORATION PROGRAM

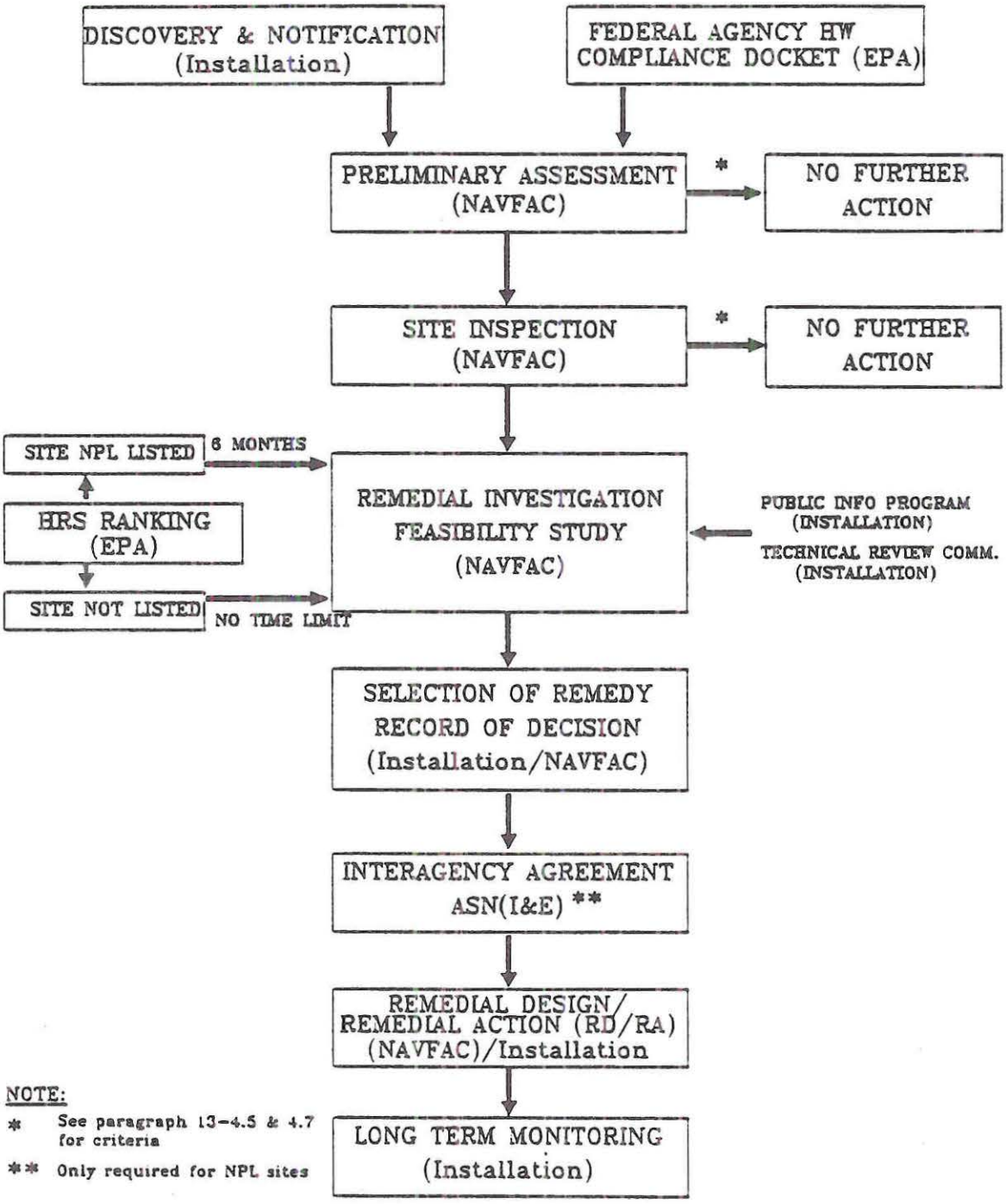


Figure 13.1

13-4.5 SI. A SI is required if the PA reveals that additional investigation is needed. A SI should:

a. Eliminate from further consideration those releases that pose no threat or potential threat to public health or the environment

b. Determine need for removal actions

c. Collect data to characterize the release for the effective and rapid initiation of RI/FS

13-4.6 HRS. Information from the PA/SI will be used for scoring CERCLA sites. Using the HRS, CERCLA sites are scored by their potential for affecting human health, welfare and the environment. CERCLA sites scoring above a certain value will be put on the NPL by the EPA.

13-4.7 RI/FS. Sites identified in the PA/SI as potential threats to human health or the environment receive a comprehensive investigation called an RI/FS. All contaminants and their migration pathway are defined, potential risks to public health and the environment are assessed, and a comprehensive, quantitative risk assessment is carried out. The RI serves as the mechanism for collecting data for site and waste characterization necessary to evaluate the performance and cost of possible treatment technologies and support the evaluation, selection and design of selected remedies. The FS serves as the mechanism for the development, screening, and detailed evaluation of potential remedial alternatives. The purpose is to evaluate the threat to public health posed by the HW site, to develop cleanup performance goals, and to compare the health risks of the remedial alternatives. CERCLA requires an RI/FS be commenced within six months of the site being listed on the NPL.

13-4.8 Administrative Record. An administrative record will be established for all IR sites. This forms the basis for selection and any legal review of the response action implemented at the site. The administrative record will be made available to the public at or near the site.

13-4.9 Public Participation. A Community Relations Program will be implemented at all installations with IR sites. The program will consist of activities to be conducted throughout the planning and implementation of the IRP. The Community Relations Program requirements for each IR installation include:

a. Community interviews

b. A Community Relations Plan

c. Information repository(s) and administrative record(s)

d. A Proposed Plan (Remedial Action Plan) for each remedial action and a minimum 30 day public comment period for each proposed plan

e. An opportunity for a public meeting on each proposed plan

f. A Responsive Summary for each Proposed Plan.

Additionally, a TRC will be established at each installation with an IR site. The purpose of the TRC will be to review and comment on IR work plans and activities. The function of the public participation activities is to help ensure that the community will be informed of planned and ongoing activities, given the opportunity to comment on and provide input to technical decisions, and to allow environmental concerns to be addressed as early as possible during the remedial process.

13-4.10 Health Assessment. The Agency for Toxic Substances and Disease Registry (ATSDR) must perform a health assessment for each facility proposed for the NPL. ATSDR will do this using available information from IR studies and from site visits. To the maximum extent possible, ATSDR must complete a health assessment before the completion of the RI/FS.

13-4.11 ROD. A ROD will be prepared to document the decision-making process whenever a remedial action or no action alternative is selected. Reasonable opportunity for public review and comment will be provided before adoption of any plan for remedial action. The ROD should be provided to the public for review and any significant comments, criticisms, and new data submitted by the public should be responded to and be made available to the public before commencement of any remedial action.

13-4.12 Interagency Agreement (IAG). Within 180 days after EPA review of each RI/FS for an NPL site, Federal agencies must enter into an IAG with EPA for the expeditious completion of all necessary remedial action. Each IAG must include:

a. A review of alternative remedial actions and selection of a remedial action

b. A schedule for completion of each remedial action

c. Arrangements for long-term operation and maintenance of the facility.

13-4.13 RD/RA. After the ROD has been completed, a RD/RA will commence. For NPL sites, Federal activities will commence substantial continuous physical onsite remedial action not later than 15 months after completion of the RI/FS.

13-4.14 Defense Priority Model (DPM). The DoD has developed a tool called the DPM to help establish site priorities for remedial actions.. The DPM produces a score of between 0 and 100 which indicates the relative risk of a site to human health and the environment. The DPM is applied after actual data on the site has been collected during the RI. The relative ranking of sites will come into play if funds are insufficient, in a particular year, to fund all the remedial actions that are ready to be accomplished.

13-4.15 O&M. CERCLA requires that arrangements be made for the long term O&M of the remedial alternative.

13-4.16 Long Term Monitoring (LTM). Depending on the selection of the remedial alternative, LTM may be required to demonstrate that the remedy has achieved its goal. LTM may also be selected as the Remedial Action, or in place of a Remedial Action.

13-4.17 Retention of Records. CERCLA requires that any person responsible for notifying known, suspected, or likely releases should also retain records of the facility and the HS release for 50 years. The records include information on the location, title, and condition of the facility and the identity, characteristics, quantity, origin, or condition (including containerization and previous treatment) of any HS contained or deposited on the facility. It is unlawful to destroy, mutilate, conceal, or falsify such records.

13-4.18 HW Corrective Action. Since 19 November 1980, it has been illegal to treat, store or dispose of HW without a permit. Existing treatment, storage, and disposal facilities (TSDs) were grandfathered and given "interim status" under RCRA Section 3005(e). The facilities are required to comply with interim standards until a RCRA TSD permit is issued or the facility is closed.

Installations seeking a TSD permit are required by RCRA Section 3004(u) to take corrective action for past releases of HW or constituents from any solid waste management unit (SWMU). Permits issued by EPA or a state with RCRA authority "shall contain schedules of compliance for such correction" where such action cannot be completed before the permit is issued.

The 1984 Amendments gave the EPA Administrator authority to issue corrective action orders under Section 3008(h) to interim facilities when he/she determines there has been a release of HW into the environment and he/she deems some action necessary to protect human health or the environment. EPA will generally issue a Section 3008(h) order when a state TSD permit for the facility is not close to being issued or when the facility is not about to be placed on the NPL.

Defense Environmental Restoration Account (DERA) funds can be used for corrective action as described above for past releases of HW at TSDs if these are the same types of releases covered by CERCLA.

13-5 Navy Policy

13-5.1 General. The Navy shall conduct all IR response actions under CERCLA, the NCP, and EPA's guidance. The Navy shall prioritize its installation restoration efforts so that the worst sites are addressed and cleaned up first. Funding is provided by the Congress through the DERA. The Navy shall maintain an open and continuous dialogue with regulatory agencies and the public on all IR activities. The Defense/State Memorandum of Agreement (DSMOA) process shall be used to provide funds to state regulatory agencies for oversight costs.

13-5.2 Site Discovery and Notification. If a release has been discovered, and that release has not previously been reported, it shall then be reported immediately to the appropriate agencies. If a PA identifies a potential disposal site exists, a SI shall be conducted to determine if a release has occurred. If a release has occurred, the appropriate agencies shall be immediately notified.

13-5.3 Removal Actions. The funding and time constraints in CERCLA which apply to Superfund expenditures for removal actions, do not specifically apply to Navy removal actions but should be used as guidelines.

13-5.4 PA. All PAs shall be conducted within 12 months of site discovery and forwarded to EPA on EPA form 2070-12(7-81), Potential Hazardous Waste Site Preliminary Assessment.

13-5.5 SI. A SI shall be accomplished as expeditiously as possible.

13-5.6 HRS. Following completion of a PA/SI, a draft HRS scoring package shall be developed and forwarded to EPA.

13-5.7 RI/FS. The RI/FS shall be accomplished as expeditiously as possible.

13-5.8 Administrative Record. The administrative record shall be initiated as soon as the SI shows that the program will move into the RI/FS phase.

13-5.9 TRC. A TRC shall be initiated as soon as the SI shows that the program will move into the RI/FS phase.

13-5.10 Federal Facility Agreements (FFA) under CERCLA Section 120. The Navy shall enter into FFAs at its NPL sites as early as possible after it becomes apparent that a RI/FS is required. These agreements are a high priority and are intended to improve communications between all parties by allowing EPA and the state to review all work and ultimately make selection of any remedial action less argumentative. FFAs at NPL sites shall outline the working relationship between the states, EPA, and Navy. They shall clearly lay out mutual obligations. The following procedures shall be observed:

a. The Navy shall enter into agreements only if the provisions are realistically attainable and structured to avoid excessive reporting, duplication of effort, and other administrative practices that reduce the efficiency of the overall remedial response.

b. The Navy shall continue efforts to define problems at Navy sites and move aggressively to determine what remedial actions are appropriate. Negotiations on an agreement shall in no way impede the Navy's responsibility to protect the public from harmful exposures or halt efforts to get remedial action decisions to address Navy sites.

c. The Navy shall consult fully with EPA and the states in the course of continuing IR efforts while negotiating the terms of the FFA. The model language established by agreement between DoD and EPA shall be used as the bases for negotiations.

d. NAVFACENGCOM via the EFDs shall take the lead in negotiating agreements. Proposed agreements shall be coordinated with the installation commander and OGC (Environmental Law Office).

e. Once negotiations have been initiated, any changes to the model language which purport to satisfy the requirements of Section 120 of CERCLA shall be discussed with the OGC (Environmental Law Office).

f. FFAs under CERCLA Section 120 shall be signed by the ASN (I&E). Final agreements shall be forwarded to the CNO (OP-45) for review and forwarding to ASN (I&E).

13-5.11 ROD. NAVFACENGCOM shall prepare a ROD at the conclusion of a RI/FS and provide it and a recommendation to the installation commanding officer. At the time the proposed ROD is presented, the commanding officer shall also be afforded the administrative record for review. This record shall include a brief analysis of the potential long and short term environmental impacts of the remedy suggested and, if appropriate, a discussion of the feasible alternative remedies that have been considered during the study process. The administrative record shall also set out any public comments received addressing the choice of remedy which has been generated by the community relations plan, and the Navy response to those comments. The installation commanding officer shall carefully review the proposed ROD and administrative record. If the commanding officer concurs

with the proposed ROD, then he/she shall sign it. If the commanding officer disagrees or has questions on the ROD, he/she shall discuss and resolve the questions with COMNAVFACENGCOM.

For NPL sites, the ROD is forwarded to the EPA regional office for concurrence. If EPA disagrees with Navy selection of remedial action, then EPA will select a remedy. The Navy has final decision authority for non-NPL sites.

13-5.12 IAGs. At the completion of an RI/FS at a NPL site, the law requires that an IAG be signed. The previously negotiated FFA will normally satisfy the requirements of an IAG but shall be reviewed to ensure that it does.

13-5.13 RD/RA. Remedial actions shall be completed as expeditiously as possible, whether at NPL or non-NPL sites.

13-5.14 Public Participation. A proactive public information program shall be implemented for all IR sites. Further, a written Community Relations Plan (CRP) shall be developed and implemented for all sites as soon as the SI shows that the program will move into the RI/FS phase.

13-5.15 O&M. O&M is the responsibility of NAVFACENGCOM (using DERA funding) until the remedial objective has been achieved, and thereafter is the responsibility of the installation.

13-5.16 HW Corrective Actions. Corrective action shall be completed as expeditiously as possible.

13-5.17 LTM. The installation is responsible for ensuring LTM after the first two years.

13-5.18 Construction/Project Sites Contamination. All efforts shall be made to ensure that Navy projects are not constructed on contaminated sites. However, there may be times when the project is being planned or underway and contamination is discovered. The following applies:

a. If contamination is discovered during the planning stage, the site can be investigated and cleaned up following IR procedures. In most cases, this will take several years and the site may not be available for the subject project. The site investigation/cleanup will compete with other IR sites on a worst-first basis.

b. If contamination is discovered during construction, project funds shall be used to cleanup the site. If it is possible to resite the project, then IR funds may be used to investigate and cleanup the site at a later date.

13-5.19 Off Station Sites

13-5.19.1 Navy as Potentially Responsible Party (PRP). Historically, the Navy has contracted with private companies to transport and dispose of HW generated at its installations. Many of the disposal sites selected by contractors are threatening/contaminating the environment and need to be cleaned up. Upon receipt of formal notice from the EPA or state authorities that a Navy installation is involved in a site as a PRP, the installation shall notify, by message, its chain of command, the regional environmental coordinator, OGC (Environmental Law Office), CNO, COMNAVFACENGCOM, EFD whose geographic area includes the disposal site, and NEESA. The message shall describe the salient points of the notice. Simultaneously, a copy of the notice and other appropriate documents shall be mailed via overnight mail to COMNAVFACENGCOM, EFD, and OGC (Environmental Law Office). The installation shall search for any records and interview appropriate persons to determine if installation wastes were taken to the site and the characteristics of the wastes (type, quantity). All such information shall be forwarded to the EFD. The EFD shall represent the Navy and participate in remediation planning meetings with other PRPs and agencies, forward proposed remediation agreements to CNO and OGC (Environmental Law Office) for review and comment, sign and administer the agreements, and disseminate information to all interested parties at all stages of the process.

3-5.19.2 Formerly Owned or Used Navy Property. The COE has been tasked to conduct CERCLA activities at formerly owned or used Navy properties. If an installation becomes aware of possible contamination at such properties, receives inquiries, etc., these shall be forwarded to COE. The installation shall appoint a point of contact for coordination with COE.

13-5.20 NEPA. IRP actions that follow NCP and fulfill public participation requirements are deemed to have complied with NEPA.

13-5.21 GOCO Plants. The Navy's liability and responsibility for cleanup of sites at GOCO facilities is based upon the agency's status as "owner" of the facility. Past and present contractors share this liability since they are "operators" or "generators" at these facilities. Absent special contractual provisions to the contrary, Navy policy is to require current GOCO contractors to pay for any and all cleanup costs associated with their operation of Navy facilities.

Navy actions to fulfill its CERCLA responsibilities shall be consistent with its contractual requirements with the GOCO contractor. Failure to coordinate may result in a claim by the operating contractor under a Navy contract or loss of potential claims by the Navy against the operator.

The following policy shall be followed when implementing the IR program at GOCOs:

a. A PA/SI shall be done by NAVFACENGCOM at Navy GOCOs. DERA funds shall be used for the PA/SI. NAVFACENGCOM shall coordinate with the corresponding Echelon 2 command prior to starting the study.

b. Once the PA/SI has been completed, the results shall be provided to the Echelon II command for action. If the PA/SI recommends additional follow-up work, the Echelon 2 command shall immediately initiate discussions with the contractor pertaining to contractor responsibility for and participation in any cleanup efforts. Since the contractor may be liable for the cleanup, he/she shall be offered the opportunity to conduct any follow-up studies. The Navy shall ensure that any work done by the contractor is consistent with CERCLA, the NCP and the IRP. Therefore, the Echelon 2 command shall involve COMNAVFACENGCOM as a technical representative in all aspects of the program, including review and comment on all submittals.

c. If the contractor declines to perform the follow-up studies, the Echelon 2 command shall request COMNAVFACENGCOM to conduct the work under the IRP. DERA funds shall be used and all costs associated with the follow-up studies shall be identified for future cost recovery actions if such action is appropriate.

d. Similar scenarios shall be followed as described above for any RD/RAs, including removal actions and interim remedial actions. The Navy shall pursue cost recovery actions against the contractor where appropriate.

e. All actions (i.e., studies and cleanups) done at GOCOs on Navy property shall be consistent with CERCLA and the NCP. Administrative records and community relations plans shall be done at all the GOCOs. TRCs are recommended but not mandatory unless DERA funding is being used to conduct the studies and cleanup. If a GOCO is placed on the NPL, all timetables associated with CERCLA Section 120 apply and the Navy shall ensure that these are met. Negotiations concerning necessary FFAs will be handled by COMNAVFACENGCOM.

13-5.22 State Laws

13-5.22.1 The Navy policy is to comply with all state laws by:

a. Establishing Consistency. CERCLA states that Federal facilities should comply with state laws concerning removal and remedial actions at non-NPL HW sites. To be consistent with CERCLA, state laws must:

(1) Set out a comprehensive scheme for remedial reinforcement.

(2) Establish health-based standards through an objective process such as applicable and relevant or appropriate requirements (ARARs).

(3) Include cost effectiveness as an element.

(4) Be free of discriminatory application to Federal facilities.

b. Negotiating Agreements with States. If state laws meet the above criteria, the Navy can enter into negotiations with the state representatives to develop an agreement outlining response actions at the Navy site. The following guidelines shall be considered during negotiation:

(1) All response actions shall be consistent with CERCLA and the NCP.

(2) The issue of oversight costs shall be based on DSMOA principles.

(3) A modified two-party agreement modeled after the FFAs shall be proposed to the state. The Navy has lead responsibility for cleanup. The dispute resolution clause shall allow for final decision authority by the Navy and provide the state all rights to judicial review that they may have under the law.

(4) COMNAVFACENGCOM shall take the lead in negotiating the agreements. Final review and signature shall be by the ASN (I&E).

13-6 Responsibilities

13-6.1 Major claimants shall:

a. Review yearly IR execution plans and provide comments to COMNAVFACENGCOM.

b. Coordinate all IR actions at GOCO plants.

13-6.2 COMNAVFACENGCOM shall:

a. Manage the overall technical aspects of the IRP.

b. Ensure all necessary IRP reports and studies are accomplished and that regulatory agencies have adequate opportunity to review and comment on them.

c. Provide semiannual IR execution plans to major claimants.

d. Assist installations with the TRC and CRP.

e. Prepare the ROD and forward to the installation commanding officer with a recommended alternative.

f. Maintain administrative records and distribute copies to the installation, state, and EPA as required.

g. Prepare substantive responses to EPA and state inquiries related to HW sites and subsequent cleanups. Maintain the current IRP data base.

h. Participate in remediation planning meetings with other PRPs and agencies, forward proposed remediation agreements to CNO and OGC (Environmental Law Office) for review and comment, sign and administer the agreements and disseminate information to all interested parties at all stages of the process.

i. Negotiate FFAs and any state agreements for the Navy. Forward final proposed agreements to CNO for review and submission to ASN (I&E) for signature.

13-6.3 BUMED shall:

a. Provide support in the areas of health assessments, toxicological profiles, and health/safety training.

b. Interface with the ATSDR concerning ATSDR's legally mandated health assessments.

c. Assist NAVFACENGCOM and installations during public meetings and responses to community concerns on health and safety aspects of the program.

13-6.4 Commanding Officers of shore activities shall:

a. Notify the National Response Center, as well as appropriate state and local authorities, as soon as he/she has knowledge of a release of a HS, in excess of a reportable quantity, from his/her facility.

b. Forward all IRP reports to the EPA and state regulatory agencies within 30 days of completion.

c. Establish a TRC for IRP sites.

d. Implement a public participation program including a CRP. Keep regional environmental coordinators and EFDs informed of all public affairs actions.

e. Sign the ROD.

f. Budget for and conduct any operation and maintenance or long term monitoring after implementing remedial actions.

g. Notify the chain-of-command and other required Navy commands of any state or EPA notice of PRP action. Review installation records pertaining to wastes sent to PRP sites. Forward information to the EFD.

h. Ensure LTM of IRP sites after the first two years.

i. Review the technical execution of the IR program and provide feedback to the EFDs and major claimants on any major disagreements as soon as possible.

j. Provide logistics support to the EFD and their contractors performing the investigations and cleanups.

k. Ensure that all real estate transactions are checked to ensure that no HW encumbrances exist.

CHAPTER 14

UNDERGROUND STORAGE TANKS

14-1 Scope

This chapter provides information and guidance applicable to the regulation of Underground Storage Tanks (USTs) containing petroleum products and HS at Navy shore facilities within the United States, the Commonwealth of Puerto Rico, Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Marianas Islands. Responsibilities and requirements pertaining to Navy activities in foreign countries are described in paragraph 14-5.5.

14-1.1 **References.** Relevant references are:

a. 40 CFR 110; EPA Regulations on Discharge of Oil (NOTAL)

b. 40 CFR 112; EPA Regulations on Oil Pollution Prevention (NOTAL)

c. 40 CFR 280; EPA Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks (NOTAL)

d. Navy Underground Storage Tank Program Guidance Document; NAVFACENGCOM 1989.

14-2 Legislation

14-2.1 **Hazardous and Solid Waste Amendments (HSWA).** HSWA extended and strengthened the provisions of the SWDA as amended by RCRA. One major portion, Subtitle I, provides for the development and implementation of a comprehensive regulatory program for USTs containing "regulated substances" and releases of these substances to the environment. HSWA requires that Federal facilities comply with all Federal, state, and local requirements regarding USTs, including paying registration fees or permit fees when such fees are not taxes.

Federal regulations outline procedures by which EPA may approve state programs to operate in place of the Federal UST requirements if those state programs have standards that are no less stringent than the Federal requirements and provide for adequate enforcement of compliance with those standards. States with approved UST programs or Memorandum of Understanding (MOUs) with EPA will have primary enforcement responsibility with respect to UST program requirements in their states. Currently most states have a UST regulatory program in place. Until EPA approves the state program, facilities must comply with all applicable provisions of both the Federal and state UST programs.

14-3 Terms and Definitions

14.3.1 **Petroleum.** Petroleum, including crude oil or any fraction thereof which is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute.)

14-3.2 **Underground Storage Tanks.** All tanks and attached piping containing regulated substances in which the tank volume (including piping) is 10 percent or more beneath the surface of the ground. The following systems are excluded from Federal regulation (but may be regulated by states):

a. Any UST system holding HW listed or meeting the criteria of Subtitle C of RCRA, or a mixture of such HW and other regulated substances

b. Any wastewater treatment tank system that is part of a wastewater treatment facility regulated under Section 402 or 307(b) of the CWA

c. Equipment or machinery that contains regulated substances for operational purposes such as hydraulic lift tanks and electrical equipment tanks

d. Any UST system that has a capacity of 110 gallons or less

e. Any UST system that contains a de minimis concentration of regulated substances

f. Any emergency spill or overflow containment UST system that is expeditiously emptied after use

g. Any residential tanks containing motor fuel for noncommercial use with a capacity of 1,100 gallons or less

h. Any tank storing heating oil for consumptive use on the premises

i. Any tank system on or above the floor of underground areas, such as basements or tunnels

j. Any septic tank or stormwater/wastewater collection system

k. Any flow-through process tank.

14-3.3 **Regulated Substance.** Any HS regulated under CERCLA (excluding any substances regulated as HW under Subtitle C of RCRA), and petroleum substances including crude oil, motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents and used oils.

14-4 Requirements

14-4.1 General Operating Requirements

14-4.1.1 Transfer operations will be monitored to ensure that spilling or overflowing does not occur. Overfill protection equipment will be maintained to prevent releases.

14-4.1.2 Corrosion protection measures, including cathodic protection, will be maintained and inspected.

14-4.1.3 Installation of new UST systems and repairs to existing UST systems will be conducted according to Federal, state, and local requirements. All new UST systems must be protected from corrosion, equipped with spill/overfill prevention equipment, equipped with an approved method of release detection, and installed per nationally recognized standards. New pressurized piping that conveys regulated substances must also be properly designed, constructed, protected from corrosion, and equipped with an automatic line leak detection system. Repairs will be tested for tightness; records of all repairs are required to be maintained.

14-4.1.4 Written records demonstrating compliance with operational requirements must be maintained.

14-4.2 Release Detection

14-4.2.1 Release detection systems will be installed on petroleum and HS UST systems.

14-4.2.2 When a release detection method indicates a release may have occurred, EPA or state agency will be notified.

14-4.2.3 Records demonstrating compliance with release detection requirements will be maintained.

14-4.3 Release Reporting, Investigation and Confirmation

14-4.3.1 All releases and/or suspected releases of regulated substances will be reported to the EPA or state agency within 24 hours. HS releases should follow the guidance in Chapter 11 for reporting of releases.

14-4.3.2 EPA or state agency may require off-site impact determinations under certain circumstances.

14-4.4 Release Response and Corrective Action for UST Systems Containing Petroleum or HS

14-4.4.1 Upon confirmation of a release, notification will be made to EPA or state agency within 24 hours, further release of regulated substance from UST system must be stopped, and fire, explosion, and vapor hazards will be mitigated.

14-4.4.2 The following abatement measures are required after a release: remove as much of the regulated substance from the UST system necessary to prevent further release; remedy hazards posed by contaminated soils that are excavated; continue to monitor and mitigate any fire and safety hazards; and report initial abatement steps within 20 days.

14-4.4.3 EPA or state agency may require submission of an initial site characterization, including information gained from initial abatement measures, and may require submission of a corrective action plan.

14-4.4.4 Free floating product will be removed to the maximum extent practicable.

14-4.4.5 Soil and ground-water contamination will be investigated to determine cleanup measures.

14-4.5 Out-of-Service UST Systems and Closure

14-4.5.1 Temporary closure of a UST system requires operation and maintenance of corrosion protection and release detection measures. Corrosion protection will continue to be maintained even when the UST system is empty.

14-4.5.2 Temporary closure of three months or more requires that vent lines be left open and all other lines, pumps, manways and ancillary equipment be capped and secured.

14-4.5.3 Temporary closure of 12 or more months requires permanent closure of the UST system if it does not meet either new UST performance standards or upgrading standards, or an extension of the 12-month temporary closure period must be issued by the EPA or state agency.

14-4.5.4 Permanent closure requires notification to the EPA or state agency of intent to close at least 30 days prior to initiating closure activities. All tanks will be emptied and cleaned and either removed from the ground or filled with an inert solid material. A site assessment of the excavation area will be performed before permanent closure is completed. If significant contamination is encountered during closure, then corrective action will be initiated.

14-4.5.5 Continued use of a UST system to store a non-regulated substance is considered a change-in-service and the EPA or state agency will be notified of such use. Tanks must be cleaned before change-in-service can occur. Also, any new substance to be stored is required to be compatible with tank walls.

14-4.5.6 Assessment of a UST site for possible contamination areas is required before a change-in-service is completed.

14-4.5.7 Site assessment of the excavation zone and compliance with closure requirements may be required by the EPA or state agency for UST systems permanently closed before 22 December 1988 that pose a current or potential threat to human health or the environment.

14-4.5.8 Records demonstrating compliance with closure requirements will be maintained for a period of three years after closure.

14-5 Navy Policy

14-5.1 The Navy's UST program policy shall comply with all Federal, state, and local regulations pertaining to the management of USTs. Use of release detection measures is not required if the UST is empty.

14-5.2 Whenever possible, the Navy shall replace older, unprotected steel tanks with state-of-the-art above-ground tanks or state-of-the-art double-walled USTs with continuous interstitial monitoring.

The Navy's preferred method of UST system closure is by removal. Leaving an UST system in the ground and filling it with an inert material will be done only when extenuating circumstances preclude the removal of an UST system.

14-5.3 Navy activities with USTs shall have an UST management plan containing the following information:

a. Listing of all USTs at the activity

b. The regulatory requirements for each UST

c. A plan of action for achieving and maintaining compliance through monitoring, removal, repair, retrofit, replacement, and remediation of UST systems.

14-5.4 The Navy Underground Storage Tank Program Guidance Document, NAVFACENGCOM

1989, details Navy policy and technical guidance for the implementation of the Navy's UST program.

14-5.5 **Applicability to Navy Facilities in Foreign Countries.** Navy activities in foreign countries, in general, shall not be subject to UST rules and regulations based upon U.S. laws. However, USTs shall be managed in substantially the same manner in foreign countries (i.e. in a manner equivalent to that in the U.S.) to assure protection of public health and the environment.

14-6 Responsibilities

14-6.1 COMNAVFACENGCOM shall:

a. Assemble and collate UST notification data Navy-wide in a manner that will enable development of program estimated costs for compliance with Federal, state, and local requirements.

b. Assist Navy activities in the preparation of UST Management Plans.

c. Provide technical advice and assistance to Navy activities for leak detection services.

d. Fund, from the centrally managed environmental compliance account, the installation of leak detection and monitoring systems for tanks installed prior to 22 December 1988 required by local, state, and Federal regulatory agencies for Navy appropriated and nonappropriated fund activities.

e. Fund the cleanup of environmental contamination caused by HS or petroleum leaks from USTs using DERA or other NECA fund sources, as appropriate.

f. Revise technical directives and design manuals to reflect regulatory requirements for new construction of USTs, including underground piping and leak detection devices.

g. Provide assistance to major commands and their installations for estimation of resource requirements.

14-6.2 COMNAVSUPSYSCOM shall provide technical input and assistance to COMNAVFACENGCOM concerning leak detection, construction of new USTs, and the disposition of petroleum recovered during site restoration.

14-6.3 Major claimants and subordinate commands shall include requests for resources to meet UST requirements in POM/budget submittals.

14-6.4 Commanding officers of shore activities shall:

a. Ensure that notification forms are completed for USTs and forward the notification to the appropriate state agency. Copies shall be provided to NEESA, and cognizant NAVFACENGCOM EFDs and the chain of command, as appropriate.

b. Prepare UST Management Plans, with assistance from NAVFACENGCOM, to document a plan of action for achieving and maintaining compliance with all applicable Federal, state, and local laws and regulations.

c. Accomplish leak detection and product inventory requirements, recordkeeping and operation of monitoring systems required by Federal, state, and local UST laws and regulations.

d. Replace or repair USTs as required by applicable Federal, state, and local laws and regulations.

e. Comply with applicable Federal, state, and local laws and regulations concerning the construction of new UST systems.

f. Prepare Pollution Control Report (PCR) exhibits, with the assistance of NAVFACENGCOM EFDs, for all compliance-mandated UST projects, regardless of funding source, so that NAVFACENGCOM will have a record of the Navy's actions taken to meet Federal, state, and local UST requirements.

CHAPTER 15

PESTICIDE POLLUTION PREVENTION ASHORE

15-1 Scope

15-1.1 This chapter provides requirements and policy relative to the prevention of pollution from the mixing, storage and disposal of pesticides at Navy shore facilities. The requirements apply within the United States, possessions, and trust territories. Navy policy with respect to activities in foreign countries is provided in paragraph 15-5.2.

More detailed requirements and responsibilities relative to the application and control of pesticides at Navy activities are in OPNAV/MARCORPS Instruction 6250.4 (NOTAL). Prevention of pollutants in wastewater, including pesticides, is discussed in Chapter 7; and management of HW, including waste pesticides, is discussed in Chapter 9.

15-1.2 References. Relevant references are:

a. 40 CFR 150-186; EPA Regulations for Pesticide Programs (NOTAL)

b. 40 CFR 262; EPA Regulations for Hazardous Waste Generators (NOTAL)

c. DoD Directive 4150.7 of 24 October 1983; DoD Pest Management Program (NOTAL)

d. DoD Directive 5154.12 of 23 July 1979; The Armed Forces Pest Management Board (NOTAL)

e. OPNAV/MARCORPS Instruction 6250.4; Pest Management Programs (NOTAL).

15-2 Legislation

15-2.1 The Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) provides the principal means for preventing environmental pollution from pesticides through product registration and applicator certification. The registration of all pesticide products by EPA results in label instructions on each container for use, storage, and disposal. Label instructions are legally applicable to all users. Under FIFRA, EPA is required to accept certain pesticides under recall for safe disposal. It is unlawful to purchase, distribute, or use any pesticide that does not have an EPA registration number or for which registration has been canceled or suspended, or to apply, store, or dispose of any pesticide or container in any manner inconsistent with applicable regulations. FIFRA does not delegate enforcement responsibilities for Federal facilities to the states.

Under FIFRA:

a. EPA is required to set standards for facilities that store pesticides and pesticide containers.

b. EPA approves state and Federal agency plans for certification of pesticide applicators. Pesticide applicators are required to keep records of pesticide applications.

15-2.2 Resource Conservation and Recovery Act (RCRA). The disposal of excess or waste pesticides and equipment and containers contaminated by pesticides is integrated within the HW management requirements of RCRA. EPA identifies the criteria, standards, and requirements by which excess pesticides, pesticide containers, and the waste resulting from the cleanup of pesticide spills are considered HW.

15-2.3 Clean Water Act (CWA). The CWA provides for protection of surface waters from contamination by pesticides in wastewater and in land runoff. Control is exercised through stringent effluent limitations imposed through the NPDES permitting program (see Chapter 7).

15-2.4 Emergency Planning and Community Right-to-Know Act (EPCRA). EPCRA provides for protection and notification of communities in the event of a release of toxic chemicals. The Navy voluntarily complies with EPCRA. (See Chapter 9)

15-2.5 **The Endangered Species Act (ESA).** ESA provides for the protection of threatened and endangered species of fish, wildlife, and plants and their critical habitats. The Act requires Federal agencies to ensure that no agency action is likely to jeopardize the continued existence of an endangered species or threatened species. Under the ESA, EPA is required to ensure that registered pesticide use is not likely to jeopardize endangered species or adversely modify critical habitats. Endangered species and critical habitat protection is implemented through the label and labelling process and issuance of state specific bulletins.

15-3 Terms and Definitions

15-3.1 **Pesticide.** Pesticides include:

a. Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest

b. Any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

Pesticides do not include new animal drugs or feed additives.

15-4 Requirements

15-4.1 **Pesticide Cancellation.** Pesticides which are in the hands of the user, i.e. DoD, can be used even after cancellation, for a period of time which is announced by EPA in the cancellation notice.

15-4.2 **Wastewater Discharges.** The discharge of any wastewater from any pesticide formulation, mixing, or equipment cleanup area is prohibited unless permitted under the NPDES.

15-5 Navy Policy

15-5.1 Navy policy shall be to comply with applicable Federal, state, and local pesticide pollution prevention laws and regulations and to minimize use of pesticides and herbicides through the use of alternative applied biology techniques.

15-5.2 **Navy Activities in Foreign Countries.** Navy activities in foreign countries are not, in general, subject to U.S. procedural requirements. However, pesticides at foreign activities shall be managed and controlled in substantially the same manner (i.e. in a manner equivalent to that in the U.S. as modified by applicable SOFAs) to ensure protection of public health and the environment.

15-5.3 **Applicator Training and Certification.** Navy personnel, military or civilian, who select or recommend pesticide products and equipment for use or who apply or supervise the application of pesticides on a Navy activity shall be certified under the "Department of Defense Plan for Certification of Pesticide Applicators," as described in OPNAV/MARCORPS Instruction 6250.4 (NOTAL). In all states, contract applicators shall be similarly certified to apply pesticides to government property.

15-5.4 **Pesticide Spills.** Pesticide facilities (storage, mixing, wash down, and transportation) shall be included in activity HS release contingency plans (see Chapter 11).

15-5.5 **Disposal.** All excess or waste pesticides shall be disposed of under applicable HW requirements.

15-5.6 **Pest Management Plans.** Pest management programs on Navy activities shall be conducted under a Pest Management Plan as described in OPNAV/MARCORPS Instruction 6250.4 (NOTAL).

15-5.7 **Pest Management Data System.** All applications of pesticides and other pest management operations shall be recorded and reported as described in OPNAV/MARCORPS Instruction 6250.4 (NOTAL).

15-6 Responsibilities

15-6.1 COMNAVFACENGCOM shall provide technical assistance for pesticide programs, as requested.

15-6.2 **Commanding officers of shore activities** shall:

a. Budget for routine, recurring costs to operate and maintain pest control facilities in compliance with legal requirements.

b. Identify as early as possible and submit, per procedures in Chapter 3, nonrecurring, non-routine corrective projects required to bring all pesticide use, storage, shop facilities, and disposal operations into compliance with applicable standards. Comply with the HW requirements in disposing of excess and waste pesticides.

c. Ensure that wastewaters discharged from pesticide mixing facilities are in compliance with applicable pretreatment or NPDES permit requirements and other applicable Federal, state, or local requirements.

d. Ensure that all pesticide transportation, storage, and formulation areas are addressed in activity HS release contingency plans.

e. Investigate other alternatives to pesticides and herbicides such as mowing, cutting, and planting alternative vegetation.

f. Develop, implement, and maintain a Pest Management Plan documenting all pest management operations and pesticide applications.

CHAPTER 16

NOISE PREVENTION ASHORE

16-1 Scope

This chapter identifies requirements and responsibilities for reducing environmental noise from Navy shore operations. The requirements apply within the United States, Commonwealth of Puerto Rico, Virgin Islands, American Samoa, Guam, and the Trust Territory of the Pacific Islands. Shipboard noise abatement is addressed in Chapter 17. Navy noise abatement policy for activities in foreign countries is provided in paragraph 16-5.6.

16-1.1 **References.** Relevant references are:

a. DoD Directive 4165.57 of 8 November 1977; Air Installations Compatible Use Zones (NOTAL)

b. OPNAVINST 5100.23B; Navy Occupational Safety and Health (NAVOSH) Program Manual (NOTAL)

c. OPNAVINST 11010.36A; Air Installations Compatible Use Zones (AICUZ) Program (NOTAL).

16-2 Legislation

The Noise Control Act provides that Federal performance standards shall be incorporated into the design of certain new vehicles, railroad equipment, and products to reduce noise emissions. Retrofit modifications are not prescribed for existing noise sources. Military aircraft, combat equipment, and weapon systems are exempt from new product design standards. State and local laws may prescribe maximum noise levels across property lines. Boundary noise limits are attainable by a variety of structural and natural noise path barriers and by source design modifications.

16-3 Terms and Definitions

16-3.1 **Environmental Noise.** The intensity, duration, and character of sounds from all sources.

16-3.2 **Low-Noise-Emission Product.** Any product which emits noise in amounts significantly below the levels specified in noise emission standard under regulations applicable to that type of product under the Noise Control Act, Section 6, at the time of procurement.

16-4 Requirements

16-4.1 EO 12088 directs Federal facilities to comply with all requirements, substantive or procedural, applicable to environmental noise abatement. Requirements means all applicable boundary noise limits established by state and local law.

16-5 Navy Policy

16-5.1 Noise control and abatement shall provide:

a. Maintenance of an active program to protect both on and off base personnel from hazardous noise levels in coordination with other Federal agencies

b. Procurement, whenever feasible, of low-noise-emission products

c. Soundproofing, whenever feasible, of Navy owned/operated schools and hospitals affected by noisy military operations

d. Locating noise-sensitive housing and other developments away from major noise sources

e. Cooperation with and support of neighborhood self help programs to identify and address local noise problems.

16-5.2 **Workplace Noise.** Workplace noise shall not be considered environmental noise. Workplace noise abatement is prescribed by the NAVOSH program (OPNAVINST 5100.23B (NOTAL)).

16-5.3 **Aviation Noise Suppression**

16-5.3.1 The Navy shall consider ameliorating options such as remote siting, sound suppression equipment, and sound barriers, when developing new aircraft related systems, such as engine test stands.

16-5.3.2 The Navy shall include suitably quiet associated ground support equipment (e.g. starters, hush houses) in procurement (APN funds) of new jet or other aircraft systems.

16-5.4 **Air Installations Compatible Use Zone (AICUZ).** The AICUZ was established by DoD Directive 4165.57 of 8 November 1977 (enclosed in OPNAVINST 11010.36A (NOTAL)) to identify and address incompatible development in areas which are adjacent to air installation and subject to rated levels of aircraft noise and/or accident impacts.

16-5.5 **Restricting Noisy Operations.** To the maximum extent possible, limit the use of power tools, machinery, construction equipment, or other noisy devices to normal working hours.

16-5.6 **Navy Activities in Foreign Countries.** Navy activities in foreign countries shall ensure compliance with noise abatement standards of general applicability in the host country as modified by SOFAs.

16-6 Responsibilities

16-6.1 **Major claimants and subordinates commands** shall:

a. Initiate procurement procedures that ensure products and equipment not designed for combat use meet Federal noise standards.

b. Promote research to define and study noise pollution problems unique to the Navy and coordinate such research with other DoD components and with EPA.

c. Ensure that ground equipment associated with procurement of new and/or follow-on jet aircraft contain necessary noise suppressors.

16-6.2 **Commanding officers of shore activities** shall implement procedures for limiting on-base noisy operations and for reducing property-line noise levels as required by local law.

CHAPTER 17

POLLUTION PREVENTION AFLOAT

17-1 Scope

17-1.1 General. This chapter defines pollution abatement policies and procedures applicable to shipboard operations. The chapter is sectioned according to the various pollutants produced aboard ship. Shore handling of ship wastewater is discussed in Chapter 7. Shore treatment and disposal of HW and oily waste are discussed in Chapters 9 and 12 respectively. Disposal of foreign food and garbage is discussed in paragraph 17-5.7.

17-1.2 Military Sealift Command (MSC). This chapter also applies to government owned and operated MSC ships. Additionally, Commander, Military Sealift Command (COMSC) shall ensure that ships under contract to MSC are operated per the guidance of this chapter.

17-1.3 References. Relevant references for this chapter are (CFR sites are not provided in this chapter since ships would not normally carry the regulations):

a. DoD Directive 4210.15 of 27 July 1989; Hazardous Material Pollution Prevention (NOTAL)

b. DoD Directive 6050.4 of 16 March 1982; Marine Sanitation Devices for Vessels Owned or Operated by the Department of Defense (NOTAL)

c. DoD Directive 6050.15 of 14 June 1985; Prevention of Oil Pollution from Ships Owned or Operated by the DoD (NOTAL).

d. OPNAVINST 5100.19B; Navy Occupational Safety and Health (NAVOSH) Program Manual for Forces Afloat (NOTAL)

e. OPNAVINST 3100.6E; Special Incident Reporting (OPREP 3, Navy Blue, and Unit SITREP) Procedures (NOTAL).

17-2 Legislation

17-2.1 Sewage. The Clean Water Act (CWA) authorizes DoD to promulgate regulations governing the design, construction, installation, and operation of any marine sanitation device (MSD) on board vessels owned and operated by the DoD.

17-2.2 Air. The Clean Air Act (CAA) authorizes state and local governments to set standards for emissions of designated air pollutants. Federal agencies are required to comply with Federal, state, interstate, and local air pollution requirements. CAA also authorizes EPA to establish regulations under the National Emission Standards for Hazardous Air Pollutants (NESHAPs) program concerning the removal and disposal of certain materials, including asbestos, mercury, and vinyl chloride.

17-2.3 Oil and Oily Waste

17-2.3.1 CWA prohibits the discharge of oil into any surface waters of the U.S., if the discharge violates applicable state water quality standards or effluent standards or causes a sheen on, or film upon, or discoloration of the surface of the water or adjoining shorelines, or causes a sludge or emulsion to be deposited beneath the surface of the water, or upon the shoreline.

17-2.3.2 The Act to Prevent Pollution From Ships repeals the Oil Pollution Control Act and implements the more stringent oil and oily waste discharge requirements of the 1978 Protocol relating to the International Convention for the Prevention of Pollution From Ships (MARPOL 73/78). The Act requires that heads of Federal departments prescribe standards for ships under their authority that are consistent with those of the MARPOL Protocol "so far as it is reasonable and practicable without impairing the operations or operational capabilities of such ships."

17-2.4 Hazardous Materials (HM)/Hazardous Waste (HW)

17-2.4.1 CWA prohibits the discharge of harmful quantities of hazardous substances (HS) into or upon U.S. waters out to 12 nm.

17-2.4.2 The Resource Conservation and Recovery Act (RCRA) establishes a Federal program to provide comprehensive "cradle-to-grave" regulation of HW. Removal is governed by the requirements of OPNAVINST 5100.19B (NOTAL), Naval Ships' Technical Manual (NSTM), Chapter 593, and this instruction.

17-2.4.3 The Marine Protection, Research, and Sanctuaries Act (MPRSA) regulates the dumping of materials into the ocean, including medical waste dumping by U.S. government vessels.

17-2.4.4 Through the Toxic Substance Control Act (TSCA), Federal restrictions have been placed on the manufacture, use, labeling, and disposal of polychlorinated biphenyls (PCBs), asbestos, and asbestos-containing waste.

17-2.4.5 Federal contract law requires that contracts for work on board naval vessels, other than new construction, identify the type and amount of HW expected to be generated, responsibility for the disposal, and that a Navy generator number be used for Navy-generated HW, a contractor generator number for contractor-generated HW, and both a Navy and contractor generator number for HW co-generated by the Navy and the contractor, regardless of who owns the site where the waste is generated. Naval vessels are also required to off load HW to the maximum extent feasible prior to arrival at a private facility.

17-2.5 Solid Waste

17-2.5.1 Numerous laws have authorized the U.S. Department of Agriculture (USDA) to regulate the handling of foreign food and foreign source garbage entering the U.S., its territories and possessions via ship and aircraft. Regulations are written to prevent the spread of plant pests and animal diseases by foreign food and garbage. U.S. Navy vessels must comply with those regulations.

17-2.5.2 The Marine Plastic Pollution Research and Control Act implements MARPOL Annex V which prohibits the overboard discharge of plastics and restricts the discharge of garbage. There are special areas designated in which no solid waste may be discharged. Those areas are the Mediterranean Sea area, the Baltic Sea area, the Black Sea area, the Red Sea area, and the Persian Gulf area. The solid wastes that are strictly prohibited include the following: plastic and plastic items, packing material, paper, rags, glass, and crockery.

17-2.5.3 The U.S. Public Vessel Medical Waste Anti-Dumping Act of 1988, which updated the Marine Protection, Research, and Sanctuaries Act of 1972, was enacted to control the washing ashore of potentially infectious medical waste from public vessels. The Act specifically prohibits the disposal of potentially infectious medical waste into ocean water unless:

a. The health and safety of individuals is threatened

b. During time of war or declared national emergency

c. The waste is disposed of 50 nm from land and is steam sterilized, properly packaged, and sufficiently weighted to prevent waste from coming ashore (for submarines; steam sterilization is not required, but waste still must be properly packaged and weighted).

17-2.6 Noise. The Noise Control Act provides for Federal performance standards, which are to be incorporated into the design of new ship systems and equipment, to reduce noise emission. Retrofit modifications are not prescribed for existing noise sources. Military aircraft, combat equipment, and weapon systems are exempt from new product design standards. Workplace noise is not considered environmental noise. Workplace noise abatement is prescribed by the NAVOSH program (OPNAVINST 5100.19B (NOTAL)).

17-2.7 Drinking Water. The Safe Drinking Water Act (SDWA) specifies a system for the protection of drinking water supplies through establishment of contaminant limitations and enforcement procedures.

17-3 Terms and Definitions

17-3.1 General

17-3.1.1 Contiguous Zone. A zone of the high seas, established by the U.S. under the Convention on the Territorial Sea and Contiguous Zone, which is contiguous to the territorial sea and which extends nine nautical miles (nm) seaward from the outer limit of the territorial sea.

17-3.1.2 Navigable Waters. The territorial waters (sea) of the U.S.; the inland waters of the U.S., including the U.S. portion of the Great Lakes; and St. Lawrence Seaway.

17-3.1.3 Territorial Sea. The zone established by the U.S. under the Convention on the Territorial Sea and Contiguous Zone. For the purposes of this chapter, the territorial sea extends three nm seaward from the mean low water line of the U.S. shoreline. (This definition is applicable to most Federal legislation passed before 1989. For international law purposes, however, the "territorial sea" extends out 12 nm.)

17-3.1.4 United States. As defined in the CWA and Federal regulations pertinent to environmental protection, the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Marianas Islands, and the Trust Territory of the Pacific Islands.

17-3.2 Sewage

17-3.2.1 Industrial Waste. A hazardous waste derived from a shipboard process such as manufacturing, production, and maintenance (for example, metal plating, acid cleaning, photo processing, solvent cleaning, and painting wastes).

17-3.2.2 Marine Sanitation Devices. Any equipment on board a ship or craft which is designed to receive and treat sewage to a level acceptable for overboard discharge, or which receives or retains sewage on board for later discharge ashore or in waters where discharge is permissible. Within the generic term "MSD", the Navy uses the following terms to identify its general types:

a. Type I: "Flow-through" and "discharge" device designed to receive and treat sewage aboard ship and produce an overboard effluent with a fecal coliform count of not more than 1,000 per 100 milliliters and no visible floating solids.

b. Type II: "Flow-through" and "discharge" device that produces an overboard effluent with a fecal coliform count of not more than 200 per 100 milliliters and total suspended solids of not more than 150 milligrams per liter.

c. Type III-A: "Non-flow-through" device designed to collect shipboard sewage by means of vacuum or other reduced-flush systems and to hold the sewage while transiting navigable waters. This type may include equipment for shipboard evaporation or incineration of collected sewage.

d. Type III-B: Collection, holding, and transfer (CHT) system designed to collect both sewage and wastewater while in port; to offload sewage and wastewater to suitable shore receiving facilities; to hold sewage while transiting navigable waters; and to discharge overboard both sewage and wastewater while operating beyond navigable waters.

17-3.2.3 Sewage. Human body wastes and the wastes from toilets and other receptacles intended to receive or retain body wastes.

17-3.2.4 Wastewater. Discarded water from deck drains, lavatories, showers, dishwashers, laundries, and garbage grinders, as well as discarded water from shipboard medical references; also referred to as gray water. Does not include industrial wastes and human body wastes.

17-3.3 Air

17-3.3.1 Air Pollution. The presence in the atmosphere of one or more contaminants in such quantities and of such duration as is or tends to be injurious to human health or welfare, animal or plant life, or property, or would unreasonably interfere with the enjoyment of life or property.

17-3.3.2 Hazardous Air Pollutant. An air pollutant to which no ambient air quality standard is applicable and which in the judgment of the EPA Administrator causes, or contributes to, air pollution which may reasonably be anticipated to result in an in-

crease in mortality or an increase in serious irreversible, or incapacitating reversible, illness.

17-3.4 Oil and Oily Waste

17-3.4.1 Oil. Any petroleum-based fluid or semi-solid. Oil includes crude oil, all liquid fuels (gasoline, kerosene, diesel, and all light and heavy fuel oils), lube oil, all waste oils, oil sludge, and oil refuse. Oil also includes synthetic-based lubricating and transmission products.

17-3.4.2 Oily Waste. Any liquid petroleum product mixed with wastewater and/or oil in any amounts which, if discharged overboard, would cause or show a sheen on the water.

17-3.4.3 Reclamation. The processing of used oil to recover useful oil products.

17-3.4.4 Used Oil. Oil whose characteristics have changed since being originally refined but which may be suitable for future use and is economically reclaimable. Used oil excludes synthetic-based lubricating and transmission products.

17-3.4.5 Waste Oil. Oil whose characteristics have changed markedly since being originally refined and has become unsuitable for further use, and is not considered economically recyclable.

17-3.5 Hazardous Materials/Hazardous Waste

17-3.5.1 Hazardous Material. Any material that, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may pose a substantial hazard to human health or the environment. In the case of ships, this includes hazardous material turned in to store (HMTIS) and hazardous material turned in to disposal (HMTID).

17-3.5.2 Hazardous Material Turned Into Store. Full, properly sealed containers of usable HM in excess of a ship's needs awaiting transfer to a stock point for possible credit and redistribution.

17-3.5.3 Hazardous Material Turned Into Disposal. Nonusable HM awaiting transfer to a shore activity for disposal.

17-3.5.4 Hazardous Substance. HM or HW.

17-3.5.5 Hazardous Waste. Any discarded material, liquid, solid, or gaseous, that meets the definition of a HM and/or is designated a HW by the EPA or state HW control authority.

17-3.6 Oil and Hazardous Substances Spills

17-3.6.1 Navy On-Scene Commander (NOSCDR). Commanders or commanding officers of designated naval shore activities or complexes (shoreside NOSCDRs) and of fleet units (fleet NOSCDRs). Shoreside NOSCDRs are predesignated by the cognizant NOSCs. They are assigned on the basis of OHS spill/release risk and response capability to ensure effective activity/ local level response to OHS spills/releases. The numbered fleet commanders (fleet NOSCs) may predesignate one or more fleet NOSCDRs to direct on-scene OHS spill/release response operations within assigned ocean areas. See Chapter 11 for further clarification of NOSCDR assignment and responsibilities.

17-3.6.2 Navy On-Scene Coordinator (NOSC). The Navy official predesignated to coordinate the contingency planning, and to direct Navy OHS spill/release response operations within a preassigned area. Shoreside NOSCs are the normally regional environmental coordinators predesignated by area coordinators to coordinate environmental and other broad Navy shore activity issues on a regional basis (see Chapter 2). Fleet NOSCs are the numbered fleet commanders who direct all fleet operations within assigned ocean areas. See Chapter 11 for further clarification of NOSC assignment and responsibilities.

17-3.6.3 On-Scene Operation Team (OSOT). Specially trained and equipped Navy shore-based unit responsible for providing complete OHS spill containment and recovery for inland waters and harbors.

17-3.6.4 Sheen. An iridescent appearance on the surface of the water.

17-3.6.5 Spill. An accidental or unpermitted discharge of OHS into or upon surrounding waters. In this chapter, the definition does not apply to spills on board ship which do not go over the side.

17-3.6.6 SUPSALV Spill Response Team (SSRT). Specially trained and equipped mobile spill response team maintained by the NAVSEASYSCOM SUPSALV (NAVSEA 00C). The team and an extensive inventory of offshore spill response equipment are maintained to support NOSCs and NOSCDRs for offshore, salvage-related, or major inland oil spills and HS releases.

17-3.7 Solid Waste

17-3.7.1 Foreign Source Garbage. Goods, food wastes, wrappers, containers, and disposable materials originating in any foreign country (excluding Canada) or Hawaii, Puerto Rico, Virgin Islands, American Samoa, Guam, and the Trust Territories of the Pacific Islands.

17-3.7.2 Garbage. Foods, food wastes of any sources, with or without minor paper goods included, but excluding wrappers, containers, packaging, and disposable serving materials.

17-3.7.3 Medical Waste. Medical waste is divided into two categories, potentially infectious waste and other waste:

a. Infectious Waste. Waste that contains pathogens with sufficient virulence and quantity so that exposure to the waste by a susceptible host could result in the transmission of an infectious disease. The categories listed below are to be considered infectious waste:

(1) Medical wastes from isolation rooms are often considered infectious waste. However, only those items which are contaminated or likely to become contaminated with infective material are defined as infectious waste.

(2) Microbiological wastes including cultures and stocks of etiological agents containing microbes that, due to their species, type, virulence, or concentration are known to cause disease in humans. Examples include specimens from medical and pathology laboratories, discarded live vaccines, wastes from production of biologicals, cultures and stocks of infectious agents from clinical research and industrial laboratories, and disposable culture dishes and devices used to transfer, inoculate, and mix cultures.

(3) Blood and blood products including waste blood, serum plasma, Pleurevacs, and hemovacs.

(4) Pathological wastes including human tissues and organs, amputated limbs or other body parts, fetuses, placentas, and similar tissue from surgery, delivery, or autopsy procedures.

(5) Sharps, including hypodermic needles, syringes, scalpel blades, Pasteur pipettes, specimen slides, cover slips, glass petri plates, and broken glass potentially contaminated with infectious material.

b. Other waste is defined as disposable medical equipment and material that does not fall into the categories given above.

17-3.7.4 Pulped/Ground Garbage or Trash. Pulped, ground, or comminuted garbage or trash capable of passing through a screen with openings no greater than 25 millimeters (0.98 inch).

17-3.7.5 Solid Wastes. Garbage, trash, sludge, and other discarded solid materials resulting from industrial and other shipboard activities. It does not include solids or dissolved material in domestic sewage or other significant pollutants in water resources, such as silt, dissolved or suspended solids in industrial wastewater effluent, or other common water pollutants.

17-3.7.6 Special Area. A sea area where, for recognized technical reasons in relation to its oceanographic and ecological condition and to the particular character of its traffic, the adoption of special mandatory methods for the prevention of sea pollution by solid waste is required. Special areas include the following:

a. The Mediterranean Sea area includes the Mediterranean Sea proper and the gulfs and seas therein, with the boundary between the Mediterranean and the Black Sea constituted by the 41° N parallel and bounded to the west by the Strait of Gibraltar and the meridian of 5° 36' W.

b. The Baltic Sea area includes the Baltic Sea proper with the Gulf of Bothnia, the Gulf of Finland, and the entrance to the Baltic Sea bounded by

the parallel of The Skaw in the Skagerrak 57° 44.8' N.

c. The Black Sea area includes the Black Sea proper with the boundary between the Mediterranean and the Black Sea constituted by the parallel 41° N.

d. The Red Sea area includes the Red Sea proper, including the Gulfs of Suez and Aqaba bounded at the south by the rhumb line between Ras si Ane (12° 8.5' N, 43° 30.2' E) and Husn Murad (12° 40.4' N, 43° 30.2' E).

e. The Persian Gulf area includes the sea area located northwest of the rhumb line between Ras al Hadd (22° 30' N, 59° 48' E) and Ras al Fastah (25° 04' N, 61° 25' E).

f. Other areas as identified and agreed upon by international treaty (MARPOL) or domestic law (USCG regulations).

17-3.7.7 **Trash.** Dry solid waste excluding ordnance and garbage.

17-3.8 **Drydock**

17-3.8.1 **Floating Drydock.** A movable dock floating in water, capable of lifting a host ship for repairs to its underwater hull.

17-4 Requirements

17-4.1 **Sewage.** DoD Directive 6050.4 of 16 March 1982 (NOTAL) issues regulations governing the design, construction, installation, and operation of MSDs aboard Navy ships to prevent the discharge of untreated sewage into navigable waters. It also implements the CWA regulation prohibiting the discharge of wastewater into the Great Lakes.

17-4.2 **Oil and Oily Waste.** DoD Directive 6050.15 of 14 June 1985, (NOTAL) implements the Act to Prevent Pollution From Ships by prescribing operational standards and equipment requirements for ships consistent with those of the international MARPOL 73/78 Protocol. The oil content of ship discharges is limited to less than 20 ppm within 12 nm of the nearest land and to less than 100 ppm beyond 12 nm.

17-4.3 **Hazardous Materials/Hazardous Waste.** DoD Directive 4210.15 of 27 July 1989 (NOTAL) establishes policy and assigns responsibilities for HM pollution prevention. It requires that HM be selected, used, and managed over its life cycle so that the DoD achieves the lowest costs required to human health and the environment. Additionally, state and local regulations prescribe requirements for the proper storage, packaging, labeling, transportation and disposal of HM and HW.

17-4.4 **Solid Waste.** The Act to Prevent Pollution From Ships, as amended by the Marine Plastic Pollution Research and Control Act of 1987, implements Annex V or MARPOL 73/78. Overboard discharge of all solid waste is restricted near coasts and discharge of plastics is prohibited worldwide.

17-5 Navy Policy

17-5.1 **Prohibited Discharge Zones for U.S. Navy Shipboard Wastes.** Discharges are prohibited as follows:

a. Sewage and Pulped Garbage. Navigable waters of the U.S. out to 3 nm from the baseline from which the territorial sea boundary is measured.

b. Wastewater. For ships with Type II, III-A, or III-B CHT Systems, pierside in any port.

c. Untreated Garbage and Pulped Trash. Discharge prohibited in navigable waters of the U.S. plus the contiguous zone out to 12 nm from the baseline from which the territorial sea boundary is measured.

d. Hazardous Substances. Harmful quantities prohibited in navigable waters of the U.S. plus the contiguous zone out to 12 nm from the baseline from which the territorial sea boundary is measured. For specific substances, discharge is prohibited completely.

e. Solid Waste. Nonplastics prohibited within 25 nm of any shoreline, foreign or domestic. No plastics discharge is the long term Navy goal. If

retention is not possible, discharges of plastics must be outside of 50 nm.

f. Untreated Oils and Oily Wastes. For ships with oil water separators, no untreated discharges. For ships without oil water separators, no discharges within 50 nm of any shoreline.

NOTE

The overboard discharge at sea of any of the above materials received from another ship or shore station is considered to be ocean dumping. Procedures for ocean dumping are provided in Chapter 18.

Table 17.1 provides a summary of pollution control discharge restrictions for ships.

17-5.2 **Access to Navy Ships.** The Navy is uniquely responsible for the protection of sensitive military information on a need-to-know basis. This requires the exercise of discretion in assuring state and local inspectors requesting access to Navy ships are permitted access only to what they legitimately require to perform their function. The goal is to assist inspectors in their work while properly attending to security responsibilities. If a state or local inspector requests access to inspect a Navy ship, the following procedures shall be followed:

a. Confirm the inspector's credentials.

b. The inspector shall identify spaces or work sites to which access is required.

c. The inspector shall make known the nature of the activity to be examined and its relationship to regulations. Counsel should be consulted if there is any question on the applicability of the law or regulation to ships.

d. If the issue is a result of contractor actions aboard ship, a representative of the contractor shall accompany the inspector and ship representative.

e. If practical, the ship shall suggest off-ship alternatives that involve similar operations or training demonstrations conducted ashore.

f. If off-ship alternatives are not practical, commanding officers shall approve inspections which do not involve access by inspectors to classified or restricted information, equipment, technology, or operations.

17-5.2.1 If the inspector requests access to sensitive areas such as spaces containing cryptographic equipment, sonar systems, or nuclear propulsion plant spaces (NNPS) or nuclear propulsion plant information (NNPI) and the commanding officer concludes that a legitimate need-to-know exists for such access, he/she shall forward a message request for access to CNO, OP-45, with information copies to the Fleet CINC and type commander, for spaces which would involve access to classified information or OP-00N for NNPS/ NNPI. The message shall identify the following:

a. The space to which the inspector wants access

b. The nature of the activity that the inspector wants to examine

c. The classified or restricted information, equipment, or operation to which the inspector would have access during the proposed inspection

d. The proposed alternatives which do not involve such access

e. Reasons why the inspector finds the proposed alternatives unsatisfactory

f. Security clearance information for the inspecting official(s).

The state or local inspector(s) shall be informed that the security implication of their request requires consideration at Navy headquarters.

If the commanding officer determines that the inspector does not have a need-to-know for access to the spaces or information cited above, but the inspector does not agree with that determination, the commanding officer shall promptly refer the matter up the chain of command for resolution by OP-45/OP-00N as described above.

17-5.3 **Sewage and Wastewater**

SUMMARY OF NAVY POLLUTION CONTROL DISCHARGE RESTRICTIONS

AREA	SEWAGE ("BLACK WATER")	WASTEWATER ("GRAY WATER")	OILY WASTE	AIR POLLUTION
US Internal Waters & Territorial Seas (0-3 nm)	No discharge.	If equipped with CHT system, collect & pump to shore when pierside. If no collection capability, direct discharge permitted.	No Sheen. If equipped with OCM, discharge <20 ppm oil.	Prevent stack emissions per state/local regs.
US Contiguous Zone (3-12 nm)	Direct discharge permitted.	Direct discharge permitted.	No sheen. If equipped with OCM, discharge <20 ppm oil.	No restrictions.
12-25 nm	Direct discharge permitted.	Direct discharge permitted.	If equipped with OCM, discharge <100 ppm oil. Ships with OWS but no OCM must process all machinery space bilge water thru OWS. (1)	
>25 nm	Direct discharge permitted.	Direct discharge permitted.	Same as 12-25 nm. (1)	
>50 nm & High Seas	Direct discharge permitted.	Direct discharge permitted.	Same as 12-25 nm. (1)	
MARPOL "Special Areas"	Direct discharge permitted.	Direct discharge permitted.	Same as 12-25 nm.	
Other Areas			State/local rules may vary; check port regs.	
Foreign Countries	Within foreign territorial seas (12 nm), see (a) Visit Clearance, (b) SOFA, (c) Standards observed by host Navy, or (d) no discharges within 4 nm if sewage reception facilities available.	No restrictions.	Within foreign territorial seas (12 nm), see (a) Visit Clearance, (b) SOFA, (c) standards observed by host Navy, or (d) no discharge within 50 nm unless through OWS.	Within foreign ports, see (a) visit clearance, (b) SOFA, or (c) Standards observed by host Navy.
Comments	Direct discharge allowed under emergency conditions.	In Great Lakes, the discharge of wastewater is prohibited.	Submarines: direct oily waste to WOCT, pump off bottom water phase when full.	See NAVOSH Manual for special rules for asbestos removal underway.

Notes:
OWS - Oil-Water Separator
OCM - Oil Content Monitor
WOCT - Waste Oil Collection Tank
SOFA - Status of Forces Agreement

(1) Ships without OWS systems must retain oily waste for shore disposal. If operating conditions require at-sea disposal, discharge is permitted beyond 50 NM from nearest land.

Table 17.1

SUMMARY OF NAVY POLLUTION CONTROL DISCHARGE RESTRICTIONS (Continued)

AREA	TRASH (NONPLASTIC)	GARBAGE (FOOD WASTES)	PLASTICS (NON-FOOD-CONTAM.)	PLASTICS (FOOD-CONTAMINATED)
US Internal Waters & Territorial Seas (0-3 nm	No discharge.	No discharge.	No discharge.	No discharge.
US Contiguous Zone (3-12 nm)	No discharge (Unless pulped). *	Pulped or comminuted garbage may be discharged if necessary.	No discharge.	No discharge.
12-25 nm	Pulped trash may be discharged. Submarines ONLY: may discharge compacted trash if depth >1000 fathoms.	Pulped or Unpulped garbage may be discharged.	No discharge.	No discharge.
>25 nm	Pulped, Unpulped or Compacted trash may be discharged.	Same as 12-25 nm.	No discharge.	No discharge.
>50 nm & High Seas	Same as >25 nm.	Same as 12-25 nm.	Current Goal: retain onboard for 20 days; excess qty can be discharged if packaged and negatively buoyant 1994: No discharge.	Current Goal: retain last 3 days before return to port; other qtys can be discharged if packaged and negatively buoyant. 1994: No discharge.
MARPOL "Special Areas"	1994: No discharge (pulped trash* may be discharged outside 12nm; trash compacted and weighted to sink may be discharged > 25 nm.	1994: Only allowed to discharge pulped garbage outside 12 nm.	Current: see above guidance. 1994: No discharge.	Current: see above guidance. 1994: No discharge.
Other Areas				
Foreign Countries	No trash discharge within 25 nm of foreign coasts.	No garbage discharge within 12 nm of foreign coasts.		
Comments	All trash discharged must be packaged & negative buoyant.		Record-keeping requirements for at-sea discharge.	Record-keeping requirements for at-sea discharge.

* Ships may discharge pulped trash once improved trash pulpers are installed.

Table 17.1 (continued)

SUMMARY OF NAVY POLLUTION CONTROL DISCHARGE RESTRICTIONS (Continued)

AREA	HAZARDOUS WASTES	MEDICAL WASTES (INFECTIOUS & SHARPS)
US Internal Waters & Territorial Seas (0-3 nm)	No discharge.	Steam sterilize, store, and transfer ashore. No discharges. But, see state/local regs.
US Contiguous Zone (3-12 nm)	No discharge.	Same as U.S. internal waters.
12-25 nm	Discharge of certain HM/HW allowed.*	Same as U.S. internal waters.
>25 nm	Same as 12-25 nm.	Same as U.S. internal waters.
>50 nm & High Seas	Same as 12-25 nm.	If potentially infectious waste presents health hazard, steam sterilize, package, weight for negative buoyancy and discharge. No discharge of sharps.
MARPOL "Special Areas"		
Other Areas		
Foreign Countries	Within 12 nm of foreign shores, see (a) visit clearance, (b) SOFA, (c) host Navy standards.	The packaging, handling, storage, transport, treatment, and disposal of infectious waste shall be as prescribed by applicable SOFAs.
Comments	* See OPNAVINST 5100.19B Appendix B3-C for specific guidance on permissible disposal.	All sharps to be disposed of ashore. Plastic and wet materials shall not be incinerated. Other non infectious medical waste may be disposed of as trash and does not require steam sterilization or special handling. The requirement to steam sterilize prior to disposal at sea does not apply to submarines.

Table 17.1 (continued)

17-5.3.1 Compliance with Regulations. To ensure compliance with regulations regarding sewage and wastewater:

a. Navy vessels shall be equipped with MSDs designed to prevent the discharge of untreated or inadequately treated sewage, or of any waste derived from sewage (i.e., sludge), into or upon navigable waters of the U.S. Ships not able to collect and transfer wastewater to shore while pierside shall be equipped to do so as soon as possible.

b. All new vessels, except where specifically excluded by Top Level Requirement, shall be equipped only with Type III MSDs certified by COMNAVSEASYSCOM. Type III-A MSDs shall have an auxiliary system capable of collecting and transferring to shore all shipboard wastewater generated while pierside.

c. Existing vessels equipped with Type I or Type II MSDs that were installed on or before 1 April 1979 are in compliance so long as the device remains satisfactorily operable.

d. Existing vessels with installed toilet facilities, but not equipped with Type I or Type II MSDs installed prior to 1 April 1979 shall be equipped with Type III MSDs certified by COMNAVSEASYSCOM per DoD Directive 6050.4 of 16 March 1982 (NOTAL). Type I or Type II MSDs that become inoperable and require removal shall be replaced with certified Type III MSDs.

e. MSD installations shall include capability for pumping collected sewage and wastewater to appropriate shoreside reception facilities. Surface ships, submarines, and service craft/boats shall be fitted with cam-lock sewage discharge connections in 4-inch (MS 27025-18), 2-1/2-inch (MS 27025-14), and 1-1/2-inch (MS 27025-10) sizes, respectively. Such fittings shall allow quick connect/disconnect with shoreside offloading hoses.

f. Navy vessels visiting foreign ports shall be equipped with adapters to accommodate hoses having international-standard flanges specified by the International Maritime Organization in Annex IV, Regulation II of MARPOL.

17-5.3.2 Shipboard Procedures. The following operating procedures shall be followed in operating MSDs:

a. MSDs installed aboard Navy vessels shall be properly operated and maintained so as to prevent the overboard discharge of untreated or inadequately treated sewage, or of any waste derived from sewage (i.e., sludge), into navigable waters of the U.S.

b. MSDs aboard Navy vessels shall be used to collect only sewage while transiting navigable waters. The collection of wastewater would adversely impact tank holding capacity and might result in the unnecessary discharge of sewage overboard before reaching pier facilities or unrestricted waters.

c. When in port, Navy vessels equipped with Type III-A and Type III-B MSDs shall collect all shipboard sewage and wastewater for transfer to proper shoreside reception facilities.

d. Navy vessels shall not discharge any treated or untreated sewage or wastewater into freshwater lakes, freshwater reservoirs or other freshwater impoundments, or in rivers capable of interstate navigation. Navy vessels that operate in such waters shall be modified to preclude accidental discharge into such waters.

e. While operating beyond navigable waters, Navy vessels may discharge all sewage and wastewater directly overboard.

f. Navy vessels operating in the territorial sea (out to 12 nm) of foreign countries shall operate their MSDs per the applicable status of forces agreement (SOFA) or international agreement, as defined in Chapter 1. If no SOFA or international agreement exists, vessels shall operate consistent with the substantive sewage discharge standards observed by the host country's military forces until a satisfactory arrangement on the subject can be effected. Unless otherwise provided in a SOFA or international agreement, Navy vessels operating temporarily within a foreign jurisdiction are subject to that country's standards to the extent specified by the clearance for visit. Where the discharge standards for a foreign country are undefined, no sewage shall be discharged within four nautical miles (nm)

of land if the foreign port can provide sewage reception facilities. Where no such reception facilities exist, the ship shall use MSDs to the maximum extent possible to minimize discharge of visible pollutants.

g. Solvents and other industrial wastes shall not be piped to MSDs or dumped down sinks or floordrains.

17-5.3.3 Ship-to-Shore Transfer. The following procedures shall be followed by Navy ships in port:

a. While visiting Navy ports, Navy vessels shall periodically pump their collected sewage and wastewater to shoreside reception facilities. The shore activities shall provide the transfer hoses and associated fittings to connect the ship discharge line with the shore equipment. Vessels equipped with automated discharge-pump controls shall use such controls to minimize ship workload requirements during the periodic pumpouts.

b. While visiting non-Navy ports, Navy vessels shall request sewage reception facilities as indicated in applicable LOGREQs or other pertinent documentation. Pier sewers shall be used when available. If the sewers are not available, other sewage collection facilities such as barges or tank trucks shall be used unless it is impractical to do so.

17-5.3.4 Exceptions. As established in DoD Directive 6050.4 of 16 March 1982 (NOTAL), Navy vessels are permitted to discharge minimal quantities of sewage and wastewaters into navigable waters only under certain circumstances and with due consideration for environmental effects. Because certain state or local water quality authorities may require notification of sewage or wastewater discharges from ships, reporting requirements shall be coordinated through the fleet and port environmental coordinators. The following conditions are the only exceptions under which a discharge may occur:

a. Incapable of retaining all sewage or wastewaters on board for later disposal on the high seas or to shore collection systems. Any discharge under this instruction shall be minimized and shall be accomplished as far as possible from land.

b. Participating in military operations or exercises (including training and readiness) and incapable of retaining sewage or wastewater on board without affecting operational effectiveness or the health or welfare of the crew.

c. Anchored or moored where sewage and wastewater reception facilities or services are not reasonably available, or where use of such services or facilities is not feasible because of foul weather, poor visibility, or unsafe environmental conditions, and where on board retention of sewage or wastewater would adversely affect operational effectiveness or the health or welfare of the crew.

d. The MSD is:

(1) Inoperable because of equipment malfunctions, installation, or maintenance

(2) Its use would interfere with an overhaul or repair effort

(3) Its use would pose a hazard to the health or welfare of the crew.

Those periods prompting use of this exemption shall be held to an absolute minimum.

If in port, the ship shall coordinate with and obtain the concurrence of the shore activity environmental designee prior to the overboard discharge of sewage or wastewater.

17-5.4 Air

17-5.4.1 Compliance with Regulations. Navy vessels shall operate under applicable Federal, state, and local regulations governing air pollution emissions, provided that such compliance does not jeopardize the safety and welfare of the ship and/or ship's personnel.

17-5.4.2 Shipboard Procedures. The following operating procedures shall be followed by ships:

a. Navy ships at pierside shall implement operation and maintenance procedures to prevent stack emissions in violation or state and local regulations. Specifically, Navy ships shall comply with the regulations set on the opacity of smoke

during normal operation of boilers and special periods, such as lighting off, securing, baking out, or testing of boilers.

b. In port, Navy ships shall minimize operation of boilers and diesel engines by using shore-provided "hotel" services whenever operational requirements permit. Blowing of boiler tubes in port shall be limited to the minimum necessary to conform with provisions of NSTM, Chapter 221.

c. Only approved solvents, paints, fuels, lubricants, and chemicals shall be used aboard ship. A list of materials prohibited on ships is included in NSTM Chapter 670.

d. Any asbestos material removed during shipboard ripouts or repair actions performed by ship's force shall be properly containerized and disposed of without release of asbestos fibers into the environment (see OPNAVINST 5100.19B, (NOTAL), Chapter B1). In preparation for disposal ashore, asbestos wastes must be adequately wetted prior to bagging in heavy-duty plastic bags or other suitable impermeable containers. All bags or containers shall be provided with standard asbestos danger labels. Removal by Navy shore facilities or contractors shall be governed by applicable law and contract requirements.

e. Navy vessels operating in the territorial sea (out to 12 nm) of foreign countries shall abide by air emission standards defined in the SOFA or international agreement, as described in Chapter 1 of this Instruction. If no SOFA or international agreement exists, vessels shall operate consistent with the substantive air emission standards observed by the host country's military forces until a satisfactory agreement on the subject can be effected. Unless otherwise provided in a SOFA or international agreement, Navy vessels operating temporarily within a foreign jurisdiction are subject to that country's standards to the extent specified by the clearance for visit.

17-5.5 Oil and Oily Waste

17-5.5.1 Compliance with Regulations. No discharge that produces a sheen is permitted within the territorial sea and contiguous zone of the United States (see paragraph 17-5.5.4 for allowed exemptions). Specific regulations applicable to Navy ships are as follows:

a. Oil and oily waste discharge standards. Ships with oil-water separator (OWS) systems and oil content monitors (OCM) may discharge effluent with an oil content of less than or equal to 20 ppm when operating within 12 nm from the nearest land, or 100 ppm when operating beyond 12 nm from nearest land. In the interim, before complete equipment installation, the following operational standards apply:

(1) Ships with OWS systems but without OCMs must process all machinery space bilge water through an OWS system before discharge.

(2) Ships without an OWS system but with an oily waste holding tank (OWHT) shall direct all oily bilge water to the OWHT for shore disposal when practicable.

(3) Ships with neither an OWS system or OWHT shall retain all oily bilge water for shore disposal, when possible. Discharges are permitted beyond 50 nm from the nearest land if operating conditions are such that oily bilge water discharge must be disposed of at sea. Such discharges of oily bilge water shall take place only while the ship is underway.

(4) Submarines shall pump all oily waste to the waste oil collection tank (WOCT). When the tank is full and after allowing for adequate separation time, submarines shall pump the bottom, water phase overboard. Submarines' written procedures shall ensure that the upper, oily phase is not pumped, except to a shore collection facility.

b. Navy vessels operating in internal waters and territorial seas (up to 12 nm) of foreign countries shall abide by oily waste discharge regulations specified in the applicable SOFA, or international agreement as defined in Chapter 1. If no SOFA or international agreement exists, vessels shall operate consistent with the substantive oily waste discharge standards observed by the host country's military forces until a satisfactory arrangement on the subject can be effected. Unless otherwise provided in a SOFA or international agreement, Navy vessels operating temporarily within a foreign jurisdiction

are subject to that country's standards to the extent specified by the clearance for visit. Where the discharge standards for a foreign country are undefined, no oily waste shall be discharged within 50 nm from land unless it is processed through an OWS. Ships not equipped with an OWS shall retain all oily waste for proper disposal to a shore reception facility except under circumstances provided in paragraph 17-5.5.4.

17-5.5.2 **Shipboard Equipment.** Equipment requirements for oilers and oil tankers differ slightly from those for other ships; refer to DoD Directive 6050.15 of 14 June 1985 (NOTAL) for more detailed information. The following equipment/systems shall be installed on Navy ships to allow proper segregation and collection of shipboard waste oil:

a. OWSs, OCMs, OWHTs, and waste/used oil tanks to allow adequate processing of shipboard oily waste prior to its discharge overboard and to allow proper segregation and collection of shipboard waste oil

b. Bilge pumps (oily waste transfer pumps), piping risers, and weather-deck connections to allow safe and convenient ship-to-shore transfer of oily waste

c. Cam-lock discharge connections 2-1/2-inch (MS 27023-14) for waste oil/oily waste discharge to allow quick connect/disconnect with shoreside offloading hoses

d. Oily waste/waste oil discharge adapters to accommodate hoses with standard International Maritime Organization (IMO) flanges as specified in enclosure (5) of DoD Directive 6050.15 of 14 June 1985 (NOTAL) for use by Navy vessels visiting foreign or non-Navy ports

e. Mechanical seals on appropriate shipboard pumps in order to minimize the quantity of oily wastewater collected in ship bilges

f. Improved tank level indicators in order to reduce the potential for overboard spills during fueling and oil and oily waste handling and transfer operations

g. Contaminated fuel settling tanks to receive and assist reclamation of fuel tank strippings that might otherwise be discharged overboard

h. Oil water interface detectors, cargo tank cleaning systems, and where appropriate, segregated ballast tanks on oilers and oil tankers.

NOTE

All oil pollution abatement equipment/systems shall be inspected prior to the issuance of a user's certificate to verify proper installation and operation per the procedures detailed in DoD Directive 6050.15 of 14 June 1985 (NOTAL).

17-5.5.3 **Shipboard Procedures.** Detailed procedural instructions concerning shipboard oil pollution abatement are provided in NSTM Chapter 593, Section 3. Highlights of those, plus important additional procedures are described in the following paragraphs:

a. Bilge water and oily wastes

(1) Oil contamination of ship's bilge water shall be reduced to a minimum. Mechanical seals in oil and water pumps and proper segregation of oily and non-oily wastewater will greatly reduce the generation of oily waste.

(2) To enable OWSs to perform more effectively, bilge cleaners or chemical agents that promote chemical emulsion (i.e., detergents and surfactants) shall not be used. Short-lived detergents are recommended for bilge cleaning.

(3) In port, oily waste that contains chemical emulsion agents shall be offloaded to shore receiving facilities. Shoreside donuts (oil disposal rafts) shall not be used to receive such waste.

(4) While in port, ships shall dispose of oily bilge water using one or more of the following approaches:

(a) OWS system. Ships equipped with bilge OWS systems shall use them as required by the local port waste management program.

(b) Permanent shore reception facilities. Where adequate oil waste collection lines are provided, oily bilge wastes shall be pumped directly ashore.

(c) Oil ship waste offload barges (O-SWOBs). Ships not equipped with bilge OWS systems shall use the O-SWOB system for treating and collecting oils and oily wastes. See NAVFAC-ENGCOM Manual MO 909 (Oil Ship Waste Offload Barge) (NOTAL).

NOTE

Regardless of the approach used, efforts shall be made to segregate bilge water from oil.

(5) Eductors shall not be used to dewater bilges containing oily waste, except in emergency situations when OWS systems (including OWHT) are not available or are not of sufficient capacity to handle the immediate flow requirements. If eductors must be used, every effort shall be made to discharge beyond 12 nm from land and while the ship is underway. Notations shall be entered in the engineering logs concerning eductor usage to discharge bilge waste overboard.

b. Waste/used oil

(1) Shipboard personnel shall make maximum use of available port facilities for disposal of all waste/used oil products prior to departing from and upon returning to port. Those facilities include O-SWOBs, pierside collection tanks, tank trucks, bowsers, and contaminated fuel barges.

(2) Used lube oils shall be collected separately, stored, and labeled for eventual shore reclamation. Lube oils shall not be discharged into the bilge or OWHTs or waste oil tanks.

(3) Synthetic lube oils and hydraulic oils shall also be collected separately from other used/waste oils. Ships that do not have a system dedicated to collection of used synthetic oils shall use 5- or 55-gallon steel containers, properly labeled for eventual shore recycling. Protective clothing, as specified in MSDSs or the Hazardous Material Information System (HMIS), shall be worn by all personnel handling synthetic oil.

(4) Containers (such as drums, cans, etc.) in which oil products were originally packaged shall be retained and properly labeled for storing and transferring oil ashore.

c. Fuel transfer. Fueling, defueling, internal fuel transfer, and oil offloading operations in restricted waters shall be accomplished during normal daylight working hours, when operating schedules permit, and shall be conducted by well-trained personnel. Precautions to minimize oil spills shall include the following:

(1) Topside watches shall be maintained at all locations of possible spills and shall have a direct communication to fuel transfer pump stations.

(2) Check-off lists and procedures shall be established for valve alignment and transfer operations (double-checking of all transfer system valves is essential).

(3) All oil transfer participants shall be qualified to perform the detailed transfer procedures.

(4) Each tank level shall be continuously monitored while it is being filled with fuel. Remote tank-level indicators shall be used as the primary method of obtaining tank levels.

(5) Prior to actual fuel transfer, transfer personnel shall inform the responsible ship's officer (commanding officer, command duty officer, or officer- of-the-deck), and the fuel supplier that the ship is ready to commence fueling operations.

d. Fuel Tank Stripping

(1) Eductors shall not be used to strip fuel or cargo tanks.

(2) On ships equipped with fuel tank stripping systems, the strippings shall be discharged to contaminated fuel settling tanks (CFSTs) for reuse. Fuel tank strippings shall not be discharged overboard.

(3) CFSTs are intended to be used only for strippings from fuel storage and service tanks. Bilge water and waste or other wastewater shall not be discharged into CFSTs.

17-5.5.4 Exemption from oil waste restrictions. Exemption from oil waste restrictions may be necessary at certain times and under certain circumstances. Instances when specific exemption is authorized include the following:

a. While operating in waters beyond 50 nm from land, with shipboard oily waste processing equipment inoperable due to equipment malfunction, a Navy ship may discharge oily bilge water directly to the sea if the on board retention of such water poses a safety hazard. The discharge may be conducted only after a concerted effort has been expended to repair the equipment malfunction. Commanding officers shall ensure that discharges under such circumstances are minimized. The details of a discharge shall be duly noted in the Engineering Log.

b. During any other situation in which a commanding officer deems that a discharge of shipboard oily wastes is required to ensure crew or ship safety, or to prevent machinery damage (e.g., oily bilge water shall not be allowed to reach levels that threaten to cause chloride contamination of shipboard condensate systems), a Navy ship may discharge such wastes to the sea. Commanding officers shall ensure that such discharges are minimized, and that details of the discharge are duly noted in the Engineering Log. If a discharge is required in port, such discharge shall be treated as a OHS spill.

c. While operating in waters beyond 50 nm from land, a Navy ship may discharge directly overboard oily waste from isolated spaces, such as JP-5 pump rooms, if the ship does not have the capability to collect and transfer such waste for processing through the OWS system. Such discharges shall contain only distillate (non-persistent) oils and shall result in minimal quantities of oily waste being discharged.

17-5.6 Hazardous Materials/Hazardous Waste

17-5.6.1 Shipboard Procedures. The following procedures shall be followed by ships in their disposal of HM/HW:

a. Navy vessels shall not discharge untreated HS into or upon navigable waters of the U. S., adjoining shorelines, or into or upon waters of the contiguous zone (12 nm from shore). Detailed guidance for HS discharges is provided in OPNAVINST 5100.19B (NOTAL) and NSTM Chapter 593.

b. Navy vessels operating in the territorial seas (up to 12 nm) of foreign countries shall abide by discharge regulations specified in the applicable SOFA or international agreement, as defined in Chapter 1. If no SOFA or international agreement exists, vessels shall operate consistent with the substantive discharge standards observed by the host country's military forces until a satisfactory arrangement on the subject can be effected. Unless otherwise provided in a SOFA or international agreement, Navy vessels operating temporarily within a foreign jurisdiction are subject to that country's standards to the extent specified by the clearance for visit. Where the discharge standards for a foreign country are undefined, no HM shall be discharged within 12 nm of land.

c. Unless specifically authorized by CNO (see Chapter 18, Ocean Dumping), HS collected ashore or collected from ships in port may not be discharged overboard.

d. The above restrictions shall not preclude the discharge of HS when an emergency situation exists or where failure to discharge HS would clearly endanger the health or safety of shipboard personnel.

e. Shipboard labeling, handling, and storing of HW shall be per NSTM Chapter 593 and OPNAVINST 5100.19B, (NOTAL), Chapters B3, C23 (surface ships), and D16 (submarines).

f. Shipboard labeling, handling, and storing of PCBs and items containing PCBs shall be per NSTM Chapter 593 and the NAVSEA Shipboard Management Guide for Polychlorinated Biphenyls (PCBs), NAVSEA S9593-A1-MAN-010.

17-5.6.2 **Ship-to-Shore Transfer.** When transferring HS ashore, ships shall follow the below procedures:

a. Prior to transfer ashore, HW shall be properly segregated, containerized, and labeled per NSTM Chapter 593 and OPNAVINST 5100.19B, Chapters B3, C23 (surface ships), and D16 (submarines). Failure to do so may result in a charge to the fleet for laboratory analyses to identify the HW.

b. When visiting Navy ports, Navy vessels shall request HW pickup by the cognizant shore activity representative (usually the PWC). Person-to-person contact is required during the actual transfer of the HW to the shore activity. Ship's force shall complete DoD Form 1348-1 at the time of HW transfer.

c. When visiting non-Navy ports and foreign ports, Navy vessels shall offload HW only when it is necessary and feasible. The ship shall identify in the LOGREQ the HW to be offloaded. If unable to find adequate facilities at non-Navy ports, the ship shall hold HW for offloading at a Navy port. All HW shall be properly labeled and containerized.

d. Prior to entering a private shipyard for an availability, ships shall:

(1) Ensure, to the maximum extent feasible, that HW is off-loaded at a Navy or other public facility. HM that will not be used by ship's force during the availability shall also be offloaded.

(2) Identify to the Supervisor of Shipbuilding (SUPSHIP) responsible for the private shipyard a ship HW coordinator for the availability. This individual shall be given the authority and resources to ensure shipboard compliance with HW management procedures and site specific management practices established by the SUPSHIP.

(3) Identify to the SUPSHIP during preavailability planning conferences the types and amounts of HW expected to be generated by ship's force during the availability.

(4) Comply with all established HW management practices and those site specific procedures delineated by the SUPSHIP.

Type Commanders responsible for ships in private shipyards for availabilities shall monitor ship compliance with established procedures.

17-5.7 **OHS Spills**

17-5.7.1 **Predesignation of Fleet Navy On-Scene Coordinators.** Fleet CINCs shall designate the numbered fleet commanders as fleet NOSCs.

17-5.7.2 **Shore-Based On-Scene Operations Teams.** OSOTs are equipped with trained personnel and specialized equipment to contain and recover OHS spilled into harbor waters. The primary function of the OSOT is to respond to port spills.

17-5.7.3 **SUPSALV Spill Response Capability.** SUPSALV maintains an extensive inventory of offshore spill response equipment to support predesignated NOSCs in offshore and salvage-related spill control operations. Offshore boom and skimmers, towing vessels, POL offloading pumps and related equipment are maintained in response centers in Williamsburg, Virginia, and Stockton, California, for rapid mobilization to spill sites worldwide. Response centers are also located in Aberdeen, Scotland; Liverno, Italy; Pearl Harbor, HI; Japan; and Singapore. Equipment operators, mechanics, and supervisory personnel deploy from Continental United States (CONUS) response centers with the equipment. SUPSALV, with headquarters in Washington, D.C., can also provide a full range of technical experts and advisors or specialty equipment from government, industry, or academic institutions.

17-5.7.4 **Ship Spill Response Capability.** Ships' personnel under the commanding officer shall be prepared to initiate immediate actions to mitigate the effects of the spill. For oil spills, COMNAVSEASYSCOM has developed a shipboard oil spill containment and clean-up kit for quick response first aid capability. COMNAVSEASYSCOM is presently developing a similar kit for HS spill response. When response to Navy ship spills/releases is beyond the ship's limited capability, the cognizant predesignated shoreside or fleet NOSCDR will mobilize appropriate response assets and direct response actions. In any event, when a ship spill/release occurs, the ship's commanding officer shall immediately report the incident to the cognizant NOSCDR

and to other officials per the shipboard spill/release contingency plan. To assist with contingency planning, COMNAVFACENGCOM has developed a worldwide directory ("Oil and Hazardous Substance Spill Response Activity Information Directory (AID)", Navy Energy and Environmental Support Activity (NEESA) publication 7-021C) of Navy spill/release response contacts (NOSCs, NOSCDRs, etc). This document is available from NEESA in Port Hueneme, CA.

17-5.7.5 OHS Spill Response Within the 12 Nm Contiguous Zone of the U.S. Coastline. Ships shall comply with the following OHS spill response procedures when within the 12nm U.S. contiguous zone:

a. In Navy ports, the ship's commanding officer shall:

(1) Notify the shoreside NOSC/NOSCDR by the most expeditious means. For environmentally significant spills, see paragraph 17-5.7.8.

(2) Notify the National Response Center (NRC) by telephone at (800) 424-8802

(3) Take, insofar as practical, immediate actions to mitigate the effects of the spill

(4) Follow up by submitting a message or NAVGRAM. Formats for OHS spills are provided in Appendices G and H.

b. In non-Navy ports (and elsewhere within the 12 nm contiguous zone), the ship's commanding officer shall:

(1) Notify the appropriate shoreside NOSC and NOSCDR specified in the shoreside NOSC contingency plan. For environmentally significant spills, see paragraph 17-5.7.8.

(2) Notify the NRC by telephone at (800) 424-8802

(3) Take, insofar as practical, immediate actions to mitigate the effects of the spill. Rapid action on the part of the ship's crew can result in containment and collection of the spill. Shipboard personnel shall use available means to clean up minor spills before requesting assistance from shore-based personnel.

(4) Follow up by submitting a message or NAVGRAM. Formats for OHS spills are provided in Appendices G and H.

17-5.7.6 OHS Spill Response Outside the 12 Nm Contiguous Zone of the U.S. Coastline as defined in Governing Contingency Plans. For OHS spills in these areas, ships shall:

a. Initiate immediate action to mitigate the effects of the spill

b. Notify the predesignated fleet NOSC by naval message using the format in Appendix G for oil and Appendix H for HS. For information on environmentally significant spills, see paragraph 17-5.7.8.

The fleet NOSC shall implement fleet Spill Contingency Plans.

17-5.7.7 OHS Spill Response in Waters of Foreign Countries. The following action shall be taken for an OHS spill in these waters:

a. The ship's commanding officer shall initiate immediate action to mitigate the effects of the spill.

b. The ship's commanding officer shall immediately notify the predesignated fleet NOSC and/or shoreside NOSC as defined in governing contingency plans by naval message. Formats for OHS spill/release messages are found in Appendices G and H.

c. The fleet and shoreside NOSC shall implement appropriate spill contingency plans.

17-5.7.8 Environmentally Significant Spills. For spills any-where resulting from catastrophic events, significant adverse public reaction, or subject to geopolitical implications or other causes warranting OPREP-3 special incident reports per OPNAVINST 3100.6E (NOTAL), initial reporting shall be made by the OPREP-3 system. Following the OPREP-3 report, an amplifying report in the format prescribed in Appendix G (for oil) or Appendix H (for HS)

shall be forwarded by the cognizant fleet or shoreside NOSC.

17-5.7.9 Fleet Spill Contingency Plans. Fleet CINCs shall prepare fleet OHS SCPs for spills that occur outside the 12-nautical-mile U.S. contiguous zone. Such plans shall include spills in foreign waters and ports. COMNAVSEASYSCOM shall provide assistance to Fleet CINCs in preparation of the plans.

17-5.7.10 Shipboard Spill Contingency Plans (SCP). Each Navy ship shall develop an oil SCP and an HS SCP per guidelines to be provided by COMNAVSEASYSCOM. The HS SCP may be prepared alone or in conjunction with the oil SCP. The plan(s) shall contain procedures for reporting, containment, control, recovery, and disposal of spills, protective clothing, spill clean-up materials, information sources for oil and HS, and names and telephone numbers of fleet as well as shoreside NOSCs.

17-5.8 Solid Waste

17-5.8.1 Overseas Operations. Navy vessels operating in the territorial seas (up to 12 nm) of foreign countries shall abide by discharge regulations specified in the applicable SOFA or international agreement. If no SOFA or international agreement exists, vessels shall operate consistent with the substantive discharge standards observed by the host country's military forces until a satisfactory arrangement on the subject can be effected. Unless otherwise provided in a SOFA or international agreement, Navy vessels operating temporarily within a foreign jurisdiction are subject to that country's standards to the extent specified by the clearance for visit. When discharge standards for a foreign country are undefined, no garbage shall be discharged within 12 nm of land, no trash shall be discharged within 25 nm of land, and all plastics shall be stored for shore disposal.

17-5.8.2 Shipboard Procedures. The following solid waste procedures shall be followed by ships:

a. Trash (non-plastic)

(1) Plastic trash can liners shall not be used where the trash will be discharged overboard.

(2) Unpulped trash shall not be discharged at sea within 25 nm from the U.S. coastline.

(3) Pulped trash shall not be discharged at sea within three nm from any U.S. coastline.

(4) Surface ships equipped with incinerators and/or compactors shall use such equipment to the maximum extent possible with the objective of minimizing trash volume. Every reasonable effort shall be made to package all trash for negative buoyancy prior to overboard discharge. Compacted trash shall not be discharged at sea within 25 nm of the U.S. coastline. No trash, whether treated or untreated, shall be discharged within 25 nm of any foreign coastline. For submarines only, compacted trash that is negatively buoyant may be discharged within 25 nm of the U.S. coastline, but not less than 12 nm from the U.S. coastline, provided that the depth of the water is greater than 1,000 fathoms.

b. Plastics

(1) Replace plastic disposable items with non-plastic items where possible. If appropriate, remove plastic wrapping and shipping materials from supply items before bringing on board. Minimize the amount of plastic supplies consumed.

(2) Non-food contaminated plastics. Segregate plastic waste and use plastic bag liners for containment. If dedicated space is not available, store on station or in division spaces. When at sea, storage space restrictions may occur. Therefore, retain non-food contaminated plastics on board for a goal of 20 days or longer as storage space permits. If at sea for longer than 20 days and storage space is not available, plastics waste generated after the first 20 days may be disposed of beyond 50 nm from the nearest shoreline by properly packaging the waste for negative buoyancy.

(3) Food contaminated plastics. When at sea for four or more continuous days, as a goal, retain food contaminated plastics on board for the last three days before return to port to prevent odor and sanitation problems.

(4) In the event that any on board retention of plastics waste endangers the health or safety of crew members, creates an unacceptable nuisance

condition, or compromises combat readiness, overboard discharge is permitted beyond 50 nm from the nearest shoreline, provided that the waste has been properly packaged and weighted for negative buoyancy.

(5) All at-sea disposal of plastics shall be approved by the commanding officer and appropriately logged to indicate the amount, time, and location of the overboard discharge. Commands shall report discharges of plastics at sea when not in compliance with paragraph 17-5.8.2.b.(2) above, according to requirements established by type commanders, immediate operational commanders or fleet commanders.

(6) Submarines shall make a conscionable effort to minimize the discharge of plastics at sea following the guidance of paragraph 17-5.8.2.b.(1).

c. Garbage

(1) Unpulped garbage shall not be discharged within 12 nm of any U.S. coastline.

(2) Pulped garbage shall be discharged as far from any U.S. coastline as practicable, but not within three nm of any U.S. coastline. Pulped garbage may be discharged into shipboard sewage holding tanks only when a ship is docked and the sewage tanks are discharging to pier facilities. Garbage pulpers shall not be used within three nm of any U.S. coastline in order to maximize necessary sewage holding capacity and to preclude inadvertent overboard discharges of sewage.

(3) No garbage, whether pulped or unpulped, shall be discharged within 12 nm of any foreign coastline.

d. Medical Waste

(1) Potentially infectious medical waste shall be steam sterilized, suitably packaged, and stored for disposal ashore. If retention of potentially infectious wastes would endanger the health and safety of personnel on board, create an unacceptable nuisance condition, or compromise combat readiness, overboard discharge is authorized beyond 50 miles provided such waste has been:

(a) Steam sterilized

(b) Properly packaged

(c) Weighted for negative buoyancy to ensure that it will not be washed ashore.

Administrative records shall be maintained for instances of overboard discharge of medical wastes.

(2) For foreign countries, the packaging, handling, storage, transport, treatment, and disposal of infectious waste shall be consistent with standards to protect public health and the environment as prescribed by applicable SOFAs or international agreements. If no SOFA or international agreement exists, infectious waste shall be disposed of as specified by the cognizant fleet commander.

(3) Shipboard labeling, handling, and storage of potentially infectious medical waste shall be per Chapter 10.

(4) After steam sterilizing, infectious paper and cloth-based medical waste may be incinerated aboard ship if this capability exists.

(5) Sharps shall be collected in plastic autoclavable sharps containers. Never recap, clip, cut, bend, or otherwise mutilate needles or syringes to avoid causing accidental puncture wounds and infectious aerosols. All sharps shall be retained on board for proper disposal ashore after steam sterilizing.

NOTE

Unused sharps shall be disposed of ashore in the same manner as medical waste.

(6) Plastic and wet materials shall not be incinerated.

(7) Liquid wastes may be disposed of by discharging into the sanitary system.

(8) Other medical waste may be disposed of as trash and does not require steam sterilizing or special handling. In any event, if this material is disposed of at sea, it should be weighted for negative buoyancy to ensure it will not be washed ashore.

(9) The requirement to steam sterilize prior to disposal at sea does not apply to submarines.

e. Solid waste in port. While in port, and prior to getting underway, Navy vessels shall offload all solid waste to shoreside facilities.

f. Foreign Food and Garbage

(1) Navy ships shall comply with United States Department of Agriculture (USDA) regulations pertaining to the entry of any foreign source garbage by ships into the United States, its territories and possessions.

(2) All produce (fruits and vegetables) purchased in any foreign port should be totally consumed or disposed of prior to the ship's entry into the 12-nautical-mile contiguous zone of the U.S.

(3) All garbage on ships returning from foreign ports should be disposed of at sea outside the contiguous zone. If not disposed of prior to entering the U.S. contiguous zone, such garbage shall be segregated as garbage and dry materials (packaging, etc.) for special disposal of the garbage ashore.

(4) Foreign foods and food wastes (garbage) or the garbage generated inside the contiguous zone by a ship returning from any foreign port must be disposed of in U.S. port by one of the following USDA approved methods:

(a) Cooking by steam or other heat source in a leakproof container (dumpster) at 212°F for a period of 30 minutes and disposal of residues by burying (sanitary landfill methods).

(b) Incinerating in an incinerator approved by the EPA.

(c) Grinding and flushing through a ship's CHT system (when installed) to a USDA approved sewage system ashore.

g. The standards given above do not preclude discharge of any solid waste in an emergency when failure to do so would clearly endanger the health or safety of shipboard personnel.

17-5.9 Noise

17-5.9.1 Shipboard Procedures. The use of powered tools, machinery, outboard loudspeakers, or any other devices that emit excessive noise, either directly or indirectly through reradiation, shall be restricted to normal daylight working hours to the maximum possible extent.

17-5.10 Drinking Water

17-5.10.1 Shipboard Procedures. For shipboard inspections and testing:

a. All soldered connections within the ship's potable water system shall be visually inspected for evidence of excess solder.

b. Based on the results of the visual inspection, shipboard sampling and analysis can be requested from the nearest Navy Enironmental and Preventive Medicine Unit.

17-5.11 Navy Owned or Operated Drydocks

17-5.11.1 Procedures. The following procedure shall be followed in handling solid waste from drydocks:

a. Industrial wastes

(1) Spent sand, metals, wood, liquid wastes, solid wastes, and all other industrial wastes shall be periodically removed from the floor of the drydock to shore facilities for disposal. Those wastes shall be prevented from entering surrounding waters. Prior to flooding the dock, all loose materials shall be removed and all floors and chainways shall be broom/vacuum cleaned.

(2) Floating drydocks equipped with industrial waste collection systems shall use the systems to the maximum possible extent for processing waste from hull-blasting or anti-fouling paints. The processed water may be discharged into municipal sewer systems or directly into nearby waters, per local laws and regulations.

b. Sewage. All sewage from floating drydocks and host vessels shall be transferred ashore for proper disposal.

17-5.12 Citations and Fines. Any citations for alleged violation of any environmental standard or any attempt to levy a fine for such violations shall be reported and processed under procedures in Appendix C.

17-6 Responsibilities

17-6.1 COMNAVSEASYSCOM shall:

a. Develop, procure, and install the necessary shipboard sewage systems, solid waste disposal, and/or compacting equipment, oil pollution abatement equipment, and associated support designed to minimize health and safety hazards and to comply with applicable standards.

b. Develop, procure, and install the necessary pollution abatement equipment and associated logistic support to allow Navy floating drydocks to operate in full compliance with guidelines and standards.

c. Establish an inspection and certification program to ensure that sewage systems are properly installed and fully operational and to ensure adequate technical documentation, spare parts support, and crew indoctrination are provided.

d. Provide engineering and technical assistance to the fleet, as required, to ensure the safe and effective operation of shipboard pollution abatement systems and equipment, the proper management of HS and the meeting of air pollution control requirements.

e. Provide support and hardware for the training programs established by CNET.

f. Acquire, distribute, and install appropriate disposal and treatment systems, containers, labels, handling equipment, clean-up materials, and protective clothing to allow safe and effective control of HS aboard Navy vessels.

g. Initiate procurement procedures that ensure the major noise products and equipment, which are not designed for combat use, meet Federal noise emission standards.

h. Ensure that all ships are provided with the proper material support, including adequate spare parts for installed sewage systems.

i. Ensure that associated funding requirements are properly identified, budgeted, and programmed.

j. Promote research to define and study noise pollution problems unique to the Navy and coordinate such research with other DoD components and with EPA.

k. Identify, evaluate, and correct Navy ships' systems and equipment that are major sources of environmental noise.

l. Develop improvements to shipboard process o as to reduce the use of HM and the generation of shipboard HW.

m. Periodically assess, by means of regularly scheduled pierside surveys, the compliance status of Navy vessels with respect to applicable air pollution control requirements and report all findings to commanding officers, fleet commanders, and other appropriate command levels.

n. Provide assistance and guidance to fleet and shoreside NOSCs in the preparation of oil spill and HS release contingency plans.

o. Provide general shipboard OHS contingency plans to Navy ships for their use in preparation of ship specific OHS contingency plans.

p. Acquire and distribute appropriate equipment and protective clothing for SUPSALV and ships' personnel use in responding to OHS spills.

q. Provide specialized equipment and trained personnel to assist NOSCs and NOSCDRs in responding to offshore, salvage related, and major inland oil spill and HS release response operations.

r. Provide proper reception capabilities at NAVSEASYSCOM facilities for receipt of ship-generated oily waste and waste oil, sewage and wastewaters, solid waste, and HS. Included are transfer hoses, associated fittings, and adequate tank holding capacity at each NAVSEASYSCOM facility for all visiting vessels, Navy and non-Navy.

s. Ensure that operating forces are provided with adequate system documentation with particular emphasis on ensuring that the documentation contains health, sanitation, and safety guidance. Documentation shall include:

(1) Equipment technical manuals for all installed equipment/systems.

(2) Maintenance Requirements Cards (MRCs) covering a comprehensive sewage system preventive maintenance program and certification criteria.

(3) Sewage Disposal Operation Sequencing System (SDOSS) which consists of systematic and detailed written procedures utilizing charts, instructions, and diagrams developed for the operations of a specific ship's sewage system.

(4) NSTM Chapter 593.

(5) NSTM Chapter 670.

(6) Shipboard Management Guide for Polychlorinated Biphenyls (PCBs).

t. Develop contract requirements for ship availabilities in private shipyards to process ship-generated waste in compliance with the law.

u. Apply for required HW generator numbers required to manage Navy generated and co-generated HW at private shipyards. Manage the HW manifest program and provide annual management reports to CNO and the fleets on program cost and effectiveness.

v. Develop and promulgate to the fleet site specific HW management procedures for private shipyards. Provide on-site coordination from the SUPSHIP office with the identified ship HW coordinator.

w. Identify to the type commander or type commander representative any unresolved issues of ship noncompliance with SUPSHIP-generated procedures.

17-6.2 CNET shall:

a. Establish formal training programs on the operation, maintenance, sanitation, and safety of all shipboard sewage systems. Monitor and update training programs as required.

b. Develop shipboard indoctrination programs on sanitation, safety, and basic operation of all sewage systems. Review and revise indoctrination programs as necessary.

c. Establish formal training programs at appropriate facilities on the operation and maintenance of shipboard oil pollution abatement systems and equipment. Monitor and update training programs as required.

d. Provide shipboard indoctrination programs on oil spill control, oil reclamation, and the basic operation of all oil pollution abatement systems and equipment. Review and revise indoctrination programs as necessary.

e. Establish formal training programs on the handling, storage, treatment, disposal, and cleanup of shipboard oil and HS. Monitor and update training programs as required.

17-6.3 CHBUMED shall:

a. Issue guidance for shipboard medical department personnel concerning health and sanitation aspects of shipboard sewage systems.

b. Ensure that training programs for shipboard medical personnel include all aspects of health and sanitation associated with shipboard sewage systems.

c. Determine, validate, and establish health criteria and standards relating to noise.

d. Collect, collate, and disseminate professional and technical data related to health problems associated with specific sources of noise and noise control systems.

e. Perform research and evaluation in environmental medicine to determine the health impacts of Navy sources of environmental noise.

17-6.4 Fleet CINCs shall:

a. Ensure that vessels under their command are properly equipped with appropriate sewage systems, air emission and oil pollution abatement equipment, solid waste treatment/disposal systems, and low-noise emission equipment.

b. Ensure that vessels under their command are equipped with appropriate disposal/treatment systems, containers, labels, handling equipment, clean-up materials, and protective clothing to allow safe and effective control of shipboard HS.

c. Provide, at Navy ports under their command, proper facilities for receipt of ship-generated solid waste, sewage and wastewater, HS, and oily waste and waste oil. Such facilities will include appropriate discharge hoses, fittings and holding capacity for wastes.

d. Provide, at Navy ports under their command, the required services for disposal of medical waste generated by support and ships, and ensure that disposal ashore complies with applicable Federal, state, and local laws or regulations, and SOFAs or international agreements.

e. Ensure that ships operate their sewage systems, air, oil and solid waste control systems and other pollution abatement systems per the requirements of this instruction.

f. Provide for repair and maintenance of air, oil, sewage and solid waste pollution abatement systems that are beyond the capability of ship's force to accomplish.

g. Issue operational guidelines and reporting procedures for compliance with the policies set forth in this instruction for ship-generated plastic waste.

h. Predesignate fleet NOSCs.

i. Provide the names and addresses of fleet NOSCs to fleet units.

j. Fund the cleanup of OHS spills from Navy vessels under their command.

k. Ensure that assigned Navy floating drydocks are properly equipped with appropriate pollution abatement systems and equipment.

l. Provide proper reception facilities at cognizant Navy ports for receipt of shipboard generated industrial waste and sewage.

m. Ensure that assigned drydocks operate their pollution abatement systems per paragraph 17-5.10.1.

n. Provide for repair and maintenance of pollution abatement systems that are beyond the capability of assigned drydock's force to accomplish.

o. Establish procedures to ensure, to the maximum extent feasible, that HW is off-loaded at a Navy or other public facility prior to a ship's entering a private shipyard for an availability. Such procedures shall include the offloading of HM that will not be used by ship's force during the availability.

p. Ensure that ship identify a shipboard HW coordinator to the SUPSHIPs for each ship availability at a private shipyard. Ensure that individual is given the authority and resources commensurate with the assigned responsibility to ensure shipboard compliance with HW management procedures and site specific management practices established by the SUPSHIPs.

q. Ensure that ships identify in preavailability planning conferences the types and amounts of HW expected to be generated by ships' force during the availabilities.

r. Direct ships to comply with all established HW management practices and those site specific procedures delineated by the SUPSHIPs.

s. Ensure type commanders monitor ship compliance with established HM/HW procedures while in private shipyards.

17-6.5 COMNAVSUPSYSCOM shall implement programs for source reduction of plastics aboard ship by identifying non-plastic packaging products and non-plastic consummables for shipboard use.

17-6.6 COMSC shall:

a. Ensure that assigned vessels are properly equipped with appropriate sewage systems, air emission, and oil pollution abatement equipment,

solid waste treatment/disposal systems, and low-noise emission equipment.

b. Ensure that assigned vessels are equipped with appropriate disposal/treatment systems, containers, labels, handling equipment, clean-up materials, and protective clothing to allow safe and effective control of shipboard HS.

c. Ensure that assigned ships operate their sewage systems, air, oil, and solid waste control systems and other pollution abatement systems per the requirements of this instruction.

d. Provide for repair and maintenance of air, oil, sewage and solid waste pollution abatement systems that are beyond the capability of ship's force to accomplish.

e. Issue operational guidelines and reporting procedures for compliance with the policies set forth in this instruction for ship-generated plastic waste.

f. Fund the cleanup of OHS spills from assigned Navy and contract vessels.

g. Establish procedures to ensure, to the maximum extent feasible, that HW is off-loaded from assigned ships at a Navy or other public facility prior to entering a private shipyard for an availability. Such procedures shall include the offloading of HM that will not be used by ship's force during the availability.

h. Identify a shipboard HW coordinator for each assigned ship's availability at a private shipyard. Ensure that this individual is given the authority and resources commensurate with the assigned responsibility to ensure shipboard compliance with HW management procedures and site specific management practices established at the private shipyard.

i. Apply for required HW generator numbers called for to manage Navy generated and co-generated HW for MSC ships at private shipyards. Establish procedures for the proper handling and disposal of Navy-generated wastes for MSC ships at private shipyards.

j. Ensure that ships identify in preavailability planning conferences the types and amounts of HW expected to be generated by ships' force during the availabilities.

k. Direct ships to comply with all established HW management practices and those site specific procedures delineated for the private shipyard.

l. Monitor ship compliance with established procedures while in private shipyards.

17-6.7 **Senior Officers Present Afloat (SOPA)** shall, in their regulations for each port, provide information on the Federal, state, and local environmental regulations which apply to ships in that port. Such information shall describe necessary actions to be taken by ship commanding officers in order to comply with the requirements of this instruction and all other Federal, state, and local regulations applicable to the port.

17-6.8 **Commanding officers and masters of Navy vessels** shall:

a. Ensure that ship's sewage systems are certified, properly operated, periodically inspected, and properly maintained, and that ship-to-shore transfers of sewage and wastewaters are handled in a safe and effective manner.

b. Ensure that Navy ships are operated and maintained to conform with applicable state and local air pollution emission regulations and HS regulations.

c. Ensure that Navy ships comply with the solid waste and noise guidelines, standards, and procedures of this instruction.

d. Ensure that no medical materials are disposed of in a manner that poses a risk or perception of a risk to the public health and welfare, or to the marine environment.

e. Ensure that shipboard personnel working with pollution control systems, oil pollution systems, HS, and sewage systems are properly trained, attend appropriate schools, and are fully aware of associated documentation.

f. Ensure that periodic inspections are conducted by senior medical department personnel

to maintain sanitary and hygienic conditions of MSD systems and operational practices.

g. Ensure that appropriate health and sanitation precautions are posted.

h. Report, as required and established by the chain of command, sewage and/or wastewater discharge into U.S. navigable waters.

i. Report to the fleet commander any conditions or system/equipment malfunctions that could result in unlawful air pollutant emissions.

j. Report to the fleet commander any conditions or system/ equipment malfunctions that would necessitate oily waste, HS, or solid waste discharge into waters in which discharge is restricted.

k. Ensure that the Engineering Log or equivalent oil record book be used to record any oily waste discharge not processed through an OWS system, any discharge that an OCM determines to exceed the established standards, and any major OWS or OCM equipment failures. When a sheen-producing discharge occurs, the cause should be determined. If the sheen resulted from an OWS mechanical failure, the incident shall be recorded in the Engineering Log. Record keeping shall consist of the date, time of occurrence, ship location at the beginning and end of the incident, and the quantity discharged.

l. Designate an officer as HW coordinator to ensure that all shipboard personnel comply with HW handling, packaging, storing, labeling, treating, and disposal requirements. Prior to the ship leaving port, the HW coordinator shall reconcile all HM/HW left on the pier.

m. Predesignate a one or more shipboard action officers responsible for shipboard spill/release contingencies planning and response.

n. Prepare shipboard OHS SCPs.

o. Ensure that shipboard personnel are properly trained and fully aware of applicable OHS SCPs.

p. Report OHS spills as prescribed in paragraph 17-5.7.

q. Take immediate actions to contain, control and mitigate all spills caused by the ship.

r. Appoint an officer or petty officer to oversee drydock operations to ensure that industrial waste and sewage collection and treatment systems are properly operated and maintained, and that ship-to-shore transfers of the waste are handled in a safe and effective manner.

s. Offload HW, to the maximum extent feasible, to a Navy or other public facility prior to entering a private shipyard for an availability. Also offload HM that will not be used by ship's force during the availability prior to entering the private shipyard.

t. Identify to the SUPSHIP, responsible for a private shipyard, a ship HW coordinator for the availability. That individual shall be given the authority and resource to ensure shipboard compliance with HW management procedures and site specific management practices established by the SUPSHIP.

u. Identify to the SUPSHIP, in preavailability planning conferences, the types and amounts of HW expected to be generated by ship's force during the availability.

v. Comply with all established HW management practices and those site specific procedures delineated by the SUPSHIP.

w. Ensure the proper disposal of HM/HW (including industrial wastes).

x. Visually inspect potable water connections for excess solder; and when excess solder is present, make arrangements with the nearest Navy Environmental and Preventive Maintenance Unit for any required testing.

17-6.9 **Commanding officers of floating drydocks shall:**

a. Appoint an officer or petty officer to ensure that oil and oily waste collection and treatment systems are properly operated and maintained, and that ship-to-shore transfers of the waste are handled in a safe and effective manner.

b. Ensure that shipboard personnel working with oil pollution systems are properly trained, attend appropriate schools, and are fully aware of associated documentation.

c. Coordinate with the shore activity commanding officer to ensure compliance with state or local regulatory requirements.

d. Report to the fleet commander any conditions or system/ equipment malfunctions that would necessitate solid waste discharge upon waters in which discharge is restricted.

e. Ensure that dry dock systems for the collection and transfer to shoreside receiving facilities of sewage and wastewater from the ship in dock, and the dry dock are certified, properly operated, periodically inspected, and properly maintained, and that transfers of sewage and wastewater are handled in a safe and effective manner.

17-6.10 Fleet NOSCS shall:

a. Develop fleet SCPs.

b. Provide coordination and direction for the cleanup of OHS spills from Navy vessels outside the 12 nm U.S. contiguous zone.

c. Provide coordination and assistance, as requested, to predesignated shoreside NOSCs assigned in Chapter 11.

d. Report OHS spills from Navy vessels under their cognizance as prescribed in paragraph 17-5.7.6.

CHAPTER 18

OCEAN DUMPING

18-1 Scope

This chapter identifies requirements and responsibilities for ocean disposal of material, other than dredged or fill material (see Chapter 7) and those discharges covered in Chapter 17.

18-1.1 **References.** Relevant references are:

a. 40 CFR 220-225, 227-229; Ocean Dumping Regulations and Criteria (NOTAL).

18-2 Legislation

The Marine Protection, Research, and Sanctuaries Act (MPRSA) bars transport of any material from the U.S. for the purpose of dumping into the ocean waters without a permit issued by EPA, and dumping material from outside the U.S. within the territorial sea or contiguous zone. The primary means of regulation is a Federal permit system; violations carry civil penalties $50,000 per violation, and criminal penalties of one year imprisonment and/or $50,000 fine.

18-3 Terms and Definitions

18-3.1 **Dumping.** The intentional disposition of materials. Does not include routine discharge of effluent incidental to the propulsion or operation of motor driver equipment on vessels. It does, however, include the discharge of contaminated material, including bilge water, received from another ship or shore source.

18-3.2 **Material.** Matter of any kind or description, including, but not limited to, solid waste, incinerator residue, garbage, sewage, sewage sludge, munitions, radiological, chemical and biological warfare agents, and discarded equipment, but does not include sewage from vessels processed through an approved MSD as described in Chapter 17.

18-3.3 **Ocean Waters.** Waters seaward of the baseline from which the boundary of the territorial sea is measured.

18-4 **Requirements.** Unless specifically permitted, dumping of material in ocean waters is prohibited without a permit.

18-5 Navy Policy

18-5.1 Ocean Dumping

18-5.1.1 Ocean dumping may only be authorized on a case-by-case basis by CNO. Except in emergency conditions, requests for such authorization shall be accompanied by a EA (Chapter 5). Following CNO approval, full compliance with EPA permitting procedures is required.

18-5.1.2 Any material may be dumped from ships and aircraft in an emergency to safeguard life at sea.

18-5.2 Transport of Target Vessels

18-5.2.1 The transportation of naval ships and craft from the U.S. or from any other location for the purpose of conducting a sinking exercise (SINKEX) concerning tests and evaluations of conventional ammunition and weapons systems is subject to EPA permit requirements.

18-5.2.2 Necessary measures shall be taken to ensure that the vessel sinks to the bottom rapidly and permanently and that marine navigation is not impaired by the sunken vessel.

18-5.2.3 All such vessel sinkings shall be conducted in water of at least 1,000 fathoms (6,000 feet) and at least 50 nm from land, as measured from that portion of the baseline from which any territorial sea is measured (as provided for in the Convention on the Territorial Sea and the Contiguous Zone) which is the closest proximity to the proposed disposal site.

18-5.2.4 Under permit conditions and before sinking, appropriate measures shall be taken by qualified personnel at a Navy or other appropriate facility to remove, to the maximum extent practicable, all materials that may degrade the marine environment, including, but not limited to:

a. Emptying of all fuel tanks and lines to the lowest point practicable, flushing of such tanks and lines with water, and again emptying such tanks and lines to the lowest point practicable so that tanks and lines are essentially free of petroleum

b. Removing from the hulls other pollutants and all readily detachable material capable of creating debris or contributing to chemical pollution.

18-5.2.5 Each SINKEX operation will be conducted only after approval by CNO (OP-43) and preparation of the target per the EPA permit and specific OPNAV directives.

18-5.2.6 Requests for conducting SINKEX exercises shall be forwarded via chain of command to CNO (OP-43) on a case-by-case basis and shall include:

a. User activity

b. Requirements for, or purpose of the sinking

c. Designated target hulls and approximate tonnage

d. Statement that the designated hull has been prepared per the specification of paragraph 18-5.2.4

e. Approximate date and location of the sinking.

18-5.2.7 After the sinking, a report shall be made to CNO (OP-43) (copies to OP-44, OP-45, and appropriate fleet and force commanders) with the name of each vessel sunk, approximate tonnage, and the location and date of sinking.

18-5.3 Burial at Sea

18-5.3.1 The EPA has granted a general permit to transport human remains from any location for the purpose of burial at sea and to bury such remains at sea.

18-5.3.2 Human remains shall be prepared for burial at sea and be buried per Chapter 8 of BUMED Instruction 5360.1D (NOTAL).

18-5.3.3 For non-cremated human remains, burial at sea shall take place no closer than three nm from U.S. land and 12 nm from foreign land and in water of no less than 100 fathoms (600 feet) depth. All necessary measures shall be taken to ensure that the encased remains sink to the bottom rapidly. For purposes of this paragraph, "land" means that portion of the baseline from which any territorial sea is measured (as provided for in the Convention on the Territorial Sea and the Contiguous Zone) which is in closest proximity to the proposed disposal site.

18-5.3.4 Cremated remains shall be buried in or on ocean waters without regard to the depth limitations specified above, provided that such burial take place no closer than three nm from U.S. land and 12 nm from foreign land.

18-6 Responsibilities

18-6.1 CNO shall prepare and submit an annual report to the EPA Administrator setting forth the name of each vessel sunk as a target, its approximate tonnage, and the location and date of sinking.

18-6.2 COMNAVFACENGCOM shall provide technical assistance to Navy commands, vessels, and activities, as required, in matters concerning ocean dumping.

18-6.3 Major claimants shall ensure that all naval vessel and shore activity commanders comply with the policies and criteria as stated herein.

18-6.4 Commanding officers of a vessel or aircraft conducting burials at sea shall report within 30 days the date, location and type of burial (non-cremated or cremated remains) to the Fleet CINC with copy to Type Commanders.

18-6.5 Regional environmental coordinators shall by 15 January of each year submit report on previous year burials to the appropriate EPA regional office.

CHAPTER 19

NATURAL RESOURCES MANAGEMENT

19-1 Scope

19-1.1 This chapter establishes CNO program requirements, guidelines, and standards for conserving natural resources in the United States and its territories and possessions for both appropriated and nonappropriated fund activities. This chapter summarizes the natural resources management (NRM) program consisting of land management, forest management, fish and wildlife management, and management of natural resources to provide opportunities for outdoor recreation.

19-1.2 More detailed program requirements, guidelines, and standards for land management, forest management, fish and wildlife management, and outdoor recreation resource management are addressed by NAVFACENGCOM Manual P-73, Vol. II, Navy Natural Resources Management Procedural Manual (NRMPM) (NOTAL). That manual is a Navy-wide directive under the authority of this instruction.

19-1.3 The Navy NRM policies for activities in foreign countries is addressed in paragraphs 19-5.8 and 19-5.16.

19-1.4 References. Relevant references are:

a. 7 CFR 658; Farm Land Protection Policy Act (NOTAL)

b. 15 CFR 930; Federal Consistency with Approved Coastal Management Programs (NOTAL)

c. 32 CFR 265; Natural Resources Management Program (NOTAL)

d. 33 CFR 148; Deep Water Ports (NOTAL)

e. 36 CFR 297; Wild and Scenic Rivers (NOTAL)

f. 42 CFR 35; Hospital and Station Management (NOTAL)

g. 43 CFR 402; Sale of Lands in Federal Reclamation Projects (NOTAL)

h. 50 CFR 17.11; Fish and Wildlife Service List of Endangered and Threatened Wildlife (NOTAL)

i. 50 CFR 10, 228, 18, 216; Regulations Concerning Marine Mammals (NOTAL)

j. 50 CFR 402; Interagency Cooperation - Endangered Species Act of 1973 (NOTAL)

k. DoD Directive 4100.5 of 24 June 1989; Commercial Activities Program (NOTAL).

19-2 Legislation

19-2.1 Migratory Bird Treaty Act. Prohibits taking or harming a migratory bird and certain other birds, its eggs, nests, or young without the appropriate permit.

19-2.2 Soil Conservation. Provides for application of soil conservation practices on Federal lands. Such information can be found in 16 U.S.C. 590A.

19-2.3 Military Reservations and Facilities - Hunting, Fishing, and Trapping. Provides that hunting, fishing, and trapping on military lands shall be under state laws. Such information is available in 10 U.S.C. 2671 (an update of the Military Construction Authorization Act).

19-2.4 Fish and Wildlife Coordination Act. Provides for effective integration of fish and wildlife conservation programs with Federal water resource development and construction projects having an impact on water resources.

19-2.5 Bald Eagle Protection Act. Prohibits the taking (harassment, sale, or transportation) of bald or golden eagles, alive or dead, whole or in part and their nest and/or eggs.

19-2.6 **Conservation Programs on Military Reservations (Sikes Act).** Requires each military installation to manage natural resources so as to provide for multipurpose uses and to provide public access appropriate for those uses, unless access is inconsistent with the military mission. Also requires each military department to ensure professional services are provided which are necessary for management of fish and wildlife resources on each installation (per a cooperative plan agreed to by appropriate Federal and state wildlife agencies), to provide their personnel with professional training in fish and wildlife management, and to give priority to contracting work with Federal and state agencies having responsibility for conservation or management of fish and wildlife.

19-2.7 **Outdoor Recreation - Federal/State Programs Act.** Requires consultations with the U.S. National Park Service (USNPS) regarding management for outdoor recreation.

19-2.8 **Fish and Wildlife Conservation Act.** Provides for conservation, protection, restoration, and propagation of certain species; including migratory birds threatened with extinction.

19-2.9 **Wild and Scenic River Act.** Requires identification and protection of any river or stream that qualifies under the Act.

19-2.10 **National Trails Systems Act of 1986.** Promotes development of recreational, scenic, and historic trails for persons with diverse interest and abilities.

19-2.11 **Noxious Plant - Control Act.** Provides for the control of noxious plants on land under the control or jurisdiction of the Federal government.

19-2.12 **National Environmental Policy Act (NEPA).** Establishes Federal agency procedures to preserve important natural aspects of our national heritage and enhance the quality of renewable resources.

19-2.13 **Clean Water Act.** The major Federal legislation concerning improvement of the nation's water resources. Prohibits discharge of dredged or fill material into waters of the U.S., including wetlands, without first obtaining a permit from the U.S. Army Corps of Engineers (COE). Requires Federal agency consistency with state non-point source pollution abatement plans.

19-2.14 **Marine Mammal Protection Act.** Protects marine mammals and establishes a marine mammal commission.

19-2.15 **Marine Protection, Research, and Sanctuaries Act of 1972.** Establishes regulations relating to dumping specific material into open waters.

19-2.16 **Coastal Zone Management Act.** Establishes procedures and inducements to coastal states to develop and enforce management plans for the sound use and preservation of coastal resources.

19-2.17 **Endangered Species Act.** Provides for the protection of threatened and endangered species of fish, wildlife, and plants and their critical habitats. Requires Federal agencies to ensure that no agency action is likely to jeopardize the continued existence of an endangered or threatened species or result in the destruction or adverse modification of the critical habitats of such species. Requires a biological assessment of agency action(s) when an endangered or threatened species may be present in the area affected by the action(s).

19-2.18 **Youth Conservation Corps Act.** Expands and makes permanent the Youth Conservation Corps (YCC) program and established objectives for youth employment and conservation work on public lands.

19-2.19 **Federal Noxious Weed Act of 1974.** Provides for the control and eradication of noxious weeds and their regulation in interstate and foreign commerce.

19-2.20 **Youth Conservation Corps - 1970.** Establishes the Youth Conservation Corps (YCC) which engages in conservation programs on Federal lands.

19-2.21 **The Non-Game Act.** Encourages management for non-game species.

19-2.22 **Leases; Non-excess property.** Provides for the outleasing of public lands. Information can be found in 10 U.S.C. 2667 (an update of the Military Construction Authorization Act).

19-2.23 Coastal Barrier Resources Act of 1982. Restricts federally subsidized development of undeveloped coastal barriers along the Atlantic and Gulf of Mexico coasts. Section 6, exempts those military activities which are essential to national security.

19-2.24 Sale of Certain Interests in Lands; Logs. Provides for the production and sale of forest products. Information can be found in 10 U.S.C. 2665 (an update of the Military Construction Authorization Act).

19-3 Terms and Definitions

19-3.1 Agricultural Outleasing. Use of DoD lands under a lease to an agency, organization, or person generally for growing crops or grazing domestic animals.

19-3.2 Annual Increment. A management section addendum prepared annually, to facilitate implementation of a NRM plan section. The annual increment concisely provides details of proposed work or projects to be accomplished during a fiscal year.

19-3.3 Best Management Practices. Methods, measures, or practices to prevent or reduce water pollution, including, but not limited to, structural and nonstructural controls and operation and maintenance procedures. Usually, BMPs are applied as a system of practices rather than a single practice. BMPs are selected on the basis of site-specific conditions that reflect natural background conditions and political, social, economic, and technical feasibility. Such BMPs are usually prepared by state agencies.

19-3.4 Carrying Capacity (Outdoor Recreation). The maximum amount of recreation activity and number of participants that a land or water area can support in a manner compatible with the objectives of the NRM plan and without degrading existing natural resources.

19-3.5 Carrying Capacity (Wildlife). The maximum density of wildlife that a particular area or habitat will support on a sustained basis without deterioration of the habitat.

19-3.6 Conservation. Wise use and management of natural resources to provide the best public benefits and continued productivity for present and future generations.

19-3.7 Critical Habitat. The specific designated area declared essential for the survival of a protected species under authority of the Endangered Species Act.

19-3.8 Endangered or Threatened Species. A species of fauna or flora that has been listed by the U.S. Fish and Wildlife Service for special protection and management pursuant to the Endangered Species Act.

19-3.9 Fish and Wildlife Cooperative Plan. A plan for the cooperative management of fish and wildlife (on a military installation) by the host military activity, and the appropriate Federal and state fish and wildlife agencies as required by the Sikes Act.

19-3.10 Fish and Wildlife Management. Bird-aircraft strike hazard (BASH) reduction, marine mammal protection, finfish and shellfish management, game and non-game wildlife species management, migratory bird management, threatened/endangered species (and their critical habitats) protection, and animal damage control.

19-3.11 Forest Management. Timber management, forest administration, timber sales, reforestation, timber stand improvement, timber access road construction and maintenance, forest protection, and all other elements directly related to the commercial production and sale of forest products; and to maintaining the health and vigor of non-commercial forest resources.

19-3.12 Forest Products. All tree materials, in wooded areas, that have commercial value.

19-3.13 Game Species. Fish and wildlife that may be harvested in compliance with Federal and state laws.

19-3.14 Grounds. All land areas not occupied by buildings, structures, pavements, and other facilities.

19-3.15 Habitat. An area where a plant or animal species lives, grows, and reproduces, and the environment that satisfies any of their life requirements.

19-3.16 Land Management. Soil conservation, erosion control, surface and subsurface water management, land restoration, noxious weed and poisonous plants control, agricultural outleasing, range management, landscaping, wetlands identification/preservation, floodplains management, and grounds maintenance.

19-3.17 Multiple Use. The use of natural resources for the best combination of purposes to meet the needs of the DoD and the public.

19-3.18 Natural Resources. Land, water, and their associated flora and fauna.

19-3.19 Natural Resources Management Plan. A five year planning document that guides ecologically sound and cost effective management of natural resources to maximize benefits for the installation and neighboring community. The NRM Plan consists of the following four sections:

a. Land management

b. Forest management

c. Fish and wildlife management

d. Outdoor recreation resources management.

19-3.20 Natural Resources Management Procedural Manual (NRMPM). NAVFACENGCOM Manual (NAVFAC P-73, Volume II) which provides comprehensive guidance for implementing requirements of pertinent laws, EOs, and Federal regulations, DoD directives, SECNAV and OPNAV instructions.

19-3.21 Natural Resources Management Professional. Individual with an undergraduate or graduate degree in a natural resources related science and who has responsibility for managing natural resources on a regular basis.

19-3.22 Non-game Species. Fish and wildlife species not harvested for recreation or sustenance purposes.

19-3.23 Nonpoint Source (NPS) Pollution. Pollution caused by diffuse sources that are not regulated as point sources and normally associated with agricultural, silvicultural and urban runoff, runoff from construction activities, etc. Such pollution results in the human-made or human-induced alteration of the chemical, physical, biological, and radiological integrity of water. In practical terms, NPS does not result from a discharge at a specific, single location (such as a single pipe) but generally results from land runoff, precipitation, atmospheric deposition, or percolation. This definition is necessarily general; legal and regulatory decisions have sometimes resulted in certain sources being assigned to either the point or NPS categories because of considerations other than their manner of discharge. For example, irrigation return flows are designated as "nonpoint source" by section 402(1) of the Clean Water Act, even though the discharge is through a discrete conveyance.

19-3.24 Noxious Species. Plant species identified by Federal or state agencies as requiring control or eradication.

19-3.25 Off-road Vehicle. A vehicle designed for travel on natural terrain. The term excludes a registered motorboat confined to use on open water and a military, emergency, or law enforcement vehicle during use by an employee or agent of the government or one of its contractors in the course of employment or agency representation.

19-3.26 Outdoor Recreation. Program, activity, or opportunity dependent on the natural environment. Examples are hunting, fishing, trapping, picnicking, birdwatching, off-road vehicle use, hiking, wild and scenic river use, and primitive camping. Developed or constructed facilities such as golf courses, tennis courts, riding stables, lodging facilities, boat launching ramps and marinas are not included.

19-3.27 Outdoor Recreation Management. Management of natural resources to develop opportunities for recreation; establishment and management of ecological reserves and research natural areas; hiking/interpretive trails; and other outdoor recreation assets; preservation of scenic rivers and areas with wilderness attributes; and, control of off-road vehicles.

19-3.28 Projects. Includes studies, plans, surveys, inventories, and land/water treatments as well as physical improvements.

19-3.29 Sustained Yield. Production of renewable natural resources at a level that harvest or consumptive use does not exceed net growth.

19-4 Requirements

19-4.1 General. Periodic and comprehensive technical instruction and training of personnel will be provided to ensure proper and efficient management and development of natural resources, maintenance of grounds, and prompt introduction of new and improved materials and methods.

19-4.2 Land Management. Emphasis is required on the utilization of BMP to control NPS pollution from ground disturbing actions in shoreline/streamside areas. (Refer to the NRMPM, Chapter 2) The CWA (Section 404) prohibits discharges of dredged or filled material into waters of the U.S., including wetlands, without first obtaining a permit from the U.S. Army COE.

19-4.3 Forest Management. Forest management practices and operations will provide for sustained-yield of quality wood, fiber, fish and wildlife habitat, watershed protection, recreation opportunities, and development and maintenance of desirable biological diversity in the forest community consistent with proven scientific practices. Forest products will not be given away, carelessly destroyed, or used to offset contract costs. Forest products will be sold only by a contracting officer warranted specifically for the sale of forest products. (Refer to the NRMPM, Chapter 3)

19-4.4 Fish and Wildlife Management. The fish and wildlife program will be conducted under a cooperative fish and wildlife management plan addressing requirements of the Sikes Act and other Public Laws and EOs governing fish and wildlife resources on Federal properties. Priority will be given to Federal and state agencies, having responsibilities for conservation and management of fish and wildlife, for contracted fish and wildlife management work on military controlled lands. Hunting, fishing, aqua-culture, and trapping fees or proceeds will be used only for funding or supplementing funding of wildlife management programs on installations where the fees are collected. (Refer to NRMPM, Chapter 4)

19-4.5 Outdoor Recreation. Recreational use of natural resources will be integrated and compatible with requirements of fish and wildlife management, land management, and forestry management. (Refer to NRMPM, Chapter 5)

19-4.6 Integrated NRM Plans.

19-4.6.1 Each installation having custody of Class I property (land and water) suitable for the conservation and management of natural resources will prepare (or ensure preparation of) a comprehensive, integrated, NRM plan which includes all phases of NRM applicable to the installation. Management plans will be prepared by professionally trained personnel; address compliance with legal mandates protecting specific natural resources; and, include sections on various programs covered by this chapter.

19-4.6.2 NRM plans will be used to assist planners and implementors of mission activities as well as natural resources managers. New and continuing mission activities that impact natural resources will be coordinated with appropriate natural resources managers.

19-4.6.3 Funding for natural resources projects on a military installation will be approved only if the projects support, or achieve objectives of, an approved NRM plan section.

19-4.6.4 The Sikes Act requires military installations to manage fish and wildlife cooperatively with the appropriate Federal and state fish and wildlife agencies under a cooperative plan (NRMPM Chapter 4). Cooperative agreements with appropriate Federal and state agencies will be required for installations having potential for management of fish, wildlife, and outdoor recreation resources. Natural resources cooperative agreements are intended to expand installation opportunities for assistance and cooperation with Federal and state agencies. A cooperative plan consists of a fish and wildlife management section (of the NRM plan) plus the cooperative agreement (with appropriate Federal and state agencies) to implement the section. Installations cannot legally allow trapping, hunting, fishing, or collecting fees for these activities without a cooperative management plan. Installations will formally request the participation of the appropriate

Federal and state agencies in a cooperative plan. Guidance for preparation of the cooperative plan is provided by the NRMPM.

19-4.6.5 **Pesticide Use in NRM Programs.** If any multiple land use program involves pesticides, users will ensure that use complies with applicable requirements (see Chapter 15).

19-4.7 **Public Access Associated with the NRM Program.** Military lands will be available to the public and DoD employees for enjoyment and use of natural resources, except when a specific determination has been made that a military mission prevents such access for safety or security reasons, or that the natural resources will not support such usage. The determination will be included and explained in the installation NRM plan.

19-4.8 **Access by Federal and State Conservation Officials.** Federal, state, and local officials will be permitted access to natural resources after proper safety and security measures are taken.

19-4.9 **Endangered Species.** Any action which may adversely affect a federally listed, threatened, or endangered species will undergo consultation with the U.S. Fish and Wildlife Service or National Marine Fisheries Service as stated in Section 7 of the Endangered Species Act. The National Marine Fisheries Service has jurisdiction over threatened and endangered marine animals, marine reptiles, and marine fishes, whereas the U.S. Fish and Wildlife Service has jurisdiction over the remaining threatened and endangered species. For certain species there is shared jurisdiction. For actions that are likely to jeopardize the continued existence of proposed species, agencies will be required to confer with the U.S. Fish and Wildlife Service. The purpose of this requirement is to identify and resolve potential conflicts between an action and the protection of proposed species (or proposed critical habitat) at an early point in the decision-making process. Programs to protect threatened and endangered species and their habitats will be budgeted and supported by the installation and their major claimants. The endangered species program will be coordinated with the U.S. Fish and Wildlife Service or National Marine Fisheries Service, as appropriate.

19-5 Navy Policy

19-5.1 Responsibility for good stewardship of natural resources shall be an important and identifiable function of all echelons of command management. Procedures shall be established by each command to ensure Navy decision makers are kept informed of the conditions of natural resources, the objectives of NRM plans, and potential or actual conflicts between Navy actions/management plans and the policies/procedures herein.

19-5.2 The policy of the Navy shall be to act responsibly in the public interest to restore, improve, preserve, and properly utilize natural resources on Navy administered lands. There shall be a conscious and active concern for the inherent value of natural resources in all Navy plans, actions, and programs.

19-5.3 Each land managing activity shall appoint in writing, an installation natural resources manager, whose duties include ensuring that the commanding officer is informed regarding:

a. Natural resources issues

b. Conditions of natural resources

c. Objectives of NRM plan sections

d. Potential or actual conflicts between mission requirements and natural resources mandates.

19-5.4 Natural resources under the jurisdiction of the Navy shall be managed to support the military mission, while practicing the principles of multiple use and sustained yield, using scientific methods and an interdisciplinary approach. The conservation of natural resources and the military mission need not and shall not be mutually exclusive. Commands shall accomplish the following when managing natural resources on Navy lands:

a. Assign specific responsibility, centralized supervision, and qualified personnel to this program; and encourage appropriate staff personnel to participate in NRM job training activities and professional meetings.

b. Protect, conserve, and manage the watersheds, wetlands, natural landscapes, soils, forests, fish and wildlife, and other natural resources, as vital elements of an optimum natural resources program.

c. Manage natural resources to provide outdoor recreation opportunities. This shall be recognized as an important objective in the conduct of all Navy NRM programs.

d. Utilize and care for natural resources in the combination best serving the present and future needs of the U.S. and its people.

e. Provide for the optimum development of land and water areas and access thereto while maintaining ecological integrity.

19-5.5 In order to comply with the Secretary of the Navy's (SECNAV) guidance to permit no overall net loss of wetlands, and to achieve a SECNAV goal of increasing the function and value of wetlands on Navy lands, commands with land management responsibilities shall ensure the following:

a. That all facilities and operational actions avoid, to the maximum degree feasible, wetlands destruction or degradation (regardless of wetlands size or the legal necessity for a Corps of Engineer's (COE) permit). Any facility's requirement that cannot be sited to avoid wetlands shall be designed to minimize wetlands degradation and will include compensatory mitigation in all phases of the project's planning, programming, and budgeting process. Within this policy, use of Navy lands and lands of other entities are permissible for mitigation purposes when consistent with EPA and COE guidelines or permit provisions.

b. That any action significantly affecting wetlands is addressed by the environmental review and public notification process per Chapter 5. An information copy of the draft environmental review document shall be provided to OP-45 by the proponent of such action.

c. That boundaries of legally defined wetlands, on all Navy lands, are identified and mapped.

d. That adequate natural resources management expertise is available to installation commanding officers for the protection, management, identification, and mapping of wetlands.

e. That land suitable for establishment or reestablishment of high quality wetlands is identified in all installation NRM plans and master plans. Implementation of wetlands creation or enhancement projects, where compatible with the installation mission, is encouraged.

19-5.6 Proceeds from agricultural outleases shall be used exclusively to fund multiple land use management program requirements (Navy-wide) and administrative expenses of agricultural outleasing. Multiple land use program requirements which may be funded with agricultural outlease proceeds do not include mitigation or compensation for damage to natural resources caused by construction projects or operational requirements. Administrative expenses of agricultural outleasing, that may be funded with proceeds, are limited to only those direct supervisory, technical, clerical, legal, and accounting costs wholly attributable to agricultural leasing. This includes initiating new leases and administrating existing leases. Criteria and procedures for use of agricultural outlease proceeds are addressed in NAVFAC Manual P-73, Volume I, Chapter 19.

19-5.7 Proposals for new and continuing actions that affect natural resources shall be coordinated with the managers of those resources.

19-5.8 Navy actions that affect natural resources in the U.S. shall comply with the policy and requirements of Chapter 5 of this instruction, and the more stringent of applicable Federal, state, and local environmental laws. Navy actions that influence natural resources in foreign countries or global commons shall conform to requirements of Appendix E of this instruction, in addition to applicable laws, treaties, and agreements.

19-5.9 Funds recovered by the Navy as a result of natural resources damage claims shall be used for restoration, replacement, or acquisition of equivalent natural resources.

19-5.10 Enforcement of laws, primarily aimed at protecting natural resources (and recreation activities that depend on natural resources) shall be an integral part of a natural resources program and

shall be coordinated with or under the direction of the natural resources manager for the affected area.

19-5.11 Protection of state/territory listed rare and endangered species is not required by legal mandate. However, Navy policy shall be to encourage cooperation with states and territories to protect such species.

19-5.12 The Navy shall support and accelerate the development and implementation of NPS pollution management programs that ensure water quality protection. Special emphasis shall be placed in preventing NPS pollution from ground disturbing actions (e.g., construction, farming, timber harvesting, and training activities) in shore-line/streamside areas.

19-5.13 Off-road vehicle use on Navy land shall be permitted only in designated areas and trails. Policies, procedures, and criteria for establishing designated off-road areas and trails are provided in the NRMPM, Chapter 5.

19-5.14 Since the management of natural resources is an inherently governmental function, DoD Directive 4100.15, "Commercial Activities Program" of 10 March 1989 (NOTAL), does not apply to the management, implementation, planning, or enforcement of Navy NRM programs.

19-5.15 Integrated NRM Plans

19-5.15.1 Policies, procedures, and criteria for integrated management of natural resources and preparation of management sections shall be provided in the NRMPM. The need for each management section shall be assumed until the NRM function of the appropriate NAVFACENGCOM EFD makes a professional evaluation and documents the absence of sufficient natural resources to require a program. A determination that any phase of NRM is not applicable shall be documented in the installation NRM plan.

19-5.15.2 If preparation of the sections of the NRM plan is beyond the technical capability of an installation, and the installation requests, then the appropriate EFD shall provide assistance, contingent upon funding and manpower availability.

19-5.15.3 All sections of the NRM plan shall be reviewed annually by each installation and updated as needed to remain current. An installation may request appropriate EFD to review and update sections of an installation NRM plan.

19-5.15.4 Copies of the most current installation NRM plan sections shall be provided to and retained by the appropriate EFD.

19-5.15.5 The annual increment shall be the basis for funding authorizations and for noting the existence of appropriate environmental review of proposed work. It shall contain an endorsed certification, by the installation natural resources manager, that the management section received an annual review. Within 30 days of the close of each fiscal year, the annual increment for the closed fiscal year shall be annotated (with handwritten notes) to indicate the status of each project (e.g., completed, in-progress, canceled, deferred, rescheduled). Annotated annual increments for prior years shall be retained with the pertinent management section for four years.

19-5.15.6 Environmental review (an assessment or statement) and an opportunity for public participation in the preparation of comprehensive, integrated NRM plans shall be accomplished per the guidance provided in Chapter 5 of this instruction. Management sections of the plans shall be coordinated with appropriate Federal, state, and local officials with interest or jurisdiction. The title page of a land management section shall be offered to the state for signature by an appropriate representative (as an indication of coordination regarding installation consistency with the state nonpoint source pollution abatement plan) if the host state has an EPA-approved nonpoint source pollution abatement plan. Additionally, each annual increment shall be annotated to indicate the existence of a FONSI/-ROD (see Chapter 5) or the need of for an EA, EIS, or determination of categorical exclusion for all proposed work.

19-5.15.7 Copies of the management sections of the current year increment and the annotated closed year increment for all installation NRM plans shall be provided to the appropriate EFD.

19-5.15.8 All management sections of an installation integrated NRM plan shall have a title page endorsed by the installation commanding officer, or his authorized representative, to indicate the installation's commitment to and acceptance/approval of the section and by the commanding officer of the appropriate EFD or his authorized representative, to indicate technical approval of the section. Each section shall be re-approved and signed every five years.

19-5.15.9 Data shall be maintained by installations and by NAVFACENGCOM EFDs to facilitate and ensure the efficient and effective accomplishment of program goals and objectives. Periodic reports shall be required at the discretion of COMNAVFACENGCOM to ensure compliance with legal requirements and to facilitate the implementation and coordination of program responsibilities.

19-5.16 Navy Activities in Foreign Countries. Navy activities in foreign countries shall ensure compliance with natural resource management standard of general applicability in the host country as modified by SOFAs.

19-5.17 Natural resources conservation and management is an integral part of the Navy ECE Program (see Chapter 4).

19-6 Responsibilities

19-6.1 DCNO (Logistics) shall:

a. Ensure an adequate, Navy-wide organizational capability and the programming of resources necessary to establish and maintain an integrated, natural resources program.

b. Provide policy in order to establish and maintain a program for the management, conservation, and enhancement of natural resources on Navy lands.

c. Ensure resolution of natural resources issues in support of all aspects of the Navy mission.

d. Assign a representative to serve on the Defense Natural Resources Council.

e. Coordinate pertinent aspects of the Navy Natural Resources Program and issues with headquarters elements of other Federal agencies, other military services, and private organizations.

19-6.2 COMNAVFACENGCOM shall:

a. Provide adequate professional staffing, and maintain a program for integrated management, conservation, and enhancement of natural resources on Navy lands including, but not limited to:

(1) Management and conservation of the soil, water, forests, land, grounds, fish and wildlife, wetlands and flood-plains, and natural areas

(2) Ensuring compatibility of Draft Master Plans with the objectives of the NRM program and compliance with legal mandates.

(3) Staffing recommendations for natural resources personnel

(4) Evaluation and incorporation of new methods and procedures in the preservation, management, and enhancement of natural resources

(5) Coordination of NRM requirements with other Federal, state, or local professional authorities, including all Section 7 consultations under the Endangered Species Act

(6) Determination of the potential for NRM programs on installations that contain land and water areas suitable for the conservation and management of natural resources

(7) Gathering information from installations to satisfy program reporting requirements.

(8) Conducting on-site visits of installations at least tri-annually to evaluate the effectiveness of natural resources programs, and provide technical consultant services.

b. Promulgate and coordinate the program management guidance and services required, and issue appropriate Navy-wide instructions for implementation of integrated NRM.

c. Resolve natural resources impact issues in support of the environmental impact analysis process.

d. Ensure that current and planned mission activities (e.g. master planning, construction requests, site approval requests, and training exercise plans) are effectively coordinated in a timely manner with appropriate natural resources managers.

e. Ensure that the NRM program is evaluated as part of ECEs as described in Chapter 4.

f. Provide functional sponsorship for funding and support for the establishment and maintenance of the DON natural resources data base.

g. Provide necessary guidance to ensure that applicable cooperative agreements, plans, and MOUs are entered into, and executed by, commanders/commanding officers at appropriate levels of command.

h. Provide technical assistance to Marine Corps installations, upon funded request.

19-6.3 Major claimants and intermediate commands shall:

a. Require, ensure, and assist subordinate installation's NRM planning and program implementation, including compliance with applicable instructions, laws, directives, etc.

b. Budget resources to fund routine, recurring costs to operate and maintain NRM planning and program implementation.

c. Act as trustee for natural resources under their jurisdiction. Promote cooperative projects with Federal, state, and local organizations.

d. Ensure that effective NRM is an identifiable function, and is specifically accountable in performance evaluations, at each command level.

e. Ensure that installation NRM programs are evaluated as part of ECEs (see Chapter 4).

f. Ensure that adequate NRM expertise is available to installation commanding officers for the protection, management, identification, and mapping of wetlands.

g. Ensure that contracts for operation of GOCO installations include provisions for complying with policies and procedures as prescribed in this chapter and instruction (see paragraph 1-5.11.1).

h. Include NRM program effectiveness as an inspection item in each Immediate Superior In Command inspection of activities having land and water areas suitable for NRM programs.

i. Maintain records necessary to monitor and evaluate natural resources under their management, and provide requested information to agencies with jurisdiction and to the public.

j. Take appropriate action necessary to assure that actions authorized, funded, or carried out do not jeopardize the continued existence of threatened and endangered species.

k. Coordinate proposals for new and continuing actions that affect natural resources with the managers of those resources.

19-6.4 Commanding officers of shore activities shall:

a. Act as trustee for natural resources under their jurisdiction, develop and maintain an effective conservation program as outlined in this instruction, and use technical assistance from the EFDs as necessary.

b. Request funding sufficient to ensure support of an integrated program as prescribed by this chapter and the NRMPM.

c. Ensure preparation of integrated management sections of comprehensive NRM plans and systematically apply the conservation practices set forth in such sections.

d. Appoint, by letter, an installation NRM program manager (see paragraph 19-5.3).

e. Implement programs to reduce the potential for collisions between aircraft and birds or other animals if the installation has a flying mission.

f. Ensure that information copies of all applications or any other decision document(s) or proposal document(s) to fill or create a wetland are for-

warded to OP-045 via the chain of command. The purpose of this requirement is to monitor the Navy-wide status regarding "no overall net loss of wetlands" policy compliance. (Refer to paragraph 19-5.5.)

g. In coordination with EFDs, ensure incorporation of soil and water conservation measures and landscaping in the preliminary engineering, design, and construction of facilities involving ground disturbance. Ensure that state-approved erosion prevention/control measures are included as requirements in the specifications for all ground disturbing construction projects. Include these costs as a specific item in new project investigations and preliminary engineering reports.

h. Review all non-excess land to identify areas that may be suitable and available for agricultural outleasing or commercial forestry. The results of this review shall be documented as described in the NRMPM, Chapters 2 and 3.

i. Enter into fish and wildlife cooperative plans that may be developed on behalf of the Secretary of Defense as required by the Sikes Act. (Refer to paragraph 19-4.6.4.)

j. Seek the aid of, and coordinate the NRM program with, Federal, state, and local agencies.

k. Coordinate proposals for new and continuing actions that affect natural resources with the managers of those resources.

l. Conduct surveys and other appropriate actions as necessary to document the presence of threatened or endangered species, to identify currently used and periodically/indirectly used habitat for these species and to assist in the determination of whether any such habitats should be considered for designation as "critical habitat". Surveys shall also be conducted to determine presence and distribution of proposed threatened and endangered species, species under review for threatened or endangered status (Category 1 and 2 candidate species), and state/territory rare and endangered species.

m. Request the appropriate EFD NRM function to conduct necessary consultations under the Endangered Species Act with the U.S. Fish and Wildlife Service and/or National Marine Fisheries Service.

n. Take appropriate action to avoid direct or indirect adverse impacts of new construction on wetlands.

o. Ensure that any action affecting natural resources is given proper consideration in the environmental review and public notification process (see Chapter 5).

p. Maintain records necessary to monitor and evaluate natural resources under their management, and provide requested information to agencies with jurisdiction and to the public.

CHAPTER 20

HISTORIC AND ARCHEOLOGICAL RESOURCES PROTECTION

20-1 Scope

20-1.1 General. This chapter states Navy policy regarding the protection of historic and archeological resources and establishes Navy responsibilities under the National Historic Preservation Act (NHPA) and the Archaeological Resources Protection Act (ARPA). It conforms with DoD Directive 4710.1 of 21 June 1984 (NOTAL), which provides policy, prescribes procedures, and assigns responsibilities for the management of historic and archeological resources under DoD control.

20-1.2 Applicability. Historic and archeological resource protection requirements apply to all properties under the control of the DON by ownership, lease, or similar instrument which are located in the United States, the District of Columbia, and the commonwealths, territories and possessions of the U.S. Waters contiguous to land areas may contain archeological resources, or may be significant because of a historical event; therefore this instruction applies equally to land and water areas under direct control of the Navy. Historic and archeological resource protection policy for activities in foreign countries is addressed in paragraph 20-5.7.

20-1.3 References. Relevant references are:

a. 18 CFR 1312; ARPA, Final Uniform Regulations (NOTAL)

b. 32 CFR 229; Regulations for ARPA (NOTAL)

c. 36 CFR 800+; NHPA Regulations for the Protection of Historic Properties (NOTAL)

d. 36 CFR 296; ARPA Final Uniform Regulations (NOTAL)

e. 43 CFR 7; ARPA, Final Uniform Regulations (NOTAL)

f. DoD Directive 4710.1 of 21 June 1984; Archeological and Historical Resources Management (NOTAL).

20-2 Legislation

20-2.1 National Historic Preservation Act. NHPA provides for an expanded National Register of Historic Places (National Register) and establishes the Advisory Council on Historic Preservation (Advisory Council). Section 106 of the Act requires Federal agencies to allow the Advisory Council an opportunity to comment whenever their undertakings may affect National Register resources. Section 110 of the Act requires Federal agencies to identify, evaluate, inventory and protect National Register resources on properties they control. NHPA imposes no absolute preservation requirement, as long as mandated procedures are followed and documented in any Navy decision not to preserve.

20-2.1.1 The National Register of Historic Places. NHPA authorizes the Secretary of the Interior to maintain a National Register which lists sites, districts, buildings, structures, and objects of significance in American history, architecture, archeology, engineering, and culture. National Register resources may be of local, state or national significance. Each Federal agency is authorized to include preservation costs of National Register resources as eligible project costs for all undertakings. The Navy's Historic and Archeological Resources Protection (HARP) Program does not ordinarily apply to resources which fail to meet published National Register criteria.

20-2.2 Archaeological Resources Protection Act. ARPA requires the issuance of permits for authorized professional excavation or removal of archeological resources. ARPA imposes civil and criminal penalties for unauthorized excavation, removal, damage, alteration or defacement of archeological resources or attempt to perform such unauthorized acts.

20-3 Terms and Definitions

20-3.1 Advisory Council on Historic Preservation. An independent Federal agency charged with advising the President, Congress and Federal agencies regarding historic and archeological resources protection.

20-3.2 Archeological Resources. Material remains of past human life which are capable of contributing to scientific or humanistic understanding of past human behavior, cultural adaptation, and related topics through the application of scientific or scholarly techniques.

20-3.3 Cultural Resources. A generic term commonly used to include buildings, structures, districts, sites, and objects of significance in history, architecture, archeology, engineering, or culture.

20-3.4 Cultural Resources Professional. A qualified anthropologist, archeologist, architectural historian, historical architect, historian, or preservation planner with specialized training/experience in Federal preservation legislation compliance.

20-3.5 Cultural Resources Specialist. A staff person without the professional qualifications cited above who performs routine cultural resources compliance functions, often as a collateral duty, and contracts out for professional expertise as needed for specific projects.

20-3.6 Memorandum of Agreement. Written product of Section 106 consultation, signed by the Navy, the State Historic Preservation Officer (SHPO) and the Advisory Council, which resolves incompatibilities between a Navy undertaking and preservation requirements by stipulating measures to reduce adverse effects or accepts adverse effects as being unavoidable and in the public interest.

20-3.7 National Historic Landmark. A National Register resource designated by the Secretary of the Interior as having exceptional significance in the Nation's history and subject to the most stringent preservation requirements.

20-3.8 National Register Resource. Broad concept which includes all resources which meet National Register significance criteria, even if the resources have not been formally registered, identified or acknowledged as significant. Current Federal regulations use the term "historic property" as a synonym for National Register resource. Regulations set the criteria for definition of a historic property. Structures 50 years old or more should be considered eligible for listing on the National Register.

20-3.9 Overview. Literature search and surface inspection, including inspection of erosion cuts, performed by a cultural resources professional, to determine the likelihood that any National Register resources may be present.

20-3.10 Programmatic Agreement. Written agreement among the Navy, the SHPO and the Advisory Council which streamlines Section 106 consultation requirements and stipulates how an entire program or class of undertakings repetitive in nature or similar in effect will be carried out so as to avoid or mitigate adverse effects.

20-3.11 Recordation. Measured drawings, photographs and other techniques permanently recording resources that must be destroyed or substantially altered, performed under the guidance of the Secretary of the Interior, through the Historic American Buildings Survey/Historic American Engineering Record (HABS/HAER).

20-3.12 Significance or Significant. Those attributes or characteristics of a resource that make it valuable and eligible for the National Register, as determined by criteria published by the National Register.

20-3.13 State Historic Preservation Officer. Official appointed by the Governor of each state and territory, responsible for administering cultural resources programs within a given jurisdiction.

20-3.14 Undertaking. Any Federal, federally assisted, or federally licensed action, activity or program, new or continuing, which may have an effect on National Register resources and therefore triggers Section 106 consultation responsibilities.

20-4 Requirements

20-4.1 Advisory Council Process; NHPA Section 106

20-4.1.1 General. At the earliest planning stages of any undertaking which may affect a National Register resource, the agency will initiate interagency consultation procedures.

20-4.1.2 Determination of No Adverse Effect. If the agency and SHPO concur that there will be an effect but that it will not be adverse, the agency will send supporting documentation to the Advisory Council staff. The Advisory Council staff has 30 days in which to file an objection. If the Advisory Council staff does not object, the undertaking may proceed.

20-4.1.3 Determination of Adverse Effect. If the Advisory Council staff objects to a determination of no adverse effect, or if the SHPO or the agency determines that there is an adverse effect, then the agency will initiate formal consultation to consider alternatives. A Memorandum of Agreement may be negotiated which allows the undertaking to proceed after specified mitigation actions are implemented.

20-4.1.4 Failure to Agree. In case of a failure to agree on conditions for accepting or mitigating the adverse effect, after all other procedures specified in current regulations have been followed and documented, the agency will afford the full Advisory Council an opportunity to comment.

20-4.2 Managing National Register Resources; NHPA Section 110

20-4.2.1 General. Each Federal agency is required to establish a program to locate, inventory, nominate, and protect all properties which appear to meet National Register criteria of significance. Agencies will ensure that such properties are not inadvertently transferred, sold, demolished, substantially altered, or allowed to deteriorate significantly. Failure to identify properties which meet National Register criteria does not exempt an agency from NHPA responsibilities to protect them.

20-4.2.2 Phased Compliance. All military land holdings will be surveyed by a cultural resources professional to locate National Register resources. It may be accomplished in phases. Phase One is a historic and archeological resources overview of an entire installation or complex to delineate probable areas, if any, for the existence of cultural resources. Phase Two, usually carried out as part of Section 106 compliance, consists of detailed surveys to identify National Register resources that may be affected by an agency undertaking. Finally, as funds become available, detailed National Register inventory forms are completed, in coordination with the SHPO, and resources are nominated to the Keeper of the National Register (via the appropriate Navy chain of command).

20-4.2.3 Use of Historic Structures. Federal agencies will use available historic buildings prior to new construction, lease, or any acquisition of a building for the purpose of carrying out its responsibilities.

20-4.3 National Historic Landmarks

20-4.3.1 General. NHPA Section 101(a)(1)(B) provides for inclusion of National Historic Landmarks in the National Register. Section 110(f) affords landmarks more stringent protection than other National Register resources. Federal regulations outline procedures for consultation with the SHPO and the Advisory Council, and possible National Park Service (NPS) review, in order to minimize harm to landmarks from Federal agency undertakings.

20-4.3.2 Monitoring of National Historic Landmarks. The NPS maintains a continuing relationship with owners of National Historic Landmarks. Agencies will cooperate in periodic visits, contacts with SHPOs, and other appropriate means which the NPS uses to make sure that landmarks retain their integrity, to advise agencies concerning accepted preservation standards and to update administrative records on landmark properties. The Department of the Interior provides an annual report to Congress on damaged or threatened National Historic Landmarks.

20-4.3.3 Landmark Designation Actions. Although property owners and SHPOs may nominate National Historic Landmarks, designation ordinarily occurs after a study by the NPS. Preservation is not absolutely required, as long as mandated procedures are

followed and documented in any decision not to preserve.

20-4.4 ARPA Permits. Any person proposing to excavate and/or remove archeological resources from public lands will apply for an ARPA permit.

20-4.5 Interagency Exchange of Information. Every Federal land manager, when requested by state and Federal preservation Agencies, is to supply such information as is necessary concerning programs and projects for historic and archeological resource protection. Records will be kept to facilitate response to such requests for information.

20-5 Navy Policy

20-5.1 Navy Policy shall be to:

a. Integrate the historic and archeological resource protection requirements of applicable laws with the planning and management of activities under Navy control.

b. Minimize expenditures through judicious consideration of options available in complying with applicable laws.

c. Encourage practical, economically feasible maintenance, rehabilitation and adaptive reuse of National Register resources under Navy control.

d. Protect significant archeological resources.

20-5.2 Advisory Council Process

20-5.2.1 General. If National Register resources are likely to be present and affected directly or indirectly, Navy activities shall contact the SHPO to confirm the presence of National Register resources and to determine whether or not the effect is adverse.

20-5.2.2 Failure to Agree. After taking the Advisory Council's comments into consideration, the Secretary of the Navy may formally notify the Advisory Council that the undertaking shall proceed, in the public interest, without agreement having been reached regarding alternative courses of action or mitigation measures to be taken.

20-5.3 Use of Historic Structures. Prior to new construction, lease, or any acquisition of a building for the purpose of carrying out Navy responsibilities, the Navy shall, to the maximum extent feasible, use available historic buildings.

20-5.4 National Historic Landmarks. The Navy shall cooperate in periodic visits, contacts with SHPOs, and other appropriate actions/studies of the NPS, and to the maximum extent possible undertake such planning and actions as may be necessary to minimize harm to National Historic Landmarks.

20-5.4.1 The Navy shall cooperate in NPS studies and provide input which minimizes any constraints which landmark designation might impose on the Navy. As with any of its National Register resources, the Navy retains ultimate authority over treatment and use of its National Historic Landmarks.

20-5.5 Archeological Resources. Issuance of ARPA permits for archeological work on Navy lands is centralized. Navy ARPA permits shall be issued solely by COMNAVFACENGCOM in consultation with affected commands and preservation agencies. In cases where the Navy contracts with archeologists or a Navy contractor subcontracts with an archeologist to perform archeological work for the Navy, a brief compliance statement in the contract or subcontract shall be considered the equivalent of a permit. In cases where employees of the Navy perform archeology on Navy lands, legal permitting requirements shall be satisfied by ensuring that such employees are professionally qualified archeologists (as defined by current Federal regulations).

20-5.6 Recordkeeping

20-5.6.1 HARP Plans. Navy activities shall have knowledge of National Register resources located on or adjacent to Navy lands. Beginning with Phase One overviews, and updating to include information gathered in Phase Two and later survey work, shore activities shall develop HARP plans which:

a. Identify the areas of probability for National Register resources, based on overviews and surveys performed by cultural resources professionals.

b. Contain an evaluation and inventory of all known historic and archeological resources on Navy lands.

c. Recommend priorities and describe applicable legal compliance strategies which avoid potential conflicts between Navy mission and preservation mandates.

d. Prescribe specific compliance actions to be taken if Navy undertakings affect National Register resources.

e. Develop plans in consonance with state and Federal preservation programs and other Navy planning documents and processes.

20-5.7 Navy Activities in Foreign Countries. Navy activities in foreign countries shall take into consideration the host country's regulations on historic and archeological resource protection, international agreements, and SOFAs.

20-6 Responsibilities

20-6.1 DCNO (Logistics) and, specifically, the Assistant for Civil Engineering (OP-44) shall:

a. Establish a HARP Program and attendant responsibilities.

b. Designate a qualified staff person to serve as the Navy's Federal Preservation Officer and represent the Navy on the Defense Cultural Resources Council.

c. Coordinate with ASN (I&E), DASD (Environment), other DoD components, the Department of the Interior, the Advisory Council and the National Conference of State Historic Preservation Officers in matters related to historic and archeological resources protection.

d. Identify Navy-wide priorities for historic and archeological resource surveys and protective actions.

e. Maintain the Navy's senior procedural expertise for interagency coordination and other aspects of compliance with preservation legislation and advise other commands upon request.

f. Forward National Register nominations to the ASN (I&E) for transmittal to the Keeper of the National Register.

20-6.2 Major claimants, through subordinate commands, as applicable shall:

a. Budget resources for qualified staffing, surveys, plans and studies to facilitate the identification, evaluation, inventory, planning, maintenance, and protection of National Register resources at activities under their cognizance.

b. Revise instructions and other appropriate documents, if necessary, to reflect requirements of this chapter.

20-6.3 COMNAVFACENGCOM shall:

a. Designate specific qualified staff to perform historic and archeological resources protection functions.

b. Maintain a list of Navy's National Register resources and a record of undertakings affecting them.

c. Provide technical assistance to identify, evaluate, inventory, nominate, plan, maintain, and protect National Register resources under Navy control.

d. Maintain productive working relationships with SHPOs and other preservation officials in their region so as to expedite Navy projects and programs affecting historic and archeological resources.

e. Assist activities in the negotiation of Memoranda of Agreement and Programmatic Agreements which both protect historic and archeological resources and facilitate Navy projects and programs.

f. Provide technical and legal support in resolving questions related to legal preservation requirements, as requested.

g. Provide information about preservation training opportunities and guidance concerning

appropriate preservation procedures, techniques and material.

h. Process applications for and issue ARPA permits authorizing professional excavation and removal of archeological resources, as appropriate.

20-6.4 Commanding officers of shore activities shall:

a. Plan, program, and budget for adequate compliance with historic and archeological resources protection legislation which applies to resources under their control.

b. Designate and train a staff person to serve as Cultural Resources Specialist.

c. Provide for the professional identification, evaluation, inventory, nomination, and protection of resources under their control that appear to be eligible for the National Register.

d. Ensure that all legally mandated procedures are followed if National Register resources under their control are to be transferred, sold, demolished, substantially altered, or allowed to deteriorate significantly.

e. Develop and maintain a HARP plan which is integrated with other planning documents and routine procedures applicable to activity projects and programs.

f. Consult with SHPO and the Advisory Council whenever proposed undertakings may have an effect on National Register resources, and enter into Memoranda of Agreement regarding mitigation of such effects.

g. Ensure that inadvertently discovered archeological resources are protected at the site of discovery until the Secretary of Interior has been notified and cultural resource professionals have evaluated their significance and advised regarding protection or recovery.

h. Whenever practical, use historic buildings available to them instead of new acquisition, construction, or leasing to satisfy mission requirements.

i. Ensure that funds budgeted for historic preservation are applied to National Register resources.

j. Provide for storage and professional curation of salvaged archeological resources and storage of records which might accrue in carrying out legal compliance actions.

APPENDIX A

PURPOSE OF PERTINENT LAWS, EXECUTIVE ORDERS, REGULATIONS, AND INSTRUCTIONS

PART 1

LAWS

1 ACT TO PREVENT POLLUTION FROM SHIPS, as amended, 33 U.S.C. 1901, et seq.

The enabling legislation that implements the Protocol of 1978 relating to the International Convention for the Prevention of Pollution From Ships, 1973. Annex I of the Protocol was specifically designed to decrease the potential for accidental oil spills and eliminate operational oil discharges from ships at sea and in coastal waters. It contains many new requirements concerning the design, construction, operation, inspection, and certification of new and existing ships. Annex V was implemented in the "Marine Plastic Pollution Research and Control Act of 1987." That Law amends 33 U.S.C. 1901 to include regulations pertaining to the disposal of solid waste. Requirements are included to eliminate the discharge of all plastic and plastic items and to regulate the discharge of garbage.

2 CLEAN AIR ACT, as amended, 42 U.S.C. 7401 et seq.

The major Federal legislation concerning control of the nation's air quality. The Act requires the setting of ambient air quality standards and development of Federal and state programs to achieve these standards through control of air pollution sources. Provides for EPA delegation of authority to states to conduct air pollution control programs.

3 COASTAL ZONE MANAGEMENT ACT (CZMA), 16 U.S.C. 1451 et seq.

Provides incentives for coastal states to develop and implement coastal area management programs. Plays a significant role in water pollution abatement, particularly with regard to nonpoint source pollution. State coastal zone management programs frequently incorporate flood control, sediment control, grading control, and storm water runoff control statutes. Under CZMA, Federal actions that have a direct impact on the coastal zone must be consistent to the maximum extent practicable with the state program. As a result of their inclusion in state CZMA programs, these state statutes must be considered when addressing water pollution impacts of Navy projects.

4 COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT OF 1980, as amended, 42 U.S.C. 9601 et seq.

Enacted to deal with present day and future health and environmental hazards caused by past HW management practices. As amended by the Superfund Amendments and Reauthorization Act (SARA), it requires EPA to promulgate revisions to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). NCP establishes the process for determining appropriate removal and/or remedial action for the nation's most serious (Superfund) HW sites. Additionally, NCP establishes the national framework for planning and response to oil discharges and HS releases. The NCP assigns responsibilities for contingency planning and response to various Federal agencies, including DoD, and outlines state and local government and public and private interest group participation in these areas. NCP also specifies notification procedures for certain oil discharges and HS releases.

5 CONSERVATION PROGRAMS ON MILITARY INSTALLATIONS (SIKES ACT), as amended, 16 U.S.C. 670(a) et seq.

Requires each military department to manage natural resources and ensure services are provided which are necessary for management of fish and wildlife resources on each installation, to provide their personnel with professional training in fish and wildlife management, and to give priority to contracting work with Federal and state agencies that have responsibility for conservation or management of fish and wildlife. Authorizes cooperative agreements (with states, local governments, non-govern-

mental organizations, and individuals) which call for each party to provide matching funds or services to carry out natural resources projects/initiatives.

6 EMERGENCY PLANNING AND COMMUNITY RIGHT TO KNOW ACT of 1986, 42 U.S.C. 11001 et seq.

This Act is also known as the SARA, Title III. It focuses on the hazards associated with toxic chemical releases. Most notably, specific sections of EPCRKA require immediate notification of releases of EHS and CERCLA-defined HS to state and local emergency response planners. Requires state and local coordination in planning response actions to chemical emergencies. Requires certain industries to submit information on chemical inventories and fugitive emissions.

7 FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT, 7 U.S.C. 136 et seq, as amended by U.S.C. 136-136y; 15 U.S.C. 1261 et seq., 21 U.S.C. 321 et seq.

Provides the principal means for preventing environmental pollution from pesticides through product registration and applicator certification. The registration of all pesticide products by EPA results in label instructions on each container for use, storage, and disposal. Label instructions are legally applicable to all users. Under FIFRA, EPA is required to accept certain pesticides under recall for safe disposal. It is unlawful to purchase, distribute, or use any pesticide that does not have an EPA registration number or for which registration has been canceled or suspended, or to apply, store, or dispose of any pesticide or container in any manner inconsistent with applicable regulations. This Act was amended in 1972 by the Federal Environmental Pesticide Control Act.

8 FEDERAL WATER POLLUTION CONTROL ACT, as amended, 33 U.S.C. 1251 et seq.

The major Federal legislation concerning improvement of the nation's water resources. Section 319 requires Federal agency consistency with state nonpoint source pollution abatement plans. Section 404 prohibits various activities which may result in the discharge of pollutants into navigable waters of the U.S., including wetlands without first obtaining a permit from the U.S. Army COE. This Act, often referred to as the "Clean Water Act," contains specific provisions for regulation of ships' waste waters and disposal of dredge spoil within navigable waters.

9 LEAD-BASED PAINT POISONING PREVENTION ACT, 1971, 42 U.S.C. 4801 et seq.

An Act to provide federal financial assistance to help cities and communities to develop and carry out intensive local programs to eliminate the causes of lead-based paint poisoning; to establish a federal demonstration and research program to study the extent of lead-based paint poisoning problem and the methods available for lead-based paint removal; and to prohibit future use of lead-based paint in Federal or federally-assisted construction or rehabilitation.

10 MARINE MAMMAL PROTECTION ACT, as amended, 16 U.S.C. 1361 et seq.

Protects marine mammals and establishes a marine mammal commission.

11 MARINE PLASTIC POLLUTION RESEARCH AND CONTROL ACT, 33 U.S.C. 1901 et seq.

Implements MARPOL Annex V which prohibits the overboard discharge of plastics.

12 MARINE PROTECTION, RESEARCH, AND SANCTUARIES ACT OF 1972, as amended, 33 U.S.C. 1401 et seq.

The major Federal legislation concerning the protection of ocean waters from dumping. Updated by the U.S. Public Vessel Medical Waste Anti-Dumping Act of 1988. Provides for the establishment of procedures for regulating transportation of materials into the oceans for the purpose of dumping. Prohibits dumping of sewage sludge after 12/31/91.

13 MARINE RESOURCES AND ENGINEERING DEVELOPMENT ACT OF 1966, as amended, 33 U.S.C. 1101 et seq.

An Act to establish a national policy and develop a national program for the management, beneficial use, protection, and development of the land and

water resources of the nation's coastal zones, and for other purposes.

14 MIGRATORY BIRD TREATY ACT, as amended, 16 U.S.C. 703 et seq.

Prohibits taking or harming a migratory bird, its eggs, nests, or young without the appropriate permit.

15 MILITARY CONSTRUCTION AUTHORIZATION ACT, 10 U.S.C. 2665 et seq.

Annual update of military construction projects.

16 MILITARY CONSTRUCTION CODIFICATION ACT, 10 U.S.C. 2577 et seq.

An Act to provide guidance for the sale of certain recyclable material.

17 NATIONAL ENVIRONMENTAL POLICY ACT OF 1969, as amended, 42 U.S.C. 4321 et seq.

Mandates that Federal agencies utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on man's environment. NEPA further requires a detailed statement on the environmental impact of major Federal actions that significantly affect the environment be included in every recommendation or report on proposals for legislation. Provides for the establishment of a Council on Environmental Quality.

18 NATIONAL HISTORIC PRESERVATION ACT OF 1966, 16 U.S.C. 470 et seq.

An Act to provide for the nomination, identification (through listing on the National Register), and protection of historical and cultural properties of significance. Specific procedures are established for compliance, including initial review authority by the cognizant State Historical Protection Officer.

19 NATIONAL MATERIALS POLICY ACT OF 1970, 42 U.S.C. 3251 et seq.

An Act to enhance environmental quality and conserve materials by developing national materials policy to use present resources and technology more efficiently; to anticipate the future materials requirements of the nation; and to make recommendations on the supply, use, recovery, and disposal of materials.

20 NOISE CONTROL ACT OF 1972, 42 U.S.C. 4901 et seq.

Authorizes establishment of Federal noise emission standards for products distributed in commerce, and coordinates Federal research efforts in noise control.

21 NOXIOUS PLANT - CONTROL ACT, 43 U.S.C. 1241, et.seq.

Requires the heads of Federal departments or agencies to permit state agencies in which there is in effect a program for the control of noxious plants to enter upon any Federal lands if certain criteria are met.

22 OCCUPATIONAL SAFETY AND HEALTH ACT, 1970, 29 U.S.C. 651 et seq.

An Act to assure safe and healthful working conditions for men and women by authorizing enforcement of the standards developed under the Act; by assisting and encouraging the states in their efforts to assure safe and healthful conditions; by providing for research, information, education, and training in the field of occupational safety and health.

23 PUBLIC HEALTH SERVICE ACT, as amended by THE SAFE DRINKING WATER ACT, 42 U.S.C. 300F et seq.

Specifies a system for the protection of drinking water supplies through establishment of contaminant limitations and enforcement procedures. EPA has two kinds of promulgated contaminant limitations: primary drinking water standards to protect public health, and secondary drinking water standards to protect public welfare. Requires each state to adopt a program to protect wells within their jurisdiction from contamination. States have primary responsibility to enforce compliance with national primary drinking water standards and sampling, monitoring, and notice requirements.

24 SOLID WASTE DISPOSAL ACT, as amended, 42 U.S.C. 6901 et seq.

The 1976 revision is called "The Resource Conservation and Recovery Act." It provides for control of solid waste disposal, including emphasis on recycling and safe HW handling and disposal. 1984 amendments to SWDA (called the Hazardous and Solid Waste Amendments) impose strict performance standards on land disposal facilities and authorizes regulation of USTs containing petroleum or HS. 1988 amendments establish a pilot program for tracking medical wastes. Greatest impact is in the HW area where a system is established for tracking HW from generation to disposal. There is provision for passing operation of the programs to the states.

25 ENDANGERED SPECIES ACT OF 1973, 16 U.S.C. 1531 et seq.

Provides for the protection of threatened and endangered species of fish, wildlife, and plants and their critical habitats. Requires Federal agencies to ensure that no agency action is likely to jeopardize the continued existence of an endangered species or threatened species. Requires a biological assessment of agency action(s) when an endangered or threatened species may be present in the area affected by the action(s).

26 TOXIC SUBSTANCES CONTROL ACT, 15 U.S.C. 2601 et seq.

Provides for the Federal regulation of chemical substances that present a hazard to health or the environment. Such regulation requires the testing of new substances and subsequent control of distribution in commerce if required. The Act also contains specific requirements relative to PCBs, asbestos, and radon.

27 WATER RESOURCES PLANNING ACT, 1965, as amended, 42 U.S.C. 1962d et seq.

An Act to provide for the optimum development of the nation's natural resources through the coordinated planning of water and related resources.

28 10 U.S.C. 2667 et seq. This Federal statute authorizes DoD components to lease to commercial enterprises, non-excess Federal land that is not currently needed for public use.

PART 2

FEDERAL REGULATIONS

1 CODE OF FEDERAL REGULATIONS, TITLE 40, PROTECTION OF THE ENVIRONMENT

The Code of Federal Regulation (CFR) consists of 50 titles representing broad areas subject to Federal regulation. All general and permanent regulations published in the daily Federal Resister by executive agencies and departments of the Federal government appear in the CFR, which is updated annually. For example, all regulations promulgated by the EPA are codified in Title 40 of the CFR.

Relevant CFRs are:

1. 7 CFR 658; Farm Land Protection Policy Act (NOTAL)

2. 15 CFR 930; Federal Consistency with Approved Coastal Management Programs (NOTAL)

3. 18 CFR 1312; ARPA, Final Uniform Regulations (NOTAL)

4. 29 CFR 1910; Occupational Safety and Health Standards (NOTAL)

5. 29 CFR 1910.120; Occupational Safety and Health Administration (OSHA) Regulations on Hazardous Waste and Emergency Response (NOTAL)

6. 29 CFR 1910.1200; OSHA Hazard Communication Standard (NOTAL)

7. 32 CFR 97; Release of Classified Information (NOTAL)

8. 32 CFR 229; Regulations for ARPA (NOTAL)

9. 32 CFR 265; Natural Resources Management Program (NOTAL)

10. 33 CFR 148; Deep Water Ports (NOTAL)

11. 33 CFR 154; Oil Pollution Prevention Regulations for Marine Oil Transfer Facilities (NOTAL)

12. 36 CFR 296; ARPA Final Uniform Regulations (NOTAL)

13. 36 CFR 297; Wild and Scenic Rivers (NOTAL)

14. 36 CFR 800+; NHPA Regulations for the Protection of Historic Properties (NOTAL)

15. 40 CFR 6; EPA Regulations on Implementation of National Environmental Policy Act Procedures (NOTAL)

16. 40 CFR 50; Environmental Protection Agency Regulations on National Primary and Secondary Ambient Air Quality Standards (NOTAL)

17. 40 CFR 56; EPA Regulations on Regional Consistency Under the Clean Air Act (NOTAL)

18. 40 CFR 58; EPA Ambient Air Quality Surveillance Regulations (NOTAL)

19. 40 CFR 60; EPA Regulations on New Source Performance Standards (NOTAL)

20. 40 CFR 62; EPA Regulations on State Plans for Designated Facilities and Pollutants (NOTAL)

21. 40 CFR 65; EPA Regulations on Delayed Compliance Orders Under the Clean Air Act (NOTAL)

22. 40 CFR 66; EPA Regulations for Assessment and Collection of Noncompliance Penalties (NOTAL)

23. 40 CFR 69; EPA Special Exemptions from Requirements of the Clean Air Act (NOTAL)

24. 40 CFR 81; EPA Regulations Designating Areas for Air Quality Planning (NOTAL)

25. 40 CFR 82; EPA Stratospheric Ozone Protection Regulations (NOTAL)

26. 40 CFR 87; EPA Regulations on Control of Air Pollution and Aircraft and Aircraft Engines (NOTAL)

27. 40 CFR 104; EPA Regulations on Public Hearings on Effluent Standards for Toxic Pollutants (NOTAL)

28. 40 CFR 109; EPA Regulations on Criteria for State, Local, and Regional Oil Removal Contingency Plans (NOTAL)

29. 40 CFR 110; EPA Regulations on Discharge of Oil (NOTAL)

30. 40 CFR 112; EPA Regulations on Oil Pollution Prevention (NOTAL)

31. 40 CFR 113; EPA Regulations on Liability for Small Onshore Oil Storage Facilities (NOTAL)

32. 40 CFR 116-117; EPA Regulations on Hazardous Substances (NOTAL)

33. 40 CFR 112-124; EPA Regulations Implementing RCRA (NOTAL)

34. 40 CFR 125; EPA Regulations on Criteria and Standards for the National Pollutant Discharge Elimination System (NOTAL)

35. 40 CFR 129, EPA Toxic Pollutant Effluent Standards (NOTAL)

36. 40 CFR 130; EPA Requirements for Water Quality Planning and Management (NOTAL)

37. 40 CFR 141-143; EPA National Drinking Water Regulations (NOTAL)

38. 40 CFR 148; EPA Regulations on Hazardous Waste Disposal Restrictions for Class I Wells (NOTAL)

39. 40 CFR 150-186; EPA Regulations for Pesticide Programs (NOTAL)

40. 40 CFR 220-225, 227-229; Ocean Dumping Regulations and Criteria (NOTAL)

41. 40 CFR 230; EPA Interim Regulations on Discharge of Dredged or Fill Material into Navigable Waters (NOTAL)

42. 40 CFR 231; EPA Regulations on Disposal Site Determination Under the Clean Water Act (NOTAL)

43. 40 CFR 240-241; EPA Guidelines for the Thermal Processing of Solid Wastes and for the Land Disposal of Solid Wastes (NOTAL)

44. 40 CFR 243; EPA Guidelines for Solid Waste Storage and Collection (NOTAL)

45. 40 CFR 245; EPA Guidelines for Resource Recovery Facilities (NOTAL)

46. 40 CFR 247; EPA Guidelines for Procurement of Products that Contain Recycled Material (NOTAL)

47. 40 CFR 248; EPA Guidelines for Federal Procurement of Building Insulation Products Containing Recovered Materials (NOTAL)

48. 40 CFR 250; EPA Guidelines for Federal Procurement of Paper and Paper Products Containing Recovered Materials (NOTAL)

49. 40 CFR 252; EPA Guidelines for Federal Procurement of Lubricating Oils (NOTAL)

50. 40 CFR 255; EPA Guidelines for Identification of Regions and Agencies for Solid Waste Management (NOTAL)

51. 40 CFR 257; EPA Regulations on Criteria for Classification of Solid Waste Disposal Facilities and Practices (NOTAL)

52. 40 CFR 259; EPA Medical Waste Regulations (NOTAL)

53. 40 CFR 260-270; EPA Regulations Implementing RCRA (NOTAL)

54. 40 CFR 280; Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks (NOTAL)

55. 40 CFR 300; EPA National Oil and Hazardous Substances Pollution Contingency Plan Under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (NOTAL)

56. 40 CFR 302; EPA Designation, Reportable Quantities and Notification Requirements for Hazardous Substances Under CERCLA (NOTAL)

57. 40 CFR 350; Trade Secrecy Claims for Emergency Planning and Community Right-To-Know Information and Trade Secret Disclosures to Health Professionals (NOTAL)

58. 40 CFR 355; EPA Regulations for Emergency Planning and Notification Under CERCLA (NOTAL)

59. 40 CFR 370; EPA Hazardous Chemical Reporting and Community Right-To-Know Requirements (NOTAL)

60. 40 CFR 372; EPA Toxic Chemical Release Reporting Regulations (NOTAL)

61. 40 CFR 403; General Pretreatment Regulations for Existing and New Sources of Pollution (NOTAL)

62. 40 CFR 413; EPA Effluent Guidelines and Standards for Electroplating (NOTAL)

63. 40 CFR 414; EPA Effluent Guidelines and Standards for Organic Chemicals (NOTAL)

64. 40 CFR 415; EPA Guidelines and Standards for Inorganic Chemicals (NOTAL)

65. 40 CFR 417; EPA Effluent Guidelines and Standards for Soaps and Detergents (NOTAL)

66. 40 CFR 433; EPA Effluent Guidelines and Standards for Metal Finishing (NOTAL)

67. 40 CFR 504; State Sludge Management Program Regulations (NOTAL)

68. 40 CFR 760-761; EPA Regulations for Controlling PCBs (NOTAL)

69. 40 CFR 1500-1508; Council on Environmental Quality Regulations on Implementing National Environmental Policy Act Procedures (NOTAL)

70. 43 CFR 7; ARPA, Final Uniform Regulations (NOTAL)

71. 43 CFR 35; Hospital and Station Management (NOTAL)

72. 43 CFR 402; Sale of Lands in Federal Reclamation Projects (NOTAL)

73. 49 CFR 100-199; Department of Transportation Hazardous Materials Regulations (NOTAL)

74. 50 CFR 10; Regulations Concerning Marine Mammals (NOTAL)

75. 50 CFR 17.11; Fish and Wildlife Service List of Endangered and Threatened Wildlife (NOTAL)

76. 50 CFR 18, 216, 228; Regulations Concerning Marine Mammals (NOTAL)

77. 50 CFR 402; Interagency Cooperation - Endangered Species Act of 1973 (NOTAL)

PART 3

EXECUTIVE ORDERS AND REORGANIZATION PLANS

1 **Executive Order 11472, 29 May 1969.**

Establishes the Environmental Quality Council and the Citizen's Advisory Committee on Environmental Quality. Reorganization Plan No. 3 of 1970 establishes the EPA.

2 **Executive Order 11514, 7 March 1970.**

Directs issuance of instructions and guidelines relative to preparation of EISs.

3 **Executive Order 11523, 9 April 1970.**

Establishes the National Industrial Pollution Control Council.

4 **Executive Order 11574, 23 December 1970.**

Provides for the administration of the Refuse Act Permit Program.

5 **Executive Order 11602, 30 June 1971.**

Provides for the administration of the CAA with respect to Federal contracts.

6 **Executive Order 11988, 24 May 1977.**

Requires Federal agencies to evaluate the effects of actions they take on floodplains.

7 **Executive Order 11989, 24 May 1977.**

Clarifies agency authority to define zones of use by off-road vehicles on public lands and amends EO 11644 of 8 February 1972, by exempting fire, military, emergency, law enforcement, or combat/combat support vehicles.

8 **Executive Order 11990, 24 May 1977.**

Directs agencies to take action to protect wetlands on their (Federal) property; provides specific criteria for effect;and mandates review of proposed actions on wetlands through procedures established by NEPA.

9 **Executive Order 11991, 24 May 1977.**

Restates the purpose of NEPA and instructs the CEQ to issue regulations to Federal agencies to "streamline" the NEPA process, thereby making the process more useful to decision-makers and the public. Also makes compliance to the new regulations mandatory except where inconsistent with statutory requirements.

10 **Executive Order 12088, 13 October 1978, replaces Executive Order 11507.**

Requires Federal facility leadership in furthering the purpose and policies of the CAA; the Federal Water Pollution Control Act; the SWDA; the Noise Control Act; the MPRSA; the SDWA; TSCA; the Federal Environmental Pesticide Control Act; and NEPA.

11 **Executive Order 12114, 4 January 1979.**

Directs Federal agencies to take action to further the purpose of the NEPA with respect to the environment outside the U.S. and its territories and possessions.

12 **Executive Order 12344, 1 February 1982.**

Pertains to the Naval Nuclear Propulsion Program.

13 **Executive Order 12580, 29 January 1987.**

Delegates authority to Federal agencies to investigate and respond to HM spills under CERCLA, as amended by SARA.

PART 4

OMB CIRCULARS

1 OFFICE OF MANAGEMENT AND BUDGET (OMB) CIRCULAR NO. A-106, 31 December 1974.

This circular provides procedures to be followed by Federal agencies in carrying out the provisions of EO 12088 pertaining to the control of environmental pollution from existing Federal facilities. All Federal agencies must report specific environmental requirements semiannually, in a standard format, to EPA.

PART 5

DEPARTMENT OF DEFENSE DIRECTIVES AND INSTRUCTIONS

1. DoD Directive 4001.1 of 4 September 1986; Installation Management (NOTAL)

2. DoD Directive 4100.5 of 24 June 1989; Commercial Activities Program (NOTAL)

3. DoD Directive 4120.14 of 30 August 1977; Environmental Pollution Prevention, Control, and Abatement (NOTAL)

4. DoD Directive 4145.19 of 13 August 1975; Storage and Warehousing Facilities and Services (NOTAL)

5. DoD Directive 4150.7 of 24 October 1983; DoD Pest Management Program (NOTAL)

6. DoD Directive 4165.57 of 8 November 1977; Air Installations Compatible Use Zones (NOTAL)

7. DoD Directive 4165.60 of 4 October 1976; Solid Waste Management - Collection, Disposal, Resource Recovery, and Recycling Program (NOTAL)

8. DoD Directive 4210.15 of 27 July 1989; Hazardous Material Pollution Prevention (NOTAL)

9. DoD Directive 4700.2 of 21 July 1986; Secretary of Defense Award for Natural Resources and Environmental Management (NOTAL)

10. DoD Directive 4700.4 of 24 January 1989; Natural Resources Management Program (NOTAL)

11. DoD Directive 4710.1 of 21 June 1984; Archeological and Historical Resources Management (NOTAL)

12. DoD Directive 5030.41 of 1 June 1977; Oil and Hazardous Substance Pollution Prevention and Contingency Planning (NOTAL)

13. DoD Directive 5154.12 of 23 July 1979; The Armed Forces Pest Management Board (NOTAL).

14. DoD Directive 5405.2 of 23 July 1985; Release of Information and Litigation in Testimony by DoD Personnel as Witnesses (NOTAL)

15. DoD Directive 6050.1 of 30 July 1979; Environmental Effects in the United States of DoD Actions (NOTAL)

16. DoD Directive 6050.4 of 16 March 1982; Marine Sanitation Devices for Vessels Owned or Operated by the Department of Defense (NOTAL)

17. DoD Directive 6050.7 of 31 March 1979; Environmental Effects Abroad of Major Department of Defense Actions (NOTAL)

18. DoD Directive 6050.8 of 27 February 1986; Storage and Disposal of non-DoD Owned Hazardous and Toxic Materials on DoD Installations (NOTAL)

19. DoD Directive 6050.9 of 13 February 1989; Ozone Depleting Substances (NOTAL)

20. DoD Directive 6050.15 of 14 June 1985; Prevention of Oil Pollution from Ships Owned or Operated by the DoD (NOTAL)

21. DoD Directive 6230.1 of 24 April 1978; Safe Drinking Water (NOTAL).

APPENDIX B

EPA REGIONAL OFFICES

Region I
Environmental Protection Agency
John F. Kennedy Bldg. Rm No 2203
Boston, MA 02203
Phone: (617) 565-3715

Region II
Environmental Protection Agency
Jacob K. Javitz Federal Building
26 Federal Plaza
New York, NY 10278
Phone: (212) 264-2657

Region III
Environmental Protection Agency
841 Chestnut Building
Philadelphia, PA 19107
Phone: (215) 597-9800

Region IV
Environmental Protection Agency
345 Courtland Street, N.E.
Atlanta, GA 30365
Phone: (404) 347-4727

Region V
Environmental Protection Agency
230 South Dearborn Street
Chicago, IL 60604
Phone: (312) 353-2000

Region VI
Environmental Protection Agency
First Interstate Bank Tower at Fountain Place
1445 Ross Avenue 12th Floor Suite 1200
Dallas, TX 75202
Phone: (214) 655-6444

Region VII
Environmental Protection Agency
726 Minnesota Avenue
Kansas City, KS 66101
Phone: (913) 551-7000

Region VIII
Environmental Protection Agency
999 18th Street, Suite 500
Denver, CO 80202-2405
Phone: (303) 293-1603

Region IX
Environmental Protection Agency
1235 Mission Street
San Francisco, CA 94103
Phone: (415) 556-6322

Region X
Environmental Protection Agency
1200 Sixth Avenue
Seattle, WA 98101
Phone: (206) 442-1200

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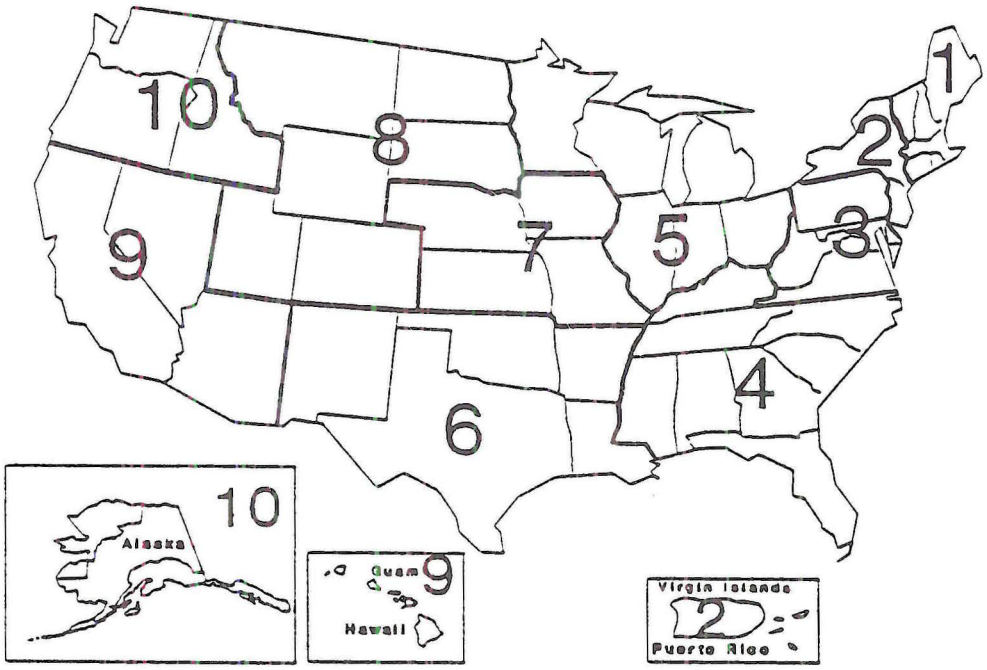
STANDARD EPA REGIONAL BOUNDARIES
TEN REGIONS



Regions		Regions		Regions	
4 -	Alabama	1 -	Maine	3 -	Pennsylvania
10 -	Alaska	3 -	Maryland	1 -	Rhode Island
9 -	Arizona	1 -	Massachusetts	4 -	South Carolina
6 -	Arkansas	5 -	Michigan	8 -	South Dakota
9 -	California	5 -	Minnesota	4 -	Tennessee
8 -	Colorado	4 -	Mississippi	6 -	Texas
1 -	Connecticut	7 -	Missouri	8 -	Utah
3 -	Delaware	8 -	Montana	1 -	Vermont
3 -	D.C.	7 -	Nebraska	3 -	Virginia
4 -	Florida	9 -	Nevada	10 -	Washington
4 -	Georgia	1 -	New Hampshire	3 -	West Virginia
9 -	Hawaii	2 -	New Jersey	5 -	Wisconsin
10 -	Idaho	6 -	New Mexico	8 -	Wyoming
5 -	Illinois	2 -	New York	9 -	American Samoa
5 -	Indiana	4 -	North Carolina	9 -	Guam
7 -	Iowa	8 -	North Dakota	2 -	Puerto Rico
7 -	Kansas	5 -	Ohio	2 -	Virgin Islands
4 -	Kentucky	6 -	Oklahoma		
6 -	Louisiana	10 -	Oregon		

APPENDIX C

PROCESSING NOTICES OF VIOLATION (NOVs) OR NONCOMPLIANCE (NONs) UNDER ENVIRONMENTAL LAWS AND REGULATIONS

1 Framework

Various environmental laws subject Federal facilities to Federal, state, and local substantive and procedural requirements. Accordingly, NOVs or NONs may be received. In general, Federal facilities must comply with substantive and procedural requirements imposed by Federal, state, interstate, and local authorities. Where regulators detect suspected violations of those requirements, Federal EPA officials may issue notices of noncompliance (NON); state and local officials may issue notices of violation (NOV). As a matter of policy, the Federal EPA does not request money penalties from Federal facilities. State regulatory agencies sometimes request penalty payments. Requests for payment of fines and penalties for violation of environmental laws and regulations shall not be met without first seeking the advice of legal counsel. This appendix applies to the investigation of violations of or noncompliance with, environmental laws and regulations by Navy activities and subsequent payment of fines or penalties, where warranted.

2 Responsibilities

2.1 Upon receipt of <u>any</u> oral, informal, or formal notice of noncompliance, the commanding officer shall seek technical and legal support from the command environmental technical personnel and from the command Navy JAG officer or Navy OGC attorney. Additional technical and legal assistance is available from major claimants and from the cognizant NAVFACENGCOM EFD. Upon receipt of any such NOV, NON, warning letter, citizen suit notice, warning notice, consent order, or any other such notice of deficiency of Federal, state, interstate, or local environmental control laws or regulations, the commanding officer of the cited facility shall:

a. Inform CNO by message, with information copies to the chain of command, Navy OGC (Environmental Law Office), COMNAVFACENGCOM, appropriate NAVFACENGCOM EFD, NEESA Port Hueneme, CA, and regional environmental coordinator. The initial message shall be sent upon receipt of the written or oral citation and conform to the format described in paragraph 2.2 of this appendix. A followup NAVGRAM containing additional details shall be sent as soon as the information requested in paragraph 2.3 is known, or within six months of receipt of the NOV, whichever occurs first. Additional followup NAVGRAMs are required every six months from the receipt of the NOV, until the issuing agency considers the NOV complete. The final NAVGRAM for a specific NOV shall state that all issues are resolved and that the issuing agency considers the action complete.

b. Conduct a preliminary inquiry into the facts and circumstances of the violation, obtain legal and technical support, and take corrective action. Upon request for payment of a fine or penalty, prepare a written investigative report per procedures established by the major claimant or delegated representative. The investigative report shall cover the facts and circumstances of the incident and include such documents, statements, photographs, claims for damage, notice of fine or penalty, and further data as may be required in the particular case. The format of the report may be either a JAG Manual investigation or letter report. The investigative report shall be forwarded to the major claimant via the chain of command with copies to Navy OGC (Environmental Law Office), NEESA, the regional environmental coordinator, and the appropriate NAVFACENGCOM EFD.

c. Prepare responses to pollution control agencies per policies provided in this manual.

d. Consult with on-site or command counsel, and if no factual or legal defense exists, negotiate the lowest possible amount of penalty, arrange for payment, and advise all addressees in paragraph 2.1.a by message. Payments shall be made from the operating funds of the activity or major claimant.

e. If there is a defense, forward the investigative report to the major claimant via the chain of command with a copy to Navy OGC (Environmental Law Office) and recommend that the fine or penalty

be contested. In cases where the recommendation to contest the violation or noncompliance is not accepted, procedures outlined paragraph 2.1.d will be followed.

2.1.1 Major claimants shall maintain a current listing of all NOVs or other notices, etc. received by activities under their command. Claimants shall compare the listing of their commands to the DoD Compliance Status Report published quarterly by the EPA Office of Federal Activities. Any errors or discrepancies present on the DoD Compliance Status Report shall be reported via letter to the EPA Office of Federal Activities.

2.2 **Required Initial Information on NOVs.** Initial information is required for each NOV, written or oral citation, etc. that is received and shall be submitted using the following message format:

FM: NAVY ACTIVITY/SHIP//CODE//

TO: CNO WASHINGTON DC//45//

INFO: CHAIN OF COMMAND
LEGSVCSUPPGRU OGC WASHINGTON DC//ELO//
REGIONAL ENVIRONMENTAL COORDINATOR//JJJ//
NEESA PORT HUENEME CA//112//
COMNAVFACENGCOM//18//
NAVFACENGCOM EFD//JJJ//

//UNCLAS //N05090//

SUBJ: RECEIPT OF NOTICE OF ENVIRONMENTAL NONCOMPLIANCE

MSGID/GENADMIN/ORIGINATOR//CODE//
REF/A/DOC/OPNAVINST 5090.1A//
RMKS/

1. Activity or ship name in violation

2. Navy UIC number

3. Activity address/ship homeport

4. City (for ships, where violation occurred)

5. State (use 2 letter state abbreviations)

6. County

7. Point of contact for additional information

8. POC telephone number:

9. EPA region

10. Was a NOV received (yes or no). For this purpose, an NOV is any formal written notification by the EPA or an authorized state or local environmental regulatory agency of a violation or violations of law or regulation, which applies to the regulatory agency's first level of enforcement action. Warning letters or notices of deficiencies are not NOVs, but are to be included on line 12.

One written notice, regardless of the number of individual violations, findings or citations counts as one NOV. Do not include on line 10 items found to be out of compliance by a regulator, but not set forth in writing.

If the NOV cites violations in more than one media (see NOV Table C-1), then count it as multiple NOVs, one under each of the applicable media categories. Only one message is required, however, the specific information required in this message must be included for each media. Generally, lines 1 through 14 of this message will be the same for the different media violations that result from a multi-media inspection. Lines 15 through 24 will be repeated for each media which was cited.

11. Violation description, other than NOV (i.e., NON, Warning letter, Regulatory agency Inspectors Report identifying deficiencies, oral inspection outbriefs). Violations involving more than one media are to be handled in the same manner as NOVs (see line #10).

12. Name of issuing agency and violation number(s)

13. Date of notification (mm/dd/yy). The date that the NOV, etc., was initiated by the regulatory agency (preferably the date on the letterhead)

14. Date of inspection (mm/dd/yy). The date of the inspection during which the violation was detected. If the inspection took several days use the date noted on the NOV, etc., or, if none, then use the date the inspection started.

15. Media (refer to Table C-1). The law under which the violation was issued.

16. Regulation or act cited (with specific section)

17. Permit numbers related to violation

18. Total number of individual findings issued by regulatory agency. A finding is a specific violation with citation of environmental law or regulation.

19. List each violation separately and classify into one of the following (list should equal total in item 18):

Class A. Releases to the environment

Class B. Violations with the potential to cause a release or damage

Class C. Administrative violations. A specific violation, citation, or finding which occurs as a result of improper paperwork, report filings, or labeling. This not include paperwork associated with permit applications.

20. Was a fine assessed or requested?

21. Dollar amount of fines assessed. Total dollar amount of the fine assessed.

22. Summary of demand for payment

23. Was a compliance agreement, negotiation, or agreement requested by the regulatory agency?

24. Summary of proposed agreement or schedule.

25. Additional information (i.e., unusual circumstances or events leading to NOV).

2.3 **Required Followup Information on NOVs.** A followup NAVGRAM is required for each NOV, written or oral citation, etc. for which an initial message was sent under paragraph 2.2. As with the initial message, one NAVGRAM may be used to report on more than one media as a result of multimedia inspections and violations. The following format shall be used:

FM: NAVY ACTIVITY/SHIP

TO: CNO WASHINGTON DC//45//

INFO: CHAIN OF COMMAND
LEGSVCSUPPGRU OGC WASHINGTON DC//ELO//
NAVFACENGCOM EFD//JJJ//
REGIONAL ENVIRONMENTAL COORDINATOR/JJJ//
NEESA PORT HUENEME CA//112//
COMNAVFACENGCOM//18//

UNCLAS //N05090//

SUBJ: FOLLOWUP REPORT OF NOTICE OF ENVIRONMENTAL NONCOMPLIANCE

MSGID/GENADMIN/ORIGINATOR//CODE//
REF/A/DOC/OPNAVINST 5090.1A//
REF/B/DTG OF INITIAL MESSAGE/VIOLATION NUMBER//
RMKS/

1. Activity or ship name in violation

2. Navy UIC number

3. Activity address/ship homeport

4. City (for ships, where violation occurred)

5. State

6. County

7. Point of contact for additional information

8. POC telephone number

9. EPA region

10. Was a fine paid? Y or N

11. Dollar amount of fine paid

12. DERA paid. Total dollar amount of fines disbursed out of the Defense Environmental Restoration Account for CERCLA violations.

13. Was compliance agreement, negotiation or schedule accepted? Y or N.

MEDIA TYPES

Applicable law	Code
Clean Air Act	A
Clean Water Act	W
Safe Drinking Water Act	S
Resource Conservation and Recovery Act	
Subtitle C: Hazardous wastes	C
Subtitle D: Nonhazardous solid wastes	D
Subtitle I: Underground storage tanks	I
Toxic Substances Control Act	T
Comprehensive Environmental Response, Compensation, and Liability Act	R
Federal Insecticide, Fungicide, and Rodenticide Act	F
Endangered Species Act	E
Historic Preservation Act	H
Archaeological Protection Act	R
Other	Z

Table C-1

14. Date of agreement (mm/dd/yy)

15. Is the compliance agreement closed (Compliance agreement resolved to the satisfaction of the issuing agency).

16. Financial obligation resulting from the Compliance Agreement.

17. Fiscal year(s) for which the financial obligations have been incurred.

18. Dollar amount and appropriation of projected costs resulting directly from Compliance Agreements.

19. Is the NOV resolved. Yes or no. To be resolved, an NOV must be resolved to the satisfaction of the issuing agency. Note that all individual findings, violations, or citations within the NOV must be resolved for the NOV to be considered resolved.Have all issues of the NOV or other enforcement notice been resolved?

20. Date of resolution (mm/dd/yy)

21. Has the issuing agency concurred with resolution of the issues and removed the violation from their active files? Y or N.

22. Date of concurrence (mm/dd/yy). The date on which the regulatory agency confirms that all findings are resolved. Notification may be in formal written form or documented conversation.

23. Expected completion date for issues not immediately corrected (mm/dd/yy)

24. Summary of reasons for not resolving the issues.

25. Is a compliance project required to achieve compliance with NOV?

26. Has project/PCR exhibit been submitted to the major claimant and/or EFD? If MILCON is required, provide project number and program year.

27. A-106 project number. The unique identification number assigned to the project in the A-106 Project Report Form. Include only those A-106 projects that have either of the following two compliance status codes: CMPA = required to meet conditions of a signed Federal Facility compliance agreement, consent order or equivalent state or local enforcement action, or INOV = required to meet deficiencies found on inspections by regulatory authority or cited in an NOV or equivalent.

28. Additional information.

APPENDIX D

ENVIRONMENTAL QUALITY AND NATURAL RESOURCES CONSERVATION AWARDS

1 CNO Environmental Quality Awards Program

1.1 Awards Program. CNO annually grants Environmental Quality awards to ships, shore activities, and personnel of the Navy. CNO Environmental Quality Awards are given to stimulate outstanding performance in protecting and enhancing the quality of the environment by citing:

a. The most significant environmental protection program conducted by an industrial installation (an installation with a primary mission of producing, maintaining or rehabilitating military material)

b. The most significant environmental protection program conducted by a non-industrial installation

c. The greatest initiative taken toward operating in an environmentally acceptable manner by a large Navy ship (crew size greater than 400)

d. The greatest initiative taken toward operating in an environmentally acceptable manner by a small Navy ship (crew size less than 400)

e. An individual who has made significant contributions to the environmental management program during the preceding two years.

The winner in each category will be the Navy nomination for the DoD Environmental Award.

1.2 Guidelines and Standards

1.2.1 Applicability. The Ship Award Program applies to all Navy ships. The Installation Award Program applies to all Navy installations world-wide. However, the DoD Environmental Awards apply only to installations located in the United States, Commonwealth of Puerto Rico, Guam, the Trust Territory of the Pacific Islands, and the Virgin Islands. Therefore, a Navy activity not eligible for the DoD Environmental Award can still win the CNO Environmental Quality Award. If this occurs, the highest rated installation eligible for the DoD Environmental Award will be submitted as the Navy nomination for the DoD Environmental Award. The Individual Award Program applies world-wide to all Navy personnel, both military and civilian. No ship, installation or individual is eligible to win consecutive awards.

1.2.2 Award Categories. The award is based on achievements of the prior two years. Awards will be presented in odd calendar years (e.g., 1991) to an industrial installation and a small ship for achievements during the prior two calendar years (e.g., 1989 and 1990). Awards will be presented in even calendar years (e.g., 1992) to a non-industrial installation and a large ship for achievements during the prior two calendar years (e.g., 1990 and 1991). Individual awards are eligible for presentation each year. The award citation shall be included in the official personnel file of the individual selected for the award.

1.2.3 Nomination Schedule. The nomination schedule for the CNO Environmental Quality Award is as follows:

a. Prior to 1 February, appropriate nomination letters shall be forwarded via the chain of command to Echelon 2 commanders. Letters shall be accompanied by supportive information for the appropriate award category.

b. Prior to 1 March, Echelon 2 commanders shall transmit nominations for the appropriate category to DCNO (Logistics).

c. From 1 March to 21 March, the Navy Environmental Quality Annual Awards Committee shall evaluate nominations and select finalists.

d. Prior to 15 May, CNO will announce the winners, issue instructions to cognizant commands

regarding awards ceremony and presentations, and submit nominations for comparable DoD Environmental Awards.

1.2.4 **Nominations.** Each major claimant shall submit a nomination for each award to DCNO (Logistics), for the period ending the preceding December 31. Nominations shall be in a narrative style. They shall be typewritten or printed and fastened or bound in folders not to exceed 9 x 11 inches. Nominations shall be judged on substantive content and not on elaborateness or art work. The nominations shall be concise and describe the program and accomplishments accurately. Summaries, highlights, explanatory captions, tables, charts, and other formats that clarify the content are encouraged.

1.2.5 **Nomination Content.** The content of the award nomination shall include:

a. Installation Awards. Nominations shall focus on specific contributions in each program as outlined in Tab A to Appendix D. Initiatives, progress, and achievements shall be described clearly. A nomination may not exceed 50 pages of text including illustrations. The format for nominations is provided in Tab A to Appendix D.

b. Ship Awards. Nominations shall focus on specific contributions in each program as outlined in Tab B to Appendix D. Initiatives, progress, and achievements shall be described clearly. A nominations may not exceed 10 pages of text including illustrations. The format for nominations is provided in Tab B to Appendix D.

c. Individual Awards. Nominations shall be in the format described in Tab D to Appendix D and shall not exceed four typewritten pages in length. The nominee's description shall include special accomplishments and contributions to DoD and Navy goals during the preceding two calendar years and specific indications of how the nominee's normal job requirements were exceeded.

1.2.6 **Judging Criteria.** The following criteria shall be used in judging nominations:

a. Awareness of existing environmental directives and local and state environmental laws

b. Command interest and attention

c. Command relations with community, regional, state, and Federal agencies

d. Motivation and attitude of personnel toward the environmental protection program, as exhibited by their participation in their ship's or shore activity's program

e. Minimization/recycling of HW

f. Training of personnel with respect to environmental protection

g. Planning in the areas of air, water, HW, and noise pollution abatement and control

h. Innovation in the improvement of existing equipment of design and development of a new process or unit to solve specific environmental protection problems.

1.2.7 **Award Announcement and Presentation.** The CNO will announce the winners of the awards. Appropriate award recognition items shall be presented.

1.3 **Responsibilities**

1.3.1 DCNO (Logistics) or designee shall coordinate and administer the awards program, including amplification of the guidelines promulgated in paragraph 1.2. An awards committee shall be established to assist in the selection process.

1.3.2 Echelon 2 commanders shall:

a. Conduct initial evaluations and submit a nomination per category to DCNO (Logistics). At their discretion, major claimants may nominate two (2) ships per category.

b. Enter nominations only when the activities are truly outstanding

c. Assist the program by giving appropriate command recognition to subordinate commands excelling in pollution avoidance, abatement and control, and to individuals engaged therein.

2 CNO Natural Resources Conservation Awards Program

2.1 Awards Program. CNO annually grants Natural Resources Conservation Awards to:

a. One naval installation which conducted the most outstanding conservation program during the preceding three calendar years

b. One installation runner-up

c. One individual (military or civilian) who made the most significant contribution to the Navy Natural Resources Conservation Program during the preceding two calendar years.

CNO may also award citations annually for special achievements in support of the Navy NRM program to individuals, installations, shore establishment commands, and operating forces commands. Recipients of special recognition citations will be selected from nominees for the installation and individual awards, from letters of recommendation from any echelon of command, and from other information sources.

The winners of the CNO Natural Resource Conservation Awards will be nominated for the comparable DoD Natural Resources Conservation Awards. These nominees will compete with nominees from the other military services.

2.2 Guidelines and Standards

2.2.1 Applicability. The Installation Award Program applies to installations and facilities located in the United States, Commonwealth of Puerto Rico, Guam, the Trust Territory of the Pacific Islands, and the Virgin Islands. The Individual Award Program applies worldwide. Individual award nominees are not necessarily associated with an installation program.

2.2.2 Awards Categories. Installation awards are offered in alternate years, in two categories, to recognize smaller installations (Category A) as well as larger ones (Category B). Category A installations are defined as those with 10,000 acres or less included in the installation integrated NRM plan. Those installations are eligible for nomination in years ending in an odd number. Category B installations are defined as those with over 10,000 acres included in the installation NRM plan. The installations are eligible for nomination in years ending in an even number. An installation is eligible for nomination only when all required sections of the NRM plan and all required cooperative agreements are current or being revised/prepared and will be current before competition for the comparable DoD Natural Resources Conservation Award. An installation winning the CNO Natural Resources Conservation Award is ineligible to compete for consecutive awards. However, an installation ineligible to compete for an award is eligible for a special recognition citation.

2.2.3 Nomination schedule. The nomination schedule for the CNO Natural Resources Conservation Award is as follows:

a. Prior to 1 February, nominations shall be forwarded via the chain of command to Echelon II commanders

b. Prior to 1 March, Echelon 2 commanders shall transmit nominations to DCNO (Logistics)

c. From 1 March to 21 March, a distinguished judging panel from non-DoD organizations will evaluate nominations and select finalists

d. Prior to 15 May, CNO will announce the winners, issue instructions to cognizant commands regarding awards ceremonies and presentations, and submit nominations for comparable DoD awards.

2.2.4 Nominations. Installation nominations shall be narrative in style, address the items listed in the above, and cover the three year achievement period ending the preceding December 31. They shall be typewritten or printed and fastened or bound in folders not to exceed 9 x 12 inches. The submission should not exceed 50 pages including text and illustrations. Appendices directly supporting the text may be added.

2.2.5 Nomination Content. Nominations will be judged on substantive content and not on elaborateness or art work. Nominations shall be prepared such that they can be used by the installation for

public and conservation education. Highlights, explanatory captions, tables, charts, or other formats that make the content readily understood may be included. Initiatives and achievements in each area of the natural resources program shall be clearly indicated. Pollution abatement activities may not be included unless they are related directly to natural resources management. Installation nominations shall follow the format provided in Tab D to Appendix D supplemental guidance regarding preparation of installation nominations is provided in Tab E to Appendix D. Individual nominations shall be in narrative form, shall not exceed four pages in length, and shall describe the nominee's accomplishments in natural resources management and contributions to the Natural Resources Program during the preceding two calendar years. Individual nominations shall follow the format provided in attachment D-6. Photographs of the individual should not accompany the nomination. Letters recommending a special recognition citation may be submitted to DCNO (Logistics) for consideration by the CNO Natural Resources Conservation Awards judging panel.

2.2.6 **Judging Criteria.** The following criteria shall be used in judging nominations:

a. Installation Nominations

(1) Awareness of existing directives and applicable laws

(2) Planning and achievement in the areas of forestry, fish and wildlife, outdoor recreation, endangered species, and land management

(3) Innovation in management of the natural resources management program

(4) Command interest and attention

(5) Designation of an installation natural resources program manager/coordinator

(6) Training of personnel in natural resources technical duties as well as awareness of the command's specific and unique natural resources

(7) Command participation and coordination with state, community, and regional natural resources agencies

(8) Variety of benefits derived from management of natural resources

(9) Motivation and attitude of installation personnel toward the NRM program

(10) Designation of special interest areas including archeological, historical, botanical, zoological, geological, natural, scenic, wild, research, and resource conservation areas.

b. Individual nominations are judged solely on accomplishments which contributed to the Navy Natural Resources Conservation Program.

2.2.7 **Awards Announcement and Presentation.** CNO will announce the winners of the awards. Appropriate award recognition items shall be presented. The individual award citation shall be included in the official personnel file of the individual selected for the award.

2.3 **Responsibilities**

2.3.1 DCNO (Logistics) or a designee shall coordinate and administer the awards program and insure an judging panel is established each year, to judge nomination submittal and recommend winners to the CNO.

2.3.2 Echelon 2 commanders shall conduct initial evaluations and submit nominations, with a letter of endorsement for each submittal, to DCNO (Logistics) prior to 1 March.

TAB A

FORMAT FOR INSTALLATION NOMINATIONS FOR THE CNO ENVIRONMENTAL QUALITY AWARDS

1 Introduction

1.1 Describe the mission, approximate civilian and military population (unless classified) of the installation, and total acreage of the installation.

1.2 Characterize the environmental and geographical setting of the installation.

2 Background

2.1 Summarize the environmental challenges at the installation.

2.2 Describe the organization and staffing of the installation's environmental quality program and the management approach used.

2.3 Describe any installation and community committees or boards that influence the installation's environmental quality program.

2.4 List all environmental plans an agreements and the dates of preparation or last revision.

3 Program Summary

3.1 Describe the objectives of the environmental management program and the degree of attainment of each objective during the past two years.

3.2 Describe the most outstanding program features and accomplishments of the past two years.

4 **Accomplishments.** Describe activities and accomplishments during the past two years in the following areas (if applicable):

4.1 National Environmental Policy Act (NEPA) Implementation

4.1.1 Detail the proposals analyzed and the NEPA process carried out for each.

4.1.2 Describe the coordination and public involvement techniques used and their effectiveness.

4.1.3 Characterize the methodology for integrating environmental analyses into planning and decision making.

4.2 Air Pollution Control

4.2.1 Detail plant improvements.

4.2.2 Delineate emission sampling and ambient air monitoring efforts.

4.2.3 Describe control of activities in consideration of meteorological conditions.

4.3 Water Pollution Control

4.3.1 Delineate management practices for point and/or non-point sources.

4.3.2 Describe spill prevention and response efforts.

4.3.3 Characterize drinking water protection efforts.

4.3.4 Detail water conservation practices.

4.4 Noise Pollution Control

4.4.1 Describe noise sources and management methodologies.

4.4.2 Detail planning and zoning authorities efforts.

4.5 Radiation Pollution Control

4.5.1 List radiation sources (unless classified).

4.5.2 Describe control and management methodologies.

4.6 Waste Management and Resource Recovery

4.6.1 Summarize solid waste management efforts.

4.6.2 List source reduction techniques.

4.6.3 List resource recovery techniques.

4.7 Hazardous Waste Management/Installation Restoration

4.7.1 Describe compliance status.

4.7.2 Detail HW minimization/recycling efforts.

4.7.3 Characterize the installation restoration program.

4.8 Pest Management

4.8.1 Summarize the elements of and management techniques used in the integrated pest management program.

4.8.2 Describe reductions in pesticide usage and other improvements instituted.

4.9 Environmental Research and Education (on and off installation)

4.9.1 Detail programs to enhance environmental protection ethic and awareness at the installation.

4.9.2 Describe environmental research and development projects.

4.9.3 Identify community involvement activities and affiliation of installation personnel with civic and environmental organizations.

4.9.4 Detail examples of Cooperation with Federal, state and local agencies, organizations, and academic institutions.

TAB B

FORMAT FOR SHIP NOMINATIONS FOR THE CNO ENVIRONMENTAL QUALITY AWARDS

1 **Introduction.** List mission, approximate crew size (unless classified) of the ship, and homeport.

2 **Background**

2.1 Summarize environmental challenges on the ship.

2.2 Describe organization and staffing of ship's environmental management.

2.3 List of all environmental plans and agreements and dates of preparation or last review.

3 **Program Summary**

3.1 Describe environmental quality program and degree of attainment during past two years.

3.2 Describe the most outstanding program features and accomplishments of the past two years.

4 **Accomplishments.** Describe activities and achievements during the past two years in the following areas (if applicable):

4.1 **Air Pollution Control.** Describe emission controls improvements.

4.2 **Water Pollution Control**

4.2.1 Delineate CHT system management practices.

4.2.2 Describe oil spill prevention/response efforts.

4.3 **Waste Management and Resource Recovery**

4.3.1 Summarize solid waste management practices.

4.3.2 List source reduction techniques used by the command.

4.3.3 Enumerate resource recovery techniques used by the command.

4.4 **Hazardous Waste Management.** Describe HW minimization/recycling efforts.

4.5 **Environmental Awareness.** List command initiated programs to enhance environmental protection and awareness.

TAB C

FORMAT FOR INDIVIDUAL NOMINATIONS FOR THE CNO ENVIRONMENTAL QUALITY AWARDS

1 **Background Information.** Include the nominee's name, title or position, employing organization, and DoD employment history.

2 **Position Description** Provide a summary of the nominee's major routine duties and responsibilities during the preceding two calendar years.

3 **Special Accomplishments** Identify, under applicable topical headings, the nominee's special achievements and accomplishments for the preceding two calendar years. Indicate specifically how these efforts and accomplishments exceeded his or her normal duties and responsibilities.

4 **Awards and Achievements.** List and describe awards and other special recognition given to the nominee during the past five years. Describe related professional achievements, including community service work and participation in professional organizations.

TAB D

FORMAT FOR INSTALLATION NOMINATIONS FOR CNO NATURAL RESOURCES CONSERVATION AWARDS

1 Introduction

1.1 Describe mission or missions carried out on the nominated installation's property.

1.2 List approximate civilian and military population (unless classified) of the installation and all properties that are included in the installation's NRM plan.

1.3 List the total acres under the installation's NRM plan, followed by a description of program component acreage (improved, semi-improved, and unimproved acreage; acres of managed forests, wildlife, grazing, agriculture, unique natural areas, lakes, or wetlands; miles of streams or coastline;and acres available for hunting, fishing, and other outdoor recreation).

1.4 Characterize significant natural features of the installation, such as geological, botanical, and archeological assets.

2 Background

2.1 List all components of the integrated NRM plan and the dates of preparation or revision of its component parts.

2.2 List the cooperative agreements that support the NRM plan and the dates of preparation or revision.

2.3 Describe the organization and staffing of the installation's NRM program.

2.4 Describe any committees or boards that influence the installation's NRM program.

3 Program summary

3.1 Describe the most outstanding program features and accomplishments of the past three years.

3.2 Describe the objectives of the NRM plan and the degree of attainment of each objective during the past three years.

4 Accomplishments

Describe activities and accomplishments in the following areas (if applicable):

4.1 Land use management

4.1.1 Explain erosion control and other water quality protection efforts.

4.1.2 Recount water conservation program activities.

4.1.3 Describe agricultural land management actions, including prime and unique farmland protection.

4.1.4 List natural resources improvements and benefits due to outleases.

4.1.5 Present grounds improvements and landscaping projects.

4.1.6 Characterize anti-litter program.

4.1.7 Show where land use management considerations were used in new construction planning.

4.1.8 Describe coordination and cooperation efforts with USDA Soil Conservation Service, County Agriculture Extension Service, and other land management agencies.

4.2 Forest Management

4.2.1 Describe multiple-use coordination of forestry, outdoor recreation, wildlife, esthetics, and endangered species.

4.2.2 List reforestation practices.

4.2.3 Characterize timber stand improvement actions.

4.2.4 Explain improvements accomplished in planning, budgeting, and use of manpower, supplies, and equipment.

4.2.5 Recount use of prescribed burning efforts.

4.2.6 Explain establishment and protection of unique forest areas practices.

4.2.7 Describe cooperative efforts with U.S. Forest Service, state forester, and similar groups or agencies.

4.3 Fish and wildlife

4.3.1 List the variety of species and habitats at the activity.

4.3.2 Describe efforts for the protection of federal- and state-listed threatened and endangered species and their habitats.

4.3.3 Recount effort regarding permanent food plots, wildlife openings, escape cover, etc.

4.3.4 List game and nongame fish and wildlife habitat improvements.

4.3.5 Characterize practices for reintroduction and stocking.

4.3.6 Explain efforts regarding control of degree of access and use of hunting and fishing opportunities by installation personnel and the general public.

4.3.7 Describe improvements in permit program; fee schedule for hunting, fishing, or other opportunities; ratio of permits to general permit versus DoD personnel.

4.3.8 State identification and protection of significant wildlife resources efforts.

4.4 Other natural resources. Describe efforts for protection of areas of cultural, archeological, geological, or ecological significance.

4.5 Outdoor recreation

4.5.1 List parks, camping, picnicking, swimming, hunting, horseback riding, boating, bird-watching, and trails (nature, hiking, and bicycling) at the activity.

4.5.2 Explain off-road vehicle use and control practices.

4.5.3 Describe the permit program.

4.5.4 List the estimated number of visitors (general public and DoD personnel).

4.5.5 Describe cooperation and coordination with Federal, state, and local outdoor recreation agencies.

4.6 Pest management. Explain applications of IPM that support and improve the installation's NRM program.

4.7 Conservation education (on and off installation)

4.7.1 Describe NRM regulations and enforcement program.

4.7.2 List gun and water safety, woodsmanship, camping, and outdoor ethics programs.

4.7.3 Detail efforts on scouting, public school classes, and other group activities related to natural resources conservation.

4.7.4 Explain research and development activities.

4.8 Community relations

4.8.1 Describe public awareness programs and involvement in natural resources conservation programs on and off the installation.

4.8.2 List affiliation of installation personnel with civic and private natural resources conservation organizations and professional conservation societies.

4.8.3 Describe cooperation with Federal, state, local and private natural resources conservation organizations and academic institutions.

4.9 Environmental Enhancement. Indicate how accomplishments and improvements in the NRM program have improved the quality of life at the installation and for surrounding communities.

TAB E

INSTALLATION NOMINATIONS FOR CNO NATURAL RESOURCES CONSERVATION AWARDS (SUPPLEMENTAL GUIDANCE)

1 Procedures

1.1 Describe initiatives that go beyond compliance with regulatory requirements and demonstrate leadership in managing natural resources.

1.2 Clearly state program objectives and degrees of achievement.

1.3 List the entire range of natural resources management activity for the installation (for example, erosion control, agricultural outleases, forestry, wildlife, outdoor recreation, historic preservation, etc.). If any pollution abatement accomplishments are included, show the direct relationship to NRM program objectives.

1.4 Whenever possible, show the use of a variety of techniques and involvements (for example, erosion control to benefit wildlife, recycling program proceeds to finance conservation projects, use of students and youth groups, cooperative arrangements among groups and with other agencies).

1.5 Point out those projects and accomplishments that benefitted neighborhood communities as well as DoD employees.

1.6 Whenever possible, provide evidence of command support and staff and tenant involvement.

1.7 Summarize the scope and status of management plans and agreements.

1.8 Point out examples of compatibility and interdependence of wise management of natural resources and the performance of the military mission.

1.9 Make it easy for judges to see improvements resulting from deliberate scientifically-sound management practices. Draw a picture of the starting point (first year) and the finish (third year). Clearly indicate which resources were applied to achieve the improvements.

1.10 Point out elements of the program and activities that were available to the public; include education efforts.

1.11 Highlight cases of multiple use of natural resources

TAB F

FORMAT FOR INDIVIDUAL NOMINATIONS FOR CNO NATURAL RESOURCES CONSERVATION AWARDS

1 **Background Information.** Include the nominee's name, title or position, employing organization, and DoD employment history.

2 **Position Description.** Provide a summary of the nominee's major routine duties and responsibilities during the preceding two calendar years.

3 **Special Accomplishments.** Identify, under applicable topical headings, the nominee's special achievements and accomplishments for the preceding two calendar years. Indicate, specifically, how these efforts and accomplishments exceeded his or her normal duties and responsibilities.

4 **Awards and Achievements.** List and describe awards and other special recognition given the nominee during the past five years. Describe related professional achievements, including community service work and participation in professional organizations.

APPENDIX E

ENVIRONMENTAL EFFECTS ABROAD OF MAJOR NAVY ACTIONS

1 References

1.1 EO 12114

1.2 DoD Directive 6050.7 of 31 March 1979 (NOTAL)

2 **Purpose.** Reference 1.1 requires environmental consideration for actions that significantly affect the environment outside the U. S., i.e, the global commons, the environment of a foreign nation, or impacts on protected global resources. This appendix establishes internal procedures to achieve the purposes of reference 1.1 and implement reference 1.2.

3 Responsibilities

3.1 **ASN (I&E)** coordinates formal communications with foreign governments concerning environmental agreements, studies or other matters through the Department of State (DOS).

3.2 **DCNO (Logistics)** shall:

a. Advise commands of the requirement for submitting applicable environmental documentation

b. Coordinate, as appropriate, with the President's CEQ, ASDs, ASN (I&E), and other DoD components and Federal agencies concerned with environmental matters

c. Distribute environmental analyses per reference 1.1 and applicable Federal Register publication

d. Identify major decision points wherein environmental effects of actions abroad shall be considered as associated with naval actions.

3.3 **Commanders, commanding officers and subordinate commands** shall:

a. Conduct analyses of the environmental effects of proposed actions per the requirements of this appendix

b. Forward all required environmental documentation to CNO (OP-04) for review and appropriate disposition.

c. Refrain from taking any other than emergency actions until either the expiration of any required publication/comment periods or approval from CNO (OP-04).

4 Definitions

4.1 **Environment.** The natural and physical environment. It excludes social, economic and/or other environments.

4.2 **Federal Action.** An action that is implemented or funded directly by the U.S. Government. It does not include actions in which the U. S. participates in an advisory, information gathering, representational, or diplomatic capacity nor does it include actions taken by a foreign government in a foreign country in which the U.S. is a beneficiary of the action or actions in which foreign governments use funds derived indirectly from the U.S.

4.3 **Foreign Nation.** Any geographic area (land, water, and airspace) that is under the jurisdiction of one or more foreign governments; any area under military occupation by the U.S. alone or jointly with any other foreign government; and any area that is the responsibility of an international organization of governments. Foreign nation includes contiguous zones and fisheries zones regardless of whether recognized by the U.S.

4.4 **Global Commons.** Geographical areas that are outside the jurisdiction of any nation, and include the oceans outside territorial limits and Antarctica. Global commons do not include contiguous zones and fisheries zones or foreign nations.

4.5 **Lead Agency.** The agency among many preparing, or having taken the primary responsibility for preparing, the environmental documentation required under this appendix, reference 1.1, or reference 1.2.

4.6 **Major Action.** Action involving substantial expenditure of time, money, and resources that affect the environment on a large geographic scale or has substantial environmental effects on a more limited geographical area and one that is substantially different or a significant departure from other actions previously analyzed with respect to environmental consideration. Deployment of ships, aircraft, or other military equipment and manpower is not a major action for purpose of this appendix.

4.7 **United States.** All states, territories, and possessions of the U.S. and all waters and airspace subject to the territorial jurisdiction of the U.S.

5 Policy

5.1 The Navy shall take account of environmental considerations under the following sections of this appendix: section 7, when the Navy acts in the global commons or impacts a protected global resource and section 8, when the Navy acts in a foreign nation.

5.2 Foreign policy considerations require coordination with DOS concerning environmental agreements, and other formal arrangements. Consultation with DOS is also required in connection with the utilization of additional exemptions from this instruction under paragraph 8.2.2. All coordination and consultation will be accomplished by ASN (I&E) who will in turn coordinate through the appropriate ASD. Informal, working-level communications and arrangements are not included in this coordination requirement. Other than informal working level arrangements, no communication concerning environmental matters shall be transmitted without coordination with DCNO (Logistics).

6 **General.** The following generalities apply to any environmental analysis required by this appendix:

a. Categorical Exclusions. DoD may provide categorical exclusions for actions that do not significantly effect the environment. If an action is covered by a categorical exclusion no EA or environmental statement is required. Categorical exclusions will be established by the appropriate ASD and promulgated by changes to this appendix. Navy elements identifying recurring actions that have been determined, after analysis, to have no significant affect on the environment shall submit recommendations for categorical exclusions (with accompanying justification) to CNO (OP-45).

b. Tiering. Consideration shall be given to tiering of environmental documentation required by this appendix. Generic statements may include actions with relevant similarities such as common timing, environment effects, alternatives, methods of implementation, or subject matter.

c. Classified and Sensitive Unclassified Information. Environmental analyses that address classified or sensitive unclassified information shall be safeguarded per applicable directives. These requirements take precedence over any disclosure required by this appendix.

d. Limitations. The requirements for preparation, content, and distribution of environmental reviews in the international context shall remain flexible. Application of specific procedures shall be determined on a case-by-case basis and may be modified where necessary to:

(1) Enable the Navy to act promptly. Considerations such as national security and foreign government involvement may require prompt action that takes precedence over the environmental review process

(2) Avoid adverse impacts on relations between the U.S. and foreign governments and/or international organizations

(3) Avoid infringement or the appearance of infringement on the sovereign responsibilities of another government

(4) Ensure consideration of:

(a) Requirements of governmental confidentiality. The need to protect sensitive foreign affairs information and information received from another government with the understanding that it will be protected from disclosure

(b) International commercial, commercial confidentiality, competitive, and export promotion factors. This refers to the requirements to protect domestic and foreign trade secrets and confidential business information from disclosure.

e. Combining Documents. Environmental documents required by this appendix may be combined with other agency documents to reduce duplication. If an environmental statement for a particular action already exists, no new statement is required by this appendix unless substantially changed circumstances exist from those considered in the earlier analysis.

7 Requirements for Environmental Considerations - Global Commons

7.1 Environmental document requirements

7.1.1 General. When an action is determined to be "a major Federal action that significantly affects the environment" of the global commons, an EIS, shall be prepared. The statement may be a specific statement for the particular action, a tiered generic statement for the particular action, or a tiered generic statement covering an entire class of similar actions, whichever is applicable. To determine whether an EIS is required the action command shall consult with CNO (OP-04) or prepare an EA and submit to CNO (OP-04) for review.

7.1.2 Limitations on Actions. Until the requirements of this appendix have been met with respect to actions involving the global commons, no action concerning the proposal may be taken that causes a significant affect to the environment or limits the choice of reasonable alternatives.

7.1.3 Emergencies. Where emergency circumstances make it necessary to take an action that has a significant affect on the environment without meeting the requirements of this section, the Navy element concerned shall consult with the CNO (OP-04). They include actions that must be taken to promote the national defense or security and cannot be delayed, and actions necessary for the protection of life or property. Consultation does not mean prior approval.

8 Requirements for Environmental Considerations - Foreign Nations and Protected Global Resources

8.1 Actions Included

8.1.1 Major Federal actions that will significantly affect the environment of a foreign nation that is not involved in the action. The involvement of the foreign nation may be directly by participation with the U.S. in the action or may be with another participating nation. The focus of this category is on the geographical location of the environmental affect.

8.1.2 Major Federal actions that will have a significant affect on the environment of a foreign nation because they provide to that nation a product or involve a physical project that produces a principal product, emissions, or effluent that is prohibited or strictly regulated by Federal law in the U.S. due to its toxic effects on the environment or its serious public health risk.

8.2 Environmental Document Requirements

8.2.1 General. There are two types of environmental documents officials shall use in environmental consideration for actions covered by this section:

a. Environmental studies - bilateral or multilateral environmental studies, relevant or related to the proposed action, by the U.S. and one or more foreign nations or by an international body or organization in which the U.S. is a member or participant

b. Environmental reviews - concise reviews of the environmental issues involved that are prepared unilaterally by the U.S.

If an environmental document (study or review) already exists for a particular action, no new document is required by this section.

8.2.2 **Exemptions.** The following general exemptions from the requirements of this section are permitted:

a. General Exemptions. The following actions are exempt from the procedural and other requirements of this section under general exemptions established for all agencies by EO 12114:

(1) Actions that CNO determines do not have a significant affect on the environment outside the U.S. or to a designated resource of global importance

(2) Actions taken by the President. They include:

(a) Signing bills into law

(b) Signing treaties and other international agreements

(c) The promulgation of EOs

(d) Presidential proclamations

(e) The issuance of Presidential decisions, instructions, and memoranda. This includes actions taken within the Navy to prepare or assist in preparing recommendations, advice, or information for the President. It does not include actions taken within the Navy to implement or carry out these instruments and issuances after they are promulgated by the President.

(3) Actions taken by or pursuant to the direction of the President or a cabinet officer in the course of armed conflict. The term armed conflict refers to:

(a) Hostilities for which Congress has declared war or enacted specific authorization for the use of armed forces hostilities

(b) Situations for which a report is prescribed by section 4(a)(1) of the War Powers Resolution

(c) Other actions by the armed forces that involve defensive use of introduction of weapons in situations where hostilities occur or are expected. This exemption applies as long as the armed conflict continues.

(4) Actions taken by or pursuant to the direction of the President or a cabinet officer when the national security or national interest is involved. The determination that the national security or national interest is involved in actions by the Navy must be made in writing by the appropriate ASD.

(5) The activities of the intelligence components utilized by the Secretary of Defense under EO 12036. These components include reconnaissance programs and the Office of Naval Intelligence

(6) The decisions and actions of the responsible offices within the Navy with respect to arms transfer to foreign nations. The term arms transfers include the grant, loan, lease, exchange, or sale of defense articles or defense services to foreign governments or international organizations, and the extension or guarantee or credit in connection with these transactions

(7) Votes and other actions in international conferences and organizations. This includes all decisions and actions of the U.S. with respect to representation of its interests at international organizations, multilateral conferences, negotiations, and meetings

(8) Disaster and emergency relief actions

(9) Actions involving export licenses, export permits, or export approvals, other than those relating to nuclear activities. They include:

(a) Advice provided by the Navy to DOS with respect to the issuance of munitions export licenses under section 38 of the Arms Export Control Act

(b) Advice provided by the Navy to DOC with respect to granting of export licenses under the Export Administration Act of 1969

(c) Direct exports by the Navy of defense articles and services to foreign governments and international organizations that are exempt from munitions export license under section 38 of the Arms Export Control Act. The term export approvals does not mean or include direct loans to finance exports.

(10) Actions relating to nuclear activities and nuclear material, except actions providing to a foreign nation a nuclear production or utilization facility, as defined in the Atomic Energy Act of 1954, as amended, or nuclear waste management facility.

b. Additional exemptions. DoD is authorized under EO 12114 to establish additional exemptions that apply only to DoD operations. There are two types of additional exemptions, case-by-case and class.

(1) Case-by-case exemptions. Exemptions other than those specified above may be required because emergencies, national security considerations, exceptional foreign policy requirements, or other special circumstances which preclude or are inconsistent with the preparation of environmental documentation and the taking of other actions prescribed by this appendix. The following procedures apply for approving these exemptions:

(a) Emergencies. This category includes actions that must be taken to promote the national defense or security and cannot be delayed, and actions necessary for the protection of life or property. CNO is authorized to approve emergency exemptions on a case-by-case basis. DoD is required to consult as soon as feasible with DOS and CEQ with respect to emergency exemptions. The requirement to consult as soon as feasible is not a requirement of prior consultation. A report of the emergency action will be made by CNO via ASN (I&E) to ASD who will undertake any necessary consultations.

(b) Other Circumstances. National security considerations, exceptional foreign policy requirements, and other special circumstances not identified above, may preclude or be inconsistent with the preparation of environmental documentation. In such circumstances, CNO is authorized to exempt a particular action from the environmental documentation requirements of this appendix after the prior approval of the appropriate ASD.

(2) Class Exemptions. Circumstances may exist where a class exemption for a group of related actions is more appropriate that a specific exemption. Requests for class exemptions, with supporting documentation are solicited from major commands. Requests shall be submitted to CNO for the establishment of a class exemption.

The Secretary of Defense has the authority to approve additional exemptions.

9 Environmental Studies

9.1 An environmental study is an analysis of the likely environmental consequences of the action considered by the decision making process. It includes a review of the affected environment, significant actions taken to avoid environmental affect to otherwise better the environment, and significant environmental considerations and actions by the other participating nations, bodies, or organizations.

9.2 An environmental study is a cooperative action and not a unilateral action to be undertaken by the U.S. It may be bilateral or multilateral, and it is prepared by the U.S. as a member or participant. The environmental study, because it is prepared as a cooperative undertaking, may be best suited for use with respect to actions that provide strictly regulated or prohibited products or projects to a foreign nation and actions that affect a protected global resource.

10 Whether to Prepare an Environmental Study. The judgment as to whether the action is one that have a significant affect to one of the environments covered by this appendix normally shall be made in consultation with concerned foreign governments or organizations. If a negative decision is made, the file shall be documented with a record of that decision. If a decision is made to prepare a study then, except as provided by this enclosure, no action concerning the proposal may be taken that have a significant affect on the environment until the

study has been completed and the results appropriately considered.

APPENDIX F

SOLID WASTE - SOURCE SEPARATION FACTORS FOR ECONOMIC ANALYSIS

1.1 Determine the approximate quantity of materials that will be source separated, locations where each type of material would be stored for pick up and frequency of required pick up as influenced by economic, environmental, hygienic, aesthetic and safety requirements.

1.2 Request from DRMO a determination of local markets for those items listed in paragraph 10-5.5.1.2 and 10-5.5.1.3, as applicable. Information to be obtained from DRMO should include:

a. Market price, including cost for disposal

b. Prognosis of price future

c. Pick up point changes

d. Any preparation required, such as baling, special tying, etc.

1.3 If there is no market, determine cost avoidance for disposal as municipal solid waste.

1.4 Determine how and the cost of any necessary preparation of the material is to be accomplished, i.e., baling, tying, banding, etc.

1.5 Determine the cost and how the program would be implemented and publicized. Examples are:

a. Directives

b. Bulletins

c. Base newspapers

d. Other

1.6 Determine the cost and the reduction in general refuse quantity that would result from source separation. Examples are:

a. Office white ledger paper. Experience has shown that 0.5 lbs per office worker per day could be source separated. Vary to suit local conditions.

b. Computer printout and other high grade paper. Variable. Must be estimated locally.

c. Corrugated cardboard. Variable. Must be estimated locally.

d. Newspaper. Experience has shown that 0.3 lbs of newspaper per resident per day could be source separated. Vary to suit local conditions.

APPENDIX G

OIL SPILL REPORT (MESSAGE OR NAVGRAM FORMAT)

1. **Precedence (for messages only).** Oil spill messages will normally be by routine precedence provided prior telephone report has been made; if not, use priority precedence.

2. **Classification or Special Handling Marking.** Spill reports are unclassified and do not warrant special handling markings unless classified or sensitive unclassified information must be incorporated. Inclusion of such information should be avoided to the maximum extent possible to permit such reports to be handled on a solely unclassified basis.

3. **Addressee and info blocks** for oil spills to waters of the United States and its contiguous zone:

FM: Navy Activity/Ship (spiller)

TO: NOSC/NOSCDR (see Chapter 11 or 17)

Operational Commander

INFO: CNO WASHINGTON DC//OP-45//

COMNAVSEASYSCOM WASHINGTON DC//00C//

NEESA PORT HUENEME CA//112//

COGARD NATIONAL RESPONSE CENTER WASHINGTON DC//JJJ//

4. **Addressee and info blocks** for oil spills to waters of foreign countries and international waters:

FM: Navy Activity/Ship (spiller)

TO: NOSC/NOSCDR (see Chapter 11 or 17)

Operational Commander

INFO: CNO WASHINGTON DC//45//

NEESA PORT HUENEME CA//112//

COMNAVSEASYSCOM WASHINGTON DC//00C//

5. **Body of Report for all oil spills.** The body of the message/NAVGRAM will be in the following format:

UNCLAS//NO5090//

SUBJ: OIL SPILL REPORT (REPORT SYMBOL OPNAV 5090-2) (MIN: CONSIDERED)

MSGID/GENADMIN/ORIGINATOR//

RMKS/

1. GMT DTG RELEASE OCCURRED/DISCOVERED.

2. ACTIVITY/SHIP ORIGINATING RELEASE: (for ships: list name, hull no., and UIC; for shore activities: list name, UIC; for non-Navy spills discovered by Navy activity: list name of responsible party (if from commercial firm under contract to Navy: list names of firm and contracting activity); for spills from unknown source: indicate whether spill is thought to have originated from Navy operations).

3. SPILL LOCATION: (for spills at sea: list latitude, longitude, and distance to nearest land; for spills in port: list port name and specific location (pier or mooring designation, etc.); for spills ashore: list specific location within activity (building or area designation, etc.)).

4. AMOUNT SPILLED IN GALLONS: (best estimate; if oil/water mixture, indicate percentage oil).

5. TYPE OF OIL SPILLED: (choose one: diesel fuel marine (DFM); naval distillate; Navy special fuel oil (NSFO); jet fuels (JP-4, JP-5); aviation/automotive gasoline; automotive diesel; heating fuels (grades 1 and 2, kerosine); residual burner fuel (grades 4, 5, and 6/bunker C); lube/hydraulic oils; oil/oil mixture (including slop

and waste oils); oil/water mixture (including bilge waste); Other (specify); unknown (provide best estimate, if possible)).

6. OPERATION UNDER WAY WHEN SPILL OCCURRED: (choose one: fueling/defueling; internal transfer of fuel (includes transport of fuel from one storage area to another); bilge dewatering (including donut operations); salvage; other (specify); unknown).

7. SPILL CAUSE: (provide narrative description of specific spill cause; indicate if one of the following was principal cause: structural failure (specify); hose failure or leak; other type equipment failure (specify); collision/grounding/sinking; valve misalignment; monitoring error; other procedural/communications error (specify); other (specify); unknown).

8. SLICK DESCRIPTION AND MOVEMENT: (size: length and width; color (choose one): barely visible, silvery, faint color, bright color bands, dull brown, or dark brown; on-scene wind: direction, speed; sea state; slick movement: direction, speed).

9. AREAS DAMAGED OR THREATENED: (name of body of water affected; nature and extent of damage to property, wildlife, or other resources (if any); areas or resources threatened).

10. TELEPHONIC REPORT TO NRC WAS/WAS NOT MADE.

11. SAMPLES WERE/WERE NOT TAKEN.

12. CONTAINMENT METHOD PLANNED/USED: (if none, state reason; indicate which of the following equipment utilized: boom; ship's hull; camel; water spray; chemical agent (specify); other (specify)).

13. SPILL REMOVAL METHOD PLANNED/USED: (if none, state reason; indicate which of the following equipment utilized: DIP 1002 skimmer; DIP 3002 skimmer; SLURP skimmer; sorbents (oil-absorbing pads, chips, or other materials); dispersants; vacuum trucks/pumps; other (specify)).

14. PARTIES PERFORMING SPILL REMOVAL: (indicate one or more of the following: Navy (specify lead organization in charge); commercial firm under contract to Navy; USCG; EPA; state or local agency; other (specify)).

15. ASSISTANCE REQUIRED/ADDITIONAL COMMENTS.

16. ACTIVITY CONTACT FOR ADDITIONAL INFORMATION: (name, code, Autovon and/or commercial).//

APPENDIX H

HAZARDOUS SUBSTANCE RELEASE REPORT (MESSAGE OR NAVGRAM FORMAT)

1. **Precedence (for messages only).** HS release messages will normally be by routine precedence, provided prior telephone report has been made; if not, use priority precedence.

2. **Classification or Special Handling Marking.** Spill reports are unclassified and do not warrant special handling markings unless classified or sensitive unclassified information must be incorporated into the report. Inclusion of such information should be avoided to the maximum extent possible to permit such reports to be handled on a solely unclassified basis.

3. **Addressee and Info Blocks** for HS Releases in the United States and its Contiguous Zone:

FM: Navy Activity/Ship (spiller)

TO: NOSC/NOSCDR (see Chapter 11 or 17)

Operational Commander (ships)

INFO: CNO WASHINGTON DC//OP-45//

COMNAVSEASYSCOM WASHINGTON DC//00C//

NEESA PORT HUENEME CA//112//

COGARD NATIONAL RESPONSE CENTER WASHINGTON DC//JJJ//

4. **Addressee and Info Blocks** for HS Releases in Foreign Countries and International Waters:

FM: Navy Activity/Ship (spiller)

TO: NOSC/NOSCDR (see Chapter 11 or 17)

Operational Commander (ships)

INFO: CNO WASHINGTON DC//OP-45//

NEESA PORT HUENEME CA//112//

COMNAVSEASYSCOM WASHINGTON DC//00C//

5. **Body of report for all HS releases.** The body of the message/NAVGRAM will be in the following format:

UNCLAS//N05090//

SUBJ: HS RELEASE REPORT (REPORT SYMBOL OPNAV 5090-3) (MIN: CONSIDERED)

MSGID/GENADMIN/ORIGINATOR//

RMKS/

1. GMT DTG RELEASE OCCURRED/DISCOVERED.

2. ACTIVITY/SHIP ORIGINATING RELEASE: (for ships: list name, hull number; for shore activities: list name, UIC; for Navy releases that occurred during transportation: list name of activity responsible for shipment; for non-Navy releases: list name of responsible party (if from commercial firm under contract to Navy: list names of firms and contracting activity); for unknown source releases: indicate whether release is thought to have originated from Navy operations).

3. RELEASE LOCATION: (for releases at sea: specify latitude, longitude, and distance to nearest land; for releases in port: list port name and exact location (pier, warehouse, etc.); for releases ashore: within activity specify exact location (building or area designation, etc.); during transportation: give exact location (highway and miles from nearest city; or street name, number, and city)).

4. TYPE OF OPERATION AT SOURCE: (plating shop, painting shop, HW facility, truck, ship,

pipeline, ship rebuilding, entomology shop, etc. Be specific.)

5. TYPE OF CONTAINER FROM WHICH SUBSTANCE(S) ESCAPED: (55-gal drums, 5-lb bags, tank truck, storage tank, can, etc. Estimate number of containers damaged or dangerously exposed.)

6. DESCRIPTION OF HS RELEASED: (consider container labels and user directions, HM reference books, personal knowledge, expert's advice, etc. Be concise but complete.).

If substance(s) known: give chemical and/or product names, formula, synonym(s) (if known), physical and chemical characteristics, and inherent hazards. EXAMPLE: Label on container identifies substance released as acrylonitrile. Synonyms: cyansethylene, vintleyanide. Characteristics and hazards: poisonous liquid and vapor, skin irritant, highly reactive and flammable.

If substance(s) unknown: describe appearance, physical and chemical characteristics, and the actual and potential hazards observed. EXAMPLE: Substance released is a colorless to light yellow unidentified liquid; highly irritating to eyes and nose; smells like kernels of peach pits. Is vaporizing quickly, posing ignition problem.

7. FIELD TESTINGS: (if none, so state; indicate findings and conclusions (i.e., concentrations of substance(s) present, Ph, etc.), of any analyses).

8. ESTIMATED AMOUNT RELEASED: (use convenient units of weight or volume (kg, lb, gallons, liters, etc.). For continuous release, estimate rate of release and amount left in container).

9. CAUSE OF RELEASE: (describe the specific cause of release; account for any personnel error, equipment failure, accident, or act of God directly contributing to the release. EXAMPLE: Railing supporting 55-gal drums on a flatbed truck gave way because it was not securely fastened, causing seven drums to fall and fracture.)

10 RELEASE SCENE DESCRIPTION: (describe scene of release; include information about the physical characteristics; size and complexity of release; and the actual and potential danger or damage to the immediate area and the surrounding environment, including weather conditions if relevant. EXAMPLE: Solvent released formed shallow pond covering area about 30 ft by 45 ft of bare soil. Solvent is slowly running off in to floor drain leading to storm drain and is also infiltrating soil. Pond is emitting highly toxic and flammable vapors. Dark clouds threatening to rain. Wind speed about 10 miles/hour, drifting vapors northbound to residential area. Vapors form layer about 30 ft above ground.)

11. NOTIFICATIONS MADE AND ASSISTANCE REQUESTED: (list all organizations informed of the release in and out of Navy jurisdiction; include Navy, Federal, state, and local authorities, NRC response teams, fire departments, hospitals, etc; specify kind of assistance required from these organizations.)

12. DESCRIBE CONTROL AND CONTAINMENT ACTIONS TAKEN/PLANNED: (if none, state why; specify method used to control and contain release; indicate parties carrying out response. EXAMPLE: Gas barriers used to control and contain vapor emissions. Runoff contained by excavating ditch circumscribing affected area. In-house personnel and members of city of Portstown fire department carried out containment actions.

13. DESCRIBE CLEAN-UP ACTIONS TAKEN/PLANNED: (if none, state why; indicate whether cleanup is made by on-site or off-site treatment, the method used, the parties involved in cleanup/removal, and the eventual disposal area. EXAMPLE: No clean-up action taken. Toxic vapors present, potential danger to clean-up crew. Contaminated soil will be excavated and shipped by on-base personnel to Class I HW disposal site in Portstown, CA, when conditions allow.)

14. CONTACT FOR ADDITIONAL INFORMATION: (name, code, Autovon, and/or commercial number).

15. ADDITIONAL COMMENTS.//

APPENDIX I

GLOSSARY

ACNO: Assistant Chief of Naval Operations

AESO: Aircraft Environmental Support Office

AICUZ: Air Installations Compatible Use Zone; established by DoD Directive 4165.57 of 8 November 1977 (NOTAL) to limit incompatible development in areas that are adjacent to air installations and subject to aircraft accident potential and high aircraft noise levels.

APN: Aircraft Procurement, Navy

ARAR: Applicable and relevant or appropriate requirements

ARPA: Archaeological Resources Protection Act

ASN (I&E): Assistant Secretary of the Navy for Installations and the Environment

ATSDR: Agency for Toxic Substance and Disease Registry

BDAT: Best demonstrated available technology

BAT: Best available technology

BATAE: Best available technology economically achievable

BCT: Best conventional technology

BPCT: Best practicable control technology

BUMED: U.S. Navy Bureau of Medicine and Surgery

CAA: Clean Air Act

CEQ: Council on Environmental Quality; established by the National Environmental Policy Act to advise the President in matters concerning conditions and trends in the quality of the environment.

CERCLA: Comprehensive Environmental Response, Compensation and Liability Act

CFC: Chlorofluorocarbon

CFR: Code of Federal Regulations; codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the Federal Government; as code is updated by the individual issues of the Federal Register, these two publications must be used together to determine the latest version of any given rule.

CFST: Contaminated fuel settling tank

CHINFO: Chief of Information.

CHT: Collection, holding and transfer system (for shipboard sewage and waste water)

CINC: Commander-in-Chief.

CINCLANTFLT: Commander-in-Chief, U.S. Atlantic Fleet

CINCPACFLT: Commander-in-Chief, U.S. Pacific Fleet

CNET: Chief of Naval Education and Training.

CNO: Chief of Naval Operations

CO: Commanding officer

Coastal Zone: An area of Federal responsibility for response action under the National Contingency Plan; includes all U.S. waters subject to the tide, U.S. waters of the Great Lakes, specified ports and harbors on the inland rivers, waters of the contiguous zone, other waters of the high seas subject to the National Contingency Plan, and the land surface or land substrata, ground waters, and ambient air proximal to those waters.

COE: Corps of Engineers, Army

COMNAVFACENGCOM: Commander, Naval Facilities Engineering Command

COMNAVSUPSYSCOM: Commander, Naval Supply System Command

COMSC: Commander, Military Sealift Command

CONUS: Continental United States

COTR: Contracting officer's technical representative

CRP: Community Relations Plan

CWA: Clean Water Act

CY: Calendar year

CZMA: Coastal Zone Management Act

DASD (E): Deputy Assistant Secretary of Defense (Environment)

DCNO: Deputy Chief of Naval Operations

DCO: Delay Compliance Order

DEIS: Draft Environmental Impact Statement

DERA: Defense Environmental Restoration Account

DERP: Deficient equipage reporting procedure

DESR: Defense Environmental Status Report

DFM: Diesel fuel, marine

DLA: Defense Logistics Agency

DMSO: Directors of Major Staff Offices

DOC: Department of Commerce

DoD: Department of Defense

DoDDIR: Department of Defense Directive

DOE: Department of Energy

DOI: Department of Interior

DOJ: Department of Justice

DOL: Department of Labor

DON: Department of the Navy

DOT: Department of Transportation

DRMO: Defense Reutilization and Marketing Office

DSMOA: Defense/State memorandum of agreement

DTRC: David Taylor Research Center

EA: Environmental assessment

ECE: Environmental Compliance Evaluation

ECRS: Environmental Compliance Reporting System

EFD: Engineering Field Division

EHM: Extremely Hazardous Material

EIS: Environmental Impact Statement

Emission Offset: Reduction in the air emissions from one source equal to or greater than the increase in emissions from another source.

EO: Executive Order

EOD: Explosives ordnance disposal

EPA: Environmental Protection Agency

EPCRA: Emergency Planning and Community Right-to-Know Act

ESA: Endangered Species Act

Federal Register (FR): A document published daily, Monday through Friday, by the Office of the Federal Register, National Archives and Records Service, General Services Administration; provides a uniform system for making regulations and legal notices

issued by the Executive Branch of the Federal Government available to the public.

FEIS: Final Environmental Impact Statement

FEMA: Federal Emergency Management Agency

FFA: Federal Facility Agreement

FIFRA: Federal Insecticide, Fungicide, and Rodenticide Act

FMP: Fleet Modernization Program.

FOIA: Freedom of Information Act

FONSI: Finding of no significant impact

FS: Feasibility study

FWPCA: Federal Water Pollution Control Act

Gal: Gallon

GOCO: Government-Owned/Contractor-Operated facilities

GSA: General Services Administration

HABS/HAER: Historic American Buildings Survey/Historic American Engineering Record

HARP: Historic Archaeological Resources Protection

HAZMIN: Hazardous waste minimization

HM: Hazardous material

HMIS: Hazardous Material Information System.

HMTID: Hazardous material turned into disposal

HMTIS: Hazardous material turned into store

HRS: Hazard Ranking System

HS: Hazardous substance

HSWA: Hazardous and Solid Waste Amendments

HW: Hazardous waste

IAG: Interagency agreement

IG: Inspector General

I/M: Inspection and maintenance

IMO: International Maritime Organization (formerly IMCO).

IR: Installation Restoration

IRP: Installation Restoration Program

ISSA: Interservice support agreement

IWPP: Industrial waste pretreatment process

IWTP: Industrial waste treatment process

JAG: Judge Advocate General

kg: Kilogram

KVA: Kilovolt-ampere

LEPC: Local Emergency Planning Committee

LOGREQ: Logistics requirements

LTM: Long term monitoring

Major Claimant: A bureau/office/command headquarters that is designated as an administering office under the operation and maintenance appropriations in NAVCOMPT Manual, Volume 2, Chapter 2; receives major claimant operating budgets directly from the CNO Fiscal Management Division (OP-92).

MARCORPS: U.S. Marine Corps

MARPOL: International Maritime Convention for the Prevention of Pollution from Ships

MCL: Maximum Contaminant Level

MESO: Marine Environmental Support Office

MILCON: Military construction

MO: Manual of Operation

MOA: Memorandum of agreement

MOU: Memorandum of understanding

MPRSA: Marine Protection, Research and Sanctuaries Act

MRC: Maintenance Requirement Card

MSC: Military Sealift Command

MSD: Marine sanitation device

MSDS: Material Safety Data Sheet

MWR: Morale, welfare, and recreation

NAAQS: National Ambient Air Quality Standards.

NACIP: Navy Assessment and Control of Installation Pollutants

NAPC: Naval Air Propulsion Center

NAVAIRSYSCOM: Naval Air Systems Command

NAVCOMPT: Comptroller of the Navy

NAVCOMPTINST: Comptroller of the Navy Instruction

NAVFACENGCOM: Naval Facilities Engineering Command

NAVFACENGCOM EFD: Naval Facilities Engineering Command Engineering Field Division

NAVGRAM: A formatted document which replaces a naval message and is transmitted via the mails

NAVOSH: Navy Occupational Safety and Health

NAVRESO: Navy Resale System Office

NAVSEASYSCOM: Naval Sea Systems Command

NAVSPAWARSYSCOM: Naval Space and Warfare Systems Command

NAVSUPSYSCOM: Naval Supply Systems Command

NCEL: Naval Civil Engineering Laboratory.

NCP: National Contingency Plan; establishes national, regional, and local Federal organizations and plans for response to release or threatened releases of OHS; assigns responsibilities to participating Federal agencies and outlines the state, local government, and non-government cooperation needed during a response.

NECA: Navy Environmental Compliance Account

NECIS: Navy Environmental Information System

NEESA: Navy Energy and Environmental Support Activity

NEPA: National Environmental Policy Act

NEPMG: Navy Environmental Program Management Group

NEPSS: Naval Environmental Protection Support Service

NESHAP: National Emission Standards for Hazardous Air Pollutants

NESO: Navy Environmental Support Office

NHPA: National Historic Preservation Act

NIF: Navy Industrial Fund

NJAG: Navy Judge Advocate General

nm: Nautical mile

NMFS: National Marine Fisheries Service

NNPI: Nuclear propulsion plant information

NNPS: Nuclear propulsion plant space

NOAA: National Oceanic and Atmospheric Administration

NOI: Notice of intent

NON: Notice of non-compliance

NOSC: Navy On-Scene Coordinator

NOSC: Naval Ocean Systems Center

NOSCDR: Navy On-Scene Commander

NOTAL: Not to all

NOTW: Navy owned treatment works

NOV: Notice of Violation

NPDES: National Pollutant Discharge Elimination System

NPL: National Priorities List

NRC: National Response Center; established under the NCP to provide information regarding emergency response actions during OHS spills and releases

NRC: Nuclear Regulatory Commission

NRM: National resource management

NRMPM: Natural Resources Management Procedures Manual

NRT: National Response Team

NSPS: New Source Performance Standards

NSTM: Naval Ships Technical Manual

NSWC: Naval Surface Weapons Center

OASD(E): Office of Assistant Secretary of Defense for Environment.

OCM: Oil content monitor

OESO: Ordnance Environmental Support Office

OGC: Office of the General Counsel

OHS: Oil or hazardous substances

Oily Waste Water: An oil/water mixture that has a water content of greater than 50 percent. The mixture may also contain other non-petroleum matter.

OLA: Office of Legislative Affairs

OMB: Office of Management and Budget

O&M: Operations and maintenance

O&MN: Operations and Maintenance, Navy

OP-00N: Director, Naval Nuclear Propulsion Program

OPN: Other Procurement, Navy

OPNAV: Office of the Chief of Naval Operations

OPNAVINST: CNO instruction

OPORDS: Operational orders

OPREP: Operational report

OSC: On-Scene Coordinator

OSCDR: On-Scene Commander

OSD: Office of the Secretary of Defense

OSHA: Occupational Safety and Health Administration

OSOT: On-Scene Operation Team

O-SWOB: Oil-ship waste offload barges

OWHT: Oily waste holding tank

OWS: Oil/water separator

PA: Pollution abatement

PA/SI: Preliminary Assessment/Site Inspection

PCB: Polychlorinated biphenyl

PCB Article: Any manufactured article, other than a PCB container, that contains PCB and whose surface has been in direct contact with PCB; includes transformers and capacitors.

PCR: Pollution Control Report

PL: Public Law

POA&M: Plan of action and milestones

POC: Point of contact

POL: Petroleum-oil-lubricant

POM: Program Objective Memorandum

POTW: Publicly owned treatment works

ppm: Parts per million.

PRP: Potentially responsible parties

PWC: Public Works Center

QRP: Qualified recycling program

RCRA: Resource Conservation and Recovery Act

R&D: Research and development

RD/RA: Remedial Design/Remedial Action

RDT&E: Research, development, test, and evaluation

RESO: Regional Environment Support Office

RI/FS: Remedial Investigation/Feasibility Study

ROD: Record of decision

RRT: Regional Response Team

SARA: Superfund Amendments and Reauthorization Act

SARA III: Superfund Amendments and Reauthorization Act Title III (Emergency Planning and Community Right-to-Know Act)

SCN: Ship Construction, Navy

SCP: Spill Contingency Plan

SDOSS: Sewage Disposal Operation Sequencing System

SDWA: Safe Drinking Water Act

SECDEF: Secretary of Defense

SECNAV: Secretary of the Navy

SERC: State Emergency Response Commission

SESO: Ship's Environmental Support Office

SHIPALT: Ship Alteration

SHPO: State Historic Preservation Office

SI: Site investigation

SIC: Subject identification code

SINKEX: Sinking exercise

SIP: State Implementation Plan; air pollution control strategies and source standards of each state for assuring timely attainment of Federal or state ambient air quality standards in designated non-attainment areas and prevention of significant deterioration in all other areas.

SMSA: Standard metropolitan statistical area

SOFA: Status of Forces Agreement

SOPA: Senior Officer Present Ashore (or Afloat)

SPCC Plan: Spill Prevention Control and Countermeasure Plan.

SUPSALV: Supervisor of Salvage

SUPSHIPS: Supervisor of Shipbuilding

SWDA: Solid Waste Disposal Act

SWMU: Solid Waste Management Unit

SYDP: Six Year Defense Plan

TCLP: Toxicity Characteristics Leaching Procedure

TPQ: Threshold Planning Quantity

TRC: Technical Review Committee

TSCA: Toxic Substances Control Act

TSD: Treatment, storage, or disposal

UIC: Unit identification code

UORA: Used Oil Recovery Act

USCG: United States Coast Guard

USDA: United States Department of Agriculture

USFWS: U.S. Fish and Wildlife Service

USNPS: U.S. National Park Service

UST: Underground storage tank

VOCs: Volatile Organic Compounds.

Water Quality Standards: Standards and related implementation plans that have been adopted by each of the states and approved by the Office of Water Programs of the EPA pursuant to the FWPCA as amended.

WOCT: Waste oil collecting tank

WPN: Weapons Procurement, Navy

YCC: Youth Conservation Corps

APPENDIX J

INDEX

ENVIRONMENTAL AND NATURAL RESOURCES PROGRAM CHECKLIST

The following checklists were developed to help in conducting Inspector General command inspections and environmental compliance evaluations. Arranged by organization , the checklists sequentially proceed through OPNAVINST 5090.1A detailing each action item/ responsibility assigned to the command, activity, or commander. The appropriate paragraph is enclosed in parenthetical marks for each line item.

Any corrections to this checklist should be addressed to CNO (OP-45).

To make this document easy to use, the following list shows the organization and page number.

ENVIRONMENTAL AND NATURAL RESOURCES PROGRAM CHECKLIST

MAJOR CLAIMANTS AND SUBORDINATE COMMANDS

	YES	NO
General Policies and Responsibilities		
1. For all GOGO facilities, have "facilities use or management contracts" been used to ensure that the operating contractor complies with applicable environmental regulations? (1-5.11)		
2. For all leased properties, have lease contract terms and conditions placed full responsibility for environmental compliance on the lessee, and has appropriate oversight been provided? (1-5.11.1)		
3. Has the landlord command developed a schedule and documented periodic review for environmental compliance of its lease and license holders? (1-5.12)		
4. For any real estate purchase, has a pre-purchase environmental survey been conducted (which included a PA) for potential hazardous waste contaminated sites? (1-5.14)		
Environmental Program Management and Organization		
5. Has the claimant designated one or more members to serve as a point of contact for command environmental and natural resources matters and participate in NEPMG? (2-6.3a)		
6. Has the claimant ensured that subordinate commands coordinate all program management environmental matters as described in OPNAVINST 5090.1A ? (2-6.3b)		
7. Has the claimant participated actively in the development of the annual Environmental and Natural Resources Program Plan? (2-6.3c)		
Funding Environmental Compliance		
8. Has the claimant planned, programmed, and budgeted sufficient resources to fund recurring, routine environmental compliance requirements at their activities, including NEPA documentation? (3-6.3a)		

	YES	NO
9. Have assigned activities, including GOCOs, submitted all nonrecurring, non-routine environmental compliance requirements to NAVFACENGCOM EFDs as soon as such requirements were foreseen? (3-6.3b)		
<u>Environmental Compliance Evaluations Ashore</u> 10. Has the major claimant ECE program been implemented? (4-6.1a)		
11. Has the claimant ensured that assigned shore activities conducted annual self ECEs? (4-6.1b)		
12. For ECEs: a. Has claimant conducted an ECE at each assigned shore activity at least every three years depending on compliance status, operational changes, and state/local regulatory climate?		
b. Has assistance been obtained, as needed, from EFDs and specialty offices?		
c. Have copies of all ECEs been forwarded to COMNAVFACENGCOM, the appropriate EFD, and the regional environmental coordinator?		
d. Has the claimant assummed an active role in the ECE process?		
e. Have major claimant personnel been present at each activity for the final out-brief? (4-6.1c)		
13. Has claimant: a. Advised the regional environmental coordinators if a deficiency or problem identified may result in significant adverse public relations and/or require regional coordination to solve?		
b. Ensured prompt corrective action and resolution of discrepancies found in ECEs? (4-6.1d)		
14. Have major claimant IG instructions been revised to include a requirement that IG teams review ECE reports as well as the activity's self ECE to determine if appropriate follow-up action has been taken? (4-6.1e)		
15. Has the claimant performed a detailed environmental risk survey of each activity proposed for exclusion from ECEs? (4-6.1f)		
16. Has the claimant provided funding for environmental risk surveys at their shore activities proposed for exclusion from ECEs? (4-6.1g)		

	YES	NO
17. Has the claimant developed a summary assessment of the overall compliance posture at the end of each fiscal year and listed shore activities currently exempt from all, or portions of the ECEs? (4-6.1h)		
18. Has the claimant provided an annual briefing to CNO (OP-45) on the compliance posture of all claimant activities and discussed any compliance problems or environmental issues affecting operations, facilities, vessels, aircraft, and equipment? (4-6.1i)		
19. Has the claimant ensured environmental compliance is a factor in the performance evaluations of appropriate personnel? (4-6.1j)		
<u>Procedures For Implementing The National Environmental Policy Act (NEPA)</u> 20. Have all appropriate instructions included requirements for funding and scheduling of environmental documentation? (5-6.3a)		
21. Have all appropriate proposed actions at the initial planning stage been reviewed for their potential environmental impacts? (5-6.3b)		
22. At the early stages of (proposed) environmental problems, has the claimant coordinated with Federal, state agencies, and affected citizens? (5-6.3b)		
23. Has OP-44E been provided with appropriate NEPA documentation? (5-6.3c)		
24. Have all FONSI/ROD action items been throughly resolved? (5-6.3d)		
25. Has environmental documentation for training exercises off military property been completed at least 120 days before the authorization of the exercise? (5-6.3e)		
26. Have all means possible been used to instill a sense of environmental responsibility and awareness among personnel to implement the spirit of NEPA? (5-6.3f)		
27. Have all real estate acquistion actions been coordinated with OP-44 (Shore Activities Division) and with the Real Estate Division of NAVFACENGCOM? (5-6.6a)		

	YES	NO
<u>Air Pollution Prevention Ashore</u> 28. Has the claimant ensured that assigned activities comply with current Federal, state, interstate, and local air pollution control requirements? (6-6.2a)		
29. Has the claimant included requests for resources to meet air pollution control requirements in POM/budget submissions? (6-6.2b)		
<u>Drinking Water Systems and Water Conservation</u> 30. Has the claimant ensured that assigned commands comply with all Federal, state, and local regulatory requirements regarding the preparation and implementation of cross-connection control programs? (8-5.5)		
31. Has the claimant ensured that assigned commands implement the Navy's leak detection program? (8-5.6)		
32. Has the claimant implemented the lead in drinking water program at assigned shore activities? (8-6.3a)		
33. Has the claimant budgeted and provided funding for testing drinking water outlets and implementing interim lead mitigation measures? (8-6.3b)		
<u>Hazardous Waste and PCB Management Ashore</u> 34. Has the claimant ensured that assigned activities comply with applicable Federal, state, and local requirements regarding the identification, generation, storage, transportation, treatment, and disposal of HW? (9-6.5a)		
35. Have sufficient resources been budgeted and allocated to ensure required personnel training and to operate and maintain facilities in compliance with applicable HW requirements, including funding any HW disposal? (9-6.5b)		
36. Has the claimant ensured compliance with applicable requirements, including HAZMIN, at GOCO facilities? (9-6.5c)		
37. Has the claimant met the established FY Navy goal of reduction of HW disposal? (9-6.5d)		

	YES	NO
38. Has the claimant developed long term programs, including changes in acquisition policies and procedures, to reduce use of HM and generation of HW? (9-6.5d)		
39. Has the claimant provided input to COMNAVFACENGCOM for the Annual HAZMIN Report and appropriate representation for the HAZMIN annual meeting? (9-6.5e)		
40. Has the claimant designated a command point of contact for HAZMIN reporting/tracking issues? (9-6.5f)		
41. Has the claimant ensured that all activities generating HW report annually per the policy of OPNAVINST 5090.1A and procedures published by NEESA? (9-6.5g)		
42. Has the claimant reviewed and approved activity PCB elimination plans and ensured that resources are available for activity compliance with their plans? (9-6.5h)		
Solid Waste Management and Resource Recovery Ashore 43. Has the claimant ensured that assigned activities comply with current Federal requirements as well as applicable requirements of state, interstate, or local solid waste management agencies? (10-6.1.2)		
Oil and Hazardous Substances Pollution Contingency Planning 44. Has the claimant ensured that Navy spill response personnel receive appropriate training for OHS spill contingency planning and response? (11-6.8a)		
45. Have OHS spill response expenditures that are beyond the capability of the Navy spiller been funded? (11-6.8b)		
Oil Pollution Prevention Ashore 46. Has the claimant ensured that assigned shore activities meet EPA requirements related to the prevention of oil spills and the preparation and review of SPCC plans? (12-6.3)		
Installation Restoration 47. Has the claimant reviewed yearly IR execution plans and provided comments to COMNAVFACENGCOM? (13-6.1a)		
48. Have all IR actions at GOCO plants been coordinated? (13-6.1b)		

	YES	NO
Underground Storage Tanks 49. Has the claimant included requests for resources to meet UST requirements in POM/budget submittals? (14-6.3)		
Noise Prevention Ashore 50. Has the claimant initiated procurement procedures that ensure products and equipment not designed for combat use meet Federal noise standards? (16-6.1a)		
51. Has research to define and study noise pollution problems unique to the Navy been promoted and such research coordinated with other DoD components and with EPA? (16-6.1b)		
52. Has the claimant ensured that ground equipment associated with procurement of new and/or follow-on jet aircraft contain necessary noise suppressors? (16-6.1c)		
Ocean Dumping 53. Has the claimant ensured that all naval vessel and shore activity commanders comply with the policies and criteria stated in OPNAVINST 5090.1A? (18-6.3)		
Natural Resources Management 54. Has the claimant required, ensured, and assisted subordinate installation's NRM planning and program implementation, including compliance with applicable instructions, laws, directives, etc? (19-6.3a)		
55. Have resources been budgeted to fund routine, recurring costs to operate and maintain NRM planning and program implementation? (19-6.3b)		
56. Has the claimant acted as a trustee for natural resources under its jurisdiction and promoted cooperative projects with Federal, state, and local organizations? (19-6.3c)		
57. Has the claimant ensured that effective NRM is an identifiable function, and is specifically accountable in performance evaluations, at each command level? (19-6.3d)		
58. Has the claimant ensured that installation NRM programs are evaluated as part of ECEs? (19-6.3e)		

	YES	NO
59. Has the claimant ensured that adequate NRM expertise is available to installation commanding officers for the protection, management, identification, and mapping of wetlands? (19-6.3f)		
60. Has the claimant ensured that contracts for operation of GOCO installations include provisions for complying with policies and procedures as prescribed in OPNAVINST 5090.1A? (19-6.3g)		
61. Has NRM program effectiveness been included as an inspection item in each Immediate Superior In Command inspection of activities having land and water areas suitable for NRM programs? (19-6.3h)		
62. Have records, necessary to monitor and evaluate natural resources under its management, been maintained and requested information been provided to agencies with jurisdiction and to the public? (19-6.3i)		
63. Has the claimant taken appropriate action necessary to ensure that actions authorized, funded, or carried out do not jeopardize the continued existence of threatened and endangered species? (19-6.3j)		
64. Have proposals for new and continuing actions that affect natural resources been coordinated with the managers of those resources? (19-6.3k)		
<u>Historic and Archeological Resources Protection</u> 65. Have resources been budgeted for qualified staffing, surveys, plans, and studies to facilitate the identification, evaluation, inventory, planning, maintenance, and protection of National Register resources at activities under the claimants cognizance? (20-6.2a)		
66. Have instructions and other appropriate documents been revised, if necessary, to reflect requirements of OPNAVINST 5090.1A? (20-6.2b)		

ENVIRONMENTAL AND NATURAL RESOURCES PROGRAM CHECKLIST

FLEET CINCS AND TYPE COMMANDERS

	YES	NO
Hazardous Waste and PCB Management Ashore		
1. Has the Fleet CINC reimbursed Navy shore activities receiving ships' HW for expenses incurred in handling, storing and disposal? (9-6.8)		
2. Has the Fleet CINC, as appropriate, reimbursed Navy shore activities receiving ships' infectious waste for expenses incurred in handling, storing and disposing of the material? (10-6.2.4)		
Oil and Hazardous Substances Pollution Contingency Planning		
3. Have the Fleet CINCs established contingency planning and response policies in their areas consistent with OPNAVINST 5090.1A? (11-6.2)		
Pollution Prevention Afloat		
4. Has the Fleet CINC ensured that vessels under their command are properly equipped with appropriate sewage systems, air emission and oil pollution abatement equipment, solid waste treatment/disposal systems, and low-noise emission equipment? (17-6.4a)		
5. Has the Fleet CINC ensured that vessels under their command are equipped with appropriate disposal/treatment systems, containers, labels, handling equipment, clean-up materials, and protective clothing to allow safe and effective control of shipboard HS? (17-6.4b)		
6. At Navy ports under their command, has the Fleet CINC provided proper facilities for receipt of ship-generated solid waste, sewage and wastewater, HS, and oily waste and waste oil? (17-6.4c)		
7. At Navy ports under their command, has the Fleet CINC provided the required services for disposal of medical waste generated by support and ships, and ensure that disposal ashore complies with applicable Federal, state, and local laws or regulations, and SOFAs or international agreements? (17-6.4d)		

	YES	NO
8. Has the Fleet CINC ensured that ships operate their sewage systems, air, oil and solid waste control systems and other pollution abatement systems per the requirements of OPNAVINST 5090.1A? (17-6.4e)		
9. Has the Fleet CINC provided for the repair and maintenance of air, oil, sewage, and solid waste pollution abatement systems that are beyond the capability of ship's force to accomplish? (17-6.4f)		
10. Have operational guidelines and reporting procedures been issued for compliance with the policies set forth in this instruction for ship-generated plastic waste? (17-6.4g)		
11. Have fleet NOSCs been predesignated? (17-6.4h)		
12. Have the names and addresses of fleet NOSCs been provided to fleet units? (17-6.4i)		
13. Has the cleanup of OHS spills from Navy vessels under their command been funded? (17-6.4j)		
14. Has the Fleet CINC ensured that assigned Navy floating drydocks are properly equipped with appropriate pollution abatement systems and equipment? (17-6.4k)		
15. Have proper reception facilities been provided at cognizant Navy ports for receipt of shipboard generated industrial waste and sewage? (17-6.4l)		
16. Has the Fleet CINC ensured that assigned drydocks operate their pollution abatement systems per OPNAVINST 5090.1A? (17-6.4m)		
17. Has the Fleet CINC provided for repair and maintenance of pollution abatement systems that are beyond the capability of assigned drydock's force to accomplish? (17-6.4n)		
18. Have procedures been established to ensure, to the maximum extent feasible, that HW is off-loaded at a Navy or other public facility prior to a ship's entering a private shipyard for an availability? (17-6.4o)		
19. Has the Fleet CINC ensured that the ship identify a shipboard HW coordinator to the SUPSHIPs for each availability at a private shipyard? (17-6.4p)		

	YES	NO
20. Has the Fleet CINC ensured that ships identify in of HW expected preavailability planning conferences the types and amounts to be generated by ships' force during the availabilities? (17-6.4q)		
21. Have ships been directed to comply with all established HW management practices and those site specific procedures delineated by the SUPSHIPs? (17-6.4r)		
22. Has the Fleet CINC ensured type commanders monitor ship compliance with established HM/HW procedures while in private shipyards? (17-6.4s)		

ENVIRONMENTAL AND NATURAL RESOURCES PROGRAM CHECKLIST

COMMANDER, NAVAL SEA SYSTEMS COMMAND

	YES	NO
Environmental Program Management and Organization		
1. Has the command consolidated enviromental positions and concerns from naval shipyards, ship's systems programs, weapons stations, supervisors of shipbuilding, conversion, and repair (SUPSHIPS), and Naval inactive ships maintenance facilities? (2-6.4a)		
2. Has the command endorsed annual actions and levels of effort of the SESO and OESO to ensure these offices are focused on key Navy environmental problems within their specialty area? (2-6.4b)		
3. Has the command served as the lead for developing the ship's portion of the annual Environmental and Natural Resources Program Plan? (2-6.4c)		
4. Has the command managed the shipboard advanced development environmental protection RDT&E program? (2-6.4d)		
5. Has the command, through the Supervisor of Salvage (SUPSALV), maintained oil and hazardous substance (OHS) pollution response equipment and expertise for Navy offshore and salvage related OHS spills or releases? (2-6.4e)		
Funding Environmental Compliance		
6. Has the command planned, programmed, and budgeted for the ships' environmental compliance portion of NECA? (3-6.5)		
Environmental Compliance Evaluations Ashore		
7. Has the command provided a ships' cost of compliance analysis for the period in the SYDP based on projected laws/regulations? (4-6.3)		
Oil and Hazardous Substances Pollution Contingency Planning		
8. Has the command assisted area coordinators in the development and update of the area-wide OHS spill contingency planning and response instructions, to include the identification of appropriate NOSC commands? (11-6.9a)		

	YES	NO
9. Have NOSCs been assisted in the development and update of NOSC plans, to include the identification of appropriate NOSCDRs and NOSCDR response boundaries? (11-6.9b)		
10. Have NOSCs been assisted in major OHS pollution response issues as they arose and in decision-making for major or offshore/salvage-related response operations? (11-6.9c)		
11. Has the command provided expertise and equipment at the request of the Federal OSC for major offshore or salvage-related OHS pollution incidents? (11-6.9d)		
<u>Pollution Prevention Afloat</u> 12. Has the command developed, procured, and installed the necessary shipboard sewage systems, solid waste disposal and/or compacting equipment, oil pollution abatement equipment, and associated support designed to minimize health and safety hazards and to comply with applicable standards? (17-6.1a)		
13. Has the command developed, procured, and installed the necessary pollution abatement equipment and associated logistic support to allow Navy floating drydocks to operate in full compliance with guidelines and standards? (17-6.1b)		
14. Has an inspection and certification program been established to ensure that sewage systems are properly installed and fully operational and to ensure adequate technical documentation, spare parts support, and crew indoctrination are provided? (17-6.1c)		
15. Has engineering and technical assistance been provided to the fleet, as required, to ensure the safe and effective operation of shipboard pollution abatement systems and equipment, the proper management of HS, and the meeting of air pollution control requirements? (17-6.1d)		
16. Have support and hardware for the training programs established by CNET been provided? (17-6.1e)		
17. Has the command acquired, distributed, and installed appropriate disposal and treatment systems, containers, labels, handling equipment, clean-up materials, and protective clothing to allow safe and effective control of HS aboard Navy vessels? (17-6.1f)		

	YES	NO
18. Has the command initiated procurement procedures that ensure the major noise products and equipment, which are not designed for combat use, meet Federal noise emission standards? (17-6.1g)		
19. Has the command ensured that all ships are provided with the proper material support, including adequate spare parts for installed sewage systems? (17-6.1h)		
20. Has the command ensured that associated funding requirements are properly identified, budgeted, and programmed? (17-6.1i)		
21. Has the command promoted research to define and study noise pollution problems unique to the Navy and coordinated such research with other DoD components and with EPA? (17-6.1j)		
22. Has the command identified, evaluated, and corrected Navy ships' systems and equipment that are major sources of environmental noise? (17-6.1k)		
23. Have improvements to shipboard processes been developed so as to reduce the use of HM and the generation of shipboard HW? (17-6.1l)		
24. Has the command periodically assessed, by means of regularly scheduled pierside surveys, the compliance status of Navy vessels with respect to applicable air pollution control requirements and reported all findings to commanding officers, fleet commanders, and other appropriate command levels? (17-6.1m)		
25. Have assistance and guidance been provided to fleet and shoreside NOSCs in the preparation of oil spill and HS release contingency plans? (17-6.1n)		
26. Have general shipboard OHS contingency plans been provided to Navy ships for their use in preparation of ship specific OHS contingency plans? (17-6.1o)		
27. Has the command acquired and distributed appropriate equipment and protective clothing for SUPSALV and ships' personnel use in responding to OHS spills? (17-6.1p)		
28. Have specialized equipment and trained personnel been provided to assist NOSCs and NOSCDRs in responding to offshore, salvage related, and major inland oil spill and HS release response operations? (17-6.1q)		

	YES	NO
29. Have proper reception capabilities been provided at NAVSEASYSCOM facilities for receipt of ship-generated oily waste and waste oil, sewage and wastewaters, solid waste, and HS? (17-6.1r)		
30. Has the command ensured that operating forces are provided with adequate system documentation with particular emphasis on ensuring that the documentation contains health, sanitation, and safety guidance? (17-6.1s)		
31. Have contract requirements been developed for ship availabilities in private shipyards to process ship-generated waste in compliance with the law? (17-6.1t)		
32. Has the command applied for HW generator numbers required to manage Navy generated and co-generated HW at private shipyards, managed the HW manifest program, and provided annual management reports to CNO and the fleets on program cost and effectiveness? (17-6.1u)		
33. Has the command developed and promulgated to the fleet site specific HW management procedures for private shipyards and provided on-site coordination from the SUPSHIP office with the identified ship HW coordinator? (17-6.1v)		
34. Has the command identified to the type commander or type commander representative any unresolved issues of ship noncompliance with SUPSHIP-generated procedures? (17-6.1w)		

ENVIRONMENTAL AND NATURAL RESOURCES PROGRAM CHECKLIST

COMMANDER, NAVAL AIR SYSTEMS COMMAND

	YES	NO
Environmental Program Management and Organization		
1. Has the command endorsed annual actions and levels of effort of the AESO to ensure this office is focused on key Navy environmental problems within its specialty area? (2-6.5a)		
2. Has the command consolidated environmental positions and concerns from the Naval aviation and aviation maintenance community, including air operations, organizational, intermediate and depot level, and maintenance operations? (2-6.5b)		
3. Has the command served as a lead for developing the naval aviation portion of the annual Environmental and Natural Resources Program Plan? (2-6.5c)		
4. Has the command managed the naval aviation advanced development environmental protection RDT&E program? (2-6.5d)		

ENVIRONMENTAL AND NATURAL RESOURCES PROGRAM CHECKLIST

COMMANDER, NAVAL SPACE AND WARFARE SYSTEMS COMMAND

	YES	NO
Environmental Program Management and Organization		
1. Has the command endorsed annual actions and levels of effort of MESO to ensure this office is focused on key Navy environmental problems within its specialty area? (2-6.6a)		
2. Has the command consolidated enviromental positions and concerns from the space and warfare systems community? (2-6.6b)		

ENVIRONMENTAL AND NATURAL RESOURCES PROGRAM CHECKLIST

COMMANDER, NAVAL SUPPLY SYSTEM COMMAND

	YES	NO
Hazardous Waste and PCB Management Ashore		
1. Has the command established and implemented a HMC&M program as required by OPNAVINST 4110.2 (NOTAL), throughout the supply system? (9-6.2a)		
2. Has the command maintained and updated procedures to ensure that transportation, storage, and handling of HM/HW fully complied with applicable regulations? (9-6.2b)		
3. Has a program for the acquisition, stocking, and supply of conforming containers required for the transportation and storage of HW been developed? (9-6.2c)		
4. Have provisions in interservice support agreements (ISSA) with DLA for DLA/DRMS/ DRMO support of HW requirements Navy-wide been included? (9-6.2d)		
Solid Waste Management and Resource Recovery Ashore		
5. Has the command investigated and developed methods to reduce packaging of materials supplied to the Navy? (10-6.1.3a)		
6. Have specifications for the purchase of items manufactured with recyclable materials been developed? (10-6.1.3b)		
Oil Pollution Prevention Ashore		
7. Has the command provided technical and administative guidance to Navy shore activities concerning USCG oil prevention regulations? (12-6.2)		
Underground Storage Tanks		
8. Has the command provided technical input and assistance to COMNAVFACENGCOM concerning leak detection, construction of new USTs, and the disposition of petroleum recovered during site restoration? (14-6.2)		

	YES	NO
<u>Pollution Prevention Afloat</u> 9. Has the command implemented programs for source reduction of plastics aboard ship by identifying non-plastic packaging products and non-plastic consummables for shipboard use? (17-6.5)		

ENVIRONMENTAL AND NATURAL RESOURCES PROGRAM CHECKLIST

COMMANDER, NAVAL FACILITIES ENGINEEERING COMMAND

	YES	NO
General Policies and Responsibilities		
1. Has environmental engineering, environmental compliance, and contracting assistance been provided to naval activities and commands, upon request? (1-6.7)		
Environmental Program Management and Organization		
2. Has overall coordination and management of the NEPSS been provided? (2-6.7a)		
3. Has specialized environmental engineering and information management been provided? (2-6.7b)		
4. Has the command analyzed final Federal environmental and solicited input from major claimants, including Fleet Commanders on proposed rules? (2-6.7c)		
5. Has the command served as the lead for developing the shoreside portion of the annual Environmental and Natural Resources Program Plan? (2-6.7d)		
6. Has the command effectively managed the Navy Environmental Compliance Information System (NECIS)? (2-6.7e)		
7. Has the command maintained the Defense Environmental Management Information System (DEMIS), analyzed data, and prepared required reports and briefings as requested? (2-6.7f)		
8. Via EFDs has the command: a. Monitored all proposed legislation, rules, and regulations in states and determined those proposals which have the potential to impact Navy and Marine Corps operations or facilities? b. Summarized and transmitted proposals via electronic means to appropriate commands and activities? (2-6.7g)		

	YES	NO
9. For proposed state actions have analyses (for review by state coordinators) of the relevent operational, legal and technical issues been prepared? (2-6.7h)		
10. Have agreements outlining comment procedures and delegation of authority to EDFs been developed with appropriate state coordinators? (2-6.7i)		
11. Has the command designated, in each EFD and specialty office, a single point of contact for major claimants and regional environmental coordinators? (2-6.7j)		
<u>Funding Environmental Compliance</u> 12. Has the command managed the Navy PCR and A-106 report, issued related operating instructions, and ensured accuracy? (3-6.4a)		
13. Has the command reviewed nonrecurring, non-routine compliance projects to ensure proper funding sources, regulatory requirements, technical solutions, and costs? (3-6.4b)		
14. Has the command provided monthly computer tapes of updates and new projects to EPA for the semiannual A-106 report and produced a semiannual A-106 report for DCNO (Logistics)? (3-6.4c)		
15. Has the command resolved minor discrepancies in A-106 reporting with EPA and forwarded major issues involving funding levels and priorities to CNO (OP-45) for resolution? (3-6.4d)		
16. Has management information, as requested by naval activities and commands (based on the Navy PCR and other environmental data) been provided? (3-6.4e)		
17. Has the command planned, programmed, and budgeted for DERA, the shore facility compliance projects, and NEPSS portions of NECA? (3-6.4f)		
<u>Environmental Compliance Evaluations Ashore</u> 18. Has the command, in consultation with the major claimants, and within 90 days of OPNAVINST 5090.1A publication, developed the ECE report format and issued an implementing instruction for this program? (4-6.2a)		

	YES	NO
19. Has the command developed/maintained a system for tracking Federal and state regulations, produced ECE checklists, and updated checklists semiannually? (4-6.2b)		
20. Has the command provided guidance and training in conducting ECEs for shore activities, EFDs, major claimants, and other the commands, as needed? (4-6.2c)		
21. Via the EFDs, has the command provided support to claimants as part of its mission, during ECEs and/or environmental risk surveys? (4-6.2d)		
22. Via the EFDs, has the command reviewed major claimants' proposed shore activities for exemption from the ECEs? (4-6.2e)		
23. Has the command developed guidance and a sample statement of work for preparation of an environmental risk survey? (4-6.2f)		
24. Has the command, in conjunction with the DEMIS and other environmental information collected, provided CNO (OP-45) with an annual executive summary of overall Navy compliance? (4-6.2g)		
25. Has the command developed a worldwide baseline standard to ensure protection of human health and environment at overseas facilities? (4-6.2h)		
26. Has the command developed country specific ECE checklists for overseas activities? (4-6.2i)		
<u>Procedures For Implementing The National Environmental Policy Act (NEPA)</u> 27. Has the command been responsible for oversight of EAs for special projects, unspecified minor construction projects, and locally funded projects? (5-6.4)		
<u>Air Pollution Prevention Ashore</u> 28. Has the command revised technical documents and manuals to reflect design, operation, monitoring, and testing parameters required by emission and performance standards and by permits for shore facilities? (6-6.1a)		

	YES	NO
29. Has the command provided technical assistance to shore commands, as requested, to: a. Determine permit and variance requirements, obtain data, and complete applications?		
b. Determine and implement requirements for mobile source controls? (6-6.1b)		
30. Has the command developed and provided to activity commanding officers required air applications/permits for preconstruction review/construction of MILCON funded air projects and paid related fees from the funds appropriated and budgeted for the projects? (6-6.1c)		
31. Has the command maintained Navy-wide information on location and physical characteristics of Navy stationary sources, including key features of variances and DCOs? (6-6.1d)		
32. Has the command monitored the reporting and permitting requirements of emerging air pollution programs? (6-6.1e)		
33. Has the command identified compliance requirements for new construction by early coordination of all new projects or modifications to existing facilities with appropriate state/local and/or EPA regional office? (6-6.1f)		
34. Has the command identified appropriate emission offsets, where required, for new construction, and prepared and coordinated projects to implement offset requirements? (6-6.1g)		
35. Has the command revised technical documents and manuals to reflect design parameters required to reduce radon levels in occupied structures? (6-6.1h)		
36. Has the command managed the Navy Radon Assessment and Mitigation Program (NAVRAMP), provided radon detectors to field installations, analyzed detectors upon return, compiled results, and provided results to EPA and the installations tested? (6-6.1i)		

	YES	NO
<u>Water Pollution Prevention Ashore</u> 37. Has the command developed and provided applications and permits to activity commanding officers for construction and initial operation of MILCON funded projects, in-water construction, and all dredge/fill projects and paid related fees from the funds appropriated and budgeted for the projects? (7-6.1a)		
38. Has the command revised appropriate design criteria and manuals for treatment plant construction and operation to satisfy all environmental requirements including effluent limitations, operating parameters, and operator training? (7-6.1b)		
39. Have all commands been assisted, as requested, in identifying applicable effluent standards and the proper control technologies and best management practices? (7-6.1c)		
40. Has the command coordinated the review of all projects for the construction of new treatment works with the appropriate state and EPA regional offices to ensure early identification of siting restrictions, effluent limitations, and sampling and assessment requirements? (7-6.1d)		
41. Has the command maintained liaison with COE to facilitate dredge and fill project planning, preparation of EAs/EISs, and disposal site approval? (7-6.1e)		
<u>Drinking Water Systems and Water Conservation</u> 42. Has technical assistance, including requirements for cross connection control, been provided to major claimants and activities carrying out the requirements of OPNAVINST 5090.1A? (8-6.1a)		
43. Has the command maintained drinking water management information, including a current inventory of Navy public water systems and any violation of safe drinking water standards? (8-6.1b)		
44. Has the command provided technical advice and prepared appropriate manuals or other forms of guidance for implementing water conservation within the Navy? (8-6.1c)		

	YES	NO
45. Has the command managed the Navy's lead in drinking water program and coordinated actions of the other major claimants? (8-6.1d)		
46. Has assistance been provided to shore activities, through the EFDs, for testing of drinking water outlets and selecting lead mitigation methods? (8-6.1e)		
<u>Hazardous Waste and PCB Management Ashore</u> 47. Has technical assistance been provided to commands for complying with Federal, state, and local HW, PCB, and HAZMIN requirements and in preparing activity HW management plans? (9-6.1a)		
48. Has the command prioritized HAZMIN projects and, as part of the NECA, managed funds for HAZMIN projects? (9-6.1b)		
49. Has the annual "Navy Hazardous Waste Minimization Report" been produced, on time? (9-6.1c)		
50. Has the command developed and maintained a strategy, in conjunction with major claimants, to reach a long range goal of elimination of HW disposal to the maximum possible extent? (9-6.1d)		
51. Has the command conducted, in conjunction with CNO (OP-45), an annual meeting of major claimant representatives and other Navy and DoD organizations, as appropriate; presented the annual Hazardous Waste Minimization Report; exchanged technical and procedural information; and improved the annual reporting system? (9-6.1e)		
52. Has the command maintained a HAZMIN technology transfer office to issue BMP and BDAT information to Navy activities, and serve as a central Navy clearing house for HAZMIN technologies? (9-6.1f)		
53. For activities: a. Has the command designated PWCs to receive, ship and store HW? b. Have central area-wide storage facilities and contract disposal for HW for which the Navy has storage and disposal responsibilities been provided? (9-6.1g)		

	YES	NO
54. Has the command coordinated the permitting of all new HW management facilities with appropriate state and EPA regional offices to ensure early identification of siting restrictions and procedural requirements? (9-6.1h)		
55. Has the command paid fees for applications and permits for construction of MILCON funded HW management facilities from the funds appropriated for the project? (9-6.1i)		
56. Have alternatives to the use of PCBs in existing transformers been explored and such information provided to appropriate commands and activities? (9-6.1j)		
57. Has the command made necessary changes to facility design criteria and operating instructions to incorporate Federal regulations regarding HW, HAZMIN, PCBs, and PCB items? (9-6.1k)		
58. Has the command included LEPC and SERC coordination in guidance for Navy OHS contingency plans? (9-6.1l)		
<u>Solid Waste Management and Resource Recovery Ashore</u> 59. Has the command been the technical focal point for solid waste management issues? (10-6.1.1a)		
60. Has the command maintained appropriate technical directives, design manuals, and operation manuals concerning solid waste source reduction, collection, storage, disposal, and resource recovery? (10-6.1.1b)		
61. Have commanders and commanding officers of shore activities been assisted, as requested, in developing resource recovery programs? (10-6.1.1c)		
62. Have solid waste reporting and information systems been developed and maintained? (10-6.1.1d)		
<u>Oil and Hazardous Substances Pollution Contingency Planning</u> 63. Have NOSCDRs and other Navy shore activities and fleet units been assisted with the development of local or activity OHS pollution contingency plans? (11-6.10a)		

	YES	NO
64. Has the command with COMNAVSEASYSCOM, assisted major claimants and area coordinators in the determination of training needs and the development of associated training curricula? (11-6.10b)		
65. Has the command determined requirements (budgeted and in the process of procuring) investment category equipment for inland water and harbor oil spill control? (11-6.10c)		
<u>Oil Pollution Prevention Ashore</u> 66. Has the command provided technical advice and prepared revisions to the Oil Spill Prevention Control and Countermeasures Planning Manual (NEESA 7-030) (NOTAL) to assist shore activities in the preparation of SPCC plans? (12-6.1a)		
67. Has technical and administrative guidance associated with the collection, segregation, rerefining, and disposal of used lubricating oil been provided? (12-6.1b)		
68. Has technical and administrative guidance associated with the collection, segregation, rerefining, and disposal of used contaminated fuels been provided? (12-6.1c)		
69. Has the command provided technical advice and prepared appropriate manuals or other forms of guidance for used oil management? (12-6.1d)		
<u>Installation Restoration</u> 70. Has the command completed all IAGs within 180 days after EPA review of each RI/FS (for NPL sites)? (13-4.12)		
71. Has the command effectively managed the overall technical aspects of the IRP? (13-6.2a)		
72. Has the command ensured that all necessary IRP reports and studies have been accomplished and that regulatory agencies have had adequate opportunity to review and comment on them? (13-6.2b)		
73. Have semiannual IR execution plans been provided to major claimants? (13-6.2c)		
74. Have installations been assisted with the establishment of TRC and CRP? (13-6.2d)		

	YES	NO
75. Has the command prepared all RODs and forwarded them to the installation commanding officer with a recommended alternatives? (13-6.2e)		
76. Have administrative records been maintained and copies distributed to the installation, state, and EPA, as required? (13-6.2f)		
77. Have substantive responses to EPA and state inquiries related to HW sites and subsequent cleanups been prepared and the current IRP data base maintained? (13-6.2g)		
78. Has the command participated in remediation planning meetings with other PRPs and agencies, forwarded proposed remediation agreements to CNO and OGC (Environmental Law Office) for review and comment, signed and administered the agreements, and disseminated information to all interested parties at all stages of the process? (13-6.2h)		
79. Has the command negotiated FFAs and any state agreements for the Navy and forwarded final proposed agreements to CNO for review and submission to ASN (I&E) for signature? (13-6.2i)		
<u>Underground Storage Tanks</u> 80. Has the command assembled and collated UST notification data Navy-wide in a manner that will enable development of program estimated costs for compliance with Federal, state, and local requirements? (14-6.1a)		
81. Have Navy activities been assisted in the preparation of UST Management Plans, as requested? (14-6.1b)		
82. Has technical advice and assistance been provided to Navy activities for leak detection services, as requested? (14-6.1c)		
83. Has the command funded, from the centrally managed environmental compliance account, the installation of leak detection and monitoring systems for tanks installed prior to 22 December 1988? (14-6.1d)		
84. Has the command funded the cleanup of environmental contamination caused by HS or petroleum leaks from USTs, as required? (14-6.1e)		

	YES	NO
85. Have technical directives and design manuals been revised to reflect regulatory requirements for new construction of USTs including underground piping and leak detection devices, as required? (14-6.1f)		
86. Has assistance been provided to major commands and their installations for estimation of resource requirements,as requested? (14-6.1g)		
Pesticide Pollution Prevention Ashore 87. Has the command provided technical assistance for pesticide programs, as requested? (15-6.1)		
Ocean Dumping 88. Has the command provided technical assistance to Navy commands, vessels, and activities, as required, in matters concerning ocean dumping? (18-6.2)		
Natural Resources Management 89. Has the command provided adequate professional staffing, and maintained a program for integrated management, conservation, and enhancement of natural resources on Navy lands? (19-6.2a)		
90. Has the command provided management and conservation of the soil, water, forests, land, grounds, fish and wildlife, wetlands and flood-plains, and natural areas? (19-6.2a.1)		
91. Has the command ensured compatibility of Draft Master Plans with the objectives of the NRM program and compliance with legal mandates? (19-6.2a.2)		
92. Has the command staffed recommendations for natural resources personnel? (19-6.2a.3)		
93. Has the command evaluated and incorporated new methods and procedures in the preservation, management, and enhancement of natural resources? (19-6.2a.4)		
94. Has the command coordinated NRM requirements with other Federal, state, or local professional authorities, including all Section 7 consultations under the Endangered Species Act? (19-6.2a.5)		

	YES	NO
95. Has the command determined the potential for NRM programs on installations that contain land and water areas suitable for the conservation and management of natural resources? (19-6.2a.6)		
96. Has information been gathered from installations to satisfy program reporting requirements? (19-6.2a.7)		
97. Have on-site visits of installations been conducted at least tri-annually to evaluate the effectiveness of natural resources programs, and provide technical consultant services? (19-6.2a.8)		
98. Has the command promulgated and coordinated the program management guidance and services required, and issued appropriate Navy-wide instructions for implementation of integrated NRM? (19-6.2b)		
99. Has the command resolved natural resources impact issues in support of the environmental impact analysis process? (19-6.2c)		
100. Has the command ensured that current and planned mission activities are effectively coordinated, in a timely manner, with appropriate natural resources managers? (19-6.2d)		
101. Has the command ensured that the NRM program is evaluated as part of ECEs as described in OPNAVINST 5090.1A? (19-6.2e)		
102. Has functional sponsorship been provided for funding and support for the establishment and maintenance of the DON natural resources data base? (19-6.2f)		
103. Has necessary guidance been provided to ensure that applicable cooperative agreements, plans, and MOUs are entered into, and executed by, commanders/commanding officers at appropriate levels of command? (19-6.2g)		
104. Has technical assistance been provided to Marine Corps installations, upon funded request? (19-6.2h)		
<u>Historic and Archeological Resources Protection</u> 105. Has a specific qualified staff been designated to perform historic and archeological resources protection functions? (20-6.3a)		

	YES	NO
106. Has a list of Navy's National Register resources and a record of undertakings affecting them been maintained? (20-6.3b)		
107. Has technical assistance been provided to identify, evaluate, inventory, nominate, plan, maintain, and protect National Register resources under Navy control? (20-6.3c)		
108. Have productive working relationships been maintained with SHPOs and other preservation officials in their region so as to expedite Navy projects and programs affecting historic and archeological resources? (20-6.3d)		
109. Have activities been assisted in the negotiation of Memoranda of Agreement and Programmatic Agreements which both protect historic and archeological resources and facilitate Navy projects and programs? (20-6.3e)		
110. Has technical and legal support been provided in resolving questions related to legal preservation requirements, as requested? (20-6.3f)		
111. Has information been provided about preservation training opportunities and guidance concerning appropriate preservation procedures, techniques and material? (20-6.3g)		
112. Have applications been processed for and ARPA permits issued authorizing professional excavation and removal of archeological resources, as appropriate? (20-6.3h)		

ENVIRONMENTAL AND NATURAL RESOURCES PROGRAM CHECKLIST

CHIEF, BUREAU OF MEDICINE AND SURGERY

	YES	NO
Environmental Program Management and Organization		
1. Has the bureau determined, validated, and established health related criteria and standards that are not available through Federal, state, or local laws or regulations? (2-6.8a)		
2. Has assistance been provided to activities, offices, and commands concerning the health aspects of pollution sources or pollution control equipment, including development of medical monitoring programs? (2-6.8b)		
3. Has industrial hygiene and medical expertise been provided to activities during spill events and other environmental emergencies, via field clinics? (2-6.8c)		
4. Has the bureau coordinated with the Agency for Toxic Substances and Disease Registry (ATSDR) for the timely completion of health assessments for National Priorities List (NPL) sites and toxicological profiles on any specific contaminants? (2-6.8d)		
Drinking Water Systems and Water Conservation		
5. Has the bureau revised instructions and other appropriate documents to reflect Navy requirements? (8-6.2a)		
6. Has the bureau established and published appropriate additional standards of water quality and monitoring requirements for Navy drinking water systems afloat and overseas? (8-6.2b)		
7. Has health related advice been provided to Navy commands in carrying out their responsibilities for drinking water quality and distribution? (8-6.2c)		
8. Has the bureau ensured all personnel who collect samples and perform potable water system analyses are certified to do so per applicable Federal, state, and local regulations? (8-6.2d)		

	YES	NO
9. Has the bureau addressed health and safety issues for all lead mitigation measures considered by COMNAVFACENGCOM, especially chemical addition used to reduce lead in drinking water? (8-6.2e)		
<u>Solid Waste Management and Resource Recovery Ashore</u> 10. Has the bureau ensured NAVMEDCOMINST 6280.1 (NOTAL) instruction on infectious waste management for Navy medical treatment facilities is current? (10-6.2.1a)		
11. Has the bureau ensured that subordinate commands comply with Federal, state, local and SOFA requirements regarding the identification, generation, handling, storage, transport, treatment, and disposal of infectious waste? (10-6.2.1b)		
<u>Installation Restoration</u> 12. Has the bureau provided support in the areas of health assessments, toxicological profiles, and health/safety training? (13-6.3a)		
13. Has the bureau interfaced with the ATSDR concerning ATSDR's legally mandated health assessments? (13-6.3b)		
14. Have NAVFACENGCOM and installations been assisted during public meetings and responses to community concerns on health and safety aspects of the program? (13-6.3c)		
<u>Pollution Prevention Afloat</u> 15. Has the bureau issued guidance for shipboard medical department personnel concerning health and sanitation aspects of shipboard sewage systems? (17-6.3a)		
16. Has the bureau ensured that training programs for shipboard medical personnel include all aspects of health and sanitation associated with shipboard sewage systems? (17-6.3b)		
17. Has the bureau determined, validated, and established health criteria and standards relating to noise? (17-6.3c)		
18. Has the bureau collected, collated, and disseminated professional and technical data related to health problems associated with specific sources of noise and noise control systems? (17-6.3d)		

	YES	NO
19. Has research and evaluation in environmental medicine been performed to determine the health impacts of Navy sources of environmental noise? (17-6.3e)		

ENVIRONMENTAL AND NATURAL RESOURCES PROGRAM CHECKLIST

CHIEF, NAVAL EDUCATION AND TRAINING

	YES	NO
Environmental Program Management and Organization		
1. Has the command established effective training programs on environmental compliance and natural resources management throughout the Navy? (2-6.9)		
Hazardous Waste and PCB Management Ashore		
2. Has training been developed and provided on the safety and occupational safety and health aspects of HW to applicable Navy personnel? (9-6.4)		
Pollution Prevention Afloat		
3. Have formal training programs on the operation, maintenance, sanitation, and safety of all shipboard sewage systems been established, monitored, and updated, as required? (17-6.2a)		
4. Have shipboard indoctrination programs on sanitation, safety, and basic operation of all sewage systems been developed, reviewed, and revised as necessary? (17-6.2b)		
5. Have formal training programs at appropriate facilities on the operation and maintenance of shipboard oil pollution abatement systems and equipment been established, monitored, and updated training programs as required? (17-6.2c)		
6. Have indoctrination programs on oil spill control, oil reclamation, and the basic operation of all oil pollution abatement systems and equipment been provided, reviewed, and revised as necessary? (17-6.2d)		
7. Have formal training programs on the handling, storage, treatment, disposal, and cleanup of shipboard oil and HS been established, monitored, and updated training programs as required? (17-6.2e)		

ENVIRONMENTAL AND NATURAL RESOURCES PROGRAM CHECKLIST

COMMANDER, MILITARY SEALIFT COMMAND

	YES	NO
Pollution Prevention Afloat		
1. Has the command ensured that assigned vessels are properly equipped with appropriate sewage systems, air emission, and oil pollution abatement equipment, solid waste treatment/ disposal systems, and low-noise emission equipment? (17-6.6a)		
2. Has the command ensured that assigned vessels are equipped with appropriate disposal/treatment systems, containers, labels, handling equipment, clean-up materials, and protective clothing to allow safe and effective control of shipboard HS? (17-6.6b)		
3. Has the command ensured that assigned ships operate their sewage systems, air, oil, and solid waste control systems and other pollution abatement systems per the requirements of OPNAVINST 5090.1A? (17-6.6c)		
4. Has the command provided for repair and maintenance of air, oil, sewage and solid waste pollution abatement systems that are beyond the capability of ship's force to accomplish? (17-6.6d)		
5. Have operational guidelines and reporting procedures been issued for compliance with the policies set forth in OPNAVINST 5090.1A for ship-generated plastic waste? (17-6.6e)		
6. Has the cleanup of OHS spills from assigned Navy and contract vessels been funded? (17-6.6f)		
7. Have procedures been established to ensure, that HW is off-loaded from assigned ships at a Navy or other public facility prior to entering a private shipyard for an availability? (17-6.6g)		
8. Has a shipboard HW coordinator been identified for each assigned ship's availability at a private shipyard? (17-6.6h)		

	YES	NO
9. Has the command applied for required HW generator numbers called for to manage Navy generated and co-generated HW for MSC ships at private shipyards and established procedures for the proper handling and disposal of Navy-generated wastes for MSC ships at private shipyards? (17-6.6i)		
10. Has the command ensured that ships identify in preavailability planning conferences the types and amounts of HW expected to be generated by ships' force during the availabilities? (17-6.6j)		
11. Have ships been directed to comply with all established HW management practices and those site specific procedures delineated for the private shipyard? (17-6.6k)		
12. Does the command monitor ship compliance with established procedures while in private shipyards? (17-6.6l)		

ENVIRONMENTAL AND NATURAL RESOURCES PROGRAM CHECKLIST

CHIEF OF INFORMATION (CHINFO)

	YES	NO
General Policies and Responsibilities 1. Have guidelines for the release of information involving environmental and natural resources matters been provided? (1-6.3a)		
2. Has guidance on the conduct of public affairs matters and public hearings required by environmental laws or regulations been provided? (1-6.3b)		

ENVIRONMENTAL AND NATURAL RESOURCES PROGRAM CHECKLIST

LEGAL RESOURCES - JAG AND OGC ATTORNEYS

	YES	NO
General Policies and Responsibilities		
1. Has legal advice been provided concerning the interpretation of environmental laws and regulations and their effect on the operation of the Navy? (1-6.4a)		
2. Have responses been provided to NOVs or similar assertions of non-compliance and to demands for payment of Navy funds from any environmental agency? (1-6.4b)		
3. Have legal effects of provisions in contracts or agreements with respect to environmental matters been provided? (1-6.4c)		

ENVIRONMENTAL AND NATURAL RESOURCES PROGRAM CHECKLIST

AREA COORDINATORS

	YES	NO
Environmental Program Management and Organization		
1. Has the area coordinator designated regional and state environmental coordinators (including coordinators for OCONUS territories) within 90 days of OPNAVINST 5090.1A? (2-6.10a)		
2. Has the area coordinator reviewed and modified regional and state environmental coordinator designations, as necessary? (2-6.10b)		
Oil and Hazardous Substances Pollution Contingency Planning		
3. Has the area coordinator developed and periodically updated an area-wide OHS spill contingency planning instruction specifying NOSC and NOSCDR responsibilities for OHS spill contingency planning and response in the region? (11-6.1a)		
4. Has the area coordinator predesignated shoreside NOSCs to plan for and direct response efforts to OHS spills from Navy ship and shore activities throughout the region? (11-6.1b)		
5. Has the area coordinator coordinated with SUPSALV for the development, revision and update of the area-wide OHS spill contingency planning instruction and the individual NOSC plans? (11-6.1c)		

ENVIRONMENTAL AND NATURAL RESOURCES PROGRAM CHECKLIST

REGIONAL ENVIRONMENTAL COORDINATORS

	YES	NO
Environmental Program Management and Organization		
1. Has the regional environmental coordinator coordinated public affairs in the region with respect to environmental matters and served as point of contact for public and media inquiries, when appropriate? (2-6.11a)		
2. Has the regional environmental coordinator ensured consistent positions, agreements, permit conditions, and responses by regulatory agencies within the region, coordinating closely with EFDs, major claimants, and affected shore activities? (2-6.11b)		
3. Has the regional environmental coordinator ensured the exchange of environmentalinformation among Navy shore activities in the region, including the distribution of state, local, and regional laws, rules, and regulations, and held, as necessary, meetings and/or conferences for regional commands on environmental compliance issues? (2-6.11c)		
4. Has the regional environmental coordinator developed local/ regional plans of action for specific environmental initiatives in coordination with commanding officers of Navy and Marine Corps shore activities in the region and major claimants? (2-6.11d)		
5. Has the regional environmental coordinator, in cases were the regional environmental coordinator is not the NOSC for spill response, ensured that the NOSC spill contingency plans are reviewed, responsibilities are clearly outlined, and procedures are consistent with policies of the regional environmental coordinator? (2-6.11e)		
6. Has assistance to facilities in dealing with regulatory agencies been provided, as requested? (2-6.11f)		
7. Has the regional environmental coordinator acted as the liaison between visiting foreign warships and environmental regulatory personnel during ship visits? (2-6.11g)		

	YES	NO
8. Has the regional environmental coordinator, within 90 days of being designated, issued an instruction to all activities in the region outlining specific responsibilities and policies for coordination? (2-6.11h)		
<u>Environmental Compliance Evaluations Ashore</u> 9. Has the regional environmental coordinator stayed informed as to the results of ECEs at shore activities in their region? (4-6.4)		
<u>Air Pollution Prevention Ashore</u> 10. Have Air pollution episode coordinators ensured that air episode plans and actions are consistent in degree and timing for all Navy activities in the affected episode area and also as consistent as possible with plans and actions of other Federal activities and state and local air pollution control authorities? (6-6.3)		
<u>Ocean Dumping</u> 11. Has the regional environmental coordinator by 15 January of each year submitted a report on previous year burials to the appropriate EPA regional office? (18-6.5)		

ENVIRONMENTAL AND NATURAL RESOURCES PROGRAM CHECKLIST

STATE ENVIRONMENTAL COORDINATORS

	YES	NO
Environmental Program Management and Organization		
1. Has the state environmental coordinator ensured that agreed upon Navy positions and concerns are articulated to state lawmakers and/or regulatory officials by appropriate Navy officials? (2-6.12a)		
2. Are appropriate major claimants, regional and area coordinators, and OP-45 being informed on the status of important state legislative and regulatory proposals? (2-6.12b)		
3. Have procedures been developed for coordination with appropriate EFD? (2-6.12c)		

ENVIRONMENTAL AND NATURAL RESOURCES PROGRAM CHECKLIST

SHORESIDE NAVY ON-SCENE COORDINATORS

	YES	NO
Oil and Hazardous Substances Pollution Contingency Planning Shoreside NOSCs - U.S. Areas: 1. Has the NOSC directed all major response efforts for Navy OHS spills within assigned shoreside boundaries to include coastal areas out to the 12 nm zone? (11-6.3a)		
2. Has the NOSC served as the Federal OSC under the NCP for Navy HS releases within assigned geographic boundaries? (11-6.3b)		
3. Have shoreside NOSCDRs been predesignated and geographic areas for response preassigned? (11-6.3c)		
4. Have response operations with adjacent NOSCs, including fleet NOSCs, for Navy OHS spills which may impact more than one NOSC region been coordinated? (11-6.3d)		
5. Has the NOSC developed in the general format prescribed by COMNAVSEASYSCOM and consistent with the area coordinator's instructions, area-wide NOSC OHS spill contingency plans and coordinated the development of the plans with the overlapping regional Federal OSC plans, as prescribed in the NCP? (11-6.3e)		
6. Have response operations been coordinated with the DoD representative to the RRT? (11-6.3f)		
7. Have shoreside NOSC plans been coordinated with fleet planning and operations and ensured that Navy SOPA instructions contain guidance for fleet OHS spill response that is consistent with the shoreside NOSC plans? (11-6.3g)		
8. Has the NOSC ensured that all Federal, state, and local OHS spill notification procedures have been followed? (11-6.3h)		

	YES	NO
Shoreside NOSCs - Foreign Areas: 9. In foreign areas: a. Has the NOSC developed overseas NOSC OHS spill contingency plans in the format prescribed by COMNAVSEASYSCOM and consistent with area coordinator instructions? b. Has the development of these plans been coordinated with applicable host nations? (11-6.4a)		
10. Does the NOSC oversee response operations for Navy OHS spills within assigned areas and coordinate response operations with adjacent NOSCs and with applicable foreign nation agencies? (11-6.4b)		
11. Have shoreside NOSCDRs been predesignated and geographic areas for response been preassigned? (11-6.4c)		
12. Has the NOSC ensured all required foreign country OHS spill notification procedures are followed? (11-6.4d)		

ENVIRONMENTAL AND NATURAL RESOURCES PROGRAM CHECKLIST

FLEET NAVY ON-SCENE COORDINATORS

	YES	NO
Oil and Hazardous Substances Pollution Contingency Planning		
1. Has the Fleet NOSC predesignated fleet NOSCDRs to provide direct operational assistance to fleet commanders for large fleet response incidents? (11-6.5a)		
2. Has the Fleet NOSC developed area-wide fleet NOSC plans in a format prescribed by COMNAVSEASYSCOM and consistent with area coordinator instructions and coordinated these plans with adjacent shoreside NOSCs for the 12 nm zone? (11-6.5b)		
3. Has the Fleet NOSC ensured all required Federal, state, regional, local, or foreign government notifications are made promptly? (11-6.5c)		
4. Has the Fleet NOSC ensured that OPORDs and instructions containing guidance or policy for fleet OHS pollution response are consistent with fleet NOSC plans and SOPA instructions? (11-6.5d)		
Pollution Prevention Afloat		
5. Have fleet SCPs been developed? (17-6.10a)		
6. Have coordination and direction been provided for the cleanup of OHS spills from Navy vessels outside the 12 nm U.S. contiguous zone? (17-6.10b)		
7. Have coordination and assistance, as requested, been provided to predesignated shoreside NOSCs assigned as per OPNAVINST 5090.1A? (17-6.10c)		
8. Have OHS spills from Navy vessels under their cognizance been reported as prescribed in OPNAVINST 5090.1A? (17-6.10d)		

ENVIRONMENTAL AND NATURAL RESOURCES PROGRAM CHECKLIST

NAVY ON-SCENE COMMANDERS

	YES	NO
Oil and Hazardous Substances Pollution Contingency Planning		
1. Has the NOSCDR overseen response efforts for Navy OHS releases within preassigned NOSCDR areas until relieved by the NOSC, as well as supported the NOSC for Navy response in areas outside of NOSCDR boundaries? (11-6.6a)		
2. Has the NOSCDR developed, annually reviewed and periodically updated sub-regional, or local, NOSCDR plans in a format prescribed by COMNAVFACENGCOM and consistent with policy direction and guidance provided by the NOSC? (11-6.6b)		
3. Has the NOSCDR plan been reviewed for consistency with appropriate state and local environmental and emergency planning authorities? (11-6.6c)		
4. Has the NOSCDR made all required Federal, state, and local notifications for Navy OHS spills and made Navy chain of command notifications up to the NOSC level? (11-6.6d)		

ENVIRONMENTAL AND NATURAL RESOURCES PROGRAM CHECKLIST

SENIOR OFFICERS PRESENT AFLOAT

	YES	NO
Pollution Prevention Afloat		
1. Has the SOPA, in the regulations for each port, provided information on the Federal, state, and local environmental regulations which apply to ships in that port? (17-6.7)		

ENVIRONMENTAL AND NATURAL RESOURCES PROGRAM CHECKLIST

COMMANDING OFFICERS OF SHORE ACTIVITIES

	YES	NO
General Policies and Responsibilities		
1. Has the activity adhered to the policies promulgated in OPNAVINST 5090.1A? (1-6.8a)		
2. Has the activity cooperated with Federal, state, and local regulatory agencies and complied with applicable substantive and procedural requirements established by such agencies? (1-6.8b)		
3. Has the activity coordinated important environmental and natural resources matters, especially violations, agreements and permit conditions, with EFDs, major claimants, and regional environmental coordinators? (16.8c)		
4. Has the activity submitted nominations for the CNO Environmental Quality and Natural Resources Conservation Awards? (1-6.8d)		
5. Has the activity ensured that environmental compliance requirements are integrated into all levels of activity management? (1-6.8e)		
6. Has the host activity applied for all Federal, state, and local permits necessary, complied with permit terms/ conditions and coordinated permit conditions with all affected tenant commands? (1-6.8f)		
7. Has the activity responded to NONs, NOVs, warning letters, warning notices, citizen suits, consent orders or any other written or oral notice of deficiences with Federal, state, interstate, or local laws and regulations per the procedures of OPNAVINST 5090.1A Appendix C? (1-5.8)		
8. When access was permitted for environmental regulatory officials to visit Navy shore facilities or ships, were security arrangements worked out pursuant to OPNAVINST 5510.1H (NOTAL)? (1-5.10a)		
9. Before allowing an environmental regulatory official access to a classified work-site, were other non-classified alternatives suggested? (1-5.10d)		

	YES	NO
Environmental Program Management and Organization		
10. Were all new environmental positions/agreements likely to set precedent immediately sent to CNO (OP-45)? (2-5.2)		
11. Has the activity coordinated important environmental matters with major claimants, regional area coordinators, and EFDs? (2-6.13a)		
12. Has the activity certified and signed all required enviromental permits? (2-6.13b)		
13. Has the activity immediately advised the major claimant of any proposal or requirement with potential to adversely affect the activity mission, with information copies to the chain of command? (2-6.13c)		
14. Has the activity ensured that host/tenant agreements exist which define roles and responsibilities with respect to environmental compliance (including permit conditions) and, and, where applicable, established environmental compliance boards of host and tenant management personnel? (2-6.13d)		
Funding Environmental Compliance		
15. Has the activity planned, programmed, and budgeted for routine, recurring environmental compliance costs via appropriate claimants? (3-6.6a)		
16. Has the activity ensured all nonrecurring, non-routine environmental compliance requirements, including those funded with activity funds are forwarded to NAVFACENGCOM via EFDs in the form of project exhibits? (3-6.6b)		
Environmental Compliance Evaluations Ashore		
17. Has the activity performed annual self ECEs unless exempted by a risk survey approved by the EFD and claimant? (4-6.5a)		
18. Based on ECEs, and other information, has the activity developed and executed plans of action for achieving compliance? (4-6.5b)		
19. Has the activity ensured that environmental compliance is a factor in the performance evaluations of appropriate personnel? (4-6.5c)		

	YES	NO
<u>Procedures For Implementing The National Environmental Policy Act (NEPA)</u>		
20. Have all appropriate proposed actions at the initial planning stage been reviewed for their potential environmental impacts? (5-6.3b)		
21. At the early stages of (proposed) environmental problems have Federal, state agencies, and affected citizens been coordinated with? (5-6.3b)		
22. Has OP-44E been sent appropriate NEPA documentation? (5-6.3c)		
23. Have all FONSI/ROD action items been throughly resolved? (5-6.3d)		
24. Have all means possible been used to instill a sense of environmental responsibility and awareness among personnel to implement the spirit of NEPA? (5-6.3f)		
<u>Air Pollution Prevention Ashore</u>		
25. Has the activity identified and submitted environmental compliance projects, required to bring air sources into compliance? (6-6.4a)		
26. Has the activity signed applications for permits related to demolition, preconstruction, and construction phases of projects? (6-6.4b)		
27. Has the activity budgeted sufficient resources to maintain and demonstrate compliance, including all routine air monitoring and scheduled sampling or testing, and notified state and local authorities of all instances of noncompliance? (6-6.4c)		
28. Has the activity submitted, via the chain of command, to CNO (OP-45) all instances in which compliance with fuel standards has been impractical? (6-6.4d)		
29. Has the activity maintained current records of physical, operational, and emission characteristics of air sources? (6-6.4e)		

	YES	NO
30. Has the activity ensured the development of air episode plans as required, and provided copies of plans to the cognizant EFD and regional environmental coordinators? (6-6.4f)		
31. In episode areas, has the activity cooperated with the Navy air pollution episode coordinator, EPA, and state and local air pollution control authorities in the execution of air episode plans? (6-6.4g)		
32. Has the activity ensured that motor vehicles and other mobile sources comply with applicable emission standards and other requirements? (6-6.4h)		
33. Has the activity developed and implemented transportation control measures as required by state implementation plans? (6-6.4i)		
34. Has the activity implemented, as an adjunct to routine vehicle maintenance programs, vehicle emissions I/M programs, as required, and ensured that corrective maintenance necessary for compliance with emission standards is performed prior to returning vehicles to service? (6-6.4j)		
35. Has the activity implemented and maintained proper adjustments in stationary heating and power plant operations to reduce total emissions? (6-6.4k)		
36. Has the activity ensured radon detectors are properly installed in housing units and occupied structures per NAVFACENGCOM guidance? (6-6.4l)		
37. Has the activity implemented appropriate radon mitigation actions for structures with radon level over 4 pc/l? (6-6.4m)		
38. Has the activity followed all applicable requirements if open burning was conducted? (6-5.3.2)		
<u>Water Pollution Prevention Ashore</u> 39. Has the activity reviewed and signed all applications for permits to construct wastewater treatment facilities; and obtained, renewed, and paid for all recurring discharge permits? (7-6.2a)		

	YES	NO
40. Has the activity provided the resources for operation performance monitoring, sampling, and testing, as well as for maintaining and demonstrating compliance with permit and pretreatment requirements and maintained records of all monitoring information? (7-6.2b)		
41. If discharging to a POTW or NOTW, has the activity:		
a. Complied with all applicable pretreatment requirements?		
b. Notified operators of treatment works of any changes to discharges or accidental discharges of pollutants? (7-6.2c)		
42. If responsible for operation of a NOTW, IWTP, or IWPP, has the activity:		
a. Notified the cognizant permitting agency of any changes in wastewater influent that may affect the ability of the plant to comply with applicable discharge requirements?		
b. Provided resources (tuition, travel, per diem) for training operators of treatment works and ensure compliance with applicable state certification requirements?		
c. Operated and maintained treatment works to ensure effluent discharges comply with applicable permit requirements?		
d. Developed pretreatment programs to control all industrial discharges to a NOTW? (7-6.2d)		
43. Has the activity identified and submitted environmental compliance projects, per OPNAVINST 5090.1A, required to bring wastewater sources into compliance with applicable non-routine, nonrecurring requirements? (7-6.2e)		
44. Has the activity obtained all necessary in-water construction permits? (7-6.2f)		

	YES	NO
Drinking Water Systems and Water Conservation		
45. Has the activity budgeted sufficient resources for recurring, routine operations, maintenance, and repair of drinking water systems in compliance with applicable standards, sampling/monitoring, reporting, recordkeeping, and other substantive and administrative requirements, including BUMED requirements? (8-6.4a)		
46. Has the activity complied with EPA, state, and local drinking water requirements and with BUMED drinking water quality requirements overseas? (8-6.4b)		
47. Have the various uses of water at the activity been reviewed to ensure that all economically practical water conservation measures have been taken? (8-6.4c)		
48. Has the activity provided for the proper operation and maintenance of water meters, water saving devices, water reuse/recycle systems, and backflow protection devices? (8-6.4d)		
49. Have resources (tuition, travel, per diem) for training operators of public water systems been provided and has compliance with applicable state certification requirements been ensured? (8-6.4e)		
50. Has the activity identified and submitted compliance projects per OPNAVINST 5090.1A, for non-routine, nonrecurring requirements? (8-6.4f)		
51. Have drinking water outlets at the activity been sampled and the results reported to the cognizant EFD? (8-6.4g)		
52. Has the activity notified personnel in priority areas of lead testing results? (8-6.4h)		
53. Has the activity implemented lead mitigation measures, where appropriate? (8-6.4i)		
54. Has the activity ensured that plumbing repairs made to activity drinking water systems use lead free materials? (8-6.4j)		

	YES	NO
Hazardous Waste and PCB Management Ashore		
55. Has the activity ensured that contractors performing work for the Navy on Navy property comply with all applicable HW and PCB requirements? (9-5.2)		
56. If the activity generates HW, has it included in its written plans and procedures for the HMC&M Program, designation of an appropriate responsible action official for HW and HAZMIN? (9-6.6a)		
57. Has the activity determined, evaluated, and complied with applicable Federal, state, and local HW laws and regulations? (9-6.6b)		
58. Has the activity developed a HW management/HAZMIN plan, including a POA&M for implementation of HAZMIN to each waste stream, and incorporated the plan in the overall HMC&M plan required by OPNAVINST 4110.2 (NOTAL)? (9-6.6c)		
59. Has the activity signed and submitted, as appropriate, reports and other required data to EPA, state, or local agencies? (9-6.6d)		
60. Has the activity submitted an annual Navy HW report per the policy in OPNAVINST 5090.1A and procedures published by NEESA? (9-6.6e)		
61. Has the activity budgeted and funded the operation and maintenance of facilities and equipment necessary to handle, store, transport, treat, and dispose of Navy HW per applicable Federal, state, and local requirements? (9-6.6f)		
62. Has the activity trained personnel involved in HW operations per applicable Federal and state requirements? (9-6.6g)		
63. Has the activity transferred accountability and custody of PCBs and PCB items stored for disposal to DRMO, insofar as possible? (9-6.6h)		
64. Has the activity handled, stored, marked, inspected, and assessed risks of PCBs and PCB items according to applicable Federal or state regulations? (9-6.6i)		

	YES	NO
65. Has the activity, with regard to PCB transformers and PCB contaminated transformers:		
a. Inspected for PCB leaks?		
b. Repaired all leaks?		
c. Maintained records?		
d. Provide notification to EPA? (9-6.6i)		
66. For PCBs:		
a. Have all PCBs and PCB items, per procedures published by NEESA and as required by regulatory agencies, been annually inventoried and validated?		
b. Has the inventory been used to maintain required annual records and the annual document log?		
c. Have reports been maintained at the activity for at least three years? (9-6.6j)		
67. Has the activity reported PCB spills or incidents involving combustion as prescribed in OPNAVINST 5090.1A when the spill exceeds the reportable quantities established in Federal regulations? (9-6.6k)		
68. Has the activity registered all PCB transformers and equipment with cognizant fire departments? (9-6.6l)		
69. Has the activity PCB elimination plan been prepared, updated, and submitted to the major claimant, via the cognizant NAVFACENGCOM EFD, for review and approval? (9-6.6m)		
70. Has the activity established and implemented procedures to ensure compliance with EPCRA requirements? (9-6.6n)		
71. Has the activity, if assigned to receive HMTIS, HMTID, and HW from ships and other shore activities, provided accessible facilities to receive the HW and to store it per applicable EPA and/or state regulations until the material is disposed or transferred to DLA? (9-6.7)		
Solid Waste Management and Resource Recovery Ashore		
72. Has the activity complied with any applicable state or local beverage container laws? (10-5.5.3)		

	YES	NO
73. For any landfill located on the activity, does it conform to the most stringent applicable Federal, state, or local standards and requirements? (10-5.6.1)		
74. Has the activity developed solid waste management plans, including source reduction and recycling programs and resource recovery facilities, as required? (10-6.1.4a)		
75. If a tenant, has the activity cooperated with the activity or lessor which provides solid waste collection and disposal services in the establishment of source reduction and separation programs? (10-6.1.4b)		
76. If in a listed SMSA, has the activity cooperated with the designated SMSA lead agency? (10-6.1.4c)		
77. Has the activity provided an annual solid waste management report to NEESA by 1 February of each year as per OPNAVINST 5090.1A? (10-6.1.4d)		
78. Has the activity complied with the infectious waste management procedures specified in NAVMEDCOMINST 6280.1 (NOTAL)? (10-6.2.2a)		
79. Has the activity determined, evaluated, and complied with Federal, state, local, or SOFA regulations that are more stringent than the requirements in NAVMEDCOMINST 6280.1 (NOTAL)? (10-6.2.2b)		
80. Has the activity requested technical assistance, as required, from cognizant NAVFACENGCOM EFDs or BUMED in carrying out required actions? (10-6.2.2c)		
81. Has the activity budgeted and funded the operation and maintenance of facilities and equipment necessary to handle, store, transport, treat, and dispose of infectious waste per applicable Federal, state, local, or SOFA regulations? (10-6.2.2d)		
82. If appropriate, has the activity managed infectious wastes in foreign countries to assure protection of human health and the environment and meet any applicable SOFA requirements? (10-6.2.2e)		
83. Have accessible facilities been provided to receive and store infectious waste per applicable Federal, state, local, or SOFA regulations until disposal of the materials? (10-6.2.3a)		

	YES	NO
84. Has the activity provided for disposal of infectious waste per applicable Federal, state, local, or SOFA regulations? (10-6.2.3b)		
85. Has the activity managed infectious wastes in foreign countries to assure protection of human health and the environment as well as met any applicable SOFA requirements? (10-6.2.3b)		
Oil and Hazardous Substances Pollution Contingency Planning 86. Has the activity reported (to appropriate organizations) immediately all reportable quantity OHS spills within U.S. waters? (11-4.2)		
87. Has the activity developed and annually reviewed and updated, as appropriate, activity OHS spill contingency plans in a format prescribed by COMNAVFACENGCOM, and consistent with applicable NOSCDR and NOSC plans? (11-6.7a)		
88. Has the activity mitigated and cleaned up OHS spills, as required? (11-6.7b)		
Oil Pollution Prevention Ashore 89. Has the activity ensured that it's SPCC plans are prepared per COMNAVFACENGCOM guidance, implemented, and reviewed within prescribed time frames? (12-6.4a)		
90. Has the activity identified and submitted, as per OPNAVINST 5090.1A, pollution abatement projects required for the implementation of it's SPCC plan? (12-6.4b)		
91. Has the activity complied with Federal, state, and local requirements concerning oil pollution and used oil fuels for energy recovery? (12-6.4c)		
92. Has a used oil recycling program been implemented and maintained? (12-6.4d)		
93. If appropriate, has the activity complied with USCG regulations for transportation related oil storage facilities? (12-6.4e)		
Installation Restoration 94. Have all TSDs complied with all appropriate RCRA regulations? (13-4.18)		

	YES	NO
95. Has the National Response Center been notified, as well as appropriate state and local authorities, as soon as the activity had knowledge of a release of a HS, in excess of a reportable quantity? (13-6.4a)		
96. Have all IRP reports been forwarded to the EPA and state regulatory agencies within 30 days of completion? (13-6.4b)		
97. Has a TRC been established for IRP sites? (13-6.3c)		
98. Has the activity implemented a public participation program including a CRP and kept regional environmental coordinators and EFDs informed of all public affairs actions? (13-6.3d)		
99. Has the activity commanding officer signed all applicable RODs? (13-6.3e)		
100. Has the activity budgeted for and conducted appropriate operation and maintenance or long term monitoring after implementing remedial actions? (13-6.3f)		
101. For PRPs: a. Has the chain-of-command been notified of any state or EPA notice of PRP action? b. Have installation records pertaining to wastes sent to PRP sites been reviewed? c. Has the information been forwarded to the EFD? (13-6.3g)		
102. Has the activity ensured LTM of IRP sites after the first two years? (13-6.3h)		
103. Has the technical execution of the IR program been reviewed and feedback provided to the EFDs and major claimants on any major disagreements as soon as possible? (13-6.3i)		
104. Has the activity provided logistics support to the EFD and their contractors performing the investigations and cleanups? (13-6.3j)		
105. Has the activity checked all real estate transactions to ensure that no HW encumbrances exist? (13-6.3k)		
<u>Underground Storage Tanks</u> 106. Has the activity completed notification forms for USTs and forwarded the notification to the appropriate state agency? (14-6.4a)		

	YES	NO
107. Has the activity prepared UST Management Plans, with assistance from NAVFACENGCOM, to document a plan of action for achieving and maintaining compliance with all applicable Federal, state, and local laws and regulations? (14-6.4b)		
108. Has the activity accomplished leak detection and product inventory requirements, recordkeeping and operation of monitoring systems required by Federal, state, and local UST laws and regulations? (14-6.4c)		
109. Has the activity replaced or repaired USTs as required by applicable Federal, state, and local laws and regulations? (14-6.4d)		
110. Has the activity complied with applicable Federal, state, and local laws and regulations concerning the construction of new UST systems? (14-6.4e)		
111. Has the activity prepared Pollution Control Report (PCR) exhibits, with the assistance of NAVFACENGCOM EFDs, for all compliance-mandated UST projects, regardless of funding source? (14-6.4f)		
Pesticide Pollution Prevention Ashore 112. Have all appropriate pesticide application personnel been certified? (15-5.3)		
113. Has the activity budgeted for routine, recurring costs to operate and maintain pest control facilities in compliance with legal requirements? (15-6.2a)		
114. Has the activity identified as early as possible and submitted, per procedures in OPNAVINST 5090.1A, nonrecurring, non-routine corrective projects required to bring all pesticide use, storage, shop facilities, and disposal operations into compliance with applicable standards? (15-6.2b)		
115. Has the activity ensured that wastewaters discharged from pesticide mixing facilities are in compliance with applicable pretreatment or NPDES permit requirements and other applicable Federal, state, or local requirements? (15-6.2c)		

	YES	NO
116. Has the activity addressed all pesticide transportation, storage, and formulation areas in activity HS release contingency plans? (15-6.2d)		
117. Have other alternatives to pesticides and herbicides such as mowing, cutting, and planting alternative vegetation been investigated? (15-6.2e)		
118. Has the activity developed, implemented, and maintained a Pest Management Plan documenting all pest management operations and pesticide applications? (15-6.2f)		
<u>Noise Prevention Ashore</u> 119. Has the activity implemented procedures for limiting on-base noisy operations and for reducing property-line noise levels as required by local law? (16-6.2)		
<u>Natural Resource Management</u> 120. Has the activity acted as a trustee for natural resources under its jurisdiction, developed and maintained an effective conservation program as outlined in OPNAVINST 5090.1A, and used technical assistance from the EFDs as necessary? (19-6.4a)		
121. Has the activity requested sufficient funding to ensure support of an integrated program as prescribed by OPNAVINST 5090.1A and the NRMPM? (19-6.4b)		
122. Has the activity ensured preparation of integrated management sections of comprehensive NRM plans and systematically applied the conservation practices set forth in such sections? (19-6.4c)		
123. Has the activity commanding officer appointed, by letter, an installation NRM program manager? (19-6.4d)		
124. Have programs been implemented to reduce the potential for collisions between aircraft and birds or other animals if the installation has a flying mission? (19-6.4e)		
125. Has the activity forwared information copies of all applications or any other decision document(s) or proposal document(s) to fill or create a wetland to OP-45 via the chain of command? (19-6.4f)		

	YES	NO
126. In coordination with EFDs, has the activity incorporated soil and water conservation measures and landscaping in the preliminary engineering, design, and construction of facilities involving ground disturbance and included state-approved erosion prevention/control measures as requirements in the specifications for all ground disturbing construction projects? (19-6.4g)		
127. Has the activity reviewed all non-excess land to identify areas that may be suitable and available for agricultural outleasing or commercial forestry? (19-6.4h)		
128. Has the activity entered into fish and wildlife cooperative plans that may be developed on behalf of the Secretary of Defense as required by the Sikes Act? (19-6.4i)		
129. Has the activity requested the aid of, and coordinated the NRM program with, Federal, state, and local agencies? (19-6.4j)		
130. Has the activity coordinated proposals for new and continuing actions that affect natural resources with the managers of those resources? (19-6.4k)		
131. Has the activity conducted surveys and other appropriate actions as necessary to document the presence of threatened or endangered species, to identify currently used and periodically/indirectly used habitat for these species and to assist in the determination of whether any such habitats should be considered for designation as "critical habitat"? (19-6.4l)		
132. Has the activity requested the appropriate EFD NRM function to conduct necessary consultations under the Endangered Species Act with the U.S. Fish and Wildlife Service and/or National Marine Fisheries Service? (19-6.4m)		
133. Has appropriate action been taken to avoid direct or indirect adverse impacts of new construction on wetlands? (19-6.4n)		
134. Has the activity given proper consideration to any action affecting natural resources in the environmental review and public notification process? (19-6.4o)		

	YES	NO
135. Have records been maintained that are necessary to monitor and evaluate natural resources under the activity's management, and provided requested information to agencies jurisdiction and to the public? (19-6.4p)		
<u>Historic and Archeological Resources Protection</u> 136. Has the activity planned, programmed, and budgeted for adequate compliance with historic and archeological resources protection legislation which applies to resources under their control? (20-6.4a)		
137. Has a staff person been designated and trained to serve as the activity Cultural Resources Specialist? (20-6.4b)		
138. Has the activity provided for the professional identification, evaluation, inventory, nomination, and protection of resources under its control that appear to be eligible for the National Register? (20-6.4c)		
139. Has the activity followed all legally mandated procedures for National Register resources under its control which were to be transferred, sold, demolished, substantially altered, or allowed to deteriorate significantly? (20-6.4d)		
140. Has the activity developed and maintained a HARP plan which is integrated with other planning documents and routine procedures applicable to activity projects and programs? (20-6.4e)		
141. Has the activity consulted with SHPO and the Advisory Council whenever proposed undertakings may effect National Register resources, and entered into Memoranda of Agreement regarding mitigation of such effects? (20-6.4f)		
142. Has the activity protected, at the site of discovery; inadvertently discovered archeological resources until the Secretary of Interior was notified and cultural resource professionals evaluated their significance and advised regarding protection or recovery? (20-6.4g)		
143. Whenever practical, have historic buildings available to them been used instead of new acquisition, construction, or leasing to satisfy mission requirements? (20-6.4h)		
144. Has the activity applied funds budgeted for historic preservation to National Register resources? (20-6.4i)		

	YES	NO
145. Has the activity provided for storage and professional curation of salvaged archeological resources and storage of records which might accrue in carrying out legal compliance actions? (20-6.4j)		

ENVIRONMENTAL AND NATURAL RESOURCES PROGRAM CHECKLIST

COMMANDING OFFICERS OF NAVY VESSELS

	YES	NO
General Policies and Responsibilities		
1. Has the ship adhered to the policies of OPNAVINST 5090.1A? (1-6.9a)		
2. Has the ship cooperated with shore facilities in complying with applicable Federal, state, and local environmental requirements? (1-6.9b)		
Environmental Program Management and Organization		
3. Have shipboard environmental protection systems been properly been maintained and operated to conform with applicable Federal, state, and local regulations? (2-6.14a)		
4. Have the ship's personnel whose actions could adversely affect the environment been properly trained, attended appropriate schools, and fully aware of appropriate documentation? (2-6.14b)		
5. Has the ship reported to the Fleet Commander in Chief (CINC) and the chain of command any conditions or systems/ equipment malfunctions or personnel error which could have, or resulted in unlawful emissions or discharge? (2-6.14c)		
6. Has the ship carried out the detailed responsibilities listed in OPNAVINST 5090.1A? (2-6.14d)		
7. While at shore activities or at depot level repair activities, has the ship adhered to the policies established by the activity having environmental jurisdiction? (2-6.14e)		
Oil and Hazardous Substances Pollution Contigency Planning		
8. Has the ship developed and annually reviewed and updated, as appropriate, shipboard OHS spill contingency plans in a format prescribed by COMNAVSEASYSCOM, and consistent with applicable NOSCDR and NOSC plans? (11-6.7a)		

	YES	NO
9. Has the ship mitigated and cleaned up OHS spills, as required? (11-6.7b)		
<u>Pollution Prevention Afloat</u> 10. Has the ship followed the proper procedures for any state or local environmental inspector to be allowed on board? (17-5.2)		
11. Have the ship's sewage systems been certified, properly operated, periodically inspected, and properly maintained, and have ship-to-shore transfers of sewage and wastewaters been handled in a safe and effective manner? (17-6.8a)		
12. Has the ship been operated and maintained to conform with applicable state and local air pollution emission regulations and HS regulations? (17-6.8b)		
13. Has the ship complied with the solid waste and noise guidelines, standards, and procedures of OPNAVINST 5090.1A? (17-6.8c)		
14. Has the ship not disposed of medical materials in a manner that poses a risk or perception of a risk to the public health and welfare, or to the marine environment? (17-6.8d)		
15. Have shipboard personnel, working with pollution control systems, oil pollution systems, HS, and sewage systems, been properly trained, attended appropriate schools, and fully aware of associated documentation? (17-6.8e)		
16. Have periodic inspections been conducted by senior medical department personnel to maintain sanitary and hygienic conditions of MSD systems and operational practices? (17-6.8f)		
17. Are appropriate health and sanitation precautions posted? (17-6.8g)		
18. Has the ship reported, as required and established by the chain of command, sewage and/or wastewater discharge into U.S. navigable waters? (17-6.8h)		
19. Has the ship reported to the fleet commander any conditions or system/equipment malfunctions that could result in unlawful air pollutant emissions? If not, list such conditions. (17-6.8i)		

	YES	NO
20. Has the ship reported to the fleet commander any conditions or system/ equipment malfunctions that would necessitate oily waste, HS, or solid waste discharge into waters in which discharge is restricted? If not, list such conditions. (17-6.8j)		
21. Has the ship used the Engineering Log or equivalent oil record book to record any oily waste discharge not processed through an OWS system, any discharge that an OCM determines to exceed the established standards, and any major OWS or OCM equipment failures? (17-6.8k)		
22. Has an officer been designated by the commanding officer as HW coordinator to ensure that all shipboard personnel comply with HW handling, packaging, storing, labeling, treating, and disposal requirements? (17-6.8l)		
23. Have one or more shipboard action officers responsible for shipboard spill/release contingencies planning and response been predesignated? (17-6.8m)		
24. Have shipboard OHS SCPs been prepared? (17-6.8n)		
25. Has the ship ensured that shipboard personnel are properly trained and fully aware of applicable OHS SCPs? (17-6.8o)		
26. Has the ship reported OHS spills as prescribed in OPNAVINST 5090.1A? (17-6.8p)		
27. Have immediate actions been taken to contain, control and mitigate all spills caused by the ship? (17-6.8q)		
28. Has an officer or petty officer been appointed to oversee drydock operations to ensure that industrial waste and sewage collection and treatment systems are properly operated and maintained, and that ship-to-shore transfers of the waste are handled in a safe and effective manner? (17-6.8r)		
29. Have HW and HM not to be used during availability, been offloaded, to the maximum extent feasible, to a Navy or other public facility prior to entering a private shipyard for an availability? (17-6.8s)		
30. Has the ship identified to the SUPSHIP, responsible for a private shipyard, a ship HW coordinator for the availability? (17-6.8t)		

	YES	NO
31. Has the ship identified to the SUPSHIP, in preavailability planning conferences, the types and amounts of HW expected to be generated by ship's force during the availability? (17-6.8u)		
32. Has the ship complied with all established HW management practices and those site specific procedures delineated by the SUPSHIP? (17-6.8v)		
33. Has the proper disposal of HM/HW (including industrial wastes) been accomplished? (17-6.8w)		
34. Has the ship visually inspected potable water connections for excess solder; and if required made arrangements with the nearest Navy Environmental and Preventive Maintenance Unit for testing? (17-6.8x)		
<u>Ocean Dumping</u> 35. Before and after a SINKEX exercises were all appropriate requests and reports filed? (18-5.2)		
36. Has the ship reported within 30 days the date, location, and type of burial (non-cremated or cremated remains) to the Fleet CINC with a copy to Type Commanders? (18-6.4)		

ENVIRONMENTAL AND NATURAL RESOURCES PROGRAM CHECKLIST

COMMANDING OFFICERS OF FLOATING DRYDOCKS

	YES	NO
Pollution Prevention Afloat		
1. Has an officer or petty officer been appointed to ensure that oil and oily waste collection and treatment systems are properly operated and maintained, and that ship-to-shore transfers of the waste are handled in a safe and effective manner? (17-6.9a)		
2. Has the floating drydock ensured that shipboard personnel working with oil pollution systems are properly trained, attended appropriate schools, and are fully aware of associated documentation? (17-6.9b)		
3. Has the floating drydock coordinated with the shore activity commanding officer to ensure compliance with state or local regulatory requirements? (17-6.9c)		
4. Has the floating drydock reported to the fleet commander any conditions or system/ equipment malfunctions that would necessitate solid waste discharge upon waters in which discharge is restricted? (17-6.9d)		
5. Has the floating drydock ensured that dry dock systems for the collection and transfer to shoreside receiving facilities of sewage and wastewater from the ship in dock, and the dry dock are certified, properly operated, periodically inspected, and properly maintained, and that transfers of sewage and wastewater are handled in a safe and effective manner? (17-6.9e)		

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