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***Army Regulation 200–1**

Effective 15 April 2026

Environmental Quality Environmental Protection and Enhancement

By Order of the Secretary of the Army:

CHRISTOPHER C. LANEVE
General, United States Army
Vice Chief of Staff

Official:

MATTHEW L. SANNITO
Administrative Assistant to the
Secretary of the Army

History. This publication is a mandated revision. The portions affected by this mandated revision are listed in the summary of change.

Authorities. This section contains no entries.

Applicability. This regulation addresses environmental responsibilities of all Army organizations and agencies. Specifically, this regulation applies to—(a) Active Army, Army National Guard/ Army National Guard of the United States, and United States Army Reserve; (b) Tenants, contractors, and lessees performing functions on real property under jurisdiction of the Department of the Army (for example, Army and Air Force Exchange Service (AAFES), Defense Commissary Agency (DECA)); (c) Activities and operations under the purview of the Army even when performed off of installations; (d) Formerly used defense sites (FUDS) and other excess properties managed by the Army. As used throughout this regulation, the term Army National Guard includes the Army National Guard of the United States. Installations and facilities in foreign countries will comply with requirements of this regulation that specifically prescribe overseas requirements. Contracts to operate Government-owned facilities will reference this regulation and will designate by specific citation the applicable provisions. This regulation does not apply to civil works (CW) functions under the jurisdiction of the U.S. Army Corps of Engineers (USACE). The terms "Army environmental programs" and "Army Environmental Program" must be read in context. All Army organizations, regardless of their organizational level or chain of command, have environmental responsibilities as part of their functions; these environmental responsibilities must be incorporated into the planning, programming, budgeting, and execution of their respective missions. The Assistant Secretary of the Army for Installations, Energy and Environment, working through the Director of Environmental Programs, has specific and more narrowly defined responsibilities that are planned, programmed, budgeted, and executed via assigned accounts. These accounts resource specifically prescribed and focused environmental efforts. Each organization must program and fund its environmental activities from the appropriate account of the proponent's operating budget, not necessarily an environmental account. Being mindful of the context in which requirements are articulated will help define the scope of the "program" being addressed and will preclude inappropriate resourcing decisions or expectations.

Proponent and exception authority. The proponent of this regulation is the Assistant Secretary of the Army (Installations, Energy, and Environment). The proponent has the authority to approve exceptions or waivers to this regulation that are consistent with law and regulations. The proponent may delegate this approval authority, in writing, to a division chief within the proponent agency or its direct reporting unit or field operating agency, in the grade of colonel or the civilian equivalent. Activities may request a waiver to this regulation by providing justification that includes a full analysis of the expected benefits and must include formal review by the activity's senior legal officer. All waiver requests will be endorsed by the commander or senior leader of the requesting activity and forwarded through their higher headquarters to the policy proponent. Refer to AR 25–30 for specific guidance.

Army internal control process. This regulation contains internal control provisions in accordance with AR 11–2 and identifies key internal controls that must be evaluated (see appendix B).

Suggested improvements. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) directly to usarmy.pentagon.hqda-as-a-ee.mbx.publication@army.mil.

Distribution. This regulation is available in electronic media only and is intended for the Regular Army, the Army National Guard/Army National Guard of the United States, and the U.S. Army Reserve.

*This regulation supersedes AR 200–1, dated 13 December 2007.

Summary of Change

AR 200–1
Environmental Protection and Enhancement

This mandated revision, dated 15 April 2026—

- Changes proponency from the Assistant Chief of Staff for Installation Management to the Assistant Secretary of the Army (Installations, Energy, and Environment) (title page).
- Changes U.S. Army Forces Command to U.S. Army Western Hemisphere Command (para 1–19).
- Changes U.S. Army Training and Doctrine Command to U.S. Army Transformation and Training Command (paras 1–21 and 15–3).
- Incorporates Army Directive 2026–04, Army Requirements Elimination Assessment Program (para 1–27*f* and glossary).
- Updates references (app A).
- Updates Internal Control Evaluation (app B).

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Chapter 1

Introduction

Section I

General

1–1. Purpose

a. This regulation implements Federal, State, and local environmental laws and Department of Defense (DoD) policies for preserving, protecting, conserving, and restoring the quality of the environment. This regulation should be used in conjunction with 32 Code of Federal Regulations, Part 651 (32 CFR 651), which provides Army policy on National Environmental Policy Act (NEPA, 42 USC 4321–4347) requirements, and supplemental program guidance, which the proponent of this regulation may issue as needed to assure that programs remain current. Environmental stewardship includes, but is not limited to—

- (1) Environmental components of installation sustainability.
- (2) Environmental support to the Army training and testing mission.
- (3) Environmental support during deployments and contingency operations on and off the installation, and operations at Army facilities that are not officially designated as installations.
- (4) Compliance-related Cleanup (CC) Program.
- (5) Army Defense Environmental Restoration Program (DERP).
- (6) Formerly used defense sites (FUDS).
- (7) Defense and State Memoranda of Agreement/Cooperative Agreement (DSMOA/CA) Program.
- (8) Pollution prevention.
- (9) Compliance with environmental legal mandates.
- (10) Natural resources.
- (11) Cultural resources.
- (12) Environmental protection aspects of pest management.
- (13) Environmental training for military and civilian personnel.
- (14) Base realignment and closure (BRAC) environmental program.
- (15) NEPA requirements.
- (16) Operational noise.
- (17) Environmental quality technology (EQT).
- (18) Environmental Legislative/Regulatory Analysis and Monitoring Program (EL/RAMP).
- (19) Environmental reporting and information management.
- (20) Environmental considerations in real estate and materiel acquisition programs.

b. The chapters of this regulation reflect inclusion of the five interconnected Army Environmental Management System (EMS) areas of policy, planning, implementation and operation, checking and corrective action, and management review.

(1) *Policy.* The Army Environmental Policy Statement reflects the Army's commitment to environmental protection and enhancement, pollution prevention, and continual improvement (chap 2).

(2) *Planning and implementation.* The Army will identify how its operations impact the environment. It will set objectives and targets for reducing impacts. It will identify and track applicable legal and other requirements, and will support operational effectiveness and improve program management (chap 3).

(3) *Program management and operation.* The Army will assign roles and responsibilities for environmental management (section II of this chap), provide required environmental training, establish procedures for communication within and outside the organization, document environmental procedures, and provide for emergency preparedness and response (chap 15).

(4) *Checking and corrective action.* The Army will monitor and measure its progress in achieving stated goals, objectives, and targets, and will identify and implement corrective actions (chap 16).

(5) *Management review.* The Army will periodically review program performance and management system implementation and ensure continual improvement (chap 17).

1–2. References, forms, and explanation of abbreviations

See appendix A. The abbreviations, brevity codes, and acronyms (ABCAs) used in this electronic publication are defined when you hover over them. All ABCAs are listed in the ABCA directory located at <https://armypubs.army.mil/>.

1–3. Associated publications

This section contains no entries.

Section II

Responsibilities

1–4. The Secretary of the Army

The Secretary of the Army (SA) serves as trustee for the natural and cultural resources managed by the Army. The SA is responsible for protecting and sustaining the quality of the air, land, and water resources entrusted to the Army. The SA signs the Army Environmental Policy Statement and certifies that the Army Environmental Program Objective Memorandum (POM) for the Army DERP meets all legal requirements and agreements.

1–5. The Assistant Secretary of the Army (Installations, Energy, and Environment)

The Assistant Secretary of the Army (Installations, Energy, and Environment) (ASA (IE&E)) has primary responsibility for the Army's military environmental programs (that is, other than civil works functions of the U.S. Army Corps of Engineers (USACE)). Those responsibilities are carried out through the Deputy Assistant Secretary of the Army (Environment, Safety, and Occupational Health) (DASA (ESOH)) who will—

- a. Serve as the Headquarters, Department of Army (HQDA) proponent for the Army Environmental Program (AEP).
- b. Provide overall policy, advocacy, program direction, and oversight across installations, logistics, acquisition, and operations. This includes, but is not necessarily limited to, military operations and activities (including training, deployments, and contingency operations) on and off the installation and operations at Army facilities that are not officially designated as installations or sites.
- c. Establish priorities, guidance, and procedures for installation operations, real property management, and environmental stewardship for all activities and functions within Army garrisons.
- d. Promote environmental stewardship and sustainability.
- e. Incorporate environmental requirements into appropriate regulations, guidance documents, and procedures to support environmental stewardship.
- f. Conduct the HQDA annual Review and Analysis.
- g. Establish long-term strategy and annual AEP goals, objectives, and metrics. Serve as the Army's top management representative for the Army EMS.
- h. Provide policy and oversight for EMS responsibilities per ISO 14001 and this regulation.
- i. Serve as the Army's senior policy level official for historic preservation in accordance with Executive Order (EO) 13287, Preserve America, and as the Federal Preservation Officer for oversight and coordination of Army activities under the National Historic Preservation Act (NHPA), including approving and signing Army National Register of Historic Places (NRHP) nominations for Federally owned and controlled historic properties.
- j. Serve as the primary point of contact with the Office of the Secretary of Defense (OSD), Congress, other Federal and State agencies, and other components for environmental matters.
- k. On behalf of the SA, carry out DoD executive agent (EA) responsibilities for the following OSD programs: Environmental Information Technology Management, FUDS, DSMOA, Low-Level Radioactive Waste (LLRW), Defense Occupational Health Program, National Defense Center for Environmental Excellence (NDCEE), DoD regional environmental coordinators (RECs), DoD Forestry Reserve Account, and environmental-related annexes to Master Data Exchange Agreements.
- l. Provide policy, advocacy, program direction, and oversight for Formerly Used Defense Sites (FUDS), Base Realignment and Closure (BRAC), and the Army's Defense Environmental Restoration Program.
- m. Provide guidance on incorporating BRAC oversight and responsibilities on environmental and Military Munitions Response Program (MMRP).

- n. Approve selection of Army representative(s) for inter-Service and interagency environmental committees.
- o. Provide oversight and coordination of strategic outreach and communication.
- p. Provide policy, advocacy, program direction, and oversight of the Army EQT Program through the Army Environmental Requirements and Technology Assessment (AERTA) process.
- q. Serve as a permanent co-chair of the Environmental Technology Technical Committee (ETTC); consolidate and prioritize Army environmental technology needs and ensure the cost-effective allocation of available resources, consistent with the Army Program Guidance Memorandum (APGM).
- r. Provide policy, advocacy, program direction, and oversight of environmental support to the Army acquisition process.
 - (1) In conjunction with the Assistant Secretary of the Army (Acquisition, Logistics, and Technology) (ASA (ALT)), annually review Army environmental quality research, development, test, and evaluation (RDT&E) efforts.
 - (2) As the Army's combat developer for installations, generate, validate, and prioritize environmental quality RDT&E requirements.
 - (3) Provide representation on the Overarching Integration Product Teams supporting Army Systems Acquisition Review Councils (ASARC) to ensure Army material in all acquisition categories meet requisite environmental criteria prior to milestone reviews.
 - (4) Provide recommendations to the Milestone Decision Authority regarding program environmental quality requirements.
- s. Review all Army weapons system acquisition programs for potential or real impacts to environmental quality and/ or Army installations.
- t. Review Army weapons system acquisition program environmental quality costs by participating on the Army Cost Review Boards (CRB) and providing representation on weapons system cost working group Integrated Product Teams.
- u. Develop and approve funding policies for environmental programs in coordination with the Assistant Secretary of the Army (Financial Management & Comptroller) (ASA (FM&C)), and with the ASA (ALT) for RDT&E efforts.
- v. Issue appropriate programming and funding guidance to Army commands (ACOMs), Army service component commands (ASCCs), and direct reporting units (DRUs), the National Guard Bureau/Army National Guard (NGB-ARNG), and Headquarters, Installation Management Command (HQ IMCOM), and special installations to support development of the environmental programs component of the Program Objective Memorandum (POM).
- w. Approve Army environmental input to Program Objective Memorandum (POM) direction, priorities, and guidance.
- x. Develop and direct the planning, programming, and budget execution of the environmental components of the Installations Program Evaluation Group (II PEG) programs needed to sustain readiness and comply with appropriate Federal, State, and local laws, Executive Orders, DoD Directives overseas Final Governing Standards (FGS), international treaties and Status of Forces Agreements (SOFAs) in accordance with General Order #3 and APGM. This specifically includes base operations support (BOS) service activities addressed by the following Management Decision Packages:
 - (1) VENQ (Environmental Compliance and Quality).
 - (2) VEQT (Environmental Technology).
 - (3) ENVR (Environmental Restoration).
- y. Direct execution of the environmental components of the II PEG programs.
- z. Perform the EA duties for the DoD Forestry Reserve Account.
 - aa. Approve AEP POM and budget submissions, resource allocations, unfinanced requirements, and budget adjustments recommended in coordination with the Deputy Chief of Staff (DCS), G-8 and the ASA (FM&C).
 - bb. Provide an Environmental Quality Impact Analysis for major weapons systems acquisition program decision reviews.
 - cc. Provide technical support to the ASA(FM&C) for environmental quality life cycle cost estimates (EQLCCEs) as part of the Army Cost Review process as required.
 - dd. Upon request, assist program managers in integrating environmental quality considerations into all aspects of the acquisition program.

ee. Serve as proponent for Army sustainable design and development (SDD) facility policies that are incorporated into the process of planning, designing, constructing, operating, maintaining, renovating, and disposing installation facilities.

ff. Serve as the technical advisor for all environmental matters impacting installation sustainment and materiel operation and support.

gg. Promote and integrate installation sustainability across all functional areas (for example, logistics, environment, training, engineering).

hh. Ensure that the Army's trust responsibility and government-to-government relationship with Federally recognized Indian Tribes are fulfilled.

ii. Approve NHPA compliance agreements, as required.

jj. Approve U.S. Army Environmental Command (USAEC) annual work plans.

kk. Serve as the intermediate rater for the Commander, USAEC, and provide input into their performance objectives.

ll. Act as chair for the HQDA Environmental Quality Control Committee (EQCC).

mm. Provide direction and delegate specific actions to the Army DoD RECs.

nn. Manage the operation of the regional environmental offices. Serve as proponent of the Army Readiness and Environmental Protection Integration (REPI) program.

oo. Serve a permanent co-chair of the DoD Operational and Environmental Executive Steering Committee on Munitions (OEESCM).

pp. Issue implementing guidance to eliminate ozone-depleting substances (ODS) use on Army installations.

qq. Issue implementing guidance with respect to endangered species critical habitat designation.

rr. Provide annual authorities for the forestry, agricultural/grazing, and hunting and fishing fee reimbursable programs.

ss. Serve as initial denial authority and acts on Freedom of Information Act (FOIA) requests for records pertaining to environmental activities, other than litigation.

tt. Manage the Environmental Restoration, Army (ER, A) account.

uu. Report annually to the SA/CSA on AEP execution.

vv. Serve as the proponent for the Army Environmental Awards Program.

ww. Serve as point of contact for external audits of the AEP.

xx. Provide congressional testimony and reports to Congress.

yy. Provide programmatic environmental scoping and planning to include NEPA and Strategic Environmental Assessment.

zz. Oversee AEP support to natural and built environments, to include ranges.

aaa. Ensure the AEP addresses overseas installations and activities.

bbb. Integrate energy, pollution prevention, and EMS.

ccc. Integrate ESOH programs and activities with force protection and national security.

ddd. Execute the EL/RAMP.

eee. Provide guidance, recommendations, general oversight, resource requirements and verification for the execution of the FUDS Program to ensure program execution consistent with the FUDS charter.

fff. Provide guidance and recommendations on all issues concerning policies and planning, programming, budgeting, and execution (PPBE) for the CC Program, Army DERP (including Installation Restoration Program (IRP) and MMRP), and BRAC cleanup.

ggg. Establish the Configuration Control Management Board to advise the on Army Environmental Reporting matters.

hhh. Develop guidance for implementation, utilization, and coordination of geospatial information and services within the environmental program.

iii. Provide oversight of the Environmental Performance Assessment System (EPAS).

jjj. Serve as the Executive Secretary to the DoD Operational and Environmental Executive Steering Committee for Munitions (OEESCM) and the HQDA EQCC.

kkk. Serve as the chairman of the DoD Hazardous Waste (HW) Management Subcommittee.

lll. Serve as co-chair of the Army Range Sustainment Integration Council (ARSIC).

mmm. Establish implementing guidance for Army environmental reporting systems.

nnn. Designate two representatives as voting members on the Armed Forces Pest Management Board (AFPMB). Designate Army senior consultant (ASC) and DoD certification officials for Army civilian personnel per DoD policies and procedures.

ooo. Centrally manage the Conservation Reimbursable Forestry, Agricultural/Grazing Outlease, and Fish and Wildlife Conservation Programs; set installation specific Automatic Reimbursable Authority for forestry and agricultural/ grazing at installations.

ppp. Provide representation for environmental and installation concerns on the Army Requirements Oversight Council.

1–6. The Assistant Secretary of the Army (Financial Management and Comptroller)

The Assistant Secretary of the Army (Financial Management and Comptroller) (ASA (FM&C)) will—

- a. Issue PPBE system policy, Funding Authorization Document footnotes for the Conservation Reimbursable Forestry and Agricultural/Grazing Outlease Programs, guidance for environmental programs, and Fish and Wildlife Conservation Fund (21X5095) apportionments, in coordination with the ASA (IE&E).
- b. Develop an independent cost estimate that includes an EQLCCE for each weapons system. Reconciles differences in the EQLCCE, and the program office estimate in developing the Army cost position.
- c. Collect and report environmental liabilities for the Army's Financial Statement.

1–7. The Assistant Secretary of the Army (Acquisition, Logistics, and Technology)

The Assistant Secretary of the Army (Acquisition, Logistics, and Technology) (ASA (ALT)) will—

- a. Provide policy, guidance, oversight, and technical assistance to acquisition program managers and program executive offices as required to ensure integration of environmental quality considerations in all aspects of acquisition programs.
- b. Plan, program, budget, and execute the Army's Environmental Quality Technology Program (for EQT Budget Activity 1, 2, and 3 Program initiatives) in coordination with the ASA (IE&E) to maximize the ability of the Army to achieve its environmental strategy.
- c. Develop policy to ensure procurement of materiel designed to minimize environmental impacts throughout its life cycle, while ensuring operational effectiveness.
- d. Develop policy in coordination with the ASA (IE&E) on acquisition of hazardous material.
- e. Develop and oversee initiatives to reduce the volume and toxicity of hazardous materials and ozone depleting substances (ODS) used in Army materiel.
- f. Review annually Army environmental quality technology program RDT&E efforts in conjunction with the ASA (IE&E).
- g. Designate the Director, Research and Laboratory Management, Office of the ASA (ALT), a permanent co-chair of the ETTC, who in conjunction with the ASA (IE&E), consolidates and prioritizes Army environmental technology needs and ensures the cost-effective allocation of available resources, consistent with the APGM.
- h. Integrate environmental considerations/awareness into acquisition programs and training in accordance with DoDD 5000.1.
- i. Ensure that environmental quality life cycle costs are clearly identified in the Program Office Estimate.
- j. Serve as the proponent for the Army Green Procurement Program to facilitate compliance with Affirmative Procurement requirements (for recovered materials and biobased items) and encourage the acquisition and use of environmentally preferable products and services.
- k. Ensure all requests for proposal, contracts, and contract modifications include a requirement that bidders providing goods and services to installations certify (in the Representations and Certifications component of their proposal) that operations of their team (including subcontractors) will be consistent with the installation's and the Army's EMS.
- l. Incorporate environmental and EMS requirements into appropriate acquisition regulations, policies, and procedures, and appoint a single point of contact for coordinating this action with the ASA (IE&E).
- m. Provide direct support to the Army Acquisition Community, Program Executive Officers, and Program/Product/ Project Managers regarding environmental and affirmative procurement initiatives, issues, and concerns by—
 - (1) Providing recommendations to the Army Acquisition Executive or other decision authority about environmental issues associated with materiel and ASA (ALT) mission functions.
 - (2) Designating a single point of contact for coordinating environmental issues related to materiel development, logistics, and technology for Headquarters, Department of the Army (HQDA) component organizations in coordination with the Office of the ASA (IE&E) (OASA (IE&E)).
 - (3) Ensuring execution of environmental policy by acquisition managers.

1–8. The Chief of Public Affairs

The Chief of Public Affairs will—

- a. Provide policy, guidance, and oversight for public affairs support to the Army's environmental programs.
- b. Provide advice and recommendations on handling the public affairs aspects of Section 552, Title 5, United States Code (5 USC 552) requests related to the environmental program.

1–9. The Deputy Chief of Staff, G–3/5/7

The Deputy Chief of Staff, G–3/5/7 (DCS, G–3/5/7) is responsible for developing and coordinating policy, programs, and initiatives to achieve directed levels of training readiness for the Army and serves as the overall integrator of Army Transformation. The DCS, G–3/5/7 will—

- a. Serve as the focal point for spectrum activities encompassing force development, combat development, training development, resource management, and prioritization.
- b. Establish priorities and requirements for Army ranges and training lands.
- c. Exercise overall supervision, direction, and management oversight for the Sustainable Range Program (SRP). Specific responsibility for the SRP resides with the Chief, Training Support Systems Division (DAMO–TRS), who will—
 - (1) Serve as the HQDA functional proponent for the SRP and its core programs.
 - (2) Formulate policies and issue administrative programmatic guidance and instructions for implementing and sustaining the core programs within ACOMs, ASCCs, and DRUs, the Army National Guard (ARNG), and Headquarters, Installation Management Command (HQ IMCOM).
 - (3) Formulate policies for planning, programming, operating, and managing ranges and training lands that specify how the Army will—
 - (a) Resource range operations and modernization through the Range and Training Land Program, and land management and maintenance through the Integrated Training Area Management (ITAM) Program.
 - (b) Integrate range requirements into the overall Army infrastructure investment strategy in conjunction with the Office of the Assistant Secretary of the Army (Installations, Energy, and Environment) (ASA IE&E).
 - (c) Centrally fund unexploded ordnance (UXO) clearance for range modernization projects.
 - (d) Centrally fund the preparation of NEPA documentation for range modernization projects and major training land acquisitions.
 - (e) Coordinate and synchronize range and training land policy to preclude conflicts between range operations and military training, natural and cultural resources management, environmental management, facilities management, and master planning activities.
 - (4) Serve as the co-chair of ARSIC.

1–10. The Deputy Chief of Staff, G–4

The Deputy Chief of Staff, G–4 (DCS, G–4) will—

- a. Identify, program, and secure funds to address the environmental aspects of the functions for which the DCS, G–4 is responsible.
- b. Incorporate environmental considerations and requirements into all aspects of the DCS, G–4 mission, to include materiel management, integrated logistics support, supply, transportation, maintenance management, and logistics training.
- c. Serve as the staff proponent for policy development pertaining to hazardous materials minimization and management, to include inventory management per AR 710–2.
- d. Ensure that timely hazardous material handling, packaging, and transportation training is provided to Army personnel within the continental United States (CONUS) and overseas as required.
- e. Serve as the proponent for implementation of the Military Munitions Rule.
- f. Execute quarantine responsibilities for transport and logistics.

1–11. The Deputy Chief of Staff, G–8

The Deputy Chief of Staff, G–8 (DCS, G–8) will—

- a. Provide Army cross-PEG (Program Evaluation Group) funding process guidance to assure cost effective compliance with environmental legal mandates while optimizing benefits to the Army missions and operations.

- b.* Assure priority is given to resource allocation that cost effectively resolves environmental aspects that impact missions and operations needed to equip, sustain, and train our combat forces.
- c.* Review plans and requirements of senior mission commanders (SMCs), ACOM/ASCC/DRU commanders, acquisition program managers and garrison commanders (GCs) that address compliance with legal environmental mandates and resolve environmental aspects impacting missions and operations.
- d.* Review plans and requirements for the Army Environmental Program in coordination with the Assistant Secretary of the Army (Installations, Energy, & Environment) (ASA (IE&E)).
- e.* Conduct annual review of resources allocated to sustaining Army environmental compliance to overhead investments in the most cost effective manner.

1–12. Commander, U.S. Army Corps of Engineers

The Commander, U.S. Army Corps of Engineers (USACE) will—

- a.* Administer the Clean Water Act (CWA) Section 404 permit program pertaining to the discharge of dredged/fill material into waters/wetlands of the United States.
- b.* Provide additional environmental support to the Army and other DoD elements as requested.
- c.* Provide environmental support to other Federal, State, and local agencies when tasked.
- d.* Provide Army DERP execution support on a reimbursable basis to installations through Districts and the Centers of Expertise for hazardous, toxic, and radioactive waste and for munitions and explosives of concern (MEC).
- e.* Administer the DSMOA/CA Program for the Assistant Secretary of Defense for Energy, Installations, and Environment (ASD (EI&E)).
- f.* Serve as executing agency for the FUDS program, consistent with the FUDS Charter. Establish FUDS requirements and policy guidance for program management, planning, reporting, execution, data access, quality control, and performance measurement.
- g.* Provide technical support by implementing sustainable design and development (SDD) practices, including incorporating SDD/sustainable project rating tool (SPiRiT) and environmental criteria into the Army's project design and construction process. (Note: Beginning in fiscal year 2008 (FY08), SPiRiT will be replaced by Leadership in Energy and Environmental Design (LEED); all new construction must meet the LEED Silver standard.)
- h.* Incorporate environmental requirements into appropriate USACE activities, and appoint a single point of contact for coordinating this action with the ASA (IE&E).
- i.* Approve and integrate the USACE Engineer Research and Development Center (ERDC) EQT program and provide overall policy direction for the ERDC.

1–13. Commander, Installation Management Command

The Commander, Installation Management Command (IMCOM) will—

- a.* Execute sustainable base operations support for all installations under its purview in compliance with applicable laws and regulations (to include FGS, and international agreements overseas) to support the Army training and testing mission.
- b.* Integrate program guidance, goals, and issue across installation functional areas (for example, logistics, environment, training, engineering, and planning).
- c.* Oversee management of installation environmental programs.
- d.* Provide program management reviews for the ASA (IE&E) and DASA (ESOH).
- e.* Monitor and track environmental performance of Regional Offices and the U.S. Army Reserve.
- f.* Assist installations in the execution of the Army CC program.
- g.* Develop an annual program management plan (PMP), consistent with the Army Cleanup Strategy and Strategic Plan, for the CC Program.
- h.* Coordinate IMCOM issues that affect mission among SMCs, ACOMs, ASCCs, DRUs, and garrisons.
- i.* Coordinate the execution of the EPAS Program for the Regular Army through USAEC.
- j.* Participate in environmental awards activities as appropriate.
- k.* Review, analyze, perform quality assurance/quality control (QA/QC), and approve environmental requirements and data reported by installations.
- l.* Maintain an efficient and well-trained workforce.
- m.* Coordinate with the DCS, G–3/5/7, ACOMs, ASCCs, DRUs, and Directorate of Plans, Training, Mobilization, and Security (DPTMS) to ensure ITAM Program requirements are implemented in accordance with DAMO–TRS resource allocations and guidance.

- n. Report progress in meeting AEP goals and objectives to HQDA leadership.
- o. Provide guidance and assistance to garrisons and monitor the execution of IMCOM's portion of the AEP in accordance with EMS.
- p. Assist IMCOM installations in negotiations with regulatory agencies to preclude adverse mission impacts or the inadvertent establishment of Army policy that may conflict with regulatory requirements.
- q. Provide AEP technical implementation support through the Commander, USAEC, who will—
 - (1) Provide environmental technical products and services in support of Army training, operations, acquisition, and sound stewardship.
 - (2) Manage assigned elements of the Army Cleanup Program in accordance with ASA (IE&E) direction and guidance. Develop and execute an annual PMP, consistent with the Army Cleanup Strategy and Strategic Plan, for the Army DERP.
 - (3) Provide technical support for pest management.
 - (4) Program for and coordinate execution of EPAS for the Regular Army.
 - (5) Provide program management for the Army DERP at active installations.
 - (6) Execute policy and guidance for Army environmental reporting systems.
 - (7) Provide technical support to the Chief, Training Support Systems Division, Office of the DCS, G-3/5/7 in support of the SRP core programs.
 - (8) Provide technical support and day-to-day operational oversight for Conservation Reimbursable Forestry, Agricultural/Grazing Outlease and Fee Collection Programs.
 - (9) Provide technical support to DASA (ESOH) in support of the ASARC and CRB.
 - (10) Provide technical support to the Army's EQT Program as it relates to installation issues.
 - (11) Provide outreach support to the AEP.
 - (12) Provide public affairs support to the AEP.
 - (13) Maintain an efficient and well-trained workforce.
 - (14) Provide Hazardous Material Management Program (HMMP) operational oversight to the DCS, G-4 for environmental hazardous material management.
 - (15) Perform data collection and analyses of HMMP environmental information to measure program success.

1-14. The Chief, Army Reserve

The Chief, Army Reserve will—

- a. Ensure environmentally sustainable operations.
- b. Serve as the primary Army Staff (ARSTAF) advisor for all Army Reserve mission-related environmental issues.
- c. Ensure that Army environmental policy is implemented within the Army Reserve.
- d. Ensure that environmental stewardship is incorporated into all aspects of the Army Reserve mission.
- e. Coordinate with IMCOM on matters of mutual interest or concern.

1-15. National Guard Bureau—Director, Army National Guard

The National Guard Bureau—Director, Army National Guard (NGB—DARNG) will—

- a. Execute environmentally sustainable base operations support in compliance with applicable laws and regulations to support the Army training and testing mission.
- b. Ensure the NGB—DARNG acquires, manages, and distributes resources; develops and administers policies and programs.
- c. Serve as the "Channel of Communication" between the Army and the National Guard of the States, Territories, and the District of Columbia.
- d. Serve as the primary ARSTAF advisor for all ARNG environmental issues, and sign or appoint a designated representative to sign all ARNG Federal compliance agreements, consent orders, and environmental assessments, findings of no significant impact, and other pertinent Federal environmental documentation.
- e. Coordinate with HQDA, State ARNGs, and other organizations to fulfill the NGB—ARNG's ARSTAF role as an Army component, the NGB—ARNGs role as the installation management organization for the State ARNGs, and the NGB—ARNG's role in performing ACOM, ASCC, or DRU functions.
- f. Specific day-to-day responsibility for the environmental management program resides with the NGB—ARNG Chief of Environmental Programs (CEP). To carry out this responsibility, the NGB—ARNG CEP will—

- (1) Ensure environmentally sustainable operations and planning.
- (2) Ensure that Army environmental policy is implemented within the ARNG.
- (3) Ensure that environmental stewardship is incorporated into all aspects of the ARNG mission.
- (4) Integrate program guidance, goals, and issues across installation functional areas (for example, logistics, environment, training, engineering) and planning areas.
- (5) Submit environmental base support requirements to the Office of the ASA (IE&E). Budget and execute environmental resources consistent with program needs.
- (6) Develop an annual PMP, consistent with the Army Cleanup Strategy and Strategic Plan, for the Army CC Program; and provide program management reviews for the ASA (IE&E). and DASA (ESOH).
- (7) Provide supplemental implementing guidance and instructions consistent with HQDA guidance for environmental reporting to the states.
- (8) Report progress in meeting AEP goals and objectives to HQDA leadership.
- (9) Provide State ARNGs guidance and assistance, and monitor the execution of the NGB–ARNG’s portion of the AEP in accordance with EMS.
- (10) Schedule and conduct all aspects of EPAS audits.
- (11) Review, analyze, perform QA/QC, and approve environmental reporting data submitted by NGB–ARNG installations.
- (12) Assist NGB–ARNG installations in negotiations with regulatory agencies to prevent adverse mission impacts due to Federal natural and cultural resources requirements.
- (13) Support environmental awards activities.
- (14) Maintain an efficient and well-trained workforce.
- (15) At Federally owned or leased NGB–ARNG installations, facilities, activities, and properties—
 - (a) Provide oversight and facilitate coordination in the remediation process.
 - (b) Assist in the management and execution of ER, A-funded NGB–ARNG remediation sites.
- (16) At non-Federally owned, Federally supported NGB–ARNG installations, facilities, activities, and properties, provide guidance, planning, oversight, execution, monitoring, and reporting for NGB–ARNG cleanup sites.

1–16. The Judge Advocate General

The Judge Advocate General (TJAG) will provide legal advice to the Army on all environmental law matters, except those arising out of civil works and FUDS activities. The Chief, Environmental Law Division (ELD), will exercise those authorities on behalf of TJAG, and will specifically—

- a. Serve as legal advisor to the ASA (IE&E) with regard to all environmental matters.
- b. Advise the Army Secretariat in coordination with the General Counsel.
- c. Provide technical channel supervision, coordination, and advice to all Army lawyers involved in Army environmental matters.
- d. Monitor and provide advice regarding environmental legislation and regulatory developments that affect the Army.
- e. Review and render legal opinions on all draft environmental orders, consent agreements, and settlements with Federal, State, or local regulatory officials (except those arising from FUDS) before signature.
- f. Provide assistance to ACOMs, ASCCs, DRUs, IMCOM, NGB–ARNG, and installations in drafting or negotiating interagency agreements or orders on consent with Federal, State, and local regulators.
- g. Be responsible for representing the Army in Federal and State litigation and for communicating the Army’s position in litigation and settlement with the Department of Justice subject to the general oversight of the General Counsel.
- h. Serve as agency counsel for the Army in appropriate administrative cases, hearings, and enforcement actions (ENFs).
- i. Serve as initial denial authority and act on FOIA requests for records pertaining to environmental activities when the records relate to litigation in which the United States has an interest.

1–17. The Surgeon General

The Surgeon General will—

- a. Approve human health risk assessments and review environmental hazards and ecological risk assessments.
- b. Provide policy on the human health aspects of Army installation activities and operations, to include those aspects associated with environmental contamination.

- c. Integrate environmental awareness and technical information into the training programs sponsored by the Army Medical Department (AMEDD).
- d. Serve as the lead agent for the DoD and as the Army representative in negotiating services with the Agency for Toxic Substances and Disease Registry (ATSDR).
- e. Develop toxicological profiles concerning chemicals and hazardous substances commonly found on military installations. Develop and propose human health and safety environmental standards for chemical agents and explosive compounds, and other unregulated compounds when such standards do not exist.
- f. Identify pollution-related health and ecological effects topics requiring research and development; and initiate needed research in areas where AMEDD has responsibility and provides toxicological and exposure data when required to support human health risk assessments.
- g. Advise on human health aspects of environmental issues, including the “known and imminent substantial endangerment” (KISE) determination for environmental response actions overseas.
- h. Provide technical assistance relating to health and, as requested, on environmental aspects of programs and initiatives.
- i. Coordinate on the human and ecological health risk assessment portions of active installations, BRAC, and FUDS decision documents (DDs).
- j. Promulgate policy for the disposition of dental, veterinary, medical, and pharmaceutical waste.
- k. Provide two representatives as voting members on the AFPMB and designate personnel to serve as DoD pest management certification officials for Army uniformed personnel per DoD policies and procedures.
- l. Coordinate with OASA (IE&E) for surveillance, prevention, and control of medically important pests and disease vectors and occupational health exposures from pest management operations.
- m. Provide health and environmental risk communication support to all Army assets, to include training, consultation, conflict management, and facilitation.
- n. Develop policy on occupational and public health issues related to Army environmental actions.

1–18. Army command, Army service component command, and direct reporting unit commanders

The ACOM, ASCC, and DRU commanders, including those outside the continental United States (OCONUS), as used in this regulation, include the Director, NGB–ARNG when performing an ACOM, ASCC, or DRU role relative to State ARNGs, the State Adjutants General when performing an ACOM, ASCC, or DRU role relative to State ARNGs, and major subordinate commands (MSC). The ACOM, ASCC, and DRU commanders will—

- a. Consistent with HQDA policy, provide oversight, policy, guidance, and resources to subordinate commands and activities to execute mission-related aspects of the Army’s environmental program, to include: training and deployments; industrial operations; research, technology, and testing activities; operations other than war; and other operations and activities not falling under the direct control of supporting garrison/senior commanders (GCs/SCs).
- b. Ensure that subordinate units comply with the policies and standards of the installations on which they are tenants.
- c. Ensure that all subordinate units comply with all applicable laws, regulations, internal directives and goals, EOs, and overseas FGS.
- d. Fully integrate environmental considerations into ACOM, ASCC, and DRU mission requirements.
- e. Participate in and fully support all installation internal and external assessments and audits, and implement corrective actions.
- f. Support environmental awards activities.
- g. Ensure that assigned environmental staff is efficient and well-trained.
- h. ACOM, ASCC, and DRU commanders that exercise command and control of installations will execute the same responsibilities listed under paragraph 1–15, with the following exceptions:
 - (1) Environmental requirements must be submitted through the ACOM, ASCC, DRU, and NGB–ARNG chain of command unless otherwise specified in the installation services support agreement (ISSA).
 - (2) ACOM, ASCC, and DRU commanders must monitor and track environmental performance at subordinate installations.

1–19. The Commanding General, U.S. Army Western Hemisphere Command

The Commanding General (CG), U.S. Army Western Hemisphere Command will—

- a. Incorporate environmental planning requirements in mobilization guidance as appropriate.
- b. Coordinate with IMCOM and DCS, G-3/5/7 on environmental support for mission activities, to include training exercises, range operations, and mission military construction (MILCON) projects.
- c. Provide explosive ordnance disposal units for emergency response activities.
- d. Provide, upon request, personnel/resources support to the National Response Team (NRT) or Regional Response Team responding to an environmental emergency. The requester will reimburse the cost of the support.
- e. Serve as the lead for all phases of mobilization, deployment/redeployment operations, and environmental support activities related to national emergencies.

1-20. The Commanding General, U.S. Army Materiel Command

The Commanding General, U.S. Army Materiel Command (CG, AMC) will—

- a. Provide technical assistance to acquisition program managers and program executive offices as required to ensure integration of environmental quality considerations in all aspects of acquisition programs and weapons system's life cycle, such as acquisition, maintenance, disposal, and demilitarization.
- b. Conduct environmental research, development, testing, and evaluation and technical investigations in support of its missions and activities.
- c. Support ASA (ALT) efforts to develop an integrated Army Environmental Quality Science and Technology program, and manage the portion of that program that supports acquisition, logistics, and industrial base user needs.
- d. Coordinate acquisition, logistics, and industrial base user needs with the USACE and the ASA (IE&E) in areas impacting installation EQT.
- e. Execute LLRW management, including disposal.
- f. Ensure that contracts include provisions for operations at government-owned, contractor-operated (GOCO) facilities to meet and remain compliant with environmental legal mandates and protect the Army from liability and/or fines assessed due to contractor operations.
- g. Review and revise military specifications, standards, and drawings, when appropriate, to eliminate and/or reduce the use of extremely hazardous substances and toxic chemicals. Coordinate this effort with other program offices as required.
- h. Conduct ACOM responsibilities for installations under its purview (see para 1-21).

1-21. The Commanding General, U.S. Army Transformation and Training Command

The Commanding General, U.S. Army Transformation and Training Command (CG, T2COM) will—

- a. Ensure the development and implementation of environmental training and doctrine programs and products that support military training and readiness operations are consistent with regulatory requirements and Army environmental policies.
- b. Ensure that the U.S. Army Engineer School (USAES) solicits and prepares environmental training packages as required for Soldiers and makes them available on-line through Army Knowledge Online and/or other appropriate websites.
- c. Ensure requirements documents incorporate environmental resources sustainment and lessons learned into all appropriate Army and Joint doctrinal publications and references.
- d. Ensure all training procedures, training manuals, training doctrine, and requirements documents include sound environmental practices and procedures.
- e. Coordinate with the OASA (IE&E) regarding establishment of staffing or training standards for all modified tables of organization and equipment (MTOE) and tables of distribution and allowances (TDA) unit designated environmental officers. Ensure environmental officer responsibilities are consistent with regulatory requirements and Army environmental policies.
- f. Ensure organizations/units are designed with equipment and personnel to meet established environmental requirements.

1-22. Senior mission commanders

Senior mission commanders (SMC) will—

- a. Comply with installation policies, applicable Federal, State, and local environmental laws, regulations, EOs, and overseas FGS and signed agreements.
- b. Participate in the installation's planning, sustainability efforts, and EMS.
- c. Designate a representative to the Environmental Quality Control Committee (EQCC).

- d.* Ensure personnel receive appropriate environmental training.
- e.* Coordinate testing and fielding of technology with the GC.
- f.* Participate in and fully support all installation internal and external assessments and audits, and implement corrective actions.
- g.* Fund environmental requirements not covered in the standard installation services or the ISSA (this does not apply to military units).
- h.* Appoint trained environmental officer(s) to ensure operational compliance and coordination with installation environmental staff.
- i.* Immediately report spills or releases of petroleum, hazardous substances, or HW to the GC.
- j.* Participate in the development of integrated natural and cultural resources management plans to ensure they are compatible with and support the mission.
- k.* In conjunction with the GC, ensure environmental requirements that impact ranges and training land are incorporated into the installation range complex master plan.
- l.* Where appropriate, coordinate with Judge Advocate General, Army Environmental Law Division (JALS–EL) early on all environmental agreements, including but not limited to, fine and penalty settlement agreements, prior to signing them.

1–23. Garrison commanders

GCs as used in this regulation include commanders of U.S. Army Reserve Regional Readiness Support Commands, State Adjutants General relative to the concept of the State as an installation, OCONUS U.S. Army Garrisons, and GCs as appropriate as determined by the IMCOM, Headquarters NGB–ARNG, and State Adjutants General. The GC will—

- a.* Ensure that Base Support activities support military training and readiness operations, enhance mission accomplishment, and are conducted in a manner conducive to environmental stewardship (see para 1–1a).
- b.* Comply with applicable Federal, State, and local environmental laws, regulations, internal directives and goals, EOs, and overseas FGS.
- c.* Investigate regulatory enforcement actions, complaints, and spills/releases, and correct systemic problems. Document investigation, negotiation, and resolution of enforcement actions and submit through the respective chain of command to the Office of the Director of Environmental Programs (ODEP), and through technical legal channels to JALS–EL.
- d.* Ensure environmental requirements that impact ranges and training land are identified and incorporated into the installation range complex master plan. Ensure the affected SMC is made aware of these impacts.
- e.* Ensure installation activities incorporate applicable environmental requirements into all procurement actions.
- f.* Apply for, sign, arrange funding, and maintain all applicable Federal, State, and local environmental permits. Incorporate potential mission surge conditions when applying for environmental permits.
- g.* Maintain appropriate environmental records as required by law.
- h.* Record enforcement actions within 48 hours via the Army Environmental Reporting Online.
- i.* Coordinate with JALS–EL early on all environmental agreements, including but not limited to, fine and penalty settlement agreements, prior to signing them. GCs may not delegate approval or signature authority.
- j.* Ensure that compliance agreements and consent orders that are attributable to a tenant's mission and/or operations are coordinated through applicable legal and command channels to determine the appropriate funding activity.
- k.* Assess the long-term resource impacts of all environmental agreements. Coordinate resource implications for agreements through command channels to IMCOM, NGB–ARNG, ACOMs, ASCCs, or DRUs as appropriate prior to approval.
- l.* Ensure that non-DoD HM (that is, HM owned and/or used by non-DoD entities) is not stored, treated, or disposed of on the installation unless approved by the ASA (IE&E), his or her designee, or higher authority.
- m.* Ensure that the installation strategic planning office (or equivalent) incorporates sustainability principles into strategic and other installation management plans; coordinate installation strategic plans with the SMC prior to finalization.
- n.* Implement an installation-wide HMMP.

- o. Promote recycling/reuse programs and Green Procurement policies.
- p. Organize and chair the installation EQCC.
- q. Organize and chair the installation Technical Review Committee/Restoration Advisory Board (TRC/RAB), as required.
- r. Implement and maintain a mission-focused EMS in accordance with the ISO 14001 standard. Third party registration to the standard is not required, and environmental funds will not be used for this purpose. However, GCs may pursue third party registration when it provides clear and documented mission benefits.
- s. Champion the installation EMS and designate an EMS representative in the appropriate organizational planning cell; ensure all planning incorporates the requirements of the EMS.
- t. Participate fully in EPAS, conduct annual internal environmental compliance assessments, and coordinate assessments with all tenants.
- u. Prepare and execute the installation corrective action plan (ICAP); coordinate and monitor completion of installation-wide corrective actions.
- v. Ensure all environmental program plans are completed and implemented per guidance in chapter 3.
- w. Designate personnel who are responsible and accountable for executing major program requirements as prescribed in chapters 4 through 14.
- x. Deposit all proceeds from Conservation Reimbursable Programs as outlined in Section 2665, Title 10, United States Code (10 USC 2665); Section 2667, Title 10, United States Code (10 USC 2667); and Sections 670a and 670b, Title 16, United States Code (16 USC 670a and 670b, Sikes Act).
- y. Serve as the Federal Agency Official with responsibility for installation compliance with the Native American Graves Protection and Repatriation Act (NAGPRA).
- z. Establish government-to-government relations with Federally recognized Indian Tribes and Native Alaskans.
 - aa. Maintain a public affairs program that encourages public involvement.
 - bb. Ensure that the installation master plan incorporates environmental considerations.
 - cc. Identify environmental requirements, forward through command channels, and maintain auditable records.
 - dd. Execute the environmental budget to meet critical requirements.
 - ee. Maintain an efficient and well-trained environmental staff.
 - ff. Ensure that Army law enforcement personnel are trained in conservation law enforcement where appropriate.
 - gg. Ensure that sufficient numbers of professionally trained natural resource management personnel and natural resources law enforcement personnel are available and assigned the responsibility to perform tasks necessary to comply with Section 670e, Title 16, United States Code (16 USC 670e).
 - hh. Approve record of decision (ROD)/decision documents (DDs) for environmental response actions within delegated approval authority.
 - ii. Approve integrated natural resource management plans (INRMPs).
 - jj. Hold tenant units accountable for complying with the policies and standards of the installation.
 - kk. Approve annual reports of availability (ROA) for timber sales after review by higher headquarters and USAEC.
 - ll. Designate an installation wildland fire program manager and approve the integrated wildland fire management plan.

1–24. U.S. Army Medical Command commanders

The Medical Department Activity/Medical Center/Health Service Support Area (MEDDAC/MEDCEN/HSSA) commanders will—

- a. Comply with applicable Federal, State, and local environmental laws, regulations, EOs, and overseas FGS.
- b. Manage and dispose of non-*Resource Conservation and Recovery Act* (RCRA) Subtitle C medical, dental, veterinary, pharmaceutical, and regulated medical wastes in accordance with AR 40–5 and applicable regulations.
- c. Ensure that regulated medical waste manifests are only signed by those individuals who have been appropriately trained and are authorized in writing by the activity commander or supervisor.
- d. Appoint a trained environmental officer to ensure operational compliance and coordination with installation environmental staff, to include the coordination of medical waste management plans.

- e. Advise on health aspects of the installation environmental program, and provide technical consultation and support services.
- f. Identify environmental requirements, forward through command channels, and maintain auditable records.

1–25. Tenants

A tenant is an authorized activity located on an installation that is not part of the garrison organization. This includes, but is not limited to, military units, the Army and Air Force Exchange Service (AAFES), and the Defense Commissary Agency (DeCA). Tenants will—

- a. Comply with installation policies, applicable Federal, State, and local environmental laws, regulations, EOs, and overseas FGS.
- b. Establish an ISSA with the GC that addresses environmental oversight, to include funding responsibilities and facility access (this does not apply to military units).
- c. Participate in the installation's planning, sustainability, and EMS (note, however, that installations should evaluate their liabilities concerning non-governmental tenants to determine whether any of them can be exempted from the installation EMS).
- d. Designate a representative to the EQCC.
- e. Ensure personnel receive required environmental training.
- f. Participate in all installation internal and external assessments and audits, to include programming for corrective actions.
- g. Fund environmental requirements not covered in the standard installation services or the ISSA (this does not apply to military units).
- h. Identify and submit environmental requirements to the supporting ACOM, ASCC, DRU/higher headquarters (this does not apply to military units).
- i. Identify and coordinate non mission-specific environmental requirements with the GC.
- j. Pay environmental fines and penalties resulting from their mission activities.
- k. Immediately report spills or releases of hazardous substances to the on-scene coordinator (OSC). Pay or reimburse costs associated with cleanup and spill response if not covered in the standard installations services or the ISSA.
- l. Report all instances of non-compliance and notification of enforcement actions to the GC immediately.
- m. Ensure that non-DoD hazardous material is not stored, treated, or disposed of on the installation unless approved by the OASA (IE&E), his or her designee, or higher authority.

1–26. Commanders of Government-Owned, Contractor-Operated facilities

The Commanders of Government-Owned, Contractor-Operated (GOCO) facilities will—

- a. In coordination with the contracting officer, ensure that contracts include provisions for operations at GOCO facilities to meet and remain compliant with environmental legal mandates to protect the Army from liability and/or fines assessed due to contractor operations.
- b. Comply with installation policies, applicable Federal, State, and local environmental laws, regulations, and EOs.
- c. Ensure that contractors assume responsibility for management and disposal of contractor-generated solid and HW.
- d. Ensure that non-DoD hazardous material is not stored, treated, or disposed of on the installation unless approved by the OASA (IE&E), his or her designee, or higher authority.
- e. Deposit all proceeds from Conservation Reimbursable Programs as outlined in 10 USC 2665, 10 USC 2667, and 16 USC 670b.
- f. Execute EMS responsibilities in accordance with contract provisions.
- g. Assess the long-term resource impacts of all environmental agreements in coordination with the acquisition community. Coordinate resource implications for agreements through command channels as appropriate prior to approval.
- h. Ensure that all contractor personnel receive appropriate levels of training on environmental awareness, hazardous material/waste management, and the installation EMS.

1–27. Unit commanders

The unit commanders will—

- a. Instill an environmental ethic in soldiers and civilians under their command.
- b. Ensure personnel receive required environmental training.
- c. Comply with installation policies, applicable Federal, State, and local environmental laws, regulations, EOs, and overseas FGS.
- d. Report noncompliance and spills through appropriate channels to the GC.
- e. Incorporate environmental responsibilities and environmental risk management into unit standard operating procedures (SOPs) and operation orders (OPORDs) as appropriate; integrate environmental considerations into the planning and execution processes in accordance with FM 3–100.4.
- f. Appoint and train environmental control officers at only the battalion (or equivalent) level and above to ensure compliance actions take place (see FM 3–34.500 for environmental control officer responsibilities).
- g. Support the installation-wide EMS.

Chapter 2

Environmental Policy

2–1. Commitment to Environmental Stewardship

- a. The Army is committed to environmental stewardship in all actions as an integral part of its mission and to ensure sustainability.
- b. This regulation supports the *Army Strategy for the Environment*, 1 October 2004, which presents the Army's environmental vision as sustainable operations, installations, systems, and communities enabling the Army mission. Under the strategy, the Army's environmental mission is to sustain the environment to enable the Army mission and secure the future. In doing so, all Army organizations and activities will—
 - (1) Foster an ethic within the Army that takes us beyond environmental compliance to sustainability.
 - (2) Strengthen Army operational capability by reducing our environmental footprint through more sustainable practices.
 - (3) Meet current and future training, testing, and other mission requirements by sustaining land, air, and water resources.
 - (4) Minimize impacts and total ownership costs of Army systems, materiel, facilities, and operations by integrating the principles and practices of sustainability.
 - (5) Enhance the well-being of our soldiers, civilians, families, neighbors, and communities through leadership in sustainability.
 - (6) Use innovative technology and the principles of sustainability to meet user needs and anticipate future Army challenges.

2–2. Army Environmental Policy Statement

- a. All Army organizations and activities will comply with applicable Federal, State, and local environmental laws, regulations, executive orders (EOs), or overseas FGS (see para 15–8 for additional specific overseas requirements); develop and implement pollution prevention and control strategies; and establish environmental priorities in consideration of the benefits to the sustainment of missions and operations.
- b. All Army organizations and activities will strive to achieve continual improvement in overall environmental performance and supporting management systems.
- c. All Army organizations will ensure that this policy is implemented, maintained, and communicated to all military and civilian employees and supporting contractors. In addition, this policy will be made readily available to the public upon request.
- d. All contracts and contract modifications will specify that contractors are liable for any enforcement actions, fines, and/or penalties resulting from their failure to comply with applicable environmental requirements.

2–3. Legal Requirements

All references to legal requirements in this regulation are intended to refer to laws, regulations, and executive orders that, in the opinion of legal counsel, are applicable to the Army. While most environmental laws apply to the Army, some include exemptions (or provisions for requesting exemptions) for military activities under certain conditions. It is essential that Army counsel, including but not limited to the Office of the JALS–EL, be consulted on the applicability of all laws, regulations, initiatives, and executive orders.

Similarly, all permits, agreements, notices of violations, enforcement actions, especially reports of potential liability under paragraph 16–4, require early and close coordination with Army legal counsel that is responsible for direct support to the command or activity. As necessary, legal counsel at the installation level will coordinate issues and positions within the appropriate Army legal chain. Precedent-setting opinions, all enforcement actions, and agreements must be coordinated with JALS–EL. The requirement to consult with legal counsel supporting a command or activity is considered an essential part of effectively using this regulation. Additionally, this regulation prescribes program requirements in terms of "will" and "must", which mean that the actions are mandatory. All Army organizations will incorporate environmental considerations and requirements into all aspects of the organization's mission.

Chapter 3

Planning and Implementation

3–1. Installation strategic planning

a. Environmental considerations must be incorporated into installation plans, including installation strategic plans. Installation strategic planning incorporates the concepts and philosophy of sustainability, the ultimate objective in strategic planning, and must be applied to and supported by all functional areas within the command.

b. Installation strategic planning is the long-term planning process that establishes the baseline and direction for all other plans and planning processes, including real property master plans, human resource plans, information technology (IT) and knowledge management plans, environmental management plans, functional business plans, and so on. Guidance for these plans is provided by HQ, IMCOM, NGB–ARNG, and for special installations, owning ACOMs, ASCCs, and DRUs. This includes synthesizing and aligning pertinent information from The Army Plan, Army strategic planning guidance, Army programming and budgeting guidance, policies, and other sources of strategic guidance with the organizational mission, vision, values, principles, strategy maps, balanced scorecards, and so forth. The GC applies this guidance to his or her own operations through the installation strategic planning process.

3–2. Activities, products, and services

a. The Army mans, equips, trains, sustains, mobilizes, deploys, and demobilizes the force as needed to support the combatant commanders.

b. Achieving the foregoing requires the Army to undertake a number of activities and to provide various products and services that include, but are not limited to (listed by mission/functional area):

(1) Weapons System Acquisition including the major systems acquisition phases of concept and technology development, system development and demonstration, production, and deployment, operations and support, and demilitarization and disposal.

(2) Logistics Support including the acquisition, storage, distribution, and recovery of all classes of supply; maintenance of materials and equipment; transportation of personnel and materiel; and provision of support services such as food, commissaries, laundries, and property disposal.

(3) Training including providing and conducting individual, functional, and organizational (both tactical and nontactical) training.

(4) Infrastructure Development and Maintenance including the total system of facilities; buildings; structures; horizontal transportation facilities (roads, railroads, bridges, dams, and airfields); utility, transport, and communication systems; ranges and other training areas; ports; airfields, and associated lands and equipment; and facilities (that is, real property) operation and maintenance, to include utilities, minor construction, and general engineering support.

(5) Industrial Operations including the manufacture of commodities, equipment, and weapons systems.

(6) Base Operations Support including all of the activities required to accomplish the missions and functions of assigned and tenant units and activities at the installation level.

(7) Health and Medical Support including providing general health care and medical and dental support to personnel, as well as the operation and maintenance of Army hospitals, MEDCENs, dental and veterinary clinics, medical treatment facilities, and supporting laboratories.

(8) Transportation Equipment including tactical and non-tactical vehicles, fixed and rotary wing aircraft, rail systems, watercraft, and supporting maintenance operations.

(9) Mobilization and Deployment including the assembly and organization of material and personnel resources in response to war or other emergencies including low intensity conflict and military operations other than war, and the physical movement of those resources to the theater of operations.

(10) Research, Development, Test, and Evaluation (RDT&E) including the demonstration/validation and technology transfer of materiel, equipment, and weapons systems at Army proving grounds, laboratories, and related facilities.

3–3. Important environmental aspects

a. Environmental aspects are elements of products, activities, or services that interact with the environment. Important environmental aspects are those that result in mission or environmental impacts, and may include, but are not limited to:

(1) Air emissions (fugitive or from stacks), including but not limited to, Clean Air Act (CAA) criteria pollutants (carbon dioxide, nitrous oxides, sulfur oxides, ozone, particulates, and lead), combustion gases, volatile organic compounds (VOCs), and hazardous air pollutants (HAPs).

(2) Generation of noise, vibration, odor, dust, heat, mold, light, radiation, and other nuisance activities.

(3) Discharges and disposals (point and non-point), spills, or other releases to soil or ground and/or surface waters, including sewage, sediment, or solid, hazardous, and other wastes.

(4) Natural resource alteration (that is, consumption or conservation), including water, timber, minerals, soil, and so forth. This includes the acquisition of goods and services that affect the consumption of natural resources.

(5) Ecological resource alteration, including wetland and endangered species protection or destruction.

(6) Cultural resource alteration, including historic properties; archeological sites; sacred sites; and properties of traditional cultural or religious importance to American Indians, Alaska Natives, and Native Hawaiians.

(7) Energy consumption or conservation, including electricity, fossil, alternative fuels, and renewable energy, such as solar energy.

b. All appropriate facilities (see glossary) will establish and maintain procedures to identify the environmental aspects of their operations, activities, products, or services that they can control and over which they can be expected to have an influence, to determine which have or can have impacts on the mission and/or the environment. This will include maintaining scientifically defensible information and inventories of facilities, resources, and environmental aspects, including geospatial information where the spatial location and extent of these affects their impact to mission and/or the environment. Installations must evaluate their liabilities concerning non-governmental tenants to determine whether any of them can be exempt from the installation EMS.

c. The aspects related to those important impacts will be considered in setting environmental objectives at all appropriate organizational levels. Additionally, appropriate facilities will consider processes for external communications on their important environmental aspects and document their decision regarding external communications.

d. Acquisition program managers should ensure that weapons systems are designed so that they can be tested, operated, maintained, repaired, and disposed of in accordance with applicable environmental, safety, and occupational health statutes, regulations, policies, and environmental treaties and agreements (see PD: DoDD 5000.1).

3–4. Environmental objectives and targets

a. An environmental objective is an overall environmental goal, arising from the environmental policy, which an organization sets for itself to achieve, and which is quantified where practicable (for example, reduce HW disposal by a certain amount). An environmental target is a detailed performance requirement, quantified where practicable, applicable to the organization or parts thereof, that arises from the environmental objectives and that needs to be set and met to achieve those objectives (for example, reduce HW disposal by a certain amount by a certain point in time). Environmental objectives and targets will be developed in consideration of impacts on Army operations.

b. Installations/activities will establish and maintain environmental objectives and targets for all operations and activities having the potential for important mission and/or environmental impact. Objectives and targets will be established at each relevant function and level within the organization, will be documented, and will meet DoD Measures of Merit (MOMs), Army-level program goals, objectives, and targets; long-

term strategic goals; legal and other requirements; important environmental aspects; technological options; financial and operational requirements; and the views of interested parties, as appropriate.

c. Headquarters, Department of the Army (HQDA) will disseminate detailed Army-level program goals, objectives, and targets through periodic publication and update of appropriate plans, directives, and guidance documents.

3–5. Operational controls

a. Installations/activities will identify those operations and activities that are associated with important environmental aspects (see para 3–3a) and manage them consistent with established policies, objectives, and targets.

b. Installations/activities will establish and maintain documented SOPs to avoid unacceptable environmental impacts from these operations and activities.

c. Contracting officers should ensure that contract provisions are consistent with SOPs.

3–6. Emergency preparedness and response

a. Installations/activities will establish and maintain procedures to identify the potential for and to respond to accidents and emergency situations, and for preventing and mitigating the environmental impacts that may be associated with them. These procedures will be tested periodically.

b. Installations/facilities will review and revise, where necessary, emergency preparedness and response procedures. In particular, critical reviews and revisions should be conducted after any occurrence of accidents or emergency situations.

3–7. Management programs

a. Appropriate facilities will establish and maintain management programs (see chaps 4-14) for achieving objectives and targets, and will track and measure progress toward achieving them.

b. As a minimum, management programs will designate responsibility for achieving objectives and targets at each relevant function and organizational level, and specify the means and timeframe by which they are to be achieved.

c. Appropriate facilities will track their targets and objectives to measure continual improvement.

Chapter 4

Environmental Asset Management

Environmental assets entrusted to the Army's care include, but are not limited to, air, water, land, and natural and cultural resources. Specific DoD and Army policies, legal and other requirements, major program goals, and program requirements associated with environmental resources are presented in this section. The Office of the Assistant Secretary of the Army (Installations, Energy, & Environment) (OASA IE&E) is responsible for environmental program policy implementation and Headquarters, Department of the Army (HQDA) level program oversight. The Installation Management Command (IMCOM) and National Guard Bureau Army National Guard (NGB – ARNG) are responsible for executing environmental program requirements prescribed herein in accordance with this regulation and applicable federal, state, and local requirements. Technical support for addressing the various requirements prescribed in this section is the responsibility of the appropriate program offices within the U.S. Army Environmental Command (USAEC), Assistant Secretary of the Army (Acquisition, Logistics, and Technology) (ASA (ALT)) Environmental Support Office, and the Military Programs Directorate of the U.S. Army Corps of Engineers (USACE).

4–1. Air resources

a. Policy.

(1) Comply with applicable Federal, State, and local air quality regulations, permit requirements, and overseas FGS.

(2) Identify and implement cost-effective pollution prevention measures that will reduce toxic or criteria air emissions.

(3) Eliminate dependency on ozone depleting substances (ODS).

b. Legal and other requirements. Section 7401, Title 42, United States Code (42 USC 7401, et seq., Clean Air Act (CAA), as amended); Section 6901, Title 42, United States Code (42 USC 6901, et seq.,

the Resource Conservation and Recovery Act of 1976 (RCRA), as amended); the Energy Policy Act of 2005; applicable State and local requirements; or country-specific FGS requirements.

c. Major program goal. Achieve and maintain air quality standards to protect human health and the environment, while minimizing mission impacts.

d. Program requirements.

(1) Assess the need for and obtain necessary CAA Title V Operating Permits and all other applicable permits. (LD: 40 CFR 71.1)

(2) Update existing or obtain new permits as needed when planning to modify, construct, install, or remove from service an emissions source that is, or should be, regulated under a Title V or other permit. (LD: 40 CFR 71.6)

(3) Perform air emissions inventories as required by statute, regulation, permit, or country-specific FGS. (LD: 40 CFR 51; 40 CFR 70.6; 40 CFR 71.6; FGS)

(4) Determine the need to comply with New Source Performance Standards, New Source Review for Nonattainment, or for Prevention of Significant Deterioration. In addition, determine the need to perform a Conformity Determination. (LD: 40 CFR 51.307)

(5) Cooperate with Federal, State, and local authorities to achieve the goals of implementation plans. (LD: 40 CFR 51)

(6) Perform technology, permitting, and preconstruction assessments as required before beginning construction or reconstruction of air emissions sources. (LD: 40 CFR 51.160 and related State regulations)

(7) Establish a Risk Management Program and develop and maintain a risk management plan when required under Section 112(r) of the CAA. (LD: 40 CFR 68.150–195)

(8) Implement and maintain plans to eliminate dependency on commercial acquisition of Class I ODS. (LD: 40 CFR 82)

(9) Reduce all ODS use to zero as cost-effective substitutes that meet applicable standards become available. (LD: 40 CFR 82)

(10) Recovered Class I ODS cannot be bartered, sold, or traded. Return recovered ODS that are excess to installation needs to the DoD ODS Reserve. (LD: 40 CFR 82)

(11) Coordinate natural resources activities having potential air quality impacts (for example, prescribed burning) with appropriate State and local officials.

(12) Comply with applicable Standards of Performance for New Stationary Sources and corresponding monitoring requirements (LD: 40 CFR 60)

(13) Comply with all air toxics regulations, to include, but not limited to, applicable National Emission Standards for Hazardous Air Pollutants (NESHAP) maximum achievable control technology requirements for regulated sources of HAPs. (LD: 40 CFR 63)

(14) Overseas installations will comply with permits obtained on their behalf in accordance with the FGS.

4–2. Water resources

a. General policy.

(1) Comply with applicable Federal, State, and local laws and regulations regarding water resources management and permitting. Overseas, the Army will comply with country-specific FGS requirements.

(2) Obtain and comply with all required Federal, State, and local Clean Water Act (CWA), Coastal Zone Management Act (CZMA), and Safe Drinking Water Act (SDWA) permits (includes wastewater and storm water permits, operational permits for drinking water systems, groundwater discharge permits, wetland 404/401 permits, septic system permits, underground injection control, and so forth).

(3) Overseas installations will comply with permits obtained on their behalf in accordance with the FGS.

(4) Identify and implement pollution prevention initiatives.

(5) Participate with regional authorities in the development and implementation of water resource initiatives and plans.

(6) Mitigation wetlands are wetlands that replace the functions performed by drained, filled, or degraded wetlands on installation project sites. They should, whenever possible, be sited within the same watershed as the affected installation wetlands and outside installation boundaries so installations can retain maximum land-use flexibility.

b. Recreational waters. Management of recreational waters at military installations will be in accordance with AR 40–5, TB MED 575, and TM 5–662.

c. Water resource protection and management.

(1) All Army organizations and activities will comply with legally applicable Federal, State, and local regulations, executive orders (EOs), and FGS to conserve, protect, and restore surface water resources (including wetlands, estuaries, streams, lakes, and so forth), and groundwater (wells and aquifers).

(2) EO 11988 and EO 11990 address the actions Federal agencies take to identify and protect flood plains and wetlands, respectively.

(3) The CZMA requires that activities within the coastal zone of any State must be consistent with the state's coastal zone management plan.

d. Watershed management.

(1) *Policy.* Installations use a watershed management approach when evaluating projects and programs to satisfy environmental regulations, facility projects, and master planning that may impact the quality of water resources. Using a watershed approach means that installations should develop a framework or plan for coordinating, integrating, and managing their mission activities that impact the quality of water resources located on (and those that migrate off) their installation. This approach also requires a strong commitment to involving stakeholders, both internal and external, in the management of these water resources. To implement applicable total maximum daily load (TMDL) regulations, all Army facilities will:

(a) Initiate and maintain contact with Federal and State water regulators concerning the process of setting TMDLs and allocations for water bodies located on or passing through Army installations.

(b) Integrate all aspects of CWA requirements, programs, and available information (for example, the National Pollutant Discharge Elimination System (NPDES) program, 404 wetlands program, wellhead protection, storm water plans/projects, storm water construction permits, spill prevention, control, and countermeasures (SPCC) plans/projects, State CWA 319 requirements (State plans & strategies for reducing non-point source runoff)) with TMDL development and future planning. Ensure all of these programs are consistent with, and work together to attain compliance under, TMDL allocations once they are set by states.

(c) Ensure that activities required to meet other environmental legal requirements, like RCRA, that impact water quality in an impaired water or are impacted by an impaired water (for example, Chapter 35, Title 16, United States Code (16 USC Chapter 35)) are informed of CWA requirements. These non-CWA activities should be integrated into the management plan.

(d) Ensure other programs that are or may have their activities affected by identification of impaired waters and new TMDL allocations are informed of the impacts and requirements (for example, facilities construction, master planning, NEPA requirements).

(e) Ensure that watershed assessments and management plans are integrated with the installation master plan, INRMP, and other plans as appropriate.

(f) Establish and integrate environmental education and participation programs required by CWA/SDWA/the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)/ESA and so forth for all Army personnel and their families based on watershed concepts and requirements to restore impaired waters and maintain designated uses of local water bodies.

(g) Ensure that mission and non-mission activities and construction designs utilize best management practices (BMPs) to minimize TMDL impacts.

(2) *Legal and other requirements.* The principal applicable laws governing water resource protection and management are the CWA, SDWA, and related Federal, State, and local implementing regulations; and for overseas installations, the country-specific FGS requirements.

(3) *Major program goal.* Implement the "Unified Federal Policy for a Watershed Approach to Federal Land and Resource Management". (PD: Unified Federal Policy for a Watershed Approach to Federal Land and Resource Management, 65 FR 62565–62572, 18 October 2000).

(4) Program requirements.

(a) Assess installation watershed impacts as appropriate, considering upstream and downstream water quality data or other background levels, proximity to potentially designated impaired waters, and any effects on mission activities. (PD: Unified Federal Policy for a Watershed Approach to Federal Land and Resource Management, 65 FR 62565–62572, 18 October 2000)

(b) Carry out Army activities consistent with EPA/State approved plans/strategies to restore impaired or threatened water bodies to their designated use. (LD: 40 CFR 130.12)

(c) Control soil erosion in accordance with applicable and appropriate Federal, State, or local requirements. (LD: 40 CFR 122.26)

(d) Comply with all applicable and appropriate State Source Water Assessment and Protection Program requirements as they relate to ground water (for example, wellhead protection plans) (LD: SDWAA 1996, PL 104–182, Sections 1428 and 1453); (LD: 40 CFR 144–148); and (LD: 40 CFR 149).

e. Wastewater and stormwater.

(1) *Policy.*

(a) Comply with facilities policy concerning use of wastewater collection/treatment systems that are owned and operated by public or private entities when economically feasible and when security is not compromised.

(b) Comply with all requirements, substantive and procedural, for control and abatement of water pollution, as outlined in the CWA that require Army compliance.

(c) Control or eliminate sources of pollutants and contaminants to protect water bodies and groundwater.

(d) Employ abatement measures for non-point source runoff from construction, facility operations, and land management activities.

(e) Encourage reuse or recycling of wastewater, sewage sludge, wash rack sediment, greases or oils, and other wastes whenever economically feasible and environmentally beneficial.

(2) *Legal and other requirements.* Applicable laws are Chapter 26, Title 33, United States Code (33 USC Chapter 26, as amended); Section 108 of Section 6961, Title 42, United States Code (42 USC 6961); Section 1401, et seq., Title 33, United States Code (33 USC 1401); Section 2701, Title 33, United States Code (33 USC 2701); and State and local laws; and for overseas installations, the country-specific FGS requirements.

(3) *Major program goals.* The Army's wastewater and stormwater management goals are to reduce the pollutant loadings in point source and non-point source discharges and to ensure efficient water reuse.

(4) *Program requirements.*

(a) Obtain and comply with NPDES and/or State discharge permits, to include all required plans. (LD: 40 CFR 122)

(b) Ensure that discharges from industrial activities to Federally owned treatment works (FOTWs) and publicly owned treatment works (POTWs) comply with the substantive pretreatment requirements applicable to POTWs under the CWA. (LD: 40 CFR 403)

(c) Develop pretreatment programs as required to ensure FOTWs meet NPDES permit requirements and to improve opportunities for reuse of wastewater effluent and sewage sludge. (LD: 40 CFR 403)

(d) Develop and implement a stormwater management plan for a regulated Municipal Separate Stormwater Sewer System (MS4) as required in accordance with the installation's general permit. (LD: 40 CFR 122.26)

(e) Develop and implement a Stormwater Pollution Prevention Plan(s) (SWPPP) as required, in accordance with the installation's industrial, construction, or Municipal Separate Storm Sewer (MS4) storm water permit(s). (LD: 40 CFR 122.26)

(f) Develop and implement a spill prevention, control, and countermeasures plan (SPCCP), as required. (LD: CWA Section 311(j), 40 CFR 112.3)

(g) Perform shipboard or shore-side oil/water separation before the discharge of ballast water from watercraft. Effluent limitations from watercraft are prescribed by the U.S. Coast Guard (USCG) (LD: 33 CFR 151–158) EPA; (LD: 40 CFR 110); individual states; and TB 55–1900–206–14.

(h) Coordinate proposed military activities involving the discharge of fill material into waters of the United States, including wetlands, with, and if necessary, secure a permit from the local U.S. Army Corps of Engineers (USACE) district and appropriate State agency. (LD: 33 CFR 323; 40 CFR 230)

(i) Ensure that operators of wastewater (including industrial) treatment plants and wastewater collection systems have necessary training and certification. (LD: 42 USC 300g-8)

(j) Use analytical laboratories that are certified per applicable Federal, State, local, or host nation requirements, as appropriate. (LD: 40 CFR 136; 40 CFR 141.28)

(k) Follow State approved plans and local permit requirements for non-point source water pollution control where applicable. (LD: 40 CFR 123)

f. Drinking water.

(1) *Policy.*

(a) Provide drinking water to fixed facilities in accordance with the requirements of the SDWA and applicable State and local regulations. Overseas, all Army organizations and activities will comply with country-specific FGS.

(b) Comply with Army facilities policy to transfer ownership and operation of water supply treatment systems to public and private entities when economically feasible and when security is not compromised.

(2) *Legal and other requirements.* Applicable laws are the SDWA, as amended; PL 109–58; and State and local laws; and for overseas installations, the country-specific FGS requirements.

(3) *Major program goals.* The Army's drinking water resource management goals are to consistently provide safe, aesthetically pleasing drinking water at adequate pressures and quantities to protect the health and quality of life of people living and working on our installations, and to better manage the cost of drinking water programs.

(4) *Program requirements.*

(a) Obtain and comply with all necessary water appropriation and use permits, National Pollutant Discharge Elimination System (NPDES) permits for wastewater discharges from drinking water treatment plants, or other permits that are required for operation of drinking water treatment systems at both fixed and field facilities. (LD: 40 CFR 122; 40 CFR 141–143)

(b) Comply with the provisions of the SDWA as implemented by State and local regulations which include, but are not limited to the following: (LD: 42 USC 300g-8; 40 CFR 136; 40 CFR 141.28)

1. Primary and secondary drinking water standards.
2. Training and operator certification requirements.
3. Lead contamination control act requirements.
4. Public notification and consumer confidence reporting requirements.
5. Water system vulnerability assessment and emergency response plan requirements.
6. Certified laboratory requirements.

(c) Provide copies of annual Consumer Confidence Reports (CCRs) to the Installation Management Command (IMCOM) and State Adjutants General (where appropriate) by the end of each FY.

(d) Perform a lifecycle cost analysis whenever the upgrade or construction of a new water supply facility is considered. Guidelines for military installations to perform the cost analysis are contained in AR 420–1.

(e) Monitor and upgrade Army water supply, treatment, distribution, and storage systems as needed to comply with environmental requirements. Routine operation, maintenance, and repair of Army water systems will be in accordance with AR 40–5; AR 420–1; AR 700–136; TB MED 576; TB MED 577; UFC 3–230–02; TM 5–810–5; TM 5–813–1 through TM 5–813–9; and USACHPPM TG–179.

(f) After consultation with supporting legal counsel, comply with applicable additional State and local drinking water regulations not covered under the SDWA.

4–3. Land resources

Land resources are the ranges, cantonment areas, and associated natural resources (to include soils and the biota they support).

a. Policy.

(1) Comply with applicable Federal, State, and local regulations regarding land resources management and permitting where applicable. Overseas, all Army organizations and activities will comply with applicable country-specific FGS.

(2) Provide for the conservation and rehabilitation of natural resources on Army lands.

(3) Integrate training and testing range operations and support activities within the installation environmental management system (EMS).

(4) Ensure that all management plans address range operations and activities as appropriate.

(5) Quantify environmental encroachment vulnerabilities and assess the feasibility of using external buffer zones to enhance testing and training capabilities. Where warranted, work with private landowners and eligible entities through the Army Readiness and Environmental Protection Integration (REPI) process.

(6) The management and conservation of natural and cultural resources under Army control, including planning, implementation, and enforcement functions, are inherently governmental functions that will not be contracted. Components that have contractor-operated installations or facilities will ensure that contract instruments clearly address contractor and government functions as they relate to natural and cultural resources.

b. Legal and other requirements. Principal statutes, regulations, and guidance applicable to the Army Natural Resources Management Program include:

- (1) 16 USC 670a and 670b.

- (2) 16 USC 35.
 - (3) 50 CFR 401–453, implementing regulations of the U.S. Fish and Wildlife Service (USFWS) and National Oceanic and Atmospheric Administration (NOAA) Fisheries.
 - (4) Sections 1801–1882, et seq., Title 16, United States Code (16 USC 1801–1882).
 - (5) 10 USC 2665.
 - (6) 10 USC 2667(d).
 - (7) Section 2671, Title 10, United States Code (10 USC 2671).
 - (8) Section 2684a, Title 10, United States Code (10 USC 2684a).
 - (9) Section 2694a, Title 10, United States Code (10 USC 2694a).
 - (10) Sections 1361–1407, Title 16, United States Code (16 USC 1361–1407).
 - (11) Sections 4701–4751, et seq., Title 16, United States Code (16 USC 4701–4751).
 - (12) Sections 661–667d, United States Code (16 USC 661–667d).
 - (13) Section 701, Title 16, United States Code (16 USC 701).
 - (14) Sections 703–712, Title 16, United States Code (16 USC 703–712).
 - (15) Sections 3371–3378, Title 16, United States Code (16 USC 3371–3378).
 - (16) Part 13, Title 50, Code of Federal Regulations (50 CFR 13).
 - (17) Part 21, Title 50, Code of Federal Regulations (50 CFR 21).
 - (18) Part 190, Title 32, Code of Federal Regulations (32 CFR 190).
 - (19) Parts 10–16, Title 50, Code of Federal Regulations (50 CFR 10–16).
 - (20) EO 13186.
 - (21) EO 13112.
 - (22) EO 13423.
 - (23) EO 11990.
 - (24) PL 108–136, sections 312, 319.
 - (25) DoDD 4715.1E.
 - (26) DoDI 4715.03.
 - (27) Memorandum, Deputy Under Secretary of Defense for Installations and Environment (DUSD (I&E)), 10 October 2002, subject: Implementation of Sikes Act Improvement Act: Updated Guidance.
 - (28) Applicable FGS and any legally binding international agreements.
- c. Major program goals.* The Army's land resources management goals are to:
- (1) Integrate natural resources stewardship and compliance responsibilities with operational requirements to help achieve sustainable ranges, training areas, and other land assets.
 - (2) Develop, initiate, and maintain programs for the conservation, utilization, and rehabilitation of natural resources on Army lands.
- d. Program requirements.*
- (1) *Integrated natural resources management.*
 - (a) Develop and implement an INRMP in accordance with 16 USC 670a in cooperation with the USFWS and the State fish and wildlife agency unless significant natural resources are absent. OCONUS installations will develop and implement an INRMP in consonance with FGS requirements. Significant natural resources are present if one or more of the following criteria apply: (LD: 16 USC 670a).
 1. Federally listed, proposed, or candidate species are onsite, or critical habitat has been designated or proposed on the installation, and on-installation conservation measures are necessary to conserve the federally listed species.
 2. Conservation reimbursable forestry or agricultural outleasing activities consist of 100 acres or more.
 3. Hunting and/or fishing takes place for which special State permits are issued by the installation in accordance with 16 USC 670a(b)(3).
 4. The installation conducts intensive, on-the-ground military missions that require conservation measures to minimize impacts (for example, soil erosion control, prescribed fire) and sustain natural resources. Installations designated by the DCS, G–3/5/7 for management under the ITAM program meet this criterion.
 5. Unique biological resources, wetlands, species at risk, or ecological issues require a level of planned management that can only be addressed by an INRMP.
 6. In some cases, it may be difficult to determine whether an installation has significant natural resources. In these cases the ASA (IE&E) is delegated the authority to determine whether significant natural resources are present, and, therefore, whether an INRMP is required.
 - (b) Implement the INRMP by:

1. Actively requesting, receiving, and using funds for priority projects and activities.
2. Ensuring that sufficient numbers of professionally trained natural resources management personnel are available to perform the tasks required by the INRMP.

3. Coordinating annually with all cooperating offices.

4. Documenting specific INRMP action accomplishments undertaken each year.

(c) Prepare INRMPs that include components addressing specific natural resources (for example, endangered species, forests, flora, fauna, soil, wetlands) and their interdependency.

(d) Review the INRMP with regard to operation and effect by the parties thereto on a regular basis, but not less often than every 5 years. Update the INRMP as appropriate in concert with installation needs to obtain mutual agreement in coordination with the USFWS, State fish and game agency(ies), and other internal and external stakeholders. A 5-year update is not required if circumstances have not changed. (LD: 16 USC 670a).

(e) Use the INRMP, range complex master plan, and ITAM 5-year plan as the GC's tools for planning and integrating land resources compliance and management activities with the military mission.

(f) Provide access to training and testing ranges through sustainment of installation land resources and in compliance with natural resources laws, regulations, EOs, and Army policies.

(g) To the extent appropriate and applicable, provide for no net loss in the capability of the installation lands to support the military mission. Identify and address threats to mission land use and give high priority to management objectives that protect mission capabilities of installation lands. (LD: 16 USC 670a).

(h) Designate and ensure that the installation has ready access to a qualified military, Department of the Army (DA) civilian, or State Army National Guard (ARNG) staff member (or ARNG contractor) to serve as installation natural resources coordinator.

(i) Assure NEPA requirements are satisfied when preparing the INRMP. (LD: 50 CFR 402.06; 42 USC 4331).

(j) Conduct appropriate internal and external coordination prior to GC approval of INRMPs and revisions (for example, with Director of Plans, Training, Mobilization, and Security (DPTMS); Staff Judge Advocate; Morale, Welfare, and Recreation; Provost Marshall, and so forth). INRMPs will meet the following conditions (note that 2–5 do not apply to overseas installations):

1. Concurrence from the installation's next higher headquarters, and coordination with affected ACOMs, ASCCs, DRUs, NGB–ARNG, and tenants.

2. Agreement from the Regional Directors of the USFWS concerning aspects within the scope of their authority. (LD: 16 USC 670a(a)(2)).

3. Coordination with NOAA–Fisheries in those instances where INRMPs include threatened or endangered species or critical habitat within the scope of their authority.

4. Concurrence from land management agencies exercising jurisdiction over installation property.

5. Agreement from the Director of the State fish and wildlife agency concerning aspects within the scope of their authority. (LD: 16 USC 670a(a)(2)).

6. Opportunity for public comment provided (minimum of 30 days). (LD: Section 2905, PL 105–85).

(k) Coordinate the draft INRMP with the OASA (IE&E) when requested.

(l) Integrate the INRMP with the installation master plan, range plans, training plans, integrated cultural resources management plans (ICRMPs), integrated pest management plans (IPMPs), cleanup installation action plans (IAPs), and other appropriate plans to ensure consistency.

(m) For installations that have training or testing missions, ensure the DPTMS (or Range Control staff or equivalent) provides a description of optimum mission landscape requirements (current and future (next 5 years)) to include recommendations for improving the capability, availability, and accessibility of land.

(n) Establish specific goals and measurable objectives for all components of the INRMP. (LD: 16 USC 670a(b)) Establish metrics and measure progress towards achieving the objectives.

(o) Prioritize projects and required resources necessary to achieve the objectives of the INRMP and its components.

(p) Make unclassified portions of INRMPs available to the public through electronic format (for example, world wide web, compact disk, and so forth.). All INRMPs will undergo DPTMS security review prior to being made available. This requirement does not apply to overseas installations.

(q) Accurately report INRMP data using the metrics in the Army Environmental Data Base Environmental Quality (AEDB–EQ) Report and the Reimbursable Programs Tracking System (RPTS).

(r) Conduct Planning Level Surveys (PLSs) and data analysis as the foundation for effective planning and decision making. PLSs, with the exception of flora, will be maintained electronically as geospatial data, and will be submitted to the GIS Repository as they are updated. Existing Army scopes of work will be used when available. PLSs should be kept current according to an installation's specific needs, but at a minimum, will be reviewed and updated if necessary prior to the INRMP's revision. PLSs include as a minimum:

1. *Topography*. A map with elevation, elevation contours, and associated data consistent with U.S. Geological Survey (USGS) standards and topographic map products.

2. *Wetlands*. A description and map of the distribution and extent of wetlands consistent with the statement of work as defined in the Army/USFWS Memorandum of Agreement (MOA).

3. *Surface waters*. A survey that describes and maps the distribution and extent of surface waters, and is consistent with USGS standards.

4. *Soils*. A survey that classifies, categorizes, describes, and maps soils by map unit, and meets current National Cooperative Soil Survey standards and procedures.

5. *Flora*. An installation-wide vascular plant survey that produces a list of plant species with verified nomenclature, classification, and annotation compatible with the Natural Resources Conservation Service's (NRCS) Plant List of Accepted Nomenclature, Taxonomy, and Symbols.

6. *Vegetation communities*. A survey, including field data, which describes and maps the distribution and extent of dominant and co-dominant plant communities (alliances).

7. *Threatened and endangered species*. A survey that maps and shows the occurrence, habitat distribution, and habitat management areas of Federally endangered, threatened, proposed, candidate, and species at risk occurring on the installation.

8. *Fauna*. A survey, including field data, that describes and maps the distribution and extent of animals.

(s) Ensure that turbidity and sediment levels do not irreparably degrade aquatic biota and habitat from an ecosystem perspective, or significantly impact shallow ground water aquifers.

(t) Evaluate the feasibility and potential impacts of operating motorized off-road vehicles (ORVs) and non-motorized vehicles (for example, mountain bikes) on the military mission and natural and cultural resource management. If determined feasible, develop procedures for operating motorized ORVs and non-motorized vehicles that will protect resource values; preserve public health, safety, and welfare; and minimize use conflicts. (LD: EO 11644).

(u) Obtain ASA (IE&E) approval prior to setting aside areas for an exclusive use that might constrain future land use decisions. Obtain supporting ACOM, ASCC, DRU, or NGB-ARNG concurrence before submitting request to ASA (IE&E).

(2) *Leases, easements, and other special land uses*.

(a) Address leases, easements, and other special land uses within the INRMP.

(b) Ensure all conditions of leases and easements are consistent with the military mission and natural resources conservation and protection.

(c) Follow the policies set forth in AR 405–80 regarding rights-of-way or easements.

(3) *Soil resources*.

(a) Use the INRMP for the planned management of soil resources across the entire installation. The Soil Erosion and Sediment Control Component to the INRMP will address the following soils policy.

(b) Keep soil erosion from water within tolerance limits as defined in soil surveys prepared by the U.S. Department of Agriculture, NRCS, or as required by FGS or host nation authorities.

(c) Keep soil sediment, as a pollutant, in wetlands and waterways within compliance limits.

(d) Minimize the impact of land uses on soil erosion and sedimentation when and where possible, to include:

1. Locating physically intensive land disturbing activities on the least erodible soils.

2. Using climatic/seasonal changes in soil erosion as a factor in scheduling intensive mission operations and real property management activities.

3. Identifying and rehabilitating land disturbed by operations and real property management activities.

(4) *Flora and fauna*.

(a) Promote biodiversity and ecosystem sustainability on Army lands and waters consistent with the mission and INRMP objectives.

(b) Manage flora and fauna consistent with accepted scientific principles and in accordance with applicable laws and regulations, and, where lands and waters are suitable, for conservation of indigenous flora and fauna.

(c) Manage habitat to conserve and enhance existing flora and fauna consistent with the Army goal to conserve, protect, and sustain biological diversity while supporting the accomplishment of the military mission.

(d) Introduce or reintroduce any species only upon approval of the USFWS, the State, higher headquarters, and HQDA and include in the installation INRMP. In those instances where the training mission may be impacted, coordinate with the supporting ACOM, ASCC, DRU, or NGB-ARNG and secure joint approval from the ASA (IE&E) and the Office of the DCS, G-3/5/7, DAMO-TRS. (LD: EO 11987)

(e) Consult with NOAA-Fisheries on actions authorized, funded, or undertaken that may adversely impact fisheries or marine mammals. (LD: 16 USC 1801).

(5) *Threatened and endangered species.*

(a) Prepare and implement an Endangered Species Management Component to the INRMP consistent with current policy and guidance.

(b) Carry out mission requirements in compliance with 16 USC 35.

(c) Integrate endangered species management and installation planning functions to ensure compliance with 16 USC 35. (LD: 50 CFR 402)

(d) In accordance with ASA (IE&E) guidance, take appropriate actions to preclude critical habitat designation.

(e) Assess all activities (to include MILCON) at the earliest opportunity to determine whether they may affect listed species or critical habitat.

(f) Coordinate threatened and endangered (T&E) actions or issues with ACOM, ASCC, and DRU commanders and other tenants that may be affected by them.

(g) Conduct biological assessments for activities that may have an effect on listed species or critical habitat where they are present or may be present in the action area. (LD: 50 CFR 402).

(h) Informally consult with the USFWS or NOAA-Fisheries, document the results in writing, and if necessary, conduct a biological assessment or biological evaluation (see glossary) to assess whether an action may affect a listed species or critical habitat. If the action is likely to adversely affect the listed species or its habitat, formal consultation is required. (LD: 50 CFR 402).

(i) Coordinate with affected installation organizations and the higher headquarters prior to initiating formal consultation. HQDA may identify proposed formal consultations that require higher level review. Installations will provide the proposal and supporting documentation as requested. ODEP, in coordination with JALS-EL, will review proposals and provide comments.

(j) Formally consult with the USFWS or NOAA-Fisheries when it is determined an action "may affect" a listed species or critical habitat. If the action is not likely to adversely affect the listed species or its habitat, and the USFWS or NOAA-Fisheries concur in writing, formal consultation is not required. (LD: 50 CFR 402).

(k) Confer with the USFWS or NOAA-Fisheries on any action that is likely to jeopardize the continued existence of any proposed species or result in the destruction or adverse modification of proposed critical habitat. (LD: 50 CFR 402.10).

(l) Review all ongoing and proposed actions immediately upon listing of a threatened or endangered species or designation of critical habitat to determine if formal consultation is necessary (even if a conference has previously occurred). (LD: 50 CFR 402).

(m) Complete a Biological Evaluation before initiating formal conference on actions affecting a proposed species or proposed critical habitat. (LD: 50 CFR 402.10).

(n) Develop and implement strategies to promote, in cooperation with other landowners, the use of conservation banking and/or REPI initiatives to minimize impacts of an action on T&E species and/or critical habitat.

(o) Within 24 hours report 16 USC Chapter 35 (ESA) violations, by telephone or electronic means, through the chain of command to ASA (IE&E) and JALS-EL. Submit a follow-up written report within 7 days.

(p) Coordinate with higher headquarters and ASA (IE&E) and JALS-EL in taking final action to correct any endangered species management problems contributing to the 16 USC 35 (ESA) violation(s).

(q) Ensure that T&E awareness is included in unit training for personnel who may come in contact with listed species and/or their habitats or critical habitat. Coordinate training with the installation engineer, environmental directorate, and ITAM sustainable range component.

(r) Obtain HQDA approval before supporting USFWS's or NOAA-Fisheries' introduction and/or reintroduction of Federal and State listed, proposed, and candidate species on Army lands.

- (s) Protect the water rights necessary for the survival and recovery of listed, proposed, or candidate aquatic or riparian species. Coordinate all water rights issues with appropriate legal counsel.
- (t) Participate in the listing/delisting process, recovery plan development, and critical habitat designation where the species in question may impact installation military missions.
- (u) Cooperate with State and local authorities in the management of ASA (IE&E)-designated Army species at risk and habitats with the goal of avoiding listings that could adversely affect military readiness.
- (v) Participate in regional/habitat-wide efforts to conserve candidate and ASA (IE&E)-designated Army species at risk and habitats when it has the potential to benefit the Army.
- (w) Include State-listed species in the installation INRMP.
- (6) *Species at risk.*
 - (a) In accordance with ASA (IE&E) guidance, manage species at risk and habitats to prevent listing that could affect military readiness.
 - (b) Program and plan for environmental conservation critical funding for designated Army species at risk and coordinate Real Property Services funding opportunities for other species at risk.
 - (c) Incorporate species at risk management in the INRMP.
 - (d) Implement management plans for species at risk to include, but not limited to, survey, monitoring, habitat enhancement, and protection.
- (7) *Forest management.* Practice responsible stewardship of forested lands to support the mission.
- (8) *Conservation reimbursable agricultural/grazing outleasing and forestry programs.*
 - (a) Conduct programs that are compatible with mission operations and that support conservation compliance, sustainability, and natural resources stewardship.
 - (b) Routinely examine Army land to determine what areas, if any, are available for outleasing and/or forest management. (PD: AR 405–80 and AR 405–90)
 - (c) Coordinate with DPTMS to establish needed doctrinal terrain and ground cover requirements.
 - (d) Maintain Conservation Reimbursable Programs where these provide a direct benefit to the mission and environmental goals.
 - (e) Deposit all revenues from agriculture and grazing outleases, forest product sales, or sale of equipment procured with Conservation Reimbursable funds into the Army Forestry Account or the Army Agricultural/Grazing Account per DFAS–IN Manual 37–100–**.
 - (f) Sell no forest products nor outlease land for agricultural or grazing purposes unless the effects of the sale or lease are compatible with the INRMP. (LD: 16 USC 670a)
 - (g) Ensure that equipment procured with Conservation Automatic Reimbursable Authority is not transferred to tables of distributions and allowances (TDAs) outside of the programs or Federal Government ownership. Salvage value for equipment procured with Conservation Automatic Reimbursable Authority (Forestry or Agricultural/Grazing Outlease) will be deposited into the Army timber or agricultural/grazing outlease proceeds accounts.
 - (h) Ensure that outleases do not grant offsets that exceed the total amount of outlease value. At a minimum, revenues must cover the costs of administering the installation lease. (LD: 10 USC 2667).
 - (i) Continue Conservation Reimbursable Programs on excess or base realignment and closure (BRAC) lands until title is no longer held by the Army. Clear-cuts on excess or BRAC lands are prohibited unless approved by ODEP.
 - (j) Use revenues generated from the reimbursable programs to maintain, improve, or rehabilitate previously degraded ecosystems on the installation.
 - 1. Use revenues from agricultural/grazing outleases only for reimbursement of administrative costs of outleasing and other expenses incurred in support of multiple-land use management of natural resources.
 - 2. Use revenues from forest product sales only for management of forests and natural resources that support forest stewardship on land affected by conservation reimbursable forestry programs.
 - 3. Do not use automatic reimbursable authority to augment general operating expenses of the installation as overhead.
 - (k) Prepare determinations of availability (agricultural/grazing) and reports of availability (ROA) (forestry) as required by AR 405–80 and 405–90.
 - (l) Enter annual requirements into the Reimbursable Program Tracking System (RPTS).
 - (m) Assure that agricultural and forest products are not given away, abandoned, carelessly destroyed, used to offset contract costs or traded for services, supplies, or products or otherwise improperly removed.

(n) Assess lands to assure they are safe for nonmilitary purposes before outleasing. Document the environmental condition in a finding of suitability to lease (FOSL), Environmental Condition of Property (ECP) Report. (LD: 42 USC 4321).

(o) When disposing of forest products from Army land by any means other than a commercial sale, the fair market dollar value will be used. This amount will be deposited in the Army Forestry Account by the proponent. Forest products may be used to directly assist the military mission without payment.

(p) Account for all forest products and complete all commercial harvests before starting any construction that may impact forest resources.

(q) Ensure all Army solicitations and contracts for timber sales affected by Sections 620–620j, Title 16, United States Code (16 USC 620–620j) contain a provision restricting the export of unprocessed timber procured on Army land.

(9) *Hunting, Fishing, and Trapping.*

(a) Support the Provost Marshal in enforcement of State and Federal laws pertaining to hunting, fishing, and trapping.

(b) Coordinate with morale, welfare, and recreation (MWR) for the management and collection of fees for hunting, fishing, and trapping. Do not expend environmental appropriated funds for non-appropriated fund (NAF) administration of hunting, fishing, and trapping activities.

(c) Deposit collected fees from the sale of Special State Licenses into the Army Fish and Wildlife Conservation Fund (21X5095). GCs are authorized to provide no-cost Special State Licenses for junior enlisted soldiers (pay grade E4 and below) and to institute a sliding fee schedule for enlisted soldiers based on ability to pay.

(d) Provide for controlled recreational access where feasible at Army installations containing land and water areas suitable for recreational use. (LD: 16 USC 670a).

(e) Provide access to uniformed personnel, family members, and the public to hunting, fishing, and trapping, consistent with security requirements and safety concerns. Membership in an organization, including rod and gun clubs, has no bearing on receiving access. Exceptions to the above include specific access rights protected by treaties with or retained by American Indian and Alaska Native Tribes (see also para 6–4).

(f) Provide access to disabled veterans, military dependents with disabilities, and other persons with disabilities when public access is available and when topographic, vegetative, and water resources allow access for such persons without substantial modification to the natural environment. Coordinate actions and solutions with appropriate organizations within the Army, OSD, and the Access Board as appropriate.

(g) Hunting, fishing, and trapping plans will be included in the INRMP for installations that have such programs.

(10) *Noxious weeds and invasive species management.* The Director of Public Works is the proponent for noxious weeds and invasive species management.

(a) Prepare and implement an invasive species management component of the INRMP consistent with specific Federal or State initiatives. (LD: EO 13112).

(b) Where applicable, synchronize invasive species management practices with objectives of the installation ITAM program.

(c) Conduct mission activities in a manner that precludes the introduction or spread of invasive species. (LD: EO 13112).

(d) Do not use invasive species in installation landscaping or land rehabilitation and management projects. (LD: EO 13112).

(e) Use the most effective and environmentally sound approach for controlling invasive species, to include the use (or reduction in use) of pesticides. (PD: DoDI 4150.07).

(f) Assure that installation INRMP and pest management plan are in concert regarding noxious weeds management. (PD: DoDI 4150.07).

(11) *Migratory birds.*

(a) Consistent with HQDA endorsement, implement conservation measures identified in the memorandum of understanding (MOU) between DoD and the USFWS pursuant to EO 13186.

(b) Obtain appropriate authorization (that is, take permit) from the USFWS before intentionally and directly taking any migratory bird species. Record any birds purposefully and intentionally taken under the authorization and provide an annual report to the USFWS. (LD: 16 USC 703–712).

(c) Establish procedures to avoid the unintentional take of migratory birds, including nests and eggs. (LD: 16 USC 703–712).

(12) *Wildland fire management.*

(a) Reduce wildfire potential using appropriate management practices such as prescribed burning, fire-break maintenance/construction, and so forth.

(b) Installations with unimproved grounds that present a wildfire hazard and/or installations that utilize prescribed burns as a land management tool will develop and implement an integrated wildland fire management plan that is compliant and integral with the INRMP, the installations' existing fire and emergency services program plan(s), and the ICRMP.

(c) Assure that all civilian, contractor, and emergency services personnel involved in wildland fire management possess the level of training and physical fitness needed for their expected level of involvement.

(d) Ensure that only qualified personnel conduct prescribed burns.

Chapter 5

Pest Management

5–1. Policy

a. Protect real property and the health of soldiers, civilians, and family members from pests through use of integrated pest management (IPM) strategies.

b. Reduce the use of chemical pesticides.

c. Reduce environmental risks from pesticides through proper storage, handling, application, and disposal of pesticides.

5–2. Legal and other requirements

Listed below are statutes, laws, regulations applicable to the Army Pest Management Program.

a. Section 136, Title 7, United States Code (7 USC 136).

b. DoDI 4150.07.

c. DoDM 4150.07.

d. DoD 4150.07–P.

e. DoDI 4715.05.

f. AR 40–5.

g. AR 420–1.

h. AR 385–10.

i. AR 420–1.

j. For overseas installations, the country-specific FGS requirements.

5–3. Major program goals

a. Monitor and control pests that pose a threat to the health and safety of the installation population.

b. Maintain current pest management plans at all installations.

c. Minimize the use of pesticides through appropriate surveillance methods and programs.

d. Ensure that all pesticide applicators are appropriately trained and certified.

e. Develop and enforce measures to properly store and safeguard pesticides and pesticide application equipment for installation pesticide security.

f. Ensure all pesticide waste is properly disposed.

5–4. Program requirements

a. Prepare an integrated pest management plan (IPMP) that defines pest management requirements, responsibilities, and resources needed to correct pest problems at each installation. Coordinate the IPMP with all affected parties. (PD: DoDI 4150.07)

b. Conduct IPM programs in accordance with plans approved by GC, National Guard Bureau Army National Guard (NGB–ARNG), Installation Management Command (IMCOM)–Korea, or IMCOM–Europe, as appropriate.

c. Establish procedures to store, secure, handle, apply, dispose, and manage pesticides that are consistent with Army safety and security requirements. (PD: DoDI 4150.07)

d. Conduct periodic program reviews at the installation using pest management professionals to ensure regulatory compliance and correct any deficiencies. (PD: DoDI 4150.07)

e. Ensure Army military and civilian personnel who apply or supervise application of pesticides on Army facilities or installations or during military contingencies, will be trained and certified in accordance with DoD certification standards. Non-DoD personnel (including State employees and contractors) who apply or supervise application of pesticides on Army facilities or installations will be trained and certified by the State where the Army facility or installation is located. Quality assurance evaluators that develop or review pest management contract specifications, or assess performance of those contracts will be trained in accordance with DoD policy and guidance. (PD: DoDI 4150.07)

f. Maintain and archive records and reports on all pesticide applications and operations made to all facilities and grounds to include those performed under contract by tenant and supported activities, by lessees per formal agreements, those installations and facilities in the base realignment and closure (BRAC) cleanup program, and for closing overseas installations. (PD: DoDI 4150.07)

g. Ensure installation self-help programs are cost-effective and promote IPM approaches for control of minor nuisance pests through use of authorized pest management materiel, equipment, awareness training, and record keeping requirements. (PD: DoDI 4150.07)

h. Ensure requirements for aerial pesticide applications over Army lands to control pests of medical, economic, or other emergencies or urgencies of military significance are addressed in an aerial spray statement of need and submitted to the U.S. Army Environmental Command (USAEC), NGB-ARNG, IMCOM-Korea, or IMCOM-Europe as appropriate. (PD: DoDI 4150.07)

i. Ensure pest management commercial solicitations incorporate Army requirements for the application and safe handling of pesticides and are forwarded to USAEC, NGB-ARNG, IMCOM-Korea or IMCOM-Europe as appropriate for technical review prior to solicitation. (PD: DoDI 4150.07; DoDM 4150.07; DoD 4150.07-P)

j. Appoint an installation pest management coordinator (IPMC). (PD: DoDI 4150.07)

Chapter 6

Cultural Resources

6-1. Policy

Ensure that installations make informed decisions regarding the cultural resources under their control in compliance with public laws, in support of the military mission, and consistent with sound principles of cultural resources management.

6-2. Legal and other requirements

Statutes, laws, regulations, and other guidance applicable to the Army Cultural Resources Management Program include:

- a. Section 470, Title 16, United States Code (16 USC 470).
- b. Section 1996, Title 42, United States Code (42 USC 1996) and Executive Order (EO) 13007.
- c. Section 3001, Title 25, United States Code (25 USC 3001).
- d. Section 470aa-470mm, Title 16, United States Code (16 USC 470); Sections 431-433, Title 16, United States Code (16 USC 431-433); and Section 469, Title 16, United States Code (16 USC 469).
- e. Part 79, Title 36, Code of Federal Regulations (36 CFR 79).
- f. Part 800, Title 36, Code of Federal Regulations (36 CFR 800).
- g. Part 229, Title 32, Code of Federal Regulations (32 CFR 229).
- h. Part 10, Title 43, Code of Federal Regulations (43 CFR 10).
- i. DoD American Indian and Alaska Native Policy Memorandum, 20 October 1998.
- j. Presidential Memorandum for Heads of Executive Departments and Agencies, Government-to-Government Relations with Native American Tribal Governments, 29 April 1994.
- k. EO 13175.
- l. EO 13287.
- m. For overseas installations, the country-specific FGS requirements.

6-3. Major program goal

Develop and implement procedures to protect against encumbrances to mission by ensuring that Army installations effectively manage cultural resources.

6-4. Program requirements

a. General program management.

- (1) Develop integrated cultural resources management plans (ICRMPs) for use as a planning tool.
- (2) Develop NHPA programmatic agreements (PAs) and memorandums of agreement (MOAs), Army alternate procedures historic property component (HPC) plans, NAGPRA Comprehensive Agreements and Plans of Action, Cooperative Agreements, and other compliance documents as needed.
- (3) Appoint a government (that is, Federal or State Army National Guard (ARNG)) employee as the installation cultural resources manager (CRM).
- (4) Establish a government-to-government relationship with Federally recognized Indian Tribes, as needed. Initial formal government-to-government consultation with Federally recognized Indian Tribes will occur only between the GC or the Adjutant General of an ARNG and the heads of tribal governments. Follow-on activities may be accomplished by staff.
- (5) Establish a process that effects early coordination between the CRM and all staff elements, tenants, proponents of projects and actions, and other affected stakeholders to allow for proper identification, planning, and programming for cultural resource requirements.

b. National Historic Preservation Act compliance.

- (1) Ensure that the GC functions as the agency official with responsibility for installation compliance with the National Historic Preservation Act (NHPA).
- (2) Establish a historic preservation program, to include the identification, evaluation, and treatment of historic properties in consultation with the Advisory Council on Historic Preservation (ACHP), State Historic Preservation Officer (SHPO), local governments, Federally recognized Indian Tribes, Native Hawaiian organizations, and the public as appropriate. Document historic properties that will be substantially altered or destroyed as a result of Army actions. (LD: Section 110, NHPA; 36 CFR 800)
- (3) Identify, evaluate, take into account, and treat the effects of all undertakings on historic properties. If an Army undertaking may affect properties of traditional religious or cultural significance to a Federally recognized Indian Tribe, initiate consultation on a government-to-government basis. (LD: Section 106, NHPA; 36 CFR 800)
- (4) Prepare and implement, as required, an NHPA Section 106 MOA, PA, or HPC, to address NHPA compliance for undertakings. Coordinate all NHPA compliance documents (for example, MOAs, PAs, HPCs) through the chain of command to obtain HQDA technical and legal review prior to execution. (LD: 36 CFR 800)
- (5) Ensure that efforts to identify, evaluate, and treat historic properties consider the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, and are conducted under the supervision of personnel who meet applicable professional qualifications for undertaking such work. (LD: 36 CFR 61; Section 112, NHPA)
- (6) Maintain an up-to-date listing of all historic properties, and where applicable, maintain historic status in conjunction with real property inventory and reporting guidelines. (LD: EO 13287)
- (7) Withhold from public disclosure information about the location, character, or ownership of a historic property when the GC determines that disclosure may cause risk of harm to the historic property or may impede the use of a traditional religious site by practitioners. (LD: Section 304, NHPA)
- (8) Consider alternatives for historic properties, including adaptive reuse, that are not needed for current or projected installation mission requirements. (LD: Section 111, NHPA)
- (9) Nominate to the National Register of Historic Places (NRHP) only those properties that the Army plans to transfer out of Federal management through privatization efforts. Nominate other properties only when justified by exceptional circumstances. Avoid adversely affecting properties that are 50-years old or older that have not been evaluated for eligibility against NHPA criteria. Treat (assume) that all historic sites are eligible (that is, off-limits) until the SHPO concurs with the federal finding of non-eligible.
- (10) Where disagreement occurs with the SHPO regarding the eligibility of a historic property for the NRHP, where applicable obtain a "Determination of Eligibility" from the Keeper of the National Register, National Park Service (NPS). (LD 36 CFR 800, 36 CFR 63)
- (11) Undertake such planning and actions as may be necessary to minimize harm to any National Historic Landmark that may be directly and adversely affected as a result of Army actions. (LD: 36 CFR 800)

c. American Indian Religious Freedom Act of 1978, Executive Order 13007 and Executive Order 13175 compliance.

- (1) Consult with Federally recognized Indian Tribes to provide access to sacred sites on Army installations. Consistent with appropriate health, safety mission constraints provide access to allow the practice

of traditional religions, rights, and ceremonies. The GC will maintain the appropriate confidentiality of sacred site locations. The GC may impose reasonable restrictions and conditions on access to sacred sites on Army installations for the protection of health and safety, or for reasons of national security. (LD: EO 13007)

(2) Avoid adversely affecting the physical integrity of sacred sites. Ensure reasonable notice is provided to Federally recognized Indian Tribes when proposed actions may adversely affect or restrict access to the ceremonial use of, or the physical integrity of, sacred sites. (LD: EO 13007)

(3) Consult with tribal governments before taking actions that affect Federally recognized Indian Tribes. Assess the impact of Army plans, projects, programs, and activities on tribal trust resources and assure that tribal government rights and concerns are considered during the development of such plans, projects, programs, and activities. (LD: EO 13175)

d. Native American Graves Protection and Repatriation Act compliance.

(1) Designate the GC as the Federal agency official with responsibility for installation compliance with Native American Graves Protection and Repatriation Act (NAGPRA). (LD: 43 CFR 10)

(2) Prepare CAs and Plans of Action in coordination with Federally recognized Indian Tribes and Native Hawaiian organizations. Coordinate all NAGPRA CAs through the chain of command to obtain HQDA technical and legal review prior to execution. (LD: 43 CFR 10)

(3) Absent a CA, take reasonable steps to determine whether a planned activity (including MILCON) may result in the intentional excavation or inadvertent discovery of cultural items from Federally owned or controlled Army lands. When cultural items may be encountered, the GC will implement consultation procedures and planning requirements of Section 3 and Section 5 of NAGPRA prior to issuing approval to proceed with the activity. (LD: 43 CFR 10.3 and 43 CFR 10.5)

(4) Establish initial communication with Federally recognized Indian Tribes via written correspondence between the GC and heads of tribal governments. Formally document all resulting agreements. (LD: 43 CFR 10)

(5) Inventory, summarize, and repatriate cultural items that are in existing collections under Army possession or control. Where there is a dispute as to the affiliation of cultural items, safeguard the cultural items until the dispute is resolved. (LD: 43 CFR 5, 6, 7, and 10)

e. Archeological Resources Protection Act and Archeological and Historic Preservation Act of 1974 Compliance.

(1) Ensure the GC serves as the Federal land manager with responsibility for installation compliance with ARPA. (LD: 32 CFR 229)

(2) Ensure the GC serves as the Federal agency official with management authority over archeological collections and associated records. (LD: 36 CFR 79)

(3) Establish and include installation policy for management of, and for limitation of collection and removal of, paleontological resources in ICRMPs. Address known paleontological resources in any NEPA documentation prepared for actions that may impact or cause irreparable loss or destruction of such resources.

(4) Prohibit searching for or collection of historic properties (including archaeological resources) on Army installations except when authorized by the GC and pursuant to a permit issued under ARPA.

(5) Minimize the amount of archeological material remains permanently curated by reserving such treatment for diagnostic artifacts and other significant and environmentally sensitive material that will add important information to site interpretation.

(6) Curation of archeological materials from Army lands will occur only in 36 CFR 79-compliant repositories. Maximize use of off-installation facilities that are better able to provide for adequate long-term curatorial services.

(7) Do not disclose to the public information concerning the nature and location of any archaeological resource for which the excavation or removal requires a permit or other permission under ARPA or under any other provision of Federal law. (LD: Section 9a, ARPA 1979)

Chapter 7

Pollution Prevention

7-1. Policy

a. Pollution prevention is the Army's preferred approach, where timely and cost-effective, to achieve and maintain compliance with environmental laws and regulations.

- b. Prevent pollution from all sources to the extent practicable by:
 - (1) Reducing pollutants at the source.
 - (2) Modifying manufacturing, packaging, and shipping processes, maintenance, or other industrial practices.
 - (3) Modifying product designs.
 - (4) Developing and modifying acquisition systems.
 - (5) Recycling/reuse (to include implementing water and energy conservation measures), especially in closed-loop processes.
 - (6) Preventing disposal and transfer of pollution between media.
 - (7) Meeting affirmative procurement requirements and promoting the acquisition and use of environmentally preferable products and services.
 - (8) Promoting use of nontoxic substances.
- c. Use pollution prevention to complement, and where practicable, replace traditional pollution control approaches.
- d. Incorporate pollution prevention planning throughout the mission, operation, or product life cycle.

7-2. Legal and other requirements

- a. 42 USC 6901, (*RCRA*).
- b. PL 109-58.
- c. Sections 6901-6992k, Title 42, United States Code (42 USC 6901-6992k).
- d. Sections 13101-13102, Title 42, United States Code (42 USC 13101-13102).
- e. EO 13423.
- f. DoDI 4715.4.
- g. AR 70-1.

7-3. Major program goals

- a. Reduce use of products or processes that degrade the environment.
- b. Invest in pollution prevention in all mission and support areas, as applicable.
- c. Minimize the use of toxic and hazardous materials and processes in all life cycle phases of acquisition programs, logistics support, modification of existing weapons systems, and installation management.
- d. Implement pollution prevention initiatives to reduce life cycle costs of military missions and improve demilitarization and disposal of systems.
- e. Disseminate pollution prevention opportunities and lessons learned across the Army.
- f. Incorporate an HMMP into logistics business practices to reduce hazardous material inventory and HW disposal.

7-4. Program requirements

- a. Periodically review operations and conduct pollution prevention opportunity assessments. Maintain an updated installation pollution prevention plan. Implement cost-effective pollution prevention opportunities identified by the assessments.
- b. Develop and implement a Green Procurement Program with emphasis on the mandatory purchasing preference programs (Affirmative Procurement for all designated Environmental Protection Agency (EPA) and DoD guidelines). (LD: EO 13423; 40 CFR 247)
- c. Address environmental concerns throughout the acquisition life cycle. (PD: AR 70-1)
- d. Emergency Planning and Community Right-to-Know Act (EPCRA).
 - (1) Army activities within the United States will comply with EPCRA. Army activities will prepare and maintain an inventory of hazardous substances present at the activity. (LD: EO 13423)
 - (2) Activities will submit EPCRA reports to Local Emergency Planning Committees (LEPC), State Emergency Response Commissions (SERC), local fire departments with jurisdiction over the activity, and EPA if they exceed reporting threshold quantities. Tier I and Tier II reports are due by 1 March in each calendar year. An activity may be a LEPC when appointed by a SERC. (LD: EO 13423)
 - (3) Activities will submit draft electronic Toxic Release Inventory (TRI) Form R reports to the U.S. Army Environmental Command (USAEC) via chain of command by 1 May of each calendar year. After review and comment from USAEC, activities will provide final report to the EPA by 1 July, with copy to USAEC. (LD: EO 13423)

Chapter 8

Munitions Use on Ranges

8–1. Policy

This chapter applies to operational ranges, which are defined as ranges that are under the jurisdiction, custody, or control of the Secretary of Defense and that are used for range activities; or, although not currently being used for range activities, that are still considered by the Secretary to be a range and have not been put to a new use that is incompatible with range activities. In managing operational ranges, all Army organizations and activities will—

- a. Consider demilitarization, constituent migration, and range cleanup and clearance in the weapons systems total lifecycle cost.
- b. Manage the Army munitions inventory to achieve and maintain compliance with the Military Munitions Rule (or applicable Final Governing Standards (FGS) overseas).
- c. Whenever practicable, recycle obsolete, excess, or unserviceable munitions and munitions residue.
- d. Incorporate environmental considerations into sustainable range designs to support mission requirements.
- e. Coordinate with the Headquarters, Department of the Army, Deputy Chief of Staff, G–3/5/7 before closing an operational range.

8–2. Legal and other requirements

- a. Section 9601, Title 42, United States Code (42 USC 9601); Section 300f, Title 42, United States Code (42 USC 300f); Section 26, Title 33, United States Code (33 USC 26); Section 7401, Title 42, United States Code (42 USC 7401); FGS requirements; and other regulations that apply to soil, water, and air.
- b. Sections 200 to 206, Part 266, Title 40, Code of Federal Regulations (40 CFR 266.200 to 40 CFR 266.206) or applicable State versions.
- c. DoDD 4715.11 and DoDD 4715.12.
- d. DoDI 4140.62.

8–3. Major program goals

Identify and address environmental issues that impact the use of Army ranges.

8–4. Program requirements

- a. *Munitions management.*
 - (1) Train munitions managers and handlers on the Munitions Rule and related State requirements (or applicable FGS requirements overseas). (PD: Munitions Action Plan)
 - (2) Audit for compliance with the Munitions Rule and related State requirements (or applicable FGS requirements overseas). (PD: Munitions Action Plan)
- b. *Environmental support to range operations.*
 - (1) Prepare an annual Toxic Release Inventory (TRI) Form R for operational ranges as required and submit with the installation's TRI report to the U.S. Army Environmental Command (USAEC) via chain of command by 1 May of each calendar year (this does not apply overseas). After review and comment from USAEC, facilities will provide final report to the Environmental Protection Agency (EPA) by 1 July, with copy to USAEC (see para 7–4d).
 - (2) Respond to a release or substantial threat of release of munitions constituents (MC), munitions and explosives of concern (MEC), or unexploded ordnance (UXO) from an operational range to off-range areas, when such release poses or may pose an imminent and substantial threat to human health or the environment.
 - (3) Where practicable, maintain records of the historical uses of operational ranges; and retain environmental cleanup investigations, hydro-geologic, geologic, and soil surveys, and other environmental documents that support sustainable range planning.
 - (4) Maintain and sustain ranges in an environmentally compliant manner, and undertake emergency response action when appropriate.
- c. *Response to munitions and explosives of concern.*

(1) Investigate and address, as appropriate, the explosives safety, human health, or environmental risks presented by MEC. (This can be as simple as a notification to the community with an education program about the hazards posed by military munitions and how to avoid them, or as complicated as a long-term response action involving sophisticated technology, specialized expertise, and significant resources.)

(2) Maintain permanent records of the coordinates of all areas known or suspected to contain MEC.

(3) Maintain permanent records of all MEC clearance operations, explosive ordnance disposal incidents, and open burn/open detonation operations conducted on the range.

d. Chemical warfare agent wastes. Storage and disposal of chemical warfare agent waste and related agent contaminated material may be subject to the requirements of RCRA or applicable State regulations (this does not apply overseas). Generators of chemical warfare agent waste and agent-contaminated material are responsible for ensuring proper storage and for paying disposal costs (this does not apply to Defense Environmental Restoration Program (DERP)-eligible sites).

Chapter 9

Materials Management

9–1. Hazardous materials

a. Policy.

(1) Follow approved standardized hazardous material management business practices as specified by the Deputy Chief of Staff, G–4 (DCS, G–4) and the Office of the Assistant Secretary of the Army (Installations, Energy, & Environment) (OASA (IE&E)) to implement the HMMP.

(2) Review and approve hazardous material usage and track usage to using processes and work centers.

(3) Reduce the acquisition and use of hazardous materials and the generation of solid or HW through centralized inventory control, best management practices (BMPs), pollution prevention actions, improved procurement practices, material re-use, recycling, and enhanced shelf-life management. HMs should be procured through the standard Army supply system. Use of government IMPAC credit cards to purchase HM is generally prohibited, and may only be allowed on a case-by-case basis by GCs or their designated representative.

(4) Manage and dispose of pesticides, residues, and their containers in an environmentally safe manner.

(5) Do not allow the transport, storage, or disposal of non-DoD hazardous materials on Army installations unless approved by the Office of the Assistant Secretary of the Army (Installations, Energy, and Environment) (OASA (IE&E)), his or her designee, or higher authority.

b. Legal and other requirements. Section 11011, Title 42, United States Code (42 USC 11011); Section 302–313, Title 33, United States Code (33 USC 26); and Executive Order (EO) 13423.

c. Major program goals. The goals of the HMMP are to reduce risk to public health and the environment by employing management controls and pollution prevention initiatives to comply with regulations and executive orders and to support sustainability.

d. Program requirements.

(1) Follow Army logistics policy for identifying, storing, and transporting hazardous materials as specified by the DCS, G–4. Related policy guidance can be found in safety, medical, acquisition, and logistics regulations. Installation supplements involving any hazardous material management should be coordinated with the installation environmental coordinator, safety coordinator, and installation medical officer.

(2) Record, review, and analyze HM and HW operational data as a source of information to measure HMMP effectiveness.

9–2. Toxic substances

a. General. As used in this regulation, toxic substances include asbestos, polychlorinated biphenyls (PCBs), and lead-based paints (LBP). Generators will pay disposal costs for toxic substances (except that the installation will pay disposal costs for toxic substances that are also classified as a RCRA–C hazardous waste).

b. Asbestos management.

(1) *Policy.* The Army proponent for asbestos hazard management is the Assistant Secretary of the Army (Installations, Energy, and Environment) (ASA (IE&E)), Directorate of Facilities and Housing. Army

facility policy and guidance on asbestos management is provided in AR 420–1. The Army’s medical policy related to asbestos is found in AR 40–5.

(2) *Legal and other requirements.* Applicable legal and other requirements for asbestos management include Section 2651, Title 15, United States Code (15 USC 2651); Section 1801, Title 49, United States Code (49 USC 1801); Section 2601, Title 15, United States Code (15 USC 2601); 42 USC 7401, as amended; Section 1001, Part 1910, Title 29, Code of Federal Regulations (29 CFR 1910.1001); Section 1101, Part 1926, Title 29, Code of Federal Regulations (29 CFR 1926.1101); for overseas installations, the country-specific FGS requirements.

(3) *Major program goals.* Prevent human exposure to asbestos hazards on Army-owned property and maintain compliance with all pertinent regulations. This also applies to accommodations made available to the Army for its exclusive use overseas.

(4) *Program requirements.*

(a) Comply with Sections 140–156, Part 61, Title 40, Code of Federal Regulations (40 CFR 61.140–156) requirements regarding fees and notification. (LD: 40 CFR Part 61.140–156; 40 CFR 70)

(b) Ensure that all workers in facilities where asbestos exposure may occur are trained under Environmental Protection Agency (EPA) and Occupational Safety and Health Administration (OSHA) regulations and asbestos safe work practices requirements. (LD: 40 CFR 763)

(c) Ensure that all workers that perform OSHA asbestos work are trained, equipped, and supervised according to EPA abatement and respiratory protection requirements. (LD: 29 CFR 1926.1101; 40 CFR 763)

(d) Use only laboratories accredited under the National Voluntary Laboratory Accreditation Program or host nation accredited laboratories for overseas installations for the quantitative measurement of bulk and air asbestos samples. (LD: 40 CFR 763.87)

(e) Remove/abate asbestos-containing material only when it:

1. Can no longer be managed in place.
2. Will be disturbed during maintenance, repair, or construction projects.
3. Is friable or will become friable during demolition of a facility.
4. Is economically justified to be removed during building deconstruction.
5. Has been identified to be a hazard and the Army is transferring ownership of the facility to a non-federal entity.

c. *Polychlorinated biphenyl management.*

(1) *Policy.* Army policy is for generators of polychlorinated biphenyl (PCBs) to manage them in place unless operational, economic, or regulatory considerations justify removal. Economic analyses include potential environmental damage.

(2) *Legal and other requirements.* Requirements for PCB management are found in 15 USC 2601, and applicable State and local requirements; and for overseas installations, the country-specific FGS requirements.

(3) *Major program goals.* Prevent human exposure to PCB hazards on Army-owned property and maintain compliance with pertinent regulations.

(4) *Program requirements.*

(a) Ensure that the inventory, management, reporting, storage, disposal, and cleanup of PCBs comply with Federal, State, and local regulations. (LD: 40 CFR 761)

(b) Require generators, commercial storers, transporters, and disposers of PCBs to have an EPA identification number. (LD: 40 CFR 761.20, 761.60(b), 761.202 through 761.205)

(c) Train personnel who handle or may potentially be exposed to PCBs to perform PCB-related responsibilities in a safe and environmentally sound manner. (LD: 29 CFR 1910.1200; 29 CFR 1910.120(q))

(d) Prohibit the new use or introduction of PCBs at Army facilities.

d. *Lead-based paint management.*

(1) *Policy.* The Army proponent for lead-based paint (LBP) management is the ASA (IE&E), Directorate of Facilities and Housing. Army facility policy and guidance on LBP management is provided in AR 420–1.

(2) *Legal and other requirements.* Requirements for LBP management are found in 15 USC 2601; Section 1025, Part 1910, Title 29, Code of Federal Regulations (29 CFR 1910.1025); Section 62, Part 1926, Title 29, Code of Federal Regulations (29 CFR 1926.62); Part 745, Title 40, Code of Federal Regulations (40 CFR 745); AR 420–1; and applicable State and local requirements; for overseas installations, the country-specific FGS requirements.

(3) *Major program goals.* Prevent human exposure to LBP hazards on Army-owned property and maintain compliance with pertinent regulations.

(4) *Program requirements.*

(a) Ensure that all workers that perform lead abatement work in child occupied facilities and target housing are trained, equipped, and supervised according to EPA lead-based paint abatement requirements and OSHA requirements for lead in construction. (LD: 40 CFR 745 and 29 CFR 1926.62, respectively). Construction work impacting lead-based paint that is not considered abatement of lead-based paint in target housing or child occupied facilities need only comply with OSHA requirements. (LD: 29 CFR 1926.62)

(b) Per facility and housing BMPs, manage LBP and lead-contaminated soil in place unless operational, economic, and/or regulatory requirements dictate its removal.

(c) Disclose known LBP hazards in Army housing. (LD: 40 CFR 745)

(d) Ensure that disposal of LBP complies with Federal, State, and local regulations.

Chapter 10

Waste Management

10–1. Hazardous waste

a. Policy.

(1) HW disposal costs are those costs associated with the collection, treatment, storage, transportation, and disposal of HW. This includes all Defense Reutilization and Marketing Service (DRMS) (or other contract agent) costs directly related to the packaging and offsite shipment of the wastes. It does not include the disposal of special wastes defined as non-hazardous unless otherwise defined as hazardous by State and local regulations, or country-specific FGS; asbestos; chemical and biological agent waste; radioactive waste; and regulated medical wastes.

(a) Garrisons must directly charge or seek reimbursement from non-Army tenants and activities funded through an operating fund (Defense Business Operating Fund and Army Working Capital Fund), a procurement fund (Procurement of Ammunition, Army), a research and development fund (Research, Development, Test, and Evaluation and Army Test and Evaluation Command activities), and other DoD funded activities (primarily Defense Logistics Agency, Medical Command, and Defense Commissary Agency). Though appropriated funds can be used for a non-appropriated fund activity (Category C), it is subject to the availability of funds of HQ, IMCOM. Special installations will pay for HW disposal. Excess or expired hazardous materials must be handled in accordance with AR 710–2 and garrison procedures.

(b) HW generated under service, facility, maintenance, or construction contracts (construction demolition debris, paints, soil disposal, disposal of sand from ranges, sludge from wash racks, oil/water separators, water treatment plants, and so forth.) should not be a separate cost and funded as part of the original contract.

(c) The Garrison environmental office will be considered the generator, for funding purposes, of orphan wastes found on post, and wastes from a household HW collection program.

(2) Comply with all applicable Federal, State, and local HW regulations, and FGS.

(3) Effectively manage HW and reduce its generation.

(4) Minimize the need for Army-owned or operated permitted HW treatment, storage, and disposal facilities.

(5) Minimize HW generation through pollution prevention actions, for example, source reduction, material substitution, and recycling/reuse. Where cost effective and timely, implement pollution prevention solutions to reduce or eliminate compliance requirements.

(6) Prohibit the storage of HW in underground storage tanks (USTs), except where allowed by FGS.

b. Legal and other requirements. 42 USC 6901, Subtitle C; Parts 260–279, Title 40, Code of Federal Regulations (40 CFR 260–279); DTR 4500.9–R; Parts 171–178, Title 49, Code of Federal Regulations (49 CFR 171–178); for overseas installations, the country-specific FGS requirements.

c. Major program goals. Continually reduce the volume of HW generated by Army installations, and maintain compliance with pertinent HW regulations.

d. Program requirements.

(1) Systematically evaluate waste streams to ensure all potential hazardous or special wastes are properly identified and characterized. (LD: 40 CFR 262.11; 40 CFR 264.13)

(2) Ensure that all persons handling or managing HW are provided with appropriate training.

(3) Develop and implement a HW management plan or other comparable document appropriate to the size and complexity of the operation. The HW management plan (or other comparable document) should include, at a minimum, written procedures for all aspects of HW management, to include the identification, storage, and transporting of HW; training of personnel; tracking manifests; and maintaining required records.

(4) Maintain appropriate records in accordance with RCRA and applicable State or FGS requirements.

(5) Complete State/EPA or applicable FGS annual or biennial reporting requirements.

(6) Ensure that HW manifests are only signed by those individuals who have been appropriately trained, and are authorized in writing by the garrison commander (GC). (LD: 49 CFR 172.700–704 (Subpart H); DTR 4500.9–R.

(7) Ensure that the GC signs the RCRA HW permit applications for the installation, sub-installations, and supported facilities as the facility “owner.” This responsibility cannot be delegated.

(a) Officials in charge of tenant activities will sign the permit application as the “operator.”

(b) For the Defense Logistics Agency, the DRMS Commander will sign as the “operator.”

(c) For Army Reserve facilities, the Reserve Readiness Command commander will sign as the facility “owner.”

(d) For Army National Guard (ARNG) facilities, the Adjutant General of the respective State or territory will sign as the facility “owner.”

(e) For closed, transferred, or transferring facilities, the GC of the receiving installation will sign as “owner”, and the agency maintaining control and influence over the closed or transferring facility’s HW management program will sign the permit as “operator.”

(f) For installations not under the purview of the IMCOM, the (SMC will sign as the facility “owner.”)

(8) If non-DoD tenants require HW treatment, storage, and disposal facility permits, ensure that the contract, lease, or agreement with the non-DoD tenant holds the Army harmless and contains specific language regarding the operation of the facility, access, damages, and environmental liability in strict accordance with permit conditions. The GC will sign permit applications as the “owner,” and the tenant will sign as the “operator” of the facility.

(9) Use the Defense Reutilization Marketing Office (DRMO) for HW disposal with the following exceptions:

(a) When DRMO has indicated or demonstrated the inability to provide the service, and only when a waiver has been approved in writing by the next higher echelon on a case-by-case basis. Waivers will be renewed in writing every 5 years.

(b) HW generated incidental to the execution of service or construction contracts should be disposed of by the contractor performing the basic contract, at the contractor’s expense, using the installation’s generator identification number on the manifest. Such actions must be coordinated with the installation environmental coordinator and documented in writing. The GC remains the “owner” of the waste.

(c) Ensure that all contracts for HW disposal are reviewed by the installation environmental coordinator and the Director of Contracting, and approved by the GC. Such contracts must comply with contract standards in DoDM 4160.21.

10–2. Solid waste

a. Policy. The Army proponent for solid waste management is the Assistant Secretary of the Army (Installations, Energy, and Environment) (ASA (IE&E)), Directorate of Facilities and Housing. Army facility policy and guidance on solid waste management is provided in AR 420–1.

(1) Comply with legally applicable Federal, State, and local requirements, both substantive and procedural, for managing solid waste, including generation, collection, storage, and disposal. This includes the terms and conditions of State and Federal solid waste permits. Overseas, all Army organizations and activities will comply with country specific FGS and any permits obtained on behalf of the installation by the host nation.

(2) Emphasize integrated solid waste management, pollution prevention, and individual participation to achieve compliance.

(3) Minimize solid waste generation and disposal, and maximize recovery, recycling, and reuse through pollution prevention actions.

(4) Integrate the management of wastes into construction and demolition activities such that a significant amount of the materials generated can be reused in their original form with little or no processing,

through systematic disassembly or deconstruction, more careful handling, segregating, and making them available to specialized markets.

(5) Ensure that waste accumulation, storage, or transfer facilities are designed and constructed to prevent releases to the environment.

b. Legal and other requirements.

(1) 42 USC 6901, Subtitle D (as amended); PL 98–616; Paragraph a, Sections 6941–6949, Title 42, United States Code (42 USC 6941–6949a, Subtitle D; as amended); Parts 239–258 and Part 261, Title 40, Code of Federal Regulations (40 CFR 239–258 and 261); applicable FGS; and EO 13423.

(2) AR 420–1 defines the Army’s policy for managing solid waste. This section of AR 200–1 supplements AR 420–1 by identifying environmental aspects of solid waste management.

(3) AR 420–1 describes the Army requirement to dispose of one square foot of facilities to offset each square foot of new construction added to the real property inventory.

(4) DA Pam 40–11, chapter 4, Section 4–11 defines the Army’s policy for managing regulated medical wastes.

c. Major program goals. The environmental goals of the Army’s solid waste management program are to protect public health and the environment by increasing solid waste diversion, minimizing the generation of solid wastes, and increasing the program’s economic benefit by investing in pollution prevention initiatives and better managing costs associated with disposal and diversion.

d. Program requirements. Army installations with Army-owned landfills will operate under 42 USC 6941–6949a and meet the criteria of a municipal solid waste landfill as defined by Federal regulation or State-approved program. Installations may also operate landfills specifically for construction and demolition debris, and/or nonhazardous industrial process wastes, as determined by their mission. These landfills will be operated in accordance with applicable Federal, State, and local regulations. (LD: 40 CFR 257, 258)

Chapter 11

Storage Tank Systems/Oil and Hazardous Substances Spills

11–1. Policy

Manage tank systems used to store oil and hazardous substances in an environmentally safe manner, prevent spills of these substances, and rapidly respond to spills.

11–2. Legal and other requirements

a. 42 USC 9601; 42 USC 11011; 33 USC 26, as amended to include Part 112, Title 40, Code of Federal Regulations (40 CFR 112); Part 300, Title 40, Code of Federal Regulations (40 CFR 300); 42 USC 6901, as amended to include Part 280, Title 40, Code of Federal Regulations (40 CFR 280) and Part 281, Title 40, Code of Federal Regulations (40 CFR 281); 33 USC 2701; 15 USC 2601, as amended; Public Law (PL 109–58), Sections 1521–1532; and AR 50–6. Related Federal laws and regulations are referenced in appendix A.

b. Overseas, all Army organizations and activities will comply with applicable FGS.

11–3. Major program goal

Storage tanks used to transport, store, and handle oil and hazardous substances will be managed to protect the environment and public health.

11–4. Program requirements

a. Storage Tank Systems.

(1) Provide leak detection for regulated USTs by retrofit or inventory control procedures. (LD: 40 CFR 280.43)

(2) Provide leak detection, overfill protection, and cathodic protection for aboveground storage tanks (ASTs) as required. (LD: 40 CFR 112.8)

(3) Use double wall construction with interstitial monitoring on all new regulated USTs.

(4) Ensure that all UST systems are cathodically protected or constructed of non-metallic material to meet corrosion protection requirements. (LD: 40 CFR 280.20)

b. Oil and hazardous substance spills.

- (1) Develop and implement a spill prevention, control, and countermeasures plan (SPCCP), as required. (LD: CWA Section 311(j), 40 CFR 112, and OPA)
- (2) Ensure that the SPCCP addresses secondary containment (or lack thereof) at oil and hazardous material storage facilities. (LD: 40 CFR 112.7)
- (3) Develop and implement a facility spill contingency plan (SCP) for each oil and hazardous material storage facility that does not have adequate spill prevention structures in place. (LD: 40 CFR 112.7)
- (4) Ensure secondary containment is provided for oil and hazardous material storage facilities, including piping. If it is determined that secondary containment is impracticable, the installation must address this in the SPCCP and facility SCP (an SCP is only required if adequate spill prevention structures are not in place). (LD: 40 CFR 112.7)
- (5) Ensure the SPCCP is reviewed at least once every 5 years. Amend the plan within 6 months of a change that materially affects its potential for discharge. If technical changes have been made, the plan must be signed by an individual with authority to commit the necessary resources to respond to a release, and certified by a professional engineer familiar with installation operations. (LD: 40 CFR 112.5)
- (6) Use the Environmental Quality Control Committee (EQCC) to coordinate the SPCCP with affected installation elements.
- (7) Maintain an accurate inventory of SPCCP applicable containers, including the location and/or spatial extent of such containers. (LD: 40 CFR 112.7)
- (8) Prepare spill response plans and notification procedures, to include a facility response plan, as needed, for spills caused by Army actions, including coordination with local emergency planning authorities. (LD: 40 CFR 300.211; 40 CFR 112.20; 33 CFR 154; 49 CFR 130; 49 CFR 171–172)
- (9) Conduct training to ensure proper response to spills or releases. This includes annual spill response exercises for the spill response organization. (LD: 29 CFR 1910.120 (e), (p), (q); 40 CFR 112.21)
- (10) Ensure the GC designates, in writing, a qualified OSC responsible for executing spill response. The local commander will designate in writing the OSC at U.S. Army Reserve maintenance facilities. The State Adjutants General will designate in writing the OSC at Army National Guard (ARNG) maintenance facilities. (LD: 40 CFR 300.120)
- (11) Ensure that facility operators and OSC understand and comply with Federal and State reportable quantity requirements.
- (12) When a spill occurs, immediately report the spill or release to the OSC and implement the SCP and/or SPCCP. The OSC will determine if it exceeds reportable quantities and will notify regulatory authorities as required. Any spill that requires notification of regulatory authorities will be reported to the next higher headquarters. (LD: 40 CFR 112.4; 40 CFR 300.125; 33 CFR 153, Subpart B; 40 CFR 302)
- (13) Assist Federal or State agencies in response to spills outside the Army property where practicable in accordance with AR 75–15.
- (14) For outside the continental United States (OCONUS) installations, provide response assistance for spills off Army property in accordance with their applicable FGS and garrison SPCCP.
- (15) For further guidance in managing ASTs and equipment subject to 40 CFR 112, refer to the 2 April 2004, DoD Joint Services Spill Prevention, Control, and Countermeasure (SPCC) Guidance.

Chapter 12

Environmental Cleanup

12–1. Policy

- a. Comply with applicable Federal, State, local, and Department of Defense (DoD) requirements for the cleanup of contamination on Army installations and formerly used defense sites (FUDS). Figure 12–1 depicts the differences and commonalities among the various cleanup program areas. For overseas installations, only the Compliance-related Cleanup (CC) Program applies.
- b. Accomplish early and continued public involvement in the cleanup programs.
- c. Keep State regulatory agencies and the U.S. Environmental Protection Agency (EPA) informed of cleanup program activities, as appropriate.

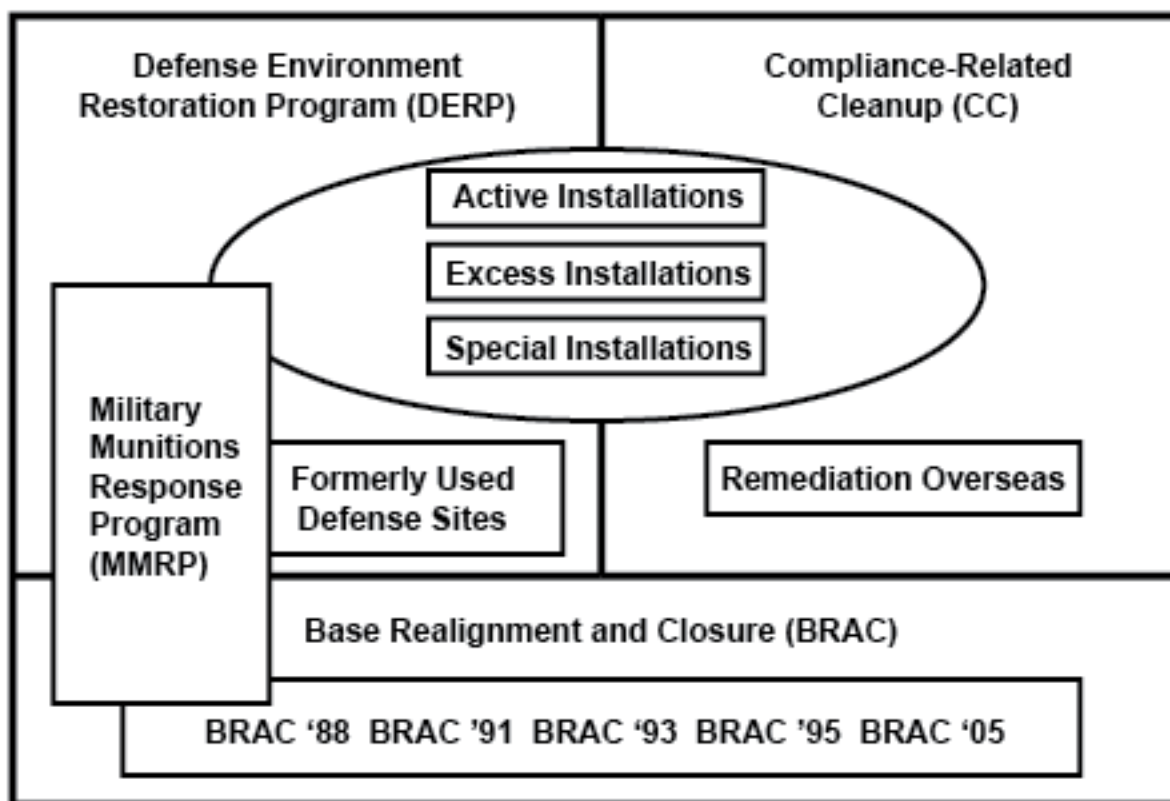


Figure 12–1. Army Environmental Cleanup Program Areas

12–2. Legal and other requirements

The following list of statutory requirements apply to environmental cleanup:

a. 42 USC 9601; 40 CFR 300; Section 120, Part 1910, Title 29, Code of Federal Regulations (29 CFR 1910.120); Executive Order (EO) 12580; and 42 USC 6901, Sections 3004u, 3004v, and 3008h; Section 2701, Title 10 United States Code (10 USC 2701); DoD 7000.14–R; DoDI 4715.07, for all but overseas installations; DoDI 4715.08; Engineer Regulation (ER) 200–3–1, formerly Used Defense Site (FUDS) Program Policy; Charter for the Formerly Used Defense Sites Program, 31 October 2003; and Office of the Assistant Secretary of the Army (Installations, Energy, and Environment) (OASA (IE&E)) Deputy Assistant Secretary of the Army (Environment, Safety, and Occupational Health) (DASA (ESOH)) memorandum, 18 June 2004, subject: The Army Environmental Compliance-related Cleanup Program Eligibility. The Army environmental cleanup programs include the Army DERP at active, closing, and realigning installations; DERP at FUDS properties; and compliance-related cleanup (CC) at active and excess installations, including those overseas. Regulations that pertain to the Army’s environmental cleanup programs are referenced in appendix A.

(1) Defense Environment Restoration Program (DERP) cleanups (Installation Restoration Program (IRP), (MMRP), base realignment and closure (BRAC), FUDS) address hazardous substances, pollutants, and contaminants, and military munitions sites, consistent with the provisions of 42 USC 9601, et seq. (CERCLA); 40 CFR 300; EO 12580; and 42 USC 6901), Sections 3004u, 3004v, and 3008h for activities that resulted in contamination prior to 17 October 1986 at non-permitted sites.

(2) Compliance related cleanup (CC) addresses cleanup requirements that are legally mandated but not eligible for funding under the Army DERP. The program focuses on the remediation of contamination at Army overseas facilities (it does not include actions to remedy contamination that are covered by environmental annexes to operations orders and similar operational directives), and on the cleanup of contamination resulting from operations that have occurred since 17 October 1986. This includes sites at

Regular Army, Army Reserve, Army National Guard (ARNG) Federally owned facilities, as well as cleanup at non-Federally owned, Federally supported (State-owned, State-operated) ARNG facilities. CC does not include initial response actions to address spills, but does include follow-on response action, if required.

b. The DERP is supplemented by the *DoD Management Guidance for the Defense Environmental Restoration Program (DERP)*, September 2001. The DERP Management Guidance defines eligibility and addresses sites in the following three program categories:

(1) The IRP includes response actions to address releases of hazardous substances, pollutants, and contaminants (as defined in CERCLA); petroleum, oil, lubricants; DoD-unique materials; HW; and low-level radioactive materials or LLRW. The IRP also includes military munitions (including munitions and explosives of concern (MEC), see glossary) or munitions constituents (MC) at a relatively small number of sites where the following three conditions all exist:

(a) The release occurred prior to 30 September 2000.

(b) The release is at a site that is not an operational range, an active munitions demilitarization facility, an active waste military munitions (WMM) treatment or disposal unit, or FUDS.

(c) The site was identified or included in the Army Environmental Data Base-Restoration (AEDB-R) or Formerly Used Defense Sites Management Information System prior to 30 September 2000, and was not classified as "response complete."

(2) The MMRP addresses munitions responses at active or BRAC installations where the release occurred prior to 30 September 2002, and the release is at a site that is not a FUDS, an operational range, an active munitions demilitarization facility, or an active WMM treatment or disposal unit that operated after 30 September 2002, and the site was not identified or included in the AEDB-R prior to 30 September 2000.

(3) Building demolition/debris removal (BD/DR) addresses the demolition and removal of unsafe buildings and structures at facilities or sites that are or were owned by, leased to, or otherwise possessed by the United States and under the jurisdiction of the DoD.

12-3. Major program goals

Perform appropriate, cost-effective cleanup so that property is safe for Army use (or transfer as appropriate), sustains operations and training, and protects human health and the environment.

12-4. Program requirements

a. *Cleanup program areas.* All cleanup program areas must:

(1) Identify cleanup requirements at the site level using the more stringent of current or projected future land use as documented in the installation master plan, develop a reasonable schedule and cost to complete cleanup, record liabilities in a database of record, and pursue cleanup until regulatory agreement with site closure.

(2) Provide site-level data in response to Assistant Secretary of the Army (Installations, Energy, and Environment) (ASA (IE&E)) data calls for updates to the databases of record.

(3) Develop and maintain an administrative record for National Priorities List (NPL) sites or similar documentation for non-NPL sites on the installation or U.S. Army Corps of Engineers (USACE) District responsible for FUDS.

(4) Prepare annual cost-to-complete estimates for each site in the program that reflect the environmental strategy and sequence as presented in the installation action plan (IAP), BRAC IAP, or FUDS management action plan. Maintain an audit trail for changes that occur in an FY that reflects actions taken, change in estimates, and new or deleted requirements. Estimates must be based on reliable, complete, and fully documented data and will be in constant year dollars. (LD: PL 101-576)

(5) Determine contamination migration. Garrison commanders (GCs) must approve off-site data collection and any off-post monitoring to ensure that contamination has not migrated off-site. (LD: EO 12580 at CERCLA sites; PD at other sites)

(6) Notify the DASA (ESOH) through the chain of command prior to initiating any off-site response actions. The Army has the authority to conduct response actions outside the installation boundary, however, the lack of Army control over this off-installation property, potential legal and technical complexity, sensitivity, and the necessity for increased public involvement requires additional oversight on these responses. This notification requirement does not apply to FUDS.

(7) Maintain a permanent document repository to ensure cleanup information is available to protect future Army liability at any date in the future.

(8) Document environmental response decisions in a CERCLA record of decision (ROD) or an equivalent decision document (DD) or action memorandum prior to conducting removal or remedial actions.

(9) Coordinate remedial documents with Natural Resource Trustees.

(10) Work cooperatively with regulatory agencies to ensure that the Army's cleanup goals are accomplished cost effectively, and in accordance with applicable laws and regulations.

(11) Fully support public involvement in cleanup programs where there is potential impact on the health, environment, and economic well-being of the local community.

(12) Maintain an inventory and maps of land use controls resulting from response decisions, and at active installations, integrate them into the installation master plan.

(13) Establish procedures for evaluating implemented remedies that:

(a) Optimize the overall performance and effectiveness of the remedy.

(b) Control the operation and maintenance cost of remedies in the remedial operations phase.

(c) Assess whether remedial action objectives specified in the ROD/DD for the site are being achieved and whether treatment systems are still needed.

(d) Determine whether different remedial action objectives or different technologies are more appropriate.

b. Army Defense Environmental Restoration Program. The DERP addresses sites at real property under U.S. jurisdiction, custody, and control of the Army to include: (LD: 10 USC 2701(c))

(1) Active and excess U.S. Army and U.S. Army Reserve installations and facilities.

(2) Federally owned or leased ARNG installations, activities, and properties.

(3) Contractor activities, lessees, and other tenants on Army installations or facilities.

(4) The Army DERP addresses contamination at sites on active installations in the three categories described previously: IRP, MMRP, and BD/DR. The Army funds the DERP at active installations with ER, A funds authorized and appropriated specifically to execute the DERP at active installations. ER, A is "fenced" and must be used for the restoration projects in the approved IAP for sites included in AEDB-R. (LD: 10 USC 2703)

(5) For IRP category sites:

(a) Conduct screening for past use of hazardous substances, pollutants, and contaminants and the potential for contamination (or reassessment, if appropriate) at Regular Army and Federally owned NGB-ARNG installations and sub-installations. (LD: 10 USC 2701)

(b) Conduct studies and response actions in accordance with the annual IAP approved by the GC (or equivalent).

(c) Establish an information repository and administrative record to provide public access to information about the cleanup activities at the installation. (LD: 42 USC 9613 and 9620)

(d) Establish an effective community involvement program, to include a community relations plan at NPL sites (LD: 40 CFR 300.155) or public involvement and response plan for Army installations with an active cleanup program.

(e) Negotiate a Federal Facilities Agreement/Interagency Agreement at NPL sites complying with the DoD approved model agreement. (LD: CERCLA Section 120(e)(2) and 120(e)(4))

(f) Establish a Technical Review Committee (TRC) or Restoration Advisory Board (RAB) when applicable to allow the local community an opportunity to participate in the remedy selection process. Form a RAB at all BRAC installations where closure involves the transfer of property to the community, unless otherwise determined by the ASA (IE&E). At installations on the NPL, a RAB will meet the requirements of paragraph c, Section 2705, Title 10, United States Code (10 USC 2705(c)) for a TRC. (LD: 10 USC 2705(d))

(g) Initiate action to have the site expeditiously deleted from the NPL by EPA once all site completion criteria are met, or request partial delisting of specific operable units, as appropriate. (LD: 40 CFR 300.425)

(6) For MMRP category sites: conduct response actions to address military munitions or the chemical residues of munitions at active installations.

(7) For BD/DR: BD/DR program category responses for buildings unused since 17 October 1986 may be undertaken when the requirement to demolish the building(s) is an integral part of activities under an IRP or MMRP category response. Any other ER, A funded BD/DR program category response for

buildings unused since 17 October 1986 may only be undertaken when specifically authorized by the Assistant Secretary of Defense for Energy, Installations, and Environment (ASD (EI&E)).

c. Base realignment and closure.

(1) The Base Realignment and Closure (BRAC) cleanup program addresses sites at installations designated for closure or realignment by Base Closure legislation and is funded from the Base Closure Account (BCA) using DoD's DERP authority. At closing installations, cleanup requirements consist of previously identified IRP and MMRP category requirements plus those closure related compliance actions required for property transfer. The BRAC cleanup program may address BD/DR category requirements for unsafe buildings or structures unused since 17 October 1986, where the activities are an integral part of actions under the IRP or MMRP category responses.

(2) Army activities will—

(a) Update BRAC IAPs annually.

(b) Ensure that BRAC cleanup activities comply with the ASD (EI&E) policy guidance for Fast Track Cleanups and the Base Redevelopment and Realignment Manual.

(c) Strive to transfer BRAC property to productive reuse.

d. Compliance-related cleanup.

(1) The CC includes actions to address contamination at Army facilities overseas; contamination resulting from operations that have occurred since October 1986 (that is, non-DERP) at Army Active, Excess, and Special installations, and ARNG Federally owned facilities; and contamination at non-Federally owned, Federally supported ARNG facilities.

(2) The CC projects are projects needed to further investigate, and if necessary, conduct response actions to address contaminants that present an imminent and substantial threat to human health and/or the environment.

(3) Undertake CC projects when needed to address the following requirements:

(a) Releases under CERCLA or RCRA corrective action that are not eligible for funding under the DoD Management Guidance for the DERP (for example, releases that occurred on or after 17 October 1986).

(b) Cleanup mandated under authority of Federal and/or State environmental laws that are not being addressed under other cleanup programs (for example, DERP, BRAC, and so forth).

(c) Releases from HW treatment, storage, or disposal facilities or solid waste landfills that are undergoing RCRA closure.

(d) Releases from an RCRA UST if it was in service as of 17 October 1986.

(e) Army contamination beyond the installation boundary where necessary to protect human health and the environment (and not eligible for DERP funding).

(f) Contamination at overseas installations in accordance with DoDI 4715.08.

(g) Contamination at non-Federally owned, Federally supported ARNG sites, regardless of date.

(h) Munitions responses at ranges closed after 30 September 2002.

(i) Response actions outside the boundaries of operational ranges required as a result of the Range Assessment Program established in accordance with DoDD 4715.11.

(j) Non-DERP environmental liabilities at excess installations.

(k) ACOMs, ASCCs, and DRUs with special installations will program and budget mission or working capital fund resources to address non-DERP, CC eligible releases. Special installations are eligible for Army DERP consistent with DERP eligibility requirements.

e. Other.

(1) *Formerly used defense sites.*

(a) Under the DERP, the FUDS Program addresses properties that were under the jurisdiction of the Secretary of Defense and owned by, leased by, or otherwise possessed by the United States, or otherwise under the operational control of the Secretary of Defense or the military components that were transferred from DoD control prior to 17 October 1986. The FUDS program addresses sites in the following program categories: IRP; MMRP; and BD/DR. Also eligible are former DoD sites that were transferred after 17 October 1986, but that have a completed Findings and Determination of Eligibility and a final inventory project report, signed prior to 30 September 2000 stating that the property was FUDS eligible, and that were listed in Restoration Management Information System as a FUDS property prior to 30 September 2000.

(b) The ASD (EI&E) establishes overall FUDS program policy and budget guidance. Regardless of which military service formerly controlled the property, the Army is the executive agent (EA) to administer the FUDS program. General policy on management and execution of the FUDS program is provided in

the DoD Management Guidance for the DERP and the FUDS Program Charter. The ASA (IE&E) is the Army proponent for the FUDS program. The USACE is responsible for management and execution of the FUDS Program.

(c) Specific FUDS execution guidance and procedures are provided in USACE's ER 200-3-1.

(2) *Defense and State Memoranda of Agreement/Cooperative Agreement.*

(a) DoD, through the Defense and State Memoranda of Agreement/Cooperative Agreement (DSMOA/CA) program, involves State/Territorial governments in the environmental restoration of DoD installations including FUDS properties. The OSD has given the Army the authority to negotiate DSMOAs and recommend approval of DSMOAs to the ASD (EI&E). USACE executes the DSMOA/CA Program for all military services.

(b) Authority for this program is contained in 10 USC 2701(d) which allows the Secretary of Defense to enter into agreements on a reimbursable basis with states/territories to support DERP cleanup efforts at DoD installations. The DSMOA/CA program does not apply to compliance-related cleanup (CC). Specific criteria, funding information, and services eligible for State reimbursement for this program are contained in Part 28835, Title 57, Federal Register (57 FR 28835), dated 29 June 1992.

(c) Funding for the Army's contribution to the DSMOA/CA Program will be provided by the Army from the ER, A; Environmental Restoration, FUDS (ER, F); and BCA accounts.

(3) *Memorandum of Understanding between DoD and the Agency for Toxic Substances and Disease Registry.*

(a) DoD has entered into a MOU with ATSDR that delineates the responsibilities and procedures under which Agency for Toxic Substances and Disease Registry (ATSDR) and DoD will conduct activities mandated in CERCLA. The MOU is the single document governing the relationship between DoD and ATSDR.

(b) Funding for the ATSDR to conduct Army-related studies under the MOU with DoD is provided by the Army from the ER, A; ER, F; and BCA accounts. Each military component funds its own ATSDR services.

(c) Refer to the U.S. Army Environmental Restoration Programs Guidance Manual and the Guidelines for the Coordination of Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Activities Between Agency for Toxic Substances and Disease Registry and Department of Defense for additional information about the roles of ATSDR and DoD components in DoD cleanup activities.

(4) *Exemptions.* The above guidance for environmental cleanup does not apply to:

(a) Contractor-owned and contractor-operated facilities that are not on real property controlled by the Army.

(b) Properties that are not on real property that is or was owned, controlled, or otherwise under the jurisdiction of DoD (that is, a third-party site).

(c) Responses to releases that occur solely as a result of an act of war.

(d) Emergency response to and cleanup of a release from any routine operation, management, or maintenance at an operating Army facility or site that does not become a cleanup project.

(e) Routine range maintenance and sustainment activities at operational ranges.

Chapter 13

Environmental Quality Technology

The EQT effort is planned, programmed, and budgeted for at Headquarters, Department of the Army (HQDA) level. It focuses investments on the Army's most pressing needs and provides visibility of the Army's environmental research, development, test, and evaluation (RDT&E) efforts. EQT requirements are identified and validated through the AERTA process. The AERTA requires a review of new and existing requirements to determine if changes in doctrine, organization, training, materiel, leadership and education, or personnel and facilities (DOTMLPF) will resolve the requirement(s). Only those requirements requiring a materiel solution will be included in the AERTA. Requirements with other than materiel solutions will be forwarded to the appropriate proponent/organization for action. The EQT Program Operating Principles, October 2001, provide detailed guidance.

13–1. Environmental Technology Technical Council

a. The Army established an Environmental Technology Technical Council (ETTC) to provide management oversight and endorsement of the EQT programs formulation process. The Deputy Assistant Secretary of the Army (Environment, Safety, and Occupational Health) (DASA (ESOH)) and the Director, Research and Laboratory Management, Office of the ASA (ALT) co-chair the ETTC.

b. The ETTC consists of members representing the operational, logistics, scientific and engineering, planning, resource management, infrastructure, and medical interests of the Army. The ETTC consolidates and prioritizes Army environmental technology needs, and articulates the requirements to the appropriate proponent.

c. The ETTC establishes technology teams as needed to carry out its assigned functions.

d. The ETTC meets as needed to endorse new programs and to review technology priorities and program execution.

13–2. Policy

Provide environmental quality RDT&E and technology transfer to resolve the Army's EQT requirements. EQT efforts are integrated and coordinated with other Defense RDT&E initiatives, such as the National Defense Center for Environmental Excellence (NDCEE), Strategic Environmental Research and Development Program, the Environmental Security Technology Certification Program, and Federal and State government and international forums, to leverage their technology output, reduce total life-cycle costs, and resolve these EQT requirements in a timely manner.

a. Focus efforts on high priority user defined requirements.

b. Implement technology development when technology is not commercially available.

c. Provide an adequate science and engineering base to sustain future technology needs.

d. Focus efforts of the Army EQT program to support and enhance technology transfer of validated capabilities and processes.

13–3. Legal and other requirements

10 USC 160, Sections 2706 and 2709.

13–4. Major program goals

The Army goal for EQT is to enable mission readiness through the development and exploitation of technology that provides sustainable installations, training lands, and weapons systems.

13–5. Major requirements

a. Identify and document user requirements and invest in high priority environmental requirements providing validated solutions to the end-user for qualification, production, or fielding.

b. Leverage other DoD and congressionally directed initiatives to help resolve Army environmental requirements.

c. Use the EQT requirements to prioritize the Army funded efforts at the NDCEE.

Chapter 14

Operational Noise

14–1. Policy

a. Evaluate and document the impact of noise produced by ongoing and proposed Army actions/activities and minimize annoyance to humans to the extent practicable.

b. Develop installation noise management plans as appropriate.

c. Reduce noise to acceptable levels in on-post noise sensitive locations (for example, medical treatment, education, family housing) through appropriate land use planning and/or architectural and engineering controls.

d. Monitor, record, archive, and address operational noise complaints.

e. Develop and procure weapons systems and other military combat equipment (for example, electrical generators, and so on) that produce less noise, when consistent with operational requirements. Measure the noise emitted by all combat equipment and weapons systems to be used in training before deployed to units.

- f. Procure commercially manufactured products, or those adapted for general military use that produce less noise, and comply with regulatory noise emissions standards.
- g. Acquire property only as a last resort to resolve off-post noise issues.
- h. Manage operational noise issues and community relations to maintain sustainable testing and training capabilities and prevent encroachment.

14–2. Legal and other requirements

Property and tort law; Noise Control Act of 1972, Quiet Communities Act of 1978; AR 95–1; AR 210–20; AR 350–19; and applicable State and local laws.

14–3. Major program goals

- a. Control operational noise to protect the health and welfare of people, on- and off-post, impacted by all Army-produced noise, including on- and off-post noise sources.
- b. Reduce community annoyance from operational noise to the extent feasible, consistent with Army training and materiel testing mission requirements.
- c. Actively engage local communities in land use planning in areas subject to high levels of operational noise and a high potential for noise complaints.

14–4. Program requirements

- a. Noise descriptors (metrics) appropriate for determination of compatible land use, and assessment procedures will be based on the best available scientific information.

(1) The day-night level (DNL) is the primary descriptor for military noise, except small arms, see table 14–1. The DNL is the time weighted energy average sound level with a 10-decibel (dB) penalty added to the nighttime levels (2200 to 0700 hours). The DNL noise metric may be further defined, as appropriate, by the installation with a specific, designated time period (for example, annual average DNL, average busy month DNL). The typical assessment period over which the noise energy is averaged is 250 days for Regular Army installations and 104 days for Army Reserve and National Guard installations. The use of average busy month DNL is appropriate when the OPTEMPO is significantly different during certain peak periods of the year. For future land use planning and encroachment assessment purposes, a reasonable annual growth factor in activity (for example, 10 or 15 percent) may be assumed.

(2) Supplemental metrics, such as single event noise data (for example, peak sound pressure level (PK) 15(met) or c-weighted sound exposure level (CSEL)), may be employed where appropriate to provide additional information on the effects of noise from test and training ranges. A-weighted maximum noise levels will be used to assess aviation low level military training routes and/or flight tracks.

(3) The use of average noise levels over a protracted time period generally does not adequately assess the probability of community noise complaints. Assess the risk of noise complaints from large caliber impulsive noise resulting from testing and training activities (for example, armor, artillery, mortars, and demolition activities) in terms of a single event metric, either PK 15(met) or CSEL. The metric PK 15(met) accounts for statistical variation in received single event peak noise level that is due to weather. It is the calculated peak noise level, without frequency weighting, expected to be exceeded by 15 percent of all events that might occur. If there are multiple weapon types fired from one location, or multiple firing locations, the single event level used should be the loudest level that occurs at each receiver location.

(4) Assess noise from small arms ranges using a single event metric, either PK 15(met) or A-weighted sound exposure level.

(5) Use the land use planning zone (LUPZ) contour to better predict noise impacts when levels of operations at airfields or large caliber weapons ranges are above average.

(6) Use available DoD noise assessment software as the primary means of operational noise assessment.

(7) Prepare noise maps showing noise zones and limits as defined in tables 14–1 and 14–2.

(8) Manage noise-sensitive land uses, such as housing, schools, and medical facilities as being acceptable within the LUPZ and noise zone I, normally not recommended in noise zone II, and not recommended in noise zone III. These noise zones are defined in table 14–1.

(9) Single event noise limits in table 14–2 correspond to areas of low to high risk of noise complaints from large caliber weapons and weapons systems. These should be used to supplement the noise zones defined in table 14–1 for land use decisions. Noise sensitive land uses are discouraged in areas where PK 15(met) is between 115 and 130 dB; medium risk of complaints. Noise sensitive land uses are

strongly discouraged in areas equal to or greater than PK 15(met) = 130 dB; high risk of noise complaints. For infrequent noise events, installations should determine if land use compatibility within these areas is necessary for mission protection. In the case of infrequent noise events, such as the detonation of explosives, the installation should communicate with the public.

(10) Transportation and industrial noise will be assessed on a case by case basis using appropriate noise metrics, including U.S. Department of Transportation guidelines.

b. Address issues concerning building vibration and rattle due to weapons blast through the appropriate subject matter experts and legal counsel.

c. Address noise impacts on domestic animals and wildlife, as required, through the study of each species' response or a surrogate response to noise. The noise levels set forth herein apply to humans only and do not apply to domestic animals or wildlife.

Table 14–1
Noise Limits for Noise Zones

Noise zone	Noise limits (dB)	Noise limits (dB)	Noise limits (dB)
	Aviation ADNL	Impulsive CDNL	Small arms — PK 15(met)
LUPZ	60 65	57 62	N/A
I	< 65	< 62	<87
II	65 75	62 70	87 104
III	>75	>70	>104

Legend:
dB=decibel
LUPZ=land use planning zone
ADNL=A-weighted day-night levels
CDNL=C-weighted day-night levels
PK 15(met)=Single event peak level exceeded by 15 percent of events
<=less than
>=greater than
N/A=Not Applicable

Table 14–2
Risk of Noise Complaints by Level of Noise

Risk of Noise complaints	Large caliber weapons noise limits (dB) PK 15(met)
Low	< 115
Medium	115 130
High	130 140
Risk of physiological damage to unprotected human ears and structural damage claims	> 140

Legend:
dB = decibel
PK 15(met) = Single event peak level exceeded by 15 percent of events

Notes:

¹ Although local conditions regarding the need for housing may require noise-sensitive land uses in Noise Zone II, on or off post, this type of land use is strongly discouraged. The absence of viable alternative development options should be determined and an evaluation should be conducted locally prior to local approvals indicating that a demonstrated community need for the noise-sensitive land use would not be met if development were prohibited in Noise Zone II.

² Where the community determines that these uses must be allowed, measures to achieve an outdoor to indoor noise level reduction (NLR) of at least 25 dB to 30 dB in Noise Zone II, from small arms and aviation noise, should be incorporated into building codes and be in individual approvals. The NLR for communities subject to large caliber weapons and weapons system noise is lacking scientific studies to accomplish the recommended NLR. For this reason it is strongly discouraged that noise-sensitive land uses be allowed in Noise Zone II from large caliber weapons.

³ Normal permanent construction can be expected to provide a NLR of 20 dB, for aircraft and small arms, thus the reduction requirements are often stated as 5, 10, or 15 dB over standard construction and normally assume mechanical ventilation, upgraded Sound Transmission Class ratings in

windows and doors and closed windows year round. Additional consideration should be given to modifying NLR levels based on peak noise levels or vibrations.

⁴ NLR criteria will not eliminate outdoor noise problems. However, building location and site planning, and design and use of berms and barriers, can help mitigate outdoor noise exposure NLR particularly from ground level aircraft sources. Barriers are generally not effective in noise reduction for large arms such as artillery and armor, large explosions, or from high-level aircraft sources.

Chapter 15

Program Management and Operation

15–1. Structure and resourcing

a. Army Environmental Funding Policy.

(1) Army organizations are responsible for addressing environmental requirements for activities under their purview to ensure timely compliance with legal mandates, and for sustaining environmental stewardship.

(2) Environmental requirements must be funded from the appropriate account of the proponent who has the responsibility for the action, not necessarily the II PEG environmental program accounts.

b. Programming and budgeting. Commensurate with their responsibilities, Army organizations (to include tenants) will plan, program, budget, and execute resources to:

(1) Mitigate actual or imminent health and environmental hazards.

(2) Comply with Federal, State, and local statutes, regulations, agreements, and other judgments, applicable executive orders (EOs), FGS, and legally binding international agreements at overseas installations.

(3) Sustain the quality and continued availability of lands for essential operations, training, and testing by protecting natural and cultural resources.

(4) Maintain an adequately trained and staffed organization for environmental monitoring and program management.

(5) Employ cost-effective pollution prevention and reuse/recycle-based solutions in all mission areas as the preferred approach for meeting compliance requirements, reducing operating costs, and maintaining environmental stewardship.

(6) Focus environmental quality technology (EQT) research and innovative applications to achieve program goals and reduce program costs.

(7) Address environmental quality costs associated with weapons system life cycle within the context and requirements of the life cycle cost estimate, and adequately assess these costs in the acquisition milestone review process.

c. Investment strategy. Army organizations will make prudent investments in environmental initiatives that support mission accomplishment, enhance readiness, reduce future funding needs, prevent or mitigate pollution, improve compliance, and reduce the overall cost of compliance with applicable environmental requirements.

d. Payment of fines and penalties for environmental violations. Fines, penalties, and supplemental environmental project costs will be paid by the organization against which the fine or penalty has been assessed, using applicable Army appropriations unless otherwise required by law. Payment of fines and penalties will be charged to the funding account of the operation causing the violation. Contracting Officers will ensure that contracts require contractors to pay fines or penalties resulting from their operations.

e. Compliance agreements and consent orders. Compliance agreements and consent orders attributable to a tenant's mission and/or operations will be financed with mission funds and must be coordinated through the mission chain of command.

15–2. Environmental Quality Control Committee

a. Installations will establish Environmental Quality Control Committees (EQCCs) chaired by the GC. In overseas areas, the EQCC may be organized at the appropriate military community level. The EQCC will include major and sub-installations and tenant activities. EQCCs will meet at least quarterly and document decisions.

b. The EQCC should consist of members representing the operational, logistics, engineering, planning, resource management, legal, medical, environmental, morale, welfare, and recreation (MWR), commissary, exchange service, and safety interests of the command, including military installation tenant activities.

c. The EQCC will help to plan, execute, and monitor actions and programs with environmental implications. The committee will identify issues, make recommendations, and advise the GC.

15–3. Environmental training, awareness, and competence

a. All personnel who perform tasks that can cause significant environmental impacts will be competent on the basis of appropriate education, training, and/or experience.

b. Personnel in non-environmental managerial functions will receive appropriate technical and/or awareness training.

c. All organizations will identify training needs (including legally mandated training), document training taken, and evaluate effectiveness.

d. Supervisors are responsible to ensure their employees are properly trained.

e. Organizations should use the most effective and efficient education and training sources available, such as academia, private vendors, Federal, or State agencies, workshops and conferences, and distributive training. Army organizations will develop training courses only when such training courses do not exist. Proposals to develop training courses will be coordinated with higher headquarters and T2COM.

f. The USAES is responsible for developing and integrating environmental considerations into personnel training.

15–4. Communications

a. *Internal.* Organizations at all levels will establish and maintain procedures for internal communication among all their levels and functions and report environmental incidents.

b. *External.*

(1) Organizations at all levels will establish and maintain procedures for receiving, documenting, and responding to communication from external interested parties in coordination with the Public Affairs staff.

(2) Organizations will only provide information on publicly accessible, non-restricted Army environmental websites that have been properly cleared for release by the appropriate Public Affairs Office.

(3) Information available to the public through the Internet will be consistent with guidance issued by the Army Chief Information Officer/G–6 (CIO/G–6).

(4) All environmental agreements must be reviewed and approved by the next higher echelon. Proposed agreements and their review will include consideration of long-term Army resource commitments. In addition, environmental agreements with regulatory agencies will be forwarded through command channels to the JALS–EL for review prior to signature, and those resulting from tenant activities will be coordinated with the tenant, the ACOMs, ASCCs, DRUs, National Guard Bureau, Army National Guard (NGB–ARNG), and the Installation Management Command (IMCOM), if applicable.

(5) Army elements will include public involvement as a component of the decision making process to build mutual understanding with interested parties through two-way communication. Dialogue will strive to reduce miscommunication and foster a mutually beneficial exchange of information.

15–5. Real property acquisition, leases, outgrants, and disposal transactions

a. The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) requires the Army to perform certain actions to assess the environmental condition of property prior to entering into designated real property transactions. These transactions include fee acquisition of real property on behalf of the United States, deeds divesting title from the United States, transfers of jurisdiction between federal agencies, and leases of Army-controlled real property to non-Army entities.

b. This section is not applicable to reassignments within Army or DoD elements; to acquisition of less than fee; or to other outgrants (license, easement, or permit). However, the Environmental Condition of Property (ECP) requirements of this section apply, as a matter of policy, to DA licenses to the National Guard Bureau (NGB), licenses for State National Guard Components, and to state land acquisition where the land will be provided for federally funded construction. Army proponents will conduct these transactions in accordance with the procedures found in AR 405–10; AR 405–80; AR 405–90; Section 2688, Title 10, United States Code (10 USC 2688); 32 CFR 651; and Part 800, Title 36, Code of Federal Regulations (36 CFR 800). Base Realignment and Closure (BRAC) actions will comply with DoDI 4165.66M, or its successor. The Army proponent may elect to perform an environmental site assessment for the inapplicable transactions. (LD: 42 USC 9620(h))

c. Except as noted in b. above, Army will assess, determine, and document the environmental condition of transferable property in an ECP Report. The ECP Report will summarize historical, cultural, and

environmental conditions and include references to publicly available and related reports, studies, and permits. The report will provide an accurate summary of the environmental condition of the property. If the property will be deeded or leased, the site may require additional site characterization to meet applicable regulatory requirements or to help value the property. (Note: The GC/Army proponent is responsible for initiating the ECP Report.)

(1) An ECP Report will normally result in a conclusion regarding the advisability of the transaction and forms the basis for Findings of Suitability, if applicable to the transaction. Environmental contamination and potential environmental liabilities associated with properties being considered for acquisition, lease, and disposal will be determined prior to completing the transaction. The ECP Report and, if applicable, the Findings of Suitability, are an integral part of the Report of Availability or the Disposal Report which form the basis for the Army official with delegated authority to approve the real property transaction and for USACE to prepare the required legal documents, land use controls and covenants. (Note: Findings of Suitability are required for BRAC disposals, both transfers and leases, but are not required for active installation leases.) (LD: 42 USC 9620(h))

(2) Content of the ECP Report depends upon the nature of the transaction and the proposed transferee/lessee. Transfers or leases between the Army and non-federal entities will require at a minimum, a Phase I ECP Report. Where conditions indicate uncertainty regarding the condition of property, a Phase II ECP Report is also required.

(3) The ECP Report will comply with applicable American Society for Testing and Materials (ASTM) Standards, such as ASTM E1527–00, E1903, and D6008 and will be consistent with the DoD Base Redevelopment and Realignment Manual for BRAC actions.

(4) An ECP Report is optional for reassignments within the Army and between Army and another DoD component depending on whether the HQDA approval authority deems it necessary. Those reassignments without an ECP Report should have a statement describing the environmental condition with the package forwarded to HQDA for approval. (PD)

(5) For non-BRAC actions, the ECP report will be attached to the environmental section of the Report of Availability or Disposal Report (AR 405–80 and AR 405–90) that is submitted to the Army decision-making official.

(6) Fee acquisitions and fee acquisition by State Guard components for land that will be provided for federally funded construction require an ECP Report to comply with EPA's "All Appropriate Inquiry" rules under CERCLA prior to obtaining title to the real property so as to preserve defenses to CERCLA liability as an innocent land owner, bona fide prospective purchaser, or contiguous property owner and to reduce risk to Army and ensure that Army pays appropriate consideration for the property. The Army component will perform due diligence in determining the environmental condition of the property using applicable Environmental Protection Agency guidelines and applicable American Society for Testing and Materials ("ASTM") Standards on real property acquisition (ASTM E 1527). (LD: 42 USC 9620)

(7) The activity initiating the property transfer or lease will include the ECP Report with the Disposal Report or Report of Availability for the transaction.

d. Active installation leases and non-lease outgrants (easements, license, permit):

(1) The environmental section of the Report of Availability (ROA) (AR 405–80) will be used to document the environmental condition of the property being leased by active installations. There is no requirement to prepare a FOSL. The non-BRAC ECP included with the ROA will include, as an appendix, the appropriate environmental protection provisions necessary for continued human health and environmental protection.

(2) The GC (or equivalent) or the NGB having accountability for the real property at the installation may determine that the environmental section of the ROA alone may be sufficient to document environmental requirements for permits, licenses, easements, and similar real estate actions where environmental concerns are very minor. Under these circumstances an ECP report would not be required.

(3) An ECP report will be done as an exception to this section when licenses are issued to state National Guard components; when hazardous materials will be stored for one year or more or disposed on Army property except when authorized by 10 USC 2692 (as amended); and where the authorized use of Army lands and facilities poses a hazard to human health or the environment. Leasing space to others for trailer sites or automatic teller machines does not require an ECP Report except where extraordinary circumstances exist.

e. The GC (or equivalent) is responsible for determining the appropriate ECP category (ASTM D5746) for a property being transferred based on the results of the ECP Report and actions taken to address contamination. (PD)

f. For real property transactions initiated by non-Army parties: (PD)

(1) The party initiating the transaction is responsible for funding and completing the ECP Report.

(2) The GC/Army proponent should approve the ECP Report.

(3) The Army may prepare the ECP Report, even though others initiated the transaction, if it has demonstrable benefit to the Army.

g. For non-BRAC transfers when the General Services Administration (GSA) is the disposal agent, Army prepares the ECP Report. However, disposal by GSA is not considered a transfer of jurisdiction to GSA. The level of detail for the ECP Report will be coordinated with GSA. (PD)

h. Findings of Suitability are listed below:

(1) The Finding of Suitability to Transfer (FOST) / Finding of Suitability for Early Transfer (FOSET)/or BRAC Finding of Suitability to Lease (FOSL) will certify that the property is compatible with the proposed use and that the use restrictions or remedies in place (if any) are protective of human health and the environment. (PD)

(2) Deeds divesting title or leases executed under BRAC or other special legislative authority will proceed only after a FOST/FOSET/FOSL.

(3) A FOSET is required when transferring title to property pursuant to the provisions of CERCLA 120(h)(3)(c) (early transfer authority), when remedial action has not been completed prior to transfer. (LD: CERCLA 120(h)(3)(c)) (PD)

(4) A FOST is not required for deeds divesting title when disposed by GSA.

(5) Responsibility for environmental remediation for transfers or interchanges between the Army and other federal entities will be addressed in the Memorandum of Agreement between the Army and the transferee. The Army requires an ECP Report which will be initiated per paragraph f. above and provided to the transferee.

(6) The BRAC FOST/FOSET/FOSLs will be coordinated with regulators and made available to the public for their review. (PD)

i. Review and approval authorities are listed below:

(1) The IMCOM, ACOMs or ASCCs and direct reporting units with special installations, or Army National Guard (NGB-ARNG) will review and approve ECP Reports in coordination with the affected organizations. (PD)

(2) Approval authorities for ECP Report, FOST, FOSET, and BRAC FOSL documents for property disposals are in table 15–1 below. (PD)

(3) The Deputy Assistant Secretary of the Army (Environment, Safety, and Occupational Health) (DASA (ESOH)) will—

(a) Recommend approval for fee acquisition of property with an ECP Category designation of 5 or above or with known or suspected munitions and explosives of concern (MEC);

(b) Recommend approval for proceeding with the transfer to non-DoD Federal agencies for properties with known or suspected MEC;

(c) Approve the FOSTs/BRAC FOSLs and approve the ECP report for non-BRAC leases for properties with known or suspected munitions and explosives of concern (MEC); and

(d) Approve all FOSETs

(4) The approving official will ensure that the document(s) receive appropriate legal and environmental professional review prior to approving the document(s).

j. Real property transactions require preparation of appropriate NEPA documentation per 32 CFR Part 651. (LD: 32 CFR 651)

k. Lease Termination. Upon termination of any lease, the Army proponent and lessee may jointly conduct a final lease close out using the ECP Report funded by the lessee to ascertain any changes in the environmental condition of the subject property. If the lessee refuses to participate, the GC/Army proponent will conduct the final assessment at the lessee's expense and provide a copy to the grantee. If an environmentally significant change has occurred, it will be documented as an amendment to the ECP Report, or a previous environmental site assessment report, if one was done, and the lessee will be required to make suitable compensation. The lessee will be made aware of these requirements and procedures in the original lease document. (PD)

l. Lease Renewals. ECP requirements must be met before renewing existing leases. If the lease did not have an environmental site assessment performed originally, an ECP must be done prior to renewal. For renewal of existing leases that have previously had an ECP, or other versions of site assessment documents, the GC/Army proponent must ascertain if environmental conditions have changed. If an environmentally significant change has occurred, it will be documented as a supplement or amendment to the original assessment report. An environmentally significant change involves the storage of a hazardous substance for a year or more, a known release of such substance, or its disposal on the property. The revised report will be processed in accordance with paragraph 15–5c above. A copy of the ECP report and/or any supplements or amendments will be provided to the grantee. (PD)

m. See also Leases, Easements, and Other Special Land Uses, paragraph 4–3d(2) and Conservation Reimbursable Agricultural/Grazing Outleasing and Forestry Programs, paragraph 4–3d(8).

n. Table 15–2 summarizes the documents required for the various types of real property acquisition, leases, and disposal transactions.

Table 15–1
Property disposal approval authorities^{1, 3}

DOCUMENT	PROGRAM		
	ACTIVE	LEGACY BRAC	BRAC 05
ECP Category Designation ²	Garrison Commander	Garrison Commander	Garrison Commander
ECP Report	IMCOM ⁴	BRAC D	IMCOM ⁴
FOST ⁵	ECP 1–4: IMCOM ⁴	ECP 1–4: BRAC D ⁴	ECP 1–4: IMCOM ⁴
	ECP 5–7: N/A	ECP 5–7: N/A	ECP 5–7: N/A
FOSET ⁵	ECP 5–7: DASA (ESOH)	ECP 5–7: DASA (ESOH)	ECP 5–7: DASA (ESOH)
FOSL	Not Required	ECP 1–7: BRAC D ⁴	ECP 1–7: IMCOM ⁴

Notes:

¹ The approving official will ensure that the document(s) receive appropriate legal and environmental professional review prior to approving the document(s).

² DoD ECP Designation (ASTM D5746).

³ Transactions with known or suspected MEC require DASA (ESOH) approval.

⁴ ACOMs or ASCCs and direct supporting units with special installations and NGB exercise this authority for their installations. Approval authority may delegate ECP 1–2 to installations.

⁵ Documents are not required for GSA transfers; refer to AR 405–90.

Table 15–2
Documents required

DOCUMENT	ECP Report ⁵	FINDING OF SUITABILITY
ACQUISITION		
Fee title for USA	Yes	No
Less than Fee (easement, permit, license)	No	No
Inlease ¹	No	No
DISPOSAL DOCUMENTS		
Deed divesting title from USA	Yes	FOST/FOSET
Report as Excess to GSA ²	Yes	No
Transfer to another Fed Agency	Yes	No

Table 15–2
Documents required—Continued

Reassignment within DA or DoD ³	Optional	No
Release or termination of less than fee estate ⁴	No	No
OUTGRANTS		
Lease Documents	Yes	No, use ROA to document
Other outgrants (license, easement, permit)	No, use ROA to document	No, use ROA to document
License to NGB	Yes	No

Notes:

¹ Type of less than fee; however, an ECP may be done for large, long-term leases.

² Reporting as Excess to GSA is not a transfer or reassignment to GSA.

³ Within DoD elements, doing an ECP Report is optional for those reassignments requiring HQDA approval (see para 15–5(c)(4) above). The Army proponent will consult the HQDA activity requiring approval prior to initiating a Report of Availability without an ECP Report.

⁴ Release, Affidavit, or other non-deed document—if a deed is required, then follow deed policy.

⁵ The ECP Report will be forwarded with the ROA or Disposal Report.

15–6. Military construction and Morale, Welfare, and Recreation Construction on Army installations

Military Construction (MILCON) includes major and minor construction projects funded by Military Construction, Army (MCA); Military Construction, Army Reserve; Military Construction, National Guard; Army Family Housing; Defense MILCON; and Tenant Service MILCON. For specific guidance for MILCON planning and environmental/safety remediation see AR 420–1 and AR 210–20. Morale, Welfare, and Recreation (MWR) construction includes Army appropriated fund (APF) and non-appropriated fund (NAF) construction depending on the type of facility (see AR 215–1).

a. Pre-construction site selection. Preparation of environmental documentation and site survey is considered advance planning and will be funded from other than MILCON or NAF. The project proponent at the installation is responsible for funding and executing the environmental survey, unexploded ordnance survey, and associated documentation of a proposed MILCON/MWR construction site before site selection. Installations will coordinate site selection activities with the supporting IMCOM Regional Office.

(1) When selecting a proposed site, the installation should consider locations that avoid unnecessary environmental remediation and/or mitigation costs. However, installations should consider using all existing infrastructure wisely, to include locations that may require some degree of remediation and/or mitigation. A final determination should be based on sound economic and relative risk analysis.

(2) If a proposed project must be sited in a known environmentally sensitive area where an Army cleanup program has already cleaned to current or reasonably anticipated future land use, the cost of design and construction of mitigation measures required as a direct result of MILCON or NAF projects may be paid from MILCON funds if included in the cost estimate and description of work on the DD Form 1391 (FY_ Military Construction Project Data). AR 420–1 and DA Pam 420–1–2 provide detailed guidance for completing DD Form 1391 (FY_ Military Construction Project Data) for MILCON and NAF.

(3) Non-Army tenants on Army installations are responsible for funding environmental surveys and associated documentation of proposed MILCON or NAF construction sites where they are the user.

b. Site categorization. The IMCOM/ACOM/ASCC/DRU/NGB–ARNG is responsible for certifying the site categorization. Sites are classified into the three following categories.

(1) Category I There is no reason to expect contamination will be encountered during the construction.

(2) Category II There is no known contamination, there remains some potential that contamination may be encountered during construction.

(3) Category III The site is known to be contaminated or there is strong suspicion contamination will be encountered during construction.

c. Site clearance standards. Site categorizations will be completed in accordance with:

(1) ASTM D6008–96: Standard Practice for Conducting Environmental Baseline Surveys.

(2) ASTM E1527–00: Environmental Site Assessments: Phase I Site Assessment Process.

(3) ASTM E1903–97: Environmental Site Assessments: Phase II Site Assessment Process.

d. Discovered contamination. The installation or MILCON proponent is responsible for the remediation/cleanup of environmental contaminants discovered during the execution of a MILCON or NAF construction project.

(1) If removal of discovered contamination adequately addresses the environmental condition of the property for construction and a decision of no further action is secured by the installation, the project should proceed.

(2) If initial response activities are not adequate and additional remediation/cleanup is required, the project proponent is responsible for identifying the environmental requirements and securing funds.

(3) Construction contractor costs (such as direct delays costs and unabsorbed or extended overhead) incidental to discovery, remediation, and cleanup, however, will be MILCON funded or APF or NAF funded as appropriate for MWR projects to the extent it is determined that the Army is responsible and liable for such costs.

15–7. National security emergencies and exemptions/waivers

a. In conducting their mission, GCs should anticipate and allow for mission surge conditions that could result during times of national security emergencies, including but not limited to contingency operations, suppression of insurrection, humanitarian and civic assistance, peace-keeping activities, and disaster relief. In cases where mission surge conditions could potentially exceed permit limitations or other environmental requirements, the GC should request an exemption in accordance with this section.

b. In evaluating possible courses of action, the GC will consult with legal counsel and determine the appropriateness of seeking an environmental exemption or waiver.

c. In national security emergencies, the requirements of this regulation remain in effect unless waived by the ASA (IE&E).

d. If a GC anticipates that surge conditions could result in a violation of Federal or State environmental law or regulation, as soon as practicable, the GC should consult with the appropriate Federal, State, or local authorities on a mutually agreeable course of action. If a satisfactory resolution cannot be agreed upon, the GC will submit a request for a national security exemption to ASA (IE&E) through the chain of command. The request must include:

(1) Identification of the action prompting need for exemption;

(2) The statute(s) from which an exemption is sought;

(3) The applicable statutory exemption provision(s);

(4) Adequate supporting information and justification for the exemption; and

(5) Alternatives considered and the reasons they were not adopted.

e. ASA (IE&E) will coordinate with other ARSTAF elements and will forward the request with a recommendation to the Assistant Secretary of the Army (Installations and Environment) (ASA (IE&E)), who may transmit the request to the OSD for disposition.

f. In the event an exemption is denied or cannot be granted in a timely manner, the ASA (IE&E) will provide specific guidance on the resolution of the conflicts identified in the request.

15–8. Army Environmental Program in Foreign Countries

a. Policy. This section clarifies environmental policy and requirements applicable to permanent installations or facilities located in foreign countries. This section does not apply to training, off-installation deployments, contingency operations, or those locations for which no DoD environmental executive agent (EEA) has been designated.

(1) Army policy in foreign countries is to comply with applicable standards, criteria, and regulations that preserve, protect, and enhance environmental quality and human health. These standards, criteria, and regulations include the country-specific FGS, DoDI 4715.05, DoDI 4715.08, EO 12088, and EO 12114.

(2) The FGS define the environmental standards for Army permanent installations in foreign countries. The FGS take precedence over requirements of this regulation unless otherwise specifically noted in this section. Army facilities in a foreign nation with no FGS will comply with DoDM 4715.05 and applicable international agreements.

(3) Only the designated DoD EEA can revise an FGS. In cases where it is necessary to comply with more protective criteria than the FGS prescribes, the GC must consult with the EEA.

(4) Waivers to an FGS may be granted only by the DoD-designated EEA or the Unified Command (combatant commanders) in accordance with the country-specific FGS and DoD designated EEA waiver policy.

(5) HW that cannot be disposed of in accordance with the FGS will be returned to the United States or another location where the disposal criteria can be met. In addition to compliance standards for disposal, all Army organizations and activities will comply with the provisions of any applicable SOFA or other legally binding international agreements respecting the shipping and storage of HW.

(6) An external Environmental Performance Assessment System (EPAS) assessment will be conducted at overseas installations in accordance with DoDI 4715.05 and the country-specific FGS (generally this will be every 3 years).

(7) Environmental remediation at overseas installations is addressed in paragraph 12–4, and will be conducted in accordance with DoDI 4715.08.

b. Program requirements. Program requirements for overseas activities are addressed throughout this regulation. Additionally:

(1) Army ACOMs, ASCCs, DRUs, IMCOM, and installations will comply with the provisions of DoDI 4715.05, DoDI 4715.08, and appropriate country-specific implementing guidance per the DoD designated EEA.

(2) GCs will consider the adverse impacts of installation activities on a property listed on the World Heritage List, European Union natural conservation site of importance, or a host nation's equivalent of the U.S. National Register of Historic Places (NRHP). Reasonable effort will be made to avoid or mitigate any adverse effects.

(3) GCs will consider the adverse impacts of installation activities on internationally protected animal and plant species and their habitat, to include flora and fauna in a host nation's equivalent of the Endangered Species Act (16 USC 35 (ESA)). Reasonable effort will be made to avoid or minimize adverse effects on such resources.

(4) Army components (that is, Active, Reserve, ARNG) participating in joint operations will comply with the environmental annex as specified by combatant command plans (for example, an annex L to the operation plan (OPLAN)).

(5) Army commanders will report overseas violations through command channels to ASA (IE&E), with a courtesy copy to JALS–EL.

15–9. Environmental Management System documentation and document control

a. Installations will establish and maintain information in paper or electronic form to describe the core elements of the management system and their interaction, and provide direction to related documentation.

b. Installations will establish and maintain procedures for controlling all documents required by the ISO 14001 standard to ensure that: they can be located; they are periodically reviewed, revised as necessary, and approved for adequacy by authorized personnel; the current versions of relevant documents are available at all locations where operations essential to the effective functioning of the EMS are performed; obsolete documents are promptly removed from all points of issue and points of use, or otherwise assured against unintended use; and any obsolete documents retained for legal and/or knowledge preservation purposes are suitably identified.

c. Documentation will be legible, dated (with dates of revision), and readily identifiable, maintained in an orderly manner and retained for a specific period. Procedures and responsibilities will be established and maintained concerning the creation and modification of the various types of documents.

Chapter 16

Checking and Corrective Action

16–1. Environmental performance assessments and Environmental Management System audits

a. General.

(1) GCs should maintain an inventory of compliance sites and activities with potential to impact the environment.

(2) Audits conducted under the Environmental Performance Assessment System (EPAS) will include all operations and activities within the installation boundary (including operational ranges, and other training

areas), or a representative sample of similar activity types, and will evaluate overall environmental program performance and conformance with ISO 14001.

(3) Assessments will include tenant activities, outgrants, leases, and other activities under the purview of the Army.

(4) Generally, assessments will not include privatized facilities. However, special circumstances related to facility and/or associated land lease or ownership status could warrant their inclusion. Accordingly, installations will report the status of their privatized facilities to the U.S. Army Environmental Command (USAEC) EPAS Program Manager as soon as possible after being notified of a scheduled EPAS audit so that a determination regarding inclusion/exclusion can be made.

b. External assessments.

(1) CONUS external performance assessments are scheduled based on risk analysis and in consultation with HQDA and appropriate commands. Outside the continental United States (OCONUS) external assessments are conducted every three years in accordance with DoDI 4715.05.

(2) External assessments will be conducted using a team of independent assessors not associated with the installation and having the necessary organizational and subject matter expertise. This expertise will include the requisite environmental media and regulatory expertise as well as expertise in the functional mission areas that are the subject of the assessment.

(3) External assessments will be conducted using Headquarters, Department of the Army (HQDA) approved protocols. OCONUS, these protocols will be based on the country-specific final governing standards (FGS).

(4) Individuals performing external assessments will provide required assessment data into the Army approved application/database (AEDB–EPAS) to assist in producing the draft and final Environmental Performance Assessment Report and the draft installation corrective action plan (ICAP).

(5) Army installations will prepare the draft ICAP, identify corrective actions, and secure resources for correction through the chain of command.

(6) Assessment results and ICAP will be made available to the Environmental Quality Control Committee (EQCC).

(7) Draft ICAP will be forwarded to affected units, ACOMs, ASCCs, DRUs, and/or tenants for review.

c. Internal assessments.

(1) Internal assessments will be conducted annually, at a minimum, by installation personnel as part of their regular management, checking, and corrective action functions, unless an external assessment is conducted that calendar year.

(2) Army installations will provide required internal assessment data into the Army approved application/database (AEDB–EPAS) to assist in producing the draft ICAP.

(3) Internal assessments will include a review of previous assessments and draft ICAP, review corrective actions not completed, assess compliance with any new regulatory requirements, and address areas specified by higher command.

(4) Installations will notify their respective command when their internal assessment has been completed.

(5) Assessment results and ICAP will be made available to the Environmental Quality Control Committee (EQCC).

d. Installation Corrective Action Plan.

(1) Each installation will prepare or revise a draft ICAP in accordance with Army requirements.

(2) The ICAP will track externally and internally reported compliance and program performance deficiencies.

(3) The ICAP will remain in draft.

e. Releasability. All draft assessment reports and supporting papers are internal working documents. The draft documents must be marked "for official use only" (FOUO) and distribution will be handled accordingly. All requests for release of reports will be referred to the appropriate installation FOIA Officer.

f. Environmental Performance Assessment System in-progress review. The ASA (IE&E) may convene an in-progress review as necessary to review the performance of the program and to identify and resolve issues.

16–2. Monitoring and measurement

a. Installation Management Command (IMCOM), National Guard Bureau–Army National Guard (NGB–ARNG), ACOMs, ASCCs, DRUs, installations, and tenants will establish and maintain documented

procedures to monitor and measure, on a regular basis, the key characteristics of those operations and activities that can have an impact on the environment. This will include the recording of information to track performance, relevant operational controls, and conformance with the organization's environmental objectives and targets.

b. Monitoring equipment will be calibrated and maintained and records of this process will be retained according to installation standard operating procedures.

16–3. Army environmental information and reporting

a. *Army Environmental Information Policy.* Army environmental information is an asset that will be managed as part of the Army ASA IE&E information technology (IT) portfolio management. Environmental information investments will meet the CIO/Deputy Chief of Staff, G–6 (DCS, G–6) Army Knowledge Management goals, adhere to the IE&E IT domain governance process, and be incorporated into the Office of the Assistant Secretary of the Army (Installations, Energy, & Environment) (OASA (IE&E)) business enterprise architecture strategy and plan.

b. *Program goal.* Army environmental information will facilitate planning, execution, monitoring, and reporting of programs at all activity levels in support of the Army mission. Environmental information and information tools will be built in standardized formats and incorporated into the Army enterprise architecture.

c. *Coordination requirements.* Army environmental reporting systems will be coordinated with the ASA (IE &E) Business Transformation Board of Directors (BT BOD).

(1) The ASA (IE&E) represents functional environmental information requirements at the BT BOD.

(2) USAEC represents technical environmental information requirements at the BT BOD.

(3) Environmental reporting systems will be executed in accordance with the ASA (IE&E) business enterprise architecture strategy and plan.

d. *Primary Systems.* The following are the Army's primary systems for data collection and reporting:

(1) *Army Environmental Data Base Environmental Quality (AEDB–EQ).* The AEDB–EQ serves as a primary source of information for reporting the Army's environmental status to Senior Army Leadership, DoD, and Congress. AEDB–EQ tracks Army compliance with environmental laws (to include permits and enforcement actions) and regulations to determine Army progress towards meeting the DoD Measures of Merit (MOMs), and allows the Army to populate other required reports.

(2) *Environmental Restoration Information System.* ERIS and ERIS Range document the Army environmental restoration and range program field data to support a central repository for Army installation chemical, geological, and remedial action data.

(3) *Army Environmental Data Base-Restoration (AEDB–R).* This is the database of record for collecting and reporting data for sites being cleaned up under the purview of ER, A or BCA.

(4) *Army Environmental Data Base-Compliance-Related Cleanup (AEDB–CC).* This is the database of record that identifies and documents requirements for the cleanup of contamination at Army sites that are not eligible for the Defense Environmental Restoration Program (DERP).

(5) *Reimbursable Programs Tracking System.* RPTS stores data used to report the financial elements of the agricultural grazing, reimbursable forestry, hunting, fishing, and trapping fees, the DoD Forestry Reserve Account, and the Army Wildland Fire programs.

(6) *Army Environmental Data Base Environmental Performance Assessment System.* The AEDB–EPAS serves as a primary source of information for reporting, collecting, tracking, and analyzing the Army's environmental compliance and conformance data from external and internal audits.

(7) *Installation Status Report, Natural Infrastructure.* The ISR–NI collects and reports on the readiness of Army installations. The information is collected annually based upon 18 media within the AEP.

(8) *Toxic release inventory.* Installations meeting established threshold criteria are to submit an annual TRI report as required by the *Emergency Planning and Community Right-to-Know Act (EPCRA)* and Executive Order (EO) 13423.

(9) *Solid Waste Annual Reporting-Web (SWARWeb) System.* SWARWeb is a web-based system to support integrated solid waste management at the installation level. It allows the tracking of solid waste and construction and deconstruction debris waste generation and costs as well as waste diversion through recycling and reuse.

(10) *Hazardous Substance Management System.* HSMS is an installation centric client-server software system to support the integrated management of hazardous materials. It is capable of tracking the authorized ordering, issue, and return of hazardous material as well as the disposal of HW.

16–4. Reporting violations

a. SCs will enter ENFs using official electronic Army Environmental Quality Reporting System (for example, Army Environmental Data Base Environmental Quality (AEDB–EQ)) reporting mechanisms with verification/confirmation through proper Command channels (for example, ACCs, DRUs, MSCs, regional offices, ACOMs) to the USAEC. Initial reports for ENFs must be reported in accordance with current Army environmental quality reporting policy requirements as published and updated by the HQDA. Initial reports will be entered via the Army Environmental Quality Reporting System within 48 hours (2 business days) for any ENF involving:

- (1) Criminal enforcement;
- (2) A fine, penalty, fee, or tax;
- (3) Installation-wide (show stopper or major mission restriction), Armywide, or DoD-wide impact, media attention, or community (on/off post) impact; or,
- (4) Third party fault (that is, a non-Army entity is responsible in whole or part for the alleged violation(s)).

b. All other ENFs will be reported/entered into the AEDB–EQ within 7 business days through proper Command channels.

c. The aforementioned 48 hours (2 business days) reporting includes notification to HQDA DASA–ESOH & JALS–ELD (Army Legal Office) through proper Command channels. Additionally, coordinate with JALS–ELD (Army Legal Office) in writing, through technical legal channels, regarding litigation, administrative proceedings, and settlement negotiations.

16–5. Nonconformance and corrective and preventive action

a. All Army facilities identified by HQDA for environmental management system (EMS) implementation will accomplish the following in accordance with the ISO 14001 standard:

- (1) Establish and maintain procedures for defining responsibility and authority for handling and investigating nonconformance with the facility's EMS requirements and procedures.
- (2) Implement and record any changes in the documented procedures resulting from corrective and preventive action.

b. Any corrective or preventive action taken to eliminate the causes of actual or potential nonconformance will be appropriate to the magnitude of problems and commensurate with the environmental impact encountered, if any.

16–6. Environmental records

a. *General.*

(1) IMCOM, NGB–ARNG, ACOMs, ASCCs, DRUs, installations, and tenants will establish and maintain procedures for identification, maintenance, and disposition of environmental records, to include training records and the results of audits and reviews.

(2) Environmental records will be legible, identifiable, and traceable to the activity, product, or service involved, and will contain the name and office symbol of the point of contact for that record.

(3) Environmental records will be stored and maintained (in hard copy or electronic format) in such a way that they are readily retrievable and protected against damage, deterioration, or loss.

b. *Recordkeeping guidelines.* Environmental records will be maintained, as appropriate, to demonstrate conformance to ISO 14001, and requirements set forth in AR 25–400–2.

c. *Environmental cleanup documents.* All installations and facilities will provide copies of environmental cleanup documents to the electronic permanent repository at USAEC. Environmental cleanup documents that should be submitted are detailed in the Army Environmental Cleanup Program Permanent Document Repository Guidance, which was issued 29 Sep 2004. Copies of the guidance are available from the USAEC Cleanup Division.

Chapter 17 Management Review

17–1. Environmental Management System management reviews

a. Installations will establish written procedures for conducting recurring management reviews of their environmental management system (EMS).

b. At least annually, GCs (in conjunction with the Environmental Quality Control Committee (EQCC) or equivalent) of all appropriate facilities will conduct a management review of their respective environmental management system (EMS) to ensure its continuing suitability, adequacy, and effectiveness.

c. The management review process will ensure that the necessary information is collected to allow management to carry out this evaluation.

d. The management review, which will be documented, will address the possible need for changes to policy, objectives, and other elements of the EMS in light of EMS audit results, changing circumstances, and the commitment to continual improvement.

17–2. Headquarters, Department of the Army environmental program reviews

HQDA will conduct periodic program reviews to ensure adequate oversight, program effectiveness, and proper resource allocation and execution.

Appendix A

References

Section I

Required Publications

Unless otherwise stated, Department of the Army publications are available on the Army Publishing Directorate website at <https://armypubs.army.mil/>. DoD issuances are available on the Washington Headquarters Services website at <https://www.esd.whs.mil/>. The CFR is available at <https://www.ecfr.gov/>. The USC is available at <https://uscode.house.gov/>.

AR 11–2

Risk Management and Control Program (Cited in title page.)

AR 25–400–2

Army Records Management Program (Cited in para 16–6*b*.)

AR 40–5

Army Public Health Program (Cited in para 1–24*b*)

AR 50–6

Chemical Surety (Cited in para 11–2*a*.)

AR 70–1

Army Operation of the Adaptive Acquisition Framework (Cited in para 7–2*g*.)

AR 75–15

Explosive Ordnance Disposal (Cited in para 11–4*b*(13).)

AR 95–1

Flight Regulations (Cited in para 14–2.)

AR 210–20

Real Property Master Planning for Army Installations (Cited in para 14–2.)

AR 420–1

Army Facilities Management (Cited in para 5–2*i*.)

AR 350–19

The Army Sustainable Range Program (Cited in para 14–2.)

AR 385–10

The Army Safety and Occupational Health Program (Cited in para 5–2*h*.)

AR 405–10

Acquisition of Real Property and Interests Therein (Cited in para 15–5*b*.)

AR 405–80

Management of Title and Granting Use of Real Property (Cited in para 4–3*d*(2)(*c*).)

AR 405–90

Disposal of Real Property (Cited in para 4–3*d*(8)(*b*).)

AR 700–136

Tactical Land–Based Water Resources Management (Cited in para 4–2*f*(4)(*e*).)

AR 710–2

Secondary Item Policy and Retail Level Management (Cited in para 1–12*c*.)

Army Strategy for the Environment

Brochure, 1 Oct 04 (Available at <https://api.army.mil/>) (Cited in para 2–1*b*.)

ASTM D6008–96 (2005)

Standard Practice for Conducting Environmental Baseline Surveys (Available for ordering at <https://ansi.org/>) (Cited in para 15–6*c*(1).)

ASTM E1527-00

Standard Practice Environmental Site Assessments: Phase I Environment Site Assessment Process (Available for ordering at <https://ansi.org>.) (Cited in para 15-5c(3).)

ASTM E1903-97 (2002)

Standard Guide for Environmental Site Assessments: Phase II Environment Site Assessment Process (Available for ordering at <https://ansi.org>.) (Cited in para 15-6c(3).)

DA PAM 40-11

Army Public Health Program (Cited in para 10-2b(4).)

DA Pam 420-1-2

Army Military Construction and Nonappropriated-Funded Construction Program Development and Execution (Cited in para 15-6a(2).)

DFAS-IN Manual 37-100-**

Financial Management The Army Management Structure FY04 (Available at <https://www.asafm.army.mil>.) (Cited in para 4-3d(8)(e).)

DoD American Indian and Alaska Native Policy Memorandum

Policy Document, 20 Oct 1998 (Available at <https://www.denix.osd.mil>.) (Cited in para 6-2i.)

DoD Management Guidance for the Defense Environmental Restoration Program (DERP)

Guidance Document, September 2001 (Available at <https://www.denix.osd.mil>.) (Cited in para 12-2b.)

DoD 4150.07-P

DoD Plan for the Certification of Pesticide Applicators (Cited in para 5-2d.)

DoD 7000.14-R

DoD Financial Management Regulation (FMRS) (Available at <https://comptroller.defense.gov/fmr/>) (Cited in para 12-2a.)

DoDD 4715.1E

Environment, Safety, and Occupational Health (ESOH) (Cited in para 4-3b(25).)

DoDD 4715.11

Environmental and Explosives Safety Management on Operational Ranges Within the United States (Cited in para 8-2c.)

DoDD 4715.12

Environmental and Explosives Safety Management on Operational Ranges Outside the United States (Cited in para 8-2c.)

DoDD 5000.1

The Defense Acquisition System (Cited in para 1-7h.)

DoDI 4150.07

DoD Pest Management Program (Cited in para 4-3d(10)(e).)

DoDI 4715.03

Natural Resources Management (Cited in para 4-3b(26).)

DoDI 4715.05

Environmental Compliance at Installations Outside the United States (Cited in para 5-2e.)

DoDI 4715.07

Defense Environmental Restoration Program (DERP) (Cited in para 12-2a.)

DoDI 4715.08

Remediation of Environmental Contamination Outside the United States (Cited in para 12-2a.)

DoDM 4150.07

DoD Pest Management Program Elements and Implementation (Cited in para 5-2c.)

DoDM 4160.21

Defense Materiel Disposition (Cited in para 10-1d(9)(c).)

DoDM 4715.05

Overseas Environmental Baseline Guidance Document (Cited in para 15–8a(2).)

DTR 4500.9–R

Defense Transportation Regulation (Cited in para 10–1b.)

EO 11988

Floodplain Management, 42 FR 26951 (Cited in para 4–2c(2).)

EO 11990

Protection of Wetlands 42 FR 26961 (Cited in para 4–2c(2).)

EO 12580

Superfund Implementation, 52 FR 2923 (Cited in para 12–2a.)

EO 13007

Indian Sacred Sites, 61 FR 26771 (Cited in para 6–2b.)

EO 13112

Invasive Species 64 FR 6183 (Cited in para 4–3b(21).)

EO 13175

Consultation and Coordination with Indian Tribal Governments, 65 FR 67249 (Cited in para 6–2k.)

EO 13186

Responsibilities of Federal Agencies to Protect Migratory Birds, 66 FR 3853 (Cited in para 4–3b(20).)

EO 13287

Preserve America 68 FR 10635 (Cited in para 1–7i.)

EO 13423

Strengthening Federal Environmental, Energy, and Transportation Management 72 FR 3919 (Cited in para 4–3b(22).)

ER 200–3–1

Formerly Used Defense Sites Program Policy (Available at <https://www.usace.army.mil/>) (Cited in para 12–2a.)

FM 3–100.4

Environmental Considerations in Military Operations (Cited in para 1–27e.)

ISO 14001 (also known as ANSI/ISO 14001–2004)

Environmental Management System Requirements Specifications with Guidance for Use (Available at <https://www.ansi.org.>) (Cited in para 1–7h.)

Memorandum, DUSD (I&E), 10 October 2002

Implementation of Sikes Act Improvement Act: Updated Guidance (Cited in para 4–3b(27).)

PL 108–136

National Defense Authorization Act FY04 (Cited in para 4–3b(24).)

PL 109–58

Energy Policy Act of 2005 (Cited in para 4–2f(2).)

TB MED 575

Recreational Water Facilities (Cited in para 4–2b.)

TB MED 576

Sanitary Control and Surveillance of Water Supplies at Fixed Installations (Cited in para 4–2f(4)(e).)

TB MED 577

Sanitary Control and Surveillance of Field Water Supplies (Cited in para 4–2f(4)(e).)

TB 55–1900–206–14

Control and Abatement of Pollution by Army Watercraft (Cited in para 4–2e(4)(g).)

TM 5–662

Swimming Pool Operation and Maintenance (Cited in para 4–2b.)

TM 5-813-1

Water Supply: Sources and General Considerations (Cited in para 4-2f(4)(e).)

TM 5-813-3

Water Supply: Water Treatment (Cited in para 4-2f(4)(e).)

TM 5-813-4

Water Supply: Water Storage (Cited in para 4-2f(4)(e).)

TM 5-813-5

Water Supply: Water Distribution (Cited in para 4-2f(4)(e).)

TM 5-813-7

Water Supply for Special Projects, Volume 7 (Cited in para 4-2f(4)(e).)

TM 5-813-8

Water Desalination (Cited in para 4-2f(4)(e).)

TM 5-813-9

Water Supply: Pumping Stations (Cited in para 4-2f(4)(e).)

UFC 3-230-02

Unified Facilities Criteria Operation and Maintenance: Water Supply Systems (Available at <https://www.wbdg.org/>.) (Cited in para 4-2f(4)(e).)

TG-179

Complying with the Safe Drinking Water Act (Available at <https://ph.health.mil/>) (Cited in para 4-2f(4)(e).)

29 CFR 1910.120

Occupational Safety and Health Standards; Hazardous Waste Operations and Emergency Response (Cited in para 9-2c(4)(c).)

29 CFR 1910.1001

Occupational Safety and Health Standards; Asbestos (Cited in para 9-2b(2).)

29 CFR 1910.1025

Occupational Safety and Health Standards; Lead (Cited in para 9-2d(2).)

29 CFR 1910.1200

Occupational Safety and Health Standards; Hazard Communication (Cited in para 9-2c(4)(c).)

29 CFR 1926.1101

Safety and Health Regulations for Constructions (Cited in para 9-2b(2).)

29 CFR 1926.62

Safety and Health Regulations for Construction; Lead (Cited in para 9-2d(2).)

32 CFR 190

Office of the Secretary of Defense (OSD), Natural Resources Management Program (Cited in para 4-3b(18).)

32 CFR 651

Environmental Analysis of Army Actions (Cited in para 1-1a.)

36 CFR 79

Curation of Federally Owned or -Administered Archeological Collections (Cited in para 6-2e.)

36 CFR 800

Protection of Historic Properties (Cited in para 6-2f.)

40 CFR 61

National Emission Standards for Hazardous Air Pollutants (Cited in para 9-2b(4)(a).)

40 CFR 112

Oil Pollution Prevention (Cited in para 4-2e(4)(f).)

40 CFR 260-279

Hazardous Waste (Cited in para 10-1b.)

40 CFR 261

Identification and Listing of Hazardous Waste (Cited in para 10–2*b*(1).)

40 CFR 266.200–206

Military Munitions (Cited in para 8–2*a*.)

40 CFR 280

Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks (UST) (Cited in para 11–2*a*.)

40 CFR 281

Approval of State Underground Storage Tank Programs (Cited in para 11–2*a*.)

40 CFR 300

National Oil and Hazardous Substances Pollution Contingency Plan (Cited in para 11–2*a*.)

40 CFR 302

Designation, Reportable Quantities, and Notification (Cited in para 11–4*b*(12).)

40 CFR 403

General Pretreatment Regulations for Existing and New Sources of Pollution (Cited in para 4–2*e*(4)(*b*).)

40 CFR 745

Lead-Based Paint Poisoning Prevention in Certain Residential Structures (Cited in para 9–2*d*(2).)

43 CFR 5

Commercial Filming and Similar Projects and Still Photography on Certain Areas Under Department Jurisdiction (Cited in para 6–4*d*(5).)

43 CFR 6

Patent Regulations (Cited in para 6–4*d*(5).)

43 CFR 7

Protection of Archeological Resources (Cited in para 6–4*d*(5).)

43 CFR 10

Native American Graves Protection and Repatriation Regulations (Cited in para 6–4*d*(5).)

43 CFR 10.3

Native American Graves Protection and Repatriation Regulations: Determining cultural affiliation (Cited in para 6–4*d*(3).)

43 CFR 10.5

Native American Graves Protection and Repatriation Regulations: Discovery (Cited in para 6–4*d*(3).)

50 CFR 10–16

Taking, Possession, Transportation, Sale, Purchase, and Barter, Exportation and Importation of Wildlife and Plants (Cited in para 4–3*b*(19).)

50 CFR 13

General Permit Procedures (Cited in para 4–3*b*(16).)

50 CFR 21

Migratory Bird Permits (Cited in para 4–3*b*(17).)

50 CFR 402

Interagency Cooperation–Endangered Species Act of 1973, as Amended (Cited in para 4–3*d*(5)(*c*).)

57 FR 28835

DoD Office of the Secretary of Defense Environmental Restoration Program (Cited in para 12–4*e*(2)(*b*).)

5 USC 552

Public information; agency rules, opinions, orders, records, and proceedings (Cited in para 1–10*b*.)

7 USC 136, et seq.

Definitions (Cited in para 5–2*a*.)

10 USC 2665

Sale of certain interest in lands; logs (Cited in para 1–23x.)

10 USC 2667

Leases: Non-excess property of military departments (Cited in para 1–23x.)

10 USC 2671

Military reservations and facilities, hunting, fishing, and trapping (Cited in para 4–3b(7).)

10 USC 2684a

Agreements to limit encroachment and other constraints on military training, testing, and operations (Cited in para 4–3b(8).)

10 USC 2688

Utility systems: conveyance authority (Cited in para 15–5b.)

10 USC 2694a

Conveyance of surplus real property for natural resource conservation (Cited in para 4–3b(9).)

10 USC 2701, et seq.

Environmental restoration (Cited in para 12–2a.)

15 USC 2601, et seq.

Control of toxic substances (Cited in para 9–2b(2).)

15 USC 2651, et seq.

Public protection (Cited in para 9–2b(2).)

16 USC 35

Endangered species (Cited in para 4–3b(2).)

16 USC 431

Antiquities Act of 1906 (Cited in para 6–2d.)

16 USC 432

Permits to examine ruins, excavations, and gathering of objects; regulations (Cited in para 6–2d.)

16 USC 433

American antiquities (Cited in para 6–2d.)

16 USC 469

Archeological and Historic Preservation Act of 1974 (AHPA), as amended (Cited in para 6–2d.)

16 USC 470

National Historic Preservation Act of 1966 (NHPA), as amended (Cited in para 6–2d.)

16 USC 620–620j

Forest Resources Conservation and Shortage Relief Act of 1990 (Cited in para 4–3d(8)(q).)

16 USC 661–667d

Fish and Wildlife Coordination Act (Cited in para 4–3b(12).)

16 USC 670a

Program for Conservation and Rehabilitation of Natural Resources on Military Installations (Cited in para 1–23x.)

16 USC 670b

Migratory game birds; hunting permits (Cited in para 1–23x.)

16 USC 670e

Applicability to other laws; national forest lands (Cited in para 1–23gg.)

16 USC 701

Game and wild birds; preservation (Cited in para 4–3b(13).)

16 USC 703–712

Migratory Bird Treaty (Cited in para 4–3b(14).)

16 USC 1801–1882

Magnuson Fishery Conservation and Management Act (Cited in para 4–3b(4).)

16 USC 3371–3378

Lacey Act (Cited in para 4–3b(15).)

16 USC 4701–4751

Aquatic nuisance prevention and control (Cited in para 4–3b(11).)

25 USC 32

Native American Graves Protection and Repatriation Act of 1990 (NAGPRA) (Cited in para 1–23y.)

33 USC 26

Water pollution prevention and control (Cited in para 8–2a.)

33 USC 1401

Ocean Dumping (Cited in para 4–2e(2).)

33 USC 2701

Oil Pollution Act of 1990 (Cited in para 4–2e(2).)

42 USC 300f

Safe Drinking Water Act (SDWA), as amended (Cited in para 8–2a.)

42 USC 1996

American Indian Religious Freedom Act of 1978 (Cited in para 6–2b.)

42 USC 4321–4347

National Environmental Policy Act of 1969, as amended (NEPA) (Cited in para 1–1a.)

42 USC 4901

Noise Control Act of 1972 (Cited in para 14–2.)

42 USC 6901

Resource Conservation and Recovery Act (RCRA), as amended (Cited in para 1–26a.)

42 USC 6901–6992k

Solid waste disposal (Cited in para 7–2c.)

42 USC 6941–6949a

State or regional solid waste plans (Cited in para 10–2b(1).)

42 USC 6961

Application of Federal, State, and local law to Federal facilities (Cited in para 4–2e(2).)

42 USC 7401

Clean Air Act, as amended (CAA) (Cited in para 4–1b.)

42 USC 9601

Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA) (Cited in para 8–2a.)

42 USC 11011

Emergency Planning and Community Right-to-Know Act of 1986 (Cited in para 9–1b.)

42 USC 13101–13102

Pollution Prevention Act of 1990 (Cited in para 7–2d.)

49 USC 1801

Federal Hazardous Materials Transportation Law (Cited in para 9–2b(2).)

Section II**Prescribed Forms**

This section contains no entries.

Appendix B

Internal Control Evaluation

B-1. Function

The function covered by this checklist is Environmental Management.

B-2. Purpose

The purpose of this checklist is to assist installation managers and staff in evaluating the key management controls listed below. It is not intended to cover all controls. The GC or designated representative(s) will perform this checklist.

B-3. Instructions

Answers must be based on the actual testing of Key management controls (for example, document analysis, direct observation, sampling simulation, other). Answers which indicate deficiencies must be explained and corrective action indicated in supporting documentation. These management controls must be evaluated at least every 5 years. Certification that this evaluation has been conducted must be accomplished on DA Form 11-2 (Internal Control Evaluation Certification)

B-4. Key control questions

a. Program Performance.

(1) Does the installation have an Environmental Quality Control Committee (EQCC), formally constituted and chaired by the GC, which provides a forum to enhance, address, and resolve environmental issues?

(2) Is a multidisciplinary program in place to identify and proactively control environmental risks?

(3) Does the installation have pollution prevention policies and programs in place and operating to reduce pollution through source reduction, reuse, recycling, or energy/water use reduction?

(4) Does the installation have the requisite plans in place required by environmental permits?

(5) Are all personnel (including appointed environmental officers) trained and equipped sufficiently to execute their duties in an environmentally safe and compliant manner and to respond properly in case of environmental emergency?

(6) Are problems that are identified through internal audits, complaints, spills, or ENFs investigated to determine systemic causes and promptly corrected? (PD/LD: DASA (ESOH) directive, 13 July 2001, and EO 13423)

(7) Does the installation have an installation internal assessment plan (IIAP)? (PD/LD: DASA (ESOH) directive, 13 July 2001, and EO 13423)

(8) Is the IIAP updated annually and included in the documentation of the installation Environmental Management System (EMS)? (PD/LD: DASA (ESOH) directive, 13 July 2001, EO 13423, and AR 11-2)

b. Environmental Condition.

(1) Are all solid waste streams systematically characterized to determine if they are hazardous? Is the basis for the determination (that is, generator knowledge or analytical results) documented and the waste disposed of properly?

(2) Are all unit projects, activities, and work requests coordinated with the environmental officer?

(3) Is adequate NEPA documentation routinely prepared and considered as an integral part of the planning process (NOTE: Overseas installations should follow the Environmental Review Guide since NEPA does not apply overseas.)?

(4) Are Environmental Performance Assessment System (EPAS) evaluations and the corrective actions in the installation corrective action plan (ICAP) completed in a timely manner?

(5) Are deficiencies identified in the ICAP that require funds forwarded to the responsible proponent for inclusion in appropriate programming and budgeting documents?

c. Mission Impact.

(1) Are management practices in place in order to improve the C-rating of mission critical environmental areas?

(2) Does top management (that is, GC, EQCC) periodically review the IIAP?

(3) Does top management review the open findings in the ICAP and ensure that adequate efforts are being made to close them?

d. Compliance.

(1) Are required reports and records complete and accurate? Is required reporting submitted to regulators in a timely and accurate manner? Is required reporting submitted to higher headquarters in a timely and accurate manner? Does the installation and the higher headquarters review and approve environmental data reported to HQDA?

(2) Are physical inspections conducted on a regular basis? Do they detect environmental problems and are they tracked to ensure corrective action? Are environmental compliance deficiencies recorded in the ICAP?

B-5. Supersession

This checklist replaces the checklist published in AR 200-1, dated 13 December 2007.

B-6. Comments

Help make this a better tool for evaluating management controls. Submit comments to the Assistant Secretary of the Army (Installations, Energy, and Environment) at usarmy.pentagon.hqda-asa-iee.mbx.publication@army.mil.

Glossary of Terms

Acquisition, Life Cycle

Applies to processes and procedures by which defense services identify requirements; conduct research, development, test and evaluation; develop logistics support; field and ultimately dispose of materiel systems and equipment; and upgrade existing systems/equipment.

Acquisition, Real Estate

Obtain, use, or control real property by purchase, condemnation, donation, exchange, easement, license, lease, permit, revestment, and recapture as defined in AR 405–10.

Action

All activities or programs of any kind authorized, funded, or carried out, in whole or in part, by Federal agencies in the United States or upon the high seas.

Action area

All areas to be affected, directly or indirectly, by the Federal agency action and not merely the immediate area involved in the action.

Activity

A unit, organization, or installation that performs a function or mission.

Adverse effect (under the National Historic Preservation Act)

A harmful or detrimental change in the character or use of historic properties. Adverse effects include, but are not limited to, physical destruction, damage, or alteration; isolation from or alteration of the setting; introduction of visual, audible, or atmospheric elements that are out of character; neglect; and transfer, lease, or sale of historic property.

Aerial Spray Statement of Need

A formal document prepared by DoD pest management consultant with certification in DoD Category 11, Aerial Application. If this document states that the proposed project is justified, preparation of an environmental assessment or environmental impact statement is initiated and prepared.

Agency official (under the Native American Graves Protection and Repatriation Act)

Any individual authorized by delegation of authority within a Federal agency to perform the duties relating to these regulations (43 CFR 10). (43 CFR 10.2 (a)(2)) For Army installations the garrison commander (GC) serves as the agency official under NAGPRA.

Agricultural lease or outlease

Use of Army lands under a lease to an agency, organization, or person for growing crops or grazing animals.

Appropriate facilities

For purposes of EMS implementation, appropriate facilities are defined as the Army major installations identified by Assistant Secretary of the Army (Installations Energy & Environment) (ASA (IE&E)) as having operations and activities with the potential to significantly impact human health and/or the environment. Appropriate facilities must fully comply with EMS implementation requirements specified in this regulation. ASA (IE&E) will periodically update the appropriate facilities listing and promptly advise those installations that are added or removed.

Archaeological resource (under the Archaeological Resources Protection Act)

Any material of human life or activities that is at least 100 years of age, and which is of archaeological interest.

Army alternate procedures

Procedures that Army installations and facilities may elect to follow in lieu of Advisory Council on Historic Preservation (ACHP) regulations to comply with the goals and mandates of the National Historic Preservation Act (NHPA) Section 106.

Army command

An Army force, designated by the Secretary of the Army, performing multiple Army Service Title 10 functions (3013b) across multiple disciplines. Command responsibilities are those established by the Secretary and normally associated with administrative control.

Army proponent

The Army unit, element, or organization responsible for initiating or carrying out the proposed action.

Army Readiness and Environmental Protection Integration buffer

Formal agreements between Army and eligible entities for acquisition by the entities of land or interest in land and water rights from willing sellers. Formal agreements include limiting encroachment through acquisition of development rights, cooperative agreements (CAs), conservation easements, and other means to support land acquisition or affect land use in accordance with applicable laws. Development and implementation of REPI does not constitute an acquisition of real property. Land conveyances for conservation may supplement REPI. Authority is 10 USC 2684a and 2694a.

Army senior consultant

The individual designated by the Director of Environmental Programs, who serves as the senior Army staff officer for technical guidance and management of the Army Pest Management Program and as ASA (IE&E) representative to the Executive Council of the Armed Forces Pest Management Board.

Army service component command

An Army force, designated by the Secretary of the Army, comprised primarily of operational organizations serving as an Army component for a combatant commander. If designated by the combatant commander, serves as a Joint Forces Land Component Command or Joint Task Force. Command responsibilities are those established by the Secretary and normally associated with operational control and administrative control.

Best management practice

Best management practices are methods that have been determined to be the most effective and practical means of preventing or reducing pollution and/or environmental impacts.

Biological assessment

Information prepared by or under the direction of a Federal agency using the procedures in 50 CFR 402.12 concerning listed and proposed species and designated and proposed critical habitat that may be present in the action area and the evaluation of potential effects of the action on such species and habitat.

Biological diversity

The variety of life and its processes. It includes the variety of living organisms, the genetic differences among them, and the communities and ecosystems in which they occur.

Biological evaluation

A written document setting forth an installation's biologically supportable rationale for determining the affects an action will have on a listed or proposed species or critical habitat. A biological evaluation is an informal document and is used for actions only if a biological assessment is not required.

Biological opinion

The document that states the opinion of the U.S. Fish and Wildlife Service (USFWS) or National Oceanic and Atmospheric Administration (NOAA) Fisheries as to whether or not the Federal agency action is likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat; a summary of the information on which the opinion is based and a detailed discussion of the effects of the action on listed species or designated critical habitat.

Candidate species

(see species designations)

Certification as pesticide applicator

The formal recognition of training and competency to perform pesticide applications per the DoD Instruction and Plan. DoD employees certified per the DoD Plan can, without obtaining additional State certification, use and supervise the use of restricted-use pesticides while engaged in performing their official duties.

Certification official (pesticide applicators)

The DoD professional pest management personnel (PPMP) who reviews and validates the qualifications of DoD pesticide applicators to meet the standards in the DoD Plan. In the Army, certification officials are

nominated by the ASC through the DEP, for approval by the Executive Director, AFPMB. See Pest management consultant.

Certified pesticide applicator

Any individual who applies pesticides or supervises the use of pesticides by others and who has been authorized to do so by successfully completing a training program approved by the Environmental Protection Agency (EPA), followed by formal certification by DoD, State, or for overseas, by the Installation Management Command (IMCOM) certification official.

Chemical warfare agent

A substance which, because of its chemical properties, is used in military operations or terrorist attacks to kill, seriously injure, or incapacitate humans or animals or deny use of water, food supplies, and/or other indigenous resources to combatants or civilian populations. Some types of pesticides and herbicides (especially organophosphate based substances) were initially developed and tested for use as chemical warfare agents, and only later adapted for non-military and agricultural applications. Chemical warfare agents are the Vand G-series nerve agents; H-series (that is, "mustard" agents) and L-series (that is, lewisite) blister agents; and certain industrial chemicals, including: hydrogen cyanide (AC), cyanogen chloride (CK), or carbonyl dichloride (called phosgene or CG)), when contained in a military munition. Chemical warfare agents do not include: riot control agents (for example, w-chloroacetophenone (CN); ochlorobenzylidenemalononitrile ((CS) tear gas); chemical herbicides; smoke or incendiary compounds; and industrial chemicals that are not configured as a military munition.

Chemical warfare materiel

Items generally configured as a munition containing a chemical substance that is intended to kill, seriously injure, or incapacitate a person through its physiological effects. CWM includes Vand G-series nerve agent; H-series (mustard) and L-series (lewisite) blister agent, in other-than-munition configuration; and certain industrial chemicals (for example, hydrogen cyanide (AC), cyanogen chloride (CK), or carbonyl dichloride (called phosgene or CG)) configured as a military munition. Due to their hazards, prevalence, and military-unique application, chemical agent identification sets are also considered CWM. CWM does not include: riot control agents; chemical herbicides; industrial chemicals (for example, AC, CK, or CG) not configured as a munition; smoke and flame producing items; or soil, water, debris, or other media contaminated with chemical warfare agents.

Class I and Class II ozone-depleting substances

Class I ODS have a greater ozone-depletion potential than Class II ODS. Class II ODS are generally considered safer than Class I ODS. Class I and Class II are defined in the Clean Air Act (CAA) Amendments of 1990. (See 40 CFR 82, Appendix A and B).

Command

A unit or units, an organization, or an area under the command of one individual.

Community water system

A public water system that supplies water to the same population year-round.

Compliance agreement

Any negotiated agreement between regulatory officials and regulatee for the purpose of attaining or maintaining compliance. Regulatee must have participated and influenced the terms of the agreement.

Compliance-related cleanup

Compliance-related cleanup (CC) includes actions to address contamination at Army facilities overseas; contamination resulting from operations that have occurred since October 1986 (that is, non-DERP) at Army Active, Excess, and Special installations, and Army National Guard (ARNG) Federally owned facilities; and contamination at Non-Federally owned, Federally supported ARNG facilities. As a key element of the broader Army Environmental Cleanup Strategy and its associated Environmental Cleanup Strategic Plan, the CC mission at Army installations and facilities is to perform appropriate, cost-effective cleanup to protect human health, safety, and the environment, and to sustain operational readiness and training. Specifically, for overseas facilities, the CC mission is to address contamination that resulted from Army operations, presents a known imminent and substantial endangerment to human health and safety, and is located on or emanates from an Army facility. The CC Guidance Manual, September 2004, provides specific guidance on CC procedures and project eligibility.

Comprehensive agreement (under the Native American Graves Protection and Repatriation Act)

Agreements developed regarding the treatment and disposition of human remains, funerary objects, sacred objects, or objects of cultural patrimony excavated intentionally or discovered inadvertently on Federal lands.

Conference

The process which involves informal discussions between a Federal agency and the USFWS or NOAA–Fisheries regarding the impact of an action on proposed species or proposed critical habitat and recommendations to minimize or avoid the adverse effects.

Conservation

The wise use and scientific management of natural and cultural resources according to principles that provide optimum public benefit, continued productivity and sustainability for present and future generations, and support of the military mission.

Conservation law enforcement professional

A DoD law enforcement professional with additional training in natural resources and Archaeological Resources Protection Act (ARPA) law enforcement training.

Conservation Reimbursable and Fee Collection Programs

Includes the Army's proceeds generating Forestry, Fish and Wildlife, and Agricultural/Grazing Outlease programs.

Conserve/conservation (of species)

To use and the use of all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to 16 USC Chapter 35 (ESA) are no longer necessary.

Construction

Any land-disturbing activity.

Consumer Confidence Report

A water quality report provided to consumers annually, as required under 40 CFR 141, Subpart O. All community water systems (CWS) are required to prepare and distribute annual CCRs that briefly summarize information regarding water sources, detected contaminants, compliance, and educational information.

Contaminant

An undesirable substance (physical, chemical, biological, or radiological) not normally present, or an unusually high concentration of a naturally occurring substance in water or soil.

Contingency plan

A document setting out an organized, planned, and coordinated course of action to be followed in case of a fire, explosion, or other accident that releases toxic chemicals, hazardous waste, or radioactive materials that threaten human health or the environment.

Continual improvement

The process of enhancing the environmental management system to achieve improvements in overall environmental performance in line with the organization's environmental policy.

Critical habitat

Specific areas within the geographical area occupied by the species at the time it is listed in accordance with 16 USC Chapter 35 (ESA), on which are found those physical or biological features (1) essential to the conservation of the species, and (2) which may require special management considerations or protection. It also includes specific areas outside the geographical area occupied by the species at the time it is listed in accordance with the 16 USC Chapter 35 (ESA), upon a determination by the Secretary of Interior or Commerce that such areas are essential for the conservation of the species. The areas formally designated as critical habitat by the USFWS or NOAA–Fisheries and listed in 50 CFR 17 and 226.

Cultural resources

Historic properties as defined by the NHPA, cultural items as defined by NAGPRA, archeological resources as defined by ARPA, sacred sites as defined in EO 13007 to which access is afforded under the

American Indian Religious Freedom Act, significant paleontological items as described by 16 USC 431–433 (Antiquities Act of 1906), and collections and associated records as defined in 36 CFR 79.

Curation

An integral element of the archaeological process that refers to the long term management and preservation of archaeological materials and their associated documentation.

Destruction or adverse modification

The direct or indirect alteration that appreciably diminishes the value of critical habitat for both the survival and recovery of a listed species. Such alterations include, but are not limited to, alterations adversely modifying any of those physical or biological features that were the basis for determining T&E habitat to be critical.

Direct reporting unit

An Army organization comprised of one or more units with institutional or operational functions, designated by the Secretary of the Army, providing broad general support to the Army in a normally single, unique discipline not otherwise available elsewhere in the Army. DRUs report directly to a Headquarters, Department of the Army principal and/or ACOM and operate under authorities established by the Secretary of the Army.

Discarded military munitions

Military munitions that have been abandoned without proper disposal or removed from storage in a military magazine or other storage area for the purpose of disposal. The term does not include unexploded ordnance (UXO), military munitions that are being held for future use or planned disposal, or military munitions that have been properly disposed of consistent with applicable environmental laws and regulations. (10 USC 2710(e)(2)).

Discharge

A term that includes the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying, or dumping of a substance into or on any land or water (40 CFR 260.10).

Discharge classifications (for oil)

The classifications of accidental discharges listed below, provided to guide the on-scene coordinator (OSC), are criteria for general response actions. They are not criteria for reporting, nor do they imply associated degrees of hazard to the public health or welfare, nor are they measures of environmental damage. However, a discharge that is a substantial threat to the public health or welfare, or results in critical public concern, will be classed as a major discharge. Discharges are quantitatively measured as follows:

- a. Minor discharge: A discharge to the inland waters or less than 1,000 gallons of oil; or a discharge of less than 10, 000 gallons of oil to the coastal waters.
- b. Medium discharge: A discharge of 1,000 gallons to 10,000 gallons of oil to the inland waters, or a discharge of 10,000 to 100,000 gallons of oil to coastal waters.
- c. Major discharge: A discharge of more than 10,000 gallons of oil to the inland waters, or more than 100,000 gallons of oil to the coastal waters.

Disposal (real property)

Any authorized method of permanently divesting DA of control of and responsibility for real property. Reference AR 405–90 for definition of real property.

Disposal (waste)

The discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or HW into or on any land or water. The act is such that the solid waste or HW, or any constituent thereof, may enter the environment or be emitted into the air or discharged into any waters, including ground water (40 CFR 260.10).

Domestic sewage

Waste and wastewater from humans or from household operations that are discharged to or otherwise enter treatment works.

Ecosystem sustainability

A condition of living communities that meets, or can be manipulated to meet, current mission, compliance, stewardship, and production needs without compromising the future ability to meet those needs.

Compliance and stewardship include the protection of all resources, especially soil, water, threatened and endangered (T&E) species, and wildlife.

Effect (under the National Historic Preservation Act)

Alteration to the characteristics of a historic property qualifying it for inclusion in or eligibility for the National Register.

Effluent limitation

Any restriction established by the EPA on quantities, rates, and concentrations of chemical, physical, biological, and other constituents which are discharged from point sources, other than new sources, into navigable waters, the waters of the contiguous zone or the ocean.

Eligible entities

As it pertains to Section 2684a, National Defense Authorization Act (NDAA) FY03, an eligible entity that can enter into cooperative agreements (CAs) with the military can be a State government or political subdivision, or a private entity whose purpose is land and natural resource conservations, restoration, or preservation. As it pertains to Section 2694a, NDAA FY03, an eligible entity can be a State government or political subdivision, or a non-profit organization whose primary purpose is natural resource conservation on real property.

Emission standards

Limits on the quality of emissions that may be discharged to the atmosphere from any regulated source, established by Federal, State, local, and host nation authorities.

Encroachment

All external influences threatening or constraining testing and training activities required for force readiness and weapons acquisition. Such encroachment stems from environmental (for example, noise, endangered species, cultural resources, UXO, and munitions constituents (MC)), social (for example, urban sprawl), and economic (for example, changing land values) influences. Impacts include, but are not limited to, restrictions on available testing and training locations; restrictions on available times and duration for testing and training; reduced effectiveness of testing and training activities; and restrictions on weapons systems, equipment, and munitions used during testing and training.

Enforcement action

A formal, written notification by the EPA or other authorized Federal, State, inter-state, regional or local environmental regulatory agency of violation of any applicable statutory or regulatory requirement. Enforcement action does not include warning letters, notices to comply, notices of potential liability, notices of significant noncompliance, pre-enforcement conference letters, informal notices of deficiencies, or notices of deficiencies to permit applications. One written notice, regardless of the number of individual violations, findings, or citations listed in it, counts as one enforcement action. If the enforcement action cites violations in more than one statutory requirement, then count it as multiple enforcement actions, one under each of the applicable statutory requirement categories. Items found to be out of compliance during an internal or other DoD Component review, compliance reviews, or audits are not included in this definition of enforcement action.

Environment

All of the following are elements of the natural and man-made environment:

- a. Navigable waters.
- b. Near-shore and open waters and any other surface water.
- c. Groundwater.
- d. Drinking water supply.
- e. Land surface or subsurface area.
- f. Ambient air.
- g. Vegetation.
- h. Wildlife.
- i. Humans.
- j. Noise.
- k. Cultural resources.
- l. Socioeconomics.
- m. Coastal resources.

Environmental agreement

Environmental agreements are formal agreements between the Army and other entities to address actual or potential environmental concerns, delineate roles and responsibilities related to specific actions of mutual interest, and/or to reach consensus on courses of action. Environmental agreements include but are not limited to consent orders, compliance agreements, consent agreements, settlements, Federal facility agreements, REPI agreements, and interagency agreements.

Environmental aspect

An element of an organization's activities, products, or services that can interact with the environment. A priority environmental aspect is an environmental aspect that has or can have an impact on the mission and/or the environment.

Environmental audit

A systematic, documented, verification process of objectively obtaining and evaluating evidence to determine whether specified environmental activities, events, conditions, management systems, or information about these matters conform to audit criteria (for example, compliance with Federal, State, and local environmental regulations) and communicating the results of this process to management. These reviews are not audits as defined in DoDI 7600.2.

Environmental awareness training

Environmental knowledge conveyed by written or on-line information, hands-on training, or formal presentations. It is often provided outside a normal school classroom or regularly-scheduled class. It has limited applicability to teaching competence in specific job skills. It is intended to promote an environmental stewardship ethic and create an understanding of the importance of performing job skills in accordance with appropriate environmental requirements. It also encourages consultation with environmental staff and Army or local compliance publications to determine specific procedures.

Environmental condition of property

The Army does not consider the transfer of property from the Army to another Federal agency for their end use to be a deed transfer. The Army must sufficiently document the environmental condition of property being transferred to another Federal agency; therefore, an Environmental Baseline Survey is required. Also, the Army requires an Environmental Condition of Property (ECP) report, a document similar to a finding of suitability to transfer (FOST).

a. An ECP is the same as a FOST, with the following exceptions:

(1) Regulatory participation/review should parallel DoD finding of suitability to lease (FOSL) guidance, which does not require mandatory 30-day review, but early document sharing is encouraged.

(2) IMCOM Regions sign the ECP for categories 1, 2, 3, and 4 (see category descriptions below). Regions may further delegate authority for ECP categories 1 and 2 to GCs. GCs should decide on a property's suitability for lease or transfer. During staffing of the real estate action, HQDA and the Regions, as appropriate, will review the ECP for concurrence.

(3) CERCLA covenant and warranty are not required, since there is no deed.

(4) Transfer prior to all cleanup being complete is allowed and is encouraged.

(5) The Army should negotiate responsibility for environmental cleanup and compliance requirements with the Federal agency acquiring the property.

b. DoD guidance defines seven categories for describing the ECP, based on the extent of environmental contamination on the property and on the status of any associated restoration activities. These categories are defined with respect to CERCLA hazardous substances:

c. Category 1: Areas where no release or disposal of hazardous substances or petroleum products has occurred (including no migration of these substances from adjacent areas).

d. Category 2: Areas where only release or disposal of petroleum products has occurred.

e. Category 3: Areas where release, disposal, and/or migration of hazardous substances has occurred, but at concentrations that do not require a removal or remedial response.

f. Category 4: Areas where release, disposal, and/or migration of hazardous substances has occurred and all removal or remedial actions to protect human health and the environment have been taken.

g. Category 5: Areas where release, disposal, and/or migration of hazardous substances has occurred and removal or remedial actions are under way, but where all required remedial actions have not yet been taken.

- h. Category 6: Areas where release, disposal, and/or migration of hazardous substances have occurred, but where required actions have not yet been implemented.
- i. Category 7: Areas that have not been evaluated or that require additional evaluation.

Environmental considerations

The spectrum of environmental media resources, or programs that may impact on, or are affected by, the planning and execution of military operations. Factors may include, but are not limited to, environmental compliance, pollution prevention, conservation, protection of historical and cultural sites, and protection of flora and fauna (JP 1–02).

Environmental control officer

An individual assigned to a table of organization and equipment (TO&E) or table of distributions and allowances (TDA) organization or unit to accomplish environmental compliance requirements on behalf of his or her responsible commander, director, or supervisor. Designated person also coordinates with supporting permanent installation environmental staff for requirements clarification and assistance. In the Army National Guard (ARNG), coordination is with NGB–ARNG State environmental staff; in the Reserves, with Regional Support Command environmental staff. Organizational levels, and required grade or rank, suitable for assignment of compliance officer duties will be determined by the commander. Commanders should consider mandatory Federal training requirements as well as mission workloads in determining assignment of environmental control officers at the battalion (or equivalent) level and above. Environmental control officers are not required at the company (or equivalent) level and below.

Environmental enhancement

Actions taken to improve the environment. These actions include measures intended to prevent or abate environmental pollution and to meet environmental quality standards.

Environmental hazard

Environmental hazards include all activities that may pollute, create negative noise related effects, degrade archeological/cultural resources, or negatively affect threatened or endangered species habitat. They may also include environmental health related hazards. (See FM 3–100.4, chap 2).

Environmental impact

Any change to the environment, whether adverse or beneficial, wholly or partially resulting from an organization's activities, products, or services.

Environmental management system

That part of an organization's overall management system that includes organizational structure, planning activities, responsibilities, practices, procedures, processes, and resources for developing, implementing, achieving, reviewing, and maintaining the organization's environmental policy.

Environmental management system audit

A systematic and documented verification process of objectively obtaining and evaluating evidence to determine whether an organization's environmental management system (EMS) conforms to the EMS audit criteria set by the organization, and for communication of the results of this process to management.

Environmental management system representative

The individual(s) appointed in writing by an organization's leadership who has defined roles, responsibilities, and authority for ensuring that EMS requirements are established, implemented, and maintained in accordance with ISO 14001 and this regulation. The EMS representative will report on the performance of the EMS to management for review and continual improvement of the EMS.

Environmental objective

An overall environmental goal, arising from the environmental policy, that an organization sets for itself to achieve, and which is quantified where practicable.

Environmental performance

Measurable results of the environmental management system, related to an organization's control of its environmental aspects, based on its environmental policy, objective, and targets.

Environmental planning

Efforts that consider the impact of day-to-day base operations and activities, operational readiness activities, training, exercises, or weapons system introduction on the environment, and where necessary, allow

decision makers to take early action to eliminate or mitigate those impacts. Additionally, environmental planning may require consultation or submission of documentation to demonstrate that environmental considerations have been taken.

Environmental policy

A statement by the organization of its intentions and principles in relation to its overall environmental performance that provides a framework for action and for the setting of its environmental objectives and targets.

Environmental pollution

The condition resulting from the presence of chemical, mineral, radioactive, or biological substances that

- Alter the natural environment.

- Adversely affect human health or the quality of life, biosystems, the environment, in structures and equipment, recreational opportunities, aesthetics, and/or natural beauty.

Environmental Protection Agency Identification Number

The number assigned by EPA to each HW generator; transporter; and treatment, storage, or disposal facility. Reference 40 CFR 260.10; 264.11; 265.11; TB 43–0244, Unit Level Procedures for Handling Service Supplies, Hazardous Materials, and Waste.

Environmental stewardship

Management and oversight of environmental, natural, and living resource assets including but not limited to land, air, water, soils, vegetation, and wildlife. The Army's objective is to plan, initiate, and carry out its actions and programs in a manner that minimizes adverse effects on the environment without impairing the mission and to manage impacts so as to sustain the capability of Army lands to support future as well as present mission uses of ranges and training lands. See also paragraph 1–1(a).

Environmental target

A detailed performance requirement based on ISO 14001, quantified where practicable, applicable to the organization or parts thereof, that arises from the environmental objectives and that needs to be set and met in order to achieve those objectives.

Environmental training

Instruction whose primary purpose is to provide measurable competence for doing specific environmental jobs or tasks. Some is mandated by law or regulation. Commonly taught in a classroom, by such methods as lecture, discussion, or practical exercise. However, other methods may also be used, including web-based or other “distance learning.” Environmental training includes both separate environmental courses and environmental content in non-environmental courses.

Estuary

Regions of interaction between rivers and near-shore ocean waters, where tidal action and river flow mix fresh and salt water. Such areas include bays, mouths of rivers, salt marshes, and lagoons. These brackish water ecosystems shelter and feed marine life, birds, and wildlife.

Executive agent

Executive agents (EAs) are individuals designated by the OSD and are responsible for development, maintenance, oversight of and compliance with the FGS for specified foreign nations. Executive agents are also responsible for consulting with host nation authorities on environmental issues, as required to maintain effective cooperation on environmental matters, and should coordinate with other DoD components in the specific nation.

Explosives or munitions emergency response

All immediate response activities by an explosives and munitions emergency response specialist to control, mitigate, or eliminate the actual or potential threat encountered during an explosives or munitions emergency. An explosives or munitions emergency response may include in-place, render-safe procedures, treatment or destruction of the explosives or munitions, and/or transporting those items to another location to be rendered safe, treated, or destroyed. Any reasonable delay in the completion of an explosives or munitions emergency response caused by a necessary, unforeseen, or uncontrollable circumstance will not terminate the explosives or munitions emergency. Explosives and munitions emergency responses can occur on either public or private lands and are not limited to responses at Resource Conservation and Recovery Act (RCRA) facilities. (Military Munitions Rule, 40 CFR 260.10).

Extremely hazardous substance

A substance included in appendix A or B of 40 CFR 355.

Facility

Facilities include buildings, structures, public works, equipment aircraft, vessels, and other vehicles and property under control of, or constructed or manufactured for leasing to the Army.

Federal

Of or pertaining to a department, agency, or instrumentality of the Federal Government of the United States.

Federal agency official

An individual designated by the head of any department, agency, or instrumentality of the United States (excluding the Smithsonian Institution) as having specific authority to represent the organization on official matters.

Federal Land Manager

An individual having specific authority to manage any land other than tribal lands which are controlled or owned by the United States, including lands selected by but not yet conveyed to Alaska Native Corporations and groups organized pursuant to the Alaska Native Claims Settlement Act of 1971.

Federally listed species

(see species designations)

Federally owned treatment works

A facility that is owned and operated by a department, agency, or instrumentality of the Federal government treating wastewater, a majority of which is domestic sewage, prior to discharge in accordance with a permit issued under section 402 of the Federal Water Pollution Control Act (FWPCA).

Fees

Monetary charges by a regulator for some type of service. Examples include permits, registrations, and inspections.

Final Governing Standards

The FGS are a comprehensive set of country-specific substantive environmental provisions, typically technical limitations on effluent, discharges, and so forth, or a specific management practice, with which all DoD components must comply in a given foreign nation. The FGS are developed by the DoD designated executive agent (EA) via a comparative analysis of standards in the Overseas Environmental Baseline Guidance Document (OEBGD), generally applicable host nation laws, and relevant international agreements. The FGS generally include the standards determined by the EA to be more protective of human health and the environment.

Finding of suitability for early transfer

The primary purpose of a finding of suitability for early transfer (FOSET) is to document that the property is suitable for early transfer for the use intended by the transferee, and the intended use is consistent with protection of human health and the environment. A FOSET must demonstrate that the deed or other agreement proposed to govern the transfer between the United States and the transferee of the property contains the appropriate response action assurances specified in CERCLA Section 120(h)(3)(C)(ii): the Federal agency requesting the deferral has provided notice, by publication in a newspaper of general circulation in the vicinity of the property, of the proposed transfer and of the opportunity for the public to submit, within a period of not less than 30 days after the date of the notice, written comments on the suitability of the property for transfer; and the deferral and the transfer of the property will not substantially delay any necessary response action at the property.

Finding of suitability to lease

A finding of suitability to lease (FOSL) is the document that conveys the result of the evaluation process used to determine that DoD property is environmentally suitable to lease. The determination of suitability to lease property is made only when the intended use of the leased property is consistent with protection of human health and the environment and will not interfere with any existing or planned environmental restoration activities. A FOSL is not required, unless deemed necessary by the DoD Component, for easements for use of real property. The FOSL and the process for preparing one are similar to the FOST

and its preparation process. Similar to the FOST, preparation of a FOSL does not obviate the need to comply with the National Environmental Policy Act (NEPA).

Finding of suitability to transfer

The primary purpose of a finding of suitability to transfer is to document that the property is environmentally suitable for transfer by deed under CERCLA and DoD FOST Guidance. The FOST process was developed to meet the statutory and regulatory requirements associated with transferring Federal real estate. A FOST must demonstrate that either the property is uncontaminated or that all necessary remediation has been completed or is in place and operating properly and successfully. These demonstrations are necessary to support the deed covenant required by CERCLA Section 120(h) that all remedial action necessary to protect human health and the environment has been taken. In addition, under CERCLA Section 120(3)(A), a deed to transfer property by the United States must contain (1) notice of the type and quantity of hazardous substances, (2) notice of the time at which such hazardous substance, storage, release, or disposal took place, and (3) a description of any remediation action taken.

Fine

Any monetary penalty or assessment levied for violation of any environmental law or regulation.

Forest management

The science, the art and the practice of managing the natural resources that occur on or in association with forest lands to achieve installation and Army goals.

Forest products

All plant materials in wooded areas that have commercial value.

Formal consultation

The process between the USFWS or NOAA–Fisheries and a Federal agency that commences with the Federal agency's written request for consultation and concludes with the issuance of a biological opinion from the USFWS or NOAA–Fisheries.

Formerly used defense sites

A FUDS is defined as a facility or site (property) that was under the jurisdiction of the Secretary of Defense and owned by, leased to, or otherwise possessed by the United States at the time of actions leading to contamination by hazardous substances. By DERP policy, the FUDS program is limited to those real properties that were transferred from DoD control prior to 17 October 1986. FUDS properties can be located within the 50 States, District of Columbia, Territories, Commonwealths, and possessions of the United States.

Garrison commander

The GC is a military officer, Lieutenant Colonel or Colonel, selected by the Department of the Army. The GC commands the garrison, and is responsible for day-to-day operations to maintain living and working conditions for all personnel on the installation. The GC is the lead for base support operations management for the senior mission commander/senior commander (SMC/SC). The GC is rated by the Regional Director and senior rated by the mission commander, either the SC or SMC, as applicable. The GC is IMCOM's executive agent at installation level, providing IMCOM services and obtaining resources through IMCOM channels. The GC also provides continuity of installation command during mission activity deployments. The GC may be appointed as Summary Courts Martial convening authority or Special Courts Martial convening authority for the installation and its supported area. In some cases, the senior IMCOM official on an installation may be a civilian, the garrison manager. A garrison manager, as the civilian equivalent of a GC, has the same responsibility and authority as the military counterpart, with the exception of Uniform Code of Military Justice and command authority, as defined by AR 600–20 (para 1–5a).
The GC/ GM:

- a. Commands the U.S. Army Garrison.
- b. Provides IMCOM services in accordance with respective guidance and common levels of support.
- c. Coordinates and integrates the delivery of garrison support activity services.
- d. Prioritizes requirements and support operations.

Generator

See Hazardous waste generator.

Grounds

This definition is used to classify installation acreage according to the level of grounds maintenance required and includes all land and water acreage for which an senior commander has responsibility (including satellite areas). Grounds are grouped into the following three categories:

- a. Improved grounds. This category includes acreage on which intensive grounds maintenance activities must be planned and performed annually as fixed requirements. Activities include mowing, irrigation, fertilization, cultivation, aeration, seeding, sodding, spraying, pruning, trimming; weed, dust and erosion control; drainage, planting for landscape effect, wind and sound abatement, and other intensive practices.
- b. Semi-improved grounds. This category includes areas on which periodic recurring grounds maintenance is performed but to a lesser degree than on improved grounds. Practices normally include such cyclic variables such as soil sterilization, weed and brush control, drainage maintenance, mowing for fire protection and major land repair/ restoration/rehabilitation that may result from mission activities. Semi-improved grounds acreage may be combined with improved grounds acreage for reporting purposes only when two categories of grounds (improved and other than improved) are used.
- c. Unimproved grounds. All other acreage (including water areas, areas under buildings and surfaced areas) not classified as improved or semi-improved. Practices and intervals of attention are generally unpredictable such as might evolve from flood, fire, insects, or disease epidemics

Groundwater

Water contained within the earth's subsurface that is under pressure equal to or greater than atmospheric pressure.

Habitat

An area where a plant or animal species lives, grows, and reproduces, and the environment that satisfies any of their life requirements.

Harmful discharge (of oil)

Harmful discharges are such that they do at least one of the following:

- a. Violate applicable water quality standards.
- b. Cause a film or sheen upon, or discoloration of, the surface of the water or adjoining shorelines.

Hazardous chemical

A hazardous chemical is defined in 40 CFR 355 and 370 which implement the Emergency Planning and Community Right-to-Know Act (EPCRA). Those sections define hazardous chemical as defined under Paragraph (c), Section 1200, Part 1910, Title 29, Code of Federal Regulations (29 CFR 1910.1200), except that such term does not include the following substances:

- a. Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration.
- b. Any substance present as a solid in any manufactured item to the extent exposure to the substance does not occur under normal conditions of use.
- c. Any substance to the extent it is used for personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and used by the general public.
- d. Any substance to the extent it is used in a research laboratory or a hospital or other medical facility under the direct supervision of a technically qualified individual.
- e. Any substance to the extent it is used in routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer.

Hazardous material

A material as defined by Federal Standard, Material Safety Data, Transportation Data and Disposal Data for Hazardous Materials Furnished to Government Activities ((FED-STD-313C, 3 April 96) (GSA has authorized the use of this Federal standard by all Federal agencies)).

- a. Any item or chemical which is a "health hazard" or "physical hazard" as defined by the Occupational Safety and Health Act (OSHA) in 29 CFR 1910.1200, which includes the following:
 - (1) Chemicals which are carcinogens, toxic, or highly toxic agents, reproductive toxins; irritants, corrosives, sensitizers, nephrotoxins, neurotoxins, agents which act on the hematopoietic system, and agents which damage the lungs, skin, eyes, or mucus membranes.
 - (2) Chemicals which are combustible liquids, compressed gases, explosives, flammable liquids, flammable solids, organic peroxides, oxidizers, pyrophorics, unstable (reactive) or water-reactive.

(3) Chemicals which in the course of normal handling, use, or storage operations may produce or release dusts, gases, fumes, vapors, mists, or smoke which have any of the above characteristics.

b. Any item or chemical which is reportable or potentially reportable or notifiable as inventory under the requirements of the Hazardous Chemical Reporting (40 CFR 370), or as an environmental release under the reporting requirements of the Toxic Chemical Release Reporting: Community Right To Know (40 CFR 372), which include chemicals with special characteristics which in the opinion of the manufacturer can cause harm to people, plants, or animals when released by 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 receptacles).

c. Any item or chemical which, when being transported or moved, is a risk to public safety or an environmental hazard and is regulated as such by one or more of the following:

(1) Department of Transportation Hazardous Materials Regulations (49 CFR 100–180).

(2) International Maritime Dangerous Goods Code of the International Maritime Organization.

(3) Dangerous Goods Regulations of the International Air Transport Association.

(4) Technical Instructions of the International Civil Aviation Organization.

(5) U.S. Air Force Joint Manual, Preparing Hazardous Materials for Military Air Shipments (AFJMAN 24–204).

Hazardous substance

A substance as defined by section 101(14) of CERCLA.

a. For the purposes of this regulation a hazardous substance is any of the following:

(1) Any substance designated pursuant to section 311(b)(2)(A) of the CWA.

(2) Any element, compound, mixture, solution, or substance designated pursuant to section 102 of the CAA.

(3) Any HW having the characteristics identified under the RCRA.

(4) Any toxic pollutant listed under 15 USC 2601, et seq. (TSCA).

(5) Any hazardous air pollutant (HAP) listed under section 112 of the CAA.

(6) Any imminently hazardous chemical substance or mixture with respect to which the EPA Administrator has taken action pursuant to subsection 7 of 15 USC 2601, et seq. (TSCA).

b. The term does not include:

(1) Petroleum, including crude oil or any fraction thereof, which is not otherwise specifically listed or designated as a hazardous substance in paragraph a above.

(2) Natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures or natural gas and such synthetic gas usable for fuel).

(3) A list of hazardous substances is found in Section 4, Part 302, Title 40, Code of Federal Regulations (40 CFR 302.4).

Hazardous waste

A waste identified in Section 3, Part 261, Title 40, Code of Federal Regulations (40 CFR 261.3) or applicable foreign law, rule, or regulation (see also solid waste).

Hazardous waste disposal

As defined in 40 CFR 260.10, disposal means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or HW into or on any land or water so that such solid waste or HW or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground waters.

Hazardous waste generator

The HW generator is defined in 40 CFR 260.10 and DoDM 4715.05. Any person or activity (unit, organization, or tenant), whose act or process produces HW identified or listed in part 261.10 or whose act first causes a HW to become subject to regulation. For reporting purposes in the Army, the GC is considered the generator. For fiscal purposes, the generator is the unit.

Hazardous waste storage

As defined in 40 CFR 260.10, the holding of HW for a temporary period, at the end of which the HW is treated, disposed of, or stored elsewhere.

Hazardous waste treatment

As defined in 40 CFR 260.10, any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any HW so as to neutralize such waste, or so as to recover energy or material resources from the waste, or so as to render such waste non-hazardous or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume.

Historic district (under the National Historic Preservation Act)

A geographical area encompassing a number of historic properties (see historic property below).

Historic property (under the National Historic Preservation Act)

Any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places (NRHP) maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian Tribe or Native Hawaiian organization and that meet the National Register criteria.

Inadvertent discovery (under the Native American Graves Protection and Repatriation Act)

Inadvertent discovery means the unanticipated encounter or detection of human remains, funerary objects, sacred objects, or objects of cultural patrimony found under or on the surface of Federal or tribal lands.

Incidental take

For 16 USC Chapter 35 (ESA) incidental take is defined as “take of a listed fish or wildlife species that results from, but is not the purpose of, carrying out an otherwise lawful activity by the Federal Agency or applicant (50 CFR 402.02).

Indian Tribe

Indian Tribe means an Indian or Alaska Native Tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian Tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 USC 479a.

Inspection

Any visit by a regulatory agency, with legal authority, for the purpose of assessing regulatory compliance.

Installation

An aggregation of contiguous, or near contiguous, real property holdings commanded by a centrally-selected commander. Installations represent management organizations. An installation may be made of one or more sites. In addition, two types of “virtual” installations exist within the Army. The Army National Guard has virtual installations, identified as each state commanded by the Adjutant General, under which are Readiness Centers or sites. Each Army Reserve regional readiness command is, likewise, defined as a virtual installation under which Reserve centers are identified as sites.

Installation corrective action plan

A comprehensive plan developed by each installation that lists Environmental Performance Assessment System (EPAS) findings, proposed corrective actions, and the status of the findings. Installations are required to enter the ICAP in the EPAS software, and provide a copy to their commanders for review every year.

Installation Engineer

The installation level engineer responsible for the management, operation, and maintenance of all real property to include: buildings, pavements, utility systems, natural and cultural resources, and environmental programs.

Installation Pest Management Coordinator

The individual officially designated by the senior commander to coordinate and oversee the installation pest management program and installation pest management plan. Pest management coordinators will be certified as pesticide applicators if their job responsibilities require them to apply or supervise the use of pesticides.

Integrated cultural resources management plan

A 5-year plan developed and implemented by an senior commander to provide for the management of cultural resources in a way that maximizes beneficial effects on such resources and minimizes adverse effects and impacts without impeding the mission.

Integrated natural resources management plan

The senior commander's adaptive plan for managing natural resources to support and be consistent with the military mission while protecting and enhancing those resources for multiple use, sustainable yield, and biological integrity. The management of natural resources is a series of processes over a long period. The INRMP provides incremental steps to achieve those long-term goals, and normally includes a five-year schedule of activities.

Integrated pest management

Integrated pest management (IPM) is a sustainable approach to managing pests by combining biological, cultural, physical, and chemical tools in a way that minimizes economic, health, and environmental risks.

Integrated pest management plan

The IPMP is a long-range, comprehensive, planning and operational document required by DoDI 4150.07 to ensure the establishment and maintenance of a safe, effective, and environmentally sound program for preventing and controlling damage to human health, facilities, infrastructure, materiel, or the environment that may be caused by problem species of insects, plants, animals, and so forth.

Integrated solid waste management

A practice using several alternative waste management techniques to manage and dispose of specific components of the municipal solid waste stream. Waste management alternatives include source reduction, recycling, composting, energy recovery, and land filling. (From EPA, Decision Maker's Guide, Volume II).

Integrated Training Area Management Program

The Army program for the management and sustainment of military training and testing lands, and other land uses which provides for: standardized range and training land assessment to inventory and monitor land; rehabilitation, revegetation, and maintenance technologies; sustainable range awareness; decision support systems; and integration of military training requirements with land capabilities.

International agreement

An international agreement is a multilateral or bilateral treaty, a base rights or access agreement, a Status of Forces Agreement (SOFA), including practices and standards established pursuant to such agreement.

International Organization for Standardization 14000/14001

ISO 14000 is a group of voluntary international standards addressing environmental management systems, environmental auditing, environmental labeling, environmental performance evaluation, and life cycle assessments. The standards were developed by the International Organization for Standardization (ISO) and are commonly referred to as the ISO 14000 series. The series provides an organization with a systematic approach to environmental management. ISO 14001 provides the detailed specifications and requirements for an environmental management system, or EMS. A complete copy of the standard is available on the Defense Environmental Network and Information Exchange.

Invasive species

An alien species whose introduction causes or is likely to cause economic or environmental harm or harm to human health. Alien species means with respect to a particular ecosystem, any species, including its seeds, eggs, spores, or other biological material capable of propagating that species, that is not native to that ecosystem.

Jeopardize the continued existence of

To engage in an action that reasonably would be expected, directly or indirectly, to reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species.

Land Condition Trend Analysis methods

Standardized land (soil, vegetation, topographic, and wildlife) inventory and monitoring procedures used for the analysis and comparability of Army lands over time.

Land management

The planning and execution of programs to improve, utilize, and maintain all land and water areas for the greatest long-term net public benefit while supporting the military mission. Included are subordinate land uses that are mutually compatible and consistent with maintaining environmental qualities.

Land use planning zone

A contour that is used to account for days of higher than average operations. Noise sensitive land uses are compatible within the LUPZ.

Leak (release) detection system

A system capable of detecting the failure of either the primary or secondary containment structure or the presence of a release of product waste or accumulated liquid in the secondary containment structure. Such a system must employ operational controls (for example, daily visual inspections for releases into the secondary containment system of the aboveground tank) or consist of an interstitial monitoring device designed to continuously and automatically detect the failure of the primary or secondary containment structure in the presence of a release of HW into the secondary containment structure.

Lease

A written agreement which conveys a possessory interest in real property, usually exclusive, for a period of time for a specified purpose.

Lifecycle cost analysis

Determination of expenses incurred of a product or process over its entire existence. It includes all the cost of mining the raw materials to the eventual destruction and/or disposal of the product or process.

Listed hazardous substance

A substance designated under any of the following (any HW listed under or having the HW characteristics identified according to section 3001 of the RCRA & any substance listed under section 102 of CERCLA):

- a. Sections 307(a) and 311(b)(2)(A) of CWA.
- b. Section 112 of CAA.
- c. Section 7 of 15 USC 2601, et seq. (TSCA).

Listed species

Any species of fish, wildlife, or plant which has been determined to be endangered or threatened under section 4 of 16 USC 35 (ESA). Listed species are found in 50 CFR 17.11–17.12.

Low-level radioactive waste

Radioactive waste not classified as high level radioactive waste, transuranic waste, or a byproduct material as defined in subsection 11(i)(2) of Section 2011, Title 42, United States Code, (42 USC 2011, Atomic Energy Act). See also radioactive material below.

Materiel

All items (including ships, tanks, self-propelled weapons, aircraft, and so on, and related spares, repair parts, and support equipment, but excluding real property, installations, and utilities) necessary to equip, operate, maintain, and support military activities without distinctions as to its application for administrative or combat purposes.

Measure of merit

An objective criterion used to measure progress in achieving established DoD environmental performance goals.

Memorandum of agreement (under the National Historic Preservation Act)

The document that records the terms and conditions agreed upon to resolve the adverse effects of an undertaking upon historic properties.

Memorandum of understanding

A written document executed by the parties which establishes policies or procedures of mutual concern. It does not require either party to obligate funds and does not create a legally binding commitment.

Military munitions

Military munitions means all ammunition products and components produced for or used by the armed forces for national defense and security, including ammunition products or components under the control of the DoD, the USCG, the Department of Energy, and the ARNG. The term includes confined gaseous,

liquid, and solid propellants, explosives, pyrotechnics, chemical and riot control agents, smokes, and incendiaries, including bulk explosives and chemical warfare agents, chemical munitions, rockets, guided and ballistic missiles, bombs, warheads, mortar rounds, artillery ammunition, small arms ammunition, grenades, mines, torpedoes, depth charges, cluster munitions and dispensers, demolition charges, and devices and components thereof. The term does not include wholly inert items, improvised explosive devices, and nuclear weapons, nuclear devices, and nuclear components, except that the term does include non-nuclear components of nuclear devices that are managed under the nuclear weapons program of the Department of Energy after all required sanitization operations under 42 USC 2011 (Atomic Energy Act) have been completed. (10 USC 2710(e)(3)(A) and (B)).

Military munitions response

DoD response actions (removal or remedial) to investigate and address the explosives safety, human health, or environmental risks presented by munitions and explosives of concern (MEC), discarded military munitions (DMM) and MC. (The response could be as simple as a notification to the community with an education program about the hazards posed by military munitions and how to avoid them, or as complicated as a long-term response action involving sophisticated technology, specialized expertise, and significant resources.)

Monitoring

The assessment of emissions and ambient air quality conditions. The following monitoring techniques are used:

- a. Emission estimates.
- b. Visible emission readings.
- c. Diffusion or dispersion estimates.
- d. Sampling or measurement with analytical instruments.

Multiple use

The integrated management of all natural resources, each with the other, to achieve the optimum use and enjoyment while maintaining the environmental qualities, ecological relationships and aesthetic values in proper balance.

Municipal Separate Storm Sewer System

Any conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains) owned by a state, city, local municipality, or Federal government and that is designed for the collection and conveyance of storm water, which is not combined with a sanitary sewer and not part of a publicly owned treatment works (POTW).

Munitions and explosives of concern

This term, which distinguishes specific categories of military munitions that may pose unique explosives safety risks, means:

- a. UXO, as defined in 10 USC 101(e)(5)(A);
- b. Discarded military munitions (DMM), as defined in 10 USC 2710(e)(2); or
- c. MC (that is, trinitrotoluene (TNT), cyclotrimethylenetrinitramine (RDX)), as defined in 10 USC 2710(e)(3), present in high enough concentrations to pose an explosive hazard.

Munitions constituents

Any material originating from UXO, discarded military munitions (DMM), or other military munitions, including explosive and non-explosive materials, and emission, degradation, or breakdown elements of such ordnance or munitions. (10 USC 2710)

Munitions response

Response actions, including investigations, removal actions, and remedial actions to address the explosives safety, human health, or environmental risk presented by MEC, DMM, or MC.

National Environmental Policy Act

U.S. statute that requires all Federal agencies to consider the potential effects of proposed actions on the human and natural environment.

National Pollutant Discharge Elimination System permit

A permit issued pursuant to section 402 of the FWPCA. A NPDES permit is required for the discharge of pollutants from any point source into waters of the United States.

National Register of Historic Places

The nation's inventory of known historic properties that have been formally listed by the National Park Service (NPS). The NRHP is administered by the NPS on the behalf of the Secretary of the Interior. National Register listings include districts, landscapes, sites, buildings, structures, and objects that meet the set of criteria found in 36 CFR 60.4

National Response Team

A team of representatives from the primary and advisory agencies that serves as the national policy-making body for planning and preparedness actions to prevent and minimize accidental pollution discharges.

Native American Graves Protection and Repatriation Act items

Human remains, funerary objects, sacred objects, or objects of cultural patrimony that are excavated intentionally from or inadvertently discovered on Federal or tribal lands.

Native Hawaiian organization

Any organization that serves and represents the interests of, has a primary stated purpose to provide services to, and has expertise in Native Hawaiians and Native Hawaiian affairs. Such organizations must include the Office of Hawaiian Affairs and Hui Malama I Na Kupuna 'O Hawaii Nei.

Natural resources

The viable and/or renewable products of nature and their environments of soil, air, and water. Included are the plants and animals occurring on grasslands, rangelands, croplands, forests, lakes, and streams.

Noise zones I, II, and III

Land use planning areas for the purpose of maintaining uses that are compatible with the existing and future noise environments.

Non-Federal

Any entity that is not part of a department, agency, or instrumentality of the Federal government of the United States.

Non-point source

Diffuse sources of pollution (that is, without a single point of origin or not introduced into a receiving water from a discrete conveyance). Pollutants are generally carried off the land by stormwater or snow melt. Common non-point sources include agriculture, forestry, urban, construction, dams, channels, land disposal, saltwater intrusion, and city streets.

Noxious weed

Plant species identified by Federal or State agencies as requiring control or eradication.

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.

Oil

Oil or petroleum products of any kind or in any form, and oil mixed with wastes other than dredged spoil.

On-scene coordinator

The Federal official pre-designated by EPA or USCG to coordinate and direct Federal responses under subpart D, and removals under subpart E, of 40 CFR 300; or

a. The DoD or U.S. Department of Energy official designated to coordinate and direct the removal actions from releases of hazardous substances, pollutants, or contaminants where either the release is on, or the sole source of the release is from, any facility or vessel under the jurisdiction, custody, or control of their departments respectively; or,

b. The official designated by any other Federal department or agency to coordinate and direct removal actions other than emergencies where either the release is on, or the sole source of the release from, any facility or vessel under the jurisdiction, custody, or control of those departments and agencies.

Open burning

The combustion of any material without the characteristics below:

- a. Control of combustion air to maintain adequate temperature for efficient combustion.
- b. Containment of the combustion reaction in an enclosed device to provide enough residence time and mixing for complete combustion.
- c. Control of emission of the gaseous combustion products.

Operating tempo

Operating tempo is the pace of unit training that the Army believes it needs to conduct to maintain its fleet of tracked and wheeled vehicles at a prescribed readiness level. Stated another way, it is a resource gauge the Army measures to indicate the amount of miles or operating hours required to execute a unit commanders training strategy to achieve a given specific readiness level.

Operational noise

The outdoor noise environment consisting of the noise, including ambient noise, from all sources. The noise environment of the workplace is not considered operational noise.

Operational range

A range that is under the jurisdiction, custody, or control of the Secretary of Defense and that is used for range activities; or although not currently being used for range activities, that is still considered by the Secretary to be a range and has not been put to a new use that is incompatible with range activities (10 USC 101(e)(3)(A) and (B)). Also includes "military range," "active range," and "inactive range" as those terms are defined in 40 CFR 266.201.

Operational readiness

The umbrella term and supporting program that encompasses all the resources required of a unit to maintain readiness standards.

Organization

Company, corporation, authority, or institution, or part or combination thereof, whether incorporated or not, public or private, that has its own functions and administration.

Outdoor recreation

Recreational program, activity, or opportunity that is dependent on the natural environment. Examples are hunting, fishing, trapping, picnicking, bird-watching, ORV use, hiking and interpretive trails use, wild and scenic river use, and underdeveloped camping areas. Developed or constructed activities such as golf courses, lodging facilities, boat launching ramps, and marinas are not included.

Outgrant

Reference AR 405–80 for specific definitions. A real property legal document which conveys or gives the right to use Army-controlled real property, including leases, permits, licenses, and easements.

Overseas environmental baseline guidance document

A set of objective criteria and management practices developed by the DoD, to protect human health and the environment at overseas installations, and to be used by the designated EA during the comparative analysis process used to develop FGS. In addition, the OEBGD contains implementing guidance for executive agents, GCs and DoD components.

Permanent installation

An aggregation of real property holdings under the jurisdiction of the DoD, controlled by and at which an Regular Army unit or activity is permanently assigned.

Pest management

The prevention and control of animal and insect disease vectors and other pests that may adversely affect the DoD mission or military operations; the health and well-being of people; or structures, materiel, or property.

Pest management consultant

Personnel who meet the DoD educational and experience criteria for PPMP and who serve at IMCOM, , National Guard Bureau and higher Army-levels of command. Pest management consultants interpret and establish program standards for installation programs and are responsible for evaluating and providing technical guidance to support these programs.

Pest management quality assurance evaluator

Personnel technically qualified in the management and oversight of pesticide applicators and pest management contracts by training, per DoD standards, which protect the Government's interest through on-site performance evaluation of commercial contracts involving pest management or other contracts that involve the use of pesticides. See AR 5–20.

Pesticide

Any substance or mixture of substances, including chemical biological control agents, that may prevent, destroy, repel, or mitigate pests and are specifically labeled for use by the EPA. Also, any substance or mixture of substances used as a plant regulator, defoliant, desiccant, disinfectant, or biocide.

Pesticide security

The prevention of intrusion to areas used to store pesticides and other toxic chemicals to ensure that they have appropriate security protections to prevent intruder access to equipment used in mixing, loading, and applying pesticides. Pesticide applicators must have proper authorization and identification.

Pests

Arthropods, birds, rodents, nematodes, fungi, bacteria, viruses, algae, snails, marine borers, snakes, weeds, mollusks, and other organisms (except for excluding microbial/bacterial/viral disease pathogens, but including organisms that may transmit human or animal disease-causing organisms) that adversely affect readiness, military operations, or the well-being of personnel and animals; attack or damage real property, supplies, equipment, or vegetation; or are otherwise undesirable.

Point source

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.

Pollutant (water)

Dredged spoil; solid waste; incinerator residue; sewage; garbage; sewage sludge; munitions; chemical wastes; biological materials; radioactive materials; heat, wrecked, or discarded equipment; rock; sand; cellar dirt; and industrial, municipal, and agricultural waste discharged into water. A broad term which generally encompasses most material which is added to the water constitutes a pollutant.

Pollution

See environmental pollution.

Pollution prevention

Use of processes, materials, or products that avoid, reduce, or control pollution, which may include recycling, treatment, process changes, control mechanisms, efficient use of resources and material substitution.

Pollution prevention opportunity assessment

Provides the technical and economic information necessary for selecting appropriate pollution prevention techniques.

Pollution prevention plan

A plan developed and maintained by an senior commander that sets forth the installation's contribution to the goals and requirements established by EO 13423, including reductions in use and release of toxic chemicals and ODS and in the generation of HW.

Prescribed burning

Skillful application of fire to natural fuels under conditions of weather, fuel moisture, soil moisture, and so on, to allow confinement of the fire to a predetermined area while producing the intensity of heat and rate of spread required to accomplish certain planned benefits. These benefits may include all or one or more objectives of silviculture, wildlife management, grazing, hazard reduction, and so forth. Its objective is to employ fire scientifically to realize maximum net benefits at minimum damage (if any) and acceptable cost.

Pretreatment (wastewater)

The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into a treatment works.

Pretreatment standard

Any regulation containing pollutant discharge limits promulgated by the EPA in accordance with section 307(b) and (c) of the FWPCA, which applies to Industrial Users. This includes prohibitive discharge limits established pursuant to Section 5, Part 403, Title 40, Code of Federal Regulations (40 CFR 403.5).

Primary agencies (for the National Response Team)

The Federal departments or agencies comprising the National Response Team (NRT); that is, the Departments of Commerce, Interior, Transportation, and Defense; and the EPA. These agencies have primary responsibility and resources to promote effective operation of the national oil and hazardous substances pollution contingency plan.

Primary drinking water standards

Standards for those contaminants in drinking water, which may cause an adverse health effect on the consumer. In the form of maximum contaminant levels, treatment, techniques, or action levels, these standards are federally enforceable.

Proactive

Taking the initiative by acting rather than reacting to events.

Professional pest management professional

The DoD military officers commissioned in the Medical Service or Biomedical Sciences Corps or DoD civilian personnel with college degrees in biological or agricultural sciences that are in a current assignment that includes pest management responsibilities exercised regularly. The DoD civilian employees also will meet Office of Personnel Management qualification standards. Based on assignment, some PPMP are Certifying Officials.

Programmatic agreement (under the National Historic Preservation Act)

A document that records the terms and conditions agreed upon to resolve the potential adverse effects of a Federal agency program, complex undertaking or other situations in accordance with 36 CFR 800.14(b), NHPA.

Proponent

Proponent identification depends on the nature and scope of a proposed action. Any Army organization may be a proponent (for example, for a project, program, or regulation). In general, the proponent is the unit, element, or organization that is responsible for initiating and/or carrying out the proposed action. The proponent is responsible for programming and/or securing funding for such actions.

Proposed species

A fish, wildlife, or plant species that is proposed in the Federal Register to be listed as endangered or threatened under 16 USC 35 (ESA).

Public water systems

Systems that provide water for human consumption through pipes or other constructed conveyances to at least 15 service connections or serves an average of at least 25 people for at least 60 days a year. There are three types of public water systems:

- a. Community Water System (CWS): A public water system that supplies water to the same population year-round.
- b. Non-Transient Non-Community Water System (NTNCWS): A public water system that regularly supplies water to at least 25 of the same people at least six months per year, but not year-round. Some examples are schools, factories, office buildings, and hospitals which have their own water systems.
- c. Transient Non-Community Water System (TNCWS): a public water system that does not regularly supply water to at least 25 of the same persons over six months per year.

Publicly owned treatment works

Any device or system used in the treatment (including recycling and reclamation) of municipal sewage or industrial wastes of a liquid nature which is owned by a State or municipality.

Quarantine

A restraint placed upon the activities or communication of persons or the transport of goods designed to prevent the spread of disease or pests.

Radioactive material

Any material or combination of materials that spontaneously emit ionizing radiation.

Range

A designated land or water area that is set aside, managed, and used for range activities of the DoD. The term includes firing lines and positions, maneuver areas, firing lanes, test pads, detonation pads, impact areas, electronic scoring sites, buffer zones with restricted access, and exclusionary areas. The term also includes airspace areas designated for military use in accordance with regulations and procedures prescribed by the Administrator of the Federal Aviation Administration.

Range activities

Research, development, testing, and evaluation of military munitions, other ordnance, and weapons systems; and the training of members of the armed forces in the use and handling of military munitions, other ordnance, and weapons systems.

Real property

This includes the definition for real property found in the Federal Property Management Regulations, 41 CFR 101–47. 103.12.

Reclamation

Regeneration of a material, or processing of a material to recover a usable product. Examples include recovery of lead from spent batteries, or the regeneration of spent solvents.

Recovery

The improvement in the status of listed species to the point at which listing is no longer appropriate under the criteria set out in section 4(a)(1) of 16 USC 35 (ESA).

Recovery plan

A plan developed by the USFWS or NOAA–Fisheries, as required by 16 USC 35 (ESA), for the conservation, survival, and recovery of a listed species.

Recreational waters

Recreational waters are water bodies that are commonly used for recreational purposes. They include, but are not necessarily limited to, swimming pools, water parks, hot tubs, lakes, rivers, and the ocean.

Recycling

The process by which materials otherwise destined for disposal are collected, reprocessed, or remanufactured, and are reused. A distinction exists between onsite recycling (that is, where a waste is discharged from a process, but not from the installation, for recycling) and off-site recycling (that is, where the waste is transported from the generating activity to an off-site recycler).

Regional administrator

The regional administrator of the EPA regional office in which the subject property is located.

Regional response team

A team of regional Federal representatives of the primary or selected advisory agencies. It acts within its region as an emergency response team that performs functions like those of the NRT.

Regulated tank

A tank constructed above, below, or on the ground, which is regulated by Federal or State authorities because it contains an oil or hazardous substance. Above ground tank requirements are found at 40 CFR 110, underground storage tank (UST) requirements at 40 CFR 280. Exceptions for heating oil tanks are found at 40 CFR 280.12. State regulations may be more stringent.

Release

A discharge of one or more hazardous substances into the environment by any means. Excluded are minor releases within the workplace, emissions from engine exhaust, and normal applications of fertilizer.

Reportable spill or event

A release of a reportable quantity of oil or hazardous substance into the environment. The EPA National Response Center is to be notified immediately.

- a. For oil (defined by 40 CFR 110): A discharge of such quantities of oil into or upon the navigable waters of the United States, its adjoining shorelines, or the contiguous zone so as to meet the qualifications listed in harmful discharge (of oil) into navigable waters or into or beyond the contiguous zone above.
- b. For hazardous substances: Any release of one or more reportable substances in reportable quantities into the environment.

Resource recovery

A term describing the extraction and use of materials and energy from the waste stream. The term is sometimes used synonymously with energy recovery.

Response action

The cleanup or removal of released hazardous substances from the environment. This includes actions necessary in the event of the threat of release of hazardous substances into the environment; such actions as may be necessary to monitor, assess, and evaluate the release or threat of release of hazardous substances; the disposal of removed material; or the taking of such other actions as may be necessary to prevent, minimize, or mitigate damage to the public health or welfare or to the environment, which may otherwise result from a release or threat of release.

Restoration Advisory Board

A RAB is a forum of representatives of the DoD, EPA, State and local government, and public representative(s) of the potentially affected community. RAB members can provide input to the Army's environmental restoration program (ERP) at both operating and closing or realigning installations. The RAB reflects the diverse makeup of the community, gives all stakeholders the opportunity to participate in the cleanup process, and make their views known to decision makers.

Reuse

A material is used or reused if it is either:

- a. Used as an ingredient (including use as an intermediate) in an industrial process to make a product (for example, distillation bottoms from one process used as a feedstock in another process).
- b. Used in a particular function or application as an effective substitute (for example, spent battery acid accumulated by the DRMO could be used in industrial waste-water treatment facilities to precipitate phosphorous, and act as a sludge conditioner).

Risk assessment

Environmental risk assessment is the formal systematic evaluation of any environmental hazard that may pose a risk to human health or the environment. It may include an on-site investigation to determine the existence, nature, severity, and location of hazards and options for reducing the hazards.

Sacred site

Any site that traditional Native American religious leaders use for the practice of traditional Native American religions by their present-day adherents.

Secondary drinking water standards

Standards for those contaminants in drinking water, which may affect the aesthetic quality of the water, but have no adverse health effects. In the form of secondary maximum contaminant levels, these standards are not federally enforceable, but may be enforced by a State regulatory agency.

Senior commander

The SC is usually the senior mission commander (SMC) residing on the installation or in the surrounding community. The SC is responsible for mission activity services. The SC may be appointed as General Courts Martial convening authority for the installation and its support area.

- a. The SC's installation management responsibilities include:
 - (1) Senior rate the GC.
 - (2) Act as principal customer advocate to the GC.
 - (3) Serve as the senior Army spokesperson to the surrounding community.
 - (4) Provide installation management services that are the responsibility of the senior mission activity.
 - (5) Oversee and prioritize force protection implementation.

(6) Approve priorities for training and training support services, mission support, MCA projects, well being programs and force protection.

(7) Approve installation-level policies for Soldiers in accordance with respective Army regulations.

b. The SC's responsibilities may change in instances where the SC is remotely located away from the installation and does not have day-to-day oversight of installation activities.

Senior mission commander

The SMC will be a General Officer and designated by Senior Army Leadership. The SMC is responsible for the primary mission activity on several installations. The SMC provides executive level oversight of installation management services to the mission activities and other customers. The SMC need not reside or work on the installation. SMC installation management responsibilities are to:

a. Assist the GC in obtaining resources by advocating priority needs through the ACOMs, ASCCs, DRUs, and the IMCOM.

b. Act as the principal customer advocate to the SC and GC.

c. Approve the priorities for mission support, MCA projects, well-being programs and force protection requirements.

d. Provide overall force protection guidance.

e. Senior rate the GC.

Sewage sludge

Any solid, semi-solid, or liquid residue removed during the treatment of municipal wastewater or domestic sewage.

Significant paleontological resources

Paleontological resources (that is, fossil remains) associated with events that have made an important contribution to the broad pattern of history or the lives of persons who were of importance in the past, or that yield or may yield information that is important to history or pre-history.

Site

A physically defined location which can be supported by a legal boundary survey which closes a polygon. It can be owned, leased, or otherwise possessed or used. A site may exist in one of three forms: land only; facility or facilities only; or land and all the facilities on it. A site is the sum of all real property at a specific location.

Sludge

Any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant (40 CFR 260.10).

Sole source aquifer

A groundwater source demonstrated to be the only or primary viable source of drinking water for a community or an aquifer that supplies 50 percent or more of the drinking water of an area.

Solid waste

Any discarded material that is not excluded by 40 CFR 261.4(a) or that is not excluded by variance granted under 40 CFR 260.30 and 260.31 (40 CFR 261.2).

Source reduction

Any practice which reduces the amount of any hazardous substance, pollutant, or contaminant entering any waste stream or otherwise released to the environment prior to recycling, treatment, or disposal; or, any practice which reduces the hazards to public health and the environment associated with the release of such substances, pollutants, or contaminants (Pollution Prevention Act of 1990).

Source water

The water taken from rivers, reservoirs, or wells for use as drinking water.

Special installation

Special installations are generally very small, mostly industrial, and typically do not have a stand-alone installation staff. Command, control, manpower, and funding remain with the ACOMs, ASCCs, and DRUs, while traditional base operations support (BOS) oversight is provided by the IMCOM. These installations primarily use funds other than operation and maintenance funds (that is, mission funds) to conduct traditional garrison operations in support of its primary mission. Several mission fund types are used in the

operation of these installations, including: Army Working Capital Funds; transportation working capital funds; chemical program funds; Defense Health Program funds; procurement Army ammunition funds; and research, development, test, and evaluation (RDT&E) funds.

Special State (installation) license

A license prepared and issued by the installation in accordance with 10 USC 670 and the fish and wildlife cooperative plan to individuals participating in hunting, fishing, or trapping activities. It is valid only on the installation where issued. A fee is collected and used for fish and wildlife management activities in accordance with the INRMP.

Species designations

The following species designations apply.

a. 16 USC Chapter 35 (ESA).

(1) Endangered species. Any species, plant or animal, which is in danger of extinction throughout all or a significant portion of its range, as listed by the U.S. Department of Interior (DOI).

(2) Threatened species. Any species, plant or animal, which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range, as listed by the DOI.

(3) Candidate species. Plant or animal taxa considered for possible addition to the List of T&E Species. These are taxa for which the USFWS has on file sufficient information on biological vulnerability and threats to support issuance of a proposal to list, but issuance of a proposed rule is currently precluded by higher priority actions.

b. State listed species. Any species, plant or animal, which is listed by the appropriate State as threatened or endangered within the State. (Note: these species may not be federally listed).

c. Species At Risk or Habitats. Plant and animal species and associated habitats that are not federally listed as threatened or endangered under 16 USC Chapter 35 (ESA), but are either federally listed as candidates or are ranked by NatureServe as critically imperiled or imperiled throughout their range.

d. Army Species At Risk or Habitats. Species at risk or habitats that could be listed in the near future and/or for which the listing could have significant impact on military readiness and which are designated by HQDA.

Spill

A generic term, as used in this regulation, which encompasses the accidental and the deliberate but unpermitted discharge or release of a pollutant. For distinction, see discharge classifications, harmful discharge and so forth, potential discharge, release, and reportable spill or event. For comparison, see discharge and federally permitted release.

State historic preservation officer (under the National Historic Preservation Act)

The official appointed or designated pursuant to section 101(b)(1) of the act to administer the State historic preservation program or a representative designated to act for the SHPO.

Status of forces agreement

Agreement on the stationing or operations of forces to which the United States is a party, such as:

a. Multilateral or bilateral stationing or base rights agreement.

b. Arrangements or understanding concluded there under.

Storage

The holding of hazardous substances (as defined in this section), other than for a temporary period of less than 30 days, prior to the hazardous substance being either used, neutralized, disposed of, or stored elsewhere.

Storage tank system

Storage tank systems include the tank(s), all connected piping, any ancillary equipment, and the containment system.

Sub-Installation

A grouping of facilities that are under the control of an installation garrison, but are not physically located within the principal installation boundary.

Surface water

All water naturally open to the atmosphere (rivers, lakes, reservoirs, ponds, streams, impoundments, seas, estuaries, and so forth) and all springs, wells, or other collectors directly influenced by surface water.

Surveillance

Thorough inspections or surveys made before and after pest management treatments to determine the presence and prevalence of pests or disease vectors.

Sustainability

Meeting present needs without compromising the ability of future generations to meet their own needs.

Sustainable yield

The production of renewable resources a land or water area can maintain in perpetuity at a given intensity of management without impairment of the resource.

Take

Take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Harm is further defined to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing behavioral patterns such as breeding, feeding, or sheltering. Harass is defined as actions that create the likelihood of injury to listed species to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering.

Tank

Any stationary device designed to contain an accumulation of used oil (40 CFR 279.1) or HW (260.10), oil (40 CFR 112 and 40 CFR 280.12) or regulated substance (40 CFR 280.12) which is constructed primarily of non-earthen materials (for example, wood, concrete, steel, plastic) which provides structural support.

Technical guide

Technical guidance prepared by the AFPMB on specific pest management and disease vector control topics. TMs are available from the DoD AFPMB, Forest Glen Section, Walter Reed Army Medical Center, Washington, DC 20307–5001.

Technical Review Committee

TRCs are established as required by CERCLA Section 211 to facilitate review and comment on response actions and proposed actions at Army installations. The Army establishes TRCs for installations where there is no community interest towards establishment of a RAB. Note, however, that the TRC is being replaced by the RAB where appropriate. Installations that already have TRCs should consider converting the committee to a RAB (see Restoration Advisory Board for additional information).

Tenant

An authorized activity located on an installation that is not part of the garrison organization. Tenants include, but are not limited to, military units, the Army and Air Force Exchange Service (AAFES), and the Defense Commissary Agency (DeCA).

Toxic chemical

A chemical listed in 40 CFR 372.65 or added to that list by the EPA and required to be reported yearly in the EPCRA Toxic Releases Inventory.

Toxic pollutant

Those pollutants or combinations of pollutants, including disease-causing agents which, after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will cause death; disease; behavioral abnormalities; cancer; generic mutations physiological malfunctions, including malfunctions in reproduction; or physical deformations in such organisms or their offspring.

Transfer

Reference AR 405–90. Change in jurisdiction over real property from one Federal agency or department to another, including military departments and defense agencies.

Treatment

Any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any HW so as to neutralize such waste, or so as to recover energy or material resources from the waste, or so as to render such waste non-hazardous, or less hazardous; safe to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume.

U.S. jurisdiction

The 50 states, the District of Columbia, the commonwealths of Puerto Rico and the Northern Mariana Islands, the territories of Guam and American Samoa, the U.S. Virgin Islands, and any other territory or possession over which the United States has jurisdiction.

Underground injection

Subsurface emplacement of fluids, often wastes, through a bored, drilled, or driven well.

Undertaking

A project, activity, or program funded in whole or in part under the direct or indirect jurisdiction of a Federal agency, including those carried out by or on behalf of a Federal agency; those carried out with Federal financial assistance; and those requiring a Federal permit, license, or approval.

Unexploded ordnance

UXO are military munitions that:

- a. Have been primed, fused, armed, or otherwise prepared for action.
- b. Have been fired, dropped, launched, projected, or placed in such a manner as to constitute a hazard to operations, installations, personnel, or material.
- c. Remain unexploded, either by malfunction, design, or any other cause. (10 USC 101(e)(5)).

Unintentional Take

As defined for migratory birds (Migratory Bird Treaty Act) take, that results from, but is not the purpose of, the activity in question, take of this type is sometimes referred to as incidental or indirect.

Unit commander

A commissioned officer of the United States armed forces designated to command a military unit.

Vessel

Any type of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, other than a public vessel.

Vulnerability assessment

An assessment of elements in the community that are susceptible to damage if hazardous materials are released.

Waste minimization

Two definitions are:

- a. Any source reduction or recycling activity that is undertaken by a generator that results in the reduction of the quantity of HW, or the reduction in toxicity of HW, that is either generated or subsequently treated, stored, or disposed of. Such activities must be consistent with the goals of minimizing present and future threats to human health and the environment.
- b. A working definition of waste minimization reflects two types of activities, source reduction or elimination of waste at the point of generation (for example, within a process), and recycling.

Wastewater

The spent or used water from individual homes, a community, a farm, or an industry that contains dissolved or suspended matter.

Water conservation

The beneficial reduction of water uses or water losses.

Water resource

Any groundwater or surface water source and associated (lake or ocean) shoreline. See also surface water, and groundwater.

Watershed

A region or area bounded peripherally by a water parting and draining ultimately to a particular water-course or body of water.

Waterworks permit

Any permit required to operate a drinking water treatment facility, such as a source water appropriation permit or an operating permit.

Weed

A plant growing where it is not desired.

Wellhead protection area

The surface and subsurface area surrounding a water well or well field supplying a public water system, through which contaminants are reasonably likely to move toward and reach such well or well field.

Wetlands

Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Common terms used to describe various wetlands include marshes, bogs, swamps, small ponds, sloughs, potholes, river overflows, oxbows, mud flats, and wet meadows.

Wildland fire

Any non-structural fire that occurs on unimproved grounds. This includes wildfires and prescribed fires.

Wildlife management

The practical application of scientific and technical principles to wildlife populations and habitats so as to maintain such populations essentially for ecological, recreational, and/or scientific purposes.

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