



UNITED STATES MARINE CORPS

**ENVIRONMENTAL COMPLIANCE AND PROTECTION
PROGRAM**

VOLUMES 1-21

**COMMANDANT OF THE MARINE CORPS
(DEPUTY COMMANDANT, INSTALLATIONS AND LOGISTICS)**



DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3000 MARINE CORPS PENTAGON
WASHINGTON DC 20350-3000

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11 JUN 2018

MARINE CORPS ORDER 5090.2

From: Commandant of the Marine Corps
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Subj: ENVIRONMENTAL COMPLIANCE AND PROTECTION PROGRAM

Ref: (a) SECNAV M-5210.1
(b) SECNAV M-5211.5E
(c) 5 U.S.C.552a

Encl: (1) Volume Reference List

1. Situation

a. The Marine Corps holds military lands in the public trust, and Marine Corps commands must maintain land, air, and water resources to sustain realistic military training and testing for future generations of Marines. Environmental laws are generally applicable to the Marine Corps to the same extent as the general public and hold Marine Corps Commanders accountable for activities conducted on and off installation. Marine Corps environmental programs preserve training areas, enhance operational readiness, protect public health, and preserve the environmental quality of the installations and adjacent communities. Environmental programs also strengthen Marine Corps relationships with the public and the regulatory agencies that implement environmental laws.

b. Negative impacts from non-compliance with environmental requirements can be significant. Federal, state, and local regulatory agencies may impose significant financial penalties or restrict installation operations due to environmental violations. Many environmental statutes also have citizen's suit provisions that allow the public to sue government agencies for non-compliance. Failure to achieve environmental compliance and protect our natural resources may compromise the mission by limiting Marine Corps operations or access to areas necessary to sustain military readiness.

c. This Order provides updated policy, guidelines, and procedures that commanding officers, installation environmental

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staff, and Marine Corps personnel require in the performance of their duties while maintaining environmental compliance and the protection of human health and the environment. This Order is a complete revision of the last Marine Corps Environmental Compliance and Protection Manual and should be reviewed in its entirety.

2. Cancellation. MCO P5090.2A w/Ch 1-3.

3. Mission. Commands and individual Marines and civilians at all levels shall support the execution of environmental compliance and protection programs aboard Marine Corps installations (MCI) and during training activities. Policy and procedural guidance are contained in enclosure (1).

4. Execution

a. Commander's Intent and Concept of Operations

(1) Commander's Intent. The Marine Corps is committed to mission accomplishment and to environmental compliance and protection. Marine Corps environmental programs ensure that the Marine Corps Total Force is able to continue to effectively operate worldwide in an environmentally responsible manner. This requires the leadership and personal commitment of all military and civilian personnel throughout the Marine Corps chain of command. The Marine Corps will continue to improve the effectiveness and efficiency of environmental management programs, proactively mitigate environmental and health risks, and ensure individuals are appropriately trained and empowered to be effective stewards of the natural and cultural resources entrusted to the Marine Corps.

(2) Concept of Operations

(a) All Marine Corps personnel and installations shall use and comply with this Order and the enclosure.

(b) Marine Corps personnel and installations shall be aware of and comply with additional environmental requirements imposed by state and local governments that may not be covered in this Order and the enclosure.

(c) Local Environmental Compliance and Protection Standard Operation Procedures may be developed to augment the Order and enclosure, or to provide guidance for activities not addressed herein.

(d) Overseas installations shall comply with the applicable Department of Defense (DoD) Final Governing Standards (FGS) for the host nation or the Overseas Environmental Baseline Guidance Document (OEBGD) when host nation specific FGS have not been developed. Chapter 15 of the enclosure details additional Marine Corps requirements for overseas installations.

b. Subordinate Element Missions. The primary responsibilities of the principal Marine Corps environmental stakeholder organizations are outlined below. A more comprehensive list of specific roles and functions is provided in each chapter of the enclosure.

(1) Assistant Deputy Commandant of the Marine Corps Installations and Logistics (Facilities) (LF)/Commander, Marine Corps Installations Command (COMMCICOM) shall:

(a) Periodically update this Order and the enclosure.

(b) Support MCI and units with implementation, oversight, and compliance with the requirements of this Order and the enclosure.

(c) Develop additional environmental policies and implementing guidance, as appropriate.

(2) Commanders of MCI East, West, Pacific, and National Capital Region shall:

(a) Ensure installations and sites under their authority conform to the policies outlined in this Order and the enclosure.

(b) Provide regional environmental policy, program management, guidance, coordination, and implementation strategies, as appropriate.

(c) Provide primary environmental regulatory interface for issues that have implications beyond a single installation in their region.

(d) Monitor and manage environmental encroachment and facilitate encroachment partnering relationships and agreements.

(3) Commanding Generals/Commanding Officers of MCI shall:

(a) Ensure compliance with all applicable federal, state and local, DoD, Department of the Navy (DON) and Marine Corps environmental requirements and Presidential Executive Orders.

(b) Serve as the primary steward of all installation natural and cultural resources. This stewardship role includes the oversight of activities, whether federal or non-federal, that may degrade the environment.

(c) Oversee environmental restoration activities to ensure mission accomplishment and protection of human health and the environment.

(4) Commanders of Marine Forces shall:

(a) Serve as the federal officers charged with ultimate responsibility for their respective Command's compliance with all applicable federal, state and local, DoD, DON and Marine Corps environmental requirements and Presidential Executive Orders.

(b) For forces deployed overseas for training, follow Marine Corps overseas environmental compliance policy and comply with FGS established for each respective host country or host nation law or OEBGD, whichever is more stringent, for activities in countries with no FGS. Commanders should also consult with their legal counsel to identify any unique environmental requirements of the host country.

(5) Units/Tenants aboard MCI shall:

(a) Ensure compliance with all applicable federal, state and local, DoD, DON and Marine Corps environmental requirements and Presidential Executive Orders.

(b) Appoint in writing a Unit Environmental Compliance Coordinator (ECC) (E-5 or above or other individual with sufficient authority to implement environmental requirements at each command) to ensure unit environmental training and environmental compliance requirements are met, and to coordinate with installation environmental staff, as required. (Note: installations may use local terminology for this position as long as the responsibilities remain the same.)

(c) Notify the installation environmental staff of any unit activities that have environmental requirements, issues, or concerns.

(6) All Marine Corps Personnel shall:

(a) Comply with all applicable federal, state and local, DoD, DON and Marine Corps environmental requirements and Presidential Executive Orders.

(b) Maintain general awareness of all applicable Marine Corps environmental policies and goals. Participate in training to understand applicable requirements.

(c) Integrate environmentally safe and compliant procedures into all daily operational practices to minimize risk of adverse health, environmental and mission impacts.

(d) Know who is assigned as the unit's ECC and attend unit/installation-specific environmental training.

(e) Promptly elevate and report environmental issues and concerns to the appropriate authority.

c. Coordinating Instructions. Comply with the intent and content of this Order and the enclosure. The terms "will" and "shall" as used in the Order are directive and require compliance. Words such as "should," "may," and "can" are advisory.

5. Administration and Logistics

a. Recommendations concerning the contents of this Order will be forwarded to the CMC (LF)/COMMCICOM via the chain-of-command.

b. Privacy Act. Any misuse or unauthorized disclosure of Personally Identifiable Information (PII) may result in both civil and criminal penalties. The DON recognizes that the privacy of an individual is a personal and fundamental right that shall be respected and protected. The DON's need to collect, use, maintain, or disseminate PII about individuals for purposes of discharging its statutory responsibilities will be balanced against the individuals' right to be protected against unwarranted invasion of privacy. All collection, use, maintenance, or dissemination of PII will be in accordance with

the Privacy Act of 1974, as amended (reference (b)) and implemented per reference (c).

6. Command and Signal

a. Command. This Order is applicable to the Marine Corps Total Force.

b. Signal. This Order is effective the date signed.



M. G. DANA
Deputy Commandant for
Installations and Logistics

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Listing of Volumes

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1	General Policies and Responsibilities
2	Marine Corps Environmental Management System
3	Funding Environmental Compliance and Protection
4	Environmental Compliance Evaluation Program
5	Environmental Training and Education
6	Air Quality Management
7	Emergency Planning and Response
8	Cultural Resources Management
9	Hazardous Waste Management
10	Environmental Restoration (ER) Program
11	Natural Resources Management
12	Environmental Planning and Review
13	Reserved For Future Use
14	Integrated Pest Management
15	Overseas Environmental Compliance
16	Drinking Water Systems and Water Conservation
17	Integrated Solid Waste Management (ISWM)
18	Storage Tank Management
19	Polychlorinated Biphenyl (PCB) Management
20	Wastewater and Stormwater Management
21	Environmental Management of Munitions On Operational Ranges
	Acronyms
	Glossary

VOLUME 1

“GENERAL POLICIES AND RESPONSIBILITIES”

SUMMARY OF VOLUME 1 CHANGES

Hyperlinks are denoted by *bold, italic, blue and underlined font*.

The original publication date of this Marine Corps Order (right header) will not change unless/until a full revision of the MCO has been conducted.

The date denoted by *blue font* (left header) will reflect the date this Volume was last updated.

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Submit recommended changes to this Volume, via the proper channels, to:

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3000 Marine Corps Pentagon
Washington, DC 20350-3000

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VOLUME 1: GENERAL POLICIES AND RESPONSIBILITIES

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- (b) E.O. 12114, "Environmental Effects Abroad of Major Federal Actions," January 4, 1979
- (c) DoD Instruction 4715.02, "Regional Environmental Coordination," August 28, 2009
- (d) MCICOM Policy, "Roles and Responsibilities for Department of Defense Regional Environmental Coordinator (DoD REC) Program," May 23, 2014
- (e) Judge Advocate General (JAG) Instruction 5800.7E, "Manual of the Judge Advocate General," June 20, 2007
- (f) 42 U.S.C. §§7401-7671
- (g) 33 U.S.C. §§1251-1387
- (h) 42 U.S.C. §§300f-300j-26
- (i) DoD Directive 8000.01, "Management of DoD Information Enterprise," February 10, 2009
- (j) MARADMIN 226/04
- (k) 10 U.S.C. §2667
- (l) Naval Facilities Engineering Command (NAVFAC) P-73, Chapter 19, "Real Estate Procedural Manual," August 23, 2011
- (m) CMC, "U.S. Marine Corps Expeditionary Energy Strategy and Implementation Plan," March 2011
- (n) NAVMC Directive 5100.8, "Marine Corps Occupational Safety and Health (OSDH) Program Manual," May 15, 2006
- (o) MCO 11010.16
- (p) MCO 3550.11
- (q) Section 6601 of Public Law 101-508, "Pollution Prevention Control Act," November 6, 1990
- (r) DoD Instruction 4715.03, "Natural Resources Conservation Program," March 18, 2011
- (s) DoD, "Updated Green Procurement Program (GPP) Strategy," December 2, 2008

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VOLUME 1: CHAPTER 1

“SCOPE”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 1

SCOPE

0101 PURPOSE

010101. This Order sets forth Marine Corps policies and responsibilities for compliance with environmental requirements, as well as for the management of Marine Corps environmental programs.

010102. Marine Corps environmental programs ensure compliance with environmental requirements, protect human health and the environment, and sustain and enhance mission readiness. The programs focus on the following elements:

- A. Compliance with environmental requirements.
- B. Pollution Prevention (P2).
- C. Conservation of natural and cultural resources.
- D. Environmental Restoration (ER).

010103. Commandant of the Marine Corps, Facilities and Services Division (LF)/Commander, Marine Corps Installations Command (COMMCICOM), executes and provides oversight of Marine Corps environmental programs and develops environmental policy.

010104. This Volume establishes a framework and general responsibilities for management of Marine Corps environmental programs.

0102 APPLICABILITY

This Order applies to all Marine Corps active and Reserve installations, Commands, detachments, components, tenants, personnel, and, where applicable, Marine Corps activities in foreign countries. This Order describes the internal management of the Marine Corps environmental program and is not intended to create any right or benefit, substantive or procedural, enforceable by law by any party against the United States Marine Corps (USMC), its officers, employees, or any person. Volume 15 summarizes the applicability of environmental requirements to Marine Corps activities overseas.

0103 BACKGROUND

010301. Marine Corps environmental programs preserve training areas, enhance operational readiness, protect public health, and maintain the environmental quality of the installation and adjacent communities. Environmental programs also strengthen Marine Corps relationships with the public and regulatory agencies that implement environmental laws and regulations.

010302. The Marine Corps' overall vision for environmental stewardship is based on the four foundational pillars of compliance, P2, conservation, and ER. Compliance with

environmental requirements, prevention and minimization of pollutants, prudent management of natural and cultural resources, and clean-up of past environmental contamination all help to ensure the sustainability of Marine Corps mission readiness.

010303. The Marine Corps Environmental Management System (EMS), based on the ISO 14001 standard, is a tool to systematically integrate environmental considerations into planning processes across all functional areas. EMS is also the framework for implementing environmental components of sustainability and P2 initiatives, goals, and objectives. Volume 2 of this Order summarizes the EMS process and Marine Corps EMS policies.

VOLUME 1: CHAPTER 2

“AUTHORITY”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 2

AUTHORITY

0201 GENERAL

020101. This Order summarizes federal environmental requirements applicable to the Marine Corps, including Executive Orders (E.O.s), federal laws, federal implementing regulations, and Department of Defense (DoD) policies. Department of Navy (DON) and Marine Corps policies developed to implement and supplement federal and DoD environmental requirements are also identified.

020102. State and local governments may also stipulate environmental program requirements that are more stringent than federal requirements. Although specific state and local environmental requirements are not included in this Order, installations are responsible for identifying and complying with all applicable requirements, to include state and local requirements.

020103. Each Volume in this Order refers to specific E.O.s, federal environmental statutes, regulations, and policies related to environmental compliance, P2, ER, and natural, and cultural resources conservation. Compliance with these requirements along with good stewardship helps ensure a sustainable Marine Corps.

020104. The applicability of environmental requirements to Marine Corps activities in foreign countries is discussed in paragraph 0102 and Volume 15 of this Order.

0202 FEDERAL STATUTES

Federal environmental statutes are laws that generally require compliance by DoD installations. (See Appendix A for a summary of applicable federal statutes.) State and local governments often implement programs based on federal environmental law, and these programs often apply to DoD installations by virtue of federal waivers from sovereign immunity.

0203 FEDERAL REGULATIONS

Federal environmental regulations implement federal environmental statutes. These regulatory requirements often establish minimum standards for state and local governments' implementing programs. See Appendix A for a summary of Codes of Federal Regulations.

0204 EXECUTIVE ORDERS

E.O.s are presidential policy directives that implement or interpret federal statutes, constitutional provisions, or treaties. See Appendix A for a summary of relevant E.O.s.

0205 DEPARTMENT OF DEFENSE (DOD) POLICY

DoD environmental policies are generally issued via DoD Instructions and Directives. DON policies, such as those published by the Office of the Assistant Secretary of the Navy (SECNAV) for

Energy, Installations and Environment are generally issued via SECNAV instructions, policy letters, or memoranda and apply to both Navy and Marine Corps activities and installations. See Appendix A for a summary of relevant policies.

VOLUME 1: CHAPTER 3

“REQUIREMENTS”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 3

REQUIREMENTS

0301 GENERAL

Complete and successful implementation of the policies in this Order will enhance the ability of the Marine Corps to provide and maintain the facilities and training areas necessary to ensure mission sustainability. All Marine Corps installations and activities will ensure that this policy is implemented and communicated to all military and civilian employees and contractors.

0302 ORDER FORMAT

This Order presents overall policy and program management in the opening five volumes, followed by 15 volumes addressing specific environmental topics and related technical issues. Each volume is broadly divided into four parts: Chapter 1: Scope; Chapter 2: Authority; Chapter 3: Requirements; and Chapter 4: Responsibilities.

030201. Chapter 1: Scope

Chapter 1 consists of the following components:

A. Purpose

The purpose explains why the volume exists.

B. Applicability

This component identifies to whom the volume applies.

C. Background

This component addresses why the Marine Corps is implementing these policies and provides historic context for the volume's subject. This chapter also includes related volumes and references.

030202. Chapter 2: Authority

Chapter 2 lists legislation, federal regulations, E.O.s, federal guidance, and DoD policies that apply to the volume's subject.

030203. Chapter 3: Requirements

Chapter 3 provides Marine Corps policies and requirements for each volume's subject.

030204. Chapter 4: Responsibility

Chapter 4 identifies the responsibilities for any environmental requirements identified within each volume.

030205. Appendices

Appendices provide additional detail on selected subjects at the end of each volume.

0303 MARINE CORPS REQUIREMENTS

HQMC (LF)/COMMCICOM establishes Marine Corps environmental compliance and protection requirements through this Order. In addition, the HQMC (LF)/COMMCICOM may periodically provide other policies and guidance through letters, memoranda, bulletins, and messages.

0304 COMPLIANCE

All Marine Corps civilian and military personnel, installation tenants, and contractors shall comply with applicable federal, state, and local environmental laws and regulations; DoD, DON, and Marine Corps environmental policies; Presidential E.O.s; and where applicable, overseas environmental requirements (see Volume 15).

0305 ENVIRONMENTAL MANAGEMENT (EM) DATA CALL

The EM data call is collected at both the installation and HQMC (LF)/MCICOM (GF) levels. Commandant of the Marine Corps, Facilities and Services Division (CMC(LF))/MCICOM (GF) submits the information collected to the Navy, and a consolidated report is given to the Deputy Under Secretary of Defense (Installations and Environment) (ODUSD(I&E)). Results of the data call are used as part of the DoD Environmental Management Review (EMR) and Defense Environmental Programs Annual Report to Congress (DEP ARC), in February and March of the following calendar year respectively. Specific reporting due dates for installations and HQMC (LF)/MCICOM (GF) will be provided in the EM data call tasker distributed in October of the reporting year. Metrics used in the EM data call are reference below in table 3-1.

Table 3-1.--EM Data Call Reporting Metrics		
METRIC	DUE DATE	RECIPIENT
End of Fiscal Year (FY) Financial Statement Support Data	October	KBCRS*
End of FY Environmental Restoration (ER) Site-Specific Information	November	KBCRS,
NSLICS**		
Environmental Management Systems (EMS) Metrics	December	NSLICS
Natural Resources Metrics	December	NSLICS
Cultural Resources Management	December	NSLICS
Native American Metrics	December	NSLICS
Environmental Compliance Metrics	December	NSLICS
Pollution Prevention Metrics	December	NSLICS
End of FY ER Non Site-Specific Information	December	NSLICS
DoD Longleaf Pine Conservation/Improvement Activities	December	Spreadsheet

Table 3-1.--EM Data Call Reporting Metrics		
METRIC	DUE DATE	RECIPIENT
Environmental Justice Annual Report	December	Email
Withdrawn Lands	TBD	TBD
FY (+2) President’s Budget Backup Data	January	KBCRS
Mid-Year FY (+1) ER Site-Specific Information	August	SNaP***

- * Knowledge-Based Corporate Reporting System (KBCRS)
- ** Non Site-Level Information Collection System (NSLICS)
- *** Select and Native Programming Data Input System (SNaP)

NOTE: FY refers to the year being reported. FY (+1) and (+2) refer to the next one and two years after the current FY (i.e. if FY2014 was the reporting year, then FY (+1) and (+2) would be FY2015 and FY2016 respectively).

030501. DEFENSE ENVIRONMENTAL PROGRAMS ANNUAL REPORT TO CONGRESS (DEP ARC)

A. Each year in March, pursuant to 10 U.S.C. 2711, DoD submits DEP ARC. Using information collected through the annual Hazardous Waste (HW), Solid Waste (SW), and EM data calls, the Report describes the Department’s accomplishments during the past year in its restoration, conservation, compliance, and pollution prevention programs by addressing plans and funding needs for protecting human health, sustaining the resources DoD holds in the public trust, meeting its environmental requirements, and supporting the military mission. The Report also details DoD’s efforts for reinforcing environmental programs to ensure the safe and effective use, protection, restoration, and preservation of the Department’s natural and cultural assets; and examines DoD’s environmental restoration activities at sites on its active BRAC installations and former properties. The DEP ARC presents the funding invested in and progress of DoD environmental programs – Environmental Restoration, Environmental Quality, and Environmental Technology.

030502. ENVIRONMENTAL MANAGEMENT REVIEW (EMR)

A. Each year in February, to ensure that DoD is meeting its environmental goals and objectives, the annual EMR is released. Using information collected from the annual Toxic Release Inventory (TRI), HW, SW, and EM data calls, the EMR is a review of environmental programs and management systems to determine the extent to which a facility has developed and implemented specific environmental protection programs and plans. If properly managed, these should ensure compliance and progress towards environmental excellence.

0306 ENVIRONMENTAL MANAGEMENT SYSTEM (EMS)

Marine Corps installations and tenant and supporting organizations shall use the Marine Corps EMS as the framework to ensure environmental compliance, meet environmental management objectives, and help sustain land, sea, and air resources. Volume 2 of this Order provides specific Marine Corps EMS policy requirements.

0307 ENVIRONMENTAL COMPLIANCE EVALUATIONS (ECEs)

The Marine Corps installations shall perform ECEs in accordance with Volume 4 of this Order.

0308 NATIONAL ENVIRONMENTAL POLICY ACT OF 1969 (NEPA) REQUIREMENTS

The Marine Corps shall consider the environmental consequences of all proposed actions and comply with the appropriate U.S. or host nation environmental review process (e.g., Section 4321 et seq. of Title 42, United States Code (42 U.S.C. 4321 et seq.) (also known and referred to in this order as “National Environmental Policy Act” (NEPA)) (Reference (a)) and E.O. 12114, (Reference (b)). Requirements for environmental planning and review at overseas installations is described in Section 15310 of this document.

0309 REGIONAL ENVIRONMENTAL COORDINATORS (RECs)

030901. DoD Instruction 4715.02 (Reference (c)) establishes a framework for DoD RECs and component RECs within the United States with the Secretary of the Army serving as REC for U.S. Environmental Protection Agency (EPA) Regions IV, V, VII, and VIII; the Secretary of the Navy serving as REC for Regions I, III, and IX; and the Secretary of the Air Force for Regions II, VI, and X.

030902. Additionally, Reference (c) directs the Marine Corps to appoint a component REC to coordinate with the DoD REC representative regarding their service's activities in the region and communicate with federal, regional, state, and local agencies and officials. Component RECs elevate issues requiring DoD-wide attention to the DoD REC via the DoD REC representative and appropriate chain of command (MCICOM Policy, "Roles and Responsibilities for Department of Defense Regional Environmental Coordinator (DOD REC) Program," May 23, 2014 (Reference (d))). Marine Corps RECS are identified by federal EPA Region in Table 3-2.

Table 3-2.--USMC RECs and Corresponding EPA Regions

EPA Region	USMC REC
EPA Region III (DE, DC, MD, PA, VA, WV)	Commanding Officer (CO), Marine Corps Installations (MCI) National Capital Region/Marine Corps Base Quantico
EPA Region IV (AL, FL, GA, KY, MS, NC, SC, TN)	CG, MCI East/Marine Corps Base Camp Lejeune
EPA Region IX (AZ, CA, NV, HI)	CG, MCI West/Marine Corps Base Camp Pendleton

0310 PERSONAL LIABILITY FOR VIOLATION OF ENVIRONMENTAL LAWS

In most civil lawsuits, federal civilian employees and service members may be named as defendants in their official capacities because the actions giving rise to the lawsuits are undertaken in the line of duty or within the scope of their employment. These cases generally proceed without risk of personal liability for the employees involved. In some cases, however, civilian employees or service members may be sued in their individual capacities for injury or damage to persons or property. In these cases where individuals violate environmental laws and subsequently injure or damage persons or property as a result of actions taken out of the line of duty or beyond the scope of their employment (e.g., reckless, knowing, or purposeful violation) they may be personally liable and may be responsible for paying any damages awarded. This civil liability is in addition to potential criminal prosecution.

031001. Personal Liability for Injuries or Damages to Persons or Property

A. Where a federal civilian employee's or service member's actions injure or damage another's person or property, the injured party may file a civil lawsuit to recover the cost of the damage. In such cases, the Department of Justice (DOJ) may substitute the United States for the civilian employee or service member if it determines that the individual was acting within the line of duty or within the scope of their employment and such action is in the interest of the United States. An individual properly exercising official authority to carry out command business in accordance with applicable Marine Corps regulations is acting in the line of duty or within the scope of their employment.

B. Any federal civilian employee or service member who is served with a complaint, subpoena, or other legal paper relating to activities undertaken pursuant to official duties shall immediately report this information to their staff judge advocate, command counsel, legal officer, and Commanding Officer (CO) for guidance on how to proceed. Additional guidance is available in JAG Instruction 5800.7E (Reference (e)) and from the Counsel for the Commandant of the Marine Corps (CMC (CL)) and its regional offices.

031002. Civil Liability for Fines

Many environmental laws provide for civil penalties (e.g., fines) for violations of environmental requirements. Many statutes, such as 42 U.S.C. §§7401-7671 (also known and referred to in this order as "Clean Air Act," (CAA) as amended) (Reference (f)), 33 U.S.C. §§1251-1387 (also known and referred to in this order as "Clean Water Act," (CWA) as amended) (Reference (g)), and 42 U.S.C. §§300f-300j-26 (also known and referred to in this order as "Safe Drinking Water Act") (Reference (h)) provide varying degrees of immunity from civil penalties to installations and individual federal civilian employees and service members acting in the line of duty or within the scope of their employment.

031003. Criminal Liability

A. Some environmental laws provide for criminal prosecution for knowing or purposeful violations. However, some environmental laws also provide for criminal prosecution for negligent violations. Federal civilian employees and military personnel may be subject to criminal prosecution if their actions or inactions violate environmental laws subject to criminal enforcement.

B. Federal civilian employees and service members shall seek out and remedy environmental violations under their cognizance and implement measures to ensure that future violations do not occur. For supervisors, criminal liability may not necessarily depend on personal participation in the crime.

C. As a general rule, violations of criminal law require a criminal "state of mind" (i.e., a knowing or purposeful act). However, the Supreme Court has held that "where dangerous or noxious waste materials are involved, the probability of regulation is so great that anyone who is aware that he is in possession of them shall be presumed to be aware of the regulations." In other words, "ignorance of the law is no excuse."

031004. Legal Representation in Criminal Cases

A. The DOJ may represent a federal civilian employee or service member prosecuted in state or federal court for criminal violations of environmental law. However, such representation is contingent upon DOJ finding that the individual acted in the line of duty or within the scope of their employment regarding the alleged misconduct and representation is in the interest of the United States.

B. If a federal civilian employee or service member is convicted of a crime, the civilian employee or service member is personally responsible for paying any fine adjudged, regardless of whether the DOJ provided representation.

0311 CONSISTENCY

To ensure consistent environmental compliance and avoid adverse precedents, particularly those with mission and funding implications, responsible commands shall coordinate with HQMC (LF)/COMMCICOM regarding permit requirements, payments of fines, fees, penalties, supplemental environmental projects from Marine Corps funds, compliance agreements, settlements, and responses to Notices of Violation. Legal and technical assistance is available from the installation and regional legal counsel and environmental offices. Naval Facilities Engineering Command (NAVFAC) and supporting activities and commands are also available to respond to requests for technical assistance.

0312 RESEARCH, DEVELOPMENT, TESTING, AND EVALUATION (RDT&E)

Environmental RDT&E may be initiated, where applicable and necessary, to meet existing and anticipated environmental requirements provided that such RDT&E has not been undertaken by other DoD Components or private industry. Since environmental requirements are not usually narrowly focused, every effort should be taken to leverage existing RDT&E to avoid unnecessarily depleting scarce resources. The Strategic Environmental Research and Development Program (SERDP) and the Environmental Security Technology Certification Program (ESTCP), the Department of Defense's environmental research programs, have been established to coordinate and prioritize projects to address technical challenges to environmental performance, reduce costs, and enhance and sustain mission capabilities. They solicit proposals annually to identify and prioritize RDT&E requirements. Environmental RDT&E planned to be undertaken shall be reported to the HQMC (LF)/COMMCICOM and Marine Corps Systems Command (MARCORSYSCOM); and the Office of the Director of Defense Research and Engineering.

0313 ENVIRONMENTAL INFORMATION TECHNOLOGY AND SERVICES (EIT&S)

031301. EIT&S is the data, people, hardware, software, procedures, and policies related to environmental information required to perform environmental management support functions. All Marine Corps Forces, Regions, and installations shall ensure that EIT&S is managed in accordance with DoD Directive 8000.01 (Reference (i)), Marine Administrative Message 226/04 (Reference (j)), and other applicable Marine Corps Information Technology policies.

031302. Each Region, and installation shall participate in the Environmental Services Functional Capability Board (FCB) to establish environmental EIT&S program goals, objectives and

priorities, and coordinate, review, and recommend approval/disapproval of discontinuation/enhancements/changes to Marine Corps systems and applications. The decisions of the Environmental Services FCB will be advocated to the Installations, Facilities, and Environmental Review Board (IFERB).

0314 GOVERNMENT OWNED-CONTRACTOR OPERATED (GOCO) FACILITIES

Marine Corps installations and/or Commands responsible for GOCO facilities shall oversee GOCO facility use or management contracts to ensure that contractors comply with all federal, state, local, and installation environmental requirements that apply to their activities and practices aboard the installation. To ensure environmental compliance, GOCO facility use and management contracts shall require each contractor to participate in the Marine Corps ECE Program and the installation's EMS. Marine Corps installations or Commands should also encourage GOCO facilities to incorporate the environmental management hierarchy into project planning, design, and execution, where feasible. The requiring activity shall ensure that any new contract, contract modification, or task order issued after the effective date of an applicable DoD, Marine Corps, federal, or state environmental policy or requirement (to include sustainable acquisition, waste reduction, and energy efficiency) incorporates contractual language that ensures compliance with such policy or requirement. The requiring activity shall consult installation environmental staff in the early stages of contract development and during contract review to ensure contractor compliance with environmental requirements.

0315 GRANTEE AND CONTRACTOR OPERATIONS AND FACILITY USE

By virtue of lease or contract terms, cognizant installations shall require that:

031501. The operations and facilities of grantees and contractors comply with, and conform to, all applicable DoD, Marine Corps, federal, state, and local environmental policies and requirements, including sustainable acquisition, waste reduction, and energy efficiency.

031502. Grantees and contractors advise the installation or unit of their environmental compliance permits (e.g., the National Pollutant Discharge Elimination System) and their conditions; provide the installation or unit with periodic environmental compliance reports (i.e., audit findings); participate in the Marine Corps ECE Program and the installation's EMS; and incorporate the environmental management hierarchy into project planning, design, and execution, where feasible.

031503. Contractors and grantees shall participate in the host installation EMS and host EMS audits. Contractors and grantees shall inform the installation Environmental Office of any significant practices and aspects that they operate, and shall implement controls for these practices and aspects, as appropriate.

031504. New contracts, contract modifications, and task orders issued after the effective date of an applicable DoD, Marine Corps, federal, or state environmental policy or requirement (to include sustainable acquisition, waste reduction, and energy efficiency) shall incorporate contractual language that ensures compliance with such policy or requirement. Installation environmental staff shall be included during the early stages of contract development to

review contracts and ensure contractor compliance with environmental requirements, in accordance with the FAR.

0316 OUTLEASE RELATIONSHIPS

031601. 10 U.S.C. §2667 (Reference (k)) authorizes the Secretary of a military department to lease to non-federal entities, non-excess federal land that is not currently needed for public use. This practice establishes a traditional landlord-tenant relationship between the federal government and the grantee.

031602. Marine Corps installations shall ensure that outlease relationships clearly convey environmental responsibilities to the lessee for which the installation commander is ultimately responsible.

031603. Marine Corps installations may be held responsible for a grantee's environmental noncompliance. Therefore, installations shall:

A. Ensure lease terms require grantees to comply with any applicable federal, State, and local environmental laws and regulations as well as the environmental and land use requirements specifically applicable to federal agencies with respect to the leased property, such as:

1. Complying with Reference (a).
2. Avoiding actions that would jeopardize the survival of federally-listed endangered or threatened species, and consulting with the United States Fish and Wildlife Service concerning actions that may affect endangered or threatened species.
3. Complying with E.O.s.
4. Consulting with the appropriate State historic preservation officer concerning actions that may affect resources listed or determined eligible for listing on the National Register of Historic Places.

B. Work with the local NAVFAC Engineering Field Division/Engineering Field Activity and HQMC (LF)/MCICOM to ensure that all leases on the installation are periodically reviewed and lease terms are enforced.

C. Ensure current and future installation orders regulate grantee environmental and land use activities.

D. Designate installation staff responsible for coordinating grantee environmental and land-use compliance with DON cognizant real estate offices.

E. Consider the grantee's operations when implementing the installation's EMS.

031604. NAVFAC P-73, Chapter 19 (Reference (l)) regulates DON real estate transactions, including leases. The Order generally requires regular and periodic inspections of

leased property by NAVFAC real estate specialists and DON natural resource professionals. The installation commander shall ensure that the inspections are conducted.

0317 STRATEGIC SUSTAINABILITY

031701. Sustainability is not an individual departmental program but an organizing paradigm that applies to all Marine Corps mission and program areas as a means of improving mission accomplishment while enabling environmental stewardship. Reference (b) requires an integrated strategy toward sustainability and established specific sustainability goals. DoD's vision of strategic sustainability is to maintain the ability to operate into the future without decline, either in the mission or in the natural and manufactured systems that support DoD. Reference (a) identifies four key linkages between strategic sustainability and the DoD mission that form priorities for DoD. Although Reference (a) is updated annually, it is expected key linkages will remain similar to the ones listed below:

- A. Energy and Reliance on Fossil Fuels.
- B. Chemicals of Environmental Concern.
- C. Water Resources Management.
- D. Maintaining Readiness in the Face of Climate Change.

031702. The Marine Corps will promote sustainable practices that go beyond environmental compliance. By employing sustainable practices, the Marine Corps will:

- A. Improve mission effectiveness while enhancing the environment.
- B. Minimize impacts and total ownership costs of Marine Corps systems, material, facilities, and operations.
- C. Strengthen operational capability by reducing the environmental footprint.
- D. Integrate environmental stewardship into all planning activities and leverage the necessary resources to accomplish sustainability goals and objectives.

031703. Marine Corps installations and commands, as required by E.O. 13693, shall support the DoD Strategic Sustainability Performance Plan (SSPP). The plan contains qualitative and quantitative objectives, goals, and sub-goals for meeting DoD's sustainability requirement pursuant to Reference (b). DoD is required to submit to the Office of Management and Budget (OMB) annually in early June. Table 3-3 outlines data call metrics used by ODUSD(I&E) for the FY SSPP, as well as annual due dates submissions to ODUSD(I&E)

Table 3-3 DOD SSPP Reporting Metrics

Data Call	Due Date	Collection System	Recipient	Reference
Greenhouse Gas Inventory/Annual Energy Management Report	November	Federal Energy Management Program Workbook	ODUSD(I&E) and Congress	Volume 6
TRI	July	TRI Report Form R	EPA and CMC(LF)	Volume 7
HW	March	Environmental Data Repository (EDR)	NAVESC and CMC(LF)	Volume 9
SW	November	EDR	NAVFAC EXWC and CMC(LF)	Volume 17
<u>Low Impact Development</u>	November	EDR	ODUSD(I&E) and CMC(LF)	Volume 20

031704. The Marine Corps shall employ sustainable acquisition for products and services where feasible. In cases where “green” products or services are not available competitively; not economically justifiable; not available within a reasonable time frame; and/or do not meet appropriate performance standards or functional requirements, Marine Corps activities shall provide appropriate documentation.

031705. Marine Corps installations and facilities shall consider life-cycle assessments to evaluate the impacts associated with the sourcing, manufacture, distribution, end use, and disposal of a material or system.

031706. The Marine Corps EMS is the preferred management tool for ensuring that environmental components of sustainability performance objectives and targets are effectively established and met.

0318 ENERGY

031801. In 2009, CMC created the USMC Expeditionary Energy Office (E2O) to analyze, develop, and direct the Marine Corps’ energy strategy in order to optimize expeditionary capabilities across all warfighting functions. CMC, “USMC Expeditionary Energy Strategy and Implementation Plan,” March 2011 (Reference (m)) establishes the following goals to reduce USMC’s energy footprint.

- A. Achieve resource self-sufficiency in battlefield sustainment.
- B. Reduce energy demand in platforms and systems.
- C. Reduce the overall footprint in current and future expeditionary operations.
- D. Ensure a secure, reliable, and affordable energy and water supply to support operating forces and their families.

E. Reduce lifecycle operating costs of Marine Corps installations and manage future commodity price volatility.

F. Support the nation’s efforts to reduce greenhouse gas emissions and environmental impacts, reduce dependence on foreign oil, and promote conservation of water supplies.

031802. Reductions in the USMC’s energy consumption associated with burning fossil fuels will result in significant reductions of carbon dioxide emissions and will align with E.O., USMC, and DoD strategic sustainability goals to address climate change.

0318 NOISE

031901. Noise impacts primarily related to occupational safety and health are not included in this Order as a standalone volume. These impacts are covered in NAVMC Directive 5100.8 (Reference (n)). However, the requirements for assessing the noise impacts of proposed USMC actions should be considered during the environmental planning process discussed in Volume 12 pursuant to References (a) and (b).

031902. HQMC (LF)/MCICOM (G-3/5/7) is the Marine Corps’ technical expert for noise impacts related to land use planning for air installations compatible use zones per MCO 11010.16 (Reference (o)) and range air installations compatible use zones per MCO 3550.11 (Reference (p)).

0320 POLLUTION PREVENTION (P2)

The Marine Corps shall minimize resource consumption and eliminate waste generation, where practicable, when planning, designing, manufacturing or constructing, maintaining, sustaining, and disposing of facilities, weapon systems, and equipment. Marine Corps facilities shall also eliminate or minimize the use of hazardous materials and the generation of hazardous waste, where practicable. P2 is a cross-cutting program with relevance to most other program areas. P2 requirements have been incorporated into various volumes, including: environmental training (Volume 5), alternatively-fueled vehicles and energy conservation (Volume 6), emergency planning and response (Volume 7), hazardous materials/ hazardous waste minimization (Volume 9), environmental planning (Volume 12), pesticides (Volume 14), water conservation (Volume 16), solid waste (Volume 17), and stormwater (Volume 20). EMS should be used to set and achieve P2 goals. When assessing environmental compliance alternatives, installations and commands shall employ the Environmental Management Hierarchy, as established by Section 6601 of Public Law 101-508 (Reference (q)) in the following order of preference:

032001. Source reduction.

032002. Reuse.

032003. Recycling.

032004. Treatment.

032005. Disposal.

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VOLUME 1: CHAPTER 4

“RESPONSIBILITIES”

SUMMARY OF SUBSTANTIVE CHANGES

Hyperlinks are denoted by *bold, italic, blue and underlined font.*

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CHAPTER 4

RESPONSIBILITIES

0401 HEADQUARTERS MARINE CORPS (HQMC) (LF)/COMMANDER MCICOM

HQMC (LF)/COMMANDER MCICOM shall:

- 040101. Develop environmental policies, as appropriate.
- 040102. Track Marine Corps environmental metrics and data and report to DON and DoD, as required.
- 040103. Promote cross-functional integration with regions and installations for accomplishing environmental program management and sustainability goals.
- 040104. Coordinate activities/issues that cross multiple regions and/or installations that have the potential to set a precedent across the Marine Corps.
- 040105. Coordinate environmental compliance and protection issues with DoD environmental Executive Agents, DoD RECs, Component RECs, Marine Corps installations and units, and counsel, as appropriate.
- 040106. Appoint Marine Corps Component RECs for each of the EPA Regions III, IV, and IX.
- 040107. In consultation with the regions, create environmental program efficiencies by collectively managing/funding studies and coordinating common programs, as practicable.
- 040108. Designate chair(s) for the Environmental Services FCB and serve as a voting member of the IFERB.
- 040109. Promote Strategic Sustainability, Energy Resource Management, and P2 as tools to enhance environmental performance.

0402 COMMANDING GENERAL (CG), MARINE CORPS SYSTEMS COMMAND (MARCORSYSCOM)

CG, MARCORSYSCOM shall ensure that sustainability, noise, and environmental requirements are given due consideration in the planning, procurement, fielding, and maintenance of Marine Corps weapon systems and information technology system programs.

0403 COMMANDANT OF THE MARINE CORPS (CMC) CONTRACTS DIVISION (LB) AND REGIONAL CONTRACTING OFFICES

CMC Contracts Division (LB) and Regional Contracting Offices shall ensure all environmental procurement requirements as delineated in FAR Part 23 and any additional environmental requirements identified by the requiring activity are included in contracts and purchasing guidelines.

0404 MARINE CORPS COMPONENT REGIONAL ENVIRONMENTAL COORDINATORS (RECS)

Marine Corps Component RECs shall:

040401. In consultation with the Executive Agents and affected Component RECs, coordinate the consistent interpretation and application of DoD environmental policies within EPA Regions III, IV, and IX.

040402. Monitor federal, state and local legislative and regulatory reports, media information sources, and DoD information sources for issues that have potential to affect Marine Corps interests.

040403. Coordinate with potentially affected installations and units to assess potential impacts.

040404. Coordinate with the DoD REC, HQMC (LF)/MCICOM, and counsel to present Marine Corps positions regarding proposed environmental legislation and regulations. Advocate for the Marine Corps position as appropriate.

040405. Provide HQMC (LF)/MCICOM and the DoD REC semi-annual executive summaries of Marine Corps REC activities, success stories, and issues (reference (d)).

0405 COMMANDING GENERAL (CG) MARINE CORPS EAST, WEST, PACIFIC, NATIONAL CAPITAL REGION, AND COMMARFORRES

CG Marine Corps East, West, Pacific, National Capital Region, and COMMARFORRES shall:

040501. Provide regional/Marine Forces Reserve (MARFORRES) environmental policy and program management, guidance, coordination, and implementation strategies.

040502. Promote sustainability and support installation sustainability initiatives.

040503. Provide environmental compliance oversight and evaluations of installation program implementation to monitor and sustain Marine Corps environmental program objectives.

040504. Provide primary environmental regulatory interface for issues that have implications beyond a single installation.

040505. Monitor and manage environmental encroachment factors and facilitate encroachment partnering relationships and agreements.

040506. Identify and promote opportunities for regional environmental initiatives and contracting support to increase consistency and effectiveness and to gain efficiencies.

0406 COMMANDERS OF MARINE FORCES

Commanders of Marine Forces shall:

040601. Ensure that all personnel comply with all applicable federal, State, local, DoD, DON, and Marine Corps environmental requirements and Presidential E.O.s.

040602. Ensure that personnel are trained and aware of environmental requirements that apply to their respective duties.

0407 COMMANDERS OF MARINE CORPS INSTALLATIONS

Commanders of Marine Corps Installations shall:

040701. Ensure that all personnel (military and civilian), tenants, units, contractors of GOCO and COCO facilities, contractors, and grantees of lease agreements comply with all applicable federal, State and local, DoD, DON, and Marine Corps environmental requirements and E.O.s.

040702. Promote and implement sustainability planning and initiatives, facilitate cross-functional interaction, advocate sustainable practices, and promote life-cycle analyses.

040703. Ensure that personnel are trained and aware of environmental requirements that apply to their respective duties.

0408 COMMANDING OFFICER (CO) OF MARINE CORPS UNITS AND TENANTS

COs of Marine Corps Units (Battalion/Squadron and above) and tenants assigned to Marine Corps installations shall:

040801. Ensure that all personnel comply with all applicable federal, State and local, DoD, DON, and Marine Corps environmental requirements, E.O.s and installation policies.

040802. Identify issues and seek assistance from installation environmental staff, as required.

040803. Ensure that individuals performing environmental responsibilities are appropriately designated and recognized for job performance in those areas.

VOLUME 1: APPENDIX A

**“FEDERAL STATUTES, FEDERAL REGULATIONS, EXECUTIVE ORDERS, AND DOD
POLICIES”**

SUMMARY OF SUBSTANTIVE CHANGES

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APPENDIX A
FEDERAL STATUTES, FEDERAL REGULATIONS, EXECUTIVE ORDERS, AND DOD
POLICIES

1 GENERAL

a. This Order summarizes federal DoD environmental requirements applicable to the Marine Corps, including E.O.s, federal laws, federal implementing regulations, and DoD policies. DON and Marine Corps policies developed to implement federal and DoD environmental requirements are also identified.

b. State and local governments may also stipulate environmental program requirements that are more stringent than federal requirements. Although specific state and local environmental requirements are not included in this Order, installations are responsible for identifying and complying with all applicable requirements.

c. Each Volume in this Order refers to specific E.O.s, federal environmental statutes, regulations, and policies related to environmental compliance, P2, ER, natural, and cultural resources, conservation and preservation. Compliance with these requirements along with good stewardship helps to ensure a sustainable Marine Corps.

d. The applicability of environmental requirements to Marine Corps activities in foreign countries is discussed in paragraph 1101 and Volume 15 of this Order.

2 FEDERAL STATUTES

Federal environmental statutes are laws that generally require compliance by DoD installations. State and local governments often implement programs based on federal environmental law, and these programs often apply to DoD installations by virtue of federal waivers from sovereign immunity.

3 FEDERAL REGULATIONS

Federal environmental regulations implement federal environmental statutes. These regulatory requirements often establish minimum standards for state and local governments' implementing programs.

4 EXECUTIVE ORDERS

E.O.s are presidential policy directives that implement or interpret federal statutes, constitutional provisions, or treaties.

5 DEPARTMENT OF DEFENSE (DOD) POLICY

DoD environmental policies are generally issued via DoD Instructions and Directives. Certain DON requirements, such as those published by the Office of the Assistant SECNAV for Energy,

Installations, and Environment apply to both Navy and Marine Corps activities and installations. These are also listed under DoD Policy.

<p>VOLUME 2</p> <p>“MARINE CORPS ENVIRONMENTAL MANAGEMENT SYSTEM”</p> <p>SUMMARY OF VOLUME 1 CHANGES</p> <p>Hyperlinks are denoted by <i><u>bold, italic, blue and underlined font.</u></i></p> <p>The original publication date of this Marine Corps Order (right header) will not change unless/until a full revision of the MCO has been conducted.</p> <p>The date denoted by blue font (left header) will reflect the date this Volume was last updated.</p> <p>All Volume changes denoted in blue font will reset to black font upon a <u>full revision</u> of this Volume.</p>			
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Submit recommended changes to this Volume, via the proper channels, to:

CMC (OFC CODE)
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 Washington, DC 20350-3000

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REFERENCES

- (a) Executive Order (E.O.) 13693, "Planning for Federal Sustainability in the Next Decade," March 19, 2015
- (b) Sections 4321-4347 of Title 42, United States Code (42 U.S.C. §§4321-4347)
- (c) Department of Navy (DON), "Green Procurement Program Implementation Guide," February 2009
- (d) DoD Instruction 4715.17, "Environmental Management Systems," April 15, 2009
- (e) SECNAV Instruction 5720.44B, "Public Affairs Policy & Regulations," November 1, 2005
- (f) 5 U.S.C. §552
- (g) SECNAV M-5210.1
- (h) 42 U.S.C. §§9601-9675
- (i) Department of the Navy, Environmental Restoration Program (NERP) Manual, Chapter 14, "Records, Reporting, and Information Management Systems," August 2006
- (j) SECNAV M-5214.1

Reports Required: I. Report of Notice of Violation/Notice of Noncompliance (Report Control Symbol MC-5090-01), Chap. 3, par. 030803.A
II. Environmental Management System Report (Report Control Symbol Exempt) Chap. 3, par. 031704

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VOLUME 2: CHAPTER 1

“SCOPE”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 1

SCOPE

0101 PURPOSE

This Volume establishes current Marine Corps policy and responsibilities for effective environmental program management through execution of the Marine Corps Environmental Management System (EMS). The goal of the Marine Corps EMS is to enable Marine Corps units, tenants, commands, installations, and regions to achieve, maintain, and proactively address environmental compliance and protection requirements while sustaining resources essential to combat training and readiness. The Marine Corps shall implement functional EMSs at all appropriate levels (installation, regional, and Headquarters, Marine Corps, Facilities and Services Division (HQMC (LF))/Marine Corps Installations Command, Facilities Directorate (MCICOM (GF))) to facilitate the continual improvement of Marine Corps environmental compliance programs while meeting evolving Executive Order (E.O.) and Department of Defense (DoD) policy requirements for mission sustainability.

0102 APPLICABILITY

010201. This Volume applies to all EMS-appropriate Marine Corps regions and installations, including active-duty installations located within and outside the continental United States and Marine Forces Reserve (MARFORRES) Headquarters. HQMC (LF)/MCICOM (GF) annually submits a list of EMS-appropriate Marine Corps installations to DoD. Organizational EMS requirements also apply to HQMC (LF)/MCICOM (GF) and regional commands.

010202. All commands and tenant organizations on Marine Corps installations or other host facilities are stakeholders in the EMS. As such, they shall participate in their applicable EMS by proactively managing environmental risks by preventing, controlling, or minimizing the potential environmental impacts of their operations.

010203. All EMS-appropriate overseas installations shall adhere to the current Marine Corps policy and responsibilities for effective environmental program management through maintenance of the Marine Corps EMS as outlined in this volume (unless otherwise noted).

010204. The EMS is the overarching framework for managing environmental programs and is related to all other volumes in this Order.

0103 BACKGROUND

010301. The Marine Corps EMS provides a systematic approach for integrating environmental considerations and accountability into day-to-day decision making and long-term planning processes across Marine Corps missions, activities, and functions. The EMS provides a standardized management framework for overseeing installation environmental responsibilities.

010302. The Marine Corps EMS is built upon a framework of five interrelated components consisting of 17 elements. This framework is consistent with those used by other

military services, federal agencies, and with International Organization for Standardization (ISO) 14001, an international consensus standard for EMS. The Marine Corps EMS emphasizes continual improvement of Environmental Management (EM) processes and performance through effective policy, planning, implementation, checking, preventive and corrective action, and management review. Policy requirements in Chapter 2 of this volume are organized around the 17 EMS elements contained in the following five EMS components (see also Figure 1-1):

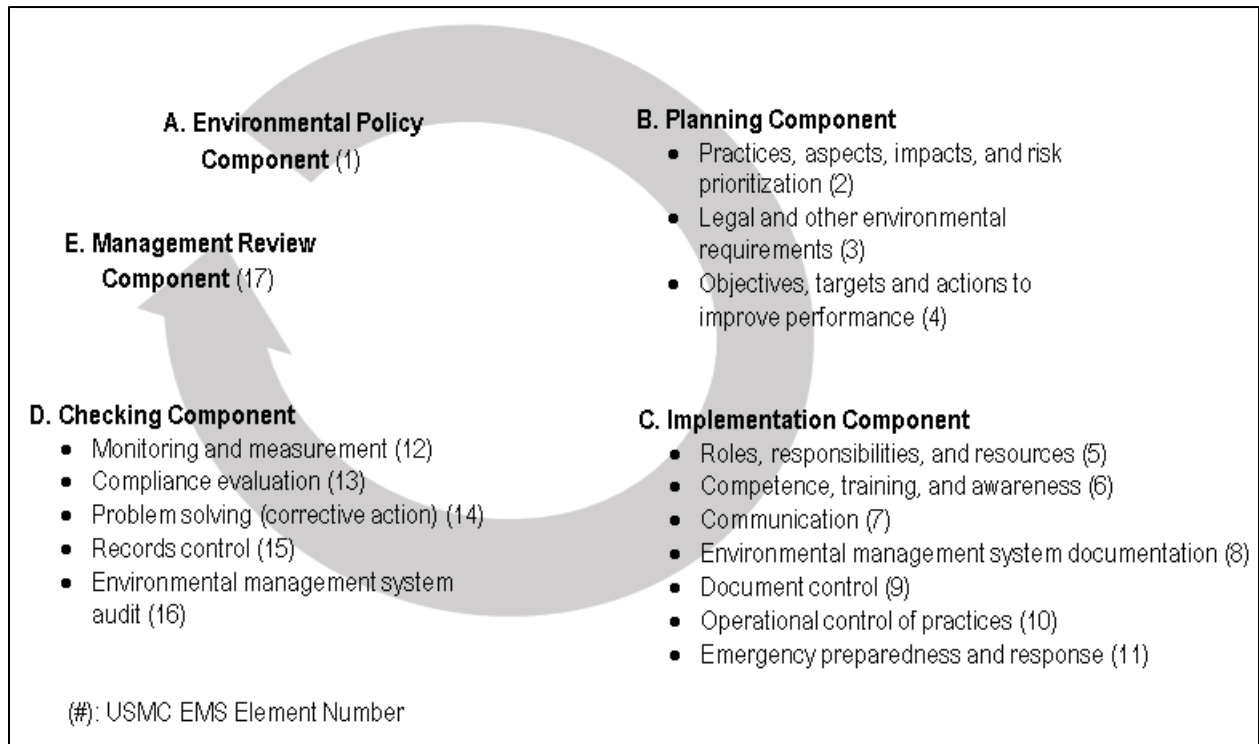


Figure 1-1.--EMS Elements

A. Policy

The Environmental Policy is a public statement by senior leadership (at installation, regional, or HQMC (LF)/Commander Marine Corps Installations Command (COMMCICOM) levels) that, among other requirements, expresses commitment to environmental compliance and continual improvement of the installation’s environmental performance (see Paragraph 0202).

B. Planning

Planning integrates environmental considerations into mission operations by identifying federal, state, local, Marine Corps, DON, and DoD environmental requirements applicable to the installation’s activities; identifying mission-supporting practices and their aspects and impacts; analyzing and prioritizing risks to mission posed by those practices and developing controls to reduce that risk; establishing objectives and targets (goals and metrics) to improve environmental performance for specific issues and minimize risks to mission posed by those practices; and creating Plans of Action and Milestones (POA&Ms) that define how objectives and targets will be achieved.

C. Implementation

The Marine Corps develops and documents roles and responsibilities for controlling mission-supporting practices and managing environmental resources to sustain and enhance the installation's mission.

D. Checking, Preventive, and Corrective Action

This component ensures that the EMS actively measures and monitors performance, inspects for compliance, corrects deficiencies to address the root cause of problems, maintains proper records, and effectively implements EMS requirements to improve EM and performance.

E. Management Review and Improvement

This component includes the senior leadership review of environmental policy, planning, and implementation, followed by recommendations to promote continual improvement, as appropriate.

010303. Installations are encouraged to leverage efficiencies and cross-functional relationships established in accordance with the EMS to facilitate sustainable practices and pollution prevention (P2).

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VOLUME 2: CHAPTER 2

“AUTHORITY”

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CHAPTER 2

AUTHORITY

0201 FEDERAL STATUTES

The following legislation contains provisions that pertain to P2, use of bio-based products, and products containing recovered materials, which are discussed under Element 4: Objectives, Targets, and Actions to Improve Performance in paragraph 0305:

- 020102. Energy Policy Act of 2005 (42 U.S.C. §15801).
- 020103. Farm Security and Rural Investment Act of 2002 (7 U.S.C. §§7901-8001).
- 020104. Pollution Prevention Act of 1990 (42 U.S.C. 13101 et seq.).
- 020105. Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901 et seq.).

0202 EXECUTIVE ORDERS

020201. E.O. 13693, “Planning for Federal Sustainability in the Next Decade,” March 19, 2015.

0203 DEPARTMENT OF DEFENSE (DOD) POLICY

020301. DoD Instruction 4715.17, “Environmental Management Systems,” April 15, 2009.

020302. Department of the Navy (DON), Green Procurement Program Implementation Guide, February 2009.

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VOLUME 2: CHAPTER 3

“REQUIREMENTS”

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CHAPTER 3

REQUIREMENTS

0301 ENVIRONMENTAL MANAGEMENT SYSTEM (EMS)

This chapter provides general policy and criteria for conformance with the Marine Corps EMS, as well as additional requirements and guidance relevant to the EMS, and is organized according to the EMS framework of five components and 17 elements.

030101. Scope of Environmental Management System (EMS) at Active-Duty Installations

All active installations shall ensure that the EMS is installation-wide in scope and covers all installation commands and units, contractor-operated practices, and DoD tenant organizations. Documentation is required if any tenant or contractor does not choose to participate in EMS. Where appropriate, multiple installations may be included within the scope of a single EMS (or multi-site EMS); the requirements contained in paragraphs 0301 through 0318 will then apply to the multi-site EMS.

030102. Marine Forces Reserves (MARFORRES) Environmental Management System (EMS)

Headquarters, MARFORRES shall implement an organizational EMS that addresses all Marine Corps-owned and -leased Reserve centers.

030103. Tenant Marine Corps Commands

All tenant Marine Corps commands, both active and reserve, shall participate in their host installation's EMS and shall fully support their host installation in attaining and maintaining EMS conformance.

030104. Environmental Management System (EMSs) for Operational Deployments

EMS requirements do not apply to operational deployments (e.g., cases of hostilities, contingency operations in hazardous areas and expeditionary installations, when U.S. forces are operating as part of a multinational force not under full control of the United States). Such excepted operations and deployments shall be conducted in accordance with applicable international agreements, other DoD Directives and Instructions, and environmental annexes incorporated into operation plans or operation orders.

0302 ELEMENT 1: ENVIRONMENTAL POLICY

030201. Policy Requirements

The U.S. Marine Corps Environmental Policy and directives are outlined in Volume 1 of this Order. In keeping with this policy, each installation shall issue an Environmental Policy that:

- A. Is documented and signed by the installation Commanding General/Commanding Officer (CG/CO).
- B. Reflects the vision of the Marine Corps EMS to sustain and enhance mission readiness and access to training environments through effective and efficient EM.
- C. Commits to compliance with relevant environmental legislation, regulations, and policy; P2; conservation of natural and cultural resources; cleanup of contaminated sites; minimizing risks to mission; continual improvement in performance of the EMS.
- D. Is communicated to installation personnel and made available to the public.

030202. Implementation and Maintenance

The Environmental Policy shall be implemented and maintained by the installation and provide a foundation for establishing objectives and targets and setting environmental performance goals.

030203. Review and Revision

The Environmental Policy shall be reviewed at least annually and updated, as needed, to ensure that it remains appropriate to the installation's activities and mission.

030204. Commandant of the Marine Corps, Facilities and Services Division (CMC(LF))/COMMCICOM Environmental Statement

The CMC (LF)/COMMCICOM periodically publishes policies providing direction on environmental matters. Each addressee should, if applicable, publish a policy for implementing each of these policy Letters.

0303 ELEMENT 2: PRACTICES, ASPECTS, IMPACTS, AND RISK PRIORITIZATION

030301. Practice Inventory

Each installation shall implement a documented procedure for inventorying practices, annually reviewing the practice inventory, and updating it as practices are altered, discontinued, or added. The practice inventory shall be installation-wide in scope to include contractor- and tenant-operated practices.

- A. Installations shall identify aspects associated with each practice on their inventory. Standard Marine Corps practices, aspects, and impacts, along with standard practice-aspect associations, are maintained in Web Compliance Assessment and Sustainment Software (WEBCASS) and are included in Table 3-1.

Table 3-1. --Standard Practices, Aspects, and Impacts

<p>The Marine Corps’ standard practices, aspects, and impacts are listed below. Marine Corps installations shall use these lists in developing their practice inventory and prioritizing risks to mission.</p> <p>Note: These lists are subject to change; installations may request additions or modifications to these lists by contacting CMC (LFF)/CMC (GF). The lists below are provided for reference only, and are current as of December 2014. Installations shall refer to the prescribed risk software for the current versions of these lists.</p>	
Practices:	
Acid cleaning	Livestock operations
Aircraft combat training	Materiel storage/handling (compressed gas)
Aircraft deicing	Medical/dental operations
Aircraft ground support equipment operation and maintenance	Metal working
Aircraft maintenance	Nondestructive inspection
Amphibious training	Oil Water Separator
Battery management	Open burning/open detonation
Bilge Water Management	Ozone depleting substance/halon management
Boat operation/maintenance	Packaging/unpackaging
Boat, ramp, dock cleaning	Paint booth
Boiler operation	Paint gun cleaning
Building operation/maintenance/repair	Paint removal
Burnout oven operation	Painting
Car washing (non-tactical)	Painting preparation
Channel dredging	Parts replacement
Chemical treatment	Patch testing
Chlorination	Pesticide/herbicide management and application
Combat construction training	Photographic developing
Commuting	Polishing
Composting	Polychlorinated biphenyl management
Construction/renovation/demolition	Pumping station/force main
Cooling tower operation and maintenance	Radioactive material storage
Degreasing	Range residue clearance
Dining Hall/Restaurant Operations	Recreational facilities operations
Drinking water management	Road construction and maintenance
Dry cleaning	Rock crushing operations
Emergency response training	Roofing kettle
Encampment	Row crop agriculture
Engine operation and maintenance	Sewers
Equipment operation/maintenance/ disposal	Sidewalk and road deicing
Erosion/runoff control	Silver recovery unit operation
E-waste management	Soil excavation/grading
Explosive Ordnance Device (EOD) training	Solid waste (SW) collection/transportation
Fertilization	Storage tank management

Table 3-1. --Standard Practices, Aspects, and Impacts

Field mess	Stormwater collection/conveyance system
Field showers	Surface washing
Fish stocking	SW disposal offsite transport
Flare and smoke usage	SW landfill
Forest fire management	SW recycling facility
Fuel Resupply (field)	Swimming pool operation and maintenance
Fuel transfers over water/by barge	Timber management
Fueling and fuel management/storage	Tree/shrub removal
Grease traps	Turbine generation
Habitat Conservation Plan operation	Underground Storage Tank (UST)/Aboveground Storage Tank facility level
Habitat management	Unexploded ordnance/EOD operations
Hazardous Material (HM) storage	Universal waste storage/collection
Hazardous Waste (HW) disposal offsite transport	Urban wildlife management
HM transportation	Used Oil/Antifreeze storage
Household HW collection/management	UST/AST operator level
HW recycling	Vehicle maintenance
HW satellite accumulation area	Vehicle operations
HW storage (< 90 day site)	Vehicle parking
HW transportation	Vehicle smog inspection
Impact berm maintenance	Wash rack
Infantry training	Wastewater flare operations
Laboratory	Wastewater sludge treatment and disposal
Landfill gas energy recovery system	Wastewater treatment
Landscaping	Water heater operation and maintenance
Laundry	Weapons cleaning
Live fire range operations	Woodworking
Aspects:	
Air emissions	Physical presence
Asbestos presence	Potable water backflow or cross-connection
Electricity use	Radon presence
Fire/explosion	Soil disturbance
Fuel use	Solid waste generation
Hazardous material use	Spill
Hazardous waste generation	Stormwater discharge
Lead-based paint presence	Vegetative disturbance
Material (non-hazardous) use	Wastewater discharge
Noise	Water use
Nuisance odor	
Impacts:	
Air quality degradation	Potable water quality degradation
Community relations/public perception impact	Real property/private property damage
Depletion of landfill space	Reduced visibility

Table 3-1. --Standard Practices, Aspects, and Impacts

Depletion of resources	Soil compaction
Electricity consumption	Soil erosion
Flooding	Soil quality degradation
Fuel consumption	Surface water quality degradation
Groundwater quality degradation	Water consumption
Historic/cultural resource disturbance	Wetlands disturbance
Other natural resource disturbance	Wildlife species/habitat disturbance
Personnel exposure	

B. Installations shall ensure that any practices that affect key environmental resources are identified and operational controls are implemented to mitigate negative environmental impacts. Key environmental resources include, but are not limited to, training lands, drinking water sources including groundwater and surface water bodies, indoor and outdoor air quality, federally-recognized threatened and endangered species, wetlands and other sensitive ecosystems, and cultural and archaeological sites.

C. Installations shall identify greenhouse gas emissions as aspects of installation practices as required to meet federal or state reporting requirements and reduction goals. Installations shall ensure that practices that significantly affect sustainable practice performance goals as defined by E.O. 13693 (reference (a)) are included in the practice inventory, as appropriate.

D. Installations shall identify their actual and potential environmental impacts. Installations may use WEBCASS to document and maintain their inventory of practices, aspects, and impacts and to assess significance.

030302. Risk Prioritization

Prioritizing risk allows the Marine Corps to determine which practices and aspects are significant based on whether they have, or can have, a significant impact on the environment.

A. Each installation shall implement a documented procedure to determine significant practices based on which practices have, or could potentially have, one or more significant aspects. Aspects are considered significant if they have one or more significant impacts. The procedure shall be repeatable and defensible and shall include a schedule for periodic review and update of the results.

B. Risk shall be calculated at the aspect level using Marine Corps-wide risk calculation standards contained in WEBCASS.

0304 ELEMENT 3: LEGAL AND OTHER ENVIRONMENTAL REQUIREMENTS

030401. Additional Direction and Policy Guidance

It is Marine Corps policy that all Marine Corps installations and activities comply with all applicable environmental requirements. Paragraph 0203 provides additional direction and policy guidance.

030402. Documented Procedures

Each installation shall establish and implement documented procedures to identify federal, state, local, DoD, DON, Marine Corps, and installation-level environmental requirements applicable to its practices and environmental programs. The legal and other requirements should be associated with the practices and aspects identified for the installation to establish relevance and facilitate the identification of appropriate controls for the practices. Legal and other requirements may include security requirements specific to the installation, health and safety policies, or other requirements that may affect the control of practices.

030403. Environmental Requirements

Installations shall ensure that pertinent information regarding environmental requirements is available to appropriate personnel at the installation (e.g., environmental media managers and practice owners) in the form of policy, procedures, and checklists, as appropriate.

030404. Environmental Compliance and Protection Standard Operating Procedure (ECPSOP)

Installation CG/COs shall publish an ECPSOP or installation directives that implement all applicable organizational and environmental compliance policies and procedures and establishes environmental program roles and responsibilities. The ECPSOP should instruct program managers and practice owners on how to comply with applicable environmental requirements. ECPSOPs shall reference existing installation policies, procedures, and management plans rather than duplicate their content, as appropriate. The ECPSOP shall be posted on the EM Portal. (See also paragraph 0311).

A. Installation CG/COs are encouraged to publish a single ECPSOP/installation order versus multiple ECPSOPs/installation orders to ensure continuity of effort and prevent conflicts in policies between various environmental media programs. This will also facilitate communication with subordinate and Marine Corps command/unit and tenant COs by providing a single source document for them to use. Installation, Fleet Marine Force (FMF), and major Marine Corps command/unit and tenant COs are encouraged to work together to publish a single ECPSOP.

B. Major FMF, detached, and separate commands will publish an ECPSOP if they are not co-signatories or otherwise subscribe to an installation ECPSOP (by directive, Intra(or Inter)-Service Support Agreements (ISSA), or Memorandum of Understanding). The FMF, detached, and separate command ECPSOP will contain, at a minimum, policies on complying with Sections 4321-4347 of Title 42, United States Code (42 U.S.C. §§4321-4347) (also known and referred to in this order as “National Environmental Policy Act” (NEPA)) (reference (b)) (normally limited to training-related activities) and hazardous material (HM), hazardous waste (HW), and emergency response plans.

C. ECPSOPs shall complement and reference, but not repeat, this Order. ECPSOPs shall be reviewed annually and updated as necessary.

0305 ELEMENT 4: OBJECTIVES, TARGETS, AND ACTIONS TO IMPROVE PERFORMANCE

030501. Objectives and Targets

Each installation shall establish, implement, and document environmental objectives and targets at relevant functions and levels within the installation. These environmental objectives and targets shall then be communicated to installation employees at those levels and functions.

030502. Requirements

Installations shall ensure that objectives and targets:

- A. Take into account risks to mission and other risks as determined through the risk calculation procedure. Installations shall take into account their significant aspects when establishing their objectives and targets; however, installations do not need to establish an objective and target for every significant aspect and practice.
- B. Are consistent with and supportive of the installation's Environmental Policy, environmental requirements, and sustainability goals.
- C. Take into account the views of interested parties, either external or internal.
- D. Are achievable within economic, operational, and technological restraints.
- E. Are measurable.
- F. Are reviewed and revised at least annually, according to a schedule established by the installation.

030503. Actions to Improve Performance

POA&Ms are used to improve environmental performance at Marine Corps installations. Each installation shall identify, implement, and maintain POA&Ms for achieving its objectives and targets. POA&Ms shall designate responsibilities and shall identify the timeframes for achieving each objective and target at relevant functions and levels of the installation. Actions, funding, and resource requirements should all be described within the objective and target POA&Ms.

030504. Implementation

Each installation shall implement identified actions within the installation CG/CO's responsibility and budget (behavioral and administrative actions) to achieve objectives and targets.

030505. External Funding/Expertise

Installations shall program for and execute actions requiring external funding and/or expertise (i.e., projects (see paragraph 030603)).

030506. Practices and Pollution Prevention (P2)

P2 is an objective of the EMS and shall be incorporated into the objectives, targets, and POA&Ms to improve EM, achieve cost avoidance, and protect human health and natural resources. P2 should be incorporated into EMS objectives, targets, and POA&Ms unless a separate P2 plan is required by state or local regulations.

A. One of the goals of P2 is to increase procurement of environmentally preferable items. The DoD Green Procurement Program is applicable to all procurement actions by Marine Corps commands, operations, and systems except military tactical vehicles and equipment as defined by DON, “Green Procurement Program Implementation Guide,” February 2009 (reference (c)). The DON, Green Procurement Program Implementation Guide requires the Marine Corps to consider green products and services as the first choice in all procurement actions and uses green products and services to the maximum extent practicable, consistent with federal procurement preference programs.

B. The Marine Corps’ goal is to achieve 100 percent compliance with all mandatory DoD Green Procurement Program elements as described in reference (c).

030507. Sustainable Practices

The EMS should also be used to set objectives and targets for sustainable practices pursuant to section 2 of reference (a).

0306 ELEMENT 5: ROLES, RESPONSIBILITIES, AND RESOURCES

This element is divided into two subcategories: Roles, Responsibilities, and Programs; and Funding and Manpower. This division allows for better discrimination of root causal factors.

030601. Roles, Responsibilities, and Programs

The Environmental Department at each installation shall take a lead role to ensure the EMS is properly implemented. Environmental programs, however, are not assigned exclusively within the Environmental Department, and other organizations (e.g., Facilities, Safety, and Medical) play key EM roles. In addition, all installation personnel are responsible for minimizing the environmental impact of their practices whenever possible. Specific environmental program responsibilities are assigned in Volume 1 of this Order, and programmatic roles will be delineated in an ECPSOP in accordance with Element 5.

030602. Environmental Management System (EMS) Responsibilities

EMS responsibilities are assigned in Chapter 4 of this volume.

A. Each installation shall document and communicate EMS roles, responsibilities, and authorities for:

1. The EMS Team.

2. Environmental program managers and staff.
3. Practice owners, including tenants and onsite contractors.

B. EMS Team members shall be formally appointed (also see paragraph 031801). Pursuant to DoD Instruction 4715.17 (reference (d)), the EMS Team should include personnel from environmental and other departments, including but not limited to, mission units and tenants, planning, procurement, contracts, logistics, legal, budget, facilities, energy, and technical support functional areas and other functional areas as appropriate. Additionally, the installation CG/CO, through the chain of command, shall appoint an installation EMS manager who has a defined role, responsibility, and appropriate level of authority for:

1. Ensuring that the EMS is established, implemented, and maintained in accordance with this Order.
2. Reporting to the installation CG/CO, through the chain of command, on the performance of the EMS, including recommendations for improvement.

C. Installations shall review and modify media programs to ensure that they support the Environmental Policy and contribute to achieving EMS objectives and targets.

D. Installations shall identify all contracts that can significantly affect the installation's significant aspects. Requirements shall be included in all appropriate contracts to ensure that contractors' responsibilities under the EMS are properly addressed, to include control of contractor-operated practices.

E. Officer of the Day/Command Duty Officer (OOD/CDO)

The OOD/CDO is the installation CG/CO's representative during non-duty hours. The OOD/CDO's primary responsibility is to receive emergency calls during non-duty hours and inform the CG/CO and staff of significant incidents. Each OOD/CDO turnover folder shall contain an environmental staff recall roster and coordinating instructions for emergency reporting (e.g., hazardous substance (HS) spills). All installation and unit HS response plans, Spill Prevention Control and Countermeasure (SPCC) Plan, Facility Response Plan (FRP), and other contingency plans or procedures will require the OOD/CDO to be contacted immediately after contacting emergency response personnel.

F. Government Owned-Contractor Operated (GOCO) Facilities

Marine Corps installations and commands sponsoring GOCO facilities shall ensure that GOCO facility use and management contracts require each contractor to participate in the Marine Corps Environmental Compliance Evaluation (ECE) Program and the installation's EMS. Marine Corps installations and/or commands sponsoring GOCO facilities should also encourage GOCO facilities to incorporate the P2 EM Hierarchy (see paragraph 1203) into project planning and design.

G. Desktop Procedures and Turnover Folders

Installation CGs/COs shall ensure desktop procedures and turnover folders are developed and maintained for environmental billets. See Appendix B for desktop procedure guidance and turnover folder requirements. These procedures may be included in an ECPSOP rather than as additional documentation.

H. Facility Land Use

When managing DoD real property on which private activities are permitted, licensed, or otherwise authorized or regulated, installations shall consider the environmental impacts of such activities in identifying significant aspects and establishing objectives and targets.

030603. Funding and Manpower

A. Identifying Projects

Each installation shall identify projects for external environmental funding either as actions to achieve objectives and targets (see paragraph 0305) or as corrective/preventive measures identified through problem solving (see paragraph 0315).

B. Partial Funding

The Marine Corps may partially fund regional and community pollution control and SW management solutions where there is sufficient benefit to the Marine Corps. All such environmental funding requests shall be coordinated with the CMC (LF)/ MCICOM (GF) and the Counsel for the Commandant of the Marine Corps (CMC (CL)) to ensure the availability and proper expenditure of appropriations.

C. Tracking Expenditures

Each installation shall track expenditures and execute funds through existing budget mechanisms in accordance with Volume 3 of this Order.

D. Periodic Evaluation

Each installation shall periodically evaluate manpower dedicated to EM, and realign roles and responsibilities to support the installation's objectives and targets and planned EMS improvements.

E. Environmental Engineering Management Officer

1. Each large installation and Marine Corps installation (MCI) region (MCI East, MCI West, MCI Pacific, and MCI National Capital Region) shall have an appropriately ranked Marine Officer, Military Occupational Specialty (MOS) 8831, Environmental Engineering Management Officer billet assigned to its Table of Organization. Smaller installations are encouraged to make use of MOS 8831s available at the larger installations and regions as required.

2. An MOS 8831 officer is an active-duty officer with fleet experience and is a graduate of the Special Education Program. An MOS 8831 possesses a master's degree in environmental engineering, management, or science or has otherwise met the requirements delineated in SECNAV Instruction 5720.44B (reference (e)). MOS 8831s address multi-media environmental compliance, management, and sustainability issues that involve Marine Corps units, both operationally and at the installations.

3. CMC (LF)/MCICOM (GF) is the MOS sponsor for MOS 8831s. All Navy Marine Corps (NAVMC) 11355 Table of Organization and Equipment Change Requests and NAVMC 11345 Billet Education Evaluation Certificates with command endorsements shall be submitted to Marine Corps Combat Development Command, Total Force Structure Division via CMC (LF)/MCICOM (GF).

F. Hazardous Material (HM)/Hazardous Waste (HW) Officer/Marine

All units that handle HM/HW should have Marines who are qualified under MOS 8056. MOS 8056 was established as a secondary MOS to provide the Marine Corps with uniformed Marines trained to manage HM and HW, primarily at the unit level. See Volume 5 of this Order for additional MOS 8056 requirements.

G. Environmental Compliance Coordinators (ECCs)

All units at the squadron/battalion level or higher are required to appoint ECCs to help ensure that unit environmental requirements, to include training requirements, are sufficiently addressed. Unit ECCs should be a Sergeant or higher. (Note: installations may use installation-specific terminology for this position as long as the responsibilities remain the same.) See Volume 5 of this Order for additional requirements.

0307 ELEMENT 6: COMPETENCE, TRAINING, AND AWARENESS

030701. Identifying Environmental Training Needs

Based on competence requirements associated with personnel positions and work duties, each installation shall identify environmental training needs associated with its practices, aspects, and impacts and the EMS.

030702. General Training Requirements

Each installation shall identify, provide, and document training and instruction needed to:

- A. Comply with applicable requirements.
- B. Ensure practice owners understand procedures for controlling their practices and are competent to operate practices in a compliant and environmentally sound manner.
- C. Ensure that all installation personnel are aware of the EMS and understand:

1. The importance of conformance with the Environmental Policy, environmental procedures, and with the requirements of the EMS.
2. The significant environmental impacts and related or potential impacts associated with their work and the environmental benefits of improved personal performance.
3. Their roles, responsibilities, and authorities in achieving conformance with the requirements of the EMS.
4. The potential consequences of departure from specified operating procedures.

030703. Comprehensive Environmental Training and Education Program (CETEP)

Installation environmental training requirements shall be executed through the CETEP (see Volume 5 of this Order).

030704. Training Requirements for Marine Corps EMS Auditors

A. Persons responsible for conducting EMS audits shall have successfully completed an EMS Lead Auditor Training course within the three years immediately preceding any EMS audit in which they will serve as an auditor. Allowable courses include HQMC (LF)/MCICOM (GF)-sponsored Marine Corps EMS Lead Auditor Training, Navy EMS/Compliance Auditor Training, or ISO 14001 Lead Auditor Training.

B. Persons who have taken the EMS Lead Auditor Training previously and continue to serve in a billet with EMS responsibilities may satisfy this requirement by completing EMS Lead Auditor refresher training; such refresher training shall have been completed within three years immediately preceding the EMS audit. Refresher training can be offered onsite, via webinar, or can be obtained through CMC (LF)/MCICOM (GF)-sponsored EMS/CETEP training courses.

C. A copy of each auditor's Lead Auditor Training certificate (with refresher training date, if applicable) will become part of the audit records for each annual EMS conformance audit.

0308 ELEMENT 7: COMMUNICATION

030801. Internal Communication

Each installation shall implement documented procedures for internal communication among the installation CG/CO, the EMS Team, the Environmental Office, other program managers (such as facilities, safety, or medical), all units and offices which own practices, and others within the Marine Corps interested in the installation's environmental affairs. Internal communications procedures will include the communication vehicles for installation personnel to be kept apprised of the EMS and EMS-related information, including the system's status and changes. Communications procedures shall also include methods available to all installation personnel and contractors to communicate with

EMS staff on EMS-related issues. Use of the EM Portal is highly encouraged. See para 2309.c for additional guidance.

030802. External Communication

Each installation shall implement documented procedures for receiving, recording, and responding to communications from regulatory agencies, the public, and others outside the Marine Corps who are interested in the installation's environmental affairs. These documented procedures shall include the procedures for communicating externally with the public, including how the installation will provide the Environmental Policy to the public.

030803. Reporting Enforcement Actions

Immediately after receiving an enforcement action or other notice of noncompliance from a regulatory authority regarding a failure or potential failure to comply with an environmental requirement, the cognizant installation shall:

A. Report it via the chain of command to the Environmental Compliance Officer, CMC (LF)/MCICOM (GF), by submitting a Report of Notice of Violation/Notice of Noncompliance Report in the EM Portal. Report Control Symbol MC-5090-01 is assigned to this reporting requirement.

B. Coordinate with the responsible unit to correct the alleged violation or, after consulting with counsel, prepare a plan to achieve and maintain compliance. The responsible unit or cognizant installation should also consult with counsel to determine whether an administrative, criminal investigation, or a litigation report is appropriate.

030804. Coordination between Environmental Managers and Marine Corps Commands/Units and Tenants

To promote Marine Corps environmental compliance and a greater understanding of host-tenant EMS responsibilities, Marine Corps installations and DoD tenant commands should develop ISSAs or similar instruments that define inter-organizational EM, compliance, and protection responsibilities. Each Marine Corps installation shall audit DoD tenant organization environmental compliance activities on the installation. DoD tenant organizations shall participate in the Marine Corps ECE Program and in the Marine Corps EMS. Marine Corps units located on other DoD installations shall participate in their host's EMS.

030805. Coordination between Environmental Managers and Counsel

Environmental program managers and staff shall work closely with their legal counsel. Many environmental compliance issues could directly and indirectly impact the legal rights and responsibilities of both the Marine Corps and individuals working aboard the installation. Accordingly, environmental program managers and staff shall consider legal matters when considering the practical and policy consequences of their actions. Legal counsel is uniquely qualified to advise environmental program managers and staff in this regard. Providing counsel with

timely information and following their advice can avoid or mitigate the impact of potentially serious legal matters.

030806. Regulatory Inspections

Upon the presentation of proper credentials, authorized U.S. Environmental Protection Agency's (EPA), state, or local regulators or representatives shall be allowed to enter a Marine Corps installation at reasonable times to examine or copy records, inspect activities or monitoring equipment, or sample any effluents or emissions that the officials have the authority to regulate. Such inspections, however, are subject to the information and installation security requirements set forth in paragraph 0304.

030807. Regional and Community Programs

Marine Corps representatives should participate in regional or community planning programs that involve installation interests. This participation is generally limited to an advisory (i.e., non-voting) role in matters of Marine Corps interest. Local outreach programs such as Earth Day and other community outreach activities that appropriately demonstrate Marine Corps environmental stewardship are highly encouraged.

030808. Release of Information

A. The installation CG/CO or their designee has the authority to release installation-specific information to federal agencies to the extent permitted by policy and the laws applicable to the release of agency records.

B. Reference (e), as amended or superseded, establishes Marine Corps policy for the release of information to the news media. The command Public Affairs Office coordinates the release of information to the news media.

C. Volume 4 of this Order discusses the release of ECE results.

D. 5 U.S.C. §552, also known and referred to in this order as "Freedom of Information Act," (reference (f)) requires that agency records be coordinated with the cognizant Freedom of Information Act office, public affairs office, and counsel (if applicable) to ensure that these requests are handled in accordance with federal law. A brief discussion of reference (f) is provided in Volume 4 of this Order. Environmental laws and other environmental requirements (e.g., permits) may also mandate the release of information to governmental agencies and the public.

E. The general public can retrieve enforcement and compliance information about DoD facilities possessing environmental permits through regulatory agency websites such as the EPA's Enforcement and Compliance History On-line (ECHO) Report (www.epa.gov/echo). It is important that the information contained in EPA's database accurately reflects the Marine Corps' enforcement and compliance status. Installations shall review the ECHO database and tracking system at least quarterly (preferably monthly) to ensure Marine Corps compliance data is current and accurate and work with EPA and state, local, and tribal governments to correct any inaccuracies. Installations shall pay particular attention to the categorization of Significant Non-Compliance:

1. Verify if the installation is listed as a “major” federal facility.
2. Verify installation address and permits associated with the installation.
3. Verify all reported data associated with the permits.
4. Report any errors and follow up with EPA data stewards until errors are resolved.

0309 ELEMENT 8: EMS DOCUMENTATION

030901. Each installation shall document their EMS, including the following:

A. EMS elements, including the procedures to implement them, as described below.

B. How elements relate to each other.

C. References to other documents and records relevant to the EMS and where they are maintained.

030902. Installations are encouraged to document their EMS elements within an ECPSOP in order to consolidate environmental documentation in a single location.

030903. EMS documents should include:

A. The Environmental Policy.

B. Current objectives and targets.

C. A description of the scope of the EMS.

D. Roles, responsibilities, and authorities to facilitate effective EM.

E. Significant environmental practices and aspects.

F. Information to monitor performance, including progress towards meeting the objectives and targets.

G. Applicable operational controls.

H. Any other documents determined by the installation to be necessary to ensure the effective planning, operation, and control of processes that relate to significant environmental aspects.

0310 ELEMENT 9: DOCUMENT CONTROL

031001. Each installation shall inventory all documents appropriate to its environmental programs and practices and identify other documents essential to the efficient operation of its EMS.

031002. Each installation shall implement a system to maintain documents so that they:

- A. Can be located.
- B. Are reviewed, approved, and updated as necessary.
- C. Are available when and where needed in their current versions, and older versions are removed from circulation and destroyed or archived as appropriate.

031003. Use of the EM Portal is encouraged for managing installation EMS documents and is required for certain higher headquarters information reviews. A list of items required to be posted to the EM Portal is included at Table 3-2. Installation-specific EMS sites on the EM Portal are structured by the 17 EMS elements and allow installations to create links to policy, procedures, and other programmatic data to ensure that EMS requirements are satisfied and that the documents are managed, current, and available to all who need them.

Table 3-2.-- Documents to be Posted to the EM Portal

Element Number	Element Title	Required Documents	Recommended Documents
1	Environmental Policy Statement	Post Environmental Policy Statement	NA
2	Practices, Aspects, Impacts, and Risk Prioritization	Post list of significant aspects and practices	NA
3	Legal and Other Requirements	Post inventory of applicable local environmental compliance requirements (local law, installation orders)	NA
4	Objectives, Targets, and Actions to Improve Performance	Post objectives and targets and associated POA&Ms	NA
5	Roles, Responsibilities, and Resources	Post EMS Organization Chart	Post EMS Team appointment letters and charter Post list of contractors associated with significant environmental aspects

Table 3-2.-- Documents to be Posted to the EM Portal

Element Number	Element Title	Required Documents	Recommended Documents
6	Competence, Training, and Awareness(1)	NA	CETEP Plan and training materials
7	Communication	NA	Post any communication tools (emails, memoranda, posters) above and beyond training and practice control procedures that have been used to communicate environmental requirements Post EMS Team meeting minutes
8	EMS Documentation	Post EMS Manual	NA
9	Control of Documents	NA	Document inventory
10	Operational Control of Practices	ECPSOP or ESOPs	NA
11	Emergency Preparedness and Response	NA	Emergency response plans and procedures (e.g. SPCC, HW Contingency Plan)
12	Monitoring and Measurement	NA	Post charts, graphs or other data showing progress towards objectives and targets
13	Evaluation of Compliance	NA	Post self-audit (ECE) plan
14	Problem Solving	NA	Process and results of past problem solving efforts
15	Control of Records	NA	Records inventory
16	EMS Review	Post Annual EMS Audit and Conformance Summary with Auditors' Certificates	NA
17	Management Review	Post management review briefings Post signed management review meeting minutes	Management review briefing materials

0311 ELEMENT 10: OPERATIONAL CONTROL OF PRACTICES

031101. Each installation shall ensure that each significant practice on the installation is controlled to sufficiently minimize risk to mission, environmental impacts and to comply with all applicable regulations and policies.

031102. Each installation shall ensure that significant practice owners have procedures for the proper control of their practices to reduce environmental risks. These procedures may be included in higher-tier orders (e.g., Marine Corps Orders, DoDIs, SECNAVINSTs) or other installation orders, an environmental media management plan (e.g., Integrated Contingency Plan (ICP), SPCC Plan, Integrated Natural Resources Management Plan (INRMP)), or in a practice-specific manual or environmental standard operating procedure (ESOP).

031103. Installations shall ensure that appropriate installation orders are reviewed for practices that may have the potential to cause significant environmental impact, and environmental control requirements are incorporated or referenced as needed.

031104. Installations shall ensure that practice owners maintain current practice control procedures in the workplace and that these procedures are addressed in employee training when appropriate.

031105. Practice control procedures shall include instructions for operational control, internal communication, emergency preparedness and response, inspection and corrective action, and training and awareness applicable to the practice.

031106. Practice control procedures shall identify who is responsible for implementing each action, how often it is to be carried out, and corrective actions to mitigate deficient operational controls.

031107. Where the control of a significant practice is not addressed in sufficient detail through higher-tier order, installation orders, a signed installation plan, or existing practice-specific operating manuals or standard operating procedures (SOPs), the installation shall update these procedures, plans, or orders as appropriate to include procedures for practice control. If such updates are determined not to be practical or possible, the installation shall prepare a practice-specific ESOP that meets the requirements of paragraphs 031105 and 031106.

A. Installations are encouraged to use the Practice Control Planning Matrix format provided in Table 3-3 to identify existing practice control procedures (and the need to develop ESOPs) for each significant practice operated aboard the installation.

B. ESOPs should be included as appendices to the installation's ECPSOP to facilitate easy updates by environmental program managers and to provide an easy reference for all environmental requirements and procedures applicable to the installation.

0312 ELEMENT 11: EMERGENCY PREPAREDNESS AND RESPONSE

031201. Each installation shall document their procedures for identifying and responding to accidents and emergencies and for avoiding where possible and, if not, mitigating the resulting environmental impacts. Installations should not write separate emergency preparedness and response procedures for addressing environmental issues, but should rather ensure that the installation's current procedures address environmental aspects of preparedness and response. Plans may include, but are not limited to, ICPs, FRPs, SPCCs, Disaster Response Plans, Anti-Terrorism/Force Protection Plans, etc. See Volume 7 of this Manual for more information on emergency planning and response.

031202. Each installation shall review and revise their emergency preparedness and response procedures (including training curricula) when new practices are initiated, after the occurrence of accidents or emergencies, or as required by regulation or policy.

031203. Procedures to be followed in the event of an accident or emergency shall be communicated to building managers and practice owners in scope and detail appropriate to their responsibilities.

031204. Installations shall test emergency preparedness and response procedures periodically, as required and/or appropriate.

Table 3-3.--Practice Control Planning Matrix

Objective: To ensure that all significant environmental practices have published procedures that will mitigate environmental risk for practice owners. Installations should update existing SOPs to address control of practices with significant environmental risk.						
Environmental SOPs should serve as reference documents for practice owners, and should be referenced in appropriate installation orders as required.						
The following matrix is an example.						
Significant Practices	Is control of significant practice addressed in sufficient detail in one or more of the following?				Need for ESOP	
	Higher Order	ECPSOP	Other Installation Order	Signed Installation Plan	Does a separate ESOP need to be developed? (Y/N)	Comments
	Specify (e.g. DoDI, OPNAVINST, MCO)	Specify section	Specify Order and Section.	Specify (e.g., SPCC, ICP, INRMP, FRP)		
Example Practice Type 1	MCO 5090.2A	No	No	SPCC	No	
Example Practice Type 2	No	2.A	Base Order 5090.XX	No	No	
Example Practice Type 3	DoDI 4715.XX	No	No	ICP	No	
Example Practice Type 4	No	5.X (not enough detail)	No	No	No	Updates to ECPSOP planned FY11.
Example Practice Type 5	No	No	No	No	No	ICP to be up-dated FY10 to address.
Example Practice Type 6	No	No	No	No	Yes	

SPCC = Spill Prevention Control and Countermeasures

INRMP = Integrated Natural Resource Management Plan

ICP = Integrated Contingency Plan

FRP = Facility Response Plan

ECPSOP = Environmental Compliance and Protection Standard Operating Procedure

ESOP = Environmental Standard Operating Procedure

A. Following completion of these tests, installation personnel in charge of the event shall hold a debriefing where they will engage test participants and leaders to determine the suitability, adequacy, and effectiveness of the tested procedures as well as to identify improvement opportunities as appropriate.

B. Summaries and results of these debriefings shall be recorded.

C. Improvement opportunities may be addressed using the problem solving process (see paragraph 0315).

D. The test results and improvement opportunities follow-up should be included in the management review inputs (see paragraph 0318).

0313 ELEMENT 12: MONITORING AND MEASUREMENT

031301. Each installation shall conduct environmental monitoring consistent with regulatory (e.g., environmental permit) requirements and, if appropriate or feasible, monitor the aspects or impacts of its significant practices.

031302. Installations shall calibrate or verify applicable monitoring and measuring equipment, as appropriate, and shall maintain the associated records.

0314 ELEMENT 13: COMPLIANCE EVALUATION

Each Marine Corps installation shall establish and maintain an ECE self-audit program per Volume 4 of this Order. As part of the program, each installation shall prepare and implement a self-audit plan that addresses all installation activities.

0315 ELEMENT 14: PROBLEM SOLVING

031501. Each installation shall follow a structured problem solving or corrective and preventive action process that identifies and defines problems or potential problems with compliance or EMS conformance, analyzes root causes and alternative solutions, selects and implements actions, and follows up to ensure problems and potential problems are solved and actions are taken to mitigate any environmental impacts and avoid any recurrence. Problems are typically identified through compliance audits, monitoring of EMS objectives and targets, and inspection of practices.

031502. Installations shall document their corrective and preventive action procedures, progress towards implementing each corrective and preventive action, and the results and effectiveness of corrective and preventive actions taken.

031503. Corrective and preventive actions shall be appropriate to the magnitude of the problems and the potential or actual environmental impacts. Proposed corrective and preventive actions should be reviewed to ensure that they do not result in an increase of environmental impacts.

0316 ELEMENT 15: RECORDS CONTROL

031601. Inventory

Each installation shall inventory all records appropriate to its EMS, including records relating to training (see paragraph 0307), emergency response procedures tests (see paragraph 0312), the monitoring of practices and tracking of objectives and targets (see paragraph 0305), compliance evaluations, EMS audits (see paragraph 0317), and management reviews (see paragraph 0318).

031602. Records Maintenance

Each installation shall implement a system to maintain records so that they:

- A. Can be located.
- B. Are protected from alterations or damage.
- C. Are available when and where needed.
- D. Are removed from circulation when obsolete, and destroyed or archived, as appropriate.

031603. Electronic Document Library

Installations may use the electronic document library function of the EM Portal to meet records retention and control requirements of this element. A list of items required to be posted via the EM Portal is included at Table 3-2.

031604. Retention and Disposition of Records

- A. Installations and units shall retain their agency records related to environmental compliance and management in accordance with SECNAV M-5210.1 (reference (g)).
- B. Installations and units shall retain agency records relating to hazardous substance releases in accordance with reference (g), SSIC 5090.3, 42 U.S.C. §§9601-9675 (also known and referred to in this order as “Comprehensive Environmental Response, Compensation, and Liability Act,” (CERCLA) as amended) (reference (h)), reference(e), and Department of the Navy, Environmental Restoration Program (NERP) Manual, Chapter 14, “Records, Reporting, and Information Management Systems,” August 2006 (reference (i)). This requirement generally applies to the Environmental Restoration (ER) program records consisting of the ER administrative record for the installation. Other agency records related to the ER program shall, pending promulgation of EPA regulations for their disposition, be retained in accordance with the most stringent requirements of reference (g) and the DON ER program policy.

0317 ELEMENT 16: EMS AUDIT

031701. Each installation and HQ MARFORRES shall evaluate its EMS through an EMS self-audit. The Marine Corps supplement to The Environmental Assessment Manual (TEAM) guide provides a checklist for accomplishing this audit.

031702. The EMS Self-Audit Report shall be conducted at least annually pursuant to reference (d). Installations are not required to conduct EMS self-audits in years in which an external EMS audit has occurred or is scheduled to occur as part of a Benchmark ECE as described in Volume 4, since EMS audits are conducted as part of the Benchmark ECE. However, any corrective actions identified in EMS self-audits or the Benchmark ECE are required to be implemented.

031703. Installations shall document the results of each EMS self-audit, as well as any corrective actions resulting from the audit (see paragraph 0315).

031704. The results from annual EMS self-audits shall be reported to HQMC (LF)/MCICOM (GF) no later than 31 December of each year, via the Environmental Data Repository (EDR). This reporting requirement is exempt from reports control in accordance with reference (j), Part IV, paragraph 7n.

0318 ELEMENT 17: MANAGEMENT REVIEW

031801. The installation CG/CO shall designate and authorize an EMS Team to analyze EMS implementation efforts and the results of EMS reviews (also see paragraph 030601) and brief installation leadership, at least annually.

031802. Each Management Review shall include, at a minimum, the following information:

- A. A review of the Environmental Policy and any need for changes.
- B. A review of significant environmental practices, aspects, and impacts at the installation, highlighting changes and those with the highest associated risks.
- C. A review of objectives and targets and status in meeting them.
- D. Results of the annual EMS self-audit and conformance status, or results of the Benchmark ECE/EMS audit (to include compliance and conformance results) if conducted that year.
- E. Progress in executing POA&Ms to correct identified nonconformance. Highlight any compliance deficiencies over one year old or that need the CG/CO's attention to resolve.
- F. Results of regulatory inspections received during the year.
- G. Any other pertinent environmental performance indicators, to include program trends and root causal factors for compliance deficiencies.

H. Requests for senior management support to promote continued performance improvement, as required.

031803. Management reviews shall be documented and posted to the EM Portal. Documentation shall be signed by the installation CO/CG and should include, at a minimum, an attendee list, agenda, a summary of discussions, and action items with dates.

VOLUME 2: CHAPTER 4

“RESPONSIBILITIES”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 4

RESPONSIBILITIES

0401 CMC (LF)/COMMCICOM

CMC (LF)/COMMCICOM shall:

- 040101. Develop and manage the Marine Corps EMS framework, policy, and requirements.
- 040102. Support Marine Corps installations and units in applying the EMS requirements within this Order, and provide leadership commitment.
- 040103. Plan and implement an HQMC (LFF)/MCICOM (GF)-level organizational EMS to facilitate and coordinate consistent EMS implementation across the regions and installations.
- 040104. Promote cross-functional integration at HQMC (LFF)/MCICOM (GF), regional, and installation levels to support EMS and sustainability goals.
- 040105. Conduct HQMC (LFF)/MCICOM (GF)-sponsored Benchmark EMS and ECEs, and ensure that installations conduct self-audits at least annually except in years in which a Benchmark ECE takes place.
- 040106. Use EMS as the framework for defining and tracking sustainability goals.
- 040107. Coordinate environmental compliance and protection issues with DoD environmental Executive Agents, DoD Regional Environmental Coordinators (RECs), Component RECs, Marine Corps installations and units, and counsel.

0402 CG OF MCI EAST, WEST, PACIFIC, AND NATIONAL CAPITAL REGION
CG of MCI EAST, WEST, PACIFIC, and NATIONAL CAPITAL REGION shall:

- 040201. Facilitate efficient and consistent EMS implementation with Marine Corps installations and units in their respective region, in support of the goals of this Order.
- 040202. Coordinate environmental compliance and protection issues with Marine Corps installations and units, Marine Corps RECs, and counsel in their respective region.
- 040203. Plan and implement a regional-level EMS that provides adequate oversight of compliance, National Environmental Policy Act actions, funding, training, and other environmental priorities.

0403 CG/CO OF MARINE CORPS INSTALLATIONS AND COMMANDER, MARINE FORCES RESERVE (COMMARFORRES)

CG/CO of Marine Corps Installations and COMMARFORRES shall:

040301. Implement an EMS that conforms to Marine Corps EMS requirements and, for COMMARFORRES, provides a programmatic, organizational EMS that covers all Marine Corps Reserve Centers.

040302. Report notices of violation or similar assertions of noncompliance to higher headquarters and respond to them appropriately.

040303. Coordinate EMS and environmental compliance and protection issues with DoD Environmental Executive Agents, DoD RECs, Component RECs, Marine Corps installations and units, and counsel.

040304. Promote cross-functional integration across Environmental and other departments to support EMS and sustainability goals as appropriate, including but not limited to, mission units, procurement, contracts, logistics, legal, budget, facilities, energy, and technical support and other applicable functional areas.

040305. Use the EMS as the preferred management tool for ensuring environmental components of sustainability performance objectives and targets are effectively established and met.

040306. At least annually, review EMS performance, including the status of EMS objectives and targets, to ensure that the installation's EMS continues to support continual environmental improvement. Provide guidance and direction for EMS improvements, along with manpower and other resources as needed.

040307. Ensure environmental staff is given the opportunity during the review cycle to recommend additions to any installation orders with significant environmental impact.

0404 MARINE CORPS TENANT COMMANDERS

Marine Corps Tenant Commanders shall ensure all tenant Marine Corps commands, both active and reserve, participate in their host installation's EMS or implement a separate EMS that meets Marine Corps EMS requirements, as appropriate.

0405 COUNSEL FOR THE COMMANDANT OF THE MARINE CORPS (CMC) (CL))

CMC (CL) shall, with regional and installation counsel, advise Marine Corps clients, including CMC (LFF)/MCICOM (GF), Marine Corps RECs, and Marine Corps installations and units, regarding environmental compliance and protection issues.

0406 ALL MARINE CORPS PERSONNEL

All Marine Corps personnel shall perform job responsibilities in an environmentally compliant and responsible manner in accordance with SOPs and in a manner supportive of EMS goals, objectives, and targets.

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VOLUME 2: APPENDIX A

**“FEDERAL STATUTES, FEDERAL REGULATIONS, EXECUTIVE ORDERS, AND DOD
POLICIES”**

SUMMARY OF SUBSTANTIVE CHANGES

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APPENDIX A
FEDERAL STATUTES, FEDERAL REGULATIONS, EXECUTIVE ORDERS, AND DOD
POLICIES

1 FEDERAL STATUTES

a. Energy Policy Act of 2005, Section 15801 of Title, 42 United States Code (42 U.S.C. §15801)

(1) The Energy Policy Act (EPAct) amends numerous provisions of the U.S. Code, covering topics in the areas of energy and water conservation, alternative energy sources, reduction in fossil fuel use, and sustainable building design. It includes specific procurement requirements for energy efficient products and the increased use of cement and concrete with recovered mineral content.

(2) EPAct Subtitle B (also known as the UST Compliance Act of 2005) focuses on preventing UST releases and includes provisions regarding inspections, operator training, delivery prohibition, secondary containment, financial responsibility, and cleanup of releases that contain oxygenated fuel additives.

(3) EPAct Section 15228 waived sovereign immunity for reasonable nondiscriminatory user fees; inspection fees; monitoring fees; civil sanctions; civil fines; and criminal acts in owning, managing, and oversight of USTs.

b. Farm Security and Rural Investment Act of 2002, 7 U.S.C. §§7901-8001

Also known as the 2002 Farm Bill, establishes the U.S. Department of Agriculture biobased product procurement program, which designates biobased items for Federal agencies to purchase, and provides recommendations for agencies purchasing these items with biobased content.

c. Pollution Prevention Act of 1990, 42 U.S.C. 13101 et seq.

This Act establishes the national policy that pollution should be prevented at the source whenever feasible. Pollution that cannot be prevented should be recycled in an environmentally safe manner whenever feasible, pollution that cannot be prevented or recycled should be treated in an environmentally safe manner whenever feasible, and disposal or other release into the environment should be employed only pursuant to a permit and only as a last resort and should be conducted in an environmentally safe manner.

d. Resource Conservation and Recovery Act (RCRA) of 1976, as Amended, 42 U.S.C. 6901 et seq.

This Act gives the U.S. EPA and delegated states the authority to regulate the generation, transportation, treatment, storage, and disposal of HW ("cradle-to-grave" management). The most significant of the ten subtitles of RCRA is subtitle C, which establishes the national HW management program. The 1986 amendments to RCRA provide the EPA and delegated states with regulatory

authority over USTs containing hazardous substances and petroleum. RCRA focuses only on active and future facilities. Of particular note is section 3004(u) (i.e., corrective action) by which the EPA or a state may require the cleanup or a schedule for investigation and cleanup of all inactive SW management units on an installation before issuing a RCRA part B permit for current HW operations at the installation. Note that cleanup standards may be different under RCRA than under CERCLA.

2 EXECUTIVE ORDERS

E.O. 13693, “Planning for Federal Sustainability in the Next Decade,” March 19, 2015, has a goal to maintain Federal leadership in sustainability and greenhouse gas emission reductions. It revoked E.O. 13423 and E.O. 13514. This E.O. continues the policy of the United States that agencies shall increase efficiency and improve their environmental performance to help protect the planet for future generations and save taxpayer dollars through avoided energy costs and increased efficiency, while also making Federal facilities more resilient. To improve environmental performance and Federal sustainability, the E.O. states that priority should first be placed on reducing energy use and cost, then on finding renewable or alternative energy solutions. The E.O. sets goals for greenhouse gas emissions and for sustainability, including energy conservation, clean energy, renewable energy, alternative energy, water use efficiency, potable water consumption, fleet efficiency, building efficiency, sustainable acquisition, waste and P2, performance contracts, and electronics stewardship.

3 DEPARTMENT OF DEFENSE (DOD) POLICY

a. DoD Instruction 4715.17, “Environmental Management Systems,” April 15, 2009

This Instruction establishes DoD policy, assigns responsibilities, and prescribes procedures for conforming to requirements of E.O. 13423.

b. DON, “Green Procurement Program Implementation Guide,” February 2009

This Guide was written to help DON personnel understand and execute the DoD Green Procurement Program (GPP) policy. This Guide revises in its entirety Naval Supply Systems Command Publication 728 entitled “Affirmative Procurement Guide. The DoD significantly broadened the focus of the existing preference purchasing programs by issuing new GPP policy, strategy, and metrics. The DoD GPP policy defines “Green Procurement” (GP) as the “purchase of environmentally preferable products and services in accordance with federally mandated ‘green’ procurement preference programs.” This Guide covers the following GPP elements: Recovered Material (Affirmative Procurement); Energy Efficient; Alternative fuels/alternative fueled vehicles; Biobased Products; Non ozone depleting substances; and environmentally preferable products. This Guide consolidates all EO 13423 requirements that pertain to the GPP, so that purchasers may understand and execute them more efficiently.

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VOLUME 2: APPENDIX B

“DESKTOP PROCEDURES AND TURNOVER FOLDERS”

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APPENDIX B
DESKTOP PROCEDURES AND TURNOVER FOLDERS

1 DESKTOP PROCEDURES

a. Frequent personnel changes within installations and units challenge their maintenance of environmental compliance expertise and the continuity of their day-to-day operations. The proper use of desktop procedures and turnover folders alleviates these challenges and improves overall efficiency. It also provides work force continuity when unforeseen events suddenly remove a long-term employee.

b. Each installation and unit shall prepare and maintain desktop procedures for each environmental billet (e.g., HW handlers, recycling materials handlers, Marine Corps environmental program database tool clerks, ECE evaluators, EMS coordinators, and environmental compliance training specialists). Desktop procedures need not be all-inclusive or formal; rather, they may simply be a list of significant items and standardized instructions pertinent to an environmental billet's position description or duties. Normally, desktop procedures should include such items as current references; step-by step procedures for completing required duties; points-of-contact names, telephone numbers, and email addresses; and instructions for required reports.

c. Desktop procedures are current, concise instructions and shall not duplicate information within the turnover folder when the two documents are within the same record. Desktop procedures should also not be voluminous, however, as this will discourage their use. Each civil servant environmental billet position description shall make reviewing and updating the billet's desktop procedures a major duty or responsibility.

2 TURNOVER FOLDERS

a. Each installation and unit shall prepare and maintain a turnover folder for each environmental billet. Each civil servant environmental billet position description shall make reviewing and updating the billet's turnover folder a major duty or responsibility. Turnover folder contents may be included within desktop procedures and shall, specific to the billet incumbent, contain:

- (1) The billet title.
- (2) The immediate supervisor's billet title, and the title(s) of any subordinate billet(s) within the chain of command (a Table of Organization may be used).
- (3) A copy of the commander's environmental statement (see paragraph 030204 of this Order).
- (4) The position description (for civil service employees) or the billet description.
- (5) A list of position description or billet description major duties and responsibilities (for civil service employees, these should already be in the position description).

- (6) A list of tasks essential to performing the billet's major duties and responsibilities.
- (7) A list of billet education or billet training requirements (e.g., initial and incumbent refresher) and the training plan.
- (8) A list generally referencing the environmental laws, regulations, orders, and other instructions directly related to the billet.
- (9) A list of required reports, required report due dates, and evidence of required report submittals for at least three prior fiscal years.
- (10) A list of environmental compliance permits for which the incumbent is responsible and a description of the activities for which the permits are applicable.
 - (a) For unit billets, the permit list and activity descriptions shall be limited to the permits held by the installation or unit directly affecting unit operations. The activity descriptions shall identify each permitted activity location, generally describe each activity subject to permitting, and identify any additional installation or unit BMPs limiting the activity apart from permit requirements (e.g., vehicles will be washed only on wash racks).
 - (b) For installation billets, the permit list and activity descriptions shall include a list of all applicable permits. Using a database format, the activity descriptions shall, at a minimum, identify the location (e.g., building number, grid coordinate) of each permitted activity, generally describe each activity subject to permitting; list each permit's expiration date, list and describe each permit fee, identify each fee's payment period (e.g., annually, quarterly, monthly) and due date, list the Marine Corps environmental program database tool entry number to pay the permit fee; identify the unit POC (name, rank, unit, and billet) and phone number, and identify the frequency of compliance inspections.
- (11) A POA&M for studies and other projects required for each environmental compliance permit and the corresponding Marine Corps environmental program database tool entry number for each project's funding request. This turnover folder section may be separate from the turnover folder if it is too large. If separate, the turnover folder shall incorporate the POA&M and corresponding Marine Corps environmental program database tool entry numbers by reference and identify their location.
- (12) A list of environmental compliance and/or coordination activities (and their contact information). The list shall include environmental coordinators and Federal, State, and/or local regulators.
- (13) A list of other points of contact internal and external to the installation, with telephone numbers and mailing and email addresses. The list shall briefly describe each contact's general relationship to the billet.

(14) Miscellaneous information (e.g., administrative or operational procedures peculiar to the billet, such as shared billet duties and responsibilities).

(15) An itemized and current list of all applicable past, ongoing, and anticipated environmental compliance projects. This list may also include recent environmental compliance POA&Ms, a printout of current Marine Corps environmental program database tool projects, and status reports of pending projects including critical path diagrams using program evaluation and review techniques or bar charts plotting project tasks over time.

(16) An itemized and current list of all applicable past, ongoing, and anticipated environmental compliance projects and other compliance actions from the last Benchmark ECE, environmental audit, and/or Inspector General of the Marine Corps inspection. This list shall contain excerpts from the ECE POA&M.

b. Each installation and unit shall organize its turnover folders to permit billet incumbents to continuously improve them. Installation and unit commanders may establish procedures for turnover folder organization and the sufficiency of detail required to satisfy turnover folder content requirements.

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VOLUME 3

“FUNDING ENVIRONMENTAL COMPLIANCE AND PROTECTION”

SUMMARY OF VOLUME 3 CHANGES

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VOLUME 3: FUNDING ENVIRONMENTAL COMPLIANCE AND PROTECTION

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- (a) Executive Order (E.O.) 12088, "Federal Compliance with Pollution Control Standards," October 13, 1978
- (b) MCO 11000.5
- (c) Naval Facilities Engineering Command (NAVFAC) P-422, "Economic Analysis Handbook," June 1997
- (d) Office of Management and Budget (OMB) Circular A-94 Appendix C, "Discount Rates for Cost-Effectiveness, Lease Purchase, and Related Analyses," November 2016
- (e) Naval Engineering Training and Operating Procedure and Standard (NETOPS) #18 v.3, "Special Project 1391 Development and Funding Document Acceptance for Projects Over \$500K"
- (f) 10 U.S.C. §2667
- (g) Conservation Reimbursable Program Guide
- (h) 10 U.S.C. §2665
- (i) 16 U.S.C. §670a-670o (also known as "Sikes Act")
- (j) 10 U.S.C. §2577
- (k) Part 172 of Title 32, Code of Federal Regulations (32 CFR 172)
- (l) DoD 4140.25-M, "DoD Management of Bulk Petroleum Products, Natural Gas, and Coal," Volumes I-III, dates vary
- (m) Sections 101-307 of Public Law 101-576, "Chief Financial Officers Act of 1990," November 15, 1990
- (n) Sections 1-11 of Public Law 103-62, "Government Performance and Results Act of 1993," August 3, 1993
- (o) Sections 403-405 of Public Law 103-356, "Government Management Reform Act of 1994," October 13, 1994
- (p) Sections 801-808 of Public Law 104-208, "Federal Financial Management Improvement Act of 1996," September 30, 1996
- (q) DoD Manual 4715.20, "Defense Environmental Restoration Program (DERP) Management," March 9, 2012
- (r) 42 U.S.C §§4321-4347 (also known as "National Environmental Policy Act" (NEPA))
- (s) 42 U.S.C. §2021b-2021j
- (t) MARADMIN 375/11, "Information Technology (IT) Funding, Approval, and Procurement," R 061806Z, July 6, 2011
- (u) DoD 7000.14-R, "Department of Defense Financial Management Regulations (FMRS)," Volumes 1-15, dates vary by volume

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VOLUME 3: CHAPTER 1

“SCOPE”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 1

SCOPE

0101 PURPOSE

This Volume establishes Marine Corps policy and responsibilities for funding environmental compliance and protection requirements.

0102 APPLICABILITY

See Volume 1 paragraph 0102.

0103 BACKGROUND

This Volume describes funding sources and mechanisms for planning, programming, budgeting, and executing environmental requirements. It also outlines the means for securing the funds needed to manage an effective environmental program. Funding of Marine Corps environmental requirements is provided primarily from the Operation and Maintenance, Marine Corps (O&M MC) account for active duty installations and from the Operation and Maintenance, Marine Corps Reserves (O&M MCR) account for Reserve Centers. Other environmental funding may be provided from the Naval Working Capital Fund (NWCF); Military Construction (MILCON); Procurement, Marine Corps (PMC); reimbursable Agricultural Outlease, Forestry, and Fish and Wildlife Access Fees; Qualified Recycling Program (QRP) revenues; and the Defense Logistics Agency (DLA) Energy funds (see paragraph 030207). For information on funding the Environmental Restoration Program, see Volume 10 of this Order.

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VOLUME 3: CHAPTER 2

“AUTHORITY”

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CHAPTER 2

AUTHORITY

0201 FEDERAL STATUTES

Congressional waivers from federal sovereign immunity in most environmental laws require federal agencies to pay reasonable service charges to reimburse states for their environmental regulatory oversight. Reasonable service charges related to state implementation of the Clean Water Act, the Clean Air Act, and the Resource Conservation and Recovery Act requirements are among the types of fees that may be billed to an installation.

0202 EXECUTIVE ORDERS

Executive Order (E.O.) 12088, “Federal Compliance with Pollution Control Standards”.

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VOLUME 3: CHAPTER 3

“REQUIREMENTS”

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CHAPTER 3

REQUIREMENTS

0301 FUNDING ENVIRONMENTAL COMPLIANCE AND PROTECTION

E.O. 12088 (reference (a)) requires that the Marine Corps adequately plan, program, and budget for compliance with applicable pollution control standards. Once funds are appropriated and apportioned for the prevention, control, and abatement of environmental pollution, they may not be used for any other purpose unless permitted by law or specifically approved by the Office of Management and Budget.

0302 ENVIRONMENTAL FUNDS

030201. Naval Working Capital Fund (NWCF)

Marine Corps installations are encouraged to charge their NWCF tenant commands for installation services that ensure their compliance with environmental requirements. Installations shall track these costs and report them to Commandant of the Marine Corps, Facilities and Services Division, Facilities Branch (CMC (LFF))/ Marine Corps Installations Command, Facilities Directorate (MCICOM (GF)) for subsequent reporting to the Department of the Navy (DON) Secretariat, Department of Defense (DoD), and Congress.

030202. Military Construction (MILCON)

Marine Corps installations shall develop and forward requests for environmentally-driven MILCON projects through their local and regional MILCON planning and programming processes to the CMC (LFF)/MCICOM (GF). CMC (LFF)/MCICOM (GF) validates all MILCON projects requiring Congressional approval, tracks, and reports the costs of Congressionally-authorized MILCON projects required for environmental compliance.

030203. Procurement, Marine Corps (PMC)

Marine Corps installations shall develop and forward requests for environmentally-driven PMC requirements through their local and regional PMC planning and programming processes.

030204. Operation and Maintenance, Marine Corps Reserve (O&M, MC)

A. Operation and Maintenance, Marine Corps Reserve (O&M,MC Funds)

CMC (LF)/MCICOM (GF) distributes O&M MC funds via base operating support (BOS) and Centrally-Managed Environmental Program (CMP) funds. To obtain BOS and CMP funds for environmental requirements, installations shall identify and continually verify requirements through the planning, programming, budget and execution (PPBE) process via the environmental program database. CMC (LFF)/MCICOM (GF) tracks and reports requirements to the DON Secretariat, DoD, and Congress. Both BOS and CMP funds are apportioned from the O&M MC appropriation and shall be obligated within the fiscal year (FY) in which they are available.

B. Base Operating Support (BOS) Funds

Installations shall identify all environmental BOS requirements, and document and track these requirements in the environmental program database. Environmental BOS requirements are recurring requirements funded through the Operating Budget (OPBUD) Program. Typical BOS requirements include, but are not limited to, salaries; permits and fees; hazardous waste (HW) disposal; sampling, monitoring, and analysis; training, travel, and education; maintenance; and supplies and equipment. Installations shall obligate BOS funds using the appropriate Standard Accounting, Budgeting and Reporting System (SABRS) environmental accounting codes.

C. Commandant of the Marine Corps (CMC) (LF)/MCICOM (GF) Centrally-Managed Environmental Program (CMP)

Installations shall identify all CMP requirements, and document and track these requirements in the environmental program database. Installations shall obligate CMP funds using the appropriate SABRS environmental accounting codes.

1. The Environmental Management Program (CMP22). CMP22 requirements are one-time or emergent environmental management (non-construction or repair project) requirements. Installations shall identify and develop CMP22 funding requirements as early as possible and document these requirements in the environmental program database utility during the annual budget review (BR).

2. The Environmental Projects Program (CMP10). CMP10 requirements are environmentally-driven minor construction or major repair projects.

a. Contract Advertisement Forecast (CAF) Submission. Each installation shall provide a CAF annually. The submissions will be used by Headquarters, Marine Corps, Facilities Directorate (HQMC (LFF)/MCICOM(GF) to plan funding for the Straddle Program and to develop the funding plan for the next FY. The CAF submission will be via the CAF module of the United States Marine Corps (USMC) Facilities Integration (FI) website. In submitting the forecast, installations shall provide the current working estimate (CWE), when the project is available for advertisement, the relative priority of each project, and any associated unfunded costs (refer to MCO P11000.5G Ch. 2 (reference (b)) for more information on unfunded costs). Each program (M2, R2, and individual special programs) shall be prioritized and listed separately. If the project's CWE is greater than 10 percent of the approved CWE in the FI website, a new DD Form 1391 will be required before the project can be listed on the CAF. Regional Commands will provide a relative priority for all submissions by their supported installations and submit a Regional CAF within one month of the Installations' CAF submission.

b. Commitment of Funds. CMC (LFF)/MCICOM (GF) will use the CAF submission to determine which projects will receive authority to advertise and will commit funds in the amount of the government estimate. The committed amount may not exceed 10 percent of the original government estimate without additional approval from CMC (LF)/MCICOM (GF). Requests for approval of increased amounts will be submitted via the Project Update Module of the FI website and include a revised DD Form 1391 detailing the new government estimate and

addressing any change in scope. Additionally, a justification for the cost increase and a detailed cost estimate or an economic analysis may be required on a project-by-project basis.

c. Economic Analysis. A formal net present value life-cycle economic analysis is required for:

(1) All repair projects with an estimated per facility cost greater than \$5 million.

(2) Guidelines and formats for preparing economic analyses are contained in NAVFAC P-422 (reference (c)). Discount factors are updated annually and published in Office of Management and Budget Circular A-94 Appendix C (reference (d)). Results of analysis are to be submitted with other required documentation.

d. Anti-Deficiency Act Compliance. All projects exceeding \$1,000,000 require additional review prior to CAF submission, certifying that the project is properly documented and has a valid scope of work. Review requirements are described in Naval Engineering Training and Operating Procedure and Standard #18 v.3 (reference (e)).

e. Environmental Projects (CMP10) and FSRM projects are separate programs with unique funding sources (Table 3-1). Although environmental projects (CMP10) are loaded into the FSRM FI Website, these two programs shall be managed as separate entities.

030205. Operation and Maintenance, Marine Corps Reserve (O&M MCR)

Marine Corps Forces Reserve (MARFORRES) identifies and manages environmental O&M,MCR funds through the PPBE process via an environmental program database. MARFORRES shall track these costs and report them to CMC (LFF)/MCICOM (GF) in the environmental program database for subsequent reporting to the DON Secretariat, DoD, and Congress.

Table 3-1.-- Facilities Sustainment, Restoration and Modernization (FSRM) and Environmental Projects (CMP10) Funding Thresholds

Category of Work	Cost Limits	Approval Request To	Approval Authority
Repair (M1/M2)	\$0 - \$300K (M1)	None	CO
	\$300,001 - \$7.5M (M2)	CMC (LF)/MCICOM (GF)	CMC (LF)/ MCICOM (GF)
	Over \$7.5M	CMC (LF)/MCICOM (GF)	ASN (E,I&E) & Congress
Construction (R1/R2/MILCON)	\$0 - \$100K (R1)	None	CO
	\$100,001 - \$1M (R2)	CMC (LF)/MCICOM (GF)	CMC (LF)/ MCICOM (GF)
	Over \$1M (MILCON)	CMC (LF)/MCICOM (GF)	Congress
M2, R2, MILCON	Over \$1M	Certification by NAVFAC-designated Subject Matter Expert for compliance with Anti-Deficiency Act	

M1/R1 = Locally-Managed Funds for Environmental Minor Repair and Construction

M2/R2 = Centrally-Managed Funds for Environmental Major Repair and Minor Construction

030206. Reimbursable Programs

CMC (LFF)/MCICOM (GF) manages three specific revenue-generating programs. Funds collected by these programs may be authorized to support natural resource conservation on the installation where the funds were collected. These programs include:

A. Agricultural Outleases

1. Leasing Marine Corps land for agriculture or other purposes generates rental proceeds (see Volume 11 of this Order for details). The Naval Facilities Engineering Command (NAVFAC) field activity servicing the lease agreement shall deposit these proceeds into a special account. For general lease proceeds, CMC (LFF)/MCICOM (GF) makes portions of the proceeds available to installations where the proceeds were derived to cover expenses associated with maintaining the leases and for other purposes, as authorized by Section 2667 of Title 10, United States Code (10 U.S.C. §2667) (reference (f)). Agricultural or grazing lease proceeds are managed apart from general lease proceeds, and CMC (LFF)/MCICOM (GF) may authorize the use of these proceeds to installations to cover the administrative expenses of agricultural or grazing leasing, and fund requirements to support the Natural Resources Management Program. Agricultural or grazing lease proceeds do not expire at the end of the FY, and are non-appropriated, reimbursable funds.

2. For further information on program requirements, see Volume 11 of this Order. For detailed information regarding accounting requirements and requesting authority to use lease proceeds, see Conservation Reimbursable Program Guide (reference (g)).

B. Forestry

1. The sale of forest products (e.g., timber) from Marine Corps-owned land generates forestry proceeds. Installations or the NAVFAC field activity personnel servicing timber sales contracts shall deposit these proceeds into the Marine Corps forestry account (part of a DoD-administered reserve account established in the Department of the Treasury). CMC (LFF)/MCICOM (GF) provides authority to installations with forestry programs to utilize funds collected within the current FY to reimburse direct expenses associated with forest management (i.e., forestry personnel salaries, forestry equipment, reforestation, timber management, fire and forest pest control, and forest access road maintenance). Forestry proceeds may only be made available during the FY in which they are collected and cannot exceed the total amount collected. Forestry proceeds expire at the end of the FY and are non-appropriated, reimbursable funds.

2. Net revenue at the end of the FY is the total revenue collected from sale of forest products less reimbursed expenses associated with forest management. Pursuant to reference (f) and 10 U.S.C. §2665 (reference (h)), the state in which an installation is located from which forest products are sold is entitled to 40 percent of the net revenue of forest product sales at the end of each FY. Sixty percent of the net revenue from installation forest product sales shall be deposited in the DoD Forestry Reserve Account (FRA).

3. FRA funds are separate from installation revenue collected during the FY. FRA funds may be made available to improve forest lands, to pay for unanticipated contingencies in the administration of forest lands, and for natural resources management that implements approved plans and agreements. Installation requests for FRA funds are submitted to CMC (LFF)/ MCICOM (GF) via annual data calls. Unanticipated or emergency costs may be submitted to CMC (LFF)/MCICOM (GF) at any time. FRA funds do not expire at the end of the FY and are non-appropriated, reimbursable funds.

4. For further information on program requirements, see Volume 11 of this Order. For detailed information regarding accounting requirements and requesting authority for forestry proceeds, see reference (g).

C Hunting, Fishing, and Trapping

1. Installations may establish access fees for hunting, fishing, and trapping in accordance with 16 U.S.C. §670a-670o (also known and referred to in this order as “Sikes Act”) (reference (i)). Each installation shall deposit proceeds from access fees into an installation Hunting, Fishing, and Trapping Access Fee account. CMC (LFF)/MCICOM (GF) authorizes the use of these proceeds only for the protection, conservation, and management of installation wildlife habitats and the hunting, fishing, and trapping programs. Access fee proceeds within Hunting, Fishing, and Trapping Access Fee accounts do not expire at the end of the FY and are non-appropriated, reimbursable funds.

2. For further information on program requirements, see Volume 11 of this Order. For detailed information regarding accounting requirements and requesting authority for hunting, fishing and trapping proceeds, see reference (g).

D. Qualified Recycling Program (QRP) Revenues

QRP operating costs shall be budgeted as real property services instead of environmental costs. The distribution of installation QRP proceeds shall comply with the requirements of 10 U.S.C. §2577 (reference (j)) and Part 172 of Title 32, Code of Federal Regulations (32 CFR 172) (reference (k)). These requirements mandate that proceeds from the sale of recyclable materials be credited to funds available for operations and maintenance at the installation and be used to cover the installation's costs of operations, maintenance, and overhead for processing recyclable materials at the installation. After reimbursement of these costs, installations may use up to 50 percent of the remaining proceeds on projects for environmental compliance, energy conservation, and occupational safety and health activities with first consideration given to projects included in the installation's Pollution Prevention plan. However, no project shall cost more than 50 percent of the amount established by law for a minor construction project. Any remaining proceeds may be transferred to the non-appropriated morale and welfare account of the installation to be used for any installation morale or welfare activities. See Volume 17 of this Order for more details on QRP and related issues.

030207. Defense Logistics Agency (DLA) Energy Funds

A. DoD bulk petroleum management policy authorizes DLA Energy to fund certain recurring environmental compliance costs involving DLA Energy-owned product. DoD 4140.25-M (reference (l)) broadens this policy to fund non-recurring environmental compliance projects, including maintenance and repair and minor construction for facilities storing DLA Energy-owned product.

B. Environmental Compliance

Installation commanders are ultimately responsible for compliant DLA Energy-owned product storage on their installations. DLA Energy, however, shall fund the following recurring environmental compliance costs:

1. Environmental Compliance Document Revisions. DLA Energy will fund the cost of legally-required revisions of environmental compliance documents (e.g., Spill Prevention, Control, and Countermeasures Plans) that are directly related to the storage of DLA Energy-owned product.

2. Sampling and Testing. DLA Energy will fund sampling and testing of emissions and discharges if the cost of both sampling and testing involves DLA Energy-owned product.

3. Waste Removal and Disposal. DLA Energy will fund removal and disposal of HW as an environmental compliance cost if the cost is directly linked to facilities containing Defense Energy Support Center-owned product. However, DLA Energy will not fund disposal costs for absorbent pads, contaminated rags, and other consumable items commonly used for small spill cleanups.

4. The Design and Construction of Environmental Compliance Projects.

DLA Energy will fund projects that upgrade petroleum, oil, and lubricant (POL) facilities in order to control emissions and discharges, enabling installations to meet environmental regulatory standards. Also funded are projects needed for POL facilities to achieve regulatory compliance in order to continue operations.

5. Operational Permit Fees. Accepted annual recurring costs for permits are

those involving DLA Energy-owned product that may affect the environmental quality of air and/or water. Examples include permits for the following: fill stands, fuel storage tanks, oil-water separators, pipelines, and hydrant systems.

6. Fines and Penalties. DLA Energy will review fines and penalties incurred

on a case-by-case basis for reimbursement. DLA Energy will not reimburse fines and penalties incurred due to the negligence of the operating activity.

C. Installations with eligible requirements are encouraged to plan, program, and submit their funding requests to DLA Energy by completing applicable Defense Energy Support Center forms and worksheets. Installations shall provide CMC (LFF)/MCICOM (GF) a copy of all documents submitted to DLA Energy.

D. Installations may submit requests for reimbursement for DLA Energy-owned product spills.

0303 FUNDING PRIORITIES

HQMC (LFF)/MCICOM (GF) established Common Output Levels of Service (COLS) to characterize program health and degree of risk associated with varying funding levels. COLS level assignments shall be used to prioritize funding of environmental requirements. COLS level definitions are presented in Table 3-2.

Table 3-2.-- Common Output Levels Of Service (COLS) Level Descriptions

Level	Description
COLS 1	<ol style="list-style-type: none"> 1. Provides 100% compliance with applicable, explicit federal, state or local law, regulation, E.O., or Final Governing Standard, DoD, DON, and Marine Corps policy, such that primary installation mission and readiness are supported. 2. Meets official Marine Corps commitments made to Congress, regulatory agencies, and the public. 3. Provides recurring administrative, personnel and other support associated with managing environmental programs that are specifically necessary to meet mandated requirements as described in this COLS level. 4. Provides ability to address 100% of anticipated emerging mandated requirements based on historical execution, such as new laws, regulations, and incident response. 5. Provides 100% future planning capability. Includes management or planning activities that are prerequisites for future year mandated requirements or improve or enhance capabilities. 6. Provides ability to proactively address mandated requirements with no established deadlines. 7. Provides 100% compliance with DoD, DON, and Marine Corps policy. 8. Provides investments in land or infrastructure that demonstrate Marine Corps environmental leadership and proactive environmental stewardship.
COLS 2	<ol style="list-style-type: none"> 1. Provides 100% compliance with all known, applicable, and explicit federal, state or local laws, regulations, E.O.s, and Final Governing Standards (“mandated requirements”) by established deadlines, such that primary installation mission and readiness are supported. 2. Meets official Marine Corps commitments made to Congress, regulatory agencies, and the public. 3. Provides recurring administrative, personnel and other support associated with managing environmental programs that are specifically necessary to meet mandated requirements as described in this COLS level. 4. Provides ability to address 100% of anticipated emerging mandated requirements based on historical execution, such as new laws, regulations, and incident response. 5. Provides management and planning activities that are explicit prerequisites to meet future year mandated requirements. 6. Provides limited ability to address mandated requirements with no established deadlines that are directly related to protection of Marine Corps operational readiness and human health. 7. Provides 100% compliance with DoD, DON, and Marine Corps policy that are directly related to protection of Marine Corps operational readiness and human health.

Table 3-2.-- Common Output Levels Of Service (COLS) Level Descriptions

Level	Description
COLS 3/COLS 3 Minimum	<ol style="list-style-type: none"> 1. Provides 100% compliance with all known, applicable, and explicit federal, state or local laws, regulations, E.O.s, and Final Governing Standards (“mandated requirements”) by established deadlines, such that primary installation mission and readiness are supported. 2. Meets official Marine Corps commitments made to Congress, regulatory agencies, and the public. 3. Provides recurring administrative, personnel and other support associated with managing environmental programs that are specifically necessary to meet mandated requirements by established deadlines. 4. Provides ability to address 50% of anticipated emerging mandated requirements (based on historical execution), such as new laws, regulations, and incident response. 5. Provides management and planning activities that are explicit prerequisites just in time to meet future year mandated requirements.

0304 MARINE CORPS ENVIRONMENTAL PROGRAM DATABASE

030401. Background

Reporting to Congress through the Office of the Secretary of the Navy and OSD requires recording and tracking of all Marine Corps environmental requirements and costs. The Marine Corps uses the Status Tool for the Environmental Program as the environmental program database to meet this need. All Marine Corps environmental requirements shall be entered into the environmental program database as soon as they are identified, and records shall be updated and validated regularly throughout the lifecycle of the requirement. All Marine Corps environmental requirements, regardless of funding source (e.g., reimbursable funds or NWCF) or appropriation, shall be identified and reported.

030402. Identifying Requirements for Environmentally-Driven BOS Requirements

As soon as a BOS project requirement is identified, the requirement shall be entered into the environmental program database. BOS requirements are typically entered into the environmental program database as OPBUD Program requirements. HQMC (LFF)/MCICOM (GF) serves as the advocate for installations’ environmental OPBUD funding levels throughout the PPBE process. However, installation environmental staff shall work closely with their local comptrollers to communicate environmental BOS requirements and to ensure environmental installation operations are prioritized and fully funded. Execution of the environmental OPBUD Program shall be recorded in SABRS and the environmental program database.

030403. Identifying Requirements for Environmental Projects (CMP10)

As soon as an environmentally-driven FSRM project requirement is identified, the requirement shall be entered into the environmental program database. Ensure that the same project

number and title is used in all related documents and databases. Place the same project number on DD Form 1391 using the naming procedure for the Environmental Maintenance and Repair Program, described in reference (b). All environmentally-driven FSRM M2/R2 projects shall be entered into the environmental program database with a completed DD Form 1391 attached before they will be reviewed by CMC (LFL)/MCICOM (GF). Execution of the environmental CMP10 Program shall be recorded in SABRS and the environmental program database.

030404. Requesting Funds for Environmental Projects (CMP10)

Requests for the funding of environmental FSRM projects previously identified through the process in paragraph 030204.C.2 are to be submitted to CMC (LFF)/MCICOM (GF) pursuant to reference (b), as amended or superseded. The CAF will be used to select the Regular Program and the Straddle Program approximately one year prior to the year of execution. Projects shall be listed on the CAF as well as in the environmental program database for funding consideration. Once a confirmed technically accurate prospective bid has been determined, an installation may request funds for contract award using the Request for Funds Module of the USMC FI Website.

030405. Identifying Requirements and Requesting Funds for CMP22 Projects

As soon as a CMP22 project requirement is identified, the requirement shall be entered into the environmental program database. HQMC (LFF)/MCICOM (GF) serves as the advocate for environmental CMP funding levels throughout the PPBE process and manages funding priorities and funds distribution in the year of execution. Installations shall work closely with HQMC (LFF)/MCICOM (GF) to communicate environmental CMP requirements and to ensure CMP requirements are prioritized and funded. Execution of the environmental OPBUD Program shall be recorded in SABRS and the environmental program database.

0305 BUDGET, EXECUTION, AND STANDARD ACCOUNTING, BUDGETING AND REPORTING SYSTEM (SABRS)

Marine Corps environmental funding generates a high level of interest within the Marine Corps, as well as with the Comptroller of the Navy, OSD, and Congress, and shall be tracked through its lifecycle. Due to unique fund flow structures at each installation and unit, environmental funds provided in an installation or unit's BOS funding is at risk of losing its environmental earmark once released from HQMC (LF)/MCICOM (GF). This risk requires each installation or unit executing environmental funds to use SABRS environmental accounting codes and standard document numbers (SDNs) to accurately track these funds in the environmental program database and SABRS. These accounting codes are available in the environmental program database and shall be used to support Program Objectives Memorandum (POM) submissions, data calls, and requests for CMP funding for emergent requirements. Environmental staff should coordinate with installation comptrollers to determine appropriate SDNs.

0306 REPORTING REQUIREMENTS

CMC (LFF)/MCICOM (GF) has established the following reporting requirements to support the PPBE process:

030601. Annual Budget Review (BR)

Using the environmental program database utility, each installation, unit, and MARFORRES shall prepare and submit all environmental program budget requirements for the next two FYs and POM requirements for the next five years after, for a total of seven years of program requirements. Installations and units shall report requirements by funding source (i.e., CMP or OPBUD) and multiple environmental metrics data. To facilitate this process, CMC (LFF)/MCICOM (GF) environmental program sponsors will distribute BR guidance and offer training to installation and unit environmental managers and comptrollers. CMC (LFF)/MCICOM (GF) environmental program sponsors will use the environmental program database to validate installation and unit projects.

030602. Standard Accounting, Budgeting and Reporting System (SABRS)

During the year of execution, CMC (LFF)/MCICOM (GF) will use SABRS execution data to compare with data in the environmental program database.

030603. Environmental Liabilities

The Office of Management and Budget requires DoD to report environmental liabilities (Defense Environmental Restoration Program (DERP) and non-DERP) in annual financial statements in accordance with Note 14, Environmental Liabilities and Disposal Liabilities. Several laws require that financial statements are complete, accurate, and auditable, including Sections 101-307 of Public Law 101-576 (reference (m)), Sections 1-11 of Public Law 103-62 (reference (n)), Sections 403-405 of Public Law 103-356 (reference (o)), and Sections 801-808 of Public Law 104-208 (reference (p)). As part of this requirement, Marine Corps installations shall accurately identify, estimate, and report all environmental liabilities, ensuring that all cost estimates are auditable. Enclosure 3 of DoD Manual 4715.20 (reference (q)) establishes procedures for reporting environmental liabilities.

0307 FUNDING ENVIRONMENTAL PLANNING REQUIREMENTS (SEE VOLUME 12 OF THIS ORDER)

Pursuant to 42 U.S.C. §§4321-4347 (also known and referred to in this order as “National Environmental Policy Act” (NEPA)) (reference (r)), estimated costs associated with compliance documents shall be identified early in the planning phase of a proposed action. Preparing a NEPA or E.O. 12114 decision document is not considered an environmental compliance requirement; therefore, the costs of preparing appropriate NEPA decision documentation, to include all supporting studies, shall be borne by the proposed action sponsor. For example, installations or units with training operations that trigger preparation of decision documents shall pay the costs of preparing the documents. When a proposed action is an environmental compliance project and the action sponsor is Environmental Services, environmental compliance funds may fund NEPA or E.O. 12114 decision documents. In certain instances, environmental impact mitigation costs associated with a selected action may be considered environmental compliance costs and shall be programmed in the PPBE process. See paragraph 0308.

0308 FUNDING START-UP COMPLIANCE ACTIVITIES ASSOCIATED WITH PROPOSED ACTIONS

Environmental compliance costs associated with a proposed action (e.g., construction, maintenance, or repair projects) shall be identified early in the planning phase of the proposed action. The one-time, start-up environmental compliance planning, permitting, or mitigation costs that are triggered as a result of the proposed action shall be borne by the project sponsor. Any new operational or long-term environmental impact mitigation costs associated with a selected action may be transferred to the environmental program when these operational or mitigation costs are programmed for in the PPBE process.

0309 FEES AND TAXES

030901. The Constitution generally prohibits states from directly taxing agencies of the federal government. Marine Corps installations and units, therefore, are not authorized, absent specific Congressional authority, to pay direct taxes to state or local agencies. Marine Corps installations and units shall pay reasonable permit fees and other reasonable service charges to the extent permitted by law. Before an unprecedented fee payment is made, it is necessary to evaluate, in part, whether the fee is a reasonable service charge or a non-payable tax. All installation and unit environmental compliance fee-tax questions shall be referred to Counsel for the Commandant of the Marine Corps (CMC (CL)) or its area or installation offices for analysis and the Regional Environmental Coordinator for inter-service coordination. The disposition of an unprecedented fee payment shall also be made in coordination with CMC (LFF)/MCICOM (GF).

030902. 42 U.S.C. §2021b-2021j (reference (s)) permits states to directly tax federal installations and units for low-level radioactive waste disposal in the same manner and to the same extent as any low-level radioactive waste not generated by the federal government.

030903. For payment of stormwater fees, see Volume 20 of this Order.

0310 ECONOMIC ANALYSES

Installations and units shall conduct economic alternatives analyses before making final decisions on major (MILCON or repair > \$5 million) environmental compliance project alternatives. Each major environmental compliance project funding request shall certify that an economic analysis of environmental compliance alternatives was conducted and include the economic analysis results. When assessing economic alternatives to environmental compliance requirements, installations and units shall consider the environmental management hierarchy, discussed in Volume 2 of this Order.

0311 ENFORCEMENT ACTIONS AND FINES

Any fines assessed by a regulatory authority to an installation for an alleged violation of environmental requirements should be referred to local/regional USMC environmental counsel for coordinating an appropriate response. See Appendix B for additional details on processing enforcement actions.

0312 THE COSTS OF HAZARDOUS WASTE (SEE VOLUME 9 OF THIS ORDER)

The costs associated with the management of hazardous material (HM) and HW will be paid in accordance with the following:

031201. Installation Commanders

Installation Commanders shall pay the disposal costs of installation-generated HWs. Routine operating expenses (e.g., containers, labels, personal protective equipment (PPE), and spill contingency supplies) shall be borne by the original generator.

031202. Marine Corps and Non-Marine Corps Units and Commands in Garrison

Marine Corps and non-Marine Corps units and commands in garrison shall pay the costs associated with the generation (e.g., drums, labels, and PPE), containment (e.g., absorbent materials and overpack drums), preparation for transportation, transportation, and disposal of tenant-generated HWs associated with garrison-related, day-to-day activities and training not incidental to exercises with specific funding responsibilities identified in an Inter-Service Support Agreement or other appropriate agreement with the host installation. The host installation will pay the disposal costs associated with installation organizations. Non-Marine Corps tenant activities will abide by their current inter and intra service/agency support agreements. If an agreement is not currently in place, then one shall be developed stating that each non-Marine Corps tenant is responsible for reimbursing the host Marine Corps installation for any cost associated with HW disposal.

031203. Exercises with Unique Funding/Budgeting

Units and commands shall fund the costs associated with the containment, preparation for transportation, transportation, and disposal of HWs that are generated coincident to an exercise that has unique funding. The cost of HW disposal should be managed the same as the cost for disposal of municipal solid wastes, portable toilets, fuels, food, and other consumable supplies resulting from an exercise. The host installation commander shall not add any overhead or handling costs.

031204. Disposal of Hazardous Material (HMs) as Hazardous Waste (HWs)

Historically, over one-third of HW disposal costs for the Marine Corps result from the disposal of expired HMs or from HMs contaminated by poor supply- and maintenance-handling procedures. Commanders who mismanage HM which then results in its disposal as HW shall bear the costs of containment, preparation for transportation, transportation, and disposal of the HW. The host installation commander shall not add any overhead or handling costs to these costs. Such costs might be avoided by the unit if they contact DLA Disposition Services to request extension of the expiration dates.

031205. Hazardous Material (HM) and Hazardous Waste (HW) Spills

The command or unit responsible for a release, discharge, or spill of HM or HW into the environment shall pay the costs associated with the cleanup and disposal of spill debris. Any long-term site investigation, remediation, or monitoring of the spill site shall be programmed for and funded by the Environmental Program.

031206. Procurement of Reused Hazardous Material (HMs)

Reuse shall be the first source of supply for HM. New HM shall not be purchased if HM is available to units through HM reuse programs. Volume 9 of this Order describes HM Reuse Program requirements in more detail.

031207. Defense Logistics Agency (DLA) Energy Oil Spill Cost Reimbursement

Installations may submit oil spill remediation costs of spills from DLA Energy-owned fuel stocks to DLA Energy for reimbursement.

0313 ON-INSTALLATION MISHAPS

Mishaps (e.g., aircraft or vehicle accidents) are unplanned events or a series of events, which interfere with or interrupt a process or procedure and may result in environmental damages. Any initial spill response should be a part of the overall first responder costs and shall be covered according to the installation memorandum of agreement/interservice support agreements with applicable base tenants. Any additional clean up or long-term remediation shall be paid for by the unit responsible for the mishap.

0314 UTILITIES

The costs associated with utilities shall be assessed on a case-by-case basis and require coordination between installation environmental and facilities operations offices. Typically, routine sampling and testing costs associated with operating facilities regulated by the Clean Water Act, Safe Drinking Water Act, or Resource Conservation and Recovery Act are paid by installation facilities operations offices.

0315 INFORMATION TECHNOLOGY (IT)

Historically, IT resources have been acquired and managed as stand-alone systems rather than integral parts of a net-centric capability, resulting in duplicative IT spending, redundant capabilities, and an inability to realize intended benefits, efficiencies, and cost savings. To more effectively manage IT investments, stakeholders for environmental business systems, including functional sponsors, program managers, and system owners, shall make informed decisions while ensuring IT capabilities are appropriately aligned to the environmental mission.

031501. Information Technology (IT) Portfolio Governance

CMC (LFF)/MCICOM (GF) developed an Installations, Facilities and Environment (IF&E) IT Governance Process that facilitates an effective IT investment decision-making process across the IF&E Portfolio. A new environmental IT capability or any modification to an existing capability shall be approved through the Governance Process before any environmental funds are expended on the requirement.

031502. Information Technology (IT) Funding, Approval and Procurement

Marine Administrative Message (MARADMIN) 375/11 (reference (t)) describes the Marine Corp IT Procurement Request/Review and Approval System (ITPRAS) process. This process ensures effective and efficient expenditure of funding to acquire IT capabilities; safeguards against duplicative investments; aligns IT procurements and purchases to mission goals and objectives; complies with DoD, DON, and Marine Corps policies; and provides visibility of all Marine Corps fiscal expenditures related to IT. All IT procurement requests for environmental IT capabilities (including contract services for IT support services) resourced with Marine Corps appropriated and/or non-appropriated funds shall be processed, reviewed, and approved using the ITPRAS.

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VOLUME 3: CHAPTER 4

“RESPONSIBILITIES”

SUMMARY OF SUBSTANTIVE CHANGES

Hyperlinks are denoted by *bold, italic, blue and underlined font.*

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CHAPTER 4

RESPONSIBILITIES

0401 COMMANDANT OF THE MARINE CORPS (CMC) (LF)/COMMCICOM

CMC (LF)/COMMCICOM shall:

040101. Via MCICOM G8, advise Commandant of the Marine Corps, Programs & Resources (CMC (P&R)) on environmental services program goals, initiatives, and costs; and associated funding requirements.

040102. Advise Office of the Assistant Secretary of Defense, Energy, Installations & Environment (OASD (EI&E)) in preparing environmental funding policy.

040103. Serve as the environmental services program sponsor. Oversee Marine Corps environmental compliance and protection program requirements throughout the PPBE process, to include reviewing, validating, and prioritizing Marine Corps environmental services program goals and objectives.

040104. Coordinate, consolidate, and, via HQMC (P&R), Fiscal Division, submit Marine Corps environmental compliance and protection financial metrics to the DON Secretariat, DoD, and Congress.

040105. Using information from the environmental program database, review, validate, and prioritize installation and unit environmental funding requests and distribute O&M MC funds.

040106. Ensure that officials with responsibility for environmental compliance and protection are adequately trained in the execution of those responsibilities, and that they possess adequate authority and resources to ensure that their recommendations are followed.

040107. Develop and update budget guidance to support installations with programming and budgeting requirements and obtaining necessary funding to comply with environmental requirements. Prioritize and fund high-risk environmental priorities, as identified by Regions and installations. Notify leadership of unacceptable risks due to lack of funds.

0402 Commander, U.S. Marine Corps Forces Reserve (COMMARFORRES)

COMMARFORRES shall:

040201. Via CMC (LF)/MCICOM (GF), advise CMC (P&R) on environmental services program goals, initiatives, and costs; and associated funding requirements.

040202. Coordinate and validate Marine Forces Reserve installation and activity environmental requirements.

040203. As applicable, ensure that adequate funding is planned, programmed, budgeted, and executed to meet force, installation, and unit environmental requirements.

040204. Ensure that force, installation, and unit environmental requirements are entered into an environmental program database and kept current.

040205. Coordinate BR submissions through CMC (LFF)/MCICOM (GF).

040206. Ensure that force, installation and units use SABRS environmental accounting codes, and coordinate with the comptroller.

040207. Ensure that officials with responsibility for environmental compliance and protection are adequately trained in the execution of those responsibilities, and that they possess adequate authority and resources to ensure that their recommendations are followed.

0403 COMMANDING GENERAL (CG) MARINE CORPS EAST, WEST, PACIFIC, AND NATIONAL CAPITAL REGION

CG Marine Corps East, West, Pacific, and National Capital Region shall:

040301. As applicable, create and submit funding requests for regional environmental requirements that address the needs of several installations.

040302. As applicable, review and validate environmental requirements within installation and unit POM proposals and Operational Plan Submission submittals.

040303. As applicable, ensure that adequate funding is planned, programmed, budgeted, and when available, executed to meet installation and unit environmental requirements.

040304. Ensure that all installation and unit environmental requirements are entered into the environmental program database and kept current.

040305. Coordinate POM initiatives and current year deficiencies (CYDs) through CMC (LFF)/MCICOM (GF).

040306. Ensure that installation and unit use SABRS environmental accounting codes.

040307. Ensure that officials with responsibility for environmental compliance and protection are adequately trained in the execution of those responsibilities, and that they possess adequate authority and resources to ensure that their recommendations are followed.

0404 COMMANDING GENERAL/COMMANDING OFFICER (CG/CO) OF MARINE CORPS INSTALLATIONS

CG/CO of Marine Corps installations shall:

040401. Ensure that BOS funding appropriated for local environmental services through the PPBE process is used for its intended purpose in the year of execution.

040402. Provide CMC (LFF)/MCICOM (GF) installation budget data calls and BR submissions via the chain of command.

040403. Ensure that adequate funding is planned, programmed, budgeted, and executed to meet installation environmental requirements.

040404. Ensure that all installation environmental requirements and funding data are entered into the environmental program database and are kept current.

040405. Ensure proper use of SABRS environmental accounting codes, and coordinate with the comptroller.

040406. Request permission from CMC (LFF)/MCICOM (GF) to reprogram CMP funds, noting that reprogramming of CMP funding is only from one environmental requirement to another environmental requirement.

040407. Ensure that officials with responsibility for environmental compliance and protection are adequately trained in the execution of those environmental funding responsibilities, and that they possess adequate authority and resources to ensure that their recommendations are followed.

0405 UNIT COMMANDERS

Unit Commanders shall:

040501. Ensure that adequate funding is planned, programmed, budgeted, and, when available, executed to meet unit environmental requirements.

040502. As applicable, enter or forward unit environmental requirements to Commander, U.S. Marine Corps Forces Command, Commander, US Marine Corps Forces, Pacific, or Commander, US Marine Corps Forces, Reserve for entry into the environmental program database utility.

040503. Ensure proper use of SABRS environmental accounting codes, and coordination with the comptroller.

040504. Ensure that officials with responsibility for environmental compliance and protection are adequately trained in the execution of those environmental funding responsibilities, and that they possess adequate authority and resources to ensure that their recommendations are followed.

040505. Direct units to pay all environmental fines.

VOLUME 3: APPENDIX A

“FEDERAL STATUTES, FEDERAL REGULATIONS, EXECUTIVE ORDERS, AND DOD POLICIES”

SUMMARY OF SUBSTANTIVE CHANGES

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APPENDIX A

**FEDERAL STATUTES, FEDERAL REGULATIONS, EXECUTIVE ORDERS, AND DOD
POLICIES**

1 **FEDERAL STATUTES**

Congressional waivers from federal sovereign immunity in most environmental laws require federal agencies to pay reasonable service charges to reimburse states for their environmental regulatory oversight. Reasonable service charges related to state implementation of the Clean Water Act, the Clean Air Act, and the Resource Conservation and Recovery Act requirements are among the types of fees that may be billed to an installation.

2 **EXECUTIVE ORDERS**

E.O. 12088, “Federal Compliance with Pollution Control Standards,” October 13, 1978, requires the head of each Executive Agency to ensure that:

a. “Sufficient funds for compliance with applicable pollution control standards are requested in the agency budget.”

b. “Funds appropriated and apportioned for the prevention, control, and abatement of environmental pollution are not used for any other purpose unless permitted by law and specifically approved by the Office of Management and Budget.”

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VOLUME 3: APPENDIX B

“PROCESSING ENFORCEMENT ACTIONS”

SUMMARY OF SUBSTANTIVE CHANGES

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APPENDIX B

PROCESSING ENFORCEMENT ACTIONS

1 GENERAL

An enforcement action (EA) is an action taken by an environmental regulatory agency to enforce statutory and/or regulatory environmental compliance requirements. Nomenclature of EAs may include warning order, notice of deficiency, notice of violation (NOV), citation, administrative complaint, notice of non-compliance, administrative order, corrective action order, immediate compliance order, delayed compliance order, or emergency power order. The relative gravity of an NOV or other EA, to include the possibility of monetary penalties, largely depends upon the frequency, severity, and duration of the environmental compliance violation(s) alleged as well as the degree of cooperation demonstrated after learning of the violations. When an installation or unit receives an EA, prompt and complete action shall be taken to protect human health and the environment and minimize further adverse administrative, civil, or criminal EA against the installation or unit and the individual(s) responsible for receiving the EA.

2 DEFINITION OF ENFORCEMENT ACTION

a. United States and Territories

A formal, written notification by the Environmental Protection Agency (EPA) or other Federal, state, inter-state, regional, or local environmental regulatory agency of violation of any applicable statutory or regulatory requirement. It should cite the relevant standard or criteria to be met and request the installation take corrective action. An EA does not include warning letters that do not cite a violation of specific environmental law or regulation, informal notices of deficiencies, or notices of deficiencies to permit applications. (Note: Warning letters or similarly titled formal written notifications from authorized regulators that do cite violations with environmental laws and regulations, are considered EAs.)

b. Overseas

An EA is a formal, written notification by the appropriate host nation environmental regulatory authority of any applicable environmental standard (as defined in the FGS). It should cite the relevant standard or criteria to be met and request the installation take corrective action. An EA does not include warning letters that do not cite a violation of specific environmental law or regulation, informal notices of deficiencies, or notices of deficiencies to permit applications.

3 SIGNIFICANT NONCOMPLIANCE (SNC)

An EPA term describing facilities that have a violation of significant magnitude and/or duration that warrants priority for review and/or response by an agency. Currently, EPA only tracks Federal facilities that are identified as “major” under 42 U.S.C. 6901-6992k, 33 U.S.C. 1251-1387, and 42 U.S.C. 7401-7671. The definition of “major” and “significant noncompliance” varies by media. The

air program uses the term High Priority Violation (HPV) instead of SNC, but for the purposes of this appendix, SNC includes HPV. EPA Program offices are the source of media specific definitions.

4 SETTLEMENT AGREEMENTS

If the installation or unit does not contest the NOV or other EA, the environmental regulatory agency may demand the execution of a settlement agreement. Settlement agreement terms vary significantly and are negotiated by counsel. Basic settlement agreement terms may include a statement of facts and conclusions of law, penalty assessment and payment provisions, a list and description of environmental compliance projects, and an environmental compliance schedule.

5 REPORTING OF ENVIRONMENTAL ASSESSMENTS (EAS)

a. Informal Indication of an Environmental Assessment (EA)

Each installation and unit, upon receipt of any informal (e.g., oral) indication of an NOV or other EA (hereinafter collectively referred to as “EA”), shall:

(1) Consult with counsel. The CMC (CL) offices have environmental compliance counsel to advise installations and units on how to prepare for the EA.

(2) When significant natural resources damage occurs, and/or when immediate, adverse publicity is anticipated, notify CMC (LF)/MCICOM (GF) by telephone or electronic mail on the same day of receiving the informal EA indication, unless serious incident reporting is required by Marine Corps Order (MCO) 3504.2, “Operations Event/Incident Report (OPREP-3) Reporting”.

(3) Make appropriate entries into the EA/NOV module of the Environmental Management Review (EMR) database on the EM Portal (<https://em.usmc.mil/>).

b. Formal Receipt of an Environmental Assessment (EA)

(1) Upon receipt of any EA, regardless of whether a response is required, the cited commander shall ensure the installation or unit reports the EA.

(2) Within five working days after the installation’s or unit’s receipt of the EA, the installation or unit shall make appropriate entries into the EA/NOV module of the EMR database on the EM Portal (<https://em.usmc.mil/>).

(3) The cited commander shall also ensure the installation or unit makes the appropriate EMR and Marine Corps environmental program database utility follow-on entries. Any changes to the status of the EA shall be promptly recorded in the EA/NOV module of the EMR database on the EM Portal.

6 ENVIRONMENTAL ASSESSMENT (EA) CLOSURE

a. An EA is closed when any one of the following conditions exists:

(1) The regulatory agency states, in writing, that it is satisfied with the installation or unit compliance actions and no further regulatory actions will be taken regarding the violations alleged within the EA. Note that certain statutory/regulatory schemes provide for shared or delegated enforcement authority between state and Federal agencies. In the event the installation receives an NOV, installation compliance officials should ensure that all regulatory authorities possessing enforcement power are satisfied with the installation's compliance actions. For example, even if a state regulatory agency deems compliance actions satisfactory, Federal authorities may still commence an EA. This is known as 'overfiling.' Thus, it is necessary to ensure that all potential EAs are resolved.

(2) The regulatory agency, in writing, rescinds the EA.

(3) The regulatory agency supersedes the EA with another action.

(4) A settlement agreement is executed regarding the violations alleged within the EA.

b. When the installation or unit commander cannot close an EA with a regulatory agency after compliance actions are complete, the installation or unit shall:

(1) Informally contact the regulatory agency to request written confirmation of compliance action completion and EA closure.

(2) If the regulatory agency does not provide a confirmation of compliance action completion and EA closure, the installation or unit shall send a letter to the regulatory agency explaining its compliance actions and requesting EA closure. A copy of the EA shall be enclosed with the letter, and the letter shall state that the installation or unit commander will consider the EA closed if the regulatory agency does not confirm the EA's closure within 60 days following receipt of the letter. The letter shall be sent via United States certified mail with return receipt requested or via another delivery method documenting the letter's receipt.

(3) If the regulatory agency does not respond to the letter within 60 days after its receipt, the installation or unit shall send a follow-up letter. The follow-up letter shall reference the previous letter and state that the regulatory agency's response has not been received and the EA is now considered closed. The follow-up letter shall be sent via United States certified mail with return receipt requested or via another delivery method documenting the letter's receipt. Bear in mind that these letters do not legally preclude the regulatory agency from engaging in any further activity regarding the NOV which is authorized by law. Rather, they serve as a catalyst to inspire the regulatory agency to take final action and to memorialize that the installation commander scrupulously complied with all known requirements.

(4) Finally, within five working days after regulatory agency receipt of the second letter without response, the installation or unit shall update EMR and the Marine Corps environmental program database tool to record the EA's closure.

VOLUME 4

“ENVIRONMENTAL COMPLIANCE EVALUATION PROGRAM”

SUMMARY OF VOLUME 4 CHANGES

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REFERENCES

- (a) DoD Instruction 4715.6, "Environmental Compliance," May 4, 2015
- (b) Page 25004 of Volume 51, Federal Register, July 9, 1986 (51 FR 25004)
- (c) Department of Justice, "Factors in Decisions on Criminal Prosecutions for Environmental Violations in the Context of Significant Voluntary Compliance or Disclosure Efforts by the Violator," July 1, 1991
- (d) 60 FR 66705, December 22, 1995
- (e) 65 FR 19617, April 11, 2000
- (f) MCO 5040.6H
- (g) Part 1910 of Title 29, Code of Federal Regulations (29 CFR 1910)
- (h) 5 U.S.C. §552
- (i) SECNAV Instruction 5720.42F
- (j) USMC, "Environmental Compliance Evaluation (ECE) Assistance Guide," April 2011

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VOLUME 4: CHAPTER 1

“SCOPE”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 1

SCOPE

0101 PURPOSE

This Volume establishes Marine Corps policy and responsibilities for Environmental Compliance Evaluation (ECE) Program implementation. The ECE Program supports the checking, preventive, and corrective action components of the Marine Corps Environmental Management System (EMS) while fulfilling the third-party “external” assessment pursuant to DoD Instruction 4715.6 (Reference (a)).

0102 APPLICABILITY

010201. See paragraph 1101.

010202. The ECE Program is intended to ensure compliance with all environmental policies and programs and is related to all other volumes in this Order.

0103 BACKGROUND

010301. Federal regulations, Executive Orders, and the U.S. Environmental Protection Agency’s (EPA’s) federal facility compliance policy encourage regular self-evaluations to ensure environmental compliance. Department of Defense (DoD) policy requires internal assessments annually and an external assessment every three years.

010302. The Marine Corps ECE Program evaluates Marine Corps unit, tenant, command, and installation environmental compliance and conformance. In doing so, the ECE Program seeks to identify corrective actions for observed deficiencies as well as root causes and preventive actions so that observed deficiencies do not recur. The ECE Program also seeks to identify efficiencies that help the Marine Corps become more proactive and continually improve its environmental programs.

010303. EPA encourages federal facilities to adopt sound environmental management practices, particularly environmental auditing, “a systematic, documented, periodic, and objective review by regulated entities of facility operations and practices related to meeting environmental requirements,” to help achieve and maintain environmental compliance in accordance with Page 25004 of Volume 51, Federal Register (51 FR 25004) (Reference (b)). Environmental auditing includes a variety of compliance assessment techniques and may be used to verify environmental compliance, evaluate EMS effectiveness, or assess risks from materials and practices, both regulated and unregulated.

010304.The Department of Justice and EPA have emphasized the importance of environmental auditing in Department of Justice, “Factors in Decisions on Criminal Prosecutions for Environmental Violations in the Context of Significant Voluntary Compliance or Disclosure Efforts by the Violator,” July 1, 1991 (Reference (c)) and 60 FR 66705 (Reference (d)). 65 FR 19617 (Reference (e)) clarifies EPA’s environmental auditing policy.

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“AUTHORITY”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 2

AUTHORITY

0201 FEDERAL STATUTES

No federal statutes are specifically discussed in this Volume.

0202 EXECUTIVE ORDERS

Executive Order (E.O.) 13693, “Planning for Federal Sustainability in the Next Decade,” March 19, 2015.

0203 DOD POLICY

DoD Instruction 4715.6, “Environmental Compliance,” May 4, 2015.

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VOLUME 4: CHAPTER 3

“REQUIREMENTS”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 3

REQUIREMENTS

0301 ENVIRONMENTAL COMPLIANCE EVALUATION (ECE) PROGRAM
INTRODUCTION

The Marine Corps conducts Benchmark ECEs and self-audits through its ECE Program. The ECE Program provides each installation with a management tool to achieve, maintain, monitor, and continually improve environmental compliance and performance, and reduce environmental risks. The Commandant of the Marine Corps, Facilities Branch (CMC (LFF))/Marine Corps Installations Command, Facilities Directorate (MCICOM (GF)) uses Benchmark ECE Reports and installation Plans of Action and Milestones (POA&Ms) to plan, program, budget, and execute projects to correct Benchmark ECE findings.

0302 APPLICABILITY

All Marine Corps installations shall participate in the ECE Program. ECEs assess compliance with all environmental program requirements and include all operations and activities within the installation boundary. Evaluations include tenant activities, out grants, leases, and other activities under the purview of the United States Marine Corps. This program includes self-evaluations of installation programs with environmental requirements, evaluations of installation commands and tenants, and CMC (LFF)/MCICOM (GF) Benchmark ECE Program.

0303 BACKGROUND

Benchmark ECEs are conducted using Inspector General of the Marine Corps (IGMC) inspection principles. MCO 5040.6H (Reference (f)) contains a discussion of the inspection principles.

0304 GOALS

The ECE Program:

030401. Provides installation Commanding Generals/Commanding Officers (CGs/COs) with a management tool to assess, report, and correct environmental deficiencies.

030402. Assesses installation environmental compliance and EMS conformance and identify corrective and preventive actions that address the root causes to reduce environmental risks.

030403. Provides installations and units with a forum for exchanging information on successful environmental compliance strategies, best practices, and technologies for enhancing compliance postures.

030404. Supports the installation mission by identifying risks to public health and the environment.

030405. Provides CMC (LFF)/MCICOM (GF) an accurate assessment of Marine Corps environmental compliance.

030406. Continuously improves Marine Corps environmental compliance and program performance.

0305 WEB-BASED COMPLIANCE ASSISTANCE AND SUSTAINMENT SOFTWARE (WEBCASS)

030501. Purpose

WEBCASS is the primary information technology component used to assess, track, and manage environmental compliance across the Marine Corps. Environmental personnel shall use WEBCASS to record installation compliance assessments. WEBCASS also tracks POA&Ms, which installations prepare and use to address and resolve findings through the implementation of corrective and preventive actions.

030502. Permissions and Reports

Users are assigned WEBCASS access and permissions based on their job requirements. Higher headquarters (for both operational and installation hierarchy) has visibility of subordinate unit information. WEBCASS has a number of reports available for installation, command, and higher headquarter use.

030503. The Environmental Assessment Manual (TEAM) Guide Checklists

WEBCASS identifies installation environmental requirements using the TEAM Guide checklists. Each installation shall audit using checklist questions in the federal TEAM Guide, state and local requirements unique to each installation, and the Marine Corps Team Guide Supplement or Marine Forces Reserve (MARFORRES) Team Guide Supplement, as applicable. Environmental program managers shall determine additional local requirements from installation policies, plans, and standard operating procedures. If necessary, environmental professionals and legal counsel should be consulted to interpret these requirements.

030504. Suitable Substitute for WEBCASS

In the event WEBCASS is not available due to connectivity, a suitable substitute can be used to document findings and develop a plan of action and milestones. The most likely substitute will be an Excel Spreadsheet developed by the evaluation team.

0306 BASELINE ECE SCHEDULING

Commandant of the Marine Corps, Facilities and Services Division (CMC (LF))/ Marine Corps Installations Command, Facilities Directorate (MCICOM (GF)) publishes a Baseline ECE schedule annually. The schedule establishes a 3-year Baseline ECE cycle with a Benchmark ECE conducted at each installation every third year. ECE schedules are coordinated with the installations and Headquarters, Marine Corps, Facilities Division ((HQMC) (LF))/MCICOM (GF) contractors and are

difficult to change. CMC (LFF)/MCICOM (GF) evaluates all installation requests for waivers. Benchmark ECEs are generally scheduled for a 2-week period. MARFORRES Benchmark ECEs generally last 1 week.

0307 BENCHMARK ECE TIMELINE SUMMARY

- 030701. August prior to fiscal year: Fiscal year ECE schedule released.
- 030702. 60 days before arrival date: ECE notification sent to installation.
- 030703. 30 days before arrival date: Installation pre-ECE checklists and point of contact (POC) sheets due to CMC (LFF)/MCICOM (GF).
- 030704. Arrival date through completion date: ECE onsite.
- 030705. Seven days after completion date: CMC (LFF)/MCICOM (GF) Program Manager review and publication of final ECE Report.
- 030706. 14 days after completion date: Installation assessments of ECE team due to CMC (LFF)/MCICOM (GF) (.pdf email preferred).
- 030707. 60 days after completion date: Installation POA&Ms due in WEBCASS. Final report and executive summary submitted to installation.

0308 CONDUCT OF BENCHMARK ECE

030801. Notification

CMC (LFF)/MCICOM (GF) provides each installation a 2-month advance notice of the Benchmark ECE via the Marine Corps action tracking system. In this notice, the installation is tasked with providing a pre-ECE questionnaire and POC information. The installation provides the requested information to CMC (LFF)/MCICOM (GF) at least 30 days before the Benchmark ECE begins. The installation also coordinates any security requirements for evaluator access to the installation.

030802. ECE Workplan

CMC (LFF)/MCICOM (GF) uses the POC list and pre-ECE questionnaire provided by the installation to develop an ECE Workplan. The workplan schedule informs the installation when specific environmental media will be evaluated. CMC (LFF)/MCICOM (GF) gives this schedule to the installation no later than 1 week before the Benchmark ECE. After receiving the media evaluation schedule, the installation POCs should contact the Benchmark ECE evaluators to schedule site visits. The site visit schedule shall give Benchmark ECE evaluators flexibility to evaluate sites of particular interest and permit them the opportunity to evaluate a representative sample of installation units and operations. Evaluators assess at least one-third of all units, practice locations, and environmental structures to the maximum extent possible.

030803. In-Brief

The CMC (LFF)/MCICOM (GF) ECE representative conducts an in-brief with the installation Commanding General/Commanding Officer (CG/CO). The ECE representative explains the Benchmark ECE goals and gives the commander an opportunity to express any areas of concern for the evaluation.

030804. Daily Out-Brief

The Benchmark ECE team should meet each afternoon to discuss evaluation progress, problem areas, and coordinate the next day's schedule. Installation representatives are encouraged to attend these meetings. Concurrently with daily out-briefs, the CMC (LFF)/MCICOM (GF) ECE representative may allow installation or unit staff to read draft finding write-ups prior to the installation CG/CO out-brief or publication on the final ECE Report.

030805. Formal Out-Brief

The CMC (LFF)/MCICOM (GF) ECE representative conducts an out-brief with the installation CG/CO. The out-brief summarizes significant findings or concerns, including any that are important for the commander's awareness or that require the commander's authority to correct.

030806. Document Review

Installation environmental documents are made available to the contractor evaluators prior to the ECE via the Environmental Management (EM) Portal. Reviewing documents offsite allows the evaluators to maximize their onsite time with interviews and site visits during the ECE.

030807. Benchmark ECE Reports

A. Benchmark ECE Report

This report is a summary of the installation's environmental compliance and conformance assessment. It includes an executive summary, statistics, programmatic narratives, and details for all findings identified during the ECE compliance and EMS conformance assessments. All findings are entered into WEBCASS and shall be addressed, as necessary, by the appropriate responsible party. In order to facilitate prioritization, findings are assigned a risk category (high, medium, or low) based on a scoring system built into WEBCASS and evaluator discretion. Findings related to safety considerations in accordance with Part 1910 of Title 29, Code of Federal Regulations (29 CFR 1910) (Reference (g)) may be identified during a Benchmark ECE, but there is no requirement for the evaluators to do so. HQMC (LFF)/MCICOM (GF) prepares a Benchmark ECE Report cover letter addressed to the installation CG/CO requiring submission of the POA&M within 60 days and provides the IGMC a copy of the Benchmark ECE Final Report.

B. EMS Conformance Report

An EMS Conformance Report is developed to assess each EMS element and to determine the overall conformance of the installation's EMS to Marine Corps requirements. The

EMS Conformance Report is included in the Benchmark ECE Report, is referenced in the Benchmark out-brief, and meets the requirements for the annual EMS conformance assessment pursuant to Volume 2 of this Order. WEBCASS automatically associates findings with the EMS elements and formats a report; alternatively, a spreadsheet format is also available.

030808. Installation Feedback on Benchmark ECE

Installation staff involved in the ECE shall complete a critique of the ECE team and forward it to CMC (LFF)/MCICOM (GF) within two weeks of the out-brief.

0309 **ROOT CAUSE ANALYSIS**

Whenever possible, corrections for identified deficiencies should address the root cause of the deficiency. Findings generated in WEBCASS include a root cause analysis that assists in correcting the cause of the finding. The Marine Corps associates its 17 EMS elements as the root cause of compliance deficiencies. This not only identifies the cause of the problem, but also helps to identify weaknesses in the EMS. Root cause determination is at the evaluator’s discretion but needs to be justified. Preventive actions are tied to root cause.

0310 **PLAN OF ACTION AND MILESTONE (POA&M)**

An integral part of all evaluations is appropriate follow-up to ensure that corrective and preventive actions are completed. Following a Benchmark ECE, WEBCASS is used to create a POA&M to respond to all findings identified in the Benchmark ECE Report. The POA&M shall be input into WEBCASS within 60 days after completion of the audit. The POA&M is then reviewed by HQMC (LFF)/MCICOM (GF). Once approved in WEBCASS, the POA&M is submitted to HQMC (LFF)/MCICOM (GF) via the installation CG/CO. POA&Ms are updated using WEBCASS until they are completed and available for HQMC (LFF)/MCICOM (GF) review on an annual basis. Installations notify HQMC (LFF)/MCICOM (GF) when their annual review is complete the year after the Benchmark ECE.

0311 TREND ANALYSIS REPORTS

Trend analysis reports are available through WEBCASS and can be tailored as required using the available filters.

0312 **RELEASABILITY**

031201. Public disclosure of ECE Program records are governed in accordance with Section 552 of Title 5, United States Code (5 U.S.C. §552), also known and referred to in this order as “Freedom of Information Act,” (Reference (h)) and SECNAV Instruction 5720.42F (Reference (i)). Installations and units receiving Freedom of Information Act requests for ECE Program records shall always consult counsel and HQMC (LFF)/MCICOM (GF) before releasing them.

031202. Within the Benchmark ECE Final Report itself, the preliminary executive overview, media overview, recommended corrective action, and installation CG/CO and higher headquarters’ comments may be subject to discretionary disclosure.

031203. As a matter of policy, EPA and many states do not routinely request ECE Program records in anticipation of, or as part of, an environmental compliance inspection. If an EPA or state inspector requests these records, the installation or unit receiving the request should immediately consult with counsel and HQMC (LFF)/MCICOM (GF) for recommendations on how to proceed.

031204. Installations and units receiving requests for ECE Program records in contemplation of, or during, litigation shall always consult counsel and HQMC (LFF)/MCICOM (GF) on how to proceed.

0313 BASE REALIGNMENT AND CLOSURE INSTALLATIONS

Marine Corps installations shall participate in the ECE Program until officially closed.

0314 MARINE FORCES RESERVE (MARFORRES) ECE PROGRAM

031401. In accordance with DoD policy, each MARFORRES tenant shall adhere to the host installation's environmental instruction, including the conduct of ECEs. Reserve units on non-Marine Corps sites shall participate in their hosts' ECE (or equivalent) programs and establish self-audit programs tied to the MARFORRES Commanding General's Inspection Program (CGIP).

031402. MARFORRES shall establish an ECE Program for Marine Corps-owned/leased reserve sites and facilities that is similar to the HQMC (LFF)/MCICOM (GF)-sponsored ECE Program. Due to the geographic spread of MARFORRES sites and the small Inspector and Instructor staffs at each MARFORRES site, the Environmental staff at MARFORRES Headquarters is responsible for all pre-ECE coordination, POA&M development, and execution. Benchmark ECEs for the MARFORRES sites are provided by and coordinated with HQMC (LFF)/MCICOM (GF). The MARFORRES TEAM Guide Supplement is maintained by HQMC (LFF)/MCICOM (GF) and is based on the MARFORRES Environmental Compliance and Protection Standard Operating Procedure (ECPSOP).

031403. MARFORRES Headquarters shall also participate in the HQMC (LFF)/MCICOM (GF) ECE Program, with a similar benchmark ECE of the environmental management program being conducted that focuses on environmental program management.

0315 SITE INSPECTIONS

Personnel authorized by the Marine Corps and possessing appropriate security clearances shall be allowed to enter Marine Corps commands, units, and tenants on Marine Corps installations to conduct ECEs.

0316 SELF-AUDIT PROGRAM

The Self-Audit Program gives commanders a tool to assess their commands' environmental compliance. This program shall be incorporated into the CGIP as described in Reference (f) and USMC, "Environmental Compliance Evaluation (ECE) Assistance Guide," April 2011 (Reference (j)).

031601. Installation CGs/COs

The installation CG/CO Self-Audit Program shall annually assess installation compliance by inspecting every permitted site and source, every process that generates a waste or may be considered a potential source, and every command/unit and tenant. Installations shall also perform an annual EMS evaluation in accordance with Volume 2 of this Order. Installations do not need to conduct a self-audit in the year in which a Benchmark ECE occurs.

031602. Other Commands

A. Non-installation commanders with inspection authority as defined by Reference (f) shall conduct annual self-audits within the CGIP. These commanders shall use the environmental functional area checklist from the IGMC Automated Inspection Reporting System (AIRS). While the installation CG/CO Self-Audit Program focuses on infrastructure and processes, the non-installation commander's Self-Audit Program focuses on subordinate commanders' readiness, support of the commander's environmental policies, and support of the host installation's EMS.

B. Commanders with geographically-separated subordinate units that are not tenants on other DoD installations shall ensure unit responsibilities are clearly delineated and shall annually audit these units as part of the Self-Audit Program. These commanders may also request Naval Facilities Engineering Command or HQMC (LFF)/MCICOM (GF) assistance to conduct Benchmark ECEs at these locations. Commanders with geographically-separated administrative units may request an ECE Program waiver from HQMC (LFF)/MCICOM (GF).

C. Marine Corps units on closed installations shall participate in the ECE Program with and under the cognizance of their higher headquarters.

031603. Self-Audit Program Development

Installations shall identify all significant environmental requirements and incorporate them into the Self-Audit Program. Existing environmental inspections and checklists should be incorporated into the installation Self-Audit Program where applicable. Reports, inspections, and evaluations currently being conducted in support of command environmental management programs include:

- A. Weekly hazardous waste satellite accumulation area inspections.
- B. Drinking water backflow prevention annual inspections.
- C. National Pollutant Discharge Elimination System dry weather inspections.
- D. National Environmental Policy Act decision document monitoring and measurement requirements.

E. Other physical inspections required by established plans and permits (e.g., oil storage containment structures under an installation Spill Prevention Control and Countermeasure Plan).

031604. Implementation of the Self-Audit Program

Installation Self-Audit Programs shall include:

A. Annual Self-Audit Plan

A detailed Self-Audit Plan shall be published each fiscal year. This annual environmental Self-Audit Plan helps determine which tenant units, subordinate units, and installation organizations, buildings, locations, or media areas shall be evaluated. A critical path method format helps to address environmental threats with the most significant risk.

B. Self-Audit Approaches

There are three general approaches for conducting annual self-audits:

1. Organizational Approach. Each installation activity and tenant unit receives a self-audit similar to a Benchmark ECE.

2. Media Area Approach. The self-audit evaluates compliance individually by media (e.g., air and hazardous waste).

3. Combined Organizational and Media Area Approach

C. Tracking and Resolution

A means to formally track and resolve findings identified at each command and ensure prompt corrective action.

D. Assessment

Assessment of the installation's EMS in accordance with Volume 2 of this Order.

031605. Self-Audit Records

Self-audit records shall be maintained by the installation or command conducting the self-audit. Commands should review these records during the EMS review. Annual audits shall be recorded in the IGMC/CGIP Annual Inspection Report that is incorporated into AIRS.

031606. Safety Coordination

While the function of the ECE is not to assess safety concerns, safety deficiencies should not be ignored when discovered. The TEAM Guide has current safety checklists in accordance with Reference (g) available to evaluators. When known safety findings are identified, they should be

written, assigned to the installation Safety Office, and tracked for resolution. Since the Safety program and Environmental program have similar oversight functions, it benefits both programs to cooperate on inspection requirements. A combined environmental, safety, and occupational health inspection arrangement (i.e., a coordinated inspection schedule) can minimize redundancy and conflicting guidance between the programs, reduce the burden on inspected units, and result in beneficial cross-training. Combined Safety/Environmental inspections are encouraged as appropriate to the installation.

0317 INSPECTOR GENERAL OF THE MARINE CORPS (IGMC) REVIEW

To assess tenant unit environmental compliance, the IGMC may use installation Environmental staff to augment IGMC inspections. This provides the Inspector General with evaluators who are knowledgeable about local requirements and provides installation Environmental staff an additional venue for assessing, commending, or correcting unit environmental performance. Installation-level environmental programs are no longer subject to IGMC inspection using the AIRS (764 Environmental Management) checklist due to the extensive oversight provided through the ECE Program.

VOLUME 4: CHAPTER 4

“RESPONSIBILITIES”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 4

RESPONSIBILITIES

0401 CMC (LF)/COMMCICOM

CMC (LF)/COMMCICOM shall:

- 040101. Schedule and implement Benchmark ECEs at installations and MARFORRES Headquarters.
- 040102. Facilitate augments for IGMC inspections as requested.
- 040103. Review installations' annual validation of POA&M.
- 040104. Ensure corrective actions are taken on identified issues.
- 040105. Assess environmental trends so that enterprise corrective actions can be implemented.
- 040106. Ensure installations are conducting annual self-audits during years in which Benchmark ECEs do not occur.
- 040107. Resolve any issues that are identified and assigned to HQMC (LF)/MCICOM (GF) during Benchmark ECEs.
- 040108. Promote expansion of best practices identified in ECEs, where appropriate.

0402 IGMC

IGMC shall assess unit environmental compliance as applicable during IGMC inspections in accordance with the AIRS (764 Environmental Management) checklist. Environmental staff at each installation or at the regional level are available to augment IGMC inspections as requested. Coordinate installation contacts through the CMC (LF)/MCICOM (GF) Environmental Compliance Officer or through the installation command inspector. Note: Oversight of installation environmental management is fully addressed through the ECE Program.

0403 CG OF MCI EAST, WEST, PACIFIC, AND NATIONAL CAPITAL REGION

CG of MCI East, West, Pacific, and National Capital Region shall:

- 040301. Track installation POA&M corrective actions to ensure timely completion. Ensure high risk environmental findings at installations are adequately addressed.
- 040302. Use trends analysis, including trends data available in WEBCASS, in order to determine environmental compliance findings that affect the region and implement cost-effective solutions at the regional level.

040303. Promote expansion of best practices identified in ECEs, where appropriate.

0404 CG/CO OF MARINE CORPS INSTALLATIONS AND COMMARFORRES

CG/CO of Marine Corps installations and COMMARFORRES shall:

040401. Participate in the Marine Corps Benchmark ECE Program.

040402. Establish and implement a command Self-Audit Program that annually evaluates installation environmental compliance by visiting every permitted site and source; every practice that releases pollutants to air or water, generates a waste, or may be considered a significant environmental risk; and every command/unit and tenant.

040403. Publish ECE procedures as part of the installation ECPSOP or environmental order.

040404. Supplement the IGMC inspections with installation environmental staff as needed to assess tenant units at the installation.

040405. Encourage cooperation between installation Safety and Environmental programs. When identified, follow up on safety-related findings identified through the ECE.

VOLUME 4: APPENDIX A

“FEDERAL STATUTES, FEDERAL REGULATIONS, EXECUTIVE ORDERS, AND DOD POLICIES”

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APPENDIX A

**FEDERAL STATUTES, FEDERAL REGULATIONS, EXECUTIVE ORDERS, AND DOD
POLICIES**

1 FEDERAL STATUTES

No federal statutes are specifically discussed in Volume 4 of this Order.

2 EXECUTIVE ORDERS

E.O. 13693, “Planning for Federal Sustainability in the Next Decade,” March 19, 2015, has a goal to maintain Federal leadership in sustainability and greenhouse gas emission reductions. It revoked E.O. 13423 and E.O. 13514. This E.O. continues the policy of the United States that agencies shall increase efficiency and improve their environmental performance to help protect the planet for future generations and save taxpayer dollars through avoided energy costs and increased efficiency, while also making Federal facilities more resilient. To improve environmental performance and Federal sustainability, the E.O. states that priority should first be placed on reducing energy use and cost, then on finding renewable or alternative energy solutions. The E.O. sets goals for greenhouse gas emissions and for sustainability, including energy conservation, clean energy, renewable energy, alternative energy, water use efficiency, potable water consumption, fleet efficiency, building efficiency, sustainable acquisition, waste and pollution prevention, performance contracts, and electronics stewardship.

3 DOD POLICY

DoD Instruction 4715.6, “Environmental Compliance,” April 24, 1996, requires all installations to conduct internal compliance self-assessments at least annually and external compliance self-assessments at least once every three years.

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<p>VOLUME 5</p> <p>“ENVIRONMENTAL TRAINING AND EDUCATION”</p> <p>SUMMARY OF VOLUME 5 CHANGES</p> <p>Hyperlinks are denoted by <i>bold, italic, blue and underlined font.</i></p> <p>The original publication date of this Marine Corps Order (right header) will not change unless/until a full revision of the MCO has been conducted.</p> <p>The date denoted by blue font (left header) will reflect the date this Volume was last updated.</p> <p>All Volume changes denoted in blue font will reset to black font upon a <u>full revision</u> of this Volume.</p>			
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- (a) MCO 1200.17
- (b) USMC, "Commander's Guide to Environmental Management," 2009
- (c) USMC, "USMC Environmental Campaign Plan," 2007

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VOLUME 5: CHAPTER 1

“SCOPE”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 1

SCOPE

0101 PURPOSE

010101. This Volume establishes Marine Corps policy and responsibilities to ensure compliance with environmental training and education requirements and standards for developing and managing environmental training instruction.

010102. Responsibilities for environmental training and education cross many functional and operational areas. This Volume establishes:

A. Responsibilities for ensuring that relevant, high quality environmental training is provided at all levels of the Marine Corps.

B. Policies and procedures apply the Marine Corps Systems Approach to Training (SAT) to the environmental training process as developed and advanced through Comprehensive Environmental Training and Education Program (CETEP).

C. Documentation and reporting requirements integrating Marine Corps environmental training into the Environmental Management System (EMS).

D. Professional development guidance and opportunities for Marine Corps personnel who are assigned environmental responsibilities.

0102 APPLICABILITY

See paragraph 1101.

0103 BACKGROUND

010301. The Environmental Training Challenge

Environmental requirements impact nearly every Marine Corps occupational field (OCCFLD), Military Occupational Specialty (MOS), and activity. Environmental training requirements are explicitly stated or strongly implied in many environmental statutes and regulations, and training is required to provide individuals the knowledge and skills to perform jobs in an environmentally responsible manner. EMS risk-based analysis further addresses significant environmental practices and identifies specific training requirements required to reduce overall risk to the environment. As a result, the broad scope of environmental training and education requirements and the numbers of Marine Corps personnel subject to them create significant challenges. These challenges are compounded by requirements to support sustainability, professional development, public information, and environmental training tailored to local conditions.

010302. Comprehensive Environmental Training and Education Program (CETEP)

CETEP was established to address environmental training challenges, and it fulfills the training requirements of the Marine Corps EMS. CETEP supports full compliance with applicable environmental requirements, facilitates pollution prevention measures, and equips installations with training needed to achieve EMS and sustainability objectives. CETEP accomplishes this by analyzing environmental training needs and integrating general awareness, public outreach, and EMS and compliance training into environmentally responsible operational behaviors. All requirements for the environmental training component of the Marine Corps EMS are met with CETEP.

010303. Systems Approach to Training (SAT) and Comprehensive Environmental Training and Education Program (CETEP)

A. Formal SAT processes are applied at Marine Corps formal schools, training centers, and formal courses at other service schools. Locally-developed courses and training materials are more relevant and effective when developed with the SAT and its analysis of training requirements to job performance outcomes. For example, a locally-developed course that may result in the award of the 8056 MOS should be developed with applicable Individual Training Standards (ITS) and MOS Manual requirements. The course shall also be developed to explain local procedures for compliance with applicable regulatory requirements and policies.

B. All CETEP training shall incorporate, document, and appropriately apply the SAT.

010304. Environmental Training Expertise

For CETEP to succeed, environmental training expertise shall be developed within all Marine Corps units and installations. Two additional MOSs, 8056 and 8831, and CETEP Coordinator positions were established to meet this need. For more information on these standards, see paragraph 0306 of this Volume.

A. MOS 8056, Hazardous Material/Hazardous Waste (HM/HW)

MOS 8056 was established as a secondary MOS to provide the Marine Corps with uniformed Marines trained to ensure compliance with environmental regulations and safely and efficiently manage HM and HW, primarily at the unit level.

1. All units shall ensure that they have sufficient 8056 personnel and experience to meet operational HM and HW management requirements.

2. The following courses partially fulfill 8056 MOS designation-training requirements and require additional training to meet all requirements:

a. Defense Hazardous Material/Hazardous Waste (HM/HW) Handling Course (Army Logistics University) or Introduction to HW Generation and Handling (Civil Engineers Corps Officer's School (CECOS)) or a Headquarters, Marine Corps Facilities

Division (HQMC (LF))/MCICOM (GF)-approved regional or installation 24-hour HM/HW Handling course.

b. Hazardous Communication training in accordance with 29 Code of Federal Regulations (CFR) 1910.1200.

c. A local course developed or endorsed by the installation CETEP Coordinator consisting of site-specific HM/HW procedures and First Responder Operations Level competencies in accordance with 29 CFR 1910.120(q)(6)(ii).

3. Attainment of the secondary MOS and successful performance in the additional duties should be noted in performance reports for all Marines with the MOS. Specific guidance regarding MOS 8056 qualification is published in MCO 1200.17 (Reference (a)).

4. See enclosure/reference A and B for a recommended 8056 checklist

B. MOS 8831, Environmental Engineering/Management Officer

MOS 8831 was established as a secondary MOS and provides the Marine Corps a cadre of uniformed officers with operational experience who have been educated in environmental engineering, management, and science. 8831s serve at regional, installation and operational staff levels in environmental management, compliance, and sustainability roles. These officers provide a unique view of environmental issues from an operational perspective. Recipients of the MOS have earned a master's degree in environmental management, science, or engineering from designated colleges and universities, or meet equivalent experience requirements.

010305. Comprehensive Environmental Training and Education Program (CETEP) Coordinators

CETEP Coordinators lead Marine Corps, regional, and installation environmental training programs. CETEP Coordinator training and experience requirements are detailed in paragraph 0304.

A. Headquarters Marine Corps (HQMC) (LFF)/MCICOM (GF) Comprehensive Environmental Training and Education Program (CETEP) Coordinator

The Headquarters, Marine Corps Facilities Branch (HQMC (LFF))/MCICOM (GF) CETEP Coordinator ensures that environmental training requirements are included in policy, programs, funding, and training development at the top level in order to reduce training burdens on installation commands. The HQMC (LFF)/MCICOM (GF) CETEP Coordinator facilitates common awareness materials, develops common curricula, is the HQMC sponsor or the Environmental Learning Management System (ELMS), and facilitates information sharing among the regions and installations. HQMC (LFF)/MCICOM (GF) CETEP facilitates Marine Corps Training and Education Command (TECOM) training quotas for active duty Marines to attend certain environmental training courses.

B. Regional Comprehensive Environmental Training and Education Program (CETEP) Coordinators

CETEP Coordinators at the regions ensure that training for all installations in the regions is being provided efficiently and consistently. Regional CETEP Coordinators assist the installations in preparing CETEP Plans and training needs analyses, procuring training materials, developing and standardizing region-specific environmental training, and coordinating among installations to maximize environmental training opportunities and minimize overall training costs.

C. Installation Comprehensive Environmental Training and Education Program (CETEP) Coordinators

Installation CETEP Coordinators ensure all individuals who require environmental training at their installations receive it. They develop, document, track, and schedule environmental training and evaluate its effectiveness. CETEP Coordinators shall ensure installation environmental training programs are structured to identify and address EMS, local training, and requirements mandated by Federal, state, and local regulations.

010306. Interservice Environmental Education Review Board (ISEERB)

The Interservice Environmental Education Review Board (ISEERB) is composed of environmental and training representatives from the military services and the DLA. The ISEERB addresses environmental training issues, and identifies training resources and efficiencies across the military and other Federal services.

A. HQMC (LFF)/MCICOM (GF) provides a Marine Corps representative to the ISEERB. This participation allows HQMC (LFF)/MCICOM (GF) to identify interservice environmental training courses and materials that meet Marine Corps training needs.

B. “ISEERB Approval” is an endorsement (i.e., “seal of approval”) of selected environmental training courses. This approval signifies subject matter experts (SMEs), to include Marine Corps SMEs, reviewed the courses and found them to have content suitable for Department of Defense (DoD) Component use. A list of ISEERB-approved courses is available at www.denix.osd.mil in the Conferences & Training section. Installations and units should consider using these courses before contracting for or developing similar environmental training courses.

VOLUME 5: CHAPTER 2

“AUTHORITY”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 2

AUTHORITY

0201 FEDERAL STATUTES

Almost all environmental laws and their implementing regulations require environmental training, either by mandate or implication. Federal agencies codify their environmental training requirements in the CFR. These requirements may be applicable to Marine Corps personnel in addition to applicable state environmental training requirements. Table 2-1 provides a summary of significant environmental training provisions and requirements. Refer to the current version of MCO 5100.29 for safety and health training.

0202 REQUIREMENTS

This Volume establishes an environmental training program that meets all explicit and implicit requirements established by federal, state, and local laws and regulations; Executive Orders; and by DoD, Department of Navy, and Marine Corps policy and EMS drivers.

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ENVIRONMENTAL COMPLIANCE AND PROTECTION PROGRAM

Table 2-1.--Summary of Training Provisions and Requirements
Additional safety training may be required by MCO 5100.29B and 29 CFR.

Program Area	Training Requirement	Who Shall Be Trained	When Training Shall Occur	Regulation or Policy Driver
Air Emissions Management	Motor Vehicle heating, ventilation, air condition, and cooling Mechanics	Personnel servicing motor vehicle air conditioning equipment	Certification required	40 CFR 82, part 30(b) Marine Corps Order (MCO) P5090.2, para. 6302.16
	Air conditioning or refrigerant repair services	Personnel servicing, maintaining, repairing or disposing of air conditioning equipment	Certification required	42 U.S. Code (U.S.C.) 7401 et seq. 40 CFR 82 parts 34(a-b), 42, 150, 161
	Halon containing equipment	Technicians who test, maintain, service, repair, or dispose of halon-containing equipment	Prior to beginning work	40 CFR 82.270(c)
	Large boilers for energy production	Boiler operators	Prior to beginning work	42 U.S.C. 7401 et seq.
Environmental Planning	National Environmental Policy Act of 1969	Personnel with environmental planning responsibilities	Prior to beginning work	MCO P5090.2, para. 12104.2e
General Awareness	Environmental General Awareness	All USMC personnel	None specified	MCO P5090.2, Chap. 5
	CO/CG and SES Education	CO/CGs and SES	None specified	MCO P5090.2, Chap. 5
Sustainable Procurement	As required. Policy currently being updated	As required	None specified	DoD Green Procurement Policy Strategy Update 001967-08

ENVIRONMENTAL COMPLIANCE AND PROTECTION PROGRAM

Table 2-1.--Summary of Training Provisions and Requirements
Additional safety training may be required by MCO 5100.29B and 29 CFR.

Program Area	Training Requirement	Who Shall Be Trained	When Training Shall Occur	Regulation or Policy Driver
HM/HW Transportation	Hazardous Materials Transportation Employee Training	Employees involved in the transportation, shipment, or prep for shipment of hazardous materials/wastes	Within 90 days after employment or new job assignment	MCO 4030.40B, part 40B 49 U.S.C 5101-5127 49 CFR parts 171.1(b), 172, 172.704, 173.1(b), 175-177, 177.816(a,c)
HW Management	Small Quantity Generators and Large Quantity Generators	Employees who handle hazardous waste	At the time of assignment	42 U.S.C. 6901 et seq., Subtitle C 40 CFR 262.34, 264.16, 265 49 CFR parts, 171, 177 MCO P5090.2, para. 9104.1
	Treatment, Storage, Disposal Facilities (TSDFs)	TSDF employees who handle hazardous waste	At the time of assignment	42 U.S.C. 6901 et seq., Subtitle C 40 CFR parts, 262.34, 264.16(a-e), 265.15
	HW Accumulators	Personnel who accumulate hazardous waste	Prior to beginning work	40 CFR 264, 265 MCO P5090.2, para. 9104.1.h.(2)(j)
	Waste Military Munitions	Personnel involved with handling, storage, transportation, and treatment of Waste Military Munitions	Prior to beginning work	29 CFR 1910.120 29 CFR 1926. 65
	Regulated Infectious Waste	Personnel with occupational exposure to infectious waste	Prior to beginning work; annual refresher training	29 CFR 1910. 1030(g)(2) BUMED INST 6280.1A

ENVIRONMENTAL COMPLIANCE AND PROTECTION PROGRAM

Table 2-1.--Summary of Training Provisions and Requirements
Additional safety training may be required by MCO 5100.29B and 29 CFR.

Program Area	Training Requirement	Who Shall Be Trained	When Training Shall Occur	Regulation or Policy Driver
Pesticides Management	Federal Insecticide, Fungicide, and Rodenticide Act Applicators	Applicators, Pesticide Contractors, Inspectors	Before application	40 CFR 170.130(a)(3) DoD 4150.7M, P MCO 5090.2, Chap. 14
	Using or obtaining services for restricted-use pesticides	Applicators, Pesticide Contractors, Inspectors	Before application	7 U.S.C. 136 et seq. 40 CFR 171, parts 4,5,9
Petroleum, Oil, and Lubricants Management	Oil Pollution Facility response exercises	Facility owners or operators who shall develop a program of facility response drills/exercises as detailed in the FRP	At least once every three (3) years	40 CFR 112.21c 33 CFR 154.1055 MCO 5090.2, paras. 7307, 7315
	Spill Prevention Countermeasures & Controls (SPCC) discharge prevention training	All employees who handle POL	At least annually	40 CFR part 112.7 (d), (e)(10), and (f) MCO 5090.2, para. 18307.a 33 U.S.C. 1251 et seq.
Solid Waste Management	Facilities that operate landfills	Landfill operators	Per state regulations	42 U.S.C. 3251 et seq.
Toxic Substances Management	Hazard Communications	Employees who may be exposed to hazardous chemicals under normal operations conditions or in foreseeable emergencies	Prior to beginning work	29 CFR 1910, part 1200(h)(l) DoD INST 6050.5, MCO 5100.8

ENVIRONMENTAL COMPLIANCE AND PROTECTION PROGRAM

Table 2-1.--Summary of Training Provisions and Requirements
Additional safety training may be required by MCO 5100.29B and 29 CFR.

Program Area	Training Requirement	Who Shall Be Trained	When Training Shall Occur	Regulation or Policy Driver
Toxic Substances Management	Hazardous Waste Operations and Emergency Response			
	Awareness Level	Personnel who are likely to witness or discover a release of a hazardous substance and may initiate emergency response by notifying authorities	Prior to beginning work; annual refresher training	29 CFR 1910.120 (e),(p),(q)
	General Site Workers	Personnel assigned to work at an uncontrolled Installation Restoration site		
	Emergency Response Operations	Personnel who respond to HM releases in a defensive fashion without trying to stop the release		
	Emergency Response Technician/Specialist	Personnel responding in an aggressive action to HM spills so they may plug patch or stop the release of HM		
	TSDF Operations	Personnel assigned to work at a permitted TSDF		
	Emergency Response On Scene Incident Commander	Personnel who will control and/or manage spill response operations		

ENVIRONMENTAL COMPLIANCE AND PROTECTION PROGRAM

Table 2-1.--Summary of Training Provisions and Requirements
 Additional safety training may be required by MCO 5100.29B and 29 CFR.

Program Area	Training Requirement	Who Shall Be Trained	When Training Shall Occur	Regulation or Policy Driver
Toxic Substances Management	Post Emergency Response Worker	Personnel that may perform spill cleanup operations after the threat of release is stabilized or eliminated	Prior to beginning work; annual refresher training	29 CFR 1910.120(q)(11)
Toxic Substances Management	Asbestos Training			
	Supervisors, Worker, Contractors	Personnel engaged in maintenance activities that disturb friable asbestos	Prior to beginning work; annual refresher training	Appendix C of 40 CFR 763.99 Subpart E MCO P5090.2, para. 6302.16 29 CFR 1920.1001(j)(7)(i) MCO 5100.8 15 U.S.C. 2601 et seq. 40 CFR 763, parts 84(g),88(d), 92(a)
	- Inspectors	Personnel who inspect for Asbestos Containing Building Material (ACBM) in schools or public commercial buildings		
	Project Designers	Personnel who design projects that may disturb ACBM in schools or public commercial buildings		
	Project Monitors	Personnel who monitor abatement projects and serve as building owners representative		
	Maintenance Custodial Staff	Maintenance and custodial personnel who may come in contact with ACBM		

ENVIRONMENTAL COMPLIANCE AND PROTECTION PROGRAM

Table 2-1.--Summary of Training Provisions and Requirements
Additional safety training may be required by MCO 5100.29B and 29 CFR.

Program Area	Training Requirement	Who Shall Be Trained	When Training Shall Occur	Regulation or Policy Driver
Toxic Substances Management	Bloodborne/Infectious Pathogens Exposure	Personnel who may be exposed to blood or other potentially infectious materials	Prior to beginning work; annual refresher training	29 CFR 1910. 1030(a) MCO 5100.8, para. 21002.2
Toxic Substances Management	Facilities with Lead-Based Paint removal activities	<ul style="list-style-type: none"> - Abatement workers - Project designers - Inspectors - Risk assessors - Supervisors 	Prior to the start of work. Recertification is done every 3 yrs. if the individual completed a training course with a course test and hands on assessment; every 5 yrs. if the individual completed a training course with a proficiency test	15 U.S.C. 2601 et seq. 40 CFR 745, parts 220, 226, 233
Water Quality Management	Clean Water Act training, certification, and licensing	Personnel who operate wastewater systems	State regulations, usually within 60 days after employment or start of a new job assignment	33 U.S.C. 1251 et seq.
	Safe Drinking Water Act training, certification and licensing	Personnel who operate drinking water systems	State regulations, usually within 60 days after employment or start of a new job assignment	42 U.S.C. 300(f) et seq. MCO P5090.2, para. 16212.2

VOLUME 5: CHAPTER 3

“REQUIREMENTS”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 3

REQUIREMENTS

0301 ENVIRONMENTAL TRAINING AND EDUCATION POLICY

Marine Corps military and civilian personnel, the greater Marine Corps community, and appropriate segments of the public will be provided relevant environmental and EMS information, education, and training. All environmental training will be documented and managed to ensure that it meets Marine Corps quality standards and complies with applicable environmental requirements to include EMS requirements stated in Volume 2 of this Order.

0302 COMPREHENSIVE ENVIRONMENTAL TRAINING AND EDUCATION PROGRAM (CETEP) IMPLEMENTATION

030201. Comprehensive Environmental Training and Education Program (CETEP) Overview

CETEP's primary goal is to ensure that environmental training is available, efficient, and effective at all levels of the Marine Corps. Environmental training shall:

- A. Use the Marine Corps SAT to analyze, design, develop, implement, and evaluate performance and mission-oriented environmental training.
- B. Be tailored to meet the HQMC (LF)/MCICOM (GF), Commander Marine Forces Reserve (COMMARFORRES), and each installation's EMS requirements.
- C. Be supported by a documented assessment of the installation environmental training needs.
- D. Use existing Marine Corps and DoD organizations and enterprise training support systems to include the EM Portal, ELMS, and MarineNet, if applicable.
- E. To the maximum extent practicable, use existing environmental training materials, courses, and resources (e.g., MarineNet, NavyOnline, CECOS, Army Logistics University, Air Force Institute of Technology Civil Engineer School, ISEERB classes and other existing training resources) rather than developing new initiatives.
- F. Use non-DoD environmental training providers only when necessary.
- G. To the maximum extent practicable, apply modern instructional technologies for the distribution of environmental instruction and information.
- H. Provide for the professional development of Marine Corps personnel with environmental training management and/or instruction responsibilities.

I. Maximize the mobility of training courses and eliminate inappropriate or redundant training by using a top-down training requirement approach.

J. Address both compliance-driven and EMS practice/risk-based requirements with pragmatic instruction to guide Marine Corps military training and operations.

030202. Required Comprehensive Environmental Training and Education Program (CETEP) Components

Installations shall provide specific and general awareness training, as appropriate, to ensure all personnel operating aboard the installation understand their environmental responsibilities and can support environmental policies and programs. To ensure that all environmental training needs are appropriately identified and addressed, each installation, region, HQMC (LF)/MCICOM (GF) and Marine Corps Forces Reserve (MARFORRES) shall establish a CETEP. The CETEP should be integrated into the EMS and shall contain the following components:

A. Environmental General Awareness Component

Individual awareness of environmental policies and programs is a prerequisite to attaining environmental compliance and sustainability goals. Therefore, each installation's CETEP shall include an environmental education component that is sufficient in scope to provide persons within the installation and surrounding community information about the installation's environmental policies and programs. This component satisfies the Marine Corps EMS General Awareness conformance criteria when properly executed.

1. The HQMC (LF)/MCICOM (GF) CETEP supports a Marine Corps-wide environmental education program that creates and distributes environmental education materials (e.g., posters, videos, booklets, web pages, and displays) that can be used to raise awareness of, and provide information about, Marine Corps environmental programs. These materials target different audiences and are suitable for use locally as a training aid or as general awareness materials. HQMC (LF)/HQMC (GF) provides guidance on Earth Day involvement in order to address high priority general awareness issues and foster a strong and consistent Marine Corps message.

2. Installations should incorporate HQMC (LF)/MCICOM (GF) environmental education materials to the maximum extent practicable into their CETEP environmental education component. Inter-installation (i.e., joint, regional) development and use of environmental education materials is also highly encouraged. HQMC (LF)/MCICOM (GF) will maintain a listing of all Marine Corps-developed environmental educational materials. Contact the HQMC (LF)/MCICOM (GF) CETEP Coordinator to access these materials. Environmental education materials should be routinely evaluated for updates and to ensure their validity and effectiveness.

3. Information on installation ecological concerns and high risk environmental practices shall be addressed at all new arrival check-in briefings, preferably by a member of the installation environmental staff. Installations should include environmental awareness materials in local outreach efforts such as military family Welcome Aboard briefings,

installation paper articles, Earth Day celebrations, and events involving the surrounding community in which the installation is a participant and/or sponsor.

4. **Handout Items in Support of CETEP General Awareness requirements.** Methods to effectively raise and maintain awareness of United States Marine Corps (USMC) environmental programs may include the distribution of handout items in conjunction with general awareness initiatives to include Earth Day, school visitations, and other public events. Because of established fiscal limitations on the use of handouts, local approval should be sought before procuring handout items. Guidelines: Generally, articles for distribution shall be inexpensive, are instructional in nature, and will not be articles that an individual would purchase commercially. The articles shall help in meeting a mission-related goal.

B. Environmental Job-Specific Training Component

This CETEP component ensures personnel assigned environmental job responsibilities or job functions that may have a significant impact on the environment, as identified through the installation EMS and compliance requirements, receive appropriate environmental training. No Marine or civilian employee should be assigned job responsibilities subjecting them to environmental training requirements without receiving the appropriate training. These environmental training requirements should include:

1. Explicit Training and Information Requirements. Table 2-1 summarizes significant environmental training requirements included in federal regulations and Marine Corps policy. Failure to provide this type of training is a compliance violation that could result in regulatory action against the Marine Corps. These training requirements vary in length, content, and required topics depending on the job functions performed.

a. Practice-specific training. EMS identifies explicit training requirements to address practices with significant environmental risk. CETEP coordinators should refer to the installation's prioritized practices/aspect/impact list to determine which job functions require EMS practice training. High risk practices shall receive priority.

b. Training requirements shall be included in position/billet requirements.

2. Implicit Training and/or Information Requirements. Implicit training ensures personnel understand and are able to perform their job functions in an environmentally sound manner. Implicit training requirements should be identified in turnover folders and in standard operating procedures (SOPs) for each practice. This training is often provided informally at the unit or shop and is also referred to as point-of-use training.

C. Leadership Education Component

This CETEP component ensures senior Marine Corps civilian and military leadership understand their environmental program responsibilities.

1. Commanding general or commanding officer CG/CO and Senior Executive Service (SES) Education. Environmental compliance and EMS responsibilities shall be part of the in-briefing each CG/CO receives upon assuming command of an installation. These responsibilities include an awareness of, and access to, environmental compliance publications for ensuring operations comply with environmental requirements and achieve stated EMS objectives. These publications include this Order, the latest editions of USMC, "Commander's Guide to Environmental Management," 2014 (Reference (b)), USMC, "Environmental Campaign Plan," 2007 (Reference (c)), and installation environmental orders and policies (e.g., installation orders, air station orders, 5090, ESOPs, and applicable installation plans to include CETEP Plan and EMS Manual). SES and other command staff (Chief of Staff, Assistant Chiefs of Staff G-3, G-4, Safety, and Facilities Directors) shall also receive environmental education pertinent to their positions and duties.

2. Environmental responsibilities shall be part of the brief each battalion/squadron commander receives upon assuming command.

3. Marine Corps CGs/COs and SES members should be aware of and participate in environmental training and education opportunities and encourage subordinates to participate.

4. Visiting Units. Commanders of each unit visiting an installation shall be informed of their environmental responsibilities before conducting unit operations (e.g., training) on the installation. These responsibilities shall be included in any written agreements between the unit and installation and should be included in range regulations.

030203. Comprehensive Environmental Training and Education Program (CETEP) Execution

The installation CG/CO or designated appointee shall review and approve the CETEP plan. An electronic copy of the CG/CO's approved plan shall be posted on EM Portal under the installation's CETEP Program (Training).

0303 COMPREHENSIVE ENVIRONMENTAL TRAINING AND EDUCATION PROGRAM (CETEP) PLANS

030301. Comprehensive Environmental Training and Education Program (CETEP) Plan Overview

A CETEP plan is an installation-specific plan that inventories positions and populations that require environmental training and/or information and details the installation's cost effective strategy to provide each training requirement to the targeted population. The CETEP plan is a tool that supports meeting the environmental training challenge, compliance and pollution prevention goals, and EMS objectives and should be updated as necessary to achieve these purposes. The CETEP shall be referenced appropriately by an implementing installation order and the installation EMS Manual.

030302. Required Sections

A. Training Needs Analysis

This section identifies and updates installation environmental training requirements. New regulatory and policy requirements, prioritized practices/aspects/impacts list, and the results of the annual installation EMS and compliance self-audits should be reviewed to refine the training requirements and course content, as appropriate. The Training Needs Analysis contains, but is not limited to:

1. Demographic Information. Demographic information shall describe and quantify the personnel in target populations whose job functions or association with the installation may require environmental training or information by one of the CETEP components. Relevant items include the total number of military and civilians assigned to the installation, major units and tenants, installation housing populations, schools within the installation boundary, local community populations, and routine visiting units.

2. Installation Environmental Characteristics. Installation environmental characteristics shall describe installation-specific areas, activities, operations, and plans that may trigger environmental training requirements. Relevant information to consider includes the HW generator status, number of less than 90-day and satellite accumulation areas, hazardous substance and petroleum stored, proximity to water bodies, sources of potable water, amount of petroleum products transferred over water, emergency response capability, and unique local requirements. This section should relate the environmental characteristics to the associated training requirements in all CETEP components.

3. Quantified Environmental Training Requirements. Quantified environmental training requirements shall include a list of the number of positions/billets or total populations subject to each of the identified federal, state, local and Marine Corps environmental training requirements referenced in Table 2-1 and applicable volumes of this Order. This section should also estimate the annual training requirement considering the number of personnel who have not yet received the training and military/civilian turnover rates.

B. Comprehensive Environmental Training and Education Program (CETEP) Plan of Actions and Milestones (POA&M)

The CETEP Plan of Action and Milestones (POA&M) describes the installation's detailed strategy for meeting the environmental training requirements identified. The CETEP plan should identify instructional strategies, delivery methodologies, and environmental training sources for each training requirement and demographic group identified. The POA&M should identify significant required resources (e.g., funding, instructor manpower, classrooms, and computers) and a schedule to achieve full compliance with all training requirements identified.

C. Quality Assurance

This section establishes installation procedures for ensuring that all environmental training identified in the CETEP plan is valid, relevant, and meets Marine Corps training quality standards. The procedures should include processes for reviewing and approving proposed course content, student and instructor course completion evaluations, and instructor qualifications.

D. Recordkeeping

This section describes procedures to properly document the environmental training identified in the CETEP plan.

E. Training Efficiencies

This section describes procedures for ensuring environmental training is provided at the best possible value. The procedures should:

1. Discuss the use of centrally-provided courses and course materials.
2. Use of ISEERB, military service, and government agency training resources.
3. Document factors considered in decisions to use or develop other training resources or commercial courses.
4. Document estimated cost savings through use of distance learning or other innovative instructional delivery technology.
5. Document efforts taken to remove unnecessary course overlap (i.e., redundancy).
6. Discuss collaborative efforts among installation tenant organizations.

F. Implementing Orders

This section lists and describes installation orders and policies implementing the CETEP Plan.

0304 COMPREHENSIVE ENVIRONMENTAL TRAINING AND EDUCATION PROGRAM (CETEP) COORDINATORS AND ENVIRONMENTAL INSTRUCTORS

030401. Personnel developing and/or implementing an installation CETEP shall be appointed as CETEP Coordinators. Within 12 months after the date of appointment, each CETEP Coordinator shall satisfactorily complete the following training requirements:

- A. The SAT online course offered through the College of Continuing Education and available through the Marine Corps online training portal, MarineNet, at www.marinenet.usmc.mil not to all.
- B. The Formal School Instructor's Course (or equivalent) offered by TECOM if:
 1. Developing original curriculum or modifying existing curriculum greater than four classroom hours in length;

2. Contracting for the development or modification of existing curriculum greater than four classroom hours in length; or

3. Developing any computer-based training courseware.

C. The Advanced Environmental Management (or equivalent) taught by CECOS, Port Hueneme, California; or serve two years on a Marine Corps staff in a billet with supervisory authority over multi-media environmental programs.

030402. CETEP Coordinators may obtain information about required training courses from HQMC (LFF)/MCICOM (GF). HQMC (LFF)/MCICOM (GF) shall individually consider requests for waivers from CETEP Coordinator training requirements.

030403. CETEP Coordinators should participate in HQMC (LFF)/MCICOM (GF)-approved CETEP Coordinators' workshops, seminars, task forces, and committees.

030404. Before being designated an Environmental Instructor by the CETEP Coordinator, personnel (other than those with duties limited to presenting environmental awareness information) shall demonstrate a mastery of the environmental training subject and possess, at a minimum, basic instructor skills. To demonstrate basic instructional skills, personnel shall satisfactorily complete the following training requirements:

A. Complete the Instructor Training Course (or equivalent) offered by the Marine Corps Train The Trainer (T3) Schools.

B. Possess a minimum of one-year work experience in a position directly related to the environmental training subject, or complete formal training on the environmental training subject equivalent to no less than 15, six-hour training days at a Marine Corps/DoD service school, college, or university.

C. Instruct at least two sessions of Marine Corps students on the environmental training subject. The students' instructor ratings shall average at least "satisfactory" in all areas.

D. Possess a letter of recommendation from the CETEP Coordinator that is favorably endorsed by an installation environmental director, officer, or supervisor within the chain of command of the person requesting Environmental Instructor designation.

030405. The installation CETEP Coordinator may individually consider requests for waivers from Environmental Instructor designation requirements.

0305 UNIVERSAL ENVIRONMENTAL TRAINING

Environmental requirements will be appropriately incorporated into all Marine Corps training. TECOM shall support and use installation environmental staff, as needed, to ensure environmental awareness training is included for all MOS schools whose activities have environmental impacts. Marine Corps personnel will be trained to perform their occupational specialties and maintain their combat readiness in a manner supporting Marine Corps environmental goals.

0306 ENVIRONMENTAL TRAINING QUALITY STANDARDS

030601. Marine Corps environmental training shall:

A. Meet Marine Corps needs and follow an installation CETEP.

B. Training courses in excess of four hours shall consist of a Program of Instruction (POI) with a syllabus, administrative guide, outline, or an equivalent document that clearly and concisely describes the training. At a minimum, the POI shall identify course training and training resource requirements and include:

1. Course content and associated learning objectives.
2. Time allocations.
3. Instructional sequences of events.
4. Student and instructor course evaluation procedures (where appropriate).
5. A test, on-job-assessment, or other validation measure to ensure that training has met its objectives.

030602. HQMC (LFF)/MCICOM (GF) and regions will monitor installation environmental training content for potential Marine Corps- or region-wide application.

030603. Installations shall maintain complete and accurate environmental training evaluations and records for at least three years after their effective date.

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VOLUME 5: CHAPTER 4

“RESPONSIBILITIES”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 4

RESPONSIBILITIES

0401 HQMC (LF)/COMMCICOM

HQMC (LF)/COMMCICOM shall:

040101. Provide support to Marine Corps installations and units by interpreting federal environmental training and education requirements and by uniformly applying Marine Corps policy as set forth in this Order.

040102. Provide liaisons with regard to environmental training and education with Marine Corps Combat Development Command, other Marine Corps commands and units, the DoD, other military services, private and public institutions, agencies, and organizations.

040103. Fully implement all components of CETEP at the HQMC (LFF)/MCICOM (GF) level, to include:

A. Developing and distributing Marine Corps-wide environmental training and education materials.

B. Maintaining a listing of all HQMC (LFF)/MCICOM (GF)-developed environmental training and education material.

C. Reviewing Marine Corps-wide job-specific guidance documents and training materials to ensure that environmental requirements are incorporated as appropriate.

D. Guiding and monitoring CETEP at all Marine Corps installations and MARFORRES.

E. Assessing Marine Corps-wide environmental training and education needs and remedies.

F. Monitoring Marine Corps environmental training costs and validating associated funding requirements.

G. Promoting the professional development and career advancement of environmental personnel (e.g., obtain environmental training quotas and conduct periodic CETEP Coordinator meetings).

040104. Serve as HQ sponsor and Chair the Configuration Control Board for ELMS.

040105. Serve as the MOS Specialist for environmental MOSs. Advise other MOS Specialists and community managers regarding environmental compliance responsibilities.

040106. Secure quotas to Marine Corps, DoD, and other service-supported or funded professional development programs and environmental courses for Marine Corps personnel with assigned environmental responsibilities.

040107. Assess the effectiveness and adequacy of the Marine Corps CETEP through the Environmental Compliance Evaluation Program, augmentation to the Inspector General of the Marine Corps, and special reviews.

040108. Research and employ existing and emerging training technologies, information transfer systems, and curricular innovations to expedite environmental training and to affect program efficiencies.

040109. Provide EMS Lead Auditor Training or appropriate supplements to all Marine Corps installations.

0402 COMMANDING GENERAL (CG) MARINE CORPS EAST, WEST, PACIFIC, AND NATIONAL CAPITAL REGION

CG Marine Corps East, West, Pacific, and National Capital Region shall:

040201. When established, coordinate appropriate regional training opportunities and initiatives to ensure relevant EMS and environmental training and information is available to support cost effective implementation of all components of installation CETEPs.

040202. Designate a CETEP Coordinator for the region with the following responsibilities:

A. Conduct training needs assessments to identify significant regional occupational groups to develop and implement strategies that address environmental training deficiencies.

B. Develop and manage regional CETEP goals and resources to eliminate redundancy, achieve economies, and maximize regional environmental training efficiencies and effectiveness.

C. Develop Regional CETEP plans and policies that align with HQMC (LFF)/MCICOM (GF) Environmental goals and support installation-specific CETEP needs.

D. Develop relevant and engaging training programs, utilizing appropriate instructional strategies and settings (e.g., computer-based technology (CBT), class room training, webinars, or meetings).

E. Utilize the online ELMS, USMC installation websites and Marine Net (as applicable to deliver distance learning).

F. Monitor installation CETEP Environmental Compliance Evaluation results and POA&M, and implement corrective regional solutions where appropriate.

G. Identify or develop regional CETEP contract vehicles and review region-specific statements of work to eliminate redundancy and achieve economies of scale.

0403 COMMANDING GENERAL/COMMANDING OFFIER (CG/CO) OF MARINE CORPS INSTALLATIONS AND COMMARFORRES

CG/CO of Marine Corps installations and COMMARFORRES shall:

040301. Attend a commander's environmental orientation briefing after assuming command.

040302. Ensure that no Marines or civilian employees are assigned job responsibilities without the appropriate required environmental training certification. Ensure that position descriptions and/or work plans and turnover folders reflect mandatory environmental training requirements.

040303. Designate an installation CETEP Coordinator to ensure units on installation are provided and receive appropriate environmental training. Develop and implement programs required to support the installation CETEP.

040304. Ensure that CETEP Coordinators and installation Environmental Instructors are appropriately trained.

040305. Develop, implement, and maintain a CETEP Plan that specifically addresses the environmental training requirements of this Order. Review the CETEP Plan annually as part of EMS management review and update as necessary to maintain an efficient and effective environmental training program.

040306. Ensure that all forms of training (including operational exercises) conducted within the geographic boundaries of the command include environmental elements as appropriate.

040307. Use centrally provided training, online sources, and mobile training teams to the maximum extent in order to reduce training costs. Nominate candidates to receive HQMC (LFF)/MCICOM (GF) centrally-provided environmental training as available.

040308. Ensure that all Marine Corps personnel receive applicable EMS and environmental awareness information on at least an annual basis.

040309. Plan, program, budget, execute, and track installation EMS and environmental training costs.

0404 COMMANDING GENERAL (CG) MARINE CORPS TRAINING AND EDUCATION COMMAND (TECOM)

CG TECOM shall ensure that all MOS Schools include environmental awareness training, as appropriate.

0405 MARINE CORPS UNIT COMMANDERS

Marine Corps Unit Commanders shall:

040501. When practicable, request a commander's environmental orientation briefing after command selection. Consult installation environmental staff as needed concerning unit environmental requirements.

040502. Ensure unit personnel subject to environmental training requirements are appropriately trained and that training requirements are listed in their job descriptions.

040503. Designate a unit Environmental Compliance Coordinators (ECC) (E-5) or above or other individual with sufficient authority to implement environmental requirements at the command to communicate with the installation CETEP Coordinator and to oversee unit environmental requirements. Ensure the individual can remain in the position for at least one year. To the maximum extent practicable, use of individuals with Additional MOS 8056 is encouraged when filling this billet.

040505. Propose candidate nominations to the installation CG/CO for HQMC (LFF)/MCICOM (GF) centrally-provided environmental training.

0406 ENVIRONMENTAL COMPLIANCE COORDINATORS (ECCs)

ECCs are also known as Unit Environmental Coordinators at many installations. ECCs shall:

040601. Be an E-5 or above or other individual with sufficient authority to implement environmental requirements at the command, and be appointed for at least one year in this role.

040602. Complete the USMC Environmental Compliance Coordinator's CBT course on Marine Net or ELMS (or similar certified course) prior to assignment.

040603. Ensure Marines in the unit who require environmental training receive it. Coordinate with the installation CETEP Coordinator to schedule environmental training and report training status.

040604. Coordinate with installation environmental representatives as required to ensure all environmental requirements at the unit are being sufficiently addressed. Complete applicable unit environmental checklists to ensure environmental requirements are satisfied. Report problems and issues up the chain of command.

040605. Attend regularly scheduled installation ECC meetings.

040606. ECCs may be dually designated as HM/HW Representatives, but there is no requirement to do so.

0407 COMPREHENSIVE ENVIRONMENTAL TRAINING AND EDUCATION PROGRAM (CETEP) COORDINATORS

CETEP Coordinators shall:

040701. Develop, provide, and document environmentally related training for all affected Marines and civilians at the installation with the assistance of the program manager.

040702. Attend regularly scheduled installation ECC meetings as required.

0408 MARINE CORPS OCCFLD/MOS SPONSORS

Marine Corps OCCFLD/MOS Sponsors shall ensure that OCCFLD and MOS ITS, guides, and manuals include environmental compliance responsibilities, as appropriate.

0409 ALL MARINE CORPS PERSONNEL

All Marine Corps personnel shall:

040901. Perform job responsibilities in an environmentally sound and responsible manner per training received and SOPs.

040902. Notify immediate supervisors of personal environmental training requirements and request appropriate environmental training.

040903. Participate in installation general awareness training and EMS training as appropriate.

VOLUME 5: APPENDIX A

“FEDERAL STATUTES, FEDERAL REGULATIONS, EXECUTIVE ORDERS, AND DOD POLICIES”

SUMMARY OF SUBSTANTIVE CHANGES

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APPENDIX A

**FEDERAL STATUTES, FEDERAL REGULATIONS, EXECUTIVE ORDERS, AND DOD
POLICIES**

1 FEDERAL STATUTES

Almost all environmental laws and their implementing regulations require environmental training, either by mandate or implication. Federal agencies codify their environmental training requirements in the CFR. These requirements may be applicable to Marine Corps personnel in addition to applicable state environmental training requirements.

2 DEPARTMENT OF DEFENSE (DOD) POLICY

Volume 5 implements an environmental training program that meets all explicit and implicit requirements established by federal, state, and local laws and regulations; Executive Orders; and by DoD, Department of Navy, and Marine Corps policy and EMS drivers.

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<p>VOLUME 5</p> <p>“ENVIRONMENTAL TRAINING AND EDUCATION”</p> <p>SUMMARY OF VOLUME 5 CHANGES</p> <p>Hyperlinks are denoted by <i><u>bold, italic, blue and underlined font.</u></i></p> <p>The original publication date of this Marine Corps Order (right header) will not change unless/until a full revision of the MCO has been conducted.</p> <p>The date denoted by blue font (left header) will reflect the date this Volume was last updated.</p> <p>All Volume changes denoted in blue font will reset to black font upon a <u>full revision</u> of this Volume.</p>			
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- (b) USMC, "Commander's Guide to Environmental Management," 2009
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VOLUME 5: CHAPTER 1

“SCOPE”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 1

SCOPE

0101 PURPOSE

010101. This Volume establishes Marine Corps policy and responsibilities to ensure compliance with environmental training and education requirements and standards for developing and managing environmental training instruction.

010102. Responsibilities for environmental training and education cross many functional and operational areas. This Volume establishes:

A. Responsibilities for ensuring that relevant, high quality environmental training is provided at all levels of the Marine Corps.

B. Policies and procedures apply the Marine Corps Systems Approach to Training (SAT) to the environmental training process as developed and advanced through Comprehensive Environmental Training and Education Program (CETEP).

C. Documentation and reporting requirements integrating Marine Corps environmental training into the Environmental Management System (EMS).

D. Professional development guidance and opportunities for Marine Corps personnel who are assigned environmental responsibilities.

0102 APPLICABILITY

See paragraph 1101.

0103 BACKGROUND

010301. The Environmental Training Challenge

Environmental requirements impact nearly every Marine Corps occupational field (OCCFLD), Military Occupational Specialty (MOS), and activity. Environmental training requirements are explicitly stated or strongly implied in many environmental statutes and regulations, and training is required to provide individuals the knowledge and skills to perform jobs in an environmentally responsible manner. EMS risk-based analysis further addresses significant environmental practices and identifies specific training requirements required to reduce overall risk to the environment. As a result, the broad scope of environmental training and education requirements and the numbers of Marine Corps personnel subject to them create significant challenges. These challenges are compounded by requirements to support sustainability, professional development, public information, and environmental training tailored to local conditions.

010302. Comprehensive Environmental Training and Education Program (CETEP)

CETEP was established to address environmental training challenges, and it fulfills the training requirements of the Marine Corps EMS. CETEP supports full compliance with applicable environmental requirements, facilitates pollution prevention measures, and equips installations with training needed to achieve EMS and sustainability objectives. CETEP accomplishes this by analyzing environmental training needs and integrating general awareness, public outreach, and EMS and compliance training into environmentally responsible operational behaviors. All requirements for the environmental training component of the Marine Corps EMS are met with CETEP.

010303. Systems Approach to Training (SAT) and Comprehensive Environmental Training and Education Program (CETEP)

A. Formal SAT processes are applied at Marine Corps formal schools, training centers, and formal courses at other service schools. Locally-developed courses and training materials are more relevant and effective when developed with the SAT and its analysis of training requirements to job performance outcomes. For example, a locally-developed course that may result in the award of the 8056 MOS should be developed with applicable Individual Training Standards (ITS) and MOS Manual requirements. The course shall also be developed to explain local procedures for compliance with applicable regulatory requirements and policies.

B. All CETEP training shall incorporate, document, and appropriately apply the SAT.

010304. Environmental Training Expertise

For CETEP to succeed, environmental training expertise shall be developed within all Marine Corps units and installations. Two additional MOSs, 8056 and 8831, and CETEP Coordinator positions were established to meet this need. For more information on these standards, see paragraph 0306 of this Volume.

A. MOS 8056, Hazardous Material/Hazardous Waste (HM/HW)

MOS 8056 was established as a secondary MOS to provide the Marine Corps with uniformed Marines trained to ensure compliance with environmental regulations and safely and efficiently manage HM and HW, primarily at the unit level.

1. All units shall ensure that they have sufficient 8056 personnel and experience to meet operational HM and HW management requirements.

2. The following courses partially fulfill 8056 MOS designation-training requirements and require additional training to meet all requirements:

a. Defense Hazardous Material/Hazardous Waste (HM/HW) Handling Course (Army Logistics University) or Introduction to HW Generation and Handling (Civil Engineers Corps Officer's School (CECOS)) or a Headquarters, Marine Corps Facilities

Division (HQMC (LF))/MCICOM (GF)-approved regional or installation 24-hour HM/HW Handling course.

b. Hazardous Communication training in accordance with 29 Code of Federal Regulations (CFR) 1910.1200.

c. A local course developed or endorsed by the installation CETEP Coordinator consisting of site-specific HM/HW procedures and First Responder Operations Level competencies in accordance with 29 CFR 1910.120(q)(6)(ii).

3. Attainment of the secondary MOS and successful performance in the additional duties should be noted in performance reports for all Marines with the MOS. Specific guidance regarding MOS 8056 qualification is published in MCO 1200.17 (Reference (a)).

4. See enclosure/reference A and B for a recommended 8056 checklist

B. MOS 8831, Environmental Engineering/Management Officer

MOS 8831 was established as a secondary MOS and provides the Marine Corps a cadre of uniformed officers with operational experience who have been educated in environmental engineering, management, and science. 8831s serve at regional, installation and operational staff levels in environmental management, compliance, and sustainability roles. These officers provide a unique view of environmental issues from an operational perspective. Recipients of the MOS have earned a master's degree in environmental management, science, or engineering from designated colleges and universities, or meet equivalent experience requirements.

010305. Comprehensive Environmental Training and Education Program (CETEP) Coordinators

CETEP Coordinators lead Marine Corps, regional, and installation environmental training programs. CETEP Coordinator training and experience requirements are detailed in paragraph 0304.

A. Headquarters Marine Corps (HQMC) (LFF)/MCICOM (GF) Comprehensive Environmental Training and Education Program (CETEP) Coordinator

The Headquarters, Marine Corps Facilities Branch (HQMC (LFF))/MCICOM (GF) CETEP Coordinator ensures that environmental training requirements are included in policy, programs, funding, and training development at the top level in order to reduce training burdens on installation commands. The HQMC (LFF)/MCICOM (GF) CETEP Coordinator facilitates common awareness materials, develops common curricula, is the HQMC sponsor or the Environmental Learning Management System (ELMS), and facilitates information sharing among the regions and installations. HQMC (LFF)/MCICOM (GF) CETEP facilitates Marine Corps Training and Education Command (TECOM) training quotas for active duty Marines to attend certain environmental training courses.

B. Regional Comprehensive Environmental Training and Education Program (CETEP) Coordinators

CETEP Coordinators at the regions ensure that training for all installations in the regions is being provided efficiently and consistently. Regional CETEP Coordinators assist the installations in preparing CETEP Plans and training needs analyses, procuring training materials, developing and standardizing region-specific environmental training, and coordinating among installations to maximize environmental training opportunities and minimize overall training costs.

C. Installation Comprehensive Environmental Training and Education Program (CETEP) Coordinators

Installation CETEP Coordinators ensure all individuals who require environmental training at their installations receive it. They develop, document, track, and schedule environmental training and evaluate its effectiveness. CETEP Coordinators shall ensure installation environmental training programs are structured to identify and address EMS, local training, and requirements mandated by Federal, state, and local regulations.

010306. Interservice Environmental Education Review Board (ISEERB)

The Interservice Environmental Education Review Board (ISEERB) is composed of environmental and training representatives from the military services and the DLA. The ISEERB addresses environmental training issues, and identifies training resources and efficiencies across the military and other Federal services.

A. HQMC (LFF)/MCICOM (GF) provides a Marine Corps representative to the ISEERB. This participation allows HQMC (LFF)/MCICOM (GF) to identify interservice environmental training courses and materials that meet Marine Corps training needs.

B. “ISEERB Approval” is an endorsement (i.e., “seal of approval”) of selected environmental training courses. This approval signifies subject matter experts (SMEs), to include Marine Corps SMEs, reviewed the courses and found them to have content suitable for Department of Defense (DoD) Component use. A list of ISEERB-approved courses is available at www.denix.osd.mil in the Conferences & Training section. Installations and units should consider using these courses before contracting for or developing similar environmental training courses.

VOLUME 5: CHAPTER 2

“AUTHORITY”

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CHAPTER 2

AUTHORITY

0201 FEDERAL STATUTES

Almost all environmental laws and their implementing regulations require environmental training, either by mandate or implication. Federal agencies codify their environmental training requirements in the CFR. These requirements may be applicable to Marine Corps personnel in addition to applicable state environmental training requirements. Table 2-1 provides a summary of significant environmental training provisions and requirements. Refer to the current version of MCO 5100.29 for safety and health training.

0202 REQUIREMENTS

This Volume establishes an environmental training program that meets all explicit and implicit requirements established by federal, state, and local laws and regulations; Executive Orders; and by DoD, Department of Navy, and Marine Corps policy and EMS drivers.

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ENVIRONMENTAL COMPLIANCE AND PROTECTION PROGRAM

Table 2-1.--Summary of Training Provisions and Requirements
Additional safety training may be required by MCO 5100.29B and 29 CFR.

Program Area	Training Requirement	Who Shall Be Trained	When Training Shall Occur	Regulation or Policy Driver
Air Emissions Management	Motor Vehicle heating, ventilation, air condition, and cooling Mechanics	Personnel servicing motor vehicle air conditioning equipment	Certification required	40 CFR 82, part 30(b) Marine Corps Order (MCO) P5090.2, para. 6302.16
	Air conditioning or refrigerant repair services	Personnel servicing, maintaining, repairing or disposing of air conditioning equipment	Certification required	42 U.S. Code (U.S.C.) 7401 et seq. 40 CFR 82 parts 34(a-b), 42, 150, 161
	Halon containing equipment	Technicians who test, maintain, service, repair, or dispose of halon-containing equipment	Prior to beginning work	40 CFR 82.270(c)
	Large boilers for energy production	Boiler operators	Prior to beginning work	42 U.S.C. 7401 et seq.
Environmental Planning	National Environmental Policy Act of 1969	Personnel with environmental planning responsibilities	Prior to beginning work	MCO P5090.2, para. 12104.2e
General Awareness	Environmental General Awareness	All USMC personnel	None specified	MCO P5090.2, Chap. 5
	CO/CG and SES Education	CO/CGs and SES	None specified	MCO P5090.2, Chap. 5
Sustainable Procurement	As required. Policy currently being updated	As required	None specified	DoD Green Procurement Policy Strategy Update 001967-08

ENVIRONMENTAL COMPLIANCE AND PROTECTION PROGRAM

Table 2-1.--Summary of Training Provisions and Requirements
Additional safety training may be required by MCO 5100.29B and 29 CFR.

Program Area	Training Requirement	Who Shall Be Trained	When Training Shall Occur	Regulation or Policy Driver
HM/HW Transportation	Hazardous Materials Transportation Employee Training	Employees involved in the transportation, shipment, or prep for shipment of hazardous materials/wastes	Within 90 days after employment or new job assignment	MCO 4030.40B, part 40B 49 U.S.C 5101-5127 49 CFR parts 171.1(b), 172, 172.704, 173.1(b), 175-177, 177.816(a,c)
HW Management	Small Quantity Generators and Large Quantity Generators	Employees who handle hazardous waste	At the time of assignment	42 U.S.C. 6901 et seq., Subtitle C 40 CFR 262.34, 264.16, 265 49 CFR parts, 171, 177 MCO P5090.2, para. 9104.1
	Treatment, Storage, Disposal Facilities (TSDFs)	TSDF employees who handle hazardous waste	At the time of assignment	42 U.S.C. 6901 et seq., Subtitle C 40 CFR parts, 262.34, 264.16(a-e), 265.15
	HW Accumulators	Personnel who accumulate hazardous waste	Prior to beginning work	40 CFR 264, 265 MCO P5090.2, para. 9104.1.h.(2)(j)
	Waste Military Munitions	Personnel involved with handling, storage, transportation, and treatment of Waste Military Munitions	Prior to beginning work	29 CFR 1910.120 29 CFR 1926. 65
	Regulated Infectious Waste	Personnel with occupational exposure to infectious waste	Prior to beginning work; annual refresher training	29 CFR 1910. 1030(g)(2) BUMED INST 6280.1A

ENVIRONMENTAL COMPLIANCE AND PROTECTION PROGRAM

Table 2-1.--Summary of Training Provisions and Requirements
Additional safety training may be required by MCO 5100.29B and 29 CFR.

Program Area	Training Requirement	Who Shall Be Trained	When Training Shall Occur	Regulation or Policy Driver
Pesticides Management	Federal Insecticide, Fungicide, and Rodenticide Act Applicators	Applicators, Pesticide Contractors, Inspectors	Before application	40 CFR 170.130(a)(3) DoD 4150.7M, P MCO 5090.2, Chap. 14
	Using or obtaining services for restricted-use pesticides	Applicators, Pesticide Contractors, Inspectors	Before application	7 U.S.C. 136 et seq. 40 CFR 171, parts 4,5,9
Petroleum, Oil, and Lubricants Management	Oil Pollution Facility response exercises	Facility owners or operators who shall develop a program of facility response drills/exercises as detailed in the FRP	At least once every three (3) years	40 CFR 112.21c 33 CFR 154.1055 MCO 5090.2, paras. 7307, 7315
	Spill Prevention Countermeasures & Controls (SPCC) discharge prevention training	All employees who handle POL	At least annually	40 CFR part 112.7 (d), (e)(10), and (f) MCO 5090.2, para. 18307.a 33 U.S.C. 1251 et seq.
Solid Waste Management	Facilities that operate landfills	Landfill operators	Per state regulations	42 U.S.C. 3251 et seq.
Toxic Substances Management	Hazard Communications	Employees who may be exposed to hazardous chemicals under normal operations conditions or in foreseeable emergencies	Prior to beginning work	29 CFR 1910, part 1200(h)(l) DoD INST 6050.5, MCO 5100.8

ENVIRONMENTAL COMPLIANCE AND PROTECTION PROGRAM

Table 2-1.--Summary of Training Provisions and Requirements
Additional safety training may be required by MCO 5100.29B and 29 CFR.

Program Area	Training Requirement	Who Shall Be Trained	When Training Shall Occur	Regulation or Policy Driver
Toxic Substances Management	Hazardous Waste Operations and Emergency Response			
	Awareness Level	Personnel who are likely to witness or discover a release of a hazardous substance and may initiate emergency response by notifying authorities	Prior to beginning work; annual refresher training	29 CFR 1910.120 (e),(p),(q)
	General Site Workers	Personnel assigned to work at an uncontrolled Installation Restoration site		
	Emergency Response Operations	Personnel who respond to HM releases in a defensive fashion without trying to stop the release		
	Emergency Response Technician/Specialist	Personnel responding in an aggressive action to HM spills so they may plug patch or stop the release of HM		
	TSDF Operations	Personnel assigned to work at a permitted TSDF		
	Emergency Response On Scene Incident Commander	Personnel who will control and/or manage spill response operations		

ENVIRONMENTAL COMPLIANCE AND PROTECTION PROGRAM

Table 2-1.--Summary of Training Provisions and Requirements
Additional safety training may be required by MCO 5100.29B and 29 CFR.

Program Area	Training Requirement	Who Shall Be Trained	When Training Shall Occur	Regulation or Policy Driver
Toxic Substances Management	Post Emergency Response Worker	Personnel that may perform spill cleanup operations after the threat of release is stabilized or eliminated	Prior to beginning work; annual refresher training	29 CFR 1910.120(q)(11)
Toxic Substances Management	Asbestos Training			
	Supervisors, Worker, Contractors	Personnel engaged in maintenance activities that disturb friable asbestos	Prior to beginning work; annual refresher training	Appendix C of 40 CFR 763.99 Subpart E MCO P5090.2, para. 6302.16 29 CFR 1920.1001(j)(7)(i) MCO 5100.8 15 U.S.C. 2601 et seq. 40 CFR 763, parts 84(g),88(d), 92(a)
	- Inspectors	Personnel who inspect for Asbestos Containing Building Material (ACBM) in schools or public commercial buildings		
	Project Designers	Personnel who design projects that may disturb ACBM in schools or public commercial buildings		
	Project Monitors	Personnel who monitor abatement projects and serve as building owners representative		
	Maintenance Custodial Staff	Maintenance and custodial personnel who may come in contact with ACBM		

ENVIRONMENTAL COMPLIANCE AND PROTECTION PROGRAM

Table 2-1.--Summary of Training Provisions and Requirements
Additional safety training may be required by MCO 5100.29B and 29 CFR.

Program Area	Training Requirement	Who Shall Be Trained	When Training Shall Occur	Regulation or Policy Driver
Toxic Substances Management	Bloodborne/Infectious Pathogens Exposure	Personnel who may be exposed to blood or other potentially infectious materials	Prior to beginning work; annual refresher training	29 CFR 1910. 1030(a) MCO 5100.8, para. 21002.2
Toxic Substances Management	Facilities with Lead-Based Paint removal activities	<ul style="list-style-type: none"> - Abatement workers - Project designers - Inspectors - Risk assessors - Supervisors 	Prior to the start of work. Recertification is done every 3 yrs. if the individual completed a training course with a course test and hands on assessment; every 5 yrs. if the individual completed a training course with a proficiency test	15 U.S.C. 2601 et seq. 40 CFR 745, parts 220, 226, 233
Water Quality Management	Clean Water Act training, certification, and licensing	Personnel who operate wastewater systems	State regulations, usually within 60 days after employment or start of a new job assignment	33 U.S.C. 1251 et seq.
	Safe Drinking Water Act training, certification and licensing	Personnel who operate drinking water systems	State regulations, usually within 60 days after employment or start of a new job assignment	42 U.S.C. 300(f) et seq. MCO P5090.2, para. 16212.2

VOLUME 5: CHAPTER 3

“REQUIREMENTS”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 3

REQUIREMENTS

0301 ENVIRONMENTAL TRAINING AND EDUCATION POLICY

Marine Corps military and civilian personnel, the greater Marine Corps community, and appropriate segments of the public will be provided relevant environmental and EMS information, education, and training. All environmental training will be documented and managed to ensure that it meets Marine Corps quality standards and complies with applicable environmental requirements to include EMS requirements stated in Volume 2 of this Order.

0302 COMPREHENSIVE ENVIRONMENTAL TRAINING AND EDUCATION PROGRAM (CETEP) IMPLEMENTATION

030201. Comprehensive Environmental Training and Education Program (CETEP) Overview

CETEP's primary goal is to ensure that environmental training is available, efficient, and effective at all levels of the Marine Corps. Environmental training shall:

- A. Use the Marine Corps SAT to analyze, design, develop, implement, and evaluate performance and mission-oriented environmental training.
- B. Be tailored to meet the HQMC (LF)/MCICOM (GF), Commander Marine Forces Reserve (COMMARFORRES), and each installation's EMS requirements.
- C. Be supported by a documented assessment of the installation environmental training needs.
- D. Use existing Marine Corps and DoD organizations and enterprise training support systems to include the EM Portal, ELMS, and MarineNet, if applicable.
- E. To the maximum extent practicable, use existing environmental training materials, courses, and resources (e.g., MarineNet, NavyOnline, CECOS, Army Logistics University, Air Force Institute of Technology Civil Engineer School, ISEERB classes and other existing training resources) rather than developing new initiatives.
- F. Use non-DoD environmental training providers only when necessary.
- G. To the maximum extent practicable, apply modern instructional technologies for the distribution of environmental instruction and information.
- H. Provide for the professional development of Marine Corps personnel with environmental training management and/or instruction responsibilities.

I. Maximize the mobility of training courses and eliminate inappropriate or redundant training by using a top-down training requirement approach.

J. Address both compliance-driven and EMS practice/risk-based requirements with pragmatic instruction to guide Marine Corps military training and operations.

030202. Required Comprehensive Environmental Training and Education Program (CETEP) Components

Installations shall provide specific and general awareness training, as appropriate, to ensure all personnel operating aboard the installation understand their environmental responsibilities and can support environmental policies and programs. To ensure that all environmental training needs are appropriately identified and addressed, each installation, region, HQMC (LF)/MCICOM (GF) and Marine Corps Forces Reserve (MARFORRES) shall establish a CETEP. The CETEP should be integrated into the EMS and shall contain the following components:

A. Environmental General Awareness Component

Individual awareness of environmental policies and programs is a prerequisite to attaining environmental compliance and sustainability goals. Therefore, each installation's CETEP shall include an environmental education component that is sufficient in scope to provide persons within the installation and surrounding community information about the installation's environmental policies and programs. This component satisfies the Marine Corps EMS General Awareness conformance criteria when properly executed.

1. The HQMC (LF)/MCICOM (GF) CETEP supports a Marine Corps-wide environmental education program that creates and distributes environmental education materials (e.g., posters, videos, booklets, web pages, and displays) that can be used to raise awareness of, and provide information about, Marine Corps environmental programs. These materials target different audiences and are suitable for use locally as a training aid or as general awareness materials. HQMC (LF)/HQMC (GF) provides guidance on Earth Day involvement in order to address high priority general awareness issues and foster a strong and consistent Marine Corps message.

2. Installations should incorporate HQMC (LF)/MCICOM (GF) environmental education materials to the maximum extent practicable into their CETEP environmental education component. Inter-installation (i.e., joint, regional) development and use of environmental education materials is also highly encouraged. HQMC (LF)/MCICOM (GF) will maintain a listing of all Marine Corps-developed environmental educational materials. Contact the HQMC (LF)/MCICOM (GF) CETEP Coordinator to access these materials. Environmental education materials should be routinely evaluated for updates and to ensure their validity and effectiveness.

3. Information on installation ecological concerns and high risk environmental practices shall be addressed at all new arrival check-in briefings, preferably by a member of the installation environmental staff. Installations should include environmental awareness materials in local outreach efforts such as military family Welcome Aboard briefings,

installation paper articles, Earth Day celebrations, and events involving the surrounding community in which the installation is a participant and/or sponsor.

4. Handout Items in Support of CETEP General Awareness requirements. Methods to effectively raise and maintain awareness of United States Marine Corps (USMC) environmental programs may include the distribution of handout items in conjunction with general awareness initiatives to include Earth Day, school visitations, and other public events. Because of established fiscal limitations on the use of handouts, local approval should be sought before procuring handout items. Guidelines: Generally, articles for distribution shall be inexpensive, are instructional in nature, and will not be articles that an individual would purchase commercially. The articles shall help in meeting a mission-related goal.

B. Environmental Job-Specific Training Component

This CETEP component ensures personnel assigned environmental job responsibilities or job functions that may have a significant impact on the environment, as identified through the installation EMS and compliance requirements, receive appropriate environmental training. No Marine or civilian employee should be assigned job responsibilities subjecting them to environmental training requirements without receiving the appropriate training. These environmental training requirements should include:

1. Explicit Training and Information Requirements. Table 2-1 summarizes significant environmental training requirements included in federal regulations and Marine Corps policy. Failure to provide this type of training is a compliance violation that could result in regulatory action against the Marine Corps. These training requirements vary in length, content, and required topics depending on the job functions performed.

a. Practice-specific training. EMS identifies explicit training requirements to address practices with significant environmental risk. CETEP coordinators should refer to the installation's prioritized practices/aspect/impact list to determine which job functions require EMS practice training. High risk practices shall receive priority.

b. Training requirements shall be included in position/billet requirements.

2. Implicit Training and/or Information Requirements. Implicit training ensures personnel understand and are able to perform their job functions in an environmentally sound manner. Implicit training requirements should be identified in turnover folders and in standard operating procedures (SOPs) for each practice. This training is often provided informally at the unit or shop and is also referred to as point-of-use training.

C. Leadership Education Component

This CETEP component ensures senior Marine Corps civilian and military leadership understand their environmental program responsibilities.

1. Commanding general or commanding officer CG/CO and Senior Executive Service (SES) Education. Environmental compliance and EMS responsibilities shall be part of the in-briefing each CG/CO receives upon assuming command of an installation. These responsibilities include an awareness of, and access to, environmental compliance publications for ensuring operations comply with environmental requirements and achieve stated EMS objectives. These publications include this Order, the latest editions of USMC, "Commander's Guide to Environmental Management," 2014 (Reference (b)), USMC, "Environmental Campaign Plan," 2007 (Reference (c)), and installation environmental orders and policies (e.g., installation orders, air station orders, 5090, ESOPs, and applicable installation plans to include CETEP Plan and EMS Manual). SES and other command staff (Chief of Staff, Assistant Chiefs of Staff G-3, G-4, Safety, and Facilities Directors) shall also receive environmental education pertinent to their positions and duties.

2. Environmental responsibilities shall be part of the brief each battalion/squadron commander receives upon assuming command.

3. Marine Corps CGs/COs and SES members should be aware of and participate in environmental training and education opportunities and encourage subordinates to participate.

4. Visiting Units. Commanders of each unit visiting an installation shall be informed of their environmental responsibilities before conducting unit operations (e.g., training) on the installation. These responsibilities shall be included in any written agreements between the unit and installation and should be included in range regulations.

030203. Comprehensive Environmental Training and Education Program (CETEP) Execution

The installation CG/CO or designated appointee shall review and approve the CETEP plan. An electronic copy of the CG/CO's approved plan shall be posted on EM Portal under the installation's CETEP Program (Training).

0303 COMPREHENSIVE ENVIRONMENTAL TRAINING AND EDUCATION PROGRAM (CETEP) PLANS

030301. Comprehensive Environmental Training and Education Program (CETEP) Plan Overview

A CETEP plan is an installation-specific plan that inventories positions and populations that require environmental training and/or information and details the installation's cost effective strategy to provide each training requirement to the targeted population. The CETEP plan is a tool that supports meeting the environmental training challenge, compliance and pollution prevention goals, and EMS objectives and should be updated as necessary to achieve these purposes. The CETEP shall be referenced appropriately by an implementing installation order and the installation EMS Manual.

030302. Required Sections

A. Training Needs Analysis

This section identifies and updates installation environmental training requirements. New regulatory and policy requirements, prioritized practices/aspects/impacts list, and the results of the annual installation EMS and compliance self-audits should be reviewed to refine the training requirements and course content, as appropriate. The Training Needs Analysis contains, but is not limited to:

1. Demographic Information. Demographic information shall describe and quantify the personnel in target populations whose job functions or association with the installation may require environmental training or information by one of the CETEP components. Relevant items include the total number of military and civilians assigned to the installation, major units and tenants, installation housing populations, schools within the installation boundary, local community populations, and routine visiting units.

2. Installation Environmental Characteristics. Installation environmental characteristics shall describe installation-specific areas, activities, operations, and plans that may trigger environmental training requirements. Relevant information to consider includes the HW generator status, number of less than 90-day and satellite accumulation areas, hazardous substance and petroleum stored, proximity to water bodies, sources of potable water, amount of petroleum products transferred over water, emergency response capability, and unique local requirements. This section should relate the environmental characteristics to the associated training requirements in all CETEP components.

3. Quantified Environmental Training Requirements. Quantified environmental training requirements shall include a list of the number of positions/billets or total populations subject to each of the identified federal, state, local and Marine Corps environmental training requirements referenced in Table 2-1 and applicable volumes of this Order. This section should also estimate the annual training requirement considering the number of personnel who have not yet received the training and military/civilian turnover rates.

B. Comprehensive Environmental Training and Education Program (CETEP) Plan of Actions and Milestones (POA&M)

The CETEP Plan of Action and Milestones (POA&M) describes the installation's detailed strategy for meeting the environmental training requirements identified. The CETEP plan should identify instructional strategies, delivery methodologies, and environmental training sources for each training requirement and demographic group identified. The POA&M should identify significant required resources (e.g., funding, instructor manpower, classrooms, and computers) and a schedule to achieve full compliance with all training requirements identified.

C. Quality Assurance

This section establishes installation procedures for ensuring that all environmental training identified in the CETEP plan is valid, relevant, and meets Marine Corps training quality standards. The procedures should include processes for reviewing and approving proposed course content, student and instructor course completion evaluations, and instructor qualifications.

D. Recordkeeping

This section describes procedures to properly document the environmental training identified in the CETEP plan.

E. Training Efficiencies

This section describes procedures for ensuring environmental training is provided at the best possible value. The procedures should:

1. Discuss the use of centrally-provided courses and course materials.
2. Use of ISEERB, military service, and government agency training resources.
3. Document factors considered in decisions to use or develop other training resources or commercial courses.
4. Document estimated cost savings through use of distance learning or other innovative instructional delivery technology.
5. Document efforts taken to remove unnecessary course overlap (i.e., redundancy).
6. Discuss collaborative efforts among installation tenant organizations.

F. Implementing Orders

This section lists and describes installation orders and policies implementing the CETEP Plan.

0304 COMPREHENSIVE ENVIRONMENTAL TRAINING AND EDUCATION PROGRAM (CETEP) COORDINATORS AND ENVIRONMENTAL INSTRUCTORS

030401. Personnel developing and/or implementing an installation CETEP shall be appointed as CETEP Coordinators. Within 12 months after the date of appointment, each CETEP Coordinator shall satisfactorily complete the following training requirements:

- A. The SAT online course offered through the College of Continuing Education and available through the Marine Corps online training portal, MarineNet, at www.marinenet.usmc.mil not to all.
- B. The Formal School Instructor's Course (or equivalent) offered by TECOM if:
 1. Developing original curriculum or modifying existing curriculum greater than four classroom hours in length;

2. Contracting for the development or modification of existing curriculum greater than four classroom hours in length; or

3. Developing any computer-based training courseware.

C. The Advanced Environmental Management (or equivalent) taught by CECOS, Port Hueneme, California; or serve two years on a Marine Corps staff in a billet with supervisory authority over multi-media environmental programs.

030402. CETEP Coordinators may obtain information about required training courses from HQMC (LFF)/MCICOM (GF). HQMC (LFF)/MCICOM (GF) shall individually consider requests for waivers from CETEP Coordinator training requirements.

030403. CETEP Coordinators should participate in HQMC (LFF)/MCICOM (GF)-approved CETEP Coordinators' workshops, seminars, task forces, and committees.

030404. Before being designated an Environmental Instructor by the CETEP Coordinator, personnel (other than those with duties limited to presenting environmental awareness information) shall demonstrate a mastery of the environmental training subject and possess, at a minimum, basic instructor skills. To demonstrate basic instructional skills, personnel shall satisfactorily complete the following training requirements:

A. Complete the Instructor Training Course (or equivalent) offered by the Marine Corps Train The Trainer (T3) Schools.

B. Possess a minimum of one-year work experience in a position directly related to the environmental training subject, or complete formal training on the environmental training subject equivalent to no less than 15, six-hour training days at a Marine Corps/DoD service school, college, or university.

C. Instruct at least two sessions of Marine Corps students on the environmental training subject. The students' instructor ratings shall average at least "satisfactory" in all areas.

D. Possess a letter of recommendation from the CETEP Coordinator that is favorably endorsed by an installation environmental director, officer, or supervisor within the chain of command of the person requesting Environmental Instructor designation.

030405. The installation CETEP Coordinator may individually consider requests for waivers from Environmental Instructor designation requirements.

0305 UNIVERSAL ENVIRONMENTAL TRAINING

Environmental requirements will be appropriately incorporated into all Marine Corps training. TECOM shall support and use installation environmental staff, as needed, to ensure environmental awareness training is included for all MOS schools whose activities have environmental impacts. Marine Corps personnel will be trained to perform their occupational specialties and maintain their combat readiness in a manner supporting Marine Corps environmental goals.

0306 ENVIRONMENTAL TRAINING QUALITY STANDARDS

030601. Marine Corps environmental training shall:

A. Meet Marine Corps needs and follow an installation CETEP.

B. Training courses in excess of four hours shall consist of a Program of Instruction (POI) with a syllabus, administrative guide, outline, or an equivalent document that clearly and concisely describes the training. At a minimum, the POI shall identify course training and training resource requirements and include:

1. Course content and associated learning objectives.
2. Time allocations.
3. Instructional sequences of events.
4. Student and instructor course evaluation procedures (where appropriate).
5. A test, on-job-assessment, or other validation measure to ensure that training has met its objectives.

030602. HQMC (LFF)/MCICOM (GF) and regions will monitor installation environmental training content for potential Marine Corps- or region-wide application.

030603. Installations shall maintain complete and accurate environmental training evaluations and records for at least three years after their effective date.

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VOLUME 5: CHAPTER 4

“RESPONSIBILITIES”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 4

RESPONSIBILITIES

0401 HQMC (LF)/COMMCICOM

HQMC (LF)/COMMCICOM shall:

040101. Provide support to Marine Corps installations and units by interpreting federal environmental training and education requirements and by uniformly applying Marine Corps policy as set forth in this Order.

040102. Provide liaisons with regard to environmental training and education with Marine Corps Combat Development Command, other Marine Corps commands and units, the DoD, other military services, private and public institutions, agencies, and organizations.

040103. Fully implement all components of CETEP at the HQMC (LFF)/MCICOM (GF) level, to include:

A. Developing and distributing Marine Corps-wide environmental training and education materials.

B. Maintaining a listing of all HQMC (LFF)/MCICOM (GF)-developed environmental training and education material.

C. Reviewing Marine Corps-wide job-specific guidance documents and training materials to ensure that environmental requirements are incorporated as appropriate.

D. Guiding and monitoring CETEP at all Marine Corps installations and MARFORRES.

E. Assessing Marine Corps-wide environmental training and education needs and remedies.

F. Monitoring Marine Corps environmental training costs and validating associated funding requirements.

G. Promoting the professional development and career advancement of environmental personnel (e.g., obtain environmental training quotas and conduct periodic CETEP Coordinator meetings).

040104. Serve as HQ sponsor and Chair the Configuration Control Board for ELMS.

040105. Serve as the MOS Specialist for environmental MOSs. Advise other MOS Specialists and community managers regarding environmental compliance responsibilities.

040106. Secure quotas to Marine Corps, DoD, and other service-supported or funded professional development programs and environmental courses for Marine Corps personnel with assigned environmental responsibilities.

040107. Assess the effectiveness and adequacy of the Marine Corps CETEP through the Environmental Compliance Evaluation Program, augmentation to the Inspector General of the Marine Corps, and special reviews.

040108. Research and employ existing and emerging training technologies, information transfer systems, and curricular innovations to expedite environmental training and to affect program efficiencies.

040109. Provide EMS Lead Auditor Training or appropriate supplements to all Marine Corps installations.

0402 COMMANDING GENERAL (CG) MARINE CORPS EAST, WEST, PACIFIC, AND NATIONAL CAPITAL REGION

CG Marine Corps East, West, Pacific, and National Capital Region shall:

040201. When established, coordinate appropriate regional training opportunities and initiatives to ensure relevant EMS and environmental training and information is available to support cost effective implementation of all components of installation CETEPs.

040202. Designate a CETEP Coordinator for the region with the following responsibilities:

A. Conduct training needs assessments to identify significant regional occupational groups to develop and implement strategies that address environmental training deficiencies.

B. Develop and manage regional CETEP goals and resources to eliminate redundancy, achieve economies, and maximize regional environmental training efficiencies and effectiveness.

C. Develop Regional CETEP plans and policies that align with HQMC (LFF)/MCICOM (GF) Environmental goals and support installation-specific CETEP needs.

D. Develop relevant and engaging training programs, utilizing appropriate instructional strategies and settings (e.g., computer-based technology (CBT), class room training, webinars, or meetings).

E. Utilize the online ELMS, USMC installation websites and Marine Net (as applicable to deliver distance learning).

F. Monitor installation CETEP Environmental Compliance Evaluation results and POA&M, and implement corrective regional solutions where appropriate.

G. Identify or develop regional CETEP contract vehicles and review region-specific statements of work to eliminate redundancy and achieve economies of scale.

0403 COMMANDING GENERAL/COMMANDING OFFIER (CG/CO) OF MARINE CORPS INSTALLATIONS AND COMMARFORRES

CG/CO of Marine Corps installations and COMMARFORRES shall:

040301. Attend a commander’s environmental orientation briefing after assuming command.

040302. Ensure that no Marines or civilian employees are assigned job responsibilities without the appropriate required environmental training certification. Ensure that position descriptions and/or work plans and turnover folders reflect mandatory environmental training requirements.

040303. Designate an installation CETEP Coordinator to ensure units on installation are provided and receive appropriate environmental training. Develop and implement programs required to support the installation CETEP.

040304. Ensure that CETEP Coordinators and installation Environmental Instructors are appropriately trained.

040305. Develop, implement, and maintain a CETEP Plan that specifically addresses the environmental training requirements of this Order. Review the CETEP Plan annually as part of EMS management review and update as necessary to maintain an efficient and effective environmental training program.

040306. Ensure that all forms of training (including operational exercises) conducted within the geographic boundaries of the command include environmental elements as appropriate.

040307. Use centrally provided training, online sources, and mobile training teams to the maximum extent in order to reduce training costs. Nominate candidates to receive HQMC (LFF)/MCICOM (GF) centrally-provided environmental training as available.

040308. Ensure that all Marine Corps personnel receive applicable EMS and environmental awareness information on at least an annual basis.

040309. Plan, program, budget, execute, and track installation EMS and environmental training costs.

0404 COMMANDING GENERAL (CG) MARINE CORPS TRAINING AND EDUCATION COMMAND (TECOM)

CG TECOM shall ensure that all MOS Schools include environmental awareness training, as appropriate.

0405 MARINE CORPS UNIT COMMANDERS

Marine Corps Unit Commanders shall:

040501. When practicable, request a commander's environmental orientation briefing after command selection. Consult installation environmental staff as needed concerning unit environmental requirements.

040502. Ensure unit personnel subject to environmental training requirements are appropriately trained and that training requirements are listed in their job descriptions.

040503. Designate a unit Environmental Compliance Coordinators (ECC) (E-5) or above or other individual with sufficient authority to implement environmental requirements at the command to communicate with the installation CETEP Coordinator and to oversee unit environmental requirements. Ensure the individual can remain in the position for at least one year. To the maximum extent practicable, use of individuals with Additional MOS 8056 is encouraged when filling this billet.

040505. Propose candidate nominations to the installation CG/CO for HQMC (LFF)/MCICOM (GF) centrally-provided environmental training.

0406 ENVIRONMENTAL COMPLIANCE COORDINATORS (ECCs)

ECCs are also known as Unit Environmental Coordinators at many installations. ECCs shall:

040601. Be an E-5 or above or other individual with sufficient authority to implement environmental requirements at the command, and be appointed for at least one year in this role.

040602. Complete the USMC Environmental Compliance Coordinator's CBT course on Marine Net or ELMS (or similar certified course) prior to assignment.

040603. Ensure Marines in the unit who require environmental training receive it. Coordinate with the installation CETEP Coordinator to schedule environmental training and report training status.

040604. Coordinate with installation environmental representatives as required to ensure all environmental requirements at the unit are being sufficiently addressed. Complete applicable unit environmental checklists to ensure environmental requirements are satisfied. Report problems and issues up the chain of command.

040605. Attend regularly scheduled installation ECC meetings.

040606. ECCs may be dually designated as HM/HW Representatives, but there is no requirement to do so.

0407 COMPREHENSIVE ENVIRONMENTAL TRAINING AND EDUCATION PROGRAM (CETEP) COORDINATORS

CETEP Coordinators shall:

040701. Develop, provide, and document environmentally related training for all affected Marines and civilians at the installation with the assistance of the program manager.

040702. Attend regularly scheduled installation ECC meetings as required.

0408 MARINE CORPS OCCFLD/MOS SPONSORS

Marine Corps OCCFLD/MOS Sponsors shall ensure that OCCFLD and MOS ITS, guides, and manuals include environmental compliance responsibilities, as appropriate.

0409 ALL MARINE CORPS PERSONNEL

All Marine Corps personnel shall:

040901. Perform job responsibilities in an environmentally sound and responsible manner per training received and SOPs.

040902. Notify immediate supervisors of personal environmental training requirements and request appropriate environmental training.

040903. Participate in installation general awareness training and EMS training as appropriate.

VOLUME 5: APPENDIX A

**“FEDERAL STATUTES, FEDERAL REGULATIONS, EXECUTIVE ORDERS, AND DOD
POLICIES”**

SUMMARY OF SUBSTANTIVE CHANGES

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APPENDIX A

**FEDERAL STATUTES, FEDERAL REGULATIONS, EXECUTIVE ORDERS, AND DOD
POLICIES**

1 FEDERAL STATUTES

Almost all environmental laws and their implementing regulations require environmental training, either by mandate or implication. Federal agencies codify their environmental training requirements in the CFR. These requirements may be applicable to Marine Corps personnel in addition to applicable state environmental training requirements.

2 DEPARTMENT OF DEFENSE (DOD) POLICY

Volume 5 implements an environmental training program that meets all explicit and implicit requirements established by federal, state, and local laws and regulations; Executive Orders; and by DoD, Department of Navy, and Marine Corps policy and EMS drivers.

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VOLUME 6

“AIR QUALITY MANAGEMENT”

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VOLUME 6: AIR QUALITY MANAGEMENT

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REFERENCES

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- (b) 42 U.S.C. 11001
- (c) Defense Logistics Agency (DLA), “DoD Ozone Depleting Substances: Turn-in Procedures,” June 2014
- (d) DLA, “DoD Ozone Depleting Substances: Requisitioning Procedures,” June 2015
- (e) MCO 5100.8
- (f) Part 61 of Title 40, Code of Federal Regulations (40 CFR 61)
- (g) Public Law 91-604, “1970 Clean Air Amendments,” December 31, 1970
- (h) Public Law 95-95, “1977 Clean Air Amendments,” November 16, 1977
- (i) Public Law 101-549, “1990 Clean Air Amendments,” November 15, 1990
- (j) 40 CFR 81
- (k) 40 CFR 50
- (l) U.S. Environmental Protection Agency (EPA), “The Green Book,” January 1994
- (m) 40 CFR 52
- (n) Environmental Protection Agency Memorandum, “Major Source Determinations for Military Installations under the Air Toxics, New Source Review, and Title V Operating Permit Programs of the CAA,” August 2, 1996
- (o) 40 CFR 60
- (p) 40 CFR 62
- (q) 40 CFR 63
- (r) 40 CFR 51
- (s) 40 CFR 70
- (t) 40 CFR 71
- (u) EPA, “White Paper for Streamlined Development of Part 70 Permit Applications,” July 10, 1995
- (v) EPA, “White Paper Number 2 for Improved Implementation of Part 70 Operating Permits Program,” March 5, 1996
- (w) EPA, “White Paper Number 3, Draft Guidance on Designing Flexible Permits,” August 7, 2000
- (x) Public Law 109-58, “Energy Policy Act of 2005,” August 8, 2005
- (y) Public Law 110-140, “Energy Independence and Security Act of 2007,” December 19, 2007
- (z) 66 FR 5002, January 18, 2001
- (aa) EPA 420-D-99-003, “Draft Interim Guidance for Federal Facilities Compliance with CAA sections 118(c) and 118(d) and Applicable Provisions of State Vehicle Inspection and Maintenance Programs,” December 1999
- (ab) 40 CFR 87
- (ac) Executive Order (E.O.) 13693, “Planning for Federal Sustainability in the Next Decade,” March 19, 2015
- (ad) DASN (EI&E) Memorandum, “Department of the Navy Process for Reviewing Potential Settlements of Penalties for Past Violations of the Clean Air Act,” May 14, 2012
- (ae) 40 CFR 22
- (af) 40 CFR 19

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- (ag) 40 CFR 59
- (ah) 40 CFR 54
- (ai) Public Law 99-499, “Superfund Amendments and Reauthorization Act,” October 17, 1986
- (aj) 29 CFR 1910
- (ak) EPA, “Interim Air Quality Policy on Wildland and Prescribed Fires,” April 23, 1998
- (al) 40 CFR 82
- (am) United Nations Environment Programme, “Montreal Protocol on Substances that Deplete the Ozone Layer,” 2000
- (an) 40 CFR 98
- (ao) White House Council on Environmental Quality, “Federal Greenhouse Gas Accounting and Reporting Guidance: Technical Support Document,” June 4, 2012
- (ap) Office of the Assistant Secretary of Defense (Energy, Installations and Environment), “DoD Guidance for Greenhouse Gas Reporting Under E.O. 13693,” July 27, 2015
- (aq) “Navy Radon Assessment and Mitigation Program Guidebook for Naval Shore Installations,” June 2015
- (ar) 10 U.S.C. §2687
- (as) Public Law 101-510, “Defense Base Closure and Realignment Act,” November 5, 1990
- (at) DoD 4165.66-M, “Base Redevelopment and Realignment Manual,” March 2006
- (au) DASN (E) Memorandum, “Air Emission Rights at Department of Defense Installations,” July 12, 2012
- (av) 10 U.S.C. §2571
- (aw) MCO 5104.3B
- (ax) Page 8820 of Volume 38, Federal Register, April 6, 1973 (38 FR 8820)
- (ay) SECNAV M-5210.1

VOLUME 6: CHAPTER 1

“SCOPE”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 1

SCOPE

0101 PURPOSE

This Volume establishes Marine Corps policy and responsibilities for compliance with air quality and emissions requirements for stationary, mobile, and fugitive sources of emissions consistent with sections 7401 et seq. of Title 42, United States Code (42 U.S.C. 7401 et seq.) (also known and referred to in this order as “Clean Air Act,” (CAA) as amended) (Reference (a)), Department of Defense (DoD) and Department of the Navy (DON) policy, and Marine Corps policy and guidance.

0102 APPLICABILITY

010201. See Volume 1, paragraph 0102. Reference (a) applies to installations and activities throughout the United States, as well as within the territories and possessions of the United States to include the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

010202. Volume 7 of this Order covers statutes, regulations, and policy applicable to emergency planning and response requirements, to include CAA section 112(r) requirements relating to prevention of accidental releases of hazardous and extremely hazardous substances (e.g., Risk Management Plans and the General Duty clause). In addition, it covers the annual air emissions reporting requirements in accordance with the Toxics Release Inventory provisions of 42 U.S.C. 11001 et seq. (also known and referred to in this order as “Emergency Planning and Community Right-to-Know Act” (EPCRA)) (Reference (b)) and release reporting requirements regarding extremely hazardous substances.

010203. DoD policy and guidance on turn-in and requisitioning procedures for ozone depleting substances (ODSs) and the ODS reserve are addressed in Defense Logistics Agency (DLA), “DoD Ozone Depleting Substances: Turn-in Procedures,” June 2014 (Reference (c)) and DLA, “DoD Ozone Depleting Substances: Requisitioning Procedures,” June 2015 (Reference (d)). The ODS emission reduction requirements of leak detection and repair or required replacement of refrigeration and comfort cooling equipment, recovery and reclamation, certification of recovery equipment and technicians, and recordkeeping and reporting appear in this volume.

010204. Radon policy, as specified in this volume, also applies to overseas installations.

010205. This Volume covers the requirements and policy regarding compliance with the asbestos National Emission Standard for Hazardous Air Pollutants (NESHAPs) as described in subpart M of Part 61 of Title 40, Code of Federal Regulations (40 CFR 61) (Reference (f)). The Marine Corps Asbestos Safety Program and workplace policy to eliminate or limit potentially harmful exposure to asbestos is covered in MCO 5100.8 (Reference (e)).

0103 BACKGROUND

Early efforts to control air pollution were predominantly state and local actions taken in accordance with public nuisance laws and ordinances to reduce visible smoke emissions or abate noxious odors. While the early opacity and odor laws and regulations remain available for local governments, and in some cases private citizens, to take actions to abate air pollution under nuisance theories, the vast majority of air pollution control laws and regulations today are the result of requirements driven by Reference (a). The first federal air pollution law was passed in 1955, but its primary purpose was to provide financial assistance to the states to study the problem and develop local solutions. In 1963, Congress enacted Reference (a), which was the first federal air pollution control law with any type of enforcement mechanism, specifically, procedures to control interstate air pollution. Reference (a) was amended in 1967, 1970, 1977, and again in 1990. Public Law 91-604, “1970 Clean Air Amendments” (Reference (g)) laid the foundation for the modern version of Reference (a). Reference (g) together with Public Law 95-95, “1977 Clean Air Amendments” (Reference (h)) and, particularly Public Law 101-549, “1990 Clean Air Amendments” (Reference (i)), resulted in what is widely regarded as the most comprehensive, complex, stringent, and technology-forcing environmental law ever enacted by Congress. Reference (a) primarily regulates three major categories of pollutants: criteria pollutants, hazardous air pollutants (HAPs), and stratospheric ODSs. Reference (g) established a federal, State, and local partnership to control air pollution. The states were required to bear the primary implementation and enforcement responsibility for programs developed under the direction and oversight of the U.S. Environmental Protection Agency (EPA). Reference (a) divides the Nation into air quality control regions (AQCRs) and requires EPA to develop and monitor primary and secondary National Ambient Air Quality Standards (NAAQS) for criteria pollutants within those AQCRs to protect the public health and general welfare, respectively. Each state must achieve or maintain these standards by developing a State Implementation Plan (SIP) that outlines how each AQCR will attain or maintain the NAAQS for EPA. In turn, air emission sources are required to comply with the abatement and control measures set forth in the individual SIPs that are designed to achieve or maintain the standards. Reference (a) also requires EPA to develop and implement national uniform standards for HAPs and NESHAPs as described in Reference (f) to protect public health, to develop and implement national uniform emission standards for newly manufactured motor vehicles and non-road engines and vehicles, and to develop control programs for ODSs to protect the stratospheric ozone layer.

VOLUME 6: CHAPTER 2

“AUTHORITY”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 2

AUTHORITY

0201 FEDERAL STATUTES

020101. Clean Air Act of 1963, as amended (42 United States Code (U.S.C.) 7401 et seq.).

020102. Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11001 et seq.).

020103. The Alternative Motor Fuels Act of 1988, as Amended (Public Law 100-494).

020104. The Energy Policy Act of 2005 (42 U.S.C. 15801 et seq.).

020105. Toxic Substances Control Act of 1976 (15 U.S.C. 2601 et seq.).

020106. Energy Independence and Security Act of 2007 (Public Law 110-140).

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VOLUME 6: CHAPTER 3

“REQUIREMENTS”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 3

REQUIREMENTS

0301 GENERAL

Marine Corps installations will comply with all applicable federal, state, and local air quality management laws, regulations, Executive Orders, Marine Corps, Navy, and DoD policies.

030101. Air Quality Control Regions (AQCRs)

The regulations in 40 CFR 81 (Reference (j)) contain the published designations of AQCRs and the attainment, unclassifiable, and nonattainment designations for each state. Installations should consult the regulations in Reference (j) to determine their AQCR and its applicable designation.

030102. National Ambient Air Quality Standards (NAAQS)

The regulations at 40 CFR 50 (Reference (k)) contain the primary and secondary NAAQS for each criteria pollutant. Some regulatory requirements are fundamental and apply to sources in all areas, regardless of their attainment status, while other requirements apply only to sources located in nonattainment and/or maintenance areas. Installations should consult the regulations in Reference (k) to determine the area status, the applicable NAAQS, and what to do to ensure that their action will not cause or contribute to an exceedance of the NAAQS or prevent reasonable progress towards attainment of the NAAQS for their designated area. Certain regulatory requirements are considered fundamental and apply to all areas, regardless of their attainment status, while other requirements apply only to nonattainment and maintenance areas, such as the General Conformity requirements. For help determining attainment, nonattainment, and maintenance area designations, refer to section 6104.1 of Reference (j); EPA “The Green Book,” January 1994 (Reference (l)), or contact the state or local air pollution control office or the appropriate EPA Regional Office. With respect to the NAAQS, EPA classifies all areas in the country as follows:

A. Unclassifiable

Any area that, on the basis of available information, cannot be classified as meeting or exceeding the NAAQS for a specific pollutant.

B. Attainment

Any area that meets the NAAQS for a specific pollutant.

C. Nonattainment

1. Any area that does not meet (or that contributes to ambient air quality in a nearby area which does not meet) the NAAQS for a specific pollutant.
2. A nonattainment area that achieves the NAAQS and becomes redesignated as an attainment area remains subject to maintenance plan requirements for a statutorily defined

period. These redesignated areas are referred to as maintenance areas. Maintenance areas are subject to the General Conformity requirements discussed below.

030103. State Implementation Plan (SIPs) and Federal Implementation Plans (FIPs)

A. EPA-approved SIP rules for each state are published in 40 CFR 52 (Reference (m)). States may require pollution control and prevention measures more stringent than EPA, but cannot allow measures that are less. Section 110(c) of Reference (a) requires EPA to issue a FIP when a state has failed to make a required SIP submission, when the SIP submission does not satisfy the minimum criteria, or when a SIP submission has been disapproved in whole or in part and the State has not corrected the deficiency in a timely manner. Typically, a SIP is disapproved because it does not contain sufficiently strict requirements to demonstrate attainment. A FIP generally will contain requirements that apply to more types of sources and that control emissions more stringently than did the SIP. States have the primary responsibility for implementing the CAA goals. Each state must develop a SIP that outlines the state’s strategy for achieving and maintaining the NAAQS. EPA oversees this process.

B. Marine Corps installations shall identify and take reasonable steps to quantify emissions growth planning requirements and coordinate them with the Regional Environmental Coordinator (REC) and regulatory agencies during SIP revision planning activities.

030104. Conformity Rule

Marine Corps commands located in nonattainment or maintenance areas shall comply with the requirements of the CAA General Conformity Rule by making a determination that an action conforms to the SIP or FIP before proceeding with the action. Conformity determinations typically will be conducted at the same time as National Environmental Policy Act of 1969 (NEPA) analysis and documentation procedures are done for the planned action (see NEPA procedures in Volume 12 of this Order).

A. Prohibition

Section 176(c) of Reference (a) prohibits any federal agency from engaging in, supporting, providing financial assistance for; or licensing, permitting, or approving any activity that does not conform to an applicable SIP or FIP. EPA outlines criteria and procedures for determining conformity for all federal agencies. USMC shall determine whether its action conforms to the SIP or FIP prior to implementing it. Conformity analysis is usually performed as part of the NEPA analysis for an action and included in the NEPA documentation. The General Conformity Rule applies only to federal actions estimated to exceed certain thresholds in areas designated as nonattainment or maintenance (defined in paragraph 030104). The nonattainment and maintenance area General Conformity thresholds are set out in Table 3-1.

Table 3-1.--General Conformity Threshold Rates for Criteria Pollutants or Precursors in Nonattainment and Maintenance Areas

	Tons per year
Ozone (Volatile Organic Compounds (VOCs) or Nitrogen Oxide (NO _x)):	

Table 3-1.--General Conformity Threshold Rates for Criteria Pollutants or Precursors in Nonattainment and Maintenance Areas

	Tons per year
Serious nonattainment areas	50
Severe nonattainment areas	25
Extreme nonattainment areas	10
Other ozone nonattainment areas outside an ozone transport region	100
Ozone (NO _x), Sulfur Dioxide (SO ₂), or Nitrogen Dioxide (NO ₂):	
All maintenance areas	100
Ozone (VOCs):	
Maintenance areas inside an ozone* transport region	50
Maintenance areas outside an ozone* transport region	100
Marginal and moderate nonattainment areas inside an ozone transport region:	
VOC	50
NO _x	100
Carbon monoxide:	
Moderate	100
Serious	50
All maintenance areas	100
SO ₂ or NO ₂ :	
All nonattainment areas	100
Particulate Matter of 10 microns or less (PM ₁₀):	
Moderate nonattainment areas	100
Serious nonattainment areas (NAAs)	70
All maintenance areas	100
Particulate Matter of 2.5 microns or less (PM _{2.5}) (and all precursors):	
Both nonattainment and maintenance areas	100
Lead:	
All nonattainment areas	100
All maintenance areas	25

B. SIP Revision

SIP conformity criteria and procedures may be more stringent than EPA rules, if the State adopts conformity requirements that are equally applicable to all nongovernmental sources. If this is the case, then installations shall comply with the provisions in the SIP.

0302 STATIONARY SOURCE PROVISIONS

It is Marine Corps policy to comply with all federal, state, and local emission control standards and all other provisions of Reference (a) and with specific air emission permit conditions for all stationary sources. Stationary sources are categorized as either major or minor based on their potential to emit regulated air pollutants. The determinations of “major” sources on military installations may be essentially the same as for non-military industrial and commercial facilities; however, some facilities may currently be inequitably characterized as a single stationary source of emissions fence-line to fence-line. EPA issued guidance to ensure equitable treatment for the regulation of military stationary sources, “Major Source Determinations for Military Installations under the Air Toxics, New Source Review, and Title V Operating Permit Programs of the CAA,” August 2, 1996 (Reference (n)). States are not required to apply the EPA guidance, but installations should consider the potential benefits of applying it to their facility operations and coordinate with their state or local regulatory agency for approval to apply it as appropriate.

030201. New Source Performance Standards (NSPS)

Installations are required to comply with applicable NSPS. The extensive regulations for the NSPS program, over 1,000 pages, are contained in 40 CFR 60 (Reference (o)). The NSPS require covered new or modified stationary sources to install “the best system of emissions reduction” that EPA has determined has been adequately demonstrated. The NSPS apply to a wide variety of stationary source categories, regardless of location and any applicable Prevention of Significant Deterioration (PSD) or nonattainment New Source Review (NSR) requirements. Installation of any new equipment/facilities that are legally required for emissions reduction should be done as environmental projects (CMP10 or MILCON), using the proper funding stream depending on funding thresholds and whether it is a repair or construction project. The provisions of this regulation apply to the owner or operator of any stationary source that contains an affected facility, the construction, reconstruction, or modification of which is commenced after the date of publication in Reference (o) of any standard (or, if earlier, the date of publication of any proposed standard) applicable to such facility. Examples of source categories with applicable NSPS requirements include, but are certainly not limited to, municipal waste combustors, fossil-fuel fired steam generators, incinerators, storage vessels for petroleum liquids, and volatile organic liquid storage vessels. Before constructing any new stationary source, modifying an existing stationary source, or operating any new or modified stationary source Marine Corps commands shall determine whether or not the stationary source is subject to the NSPS.

030202. National Emission Standard for Hazardous Air Pollutant (NESHAPs)

NESHAP regulations appear in Reference (f) and 40 CFR 62 (Reference (p)). NESHAP regulations contained in Reference (e), such as the asbestos NESHAP, are those promulgated by EPA prior to Reference (i) which amended Reference (a). Installations will consult Reference (p), which

contains all of the NESHAPs promulgated to date for the numerous source categories established for the 190 HAPs initially listed under section 112 of Reference (a) by Reference (i), to determine the applicable NESHAP source category and its compliance requirements.

A. Major Source

A major source of HAPs is any stationary source (or group of stationary sources) located within a contiguous area and under common control that emits or may emit, 10 tons per year (tpy) or more of any HAP or 25 tpy or more of any combination of HAPs.

B. Area Source

An area source of HAPs is any stationary source of HAPs that is not a major source. The term does not include motor vehicle or non-road vehicle sources.

C. Source Categories

Each source category and subcategory indicates whether the HAPs sources are considered to be “major” sources or “area” sources. EPA is required to establish and revise NESHAPs standards for each listed source category per prescribed schedule. NESHAPs applicability provisions are located in Reference (f) and 40 CFR 63 (Reference (q)).

D. Emission Standards

EPA must establish technology-based emission standards that achieve the maximum degree possible of emissions reductions for new and existing sources in the appropriate category, while giving consideration to cost, non-air quality health and environmental impacts, and energy requirements. Measures to achieve the desired emissions standards include: implementing process changes; material substitutions; and measures to treat or control emissions, generally through the application of Maximum Achievable Control Technology (MACT). EPA also must review the MACT standards within 8 years of promulgation to determine if any residual risk to public health remains. If so, EPA must develop and issue health-based standards in addition to the MACT that provide an ample safety margin to protect public health.

030203. New Source Review (NSR)

The CAA Preconstruction Permit Program is implemented under three types of preconstruction permitting programs: PSD, Nonattainment NSR, and Minor NSR. It is designed to ensure that no new or reconstructed source will have a significant adverse impact on air quality. Installations shall obtain required permits for air emission sources prior to project start and comply with federal, state, and local requirements, which vary with the local ambient air quality, project size, and potential emissions.

A. Prevention of Significant Deterioration (PSD)

PSD applies to pollutants from new major sources or major modifications at existing sources where the source is located in a NAAQS attainment or maintenance area. The PSD program

requires Best Available Control Technology (BACT), air quality analysis, additional impacts analysis, and public involvement. Before construction starts, installations shall determine the applicable PSD program permit requirements pursuant to section 166 of 40 CFR 51 (Reference (r)).

B. Nonattainment New Source Review (NSR)

Nonattainment NSR applies to pollutants from new major sources or major modifications at existing sources where the source is located in a NAAQS nonattainment area. The Nonattainment NSR program requires the installation of the lowest achievable emission rate (LAER), emission offsets, and opportunity for public involvement. Table 3-2 provides the major source thresholds established under the NSR program pursuant to section 165 of Reference (r). Installations shall comply with the applicable permit requirements pursuant to section 165 of Reference (r).

Table 3-2.-- Primary Applicable Requirements in Nonattainment Areas

Area Designation	Summary of Applicable Requirements ^{a,b}
Pollutant: Ozone	
Subpart 1c	State shall complete emissions inventory, to be updated every 3 years. Will obtain data from sources. NSR offset ratio for volatile organic compounds (VOCs) and nitrogen oxides (NOx) of 1 to 1.
Marginal	State shall complete emissions inventory, to be updated every 3 years. Will obtain data from sources. Specific requirements for VOC and NOx emissions. Basic motor vehicle inspection and maintenance (I/M) program. NSR offset ratio for VOCs and NOx of 1.1 to 1.
Moderate	Requirements of marginal areas plus: Reasonably available control technology (RACT) applies to all major stationary VOC and NOx sources. Stage II vapor recovery required. NSR offset ratio 1.15 to 1.
Serious	Requirements of moderate areas plus: Clean fuel fleet program. Enhanced I/M program enforced through denial of vehicle registration. NSR offset ratio 1.2 to 1. Major source threshold for VOCs and NOx is 50 tons per year (tpy).
Severe	Requirements of serious areas plus: NSR offset ratio 1.3 to 1. Reformulated gasoline required in metropolitan areas. Major source threshold for VOCs and NOx is 25 tpy.
Extreme	Requirements of severe areas plus:

Table 3-2.-- Primary Applicable Requirements in Nonattainment Areas

Area Designation	Summary of Applicable Requirements ^{a,b}
	NSR offset ratio 1.5 to 1. Major source threshold for VOCs and NOx is 10 tpy.
Pollutant: Carbon Monoxide	
Moderate	State shall complete emissions inventory, to be updated every 3 years. Will obtain data from sources. I/M program (type of program depends on ambient carbon monoxide level). Oxygenated fuel required in metropolitan areas during high carbon monoxide season.
Serious	Requirements of moderate areas plus: Transportation control measures. Where stationary sources are believed to contribute substantially to ambient carbon monoxide levels, major source threshold for carbon monoxide is 50 tpy.
Multi-State	Affected states shall coordinate the revision and implementation of the carbon monoxide SIPs as they apply to the affected areas.
Pollutant: Particulate Matter – PM10, 24-hour standard	
Moderate	State shall complete emissions inventory, to be updated every 3 years. Will obtain data from sources. Reasonably available control measures apply.
Serious	Meet requirements of moderate areas plus: Best available control measures apply. Major source threshold for PM10 is 70 tpy.
Pollutant: Particulate Matter – PM2.5, annual and 24-hour standard	
Moderate	State shall complete emissions inventory, to be updated every 3 years. Will obtain data from sources. Shall include both direct and PM2.5 precursor emissions. Reasonably available control measures apply.
Notes:	
<p>a. This table lists those requirements that will likely affect Marine Corps facilities. Details for these provisions are set by each state pursuant to Reference (r). States have additional requirements that shall be included in their SIPs but do not directly affect sources such as ambient monitoring plans.</p> <p>b. The major stationary source threshold under the NSR and Title V permit programs is 100 tpy except as noted in the table.</p> <p>c. The Subpart 1 category will no longer be used by EPA as it reconsiders the ozone NAAQS. Refer to final 2008 Ozone NAAQS Implementation Rule for details.</p>	

C. Minor Source New Source Review (NSR)

1. Minor source NSR may be required for pollutants from stationary sources that do not require PSD or a nonattainment NSR permit to prevent the construction of sources that would interfere with attainment or maintenance of a NAAQS or violate the control strategy in nonattainment areas. It may also contain permit conditions to limit the sources emissions to avoid PSD or nonattainment NSR.

2. As discussed above under federal requirements, NSR or preconstruction review shall be conducted for all new or modified major stationary sources. The requirements for the federal PSD program in attainment areas are contained in the regulations promulgated at section 21 in Reference (l). These federal PSD program regulations apply wherever a state lacks an EPA-approved program, either in whole or in part. The PSD program regulations for attainment area SIPs are contained in the regulations promulgated at section 166 in Reference (p). While state programs must meet the minimum requirements of the federal program, states are free to enact a more restrictive PSD program. In a nutshell, the PSD program requires, before construction or modification of a major stationary source occurs, that the project proponent applies for authority to construct the source. A modification occurs when an existing major source makes a physical or operational change that results in a potential significant increase of any regulated pollutant. Note that regulated pollutant covers more pollutants than criteria pollutants and includes ODSs. The application for authority to construct shall show that the new or modified source will comply with the NAAQS, the attainment area applicable PSD air quality increment, and will incorporate applicable BACT requirements. Before construction proceeds, ensure all necessary permits have been issued. Before constructing a stationary source in a listed source category or any other stationary source that may be a major stationary source as defined under the regulations, Marine Corps commands shall make a PSD applicability determination. At a minimum this requires determining the applicable regulations and whether the source is within a listed source category that will have a potential to emit equal to or greater than 100 tpy of a regulated pollutant or, if not listed, will have a potential to emit equal to or greater than 250 tpy of a regulated pollutant. EPA issued guidance to help ensure equitable treatment for the regulation of military stationary sources, Reference (q). States are not required to apply the EPA guidance, but installations should consider the potential benefits of applying it to their facility operations and coordinate with their state or local regulatory agency for approval to apply it as appropriate.

030204. Title V Operating Permits

Installations with stationary sources that exceed the major stationary source emission thresholds, as well as other non-major sources subject to existing requirements such as NSPS or NESHAPs are required to obtain a Title V permit. Installations that are subject to Title V permitting shall comply with the requirements of the permit, the Title V program, and any individual permits they hold. EPA regulations in 40 CFR 70 (Reference (s)) establish minimum requirements for state programs. EPA regulations in 40 CFR 71 (Reference (t)) establish the Title V Operating Permit requirements that apply in any state that has not obtained full approval from the EPA for its part 70 program by the applicable deadline, or in any state that has lost approval for its program pursuant to section 502(i)(4) of Reference (a). Additional guidance for development of state programs and source compliance with the regulatory requirements was issued in three EPA White Papers -- "White Paper for Streamlined Development of Part 70 Permit Applications," July 10, 1995 (Reference (u)),

“White Paper Number 2 for Improved Implementation of Part 70 Operating Permits Program,” March 5, 1996 (Reference (v)), and “White Paper Number 3, Draft Guidance on Designing Flexible Permits,” August 7, 2000 (Reference (w)). The EPA has also issued guidance to help ensure equitable treatment for the regulation of military stationary sources, Reference (n). States are not required to apply the EPA guidance, but installations should consider the potential benefits of applying it to their facility operations and coordinate with their state or local regulatory agency for approval to apply it as appropriate. Title V of Reference (a) requires that each state develop, implement, and enforce an operating permit program. However, the EPA retains significant authority to oversee state permit program implementation. The EPA must review and approve state permit programs, review proposed permits, veto improper permits, and, if a state fails to adopt or implement an approved program, develop and implement a federal permit program. The permit program attempts to clarify, in a single document, all of the requirements applicable to a source, including requirements from the SIP, the acid rain program, and the air toxics program. The permit program also requires that permit fees be used to finance state air programs. After the effective date of any permit program approved as defined by Title V, the law prohibits operating without a permit or operating in violation of any requirement of such a permit. The program applies to all existing and new major stationary sources of air pollution, including those operated on federal facilities, which are subject to regulation under Reference (a).

A. Permit Application

Applications for operating permits shall be “timely” and “complete.” An application is “timely” and “complete” if submitted according to the approved state program. Once a source is subject to a Title V permitting program, its emissions of all regulated air pollutants (except those which meet the permitting authority's criteria for “insignificant” emissions) shall be described in the permit application along with all emissions of pollutants for which the source is considered major. Similarly, applications shall describe all emissions units that emit regulated air pollutants, except for those emission units deemed insignificant. Regulated air pollutants include, but are not limited to, all criteria pollutants and precursors; any pollutant subject to a NSPS; any pollutant subject to Reference (f) or a case-by-case MACT determination; and Class I or II ODSs.

B. Certification

A responsible official (typically the installation commander) shall sign the Title V Operating permit application certifying its truth, accuracy, and completeness. The certification shall include the facility compliance status and the method used to determine this status. In addition, in accordance with Reference (a) section 503(b)(2), the responsible official shall also certify the facility's compliance or noncompliance regarding all of the permit's requirements from the previous 12 months, at least once a year. The Title V Compliance Certification shall be filed with the state or local permitting agency, as well as the EPA regional office. These certifications necessarily require a thorough periodic and systematic review of a facility's compliance status throughout the reporting year, due to the potential for individual liability for false reporting by the responsible official in any certification, as well as possible regulatory or citizen-suit enforcement against the facility for any reported noncompliance. The annual compliance certification shall be true, accurate, and complete, based on information and belief formed after a reasonable inquiry.

030205. State and Local Permit and Regulatory Programs

State or local air quality regulations typically require that all new or modified stationary sources of emissions obtain a permit, unless the source category is expressly exempted in the regulations. Typical state or local regulations list a handful of insignificant stationary source categories that are exempt from permitting requirements, such as small portable emergency backup generators. However, insignificant sources expressly exempt from preconstruction and operating permit requirements may be subject to periodic recordkeeping, reporting, and other requirements or limitations, such as operating records detailing hours of operation, fuel usage, or the type or grade of fuel used. For all nonexempt source categories usually a preconstruction application or an operating permit application, or both, are required before any new stationary source of emissions may be constructed or operated. These regulations also typically require an application before reconstruction or modification occurs to any existing source, and the operator usually shall obtain a new operating permit, or an amendment to an existing operating permit before operating the source after reconstruction or modification. Permits will usually include permit conditions under which a particular emission unit or group of emission units will be required to operate. The permit conditions will often be taken directly from federal and state regulations, although they may also be based on the specific air pollutant emitting situation at the facility. State and local regulatory agencies typically have enacted general air quality rules that are designed to control or abate pollution that may or may not, be included in permit conditions. These general rules address visible emissions (or opacity), odor, nuisance, and equipment breakdown provisions. The requirements from these rules are sometimes called facility-wide applicable requirements. Installations shall notify their RECs and HQMC (LFF)/MCICOM (GF) via their chain of command if the state or a local regulatory entity implements CAA regulatory requirements in a manner that is discriminatory per CAA Section 118(a).

030206. Fuel Standards

Marine Corps commands shall comply with Marine Corps and regulatory fuel composition requirements applicable to solid, liquid, and gaseous fuels for stationary fuel-burning equipment. For Marine Corps operations in California (or other applicable states), consult the Marine Corps local/regional environmental counsel for applicable requirements.

0303 MOBILE SOURCE PROVISIONS

For the most part mobile source programs do not have a direct impact on Marine Corps installations or activities. With the exception of California (and states that adopt regulations identical to California's), mobile source emission controls are predominantly implemented through nationwide programs promulgated by EPA. For Marine Corps operations in California (or other applicable states), consult the Marine Corps local/regional environmental counsel for applicable requirements. The typical regulations under subchapter II of Reference (a) target manufacturers of new motor vehicles and engines, nonroad vehicles and engines, and/or the fuels they operate on. These regulations typically contain an automatic national security exemption (NSE) for manufacturers to apply to engines for DoD weapon systems and armored vehicles. The regulations also typically contain provisions for case-by-case NSEs for engines that do not meet the criteria for an automatic exemption. Examples of potential applications of the automatic NSE by a manufacturer would include the Light Armored Vehicles and the M1-A1 Abrams Tank. An example of possible applications of a case-by-case NSE would be the outboard engines for Zodiac boats used by

reconnaissance or Special Forces. A few mobile source programs, however, do expressly target the activities of federal agencies, including the military, such as the centrally-fueled fleet program and fleet vehicle requirements under Public Law 109-58, “Energy Policy Act of 2005” (Reference (x)) and Public Law 110-140, “Energy Independence and Security Act of 2007” (Reference (y)). These programs, among other things, are briefly discussed below.

030301. The Marine Corps shall comply with all federal, state, and local emission control standards relevant to mobile sources.

030302. Tampering with Emission Controls

Marine Corps personnel shall not permanently remove or render inoperative any device or element of design in a government motor vehicle or engine which is installed to comply with air quality regulations.

030303. Fuel Standards

Marine Corps commands shall comply with Marine Corps and regulatory requirements for the composition of fuels used in motor vehicles. Marine Corps installations dispensing gasoline shall be equipped to dispense unleaded gasoline. The Marine Corps may not procure any gasoline-powered vehicle that cannot operate on unleaded gasoline.

A. Oxygenated Gasoline

States that include all or part of an area designated nonattainment for CO and having a design value of 9.5 ppm or higher are required to include in their SIP a provision for selling and dispensing oxygenated gasoline in metropolitan areas within the nonattainment area. EPA requires that this provision be in effect during high CO portions of the year (winter). EPA may waive the requirement for oxygenated fuel if a state can demonstrate satisfactorily that imposing such a provision interferes with the attainment of any other NAAQS.

B. Volatility

To reduce the substantial release of VOCs into the atmosphere, installations will comply with the federal guidelines that limit the volatility of gasoline marketed during the high ozone season (summer) in the United States.

C. Diesel Fuel Sulfur Content

Beginning with model year 2007, the sulfur content of highway diesel fuel cannot have a sulfur content higher than 15 ppm (66 FR 5002) (Reference (z))). This requirement applies to the fuel used in Marine Corps fleet vehicles and privately owned vehicles. Installations will comply with the applicable portions of Reference (z). However, the regulation provides an exemption for the use of higher sulfur JP-5 and JP-8 fuels in tactical vehicles used on highways if their engines have either the automatic NSE or a case-by-case NSE discussed above. Proposed rulemaking would also lower the sulfur content dramatically in heavy duty nonroad diesel engines and vehicles. It is

anticipated that the use of JP-5 and JP-8 in tactical ground support equipment will similarly be exempted from the low (and ultra-low) sulfur diesel fuel requirements.

030304. Nonroad Engines

EPA conducted and published a study of nonroad engine and vehicle emissions in November of 1991. On the basis of this study, EPA initiated actions to establish national standards for certain categories of nonroad engines. The nonroad rule contains an automatic exemption provisions for equipment with substantial combat features. If installations purchase a non-compliant engine for equipment without these features, they shall specifically request an exemption from EPA, state, or territorial regulatory authority.

030305. Vehicle I/M

Certain nonattainment areas require vehicle emissions testing. Section 118(c) in Reference (a) requires that federal government fleet vehicles comply with the provisions of an approved I/M program in ozone or CO nonattainment areas designated under subparts 2 or 3 of part D of subchapter I of Reference (a). Section 118(d) requires that federal agencies ensure that their employees operating their motor vehicles on federal facilities comply with the I/M requirements in those same areas designated as nonattainment for ozone and CO. To implement those requirements, the EPA promulgated requirements for states to include in their SIPs for those areas at Reference (r), subpart S. Marine Corps commands shall comply with local area vehicle emission I/M program requirements for fleet vehicles and shall furnish proof of compliance when required by the local regulatory authority. Commands are authorized to develop I/M procedures for their fleet vehicles as a part of normal preventive maintenance programs. Therefore, installations in these areas shall demonstrate compliance with state I/M programs for all motor vehicles operated on the installation even if the vehicle is not registered in that state, as long as the state's program is not discriminatory toward federal agencies or federally-owned or federal employee-owned vehicles. Military tactical vehicles are exempt from the I/M program requirements in those areas. However, in a July 29, 1998 letter, the Department of Justice, Environment and Natural Resources Division, advised EPA that the portion of its regulations relating to state I/M requirements for federal agency fleet and certain federal employee vehicles under Reference (a) sections 118(c) and (d), respectively, were invalid. In short, SIP rules (pursuant to Reference (r), subpart S) that target only federal fleet vehicles or federal employee vehicles for particular I/M related requirements based upon EPA's rule are probably invalid. On the other hand, SIP rules that apply to all fleet vehicle owners/operators in the state or employee vehicles of all employers within the state are probably valid requirements for which federal sovereign immunity has been waived under section 118(a) of Reference (a). The EPA is in the process of promulgating a rule to implement Reference (a) section 118(c) and (d) requirements for federal fleet and employee vehicles. The EPA has published draft guidance, EPA 420-D-99-003 (Reference (aa)). However, until the EPA promulgates a final rule, installations will either need to: comply with nondiscriminatory I/M programs (e.g., Washington State's fleet vehicle program); maintain the status quo (e.g., fleet and employee vehicle I/M requirements in California); or seek guidance from CMC (LF)/MCICOM (GF) or the advice of counsel whether any particular fleet or employee vehicle I/M requirements legally apply in the absence of the EPA rule. For installations currently complying with pre-existing state I/M requirements, including both fleet and employee vehicle programs, the DoD position is to maintain the status quo until EPA revokes existing invalid

SIP provisions under its own existing rule by promulgating a new federal rule and implementation program.

030306. Alternative Fuel Vehicles (AFVs)

Pursuant to Reference (a), Title II, Part C, installations with a covered vehicle fleet (i.e., ten or more vehicles centrally fueled) in a covered area shall ensure at least 70 percent of all new light-duty fleet vehicles acquired are clean fuel vehicles. For heavy-duty trucks above 8,500 pounds (lbs) and up to 26,000 lbs gross vehicle weight rating, that percentage shall be at least 50 percent. Reference (y), 40 CFR 87 (Reference (ab)), and E.O. 13693 (Reference (ac)) include certain requirements for federal fleet vehicles and purchasing/leasing AFVs. These requirements do not apply to police and emergency vehicles or vehicles used for military purposes that have been certified by the Secretary of Defense as exempt. In order to meet CAA requirements, the Marine Corps began acquiring AFVs (by both lease and new vehicle acquisitions) in 1993 and has been targeting the placement of these vehicles at those activities located within nonattainment and metropolitan statistical areas (areas with a population of 250,000 or more). The HQMC (LFS)/MCICOM (G-4) implements the Fleet vehicle and AFV requirements of References (x), (y), and (ac) in accordance with Department of Energy guidance. Pursuant to Reference (x), the Marine Corps shall incorporate light-duty (medium/heavy-duty trucks and buses are optional) AFVs into its Garrison Mobile Equipment vehicle fleet.

A. HQMC (LFS)/MCICOM (G-4) prescribes minimum AFV requirements for the quantity and type of vehicles to be used at Marine Corps activities that meet fleet criteria under Reference (x). Marine Corps installations may meet these requirements by requesting AFV replacements for Marine Corps-owned vehicles and by leasing vehicles. Leased AFVs may be acquired through General Service Administration Interagency Fleet Management System under the Headquarters, Marine Corps-funded Garrison Mobile Equipment vehicle leasing program and/or by using local Operations & Management, Marine Corps funds. Marine Corps activities that are not subject to Reference (x) fleet criteria are encouraged to participate in the AFV program.

B. The Marine Corps prefers original equipment manufacturer AFVs to AFV conversions. However, when converting vehicles, every effort should be made to meet - at a minimum - certification requirements of the state in which the vehicles are located, such as those of the California Air Resources Board.

C. Clean Fuel Fleet Vehicles. According to Reference (a), the clean fuel requirements impact the following owners/operators of centrally-fueled fleets of ten vehicles or more: those located in “serious,” “severe,” or “extreme” ozone nonattainment areas, and those located in “serious” CO nonattainment areas. Installations will comply with Reference (a), which mandates that any federal facility that dispenses clean alternative fuels to federal fleet vehicles shall offer such fuel for public sale during reasonable business hours, subject to national security concerns and the commercial availability of such fuels in the vicinity of the facility. Installations shall ensure at least 70 percent of all new light-duty fleet vehicles acquired are clean fuel vehicles.

030307. Aircraft

Reference (a) authorizes the EPA, in consultation with the Secretary of Transportation, to develop emission standards applicable to any air pollutant emission from any class or classes of aircraft engines. No state or local air quality region may adopt or attempt to enforce any standard respecting any air pollutant emission from any aircraft or engine unless such standard is identical to one developed by the EPA and the Secretary of Transportation. While limited regulation of emissions from aircraft engines is possible, such regulation applies only to uninstalled aircraft engines. Except for some commercial aircraft owned by the military, military aircraft are normally exempt from the regulatory standard. The regulations for control of air pollution from aircraft and aircraft engines are contained in Reference (ab).

0304 MISCELLANEOUS PROVISIONS

030401. Visibility Protection

The regulations in subpart P of Reference (r) contain the requirements for SIPs to protect visibility in federal Class I areas. To determine if an installation is within a Class I area, consult the regulations in subpart D of Reference (j).

030402. Enforcement/Citizen Suit Provisions

A. Sovereign Immunity

The broad waiver of sovereign immunity in Reference (a) subjects federal facilities to all federal, state, and local air pollution control requirements. These CAA requirements generally are enforced by the state or local air quality regulatory agency; however, EPA also has direct enforcement authority for federal rules and has authority to enforce approved SIP rules. Installations shall notify their RECs and HQMC (LFF)/MCICOM (GF) via their chain of command if EPA, state, or a local regulatory entity implements CAA regulatory requirements in a manner that is discriminatory per CAA Section 118(a).

B. State or Local Administrative Punitive Penalties

Marine Corps commands that are assessed punitive civil fines or penalties by state or local authorities for violations of air pollution control requirements shall consult with command or regional environmental counsel before entering into settlement negotiations or paying any penalty. Although installations are subject to CAA penalties assessed by EPA, the applicability of state and local air district penalties is not clear due to conflicting court opinions. Therefore, all penalty assessments should be coordinated pursuant to the provisions of this volume via the chain-of-command. Due to the uncertainty in the courts, CAA penalty provisions response letters to state agencies are also reviewed by the Department of Justice via the Navy Office of the General Counsel Litigation Office. DASN (EI&E) Memo, "Department of the Navy Process for Reviewing Potential Settlements of Penalties for Past Violations of the Clean Air Act," May 14, 2012 (Reference (ad)) formally established that process as a DON policy.

C. Environmental Protection Agency (EPA) Administrative Punitive Penalties

In 1997, the Department of Justice Office of Legal Counsel published an opinion that determined that EPA has authority in accordance with Reference (a) to assess punitive civil monetary penalties against federal facilities for violations of the Act. This authority includes penalties assessed by EPA inspectors under the Field Citation Program and administrative penalties under section 113 in Reference (a). The EPA Consolidated Rules of Procedure (CROP) for administrative penalty proceedings are published in 40 CFR 22 (Reference (ae)). Marine Corps activities that receive Administrative Complaints from their EPA Regional office under section 113 in Reference (a) and the CROP, shall immediately notify their command and regional counsel and their chain of command. Failure to properly submit a detailed answer responding to an Administrative Complaint to the Regional Hearing Clerk within 30 days of receipt of the complaint will be deemed an admission to all allegations contained in the complaint. The maximum penalty per violation under the Field Citation program, as adjusted for inflation in 40 CFR 19 (Reference (af)), is \$7,500. The procedures for issuance of field citations and for contesting them are published in 40 CFR 59 (Reference (ag)). The maximum penalty, as adjusted for inflation in Reference (ae) that EPA may assess is \$37,500 per day per violation up to a maximum total penalty of \$320,000; however, the \$320,000 maximum total penalty per proceeding may be increased by EPA, if the U.S. Attorney General concurs. Installations shall notify their RECs and HQMC (LFF)/MCICOM (GF) via their chain of command, if EPA implements a punitive civil monetary penalty under Reference (a).

D. Administrative Fees

Marine Corps commands shall pay administrative fees and assessments imposed by federal, state, or local authorities when imposed to defray the costs of the air pollution regulatory program, when the fees are imposed generally on all similarly situated regulated entities in the same manner and extent (i.e., nondiscriminatory against Marine Corps facilities), and when the fees are not dependent upon the detection or processing of alleged violations.

E. Citizen Suits

The regulations for the prerequisite notice for CAA citizen suits are published in 40 CFR 54 (Reference (ah)). Civil actions may be brought against any individual or governmental body (including the United States) for present or repeated CAA violations in the Federal District Court in the district where the source alleged to be in violation of Reference (a) is located. Installations shall notify their RECs and HQMC (LFF)/MCICOM (GF) via their chain of command if any civil action is brought against the installation and or person performing any act or duty on behalf of the installation.

030403. Jet Engine Test Cells

Installations will comply with the applicable regulations for control of air pollution from aircraft and aircraft engines that are contained in Reference (ac).

030404. Federal Contractor Restrictions

No federal agency may enter into a contract with any person who is convicted of a criminal offense under Reference (a). This restriction applies to the procurement of goods, materials, and

services to perform such contract at any facility which gave rise to the conviction if such facility is owned, leased, or supervised by such person.

030405. Acid Rain

In order to reduce the detrimental environmental effects of acid deposition, Title IV of Reference (a) mandates large-scale reductions in the emissions of SO₂ and NO_x through an innovative market-based approach aimed at electric utility plants. Installations who own electric utility plants, should consult Title IV of Reference (a) and follow where applicable.

030406. Aerospace and Marine Coatings

Reference (a) requires EPA to issue NESHAPs and Control Techniques Guidelines (CTG) to control emissions from aerospace manufacturing/rework and shipbuilding/repair. EPA has promulgated rules that establish technology based emission standards based on MACT and BACT for aircraft and ship activities (e.g., cleaning, painting, depainting, maskant application, and waste handling). Installations that perform aerospace manufacturing/rework and shipbuilding/repair shall comply with the emission standards in these rules. Generally, the emission reductions are achieved through the use of compliant materials or control devices. Other rule requirements include testing, recordkeeping, and reporting protocols, which have substantial cost and labor impacts that installations will have to account for in their program budget. References (f) and (p) address a specific source category under Reference (q), similar to the NESHAPs for gasoline terminals or halogenated solvent cleaning.

030407. Training

Personnel who prepare or supervise the preparation of air emissions inventories, air emissions permit requests, and air emissions reports will receive environmental overview training as specified in Volume 5 of this Order. They will receive specific comprehensive training in their assigned subject matter and shall be familiar with the provisions outlined in Volume 5 of this Order. In addition, Reference (a) requires the following:

A. Chemical Process Safety Management

Reference (a) requires the issuance of a chemical process safety standard to protect employees from the workplace dangers associated with accidental releases of highly hazardous chemicals. Employers shall train workers in operating procedures, emphasize hazards and safe practices, ensure that contractors and contracted employees have appropriate information and training, and train and educate employees and contractors in emergency response as comprehensively and effectively required by Public Law 99-499, “Superfund Amendments and Reauthorization Act” (Reference (ai)). The standard and a list of highly hazardous chemicals can be found in section 119 of 29 CFR 1910 (Reference (aj)).

B. Solid Waste Incineration

Reference (a) requires a program for the training and certification of operators of high capacity (greater than 250 tons per day) solid waste incineration units and high-capacity fossil fuel-

fired plants. To legally operate any such unit, each person with control over processes affecting emissions from such units shall satisfactorily complete a training program meeting EPA requirements.

030408. Prescribed Burning/Vegetation Management

EPA does not directly regulate prescribed burning. However, EPA encourages states to develop Smoke Management Plans to mitigate impacts to public health and welfare from such activities. For more detail, Installations should refer to EPA's 1998 draft policy guidance for prescribed burning activities, EPA, "Interim Air Quality Policy on Wildland and Prescribed Fires," April 23, 1998 (Reference (ak)), and any applicable state or local requirements.

030409. Environmental Compliance

See Volume 4 of this Order for information on overall policy, responsibility, and procedures for achieving compliance with applicable Executive Orders, and federal, state, interstate, and regional statutory and regulatory environmental requirements.

0305 OZONE DEPLETING SUBSTANCES (ODSs)

Regulations promulgated in 40 CFR 82 (Reference (al)) are enacted to implement United Nations Environment Programme, "Montreal Protocol on Substances that Deplete the Ozone Layer," 2000 (Reference (am)) and sections 608 and 609 of Reference (a). These regulations, which ban the use of certain nonessential Class I and II substances and establish a myriad of requirements to promote responsible use, recovery, reclamation, reuse, and recycling of essential substances, apply to all Marine Corps installations. Installations with large refrigeration and air conditioning units (i.e., equipment containing more than 50 lbs of refrigerant) or those installations using ODSs in metal parts degreasing operations will have more requirements than activities with smaller ODS consumption. Appliances subject to regulation are those that use ODSs as a refrigerant and which are used for household or commercial purposes, including any air conditioner, refrigerator, chiller, or freezer. The regulations in Reference (al) establish requirements regarding the service, maintenance, repair, and/or disposal of a wide array of equipment containing ODSs for refrigeration purposes. The regulations establish requirements for record keeping, technician certification, leak detection and repair, periodic leak rate determination and replacement, and requirements pertaining to the disposal of small and large appliances common to most installations. Besides building air conditioning and food service refrigeration units, other ODS-containing sources commonly used at Marine Corps installations include refrigerated drinking fountains, ice machines, soft drink vending machines, antifreeze recycling units, halon-charged fire suppression systems, and vehicle air conditioning recycling units.

0306 GREENHOUSE GAS (GHG) EMISSIONS

The Supreme Court has determined that GHGs are air pollutants pursuant to Reference (a) and EPA may regulate GHGs under the existing authorities of Reference (a). EPA and some states are developing regulations to require reporting, permitting, or control/restrictions of GHG emissions and sources. Installations shall comply with applicable requirements.

030601. Greenhouse Gas (GHG) Reporting Program (GHGRP)

Installations that emit GHGs above established thresholds are required to comply with applicable annual reporting requirements of 40 CFR 98 (Reference (an)) (commonly known as the GHGRP). GHGs included under the GHGRP are carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), sulfur hexafluoride, hydrofluorocarbons (HFCs), perfluorocarbons (PFCs), and other fluorinated gases as defined in section 98.6 of Reference (an). In general, for facilities that emit GHGs, the threshold for reporting is 25,000 metric tons or more of CO₂ equivalent (CO₂e) per year. This threshold is based on actual emissions. Facilities subject to the rule are required to report annual emissions of GHGs pursuant to Reference (an).

030602. Greenhouse Gas (GHG) Emissions Reporting and Reduction Requirements

Reference (ac) requires agencies to measure, report, and reduce their GHG emissions from direct and indirect activities. White House Council on Environmental Quality, “Federal Greenhouse Gas Accounting and Reporting Guidance: Technical Support Document,” June 4, 2012 (Reference (ao)) and Office of the Assistant Secretary of Defense (Energy, Installations and Environment), “DoD Guidance for Greenhouse Gas Reporting Under E.O. 13693,” July 27, 2015 (Reference (ap)) establish GHG accounting and reporting methodologies to be used by DoD in conducting a fiscal year (FY) 2008 baseline emissions inventory and any FY 2010 and subsequent years' annual inventories pursuant to Reference (ac). The Marine Corps inventory for reporting GHG pursuant to Reference (ac) is prepared by HQMC (LFF)/MCICOM (GF) in accordance with the responsibilities identified in Chapter 4 using a centralized approach primarily relying on data collected via existing reporting programs and corresponding automated data collection tools.

CMC (LF)/MCICOM (GF) submits the GHG Inventory/ Annual Energy Management Report (AEMR) to Under Secretary of Defense (Installations and Environment) (ODUSD(I&E)) by mid-November for the current FY. HQMC (LF)/MCICOM (GF) Section Heads enter the inventory data into the Federal Energy Management Program (FEMP) Workbook, an Excel spreadsheet designed by the Office of Management and Budget (OMB) and the White House Counsel on Environmental Quality (CEQ). ODUSD(I&E) submits the AEMR to Congress, the Department of Energy (DOE), and OMB; while GHG Inventories are reported to DOE, CEQ, and OMB. The data reported to ODUSD(I&E) is used in OSD and Service-specific GHG Inventories, Strategic Sustainability Performance Plans (SSPPs), and the AEMR to Congress. The Office of the Secretary of Defense has established FY 2020 GHG emissions reduction targets of 34 percent from a FY 2008 baseline for direct emissions (Scope 1 and 2) and 13.5 percent for indirect emissions (Scope 3). These reduction targets apply to facilities and non-tactical vehicles.

030603. Office of Management and Budget (OMB) Environmental/Energy Scorecard

Pursuant to E.O. 13693, the Scorecard is prepared by Office of Management and Budget (OMB) with information collected from the previous calendar year's GHG Inventory/AEMR data call. Released annually in January, the purpose of the Scorecard is to provide periodic evaluations of Federal agency performance in identifying and tracking opportunities to reduce pollution, improve efficiency, and cut costs. Marine Corps performance is measured using information collected through the reporting in paragraph 2 of this appendix. The Scorecard measures Federal agencies in seven categories:

- (1) Reduction in potable water.
- (2) Reduction in fleet petroleum use.
- (3) Scope 1 & 2 GHG emission reductions.
- (4) Scope 3 GHG emission reductions.
- (5) Use of renewable energy.
- (6) Reduction in energy intensity.
- (7) Sustainable green buildings.

0307 RADON

The Navy Radon Assessment and Mitigation Program (NAVRAMP) is the DON program to identify, mitigate, and prevent radon contamination in Navy/Marine Corps-occupied buildings. All Marine Corps installations shall participate in the NAVRAMP testing program to identify the level of indoor radon. Buildings determined to have indoor radon levels above 4 picoCuries per liter (pCi/L) will be mitigated to reduce levels. Appropriate radon reduction techniques will be incorporated into the design and construction phases of new structures where determined necessary because of regulatory requirements, historical data, or geological conditions. In accordance with NAVRAMP implementation protocols, including “Navy Radon Assessment and Mitigation Program Guidebook for Naval Shore Installations,” June 2015 (Reference (aq)), all Marine Corps installations shall:

030701. Test and Mitigate

Implement the NAVRAMP testing program to identify levels of indoor radon. In buildings with indoor radon levels above the EPA-recommended action level of 4 pCi/L (“elevated radon”), the Marine Corps shall implement mitigation measures to reduce radon to acceptable levels. Radon mitigation systems shall be periodically inspected and preventively maintained as required, and buildings shall be retested at a minimum of every two years to ensure radon mitigation systems are operating properly. All new buildings shall be tested prior to occupancy. All radon test data/results in support of the NAVRAMP shall be maintained.

030702. Monitor

For buildings previously tested and determined to be at an acceptable level, conduct monitoring to ensure radon levels are maintained below elevated levels by retesting radon levels at a minimum of every five years, or as warranted by conditions described in Reference (aq). Buildings which have been damaged, renovated or modified in a manner that could change the air flow dynamic of the building (i.e., upgrading or replacing the Heating, Ventilation, Air Conditioning, and Cooling system or windows, or expanding the building or envelope of such) should be retested.

030703. Prevent

Appropriate radon-reduction techniques shall be incorporated into the design and construction phases of new structures or into significant modifications to existing buildings where it has been determined necessary due to applicable regulatory requirements, historical data, or geological conditions.

0308 EMISSION REDUCTION CREDITS (ERCs)

Sections 110(a)(2)(A) and 172(c)(6) of Reference (a) authorize states, or their local Air Quality Districts (AQDs), to establish a trading system for ERCs. ERCs are created when pollution emitting equipment is removed from service or when emissions from in-service equipment are reduced, when the emission reductions are not otherwise required by Reference (a) or a current SIP, and when the owner applies under the AQD regulations for reduction credit. Marine Corps installations should obtain stationary and/or mobile source ERCs from any permanent quantifiable excess emission reductions in areas with emissions banking and trading programs. Each ERC constitutes permission from the AQD to emit a stated amount of a specific air pollutant. Following validation by the AQD, ERCs may be transferred by sale, lease, or other disposal method for use by other emission sources within the same AQD. Installations shall acquire and dispose of ERCs as if they were government personal property. Marine Corps installations and activities shall not dispose of ERCs, or forego the creation of ERCs, without first coordinating the proposed disposition with HQMC (LFF)/MCICOM (GF) and the Marine Corps/DoD RECs.

030801. Bases being closed or realigned under the process outlined in 10 U.S.C. §2687 (Reference (ar)) and Public Law 101-510, “Defense Base Closure and Realignment Act” (Reference (as)), or any subsequent base closure law, shall consider the use of ERCs and dispose of them in accordance with DoD and DON policy, DoD 4165.66-M (Reference (at)) and DASN(E) Memorandum, “Air Emission Rights at Department of Defense Installations,” July 12, 2012 (Reference (au)).

030802. Operating installations shall use and dispose of ERCs in the following manner:

A. ERCs generated from a change in operations, removal from service of equipment, or any other action that results in emissions reduction may be banked, in the following order of priority, for:

1. Future use by that same installation.
2. Transfer to another Marine Corps installation within the same AQD or another AQD that will accept transfer of the credits.
3. Transfer to any DoD installation within the same AQD or another AQD that will accept the transfer of credits.
4. Transfer to any other federal agency within the same AQD or another AQD that will accept the transfer of credits.

B. Installations shall employ the environmental management hierarchy and assess P2 opportunities in considering the use of ERCs.

C. ERCs may be transferred between services under 10 U.S.C. §2571 (Reference (av)), with or without compensation.

D. Installations shall report ERCs determined to be federal government surplus for screening and disposal using the existing personal property disposal mechanisms. Installations requiring ERCs shall either:

1. Purchase ERCs from other sources.
2. Obtain offsets from on-installation sources.

3. Purchase ERCs when and if requirements necessitate their purchase after coordination with the HQMC (LFF)/MCICOM (GF). No ERCs may be disposed of, creation forgone, or traded to non-Marine Corps facilities, unless such action has been coordinated with the HQMC (LFF)/MCICOM (GF) and the appropriate USMC/DoD REC. In addition, Marine Corps installations shall take reasonable steps to quantify ERCs from creditable reductions under their control and obtain legal title to them under applicable regulations.

0309 AIR POLLUTION EMERGENCY EPISODES

Where required, Marine Corps facilities shall have an air pollution emergency episode contingency plan identifying all actions that can reasonably be taken without compromising essential services and mission responsibilities.

0310 AIRBORNE RADIONUCLIDE EMISSIONS

Marine Corps installations shall comply with MCO 5104.3A (Reference (aw)) regarding airborne radionuclide emissions into the environment. Within the Navy and Marine Corps, the Naval Nuclear Propulsion Program is responsible for all aspects of compliance with requirements pertaining to nuclear propulsion.

0311 ASBESTOS NATIONAL EMISSION STANDARD FOR HAZARDOUS AIR POLLUTANT (NESHAP)

The EPA NESHAP for asbestos (Page 8820 of Volume 38, Federal Register (38 FR 8820)) (Reference (ax)), codified at Reference (f)) remains the subject of frequent civil and criminal enforcement under Reference (a). Subpart M of Reference (p) applies to the demolition, removal, and disposal of regulated asbestos containing material. Subpart M of Reference (f) protects the public by minimizing the release of asbestos fibers during activities involving the processing, handling, and disposal of asbestos-containing material. Accordingly, subpart M of Reference (f) specifies work practices to be followed during demolitions and renovations of all structures, installations, and buildings. In addition, the regulations require the owner of the building and/or the contractor to notify applicable state and local agencies and/or EPA Regional Offices before all demolitions, or before renovations of buildings that contain a certain threshold amount of asbestos.

The regulated asbestos containing material removed shall be wetted and kept wet, properly containerized and marked, and is subject to land disposal restrictions (LDRs). Before undertaking demolition or renovations, Marine Corps installations and activities shall determine whether subpart M of Reference (f) applies and follow all applicable federal, state, or local requirements. Note that some state requirements are more stringent than the federal regulations (e.g., Asbestos is a hazardous waste in California and certain other states, but only a solid waste under federal regulations).

VOLUME 6: CHAPTER 4

“RESPONSIBILITIES”

SUMMARY OF SUBSTANTIVE CHANGES

Hyperlinks are denoted by *bold, italic, blue and underlined font*.

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CHAPTER 4

RESPONSIBILITIES

0401 CMC (LF)/COMMCICOM (GF)

CMC (LF)/COMMCICOM (GF) shall:

040101. Coordinate the overall implementation of CAA requirements. Ensure that all Marine Corps activities comply with current federal, state, and local air pollution control requirements.

040102. Coordinate the review of proposed and final CAA regulations.

040103. Coordinate the review of fines/penalties with the CMC (CL), Office of the Assistant General Counsel, Installations and Environment, and the Office of the DASN(E).

040104. Include requests for resources to meet air pollution control requirements in the Program Objectives Memorandum/budget submissions.

040105. Implement strategies to address ODSs, GHGs, and radon.

040106. Assist installations in resolving disputes with federal, state, local, and foreign regulatory agencies, as required.

040107. Conduct special environmental compliance and protection studies with regard to air quality management to assist in establishing policy or initiating actions.

040108. Ensure, through field visits and the Environmental Compliance Evaluation Program, Marine Corps federal, state, and local air quality requirements.

040109. Track Marine Corps progress toward meeting established air quality goals.

0402 COMMANDING GENERAL (CG)/COMMANDING OFFICER (CO) MARINE CORPS EAST, WEST, PACIFIC, AND NATIONAL CAPITAL REGION

CG/CO Marine Corps East, West, Pacific, and National Capital Region shall identify and promote opportunities for regional environmental initiatives and contracting support to gain efficiencies. Create environmental program efficiencies by collectively funding studies, coordinating common training programs, developing appropriate Memorandums of Agreement between stakeholders (e.g., Marine Corps Training & Education Command installations, Marine Aircraft Wings, Resident Officer In Charge of Construction offices, etc.) and the Region, and facilitating mutual support between installations as practicable.

0403 MARINE CORPS REGIONAL ENVIRONMENTAL COORDINATORS (RECs)

In addition to the responsibilities identified in Volume 2 of this Order, Marine Corps RECs shall:

040301. Coordinate input and comments to all applicable SIPs in their areas of responsibility.

040302. Coordinate ERC trading among Marine Corps facilities.

040303. Function as Marine Corps air pollution episode coordinator within the AQCRs, or portions thereof, under Marine Corps jurisdiction. Air pollution episode coordinators shall ensure that air episode plans and actions are consistent in degree and timing for all Marine Corps activities in the affected episode area and also that the plans and actions are as consistent as possible with plans and actions of other federal activities and state and local air pollution control authorities.

0404 COMMANDING GENERAL (CG)/COMMANDING OFFICER (CO) OF MARINE CORPS INSTALLATIONS AND COMMARFORRES

CG/CO of Marine Corps installations and COMMARFORRES shall:

040401. Identify and submit to the HQMC (LFF)/MCICOM (GF) project documentation and funding requests for air sources that are required to maintain compliance with applicable existing and emerging regulations and permits. Program and budget for personnel, equipment, materials, training, and monitoring are required to comply with air quality management requirements. Pay appropriate federal, state, and local fees. Ensure that the environmental management hierarchy is employed, P2 alternatives evaluated, and life-cycle cost impacts assessed, in evaluating and selecting projects that address compliance requirements.

040402. Ensure that all required federal, state, and local permits are applied for and obtained. Sign or approve for signature: compliance statements/certifications; emission inventory reports; construction and operation permit applications, as required, for construction of all air quality management projects; and applications for permits related to the demolition, preconstruction, and construction phases of projects, unless multi-installation permit applications will be signed by a higher authority. Assist in the preparation of permit applications and studies and sign applications and negotiate conditions with regulatory agencies for operating permits and variances to temporarily operate those sources out of compliance.

040403. Ensure that a base or station order is written to implement specifications set forth in this volume. This requirement can be accomplished either by writing an Environmental Compliance and Protection Standard Operating Procedure document to implement all environmental requirements or by writing a separate base order to implement specifications of this volume alone.

040404. Assure that CAA general conformity rule requirements are satisfied for all applicable Marine Corps actions on the installation.

040405. Survey emission sources to identify potential reductions, and where reductions are made, take reasonable steps to quantify them and acquire ERCs or comparable reduction credits/allowances in accordance with local regulations.

040406. Coordinate ERC requirements/trading/disposition actions in advance with the appropriate REC and CMC (LF)/MCICOM (GF).
040407. Submit, via the chain of command, to the CMC (LF)/MCICOM (GF) all instances in which compliance with fuel standards is impractical.
040408. Maintain current records of physical, operational, and emission characteristics of air emission sources per SECNAV M-5210.1 (Reference (ay)).
040409. Ensure that air episode plans are developed as required, and provide copies of such plans to the REC.
040410. Cooperate with the Marine Corps air pollution episode coordinator, EPA, and state and local air pollution control authorities in executing air episode plans as required for areas under the proclamation of an air pollution emergency.
040411. Ensure that motor vehicles and other mobile sources comply with applicable emission standards and other requirements.
040412. Develop and implement transportation control measures as required by the SIP.
040413. Identify and quantify emissions growth planning requirements, and coordinate them with the REC and regulatory agencies during SIP revision planning activities.
040414. Where applicable, furnish to the appropriate regulatory authority proof of compliance with applicable nondiscriminatory state and local motor vehicle I/M requirements for all vehicles operated on the installation.
040415. Implement and maintain proper adjustments in stationary heating and power plant operations to reduce total emissions and realize fuel savings.
040416. Ensure that CAA-required training and certification is provided to all applicable personnel to meet general awareness and billet-specific training requirements in accordance with Volume 5 of this Order.
040417. Ensure that coordination occurs with the Safety Office when conducting risk evaluations or risk management.
040418. Conduct a radon testing program for all regularly occupied buildings (includes existing and new structures), following NAVRAMP methodology for testing and quality assurance/quality control (Reference (aq)).
040419. Maintain information for each building location on the radon levels and physical characteristics of Marine Corps facilities.

040420. Identify compliance requirements for new construction and projects or modifications required for existing structures.

040421. Identify and submit environmental compliance projects required to bring buildings into compliance.

040422. Establish practices and procedures internally to reduce emissions of ODSs as much as possible.

040423. Provide resources (e.g., tuition, travel, per diem) for training refrigerant and halon technicians on ODS emission reduction, recovery and recycling equipment and ensure compliance with applicable technician certification requirements.

040424. Develop and implement a plan for checking ODS system leaks, tracking periodic leak rate and required equipment replacement, and recycling and reclamation of Class I and Class II ODSs.

040425. Ensure that all buildings are evaluated for the presence of asbestos and proper notifications are provided to regulatory agencies prior to demolition or renovation activities.

0405 COMMANDERS OPERATING ABOARD MARINE CORPS INSTALLATIONS

Commanders operating aboard Marine Corps installations shall:

040501. Comply with all applicable air quality regulations and coordinate with the installation environmental staff for compliance requirements, including the preparation of permit applications and environmental studies.

040502. In accordance with Volume 4 of this Order and existing tenant/host agreements, identify and submit environmental compliance projects that are necessary to bring air sources into compliance.

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VOLUME 6: APPENDIX A

“FEDERAL STATUTES, FEDERAL REGULATIONS, EXECUTIVE ORDERS, AND DOD POLICIES”

SUMMARY OF SUBSTANTIVE CHANGES

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APPENDIX A
FEDERAL STATUTES, FEDERAL REGULATIONS, EXECUTIVE ORDERS, AND DOD
POLICIES

1 FEDERAL STATUTES

- a. Clean Air Act (CAA) of 1963, as amended, (42 U.S.C. 7401 et seq.)

The CAA's purpose is "to protect and enhance the quality of the nation's air resources so as to promote public health and welfare and the productive capacity of its population." CAA regulates air emissions from stationary and mobile sources. CAA establishes National Ambient Air Quality Standards (NAAQS) for six common air pollutants ("criteria pollutants") and requires states to institute controls with established air quality control regions to achieve the NAAQS. CAA requires U.S. Environmental Protection Agency (EPA) to establish necessary air quality control where states fail to do so; mandates EPA to regulate 188 identified hazardous air pollutants; and implements the Montreal Protocol on Ozone Depleting Sources (ODSs), mandating phase-out of ODS production, prohibiting intentional venting of ODS refrigerants during appliance servicing, and requiring technician certification. CAA requires federal agencies to comply with federal, state, interstate, and local air pollution requirements in the same manner, and to the same extent as any nongovernmental entity. Installations typically have numerous sources of air pollutant emissions that are regulated and may require permits for construction and or operation. In addition, emissions from facility operations are of special concern in areas that do not meet air quality standards. Maintaining clean air can consist of preventing new sources of pollution or reducing or eliminating pollutant emissions from existing sources.

- b. Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986, 42 U.S.C. 11001 et seq.

This Act, also known as Title III of the Superfund Amendments and Reauthorization Act, focuses on the hazards associated with the release of hazardous substances (HS) into the environment. Most notably, specific sections of EPCRA require the immediate notification of releases of extremely HS and CERCLA-defined HS to state and local emergency response planners. EPCRA requires state and local coordination in planning response actions to chemical emergencies. The Act also requires certain industries to submit information on chemical inventories and fugitive emissions. See Volume 7 of this Order for detailed requirements.

- c. The Alternative Motor Fuels Act of 1988, as amended (Public Law 100-494)

Congress passed the Alternative Motor Fuels Act to achieve long-term energy security and to improve air quality. A portion of the new vehicles the federal government acquires each year shall be alternative fuel vehicles in order to encourage the production of these vehicles for consumer use under this Act.

- d. The Energy Policy Act (EPAct) of 2005, 42 U.S.C. 15801 et seq.

EPAct amends numerous provisions of the U.S.C., covering topics in the areas of energy and water conservation, alternative energy sources, reduction in fossil fuel use, and sustainable building design. It includes specific procurement requirements for energy efficient products and the increased use of cement and concrete with recovered mineral content. EPACT seeks to enhance the Nation's long-term energy security by reducing dependency on imported oil and by improving energy efficiency. EPACT establishes a federal leadership strategy that encourages automobile manufacturers and fuel suppliers to expand the commercial availability of alternative fuels and vehicles. Under EPACT, federal agencies shall acquire increasing numbers of AFVs.

e. Toxic Substances Control Act (TSCA) of 1976, 15 U.S.C. 2601 et seq.

This Act provides for the federal regulation of chemical substances that present a hazard to health or the environment. In TSCA, the section on Indoor Radon Abatement requires federal departments to conduct a study of radon levels in federal buildings and to provide results of the study to EPA. EPA has submitted to Congress a consolidated report on radon levels in federal buildings. Congress is considering new legislation for federal departments as part of a comprehensive radon abatement program.

f. Energy Independence and Security Act (EISA) of 2007, Public Law 110-140

This Act seeks to move the United States toward greater energy independence and security; to increase the production of clean renewable fuels; to protect consumers; to increase the efficiency of products, buildings, and vehicles; to promote research on and deploy greenhouse gas capture and storage options; and to improve the energy performance of the federal government. The Act requires federal agencies to: reduce petroleum consumption and increase alternative fuel consumption for federal fleet vehicles; increase energy and water efficiency in federal buildings; and promote high-performance green federal buildings, the procurement of energy efficient products, and their inherent environmental benefits.

VOLUME 7

“EMERGENCY PLANNING AND RESPONSE”

SUMMARY OF VOLUME 7 CHANGES

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- (a) 42 U.S.C. 11001
- (b) Page 28642 of Volume 61, Federal Register, June 5, 1996 (61 FR 28642)
- (c) 33 U.S.C. 1251
- (d) 33 U.S.C. 2701
- (e) 42 U.S.C. 9601
- (f) 42 U.S.C. 6901
- (g) 42 U.S.C. 7401
- (h) E.O. 12088, "Federal Compliance with Pollution Control Standards," October 13, 1978
- (i) 7 U.S.C. 136
- (j) 33 U.S.C. 1401
- (k) Public Law 89-272, "Solid Waste Disposal Act of 1965," October 20, 1965
- (l) 42 U.S.C. 300f
- (m) 15 U.S.C. 2601
- (n) E.O. 12580, "Superfund Implementation," January 23, 1987
- (o) E.O. 12777, "Implementation of Section 311 of the Federal Water Pollution Control Act of 1972, as amended, and the Oil Pollution Act," October 18, 1991
- (p) E.O. 13693, "Planning for Federal Sustainability in the Next Decade," March 19, 2015
- (q) Council on Environmental Quality, "Instructions for Implementing E.O. 13693: Planning for Federal Sustainability in the Next Decade," June 10, 2015
- (r) 40 CFR 300
- (s) 40 CFR 112
- (t) 33 CFR 154
- (u) 49 CFR 194
- (v) 30 CFR 254
- (w) 40 CFR 68
- (x) 40 CFR 264
- (y) 40 CFR 265
- (z) 29 CFR 1910
- (aa) 49 CFR 130
- (ab) OPNAV Instruction 5090.1C, Chapter 15, "Hazardous Waste Management Ashore," October 30, 2007
- (ac) 40 CFR 58
- (ad) SECNAV M-5210.1
- (ae) 40 CFR 70
- (af) 40 CFR 71
- (ag) 40 CFR 355
- (ah) 40 CFR 370
- (ai) Department of Transportation, "National Preparedness for Response Exercise Program (PREP) Guidelines," August 2002
- (aj) 40 CFR 110
- (ak) 40 CFR 117
- (al) 40 CFR 116
- (am) 33 CFR 153
- (an) 40 CFR 302

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- (ao) 40 CFR 310
- (ap) 43 CFR 11
- (aq) 15 CFR 990
- (ar) 42 U.S.C. 4321
- (as) 40 CFR 280
- (at) 49 CFR 171
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- (aw) 46 CFR 7
- (ax) 33 CFR 80
- (ay) 40 CFR 113

VOLUME 7: CHAPTER 1

“SCOPE”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 1

SCOPE

0101 **PURPOSE**

This Volume establishes Marine Corps policy and responsibilities for compliance with statutory requirements for emergency planning and response. This Volume also identifies procedures for preventing oil discharges and hazardous substance (HS) releases to the air, land, and water and providing proper training for release response operations. It outlines the Marine Corps organizational structure for response to its own spills as well as to non-Marine Corps spills that occur on and off an installation. Finally, this Volume identifies the responsibilities of installation commanders; handlers of petroleum, oil, and lubricants and HSs; and response team members.

0102 **APPLICABILITY**

010201. See Volume 1, paragraph 0102.

010202. For Marine Corps activities outside the continental United States (OCONUS), international oil pollution laws require that marine oil spills that impact, or may impact, the waters or shoreline of any coastal nation shall be reported immediately to proper authorities in that nation.

0103 **BACKGROUND**

010301. Provisions within the major statutes, as described below, recognize the need for emergency planning for uncontrolled releases of pollutants to the Nation's air, land, and water. Accordingly, these statutes require facilities with the potential for such releases to develop procedures to prevent releases, to provide written emergency procedures, and to implement the response provisions in the event of a release. Further, Sections 11001 et seq. of Title 42, United States Code (42 U.S.C. 11001 et seq.) (also known and referred to in this Order as "Emergency Planning and Community Right-to-Know Act" (EPCRA)) (Reference (a)) requires that comprehensive information be provided to the public about potential hazards associated with toxic, hazardous, and extremely hazardous chemical releases.

010302. Many of these statutes contain overlapping requirements to prepare emergency plans and procedures, training, and recordkeeping and reporting. The National Response Team (NRT), on June 5, 1996, published its Integrated Contingency Plan (ICP) Guidance contained in Page 28642 of Volume 61, Federal Register (61 FR 28642) (Reference (b)), enabling facilities to meet multiple plan requirements in a single plan. Marine Corps installations are encouraged, as appropriate, to use this guidance.

010303. Many state regulatory programs contain provisions for oil and hazardous substance (OHS) spill contingency planning and for notification to state and local authorities when OHS spills occur. Most state regulations complement the federal OHS spill contingency planning and response efforts. However, some state regulations are more stringent than the federal requirements. Each Marine Corps installation should obtain copies of its respective state regulations to determine if it is subject to state requirements that go beyond the federal laws and regulations outlined herein.

VOLUME 7: CHAPTER 2

“AUTHORITY”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 2

AUTHORITY

0201 **FEDERAL STATUTES**

020101. Water Quality Act of 1965 (Public Law 89-234); Water Quality Improvement Act of 1970 (Public Law 91-224); Federal Water Pollution Control Act of 1972, as Amended (33 U.S.C. 1251 et seq.); and Clean Water Act (CWA) of 1977, as Amended (33 U.S.C. 1251 et seq.).

020102. Oil Pollution Act of 1990 (33 U.S.C. 2701 et seq.).

020103. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as Amended (42 U.S.C. 9601 et seq.).

020104. Resource Conservation and Recovery Act (RCRA) of 1976 (42 U.S.C. 6901 et seq.).

020105. Clean Air Act (CAA) of 1970, as Amended (42 U.S.C. 7401 et seq.).

020106. EPCRA of 1986 (42 U.S.C. 11001 et seq.).

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VOLUME 7: CHAPTER 3

“REQUIREMENTS”

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CHAPTER 3

REQUIREMENTS

0301 GENERAL

030101. Statutory Requirements

The statutes discussed in paragraph 0201 require regulated Marine Corps-owned and -operated activities to develop and implement various emergency response plans (ERPs) and to conduct related activities:

A. Spill prevention, control, and countermeasure (SPCC) plans mandated by 33 U.S.C. 1251 et seq. (also known and referred to in this Order as CWA as amended) (Reference (c)).

B. Facility response plans (FRPs) mandated by 33 U.S.C. 2701 et seq. (also known and referred to in this order as “Oil Pollution Act”) (Reference (d)).

C. OHS spill contingency plans (OHSSCPs) mandated by the CWA and by 42 U.S.C. 9601 et seq. (also known as CERCLA as amended) (Reference (e)).

D. Hazardous waste (HW) facility contingency plans mandated by 42 U.S.C. 6901 et seq. (also known as RCRA as amended) (Reference (f)).

E. Air emissions RMPs mandated by 42 U.S.C. 7401 et seq. (also known as CAA as amended) (Reference (g)).

F. Notifying the State Emergency Response Commission (SERC) that the facility is subject to emergency planning requirements, designating a Facility Emergency Coordinator (FEC), and notifying the Local Emergency Planning Committee (LEPC) of the FEC's identity as mandated by Reference (a).

G. Participating in development of a community comprehensive emergency response plan mandated by Reference (a).

H. Filing an Emergency and Hazardous Chemical Inventory Form mandated by Reference (a).

I. Filing a Toxic Release Inventory (TRI) Reporting Form (Form R) mandated by Reference (a).

030102. Regulatory Requirements

This section discusses regulations promulgated by various federal agencies to implement the statutory requirements identified above. These agencies include the U.S. Environmental Protection Agency (EPA), the United States Coast Guard, the Department of Transportation (DOT) Pipeline and Hazardous Materials Safety Administration (PHMSA), the Department of the Interior (DOI) Bureau

of Safety and Environmental Enforcement (BSEE), the Occupational Safety and Health Administration (OSHA), the National Oceanic and Atmospheric Administration (NOAA), and the DOI U.S. Fish and Wildlife Service (USFWS).

030103. Executive Order (E.O.) Requirements

Several Executive Order (E.O.s) issued by the President direct executive agencies, including the military departments, to comply with applicable requirements of federal laws. The E.O.s pertaining to emergency planning and response are as follows:

A. E.O. 12088 (Reference (h)) requires federal facilities to comply with pollution control requirements pursuant to References (c), (f), and (g), 7 U.S.C. 136 et seq. (also known and referred to in this order as “Federal Insecticide, Fungicide, and Rodenticide Act,” (FIFRA) as amended) (Reference (i)), 33 U.S.C. 1401 et seq. and 16 U.S.C. 1431 et seq. (also known and referred to in this order as “Marine Protection Research and Sanctuaries Act,” as amended) (Reference (j)), Public Law 89-272, “Solid Waste Disposal Act of 1965,” (Reference (k)), 42 U.S.C. 300f et seq. (also known and referred to in this order as “Safe Drinking Water Act”) (Reference (l)), and 15 U.S.C. 2601 et seq. (also known and referred to in this order as “Toxic Substances Control Act” (TSCA)) (Reference (m)).

B. E.O. 12580 (Reference (n)) designates federal agencies that form the NRT. In addition to placing the Department of Defense (DoD) on the NRT, the President designates the Secretary of Defense (SECDEF) as a federal trustee for natural resources. The President further delegates response authorities for releases or threatened releases from or on federal facilities to the SECDEF.

C. E.O. 12777 (Reference (o)) amends Reference (n) to implement provisions of Reference (d). Reference (o) also delegates the President's responsibilities for promulgating regulations pertaining to oil FRPs to the EPA Administrator and to the Secretary of the department in which the Coast Guard operates.

D. E.O. 13693 (Reference (p)) and Council on Environmental Quality “Instructions for Implementing E.O. 13693, Planning for federal Sustainability in the Next Decade,” June 10, 2015 (Reference (q)) require all installations to comply with sections 301-313 of Reference (a).

030104. Department of Defense (DoD) Requirements

Several directives and instructions issued by DoD, mandating the military departments to comply with applicable requirements of federal laws, pertain to emergency planning and response as follows:

A. Oil and Hazardous Substance (OHS) Pollution Prevention and Contingency Program

A DoD OHS Pollution Prevention and Contingency Program is required of DoD installations for responding to OHS discharges in a manner consistent with Part 300 of Title 40, Code

of Federal Regulations (40 CFR 300) (also known and referred to in this order as “National Oil and Hazardous Substance Pollution Contingency Plan”) (Reference (r)). Regulated installations shall develop and implement SPCC plans and OHSSCPs.

B. Environmental Compliance

See Volume 4 of this Order for information on policy, responsibility, and procedures for achieving compliance with applicable E.O.s and federal, state, interstate, regional, and intrastate statutory and regulatory environmental requirements. DoD policy identifies the Department of the Navy as the DoD Executive Agent for the NRT and Regional Response Team (RRT).

C. Environmental Management

See Volume 2 of this Order for information on how emergency planning and response is required part of an effective installation Environmental Management System.

030105. Integrated Contingency Plan (ICP) Guidance

A. The NRT, in conjunction with representatives from state and local agencies, industry, and environmental groups, developed the ICP Guidance contained in Reference (b) to provide facilities with a way to consolidate multiple contingency plans into a single functional response plan. The EPA, DOT, DOI, and OSHA signed the ICP Guidance and agree that integrated response plans prepared in the format provided by Reference (b) will be acceptable and will be the federally preferred method of response planning.

B. The purposes of the ICP Guidance are to:

1. Provide a mechanism for consolidating multiple FRPs into one plan that can actually be used in an emergency.
2. Improve coordination of planning and response activities within the facility and with public and commercial responders.
3. Minimize duplication and simplify plan development and maintenance.

C. The ICP Guidance addresses planning requirements in the following federal regulations:

1. Sections 20 and 21 of 40 CFR 112 (Reference (s)), subpart F of 33 CFR 154 (Reference (t)), and 49 CFR 194 (Reference (u)), and 30 CFR 254 (Reference (v)).
2. Subpart G of 40 CFR 68 (Reference (w)), Reference (s), and subpart D of 40 CFR 264 (Reference (x)), and 40 CFR 265 (Reference (y)).
3. Sections 38, 119, and 120 of 29 CFR 1910 (Reference (z)).

D. The ICP Guidance format includes the following three sections:

1. Plan introduction.
2. A core plan that serves as the primary response tool.
3. A series of annexes that provide more detailed supporting information and regulatory compliance documentation.

E. The ICP Guidance format is based upon the Incident Command System (ICS). This organization allows the plan to dovetail with established response management practices, thereby promoting its usefulness in an emergency. The ICP Guidance format also promotes a system of linkages to facilitate coordination with other facility plans as well as external plans, such as the LEPC Comprehensive Emergency Response Plan and the Oil Pollution Act Area Contingency Plan (ACP).

F. Obtain copies of ICP Guidance via the Superfund, TRI, EPCRA, RMP & Oil Information Center through the EPA website.

030106. Protective Booming

Protective booming strategies shall be developed and implemented for petroleum, oil, and lubricant transfer operations when any of the following conditions exist:

- A. Protective booming is required by law or regulation.
- B. The nature or volume of fuels to be transferred is of sufficient magnitude that prudent operational risk management dictates that protective booming is required.
- C. When environmentally sensitive areas are likely to be negatively impacted in the event of a spill.
- D. When a potential spill could generate significant negative public perception or so adversely affect political relations with a host nation or local jurisdiction that continued port access may be jeopardized.

0302 SPILL PREVENTION, CONTROL, AND COUNTERMEASURE (SPCC)

Refer to Volume 18 of this Order for SPCC requirements.

0303 FACILITY RESPONSE PLANS (FRPs)

030301. Purpose

The purpose of an FRP is to assure that appropriate successful removal actions can and will be initiated in response to oil discharges.

030302. Facilities Required to Prepare Facility response plans (FRPs)

Reference (d) amended section 311(d) of Reference (c) to require facilities to prepare contingency plans for “worst case” discharges and to demonstrate response capabilities through planning, equipment, training, and exercises. Facilities that store, transport, or handle oil and meet the threshold requirements of Reference (d) shall develop an FRP and review/revise the FRP within 60 days of each facility change that materially may affect the response to a worst case discharge. Facilities, as defined in Reference (d), subject to these requirements include the following:

- A. Non-transportation-related onshore facilities, regulated by EPA in section 20 of Reference (s).
- B. Marine transportation-related facilities, regulated by the Coast Guard in Reference (t).
- C. Facilities that manage bulk packaging containing oil, regulated by the DOT PHMSA in 49 CFR 130 (Reference (aa)).
- D. Onshore oil pipelines, regulated by the PHMSA in Reference (u).
- E. Offshore facilities and pipelines, regulated by the DOI BSEE in Reference (v).

030303. Non-transportation-Related Onshore Facilities

A. Reference (d) required facilities to submit oil response plans to EPA by February 18, 1993. Reference (d) also stated that a facility may operate without an EPA-approved response plan for up to two years after the facility submits the plan for review, provided that the owner or operator has certified, by contract or other approved means, the personnel and equipment availability necessary for a worst case discharge response.

B. EPA regulations in section 20 of Reference (s) require the owner or operator of any non-transportation-related onshore facility that, because of its location, might cause substantial harm to the environment by discharging oil into or upon navigable waters of the United States or adjoining shorelines to prepare an FRP that satisfies the requirements of section 20 of Reference (s), and to submit the plan to the cognizant EPA Regional Administrator.

C. Facilities that meet the following criteria, when applied in accordance with the flowchart in attachment C-I in Appendix C of section 20 of Reference (s), shall prepare and submit a response plan and conform to all applicable requirements in section 20 of Reference (s):

1. A facility that transfers oil over water to or from vessels and has a total storage capacity greater than or equal to 42,000 gallons (gal).
2. A facility with a total oil storage capacity greater than or equal to 1 million gal and which meets one of the four criteria provided in sections 12(f)(1)(ii)(A)-(D) of Reference (s).

D. The owner or operator of a facility located aboard a Marine Corps installation who determines that the facility, because of its location, is not expected to cause substantial harm to the environment by discharging oil into or upon United States navigable waters or adjoining shorelines shall complete and maintain at the facility the certification form contained in Appendix C of Reference (s). The owner/operator should also send a copy to the cognizant regulatory agency.

E. As required in section 20(g) of Reference (s), an FRP shall be consistent with the requirements of Reference (r) and the applicable ACP. It should also be coordinated with the local community emergency response plan developed by the LEPC pursuant to Reference (a). The facility shall review annually the relevant portions of Reference (r) and applicable ACP and, if necessary, revise its plan to ensure consistency with the two. Figure 3-1 depicts the relationships of these plans with the FRP.

F. The FRP shall follow the format outlined in Appendix F of section 20 of Reference (s). If it does not, the plan should at least include an emergency response action plan, as set forth in section 20(h)(1) of Reference (s), and be supplemented with a cross-reference section to identify the location of elements listed in paragraphs (h)(2) through (h)(10) of section 20 of Reference (s).

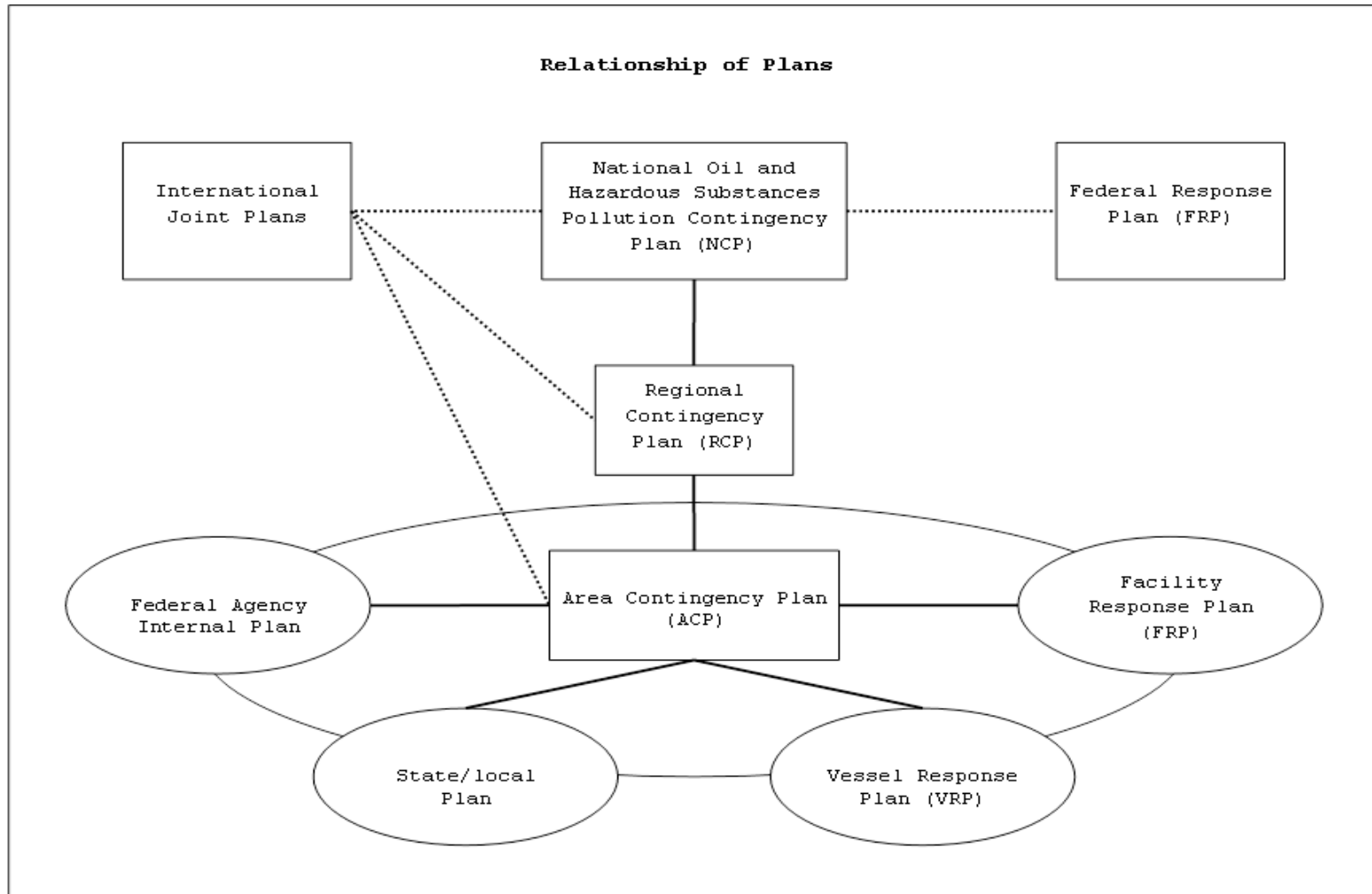


Figure 3-1.--Relationships of Contingency and Response Plans

030304. Marine Transportation-Related Onshore Facilities

A. Pursuant to Coast Guard regulations in Reference (t), an oil FRP is required of the owner or operator of any mobile or fixed facility that is capable of transferring bulk oil or hazardous material (HM) to or from a vessel with a capacity of 250 barrels (10,500 gal) or more and which, because of its location, might cause substantial harm to the environment by discharging oil into or upon navigable waters of the United States or adjoining shorelines.

B. The FRP shall follow the format outlined in subpart F of Reference (t) and shall be submitted to the appropriate Captain of the Port.

C. Section 1041 of Reference (t) contains specific response information which mobile facilities shall maintain.

D. As required in section 1050 of Reference (t), the response plan shall identify the training to be provided to each individual with responsibilities pursuant to the plan. It also shall detail the type and frequency of response drills to be conducted pursuant to the plan, which are specified in section 1055 of Reference (t). See section 1057 of Reference (t) for spill response equipment inspection and maintenance requirements.

030305. Bulk Packaging Containing Oil

A. PHMSA regulations in section 1 of Reference (aa) prescribe prevention, containment, and response requirements of the DOT applicable to oil transportation. Intended to prevent and contain spills of oil during transportation, these regulations apply to any petroleum oil in bulk packaging (i.e., cargo tanks, tank trucks, railroad tank cars, and portable tank cars), shipments with capacities of 3,500 gal or more, and oil bulk packaging shipments of 42,000 gal or more. This regulation applies to Marine Corps fuel storage and transportation equipment, such as 5,000-gal fuel tankers.

B. PHMSA regulations in sections 11 and 31 of Reference (aa) prohibit any person, including Marine Corps units and activities, from transporting oil in bulk packaging unless a readily available document indicating that the shipment contains oil is in the possession of the transport vehicle operator during transportation and the vehicle operator has a current written response plan. The regulations do not require the plan to be submitted to PHMSA unless the bulk packaging is greater than 42,000 gal.

C. As specified in section 31 of Reference (aa), the plan shall:

1. Describe the necessary response methods in the event of a discharge during transportation.
2. Account for the maximum potential discharge.
3. Identify who will respond to the discharge.

4. Identify the appropriate persons and agencies, including the National Response Center (NRC), to be contacted in the event of a discharge, along with their telephone numbers.

D. The owning unit or activity shall maintain a copy of the plan at its headquarters location and at each location where vehicle dispatching occurs.

E. Marine Corps installations through which a railroad passes that transport oil by train should request a copy of the railroad's response plan for the response zone in which the installation is located.

030306. Onshore Oil Pipelines

A. PHMSA regulations in Reference (u) require the owner or operator of any onshore pipeline that, because of its location, might cause substantial harm to the environment by discharging oil into or upon navigable waters of the United States or adjoining shorelines to prepare FRP that satisfies the requirements in section 20 of Reference (s) and to submit an FRP to PHMSA. Section 101 of Reference (u) specifies exceptions to this requirement.

B. Pipeline operators shall determine the worst case discharge in each response zone according to procedures specified in section 105 of Reference (u).

C. The FRP shall meet the requirements prescribed in section 107 of Reference (u), contain the information summary requirements specified in section 113 of Reference (u), and list response resources as required in section 115 of Reference (u).

D. Section 121 of Reference (u) specifies that response plans shall be reviewed every five years.

E. Marine Corps installations through which commercially-owned or -operated oil or HS pipeline pass should request a copy of the pipeline operator's response plan for the response zone(s) in which the installation is located.

030307. Oil Complexes

Oil complexes that are subject to the requirements of more than one federal agency and are required to develop response plans under each agency's regulations, can prepare a single plan using Reference (b), as discussed in paragraph 030105 of this Order. The plan can be supplemented with a cross-reference section to identify the locations of all required elements for each agency's regulation and, in the case of EPA requirements, include an emergency response action plan as specified in section 20(h)(1) of Reference (s). The plan should be submitted to each of the regulatory agencies.

030308. Reference

For more information on FRPs, refer to Office of the Chief of Naval Operations Instruction 5090.1C, Chapter 15 (Reference (ab)).

0304 OIL AND HAZARDOUS SUBSTANCE SPILL CONTINGENCY PLANS (OHSSCPs)

030401. Purpose

The purpose of an OHSSCP is to identify those areas where spill incidents are likely to occur and to predetermine responses appropriate to future spills and releases.

030402. Facilities Required to Prepare OHSSCPs

Any facility that stores oil or HSs and does not meet federal requirements for preparing an FRP (regardless of similar state requirements) shall maintain an OHSSCP, pursuant to Reference (r).

030403. On-Scene Coordinator (OSC) Planning Responsibilities

A. Section 120(c) of Reference (r) predesignates DoD as the federal OSC for HS releases when the release is on, or the sole source of the release is from, any DoD facility or vessel. The federal OSC directs response efforts and coordinates all other efforts at the scene of a discharge or release. In section 120(d) of Reference (r), DoD is also designated as the removal response authority for incidents involving DoD military weapons. Additionally, CERCLA enables federal OSCs to conduct cleanup.

B. Since DoD does not provide federal OSCs for DoD component HS releases, the individual services predesignate and provide their own federal OSCs. The Commandant of the Marine Corps, Facilities and Services Division (CMC (LF))/Marine Corps Installations Command, Facilities Division (MCICOM) (GF)) has designated each installation's Commanding General/Commanding Officer (CG/CO) to serve as the federal OSC for Marine Corps HS releases originating aboard or threatening the installation. This authority may not be delegated. Figures 3-2 and 3-3 show the personnel relationships of the Marine Corps OSC for oil and HS pollution response incidents, respectively.

C. As the federal OSC, the installation CG/CO should predesignate an On-Scene Commander (OSCDR) to manage and direct all response operations for the activity. The OSCDR should be accustomed to obligating and managing resources. The OSCDR leads the On-Scene Operations Team (OSOT); establishes a spill reporting center; notifies OSOT members of a spill; provides the initial response, containment, and emergency functions; delegates appropriate duties to support personnel; and keeps the installation DoD/Command Duty Officer informed.

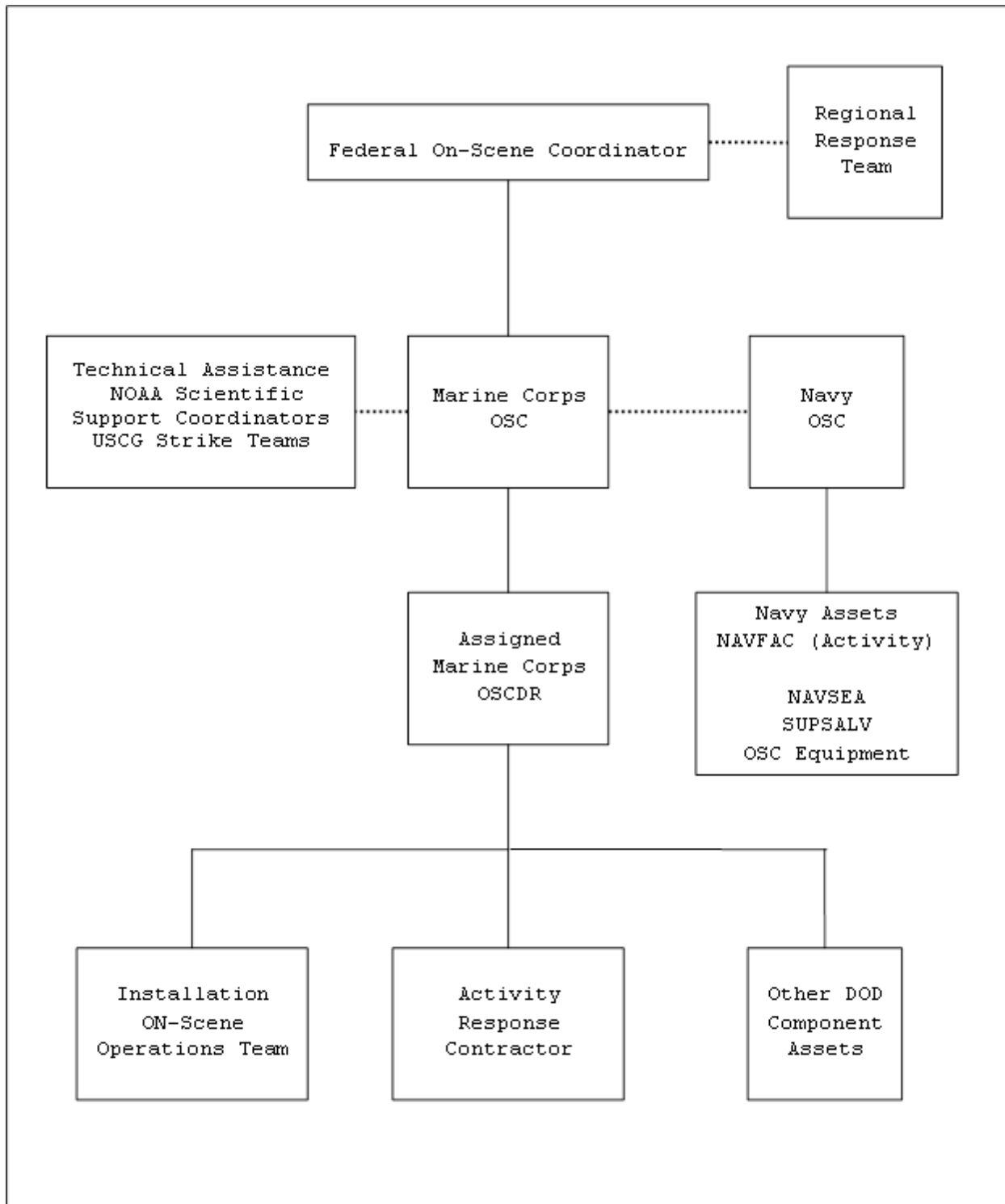


Figure 3-2.--Marine Corps Oil Pollution Response Organization

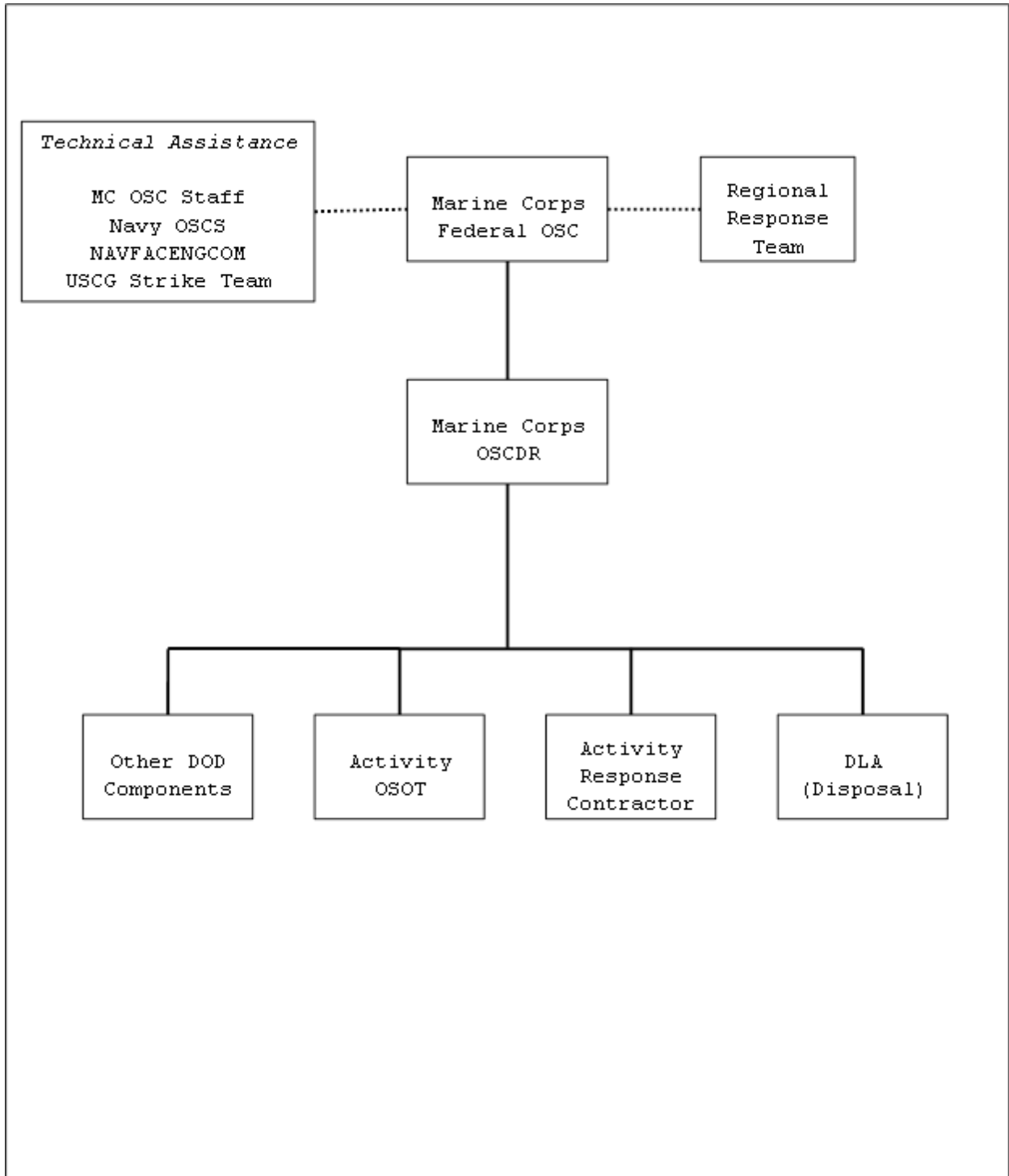


Figure 3-3.--Marine Corps HS Pollution Response Organization

D. In accordance with CWA and CERCLA, for oil releases, the federal OSC is the Coast Guard for coastal zones (releases into or upon the navigable waters of the United States, its contiguous zone (generally within 12 nautical miles of U.S. shores), and adjacent shorelines.) or EPA for inland zone releases. Agreements between EPA and the Coast Guard define the boundaries for federal response actions as identified in federal regional contingency plans.

E. Regulated installations shall develop and implement OHSSCPs. These plans shall be consistent with the relevant ACPs, as discussed in section 210 of Reference (r).

030404. Plan Contents

A. The OHSSCP shall be consistent with the applicable ACP as discussed in section 210 of Reference (r). To obtain a copy of the local ACP, installations located in the inland zone should contact the appropriate EPA regional office while installations located in the coastal zone should contact the appropriate Coast Guard Captain of the Port. Figures 3-4 and 3-5 display EPA Regions and Coast Guard Districts, respectively.

B. The OHSSCP should be compatible and coordinated with the LEPC Comprehensive Emergency Response Plan for the adjacent community. Compatibility is important because a Marine Corps incident could threaten surrounding areas and local agencies may need to request trained Marine Corps response personnel to assist during a nonmilitary incident. Marine Corps installations should contact the LEPC to obtain a copy of its response plan.

C. The OHSSCP should include information from RCRA facility plans for those facilities located aboard the installation.

030405. Plan Certification

OHSSCPs shall be approved by the installation CG/CO.

030406. Plan Amendments

The OHSSCP should be reviewed annually to incorporate any changes that have occurred in facilities aboard the installation, in the response organization, or in related plans.

030407. References

For guidance on developing and implementing OHSSCPs, refer to Reference (ab).

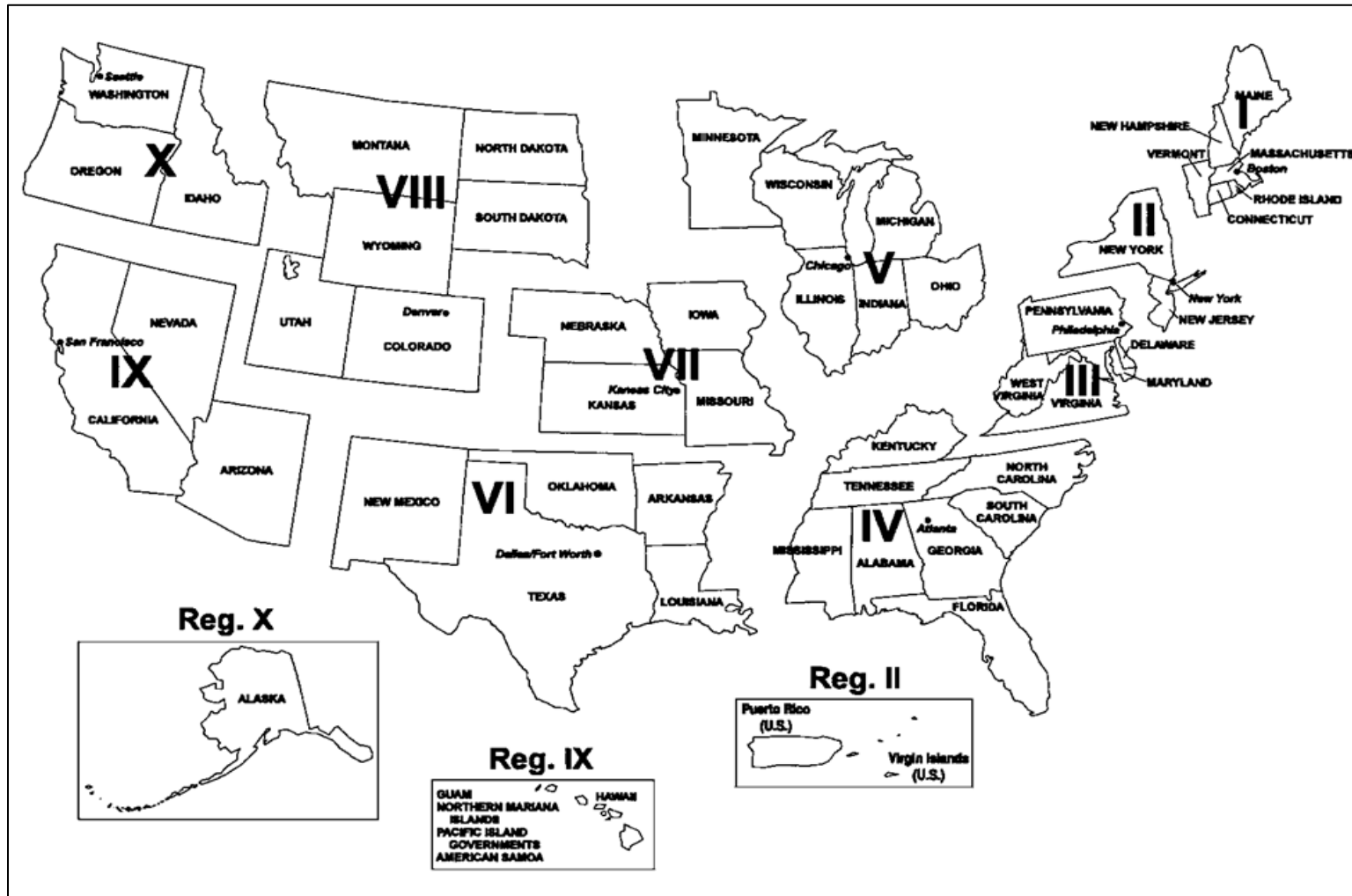


Figure 3-4.--Standard Regional Boundaries of EPA

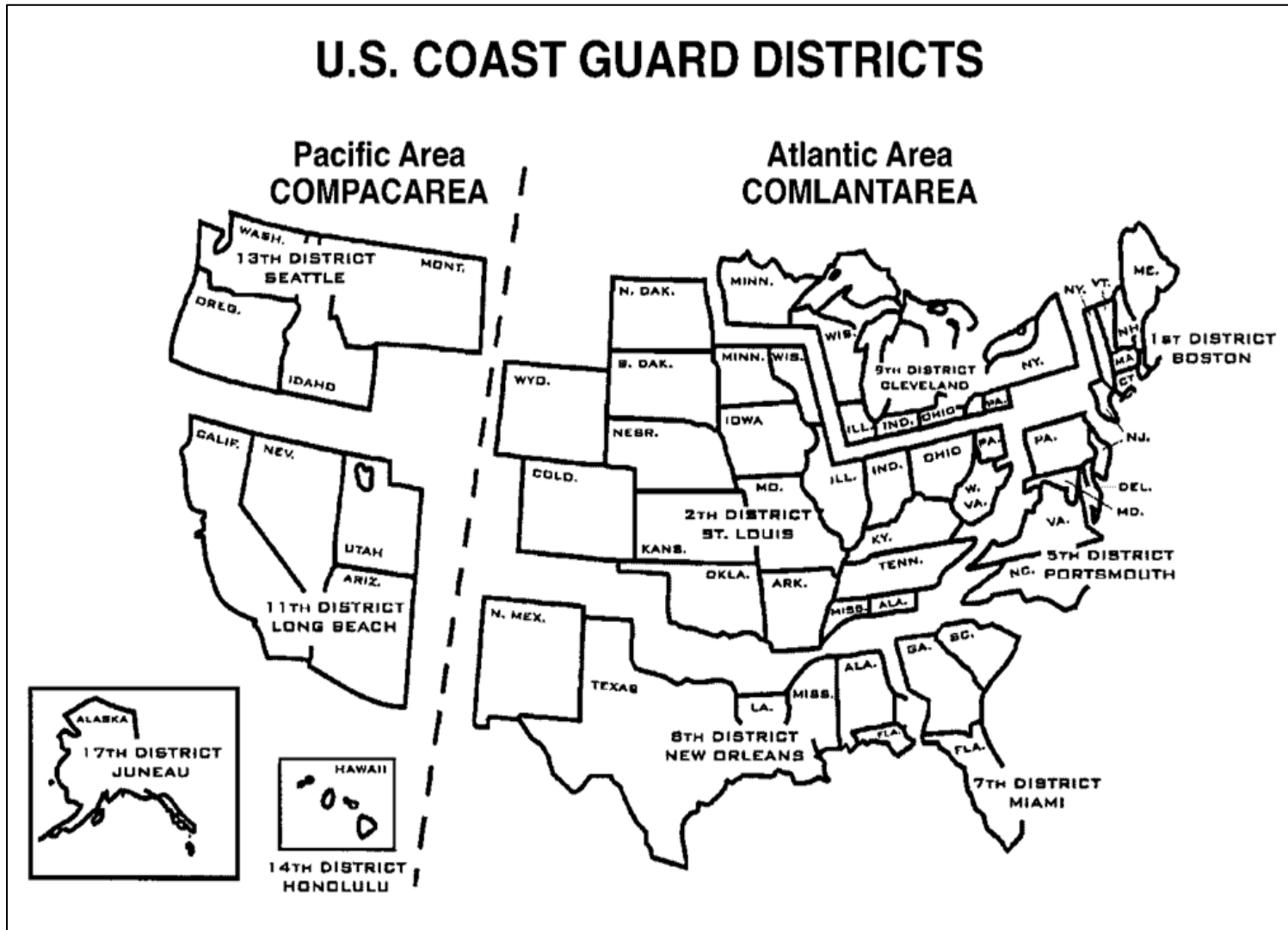


Figure 3-5.—United States Coast Guard District Boundaries

0305 RESOURCE CONSERVATION AND RECOVERY ACT (RCRA) FACILITY CONTINGENCY PLANS

030501. Purpose

RCRA facility contingency plans exist to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of HW or HW constituents to air, soil, or surface water.

030502. Regulated Facilities

Owners and operators of permitted HW treatment, storage, and/or disposal facilities shall develop contingency plans in accordance with section 51 of Reference (x). Large quantity generators are also required to have formal written contingency plans and emergency procedures in the event of a spill or release pursuant to section 50 of Reference (y).

030503. Plan Contents

A. Section 52 of Reference (x) specifies the contingency plan's contents. In particular, the plan shall describe the actions that facility personnel shall take to be in compliance with the emergency procedures specified in section 56 of Reference (x).

B. The contingency plan shall include:

1. Personnel response action to fires, explosions, or unplanned sudden or non-sudden releases of HW.
2. Coordination of emergency response services with local and state entities.
3. Names, addresses, and phone numbers of emergency coordinators.
4. Emergency equipment at the facility (including location, physical description, and capabilities).
5. An evacuation plan.

C. If the activity already has a certified oil SPCC plan that complies with applicable requirements in section 7 of Reference (s), or a compliant OHSSCP, the existing plan can be amended, as noted in section 52(b) of Reference (x), to incorporate HW management provisions into the existing oil SPCC or OHSSCP plan.

D. The contingency plan also should incorporate OSHA requirements in section 120(p) of Reference (z) for an emergency response plan to protect facility operators. These requirements include:

1. Procedures for conducting pre-emergency planning and coordination with outside parties such as the SERC, LEPC, and local emergency response teams.

2. Personnel roles, lines of authority/command, and lines of communication.
3. Emergency recognition and prevention schemes.
4. Safe distances and places of refuge during an emergency situation.
5. Site security and access control.
6. Evacuation routes and procedures.
7. Decontamination procedures.
8. Emergency medical treatment and first aid.
9. Emergency alert and response procedures.
10. Critique of response actions and follow-up discussions.
11. Use of personal protective equipment and emergency equipment.

030504. Plan Certification

A. If the contingency plan is incorporated into an oil SPCC plan, it shall be recertified by a registered Professional Engineer (PE). Subsequently, the plan shall be reviewed, updated, and recertified by a registered PE at 3-year intervals. Tier I or II Qualified Facilities may self-certify SPCC plans in accordance with section 6 of Reference (s).

B. If the contingency plan is incorporated into an OHSSCP, it does not require certification by a registered PE. However, it shall be approved by the installation CG/CO.

030505. Plan Availability

A. As required by section 53 of Reference (x), maintain complete copies of the contingency plan and all revisions at the subject facility and submit it to all local police and fire departments, hospitals, and state and local emergency response teams that may provide assistance.

B. Provide copies of the plan to the installation fire department, the Provost Marshal's Office, the explosive ordnance demolition detachment, the Naval hospital or health clinic, and the public affairs office.

030506. Plan Amendments

Pursuant to section 54 of Reference (x), the owner or operator of a facility shall amend its contingency plan whenever one of the following occurs:

- A. The facility HW operating permit is revised.

- B. The plan fails in an emergency.
- C. The facility changes in its design, construction, operation, maintenance, or other circumstance in a manner that materially increases the potential for fires, explosions, or releases of HW or HW constituents, or in a manner that changes the type of emergency response necessary.
- D. The list of emergency coordinators changes.
- E. The list of emergency equipment changes.

030507. Reference

For information on incorporating HW management provisions into an existing SPCC plan or OHSSCP, refer to Reference (ab).

0306 CLEAN AIR ACT (CAA) RISK MANAGEMENT PLAN (RMP)

030601. Purpose

A CAA RMP provides facilities with an integrated approach to identifying and managing the hazards to human health or the environment posed by CAA-regulated substances. Section 130 of Reference (w) contains the list of regulated substances and threshold quantities for accidental release prevention.

030602. Facilities Required to Implement an RMP

- A. As required in section 10(a) of Reference (w), an owner or operator of a stationary source that has more than a threshold quantity of a regulated substance in a process, as determined by section 115 of Reference (w), shall comply with the RMP requirements no later than the latest of the following dates:
 - 1. June 21, 1999.
 - 2. Three years after the date on which a regulated substance is first listed in section 130 of Reference (w).
 - 3. The date on which a regulated substance is first present above a threshold quantity in a process.
- B. Covered processes fall into one of three program categories, as specified in section 10 of Reference (w):
 - 1. Program 1 for processes with low risk.
 - 2. Program 2 for processes with moderate risk.

3. Program 3 for processes with high risk, such as those in petroleum refineries, chemical manufacturing plants, and pulp mills.

C. A Marine Corps process is eligible for Program 1, as provided in section 12(b) of Reference (w), if it meets all of the following requirements:

1. For the five years prior to the submission of an RMP, the process has not had an accidental release of a regulated substance where exposure to the substance, its reaction products, overpressure generated by an explosion involving the substance, or radiant heat generated by a fire involving the substance led to any of the following events offsite: death, injury, or response or restoration activities for an exposure of an environmental receptor.

2. The distance to a toxic or flammable endpoint for a worst case release assessment conducted in accordance with subpart B and section 25 of Reference (w), is less than the distance to any public receptor, as defined in section 30 of Reference (w).

3. Emergency response procedures have been coordinated between the stationary source and local emergency planning and response organizations.

D. When a covered process no longer meets the eligibility criteria of its program level, the owner or operator shall comply with the requirements of the new program level that applies to the process and update the RMP as provided in section 190 of Reference (w).

E. In accordance with the general requirements specified in section 12 of Reference (w), the owner or operator of a covered stationary source shall submit a single RMP, as provided in sections 150 to 185 of Reference (w). Additional requirements for each of the three program requirements also are contained in section 12 of Reference (w). The RMP shall include a registration that reflects all covered processes.

F. The owner or operator of a stationary source with processes subject to Program 2 or Program 3 requirements shall develop a management system to oversee the implementation of the RMP elements, as required in section 15 of Reference (w).

030603. Hazard Assessment

A. Subpart B of Reference (w) contains requirements for conducting a hazard assessment for each regulated substance present at the stationary source above the threshold quantity. The purpose of each hazard assessment is to evaluate the impact of significant accidental releases of regulated substances on the public and environment.

B. Owners and operators of Program 1 processes shall analyze and report in the RMP one worst case release scenario for each Program 1 process as provided in section 25 of Reference (w) and shall complete the 5-year accident history as provided in section 42 of Reference (w). The owner or operator of a Program 2 or 3 process shall comply with all sections in subpart B for these processes.

030604. Release Prevention Programs

Owners and operators of covered processes shall implement a multi-element prevention program tailored to suit the degree of hazards present at the source and the degree of complexity of the source's operations. While Program 1 facilities have no such requirements, subparts C and D of Reference (w) specify the requirements for Program 2 and Program 3 prevention programs.

030605. Emergency Response Program

Subpart E of Reference (w) contains emergency response requirements for Program 2 and Program 3 processes. An emergency response program is required to prepare for response to, and mitigation of, accidental releases in order to limit the severity of such releases and their impact on the public health and environment.

030606. Regulated Substances for Accidental Release Prevention

Subpart F of Reference (w) designates substances to be listed pursuant to section 112(r) of the Reference (g), identifies their threshold quantities, and establishes the requirements for petitioning to add or delete substances from the list.

030607. RMP

A. The owner or operator shall submit a single RMP that includes the information required by subpart G of 40 CFR 58 (Reference (ac)) for all covered processes to a central point in a method and format as specified by EPA as of the date of submission. The facility owner or operator shall submit the first RMP no later than the latest of the following dates:

1. June 21, 1999.
2. Three years after the date on which a regulated substance is first listed pursuant to section 130 of Reference (w).
3. The date on which a regulated substance is first present above a threshold quantity in a process. Subsequent submissions of RMPs shall be in accordance with section 190 of Reference (w).

B. The RMP shall exclude classified information. Classified data or information excluded from the RMP may be made available in a classified annex to the RMP for review by federal and state representatives who have received the appropriate security clearances.

030608. Recordkeeping, Public Information, Air Permit, and Auditing Requirements

A. The stationary source owner or operator shall retain records supporting the implementation of the RMP. These records shall be retained as specified in section 200 of Reference (w) and pursuant to SECNAV M-5210.1 (Reference (ad)).

B. Although section 210 of Reference (w) requires that the RMP be made available to the public, Marine Corps facilities do not have to disclose classified information except as controlled by applicable laws, regulations, or E.O.s concerning its release.

C. Permit content and air permitting authority or designated agency requirements apply to any stationary source subject to Reference (w) and 40 CFR 70 (Reference (ae)) or 40 CFR 71 (Reference (af)). These requirements are specified in section 215 of Reference (w).

D. The implementing agency can conduct periodic audits of the RMP in addition to requiring revisions when necessary to ensure compliance with subpart G of Reference (w), as specified in section 220 of Reference (w).

0307 EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW (EPCRA) REPORTING

In compliance with Reference (p), sections 2(e)(i), 3(a)(vi), and 3(g) and Reference (q), all federal agencies are required to comply with the provisions in sections 301-304 and 311-313 of Reference (a), all implementing regulations, and future amendments.

030701. EPCRA Section 301

Section 301 requires the establishment of SERCs, emergency planning districts, and LEPCs. In designating emergency planning districts, the SERCs shall indicate which facilities subject to Reference (a) are within the planning district and appoint the members of the LEPC for each emergency planning district. Marine Corps facilities subject to EPCRA reporting requirements shall be represented on the local committee. Responsibilities of the LEPC are to provide public notification of committee activities, hold public meetings to discuss the emergency plan, receive and respond to public comments on the plan, receive and process requests for information, and distribute the emergency plan.

030702. EPCRA Section 302

A facility that has present onsite any extremely hazardous substance (EHS) in a quantity greater than the applicable threshold planning quantity (TPQ) will provide one-time notification to the SERC and LEPC that the facility is subject to the emergency planning requirements of Reference (a) for that substance. Thereafter, if an EHS becomes present at the facility in excess of its TPQ, or if the EHS list is revised and the facility has present an EHS in excess of the TPQ, the facility shall notify the SERC and LEPC within 60 days after becoming subject to the requirements.

030703. EPCRA Section 303

A covered facility will provide any emergency planning information requested by the LEPC for developing and implementing the LEPC's emergency plan, to the extent practical, while taking into consideration national security issues. At a minimum, a facility subject to EPCRA reporting requirements will appoint an FEC, a facility representative to serve as a liaison with the LEPC, and notify the LEPC of that representative.

030704. EPCRA Section 304

A facility where an EHS or CERCLA HS is produced, used, or stored will provide an immediate verbal and written follow-up notice, as soon as practical, of a substance released over a

24-hour period, to any environmental media, that exceeds the established reportable quantity (RQ) to all SERCs and all LEPCs for areas likely to be affected by the release. This notice does not relieve the facility of any notification requirements covered by other environmental regulations. Releases that result in exposure to personnel solely within the boundaries of the facility do not require notification to the LEPC or SERC regardless of whether the RQ for the substance was exceeded. Notification to the LEPCs or SERCs is not required for releases exempted by section 40 of 40 CFR 355 (Reference (ag)). CERCLA and EPCRA RQs have similar reporting obligations, but a substance can be covered by both, CERCLA only, EPCRA only, or neither. If the substance is covered by both CERCLA and EPCRA, it shall be reported to the NRC, SERC, LEPC, and the appropriate fire departments. If a substance is covered by CERCLA only, it shall be reported only to the NRC. If a substance is covered by EPCRA only, it shall be reported to SERC, LEPC, and the appropriate fire departments. If the substance is neither covered by CERCLA nor EPCRA, none of these reporting requirements apply.

030705. EPCRA Section 311

A facility is required to submit applicable Material Safety Data Sheets (MSDSs) or Safety Data Sheets (SDS), or a list of the hazardous chemicals (HCs) present onsite, grouped by hazard category, to the SERC, LEPC, and the fire department with jurisdiction over the facility. This is a one-time requirement for submittal, unless the chemical or product changes.

- A. If the HCs present onsite are greater than or equal to 10,000 pounds (lb), or the HCs are EHSs and the amount present onsite is greater than or equal to 500 lb (or approximately 55 gal), or its TPQ (whichever is less).
- B. If the HCs present onsite require an MSDS/SDS pursuant to OSHA.
- C. If a newly-identified chemical is discovered at the facility, an MSDS/SDS or revised list of HCs shall be submitted within 3 months to the SERC, LEPC, and the local fire department.

030706. EPCRA Section 312

A facility meeting section 311 reporting requirements shall submit an annual Emergency and Hazardous Chemical Inventory Form (Tier I or Tier II) for applicable HCs to the LEPC, State Emergency Planning Commission, and local fire departments. The annual submission is due by March 1 for the previous calendar year.

030707. EPCRA Section 313

All Marine Corps installations in the customs territory of the United States shall comply with section 313 of Reference (a) in accordance with DoD policy and guidance, available from the Defense Environmental Network Information Exchange website. A facility meeting section 313 reporting requirements shall annually submit a TRI Report (Form R). All Marine Corps installations required to submit a TRI Report to EPA shall use the EPA TRI reporting software to prepare electronic format submittals. A copy of the electronic TRI Report submittal shall be provided to the CMC (LF)/MCICOM (GF) concurrent with their submission to EPA. The annual submission is due

by July 1 for the previous calendar year. For more information on EPA's TRI Program, visit the EPA website.

0308 RESPONSE TRAINING AND EXERCISES

030801. Training Requirements

A. Train Marine Corps installation response personnel in compliance with the OSHA requirements specified in section 120(e) of Reference (z).

B. For SPCC plans, refer to Volume 18 of this Order.

C. For oil FRPs, the following training requirements apply to each facility:

1. Non-transportation-related onshore facilities regulated by EPA, pursuant to section 21(b) of Reference (s), shall develop and implement a facility response training program and a drill/exercise program. Section 21(b) of Reference (s) recommends basing the program upon the Coast Guard's Training Elements for Oil Spill Response, as applicable to facility operations.

2. For marine transportation-related facilities regulated by the Coast Guard, section 1050 of Reference (t) identifies training requirements for facility response personnel.

3. For bulk packaging containing less than 42,000 gal of oil regulated by PHMSA, pursuant to Reference (aa), the response plan need not describe the training for response personnel.

4. For onshore oil pipelines, pursuant to section 117 of Reference (u), operators shall conduct appropriate training for each individual with responsibilities pursuant to the plan and shall maintain proper records for this training pursuant to Reference (ad), SSIC 1510.4 for enlisted personnel, 1520.1 for officers, and 12410.4 for civilian personnel.

D. Reference (r) does not specify training requirements for OHSSCPs.

E. For RCRA facility contingency plans, section 16 of Reference (x) specifies requirements for training HW facility personnel.

F. For CAA risk management programs, sections 54 and 71 of Reference (w), respectively, provide training requirements as part of the Program 2 and Program 3 prevention programs. In addition, section 95 of Reference (w) would require the facility owner or operator to train all employees in relevant emergency response.

G. References (ag) or 40 CFR 370 (Reference (ah)) do not specify training requirements for facilities subject to Reference (a).

030802. Facility response plans (FRP) Exercises

A. For oil FRPs, facility drilling, and exercise requirements follow:

1. For non-transportation-related onshore facilities regulated by EPA, section 21(c) of Reference (s) requires the facility owner or operator to develop a program of facility response drills/exercises, including evaluation procedures. A program that follows the National Preparedness for Response Exercise Program meets this requirement.

2. For marine transportation-related facilities regulated by the Coast Guard, section 1055 of Reference (t) identifies drill requirements which shall be included within the FRP.

3. For bulk packaging containing less than 42,000 gal of oil regulated by PHMSA, Reference (aa) does not require drill information in the response plan.

4. For onshore oil pipelines, section 107(c)(1)(ix) of Reference (u) requires the FRP to contain a section on the drill program.

B. Although section 212 of Reference (r) requires OSCs to conduct periodic drills of removal capability without prior notice, these requirements are designed for federal OSCs in areas for which ACPs are required. Marine Corps OSCs, however, should conduct annual “no notice” drills to ensure that their OSCDRs and OSOTs are prepared to respond to OHS releases.

C. No exercise requirements are specified for RCRA facility contingency plans. However, section 33 of Reference (x) requires testing of facility alarm and communications systems, fire protection and spill control equipment, and decontamination equipment in order to ensure proper operation.

D. Section 95(a)(2) of Reference (w) provides drilling requirements to test and inspect emergency response equipment used for CAA risk management programs.

E. References (ag) or (ah) do not specify exercise requirements for facilities subject to Reference (a).

030803. Reference

Department of Transportation, “National Preparedness for Response Exercise Program (PREP) Guidelines,” August 2002 (Reference (ai)) establishes consistent national standards for all exercises and minimum guidelines for ensuring overall preparedness within the response community. These guidelines can be obtained by contacting the TASC DEPT Warehouse, 33141Q 75th Avenue, Landover, Maryland; via fax at (301) 386-5394; or via the Internet on the U.S. NRT website.

0309 RELEASE NOTIFICATION REQUIREMENTS

030901. Release Notification Pursuant to the CWA

A. EPA regulations in section 10 of 40 CFR 110 (Reference (aj)) and section 21 of 40 CFR 117 (Reference (ak)) specify the CWA notification requirements for oil discharges and HS releases, respectively. Immediately report all harmful quantity oil discharges and all RQ HS releases to waters of the United States from a vessel, offshore facility, or onshore facility to the NRC at Coast Guard Headquarters at (800) 424-8802 or (202) 372-2428 by voice communication.

1. Harmful quantities of oil (and oil-derived petroleum, oil, and lubricant) discharged to navigable waters are those amounts which, according to section 3 of Reference (aj), violate applicable water quality standards; cause a film on, sheen upon, or discoloration of the water surface or adjoining shorelines; or cause sludge or emulsion to be deposited beneath the water surface or upon adjoining shorelines.

2. EPA regulations in section 4 of 40 CFR 116 (Reference (al)) and section 3 of Reference (ak) specify the HSs designated by Reference (c) and their RQs, respectively.

B. Do not delay notification for lack of complete information or for the RQ to be reached when the release cannot be stopped in a timely manner. Immediately voice notify the NRC, thereby fulfilling federal notification requirements and ensuring that the predesignated EPA or Coast Guard federal OSC will be notified. Pursuant to Coast Guard regulations in section 203 of 33 CFR 153 (Reference (am)), if direct reporting to the NRC is not practicable, report directly to the Coast Guard or EPA predesignated OSC for the geographic area in which the discharge occurs. If the NRC or OSC cannot be notified immediately, contact the nearest Coast Guard unit. State or territorial reporting requirements may apply as well.

C. For OCONUS Marine Corps activities, international oil pollution laws require that marine oil spills that impact, or may impact, the waters or shoreline of any coastal nation shall be reported immediately to proper authorities in that nation.

030902. Release Notification Pursuant to Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)

A. EPA regulations in section 6 of 40 CFR 302 (Reference (an)) specify the notification requirements for CERCLA HS releases. Immediately report all RQ HS releases from a vessel, offshore facility, or onshore facility to the NRC at Coast Guard Headquarters at (800) 424-8802 or (202) 267-2675 by voice communication.

B. EPA regulations in sections 4 and 5 of Reference (an) specify the HSs designated by Reference (e) and their RQs, respectively.

030903. Emergency Release Notification Pursuant to RCRA

A. As required in section 56(a) of Reference (x), the RCRA FEC shall notify appropriate state or local emergency agencies if their assistance is needed in the event of an imminent or actual emergency.

B. If the facility has had a release, fire, or explosion that could threaten human health or the environment outside the facility, section 56(d)(1) in Reference (x) requires the emergency coordinator to notify appropriate local authorities if an evacuation of the local area may be advisable. Additionally, the emergency coordinator shall notify the CG/CO, as the federal OSC for Marine Corps HS releases. Section 56(d)(2) of Reference (x) provides requirements for notifying the NRC of the release.

C. Section 56(h)(2)(i) of Reference (x) requires the facility to provide a written report to the EPA Regional Administrator within 15 days of the release.

030904. Release Notification Pursuant to the CAA

A. Reference (w) does not contain specific release notification requirements for accidental releases of HCs. However, section 95(a)(1)(i) of Reference (w) requires the emergency response plan to include notification procedures for informing the public and emergency response agencies about such releases.

B. EPA regulations in section 130 of Reference (w) specify the list of CAA-regulated substances and thresholds for accidental release prevention.

030905. Emergency Release Notification Pursuant to EPCRA

A. As required in section 40 of Reference (ag), Marine Corps-owned and -operated facilities that release an RQ of any EHS or CERCLA HS shall immediately notify the local community emergency coordinator for the LEPC of any area likely to be affected by the release and the SERC of any state likely to be affected. A written follow-up emergency notice is required as soon as practicable after the release. Commanders whose units release an RQ of any EHS or CERCLA HS at a location other than a DoD-owned and -operated facility shall immediately notify the local community emergency coordinator for the LEPC of any area likely to be affected by the release and the SERC of any state likely to be affected.

B. Section 40(b)(2) of Reference (ag) identifies specific required elements to be included in the notice.

C. Appendix A of Reference (ag) specifies the RQs of EPCRA EHSs.

030906. Storage Tank Releases

For above and underground storage tank releases, refer to Volume 18 of this Order.

0310 RESPONSE REQUIREMENTS

031001. Responsible Party

The party responsible for the release shall take all necessary actions to contain and recover the release, if possible, and to mitigate natural resource damages. The responsible party is financially responsible for all response and restoration costs, whether incurred by it or another party. If a local government entity responds to an HS release aboard a Marine Corps installation, 40 CFR 310 (Reference (ao)) specifies procedures for reimbursing the local government for its expenses in connection with the response. Figure 3-6 displays the response process provided in Reference (r).

031002. Incident Command System (ICS)

As required by Reference (d), the Marine Corps will use the ICS to facilitate coordination with its own contractor, regulatory personnel, and the public during a spill event. Figure 3-7 displays the structure of the ICS.

031003. Oil Discharges

A. The Marine Corps shall respond to the discharge and coordinate response efforts with the federal OSC. EPA is the predesignated federal OSC in the inland zone, and the Coast Guard is the federal OSC in the coastal zone. The federal OSC will monitor the response efforts of the Marine Corps and, if necessary, will advise the Marine Corps of appropriate actions. The federal OSC may direct or take charge of response efforts if the Marine Corps response is determined to be inadequate. Subpart D of Reference (r) outlines the operational response phases for oil removal. These phases are as follows:

1. Discovery or notification.
2. Preliminary assessment and initiation of action.
3. Containment, countermeasures, cleanup, and disposal (including testing and mitigation).
4. Documentation and cost recovery.

ENVIRONMENTAL COMPLIANCE AND PROTECTION PROGRAM

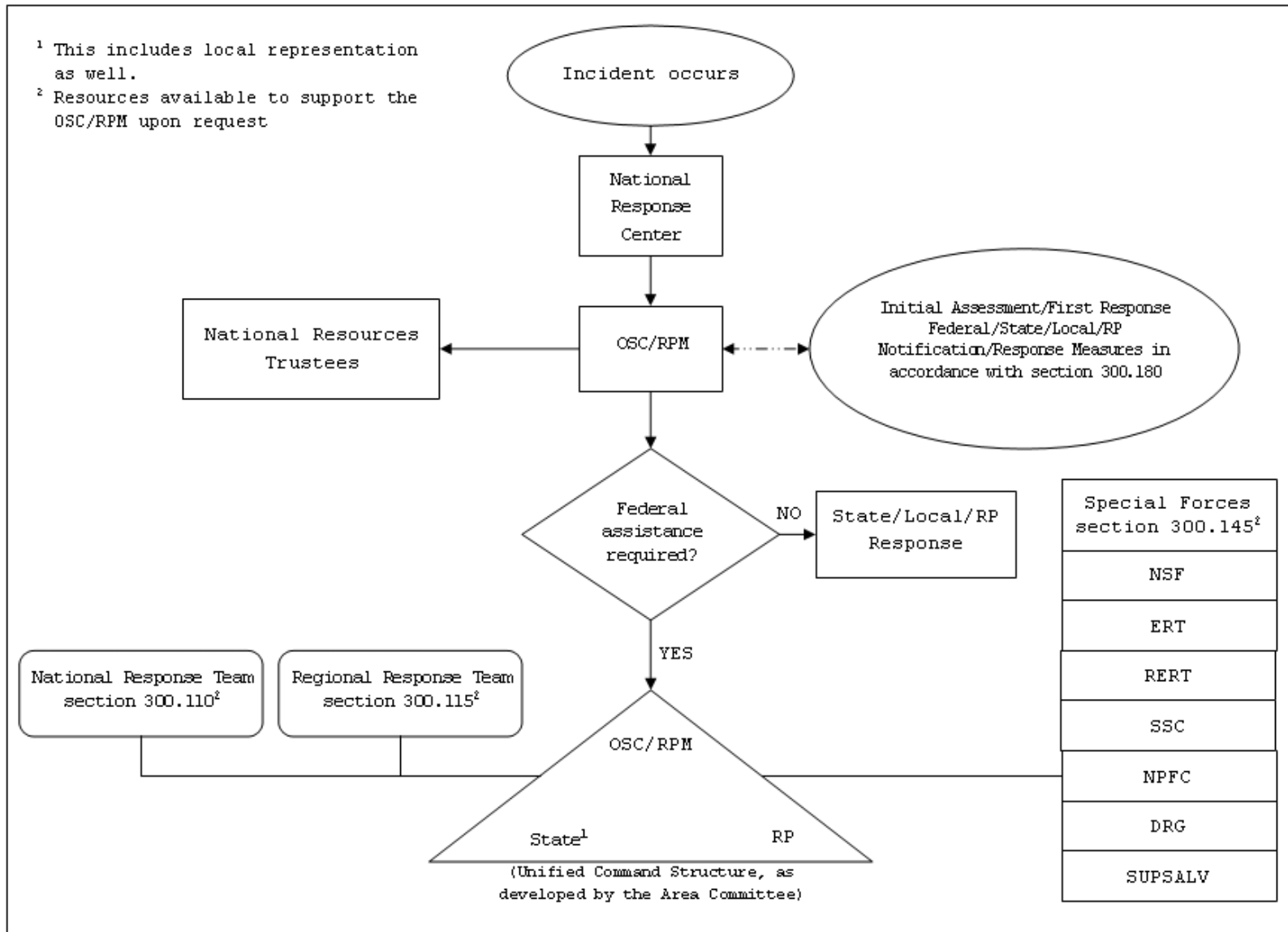


Figure 3-6.--National Response System Concepts: Response

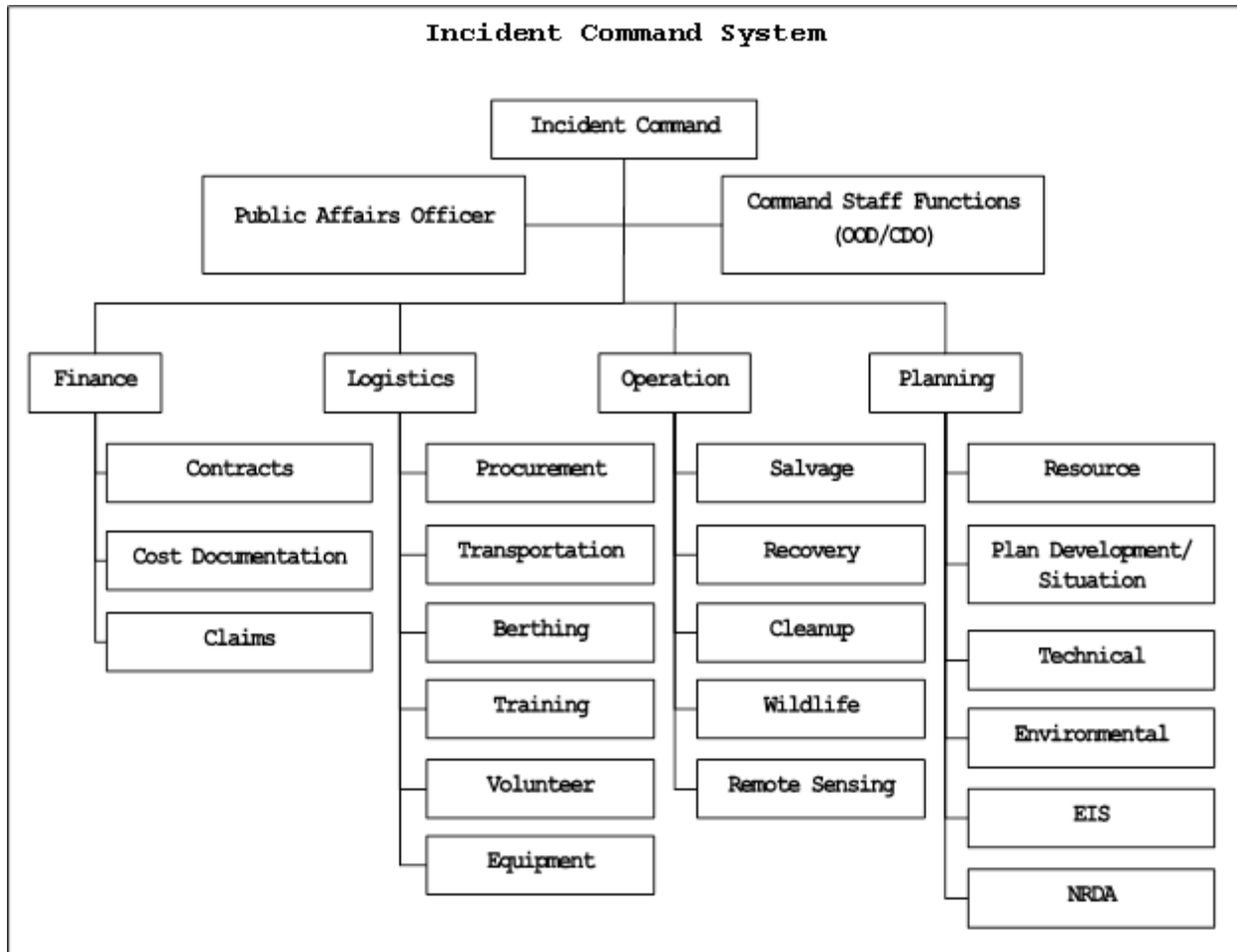


Figure 3-7.--Incident Command System

B. The response should be conducted in accordance with the oil FRP. The primary response asset available to the CG/CO is the activity’s oil OSOT.

031004. HS Releases

A. References (c), (d), and (e) require the Marine Corps, as the responsible party, to contain, mitigate, and remove the release. As the federal OSC for its HS releases, the Marine Corps CG/CO, through the OSCDR, directs the federal response effort, including coordination with concerned federal, state, and local authorities. Subpart E of Reference (r) outlines the procedures for HS response. These procedures include discovery or notification, removal site evaluation, and removal actions. The response should be conducted in accordance with the appropriate response plan. As with oil spills, the primary response asset available to the CG/CO is the activity’s HS OSOT.

B. Reference (f) and section 56(e)-(h) of Reference (x) specify response requirements to imminent or actual emergency situations.

C. Reference (g) and section 95 of Reference (w) contain the requirements for emergency response to releases of listed chemicals.

D. Reference (a) and section 40 of Reference (ag) contain requirements for emergency release notification of HCs and RQ EHSs.

0311 NON-DOD RELEASE RESPONSE

031101. Local Releases

A. Local non-DoD OHS releases can require responses by Marine Corps personnel and equipment. Some releases can originate off the installation and threaten to migrate onto it. Other releases may originate from a commercial pipeline, tank car on a railroad, or tank truck on a highway which directly crosses Marine Corps property through an easement. In any of these cases, Marine Corps assets may be the closest responders.

B. The installation CG/CO represents the SECDEF as the trustee for natural resources located aboard the installation. In this role, the CG/CO may need to activate installation response assets or simply monitor the response being conducted by the responsible party. Paragraph 0312 below outlines procedures for assessing the damages to natural resources resulting from OHS releases.

031102. Assistance to Federal On-Scene Coordinator (OSC)

Section 175(b)(4) of Reference (r) specifies DoD's responsibilities for responding to non-DoD releases when requested by the federal OSC. As a participating NRT member, DoD and its component services shall provide any assistance requested by the federal OSC in responding to OHS releases.

0312 MARINE CORPS NATURAL RESOURCE TRUSTEE RESPONSIBILITIES

031201. Trusteeship

Section 600 of Reference (r) assigns responsibilities to federal officials for the protection of natural resources that are held in trust by the federal government for the public. The SECDEF is responsible for natural resources located on, over, or under land administered by DoD. Consequently, the installation commander is responsible for protecting natural resources aboard Marine Corps installations from any environmental damage, including OHS releases.

031202. Natural Resource Damage Assessment (NRDA)

A. As a trustee of federal natural resources, the Marine Corps shall assess the amount of damage suffered due to OHS spills using the appropriate NRDA procedures. Installation commanders and their staffs shall use these procedures to determine the extent of injuries to the environment, determine the value of natural resources loss, develop a restoration plan, select a preferred alternative, and present the plan to the responsible party for implementation or to fund the trustee's costs of implementing the plan. Following the procedures will provide the installation with

a defensible plan and a rebuttable presumption should the responsible party decline to settle a claim and litigation becomes necessary to recover monetary damages. Damages may be recovered for those natural resource injuries and losses that are not fully remediated by response actions. All money recovered in compensation for natural resource injuries shall be used to restore, rehabilitate, replace, or acquire the equivalent of injured natural resources. Trustee officials may also recover the reasonable costs of assessing natural resource damages and any prejudgment interest.

B. In 43 CFR 11 (Reference (ap)), DOI published the required procedures in accordance with Reference (e) for assessing natural resource damages resulting from a discharge of oil or an HS release. Two types of NRDA's have been developed by DOI. The type A assessment involves standard procedures for a simplified assessment requiring minimal field observations. The type B assessment involves site-specific procedures for detailed assessments in individual cases. Under both NRDA types, assessments consist of the following four phases:

1. Phase I: Pre-Assessment Screen. This phase involves the activities that precede the actual assessment. Trustee officials, once notified of a discharge or release, perform a pre-assessment screening to ascertain whether further assessment actions are warranted. Subpart B of Reference (ap) describes this phase.

2. Phase II: Assessment Plan. This phase involves the preparation of an Assessment Plan, which is subject to public review and comment. The Assessment Plan assists the involvement of potentially responsible parties, other trustee officials, the general public, and other interested parties. Subpart C of Reference (ap) describes the procedures used to develop an Assessment Plan.

3. Phase III: Assessment Implementation. Trustee officials conduct the work described in the Assessment Plan. The work involves three steps: injury determination, quantification, and damage determination. Subparts D and E of Reference (ap) describe the procedures for conducting type A and type B assessments.

4. Phase IV: Post-Assessment. Whether a type A or type B assessment, this phase consists of post-assessment activities such as preparation of a report of assessment, establishment of an account for damage assessment awards, and development of a restoration plan for use of the awards. Subpart F of Reference (ap) describes the procedures used for this phase.

C. In 15 CFR 990 (Reference (aq)), NOAA published required procedures for assessing natural resource damages resulting from a discharge of oil or an HS release to navigable waters in accordance with References (d) and (c). These regulations discuss the meaning of a rebuttable presumption, coordination procedures, considerations for facility restoration, legal authorities and relationships with References (e) and (r), complying with 42 U.S.C. §4321 et seq. (also known and referred to in this order as "National Environmental Policy Act" (NEPA)) (Reference (ar)) and its implementing regulations, settlement procedures, and provisions for emergency restoration. Unlike DOI four-phase NRDA procedures, the NOAA NRDA has the following three phases:

1. Pre-Assessment Phase. This phase requires the trustee officials to determine whether natural resources or services have been injured by the discharge or release. If

response actions are not expected to eliminate the threat of ongoing injury and feasible restoration alternatives exist, trustees should proceed with the assessment. Subpart D of Reference (aq) outlines jurisdiction, the determination to conduct restoration planning, data collection procedures, filing a Notice of Intent to conduct restoration planning, and maintaining an Administrative Record. Administrative Records are maintained in accordance with Reference (ad).

2. Restoration Planning Phase. This phase evaluates potential injuries to natural resources and services and uses that information to determine the need for, and scale of, restoration actions. Subpart E of Reference (aq) describes injury assessment determination and quantification, developing and evaluating restoration alternatives, selecting a preferred alternative, and developing a restoration plan or participating in a regional restoration plan.

3. Restoration Implementation Phase. Subpart F of Reference (aq) outlines closing the Administrative Record for restoration planning, presenting a written demand for damages to the responsible party, resolving unsatisfied demands, and opening an account for recovered damages.

D. If a discharge or release of a mixture of oil and HS injures natural resources or services, trustees shall use Reference (ap) regulations to obtain a rebuttable presumption.

E. Trustees may request assistance for conducting an NRDA from the local USFWS representative and the NOAA regional scientific support coordinator.

0313 MARINE CORPS ORGANIZATION FOR PLANNING AND RESPONSE

031301. The Marine Corps shall plan and prepare fully for oil discharges and HS releases, and when such incidents occur, shall undertake immediate, direct action to contain and remove the spill while minimizing any harmful effects to the environment. If appropriate, the Marine Corps will coordinate its response efforts with other DoD commands.

031302. Commanders whose activities are subject to the regulations discussed in Chapter 1 of this volume shall establish emergency planning and response policies consistent with this Order.

031303. The installation CG/CO shall act as the federal OSC for HS releases originating on, or from, their installations to include the movement of an HS from the installation until it reaches its destination.

031304. Marine Corps installations where OHS spill risks exist shall fully train and equip OSOTs to control, contain, and clean up OHS spills. These teams can be supplemented by OHS pollution response contracts or arrangements to access such contracts with trained, ready response contractors who can rapidly respond to spills that are beyond the capability of the OSOTs. All such contracts shall be coordinated with the OSC in accordance with section 120(e) of Reference (r).

0314 RELEASE NOTIFICATION TO THE CMC (LF)/MCICOM (GF)

031401. In addition to notifying the NRC, SERC, LEPC, and other appropriate agencies, all harmful quantity oil spills, RQ HS releases, and sewage spills occurring within the continental United States (CONUS) and OCONUS shall be reported to the CMC (LF)/MCICOM (GF) as discussed below.

031402. For releases that result in serious environmental harm, impact sensitive ecosystems, may generate adverse publicity, or for sewage spills over 5,000 gallons and entering waters of the US, notify the CMC (LF)/MCICOM (GF) within 24 hours of the release by telephone at DSN 426-2138 or commercial 703-695-8302.

031403. For less serious releases or spills (over 1,000 gallons), and to provide more detailed information on serious releases or spills (over 5,000 gallons), notify the CMC (LF)/MCICOM (GF) via the Spill Reporting module on the EM Portal (available at <https://em.usmc.mil/>) within three working days for harmful quantity oil discharges, RQ HS releases, and sewage spills.

031404. For releases involving Marine Corps commands that are tenants of another service or agency or under the operational command of another service (e.g., Commander, Naval Base Norfolk), report the release to the host installation environmental office. All Marine Corps commands/units and tenants and non-Marine Corps tenants on Marine Corps property, even if under the operational command of another service, should report the release to the installation environmental office in accordance with local spill reporting procedures. This includes oil spills as described by Reference (am) for fueling operations.

0315 CONTINGENCY PLANNING

031501. Marine Corps installations, including overseas activities, shall prepare appropriate contingency plans providing geographic coverage for regulated Marine Corps-owned and -leased land or activities, including outlying or remote airfields, Reserve units, or mobile detachments.

031502. Marine Corps installations may use a single contingency plan to meet all the diverse planning requirements but only if the plan meets the NRT ICP Guidance.

031503. To meet federal OSC contingency planning requirements, installation plans shall identify and prepare for responding to “most probable” incidents and “worst case” discharges; identify Marine Corps, Navy, federal, and commercial regional response assets; and be coordinated with other applicable federal OSC plans. To meet state, local, and DoD planning requirements, these plans also shall be tailored to the specific functions and risks of the installation.

031504. Marine Corps tactical units that transport oil in bulk packaging or operate mobile facilities shall provide a copy of the PHMSA-required response plan, as appropriate, to the host installation’s environmental office. Units deployed to another installation for training shall provide a copy of the plan to that installation’s environmental office upon arrival.

0316 RESPONSE OPERATIONS

031601. Safety is the top priority for all Marine Corps response operations, both CONUS and OCONUS. The safety and health of response personnel should not be compromised at any point during on-scene response. All emergency response personnel should be trained in accordance with the requirements in sections 120, 38 and 146(k) of Reference (z).

031602. Each installation will conduct response exercises in accordance with the applicable regulations and each response plan's requirements. Following the exercise, if necessary, the plan should be revised to incorporate improvements.

031603. The Marine Corps shall respond promptly to all Marine Corps OHS releases. For Marine Corps HS releases, in accordance with Reference (e), the Marine Corps, as the predesignated federal OSC, directs all required cleanup actions. For Marine Corps oil discharges, in accordance with Reference (c), either EPA (inland zone) or the Coast Guard (coastal zone) is the predesignated federal OSC and has statutory authority to assume control of the response if the OSC determines that Marine Corps actions are ineffective or inadequate. Marine Corps policy is to retain control of all Marine Corps OHS pollution responsibilities. This policy is consistent with provisions in Reference (r) that define federal agency response requirements. For HS releases, in accordance with References (a), (f), and (g), the responses will be consistent with applicable regulations and the appropriate response plans.

031604. Pursuant to the terms and conditions of Reference (r), the federal OSC may request Marine Corps response assistance for non-Marine Corps spills. If the federal OSC seeks Marine Corps assistance, this request will come to the Marine Corps through the DoD representative to the NRT or the RRT. The Marine Corps shall respond to these requests to the extent that such response does not compromise essential mission requirements. Marine Corps resources also may respond to OHS releases in adjacent communities in accordance with the terms of mutual aid agreements.

0317 EPCRA

Marine Corps policy is to comply with all requirements of Reference (a) as required by Reference (p). Marine Corps facilities should comply with state EPCRA program requirements to the extent that resources allow, provided that such compliance does not interfere with command mission accomplishment or other legal obligations. The following procedures shall be used by all Marine Corps installations in the customs territory of the United States:

031701. All facilities shall define the facility fenceline and the primary mission of the facility in support of EPCRA requirements. Intra (or inter)-service support agreements (ISSAs) shall be updated to reflect the data collection requirements of the tenants to the host.

A. The facility fenceline is most appropriately defined by class I property lines with the fenceline owner responsible for all DoD tenants. The fenceline owner, otherwise known as the "host" command, shall file one report for the entire facility for each section of Reference (a) requiring a report. Marine Corps facilities are not responsible for reporting actions of non-DoD federal agencies.

B. The primary mission should be a broad vision of the overall requirements of the installation and should be consistent with the Installation Master Plan.

031702. All facilities shall determine whether they meet or exceed threshold requirements for an EHS or HS used at the facility. Each Marine Corps facility that exceeds a threshold is subject to the reporting requirements of Reference (a) for emergency planning, providing of information, and emergency notification. Host commands shall ensure that thresholds are calculated using the entire facility inventory.

A. Each facility that exceeds a TPQ for an EHS shall notify the SERC and the LEPC and provide a facility POC, telephone number, and an alternate POC.

B. Each covered facility shall request participation in local emergency planning functions and shall appoint a facility representative to actively serve on the LEPC. As much as possible, each covered facility shall provide any emergency planning information requested by the LEPC while taking into consideration national security issues.

C. Each facility that releases an EHS or HS in excess of the RQ for that substance (into any environmental media) shall:

1. Immediately provide verbal notification to all LEPCs and SERCs in the area(s) likely to be affected.

2. Submit a written follow-up notification of the release and actions taken as soon as practicable after the release.

3. Prepare a standard facility form with approval chain identified to expedite the notification of covered releases.

4. Notify the activity's higher headquarters in message form as soon as possible after the release has occurred.

D. Releases that result in exposure to personnel solely within the boundaries of the facility do not require notification to the LEPC or SERC regardless of whether the RQ for that substance was exceeded.

031703. All facilities shall determine whether they meet or exceed threshold requirements for all HCs they possess that require an MSDS/SDS. Each Marine Corps facility that exceeds the threshold is subject to the reporting requirements of Reference (a) for community right-to-know provisions. Host commands shall ensure that thresholds are calculated using the entire facility inventory.

A. In general, if the quantity of an HC is present in amounts equal to or greater than 10,000 pounds, it is reportable; if the substance is an EHS and the amount present is equal to or greater than 500 pounds (or 55 gal) or its TPQ, whichever is less, it is also reportable. For each reportable HC, facilities shall provide a one-time submission of a copy of the MSDS/SDS or a list of reportable HCs, grouped by hazard category, to the LEPC, the SERC, and the fire department with

jurisdiction over the facility. A hard copy MSDS/SDS obtained from the Hazardous Material Information System is sufficient. The MSDS/SDS shall be submitted to the fire department that would routinely be the first alerted during an emergency. While this generally would be the fire department located on the installation, it may be a fire department separate from the facility.

B. If a list is submitted, it shall contain the following information:

1. A list of the HCs for which an MSDS/SDS is required by OSHA regulations, grouped by hazard category. That list need only include those chemicals (either in mixtures or in the pure form) that meet or exceed threshold levels.

2. The HCs listed by all applicable hazard categories.

3. The chemical and common name of each HC as provided on the MSDS/SDS.

4. Amendments to this submission shall be made within a three-month period after significant new information is received.

031704. Facilities meeting or exceeding HC threshold requirements shall annually submit Emergency and Hazardous Chemical Inventory Forms for those HCs to the LEPC, the SERC, and the fire department with jurisdiction over the facility by March 1 covering the previous calendar year's inventory.

A. Facilities may submit either Tier I or Tier II information; however, they are not required to comply with requests to use any form other than the federal Tier I or Tier II forms.

B. The SERC and the LEPC have the authority to request a Tier II submission for HCs present at the facility below threshold levels if the requester provides a written statement of need.

031705. All facilities shall determine whether they have exceeded any of the reporting thresholds for toxic chemicals used each calendar year. Each Marine Corps facility that exceeds the threshold is required to complete the Toxic Chemical Release Reporting Form (Form R). Host commands shall ensure that thresholds are calculated using the entire facility inventory.

031706. Prior to the release of any reports, installations shall review the information to prevent the release of classified information. In cases where information regarding the use of a substance is classified, the activity shall develop alternative procedures for protecting activity and off-site personnel.

0318 OIL SPILL RESPONSE PROGRAM

031801. In the past, some Marine Corps installations received support from the Naval Facilities Engineering Command (NAVFAC) Engineering Support Center through the NAVFAC Oil Spill Response Program (OSRP). As of FY13, NAVFAC ceased most oil spill-related support to

Marine Corps installations. In an effort to reduce the burden on installation oil spill response staff, CMC (LF)/MCICOM (GF) contracted with NAVFAC to continue to provide some OSRP support.

031802. Installations that received this specific type of NAVFAC support in the past should review the following:

A. Annual Allowance and Requirement Review (A2R2) Surveys

The MARINE CORPS continues to contract with the NAVFAC OSRP for A2R2 surveys to continue to identify equipment needs for the purpose of justifying oil spill response equipment requirements through the Marine Corps Program Objective Memorandum process. This process continues as previously. The NAVFAC OSRP will initiate the A2R2 Survey on an annual basis via email with appropriate instructions for completion and submission. Each impacted installation shall complete and submit an A2R2 Survey by the requested due date each year.

B. Equipment Requisitions

Installations may purchase small spill response equipment (such as oil spill containment boom and other related support equipment) as allowed under current federal acquisition regulations. Major equipment items (such as oil spill response boats and vacuum trucks) will be replaced as available and appropriate funding allows in accordance with federal acquisition regulations requirements.

C. Inventory Tracking

All large USMC spill equipment (e.g., boats, containment boom) shall be appropriately tracked within the Defense Property Accountability System (DPAS). In accordance with DoD Instruction 5000.64 dated 19 May 2011 and SECNAV Instruction 7320.10A dated 1 Apr 2004, all equipment valued at greater than \$5,000 shall be entered into the system (this includes capital or operating lease equipment). Any equipment valued at less than \$5,000 need not be entered into DPAS unless it is 1) hard to replace, 2) pilferable; and 3) critical to the mission. All three criteria shall apply to require entry into DPAS. Large equipment licensed and maintained by MARINE CORPS as part of Motor Transportation (e.g., trailers, vacuum trucks) should already be captured in DPAS under Motor-T and should not be duplicated by installations as oil spill equipment.

D. Training

The 3-day and 5-day FRT compliance courses that are provided through the NAVFAC OSRP contract vehicle are centrally funded by Headquarters Marine Corps and shall continue uninterrupted.

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VOLUME 7: CHAPTER 4

“RESPONSIBILITIES”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 4

RESPONSIBILITIES

0401 CMC (LF)/COMMANDER MCICOM (GF)

CMC (LF)/Commander MCICOM (GF) shall:

040101. Provide information and advice to installation commanders regarding proposed and final rules and regulations pertaining to emergency planning and response, and uniformly apply Marine Corps policy as set forth in this Order.

040102. Advise installation commanders on preparing required plans and conducting response exercises.

040103. Include requests for resources to meet emergency planning and response requirements in the Program Objectives Memorandum/budget submissions.

040104. Assist installations in resolving disputes with federal, state, local, and foreign regulatory agencies as required.

040105. Ensure, through field visits and the Environmental Compliance Evaluation Program, Marine Corps cooperation and compliance with federal, state, and local agencies with regard to emergency planning and response.

0402 CG MARINE CORPS EAST, WEST, PACIFIC, AND NATIONAL CAPITAL REGION

CG Marine Corps East, West, Pacific, and National Capital Region shall Identify and promote opportunities for regional environmental initiatives and contracting support to gain efficiencies. Create environmental program efficiencies by collectively funding studies, coordinating common training programs, developing appropriate Memorandums of Agreement between stakeholders (e.g., Marine Corps TECOM installations, Marine Aircraft Wings, Resident Officer In Charge of Construction offices, etc.) and the Region, and facilitating mutual support between installations as practicable.

0403 COMMANDING GENERAL/COMMANDING OFFICER (CG/CO) OF MARINE CORPS INSTALLATIONS AND COMMARFORRES

CG/CO of Marine Corps installations and COMMARFORRES shall:

040301. Identify and submit, to the CMC (LF)/MCICOM (GF), project documentation and funding requests for emergency planning and response activities that are required to maintain compliance with applicable existing and emerging regulations and permits. Program and budget for personnel, equipment, materials, training, and monitoring required to comply with emergency planning and response requirements. Pay appropriate federal, state, and local fees. Ensure that the environmental management hierarchy is employed, pollution prevention alternatives are evaluated,

and life-cycle cost impacts are assessed in evaluating and selecting projects that address compliance requirements.

040302. Ensure that all required federal, state, and local permits are applied for and obtained. Sign certifications and permit applications, as required, for construction of all emergency planning and response projects.

040303. Ensure that an installation or station order or an environmental compliance and protection standard operating procedure (ECPSOP) is written implementing this volume. This requirement can be accomplished either by writing an ECPSOP to implement all of the requirements from this Order or by writing a separate installation order to implement this volume alone.

040304. Oversee response efforts for Marine Corps OHS releases within pre-assigned areas and support other Marine Corps and DoD installation response efforts, as necessary.

A. Serve as the federal OSC in accordance with Reference (r) for Marine Corps HS releases and, as such, direct the total response effort to the incident.

B. Initiate and direct response operations for Marine Corps oil spills unless officially relieved by the Coast Guard or the EPA federal OSC.

C. Coordinate response operations with adjacent commands and communities for OHS releases that may impact more than one installation or activity or the surrounding community. Coordinate response operations with RRT DoD representatives.

040305. Notify all required federal, state, and local agencies of Marine Corps OHS releases, and make Marine Corps chain of command notifications up to the CMC (LF)/MCICOM (GF).

040306. Identify and program sufficient funds for hiring and training personnel; conducting exercises and drills; providing, operating, and maintaining response equipment; and constructing facilities required for implementing the installation's ERPs.

040307. Develop, review, and update ERPs using standard formats consistent with regulatory requirements.

A. Coordinate ERPs with appropriate federal OSCs and state and local environmental and emergency planning authorities.

B. Develop OHSSCPs and, within the United States, coordinate the development of the plans with overlapping ACPs, as prescribed in Reference (r).

C. Annually review and certify that OHS spill contingency plans are current.

040308. Ensure that the installation and tenant activities meet applicable EPA and state requirements related to the prevention of oil spills.

040309. Retain responsibility for OHS in transit until the OHS has been accepted for disposition at its destination.

040310. Establish, train, and exercise OSOTs, spill management teams, and other response personnel for OHS responses.

040311. Ensure that Installation Natural Disaster Plans incorporate the requirement for each unit to gather an inventory of HM and HW as part of the preparation process. The inventories will provide a commander with an accurate list of items to be accounted for should a natural disaster remove them from their storage or accumulation points.

040312. Comply with the reporting requirements in sections 302-312 of Reference (a), as described in paragraph 0307 and:

A. Define the facility fenceline, including all tenants, and the primary mission of the facility to support EPCRA reporting requirements. Revise and update ISSAs to support these requirements.

B. Ensure that all thresholds are calculated using the entire facility inventory and that all reporting requirements for that facility, as defined by Reference (a), are met.

C. Ensure that all publicly available data have been reviewed to prevent sensitive or classified information from being released.

D. Use data provided from EPCRA reporting to revise and maintain the installation EMS objectives, targets, and POA&Ms or a separate pollution prevention plan required by state or local regulations.

040313. Ensure that coordination occurs as appropriate with the Safety Office and federal fire departments in matters relating to emergency planning and emergency response actions.

0404 UNIT/TENANT COMMANDERS

Unit/Tenant Commanders shall:

040401. Assist their installation commander emergency response efforts to the extent resources allow, provided such compliance does not interfere with command mission accomplishment or other legal obligations.

040402. Notify all required federal, state, and local agencies of off-installation releases and make Marine Corps chain of command notifications up to the CMC (LF)/MCICOM (GF).

VOLUME 7: APPENDIX A

“FEDERAL STATUTES, FEDERAL REGULATIONS, EXECUTIVE ORDERS, AND DOD POLICIES”

SUMMARY OF SUBSTANTIVE CHANGES

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APPENDIX A
FEDERAL STATUTES, FEDERAL REGULATIONS, EXECUTIVE ORDERS, AND DOD
POLICIES

1 **FEDERAL STATUTES**

a. Water Quality Act of 1965, Public Law 89-234; Water Quality Improvement Act of 1970, Public Law 91-224; Federal Water Pollution Control Act of 1972, as Amended, 33 U.S.C. 1251 et seq.; Clean Water Act of 1977, (Federal Water Pollution Control Act), 33 U.S.C. 1251 et seq.

(1) The Federal Water Pollution Control Act, commonly referred to as the CWA, made the U.S. Environmental Protection Agency (EPA) responsible for setting nationwide effluent standards on an industry-by-industry basis. This Act provided effluent and water quality standards and instituted a permit system for the regulation of oxygen-demanding pollutant discharges. The CWA Section 402 amended the permit system, which is now the National Pollutant Discharge Elimination System (NPDES). The CWA was amended in 1987 to include the regulation of stormwater runoff and to strengthen enforcement mechanisms.

(2) CWA also regulates the discharge of OHS and pollutants into or upon navigable waters including the contiguous zone, exclusive economic zone (EEZ), and adjoining shorelines. It provides for the establishment of the NRT, NRC, and National OHS Pollution Contingency Plan. For additional information, see the Oil Pollution Act of 1990.

(3) Section 311 of the CWA addresses OHS liability. Important statutory requirements contained in section 311 are summarized as follows:

(a) Section 311(b)(3) prohibits the discharge of oil or HSs in harmful quantities into or upon the navigable waters of the United States. As noted in 40 CFR 110.3, discharges of oil in harmful quantities include those that violate applicable water quality standards, cause a film or sheen upon, or discoloration of, the water surface or adjoining shorelines, or cause a sludge or emulsion to be deposited beneath the water surface or upon adjoining shorelines.

(b) Section 311(b)(5) requires the individual in charge of an onshore facility to notify immediately the NRC of any discharge of oil or HS from the facility in violation of section 311(b)(3). Failure to notify the Government is punishable by a fine or by imprisonment for no more than five years or both.

(c) Section 311(b)(6) provides for various classes of administrative penalties for violating the OHS discharge prohibition or for failure to comply with regulations pertaining to Oil FRPs under the National Response System.

(d) Section 311(b)(7) provides for civil penalty actions for violating the OHS discharge prohibition or for failure to comply with regulations pertaining to Oil FRPs under the National Response System.

(e) Section 311(c) authorizes the federal government to ensure the effective and immediate removal of a discharge, and the mitigation or prevention of a substantial threat of discharge, of oil or an HS.

(f) Section 311(d) requires the development and revision of a National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which provides for organizational structure and procedures necessary to prepare for, and respond to, oil discharges and releases of HSs, contaminants, and pollutants. It assigns responsibilities for contingency planning and response to various federal agencies, including the DoD, and outlines state and local government and public and private interest group participation in these areas. The NCP also specifies notification procedures for certain oil discharges and HS releases.

(g) Section 311(e) provides for civil enforcement procedures, including orders to protect public health, for violating the OHS discharge prohibition, or for failure to comply with regulations pertaining to Oil FRPs under the National Response System.

(h) Section 311(f) specifies liability limits for discharges. This section further authorizes the President (and installation commanders as duly appointed representatives) to act on behalf of the United States to recover all costs for restoring or replacing natural resources damaged by OHS spills.

(i) Section 311(j) establishes the National Response System. This section requires the President to issue regulations mandating the development of Oil FRPs by owners or operators of tank vessels and oil transfer and storage facilities.

(j) Section 311(m) requires facilities to maintain records, to allow entry and inspection of premises, and to provide public access to records.

b. Oil Pollution Act (OPA) of 1990, 33 U.S.C. 2701 et seq.

(1) The OPA amends section 311 of the CWA to augment federal response authority, to increase penalties for oil spills, to expand the organizational structure of the federal response framework, and to provide an emphasis on preparedness and response activities. The OPA requires contingency planning for “worst case” discharges and demonstrated response capabilities through planning, equipment, training, and exercises and does not preempt states' rights for establishing more stringent planning requirements.

(2) Important statutory requirements of the OPA are:

(a) Section 1002 specifies that each responsible party for a vessel or a facility from which oil is discharged, or which poses the substantial threat of a discharge of oil, into or upon the navigable waters, adjoining shorelines, or the exclusive economic zone is liable for removal costs and damages that result from the discharge. Damages can include those for natural resources, real or personal property, subsistence use of natural resources, loss of revenue, loss of profits or impairment of earning capacity, and provision of public services during or after removal activities.

(b) Section 1003 establishes defenses to liability, such as discharges due to acts of God, acts of war, an act or omission by a third party, or any combination thereof.

(c) Section 1004 establishes limits of liability for responsible parties.

(d) Section 1006 specifies conditions pertaining to damages to natural resources. The President has designated Marine Corps installation commanders as the federal trustees for all natural resources under their control.

(e) Section 1011 specifies Presidential consultation with the affected trustees on the appropriate removal action to be taken in connection with any discharge of oil.

(f) Section 1012 discusses uses of the Oil Spill Liability Trust Fund.

(g) Section 1018 specifies that the OPA must not be construed to authorize or create a cause of action against a federal officer or employee in the officer's or employee's personal or individual capacity for any act or omission while acting within the scope of the officer's or employee's office or employment.

(h) Section 2002 of the OPA amends section 311 of the CWA such that subsections (f), (g), (h), and (i) do not apply with respect to any incident for which liability is established pursuant to section 1002 of the OPA.

c. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as Amended, 42 U.S.C. 9601 et seq.

(1) Since the initial passage of CERCLA, Congress has amended it over 20 times. CERCLA authorizes federal action to respond to the release or threatened release of an HS from any source into the environment. Remedial actions (RAs) for past releases are covered by the Installation Restoration program, which is discussed in Volume 10 of this Order.

(2) Important statutory requirements of CERCLA pertaining to emergency planning and response are summarized as follows:

(a) Section 102 directs the EPA Administrator to promulgate and revise regulations that designate as HSs such elements, compounds, mixtures, solutions, and substances that, when released into the environment, may present substantial danger to the public health or the environment. These regulations also must specify the quantities of any released HS that necessitates a report to the NRC.

(b) Section 103 requires the individual in charge of an onshore facility to notify immediately the NRC of any release from the facility of an HS equal to or in excess of the RQ established by regulation pursuant to section 102. Section 103 also establishes civil and criminal penalties for failure to notify the NRC in the event of a release.

(c) Section 104 authorizes the federal government to ensure the effective and immediate removal and remediation of a release, and the mitigation or prevention of a substantial

threat of release, of an HS, contaminant, or pollutant that may pose an imminent and substantial danger to public health, welfare, or the environment.

(d) Section 105 requires that the NCP be revised to include a national HS response plan to the NCP which was developed under the CWA.

(e) Section 106 authorizes the President to take any necessary measures, including securing judicial orders, to protect public health from an actual or threatened HS release.

(f) Section 107 specifies conditions of liability for costs incurred for the removal or remedial action taken to abate a release; other necessary costs; damages to, or destruction of, natural resources; or health assessment study costs. This section further establishes defenses to liability, such as discharges due to acts of God, acts of war, acts or omission by a third party, or any combination thereof. Section 107 also establishes limits to liability. It authorizes the President (and installation commanders as duly appointed representatives) to act on behalf of the United States to recover all costs for restoring or replacing natural resources.

(g) Section 109 provides for civil penalty actions for violating the HS release prohibition or for failure to comply with applicable regulations promulgated under CERCLA.

(h) Section 120 applies CERCLA to federal departments, agencies, and installations in the same manner as any nongovernmental entity. Section 120(j) authorizes the President, when necessary, to protect the national security interests of the United States, to issue site-specific orders at any DoD facility to exempt it from compliance with any CERCLA title I or Superfund Amendments and Reauthorization Act (SARA) title III requirement. The exemption must be for a specified period not to exceed one year, although additional exemptions may be granted upon suitable justification.

(i) Section 310 allows citizens to file suits in a United States District Court against any individual, including a Marine Corps installation, allegedly violating CERCLA requirements.

d. Resource Conservation and Recovery Act (RCRA) of 1976, 42 U.S.C. 6901 et seq.

(1) Congress enacted RCRA to protect human health and the environment from the hazards associated with HW generation, transportation, treatment, storage, and disposal. Major revisions resulted from the Hazardous and Solid Waste Amendments (HSWA), and the Federal Facility Compliance Act (FFCA).

(2) Subtitle C of RCRA requires the owners and operators of HW facilities to develop comprehensive HW management plans that address spill prevention and cleanup for these facilities. If the facility has already prepared an emergency or contingency plan (e.g. SPCC Plan) in accordance with other regulations, the existing plan can be amended to incorporate HW management provisions.

(3) Important statutory requirements of RCRA pertaining to emergency planning and response are summarized as follows:

(a) Section 3004(a)(5) requires the EPA Administrator to develop regulations applicable to owners and operators of HW treatment, storage, and disposal facilities (TSDFs) pertaining to contingency plans to minimize unanticipated damage from treatment, storage, or disposal of any HW.

(b) Section 3007 specifies the rights of the EPA and state agency personnel to enter and inspect the premises, facilities, and records of TSDF owners or operators to determine compliance with applicable requirements of RCRA. Section 3007(c) authorizes annual EPA and state inspections of federal facilities.

(c) Section 3008 provides for federal enforcement of RCRA requirements, including compliance orders issuance and civil and criminal penalties assessment for RCRA violations.

(d) Section 3013 authorizes the EPA Administrator to order the owner or operator of a TSDF suspected of releasing any HW that may impact human health or the environment to conduct such monitoring, testing, analyzing, and reporting as the EPA Administrator deems necessary.

(e) Section 3016 requires each federal agency to commit to an ongoing biannual program to complete, publish, and submit to EPA and authorized states an inventory of each site that the agency owns, operates, or has owned or operated, at which HW has been treated, stored, or disposed of at any time. The inventory must describe any response actions initiated or contemplated at contaminated sites.

(f) Section 6001 requires that the following comply with all federal, state, interstate, and local requirements: instrumentalities of the federal government executive branch, such as Marine Corps activities which have solid waste (SW) management facilities or disposal sites or which engage in activities that potentially result in SW or HW disposal or management.

(g) Section 7002 provides for citizen suits to be filed against any individual or the United States, allegedly in violation of any permit, standard, regulation, condition, requirement, prohibition, or order which has become effective pursuant to RCRA.

(h) Section 7003 authorizes the EPA Administrator to bring suit in United States District Court against any individual or a Marine Corps installation that is presenting an imminent and substantial danger to human health or to the environment due to present or past HW management practices.

(i) Section 9003 prescribes requirements for promulgating Underground Storage Tank (UST) regulations for release detection, prevention, and correction regulations (see Volume 18 of this Order for further discussion of these regulations).

e. Clean Air Act (CAA) of 1970, as Amended, 42 U.S.C. 7401 et seq.

(1) The CAA is the federal statute mandating the prevention and control of air emissions from both stationary and mobile sources.

(2) The CAA Amendments of 1990 added section 112(r), entitled “Prevention of Accidental Releases.” The purpose of this section is to prevent the accidental release and to minimize the consequences of any such release of any regulated or EHS. The authority of section 112(r) requires certain facilities to develop a Risk Management Program, prepare a Risk Management Plan (RMP), and submit the RMP to the EPA. The essential provisions of section 112(r) are as follows:

(a) Subsection 112(r)(1) requires that section 112(r) must not be interpreted, construed, implied, or applied to create any liability or basis for compensatory suit for bodily injury or any other injury or property damages to any person which may result from accidental releases of substances regulated under section 112(r).

(b) Subsections 112(r)(3) - (5) require the EPA Administrator to promulgate a list of substances that, in the case of an accidental release, are known to cause death, injury, or serious adverse effects to human health or the environment. The list also includes a threshold quantity for each substance, which accounts for its toxicity, reactivity, volatility, dispersability, combustibility, or flammability, and the amount which would result in death, injury, or serious and adverse effects to human health in the event of a release. The complete list of high-risk air pollutants is published as table 1 in 40 CFR 63.74.

(c) Subsection 112(r)(6) establishes an independent Chemical Safety and Hazard Investigation Board, which is responsible for investigating the cause of accidental releases of regulated substances resulting in a fatality, serious injury, or substantial property damages, for recommending ways to reduce the likelihood or consequences of accidental releases, and for establishing regulations for facilities to report accidental releases of regulated substances into the air.

(d) Subsection 112(r)(7)(A) authorizes the EPA Administrator to promulgate release prevention, detection, and correction requirements, including monitoring; recordkeeping; reporting; training; vapor recovery; secondary containment; and other design, equipment work practice, and operational requirements.

(e) Subsection 112(r)(7)(B) authorizes the EPA Administrator to promulgate regulations and guidelines to provide for the prevention and detection of accidental releases by owners and operators of such release sources. After this regulation is promulgated, subsection 112(r)(7)(E) makes it unlawful for any individual to operate in violation of these requirements any stationary source subject to them.

(f) Subsection 112(r)(9) authorizes the EPA Administrator to issue orders to, or to bring suit in United States District Court against, any individual or a Marine Corps installation presenting an imminent and substantial danger to human health or to the environment because of an actual or threatened accidental release of a regulated substance.

f. Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986, 42 U.S.C. 11001 et seq.

This Act, which is title III of SARA, is intended to encourage and support emergency planning and to provide timely and comprehensive information to the public about possible or potential hazards associated with chemicals present at a facility and from toxic chemical releases. Most notably, specific sections of EPCRA require immediate notification of releases of EHSs and HSs defined under CERCLA to state and local emergency response planners. EPCRA requires state and local coordination in planning response actions to chemical emergencies through the involvement of state Emergency Response Commissions and Local Emergency Planning Committees. The Act also requires the submission of information on chemical inventories and releases.

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VOLUME 8

“CULTURAL RESOURCES MANAGEMENT”

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VOLUME 8: CULTURAL RESOURCES MANAGEMENT

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- (b) DoD Instruction 4715.16, “Cultural Resources Management,” September 18, 2008
- (c) SECNAV Instruction 4000.35A
- (d) 54 U.S.C. 300101
- (e) Executive Order (E.O.) 13327, “Federal Real Property Asset Management,” February 5, 2004
- (f) E.O. 13287, “Preserve America,” March 3, 2003
- (g) Final Governing Standards (FGS) as developed by Lead Environmental Components for each country with significant DoD installations
- (h) Part 229 of Title 32, Code of Federal Regulations (32 CFR 229)
- (i) 16 U.S.C. §470aa-mm
- (j) 43 CFR 10
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- (o) 32 CFR 187
- (p) 42 U.S.C. 4321 et seq.
- (q) 36 CFR 800
- (r) DoD Instruction 4715.05-G, “Overseas Environmental Baseline Guidance Document,” May 1, 2007
- (s) SECNAV M-5210.1
- (t) MCO 11000.25
- (u) 36 CFR 62
- (v) E.O. 13007, “Indian Sacred Sites,” May 24, 1996
- (w) E.O. 13175, “Consultation and Coordination with Indian Tribal Governments,” November 6, 2000
- (x) Presidential Memorandum, "Government-to-Government Relations with Native American Tribal Governments," April 29, 1994
- (y) DoD Instruction 4710.02, “DoD Interactions with Federally-Recognized Tribes,” September 14, 2006
- (z) “Department of Defense American Indian and Alaska Native Policy (Annotated),” October 20, 1998
- (aa) E.O. 13693, “Planning for Federal Sustainability in the Next Decade,” March 19, 2015

VOLUME 8: CHAPTER 1

“SCOPE”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 1

SCOPE

0101 PURPOSE

This Volume establishes Marine Corps policy and assigns responsibilities in accordance with the statutes and regulations cited in paragraphs 0201 and 0202, respectively, for achieving compliance with applicable federal statutory and regulatory requirements, Presidential Memoranda, Executive Orders (E.O.s), and Department of Defense (DoD) regulations and policies for the integrated management of cultural resources on Marine Corps lands or that may be affected by Marine Corps actions.

0102 APPLICABILITY

010201. This Volume applies to all real properties under the control of the Marine Corps by ownership, lease, or similar instrument that are located in the United States, the District of Columbia, and the commonwealths, territories, and possessions of the United States. This Volume also applies to lands not under Marine Corps ownership, lease, or similar instrument in those cases where actions financed, permitted, or sponsored by the Marine Corps may affect cultural resources on such lands. As noted in Volume 1 paragraph 0102 of this Order, these policies apply to overseas locations as well; exceptions will be identified as necessary throughout this Volume. Waters contiguous to the land areas may contain cultural resources; therefore, this Volume also applies to water areas under direct control of the Marine Corps and to submerged cultural resources located therein. For water areas under partial control subject to impacts related to Marine Corps actions, the Marine Corps will assess the effects of those actions on submerged resources located therein.

010202. This Volume does not apply to “Heritage Assets,” or historic objects associated with Marine Corps history (e.g., weapons, armored vehicles, plant, property, and equipment items that are considered to be unique due to their historical or natural significance; cultural, educational, or artistic importance; or significant architectural characteristics for the purposes of accountability in accordance with the Chief Financial Officers Act). Heritage assets, e.g., military artifacts, are addressed by MCO 5750.1H (Reference (a)).

010203. Due to the interdisciplinary nature of cultural resources, personnel should also refer to other volumes in this Order, specifically Volume 3 (Funding) for funding policy guidance and requirements and Volume 12 (Environmental Planning and Review) for guidance on preparing National Environmental Policy Act of 1969 (NEPA) documentation for cultural resource management actions and integrated cultural resources management plans (ICRMPs).

0103 BACKGROUND

Marines need access to a variety of landscapes and facilities to conduct training. However, training can impact cultural resources on public lands. The American people place intrinsic value on certain resources; failure to protect those resources under the stewardship of the Marine Corps may lead to legislative, executive, or judicial directives limiting Marine Corps access to lands necessary to

maintain military readiness. Installation commanders shall ensure that the cultural resources entrusted to Marine Corps care remain available for future generations.

VOLUME 8: CHAPTER 2

“AUTHORITY”

SUMMARY OF SUBSTANTIVE CHANGES

Hyperlinks are denoted by ***bold, italic, blue and underlined font.***

The original publication date of this Marine Corps Order (MCO) Volume (right header) will not change unless/until a full revision of the MCO has been conducted.

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CHAPTER 2

AUTHORITY

0201 FEDERAL STATUTES

This policy tiers off of the policies for cultural resources management outlined in Department of Defense (DoD) Instruction 4715.16 (Reference (b)) and Secretary of the Navy (SECNAV) Instruction 4000.35A, (Reference (c)). In addition, this policy incorporates the provisions of the following federal legislation, E.O.s, DoD and SECNAV regulations, and guidance, as appropriate to the management of cultural resources under the purview of the Marine Corps. (Only statutes b, j, and l apply to overseas installations).

- 020101. NEPA of 1969 (42 United States Code (U.S.C.) 4321 et seq.).
- 020102. National Historic Preservation Act (NHPA) of 1966, as amended (54 U.S.C. §§100101, 300101-307108 or Section 1 of the National Historic Preservation Act, Pub. L. No. 89-665, as amended by Pub. L. No. 96-515).
- 020103. Native American Graves Protection and Repatriation Act of 1990 (NAGPRA) (25 U.S.C. §§3001-3013).
- 020104. Archeological Resources Protection Act (ARPA) of 1979, as amended (16 U.S.C. §470aa-mm).
- 020105. American Indian Religious Freedom Act (42 U.S.C. 1996 and 1996a).
- 020106. Antiquities Act of 1906 (54 U.S.C. §§320301-320303).
- 020107. Abandoned Shipwreck Act of 1987 (43 U.S.C. §§2101-2106).
- 020108. Archeological and Historic Data Preservation Act of 1974 (16 U.S.C. §469-469cc).
- 020109. Cooperative Agreements for Management of Cultural Resources (10 U.S.C. §2684).
- 020110. Federal Records Act of 1950 (44 U.S.C. §3101).
- 020111. Historic Sites Act of 1935 (54 U.S.C. §§102303-102304, 309101, 320101-320106).
- 020112. Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, concluded on May 14, 1954 (Treaty Doc. 106-1(A)) [Congressional Record, September 25, 2008, page S9555].

0202 FEDERAL REGULATIONS

Only paragraph 020214 applies to overseas installations.

020201. 32 Code of Federal Regulations (CFR) 187, “Environmental Effects Abroad of Major Department of Defense Actions”.

020202. 32 CFR 229, “Protection of Archeological Resources: Uniform Regulations”.

020203. 36 CFR 60, “National Register of Historic Places”.

020204. 36 CFR 61, “Secretary of the Interior’s Standards and Guidelines for Archeology and Historic Preservation”.

020205. 36 CFR 63, “Determinations of Eligibility for Inclusion in the National Register of Historic Places”.

020206. 36 CFR 65, “National Historic Landmarks Program”.

020207. 36 CFR 66, “Recovery of Scientific, Prehistoric, Historic and Archeological Data”.

020208. 36 CFR 67, Section 7, “The Secretary of the Interior’s Standards for Rehabilitation”.

020209. 36 CFR 68, “The Secretary of the Interior’s Standards for the Treatment of Historic Properties”.

020210. 36 CFR 78, “Waiver of Federal Agency Responsibilities, Under Section 110 of the National Historic Preservation Act”.

020211. 36 CFR 79, “Curation of Federally-Owned and Administered Archeological Collections”.

020212. 36 CFR 800, “Protection of Historic Properties”.

020213. 40 CFR 1500-1508, “Council on Environmental Quality”.

020214. 43 CFR 3, “Department of the Interior, Preservation of American Antiquities”.

020215. 43 CFR 10, “Native American Graves Protection and Repatriation Regulations”.

0203 EXECUTIVE ORDERS

Paragraphs 020302, 020303, and 020304 do not apply to overseas installations.

- 020301. E.O. 11593, “Protection and Enhancement of the Cultural Environment”.
- 020302. E.O. 13006, “Locating Federal Facilities on Historic Properties in our Nation’s Central Cities”.
- 020303. E.O. 13007, “Indian Sacred Sites”.
- 020304. E.O. 13175, “Consultation and Coordination with Indian Tribal Governments”.
- 020305. E.O. 13287, “Preserve America”.
- 020306. E.O. 13327, “Federal Real Property Asset Management”.
- 020307. E.O. 13693, “Planning for Federal Sustainability in the Next Decade”.

- 0204 FEDERAL GUIDANCE
 - 020401. 48 FR 22716, “The Secretary of the Interior's Professional Qualification Standards”.
 - 020402. 53 FR 4742, “Guidelines for Federal Agency Responsibilities, Under Section 110 of the National Historic Preservation Act”.
 - 020403. 62 FR 33707, “The Secretary of the Interior’s Proposed Historic Preservation Professional Qualification Standards”.

- 0205 DEPARTMENT OF DEFENSE (DOD) POLICY
 - 020501. DoD Instruction 4710.02 “DoD Interactions with Federally-Recognized Tribes,” 14 September 2006.
 - 020502. DoD Instruction 4710.03 “DoD Consultation Policy with Native Hawaiian Organizations,” 25 October 2011.
 - 020503. DoD Minimum Antiterrorism Standards for Buildings (UFC 4-010-01).
 - 020504. SECNAV Instruction 11010.14A, “Department of the Navy Policy for Consultation with Federally Recognized Indian Tribes”.
 - 020505. SECNAV Manual 5210.1, “Department of the Navy Records Management Program Records Management Manual”.
 - 020506. Nationwide Programmatic Memorandum of Agreement (MOA) among the United States Department of Defense, the Advisory Council on Historic Preservation and the National Conference of State Historic Preservation Officers (Concerning World War II Temporary Buildings).

020507. Program Comment for Wherry and Capehart Era Family Housing at Air Force and Navy Bases.

020508. Program Comment: DoD Cold War-Era Unaccompanied Personnel Housing.

020509. Program Comment: DoD World War II- and Cold War-Era Ammunition Storage Facilities.

020510. DoD Instruction 4715.5 “Overseas Environmental Baseline Guidance Document”.

VOLUME 8: CHAPTER 3

“REQUIREMENTS”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 3

REQUIREMENTS

0301 GENERAL

030101. The federal legislation, E.O.s, DoD and SECNAV regulations, and guidance pertaining to cultural resources establish requirements applicable to Marine Corps installations and activities as outlined below.

030102. In accordance with Section 300101 et seq. of Title 54, United States Code (54 U.S.C. 300101 et seq.) (also known and referred to in this Order as “National Historic Preservation Act,” (NHPA) as amended) (Reference (d)) and DoD policies, the Marine Corps is responsible for managing and maintaining cultural resources under its control through a comprehensive program that considers the preservation of their historic, archaeological, architectural, and cultural values; supports the mission; and results in sound and responsible stewardship. Through the integration of its cultural resources management policies and procedures with Marine Corps mission, the Marine Corps will provide stewardship of cultural resources in a sustainable manner that supports the mission and promotes the quality of life for stakeholders.

0302 INVENTORY AND EVALUATION

030201. General

Section 110 of Reference (d), in accordance with Executive Order (E.O.) 13327 (Reference (e)), calls for federal agencies to maintain accurate information on the state of federally-owned historic properties. A Marine Corps installation with real property management responsibilities shall prepare an assessment of the current status of its inventory of historic properties, the general condition and management needs of such properties, and the steps underway or planned to meet those management needs as required by Section 110(a)(2) of Reference (d) and in accordance with E.O. 13287 (Reference (f)) or, pursuant to Final Governing Standards (FGS) as developed by Lead Environmental Components for each country with significant DoD installations (Reference (g)), inventories of properties listed on the World Heritage List or host nation equivalent of the National Register of Historic Places (NRHP). Codes reflecting the inventory status of Marine Corps real property shall be updated in Internet Navy Facilities Assets Data Store (iNFADS) on an annual basis.

030202. Inventory

A. All Marine Corps installations are responsible for identifying cultural resources within the installation boundaries and maintaining complete and current information regarding resource location, significance, condition, and use. Marine Corps installations will survey unsurveyed or inadequately surveyed land parcels or unevaluated buildings/structures within the installation, prioritizing surveys according to mission requirements and the potential to affect cultural resources. Survey priority goals may be aligned with environmental review of proposed undertakings (e.g., surveys in support of Section 106 process undertakings may take priority); however, annual survey goals should typically exceed acreage or buildings/structures to be affected by the installation’s proposed undertakings.

B. Inventory of resources of traditional, religious, or cultural significance to Native American tribes, Alaskan Native villages or corporations, or Native Hawaiian organizations (NHOs) should be completed in consultation with representatives of affiliated tribes or organizations. Inventories of host nation cultural properties should be coordinated with host nation officials, as directed by Reference (g).

030203. Evaluation

All Marine Corps installations are responsible for evaluating the NRHP eligibility or host nation significance of identified resources within the boundaries of the installation. Evaluation of historic buildings and structures should be done in conjunction with the inventory and should take place when buildings/structures turn 50 years in age; both survey and evaluation should be preceded by development of detailed historic contexts for the installation. In the event a building/structure is not evaluated upon turning 50 years of age, then the building/structure shall be treated as though it is eligible for the NRHP until such time a formal evaluation and consultation is completed. Marine Corps installations will proactively program projects for evaluation of cultural resources on an annual basis, prioritizing evaluation of resources in consultation with internal and external stakeholders, and as necessary to support environmental reviews for undertakings. Evaluation of traditional cultural properties or other resources of traditional, religious, or cultural significance to Native American tribes, Alaskan Native villages or corporations, or NHOs should be completed in consultation with representatives of affiliated tribes or organizations. Evaluations of host nation cultural properties should be coordinated with host nation officials, as directed by Reference (g). Properties previously determined eligible or ineligible may periodically require re-evaluation due to the passage of time, evolving understanding of historical significance, or inadequate previous evaluations.

030204. Nomination

All Marine Corps installations are responsible for nominating historic properties to the NRHP, as appropriate to facilitate the mission, in consultation with Headquarters, Marine Corps, Facilities and Services Division (HQMC) (LF)/Marine Corps Installations Command, Facilities Division (MCICOM (GF)). Nomination forms prepared by installations should be submitted to the State Historic Preservation Office (SHPO) and any consulting partners, as applicable, for review and comment, and should be staffed for signature by the Department of the Navy (DON) Federal Preservation Officer (FPO) via the Marine Corps Deputy FPO. Once signed, the forms will be returned to the installation for submittal to the Keeper of the National Register through the SHPO. Marine Corps commanders should prioritize nominations based on installation planning requirements; those resources that have potential for public use or access should be nominated first to facilitate outreach or heritage tourism efforts. Commanding Generals/Commanding Officers (CGs/COs) should be aware that resources determined eligible for listing on the NRHP are afforded the same level of protection as those listed on the NRHP. Overseas installations do not have this requirement; evaluations are coordinated with the appropriate host nation official, who applies host nation procedures for nomination to local, prefectural, or national cultural property lists.

030205. Permits

In some instances, archaeological investigations may require federal, state, or host nation permits. The most common categories of permits are described below.

A. ARPA Permits

1. ARPA permits are required when the following three criteria are met:

- a. The project is on federal land.
- b. Digging or collection of artifacts will occur.
- c. The participants are not directly contracted to or by the Marine

Corps.

2. Part 229 of Title 32, Code of Federal Regulations (32 CFR 229) (Reference (h)) provides guidance for DoD compliance with the requirements of ARPA; language related to permits is included in parts 229.5 through 229.11. For the purposes of Marine Corps compliance with 16 U.S.C. §470aa-mm (also known and referred to in this Order as “Archeological Resources Protection Act,” (ARPA) as amended) (Reference (i)) and Reference (h), the CG/CO is considered the federal land manager as defined in Section 3(c) of 43 CFR 10 (Reference (j)). As the federal land manager, the CG/CO will issue ARPA permits when required and will ensure that applicants meet the professional standards for “Archeologist” outlined in 36 CFR 61 (Reference (k)). Permits for archaeological investigations that could result in the excavation or removal of Native American tribe, Alaskan Native village or corporation, or NHO human remains and other cultural items as defined in 25 U.S.C. §§3001-3013 (also known and referred to in this Order as “Native American Graves Protection and Repatriation Act” (NAGPRA)) (Reference (l)), or in the excavation of archaeological resources that are of religious or cultural importance to federally recognized Native American tribes, Alaskan Native villages or corporations, or NHOs, will be issued after the CG/CO conducts consultation in accordance with section 5 of Reference (e) and Section 7 of Reference (h) with the culturally affiliated Native American tribes, Alaskan Native villages or corporations, or NHOs (see also Section 7 of Reference (h)).

3. The CG/CO will ensure that documentation of consultation with culturally affiliated Native American tribes, Alaskan Native villages or corporations, or NHOs is prepared and maintained as part of the record of each such permit. ARPA permits shall provide for the disposition of NAGPRA cultural items in accordance with subsections 3(a) and 3(b) of Reference (l) and in accordance with Reference (j), or for the appropriate curation of collections pursuant to 36 CFR 79 (Reference (m)) (see also Section 13 of Reference (k)). Also in accordance with Section 9 of Reference (i) and parts 229.9 and 229.18 of Reference (h), the CG/CO may withhold information concerning the nature and location of archaeological resources from the public in accordance with subchapter II of chapter 5 of Title 5 of U.S.C. (see 5 U.S.C. §552, also known and referred to in this order as “Freedom of Information Act,” (Reference (n))) or in accordance with any other provision of law.

B. Other Federal Agency Permits

In situations where the Marine Corps shall conduct archaeological investigations on lands owned by other federal agencies, the Marine Corps will coordinate with that agency’s representative to determine whether permits are necessary in advance of the investigations.

Examples of federal agencies that require permits include the Bureau of Land Management and the U.S. Forest Service.

C. Host Nation Permits

Overseas installations should refer to the appropriate final governing standards (FGS) regarding permit requirements for archaeological investigations.

0303 RESOURCE PROTECTION

Marine Corps installations shall implement policies and procedures for assessment of the condition of known cultural resources; avoidance or mitigation of impacts on cultural resources from Marine Corps actions or the actions of contractors or tenants working on Marine Corps installations; maintenance and treatment actions to ensure preservation or enhance the condition of cultural resources; management of the data related to cultural resources; and public outreach and education.

030301. Inventory and Evaluation of Cultural Resources

Although inventory and evaluation of cultural resources are critical aspects of the Marine Corps cultural resources management program, as well as necessary for compliance with federal statutes and regulations, management shall also include policies and procedures for assessing the condition of known resources, avoidance or mitigation of impacts on cultural resources from Marine Corps actions or the actions of contractors or tenants working on Marine Corps installations, maintenance and treatment actions to ensure preservation or enhance the condition of cultural resources, management of the data related to cultural resources, and public outreach and education. The Marine Corps will ensure that such properties are not inadvertently transferred, sold, demolished, substantially altered, or allowed to deteriorate significantly.

030302. ICRMPs

Reference (b) requires that all installations with cultural resource management responsibilities within the United States develop and implement ICRMPs in consultation and partnership with internal and external stakeholders of the cultural resources management program. The Marine Corps develops ICRMPs as management tools to ensure the most time- and cost-efficient method of integration with project and operations planning to facilitate mission. The ICRMP, which is signed and implemented by the installation commander, is the planning tool for consolidating the inventory and management requirements in accordance with Reference (d) and other statutes, and so is an essential element in legal compliance with those statutes. Guidelines for preparing ICRMPs for Marine Corps installations are provided by HQMC (LF)/MCICOM (GF), based on the list of required elements for ICRMPs noted in Reference (b). All ICRMPs will be reviewed annually by the installation and updated as required. Recommend coordinating the annual review with the SHPO/Tribal Historic Preservation Office (THPO). All 5-year ICRMPs will be reviewed by the HQMC (LF)/MCICOM (GF) Cultural Resources Manager (CRM) prior to final signature by the commanding officer. ICRMPs shall be signed by the commanding officer after obtaining Region and HQMC)LF/MCICOM (GF) concurrence. Installation commanders are encouraged to implement their ICRMP through a base order.

030303. Project Review

A. Environmental Review

The NEPA process (or process for overseas installations pursuant to 32 CFR 187 (Reference (o))) is intended to help public officials make decisions that are based on an understanding of environmental consequences and take actions that protect, restore, and enhance the environment, including the cultural environment. Although 42 U.S.C. 4321 et seq. (also known and referred to in this order as “National Environmental Policy Act” (NEPA)) (Reference (p)) and Section 106 of Reference (d) processes (or References (g) and (o) review processes for overseas installations) can be coordinated for specific undertakings, they have separate requirements. For example, a project may receive a Categorical Exclusion as defined by Reference (p), but still require review pursuant to Section 106 of Reference (d). Marine Corps installations are responsible for ensuring that accurate information regarding cultural resources and the potential impacts of a Proposed Action or Alternatives on such resources are included in all NEPA analyses completed for the installation. To ensure that cultural resources concerns are adequately addressed in the Marine Corps environmental review process, the installation CRM should be included in the review of Request for Environmental Review Forms and participate in Environmental Impact Review Boards.

B. NHPA

The NHPA, as codified pursuant to 36 CFR 800 (Reference (q)), requires the head of any federal agency, including the military services, to take into account the impacts of their undertakings on historic properties. An undertaking is defined as any federal, federally-assisted, or federally-licensed action, activity, or program, new or continuing, that may have an effect on historic properties. This effort, commonly called the “Section 106 process” after the section in Reference (d) that calls for such effort, is designed to identify possible conflicts between historic preservation objectives and the undertaking, and to resolve those conflicts in the public interest through consultation. Neither Reference (d) nor Advisory Council on Historic Preservation (ACHP) regulations require that all historic properties be preserved; they only require the agency consider the effects of the proposed undertaking on those properties and fulfill the procedural requirements for Reference (d) prior to implementation. The underlying purpose of Reference (d) is to balance progress with preservation. Consultation with the SHPO and/or the ACHP and the public is required. If an undertaking may affect properties having historic value to a Native American tribe, Alaskan Native village or corporation, or NHO, such entity shall be afforded the opportunity to participate as consulting parties during the consultation process. Failure of the Marine Corps to take into account the effects of an undertaking on historic properties and afford the ACHP a reasonable opportunity to comment on such effects, can result in formal notification from the ACHP to the Secretary of the Navy of foreclosure of the ACHP’s opportunity to comment on the undertaking pursuant to Reference (d). Failure to comply with the Section 106 process may result in litigation or other forms of redress against DoN that can halt or delay critical activities or programs. A summary of the procedural requirements of Section 106 is available on the ACHP’s website. Because both Reference (d) and its implementing regulations (see Reference (q)) are subject to change, Marine Corps personnel should check this website periodically.

1. Compliance via Program Alternatives. Compliance with Section 106 can also be governed by the terms of an agreement document or program alternative, such as a program

comment, MOA, or programmatic agreement (PA). Installation CGs/COs should review all agreement documents that pertain to management of cultural resources on their installations to identify the roles and responsibilities assigned to the installation pursuant to each agreement. Examples of such agreements include the program comments referenced in paragraph 030305 and PAs governing Section 106 of Reference (d) compliance for the various public-private venture (PPV) ground leases.

2. Overseas Installations. For overseas installations, Section 402 of Reference (d) states that “prior to the approval of any federal undertaking outside the United States which may directly and adversely affect a property which is on the World Heritage List or on the applicable country's equivalent of the National Register, the head of a federal agency having direct or indirect jurisdiction over such undertaking shall take into account the effect of the undertaking on such property for purposes of avoiding or mitigating any adverse effects.” Currently, there are no implementing regulations for Section 402; however, the core elements of the “take into account” process are encompassed in Reference (g). For more information, reference the DoD Instruction 4715.05-G (Reference (r)).

030304. Emergency Situations

In accordance with Section 12 of Reference (q)(emergency situations), the timeline for Section 106 review of renovations and repairs to historic buildings can be substantially reduced if the renovation or repair is required as a result of an emergency situation (e.g., flooding, tornados, earthquakes, or hurricanes). The reduction of the timeline only applies in those situations where the President or the Governor has declared an official state of emergency. The Marine Corps notifies the ACHP, the SHPO/THPO, and any other interested parties of the project; these parties then have seven days, rather than the traditional 30 days, to comment on the undertaking. As a proactive measure, the Marine Corps could also work with the ACHP, SHPO/THPO, and interested parties to develop a PA (see paragraph 8302.d(2)(a)) outlining streamlined procedures for emergency situations. Marine Corps installations will ensure that all reasonable efforts are made to avoid or minimize disturbance of significant cultural resources during emergency operations and will communicate with applicable Marine Corps personnel and external stakeholders regarding potential effects on significant cultural resources that could occur in association with such activities. Once the emergency has passed, Marine Corps installations will complete all appropriate actions to complete the Section 106 process, including submittal of any reports or correspondence documenting the actions taken. Although Reference (q) does not apply to overseas installations, the policies outlined above should be considered a best management practice (BMP) to the extent they do not conflict with Reference (g).

030305. Program Alternatives

Program alternatives, as defined in Section 14 of Reference (q), may be used as an alternative to case-by-case consultation in accordance with Section 106 of Reference (d). Appropriate applications are described in Reference (q) and include efforts to streamline compliance for categories of similar undertakings or similar effects, and may be applied at state, regional, or nationwide levels. Marine Corps installations are encouraged to pursue program alternatives with stakeholders, as appropriate, to streamline compliance with federal regulations or structure protocols for consultation and responses to situations such as inadvertent discovery of human remains.

Implementation and use of program alternatives generally requires up-to-date inventories and a comprehensive management approach. Program alternatives include PAs, program comments, standard treatments, exemptions, and alternative procedures. Adopting any program alternative requires consultation with relevant stakeholders and, for regional or national alternatives, coordination with the chain of command and other affected commands and agencies. Program comments do not apply to overseas installations.

030306. Monitoring, Maintenance, and Treatment

A. For archaeological resources, Marine Corps installations shall develop procedures for monitoring the condition of known archaeological sites for evidence of disturbance from natural processes, such as erosion, fire, or floods, or human action, such as training activities, landscape maintenance activities, recreational use, or intentional looting. Monitoring procedures should be paired with procedures for stabilizing sites should impacts be noted, documenting site condition, and reporting impacts to the appropriate stakeholders, such as the SHPO, Native American tribes, Alaskan Native villages or corporations, and NHOs with ancestral ties to the installation, or appropriate host nation officials. CRMs and conservation law enforcement officers should obtain ARPA training in order to learn the proper procedures for enforcement of ARPA and reporting ARPA (or host nation equivalent) violations on Marine Corps installations, and should ensure that all installation personnel who conduct activities that have the potential to impact archaeological resources are provided with training on how to avoid such impacts as well as standard operating procedures to follow should archaeological materials be inadvertently discovered. Specific guidance on enforcement of ARPA on DoD lands, including discussion of prohibited acts and criminal penalties, assessment of penalties, and reporting, is provided in Reference (h). The CG/CO will ensure that military police, installation legal staff, the installation Public Affairs Officer, Conservation Law Enforcement Officers, and the fish, game, and recreation management staff are familiar with the requirements and applicable civil and criminal penalties as defined by References (i) and (h). CGs/COs will ensure that land use instruments allowing for military use are reviewed to determine proper roles and responsibilities.

B. For situations involving resources of interest to Native American tribes, Alaskan Native villages or corporations, or NHOs that have a tangible, physical footprint on Marine Corps installations (e.g., areas containing medicinal plants, human burial sites, petroglyphs, identified cultural landmarks) or protected cultural properties on overseas installations, the Marine Corps should develop a monitoring procedure in consultation with the appropriate tribes, villages/corporations, NHOs, or host nation officials. Marine Corps installations should ensure that procedures for reporting inadvertent discoveries of human remains or items of cultural patrimony are distributed to all installation personnel, tenants, and contractors. To facilitate consultation regarding inadvertent discoveries, domestic Marine Corps installations are encouraged to pursue comprehensive agreements or NAGPRA Plans of Action with affiliated tribes or organizations.

C. For historic buildings, structures, or districts that are eligible for or listed on the NRHP, or designated as protected cultural properties on overseas installations, installations should develop Maintenance and Treatment Plans (MTPs) for long-term care of these resources. An MTP is typically a 5-year management plan that provides guidance to CRMs and installation maintenance and facilities personnel in addressing deterioration or failure of historic materials and systems. An MTP identifies historic properties' character-defining features, contributing elements,

materials, and condition and promotes the preservation of these resources through planning, design, cyclic maintenance, and appropriate treatments for repair, rehabilitation, and restoration. An MTP is generally installation-specific due to regional variations in construction methods and weather, and should focus on a range of alternatives and treatments from stabilization to restoration.

030307. National Historic Landmarks (guidance does not apply to overseas installations)

A. Section 101(b) of Reference (d) provides for the inclusion of national historic landmarks (NHLs) on the NRHP. Section 110(f) affords NHLs more stringent protection than other NRHP resources. Federal regulations outline procedures for consultation with the SHPO, the ACHP, and the National Park Service (NPS) to minimize harm to NHLs by federal agency undertakings.

B. The NPS maintains a continued relationship with owners of NHLs. Agencies shall cooperate with the procedures of periodic visits, contacts with SHPOs, and other measures that the NPS uses to ensure that landmarks retain their integrity, to advise agencies concerning accepted preservation standards, and to update administrative records on landmark properties. The Department of the Interior (DOI) reports annually to Congress regarding damaged or threatened NHLs.

C. Although property owners and SHPOs may nominate NHLs, designation ordinarily occurs after a study by the NPS. Preservation is not absolutely required as long as mandated procedures are followed and documented in any decision not to preserve. A finding of adverse effect to an NHL requires full ACHP participation in the consultation process.

030308. Curation

A. The overall goal of the federal curation program, as set forth in Reference (m), is to ensure the preservation and accessibility of cultural resource collections and documents for use by members of the public interested in the archaeology and history of the region. In accordance with the requirements of Reference (m), the installation CG/CO shall ensure that all archaeological collections and associated records, as defined in part 79.4(a) of Reference (m), are processed, maintained, and preserved. Associated records shall be maintained and preserved pursuant to SECNAV M-5210.1 (Reference (s)).

B. Collections from federal lands should be deposited in a repository that meets the standards outlined in Reference (q) to ensure that they will be safeguarded and permanently curated in accordance with federal guidelines. A curation facility is specifically designed to serve as a physical repository where collections and records are sorted, repackaged, assessed for conservation needs, and then placed in an appropriate, environmentally-controlled, secure storage area. Collections from federal lands remain the property of the federal government; accordingly, CRMs should schedule an annual visit to the curation repository to ensure that the collections are being managed appropriately. In the event, ordnance is encountered during an archaeological investigation or monitoring activity, Marine Corps Explosives Ordnance Disposal (EOD) shall be contacted for evaluation and action. Any historic ordnance encountered shall be inspected and rendered inert by Marine Corps Explosives Ordnance Disposal (EOD) and then returned to the CRM. If EOD cannot render the item(s) inert or sees the item(s) as representing a safety hazard, the item(s) will be photo-

documented and measured under EOD supervision and then given to EOD for appropriate storage or disposal.

C. The procedures outlined in Reference (m) do not apply to overseas installations; refer to any curation language provided in the relevant FGS.

030309. Data Management

Integrating cultural resources management data with the installation geographic information system (GIS) program allows the cultural resources program to more efficiently support the Marine Corps mission of readiness. GIS layers should be developed for all categories of cultural resources present within the installation (e.g., historic buildings, archaeological sites, and resources of interest to Native American tribes, Alaskan Native villages or corporations, or NHOs). GIS layers should also be developed to show the progress of archaeological survey efforts and any sensitivity assessments used by the installation to prioritize survey efforts. The GIS program can facilitate integration of cultural resource BMPs into installation planning and projects. GIS layers and themes depicting archaeological resources and sacred sites are considered sensitive and will not be released to the general public. These layers should be password-protected. When preparing the scope of work for contracts addressing cultural resources issues, installations should include the language for GIS requirements provided in MCO 11000.25 (Reference (t)) to ensure that GIS deliverables meet federal standards and are compatible with Marine Corps data models.

030310. Public Outreach

Reference (f) encourages federal agencies to preserve America's heritage by actively advancing intergovernmental cooperation and partnerships for the preservation and use of historic properties and promoting heritage tourism. A preservation awareness program shall be directed to both Marine Corps personnel and external interests if it is to be effective. Education can promote awareness of important Marine Corps cultural resources projects and the rationale behind them. Special events with local and national significance offer excellent opportunities to educate the public on cultural resources preservation. Events such as Earth Day (22 April), Independence Day (Fourth of July), Veteran's Day, National Historic Preservation Week (third week in May), National Public Lands Day (last Saturday in September), and local town celebrations are opportunities for the Marine Corps to help educate people about cultural resources and preservation principles. Although the public outreach and heritage tourism elements of Reference (f) do not apply to overseas installations, development of a preservation awareness program for internal and external stakeholders should be considered a BMP.

0304 CONSULTATION

Marine Corps installations have a responsibility to consult with internal and external stakeholders on a regular basis. References (b), (d), and (l) require coordination with interested parties and other government agencies, depending on the action involved.

030401. Consultation with Internal and External Stakeholders

A. To ensure that management of cultural resources is integrated with installation planning and in compliance with federal statutes and regulations, the Marine Corps has a responsibility to consult with internal and external stakeholders on a regular basis. References (d), (l), and (p) and the FGS require varying levels of coordination with interested parties and other government or host nation agencies, depending on the action involved. External agencies and stakeholders that might be involved in cultural resources management include:

1. Other federal agencies.
2. SHPOs.
3. Native American tribes, Alaskan Native villages and corporations, or NHOs.
4. ACHP.
5. NPS.
6. Keeper of the National Register, DOI.
7. Host nation officials.
8. Interested members of the public, including ethnographic groups, historic organizations, and others.

B. Although the Marine Corps might contract cultural resources professionals to conduct surveys and evaluations, it is the responsibility of the Marine Corps to consult with external stakeholders. Consultation should not be delegated to contractors (including Naval Facilities Engineering Command or the U.S. Army Corps of Engineers). The Marine Corps will comply with all pertinent laws and regulations concerning the management and preservation of cultural resources and will, where appropriate, consult or coordinate with external stakeholders, as required:

1. To comply with Reference (d) Sections 106, 110, and 402.
2. To comply with References (o) or (p).
3. In accordance with Reference (d), if the Marine Corps and the SHPO come to a disagreement regarding NRHP eligibility recommendations, the Keeper of the National Register can be consulted. Guidance on preparing a determination of eligibility can be found at Section 3(d) in 36 CFR 62 (Reference (u)).
4. In accordance with Reference (d), if the Marine Corps and the SHPO come to a disagreement regarding the Section 106 process, the ACHP may assist. The Marine Corps shall also invite the ACHP to participate in consultations regarding the resolution of adverse effects to historic properties.

5. In accordance with References (d), (g), (l), and (p), the CRM shall coordinate with interested Native American tribes, Alaskan Native villages and corporations, or NHOs.

6. In accordance with Reference (d), the CRM will consult with the NPS for all Section 106 undertakings that have the potential to affect a NHL.

030402. Consultation with Native American Tribes, Alaskan Native Villages or Corporations, or NHOs

References (d), E.O. 13007 (Reference (v)), E.O. 13175 (Reference (w)), Presidential Memorandum (Reference (x)), DoD Instruction 4710.02 (Reference (y)), and “Department of Defense American Indian and Alaskan Native Policy (Annotated)” (Reference (z)) include guidance on how federal agencies should consult with federally recognized Native American tribes, Alaskan Native villages or corporations, and NHOs. It should be noted that not all of this guidance refers to all Native entities (e.g., Reference (y) refers only to Native American tribes and Alaskan Native villages). The goal of the consultation process is to identify both resource management concerns and the strategies for addressing them through an interactive dialogue with appropriate American Indian tribes, Alaskan Native villages and corporations, and NHOs. Consultation takes on many forms but shall be conducted on a government-to-government basis unless delegated by agreement to subordinate representatives of each government (e.g., the THPO and installation CRM). Consultation responsibilities cannot be delegated to contractors even in those instances where management responsibility for some resources has been delegated to another entity (e.g., in the case of PPV contracts, the Marine Corps retains the responsibility for consultation with Native American tribes, Alaskan Native villages or corporations, and NHOs). The Marine Corps might need to consult on a project basis for proposed actions that could affect cultural resources of interest to American Indian tribes, Alaskan Native villages and corporations, and NHOs. If Marine Corps activities have the potential to affect such resources, all interested Native American tribes, Alaskan Native villages or corporations, and NHOs will be consulted early in the planning process and their concerns will be addressed to the greatest extent possible. Establishing a permanent relationship with Native American tribes, Alaskan Native villages or corporations, and NHOs will lead to better understanding of each party’s interests and concerns and development of a trust relationship. This will streamline future project-based consultation and streamline the inadvertent discovery process.

0305 CONFIDENTIALITY REQUIREMENTS

Cultural resource preservation statutes require Marine Corps installations to withhold certain information from disclosure to the public. Section 470w-3(a) (Confidentiality of the location of sensitive historic resources) of Reference (d) states that:

030501. “The head of a federal agency or other public official receiving grant assistance pursuant to this Act, after consultation with the Secretary, shall withhold from disclosure to the public, information about the location, character, or ownership of a historic resource if the Secretary and the agency determine that disclosure may:

- A. Cause a significant invasion of privacy;

- B. Risk harm to the historic resources; or
- C. Impede the use of a traditional religious site by practitioners.”

030502. On federal property, Reference (i) also provides provisions for restriction of information on archaeological site locations. Native American tribes, Alaskan Native villages or corporations, and NHOs have an interest in restricting this information and are not expected to divulge such location information unless they can be reassured of restrictions for access. Therefore, it is extremely important that persons using this document and other cultural resources reports and maps understand that access to all archaeological resource descriptions and locations is restricted to the CRM or Environmental Manager for internal use only. Access to such information in databases and the GIS should be limited to CRMs, cultural resource professionals, and others with a substantial need to know.

0306 SUSTAINABILITY

030601. Sustainability

One of the primary elements of environmental stewardship within the DoD is sustainability. Within DoD, sustainability applies to design, construction, operations, and resource conservation. Through conservation, improved maintainability, recycling, reduction and reuse of waste, and other actions and innovations, the Marine Corps can meet today’s needs without compromising the ability of future generations to meet their own.

030602. Sustainable Conservation

The federal government encourages agencies to take the lead in being stewards of the environment to preserve today’s resources for the future. E.O. 13693 (Reference (aa)) encourages the rehabilitation of federally owned historic buildings, including utilizing best practices and technologies to “promote long-term viability of the buildings.”

030603. Archaeological Resources

A. Archaeological sites provide a historical physical record of how people have interacted with their environment and tell us of how they have led their lives. Because archeological sites mark a moment in time, they are non-renewable resources. With respect to sustainability, archaeological sites on Marine Corps installations can be considered:

1. The only source for understanding the development of human society in prehistoric and much of historic times within the lands contained within installations.
2. A source of enjoyment and interest through intellectual and physical engagement and leisure-time pursuits, contributing to general mental, spiritual, and physical health.
3. An important medium for general education, life-long learning, and personal development.

4. A vital basis of people’s awareness of historical and cultural identity, sense of community and place, and a key source of perspective on social change.

5. A means of understanding long-term environmental change in relation to sustainability.

6. A source of evidence about past use of renewable energy and recyclable resources such as water, timber, mineral resources, and organic waste.

B. In addition to promoting public awareness of archaeological information and the benefits of preservation to the larger installation community (see paragraph 030310), Marine Corps installations should employ innovative technical and interpretive practices to integrate archaeology into the mission.

030604. Historic Buildings and Structures

Sustainability in the built environment can be achieved through adaptive reuse of historic structures. When making decisions regarding replacement, renovation, or demolition of historic buildings and structures, it is Marine Corps policy to:

A. Accurately analyze the life-cycle benefits and costs of sustainable or adaptive reuse of historic buildings and structures compared to new construction.

B. Employ innovative technical and design practices to facilitate mission use of historic buildings and structures with minimum loss of historic integrity.

C. Prefer partnerships with government, public, and private organizations to promote local economic development and vitality through use of historic properties in a manner that contributes to the long-term preservation and productive use of those properties in lieu of demolition.

D. Consider systematic deconstruction and architectural salvage of historic building fabric when demolition is necessary, especially where historic fabric may be reused to preserve other similar properties in the inventory.

0307 ANNUAL REPORTING AND METRICS

The Marine Corps is responsible for responding to various data calls and asset management inventories on an annual basis. Responses to data calls may include input of data by installation CRMs into DON databases (e.g., iNFADS heritage asset codes) and Marine Corps databases (e.g., Conservation Metrics Portal) or responses via phone or email to HQMC (LF)/MCICOM (GF) personnel. In order to ensure accurate reporting of assets and asset status each year, installations shall maintain records of their responses to each data call, labeled with the fiscal year of the response and including any supporting information to support their responses, in a file accessible to their supervisors or to the HQMC (LF)/MCICOM (GF) Cultural Resources Specialist.

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VOLUME 8: CHAPTER 4

“RESPONSIBILITIES”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 4

RESPONSIBILITIES

0401 CMC (LF)/COMMANDER MCICOM (GF)

CMC (LF)/Commander MCICOM (GF) shall:

040101. Establish a cultural resources management program and promulgate guidelines and attendant responsibilities.

040102. Designate a qualified staff person to serve as the Marine Corps Deputy FPO and representative on the DoD Historic Preservation Working Group.

040103. Coordinate with the Deputy Under Secretary of Defense, Environmental Security, DoD components, DOI, ACHP, and the National Conference of SHPOs in matters related to cultural resources management.

040104. Identify Marine Corps-wide priorities and allocate centrally-managed funds that may be used for cultural resources management. Maintain cost records of inventory and treatment of cultural resources.

040105. Maintain Marine Corps procedural and policy-making expertise for inter-agency coordination and other aspects of compliance with preservation legislation; assist in resolving disputes with federal, State, local, and foreign regulatory agencies.

040106. Forward NRHP nominations to the Office of the Assistant Secretary of the Navy for Energy, Installations and Environment, and the Keeper of the NRHP.

040107. Respond to Congressional and other inquiries to satisfy Office of the Secretary of Defense reporting requirements.

040108. Provide support to Marine Corps installations and Marine Corps commands/units and tenants by interpreting federal, State, local, and overseas historic and archaeological resource requirements and by uniformly applying Marine Corps policy as set forth in this Order.

040109. Ensure, through field visits and the Environmental Compliance Evaluation Program, Marine Corps cooperation and compliance with federal, State, and local regulatory agencies with regard to cultural resources statutes and regulations.

0402 COMMANDING GENERAL (CG) MARINE CORPS EAST, WEST, PACIFIC, AND NATIONAL CAPITAL REGION

CG Marine Corps East, West, Pacific, and National Capital Region shall identify and promote opportunities for regional environmental initiatives and contracting support to gain efficiencies. Create environmental program efficiencies by collectively funding studies, coordinating common

training programs, developing appropriate Memorandums of Agreement between stakeholders (e.g., Marine Corps TECOM installations, Marine Aircraft Wings, Resident Officer In Charge of Construction offices, etc.) and the Region, and facilitating mutual support between installations as practicable.

0403 COMMANDING GENERAL (CG)/COMMANDING OFFICER (CO) OF MARINE CORPS INSTALLATIONS AND COMMARFORRES

CG/CO of Marine Corps installations and COMMARFORRES shall:

040301. Program, budget, and allocate funds for qualified staffing, training, surveys, plans, curation, and studies to facilitate the identification, evaluation, inventory, planning, maintenance, and protection of historic properties and other cultural resources at installations under their cognizance.

040302. Develop, sign, and implement an ICRMP for all installation lands and waters that contain cultural resources, and integrate the ICRMP with other installation planning documents and routine procedures applicable to activity projects and programs. Use of a base order to implement the ICRMP is recommended.

040303. Coordinate among subordinate and tenant activities to achieve maximum efficiency regarding compliance with cultural resources management requirements within the region.

040304. Provide for the professional identification, evaluation, inventory, nomination, and protection of cultural resources under their control and ensure that the appropriate data management systems, including spatial data systems, accurately reflect the eligibility status of such resources.

040305. Follow all legally-mandated procedures if historic properties (as defined by Reference (d)) are to be transferred, sold, demolished, substantially altered, or allowed to deteriorate significantly.

040306. Consult or coordinate with the SHPO and other consulting parties, interested groups, and individuals, as required by Reference (p) (or Reference (o) for overseas installations), Sections 106 and 402 of Reference (d), and Reference (g), when proposed actions have the potential to effect cultural resources. When appropriate or in the interests of BMPs, enter into agreements to facilitate consultation and establish consultation protocols or response procedures. Neglecting to consult with these interested parties early in the planning process could result in unnecessary tension, which will cause delays that translate into government time and cost.

040307. Consult with Native American tribes, Alaskan Native villages or corporations, and NHOs prior to any Marine Corps action that might impact American Indian tribal or Native Hawaiian interests as defined by applicable laws and regulations, including planned excavation and inadvertent discovery provisions in accordance with Reference (l).

040308. Ensure that inadvertently discovered archaeological resources, human remains, or cultural items (as defined by Reference (l)) are protected at the site of discovery until

cultural resource professionals evaluate the resources' significance and make recommendations regarding protection or recovery. Ensure that the chain of command is kept informed.

040309. Whenever practical, use historic buildings instead of new acquisition, construction, or leasing to satisfy mission requirements.

040310. Ensure that funds budgeted for historic preservation are applied to NRHP resources.

040311. Provide for storage and professional curation of salvaged archaeological resources and records that result from compliance actions.

040312. Take appropriate action on archaeological permit requests. Review requests for permits to allow the excavation and removal of archaeological resources from Marine Corps lands.

040313. Provide for the identification and repatriation of Native American tribe, Alaskan Native village or corporation, or NHO remains and associated cultural items in accordance with Reference (1) and other implementing regulations issued by the DOI.

040314. Allow Native American tribes, Alaskan Native villages or corporations, Native Hawaiians, NHOs, and host nation cultural practitioners access to sites and resources that are of religious importance or that are important to the continuance of their cultures, as consistent with the military mission, the American Indian Religious Freedom Act, and other appropriate laws and regulations subject to the same considerations as the general public.

040315. When warranted by the presence of cultural resources, designate a staff person to serve as CRM. CRMs should be provided with adequate training to ensure that they have a full understanding of their position duties and can provide adequate guidance on compliance with cultural laws and regulations to other stakeholders.

0404 CULTURAL RESOURCE MANAGER (CRM)

Cultural Resource Manager (CRM) shall:

040401. Provide day-to-day management for cultural resources at the installation level, help ensure that all installation activities are in compliance with applicable cultural resources requirements, serve as a liaison between all persons involved in the ICRMP, write the ICRMP or develop its statement of work, and implement the ICRMP.

040402. Understand the military mission, and have a clear understanding of how their job supports the military mission.

040403. Locate, inventory, evaluate, and protect historic buildings; structures; districts; archaeological sites; resources of traditional, religious, or cultural significance to American Indian tribes or NHOs; properties listed on the World Heritage List or host nation equivalent to the NRHP; and other cultural resources in accordance with Marine Corps policy and federal statutes and

regulations. If survey and evaluation tasks are contracted to cultural resources professionals, prepare statements of work, monitor work progress, and review all work products prior to submission to external stakeholders.

040404. Disseminate technical guidance regarding maintenance, storage, and protection of cultural resources to installation personnel whose actions have the potential to affect cultural resources.

040405. Coordinate the maintenance of cultural resources records in the appropriate data management systems to assure that accurate information regarding Marine Corps cultural resources can be provided to Congress, the Marine Corps Deputy FPO, and other interested parties when required.

040406. As the CG/CO's delegated representative, coordinate and consult with outside entities, including the SHPO, American Indian tribes and NHOs, and local interest groups, as mandated in References (d), (i), (l), (p), (z), and other laws and regulations listed in paragraphs 0201 and 0202 of this Volume.

VOLUME 8: APPENDIX A

“FEDERAL STATUTES, FEDERAL REGULATIONS, EXECUTIVE ORDERS, AND DOD POLICIES”

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APPENDIX A
FEDERAL STATUTES, FEDERAL REGULATIONS, EXECUTIVE ORDERS, AND DOD
POLICIES

1 FEDERAL STATUTES

This policy tiers off of the policies for cultural resources management outlined in DoD Instruction 4715.16, “Cultural Resources Management,” and Secretary of the Navy Instruction (SECNAV Instruction) 4000.35A, “Department of the Navy Cultural Resources Program.” In addition, this policy incorporates the provisions of the following federal legislation, Executive Orders (E.O.s), Department of Defense (DoD) regulations, and guidance, as appropriate to the management of cultural resources under the purview of the Marine Corps. (Only federal statutes b, j, and l apply to overseas installations).

a. National Environmental Policy Act (NEPA) of 1969, 42 U.S.C. 4321 et seq.

This Act ensures that environmental factors are given the same consideration as other factors in decision making by federal agencies. NEPA mandates that all federal agencies consider the environmental effects of, and any alternatives to, all proposals for major federal actions that significantly affect the quality of the human environment. The Act also established the Council of Environmental Quality in the Executive Office of the President.

b. National Historic Preservation Act (NHPA) of 1966, as Amended (54 U.S.C. §100101, §300101-307108 or Section 1 of the National Historic Preservation Act, Public Law 89-665, as amended by Public Law 96-515)

This Act provides for the nomination, identification (through listing on the National Register of Historic Places (NRHP)), and protection of historical and cultural properties of significance. The Act establishes specific procedures for compliance, including initial review authority by the cognizant State Historic Protection Officer.

c. Native American Graves Protection and Repatriation Act of 1990 (NAGPRA), 25 U.S.C. 3001 et seq.

This Act requires federal agencies to establish procedures for identifying Native American groups associated with cultural items on federal lands, to inventory human remains and funerary objects in federal possession, and to return such items upon request to affiliated groups. The Act also requires that any discoveries of cultural items covered by this statute shall be reported to the head of the cognizant federal entity, who will notify the appropriate Native American tribe or organization and cease activity in the area of discovery for at least 30 days.

d. Archeological Resources Protection Act (ARPA) of 1979, as amended, 16 U.S.C. §470aa-mm

This Act prohibits the removal, sale, receipt, and interstate transportation of archaeological resources obtained illegally (without permits) from public or Native American lands and authorizes

agency permit procedures for investigations of archaeological resources on public lands under the agency's control. Public Law 100-555 amended the ARPA to require the Secretaries of the Interior, Agriculture, and Defense (1) to develop plans for surveying the lands under their control to determine the nature and extent of archaeological resources, and (2) to prepare a schedule for surveying those lands that are likely to contain the most scientifically valuable archaeological resources.

e. American Indian Religious Freedom Act, 42 U.S.C. §1996 and §1996a

This Act states the policy of the United States to protect and preserve for Native Americans their inherent rights of freedom to believe, express, and exercise the traditional religions of Native Americans, Eskimos, Aleuts, and Native Hawaiians. These rights include, but are not limited to, access to sites, use and possession of sacred objects, and the freedom to worship through ceremony and traditional rites.

f. Antiquities Act of 1906, 54 U.S.C. §§320301-320303

This Act provides for the protection of historic and prehistoric ruins and objects of antiquity on federal lands and for the authorized scientific investigation of antiquities on federal lands, subject to permits and other regulatory requirements.

g. Abandoned Shipwreck Act of 1987, 43 U.S.C. §§2101-2106

This Act specifies that any wreck that lies embedded within a state's submerged lands is property of that state and subject to that state's jurisdiction if the wreck is determined as being abandoned.

h. Archeological and Historic Data Preservation Act of 1974 (16 U.S.C. §469-469cc)

This Act directs federal agencies to notify the Secretary of the Interior when any federal construction project of a federally licensed activity or program may cause irreparable loss or destruction of significant scientific, prehistoric, historic, or archaeological data. The Act also provides a mechanism for funding the protection of historic and archaeological data.

i. Cooperative Agreements for Management of Cultural Resources, 10 U.S.C. §2684

This subchapter of the U.S. Code states that the Secretary of Defense or the Secretary of a military department may enter into a cooperative agreement with a state or local government or other entity for the preservation, management, maintenance, and improvement of cultural resources located on a site authorized by subsection (b) and for the conduct of research regarding the cultural resources. Activities under the cooperative agreement shall be subject to the availability of funds to carry out the cooperative agreement.

j. Federal Records Act of 1950, 44 U.S.C. §3101

According to the Federal Records Act of 1950, the head of each federal agency shall make and preserve records containing adequate and proper documentation of the organization, functions,

policies, decisions, procedures, and essential transactions of the agency and designed to furnish the information necessary to protect the legal and financial rights of the Government and of persons directly affected by the agency's activities.

k. Historic Sites Act of 1935, 54 U.S.C. §§102303-102304, §309101, §§320101-320106

This Act lists national historic sites and sets forth federal policy to preserve historic and prehistoric properties of national significance. The Act enables the Secretary of the Interior to protect nationally significant historic resources and includes the authority to establish and acquire nationally significant sites.

l. Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, concluded on May 14, 1954 (Treaty Doc. 106-1(A)) [Congressional Record, September 25, 2008, page S9555]

This international treaty requires its signatories to protect cultural property in war. Under the Hague Convention, immovable and moveable cultural property “including monuments of architecture, art, archaeological sites, manuscripts, books and other objects of artistic, historical or archaeological interest” are protected to ensure the cultural legacy and by extension the cultural property of, nations, groups and distinct members of a society worldwide, facing armed conflict.

2 FEDERAL REGULATIONS

Only regulation n applies to overseas installations.

a. 32 CFR Part 187

32 CFR Part 187 provides policy and procedures to enable DoD officials to be informed and take account of environmental considerations when authorizing or approving certain major federal actions that do significant harm to the environment of places outside the United States. Its sole objective is to establish internal procedures to achieve this purpose, and nothing in it shall be construed to create a cause of action.

b. 32 CFR 229

The regulations in this part implement provisions of the Archaeological Resources Protection Act of 1979, as amended by establishing the uniform definitions, standards, and procedures to be followed by all Federal land managers in providing protection for archaeological resources, located on public lands and Indian lands of the United States. These regulations enable Federal land managers to protect archaeological resources, taking into consideration provisions of the American Indian Religious Freedom Act through permits authorizing excavation and/or removal of archaeological resources, through civil penalties for unauthorized excavation and/or removal, through provisions for the preservation of archaeological resource collections and data, and through provisions for ensuring confidentiality of information about archaeological resources when disclosure would threaten the archaeological resources.

c. 36 CFR 60

36 CFR 60 regulates the NHPA and set forth the procedural requirements for listing properties on the NRHP.

d. 36 CFR 61

The qualifications define minimum education and experience required to perform identification, evaluation, registration, and treatment activities. In some cases, additional areas or levels of expertise may be needed, depending on the complexity of the task and the nature of the historic properties involved.

e. 36 CFR 63

These regulations have been developed to assist federal agencies in identifying and evaluating the eligibility of properties for inclusion in the NRHP.

f. 36 CFR 65

The purpose of the National Historic Landmarks Program is to identify and designate National Historic Landmarks, and encourage the long range preservation of nationally significant properties that illustrate or commemorate the history and prehistory of the United States. These regulations set forth the criteria for establishing national significance and the procedures used by the Department of the Interior for conducting the National Historic Landmarks Program.

g. 36 CFR 66

36 CFR 66 was designed to preserve significant historical and archeological data from loss or destruction, to include any unexpected archeological resources discovered as a result of a federal construction project or federally licensed activity or program.

h. 36 CFR 67, Section 7

36 CFR 67, Section 7 focuses on “certified historic structures” as defined by the Internal Revenue Service Code of 1986. These regulations are used in the Preservation Tax Incentives Program.

i. 36 CFR 68

The intent of this part is to set forth standards for the treatment of historic properties containing standards for preservation, rehabilitation, restoration, and reconstruction. These standards apply to all proposed grant-in-aid development projects assisted through the National Historic Preservation Fund.

j. 36 CFR 78

Section 110 of the NHPA, sets forth certain responsibilities of federal agencies in carrying out the purposes of the NHPA. Subsection 110(j) authorizes the Secretary of the Interior to promulgate regulations under which the requirements in section 110 may be waived in whole or in part in the event of a major natural disaster or an imminent threat to the national security. Waiver of responsibilities under section 110 does not affect an agency's section 106 responsibilities for taking into account the effects of emergency activities on properties included in or eligible for the NRHP and for affording the Advisory Council on Historic Preservation an opportunity to comment on such activities.

k. 36 CFR 79

36 CFR 79 establish definitions, standards, procedures and guidelines to be followed by federal agencies to preserve collections of prehistoric and historic material remains, and associated records, recovered under the authority of the Antiquities Act (16 U.S.C. §§431-433), the Reservoir Salvage Act (16 U.S.C. §469-469c), section 110 of the NHPA (16 U.S.C. §470h-2) or the Archaeological Resources Protection Act (16 U.S.C. §470aa-mm).

l. 36 CFR 800

Section 106 of the NHPA requires federal agencies to take into account the effects of their undertakings on historic properties and afford the Council a reasonable opportunity to comment on such undertakings. The procedures in this part define how federal agencies meet these statutory responsibilities. The section 106 process seeks to accommodate historic preservation concerns with the needs of federal undertakings through consultation among the agency official and other parties with an interest in the effects of the undertaking on historic properties, commencing at the early stages of project planning. The goal of consultation is to identify historic properties potentially affected by the undertaking, assess its effects and seek ways to avoid, minimize or mitigate any adverse effects on historic properties.

m. 40 CFR 1500-1508

40 CFR 1500-1508 are the procedural provisions of NEPA that were published by the Council on Environmental Quality (CEQ).

n. 43 CFR 3

43 CFR 3 regulations that jurisdiction over ruins, archeological sites, historic and prehistoric monuments and structures, objects of antiquity, historic landmarks, and other objects of historic and scientific interest, shall be exercised under the act by the respective Departments as (a) by the Secretary of Agriculture over lands within the exterior limits of forest reserves; (a) by the Secretary of the Army over lands within the exterior limits of military reservations; and (c) by the Secretary of the Interior over all other lands owned or controlled by the Government of the United States, provided, the Secretaries of the Army and Agriculture may by agreement cooperate with the Secretary of the Interior in the supervision of such monuments and objects covered by the Act of June 8, 1906 (34 Stat. 225; 16 U.S.C. §§431-433), as may be located on lands near or adjacent to forest reserves and military reservations, respectively.

o. 43 CFR 10

These regulations develop a systematic process for determining the rights of lineal descendants and Indian tribes and Native Hawaiian organizations to certain Native American human remains, funerary objects, sacred objects, or objects of cultural patrimony with which they are affiliated.

3 EXECUTIVE ORDERS

E.O.s b, c, and d do not apply to overseas installations.

a. E.O. 11593, “Protection and Enhancement of the Cultural Environment,” May 13, 1971

This E.O. directs federal agencies to provide leadership in preserving, restoring, and maintaining the historic and cultural environment of the Nation; to ensure the preservation of cultural resources; to locate, inventory, and nominate to the NRHP all properties under their control that meet the criteria for nomination; and to ensure that cultural resources are not inadvertently damaged, destroyed, or transferred before the completion of inventories and evaluation for the NRHP.

b. E.O. 13006, “Locating Federal Facilities on Historic Properties in our Nation’s Central Cities,” May 21, 1996

This Order states that locating Federal Facilities on Historic Properties in Our Nations Central Cities, subject to the Rural Development Act and Executive Order 12072, requires that first consideration be given to locate federal facilities in historic buildings and districts within central business areas when operationally appropriate and economically prudent. It also directs federal agencies to remove regulatory barriers, review their policies, and build new partnerships with the goal of enhancing participation in the National Historic Preservation Program.

c. E.O. 13007, “Indian Sacred Sites,” May 24, 1996

This Order is designed to protect and preserve Indian religious practices, this EO directs each federal agency that manages federal lands to “(1) accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and (2) avoid adversely affecting the physical integrity of such sacred sites.” This EO also directs each federal agency to report to the President on “procedures implemented or proposed to facilitate with appropriate Indian tribes and religious leaders.” Several EM sites and facilities are located on Tribal aboriginal and treaty lands. Staff at these facilities work with the Tribes to allow Tribal members safe access to DOE sites for Tribal cultural/religious purposes.

d. E.O. 13175, “Consultation and Coordination with Indian Tribal Governments,” November 6, 2000

The objective of this Order is to establish regular and meaningful consultation and collaboration with tribal officials in the development of federal policies that have tribal implications,

to strengthen the United States government-to-government relationships with Indian tribes, and to reduce the imposition of unfunded mandates upon Indian tribes.

e. E.O. 13287, “Preserve America,” March 3, 2003

This Order underlines the policy of the federal government to provide leadership in preserving America’s heritage by actively advancing the protection, enhancement, and contemporary use of the historic properties owned by the federal government, and by promoting intergovernmental cooperation and partnerships for the preservation and use of historic properties.

f. E.O. 13327, “Federal Real Property Asset Management,” February 6, 2004

This Order underlines the policy of the United States to promote the efficient and economical use of America’s real property assets and to assure management accountability for implementing federal real property management reforms. Based on this policy, executive branch departments and agencies shall recognize the importance of real property resources through increased management attention, the establishment of clear goals and objectives, improved policies and levels of accountability, and other appropriate action.

g. E.O. 13693, “Planning for Federal Sustainability in the Next Decade,” March 19, 2015

This Order has a goal to maintain Federal leadership in sustainability and greenhouse gas emission reductions. It revoked E.O. 13423 and E.O. 13514. This E.O. continues the policy of the United States that agencies shall increase efficiency and improve their environmental performance to help protect the planet for future generations and save taxpayer dollars through avoided energy costs and increased efficiency, while also making Federal facilities more resilient. To improve environmental performance and Federal sustainability, the E.O. states that priority should first be placed on reducing energy use and cost, then on finding renewable or alternative energy solutions. The E.O. sets goals for greenhouse gas emissions and for sustainability, including energy conservation, clean energy, renewable energy, alternative energy, water use efficiency, potable water consumption, fleet efficiency, building efficiency, sustainable acquisition, waste and pollution prevention, performance contracts, and electronics stewardship.

4 FEDERAL GUIDANCE

a. 48 FR 22716

The Secretary of the Interior’s Professional Qualification Standards describe the minimum educational and professional experience requirements in history, archeology (historic or prehistoric), architectural history, architecture and historic architecture required to perform identification, evaluation, registration, and treatment activities.

b. 53 FR 4742

Guidelines for Federal Agency Responsibilities, Under Section 110 of the National Historic Preservation Act states that (1) the heads of all federal agencies shall assume responsibility for the

preservation of historic properties which are owned or controlled by such agency. (2) Each federal agency shall establish (unless exempted pursuant to Section 214), in consultation with the Secretary, a preservation program for the identification, evaluation, and nomination to the NRHP, and protection of historic properties.

c. 62 FR 33707

The Secretary of the Interior's Proposed Historic Preservation Professional Qualification Standards were developed by the National Park Service to ensure that a consistent level of expertise would be applied nationally to the identification, evaluation, documentation, registration, treatment, and interpretation of historic and archeological resources.

5 DEPARTMENT OF DEFENSE (DOD) POLICY

Only items b, d, and j apply to overseas installations.

a. DoD Instruction 4710.02 "DoD Interactions with Federally-Recognized Tribes," September 14, 2006

This Instruction underlines the DoD policy to (1) Meet its responsibilities to tribes as derived from federal trust doctrine, treaties, and agreements between the United States Government and tribal governments, and to comply with federal statutes, regulations, Presidential Memorandums, and Executive Orders governing DoD interactions with tribes. (2) Build stable and enduring government-to-government relations with federally recognized tribal governments in a manner that sustains the DoD mission and minimizes effects on protected tribal resources. (3) Fully integrate, down to staff officers and civilian officials at the installation level, the principles and practices of meaningful consultation and communication with tribes. (4) Take into consideration the significance that tribes ascribe to protected tribal resources on protected lands.

b. DoD Instruction 4710.03 "Consultation Policy with Native Hawaiian Organizations," October 25, 2011

This established the policy and assigned the responsibilities for DoD consultations with Native Hawaiian Organizations when proposing actions that may affect a property or place of traditional religious and cultural importance to Native Hawaiian Organizations.

c. DoD Minimum Antiterrorism Standards for Buildings (UFC 4-010-01)

This UFC stipulates that each military service will ensure that antiterrorism (AT) protective features be incorporated into planning, design and execution of all facility construction to mitigate AT vulnerabilities and terrorist threats. In addition, 10 U.S.C. §2859 required the Secretary of Defense to develop common guidance and criteria to be used to develop construction standards designed to reduce the vulnerability to terrorist attack and to improve the security of the occupants of those structures. This UFC is intended to meet those requirements. In accordance with DoD Instruction 2000.16, all DoD Components will fully comply with this UFC.

d. SECNAV Instruction 11010.14A, “Department of the Navy Policy for Consultation with Federally Recognized Indian Tribes,” October 11, 2005

This instruction stresses that it is DON policy to consult with representatives of federally recognized Tribal Governments as provided by law on all issues impacting Indian lands, protected tribal resources or rights under treaties, and issues of concern to Tribal Governments on DON lands; conduct consultation on a government-to-government basis in recognition of Tribal Government sovereignty; conduct consultation openly and in good faith, using written, electronic, telephonic and face-to-face consultation formats, as appropriate; initiate consultation at the earliest possible juncture in the planning process and retain final decision-making authority over DON assets and actions; protect culturally sensitive information from public disclosure, including Freedom of Information Act exemptions, and withholding sensitive information from written summaries and transcripts; and consult with non-federally recognized Indian tribes, traditional cultural leaders and other Native Americans on the same basis as other interested parties when particular statutes and regulations require such consultation.

e. SECNAV M 5210.1, “Department of the Navy Records Management Program Records Management Manual,” November 16, 2007

This manual establishes policies and procedures for life-cycle management (creation, maintenance, use and disposition) of DON records. This manual provides guidelines and procedures for the proper administration of a records management program. It also contains all DON records disposition schedules approved by the National Archives and Records Administration.

f. Nationwide Programmatic Memorandum of Agreement (MOA) among the United States Department of Defense, the Advisory Council on Historic Preservation and the National Conference of State Historic Preservation Officers (Concerning World War II Temporary Buildings)

DoD, the Advisory Council on Historic Preservation, and the National Conference of State Historic Preservation Officers signed a Programmatic MOA, completing the Section 106 review process for a program of demolition of the remaining World War II-era temporary military buildings (For the purposes of the Programmatic MOA, this includes all temporary buildings built between 1939 and 1946 on military property).

g. Program Comment for Wherry and Capehart Era Family Housing at Air Force and Navy Bases

This Program Comment, adopted pursuant to 36 CFR 800.14(e), demonstrates Air Force and Navy compliance with their responsibilities under Section 106 of the National Historic Preservation Act with regard to the following actions in the management of the Wherry and Capehart Era family housing: maintenance, repair, layaway, mothballing, privatization and transfer out of federal agency ownership, substantial alteration through renovation, demolition, and demolition and replacement of Wherry and Capehart Era housing, associated structures and landscape features that may be eligible for listing on the NRHP.

h. Program Comment: DoD Cold War-Era Unaccompanied Personnel Housing

This Program Comment provides DoD, and its Military Departments with an alternative way to comply with their responsibilities under Section 106 of the NHPA with regard to the effect of the following management actions on Cold War Era Unaccompanied Personnel Housing that may be listed or eligible for listing on the NRHP: ongoing operations, maintenance and repair, rehabilitation, renovation, mothballing, cessation of maintenance, new construction, demolition, deconstruction and salvage, remediation activities, and transfer, sale, lease, and closure of such facilities.

i. Program Comment: DoD World War II- and Cold War-Era Ammunition Storage Facilities

This Program Comment provides the DoD and its Military Departments with an alternative way to comply with their responsibilities under Section 106 of the National Historic Preservation Act with regard to the effect of the following management actions on World War II and Cold War Era ammunition storage facilities that may be eligible for listing on the NRHP: ongoing operations, maintenance and repair, rehabilitation, renovation, mothballing, cessation of maintenance, new construction, demolition, deconstruction and salvage, remediation activities, and transfer, sale, lease, and closure of such facilities.

j. DoD Instruction 4715.5 “Overseas Environmental Baseline Guidance Document,” November 1, 2013

This guide provides criteria, standards, and management practices for environmental compliance at DoD installations overseas. The primary purpose of this Guide is to provide criteria and management practices to be used by DoD Environmental Executive Agents in determining Final Governing Standards (FGS) in accordance with DoD Instruction 4715.5, "Management of Environmental Compliance at Overseas Installations". This Guide also establishes standards for environmental compliance at DoD installations in countries for which no FGS have been established.

VOLUME 9

“HAZARDOUS WASTE MANAGEMENT”

SUMMARY OF VOLUME 9 CHANGES

Hyperlinks are denoted by *[bold, italic, blue and underlined font.](#)*

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VOLUME 9: HAZARDOUS WASTE MANAGEMENT

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REFERENCES

- (a) Sections 6901-6992k of Title 42, United States Code (42 U.S.C. §§6901-6992k) (also known as “Resource Conservation and Recovery Act,” (RCRA) as amended)
- (b) Public Law 89-272, “Solid Waste Disposal Act of 1965,” October 20, 1965
- (c) Public Law 98-616, “Hazardous and Solid Waste Amendments of 1984,” November 8, 1984
- (d) Public Law 102-386, “Federal Facility Compliance Act of 1992,” October 6, 1992
- (e) Section 1 of Public Law 104-119, “Land Disposal Program Flexibility Act of 1996,” March 26, 1996
- (f) MCO 4140.5a
- (g) 40 CFR 271
- (h) 40 CFR 261
- (i) 49 CFR 100 to 185
- (j) 40 CFR 266
- (k) DoD Directive 4145.19-R-1, “Storage and Materials Handling,” September 15, 1979
- (l) MCO 4450.12A, “Storage and Handling of Hazardous Materials,” January 13, 1999
- (m) 40 CFR 262
- (n) 42 U.S.C. §133
- (o) Public Law 99-499, “Superfund Amendments and Reauthorization Act,” October 17, 1986
- (p) DoD Directive 4160.21-M, “Defense Materiel Disposition Manual,” August 18, 1997
- (q) Council on Environmental Quality, “Instructions for Implementing E.O. 13693: Planning for Federal Sustainability in the Next Decade,” June 10, 2015
- (r) 40 CFR 264
- (s) Department of Defense (DoD) 6055.9-STD, “DoD Ammunition and Explosives Safety Standards,” February 29, 2008
- (t) 40 CFR 265
- (u) 29 U.S.C. 651
- (v) 40 CFR 273
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- (x) 40 CFR 761
- (y) 40 CFR 112
- (z) 40 CFR 280
- (aa) 40 CFR 263
- (ab) SECNAV M-5210.1
- (ac) DoD Instruction 4715.6, “Environmental Compliance,” May 4, 2015
- (ad) Public Law 80-235, “National Security Act of 1947,” July 26, 1947
- (ae) Public Law 81-216, “National Security Act Amendment of 1949,” August 10, 1949
- (af) DoD Directive 4001.1, “Installation Management,” September 4, 1986
- (ag) 40 CFR 268
- (ah) 40 CFR 148.16
- (ai) 40 CFR 270
- (aj) 10 U.S.C. §2692
- (ak) Department of Defense (DoD) 4715.05-G, “Overseas Environmental Baseline Guidance Document,” May 1, 2007
- (al) 40 CFR 260
- (am) 29 CFR 1910

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- (an) 42 U.S.C. §2011
- (ao) 42 U.S.C. 6601 et seq.
- (ap) 40 CFR 372
- (aq) SECNAV M-5214.1

Report Required: Authorized Use List (AUL) Adjustment Report (NAVMC 11779) (Report Control Symbol Exempt), Chap. 4, par. 040601.A

VOLUME 9: CHAPTER 1

“SCOPE”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 1

SCOPE

0101 PURPOSE

This Volume establishes Marine Corps policy and responsibilities for compliance with statutory and regulatory requirements for hazardous material and hazardous waste management and minimization. Additionally, requirements for hazardous material and hazardous substance spills are discussed in this Volume and should follow release notification requirements established in Volume 7 of this Manual. Volume 21 of this Manual provides specific information on requirements for waste military munitions.

0102 APPLICABILITY

See Volume 1 paragraph 0102 of this Manual.

0103 BACKGROUND

Sections 6901-6992k of Title 42, United States Code (42 U.S.C. §§6901-6992k) (also known and referred to in this Order as “Resource Conservation and Recovery Act,” (RCRA) as amended) (Reference (a)) was enacted in 1976 as an amendment to Public Law 89-272, “Solid Waste Disposal Act of 1965” (Reference (b)). Reference (a) has since been amended by several statutes, including Public Law 98-616, “Hazardous and Solid Waste Amendments of 1984” (Reference (c)), Public Law 102-386, “Federal Facility Compliance Act of 1992” (Reference (d)), and Section 1 of Public Law 104-119, “Land Disposal Program Flexibility Act of 1996” (Reference(e)). The objectives of Reference (a) are to assist state and local agencies in the development of solid waste management plans; prohibit open dumping on the land; require the conversion of existing open dumps to facilities that do not pose a danger to the environment or to human health; and ensure that hazardous waste management practices protect human health and the environment. Reference (a) provides for the "cradle-to-grave" tracking of hazardous waste from generator to storage, treatment, and ultimate disposal.

010301. The U.S. Environmental Protection Agency (EPA) may delegate authority to a state to implement the RCRA hazardous waste program in lieu of EPA.

010302. States with delegated authority have the primary responsibility to implement the RCRA hazardous waste program. State hazardous waste programs shall be at least as stringent as federal requirements. Therefore, many of the federal regulatory requirements set forth in this Volume may not be directly applicable to installation hazardous waste management activities, but should serve as minimum standards.

010303. Reference (d) waives sovereign immunity under RCRA; therefore, the Marine Corps is subject to civil and administrative fines and penalties levied by federal, state, and local regulators.

VOLUME 9: CHAPTER 2

“AUTHORITY”

SUMMARY OF SUBSTANTIVE CHANGES

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0201 FEDERAL STATUTES

- 020101. RCRA of 1976 (42 U.S.C. 6901 et seq).
- 020102. Federal Facility Compliance Act of 1992 (Public Law 102-386).
- 020103. Hazardous Materials Transportation Act of 1975 (49 U.S.C. 5101 et seq.).
- 020104. Land Disposal Program Flexibility Act of 1996 (Public Law 104-119).
- 020105. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as Amended (42 U.S.C. 9601 et seq.) .
- 020106. Emergency Planning and Community Right-To-Know Act (EPCRA) of 1986 (42 U.S.C. 11001 et seq).

0202 EXECUTIVE ORDERS (E.O.)

E.O. 13693, “Planning for Federal Sustainability in the Next Decade”.

0203 DEPARTMENT OF DEFENSE (DOD) POLICY

- 020301. DoD 4140.27-M Shelf-Life Management Manual.
- 020302. DoD 4160.21-R Defense Materiel Disposition Manual.
- 020303. DoDI 4715.06 Environmental Compliance in the United States.
- 020304. DoDI 6050.05 DoD Hazard Communication (HAZCOM) Program.

0204 RELATED MARINE CORPS POLICY

- 020401. MCO 1510.116 Individual Training Standards for Hazardous Material/Hazardous Waste Marine.
- 020402. MCO 4140.5A Marine Corps Shelf-Life Program.
- 020403. MCO 4400.39 War Reserve Materiel Policy.
- 020404. MCO 10330.2D Storage and Handling of Liquefied and Gaseous Compressed Gasses and Their Full and Empty Cylinders.

- 020405. MCO 4030.19K (P4030.19K) Preparing Hazardous Materials for Military Air Shipments.
- 020406. MCO 4030.40B Packaging of Hazardous Material.
- 020407. MCO 4400.151B W/CH 1-2 (P4400.151B W/CH 1-2) Intermediate-Level Supply Management Policy Manual.
- 020408. MCO 4400.177G Marine Corps Aviation Supply Desk-Top Procedures with Continuous Process Improvement.
- 020409. MCO 4450.12A Storage and Handling of Hazardous Materials.
- 020410. MCO 4450.13A Materiel Quality Storage Standards Policy for Shelf-Life Materiel.
- 020411. Commander's Guide to Environmental Management.

VOLUME 9: CHAPTER 3

“REQUIREMENTS”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 3

REQUIREMENTS

0301 GENERAL

Marine Corps installations and Marine Corps commands/units and tenants in the United States shall comply with all applicable federal, state, and/or local regulatory requirements relating to hazardous waste. Compliance with all aspects of an EPA-approved state hazardous waste management program is considered compliance with all federal requirements. If a state has a program that is not approved by EPA, Marine Corps installations and commands/units and tenants in the given state shall comply with the most stringent state and federal program requirements.

030101. Requirement

Any installation that generates, transports, treats, stores, or disposes of hazardous waste or produces, burns, distributes, or markets any hazardous waste-derived fuels shall notify the cognizant EPA office of its activities and comply with Reference (a) and/or the appropriate hazardous waste regulatory program.

A. Upon presenting proper credentials, federal and state agency officials with responsibility over the hazardous waste programs shall be allowed reasonable access to Marine Corps installations to perform their inspection and oversight duties, but inadequately cleared personnel shall not be allowed access to classified areas until a proper security clearance is obtained.

B. The installation environmental office shall maintain and forward records and reports as required and/or requested by federal, state, or local agencies with responsibility over the hazardous waste program.

C. Military munitions are subject to the RCRA hazardous waste requirements of this Volume when they have been determined to be hazardous waste military munitions (see Volume 21 of this Manual). In conjunction with the requirements of this Volume, generators of waste military munitions should reference Volume 21 of this Manual for policy and other matters pertaining to the use, handling, storage, and transportation of hazardous waste military munitions.

030102. Environmental Compliance

See Volume 4 of this Manual for information on policy, responsibility, and procedures for achieving compliance with applicable federal, state, interstate, and regional statutory and regulatory and Executive Order environmental requirements.

0302 HAZARDOUS WASTE MINIMIZATION

Every Uniformed Hazardous Waste Manifest (UHWM) requires generator certification that programs exist to minimize the volume and toxicity of hazardous wastes generated, insofar as economically feasible. As such, and to reduce costs associated with hazardous waste disposal, it is critical that Marine Corps installations have an appropriate hazardous waste minimization program in place.

Marine Corps installations shall use the Environmental Management Hierarchy to realize hazardous waste minimization through source reduction, material recycling, and as a last resort, treatment and/or disposal.

030201. Planning

Marine Corps installations shall implement and maintain a life cycle management plan that includes the consolidation of materials, waste, and minimization efforts. The life cycle management plan strives to reduce the amount of hazardous material used and hazardous waste generated by implementing up-front hazardous material control in procurement, supply, and use as well as proper life-cycle control and management. The goals of the life cycle management plan are to reduce unnecessary risks and costs associated with the disposal of excess or expired shelf-life hazardous material, protect the environment, ensure safety, and enhance readiness. The plan should employ sound hazardous material management practices, including the establishment and enforcement of hazardous material Authorized Use Lists (AULs).

030202. Education

Marine Corps installations shall ensure all activities that order, procure, store, and/or use hazardous material or generate hazardous waste are knowledgeable of the installation's hazardous waste minimization programs. Activities consist of any military, civilian, and contractor units or work centers that operate aboard an installation for more than 30 days in any fiscal year; order, procure, store and/or use hazardous material; or generate hazardous waste.

030203. Technology

Marine Corps installations shall develop and incorporate new technology or materials that have a reduced impact upon the environment, are safer and healthier, or result in reduced releases and emissions.

030204. Reduction

Hazardous waste minimization begins with improved hazardous material management practices. Marine Corps installations shall regulate the types and quantities of hazardous material ordered, procured, stored, and/or used through activity AULs. Activities shall not order, procure, store, and/or use hazardous material that has not been authorized for the activity; nor order, procure, and/or store hazardous material in excess of maximum on hand quantity limits as stated on their AUL. Unauthorized and excess hazardous material will be removed from the activity and included in the installation's reuse program.

030205. Substitution

Hazardous material substitution is the exchange of an existing hazardous material for a less-hazardous, non-hazardous material or environmentally preferred product that meets the same mission requirement. Marine Corps installations will charter an AUL working group (WG) comprising, at a minimum, representatives from logistics, environmental, safety, and industrial hygiene and include representatives from tenants (MSC/MEF/MFR G4) to serve as ad hoc or active participants. An

AUL WG manager shall be appointed from the logistics division to administer and oversee the AUL WG. Each tenant command will appoint an AUL member and notify the installation commander of that appointment. The AUL tenant representative shall be a Staff or Senior Non-Commissioned Officer or officer to ensure sufficient authority to implement hazardous material requirements. Marine Corps installations' AUL WGs shall, at a minimum, annually review activity AULs to identify specific products leading to significant hazardous waste generation based on previous year's hazardous waste disposal.

A. Mission-essential, specification hazardous materials are documented in technical publications and assigned military specification requirements to meet mission requirements. Mission-essential, specification hazardous materials may only be substituted when less-hazardous, military specification products are available.

B. Mission-essential, non-specification hazardous materials may be documented in technical publications but have not been assigned as military specifications. Substitution for these products should be coordinated with the activity, and they should be replaced with less-hazardous products whenever possible.

C. Non-mission-essential hazardous materials are not documented in a technical publication and are ordered at the preference of the activity. Substitutions for less-hazardous products are at the discretion of the AUL WG and should be made whenever possible.

030206. Shelf-life Management

Unused or unopened expired hazardous material is a significant cost in annual hazardous waste disposal. Marine Corps activities shall manage shelf-life in accordance with MCO 4140.5a (Reference (f)). When expired hazardous material is generated as a result of improper activity management, activities will be responsible for processing and funding waste disposal at the discretion of the Marine Corps installation. The Marine Corps installation's methods for disposal may be used. Activity processing of waste may consist of draining, puncturing, triple-rinsing, crushing, and completing paperwork necessary for disposal.

030207. Reutilization

A. Marine Corps installations shall establish and implement hazardous material reutilization programs (e.g., Reuse or Free Issue) to divert serviceable hazardous material from hazardous waste generation. Reutilization programs shall be incorporated into virgin hazardous material procurement chains and shall be the first source of supply for all military and civilian activities aboard installations.

B. Acceptance of hazardous material into the reutilization program is at the discretion of the installation. If hazardous material is accepted into the reutilization program, the activity will no longer be responsible for processing and funding waste disposal once the hazardous material service life has ended.

C. Reutilization stock may be acquired through the following methods:

1. Activities may submit unused hazardous material to the reutilization program. If an activity identifies the need for hazardous materials is no longer valid and the hazardous material is serviceable, the hazardous material may be offered to the reutilization program for use by other activities.

2. Installations may remove hazardous materials for activities that are unauthorized or exceed AUL storage limits.

3. Installations may review hazardous material for extended or alternate use capabilities.

4. Personal/household hazardous materials may be accepted at the discretion of the installation.

030208. Exclusions

A. Ammunition, explosives, nuclear, radioactive or biological hazardous material or hazardous waste, in-theater wartime operations, and pharmaceuticals are excluded from hazardous waste minimization requirements.

B. Marine Corps forces that are a tenant on other service/agency installations should coordinate with the host-installation regarding their hazardous waste minimization programs. If no host-installation program exists, activities should propose such a program to their host and incorporate hazardous waste minimization into their business practices.

030209. Pollution Prevention

Marine Corps installations and units shall reduce the use of hazardous material, the generation or release of pollutants, and the adverse effects on human health and the environment. Effective life-cycle management is critical to achieving pollution prevention goals by minimizing hazardous waste generation and subsequent disposal costs. Marine Corps units shall consider sustainable, formerly known as “green,” products first in all hazardous material procurement.

0303 IDENTIFICATION

Federal regulations state that a waste is considered a hazardous waste if it is a listed hazardous waste; exhibits at least one of four hazardous waste characteristics; is a military munitions designated as hazardous waste by the Designated Disposition Authority; and/or is a military munitions considered hazardous waste by regulation. Listed wastes, characteristic wastes, and hazardous waste military munitions are categorized using applicable EPA/state hazardous waste identification numbers. When identifying hazardous waste, also consult state and local regulations. States shall adopt a list of hazardous waste and characteristics for identifying hazardous waste that are equivalent to EPA’s list Part 271 of Title 40, Code of Federal Regulations (40 CFR 271) (Reference (g)).

030301. Listed hazardous wastes are located in several sections within 40 CFR 261 (Reference (h)) and are categorized into the following EPA hazardous waste numbers:

A. F Wastes

F Wastes (section 31 of Reference (h)) include wastes from common manufacturing and industrial processes, such as solvents that have been used in cleaning or degreasing operations, and includes non-source-specific waste.

B. K Wastes

K Wastes (section 32 of Reference (h)) include certain wastes from specific industries, such as petroleum refining or pesticide manufacturing, and includes source-specific waste.

C. P Wastes

P Wastes (section 33 of Reference (h)) include specific commercial chemical products in an unused form, including acutely hazardous discarded commercial chemical products, off-specification products, container residues, and spill residues thereof.

D. U Wastes

U Wastes (section 33 of Reference (h)) include specific commercial chemical products in an unused form, including toxic discarded commercial chemical products, off-specification products, container residues, and spill residues thereof.

030302. Characteristic hazardous wastes are designated with EPA waste numbers beginning with the letter “D” and are described in sections 20 through 24 of Reference (h). They are identified as follows:

A. Ignitable Wastes (D001)

Ignitable wastes (section 21 of Reference (h)) can create fires under certain conditions, are spontaneously combustible, or have a flash point less than 60 °C (140 °F) (e.g., waste oils and used solvents).

B. Corrosive Wastes (D002)

Corrosive wastes (section 22 of Reference (h)) are acids or bases with a pH less than or equal to 2, or greater than or equal to 12.5, that are capable of corroding metal containers, such as storage tanks, drums, and barrels (e.g., battery acid).

C. Reactive Wastes (D003)

Reactive wastes (section 23 of Reference (h)) are unstable under “normal” conditions. They can cause explosions, toxic fumes, gases, or vapors when heated, compressed, or mixed with water. Reactive wastes have any of the following properties:

1. Unstable and readily undergo violent change without detonating.
2. React violently with water.
3. Form potentially explosive mixtures with water.
4. Generate toxic gases when mixed with water.
5. Cyanide- or sulfide-bearing and capable of generating toxic gases when exposed to pH conditions between 2 and 12.5.
6. Capable of detonation or an explosive reaction when exposed to a strong initiating force or when heated under confinement.
7. Capable of detonation or an explosive decomposition reaction in normal room conditions.
8. Are forbidden explosives as defined in section 173.54 of 49 CFR 100 to 185 (Reference (i)) or Division 1.1, 1.2, or 1.3 explosives as defined in section 173.50 of Reference (i).

D. Toxic Wastes (D004 - D043)

Toxic wastes (e.g., those containing mercury or lead) (section 24 in Reference (h)) are harmful or fatal when ingested or absorbed and when land disposed may leach into the groundwater. Toxicity is defined through the Toxicity Characteristic Leaching Procedure (EPA Method 1311). Section 24 in Reference (h) describes the list of contaminants, allowable levels, and corresponding D Waste numbers.

030303. Emission residues from air pollution control equipment and biosolids from wastewater treatment plants may display hazardous waste characteristics; therefore, these residues and biosolids shall be evaluated to determine whether they are hazardous waste and, if so, they shall be managed appropriately. Toxicity is the most common characteristic of these residues and biosolids.

030304. Several pesticides exhibit toxic waste characteristics; therefore, installations need to identify whether the waste pesticides and pesticide waste products (e.g., containers, rinsate) are hazardous waste or are universal waste (UW) as defined by section 9 in Reference (h). If not UW, these wastes shall be disposed of and managed as hazardous waste.

030305. Mixtures of a non-hazardous waste and listed hazardous waste are also considered listed hazardous waste and shall be managed appropriately. An example of such a mixture is 1,1,1-trichloroethane (TCA) mixed with used oil. Because TCA is listed at Reference (h), the entire mixture becomes hazardous waste.

030306. Mixtures of a non-hazardous waste and a characteristic hazardous waste are regulated as hazardous waste only if the entire mixture exhibits one of the four hazardous characteristics.

030307. Wastes derived from the treatment, storage, or disposal of listed hazardous wastes (except precipitation run-off) are hazardous waste. Examples of these “derived from” hazardous wastes include biosolids, spill residue, ash, emission control dust, or leachate produced as a result of managing hazardous waste. These wastes shall be managed as hazardous waste.

030308. Wastes that are either mixtures of characteristic hazardous waste and non-hazardous waste or derived from the treatment, storage, or disposal of characteristic hazardous waste are not considered hazardous waste if they no longer exhibit one of the four hazardous waste characteristics. This exemption applies only to characteristic hazardous waste; listed hazardous waste, either mixed or derived from managing hazardous waste, is still hazardous waste.

030309. Low-Level Mixed Waste (LLMW) is a mixture of hazardous waste and low-level radioactive waste. LLMW stored and treated in approved tanks or containers is exempt from regulation as hazardous waste under RCRA authority as long as the management of such waste is regulated by the Nuclear Regulatory Commission. LLMW that is not managed under this Commission’s authority or not treated or stored in tanks or containers is still regulated as a RCRA hazardous waste (subpart N of 40 CFR 266 (Reference (j))).

030310. Due to the regulations summarized above, it is extremely important to segregate waste streams, both hazardous and nonhazardous, to avoid the added expense of managing hazardous waste when it can be avoided through proper segregation. Segregation of these waste streams is beneficial, resulting in volume reduction, cost savings for disposal, and avoidance of unnecessary recordkeeping (DoD Directive 4145.19-R-1 (Reference (k)) and MCO 4450.12A (Reference (l))).

0304 GENERATION

030401. Monthly generation rates, accumulation times, and accumulation quantities for hazardous waste generators are established at Reference (h) and 40 CFR 262 (Reference (m)). EPA Form 8700-12 is required for submittal by new Small Quantity Generators (SQGs) and Large Quantity Generators (LQGs). The requirements are summarized as follows:

A. Conditionally Exempt Small Quantity Generators (CESQGs) generate no more than 100 kilograms (kg) (approximately 220 pounds (lb)) of hazardous waste and less than 1 kg (approximately 2.2 lb) of acute hazardous waste per month and accumulate no more than 1,000 kg (approximately 2,200 lb) of hazardous waste onsite at any given time. CESQGs are exempt from all hazardous waste management regulations except hazardous waste identification and disposal requirements. A log book is required as part of the site’s operating record to document waste generation and defend this generator status.

B. SQGs generate greater than 100 kg (approximately 220 lb) and less than 1,000 kg (approximately 2,200 lb) of hazardous waste per month and accumulate no more than 6,000 kg (approximately 13,200 lb) of hazardous waste onsite at any given time. SQGs are subject to

limited hazardous waste management regulations, which include obtaining an identification number from EPA or the authorized state, properly maintaining hazardous waste storage containers and tanks, using the most recent EPA form to ship wastes offsite, limiting onsite accumulation to 180 days (270 days if the waste has to be shipped more than 200 miles), and properly disposing of hazardous waste.

C. LQGs generate 1,000 kg (approximately 2,200 lb) or more of hazardous waste per month. LQGs are subject to more stringent hazardous waste management regulations. Paragraph 030502 of this Volume describes accumulation requirements.

030402. If any of the generation quantities outlined in paragraphs 030401.A and 030401.B of this Volume are exceeded, then the generator is considered to be an LQG and is subject to more stringent hazardous waste management regulations. If any of the accumulation quantities or periods outlined in paragraphs 03040a.A through 030401.C of this Volume are exceeded, then the generator is the operator of a storage facility and shall apply for a RCRA part B permit to remain in operation.

030403. Before offering hazardous waste for transport offsite, the hazardous waste generator shall ensure that all DOT requirements for labeling, marking, placarding, and containerizing are met. The hazardous waste generator shall also ensure that the transporter has obtained an EPA identification number for the transportation of hazardous waste and that a UHWM or state equivalent accompanies each shipment. Refer to paragraphs 0310 and 0311 of this Volume for reporting and recordkeeping requirements regarding UHWM and hazardous waste generation.

030404. Generators shall send their hazardous waste to permitted treatment, storage, and disposal facilities (TSDFs) that comply with hazardous waste regulations. Generators shall certify that the facility selected to receive the waste employs the most practical and current treatment, storage, or disposal methods for minimizing present and future threats to human health and the environment. Defense Logistics Agency (DLA) Disposition Services and their local sites usually perform this function for DoD generators.

030405. Generators shall certify that they have developed and implemented waste minimization programs at their areas as part of the UHWM requirements. LQGs shall certify that these programs are capable of reducing the volume, quantity, and toxicity of the generator's waste as a part of their biennial report to EPA. SQGs shall certify that they have made a good faith effort to minimize waste generation and selected the best waste management method based on availability and affordability. Waste minimization reporting is also required by section 13106 of 42 U.S.C. §133 (Reference (n)) as it amended section 313 of Public Law 99-499, "Superfund Amendments and Reauthorization Act," (Reference (o)). For hazardous waste military munitions, the goals of hazardous waste minimization have been incorporated into the Marine Corps military munitions disposition process (see Volume 21 paragraph 0303 of this Manual).

0305 MANAGEMENT

030501. Hazardous Waste Management Plans (HWMPs)

Section F in chapter 10 of DoD Directive 4160.21-M (Reference (p)) directs each installation to develop an HWMP that includes input from all the Marine Corps commands/units and tenants on the installation. This plan identifies and implements hazardous waste management actions required by Reference (a) and/or by authorized state hazardous waste programs and provides the procedures and responsibilities on proper hazardous waste management. The plan shall be signed by the installation commanding general or commanding officer (CG/CO) and distributed to all personnel (including all Marine Corps commands/units and tenants) who accumulate, generate, transport (including on-installation transportation), treat, store, or dispose of hazardous waste for their compliance. The plan shall be reviewed and updated whenever installation/facility conditions or operations affecting hazardous waste accumulation, generation, transportation, treatment, storage, or disposal change. The plan shall include, at a minimum, the following:

- A. A list of EPA/state identification numbers for generating, transporting, storing, treating, or disposing of hazardous waste as applicable.
- B. Procedures to ensure that hazardous waste remains at a 90-day accumulation area for no more than 90 days.
- C. For each activity that generates hazardous waste, the type and average quantity of hazardous waste for each activity generating hazardous waste, to include all Marine Corps commands/units and tenant activities.
- D. A description of waste minimization and source reduction projects, including those described in paragraph 0302 of this Volume, funds available for such projects, and goals to reduce the use of toxic and hazardous chemicals and materials that generate hazardous waste and to purchase lower risk chemicals and toxic materials from top priority lists Council on Environmental Quality, “Instructions for Implementing E.O. 13693: Planning for Federal Sustainability in the Next Decade,” June 10, 2015 (Reference (q)).
- E. The location of all 90 day hazardous waste accumulation areas (e.g., satellite accumulation areas (SAAs), UW areas, used oil areas) and TSDFs.
- F. A waste analysis plan developed in accordance with section 13(b) in 40 CFR 264 (Reference (r)), as applicable.
- G. Procedures for self-inspecting hazardous waste accumulation areas (e.g., SAAs, UW areas, and used oil areas) and TSDFs. Such inspections shall address all hazardous waste activities at the areas and/or facilities inspected, including but not limited to whether containers are closed, containers are marked to indicate content and accumulation start date, and self-inspection records are maintained.
- H. Procedures to prevent unauthorized access to hazardous waste accumulation areas (including SAAs and hazardous waste military munitions storage areas granted conditional exemption (CE)) and TSDFs.
- I. Procedures to temporarily treat, store, or dispose of hazardous waste if existing facilities are not available.

J. The Spill Prevention, Control, and Countermeasure Plan or National Oil and Hazardous Substances Pollution Contingency Plans, or references to these plans as defined in Volume 7 of this Manual unless combined in an Integrated Contingency Plan.

K. A section on the management of hazardous waste military munitions to include management of responses to explosives or munitions emergencies.

L. A section on waste stream management, including but not limited to UW, used oil, fluorescent bulbs (i.e., lamps), asbestos, absorbents, empty hazardous material/hazardous waste containers, and hazardous waste minimization.

M. The following information may be incorporated directly into the HWMP or may be referenced in the plan and maintained in the Environmental Office (and available by request). This information will need to be authorized in writing by the CG/CO (or by direction).

1. List of personnel authorized to sign manifests.
2. Procedures and responsibilities for the installation, Marine Corps commands/units and tenants, and personnel for generating, transporting, storing, treating, or disposing of hazardous waste. Written job titles and job descriptions of each person conducting hazardous waste management activities at each hazardous waste facility.
3. References and installation points of contact (POCs) for obtaining information on hazardous waste management and POCs for EPA and state officials administering the hazardous waste program.
4. A description of the training program to ensure that all applicable personnel are instructed in federal, state, local, and Marine Corps requirements for hazardous waste management. The description shall include provisions for ensuring that all hazardous waste management personnel have received introductory and refresher training and that all training records are properly documented and maintained. Records containing Personally Identifiable Information (PII) will be maintained in accordance with the Privacy Act (5 U.S.C. 552a) and SECNAVINST 5211.5E (i.e. training, fit testing, medical monitoring, and potential exposure records).

030502. Accumulation and Storage of Hazardous Waste by Large Quantity Generators (LQGs)

As stated in paragraphs 030401 and 030402 of this Volume, the applicability of specific RCRA accumulation and storage requirements depends on the amount of waste that is generated in a calendar month. For LQGs, there are three types of hazardous waste accumulation/storage areas: satellite, 90-day, and permitted. The regulatory requirements differ for each type. It is not a requirement to use all three types of areas. For example, hazardous waste can be accumulated at a SAA and later transferred to a permitted storage area. Each installation should set up the appropriate number and type of accumulation and storage areas necessary to manage its hazardous waste properly. Paragraphs 030502.A through 030502.C of this Volume provide a description of the three types of hazardous waste accumulation or storage areas and the corresponding regulatory requirements.

A. Satellite Accumulation Areas (SAAs)

These are areas where hazardous waste is at or near the point of generation and under the control of the operator. In order to manage SAAs effectively and to prevent waste stream contamination, hazardous waste container access shall be restricted to authorized personnel only. Although not required for CESQGs, it is good practice to place spill control and emergency equipment (e.g., eyewash, fire extinguisher) near an SAA. The other requirements for operating an SAA are:

1. Each container shall be in good condition, compatible with the hazardous waste, and marked with the words “Hazardous Waste” or other words that identify the contents of the container.
2. Each container shall be kept closed at all times except when adding or removing hazardous waste.
3. Generators may accumulate up to 55 gallons (gal) (approximately 208 liters (L)) of hazardous waste or 1 quart (approximately 1 L) of acute hazardous waste at a SAA for an indefinite amount of time or in accordance with state regulations. These quantity limits are for the total amount of hazardous waste or acute hazardous waste at the site, not for each waste stream at the site, unless state regulations allow for accumulation quantity exceptions. For example, 55 gal (approximately 208 L) of one waste stream is allowed. Thirty gal (approximately 136 L) of one waste stream and 25 gal (approximately 114 L) of another waste stream are also allowed. However, 55 gal (approximately 208 L) of one waste stream and 55 gal (approximately 208 L) of another are not allowed.
4. When 55 gal of hazardous waste (or 1 qt of acutely hazardous waste) is reached in an SAA, the generator shall date the container(s) and move any excess waste to a 90-day or 180-day area within 72 clock hours of filling the container (section 34(c)(2) of Reference (m)). Unless the container is moved immediately, the generator needs to re-date the container so that it can be moved offsite within 90 or 180 days of the date the container was moved (sections 34(a)(2) and 34(d)(4) of Reference (m), respectively). This means that an LQG has up to 93 days and an SQG has up to 183 days for onsite accumulation once 55 gal of hazardous waste (or 1 qt of acutely hazardous waste) has been exceeded at the SAA.
5. There is no federal requirement for full containers of hazardous waste to be removed from an SAA within 3 days of being filled. Only the excess of 55 gal of hazardous waste (or the excess of 1 qt of acutely hazardous waste) shall be removed within 3 days.

B. 90-day Accumulation

These areas are used to store hazardous waste temporarily until it is either shipped offsite for disposal or transferred to a permitted storage facility. Hazardous wastes at these areas may be accumulated for up to 90 days. (Note: For WMM, storage shall also meet the requirements of DoD 6055.9-STD (Reference (s)) and DoD Ammunition and Explosives Safety Standards, as specified in Reference (j) and Volume 21 of this Manual).

1. Each container shall be in good condition, compatible with the hazardous waste, and marked with the words “Hazardous Waste” and the accumulation start date.
2. Each container shall be closed at all times except when adding or removing hazardous waste.
3. The site shall be inspected at least weekly, as defined by that state’s regulatory agency, for container leaks, deterioration of containers, open containers, and condition of emergency response and spill control equipment.
4. Containers holding ignitable or reactive waste shall be located at least 15 meters (m) (50 feet (ft)) inside the accumulation site’s boundary.
5. Incompatible wastes shall not be placed in the same container and shall meet the requirements of section 17 in 40 CFR 265 (Reference (t)).
6. Incompatible hazardous waste or hazardous material shall be separated by a berm, dike, wall, or other device.
7. Containers with a capacity greater than 0.1 cubic meters (m³) (approximately 26 gal) that are used to store, treat, or dispose of hazardous waste shall meet the air emission standards of subpart CC of References (r) and (t).
8. Areas shall be maintained, operated, and equipped to meet preparedness and prevention requirements outlined in subpart C of References (r), (m) and (t).
9. A contingency plan and emergency procedures shall be developed for each site as outlined in subpart D of References (r) and (t).
10. Personnel responsible for the site shall be trained in the proper handling of hazardous waste (subpart B of References (r) and (t)).
11. As part of the effort to minimize the possibility of releases to the environment, secondary containment should be provided for liquid hazardous waste stored at these areas.
12. If the site uses tanks to store hazardous waste, then the requirements of subpart J of References (r) and (t) shall be met.
13. If the site uses tanks with a capacity greater than 0.1 m³ (approximately 26 gal) to store, treat, or dispose of hazardous waste, then the air emission standards of subpart CC of References (r) or (t) shall be met.

C. Permitted Storage

This type of storage facility requires a RCRA part B permit. The permitting process is outlined in paragraph 0308 of this Volume. Storage requirements will be specified in the facility's permit.

D. Storage of Cathode Ray Tubes

The storage of electronic equipment with used, broken cathode ray tubes is conditionally excluded from hazardous waste requirements in section 39 of Reference (h) if they are undergoing recycling. Cathode ray tubes from the installations are handled through DLA Disposition Services and their local site. (See Volume 17 of this Manual).

030503. Accumulation and Storage of Hazardous Waste by Small Quantity Generators (SQGs)

SQG generation and accumulation criteria apply to the installation as a whole, not to individual accumulation or generation areas. Accumulation and storage requirements for SQGs are comparable to but not as stringent as 90-day accumulation areas. Key requirements are:

- A. The accumulation time limit is 180 days unless the TSDF to which hazardous waste will be transported for disposal is greater than 200 miles; in which case, the accumulation time is 270 days.
- B. Requirements identified in paragraphs 030502.B.1 through 030502.B.5 of this Volume for 90-day accumulation areas shall be met.
- C. An emergency coordinator shall be onsite or on call at all times.
- D. Preparations for responses to spills and other emergencies shall be made, including posting emergency response telephone numbers, providing and identifying locations of fire extinguishers and spill control equipment, and familiarizing all employees with proper waste handling and emergency response procedures appropriate to the site.

030504. Accumulation and Storage of Hazardous Waste by Conditionally Exempt Small Quantity Generators (CESQGs)

CESQGs are not subject to the accumulation and storage requirements of federal regulations. State requirements, reasonable safety precautions, and requirements for SAAs should be considered when establishing accumulation and storage practices on installations that qualify as CESQGs. While there are no federal labeling requirements for CESQGs, 29 U.S.C. 651 et seq. (also known and referred to in this Order as "Occupational Safety and Health Act" ((Reference (u) requires labels on all containers. Storage containers should not be leaking, bulging, rusted, or incompatible with the waste stored in them. If a CESQG treats or disposes of hazardous waste onsite, the installation's TSDF shall be fully permitted to handle hazardous waste; be a facility that uses, reuses, or legitimately recycles the waste (or treats the waste prior to use, reuse, or recycling); and should be a

UW handler or destination facility subject to the UW requirements of 40 CFR 273 (Reference (v)). However, when the CESQG reaches the 1,000-kg (approximately 2,200-lb) threshold, the time requirements for SQGs become applicable (see paragraphs 030401.A and 030401.B).

030505. Management of Used Oil

A. In some states, used oil is considered a hazardous waste and shall be managed as directed by state regulations.

B. Non-hazardous used oil that is mixed with polychlorinated biphenyls (PCBs) and is less than 50 parts per million (ppm) PCBs may be managed as RCRA used oil in accordance with 40 CFR 279 (Reference (w)). However, used oil that contains more than 50 ppm PCBs shall be managed as a Toxic Substances Control Act waste under 40 CFR 761 (Reference (x)) (see Volume 19 of this Manual) and cannot be diluted to reduce the PCB concentration.

C. Used oil contaminated with hazardous waste shall be managed as a hazardous waste, unless the generator is a CESQG as defined by Reference (h). CESQG hazardous waste that has been mixed with used oil with the intent of being recycled (either by burning for energy recovery or other processes) can still be managed as used oil in accordance with Reference (w).

D. If used oil is used for on-site energy recovery, the generator shall demonstrate that the oil is “on-specification” (i.e., does not exceed EPA-defined allowable levels defined by part 11 of Reference (w)) and maintain records of analysis for at least three years.

E. Storage of used oil is subject to the requirements of 40 CFR 112 (Reference (y)), or if stored in a UST, 40 CFR 280 (Reference (z)), and is outlined in Volume 7 of this Manual.

0306 **TRANSPORTATION**

030601. Defense Logistics Agency (DLA) Disposition Services

The Marine Corps normally contracts, via DLA Disposition Services, with private transporters to ship hazardous waste offsite for recycling, treatment, storage, or disposal. The Marine Corps generator and DLA Disposition Services are responsible for ensuring that the transporter meets all federal, state, and/or local hazardous waste transportation regulations and all explosives safety requirements, as applicable.

030602. Policies and Procedures

Reference (l) provides policies, procedures, and responsibilities for receipt, storage, transportation, and handling of hazardous materials and hazardous wastes. This document is published by the Marine Corps, DLA, and the other military services. The provisions in Reference (l) are applicable to all installations under the command and control of the Secretary of Defense.

030603. Right-of-Way

Transport of hazardous waste on a public or private right-of-way that is within or alongside the boundary of an installation does not require a UHWM. State and local regulations concerning the transportation of hazardous waste on a public roadway within or adjacent to an installation boundary may be more stringent than Reference (m) and may require the use of a UHWM. In the event of release of hazardous waste on a public or private right-of-way, the transporter shall meet the requirements of sections 30 and 31 of 40 CFR 263 (Reference (aa)) for immediate action and cleanup.

030604. Uniform Hazardous Waste Manifest (UHWM) Requirements

A. All hazardous waste transported from an installation over public roads shall be accompanied by a UHWM prepared and signed by the hazardous waste generator unless otherwise exempted by paragraph 030603 of this Volume. Each transporter and the owner or operator of the receiving TSDF shall sign the UHWM and keep a record copy. The receiving TSDF returns a copy of the signed UHWM to the hazardous waste generator. In some cases, disposal contracts may specify a single contractor responsible for support to the generator and transporter as the preparer of the UHWM. Refer to paragraphs 0310 and 0311 of this Volume for reporting and recordkeeping requirements regarding UHWM and hazardous waste generation (pursuant subparts A through D of Reference (m), Reference (aa), and Standard Subject Identification Code (SSIC) 5090.2a-d in SECNAV M-5210.1 (Reference (ab))).

B. If DLA Disposition Services is managing the disposal of hazardous waste for the installation, the hazardous waste shall be accompanied by the most recent Disposal Turn-in Document and Hazardous Waste Profile Sheet unless a current profile sheet is already on file when DLA Disposition Services accepts custody. DLA Disposition Services prepares the UHWM upon receipt of hazardous waste. The hazardous waste generator shall review the UHWM for accuracy and sign as authorized by the installation CG/CO.

C. Installations shall include a 24-hour manned duty telephone number in block 3 on each UHWM.

0307 DISPOSAL

030701. Within the DoD, the responsibility for the disposal of hazardous material and hazardous waste is split between the military services and DLA. Reference (p) promulgates consolidated guidance regarding hazardous material and hazardous waste disposal, and DoD Instruction 4715.6 (Reference (ac)) outlines DLA Disposition Services' responsibility for the disposal of hazardous waste for DoD.

030702. For the disposal of hazardous waste generated from an installation's routine operations, generators shall coordinate with DLA Disposition Services or their local site to ensure that transporters are on the approved DoD list and that these transporters are permitted for "cradle-to-grave" management of hazardous waste. For cleanup operations, installations should coordinate with EPA, the states (with authorized hazardous waste programs), and the Corps of Engineers to ensure transporters are in compliance with all applicable regulations. Questions on this process should be addressed to the local site or DLA Disposition Services.

030703. DLA has been designated the responsible agency for the worldwide disposal of all hazardous material and hazardous waste with the exception of the nine categories of materials described below:

A. Toxicological, biological, radiological, and lethal chemical warfare materials, if required by United States law to be destroyed. Disposal of the byproducts of such materials is the responsibility of the DoD installation with assistance from DLA.

B. Material that cannot be disposed of in its present form because of military regulations (e.g., controlled medical items and military munitions items requiring demilitarization). This category includes instances when military regulations require the obliteration of all markings that could relate excess material to its operational program. Once the appropriate actions are taken to meet the military regulation, the resulting material can then be disposed of through DLA.

C. Municipal-type garbage, trash, and refuse, resulting from residential, institutional, commercial, agricultural, and community activities. This material can be disposed of in a state or local permitted municipal solid waste landfill.

D. Contractor-generated materials that are the contractor's responsibility for disposal under the terms of the contract. The hazardous waste identification number holder (normally the installation commander) shall maintain appropriate control of these materials or wastes and assure that they are transported and disposed of in compliance with federal and state requirements.

E. Biosolids and residues resulting from municipal-type wastewater treatment facilities.

F. Biosolids and residues generated as a result of industrial plant processes or operations. Properly identified industrial process biosolids and residues that are not commingled or a product of an industrial waste treatment facility are the responsibility of DLA. DLA does take biosolids and residues from industrial processes that have not been commingled. For example, biosolids and residues from industrial process "A" shall be collected and stored separately from biosolids and residues resulting from industrial process "B." Each process may result in biosolids and residue contamination, but the biosolids and residues from each process shall be collected and stored separately.

G. Refuse and other discarded materials that result from mining, dredging, construction, and demolition operations.

H. Unique wastes and residues of a nonrecurring nature generated by research and development experimental programs.

I. Wastes and residues (including contaminated soil) resulting from site cleanups associated with long-term, widespread contamination of the environment. This category includes wastes and residues from installation restoration efforts.

030704. On a case-specific basis, the local DLA Disposition Services may be able to arrange disposal of the above categories of hazardous waste. For cleanup operations, installations should coordinate with EPA, the states (with authorized hazardous waste programs), and the Corps of Engineers to ensure transporters are in compliance with all applicable regulations. Contact the local DLA Disposition Services for more information on the availability of this service.

030705. When using DLA hazardous waste disposal services, the Marine Corps shall reimburse DLA pursuant to procedures established by DLA and the Comptroller of the Navy (Reference (p)).

030706. Use of DLA Disposition Services is the preferred method of disposal. However, Marine Corps CGs/COs have authority to contract directly for hazardous waste disposal if necessary to:

- A. Comply with hazardous waste regulations.
- B. Improve efficiency.
- C. Produce economic benefits.

D. Allow successful accomplishment of the Marine Corps official mission as set forth in Public Law 80-235, "National Security Act of 1947," (Reference (ad)), as amended by Public Law 81-216, "National Security Act Amendment of 1949," (Reference (ae)).

030707. A decision not to use DLA Disposition Services for hazardous waste disposal may be made in accordance with DoD Directive 4001.1 (Reference (af)) to best accomplish the installation mission, and shall be concurred with by the component chain of command to ensure all aspects of the procurement (e.g., contract, technical specification, disposal criteria, quality assurance, and quality control plan) are at least as stringent as those used by DLA Disposition Services. DLA Disposition Services should be first afforded the opportunity to redress any operational difficulties in providing service. DLA Disposition Services may request information from the military services, to include lists of facilities doing their own hazardous waste disposal contracting, including the type of commodities handled and prices paid (Reference (p)). See Appendix B, Procedure to Implement Waiver of Requirement to Use DLA Disposition Services, for information on the use of outside sources other than DLA for hazardous waste disposal.

030708. Land Disposal Restrictions (LDRs). EPA has promulgated LDRs limiting or prohibiting the land disposal of certain hazardous wastes by specific dates. Treatment standards for each waste were also set to substantially reduce the toxicity or likelihood of hazardous waste migration. Wastes that meet the treatment standards, or for which there will be no migration of hazardous constituents for as long as the wastes remain hazardous, may be land disposed. 40 CFR 268 (Reference (ag)), lists the specific hazardous wastes prohibited from land disposal and the effective dates of the prohibitions. Generators of hazardous waste shall take the following steps to ensure that the requirements of the LDRs are met:

A. Determine if the waste is a solvent containing hazardous waste or a dioxin-containing waste, listed on the California Waste List, or identified as a Third Third waste 40 CFR

148.16 (Reference (ah)). Third Third wastes may continue to be disposed of if LDR treatment standards have been met.

B. If the hazardous waste is restricted and does not meet the established treatment standard, a written notice shall accompany each shipment of the waste, notifying the TSDF of the appropriate treatment standards that shall be met before land disposal of the hazardous waste can take place.

C. If the hazardous waste is restricted and meets the established treatment standards, a written certification of this fact shall accompany each shipment of the waste to the TSDF. In this case, further treatment of the hazardous waste is not required prior to land disposal.

D. If restricted hazardous wastes are being treated onsite to meet the established treatment standards, a written waste analysis plan shall be developed describing the procedures used to comply with the treatment standards. The plan shall be filed with EPA or the authorized state at least 30 days prior to commencing the onsite treatment process.

E. Records of all notices, certifications, demonstrations, waste analysis data, and other documentation produced to satisfy the LDR requirements shall be kept onsite for 3 years after the date the hazardous waste was sent to a TSDF (section 7(a)(8) of Reference (ag)). These records shall be retained pursuant to SSIC 5090.2b in Reference (ab).

030709. Host Installation and Marine Corps Commands/Units and Tenants Activities hazardous waste Disposal.

A. Marine Corps installations are responsible for obtaining EPA identification numbers and TSDF permits. However, much of the hazardous waste generated at installations is the result of Marine Corps commands/units and tenants, including training exercises. Therefore, it is important for host installations and Marine Corps commands/units and tenants to agree upon their individual responsibilities with respect to the overall base hazardous waste management program. The following paragraph discusses Marine Corps policy regarding hazardous waste management responsibilities of host and Marine Corps commands/units and tenants. (See Volume 2 of this Manual for more information on coordination between environmental managers and Marine Corps commands/units and tenants).

B. Marine Corps policy requires that Inter-Service Support Agreements or equivalent agreements include responsibilities of both parties (host and commands/units and tenants) for the hazardous waste management program. Minimum topics to include in these agreements are funding for hazardous waste management and disposal, accumulation and storage, hazardous waste generation, hazardous waste coordinator designation, hazardous waste training, and hazardous waste minimization (i.e., use of pollution prevention techniques).

C. Contractors working on base shall comply with paragraphs 030709.A and 030709.B of this Volume. Those writing statements of work shall ensure that contracts include language requiring compliance with the applicable requirements of this Manual.

0308 TREATMENT, STORAGE, AND DISPOSAL FACILITIES (TSDFs)

EPA developed a two-part permitting procedure for TSDFs (subpart B of 40 CFR 270 (Reference (ai))) as outlined in the following two paragraphs:

030801. The part A permit requires submittal of EPA Form 8700-23 and confers interim status on an existing TSDF, allowing the installation to continue operations. Interim status can only be conferred on TSDFs for which construction commenced on or before 19 November 1980. Any TSDFs that did not have a part A permit as of 8 November 1988 shall obtain a part B permit before commencing operations.

030802. The part B permit confers final approval to operate TSDFs. The application for the part B permit is detailed, requiring location maps, engineering drawings, operating procedures, waste analysis plans, contingency plans including emergency procedures, and other items. The part B application is reviewed and approved by the cognizant regulatory agency (usually the state). After approval, the part B permit shall be maintained to reflect accurately the latest operations at the TSDF. Prior to implementing major changes in operations (e.g., a new or modified treatment process, the generation of a new type of waste, new or modified storage site), the part B permit shall be updated subject to the review and approval of the cognizant regulatory agency (section 14 of Reference (ai)).

030803. Storage of Non-DoD hazardous waste on Marine Corps Property. Marine Corps activities, with few exceptions, are prohibited by law (10 U.S.C. §2692 (Reference (aj)) and Reference (p)) from storing, treating, or disposing of non-DoD hazardous waste onsite. In addition, Marine Corps policy prohibits hazardous waste generators and TSDFs from accepting non-DoD hazardous waste from offsite. Subject to Reference (aj) specific requirements, some general exceptions to this rule are the following:

A. Storage, treatment, or disposal of materials that will be, or have been, used in connection with a DoD activity or in connection with a service to be performed on a Marine Corps installation or for the benefit of the Marine Corps (e.g., foreign military munitions that are not returned to the country of origin).

B. Storage of strategic and critical materials in the national defense stockpile.

C. Temporary storage or disposal of explosives to protect the public or to assist federal, state, or local law enforcement agencies in storing or disposing of explosives when no alternative solution is available.

D. Temporary storage or disposal of explosives in order to provide emergency lifesaving assistance to civil authorities.

E. Disposal of excess explosives produced under a DoD contract after determining that feasible alternatives are not available.

F. Temporary storage of nuclear materials or nonnuclear classified materials under agreement with the U.S. Department of Energy.

- G. Storage of military resources for use in peacetime civil emergencies.
- H. Temporary storage of materials of other federal agencies during transportation emergencies.
- I. Storage of material that is not owned by DoD if the material is required or generated in connection with the authorized and compatible use by that person of a DoD industrial-type facility, including for testing material and personnel training.
- J. Storage of hazardous waste by a non-DoD tenant organization if there is an approved, written agreement between the host and the non-DoD organization that addresses the storage, treatment, and disposal of the non-DoD organization's hazardous waste, such as in an emergency lifesaving assistance to civil authorities or the temporary storage or disposal of munitions that otherwise would pose a risk to national security.

0309 RESOURCE CONSERVATION AND RECOVERY ACT (RCRA) CORRECTIVE ACTION

030901. Corrective Action is a federal program under Reference (a) that was issued to address the cleanup at facilities where a release of hazardous waste or hazardous constituents into soil, ground water, surface water, or air has occurred. TSDFs shall evaluate the nature and extent of releases of hazardous waste or constituents; evaluate facility characteristics; and identify, develop, and implement appropriate corrective measures to protect human health and the environment. TSDFs are responsible for releases at or from their facilities, regardless of when the releases occurred. EPA or the state will issue a Corrective Action Order to the TSDF if a Corrective Action needs to be conducted. This Order, either negotiated by the regulators and the facility or imposed by the court, contains a schedule, milestones, and cleanup levels.

030902. The regulatory authorities for Corrective Action at TSDFs are found in subpart F of Reference (r), which outline groundwater monitoring and response program requirements. Corrective Actions at interim status facilities are accomplished under RCRA statutory authorities, not regulatory authorities.

0310 RECORDKEEPING

031001. LQG and TSDF owners/operators shall submit annual or biennial reports (EPA Form 8700-13 A/B) to the appropriate regional EPA office or cognizant state agency by March 1 of each even-numbered year or at such time as required by the state agency. A copy of each of these reports shall be kept for 3 years pursuant to SSIC 5090.2a in Reference (ab). LQG and TSDF owners/operators should check state reporting requirements, which may be more stringent.

031002. If an LQG has not received a return copy of the UHWM within 35 days of the date the hazardous waste was accepted by the initial transporter, the transporter and/or the owner/operator of the TSDF shall be contacted to determine the location of the hazardous waste and its status. An LQG shall provide an immediate exception report to the EPA regional or state regulatory authorities if the TSDF designated to receive the hazardous waste has not returned a copy of the UHWM with the handwritten signature of the TSDF owner/operator within 45 days of the date the hazardous waste was accepted by the initial transporter. A copy of each exception report filed

with the EPA or the state authority shall be kept for at least 3 years after the date of the report. These records shall be retained pursuant to SSIC 5090.2a in Reference (ab).

031003. Generators shall maintain the following records:

- A. Waste UHWM from offsite disposal (signed copies).
- B. Biennial reports to the EPA (LQGs only).
- C. LDR certificates for offsite disposal.
- D. Exception reports for non-receipt of UHWM signed by the offsite TSDF.
- E. Lab analyses or other records used to conduct waste determination (profiles).
- F. Hazardous waste training documentation.
- G. Storage site inspection reports (LQGs only).
- H. Hazardous waste contingency plan (LQGs only).

I. SQGs are exempt from the requirements listed in paragraph 031001 of this Volume. With regard to exception reporting (paragraph 031002 of this Volume), SQGs have 60 days after the date the hazardous waste was accepted by the initial transporter to notify the appropriate regulatory authority. SQGs are encouraged to determine the location of the hazardous waste and its status.

J. CESQGs are exempt from the requirements listed above in paragraph 031001 through 031003 of this Volume provided they do not exceed the HW generation quantities outlined in paragraph 030401.A of this Volume.

K. A closure plan for hazardous waste TSDFs, including ammunition supply points under a CE for hazardous waste military munitions storage. The closure plan should discuss how 90-day accumulation areas will meet the closure standards of sections 111 and 114 of Reference (t). If the TSDF is permitted, it shall include a closure plan for all hazardous waste management units. If the facility has interim status and closes before being fully permitted, 90-day accumulation areas shall comply with closure requirements in section 34 of Reference (o).

L. Additional reports required by state or local agency. Generators shall maintain an operator record or log including, at a minimum (section 73 in Reference (r)):

1. Description and the quantity of each hazardous waste received, and the method and date of treatment, storage, or disposal.
2. Location of each hazardous waste and the quantity at each location.
3. Monitoring, testing, or analytical data, and corrective action.

4. Records and results of waste analyses and waste determinations.
5. Summary reports and details of all incidents.
6. Records and results of inspections.

M. Records of test results or waste analyses shall be kept for 3 years after the date the hazardous waste was last manifested offsite pursuant to SSIC 5090.2b in Reference (ab).

N. Generators and transporters shall maintain a log of all UHWMs, including type of waste, quantity, shipped to, ship date, received date, and who signed the UHWM. They shall also retain a copy of the signed UHWM for 3 years after the date the hazardous waste was accepted by the initial transporter pursuant to SSIC 5090.2c in Reference (ab).

O. Records of all required inspections, including emergency equipment tests, at hazardous waste accumulation and storage areas shall be kept onsite and maintained for 3 years pursuant to SSIC 5090.2b in Reference (ab).

P. Records containing the initial shipment of the used oil from the installation shall be kept by the personnel who determined that the used oil met the fuel specification. Records shall be maintained for 3 years after the shipment pursuant to SSIC 5090.2c in Reference (ab).

Q. Records of all notices, certifications, demonstrations, waste analysis data, and other documentation produced to satisfy the LDR requirements shall be kept onsite for 3 years after the date the hazardous waste was sent to a TSDf (section 7(a)(8) of Reference (ag)).

R. Copies of all records should be sent to and maintained by the installation environmental office. Such records shall be maintained for a period of 3 years pursuant to section 40(c) of Reference (o) and SSIC 5090.2a-c in Reference (ab).

S. Installations will submit all Material Safety Data Sheet (SDS)/Safety Data sheets and AUL approvals for all HM (new and reused) to HQMC for inclusion into the Marine Corps' Enterprise hazardous material /hazardous waste Tracking System.

T. Installations shall record all hazardous waste data required for the Calendar Year Hazardous Waste Annual Data Call in the hazardous waste module on the EM Portal.

0311 REPORTING

031101. All commands shall establish policies and procedures to protect hazardous material inventories and hazardous waste inventories/records during natural disasters. These documents shall be presented in each command's natural disaster plan(s). This process serves to identify and quantify any losses caused by a natural disaster.

031102. All installations shall establish hazardous material AUL Work Groups and implement hazardous material AULs. An AUL is an approved list of hazardous material needed to meet the operational requirements of the Work Center. The AUL Work Group will include, but will

not be limited to, the following staff: logistics, supply/procurement, environmental, safety, and industrial hygiene.

031103. All installations in the customs territory of the United States shall comply with EPCRA Section 313. Additional guidelines and instructions for EPCRA compliance can be found in Volume 7 of this Manual.

031104. All installations shall submit the required Toxics Release Inventory (TRI) Report Form R to EPA. Additional guidelines and instructions for TRI reporting can be found in Volume 7 of this Manual.

031105. Installations with TSDFs may be required to develop RCRA Contingency Plans, depending on state regulations.

031106. As required by E.O. 13693, hazardous waste data for the previous calendar year will be submitted to Naval Facilities Engineering Command Engineering and Expeditionary Warfare Center (EXWC) and Commandant of the Marine Corps, Facilities and Services Division (CMC (LF)/MCICOM (GF)) via the Navy Environmental (EPR) Portal in mid-March. Commanding Generals/Commanding Officers (CGs/COs) of Marine Corps installations and Commander, Marine Forces Reserve (COMMARFORRES) are responsible for the submittal of HW data via the EPR Portal, and CMC (LF)/MCICOM (GF) tracks Marine Corps progress using the calendar year data call. The Calendar Year Hazardous Waste Annual Data Call tracks the progress in meeting the DoD Measures of Merit Hazardous Waste goals and is used by OSD as part of Environmental Management Review (EMR) and Defense Environmental Programs Annual Report to Congress (DEP ARC).

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VOLUME 9: CHAPTER 4

“RESPONSIBILITIES”

SUMMARY OF SUBSTANTIVE CHANGES

Hyperlinks are denoted by *bold, italic, blue and underlined font*.

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CHAPTER VERSION	PAGE PARAGRAPH	SUMMARY OF SUBSTANTIVE CHANGES	DATE OF CHANGE

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CHAPTER 4

RESPONSIBILITIES

0401 COMMANDANT OF THE MARINE CORPS (CMC) (LF)/COMMANDER MCICOM

CMC (LF)/Commander MCICOM shall:

040101. Provide support to Marine Corps installations and Marine Corps commands/units and tenants by interpreting federal, state, local hazardous waste regulatory requirements and by uniformly applying Marine Corps policy as set forth in this Manual.

040102. Assist installations in resolving disputes with federal, state, local, and foreign regulatory agencies as required.

040103. Represent the interests of Marine Corps installations in liaison with DLA Disposition Services to ensure adequate support in the disposal of hazardous waste.

040104. Conduct special environmental compliance and protection studies with regard to hazardous waste management to assist in establishing policies or initiating actions.

040105. Ensure, through field visits and the Environmental Compliance Evaluation Program, Marine Corps cooperation and compliance with federal, state, and local regulatory agencies with regard to hazardous waste regulations.

040106. Track Marine Corps progress toward meeting hazardous waste minimization goals, using the Calendar Year Hazardous Waste Annual Data Call.

0402 COMMANDANT OF THE MARINE CORPS (CMC) (LP)

CMC (LP) shall:

040201. Develop overarching policy for the life-cycle management of hazardous material.

040202. Maintain standardized AUL Form for Marine Corps installations.

0403 MARINE CORPS SYSTEMS COMMAND (MARCORSYSCOM)

Marine Corps Systems Command (MARCORSYSCOM) shall consider sustainable procurement in order to meet EO 13693 goals for reduction of toxic chemicals and hazardous material.

0404 COMMANDING GENERAL (CG) MARINE CORPS EAST, WEST, PACIFIC, AND NATIONAL CAPITAL REGION

CG Marine Corps East, West, Pacific, and National Capital Region shall identify and promote opportunities for regional environmental initiatives and contracting support to gain efficiencies.

Create environmental program efficiencies by collectively funding studies, coordinating common training programs, developing appropriate Memorandums of Agreement between stakeholders (e.g., Marine Corps TECOM installations, Marine Aircraft Wings, Resident Officer In Charge of Construction offices, etc.) and the Region, and facilitating mutual support between installations as practicable.

0405 COMMANDING GENERAL (CG)/COMMANDING OFFICER (CO) OF MARINE CORPS INSTALLATIONS AND COMMARFORRES

CG/CO of Marine Corps installations and COMMARFORRES shall:

040501. Authorized Use List (AUL) Program

A. Develop installation policy to establish and charter an AUL Work Group and require all Work Centers to establish an AUL.

B. Create and implement AULs at the Work Center level where hazardous material is ordered and used. AULs apply to all Marine Corps military, civilian activities, and contractors operating aboard the installation for more than 30 days in any fiscal year. Ensure incorporation of AUL policy compliance into mission statements and contracts for current and future contract support.

C. Ensure that Inter-Service Agreements and Inter-Service Support Agreements with tenant organizations are developed or updated to require compliance with this Manual.

D. Ensure that all staff involved in use, management, or procurement of hazardous material are familiar with the AUL concept and are operating their Work Centers using only hazardous material identified on the Work Center AUL.

E. Ensure that installation-level guidance to support this Manual is created and distributed. This guidance should include installation-specific processes and points of contact. AUL practices will be integrated into existing compliance and self-assessment practices.

040502. Reutilization Program

A. Develop installation plans to maintain a reutilization program that directs the reuse of serviceable hazardous material as the first source of supply for Marine Corps activities.

B. Ensure, to the greatest extent possible and within mission requirements, which new hazardous material are not purchased if an equivalent stock item is available to the activity through the reutilization program. If no reutilization program exists, establish a physical or virtual center. Physical facilities shall comply with storage and safety standards.

C. Ensure the real-time, or near real-time, publication of hazardous material reutilization inventory is available to installation activities. The publication will help activities understand what inventory is available, the location of available inventories, and how to obtain available reuse material.

D. Ensure all installation personnel who use, manage, procure, or provide oversight for hazardous material are trained on the installation reuse policy.

E. Ensure all opened hazardous material placed into reuse meets specifications of equipment prior to use.

040503. Hazardous Waste Management

A. Determine, evaluate, and comply with federal, state, and local hazardous waste management requirements, to the extent permitted by law, applicable to hazardous waste management at a Marine Corps installation within the CONUS, or DoD 4715.05-G (Reference (ak)) and Final Governing Standards requirements applicable to hazardous waste management at a Marine Corps installation OCONUS.

B. Identify and submit to the CMC (LF) project documentation and funding requests for hazardous waste project requirements necessary to maintain compliance with applicable existing and emerging regulations and permits. Program, budget, and fund personnel, equipment, materials, training, monitoring, and other requirements necessary for installation operations to comply with hazardous waste management, to include transportation and disposal requirements to the extent permitted by law. Pay appropriate federal, state, and/or local fees to the extent permitted by law. Ensure that the EMH is employed, pollution prevention alternatives are evaluated, and life-cycle cost impacts are assessed in evaluating and selecting projects that address compliance requirements.

C. To the extent permitted by law, ensure that all required federal, state, and/or local hazardous waste management permits are applied for and obtained. Sign certifications and permit applications, as required, for construction of all hazardous waste management projects.

D. Ensure the installation has a hazardous waste program manager.

E. Develop an installation HWMP as described in this Volume.

F. Designate, in writing, personnel authorized to sign UHWMs for the installation.

G. Develop training programs and train personnel involved in hazardous waste operations. Such training shall meet applicable federal, state, and/or local hazardous waste management requirements (see Volume 5 of this Manual).

H. Provide technical assistance and support to commands/units and DoD tenants as needed.

I. Ensure annual submittal of hazardous waste data to NAVFAC and CMC (LF) via the EPR Portal.

J. Ensure submittal, as required, of the biennial hazardous waste report to the EPA or authorized state.

K. Ensure that coordination occurs with the Safety Office on hazardous waste management guidelines and practices that impact risks to the health and safety of operators and response personnel.

L. Budget and fund personnel, facilities, and equipment necessary to handle, store, transport, treat, and dispose of hazardous waste generated by installations as outlined in Volume 3 of this Manual.

M. Budget and fund personnel, facilities, equipment, and other costs necessary to transport and dispose of Marine Corps command/unit- and tenant-generated hazardous waste as outlined in Volume 3 of this Manual.

N. Ensure that an installation order is written to implement specifications set forth in this Volume. This requirement can be accomplished by writing an Environmental Compliance & Protection Standard Operating Procedure to implement all environmental requirements.

0406 COMMANDING GENERAL (CG)/COMMANDING OFFICER (CO) OF MARINE CORPS COMMANDS/UNITS AND TENANTS

CG/CO of Marine Corps commands/units and tenants shall:

040601. Authorized Use List (AUL) Program

A. Ensure that the AUL for their operations is approved by the AUL Work Group and up-to-date at all times. If no current AUL is established, the Unit Commander or Work Center Supervisor shall create and submit an AUL to the AUL Work Group for review and approval within 30 days of installation AUL policy distribution. This reporting requirement is exempt from reports control in accordance with part IV, paragraph 7h of reference (aq). AUL approvals for all HM (new and reused) shall be submitted to the enterprise hazardous material/hazardous waste tracking system.

B. Ensure that no hazardous material is ordered, used, or stored within their Work Center unless it is on their approved AUL. Identified items that do not comply with this Manual are to be either reported to the AUL Work Group through the AUL Adjustment process or confiscated and turned in to the installations' designated point of contact.

C. Submit necessary AUL changes to the AUL Work Group for approval using the AUL Adjustment (NAVMC 11779) and a copy of the SDS (formerly known as Material SDS).

040602. Reutilization Program

A. Ensure the first source of supply for hazardous material procurement is the reuse of existing supply within the Work Center and then the installation.

B. Ensure that hazardous material inventory available for reuse is reviewed before the procurement of new materials.

C. Within mission requirements, ensure that no new hazardous material is ordered if an equivalent stock item, to include a partially used container, is available for reuse that will satisfy the mission requirement.

040603. Hazardous Waste Management

A. Comply with all host-installation/Commander in Chief orders and plans that govern the management of hazardous waste. Participate in the updating of orders and plans to ensure that the needs of the Marine Corps commands/units and tenants are addressed.

B. Develop command/unit and tenant orders, directives, and/or standard operating procedures as needed to implement host installation orders and a plan that governs hazardous waste management.

C. Designate hazardous waste management personnel for each hazardous waste generation, accumulation, and storage site under the cognizance of the Marine Corps commands/units and tenants.

D. To the extent permitted by law, comply with all federal, state, and/or local requirements applicable to hazardous waste management at the Marine Corps commands/units and tenants.

E. To the extent permitted by law, ensure that U.S. Navy Bureau of Medicine complies with state and local requirements applicable to medical waste management at the commands/units and tenants.

F. Assist the host installation hazardous waste program manager in filling out all required regulatory reports.

G. Direct hazardous waste management personnel to respond timely to all required data calls for hazardous waste information.

H. Budget and fund personnel, facilities, and equipment and other costs associated with the generation and preparation for transport of hazardous waste as outlined in Volume 3 of this Manual.

I. In the event of a hazardous material or hazardous waste spill due to command or unit activity, fund costs associated with cleanup of spills and disposal of spill debris as outlined in Volume 3 of this Manual.

J. Ensure that designated hazardous waste coordinators and other personnel involved in hazardous waste management receive appropriate hazardous waste training. Participate in the host installation's hazardous waste training program to take advantage of Marine Corps in-house expertise and economy of scale for contractor-provided training.

K. Request technical assistance from the host installation hazardous waste Program Manager as needed.

0407 INSTALLATION AUTHORIZED USE LIST (AUL) WORK GROUP

Installation AUL Work Group shall:

040701. Monitor and enforce compliance with the AUL policy and escalate issues to the Installation Commander as necessary.

040702. Develop and review, annually, an installation-wide consolidated AUL based on the AULs for each work center. During the annual review, installations will submit to MCICOM a list of any new hazardous materials brought aboard the installation during that year to be included in the centralized hazardous material tracking system. Identify substitutions for Sustainable Procurement Program -compliant or less hazardous products, and remove materials no longer necessary to satisfy mission requirements. Distribute changes and recommended updates to AULs to work centers, tenants, contractors, and visiting units as necessary.

040703. Meet as needed, but not less than quarterly, to review and approve (or deny) all requests for additions to, or modifications of, specific hazardous material on installation, work center, tenant, contractor, or visiting unit AULs using the NAVMC 11779 (06-11) (EF). Additional informal or virtual meetings are encouraged to process routine or expedited requests of high priority.

040704. Appoint an AUL Work Group Manager from the logistics division.

040705. Oversee development and approval of AULs for each applicable work center and for all tenants, contractors, and visiting units operating aboard the installation for 30 days or more.

0408 INSTALLATION AUTHORIZED USE LIST (AUL) WORK GROUP MANAGER

In addition to the Installation AUL Work Group responsibilities described in paragraph 0407 of this volume, the Installation AUL Work Group Manager shall:

040801. Lead the AUL Work Group in all activities and responsibilities.

040802. Serve as the single POC for installation AUL stakeholders.

0409 UNIT HAZARDOUS MATERIAL/HAZARDOUS WASTE HANDLERS

Hazardous material and hazardous waste presents the most prevalent environmental risk in the Marine Corps. All individuals who manage hazardous waste Accumulation Points or SAAs require appropriate training to meet requirements per References (q) and (r). Individuals managing these waste sites shall:

040901. Complete the installation's certified hazardous material/hazardous waste handler course within 60 days of assignment to duties involving the management of hazardous waste. If training per References (q) and (r), or applicable regulations for overseas installations, has already been completed (CECOS or other certified installation course), only local training and annual

refresher training is required. If not yet qualified, duties may be performed under the direct supervision of a properly trained individual.

040902. Complete annual refresher training.

040903. Optionally enroll as an additional MOS 8056 hazardous material /hazardous waste Handler Marine. See Volume 5 for MOS 8056 training requirements.

040904. Ensure unit hazardous material /hazardous waste are handled properly. Report problems through the unit ECC or chain of command.

VOLUME 9: APPENDIX A

“FEDERAL STATUTES, FEDERAL REGULATIONS, EXECUTIVE ORDERS, AND DOD POLICIES”

SUMMARY OF SUBSTANTIVE CHANGES

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APPENDIX A
FEDERAL STATUTES, FEDERAL REGULATIONS, EXECUTIVE ORDERS, AND DOD
POLICIES

1 FEDERAL STATUTES

a. Resource Conservation and Recovery Act (RCRA) of 1976, 42 U.S.C. 6901 et seq.

(1) Subtitle C: Hazardous Waste (HW) Management. Provides the statutory basis for U.S. EPA to promulgate the regulations contained at 40 Code of Federal Regulations (CFR) parts 260-279. The major topics covered in subtitle C are discussed briefly below.

(a) Section 6921: Identification and Listing of HW. Tasks EPA with developing criteria for identifying the characteristics of HW and for listing HW. Properties taken into account are toxicity, persistence, and degradability in nature, potential for accumulation in tissue, reactivity, ignitability, corrosiveness, and other characteristics that make a substance hazardous (40 CFR 261 subparts A through D).

(b) Section 6922: Standards Applicable to Generators of HW. Establishes standards for HW generators as necessary to protect human health and the environment. The standards cover HW labeling, containerization, accumulation time, furnishing information on the chemical composition of HW, the UHWM system, and reporting to authorities the quantities and types of HW generated. Further, the standards encourage pollution prevention by requiring HW generators to certify that they have developed programs capable of reducing the volume, quantity, and toxicity of their waste (40 CFR part 262 subparts A through D).

(c) Section 6923: Standards Applicable to Transporters of HW. Establishes the standards applicable to transporters of HW. These include requirements for recordkeeping of HW transported, and their source and delivery points; compliance with the UHWM documents; proper labeling and containerization for shipment; and for Hazardous Material Transportation Act requirements to be met, as specified by the Department of Transportation (49 CFR Subchapter C, Hazardous Materials Regulations) (40 CFR part 263).

(d) Section 6924: Standards Applicable to Owners and Operators of HW TSDFs. Covers various topic areas, which are expanded in the Hazardous and Solid Waste Amendments, Federal Facilities Compliance Act, and Land Disposal Program Flexibility Act of 1996 (Public Law 104-119). Topics in this section that are pertinent to the Marine Corps include:

1. Section 6924(a) requires set performance standards for new and existing TSDFs, including recordkeeping; reporting; UHWM; the location, design, and construction of TSDFs; operation and maintenance practices; contingency planning; and permitting (40 CFR part 264 and 40 CFR part 265).

2. Owners and operators of all HW facilities must have a contingency plan for their facility. The contingency plan must be designed to minimize hazards to human health

or the environment from fires, explosions, or any unplanned sudden or non-sudden releases of HW or HW constituents to air, soil, or surface water (40 CFR Part 265.50).

3. Section 6924(c), added by the HSWA, prohibits the land disposal of bulk or non-containerized liquid HW or free liquids contained in HW (40 CFR parts 264 and 265).

4. Sections 6924(d)-6924(g), added by the HSWA, establish periods and procedures for EPA to prohibit the land disposal of specific HWs(40 CFR part 268).

5. Section 6924(m), added by the HSWA, requires EPA to develop treatment standards for those HWs prohibited from land disposal (40 CFR part 268).

6. Section 6924(n), requires EPA to establish air emissions monitoring and control regulations for TSDFs (40 CFR parts 264 and 265).

7. Sections 6924(u) and 6924(v), establishes the RCRA Corrective Action program for the cleanup of continuing releases, even if beyond the facility property line, from solid waste management units at TSDFs, regardless of when the releases occur (40 CFR part 264, subpart F and 40 CFR part 270).

8. Section 6924(y), added by the FFCA and requires EPA in conjunction with the DoD to develop regulations for identifying when military munitions become HW (40 CFR part 266) (see Volume 21 of this Order).

(e) Section 6925: Permits for Treatment, Storage, or Disposal of HW. Requires all owners or operators of existing or planned HW TSDFs to apply for and receive a RCRA permit prior to continuing or beginning operations. This section includes provisions for existing facilities to continue operation under interim status, as well as specific requirements for each type of TSDF, including landfills, surface impoundments, and waste piles (40 CFR part 270).

(f) Section 6926: Authorized State HW Programs. Allows states to administer and enforce their own HW management programs as long as their HW management requirements are at least as stringent as those of the federal program. Prior to implementing a HW program, each state must obtain written authorization from the cognizant EPA region (40 CFR part 271). Regardless of whether a state has obtained EPA-delegated HW authority, Marine Corps facilities are subject to all RCRA provisions under the FFCA.

(g) Section 6927: Inspections. Establishes EPA and state access authority to facility premises and all records regarding HW management. It requires that EPA or the authorized state inspect all permitted HW TSDFs no less than once every two years. This section also includes provisions for the public availability of all records concerning HW management, unless they are confidential in nature (as defined by 18 U.S.C. §1905) (40 CFR part 271.15) (FFCA section 107).

(h) Section 6928: Federal Enforcement. Outlines the methods, means, and tools for the EPA to enforce RCRA. It includes policies and guidelines for issuing Enforcement Actions (EAs) such as Notices of Violation, compliance orders, public hearings, criminal and civil penalties, knowing endangerment, and interim status corrective action orders (40 CFR part 271.16).

(i) Section 6930: Preliminary Notification. Requires all parties that generate, transport, or recycle HW to notify EPA of their activities. Respondents must submit the information required by following EPA requirements. Parties that have current EPA identification numbers also must file a subsequent notification for items that have changed at their facility.

(j) Section 6933: HW Site Inventory. Requires that each federal agency submit to EPA, every two years, an inventory of the areas it owns or operates, or previously owned or operated, where HW is or was stored, treated, or disposed of at any time (40 CFR part 271.15).

(k) Section 6939d: Public Vessels. Establishes exceptions for HW generated on public vessels to storage, manifest, inspection, or recordkeeping requirements, unless (1) waste is stored on a public vessel for more than 90 days after the public vessel is placed in reserve or is otherwise no longer in service; or (2) the waste is transferred to another public vessel within the territorial waters of the United States and is stored on such vessel or another public vessel for more than 90 days after the date of transfer. Also establishes procedures for computation of HW storage periods.

(l) Section 6939e: Federally-Owned Treatment Works. Prohibits introduction of any HW into a federally-owned treatment works facility.

(m) Section 6961: Application of Federal, State, and Local Law to Federal Facilities. Establishes a comprehensive waiver of sovereign immunity from the applicability of RCRA to federal facilities. This waiver was broadened further by the FFCA. Therefore, the requirements of RCRA generally apply to federal installations in the same manner as they would to any nongovernmental entity. The President may also generally exempt, for up to one year, any SW management facility of any department from compliance with a RCRA requirement if the exemption is in the paramount interest of the United States.

(n) Section 6962: Federal Procurement. States that each procuring agency must select items made of the highest percentage of recovered materials practicable, unless such items are unreasonable, fail to meet performance standards, or are only available at an unreasonable price. This section requires EPA to issue Comprehensive Procurement Guidelines that list designated items that are, or can be, made with recovered materials. This section and the Farm Bill require federal agencies to have “Preference Programs” to acquire recycled content and bio-based products where they are cost effective and meet technical requirements. For more information on procurement of recovered materials, see Volume 17 of this Order.

(o) Section 6963: Cooperation with EPA. States that federal agencies must make available all information required by the EPA Administrator concerning past or present waste management practices and past or presently owned, leased, or operated SW or HW facilities. This includes the information on the market potential of energy and materials recovered from SW.

(p) Section 6964: Applicability of Solid Waste Disposal Guidance to Executive Agencies. Requires executive agencies to comply with SW management regulations when the agency:

1. Has jurisdiction over the real property or the operation of a facility that is involved in SW management.

2. Generates SW, the management of which, if conducted by a person other than the agency, would require a permit or license for disposal of the waste (see Volume 17 of this Order).

(2) Subtitle I: Regulation of USTs. Directs EPA to promulgate standards for the management, control, and closure of Underground Storage Tanks (USTs) used to store petroleum products or HSs. The Subtitle objective is to prevent and clean up releases from USTs (40 CFR part 280) (see Volume 18 of this Order).

b. Federal Facility Compliance Act of 1992, Public Law 102-386

(1) General

The FFCA amended several sections of the Solid Waste Disposal Act (as amended by RCRA).

(2) Section 102

Section 102 amends section 6001 of the Solid Waste Disposal Act by:

(a) Waiving governmental immunity and subjecting federal agencies to civil and administrative fines and penalties, regardless of whether the fines or penalties are punitive or coercive in nature.

(b) Requiring payment of any nondiscriminatory service charges (e.g., assessments in connection with the processing and issuance of permits; amendments to permits; review of plans, studies, and other documents; and inspecting and monitoring facilities) that are assessed in connection with a federal, state, or local SW or HW regulatory program.

(c) Exempting agents, employees, and officers of the United States from personal liability for any civil penalty arising from acts or omissions within the scope of his or her official duties.

(d) Allowing agents, employees, and officers of the United States to be subject to any criminal sanctions under the federal or state HW law, but no department or agency shall be subject to any such criminal sanctions.

(3) Section 104

Section 104 amends section 3007 of the Solid Waste Disposal Act by requiring EPA and/or states to conduct annual inspections of each federal facility for HW program compliance on a cost-reimbursable basis. It also requires federal facilities to conduct comprehensive groundwater monitoring evaluations where such an evaluation has not been conducted within the one year

preceding the FFCA. Groundwater monitoring initiated under CERCLA is specifically excluded from this requirement.

(4) Section 106

Section 106 added to the Solid Waste Disposal Act as section 3022 and states that any HW generated on a public vessel is not subject to the storage, UHWM, inspection, or recordkeeping requirements until the HW is transferred to an installation.

(5) Section 107

Section 107 added to the Solid Waste Disposal Act as section 3004(y) and requires EPA, in consultation with the DoD, to propose and adopt regulations identifying when military munitions (both chemical and conventional) become HWs. It also requires EPA and the DoD to provide for the safe storage, transportation, and disposal of such wastes. See Volume 21 of this Order.

(6) Section 108

Section 108 added to the Solid Waste Disposal Act as section 3023, which provides Federally Owned Treatment Works (FOTW) with the same sewage exclusion from HW regulation as afforded to Publicly Owned Treatment Works. For the exclusion to apply, the wastes received by the FOTW must either meet certain Clean Water Act pretreatment conditions and must comply with LDRs, or must be generated by households or by a person generating less than 100 kilograms (kg) of HW per month.

c. Hazardous Materials Transportation Act of 1975, 49 U.S.C. 5101 et seq.

The Hazardous Materials Transportation Act is administered by the Department of Transportation and regulates the shipping, marking, labeling, placarding, and recordkeeping requirements for HMs, including HWs and military munitions. 49 CFR parts 100-199 describes these regulations.

d. Land Disposal Program Flexibility Act of 1996, Public Law 104-119

This Act amended two RCRA programs: the LDR program and the non-hazardous landfill groundwater monitoring program. This Act exempts HW from RCRA requirements if the HW is treated to a point where it no longer is characteristic of a HW and is disposed in a deep injection well under the Safe Drinking Water Act.

e. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as Amended, 42 U.S.C. 9601 et seq.

This Act is intended to provide funding and enforcement authority for cleaning up waste disposal sites and for responding to HS spills. CERCLA establishes a comprehensive response program for past HW activities and the planning and response framework for HS releases.

f. Emergency Planning and Community Right-To-Know Act (EPCRA) of 1986, 42 U.S.C. 11001 et seq.

This Act, which is title III of the Superfund Amendments and Reauthorization Act, encourages and supports emergency planning and requires that the public receive timely and comprehensive information about possible or potential hazards associated with toxic chemical releases. Most notably, specific sections of EPCRA require immediate notification of releases of extremely hazardous substances and HSs defined under CERCLA to state and local emergency response planners. EPCRA requires state and local coordination in planning response actions to chemical emergencies. The Act also requires the submission of information on chemical inventories and releases.

2 EXECUTIVE ORDERS

E.O. 13693, “Planning for Federal Sustainability in the Next Decade,” March 19, 2015, has a goal to maintain Federal leadership in sustainability and greenhouse gas emission reductions. It revoked E.O. 13423 and E.O. 13514. This E.O. continues the policy of the United States that agencies shall increase efficiency and improve their environmental performance to help protect the planet for future generations and save taxpayer dollars through avoided energy costs and increased efficiency, while also making Federal facilities more resilient. To improve environmental performance and Federal sustainability, the E.O. states that priority should first be placed on reducing energy use and cost, then on finding renewable or alternative energy solutions. The E.O. sets goals for greenhouse gas emissions and for sustainability, including energy conservation, clean energy, renewable energy, alternative energy, water use efficiency, potable water consumption, fleet efficiency, building efficiency, sustainable acquisition, waste and pollution prevention, performance contracts, and electronics stewardship.

3 DEPARTMENT OF DEFENSE (DOD) POLICY

- a. DoD 4140.27-M, “Shelf-Life Management Manual,” May 5, 2003.
- b. DoD 4160.21-R, “Defense Materiel Disposition Manual,” August 18, 1997.
- c. DoDI 4715.06, “Environmental Compliance in the United States,” May 4, 2015.
- d. DoDI 6050.05, “DoD Hazard Communication (HAZCOM) Program,” August 15, 2006.

4 RELATED MARINE CORPS POLICY

- a. MCO 1510.116, “Individual Training Standards For Hazardous Material/Hazardous Waste Marine,” September 23, 1999.
- b. MCO 4140.5A, “Marine Corps Shelf-Life Program,” February 18, 2015.
- c. MCO 4400.39, “War Reserve Materiel Policy,” February 8, 2011.

- d. MCO 10330.2D, “Storage and Handling of Liquefied and Gaseous Compressed Gasses and Their Full and Empty Cylinders,” June 16, 2000.
- e. MCO 4030.19K (P4030.19K), “Preparing Hazardous Materials for Military Air Shipments,” April 21, 2015.
- f. MCO 4030.40B, “Packaging of Hazardous Material,” January 14, 2000.
- g. MCO 4400.151B W/CH 1-2 (P4400.151B W/CH 1-2), “Intermediate-Level Supply Management Policy Manual,” May 15, 2011.
- h. MCO 4400.177G, “Marine Corps Aviation Supply Desk-Top Procedures with Continuous Process Improvement,” July 29, 2014.
- i. MCO 4450.12A, “Storage and Handling of Hazardous Materials,” January 13, 1999.
- j. MCO 4450.13A, “Materiel Quality Storage Standards Policy for Shelf-Life Materiel,” March 10, 2004.
- k. DON, “Commander's Guide to Environmental Management,” 2009.

VOLUME 9: APPENDIX B

**“PROCEDURE TO IMPLEMENT WAIVER OF REQUIREMENT TO USE
DEFENSE LOGISTICS AGENCY (DLA) DISPOSITION SERVICES”**

SUMMARY OF SUBSTANTIVE CHANGES

Hyperlinks are denoted by *[bold, italic, blue and underlined font.](#)*

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APPENDIX B
PROCEDURE TO IMPLEMENT WAIVER OF REQUIREMENT TO USE DEFENSE
LOGISTICS AGENCY (DLA) DISPOSITION SERVICES

1 PURPOSE

This procedure identifies steps that should be followed at Marine Corps installations that generate and dispose of HW, and that make the decision to not use DLA Disposition Services for HW disposal.

2 APPLICABILITY

This procedure applies to all Marine Corps installations.

3 REQUIREMENTS

In accordance with DoD Directive 4001.01, Incorporating Change 1, "Installation Support," January 10, 2008, installation Commanding Officers (COs) are responsible for meeting their stated mission and have the authority to determine how to best accomplish that mission. In accordance with DoD Instruction 4715.6, "Environmental Compliance," May 4, 2015 and Chapter 10 of DoD Regulation 4160.21-M "Defense Material Disposition Manual," August 18, 1997, DLA Disposition Services is designated as the responsible agency for worldwide disposal of HW.

4 ACTIONS

Marine Corps installations shall use DLA Disposition Services for HW contract disposal services as much as economically and operationally feasible.

a. Cases in which DLA Disposition Services is not used by the installation to dispose of waste are due to special circumstances (e.g., cost effectiveness, type of waste, response time, quantity of waste, and simplified control over the waste stream). In these circumstances, COs are permitted to contract directly for HW disposal services outside of DLA Disposition Services. In accordance with Chapter 10 of DoD Regulation 4160.21-M, DLA Disposition Services "should be first afforded the opportunity to redress any operational difficulties in providing service."

b. The installation CO, or other personnel as directed, shall coordinate with DLA Disposition Services to obtain documentation of why DLA Disposition Services cannot meet installation disposal needs. The installation environmental director shall maintain documentation in accordance with Standard Subject Identification Code 5090.2 of SECNAV M-5210.1, "Department of the Navy Records Management Manual," May 2012. Review documentation prior to contract completion to reassess the decision not to use DLA Disposition Services.

c. The installation CO shall coordinate with the Commandant of the Marine Corps, Facilities and Services Division (CMC (LF))/Marine Corps Installations Command, Facilities Division (MCICOM (GF)) to ensure that installation contracts and disposal criteria are at least as stringent as the criteria used by DLA Disposition Services.

d. Attachment 2 of Chapter 10 of DoD Regulation 4160.21-M defines HW Disposal Contract Standards as follows:

(1) Provide 100 percent manifest tracking to maintain a “cradle to grave” audit trail of documentation for HW disposal (i.e., from original turn-in to final disposal).

(2) Monitor contractor performance at time of pickup by DoD personnel serving as Contracting Officer’s Representative.

(3) Conduct extensive past performance and technical evaluation of prime contractor and subcontractors prior to contract award, and monitor during contract performance.

(4) Conduct onsite post award inspections of selected sub-contractors (e.g. treatment, storage, and/or disposal facility and transporters) to ensure compliance with regulatory requirements.

(5) Evaluate contractor performance and document current and past performance in a database. Ensure contract provisions comply with the Federal Acquisition Regulation and applicable Federal, State, and local safety, environmental, and transportation regulations. Monitor contract costs to ensure competitive pricing as well as high quality contractor service.

(6) Reduce start-up, administrative, and re-procurement costs by preparing and awarding long-term contracts, if in the best interest of DoD.

5 LIABILITY

Chapter 10 of DoD Regulation 4160.21-M indicates that DLA Disposition Services may request information from Marine Corps installations, including a list of facilities using their own HW disposal contracting, that identifies the type of commodities handled and the prices paid. Additionally, overall liability and responsibilities are the same for those installations using DLA Disposition Services or outside HW contracting services.

VOLUME 10

“ENVIRONMENTAL RESTORATION (ER) PROGRAM”

SUMMARY OF VOLUME 10 CHANGES

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VOLUME 10: ENVIRONMENTAL RESTORATION (ER) PROGRAM

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REFERENCES

- (a) 42 U.S.C. 9601
- (b) Public Law 99-499, “Superfund Amendments and Reauthorization Act of 1986 (SARA),” October 17, 1986
- (c) 42 U.S.C. 6901
- (d) OPNAV Instruction 5090.1C, “Environmental Readiness Program Manual,” October 30, 2007
- (e) Department of the Navy, “Environmental Restoration Program (NERP) Manual,” August 2006
- (f) DoD Instruction 4715.07, “DERP,” May 21, 2013
- (g) DoD Manual 4715.20, “DERP Management,” March 9, 2012
- (h) Part 300 of Title 40, Code of Federal Regulations (40 CFR 300) (also known as “National Oil and Hazardous Substance Pollution Contingency Plan”)
- (i) 10 U.S.C. §2710
- (j) EPA, “CERCLA/Superfund Orientation Manual, EPA/542/R-92/005,” October 1992
- (k) DoD, “Risk-Based Site Evaluation Primer,” 1994
- (l) 29 CFR 1910
- (m) DoD Manual 6055.09, “DoD Ammunition and Explosives Safety Standards,” February 29, 2008
- (n) OPNAV Instruction 8020.14A, “Department of the Navy Explosives Safety Management Policy Manual,” February 15, 2013
- (o) MCO 8020.10
- (p) 32 CFR 179
- (q) 16 U.S.C. 1531
- (r) 54 U.S.C. 300101
- (s) EPA, “Risk Assessment Guidance for Superfund Volume I – Human Health Evaluation Manual Part B, Development of Risk-based Preliminary Remediation Goals” December 1991
- (t) DON, “Policy for Streamlining the Assessment, Documentation, and Disclosure of the Environmental Condition of Property for Non-BRAC Real Estate Transactions,” July 5, 2006
- (u) DoD Instruction 6055.16, “Explosives Safety Management Program,” July 29, 2008

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VOLUME 10: CHAPTER 1

“SCOPE”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 1

SCOPE

0101 PURPOSE

This Volume establishes Marine Corps policy and responsibilities for compliance with procedural and statutory requirements pursuant to the Defense Environmental Restoration Program (DERP) Military Munitions Response Program (MMRP) and the Department of the Navy (DON) MMRP.

0102 APPLICABILITY

See Volume 1 paragraph 0102.

0103 BACKGROUND

010301. The Environmental Restoration (ER) Program is comprised of two components, the Installation Restoration (IR) Program and the MMRP. Through the ER Program, the DON conducts restoration activities at environmental sites on installations.

010302. The IR Program identifies, investigates, and cleans up or controls hazardous substances and pollutants or contaminants released from past waste disposal operations and spills at Marine Corps installations. It is designed to comply with procedural and substantive requirements in accordance with Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Sections 9601 et seq. of Title 42, United States Code (42 U.S.C. 9601 et seq.) (also known and referred to in this order as “Comprehensive Environmental Response, Compensation, and Liability Act,” (CERCLA) as amended) (Reference (a)) and Public Law 99-499, “Superfund Amendments and Reauthorization Act of 1986 (SARA)” (Reference (b)), and with regulations promulgated pursuant to these Acts and relevant state laws and Department of Defense (DoD) policies, including 42 U.S.C. 6901 et seq. (also known and referred to in this order as “Resource Conservation and Recovery Act,” (RCRA) as amended) (Reference (c)). Although the IR Program is intended primarily to clean up past hazardous substances and pollutants or contaminants, it may address the cleanup of past releases of any pollutant and/or contaminant that endangers public health, welfare, or the environment, including releases from petroleum, oil, or lubricants (POL). Cleanup of past contamination from underground storage tanks and corrective action for past contamination in accordance with Reference (c) sites may also be part of the IR Program.

010303. The MMRP investigates and cleans up munitions and explosives of concern (MEC) and munitions constituents (MC) used or released on Marine Corps sites from past operations and activities. The MMRP generally follows the same procedures and policies as the IR Program with some unique aspects, including the integration of explosives safety requirements. The MMRP applies to munitions response sites (MRSs) or areas of concern known or suspected to contain unexploded ordnance (UXO), discarded military munitions (DMM), or MC that are located at former ranges and disposal sites at active, base realignment and closure (BRAC), and non-BRAC closure installations. The DON Naval Facilities Engineering Command (NAVFAC) has the primary responsibility for executing the MMRP at Marine Corps active and BRAC installations. For

additional information and guidance on the IR Program and MMRP, refer to Office of the Chief of Naval Operations (OPNAV) Instruction 5090.1C (Reference (d)) and the most current versions of Department of the Navy, “Environmental Restoration Program (NERP) Manual” (Reference (e)), DoD Instruction 4715.07 (Reference (f)), and DoD Manual 4715.20 (Reference (g)).

010304. For additional information and guidance on identifying “other than operational” range areas and closing historical and operational ranges, refer to the policy contained in Appendix B.

VOLUME 10: CHAPTER 2

“AUTHORITY”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 2

AUTHORITY

0201 FEDERAL STATUTES

This chapter summarizes the primary federal statutes and Executive Orders (E.O.s) that govern the ER Program. See Volume 4 of this Order for more information on policy, responsibility, and procedures for achieving compliance with applicable E.O.s and federal, state, interstate, and regional statutory and regulatory environmental requirements.

020101. Comprehensive, Environmental Restoration, Compensation, and Liability Act (CERCLA) of 1980, as Amended (42 United States Code (U.S.C.) 9601 et seq.).

020102. Superfund Amendments and Reauthorization Act of 1986 (Public Law 99-499).

020103. Community Environmental Response Facilitation Act of 1992 (Public Law 102-426).

020104. National Oil and Hazardous Substance Pollution Contingency Plan (NCP) (Title 40 Code of Federal Regulations (CFR) Part 300).

020105. Resource Conservation and Recovery Act (RCRA) of 1976 (42 U.S.C. 6901 et seq.).

020106. National Defense Authorization Act of 2002 (10 U.S.C. §2710).

020107. National Environmental Protection Act of 1969 (42 U.S.C. 4321 et seq.).

020108. Defense Authorization Amendments and Base Realignment and Closure Act (BRAC) of 1988 (PL 100-526) and Defense BRAC of 1990, as Amended (Public Law 100-510).

0202 EXECUTIVE ORDERS (E.O.)

020201. E.O. 12088, “Federal Compliance with Pollution Control Standards,” October 13, 1978.

020202. E.O. 12580, “Superfund Implementation,” January 23, 1987.

0203 STATE LAWS

Many states have laws analogous to Reference (a). Reference (a) does not enable delegation of the Superfund Program to states; however, in accordance with section 120(a)(4) of Reference (a), state laws concerning removals, remedial action, and enforcement apply to federal facilities not listed on the National Priorities List (NPL).

VOLUME 10: CHAPTER 3

“REQUIREMENTS”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 3

REQUIREMENTS

0301 GENERAL

030101. All actions carried out under the Marine Corps ER Program shall be accomplished pursuant to References (a) and (b), applicable or relevant and appropriate requirements (ARARs) in accordance with Reference (c), and other environmental laws and their implementing regulations. As a matter of Marine Corps policy, Reference (a) is the preferred process for conducting cleanups. Federal Facility Agreements (FFAs) usually specify that cleanups be accomplished in accordance with Reference (a), with Reference (c) as a potential ARAR. The Marine Corps should attempt to incorporate the regulator's substantive requirements to the maximum extent possible within the Marine Corps' program in accordance with Reference (a) and arrive at compromises that respect both parties' claims of authority. The Marine Corps may not adopt any cleanup guidelines that are inconsistent with NCP, Part 300 of Title 40, Code of Federal Regulations (40 CFR 300) (also known and referred to in this order as "National Oil and Hazardous Substance Pollution Contingency Plan") (Reference (h)) or ARARs. Terminology used throughout the Marine Corps ER Program shall be in accordance References (a), (b), and (c). Marine Corps installations shall cleanup sites with higher risk before those with lower risk and follow applicable ER Program guidance, directives, instructions, and policies provided in Appendix A of Reference (e) and Reference (g).

030102. ER Program funding for active Marine Corps installations is provided exclusively through the Environmental Restoration, Navy (ER, N) account; whereas, ER Program funding for Marine Corps installations undergoing BRAC action is provided exclusively through a separate BRAC account. In most cases, other types of funding are not authorized in lieu of, or to supplement, ER, N or BRAC cleanup funds except where the work is within the scope of Military Construction (MILCON) or Operations and Maintenance, Navy (OM,N) funded construction projects.

030103. The Commander, NAVFAC manages the fiscal and technical aspects of the ER Program at Marine Corps installations; however, the installation Commanding General/Commanding Officer (CG/CO) shall approve ER Program actions. Installations should lead critical procedural aspects of the program with support from NAVFAC. Success requires close cooperation and teamwork between NAVFAC and each installation. The BRAC Project Management Office (PMO), with support from NAVFAC, administers the ER Program at Marine Corps BRAC installations. Generally, all policies that apply to active installation cleanups also apply to BRAC cleanups.

0302 DEFENSE ENVIRONMENTAL RESTORATION PROGRAM (DERP) ELIGIBILITY

DERP eligibility includes all Marine Corps ER activities pursuant to 10 U.S.C. §2710 (also known and referred to in this order as "National Defense Authorization Act" (NDAA)) (Reference (i)) and in accordance with eligible and ineligible activities included in Reference (g). The Office of the Secretary of Defense (OSD) provides more in-depth detail about DERP requirements and guidance on implementing DERP programs and policies (Reference (g)).

0303 ENVIRONMENTAL RESTORATION (ER) PROGRAM PHASES AND MILESTONES

General phases and milestones are set forth in accordance with References (e) and (g) for initiating and carrying out the remedial action process as defined by Reference (a). DON and the Marine Corps shall meet goals established by OSD. Ninety and ninety-five percent of installation restoration program sites, building demolition/debris removal sites, and MRSs at active installations and BRAC installations shall achieve response complete (RC) by the end of fiscal year (FY) 2018 and FY 2021, respectively. The ER process for meeting these goals is outlined in Figure 3-1 and summarized below:

030301. Site Discovery and Notification

Installations shall perform record searches and visual inspections to determine which sites may warrant further investigation. Marine Corps installations shall report any hazardous substance release or threat of a release to the U.S. Environmental Protection Agency (EPA), state, and other appropriate authorities. Installations shall also report releases or threats of releases to HQMC (LF)/MCICOM (GF) via the Spill Reporting module on the EM Portal. If the release exceeds the reportable quantity (RQ) as defined by Reference (a), the installation shall also notify the National Response Center (NRC) immediately at 1-800-424-8802 or 202-267-2675. If notification of the NRC is not practical, the installation should notify the regional EPA-designated on-scene coordinator or the Coast Guard.

030302. Removal Action

In situations where prompt action is required to address releases or threats of releases, Reference (h) allows for the implementation of a removal action to be performed in an expedited manner. There are three categories of removal actions based on the type of situation, the urgency of the threat of the release, and the subsequent time frame in which the action shall be initiated. A removal action could be either the final remedy or an interim action followed by a longer-term remedial action as the final remedy. The three categories of removal actions are:

- A. Emergency removal actions.
- B. Time critical removal actions.
- C. Non-time critical removal actions (EPA, “CERCLA/Superfund Orientation Manual, EPA/542/R-92/005,” October 1992 (Reference (j))).

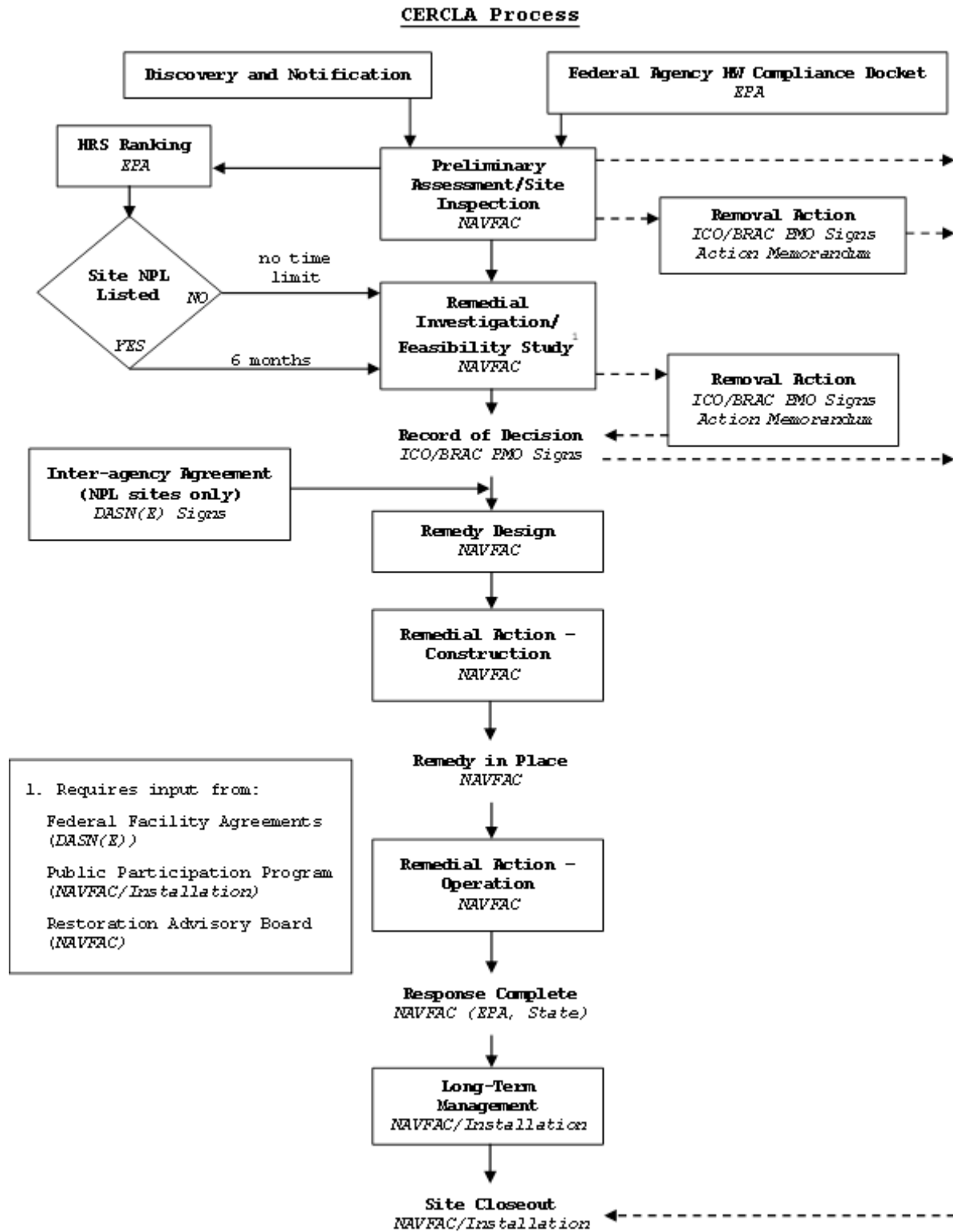


Figure 3-1.--ER Program CERCLA Process

030303. Preliminary Assessment/Site Inspection (PA/SI)

This phase identifies contaminated sites based mostly on the review of the existing information about hazardous waste disposal practices at an installation. Limited field data may be collected to determine the nature of any releases and potential threat to any receptors. Sites that do not pose an unacceptable risk to human health and the environment are designated as “no further action” (NFA) sites. The NFA designation is also referred to as “no further response action planned” (NFRAP). If PA/SI results indicate that a site requires prompt action, then a removal action is performed. Pursuant to subparts 300.410(a) and 300.415(a)(1) of Reference (h), a removal action requires a removal site evaluation. If a period of at least six months is available before the commencement of on-site removal actions, an Engineering Evaluation/Cost Analysis shall be completed. Otherwise, the site moves into the Remedial Investigation/Feasibility Study (RI/FS) phase.

030304. Remedial Investigation/Feasibility Study (RI/FS)

The purpose of the RI/FS is to determine the nature and extent of the threat presented by the hazardous substance release and to evaluate proposed remedies, as deemed necessary. The RI includes a sampling and analysis program and a baseline ecological and human health risk assessment. If it is determined that remedial action is necessary, the FS is conducted, which includes an initial screening of remediation alternatives followed by a detailed evaluation. The RI or FS also may recommend NFA sites. However, once NAVFAC and the installation initiate the FS phase, the site shall continue through the selection of the remedial option, the development of a proposed plan, and the signing of a decision document.

030305. Prioritization

The relative risk site evaluation (RRSE) framework shall be used to evaluate the relative risk posed by each site with ER requirements to prioritize sites for cleanup in accordance with DoD, “Risk-Based Site Evaluation Primer,” 1994 (Reference (k)). Evaluation will be performed regarding contaminants that are present, environmental migration pathways, and receptors to place sites into relative risk categories of “high,” “medium,” or “low”; these RRSE categories and primary site characteristics shall be used for determining sequencing for funding of ER activities. Consideration shall also be given to other factors (e.g., reuse needs, redevelopment plans, legal requirements, stakeholders’ concerns) as important factors in sequencing. To ensure consistency of the RRSE framework across all sites, implementation of quality assurance procedures shall be employed and RRSE records shall be developed and maintained for each site. Records shall contain references to all information and documents used for the evaluation (e.g., field logs, data from the PAs, SIs, RI/FSs, risk assessments, RRSE worksheets, and database records). Stakeholders shall have an opportunity to participate in the RRSE process.

030306. Record of Decision (ROD)

A. Following completion of the RI/FS phase, the preferred alternative shall be documented in a proposed ROD and made available for public comment. All required remedial actions for the site or operable unit (OU) are documented in the ROD. The ROD includes a summary of site conditions, selected remedy, remedial action objectives, and the rationale for selecting the

remedy. For non-NPL sites, instead of a ROD, a decision document (DD) may be prepared with similar scope as a ROD, but with the State as the lead regulatory agency.

B. NAVFAC shall provide a recommended ROD or DD to the installation CG/CO and BRAC PMO (for BRAC installations) at the conclusion of an RI/FS. The installation CG/CO shall review carefully the proposed ROD/DD and the administrative record (AR). If the CG/CO or BRAC PMO disagrees or has questions on the ROD, the issues shall be resolved through consultation with NAVFAC and the Commandant of the Marine Corps, Facilities and Services Division (CMC (LF))/Marine Corps Installation Command, Facilities Division (MCICOM (GF)). For NPL sites, the ROD shall be forwarded to the EPA regional office for concurrence. Although neither a ROD nor an Interagency Agreement (IAG) is required in accordance with Reference (a) at non-NPL sites, state remediation laws may contain requirements for decision documentation. Where such requirements apply, NAVFAC shall write a DD that satisfies state law for submittal by the installation. If the state remediation law contains no specific requirements for decision documentation, NAVFAC shall write a DD that contains the elements of a ROD and the installation CG/CO or BRAC PMO (in the case of BRAC installations) shall forward the document to EPA and the State.

030307. Remedial Design (RD)

This phase involves preparing the detailed design of the remedial action selected in the ROD. The RD may include a Land Use Control (LUC) Implementation Plan, if such LUCs are required as part of the remedy selected.

030308. Remedial Action-Construction (RA-C)

The designed remedial system is constructed at the site during this phase. This phase also may include any construction related to implementation of LUCs. NAVFAC shall ensure that the remedial action meets all specifications and is constructed in a manner that protects human health, welfare, and the environment.

030309. Remedy in Place (RIP)

This milestone is achieved when the construction of a long-term remedy is complete and the remedy is operating as planned to meet project remedial action objectives in the future, or a short-term remedy has been successfully implemented and the final documentation is being prepared. Determination of achieving the RIP milestone is a Marine Corps decision, and regulatory concurrence for this milestone is not needed.

030310. Remedial Action-Operation (RA-O)

A. This phase involves operation, maintenance, and monitoring actions for the remediation system and site. The RA-O phase may also include implementation and management/maintenance of LUCs, if these were part of the selected remedial action in the ROD or DD. Periodic monitoring reports are routinely prepared during this phase to document performance of remediation systems.

B. The Restoration Project Manager (RPM) shall oversee coordination of the RD/remedial action with the installation, EPA, and state and local officials, and shall ensure overall quality assurance/quality control. Remedy effectiveness should be evaluated at least annually to ensure efficient progress in meeting project goals. Optimization opportunities should also be identified and implemented. NAVFAC, in consultation with the RPM, installation, stakeholders, and other regulators, should consider and implement green and sustainable remediation opportunities in current and future remedial activities where feasible. The Marine Corps will not, with regard to green and sustainable remediation, under most circumstances, re-open DDs and agreements in place or under negotiation with environmental regulators.

030311. Response Complete (RC)

This milestone signifies that the remedial action objectives have been met and the RA-O phase, if required, has achieved cleanup goals specified in the ROD or DD. Formal documentation for the RC milestone is essential to ensure recognition of completion of cleanup goals at the site. Prior to claiming completion of the RC milestone, regulatory concurrence of this documentation is required.

030312. Long-Term Management (LTMgt)

A. Following the RC milestone, this phase may be required to monitor long-term protectiveness of the remedy. Actions during this phase may involve groundwater monitoring, implementation and management of LUCs, and preparation of five-year review reports. The LTMgt phase is also required when the cleanup goals do not allow unrestricted use of the site property.

B. Where hazardous substances or pollutants or contaminants remain on a site after RC is achieved, and as required by the DD, NAVFAC is responsible for LTMgt using ER, N funds. NAVFAC will develop and implement an LTMgt Plan that identifies the specific requirements for each site requiring LTMgt.

030313. Land Use Control (LUCs)

LUCs may be required while conducting ER investigations, during implementation of remedial actions, or after remedial actions are complete.

A. The Marine Corps shall put the appropriate mechanisms in place to manage LUCs that fall under their responsibility; incorporate LUCs into land use management plans/systems, as appropriate; and use a layering strategy or system for mutually reinforcing controls to implement LUCs effectively. The installation will develop a LUC Implementation Plan to explain how they will establish and document LUCs, and who will be responsible for maintaining and managing them. The LUC Implementation Plan shall also include the location of the land subject to the LUC, an explanation of the LUC and allowed uses, the duration of the LUC, reference to the location of pertinent LUC records, modifications to the LUC as site conditions change, and the frequency and requirements of LUC inspections and whether any of these inspections are part of the process for other environmental programs (e.g., internal or external environmental audits).

B. Before property is transferred, NAVFAC should assess whether LUCs are necessary to provide a finding of suitability to transfer, or a functionally equivalent document, to the property disposal agent to clearly describe property restrictions in property conveyance documents. NAVFAC and the Marine Corps shall work with the appropriate state and local agencies and potential transferee early in the disposal process to clearly delineate the responsibilities of all parties involved in implementing LUCs. More information on property transfer is available in Reference (g).

030314. Five-Year Review

The five-year review for the entire installation shall be conducted using ER, N funds. Five-year reviews are required where a selected remedial action results in hazardous substances or pollutants or contaminants remaining at the site above levels that allow for unlimited use and unrestricted exposure. If a remedial action results in unlimited use/unlimited exposure (UU/UE) but will not achieve RC within 5 years, five-year reviews will be conducted during the RA-O phase, as appropriate. The first five-year review will be completed no later than 5 years after the initiation of the remedial action (e.g., on-site RA-C field work, or ROD when a LUC is the remedy) for the first IRP or MMRP site at the installation or BRAC location. Additional five-year reviews for sites will be rolled into the same schedule as the first.

030315. Site Closeout (SC)

A. This milestone signifies that active management and monitoring at a site is complete, the remedy is protective of human health and the environment, contaminant levels at the site allow for UU/UE (e.g., no further LTMgt, including a LUC, is required), and there is no expectation of expending additional ER,N or BRAC funds at the site. The SC milestone can occur at any stage during the response action (e.g., at the completion of the PA/SI, Removal Actions, RI/FS, RA-O, or LTMgt phases) and is dependent on the remediation requirements. However, there are some sites that will achieve protectiveness of human health and the environment while never achieving the SC milestone. These are sites where contaminants are left in place, such as a landfill, which require funds to ensure the protectiveness of the remedy.

B. The following actions shall be taken when it is determined that no further response actions are appropriate for the site and NAVFAC will not expend additional ER funds at the site ("site," in this case, refers to the installation as a whole).

1. National Priorities List (NPL) Sites. The installation shall notify the EPA regional office that appropriate response actions have been completed and shall request that the site be deleted from the NPL. NAVFAC and the installation shall provide information and public notification, as appropriate.

2. Non-National Priorities List (NPL) Sites. The installation shall notify the EPA regional office and the state that appropriate response actions have been completed. NAVFAC, in coordination with the installation, shall prepare the site(s) as NFRAP. The installation shall ensure public notification by placing the NFRAP documentation in the information repository and by publishing the documentation's availability.

030316. National Priorities List (NPL) Delisting

EPA may delete or re-categorize a site on the NPL where no further response is appropriate in accordance with Reference (h). EPA, in consultation with the State, shall determine whether the NPL site has met the requirements and, if so, shall prepare a Notice of Intent to delete. The notice shall be made available to the public for comment. All sites within a federal installation shall achieve the RC milestone before delisting from the NPL, although partial delistings are possible.

0304 ENVIRONMENTAL RESTORATION (ER) PROGRAM PROCEDURAL REQUIREMENTS

030401. Federal Agency Hazardous Waste Compliance Docket

EPA maintains a Federal Agency Hazardous Waste Compliance Docket that contains information regarding federal facilities that manage hazardous substances, or from which hazardous substances may be or have been released, in accordance with Reference (a). A state governor may petition EPA to add a facility to the docket. The docket lists all installations that have submitted ER information to EPA.

030402. Interagency Agreement (IAG)/ Federal Facility Agreements (FFA)

A. Pursuant to section 120(e) of Reference (a), federal agencies shall enter into an IAG with EPA to facilitate the expeditious completion of all necessary remedial actions. IAGs are required within 180 days after completion of each RI/FS for an NPL site.

B. To expedite the cleanup process, where possible, the Marine Corps should enter into an FFA with EPA and/or the State soon after an installation is proposed for NPL listing. For purposes of meeting the IAG requirement, the FFA becomes an IAG once the ROD is signed and new schedules are negotiated for the actual remedial action.

C. The Marine Corps shall enter into an FFA at its NPL sites as early as possible after it becomes apparent that an RI/FS is required. FFAs at NPL sites shall outline and clearly state mutual obligations regarding the working relationship between states, EPA, and the Marine Corps.

D. NAVFAC, in coordination with the installation, shall negotiate FFAs and a Federal Facility State Remediation Agreement. The Assistant Secretary of the Navy for Energy, Installations, and Environment (ASN (E, I&E)) will sign the FFAs and state remediation agreements. NAVFAC shall prepare final agreements in coordination with the installation. Before the ASN (E, I&E) can endorse the final agreements, signatures shall be obtained from the installation CG/CO, NAVFAC, and the Counsel for the Commandant of the Marine Corps (CMC (CL)).

E. For purposes of meeting the IAG requirement, the FFA transitions into an IAG once the ROD is signed and new schedules are negotiated for the actual remedial action. There is no IAG requirement for a no-action ROD.

030403. Administrative Record (AR)/Retention of Records

A. The Marine Corps is required to establish an AR for all sites as defined by Reference (a) in accordance with Reference (h). The AR contains those documents which form the basis for selection of a response action and any future legal action concerning the site. The Marine Corps shall establish an AR at the start of the RI for remedial actions and at the time of the engineering evaluation/cost analysis for removal actions. The AR shall be made available to the public in an information repository located at or near the site. A notice of availability is part of the AR.

B. Any person responsible for providing notification of known, suspected, or likely releases should retain records of the facility and hazardous substance releases for 50 years after Reference (a) was enacted (i.e., the year 2030), or for 50 years after the record was established, whichever is later, in accordance with section 103(d)(2) of Reference (a).

C. NAVFAC shall initiate the AR as soon as the SI shows that the program will move into the RI/FS phase and at the time of the engineering evaluation/cost analysis for removal actions. NAVFAC shall establish and maintain the AR (using ER,N/BRAC funds as appropriate) and send copies to the installation, the State, and EPA as appropriate. NAVFAC shall also ensure that a copy of the AR is made available to the public in an information repository located at or near the site. A notice of availability is part of the AR. The AR contains the documents that form the basis for selection of response actions taken by DON and any future legal action concerning the site. NAVFAC shall maintain the AR for a minimum of 50 years after the last site on an installation achieves RC pursuant to Reference (a). Where DON conducts cleanup actions under corrective action authority pursuant to Reference (c), the AR is not required. More detail about the AR is included in Reference (g).

030404. Public Participation

A. Section 9617 of Reference (a) includes provisions to engage the public during the ER process. The lead agency (the Navy in this case) shall inform and involve the public during the removal and remedial action processes pursuant to sections 415, 430, and 435 of Reference (h). Lead agencies shall conduct interviews to solicit input from local officials, residents, public interest groups, or other interested/ affected parties; develop a formal Community Relations Plan (CRP) based on the public interviews; provide public opportunity for the review and comment of documents; and create an information repository for public availability in accordance with Reference (h). The lead agency shall also inform the community of the availability of technical assistance grants.

B. Navy/Marine Corps public involvement requirements are more comprehensive than NCP requirements. In accordance with DON policy, a CRP is required for all sites, regardless if the installation is on the NPL. NAVFAC is responsible for implementing public information programs at installations. The installation CG/CO shall appoint a contact or spokesperson (may be the RPM) for community involvement activities that shall be responsible for receiving all inquiries and releasing information concerning the ER Program.

030405. Restoration Advisory Board (RAB)

Regardless of the cleanup authority defined by References (a) or (c), each installation or BRAC location with cleanup programs shall establish a RAB where there is sufficient and sustained community interest. A RAB acts as a liaison between the community and the installation, and can help reduce potential communication problems that could result in delay. The establishment, operation, and adjournment/dissolution of RABs shall be done in accordance with Reference (g). RABs should not take the place of community outreach and participation activities required by law, regulation, or policy. Therefore, Marine Corps installations shall still meet all public participation requirements. Specifically, Marine Corps installations shall establish RABs if:

- A. A federal, state, or local government requests that a RAB be formed.
- B. 50 local residents sign a petition requesting that a RAB be formed.
- C. An installation determines that a RAB is necessary.
- D. The installation is scheduled for closure.

030406. Health and Safety

An installation's response actions shall comply with the provisions for the protection of the health and safety of workers engaged in hazardous waste operations in accordance with Section 120 of 29 CFR 1910 (Reference (l)). These provisions include requirements for developing a site health and safety plan, establishing site access control, enforcing standard operating safety procedures, implementing medical surveillance procedures, providing for environmental and personnel monitoring, providing appropriate personal protective equipment, and establishing emergency procedures. Detailed requirements for the protection of worker health and safety, proper personnel training, and safety requirements unique to MMRP sites are defined in Reference (e). NAVFAC shall ensure that a worker health and safety plan is prepared by each contractor and that the contractor complies with the plan.

030407. Public Health Assessment

- A. The Agency for Toxic Substances and Disease Registry (ATSDR) shall perform a health assessment for each facility listed or proposed for the NPL. The results of the ATSDR analysis are used in the RI/FS, as appropriate.
- B. The Navy Marine Corps Public Health Center (NMCPH) shall coordinate with ATSDR concerning public health assessments. NMCPH shall ensure that ATSDR is aware of new NPL listings and coordinate any ATSDR visits to installations with the installation and NAVFAC. NMCPH shall review public health assessments performed by ATSDR.

030408. Remedial Action Completion Report (RACR)

For sites on the NPL, Marine Corps installations shall prepare a RACR when all remedial action objectives have been met and no significant threat to public health or the environment exists. The Marine Corps shall seek written concurrence on this report from EPA and the State. The installation cannot claim achievement of the RC milestone at NPL sites without EPA review and

approval of the RACR. A final RACR shall be prepared once the remedial action objectives have been met at the last site or OU at an installation. The final RACR should provide a summary and reference for all the previous RACRs and for any NFA RODs for the installation. The individual RACRs or final RACR for an installation provides the basis for partial or full deletion from the NPL. If after a year, the Marine Corps is unable to obtain regulatory agreement for any reason, the installation shall develop a memorandum for the record to document that it has sought regulatory agreement on the RC determination. The memorandum for the record shall include the steps the Marine Corps followed to seek regulatory agreement, the reasons why the Marine Corps believes it did not obtain agreement, the reasons why the Marine Corps believes the site is at RC, any necessary documentation to support the RC determination, and the signature and date by a Marine Corps official. The Marine Corps shall provide a copy of the memorandum for the record to the appropriate regulator(s) for reference. For non-NPL sites, the Marine Corps shall formally document achieving the RC milestone and seek written regulatory agreement for its RC determination using the process outlined above. More information is available in Reference (g).

0305 MILITARY MUNITIONS RESPONSE PROGRAM (MMRP) PROCESS

DoD established the MMRP to address the contamination of sites known to contain or suspected of containing UXO, DMM, or MC. The MMRP cleanup process generally follows the cleanup process in accordance with Reference (a) outlined above. Additionally, the MMRP incorporates unique explosives safety requirements that may occur during the munitions response process as outlined in an explosive safety submission through Marine Corps Systems Command. The Marine Corps shall submit a Munitions Response Explosive Safety Submission (MRESS), a Munitions Response Chemical Safety Submission (MRCSS), or both to their explosives safety organizations and then to the Chair of the DoD Explosives Safety Board for approval prior to initiating munitions responses that involve intentional physical contact with MEC or chemical warfare material (CWM). If the Marine Corps determines that an emergency response is required, it may elevate the issue to the Deputy Under Secretary of Defense for Installations and Environment. Reference (a), DoD Manual 6055.09 (Reference (m)), OPNAV Instruction 8020.14A (Reference (n)), and MCO 8020.10 (Reference (o)) provide more information on explosives safety. More detailed information and additional requirements for the MMRP can be found in References (e), (i), and (g). For guidance on how to enter a site into MMRP, refer to Figures 3-2 and 3-3.

030501. Inventory

DoD and its Components are required to develop and maintain an inventory of sites known or suspected to contain UXO, DMM, or MC pursuant to References (i) and (h). This inventory of MRSs is updated annually, provided to the Office of the Under Secretary of Defense for Installation & Environment, and is shared with public stakeholders and regulators through the Defense Environmental Programs Annual Report to Congress to ensure that all MRS are identified.

030502. Munitions Response Site (MRSs)

The Marine Corps shall divide Munitions Response Areas (MRAs) into one or more MRSs. An MRA should include an area on a defense site that is known or suspected to contain UXO, DMM, or MC. An MRS should represent a discrete location within an MRA that is known or suspected to require a munitions response. DON may subdivide an MRA into one or more MRSs after the MRA

is investigated and the historic use and the locations where the munitions-related activities occurred are understood by DON or the installation. DON shall account for every acre of an MRA, including acreage that it determines is ineligible for the MMRP. The total acreage can be increased but never decreased.

MMRP Eligibility

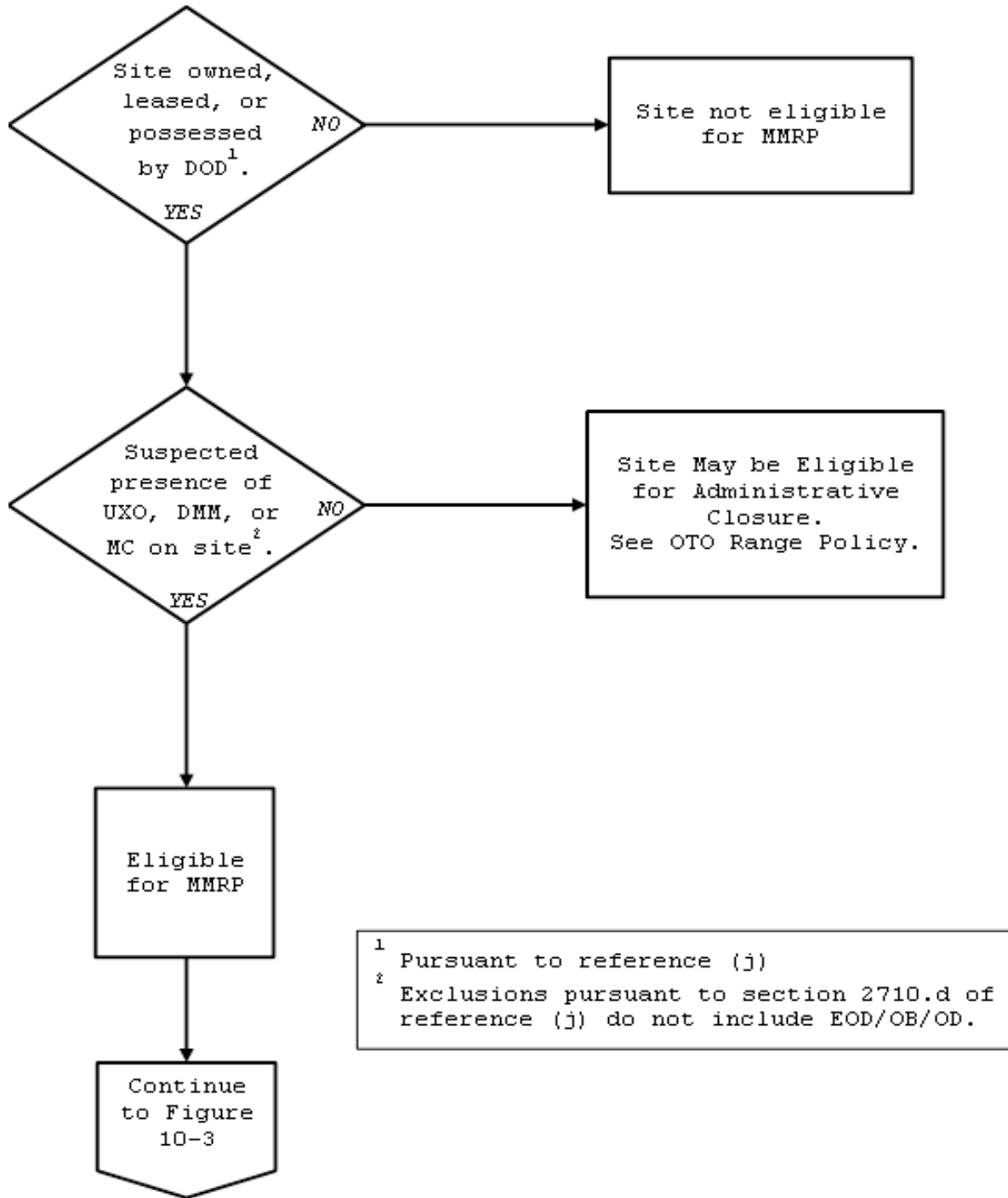


Figure 3-2.--Determining Eligibility for MMRP

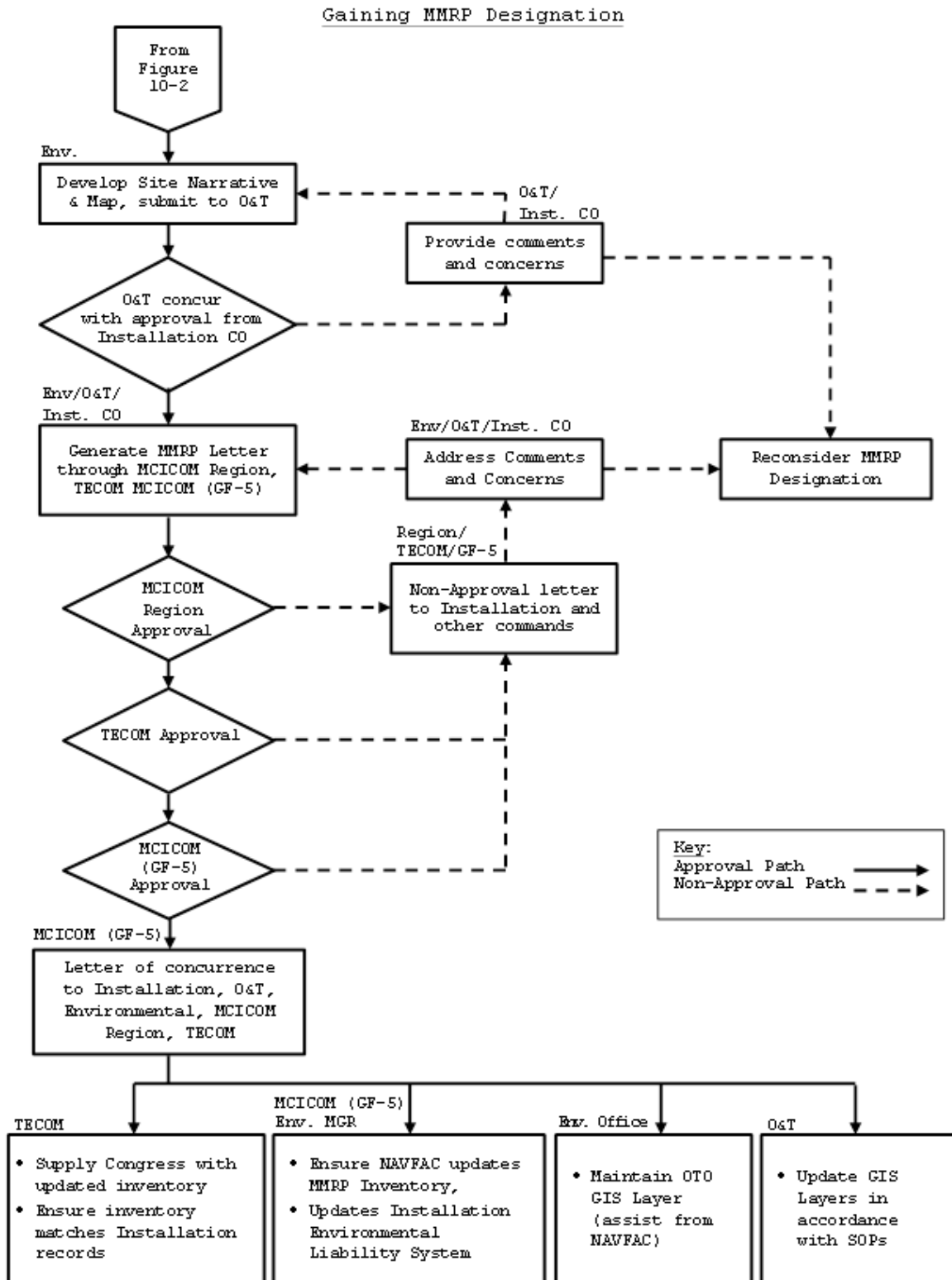


Figure 3-3.--Gaining MMRP Designation

030503. Site Priority

A relative priority shall be assigned to each MRS in the inventory pursuant to 32 CFR 179 (Reference (p)). The MRS prioritization protocol (MRSPP) requires consultation with federal agencies, Indian tribes, states, and public stakeholders. DON will review site priorities annually and update them based on new information that affects the MRS priority. DON will establish an independent quality assurance panel, led by the Chief of Naval Operations (CNO (N45)), to review all prioritization decisions to ensure consistent and appropriate application of the MRS prioritization protocol.

030504. Sequencing

DON shall sequence sites in consultation with appropriate regulators and stakeholders. Typically, DON will address higher priority sites before lower priority sites. However, the MRSPP allows the Navy to consider other factors (e.g., stakeholder concerns, economic considerations) when sequencing MRSs for action. If sequencing results in a lower priority site being addressed before a higher priority site, the Navy shall provide specific justification for this action. Information that influences the sequencing of a site shall be included in the AR and the Information Repository.

0306 EMERGENCY RESPONSE

The Marine Corps has the authority to respond to emergency situations (i.e., a release poses immediate endangerment to human health or the environment) where the release is on a Marine Corps facility or the Marine Corps is the sole source of the release in accordance with section 104 of Reference (a). NAVFAC is responsible for responding to emergency situations at Marine Corps ER sites. ER,N funds shall be used in emergency situations where ER sites are involved.

0307 NO FURTHER RESPONSE ACTION PLANNED (NFRAP)

The Marine Corps should not expend resources on sites that pose little or no threat to human health or the environment. An NFA decision can be made at several points within the remedial process but shall be based on a defensible and properly documented "assessment of risk to human health and the environment." The Marine Corps may apply this procedure at both NPL and non-NPL installations to describe those locations where it has been determined that NFA is required, based upon appropriate investigation. NFRAP DDs shall be prepared by NAVFAC or its designee and signed by the installation CG/CO. Upon signature, the installation shall forward the NFRAP DD to appropriate regulatory agencies for information and/or concurrence and shall ensure that the public receives notification via RABs, public meetings, or other appropriate methods. RPMs shall be alert to document opportunities for a NFRAP decision.

0308 REMEDY OPTIMIZATION

NAVFAC is responsible for identifying and implementing remedy optimizations using ER,N funds.

0309 MARINE CORPS AS A POTENTIALLY RESPONSIBLE PARTY (PRP)

Historically, the Marine Corps has contracted with private companies to transport and dispose of hazardous waste generated at its installations. Many of the third-party disposal sites selected by contractors are threatening or contaminating the environment and require cleanup. Upon receipt from EPA or state authorities of a formal notice that a Marine Corps installation is involved in a site as a PRP, the installation shall notify its chain of command, NAVFAC, Headquarters, Marine Corps, Facilities Division (HQMC (LF))/MCICOM (GF), CMC (CL), and the appropriate counsel office (e.g., Eastern Area Counsel Office, Western Area Counsel Office, and/or installation counsel). The notification shall describe the salient points of the notice. Simultaneously, the installation shall mail a copy of the notice and other appropriate documents to the same addressees. NAVFAC shall take the lead role in negotiating with EPA, the U.S. Attorney's Office, and the PRP Steering Committee. NAVFAC shall cooperate with the other parties involved in the site response and provide requested information.

0310 STATE LAWS

Marine Corps policy is to comply with all state laws consistent with References (a), (b), and (e). If appropriate, NAVFAC, in coordination with the installation, shall negotiate a Federal Facility State Remediation Agreement. The ASN (E, I&E) shall review and sign the final agreement. Cleanup of RCRA corrective action sites will follow state laws and regulations.

0311 COORDINATION WITH OTHER ENVIRONMENTAL REGULATIONS

Although ER Program actions in accordance with section 121 of Reference (a) and those that occur entirely onsite are exempt from obtaining federal, state, or local permits, inter-agency coordination may be required to ensure consistency with ARARs or other environmental laws. RPMs shall solicit early involvement of other DON/Marine Corps specialists, including natural and cultural resources personnel to ensure that section 7 of 16 U.S.C. 1531 et seq. (also known and referred to in this order as “The Endangered Species Act”) (Reference (q)), section 106 of 54 U.S.C. 300101 et seq. (also known and referred to in this order as “National Historic Preservation Act,” (NHPA) as amended) (Reference (r)), and related requirements are identified and completed. These requirements may occur at any phase of an ER Program investigation, including PA/SI, RI/FS, removal action, or remedial action.

0312 PERCHLORATE RELEASES

031201. In accordance with DoD, DON, and HQMC (LF)/MCICOM (GF), Environmental Management, perchlorate release management policies and perchlorate releases at ER sites shall be addressed in the same manner as other contaminants of concern. Marine Corps installations shall conduct site-specific risk assessments and any necessary response actions in accordance with References (a), (h), and (g) and other applicable laws, consistent with the DoD relative ranking system for DERP sites.

031202. Based on EPA's Interim Drinking Water Health Advisory for perchlorate, the recommended preliminary remediation goal is 15 parts per billion (ppb) where there is an actual or potential drinking water exposure pathway and where no ARARs exist under federal or state laws.

The preliminary remediation goal may be used for initial screening of remedial alternatives and project scoping as defined by Reference (h), the preamble to Reference (h), and EPA, “Risk Assessment Guidance for Superfund Volume I – Human Health Evaluation Manual Part B, Development of Risk-based Preliminary Remediation Goals,” December 1991 (Reference (s)). Unless modified by EPA in the Integrated Risk Information System database, the perchlorate reference dose of 0.0007 mg/kg/day is appropriate for use in determining risk in site-specific human health risk assessments developed in accordance with Reference (h).

0313 VAPOR INTRUSION

In accordance with References (e) and (g), the Marine Corps will evaluate whether contamination in the soil or groundwater poses a potential for unacceptable risk from vapor intrusion into overlying nearby or existing structures.

0314 EMERGING CONTAMINANTS

DoD addresses emerging contaminants the same way it addresses all other contaminants. In accordance with Reference (f), NAVFAC shall work with the Marine Corps to plan, program, and budget, as appropriate, for the implementation of risk management actions needed to mitigate emerging contaminants risks to human health, the environment, and DoD functions.

0315 FORMERLY USED DEFENSE SITES (FUDS)

FUDS property is a facility or site (property) that was under the jurisdiction of OSD and owned by, leased to, or otherwise possessed by the United States at the time of action leading to contamination by hazardous substances. The FUDS program is limited to those real properties that were transferred from DoD control prior to October 17, 1986. Properties shall be located within the United States. The U.S. Army Corps of Engineers (USACE) executes ER activities on behalf of the Army, the lead agent responsible for the FUDS Program. The Marine Corps responsibility for FUDS that were formerly Marine Corps sites is informational only. Marine Corps installations should pass any local interest or questions regarding the status of FUDS to appropriate USACE officials. In special circumstances, authority can be obtained from USACE to address FUDS located on property that had been owned or operated by the Marine Corps. If an installation becomes aware of possible contamination at these properties (e.g., receives inquiries), forward the inquiries to USACE.

0316 REAL PROPERTY TRANSACTIONS AND MANAGEMENT

The ER Program shall be considered before any real property transactions and as part of all land management decisions.

031601. Acquisition

The Marine Corps does not acquire known contaminated property without careful consideration of the cleanup liability involved. The Marine Corps should acquire contaminated property only in cases of the most critical operational necessity, and only with approval from HQMC (LF)/MCICOM (GF), to ensure insertion of incurred cleanup liabilities into the ER Program.

A. From Federal Agencies

Although DoD policy requires that a DoD Component acquiring known contaminated real property to normally assume the responsibility for managing restoration actions at the property, Marine Corps policy is to try to negotiate a transfer agreement that leaves the funding and management of restoration actions of the property with the transferring Component. In this situation, the Marine Corps shall have written approval from the Deputy Under Secretary of Defense for Installations & Environment for a transfer agreement that leaves the funding and management of restoration activities with the transferring DoD Component. In either case, transfer agreements shall clearly assign continuing responsibility for cleanup after the transfer. Where DON assumes the funding and management of restoration activities, the transferring Component is responsible for providing all reports and a history of restoration actions taken prior to the transfer of the property and, if appropriate, for transferring the cleanup funding as planned for the property in the Future Years Defense Program. The Marine Corps will not accept property from a non-DoD Federal agency unless the agency certifies it has met the requirements pursuant to section 120(h) of Reference (a) and provides supporting reports and documentation.

B. From Private Parties

Acquisition of contaminated property from private parties is discouraged. Where such acquisition is operationally necessary, DON should negotiate cleanup costs as an offset to the purchase price. The Marine Corps shall carefully balance operational requirements for the property against any cleanup liability that will come with it.

031602. Lease/Transfer/Disposal

For non-BRAC property, NAVFAC shall prepare an Environmental Condition of Property for all leases, easements, transfers, and disposals of Marine Corps real property in accordance with DON, "Policy for Streamlining the Assessment, Documentation, and Disclosure of the Environmental Condition of Property for Non-BRAC Real Estate Transactions," July 5, 2006 (Reference (t)). Where appropriate, an Environmental Condition of Property should be prepared for other actions involving the use of real property (e.g., licenses depending on such factors as proposed use, the term of the use, and the presence of any contaminants on the property). For BRAC property, the BRAC PMO shall prepare a Finding of Suitability for Transfer or Lease. In the preparation of these documents, the Marine Corps shall consult with federal, state, and local regulators as necessary and appropriate (e.g., EPA where the parcel involved is part of an NPL site).

031603. Contamination on Marine Corps Property Scheduled for Non-BRAC Disposal

The Marine Corps shall clean up contamination on Marine Corps property scheduled for non-BRAC disposal using ER, N funds following the normal ER,N prioritization process of worst-first/risk management. ER, N-funded cleanup activities will not be accelerated solely to accommodate the property disposal schedule.

0317 CONSTRUCTION ON CONTAMINATED PROPERTY

All efforts shall be made to ensure that Marine Corps projects are not constructed on contaminated sites. However, there may be times when the project is being planned or is underway and contamination is discovered. Marine Corps installations should address construction on contaminated property in accordance with Reference (g).

031701. If contamination is discovered during the planning stage, NAVFAC may investigate and determine the need for clean up using ER, N funds and following ER procedures. However, the site investigation/clean-up shall compete with other ER sites based on risk management. In most cases, this will take several years and the site may not be available in time for the project.

031702. If contamination, including UXO, DMM, or MEC, is discovered during construction and it is DERP eligible, NAVFAC may carry out the site investigation/cleanup using ER, N funds. However, the site may have to compete with other ER sites based on risk management. If ER, N funding is not available in time to meet the construction schedule, the installation shall use project funds (i.e., MILCON) to investigate/clean up the portion of the site within the project footprint. If ER, N or project funding is not available in time to meet the construction schedule, the installation should stop the project until funding is available or re-site the location. An installation does not have an option to pay for any DERP-eligible work with installation OM, N funds except to accomplish DERP-eligible work within the scope of an OM, N-funded construction project.

031703. While all efforts should be made to avoid construction in a known ER site, the fiscal options in paragraph 031702 above may also be valid for projects that continue to be planned. Communication shall occur with NAVFAC and the appropriate site regulators regarding construction plans.

0318 MANAGEMENT OF BULK PETROLEUM PRODUCTS – SPILLS AND LEAKS

NAVFAC is responsible for funding ER on sites with POL contamination resulting from activities conducted prior to October 1, 1992 using the appropriate ER,N or BRAC funds. For POL contamination resulting from activities conducted after October 1, 1992 resulting from Defense Logistics Agency (DLA) Energy-managed bulk storage facilities and transportation systems, DLA Energy will fund the identification, assessment, and remediation costs of fuel spills and leaks. The Marine Corps shall work with NAVFAC to identify these sites and the estimated costs using procedures in accordance with Reference (g). NAVFAC may enter into a memorandum of understanding for a specific location or facility addressing how to divide responsibilities for ER. If the contamination is otherwise DERP-eligible, NAVFAC shall use the appropriate ER,N or BRAC account to fund the response action. For current releases, working capital is used for response actions to address spills associated with operational fuel distribution via DLA infrastructure transporting DLA Energy fuel. More information is included in Reference (g).

0319 GOVERNMENT-OWNED CONTRACTOR-OPERATED (GOCO) PLANTS

The Marine Corps' liability and responsibility for cleanup of sites at GOCO facilities flows from its status as owner of the facility. Past and present contractors share this liability since they are operators or generators at these facilities. GOCO contractors shall pay for all cleanup costs associated with their operation of Marine Corps facilities, unless contractual provisions state

otherwise. Marine Corps actions to fulfill its responsibilities pursuant to Reference (a) shall be consistent with its contractual requirements with the GOCO contractor. Failure to coordinate may result in a claim by the operating contractor under a Marine Corps contract or loss of potential claims by the Marine Corps against the operator. See Reference (d) for additional information.

0320 FINES AND PENALTIES

The installation CO shall not pay from installation operating accounts fines and penalties assessed concerning ER work that is currently ER, N-funded or planned for future ER, N funding. Upon receipt of a notice of violation or non-compliance that proposes to assess a fine or penalty relating to work that is ER, N-eligible, the installation shall immediately forward the notice to NAVFAC for action. Installations shall pay fines and penalties related to ongoing hazardous waste operations (actions that are not eligible for ER, N funding) from the installation's operating account. Where the Marine Corps agrees to pay any fines and penalties arising under ER,N-funded work, the Marine Corps shall submit these fines/penalties to Congress for authorization in the first available budget window. This is the case for ER, N work conducted in accordance with References (a) or (c). The funding source (i.e., ER, N) drives the notification requirement, not the particular law under which the work is performed.

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VOLUME 10: CHAPTER 4

“RESPONSIBILITIES”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 4

RESPONSIBILITIES

0401 COMMANDANT OF THE MARINE CORPS, FACILITIES AND SERVICES DIVISION (CMC) (LF)/COMMANDER MARINE CORPS INSTALLATION COMMAND, FACILITIES DIVISIONS (MCICOM) (GF)

CMC (LF)/Commander MCICOM (GF) shall:

040101. Provide support to Marine Corps installations in interpreting federal, state, and local environmental regulatory requirements and in uniformly applying Marine Corps policy as set forth in this Order.

040102. Assist installations with resolving disputes with federal, state, and local regulatory agencies as required.

040103. Coordinate with the CNO (N45), Commander, Naval Facilities Engineering Command, (COMNAVFACENGCOM), and the appropriate Facilities Engineering Command (FEC) to ensure equitable and timely allocation of funding from the ER,N cleanup accounts and to support remediation of hazardous substance releases at Marine Corps installations consistent with CERCLA, RCRA, and the NCP.

040104. Ensure installations comply with specific data reporting requirements, including an annual data call for inclusion into the DERP information system as well as additional information requested by NAVFAC and OSD.

040105. Provide oversight for the implementation of the ER Program for active Marine Corps installations worldwide, to include:

A. Ensuring that installations identify ER Program requirements to the cognizant FECs.

B. Ensuring that program information and guidance are passed to the installations.

040106. Ensure that installations develop and coordinate with NAVFAC a Management Action Plan (MAP) as a tool to assist in managing ER activities, including identifying and monitoring ER statutory requirements and schedules, and providing input into overall programming, planning, budgeting, and execution. The MAP should describe an integrated, coordinated approach for conducting ER and address all required actions, by year, through the estimated completion.

040107. Ensure that installations coordinate installation cleanup planning, programming, budgeting, and execution with their FEC.

040108. Ensure that installations fulfill their responsibilities as defined by the Marine Corps ER Program and appoint an ER Coordinator.

040109. Ensure that public involvement and other legal requirements are met at installations with ER sites.

040110. Ensure that installation budgets reflect resource requirements to support the ER Program.

040111. In conjunction with the Office of Legislative Affairs and the Office of the ASN (E, I&E), monitor proposed federal environmental legislation for impact on Marine Corps operations and programs, and review the efforts of the Deputy Under the Secretary of Defense to generate service input to Congressional staff in the development of responsible and workable legislative proposals. Participate in the preparation of the Defense Environmental Restoration Program Annual Report to Congress.

040112. After receiving and reviewing an endorsed FFA or State remediation agreement, provide the agreement to the Office of the ASN (E, I&E) for signature.

040113. Ensure that coordination occurs, as appropriate, with the Safety Office in matters relating to hazardous substance releases and safety and health training.

040114. Ensure, through field visits and the Environmental Compliance Evaluation Program, Marine Corps cooperation and compliance with federal, state, and local regulatory agencies with regard to environmental regulations.

0402 COMMANDING GENERAL (CG) MARINE CORPS EAST, WEST, PACIFIC, AND NATIONAL CAPITAL REGION

CG Marine Corps East, West, Pacific, and National Capital Region shall identify and promote opportunities for regional environmental initiatives and contracting support to gain efficiencies. Create environmental program efficiencies by collectively funding studies, coordinating common training programs, developing appropriate Memorandums of Agreement between stakeholders (e.g., Marine Corps TECOM installations, Marine Aircraft Wings, Resident Officer In Charge of Construction offices, etc.) and the Region, and facilitating mutual support between installations as practicable.

0403 COMMANDING GENERAL (CG)/COMMANDING OFFICER (CO) OF MARINE CORPS INSTALLATIONS AND COMMARFORRES

CG/CO of Marine Corps installations and COMMARFORRES shall:

040301. Develop installation orders or an environmental compliance and protection standard operating procedure to implement the specifications set forth in this volume.

040302. Notify the NRC, as well as appropriate state and local authorities, as soon as there is knowledge of a hazardous substances release in excess of an RQ at, or migrating from, the installation.

040303. Ensure that all applicable statutory and regulatory requirements, including safety and health training (for installation personnel) and natural resources, are met during site assessment and response actions.

040304. Advocate command requirements on high visibility and/or mission-critical issues related to ER sites.

040305. Provide necessary review and comment on ER action plans and reports to the cognizant FEC. Express command/regional perspective in remedy selections.

040306. Coordinate with other appropriate staff to determine current and future land uses at the site before and during the development of remedies.

040307. In conjunction with the FEC, select the remedy and sign the ROD/DDs for all ER Program sites.

040308. Forward appropriate ER documents to EPA and state regulatory agencies. Forward all final primary documents to EPA and state regulatory agencies prior to deadlines in either FFAs or state agreements or orders.

040309. Provide an ER coordinator and logistic support for ER projects at the installation.

040310. Prepare and implement a public involvement program, including a Community Involvement Program, for ER Program sites. Establish and conduct periodic meetings of the RAB when appropriate.

040311. Provide information as required for updating project exhibits to cognizant FECs for ER Program studies and remedial actions.

040312. Provide information as may be required to CMC (LF)/MCICOM (GF) for ER Program salaries, support, travel, and training costs.

040313. Participate in negotiations of FFAs and state agreements.

040314. Notify appropriate commands of any EPA or state notice or PRP action, and support PRP response.

040315. Ensure that ER Program site conditions are considered prior to land use planning, development, or operations, especially in reference to MILCON.

040316. Ensure that appropriate information is placed in the information repository.

040317. Endorse and forward FFAs or state remediation agreements to CMC (LF)/MCICOM (GF).

040318. Identify and submit to CMC (LF)/MCICOM (GF) project documentation and funding requests for ER that are required to maintain compliance with applicable existing and emerging regulations and permits. Program and budget for personnel, equipment, materials, training, and monitoring required to comply with ER Program requirements. Pay appropriate federal, state, and local fees. Ensure that the environmental management hierarchy is employed, pollution prevention alternatives are evaluated, and life-cycle cost impacts are assessed in evaluating and selecting projects that address compliance requirements.

0404 COMMANDER, NAVAL FACILITIES ENGINEERING COMMAND
(COMNAVFACENGCOM)

COMNAVFACENGCOM shall:

040401. Operate the routine aspects of the ER Program for the Marine Corps, in coordination with the Marine Corps installation and CMC (LF)/MCICOM (GF), including the necessary overall planning, programming, budgeting, and execution.

040402. Provide contract services to support technical aspects of the ER Program at Marine Corps installations. Facilitate the development and use of innovative remediation technologies.

040403. Conduct BRAC ER activities at closing and realigning installations by:

- A. Planning, programming, and executing activities that support property reuse, using the results of RRSEs and other criteria to meet Defense Planning Guidance program goals.
- B. Measuring program progress through the reduction of relative risks at sites, the progression of sites through the restoration phases, the accomplishment of milestones leading to site completion, and the acres of land environmentally suitable for transfer.

040404. Perform ER studies and remedial action projects; and prepare NFRAP documentation by contract, in-house effort, or a combination thereof.

040405. Coordinate, at all stages, with regulatory agencies and installation CGs/COs prior to initiating projects through project completion.

040406. Ensure that ER work plans, human health risk assessments, and ecological risk assessments are reviewed by health and safety and natural resources professionals affiliated with the site, as appropriate.

040407. Prepare project plans and reports in coordination with the installation, prepare contract documents, coordinate review and comments, and distribute final documents to installations.

040408. Track project progress to meet schedule requirements, and provide technical and financial oversight during project performance.

040409. Prepare the ROD document and forward it to the installation CG/CO with a recommended alternative for review and signature.

040410. Ensure that the ER database (Naval Organization Request Management System and Navy Installation Restoration Information Solution) is updated regularly for Marine Corps installations. FECs should provide the installation an opportunity to review database information prior to the update.

040411. Support the installation in fulfilling its RAB responsibilities.

040412. Maintain the AR and distribute copies to the installation and appropriate parties.

040413. Provide site-specific technical, progress, and budgeting information to satisfy program reporting requirements and to provide semi-annual ER Program execution plans to CMC (LF)/MCICOM (GF).

040414. Review and update, in coordination with the installation, the Federal Agency Hazardous Waste Compliance Docket and upgrade repository information.

040415. Upon receipt of a notice, message, or documentation from the Marine Corps installations regarding notification of PRP action, the FECs will:

A. Prepare and submit substantive responses to EPA and state inquiries related to the hazardous waste site and subsequent cleanup.

B. Meet with other PRPs and EPA and state representatives to plan for remediation.

C. Negotiate and, on behalf of DON, execute agreements relating to PRP remediation. Prior to execution, forward proposed agreements to CMC (LF)/MCICOM (GF) for review and to the involved MCICOMs for information.

D. Administer remediation agreements, to include payment of costs borne by ER, N.

040416. The FEC, in close coordination with the installation and the appropriate Marine Corps Counsel Office, will negotiate FFAs and state remediation agreements. The final draft will be endorsed by CMC (LF)/MCICOM (GF) and NAVFAC, and forwarded to the Marine Corps installation for endorsement and resubmittal to CMC (LF)/MCICOM (GF).

VOLUME 10: APPENDIX A

“FEDERAL STATUTES, FEDERAL REGULATIONS, EXECUTIVE ORDERS, AND DOD POLICIES”

SUMMARY OF SUBSTANTIVE CHANGES

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APPENDIX A

**FEDERAL STATUTES, FEDERAL REGULATIONS, EXECUTIVE ORDERS, AND DOD
POLICIES**

1 FEDERAL STATUTES

a. Comprehensive, Environmental Restoration, Compensation, and Liability Act (CERCLA) of 1980, as Amended, 42 U.S.C. 9601 et seq.

CERCLA, commonly referred to as "Superfund," authorizes federal action to respond to the release or threatened release of hazardous substances from any source into the environment. CERCLA also authorized the creation of a trust fund to be used by the U.S. Environmental Protection Agency (EPA) to clean up emergency and long-term hazardous waste (HW) problems. Department of Defense (DoD) is not covered by the trust fund; however, Congress set up special funding outside CERCLA, the Defense Environmental Restoration Account (DERA), to pay the cost of DoD responses to HW site remediation. In a memorandum issued on 3 May 1995, the Deputy Secretary of Defense devolved DERA to the military departments and defense agencies. The account that funds Marine Corps requirements is now referred to as the Environmental Restoration, Navy (ER,N) account. The ER,N account is used to execute both the Installation Restoration Program and the Military Munitions Response Program (MMRP).

b. Superfund Amendments and Reauthorization Act (SARA) of 1986, Public Law 99-499

This Act reauthorized and amended the authorities and requirements of CERCLA and requires federal facilities to comply with the same procedural and substantive requirements that nongovernmental entities are subject to. Additionally, SARA established the Defense Environmental Restoration Program (DERP), which has a substantially larger scope than CERCLA. Provisions of SARA that are of primary importance to the ER Program are set forth in section 120, which addresses response actions at federal facilities, and in section 211, which codifies the DERP into law.

c. Community Environmental Response Facilitation Act of 1992, Public Law 102-426

This Act amended the CERCLA, section 120(h), Property Transferred by Federal Agencies. CERFA requires the federal government, before the termination of federal activities on any real property owned by the government, to identify real property where no HS or petroleum was stored, released, or disposed of. CERFA further clarifies "remedial action taken" in CERCLA section 120(h)(3). The provisions of CERFA require the federal government to rapidly identify and return to local communities, clean properties identified under the BRAC process. Thus, Marine Corps installations subject to base relocation and closure (BRAC) are required to identify real property on which HS or petroleum products (including their derivatives) were stored for one or more years or were known to have been released or disposed of. These real properties must be identified and regulatory concurrence obtained within either 18 months after the real property is selected for closure or realignment or 18 months after a joint resolution disapproving the closure or realignment must be enacted and such resolution was not enacted.

d. National Oil and Hazardous Substance Pollution Contingency Plan (NCP, 40 CFR 300)

NCP implements the statutory requirements of CERCLA, SARA, and section 311 of 33 U.S.C. §1321. Subpart E of NCP defines the procedural requirements for responding to releases or threats of releases from HS, pollutants, or contaminants. Subpart D of NCP addresses requirements for responding to oil discharges into U.S. navigable waters.

e. Resource Conservation and Recovery Act (RCRA) of 1976, as Amended, 42 U.S.C. 6901 et seq.

This Act gives the EPA and delegated states the authority to regulate the generation, transportation, treatment, storage, and disposal of HW ("cradle-to-grave" management). The most significant of the ten subtitles of RCRA is subtitle C, which establishes the national HW management program. The 1986 amendments to RCRA provide the EPA and delegated states with regulatory authority over USTs containing HS and petroleum. RCRA focuses only on active and future facilities. Of particular note is section 3004(u) (i.e., corrective action) by which the EPA or a state may require the cleanup or a schedule for investigation and cleanup of all inactive SWMUs on an installation before issuing a RCRA part B permit for current HW operations at the installation. Note that cleanup standards may be different under RCRA than under CERCLA. Therefore, in instances where an installation is required to comply with RCRA, both ER Program cleanup schedules and standards may be impacted. The interface between RCRA and CERCLA is explained in detail in the Navy Environment Program Manual. See Volumes 9 and 18 of this Order for relevant information on HW management and USTs.

f. National Defense Authorization Act (NDAA) of 2002, 10 U.S.C. §2710

As part of the NDAA, Congress mandated that DoD and its military components develop a program to address military munitions under DERP. DoD responded by developing a unique element under DERP, MMRP, to more thoroughly address potential hazards remaining from its past use of military munitions. The MMRP addresses the explosive safety hazards associated with munitions and explosives of concern and the human health and environmental risks associated with Military Constituents. The Marine Corps MMRP is fully executed by Naval Facilities Engineering Command (NAVFAC). Policy and guidance for the Marine Corps MMRP follow the Navy's MMRP (refer to OPNAVISNT 5090.1 series and Navy Environmental Restoration Program Manual).

g. National Environmental Protection Act of 1969, 42 U.S.C. 4321 et seq.

The primary requirement of NEPA is to incorporate environmental considerations into decision-making processes of major federal actions that may significantly impact the quality of human health and the environment. NEPA requires federal agencies to document the reasonably foreseeable environmental impacts of a proposed action while complying with public participation requirements. NEPA does not apply to ER Program actions performed in accordance with CERCLA and NCP.

h. Defense Authorization Amendments and Base Realignment and Closure Act (BRAC) of 1988 (PL 100-526) and Defense BRAC of 1990, as Amended, Public Law 100-510

This Act, as amended in 1990, was enacted by Congress to select bases for realignment and closure as a part of overall military downsizing. The Act contains provisions which provide for the BRAC Environmental Restoration Program. This program ensures that the property is not released for public use until all HW has been removed from the property. Ultimately, this cleanup process may prevent the transfer of cleaned parcels of land in the otherwise required six-year time frame. However, the Act does not prevent the Marine Corps from initiating and executing lease agreements with interested parties before cleanup is complete. These Acts were enacted by Congress to address excess capacities at military bases. The BRAC process allows DoD to reorganize installation infrastructure to more efficiently and effectively support military forces, increase operational readiness, and facilitate new ways of doing business. To date, there have been five rounds of BRAC conducted in 1988, 1991, 1993, 1995, and 2005. Before property closed under BRAC can be transferred to a public entity for reuse, it must be environmentally clean. To facilitate environmental cleanups at Navy and Marine Corps BRAC installations, a BRAC Cleanup Program was established under the Navy BRAC Program Management Office (PMO). The BRAC PMO, with support from NAVFAC, administers the ER Program at Marine Corps BRAC installations. A separate BRAC account is used to fund BRAC Cleanup Program activities at Marine Corps BRAC installations. Generally, all procedures and requirements that apply to active installation cleanups apply to BRAC cleanups.

2 EXECUTIVE ORDERS (E.O.)

a. E.O. 12088, “Federal Compliance with Pollution Control Standards,” October 13, 1978

This E.O. requires each Executive Agency to comply with applicable pollution control standards. Compliance with applicable pollution control standards means conforming to the same substantive, procedural, and other requirements that apply to private citizens. The E.O. also states that each head of the Executive agency is responsible for ensuring all necessary actions are taken for the prevention, control, and abatement of environmental pollution with respect to federal facilities and activities under the control of the agency.

b. E.O. 12580, “Superfund Implementation,” January 23, 1987

This E.O. delegates authority to federal agencies to investigate and respond to HS spills under CERCLA, as amended by SARA.

3 STATE LAWS

Many states have laws analogous to CERCLA. Although CERCLA does not enable delegation of the Superfund Program to states, in accordance with section 120(a)(4) of CERCLA, state laws concerning removals, remedial action, and enforcement apply to federal facilities not listed on the National Priorities List.

VOLUME 10: APPENDIX B

“IDENTIFICATION OF OTHER THAN OPERATIONAL (OTO) RANGES”

SUMMARY OF SUBSTANTIVE CHANGES

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APPENDIX B

IDENTIFICATION OF OTHER THAN OPERATIONAL (OTO) RANGES

1 GENERAL

a. This appendix provides guidance for the identification of OTO range areas aboard Marine Corps installations that may be closed in accordance with 10 U.S.C. §2710, 10 U.S.C. §101, and Deputy Under Secretary of Defense (DUSD) Policy letter of December 18, 2003 without adversely affecting the Marine Corps training and readiness missions. If an installation's training mission changes over time, areas closed under this guidance may be re-opened for operational range activities.

b. Prior to 2001, the DoD responded to OTO ranges known or suspected to contain unexploded ordinance (UXO), discarded military munitions (DMM), or munitions constituents (MC) through the Installation Restoration (IR) Program. In September 2001, DoD established the Military Munitions Response Program (MMRP) as a new Defense Environmental Restoration Program (DERP) to better protect human health and the environment and to better communicate response requirements for OTO ranges known or suspected to contain UXO, DMM, or MC.

c. To assist DoD in addressing munitions issues, Congress enacted 10 U.S.C. §2710 in the 2002 National Defense Authorization Act, directing DoD to develop an inventory of all OTO range sites known or suspected to contain UXO, DMM, or MC. Critical to fulfilling these requirements is the proper identification of operational ranges and, by default, OTO ranges.

d. Definitions pertinent to the range inventory, operational ranges, and the MMRP are provided in 10 U.S.C. §2710, 10 U.S.C. §101, and the DUSD Policy letter of December 18, 2003.

e. This appendix should be implemented as an effort coordinated by installation's environmental office with the support and input of the Operations and Training (O&T)/range control office.

f. The installation shall coordinate and submit a request for closure through the appropriate MCI Region to obtain concurrence from Headquarters, Marine Corps, Facilities Division (HQMC (LF))/Marine Corps Installations Command, Facilities Division, Environmental Management Section (MCICOM (GF-5)) and Training and Education Command (TECOM) prior to closing the range area and putting the site to another use.

2 CLOSING HISTORICAL AND CURRENT OPERATIONAL RANGES

a. Sites that have been put to an incompatible use shall be examined to determine if eligible for the MMRP or administrative closure. Areas that have been closed, either historical or current operational ranges, will be identified as OTO ranges throughout the rest of this appendix.

b. The guidelines below define the process to close OTO range areas via the MMRP or administrative closure procedures. The installation environmental manager is responsible for

initiating and leading this process for historical use areas or former range areas outside of the current operational inventory that have been put to a new use. If current operational range areas as defined in 10 U.S.C. §101 are to be closed, the environmental manager will work with O&T. O&T will determine the eligibility of the identified area for closure.

c. Figure H-1 is a flow diagram of the range closure process. The steps listed below correspond with the flow diagram and provide greater detail and clarification.

d. Other Than Operational (OTO) Range Identification

(1) Step 1

Identify operational range areas and OTO range areas by incorporating data from the installation Archive Search Report/Preliminary Range Assessment and current operational range boundary designations. Operational range areas, in accordance with 10 U.S.C. §101, are active ranges or areas designated as range areas that could potentially be used for training. Examples of OTO range areas include but are not limited to: former ranges, disposal areas, former training areas (and/or all locations that have historical documentation indicating the release of UXO or DMM), and current areas identified as incompatible use (e.g., residential buildings, utilities, daycare/schools, 24-hour access recreational areas, industrial complex, office buildings).

(2) Step 2

The OTO range areas are categorized into sites that are potentially eligible for the MMRP (i.e., sites having known current and/or historical military munitions use) and those requiring only administrative closure (i.e., sites with no documented munitions use). A site boundary should be established for any identified areas. The range designations identified herein are defined in section 4 of this appendix to aid in identifying OTO range areas.

(a) Administrative Closure

Identified OTO areas eligible for only administrative closure have had no known and/or documented military munitions use; and either no longer support operational range activities or are planned to support activities that are not compatible with range activities (e.g., parking lots, residential buildings, daycare/schools, non-live fire training areas).

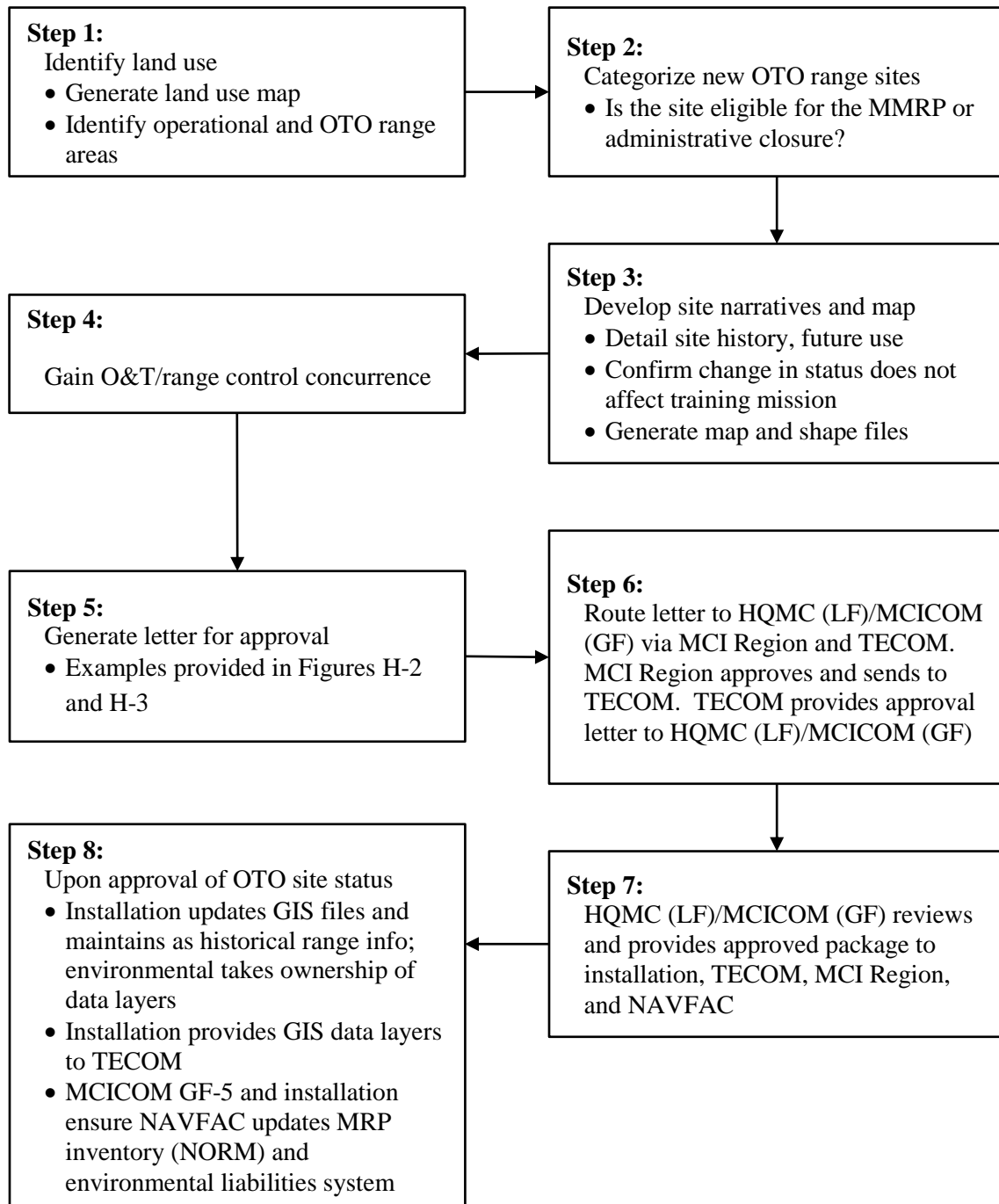


Figure H-1.--OTO Ranges Process Flow Diagram

(b) Military Munitions Response Program (MMRP) Eligibility

1. OTO areas eligible for the MMRP necessitate the initiation of the MMRP process. Such sites have current military munitions use, or are known to have historical military munitions use, resulting in a potential for UXO hazards or an explosive constituent release. The site shall not be an operational range or within an operational range and cannot be a permitted disposal facility.

2. Maneuver areas aboard Marine Corps installations may be restricted to non-live fire activities; however, some maneuver areas are live fire ranges. For purposes of this document, all maneuver areas are considered operational range areas. These non-live fire maneuver areas may have been previously used for live fire activities; therefore, upon closing these areas, extensive research should occur to determine if they can be administratively closed or if they need to be added to the MMRP. The environmental office should work with the O&T office to identify any historic live fire ranges on operational ranges.

e. Site Documentation: Step 3

(1) After identifying potential sites for either MMRP or administrative closure, the installation prepares site narratives and maps to support the recommendation. These documents shall demonstrate that the change in site status will not adversely impact the training mission of the installation. Site narratives shall address the following elements:

- (a) Facility name;
- (b) Historical uses of the site (historical activities and dates of usage, munitions use1 (type, dates of usage));
- (c) Current use of the site (dates of current use type);
- (d) Existing land use controls (LUCs) (engineering or institutional controls, or land use restrictions);
- (e) Anticipated future site use (as documented in range use plans, if available, or other installation planning documents);
- (f) Latitude and longitude;
- (g) Total acreage of the area to be closed;
- (h) Narrative indicating why the site is no longer considered operational range area; and
- (i) Narrative indicating the new designation as OTO range area will not affect the identified training mission.

(2) The installation shall create spatial data and maps in accordance with Marine Corps standards with support of installation GIS offices and O&T, obtaining the most recent operational range boundaries from the O&T office or the installation GIS office. Site maps shall include pertinent site information to allow decision-makers to make informed decisions regarding approval. Pertinent site information includes, but is not limited to:

- (a) Delineated boundaries for proposed OTO range area;
- (b) Delineated historical ranges (with associated safety fans) and/or training area boundaries (MMRP only);
- (c) Delineated adjacent operational range boundaries;
- (d) Current use structures; and
- (e) Incompatible use areas.

f. Installation Concurrence: Step 4

The installation O&T office shall review and provide concurrence with the suggested OTO range areas. The environmental manager shall coordinate with the O&T offices to address any comments or concerns. Identified site boundaries and/or site narratives may require modification based on these discussions.

g. Other Than Operational (OTO) Range Submittal and Approval

(1) Step 5

Upon O&T concurrence, a letter shall be drafted by the installation and the information contained in Step 3. Templates for sites closed under the MMRP or administrative closure are provided in Figures H-2 and H-3. This letter shall be authorized and signed by the installation's Commanding Officer or his/her designee identifying the new OTO range areas.



UNITED STATES MARINE CORPS
MARINE CORPS BASE
PSC BOX 20004
CAMP LEJEUNE, NORTH CAROLINA 28542-0004

IN REPLY REFER TO:
5090.21
BEMD

From: Commanding Officer, [Installation Name]
To: Commanding General, Marine Corps Installations Command
(Code GF-5, Room 2D153A), 3000 Marine Corps Pentagon, Washington, DC 20350-3000

Via: (1) Commanding General, MCI Region (as appropriate)
(2) Commanding General, Training and Education Command,
3300 Russell Road, Quantico, Virginia 22134

Subj: PROPOSED MILITARY RANGE CLOSURE FOR [INSTALLATION NAME]

Ref: (a) Headquarters Marine Corps (HQMC) Operational Range
Closure Policy

Encl: (1) [Proposed range closure area, e.g., Gun Positions 41A
and 41B] Map Figure 1
(2) [Proposed range closure area, e.g., Firing Position 2]
Map Figure 2

1. Due to the location of three Gun Positions located within the boundaries of two Military Construction (MILCON) projects, the Environmental Management Division at [installation name] is submitting for closure under the Military Munitions Response Program approximately 6.0 acres of training area. The following applies:

a. Enclosure (1): Historic Gun Positions 41A and 41B located in the X training area total of approximately 3.0 acres. These two Gun Positions are required to be assessed (and remediated), if necessary for Unexploded Ordnance and/or Munitions Constituents before the planned Marine Special Operations Command (MARSOC) complex begins construction at the installation.

b. Enclosure (2): Historic Firing Position 2, approximately 3.0 acres, is located in the previously permitted area for the Installation Municipal Solid Waste Landfill located off Green Road. This Firing Position was previously part of the Y training area before being transferred to the Installation Public Works Division in 1995 for use as part of the existing landfill facility. This Subj: PROPOSED MILITARY RANGE CLOSURE FOR [INSTALLATION NAME] firing Position is required to be assessed (and remediated), if necessary for Unexploded Ordnance and/or Munitions Constituents before subsequent Phases of the landfill facility can begin construction.

Figure H-2.--Proposed Military Range Closure Sample Letter.

2. All enclosures have been staffed through appropriate installation personnel (e.g., Training and Operations Department, Installations and Environment Department) for comments and all agree that these areas are no longer suitable for future use as range areas or gun positions. *[Installation Name]* therefore, requests that the Gun Positions submitted be considered for closure in accordance with the CERCLA process as indicated in range closure policy by HQMC (LF)/MCICOM (GF) and the Chief of Naval Operations.

3. It is requested that the Training and Education Command review and provide concurrence with these range closure proposals and notify HQMC (LF)/MCICOM (GF) of your decision as required by reference (a).

4. If you have questions or comments, please contact *[Installation Environmental POC]*, Environmental Management Division, Installations and Environment Department, at *[phone number]*.

[Name/Signature]

By direction

Copy to:

HQMC (LF)/MCICOM GF-5
T&O

Figure H-2.--Proposed Military Range Closure Sample Letter--Continued



UNITED STATES MARINE CORPS
MARINE CORPS BASE
PSC BOX 20004
CAMP LEJEUNE, NORTH CAROLINA 28542-0004

IN REPLY REFER TO:
5090.21
BEMD

From: Commanding Officer, *[Installation Name]*
To: Commanding General, Marine Corps Installations Command (Code GF-5,
Room 2D153A), 3000 Marine Corps Pentagon, Washington, DC 20350-3000

Via: (1) Commanding General, MCI Region (as appropriate)
(2) Commanding General, Training and Education Command,
3300 Russell Road, Quantico, Virginia 22134

Subj: PROPOSED OTHER THAN OPERATIONAL RANGE AREA *[INSTALLATION NAME]*

Ref: (a) Headquarters Marine Corps (HQMC) Operational Range
Closure Policy

Encl: (1) *[Administrative closure area, e.g., Child development
center]* Map Figure 1

1. Due to the location of the current Child Development Center located within the current operational range boundary, the Environmental Management Division at *[installation name]* is submitting for administrative closure of approximately 2.0 acres of operational range area. The following applies:

a. Enclosure (1): The CDC is located in the X training area total of approximately 2.0 acres. No use of military munitions have been documented at this location as it has historically been used as a child care facility since the establishment of *[installation name]*. *(Additional details identified in the Range OTO Policy memo to include in the site narrative are as follows: historical uses of the site (historical activities and dates of usage, current use of the site (dates of current use type), existing land use controls (engineering or institutional controls, or land use restrictions), anticipated future site use (as documented in range use plans, if available, or other installation planning documents), latitude and longitude, total acreage of the area to be closed, narrative indicating why the site is no longer considered operational range area, and narrative indicating the new designation as OTO range area will not affect the identified training mission.)*

Figure H-3.--Proposed Other than Operational Range Area Sample Letter

2. All enclosures have been staffed through appropriate installation personnel (e.g., Training and Operations Department, Installations and Environment Department) for comments and all agree that these areas are no longer suitable for future use as range areas or gun positions. *[Installation Name]* therefore, requests that the area submitted be considered for closure as indicated in range closure policy by HQMC (LF)/MCICOM (GF) and the Chief of Naval Operations.

3. It is requested that the Training and Education Command review and provide concurrence with these range closure proposals and notify HQMC (LF)/MCICOM (GF) of your decision as required by reference (a).

4. If you have questions or comments, please contact *[Installation Environmental POC]*, Environmental Management Division, Installations and Environment Department, at *[phone number]*.

[Name/Signature]

By direction

Copy to:
HQMC (LF)/MCICOM GF-5
T&O

Figure H-3.--Proposed Other than Operational Range Area Sample Letter--Continued

(2) Step 6

Upon MCI Regional review, the letter is sent to TECOM. Upon TECOM approval the letter is sent to HQMC (LF)/MCICOM (GF-5) for final approval. In the event that one of the Commands does not approve the proposed new site designations, a letter of non-approval will be sent to the installation and other Commands as appropriate. The letter shall contain detailed information on why the site closure was not approved. If the installation wishes to pursue the range closure, then it shall address these concerns and reroute the letter as appropriate.

(3) Step 7

Upon HQMC (LF)/MCICOM (GF-5) review and concurrence, HQMC (LF)/MCICOM (GF-5) submits a letter back to the installations, to include Commands letter of concurrence and original installation letter with a copy to the appropriate MCI Region, TECOM, O&T, and Environmental.

(4) Step 8

Upon total concurrence, for those OTO ranges eligible for the MMRP, HQMC (LF)/MCICOM (GF-5) and the installation environmental manager shall ensure that NAVFAC updates the MMRP inventory, as well as the installation's environmental liabilities system. The installation GIS offices serve as the data manager and repository for the data layers. Installation O&T shall update the GIS data layers to reflect the change in the range and training area from operational to OTO per the SOPs of the installation. TECOM will ensure the inventory is updated in the 366 Report to Congress and that the inventory matches the installation's records. The OTO data layer for sites entering the MMRP will then be maintained by the environmental office. The environmental office will ensure that NAVFAC has the updated GIS information.

3 RANGE RE-OPENING AND APPROVAL

a. Range areas that have been closed and have not been put to an incompatible use may be examined for re-opening should the installation identify a need for the former range area. If the decision is made to re-open a range, then the installation shall follow steps 3 through 8, with appropriate range information, to gain the appropriate MCI Region, TECOM, and HQMC (LF)/MCICOM (GF-5) concurrence.

b. Installations should be aware that if the re-opened range is closed again in the future, the site may no longer be eligible for environmental funding to conduct investigations and remediation related to munitions.

4 DEFINITIONS RELATED TO OPERATIONAL AND OTHER THAN OPERATIONAL (OTO) RANGES

a. Range

The term “range,” when used in a geographic sense, means 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 air-space areas designated for military use in accordance with regulations and procedures prescribed by the Administrator of the Federal Aviation Administration (10 U.S.C. 101 (e)(1)(A) and (B)).

b. Operational Range

A range that is under the jurisdiction, custody, or control of the Secretary of Defense (SECDEF) and that is used for range activities; or although not currently being used for range activities, still considered by the SECDEF to be a range and has not been put to a new use that is incompatible with range activities (10 U.S.C. 101(e)(3)(A) and (B)).

c. Other Than Operational (OTO) Range

A range that is under the jurisdiction, custody, or control of the SECDEF and is no longer used for range activities; no longer considered by the SECDEF to be an operational range; or has been put to new use that is incompatible with range activities.

d. Military Munitions Response Program (MMRP) Eligibility

A release of UXO, DMM, or MC has occurred (the revised DoD guidance for DERP eligibility has lifted the year requirement that the release shall have occurred prior to Sept 2002), the site is not operational, and the site is not a permitted disposal facility.

e. Administrative Closure Eligibility

Documented no known munitions use and site has been or is planned to be developed or put to a new use (e.g., building already built, parking lot).

f. Historical Use Area

A historically used range area that lies within Title 10 designated operational range boundaries. The range area is no longer used for the historical use purpose.

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VOLUME 11

“NATURAL RESOURCES MANAGEMENT”

SUMMARY OF VOLUME 11 CHANGES

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Submit recommended changes to this Volume, via the proper channels, to:

CMC (OFC CODE)
 3000 Marine Corps Pentagon
 Washington, DC 20350-3000

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VOLUME 11: NATURAL RESOURCES MANAGEMENT

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REFERENCES

- (a) DoD, “Initial Guidance for BRAC 2005 Joint Basing Implementation,” January 22, 2008
- (b) SECNAV Instruction 5090.8A
- (c) 16 U.S.C. §670-670f
- (d) DoD Instruction 4715.03, “Natural Resources Conservation Program,” March 18, 2011
- (e) MCO 5090.4A
- (f) DoD Instruction 5525.14, “DoD Law Enforcement Officers (LEOs) Flying Armed,” March 22, 2011
- (g) Marine Corps and U.S. Fish and Wildlife Service Memorandum of Agreement, June 5, 2003
- (h) 10 U.S.C. §2667
- (i) NAVFAC, P-73, Chapter 19, “Real Estate Procedural Manual: Outleasing,” August 23, 2011
- (j) NAVFAC, P-73, Volume 2, "Natural Resources Management Procedural Manual"
- (k) 7 U.S.C. §136-136y
- (l) Department of Navy (DON), “NAVCOMPT Manual,” paragraph 032114, 1985
- (m) 10 U.S.C. §2665
- (n) MCO P7300.21A
- (o) MCO 11000.11
- (p) MCO 3440.9
- (q) DoD et al., “Review and Update of the 1995 Federal Wildland Fire Management Policy,” January 2001
- (r) Wildland Fire Leadership Council, “Interagency Strategy for the Implementation of the Federal Wildland Fire Management Policy,” June 20, 2003
- (s) The National Wildfire Coordinating Group (NWCG), “National Interagency Incident Management System Wildland Fire Qualification System Guide (PMS 310-1/NFES 1414),” October 2014
- (t) National Fire Protection Association (NFPA), “NFPA 1051: Standard for Wildland Fire Fighter Professional Qualifications,” 2012
- (u) NFPA, “NFPA 1143: Standard for Wildland Fire Management,” 2014
- (v) NFPA, “NFPA 299: Standard for Protection of Life and Property from Wildfire,” 1997
- (w) DoD Instruction 6055.06, "DoD Fire and Emergency Services (F&ES) Program," December 21, 2006
- (x) Department of Homeland Security, “Homeland Security Presidential Directive-5: Management of Domestic Incidents,” February 28, 2003
- (y) 16 U.S.C. §§1451-1465
- (z) 33 U.S.C. §§1251-1387
- (aa) Page 58605 of Volume 60, Federal Register, November 28, 1995 (60 FR 58605)
- (ab) 65 FR 66913, November 7, 2000
- (ac) 16 U.S.C. §§1801-1891
- (ad) Part 600 of Title 50, Code of Federal Regulations (50 CFR 600)
- (ae) 16 U.S.C. §§1531-1544 (also known as “Endangered Species Act”)
- (af) 50 CFR 402
- (ag) U.S. Fish & Wildlife Service and National Marine Fisheries Service, “Consultation Handbook: Procedures for Conducting Consultation and Conference Activities Under Section 7 of the Endangered Species Act,” March 1998

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- (ah) Public Law 109-163, "National Defense Authorization Act for Fiscal Year 2004," November 24, 2003
- (ai) 50 CFR 13
- (aj) 16 U.S.C. §§1361-1381
- (ak) 16 U.S.C. §§703-712
- (al) SECNAV Memorandum, "Implementation Guidance for Executive Order on Protection of Migratory Birds," January 19, 2001
- (am) E.O. 13186, "Responsibilities of Federal Agencies to Protect Migratory Birds," January 10, 2001
- (an) Memorandum of Understanding (MOU) between the U.S. Department Of Defense and the U.S. Fish and Wildlife Service, July 31, 2006
- (ao) 50 CFR 10.13
- (ap) USFWS Migratory Bird Program website (<http://www.fws.gov/birds/index.php>)
- (aq) DoD Partners in Flight website (<http://www.dodpif.org/>)
- (ar) 50 CFR 21
- (as) 16 U.S.C. §668
- (at) 50 CFR 22
- (au) 50 CFR 226
- (av) Executive Order (E.O.) 11644, "Use of Off-Road Vehicles on the Public Lands," February 8, 1972
- (aw) 42 U.S.C. §§4321-4347
- (ax) 43 U.S.C. 1301 et seq.
- (ay) 48 U.S.C. 731 et seq.
- (az) 48 U.S.C. 1801 et seq.
- (ba) 48 U.S.C. 1705 et seq.
- (bb) Office of the Undersecretary of Defense Memorandum, "Volunteer and Partnership Cost-Share Program," January 12, 1994
- (bc) 50 CFR 17
- (bd) 43 CFR 11
- (be) 42 U.S.C. §103
- (bf) E.O. 11987, "Exotic Organisms," May 24, 1977
- (bg) 32 CFR 190.3
- (bh) E.O. 13112, "Invasive Species," February 3, 1999
- (bi) 7 U.S.C. §§7701-7772
- (bj) 33 CFR 328.3
- (bk) 40 CFR 122.2

VOLUME 11: CHAPTER 1

“SCOPE”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 1

SCOPE

0101 PURPOSE

This Volume establishes Marine Corps policy and responsibilities for compliance with procedural and statutory requirements for managing natural resources at Marine Corps installations. This Volume summarizes the Natural Resources Management Program, which employs an ecosystem-based approach for the sustainment of terrestrial, marine, and aquatic resources, wildlife populations, and public access for outdoor recreation.

0102 APPLICABILITY

010201. This Volume applies to all Marine Corps active and reserve installations, commands, detachments, and units located within the United States, its territories, and possessions. For the purposes of this Order, “installation” includes any Marine Corps base, camp, range, air station, outlying field, depot, center, or other activity under the jurisdiction of the Commandant of the Marine Corps, Facilities and Services Division (CMC (LF))/Marine Corps Installations Command, Facilities Division (MCICOM) (GF)). The Marine Corps will comply with all applicable laws and regulations related to the conservation of natural resources in the United States.

010202. Due to the interdisciplinary nature of the environmental program, personnel should also refer to other Volumes in this Order, specifically Volume 3 (Funding) for funding policy guidance and requirements, Volume 8 (Cultural Resources Compliance and Management) for cultural resources, and Volume 12 (Environmental Planning and Review) for guidance on preparing National Environmental Policy Act of 1969 (NEPA) documentation for Integrated Natural Resources Management Plans (INRMPs).

010203. For Joint Bases, Natural Resources Management shall be conducted by the supporting or supported command in accordance with the joint base agreement (DoD, “Initial Guidance for BRAC 2005 Joint Basing Implementation,” January 22, 2008 (Reference (a))).

0103 BACKGROUND

Marines train as they fight, and that training requires access to land, water and air. Training can be destructive to land and natural resources. Unless properly managed, Marine Corps lands can become damaged to the point where realistic training can no longer occur. In addition, the American people have placed intrinsic value on certain natural resources. This value is manifested in laws, regulations, Executive Orders, Marine Corps Orders, policy and guidance requiring the Marine Corps to protect and conserve natural resources. Failure to comply with natural resources laws can lead to judicial, legislative, and executive decisions denying the Marine Corps access to land for training. Accordingly, installation and unit commanders require access to our land, air, and water resources for realistic military training and testing. This can be accomplished through effective management of the natural resources entrusted to the Marine Corps to ensure they remain healthy and available for future generations.

VOLUME 11: CHAPTER 2

“AUTHORITY”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 2

AUTHORITY

0201 GENERAL

Marine Corps has responsibilities for the stewardship of natural resources (SECNAV Instruction 5090.8A (Reference (b))). In addition to compliance with all appropriate environmental laws and regulations, the MARINE CORPS has a mandate to implement a program for the conservation of natural resources (Section 670-670f of Title 16, United States Code (16 U.S.C. §670-670f) (also known and referred to in this Order as “Sikes Act”) (Reference (c))).

0202 FEDERAL STATUTES

020201. Bald and Golden Eagle Protection Act of 1940, as Amended (16 U.S.C. 688 et seq.).

020202. Clean Water Act (CWA) of 1977, as Amended (Public Law 95-217, 33 U.S.C. 1251 et seq.).

020203. Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).

020204. Conservation Programs on Military Reservations (Sikes Act) of 1960, as Amended (16 U.S.C. 670(a) et seq.).

020205. Endangered Species Act (ESA) of 1973 (16 U.S.C. 1531 et seq.).

020206. Magnuson-Stevens Fishery Conservation and Management Act of 1976, as Amended (16 USC 1801 et seq.).

020207. Marine Mammal Protection Act (MMPA) of 1972, as Amended (16 U.S.C. 1361 et seq.).

020208. Migratory Bird Treaty Act (MBTA) of 1918, as Amended (16 U.S.C. 703 et seq.).

020209. Military Reservation and Facilities: Hunting, Fishing and Trapping Act of 1958 (Public Law 85-337, 10 U.S.C. §2671).

020210. Sale of Certain Interests in Lands; Logs (10 U.S.C. §2665).

020211. Leases: Non-Excess Property of Military Departments (10 U.S.C. §2667).

020212. National Environmental Protect Act (NEPA) (42 U.S.C. 4321 et seq.).

020213. Fish and Wildlife Conservation Act of 1980 (16 U.S.C. 2901 et seq.).

0203 FEDERAL REGULATIONS

- 020301. Title 50, Code of Federal Regulations 10.13 (50 CFR 10.13), “List of Migratory Birds”.
- 020302. 50 CFR 13, “General Permit Process”.
- 020303. 50 CFR 21, “Migratory Birds Permits”.
- 020304. 50 CFR 216, “Regulations Governing the Taking and Importing of Marine Mammals”.
- 020305. 50 CFR 402, “Interagency Cooperation—Endangered Species Act of 1973, as Amended”.
- 020306. 50 CFR 600, “Magnuson-Stevens Act Provisions”.

0204 EXECUTIVE ORDERS (E.O.)

Of the following list of E.O.s, only items a, b, c, and g apply to overseas installations.

- 020401. E.O. 11644, “Use of Off-Road Vehicles on the Public Lands,” February 9, 1972.
- 020402. E.O. 11990, “Protection of Wetlands,” May 24, 1977.
- 020403. E.O. 11987, “Exotic Organisms,” May 24, 1977.
- 020404. E.O. 12114, “Environmental Effects Abroad of Major Federal Actions,” January 4, 1979.
- 020405. E.O. 12962, “Recreational Fisheries,” as amended by E.O. 13474, Amendments to Executive Order 12962, June 9, 1995.
- 020406. E.O. 13089, “Coral Reef Protection,” June 11, 1998.
- 020407. E.O. 13112, “Invasive Species,” February 3, 1999.
- 020408. E.O. 13158, “Marine Protected Areas,” May 26, 2000.
- 020409. E.O. 13186, “Responsibilities of Federal Agencies to Protect Migratory Birds,” January 10, 2001.
- 020410. E.O. 13443, “Facilitation of Hunting Heritage and Wildlife Conservation,” August 17, 2007.

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VOLUME 11: CHAPTER 3

“REQUIREMENTS”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 3

REQUIREMENTS

0301 GENERAL

Each Marine Corps installation shall manage its natural resources for the primary purposes of sustaining and enhancing military use of land, water and air assets.

030101. Ecosystem-based Management Approach

Each installation shall employ an ecosystem-based approach to managing natural resources using scientifically sound conservation information, practices and procedures. An ecosystem-based approach will: avoid single-species management and implement a multiple species management approach insofar as that is consistent with the requirements of the ESA or other specific laws; use an adaptive management approach to manage and evaluate natural resources; and engage in the formation of local or regional partnerships that benefit the goals and objectives of the INRMP. Installations will develop flexible management practices to accommodate the evolving scientific understanding of ecosystems and adjust management as necessary. To support an ecosystem-based approach the following principles shall be applied:

- A. A shift from single species to multiple species conservation and management;
- B. Formation of partnerships necessary to consider and support ecosystems that cross installation boundaries; and
- C. Use of the best available scientific information and scientifically sound strategies for adaptive management.

030102. Integrated Natural Resources Management Plan (INRMP)

The Marine Corps is required under the Sikes Act to carry out natural resources programs and implement management strategies to conserve and protect biological resources on its lands. The Sikes Act was amended in 1997 to require the development and implementation of INRMPs that are mutually agreed upon by installations, USFWS, and the respective state fish and wildlife agencies. An INRMP is a planning document that allows installations to develop programmatic goals and objectives and implement landscape-level management of their natural resources while coordinating with stakeholders and supporting the installation mission. INRMPs provide for the management of natural resources, including fish, wildlife, and plants; allow multipurpose uses of resources; and provide public access, as necessary and appropriate for those uses, without any net loss in the capability of an installation to support its military mission. INRMPs are also important management tools that ensure military operations and natural resources conservation are integrated and consistent with stewardship and legal requirements; are the basis for program funding; and support an exclusion from a designation of critical habitat. Each installation with significant natural resources shall prepare and implement an INRMP that will serve as the over-arching guide for how natural resources will be managed to sustain military use, comply with federal laws and regulations, ensure sound

stewardship of public trust resources, and provide opportunities for public access and recreation where possible.

A. The INRMP will integrate all aspects of installation and facility management that may affect natural resources, or be affected by natural resource management decisions.

B. INRMPs shall be prepared by professionally-trained personnel with oversight from installation natural resources managers and biologists and include input from internal installation stakeholders, particularly range and training area managers. The Sikes Act also requires the cooperative preparation with external stakeholders including United States Fish and Wildlife Service (USFWS), and the respective state fish and wildlife agencies. Federal agencies stakeholders, such as the National Oceanic and Atmospheric Administration (NOAA) the United States Forest Service or the Bureau of Land Management, with administrative jurisdiction of land on which the Marine Corps operate under a land use agreement (i.e., Special Use Permit, land withdrawal) should also be involved as appropriate. The final INRMP shall reflect mutual agreement of the USFWS and state fish and wildlife agencies concerning the conservation of the natural resources under their respective legal authorities (DoD Instruction 4715.03 (Reference (d)) or most recent memorandum of understanding (MOU or SUP)). Mutual agreement on the INRMP by Marine Corps, USFWS, and state officials shall be documented by signatures of the appropriate official on the title pages of the INRMP.

C. Per Reference (d), installation natural resources managers will annually evaluate INRMP effectiveness and engage at a minimum, other installation stakeholders (e.g., operations and training, public works, planners) in the review and revision process. The Installation will involve the USFWS and the appropriate state fish and wildlife agency in reviewing the INRMP annually to ensure it is current, and to generate metrics to measure and track progress.

D. Sikes Act Formal Review requires the installations in coordination with the USFWS, other federal agency signatories, and state fish and wildlife agency review of the INRMP every 5 years for operation and effect to determine whether it is being implemented pursuant to the Sikes Act, and contributes to the conservation and rehabilitation of natural resources on military installations. Updates and revisions will be in compliance with the Guidelines for Streamlined INRMP Review process for reviewing and concurring on updates to existing INRMPs, as described in the recent Memorandum of Understanding between the USFWS and the Association of Fish and Wildlife Agencies for a Cooperative Integrated Natural Resource Management Program on Military Installations (Tripartite MOU, July 2013).

030103. Climate Change Adaptation

A changing climate may affect wildlife and other natural resources by introducing new stressors or exacerbating existing stressors (i.e., drought leading to increased fire danger risk, altered habitat conditions, and increase in wildlife disease). Installations shall incorporate available information related to climate change predictions and identified vulnerabilities (i.e., species populations that may be significantly affected by predicted future conditions) within the respective region into the INRMP. Installations should use this information to evaluate, and revise or reprioritize if necessary, the INRMP objectives and actions during routine reviews or revisions, as a forward looking, adaptive approach to ecosystem management.

030104. Compliance with Other Environmental Requirements

INRMP development may affect natural resources other than endangered and threatened species (e.g., wetlands, cultural resources, surface water, and air) and may require other federal, state, or local environmental compliance regulatory involvement. Each installation will, as necessary, consult with environmental compliance regulators early in the INRMP preparation or revision process (e.g., submit the INRMP to the State Historic Preservation Officer during Section 106 consultation in compliance with MCO 5090.4A (Reference (e))). Environmental compliance consultation requirements (e.g., permitting or other approval) shall, to the extent practicable, be complete before INRMP completion. For overseas installations, the INRMP will reference appropriate compliance actions for cultural resources, surface water, air quality, etc. noted in the Final Governing Standards (FGS).

030105. Pesticide Use in Land Management

Pesticide, as defined in Volume 14 (Integrated Pest Management Plans) of this Order, use, storage, application, and disposal, in support of installation vegetation management activities, shall comply with DoD Instruction 5525.14 (Reference (f)) and applicable occupational safety and health requirements. Each installation shall use the principles of Integrated Pest Management (IPM) to avoid and minimize the use of pesticides when nonchemical alternatives are available and cost effective. Pesticide usage in environmentally sensitive areas, such as wetlands or areas with legally protected and/or rare plant species, shall be pre-approved for DoD use. Any use of pesticides in these sensitive areas will be subject to compliance with appropriate laws and regulations. Installations shall acquire any necessary regulatory opinions or permits prior to applying pesticides.

030106. Public Availability

The public shall be afforded ample opportunity to comment on development or significant revisions to the INRMP. Such public comment should be accomplished in conjunction with the NEPA process. Final INRMPs shall be made available to the public via appropriate means, such as websites.

030107. Personnel

Each installation shall employ a natural resources program manager whose responsibilities include informing the installation commander regarding the condition of installation natural resources, the INRMP's objectives, all coordination or consultation with federal or state regulatory agencies relative to natural resources and the potential or actual conflicts between natural resources management and maintaining military readiness and the capability of installation lands to support the installation's mission. Natural resources management shall encourage installation natural resources staff to participate in natural resources training and seminars.

030108. Public Access Associated with the Natural Resources Management Program

Marine Corps lands will be available to the public for enjoyment and use of natural resources, except when a specific determination has been made by the installation Commanding General/Commanding Officer (CG/CO) that a military requirement prevents such use for safety or

security reasons, or when such use would cause substantial environmental degradation. A non-access or limited access determination will be explained in the installation's INRMP.

030109. Access by Federal and State Conservation Officials

Upon request, federal, state, and local officials will be permitted access to installation land and water for official purposes after proper safety and security measures are taken.

030110. Non-Installation Natural Resources

The Marine Corps shall apply stewardship to non-installation natural resources, including but not limited to marine mammals, coral reefs, land, and water potentially affected by Marine Corps military training and testing. Installation lands shall not be used for mitigating off-installation, nonmilitary action impacts to the environment off the installation.

030111. Natural Resources Personnel

Personnel with natural resources responsibilities shall, as a condition of employment, possess the appropriate knowledge, skills, and professional training/education to perform their duties as required by Reference (c). Installation Commanders will provide natural resources personnel timely and necessary supplemental training to ensure proper and efficient natural resources management. Installation Commanders will also maintain adequate natural resources staffing levels to provide and sustain installation natural resources.

030112. Outsourcing

Managing (including planning, implementation, and enforcement functions) and conserving Marine Corps natural resources are inherently governmental functions that shall not be outsourced by the Marine Corps under the DoD Commercial Activities Program or an installation operating services contracts.

030113. Conservation Law Enforcement

A well-trained, professional staff will conduct conservation law enforcement when required by an installation. Conservation law enforcement programs and personnel shall be assigned to the Environmental or Natural Resources Directorate on the installations. This best serves the installation commanders in implementing the INRMPs and ICRMPs and promoting the maximum availability of land, waters, and airspace to accomplish mission and training requirements. Conservation law enforcement officers will enforce nine applicable federal statutes protecting fish, wildlife, and natural and cultural resources of the United States located on DoD installations. Requirements, authorities, and procedures of the Marine Corps Conservation Law Enforcement Program are found in Reference (e) and Marine Corps and U.S. Fish and Wildlife Service Memorandum of Agreement, June 5, 2003 (Reference (g)).

030114. Partnerships and Volunteer Programs

Installations may use appropriate partnerships and volunteers to enhance conservation programs whenever practicable. This work will be performed under the direction of professionally-trained natural resources personnel in accordance with Reference (d).

030115. Natural Resources on Installations Identified for Closure

The disposition of natural resources on installations proposed for closure shall be considered in NEPA analyses addressing installation disposal and reuse NEPA analysis. Conservation easements may be granted on closing-installation real property with significant ecological, cultural, scenic, recreational, or educational value. The Marine Corps shall, in accordance with installation closure and reuse requirements, consider transferring real property on closing installations to conservation agencies or other organizations.

0302 VEGETATION AND TERRESTRIAL SYSTEMS MANAGEMENT

030201. General Vegetation Community Management

Installations shall employ scientifically valid procedures and techniques to sustain, and where appropriate and practicable, restore native vegetation communities. Native vegetation communities are adapted to local climate and soil conditions and wildlife habitat needs. Support of native vegetation communities helps ensure land use sustainability and resilience to stressors such as natural disasters or potential effects of climate change. For more information on special status plants, refer to 11303.

030202. Control of Exotic, Invasive, and Noxious Plants

Installations shall develop and implement scientifically sound strategies to prevent the introduction and/or spread of exotic, invasive, and noxious plant species, including but not limited to monitoring, early detection and rapid response procedures, and control. These species contribute significantly to degraded ecological integrity and wildlife habitat, can limit access to training areas and increase fire risk. Installation exterior architecture plans will include a list of prohibited noxious, exotic, or invasive weeds for landscaping. Installations shall also cooperate with state, county, and local governments and easement holder management plans for controlling noxious plants provided that similar programs are being implemented generally on state or private lands in the same area.

030203. Soil Conservation

Installations shall manage lands, including dunes and beaches, to control and prevent soil erosion, soil loss, and excessive sedimentation into aquatic and marine systems. Soil erosion can limit access to training areas, be detrimental to wildlife habitats, and can violate clean water or coastal zone management requirements related to non-point source pollution. Land disturbing activities (i.e., training activities, construction projects, forestry activities) shall comply with erosion control best management practices and implement all requirements of appropriate permits, such as CWA 401 permits. New construction will be designed to minimize conditions that contribute to post construction soil erosion.

030204. Land Rehabilitation

Lands that have been impacted or altered resulting in exposed soils susceptible to erosion shall be restored and rehabilitated whenever practicable. Such restoration and rehabilitation shall utilize native or naturalized vegetation to the maximum extent practicable. Funding for land rehabilitation will be provided by the appropriate source related to the action causing land degradation.

- A. Land restoration and rehabilitation required for impacts from construction, facility sustainment, restoration, or modernization shall be paid as a cost of the project.
- B. Such restoration or rehabilitation required due to impacts from training activities, or needed to improve access to training areas, will be funded through the Range and Training Area Management program.
- C. Restoration or rehabilitation required in responses to natural disasters, such as floods or fires, shall be funded through the environmental program.
- D. Restoration or rehabilitation resulting from forestry contracts or agriculture activities under an outgrant will be the responsibility of the contractor or lessee.

030205. Agricultural Outleasing

As part of the INRMP, installation commanders shall review the suitability of their lands for agricultural leasing in accordance with Reference (f) when such leasing is advantageous to the United States. Installation commanders should also review the suitability of existing leases to ensure they promote the national defense or are in the public interest and do not conflict with existing or planned military land use requirements. In addition, any agricultural leases shall be compatible with the goals and objectives of the installation's INRMP. Revenue generated through agricultural leases may be used to support implementation of the installation's INRMP. Procedures for gaining access to and accounting of these funds can be found in 10 U.S.C. §2667 (Reference (h)).

A. The Commander, Naval Facilities Engineering Command is the Marine Corps agricultural outleasing agent and installations may obtain agricultural outleasing assistance from the cognizant Naval Facilities Engineering Command (NAVFAC) (e.g., NAVFAC Atlantic, NAVFAC Pacific). They negotiate, execute, and administer real estate instruments, appraise land, and provide cadastral support. NAVFAC will deposit agricultural outlease money rentals in a special account in the Treasury to be used in accordance with NAVFAC P-73, Chapter 19 (Reference (i)) and as directed in NAVFAC P-73, Volume 2 (Reference (j)) and 7 U.S.C. §136-136y (also known and referred to in this Order as "Federal Insecticide, Fungicide, and Rodenticide Act," as amended) (Reference (k)).

- B. Each agricultural outlease shall contain an outlease plan. The outlease plan shall contain:
 - 1. A soil and water conservation plan that establishes specific practices and/or projects and an implementation schedule to be performed by the lessee to protect and improve

the productivity and fertility of the land and requires restoration of the leased lands upon termination of the lease.

2. Agricultural and pest management practices for maintaining compliance with state and federal regulatory requirements and consistency with maintaining military readiness and the capability of installation lands to support the installation's mission.

C. Headquarters, Marine Corps, Facilities Division (HQMC (LF))/MCICOM (GF) provide installations with authorization to utilize agricultural outlease funds to support natural resources management operations. These funds shall only be used for natural resources management operations and shall not be transferred to other accounts or used for any other purpose. Details on the use and accounting of agricultural outlease funds are found in Department of Navy, "NAVCOMPT Manual," 1985 (Reference (I)). Installation natural resources management expenditures shall be consistent with the INRMP.

D. Natural resources management program expenses that may be funded with agricultural outlease money rental proceeds include:

1. Costs directly attributable to agricultural outlease management.
2. Costs of developing and implementing the INRMP and supporting natural resources management programs.
3. Costs of improving or rehabilitating agricultural outlease land and natural resources to enhance agricultural productivity.
4. Costs of improving or rehabilitating land and water resources for soil and water conservation.
5. Costs of improving land and water resources for enhancing fish and wildlife habitat.
6. Costs of improving land and water for outdoor natural resources recreational use.
7. Costs of travel and training supporting integrated natural resources management programs.
8. Procurement, maintenance, and repair costs for equipment and materials supporting integrated natural resources management programs and projects.

E. Natural resources management program expenses that may not be funded with agricultural outlease money rental proceeds include:

1. Mitigation or compensation for damages to natural resources caused by construction projects or military activities.

2. Costs of the production of forest products.
3. Costs of recurring grounds maintenance on improved and semi-improved grounds (e.g., mowing, fertilizing, irrigating, seeding, pruning, ornamental planting, and pest control).
4. Archaeological/cultural resources survey costs and other cultural resources management costs unrelated to natural resources management.
5. Costs of animal damage control unrelated to natural resources management. However, costs of controlling or reducing bird and animal aircraft strike hazards are not excluded.
6. General environmental and facilities organizational support costs unrelated to natural resources management.

030206. Forest Management

Sustainable management of forest environments on installations is essential for supporting military uses (i.e., reducing fire risk, improving access or visibility) as well as ecosystem integrity. As part of the integrated management of natural resources, installation Commanders shall review the suitability of their lands for merchantable forest products. Installations containing forests or lands with the potential to grow and produce merchantable forest products shall ensure the optimum sustainable yield of forest products and the improvement of forest resources consistent with the military mission and local ecosystem condition.

A. Incorporation in the Integrated Natural Resources Management Plan (INRMP)

When appropriate, installation INRMPs will include current forest inventories, conditions, trends, and potential uses; silvicultural goals; maintenance of forested areas and access roads; forest and stand improvement methods; harvesting and reforestation methods and schedules; and protection and enhancement of other natural resources.

B. Forest Pest Suppression

Installations with forest resources shall utilize best management practices in the planning, coordination, and execution of forestry operations to prevent and suppress forest damage and insect and disease outbreaks.

C. Forest Product Sales

Pursuant to Reference (h), Marine Corps contracts for the sale of timber and other forest products shall include requirements for orderly harvesting, operational and safety procedures, and payment. Forest products will not be donated; abandoned; carelessly destroyed; used to offset costs of contracts; or traded for products, supplies, or services. Proceeds collected from the sale of installation forest products shall be forwarded to the servicing Marine Corps accounting and finance

officer. Each installation selling forest products shall maintain records of sales proceeds by fiscal year for use in identifying the host state's share of forest product sale proceeds (subsection (e)(1) of 10 U.S.C. §2665 (Reference (m))).

D. Installations

The following installations may implement a Forest Management Program:

1. MCB Quantico, VA.
2. MCAS Cherry Point, NC.
3. MCB Camp Lejeune, NC.
4. MCAS Beaufort, SC.
5. MCRD Parris Island, SC.
6. MCLB Albany, GA.

E. Forest Product Funds

Each installation implementing a forest management program may sell timber and other forest products. Subject to the availability of funds collected within the current fiscal year, HQMC (LF)/MCICOM (GF) will authorize reimbursement of installations for their costs for the production of forest products. Details on the use and accounting of forest product funds are found in MCO P7300.21A (Reference (n)) and Reference (l). These funds shall only be used for reimbursable forest product costs and shall not be used for any other purpose. Installation forest product expenditures shall be consistent with the INRMP.

F. Reimbursement of Appropriations

Reference (m) provides general authority to reimburse the DoD appropriations for the costs of production of forest products from the proceeds of the sale of these products. This authority is not specific to which appropriations may be reimbursed. In general, forest management that would otherwise be allowable under Operations and Maintenance, Marine Corps (O&M, MC) appropriation are allowable for reimbursement. Likewise, obligations charged to the Procurement, Marine Corps appropriation incurred to purchase vehicles, minor equipment, and heavy equipment used exclusively in forest management under reimbursable program authority may be reimbursed by funds generated from sales of forest products. Reimbursable costs of expenditures shall be directly related to the sustainable production of forest products and generally include:

1. Timber stand improvement.
2. Reforestation.
3. Forest protection.

4. Timber access road maintenance.
5. Timber sale administration.
6. Timber management.
7. Equipment purchases and maintenance.

030207. Wildfire Suppression and Prescribed Burning

Fire is an important component of fire-adapted ecosystems. These ecosystems may require some level of prescribed burning to mimic the temporal frequency and intensity of the natural fire regime. As such, prescribed burning is an important tool to reduce fuel loading, control invasive species and maintain fire-dependent ecosystems. Accordingly, Marine Corps installations shall include fire management in their INRMP. Individuals carrying out prescribed burning shall adhere to the standards in MCO 11000.11 (Reference (o)). Wild land fire response shall be conducted in accordance with Reference (o) and MCO 3440.9 (Reference (p)). Burning outside the natural fire regime may impact or convert vegetation plant communities to a non-native type, and should be avoided.

A. Integrated Wildland Fire Management Policy

The policies and standards adopted by reference in paragraph 11301.f(1)(a)-(f) do not apply to overseas installations; however, guidance in the remaining paragraphs can be applied, as appropriate, as best management practices. The Marine Corps adopts the following policies and standards by reference:

1. The DoD et al., “Review and Update of 1995 Federal Wildland Fire Management Policy,” January 2001 (Reference (q)).
2. Wildland Fire Leadership Council, “Interagency Strategy for the Implementation of the Federal Wildland Fire Management Policy,” June 20, 2003 (Reference (r)).
3. The National Wildfire Coordinating Group (NWCG), “National Interagency Incident Management System Wildland Fire Qualification System Guide (PMS 310-1/NFES 1414),” October 2014 (Reference (s)).
4. The National Fire Protection Association (NFPA), “NFPA 1051: Standard for Wildland Fire Fighter Professional Qualifications,” 2012 (Reference (t)); NFPA, “NFPA 1143: Standard for Wildland Fire Management,” 2014 (Reference (u)); and NFPA, “NFPA 299: Standard for Protection of Life and Property from Wildfire,” 1997 (Reference (v)).
5. DoD Instruction 6055.06 (Reference (w)).
6. Department of Homeland Security, “Homeland Security Presidential Directive-5: Management of Domestic Incidents,” February 28, 2003 (Reference (x)).

B. Applicability

1. Installations with burnable acreage, or bordered by burnable acreage, will develop and implement a Wildland Fire Management Plan (WFMP). The WFMP will be consistent with the INRMP and the Integrated Cultural Resources Plan.

2. Installations and/or facilities with minor wildfire hazard and/or prescribed burning activities may be exempted from WFMP requirements by CMC (LF). WFMP exemption requests should explain the outcome of the risk analysis conducted by the installation or command (e.g., under normal or worst case conditions, wildfires would rarely threaten people or facilities).

C. Program Authority

1. The installation commander or appropriate designee, defines the roles and responsibilities for wildland fire management on the installation, plans and programs resources, and will designate an installation Wildland Fire Program Manager.

2. The installation commander, or appropriate designee, approves the installation WFMP.

3. The installation Wildland Fire Program Manager, in coordination with the installation Conservation/Natural Resources Manager and/or F&ES Fire Chief, is responsible for development of the WFMP. Additionally, the Wildland Fire Program Manager, in coordination with the installation Conservation/Natural Resources Manager and/or the F&ES Fire Chief, reviews and approves burn plans for prescribed fires consistent with the WFMP, the INRMP, and other applicable operating instructions.

4. The installation commander, or appropriate designee, approves the deployment of Marine Corps civilian firefighters to any off-installation incident. For F&ES firefighters, the installation commander may establish pre-deployment approval for responses covered by established mutual aid agreements.

D. Wildland Fire Organization Standards

Marine Corps organizations involved in wildland fire activities will incorporate NWCG and National Incident Management System standards into their organizational structure when necessary to accommodate cooperation and integration with other federal, state, and local wildland fire organizations across jurisdictional boundaries.

E. Prescribed Fires

1. Use of Prescribed Fire on Marine Corps Installations. Prescribed fire can be used as a management tool to attain the goals and objectives of the INRMP and to support other Marine Corps mission needs. Two types of prescribed fires are recognized: 1) those ignited by qualified personnel in accordance with an approved site-specific burn plan, and 2) wildfires managed under prescribed conditions as addressed in an approved WFMP.

2. Site-Specific Burn Plans. A site-specific burn plan will be developed for each prescribed burn conducted on Marine Corps property.

3. Use of Fire Breaks. When planning for prescribed fires, and when suppressing wildfire, utilize natural and existing man-made features whenever possible. Fire breaks, if required, shall be constructed, maintained, or rehabilitated to prevent erosion.

F. Reporting

1. Each installation will report to HQMC Natural Resources Manager, annually, by 31 December, the number of installation acres burned by wildfires and the number of acres prescribed burned for the just completed fiscal year. All F&ES responses to wildland fire incidents shall be reported to the National Fire Incident Reporting System per Reference (w).

2. Report all requests for civilian firefighter assistance or deployment. When a firefighter is deployed (and upon return), the installation wildland fire program manager, or acting, will report the deployment (or return) via e-mail to United States Northern Command and Joint Director of Military Support with copy to the chain of command up to CMC (LF). The e-mail should include the name(s) of the firefighter(s), installation name, date of departure, name or location of wildfire (if known), and length of deployment (if known).

G. Compliance

Compliance with this policy will be monitored and evaluated as part of the HQMC Benchmark Environmental Compliance Evaluation (ECE) program in accordance with this Order.

0303 AQUATIC AND MARINE SYSTEM MANAGEMENT

Waterways and water bodies, including streams, lakes, ponds, wetlands and marine environments under the control of the Marine Corps, fall under the authorities and requirements of the Sikes Act and shall be incorporated into the installation's INRMP.

030301. Consistency with Coastal Zone Management Plans (CZMA)

16 U.S.C. §§1451-1465, also known and referred to in this Order as CZMA, (Reference (y)) requires each installation to ensure that its operations, activities, projects, and programs affecting the coastal zone in or on coastal lands or waters are consistent to the maximum extent practicable with the federally-approved Coastal Zone Management Plan of the state. Installation natural resources management planning shall comply with this requirement. Procedures for coastal consistency determinations vary for each state, but are typically accomplished during the NEPA process. Installations should refer to their respective Coastal Commissions or other such body to determine the procedures to achieve coastal consistency determinations.

030302. Waters and Wetlands Protection

The 33 U.S.C. §§1251-1387 (also known and referred to in this Order as CWA, as amended) (Reference (z)) regulates discharging dredged or fill materials into waters of the United States,

including wetlands. For any project that may impact any waters of the US, including ephemeral streams or wetlands, a CWA Section 404 permit issued by the US Army Corps of Engineers may be required. Prior to undertaking any activity that may impact waters of the US or wetlands, the Marine Corps shall coordinate with the US Army Corps of Engineers to determine the jurisdiction under the authorities of the CWA as well as acquire any necessary permits. The Marine Corps will comply with the national goal of no net loss of wetlands established in Reference (z) and will avoid loss of size, function, and value of wetlands. In addition, the Marine Corps will preserve and enhance the natural and beneficial values of wetlands while conducting its activities. In Order to comply with the national policy to permit no overall net loss of wetlands, installations and units shall, as applicable:

- A. Avoid, to the maximum extent practicable, wetlands destruction or degradation. Any installation or training action that cannot be sited to avoid a wetland shall be designed to minimize wetland degradation and shall include regulatory agency-required compensatory mitigation per the terms the project permit.

- B. Evaluate impact of proposed actions significantly affecting wetlands (See Volume 12 of this Order).

- C. Map installation wetlands boundaries and distribute maps depicting them to facility planners, range control, installation tenants, and other potential users.

- D. Maintain installation technical expertise for wetlands protection, management, identification, surveying, and mapping.

- E. In all installation master plans, identify land suitable for preserving, creating, enhancing, and restoring wetlands. The Marine Corps encourages installation wetlands creation or enhancement projects and wetland banking, where compatible with maintaining military readiness and the capability of installation lands to support the installation's mission.

030303. Mitigation

Per the Clean Water Act, compensatory mitigation is required to offset environmental losses resulting from unavoidable impacts to waters of the United States authorized by Clean Water Act Section 404 permits issued by the U.S. Army Corps of Engineers. Compensatory mitigation enters the analysis only after a proposed project has incorporated all appropriate and practicable means to first avoid and minimize adverse impacts to aquatic resources. Compensatory mitigation refers to the restoration, establishment, enhancement, and/or, in certain cases, preservation of wetlands, streams, or other aquatic resources conducted specifically for the purpose of offsetting authorized impacts to these resources. Installations should give preference, with concurrence from the US Army Corps of Engineers, for the use of a wetland mitigation banking program or "In-Lieu-Fee" mitigation sponsor approved in accordance with Page 58605 of Volume 60, Federal Register (60 FR 58605) (Reference (aa)) or 65 FR 66913 (Reference (ab)), and any implementing administrative guidance or regulation. Mitigations costs are the responsibility of the proponent of the action resulting in impacts to waters or wetlands.

030304. Essential Fish Habitat (EFH)

EFH includes all waters and substrate (including coral reefs), where fish spawn, breed, feed, or grow to maturity and is protected in accordance with 16 U.S.C. §§1801-1891 (also known and referred to in this Order as the “Magnuson-Stevens Fishery Conservation and Management Act”) (Reference (ac)). Installations shall take measures to avoid and minimize adverse effects to EFH, with particular emphasis on designated Habitat Areas of Particular Concern. For actions that will have an adverse effect to EFH, installations shall consult with the NMFS pursuant to Part 600 of Title 50, Code of Federal Regulations (50 CFR 600) (Reference (ad)). Consultations regarding EFH shall be integrated with the NEPA process to the extent practicable. Actions should incorporate conservation recommendations resulting from such consultation as appropriate and practicable.

0304 FISH AND WILDLIFE MANAGEMENT

030401. General Wildlife Management

Sustainable management of wildlife, on Marine Corps installations, is essential to the stewardship of public trust resources as well as complying with various federal laws and regulations. While particular emphasis is placed on threatened, endangered and other specifically protected species, installations shall monitor and manage for other wildlife species as practicable, including both game and non-game species.

030402. Endangered Species

A. Each installation shall develop and implement inventory and monitoring procedures via the INRMP to document the presence, distribution, and status of populations of federally identified candidate species and listed or proposed endangered or threatened species occurring on the installation. The frequency and intensity of inventories and monitoring should be tailored to the species and be sufficient to support biological opinions, conservation planning as well as other project planning that may affect species and/or habitats. However, project specific inventories may be required if available information is not adequate to support regulatory consultations with the USFWS or NMFS (16 U.S.C. §§1531-1544 (also known and referred to in this Order as ESA) (Reference (ae)) and 50 CFR 402 (Reference (af))).

B. Each installation supporting endangered or threatened species populations shall address their management in its INRMP detailing protective measures that assure the continued health and viability of these species on the installation. Each installation will also assist USFWS and NMFS in preparing recovery plans for endangered or threatened species on the installation.

C. The Marine Corps will consult with USFWS or NMFS (as appropriate according to species) on any Marine Corps action that may affect any ESA listed endangered or threatened species or designated critical habitat to ensure that such action is not likely to jeopardize the continued existence of the species or result in the destruction or adverse modification of critical habitat (References (ae) and (af)). Such consultations may be informal if the action is not likely to adversely affect individuals or result in “take” of individuals. If an action is likely to adversely affect individuals or result in “take”, formal consultation is required.

D. When formal consultation is required, installations will prepare a Biological Assessment of the effects of a proposed action on a listed species and/or its designated critical habitat to assist USFWS or NMFS in issuing a Biological Opinion on whether the action will jeopardize the continued existence of the species and/or adversely modify its critical habitat (References (ae) and (af)). Biological Assessments prepared to support an Environmental Impact Statement must be provided to HQMC prior to submitting to the regulatory agencies. This is to ensure potential impacts to federally listed species and designated critical habitat are appropriately assessed, and proposed conservation measures are consistent across the Marine Corps with the Marine Corps mission.

E. Biological assessments shall be science-based and include appropriate and reasonable conservation measures to avoid and minimize adverse effects to threatened and/or endangered species (References (ae) and (af)). Biological assessments shall also include measures to compensate for unavoidable adverse effects to species (aka mitigation). The Marine Corps is authorized to achieve mitigation to threatened and/or endangered species through the purchase of “credits” from conservation banks or in-lieu fee programs approved by either the USFWS or NMFS as appropriate to the species. Installations shall give preference to mitigating effects to threatened and/or endangered species through the purchase of such “credits” where such approach reduces future potential mission impacts is more cost effective or is more ecologically beneficial.

F. Endangered Species Act (ESA) Section 7 Consultations and Conferences

1. If a proposed action may affect federally listed species or designated critical habitat, per ESA section 7 consultations with USFWS and or NMFS must be requested. There is no statutory obligation to consult with USFWS or NMFS if a proposed action does not affect federally listed species or designated critical habitat. Informal and formal consultation procedures are found in parts 402.13 and 402.14 of Reference (af) respectively and the U.S. Fish & Wildlife Service and National Marine Fisheries Service, “Consultation Handbook: Procedures for Conducting Consultation and Conference Activities Under Section 7 of the Endangered Species Act,” March 1998 (Reference (ag)).

2. Consultations and conferences shall be led by qualified natural resources Marine Corps staff and coordinated with action proponent subject matter experts as appropriate. The Natural Resource Manager or their designee possessing the appropriate natural resources knowledge, skills, and professional training/education shall be required to perform these consultations and be the installation representative with respect to coordination with federal or state governmental agencies and organizations concerning endangered and threatened species management and protection.

G. ESA also requires the designation of "critical habitat" for listed species when it is judged to be "prudent and determinable." Critical habitat includes geographic areas that contain the physical or biological features essential to the conservation of the species and that may need special management or protection. Critical habitat designations affect only federal agency actions or federally funded or permitted activities. Federal agencies are required to avoid "adverse modification" of designated critical habitat. Critical habitat may include areas not occupied by the species at the time of listing but that are essential to its conservation. In accordance with Public Law 109-163, “National Defense Authorization Act for Fiscal Year 2004” (Reference (ah)) provisions, the resource agency (USFWS or NMFS) cannot designate critical habitat on an installation with an INRMP (see Sikes Act) that the secretary of the resource agency finds has a benefit to the listed

species. Additionally, the resource agency must consider national security impacts when designating critical habitat. Reference (ae) permits Marine Corps lands to be excluded from critical habitat designation when such lands are managed in accordance with an approved INRMP that provides a benefit to the endangered or threatened species. Accordingly, each installation possessing endangered or threatened species, candidate species, or unoccupied habitat where critical habitat may be designated, shall evaluate within the INRMP the benefits of managing the species and/or habitat. This evaluation shall be clearly identifiable in the INRMP and should be identified in the INRMP's Table of Contents. Each installation evaluating the benefits of managing the species and/or habitat shall use the following USFWS criteria to determine whether an INRMP provides a benefit to the endangered or threatened species:

1. The INRMP provides a conservation benefit to the species. The cumulative benefits of the management activities identified in the INRMP, for the length of the plan, shall maintain or provide for an increase in a species' population, or the enhancement or restoration of its habitat within the area covered by the INRMP (i.e., those areas deemed essential to the conservation of the species). A conservation benefit may result from reducing fragmentation of habitat, maintaining or increasing populations, ensuring against catastrophic events, enhancing and restoring habitats, buffering protected areas, or testing and implementing new conservation strategies.

2. The INRMP provides certainty that it will be implemented. Persons charged with INRMP implementation are capable of accomplishing its objectives and have adequate funding for it. They have the authority to implement the INRMP and have obtained all the necessary authorizations or approvals. An implementation schedule (including completion dates) for the conservation effort is provided in the INRMP.

3. The INRMP provides certainty that the conservation effort will be effective.

030403. Candidate Species

Candidate species are those species that have been proposed for listing as either threatened or endangered species in accordance with Reference (ae). Each installation shall inventory and monitor candidate species to evaluate and document any effects that military activities may have upon them. Installations should, to the maximum extent practicable, proactively manage candidate species populations to prevent impacts that could lead to listing of the species as threatened or endangered. Proactive management via the INRMP will also help ensure that the installation may be exempt for critical habitat designation, if a ruling is proposed. Installations shall not include candidate species in formal consultation in accordance with Reference (ae) unless otherwise approved by HQMC (LF)/MCICOM (GF).

030404. Species at Risk

Reference (ae) does not protect other "Species at Risk," including but not limited to, state-listed species or IUCN Red List imperiled or threatened species. However, each installation should inventory and monitor them to the extent practicable because 50 CFR 13 (Reference (ai)) may require an installation or unit to consider a proposed action's impacts on state-listed species, and state

laws and regulations may govern their possession, propagation, sale, or taking on the installation. Installations shall not include “species at risk” in formal consultation in accordance with Reference (af) unless otherwise approved by HQMC (LF)/MCICOM (GF).

030405. Marine Mammals

The Marine Corps shall not take (e.g., harass, hunt, capture, or kill) marine mammals on the high seas, in waters, or on land under the jurisdiction of the United States (16 U.S.C. §§1361-1381 (also known and referred to in this Order as MMPA)(Reference (aj))). The Marine Corps will evaluate each operation that may affect marine mammals and will avoid impacts to them where practical. For actions with the potential for unintentional harm to marine mammals, application to NMFS will be made for a Letter of Authorization or other permit to comply with MMPA requirements. In addition, many marine mammals are also endangered species, and proposed actions that may affect any federally-listed threatened or endangered species require consultation in accordance with Section 7 of Reference (ae).

030406. Migratory Birds

A. Migratory birds are protected by 16 U.S.C. §§703-712, also known and referred to in this Order as MBTA, as amended, (Reference (ak)). The SECNAV Memorandum (Reference (al)) requires that installations promote the goals of E.O. 13186 (Reference (am)), which are detailed in the DoD and U.S. Fish and Wildlife Memorandum of Understanding (MOU) (Reference (an)). The MOU identifies specific measures designed to promote conservation of migratory birds and their habitats as affected by non-military readiness activities (i.e., NRC actions, shore support activities, operation of industrial activities, facility construction or demolition, hazardous waste cleanup).

B. The species of birds protected under the Migratory Bird Treaty Act are listed in 50 CFR 10.13 (Reference (ao)). Installation natural resources managers should use the USFWS' Migratory Bird Program website (Reference (ap)) to find lists of Birds of Conservation Concern and Birds of Management Concern and address those species in INRMPs on installations where they occur. Additionally, lists of migratory birds found on DoD installations, as well as recommendations for the conservation of migratory birds in INRMPs, can be found on the DoD Partners in Flight website (Reference (aq)).

C. Taking of Migratory Birds

1. MBTA prohibits take or possession of migratory birds unless permitted by regulation. Specific permits must be obtained for takes to accomplish scientific collecting, taxidermy, Canada goose control, depredation control, and several other actions. Installation natural resources managers must ensure any intentional takes of migratory birds occurring on the installation are covered by a permit obtained from the USFWS Regional Bird Permit Office (Reference (ai)) and 50 CFR 21 (Reference (ar)).

2. Military Readiness Rule. Part 21.15 of Reference (ar)) authorizes incidental take of migratory birds for military readiness activities provided the Marine Corps action proponent confers with USFWS to develop and implement appropriate conservation measures to

minimize or mitigate negative effects of the proposed action if the action will have a significant negative effect on the sustainability of a population of a migratory bird species. Potential impacts to migratory bird populations and MBTA compliance shall be addressed in NEPA analysis using information from the appropriate INRMP where applicable, and the best scientific data available.

030407. Bird/Animal Aircraft Strike Hazard (BASH)

The responsibility for funding the Marine Corps BASH program is installation specific. However, due to the potential impacts on natural resources by a command's BASH Program, natural resources managers shall provide biological expertise to assist Marine Corps air installations, air operations, and aviation safety officers in preparing and implementing BASH plans where necessary. BASH plans should be reviewed to ensure consistency and compliance with installation INRMPs and applicable natural resources laws and regulations. In support of BASH efforts, natural resources conservation actions that affect the abundance and distribution of wildlife and their habitats around active air fields should be identified and addressed in INRMPs. Airfield mowing and clear zone establishment and maintenance are not considered military readiness activities under 50 CFR 21.

030408. Bald and Golden Eagles

Bald and Golden Eagles are protected from "take" pursuant to the requirements of 16 U.S.C. §668 (Reference (as)) as well as Reference (ak). Installations shall employ measures to monitor eagles and nests as well as avoid and minimize "take" of bald and golden eagles, including those defined in the USFWS National Bald Eagle Management Guidelines. Actions which may result in incidental "take" of a bald or golden eagle, or active nests, require a permit issued by the USFWS in accordance with the regulations found in Reference (ai) and 50 CFR 22 (Reference (at)).

030409. Hunting, Fishing, and Trapping

Reference (c) requires that military lands be made available for public hunting, fishing and trapping where such access does not present any mission, safety or security impact. Installations shall identify areas where such activities may occur, develop and implement installation policies that allow for safe and sustainable hunting, fishing and trapping as appropriate, and enforce appropriate laws and regulations.

A. Licenses

Installations allowing hunting, fishing, and trapping shall require all civilian hunters, fishers, and trappers to possess applicable state licenses for hunting, fishing, or trapping on the installation. Military personnel engaged in these activities shall possess such licenses if the host state permits the issuance of a resident license to members of the military without regard to residency requirements. At installations within states that do not authorize licenses under the conditions noted herein, military personnel may, at the discretion of the installation CG/CO, hunt, fish, or trap with an installation permit in lieu of a state license.

B. Hunting, Fishing, and Trapping Access Fees

Each installation permitting hunting, fishing, or trapping may collect nominal fees for these recreational opportunities. Each installation should develop the permit fee schedule, in part, after considering cost associated with INRMP fish and wildlife enhancement operations. Each installation shall deposit hunting, fishing, and trapping permit fee proceeds into the Budget Clearing Account (Suspense) Navy 17X5095. The permit fee proceeds shall be delivered to the local disbursing officer for deposit, supported by an original and three copies of the Cash Collection Voucher (DD Form 1131). Each installation Commander shall implement a fish and wildlife management program and ensure the program expenses funded with permit fee proceeds do not exceed the amount of permit fee proceeds authorized by CMC (LF)/MCICOM (GF) to be available to the installation from the Budget Clearing Account. Each installation's fish and wildlife permit fee receipts and expenditures accounting shall comply with References (l) and (n). Details on the use and accounting of these fees are found in Reference (l).

C. Private Organizations

1. Installation rod and gun clubs, conservation organizations established as part of the command recreation program, and other private organizations may volunteer services to promote installation natural resources management and facilities and programs for public outdoor recreation on the installation. No agreement with a private entity shall exclude the public's access for hunting, fishing, or trapping on the installation.

2. Membership in a private organization shall not be a prerequisite to hunt, fish, or trap on an installation.

3. Any private organization membership fee shall exclude the cost of obtaining an installation hunting, fishing, or trapping permit on the installation when the installation permit fee is based, in part, under the provisions of the installation's INRMP.

4. Installations shall not solicit or accept private organization representation before regulatory authority.

5. Private organization programs and projects on the installation shall comply with the installation INRMP and other installation orders and instructions.

030410. Recreational Off-Road Vehicles

A. Installation commanders shall give preference to existing trails when designating roads for off-road vehicle use.

B. When considering the suitability of areas and trails for off-road vehicle use, installation Commanders shall consider the applicability of NEPA analysis and the foreseeable impacts of each type of off-road vehicle, taking into account its seasonal use, range, and resulting impacts to installation natural resources, military readiness, and the capability of installation lands to support the installation's mission, and other recreation resources.

C. Any decision to open installation lands to off-road vehicle use shall apply equally to the public and military personnel. Each installation shall control off-road vehicle use to

maintain public safety, security, military readiness, and natural resources. Therefore, any decision to open installation lands to off-road vehicle use shall include procedures for controlling the number and types of off-road vehicles, limiting their frequency and intensity of use, and limiting their range (i.e., restricting access to areas and trails authorized for off-road vehicle use) (50 CFR 226 (Reference (au))).

D. Installations may deny installation access to persons violating off-road vehicle requirements.

E. If the installation Commander or a designee determines that off-road vehicle use will cause or is causing considerable adverse effects on the soil, vegetation, wildlife, wildlife habitat, or cultural or historic resources, the installation will immediately prohibit such off-road vehicle use until the effects have been eliminated and measures have been implemented to prevent their recurrence (E.O. 11644 (Reference (av))).

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VOLUME 11: CHAPTER 4

“RESPONSIBILITIES”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 4

RESPONSIBILITIES

0401 COMMANDANT OF THE MARINE CORPS (CMC) (LF)/COMMANDER MCICOM (GF)

CMC (LF)/Commander MCICOM (GF) shall:

040101. Establish a natural resources management program and promulgate policy, guidelines and attendant responsibilities.

040102. Ensure adequate resourcing and programming necessary and a Marine Corps-wide organizational capability to meet Deputy Under Secretary of Defense, Installations and Environment (DUSD(I&E)) and legislative requirements for conservation of natural resources and the establishment of a natural resources conservation management program on Marine Corps installations.

040103. Regularly update policy guidance and issue-specific implementing guidance based on new or changing laws, regulations, and DUSD(I&E) policies governing conservation of natural resources.

040104. Address and coordinate resolution of natural resources issues affecting the Marine Corps mission.

040105. Coordinate natural resources policy and program matters with the DUSD(I&E), the Assistant Secretary of the Navy Energy, Installations, and Environment), other Military Services, other federal agencies and private organizations.

040106. Support as needed, DUSD(I&E) programs, initiatives, committees and partnerships involving natural resources.

040107. Respond to Congressional and other inquiries to satisfy Office of the Secretary of Defense reporting requirements.

040108. Provide installations policy for establishing and maintaining INRMPs.

040109. Identify Marine Corps-wide program and project priorities, and distribute available funds to meet installation natural resources management requirements that cannot be locally funded.

040110. Maintain reports and other records of installation natural resources business transactions (e.g., agricultural outlease proceeds; hunting, fishing, and trapping permit fee proceeds; forest product sales proceeds) and track natural resources management expenditures charged to applicable accounts.

040111. Ensure, through field visits and the ECE Program, Marine Corps compliance with applicable federal, state, FGS and local natural resource management requirements.

040112. Assist installations in resolving any issues with complicated regulatory consultations or disputes with federal, state, and local natural resource regulatory officials and provide review and oversight for consultation documents.

0402 COMMANDING GENERAL (CG) OF MARINE CORPS EAST, WEST, PACIFIC, AND NATIONAL CAPITAL REGION

CG of Marine Corps East, West, Pacific, and National Capital Region shall:

040201. Coordinate proposals for new and continuing actions that affect natural resources with the managers of those resources.

040202. Take appropriate action to ensure that authorized, funded, or conducted actions comply with 42 U.S.C. §§4321-4347 (also known and referred to in this Order as NEPA) (Reference (aw)) and all related natural and cultural resources laws and E.O.s.

0403 COMMANDING GENERAL (CG)/COMMANDING OFFICER (CO) OF MARINE CORPS INSTALLATIONS AND COMMARFORRES

CG/CO of Marine Corps installations and COMMARFORRES shall:

040301. Ensure the installation implements the requirements and policies of this Volume.

040302. MARFORRES shall evaluate all Marine Corps owned reserve centers to determine the applicability of developing an individual site specific INRMP or a programmatic INRMP.

040303. Act as the installation natural resources trustee.

040304. Provide natural resources personnel timely and necessary supplemental training to ensure proper and efficient natural resources management.

040305. Maintain adequate natural resources staffing levels to provide and sustain installation natural resources.

040306. Ensure that installation natural resources staff are adequately trained and able to participate in natural resources training and seminars (per Sikes Act).

040307. Implement a fish and wildlife management program and ensure the program expenses funded with permit fee proceeds do not exceed the amount of permit fee proceeds authorized by CMC (LF)/MCICOM (GF) to be available to the installation from the Budget Clearing Account.

040308. Evaluate the foreseeable impacts to natural resources in NEPA analysis addressing off-road vehicles.

0404 INSTALLATION NATURAL RESOURCES STAFF

Installation Natural Resources Staff shall:

040401. Possess the appropriate knowledge, skills, and professional training/education to perform their duties as required by Reference (c).

040402. Apprise the installation Commander of the condition of installation natural resources and the INRMP's objectives.

040403. Inform the installation Commander on all coordination or consultation with federal or state regulatory agencies relative to natural resources.

040404. Communicate any potential or actual conflicts between natural resources management and maintaining military readiness and the capability of installation lands to support the installation's mission to the installation Commander.

040405. Serve as the installation representative with respect to coordination with federal or state governmental agencies and organizations concerning endangered and threatened species management and protection.

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VOLUME 11: APPENDIX A

“FEDERAL STATUTES, FEDERAL REGULATIONS, EXECUTIVE ORDERS, AND DOD POLICIES”

SUMMARY OF SUBSTANTIVE CHANGES

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APPENDIX A
FEDERAL STATUTES, FEDERAL REGULATIONS, EXECUTIVE ORDERS, AND DOD
POLICIES

1 FEDERAL STATUTES

- a. Bald and Golden Eagle Protection Act of 1940, as Amended, 16 U.S.C. 688 et seq.

The act prohibits taking, possessing, and transporting bald eagles and golden eagles and importing and exporting their parts, nests, or eggs. The definition of “take” includes pursue, shoot, shoot at, poison, wound, capture, trap, collect, molest, or disturb. The act also provides for penalties of up to \$5,000 for possessing eagles or eagle parts taken from birds after June 1940. Regulations implementing the act are found at 50 Code of Federal Regulations (CFR) Part 22.

- b. Clean Water Act (CWA) of 1977, as Amended, 33 U.S.C. 1251 et seq.

The CWA, in part, requires federal agency consistency with state nonpoint source pollution management plans. The CWA and its implementing regulations also require permits for controlling wastewater discharges and placing fill materials into waters of the United States, including wetlands. These permits are required before initiating proposed actions.

- c. Coastal Zone Management Act (CZMA) of 1972, 16 U.S.C. 1451 et seq.

The CZMA requires that, to the maximum extent practicable, federal actions affecting any land/water use or coastal zone natural resource be implemented consistent with the enforceable policies of an approved state coastal management program. The CZMA also authorizes states to administer approved coastal nonpoint source pollution programs. Advance concurrence from the state Coastal Commission is required before taking an action affecting the use of land, water, or natural resources of the coastal zone. Excluded from the coastal zone are lands solely subject to or held in trust by the federal government, its officers, or its agents.

- d. Conservation Programs on Military Reservations (Sikes Act) of 1960, as Amended, 16 U.S.C. 670(a) et seq.

The Sikes Act requires each military installation to manage natural resources for multipurpose uses and public access appropriate for those uses, as well as ensuring no net loss to training, testing or other defined missions of the installation. Management of these resources is accomplished through development and implementation of an Integrated Natural Resource Management Plans (INRMP). Each INRMP must be prepared in consultation with the USFWS and the cognizant state fish and wildlife agency. The public must be afforded an opportunity to review and comment on new INRMPs prior to their finalization. The Sikes Act also requires, to the extent practicable using available resources, sufficient numbers of professionally-trained natural resource management personnel and natural resources law enforcement personnel, be available and assigned responsibility to perform tasks necessary to carry out Title I of the Sikes Act, including preparing and implementing INRMPs.

e. Endangered Species Act (ESA) of 1973, 16 U.S.C. 1531 et seq.

Implemented by 50 CFR 402 and 50 CFR 17, the ESA requires federal agencies to carry out programs to conserve federally-listed endangered and threatened plants and wildlife. Development and implementation of these programs must be carried out with the consultation and assistance of the Departments of the Interior and Commerce. In addition, if the USMC determines that their actions that may affect ESA listed species or designated critical habitats, then they require consultation with the U.S. Fish and Wildlife Service or National Oceanic and Atmospheric Administration – Fisheries (NOAA Fisheries) to assess the potential affects to the recovery of the species.

f. Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended, 16 U.S.C. 1801 et seq.

The Magnuson-Stevens Fishery Conservation and Management Act provides for the conservation and management of the fisheries and other purposes, including a requirement to designate EFH. Consultation is required when a federal agency authorizes, funds, or undertakes an action that may adversely affect EFH. An “adverse effect” is any impact that reduces the quality or quantity of EFH.

g. Marine Mammal Protection Act (MMPA) of 1972, as amended, 16 U.S.C. 1361 et seq.

Implemented by 50 CFR 18, 215, and 228, the MMPA mandates a moratorium on the killing, capturing, harming, and importing of marine mammals and marine mammal products. The MMPA also prohibits the taking of any marine mammal by any person, vessel, or conveyance subject to the jurisdiction of the United States on the high seas or the taking of any marine mammal by a person, vessel, or conveyance in waters or lands under the jurisdiction of the United States and established a process for analyzing and permitting the unintentional harassment or harm of marine mammals. “Taking” means to harass, hunt, capture, collect, or kill any marine mammal, and the term includes, without limitation, any of the following: collection of dead animals or their parts, restraint or detention of a marine mammal, tagging a marine mammal, the negligent or intentional operation of an aircraft or vessel, or doing of any other negligent or intentional act that results in the disturbing or molesting of a marine mammal. The National Defense Authorization Act for Fiscal Year 2004 further defined incidental taking related to military readiness activities.

h. Migratory Bird Treaty Act (MBTA) of 1918, as amended, 16 U.S.C. 703 et seq.

The MBTA protects migratory birds (listed in 50 CFR 10.13) and their nests with eggs. It is illegal for anyone to take, possess, import, export, transport, sell, purchase, barter, or offer for sale, purchase, or barter, any migratory bird, or the parts, nests, or eggs of such a bird except under the terms of a valid permit issued pursuant to federal regulations. The permits cover certain circumstances (i.e., research, depredation, health and safety), but do not account for all kinds of “take” that may be incidental to otherwise lawful activities. Military readiness activities are exempt from prohibitions to take of migratory birds, given such activities do not significantly affect bird populations and that best management practices are in place to mitigate any population level effects.

i. Military Reservation and Facilities: Hunting, Fishing and Trapping Act of 1958, 10 U.S.C. §2671

The act requires all hunting, fishing, and trapping on each military installation be in accordance with the state fish and game laws where the installation is located. Appropriate state licenses must be obtained for these activities on the installation, but the act permits an installation commander to exempt active duty military personnel from state licenses to hunt, fish, and trap on a military installation if the state does not permit them to obtain a resident license.

j. Sale of Certain Interests in Lands; Logs, 10 U.S.C. §2665

This law establishes requirements for installation sale of forest products, as well as provides authority to utilize revenues to reimburse costs of forestry operation and implementation of multi-land use plans, such as an INRMP.

k. Leases: Non-Excess Property of Military Departments, 10 U.S.C. §2667

This law permits installations to lease real or personal government property, including land leased for agricultural purposes.

l. National Environmental Protection Act of 1969 (NEPA), 42 U.S.C. 4321 et seq.

NEPA requires consideration of environmental concerns during project planning and execution. The NEPA and the Council on Environmental Quality implementing regulations (40 CFR Part 1500) require federal agencies to prepare an Environmental Assessment or Environmental Impact Statement for federal actions with the potential to significantly affect the quality of the human environment, including natural and cultural resources.

m. Fish and Wildlife Conservation Act of 1980, 16 U.S.C. 2901 et seq.

Fish and Wildlife Conservation Act of 1980, 16 U.S.C. 2901 et seq. promotes state programs for conserving nongame fish and wildlife, their habitats, and their use.

2 FEDERAL REGULATIONS

a. 50 CFR 10.13

The List of Migratory Birds informs the public of the species protected by regulations designed to enforce the terms of the Migratory Bird Treaty Act. These regulations, found in parts 10, 20, and 21 of 50 CFR 10, cover most aspects of the taking, possession, transportation, sale, purchase, barter, exportation, and importation of migratory birds.

b. 50 CFR 13

The General Permit Process provides uniform rules, conditions, and procedures for the application for and the issuance, denial, suspension, revocation, and general administration of all permits issued.

c. 50 CFR 21

Migratory Birds Permits provide certain exceptions to permit requirements for public, scientific, or educational institutions, and establishes depredation orders which provide limited exceptions to the Migratory Bird Treaty Act.

d. 50 CFR 216

Regulations Governing the Taking and Importing of Marine Mammals implement the Marine Mammal Protection Act of 1972, which, among other things, restricts the taking, possession, transportation, selling, offering for sale, and importing of marine mammals.

e. 50 CFR 402

The Interagency Cooperation—Endangered Species Act of 1973, interprets and implements sections 7(a)-(d) [16 U.S.C. §1536(a)-(d)] of the Endangered Species Act of 1973, as amended. The U.S. Fish and Wildlife Service and the National Marine Fisheries Service share responsibilities for administering the Act.

f. 50 CFR 600

Magnuson-Stevens Act Provisions contain general provisions governing the operation of the eight Regional Fishery Management Councils established by the Magnuson-Stevens Act and describes the Secretary's role and responsibilities under the Act.

3 EXECUTIVE ORDERS (E.O.)

Of the following list of E.O.s, only items a, b, c, and g apply to overseas installations.

a. E.O. 11644, "Use of Off-Road Vehicles on the Public Lands," February 9, 1972

This E.O., in part, establishes policies and provides for procedures for ensuring off-road vehicle use on public lands will be controlled and directed to protect natural resources. The E.O. was amended by E.O. 11989.

b. E.O. 11990, "Protection of Wetlands," May 24, 1977

This E.O. addresses federal agency actions required to identify and protect wetlands, minimize the risk of wetlands destruction or modification, and preserve and enhance the natural and beneficial values of wetlands.

c. E.O. 11987, "Exotic Organisms," May 24, 1977

This E.O., in part, requires Executive agencies, to the extent permitted by law, to restrict the introduction of exotic species into the natural ecosystems on lands and waters they own, lease, or hold.

d. E.O. 12114, “Environmental Effects Abroad of Major Federal Actions,” January 4, 1979

This E.O. directs federal agencies to take action to further the purpose of the NEPA with respect to the environment outside the United States and its territories and possessions.

e. E.O. 12962, “Recreational Fisheries,” as amended by E.O. 13474, Amendments to E.O. 12962, June 9, 1995

This Order states that federal agencies shall, to the extent permitted by law and where practicable, and in cooperation with states and Tribes, improve the quantity, function, sustainable productivity, and distribution of U.S. aquatic resources for increased recreational fishing opportunities.

f. E.O. 13089, “Coral Reef Protection,” June 11, 1998

E.O. 13089, “Coral Reef Protection,” June 11, 1998, established the interagency U.S. Coral Reef Task Force, charged with developing and implementing a comprehensive program of research and mapping to inventory, monitor, and “identify the major causes and consequences of degradation of coral reef ecosystems.” This Order also directs federal agencies to expand their own research, preservation, and restoration efforts.

g. E.O. 13112, “Invasive Species,” February 3, 1999

This E.O.’s purpose is to prevent the introduction of invasive species, provide for their control, and minimize the economic, ecological, and human health impacts that invasive species cause.

h. E.O. 13158, “Marine Protected Areas,” May 26, 2000

E.O. 13158, “Marine Protected Areas,” May 26, 2000 mandates strengthening the management, protection, and conservation of existing marine protected areas (MPA) and establishment of new or expanded MPAs; the development of a scientifically based, comprehensive national system of MPAs representing diverse U.S. marine ecosystems and the Nation’s natural and cultural resources; and the avoiding causing harm to MPAs through federally conducted, approved, or funded activities.

i. E.O. 13186, “Responsibilities of Federal Agencies to Protect Migratory Birds,” January 10, 2001

This E.O., in part, requires each federal agency taking actions that have, or are likely to have, a measurable negative effect on migratory bird populations to develop and implement, within two years, a MOU with FWS that shall promote the conservation of migratory bird populations.

j. E.O. 13443, “Facilitation of Hunting Heritage and Wildlife Conservation,” August 17, 2007

The purpose of this Order is to direct federal agencies that have programs and activities that have a measurable effect on public land management, outdoor recreation, and wildlife management, including the Department of the Interior and the Department of Agriculture, to facilitate the expansion and enhancement of hunting opportunities and the management of game species and their habitat

VOLUME 12

“ENVIRONMENTAL PLANNING AND REVIEW”

SUMMARY OF VOLUME 12 CHANGES

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REFERENCES

- (a) 42 U.S.C. §§4321-4347
- (b) Parts 1500-1508 of Title 40, Code of Federal Regulations (40 CFR 1500-1508), “Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act”
- (c) 32 CFR 775, “DON Procedures for Implementing the National Environmental Policy Act” (also published as SECNAV Instruction 5090.6A, Environmental Planning for Department of the Navy Actions, 26 April 2004).
- (d) Executive Order (E.O.) 12114, “Environmental Effects Abroad of Major Federal Actions,” January 4, 1979
- (e) 32 CFR 187, “Environmental Effects Abroad of Major Department of Defense Actions”
- (f) Headquarters Marine Corps, “United States Marine Corps National Environmental Policy Act (NEPA) Manual,” Version 2.0, September 8, 2011
- (g) United Nations, “Convention on the Law of the Sea,” December 10, 1982
- (h) Department of Defense (DoD) 2005.1-M, “Maritime Claims Reference Manual,” June 2005
- (i) 42 U.S.C. §§9601-9675
- (j) 16 U.S.C. §§1531-1544
- (k) 54 U.S.C. 300101
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- (o) USMC DC I&L Memorandum, “Supplemental Policy Guidance to SECNAV Instruction 5090.6A for Consultations and Regulatory Coordination,” July 27, 2009
- (p) SECNAV Policy, “Supplemental Policy Guidance to SECNAV Instruction 5090.6A for Consultations and Regulatory Coordination,” May 6, 2009
- (q) 42 U.S.C. §§7401-7671
- (r) 33 U.S.C. §§1251-1387
- (s) DoD Instruction 4715.9, “Environmental Planning and Analysis,” May 3, 1996
- (t) SECNAV M-5214.1
- (u) SECNAV M-52100.2
- (v) 42 U.S.C. §300f-300j-26
- (w) SECNAV Policy Memorandum, “Department of the Navy Environmental Policy Memorandum 98-06; Review of Integrated Natural Resources Management Plans under the National Environmental Policy Act (NEPA),” August 12, 1998
- (x) Page 18026 of Volume 46, Federal Register, March 23, 1981 (46 FR 18026), CEQ Memorandum: “Forty Most Asked Questions Concerning CEQ’s National Environmental Policy Act Regulations”
- (y) E.O. 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” February 16, 1994
- (z) DoD, “Strategy on Environmental Justice,” March 24, 1995
- (aa) SECNAV Instruction 5000.2D
- (ab) DoD Instruction 5000.02, “Operation of the Defense Acquisition System,” December 8, 2008
- (ac) 42 U.S.C. §§13101-13109
- (ad) Council of Environmental Quality (CEQ) Memorandum “Pollution Prevention and the National Environmental Policy Act,” January 12, 1993

ENVIRONMENTAL COMPLIANCE AND PROTECTION PROGRAM

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- (ae) 79 FR 76986, December 23, 2014, CEQ “Final Guidance for Effective Use of Programmatic NEPA Reviews”
- (af) SECNAV Memorandum, “Reporting Cooperating Agencies in Implementing the National Environmental Policy Act,” January 6, 2005
- (ag) SECNAV Policy, “Policy Guidance for Environmental Planning Mitigation Composition, Monitoring and Tracking,” May 31, 2007
- (ah) CMC(I&L) Policy, “Policy Guidance for Environmental Planning Mitigation Composition, Monitoring and Tracking,” April 28, 2008
- (ai) SECNAV Memorandum, “Environmental Planning Process Improvements, Metrics, and Reporting,” August 24, 2016
- (aj) 7 U.S.C. §§4201 - 4209
- (ak) 77 FR 14473, March 12, 2012, CEQ “Final Guidance on Improving the Process for Preparing Efficient and Timely Environmental Reviews Under the National Environmental Policy Act”

VOLUME 12: CHAPTER 1

“SCOPE”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 1

SCOPE

0101 PURPOSE

This Volume establishes Marine Corps procedures, policy, and responsibilities for compliance with Sections 4321-4347 of Title 42, United States Codes (42 U.S.C. §§4321-4347) (also known and referred to in this order as “National Environmental Policy Act” (NEPA)) (Reference (a)); Parts 1500-1508 of Title 40, Code of Federal Regulations (40 CFR 1500-1508) (Reference (b)); 32 CFR 775 (Reference (c)); Executive Order (E.O.) 12114 (Reference (d)); and 32 CFR 187 (Reference (e)).

0102 APPLICABILITY

010201. This Volume applies to all Marine Corps actions by active and reserve installations, Marine Corps forces commands, detachments, and units. These actions include ones that fall within the realm of systems acquisition, research and development related programs, training, and installation operations. For the purposes of this order, "Installation" includes any Marine Corps base, camp, range, air station, outlying field, depot, center, or other activity under the jurisdiction of the Commandant of the Marine Corps, Installations & Logistics (I&L) Facilities and Services Division (CMC (LF))/Marine Corps Installation Command, Facilities Division (MCICOM (GF)). In general, the environmental planning requirements of Reference (a) and Reference (d) apply to all major federal actions authorized, funded, or carried out by the Marine Corps that may affect the environment.

A. National Environmental Policy Act (NEPA) Application

NEPA applies to Marine Corps actions with environmental effects in the United States, its territories, and possessions, including the 12 nautical mile (NM) U.S. territorial sea (see Figure 1-1). Per judicial decision, NEPA also applies to actions that affect Antarctica. Marine Corps active and reserve installations, commands, units, and detachments may also need to comply with state environmental planning procedures when joint activities with non-federal parties are conducted.

B. Executive Order (E.O.) 12114 Application

E.O. 12114 applies to major Marine Corps actions occurring outside the United States and its territories and possessions; it applies to actions proposed within foreign nations (e.g., Japan, Norway, etc.), their Exclusive Economic Zones (EEZ), and their 12-NM territorial seas. Figure 1-1 illustrates the geographic scope of NEPA and E.O. 12114. Table 1-1 provides guidance regarding geographic scope, applicable references, and document selection for environmental planning under NEPA and E.O. 12114 (see Figure 1-1). While NEPA requirements do not explicitly apply to Marine Corps actions abroad, they could be used as best management practices (BMPs) for environmental planning actions abroad as long as they do not conflict with References (d) and (e).

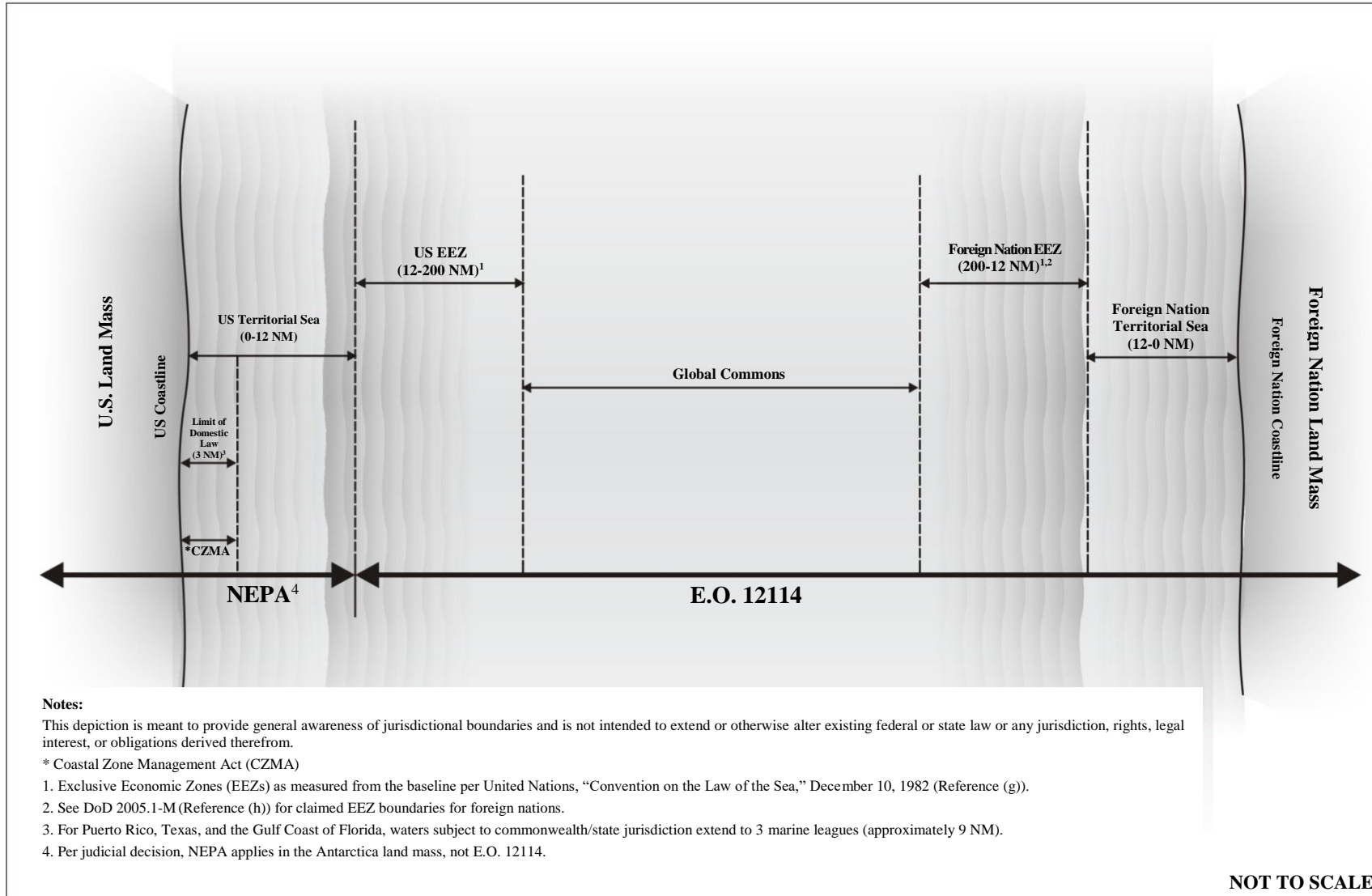


Figure 1-1.--Generalized Geographic Applicability

Table 1-1.--Guidance for Choosing the Environmental Planning Process for Complying with NEPA and E.O. 12114

Locations of Effects	Environmental Planning Process	Applicable Instruction/ Guidance	Environmental Planning Document
Within U.S. territory, U.S. territorial sea, and Antarctica (0-12 NM)	NEPA	MCO P5090.2A (series) USMC NEPA Manual	REIR PEIR CATEX DM EA and FONSI EIS and ROD
Within U.S. territorial sea and U.S. EEZ (0-200 NM)	NEPA and E.O. 12114	MCO P5090.2A (series) 32 CFR 187 USMC NEPA Manual	REIR PEIR Hybrid EA/OEA and FONSI/ Finding of No Significant Harm (FONSH) Hybrid EIS/OEIS and ROD/environmental decision document
Within U.S. EEZ (12-200 NM of United States)	E.O. 12114	32 CFR 187	OEA and FONSH OEIS and environmental decision document
Within the global commons (high seas) or 200 NM from any foreign coastline	E.O. 12114	32 CFR 187	OEA and FONSH OEIS and environmental decision document Record of Negative Decision
Within a foreign nation EEZ (200-12 NM)	E.O. 12114	32 CFR 187	Environmental review Environmental study Record of Negative Decision
Within territorial sea of a foreign nation or landward of the coastline of a foreign nation (12-0 NM)	E.O. 12114	As required by SOFA, other international agreements or treaties, or FGS 32 CFR 187	As required by SOFA, other international agreements or treaties, or FGS Environmental review Environmental study Record of Negative Decision

CATEX = Categorical Exclusion
DM = Decision Memorandum
EA = Environmental Assessment

FONSH = Finding of No Significant Harm
OEA = Overseas Environmental Assessment
OEIS = Overseas Environmental Impact Statement

Table 1-1.--Guidance for Choosing the Environmental Planning Process for Complying with NEPA and E.O. 12114

Locations of Effects	Environmental Planning Process	Applicable Instruction/ Guidance	Environmental Planning Document
EEZ = Exclusive Economic Zone		PEIR = Preliminary Environmental Impact Review	
EIS = Environmental Impact Statement		REIR = Request for Environmental Impact Review	
FGS = Final Governing Standards		ROD = Record of Decision	
FONSI = Finding of No Significant Impact		SOFA = Status of Forces Agreement	

010202. Marine Corps actions in foreign countries are not subject to the requirements of Reference (a). However, certain Marine Corps actions are subject to References (d) and (e) concerning environmental effects abroad of major Department of Defense (DoD) actions. Commanders of overseas installations comply with these requirements pursuant to Reference (d).

010203. Due to the interdisciplinary nature of environmental planning, personnel should also refer to other volumes in this Order, specifically Volume 3 (Funding) for funding policy guidance and requirements, Volume 8 (Cultural Resources Compliance and Management) for cultural resources and Integrated Cultural Resources Management Plans (ICRMPs), and Volume 11 (Natural Resources Conservation) for management of natural resources and guidance on preparing NEPA documentation for Integrated Natural Resources Management Plans (INRMPs).

0103 BACKGROUND

010301. Basic National Charter

Reference (a) establishes national policy and goals for protection of the environment and requires federal decision makers to consider the environmental consequences of a proposed action before making the decision to take the action. For actions requiring an Environmental Assessment (EA) or Environmental Impact Statement (EIS), References (a) and (b) require decision makers to open the decision making process to public scrutiny and involvement.

010302. "Action-Forcing" Provisions

Section 102(2) of Reference (a) contains "action-forcing" provisions to ensure that federal agencies act according to the letter and the spirit of Reference (a). Section 102(2)(A) of Reference (a) mandates that federal agencies "utilize a systematic, interdisciplinary approach which will ensure the integrated use of the natural and social sciences and the environmental design arts, in planning and in decision making that may have an impact on man's environment." Section 102(2)(C) of Reference (a) requires that federal agencies "include in every recommendation or report on proposals for legislation and other major federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on the environmental impacts of the proposed action." Agencies are also directed to integrate the requirements of NEPA with other planning and environmental review procedures. Further, Section 102(2)(E) of Reference (a) requires

that federal agencies "study, develop, and describe appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources."

010303. Council on Environmental Quality (CEQ)

Section 202 of Reference (a) created the CEQ in the Executive Office of the President. CEQ promulgates regulations that implement section 102(2) of Reference (a). CEQ's regulations (Reference (b)) are binding on the Marine Corps. CEQ also provides guidance documents that aid the Marine Corps in implementation of NEPA, Headquarters Marine Corps, "United States Marine Corps National Environmental Policy Act (NEPA) Manual," Version 2.0, September 8, 2011 (Reference (f)).

010304. Four Basic Tenets

The four basic tenets of References (a) and (b) are:

A. Procedures shall be in place to ensure that environmental information is available to decision makers and the public before decisions are made and before federal actions are taken.

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

C. The purpose of Reference (a) is to help agency officials make decisions based on an understanding of environmental effects, enabling them to take actions that protect, restore, and enhance the environment.

D. Agencies shall integrate the NEPA process with other planning at the earliest possible time to ensure that planning and decisions reflect environmental values, to avoid delays later in the process, and to head off potential conflicts.

010305. Interaction with other Environmental Statutes, Regulations, and E.O.s

A number of environmental statutes, implementing regulations, and E.O.s that impose substantive and procedural requirements may apply to a proposed action. The NEPA process facilitates the identification of applicable statutes, regulations, and E.O.s with which the Marine Corps shall also comply. Completion of the NEPA process does not substitute for compliance with these other laws and statutes; however, certain procedural requirements included in the NEPA process may satisfy those of other statutes and streamline compliance.

010306. Executive Order (E.O.) 12114

Reference (d) directs the Marine Corps to assess the effects of major actions that may significantly harm the environment of places outside the U.S., its territories, and possessions. Reference (d) provides the exclusive and complete set of requirements for assessing these effects.

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VOLUME 12: CHAPTER 2

“AUTHORITY”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 2

AUTHORITY

0201 GENERAL

To comply with the procedural requirements of References (a) through (e), the Marine Corps shall attain the following objectives:

020101. Ensure compliance by beginning analysis of the effects of an action at the earliest planning stage.

020102. Assess environmental consequences of proposed actions that could affect the quality of the environment.

020103. Use a systematic, interdisciplinary approach that ensures integrated use of the natural and social sciences and environmental considerations in planning and decision making when an adverse impact on the environment could occur.

020104. Consider a reasonable range of alternatives (including the "no action" alternative) to recommended courses of action in any proposal that involves unresolved conflicts concerning alternative uses of available resources (Reference (a)).

020105. Use ecological information when planning and developing resource-oriented projects.

020106. Ensure that environmental planning analyses are based on information that is of "high quality" (as defined in section 1500.1(b) of Reference (b)).

020107. For actions conducted in the United States, its possessions, and territories, set time limits appropriate to the proposed action, considering operational requirements, as well as necessary time for consultations required under 42 U.S.C. §§9601-9675 (also known and referred to in this order as "Comprehensive Environmental Response, Compensation, and Liability Act," (CERCLA) as amended)(Reference (i)), 16 U.S.C. §§1531-1544, also known and referred to in this order as "Endangered Species Act" (Reference (j)), and 54 U.S.C. 300101 et seq., also known and referred to in this order as "National Historic Preservation Act," (Reference (k)) and public notice and comment periods required under section 10, part 1506 of Reference (b) as legally applied by the U.S. Environmental Protection Agency (EPA).

020108. To ensure the Marine Corps takes the requisite "hard look" at environmental impacts and that decision-makers are fully informed by the NEPA process, environmental analysis shall be complete and coordinated, in accordance with applicable federal laws, regulations and executive orders and Department of the Navy (DON) policy before signing a decision document. Therefore, consultation, coordination, and authorization processes required by NEPA and under applicable environmental protection statutes (including, but not limited to Reference (j), 16 U.S.C. §1361 et seq. (also known and referred to in this order as "Marine Mammal Protection Act") (Reference (l)), 16 U.S.C. §§1451-1465 (also known and referred to in this order as "Coastal Zone

Management Act” (CZMA)) (Reference (m)), 16 U.S.C. 1801 et seq., also known and referred to in this order as “Magnuson-Stevens Fishery Conservation and Management Act,” (Reference (n)), and Reference (k) shall be completed before a Finding of No Significant Impact (FONSI) may be signed or a final Environmental Impact Statement (FEIS) may be published in accordance with Marine Corps DC I&L Memorandum (Reference (o)) and SECNAV Policy, “Supplemental Policy Guidance to SECNAVINST 5090.6A for Consultations and Regulatory Coordination,” May 6, 2009 (Reference (p)). This requirement does not mean that every permit associated with the execution of the proposed action is issued by the time a FONSI is signed or a FEIS is published as certain statutes (e.g., 42 U.S.C. §§7401-7671, also known and referred to in this order as “Clean Air Act,” as amended (Reference (q)), 33 U.S.C. §§1251-1387, also known and referred to in this order as “Clean Water Act,” as amended (Reference (r)), and Reference (l) require environmental planning to be completed prior to permit issuance. In situations where completion of the required consultation, coordination, or authorization processes cannot be completed in time to support the publication of a FONSI or FEIS, a detailed justification for moving forward with release of the FEIS shall be provided by the action proponent or sponsor to the CMC (LF)/MCICOM (GF), the Deputy Assistant Secretary of the Navy for Environment (DASN(E)), and the Assistant Secretary of the Navy for Energy, Installations and Environment (ASN (E,I&E)).

0202 FEDERAL STATUTES

020201. American Indian Religious Freedom Act (42 United States Code (U.S.C.) §§1996 and 1996a).

020202. Archaeological Resource Protection Act of 1979, as Amended (16 U.S.C. §§470aa-mm).

020203. Clean Air Act of 1970, as Amended (42 U.S.C. 7401 et seq.).

020204. Clean Water Act of 1977, as Amended (33 U.S.C. 1251 et seq.).

020205. Coastal Zone Management Act of 1972 (16 U.S.C. 1451 et seq.).

020206. Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. §§9601-9675)

020207. Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).

020208. Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.).

020209. Marine Mammal Protection Act of 1972, as Amended (16 U.S.C. 1361 et seq.).

020210. Marine Protection Research and Sanctuaries Act of 1972, as Amended (33 U.S.C. 1401 et seq. and 16 U.S.C. 1431 et seq.).

020211. Migratory Bird Treaty Act of 1918, as Amended (16 U.S.C. 703 et seq.).

020212. National Historic Preservation Act of 1966 (54 U.S.C. §§100101, 300101-307108 or Section 1 of the National Historic Preservation Act, Public Law 89-665, as amended by Public Law 96-515).

020213. Native American Graves Protection Act of 1990 (25 U.S.C. 3001 et seq.)

020214. Pollution Prevention Act of 1990 (42 U.S.C. 13101 et seq.).

020215. Resource Conservation and Recovery Act of 1976 as Amended (42 U.S.C. 6901 et seq.)

020216. Safe Drinking Water Act of 1974 (42 U.S.C. 300f et seq.).

020217. Toxic Substances Control Act of 1976 (15 U.S.C. 2601 et seq.)

020218. Federal Aviation Act of 1958 (Public Law 85-726, 72 Stat. 731).

0203 FEDERAL REGULATIONS

020301. 32 CFR 187, “Environmental Effects Abroad of Major Department of Defense Actions”.

020302. 32 CFR 775, “Procedures for Implementing the National Environmental Policy Act”.

020303. 40 CFR 1500, “Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act”.

0204 EXECUTIVE ORDERS (E.O.)

020401. Executive Order (E.O.) 11988, “Floodplain Management,” May 24, 1977, as modified by E.O. 13690, 30 January 2015.

020402. E.O. 11990, “Protection of Wetlands,” May 24, 1977.

020403. E.O. 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” February 11, 1994.

020404. E.O. 12962, “Recreational Fisheries,” June 7, 1995.

020405. E.O. 13007, “Indian Sacred Sites,” May 24, 1996.

020406. E.O. 13045, “Protection of Children from Environmental Health Risks and Safety Risks,” April 21, 1997.

020407. E.O. 13089, “Coral Reef Protection,” June 11, 1998.

020408. E.O. 13112, “Invasive Species,” February 3, 1999.
020409. E.O. 13158, “Marine Protected Areas,” May 26, 2000.
020410. E.O. 13175, “Consultation and Coordination with Indian Tribal Governments,” November 6, 2000.
020411. E.O. 13186, “Responsibilities of Federal Agencies to Protect Migratory Birds,” January 10, 2001.
020412. E.O. 13690, “Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input,” January 30, 2015
020413. E.O. 13693, “Planning For Federal Sustainability In The Next Decade,” March 19, 2015.

VOLUME 12: CHAPTER 3

“REQUIREMENTS”

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CHAPTER 3

REQUIREMENTS

0301 GENERAL

This chapter constitutes the Marine Corps' procedures to implement the procedural requirements of NEPA as required by Sections 1505.1 and 1507.3 of Reference (b); Sections 2.4, 5.2.4, and 6.2.1 of DoD Instruction 4715.9 (Reference (s)), and Section 775.4(d)(2) of Reference (c). Adherence to the NEPA requirements of this Volume is mandatory for all Marine Corps installations and Commands. More detailed guidance on elements of the environmental planning process and special topics is provided in (Reference (f)).

0302 SPECIFIC REQUIREMENTS FOR NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)

030201. National Environmental Policy Act (NEPA) Process

The requirements of this Volume apply to proposed federal actions in the United States, its possessions, and territories that have potential to impact the human environment. Examples of such actions include actions that could result in a change to the physical environment; such as facilities construction; new management and operational concepts and programs, including personnel assignments; real property and facility management; homebasing new weapon systems or units or moving assets to a new location that requires new construction or modification of existing structures; implementation of plans such as INRMPs; actions involving chemical weapons/munitions; an action with adverse local or regional effects on energy or water availability; changes to existing airspace use that generate impacts on the environment or socioeconomic systems, or create a hazard to non-participants; issuance of leases, easements, permits, licenses, or other entitlement for use; changes to established installation land use that generate impacts on the environment; and operations and activities including training, flight operations, or facility test and evaluation programs conducted inside and outside the boundaries of an existing military reservation where potentially significant environmental impacts may occur. Social and economic impacts alone are not sufficient to trigger Reference (a).

030202. Step-By-Step Methodology

Use the following methodology to determine whether requirements of this Volume apply and, if so, what level of NEPA documentation the action proponent/sponsor should initiate. In accordance with Reference (b), Reference (ai), and Section 12102.d(4), early coordination between the action proponent/action sponsor and Installation/Command environmental planning staff is essential to properly defining and vetting the purpose and need for the proposal, identifying reasonable alternatives that avoid or minimize environmental impacts, and effective environmental planning.

A. Step 1

Action proponents/sponsors shall submit a completed Request for Environmental Impact Review (REIR) (Appendix B) to the installation environmental planning staff at the affected installation(s) for all proposed actions that have potential to impact the human environment. Installations shall maintain a current REIR in the Marine Corps NEPA Process Automation & Management Support (NEPA-PAMS) decision support system described in paragraph 030406. The REIR should contain enough information to support the use of a Categorical Exclusion (CATEX), if applicable (see paragraph 030203.A below). This reporting requirement is exempt from reports control per SECNAV M-5214.1 (Reference (t)), part IV, paragraph 7. k.

B. Step 2

Using the REIR (see also paragraph 030202.C; Appendix B), installation environmental planning staff shall determine whether the proposed action is exempt from NEPA documentation pursuant to paragraphs (a) through (e) below. If the proposed action is exempt from further NEPA documentation, the requirements of this Volume do not apply and the exemption shall be documented on the REIR. Such a decision need not be presented to the Installation/Command Environmental Impact Review Board (EIRB). If the proposed action is not exempt, go to Step 3.

1. The proposed action is an approved CERCLA remedial action and documented pursuant to Reference (i).
2. The proposed action is one for which the Marine Corps has no decision-making authority and no discretion in implementing the action, such as those carried out pursuant to a non-discretionary mandate from Congress under base realignment and closure (e.g., Congressional direction to transfer federal property to a particular entity for a particular purpose that leaves the DON no discretion in how the transfer will be implemented) or as an operation of law (e.g., reversionary interests in land recorded at the time the property was obtained and that provide no discretion in whether to trigger the reversion or how the reversion will be implemented).
3. The proposed action is exempt from Reference (a) by statute.
4. Compliance with Reference (a) would cause a clear and unavoidable conflict with another federal law.
5. The action is purely economic in accordance with section 14, part 1508 of Reference (b).

C. Step 3

Installation/Command environmental planning staff shall review the REIR and determine whether the proposed action is of a type that is categorically excluded from further NEPA analysis (see paragraph 030203.A). Environmental planning staff will specify any conditions or requirements that shall be met to qualify the action for categorical exclusion before, during, or following the implementation of the proposed action. If it is a type of action that can be categorically excluded, go to Step 4. If the action is not of a type that can be categorically excluded, go to Step 5.

D. Step 4

1. Installation/Command environmental planning staff shall determine whether any of the Conditions Not Permitting the Use of a CATEX, also known as Extraordinary Circumstances, listed in paragraph 030203.B, applies. Revised Guidance for the Application of Existing Department of the Navy CATEXs was published as part of Reference (ai). If one of the Extraordinary Circumstances applies and cannot be resolved, document it on the REIR and go to Step 5. If none of the Extraordinary Circumstances apply, the proposed action may be categorically excluded from the requirement of preparing an EA or an EIS. An action may not be segmented in order to categorically exclude it from further analysis (e.g., an action may only be considered exempt if the selected CATEX from paragraph 030203.A applies to all aspects of that action; see Reference (f) for additional guidance). The REIR shall be signed by the environmental director, returned to the action proponent/sponsor who shall acknowledge and agree to any required conditions by signing and returning the REIR to the environmental planning staff. If the action proponent/sponsor and the environmental planning staff disagree on the applicability of a CATEX, presence of an extraordinary circumstance, or the conditions and requirements appropriate for the action, the REIR shall be referred to the Installation/Command EIRB for resolution. Issues that cannot be resolved by the EIRB shall be referred to the Installation/Command CG/CO, Chief of Staff, or Executive Officer (XO).

2. The decision to categorically exclude an action and forgo preparation of an EA or EIS will be documented in a CATEX Decision Memorandum (DM). The Installation/Command environmental planning staff shall prepare a CATEX DM that summarizes the proposed action, specifies the CATEX being used, the rationale for using that specific CATEX, specifies that no Extraordinary Circumstances apply to the action, and specifies any BMPs or conservation measures required before, during, and following completion of the action. The DM is then forwarded to the Installation/Command CG/CO or the official to whom signature authority has been delegated. As a BMP, for actions that are completed on a routine basis over the course of a year, a single REIR (Appendix B) and CATEX DM summarizing all planned instances of that action may be prepared (e.g., painting, routine grounds keeping, roof replacement on non-historic buildings).

3. The REIR, CATEX DM, and any records or proposed action review correspondence shall accompany the project file through project planning, and retained in the administrative record in accordance with SECNAV M-5210.1 (Reference (u)), Standard Subject Classification Code 5090.4. The action proponent/sponsor is responsible for communicating the conditions (including incorporation of conditions in contracting documents) to personnel carrying out the proposed action and tracking that conditions are appropriately implemented.

E. Step 5

If the action is not of a type that can be categorically excluded or if the action triggers one or more of the Extraordinary Circumstances, installation environmental planning staff shall determine whether the proposed action requires preparation of an EA under paragraph 030204 or an EIS under paragraph 030205. If so, prepare a DM noting the rationale for the decision to complete an EA or an EIS. Forward the DM for signature to the Installation/Command CG/CO or the official

to whom signature authority has been delegated. Notify the action proponent/sponsor of the requirement to prepare an EA or EIS, as appropriate.

F. Step 6

Action proponent/sponsor shall proceed with preparation of an EA or EIS (with the assistance of the installation environmental planning staff). Notify CMC (LF)/MCICOM (GF) of decisions to prepare an EIS or an EA that meets the criteria in paragraphs 030205.C and 030204.B.

G. Step 7

1. Policy for EAs/Overseas EAs: As required in Reference (ai), the action proponent/sponsor shall provide a concise written summary prior to EA contract award or prior to the EA kickoff meeting if prepared “in-house” to CMC (LF)/MCICOM (GF) of early planning decisions that occurred with environmental subject matter experts (SMEs), planners, and others. The summary will discuss environmental factors considered in developing the proposed action and how those factors influenced the development of project preliminary alternatives. The summary will discuss what aspects of the project prevented use of a CATEX. The summary should be included as part of existing EA notification process in Step 6 above.

2. Policy for EISs/Overseas EISs (including Supplemental/Revised EISs): As required in Reference (ai), the action proponent/sponsor, prior to EIS contract award to develop the environmental analysis, and as early as possible in the planning process, must convene an interdisciplinary Project EIS Review Team (PERT). The PERT should review all aspects of the proposed action and ensure environmental considerations are fully integrated into early project planning and preliminary alternatives development. The PERT should consist of representatives from the action proponent/sponsor, interdisciplinary environmental SMEs, a USMC regional representative, counsel, civilian public affairs and liaison officer, and representatives of the EIS execution agent (e.g., NAVFAC) including the designated EIS project manager. Action proponents shall invite CMC (LF)/MCICOM (GF) and ODASN(E) to participate in PERT discussions to provide a headquarters level perspective. As part of the existing EIS Notice of Intent (NOI) package that is forwarded to CMC (LF)/MCICOM (GF) for processing, the action proponent/sponsor must include a summary of PERT discussions, including any adjustments made to the proposed action or preliminary alternatives as a result of those discussions. Consistent with existing SECNAV policy, the NOI package should also discuss expected public/agency/political interest, consultation and permit requirements, and any known schedule, funding, contracting, or staffing challenges.

030203. Categorical Exclusion (CATEX) (section 4, part 1508 of Reference (b))

A. Types of Actions that may be Categorically Excluded (CATEX) (section 6(f) of Reference (c))

Pursuant to References (b) and (c), actions that will have no significant effect individually or cumulatively on the human environment under normal circumstances may be categorically excluded from the requirement to prepare an EA or EIS. The DON, in coordination with CEQ, has identified 45 types of actions that may be categorically excluded (see Table 3-1). If one of the Extraordinary Circumstances listed in paragraph 030203.B applies to the proposed action,

it may not be categorically excluded. Proponents should note that categorical exclusion of the action under NEPA does not relieve proponents from compliance with other federal statutes (e.g., section 106 of Reference (k)). The completion of the Section 106 consultation process, including public participation requirements and development of any memoranda or programmatic agreements that document mitigation requirements, must be documented to support the exemption of this extraordinary circumstance before application of the CATEX.

B. Conditions Not Permitting the Use of a Categorical Exclusion (CATEX)
(section 6(e) in Reference (c))

A CATEX will not be used if the proposed action meets one of the following conditions:

1. Would adversely affect public health or safety.
2. Involves effects on the human environment that are highly uncertain, involve unique or unknown risks, or are scientifically controversial.
3. Establishes precedents or makes decisions in principle for future actions that have the potential for significant impacts.

Table 3-1.--Department of Navy Categorical Exclusion (CATEXs)

1.	Routine fiscal and administrative activities, including administration of contracts
2.	Routine law and order activities performed by military personnel, military police, or other security personnel, including physical plant protection and security
3.	Routine use and operation of existing facilities, laboratories, and equipment
4.	Administrative studies, surveys, and data collection
5.	Issuance or modification of administrative procedures, regulations, directives, manuals, or policy
6.	Military ceremonies
7.	Routine procurement of goods and services conducted in accordance with applicable procurement regulations, executive orders, and policies ¹
8.	Routine repair and maintenance of buildings, facilities, vessels, aircraft, and equipment associated with existing operations and activities (e.g., localized pest management activities, minor erosion control measures, painting, refitting)
9.	Training of an administrative or classroom nature
10.	Routine personnel actions
11.	Routine movement of mobile assets (such as ships and aircraft) for homeport reassignments, for repair/overhaul, or to train/perform as operational groups where no new support facilities are required

Table 3-1.--Department of Navy Categorical Exclusion (CATEXs)

12.	Routine procurement, management, storage, handling, installation, and disposal of commercial items, where the items are used and handled in accordance with applicable regulations (e.g., consumables, electronic components, computer equipment, pumps)
13.	Routine recreational/welfare activities
14.	Alteration of and additions to existing buildings, facilities, structures, vessels, aircraft, and equipment to conform or provide conforming use specifically required by new or existing applicable legislation or regulations (e.g., hush houses for aircraft engines, scrubbers for air emissions, improvements to stormwater and sanitary and industrial wastewater collection and treatment systems, and installation of fire-fighting equipment)
15.	Modification of existing systems or equipment when the environmental effects will remain substantially the same and the use is consistent with applicable regulations
16.	Routine movement, handling, and distribution of materials, including hazardous materials/wastes that are moved, handled, or distributed in accordance with applicable regulations
17.	New activities conducted at established laboratories and plants (including contractor-operated laboratories and plants) where all airborne emissions, waterborne effluent, external ionizing and non-ionizing radiation levels, outdoor noise, and solid and bulk waste disposal practices are in compliance with existing applicable federal, state, and local laws and regulations
18.	Studies, data, and information gathering that involve no permanent physical change to the environment (e.g., topographic surveys, wetlands mapping, surveys for evaluating environmental damage, and engineering efforts to support environmental analyses)
19.	Temporary placement and use of simulated target fields (e.g., inert mines, simulated mines, or passive hydrophones) in fresh, estuarine, and marine waters for the purpose of non-explosive military training exercises or research, development, test, and evaluation
20.	Installation and operation of passive scientific measurement devices (e.g., antennae, tide gauges, weighted hydrophones, salinity measurement devices, and water quality measurement devices) where use will not result in changes in operations tempo and is consistent with applicable regulations
21.	Short-term increases in air operations up to 50 percent of the typical operation rate or increases of 50 operations per day, whichever is greater; frequent use of this CATEX at an installation requires further analysis to determine there are no cumulative impacts
22.	Decommissioning, disposal, or transfer of Navy vessels, aircraft, vehicles, and equipment when conducted in accordance with applicable regulations, including those regulations applying to removal of hazardous materials
23.	Non-routine repair and renovation, and donation or other transfer of structures, vessels, aircraft, vehicles, landscapes, or other contributing elements of facilities listed or eligible for listing on the National Register of Historic Places (NRHP) which will result in no adverse effect

Table 3-1.--Department of Navy Categorical Exclusion (CATEXs)

24.	Hosting or participating in public events (e.g., air shows, open houses, Earth Day events, and athletic events) where no permanent changes to existing infrastructure (e.g., road systems, parking, and sanitation systems) are required to accommodate all aspects of the event
25.	Military training conducted on or over non-military land or water areas, where such training is consistent with the type and tempo of existing non-military airspace, land, and water use (e.g., night compass training; forced marches along trails, roads, and highways; use of permanently established ranges; use of public waterways; or use of civilian airfields)
26.	Transfer of real property from DON to another military department or to another federal agency
27.	Receipt of property from another federal agency when there is no anticipated or proposed substantial change in land use
28.	Minor land acquisitions or disposals where anticipated or proposed land use is similar to existing land use and zoning, both in type and intensity
29.	Disposal of excess easement interests to the underlying fee owner
30.	Renewals and minor amendments of existing real estate grants for use of Government-owned real property where no significant change in land use is anticipated
31.	Land withdrawal continuances or extensions that merely establish time periods and where there is no significant change in land use
32.	Renewals and/or initial real estate in-grants and out-grants involving existing facilities and land wherein use does not change significantly (e.g., leasing of federally-owned or privately-owned housing or office space, and agricultural out leases)
33.	Grants of license, easement, or similar arrangements for the use of existing rights-of-way or incidental easements complementing the use of existing rights-of-way for use by vehicles (not to include significant increases in vehicle loading); electrical, telephone, and other transmission and communication lines; water, wastewater, stormwater, and irrigation pipelines, pumping stations, and facilities; and for similar utility and transportation uses
34.	New construction that is similar to existing land use and, when completed, the use or operation of which complies with existing regulatory requirements (e.g., a building within a cantonment area with associated discharges/runoff within existing handling capacities)
35.	Demolition, disposal, or improvements involving buildings or structures when done in accordance with applicable regulations, including those regulations applying to removal of asbestos, polychlorinated biphenyls, and other hazardous materials
36.	Acquisition, installation, and operation of utility (e.g., water, sewer, electrical) and communication systems (e.g., data processing cable and similar electronic equipment) that use existing rights-of-way, easements, distribution systems, and/or facilities
37.	Decisions to close facilities, decommission equipment, and/or temporarily discontinue use of facilities or equipment where the facility or equipment is not used to prevent/control environmental impacts
38.	Maintenance dredging and debris disposal where no new depths are required, applicable permits are secured, and disposal will be at an approved disposal site

Table 3-1.--Department of Navy Categorical Exclusion (CATEXs)

39.	Relocation of personnel into existing federally-owned or commercially-leased space that does not involve a substantial change affecting the supporting infrastructure (e.g., no increase in vehicular traffic beyond the capacity of the supporting road network to accommodate such an increase)
40.	Pre-lease upland exploration activities for oil, gas, or geothermal reserves (e.g., geophysical surveys)
41.	Installation of devices to protect human or animal life (e.g., raptor electrocution prevention devices, fencing to restrict wildlife movement onto airfields, and fencing and grating to prevent accidental entry to hazardous areas)
42.	Reintroduction of endemic or native species (other than endangered or threatened species) into their historic habitat when no substantial site preparation is involved
43.	Temporary closure of public access to DON property in order to protect human or animal life
44.	Routine testing and evaluation of military equipment on a military reservation or an established range, restricted area, or operating area; similar in type, intensity, and setting (including physical location and time of year) to other actions for which it has been determined, through NEPA analysis where the DON was a lead or cooperating agency, that there are no significant impacts; conducted in accordance with all applicable standard operating procedures protective of the environment
45.	Routine military training associated with transits, maneuvering, safety and engineering drills, replenishments, flight operations, and weapons systems conducted at the unit or minor exercise level; similar in type, intensity and setting (including physical location and time of year) to other actions for which it has been determined, through NEPA analysis where the DON was a lead or cooperating agency, that there are no significant impacts; conducted in accordance with all applicable standard operating procedures protective of the environment

1. CATEX 7 does not include procurement or acquisition of new technologies and weapons systems developed for the use in theater to U.S. military installations upon demobilization.

4. Threatens a violation of federal, state, or local environmental laws applicable to DON.

5. Involves an action that, as determined in coordination with the appropriate resource agency, may:

a. Have an adverse effect on federally-listed endangered/threatened species or marine mammals.

b. Have an adverse effect on coral reefs or on federally-designated wilderness areas, wildlife refuges, marine sanctuaries, or parklands.

c. Adversely affect the size, function, or biological value of wetlands and is not covered by a nation-wide or regional permit.

d. Have an adverse effect on archaeological resources or resources (including but not limited to ships, aircraft, vessels, and equipment) listed or determined eligible for listing on the NRHP.

e. Result in an uncontrolled or unpermitted release of hazardous substances, or require a conformity determination under the standards of the General Conformity Rule of Reference (q).

030204. Environmental Assessment (EA) (section 9, part 1508 of Reference (b))

A. Overview

An EA analyzes the potential environmental impacts of a proposed action. An EA is prepared for those proposed actions that do not qualify for a CATEX, and when the action proponent/sponsor:

1. Initially predicts that the proposed action will not have a significant impact on the environment;

2. Is uncertain whether the effects of the proposed action will have a significant impact on the human environment; or

3. Has reason to believe the proposed action will be environmentally controversial.

4. Based on these criteria, an EA will result in either a FONSI or a decision to prepare an EIS.

B. Actions for which an Environmental Assessment (EA) is Normally Required

Table 3-2 provides examples of actions that under normal circumstances require an EA.

C. Environmental Assessment (EA) Public Participation (section 6, part 1506 in Reference (b))

CEQ regulations define an EA as “a concise public document” and direct agencies to “ensure that environmental information is available to public officials and citizens before decisions are made and before actions are taken.” The CEQ regulations also direct agencies to “[p]rovide public notice of NEPA-related hearings, public meetings, and the availability of environmental documents so as to inform those persons and agencies who may be interested or affected.” CEQ guidance, Page 18026 of Volume 46, Federal Register (Reference (x)), states that EAs and FONSI “must be available to the public.” Reference (b) provides agencies with discretion on how to involve the public in EAs. Therefore, commands proposing an action will develop an appropriate public involvement strategy taking into consideration the following factors:

1. What individuals and organizations would be interested in or how individuals and organizations would be affected by the proposed action.

2. The magnitude of the environmental considerations associated with the proposed action.
3. The extent of anticipated public interest.
4. Methods that would most effectively notify and involve the public, including publication of a Notice of Public Meeting (NOPM).
5. Any relevant issues of national security or classification.
6. Case law (e.g., Ninth Circuit requirements for public involvement).
7. More detailed guidance on alternative approaches to public involvement is provided in Reference (f).

Table 3-2.--List of Actions Normally Requiring an EA

1.	Training exercises for which the impacts are uncertain, are potentially significant, or have the potential for environmental degradation or controversy
2.	Dredging projects that increase water depth over previously dredged or natural depths
3.	Actions that would adversely affect the size, function, or biological value of tidelands or wetlands where the action is not covered by a nation-wide or regional permit
4.	Real estate acquisitions or outleases of land involving: (a) New in/out-grants involving a change in land use (b) Substantial changes in existing land use (c) Renewals of agricultural or grazing leases that involve substantially different animal stocking rates, agricultural practices, seasons of use, or conversions to or from cropland
5.	Family housing projects when the resident population substantially changes
6.	Establishing a new range or change in range mission that results in substantially new or increased environmental impact
7.	Proposals for new low-altitude aircraft training routes or special use airspace (SUA) and warning areas; per Federal Aviation Administration (FAA) regulations, proposals for airspace, except for prohibited area and alert area designations, are subject to environmental impact analysis in accordance with NEPA; guidance for the environmental analysis of military airspace proposals is contained in FAA Order JO 7400.2G (Procedures for Handling Airspace Matters), the FAA/DoD Memorandum of Understanding Concerning SUA actions, and other applicable regulations and statutes

Table 3-2.--List of Actions Normally Requiring an EA

8.	Mission changes, installation closures, relocations, consolidations, or deployments that would cause major long-term population increases or decreases in affected areas; EAs are not required where impacts are purely socioeconomic and involve no potential for significant environmental impacts
9.	Any activity that, as determined in coordination with the appropriate resource agency, would result in more than a low effect on a federally-listed threatened or endangered species, candidate species, or designated or recommended critical habitat of an endangered species; the EA does not replace the requirements for a biological assessment and consultation under Reference (j) (see Volume 11 of this Order for a complete discussion of endangered species requirements)
10.	Any activity that, as determined in coordination with the appropriate resource agency, would adversely affect resources either listed or eligible for listing in the NRHP, unless the effect on historic properties is the only potentially significant impact and the adverse effect can be resolved through an NHPA agreement document (e.g., memorandum of agreement, programmatic agreement); preparation of an EA does not replace the requirements for review of the proposed action under Reference (k) (see Volume 8 of this Order for a complete discussion of cultural resources requirements)
11.	Permanent closure or limitation of access to any areas previously open to public use (e.g., roads and recreational areas)
12.	Construction or any other action resulting in discharges to, or potential contamination of, an aquifer, watershed, or recharge zone as described in 42 U.S.C. §300f-300j-26 (also known and referred to in this Order as “Safe Drinking Water Act”) (Reference (v)).
13.	Irreversible conversion of "prime or unique farmland" to other uses except when the proposed action is directly related to national defense (in accordance with section 1547(b) of 7 U.S.C. 4208(b)) (Reference (aj))
14.	Ocean disposal of wastes that are subject to an EPA or EPA-delegated permit
15.	Award or termination of contracts involving substantial quantities of natural resources wherein the military is the contracting agency
16.	Any action for which the environmental effect is controversial
17.	Integrated Natural Resource Management Plans (INRMPs), SECNAV Policy Memorandum (Reference (w))

D. Environmental Assessment (EA) Procedures/Responsibilities

1. Action Proponent/Sponsor shall:

a. Following the determination that an EA should be prepared for a proposed action and using the information submitted on the REIR as a foundation, compile the following information in consultation with the installation environmental planning staff:

(1) A clear, detailed description of the need for and purpose (objectives) of the action, the proposed action, and its expected results.

(2) A brief description of all considered alternatives, including the reasons for eliminating any from further consideration.

(3) A description of the likely consequences of canceling the proposal (e.g., "no action" alternative) and not meeting the need for action.

(4) A description of the potential adverse impacts that might result from engaging in the proposed action and any alternative actions considered in detail that could avoid or minimize those impacts.

(5) A list of the supporters and likely opponents of the proposed action and alternatives.

(6) A list of the names of persons and organizations familiar with the proposal, a summary of any current responses to the proposal, and a list of additional persons or agencies to be contacted during scoping.

(7) A description of any associated support or facility requirements that would be necessary to accomplish the proposed action and any other connected actions, similar actions, or cumulative actions (see the Glossary for the definition of "Scope").

(8) Any recent, present, or reasonably foreseeable future actions with the potential, together with the proposed action, to cause cumulative environmental impacts.

b. At the earliest opportunity, determine which entity will prepare the EA. The action proponent/sponsor is responsible for the EA preparation (exclusive of the EA conclusion and final recommendation) via contractor, Naval Facilities Engineering Command (NAVFAC), Installation/Command environmental planning staff, or action proponent/sponsor staff (if the proposed action is not part of the mission of the affected Marine Corps activity).

c. As required in Reference (ai), utilize the Navy's "Environmental Document Preparation Tools" for preparation of the EA, regardless of the entity selected to prepare the document. These tools include a document preparation guide, standardized templates, a comment submittal matrix, and an EP standards training brief. At present no regional specific language exists for Marine Corps installations. The tools are available on the Navy's OPNAV N45 Environmental Planning & Compliance Library website in the Environmental Planning Standards section under the Reference Materials Library tab. See <https://epl.navfac.navy.mil/login.aspx?returnURL=%2fdefault.aspx?>

d. As noted in paragraph 030202.G.1, the action proponent/sponsor shall provide a concise written summary prior to EA contract award or prior to the EA/OEA kickoff meeting if prepared "in-house" to CMC (LF)/MCICOM (GF) of early planning decisions that occurred with environmental SMEs, planners, and others. The summary will discuss environmental

factors considered in developing the proposed action and how those factors influenced the development of project preliminary alternatives. The summary will discuss what aspects of the project prevented use of a CATEX. The summary should be included as part of the existing EA notification process.

2. Installation/Command Environmental Planning Staff shall:

a. Participate in discussions regarding the EA and be involved in its preparation as noted in Reference (ai).

b. Review the EA documentation provided by the action proponent/sponsor and prepare its findings and recommendations, and distribute all documentation to the Installation/Command EIRB for appropriate action.

3. Installation/Command EIRB shall:

a. Review the EA analysis and make one of the following determinations:

(1) The proposed action will have no significant impact on the environment, a FONSI is appropriate, and the action may proceed as planned.

(2) The proposed action as planned may have a significant impact on the environment unless prescribed mitigation measures are accomplished. The final recommendation will contain a full description of all required mitigation and monitoring necessary to ensure that no significant impacts will occur. These measures will be made a part of the FONSI, included in project funding, and incorporated into project design.

(3) The proposed action cannot proceed as planned without a significant impact on the environment. However, a reasonable alternative to the proposal that was not originally evaluated in the EA that now avoids or minimizes impacts to the environment could proceed without a significant impact. The final recommendation from the Installation/Command EIRB will contain a full description of the new preferred alternative and direct the EA to be revised appropriately.

(4) A FONSI for the proposed action is inappropriate; significant impacts can be avoided only if the "no action" alternative is selected. The final recommendation will be to begin an EIS if the action proponent/sponsor wishes to continue with the proposal. The determination should describe the significant impacts that cannot be avoided.

b. Upon considering the EA and the conclusion of the environmental planning staff, prepare a recommended course of action (to include a draft FONSI, if appropriate) for consideration by the Installation/Command CG/CO.

4. Installation/Command CG/CO shall, upon consideration of the EA and Installation/Command EIRB recommendation, take one of the following three actions:

a. Finalize, approve, and issue a FONSI and initiate a course of action for proceeding with the selected action. Note that pursuant to Reference (o), all required consultations for the proposed action shall be completed prior to signature of the FONSI. This requirement does not mean that every permit associated with the proposed action shall be issued by the time a FONSI is signed or a FEIS is published (see paragraph 020108).

b. For proposed actions that fall within one of the categories set forth in paragraph 030205.C, forward the proposed FONSI, EA, and a recommended course of action to CMC (LF)/MCICOM (GF) for review and approval before the Installation/Command CG/CO signs the FONSI.

c. If there would be potentially significant impacts from the proposed action that cannot be avoided or mitigated to less than “significant,” direct the preparation of an EIS if the action proponent/sponsor intends to proceed with the proposed action as analyzed.

E. Coordinate with CMC (LF)/MCICOM (GF)

1. If the Installation/Command CG/CO decides not to issue a FONSI and concludes that an EIS is required, notify CMC (LF)/MCICOM (GF). EIS notification shall occur prior to commencing EIS preparation. See paragraph 030205.H for information on requirements for CMC (LF)/MCICOM (GF) notification.

2. Notify CMC (LF)/MCICOM (GF) as soon as it becomes apparent that potentially sensitive public interest issues are involved with the preparation of an EA.

3. For proposed actions that fall within one or more of the following categories, forward the proposed FONSI, EA, and recommended course of action to CMC (LF)/MCICOM (GF) for review and appropriate action:

a. The proposed action is, or is closely similar to, one that normally requires the preparation of an EIS.

b. The proposed action is of a nature that is without precedent.

c. The proposed action is to develop substantial acres of undeveloped land.

d. The proposed action has, or can be expected to have, substantial public or congressional interest.

4. Commands shall promptly submit a copy of all published FONSI and related EIRB recommendations (such as a Memo or minutes taken during EIRB meetings) to CMC (LF)/MCICOM (GF).

F. Content of Environmental Assessment (EA) (section 9, part 1508 of Reference (b))

EAs are intended to be clear and concise documents describing a proposed action, the alternatives, and the associated environmental effects. An EA's scope, content, and format will vary with the scope and scale of the proposed action, environmental impacts, and the extent to which mitigation may be required to avoid significant impacts. Above all, the analysis should be proportionate to the significance of the impacts (section 2(b), part 1502 of Reference (b)). References (f) and (ak) provide guidance on preparing concise, focused EAs. At a minimum EAs shall:

1. Describe the proposed action.
2. Briefly discuss the purpose and need for the action.
3. Describe reasonable alternatives considered (including the "no-action" alternative).
4. Describe the affected environment within the area of effect for the proposed action.
5. Describe the potential direct, indirect, and cumulative environmental impacts of the proposed action and alternatives considered, paying special attention to applicable regulatory consultations and coordination (see paragraph 020108).
6. Describe any avoidance, minimization, mitigation, or environmental monitoring requirements. Note that BMPs (e.g., Storm Water Pollution Prevention Plans) are not mitigation measures.
7. List the agencies and persons consulted.
8. Include in the Appendix substantive comments, replies, and consultation correspondence from agencies, non-governmental organizations, or entities with relevant expertise.

G. Preparation of a Finding of No Significant Impact (FONSI)

1. Signature Authority. Reference (c) delegates FONSI signature authority to CMC(LF) with authority to subdelegate. The Installation CG/CO holds FONSI signature authority, and that authority shall not be delegated. Major commands (e.g., MARFORRES) may delegate FONSI signature authority in writing to the Deputy Commander or Chief of Staff. If the official holding FONSI signature authority approves of the recommendation by the EIRB for a FONSI, he or she will finalize and sign the FONSI. For actions described in paragraph 030205.E, the Installation/Command CG/CO will seek CMC (LF)/MCICOM (GF) review and approval before signing the FONSI.

2. Contents. The FONSI will consist of a brief summary of the EA. Each main section of the EA (as described in paragraph 030204.F) should be summarized in the FONSI, including mitigation and monitoring requirements that support the FONSI determination, but excluding the list of agencies, consultants, and correspondence.

3. Publication

a. CEQ regulations require agencies to notify the public (“persons and agencies who may be interested or affected”) of the availability of a FONSI. The extent of public involvement and notification of a FONSI is correlated to the extent of public involvement and notice for the EA (paragraph 030204.C) and whether the proposed action meets one of the conditions in paragraph 030204.G.3.b. If limited public involvement has occurred for the EA, the action proponent/sponsor shall publish the signed FONSI or a Notice of the Availability (NOA) of the FONSI in local newspapers for at least 3 consecutive days (preferably over a weekend to ensure higher public visibility), send a mailing to potentially interested stakeholders, post it on the Installation, Command, or project’s website or social networking site(s). The intent of such notices is to inform the public and others that a NEPA document has been prepared and/or is available for review. The proposed action may begin three days after the NOA is published.

b. If the proposed action involves one of the following two conditions, the action proponent/sponsor shall make the proposed (unsigned) FONSI available for public review (including publishing in state- and area-wide clearing houses and forwarding to CMC (LF)/MCICOM (GF) for publication in the Federal Register) for 30 days before making the final determination whether to prepare an EIS and before the action may begin. The conditions are:

(1) The proposed action is, or is closely similar to, one that normally requires the preparation of an EIS (i.e., there is a reasonable argument for the preparation of an EIS).

(2) The nature of the proposed action is without precedent (e.g., it is an unusual case, a new kind of action, or a precedent-setting case such as a first intrusion of even a minor development into a pristine area).

030205. Environmental Impact Statement (EIS) (part 1502 of Reference (b))

A. Overview

1. An EIS is prepared for major federal actions with the potential to significantly affect the human environment, provides a full and unbiased discussion of significant environmental impacts, and informs decision makers and the public of the reasonable alternatives that would avoid or minimize adverse impacts or enhance the quality of the human environment. Briefly, the EIS process includes public "scoping," the issuance of a draft EIS (DEIS), a FEIS, a supplemental EIS (SEIS) if applicable, and the opportunity for public comment at several stages of the process. The process culminates in the issuance of a Record of Decision (ROD).

2. As noted in paragraph 030202.G.2, the action proponent/sponsor, prior to EIS contract award to develop the environmental analysis, and as early as possible in the planning process, must convene an interdisciplinary Project EIS Review Team (PERT). The PERT should review all aspects of the proposed action and ensure environmental considerations are fully integrated into early project planning and preliminary alternatives development. The PERT should consist of representatives from the action proponent/sponsor, interdisciplinary environmental SMEs, a USMC regional representative, counsel, civilian public affairs and liaison officer, and

representatives of the EIS execution agent (e.g., NAVFAC) including the designated EIS project manager. Action proponents shall invite CMC (LF)/MCICOM (GF) and ODASN(E) to participate in PERT discussions to provide a headquarters level perspective. As part of the existing EIS NOI package that is forwarded to CMC (LF)/MCICOM (GF) for processing, the action proponent/sponsor must include a summary of PERT discussions, including any adjustments made to the proposed action or preliminary alternatives as a result of those discussions. Consistent with existing SECNAV policy, the NOI package should also discuss expected public/agency/political interest, consultation and permit requirements, and any known schedule, funding, contracting, or staffing challenges.

B. Significantly

As defined in the Glossary, the term “significantly” provides a basis for determining whether a proposed action is a major federal action significantly affecting the quality of the human environment which requires the preparation of an EIS. While all aspects of the definition are important, commands should pay special attention to the following issues set forth:

1. The Geographical Extent of the Action (section 27(b)(3, 4), part 1508 of Reference (b)). For example, construction and land use modification to support a limited maneuver or training exercise by an individual command may not have a significant effect on the environment. However, training exercises on a broad geographic scale involving diverse natural areas could have a significant effect on environmental quality and be highly controversial.

2. The Long-Term Impact of the Action (section 27(b)(6,7), part 1508 of Reference (b)). Maintain an objective overview toward the magnitude of environmental effects of both the immediately contemplated action and future actions for which the proposed action may serve as a precedent and that could result in a cumulatively significant impact.

3. The Risk Potential (section 22, part 1502 of Reference (b); section 27(b)(5), part 1508 of Reference (b)). For example, even though the environmental impact of an efficiently and safely operated fuel depot may not be significant, if a large oil spill is reasonably foreseeable in the lifetime of the project, the effects of an oil spill could render significant the effects of construction or operation of such a depot.

4. Sites Having Existing or Possible Historic, Cultural, Architectural, or Archaeological Interest (section 27(b)(8), part 1508 of Reference (b)). See Volume 8 of this Order for a discussion of treatment of sites listed or eligible for listing on the National Register of Historic Properties as well as other aspects of compliance with requirements of Reference (k).

5. The Potential Impact on Endangered or Threatened Species, and/or Their "Critical Habitat" as designated by the U.S. Fish and Wildlife Service or National Marine Fisheries Service (section 27(b)(9), part 1508 of Reference (b)). An EIS is required when an action would significantly affect a federally listed threatened or endangered plant or animal species, a federal candidate species, a species proposed for federal listing, or critical habitat. See Volume 11 of this Order for more information pertaining to compliance with requirements of Reference (j).

C. Actions Normally Requiring an Environmental Impact Statement (EIS)

The following are examples of actions that may have a significant impact on the quality of the human environment or are potentially controversial in environmental effects and, therefore, normally require preparation of an EIS by an action proponent:

1. Large dredging projects or dredging projects where dredged material disposal may result in significant impacts.
2. Proposed discharge of dredged or fill material in jurisdictional waters of the United States, including tidelands/wetlands that provide a high-value ecological function in the watershed and for which a U.S. Army Corps of Engineers Section 404 individual permit is required.
3. Establishment of major new installations.
4. Major land acquisitions that result in a change in how the property is used (a major land acquisition is as defined by SECNAV Instruction 11011.47B, “Acquisition, Management, and Disposal of Real Property and Real Property Interests by the Department of the Navy”).
5. New municipal solid waste landfills.
6. Disposal of biological or chemical munitions and pesticides or herbicides other than in the manner in which they are authorized for use or disposal.
7. When an action is among those listed above, closely analogous to the same, or when an EA concludes impacts to be significant or environmentally (scientifically) controversial, the action proponent/sponsor will prepare an EIS using procedures outlined in this instruction. The action proponent/sponsor shall notify CMC (LF)/MCICOM (GF) before commencing an EIS.

D. Environmental Impact Statement (EIS) Preparation

1. General (section 2, part 1502 of Reference (b)). To achieve the NEPA goal of preparing a concise and useful statement, action proponents/sponsors shall prepare an EIS pursuant to the format in paragraph 030205.E, following these principles:
 - a. Write an analytic, rather than encyclopedic, EIS.
 - b. Discuss impacts in proportion to their significance. Briefly discuss issues that are less significant. Write only enough to show why more study is not warranted.
 - c. Keep the EIS concise and no longer than is necessary to comply with Reference (a), DON NEPA regulations (Reference (c)), and CEQ regulations (Reference (b)) and Guidance (Reference (ak)). Length should vary first with potential environmental issues and then with project scope.
 - d. Describe the criteria used to select alternatives.

e. Outline the range of alternatives, including a "no action" alternative, to be evaluated in the EIS and considered by the ultimate decision maker or by the lead agency if the DoD is a cooperating agency.

f. Cognizant commands shall not make irreversible or irretrievable commitments of resources that change the physical environment (e.g., filling wetlands) before making a final decision.

g. To satisfy E.O. 12898 (Reference (y)) and DoD, "Strategy on Environmental Justice," March 24, 1995 (Reference (z)), identify and address in the EIS any disproportionately high and/or adverse human health and/or environmental effects of federal programs, policies, and activities on minority and low-income populations.

2. Document Length (section 7, part 1502 in Reference (b)). Restrict the document to pertinent facts, excluding material not directly applicable to the expected impact. When possible, incorporate documents by reference. The EIS shall contain sufficient information and baseline data to support the conclusions reached. Supporting data can be included in the EIS as appendices.

3. Scoping (section 7, part 1501 in Reference (b)) and Lead and Cooperating Agencies (sections 5 and 6, part 1501 of Reference (b))

a. The scoping process will:

(1) Invite the participation of affected federal, state, and local agencies; any Native American tribe; minority and low-income populations; and other interested persons.

(2) Determine the scope and the significant issues to be analyzed in depth in the EIS.

(3) Identify and eliminate from detailed study the issues that are not significant or that have been covered by prior environmental review. Narrow the discussion of these issues to a brief presentation of why they will not have a significant effect on the human environment or provide a reference to their coverage elsewhere.

(4) Identify potential cooperating agencies and allocate assignments for the preparation of the EIS among the lead and cooperating agencies, with the lead agency retaining responsibility for the statement.

(5) Indicate any public EAs and other EISs that are being, or will be, prepared and that are related to, but are not part of, the scope of the EIS under consideration.

(6) Indicate the relationship between the timing of the preparation of an EIS and the agency's tentative planning and decision making schedule.

(7) Identify other environmental review and consultation requirements (e.g., section 7 of Reference (j), the compliance requirement of Reference (k), Reference (l), or Reference (q)) so the lead and cooperating agencies may prepare other required analyses and studies concurrently with the EIS.

(8) Identify environmental permits and regulatory agency approvals required for the project as well as the relationship between the timing of permits and approvals and the start of the proposed action.

b. These scoping functions may be carried out in the context of a public, informal meeting or open house at which written responses or oral presentations resulting from the public notices may be received. Such meetings, while not mandatory, may be held whenever practicable. There is no authority for the payment of expenses incurred by any person(s) in the preparation and presentation of information at these meetings.

4. Public Notification (section 6, part 1506 of Reference (b)). As soon as practicable after the action proponent/sponsor's responsible command has determined that an EIS is required and the proper chain of command has been notified, undertake the following efforts to involve agencies and the public appropriately and to focus the environmental analysis on the significant issues:

a. The action proponent/sponsor drafts a NOI to prepare an EIS and forwards it to the Installation/Command CG/CO for approval. The Installation/Command CG/CO forwards the NOI to the appropriate Region/Command EIRB for review and approval (or in the case of actions proposed by a Region, to the Headquarters EIRB (HQEIRB)). If approved, the Region/Command forwards the NOI to CMC (LF)/MCICOM (GF) for HQEIRB review and approval. The NOI package will include a cover letter, proper chain of command endorsements, NOPM (if applicable), and complete REIR. The required contents of the cover letter are the identity of the action proponent, any cooperating agencies that are being considered, and any required permits, consultations, or authorizations that will be undertaken as part of the proposed action. If approved by the HQEIRB, the request to publish the NOI is forwarded to ASN (EI&E) or a designee for signature. For an EIS on acquisition- or research and development-related actions (e.g., for which Marine Corps Systems Command (MARCORSYSCOM) is the action proponent/sponsor), the NOI would be forwarded to ASN for Research, Development and Acquisition (RD&A).

b. CMC (LF)/MCICOM (GF) shall publish the NOI to prepare an EIS in the Federal Register.

c. Action proponents/sponsors shall provide the NOI and related scoping information to organizations that have a reasonable expectation of interest in the proposed action. In all cases, the action proponent/sponsor shall mail the notice to those who have requested it.

d. The NOI will:

(1) Solicit the comments and suggestions of affected federal, state, and local agencies; any affected Native American tribes or Native Hawaiian organizations; and

any other interested persons (including those who might not be in accord with the action on environmental grounds).

(2) Briefly describe the proposed action and the scoping process to be undertaken.

(3) Include a public notice (e.g., NOPM) of any scoping meetings to be held. This notice may be published separately from the NOI but shall be published no less than 15 days before the scheduled meeting, regardless of whether it is an individual notice or part of the NOI. If the NOI does not include information on public scoping meetings but there are plans to conduct such meetings, the NOI shall state this fact.

(4) Be mailed directly to concerned agencies, organizations, and individuals and may be published in local newspapers.

e. Per Reference (y), where there are significant non-English speaking populations within the proposed project study area, and in coordination with the appropriate public affairs office, the action proponent should translate the NOI and announcement of scoping meetings into languages other than English and undertake outreach appropriate to that community. The action proponent should also consider translating summaries or portions of the EIS into languages other than English.

f. Whenever applicable and practical, the NOI should meet the requirements of NEPA and other environmental planning authorities (i.e., Notice of Preparation for joint EIS/Environmental Impact Review).

5. Time Limits (section 8, part 1501, and section 10, part 1506 in Reference (b)). EPA publishes a weekly notice in the Federal Register listing the EISs filed during the preceding week. The following schedule, calculated from the date of publication of the EPA notice, shall be followed:

a. The DEIS should be made available to the public at least 15 days prior to any public hearing or meeting on the DEIS.

b. The FEIS may not be filed less than 45 days after publication of the NOA for the DEIS.

c. Any ROD on a proposed action cannot be signed earlier than 90 days after issuing the DEIS and no less than 30 days after issuing the FEIS.

E. Format (sections 10-18, part 1502 of Reference (b))

Unless there is a compelling reason to do otherwise, the EIS should follow the recommended format provided in Reference (b). As required in Reference (ai), utilize the Navy's "Environmental Document Preparation Tools" for preparation of the EIS, regardless of the entity selected to prepare the document. These tools include a document preparation guide, standardized templates, a comment submittal matrix, and an EP standards training brief. At present no regional

specific language exists for Marine Corps installations. The tools are available on the Navy's OPNAV N45 Environmental Planning & Compliance Library website in the Environmental Planning Standards section under the Reference Materials Library tab. The EIS shall include:

1. Purpose and Need. This section, which actually begins the body of the analytic portion of the document, discloses and concisely describes the underlying need for the project and its objectives for which the Marine Corps or action proponent/sponsor is pursuing the proposed action and alternatives. It succinctly and objectively justifies the proposed action and explains the essential requirements that shall be satisfied to achieve the purposes of the proposed action.

2. Alternatives, Including the Preferred Alternative, to Accomplish the Proposed Action

a. This section is the heart of the EIS. Based on the information and analysis presented in paragraphs 030205.D.5, it presents the environmental impacts of the proposal and the alternatives in a comparative (matrix) form, thus sharply defining the issues and providing a basis for choice among the options by the decision makers and the public.

b. Rigorously explore and objectively evaluate all reasonable alternative actions, particularly those actions that might enhance environmental quality or avoid or minimize some or all of the adverse environmental effects. Include, where relevant, alternatives to the proposed action not within the existing authority of the agency. If applicable, conduct an analysis of such alternatives and report the results relating to their environmental benefits, costs, and risks. This analysis should accompany the proposed action through the agency review process. If a cost/benefit analysis relevant to the choice among environmentally different alternatives is prepared, discuss the relationship between the analysis and any analysis of unquantified environmental impacts, values, and amenities in accordance with section 23, part 1502 of Reference (b). The analysis evaluates qualitative and quantitative considerations, including factors not related to environmental quality, that are likely to be relevant and important to a decision. This process will prevent a premature foreclosure of options that might enhance environmental quality or have less detrimental effects.

c. Alternatives include, but are not limited to, the following examples:

(1) Taking no action.

(2) Postponing action.

(3) Selecting actions of a substantially different nature that would meet mission and project objectives and have different environmental impacts.

(4) Adopting different designs or details of the proposed action that would present different environmental impacts (including mitigation measures).

(5) Those alternatives not within the authority of the Marine Corps or action proponent/sponsor to implement but that would still meet project objectives.

d. In each case, the analysis should be sufficiently detailed to reveal the agency's comparative evaluation of the proposed action's preferred alternative and each reasonable alternative. In all cases, however, evaluate the impact of not proceeding with the proposed action ("no action" alternative). Throughout the EIS, the discussion and analysis should be structured to prevent a premature foreclosure of options that might enhance environmental quality or have less detrimental effects.

3. Affected Environment in which the Proposed Action Would Occur. Succinctly describe the environment that would be affected by the proposed action, including existing and anticipated uses and activities in the area (i.e., a baseline description from which to compare the probable impact). The descriptions will be no longer than necessary to understand the effects of the proposed action. In the analysis, present the interrelationship of other federal and non-federal actions that might cause cumulative environmental impacts with the proposed action. The amount of detail provided in such descriptions will be commensurate with the extent and impact of the action and with the amount of information required at the particular level of decision making.

4. Environmental Consequences. This section forms the scientific and analytic basis for the comparison of impacts of each alternative. Section 24, part 1502 of Reference (b) requires this comparison of impacts to be based on methods that have professional and scientific integrity. For each resource or issue evaluated in detail describe the cause of the direct, indirect, and cumulative impact; how the environment would change; and the consequences of the change. Quantify impacts to the extent practical and in sufficient detail so that potential mitigation measures can be identified and decision makers can distinguish differences in impacts of alternatives. The discussion will include any adverse environmental impacts that cannot be avoided should the proposal be implemented, the relationship between short-term uses of the human environment and the maintenance and enhancement of long-term productivity, and any irreversible or irretrievable commitments of resources that would be involved in the proposal should it be implemented. Include the following discussions:

a. Direct effects and their significance (i.e., an analysis of the positive and negative effects of the proposed action). The attention given to different aspects of the human environment varies according to the nature, scale, and location of proposed actions. Give primary attention to a discussion of those aspects most evidently impacted by the proposed action.

b. Indirect effects and their significance. Include a discussion of secondary or indirect consequences for the environment in the analysis. Many major federal actions, especially those that involve construction (e.g., new installation or joint use of an installation), stimulate or induce secondary effects in the form of associated investments and changed patterns of social and economic activities (e.g., new development and increased traffic). Such secondary effects, by their impact on existing community facilities and activities, by inducing new facilities and activities, or by changing natural conditions, often are more substantial than the primary effects of the original action. For example, estimate the effects of the proposed action on population and growth if they may be significant. Evaluate the effect of any possible change in population patterns or growth upon the resource base, especially those that may impact low-income and minority

populations, such as impacts on land use, water resources, and public services of the area in question. Consider major federal actions that may cause indirect effects on the natural and physical environment offsite or later in time.

c. Cumulative impacts as appropriate and in context with the scope and magnitude of the proposed action. Rigorously examine the potential overlap of the proposed action and alternatives with the impacts of current and future actions planned in the vicinity of the proposed action. Include a discussion on any programs currently in place to monitor impacts from previous actions and whether the observations from such programs inform the assessment of impacts anticipated from the proposed action. Also discuss any programs that should be put in place to monitor long-term impacts on specific resources. Greenhouse Gas (GHG) emissions and climate change adaptation should also be considered in accordance with CEQ guidance. More detailed guidance on consideration of GHG emissions and climate change adaptation is provided in Reference (f).

d. Possible conflicts between the proposed action and the objectives of federal, state, and local (and in the case of a reservation, Native American tribe) land use plans, policies, and controls. Discuss how the proposed action will conform or conflict with the objectives and specific terms of approved or proposed federal, state, and local land use plans, policies, and controls for the area affected, including those developed in response to environmental legislation. Where a conflict or inconsistency exists, describe the extent to which the agency has reconciled its proposed action with the plans, policies, or controls. In the absence of full reconciliation, document justification for any decision to proceed.

e. The environmental effects of alternatives, including the “no action” alternative. Base comparisons on the alternatives as outlined in paragraph 030205.E.4, preceding.

f. Energy requirements and conservation potential of various alternatives and mitigation measures. Address the energy impact of the proposed action and alternatives, including GHG emissions, alternative energy sources, conservation, and mitigation potential.

g. Any irreversible or irretrievable commitments of resources that would be involved if the proposed action is implemented. From a survey of unavoidable impacts, identify the extent to which the action irreversibly curtails the range of potential uses of the environment. "Resources" (both renewable and nonrenewable) means the natural and cultural resources committed to, or lost by, the action as well as labor, funds, and materials committed to the action.

h. The relationship between local short-term use of the environment and maintenance and enhancement of long-term productivity. Briefly discuss the extent to which the proposed action involves trade-offs between short-term environmental gains and the expense of long-term losses (and vice versa). Discuss the extent to which the proposed action forecloses future options. In this context, "short-term" and "long-term" do not refer to any fixed periods, but should be viewed in terms of the environmentally significant consequences of the proposed action.

i. Urban quality, historic architecture, cultural value, and the design of the built environment, including the reuse and conservation potential of various alternatives and mitigation measures.

j. Ways to mitigate and/or monitor adverse environmental impacts (if not previously discussed). When appropriate, discuss mitigation measures in the form of avoidance, minimization, design modification, rehabilitation, preservation, or compensation; address the extent of countervailing benefits derived from implementing mitigation measures and/or monitoring programs to avoid or reduce some or all of the adverse environmental effects. In the EIS, mitigation measures and monitoring programs, including implementing feasibility and funding availability, should be discussed in the context of "potential mitigation measures" and "potential monitoring programs." The decision to commit to a particular mitigation measure or monitoring program is made in the ROD. The proposed mitigation measures should also be coordinated with the appropriate regulatory agencies. Note that BMPs are not mitigation measures or special conservation measures.

k. Any probable and unavoidably adverse environmental effects should the proposal be implemented. Briefly discuss those effects that are adverse, not amenable to mitigation, and unavoidable under the proposed action.

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

6. Distribution List. Include in the document a complete distribution list, including the names of all the organizations, agencies, and individuals to whom copies of the statement are to be sent.

7. Correspondence. List all federal, state, and local agencies, and their records of correspondence related to the proposed action, from which comments and coordination have been requested. Correspondence is normally placed in an appendix.

8. Appendix. An appendix to an EIS is optional; however, if used, it will:
- a. Consist of material prepared in connection with the EIS (as distinct from material that is not so prepared and that is incorporated by reference).
 - b. Normally include material that substantiates any analysis fundamental to the impact statement.
 - c. Normally be analytic and relevant to the decisions to be made.
 - d. Circulate with the EIS or be readily available upon request.

F. Incorporation by Reference (section 21, part 1502 of Reference (b))

As much as possible, commands preparing an EIS should incorporate material into the document by reference when doing so will cut down on bulk without impeding agency and public review of the action. Cite the incorporated material in the statement and briefly describe its contents. Do not incorporate material by reference unless it is reasonably available for inspection by potentially interested persons within the time allowed for comment. Do not incorporate by reference material based on proprietary data that is itself not available for review and comment.

G. Incomplete or Unavailable Information (section 22, part 1502 of Reference (b))

For the purposes of this section, "reasonably foreseeable significant adverse impacts" include those impacts that have catastrophic consequences, even if their probability of occurrence is low, provided that the analysis of the impacts is supported by credible scientific evidence, is not based on pure conjecture, and is within the rule of reason. When the command preparing the EIS is evaluating reasonably foreseeable significant adverse effects on the human environment and there is incomplete or unavailable information, it shall make clear that such information is lacking. For such situations it can take the following actions:

1. Include the information in the EIS if the incomplete information relevant to reasonably foreseeable significant adverse impacts is essential to a reasoned choice among alternatives and the overall costs of obtaining it are not exorbitant.
2. Include the following items in the EIS if the information relevant to reasonably foreseeable significant adverse impacts cannot be obtained because the overall costs of obtaining it are exorbitant or the means to obtain it are not known (e.g., the means for obtaining it are beyond the state-of-the-art):
 - a. A statement that such information is incomplete or unavailable.
 - b. A statement of the relevance of the incomplete or unavailable information to evaluating reasonably foreseeable significant adverse impacts on the human environment.
 - c. A summary of existing credible scientific evidence that is relevant to evaluating the reasonably foreseeable significant adverse impacts on the human environment.
 - d. The action proponent/sponsor's evaluation of such impacts based on theoretical approaches or research methods generally accepted in the scientific community.

H. Chain-of-Command Review of Draft Environmental Impact Statement (DEIS)/Final Environmental Impact Statement (FEIS) and notice of the Availability (NOA)

1. Action proponents shall provide CMC (LF)/MCICOM (GF) with periodic status updates on EISs, including status of regulatory consultations required by Reference (o). For

further information regarding consultation and permits, see paragraph 12101.4(e) of this Volume for timing related to environmental planning, Volume 8 for cultural resources management, and Volume 11 for natural resources management.

2. Installation, Region, and Command EIRBs review and approve EISs before formal staffing to Headquarters, Marine Corps, Facilities Division (HQMC (LF))/MCICOM (GF). Following the installation or Command EIRB, the Commander forwards the NEPA document (e.g., DEIS or FEIS) to the appropriate Region (e.g., Marine Corps Installations (MCI) East, West, and National Capital Region, Marine Corps Installations Pacific (MCIPAC)) or Command (e.g., Training and Education Command (TECOM), Marine Forces Pacific) for review and approval. If approved, the Region/Command forwards the EIS, briefing documents, and an endorsement letter including a statement of legal sufficiency to CMC (LF)/MCICOM (GF) for HQEIRB review and approval.

3. Per reference (c), ASN (EI&E) reviews, signs, and approves NOIs, NOPMs, DEISs, FEISs, and RODs. Early review drafts shall be submitted to CMC (LF)/MCICOM (GF) and the DASN(E) to ensure potential regulatory and policy concerns are addressed early in the process. HQMC and DASN concerns are addressed before submitting these documents to the ASN(EI&E). Action proponents shall account for NOI, draft and final EIS, and ROD reviews in their project schedules, and coordinate with CMC (LF)/MCICOM (GF) on upcoming document reviews and HQEIRB/DASN/ASN briefs. Reference (f) provides further procedures and guidance on the timing and requirements for these products.

4. If the EIS documents are approved by DASN (Environment) (DASN(E)) and ASN (EI&E), CMC (LF)/MCICOM (GF) will coordinate delivery of the NOI, NOPM, and ROD to the Federal Register and file the DEIS and FEIS with EPA. Reference (f) provides further procedures and guidance.

I. Record of Decision (ROD) (section 2, part 1505 of Reference (b))

1. The ROD is a public record of the decision to select one alternative for implementation from among the alternatives considered in detail in an EIS. The document, as proposed by the action proponent/sponsor, and approved by the appropriate Installation/Command and Regional EIRBs, will be finalized by CMC (LF)/MCICOM (GF) on behalf of the HQEIRB and will state the decision, identify the alternatives considered (including those that were environmentally preferable), and discuss all factors, including non-environmental considerations, that influenced the decision. If applicable, the ROD should also address any substantive comments on the final EIS. The ROD will commit the action proponent/sponsor to the appropriate mitigation, if applicable, to minimize environmental harm and to identify those measures that were considered, but not selected, for implementation. Mitigation measures required as a result of a regulatory consultation shall be specified in the ROD. Additionally, any monitoring program associated with selected mitigation measures will be briefly discussed. After the ROD is signed, it becomes the responsibility of the action proponent/sponsor to track implementation of mitigation measures and review the effectiveness of the mitigation and monitoring programs.

2. The ROD shall be drafted by the action proponent/sponsor in coordination with CMC (LF)/MCICOM (GF) environmental planning staff. The process for ROD approval is the same as that described for DEIS/FEIS approval above. CMC (LF)/MCICOM (GF) publishes a

summary of the signed ROD in the Federal Register, and the command or action proponent/sponsor publishes an NOA in the local newspaper(s) and distributes it to appropriate agencies, organization, and individuals. The NOA shall state where the complete ROD can be obtained, such as on an Installation or project website.

030206. Other Issues

A. Regulatory and Statutory Conclusions in National Environmental Policy Act (NEPA) Documents

All Marine Corps REIRs, CATEX DMs, EA/FONSIs, and EIS/RODs should include the NEPA analysis determination (i.e., qualifies for a CATEX and no extraordinary circumstances apply, no significant impacts, potentially significant or significant impacts) along with the findings of applicable regulatory and statutory consultations and coordinations (see also paragraph 020108 and Reference (o)). Findings shall be supported by appropriate analyses, and analyses shall be specific to the statutory requirement. NEPA, regulatory, and non-regulatory analyses may have differing conclusions that should be clearly described. For example, an EA with potential impacts to archaeological, cultural and/or historic resources should include a NEPA finding and an NHPA Section 106 determination. Similarly, an assessment of essential fish habitat (EFH) should include distinct analysis and findings specific to potential effects on defined EFH and other impacts to fish species or fish assemblages. Analyses on federally-listed ESA species should be separate from discussions of state-listed species. Conclusions reached following the environmental analysis process should be phrased such that the impact assessment pertinent to each particular environmental statute is clearly identified.

B. Contractor Involvement in National Environmental Policy Act (NEPA) Documentation (section 5(c), part 1506 of Reference (b))

Due to its complexity, an EIS, unlike some EAs, frequently is prepared by a contractor. To obtain unbiased analyses, the contractor shall be selected in a manner avoiding any conflict of interest. Therefore, contractors will execute disclosure statements approved by the Marine Corps, which specify that the contractors have no financial or other interest in the outcome of the project. Contractor efforts should be closely monitored throughout the process to ensure an adequate document and avoid extensive, time consuming, and costly revisions. Project planners, the environmental planning staff, the action proponent/sponsor, and area land managers should be continuously involved in the process. The executed disclosure statements shall become a part of the administrative record for the action.

C. Cooperation with Federal, State, and Local Agencies (section 2, part 1506 of Reference (b))

To eliminate duplication with federal, state, and local procedures and to fully address their requirements, commands shall cooperate with other agencies as much as possible. Such cooperation could include:

1. Joint planning processes.

2. Joint environmental research and studies, including assessments of the presence or special needs of minority and low-income groups (including foreign language interpretation and collection and analysis of demographic characteristics).

3. Joint public meetings/public hearings (except where otherwise provided by statute).

4. Joint EAs or EISs that may be combined with state environmental planning documents (e.g., California Environmental Impact Report).

D. Administrative Record

The administrative record is a critical component of the NEPA process. The administrative record consists of all documents and materials (including intra-office e-mails) directly or indirectly considered by the decision maker. Should a decision be challenged, a reviewing court will review the decision primarily (if not solely) based on the administrative record. The action proponent/sponsor is responsible for assembling and maintaining the administrative record. To this end, commanders/supervisors/officers-in-charge shall ensure that all administrative record documents and materials are properly maintained and readily retrievable upon request. The administrative record shall be retained after the proposed action has taken place in the event that the action is challenged after the fact, in accordance with Reference (u). For CATEXs, the administrative record includes the REIR and the CATEX DM as well as the results of consultations or coordination.

E. Classified Environmental Assessment (EA) and Environmental Impact Statement (EIS) Documents (section 3(c), part 1507 of Reference (b))

1. The fact that a proposed action is of a classified nature does not relieve the action proponent/sponsor from complying with the requirements of this Volume. Prepare, safeguard, and disseminate the DEIS and FEIS, as well as the EA, in accordance with the requirements applicable to classified information. When feasible, organize these documents in such a manner that classified portions are included as appendices so the unclassified portions can be made available to the public. Coordinate the review of classified NEPA documentation with EPA for requirements applicable to section 309 of Reference (q).

2. An EA or EIS containing classified information, or other information for which the public release is prohibited by law, serves the same purpose as an EA or EIS without classified material even though not all of its contents are subject to public review and comment. The entire package shall accompany the proposal through the decision making process. The content of an EA or an EIS containing portions that cannot be released to the public shall meet the same overall content requirements applicable to a fully published EA or EIS.

F. Emergency Actions

Where emergency circumstances outside Marine Corps control make it necessary to take an action with potential significant environmental impacts (e.g., remediating hazardous substance spills that threaten human health immediately following a natural disaster) before a thorough environmental analysis can take place, the Marine Corps shall consult with CEQ in

accordance with section 1506.11 of Reference (b) about alternative arrangements. Action proponents/sponsors shall contact CMC (LF)/MCICOM (GF) as soon as practicable to allow consultation with the ASN(EI&E) and CEQ. CMC (LF)/MCICOM (GF) will consult with CEQ and make alternative arrangements as appropriate with CEQ to effect NEPA compliance for emergency actions. Alternative arrangements are limited to those aspects of a proposal that shall proceed on an emergency basis (e.g., response actions). Remaining actions (e.g., recovery) to be taken are subject to normal NEPA review. Ordinarily, the failure to plan (e.g., lack of an oil and hazardous substances response plan) or exercise established plans properly does not establish an emergency. Note: Regulations implementing other environmental laws (e.g., References (j) and (r)) contain requirements for consultation with the applicable regulatory agencies for actions taken relative to emergency circumstances.

G. Continuing Activities

1. CEQ regulations (section 18, part 1508 of Reference (b)) define major federal actions subject to evaluation under NEPA to include, among other things, “new and continuing activities.” Per Reference (c), continuing activities that may necessitate the preparation of a NEPA document include activities that are presently being carried out in fulfillment of DON mission and function, including existing training functions, where:

a. The currently occurring environmental effects of the activity have not been previously evaluated in a NEPA document (this includes activities initiated prior to the enactment of NEPA) and there is a discovery that substantial environmental degradation is occurring, or is likely to occur, as a result of ongoing operations (e.g., a discovery that significant beach erosion is occurring as a result of continuing amphibious exercises, new designation of wetland habitat, or discovery of an endangered species residing in the area of the activity).

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

2. A substantial change in a continuing activity (such as a substantial change in operational tempo, area of use, or in methodology/equipment), which has the potential for significant environmental impacts, should be considered a proposal for a new action and be documented accordingly.

3. Under this definition, many installation operations may qualify as “continuing activities.” Since NEPA documentation is required for continuing activities under certain circumstances, action proponents/sponsors shall coordinate all continuing activities with the installation environmental planning staff. Should an EA or an EIS be required for a continuing activity, the “no action” alternative is to continue the activity under the current condition at the installation. The environmental baseline for continuing activities is the present condition at the installation and not a pristine condition.

4. When a continuing activity has the potential for significant environmental degradation, or when required by the affected installation environmental planning staff, the action proponent/sponsor shall provide a brief on the action to the affected Installation/Command EIRB.

This brief will include a description of the proposed action, the need for the proposed action, and the objectives to be obtained by the proposed action. The description of the proposed action should include the proposed training, its location, and its timing.

H. Acquisition Programs

1. References (a) and (d) apply to all acquisition programs regardless of acquisition category or size. The Acquisition Program Manager, as the action proponent, shall comply with References (a) and (d) in accordance with SECNAV Instruction 5000.2D (Reference (aa)) and DoD Instruction 5000.02 (Reference (ab)).

a. References (a) and (d) apply to urgent programs when the acquisition is tested, trained, fielded, and/or disposed of at a peace-time location.

b. In accordance with Reference (d), sections 2-5, actions where acquisition programs are fielded directly to theater to support the warfighter or to support international relief efforts are exempt from further analysis when:

(1) In accordance with Reference (d) 2-5 (ii), the actions are taken by the President.

(2) In accordance with Reference (d) 2-5 (iii), the actions are taken by or pursuant to the direction of the President or Cabinet officer when the national security or interest is involved or when the action occurs in the course of an armed conflict.

(3) In accordance with Reference (d) 2-5 (vii), the action is a disaster and emergency relief action.

2. The Acquisition Program Manager shall use the methodology in paragraph 030202 of this document for all program actions over the program's lifecycle at peace-time locations.

a. The Acquisition Program Manager, as the action proponent/sponsor for the proposed action, shall coordinate and converse with the installation environmental planning staff at the installation(s) where the action is to occur. This coordination includes, at a minimum, the submittal of an REIR to the installation environmental planning point of contact for each location where the action is to occur.

b. If the Acquisition Program Manager, in coordination with the installation environmental planning staff, determines that a CATEX applies, then the Acquisition Program Manager shall sign the REIR and shall prepare a DM for the administrative record.

c. If the Acquisition Program Manager, in coordination with the installation environmental planning staff, determines that the proposed action requires an EA or EIS, then the acquisition program shall fund and prepare the EA or EIS. The program shall rely on the installation environmental planning staff to provide expertise regarding their installation's environment and impacts thereto.

(1) An EA prepared and funded by the program office shall utilize both the installation EIRB and MARCORSSYSCOM EIRB.

(2) An EIS prepared and funded by the program office shall utilize the installation EIRB, MARCORSSYSCOM EIRB, and HQMC (GF)/MCICOM (LF) EIRB.

(3) The acquisition program EA signature authority is the Commander Marine Corps Systems Command in accordance with Reference (aa). An acquisition EA shall also have a second signature for the CG/CO of the installation where the action will occur.

(4) Prior to signature on any acquisition EA or EIS, MARCORSSYSCOM and the installation environmental planning staff shall agree who shall pay for the mitigation actions prescribed in the EA or EIS.

d. The Acquisition Program Manager shall document all NEPA and E.O. 12114 plans and resulting actions in the Programmatic Environmental, Safety and Health Evaluation in accordance with Reference (ab).

3. In accordance with Reference (ab), the Component Acquisition Executive of the lead executive component or designee is the approval authority for system-related NEPA and E.O. 12114 documentation. If the lead executive component for a joint program is not the United States Marine Corps, the Marine Corps Program Manager shall use the methodology in paragraph 030202 of this document to ensure compliance with References (a) and (d) for Marine Corps-specific actions.

4. The Acquisition Program Manager shall provide system-specific analyses and data to support other organizations' analyses under References (a) and (d), including documentation prepared by installation environmental planning staff.

I. Special Use Airspace (SUA)

1. SUA actions, except for designations of prohibited areas and alert areas, are subject to environmental impact analysis in accordance with NEPA.

2. Internal FAA guidance for the environmental analysis of SUA proposals is contained in FAA Order 1050.1, "Policies for Considering Environmental Impacts." Guidance for non-FAA action proponents is provided in FAA Order JO 7400.2, "Procedures for Handling Airspace Matters," the FAA/DoD Memorandum of Understanding Concerning SUA EA, MCO 3570.1, and MCO 3550.10.

3. A more detailed discussion on how to complete environmental documentation relative to SUA proposals is provided in Reference (f).

J. Pollution Prevention (P2)

1. 42 U.S.C. §§13101-13109 (also known and referred to in this Order as "Pollution Prevention Act of 1990")(Reference (ac)) established requirements for incorporating P2

into agency activities and the NEPA planning process. Council of Environmental Quality (CEQ) Memorandum (Reference (ad)) provides guidance to agencies to incorporate P2 considerations in the NEPA planning process, scoping process, and mitigation planning.

2. EPA evaluates EISs for incorporation of P2 measures to assist federal agencies in acknowledging and receiving credit for commitment to pollution prevention.

3. P2 includes equipment or technology modifications, process or procedure modifications, reformulation or redesign of products, substitution of raw materials, and improvements in housekeeping, maintenance, training, or inventory control. During all stages of project formulation, from early planning and NEPA documentation through implementation, action proponents/sponsors should seek opportunities to incorporate P2 into their programs.

4. Further guidance on compliance with Reference (ac), as well as pollution prevention strategies, can be found in Volumes 6, 7, and 15 of this Order. More detailed guidance on incorporating P2 in NEPA analysis is provided in Reference (f).

K. Programmatic NEPA Reviews and Tiering (section 20, part 1502, and section 28, part 1508 of Reference (b))

Reference (ae) states that programmatic NEPA analyses have value by setting out the broad view of environmental impacts and benefits for a proposed decision. That programmatic NEPA review can then be relied upon when agencies make decisions based on a Programmatic EA or Programmatic EIS such as a major weapon acquisition program rulemaking or establishing a policy, program, or plan, as well as when decisions are based on a subsequent – tiered – NEPA review. Programmatic NEPA reviews should result in clearer and more transparent decision-making, as well as provide a better defined and more expeditious path toward decisions on proposed actions on more specific actions derived from the programmatic decision document. Reference (b) encourages the use of tiering whenever appropriate to eliminate repetitive discussions of the same issues and to focus on the actual issues ripe for discussion at each level of the environmental review. Tiering is appropriate when it helps the action proponent/sponsor to focus on issues that are ripe for decision and excludes from consideration issues already decided or not yet ripe. This results in a stepped approach to planning and decision making.

1. Tiering. Tiering is appropriate when the sequence of statements or analysis is:

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

b. From an EIS on a specific action at an early stage (such as need and site selection) to a supplement (which is preferred) or a subsequent EIS or EA at a later stage (such as environmental mitigation).

2. Content of Programmatic Environmental Impact Statement (EIS). If a programmatic EA or EIS is prepared as the initial analysis, from which subsequent site-specific analyses will be tiered, such documents shall include:

- a. A description of the related stages, sites, or actions that may ultimately be proposed in as much detail as presently possible.
- b. The implementing program factors that are known at the time of EIS preparation.
- c. The environmental impacts resulting from establishing the overall program that would be similar for subsequent stages, sites, or actions as further implementation plans are proposed.
- d. The appropriate mitigation measures that would be similarly proposed for subsequent stages, sites, or actions.

3. Preparation of a Tiered Analysis

a. When the subsequent tier itself may have significant impact on the quality of the human environment or when an impact statement is required by these procedures, use the EIS as the analytical document for a staged or site-specific analysis subsequent to the programmatic EIS. Otherwise, evaluate the impacts of the subsequent tiered action in an REIR or an EA to fully assess the environmental impacts of the action.

b. In addition to the discussion required by these procedures for inclusion in EA and EIS documents, each subsequent tiered analysis shall:

(1) Summarize the program-wide issues discussed in the programmatic statements and incorporate discussions from the programmatic statement by reference.

(2) Concentrate on the issues specific to the subsequent action.

(3) State where the programmatic document is available for review.

4. Programmatic EISs and all subsequent tiered EISs will be prepared, circulated, and distributed in the same fashion as required of any other EIS. Commands shall prepare, circulate, and distribute tiered EAs and resulting FONSI in accordance with the procedures applicable to EAs. CEQ guidance on programmatic NEPA reviews can be found in 79 FR 76986 (Reference (ae)).

L. Supplemental Analysis

1. Supplemental analysis may be necessary after the NEPA analysis is complete (i.e., FONSI or ROD signed, or Final EA or EIS issued) if the action has not been fully implemented and substantial changes to the approved action are proposed or new information on

environmental resources or effects is identified. In these situations, the Marine Corps shall determine if the new information constitutes a substantial change relevant to environmental concerns that would require a supplemental NEPA document (e.g., supplemental EA or SEIS). The determination hinges on the change or new information's potential to have significant environmental effects on the human environment.

2. If it is determined that the change or new information may have significant environmental effects, focus the supplemental EA/EIS on changes to the proposed action/preferred alternative, new baseline data (if any), and analysis of potentially significant direct, indirect, or cumulative effects of the changes. Supplements should be prepared, circulated, and filed in the same fashion as the EA or EIS being supplemented. Scoping is not required.

3. If it is determined that changes to the proposed action are not substantial or new information or circumstances are not significant relevant to environmental concerns, a Continuing Environmental Review Statement (CERS) should be prepared for the sole purpose of documenting the Marine Corps' determination not to prepare a supplemental EA or EIS. A CERS may not be used to correct an EA or EIS by analyzing important information that was known at the time of the original NEPA document but was omitted from that analysis. A CERS shall be approved in writing by the action proponent/sponsor, applicable NEPA subject matter expert (SME), the appropriate counsel, and signed by the original decision maker unless they have delegated approval. In the case of an EIS where the ROD was signed by ASN, the determination to prepare a CERS shall be coordinated with ASN through HQMC (LF)/MCICOM (GF-7). More detailed guidance on preparation of supplemental NEPA documentation is provided in Reference (f).

M. Procedures for Conducting Public Meetings under National Environmental Policy Act (NEPA)

Public meetings may have different formats, including formal public hearings in which the Marine Corps receives testimony, public meetings that include a presentation and a question and answer session, and informal open houses. A public meeting could include multiple formats, such as an open house followed by a public hearing. Public meetings are typically conducted in conjunction with preparation of an EIS, require publication of a NOPM, include a court reporter, and facilitate the recording of public comments. However, the action proponent/sponsor may elect to conduct public meetings for an EA. Hearings shall be conducted as follows:

1. Guidelines and Standards. The action proponent/sponsor, in coordination with the appropriate Region and CMC (LF)/MCICOM (GF), determines whether a public meeting will be held. Public meetings are appropriate in the following situations:

a. When the proposed agency action will have a direct or specific environmental impact on the people residing in a particular geographic area.

b. When public organizations or members of the public possess expertise concerning the environmental impact of the action that may not otherwise be available.

c. When the proposed action is not a classified action, or when there is no overriding concern for national security associated with the proposed action.

d. When a request for a meeting has been submitted by another agency with jurisdiction over the action and is supported by reasons why a meeting will be helpful.

e. When a minority or low-income population may be disproportionately affected.

2. Purpose. The purpose of public meetings on a proposed project is twofold. First, public meetings are intended to provide interested members of the public with relevant information. Second, public meetings afford members of the public an opportunity to present their views of the proposed action. The two foregoing objectives dictate the format for conducting public meetings, hearings, or open houses. Reference (f), distributed by CMC (LF)/MCICOM (GF), outlines the steps involved in preparing for public meetings and a suggested format for public meetings. Action proponents, in consultation with command or installation environmental planning staff, should tailor the format for each hearing as the circumstances dictate to meet the objectives of the public meeting. The objectives are to provide information to the public and to record the opinions of interested persons for later evaluation in conjunction with the proposed action.

0303 ENVIRONMENTAL PLANNING UNDER EXECUTIVE ORDER (E.O.) 12114

030301. E.O. 12114 (Reference (d)) provides the exclusive and complete set of requirements for assessing the effects of major Marine Corps actions that may significantly harm the environment of places outside the United States, its territories, and possessions. See Figure 12-1.

030302. The environmental review process mandated by E.O. 12114 applies to major federal actions that would significantly affect the environment of a foreign nation not participating with the United States or otherwise involved in the action.

030303. 32 CFR 187 (Reference (e)) represents the agency procedures required by the E.O., is the sole implementing regulation for E.O. 12114, and provides the exclusive and complete procedures to evaluate environmental effects of major Marine Corps actions abroad.

A. Enclosure 1 to 32 CFR 187 outlines the procedures for environmental impact analysis when a project significantly impacts the Global Commons (defined as geographical areas that are outside the jurisdiction of any nation). E.O. 12114 includes oceans outside territorial limits and Antarctica as part of the Global Commons.

B. Enclosure 2 to 32 CFR 187 outlines the procedures for environmental impact analysis of actions in foreign nations. This enclosure also includes procedures for actions undertaken by the United States jointly with another nation or nations.

C. An Overseas Environmental Assessment (OEA) or Overseas Environmental Impact Statement (OEIS) is required when a major Marine Corps action would significantly harm the environment of the U.S. EEZ or the Global Commons (high seas). An OEA is an environmental analysis similar to an EA under NEPA. The objective of an OEA is to document the environmental consequences of a proposed action, allowing the reviewing authority to determine whether or not the effects of the action would significantly harm the environment. If the action would affect the environment in the U.S. EEZ and the Global Commons and it is unknown whether the action would

significantly harm the environment, the action proponent/sponsor should prepare an OEA. If it is known that the proposed action would significantly harm the environment, an OEIS should be prepared. An OEIS is an environmental analysis similar to an EIS under NEPA. An OEA should result in a FONSH, a decision to prepare an OEIS, or a decision to not pursue the action as proposed.

D. If both NEPA and E.O. 12114 apply, the analyses for both should be combined into a single environmental planning document. In combining analyses, the action proponent/sponsor should differentiate between NEPA and E.O. 12114 descriptions, so it is clearly understood which authority applies to what part of the proposed action. However, should the circumstances or nature of the proposed action warrant, two separate environmental planning documents may be prepared.

E. The Installation/Command should coordinate with CMC (LF)/MCICOM (GF) on all OEISs and any OEAs that meet the coordination requirements for EAs listed in paragraph 030204.E.

030304. E.O. 12114 includes seven exemptions to its requirements:

A. Actions not having a significant effect on the environment outside the United States as determined by the agency;

B. Actions taken by the President;

C. Actions taken by or pursuant to the direction of the President or Cabinet officer when the national security or interest is involved or when the action occurs in the course of an armed conflict;

D. Intelligence activities and arms transfers;

E. Export licenses or permits or export approvals, and actions relating to nuclear activities except actions providing to a foreign nation a nuclear production or utilization facility as defined in the Atomic Energy Act of 1954, as amended, or a nuclear waste management facility;

F. Votes and other actions in international conferences and organizations;

G. Disaster and emergency relief action.

030305. At present, there are no approved overseas CATEXs. Should overseas CATEXs be established by the Office of the Secretary of Defense, CMC (LF)/MCICOM (GF) will provide implementation guidance.

0304 POLICY

030401. CMC (LF)/MCICOM (GF) is the organization within the Marine Corps for affecting compliance with Reference (a) and should be consulted regarding Marine Corps

interpretation of the procedures contained in this Volume and References (b) and (c), as well as any procedural requirements related to NEPA analysis and decision making within the chain of command. Overseas installations should consult CMC (LF)/MCICOM (GF) regarding compliance with Reference (d) and Marine Corps interpretation of the procedures contained in Reference (e).

030402. The Marine Corps will, consistent with its mission and the environmental laws and regulations of the United States and applicable international treaties and agreements:

- A. Avoid, minimize or mitigate adverse impacts on the environment through effective environmental planning.
- B. Consider environmental factors concurrently with mission effectiveness, cost, and other relevant factors.
- C. Commence a systematic examination of the environmental implications of proposed actions at the earliest possible time.
- D. Understand and comply with all environmental legal requirements, anticipate and control associated costs, and avoid delays caused by inadequate preparation and planning.
- E. Provide environmental training commensurate with the responsibilities of the trainee and consistent with the mission of DON through courses on environmental planning and by integrating instruction in environmental planning into other courses of training for military members and civilian employees.
- F. Encourage effective and practical public participation in environmental planning.
- G. Apply appropriate consideration of socioeconomic issues in environmental planning matters, including where the potential for disproportionately high and adverse impacts on minority and low-income populations exists.
- H. Include appropriate provisions for environmental planning in instructions, orders, plans, or other guidance.
- I. Include the costs of environmental planning in planning, programming, and budgeting for the proposed action. The action proponent/sponsor has the responsibility for programming these costs and including sufficient time in project schedules to allow for compliance with References (a) and (d).
- J. Prepare, safeguard, review, and disseminate required planning, analysis, and environmental documents, if any, for classified actions in accordance with applicable security instructions and requirements.
- K. Assign responsibility for preparation of action-specific environmental analysis under Reference (a) to the action proponent/sponsor. The action proponent/sponsor should understand the plans, analyses, and environmental documents related to that action and ensure that

any measures required to mitigate the impacts of the action are implemented and monitored for effectiveness once the appropriate NEPA decision document is signed.

030403. Whenever possible, action proponents/sponsors shall include sustainable alternatives in the NEPA process. In particular, action proponents/sponsors shall consider life-cycle costs and the options available in addressing the potential effects of climate change adaptation, reducing GHG emissions, and increasing energy efficiency to minimize these costs when evaluating potential projects or actions.

030404. Action proponents/sponsors shall ensure that, consistent with other national policies and national security requirements, practical means and measures are used to protect, restore, and enhance the quality of the environment; to mitigate adverse consequences; and to attain the following objectives:

- A. Attain the widest range of beneficial uses of environmental resources without degradation, risk to health or safety, and other consequences that are undesirable and unintended.
- B. Preserve important historic, cultural, and natural aspects of our national heritage and maintain, wherever possible, an environment that supports diversity and a variety of individual choices.
- C. Enhance the quality and conservation of renewable resources and work toward the maximum attainable recycling of depletable resources.
- D. Achieve a balance between resource use and development within the sustained carrying capacity of the ecosystem involved.
- E. Provide the opportunity for public comment and involvement.

030405. The Installation/Command EIRB shall include individuals with appropriate expertise to ensure that the document meets the requirements of Reference (a), is consistent with the command's operational and master planning goals, and meets the policies and goals of the command in the military and civilian communities. Members of the Board should include the counsel or staff judge advocate; the heads of facilities, environment, and operations/training; the comptroller; public affairs; community plans and liaison office; and any others as determined by the installation or Command CG/CO.

030406. NEPA-PAMS is an enterprise-wide decision support system to facilitate the Marine Corps NEPA review process. NEPA-PAMS is hosted by Marine Corps Enterprise Information Technology Services and managed by HQMC (LF)/MCICOM Conservation and Planning (GF-7) and Facilities Systems (GF-8). When NEPA-PAMS roll-out and user training is complete, Marine Corps action proponents and action sponsors shall use the system for the REIR process, create CATEX DMs, track milestones for their EAs and EISs, and monitor mitigation commitments. All mitigation committed to in a CATEX DM (e.g., for historic resources), FONSI or ROD that brings potential adverse environmental impacts below the level of significance shall be reported until the project has been completed. Use of legacy systems will be discontinued.

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VOLUME 12: CHAPTER 4

“RESPONSIBILITIES”

SUMMARY OF SUBSTANTIVE CHANGES

Hyperlinks are denoted by ***bold, italic, blue and underlined font.***

The original publication date of this Marine Corps Order (MCO) Volume (right header) will not change unless/until a full revision of the MCO has been conducted.

All Volume changes denoted in **blue font** will reset to black font upon a full revision of this Volume.

CHAPTER VERSION	PAGE PARAGRAPH	SUMMARY OF SUBSTANTIVE CHANGES	DATE OF CHANGE

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CHAPTER 4

RESPONSIBILITIES

0401 CMC (LF)/COMMANDER MCICOM (GF)

CMC (LF)/Commander MCICOM (GF) shall:

040101. Establish policy and procedures regarding compliance with References (a) and (d).

040102. Coordinate CMC (LF)/MCICOM (GF) review and disposition of EAs/OEAs referred by the Installation/Command CG/CO and EIS/OEIS documents through the HQEIRB.

040103. Coordinate, as appropriate, with CEQ, EPA, ASN (EI&E or RD&A) and, if appropriate, with the Office of the Assistant Secretary of Defense for Energy, Installations, and Environment regarding NEPA and E.O. 12114 actions elevated to Headquarters level.

040104. For EIS documents, coordinate with the Regional and Installation/Command EIRBs during preparation of a ROD. The proposed ROD will be drafted to reflect the HQEIRB review of the FEIS and will be forwarded to DASN(E) by CMC (LF)/MCICOM (GF) for review and then to ASN (EI&E) for signature and final disposition.

040105. Assist commands with the interpretation of policies, implementation of procedures, and compliance with References (a) and (d) for Marine Corps actions.

040106. Coordinate, as appropriate, with the director of public affairs release to the public environmental documents in accordance with Reference (a) and other applicable federal laws.

040107. Publish NOIs, NOAs, announcements of EIS public meetings/public hearings, and RODs in the Federal Register.

040108. Provide assistance for actions and review environmental planning documents initiated by private persons, state or local agencies, Native American tribes, and other non-DON/DoD federal entities for which Marine Corps involvement may be foreseen or that have the potential to impact Marine Corps equities. If Marine Corps interests are involved, consider participation as a Cooperating Agency with the Lead Agency or Action Proponent.

040109. Provide support to Marine Corps Regions, Marine Corps installations, and Marine Corps commands/units and tenants by interpreting federal, state, local, and overseas compliance requirements for References (a) and (d), and by uniformly applying Marine Corps policy as set forth in this Order.

040110. Assist installations in resolving disputes with federal, state, local, and foreign regulatory agencies as required.

040111. Ensure, through field visits and the Environmental Compliance Evaluation Program, Marine Corps cooperation and compliance with federal, state, and local regulatory agencies with regard to NEPA regulations.

040112. Distribute data call for the annual CEQ Cooperating Agency data call to installations and command environmental planning staff. Compile the findings and provide findings to CEQ and DASN(E) as specified in SECNAV Memorandum (Reference (af)).

040113. For EAs/Overseas EAs submitted by action proponents/sponsors, review the written summary of early planning decisions that occurred with environmental SMEs, planners, and others as discussed in paragraph 030202.G.1. Prepare and submit comments to the action proponents/sponsors as necessary.

040114. For EISs/Overseas EISs (including Supplemental/Revised EISs) submitted by action proponents/sponsors, review the summary of PERT discussions submitted with the EIS NOI package forwarded to CMC (LF)/MCICOM (GF) for processing as discussed in paragraph 030202.G.2. Prepare and submit comments to the action proponents/sponsors as necessary.

040115. Participate in the action proponent/sponsor EIS/OEIS PERT discussions as necessary.

040116. Coordinate semi-annually with regional command environmental planners to ensure action proponents/sponsors and installation environmental planners are coordinating proposed actions with the cognizant regional commander to ensure their situational awareness of environmental planning efforts within the region.

040117. Receive, compile, and report to ASN(EI&E) annual cost and time data for all EAs and EISs completed during each fiscal year by March of the following fiscal year. Identify the primary reasons for significant time or cost overruns (if applicable).

0402 HEADQUARTERS ENVIRONMENTAL IMPACT REVIEW BOARD (HQEIRB)

HQEIRB shall receive, review, and provide recommendations, as appropriate, to the Deputy Assistant Deputy Commandant for Installations and Logistics on NEPA and E.O. 12114 documents elevated to Headquarters level (e.g., NOIs, NOPMs, DEISs, FEISs, RODs, OEAs, and OEISs).

0403 COMMANDING GENERAL (CG) MARINE CORPS INSTALLATIONS (MCI) EAST, WEST, PACIFIC, AND NATIONAL CAPITAL REGION AND COMMARFORRES

CG Marine Corps Installations East, West, Pacific, and National Capital Region and COMMARFORRES shall:

040301. Establish and conduct NEPA programs in compliance with References (a) and (d), and approve qualifying actions within their authority.

040302. Develop, publish, implement, and periodically update environmental instructions and standard operating procedures that assure compliance with the procedures and objectives established by References (a) and (d).

040303. Ensure that analyses of the environmental effects of proposed actions, conducted in accordance with References (a) and (d) and other applicable implementing regulations, are sufficient to satisfy public scrutiny and will withstand potential challenges.

040304. Ensure no irretrievable or irreversible commitment of resources is made prior to the completion of the environmental planning process.

040305. For actions the Region proposes or sponsors, fund environmental planning and related requirements, including all mitigation measures and BMPs subsequently committed to in the ROD or FONSI. Ensure that adequate funding and personnel are available for environmental review and that appropriate Region orders include the requirements of planning and funding environmental documents.

040306. Designate, chair, and provide for establishing a Regional EIRB consisting of a cross-section of Regional personnel. Members of the Board should include the counsel or staff judge advocate; the heads of facilities, environment, and operations/training; the comptroller; public affairs; community plans and liaison office; and any others as determined by the installation or Command CG/CO.

040307. Review, endorse, and forward to CMC (LF)/MCICOM (GF) all environmental planning documentation (e.g., NOIs, NOPMs, DEISs, FEISs, RODs, OEAs, and OEISs). Ensure documentation meets legal and technical sufficiency requirements.

040308. Per NEPA analyses, in accordance with Reference (o), ensure that all agency consultations and coordination, excluding permits (e.g., wetland or stormwater permits), are completed prior to signing FONSI and prior to forwarding FEISs to CMC (LF)/MCICOM (GF).

040309. Ensure that the requirements of the applicable MCI regional NEPA order are met.

040310. Review, endorse, and forward to CMC (LF)/MCICOM (GF) the written summary of EA/Overseas EA early planning decisions that occurred with environmental SMEs, planners, and others as discussed in paragraph 030202.G.1. Prepare and submit comments to CMC (LF)/MCICOM (GF) as necessary.

040311. Review, endorse, and forward to CMC (LF)/MCICOM (GF) the written summary of PERT discussions submitted with the EIS NOI package forwarded to CMC (LF)/MCICOM (GF) for processing as discussed in paragraph 030202.G.2. Prepare and submit comments to CMC (LF)/MCICOM (GF) as necessary.

040312. Receive, compile, and report to CMC (LF)/MCICOM (GF) annual cost and time data for all EAs and EISs completed by each installation/subordinate command during each fiscal year by March of the following fiscal year. Review and comment on the primary reasons for

significant time or cost overruns (if applicable).

040313. Ensure action proponents/sponsors and installation planning staffs coordinate closely with the cognizant regional environmental planner to maintain situational awareness of environmental planning efforts within the region.

0404 REGIONAL ENVIRONMENTAL IMPACT REVIEW BOARD (EIRB)

Regional EIRBs shall:

040401. Receive, review, and provide recommendations, as appropriate, to the CG of the Region (i.e., MCIEAST, MCIWEST, MCIPAC, MCINCR) for approval on NOIs, NOPMs, DEISs, FEISs, RODs, and those EA/FONSI documents to be elevated to Headquarters level, prior to forwarding documents to CMC (LF)/MCICOM (GF) for review and approval. For actions proposed directly by the Region, the Regional EIRB shall function as the initial EIRB for review of the action.

040402. For actions proposed directly by the Region, function as the initial EIRB for review of the action.

040403. Coordinate with the Regional Environmental Coordinator, when required, on documents prior to elevating to Headquarters level (e.g., NOIs, NOPMs, DEISs, FEISs, RODs, OEAs, and OEISs).

040404. Ensure review of documents by technical SMEs and legal experts prior to elevating documents to Headquarters level to ensure documents are technically and legally sufficient.

040405. Advise Regional CG as to the implications of environmental planning documentation and mitigation commitments.

040406. Recommend Regional CG endorsement of environmental planning documentation prior to Headquarters submittal.

040407. Review to ensure that the requirements of the applicable MCI regional NEPA order are met.

0405 COMMANDING GENERAL (CG)/COMMANDING OFFICER (CO) OF INSTALLATIONS AND COMMANDS

CGs/COs of Installations and Commands shall:

040501. Designate, chair, and provide for establishing an Installation/Command EIRB consisting of a cross-section of command personnel. Members of the Board should include the counsel or staff judge advocate; the heads of facilities, environment, and operations/training; the comptroller; public affairs; community plans and liaison office; and any others as determined by the installation or Command CG/CO.

040502. Develop, publish, and implement environmental instructions and standard operating procedures that assure compliance with the procedures and objectives established by References (a) and (d).

040503. Designate an alternate to whom responsibility for signing or endorsing the CATEX DM may be delegated.

040504. Promptly notify CMC (LF)/MCICOM (GF) when a decision to prepare an EA that meets conditions in paragraph 030204.B, or an EIS, has been made.

040505. Decide whether a FONSI is appropriate when the proposed action does not involve any of the circumstances listed at paragraph 030204.A, recommend preparation of an EIS, or recommend that the action not proceed. The decision shall be based on the Installation/Command EIRB's recommendation. Installation FONSI signature authority may not be delegated. Major commands (e.g., MARFORRES) may delegate FONSI signature authority in writing to the Deputy Commander or Chief of Staff.

040506. Ensure, prior to forwarding to Region or senior Command (e.g., MCAGCC Twentynine Palms to TECOM), all environmental planning documentation (e.g., NOIs, NOPMs, DEISs, FEISs, RODs, OEAs, and OEISs) meets legal and technical sufficiency. Include the results of the Installation/Command EIRB with a statement on legal and technical sufficiency in the endorsement letter to the Regional EIRB or HQEIRB.

040507. Ensure that adequate funding and personnel are available for environmental review and that appropriate orders specify the responsibilities of action proponents/sponsors to fund and complete environmental planning documentation, and to fund and implement any measures required to mitigate the impacts of their proposed actions.

040508. Ensure that analyses are conducted for the environmental effects of current and proposed actions in accordance with DoD regulations, Reference (b), and other applicable statutes and regulations. Ensure that all documents are reviewed by Installation/Command legal counsel for legal sufficiency.

040509. As appropriate under References (a) and (d), encourage public participation in environmental evaluations of projects or programs. To the extent practical, post environmental planning documents and decision documents on a public website.

040510. Ensure that environmental analysis and the NEPA or E.O. 12114 process are included at the initial planning stages and at each following procedural step or decision milestone in the development of a project or program.

040511. Per NEPA analyses, in accordance with Reference (o), ensure that all agency consultations and coordination, excluding permits (e.g., wetland or stormwater permits), are completed prior to signing FONSI and prior to forwarding final EISs to CMC (LF)/MCICOM (GF).

040512. Ensure that the administrative record supporting the NEPA or E.O. 12114 process for the proposed action is assembled and maintained.

040513. Identify and submit to CMC (LF)/MCICOM (GF) project documentation and funding requests for NEPA/E.O. 12114-related actions that are required to maintain compliance with applicable existing and emerging regulations and permits. Program and budget for personnel, equipment, materials, training, and monitoring required for compliance with NEPA/E.O. 12114 requirements. Pay appropriate federal, state, and local fees. Ensure that P2 alternatives are evaluated and life-cycle cost impacts are assessed in evaluating and selecting projects that address compliance requirements.

040514. Ensure that impacts to installation resources are mitigated, as specified in decision documents and pursuant to applicable environmental statutes, and that the effectiveness of mitigation measures is monitored in accordance with SECNAV Policy, "Policy Guidance for Environmental Planning Mitigation Composition, Monitoring and Tracking," May 31, 2007 (Reference (ag)) and CMC(I&L) Policy, "Policy Guidance for Environmental Planning Mitigation Composition, Monitoring and Tracking," April 28, 2008 (Reference (ah)).

040515. Ensure that permit conditions and commitments are met.

040516. Ensure that the requirements of applicable installation and regional NEPA orders are met.

040517. Ensure that installation environmental planners coordinate closely with the cognizant regional environmental planner to maintain situational awareness of environmental planning efforts within the region.

040518. Ensure that cost and time data for all EAs and EISs are captured for each fiscal year and reported to CMC (LF)/MCICOM (GF) no later than the last working day of each February. Ensure the report includes the primary reasons for significant time and/or cost overruns (if applicable).

0406 INSTALLATION/COMMAND ENVIRONMENTAL IMPACT REVIEW BOARD (EIRB)

Installation/Command EIRB shall:

040601. Ensure that all NEPA documents fully comply with all legal and procedural requirements through a review for technical sufficiency, including, but not limited to:

- A. Complete analysis of alternatives and their associated impacts.
- B. Appropriateness of alternatives analyzed.
- C. Consistency with installation mission.

040602. Ensure that all NEPA documents have undergone appropriate staff review.

040603. Assist the action proponent/sponsor in determining whether the proposed action requires the preparation of an EA or EIS.

040604. Review completed EAs, and make recommendations to the Installation/Command CG/CO for a FONSI, an NOI for an EIS, or no action. The EIRB will draft the proposed FONSI and forward both the EA and FONSI to the installation CO/CG or Command CG/CO for signature.

040605. If the EA meets one of the requirements discussed in paragraph 030204.E, the EIRB will forward, for the Installation/Command CG/CO, the EA and proposed FONSI to the next level of EIRB (Regional EIRB or HQEIRB) for review and concurrence for approval. Include a mitigation matrix or table in the briefing package. For each FONSI with mitigation requirements, include the Mitigation Implementation Plan in the EIRB briefing package.

040606. Forward draft NOI, DEIS, FEIS, and ROD to the Installation/Command CG/CO for review and approval. A letter from the Installation/Command CG/CO stating the results of the Installation/Command EIRB and certifying that the document(s) have been found legally sufficient by the Installation/Command legal counsel shall be included with the documentation provided to the Regional EIRB or HQEIRB. Forward documents to the next level of EIRB (Regional EIRB or HQEIRB) for review and concurrence for approval. Include a mitigation matrix or table in the briefing package. For each ROD with mitigation requirements, include the Mitigation Implementation Plan in the EIRB briefing package.

040607. Retain on file, for no less than 10 years, copies of all decision documents, CATEX DMs, completed EAs and EISs, published FONSI statements, RODs, and minutes taken during EIRB meetings.

040608. Include in its composition the Installation/Command CG/CO or his/her designated representative; the counsel or staff judge advocate; the heads of facilities, environment, and operations/training; comptroller; public affairs; community plans and liaison office, as appropriate; and any others as determined to have an interest in the proposed action by the Installation/Command CG/CO.

040609. Ensure that the requirements of applicable installation and regional NEPA orders are met.

0407 INSTALLATION/COMMAND/REGION ENVIRONMENTAL PLANNING STAFF

Installation/Command/Region Environmental Planning Staff shall:

040701. Assist the action proponent/sponsor to affect References (a) and/or (d).

040702. Provide specific Installation/Command guidance related to References (a) or (d).

040703. Emphasize avoidance and minimization of potential environmental impacts in early planning and development for the proposed action.

040704. Review and/or prepare NEPA documents and provide technical assistance. Track, at a minimum, annually, the number of CATEXs, EAs, and EISs initiated or completed by the Installation/Command/Region.

040705. Ensure installation natural resource program managers shall serve as the primary point of contact for all formal or informal consultation with the appropriate regulatory agencies when actions may impact natural resources (e.g., threatened or endangered species, critical habitat, wetlands) on Marine Corps lands.

040706. Ensure installation cultural resource program managers shall serve as the primary point of contact for all consultations with the Advisory Council on Historic Preservation, State Historic Preservation Offices, Tribal Historic preservation Officers, Native American tribes, and Native Hawaiian organizations when actions may impact archaeological, cultural, and historic resources on Marine Corps lands.

040707. Negotiate (in coordination with action proponent/sponsor) mitigation requirements with applicable regulatory agencies. Consider the use of adaptive management plans. Coordinate through CMC (LF)/MCICOM (GF) interactions with headquarters of federal agencies such as Headquarters, National Marine Fisheries Service or Headquarters, U.S. Fish and Wildlife Service.

040708. Monitor and track mitigation implementation in accordance with References (ag) and (ah) and the project Mitigation Implementation Plan, and adjust as necessary to ensure success. Should there be a substantial failure of the mitigation, in either implementation or effectiveness, work with the action proponent/sponsor and appropriate regulatory authority (if any) to implement appropriate remedies.

040709. Respond to CMC (LF)/MCICOM (GF) data call for annual CEQ Cooperating Agency data call and brief installation CG/CO, Commander Marine Forces Reserve, or MARCORSSYSCOM on any issues regarding data call responses (Reference (af)).

040710. Ensure that the requirements of applicable installation and regional NEPA orders are met.

040711. Coordinate closely with the cognizant regional commander's environmental planner to ensure situational awareness of environmental planning efforts within the region.

0408 ACTION PROPONENTS/SPONSORS

Action Proponents/Sponsors shall:

040801. Provide funds for NEPA/E.O. 12114 documentation and all related ancillary studies, mitigation, and monitoring costs. NEPA/E.O. 12114 funding is not centrally managed; funds shall come from action proponents/sponsors or from installation operation and maintenance budgets. Action proponents/sponsors shall program funds for NEPA/E.O. 12114 compliance. If the action will be funded through MILCON, funds for mitigation measures should be identified as part of the

MILCON funding request (separate line item of Form 1391). For non-MILCON projects, funds for mitigation shall be programmed as part of the project funding request.

040802. Coordinate with the Installation/Command environmental planning staff at the earliest possible opportunity to determine the level of NEPA/E.O. 12114 documentation required. The Installation/Command Region environmental planning staff will consult with counsel and/or the EIRB when the level of NEPA/E.O. 12114 documentation may be subject to legal or other qualifying interpretations.

040803. Inform the Regional Environmental Coordinator of the proposed action and coordinate as appropriate.

040804. Acknowledge and agree to required mitigation or conditions to be met before, during, and following completion of the proposed action by signing and returning the REIR or DM to the Installation/Command environmental planning staff. For each FONSI or ROD with mitigation requirements, prepare a concise Mitigation Implementation Plan that identifies the process and organizations responsible for ensuring mitigation is implemented and that established success criteria are met in accordance with References (ag) and (ah). Ensure that required conditions are incorporated into contracting language so that the individuals implementing the action are aware of and comply with the conditions. The action proponent/sponsor should maintain the original documentation. Copies of the REIR and/or DM shall be made available to CMC (LF)/MCICOM (GF) upon request.

040805. Ensure that all mitigation measures identified in the FONSI or ROD are implemented in a timely fashion, and should work with the installation environmental planning staff to monitor the effectiveness of mitigation measures and adaptively manage mitigation if monitoring shows measures to be ineffective. If funding is not available for mitigation specified in a FONSI or ROD, the action may not go forward until (1) funding is provided and mitigation is implemented, (2) the project design can be modified to minimize or avoid the anticipated impact, or (3) an EIS is prepared to document that a significant impact will occur due to lack of funding for mitigation.

040806. Ensure that the requirements of applicable installation and regional NEPA orders are met.

040807. When developing an EA/Overseas EA and prior to EA contract award or prior to the EA kickoff meeting if prepared “in-house”, provide a concise written summary to CMC (LF)/MCICOM (GF) of early planning decisions that occurred with environmental SMEs, planners, and others as specified in SECNAV Memorandum (Reference (ai)). The summary will discuss environmental factors considered in developing the proposed action and how those factors influenced the development of project preliminary alternatives. The summary will discuss what aspects of the project prevented use of a CATEX. Include the summary as part of existing EA notification process.

040808. When developing an EIS/Overseas EIS (including a Supplemental/Revised EIS) and prior to EIS contract award to develop the environmental analysis, as early as possible in the planning process, convene an interdisciplinary PERT as specified in SECNAV Memorandum (Reference (ai)). The PERT should review all aspects of the proposed action and ensure environmental considerations are fully integrated into early project planning and preliminary

alternatives development. The PERT should consist of representatives from the action proponent/sponsor, interdisciplinary environmental SMEs, a USMC regional representative, counsel, civilian public affairs and liaison officer, and representatives of the EIS execution agent (e.g., NAVFAC) including the designated EIS project manager. Invite CMC (LF)/MCICOM (GF) to participate in PERT discussions to provide a headquarters level perspective.

040809. Develop a summary of PERT discussions, including any adjustments made to the proposed action or preliminary alternatives as a result of those discussions and forward it to CMC (LF)/MCICOM (GF) for processing as part of the existing EIS NOI package. Consistent with existing SECNAV policy, the NOI package should also discuss expected public/agency/political interest, consultation and permit requirements, and any known schedule, funding, contracting, or staffing challenges.

040810. Coordinate closely with the cognizant regional commander to ensure their situational awareness of environmental planning efforts within the region as specified in SECNAV Memorandum (Reference (ai)).

040811. Monitor and track all cost and time data for all EAs and EISs for each fiscal year and report these data to CMC (LF)/MCICOM (GF) no later than the last working day of each February. Include in the report the primary reasons for significant time and/or cost overruns if applicable. The following must be collected and reported:

A. Cost. If the environmental planning document is prepared using a contractor, report the total cost of the contract effort including any change orders/contract modifications. Do not report Government in-house labor management costs. Include the cost of any key supporting studies (e.g., noise, traffic, natural resources, cultural resources, etc.) that directly support the environmental planning effort. If the document is prepared in-house by Government employees, report the total cost as a function of labor, travel, and other related expenses necessary for the completion of the document. Finally report the cost of any mitigation commitments in the EA/FONSI or the EIS/ROD. Do not include the cost of any BMP.

B. Time. For EAs/OEAs, track the time (in years, months, and days) from the project kickoff meeting date to the FONSI signature date. For EISs/OEISs, track the time (in years, months, and days) from the Federal Register NOI publication date to the ROD signature date.

VOLUME 12: APPENDIX A

“FEDERAL STATUTES, FEDERAL REGULATIONS, EXECUTIVE ORDERS, AND DOD POLICIES”

SUMMARY OF SUBSTANTIVE CHANGES

Hyperlinks are denoted by ***bold, italic, blue and underlined font.***

The original publication date of this Marine Corps Order (MCO) Volume (right header) will not change unless/until a full revision of the MCO has been conducted.

All Volume changes denoted in **blue font** will reset to black font upon a full revision of this Volume.

CHAPTER VERSION	PAGE PARAGRAPH	SUMMARY OF SUBSTANTIVE CHANGES	DATE OF CHANGE

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APPENDIX A

**FEDERAL STATUTES, FEDERAL REGULATIONS, EXECUTIVE ORDERS, AND DOD
POLICIES**

1 FEDERAL STATUTES

a. American Indian Religious Freedom Act, 42 U.S.C. §1996 and §1996a

This Act states the policy of the United States to protect and preserve for Native Americans their inherent rights of freedom to believe, express, and exercise the traditional religions of Native Americans, Eskimos, Aleuts, and Native Hawaiians. These rights include, but are not limited to, access to sites, use and possession of sacred objects, and the freedom to worship through ceremony and traditional rites.

b. Archaeological Resource Protection Act (ARPA) of 1979, as Amended, 16 U.S.C. §470aa-mm

This Act prohibits the removal, sale, receipt, and interstate transportation of archaeological resources obtained illegally (without permits) from public or Native American lands and authorizes agency permit procedures for investigations of archaeological resources on public lands under the agency's control. Public Law 100-555 amended the ARPA to require the Secretaries of the Interior, Agriculture, and Defense (1) to develop plans for surveying the lands under their control to determine the nature and extent of archaeological resources, and (2) to prepare a schedule for surveying those lands that are likely to contain the most scientifically valuable archaeological resources.

c. Clean Air Act of 1970, as Amended, 42 U.S.C. 7401 et seq.

This Act, the major federal legislation concerning the control of the Nation's air quality, requires the setting of National Ambient Air Quality Standards and the development of federal and state programs to achieve these standards through the control of air pollution sources. The Act also provides for the U.S. Environmental Protection Agency's (EPA's) delegation of authority to states to conduct air pollution control programs. The 1990 amendments (Public Law 101-549) stress pollution control and prevention.

d. Clean Water Act (CWA) of 1977, as Amended, 33 U.S.C. 1251 et seq.

This Act is a compilation of decades of federal water pollution control legislation. The Act amended the Federal Water Pollution Control Act and requires federal agency consistency with state nonpoint source pollution abatement plans. The CWA is the major federal legislation concerning improvement of the Nation's water resources. The Act was amended in 1987 to strengthen enforcement mechanisms and to regulate stormwater runoff. The Act provides for the development of municipal and industrial wastewater treatment standards and a permitting system to control wastewater discharges to surface waters. The CWA contains specific provisions for the regulation of dredge spoil disposal within navigable waters and for the placement of material into wetlands.

Permits are required under sections 401, 402, and 404 for proposed actions which involve wastewater discharges and/or dredging/placement of fill in wetlands or navigable waters. These permits are required prior to the initiation of proposed actions. Certain proposed actions may implicate state review and water quality certification jurisdiction under section 401 of the Act, resulting in the imposition of conditions designed to ensure consistency with state water quality standards.

e. Coastal Zone Management Act (CZMA) of 1972, 16 U.S.C. 1451 et seq.

This Act provides incentives for coastal states to develop and implement coastal area management programs. The Act plays a significant role in water pollution abatement, particularly with regard to nonpoint source pollution. State coastal zone management programs frequently incorporate flood control, sediment control, grading control, and stormwater runoff control statutes. Under the CZMA, federal actions that have a direct impact on the coastal zone must be consistent to the maximum extent practicable with the state program. These state statutes must be considered when addressing the water pollution impacts of Marine Corps projects.

f. Comprehensive Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. §§9601-9675

This Act provides a Federal "Superfund" to clean up uncontrolled or abandoned hazardous-waste sites as well as accidents, spills, and other emergency releases of pollutants and contaminants into the environment. Through CERCLA, EPA was given power to seek out those parties responsible for any release and assure their cooperation in the cleanup. The Defense Environmental Restoration Program provides program management for DON sites.

g. Endangered Species Act of 1973, 16 U.S.C. 1531 et seq.

This Act determines and protects both plant/animal species and their critical habitats that are threatened or endangered. The Act prohibits any federal action that may jeopardize such species and provides for the designation of critical habitat of such species wherein no action is to be taken concerning degradation of the habitat. The ESA requires a biological assessment of federal agency actions when an endangered or threatened species may be present in the area affected by the actions.

h. Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 et seq.

This Act halts overfishing by foreign fleets and aids the development of the domestic fishing industry. The Act gives the United States sole management authority over living resources within its jurisdictional waters.

i. Marine Mammal Protection Act of 1972, as Amended, 16 U.S.C. 1361 et seq.

This Act protects marine mammals and establishes a marine mammal commission. It also establishes processes for permitting incidental "take" related to Marine Corps actions.

j. Marine Protection Research and Sanctuaries Act of 1972, as amended, 33 U.S.C. 1401 et seq. and 16 U.S.C. 1431 et seq.

This Act, also known as the Ocean Dumping Act, protects oceanic waters from dumping. The Act provides for the establishment of procedures for regulating the transportation of materials into the oceans for the purpose of dumping. The Act prohibits the dumping of sewage sludge after December 31, 1991. The Act provides authority to identify and designate as national marine sanctuaries areas of the marine environment which are of special national significance and to manage these areas as the National Marine Sanctuary System. It also provides authority for comprehensive and coordinated conservation and management of these marine areas, and activities affecting them, in a manner which complements existing regulatory authorities.

k. Migratory Bird Treaty Act of 1918, as amended, 16 U.S.C. 703 et seq.

This Act prohibits taking or harming a migratory bird, its eggs, nests, or young without the appropriate permit.

l. National Historic Preservation Act of 1966, (54 U.S.C. §100101, §300101-307108 or Section 1 of the National Historic Preservation Act, Public Law 89-665, as amended by Public Law 96-515)

This Act provides for the nomination, identification (through listing on the NRHP), and protection of historical and cultural properties of significance. The Act establishes specific procedures for compliance, including initial review authority by the cognizant State Historic Protection Officer.

m. Native American Graves Protection Act of 1990, 25 U.S.C. 3001 et seq.

n. Pollution Prevention Act of 1990, 42 U.S.C. 13101 et seq.

This Act establishes the national policy that pollution should be prevented at the source whenever feasible. Pollution that cannot be prevented should be recycled in an environmentally safe manner whenever feasible, pollution that cannot be prevented or recycled should be treated in an environmentally safe manner whenever feasible, and disposal or other release into the environment should be employed only pursuant to a permit and only as a last resort and should be conducted in an environmentally safe manner.

o. Resource Conservation and Recovery Act of 1976 as Amended, 42 U.S.C. 6901 et seq.

This Act creates the framework for the proper management of hazardous and non-hazardous solid waste. The law describes the waste management program mandated by Congress that gave EPA authority to develop the RCRA program. Implementing regulations are found in 40 CFR parts 239 through 282.

p. Safe Drinking Water Act of 1974, 42 U.S.C. 300(f) et seq.

This Act amended the Public Health Service Act and specifies a system for the protection of drinking water supplies through the establishment of contaminant limitations and enforcement procedures. The EPA has two kinds of promulgated contaminant limitations: primary drinking

water standards to protect public health and secondary drinking water standards to protect public welfare. This Act requires each state to adopt a program to protect wells within its jurisdiction from contamination. States have the primary responsibility to enforce compliance with national primary drinking water standards and sampling, monitoring, and notice requirements. The 1996 amendments (Public Law 104-182) to the Safe Drinking Water Act include new regulations based on risk and public health concerns. These regulations include prohibiting the use of lead in plumbing that carries potable water and the listing of unregulated contaminants which pose a health threat or which are known to occur in public water supplies. Additionally, the amendments waive sovereign immunity for federal facilities.

q. Toxic Substances Control Act of 1976, 15 U.S.C. 2601 et seq.

This Act provides EPA with authority to require reporting, record-keeping and testing requirements, and restrictions relating to chemical substances and/or mixtures. It addresses the production, importation, use, and disposal of specific chemicals including polychlorinated biphenyls (PCBs), asbestos, radon and lead-based paint.

r. Federal Aviation Act of 1958, Public Law 85-726, 72 Stat. 731

This Act created the Federal Aviation Agency (later the Federal Aviation Administration, or FAA) and abolished its predecessor, the Civil Aeronautics Administration. The act empowered the FAA to oversee and regulate safety in the airline industry and the use of American airspace by both military aircraft and civilian aircraft

2 FEDERAL REGULATIONS

a. 32 CFR 187

Environmental Effects Abroad of Major Department of Defense Actions provides policy and procedures to enable DoD officials to be informed and take account of environmental considerations when authorizing or approving certain major Federal actions that do significant harm to the environment of places outside of the United States, its territories, possessions, and territorial waters.

b. 32 CFR 775

Procedures for Implementing the National Environmental Policy Act (NEPA) provide direction to implement the provisions of the NEPA, 42 U.S.C. 4321 et seq., the CEQ Regulations for Implementing the Procedural Provisions of NEPA, 40 CFR 1500–1508, and the Department of Defense Instruction on Environmental Planning and Analysis, DoD Instruction 4715.9, and to assign responsibilities within the DON for preparation, review, and approval of environmental documents prepared under NEPA.

b. 40 CFR 1500

Regulations for Implementing the Procedural Provisions of the National Environmental Policy Act are binding on all federal agencies. The regulations address the procedural provisions of NEPA and the administration of the NEPA process, including preparation of EISs. To date, the only

change in the NEPA regulations occurred on May 27, 1986, when the Council of Environmental Quality (CEQ) amended Section 1502.22 of its regulations to clarify how agencies are to carry out their environmental evaluations in situations where information is incomplete or unavailable.

3 EXECUTIVE ORDERS (E.O.)

a. Executive Order (E.O.) 11988, “Floodplain Management,” May 24, 1977

This E.O. requires federal agencies to evaluate the effects of their actions on floodplains.

b. Executive Order (E.O.) 11990, “Protection of Wetlands,” May 24, 1977

This E.O. directs agencies to take action to protect wetlands on federal property and mandates the review of proposed actions on wetlands through procedures established by NEPA.

c. Executive Order (E.O.) 12898, “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,” February 11, 1994

This E.O. requires federal actions to address environmental justice in minority and low-income populations. The E.O. directs each federal agency, wherever practicable and appropriate, to collect, maintain, and analyze information on the race, national origin, income level, and other readily accessible and appropriate information for areas surrounding federal facilities that are subject to the reporting requirements under the Emergency Planning and Community Right to Know Act, sections 11001-1105, and that are expected to have a substantial environmental, human health, or economic effect on surrounding populations.

d. Executive Order (E.O.) 12962, “Recreational Fisheries,” June 7, 1995

This Order states that federal agencies shall, to the extent permitted by law and where practicable, and in cooperation with states and Tribes, improve the quantity, function, sustainable productivity, and distribution of U.S. aquatic resources for increased recreational fishing opportunities.

e. Executive Order (E.O.) 13007, “Indian Sacred Sites,” May 24, 1996

This E.O. directs federal agencies to accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and avoid adversely affecting the physical integrity of such sacred sites.

f. Executive Order (E.O.) 13045, “Protection of Children from Environmental Health Risks and Safety Risks,” April 21, 1997

To the extent permitted by law and appropriate, and consistent with the agency’s mission, each federal agency: shall make it a high priority to identify and assess environmental health risks and safety risks that may disproportionately affect children; and shall ensure that its policies, programs, activities, and standards address disproportionate risks to children that result from environmental health risks or safety risks.

g. Executive Order (E.O.) 13089, “Coral Reef Protection,” June 11, 1998

This Order established the interagency U.S. Coral Reef Task Force, charged with developing and implementing a comprehensive program of research and mapping to inventory, monitor, and “identify the major causes and consequences of degradation of coral reef ecosystems.” This Order also directs federal agencies to expand their own research, preservation, and restoration efforts.

h. Executive Order (E.O.) 13112, “Invasive Species,” February 3, 1999

This Order calls on Executive Branch agencies to work to prevent and control the introduction and spread of invasive species.

i. Executive Order (E.O.) 13158, “Marine Protected Areas,” May 26, 2000

E.O. 13158 mandates strengthening the management, protection, and conservation of existing marine protected areas (MPA) and establishment of new or expanded MPAs; the development of a scientifically based, comprehensive national system of MPAs representing diverse U.S. marine ecosystems and the Nation’s natural and cultural resources; and the avoiding causing harm to MPAs through federally conducted, approved, or funded activities.

j. Executive Order (E.O.) 13175, “Consultation and Coordination with Indian Tribal Governments,” November 6, 2000

The objective of this Order is to establish regular and meaningful consultation and collaboration with tribal officials in the development of federal policies that have tribal implications, to strengthen the United States government-to-government relationships with Indian tribes, and to reduce the imposition of unfunded mandates upon Indian tribes.

k. Executive Order (E.O.) 13186, “Responsibilities of Federal Agencies to Protect Migratory Birds,” January 10, 2001

E.O. 13186 directs executive departments and agencies to take certain actions to further implement the Migratory Bird Treaty Act. The Order requires that each federal agency taking actions that have, or are likely to have, a measurable negative effect on migratory bird populations is directed to develop and implement, within 2 years, a Memorandum of Understanding with the Fish and Wildlife Service that shall promote the conservation of migratory bird populations.

l. Executive Order (E.O.) 13690, “Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input,” January 30, 2015

E.O. 13690 established a Federal Flood Risk Management Standard to ensure that Federal Actions located in or near the floodplain when no other practical alternatives exist will last as long as intended by considering risks, changes in climate, and vulnerability. It revised the procedures published in E.O. 11988 under which a floodplain is established.

m. Executive Order (E.O.) 13693, “Planning for Federal Sustainability in the Next Decade,” March 19, 2015

E.O. 13693 has a goal to maintain Federal leadership in sustainability and greenhouse gas emission reductions. It revoked E.O. 13423 and E.O. 13514. This E.O. continues the policy of the United States that agencies shall increase efficiency and improve their environmental performance to help protect the planet for future generations and save taxpayer dollars through avoided energy costs and increased efficiency, while also making Federal facilities more resilient. To improve environmental performance and Federal sustainability, the E.O. states that priority should first be placed on reducing energy use and cost, then on finding renewable or alternative energy solutions. The E.O. sets goals for greenhouse gas emissions and for sustainability, including energy conservation, clean energy, renewable energy, alternative energy, water use efficiency, potable water consumption, fleet efficiency, building efficiency, sustainable acquisition, waste and pollution prevention, performance contracts, and electronics stewardship.

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VOLUME 12: APPENDIX B

“ENVIRONMENTAL IMPACT REVIEW FORM”

SUMMARY OF SUBSTANTIVE CHANGES

Hyperlinks are denoted by *bold, italic, blue and underlined font*.

The original publication date of this Marine Corps Order (MCO) Volume (right header) will not change unless/until a full revision of the MCO has been conducted.

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CHAPTER VERSION	PAGE PARAGRAPH	SUMMARY OF SUBSTANTIVE CHANGES	DATE OF CHANGE

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APPENDIX B

ENVIRONMENTAL IMPACT REVIEW FORM

1 GENERAL

NEPA requirements apply to proposed Federal actions that have potential to impact the human environment (i.e., those which may result in a change to the physical environment; social and economic impacts alone are not sufficient to trigger actions pursuant to 42 U.S.C. 4321-4347).

2 REIR FORM

To ensure installation environmental planning staff coordinate on actions with the potential to impact the human environment, Action Proponents shall submit a completed REIR to the installation's environmental planning staff for all proposed actions that have potential to impact the human environment. Sample forms are presented in Figures B-1 and B-2.

REQUEST FOR ENVIRONMENTAL IMPACT REVIEW			<i>Report Control Number RCN:</i>				
<i>INSTRUCTIONS: Section 1 to be completed by Proponent; Sections II and III to be completed by Environmental Planning Function. Continue on separate sheets as necessary. Reference appropriate item number(s).</i>							
SECTION I - PROPONENT INFORMATION							
1. TO <i>(Environmental Planning Function)</i>		2. FROM <i>(Proponent organization and functional address symbol)</i>			2a. TELEPHONE NO.		
3. TITLE OF PROPOSED ACTION							
4. PURPOSE AND NEED FOR ACTION <i>(Identify decision to be made and need date)</i>							
5. DESCRIPTION OF PROPOSED ACTION AND ALTERNATIVES <i>(DOPAA) (Provide sufficient details for evaluation of the total action.)</i>							
6. PROPONENT APPROVAL <i>(Name and Grade)</i>		6a. SIGNATURE			6b. DATE		
SECTION II - PRELIMINARY ENVIRONMENTAL SURVEY. <i>(Check appropriate box and describe potential environmental effects including cumulative effects.) (+ = positive effect; O = no effect; - = adverse effect; U = unknown effect)</i>				+	O	-	U
7. AIR INSTALLATION COMPATIBLE USE ZONE/LAND USE <i>(Noise, accident potential, encroachment, etc.)</i>				<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
8. AIR QUALITY <i>(Emissions, attainment status, state implementation plan, etc.)</i>				<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
9. WATER RESOURCES <i>(Quality, quantity, source, etc.)</i>				<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
10. SAFETY AND OCCUPATIONAL HEALTH <i>(Asbestos/radiation/chemical exposure, explosives safety quantity-distance, bird/wildlife aircraft hazard, etc.)</i>				<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
11. HAZARDOUS MATERIALS/WASTE <i>(Use/storage/generation, solid waste, etc.)</i>				<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
12. BIOLOGICAL RESOURCES <i>(Wetlands/floodplains, threatened or endangered species, etc.)</i>				<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
13. CULTURAL RESOURCES <i>(Native American burial sites, archaeological, historical, etc.)</i>				<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
14. GEOLOGY AND SOILS <i>(Topography, minerals, geothermal, Installation Restoration Program, seismicity, etc.)</i>				<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
15. SOCIOECONOMIC <i>(Employment/population projections, school and local fiscal impacts, etc.)</i>				<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
16. OTHER <i>(Potential impacts not addressed above.)</i>				<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
SECTION III - ENVIRONMENTAL ANALYSIS DETERMINATION							
17. <input type="radio"/> PROPOSED ACTION QUALIFIES FOR CATEGORICAL EXCLUSION (CATEX) -- Decision Memorandum (DM) # _____; OR				<input type="radio"/> PROPOSED ACTION DOES NOT QUALIFY FOR A CATEX; FURTHER ENVIRONMENTAL ANALYSIS IS REQUIRED.			
18. REMARKS							
19. ENVIRONMENTAL PLANNING FUNCTION CERTIFICATION <i>(Name and Grade)</i>		19a. SIGNATURE			19b. DATE		
20. PROPONENT APPROVAL <i>(Name and Grade) OF SECTION III</i>		20a. SIGNATURE			20b. DATE		

Figure B-1.--Sample REIR Form

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REQUEST FOR ENVIRONMENTAL REVIEW IMPACT CONTINUATION SHEET
<h1>SAMPLE</h1>

Figure B-1.--Sample REIR Form--Continued

NOV 2013

Marine Corps Installations Pacific (MCIPAC)
PRELIMINARY ENVIRONMENTAL IMPACT REVIEW (PEIR)

Instructions: Information for this form is to be initially provided or completed by the project proponent (e.g., installation facilities planners, MARCORSYSCOM fielding new equipment, operations & training staff regarding a training exercise, etc.) and then routed through the installation environmental office to complete and sign the form.

This form applies to proposed actions in Department of Defense (DoD) controlled areas within MCIPAC. For other locations, please contact Pacific Area Counsel Office (PACO).

Note for Overseas MCIPAC Installations: Proposed actions that have the potential to cause environmental impacts at overseas installations are subject to Executive Order (EO) 12114, Department of Defense Directive (DoDD) 6050.7. The intended use of this form is for overseas installations to document the review of U.S. funded projects but it can also be used to document recommended environmental measures for host nation construction.

MCIPAC PEIR Form		
PART I - LOCATION		
<input type="checkbox"/>	Marine Corps Base (MCB) Camp Butler (Okinawa, Japan)	
<input type="checkbox"/>	Marine Corps Air Station (MCAS) Futenma (Okinawa, Japan)	
<input type="checkbox"/>	MCAS Iwakuni (Mainland Japan)	
<input type="checkbox"/>	Combined Arms Training Center Camp Fuji (Mainland Japan)	
<input type="checkbox"/>	Camp Mujuk (Republic of Korea)	
<input type="checkbox"/>	MCB Hawaii and MCAS Kaneohe Bay (Hawaii)	
PART I - GENERAL INFORMATION		
1. Project Name:		2. Env Doc #
3. Project Number:	4. Funding Source:	5. Date of Review:
6. Proponent Org:	7. Proponent POC:	
8. Reviewed By:		
9. Specific Project, Range, or Facility Location (e.g., Camp Foster):		
PART II - PROJECT DESCRIPTION		
<i>Describe the proposed project. If necessary, use a separate sheet of paper labeled: PRELIMINARY ENVIRONMENTAL IMPACT REVIEW (PART II) - PROJECT DESCRIPTION (or utilize Part III, Section 9: General Comments). Write clearly and with enough detail to fully explain the project or activity.</i>		

Figure B-2.--Sample PEIR Form

NOV 2013

MCIPAC PEIR Form			
PART III - ENVIRONMENTAL QUESTIONNAIRE			
<i>Check the appropriate box ["Yes," "No," or "Undetermined" to identify if any component of the proposed action (including, but not limited to: construction, installation, demolition, removal, activation or operation) will involve any of the items listed. All YES answers must be explained in Part III-9 of this form or on an extra sheet of paper clearly marked "Part III (continuation)," including the paragraph number and subparagraph being addressed. Check "Undetermined" if unsure.</i>			
1. LAND USE/QUALITY			
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	a. Is the proposed action consistent with the Base Master Plan/General Development Map?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	b. Will the proposed action require the use or disposal of earthen fill materials? (If yes, identify where the proposed area is for obtaining or disposing of the fill material in Part IV of this form)
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	c. Will any land disturbing activity occur in the course of this project?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	d. Will there be any damage to native (not including native vegetation in gardens or building landscape)?
Acreage			e. What is the amount of acreage involved with the proposed project?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	f. Will the proposed action cause or create conditions that risk red soil run off, sediment run off or other erosion risks?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	g. Will the proposed action involve replacement or upgrade of existing vehicles, aircraft or equipment or the installation or stationing of new vehicles, aircraft or equipment?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	h. Will the proposed action require temporary or permanent infrastructure, i.e. roads, landing zones, runways, taxiways, bridges, tunnels, or similar construction?
2. AIR QUALITY			
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	a. Will there be any repairs or new construction with boilers, emergency generators, fuel storage tank, etc., involved?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	b. Will there be paints, solvents, degreasers, or other vapor producing materials used or will any facilities be constructed or modified for their use?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	c. Will the proposed action involve the agitation, removal, or disposal of asbestos or lead-based paint?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	d. Will ozone depleting substances such as refrigerants or solvents be used, replaced, or removed in the proposed action?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	e. Will the proposed action cause an increase in dust emissions?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	f. Will pollution control equipment or reduction techniques be used as part of this action?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	g. Will the proposed action increase vehicle emissions?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	h. Will there be an incinerator constructed as part of this action?
3. HAZARDOUS WASTE OR HAZARDOUS MATERIALS			
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	a. Does the proposed action involve the use of herbicides, insecticides or other pesticides?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	b. Will any toxic materials or hazardous substances be used in construction or operation of the proposed action or any hazardous waste be generated during construction and/or after the proposed action is complete?

Figure B-2.--Sample PEIR Form—Continued

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MCIPAC PEIR Form						
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	c. Will petroleum, oil, and/or lubricants (POL) be routinely stored or used at the site during and/or after the proposed action?			
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	d. Will it generate additional hazardous waste or does the end item contain lithium batteries?			
4. WATER QUALITY						
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	a. Will the proposed action involve tapping into a main drinking water line?			
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	b. Will the proposed action have the potential for the discharge of a low threat water quality to land? (i.e. well development discharge, water main flushing, tank hydrostatic testing, dewatering project, etc.).			
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	c. Will there be an increase in run-off, erosion, or siltation during and/or after the proposed action?			
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	d. Will wastewater be connected or discharged to the Sanitary Sewer?			
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	e. Will wastewater be connected or discharged to the Industrial Waste System?			
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	f. Will wastewater be connected or discharged to the Storm Water Conveyance System?			
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	g. Will the proposed action require the use of potable water on-site for construction purposes?			
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	h. Have cross-connection needs been identified for the project?			
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	i. Will the proposed action have discharges to an existing or new oil water separator?			
5. NATURAL AND CULTURAL RESOURCES						
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	a. Will any threatened/endangered, or Host Nation protected species be affected?			
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	b. Are surveys required to determine the presence or absence of threatened or endangered species?			
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	c. Will the proposed action result in the fill of wetlands?			
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	d. Does the proposed action have the potential to impact natural resources?			
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	e. Does the proposed action have the potential to impact cultural or historic resources?			
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	f. Are surveys required to determine if cultural or historic artifacts are present?			
6. UTILITIES AND SERVICES						
a. Will any new or modifications to existing utilities be required? If yes, check the appropriate box or boxes.						
Gas	Phone	Electric	Potable Water	Domestic Waste Water	Industrial Waste Water	Other
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. NOISE						
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	a. Will the proposed action cause an increase in noise levels?			

Figure B-2.--Sample PEIR Form—Continued

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MCIPAC PEIR Form			
8. GENERAL CONSIDERATIONS			
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	a. Are alternative sites or actions available for the proposed action?
Yes <input type="checkbox"/>	No <input type="checkbox"/>	Und <input type="checkbox"/>	b. Are alternative procedures, practices, or technologies available to minimize environmental impact or utility use?
9. GENERAL COMMENTS			
Use this space to provide answers to Part II of this form – PROJECT DESCRIPTION or explain any “yes” answers in Part III – Environmental Questionnaire.			

Figure B-2.--Sample PEIR Form—Continued

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MCIPAC PEIR Form			
PART IV – Determination and Certification			
1. SEE THE APPROPRIATE CHECKED BOX:	YES (TRUE)	NO (FALSE)	INIT
HAWAII:			
a. The above indicates that the effect of the proposed action on the human environment will require a more thorough evaluation in a detailed Environmental Assessment (EA) or Environmental Impact Statement (EIS) in accordance with the National Environmental Policy Act (NEPA).	<input type="checkbox"/>	<input type="checkbox"/>	
b. The above indicates that the effects of the proposed action on the human environment are so minimal that neither an EA, nor an EIS is required.	<input type="checkbox"/>	<input type="checkbox"/>	
c. This is a categorical exclusion (CATEX) action that does not normally significantly impact on the quality of the human environment. The applicable CATEX (s) is/are as follows (exclusion number and text from MCO P5090.2):	<input type="checkbox"/>	<input type="checkbox"/>	
MCIPAC OVERSEAS:			
a. The above indicates that the effect of the proposed action on the environment may be minimized by implementing the recommendations provided in Part III.9. and will not require a detailed Environmental Review (ER).	<input type="checkbox"/>	<input type="checkbox"/>	
b. The above indicates that the effect of the proposed action on the environment will require a more thorough evaluation in a detailed ER in accordance with DoDD 6050.7.	<input type="checkbox"/>	<input type="checkbox"/>	
c. The above indicates that the effects of the proposed action on the environment are so minimal that an Environmental Review is not required.	<input type="checkbox"/>	<input type="checkbox"/>	
d. This is a proposed action that does not normally significantly impact on the quality of the environment. No further evaluation under Marine Corps Order (MCO) P5090.2A and DoDD 6050.7 is required. <i>Note: At present, there are no approved Overseas CATEXs.</i>	<input type="checkbox"/>	<input type="checkbox"/>	
e. Host Nation Funded Projects: The above indicates that the effect of the proposed action on the environment requires further environmental analysis to be prepared by the Host Nation in accordance with applicable host nation laws.	<input type="checkbox"/>	<input type="checkbox"/>	
2. SPECIAL REMARKS:			
3. I have reviewed the information contained herein, verified that it is accurate and complete.			
Reviewer's Signature (ENV)	Date	Environmental Director/Section Signature (if applicable)	Date

Figure B-2.--Sample PEIR Form—Continued

VOLUME 14

“INTEGRATED PEST MANAGEMENT”

SUMMARY OF VOLUME 14 CHANGES

Hyperlinks are denoted by ***bold, italic, blue and underlined font.***

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VOLUME VERSION	SUMMARY OF CHANGE	ORIGINATION DATE	DATE OF CHANGES
ORIGINAL VOLUME	N/A	DD MMM YYYY	N/A

Submit recommended changes to this Volume, via the proper channels, to:

CMC (OFC CODE)
 3000 Marine Corps Pentagon
 Washington, DC 20350-3000

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VOLUME 14: INTEGRATED PEST MANAGEMENT

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B OUTLINE FOR INSTALLATION INTEGRATED PEST MANAGEMENT (IPM)
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REFERENCES

- (a) DoD Instruction 4150.07, "DoD Pest Management Program," May 29, 2008
- (b) Armed Forces Pest Management Board Technical Guidance 18, "Installation Pest Management Program Guide," March 2013
- (c) DoD Manual 4150.07, Volume 1, "DoD Pest Management Training and Certification Program: The DoD Plan for Pesticide Applicators," May 23, 2013
- (d) DoD Manual 4150.07, Volume 3, "DoD Pest Management Training and Certification Program: The DoD Plan for the Federal Insecticide, Fungicide, and Rodenticide Act Pesticide Applicators," May 23, 2013
- (e) Section 136-136y of Title 7, United States Code (7 U.S.C. §136-136y) (also known as "Federal Insecticide, Fungicide, and Rodenticide Act," (FIFRA) as amended)
- (f) Armed Forces Pest Management Board Technical Guide No. 17, "Military Handbook - Design of Pest Management Facilities," August 2009
- (g) Armed Forces Pest Management Board Technical Guide No. 21, "Pesticide Disposal Guide for Pest Control Shops," July 2002
- (h) Armed Forces Pest Management Board Technical Guide No. 15, "Pesticide Spill Prevention and Management," August 2009
- (i) Armed Forces Pest Management Board Technical Guide No. 14, "Personal Protective Equipment for Pest Management Personnel," April 2011
- (j) Armed Forces Pest Management Board Technical Guide No. 16, "Pesticide Fires: Prevention, Control, and Cleanup," June 1981
- (k) Armed Forces Pest Management Board Technical Guide No. 29, "Integrated Pest Management in and Around Buildings," August 2009
- (l) Armed Forces Pest Management Board Technical Guide No. 39, "Guidelines for Preparing DoD Pest Control Contracts Using Integrated Pest Management," February 1997
- (m) 42 U.S.C. 4321
- (n) OPNAV Instruction 6210.2, "Quarantine Regulations of the Navy," June 29, 2006
- (o) Memorandum of Agreement Between the Department of Defense and U.S. Forest Service, "Forest Insect and Disease Suppression Agreement," June 13, 1991
- (p) Departments of the Air Force, the Army, and the Navy, "Weed Control and Plant Growth Regulation," May 24, 1989
- (q) Armed Forces Pest Management Board Technical Guide No. 26, "Tick-Borne Diseases: Vector Surveillance and Control," November 2012
- (r) 16 U.S.C. §§1531-1544
- (s) Armed Forces Pest Management Board Technical Guide No. 20, "Pest Management Operations in Medical Treatment Facilities," December 2012
- (t) Armed Forces Pest Management Board Technical Guide No. 27, "Stored-Product Pest Monitoring Methods," May 2005
- (u) Armed Forces Pest Management Board Technical Guide No. 11, "Hydrogen Phosphide Fumigation with Aluminum Phosphide," March 2013
- (v) Armed Forces Pest Management Board Technical Guide No. 38, "Protecting Meal, Ready-to-Eat Rations (MREs) and Other Subsistence During Storage," May 2005
- (w) 7 U.S.C. §2801
- (x) Armed Forces Pest Management Board Technical Guide No. 37, "Integrated Management of Stray Animals on Military Installations," May 2012

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Volume 14

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- (y) 16 U.S.C. §§4701-4751
- (z) Executive Order (E.O.) 11850, "Renunciation of Certain Uses in War of Chemical Herbicides and Riot Control Agents," April 8, 1975

VOLUME 14: CHAPTER 1

“SCOPE”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER VERSION	PAGE PARAGRAPH	SUMMARY OF SUBSTANTIVE CHANGES	DATE OF CHANGE

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CHAPTER 1

SCOPE

0101 PURPOSE

This Volume establishes Marine Corps policy and responsibilities for complying with the legal use of pesticides at Marine Corps installations in accordance with the Department of Defense (DoD) pest management specifications outlined in DoD Instruction 4150.07 (Reference (a)).

0102 APPLICABILITY

010201. See Volume 1 paragraph 0102.

010202. This Volume is also applicable to government owned, contractor operated (GOCO) installations; installation operating services; Marine Corps Community Services functions including golf courses; land management operations including agricultural out leases; public-private venture (PPV) housing and other privatized operations on Marine Corps property; and non-Marine Corps property under Marine Corps stewardship where pest control operations are conducted.

0103 BACKGROUND

010301. General

The DoD pest management specifications described in enclosure 4 of Reference (a) prescribes detailed procedures for the DoD pest management program. Procedures prescribed in accordance with the instruction are based on Integrated Pest Management (IPM) concepts. IPM is required for DoD pest management. IPM is a sustainable approach to managing pests and controlling disease vectors by combining applicable pest management tools in a way that minimizes economic, health, and environmental risks. IPM uses regular or scheduled monitoring to determine if and when treatments are needed and employs physical, mechanical, cultural, biological, genetic, regulatory, chemical, and educational methods to keep pest numbers low enough to prevent unacceptable damage or impacts. Treatments are not made according to a predetermined schedule; they are made only when and where monitoring has indicated that the pest will cause unacceptable economic, medical, or aesthetic damage. Treatments are chosen and timed to be most effective and least disruptive to the natural control of pests. The least hazardous, but effective, pesticides are used judiciously when necessary.

010302. Relationship of Integrated Pest Management (IPM) to Other Environmental Program Areas

A. For Marine Corps policy on wastewater and stormwater, see Volume 20 of this Order.

B. For Marine Corps policy on natural resources conservation, see Volume 11 of this Order.

C. For Marine Corps policy on hazardous material and hazardous waste management, see Volume 9 of this Order.

D. For Marine Corps policy on emergency planning and response, see Volume 7 of this Order.

010303. Health and Safety

Additionally, the Marine Corps shall integrate environmental compliance for pesticides with occupational health and safety policies and regulations.

VOLUME 14: CHAPTER 2

“AUTHORITY”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 2

AUTHORITY

0201 FEDERAL STATUTES

- 020101. Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) of 1947, as Amended (7 U.S.C. 136 et seq.).
- 020102. Resource Conservation and Recovery Act of 1976, as Amended (42 U.S.C. 6901 et seq.).
- 020103. Federal Water Pollution Control Act of 1972, as Amended by the Clean Water Act of 1977 (33 U.S.C. 1251 et seq.).
- 020104. Emergency Planning and Community Right to Know Act of 1986 (42 U.S.C. 11001 et seq.).
- 020105. Toxic Substances Control Act of 1976 (15 U.S.C. 2601 et seq.).
- 020106. Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.).
- 020107. Migratory Bird Treaty Act of 1918, as Amended (16 U.S.C. 703 et seq.).
- 020108. Federal Noxious Weed Act of 1974 (7 U.S.C. §2814).
- 020109. National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).
- 020110. Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.).
- 020111. Federal Facilities Compliance Act of 1992 (Public Law 102-386).
- 020112. Food Quality Protection Act of 1996 (Public Law 104-170).
- 020113. Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.).

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VOLUME 14: CHAPTER 3

“REQUIREMENTS”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 3

REQUIREMENTS

0301 GENERAL

Marine Corps policy is to comply with the DoD requirements set forth in Reference (a) and to employ an IPM program that minimizes pesticide use and that ensures the protection of human health and the environment where pesticide use is necessary.

030101. Establish and maintain safe, effective, and environmentally sound IPM programs to prevent or control pests and disease vectors that may adversely affect readiness or military operations by impairing the health of personnel or by damaging structures, materiel, or property.

030102. Ensure that pest management programs achieve, maintain, and monitor compliance with all applicable Executive Orders (E.O.s) and applicable federal, state, and local statutory and regulatory requirements.

030103. Incorporate sustainable IPM framework, strategies, and techniques into all vector control and pest management planning, training, and operations, including installation IPM Plans (IPMPs) and other written guidance to reduce pesticide risk and prevent pollution.

0302 INTEGRATED PEST MANAGEMENT (IPM) PROGRAM

030201. IPM shall be based on seven steps that are routine procedures for addressing each pest problem:

- A. Identify and assess pest or disease vector problems.
- B. Develop a written management plan or strategy that emphasizes natural controls and nonchemical methods to deal with pest and disease vector problems.
- C. Establish an action threshold for each pest and disease vector problem to define when corrective action shall be implemented.
- D. Use a monitoring procedure, such as inspection, trapping, or surveillance, for each pest and disease vector.
- E. Apply corrective action when a threshold is reached for any pest or disease vector.
- F. Use a documentation system to catalogue monitoring information and to document management problems.
- G. Verify and evaluate procedures to ensure that the IPM program is meeting stated risk reduction measures and that information exists to redesign the IPMP where required.

030202. The written IPMP or strategy shall be a comprehensive document as outlined in Reference (a).

0303 INSTALLATION INTEGRATED PEST MANAGEMENT PLAN (IPMP)

Each installation shall develop, maintain, annually review, and revise their IPMP at a minimum of every five years in accordance with the program elements in enclosure 4 of Reference (a). For more information, see Armed Forces Pest Management Board Technical Guidance 18, "Installation Pest Management Program Guide," March 2013 (Reference (b)). The IPMP shall list all program objectives, arranged in order of priority, according to potential or actual impact on health, morale, structures, materiel, or property. Installations that have more than 0.5 productive work-years of pest management work shall have their own IPMP. Installations with less than 0.5 productive work-years shall have an abbreviated IPMP, or be included in a supporting installation's IPMP. The designated installation IPM Coordinator shall implement and maintain the IPMP. For a suggested outline and more information on IPMPs, see Appendix B and Reference (a).

0304 INSTALLATION CONSULTATIVE SUPPORT, PROGRAM REVIEWS, AND AUDITS

030401. To ensure adequate oversight of Marine Corps Pest Management Programs, Naval Facilities Engineering Command (NAVFAC) Pest Management Consultants (PMCs) will conduct onsite reviews of installation pest management programs at least every 36 months, with the following exceptions:

- A. Installations with less than 0.5 work-years of pest management services shall be reviewed at the discretion of the cognizant NAVFAC PMC.
- B. Onsite review requirements can be met by formal program reviews or assistance visits.

030402. Installations shall notify the appropriate NAVFAC PMC whenever federal, state, or local regulators ask to inspect pest management operations.

0305 PEST MANAGEMENT PERSONNEL TRAINING AND CERTIFICATION

030501. Personnel involved in pest management shall receive appropriate, job-specific education, experience, and training to perform their assigned tasks. For requirements relating to the training and certification of pest management personnel, see DoD Manual 4150.07, Volume 1 (Reference (c)) and DoD Manual 4150.07, Volume 3 (Reference (d)). Professional pest management personnel shall be certified if their duties include:

- A. Making recommendations for the use of pesticides, applying pesticides, or directly supervising the application of pesticides.
- B. Conducting demonstrations on the proper use and techniques of pesticide application or the supervision of such demonstrations.

C. Conducting field research that includes using or supervising the use of pesticides.

030502. All installation pest management personnel who apply or supervise the application of pesticides shall be trained and certified within two years of employment in accordance with Reference (c) authorized by Reference (a), or a U.S. Environmental Protection Agency (EPA)-approved state certification plan. Personnel who are undergoing apprenticeship training, but are not yet certified, shall apply pesticides only under the direct supervision of a certified pesticide applicator.

A. IPM and pesticide application requirements may vary depending on installation mission, location, size, and environmental considerations. Training requirements for individual pesticide applicators may vary due to the pest management categories and complexity of the work to be performed. It is the responsibility of the Marine Corps' Senior PMC to determine the training and experience necessary to perform pest management activities within their areas of responsibility.

B. DoD-certified pesticide applicators shall be recertified every three years in accordance with Reference (c), authorized by Reference (a) and Section 136-136y of Title 7, United States Code (7 U.S.C. §136-136y) (also known and referred to in this Order as "Federal Insecticide, Fungicide, and Rodenticide Act," (FIFRA) as amended) (Reference (e)). The recertification interval for state-certified pesticide applicator contractors varies from one to five years, depending on the state.

C. Contract employees performing pest management work on Marine Corps installations shall be certified prior to the beginning of the contract under a state plan accepted in the state in which the work is performed. The contractor shall provide evidence of certification in all appropriate pest management categories. Additionally, the contractor shall provide evidence of training and experience equivalent to that determined by Marine Corps as necessary to satisfy the performance requirements of the pest management contract. The requiring activity shall ensure that contracts for pest management work require contractors to fulfill the above requirements.

D. Pest Management Performance Assessment Representatives (PMPARs) shall monitor and evaluate contractor performance for pest management services, unless a DoD employee certified in accordance with Reference (c) and authorized by Reference (a) is available to assist the PMPAR. PMPARs shall attend initial training and refresher training every three years in accordance with Reference (d) authorized by Reference (a).

E. Marine Corps personnel and family members who apply pesticides under Marine Corps installation self-help programs or for their own relief are exempted from the certification requirement.

0306 PESTICIDES AND PEST MANAGEMENT EQUIPMENT

030601. Procurement

The cognizant PMC shall approve pesticides prior to purchase, except those pesticides used by military family housing occupants for their own personal relief. This approval applies to all pesticides used on the installation by in-house forces, commercial services, agricultural outleases, GOCO operations, installation operating services management, non-appropriated fund instrumentalities, purchase card users, or any other pest management service provider. Pesticides shall be on the installation authorized use list. Consideration should be given to locally purchased pesticides to ensure conformance with state management plans for groundwater protection and to facilitate use of recyclable pesticide containers when appropriate pesticides are not available in the federal supply system.

030602. Pesticide Labeling

Marine Corps installations shall ensure that EPA-approved labels are on all containers used to store pesticides. If required, items such as Supply Department labels shall be placed so as not to obscure the pesticide label. Copies of pesticide labels shall be maintained at a central location and made available to interested departments (e.g., Fire, Safety). Safety Data Sheets and pesticide labels for every pesticide product in the installation's inventory shall be available at all pesticide facilities.

030603. Pesticide Storage Facilities

New pesticide storage facility design shall comply with the standards described in AFPMB Technical Guide No. 17, "Military Handbook - Design of Pest Management Facilities," August 2009 (Reference (f)). Existing facilities shall comply with all applicable regulatory standards and will, where feasible, be modified to meet the standards for new pesticide storage facilities. Installations shall prohibit the discharge of any wastewater from any pesticide mixing, or equipment cleanup area. Rinsate from triple-rinsed containers shall be applied to the application site in accordance with the pesticide label. Hazardous waste and storage requirements apply, in accordance with the Occupational Safety and Health Administration (OSHA) (see Volume 9 of this Order).

030604. Pesticide Disposal

Installation commanders shall ensure that installation pest management programs are managed so that pesticides do not become hazardous waste. The pesticide facility manager shall ensure that excess EPA-registered pesticides are returned to the Defense Logistics Agency (DLA) Materials Return Program, transferred to a DoD installation able to use the materiel, or transferred to the servicing DLA Disposition Services site. The appropriate NAVFAC PMC will, if requested, provide assistance in identifying installations where usable pesticides could be applied. When EPA publishes a proposed pesticide regulatory action that involves pesticide label suspension or cancellation affecting DoD, installations shall comply with administrative procedures developed between the DLA and the AFPMB. For more information on pesticide disposal, see AFPMB Technical Guide No. 21, "Pesticide Disposal Guide for Pest Control Shops," July 2002 (Reference (g)) for pesticide disposal.

030605. Pesticide Spill Management

The installation IPMP shall include a pesticide spill management plan that has been coordinated with the installation's hazardous material/hazardous waste programs and is part of the

installation's Oil and Hazardous Substances Spill Contingency Plan (see Volume 18 of this Order). Ready-to-use pesticide spill kits shall be present in every storage and mixing facility and in vehicles used to transport or apply pesticides. Contractors shall be responsible for providing their own spill kits. For more information, see AFPMB Technical Guide No. 15, "Pesticide Spill Prevention and Management," August 2009 (Reference (h)).

030606. Pesticide Safety

To ensure the safe use of pesticides, Marine Corps personnel shall handle and apply pesticides in accordance with the product's label directions. For more information, see AFPMB Technical Guide No. 14, "Personal Protective Equipment for Pest Management Personnel," April 2011 (Reference (i)) and AFPMB Technical Guide No. 16, "Pesticide Fires: Prevention, Control, and Cleanup," June 1981 (Reference (j)). Reference (i) provides supply and other data necessary to request and effectively use personal protective equipment as well as a methodology that pest management supervisors may use to help determine personal safety equipment requirements. Reference (j) presents general standards of good practice to assist personnel in dealing with fires involving pesticides. Marine Corps policy prohibits construction of buildings with heating, ventilation, and air-conditioning ducts located in and below the floor to prevent accidental contamination of the ducts with termiticides. Similarly, Marine Corps policy prohibits post-construction treatment of structures with heating, ventilation, and air-conditioning ducts in or below the floor without a waiver from the cognizant NAVFAC PMC.

030607. Electrically Operated Devices

Marine Corps personnel should not use electromagnetic exclusion or control devices, ultrasonic repellent or control devices, and outdoor devices for electrocuting flying insects on Marine Corps installations. However, indoor devices for electrocuting flying insects can be used. Pest surveillance traps and monitoring equipment, such as non-electrocuting mosquito light traps, may be used as integral tools for IPM programs. For more information, see AFPMB Technical Guide No. 29, "Integrated Pest Management in and Around Buildings," August 2009 (Reference (k)).

030608. Occupied Spaces

Pesticide sprays, dusts, and aerosols shall not be applied in occupied spaces (e.g., offices and housing). Approved baits, gels and non-chemical devices such as traps may be placed in safe locations within occupied spaces.

030609. Paints and Coatings Containing Pesticides and Other Biocides

The Marine Corps explicitly prohibits the use of paints containing insecticides on Marine Corps property. This guidance applies to both interior and exterior paints that contain insecticides intended for application to broad structural surfaces such as walls, ceilings, and siding. It also applies to insecticides formulated and labeled for use as paint additives. Paints containing fungicides as mildew inhibitors may be used when application directions specify no special restrictions due to the fungicide. Approved marine antifouling compounds or coatings may be applied to protect the surfaces of watercraft.

030610. Preventive or Scheduled Pesticide Treatments

The Marine Corps explicitly prohibits the use of regularly scheduled, periodic pesticide applications, except in situations where the IPMP clearly documents that no other technology or approach is available to protect personnel or property of high value. Installations shall not use preventive pesticide treatments unless the appropriate NAVFAC PMC has given approval based upon current surveillance information or records documenting past disease vector or pest problems that require this approach.

0307 PEST MANAGEMENT CONTRACTING

030701. Background

The Marine Corps shall use pest management contracts when cost-effective relative to in-house services or when advantageous for non-routine, large-scale, or emergency services, especially when specialized equipment or expertise is needed. Contractors shall comply with applicable state regulatory requirements regarding the certification, licensing, and registration of pest management companies and their employees. Pest control records will be maintained pursuant to section 5.4.5 of Reference (a).

030702. Review and Approval

NAVFAC PMCs shall review and approve contract documents prior to award for pest management operations, including augmentation contracts, to ensure that appropriate pest management standards and IPM are specified. Contract document review includes review of pesticide applicators' licenses and certificates. Review ensures that all agricultural outlease agreements are also reviewed and approved. Installations that lack expertise in pest management should request the services of a NAVFAC PMC to develop the technical portions of pest management contracts. NAVFAC PMCs may act as technical consultants during the performance of contracted work. See AFPMB Technical Guide No. 39, "Guidelines for Preparing DoD Pest Control Contracts Using Integrated Pest Management," February 1997 (Reference (1)) for more information.

030703. Performance Assessment

Installation commanders shall make installation PMPAR staffing decisions based on the following factors:

- A. The number of pest management operations requiring 100 percent inspection.
- B. The number of different functions being performed simultaneously.
- C. The scope of the contract including required productive work-years.
- D. The level of monitoring or surveillance required for each operation.

030704. Government Purchase Cards (GPC)

All pest management services procured using GPCs shall be reviewed in advance by the responsible pest management professional, be performed by state-licensed firms and operators state-certified in the proper category of pest management for the planned work, be under the cognizance of the installation IPMP, and be reported on the installation pesticide use report. Installation policies regarding use of GPCs for pest control shall be addressed in installation IPMPs. Cardholders are not authorized to contract for purchase of pesticides without prior approval from the responsible NAVFAC PMC.

0308 SPECIALIZED PEST MANAGEMENT OPERATIONS

030801. Aerial Application of Pesticides

Documentation for aerial application projects shall be kept in accordance with DoD and Marine Corps environmental requirements including compliance with the requirements of 42 U.S.C. 4321 et seq. (also known and referred to in this Order as “National Environmental Policy Act” (NEPA))(Reference (m)). A NAVFAC or Bureau of Medicine and Surgery (BUMED) PMC who is certified in the aerial application pest control category shall validate and approve all proposed pest management projects that involve the aerial application of pesticides. Approval shall be obtained before aerial application operations commence. Cognizant NAVFAC and BUMED PMCs shall collaborate, as appropriate, with the 910th Airlift Wing (Air Force Reserve) during the review and approval process for aerial spray projects to be completed by the 910th. Installation commanders shall ensure that installation personnel update documentation for project approval if subsequent aerial application operations are planned.

030802. Disinsection of Military Aircraft

Marine Corps personnel shall disinsect military aircraft for disease vectors and agricultural pests only when:

- A. Mandated by the United States Department of Health and Human Services or the U.S. Department of Agriculture (USDA).
- B. Directed by a command-level or higher authority who has determined that the point of embarkation has active vector-borne disease, consistent with OPNAV Instruction 6210.2 (Reference (n)).
- C. No passengers are on board (except when mandated by Reference (n)).

030803. Forest Pests

Marine Corps commanders shall cooperate with the USDA, Forest Service, on applicable pest management programs, including annual USDA funding for forest insect and disease suppression projects on Marine Corps-controlled land in accordance with Memorandum of Agreement between DoD and U.S. Forest Service, “Forest Insect and Disease Suppression Agreement,” June 13, 1991 (Reference (o)) (see also Departments of the Air Force, the Army, and the Navy, “Weed Control and Plant Growth Regulation,” May 24, 1989 (Reference (p))).

030804. Medically Important Pests

The Marine Corps shall ensure that responsibilities for surveillance and control of medically important insects and other arthropods are clearly delineated in installation IPMPs and operational plans. Specific guidance on the surveillance and control of tick-borne diseases is found in AFPMB Technical Guide No. 26, "Tick-Borne Diseases: Vector Surveillance and Control," November 2012 (Reference (q)).

030805. Pesticide Applications in the Habitat of Endangered Species

The Marine Corps shall comply with regulations, including those issued in accordance with the 16 U.S.C. §§1531-1544 (also known and referred to in this Order as "The Endangered Species Act") (Reference (r)), which requires federal agencies to ensure that their actions will not jeopardize endangered and threatened species or associated habitat. Installation commanders shall ensure that their installation IPMPs consider endangered and threatened species. Installation IPMPs shall comply with EPA limitations on pesticide use and be developed in consultation with the U.S. Fish and Wildlife Service when affecting listed species' habitat (Reference (a)).

030806. Pests in Health Care Facilities

Installation commanders should ensure that pest management in health care facilities is conducted according to the guidance in AFPMB Technical Guide No. 20, "Pest Management Operations in Medical Treatment Facilities," December 2012 (Reference (s)).

030807. Pest Management in Child Care and Food Service Facilities

Installation commanders ensure that responsibilities for surveillance and control of insects and other arthropods in child care and food service facilities are clearly delineated in installation IPMPs and operations.

030808. Pest Management in Military Quarters and Housing

A. Background

Installation commanders shall ensure that residents of military quarters and housing practice good sanitation and correct minor nuisance pest problems. PPV housing is subject to the requirements of the lease agreement and management plan. PPV housing contracts and lease agreements shall include appropriate pest management provisions. Military quarters and housing occupants are responsible for controlling pests such as cockroaches, household infesting ants, and mice not originating in other quarters. The control of medically important pests, including venomous arthropods, which could affect human health, and structural pests which could damage property, are not the occupant's responsibility.

B. Installation Role

1. Installation commanders shall ensure that installation pest management services are provided in military housing when the pest threatens government property or the

occupants' health and when the occupants have been unable to control the pests through self-help efforts. Exceptions shall only be made with the concurrence of the cognizant NAVFAC PMC.

2. Installation commanders may allow residents of military housing to contract with licensed pest management companies at their own expense.

C. Self-Help Program

1. Installation commanders shall establish installation self-help pest management for non-PPV military housing when cost-effective and when IPM monitoring indicates the need for a self-help program. Self-help pest management materials issued to occupants of military housing may include cockroach and ant baits and/or traps, mouse traps, and glue boards, as recommended by the cognizant NAVFAC PMC. Liquid pesticides should not be issued. The office designated to manage the installation's self-help program should coordinate procurement and the storage of pest management materials with the installation IPM Coordinator.

2. Installation commanders shall ensure that personnel issuing self-help materials provide written instructions and appropriate precautions, beyond those on pesticide labels, to military quarters' and housing occupants to ensure proper pesticide application and safety.

3. If pesticides are issued to occupants, records shall be maintained as described in paragraph 0310. These records should enable installation self-help personnel to validate the occupant's attempts to control target pests before providing installation pest management services. NAVFAC PMCs should review these records during program reviews to evaluate the efficiency and effectiveness of the installation's self-help program.

4. The NAVFAC PMC may develop, validate the need for, and authorize non-housing self-help programs. These programs may include nuisance pest control at small, detached facilities or spot control of weeds in sidewalks around a facility. The installation IPM Coordinator and Environmental Department shall review and recommend approval of the program and then forward to the NAVFAC PMC for validation and authorization. The IPM Coordinator will coordinate training for the self-help applicators prior to pesticide application. The applicators shall use only ready-to-use pesticides authorized by the PMC and listed on the installation's pesticide authorized use list. All applications shall be recorded and reported in accordance with paragraph 0310. The program will be documented in the IPMP.

030809. Pest Management at Closing Installations

Because pests may cause serious damage to unused facilities, commanders shall ensure that closing or closed facilities are protected from pests from the beginning of deactivation until property disposal. NAVFAC PMCs are available to provide guidance.

030810. Quarantinable Pests

Reference (n) contains policy for quarantine regulations applicable to the Marine Corps and Navy.

030811. Stored Products Pests

Installation commanders shall implement measures to minimize insect and vertebrate pest damage to subsistence, clothing and textiles, medical, and other infestible stored materiel. AFPMB Technical Guide No. 27, "Stored-Product Pest Monitoring Methods," May 2005 (Reference (t)) provides additional details. AFPMB Technical Guide No. 11, "Hydrogen Phosphide Fumigation with Aluminum Phosphide," March 2013 (Reference (u)) and AFPMB Technical Guide No. 38, "Protecting Meal, Ready-to-Eat Rations (MREs) and Other Subsistence During Storage," May 2005 (Reference (v)) provide more information on fumigating subsistence stocks.

030812. Turf and Ornamental Pests

Installation commanders shall implement measures to prevent unacceptable damage to shade trees, ornamental plantings, and turf (including golf courses) by insects, diseases, and weeds. Further, they shall ensure that pesticide applications, if required, are based on the specific identification of the target pest by trained personnel. The IPMP shall identify recurring infestations. Installation commanders shall ensure that the installation IPMP describes the use of IPM for turf and ornamental pests, and environmentally and economically beneficial land management practices, such as the use of native plants to reduce pesticide use.

030813. Undesirable Plants

Installation commanders shall develop programs to comply with 7 U.S.C. §2801 (Reference (w)). Installation commanders shall:

- A. Designate an office or person adequately trained in the management of undesirable plant species to develop and coordinate the installation undesirable plant management program.
- B. Plan, program, and budget to achieve, maintain, and monitor compliance with Reference (w).
- C. Ensure that their installation completes and carries out cooperative agreements with state agencies regarding the management of undesirable plant species on installations.
- D. Establish integrated management systems to control or contain undesirable plant species targeted under cooperative agreements. Reference (w) does not require the commanders to carry out programs on installations unless similar programs are being implemented on state or private lands in the vicinity of the installation.

030814. Vertebrate Pests

Installation commanders shall manage vertebrate pests in accordance with the Memorandum of Agreement between the DoD and USDA, Animal Plant Health Inspection Service, Animal Damage Control, and:

- A. Implement vertebrate pest management programs including wildlife aircraft strike hazard reduction programs to prevent interference with operations, destruction of real property, and adverse impacts on health and morale.
- B. Cooperate with federal, state, and local agencies that have implemented animal damage control programs on adjacent public and private lands.
- C. Identify the potential for secondary and non-target effects to other organisms and design programs to preclude or minimize the risks.
- D. Obtain all applicable federal, state, and local permits.
- E. Use guidance in AFPMB Technical Guide No. 37, "Integrated Management of Stray Animals on Military Installations," May 2012 (Reference (x)), for conducting stray animal control programs, where consistent with requirements of Reference (r).
- F. Coordinate with installation natural resources, pest management, security, veterinary, and housing personnel, as necessary, to effectively manage vertebrate pests.

030815. Weed Control

Installation commanders shall ensure that weed control is performed according to Reference (p) and 16 U.S.C. §§4701-4751 (Reference (y)), on Marine Corps installations. Herbicides will not be used in war except as provided for in E.O. 11850 (Reference (z)).

030816. Wood-Destroying Organisms

Installation commanders shall ensure that:

- A. NAVFAC PMCs review termite control contract specifications for the proper protection of wood where wood-destroying fungi and insects are present, and specify that termiticides, when needed, are applied at the highest EPA-labeled concentration and application rate.
- B. DoD-certified pesticide applicators apply pesticides or PMPARs inspect contract applications of pesticides for the control of termites and other wood-destroying organisms.
- C. Trained personnel inspect wooden buildings and structures in the range of termites annually in USDA geographic Region 1; biennially in USDA Region 2; or triennially in Region 3, as determined by the cognizant pest management professional. Reference (k) provides additional guidance on these inspections.

030817. Applications Resulting in Discharges to Waters of the United States

National Pollutant Discharge Elimination System (NPDES) permits may be required, depending on state-specific regulations, for any pesticide applications that result in discharges to waters of the United States. Depending on location, permit coverage may be obtained through EPA or an NPDES-authorized state.

0309 PEST MANAGEMENT AND DISEASE VECTOR CONTROL DURING MILITARY CONTINGENCY OPERATIONS, READINESS TRAINING EXERCISES, AND DEPLOYMENTS

030901. Complying with the Department of Defense (DoD) Pest Management Program

Military, civilian personnel and contractors responsible for pest management and disease vector control during military contingency operations, readiness training exercises, and deployments shall apply pesticides consistent with the policies and procedures described in Reference (a).

030902. Application Training and Certification Requirements

The application of pesticides for pest management and disease vector control during military, contingency operations, readiness training exercises, and deployments shall be under the overall direction of personnel certified in accordance with Reference (c), authorized by Reference (a). Individuals who apply pesticides in these situations shall be certified in accordance with Reference (c), authorized by Reference (a), or shall be under the direct or onsite supervision of individuals certified in accordance with Reference (c), authorized by Reference (a). Military personnel who have received special training for limited site application of preselected pesticides during military operations or deployments are exempt from the certification requirement. However, these individuals shall be fully trained, including hands-on training for these specific applications. Commanders shall develop specific site training programs for these individuals and a means to document who has received this training. At a minimum, the training shall include the safe use and proper application of the limited, preselected pesticides for the specific site for which these individuals are trained.

030903. Contractors

Contractors who apply pesticides in these situations shall comply with Reference (a).

030904. Recordkeeping

Commanders shall ensure that pesticide use in these situations is recorded, reported, and maintained completely and accurately pursuant to Reference (a).

0310 RECORDS AND REPORTS

031001. Pest Management Records

Maintain complete daily pesticide application and pest management operations records as required by section 136i-1 of Reference (e). Maintain daily records of pesticides applied outside to PPV housing.

A. Records shall include information on kinds, amounts, uses, dates, places of application, applicators names, and certification numbers.

B. The record shall include all pesticide applications performed on the installation, including work done on golf courses, by non-appropriated fund activities, by contract services, and as part of outleases and land management and forestry programs, as well as work performed by installation pest management shops.

C. Records of all pesticide applications shall be retained pursuant to section 5.4.5 of Reference (a).

031002. Pest Management Reports

All pest management operations shall be reported using the NAVFAC Online Pesticide Reporting System or other electronic reporting system approved by a PMC to provide an electronic copy of the data. The cognizant NAVFAC Professional PMC should be contacted to obtain an account to use the system. For deployments and contingencies DD Form 1532, available on AFPMB's website, shall be used. The report shall include individual daily records of all pest control operations, both chemical and non-chemical, including surveys. Records should be electronically submitted at least monthly.

031003. Consultants

NAVFAC PMCs may use these data to evaluate the efficiency of the overall installation pest management program and pest management operations.

031004. Exclusions

Pesticides applied by installation personnel for personal relief are excluded from the record keeping requirement.

0311 ENVIRONMENTAL COMPLIANCE

See Volume 4 of this Order for information on policy, responsibility, and procedures for achieving compliance with applicable E.O.s, and federal, state, interstate, and regional statutory and regulatory environmental requirements.

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VOLUME 14: CHAPTER 4

“RESPONSIBILITIES”

SUMMARY OF SUBSTANTIVE CHANGES

Hyperlinks are denoted by *bold, italic, blue and underlined font*.

The original publication date of this Marine Corps Order (MCO) Volume (right header) will not change unless/until a full revision of the MCO has been conducted.

All Volume changes denoted in *blue font* will reset to black font upon a full revision of this Volume.

CHAPTER VERSION	PAGE PARAGRAPH	SUMMARY OF SUBSTANTIVE CHANGES	DATE OF CHANGE

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CHAPTER 4

RESPONSIBILITIES

0401 CMC (LF)/COMMANDER MCICOM (GF)

CMC (LF)/Commander MCICOM (GF) shall:

040101. Establish and maintain a Marine Corps wide pest management program that conforms to the policy, procedures, and requirements specified in Reference (a).

040102. Exercise oversight and review of installation pest management programs from the Marine Corps major command and headquarters level.

040103. Ensure that actions taken pursuant to the policies outlined in this Volume are consistent with DoD environmental security specifications.

040104. Promote IPM in Marine Corps pest management programs, policies, operations, directives, and publications.

040105. Coordinate pest management actions, as appropriate, with the Assistant Secretary of Defense for Health Affairs and state and local government agencies involved with pest management when human health is an issue.

040106. Support the NAVFAC Applied Biology Program in providing technical assistance to Marine Corps installation pest management programs.

040107. Provide support to Marine Corps installations, commands, units, and tenants by interpreting federal, state, and local pest management regulatory requirements and by uniformly applying Marine Corps policy as set forth in this Order.

040108. Conduct special environmental compliance and protection studies with regard to pest management to assist in establishing policy or initiating actions.

0402 COMMANDING GENERAL (CG)/COMMANDING OFFICER (CO) MARINE CORPS EAST, WEST, PACIFIC, AND NATIONAL CAPITAL REGION

CG/CO Marine Corps East, West, Pacific, and National Capital Region shall Identify and promote opportunities for regional environmental initiatives and contracting support to gain efficiencies. Create environmental program efficiencies by collectively funding studies, coordinating common training programs, developing appropriate Memorandums of Agreement between stakeholders (e.g., Marine Corps TECOM installations, Marine Aircraft Wings, Resident Officer In Charge of Construction offices, etc.) and the Region, and facilitating mutual support between installations as practicable.

0403 COMMANDING GENERAL (CG)/COMMANDING OFFICER (CO) OF MARINE CORPS INSTALLATIONS AND COMMARFORRES AND ALL INSTALLATIONS, UNITS, STATIONS, AND DEPLOYED PERSONNEL WHERE PEST MANAGEMENT OPERATIONS ARE PERFORMED

CG/CO of Marine Corps Installations and COMMARFORRES and all Installations, Units, Stations, and Deployed Personnel where pest management operations are performed shall:

- 040301. Establish and maintain installation programs that conform to the policy, procedures, and requirements specified in Reference (a).
- 040302. Maintain accurate and complete reporting and record keeping of pest management operations and pesticide use.
- 040303. Implement programs to achieve, maintain, and monitor compliance with applicable federal, state, and local statutory and regulatory requirements for pest management.
- 040304. Ensure that commanders of deployed forces enforce the use of all appropriate personal protection measures, including arthropod skin and clothing repellents and bed nets, to protect their troops from vector-borne diseases and rodent and arthropod health threats. Where appropriate, ensure that the same protective measures are available for use during field training on Marine Corps installations.
- 040305. Maintain records of pest management operations and report as required by paragraph 0310 of this Volume.
- 040306. Implement IPM in Marine Corps pest management programs, installation environmental policy, operations, installation directives, and training, to minimize environmental impact of pest management operations including preventing pesticide pollution.
- 040307. Coordinate pest management actions, as appropriate, with state and local governments, and with host-nation agencies involved with pest management when human and environmental health is at risk.
- 040308. Establish procedures to ensure that findings and discrepancies from pest management program reviews will result in appropriate corrective action.
- 040309. Monitor pesticides available for purchase in Marine Corps commissaries and exchanges to ensure the pesticides available for sale are least-hazardous pesticides that are compatible with DoD IPM programs and are pesticides that comply with applicable federal, state, and local laws.
- 040310. Cooperate with state and local government agencies involved with pest management.

040311. Provide management support, resources, and a professionally qualified pest management staff sufficient to ensure the effective implementation of pest management programs at all organizational levels.

040312. Ensure that the medical department implements programs to protect installation personnel from disease and pesticide exposure and evaluate the effectiveness of vector control operations. This includes monitoring / surveying potential disease vectors and other public health pests on the installation, conducting industrial hygiene surveys of pesticide storage facilities, conducting occupational health monitoring of DoD pesticide applicators, and preparing an emergency vector control plan (in the event of a vector-borne disease outbreak) to be included in the IPMP.

040313. Ensure that each installation has an IPMP and an IPM Coordinator, designated in writing, to implement and maintain the IPMP. The cognizant NAVFAC PMC assists the IPM Coordinator through technical assistance, program review, and program guidance. Installation commanders shall:

- A. Plan and budget for the development and maintenance of the IPMP.
- B. Ensure that qualified personnel develop and update the IPMP annually.
- C. Ensure that the IPM Coordinator formally coordinates appropriate portions of the pest management plan with the senior medical officer, environmental coordinator, and senior public works/facilities officer and ensure that these individuals sign the cover sheet of the IPMP.
- D. Ensure that appropriate portions of the IPMP are reviewed by the natural resources program manager for consistency with the INRMP.
- E. Ensure that the IPM Coordinator forwards the IPMP to the cognizant NAVFAC PMC and BUMED PMC for review, technical approval, and signature on the cover sheet.
- F. Approve and sign the IPMP for implementation.
- G. Ensure that the IPM Coordinator provides oversight and coordination of the installation pest management program and updates the IPMP annually.
- H. Ensure that all pest management operations performed on the installation, except those for personal relief, are recorded properly maintained and are reported to the cognizant NAVFAC PMC.

040314. Coordinate these functions with the supporting NAVFAC Applied Biology section as appropriate.

040315. Incorporate the pest management program into the installation's Environmental Management System.

VOLUME 14: APPENDIX A

“FEDERAL STATUTES, FEDERAL REGULATIONS, EXECUTIVE ORDERS, AND DOD POLICIES”

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APPENDIX A

**FEDERAL STATUTES, FEDERAL REGULATIONS, EXECUTIVE ORDERS, AND DOD
POLICIES**

1 FEDERAL STATUTES

a. Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) of 1947, as Amended, 7 U.S.C. 136 et seq.

FIFRA provides the principal means for preventing adverse effects on the environment from pesticides through product registration and applicator certification. The U.S. EPA's registration of all pesticide products results in label instructions on each container for use, storage, and disposal. Label instructions are legally applicable to all users. Under FIFRA, the EPA must accept certain recalled pesticides for safe disposal. It is illegal to purchase, distribute, or use any pesticide in the continental U.S. or overseas subject to FIFRA jurisdiction that does not have an EPA registration number or for which registration has been canceled or suspended. It is also illegal to apply, store, or dispose of any pesticide or pesticide container in any manner inconsistent with applicable regulations. All pesticides shall be applied by appropriately certified personnel except when used for personal relief. Under FIFRA:

(1) The pesticide label, regulated by EPA, establishes directions for use, precautions for preventing adverse environmental effects, and disposal requirements. Failure to adhere to the labeling requirements or using the substance in a manner inconsistent with the product label is a violation of federal law.

(2) EPA approves federal and state agency plans for training and certification of pesticide applicators.

(3) Records of all pesticide applications shall be retained pursuant to DoD Instruction 4150.07, "DoD Pest Management Program," May 29, 2008; such records must be available for inspection by state or EPA representatives.

b. Resource Conservation and Recovery Act (RCRA) of 1976, as Amended, 42 U.S.C. 6901 et seq.

RCRA outlines the HW management requirements for the disposal of excess or waste pesticides and for equipment and containers contaminated by pesticides. RCRA regulations identify the criteria, standards, and requirements for proper disposal of excess pesticides, pesticide containers, and the waste resulting from the cleanup of pesticide spills (see Volume 9 of this Order).

c. Federal Water Pollution Control Act of 1972, as Amended by the Clean Water Act of 1977, 33 U.S.C. 1251 et seq.

This Act provides for protection of surface waters from contamination by pesticides in wastewater and runoff and the application of pesticides into, over, and near waters of the United

States. Control is exercised through stringent effluent limitations imposed and monitoring of pesticide applications to waters of the US through the stormwater program and the NPDES permitting program and (see Volume 20 of this Order).

d. Emergency Planning and Community Right to Know Act (EPCRA) of 1986, 42 U.S.C. 11001 et seq.

EPCRA provides for protecting and notifying communities in the event of a release of a toxic chemical. The list of toxic chemicals requiring notification includes several pesticides. The Marine Corps must comply with specific provisions of EPCRA (found in sections 301-313) as required by E.O. 13693 and in accordance with Instructions for Implementing Executive Order 13693, "Planning for Federal Sustainability in the Next Decade," June 10, 2015(see Volume 7 of this Order).

e. Toxic Substances Control Act (TSCA) of 1976, 15 U.S.C. 2601 et seq.

This Act requires the EPA to regulate and control harmful chemical and toxic substances in commercial use. Congress enacted TSCA to reduce unreasonable risks from chemicals to human health and the environment. Section 6 of TSCA authorizes the EPA to regulate hazardous chemical substances and mixtures.

f. Endangered Species Act (ESA) of 1973, 16 U.S.C. 1531 et seq.

The ESA provides for protecting threatened and endangered species of fish, wildlife, and plants, and their habitats. The Act requires federal agencies to ensure that no agency action is likely to jeopardize the continued existence of Endangered and Threatened Species. Under ESA, the EPA is required to ensure that pesticide use is not likely to jeopardize endangered species or to adversely affect critical habitats. Endangered species and critical habitat protection is implemented through the pesticide labeling process and the issuance of state specific bulletins.

g. Migratory Bird Treaty Act of 1918, as Amended, 16 U.S.C. 703 et seq.

This Act protects migratory birds and their nests and eggs from being hunted, captured, purchased, or traded. The Act requires a U.S. Fish and Wildlife Service permit be obtained before any action that would lead to direct death of migratory birds, including the use of pesticides to manage bird populations other than starlings, English house finches (house sparrows), and pigeons.

h. Federal Noxious Weed Act of 1974, 7 U.S.C §2814

This Act prescribes integrated management systems to control or contain non-indigenous weeds that injure or have the potential to injure the interests of agriculture and commerce, wildlife resources, or the public health.

i. National Environmental Policy Act of 1969 (NEPA), 42 U.S.C. 4321 et seq.

NEPA specifies requirements for the aerial application and other large scale pesticide applications, as well as the filing of Environmental Impact Statements on pesticide decisions.

j. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, 42 U.S.C. 9601 et seq.

CERCLA authorizes federal action to respond to the release, or substantial threat of release, into the environment of hazardous substances, pollutants, or contaminants that may present an imminent and substantial danger to public health or welfare. Section 107(h) exempts application of pesticide products registered under FIFRA from CERCLA requirements.

k. Federal Facilities Compliance Act (FFCA) of 1992, Public Law 102-386

FFCA waives immunity for federal facilities under solid and hazardous waste laws, CERCLA, and RCRA by allowing states to fine and penalize them for violations. This is applicable only to pesticides that are HWs, or are managed or disposed of as HWs requiring management under RCRA. See Volume 9 of this Order.

l. Food Quality Protection Act of 1996, Public Law 104-170

The Act amends FIFRA and the Food, Drug and Cosmetic Act. The Food Quality Protection Act contains language directly applicable to the DoD Pest Management Program by defining “maintenance applicator” and establishing a requirement for minimum training, defining vector and public health pesticide, defining the term IPM, and promoting IPM through procurement and regulatory policies.

m. Occupational Safety and Health Act (OSHA) of 1970, 29 U.S.C 651 et seq.

This Act establishes safety and health standards to ensure that every worker (including pesticide applicators) in the Nation enjoys safe and healthful working conditions. OSHA is made applicable to federal facilities through E.O. 12196, “Occupational Safety and Health Programs for Federal Employees,” February 26, 1980, and E.O. 13446, “Continuance of Certain Federal Advisory Committees and Amendments to and Revocation of Other Executive Orders,” September 28, 2007.

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VOLUME 14: APPENDIX B

**“OUTLINE FOR INSTALLATION INTEGRATED PEST MANAGEMENT (IPM)
PLANS”**

SUMMARY OF SUBSTANTIVE CHANGES

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APPENDIX B

OUTLINE FOR INSTALLATION INTEGRATED PEST MANAGEMENT (IPM) PLANS

- 1 COVER AND SIGNATURE PAGES
 - a. Title
 - b. Installation or Unit Identification Code
 - c. Approval and Technical Review, including signatures from:
 - (1) IPM Coordinator
 - (2) Installation Environmental Manager
 - (3) Installation Medical Officer
 - (4) Senior Installation Engineer
 - (5) Pest Management Consultant
 - (6) Supply Officer (if responsible for Government purchase card procurement of pest control services)
 - (7) Natural Resources Manager
 - (8) Cultural Resource Manager
 - (9) Installation Commander or Appropriate Government Authority
 - (10) Dates of Last Annual Review and Technical Approval
- 2 EXECUTIVE SUMMARY
- 3 BACKGROUND
 - a. Purpose
 - b. Authority (include installation instruction, standard operating procedure, etc.), if applicable
 - c. Plan Maintenance
- 4 RESPONSIBILITIES

- a. Commander's Representative
 - b. IPM coordinator
 - c. Pest Management Personnel or Contractors
- 5 INTEGRATED PEST MANAGEMENT (IPM)
- a. Legal Mandate
 - b. IPM Operations
- 6 PRIORITY OF PEST MANAGEMENT WORK
- a. Public Health Pests
 - b. Pests Found in and Around Buildings
 - c. Structural Pests
 - d. Noxious or Invasive Plants and Animals
 - e. Undesirable Vegetation
 - f. Golf Course Pests
 - g. Quarantine and Regulated Pests
 - h. Vertebrate Pests
- 7 HEALTH AND SAFETY
- a. Medical Surveillance of Pest Management Personnel
 - b. Hazard Communication
 - c. Personnel Protective Equipment
 - d. Fire Protection
 - e. Pest Management Vehicle(s)
 - f. Protection of the Public

g. Pesticide Shop Health, Safety, and Hazard Surveys (including air sampling and ventilation systems)

8 ENVIRONMENTAL CONSIDERATIONS

- a. Sensitive Areas
- b. Endangered and Protected Species and Critical Habitats
- c. Cultural and Historical Sites
- d. Environmental Documentation
- e. Pesticide Spill and Remediation
- f. Restricted-use and Experimental Pesticides

9 PROGRAM ADMINISTRATION

- a. Pest Management Operations
 - (1) Pest Management Facilities
 - (2) Equipment
 - (3) Staffing requirements
- b. Contracts or Quality Assurance
- c. Out-leases (agricultural and housing)
- d. Inter-service Support Agreements
- e. Reports and Records
- f. Training and Certification
- g. Pesticide Security
- h. Emergency Disease Vector Surveillance and Control
- i. Coordination (i.e., DOD, other Federal, State, and Local)

10 SALE AND DISTRIBUTION OF PESTICIDES

11 INTEGRATED PEST MANAGEMENT (IPM) REFERENCES AND LINKS
12 ANNEXES

a. IPM outlines

- (1) Outline Number, Installation, Date
- (2) Target Pest or Disease Vector
- (3) Site
- (4) Surveillance
 - (a) Responsible Organization
 - (b) Methods
 - (c) Frequency
- (5) Non-chemical Techniques
 - (a) Responsible Organization
 - (b) Type (e.g., biological, cultural, mechanical)
 - (c) Methods
- (6) Chemical Techniques
 - (a) Responsible Organization
 - (b) Basis for Treatment
 - (c) Control Standard
 - (d) U.S. Environmental Protection Agency Registration Number(s), or refer to pesticide use proposal
- (7) Remarks
 - (a) Sensitive Areas
 - (b) Prohibited Practices
 - (c) Environmental Concerns
- (8) Additional Comments (if necessary)

- b. Annual Pesticide Use Proposal
- c. Points of Contact
- d. Certificates of Training or Competency

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VOLUME 15

“OVERSEAS ENVIRONMENTAL COMPLIANCE”

SUMMARY OF VOLUME 15 CHANGES

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 Washington, DC 20350-3000

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VOLUME 15: OVERSEAS ENVIRONMENTAL COMPLIANCE

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REFERENCES

- (a) DoD Instruction 4715.05, “Environmental Compliance at Installations Outside the United States,” November 1, 2013
- (b) FGS as developed by Lead Environmental Components for each country with significant DoD installations
- (c) Department of Defense (DoD) Publication 4715.05-G, “DoD Overseas Environmental Baseline Guidance Document,” May 1, 2007
- (d) Executive Order (E.O.) 12088, “Federal Compliance with Pollution Control Standards,” October 13, 1978
- (e) Status of US Armed Forces in Japan Agreement (SOFA), 1996
- (f) USMC, "Environmental Compliance Evaluation (ECE) Assistance Guide," April 2011
- (g) DoD “Japan Environmental Governing Standards,” December 2012
- (h) Headquarters United States Forces Korea, “Environmental Governing Standards,” October 20, 2004
- (i) 42 U.S.C. 7401
- (j) MCBO 5090.2
- (k) 54 U.S.C. 300101
- (l) SECNAV M-5210.2
- (m) E.O. 12114, “Environmental Effects Abroad of Major Federal Actions,” January 4, 1979
- (n) 42 U.S.C. §§4321-4347
- (o) DoD Directive 6050.7, “Environmental Effects Abroad of Major Department of Defense Actions,” March 31, 1979
- (p) 16 U.S.C. §§1531-1544
- (q) DoD Manual 4150.07, Volume 2, “DoD Pest Management Training and Certification Program: The DoD Plan for Non-Federal Insecticide, Fungicide, and Rodenticide Act Pesticide Applicators,” May 23, 2013
- (r) Part 141 of Title 40, Code of Federal Regulations (40 CFR 141)
- (s) Public Law 107-188, "Public Health Security and Bioterrorism Preparedness and Response Act of 2002," June 12, 2002
- (t) NAVSEA OP 5, Volume 1, Seventh Revision, Change 8, “Ammunition and Explosives Safety Ashore,” July 1, 2009

VOLUME 15: CHAPTER 1

“SCOPE”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 1

SCOPE

0101 PURPOSE

This Volume provides environmental guidance for Marine Corps installations outside the United States, its territories, possessions or commonwealths, excluding contingency operations, training deployments, or the operations of military vessels and aircraft.

0102 APPLICABILITY

This Volume applies to the actions of Marine Corps Installations outside the United States, its territories, and possessions.

0103 BACKGROUND

This Volume covers requirements specific to overseas Marine Corps installations not otherwise addressed in the remaining volumes of this Order. The Volume incorporates compliance criteria and management practices established in DoD Instruction 4715.05 (Reference (a)), Final Governing Standards (FGS) as developed by Lead Environmental Components for each country with significant DoD installations (Reference (b)), and DoD Publication 4715.05-G (Reference (c)), applicable foreign nation environmental laws and regulations, and applicable international agreements.

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VOLUME 15: CHAPTER 2

“AUTHORITY”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 2

AUTHORITY

0201 FINAL GOVERNING STANDARDS (FGS)

020101. Japan Environmental Governing Standards (JEGS).

020102. Korea Environmental Governing Standards (KEGS).

0202 DEPARTMENT OF DEFENSE (DOD) POLICY

020201. Department of Defense (DoD) Instruction 4715.05, “Environmental Compliance at Installations Outside the United States,” November 1, 2013.

020202. DoD 4715.05-G, “Overseas Environmental Baseline Guidance Document,” May 1, 2007.

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VOLUME 15: CHAPTER 3

“REQUIREMENTS”

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CHAPTER 3

REQUIREMENTS

0301 GENERAL POLICY FOR MARINE CORPS OVERSEAS INSTALLATIONS

Reference (a) implements policy, assigns responsibilities, and prescribes procedures establishing environmental compliance standards for protection of human health and the environment at DoD installations in foreign countries. In foreign nations where there is a Reference (b), all Marine Corps installations and operations shall comply with Reference (b). Where Reference (b) has not been issued, Marine Corps installations will comply with Reference (c), host nation substantive pollution control laws of general applicability (as required by Executive Order (E.O.) 12088 (Reference (d)), and applicable treaties (including Status of Forces Agreements (SOFAs) and bilateral agreements). Overseas installations shall comply with any United States law with extraterritorial effect. In addition, unless otherwise indicated, the policies contained in this Order apply to Marine Corps activities overseas.

0302 ENVIRONMENTAL MANAGEMENT SYSTEM (EMS)

All EMS-appropriate overseas installations shall adhere to the current Marine Corps policy and responsibilities for effective environmental program management through maintenance of the Marine Corps EMS as outlined in Volume 2 of this Order. EMS requirements also apply to Regional activities with EMS oversight, reporting, and support responsibilities. All commands and tenant organizations operating on Marine Corps installations or other host facilities are stakeholders in their installation or host facility EMS and shall exercise their authorities to continually improve their environmental performance by preventing and controlling the potential environmental impacts of their operations. Note that Marine Corps installations overseas are not required to commit to cleanup of contaminated sites, in accordance with Article IV of SOFA in Japan Agreement, 1996 (Reference (e)).

0303 FUNDING

030301. Marine Corps installations shall comply with the policy and responsibilities for funding environmental compliance and protection outlined in Volume 3 of this Order.

030302. The Office of the Secretary of Defense (OSD) has established environmental funding policies. These policies require that all Class 0, I, and II requirements be funded consistently with timely execution to meet future deadlines. The definitions for these classes can be found in the overseas environmental baseline guidance document (References (a) and (c)).

0304 ENVIRONMENTAL COMPLIANCE EVALUATIONS (ECES)

Marine Corps overseas installations shall use environmental audit checklists developed from Reference (b). Where Reference (b) has not been issued, the installation shall use Reference (c), Volume 4 of this Order, and Marine Corps, "Environmental Compliance Evaluation (ECE) Assistance Guide," April 2011 (Reference (f)) to develop an appropriate program.

030401. Findings

Findings are identified deficiencies that are not in compliance with an environmental requirement, and can be Class I, II, III, and Issues. For overseas installations, only Class I findings are different. A Class I finding at an overseas installation is defined as a violation of the requirements of Reference (e) or country-specific final governing standards, or SOFAs. All other definitions for findings are the same as Volume 4 of this Order.

030402. WEBCASS/The Environmental Assessment Manual (TEAM) Guide Checklists

TEAM Guide is an audit protocol that lists environmental compliance requirements (checklists) and provides auditing guidance for overseas environmental requirements (Reference (c), DoD, “Japan Environmental Governing Standards,” December 2012 (Reference (g)), and Headquarters United States Forces Korea, “Environmental Governing Standards,” October 20, 2004 (Reference (h))). TEAM Guide checklists are programmatically organized through a common numbering and classification system.

0305 TRAINING

Marine Corps installations shall comply with the training measures developed from Reference (b). Where Reference (b) has not been issued, the installation shall comply with Reference (c) and Volume 5 of this Order to develop an appropriate program.

0306 AIR QUALITY MANAGEMENT

030601. General

Marine Corps actions in foreign countries are not subject to the requirements of Sections 7401 et seq. of Title 42, United States Code (42 U.S.C. 7401 et seq.) (also known and referred to in this Order as “Clean Air Act,” as amended)(Reference (i)). Marine Corps overseas installations shall manage their air programs under Reference (b). In addition, installations shall encourage the use of unleaded fuels. Where Reference (b) has not been issued, the installation shall comply with Reference (c), Volume 6 of this Order, and Reference (f) to develop an appropriate program.

030602. Ozone-Depleting Substances (ODS)

Marine Corps overseas installations shall manage their ODS as directed in Volume 6 of this Order and Reference (b). Manifests documenting the proper disposal of ODS should be available at installations.

030603. Radon

Marine Corps installations shall manage their radon program in accordance with the U.S. Navy Radon Assessment and Mitigation Program as outlined in Volume 6 of this Order and Reference (f).

030604. Asbestos

Marine Corps installations shall manage their asbestos programs under Reference (b). Where Reference (b) has not been issued, the installation shall comply with Volume 6 of this Order to develop an appropriate program. Asbestos management plans shall meet all of the necessary requirements of Reference (b).

0307 EMERGENCY PLANNING AND RESPONSE

030701. General

Reference (g) directs all federal agencies to comply with Reference (h). As a matter of policy, overseas Marine Corps installations are encouraged to make best efforts to comply with the goals of this Order. Communication and coordination between various emergency response organizations (e.g., fire department, Environmental Affairs Branch, and Provost Marshall's Office) is strongly encouraged.

030702. Oil and Hazardous Substances (OHS) Spills and Contingency Planning

Marine Corps overseas installations manage OHS spills and contingency planning under Reference (b). Where Reference (b) has not been issued, the installation shall comply with Reference (c), Volume 7 of this Order, and Reference (f) to develop an appropriate program. Marine Corps installations overseas shall implement the requirements of Volume 7 of this Order regarding internal reporting, drills, and exercises. Field Training and Environmental Management Plans for all training being conducted on the installation or in any training areas shall be developed and submitted in accordance with MCBO 5090.2, "Spill Prevention and Response Plan Environmental Management System Procedures 11.1" (Reference (j)) for all Marine Corps Installations Pacific (MCIPAC), with the exception of MCAS Iwakuni. Site Specific Spill Plans (SSSPs) shall include cleanup procedures for spilled pesticides and SSSP maps shall include all required elements per Reference (j). In addition to petroleum, oils, and lubricants, Spill Prevention, Control, and Countermeasures (SPCC) Plans shall address applicable hazardous substances, as required in Reference (b). Marine Corps installations, including overseas activities, shall prepare appropriate contingency plans providing geographic coverage for regulated Marine Corps-owned and -leased land or activities, including outlying or remote airfields, Reserve units, or mobile detachments.

0308 CULTURAL RESOURCES MANAGEMENT

030801. General

Marine Corps installations overseas shall ensure compliance with the requirements for protecting historic and archeological resources of Reference (b). The policies outlined in Volume 8 of this Order apply to overseas locations as well; exceptions are identified throughout Volume 8. Where Reference (b) has not been issued, the installation shall comply with Reference (c), Volume 8 of this Order, and Reference (f) to develop an appropriate program. Any requirements outlined in Volume 8 of this Order that do not explicitly apply to Marine Corps actions abroad, can be viewed as best management practices (BMPs) to the extent they do not conflict with Reference (b).

030802. Artifacts

Marine Corps installations overseas shall receive permission from the OSD for the management and preservation of artifacts. Overseas installations should refer to the appropriate FGS regarding permit requirements for archaeological investigations.

030803. Mapping

To ensure protection of cultural resources that otherwise might be exploited, cultural resources location information in the installation geographic information system (GIS) should be restricted/protected.

030804. Installation Cultural Resources Management Plan (ICRMP)

The ICRMP shall be shared, when practicable and upon approval from the installation Public Affairs Office, for the purposes of communication with external stakeholders in accordance with References (b) and Volume 8 of this Order.

030805. National Register of Historic Places (NRHP)

NRHP does not apply to resources on overseas installations. Evaluations are coordinated with the appropriate host nation official, who applies host nation procedures for nomination to local, prefectural, or national cultural property lists. Historic buildings, structures, or districts that are designated as protected cultural properties on overseas installations; the installations should develop Maintenance and Treatment Plans for long-term care of these resources, as outlined in Volume 8 of this Order.

030806. National Historic Preservation Act

For overseas installations, Section 402 of 54 U.S.C. 300101 et seq. (also known and referred to in this Order as “National Historic Preservation Act,” (NHPA) as amended) (Reference (k)) states that “[p]rior to the approval of any federal undertaking outside the United States which may directly and adversely affect a property which is on the World Heritage List or on the applicable country’s equivalent of the National Register, the head of a federal agency having direct or indirect jurisdiction over such undertaking shall take into account the effect of the undertaking on such property for purposes of avoiding or mitigating any adverse effects.” Currently, there are no implementing regulations for Section 402; however, the core elements of the “take into account” process are encompassed in Reference (b).

0309 HAZARDOUS WASTE (HW) MANAGEMENT

030901. Marine Corps installations overseas shall comply with HW requirements in Reference (c) or, if they exist, the applicable FGS. Marine Corps installations overseas shall manage their HW under Reference (b). Where Reference (b) has not been issued, the installation shall comply with Reference (c), Volume 9 of this Order, and Reference (f) to develop an appropriate program.

030902. References (b) and (c) require all Marine Corps installations to develop Hazardous Waste Management Plans (HWMPs) that describe the HW management procedures implemented at the installation. All HW stored on-site shall meet storage requirements and shall be inspected periodically and inspection records retained per SECNAV M-5210.1 (Reference (l)). Installations shall track all HW shipped offsite by the installation to the point of final disposition using authorized manifests, and shall maintain records per Reference (l). Installations shall also ensure that all personnel responsible for handling, packaging, or shipping HW are trained appropriately.

030903. Marine Corps installations shall use the requirements of Volume 9 of this Order and Reference (b) regarding HWMPs. Training, inspections, and cradle-to-grave tracking of HW and non-regulated waste shall be followed in accordance with Reference (b). All hazardous materials shall be listed on the Authorized Use List for the unit. Proper Hazardous Chemical Warning Labels are required.

030904. HW occurring as a result of a response to a humanitarian assistance/disaster relief (HA/DR) event are not the responsibility of the United States. Those wastes are the responsibility of the Host Nation. HW associated with HA/DR events shall not be stored on Marine Corps installations.

0310 NATURAL RESOURCES MANAGEMENT

Marine Corps installations shall program and budget for compliance and ensure compliance with Reference (b) and E.O. 12114 (Reference (m)) for those actions which may have a significant impact. Proponents of proposed actions shall budget for and fund environmental reviews and studies under Reference (m). The policies outlined in Volume 11 of this Order apply to overseas locations as well; exceptions are identified as necessary throughout this Volume. Where Reference (b) has not been issued, the installation shall comply with Reference (c), Volume 11 of this Order, and Reference (f) and other applicable SOFAs regarding threatened and endangered species (T&E) to develop an appropriate program. To ensure protection of natural resources that otherwise might be exploited, T&E species location information in the installation GIS should be restricted/protected. For overseas installations, the Installation Natural Resources Management Plan (INRMP) will reference appropriate compliance actions for cultural resources, surface water, or air quality, as noted in the FGS. The INRMPs shall be shared, when practicable and upon approval from the installation Public Affairs Office, for the purposes of communication, with external stakeholders in accordance with Reference (b) and Volume 11 of this Order.

0311 ENVIRONMENTAL PLANNING AND REVIEW

031101. Marine Corps actions in foreign countries are not subject to the requirements of 42 U.S.C. §§4321-4347 (also known and referred to in this Order as “National Environmental Policy Act”)(Reference (n)); however, certain Marine Corps actions are subject to Reference (m), DoD Directive 6050.7 (Reference (o)), and 16 U.S.C. §§1531-1544 (also known and referred to in this Order as “The Endangered Species Act”) (Reference (p)) concerning environmental effects abroad of major DoD actions, as well as Reference (b). Overseas installations shall comply with these requirements. The requirements outlined in Volume 12 of this Order are specific to Reference (n); while they do not explicitly apply to Marine Corps actions abroad, they can be viewed as BMPs

for compliance with the requirements of References (m) and (o). All environmental reviews and studies will not be funded by the Environmental Office, in accordance with Volumes 3 and 12 of this Order. The proponent of the proposed action shall fund environmental reviews and studies under the References (m) and (o).

031102. An Overseas Environmental Assessment (OEA) or Overseas Environmental Impact Statement (OEIS) is required when a major Marine Corps action would significantly harm the environment of the U.S. Exclusive Economic Zone or the Global Commons (high seas). Overseas installations shall use the MCIPAC Preliminary Environmental Impact Review Form (<https://sharepoint.mcipac.usmc.mil/gf/eab/Shared%20Documents/EMP%2001.6.1%20MCIPAC%20PEIR%20Form%20Ver%201.pdf>), per References (m) and (o). Information for this form will be initially provided or completed by the project proponent (e.g., installation facilities planners, Marine Corps System Command fielding new equipment, operations & training staff regarding a training exercise) and then routed through the installation environmental office to complete and sign the form. This form applies to proposed actions in DoD-controlled areas within MCIPAC. For other locations, project proponents should contact Pacific Area Counsel Office. The intended use of this form is for overseas installations to document the review of U.S. funded projects but it can also be used to document recommended environmental measures for host nation construction.

0312 PESTICIDE COMPLIANCE

Marine Corps overseas installations shall manage their pesticides under Reference (b). Where Reference (b) has not been issued, the installation shall comply with Reference (c), Volume 14 of this Order, and Reference (f) to develop an appropriate program. Installations that are responsible for pesticide application shall develop Integrated Pest Management Plans (IPMPs) and ensure that the program addresses pesticide applicator certification and recertification training, pesticide storage, handling and disposal practices, and pest management operations, record-keeping, and reporting.

031201. DoD IPM Program

Installations shall:

A. Use pesticides at overseas installations consistent with applicable laws, international agreements, SOFAs, FGS issued for the host nations, or where no such FGS have been issued, the criteria in Reference (c).

B. Ensure that firms and their employees performing contract pest management work in support of Marine Corps operations overseas comply with all certification, licensing, and registration requirements of the country where the work is performed.

031202. Pest Management Personnel Training and Certification

For requirements relating to the training and certification of pest management personnel, see DoD Manual 4150.07, Volume 2 (Reference (q)).

031203. Pesticide Applications in Endangered Species Habitat

The Marine Corps shall comply with regulations, including those issued in accordance with the Reference (p), which requires federal agencies to ensure that their actions will not jeopardize T&E Species or associated habitat. Installation commanders shall ensure that their installation IPMPs consider T&E species. Outside the Continental US installations shall comply with the FGS and References (g) and (h).

0313 DRINKING WATER SYSTEMS AND WATER CONSERVATION

031301. General

Marine Corps overseas installations shall manage their drinking water under Reference (b). Where Reference (b) has not been issued, the installation shall comply with Reference (c), Volume 16 of this Order, and Reference (f) to develop an appropriate program. Potable Water Master Plans shall be maintained per Reference (j) and updated at least every five years. Overseas installations shall monitor for lead in priority areas as specified in Volume 16 paragraph 0317 of this Order. Marine Corps overseas installations are not subject to DoD or Marine Corps perchlorate sampling and reporting requirements.

031302. Consumer Confidence Report (CCR) Requirements

Marine Corps water systems overseas shall prepare and provide to their consumers annual reports on the quality of the water delivered by the system. Marine Corps consecutive water systems overseas shall obtain a copy of their water supplier's CCR and amend this report with information on any additional testing or exceedances and then distribute to consumers. The reports shall be delivered by July 1 each year and contain data collected during, or prior to, the previous calendar year. CCR requirements, including report contents, health effects language for certain contaminants, and delivery requirements, are outlined in sections 151-155 in Part 141 of Tile 40, Code of Federal Regulations (40 CFR 141) (Reference (r)).

031303. Water System Vulnerability Assessments and Emergency Response Plans

DoD and Navy policies require all Marine Corps drinking water systems serving more than 25 consumers to complete an initial vulnerability assessment and emergency response plan. Systems subject to this requirement include overseas systems that produce water or are provided water by a local supplier. All Marine Corps Public Water Systems shall, at a minimum, address the assessment areas established under section 401 of Public Law 107-188 (Reference (s)), as follows:

- A. Pipes and constructed conveyances.
- B. Physical barriers.
- C. Water collection, pretreatment, treatment, storage, and distribution facilities.
- D. Electronic, computer, or other automated systems that are utilized by the public water system.

- E. Use, storage, or handling of various chemicals.
- F. Operation and maintenance of the system.

0314 SOLID WASTE (SW) MANAGEMENT AND RESOURCE RECOVERY

Marine Corps overseas installations shall ensure compliance with SW standards under Reference (b). Where Reference (b) has not been issued, the installation shall comply with Reference (c), Volume 17 of this Order, and Reference (f) to develop an appropriate program. An installation order shall be published, implementing local solid waste management and resource recovery. Trash containers, with appropriate lids, shall be provided at solid waste accumulation points. Environmentally sound practices shall be used with respect to the disposal of electronic equipment that has reached the end of its useful life, in accordance with Reference (b). Sharp containers and biohazard receptacles shall be labeled in both English and host nation language as required. Participation by contractors operating on government-owned or -leased facilities overseas where recycling programs are available is required. Excluded materials, including those specified in country-specific FGS or, where no FGS exist, the Overseas Environmental Baseline Guidance Document, may not be sold through a qualified recycling program (QRP), and the proceeds from their sale will not be returned to a QRP.

0315 STORAGE TANKS

Marine Corps overseas installations shall manage storage tanks under Reference (b). Where Reference (b) has not been issued, the installation shall comply with Reference (c), Volume 18 of this Order, and Reference (f) to develop an appropriate program. Marine Corps overseas installations shall develop and implement Tank Management Plans. Storage tanks shall meet engineering standards for petroleum, oil and lubricant storage and adequate policy and procedures shall be put in place to ensure compliance, in accordance with Reference (b). Comprehensive management programs shall be implemented for inspection, leak reporting, and preventative maintenance of the storage tanks. Personnel shall be trained to calibrate the monitoring systems that are in place.

0316 POLYCHLORINATED BIPHENYL (PCB) MANAGEMENT

031601. General

Marine Corps installations shall manage their PCBs under Reference (b). Where Reference (b) has not been issued, the installation shall comply with Reference (c), Volume 19 of this Order, and Reference (f) to develop an appropriate program. As part of the program, overseas installations shall develop a PCB Elimination Plan that describes the installation's planned actions and timeframes to eliminate PCBs and PCB items. PCB transformers remaining in service and PCB storage facilities shall be included in the SPCC plan or SSSPs. PCB Program roles and responsibilities should be clearly defined for the PCB Elimination Plan. Overseas installations are required to obtain a Toxic Substances Control Act waiver prior to disposal of PCB items.

031602. Labeling and Marking

All PCB transformers, PCB Large High Voltage Capacitors, PCB containers, and certain PCB items containing PCBs (i.e., electric motors using PCB coolants, hydraulic systems using PCB hydraulic fluid, and heat transfer systems using PCBs), as well as any PCB article containers used to store the preceding items, shall be prominently marked in English and host nation language. The marking shall identify the item as containing PCBs, warn against improper disposal and handling, and provide a phone number in case of spills or if questions arise about disposal. This marking criteria also applies to rooms, vaults, and storage areas containing PCB transformers or storing PCBs or PCB items for disposal. In addition, the following PCB items shall be marked at the time of items' removal from use if not already marked: PCB Large Low Voltage Capacitors and equipment containing a PCB transformer or PCB Large High Voltage Capacitor.

031603. Defense Logistics Agency (DLA)

DLA Dispositions Services is designated as the responsible agency for worldwide disposal of all PCBs and PCB items. Marine Corps installations shall use DLA Dispositions Services PCB contract disposal services as much as economically and operationally feasible. The DLA Energy shall accept accountability for storage and disposal of PCBs and PCB items. The DLA Energy shall also accept custody where the DLA Dispositions Services has conforming storage. Installations may use other appropriate contract authority to procure PCB disposal services; however, they should ensure that the contract requirements comply with all host nation regulations. Verify contract requirements and contract quality control procedures are at least as stringent as those used by DLA Disposition Services.

0317 WASTEWATER AND STORMWATER MANAGEMENT

Marine Corps installations shall manage their water programs under Reference (b). Where Reference (b) has not been issued, the installation shall comply with Reference (c), Volume 20 of this Order and Reference (f) to develop an appropriate program. Overseas installations will comply with permits obtained on their behalf in accordance with the FGS. Marine Corps facilities overseas are not subject to DoD or Marine Corps perchlorate sampling and reporting requirements.

0318 WASTE MILITARY MUNITIONS

Marine Corps overseas installations shall manage their waste military munitions as directed in Volume 21 of this Order, with certain exceptions. Marine Corps overseas installations shall manage their materials potentially presenting an explosive hazard in accordance with the requirements of NAVSEA OP 5, Volume 1 (Reference (t)). The following paragraphs under Volume 21 do not apply to overseas installations:

031801. 010301.

031802. 0201.

031803. 0304.

031804. 0308.

031805. 0309.

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VOLUME 15: CHAPTER 4

“RESPONSIBILITIES”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 4

RESPONSIBILITIES

0401 CMC (LF)/COMMANDER MCICOM (GF)

CMC (LF)/Commander MCICOM (GF) shall:

040101. Coordinate the overall implementation of all applicable laws, regulations, executive orders, DoD and Marine Corps policy. Ensure that all Marine Corps activities comply with current requirements, including any unique environmental requirements of the host country.

040102. Ensure Budget Submitting Offices allocate the resources required to achieve and maintain compliance with Reference (b) or (c).

040103. Provide policy needed to establish and maintain a program for the management of environmental concerns overseas.

040104. Assist installations in resolving disputes with federal, local, and foreign regulatory agencies as required.

040105. Support Marine Corps installations and Marine Corps commands/units and tenants by interpreting overseas compliance and regulatory requirements and by uniformly applying Marine Corps policy as set forth in this Order.

040106. Coordinate Commandant of the Marine Corps, Facilities and Services Division (CMC (LF))/ Marine Corps Installations Command, Facilities Division (MCICOM) (GF)) review and disposition of OEAs/OEISs referred by the installation/Command CG/CO and Overseas EIS documents through the Headquarters Environmental Impact Review Board (EIRB).

040107. Coordinate pest management actions, as appropriate, with the Assistant Secretary of Defense for Health Affairs and state and local government and with host nation agencies involved with pest management when human health is an issue.

040108. Coordinate the review of fines/penalties with the CMC (CL) and, as necessary, Office of the Assistant General Counsel, Installations and Environment.

040109. Include requests for resources to meet air pollution control requirements in the Program Objectives Memorandum/budget submissions.

040110. Implement strategies to eliminate reliance on ODSs and track Marine Corps progress toward meeting established air quality goals.

0402 REGIONAL COMMANDERS

Regional Commanders shall:

040201. Perform the functions required by Reference (a).

040202. Serve as Lead Environmental Component when designated.

040203. Ensure, prior to forwarding to Region or senior Command (e.g., Marine Corps Air Ground Combat Center (MCAGCC) Twentynine Palms to TECOM), all environmental planning documentation (e.g., OEAs and OEISs) meets legal and technical sufficiency. Include the results of the Installation/Command EIRB with a statement on legal and technical sufficiency in the endorsement letter to the Regional EIRB or Headquarters EIRB.

0403 CG/CO OF OVERSEAS MARINE CORPS INSTALLATIONS

CG/CO of Overseas Marine Corps Installations shall:

040301. Comply with applicable FGS.

040302. Develop and conduct training/education programs to instruct required personnel in the environmental aspects of their job.

040303. Perform and document installation self ECEs annually.

040304. Communicate following the Marine Corps chain-of-command with the CG of the Marine Corps Regional Command if present or the Lead Environmental Component on environmental issues.

040305. Identify and submit to CMC (LF)/MCICOM (GF) project documentation and funding requests for emergency planning and response activities that are required to maintain compliance with applicable existing and emerging regulations and permits. Program and budget for personnel, equipment, materials, training, and monitoring required to comply with emergency planning and response requirements. Pay appropriate national and local fees. Ensure that the environmental management hierarchy is employed, pollution prevention alternatives are evaluated, and life-cycle cost impacts are assessed in evaluating and selecting projects that address compliance requirements.

040306. Comply with all applicable air quality regulations and coordinate with the installation environmental staff for compliance requirements, including the preparation of permit applications and environmental studies.

040307. In accordance with Volume 4 of this Order and existing tenant/host agreements, identify and submit environmental compliance projects that are necessary to bring air sources into compliance.

040308. Ensure that HW (by United States or host nation definition) generated by Marine Corps actions is not disposed of overseas unless it is done in compliance with applicable FGS or overseas environmental baseline guidance document and any applicable international agreement, or with the concurrence of the appropriate host nation authority if no applicable international agreement exists.

040309. Coordinate with the DoD Environmental Executive Agent or appropriate command for the disposal of HW in the United States or another foreign nation if disposal is not possible in the host nation.

040310. Comply with the SOFA and other applicable international agreements on the shipping and storage of HW.

040311. Ensure that an installation order is written to implement specifications set forth in this Volume. This requirement can be accomplished by writing an Environmental Compliance & Protection Standard Operating Procedure to implement all environmental requirements.

040312. Consult or coordinate with the State Historic Preservation Officer (SHPO) and other consulting parties, interested groups, and individuals, as required under by Reference (m) for overseas installations, Sections 106 and 402 of Reference (k), and Reference (b), when proposed actions have the potential to effect cultural resources. When appropriate or in the interests of BMPs, enter into agreements to facilitate consultation and establish consultation protocols or response procedures. Neglecting to consult with these interested parties early in the planning process could result in unnecessary tension, which will cause delays that translate into government time and cost.

0404 UNIT/TENANT COMMANDERS

Unit/Tenant Commanders shall:

040401. Commanders of units deployed to installations overseas shall follow this Volume and comply with the FGS established for each respective host country. Commanders should also consult with their legal counsel to identify any unique environmental requirements of the host country.

040402. Ensure compliance with applicable FGS or overseas environmental baseline guidance document.

040403. Conduct environmental quality assessments at overseas installations in accordance with applicable FGS or overseas environmental baseline guidance document.

040404. Program and budget for environmental compliance projects.

040405. Ensure that contracts for services or construction, where performance takes place at an overseas activity, and DoD contracts for the disposal of HW, include provisions requiring a contractor to comply with applicable FGS or overseas environmental baseline guidance document. The Budget Submitting Office shall also ensure that contracts are administered to enforce such compliance.

040406. Ensure host-tenant agreements address compliance applicable FGS or overseas environmental baseline guidance document.

040407. Communicate with Lead Environmental Components on environmental issues.

040408. Endorse activity waiver requests from applicable FGS or overseas environmental baseline guidance document.

VOLUME 15: APPENDIX A

**“FEDERAL STATUTES, FEDERAL REGULATIONS, EXECUTIVE ORDERS, AND DOD
POLICIES”**

SUMMARY OF SUBSTANTIVE CHANGES

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APPENDIX A

**FEDERAL STATUTES, FEDERAL REGULATIONS, EXECUTIVE ORDERS, AND DOD
POLICIES**

1 FINAL GOVERNING STANDARDS (FGS)

a. Japan Environmental Governing Standards (JEGS)

The primary purpose of these FGS is to provide environmental compliance criteria and management practices to be used by United States DoD installations in Japan. This document implements DoD Instruction 4715.5, “Management of Environmental Compliance at Overseas Installations,” dated 22 April 1996, and is based upon DoD 4715.05G, “Overseas Environmental Baseline Guidance Document” (OEBGD), dated 1 May 2007. C1.1.2. These FGS were developed by comparing and adopting the more protective criteria of the OEBGD, applicable Government of Japan national and prefectural environmental laws and regulations, and applicable international agreements. These FGS are consistent with the applicable provisions of Article IV of the “Agreement under Article VI of the Treaty of Mutual Cooperation and Security between the United States of America and Japan, Regarding Facilities and Areas and the Status of United States Armed Forces in Japan,” also known as the “Status of Forces Agreement (SOFA) between the United States and Japan.”

b. Korea Environmental Governing Standards (KEGS)

The purpose of this pamphlet is to provide specific criteria and management practices for environmental protection on United States Forces, Korea installations. This document implements DoD Instruction (DoDI) 4715.5, “Management of Environmental Compliance at Overseas Installations” and OEBGD.

2 DEPARTMENT OF DEFENSE (DOD) POLICY

a. DoDI 4715.05, “Environmental Compliance at Installations Outside the United States,” November 1, 2013

This instruction updates established policy and assigned responsibilities for managing environmental compliance to protect human health and safety outside the United States on installations under DoD control.

b. DoD 4715.05-G, “Overseas Environmental Baseline Guidance Document,” May 1, 2007

The primary purpose of this OEBGD is to provide criteria and management practices to be used by DoD Environmental Executive Agents in determining FGS in accordance with DoDI 4715.5. This Guide also establishes standards for environmental compliance at DoD-controlled or operated installations in countries for which no FGS have been established.

VOLUME 16

“DRINKING WATER SYSTEMS AND WATER CONSERVATION”

SUMMARY OF VOLUME 16 CHANGES

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VOLUME 16: DRINKING WATER SYSTEMS AND WATER CONSERVATION

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REFERENCES

- (a) Sections 300f et seq. of Title 42, United States Code (42 U.S.C. 300f et seq.) (also known as “Safe Drinking Water Act”)
- (b) 42 U.S.C. 201 et seq.
- (c) Public Law 107-188, "Public Health Security and Bioterrorism Preparedness and Response Act of 2002," June 12, 2002
- (d) Public Law 104-182, “Safe Drinking Water Act Amendments of 1996,” August 6, 1996
- (e) Part 141 of Title 40, Code of Federal Regulations (40 CFR 141)
- (f) Page 74233 of Volume 68, Federal Register, December 23, 2003 (68 FR 74233)
- (g) SECNAV M-5210.1, “Department of the Navy Records Management Manual,” January 2012
- (h) 40 CFR 143
- (i) 40 CFR 144
- (j) 40 CFR 149
- (k) EPA Office of Ground Water and Drinking Water Website “Designated Sole Source Aquifers – Nationally: Fact Sheet with designated Aquifers and Pending Petitions Listed, <http://www.epa.gov/region6/water/swp/ssa/index.htm>
- (l) Executive Order (E.O.) 13693, “Planning for Federal Sustainability in the Next Decade,” March 19, 2015
- (m) Deputy Under Secretary of Defense (DUSD) Memorandum, “Fluoridation at DoD Owned or Operated Potable Water Treatment Plants,” March 18, 2013
- (n) American Water Works Association Manual of Standard Practices, “Emergency Planning for Water Utility Management,” Manual Number M19, Fourth Edition, 2001
- (o) Naval Facilities Engineering Service Center, “Cross-Connection Control and Backflow Prevention Program Implementation at Navy Shore Facilities,” May 1998
- (p) EPA, “Cross Connection Control Manual,” 816-R-03-002, February 2003
- (q) Council on Environmental Quality, “Instructions for Implementing E.O. 13693: Planning for Federal Sustainability in the Next Decade,” June 10, 2015
- (r) DUSD Memorandum, “Perchlorate Release Management Policy,” April 22, 2009
- (s) MCICOM Policy Letter 2-14
- (t) Navy, “Navy Medicine Enterprise Nursing Procedures Manual,” June 2013
- (u) EPA, “Lead in Drinking Water in Schools and Non-Residential Buildings,” EPA/812-B-94-002, April 1994
- (v) NAVFAC, “Guidance for Sampling Water Coolers,” May 1998
- (w) EPA, “3Ts for Reducing Lead in Drinking Water in Child Care Facilities: Revised Technical Guidance,” December 2005
- (x) EPA, “3Ts for Reducing Lead in Drinking Water in Schools Revised Technical Guidance,” October 2006
- (y) U.S. Navy Bureau of Medicine and Surgery (BUMED) Instruction 6240.10A, “Standards for Potable Water,” July 19, 1999
- (z) 40 CFR 261

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VOLUME 16: CHAPTER 1

“SCOPE”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 1

SCOPE

0101 PURPOSE

This Volume establishes U.S. Marine Corps (USMC) policy and responsibilities for compliance with statutory requirements for the protection and conservation of drinking water and irrigation water resources.

0102 APPLICABILITY

See Volume 1 paragraph 0102.

0103 BACKGROUND

Congress first enacted Sections 300f et seq. of Title 42, United States Code (42 U.S.C. 300f et seq.) (also known and referred to in this Order as “Safe Drinking Water Act”) (Reference (a)) in 1974 as an amendment to 42 U.S.C. 201 et seq. (Reference (b)). Significant revisions to Reference (a) were enacted in 1986 and 1996. Pursuant to Reference (a), the U.S. Environmental Protection Agency (EPA) sets federal standards for public water systems (PWSs) to provide safe drinking water to its consumers. In addition, Reference (a) protects drinking water sources via Source Water Protection (SWP) (which includes wellhead and surface water protection) and Underground Injection Control (UIC) Program requirements. In 2002, Reference (a) was amended by Public Law 107-188 (Reference (c)) to require certain PWSs to perform Vulnerability Assessments (VAs) and prepare or update Emergency Response Plans (ERPs). States and local authorities may also dictate drinking water standards that can be more stringent than federal requirements. The Navy and the Department of Defense (DoD) set drinking water policies that may apply to Marine Corps water systems. The 1996 amendments to Reference (a) waived sovereign immunity for the payment of fines and penalties imposed by federal, state, or local agencies for violations (Public Law 104-182, “Safe Drinking Water Act Amendments of 1996” (Reference (d))). Additionally, EPA may assess administrative penalties of up to \$25,000 per day per Safe Drinking Water Act (SDWA) violation.

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VOLUME 16: CHAPTER 2

“AUTHORITY”

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CHAPTER 2

AUTHORITY

0201 GENERAL

The following laws, regulations, and Executive Orders (E.O.s) contain provisions that pertain to the restoration, maintenance, and protection of the nation's waters.

0202 FEDERAL STATUTES

020201. SDWA of 1974, as Amended in 1986 and 1996 (42 U.S.C. §§300(f) 300(j)).

020202. Energy Policy Act (EPACT) of 1992 (Public Law 102-486).

020203. Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Public Law 107-188).

0203 FEDERAL REGULATIONS

020301. Title 40, Code of Federal Regulations, Part 141 (40 CFR 141), National Primary Drinking Water Regulations (NPDWR).

A. Arsenic Rule (40 CFR 141.23, 141.24, 141.62).

B. Radionuclides Rule (40 CFR 141.25, 141.66).

C. Surface Water Treatment Rule (40 CFR 141.70 – 141.75).

D. Total Coliform Rule (40 CFR 141.21, 141.63).

E. Interim Enhanced Surface Water Treatment Rule (40 CFR 141.203).

F. Stage 2 Disinfectants and DBPs (D/DBP) Rule (40 CFR 141.620).

G. Filter Backwash Recycling Rule (40 CFR 141.76).

H. Long-Term 1 Enhanced Surface Water Treatment Rule (ESWTR) (40 CFR 141.500 – 141.553).

I. Long-Term 2 ESWTR (40 CFR 141.710 – 141.720).

J. Stage 2 D/DBP Rule (40 CFR 141.620 – 141.629).

K. Ground Water Rule (40 CFR 141.400 – 141.405).

L. Radon Proposed Rule (40 CFR 141.25, 141.66).

- M. Lead and Copper Rule (LCR) (40 CFR 141.80 – 141.91).
 - N. Unregulated Contaminant Monitoring Rule (40 CFR 141.35).
 - O. Public Notification Rule (40 CFR 141.201 – 141.211).
020302. 40 CFR 149 (Sole Source Aquifers).

0204 EXECUTIVE ORDERS

E.O. 13693, “Planning for Federal Sustainability in the Next Decade,” March 19, 2015.

VOLUME 16: CHAPTER 3

“REQUIREMENTS”

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CHAPTER 3

REQUIREMENTS

0301 GENERAL

Marine Corps installations will comply with all applicable federal, state, and local drinking water laws, regulations, E.O.s and Marine Corps, Navy, and DoD policies. Federal, state, and local drinking water requirements generally apply to PWSs but do not apply to non-PWSs. A PWS is a system that provides piped water for human consumption and has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. A PWS can be further classified as a community water system (CWS), nontransient noncommunity water system (NTNCWS), or transient noncommunity water system (TNCWS) (see Figure 3-1). SDWA requirements for a PWS are dependent on system classification, population served by the system, and/or source water type (i.e., ground water, surface water, or ground water under the direct influence of surface water). EPA sets primary drinking water standards known as National Primary Drinking Water Regulations (NPDWRs) for PWSs.

030101. These NPDWRs apply to most Marine Corps PWSs with the exception of consecutive PWSs that meet all of the following four criteria (section 3 of Part 141 of Title 40, Code of Federal Regulations (40 CFR 141) (Reference (e))):

- A. Consists of distribution and storage facilities (and does not have any collection and treatment facilities) only.
- B. Obtains all of its water from, but is not owned or operated by, a PWS subject to Reference (e).
- C. Does not sell water to any person.
- D. Is not a carrier that conveys passengers in interstate commerce.

030102. Although consecutive PWSs are not subject to Reference (e), states may establish monitoring requirements for these systems (see section 29 in Reference (e)). Marine Corps PWSs and activities shall also meet other applicable SDWA requirements, including those for UIC, SWP, and VAs/ERPs.

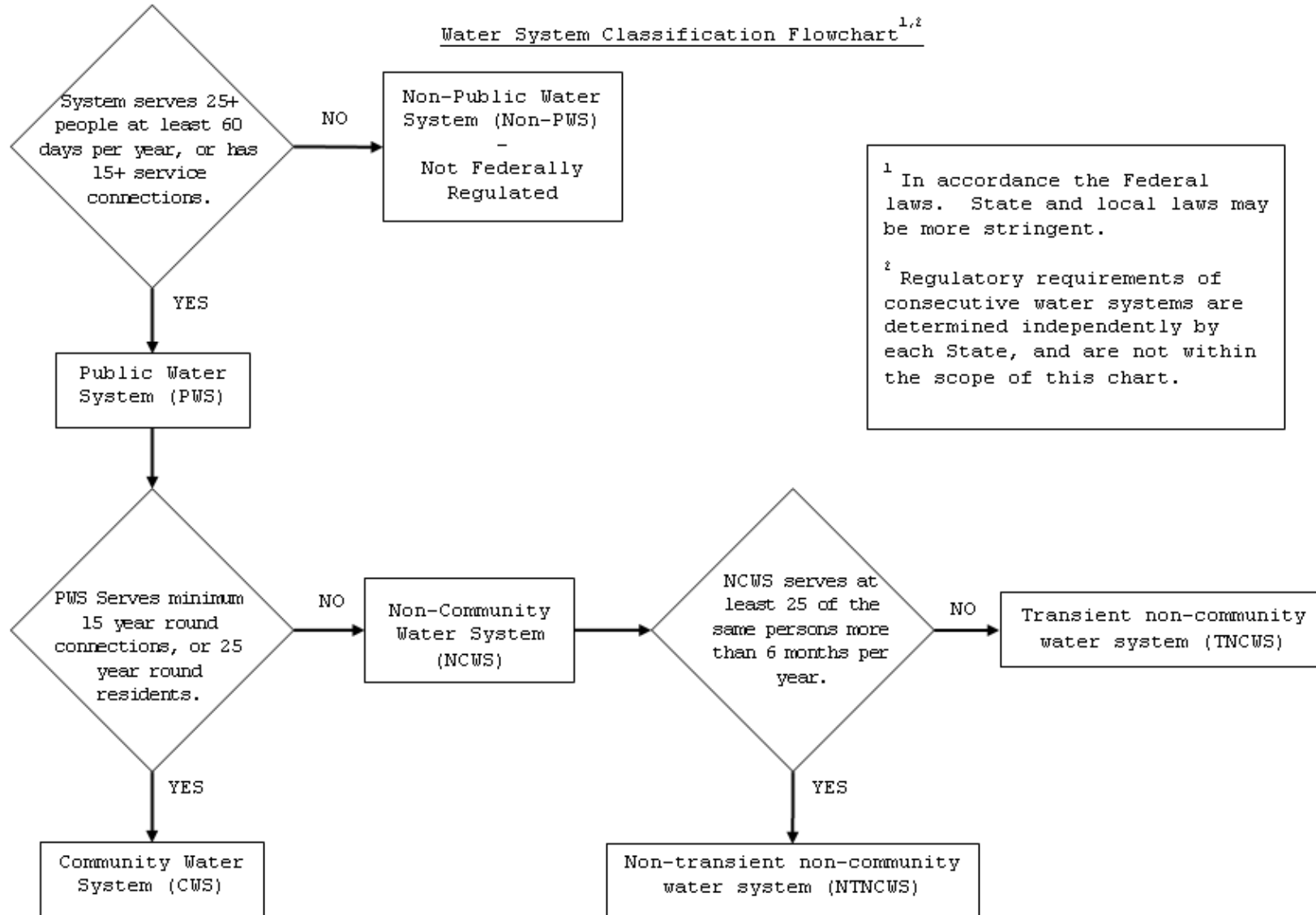


Figure 3-1.--Water System Classification Flowchart

030103. Installations that purchase water from a PWS and subsequently distribute it to onsite activities or to any person or entity outside the community may be subject to Reference (e). Contact the primacy agency to determine whether compliance with all or part of Reference (e) is required. Refer to Page 74233 of Volume 68, Federal Register, December 23, 2003 (68 FR 74233) (Reference (f)). Installations that rechlorinate or fluoridate water purchased from a PWS may be considered to be operating a treatment process and may be required to comply with Reference (e). To avoid having to comply with all provisions of Reference (e) except with those pertaining to microbiological contaminants, coliform monitoring, and disinfection or fluoride monitoring, the installation should request an exemption from the State. Marine Corps installations that qualify for an exemption from PWS permitting should apply, in writing, to the primacy agency for an exemption. In some cases, regulators may inappropriately issue a permit when it is not required.

030104. The use of a regional or municipal public water supply will be the preferred drinking water supply method whenever an analysis of life-cycle costs and environmental impacts indicates that the use of such supply is more beneficial, economically and environmentally, than constructing, upgrading, and operating a water collection and treatment facility. Economic components used in the analysis should include any capital cost contributions to the municipality for a prorated share of system capacity; continuing user fees and surcharges; treatment costs; and Marine Corps facility capital, operation, and maintenance costs (including expenses for permit fees; monitoring; utilities; equipment repair and replacement; solids handling and disposal; chemical usage; and personnel staffing, training, and certification). The environmental analysis should include surface water and ground water quality and quantity issues; threatened and endangered species impacts; and archaeological, cultural, and natural resources issues.

030105. The development, expansion, and operation of Marine Corps-owned drinking water collection, treatment, storage, and distribution facilities are authorized whenever a municipal system or other alternatives are not available or cost-effective.

0302 CONSUMER CONFIDENCE REPORTS (CCRS)

030201. General

Subpart O of Reference (e) requires CWSs to prepare and provide to their consumers annual reports on the quality of the water delivered by the system. The reports shall be delivered by July 1 each year and contain data collected during, or prior to, the previous calendar year. Copies of CCRs and UCMR data should be submitted to HQMC via EM Portal by August 15. CGs/COs of Marine Corps installations and COMMARFORRES are responsible for submitting annual CCRs to consumers and providing a copy to CMC (LF)/MCICOM (GF). CCR requirements, including report contents, health effects language for certain contaminants, and delivery requirements, are outlined in sections 151-155 in Reference (e).

030202. Consecutive Community Water System (CWSs)

Marine Corps consecutive CWSs shall obtain a copy of their water supplier's CCR and amend this report with information on any additional testing or exceedances and then distribute to consumers. The reports shall be delivered by July 1 each year and contain data collected during, or prior to, the previous calendar year. CCR requirements, including report contents, health effects

language for certain contaminants, and delivery requirements, are outlined in sections 151-155 in Reference (e).

0303 REPORTING

Reference (e) requires PWSs to report to the State, all required testing and analytical results within the shorter of the time frames below (section 31 of Reference (e)). Section 90 of Reference (e) specifies the following reporting requirements for lead and copper:

030301. The first 10 days following the month in which the result is received.

030302. Within the first 10 days following the end of the required monitoring period, as stipulated by the State.

0304 RECORDKEEPING

Marine Corps installations shall maintain records as follows:

030401. Bacteriological results – 5 years, pursuant to Standard Subject Identification Code (SSIC) 5090.1a in SECNAV M-5210.1 (Reference (g)).

030402. Chemical results – 10 years, pursuant to SSIC 5090.1b in Reference (g).

030403. Lead/Copper testing results – 12 years, pursuant to SSIC 5090.5 in Reference (g). Marine Corps installations shall provide copies of required records to EPA or the State in accordance with applicable regulations.

030404. Actions taken to correct violations – pursuant to SSIC 5090.4 in Reference (g).

030405. Sanitary Survey reports – pursuant to SSIC 5090.4 in Reference (g).

030406. Variance or exemption records – pursuant to SSIC 5090.4 in Reference (g).

030407. Water treatment plant and/or distribution system operating records – pursuant to SSIC 5090.4 in Reference (g).

030408. Cross-connection inspection records – pursuant to SSIC 5090.4 in Reference (g).

030409. CCRs – pursuant to SSIC 5090.4 in Reference (g).

030410. Copies of public notices issued and certifications of notices – records mentioned in paragraph 16104.2a(11)(c) through (f) shall also be retained in accordance with SSIC 5090.4 in Reference (g).

0305 USE OF NON-CENTRALIZED TREATMENT DEVICES

Subpart J of Reference (e) specifies the criteria and procedures that PWSs shall comply with before they can use point-of-entry treatment devices to achieve compliance with any maximum contaminant level (MCL). Subpart J also prohibits PWSs from using bottled water to achieve compliance with any MCL. Bottled water may be used only on a temporary basis to avoid an unreasonable risk to human health.

0306 NATIONAL SECONDARY DRINKING WATER REGULATIONS (NSDWRS)

40 CFR 143 (Reference (h)) establishes secondary MCLs and monitoring requirements for contaminants that may affect the taste, odor, or appearance of drinking water. These regulations are not federally enforceable, but are intended as guidelines for states that may promulgate their own regulations. Each Marine Corps installation should contact their respective state to determine whether the State has enforceable secondary MCLs. If the State enforces Reference (h), then Marine Corps activities shall comply. A table listing all NSDWR contaminants and standards can be viewed on the EPA website.

0307 UNDERGROUND INJECTION CONTROL (UIC) PROGRAM

The UIC Program controls the injection of wastes via a UIC well into ground water. An injection well is a bored, drilled, or driven shaft; a dug hole; or an improved sinkhole that is deeper than it is wide and is used to emplace fluids beneath the earth's surface.

030701. There are six classes of UIC wells covered under the UIC Program. A description of these well classes can be found on the EPA website. Class V wells are the types most commonly found at Marine Corps installations. Examples of Class V wells include certain septic system wells and cesspools, storm drainage wells, dry wells used for waste disposal, and heat pump wells used to circulate ground water for heating office buildings. These types of wells are generally authorized by rule (section 24 of 40 CFR 144 (Reference (i))), provided that Marine Corps installations submit inventory information and comply with all other applicable UIC conditions (section 84 of Reference (i)). However, all Class V large-capacity cesspools (serving 20 or more people per day) and Class V motor vehicle waste disposal wells in a ground water protection area or sensitive ground water area are banned.

030702. Marine Corps installations shall not operate or inject fluids into Class I, II, III, or IV injection wells. Marine Corps installations shall properly close all class V injection wells which are not essential to mission requirements in order to eliminate potential sources of ground water contamination and prevent illicit disposal of Hazardous Substances.

030703. Federal requirements prohibit any underground injection of fluids except as authorized by permit or rule issued in accordance with the UIC Program (section 11 of Reference (i)). UIC regulations also prohibit owners or operators from constructing, operating, maintaining, converting, plugging, abandoning, or conducting any injection activity in a manner that allows the movement of fluid containing any contaminant into underground sources of drinking water, if the presence of that contaminant may cause a violation of any NPDWR or adversely affect human health (section 12 of Reference (i)). Generally, the new construction of a Class IV (Hazardous Waste)

(HW) well is prohibited and any increase in the amount of HW or change in HW type injected into an existing Class IV well is prohibited (section 13 of Reference (i)).

0308 SOLE SOURCE AQUIFER DESIGNATION (40 CFR 149 (REFERENCE (J)))

Part 149 provides the criteria for identifying and designating critical aquifer protection areas. All federal projects proposed on a designated sole source aquifer area are subject to EPA review to ensure that these projects do not result in, or contribute to, conditions which would create a significant hazard to public health (see EPA Office of Ground Water and Drinking Water Website (Reference (k))).

0309 STATUTORY AND EXECUTIVE ORDER (E.O.) REQUIREMENTS

030901. Water Conservation Program

A. The EPACT requires federal agencies to install in government-owned buildings water conservation measures with payback periods of less than 10 years. Consequently, Marine Corps installations shall include these measures in the designs of all quarters and building military construction, repair, and rehabilitation projects.

B. E.O. 13693 (Reference (l)) requires federal agencies to reduce water consumption intensity through life-cycle cost-effective measures by 2 percent annually through the end of FY 2015 or 16 percent between FYs 2008 and 2015.

030902. Operator Certification

Reference (d) requires states to develop operator certification programs (section 300g-8 of Reference (a)). Specifically, these programs shall establish minimum standards for certification and re-certification of CWS and NTNCWS operators.

030903. Water System Vulnerability Assessments (Vas) and Emergency Response Plans (ERPs)

DoD policy requires all Marine Corps drinking water systems serving more than 25 consumers to complete an initial VA and ERP. Systems subject to this requirement include consecutive and unregulated systems in the U.S. and its possessions and territories, and small community and non-community PWSs in the U.S. and its possessions and territories that produce water or are provided water by a local supplier. All Marine Corps PWSs shall, at a minimum, address the assessment areas established pursuant to section 401 of Reference (c), as follows:

- A. Pipes and constructed conveyances.
- B. Physical barriers.
- C. Water collection, pretreatment, treatment, storage, and distribution facilities.

- D. Electronic, computer, or other automated systems that are utilized by the PWS.
 - E. Use, storage, or handling of various chemicals.
 - F. Operation and maintenance of the system.
030904. Source Water Protection (SWP)

Reference (d) requires states to submit source water assessment programs (SWAPs) to EPA for approval (section 300j-13 in Reference (a)). A state SWAP delineates SWP areas, inventories significant contaminants in these areas, and determines the susceptibility of each public water supply to contamination. Prior to Reference (d), states were required to develop wellhead protection (WHP) programs to protect wellhead areas from contamination (section 300h-7 in Reference (a)). The WHP program may be used as a basis for the state SWAP (section 300j-13 in Reference (a)). A state may require a Marine Corps PWS that uses ground water to develop its own WHP area to protect ground water supply. Section 1428(h) of Reference (a) requires all federal agencies having jurisdiction over any potential source of contaminants identified by a state WHP program to comply with all requirements of the state and local programs.

0310 MONITORING

031001. Exemptions

Marine Corps installations that own and operate a consecutive PWS subject to full or partial exemption from regulatory monitoring requirements pursuant to Reference (e), sections 3 or 29, respectively, should submit a letter to the primacy agency explaining the degree to which exemption criteria are applicable and request the exact requirements to be imposed on the consecutive PWS. The primacy agency's response letter shall be permanently retained in Marine Corps files.

031002. Monitoring

Marine Corps PWSs will, at a minimum, accomplish the monitoring described below. This monitoring is required regardless of variance or exemptions from regulatory monitoring requirements.

A. Bacteriological Monitoring

Marine Corps PWSs shall perform bacteriological monitoring as specified in the Total Coliform Rule (section 21 of Reference (e)). The use of EPA-approved kits by training personnel is acceptable for total coliform analyses. However, if a sample tests positive, follow up analysis shall be accomplished using an EPA- or state-certified laboratory.

B. Asbestos

All Marine Corps drinking water systems with asbestos cement pipes shall monitor for asbestos. At a minimum, one sample shall be taken every 3 years.

C. Lead and Copper in Water Systems

Marine Corps consecutive PWSs that serve family housing and were not included in the primary system sampling pool (at the time the primary system performed LCR monitoring) for lead and copper shall sample for lead and copper. Installations shall ensure the number and location of samples are sufficient to be representative of the system and in conformance with LCR procedures. This requirement can be waived if Marine Corps installations operating consecutive PWSs document that their water supplier passed its LCR monitoring and that the water being supplied to them is noncorrosive. A formal waiver does not need to be submitted, but documentation shall be maintained in drinking water program records.

D. Review of Primary Public Water System (PWS) Records

Marine Corps consecutive PWSs shall, at least once a year, review the monitoring reports of the primary PWS. Installations shall use these reports, and other sources of information, to determine the risk of water quality deterioration within the distribution system. Installations shall ensure that water quality has not degraded above the MCL for parameters within the distribution system.

E. Fluoridated Water

Per the Deputy Under Secretary of Defense (DUSD) Memorandum, “Fluoridation at DoD Owned or Operated Potable Water Treatment Plants,” March 18, 2013 (Reference (m)), Marine Corps installations that own or operate a potable water treatment facility serving 3,300 persons or more shall provide optimally fluoridated water beginning in FY 2016 as recommended by the Centers for Disease Control and Protection. Fluoridation shall be required in future potable water treatment plant privatizations. Existing privatized potable water treatment plants will incorporate the fluoridation requirements as opportunities become available.

0311 SANITARY SURVEYS

In many instances, a state may require treatment plants or PWSs that are experiencing compliance problems, particularly with microbial pathogens, to perform a sanitary survey. The state regulatory agency will usually perform the survey. If the State allows, the installation can use a service provider of choice to complete the survey. In the absence of a state requirement, all Marine Corps PWSs shall perform a sanitary survey every five years.

031101. Survey Requirements

For treatment plants, the survey should include the following:

A. Verification and re-evaluation of VAs, watershed protection programs, and WHPs, as applicable.

B. Examination of the source water physical components and condition.

C. Schematic diagrams of the treatment process and examination and evaluation of the adequacy and appropriateness of all elements of the current treatment process, including an assessment of operational flows versus treatment process rated capacity and, where appropriate, CT assessment (CT is defined in section 2 of Reference (e)).

D. Examination and evaluation of the operation and maintenance of the treatment facility, including the condition and reliability of equipment, operator qualifications, use of approved chemicals, recordkeeping, process control, and safety programs.

E. Evaluation of the ability of the treatment plant to respond to changes in raw water fluctuations.

F. Evaluation of the treatment plant's emergency power supply and security measures.

031102. Distribution System Sanitary Survey Review

The sanitary survey for the distribution system should include a review of the operations and maintenance program to address the following areas of concern:

A. Elimination of unneeded or excess storage.

B. Adequate turnover of storage tanks.

C. Storage tank cleaning and maintenance.

D. Adequate disinfection practices during all main repairs and replacement.

E. If applicable, an effective corrosion control program.

F. A comprehensive cross-connection control program.

G. An aggressive valve and hydrant exercise program.

H. An adequate water quality monitoring program that achieves compliance with the appropriate regulations and provides for effective water quality control.

I. An adequate flushing program, preferably a unidirectional flushing program that is implemented on a yearly basis.

0312 OPERATION AND MAINTENANCE

Marine Corps installations that own and/or operate water systems (public and nonpublic, permitted and non-permitted) shall develop and implement an operation and maintenance program. Minimum requirements of the program are to meet the requirements of section 63(d)(3) in Reference (e), and include the proper implementation and documentation of:

- 031201. Emergency and preventive maintenance.
- 031202. System disinfection after maintenance work is performed.
- 031203. Scheduled flushing of the system.
- 031204. Reduction of water quality problems, as needed.
- 031205. Implementation and documentation of a valve and hydrant exercise and maintenance program.
- 031206. Proper operation and maintenance of storage tanks.
- 031207. Maintenance of current water distribution maps.
- 031208. Documentation of location and dates of water line breakage.
- 031209. Documentation of emergency operations procedures required as a result of events such as earthquakes, hurricanes, chemical releases, and terrorist activities.
- 031210. Determination of response roles and responsibilities as well as contingency plans for providing potable water to the Marine Corps installation. American Water Works Association Manual of Standard Practices, “Emergency Planning for Water Utility Management,” Manual Number M19, Fourth Edition, 2001, (Reference (n)) provides guidance on emergency planning.

0313 CROSS-CONNECTION CONTROL

031301. All installations that own or operate a water system shall develop and implement a cross-connection control and backflow prevention program; at a minimum, the program shall include procedures and mechanisms to:
- A. Find and eliminate existing cross-connections and prevent new cross-connections.
 - B. When cross-connections cannot be eliminated, install, inspect, and test backflow preventers.
 - C. Keep an inventory of all existing backflow preventers.
 - D. Certify all backflow preventers as required by the regulatory agency. If there is no regulatory requirement, then all backflow preventers should be certified at least once every 6 months for high hazards and once every 12 months for low hazards by a certified inspector.
 - E. Promptly repair or replace defective backflow preventers.

031302. For further guidance on cross-connection control and backflow prevention, please see references Naval Facilities Engineering Service Center, “Cross-Connection Control and Backflow Prevention Program Implementation at Navy Shore Facilities,” May 1998 (Reference (o)) and EPA “Cross Connection Control Manual,” 816-R-03-002, February 2003, (Reference (p)).

031303. State primacy agencies also oversee water system cross-connection control programs to ensure compliance with primary and secondary drinking water standards. Cross-connections are the links through which contaminants can enter a potable system and apply to building interior domestic plumbing systems, fire protection plumbing systems, and exterior water distribution systems. State programs for cross-connection control set policy, procedures, and instructions, for installing, repairing, maintaining, inspecting, and testing backflow preventers.

0314 WATER CONSERVATION

As required by Reference (l), Marine Corps installations shall reduce potable water consumption intensity by 36 percent by FY 2025 through reductions of 2 percent annually using life-cycle cost-effective measures relative to an FY 2007 baseline. In addition, installations shall reduce industrial, landscaping, and agricultural water consumption by 2 percent annually by FY 2025 relative to an FY 2010 baseline. Potential water conservation measures are listed below, and further guidance is provided in Council on Environmental Quality, “Instructions for Implementing E.O. 13693: Planning for Federal Sustainability in the Next Decade,” June 10, 2015, (Reference (q)):

031401. Installation of water-efficient industrial equipment and recycling of industrial process water.

031402. Water-efficient and low flow showers, toilets, faucets, and other fixtures and devices where applicable.

031403. Timely repairs of water service line leaks and main breaks.

031404. Routine leak detection surveys.

031405. Water use metering and periodic water audits.

0315 CONSUMPTIVE USE PERMIT

In coordination with legal and technical staff at the claimant and appropriate regional commander, installations that withdraw ground water shall:

031501. Document historical water use.

031502. Determine reasonable foreseeable future water uses.

031503. Evaluate water rights laws.

031504. Determine, on a case-by-case basis, whether the installation should obtain a consumptive use permit.

031505. When applying for a consumptive use permit, ensure that restrictions will not impact mission requirements.

0316 PERCHLORATE

031601. Marine Corps-owned PWSs shall comply with any federal, state, or local enforceable perchlorate drinking water standards.

031602. Marine Corps-owned PWSs that use sodium hypochlorite for disinfection should ensure optimum conditions for storage of the product to avoid potential generation of perchlorate in the drinking water distribution system from aged hypochlorite (refer to DUSD Memorandum, “Perchlorate Release Management Policy,” April 22, 2009 (Reference (r))).

0317 LEAD IN PRIORITY AREAS

In accordance with MCICOM Policy Letter 2-14, “Sampling and Testing for Lead in Drinking Water in Priority Areas,” February 24, 2014 (Reference (s)), all Marine Corps installations are required to follow EPA guidelines when testing and sampling drinking water for lead from water fountains, faucets, and other outlets used primarily by children. The “priority areas” are defined as outlets in primary and secondary schools, Child Development Centers, School Age Centers, and Youth and Teen Centers. Priority areas do not include on- or off-installation residences (e.g., Family Child Care Homes) used for child care purposes, out-patient medical centers, or schools that are not owned or managed by DoD. Since the Navy, “Navy Medicine Enterprise Nursing Procedures Manual,” June 2013 (Reference (t)) mandates the use of sterile water to reconstitute powdered formula, hospital pediatric and maternity wards have been removed from the priority area definition. These records shall be retained in accordance with Reference (g). EPA, “Lead in Drinking Water in Schools and Non-Residential Buildings,” EPA/812-B-94-002, April 1994 (Reference (u)), and NAVFAC, “Guidance for Sampling Water Coolers,” May 1998 (Reference (v)) provide program information including rationale and sampling protocols).

031701. Three-Step Sampling Program

All installations are directed to implement a three-step program for sampling and testing drinking water in priority areas. Sampling and testing in accordance with this program is to be conducted in addition to, not in place of, sampling to determine whether a water supply system meets system-wide regulations in accordance with the Lead and Copper Rule pursuant to Reference (a).

A. Step 1, Baseline

Installations shall perform baseline sampling and testing of water outlets in priority areas that are known to be used regularly for drinking and cooking. Examples include drinking water fountains (bubbler and water cooler style), sinks (especially those known or visibly used for water consumption, e.g., coffee maker or cups are nearby), bathroom faucets, hose attachments that may be used to fill water jugs (e.g., for sports team practice), hot water outlets, ice makers, and bottled water dispensers. Outdoor water outlets should be evaluated for likelihood of use. If initial screening results exceed EPA’s recommended lead screening level of 20 parts per billion (ppb), installations shall immediately take the outlet out of service or mark with appropriate signs (e.g., non-potable).

Installations shall implement the second step of the EPA’s Two—Step Sampling Process identified in EPA, “3Ts for Reducing Lead in Drinking Water in Child Care Facilities: Revised Technical Guidance,” December 2005 (Reference (w)). If sampling continues to exceed 20 ppb, installations shall institute permanent corrective actions in accordance with Reference (w) and EPA, “3Ts for Reducing Lead in Drinking Water in Schools Revised Technical Guidance,” October 2006 (Reference (x)). Step 1 should have been completed for all priority areas by December 31, 2014 (per Reference (s)).

B. Step 2, New or Modified Facilities

Installations shall sample and test all water outlets in priority areas that are known to be used regularly for drinking and cooking when Marine Corps owned water treatment processes are added or modified in any way that has the potential to increase lead concentrations (e.g., system includes older plumbing lines and plumbing/solder is disturbed, replaced, or removed). As part of the installations’ annual internal environmental compliance audit, the environmental office shall query each priority area to determine if any plumbing modifications have been made and if sampling needs to be completed. This step shall also include initial baseline testing of all outlets that are expected to be used regularly for drinking and cooking in newly—constructed priority areas prior to building occupancy; however, after January 2014 if the contractor can adequately demonstrate that all materials used in plumbing conform to section 1417 of Reference (a) requiring less than 0.25% lead, the requirement to test new construction is waived.

C. Step 3, Retesting

Installations shall re-test priority areas every 5 years from the established baseline, or more frequently if required by regulatory agencies.

031702. Records and Notification

A copy of all test results shall be made available at locations where testing was conducted and provided to the supporting Occupational Health Clinic and Environmental Health/Preventive Medicine Department. At a minimum, a notice of availability of the testing results should be provided to the parents or legal guardians of children attending schools or child development centers, school age centers, and youth and teen centers. Direct notification of results shall be conducted for any lead detection greater than 20 ppb during a sampling event. Notification requirements and procedures shall be coordinated in advance of any testing with Public Affairs staff, local Public Health commands, and any other appropriate installation, regional, or command staff. In accordance with Reference (g), all records of sampling and testing of drinking water in priority areas shall be maintained for 12 years.

0318 TRAINING

031801. General

All Marine Corps personnel involved in the drinking water systems and water conservation shall receive appropriate environmental training.

031802. Water Treatment and Distribution System Operators

Installations shall ensure their water treatment and distribution system operators are trained and certified in accordance with applicable federal, state, and local regulations. Training should include the following elements:

- A. Basic water plant and/or distribution system design.
- B. Basic water plant and/or distribution system operation.
- C. Basic maintenance and calibration of plant controls and equipment.
- D. Water plant and/or distribution systems treatment principles, including chemical storage and handling.
- E. Water sampling and analysis.
- F. Water plant and/or distribution system documentation and reporting requirements.
- G. Cross-connection control and backflow prevention.

VOLUME 16: CHAPTER 4

“RESPONSIBILITIES”

SUMMARY OF SUBSTANTIVE CHANGES

Hyperlinks are denoted by *bold, italic, blue and underlined font*.

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CHAPTER 4

RESPONSIBILITIES

0401 CMC (LF)/COMMANDER MCICOM (GF)

CMC (LF)/Commander MCICOM (GF) shall:

040101. Provide Marine Corps policy and guidance to installation commanders regarding proposed and final rules and regulations pertaining to drinking water systems and water conservation and uniformly apply Marine Corps policy as set forth in this Order.

040102. Assist installations in resolving disputes with federal, state, local, and foreign regulatory agencies as required.

040103. Conduct special environmental compliance and protection studies with regard to drinking water systems and water conservation management to assist in establishing policy or initiating actions.

040104. Ensure, through field visits and the Environmental Compliance Evaluation Program, Marine Corps cooperation and compliance with federal, state, and local regulatory agencies and applicable regulations for drinking water systems and water conservation.

040105. Track Marine Corps progress toward meeting established drinking water quality and water conservation goals.

0402 COMMANDING GENERAL (CG) MARINE CORPS EAST, WEST, PACIFIC, AND NATIONAL CAPITAL REGION

CG Marine Corps East, West, Pacific, and National Capital Region shall Identify and promote opportunities for regional environmental initiatives and contracting support to gain efficiencies. Create environmental program efficiencies by collectively funding studies, coordinating common training programs, developing appropriate Memorandums of Agreement between stakeholders (e.g., Marine Corps TECOM installations, Marine Aircraft Wings, Resident Officer In Charge of Construction offices, etc.) and the Region, and facilitating mutual support between installations as practicable.

0403 COMMANDING GENERAL (CG)/COMMANDING OFFICER (CO) OF MARINE CORPS INSTALLATIONS AND COMMARFORRES

CG/CO of Marine Corps Installations and COMMARFORRES shall:

040301. Identify and submit to the CMC (LF)/MCICOM (GF) project documentation and funding requests for drinking water systems that are required to comply with applicable existing and emerging regulations and permits. Prepare program and budget for personnel, equipment, materials, training, and monitoring required to comply with drinking water systems and water conservation requirements. Pay appropriate federal, state, and local fees. Ensure that the

Environmental Management System is employed, P2 alternatives evaluated, and life-cycle cost impacts assessed, in evaluating and selecting projects that address compliance requirements.

040302. Ensure that all required federal, state, and local permits are applied for and obtained. Sign certifications and permit applications, as required, for construction of all drinking water systems and water conservation projects.

040303. Ensure that an installation or station order is written to implement specifications set forth in this Volume. This requirement can be accomplished either by writing an Environmental Compliance & Protection Standard Operating Procedure to implement all environmental requirements or by writing a separate installation order to implement specifications of this Volume alone.

040304. Identify and submit to the CMC (LF)/MCICOM (GF) nonrecurring projects and funding required to make drinking water systems, potential contamination sources within WHP areas, and underground injection wells compliant with applicable existing and emerging regulations, requirements, and permits. Program and budget for sufficient personnel, equipment, materials, training, and monitoring resources required to effectively operate, maintain, and repair drinking water systems in compliance with drinking water program requirements. With command counsel concurrence, pay related federal, state, and local fees.

040305. Operate and maintain adequate facilities to produce, store, and distribute drinking water in the quantities required in compliance with Reference (e) and applicable state standards, regulations, and requirements.

040306. Ensure that management programs and controls exist to comply with applicable regulations; NPDWR, MCLs, and treatment techniques; UIC permit conditions; and monitoring, recordkeeping, public notification, and reporting requirements for drinking water systems and underground injection wells.

040307. Ensure compliance with all applicable water system operator certification requirements. Identify training and certification needs for Marine Corps operators of PWSs, and allocate needed resources.

040308. Oversee and provide resources for monitoring, recordkeeping, reporting, public notification practices, and the use of certified laboratories for analyses in compliance with EPA or EPA-approved state requirements. Retain copies of all records, reports, and public notices submitted to EPA, state, and local water district offices in accordance with the applicable SSIC in Reference (g).

040309. Submit annual CCRs to consumers and provide a copy to CMC (LF)/MCICOM (GF).

040310. Coordinate with appropriate EPA, state, and regional offices the review of all projects for the construction of new or upgraded drinking water system facilities and for the construction, modification, or closure of underground injection wells.

040311. Implement corrosion control treatment, source water treatment, or lead service piping replacement as needed to comply with NPDWR requirements for the control of lead and copper in drinking water.

040312. Ensure that a cross-connection control and backflow prevention program is developed and implemented. Properly inspect, operate, and maintain backflow prevention devices, altitude and pressure-reducing valves, water meters, water-saving devices, and water reuse and recycling systems.

040313. Ensure that the installation has applied for and obtained all required federal and state UIC permits. Comply with UIC requirements pursuant to Reference (a). Inventory all class V wells and provide a copy of the inventory to the EPA or state, as appropriate.

040314. Implement a multifaceted Marine Corps water conservation program that meets statutory and E.O. requirements. Execute water conservation studies to reduce water usage and generation of wastewater flows. Review the various uses of water at respective activities to ensure that all economically practical water conservation measures are taken. Ensure that all water conservation measures with payback periods of less than 10 years, as required by EPACT, are installed in government-owned buildings.

040315. Ensure that adequate access to drinking water system collection, treatment, storage, and disposal facilities, and underground injection wells, is provided to the EPA, state, and local regulatory agencies for the purpose of sampling water and injected wastes, and for the inspection of operations and records.

040316. Ensure that water systems serving over 25 people perform a VA and develop/revise ERPs in accordance with DoD policy. Review the VA and ERP when there is a change in the water source or system process.

040317. Consult with appropriate Navy Bureau of Medicine representatives to obtain health-related advice for carrying out responsibilities related to drinking water quality and water supply systems, as well as Bureau of Medicine documents and instructions related to drinking water (U.S. Navy Bureau of Medicine and Surgery (BUMED) Instruction 6240.10A, "Standards for Potable Water," July 19, 1999 (Reference (y))).

VOLUME 16: APPENDIX A

“FEDERAL STATUTES, FEDERAL REGULATIONS, EXECUTIVE ORDERS, AND DOD POLICIES”

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APPENDIX A

**FEDERAL STATUTES, FEDERAL REGULATIONS, EXECUTIVE ORDERS, AND DOD
POLICIES**

1 FEDERAL STATUTES

a. Safe Drinking Water Act of 1974, as amended, 42 U.S.C. §300f-300(j)

The major provisions of the Safe Drinking Water Act establish requirements for:

(1) NPDWRs for contaminants that may have an adverse effect on human health, and NSDWRs for contaminants that may adversely affect the aesthetic qualities of drinking water. NPDWRs are federally enforceable, while NSDWRs are intended to be used by states as guidelines.

(2) Water system monitoring, reporting, recordkeeping, public notification, and operator certification.

(3) Unregulated contaminant monitoring and regulatory determination.

(4) Protecting underground sources of drinking water via a UIC Program, Sole Source Aquifer designations, state WHP Programs, and state SWAPs. The Safe Drinking Water Act also required EPA to develop water conservation plan guidelines for various sizes of PWSs. The federal regulations that implement the majority of Safe Drinking Water Act requirements can be found in Title 40 CFR, parts 141 through 149.

b. Energy Policy Act (EPAcT) of 2005, Public Law 109-58

(1) The EPAcT amends numerous provisions of the U.S.C. , covering topics in the areas of energy and water conservation, alternative energy sources, reduction in fossil fuel use, and sustainable building design. It includes specific procurement requirements for energy efficient products and the increased use of cement and concrete with recovered mineral content.

(2) EPAcT Subtitle B (also known as the Underground Storage Tank Compliance Act of 2005) focuses on preventing underground storage tank (UST) releases and includes provisions regarding inspections, operator training, delivery prohibition, secondary containment, financial responsibility, and cleanup of releases that contain oxygenated fuel additives.

(3) EPAcT Section 15228 waived sovereign immunity for reasonable nondiscriminatory user fees; inspection fees; monitoring fees; civil sanctions; civil fines; and criminal acts in owning, managing, and oversight of USTs.

c. Public Health Security and Bioterrorism Preparedness and Response Act of 2002, Public Law 107-188

Sections 401 through 403 of this Act amended the Safe Drinking Water Act to protect drinking water systems from terrorist attacks and other intentional acts.

(1) Section 401 requires all CWSs serving more than 3,300 people to conduct water system VAs and develop or revise ERPs accordingly.

(2) Section 402 requires EPA to review current and future methods to prevent, detect, and respond to the intentional introduction of chemical, biological, or radiological contaminants into CWSs and its water sources.

(3) Section 403 significantly increases the fines and penalties under the Safe Drinking Water Act for tampering with PWSs.

2 FEDERAL REGULATIONS

a. National Primary Drinking Water Regulations (NPDWRs), 40 CFR 141

NPDWRs contain legally enforceable drinking water standards that generally apply to PWSs. NPDWR standards are established for the following groups of contaminants: inorganic chemicals, organic chemicals, microorganisms, DBPs, and radionuclides. For each contaminant, EPA sets a MCL, action level for lead and copper, maximum residual disinfectant level (MRDL) for disinfectants, or treatment technique (TT). The Safe Drinking Water Act also requires EPA to establish non-enforceable maximum contaminant level goals (MCLGs) for contaminants, or in the case of disinfectants, maximum residual disinfectant level goals. A table listing all contaminants and standards can be viewed at <http://www.epa.gov/safewater/mcl.html>. In addition to MCLs, ALs, MRDLs, TTs, and associated contaminant level goals, NPDWR specifies monitoring, reporting, and recordkeeping requirements for each contaminant or group of contaminants.

(1) Arsenic Rule, 40 CFR 141.23, 141.24, 141.62

In January 2001, EPA reduced the standard for arsenic from 50 ppb to 10 ppb. Marine Corps CWSs and NTNCWSs are required to comply with this standard and must incorporate specific health effects language in annual Consumer Confidence Reports (CCRs).

(2) Radionuclides Rule, 40 CFR 141.25, 141.66

In December of 2000, EPA updated standards for radionuclides in drinking water and set a new standard for uranium. The MCLs for these radionuclides are: combined radium 226/228 (5 picocuries per liter (pCi/L)); beta emitters (4 mrems); gross alpha standard (15 pCi/L); and uranium (30 micrograms per liter (µg/L)). These standards apply only to CWSs.

(3) Surface Water Treatment Rule, 40 CFR 141.70 – 141.75

The primary objective of this rule is to prevent waterborne diseases caused by viruses, *Legionella*, and *Giardia lamblia*. The rule requires all PWSs using surface water or GWUDI (collectively referred to as subpart H systems) to filter and disinfect source waters. Under certain criteria, the filtration requirement can be waived; however, there are no exceptions to the disinfection requirement. The SWTR established MCLGs for viruses, bacteria, and *Giardia lamblia* and TTs for filtered and unfiltered systems.

(4) Total Coliform Rule (TCR), 40 CFR 141.21, 141.63

The TCR requires all PWSs to monitor for the presence of total coliforms in the distribution system. Total coliforms are used as an indicator for microbial pathogens and help to determine the adequacy of water treatment and the integrity of the distribution system. The presence of total coliforms in the distribution system indicates that fecal pathogens may be present. The TCR specifies a minimum routine monitoring frequency depending on the population served. The TCR also specifies the maximum number of samples in which total coliforms may be detected each month without triggering the additional testing requirements outlined in Section 21 of NWDPRs. Systems required to collect 40 or fewer samples per month must conduct additional monitoring if more than one sample tests positive. Systems required to collect over 40 samples per month must conduct additional monitoring if more than five percent of samples test positive.

(5) Interim Enhanced Surface Water Treatment Rule (IESWTR), 40 CFR 141.203

This rule strengthens microbial protection by minimizing levels of *Cryptosporidium* in finished water. It also includes provisions to ensure that reduction of DBPs in the water system does not compromise microbial protection. The IESWTR applies to subpart H systems that serve at least 10,000 people. Under this rule, filtered systems have tighter TTs and unfiltered systems have watershed control requirements for *Cryptosporidium*. The IESWTR also requires states to conduct sanitary surveys for subpart H systems of all sizes.

(6) Stage 2 Disinfectants and DBPs (D/DBP) Rule, 40 CFR 141.620

This rule reduces exposure to several D/DBP and applies to all CWSs and NTNCWSs that use a chemical disinfectant in any part of their system. The Stage 2 rule strengthens public health protection for customers of systems that deliver disinfected water by requiring such systems to meet maximum contaminant levels as an average at each compliance monitoring location (instead of as a system-wide average as in previous rules) for two groups of DBPs, trihalomethanes (TTHM) and five haloacetic acids (HAA5). Compliance with the maximum contaminant levels for TTHM and HAA5 will be calculated for each monitoring location in the distribution system, or the locational running annual average (LRAA). MRDLs are established for the disinfectants chlorine, chloramine and chlorine dioxide, while MCLs are established for DBPs including total trihalomethanes (TTHMs), HAA5, chlorite, and bromate. This rule also requires subpart H water systems that use conventional filtration treatment to remove specified percentages of organic materials (measured as total organic carbon) which may react with disinfectants to form DBPs. Removal must be achieved through a TT, unless a system meets alternative criteria.

(7) Filter Backwash Recycling Rule (FBRR), 40 CFR 141.76

This rule is intended to prevent microbes, such as *Cryptosporidium*, from passing through treatment systems and into finished drinking water during recycling practices. The FBRR applies to all subpart H systems that use direct or conventional filtration processes and recycle spent filter backwash water, sludge thickener supernatant, or liquids from dewatering processes. The FBRR requires that spent filter backwash water, thickener supernatant, and liquids from dewatering processes are returned to a location such that all processes of a system's conventional or direct

filtration are employed. Affected systems may apply to the state for approval to recycle at an alternate location.

(8) Long-Term 1 Enhanced Surface Water Treatment Rule (ESWTR), 40 CFR 141.500 – 141.553

This rule extends the requirements under the IESWTR to subpart H systems that serve less than 10,000 people. Similar to the IESWTR, the Long-Term 1 ESWTR increases protection against *Cryptosporidium* and other disease-causing microbes and addresses risk trade-offs with reducing DBPs.

(9) Long-Term 2 ESWTR, 40 CFR 141.710 – 141.720

In January 2006, EPA published the Long-Term 2 ESWTR to supplement prior surface water treatment rules by further reducing *Cryptosporidium* in drinking water systems. The rule targets highly vulnerable surface water systems, requiring these systems to further reduce *Cryptosporidium* levels in drinking water through treatment. Like prior SWTRs, the Long-Term 2 ESWTR applies to all subpart H systems and addresses risk trade-offs with the control of DBPs. It does not apply to consecutive water systems that purchase all of their water from a PWS regulated under 40 CFR 141.

(10) Stage 2 D/DBP Rule, 40 CFR 141.620 – 141.629

EPA published the Stage 2 D/DBP Rule to further reduce DBP levels in the distribution system. The Stage 2 DBPR is designed to reduce peak DBP levels in the distribution system. This is accomplished via changes in compliance monitoring locations and in compliance calculations for TTHM and HAA5. The existing MCLs for TTHM (80 µg/L) and for HAA5 (60 µg/L) remain the same under the Stage 2 DBPR. The rule applies to CWSs and NTNCWSs that add a disinfectant (other than ultraviolet light (UV)) or that deliver water that has been treated with a disinfectant (other than UV).

(11) Ground Water Rule (GWR), 40 CFR 141.400 – 141.405

EPA published the GWR to reduce the risk of exposure to fecal contamination that may be present in PWSs that use ground water sources. The rule applies to all ground water systems and uses a risk-targeted strategy to identify ground water systems that are at high risk for fecal contamination. The rule also specifies when corrective action (which may include disinfection) is required to protect consumers from bacteria and viruses. There are four major requirements of the GWR:

- (a) Periodic sanitary surveys performed by states.
- (b) Source water monitoring performed by PWSs.
- (c) Corrective action for systems with a significant deficiency or source water fecal contamination (as determined by the sanitary surveys or monitoring results).

(d) Compliance monitoring to ensure the reliability of treatment technologies.

(12) Radon Proposed Rule, 40 CFR 141.25, 141.66

In November 1999, EPA proposed regulations to protect people from exposure to radon. As proposed, the rule would use a multimedia approach to reduce radon risks in indoor air, while protecting public health from the highest levels of radon in drinking water. EPA is proposing an alternative maximum contaminant level (AMCL) of 4000 pCi/L for radon-222 in drinking water and requirements for multimedia mitigation (MMM) programs to address radon-222 in indoor air. EPA is also proposing a more stringent radon MCL of 300 pCi/L in states that choose not to implement a CWS MMM program. CWSs may comply with the less stringent AMCL if they are located in states that develop an EPA-approved MMM program, or in the absence of a state program, develop a state-approved CWS MMM program.

(13) Lead and Copper Rule (LCR), 40 CFR 141.80 – 141.91

The LCR was developed to reduce lead and copper levels at consumers' taps, primarily through corrosion control. LCR requirements are codified in subpart I of 40 CFR 141. Under the LCR, Marine Corps CWSs and NTNCWSs are required to conduct routine lead and copper monitoring and perform additional requirements, as triggered by a lead and copper exceedance. A lead and copper exceedance triggers additional water quality parameter and source water monitoring. Based on monitoring results, systems may be required to install corrosion control treatment and/or perform source water treatment. A lead AL exceedance also triggers public education requirements. Should prescribed treatment options fail to bring levels below the ALs, lead service lines may require replacement. The lead and copper AL is exceeded if the concentration of lead or copper in more than 10 percent of tap water samples collected during any monitoring period is greater than 0.015 milligrams per liter (mg/L) lead or 1.3 mg/L copper, respectively. In January 2000 and October 2007, EPA published revisions to the LCR (65 Federal Register (FR) 1950 and 72 FR 57782). Minor revisions were made in January 2000 to streamline LCR requirements, promote consistent national implementation, and reduce the reporting burden for water systems. It did not change the basic requirements of the LCR. The October 2007 revisions changed the following LCR requirements:

(a) Monitoring

Prevents systems above the lead AL from remaining on a reduced monitoring schedule.

(b) Water Treatment

Requires systems to provide advanced notice and obtain primacy agency approval for planned changes to the source water or treatment process.

(c) Public Awareness and Education

Changes the content and delivery method/timeframe for public education material and incorporates educational statements on lead in annual CCRs. Also requires systems to notify consumers of tap water monitoring results.

(d) Lead Service Line Replacements

Requires systems to re-test previously “tested-out” lines when resuming lead service line replacement programs.

(e) Prohibition on Lead Pipes, Solder, and Flux

In addition to the LCR, subpart E of 40 CFR 141 prohibits the use of lead pipe, solder, or flux in the installation or repair of any PWS or any plumbing in residential or nonresidential facilities providing water for human consumption. Solders and flux are considered to be lead free if they contain less than 0.2 percent lead; pipes and fittings are considered to be lead free if they contain less than 0.258.0 percent lead (weighted average).

(14) Unregulated Contaminant Monitoring Rule (UCMR), 40 CFR 141.35

UCMR requires that, at least once every five years, EPA issue a list of unregulated contaminants to be monitored by certain PWSs (sections 300g-1 and 300j-4 of the Safe Drinking Water Act). EPA uses the data generated from this monitoring effort to determine whether a particular contaminant(s) requires drinking water standards. Standards and criteria for monitoring unregulated contaminants are established through the UCMR. Generally, Marine Corps CWSs and NTNCWSs serving more than 10,000 people (large systems) and a representative sample of small CWSs and NTNCWSs (as selected by EPA) are required to monitor for the presence of unregulated contaminants and report results to EPA.

(15) Public Notification Rule, 40 CFR 141.201 – 141.211

The PNR is codified in subpart Q of 40 CFR 141 and requires all PWSs to notify consumers of violations related to contaminant MCLs, MRDLs, TTs, monitoring requirements, or testing procedures. Public notices are also used to announce the availability of UCMR monitoring results and any variances or exemptions issued to the PWS. The PNR establishes three tiers of public notices based on the severity of a violation. A Tier 1 public notice must be issued within 24 hours for violations that pose acute health risks due to short-term exposure. A Tier 2 notice is issued within 30 days for other violations and situations that may pose a serious, but not immediate adverse health effect. A Tier 3 notice is required within one year for violations and situations not included under Tier 1 or 2.

b. 40 CFR 149

Sole Source Aquifers regulation provides criteria for identifying critical aquifer protection areas pursuant to section 1427 of the Safe Drinking Water Act.

3 EXECUTIVE ORDERS

E.O. 13693, “Planning for Federal Sustainability in the Next Decade,” March 19, 2015, has a goal to maintain Federal leadership in sustainability and greenhouse gas emission reductions. It revoked E.O. 13423 and E.O. 13514. This E.O. continues the policy of the United States that agencies shall increase efficiency and improve their environmental performance to help protect the planet for future generations and save taxpayer dollars through avoided energy costs and increased efficiency, while also making Federal facilities more resilient. To improve environmental performance and Federal sustainability, the E.O. states that priority should first be placed on reducing energy use and cost, then on finding renewable or alternative energy solutions. The E.O. sets goals for greenhouse gas emissions and for sustainability, including energy conservation, clean energy, renewable energy, alternative energy, water use efficiency, potable water consumption, fleet efficiency, building efficiency, sustainable acquisition, waste and pollution prevention, performance contracts, and electronics stewardship. For the drinking water program, agencies have a goal of reducing potable water consumption intensity measured in gallons per gross square foot by 36 percent by fiscal year 2025 through reductions of 2 percent annually through fiscal year 2025 relative to a baseline of the agency’s water consumption in fiscal year 2007.

VOLUME 17

“INTEGRATED SOLID WASTE MANAGEMENT (ISWM)”

SUMMARY OF VOLUME 17 CHANGES

Hyperlinks are denoted by ***bold, italic, blue and underlined font.***

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VOLUME 17: INTEGRATED SOLID WASTE MANAGEMENT (ISWM)

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REFERENCES

- (a) 42 U.S.C. 82
- (b) 42 U.S.C. 6901
- (c) 40 CFR 240
- (d) 40 CFR 243
- (e) 40 CFR 246
- (f) 40 CFR 247
- (g) 40 CFR 257
- (h) 40 CFR 258
- (i) 32 CFR 172
- (j) MCO 4860.3D W/CH 1
- (k) NAVFAC P-442, "Economic Analysis Handbook," November 2013
- (l) DON, "Green Procurement Program Implementation Guide," February 2009
- (m) Executive Order (E.O.) 13693, "Planning for Federal Sustainability in the Next Decade," March 19, 2015
- (n) DoD Instruction 4715.23, "Integrated Recycling and Solid Waste Management," October 24, 2016
- (o) DoD Manual 4160.28, Volume 1, "Defense Demilitarization: Program Administration," June 7, 2011
- (p) 10 U.S.C. §2577
- (q) Department of Defense (DoD) 7000.14-R, "Department of Defense Financial Management Regulations (FMRS)," Volume 11A, May 2009
- (r) MCO 7300.21B
- (s) 40 CFR 262
- (t) SECNAV M-5210.2
- (u) 10 U.S.C. 484

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VOLUME 17: CHAPTER 1

“SCOPE”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 1

SCOPE

0101 PURPOSE

This Volume establishes Marine Corps policy and responsibilities for compliance with statutory and procedural requirements for integrated solid waste management (ISWM) requirements.

0102 APPLICABILITY

See Volume 1 paragraph 0102.

0103 BACKGROUND

Chapter 82 of Title 42, United States Code (42 U.S.C. Chapter 82) (Reference (a)), as amended by 42 U.S.C. 6901 et seq. (also known and referred to in this Order as “Resource Conservation and Recovery Act,” (RCRA) as amended) (Reference (b)) in 1976, establishes requirements concerning the disposal and management of solid waste. Facilities are subject to subtitle D, solid waste rules of Reference (b), if they perform, or are designed to perform, any of the following activities:

010301. Thermally process 50 tons or more per day of municipal-type solid waste Part 240 of Title 40, Code of Federal Regulations (40 CFR 240) (Reference (c)).

010302. Store or collect residential, commercial, and institutional solid waste 40 CFR 243 (Reference (d)).

010303. Source separate materials for recovery 40 CFR 246 (Reference (e)).

010304. Purchase products that contain recycled materials 40 CFR 247 (Reference (f)).

010305. Operate land disposal sites or use commercial off-site landfills for solid waste disposal 40 CFR 257 (Reference (g)) and 40 CFR 258 (Reference (h)).

010306. Generate recycling revenue per 32 CFR 172 (Reference (i)).

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VOLUME 17: CHAPTER 2

“AUTHORITY”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 2

AUTHORITY

0201 GENERAL

The following legislation, laws, regulations, and Executive Orders (E.O.s) contain provisions that pertain to the restoration, maintenance, and protection of the nation's waters.

0202 FEDERAL STATUTES

020201. Solid Waste Disposal Act of 1965, as Amended in 1976 (42 U.S.C. 6901 et seq.).

020202. Federal Facilities Compliance Act of 1992 amends the Solid Waste Disposal Act section 6001 (42 U.S.C. 6961 et seq.).

020203. Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901 et seq.).

020204. Clean Air Act of 1970, as Amended (42 U.S.C. 7401 et seq.).

020205. Military Construction Codification Act of 1982 (Public Law 97-214).

020206. Federal Property and Administrative Services Act of 1949 (10 U.S.C. 484 et seq.).

020207. Pollution Prevention Act of 1990 (42 U.S.C. 13101 and 13102 et seq.).

0203 EXECUTIVE ORDERS

020301. E.O. 13693, "Planning for Federal Sustainability in the Next Decade," March 19, 2015.

020302. Instructions for Implementing E.O. 13693, June 10, 2015.

0204 DEPARTMENT OF DEFENSE (DOD) POLICY

The DoD Integrated (Non-Hazardous) Solid Waste Management Policy, February 1, 2008.

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VOLUME 17: CHAPTER 3

“REQUIREMENTS”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 3

REQUIREMENTS

0301 GENERAL

See Volume 4 of this Order for information on policy, responsibility, and procedures for achieving compliance with applicable E.O.s, and federal, state, interstate, and regional statutory and regulatory environmental requirements.

0302 MARINE CORPS INTEGRATED SOLID WASTE MANAGEMENT (ISWM) PROGRAMS

030201. For disposal purposes, all solid waste generated at Marine Corps installations is considered property of the federal government except in those situations when Marine Corps exchanges and commissary stores salvage and dispose of their recoverable resources. Marine Corps installations shall strive to reduce solid waste generation. Solid waste collection, disposal, and recycling programs at Marine Corps installations shall be implemented in the most cost-effective and environmentally acceptable manner. Changing mission requirements and market conditions necessitate the periodic review of these operations as commercial facilities become available or as the installation's industrial-type activities change. Marine Corps installations shall comply with the guidance of MCO 4860.3D W/CH 1 (Reference (j)) for solid waste collection, storage, and disposal; and with NAVFAC P-442, "Economic Analysis Handbook," November 2013 (Reference (k)) for the establishment and/or disestablishment of recycling programs. Contractors on Marine Corps installations shall dispose of their solid waste per their contract requirements.

030202. The Marine Corps shall implement installation ISWM programs that properly and cost-effectively manage solid waste diversion, waste prevention, and solid waste disposal in accordance with the hierarchy outlined below. ISWM programs will be designed as total systems that consider the relative economic advantages of the latest technology as well as the potential for recycling. The Marine Corps should also explore shredding, compacting, energy recovery, and similar processes; and develop installation ISWM Plans according to the following hierarchy:

- A. Source reduction.
- B. Sustainable procurement of goods and services.
- C. Reuse generated materials to prevent waste.
- D. Donation.
- E. Recycling.
- F. Composting and mulching.
- G. Volume reduction (incineration and waste to energy recovery).

H. Landfilling.

030203. All Marine Corps installations and commands shall comply with DoD policy for recycling programs and procedures.

0303 SOURCE REDUCTION

Marine Corps source reduction programs shall incorporate the following, unless it does not meet appropriate mission-critical performance standards or functional requirements:

030301. Composting to facilitate yard waste reduction.

030302. Reducing excessive packaging, especially where packaging is used for attractive merchandising or convenience functions.

030303. Procuring materials that generate less waste.

030304. Reducing waste generation in an office by:

A. Reusing materials (e.g., file folders, paper clips, interoffice routing envelopes).

B. Dual-sided copying.

C. Duplex printing.

D. Using electronic mail instead of paper memos.

E. Reducing mail and distribution lists.

030305. Using General Supply Administration and DoD EMALL supply system for green products. This shall be done in accordance with DoN, "Green Procurement Program Implementation Guide," February 2009 Reference (l)).

0304 SUSTAINABLE PROCUREMENT OF GOODS AND SERVICES

030401. References (f) and E.O. 13693 (Reference (m)) contain the sustainable product areas, formally known as green or affirmative procurement. Installations shall promote sustainable acquisition and procurement to reduce solid waste generation by reducing copier and printing paper use and acquiring uncoated printing and writing paper containing at least 30 percent postconsumer recycled content or higher.

030402. All Marine Corps installations should give procurement preference to sustainable goods and services in the following product categories unless those goods and services are not technically feasible, not available competitively, not economically justifiable, not available within a reasonable time frame, or do not meet appropriate mission-critical performance standards or functional requirements:

- A. Recycled content products.
- B. Environmentally preferable products and services.
- C. Biobased products.
- D. Energy- and water-efficient products.
- E. Alternative fuel vehicles and alternative fuels.
- F. Products using renewable energy.
- G. Alternatives to hazardous or toxic chemicals.

030403. With the exception of the acquisition of weapon systems, 95 percent of new contract actions, including task delivery orders, shall include the procurement of sustainable goods and services, including biobased acquisition, where such products and services meet DoD performance requirements.

0305 RECYCLING

030501. All Marine Corps installations shall establish an installation recycling program, where cost-effective, for the following purposes:

- A. To protect the environment and prevent the depletion of valuable natural resources.
- B. To comply with federal, state, and local environmental laws and regulations.
- C. To reduce the volume of waste disposed in landfills.
- D. To reuse readily available resources.
- E. To avoid excessive costs for the disposal of solid waste by other means.
- F. To obtain proceeds from the sale of recyclable material.

030502. Reference (e) provides guidelines applicable to the source separation of residential, commercial, and institutional solid wastes. Marine Corps installations should consider the specific methods and systems under recommended procedures Reference (e) for implementing a source separation program. Marine Corps installations, at a minimum, shall segregate the following materials for recycling:

- A. Scrap Metal
- B. High-Grade Paper

In accordance with Reference (e), waste high-grade paper generated at Marine Corps installations with over 100 office workers shall be separated at the source of generation, separately collected, and sold for the purpose of recycling. Exceptions may be made only if analysis by the managing installation or Defense Logistics Agency (DLA) Disposition Services determines that a market for recovered products is not available or that compliance is not economical (see paragraph 030503). In situations where a Marine Corps office facility is a tenant activity, the host activity (or party leasing the property) is responsible for establishing a source separation program. The Marine Corps office facility should encourage the establishment of such programs and cooperate by separating high-grade paper.

C. Residential Materials Recovery

Section 201 of Reference (e) requires recovery of newspaper in large residential areas; recommends recovery of newspaper in small residential areas; and recommends recovery of glass, can, and mixed paper. Over 95 percent of Marine Corps family housing has been privatized as part of the Marine Corps Public-Private Venture (PPV) program, which means that residential solid waste recovery may no longer be conducted by the installation. PPV partners that operate and maintain the privatized housing can either dispose of the municipal waste in a private landfill or, if agreed upon by the installation, in an installation-owned and -operated landfill. If the PPV does not use the installation landfill, Marine Corps policies do not apply. If the PPV partner uses the installation landfill, the installation should ensure that agreements require the PPV to follow waste disposal practices that comply with Marine Corps policy with respect to solid waste management. Any change in Marine Corps or local policy that would potentially result in additional cost to the PPV partnership using an installation landfill shall be coordinated with the partner in advance. The requirements for used newspaper for Marine Corps-owned family housing and for privatized housing for which the PPV partners use the installation landfill are as follows:

1. Installations shall separate used newspapers generated in Marine Corps residential areas in which more than 500 families reside at the source of generation and sell them for recycling. Exceptions are appropriate only if the managing installation determines through analysis that markets are not available or that compliance is not economical (see paragraph 030503).

2. Extensive news releases to residents for motivation and coordination should precede and accompany the program. Subsequent guidance should indicate the need for the program, the specific collection days, how to prepare bundles for collection, and the use of bulk containers outside multi-family dwellings. Consideration shall be given to the specific methods and systems recommended in current requirements for the implementation of newspaper source separation programs.

D. Corrugated Container Waste

Installations generating 10 or more tons of waste corrugated containers per month shall separately collect and sell waste corrugated containers for the purpose of recycling. Exceptions are appropriate only if the managing installation determines through analysis that markets are not available or that compliance is not economical (see paragraph 030503).

E. Returnable Beverage Containers

Marine Corps installations shall comply with state laws regarding beverage containers.

030503. If Marine Corps installations make the determination not to source separate high-grade paper, residential materials, or corrugated containers, DLA Disposition Services or the installation managing activity shall prepare an analysis used in making the determination and maintain the analysis on file, which shall be reviewed and approved by the Secretary of the Navy. The decision to not recycle is valid only when a market analyses conducted by DLA Disposition Services or the managing activity indicate that the recovered materials cannot be sold or disposed of economically because of a lack of market demand or the Secretary of the Navy concludes that recycling is technically infeasible or inconsistent with stated national defense priorities. The following points are to be covered in the analysis:

- A. A description of alternative actions considered with emphasis on those alternatives that involve source separation for materials recovery.
- B. A description of ongoing actions that will be continued and new actions taken or proposed.
- C. An analysis in support of the action chosen, including technical data, market studies, and policy considerations used in arriving at such a determination.
- D. An analysis of the applicable portions of the life-cycle costs associated with the operation, maintenance, closure, and post-closure of Marine Corps-owned solid waste landfills and the applicable costs of disposal by contract.

030504. Consider exceptions to recycling these materials only in the following situations:

- A. Make no exceptions where environmental laws and regulations require specific materials to be recycled or removed from the waste stream.
- B. Develop appropriate management controls for recyclable materials that may be hazardous, such as lead-acid batteries.
- C. Prior to any source separation effort, request from DLA Disposition Services an estimate of the market for recovered materials, including estimated returns from sales and the timing of market demand.
- D. Screen Qualified Recycling Program (QRP) materials for reutilization, transfer, and donation prior to selling directly.
- E. Consider the following additional materials in the development of recyclable material markets:
 - 1. Glass.

2. Plastic.
3. Newspaper from small housing areas.
4. Scrap wood.
5. Corrugated containers from commercial establishments generating less than 10 tons of waste per month.
6. Other waste as market demand arises (e.g., carpet).

030505. Ensure that United States trade security control policies are followed prior to selling firing range-expended brass or mixed metals gleaned from firing range cleanup that do not require demilitarization and that are Munitions List Items (MLIs) or Strategic List Items (SLIs).

030506. Update economic analysis and market determinations as market conditions change significantly, and maintain such records on file at the managing installation.

030507. To maximize recycling, consider handling recyclable materials that are not profitable for a QRP through solid waste contracts where the contract cost to have the materials recycled is less than the contract cost to dispose of the material. Ensure that the contract includes recordkeeping of quantities and types of material recycled in this manner.

0306 RECYCLING FACILITIES

030601. Marine Corps installations should not compete with a locally available commercial recycling industry that offers recycling services and should make every effort to use an established commercial industry.

030602. Marine Corps installations should consider constructing recycling facilities only after a thorough study has been made of alternative methods for processing solid waste.

0307 QUALIFIED RECYCLING PROGRAMS (QRPS)

All Marine Corps installations retaining sales revenue from recycled materials shall establish a QRP with controls to ensure that excluded materials, including those listed in section 2(b)(3) of Reference (i), are not sold through the program. All Marine Corps commands/units and tenants shall participate in the host activity's QRP. Materials for which proceeds can be obtained shall be sold through the host's QRP. Industrial funded activities shall maintain separate accounting for recycled materials purchased with industrial funds.

030701. DoD Instruction 4715.23 (Reference (n)) requires all installations and commands to establish recycling programs and procedures that:

A. Ensure, where cost-effective, that all installations and activities have, or participate in, QRPs and that these recycling programs are available to serve all host and tenant organizations occupying space on the installation, including leased space.

B. Ensure, where cost-effective, that contracts awarded after the effective date of this Order, new or renewed, that provide for contractor operation of a government-owned or -leased facility located within the United States, its territories, or possessions include provisions that obligate the contractor to participate in a recycling program. Participation by contractors operating government-owned or -leased facilities overseas where recycling programs are available is required.

C. Ensure that QRP procedures address recyclable materials, excluded materials, and other QRP materials.

D. Divert recyclable materials from the non-hazardous solid waste stream where economically feasible (where the cost of diversion less any proceeds is less than the cost of disposal). Individual types of recyclable materials that make up a substantial percentage of the non-hazardous waste stream should be included in recycling programs. Recyclable materials do not require formal screening as defined in DoD Manual 4160.28, Volume 1 (Reference (o)) for reutilization, transfer, or donation.

E. Establish controls that ensure excluded materials, including those listed in section 2(b)(3) of Reference (i) and electronic waste (e-waste), are not sold through a QRP. Appendix B provides a disposition table to identify which waste streams are eligible for processing through a QRP or DLA Disposition Services, as well as which waste streams are eligible for counting towards ISWM diversion metrics.

F. Authorize installation commanders, as appropriate, to sell directly recyclable and other QRP materials or to consign them to DLA Disposition Services for sale.

1. Installations shall implement procedures ensuring that United States trade security control policies are followed in accordance with Reference (o) prior to directly selling firing range-expended brass or mixed metals gleaned from firing range cleanup that do not require demilitarization and that are MLIs or SLIs. Expended brass shall be crushed, shredded, or otherwise destroyed prior to public sale.

2. Prior to selling other QRP materials directly, installations shall implement procedures for local reuse screening to consider reutilization, transfer, and donation programs in accordance with Reference (o).

3. Ensure that outside the United States, the disposition of recyclable and other QRP materials, derived from goods that have been imported duty-free, is accomplished consistent with the provisions contained in status of forces, surplus, or excess property agreements or other international agreements with host nations.

G. Ensure the distribution of proceeds from recycled material governed by 10 U.S.C. §2577 (Reference (p)).

1. Sale proceeds shall be used first to cover the costs directly attributable to all installation recycling programs, including, but not limited to, manpower, facilities, training, program awareness expenses, equipment, overhead, and other capital investments. After these costs are recovered, installation commanders may use up to 50 percent of the remaining proceeds for

projects for pollution abatement, energy conservation, and occupational safety and health activities. Any remaining proceeds may be transferred to the non-appropriated Marine Corps Community Services (MCCSs) account for any approved programs, according to Reference (p).

2. An accounting and control system shall be established for a recycling program that provides detailed management and audit information, tracks quantity of material handled, calculates sales and handling costs for recycled material, and tracks expenditures made for appropriate projects and MCCS programs. Integrity of the audit trail shall be a priority concern. If the balance of an installation's proceeds remaining in account number 17F3875.27RM exceeds \$2 million at the end of a fiscal year, deposit the amount in excess of \$2 million into the U.S. Treasury as miscellaneous receipts.

3. Ensure that appropriate management controls are in place for recyclable materials that may be hazardous, such as lead-acid batteries.

030702. A QRP can be established by an installation or station order and shall include the following program requirements:

A. Designate through the Commanding General/Commanding Officer (CG/CO), the managing entity. Potential managing units include environmental affairs, facilities, or a similar staff entity.

B. Ensure fiscal accountability for all funds received and disbursed as per DoD 7000.14-R), Volume 11A (Reference (q)) and Appendix H in MCO 7300.21B Financial Management (Reference (r)).

C. Maintain records regarding the quantity and types of materials sold for recycling.

D. Develop a method of prioritizing projects/activities to be funded from net proceeds. This process is usually accomplished by establishing a committee consisting of a cross section of installation organizations. This committee recommends priorities for the disbursement of revenues to the CG/CO.

E. Ensure that the Commandant of the Marine Corps, Facilities and Services Division (CMC (LF))/Marine Corps Installation Command, Facilities Division (MCICOM (GF)) reviews all projects funded with the proceeds of recycling sales.

F. Implement the requirements in this Order for the sale of recyclable material.

G. Notify the DLA Disposition Services that the installation has a QRP implemented by installation or station orders as established by the Military Construction Codification Act. An installation may notify DLA Disposition Services and accumulate proceeds through the sale of recyclable materials during the period that an installation or station order is being prepared.

030703. If Marine Corps installations with QRPs sell recyclable materials using DLA Disposition Services, a cost analysis should be performed by the installation to determine whether better value can be achieved for the QRP by performing direct sales.

0308 ELECTRONIC WASTE

030801. It is Marine Corps policy to practice environmentally sound management of e-waste. Typically, e-wastes consist of used electronic items or components and shall be consigned to DLA Disposition Services as property for transfer, donation, or resale outside the Department of the Navy (DoN) when the owner has no further use for them.

030802. Used electronics that cannot be consigned to DLA Disposition Services because they are damaged or broken, or are rejected by DLA Disposition Services, are solid waste subject to the full range of Resource Conservation and Recovery Act solid waste and hazardous waste (HW) regulations. This includes any exemption, exclusions, or universal waste provisions that may apply. Installations and commands shall manage such e-waste as HW and assume responsibility as the HW generator for any e-waste that cannot be exempted or excluded from the full range of applicable HW regulations.

0309 EXPENDED SMALL ARMS CARTRIDGE CASINGS (ESACC)

QRP shall deform all ESACC (0.50 caliber and smaller) prior to direct sale or turn-into DLA Disposition Services with properly documented DD Form 1348-1A to receive QRP reimbursement.

0310 COMPOSTING AND MULCHING

Marine Corps installations should operate a composting program or participate in a regional composting program, unless it does not meet appropriate mission-critical performance standards or functional requirements.

0311 THERMAL PROCESSING OF SOLID WASTE

031101. Federal (Reference (c)), state, and local requirements are applicable to thermal processing facilities designed to process 50 tons per day or more of solid waste. For practical purposes, these requirements apply to any facility designed to process, or that actually processes, an average of 2.1 tons per hour or more section 100(a) in Reference (c).

031102. Emissions shall not exceed the existing air quality or emission standards established by EPA, state, or local agencies. All water discharged from a thermal processing facility shall be treated sufficiently to meet applicable effluent limitation standards. All necessary permits shall be obtained from the appropriate federal, state, or local agencies.

031103. Thermal processing residue shall be disposed of in an environmentally acceptable manner. Land disposal of residues shall be per EPA guidelines for the land disposal of solid wastes. The guidelines also apply to those non-HWs that cannot be thermally processed for reasons of health, safety, or technological limitation.

0312 SOLID WASTE COLLECTION, STORAGE, AND DISPOSAL

031201. Federal, state, and local requirements concerning collection, storage, and disposal apply to Marine Corps installations that:

A. Generate solid waste, whether it is collected by the Marine Corps or by a nonmilitary collector. All solid waste generated shall be evaluated to determine if that waste is HW in accordance with section 11 of 40 CFR 262 (Reference (s)). HW is discussed in detail in Volume 9 of this Order.

B. Dispose of solid waste on Marine Corps property, regardless of whether the waste is originated by the Marine Corps or other sources.

C. Dispose of solid waste off Marine Corps property if the waste is generated by a Marine Corps installation and if the installation has direct management control over the disposal operation.

031202. References (c), (d), (e), (f), (g), and (h) contain applicable federal regulations for non-hazardous solid waste. Federal solid waste requirements have changed dramatically over the last several years, with most changes occurring in the following areas:

A. Federal procurement of selected products containing recovered materials and postconsumer wastes, including oil, paper, tires, and building insulation (Reference (f)).

B. Requirements for Municipal Solid Waste Management Facilities (Reference (h)).

031203. Marine Corps waste materials (including trash, rubbish, dunnage, garbage, construction debris, and liquid waste) shall not be burned in open fires, except in limited situations after considering health and safety issues and with the approval of the appropriate state or local agencies and EPA regional office.

0313 MARINE CORPS-OWNED LAND DISPOSAL SITES

031301. DoD encourages the recovery of biogas from Municipal Solid Waste Landfills (MSWLFs). Requirements for MSWLFs can be found in Reference (h) and address the design, location, construction, operation, closure, and post-closure of MSWLFs as follows:

A. MSWLFs and lateral expansions that stopped receiving solid waste on or before October 9, 1991, do not have to meet the requirements.

B. MSWLFs and lateral expansions that received solid waste after October 9, 1991, but stopped receiving solid waste on or before October 9, 1997, only have to meet the final cover requirements specified in section 60(a) of Reference (h). The final cover shall have been installed no later than 6 months after receipt of the last wastes in accordance with section 60 of Reference (h). If closure will exceed the 6-month timeframe, an extension shall be received from the

state after the operator demonstrates that he has taken, and will continue to take, all steps to prevent exposure to human health and environment.

C. MSWLFs and lateral expansions that continue to receive wastes after October 9, 1993, shall meet all of the requirements. Refer to section 1(f) of Reference (h) for site- and condition-specific exemptions for MSWLFs that continue to receive solid waste.

031302. EPA promulgated revisions to existing criteria for solid waste disposal facilities and practices, for Non-municipal Non-hazardous Waste Disposal Units that receive Conditionally Exempt Small Quantity Generator (CESQG) HW subpart B in Reference (g). MSWLFs that receive CESQG HW shall comply with sections 7 through 13 and section 30 of Reference (g) by January 1, 1998, and sections 21 through 28 of Reference (g) by July 1, 1998. These regulations address location, groundwater monitoring, and corrective action. Any MSWLF that receives CESQG HW is also subject to sections 3-2, 3-3, 3-5, 3-6, 3-7, and 3-8(a), (b), and (d) of Reference (g). Only a construction and demolition (C&D) debris landfill that meets the requirements of subpart B in Reference (g) may receive CESQG waste.

0314 RECORDKEEPING

031401. To determine solid waste management requirements, each installation shall retain records of disposed solid waste and materials recycled for the current year and the two preceding years, per SECNAV M-5210.1 (Reference (t)).

A. Each installation shall determine what actions will be, or have been, taken to adopt source separation requirements. In situations when a decision is made not to source separate, the decision shall be based on a fully supported analysis. If a source separation program is adopted, the sale of recyclable materials obtained as a result of the source separation or energy recovery guidelines or the sale of used petroleum products, less the cost of sales and handling, may be administered through DLA Disposition Services under the provisions of Reference (o) or sold by the QRP per DoD policy. This procedure does not apply to waste materials turned over to voluntary organizations or civilian communities for recycling, or to military exchanges and commissary stores where the activity owns or leases its own processing equipment.

B. Each installation shall keep records for SW, including the actual weight, material and product type, the disposition (e.g., landfilled, incinerated), cost, and revenues. If the actual weight is not available, the volume can be estimated and converted to weight using accepted densities of various wastes.

C. Each installation shall keep records for recycled wastes, including the actual weight, types (e.g., glass, metal), proceeds from the sale of recyclable materials, and avoided costs for disposal.

D. Installations shall maintain records for the quantities of waste disposed and recycled by C&D contractors. C&D materials disposed of in MSWLFs or C&D landfills are not considered recycled; however, materials recycled by a C&D contractor shall be counted as recycled when calculating the installation's diversion rate. Installations shall maintain these records per Reference (t), SSIC 4200.1b(1) and 4200.1b(2), as appropriate.

031402. After establishing an organized QRP, or if recycling is concurrent with such program development, the installation shall determine whether to sell material directly or through DLA Disposition Services. If material is to be sold directly, the QRP procedures shall address the identification of recyclable materials, excluded materials, and other QRP materials. The installation shall coordinate with DLA Disposition Services to determine whether the specific material to be sold actually is recyclable material. Refer disputes through the chain of command. Proceeds from sales, regardless of the type of sales transaction, are returned to the installation as described below:

A. DLA Disposition Services shall deposit 100 percent of recyclable material sales proceeds, net of cost obtained as a result of the source separation or recycling guidelines or the sale of used petroleum products, to the account designated by a managing activity that operates the QRP. The designated account number shall appear on the Disposal Turn-in Document in order for DLA Disposition Services to return the proceeds. Procedures governing the sale of recyclable materials shall be consistent with section 203 of 10 U.S.C. 484 et seq. (also known and referred to in this Order as “Federal Property and Administrative Services Act”) (Reference (u)). Although the screening for utilization, transfer, and donation as described in Reference (o) is not required prior to offering recyclable materials for sale, such screening may occur at the discretion of the DLA director.

B. All Marine Corps installations, including those that operate under the Naval Working Capital Fund, may participate in the program.

C. Deposit proceeds from the sale of recyclable materials at an installation with a QRP to account number 17F3875.27RM “Budget Clearing Account (suspense)” as instructed by Reference (q) and Appendix H in Reference (r). Accumulated funds in account number 17F3875.27RM are not affected by fiscal year end, so that proceeds acquired during one fiscal year may be carried forward and merged with proceeds of subsequent fiscal years. The proceeds are segregated within the account through associations with the bureau control number (installation unit identification code) to allow accounting as to the amounts collected and their disposition.

D. Withdraw proceeds first from account number 17F3875.27RM to cover costs of operations, maintenance, and overhead for the processing and handling the recyclable materials (including the cost of any equipment purchases for recycling purposes). Military personnel shall not be reimbursed from the proceeds of this account. If funds from account 17F3875.27RM are not sufficient to cover the costs of processing and handling these recyclable materials within a fiscal year, funds normally available for operations and maintenance shall be used to cover the remainder.

0315 SOLID WASTE ANNUAL DATA CALL

All installations that generate more than one ton per day of solid waste shall report their solid waste data quarterly as described in paragraph 0314, per CMC (LF)/MCICOM (GF) guidance. CGs/COs of Marine Corps installations and COMMARFORRES are responsible for submitting previous fiscal year solid waste data annually, approximately in November, to CMC (LF)/MCICOM (GF) as directed. This data tracks the Marine Corps progress in meeting DoD Strategic Sustainability Performance Plans’ pollution prevention and waste reduction goal and then reported as part of the DEP ARC and EMR.

0316 TECHNICAL ASSISTANCE

NAVFAC Atlantic and NAVFAC Pacific (which are Echelon III level) and their subordinate Facilities Engineering commands at the Echelon IV level shall provide technical assistance to Marine Corps installations upon request.

0317 MARINE CORPS INSTALLATIONS IN FOREIGN COUNTRIES

Outside the United States, the disposition of recyclable and other QRP materials derived from goods that have been imported duty free is accomplished in accordance with the status of forces, surplus or excess property agreements, or other international agreements with host nations.

VOLUME 17: CHAPTER 4

“RESPONSIBILITIES”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 4

RESPONSIBILITIES

0401 CMC (LF)/COMMANDER MCICOM (GF)

CMC (LF)/Commander MCICOM (GF) shall:

040101. Provide information and advice to installation commanders regarding proposed and final rules and regulations pertaining to solid waste management and recycling, and uniformly apply Marine Corps policy as set forth in this Order.

040102. Ensure compliance for recycling programs and procedures in accordance with the specifications provided in Reference (o).

040103. Assist installations in resolving disputes with federal, state, local, and foreign regulatory agencies, as required.

040104. Conduct special environmental compliance and protection studies with regard to solid waste management to assist in establishing policy or initiating actions.

040105. Ensure, through field visits and the Environmental Compliance Evaluation Program, Marine Corps cooperation and compliance with federal, state, and local regulatory agencies with regard to solid waste regulations.

040106. Track Marine Corps progress toward meeting established solid waste diversion goals, per NAVFAC guidance for the annual solid waste data call, using the EPR Portal data.

0402 COMMANDING GENERAL (CG) MARINE CORPS EAST, WEST, PACIFIC, AND NATIONAL CAPITAL REGION

CG Marine Corps East, West, Pacific, and National Capital Region shall Identify and promote opportunities for regional environmental initiatives and contracting support to gain efficiencies. Create environmental program efficiencies by collectively funding studies, coordinating common training programs, developing appropriate Memorandums of Agreement between stakeholders (e.g., Marine Corps TECOM installations, Marine Aircraft Wings, Resident Officer In Charge of Construction offices, etc.) and the Region, and facilitating mutual support between installations as practicable.

0403 COMMANDING GENERAL (CG)/COMMANDING OFFICER (CO) OF MARINE CORPS INSTALLATIONS AND COMMARFORRES

CG/CO of Marine Corps Installations and COMMARFORRES shall:

040301. Identify and submit to CMC (LF)/MCICOM (GF) project documentation and funding requests for solid waste management and recycling facilities that are required to maintain

compliance with applicable existing and emerging regulations and permits. Program and budget for personnel, equipment, materials, training, and monitoring required to comply with solid waste management and recycling requirements. Pay appropriate federal, state, and local fees. Ensure that the Environmental Management Hierarchy is employed, P2 alternatives are evaluated, and life-cycle cost impacts are assessed in evaluating and selecting projects that address compliance requirements.

040302. Ensure that all required federal, state, and local permits are applied for and obtained. Sign certifications and permit applications, as required, for construction of all solid waste management and recycling projects.

040303. Ensure that an installation or station order is written implementing local solid waste management and recycling policies.

040304. Establish source separation programs and recycling facilities as feasible, and implement their operation through installation or station orders.

040305. Determine whether a QRP or recycling sales programs are applicable.

040306. Obtain applicable state or local permits and licenses for the site location and operation of onsite landfills.

040307. Ensure that solid waste is disposed of according to applicable federal, state, and local requirements.

040308. Develop a system (e.g., listing, dumpster markings) to notify all installation and unit personnel of the types of solid waste that may be placed in solid waste collection containers, and ensure that only those acceptable wastes are placed in the containers.

040309. Ensure that off-installation landfills receiving Marine Corps solid waste are licensed and are operating under applicable permits and regulations.

040310. Ensure that Marine Corps installations located in the United States and its territories and possessions comply with applicable Department of Agriculture inspection and disposal requirements if they receive garbage from vehicles or aircraft arriving from outside the United States. These regulations are designed to prevent the spread of plant pests and animal diseases.

040311. Develop solid waste management plans, including source reduction and recycling programs and energy recovery facilities, as required.

040312. Ensure that recyclable material direct sales through the QRP are performed in accordance with applicable laws and guidance.

040313. Submit solid waste data annually to NAVFAC Engineering and Expeditionary Warfare Center and the CMC (LF)/MCICOM (GF), per NAVFAC guidance for the annual solid waste data call, via the EPR Portal.

040314. Ensure the installation is taking necessary measures to meet the most current DoD solid waste reduction goals.

**0404 COMMANDING GENERAL (CG)/COMMANDING OFFICER (CO) OF MARINE CORPS
COMMAND/UNIT AND TENANTS ABOARD MARINE CORPS INSTALLATIONS**

CG/CO of Marine Corps Command/Unit and Tenants Aboard Marine Corps Installations shall require that the organization, lessor, or host activity participate in or implement solid waste management programs as outlined in this Volume.

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VOLUME 17: APPENDIX A

“FEDERAL STATUTES, FEDERAL REGULATIONS, EXECUTIVE ORDERS, AND DOD POLICIES”

SUMMARY OF SUBSTANTIVE CHANGES

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APPENDIX A

**FEDERAL STATUTES, FEDERAL REGULATIONS, EXECUTIVE ORDERS, AND DOD
POLICIES**

1 FEDERAL STATUTES

a. Solid Waste Disposal Act of 1965, as Amended in 1976, 42 U.S.C. 6901 et seq.

The Solid Waste Disposal Act requires that federal installations comply with all federal, state, and local requirements concerning the disposal and management of solid waste. These requirements include permitting, licensing, and reporting. The Act encourages the beneficial reuse of waste through recycling and burning for energy recovery. Additionally it requires the procurement, to the maximum extent possible, of EPA guideline products that contain recycled materials. This is outlined in the Comprehensive Procurement Guide VI issued in August 2004 and authorized under the RCRA 6002.

b. Federal Facilities Compliance Act (FFCA) of 1992

FFCA amends the Solid Waste Disposal Act section 6001 (42 U.S.C. 6961 et seq.). This law allows federal and state regulators to enforce federal, state, and local solid waste laws and regulations at federal facilities.

c. Resource Conservation and Recovery Act (RCRA) of 1976, 42 U.S.C. 6901 et seq.

RCRA defines solid waste and identifies what solid waste is considered HW, and sets strict requirements for the handling of HW. RCRA Subtitle C regulates HW, which is fully discussed in Volume 9. Subtitle D of RCRA focuses primarily on managing municipal and solid waste. The goals of subtitle D are to encourage state and local governments to plan, permit, regulate, implement, and enforce agencies to manage and dispose of household and industrial or commercial non-hazardous SWs in an environmentally sound manner. This includes the recycling of waste material and resource conservation. Subtitle D has mandatory technical standards for non-hazardous solid waste disposal facilities.

d. Clean Air Act (CAA) of 1970, as Amended, 42 U.S.C. 7401 et seq.

Section 112 of the CAA authorizes the EPA to set emission standards for HAPs. In 1973, a standard for the control of asbestos fibers was issued as part of the National Emissions Standards for HAPs. Regulations addressing asbestos disposal in solid waste landfills are included in the CAA, section VI, Special Pollutants.

e. Military Construction Codification Act of 1982, Public Law 97-214

Section 6 of the Military Construction Codification Act contains a provision that allows net proceeds from the sale of recyclable materials to be used by Marine Corps installations having QRPs for certain purposes.

- f. Federal Property and Administrative Services Act of 1949, 10 U.S.C. 484 et seq.

Section 203 of the Act contains provisions on the sale of recyclable materials.

- g. Pollution Prevention Act of 1990, 42 U.S.C. §13101 and §13102, et seq.

This Act establishes the national policy that “pollution should be prevented at the source whenever feasible. Pollution that cannot be prevented should be recycled in an environmentally safe manner whenever feasible; pollution that cannot be prevented or recycled should be treated in an environmentally safe manner whenever feasible; and disposal or other release into the environment should be employed only as a last resort and should be conducted in an environmentally safe manner.”

2 EXECUTIVE ORDERS

- a. E.O. 13693, “Planning for Federal Sustainability in the Next Decade,” March 19, 2015

E.O. 13693 has a goal to maintain Federal leadership in sustainability and greenhouse gas emission reductions. It revoked E.O. 13423 and E.O. 13514. This E.O. continues the policy of the United States that agencies shall increase efficiency and improve their environmental performance to help protect the planet for future generations and save taxpayer dollars through avoided energy costs and increased efficiency, while also making Federal facilities more resilient. To improve environmental performance and Federal sustainability, the E.O. states that priority should first be placed on reducing energy use and cost, then on finding renewable or alternative energy solutions. The E.O. sets goals for greenhouse gas emissions and for sustainability, including energy conservation, clean energy, renewable energy, alternative energy, water use efficiency, potable water consumption, fleet efficiency, building efficiency, sustainable acquisition, waste and pollution prevention, performance contracts, and electronics stewardship. Specific goals relating to waste include: diverting at least 50 percent of non-hazardous solid waste, including food and compostable material but not construction and demolition materials and debris, annually, and pursuing opportunities for net-zero waste or additional diversion opportunities; diverting at least 50 percent of non-hazardous construction and demolition materials and debris; and reducing or minimizing the quantity of toxic and hazardous chemicals and materials acquired, used, or disposed of, particularly where such reduction will assist the agency in pursuing agency greenhouse gas emission reduction targets established in section 2 of this Order.

- b. Instructions for Implementing E.O. 13693, June 10, 2015

This document defines agency requirements for implementing the new E.O. 13693 and provides broad strategies for achieving them.

3 DEPARTMENT OF DEFENSE (DOD) POLICY

It is DoD policy to:

- a. Implement installation recycling, reuse, and ISWM programs that properly and cost effectively manage materials in accordance with the hierarchy outlined in section 2 of Enclosure 3.

- b. Maximize the recovery and recycle of useful materials and reduce the generation of solid waste and its disposal in accordance with Enclosure 3.

- c. Implement measures to achieve solid waste and construction and demolition (C&D) debris diversion goals in accordance with the DoD Strategic Sustainability Performance Plan pursuant to Reference (g).

- d. Consolidate ISWM requirements under facilities operations, including solid waste diversion.

- e. Establish one QRP for each installation in accordance with Reference (c) if the ISWM program includes the retention of recyclable materials commodity sales revenue (referred to in this instruction as “sales revenue”).

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VOLUME 17: APPENDIX B

**“NON-HAZARDOUS SOLID WASTE MATERIALS DISPOSITION AND DIVERSION
ELIGIBILITY GUIDANCE”**

SUMMARY OF SUBSTANTIVE CHANGES

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APPENDIX B

NON-HAZARDOUS SOLID WASTE MATERIALS DISPOSITION AND DIVERSION
ELIGIBILITY GUIDANCE

1 Table B-1 provides guidance on material to consider for diversion and whether they are eligible for meeting the DoD ISWM diversion metric. When disposing of non-hazardous solid waste, all available diversion options shall be explored prior to disposal by incineration or landfilling. Installation ISWM program managers and QRP managers should perform market research for current and potential commodities for QRP-eligible recycling, donation (through DLA Disposition Services), composting, or other diversion opportunities.

ENVIRONMENTAL COMPLIANCE AND PROTECTION PROGRAM

Table B-1.-- Materials Disposition and Diversion Eligibility Guidance.

#	Item	QRP Eligible	DLA Disposition Services Eligible	Diversion Metric Eligible	*Notes
1	High-grade office paper	Yes	Yes	Yes	
2	Mixed office paper	Yes	Yes	Yes	
3	Newspaper print	Yes	Yes	Yes	
4	Corrugated cardboard	Yes	Yes	Yes	
5	Corrugated cardboard Generated by Commissary and/or Exchange	Yes*	Yes	Yes	QRP eligible only with memorandum of understanding (MOU) with local commissary/ exchange stating the Commissary is donating the cardboard and any sales revenue to the QRP. QRPs cannot return proceeds to Commissaries.
6	Plastics (#1 - #7)	Yes	Yes	Yes	
7	Glass	Yes	Yes	Yes	
8	Aluminum and other metal cans	Yes	Yes	Yes	
9	Ferrous and non-ferrous scrap metal	Yes	Yes	Yes	
10	Unserviceable appliances	Yes	Yes	Yes	Must have CFCs purged from refrigerators and air conditioner units prior to sale.
11	Expended Small Arms Cartridge Casings (ESACCs) .50 caliber and smaller	Yes	Yes	Yes	QRP shall deform prior to direct sale; or turn-into DLA Disposition Services with properly documented DD Form 1348-1A to receive QRP reimbursement.

ENVIRONMENTAL COMPLIANCE AND PROTECTION PROGRAM

Table B-1.-- Materials Disposition and Diversion Eligibility Guidance.

#	Item	QRP Eligible	DLA Disposition Services Eligible	Diversion Metric Eligible	*Notes
12	Expended Casings Larger than .50 caliber	No	Yes	Yes	Requires safety inspections and demilitarization (Code G items)
13	Mixed metal range gleanings	Yes	Yes	Yes	
14	Ammunition cans/boxes; scrap condition, unusable/unserviceable .50 caliber and smaller	Yes	Yes	Yes	
15	Ammunition cans/boxes; Serviceable	No	Yes	Yes	
16	Precious-metal bearing scrap	No	Yes	No	
17	Scrap metal from demilitarization of ships, aircraft, or weapons	No	Yes	No	
18	Scrap metal generated by Working Capital Funds activities	No	Yes	Yes	
19	Wooden pallets; unusable/unserviceable	Yes	No	Yes	
20	Wooden pallets; usable	No*	Yes	Yes	QRP-eligible only with DLA Disposition Services documented approval.
21	Scrap wood	Yes	Yes	Yes	
22	Landscape trimmings	Yes	Yes	Yes*	Grass clippings left in place is waste avoidance and not eligible for diversion credit. If collected and composted, include as diversion.
23	Food waste	Yes	No	Yes	

ENVIRONMENTAL COMPLIANCE AND PROTECTION PROGRAM

Table B-1.-- Materials Disposition and Diversion Eligibility Guidance.

#	Item	QRP Eligible	DLA Disposition Services Eligible	Diversion Metric Eligible	*Notes
24	Scrap furniture; broken/ non-repairable/unusable/ unserviceable	Yes*	Yes	Yes	QRPs shall sell as scrap metal/wood/textile; cannot sell as usable furniture item. QRP shall retain on file DLA Disposition Services abandonment/destruction certification.
25	Used furniture	No	Yes	Yes	
26	Uncontaminated rags and textiles	Yes	Yes	Yes	
27	Cooking oil/grease	Yes	Yes	Yes*	If used for waste-to-energy purposes, it is disposal, not diversion
28	Used vehicle oil; non-hazardous	Yes	Yes	Yes*	If used for waste-to-energy purposes, it is disposal, not diversion
29	Used vehicle oil; RCRA hazardous	No	Yes	No	
30	Antifreeze; non-hazardous ethylene glycol-based	Yes	Yes	Yes	
31	Fuels	No	Yes	No	
32	Unopened containers of solvents, paints, or oil including expired and non-hazardous items	No	Yes	No	
33	Used tires; automotive and light truck	Yes	Yes	Yes*	If used for waste-to-energy purposes, it is disposal not diversion

ENVIRONMENTAL COMPLIANCE AND PROTECTION PROGRAM

Table B-1.-- Materials Disposition and Diversion Eligibility Guidance.

#	Item	QRP Eligible	DLA Disposition Services Eligible	Diversion Metric Eligible	*Notes
34	Used tires; aircraft	No	Yes	Yes*	If recycled (not burned for waste-to-energy), it counts towards diversion.
35	Fluorescent bulbs	Yes	Yes	No*	Regulated as Universal Waste
36	Compact fluorescent bulbs	Yes	Yes	No*	Regulated as Universal Waste
37	Lead-acid batteries	Yes	Yes	No*	Regulated as Universal Waste
38	Government-Purchased Cell Phone batteries (lithium-ion (rechargeable))	No	Yes	No*	Regulated as Universal Waste
39	Dry-cell batteries (includes: alkaline (non-rechargeable) carbon zinc (non-rechargeable) nickel cadmium (rechargeable) lithium (non-rechargeable) lithium-ion (rechargeable))	Yes*	Yes	Yes*	If non-hazardous and non-Universal Waste.
40	Spent toner cartridges	Yes	Yes	Yes	
41	Government-Purchased Cell Phones	No	Yes	Yes	
42	Materials from building/structure deconstruction (copper wiring, unpainted wood waste, intact building components such as doors & windows)	Yes	Yes* (1)	Yes* (2)	(1) DLA Disposition Services does not accept broken window or glass. (2) Reportable as Disposed and/or Diverted construction and demolition (C&D) Debris

ENVIRONMENTAL COMPLIANCE AND PROTECTION PROGRAM

Table B-1.-- Materials Disposition and Diversion Eligibility Guidance.

#	Item	QRP Eligible	DLA Disposition Services Eligible	Diversion Metric Eligible	*Notes
43	Materials from road/runway deconstruction (asphalt, concrete, metal rebar)	Yes	No* (1)	Yes* (2)	(1) DLA Disposition Services accepts metal rebar only from road/runway debris. (2) Reportable as Disposed and/or Diverted C&D Debris
44	Government-Purchased Electronic Components (includes information technology)	No	Yes	Yes*	If non-hazardous and non-Universal Waste.
45	Privately owned personal property; lost, abandoned or unclaimed	No	Yes	No	
46	Non-appropriated fund (NAF) equipment/ furnishings	Yes*	Yes	Yes	QRP eligible only when MOU with local commissary or exchange states the NAF is donating both the scrap items and sales revenue to the QRP.
47	Military Family Housing (MFH) Recyclables	Yes	Yes	Yes	

ENVIRONMENTAL COMPLIANCE AND PROTECTION PROGRAM

Table B-1.-- Materials Disposition and Diversion Eligibility Guidance.

#	Item	QRP Eligible	DLA Disposition Services Eligible	Diversion Metric Eligible	*Notes
48	Privatized Military Family Housing Municipal Solid Waste	(1)*	No	(2)*	<p>(1) Privatized MFH generated recyclables are QRP eligible, but not mandatory. QRP Manager should review contract between privatized MFH management and the installation to make informed decisions to support privatized MFH.</p> <p>(2) If QRP is processing privatized MFH recyclables and including that as an installation diversion, then shall report both disposal and diverted tonnages.</p>

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VOLUME 18

“STORAGE TANK MANAGEMENT”

SUMMARY OF VOLUME 18 CHANGES

Hyperlinks are denoted by ***bold, italic, blue and underlined font.***

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VOLUME 18: STORAGE TANK MANAGEMENT

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- B MINIMUM REQUIREMENTS FOR UNDERGROUND STORAGE TANKS (USTS)B-1

REFERENCES

- (a) Public Law 99-499, "Superfund Amendments and Reauthorization Act," October 17, 1986
- (b) 42 U.S.C. 6901
- (c) Public Law 109-58, "Energy Policy Act of 2005," August 8, 2005
- (d) Part 112 of Title 40, Code of Federal Regulations (40 CFR 112)
- (e) 40 CFR 260
- (f) 40 CFR 264 Subpart J
- (g) 40 CFR 280
- (h) 42 U.S.C. 2011
- (i) EPA, "Guidance on Compatibility of UST Systems with Ethanol Blends Greater than 10 Percent and Biodiesel Blends Greater than 20 Percent," June 2011
- (j) 40 CFR 302
- (k) 40 CFR 110
- (l) 33 U.S.C. 1251
- (m) National Response Team, "The National Response Team's Integrated Contingency Plan Guidance," June 5, 1996
- (n) 40 CFR 300 (also known as "National Oil and Hazardous Substance Pollution Contingency Plan")
- (o) EPA, "SPCC Guidance for Regional Inspectors," August 2013
- (p) 40 CFR 109
- (q) Clean Water Act Service Steering Committee, "Joint Services Spill Prevention, Control, and Countermeasure (SPCC) Plan Template," April 2004
- (r) Clean Water Act Service Steering Committee, "Joint Services Spill Prevention, Control, and Countermeasure (SPCC) Plan Frequently Asked Questions," April 2004
- (s) SECNAV M-5210.1
- (t) 29 CFR 1910.1200
- (u) 40 CFR 60
- (v) MCO 4450.12A
- (w) MCO 10330.2D
- (x) MCO P11000.5G Ch. 2
- (y) MCO P11000.12C Ch. 1
- (z) DoD Manual 4715.20, "DERP Management," March 9, 2012
- (aa) 42 U.S.C. 9601
- (ab) 40 CFR 122.2
- (ac) 42 U.S.C. 7901 et seq.

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VOLUME 18: CHAPTER 1

“SCOPE”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 1

SCOPE

0101 PURPOSE

This Volume establishes Marine Corps policy and responsibilities for compliance with statutory requirements for storage tanks containing all types of oil and hazardous substances (HSs).

0102 APPLICABILITY

See Volume 1 paragraph 0102.

0103 BACKGROUND

010301. Underground Storage Tanks (USTs)

Public Law 99-499, “Superfund Amendments and Reauthorization Act” (Reference (a)) amended Sections 6901 et seq. of Title 42, United States Code (42 U.S.C. 6901 et seq.) (also known and referred to in this Order as “Resource Conservation and Recovery Act,” (RCRA) as amended) (Reference (b)) to include provisions to prevent releases from USTs, mandating a comprehensive regulatory program. Public Law 109-58, “Energy Policy Act of 2005” (Reference (c)) further amended Reference (b) to include provisions regarding inspections, operator training, delivery prohibition, secondary containment and financial responsibility, and cleanup of certain releases. While USTs are primarily regulated under these references, Part 112 of Title 40, Code of Federal Regulations (40 CFR 112) (Reference (d)) provides policies and requirements for USTs that are excluded or exempted from all or certain requirements of 40 CFR 260 (Reference (e)). A UST is defined as any combination of tank and underground pipes in which 10 percent or more of the volume of the tank is beneath the ground surface (including associated underground piping).

010302. Aboveground Storage Tanks (ASTs)

ASTs are regulated under (Reference (d)), which includes provisions to prevent any discharge of oil into navigable waters or adjoining shorelines and regulates facilities that are non-transportation-related; have an aggregate aboveground storage capacity greater than 1,320 gallons (gal) or a completely buried storage capacity greater than 42,000 gal; and have a reasonable expectation of a discharge into or upon navigable waters of the United States or adjoining shorelines. In addition, 40 CFR 264 Subpart J (Reference (f)) provides general standards and operating requirements for ASTs.

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VOLUME 18: CHAPTER 2

“AUTHORITY”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 2

AUTHORITY

0201 FEDERAL STATUTES

- 020101. Hazardous and Solid Waste Amendments of 1984 (Public Law 98-616).
- 020102. Superfund Amendments and Reauthorization Act of 1986 (Public Law 99-499).
- 020103. Energy Policy Act of 2005 (Public Law 109-58).
- 020104. Clean Water Act of 1972 (33 U.S.C. 1251 et seq.).

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VOLUME 18: CHAPTER 3

“REQUIREMENTS”

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CHAPTER 3

REQUIREMENTS

0301 GENERAL UNDERGROUND STORAGE TANK (UST) STANDARDS AND OPERATING REQUIREMENTS

UST regulations applicable to federal installations are found in subparts A-G of 40 CFR 280 (Reference (g)). Effective October 2015, the EPA published new UST regulations for 40 CFR 280. Installations are responsible for implementing the new regulations to comply with the deadlines set by the EPA. A brief description of the requirements follows:

030101. In Reference (g), subpart A gives the definitions for the UST program and applicability of the regulations to each system.

030102. Federal UST regulations, Reference (g) apply to both existing and new tanks and associated piping networks. Tank standards stipulated under these regulations, including corrosion protection, spill/overflow prevention, and release detection, are applicable for all tanks. Appendix B of this Volume contains a summary of basic UST system requirements. Tanks unable to meet federal UST standards shall be closed in compliance with subpart G of Reference (g).

030103. Wastewater treatment tank systems, USTs containing radioactive material governed by 42 U.S.C. 2011 et seq., also known and referred to in this Order as “Atomic Energy Act,” (Reference (h)), UST systems that are part of an emergency generator system at nuclear power generation facilities, airport hydrant fuel distribution systems, and UST systems with field-constructed tanks are deferred, until 2008, from the requirements of Reference (g) except for subpart F governing release response and corrective action requirements.

030104. UST owners/operators will monitor transfer operations to ensure that spilling or overflowing does not occur.

030105. UST owners/operators will maintain and inspect corrosion protection measures, including cathodic protection, to ensure proper operation.

030106. UST systems shall be made of, or lined with, materials compatible with substances stored in the UST system.

A. The chemical and physical properties of ethanol and biodiesel blends differ from petroleum products and, therefore, have different requirements for materials compatibility with UST system components. All UST system components in contact with ethanol or biodiesel blends shall be materially compatible with that fuel.

B. UST owners/operators shall demonstrate compatibility pursuant to section 32 of Reference (g) as described in EPA, “Guidance on Compatibility of UST Systems with Ethanol Blends Greater than 10 Percent and Biodiesel Blends Greater than 20 Percent,” June 2011 (Reference (i)).

030107. UST owners/operators will conduct repairs to UST systems in accordance with a code of practice developed by a nationally recognized association or an independent testing laboratory; repairs may be made by the manufacturers' authorized representatives. Test repaired tanks' operability for tightness and corrosion protection, and maintain records of all repairs for the remaining operating life of the UST system. Internal inspections of repaired tanks, using appropriate confined space entry procedures, may be permitted in lieu of tightness testing. Also, UST owners/operators will test repairs to spill or overflow equipment and secondary containment areas within 30 days.

030108. UST owners/operators will maintain written records demonstrating compliance with federal, state, and local regulations.

030109. The owner/operator shall report all existing USTs, installation certifications, and change of ownership notification for UST systems to the appropriate regulatory agency. Owners/operators shall also report releases, spills, and corrective actions planned in cleanup procedures.

0302 RELEASE DETECTION

030201. In addition to compliance with tank standards identified under sections 20 and 21 of Reference (g), subpart D of Reference (g) identifies release detection requirements for all new and existing tanks and associated piping. Sections 40 and 41 of Reference (g) describe release detection requirements specific to petroleum and HS UST systems, respectively, including requirements pertaining to secondary containment, double-walled tanks, external liners, and underground piping. Section 42 of Reference (e) requires UST owners/operators to install secondary containment for all new and replaced tanks, piping, and under-dispenser containment for all new dispenser systems.

030202. Specific types of release detection methods to be employed are defined in subpart D of Reference (g) (see Appendix B). The owner/operator shall choose from the options outlined in these regulations; release detection will consist of one of the monthly monitoring methods as defined under section 43(d)-(h) of Reference (g) or tank tightness testing in combination with monthly inventory control. Tank tightness testing at intervals of 5 years is allowed for new tanks up to 10 years after installation. The employment of release detection methods required under subpart D of Reference (g) is necessary for the life of the tank and piping system.

030203. UST owners/operators will maintain records documenting compliance with release detection requirements for five years or a length of time to be determined by the appropriate regulatory agency.

0303 RELEASE REPORTING, INVESTIGATION, AND CONFIRMATION

030301. Subpart E of Reference (g) outlines release reporting, investigation, and confirmation requirements.

030302. A suspected release from a UST system shall be reported to the appropriate regulatory agency within 24 hours. Exceptions to the reporting requirement include the following:

when tank system dispensing/pumping equipment is found to be defective but not leaking and can be replaced or repaired immediately; in the case of inventory control, if the second month of data does not confirm the initial results; or when the monitoring device is found to be defective and is immediately repaired or replaced and recalibrated, and additional monitoring does not confirm the initial results. Follow the guidance in Volume 7 of this Order for reporting HS releases.

030303. The regulatory agency may require offsite impact determinations under certain circumstances, such as those described in section 51 of Reference (g).

030304. Suspected releases of regulated substances shall be investigated and confirmed within 7 days by conducting a UST system test or another confirmation procedure established by an appropriate regulatory agency. Further investigation is not required if a system test indicates a leak does not exist and no environmental contamination is present. If system testing indicates that no leak exists but environmental contamination is the cause for suspecting a release, a site check, in accordance with section 52(b) of Reference (g), is required.

030305. UST system spills or overfills shall be immediately contained, cleaned, and reported to the appropriate regulatory agency within 24 hours for spills or overfills of:

- A. Release of an amount specified by the appropriate regulatory agency, or release causing a petroleum sheen on nearby surface water for tanks containing petroleum products.
- B. HS exceeding reportable quantities as defined by the appropriate regulatory agency.

030306. Spills and overfills resulting in the release of petroleum that are less than the amount required for reporting to the appropriate regulatory agency shall be contained immediately and removed within 24 hours of the discovery.

030307. If cleanup cannot be accomplished within 24 hours, immediately notify the appropriate regulatory agency.

030308. A release of a HS equal to or in excess of its reportable quantity shall be reported immediately to the National Response Center (NRC) pursuant to 40 CFR 302 (Reference (j)) and to appropriate regulatory agencies pursuant to Reference (a).

030309. A release of petroleum in such quantities as may be harmful as defined by section 3 of 40 CFR 110 (Reference (k)) shall be reported immediately to the NRC, Coast Guard, or U.S. Environmental Protection Agency (EPA) predesignated on-scene coordinator pursuant to section 6 of Reference (k).

0304 RELEASE RESPONSE AND CORRECTIVE ACTION

030401. Subpart F of Reference (g) outlines release response and corrective action requirements.

030402. Upon confirmation of a release, owner/operators shall stop further release of the regulated substance from the UST system and identify and mitigate fire, explosion, and vapor hazards.

030403. Owners and operators shall notify the appropriate regulatory agencies in accordance with paragraph 0303 upon discovery of a confirmed or suspected release. Suspected releases shall be confirmed within 7 days of the initial discovery, in accordance with section 280.52 of Reference (g).

030404. The following initial abatement measures are required for a confirmed release, as defined in section 62 of Reference (g):

- A. Remove as much of the regulated substance as necessary from the UST system to prevent further release.
- B. Remedy hazards posed by UST releases. Hazards include contaminated soils below ground level and migration of the regulated substance into surrounding soils and groundwater.
- C. Continue to monitor and mitigate any fire and safety hazards.
- D. Measure prudently for the presence and extent of releases around the UST site.
- E. Alleviate any hazards posed by contaminated soils and materials that were excavated or exposed as a result of any corrective or investigative activities. The owner/operator shall comply with applicable federal, state, and local regulations regarding disposal or treatment of these substances.
- F. Report initial abatement steps within 20 days to the appropriate regulatory agency (EPA or state agency per their respective regulations).

030405. The EPA or appropriate state regulatory agency require an initial site characterization report, which includes at a minimum the determination of the nature and extent of the release, the estimated quantity of the release, a free product assessment, and information on surrounding population, geology, water supply, wells, utilities, climate, and land use.

030406. The site characterization report shall be submitted within the timeframe specified by the regulatory agency.

030407. If free product is discovered, the owner/operator shall begin abatement of it as soon as possible and to the maximum extent practicable. All free product abatement and disposal practices shall comply with those listed in section 64 of Reference (g).

030408. Submission of a corrective action plan may be required with additional information on the condition and extent of contaminated soil, groundwater remediation actions, and demonstration that adequate protection to human health, safety, and the environment is being

provided. The regulatory agency may either approve the plan or make modifications prior to implementation.

030409. Public notification shall be made for each confirmed release that requires a corrective action plan, and the plan shall be available to the public upon request. Additionally, the public shall be notified in a manner that complies with part (a) of section 67 in Reference (g) if the selected corrective action plan fails to meet the established cleanup goals and termination of that plan is under consideration by the appropriate regulatory agency.

0305 OUT-OF-SERVICE UST SYSTEMS AND CLOSURE

030501. The regulations applicable to this section are located in subpart G of Reference (g).

030502. Temporary closure of a UST system requires continued operation and maintenance of corrosion protection and release detection measures. Continue to maintain corrosion protection even when the UST system is empty.

030503. Temporary closure of 3 months or more requires that vent lines be left open and all other lines, pumps, manways, and ancillary equipment be capped and secured.

030504. Temporary closure of more than 12 months requires permanent closure of the UST system if it does not meet any new UST performance standards. The appropriate regulatory agency may grant an extension of the 12-month, temporary closure period.

030505. Owners/operators shall notify the appropriate regulatory agency (EPA or state agency) 30 days prior to the permanent closure or change-in-service of a UST. Continued use of a UST to store a non-regulated substance is considered a "change-in-service."

030506. USTs shall be emptied and properly cleaned prior to permanent closure or change-in-service. Closed tanks shall be removed or filled with an inert solid, and all tank openings shall be capped.

030507. Owners/operators shall perform a site assessment on USTs that undergo permanent closure or change-in-service. The site assessment shall measure for the presence of contaminants in the places where they most likely will be present and detected.

030508. USTs that are operating in accordance with the applicable requirements and are currently using proper groundwater or external vapor monitoring systems may not need to perform a site assessment if no release is detected at closure/change-in-service.

030509. Maintain records documenting compliance with closure requirements for three years after closure.

0306 ENVIRONMENTAL COMPLIANCE

See Volume 4 of this Order for information on policy, responsibility, and procedures for achieving compliance with applicable Executive Orders and federal, state, interstate, and regional statutory and regulatory environmental requirements.

0307 SPILL PREVENTION, COUNTERMEASURE, AND CONTROL PLANS

030701. Statutory Requirements

A. 33 U.S.C. 1251 et seq. (also known and referred to in this Order as “Clean Water Act,” (CWA) as amended) (Reference (l)) requires regulated Marine Corps-owned and -operated activities to develop and implement spill prevention, countermeasure, and control (SPCC) plans. SPCC plan requirements may be incorporated into an Integrated Contingency Plan (ICP) (i.e., “One Plan”) in accordance with “The National Response Team’s Integrated Contingency Plan Guidance,” June 5, 1996 (Reference (m)). Refer to Volume 7 of this Order for more information on ICP guidance.

B. 40 CFR 300 (also known and referred to in this Order as “National Oil and Hazardous Substance Pollution Contingency Plan”) (Reference (n)) requires regulated installations to develop and implement SPCC plans and oil and HSs pollution prevention and contingency programs.

030702. Purpose

SPCC plans have two primary purposes:

A. To establish procedures to prevent an oil spill into waters of the United States.

B. To document existing oil spill prevention structures, procedures, and equipment and to recommend additional containment structures if needed.

030703. Facilities Required to Prepare Spill Prevention, Countermeasure, and Control (SPCC) Plans

A. EPA regulations in section 3(a) in Reference (d) require owners or operators of onshore and offshore non-transportation-related facilities that have discharged or, due to their location, might discharge oil in harmful quantities into or upon navigable waters of the United States or adjoining shorelines to prepare an SPCC plan in accordance with requirements provided in section 7 of Reference (d). Reference (d) defines facility, which is further clarified in EPA, “SPCC Guidance for Regional Inspectors,” August 2013 (Reference (o)).

B. EPA regulations in section 3 of Reference (d) require Department of Defense (DoD) organizations that deploy portable, tactical refueling equipment, such as sixcons and collapsible fabric tanks, to prepare and implement SPCC plans. For these portable facilities, the SPCC plan may be a general plan prepared using good engineering practices pursuant to section 7 of Reference (d). A new SPCC plan need not be prepared each time the facility is moved to a new site.

When the equipment is redeployed to a new site, it shall be located and installed using the spill prevention practices outlined in the SPCC plan for the facility. The SPCC plan applies only when the portable facility is in a fixed operating mode. During training exercises or deployments within the United States, mobile or portable facilities subject to this regulation shall not operate unless the SPCC plan has been implemented.

C. EPA does not require SPCC plans for onshore fixed or portable facilities if:

1. The facility has an aggregate aboveground storage capacity of 1,320 gal or less of oil and has a total underground storage capacity of 42,000 gal or less.

2. The facility, due to its location, is not expected to discharge oil into or upon the navigable waters of the United States or adjoining shorelines. This determination is based solely upon consideration of the geographical and locational aspects (e.g., proximity to navigable waters or adjoining shorelines, land contour, drainage patterns, proximity to fish and wildlife and sensitive environments) of the facility and shall exclude man-made dikes or other structures that would serve to hinder, contain, or otherwise prevent an oil discharge from reaching navigable waters or adjoining shorelines.

030704. Plan Contents

Section 7 of Reference (d) provides general requirements for the preparation and implementation of SPCC plans. The SPCC plan should be carefully considered and should follow the sequence outlined below; if it does not follow the below sequence, then the SPCC shall provide a cross-reference describing where these topics are covered:

A. Describe the physical layout of the facility.

B. Include a facility diagram marking the location and contents of each tank, including completely buried tanks, transfer stations, and connecting pipes.

C. Identify the type of oil in each container and its storage capacity.

D. Detail discharge prevention measures, including procedures for routine handling or products (e.g., loading, unloading, and facility transfers).

E. Detail discharge or drainage controls, such as secondary containment, around containers and other structures and equipment, and procedures for the control of a discharge.

F. Describe countermeasures for discharge discovery, response, and cleanup (both the facility's capability and those that might be required of a contractor).

G. Describe methods of disposal of recovered materials in accordance with applicable legal requirements.

H. Provide a contact list and phone numbers for the facility response coordinator, NRC, cleanup contractors with whom the facility has an agreement for response, and all appropriate regulatory agencies who shall be contacted in case of a discharge.

I. If the implementation of appropriate containment measures or diversionary structures is not practicable, section 7(d) of Reference (d) requires that the facility owner or operator clearly explain such impracticability and provide to the EPA Regional Administrator the following:

1. An oil spill contingency plan following the provisions of 40 CFR 109 (Reference (p)).
2. A written commitment to manpower, equipment, and materials required for the expeditious control and removal of any harmful quantity of discharged oil.

030705. Plan Certification

A. As specified in section 3(d) of Reference (d), SPCC plans shall be certified initially by a registered professional engineer (PE). As specified in section 5(c) of Reference (d), amendments to SPCC plans shall be certified by a PE.

B. The owner or operator of a qualified facility can prepare and self-certify an SPCC plan rather than have a PE review and certify the plan in accordance with section 6 of Reference (d). Tier I qualified facilities may complete and self-certify an SPCC plan based on the template in Appendix G of Reference (d). Tier II qualified facilities may self-certify an SPCC plan.

030706. Plan Availability

A complete copy of each SPCC plan shall be maintained at the subject facility pursuant to section 3(e) of Reference (d). The SPCC plan also shall be available to EPA representatives for onsite review during normal working hours.

030707. Plan Amendments

A. Pursuant to section 4 in Reference (d), the EPA Regional Administrator may require the owner or operator of a facility to revise its SPCC plan if the facility, within any 12-month period, has discharged more than 1,000 gal of oil in a single discharge, or has discharged more than 42 gal of oil in each of two discharges into or upon United States navigable waters.

B. Pursuant to section 5(a) of Reference (d), the owner or operator of a facility shall amend its SPCC plan whenever there is a change in facility design, construction, operation, or maintenance that materially affects the facility's potential for discharging oil. The amendments shall be fully implemented no later than 6 months after such change occurs.

C. Pursuant to section 5(b) of Reference (d), the owner or operator of a facility shall review and evaluate the SPCC plan at least once every 5 years and amend the SPCC plan within 6 months of the review to include more effective prevention and control technology, if the

technology has been field-proven at the time of the review and will significantly reduce the likelihood of a discharge.

030708. Guidance

To prepare and implement oil SPCC plans, activities can use Clean Water Act Service Steering Committee, “Joint Services Spill Prevention, Control, and Countermeasure (SPCC) Plan Template,” April 2004 (Reference (q)) and Clean Water Act Service Steering Committee, “Joint Services Spill Prevention, Control, and Countermeasure (SPCC) Plan Frequently Asked Questions,” April 2004 (Reference (r)), prepared by the DoD Clean Water Act Services Steering Committee and available on the Defense Environmental Network Information Exchange.

0308 RESPONSE TRAINING AND EXERCISES

030801. Training Requirements for Spill Prevention, Countermeasure, and Control (SPCC) Plans

Pursuant to section 7(f) of Reference (d), owners/operators shall train personnel regarding operation and maintenance of equipment to prevent the discharge of oil; discharge procedure protocols; applicable pollution control laws, rules, and regulations; general facility operations; and the contents of the facility SPCC plan.

030802. Facility Response Plan Exercises

Reference (d) does not specify exercise requirements for facilities with SPCC plans. Refer to Volume 7 of this Order for information on facility response plans.

030803. Personnel Training and Discharge Prevention Procedures

Designate a person(s) at each applicable facility who is accountable for discharge prevention and reports to management. Schedule and conduct discharge prevention briefings for oil-handling personnel at least once a year to assure adequate understanding of the SPCC Plan for that facility. These briefings shall highlight and describe known discharges as described in Reference (d), as well as, failures, malfunctioning components, and recently developed precautionary measures.

0309 COMPLIANCE WITH STORAGE TANK REQUIREMENTS

The Marine Corps storage tank program policy is to comply with all federal, state, and local regulations and DoD policy pertaining to the operation and management of storage tanks. Additionally, Marine Corps installations shall develop long-term management plans to establish procedures for achieving and maintaining compliance, as well as to prioritize corrective actions against environmental risk.

0310 COMPLIANCE WITH MAINTAINING A STORAGE TANK INVENTORY

Marine Corps installations shall maintain a complete and accurate storage tank inventory. Complete inventories shall have all applicable data elements listed for each system record. Update data

elements to reflect significant changes in the storage tank condition, especially at critical points during the useful life of each storage tank (e.g., following installation, when upgraded or repaired, if a release occurs, at closure). Such information is necessary not only to develop and maintain a rational storage tank compliance strategy, if applicable, but also to apply accurate, appropriate funding sources to required actions.

0311 COMPLIANCE WITH STORAGE TANK MANAGEMENT

031101. Compliance with storage tank regulations and policy is necessary to reduce environmental liability but results in far-reaching management and cost implications to the Marine Corps. A long-term approach to reducing liability and the associated costs requires the development of installation management plans. These require Marine Corps installations to look beyond the specific regulatory compliance tasks and consider a comprehensive approach to effectively reduce environmental risk stemming from storage needs. Installations may incorporate this storage tank management plan into an existing management plan to ensure the content in this Order is addressed.

031102. The primary goal of the storage tank management plan is to design a strategy to achieve and maintain compliance with regulatory requirements. An important secondary objective of the management plan is to allow installations to use storage tank systems as efficiently as possible, thereby reducing environmental risk while minimizing costs associated with compliance. Marine Corps storage tank management plans should include the following:

- A. A general storage tank inventory description and goal statement.
- B. A consolidation and reduction plan of existing storage tank systems to meet storage needs while minimizing environmental risk.
- C. An evaluation of alternate storage vessels. Management plans should include economic considerations during the discussion of storage alternatives.
- D. A plan-of-action and milestones to replace/upgrade active storage tanks and to properly close those that are abandoned. Management plans should include a discussion of specific projects necessary to meet management goals.
- E. Procedures to ensure continued compliance into the future. Plans should assign responsibilities to parties who will carry out compliance tasks such as inventory control, leak detection maintenance, corrosion protection maintenance, release reporting, and follow-up.
- F. A description of recordkeeping practices to be maintained on all aspects of storage tank management. Records shall document the useful life of the storage tank and include installation, registration (if applicable), maintenance, upgrades, closure, operator training, and release reporting from discovery through cleanup and AST or UST closure. These records shall be retained pursuant to Standard Subject Identification Code (SSIC) 5090.4 in SECNAV M-5210.1 (Reference (s)).

031103. In reference to the management of deferred UST systems, as defined by section 10(c) of Reference (g), section 11 of Reference (g) applies:

A. No person may install a UST system listed in section 10(c) of Reference (g) for the purpose of storing regulated substances unless the UST system (whether of single- or double-wall construction):

1. Will prevent releases due to corrosion or structural failure for the operational life of the UST system.

2. Is cathodically protected against corrosion, constructed of non-corrodible material, steel clad with a non-corrodible material, or designed in a manner to prevent the release of any stored substance.

3. Is constructed or lined with material that is compatible with the stored substance.

B. A UST system without corrosion protection may be installed at a site that is determined not to be corrosive enough to cause it to have a release due to corrosion during its operating life.

C. Owners and operators shall maintain records that demonstrate compliance with the requirements of this paragraph for the remaining life of the tank. These records shall be retained pursuant to SSIC 5090.4 in Reference (p) or the remaining life of the tank, if longer.

031104. Proper management of AST systems requires:

A. Maintenance of safety data sheets (formerly “material” safety data sheets) on file onsite for hazardous material contained in ASTs pursuant to section (f)(5) of 29 CFR 1910.1200 (Reference (t)).

B. Written notification to the appropriate regulatory agency for construction, reconstruction, or modification of petroleum ASTs or terminals; and maintenance of these records for 3 years pursuant to section 7(a)(1) 40 CFR 60 (Reference (u)).

C. Compliance with the facility drainage, bulk storage container, and facility transfer operations, pumping, and facility process requirements of sections 8 and 12 of Reference (d).

031105. For guidance on storage of flammable liquids and other hazardous materials, see MCO 4450.12A (Reference (v)).

031106. For guidance on storage of liquefied petroleum gases and other compressed gasses, see MCO 10330.2D (Reference (w)).

031107. For guidance on new source performance standards related to petroleum liquids and volatile organic liquid storage vessels, see Volume 6 paragraph 030201 of this Order.

031108. Adhere to the AST standards and operating procedures of Reference (f) for guidance on storage of hazardous waste, including policies and guidance for assessing existing tank

systems, designing and installing new tank systems, containment and detection of releases, inspections, responses to leaks or spills, and closures.

0312 FUNDING CATEGORIES

031201. Primary Funding Categories for Storage Tank Closures, Replacements, Upgrades

A. Operations and Maintenance

Includes locally managed funds for repair and construction projects (M1/R1) and centrally managed funds for major repair and minor construction projects (M2/R2). Refer to MCO P11000.5G Ch. 2 (Reference (x)) and Volume 3 of this Order for further information.

B. Military Construction (MILCON)

Used for projects that exceed minor construction limits. Includes entire tank replacement for existing "contamination-free" sites or new tank construction in accordance with MCO P11000.12C Ch. 1 (Reference (y)).

C. Defense Logistics Agency (DLA) Energy

Used for projects that involve DLA Energy-owned fuel; DLA Energy funds can be used for environmentally-related minor construction, major repair, and MILCON projects, as well as certain recurring costs.

D. Defense Environmental Restoration Program (DERP)

If the contamination is otherwise DERP-eligible in accordance with DoD Manual 4715.20 (Reference (z)), the installation shall coordinate with Naval Facilities Engineering Command (NAVFAC) to use the Environmental Restoration, Navy account to fund the response action. For current releases, working capital is used for response actions to address spills associated with operational fuel distribution via DLA infrastructure transporting DLA Energy fuel.

E. Base Realignment and Closure

Used only when tank projects are related to the closure or realignment of an installation.

F. Japanese Facility Improvement Program

Used only at Japanese installations when a UST action is related to a project approved by Japanese officials with the purpose of improving conditions for local citizens.

031202. Primary Funding Categories for Release Detection and Maintenance

Release detection and regular maintenance is an ongoing compliance requirement for tank systems. Installation funding requests to address these requirements will compete with all other similar requests. Therefore, to ensure that adequate funds are available, each installation should budget needed funds locally.

031203. Primary Funding Categories for Release Response

Anticipated studies, such as site characterization for closing storage tanks, should be budgeted for during development of the removal/replacement projects. Initial response abatement and free product removal actions are viewed as similar to emergency response. Therefore, resultant costs of these actions shall be absorbed by local installation operating funds.

0313 COMPLIANCE WITH STORAGE TANK CLOSURE DOCUMENTATION

031301. Proper documentation of AST or UST removals and in-place closures is very important to ensure compliance, reduce environmental liability, avoid duplicative effort, and show progress and due diligence.

031302. Marine Corps installations shall record and maintain specific, detailed information for every AST or UST taken out of service. Such information should be organized into a written AST or UST closure report following the requirements of the applicable regulatory agencies.

031303. Permanently closed ASTs shall have all liquid and sludge removed from each container and connecting line, all connecting lines and piping disconnected from the container and blanked off, all valves (except for ventilation valves) closed and locked, and conspicuous signs posted on each container stating that it is a permanently closed container and noting the date of closure.

0314 CONTINGENCY PLANNING

Marine Corps tactical units that transport oil in bulk packaging or operate mobile facilities shall provide a copy of the EPA-required SPCC plan, as appropriate, to the host installation's environmental office. Units deployed to another installation for training shall provide a copy of the plan to that installation's environmental office upon arrival.

VOLUME 18: CHAPTER 4

“RESPONSIBILITIES”

SUMMARY OF SUBSTANTIVE CHANGES

Hyperlinks are denoted by *bold, italic, blue and underlined font*.

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CHAPTER VERSION	PAGE PARAGRAPH	SUMMARY OF SUBSTANTIVE CHANGES	DATE OF CHANGE

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CHAPTER 4

RESPONSIBILITIES

0401 CMC (LF)/COMMANDER MCICOM (GF)

CMC (LF)/Commander MCICOM (GF) shall:

040101. Inform and advise installation commanders regarding proposed and final rules and regulations pertaining to storage tanks, and uniformly apply Marine Corps policy as set forth in the Order.

040102. Monitor installation compliance with upcoming upgrade requirements.

040103. Assist installations in resolving disputes with appropriate regulatory agencies as required.

040104. Conduct special environmental compliance and protection studies with regard to storage tanks to assist in establishing policy or initiating actions.

040105. Ensure, through field self-audits and the Environmental Compliance Evaluation Program, Marine Corps cooperation and compliance with appropriate regulatory agencies with regard to regulations.

0402 COMMANDING GENERAL MARINE CORPS EAST, WEST, PACIFIC, AND NATIONAL CAPITAL REGION

CG Marine Corps East, West, Pacific, and National Capital Region shall Identify and promote opportunities for regional environmental initiatives and contracting support to gain efficiencies. Create environmental program efficiencies by collectively funding studies, coordinating common training programs, developing appropriate Memorandums of Agreement between stakeholders (e.g., Marine Corps Training and Engineering Command bases, Marine Aircraft Wings, Resident Officer In Charge of Construction offices, etc.) and the Region, and facilitating mutual support between installations as practicable.

0403 COMMANDING GENERAL/COMMANDING OFFICER OF MARINE CORPS INSTALLATIONS AND COMMARFORRES

CG/CO of Marine Corps Installations and COMMARFORRES shall:

040301. Identify and submit to the Commandant of the Marine Corps, Facilities and Services Division (CMC (LF))/Marine Corps Installation Command, Facilities Division (MCICOM (GF)) project documentation and funding requests for storage tank systems that are required to maintain compliance with applicable existing and emerging regulations and permits. Program and budget for personnel, equipment, materials, training, and monitoring required to comply with appropriate requirements.

040302. Ensure that all required federal, state, and local permits are obtained. Sign certifications and permit applications, as required, for construction of all storage tanks projects. Pay appropriate federal, state, and local fees.

040303. Ensure that notification forms for USTs (and ASTs, if required) are completed and forwarded to the appropriate regulatory agency. Ensure that an accurate inventory is maintained.

040304. Ensure that the environmental management hierarchy is employed, pollution prevention alternatives are evaluated, and life-cycle cost impacts are assessed in evaluating and selecting projects that address compliance requirements.

040305. Accomplish leak detection and product inventory requirements, recordkeeping, and operation of monitoring systems required by applicable federal, state, and local laws and regulations.

040306. Comply with applicable federal, state, and local laws and regulations concerning the construction of new storage tanks, the upgrading of existing tanks, and the removal and closure of abandoned/unneeded tanks.

040307. Identify resources required to meet the requirements in the Program Objective Memorandum, budget submittals, and the annual operational plan.

040308. Develop and implement a comprehensive, written management plan to facilitate compliance and to reduce long-term costs associated with compliance.

040309. When necessary, request technical assistance for storage tank management from the NAVFAC Environmental Field Division/Environmental Field Activity or other available agencies for leak detection assistance, design assistance for new storage tanks, and estimation of resource requirements for corrective actions.

040310. Ensure that coordination occurs as appropriate with the Safety Office in matters relating to storage tank cleaning and removals.

040311. Ensure that a base or station order is written to implement specifications set forth in this Volume. This requirement can be accomplished either by writing an environmental compliance and protection standard operating procedure to implement all environmental requirements or by writing a separate base order to implement specifications of this Volume alone.

040312. Ensure that SPCC plans are up-to-date, reviewed at least every 5 years, and recertified by a PE if structural changes affecting the facility's potential to discharge were made.

0404 UNIT/TENANT COMMANDERS

Unit/Tenant Commanders shall Prepare and implement an SPCC plan for all off-base use of portable, tactical refueling equipment, such as sixcons and collapsible fabric tanks in accordance with paragraph 030703 of this Volume.

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VOLUME 18: APPENDIX A

“FEDERAL STATUTES, FEDERAL REGULATIONS, EXECUTIVE ORDERS, AND DOD POLICIES”

SUMMARY OF SUBSTANTIVE CHANGES

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APPENDIX A

**FEDERAL STATUTES, FEDERAL REGULATIONS, EXECUTIVE ORDERS, AND DOD
POLICIES**

1 FEDERAL STATUTES

a. Hazardous and Solid Waste Amendments (HSWA) of 1984, Public Law 98-616

The HSWA extended and strengthened the provisions of the Solid Waste Disposal Act as amended by RCRA. Subtitle I of HSWA provides for the development and implementation of a comprehensive regulatory program for USTs containing HS, petroleum products, and releases of those substances into the environment. HS regulated under subtitle I include any substance listed in section 101(14) of CERCLA.

b. Superfund Amendments and Reauthorization Act (SARA) of 1986, Public Law 99-499

Section 205 of SARA amended the Solid Waste Disposal Act by defining the term "petroleum" to mean petroleum, including crude oil or any fraction thereof, that is liquid at standard conditions of temperature and pressure (60 degrees Fahrenheit and 14.7 pounds per square inch absolute). Also, section 205 of SARA added provisions related to state UST inventories and financial responsibility for UST owners (i.e., the EPA/state authority for corrective actions, the EPA/state cost recovery for remedial actions, and state/political subdivision rights to adopt and enforce more stringent requirements than federal requirements on USTs).

c. Energy Policy Act of 2005, Public Law 109-58

Subtitle B of the Energy Policy Act of 2005 amended the Solid Waste Disposal Act with provisions regarding inspections, operator training, delivery prohibition, secondary containment and financial responsibility, and cleanup of releases that contain oxygenated fuel additives.

d. Clean Water Act of 1972, 33 U.S.C. 1251 et seq.

This Act is a compilation of decades of federal water pollution control legislation. The Act amended the FWPCA and requires federal agency consistency with state nonpoint source pollution abatement plans. The CWA is the major federal legislation concerning improvement of the Nation's water resources. The Act was amended in 1987 to strengthen enforcement mechanisms and to regulate stormwater runoff. The Act provides for the development of municipal and industrial wastewater treatment standards and a permitting system to control wastewater discharges to surface waters. The CWA contains specific provisions for the regulation of dredge soil disposal within navigable waters and for the placement of material into wetlands. Permits are required under sections 401, 402, and 404 for proposed actions which involve wastewater discharges and/or dredging/placement of fill in wetlands or navigable waters. These permits are required prior to the initiation of proposed actions. Certain proposed actions may implicate state review and water quality

certification jurisdiction under section 401 of the Act, resulting in the imposition of conditions designed to ensure consistency with state water quality standards.

VOLUME 18: APPENDIX B

“MINIMUM REQUIREMENTS FOR UNDERGROUND STORAGE TANKS (USTS)”

SUMMARY OF SUBSTANTIVE CHANGES

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APPENDIX B

MINIMUM REQUIREMENTS FOR UNDERGROUND STORAGE TANKS (USTS)

1 GENERAL

The following tables organize the minimum requirements for UST systems to prevent and detect releases of regulated substances to the environment.

2 REQUIREMENTS

Table B-1.--UST System Corrosion Protection

UST Component	Options to Meet Requirement	Part of 40 CFR 280
TANKS	1. Coated & cathodically protected* steel, or 2. Fiberglass-reinforced plastic, or 3. Steel-fiberglass-reinforced plastic composite.	20(a)
PIPING	1. Coated & cathodically protected* steel, or 2. Fiberglass-reinforced plastic, or 3. Other piping, approved by implementing agency.	20(b)

*Tanks and piping may be constructed of metal without corrosion protection if a corrosion expert has determined the site is not corrosive enough to cause a release during the life of the UST system, and if approved by the appropriate regulatory agency.

Table B-2.--Spill and Overfill Prevention

Equipment	Options to Meet Requirement	Part of 40 CFR 280
SPILL PREVENTION+	Must be designed to prevent the release of product to the environment after transfer hose is detached (e.g., spill catchment or method approved by appropriate regulatory agency).	20(c)
OVERFILL PREVENTION	1. Automatic shutoff device at 95% tank capacity, or 2. Alert System at 90% tank capacity high level alarm.	20(c)

+Tanks filled via transfers of no more than 25 gallons at a time do not require spill prevention equipment.

Table B-3.--Release Detection

Equipment	Options to Meet Requirement	Part of 40 CFR 280
TANKS OVER 2000 GALLONS	1. Monthly monitoring** using one of the methods in 40 CFR 280 part 44(d)-(h), or 2. Monthly inventory control (per 43(a)) and tank tightness testing (per 43(c)) conducted every 5 years for up to 10 years after installation. After 10 years, monthly monitoring** is required.	41(a)
TANKS 2000-551 GALLONS	1. Monthly monitoring** using one of the methods in 40 CFR 280 part 44(d)-(h), or 2. Monthly inventory control (per 43(a)) and tank tightness testing (per 43(c)) conducted every 5 years for up to 10 years. After 10 years, monthly monitoring** is required. Or 3. Manual tank gauging (per 43(b)) and tank tightness testing (per 43(c)) conducted every 5 years for up to 10 years. After 10 years, monthly monitoring** is required.	41(a)
TANKS 550 GALLONS OR LESS	1. Monthly monitoring** using one of the methods in 40 CFR 280 part 44(d)-(h), or 2. Manual tank gauging (per 43(b)).	41(a)
UST SYSTEM CAPACITY 110 GALLONS OR LESS	Exempt from UST Requirements-	10(a)
PRESSURE PIPING	Automatic line leak detection** (per 44(a)) and 1. Annual line tightness testing** (per 44(b)), or 2. Monthly monitoring (per 44(c))	41(b)
SUCTION PIPING	1. Line tightness testing** (per 44(b)) every 3 years, or 2. Monthly monitoring** (per 44(c)), or 3. Exempt if the following requirements are met: a. Piping operates at less than atmospheric pressure; b. Below grade piping drains back to storage tank; c. Each suction line has only one check valve which is located directly below the suction pump; and d. Method is provided that allows compliance with items (b) and (c) to be readily determined.	41(b)
TANKS AND PIPING FOR	USTs holding hazardous substances must meet the same requirements as petroleum USTs in addition to meeting	42(a) and (b)

Table B-3.--Release Detection

Equipment	Options to Meet Requirement	Part of 40 CFR 280
HAZARDOUS SUBSTANCES	secondary containment requirements part 42(b) of 40 CFR 280.	

**A monitoring method with individual requirements described in parts 43(a)-44(c) of 40 CFR 280 and summarized in Table B-4.

Table B-4.--Release Detection Method Requirements

Method	Requirement	Part of 40 CFR 280
TANK SPECIFIC MONITORING METHODS (40 CFR 280 PARTS 43(d)-(h))		
AUTOMATIC TANK GAUGING	<ol style="list-style-type: none"> 1. Automatic gauging device must be capable of detecting a 0.2 gallon/hour leak, and 2. Automatic gauging device must perform the monthly inventory. 	43(d)
VAPOR MONITORING	<ol style="list-style-type: none"> 1. May only be used in sufficiently porous soils; 2. Stored substance, or added tracer, must be sufficiently volatile to be detectable by monitoring device; 3. Monitoring device must detect vapors above background contamination levels; 4. Monitoring device must not be rendered inoperable by ground water, rainfall, soil moisture, or any other known interference for longer than 30 days; and 5. Monitoring wells must be of sufficient number and position to detect releases from any portion of the tank routinely containing regulated substances. 	43(e)
GROUNDWATER MONITORING	<ol style="list-style-type: none"> 1. Stored substance must be immiscible in water and have a specific gravity less than one; 2. Groundwater must be within 20 feet of ground surface; 3. Soils must have a hydraulic conductivity of 0.01 cm/second or greater; and 4. Monitoring wells must be designed to <ol style="list-style-type: none"> a. Prevent migration of soils while allowing entry of regulated substance into the well under both high and low groundwater conditions, and b. Be in sufficient number and position to detect release from any portion of the tank routinely containing regulated substances 	43(f)

Table B-4.--Release Detection Method Requirements

Method	Requirement	Part of 40 CFR 280
INTERSTITIAL MONITORING	1. Method applies only to USTs with a secondary containment barrier; 2. Secondary barrier must be compatible with stored substances and not interfere with cathodic protection (if applicable); 3. Barriers must always be above groundwater level and not located within a 25 year floodplain (unless specifically designed for such conditions); 4. Monitoring wells must be placed between primary tank and the containment barriers with the barrier is within the excavation zone; 5. The sampling and testing method must not be interrupted by groundwater intrusion, soil moisture, or precipitation; and 6. For double walled tanks and tanks fitted with internal liners (“bladders”), the sampling method must be able to detect a release between the tank walls or between the liner and the tank wall.	43(g)
OTHER	1. Method must be approved by the implementing agency; 2. Method must be able to detect 0.2 gallon/hour leak or 150 gallons/month release; and 3. Method must meet 95% probability of detection with 5% probability of false positive.	43(h)
PIPING SPECIFIC MONITORING METHODS		
PIPING AUTOMATIC LINE LEAK DETECTORS	1. Method must alert the operator to the presence of a leak by: <ul style="list-style-type: none"> a. Automatic shutoff device, or b. Flow restriction, or c. Continuous audible or visual alarm; 2. Must be able to detect leaks of 3 gallons per hour at 10 pounds per square inch line pressure within 1 hour; and 3. Annual testing of the leak detector must be conducted in accordance with manufacturer’s requirements.	44(a)
LINE TIGHTNESS TESTING	Periodic test of piping may be conducted only if able to detect a 0.1 gallon per hour leak rate at one and one-half times the operating pressure.	44(b)

Table B-4.--Release Detection Method Requirements

Method	Requirement	Part of 40 CFR 280
TANK METHODS APPROPRIATE FOR PIPING	Any of the methods in 40 CFR 280 part 43(e) through (h) may be used for piping if they are designed to detect a release from any portion of the underground piping that routinely contains regulated substances.	44(c)
MONITORING METHODS FOR SMALL (LESS THAN 2000 GALLONS) TANKS / TEMPORARY MONITORING		
INVENTORY CONTROL	<p>Product inventory control must be conducted monthly to detect a release of at least 1.0 percent of flow-through plus 130 gallons on a monthly basis in the following manner:</p> <ol style="list-style-type: none"> 1. Inventory volume measurements for the regulated substance inputs, withdrawals, and the amount still remaining in the tank are recorded each operating day; 2. Equipment used is capable of measuring the level of the product over the full range of tank's height to the nearest one-eighth of an inch; 3. The regulated substance inputs are reconciled with delivery receipts by measurement of the tank inventory volume before and after delivery; 4. Deliveries are made through a drop tube that extends to within one foot of the tank bottom; 5. Product dispensing is metered and recorded within the local standards for meter calibration or an accuracy of 6 cubic inches for every 5 gallons of product withdrawn; and 6. The measurement of any water level in the bottom of the tank is made to the nearest one-eighth inch at least once a month. 	43(a)

Table B-4.--Release Detection Method Requirements

Method	Requirement	Part of 40 CFR 280
MANUAL GAUGING	<p>Manual tank gauging must meet the following requirements:</p> <ol style="list-style-type: none"> 1. Tank liquid level measurements are taken at the beginning and ending of a periods of at least 36 hours during which no liquid is added t or removed from the tank; 2. Level measurements are based on an average of two consecutive stick readings at both the beginning and ending of the period; 3. The equipment used is capable of measuring the level of product over the full range of the tank’s height to the nearest one-eighth of an inch; 4. A leak is suspected and subject the requirements of 40 CFR 280 if the variation between beginning and ending measurements exceeds the weekly or monthly standards in Table B-5; and 5. Only tanks of 550 gallons or less may use this as the sole method of release detection. 	43(b)
TANK TIGHTNESS TESTING	Tank tightness testing must be capable of detecting a 0.1 gallon/hour leak rate from any portion of the tank that routinely contains product while accounting for the effects of thermal expansion or contraction of the product, vapor pockets, tank deformation, evaporation or condensation, and the location the water table.	43(c)

Table B-5.--Test Standards for Manual Tank Gauging

Tank Size	Minimum Duration of Test	Weekly Standard (1 Test)	Monthly Standard (4-Test Average)
UP TO 550 GALLONS	36 hours	10 gallons	5 gallons
551-1,000 GALLONS(64” DIAMETER)	44 hours	9 gallons	4 gallons
551-1,000 GALLONS (48” DIAMETER)	58 hours	12 gallons	6 gallons
551-1,000 GALLONS (ALSO REQUIRES TIGHTNESS TESTING)	36 hours	13 gallons	7 gallons
1,001-2,000 GALLONS (ALSO REQUIRES TIGHTNESS TESTING)	36 hours	26 gallons	13 gallons

VOLUME 19

“POLYCHLORINATED BIPHENYL (PCB) MANAGEMENT”

SUMMARY OF VOLUME 19 CHANGES

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VOLUME 19: POLYCHLORINATED BIPHENYL (PCB) MANAGEMENT

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REFERENCES

- (a) 15 U.S.C. 2601
- (b) Part 761 of Title 40, Code of Federal Regulations (40 CFR 761)
- (c) 49 CFR 171
- (d) 49 CFR 180
- (e) DoD Directive 4140.01, "Supply Chain Materiel Management Procedures: Operational Requirements," February 10, 2014
- (f) SECNAV M-5210.1

Report Required: Annual Polychlorinated Biphenyl (PCB) Inventory Report (Report Control Symbol MC-5090-02), Chapter 3, paragraph 031502

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VOLUME 19: CHAPTER 1

“SCOPE”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 1

SCOPE

0101 PURPOSE

This Volume establishes Marine Corps policy and responsibilities for compliance pursuant to Sections 2601 et seq. of Title 15, United States Code (15 U.S.C. 2601 et seq.) (also known and referred to in this Order as “Toxic Substances Control Act” (TSCA))(Reference (a)) for managing polychlorinated biphenyls (PCBs). Additionally, the requirements for managing PCBs under other environmental statutes are briefly addressed. Although this Volume deals primarily with the management of PCBs, it recognizes that occupational safety and health policies and regulations regarding workplace exposure shall be integrated into the management of PCBs to attain an effective program. Marine Corps installations shall comply with all applicable federal, state, and local regulatory requirements regarding PCB management.

0102 APPLICABILITY

See Volume 1 paragraph 0102.

0103 BACKGROUND

PCBs are either oily liquids or solids that are colorless to light yellow and can exist as a vapor in air. PCBs have been used as viable replacement for combustible insulating fluids, coolants, and lubricants in transformers, capacitors, and other electrical equipment. PCBs have also been used in fluorescent light ballasts. PCBs are not naturally occurring; however, they are manufactured from a mixture of individual chlorinated compounds and had been marketed under the trade name Aroclor. The manufacture of PCBs was stopped in the United States in 1977. PCBs are regulated in accordance with Part 761 of Title 40, Code of Federal Regulations (40 CFR 761) (Reference (b)) as part of Reference (a). The PCB regulations and requirements apply to both PCB waste materials and PCBs that are still in use.

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VOLUME 19: CHAPTER 2

“AUTHORITY”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 2

AUTHORITY

0201 FEDERAL STATUTES

- 020101. TSCA of 1976 (15 U.S.C. 2601 et seq.).
- 020102. Resource Conservation and Recovery Act (RCRA) of 1976 (42 U.S.C. 6901 et seq.).
- 020103. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended (42 U.S.C. 9601 et seq.).
- 020104. Water Quality Act of 1965 (Public Law 89-234); Water Quality Improvement Act of 1970 (Public Law 91-224); Federal Water Pollution Control Act of 1972, as Amended (33 U.S.C. 1251 et seq.); and Clean Water Act of 1977, as Amended (33 U.S.C. 1251 et seq.).
- 020105. Clean Air Act of 1970, as Amended (42 U.S.C. 7401 et seq.).
- 020106. Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11001 et seq.).

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VOLUME 19: CHAPTER 3

“REQUIREMENTS”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 3

REQUIREMENTS

0301 GENERAL

Marine Corps installations shall comply with all applicable federal, state, and local regulatory requirements relating to PCB management.

0302 USE/REUSE OF POLYCHLORINATED BIPHENYL (PCB) ITEMS

030201. Except as authorized in accordance with section 30 of Reference (b), the U.S. Environmental Protection Agency (EPA) bans the use of any PCB or PCB item, regardless of concentration, in any manner not totally enclosed in accordance with section 20 in Reference (b).

030202. PCB concentrations should be determined on a weight-per-weight basis for non-liquid and on a weight-per-volume basis for liquid, if the density of the liquid is also reported. PCB concentrations may also be established through the following methods:

- A. Testing the equipment using specific methods.
- B. Manufacturer's nameplate.
- C. Service records.

030203. No person may avoid any provision specifying a PCB concentration by diluting the PCBs unless otherwise specifically provided.

030204. The following assumptions may be used to determine whether the items contain PCBs without analytical testing:

A. Transformers with less than 1.36 kilograms (kg) (3 pounds (lb)) of fluid, circuit breakers, reclosers, oil-filled cable, and rectifiers, whose PCB concentration is not established, are assumed to contain PCBs at concentrations less than 50 parts per million (ppm).

B. The following items are considered to contain PCBs, if manufactured prior to 2 July 1979, except pole-top and pad-mounted distribution transformers.

1. Mineral oil-filled electrical equipment with no known concentration.
2. Transformers containing 1.36 kg (3 lb) or more of fluid other than mineral oil and whose concentration are unknown or manufacture date are missing.
3. Capacitors with unknown concentrations or unknown manufacture date.

C. Items manufactured after 2 July 1979 use electrical equipment and capacitors that are assumed to contain PCBs at concentrations less than 50 ppm.

030205. Pursuant to section 30 of Reference (b), non-totally enclosed PCBs at any concentration may be used in transformers (other than railroad transformers) for purposes of servicing, including rebuilding these transformers for the remainder of their useful lives, if the following conditions are met:

A. Marine Corps installations shall not use or store for reuse PCB large high voltage capacitors (LHVCs) (contain 1.36 kg (3 lb) or more of dielectric fluid and operate at or above 2,000 volts (alternative or direct current)), PCB large low voltage capacitors (LLVCs) (contain 1.36 kg (3 lb) or more of dielectric fluid and operates below 2,000 volts (alternative or direct current)), PCB transformers, or electromagnets that pose an exposure risk to human food or animal feed.

B. It is prohibited to install PCB transformers that have been placed in storage for reuse or that have been moved from another location in or near commercial buildings without retrofitting.

C. Installations shall register all PCB transformers (including pole-mounted PCB transformers and those stored for reuse) with any fire department on- or off-installation able to respond to a fire, and with EPA.

0303 LABELING AND IDENTIFICATION

030301. Pursuant to section 40 of Reference (b), Marine Corps installations shall label, as illustrated in Figures 3-1 or 3-2, the following PCB items in existence on or after 1 July 1978 that are in use or being removed from use:

A. PCB containers.

B. All PCB transformers and equipment.

C. All PCB LHVCs and equipment containing PCB LHVCs should be marked individually. If one or more PCB LHVCs are installed in a protected location, such as on a power pole, in a structure, or behind a fence, the pole, structure, or fence should be marked as illustrated in Figure 3-1, "LARGE PCB MARK - ML," and procedures to identify the PCB LHVC should be maintained at the protected location.

<p style="text-align: center;">CAUTION CONTAINS PCBs (Polychlorinated Biphenyls)</p> <p style="text-align: center;">A toxic environmental contaminant requiring special handling and disposal in accordance with U.S. Environmental Protection Agency Regulations 40 CFR 761--For Disposal Information contact the nearest U.S. EPA Office</p> <hr style="width: 20%; margin: auto;"/>
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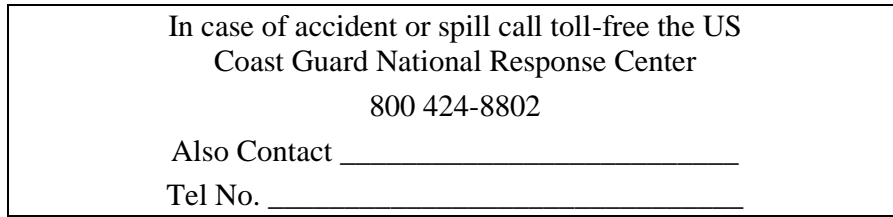


Figure 3-1.--LARGE PCB MARK - ML. (Reference (b), section 45(a))

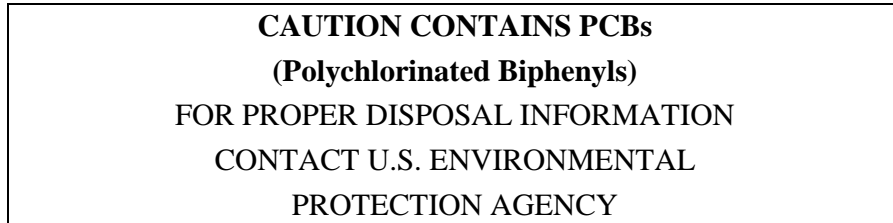


Figure 3-2.--SMALL PCB MARK - MS. (Reference (b), section 45(b))

- D. PCB LLVCs.
 - E. Electric motors using PCB coolants, hydraulic systems, and heat transfer systems containing PCBs at concentrations between 50 and 500 ppm.
 - F. PCB article containers.
 - G. Each storage area used to store PCBs and PCB items.
030302. Labeling PCB-contaminated electrical equipment (e.g., electromagnets, switches, circuit breakers, and voltage regulators), regardless of PCB concentration, is not required.
030303. Label each end and sides of each transport vehicle loaded with PCB containers that contain more than 45 kg (99.4 lb) of liquid PCBs at concentrations of 50 ppm or greater or with one or more PCB transformers.
030304. Label with the statement “No PCBs” each of the following items manufactured between 1 July 1978 and 1 July 1998 that do not contain PCBs:
- A. Fluorescent light ballasts.
 - B. LLVCs.
 - C. Small capacitors normally used in alternating current circuits.
030305. Label as illustrated in Figure 3-1, “LARGE PCB MARK - ML,” each PCB transformer location, including the vault door, machinery room door, fence, hallway, other means of access, and manhole covers.

030306. New transformers and related equipment are no longer manufactured with PCBs and no longer require permanent labels stating they are PCB-free (i.e., no detectable PCBs). Activities may still find it useful to mark the items non-PCB for inventory purposes.

0304 FLUORESCENT LIGHT FIXTURES

030401. Light ballasts are the primary electric components of fluorescent light fixtures and are generally composed of a transformer to reduce the incoming voltage, a small capacitor (which may contain PCBs), and possibly a thermal cut-off switch and/or safety fuse. The use of PCBs in ballasts manufactured prior to EPA's 1978 ban on PCBs is not regulated by EPA.

030402. All light ballasts manufactured between July 1, 1979 and July 1, 1998 that do not contain PCBs shall be marked by the manufacturer with the statement "No PCBs" and can be considered unregulated in accordance with Reference (a). For those ballasts manufactured prior to 1978, or for those ballasts that contain no statement regarding PCB content, the installation shall assume that they do contain PCBs or determine concentration using methods provided in accordance with section 20 of Reference (b).

030403. The following are TSCA disposal requirements for fluorescent light ballast, depending on concentration (Reference (b)):

A. Ballasts that are intact and non-leaking with PCB concentrations of 50 ppm or greater are considered PCB bulk product waste and require manifesting and labeling for disposal. They may be disposed of in a TSCA incinerator or a TSCA/RCRA landfill.

B. Ballasts that are intact and non-leaking with PCB concentrations less than 50 ppm do not require additional labeling or manifesting. They may be disposed as municipal solid waste.

C. Ballasts that are leaking at any PCB concentration (i.e., either less than or greater than 50 ppm) are considered PCB bulk product waste and require manifesting and labeling for disposal. They may be disposed of in a TSCA incinerator or a TSCA/RCRA landfill.

0305 TRANSFORMERS

The Marine Corps' goal is to eliminate all PCB transformers containing concentrations of 50 ppm or more from inventory. To reduce future potential liabilities, the Marine Corps shall accomplish transformer elimination by replacement or by removal with load transfer to other non-PCB transformers. Retrofill is an acceptable alternative to transformer replacement when the economic benefit is clear and when a transformer is difficult or impossible to replace because of the constraints of their physical location.

030501. Determine by gas chromatography or another appropriate EPA-approved method, the PCB concentrations for all pad-mounted and pole-mounted transformers. Mark transformers in accordance with federal, state, and/or local requirements. Note PCB test results (in ppm) for each transformer in the installation records.

030502. PCB transformers in use in or near commercial buildings shall be registered with building host owners. Host installations will inform tenants as to the location and type of any PCB transformers in or near all buildings they occupy. The Marine Corps policy is to treat Marine Corps military or civilian personnel assembly buildings, educational properties, institutional properties (including museums, hospitals, or clinics), residential properties (living quarters), stores, office buildings (including administrative buildings), and transportation centers (including airport terminal buildings, bus stations, or train stations) as commercial buildings.

0306 CAPACITORS

The Marine Corps' goal is to eliminate all PCB capacitors from the inventory. In furtherance of this goal, Marine Corps installations shall

030601. Establish an accurate inventory of PCB capacitors based on manufacturing information.

030602. Mark LHVCs and LLVCs with PCB concentrations over 50 ppm as PCB-contaminated, and label each with the sample identification number and concentration.

030603. Mark LHVCs and LLVCs established as not containing PCBs as non-PCB and record the PCB classification of each capacitor in installation records.

0307 OTHER POLYCHLORINATED BIPHENYL (PCB)-CONTAINING EQUIPMENT

The Marine Corps policy is to eliminate PCBs from all Marine Corps-owned electrical distribution systems and equipment containing hydraulic fluids, cooling oils, and lubricating oils.

0308 STORAGE

030801. Pursuant to the requirements in section 35 of Reference (b), PCB articles may be stored for reuse in an area not designated as storage for disposal if the following conditions are met:

A. No more than 5 years after the date the PCB article was originally removed from use if the PCB article is properly marked as described in paragraph 0303 and records are maintained, such as date removed from use, future location and use, and date of any scheduled repair and servicing.

B. More than 5 years if a request for an extension to the EPA regional office has been approved in writing.

030802. Pursuant to section 65 of Reference (b), the following requirements apply to the storage for disposal of PCBs or PCB items at concentrations of 50 ppm or greater:

A. Any PCB waste may be stored for up to 1 year from the date it was removed from service for disposal. PCB waste may be stored for an additional 1 year (2 years total) upon a request, justification, and written approval from the EPA regional office. The installation shall send

a copy of the request and EPA approval to Headquarters, Marine Corps, Facilities Division (HQMC (LF))/Marine Corps Installations Command, Facilities Directorate for Environmental Management (MCICOM (GF-5)).

B. The storage facility shall have adequate roof and walls to prevent rainwater from reaching the stored PCBs and PCB items.

C. The facility shall have an adequate floor with a continuous 6 inch-high curbing constructed of Portland cement, concrete, or a continuous, smooth, non-porous surface as defined by Reference (b), section 3, which prevents or minimizes penetration of PCBs. In accordance with Reference (b), section 65, the facility's containment volume shall be equal to at least 2 times the internal volume of the largest PCB article or PCB container or 25 percent of the total internal volume of all PCB articles or PCB containers, whichever is greater.

D. The facility cannot have drain valves, floor drains, expansion joints, sewer lines, or other openings that would permit liquids to flow from the curbed area.

E. The facility cannot be located at a site that is below the 100-year flood water elevation.

030803. Pursuant to section 65(c) in Reference (b), the following PCB items may be stored temporarily in an area that does not comply with requirements described in paragraphs 030802.A through 030802.E for up to 30 days from the date of their original removal from service:

A. Non-leaking PCB articles and PCB equipment.

B. Leaking PCB articles and PCB equipment if the PCB items are placed in a non-leaking PCB container that contains sufficient sorbent materials to absorb any liquid PCBs remaining in the PCB items.

C. PCB containers containing non-liquid PCBs such as contaminated soil, rags, and debris.

D. PCB containers containing liquid PCBs at concentrations of 50 ppm or greater, provided a Spill Prevention, Control and Countermeasure Plan (SPCC) has been prepared for the temporary storage area and the liquid PCB waste is in packaging authorized in the Department of Transportation hazardous material (HM) regulations in accordance with 49 CFR 171 (Reference (c)) and 49 CFR 180 (Reference (d)). Information on preparing an SPCC Plan is provided in Volume 18, Storage Tank Management, of this Order.

030804. EPA requires that the date of removal from service be attached to all items in temporary storage.

030805. Bulk PCB remediation waste or PCB bulk product waste may be stored at the clean-up site or site of generation for 180 days if conditions are in accordance with Section 65(c)(9) of Reference (b) are met.

030806. The Marine Corps shall inspect all PCB items in storage for leaks at least every 30 days. Any PCB items discovered to be leaking shall be transferred to a non-leaking container immediately. Any spilled or leaked material shall be immediately cleaned up and disposed of in accordance with requirements.

0309 TRANSPORTATION

PCBs shall be transported in accordance with References (c) and (d). All PCB waste being transported within the United States shall be accompanied with a manifest, which is signed by the generator and the transporter pursuant to section 208 of Reference (b) and paragraph 031402. In accordance with subpart F of Reference (b), all transboundary shipments (i.e., import and export) for disposal of PCBs with concentrations of 50 ppm or greater are prohibited without an EPA exemption.

0310 DISPOSAL

031001. Dispose of PCBs and PCB items with concentrations of 50 ppm or greater within 1 year of the date they were determined to be PCB wastes. Disposal options and requirements are dependent on the type of PCB waste and are discussed in section 60 of Reference (b).

031002. For PCB liquids containing concentrations greater than 50 ppm, disposal is generally via high-temperature incinerators permitted by EPA. Certain PCB liquids (at concentrations greater than 50 ppm but less than 500 ppm) may be disposed of in a chemical waste landfill or a high-efficiency boiler, provided specific EPA requirements are met.

031003. PCB articles such as transformers, PCB capacitors, and hydraulic machines are generally cleaned with an appropriate solvent and then incinerated. PCB containers shall be emptied of fluid and rinsed with appropriate solvent before they can be incinerated or disposed of in a municipal solid waste landfill or a chemical waste landfill.

031004. PCB remediation waste shall be disposed of in accordance with section 61 of Reference (b) at the current PCB concentration.

031005. PCB bulk product waste may be disposed of in a chemical waste or hazardous waste (HW) landfill, by incineration, or through decontamination. Section 62 of Reference (b) identifies other methods of disposal for particular bulk waste that can be disposed of in a municipal landfill or non-municipal nonhazardous waste landfill. Materials should be analyzed to determine appropriate disposal methods and their leaching potential.

0311 MARINE CORPS AND DEFENSE LOGISTICS AGENCY (DLA) PCB INTERFACE

DoD Directive 4140.01 (Reference (e)) designates DLA Dispositions Services as the responsible agency for worldwide disposal of all PCBs and PCB items. Marine Corps installations shall use the DLA Dispositions Services PCB contract disposal services, unless requirements cannot be met and justification of a waiver is provided in accordance with Appendix B. If installations use other appropriate contract authority to procure PCB disposal services, they shall ensure that the contract requirements comply with all federal, state, and local PCB regulations. Installations shall verify

contract requirements and contract quality control procedures are at least as stringent as those used by DLA Disposition Services.

0312 EMERGENCY RESPONSE AND REPORTING

031201. The Marine Corps shall immediately report any fire-related incidents involving PCB transformers to the National Response Center (NRC) by calling 800-424-8802. PCB transformer owners shall take measures to contain and control any potential releases of PCBs and incomplete combustion products into water. Fires involving PCBs can generate extremely toxic reaction products (e.g., dioxins); therefore, if a fire starts, immediately evacuate the building.

031202. Report spills that directly contaminate surface water, sewer, drinking water supplies, grazing lands, or vegetable gardens to the appropriate EPA regional office within 24 hours. States, particularly those that regulate PCBs as a HM/HW, may have a more stringent reporting requirement. Failure to properly report such spills can result in both civil and criminal liability.

031203. PCBs are hazardous substances as defined by Reference (a) and CERCLA, requiring spills to be reported as follows: a spill of a reportable quantity (RQ) of PCB (RQ = 0.45 kg (1 lb)) or greater shall be reported to the appropriate response organizations and regulatory agencies within the required deadlines (see Volume 7 of this Order) and to HQMC (LF)/MCICOM (GF) via the Spill Reporting module on the EM Portal. Releases of a mixture containing PCBs shall be reported only when the amount of the PCB component released exceeds the RQ. If the concentration of PCBs in the mixture is unknown, the release shall be reported if the total amount of the mixture spilled is 0.45 kg (1 lb) or more in accordance with section 125 in Reference (b).

0313 NOTIFICATION OF POLYCHLORINATED BIPHENYL (PCB) WASTE ACTIVITY

Installations that handle PCB waste shall notify EPA of such activities by filing EPA Form 7710-53 in accordance with section 205 of Reference (b). It is illegal for installations to process, store, dispose of, transport, or offer transportation of any PCB wastes without notifying EPA and obtaining an EPA identification number as defined by section 202 of Reference (b).

0314 POLYCHLORINATED BIPHENYL (PCB) RECORDKEEPING AND REPORTING

Pursuant to section 180 of Reference (b), the following recordkeeping and reporting requirements apply to PCBs and PCB items in use or projected for disposal:

031401. Annual Records and Document Logs

Each installation using or storing at any one time at least 45 kg (99.2 lb) of PCBs in PCB containers, 1 or more PCB transformers, or 50 or more PCB LHVCs or PCB LLVCs shall maintain all annual records and a written annual document log of PCB waste disposal activities. These records and the log shall be retained pursuant to SECNAV M-5210.1 (Reference (f)).

A. Annual records shall include all signed manifests for the calendar year; records of inspection, maintenance, repairs and cleanups; and all Certificates of Disposal.

B. The written annual document log shall be completed for the previous calendar year. The written annual document log shall contain the following specific inventory information for each type of PCB item:

1. Name, address, and EPA identification number of the facility and the calendar year covered by the annual document log.
2. Manifest number of every manifest generated by the facility during the calendar year.
3. Total number by specific type of PCB articles, PCB article containers, PCB containers, PCB transformers, and any PCBs and PCB items in PCB containers.
4. Total weight in kg of PCBs in PCB article containers and PCB transformers, total weight in kg of contents of PCB containers and PCB article containers, and total weight of PCB LHVCs or LLVCs remaining in service at the facility at the end of the calendar year.
5. A formal record shall be maintained confirming receipt of PCBs transported offsite by an independent transporter.

031402. Manifesting Polychlorinated Biphenyl (PCB) Wastes

A generator who relinquishes control over PCB wastes for commercial off-site disposal shall prepare a manifest using EPA Form 8700-22 (including a continuation sheet if necessary) or the appropriate state manifest. If the generator uses an independent transporter to ship the waste and the generator does not receive a signed copy of the manifest from the disposer or commercial storer within 35 days of shipment, the generator should contact the transporter and/or disposer to determine the disposition of the waste. If the generator does not receive a manifest from the disposal facility within 45 days of shipment, the generator shall file an exception report with the EPA regional office. Copies of the manifests shall be retained pursuant to Reference (f) and per section 208 in Reference (b).

031403. Certificates of Disposal and 1-Year Exception Reports

For each shipment of manifested PCB waste, the disposer is obligated to prepare a Certificate of Disposal that shall be sent to the generator within 30 days of the date of disposal in accordance with section 218 of Reference (b). A generator who manifests PCBs or PCB items to a disposer of PCB waste shall submit a 1-Year Exception Report to the EPA regional administrator whenever the following criteria are met in accordance with section 215 in Reference (b):

- A. The generator has not received a Certificate of Disposal within 13 months from the date of removal from service.
- B. The generator receives a Certificate of Disposal for a disposal date more than 1 year after the date of removal from service.

0315 POLYCHLORINATED BIPHENYL (PCB) ANNUAL DATA CALL

In conjunction with the Hazardous Waste Annual Data Call, all Marine Corps installations shall review and verify the accuracy of the previous year's PCB Inventory Report via the Environmental Management (EM) Portal. When there are changes in the information contained in the previous year's report, installations shall submit an updated annual PCB Inventory Report, PCB Elimination Plan, or a PCB-Free Certification.

031501. Polychlorinated Biphenyl (PCB) Questionnaire

All Marine Corps installations shall complete the annual PCB Questionnaire to acknowledge whether there have been changes to the installation's PCB-free status, PCB inventory, or PCB Elimination Plan. Completed questionnaires shall be submitted via email to HQMC (LF)/MCICOM (GF-5).

031502. Polychlorinated Biphenyl (PCB) Inventory Report

For tracking purposes, all PCBs or PCB-containing equipment, including those with concentrations of 50 ppm or greater, shall be reported on the annual PCB Inventory Report. Report Control Symbol MC-5090-02 is assigned to this reporting requirement. Installations shall make appropriate updates to the PCB inventory on the EM Portal. The annual PCB Inventory Report should list the PCBs and PCB items in the following manner:

A. Categories

The PCBs and PCB items should be listed according to categories provided in the EM Portal. The categories are based on PCB and PCB item concentrations divided into the following: those containing PCB concentrations between 50 and 499 ppm, and those containing PCB concentrations greater than or equal to 500 ppm or more.

B. Equipment Type

Choose the appropriate type of equipment from the available option on the EM Portal. If the equipment being cataloged does not match an option on the portal, a new type may be manually entered into the system.

C. Item/Equipment Name

The equipment name or manufacturer model name should be included for each inventory item.

D. Identification Number

The identification number of each PCB item should be listed.

E. Location

The physical location at the installation where the PCB item is used or stored should be provided.

F. Polychlorinated Biphenyl (PCB) Concentration

Provide the concentration of PCB present in each item as determined by testing. Test results should be maintained by the installation.

031503. Polychlorinated Biphenyl (PCB) Elimination Plan

In accordance with annual PCB reporting, complete updates of the installation PCB Elimination Plan until all PCBs and PCB items have been removed from the installation. Make appropriate updates to PCB Elimination Plans on the EM Portal. PCB Elimination Plans should include the following:

A. Annual Update

A statement certifying the PCBs and PCB items that have been disposed of since the last annual report should be included. Annual records and document logs required under TSCA reporting and recordkeeping may be attached for supporting documentation.

B. Disposal Plan

The plan for disposal of all PCBs and PCB items should be provided, including the expected date of disposal of all PCBs and PCB items.

031504. Polychlorinated Biphenyl (PCB) -Free Certification

When the installation becomes PCB-free, a formal statement stating change in status shall be submitted to HQMC (LF)/MCICOM (GF-5). Annual confirmation of PCB-free status is required thereafter.

0316 ENVIRONMENTAL COMPLIANCE

See Volume 4 of this Order for information on policy, responsibility, and procedures for achieving compliance with applicable Executive Orders and federal, state, interstate, and regional statutory and regulatory environmental requirements.

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VOLUME 19: CHAPTER 4

“RESPONSIBILITIES”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 4

RESPONSIBILITIES

0401 CMC (LF)/COMMANDER MCICOM (GF)

CMC (LF)/Commander MCICOM (GF) shall:

040101. Provide information and advice to installation commanders regarding proposed and final rules and regulations pertaining to PCBs, and uniformly apply Marine Corps policy as set forth in this Order.

040102. Assist installations in resolving disputes with federal, state, local, and foreign regulatory agencies as required.

040103. Ensure, through field visits and the Environmental Compliance Evaluation Program, Marine Corps cooperation and compliance with federal, state, and local regulatory agencies with regard to PCB regulations.

040104. Track installation inventories and progress toward meeting the elimination of PCB transformers (50 ppm and above) and capacitors.

0402 COMMANDING GENERAL (CG) MARINE CORPS EAST, WEST, PACIFIC, AND NATIONAL CAPITAL REGION

CG Marine Corps East, West, Pacific, and National Capital Region shall identify and promote opportunities for regional environmental initiatives and contracting support to gain efficiencies. Create environmental program efficiencies by collectively funding studies, coordinating common training programs, developing appropriate Memorandums of Agreement between stakeholders (e.g., Marine Corps TECOM bases, Marine Aircraft Wings, Resident Officer In Charge of Construction offices, etc.) and the Region, and facilitating mutual support between installations as practicable.

0403 COMMANDING GENERAL (CG)/COMMANDING OFFICER (CO) OF MARINE CORPS INSTALLATIONS AND COMMARFORRES

CG/CO of Marine Corps Installations and COMMARFORRES shall:

040301. Identify and submit to the Commandant of the Marine Corps, Facilities and Services Division (CMC (LF))/MCICOM (GF), project documentation and funding requests for PCB management facilities that are required to maintain compliance with applicable existing and emerging regulations and permits.

040302. Program and budget for personnel, equipment, materials, training, and monitoring required to comply with PCB management requirements.

040303. Pay appropriate federal, state, and local fees.

- 040304. Designate an activity focal point to coordinate installation PCB management programs.
- 040305. Determine, evaluate, and comply with applicable federal, state, and local laws and regulations governing PCB management.
- 040306. Submit and sign, as appropriate, PCB reports and other required data to federal, state and local agencies.
- 040307. Budget and fund the operation and maintenance of facilities and equipment necessary to handle, store, transport, treat, and dispose of Marine Corps PCBs and PCB items in compliance with applicable federal, state, and local requirements.
- 040308. Transfer to DLA Disposition Services, to the extent possible, accountability and physical custody of PCBs and PCB items stored for disposal.
- 040309. Complete the annual PCB inventory and forward to CMC (LF)/MCICOM (GF).
- 040310. Report PCB spills or incidents involving combustion, as prescribed in Volume 7 of this Order, when the spill exceeds the reportable quantities established in applicable state or federal regulations. Immediately report fire-related incidents involving PCB transformers to the NRC at 800-424-8802, regardless of quantity.
- 040311. Register all PCB transformers and equipment with cognizant fire departments.
- 040312. Register all PCB transformers with EPA by submitting Form 7720-12.
- 040313. Prepare and update the installation PCB Elimination Plan and submit to CMC (LF)/MCICOM (GF).
- 040314. Ensure that coordination occurs, as appropriate, with the safety office in matters relating to PCB management.

VOLUME 19: APPENDIX A

**“FEDERAL STATUTES, FEDERAL REGULATIONS, EXECUTIVE ORDERS, AND DOD
POLICIES”**

SUMMARY OF SUBSTANTIVE CHANGES

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APPENDIX A

**FEDERAL STATUTES, FEDERAL REGULATIONS, EXECUTIVE ORDERS, AND DOD
POLICIES**

1 FEDERAL STATUTES

a. Toxic Substances Control Act (TSCA) of 1976, 15 U.S.C. 2601 et seq.

This Act requires the EPA to regulate and control harmful chemical and toxic substances in commercial use. Congress enacted TSCA to reduce unreasonable risks from chemicals to human health, safety, and the environment. Section 2605 of TSCA provides the EPA with the authority to regulate hazardous chemical substances and mixtures with specific authority for PCB control provided in section 2605(e). Regulations on the manufacturing, processing, distribution in commerce, and use of PCBs are found in 40 CFR 761. Most provisions of the regulations apply only if PCBs are present in concentrations above a specified level as follows:

(1) PCBs at concentrations of less than 50 ppm or contaminated surfaces with PCB concentrations of 10 microgram per 100 centimeters squared ($\mu\text{g}/100\text{ cm}^2$) or less;

(2) PCBs at concentrations of 50 ppm or greater but less than 500 ppm or contaminated surfaces with PCB concentrations of greater than $10\ \mu\text{g}/100\text{ cm}^2$ but less than $100\ \mu\text{g}/100\text{ cm}^2$; and

(3) PCBs at concentrations of 500 ppm or greater or contaminated surfaces with PCB concentrations of $100\ \mu\text{g}/100\text{ cm}^2$ or greater. Some states, such as California, regulate PCBs more stringently than the federal program, including the regulation of PCBs at concentrations less than 50 ppm or regulation of PCBs as HW. TSCA regulations prohibit PCB manufacturing, processing, importation, and distribution in commerce. TSCA strictly regulates the marking, storage, and disposal of PCBs. TSCA also prohibits importation or exportation of PCBs of any concentrations, for disposal, without an exemption. Regulations issued under TSCA require PCB owners and generators to keep track of their equipment that contain PCBs through reporting activities, providing generator identification numbers, and manifesting PCB wastes. Although the manufacturing of new equipment using PCBs is prohibited, the regulations allow for the continued use of some PCB-containing equipment already in service through the end of its useful life, unless otherwise prohibited. Useful life is generally interpreted to be until equipment failure.

b. Resource Conservation and Recovery Act (RCRA) of 1976, 42 U.S.C. 6901 et seq.

RCRA was enacted as an amendment to the Solid Waste Disposal Act of 1965 and was amended by the Land Disposal Program Flexibility Act of 1996. Since TSCA includes toxic chemicals, there are several overlaps with the RCRA regulations. However, while TSCA provides the authority to regulate the disposal on a chemical-by-chemical basis, RCRA provides the authority with the disposal of the waste streams rather than the individual chemicals. PCBs are not considered HWs under Subtitle C of RCRA because they are regulated under TSCA. PCB wastes can become HWs if they are mixed with a listed HW or if they exhibit a characteristic of HW, with certain

exemptions. The requirements under RCRA include the prohibition on land disposal of HW containing certain concentrations of PCBs. Additional information on HW management is provided in Volume 9 of this Order.

c. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as Amended, 42 U.S.C. 9601 et seq.

This Act was enacted to deal with health and environmental hazards caused by past HW management practices. As amended by the SARA of 1986, the Act gives the federal government authority to respond to chemical emergencies and to clean up uncontrolled or abandoned HW sites. Additionally, the Act requires EPA to promulgate revisions to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The NCP establishes the process for determining appropriate removal and remedial action for the Nation's most serious Superfund HW sites. The NCP specifies notification procedures and establishes the national framework for planning and responding to oil discharges and HS releases. Under CERCLA, sites are listed on the National Priorities List (NPL) upon completion of Hazard Ranking System (HRS) screening, public solicitation of comments about the proposed site, and after all public comments have been addressed. The NCP assigns responsibilities for contingency planning and response to various federal agencies, including the DoD, and outlines state and local government and public and private interest group participation in these areas.

d. Water Quality Act of 1965, Public Law 89-234; Water Quality Improvement Act of 1970, Public Law 91-224; Federal Water Pollution Control Act of 1972, as amended, 33 U.S.C. 1251 et seq.; and Clean Water Act (CWA) of 1977, as amended, 33 U.S.C. 1251 et seq.

The CWA establishes the structure for restoring and maintaining the integrity of the Nation's waters and provides framework for all regulations related to the discharge of PCBs and other pollutants into the Nation's waterways. Section 307 defines a list of priority pollutants (including PCBs) for which EPA must establish ambient water quality criteria and effluent limitations. Volume 20 of this Order provides additional information.

e. Clean Air Act (CAA) of 1970, as amended, 42 U.S.C. 7401 et seq.

Under the CAA, EPA established national emissions standards for HAPs to protect the public and lists PCBs as one of 33 HAPs presenting the greatest threat to public health in urban areas. Therefore, PCB incinerators and other authorized PCB activities must be in compliance with the requirements of the CAA. Volume 6 of this Order provides detail on the CAA.

f. Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986, 42 U.S.C. 11001 et seq.

EPCRA requires that PCB releases are included in the TRI database maintained by EPA to track the amount of PCBs and other chemicals that are emitted to the air and discharged to surface waters on an annual basis. Additional information on EPCRA is provided in Volume 7 of this Order.

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VOLUME 19: APPENDIX B

**“PROCEDURE TO IMPLEMENT WAIVER OF REQUIREMENT TO USE
DEFENSE LOGISTICS AGENCY (DLA) DISPOSITION SERVICES”**

SUMMARY OF SUBSTANTIVE CHANGES

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APPENDIX B

**PROCEDURE TO IMPLEMENT WAIVER OF REQUIREMENT TO USE DEFENSE
LOGISTICS AGENCY (DLA) DISPOSITION SERVICES**

1 PURPOSE

This procedure identifies steps that should be followed at Marine Corps installations that generate and dispose of HW, and that make the decision to not use DLA Disposition Services for HW disposal.

2 APPLICABILITY

This procedure applies to all Marine Corps installations.

3 REQUIREMENTS

In accordance with DoD Directive 4001.01, Incorporating Change 1, "Installation Support," January 10, 2008, installation Commanding Officers (COs) are responsible for meeting their stated mission and have the authority to determine how to best accomplish that mission. In accordance with DoD Instruction 4715.6, "Environmental Compliance," May 4, 2015 and Chapter 10 of DoD Regulation 4160.21-M "Defense Material Disposition Manual," August 18, 1997, DLA Disposition Services is designated as the responsible agency for worldwide disposal of HW.

4 ACTIONS

Marine Corps installations shall use DLA Disposition Services for HW contract disposal services as much as economically and operationally feasible.

a. Cases in which DLA Disposition Services is not used by the installation to dispose of waste are due to special circumstances (e.g., cost effectiveness, type of waste, response time, quantity of waste, and simplified control over the waste stream). In these circumstances, COs are permitted to contract directly for HW disposal services outside of DLA Disposition Services. In accordance with Chapter 10 of DoD Regulation 4160.21-M, DLA Disposition Services "should be first afforded the opportunity to redress any operational difficulties in providing service."

b. The installation CO, or other personnel as directed, shall coordinate with DLA Disposition Services to obtain documentation of why DLA Disposition Services cannot meet installation disposal needs. The installation environmental director shall maintain documentation in accordance with Standard Subject Identification Code 5090.2 of SECNAV M-5210.1, "Department of the Navy Records Management Manual," May 2012. Review documentation prior to contract completion to reassess the decision not to use DLA Disposition Services.

c. The installation CO shall coordinate with the Commandant of the Marine Corps, Facilities and Services Division (CMC (LF))/Marine Corps Installations Command, Facilities

Division (MCICOM (GF)) to ensure that installation contracts and disposal criteria are at least as stringent as the criteria used by DLA Disposition Services.

d. Attachment 2 of Chapter 10 of DoD Regulation 4160.21-M defines HW Disposal Contract Standards as follows:

- (1) Provide 100 percent manifest tracking to maintain a “cradle to grave” audit trail of documentation for HW disposal (i.e., from original turn-in to final disposal).
- (2) Monitor contractor performance at time of pickup by DoD personnel serving as Contracting Officer’s Representative.
- (3) Conduct extensive past performance and technical evaluation of prime contractor and subcontractors prior to contract award, and monitor during contract performance.
- (4) Conduct onsite post award inspections of selected sub-contractors (e.g. treatment, storage, and/or disposal facility and transporters) to ensure compliance with regulatory requirements.
- (5) Evaluate contractor performance and document current and past performance in a database. Ensure contract provisions comply with the Federal Acquisition Regulation and applicable Federal, State, and local safety, environmental, and transportation regulations. Monitor contract costs to ensure competitive pricing as well as high quality contractor service.
- (6) Reduce start-up, administrative, and re-procurement costs by preparing and awarding long-term contracts, if in the best interest of DoD.

5 LIABILITY

Chapter 10 of DoD Regulation 4160.21-M indicates that DLA Disposition Services may request information from Marine Corps installations, including a list of facilities using their own HW disposal contracting, that identifies the type of commodities handled and the prices paid. Additionally, overall liability and responsibilities are the same for those installations using DLA Disposition Services or outside HW contracting services.

VOLUME 20

“WASTEWATER AND STORMWATER MANAGEMENT”

SUMMARY OF VOLUME 20 CHANGES

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VOLUME 20: WASTEWATER AND STORMWATER MANAGEMENT

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REFERENCES

- (a) Sections 1251 et seq. of Title 33, United States Code (33 U.S.C. 1251 et seq.) (also known as “Clean Water Act,” (CWA) as amended)
- (b) Part 122 of Title 40, Code of Federal Regulations (40 CFR 122)
- (c) 40 CFR 125
- (d) SECNAV M-5210.1
- (e) United States Civil Service Commission, “Federal Personnel Manual, FPM Supplement 271-1: Development of Qualification Standards,” subchapters 3-4, "License and Credentials", 1969
- (f) 40 CFR 136
- (g) 40 CFR 403
- (h) 40 CFR 405-471
- (i) 40 CFR 130
- (j) 40 CFR 116
- (k) 40 CFR 117
- (l) 42 U.S.C. 6901
- (m) 40 CFR 270
- (n) 40 CFR 260
- (o) 40 CFR 261
- (p) Public Law 102-386, “Federal Facilities Compliance Act,” October 6, 1992
- (q) 40 U.S.C. §133
- (r) DUSD Memorandum, “Perchlorate Release Management Policy,” April 22, 2009
- (s) HQMC Memorandum, “Distribution of DoD Perchlorate Release Management Policy,” January 6, 2010
- (t) Public Law 110-140, “Energy Independence and Security Act,” December 19, 2007
- (u) DoN, “Department of the Navy Low Impact Development (LID) Policy for Storm Water Management,” November 19, 2007
- (v) Office of the Under Secretary of Defense, “DoD Implementation of Storm Water Requirements under Section 438 of the Energy Independence and Security Act (EISA),” January 19, 2010
- (w) Unified Facilities Criteria (UFC) 3-210-10, “Low Impact Development,” July 1, 2015
- (x) EPA, “Reducing Stormwater Costs through Low Impact Development (LID) Strategies and Practices,” December 2007
- (y) EPA, “Storm Water Management For Industrial Activities: Developing Pollution Prevention Plans and Best Management Practices,” September 1992
- (z) EPA, “Storm Water Management for Construction Activities: Developing Pollution Prevention Plans and Best Management Practices,” September 1992
- (aa) EPA, “Guidance Manual for the Preparation of NPDES Permit Applications for Stormwater Discharges Associated with Industrial Activity,” EPA-505/8-91-002, April 1991
- (ab) 40 CFR 445
- (ac) EPA, “Guidance Manual for Developing Best Management Practices (BMP),” October 1993
- (ad) 40 CFR 258
- (ae) EPA, “Nonpoint Source Watershed Workshop,” EPA/625/4-91/027, September 1991
- (af) EPA, “Guide to Nonpoint Source Pollution Control”, EPA/811/1987, July 6, 1987
- (ag) 40 CFR 257

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- (ah) 40 CFR 503
- (ai) 40 CFR 146
- (aj) EPA, "Guide to Septage Treatment and Disposal," EPA/625/R-94/002, September 1994
- (ak) EPA, "Handbook: Septage Treatment and Disposal," EPA-625/6-84-009, October 1984
- (al) 42 U.S.C. 300f
- (an) 40 CFR 145
- (ao) 40 CFR 147-148
- (ap) EPA, "A Review of Sources of Ground-water Contamination from Light Industry, Technical Assistance Document," EPA 440/6-90-005, May 1990
- (aq) EPA, "A Groundwater Information Tracking System with Statistical Analysis Capability," EPA/625/11-91/002, 1992
- (ar) 40 CFR 268
- (as) 40 CFR 240
- (at) 42 U.S.C. 7401
- (au) 40 CFR 61
- (av) 40 CFR 230
- (aw) 33 CFR 320
- (ax) 33 CFR 321
- (ay) 33 CFR 322
- (az) 33 CFR 323
- (ba) 33 CFR 325
- (bb) 33 CFR 330
- (bc) 40 CFR 233
- (bd) 16 U.S.C. §§1451-1464
- (be) 42 U.S.C. 4321
- (bf) 40 CFR 220
- (bg) 40 CFR 221
- (bh) 40 CFR 222
- (bi) 40 CFR 227
- (bj) 40 CFR 224
- (bk) 40 CFR 228
- (bl) 40 CFR 223
- (bm) 40 CFR 225
- (bn) 40 CFR 226
- (bo) 40 CFR 229
- (bp) 33 U.S.C. 1401
- (bq) 40 CFR 255
- (br) 33 CFR 324
- (bs) 15 CFR 930

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VOLUME 20: CHAPTER 1

“SCOPE”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 1

SCOPE

0101 PURPOSE

This Volume establishes Marine Corps policy and responsibilities for compliance with federal water pollution control requirements for wastewater and stormwater programs. Volume 16 of this Order discusses specific provisions for preventing and controlling surface and ground water pollution and for the protection of drinking water supplies. For information on the planning, prevention, and control of water pollution from oil discharges and hazardous substance (HS) releases see Volume 7 of this Order.

0102 APPLICABILITY

See Volume 1 paragraph 0102.

0103 BACKGROUND

Marine Corps operations that are regulated through the wastewater and stormwater program include the following:

010301. Domestic or industrial wastewater discharged directly to receiving waters or through an on-installation Marine Corps Owned Treatment Works.

010302. Domestic or industrial wastewater discharged to an off-installation Publicly Owned Treatment Works (POTW) or to a treatment plant of another Department of Defense (DoD) activity.

010303. Stormwater runoff associated with municipal, industrial, or construction activities discharged to receiving waters.

010304. Range operations resulting in nonpoint source pollution.

010305. Agricultural, silvicultural, and grazing operations, including outleasings, that contribute to polluted runoff or ground water contamination.

010306. Sewage sludge generation, processing, use, and disposal practices.

010307. Facilities involved in the transfer, storage, and transportation of petroleum, oil, and lubricants that, because of their location, could reasonably be expected to cause substantial harm to the environment by discharging into navigable waters or on the adjacent shoreline.

010308. Hazardous material storage areas and other regulated storage areas where runoff is likely to occur.

VOLUME 20: CHAPTER 2

“AUTHORITY”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 2

AUTHORITY

0201 FEDERAL STATUTES

020101. Water Quality Act of 1965 (Public Law 89-234), Water Quality Improvement Act of 1970 (Public Law 91-224), Federal Water Pollution Control Act of 1972, as amended by Clean Water Act of 1977 (33 United States Code (U.S.C.) 1251 et seq.), Water Quality Act of 1987 (Public Law 100-4).

020102. Oil Pollution Act of 1990 (Public Law 101-380, 33 U.S.C. 2701 et seq.).

020103. Safe Drinking Water Act of 1974 (42 U.S.C. 300f et seq.).

020104. Rivers and Harbors Act of 1899 (33 U.S.C. 407 et seq.).

020105. Marine Protection, Research, and Sanctuaries Act of 1972, as amended (33 U.S.C. 1401 et seq. and 16 U.S.C. 1431 et seq.).

020106. Coastal Zone Management Act (CZMA) of 1972 (16 U.S.C. 1451 et seq.).

020107. Federal Facilities Compliance Act.

020108. Solid Waste Disposal Act of 1965, as amended by the Resource Conservation and Recovery Act of 1976 (42 U.S.C. 6901 et seq.).

0202 EXECUTIVE ORDERS

E.O. 12088, "Federal Compliance with Pollution Control Standards," October 13, 1978.

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VOLUME 20: CHAPTER 3

“REQUIREMENTS”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 3

REQUIREMENTS

0301 GENERAL

Marine Corps installations in the United States will comply with all substantive and procedural wastewater and stormwater regulations established by the U.S. Environmental Protection Agency (EPA) or those states that have been granted primary enforcement responsibility. These requirements include federal, state, interstate, and local laws, E.O.s, and regulations respecting the control and abatement of water pollution such as load reduction requirements resulting from the development of total maximum daily loads (TMDLs) for impaired water bodies.

030101. Statutory Requirements

Sections 1251 et seq. of Title 33, United States Code (33 U.S.C. 1251 et seq.) (also known and referred to in this Order as “Clean Water Act,” (CWA) as amended) (Reference (a)) requires compliance by federal installations with all requirements, substantive and procedural, that are applicable to point and nonpoint sources of water pollution. These requirements include federal, state, interstate, and local laws and regulations with respect to the control and abatement of water pollution. Reference (a) makes it illegal for any Marine Corps installation to discharge any pollutant, other than when such discharge is in compliance with effluent standards, treatment technology requirements, or other procedural requirements. Marine Corps facilities shall comply in the same manner, and to the same extent, as any nongovernmental entity.

030102. Regulatory Requirements

A. Applicable requirements include federal, state, and local regulations governing water quality. The remainder of this chapter summarizes many of the significant federal regulations pertaining to wastewater and stormwater.

B. Authorized EPA, state, or other regulatory officials who have presented proper credentials shall be allowed to enter Marine Corps facilities at reasonable times to examine or copy records, inspect facilities and monitor equipment, and sample any wastewater or stormwater which the activity is required to monitor. Designated representatives of the Commanding General or Commanding Officer (CG/CO) should accompany the officials during these site visits.

030103. Department of Defense (DoD) Requirements

DoD has established the Department of the Navy (DON) as the DoD Executive Agent for implementation of Reference (a).

0302 POINT SOURCE CONTROL

030201. Discharge Permits

A. Part 122 of Title 40, Code of Federal Regulations (40 CFR 122) (Reference (b)) and 40 CFR 125 (Reference (c)) require National Pollutant Discharge Elimination System (NPDES) permits for all point source discharges into waters of the United States. Discharges shall comply with all terms and conditions of EPA, state, and locally issued permits.

B. For Marine Corps installations with discharge points located in states that have not been authorized to administer all or parts of Reference (a) programs, NPDES permits shall be requested from, and issued by, EPA. If a state has a separate water pollution permit program, Marine Corps installations shall, when required, obtain a state permit as well as an EPA permit for point sources regulated in accordance with that program.

C. For all discharge points located in states that have EPA-approved NPDES programs, permit applications shall be filed with, and issued by, the appropriate state agency.

D. In accordance with Reference (a), an NPDES permit term may not exceed 5 years. Any discharge that will continue after its discharge permit expires shall be re-permitted prior to the expiration date of the current permit. A new permit application shall be submitted to the permitting agency no later than 180 days prior to discharge (if a new discharger) or the permit expiration date (if already an NPDES permit holder). For projects involving construction activities, an NPDES permit application for stormwater discharges shall be submitted at least 90 days prior to the start of construction. In the case of complex permits, such applications should be filed well in advance of the 180-day (or 90-day) requirement. To meet these deadlines, installations shall allow sufficient time to collect the required information and prepare the application.

E. All permit applications and required reports shall be prepared in the format prescribed by the permitting agency.

F. Any monitoring records, including all original strip chart recordings for continuous monitoring, instrumentation and calibration, maintenance records, and laboratory test results pursuant to sampling, shall be retained per SECNAV M-5210.1 (Reference (d)) from the time of sampling at the installation where monitoring is performed, if not otherwise prescribed.

G. The owner of a treatment plant that continually fails to meet its discharge permit limits can be subject to Enforcement Actions (EAs) by the permitting agency and to citizen suits filed in a United States court.

H. Job descriptions for Marine Corps wastewater treatment plant and collection system operators shall require a state certification or license, or the ability to obtain and maintain a certification or license as a condition of employment at all facilities where state certification requirements apply, as stipulated in United States Civil Service Commission, "Federal Personnel Manual, FPM Supplement 271-1: Development of Qualification Standards," subchapters 3-4, "License and Credentials", 1969 (Reference (e)) and as required by the governing permitting agency's regulations.

I. The Commandant of the Marine Corps Facilities and Services Division (CMC (LF))/Marine Corps Installations Command, Facilities Division ((MCICOM) (GF)) supports funding for annual refresher training for all plant and collection system operators, especially for safety-related

courses. Training sources include EPA, state environmental and health departments, local colleges and universities, extension courses, and private firms.

J. Marine Corps laboratories performing wastewater and stormwater analyses shall be certified pursuant to applicable regulations of the federal, state, or local permitting authority, if required. Appropriate chain of custody procedures will be used to track samples collected for analysis. 40 CFR 136 (Reference (f)) contains EPA test procedures for analyzing water pollutants.

030202. Industrial Wastewater Treatment and Direct Discharge Requirements

A. Marine Corps Owned Industrial Wastewater Treatment Plants (IWTPs) and other industrial-based activities with direct discharge into receiving waters shall obtain and comply with NPDES permits.

B. Direct discharges to receiving waters from oil/water separators (OWSs) shall be permitted, monitored, and reported pursuant to the NPDES program. The preferred method for the wash rack effluent is using a washwater recycling unit (a Pollution Prevention (P2) technology). Wash racks should be constructed to divert/prevent entry of rainwater and stormwater run-on. Where the installation of recycling equipment is not practical, wash rack discharges should be valved to OWSs (which discharge to the sanitary sewer) when aircraft or vehicles are being washed and valved to the stormwater system at all other times so that stormwater runoff does not overload the sanitary sewer system. Oil transfer and storage facility discharges should be directed through an appropriate structural treatment/best management practice prior to release. Marine Corps installations should contact their state and local regulatory agencies for information on regulations and standards applicable to OWSs.

1. Do not install any new OWSs until all alternatives have been evaluated (see Multiservice OWS Guidance Document, SFIM-AEC-EQ-CR-200010).

2. Implement P2 principles and use Best Management Practices (BMPs) to minimize the requirements for OWSs (Multiservice OWS Guidance Document, SFIM-AEC-EQ-CR-200010).

C. When new NPDES permit standards are promulgated, Marine Corps-Owned IWTPs and other industrial activity dischargers may not be able to comply automatically with the new standards. If the discharger determines it cannot meet the new standard, it shall begin to upgrade its treatment processes to meet the deadline for compliance with the new standards. If the discharger cannot meet the required compliance date, it should negotiate a new date in a Consent Order with the appropriate regulatory agency.

D. The installation and operation of Marine Corps-owned wastewater treatment and disposal facilities are authorized whenever a POTW or other alternatives are not available or cost-effective.

E. The Marine Corps encourages wastewater and stormwater reclamation for reuse; this option should be studied during planning for the construction of new wastewater facilities or for renovation, expansion, or the upgrading of existing facilities. Reuse options pertain to

industrial wastewater recycling, aquifer recharge, constructed wetlands, wildlife habitat mitigation or enhancement; to the irrigation of parade decks, athletic fields, golf courses, forests and tree lines, and garrison and residential landscaping; and to outleased areas used for agriculture, silviculture, or grazing.

030203. Discharge to a Federally Owned Treatment Works (FOTW)

A. Wastewater discharges to an FOTW will meet all applicable general and categorical pretreatment standards contained in 40 CFR 403 (Reference (g)) and 40 CFR 405-471 (Reference (h)), as appropriate. After the effective date of any new pretreatment standards for toxic substances, affected sources will comply within the timeframe designated by the appropriate agency.

B. If necessary, an FOTW can impose limitations more stringent than the categorical pretreatment standards on industrial activities which discharge to it in order to prevent interference with treatment plant operations, to prevent pass-through of pollutants to receiving waters, to prevent sewage sludge contamination, to prevent workers from being exposed to health hazards, and to prevent a violation of the FOTW's NPDES permit. The repeated inability of an FOTW to meet its discharge permit limits, due to an industrial activity's failure to pretreat its waste, can result in EAs against both the FOTW and the industrial activity.

C. Industrial activities discharging to an FOTW will notify the FOTW operator of any substantial change in quantity or type of pollutants discharged and of any spills, releases, or slug loads of any substance which could adversely impact the FOTW, its personnel, or the effluent discharged from the treatment works.

D. FOTWs discharging to waters of the United States shall be designed, constructed, operated, and maintained to comply with all effluent limitations as prescribed by discharge/NPDES permits.

030204. Discharge to Publically Owned Treatment Works (POTWs)

A. The use of a regional or municipal POTW is the preferred method for wastewater collection, treatment, and disposal whenever an analysis of life-cycle costs and environmental impacts indicates that the use of a POTW is more economical and environmentally beneficial than constructing/upgrading and operating an FOTW. Economic components used in the analysis should include any capital cost contributions to the POTW for a prorated share of system capacity; continuing user fees and surcharges; pretreatment costs; FOTW capital; operation and maintenance costs, including expenses for permit fees, monitoring, utilities, equipment repair and replacement; solids handling and disposal; chemical usage; and personnel staffing, training, and certification. The environmental analysis should include surface and ground water quality and quantity issues, threatened and endangered species impacts, and archaeological, cultural, and natural resources issues.

B. Discharges to a POTW shall meet all applicable general and categorical pretreatment standards contained in References (g) and (h), as appropriate. After the effective date of any new pretreatment standards for toxic substances, affected sources shall comply within the timeframe designated by the permitting authority. EPA published regulations, effective November

2005, that streamline and clarify various provisions of the General Pretreatment Regulations for existing and new sources of pollution codified in Reference (g). In general, the rule reduces the regulatory burden on both industrial users and state/POTW control authorities without adversely affecting environmental protection.

C. A POTW controls discharges received from Marine Corps installations or activities through local ordinances, sewer use contracts, and/or discharge permits. These control mechanisms often require the user to monitor its industrial discharges into the sewer, to pretreat certain categories of wastes, to notify the treatment plant of substantial changes to the quantity or quality of the influent, and to take other administrative or procedural actions as necessary.

D. Dischargers to a POTW usually pay user fees commensurate with the waste load contributed. New sources to such systems may also be required to share in the capital costs for increasing the capacity of the POTW's collection, treatment, and disposal facilities.

E. Pursuant to Reference (a), states have established certain areas for which a regional approach to wastewater treatment is necessary. Such areas have developed management plans, per section 208 of Reference (a), that detail collection and treatment works requirements, timetables for accomplishment of the plan, and requirements for individual participants (40 CFR 130 (Reference (i))) addresses such wastewater and stormwater plans). Since approved plans are binding on Marine Corps installations within the region, it is imperative that close liaison be established with these planning organizations.

030205. Hazardous Pollutant Discharges

A. In 40 CFR 116 (Reference (j)), EPA identifies a list of HSs regulated pursuant to Reference (a). 40 CFR 117 (Reference (k)) presents the reportable quantities for releases of these HSs. Volume 9 of this Order discusses prevention of HS discharges that may result from accidental spills on land or into waters of the United States.

B. Hazardous waste (HW) may be introduced into a treatment facility only if the facility has a specific treatment, storage, and disposal permit, pursuant to 42 U.S.C. 6901 et seq. (also known and referred to in this Order as "Resource Conservation and Recovery Act," (RCRA) as amended) (Reference (l)), or a "permit by rule." Pursuant to section 60 of 40 CFR 270 (Reference (m)), a POTW that accepts HW for treatment shall have an NPDES permit, comply with the conditions of its NPDES permit, and, as listed in section 60(c)(3) of 40 CFR 260 (Reference (n)), comply with regulations related to the manifest system. As stated in section 3023(b) of Reference (l), it is unlawful to introduce any HW into an FOTW.

C. POTWs have a "domestic sewage exclusion" 40 CFR 261 (Reference (o)), section (a)(1)) that allows domestic sewage and any mixture of domestic sewage and other wastes, including HWs, that pass through a sewer system to a POTW to be excluded from the definition of a solid waste and, thus, exempt from regulation pursuant to Reference (l). However, the exclusion rule does not provide for the uncontrolled discharge of HWs to a POTW. Note that states can impose stricter requirements. Therefore, installations shall confirm with their state HW authority on HW discharge regulations.

D. To ensure similar treatment for both POTWs and FOTWs, section 108 of Public Law 102-386, "Federal Facilities Compliance Act" (Reference (p)) added a new section 3023, "Federally Owned Treatment Works," to Reference (l) that includes a similar but conditional "domestic sewage exclusion" for FOTWs in section 3023 (a) (1-4) of Reference (l). For solid or dissolved materials entering an FOTW to be exempt from regulations pursuant to Reference (l) as it pertains to the "domestic sewage exclusion," they shall meet at least one of the following criteria:

1. Materials shall be subject to a pretreatment standard pursuant to section 307 of Reference (a) (provided the source is in compliance with established pretreatment standards).
2. Materials not currently covered by a pretreatment standard shall be subject to (and in compliance with) an EPA-promulgated pretreatment standard that would be applicable before 6 October 1999 (provided EPA has promulgated a schedule for establishing such a standard).
3. Materials not covered by either of the above criteria shall be treated in accordance with the applicable land disposal restriction treatment standards pursuant to Reference (l).
4. The generator source is a household generator or a conditionally exempt small quantity generator generating less than 100 kilograms (kg) of HW, or less than 1 kg of acutely HW, per month.

E. Marine Corps policy directs the reduction or elimination of wastewater treatment and disposal needs through a P2 program. This program should examine and implement wastewater and stormwater volume and pollutant reductions through process changes, materials substitution, cooling water recycling, water conservation practices and equipment, wastewater reclamation and reuse, and wastewater collection system maintenance and renovation to decrease ground water infiltration and stormwater inflow. Installations shall ensure that the Environmental Management Hierarchy (EMH) is employed, P2 alternatives are evaluated, and life-cycle cost impacts are assessed, in evaluating and selecting projects that address compliance requirements. 40 U.S.C. §133 (Reference (q)) establishes the following order of preference for the EMH:

1. Source reduction.
2. Recycling.
3. Treatment.
4. Disposal.

030206. Perchlorate Monitoring

A. Marine Corps installations that use perchlorate during the maintenance, processing, recycling, or demilitarization of military munitions shall sample for perchlorate at permitted wastewater discharge points. Sampling shall be conducted semi-annually and, if possible, in conjunction with effluent sampling already conducted under the applicable permit to each point source. Installations with confirmed results indicating perchlorate levels above 15 parts per billion in effluent discharges, or above the state or Local Regulatory levels if more stringent than DoD's value, shall notify CMC (LF)/MCICOM (GF) for further action. Installations may cease sampling after two

consecutive semi-annual samples are below 15 parts per billion. Sample results are to be reported to the permitting regulatory authority if it is required by the NPDES permit or state regulations. Refer to DUSD Memorandum, “Perchlorate Release Management Policy,” April 22, 2009 (Reference (r)) and HQMC Memorandum, “Distribution of DoD Perchlorate Release Management Policy,” January 6, 2010 (Reference (s)), for further guidance on testing and sampling.

B. DoD and Marine Corps perchlorate sampling requirements shall not diminish any existing wastewater discharge permit requirements established by EPA or state regulatory authorities.

030207. Stormwater Discharges

A. The 1987 amendments to Reference (a) established greater regulation of stormwater discharges; the implementing regulations in section 26 of Reference (b) became effective in December 1990. The NPDES stormwater program regulates stormwater discharges from three potential sources: municipal separate storm sewer systems (MS4s), construction activities, and industrial activities. Federally operated storm sewer systems are defined as MS4s. Most stormwater discharges are considered point sources, and operators of these sources shall check with the permitting authority if an NPDES permit is required before they can discharge.

1. MS4s. Polluted stormwater runoff is commonly transported through MS4s, from which it is often discharged untreated into local water bodies. Reference (a)’s Phase I regulations, pursuant to the stormwater program, issued in 1990, require medium and large cities or certain counties with populations of 100,000 or more to obtain NPDES permit coverage for their stormwater discharges. Phase II regulations, issued in 1999, require regulated small MS4s in urbanized areas, as well as small MS4s outside the urbanized areas that are designated by the permitting authority, to obtain NPDES permit coverage for their stormwater discharges, according to Reference (a). Generally, Phase I MS4s are covered by individual permits and Phase II MS4s are covered by a general permit.

2. Construction Activities. As of 10 March 2003, construction activities disturbing one or more acres need an NPDES permit. At a minimum, these permits require development of a site-specific stormwater pollution prevention plan (SWPPP), covering both the construction and the post-construction phases of the project. Where EPA is the permitting authority, operators shall meet the requirements of EPA's Construction General Permit.

3. Industrial Activities. Operators of industrial facilities falling into 10 categories listed by EPA in its stormwater regulation need an NPDES permit if the stormwater is discharged directly into surface water or an MS4. The NPDES program includes an industrial stormwater permitting component that covers 29 industrial sectors that require authorization pursuant to an NPDES industrial stormwater permit for stormwater discharges. For industrial facilities located in areas where EPA is the permitting authority, coverage is available under the Multi-Sector General Permit, latest version. The Multi-Sector General Permit regulations specify steps that facility operators shall take prior to becoming eligible for permit coverage. The regulations also include effluent limits; monitoring, inspection, and reporting requirements; and corrective action requirements. Some states may require facility operators obtain specific credentials or certifications.

B. Most states are authorized to implement their own NPDES stormwater program and stormwater permitting programs. EPA remains the permitting authority in a few states, territories, and on most tribal lands. For these areas, EPA provides oversight and issues stormwater permits. The Construction General Permit and Multi-Sector General Permit apply only in areas where EPA is the permitting authority.

C. Installations should coordinate with regional EPA offices and cognizant state regulatory agencies to access the applicability of NPDES General or Individual Permit procedures.

1. General Permits. These permits are intended to cover the majority of stormwater discharges associated with an industrial activity. Dischargers seeking to be covered by a general permit shall file a NOI with the appropriate permitting authority. The NOI requirements for the general permit usually address only general information and typically do not require the collection of monitoring data. Section 28 of Reference (b) provides information regarding general permit NOI filing requirements. Where EPA is the permitting authority, construction activities disturbing one or more acres of land shall meet the requirements of EPA's Construction General Permit. Also, the Multi-Sector General Permit provides coverage for industrial facilities located in areas where EPA still remains the NPDES permit authority.

2. Individual Permits. Operators of facilities with stormwater discharges associated with industrial activity that do not obtain coverage under a general permit, or are not eligible for a general permit, shall submit an individual permit application. Stormwater discharges that cannot be authorized by general permits include those with existing effluent guideline limitations for stormwater; with an existing NPDES individual or general permit for stormwater discharges; or which are, or may reasonably be expected to be, contributing to a violation of a water quality standard. Section 26(c) of Reference (b) specifies EPA's individual stormwater permit application procedures and information requirements for stormwater discharges associated with industrial activity and stormwater discharges associated with small construction activity. Applications shall be submitted 180 days before the discharge begins or 90 days before the construction activity is due to begin. State regulations generally parallel those of EPA in requiring a permit application to be filed with the appropriate permitting authority.

D. On 19 December 2007, Public Law 110-140, "Energy Independence and Security Act," (Reference (t)) was signed into law. This new law includes a provision that requires projects involving a federal facility with a footprint that exceeds 5,000 square feet (ft²) to "use site planning, design, construction, and maintenance strategies for the property to maintain or restore, to the maximum extent technically feasible, the predevelopment hydrology of the property with regard to the temperature, rate, volume, and duration of flow." In addition, the DON, "Low Impact Development (LID) Policy for Storm Water Management," November 19, 2007, (Reference (u)) directs the Marine Corps to meet a goal of no net increase in stormwater volume and sediment or nutrient loading from major renovation (i.e., exceeding \$5 M) and major construction projects (i.e., exceeding \$1 M) beginning in fiscal year 2011. DoD also implemented stormwater requirements pursuant to EISA of 2007, Section 438, using LID techniques, as outlined in Office of the Under Secretary of Defense, "DoD Implementation of Storm Water Requirements under Section 438 of the Energy Independence and Security Act (EISA)," January 19, 2010 (Reference (v)) policy. HQMC (LF)/MCICOM (GF) issues an annual data call in November to obtain information on Marine Corps LID projects that are designed by agencies other than Naval Facilities Engineering Command

(NAVFAC) (including USMC) in order to support Deputy Assistant Secretary of the Navy (DASN) and DoD Strategic Sustainability Performance Plan (SSPP) inquiries. Projects, not tracked by eProject, are reported by installations into the Environmental Management (EM) Portal and, once compiled, Office of the Secretary of Defense uses the data as part of the SSPP.

E. Reference (u), regarding treatment and control of stormwater directs the Marine Corps to consider LID in the design for all projects that have a stormwater management element. LID will be implemented in complying with Reference (a) and the NPDES permit program, as well as all applicable federal and state requirements for sustainable development. In those infrequent situations where LID is not appropriate given the characteristics of the site, the Marine Corps is authorized to establish a waiver process that, if used, would include regional engineer level review and approval (contact Headquarters, Marine Corps, Facilities Division (HQMC (LF))/Marine Corps Installation Command, Facilities Division ((MCICOM) (GF-5)) for further information).

F. The Marine Corps shall plan, program, and budget to meet the requirements of these policies. These policies require LID to be considered in the design for all projects that have a stormwater element. LID techniques offer a suite of BMPs that maintain or restore predevelopment hydrology and mitigate the adverse effects of construction projects on water quality by cost effectively reducing the volume and pollutant loading of stormwater before it reaches the receiving water bodies. Unified Facilities Criteria 3-210-10, “Low Impact Development,” July 1, 2015 (Reference (w)) provides current guidance on LID techniques. Additionally, EPA, “Reducing Stormwater Costs through Low Impact Development Strategies and Practices,” December 2007 (Reference (x)) provides information on the costs and benefits of using LID strategies and practices to help protect and restore water quality.

G. Industrial activities and facilities that can contaminate stormwater, and to which these regulations apply, may occur on Marine Corps installations. These activities and facilities include HW treatment, storage, and disposal facilities; scrap and waste material processing and recycling facilities; landfills; sewage sludge land application sites; petroleum bulk oil stations and terminals; airfields; wastewater treatment plants with a design capacity of 1,000,000 gallons per day or greater; and construction activities.

H. Installations discharging to an MS4 serving a population of 100,000 or more shall submit notification information to the operator of the municipal storm sewer system.

I. In general, EPA and state stormwater discharge permit regulations require the permittee to:

1. File a permit application or Notice of Intent (NOI).
2. Determine if any non-stormwater discharges occur. Certain non-stormwater discharges are authorized, such as water from fire-fighting activities, hydrant flushing, street cleaning, air-conditioning and compressor condensates, and lawn watering. For other non-stormwater discharges, the discharger shall develop a list of illicit discharges discovered and submit it to the regulatory agency. The agency determines which discharges may be permitted and under what conditions. Any discharges that cannot be permitted shall be eliminated. Coordination with federal and state regulatory agencies is essential to determine applicable requirements.

3. Prepare and implement a SWPPP. The SWPPP's objectives should be to identify pollution sources potentially affecting stormwater discharge quality and to describe and implement practices to minimize and control pollutants from the industrial facility. The process for developing a SWPPP includes the following four steps:

- a. Formation of a qualified SWPPP team.
- b. Assessment of potential stormwater pollution sources.
- c. Selection and implementation of appropriate BMPs and controls.
- d. Periodic examination of the plan's effectiveness.

4. Further information is provided in EPA, "Storm Water Management For Industrial Activities: Developing Pollution Prevention Plans and Best Management Practices," September 1992 (Reference (y)) and EPA, "Storm Water Management for Construction Activities: Developing Pollution Prevention Plans and Best Management Practices," September 1992 (Reference (z)).

5. As required by the NPDES permit, monitor the discharges, report the results to the permitting authority, and maintain required records pursuant to Reference (d).

6. Comply with any effluent limits placed within the permit.

J. The EPA, "Guidance Manual for the Preparation of NPDES Permit Applications for Stormwater Discharges Associated with Industrial Activity," EPA-505/8-91-002, April 1991 (Reference (aa)) provides an overview of the permitting process and information regarding the permit application requirements.

030208. Stormwater Charges

Section 1323 of Reference (a) requires federal entities to pay "reasonable service charges," to include any reasonable, nondiscriminatory fee, charge, or assessment to state and local authorities to pay or reimburse the costs of managing stormwater from federal property or facilities. The stormwater management costs that may be reimbursed include the full range of costs attributable to collecting stormwater, reducing pollutants in stormwater, and reducing the volume and rate of stormwater discharge. Installations are encouraged to contact their local counsel if they receive stormwater charges from local regulators. This will begin the process of evaluating whether the charges are legally payable. Localities structure stormwater charges differently, and not all stormwater charges are payable according to federal law, and DoD and DON guidance. Marine Corps installation legal and environmental technical staff shall perform a detailed analysis of the stormwater charge to evaluate whether it is payable based on several criteria. To be payable, a stormwater service charge shall meet all of the following criteria:

- A. Relate to the control and abatement of water pollution.
- B. Be reasonable.

- C. Be nondiscriminatory.
- D. Be based on a fair approximation of the proportionate contribution of the property or facility to stormwater pollution.
- E. Be measured in terms of quantities of pollutants, or volume or rate of stormwater discharge or runoff from the property or facility.
- F. Be used to pay or reimburse the costs associated with any stormwater management program (whether associated with a separate storm sewer system or a sewer system that manages a combination of stormwater and sanitary waste).
- G. May include the full range of programmatic and structural costs attributable to collecting stormwater, reducing pollutants in stormwater, and reducing the volume and rate of stormwater discharge.
- H. Following a detailed analysis of the charge, which may include discussions with state or local regulators, counsel will make a final recommendation concerning payment or non-payment of the stormwater charge.

030209. Waste Disposal Sites

- A. Collected stormwater runoff from waste disposal sites, such as landfills, sewage sludge monofills, and land application sites, is regulated under an NPDES permit as noted in paragraph 030306.
- B. Leachate from waste disposal sites shall be tested for the hazardous characteristics listed in Reference (l) to determine which disposal method can be used. Landfill leachates have been found to contain high concentrations of toxic organic compounds, metals, and conventional and nonconventional pollutants.
 - 1. Hazardous leachate shall be treated or disposed of in accordance with federal and state regulatory requirements (see Volume 9 of this Order).
 - 2. Direct discharges of nonhazardous leachate to receiving waters shall be permitted under the NPDES. The permitting authority will develop treatment and permit requirements for leachate discharged to receiving waters depending upon the quantity and nature of the leachate and its potential impact on the environment.
- C. In 2000, EPA published its final “Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards for the Landfills Point Source Category,” Reference (f) and 40 CFR 445 (Reference (ab)). Regulations pursuant to Reference (l) establish disposal criteria and operation and design standards for landfills but do not address the discharge of landfill wastewater to surface waters or to POTWs. Therefore, EPA set effluent guidelines pursuant to Reference (a) for this industry to limit the amount of pollutants discharged into waters of the United States. The final effluent guideline regulation only applies to landfills that discharge wastewater directly into receiving waters. It does not apply to landfills that discharge

wastewater into POTWs or FOTWs. Based on comments on the proposed rule and further analysis by EPA, it was concluded that national pretreatment standards are not necessary for landfills.

030210. Non- National Pollutant Discharge Elimination System (NPDES) Discharge Permits

A. Domestic and industrial wastewaters and stormwater may be disposed of in a non-discharging manner. Examples of such instances are evaporation/transpiration ponds, leach fields, spreading basins, and land application systems.

B. Such discharges are not regulated under the NPDES program, but are normally regulated under a state permit program, such as California's "Waste Discharge Requirements." These state permits usually contain limitations and conditions similar to those in NPDES permits, such as monitoring, reporting, and recordkeeping requirements; flow restrictions; and pollutant limits. Noncompliance with these state permit conditions is subject to enforcement action by the permitting authority.

0303 NONPOINT SOURCE CONTROL

030301. Regulatory Citation

Reference (i) specifies requirements for nonpoint source management programs. These regulations incorporate requirements per section 208 of Reference (a) for development of area-wide waste treatment management plans. They also include requirements per section 319 of Reference (a) for states to establish nonpoint source pollution management programs through wastewater and stormwater plans. Federal consistency provisions also authorize states to review federal activities for consistency with state nonpoint source programs.

030302. State Water Quality Management (WQM) Plan

The plan shall describe the non-regulatory and regulatory programs, activities, and BMPs selected to control nonpoint source pollution where necessary to protect or achieve approved water body uses. The plan shall identify BMPs to be employed to reduce specific types of nonpoint source pollution, identify programs to implement the BMPs, develop a schedule with annual milestones for implementing the BMPs, certify that the state has adequate legal authority for administering and enforcing the program, and identify sources of assistance and funding.

030303. Contributors to Nonpoint Source Pollution

A. Most nonpoint source pollution results from unchannelled runoff of stormwater, snowmelt, or irrigation. This runoff picks up contaminants from tilled land, urban and suburban areas, improperly managed construction sites, timber harvest areas, mine drainage, and other disturbed areas.

B. At Marine Corps installations, nonpoint sources include agricultural, silvicultural, and grazing operations (including outleases); firing and training range operations; construction sites; industrial activities without discrete point source conveyances; parking lot and

roof runoff; and runoff from lawn maintenance activities, such as fertilizer and herbicide applications, in residential and other garrison areas.

030304. Discharge Permits

EPA and the states do not require discharge permits for nonpoint sources of pollution.

030305. Best Management Practices (BMPs)

A. Where required by states, installations shall implement BMPs to control nonpoint source pollution. If not required, installations should implement BMPs as resources allow.

B. BMPs, which can be implemented to reduce nonpoint source pollution, include, but are not limited to, the following (see also EPA, “Guidance Manual for Developing Best Management Practices (BMP),” October 1993 (Reference (ac))):

1. P2, such as performing maintenance and storing materials under cover.
2. Wet and dry stormwater detention and retention ponds with sedimentation manholes and inverted elbows to trap sediments and floatable items.
3. Constructed wetlands.
4. Grassed swales.
5. Forest buffers from 50 to 100 feet wide along streams.
6. Fabric screens and hay bales at construction sites to reduce erosion and trap sediments prior to discharge.

C. Stormwater from Military Construction projects that increase impervious surfaces shall be managed in accordance with state regulations and engineering practices that control the quantity and quality of stormwater runoff. EISA Section 438 will be triggered for projects that increase impervious surfaces greater than 5,000 square feet.

D. Lease terms for agricultural, silvicultural, and grazing operations shall include requirements for implementing BMPs for pesticide, fertilizer, and erosion controls to reduce contaminated runoff.

030306. Municipal Solid Waste Landfills

A. To prevent surface water contamination, section 27(a) of 40 CFR 258 (Reference (ad)) requires that runoff from the active portion of the landfill unit not cause a discharge of pollutants into waters of the United States, including wetlands, which violates any requirements of Reference (a), including NPDES requirements.

B. Similarly, section 27(b) of Reference (ad) prohibits any discharge of a nonpoint source of pollution to waters of the United States, including wetlands, which violates any requirement of an area-wide or state-wide WQM plan that has been approved pursuant to section 208 or 319 of Reference (a), as amended.

C. If stormwater runoff and uncontrolled leachate discharges to surface waters occur, they shall be controlled by an NPDES permit.

030307. Training

CMC (LF)/MCICOM (GF) supports funding for annual refresher training for all stormwater operators, especially for safety-related courses. Training sources include EPA, state environmental and health departments, local colleges and universities, extension courses, and private firms.

030308. Reference

EPA publications, EPA, “Nonpoint Source Watershed Workshop,” EPA/625/4-91/027, September 1991 (Reference (ae)) and EPA, “Guide to Nonpoint Source Pollution Control,” EPA/811/1987, July 6, 1987 (Reference (af)), provide in-depth information for developing and implementing nonpoint source pollution control projects.

0304 WATERSHED MANAGEMENT

030401. General

Installations should apply a watershed approach when evaluating the impact of their overall activities on the quality of area water resources and address water impacts by reducing pollutant discharges. A watershed approach is an integrated holistic management strategy that addresses the condition of land areas within the entire watershed. It ensures non-point sources as well as point sources of pollution are addressed. Navy water program managers should consult other media experts (e.g., natural resources; RCRA; Comprehensive Environmental Response, Compensation, and Liability Act; air) to fully implement the watershed approach.

030402. Impaired Waters

Installations that discharge pollutants to or near impaired waters should get involved as early as possible in the state or local process that leads to the identification of impaired waters and the development of TMDLs. Even those installations with only a potential to discharge pollutants to an impaired water body should participate as stakeholders in the process. Participation should occur early in the TMDL process, including, when practicable, before the state or other authority approves or creates a schedule for establishing the applicable TMDL.

0305 SEPTAGE TREATMENT AND DISPOSAL

030501. Regulatory Citations

A. The EPA regulations define domestic septage as "either liquid or solid material removed from a septic tank, cesspool, portable toilet, Type III marine sanitation device, or similar treatment works that receives only domestic sewage." Septage that does not meet this definition shall be handled and disposed of in accordance with 40 CFR 257 (Reference (ag)).

B. Marine Corps installations may select their own preferred method of septage disposal. If land disposal is selected, the installation or its contractor shall adhere to the requirements in 40 CFR 503 (Reference (ah)).

030502. Septic Tank Management

The EPA regulations for underground injection control (UIC) in 40 CFR 146 (Reference (ai)) apply to septic tanks and cesspools that are Class V wells by virtue of their drain fields. They contain requirements for construction, operating, monitoring, and reporting.

A. Marine Corps installations with septic tanks will ensure that these tanks do not contaminate adjacent surface waters or ground waters.

B. A periodic inspection program shall be developed to determine when pumping is required and if any structural defects, such as broken baffles or cracked pipes, exist. The recommended frequency is every 4 to 5 years.

C. New septage systems may also require state or/or county approval and permitting.

030503. References

A. EPA, "Guide to Septage Treatment and Disposal," EPA/625/R-94/002, September 1994 (Reference (aj)) provides concise, practical information on septic tank management and the handling, treatment, and disposal of septage.

B. The EPA, "Handbook: Septage Treatment and Disposal," EPA-625/6-84-009, October 1984 (Reference (ak)), presents a review of available design, performance, operation and maintenance, cost, and energy information pertaining to receiving, treatment, and disposal of septage.

0306 GROUND WATER PROTECTION

030601. General

Another goal of programs that regulate point and nonpoint sources of water pollution is to prevent ground water contamination from those sources. Discharges to ground water shall meet applicable requirements of 42 U.S.C. 300f et seq. (also known and referred to in this Order as "Safe Drinking Water Act") (Reference (al)), state and local implementing requirements, and applicable permit conditions. Specifically, the WQM plans, UIC Program, and Wellhead Protection (WHP) Program ensure that ground water sources for drinking water are protected from contamination. Volume 18 of this Order provides information regarding ground water protection requirements

applicable to the UIC Program (pursuant to Reference (al)), WHP Program, and Underground Storage Tanks.

030602. State WQM Plans

A. State WQM plans identify and develop programs to control ground water pollution resulting from disposal of pollutants on land or in subsurface excavations. States can require installations to monitor ground water around landfills, leaking underground storage tank sites, firing ranges, wastewater oxidation and percolation ponds, septic tank leach fields, fire training pits that use waste fuel, HW storage sites, etc.

B. States may issue Non-NPDES-discharge permits with pollutant limits intended to protect underlying aquifers from contaminants contained in the discharge using the state WQM plan as the basis for the permit limitations.

030603. Underground Injection Control (UIC) Program

A. 40 CFR 144 (Reference (am)), 40 CFR 145 (Reference (an)), (ai), and 40 CFR 147-148 (Reference (ao)) contain the UIC program regulations. Volume 16 of this Order summarizes these regulations and highlights important requirements.

B. Marine Corps installations will inventory all Class V wells to determine whether pollutants are discharged into underlying aquifers. Class V wells include certain septic system wells and cesspools, stormwater drainage wells, and dry wells used for waste disposal, such as those found in motor pools. To continue to operate these wells under the “authorized by rule,” Reference (am), the installation shall submit to the permitting authority an inventory of all wells located on the installation and shall construct, operate, and close Class V wells in a manner that protects underground sources of drinking water as stated in UIC program requirements. In 1999, EPA added new requirements for large-capacity cesspools and motor vehicle waste disposal wells. The Class V Rule prohibits new large-capacity cesspools and new motor vehicle waste disposal wells nationwide. The rule also phased out existing cesspools nationwide by April 2005. Operators of existing motor vehicle wells in regulated areas shall either close their wells or obtain a permit.

C. Underground injection of wastes will be used only as a last resort at Marine Corps installations after all other disposal alternatives have been considered and rejected as unfeasible. Any underground injection well, including those within Class V, will be operated in compliance with the UIC program and applicable permits. Underground injection of treated domestic wastewater to control salt water intrusion near the ocean may be acceptable and feasible, in accordance with local and state regulations.

030604. Wellhead Protection (WHP) Program

A. Reference (al) mandates this locally administered program to protect community drinking water wells and well fields from contamination sources. Volume 16 of this Order summarizes these regulations and highlights important requirements.

B. An installation which derives its potable water from on-installation wells should survey its agricultural, commercial, industrial, residential, and other activities to identify and locate operations with the potential to release pollutants into the underlying ground water.

030605. Technical Assistance

A. The EPA, “A Review of Sources of Groundwater Contamination from Light Industry,” EPA 440/6-90-005, May 1990 (Reference (ap)), addresses the potential impacts of contamination from light industrial activities on WHP areas. Light industry sectors covered by this document and found at Marine Corps installations include metal products and machinery, scrap material recycling, transportation equipment maintenance, automotive and truck repair, and highway de-icing.

B. EPA, “A Groundwater Information Tracking System with Statistical Analysis Capability,” EPA/625/11-91/002, 1992 (Reference (aq)) provides software and instructions to implement a comprehensive database system designed to store, analyze, and report data generated during ground water monitoring programs required by Reference (l), 40 CFR 268 (Reference (ar)), and Reference (al).

0307 SEWAGE SLUDGE USE OR DISPOSAL

030701. General

A. The preferred method of sewage sludge disposal is the beneficial use at land application sites, as regulated pursuant to Reference (ai). This method requires the effective pretreatment of industrial wastes, including proper management of OWSs, to prevent contamination of sewage sludge. An effective monitoring program is also necessary to ensure compliance with subpart B requirements.

B. If sewage sludge is transported off site for disposal, the installation will ensure that the disposal agent acts in accordance with applicable regulations and permits.

030702. Regulatory Citations

A. The EPA regulations in Reference (ar) provide standards for the land disposal of sewage sludge determined to be hazardous pursuant to Reference (o).

B. The EPA regulations in Reference (ad) provide the requirements for disposal of sewage sludge in a municipal solid waste landfill facility.

C. The EPA regulations in 40 CFR 240 (Reference (as)) provide the requirements under which sewage sludge may be co-fired in an incinerator with other wastes.

D. The EPA regulations in Reference (ah) provide the standards for the use and disposal of nonhazardous sewage sludge. These standards apply to the following:

1. Any installation that prepares sewage sludge, applies sewage sludge to land, or fires it in a sewage sludge incinerator, and to the owner/operator of a surface disposal site.

2. Any sewage sludge applied to the land, placed on a surface disposal site, or fired in a sewage sludge incinerator.
3. The exit gas from a sewage sludge incinerator stack.
4. The land where sewage sludge is applied, a surface disposal site, and a sewage sludge incinerator.

E. The EPA regulations in Reference (ai) provide the standards for the disposal of nonhazardous sewage sludge on land when the sewage sludge is not disposed through a practice regulated pursuant to Reference (ah).

030703. Permit Requirements

A. Reference (ah) sets national standards for management and disposal of sewage sludge. The rule is designed to protect human health and the environment when sewage sludge is beneficially applied to the land, placed in a surface disposal site, or incinerated. Generally, POTW/FOTW sewage sludge disposal requirements are incorporated into NPDES permits. If, however, they are not, regulations pursuant to Reference (ah) are self-implementing in most cases. This means that the rule will generally be fully enforceable, even in the absence of a permit. In addition, all installations shall comply with applicable federal, state and local sewage sludge disposal requirements. Marine Corps facilities shall take all reasonable measures to beneficially dispose of sludge. Beneficial disposal includes a number of land application methods and composting.

B. An FOTW shall submit an NPDES permit application to comply with the provisions of Reference (ah).

C. For the operation of a sewage sludge incinerator, an application for a permit pursuant to 42 U.S.C. 7401 et seq. (also known and referred to in this Order as “Clean Air Act,” as amended) (Reference (at)) shall be submitted to the appropriate permitting authority.

030704. Land Application Requirements

A. Land application includes the spraying or spreading of sewage sludge onto the land surface, the injection of sewage sludge below the land surface, or the incorporation of sewage sludge into the soil so that it can condition the soil or fertilize crops or vegetation.

B. Marine Corps installations that apply bulk sewage sludge to the land, prepare sewage sludge for application to land off site, sell or give away sewage sludge or a sewage sludge-derived product in a bag or other container, or apply domestic septage to the land shall comply with the requirements in subpart B of Reference (ah). These requirements include adherence to pollutant ceiling concentrations, cumulative and annual pollutant loading rates, and monthly average pollutant concentrations; management practices; operational standards for pathogens and vector attraction reduction; and monitoring, recordkeeping, and reporting, depending on the quality of the sludge.

030705. Surface Disposal

A. Surface disposal involves the disposal of sewage sludge in an active sewage sludge unit. It does not include the treatment or storage of sewage sludge on land in preparation for ultimate use or disposal.

B. If the same sewage sludge is stored at a site for more than 2 years, the permitting authority can determine that the storage site has become an active sewage sludge unit unless the installation can explain extenuating circumstances for delaying disposal.

C. Marine Corps installations that dispose of sewage sludge at an active sewage sludge unit shall comply with the requirements in subpart C of Reference (ah). These requirements include proper location of an active sewage sludge unit; submission of closure and post-closure plans 180 days prior to closure of the unit; sewage sludge pollutant concentrations; management practices; operational standards for pathogens and vector attraction reduction; and monitoring, recordkeeping, and reporting.

030706. Pathogens and Vector Attraction Reduction

The EPA regulations in subpart D of Reference (ah) provide the following requirements for pathogen and vector attraction reduction in sewage sludge:

A. Requirements for sewage sludge are classified Class A or Class B with respect to pathogens.

B. Site restrictions for land on which Class B sewage sludge is applied.

C. Pathogen requirements for domestic septage applied to agricultural land, forest, or a reclamation site.

D. Alternative vector attraction reduction requirements for sewage sludge that is applied to the land or placed on a surface disposal site.

030707. Incineration

A. Marine Corps installations that fire sewage sludge in a sewage sludge incinerator shall comply with the requirements in subpart E of Reference (ah). These requirements include adherence to national emission standards for beryllium and mercury in subparts C and E of 40 CFR 61 (Reference (au)), respectively; pollutant limits for arsenic, cadmium, chromium, lead, and nickel as calculated by the appropriate equations in subpart 43 of Reference (ah); air dispersion modeling and performance testing requirements; operational standards for total hydrocarbons or carbon monoxide; management practices; and monitoring, recordkeeping, and reporting requirements.

B. Compliance with pathogen and vector attraction reduction requirements is not required for facilities that fire sewage sludge in a sewage sludge incinerator.

0308 DREDGE AND FILL OPERATIONS

030801. Permits

A. Section 404 of Reference (a) deals with the placement of dredged or fill material into waters of the United States. The 404 permit program is administered jointly by EPA and the United States Army Corps of Engineers (USACE). USACE handles the issuance of permits and determines whether a particular plot of land is a wetland or water of the United States. Installations intending to construct a dam, dike, dock, pier, or other structure, or to dredge, fill, or otherwise alter or modify navigable waters or wetlands shall apply to the USACE district engineer or authorized state agency for an individual permit, unless the discharge is allowed under a nationwide or regional general permit.

B. Section 404 regulatory citations:

1. EPA and USACE regulations in 40 CFR 230 (Reference (av)) and 33 CFR 320 (Reference (aw)), respectively, explain the basis of the dredge and fill permit system.

2. 33 CFR 321 (Reference (ax)) explains regulations for a USACE permit to construct a dam or dike.

3. 33 CFR 322 (Reference (ay)) contains regulations for a USACE permit for structures or work in or affecting waters of the United States.

4. 33 CFR 323 (Reference (az)) sets forth regulations for a USACE permit to discharge dredged or fill material in waters of the United States.

5. 33 CFR 325 (Reference (ba)) specifies application requirements for individual USACE permits.

6. 33 CFR 330 (Reference (bb)) contains regulations regarding general nationwide permits.

7. 40 CFR 233 (Reference (bc)) provides procedures on state permit programs regulated by EPA for discharge of dredged or fill material.

C. If the district engineer determines that a water quality certification for the proposed activity is necessary pursuant to section 401 of Reference (a), the district engineer will inform the installation of this requirement. The installation shall obtain a state certificate indicating that the activity complies with applicable state effluent limitations, water quality related effluent limitations and standards, water quality implementation plans, and toxic effluent limitations. If the state includes any monitoring requirements, these shall be forwarded to the USACE district engineer for consideration with the permit application.

D. An installation that is located within a state operating in accordance with an approved coastal zone management program shall ensure that the proposed activity is consistent with the state coastal zone management program per 16 U.S.C. §§1451-1464 (also known and referred to in this Order as “Coastal Zone Management Act”)(Reference (bd)). If the proposed activity is not consistent with the state program in accordance with Reference (bd), the district engineer cannot make a decision on the permit application until the installation and the state have implemented the procedures specified in Reference (bd) for resolving their disagreements.

E. USACE and states with EPA-approved dredging control programs may issue a general permit applicable for five years to categories of similar actions that will cause minimal environmental effects either singularly or cumulatively. The general permit may be issued on a state, regional, or national basis. Projects covered by a general permit do not require individual permits, although some additional individual requirements, such as revocation or modification for specific activities due to adverse environmental impact, may be applied by USACE or states on a case-by-case basis.

F. Marine Corps installations proposing to undertake any action requiring a USACE permit shall apply to the USACE District Engineer for the district in which the proposed activity is to be conducted. The installation may request assistance in preparing and submitting the permit application. Whenever a potential requirement for a USACE permit pursuant to this section is identified, initiate consultation with the CMC (LF)/MCICOM (GF).

G. An analysis per 42 U.S.C. 4321 et seq. (also known and referred to in this Order as “National Environmental Policy Act”)(Reference (be)) shall be conducted for any actions that will require an individual permit for dredge and fill activities or the loss of wetlands. Because this process is complex and lengthy, it shall be initiated well in advance of developing and filing the permit applications. Further information on the process per Reference (be) is provided in Volume 12 of this Order.

H. A permit for maintenance dredging will include an expiration date that will not extend more than 10 years from the issue date. A request for renewal from USACE shall be filed with the cognizant District Engineer at least 1 year before expiration.

I. Support may be requested, on a cost-reimbursable basis, to prepare or assist in the preparation of an EA/Environmental Impact Statement (EIS) for projects requiring a USACE permit.

030802. Permit Exemptions

A. Section 404(f) of Reference (a) provides that certain discharges generally do not need a 404 permit, including several activities that are part of normal, ongoing farming, ranching, and silviculture activities (e.g., plowing, seeding, cultivating, and harvesting).

B. For federal construction projects specifically authorized by Congress for which an EIS has been written and submitted to Congress, section 404(r) of Reference (a) states, “The discharge of dredged or fill material as part of the construction of a federal project specifically authorized by Congress, whether prior to or on or after the date of enactment of this subsection, is not prohibited by or otherwise subject to regulation under this section, or a state program approved under this section, or section 301(a) or 402 of Reference (a) (except for effluent standards or prohibitions under section 307), if information on the effects of such discharge, including consideration of the guidelines developed in accordance with subsection (b)(1) of this section, is included in an EIS for such project pursuant to Reference (be) and such EIS has been submitted to Congress before the actual discharge of dredged or fill material in connection with the construction of such project and prior to either authorization of such project or an appropriation of funds for each construction.”

030803. Discharges of Dredged or Fill Material

A. Discharges of dredged or fill material into waters under USACE jurisdiction shall comply with federal regulations and the terms of the individual or general permit issued for that activity.

B. Discharges into waters under the jurisdiction of states with approved dredging control programs shall comply with applicable state permits and discharge regulations, including state fee schedules.

C. Disposal site selection may entail field sampling and analyses. An elutriate and bioassay test may be required to determine if the proposed dredged materials should be classified as polluted or unpolluted. Other surveys, including site monitoring, may be required at disposal sites before, during, and after discharge of the dredged or fill material.

030804. In-water Construction

USACE and some states require a permit for any in-water construction. Facilities proposing in-water construction shall obtain applicable permits prior to award of construction contracts and comply with all permit conditions.

030805. Disposal Sites

A. Early planning for dredge spoil disposal site selection, preparation, and use is essential to avoid unnecessary costs and delays.

B. Existing disposal sites, approved by USACE, should be used wherever possible. Proposed new disposal sites should be identified and reported to the cognizant USACE district engineer for evaluation and approval 2 to 3 years before project initiation.

C. If a land disposal site is proposed, consideration shall be given to the liquid runoff and leaching potential of undesirable chemical constituents and to any NPDES permit requirements. Requests for revalidation of existing permits for maintenance dredging and disposal shall be received by USACE at least 6 months prior to expiration of the permit.

0309 OCEAN DISPOSAL

Except in emergency situations (e.g., jet fuel dumped from aircraft to safeguard life), ocean dumping may be authorized only on a case-by-case basis by EPA. Requests for such authorization shall be accompanied by an EA (see Volume 12 of this Order). Full compliance with EPA regulations, 40 CFR 220 (Reference (bf)), 40 CFR 221 (Reference (bg)), 40 CFR 222 (Reference (bh)), 40 CFR 227 (Reference (bi)), 40 CFR 224 (Reference (bj)), 40 CFR 228 (Reference (bk)), 40 CFR 223 (Reference (bl)), 40 CFR 225 (Reference (bm)), 40 CFR 226 (Reference (bn)), and 40 CFR 229 (Reference (bo)) is required.

030901. Prohibited Disposal

Ocean disposal of other than dredged material, including any materials collected from Marine Corps installations or units, is prohibited by 33 U.S.C. 1401 et seq. and 16 U.S.C. 1431 et seq. (also known and referred to in this Order as “Marine Protection Research and Sanctuaries Act,” as amended)(Reference (bp)) unless authorized by an EPA permit.

030902. Permits

A. No permit may be issued for ocean disposal of biological, chemical, and radiological warfare agents; high level radioactive waste; or medical waste.

B. Pursuant to section 102 of Reference (bp), EPA is the authority for issuing all permits for the transportation from the United States, or for the transportation from outside continental United States Marine Corps installations, of any material for the purpose of dumping it in ocean waters at locations where the EPA Administrator determines such dumping will not unreasonably degrade or endanger human health or the marine environment.

C. Pursuant to section 103 of Reference (bp), USACE is the authority for issuing all permits for the transportation of dredged material that will be disposed of in ocean waters. Installations intending to transport or contract for the transportation of dredged material for ocean disposal shall apply to the USACE district engineer for an individual permit. EPA Regional Administrators have the authority to review, approve/disapprove, or propose conditions upon dredged material permits for ocean dumping. The EPA regulations for reviewing USACE permits for dredged materials are specified in 40 CFR 255 (Reference (bq)).

D. Regulatory Citations:

1. EPA and USACE regulations in References (bf) and 33 CFR 324 (Reference (br)), respectively, explain the basis of the ocean disposal permit systems.

2. Reference (ba) specifies application requirements for individual USACE ocean disposal permits.

3. Reference (bg) contains EPA permit application requirements.

4. Reference (bh) sets forth EPA regulations pertaining to approval of ocean dumping permit applications.

5. Reference (bi) provides EPA regulations pertaining to evaluation of permit applications for the ocean dumping of material.

E. Permit applications shall be accompanied by an EA that includes an examination of the environmental impact criteria set forth in subpart B of Reference (bi).

030903. Reporting and Recordkeeping

Reference (bj) requires permittees to maintain appropriate records and to submit periodic reports to the EPA Administrator, as defined in the permit.

0310 COASTAL ZONE MANAGEMENT ACT (CZMA) CONSISTENCY DETERMINATIONS

Marine Corps installations shall review proposed actions to identify those that directly affect the coastal zone. For all activities affecting the coastal zone, installations shall provide a consistency determination to the appropriate state agency at least 90 days prior to final approval for the activity.

031001. Regulatory Citation

Pursuant to the National Oceanic and Atmospheric Administration regulations in Reference (bj), Marine Corps actions affecting the coastal zone shall be as consistent as possible with approved state management plans, unless such consistency is prohibited based upon requirements of existing laws applicable to the installation and the mission of the Marine Corps. Actions affecting the coastal zone include those that take place outside the coastal zone but affect any land or water use or natural resource within the coastal zone.

031002. Consistency Determination

The consistency determination may employ any format as long as it complies with the requirements contained in subpart C of 15 CFR 930 (Reference (bs)). A consistency determination shall be prepared for the following:

- A. Development projects within the coastal zone subpart 33 of Reference (bs).
- B. Non-development projects within the coastal zone that may affect the coastal zone.
- C. Installation- or unit-sponsored actions taking place outside the coastal zone but which may impact the coastal zone.

VOLUME 20: CHAPTER 4

“RESPONSIBILITIES”

SUMMARY OF SUBSTANTIVE CHANGES

Hyperlinks are denoted by *bold, italic, blue and underlined font*.

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CHAPTER 4

RESPONSIBILITIES

0401 CMC (LF)/COMMANDER MCICOM (GF)

CMC (LF)/Commander MCICOM (GF) shall:

040101. Provide information and advice to installation commanders and tenants regarding proposed and final rules and regulations pertaining to wastewater and stormwater, and uniformly apply Marine Corps policy as set forth in the Order.

040102. Assist installations in resolving disputes with federal, state, local, and foreign regulatory agencies, as required.

040103. Conduct special environmental compliance and protection studies with regard to wastewater and stormwater to assist in establishing policy or initiating actions.

040104. Ensure, through field visits and the Environmental Compliance Evaluation Program, Marine Corps cooperation and compliance with federal, state, and local regulatory agencies with regard to water quality regulations.

040105. Track Marine Corps progress toward meeting established water quality goals.

0402 COMMANDING GENERAL (CG) MARINE CORPS EAST, WEST, PACIFIC, AND NATIONAL CAPITAL REGION

CG Marine Corps East, West, Pacific, and National Capital Region shall identify and promote opportunities for regional environmental initiatives and contracting support to gain efficiencies. Create environmental program efficiencies by collectively funding studies, coordinating common training programs, developing appropriate Memorandums of Agreement between stakeholders (e.g., Marine Corps Training and Education Command installations, Marine Aircraft Wings, Resident Officer In Charge of Construction offices, etc.) and the Region, and facilitating mutual support between installations as practicable.

0403 COMMANDING GENERAL (CG)/COMMANDING OFFICER (CO) OF MARINE CORPS INSTALLATIONS AND COMMARFORRES

CG/CO of Marine Corps Installations and COMMARFORRES shall:

040301. Identify and submit to the CMC (LF)/MCICOM (GF) project documentation and funding requests for wastewater and stormwater facilities that are required to maintain compliance with applicable existing and emerging regulations and permits. Coordinate review of funding requirements between Environmental and Facilities offices to ensure appropriate alignment of resources based on project scope. Program and budget for personnel, equipment, materials, training, and monitoring required to comply with wastewater and stormwater requirements. Pay appropriate federal, state, and local fees. Ensure that the EMH is employed, P2 alternatives are

evaluated, and life-cycle cost impacts are assessed in evaluating and selecting projects that address compliance requirements.

040302. Ensure that all required federal, state, and local permits are applied for and obtained. Sign certifications and permit applications, as required, for construction of all wastewater and stormwater projects.

040303. Ensure that an installation or station order is written to implement the specifications of this Volume. This requirement can be accomplished either by writing a comprehensive installation order to implement all of this Order or by writing a separate installation order to implement the contents of this Volume alone.

040304. Identify applicable effluent limitations, new toxic pollutant effluent standards, pretreatment standards, wastewater discharge problems associated with solid waste disposal sites, and nonpoint source requirements pursuant to regional plans of section 208 of Reference (a).

040305. Coordinate the review of all projects for the construction of new or upgraded treatment works with the appropriate EPA, state, and regional offices to ensure early identification of discharge permit conditions and limits, siting restrictions, innovative treatment alternatives, wastewater reclamation criteria, and sewage sludge use or disposal options.

040306. Use innovative treatment technology where technically and economically feasible in the designs for the construction of new, or the upgrading of existing, wastewater treatment plants.

040307. Ensure that management programs and controls exist to comply with applicable regulations; permit limits; and monitoring, recordkeeping, and reporting requirements for wastewater and stormwater discharges from point and nonpoint sources.

040308. Identify training and certification needs for operators of treatment and collection system facilities, and allocate needed resources.

040309. Use municipal or regional stormwater and wastewater collection and disposal systems to the maximum extent feasible.

040310. Maintain a liaison with USACE and state or area-wide planning organizations to ensure that Marine Corps interests are considered during regional wastewater treatment planning or to facilitate dredge/fill projects.

040311. If responsible for operation of a FOTW:

A. Notify the cognizant permitting agency of any changes in wastewater input to the treatment plant that may affect the ability of the plant to comply with applicable requirements.

B. Operate and maintain the collection system, treatment works, and effluent discharge facilities to ensure compliance with applicable permit requirements.

040312. Provide the resources for monitoring, sampling, and testing, as well as for maintaining and demonstrating compliance with permit and pretreatment requirements; maintain records of all monitoring information.

040313. Identify P2 measures, devices, systems, and procedures to reduce the total generation of wastewater volume and pollutants.

040314. Ensure that adequate access to wastewater generating and treatment facilities is provided to EPA, state, and local pollution control authorities for the purpose of waste stream sampling and the inspection of operations and records.

040315. Ensure that coordination occurs, as appropriate, with the Safety Office in matters relating to wastewater discharges, sewage sludge use or disposal, dredge and fill operations and, petroleum, oil, and lubricants management.

0404 COMMANDERS RESPONSIBLE FOR DISCHARGES TO FOTWS AND POTWS

Commanders responsible for discharges to FOTWs and POTWs shall:

040401. Comply with all applicable pretreatment requirements. This includes providing the necessary resources for monitoring, sampling, recordkeeping, and reporting.

040402. Implement procedures to notify operators of treatment works receiving Marine Corps discharges of any changes in discharges or of accidental pollutant discharges.

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VOLUME 20: APPENDIX A

“FEDERAL STATUTES, FEDERAL REGULATIONS, EXECUTIVE ORDERS, AND DOD POLICIES”

SUMMARY OF SUBSTANTIVE CHANGES

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APPENDIX A
FEDERAL STATUTES, FEDERAL REGULATIONS, EXECUTIVE ORDERS, AND DOD
POLICIES

1 FEDERAL STATUTES

a. Water Quality Act of 1965, Public Law 89-234; Water Quality Improvement Act of 1970, Public Law 91-224; Federal Water Pollution Control Act of 1972, as amended by Clean Water Act of 1977, 33 U.S.C. 1251 et seq.; Water Quality Act of 1987, Public Law 100-4

(1) The Water Quality Act provides federal assistance for the establishment and enforcement of jurisdictional water quality standards for surface waters. It was amended in 1970 by the Water Quality Improvement Act to prohibit releases of oil and sewage into navigable waters. The FWPCA made the EPA responsible for setting nationwide effluent standards on an industry-by-industry basis. This Act provided effluent and water quality standards, and instituted a permit system for the regulation of oxygen-demanding pollutant discharges. In 1977, the CWA Amendments refocused the enforcement tools of the FWPCA on the control of toxics. The CWA amended the permit system, which is now the NPDES, a nationwide permit program administered by the EPA. The CWA was amended in 1987 to include the regulation of stormwater runoff and to strengthen enforcement mechanisms. The intent of the CWA is to restore and protect the integrity of the Nation's waters by controlling discharges of pollutants, including oil and HS spills, into those waters.

(2) The CWA identifies the following two national goals:

(a) To eliminate the introduction of pollutants into waters of the United States.

(b) To develop water quality which protects and propagates fish, shellfish, and wildlife and provides for recreation in and on the water.

(3) To attain these goals, the EPA has identified conventional, nonconventional, and toxic pollutants and the degrees of technology that must be applied to remove these pollutants from point and nonpoint sources of wastewater. Point source discharge requirements are implemented through the NPDES, or through state programs that have been authorized by the EPA. Nonpoint source discharges are regulated through state WQM wastewater/stormwater programs. The CWA also authorizes the EPA to promulgate pretreatment standards for industrial sources discharging effluents to POTWs.

(4) Important statutory requirements of the CWA are summarized as follows:

(a) Section 208 requires the preparation of area-wide waste treatment management plans. These plans must contain alternatives for waste treatment management and must apply to all wastes generated within the area involved.

(b) Section 301 provides that the discharge of any pollutant by any person (including federal installations) into waters of the United States is unlawful without a discharge permit and adherence to any permit requirements.

(c) Section 302 establishes requirements for the development of water quality-related effluent limitations. These limits are calculated for a particular section of a receiving water and applied to one or more point sources by inclusion in an NPDES permit. These limits are more stringent than general water quality standards or categorical industry effluent limits.

(d) Section 303 requires states to develop and revise water quality standards and implementation plans for interstate and intrastate waters. These standards are used to determine effluent discharge limits in NPDES permits.

(e) Section 304(l) requires states to develop a list of impaired waters due to point source discharges of toxic pollutants and a determination of which point sources are responsible for the discharges. This section requires the imposition of an Individual Control Strategy for the toxic pollutant(s) within the NPDES permit in order to reduce the concentration of the toxic pollutant(s), which would enable the receiving water to meet its designated water quality standard.

(f) Section 306 requires the development of National Standards of Performance for new and existing sources of industrial wastewater from specified industrial categories. Categories relevant to Marine Corps operations include electroplating, metal finishing, metal products and machinery, landfill leachate and incinerators, waste treatment, transportation equipment cleaning, and industrial laundries.

(g) Section 307 establishes a list of toxic pollutants and requires the development of effluent and pretreatment standards for those pollutants.

(h) Section 308 establishes the EPA's right to enter and inspect any facility subject to the CWA provisions. It also specifies requirements for permittees to monitor discharges and to establish and maintain appropriate records and reports.

(i) Section 309 provides for federal enforcement of the CWA, to include filing of Notices of Violation, issuing compliance orders, and bringing civil suits in United States District Courts against violators. This section also specifies criminal penalties of up to \$25,000 per day and/or 1 year imprisonment for negligent violations; up to \$50,000 per day and/or 3 years imprisonment for knowing violations; and up to \$250,000 per day and/or 15 years imprisonment for an individual or up to \$1,000,000 for an organization that knowingly endangers human life or causes serious bodily injury. Until a complete sovereign immunity waiver similar to that contained in the FFCA is placed into the CWA by Congress, Marine Corps policy specifies that penalties levied under the CWA will not be paid.

(j) Section 311 addresses oil and HS liability. It requires the development of a National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The NCP provides the organizational structure and procedures for preparing for, and responding to, oil discharges and releases of HSs, contaminants, and pollutants. This section further provides that the President (and installation commanders as duly appointed representatives) act on behalf of the United States to

recover all costs for restoring or replacing natural resources damaged by such discharges and releases.

(k) Section 313(a) states that federal agencies, their facilities, and personnel are subject to, and must comply with, all federal, state, and local requirements, administrative authority, process, and sanctions respecting the control and abatement of water pollution. It exempts federal personnel from personal liability for civil penalties arising from performing official duties and limits the liability of the United States to only "civil penalties arising under federal law or imposed by a state or local court to enforce an order or the process of such court." The President may exempt any effluent source of any federal installation from CWA compliance if he determines it is in the express interest of the United States to do so; however, no exemption may be granted from requirements promulgated for categorical industries under section 306 and toxic pollutants under section 307.

(l) Section 319 requires states to establish nonpoint source pollution management programs. These management programs must identify the BMP for reducing specific types of nonpoint source pollution, identifying programs to implement the BMPs, developing a schedule with annual milestones for implementing the BMPs, certifying that the state has adequate legal authority for administering and enforcing the program, and identifying sources of assistance and funding.

(m) Section 401 requires that any applicant for a federal license or permit to conduct an activity that may result in a discharge to navigable waters must provide to the permitting agency a certification from the state in which the discharge will originate that any such discharges will comply with applicable CWA provisions. The applicant must provide an opportunity for the certifying state or agency to review the manner in which the facility will operate to ensure that effluent limits will not be violated.

(n) Section 402 establishes the NPDES permit program to control water quality from point source dischargers. Point sources must obtain a discharge permit from the proper authority, usually from the EPA- or state agency. NPDES permits set limits on the amount of various pollutants that a source can discharge to waters of the United States in a given time.

(o) Section 403 establishes ocean discharge criteria and requires that discharges to the territorial seas, contiguous zones, and oceans comply with regulatory requirements above and beyond those specifically required of a typical NPDES permit.

(p) Section 404 establishes requirements for the issuance of permits by the USACE for discharges of dredged or fill material into waters of the United States, including wetlands. Activities in waters of the United States regulated under this program include fill for development, water resource projects (e.g., dams and levees), infrastructure development (e.g., highways and airports), and mining projects.

(q) Section 504 provides authority to the EPA to bring suit in United States District Courts to immediately restrain any person (including federal facilities) from causing or contributing to a discharge alleged to imminently and substantially endanger human health or welfare.

(r) Section 505 provides for citizen suits against any person (including the United States) who allegedly is violating an effluent standard or an order issued by the EPA or a state with respect to such a standard or limitation.

b. Oil Pollution Act of 1990, 33 U.S.C. 2701 et seq.

(1) This Act prohibits harmful discharges of oil and HSs into waters of the United States or discharges which may affect natural resources owned or managed by the United States.

(2) The OPA requires owners or operators of tank vessels and facilities to develop and submit appropriate FRPs (see Volume 7 of this Order) because their locations might cause substantial harm by discharging oil or HSs into the environment.

c. Safe Drinking Water Act of 1974, 42 U.S.C. 300(f) et seq.

(1) This Act and its amendments prescribe treatment and distribution control strategies for abating the contamination of drinking water. For more information on drinking water systems and conservation, refer to Volume 16 of this Order.

(2) Part C of the Safe Water Drinking Act prescribes the protection of underground sources of drinking water. It establishes three groundwater protection programs for which the states should assume the primary responsibility. These programs are:

(a) The Underground Injection Control (UIC) Program

The purpose of this program is to regulate the injection of fluids into underground strata which could affect groundwater supplies.

(b) The Sole Source Aquifer Program

The purpose of this program is to designate and protect aquifers which are the sole or principal source of drinking water for an area and which, if contaminated, would create a significant hazard to public health.

(c) The WHP Program

The purpose of this program is for states to protect wellhead areas from contaminants which may have an adverse effect on the health of persons using wells for drinking water within that area.

d. Rivers and Harbors Act of 1899, 33 U.S.C. 407 et seq.

This Act, commonly referred to as the Refuse Act, provides authority to the United States Army Corps of Engineers to issue or deny permits for the construction of dams, dikes, or other structures in or affecting navigable waters of the United States.

e. Marine Protection, Research, and Sanctuaries Act of 1972, as amended, 33 U.S.C. 1401 et seq. and 16 U.S.C. 1431 et seq.

(1) This Act, also known as the Ocean Dumping Act, restricts the dumping of all types of materials which would adversely affect human health and welfare or the marine environment, originating from within and outside the United States, into ocean waters. It further prohibits ocean disposal of biological, chemical, and radiological warfare agents, high-level radioactive waste, and medical waste.

(2) The Act establishes a system for the issuance of permits by the EPA, under section 102, and by the USACE, under section 103, for ocean disposal of dredged materials. Section 104 contains conditions for permits issued by the EPA and the USACE. Section 104B of the Marine Protection, Research and Sanctuaries Act banned ocean disposal of sewage sludge or industrial waste after 31 December 1991.

f. Coastal Zone Management Act (CZMA) of 1972, 16 U.S.C. 1451 et seq.

(1) The CZMA plays a significant role in wastewater/stormwater, particularly with regard to nonpoint source pollution. State coastal zone management programs approved under the CZMA incorporate flood control, sediment control, grading control, and stormwater runoff control statutes. Under the CZMA, a federal action that affects any land, water use, or natural resource of the coastal zone must be accomplished as consistently as possible with the enforceable policies of the approved state management programs (15 CFR 930.32). This requirement applies to activities conducted within or outside the coastal zone if there are impacts in the coastal zone.

(2) These state programs must be considered when addressing water pollution impacts of Marine Corps projects. Assistance in determining compliance requirements in specific situations may be requested from the CMC (LF).

(3) In their coastal zone management program, states must list activities which directly affect the coastal zone and, therefore, require a consistency determination. Installations should review this list to identify activities applicable to their installation which are likely to require a consistency determination.

g. Federal Facilities Compliance Act (FFCA)

The FFCA was passed in 1992 to enable the EPA and states to bring civil action against federal agencies for violations of certain actions relating to the RCRA. Federal agencies having jurisdiction over a solid waste facility or disposal site, or engaged in the management of solid or HW are subject to all applicable federal, state, and local laws, regulations, and ordinances addressing solid and hazardous waste. Thus, they are obligated to pay fines and penalties assessed by states.

h. Solid Waste Disposal Act of 1965, as amended by the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6901 et seq.

(1) This Act prescribes technical requirements for preventing leachate migration from solid or HW disposal sites to groundwater.

(2) Section 3023, as implemented under the FFCA, defines and regulates FOTWs, which include Marine Corps domestic wastewater treatment plants. This section prohibits introducing any HW into an FOTW, specifies conditions under which an FOTW without a RCRA permit may receive industrial wastewaters, and discusses enforcement procedures.

(3) Section 7003 provides authority to the EPA to bring suit in United States District Court to immediately restrain any person (including federal facilities) from causing or contributing to a discharge alleged to imminently and substantially endanger human health or the environment.

2 EXECUTIVE ORDERS

E.O. 12088, “Federal Compliance with Pollution Control Standards,” October 13, 1978. This E.O. replaces E.O. 11507 and directs federal agencies to comply with applicable federal, state, local, and host nation environmental laws and regulations. The E.O. also requires the head of each Executive agency to ensure that sufficient funds for compliance with applicable pollution control standards are requested in the agency budget.

VOLUME 21

“ENVIRONMENTAL MANAGEMENT OF MUNITIONS ON OPERATIONAL RANGES”

SUMMARY OF VOLUME 21 CHANGES

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**VOLUME 21: ENVIRONMENTAL MANAGEMENT OF MUNITIONS ON
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REFERENCES

- (a) DoD Instruction 4140.62, “Material Potentially Presenting an Explosive Hazard,” November 25, 2008
- (b) DoD Instruction 4715.14, “Operational Range Assessments,” November 30, 2005
- (c) Part 260 of Title 40, Code of Federal Regulations (40 CFR 260)
- (d) DoD, “Policy to Implement EPA’s Military Munitions Rule,” July 1, 1998
- (e) 40 CFR 270
- (f) DoD Explosives Safety Board, Technical Paper 18, “Minimum Qualifications for Unexploded Ordnance (UXO) Technicians and Personnel,” December 20, 2004
- (g) Headquarters Marine Corps, “Range Environmental Vulnerability Assessment Reference Manual,” May 2009
- (h) SECNAV M-5210.1
- (i) MCO 8020.10
- (j) 40 CFR 266
- (k) 40 CFR 264.1200
- (l) 40 CFR 265.1200

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VOLUME 21: CHAPTER 1

“SCOPE”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 1

SCOPE

0101 PURPOSE

This Volume establishes Marine Corps policy and responsibilities for managing its operational ranges in a sustainable manner that complies with relevant environmental requirements, including proper management of waste military munitions (WMM) and material potentially posing an explosive hazard (MPPEH), as well as identifying the presence of or potential for munitions constituents to migrate off an operational range.

0102 APPLICABILITY

See Volume 1 paragraph 0102.

0103 BACKGROUND

010301. Waste Military Munitions (WMM)

In accordance with federal regulations, military munitions may be considered hazardous waste and subject to regulation by the U.S. Environmental Protection Agency (EPA), state, or locality.

010302. Material Potentially Presenting an Explosive Hazard (MPPEH)

Various activities and operations on Marine Corps installations, such as range clearance, require proper management of MPPEH. MPPEH shall be evaluated to identify the associated explosive hazards prior to release within or external to the Department of Defense (DoD) in accordance with DoD Instruction 4140.62 (Reference (a)).

010303. Range Environmental Vulnerability Assessment (REVA)

The REVA program meets the requirements pursuant to DoD Instruction 4715.14 (Reference (b)). REVA supports the Marine Corps range sustainability initiatives by proactively evaluating the potential for munitions constituents migration from operational ranges to off-range areas and determining if the release or threat of release causes an unacceptable risk to human health and/or the environment.

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VOLUME 21: CHAPTER 2

“AUTHORITY”

SUMMARY OF SUBSTANTIVE CHANGES

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CHAPTER 2

AUTHORITY

0201 FEDERAL STATUTES

020101. Resources Conservation and Recovery Act (RCRA) of 1976 (42 United States Code (U.S.C.) 6901 et seq.).

020102. Federal Facility Compliance Act, Section 107; Public Law 102-386, 1992; 42 U.S.C. §3004(y).

0202 FEDERAL REGULATIONS

Title 40 Code of Federal Regulations Part 266, Subparts 200 – 206, also known in this chapter as “Military Munitions Rule (MR)” (40 CFR 266.200 – 266.206).

0203 DEPARTMENT OF DEFENSE (DOD) POLICY

020301. DoD Instruction (DoDI) 4140.62, “Material Potentially Presenting an Explosive Hazard,” April 24, 2007.

020302. DoDI 4715.14, “Operational Range Assessments,” November 30, 2005.

020303. DoD Directive (DoDD), 4715.11, “Environmental and Explosives Safety Management on Operational Ranges Within the United States,” April 24, 2007.

020304. DoDD, 4715.12, “Environmental and Explosives Safety Management on Operational Ranges Outside the United States,” April 24, 2007.

VOLUME 21: CHAPTER 3

“REQUIREMENTS”

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CHAPTER 3

REQUIREMENTS

0301 GENERAL

Installations will participate in sustainable range environmental management and manage hazardous waste military munitions pursuant to all federal and DoD applicable regulations and policies.

0302 APPLICATION OF REGULATORY CONCEPTS

030201. Definition of Military Munitions

A. Demonstrations

Commercial ammunition or explosives used in air shows or other demonstrations that are authorized by installation commanders may be managed as military munitions because they improve morale, encourage recruitment and retention, and highlight the Marine Corps and DoD support of national security.

B. Confiscated

Any ammunition or explosives confiscated by any DoD law enforcement agency (i.e., Naval Criminal Investigative Service, Criminal Investigations Divisions, Marine Corps Police Department) operating on board a Marine Corps installation may be managed as military munitions because that ammunition is being controlled by the DoD for the safety and security of a Marine Corps installation and its support of national security.

C. Bird/Animal Aircraft Strike Hazard Program

Any ammunition or explosives used for Bird/Animal Aircraft Strike Hazard Program programs may be managed as military munitions because protection of DoD aircraft from bird strikes supports national security.

D. Amnesty Program

Amnesty programs are intended to manage ammunition that is 0.50 caliber or less. Any such ammunition being managed by an Amnesty program will be managed as military munitions because that ammunition is being controlled by the DoD for the safety and security of a Marine Corps installation and its support of national security. Further, any evaluation as to the true origins of the ammunition that is necessary to identify it as military munitions is contrary to the assumption of anonymity of users of the program and may preclude the use of the program.

E. When Munitions are not Waste

Military munitions are not considered regulatory solid waste or hazardous waste if they are used for authorized training, testing, or evaluation; are being repaired or reclaimed/recycled; or are destroyed during operational range clearance.

F. Unused Solid Waste Military Munitions

Unused military munitions are considered regulatory solid waste and potentially hazardous waste if they are:

1. Buried, landfilled, burned for disposal, incinerated, or treated prior to disposal.
2. Removed from storage for the purpose of disposal or treatment prior to disposal.
3. Deteriorated, leaking, or are damaged to the point that they can no longer be put back into serviceable condition and cannot be reasonably recycled or used for other purposes.
4. Declared a solid waste by an Authorized Military Official.

G. Used or Fired Solid Waste Military Munitions

Military munitions that have been used or fired are considered solid waste and potentially hazardous waste when they are transported off-range for the purpose of treatment or disposal; disposed by burial; or are fired, land off-range, and are not promptly rendered safe or retrieved.

H. Buried or Abandoned

Military munitions buried or placed into trash containers, recycling bins, or other similar containers are considered WMMs at the time of burial or placement. It does not matter if the person responsible for such burial or abandonment did so without authorization or knowledge of the repercussions. Such military munitions will from then on be managed as Condition Code V WMMs. These munitions will not be “unwasted”; and no attempt will be made to return these munitions to the serviceable stockpile.

I. Authorized Military Official

The Designated Disposition Authority (DDA) is the only Authorized Military Official in the Marine Corps that can declare a military munition to be Condition Code V waste. The

DDA does not have authority to reclassify munitions that are properly identified as waste back into any other Condition Code besides V.

J. General Personnel Training and Recordkeeping

At least one person at each ammunition supply point and explosives ordnance disposal (EOD) unit shall receive training in accordance with Part 260 of Title 40, Code of Federal Regulations (40 CFR 260) (Reference (c)). Environmental training records shall be retained on board the installation and may be destroyed 3 years after personnel have left the installation for permanent change of station.

030202. Recordkeeping

All operational range use and military munitions expenditures will be permanently recorded and retained on board and cannot be destroyed. Such records will include the following information:

- A. Expenditure of all military munitions, including military munitions type, quantity, location, using unit, and estimated dud rate.
- B. Operational range clearance operations or EOD incidents conducted on or off operational ranges, including military munitions type, quantity, and location.
- C. The coordinates of all areas known or suspected of containing unexploded ordnance (UXO).

0303 WASTE MILITARY MUNITION (WMM) MINIMIZATION

The Marine Corps will reduce the quantity of hazardous waste disposed of by proper military munitions stockpile management and leveraging of DoD munitions reclamation/resource recovery capability.

0304 EXPLOSIVE OR MUNITIONS EMERGENCY RESPONSES

030401. Explosives or Munitions Emergency

In accordance with DoD, "Policy to Implement EPA's Military Munitions Rule," July 1, 1998 (Reference (d)), the lead onsite explosives or munitions emergency response specialist, after evaluating all circumstances, will make declarations regarding explosives or munitions emergencies upon arrival at the site.

A. No Immediate Action

The lead onsite explosives or munitions emergency response specialist can determine that an immediate response to an explosives or munitions emergency is not necessary (i.e., the response action can be delayed significantly due to lack of an immediate explosion hazard). Before taking a response action, the explosives or munitions emergency response specialists should consult with the applicable installation's environmental office or the requesting agency (if not a DoD installation) to determine whether an emergency RCRA permit will be requested.

B. Immediate Response Required

In the DoD, explosives or munitions emergencies are further described as Level 1 or Level 2 emergencies. The identification of Level 1 or Level 2 response activities is a matter of DoD policy and does not reflect a regulatory distinction. Installations will follow the detailed guidance related to the two levels of emergency response, their associated notification requirements (internal and external to DoD), as well as permitting requirements as defined by Reference (a). EOD points of contact should notify Commandant of the Marine Corps, Facilities and Services Division (CMC (LF))/ Marine Corps Installations Command, Facilities Division (MCICOM (GF)) if they are encountering multiple emergency responses to the same area as this may indicate the presence of an undocumented range.

030402. Environmental Cleanup after Termination of Emergencies

DoD explosives or munitions emergency response specialists are not responsible for environmental cleanups that may be required after completion of immediate response actions necessary to address Level 1 or Level 2 emergencies. The Marine Corps will be responsible for conducting any appropriate environmental cleanups when military munitions are involved, in accordance with DoD Policy and Volume 10 of this Order. When military munitions are not involved, local authorities are normally responsible for any required environmental cleanup.

030403. Explosive Ordnance Disposal (EOD) Recordkeeping

EOD units will maintain call sheets for all emergency responses for a minimum of three years.

0305 MATERIALS POTENTIALLY PRESENTING AN EXPLOSIVE HAZARD (MPPEH)

Installations will develop and execute MPPEH management procedures in accordance with Reference (a).

030501. Overall Process

Installations will establish a process that ensures unknown explosive hazards are not present when transferring MPPEH, material documented as an explosive hazard (MDEH), or material documented as safe (MDAS) within the DoD; transferring MDEH to a qualified receiver; or releasing MDAS to the public.

030502. Visual Inspections

Visual inspections may be used when safety can be assured, but they are not always sufficient for providing assurance that MPPEH does not present an explosive hazard. Other Department of Defense Explosives Safety Board (DDESB)-approved means (e.g., thermal treatment) may have to be used to ensure that a release or transfer does not present an explosive hazard to a receiver. Demilitarization procedures established by the Defense Logistics Agency, the DoD Components, or the Single Manager for Conventional Ammunition will address when visual inspection is appropriate and include procedures that may be used to inspect or process MPPEH. Documentation requirements for inspections or processes conducted on MPPEH shall be included in the management procedures.

030503. Closed Circuit Process

For munitions debris and range-related debris, consideration will be given to use of a closed-circuit process, managed by a single entity, which maintains a chain of custody from collection through release from DoD control as MDAS.

030504. Two Conditions for Documentation

Installations will require that the explosives safety status of material to be transferred within or released from DoD control be assessed and documented as either safe or as having known or suspected explosive hazards based on one of the following two conditions:

- A. After a 100 percent inspection and an independent 100 percent re-inspection.
- B. After processing by a DDESB-approved means with an appropriate post-processing inspection.

030505. Receiver Qualifications

Installations will ensure that MPPEH and MDEH are transferred or released only to those DoD Components and personnel or non-DoD entities or individuals that:

- A. Have the licenses and permits required to receive, manage, and process the materials.
- B. Have technical expertise about the known or suspected explosive hazards associated with the MPPEH or MDEH being received.
- C. Are qualified to receive, manage, and process MPPEH or MDEH in accordance with this Order and any implementing guidance.
- D. Have personnel who are:
 - 1. Experienced in the management and processing of materials with explosive hazards equivalent to the MPPEH or MDEH being received.
 - 2. Trained and experienced in the identification and safe handling of used and unused military munitions and any potential explosive hazards that may be associated with the specific MPPEH or MDEH being received.
- E. Require an explosives risk evaluation before allowing the DoD Components or non-DoD entities or individuals to receive, manage, or process MPPEH or MDEH. This explosives risk evaluation process will evaluate the adequacy of the receiver's management controls (e.g., training, oversight, recordkeeping) and operations (e.g., processing methods, equipment, storage facilities).
- F. Ensure that only MDAS is released to the public.

030506. Evaluation of Receiver Qualifications

Installations will verify that a documented evaluation indicates that the receiver of MPPEH or MDEH meets applicable requirements prior to the transfer within or release from DoD control of such material.

030507. Personnel Training

Installations will ensure that personnel who inspect, process, or document material as safe or hazardous shall be trained in:

- A. Recognition and safe handling of used and unused military munitions and specific types of MPPEH. When appropriate, such personnel will be qualified according to 40 CFR 270 (Reference (e)) or trained in accordance with DoD Component policy and guidance for training and qualifying personnel who handle military munitions.

B. Demilitarization and trade security controls and procedures that apply to MPPEH, MDEH, and MDAS that are to be released from DoD control.

C. Identification, management (e.g., marking, segregating, securing), and processing (e.g., flash burning, complying with hazardous material and hazardous waste transportation regulations) requirements that apply to specific types of MPPEH or MDEH.

030508. Personnel Qualifications

Installations will ensure that personnel who inspect, process, or document material as safe or hazardous:

A. Demonstrate or provide proof of adequate training and experience in the recognition and safe handling of used and unused military munitions and other MPPEH and in the processing of MPPEH.

B. Be certified, in writing, by the installation commander directly responsible for controlling the transfer or release of MPPEH, MDEH, or MDAS, as being technically qualified according to the standards provided in this Order for management of MPPEH to perform such functions and, in the case of contractor personnel, be certified in conformance with contract requirements.

C. Inspect and re-inspect, or process and inspect, and document material as either MDEH or MDAS.

030509. Commingling

Installations will ensure the chain of custody remains intact through release from DoD control by ensuring that MPPEH awaiting documentation of its explosives safety status, MDEH, and MDAS are not commingled.

030510. Containers

Installations will ensure that containers and holding areas for material being processed are secured and clearly marked as to:

A. The hazards, if any, that may be present.

B. The inspection and re-inspection (or processing and inspection) and documentation of the explosives safety status of the material present.

030511. Explosives Safety Siting

Installations will obtain required explosives safety siting approval for locations (MPPEH or MDEH processing points) used for MPPEH processing operations (e.g., consolidation, inspection, sorting, storage, transfer, release) when not located on an operational range that can support the explosives operation.

030512. Material Accumulation

Installations will minimize the quantity and time MPPEH is accumulated and retained at any location. (Under some circumstances, the accumulation of MPPEH, including “speculative accumulation,” or its movement from either an operational range or the site of use could require its management as WMM in accordance with applicable federal or state requirements.)

030513. Chain of Custody

Installations will ensure that chain of custody is maintained until MDEH or MDAS is released from DoD control. A legible copy of the documentation of the determination of the material’s explosives safety status shall accompany the material when it is transferred out of DoD control. This documentation will be retained in accordance with DoD Explosives Safety Board, Technical Paper 18, “Minimum Qualifications for UXO Technicians and Personnel,” December 20, 2004 (Reference (f)). MDEH and MDAS are no longer considered to be MPPEH as long as the chain of custody remains intact.

A. Documentation of the determination of the material’s explosives safety status shall state either that the material does not present an explosive hazard and is consequently safe from an explosives safety perspective for transfer within or release from DoD control, or that it is hazardous with the known or suspected explosive hazards stated and is only transferable or releasable to a qualified receiver.

B. The documentation of material as safe requires two independent signatures by trained and certified personnel. The first signatory shall be technically qualified and may be either a DoD employee or a DoD contractor. This first signatory shall have performed or witnessed the initial 100 percent inspection or DDESB-approved processing of the material. The second signatory shall be a technically qualified U.S. citizen who may be either a DoD employee or a DoD contractor. This second signatory shall have performed or witnessed the independent 100 percent re-inspection or conducted an independent quality assurance inspection of processed material using an approved sampling method. Each signatory shall ensure the chain of custody was maintained before signing the explosives safety documentation.

C. When a visual inspection allows the MPPEH to be documented as to the hazard it is known or suspected to present, documentation of the determination of the material's explosives safety status as MDEH only requires one signature.

030514. Database of Releases and Transfers

Installations will ensure that a database is maintained to record any reports of incidents when an unauthorized transfer or release of MPPEH occurred, MDEH was transferred or released to an unqualified receiver or presented an unintentional explosive hazard to a qualified receiver, or MDAS was released that was subsequently found to contain an explosive hazard. Installations will ensure that quarterly summaries of the transactions recorded in this database are provided to Marine Corps Systems Command (MARCORSYSCOM), Program Manager Ammunition and CMC (LF)/MCICOM (GF).

0306 RANGE ENVIRONMENTAL VULNERABILITY ASSESSMENT (REVA)

030601. Background

The requirements for the Military Services to develop an operational range assessment program that assesses the potential for munitions constituents to migrate off-range and cause an unacceptable risk to human health or the environment are defined by Reference (b).

030602. Procedures

A. Ranges to be Assessed

All ranges within the Marine Corps operational range inventory will be assessed.

B. Range Assessment Strategy

The assessments will be conducted in accordance with Headquarters Marine Corps, "Range Environmental Vulnerability Assessment Reference Manual," May 2009 (Reference (g)), which is updated as needed, to determine whether a release or substantial threat of a release of munitions constituents from an operational range to an off-range area has occurred and, if so, whether the release creates an unacceptable risk to human health or the environment.

C. Sampling Strategy

The results of the assessment will determine whether sampling is necessary and, if so, assist with determining whether an unacceptable risk to human health or the environment exists.

D. Response to Release

If a release of munitions constituents from an operational range to an off-range is determined to be an unacceptable risk to human health and/or the environment, the release will be addressed as an environmental cleanup in accordance with the appropriate program.

E. Reporting

Assessment information and findings will be documented in a report for each installation. The reports will be provided to regulatory bodies identified by the installation 60 days before finalization. If a release that created an unacceptable risk is determined, the information will be reported through the Under Secretary of Defense for Acquisition, Technology, and Logistics chain of command along with the appropriate regulatory authorities.

0307 MUNITIONS DISPOSITION PROCESS

030701. Background

The DDA process, including the procedures used to request disposition instructions for excess, obsolete, unserviceable, and WMMs was created as defined by Reference (b).

030702. Disposition Process

The Marine Corps DDA is located at MARCORSSYSCOM, PM Ammunition. Specific information regarding the military munitions disposition process for Class V(W) munitions is defined by SECNAV M-5210.1 (Reference (h)). The military munitions disposition process includes a request for disposition instruction and a subsequent instruction from the appropriate DDA. DDA instructions may be accompanied by shipping instructions from PM Ammunition inventory managers. DDA instructions that allow training will be sent to the appropriate ammunition supply point and training unit. DDA instructions that address Condition Code (V) WMM will be sent to the ammunition supply point and installation Environmental Department.

030703. Disposition of Munitions at Munitions Response Sites (MRSs)

The Marine Corps DDA does not provide disposition instructions for UXO, discarded military munitions, or munitions constituents being managed at MRSs. Management of these type items is governed by the process as defined by MCO 8020.10 (Reference (i)) and agreements typically made between installation environmental managers, Naval Facilities, and state regulators. Agreements regarding appropriate waste determinations and management processes should be documented in statements of work, work plans, and other appropriate munitions response program documents. Emergency response procedures, roles/responsibilities of EOD, and applicable

emergency permits for on-installation destruction of military munitions should also be agreed upon by stakeholders and documented.

0308 HAZARDOUS WASTE MILITARY MUNITIONS ACCUMULATION AND STORAGE

Storage of hazardous waste military munitions will comply with DoD, Department of the Navy, and Marine Corps explosives safety policies and regulations, regardless of whether hazardous waste military munitions are accumulated onsite for less than 90 days or are stored under a conditional exemption or in a permitted storage facility.

030801. Conditional Exempt for Hazardous Waste Military Munitions Storage

Hazardous waste military munitions may be stored under a conditional exemption as opposed to RCRA hazardous waste storage requirements if those hazardous waste military munitions are stored in accordance with DDESB standards pursuant to 40 CFR 266 (Reference (j)). Additional conditional exemption storage conditions are defined by Reference (j).

030802. Other Hazardous Waste Accumulation and Storage

If hazardous waste military munitions cannot be stored under a conditional exemption, they may be stored in accordance with 40 CFR 264.1200 (Reference (k)) and 40 CFR 265.1200 (Reference (l)). Volume 9 of this Order discusses regulatory hazardous waste storage requirements.

0309 HAZARDOUS WASTE MILITARY MUNITIONS TRANSPORTATION

030901. General

Hazardous waste military munitions transportation occurring on a public or private right-of-way that is within or immediately alongside an installation boundary is subject to state and/or local requirements and not regulated by the Munitions Rule, per Reference (j).

030902. Conditional Exemption for Hazardous Waste Military Munitions Transportation

Hazardous waste military munitions may be transported under a CE as opposed to standard RCRA hazardous waste transportation requirements if those hazardous waste military munitions are transported in accordance with DDESB standards and Department of Transportation regulations pursuant to Reference (j). The hazardous waste military munitions will be transported from a military-owned or -operated installation to a military-owned or -operated treatment, storage, or disposal facility. All states within the route of travel shall recognize EPA conditional exemption s

for transportation. Additional conditional exemption transportation conditions are defined by Reference (j).

030903. Transportation Requirements When a Conditional Exemption is Not Applicable

If CE transportation is not applicable, transportation of hazardous waste military munitions will comply with all federal, state, and local hazardous waste transportation requirements. The installation environmental staff will be contacted prior to shipment of any hazardous waste military munitions.

0310 HAZARDOUS WASTE MUNITIONS CLASSIFICATION

Hazardous waste munitions classification does not include all aspects of range management but focuses on classifying how and when munitions are classified as hazardous waste. Military munitions are not considered solid waste or hazardous waste if they are used for their intended purpose. Examples of intended use include:

031001. Military Training

Training includes use of military munitions to sustain or enhance marine battle skills, military occupational specialty skills, or individual training standards in accordance with applicable Orders and Directives. Emergency destruction training and EOD inerting training are also legitimate training activities. EOD may also use explosives or emergency responses as an opportunity to conduct legitimate training, although this does not mean the emergency is over and is not considered intended use of the item.

031002. Unused Propellant

Destruction of unused propellant when such destruction is conducted as a result of military occupational specialty training required by an individual training standard.

031003. Operational Range Clearance

Military munitions being destroyed as part of operational range clearance for the safe and sustainable use of operational ranges.

0311 OPERATIONS SUBJECT TO THE MILITARY MUNITIONS RULE

The following activities are subject to provisions as defined by Reference (d), other applicable federal, state, or local hazardous waste management requirements (some of the activities are prohibited by Marine Corps policy):

031101. Used Military Munitions Transported Off-Range for Disposal

Used military munitions, if recovered and removed from an operational range for the purpose of storage or treatment prior to disposal, are considered solid waste and potentially hazardous waste military munitions. Military munitions removed from an operational range for research, development, test, and evaluation; reuse; or repair are not solid waste until declared so by the DDA.

031102. Burial

Unused or used military munitions disposed of by deliberate burial on or off an operational range are solid waste and will be managed as such. Disposal by burial or burial in an attempt to circumvent ammunition turn-in procedures is strictly prohibited. At no time will buried munitions be managed as anything other than solid waste. Similarly, munitions deposited in solid waste dumpsters or other containers as a means of disposal or to circumvent turn-in will be managed as solid waste.

031103. Fired Off-Range

Military munitions that land off an operational range, are retrieved and not promptly rendered safe in accordance with EOD 60-series publications, will be managed as solid waste.

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VOLUME 21: CHAPTER 4

“RESPONSIBILITIES”

SUMMARY OF SUBSTANTIVE CHANGES

Hyperlinks are denoted by *bold, italic, blue and underlined font*.

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CHAPTER 4

RESPONSIBILITIES

0401 CMC (LF)/COMMANDER MCICOM (GF)

CMC (LF)/Commander MCICOM (GF) shall:

040101. Assist installations in resolving hazardous waste military munitions management disputes with federal, state, or local regulatory agencies.

040102. Oversee the REVA program to ensure long-term protection of human health and the environment while sustaining ranges for future use.

040103. Provide environmental expertise for the execution of this Volume (e.g., Subpart X permitting issues, WMM transportation procedures, qualified recycling program operations, range sustainability and overall environmental compliance).

0402 COMMANDING GENERAL (CG) MARINE CORPS EAST, WEST, PACIFIC, AND NATIONAL CAPITAL REGION

CG Marine Corps East, West, Pacific, and National Capital Region shall identify and promote opportunities for regional environmental initiatives and contracting support to gain efficiencies. Create environmental program efficiencies by collectively funding studies, coordinating common training programs, developing appropriate Memorandums of Agreement between stakeholders (e.g., Marine Corps Training and Education Command installations, Marine Aircraft Wings, Resident Officer In Charge of Construction offices, etc.) and the Region, and facilitating mutual support between installations as practicable.

0403 COMMARCORSSYSCOM

As the Marine Corps Executive Agent for military munitions life-cycle management and the DDA for Class V(W) military munitions shall:

040301. Develop Marine Corps WMM implementation policy and coordinate that policy with CMC (LF)/MCICOM (GF) and CMC Logistics, Plans, Policies, and Strategic Mobility Division.

040302. Provide installations disposition instructions for Class V(W) excess, unserviceable, and obsolete military munitions.

040303. Conduct the MR portion of environmental compliance evaluations. Report findings and trends to CMC (LF)/MCICOM (GF). Identify explosives safety hazards associated with management of WMM and processing of range residue and other MPPEH.

040304. Promote Marine Corps awareness of military munitions resource, recovery, and recycling methods. Coordinate with CMC (LF)/MCICOM (GF) to distribute recycling methods information to installations.

040305. Implement hazardous waste military munitions management training programs, and train personnel involved with hazardous waste military munitions and MPPEH management.

040306. Implement the DDESB explosive safety requirements when conducting munition responses, when applicable.

0404 **COMMANDING GENERAL (CG)/COMMANDING OFFICER (CO) OF MARINE CORPS INSTALLATION AND COMMARFORRES**

CG/CO of Marine Corps Installation and COMMARFORRES shall:

040401. Identify, evaluate, and comply with applicable federal, state, and local hazardous waste military munitions management requirements or applicable country-specific final governing standards (FGS).

040402. Designate, in writing, an individual responsible for managing the hazardous waste military munitions component of the installation hazardous waste management program, coordinating with other DoD and regulatory organizations, and managing the REVA program at the installation.

040403. Include hazardous waste military munitions in the installation's hazardous waste Management Plan and Contingency Plan.

040404. Designate personnel technically qualified to certify and verify MPPEH as material documented as hazardous and MDAS.

040405. Ensure all MPPEH is certified and verified as MDAS before their release to the public.

040406. Forward recommendations for improving hazardous waste military munitions policy and environmental range sustainability to CMC (LF)/MCICOM (GF) and Commander, Marine Corps Systems Command.

040407. Program and budget for services, personnel, facilities, and equipment necessary to comply with applicable federal, state, and local hazardous waste military munitions management requirements or applicable country-specific FGS.

040408. Assist tenants and contractors in developing their hazardous waste military munitions management programs and processes for managing MPPEH.

040409. Coordinate hazardous waste military munitions, MPPEH management, and REVA among EOD, Range Control, environmental, explosives safety, and ammunition management personnel.

040410. With participation from installation tenants, modify installation orders, instructions, plans, and standard operating procedures to comply with this Volume.

0405 MARINE CORPS REGIONAL ENVIRONMENTAL COORDINATORS

Marine Corps Regional Environmental Coordinators shall:

040501. Coordinate, both within the region and with CMC (LF)/MCICOM (GF), significant regional installation WMM management issues.

040502. Assist installation environmental office personnel with developing and implementing memoranda of understanding/memoranda of agreement for explosives or munitions emergency response.

0406 COMMANDING GENERAL (CG)/COMMANDING OFFICER (CO) OF MARINE CORPS TENANT COMMANDS/UNITS

CG/CO of Marine Corps Tenant Commands/Units shall:

040601. Participate in updating the host installation's hazardous waste military munitions and MPPEH management documents.

040602. Develop tenant command/unit orders or instructions necessary to implement the host installation's hazardous waste military munitions and MPPEH management program and REVA program.

040603. Designate, in writing, hazardous waste military munitions management personnel responsible for coordinating command/unit hazardous waste military munitions compliance matters with the host installation.

040604. Comply with applicable federal, state, and local hazardous waste military munitions management requirements or applicable country-specific FGS.

040605. Assist the host installation in completing regulatory reports involving hazardous waste military munitions.

040606. Participate and provide necessary documentation and information, as applicable, to the host installation in completing REVA when necessary.

040607. Program and budget for services, personnel, facilities, and equipment necessary to comply with applicable federal, state, and local hazardous waste military munitions and MPPEH management requirements or applicable country-specific FGS.

VOLUME 21: APPENDIX A

“FEDERAL STATUTES, FEDERAL REGULATIONS, EXECUTIVE ORDERS, AND DOD POLICIES”

SUMMARY OF SUBSTANTIVE CHANGES

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APPENDIX A

**FEDERAL STATUTES, FEDERAL REGULATIONS, EXECUTIVE ORDERS, AND DOD
POLICIES**

1 FEDERAL STATUTES

- a. Resources Conservation and Recovery Act (RCRA) of 1976, 42 U.S.C. 6901 et seq.

Congress enacted RCRA to protect human health and the environment from hazards associated with solid waste and hazardous waste generation, transportation, treatment, storage, and disposal. Major RCRA revisions are included in the Federal Facilities Compliance Act (FFCA).

- b. Federal Facility Compliance Act (FFCA), Section 107, 42 U.S.C. §3004(y)

FFCA section 107, added as section 3004(y) of RCRA, required the EPA, in consultation with DoD, to promulgate regulations identifying when military munitions become HW and to provide for the safe management of such wastes.

2 FEDERAL REGULATIONS

- a. 40 CFR Part 266, Subparts 200 – 206, Military Munitions Rule (MR)

The MR identifies requirements for management of Waste Military Munitions and explosives or munitions emergency responses.

3 DEPARTMENT OF DEFENSE (DOD) POLICY

- a. DoD Instruction (DoDI) 4140.62, “Material Potentially Presenting an Explosive Hazard [MPPEH],” April 24, 2007

This regulation outlines DoD’s policy to manage MPPEH in a manner that supports operational readiness and mission requirements, complies with supply chain material management policies, explosives safety standards, and environmental requirements.

- b. DoDI 4715.14, “Operational Range Assessments,” November 30, 2005

DoDI 4715.14 establishes and implements procedures to assess the potential environmental impacts of military munitions use on operational ranges.

c. DoD Directive (DoDD), 4715.11, “Environmental and Explosives Safety Management on Operational Ranges Within the United States,” April 24, 2007

DoDD 4715.11 establishes policy and assign responsibilities for sustainable use and management of operational ranges located within the United States and the protection of DoD personnel and the public from explosive hazards on operational ranges located within the United States.

d. DoDD, 4715.12, “Environmental and Explosives Safety Management on Operational Ranges Outside the United States,” April 24, 2007

The purpose of this Directive is to establish policy and assign responsibilities for sustainable use and management of operational ranges located outside the United States and the protection of DoD personnel and the public from explosive hazards on operational ranges located outside the United States.

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Acronyms

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ACRONYMS

A2R2	Annual Allowance and Requirement Review
ACHP	Advisory Council on Historic Preservation
ACBM	Asbestos Containing Building Material
ACP	Area Contingency Plan
AEMR	Annual Energy Management Report
AFPMB	Armed Forces Pest Management Board
AFV	Alternative Fuel Vehicle
AICUZ	Air Installations Compatible Use Zones
AIRS	Automated Inspection Reporting System
AL	Action Level
AMCL	Alternative Maximum Contaminant Level
APE	Area of Potential Effect
AQCR	Air Quality Control Region
AQD	Air Quality District
AR	Administrative Record
ARAR	Applicable or Relevant and Appropriate Requirements
ARPA	Archaeological Resources Protection Act
ASN	Assistant Secretary of the Navy
ASN (E,I&E)	ASN (Energy, Installations, and Environment)
AST	Aboveground Storage Tank
ATSDR	Agency for Toxic Substances and Disease Registry
AUL	Authorized Use List
AUL WG	AUL Working Group
BACT	Best Available Control Technology
BASH	Bird Aircraft Strike Hazard
BMP	Best Management Practice
BOS	Base Operating Support
BR	Budget Review
BRAC	Base Realignment and Closure
BRAC ER	Base Realignment and Closure Environmental Restoration

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BRAC PMO	Base Realignment and Closure, Project Management Office
BSEE	Bureau of Safety and Environmental Enforcement
BUMED	U.S. Navy Bureau of Medicine
BUMEDINST	U.S. Navy Bureau of Medicine and Surgery Instruction
C&D	Construction and Demolition
CA	Commercial Activities
CAA	Clean Air Act
CAF	Contract Advertisement Forecast
CATEX	Categorical Exclusion
CBT	Computer-based Technology
CCL	Commerce Control List
CCLI	Commerce Control List Item
CCR	Consumer Confidence Report
CDO	Command Duty Officer
CE	Conditional Exemption
CECOS	Civil Engineering Corps Officers School
CEQ	Council on Environmental Quality
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
CERFA	Community Environmental Response Facilitation Act
CERS	Continuing Environmental Review Statement
CESQG	Conditionally Exempt Small Quantity Generator
CETEP	Comprehensive Environmental Training and Education Program
CFCs	Chlorofluorocarbons
CFR	Code of Federal Regulations
CG	Commanding General
CG/CO	Commanding General/Commanding Officer
CGIP	Commanding General's Inspection Program
CH ₄	Methane
cm ²	Square Centimeters
CMC (CL)	Counsel for the Commandant of the Marine Corps
CMC (LF)	Commandant of the Marine Corps, Facilities and Services Division

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CMC (LFF)	Commandant of the Marine Corps, Facilities Branch
CMC (LP)	Commandant of the Marine Corps, Logistics, Plans, Policies, and Strategic Mobility
CMC	Commandant of the Marine Corps
CMC (I&L)	Commandant of the Marine Corps, Installations & Logistics
CMC (P&R)	Commandant of the Marine Corps, Programs & Resources
CMP	Centrally-Managed Program
CMP10	The Environmental Projects Program
CMP22	The Environmental Management Program
CNO (N45)	Chief of Naval Operations Energy and Environmental Readiness Division
CNO	Chief of Naval Operations
CO	Carbon monoxide
CO	Commanding Officer
CO ₂	Carbon Dioxide
CO _{2e}	CO ₂ equivalent
COCO	Contractor-Owned, Contractor-Operated
COLREG	International Regulation for Prevention of Collisions at Sea
COLS	Common Output Levels of Service
COMMARCORSYSCOM	Commander, U.S. Marine Corps Systems Command
COMMARFORRES	Commander, U.S. Marine Corps Forces Reserve
COMMCICOM	Commander Marine Corps Installations Command
COMNAVFACENGCOM	Commander, Naval Facilities Engineering Command
CONUS	Continental United States
CRM	Cultural Resources Manager
CROP	Consolidated Rules of Procedure
CRP	Community Relations Plan
CTG	Control Techniques Guidelines
CWA	Clean Water Act
CWE	Current Working Estimate
CWM	Chemical Warfare Material
CWS	Community Water System

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CYDs	Current Year Deficiencies
CZMA	Coastal Zone Management Act
DASN	Deputy Assistant Secretary of the Navy
DASN(E)	Deputy Assistant Secretary of the Navy, Environment
DBP	Disinfection Byproduct
DBPR	Disinfection Byproduct Rule
DD	Decision Document
DDA	Designated Disposition Authority
D/DBP	Disinfectants and Disinfection Byproduct
DDESB	DoD Explosives Safety Board
DEIS	Draft Environmental Impact Statement
DEP ARC	Defense Environmental Programs Annual Report to Congress
DERA	Defense Environmental Restoration Account
DERP	Defense Environmental Restoration Program
DLA	Defense Logistics Agency
DM	Decision Memorandum
DMM	Discarded Military Munition
DoD	Department of Defense
DoDD	DoD Directive
DoDI	DoD Instructions
DoD REC	Department of Defense Regional Environmental Coordinator
DOE	Department of Energy
DOI	Department of Interior
DOJ	Department of Justice
DON	Department of the Navy
DOT	Department of Transportation
DPAS	Defense Property Accountability System
DSN	Defense Switched Network
DUSD (I&E)	Deputy Under Secretary of Defense, Installations and Environment
E.O.	Executive Order
E2O	Expeditionary Energy Office
EA	Enforcement Action

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EA	Environmental Assessment
ECC	Environmental Compliance Coordinator
ECE	Environmental Compliance Evaluation
ECPSOP	Environmental Compliance and Protection Standard Operating Procedure
EEZ	Exclusive Economic Zone
EF	Electronic Filing
EFH	Essential Fish Habitat
EHS	Extremely Hazardous Substance
EIRB	Environmental Impact Review Board
EIS	Environmental Impact Statement
EISA	Energy Independence and Security Act of 2007
EIT&S	Environmental Information Technology and Services
ELMS	Environmental Learning Management System
EM Portal	Environmental Management Portal
EM	Environmental Management
EMALL	Electronic Mall
EMH	Environmental Management Hierarchy
EMS	Environmental Management System
EMSP	Environmental Management System Procedure
EMR	Environmental Management Review
EOD	Explosive Ordnance Disposal
EPA	U.S. Environmental Protection Agency
EPACT	Energy Policy Act of 1992
EPact	Energy Policy Act of 2005
EPCRA	Emergency Planning and Community Right-to-Know Act
EPR Portal	Environmental Portal
EPR	Emergency Preparedness and Response
ER	Environmental Restoration
ER,N	Environmental Restoration, Navy
ERC	Emission Reduction Credit
ERP	Emergency Response Plan

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ESA	Endangered Species Act
ESACC	Expended Small Arms Cartridge Casings
ESOP	Environmental Standard Operating Procedure
ESTCP	Environmental Security Technology Certification Program
ESWTR	Enhanced Surface Water Treatment Rule
EXWC	Engineering and Expeditionary Warfare Center
F&ES	Fire and Emergency Services
FAA	Federal Aviation Administration
FAR	Federal Acquisition Regulation
FBRR	Filter Backwash Recycling Rule
FCB	Functional Capability Board
FEC	Facility Emergency Coordinator
FEMP	Federal Energy Management Program
FEIS	Final Environmental Impact Statement
FFA	Federal Facility Agreement
FFCA	Federal Facility Compliance Act
FGS	Final Governing Standards
FI	Facilities Integration
FIFRA	Federal Insecticide, Fungicide, and Rodenticide Act
FIP	Federal Implementation Plan
FMF	Fleet Marine Force
FPM	Federal Personnel Manual
FMRS	Department of Defense Financial Management Regulations
FONSH	Finding of No Significant Harm
FONSI	Finding of No Significant Impact
FOTW	Federally Owned Treatment Works
FPO	Federal Preservation Officer
FR	Federal Register
FRA	Forestry Reserve Account
FRP	Facility Response Plan
FRT	Facility Response Training
FS	Feasibility Study

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FSRM	Facilities Sustainment, Restoration, and Modernization
FUDS	Formerly Used Defense Site
FWPCA	Federal Water Pollution Control Act
FY	Fiscal Year
GHG	Greenhouse Gas
GHGRP	Greenhouse Gas Reporting Program
GIS	Geographic Information System
GOCO	Government Owned-Contractor Operated Facilities
GOJ	Government of Japan
GP	Green Procurement
GPC	Government Purchase Card
GPP	Green Procurement Program
GWR	Ground Water Rule
GWUDI	Ground Water under the direct influence
HAA5	Haloacetic Acids
HA/DR	Humanitarian Assistance/Disaster Relief
HAP	Hazardous Air Pollutant
HAZCOM	Hazardous Communication
HC	Hazardous Chemical
HFCs	Hydrofluorocarbons
HM	Hazardous Material
HMTA	Hazardous Materials Transportation Act
HPV	High Priority Violation
HQ	Headquarters
HQEIRB	Headquarters Environmental Impact Review Board
HQMC (LF)	Headquarters, Marine Corps Facilities Division
HQMC (LFF)	Headquarters, Marine Corps Facilities Branch
HQMC (P&R)	Headquarters, Marine Corps, Programs & Resources
HQMC	Headquarters, Marine Corps
HS	Hazardous Substance
HSWA	Hazardous and Solid Waste Amendments
HW	Hazardous Waste

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HWMP	Hazardous Waste Management Plan
IAG	Interagency Agreement
IC	Institutional Controls
ICP	Integrated Contingency Plan
ICRMP	Integrated Cultural Resources Management Plan
ICS	Incident Command System
IESWTR	Interim Enhanced Surface Water Treatment Rule
IEM	Installation Emergency Management
IF&E	Installations, Facilities, and Environment
IFERB	Installations, Facilities, and Environmental Review Board
IGMC	Inspector General of the Marine Corps
I/M	Inspection and Maintenance
iNFADS	Internet Navy Facilities Assets Data Store
INRMP	Integrated Natural Resources Management Plan
INST	Instruction
IPM	Integrated Pest Management
IPMP	Integrated Pest Management Plan
IR	Installation Restoration
IRP	Installation Restoration Program
ISEERB	Interservice Environmental Education Review Board
ISO	International Organization for Standardization
ISSA	Intra (or Inter)-Service Support Agreement
ISWM	Integrated Solid Waste Management
IT	Information Technology
ITPRAS	Marine Corps IT Procurement Request/Review and Approval System
ITS	Individual Training Standards
IUCN	International Union for Conservation of Nature
IWTP	Industrial Waste Treatment Plant
JAG	Judge Advocate General
JDOMS	Joint Director of Military Support
JEGS	Japan Environmental Governing Standards
K	Thousand

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KBCRS	Knowledge-Based Corporate Reporting System
KEGS	Korean Environmental Governing Standards
kg	Kilogram
LAER	Lowest Achievable Emission Rate
LCR	Lead and Copper Rule
LDR	Land Disposal Restriction
LEO	Law Enforcement Officer
LEPC	Local Emergency Planning Committee
LHVC	Large High Voltage Capacitor
LID	Low Impact Development
LLMW	Low-Level Mixed Waste
LLVC	Large Low Voltage Capacitor
LQG	Large Quantity Generators
LRAA	Locational Running Annual Average
LTMgt	Long-term Management
LUC	Land use Control
M	Million
M1/R1	Locally-Managed Funds for Environmental Minor Repair and Construction
M2/R2	Centrally-Managed Funds for Environmental Major Repair and Minor Construction
MACT	Maximum Achievable Control Technology
MAP	Management Action Plan
MARADMIN	Marine Administrative Message
MARCORSYSCOM	Marine Corps Systems Command
MARFORRES	Marine Corps Forces Reserve
MBTA	Migratory Bird Treaty Act
MC	Munitions Constituent
MCAGCC	Marine Corps Air Ground Combat Center
MCAS	Marine Corps Air Station
MCB	Marine Corps Base
MCBO	Marine Corps Base Order

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MCCS	Marine Corps Community Services
MCEITS	Marine Corps Enterprise Information Technology Services
MCI	Marine Corps Installations
MCICOM (GF)	Marine Corps Installations Command, Facilities Directorate
MCICOM	Marine Corps Installations Command
MCIPAC	Marine Corps Installations Pacific
MCL	Maximum Contaminant Level
MCLB	Marine Corps Logistics Base
MCLG	Maximum Contaminant Level Goal
MCO	Marine Corps Order
MCR	Marine Corps Reserves
MCRD	Marine Corps Recruit Depot
MDAS	Material Documented as Safe
MDEH	Material Documented as an Explosive Hazard
MEC	Munitions and Explosives of Concern
MFH	Military Family Housing
MILCON	Military Construction
MLI	Munitions List Items
MMM	Multimedia Mitigation
MMPA	Marine Mammal Protection Act
MMRP	Military Munitions Response Program
MOA	Memorandum of Agreement
MOS	Military Occupational Specialty
MOU	Memorandum of Understanding
MPA	Marine Protected Area
MPPEH	Material Potentially Presenting an Explosive Hazard
MR	Military Munitions Rule
MRA	Munitions Response Area
MRCSS	Munitions Response Chemical Safety Submission
MREs	Meal, Ready-to-Eat
MRDL	Maximum Residual Disinfectant Levels
MRESS	Munitions Response Explosive Safety Submission

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MRP	Munitions Response Program
MRS	Munitions Response Site
MRSPP	Munitions Response Sites Prioritization Protocol
MS4	Municipal Separate Storm Sewer System
MSDS	Material Safety Data Sheet
MSWLF	Municipal Solid Waste Landfill
MTP	Maintenance and Treatment Plan
NA	Not Applicable
NAAs	Serious Nonattainment Areas
NAAQS	National Ambient Air Quality Standards
NAF	Non-appropriated fund
NAGPRA	Native American Grave Protection and Repatriation Act
NAVCOMPT	Navy Comptroller
NAVFAC	Naval Facilities Engineering Command
NAVFAC PMC	Naval Facilities Engineering Command Pest Management Consultant
NAVMC	Navy Marine Corps
NAVRAMP	Navy Radon Assessment and Mitigation Program
NAVSEA	Naval Sea Systems Command
NAVSUP	Naval Supply Systems Command
NCP	National Contingency Plan
NDAA	National Defense Authorization Act
NEPA	National Environmental Policy Act of 1969
NEPA-PAMS	NEPA-Process Automation and Management Support
NERP	Navy Environmental Restoration Program
NESHAPS	National Emission Standards for Hazardous Air Pollutants
NFA	No Further Action
NFPA	National Fire Protection Association
NFRAP	No Further Response Action Planned
NFRAP DD	No Further Response Action Planned Decision Document
NHL	National Historic Landmark
NHO	Native Hawaiian Organization
NHPA	National Historic Preservation Act

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NM	Nautical Mile
NMCPH	Navy Marine Corps Public Health Center
NMFS	National Marine Fisheries Service
N ₂ O	Nitrous oxide
NO ₂	Nitrogen Dioxide
NOA	Notice of the Availability
NOAA	National Oceanic and Atmospheric Administration
NOI	Notice of Intent
NORTHCOM	United States Northern Command
NOTAL	Not to All
NOV	Notice of Violation
NO _x	Nitrogen Oxide
NPDES	National Pollutant Discharge Elimination System
NPDWR	National Primary Drinking Water Regulations
NPL	National Priorities List
NPS	National Park Service
NRC	National Response Center
NRDA	Natural Resource Damage Assessment
NRHP	National Register of Historic Places
NRT	National Response Team
NSDWR	National Secondary Drinking Water Regulations
NSE	National Security Exemption
NSLICS	Non Site-Level Information Collection System
NSPS	New Source Performance Standards
NSR	New Source Review
NTNCWS	Nontransient, Noncommunity Water System
NWCF	Naval Working Capital Fund
NWCG	National Wildfire Coordinating Group
O&M	Operations and Maintenance
O&M,MC	Operation and Maintenance, Marine Corps
O&M,MCR	Operation and Maintenance, Marine Corps Reserve
O&T	Operations and Training

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OASD (EI&E)	Office of the Assistant Secretary of Defense, Energy, Installations & Environment
OASN (E,I&E)	Office of the Assistant Secretary of the Navy for Energy, Installations and Environment
OASN	Office of the Assistant Secretary of the Navy
OCCFLD	Marine Corps Occupational Field
OCONUS	Outside the Continental United States
ODS	Ozone Depleting Substance
ODUSD	Office of the Deputy Under Secretary of Defense
ODUSD (I&E)	Office of the Deputy Under Secretary of Defense, Installations and Environment
OEA	Overseas Environmental Assessment
OEBGD	Overseas Environmental Baseline Guidance Document
OEIS	Overseas Environmental Impact Statement
OHS	Oil and Hazardous Substance
OHSSCP	Oil and Hazardous Substance Spill Contingency Plans
OMB	Office of Management and Budget
OM,N	Operations and Maintenance, Navy
OOD	Officer of the Day
OP	Operating Procedure
OPA 90	Oil Pollution Act of 1990
OPBUD	Operating Budget
OPNAV	Office of the Chief of Naval Operations
OPNAVINST	Office of the Chief of Naval Operations Instruction
OPREP-3	Operations Event/Incident Report
OSC	On-Scene Coordinator
OSCDR	On-Scene Commander
OSD	Office of the Secretary of Defense
OSHA	Occupational Safety and Health Administration
OSOT	On-Scene Operations Team
OSRP	Oil Spill Response Program
OTO	Other than Operational

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OU	Operable Unit
OWS	Oil Water Separators
P&R	Programs and Resources
P2	Pollution Prevention
PA	Preliminary Assessment
PA	Programmatic Agreement
PCB	Polychlorinated Biphenyl
pCi/L	PicoCurie per Liter
PE	Professional Engineer
PEIR	Preliminary Environmental Impact Review
PFCs	Perfluorocarbons
PHMSA	Pipeline and Hazardous Materials Safety Administration
PM	Particulate Matter
PM _{2.5}	Particulate Matter of 2.5 microns or less
PM ₁₀	Particulate Matter of 10 microns or less
PMC	Pest Management Consultant
PMO	Program Management Office
PMO	Project Management Office
PMPAR	Pest Management Performance Assessment Representative
PNR	Public Notification Rule
POA&M	Plan of Action and Milestone
POC	Point of Contact
POI	Program of Instruction
POL	Petroleum, Oil, and Lubricant
POM	Program Objective Memorandum
POTW	Publicly Owned Treatment Works
ppb	Parts per billion
PPBE	Planning, Programming, Budget and Execution
PPE	Personal Protective Equipment
ppm	Parts per million
PPV	Public-Private Venture
PREP	National Preparedness for Response Exercise Program

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PRP	Potentially Responsible Party
PSD	Prevention of Significant Deterioration
PWS	Public Water System
QRP	Qualified Recycling Program
RA	Remedial Action
RAB	Restoration Advisory Board
RA-C	Remedial Action-Construction
RACR	Remedial Action Completion Report
RACT	Reasonably Available Control Technology
RAICUZ	Range Air Installations Compatible Use Zones
RA-O	Remedial Action-Operations
RC	Response Complete
RCRA	Resource Conservation and Recovery Act
RD	Remedial Design
RD&A	Research, Development, and Acquisition
RDT&E	Research, Development, Test, and Evaluation
RDX	Research Department Explosives
REC	Regional Environmental Coordinator
REIR	Request for Environmental Impact Review
REVA	Range Environmental Vulnerability Assessment
RI	Remedial Investigation
RIP	Remedy in Place
RMP	Risk Management Plan
ROD	Record of Decision
RPM	Remedial Project Manager
RQ	Reportable Quantity
RRSE	Relative Risk Site Evaluation
RRT	Regional Response Team
SAA	Satellite Accumulation Area
SABRS	Standard Accounting, Budgeting and Reporting System
SAR	Species at Risk
SARA	Superfund Amendments and Reauthorization Act

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SAT	Marine Corps Systems Approach to Training
SC	Site Closeout
SDN	Standard Document Number
SDS	Safety Data Sheet
SDWA	Safe Drinking Water Act
SECDEF	Secretary of Defense
SECNAV	Secretary of the Navy
SECNAVINST	Secretary of the Navy Instruction
SEIS	Supplemental Environmental Impact Statement
SERC	State Emergency Response Commission
SERDP	Strategic Environmental Research and Development Program
SES	Senior Executive Service
SHPO	State Historic Preservation Office
SI	Site Inspection
SIP	State Implementation Plan
SLI	Strategic List Item
SME	Subject Matter Expert
SNaP	Select and Native Programming Data Input System
SNC	Significant Non-Compliance
SNCO	Staff or Senior Non-Commissioned Officer
SO ₂	Sulfur Dioxide
SOFA	Status of Forces Agreement
SOP	Standard Operating Procedure
SPCC	Spill Prevention Control and Countermeasure
SPP	Sustainable Procurement Program
SPRP	Spill Prevention and Response Plan
SQG	Small Quantity Generator
SSIC	Standard Subject Identification Code
SSPP	Strategic Sustainability Performance Plan
SSSP	Site Specific Spill Plans
STEP	Status Tool for the Environmental Program
SUA	Special Use Airspace

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SW	Solid Waste
SWAP	Source Water Assessment Programs
SWMU	Solid Waste Management Unit
SWP	Source Water Protection
SWPPP	Stormwater Pollution Prevention Plan
SWTR	Surface Water Treatment Rule
T&E	Threatened and Endangered
TCA	1,1,1-Trichloroethane
TCR	Total Coliform Rule
TSDF	Treatment, Storage, Disposal Facilities
TEAM	The Environmental Assessment Manual
TECOM	Training and Education Command
THPO	Tribal Historic Preservation Office
TMDL	Total Maximum Daily Load
TNCWS	Transient Noncommunity Water System
TNT	Trinitrotoluene
TPQ	Threshold Planning Quantity
TRI	Toxic Release Inventory
TSCA	Toxic Substances Control Act
TSDF	Treatment, Storage and Disposal Facility
TT	Treatment Technique
TTHM	Total Trihalomethanes
U.S.	United States
U.S.C.	United States Code
UCMR	Unregulated Contaminant Monitoring Rule
UFC	Unified Facilities Criteria
UHWM	Uniform Hazardous Waste Manifest
UIC	Underground Injection Control
USACE	U.S. Army Corps of Engineers
USDA	U.S. Department of Agriculture
USFS	United States Forest Service
USFWS	U.S. Fish and Wildlife Service

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USMC	United States Marine Corps
UST	Underground Storage Tank
UU/UE	Unlimited Use/Unlimited Exposure
UV	Ultraviolet Light
UW	Universal Waste
UXO	Unexploded Ordnance
VA	Vulnerability Assessment
VOC	Volatile Organic Compound
WEBCASS	Web-Based Compliance Assistance and Sustainment Software
WFMP	Wildland Fire Management Plan
WHP	Wellhead Protection
WMM	Waste Military Munition
WQM	Water Quality Management
XO	Executive Officer
µg/L	Microgram per liter

GLOSSARY

A

Aboveground Release (as defined by 40 CFR 280 (Volume 7 Reference (as))). Any release to the surface of the land or to surface water. This includes, but is not limited to, releases from the aboveground portion of an underground storage tank (UST) system and aboveground releases associated with overfills and transfer operations as the regulated substance moves to or from a storage tank system.

Aboveground Storage Tank (AST) (as defined by Volume 18 Reference (d)). Includes:

- a. Bunkered tanks. Containers constructed or placed in the ground by cutting the earth and recovering the container in a manner that breaks the surrounding natural grade, or that lie above grade, and are covered with earth, sand, gravel, asphalt, or other material.
- b. Partially buried tank. Storage containers that are partially inserted or constructed in the ground, but not entirely below grade, and not completely covered with earth, sand, gravel, asphalt, or other material.

Acid Rain. The acidic deposition caused by the atmospheric chemical transformation of Sulfur Dioxide (SO₂) and Nitrous Oxides (NO_x) emissions.

Action Proponent/Sponsor. The commander, commanding officer, or civilian director of a unit, activity, or organization who initiates a proposal for action, as defined in section 23, part 1508 of Volume 12 Reference (b), and who has command and control authority over the action once it is authorized. For some actions, the action proponent/sponsor will also serve as the decision-making authority for that action. In specific circumstances, the action proponent/sponsor and decision maker may be identified in Navy regulations, other SECNAV Instructions, operational instructions and orders, acquisition instructions, and other sources which set out authority and responsibility within the DON. For acquisition program actions, the Acquisition Program Manager is the action proponent/sponsor. In instances where an entity outside of the installation (e.g., HQMC Aviation) or outside of the Marine Corps (e.g., a utility provider) proposes an action on an installation, the outside entity will be considered the action proponent while the installation CG/CO will serve as the action sponsor and decision maker regarding the implementation of the action on the installation.

Action. Broadly interpreted as any proposal initiated by the Marine Corps, including:

- a. New activities or projects entirely or partly funded, assisted, conducted, regulated, or approved by the Marine Corps.
- b. Substantive changes in continuing actions, such as major changes in operation tempo, areas of use, or in methodology/equipment, where these changes have the potential for significant impact.
- c. Specific projects, such as construction or management activities located in a defined geographic area (e.g., military construction projects, public/private venture projects, special projects, land acquisition, natural resources management projects, and locally funded projects).
- d. Major federal actions as defined by NEPA and the CEQ regulations implementing NEPA. See Volume 12 Reference (f) for additional guidance on determining whether an action may be a major federal action.

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Adaptive Management. Adaptive management is the process of implementing policy decisions as scientifically driven management experiments that test predictions and assumptions and use the resulting information to more effectively manage natural resources improve policy and management decisions. This approach welcomes new ideas, new data, and revision of plans when better approaches are possible.

Adaptive Reuse. A new or different use of a historic property that does not irreversibly alter its character-defining features, is appropriate for the context, and is consistent with the significance and character of the property.

Administrative Closure. Identified areas eligible for only administrative closure have had no known and/or documented military munitions use, and either no longer support operational range activities or are planned to support activities that are not compatible with range activities. Examples of such sites include parking lots, residential buildings, and daycares/schools. Administrative Closure sites also could be sites that were included in MMRP inventory due to an administrative error (duplicate site, previously closed site, site already addressed by the IR Program).

Administrative Record (AR) (as defined by Volume 10 Reference (h)).

a. The lead agency shall establish an AR that contains the documents that form the basis for the selection of a response action. It consists of all documents and materials (including intra-office emails) directly or indirectly considered by the decision maker. Should a decision be challenged, a reviewing court will review the decision primarily (if not solely) based on the administrative record. To this end, commanders/supervisors/officers-in-charge shall ensure that all administrative record documents and materials are properly maintained and readily retrievable upon request.

b. The administrative record shall be retained after the proposed action has taken place in the event that the action is challenged after the fact, in accordance with Volume 12 Reference (u). For CATEXs, the administrative record includes the REIR and the CATEX DM as well as the results of consultations or coordination.

Adverse Effect. Any condition of an action or undertaking that may cause a detrimental change in the quality of the historic, architectural, archaeological, or cultural character of a property that qualifies it for listing in the NRHP, the World Heritage List, or the host nation equivalent of the NRHP. An undertaking is considered to have an adverse effect on a historic or cultural property when any aspect of the undertaking diminishes the integrity of location, design, setting, materials, workmanship, feeling, or association of the property that contributes to its significance. Direct adverse effects are caused by the undertaking and occur at the place and time of the undertaking. Indirect adverse effects are those caused by the undertaking that occur later in time or are further removed in distance but are still reasonably foreseeable. It should be noted that these definitions of indirect and direct effects are not the same as direct or indirect impacts as defined by NEPA and will need to be distinguished when included in a NEPA analysis.

Adverse Weather (as defined by Volume 7 Reference (u)). The weather conditions that the operator will consider when identifying response systems and equipment to be deployed in accordance with a response plan. Factors to consider include ice conditions, temperature ranges, weather-related visibility, significant wave height (as specified in Appendix C, Table 1, of Volume 7 Reference (t)), and currents within the areas in which those systems or equipment are intended to function.

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Advisory Council on Historic Preservation (ACHP) (as defined by Volume 8 Reference (d)). A federal council charged with advising the President, Congress, and other federal agencies, whose function is to encourage private and public interest in historic preservation and archaeological resources protection and to comment on federal agency actions pursuant to Section 106 of Volume 8 Reference (d).

After Action Report (as defined by DoD Instruction 6055.16 (Volume 10 References (u), (m), and (o))). A document required after completion of all munitions response actions involving a DoD Explosives Safety Board-approved MRCSS or MRESS. The installation shall distribute this report to each office that reviewed the MRCSS or MRESS for use in file closeout. The after action report documents that the explosives safety aspects of the response have been completed as outlined in the approved explosive safety submission and addresses the MEC found, effectiveness of the response techniques, any LUCs, LTMgt, provisions for the residual risk, and other pertinent information, as well as the location where information regarding this response has been achieved.

Agricultural Outleasing. The use of DoD lands under a lease to an agency, organization, or person for the purpose of growing crops or grazing domesticated animals.

Air Pollution Emergency Episodes. The accumulation of air pollutants in an area that reaches levels which could, if such levels are sustained or exceeded, lead to a substantial threat to the health of individuals.

Alternative Fuels. Substitutes for traditional petroleum products such as gasoline and diesel fuel. Volume 6 Reference (x) defines alternative fuels to mean methanol, denatured ethanol, and other alcohol; mixtures containing up to 85 percent (but not less than 70 percent) alcohol with the balance consisting of gasoline or other such fuels; natural gas; liquefied petroleum gas; hydrogen; coal-derived fuels; fuels derived from biological materials; electricity; and other substantially nonpetroleum-based fuels.

Ancillary Equipment. Any devices including, but not limited to, piping, fittings, flanges, valves, and pumps used to distribute, measure, or control the flow of regulated substances to and from a storage tank.

Annual Operational Plan. An INRMP management section addendum prepared annually to describe current fiscal year land management projects and their cost.

Applicable or Relevant and Appropriate Requirements (ARARs). Used for establishing the standards for cleanup based on the chemicals involved, the location, the suspected health impacts, or the response action technologies proposed at the site. ARARs are required by section 121(d) of Volume 10 Reference (a), which states that a requirement of other environmental laws may be either "applicable" or "relevant and appropriate" to a remedial action, but not both. A law/regulation is applicable if the legal standard would apply independently of Volume 10 Reference (a), and a law/regulation is relevant and appropriate if it can be applied at the site even though it is not otherwise legally required.

Applicable Requirements (as defined by Volume 10 Reference (h)). Cleanup standards, standards of control, and other substantive requirements, criteria, or limitations promulgated pursuant to federal

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environmental or state environmental or facility siting laws that specifically address a hazardous substance, pollutant, contaminant, remedial action, location, or other circumstance found at a CERCLA site. Only those state standards that are identified by a state in a timely manner and that are more stringent than federal requirements may be applicable.

Applied Biology Program. A network of NAVFAC PMC in the Environmental Business Line that assist Navy and Marine Corps installations with Volume 14 Reference (e) and FGS-based compliance and provide IPM solutions that protect operations, war-fighters, quality of life, property, material and the environment from the adverse effects of living organisms.

Aquifer (as defined by Volume 16 Reference (j)). A geological formation, group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.

Archaeological Resource (as defined by Volume 8 Reference (i)). Any material remains of past human life that are capable of contributing to scientific or humanistic understanding of past human behavior, cultural adaptation, and related topics through the application of scientific or scholarly techniques. To qualify as an “archaeological resource”, the remains have to be at least 100 years old. Archaeological remains less than 100 years old may be eligible for listing on the NRHP and, if so, would be “historic properties” (as that term is defined at 8522) for which compliance in accordance with Volume 8 Reference (d) is required.

Archaeological Survey. A systematic analysis by a professional, meeting Secretary of Interior standards sufficient to allow categorization of archaeological potential to the degree required to make decisions. The Secretary of Interior’s Standards and Guidelines for Archaeology and Historic Preservation recognize several techniques, methodologies, and types of surveys to allow a federal land manager to make decisions about property use that are consistent with the legislated intent of protecting important archaeological properties, including archival research, field surveys, reconnaissance surveys, intensive surveys, predictive modeling, sampling methodologies, and special survey techniques such as remote sensing or deep testing.

Architectural Survey and Evaluation. An effort to determine which buildings, structures, works of engineering, industrial facilities, fortifications, and landscapes are eligible for listing on the NRHP. Survey efforts typically involve examination of the historic context of the resource as well as its current integrity.

Area of Potential Effects (APE). The APE for an undertaking is determined in consultation with the SHPO; Native American tribes, Alaska Native villages or corporations, or NHOs; the public; and other interested parties. The APE includes not only the construction or ground disturbance footprint of the undertaking but also the settings of any historic properties that may be impacted by the intrusion of new visual or noise elements.

Article. A manufactured item that is formed to a specific shape or design during manufacture and has functions dependent in whole or in part upon its shape or design during end-use and which does not release, or otherwise result in exposure to, a toxic chemical under normal conditions of use.

Aspect. A characteristic of a practice that can cause an impact to the environment or other resource. Each practice may have several aspects, and each aspect may have several impacts. Standard Marine

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Corps aspects and relationships between practices and aspects are maintained in WEBCASS and in Table 2-1.

Assessment of Effect. A process to determine whether an undertaking may affect in any way the qualities of a property that make it eligible for listing on the NRHP. The assessment is made by the installation's CG/CO in consultation with the SHPO; Native American tribes, Alaska Native villages or corporations, or NHOs; and other interested parties. If the Marine Corps finds that no historic properties are present or affected by the proposed action, it provides documentation to the SHPO and other consulting partners and, barring any objection in 30 days, proceeds with its undertaking. If the Marine Corps finds historic properties are present, it proceeds to assess possible adverse effects based on criteria found in Volume 8 Reference (q). If the SHPO and any consulting partners agree that there will be no adverse effect, the Marine Corps proceeds with the undertaking and any agreed-upon conditions. If the determination is that the action will have an adverse effect, or if the parties cannot agree and the ACHP determines that there is an adverse effect, the agency begins consultation to seek ways to avoid, minimize, or mitigate the adverse effects.

Authority to Advertise. Authority granted by the CMC (LFF)/MCICOM (GF) to an installation to advertise a project. This is the formal commitment of funds by CMC (LFF)/MCICOM (GF).
Authorized Use List (AUL). The list of all hazardous material necessary to support the requirements of a command, facility, or activity, developed in accordance with DoD specifications.

B

Base Operating Support (BOS) Funds. Foreseeable, routine, recurring funding requirements that can be reasonably estimated and budgeted for within each installation's BOS account. The Environmental Operating Budget is a subset of installations' BOS funds.

Base Realignment and Closure (BRAC). A Congressionally-authorized process to close and realign military installations to sustain military readiness and improve the defense mission during changing times and requirements. ER activities at closing and realigning installations affected by Navy Memorandum (Volume 10 References (v) and (j)) are funded by Navy BRAC accounts.

Below-Ground Release (as defined by Volume 7 Reference (as)). Any release to the subsurface of the land or to groundwater. This includes, but is not limited to, releases from the below-ground portions of a UST system and below-ground releases associated with overfills and transfer operations as the regulated substance moves to or from a UST system.

Best Available Control Measure. Emission control measures that achieve the greatest possible reduction in the emission of particulate matter.

Best Available Control Technology (BACT). Emission control technology to be applied to new sources which are located in areas that are in attainment of the NAAQS and that trigger NSR for the pollutants emitted from the new sources. States are to apply BACT on a case-by-case basis, taking into account economic considerations. BACT shall be at least as stringent as the NSPS for similar facilities.

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Best Management Practice (BMP) (as defined by Volume 20 Reference (i)). Methods, measures, or practices selected by an agency to meet its nonpoint source control needs. BMPs include, but are not limited to, structural and nonstructural controls and operation and maintenance procedures. BMPs can be applied before, during, and after pollution-producing activities to reduce or eliminate the introduction of pollutants into receiving waters.

Biodiversity. The diversity of life and its processes: living organisms, the genetic differences among them, and the communities and ecosystems in which they occur.

Biological Assessment (as defined by section 402.02 of Volume 11 Reference (ai)). Information prepared by or under the direction of the federal agency 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. Within Volume 11 Reference (af) are the minimum requirements for inclusion in a biological assessment for regulatory consultation pursuant to Volume 11 Reference (ae).

Budget Review (BR). The annual data call within the environmental community to support the planning, programming, and budgeting portions of the PPBE cycle. The BR establishes unconstrained Environmental Program OPBUD and CMP O&M,MC funding requirements and is used to defend requirements to CMC (LFF)/MCICOM (GF) in the POM process. Installation BR submissions are made via the environmental program database utility, STEP.

By Name Assignment. An automated system used for scheduling and enrolling students in courses offered by military formal schools.

C

Candidate Species. Any species being considered pursuant to Volume 11 Reference (ae) by the Secretary of the Interior or Commerce for listing as an endangered or threatened species, but not yet the subject of a proposed rule.

Capacitor. A device for accumulating and holding a charge of electricity and consisting of conducting surfaces separated by a dielectric. Types of capacitors are as follows:

- a. Large High Voltage Capacitor (LHVC). A capacitor that contains 1.36 kg (3 lb) or more of dielectric fluid and that operates at 2,000 volts (alternative current or direct current) or above.
- b. Large Low Voltage Capacitor (LLVC). A capacitor that contains 1.36 kg (3 lb) or more of dielectric fluid and that operates below 2,000 volts (alternative current or direct current).
- c. Small Capacitor. A capacitor that contains less than 1.36 kg (3 lb) of dielectric fluid.

Categorical Exclusion (CATEX) (as defined by section 1508.4 of Volume 12 Reference (b)). Categories of actions that DON has determined do not have a significant effect, individually or cumulatively, on the human environment under normal circumstances and for which neither an EA nor an EIS is required. DON CATEXs are provided in section 6, paragraph f of Volume 12 Reference (c).

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Cathodic Protection. A technique to prevent corrosion of a metal surface by making that surface the cathode of an electrochemical cell. For example, a tank system can be cathodically protected through the application of either galvanic anodes or impressed current.

Centrally-Managed Environmental Program (CMP). The CMC (LFF)/MCICOM (GF)-managed O&M,MC program for resourcing Marine Corps enterprise initiatives (e.g., the Environmental Compliance Evaluation Program) and installation non-recurring or emergent requirements. The CMP includes the CMP22 and CMP10 Programs. CMP funds active duty installations only.

Certifying Officials. Professional DoD pest management personnel who are designated in writing by the Service Components to the Executive Director, AFPMB, who review and certify that qualifications of DoD applicators meet DoD standards in Volume 14 Reference (c), authorized by Volume 14 Reference (a).

Clean Fuels. Any fuel such as alcohol or fuel blends containing 85 percent alcohol with gasoline or diesel; natural gas; liquefied petroleum gas; hydrogen; reformulated gasoline and diesel fuel; hydrogen; or any power source, including electricity that meets the clean-fuel requirements and emission standards of Volume 6 Reference (a).

Coastal State (as defined by section 304 of Volume 20 Reference (bd)). A state of the United States in, or bordering on, the Atlantic, Pacific, or Arctic Ocean; the Gulf of Mexico; Long Island Sound; or one or more of the Great Lakes. This term also includes Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, the Trust Territories of the Pacific Islands, and American Samoa.

Coastal Waters (as defined by section 304 of Volume 20 Reference (bd)). In the Great Lakes area, the waters within the jurisdiction of the United States consisting of the Great Lakes and their connecting waters, harbors, roadsteads, and estuary-type areas, such as bays, shallows, and marshes. In other areas, those waters adjacent to the shorelines containing a measurable quantity or percentage of sea water, including, but not limited to, sounds, bays, lagoons, bayous, ponds, and estuaries.

Coastal Zone (as defined by section 1453.1 of Volume 11 Reference (y)). The coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder), strongly influenced by each other and in proximity to the shorelines of the several coastal states, and includes islands, transitional and intertidal areas, salt marshes, wetlands, and beaches and ambient air proximal to those waters. The zone extends, in Great Lakes waters, to the international boundary between the United States and Canada and, in other areas, seaward to the outer limit of state title and ownership pursuant to 43 U.S.C 1301 et seq. (Volume 11 Reference (ax)), 48 U.S.C. 731 et seq. (Volume 11 Reference (ay)), 48 U.S.C. 1801 et seq. (Volume 11 Reference (az)), or 48 U.S.C. 1705 et seq. (Volume 11 Reference (ba)), as applicable. The zone extends inland from the shorelines only to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters, and to control those geographical areas which are likely to be affected by or vulnerable to sea level rise. Excluded from the coastal zone are lands the use of which is by law subject solely to the discretion of or which is held in trust by the federal government, its officers or agents.

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Collections and Associated Records (as defined by Volume 8 Reference (i)). Collections are material remains that are excavated or removed during a survey, excavation, or other study of a cultural resource and associated records that are prepared or assembled in connection with the survey, excavation, or other study (Section 4(a) of Volume 8 Reference (m)). Associated records are original records (or copies thereof) that are prepared or assembled to document efforts to locate, evaluate, record, study, preserve, or recover a cultural resource (see Section 4(2) of Volume 8 Reference (m)). Associated records that are prepared or assembled in connection with the survey, excavation, or other studies are maintained in accordance with Volume 8 Reference (s).

Commerce Control List Item (CCLI). An item or material found on the CCL. The items listed on the CCL are referred to as “dual-use” items because they have both commercial and military or proliferation applications.

Community Involvement Program. A formal, written proactive public information program developed by each installation. The plan shall take into account the public comment period that precedes final selection of remedial or corrective action. The plan consists of background and history of community involvement at the site, ER Program objectives, community involvement activities to be used to reach the objectives, and a mailing list of involved persons. The plan shall be based on discussions with state and local authorities, civic and community organizations, interested residents, and local news media representatives.

Community Water System (CWS) (as defined by Volume 16 Reference (e)). A PWS which serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.

Complex (as defined by Volume 7 Reference (s)). A facility possessing a combination of transportation-related and non-transportation-related components that is subject to the jurisdiction of more than one federal agency pursuant to section 311(j) of Volume 7 Reference (c).

Compliance. Meeting the required environmental standards and conditions in law, statute, permit, established compliance agreement (e.g., the requirements of a compliance schedule under an existing Consent Order/Decree with a federal, state, or local regulatory authority), or policy. This includes E.O.s; federal legislation and regulations; State or local requirements; DoD, DON, and Marine Corps policies; or other governing requirements.

Component Senior Pest Management Consultant (PMC). The professional NAVFAC pest management individual designated in writing by the Service Components to the Executive Director, AFPMB, who is the primary point of contact for the Component’s pest management program, including technical guidance, management oversight, and information requirements.

Composting. A controlled process for managing the degradation of plant and other organic wastes to produce a useful product that can be used as mulch or soil conditioner.

Conformance. A facility is in conformance with established EMS criteria when it meets all applicable EMS requirements or equivalent ISO 14001 framework, has conducted an annual internal EMS audit, and self-declares conformance. HQMC (LFF)/MCICOM (GF)-sponsored Benchmark ECEs validate the self-declaration. Note that a facility may be considered to be in conformance with

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Marine Corps EMS criteria if it has one or more minor nonconformances as long as it establishes and implements a POA&M to correct each nonconformance. An EMS with non-reconciled major nonconformances cannot be considered in conformance.

Conformity. A conformity determination is a certification by the installation that it will comply with all requirements of the SIP. A determination is required only if: emissions levels exceed de minimis levels, defined in section 853(b)(1) or (2) of Volume 6 Reference (r), and the installation is located in a nonattainment or maintenance area.

Connected Piping. All underground piping, including valves, elbows, joints, flanges, and flexible connectors, attached to a tank system through which regulated substances flow. For the purpose of determining how much piping is connected to any individual UST system, the piping that joins two UST systems should be allocated equally between them.

Consecutive System (as defined by Volume 16 Reference (e)). A PWS that receives some or all of its finished water from one or more wholesale systems. Delivery may be through a direct connection or through the distribution system of one or more consecutive systems.

Consensus Determination. A consensus determination is a determination of a property's eligibility for listing on the NRHP made by consensus between the Marine Corps installation and the SHPO. Alternatively, installations or the SHPO can request an official determination of eligibility from the Keeper of the National Register.

Conservation (as defined by Volume 11 Reference (ae)). 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 this chapter are no longer necessary. Such methods and procedures include, but are not limited to, all activities associated with scientific resources management such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live trapping, and transplantation, and, in the extraordinary case where population pressures within a given ecosystem cannot be otherwise relieved, may include regulated taking. When generally used in this chapter, apart from the discussion in Volume 11 Reference (ae), the planned management, use, and protection of natural resources and cultural resources to provide optimum public benefit, continued productivity and sustainability for present and future generations, and support of the military mission.

Conservation Law Enforcement Officer. A person, having satisfied the minimum conservation officer training requirements and other position prerequisites of Office of the Undersecretary of Defense Memorandum, "Volunteer and Partnership Cost-Share Program," January 12, 1994 (Volume 11 Reference (bb)), serving in an installation position with primary responsibility for enforcing conservation and natural and cultural resources protection laws.

Construction Stormwater (as defined by Volume 20 Reference (b)). The discharge of storm water from construction activities including clearing, grading, and excavating that result in land disturbance of equal to or greater than one acre and less than five acres. Small construction activity also includes the disturbance of less than one acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one and less than five acres. Small construction activity does not include routine maintenance that is

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performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

Consultation. The process of seeking, discussing, and considering the views of others and, where feasible, seeking agreement with them on how cultural resources shall be identified, considered, and managed. Marine Corps installations have a responsibility to consult with internal and external stakeholders on a regular basis. Volume 8 References (d), (l), and (p) require coordination with interested parties and other government agencies, depending on the action involved.

Contaminant (as defined by Volume 16 Reference (e)). Any physical, chemical, biological, or radiological substance or matter in water, soil or air.

Contiguous Zone (as defined by Volume 7 Reference (s)). The zone established by the United States, pursuant to Article 24 of the Convention on the Territorial Sea and Contiguous Zone, that is contiguous to the territorial sea and that extends nine miles seaward from the outer limit of the territorial area.

Contract Advertisement Forecasts (CAF). A forecast of when environmentally-driven FSRM projects will be ready for contract advertisement and award. The CAF shall be provided by each activity on an annual basis. Regular Program and Straddle Program will be selected based on the execution plan provided on the CAF submission.

Contract or Other Approved Means (as defined by Volume 7 References (u) and (s)).

- a. Written contract or other legally binding agreement between the operator and a response contractor or other spill response organization identifying and ensuring the availability of the specified personnel and equipment within stipulated response times for a specified geographic area.
- b. Certification that specified equipment is owned or operated by the pipeline operator, and that operator personnel and equipment are available within stipulated response times for a specified geographic area.
- c. Active membership in a local or regional oil spill removal organization that has identified specified personnel and equipment to be available within stipulated response times for a specified geographic area.

Control Techniques Guidelines (CTG). Documents published by EPA designed to assist the states/localities in selecting the most appropriate technologies to apply for the control of major sources of air pollution.

Conventional Filtration Treatment (as defined by Volume 16 Reference (e)). A series of processes including coagulation, flocculation, sedimentation, and filtration resulting in substantial particulate removal.

Cooperating Agency (as defined by section 1502.5 of Volume 12 Reference (b)). Any federal agency, other than a lead agency, that has jurisdiction by law or special expertise with respect to any environmental impact involved in a proposal (or any reasonable alternative) for legislation or other major federal action significantly affecting the quality of the human environment. A state or local

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agency of similar qualifications or, when the effects are on a reservation, a Native American tribe may, by agreement with the lead agency, become a cooperating agency.

Corrective Action. An action taken to eliminate the cause of a detected noncompliance or nonconformance.

Criteria Pollutant. A pollutant that the EPA Administrator has determined will cause or contribute to air pollution, that may reasonably be anticipated to endanger public health and welfare and for which air quality criteria have been established. Criteria pollutants include: SO₂, NO₂, ozone, Carbon Monoxide (CO), Lead (Pb), and Particulate Matter (PM).

Critical Habitat (as defined by section 1532.5.a of Volume 11 Reference (ae) and section 402.02 of Volume 11 Reference (af)).

a. The term "critical habitat" for a threatened or endangered species means:

(1) the specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the provisions of section 1533 of Volume 11 Reference (ae), on which are found those physical or biological features essential to the conservation of the species and which may require special management considerations or protection; and

(2) specific areas outside the geographical area occupied by the species at the time it is listed in accordance with the provisions of section 1533 of this title, upon a determination by the Secretary that such areas are essential for the conservation of the species.

b. The area designated as critical habitat listed in 50 CFR 17 (Volume 11 Reference (bc) or (au)).

Cultural Items (as defined by Volume 8 Reference (l)). Cultural items mean human remains and:

a. Associated Funerary Objects. Objects that, as a part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally with individual human remains either at the time of death or later, and both the human remains and associated funerary objects are presently in the possession or control of a federal agency or museum, except that other items exclusively made for burial purposes or to contain human remains shall be considered as associated funerary objects.

b. Unassociated Funerary Objects. Objects that, as a part of the death rite or ceremony of a culture, are reasonably believed to have been placed intentionally with individual human remains either at the time of death or later, where the remains are not in the possession or control of the federal agency or museum and the objects can be identified by a preponderance of the evidence as related to specific individuals or families or to known human remains or, by a preponderance of the evidence, as having been removed from a specific burial site of an individual culturally affiliated with a particular Indian tribe.

c. Sacred Objects. Specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents.

d. Objects of Cultural Patrimony. An object having ongoing historical, traditional, or cultural importance central to the Native American group or culture itself, rather than property owned by an individual Native American, and which, therefore, cannot be alienated, appropriated, or conveyed by any individual regardless of whether or not the individual is a member of the Indian tribe or NHO and such object shall have been considered inalienable by such Native American group at the time the object was separated from such group.

Cultural Landscape (as defined by National Park Service, "NPS-28 Cultural Resource Management Guidelines," August 16, 2002 (Volume 8 Reference (ab))). A geographic area, including both cultural

and natural resources and the wildlife or domestic animals therein, associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values. There are four general kinds of cultural landscape, not mutually exclusive:

- a. Historic Site. An official location preserved due to its association with a historic event, activity, or person.
- b. Ethnographic Landscape. Areas containing natural and cultural resources (e.g., plant and animal communities, geographic features, and structures) that people define as heritage resources, with their own special local names.
- c. Historic Designed Landscape. A landscape significant as a design or work of art; was consciously designed and laid out either by a master gardener, landscape architect, architect, or horticulturist to a design principle, or by an owner or other amateur according to a recognized style or tradition; has a historical association with a significant person, trend, or movement in landscape gardening or architecture; or has a significant relationship to the theory or practice of landscape architecture.
- d. Historic Vernacular Landscape. A landscape whose use, construction, or physical layout reflects endemic traditions, customs, beliefs, or values; in which the expression of cultural values, social behavior, and individual actions over time is manifested in physical features and materials and their interrelationships, including patterns of spatial organization, land use, circulation, vegetation, structures, and objects; and in which the physical, biological, and cultural features reflect the customs and everyday lives of people.

Cultural Resources Manager (CRM). Ideally, the CRM for each Marine Corps installation shall be a cultural resources professional (e.g., a qualified anthropologist, archaeologist, architectural historian, historical architect, historical landscape architect, historian, or preservation planner) with specialized training and experience that meets the professional standards and qualifications established by the Secretary of the Interior. For large installations or installations with diverse cultural resources issues, the CG/CO is strongly encouraged to appoint a CRM that meets these requirements. For smaller installations or installations with fewer cultural resources issues, management of the cultural resources program is often performed as a collateral duty. In those instances, the CRM can be a staff person not necessarily qualified as a cultural resources professional who performs routine cultural resources compliance functions and contracts out for professional expertise as needed for specific projects. Such an individual shall complete appropriate training to perform the CRM duties.

Cultural Resources Professional. Cultural Resources Professional is a qualified anthropologist, archaeologist, architectural historian, historical architect, historical landscape architect, historian, or preservation planner with specialized training and experience that meets the professional standards and qualifications established by the Secretary of the Interior.

Cultural Resources. A generic term commonly used to include buildings; structures; districts; archaeological sites; historic landscapes; cemeteries; resources of traditional, religious, or cultural interest to Native American tribes, Alaska Native villages or corporations, or NHOs; sacred sites; traditional cultural properties; and objects of significance in history, architecture, archaeology, engineering, or culture. The term also includes associated documents and records. Definitions for “cultural resources” in overseas locations should follow those provided in host nation laws and statutes.

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Curation. The management and preservation of an archaeological collection, including all associated documentation, according to professional museum and archival practices, in accordance with Volume 8 Reference (m), to ensure long-term care and protection of that collection.

D

Damages (as defined by section 11.14.1 of 43 CFR 11 (Volume 11 Reference (bd))). The amount of money sought by the natural resource trustee as compensation for injury, destruction, or loss of natural resources as set forth in section 107(a) or 111(b) of 42 U.S.C. §103, also known and referred to in this order as “Comprehensive Environmental Response, Compensation, and Liability Act,” (Volume 11 Reference (be)).

Defense and State Memorandum of Agreement. An agreement entered into between DoD and a state or territory pursuant to Volume 10 Reference (i) to specify the conditions under which DoD will reimburse the state or territory for costs of providing services in direct support for ER,N-funded or BRAC-funded activities.

Defense Environmental Restoration Account (DERA). DERA accounts are defined by Section 2703(a) of Volume 10 Reference (i); BRAC accounts are defined by sections 2906 and 2906A of Public Law 101-510, “Defense Base Closure and Realignment Act of 1990,” (Volume 10 Reference (w)). Funds from DERA are transferred to the Military Services for uses consistent with the DERP and is the sole source of funding from DoD appropriations for ER activities outlined in Volume 10 Reference (g) for DERP, regardless of the statutory authority governing the activity or the date of the release unless otherwise excepted by law. Beginning in Fiscal Year 1997, DERA was devolved to the Military Services. The Navy accounts are called the ER,N account (for active installations) and BRAC account (for BRAC installations).

Design Value. The value (or range), usually measured in parts per million (ppm), used for nonattainment classification of criteria pollutants; it reflects the severity of the nonattainment area.

Designated Uses. Those uses specified in water quality standards for each water body or segment whether or not they are being attained (40 CFR 131 (Volume 20 Reference (bt))). Such uses can include public water supply, contact recreation, noncontact recreation, cold water fishery, warm water fishery, shell fishing, etc.

Determination of Eligibility. A process to determine if a property is eligible for NRHP listing. A property can be determined eligible by consensus agreement between the installation and the SHPO or by determination by the Keeper of the National Register. Decisions by the Keeper cannot be challenged. Volume 8 Reference (d) provides equal protection to resources that are determined eligible for listing on the NRHP and those that are listed on the NRHP. For overseas locations, apply the relevant process outlined in the FGS or host nation cultural resources laws.

Direct Discharge. A pollutant discharge directly into the waters of the United States.

Direct Filtration (as defined by Volume 16 Reference (e)). A series of processes including coagulation and filtration but excluding sedimentation resulting in substantial particulate removal.

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Direct Supervision. Supervision that includes being at the specific location where pest management work is conducted, providing instruction and control, and maintaining a line-of-sight view of the work performed. Certain circumstances may temporarily remove the line-of-sight view of the application of pesticide from the supervisor such as topographic constraints, vegetation constraints, or building structural constraints. Under these temporary circumstances, the supervisor shall be responsible for the actions of the pesticide applicators.

Discarded Military Munition (DMM) (as defined by Volume 10 Reference (i)). 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 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 law and regulations.

Discharge.

a. As Defined in Volume 20 Reference (b), NPDES, the addition of any pollutant or combination of pollutants to waters of the United States from any point source or the addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation.

b. As defined by 40 CFR 112 (Volume 20 Reference (bu)), the Oil Pollution Act, discharge includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping of any pollutant; but excludes the following:

(1) Discharges in compliance with a permit in accordance with section 402 of Volume 7 Reference (c).

(2) Discharges resulting from circumstances identified, reviewed, and included as part of the public record with respect to a permit issued or modified in accordance with section 402 of Volume 7 Reference (c) and subject to a condition in such permit.

(3) Continuous or anticipated intermittent discharges from a point source, identified in a permit or permit application in accordance with section 402 of Volume 7 Reference (c), that are caused by events occurring within the scope of relevant operating or treatment systems.

c. Discharge also means substantial threat of discharge.

Disease Vector. Any animal capable of transmitting the causative agent of a human disease; serving as an intermediate or reservoir host of a pathogenic organism; or producing human discomfort or injury, including (but not limited to) mosquitoes, flies, ticks, mites, other insects, snails, and rodents. It is recognized that certain disease vectors are predominately economic pests that as conditions change may require management or control as a disease vector.

Disinfectant (as defined by Volume 16 Reference (e)). Any oxidant, including but not limited to chlorine, chlorine dioxide, chloramines, and ozone added to water in any part of the treatment or distribution process, that is intended to kill or inactivate pathogenic microorganisms.

Disinsection. The procedure of killing or removing insects from ships or aircraft to prevent their importation into another port or country.

Dispersant (as defined by Volume 7 Reference (r)). Those chemical agents that emulsify, disperse, or solubilize oil into the water column or promote the surface spreading of oil slicks to facilitate dispersal of the oil into the water column.

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Disposal (as defined by 40 CFR 260 (Volume 9 Reference (al))). The discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid or hazardous waste into or on any land or water so that such solid and/or hazardous waste, or any constituent thereof, may enter the environment or be emitted into the air or discharged into any waters, including groundwater.

Disposal Facility (as defined by Volume 9 Reference (al)). A facility or part of a facility at which hazardous waste is intentionally placed into or on any land or water, and at which waste will remain after closure. The term disposal facility does not include a corrective action management unit into which remediation wastes are placed.

Disposal Site (as defined by Volume 20 Reference (bk)). An approved and precise geographical area within which the dumping of wastes into the ocean is permitted under conditions specified in permits issued pursuant to sections 102 and 103 of the Clean Water Act.

District. A geographically definable area (urban or rural) that possesses a significant concentration, linkage, or continuity of sites, structures, buildings, or objects united by plan, physical development, or past events. A district may also comprise individual elements separated geographically but linked by association or history.

Document. Information, stored on paper, electronic, or other media, that describes the organization, its goals or intent, or its procedures. Documents are subject to change over time. Examples of documents include the EMS Manual and procedures, the Environmental Policy, current practice inventory and risk data, current objectives and targets, installation plans (e.g., emergency response plans), the installation ECPSOP, and regulatory permits.

Domestic Wastewater (as defined by Volume 20 Reference (ah)). Wastewater from humans or household operations that is discharged to or otherwise enters a treatment works.

Dredged Material (as defined by Volume 20 Reference (az)). Material that is excavated or dredged from waters of the United States.

Dumping. As defined by Volume 20 Reference (bf), a disposal and discharge of material, not including any effluent from any outfall structure, that is regulated pursuant to the provisions of Volume 20 Reference (a), the provisions of section 13 of 33 U.S.C. §403 (Volume 20 Reference (bv)), or the provisions 42 U.S.C. 2011 et seq., also known and referred to in this order as “Atomic Energy Act,” (Volume 20 Reference (bw)). Dumping does not mean a routine discharge of effluent incidental to the propulsion of, or operation of motor-driven equipment on vessels.

E

Earth Day. Started in 1970 as a movement to raise awareness about the impacts of human activities on the earth, Earth Day is recognized on 22 April. Earth Day involvement provides outreach opportunities with local communities and organizations and general awareness training which meets CETEP general awareness education requirements. All Marine Corps installations are encouraged to host or participate in local Earth Day activities in order to promote general environmental awareness and express the Marine Corps’ commitment to environmental stewardship in the local community.

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Ecological Risk Assessment. An investigation into the actual or potential impacts of contaminants from a Hazardous Waste site on plants and animals other than humans or domesticated species.

Ecosystem Management. A goal-driven approach to managing natural and cultural resources that supports present and future mission requirements; preserves ecosystem integrity; is at a scale compatible with natural processes; is cognizant of natural processes' time scales; recognizes social and economic viability within functioning ecosystems; is adaptable to complex, changing requirements; and is realized through effective partnerships among private, local, state, tribal, and federal interests. Ecosystem management is a process that considers the environment as a complex system functioning as a whole, not as a collection of parts, and recognizes that people and their social and economic needs are a part of the whole.

Ecosystem. A dynamic, natural complex of living organisms interacting with each other and with their associated nonliving environment.

Effluent Limitation (as defined by Volume 20 Reference (b)). Any restriction imposed by the acting director (EPA Regional Administrator or state NPDES-approved program director, as appropriate) on quantities, discharge rates, and concentrations of pollutants that are discharged from point sources into waters of the United States, the waters of the contiguous zone, or the ocean.

Emerging Contaminant. A contaminant that has a reasonably possible pathway to enter the environment, presents a potential unacceptable human health or environmental risk, and does not have regulatory standards based on peer-reviewed science or the regulatory standards are evolving due to new science, detection capabilities, or pathways.

EMS Audit. A systematic and documented verification process that objectively obtains and evaluates evidence to determine whether an installation's EMS conforms to the Marine Corps EMS criteria and is effectively implemented. The Marine Corps supplement to TEAM guide provides a checklist for performing this audit.

EMS Reporting Module. A reporting program contained in WEBCASS that allows the tracking of EMS conformance or nonconformance (both major and minor) in order to declare EMS conformance.

Endangered Species (as defined by section 1532.6 of Volume 11 Reference (ae)). Any species which is in danger of extinction throughout all or a significant portion of its range other than a species of the Class Insecta determined by the Secretary to constitute a pest whose protection under the provisions of this chapter would present an overwhelming and overriding risk to man.

Enforcement Action. A formal, written notification by EPA or other authorized federal, State, inter-State, regional or local environmental regulatory agency of violation of any applicable statutory or regulatory requirement.

Environment. The navigable waters, waters of the contiguous zone, ocean waters, and any other surface water, groundwater, drinking water supply, land surface or subsurface area, or ambient air

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within the United States or under the jurisdiction of the United States, including man-made structures, indoor air environments, and archaeological and cultural resources.

Environmental Assessment (EA) (as defined by section 1508.9 of Volume 12 Reference (b)). An EA is a concise document that:

- a. Briefly provides sufficient evidence and analysis for determining whether to prepare an EIS or FONSI.
- b. Aids Marine Corps compliance with Volume 12 Reference (a) when no EIS is necessary.
- c. Facilitates preparation of an EIS when one is necessary (i.e., when the contemplated actions are considered to have a potential for significant environmental impact or environmental controversy and, therefore, a FONSI is not appropriate).
- d. Includes brief discussions of the need for the proposal, reasonable alternatives to the proposed action, environmental impacts of the proposed action, and a list of the agencies and persons consulted.

Environmental Compliance Evaluation (ECE) Program. The ECE Program provides the installation CG/CO with an assessment of the command's environmental compliance, associated risk, and, as needed, mandatory or recommended corrective and preventive actions. It provides the Commandant with a broad view of Marine Corps environmental compliance trends. The ECE Program consists of triennial Benchmark ECEs and a continuous installation Self-Audit Program.

a. Annual Validation of the Benchmark Plan of Action and Milestones (POA&M). Installations are required to provide an annual validation of POA&Ms to the CMC (LF)/MCICOM (GF) from the most recent Benchmark ECE until all findings are closed. This validation provides a formal follow-up to previously identified findings and is not to be confused with the Self-Audit Program. Installations are expected to maintain and track corrective actions through the closing of findings.

b. Benchmark ECE. A triennial, systematic, documented, and objective ECE of an installation conducted by CMC (LF)/MCICOM (GF).

c. Self-Audit Program. An installation's annual, systematic, documented, and objective environmental compliance audit. Each installation shall implement a Self-Audit Program. Units and tenants at the installation shall participate in the installation Self-Audit Program. The Self-Audit Program uses WEBCASS as a tool to track compliance.

Environmental Compliance Inspection. A critical evaluation apart from the ECE Program or the installation's Self-Audit Program. An environmental compliance inspection may include a regulatory agency inspection, an IGMC inspection, or non-DoD technical assistance site visit.

Environmental Impact Statement (EIS) (as defined by section 1502 of Volume 12 Reference (b)). A NEPA document that provides full and fair discussion of potentially significant environmental impacts of major federal actions and informs decision makers and the public of the reasonable alternatives that would avoid or minimize adverse impacts or enhance the quality of the human environment. It is used by federal officials, in conjunction with other relevant materials, to plan actions and make decisions.

a. Draft EIS (DEIS). A document normally prepared for actions potentially having a significant impact on the quality of the human environment or having potentially controversial environmental effects. DEISs are filed with the EPA and distributed to cognizant federal, state, local, and private agencies, organizations, and individuals for review and comment before preparation of a FEIS.

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b. Final EIS (FEIS). A completed statement incorporating all pertinent comments and information provided during public and agency review of the DEIS. Responses to all substantive review comments will be appended to the FEIS. The FEIS is filed with EPA.

c. Supplemental EIS (SEIS) (as defined by section 1502.9 of Volume 12 Reference (b)). A document evaluating changes to either a DEIS or a FEIS necessitated by substantial modifications to the proposed action or significant new circumstances or information that would result in different environmental impacts than those evaluated in the original document. A SEIS may be prepared at any time after the preparation and filing of a DEIS, FEIS, or ROD; it is filed with EPA and distributed to recipients of the DEIS and FEIS.

Environmental Liability (as defined by DoD 7000.14-R Volumes 1-15 (Volume 3 Reference (u))). A probable and measurable future outflow or expenditure of resources that exist as of the financial reporting date for environmental costs resulting from past transactions or events.

Environmental Management Hierarchy (as defined by Volume 1 Reference (q)). The hierarchy for environmental management is as follows:

- a. Pollution should be prevented or reduced at the source whenever possible.
- b. Pollution that cannot be prevented should be recycled in an environmentally safe manner whenever feasible.
- c. Pollution that cannot be prevented or recycled should be treated in an environmentally safe manner whenever feasible.
- d. Disposal or other release into the environment should be used as a last resort and should be conducted in an environmentally safe manner.

Environmental Management Portal (EM Portal). A website located on the Marine Corps Enterprise Information Technology Service hosting facility on the SharePoint 2007 platform. The EM Portal houses environmental documents and records and promotes collaboration across Marine Corps installations.

Environmental Management Program (CMP22). Provides funding for centrally-managed environmental programs and non-recurring or recurring requirements that develop or emerge in the year of execution, which were too late to be considered in the regular PPBE cycle.

Environmental Management System (EMS). A systematic approach for integrating environmental considerations and accountability into day-to-day decision-making and long-term planning processes across all missions, activities, and functions. EMS is the overarching framework for managing environmental programs. The EMS institutionalizes processes for continual environmental improvement and reducing risks to mission through ongoing planning, operational control, monitoring, and preventive or corrective action.

Environmental Pollution. The conditions resulting from the presence of chemical, physical, or biological agents or causes which alter the natural environment, adversely affecting human health or the quality of life, biosystems, structures and equipment, recreational opportunities, or natural beauty.

Environmental Projects Program (CMP10). Provides funding for environmentally-driven, Headquarters authority FSRM projects. These FSRM funds are separate from the facilities FSRM account (CMP1), which is centrally managed by CMC (LF)/MCICOM (GF-2).

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Environmental Requirement. A defined standard pertaining to environmental compliance, P2, or natural/cultural resources, subject to uniform application. Environmental requirements may be in the form of a law, regulation, E.O., policy, ordinance, permit, or other form that prescribes a standard.

Environmental Restoration (ER). The act or process of returning a property or resource to its condition and appearance at a previous point in time through the cleanup of chemical contamination, unexploded ordnance, and/or munitions constituents.

Environmental Restoration, Navy (ER,N) Account (as defined by 10 U.S.C. §2703 (Volume 10 Reference (y))). The DON account used to pay for cleanup of hazardous waste sites in accordance with Volume 10 Reference (g).

Environmental Stewardship. Management and oversight of natural and cultural resources in a manner that minimizes adverse effects on and also preserves and enhances the intrinsic value of those resources for present and future generations.

Environmental Training Needs Assessment. A comprehensive analysis of environmental training needs that serves as a justification for allocating training resources and requests for training services. The analysis also establishes a benchmark for evaluating the efficiency and effectiveness of environmental training efforts.

Environmentally Preferable. Products or services having a lesser or reduced effect on human health and the environment when compared with competing products or services serving the same purpose. This comparison may consider raw materials acquisition, production, manufacturing, packaging, distribution, reuse, operation, maintenance, or product or service disposal.

EPA Hazardous Waste Number (as defined by Volume 9 Reference (al)). The number assigned by EPA to each hazardous waste listed in subpart D of Volume 9 Reference (h), and to each characteristic identified in subpart C of Volume 9 Reference (h).

EPA Identification Number (as defined by Volume 9 Reference (al)). The number assigned by EPA to each generator, transporter, and TSD.

EPA Identification Number. A 12-digit number assigned to a facility by EPA upon notification of PCB waste activity.

Excavation Zone. The volume containing the tank system and backfill material bounded by the ground surface, walls, and floor of the pit and trenches into which the UST system is placed at the time of installation.

Excluded Materials. Excluded materials may not be sold through a QRP, and the proceeds from their sale will not be returned to a QRP. Excluded items are defined in Volume 17 Reference (n) as well as documents governing sale of surplus property including, but not limited to: DoD 4160.21-M Defense Materiel Disposition Manual and DoDM 4160.28-M-V1 Defense Demilitarization: Program Administration.

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Existing Tank System. A tank system, currently in-place, used to contain an accumulation of regulated substances.

Exotic Species (as defined by E.O. 11987 (Volume 11 Reference (bf))). All species of plants and animals not naturally occurring, either presently or historically, in any ecosystem of the United States.

Explicitly Required Training. Training expressly required by specific laws, regulations, or policies that apply to Marine Corps personnel due to the nature of their work assignments, job functions, or specific licensing or certification requirements mandated by such environmental laws, regulations, or policies.

Explosive Safety Submission. The submission of an MRESS, MRCSS, or both to Marine Corps explosives safety organizations and then to the DoD Explosive Safety Board chair for approval prior to initiating munitions responses that involve intentional physical contact with MEC or CWM; the conduct of ground-disturbing or other intrusive activities in areas known or suspected to contain MEC or CWM; or the potential for an inadvertent release of CWM during a munitions response. These triggers can occur at any phase during a munitions response. The explosive safety submission addresses the explosives safety aspects of a munitions response including, but not limited to, site location, response techniques, the munition with the greatest fragmentation distance, explosives safety arcs or exclusion zones, site conditions, and other pertinent information.

Extremely Hazardous Substance (EHS). Any substance listed in Appendix A or B of Volume 7 Reference (ag).

F

Facility.

a. (as defined by Volume 10 Reference (a)). Any building, structure, installation, equipment, pipe or pipeline, well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, aircraft, or any site where a hazardous substance has been deposited, stored, disposed of, placed, or otherwise come to be located.

b. (as defined by Volume 7 Reference (ag)). All buildings, equipment, structures, and other stationary items that are located on a single site or on contiguous or adjacent sites and are owned or operated by the same person (or by any person who controls, is controlled by, or under common control with, such person). Includes man-made structures in which chemicals are purposefully placed or removed through human means such that it functions as a containment structure for human use. For purposes of emergency release notification, the term includes motor vehicles, rolling stock, and aircraft.

c. A building, property, parcel, lease, structure, installation, equipment, pipe, or pipeline used in oil storage, processing, transfer, distribution, waste treatment. The boundaries of a facility depend on several site-specific factors, including but not limited to, the ownership or operation of buildings, structures, and equipment on the same site and types of activity at the site. Contiguous or non-contiguous buildings, properties, parcels, leases, structures, installations, pipes, or pipelines under the ownership or operation of the same person may be considered separate facilities.

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Feasibility Study (FS) (as defined by Volume 10 Reference (h)). A study undertaken by the lead agency to develop and evaluate options for remedial action. The FS emphasizes data analysis and is generally performed concurrently and in an interactive fashion with the RI, using data gathered during the RI. The RI data are used to define the objectives of the response action, to develop remedial action alternatives, and to undertake an initial screening and detailed analysis of the alternatives. The term also refers to a report that describes the results of the study.

Federal Facility Agreement (FFA). A formal, negotiated, legal agreement between the Marine Corps and the EPA governing the administrative process defined by Volume 10 References (a) and (c) for cleanup of NPL sites. The FFA is used to satisfy the requirements of an IAG; outlines the working relationship between the Marine Corps, EPA, and, as appropriate, the affected state; and clearly defines mutual obligations during the ER process at DoD NPL sites.

Federal Facility State Remediation Agreement. A two-party, non-regulatory legal agreement between the Marine Corps and the State to govern the CERCLA and RCRA administrative processes and define the responsibilities of each party in the cleanup of non-NPL installations.

Federal Implementation Plan (FIP). A federally-imposed air quality plan which supersedes a SIP due to a state's failure to develop an adequate plan to achieve and maintain the NAAQS.

Federal Land Manager. With respect to public lands, the secretary of the department or head of any other agency or instrumentality of the United States, having primary management authority over such lands, including persons to whom such management authority has been officially delegated.

Federal Preservation Officer (FPO). The individual responsible for coordinating the agency's activities pursuant to Volume 8 Reference (d) and E.O. 11593 (Volume 8 Reference (ac)), including nominating properties under the agency's ownership or control to the NRHP. The DON has an FPO, who has appointed Deputy FPOs for the Navy and the Marine Corps.

Federally Owned Treatment Works (FOTW). A facility that is owned and operated by a department, agency, or instrumentality of the federal government, that treats wastewater, a majority of which is domestic sewage, prior to discharge in accordance with a permit issued under section 1342 of Volume 20 Reference (a).

Fill Material (as defined by Volume 20 Reference (az)). Any material placed in waters of the United States where the material has the effect of replacing any portion of a water of the United States with dry land or changing the bottom elevation of any portion of a water of the United States.

Finding of No Significant Impact (FONSI) (as defined by section 1508.13 of Volume 12 Reference (b)). A document in which the Marine Corps briefly presents reasons why an action, not otherwise categorically excluded, will not have a significant effect on the human environment and for which an EIS will not be prepared. A FONSI may be one result of the review of an EA. Any mitigation measures required to reduce the impacts of the proposed action to less than significant shall be recorded in the FONSI (e.g., mitigated FONSI).

Finding. Identified deficiency that is not in compliance with an environmental requirement. Findings are identified as Class I, II, III, or Issues.

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a. Class I. A violation of applicable federal, state, or local requirements that could result in a notice of violation (NOV), a fine, or other civil or criminal enforcement action. Findings are caused by noncompliance with applicable federal, state, or local requirements. Class I findings are also caused by actions or situations that, while possibly unregulated, may present an imminent and substantial danger to public health or welfare, prejudice good order and discipline in the armed services, or bring discredit upon the armed services.

b. Class II. Not in compliance with anticipated, future federal, state, or local requirements that could result in an NOV, a fine, or other civil or criminal enforcement action after the date the requirement is enacted.

c. Class III. A finding that would not result in an NOV, a fine, or other civil or criminal enforcement action. Class III findings may be caused by poor management practices and/or failure to follow non-punitive provisions of applicable installation policies, SOPs, Marine Corps Orders, and Department of the Navy and DoD directives. EMS nonconformances are identified as Class III findings.

d. Issues. A finding can be designated as an issue if it is beyond the capability of the installation CG/CO to correct or requires higher headquarters coordination or intervention to resolve. Issues may include a finding common to several installations or units that requires a higher headquarters policy change, intra (or inter)-service support agreements, or findings requiring action on the part of other agencies external to the Marine Corps.

e. Repeat Findings. Repeat findings were previously identified but are subsequently re-identified as a finding. The intent of the repeat designation is to highlight problems that have been identified in the past but have not received adequate corrective action. This could indicate a need for improvement to the installation's corrective action process or that a root cause and preventive action was not sufficiently identified to prevent the problem from recurring. Repeats may be identified from Benchmark ECEs or other internal/external audits. Relative to the EMS, repeats may indicate systemic issues, resulting in major nonconformances. WEBCASS allows evaluators to identify and track repeat findings; these findings are considered a higher compliance risk.

Fish and Wildlife and Sensitive Environments (as defined by Volume 7 Reference (s)). Areas that may be identified by either their legal designation or by evaluations of Area Committees (for planning) or members of the federal OSC spill response structure (during responses). These areas may include wetlands, national and state parks, critical habitats for endangered/threatened species, wilderness and natural resource areas, marine sanctuaries and estuarine reserves, conservation areas, preserves, wildlife areas, wildlife refuges, wild and scenic rivers, recreational areas, national forests, federal and state lands that are research national areas, heritage program areas, land trust areas, and historic and archaeological sites and parks. These areas may also include unique habitats such as aquaculture sites and agricultural surface water intakes, bird nesting areas, critical biological resource areas, designated migratory routes, and designated seasonal habitats.

Fish and Wildlife Management. A coordinated program of actions for conserving, enhancing, and regulating indigenous wildlife and its habitats, including conserving protected species and non-game species, managing and harvesting game species, reducing bird aircraft strike hazards, and controlling animal damage.

Five-Year Review. The installation will conduct a five-year review if a remedial action results in hazardous substances and pollutants or contaminants remaining at the site above levels allowing unlimited use and unrestricted exposure. The installation will complete the first review no later than

five years after the initiation of the remedial action for the first installation restoration (IR) site or MRS at the installation or BRAC location.

Flow-through Process Tank. A tank that forms an integral part of a production process through which there is a steady, variable, recurring, or intermittent flow of materials during the operation of the process. Flow-through process tanks do not include tanks used for the storage of material prior to their introduction into the production process or for the storage of finished products or byproducts from the production process.

Fluid (as defined by Volume 16 Reference (i)). Any material or substance which flows or moves, whether as a semisolid, liquid, sludge, gas, or in any other form or state.

Fluorescent Light Ballast. A device that electrically controls fluorescent light fixtures and that includes a capacitor containing 0.1 kg (0.22 lb) or less of dielectric.

Foreign Governing Standards (FGS). Country-specific substantive provisions, typically technical limitations on effluent, discharges, or specific management practices with which installations shall comply. Volume 15 Reference (b) is derived from Volume 15 Reference (c), host nation substantive pollution control laws of general applicability, applicable treaties and United States law with extraterritorial application.

Foreign Nation. Any geographic area (e.g., land, water, and airspace) that is under the jurisdiction of one or more foreign government(s), any area that is under military occupation by the United States alone or jointly with any other foreign government, and any area that is the responsibility of an international organization of governments. The term, "Foreign Nation," includes contiguous zones and fisheries zones of foreign nations. The term, "Foreign Government," includes governments (regardless of whether they are recognized by the United States), political factions, and organizations that exercise governmental power outside the United States.

Forest Management. A coordinated program of actions for ensuring that the health, vigor, and diversity of forest ecosystems are maintained while providing a diverse, quality military training environment, and sustaining the production of forest products. Major forest management actions include forest administration, timber management, timber inventory, reforestation, timber stand improvement, timber access road construction and maintenance, IPM, and fire management.

Forest Products. All plant materials in wooded areas that have commercial value.

Free Product. A regulated substance that is present as a non-aqueous phase liquid (i.e., liquid not dissolved in water).

G

Game Species. Fish and wildlife that may be harvested in accordance with applicable federal, state, and local laws.

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Generator (as defined by Volume 9 Reference (al)). Any person, by site, whose act or process produces hazardous waste identified or listed in Volume 9 Reference (h), or whose act first causes a hazardous waste to become subject to regulation.

Generator (as defined by Volume 16 Reference (i)). Any person, by site location, whose act or process produces HW identified or listed in 40 CFR 261 Volume 16 Reference (z).

Global Commons. The geographical areas outside the jurisdiction of any nation, including the oceans outside territorial limits and Antarctica. Global Commons do not include contiguous zones and fisheries zones of foreign nations.

Government-Owned, Contractor-Operated (GOCO) Plants/Facilities. A separate category of government-owned real property not residing on, or under the jurisdiction of, government-owned and controlled real property, such as military installations. GOCO facilities consist of government-owned and controlled real property that are jurisdictionally separated from and dedicated to a contractor operation under contract.

Greenhouse Gas (GHG). Gases that trap heat in the atmosphere, including carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), sulfur hexafluoride (SF₆), HFCs, PFCs, and other fluorinated gases.

Groundwater (as defined by Volume 16 Reference (i)). Water below the land surface in a zone of saturation.

Groundwater Under the Influence of Surface Water (as defined by Volume 16 Reference (e)). Any water beneath the surface of the ground with:

- a. Significant occurrence of insects or other macro-organisms, algae, or large diameter pathogens such as *Giardia lamblia*.
- b. Significant and rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH which closely correlate to climatological or surface water conditions.

Grounds. All land areas not occupied by buildings, structures, pavements, and other facilities. Grounds may be classified as improved (those near buildings), semi-improved (those near runways and roads), or unimproved.

H

Habitat (as defined by 32 CFR 190.3 (Volume 11 Reference (bg))). An area where a plant or animal species lives, grows, and reproduces, and the environment that satisfies their life requirements.

Harmful Quantity (as defined by Volume 7 Reference (aj)). Any quantity of discharged oil that violates state water quality standards, causes a film or sheen on the water's surface, or leaves sludge or emulsion beneath the surface.

Hazard Ranking System (as defined by Volume 10 Reference (h)). The method used by EPA to evaluate the relative potential of hazardous substance releases to cause health or safety problems, or ecological or environmental damage.

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Hazardous Chemical (HC) (as defined by Volume 7 Reference (ag)).

a. Any chemical which is classified as a physical hazard or a health hazard, a simple asphyxiant, combustible dust, pyrophoric gas, or hazard not otherwise classified as defined by section 1200(c) of Volume 7 Reference (z), except that such a term does not include the following substances:

(1) Any food, food additive, color additive, drug, or cosmetic regulated by the Food and Drug Administration.

(2) 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.

(3) Any substance to the extent it is used:

(a) For personal, family, or household purposes, or is present in the same form and concentration as a product packaged for distribution and use by the general public. Present in the same form and concentration as a product packaged for distribution and use by the general public means a substance packaged in a similar manner and present in the same concentration as the substance when packaged for use by the general public, whether or not it is intended for distribution to the general public or used for the same purpose as when it is packaged for use by the general public;

(b). In a research laboratory or a hospital or other medical facility under the direct supervision of a technically qualified individual; or

(c). In routine agricultural operations or is a fertilizer held for sale by a retailer to the ultimate customer.

b. A substance possessing toxic, reactive, flammable, or explosive properties and specified by:

(1) A process that involves a chemical at or above the specified threshold quantities listed in appendix A to section 119 of 29 CFR 1910 (Volume 9 Reference (am)).

(2) A process that involves a Category 1 flammable gas (as defined in section 1200(c) of Volume 9 Reference (am)) or a flammable liquid with a flashpoint below 37.8 °C (100 °F) onsite in one location, in a quantity of 4535.9 kg (10,000 lb) or more except for:

(a) Hydrogen fuels used solely for workplace consumption as a fuel (e.g., propane used for comfort heating, gasoline for vehicle refueling) if such fuels are not a part of a process containing another highly hazardous chemical covered by this standard.

(b) Flammable liquids with a flashpoint below 37.8 °C (100 °F) stored in atmospheric tanks that are kept below their normal boiling point without benefit of chilling or refrigeration.

Hazardous Material (HM).

a. In general, any material that, because of its quantity, concentration, or physical, chemical, or infectious characteristics, may pose a substantial hazard to human health or the environment. Included in this definition are all EHSs, HCs, HSs, and toxic chemicals.

b. For the following list of hazardous materials, consult other hazard-specific guidance (instructions or directives) that take precedence over this Manual: ammunition, weapons, explosives and explosive-actuated devices, propellants, pyrotechnics, chemical and biological warfare materials, medical and pharmaceutical materials, medical waste and infectious materials, bulk fuels, radioactive materials, and other materials such as asbestos and mercury.

c. As defined by 49 CFR 171 (Volume 7 Reference (at)), any substance or material that has been determined by the Secretary of Transportation to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce and which has been so designated. The term includes HSs, HWs, marine pollutants, and elevated temperature materials as defined in Volume 7 Reference (at); materials designated as hazardous, as defined by the provisions of section 101 of 49

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CFR 172 (Volume 7 Reference (au)); and materials that meet the defining criteria for hazard classes and divisions in 49 CFR 173 (Volume 7 Reference (av)).

d. Any other hazard-specific guidance (instructions or directives) takes precedence over this instruction for control purposes of HM. Such materials include ammunition, weapons, explosives and explosive-actuated devices, propellants, pyrotechnics, chemical and biological warfare materials, medical and pharmaceutical materials, medical waste and infectious materials, bulk fuels, radioactive materials, and other materials such as asbestos and mercury. These materials should also be considered hazardous and personnel exposure may occur incident to manufacture, storage, use, and demilitarization of these items.

Hazardous Substance (HS) (as defined by Volume 7 References (r) and (at)).

a. As defined by section 101(14) of Volume 7 Reference (e), an HS is:

(1) Any substance designated pursuant to section 311(b)(2)(A) of Volume 7 Reference (c).

(2) An element, compound, mixture, solution, or substance designated pursuant to section 102 of Volume 7 Reference (e).

(3) Any HW having the characteristics identified by or listed pursuant to section 3001 of Volume 7 Reference (k), but not including any waste the regulation of which, in accordance with Volume 7 Reference (k), has been suspended by Act of Congress.

(4) Any toxic pollutant listed in section 307(a) of Volume 7 Reference (c).

(5) Any hazardous air pollutant listed in section 112 of Volume 7 Reference (g).

(6) Any imminently HC substance or mixture with respect to which the EPA Regional Administrator has taken action pursuant to section 7 of Volume 7 Reference (m).

(7) The term does not include petroleum, including crude oil or any fraction thereof, that is not otherwise specifically listed or designated as an HS under (1) through (6) above; and the term does not include natural gas, natural gas liquids, liquefied natural gas, or synthetic gas usable for fuel (or mixtures of natural gas and such synthetic gas).

b. As defined by Volume 7 Reference (at), an HS is a material, including its mixtures and solutions, that:

(1) Is listed in Appendix A to section 101 of Volume 7 Reference (au).

(2) Is in a quantity, in one package, that equals or exceeds the RQ listed in Appendix A to section 101 of Volume 7 Reference (au).

(3) When in a mixture or solution:

(a) For radionuclides, conforms to paragraph 7 of Appendix A to section 101 of R Volume 7 Reference (au).

(b) For other than radionuclides, is in a concentration by weight that equals or exceeds the concentration corresponding to the RQ of the material, as shown in the table provided in section 8 of Volume 7 Reference (at).

c. Any material that is regulated as hazardous material pursuant to section 173.2 of Volume 9 Reference (i), which requires a SDS (formerly known as MSDS) pursuant to Volume 9 Reference (am); or any material which during end use, treatment, handling, packaging, storage, transportation, or disposal meets or has components that meet or have the potential to meet the definition of hazardous waste as defined by subparts A, B, C, or D of Volume 9 Reference (h).

Hazardous Substance (HS) UST System. Any UST system that contains a HS as defined by section 101(14) of 42 U.S.C. 9601 et seq. (also known and referred to in this order as “Comprehensive Environmental Response, Compensation, and Liability Act,” (CERCLA) as amended) (Volume 18 Reference (aa)) (but not including any substance regulated as a hazardous waste under subtitle C of

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Volume 18 Reference (b)) or any mixture of such substances and petroleum in a UST system that does not constitute a petroleum UST system.

Hazardous Waste.

a. (as defined by Sections 9601 et seq. of Title 42, United States Code (42 U.S.C. 9601 et seq.) (also known and referred to in this order as Comprehensive Environmental Response, Compensation, and Liability Act, (CERCLA) as amended) (Volume 21 Reference (m))). In general, a solid waste is a hazardous waste if: (1) it is, or contains, a hazardous waste listed in Subpart D of Volume 21 Reference (c); or (2) it exhibits characteristics of ignitability, corrosivity, reactivity, and/or toxicity.

b. Any solid waste that, because of quantity, concentration, or physical or chemical characteristics, may:

(1). Cause or significantly contribute to an increase in mortality or a serious irreversible or incapacitating reversible illness.

(2). Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed, excluding infectious and radioactive waste; if infectious or radioactive wastes are mixed with EPA/state regulated hazardous waste, then the mixture remains regulated as a hazardous waste. Hazardous waste does not include hazardous material with an expired shelf life unless designated as such by DLA Disposition Services.

Hazardous Waste Management. The systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery, and disposal of hazardous waste. The term also includes the reduction of the hazardous waste effect on the environment and processes to recover resources from them.

Hazardous Waste Military Munitions. Military munitions that meet the definition of a hazardous waste as defined in Volume 21 Reference (j).

Headquarters Authority for Environmentally-Driven Facilities Sustainment, Repair, and Modernization (FSRM). The part of the CMP for developing, prioritizing, and funding environmentally-driven FSRM for active duty only projects at Marine Corps installations. This program is for environmental FSRM projects that exceed an installation's local funding authority as identified in Table 3-2. More information can be found in Volume 3 Reference (b).

Headquarters Environmental Impact Review Board (HQEIRB). A selected group of SMEs established at the CMC (LF)/MCICOM (GF) to review and assess the content of submitted EISs and selected EAs. The HQEIRB reviews environmental documentation for completeness, accuracy and, in the case of the legal counsel, legal sufficiency. For EAs, the HQEIRB provides direction to the Installation/Command/Region CG/CO to either sign a FONSI or prepare an EIS. For EISs, the HQEIRB provides a recommendation to the ASN EI&E to approve publication of the NOI, DEIS, and FEIS, and signature of the ROD. The HQEIRB may also send EAs or EISs back to the Installation/Command/Region for revision.

Heating Oil. Petroleum that is Nos. 1, 2, 4, 5 (light and heavy), and 6 (technical grades); other residual fuel oils (including Navy Special Fuel Oil and Bunker C); and other fuels when used as substitutes for one of these fuel oils. Heating oil is typically used in the operation of heating

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equipment, boilers, or furnaces. Oil, as defined by 40 CFR 122.2 (Volume 18 Reference (ab)), is oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, sludge, or oil refuse.

Historic Property (as defined by Volume 8 Reference (d) and Volume 15 Reference (a)). Any prehistoric or historic district, site, building, structure, landscape, traditional cultural property, or object included on, or eligible for inclusion on the NRHP, including artifacts, records, and material remains related to such a property or resource. For overseas locations, Section 402 of Volume 8 Reference (d)/ Volume 15 Reference (c)) extends this definition to include any resources on the World Heritage List or on a host nation's equivalent to the NRHP.

Human Environment (as defined by sections 8 and 14, part 1508 of Volume 12 Reference (b)). The natural and physical environment and the relationship of people with that environment. Includes but is not limited to natural resources, ecosystem functions, cultural and historic resources, aesthetics, socio-economics, and public safety.

Hydraulic Lift Tank. A tank holding hydraulic fluid for a closed-loop mechanical system that uses compressed air or hydraulic fluid to operate lifts, elevators, and other similar devices.

I

Impact. Any change to the environment, whether adverse or beneficial, resulting from practices and aspects. A list of standard Marine Corps impacts is maintained in WEBCASS and listed in Table 2-1.

Impacts (as defined by sections 1508.7 to 1508.8 of Volume 12 Reference (b)). Impacts are synonymous with effects and include direct, indirect, and cumulative impacts.

a. Direct Effect. Effect caused by an action that occurs at the same time and place as the action.

b. Indirect Effect. Effect caused by an action that occurs later in time or farther removed in distance from the action. Indirect impacts include:

(1) Growth-inducing effects.

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

(3) Related effects on the human environment, including the natural and physical environment.

c. Cumulative Effects (as defined by section 1502.7 of Volume 12 Reference (b)). Impacts that result from the incremental impact of an action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency (federal or non-federal) undertakes such actions. Cumulative effects can result from individually minor but collectively significant actions taking place over time.

Implicitly Required Training. Instruction or information that is not expressly required by laws, regulations, or policies, but that can be reasonably inferred as being required to maintain compliance or that is determined through EMS to reduce overall environmental risk.

In or Near Commercial Buildings. Within the interior of, on the roof of, attached to the exterior wall of, in an adjacent parking area serving, or within 30 meters of a nonindustrial, nonsubstation commercial building, including, but not limited to, civilian or military personnel assembly buildings, hospitals, and clinics; living quarters; stores; and educational facilities.

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Indirect Discharge. A nondomestic discharge introducing pollutants to a POTW or FOTW, as defined by Volume 20 Reference (b). For the purposes of this Order, an indirect discharger would include any industrial activity that discharges non-domestic wastewater or waste into a Marine Corps Owned Treatment Works.

Industrial Stormwater (as defined by Volume 20 Reference (b)). The discharge from any conveyance that is used for collecting and conveying storm water and that is directly related to manufacturing, processing or raw materials storage areas at an industrial plant.

Industrial Wastewater (as defined by Volume 20 Reference (ah)). Wastewater generated in a commercial or industrial process.

Industrial Wastewater Treatment Plant (IWTP). A wastewater treatment facility that treats exclusively non-domestic wastewater.

Injection Well (as defined by Volume 16 Reference (i)). A well into which fluids are injected.

Injury.

a. (as defined by Volume 7 Reference (s)). A measurable adverse change, either long- or short-term, in the chemical or physical quality or the viability of a natural resource resulting either directly or indirectly from exposure to a discharge, or exposure to a product of reactions resulting from a discharge.

b. (as defined by section 11.14.v of Volume 11 Reference (bd)). A measurable adverse change, either long- or short-term, in the chemical or physical quality or the viability of a natural resource resulting either directly or indirectly from exposure to a discharge of oil or release of a hazardous substance, or exposure to a product of reactions resulting from the discharge of oil or release of a hazardous substance. As used in Volume 11 Reference (bd), injury encompasses the phrases “injury,” “destruction,” and “loss.” Injury definitions applicable to specific resources are provided in section 11.62 of Volume 11 Reference (bd).

Inland Area (as defined by Volume 7 Reference (t)). The area shoreward of the boundary lines defined in 46 CFR 7 (Volume 7 Reference (aw)) except in the Gulf of Mexico. In the Gulf of Mexico, it means the area shoreward of the lines of demarcation (COLREG lines) defined in sections 740-850 of 33 CFR 80 (Volume 7 Reference (ax)). The inland area does not include the Great Lakes.

Inland Zone (as defined by Volume 7 Reference (r)). The environment inland of the coastal zone (excluding the Great Lakes) and specified ports and harbors on inland rivers. The term “inland zone” delineates an area of federal responsibility for response action. Precise boundaries are determined by EPA and Coast Guard agreements and identified in federal regional contingency plans.

Installation Integrated Pest Management Coordinator. The individual officially designated by the installation commander to coordinate and oversee the installation pest management program and installation IPMP, including in-house, formally contracted and GPC-contracted operations; housing, facilities, and environmental operations; and pesticide applications for grounds maintenance, leased property, golf course and other recreational area operations, natural resources, forestry operations,

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and self-help and retail pesticide sales. IPM coordinators shall be certified as pesticide applicators if their job responsibilities require them to apply or supervise the use of pesticides and shall have the educational background, technical knowledge, and management skills to implement and oversee the pest management program.

Installation. Base, camp, post, station, yard, center, or other activity owned and operated by and/or for the Marine Corps (or other DoD service). This includes any leased facility where Marine Corps activities have real property maintenance requirements. Military departments or DoD activities that are located within the confines of another installation and occupying portions of the land, buildings, and structures of the main installation are considered to be tenants.

Installation (Overseas). Permanent, installation force structure facilities under the operational control of the Secretary of a military department or the DoD that is located outside the United States and outside any territory, commonwealth, or possession of the United States. Installations overseas do NOT include temporary, contingency operation or deployment support facilities.

Installation/Command Environmental Impact Review Board (EIRB). A selected group of SMEs appointed by the CG/CO of the installation Command within which the proposed action will be implemented. The composition of this EIRB will include a cross-section of the command and, where appropriate, other Marine Corps commands/units and tenants. Members of the Board should include the counsel or staff judge advocate; the heads of facilities, environment, and operations/training; the comptroller; public affairs; community plans and liaison office; and any others as determined by the installation or Command CG/CO. The EIRB will ensure that the documentation is in compliance with Volume 12 Reference (a) or (d). The EIRB reviews environmental documentation for completeness, accuracy and, in the case of the legal counsel, legal sufficiency. The EIRB is primarily convened to review EAs and EISs but should periodically review decisions to categorically exclude actions to ensure that such decisions are being applied consistently and in compliance with paragraph 12301 of this chapter. For EAs, the EIRB provides a recommendation to the installation or Command CG/CO to either sign a FONSI or prepare an EIS. For EISs, the EIRB provides a recommendation to the installation or Command CG/CO to approve moving the EIS forward to the Regional EIRB or HQEIRB or sending it back for revision.

Integrated Cultural Resources Management Plan (ICRMP). A 5-year plan developed, signed, and implemented by an installation commander to provide for the management of cultural resources in a way that maximizes beneficial effects on such resources and minimizes adverse effects without impeding the mission of the installation and its tenants.

Integrated Natural Resources Management Plan (INRMP). A planning document using ecosystem management principles directing the management and conservation of installation natural resources.

Integrated Pest Management (IPM). A planned program, incorporating continuous monitoring, education, recordkeeping, and communication to prevent pests and disease vectors from causing unacceptable damage to operations, people, property, materiel, or the environment. IPM uses targeted, sustainable (effective, economical, and environmentally sound) methods, including education, habitat modification, biological control, genetic control, cultural control, mechanical control, physical control, regulatory control, and where necessary, the judicious use of least-hazardous pesticides.

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Integrated Pest Management Plan (IPMP). A long-range, comprehensive installation planning and operational document that establishes the strategy and methods for conducting a safe, effective, and environmentally sound IPM program. Written IPMPs are required as a means of establishing and implementing an installation pest management program.

Integrated Solid Waste Management (ISWM) Hierarchy. National policy established by the Pollution Prevention Act of 1990 that “pollution should be prevented or reduced at the source whenever feasible; pollution that cannot be prevented should be recycled in an environmentally safe manner, whenever feasible; pollution that cannot be prevented or recycled should be treated in an environmentally safe manner whenever feasible; and disposal or other release into the environment should be employed only as a last resort and should be conducted in an environmentally safe manner.” When assessing solutions to compliance requirements, installations and commands shall employ ISWM hierarchy, emphasizing as described in 17301.b.

Interagency Agreement (IAG). An agreement between EPA and the Marine Corps to ensure the expeditious completion of remedial actions (section 120(e) of Volume 10 Reference (a)). IAGs are required for installations listed on the NPL and shall include a review of alternative remedial actions, the selection of a remedial action by the Marine Corps and EPA, a schedule for the completion of each remedial action, and arrangements for long-term operation and maintenance of the facility.

Interim Remedial Action (as defined by Volume 10 Reference (g)). A remedial action undertaken prior to the selection of the final remedy as part of a larger remedy.

Invasive Species (as defined by E.O. 13112 (Volume 11 Reference (bh)). An alien species whose introduction does, or is likely to cause, economic or environmental harm or harm to human health.

J

K

L

Land Use Controls (LUCs) (as defined by Volume 10 Reference (g)). Any type of physical, legal, or administrative mechanism that restricts the use of or limits access to real property to prevent or reduce risks to human health and the environment. Physical mechanisms encompass a variety of engineered remedies to contain or reduce contamination and physical barriers, such as fences or signs, to limit access to property. The legal mechanisms used for LUCs are generally the same as those used for institutional controls as discussed in the NCP. Legal mechanisms include restrictive covenants, negative easements, equitable servitudes, and deed notices. Administrative mechanisms include notices, adopted local land use plans and ordinances, construction permitting, or other land use management systems to ensure compliance with use restrictions.

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Lead Agency.

a. As defined by section 1502.16 Volume 12 Reference (b), the agency or agencies preparing or having taken primary responsibility for preparing an EIS.

b. The agency with the delegated authority to plan and implement response actions in accordance with Volume 10 References (a) and (c). DON is always the lead agency for response actions on Navy and Marine Corps real property.

Lead Service Line (as defined by Volume 16 Reference (e)). A service line made of lead which connects the water main to the building inlet and any lead pigtail, gooseneck, or other fitting which is connected to such lead line.

Liquid Trap. Sumps, well cellars, and other traps used in association with oil and gas production, and gathering and extraction operations (including gas production plants) for the purpose of collecting oil, water, and other liquids. These liquid traps may temporarily collect liquids for subsequent disposition or reinjection into a production or pipeline stream, or may collect and separate liquids from a gas stream.

Load or Loading. As defined by Volume 20 Reference (i), an amount of matter (material) or thermal energy that is introduced into a receiving water. Loading can be either man-caused (pollutant loading) or natural (natural background loading).

Local Authority for FSRM (Locally-Managed Funds for Environmental Minor Repair and Construction (M1/R1)). Any FSRM project that is within an installation's local funding authority as identified in Table 3-2.

Long-term Management (LTMgt) (as defined by Volume 10 Reference (g)). Environmental monitoring, review of site conditions, and maintenance of a remedial action to ensure continued protection as designed once a site achieves RC. LTMgt includes the operations and maintenance measures required to maintain the effectiveness of response actions. LTMgt should be used until no further ER response actions are appropriate or anticipated. Examples of LTMgt include landfill cap maintenance, leachate disposal, fence monitoring and repair, performance of five-year reviews, and LUC maintenance.

Low Impact Development (LID). To help protect and restore water quality, LID comprises a set of approaches and practices that are designed to reduce runoff of water and pollutants from the site at which they are generated. By means of infiltration, evapotranspiration, and reuse of rainwater, LID techniques manage water and water pollutants at the source and thereby prevent or reduce the impact of development on rivers, streams, lakes, coastal waters, and groundwater.

Lowest Achievable Emission Rate (LAER). That rate of emissions that reflects the most stringent emission limitation contained in the implementation plan of any state for such class or category of source, or the most stringent emission limitation achieved in practice by such class or category of source, whichever is more stringent. The application of an LAER will not permit a proposed new or modified source to emit any pollutant in excess of the amount allowable under the applicable NSPS.

M

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Maintenance Area. Any geographic region of the United States previously designated nonattainment pursuant to Volume 6 Reference (i) and subsequently redesignated to attainment subject to the requirement to develop a maintenance plan under section 175A of Volume 6 Reference (a).

Major Modification. Any physical or operational method change of a major stationary source that would result in a significant net emissions increase of any pollutant regulated by Volume 6 Reference (a).

Major Nonconformance. A systemic weakness within the EMS that indicates the EMS is either failing or close to failure, or an issue that could lead to increased risk to mission. Major nonconformances may occur as a result of any of the following:

- a. Failure to develop an Environmental Management Procedure for one of the 17 EMS elements.
- b. Failure to substantially implement a key procedure.
- c. Failure to correct, or demonstrate steps to prevent the recurrence of previous nonconformances.
- d. Multiple (systemic) minor nonconformances noted in one of the 17 EMS elements.
- e. An issue that is not correctable in a timely manner (no greater than one year) at current funding or staffing levels.

Major Source. Any source capable of emitting more than a threshold amount of a particular pollutant per year. The threshold amounts vary according to the attainment classification of the area in which the source is located and the pollutant (or pollutants). Volume 6 Reference (n) contains EPA issued guidance on major source issues.

Management Practices. Management practices are general recommendations that promote more effective, efficient, and safe ways to maintain environmental compliance and conformance. These may reference practices and procedures identified at other Marine Corps or federal installations.

Managing Activity. An administrative element assigned to manage the recycling program including personnel, funds, and equipment.

Marine Corps Environmental Program Database Utility. STEP or its successor system; a web-enabled application for tracking Marine Corps resource requirements and associated costs.

Material (as defined by Volume 20 Reference (bf)). Matter of any kind or description, including, but not limited to, dredged material; solid waste; incinerator residue; garbage; sewage; sewage sludge; munitions, radiological, chemical, and biological warfare agents; radioactive materials; chemicals; biological and laboratory waste; wrecked or discarded equipment; rock; sand; excavation debris; and industrial, municipal, agricultural, and other waste. This term does not include sewage from vessels as defined in section 312 of Volume 20 Reference (a).

Material Documented as an Explosive Hazard (MDEH) (as defined by Volume 21 Reference (a)). MPPEH that cannot be documented as MDAS, that has been assessed and documented as to the maximum explosive hazards the material is known or suspected to present, and for which the chain of custody has been established and maintained. This material is no longer considered to be MPPEH.

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Material Documented as Safe (MDAS) (as defined by Volume 21 Reference (a)). MPPEH that has been assessed and documented as not presenting an explosive hazard and for which the chain of custody has been established and maintained. This material is no longer considered to be MPPEH.

Material Potentially Posing an Explosive Hazard (MPPEH) (as defined by Volume 21 Reference (a)). Material owned or controlled by the DoD that, prior to determination of its explosives safety status, potentially contains explosives or munitions (e.g., munitions containers and packaging material; munitions debris remaining after munitions use, demilitarization, or disposal; and range-related debris) or potentially contains a high enough concentration of explosives that the material presents an explosive hazard (e.g., equipment, drainage systems, holding tanks, piping, or ventilation ducts that were associated with munitions production, demilitarization, or disposal operations). Excluded from MPPEH are munitions within the DoD-established munitions management system, non-munitions-related material (e.g., horseshoes, rebar, other solid objects), munitions-related solid metal fragments that do not realistically present an explosive hazard, and other items that may present explosion hazards that are not munitions and are not intended for use as munitions (e.g., gasoline cans, compressed gas cylinders).

Maximum Achievable Control Technology (MACT). Emissions control technology which achieves the maximum emission reduction possible. MACT is applicable only to major sources of pollutants listed as HAPs under section 112 of Volume 6 Reference (a).

Maximum Contaminant Level (MCL) (as defined by Volume 16 Reference (e)). The maximum permissible level of a contaminant in water which is delivered to the free-flowing outlet of the ultimate user, except in cases where the maximum permissible level is measured at the point of entry to the distribution system.

Maximum Extent Practicable (as defined by Volume 7 References (s), (t), and (u)).

a. The limitations used to determine oil spill planning resources and response times for on-water recovery, shoreline protection, and cleanup for worst case discharges from onshore non-transportation-related facilities in adverse weather.

b. The planned capability to respond to a worst case discharge in adverse weather, as contained in a response plan that meets the criteria in subpart F of Volume 7 Reference (t) or in a specific plan approved by the cognizant Captain of the Port.

c. The limits of available technology and the practical and technical limit on a pipeline operator in planning the response resources required to provide the on-water recovery capability and the shoreline protection and cleanup capability to conduct response activities for a worst case discharge from a pipeline in adverse weather.

Memorandum of Agreement (MOA). An MOA is a document developed by a federal agency, in cooperation with the SHPO/Tribal Historic Preservation Office (THPO), the public, and other consulting parties, to specify how the adverse effects of an undertaking pursuant to Section 106 of Volume 8 Reference (d) will be resolved. An MOA stipulates measures to reduce adverse effects or accepts the effects as being unavoidable and in the public interest.

Military Construction (MILCON). The appropriation that funds single undertakings with funding costs in excess of \$1,000,000 that include all construction necessary to produce complete and usable

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facilities, or complete and usable improvements to existing facilities. MILCON projects shall receive Congressional approval in both authorization and appropriations laws before construction can begin.

Military Munitions (as defined by 10 U.S.C. §101 (Volume 10 Reference (z), Volume 21 Reference (m), and Volume 9 Reference (al)). All ammunition products and components produced for or used by or for the DoD or the U.S. armed forces for national defense and security, including ammunition products or components under the control of DoD, the U.S. Coast Guard, Department of Energy (DOE), and the National Guard personnel. The term “military munitions,” includes confined gaseous, liquid, and solid propellants; explosives; pyrotechnics; chemical and riot control agents; smokes; and incendiaries used by DoD components. The term includes 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 thereof. However, the term does include non-nuclear components of nuclear devices, managed under the DOE nuclear weapons program after all required sanitization operations pursuant to 42 U.S.C. §2011, also known and referred to in this order as “Atomic Energy Act,” (Volume 9 Reference (an)), as amended, have been completed.

Military Munitions Response Program (MMRP). The MMRP focuses on protecting human health and the environment from hazards and risks associated with MEC and MC. The MMRP cleanup process follows the CERCLA process and incorporates unique explosives safety requirements that may occur during the munitions response process. For guidance on how to enter a site into MMRP, refer to figures 10-2 and 10-3.

Military Range (as defined by Volume 21 Reference (b)). A designated land or water area set aside, managed, and used to conduct research on, develop, test, and evaluate military munitions and explosives, other ordnance, or weapon systems, or to train military personnel in their use and handling. Ranges include firing lines and positions, maneuver areas, firing lanes, test pads, detonation pads, impact areas, and buffer zones with restricted access and exclusionary areas. This definition does not include airspace, water, or land areas underlying airspace used for training, testing, or research and development where military munitions have not been used.

Minor Nonconformance. An isolated EMS shortcoming that should not, by itself, cause the EMS to fail or cause an increase in risk to mission. A minor nonconformance may occur as a result of any of the following:

- a. Failure to address some (but not all) requirements in an installation's procedures.
- b. Failure to implement some parts of a procedure.
- c. Inconsistent or inaccurate implementation of a procedure.

Mitigation (as defined by section 1508.20 of Volume 12 Reference (b)). Activities that would lessen or modify the adverse impacts associated with a proposed action. The Marine Corps further defines mitigation as those actions required under the terms of a permit or other requirement identified in the FONSI or ROD, not to include BMPs or standard conservation measures specified in plans such as the INRMP or a sediment and erosion control plan. Mitigation includes:

- a. Avoiding the impact altogether by not taking a certain action or parts of an action; this mitigation measure is preferred.

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- b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
 - c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
 - d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
 - e. Compensating for the impact by replacing or providing substitute resources or environments.
- Tracking for implementation of mitigation measures is accomplished through an annual data call and through the Environmental Compliance Evaluation audit process.

Mitigation Implementation Plan (as defined by 76 FR 3843 (Volume 12 Reference (ai))). A concise document required for each EA/FONSI and EIS/ROD with mitigation requirements that identifies the process and organizations responsible for ensuring mitigation is implemented.

Mitigation System (as defined by Volume 7 Reference (w)). Specific activities, technologies, or equipment designed or deployed to capture or control substances upon loss of containment to minimize exposure to the public or environment.

Mitigation. In cultural resources management, mitigation is a means of lessening the adverse effects of an undertaking on properties listed on or eligible for listing on the NRHP or cultural properties listed on the World Heritage List or on a host nation equivalent of the NRHP. Mitigation can include limiting the magnitude of the action or part of the action; repairing, rehabilitating, or restoring the affected resource; recovering and recording data from the resource that may be destroyed or substantially altered; or relocating the action. Mitigation can also include compensatory measures, such as purchase of preservation easements, funding of related research, or development of public education products.

Monitoring. Thorough inspections or surveys conducted on a regular basis to determine the presence and prevalence of pests or disease vectors.

Motor Vehicle. Any self-propelled vehicle designed for transporting persons or property on a street or highway.

Municipal Separate Storm Sewer System (MS4) (as defined by Volume 20 Reference (b)). A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

- a. Owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, storm water, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;
- b. Designed or used for collecting or conveying stormwater;
- c. Which is not a combined sewer; and
- d. Which is not part of a Publicly Owned Treatment Works (POTW)

Municipal Solid Waste Landfills (MSWLFs). A discrete area of land or an excavation that receives household waste and that is not a land application unit, surface impoundment, injection well, or waste pile as those terms are defined under section 2 of Volume 17 Reference (g). An MSWLF also

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may receive other types of Resource Conservation and Recovery Act subtitle D wastes, such as commercial SW, non-hazardous biosolids, small quantity generator waste, and industrial solid waste. Such a landfill may be publicly or privately owned. An MSWLF may be a new MSWLF, an existing MSWLF, or a lateral expansion.

Municipal Stormwater (as defined by Volume 20 Reference (b)). Stormwater discharges through a MS4.

Munition List Items (MLIs). MLIs are military items that are controlled by the military department and require special handling during disposal in order to prevent any unauthorized use by purchasers. These items are assigned demilitarization codes when they enter into the DoD inventory, and the items range from major weapon systems (tanks) to key components of related weapon systems (spring mechanisms in fire arms).

Munitions and Explosives of Concern (MEC) (as defined by Volume 10 Reference (p)). Distinguishes specific categories of military munitions that may pose unique explosives safety risks, such as UXO, DMM, and munitions constituents (e.g., TNT, RDX), present in high enough concentrations to pose an explosive hazard.

Munitions Constituent (as defined by 10 U.S.C. §2710((e)(3)) (also known and referred to in this order as “National Defense Authorization Act (NDAA)”) (Volume 21 Reference (n) and by Volume 10 Reference (i). Any materials originating from UXO, discarded military munitions, or other military munitions, including explosive and non-explosive materials and emission, degradation, or breakdown elements of such ordnance or munitions.

Munitions Response (as defined by Volume 10 Reference (p)). Response actions, including investigation, removal actions, and remedial actions, to address the explosives safety, human health, or environmental risks presented by UXO, DMM, or MC, or to support a determination that no removal or remedial action is required.

Munitions Response Sites (MRSs) (as defined by Volume 10 Reference (p)). A discrete location within a munitions response area (any area on a defense site that is known or suspected to contain UXO, DMM, or MC) that is known to require a munitions response.

N

National Ambient Air Quality Standards (NAAQS). Air quality standards that EPA has established for six criteria pollutants in order to provide an adequate margin of safety in protecting the general health and welfare of the public.

National Historic Landmark (NHL). A historic property designated by the Secretary of the Interior as having exceptional significance in the Nation's history and which is subject to the most stringent preservation requirements.

National Pollutant Discharge Elimination System (NPDES) (as defined by Volume 20 Reference (b)). The national program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits and for imposing and enforcing pretreatment requirements pursuant to sections

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307, 318, 402, and 405 of Volume 20 Reference (a). The term includes approved state, interstate, or tribal programs. NPDES programs are either EPA or state programs. State programs shall be approved and authorized by EPA.

National Priorities List (NPL) (as defined by Volume 10 Reference (h)). The list, compiled by EPA pursuant to section 105 of Volume 10 Reference (a), of uncontrolled hazardous substance releases in the United States that are priorities for long-term remedial evaluation and response.

National Register Criteria (as defined by 36 CFR 60 (Volume 8 Reference (ad))). The criteria, pursuant to Volume 8 Reference (ad), established by the Secretary of the Interior for use in evaluating the eligibility of properties for listing on the NRHP.

National Register of Historic Places (NRHP) (as defined by Reference (ad)). A nationwide listing of districts, sites, buildings, structures, and objects of national, State, or local significance in American history, architecture, engineering, landscape, archaeology, or culture that is maintained by the Secretary of the Interior. NRHP listings shall meet the criteria found in Section 4 of Volume 8 Reference (ad). For overseas locations, refer to either the World Heritage List or the host nation's equivalent to the NRHP.

National Response Team (NRT). Responsible for national response and preparedness planning, for coordinating regional planning, and for providing policy guidance and support to RRTs in addressing oil discharges and releases of HSs, pollutants, or contaminants. The NRT's membership consists of representatives from 16 federal agencies including, DoD.

Native Alaskan Tribes (as defined by 43 U.S.C. §§1601-1629h (Volume 8 Reference (ae))). Any tribe, band, nation, or other organized Alaska Native village or corporation as defined in, or established by, Volume 8 Reference (ae) that is recognized as eligible for special programs and services provided by the United States to Native Alaskans because of their status as Indians. Such acknowledged or "federally recognized" Indian tribes exist as unique political entities in a government-to-government relationship with the United States. The Bureau of Indian Affairs maintains the list of federally-recognized Indian tribes.

Native American Tribe (as defined by Volume 8 Reference (ae)). Any tribe, band, nation, or other organized American Indian group or community of Indians as defined in, or established by, Volume 8 Reference (ae) that is recognized as eligible for special programs and services provided by the United States to Native Americans because of their status as Indians. Such acknowledged or "federally recognized" Indian tribes exist as unique political entities in a government-to-government relationship with the United States. The Bureau of Indian Affairs maintains the list of federally-recognized Indian tribes.

Native Hawaiian Organization (NHO) (as defined by Volume 8 Reference (q)). An NHO is defined as any organization that:

- a. Serves and represents the interests of Native Hawaiians.
- b. Has as a primary and stated purpose to provide services to Native Hawaiians.
- c. Has demonstrated expertise in aspects of historic preservation that are culturally significant to Native Hawaiians. The term includes, but is not limited to, the Office of Hawaiian Affairs of the

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State of Hawaii and Hui Malama I Na Kupuna O Hawai'i Nei, an organization incorporated in accordance with the laws of the State of Hawaii.

Native Hawaiian. Any descendant of the aboriginal people who, prior to 1778, occupied and exercised sovereignty in the area that now constitutes the State of Hawaii.

Natural Resources.

a. (as defined by DoD Instruction 4715.03 (Volume 1 Reference (r))). All elements of nature and their environments of soil, sediments, air, and water. Those consist of two general types, as follows: earth resources (nonliving resources such as minerals and soil components) and biological resources (living resources such as plants and animals).

b. (as defined by Volume 7 Reference (aq)). The land, fish, wildlife, biota, air, water, groundwater, drinking water supplies, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States (including the resources of the Exclusive Economic Zone), any state or local government or Indian tribe, or any foreign government.

Natural Resources Trustee. Federal trustees are those agencies which have statutory responsibility to protect or manage natural resources or stewardship responsibility as a manager of federally-owned land. State agencies and Native American tribes also may be trustees.

Naval Working Capital Fund (NWCF). A revolving fund that finances DON activities, providing products and services on a reimbursable basis, based on a customer-provider relationship between operating units and NWCF support organizations. If these funds are not used during the FY, they revert back to the central NWCF account at the end of the FY and are charged back in the rates to their customers.

Navigable Waters (as defined by Volume 7 Reference (s) and Volume 20 Reference (a)). The waters of the United States, including the territorial seas. This term includes:

a. All waters that are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters subject to the ebb and flow of the tide.

b. All interstate waters, including interstate wetlands.

c. All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairies, potholes, wet meadows, playa lakes, or natural ponds; the use, degradation, or destruction of which could affect interstate or foreign commerce, including any such waters:

(1) That are or could be used by interstate or foreign travelers for recreational or other purposes.

(2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(3) That are or could be used for industrial purposes by industries in interstate commerce.

d. All impoundments of waters otherwise defined as waters of the United States under this paragraph.

e. Tributaries of waters identified above in (a) through (d).

f. The territorial sea.

g. Wetlands adjacent to waters (other than waters that are themselves wetlands) identified above in (a) through (d).

h. Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of Volume 7 Reference (c) (other than cooling ponds, which also meet the criteria of

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this definition), are not waters of the United States. Navigable waters do not include prior converted cropland.

New Source Performance Standards (NSPS) or Standards of Performance for New Stationary Sources. National emission standards that limit the amount of pollution allowed from new or modified sources.

New Source Review (NSR). State program for reviewing major sources and modifications prior to construction in both nonattainment and PSD program areas.

New Tank System. A tank system that will be used to contain an accumulation of regulated substances that does not currently exist.

No Further Response Action Planned (NFRAP). Sites that do not warrant moving further in the site evaluation process are designated as NFRAP. The primary criterion for NFRAP is a determination that the site does not pose a significant threat to public health or the environment. An NFRAP decision can be made at several points in the ER process but shall be documented and may be reversed if future information reveals that additional remedial activities are warranted.

Nonattainment Area. An area which fails to meet the NAAQS for one or more of the criteria pollutants.

Noncommunity Water System (as defined by Volume 16 Reference (e)). A PWS that is not a CWS.

Nongame Species (as defined by Volume 11 Reference (bg)). Species not harvested for recreation or subsistence purposes.

Nonliquid PCBs. Materials containing PCBs that, by visual inspection, do not flow at room temperature (25°C or 77°F), or from which no liquid passes when a 100-gram or 100-milliliter representative sample is placed in a mesh number 60 Å 5 percent paint filter and allowed to drain at room temperature for 5 minutes.

Nonpoint Source Discharges. Discharges, typically in the form of runoffs that are not conveyed through a single point source. Major operations that result in nonpoint source discharges include agricultural activities, grazing, timber harvesting, construction, range activities, and improper waste disposal practices.

Nonpoint Source Pollution. Any source of water pollution that does not meet the Chapter 11 Reference (z) definition of point source. Nonpoint source pollution is normally associated with diffuse runoff from rainfall or snowmelt.

Non-Polychlorinated Biphenyl (PCB) Transformer. Any transformer that contains PCB concentrations at less than 50 ppm; except any transformer that has been converted from a PCB transformer or a PCB-contaminated transformer cannot be classified as a non-PCB transformer until reclassification has occurred pursuant to section 30 in Volume 19 Reference (b).

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Nonroad Engine. An internal combustion engine (including the fuel system) that is not used in a motor vehicle or a vehicle used solely for competition, or that is not subject to standards for stationary internal combustion engines, or emission standards for new motor vehicles or new motor vehicle engines.

Nonroad Vehicle. A vehicle that is powered by a nonroad engine and that is not a motor vehicle or a vehicle used solely for competition.

Nontransient Noncommunity Water System (NTNCWS) (as defined by Volume 16 Reference (e)). A PWS, known as a nontransient, noncommunity water system, that is not a CWS and that regularly serves at least 25 of the same persons for over 6 months per year.

Noxious Weeds (as defined by section 7702 of 7 U.S.C. §§7701-7772 (Volume 11 Reference (bi))). Any plant or plant product that can directly or indirectly injure or cause damage to crops (including nursery stock or plant products), livestock, poultry, or other interests of agriculture, irrigation, navigation, the natural resources of the United States, the public health, or the environment.

Nuisance Pests. Insects, arthropods, and other organisms that do not cause economic damage or adversely affect human health, but occasionally cause minor annoyance to humans.

O

Objective. A documented statement of an attainable end-state. Objectives support the Environmental Policy and shall be achievable, measurable, and quantifiable, when practical.

Ocean Waters (as defined by Volume 20 Reference (bf)). Waters of the open seas lying seaward of the baseline from which the territorial sea is measured, including the waters of the territorial sea, the contiguous zone, and the oceans.

Off-Road Vehicle (as defined in E.O. 11644 (Volume 11 Reference (av))). Any motorized vehicle designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain; except that such term excludes:

- a. any registered motorboat,
- b. any fire, military, emergency or law enforcement vehicle when used for emergency purposes, and any combat or combat support vehicle when used for national defense purposes, and
- c. any vehicle whose use is expressly authorized by the Marine Corps under a permit, lease, license, or contract.

Offsets. Emission reductions obtained from one source in order to compensate for increased emissions from another.

Offsite (as defined by Volume 7 Reference (w)). Areas beyond the property boundary of the stationary source, and areas within the property boundary to which the public has routine and unrestricted access during or outside business hours.

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Offsite Consequence Analysis. A qualitative or quantitative analysis of a range of accidental releases, including worst case releases, to determine offsite effects including potential exposures of affected populations.

Oil (as defined by Volume 7 Reference (u)). Oil of any kind or in any form, including, but not limited to, petroleum, fuel oil, vegetable oil, animal oil, sludge, oil refuse, and oil mixed with wastes other than dredged spoil.

Oil Spill Removal Organization (as defined by Volume 7 Reference (u)). An entity that provides response resources.

On-Scene Coordinator (OSC) (as defined by 40 CFR 113 (Volume 7 Reference (ay))). The single federal representative designated pursuant to Volume 7 Reference (r) and identified in approved Regional OHSSCPs.

Onshore Facility (as defined by Volume 7 Reference (s)). Any facility of any kind located in, on, or under any land within the United States, other than submerged land.

Onsite Supervision. Supervision that includes being physically located on the installation, but not necessarily at the specific work site, during the work performance and able to be contacted and to be present at the work site within 30 minutes.

Operable Unit (OU) (as defined by Volume 10 Reference (h)). A discrete action that comprises an incremental step toward comprehensively addressing site problems. This discrete portion of a remedial response manages migration or eliminates or mitigates a release, threat of a release, or pathway of exposure. The cleanup of a site can be divided into a number of OUs, depending on the complexity of the problems associated with the site. OUs may address geographical portions of a site, specific site problems, or initial phases of an action, or may consist of any set of actions performed over time or any actions that are concurrent but located in different parts of a site.

Operation and Maintenance, Marine Corps (O&M,MC). The Marine Corps operation and maintenance appropriation, which is the primary source of environmental project funds for active-duty installations and units. (See paragraph 3301.c for further details.)

Operation and Maintenance, Marine Corps Reserves (O&M,MCR). The Marine Corps operation and maintenance appropriation for Reserve installations and activities.

Operational Range (as defined by Volume 21 Reference (b)). A military range that is used for range operations and activities; or a military range that is not currently being used but is still considered to be a range, is under the jurisdiction, custody, or control of the DoD, and has not been put to a new use that is incompatible with range activities. Operational ranges include both “Active Ranges” (i.e., currently in service or use) and “Inactive Ranges” (i.e., not in current use or service).

Operational Readiness. The umbrella term and supporting program that encompasses all the resources required of a unit to maintain readiness standards.

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Operator. Any person in control of or having responsibility for the daily operation of a storage tank system.

Optimal Corrosion Control Treatment (as defined by Volume 16 Reference (e)). For the purpose of subpart I, the corrosion control treatment that minimizes the lead and copper concentrations at users' taps while insuring that the treatment does not cause the water system to violate any NPDWR.

Outdoor Recreation (as defined by Volume 11 Reference (bg)). Program, activity, or opportunity dependent on the natural environment. Examples are picnicking, bird watching, off-road vehicle use, hiking, wildlife and scenic river use, and primitive camping. Developed or constructed facilities such as golf courses, tennis courts, riding stables, lodging facilities, boat launching ramps, and marinas are not included.

Overfill Release. A release that occurs when a tank is filled beyond its capacity, resulting in a discharge of a regulated substance to the environment.

Overseas Environmental Baseline Guidance Document (OEBGD). Volume 15 Reference (c) is a current compendium of criteria, based on consideration of laws generally applicable to similarly situated DoD installations within the United States, which are designated to protect the environment at DoD installations outside United States territory.

Overseas. Outside territory, possession or commonwealth outside of the United States. This does not include contingency operations, training deployments, or the operations of military vessels and aircraft.

Owner or Operator (as defined by Volume 16 Reference (i)). The owner or operator of any "facility or activity" subject to regulation under the UIC program.

Owner. Any person who owns a storage tank system used for storage, use, or dispensing of a regulated substance.

Oxygenated Gasoline. Gasoline that is blended with any one of a number of additives in order to increase the oxygen content, resulting in more complete combustion and reduced emissions.

Ozone Depleting Substances (ODSs). Any chemical that is listed as a Class I or Class II substance in section 602 of Volume 6 Reference (a).

Ozone. The major constituent of "smog," ozone, is formed when VOCs and NO_x react in sunlight. The atmosphere has two distinct layers of ozone. For air quality purposes, interest rests in the formation and transport of ground level ozone. At ground level, ozone has been shown to adversely affect the respiratory system and has proven to be the primary criteria pollutant which has caused regions to be declared in nonattainment of the NAAQS. At altitudes above 7 miles, stratospheric ozone plays a vital role in blocking out dangerous ultraviolet radiation. Recent evidence of a decline in ozone levels has resulted in a worldwide call for the banning of ODSs.

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Particulate Matter (PM). A criteria air pollutant that includes dust, soot, and other small materials that are released into, and is transported by, the air. PM10 is that portion of the total suspended PM with an aerodynamic diameter of 10 microns or less. PM2.5 is that portion of PM with an aerodynamic diameter of 2.5 microns or less.

PCB Article Container. Any package, can, bottle, bag, barrel, drum, tank, or other device used to contain PCB articles or PCB equipment and whose surface(s) has not been in direct contact with PCBs.

PCB Article. Any manufactured article, other than a PCB container, that contains PCBs and whose surface(s) has been in direct contact with PCBs. This includes capacitors, transformers, electric motors, pumps, pipes, and other manufactured items.

PCB Bulk Product Waste. Any waste derived from manufactured products containing PCBs in a nonliquid state, regardless of current concentration, where the PCB concentration at the time of designation for disposal was 50 ppm or greater.

PCB Container. Any package, can, bottle, bag, barrel, drum, tank, or other device that contains PCBs or PCB articles and whose surface(s) has been in direct contact with PCBs.

PCB Equipment. Any manufactured item, other than a PCB container or a PCB article container, which contains a PCB article or other PCB equipment, and includes: microwave ovens, electronic equipment, and fluorescent light ballasts and fixtures.

PCB Item. Any PCB article, PCB article container, PCB container, PCB equipment, or anything that deliberately or unintentionally contains any PCB or PCBs.

PCB Leak. Any instance in which a PCB article, PCB container, or PCB equipment has any PCBs on any portion of its external surface.

PCB Remediated Waste. Waste containing PCBs as a result of a spill, release, or other unauthorized disposal.

PCB Transformer. Any transformer that contains PCB concentrations of 500 ppm or greater.

PCB Waste Generator. Any person whose act or process produces PCBs that are regulated for disposal, whose act first causes PCBs or PCB items to become subject to disposal requirements, or who has physical control over the PCBs when a decision is made that the use of the PCBs has been terminated.

PCB. Any chemical substance that is limited to the biphenyl molecule that has been chlorinated to varying degrees, or any combination of substances that contains such substance.

PCB-Contaminated Electrical Equipment (as defined by Volume 19 Reference (b)). Any electrical equipment (e.g., transformers, capacitors, circuit breakers, reclosers, voltage regulators, switches, electromagnets, and cable) that contain PCB concentrations between 50 and 500 ppm in the

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contaminating fluid. In the absence of liquids, electrical equipment is PCB-Contaminated if it has PCBs between 10 and 100 µg/100 cm² as measured by a standard wipe test.

Permit.

a. As defined by Volume 20 Reference (b), in accordance with NPDES, an authorization, license, or equivalent control document issued by EPA or an approved state to implement the requirements of Volume 20 Reference (b), 40 CFR 123 (Volume 20 Reference (bx)), and 40 CFR 124 (Volume 20 Reference (by)). Permit includes an NPDES general permit but does not include any permit that has not yet been the subject of final agency action, such as a draft permit or a proposed permit.

b. As defined by 40 CFR 232 (Volume 20 Reference (bz)), in accordance with section 404 program of Volume 20 Reference (a), a written authorization issued by an approved state to implement the requirements of Volume 20 Reference (bc) or by the Marine Corps under Volume 20 References (aw) through (bb), (br), 33 CFR 326 (Volume 20 Reference (ca)), 33 CFR 327 (Volume 20 Reference (cb)), 33 CFR 328 (Volume 20 Reference (cc)), and 33 CFR 329 (Volume 20 Reference (cd)), which includes general permits as well as individual permits.

c. As defined by Volume 16 Reference (i), an authorization, license, or equivalent control document issued by the EPA or an approved state to implement the requirements of the UIC Program. The permit includes “area” permit and “emergency” permit, but does not include UIC authorization by rule or any permit which has not yet been the subject of final agency action, such as a draft permit.

Personal Relief. Pest management control efforts made by Marine Corps personnel or their family members at their own expense for the control of pests in accordance with DoD and Marine Corps pest management policy.

Pest Management Consultant (PMC). A professional, with a degree in a biological science, who has rigorous college-level entomology training, such as a NAVFAC civilian entomologist (applied biologist) or BUMED-commissioned medical entomologist who has command program oversight responsibilities, provides guidance, and information on the management of pest management programs for commands and installations.

Pest Management Materiel. Equipment or pesticides used to monitor, prevent, or control pests and disease vectors. Equipment examples include all pesticide dispersal equipment, traps, nets, and pest-attracting or pest-repelling devices.

Pest Management Performance Assessment Representative (PMPAR). Formerly Pest Control Quality Assurance Evaluators; installation personnel trained in contract performance assessment and pest management at a DoD-sponsored course, whose duties include surveillance of commercial pest management services to ensure performance complies with contract specifications and legal requirements.

Pest Management. The prevention and control of disease vectors and pests that may adversely affect the Marine Corps mission or military operations, human health and well-being, or structures, materiel, or property.

Pesticide Applicator. Any individual who applies pesticides or supervises the use of pesticides by others.

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a. **Certified Pesticide Applicator.** Any individual who applies pesticides or supervises the use of pesticides and who has been authorized to do so by successfully completing a training program approved by the EPA, followed by formal certification by DoD or a state. Outside Continental United States, and DoD provisions described in subsection 2.6 of Volume 14 Reference (a) apply to individuals who apply pesticides or supervise the use of pesticides.

b. **DoD-Certified Pesticide Applicators.** DoD military or civilian personnel certified in accordance with Volume 14 Reference (c), authorized by Volume 14 Reference (a).

c. **State-Certified Pesticide Applicators.** Persons certified in accordance with Volume 14 Reference (e) by a state with an EPA-approved certification plan.

d. **Uncertified Pesticide Applicators.** Those individuals who have not successfully completed certification training. Uncertified military and DoD civilian personnel who are in training to become certified pesticide applicators may apply pesticides when under direct line-of-sight supervision of a DoD-certified pesticide applicator. Uncertified personnel may apply self-help pesticides when the operation has been approved by a command PMC.

Pesticide Cancellation. An action by EPA that may limit the use of a pesticide. The EPA often issues instructions with the pesticide cancellations providing information on the proper disposition of cancelled pesticides.

Pesticide Facility. The building and areas designated for handling and storing pesticides.

Pesticide. Any substance or mixture of substances, including biological control agents, that may prevent, destroy, repel, or mitigate pests and are specifically labeled for use by EPA. Also, any substance or mixture of substances used as a plant regulator, defoliant, desiccant, disinfectant, or biocide. (See paragraph 14525). Note: AFPMB does not review or approve disinfectants or biocides.

Pests. Arthropods, birds, rodents, nematodes, fungi, bacteria, viruses, algae, snails, marine borers, snakes, weeds, and other organisms (except for 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.

Petroleum (as defined by Volume 18 Reference (b)). Petroleum, including crude oil or any fraction thereof, which is liquid at standard conditions of temperature and pressure (60° F and 14.7 per square inch absolute).

Petroleum UST System. A UST system that contains petroleum or a mixture of petroleum with minimum quantities of other regulated substances. Such systems include those containing motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents, and used oils.

Planning, Programming, Budgeting, and Execution (PPBE). The DoD process through which all Marine Corps resource requirements, including the environmental program, are identified, defended, planned, programmed, budgeted, and funded.

Point Source (as defined by Volume 20 Reference (b)). 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

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system, and vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural stormwater runoff.

Point-of-Entry Treatment Device (as defined by Volume 16 Reference (e)). A treatment device applied to the drinking water entering a house or building for the purpose of reducing contaminants in the drinking water distributed throughout the house or building.

Pollutant (as defined by Volume 20 Reference (b)). Dredged spoil, solid waste, incinerator residue, filter backwash, 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 pollutant is not "sewage from vessels" as defined in section 312 of Volume 20 Reference (a); or water, gas, or other material that is injected into a well to facilitate production of oil or gas; or water derived in association with oil or gas production and disposed of in a well. In this case, the well used to facilitate production or for disposal purposes is one approved by authority of the state in which the well is located; however, the state must determine that such injection or disposal will not result in the degradation of ground or surface water resources.

Pollution Prevention (P2). Use of processes, materials, or products that avoid, reduce, or control pollution, which may include recycling, treatment, process changes, control mechanisms, more efficient use of resources and material substitution.

Positive Finding. An installation practice that is proactive, exceeds normal standards, and is an exemplary way of addressing environmental requirements. HQMC (LFF)/MCICOM (GF) may use positive findings to communicate best management practices to other installations throughout the Marine Corps.

Potable Water. Water that has been examined and treated to meet the proper standards and declared by responsible authorities to be fit for drinking.

Potentially Responsible Party (PRP). A generator, transporter, or site owner or operator who may be responsible for a hazardous waste site. This term is usually used in connection with off-installation sites.

Practice Owner. The command, unit, or office responsible for day-to-day implementation of a practice. Practice owners have the authority to accomplish or support their mission by implementing the practice and, thus, have the responsibility for procedures needed to keep it under control.

Practice. A unit process, operation, or product that supports the mission and has or can have aspects that can impact environmental or other resources. Standard Marine Corps practice types are listed in Table 2-1.

Preliminary Assessment (PA) (as defined by Volume 10 Reference (h)). PA, as defined by CERCLA, means review of existing information and an off-site reconnaissance, if appropriate, to determine if a release may require additional investigation or action. A PA may include an on-site reconnaissance, if appropriate.

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Pretreatment. 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 introducing such pollutants into a POTW. The reduction or alteration may be accomplished by physical, chemical, or biological processes; operational process changes; material substitutions; or by other approved means.

Prevention of Significant Deterioration (PSD) Program. Emission control program under NSR which applies to attainment areas.

Preventive Action. Action taken to eliminate the root cause of detected noncompliance and nonconformance.

Program Objectives Memorandum (POM) (as defined by Volume 3 Reference (u)). The final product of the programming process within the Department of Defense, the Components displays the resource allocation decisions of the Military Departments in response to and in accordance with Strategic Planning Guidance and Joint Programming Guidance.

Programmatic Agreement (PA). A written agreement among the federal agency, SHPO, ACHP, Native American tribes, or NHOs that stipulates how to carry out a program or a class of undertakings, repetitive in nature or similar in effect, so as to avoid or mitigate adverse effects on cultural resources. A PA is used to streamline compliance with Section 106 of Volume 8 Reference (d). PAs cannot be used for compliance with other federal statutes.

Proposal (as defined by section 1508.23 Volume 12 Reference (b)). A "proposal" exists at that stage in development of an action when the action proponent/sponsor has a goal and is actively preparing to make a decision on one or more alternative means of accomplishing that goal and the effects can be meaningfully evaluated. A proposal may exist in fact as well as by agency declaration that one exists.

Public Water System (PWS) (as defined by Volume 16 Reference (e)). A system for the provision of piped water for human consumption, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. This term includes:

- a. Any collection, treatment, storage, and distribution facilities under control of the operator of such system and used primarily in connection with such system.
- b. Any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system.

Publicly Owned Treatment Works (POTW). As defined by Volume 20 Reference (b), any device or system (including recycling and reclamation) used in the treatment of municipal sewerage or industrial wastes of a liquid nature that is owned by a state or municipality. This definition includes sewers, pipes, or other conveyances only if they convey wastewater to a POTW providing treatment.

Q

Qualified Individual (as defined by Volume 7 Reference (u)). An English-speaking representative of an operator, located in the United States, available on a 24-hour basis, and with full authority to activate and contract with required oil spill removal organization(s), activate personnel and

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equipment maintained by the operator, act as a liaison with the OSC, and obligate any funds required to carry out all required or directed oil response activities.

Qualified Recycling Program (QRP). An organized operation that diverts or recovers scrap or waste streams, and that identifies, segregates, and maintains the integrity of the recyclable materials in order to maintain or enhance the marketability of the materials.

Quantifiable Level/Level of Detection. For PCB analysis, it is 2 µg/gram (2 ppm) from any resolvable gas chromatographic peak.

R

Radon. A heavy, colorless, odorless, radioactive gas formed by the decay of radium. Radon can be found in soils, rocks, and some groundwater supplies, and can seep into buildings.

Reasonably Available Control Technology (RACT). Emissions control technology that achieves the lowest possible emissions level given technological and economic considerations. RACT is applied to existing stationary sources in nonattainment areas and often involves the installation of new control equipment on older sources.

Record of Decision (ROD).

a. As defined by Volume 10 Reference (g), A written record that documents the remedial action plan for a site addressed pursuant to CERCLA authority and serves to certify that the remedy selection process was carried out in accordance with CERCLA and, to the extent practicable, with the NCP; describe the technical parameters of the remedy, specifying the methods selected to protect human health and the environment, including treatment, LUCs, and cleanup levels; and provide the public with a consolidated summary of information about the site and the chosen remedy, including the rationale behind the selection.

b. As used in Volume 12, a concise public document providing a rationale for the alternative selected for implementation as presented in a FEIS. The document, as proposed by the action proponent/sponsor, will be finalized by CMC (LF)/MCICOM (GF) on behalf of the HQEIRB and will state the decision, identify the alternatives considered (including those that were environmentally preferable), and discuss all factors, including non-environmental considerations, that influenced the decision. The ROD will commit the action proponent/sponsor to the appropriate mitigation, if applicable, to minimize environmental harm, and to identify those measures that were considered, but not selected, for implementation. Additionally, any monitoring program associated with selected mitigation measures will be addressed.

Record. Information, stored on paper, electronic, or other media, that states results achieved or provides evidence of activities performed. Records are not subject to change and, once created, cannot be modified. Examples of records include regulatory monitoring records, routine practice monitoring/inspection records, results of tracking objectives and targets, and results of past EMS and compliance audits.

Recordation. Measured drawings, photographs, and other techniques that are undertaken to provide a permanent record of resources that shall be destroyed or substantially altered and are prepared pursuant to Historic American Buildings Survey/Historic American Engineering Record guidelines.

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Recovered Material (as defined by 42 U.S.C. §6903 (Volume 17 Reference (v)). Waste materials and by-products that have been recovered or diverted from solid waste; but such term does not include those materials and by-products generated from and commonly used within an original manufacturing process.

Recyclable Materials. Recyclable materials can include, but are not limited to, high quality paper and paper products, mixed paper, newspaper, cardboard, plastic, metal cans, glass, used oil (except when the oil is HW), batteries, and tires. In addition, scrap (including ferrous and non-ferrous scrap), firing range-expended brass, and mixed metals gleaned from firing range cleanup that do not require demilitarization and that are MLIs or SLIs may be included in a QRP. Expended brass shall be crushed, shredded, or otherwise destroyed prior to public sale.

Recycling. As defined by EPA, the recovery of useful materials, such as paper, glass, plastic, and metals, from the trash to use to make new products, reducing the amount of virgin raw materials needed.

Recycling Facility. Any physical plant that processes non-hazardous, commercial, or institutional solid waste biologically, chemically, or physically; and recovers useful products, such as shredded fuel, combustible oil or gas, steam, metal, and glass, for resale or reuse.

Reformulated Gasoline. Gasoline that has undergone special processing in order to meet performance requirements for NOx emissions, oxygen content, benzene, heavy metals, and volatility.

Regional EIRB. A selected group of SMEs appointed by the Commanding General (CG) of the Region (i.e., MCIEAST, MCIWEST, MCIPAC, MCINCR). The board reviews environmental documentation to determine if the potential for environmental degradation or public controversy exists and the recommended level of NEPA documentation. The composition of this EIRB will include a cross-section of the Regional command. Members of the Board should include the counsel or staff judge advocate; the heads of facilities, environment, and operations/training; the comptroller; public affairs; community plans and liaison office; and any others as determined by the CG of the Region. The EIRB will ensure that the documentation is in compliance with Volume 12 Reference (a) prior to forwarding it to CMC (LF)/MCICOM (GF) for review.

Registered Pesticide. A pesticide registered by EPA for sale and use within the United States.

Regulated Substance.

- a. Any substance as defined by section 101(14) of Volume 14 Reference (aa), but not including any substance regulated as a HW under subtitle C of Volume 14 Reference (b).
- b. Petroleum, as defined by section 18517 of this Order.
- c. The term "regulated substance" includes, but is not limited to, petroleum and petroleum-based substances consisting of a complex blend of hydrocarbons derived from crude oil through processes of separation, conversion, upgrading, and finishing, such as motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents, and used oils.

Relative Risk. The evaluation of individual sites to determine high, medium, or low relative risk to human health and the environment, based on contaminant hazards, migration pathways, and receptors, in accordance with Volume 10 Reference (k). Risk reduction is the movement of any site

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from a higher to a lower risk category because of natural attenuation or interim remedial, remedial, or removal actions taken.

Release.

a. As defined by Volume 10 Reference (a)), any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance, pollutant, or contaminant) of any HC, EHS, or CERCLA HS. A release excludes the following: any release that results in exposure to persons solely within a workplace, specifically a claim that such persons made; emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine; release of source, byproduct, or special nuclear material from a nuclear incident or any processing site that meets the conditions specified in Volume 10 Reference (a); and the normal application of fertilizer. In Volume 10 Reference (e), release also means a threat of a release.

b. The term excludes:

(1) Any release that results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such persons.

(2) Emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine.

(3) Release of source, byproduct, or special nuclear material from a nuclear incident, as those terms as defined by Volume 18 Reference (h), if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission pursuant to section 170 of Volume 18 Reference (h), or for the purposes of section 104 of Volume 18 Reference (aa), or any other response action or any release of source, byproduct, or special nuclear material from any processing site pursuant to section 7912(a)(1) or section 7942(a) of 42 U.S.C. 7901 et seq. (Volume 18 Reference (ac)).

iv) The normal application of fertilizer.

Release Detection. Determining whether a release of a regulated substance has occurred from a UST system into the environment or into the interstitial space between the UST system and its secondary barrier or containment.

Remedial Action (as defined by Volume 18 Reference (h)). Action consistent with permanent remedy taken instead of, or in addition to, removal actions in the event of a release or threatened release of a hazardous substance into the environment, to prevent or minimize the release of hazardous substances so that they do not migrate to cause substantial danger to present or future public health or welfare or the environment. The term includes, but is not limited to, such actions at the location of the release as storage; confinement; perimeter protection using dikes, trenches, or ditches; clay cover; neutralization; cleanup of released hazardous substances and associated contaminated materials; recycling or reuse; diversion; destruction; segregation of reactive wastes; dredging or excavations; repair or replacement of leaking containers; collection of leachate and runoff; on-site treatment or incineration; provision of alternative water supplies; any monitoring reasonably required to assure that such actions protect the public health and welfare and the environment; and, where appropriate, post-removal site control activities. The term includes the costs of permanent relocation of residents and businesses and community facilities (including the cost of providing "alternative land of equivalent value" to an Indian tribe pursuant to section 126(b) of Volume 10 Reference (a)) where EPA determines that, alone or in combination with other

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measures, such relocation is more cost-effective than, and environmentally preferable to, the transportation, storage, treatment, destruction, or secure disposition offsite of such hazardous substances, or may otherwise be necessary to protect the public health or welfare. The term includes off-site transport and off-site storage, treatment, destruction, or secure disposition of hazardous substances and associated contaminated materials. For the purpose of the NCP, the term also includes enforcement activities related thereto.

a. Remedial Action-Construction (RA-C). RA-C is the period of time in which a response action is being implemented and the final remedy is being constructed, but is not yet operating as designed. RA-Cs may include final remedies such as a soil removal or landfill cap, in which case the site would be considered an RC at the end of the RA-C phase; or the RA-C may be the construction of an active remediation system (pump and treat, soil vapor, or extraction) that will have to be operated for an extended period prior to meeting the remedial objectives. In the latter case, once construction of the system is complete, it is considered a RIP. This phase may also include any construction related to the implementation of LUCs.

b. Remedial Action-Operation (RA-O). The period of time that a selected remedy shall operate before achieving remedial action objectives (i.e., operation and maintenance activities required after the RA-C is completed, before RA-C objectives have been met, and before RC has been achieved). Monitoring programs on a site during the RA-O are part of the RA-O phase versus the LTMgt phase.

Remedial Design (RD) (as defined by Volume 10 Reference (h)). The technical analysis and procedures which follow the selection of remedy for a site and result in a detailed set of plans and specifications for implementation of the remedial action.

Remedial Investigation (RI) (as defined by Volume 10 Reference (h)). A process undertaken by the lead agency to determine the nature and extent of the problem presented by the release. The RI emphasizes data collection and site characterization, and is generally performed concurrently and in an interactive fashion with the FS. The RI includes sampling and monitoring, as necessary, and includes the gathering of sufficient information to determine the necessity for remedial action and to support the evaluation of remedial alternatives.

Remedy in Place (RIP). RIP is that point in time when the final remedial action has been constructed, is functional, and is operating as planned in the remedial design. Because remedial action objectives have not been met, the site cannot be RC.

Removal Action. A near-term action taken to address hazardous substance releases that require an expeditious response. Removal actions are often the first response to a release or threatened release.

Remove or Removal (as defined by Volume 7 Reference (ay)). The removal of oil from the water and shorelines or the taking of such other actions the federal OSC may determine to be necessary to minimize or mitigate damage to the public health or welfare, including, but not limited to, fish, shellfish, wildlife, public and private property, shorelines, and beaches.

Reportable Quantity (RQ) (as defined by Volume 7 References (ak), (ag), and (at))

a. Quantities that may be harmful as set forth in section 3 of Volume 7 Reference (ak), the discharge of which is a violation of section 311(b)(3) of Volume 7 Reference (c), and requires notice as set forth in section 21 of Volume 7 Reference (ak).

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- b. That quantity, as set forth in Volume 7 Reference (aq), the release of which requires notification pursuant to Volume 7 Reference (an).
- c. For any CERCLA HS, the RQ established in table 302.4 of Volume 7 Reference (an), for such substance. For any EHS, RQ means the quantity established in Appendices A and B of Volume 7 Reference (ag) for such substance. Unless and until superseded by regulations establishing an RQ for newly listed EHSs or CERCLA HS, a weight of 1 pound shall be the RQ.
- d. The quantity specified in column 2 of the Appendix to section 101 in Volume 7 Reference (ax) for any material identified in column 1 of that Appendix.
- e. The threshold quantity of a hazardous substance that shall be reported if released. Section 102 of Volume 10 Reference (a) requires that EPA establish and revise a list of hazardous substances and their associated RQs; this list is contained in part 4 of 40 CFR 302 (Volume 10 Reference (aa)).

Request for Environmental Impact Review (REIR). A standard form prescribed by the installation Commander to document the need for environmental analysis and compliance with Volume 12 Reference (a). This can include installation or command specific forms that serve the same purpose as the REIR (e.g., PEIR). Sample forms are located in Appendix I.

Requirement. Legislation, regulation, or policy issued by any Executive, federal, state, local, DoD, DON, or Marine Corps authority that addresses environmental considerations and requires action by Marine Corps personnel.

Response Activities (as defined by Volume 7 Reference (u)). The containment and removal of oil from the water and shorelines, the temporary storage and disposal of recovered oil, or actions taken to minimize or mitigate damage to the environment.

Response Complete (RC) (as defined by Volume 10 Reference (g)). A milestone signifying that the remedial action objectives have been met for a site, determination has been documented, and regulatory agreement has been sought. RC signifies that DoD has determined at the end of the preliminary assessment, site inspection, or remedial investigation that no additional response action is required; the site has achieved RIP and the required RA-O has achieved the remedial action objectives; or where there is no RA-O phase, the RA-C has achieved the remedial action objectives. LTMgt may occur after RC is achieved.

Responsible Party (as defined by Volume 7 Reference (aq)).

- a. In the demise of a vessel, any person owning, operating, or chartering the vessel.
- b. In the case of an onshore facility (other than a pipeline), any person owning or operating the facility except a federal agency, state, municipality, commission, or political subdivision of a state or any interstate body that, as the owner, transfers possession and right to use the property to another person by lease, assignment, or permit.
- c. In the case of a pipeline, any person owning or operating the pipeline.

Restoration. The act or process of accurately recovering the form and details of property and its setting as it appeared at a particular period of time.

- a. As defined by Volume 7 Reference (aq)), any action (or alternative) or combination of actions (or alternatives) to restore, rehabilitate, replace, or acquire the equivalent of injured natural resources and services.

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Restoration Advisory Board (RAB) (as defined by 32 CFR 203 (Volume 10 Reference (ab))). The RAB is a forum of representatives of DoD, the local community, and EPA and/or state, local, and tribal officials to discuss and exchange information about the installation's ER Program. The RAB provides stakeholders an opportunity to make their views known, review progress, and participate in dialogue with the decision makers.

Restricted-Use Pesticide. A pesticide that the Administrator of the EPA (in accordance with Volume 14 Reference (e)) or a state regulatory agency determines to have the potential to cause unreasonable and adverse effects on the environment or human health when applied in accordance with its directions for use and therefore requires additional regulatory restrictions.

Retrofill. To remove PCB or PCB-contaminated dielectric fluid and to replace it with PCB, PCB-contaminated, or non-PCB dielectric fluid.

Risk to Mission. Potential or actual impacts on mission readiness resulting from the occurrence of aspects of practices operated aboard Marine Corps facilities. Mission impacts occur through four risk pathways: environmental impacts, adverse regulatory exposure, adverse public perception, or health and safety impacts. Risk ranking can be used to determine significant aspects of practices and prioritize resources.

Runoff. Water that drains overland from any part of a facility.

S

Safety Data Sheet. Formerly Material Safety Data Sheet; a document (OSHA form 174, or equivalent) that accompanies a hazardous material, providing the handler with chemical information on ingredients, handling instructions, potential hazards, and manufacturer address and emergency contact information.

Sanitary Survey (as defined by Volume 16 Reference (e)). An onsite review of the water source, facilities, equipment, operation, and maintenance of a PWS for the purpose of evaluating the adequacy of such source, facilities, equipment, operation, and maintenance for producing and distributing safe drinking water.

Scope (as defined by section 1501.7 Volume 12 Reference (b)). "Scope" consists of the range of actions, alternatives, and impacts to be considered in an EA or an EIS. The scope of an individual EA or EIS may depend on its relationships to other EAs or EISs. To determine the scope of an EA or an EIS, the action proponent/sponsor shall consider three types of actions, three types of alternatives, and three types of impacts. They include:

- a. Actions (other than unconnected single actions) that may be:
 - (1) Connected actions, which means that they are closely related and, therefore, should be discussed in the same impact statement. Actions are "connected" if they:
 - (a) Automatically trigger other actions that may require EISs.
 - (b) Cannot or will not proceed unless other actions are taken previously or simultaneously.
 - (c) Are interdependent parts of a larger action and depend on the larger action for their justification.

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(2) Cumulative actions, which when viewed with other proposed actions, have cumulatively significant impacts and should, therefore, be discussed in the same impact statement.

(3) Similar actions, which when viewed with other reasonably foreseeable or proposed agency actions, have similarities that provide a basis for evaluating their environmental consequences together, such as common timing or geography. An action proponent/sponsor may wish to analyze these actions in the same EA or EIS. It should do so when the best way to assess adequately the combined impacts of similar actions is to treat them in a single EA or EIS.

b. Alternatives, which include:

(1) No Action.

(2) Other reasonable courses of action.

(3) Mitigation measures (not in the proposed action).

c. Impacts, which may be:

(1) Direct.

(2) Indirect.

(3) Cumulative.

Scoping (as defined by section 1501.7 of Volume 12 Reference (b)). An early and open process for determining the scope of issues to be addressed and for identifying the significant issues related to a proposed action.

Sediment. Solid material, such as clay, gravel, mud, silt, sand, and organic matter, that moves from its site of origin and settles to the bottom of a water course or water body.

Septage (as defined by Volume 20 Reference (b)). The liquid and solid material pumped from a septic tank, cesspool, or similar domestic sewage treatment system, or from a holding tank when the system is cleaned or maintained.

Septic Tank. A watertight, covered receptacle designed to receive or process, through liquid separation or biological digestion, the sewage discharged from a building sewer. The effluent from such a receptacle is distributed through the soil, and settled solids and scum from the tank are pumped out periodically and hauled to a treatment facility.

Sewage Sludge (as defined by Volume 20 Reference (b)). Any solid, semisolid, or liquid residue removed during the treatment of municipal wastewater or domestic sewage. It includes, but is not limited to, solids removed during primary, secondary, or advanced wastewater treatment; scum, septage, portable toilet pumpings; type III marine sanitation device pumpings; and sewage sludge products. Sewage sludge does not include grit or screenings, or ash generated during incineration of sewage sludge.

Sewage Sludge Use or Disposal Practice. As defined by Volume 20 Reference (b), the collection, storage, treatment, transportation, processing, monitoring, use, or disposal of sewage sludge.

Sheen (as defined by Volume 7 Reference (aj)). An iridescent appearance on the surface of water.

Significant Accidental Release. Any accidental release of a regulated substance that has caused or has the potential to cause offsite consequences such as death, injury, or adverse effects to human

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health or the environment, or to cause the public to seek shelter or be evacuated to avoid such consequences.

Significant Aspect. An aspect determined by the installation to result or potentially result in at least one significant environmental impact.

Significant Impact. An impact determined by the installation to result or potentially result in a significant change to the environment.

Significant Practice. A practice determined by the installation to result or potentially result in a significant environmental impact due to its association with a significant aspect.

Significantly (as defined by section 1508.27 of Volume 12 Reference (b)). "Significantly" as used in NEPA requires consideration of both context and intensity:

a. Context. This means that the significance of an action shall be analyzed in several contexts, such as society as a whole (human, national), the affected region, the affected interests, and the locality. Significance varies with the setting of the proposed action. For instance, in the case of a site-specific action, significance would usually depend upon the effects in the locale rather than in the world as a whole. Both short- and long-term effects are relevant.

b. Intensity. This refers to the severity of impact. Responsible officials shall bear in mind that more than one agency may make decisions about partial aspects of a major action. The following should be considered in evaluating intensity:

(1) Impacts that may be both beneficial and adverse. A significant effect may exist even if the federal agency believes that on balance the effect will be beneficial.

(2) The degree to which the proposed action affects public health or safety.

(3) Unique characteristics of the geographic area, such as proximity to cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

(4) The degree to which the effects on the quality of the human environment are likely to be highly controversial.

(5) The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

(6) The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

(7) Whether the action is related to other actions with individually insignificant, but cumulatively significant impacts. Significance exists if it is reasonable to anticipate a cumulatively significant impact on the environment. Significance cannot be avoided by terming an action temporary or by breaking it down into small component parts.

(8) The degree to which the action may adversely affect districts, sites, landscapes, structures, or objects listed in or eligible for listing in the NRHP or may cause loss or destruction of significant scientific, cultural, or historical resources.

(9) The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under Volume 12 Reference (j).

(10) Whether the action threatens a violation of federal, state, or local law or requirements imposed for the protection of the environment.

Site (as defined by Volume 10 Reference (g)). A distinct area of an installation containing one or more releases or threatened releases of hazardous substances treated as a discrete entity or

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consolidated grouping for response purposes. Installations may have more than one site. Formerly used defense site (FUDS) projects are the same as sites.

Site Closeout (SC) (as defined by Volume 10 Reference (g)). The stage at which DoD has completed active management and monitoring at an ER site and no additional ER funds will be expended at the site. SC occurs when ER goals have been achieved that allow UU/UE of the property (e.g., no further LTMgt, including LUCs, is required). Also may be a NFA.

Site Inspection (SI) (as defined by Volume 10 Reference (h)). An on-site investigation to determine whether there is a release or potential release and the nature of the associated threats. The purpose is to augment the data collected in the preliminary assessment and to generate, if necessary, sampling and other field data to determine if further action or investigation is appropriate.

Solid Waste (as defined by Volume 21 Reference (k)). A solid waste is any discarded material that is not excluded by section (a) of 40 CFR 261.4 Volume 21 (Reference (o)), or that is not excluded by a variance granted in accordance with sections 30 and 31 of Volume 21 Reference (k), or that is not excluded by a non-waste determination as defined by sections 30 and 34 of Volume 21 Reference (k).

Solid Waste Management Unit. In RCRA corrective action, any unit in which wastes have been placed at any time, regardless of whether the unit was designed to accept solid waste or hazardous waste. Such units could include old landfills, wastewater treatment tanks, and leaking process or waste collection sewers.

Solid Waste. Any garbage, refuse, trash, rubbish, sludge, waste, or scrap from commercial, agricultural, industrial, or residential activities. This classification does not include any of those materials that are identified as HW.

Source Reduction (as defined by 42 U.S.C. 6601 et seq. (Volume 9 Reference (ao))). Any practice that:

- a. Reduces the amount of any HS, pollutant, or contaminant entering any waste stream or otherwise released into the environment (including fugitive emissions) prior to recycling, treatment, and disposal.
- b. Reduces the hazards to public health and the environment associated with the release of such substances, pollutants, or contaminants.
- c. Includes equipment or technology modification; process or procedure modification; reformulation or redesign of products; substitution of raw materials; and improvements in housekeeping, maintenance, training, or inventory control.
- d. Source reduction does not entail any form of waste management (e.g., recycling, treatment, and disposal).

Source Separation. The separation of recyclable materials at their point of generation by the generator.

Species At Risk (SAR). Includes species on lists maintained by USFWS, NMFS, and state agencies as threatened or endangered, IUCN Red List, or are candidates for such lists. SAR also include

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species that could be added to any such list due to current status, and whose conservation, if not addressed, would severely impact the military mission.

Spill Event (as defined by Volume 7 Reference (aj)). A discharge of oil into or upon the navigable waters of the United States or adjoining shorelines in harmful quantities.

Spill Management Team. The personnel identified to staff the organizational structure identified in a response plan to manage response plan implementation.

Standard Operating Procedure (SOP). A written procedure that instructs practice owners on the environmentally-sound operation of a practice. SOPs should be integrated into existing technical procedures or Manuals for operation of practices when feasible, but may need to be distributed or posted in the work place as separate documents.

State Historic Preservation Office (SHPO). The person who has been designated in each State to administer the State Historic Preservation Program, including identifying and nominating eligible properties to the NRHP and otherwise administering applications for listing historic properties on the NRHP. For overseas locations, refer to the host nation's cultural resources laws or policies to identify the equivalent agency.

State Implementation Plan (SIP). A plan developed by each state to implement and enforce regulations in order to achieve and maintain the NAAQS within that state.

Stationary Source. Generally, any source of an air pollutant except those emissions resulting directly from an internal combustion engine for transportation purposes or from a nonroad engine or nonroad vehicle as defined in section 216 of Volume 6 Reference (a).

Status of Force Agreements. Agreements concerning the stationing or operation of forces in a host country. These actions include multilateral or bilateral stationing for operating and installation rights agreements.

Stewardship. The responsibility to inventory, manage, conserve, protect, and enhance natural resources entrusted to one's care in a way that respects the intrinsic value of those resources, and the needs of present and future generations.

Stormwater or Wastewater Collection System. Piping, pumps, conduits, and any other equipment necessary to collect and transport the flow of surface water runoff resulting from precipitation or domestic, commercial, or industrial wastewater. The collection of stormwater and wastewater does not include treatment except where incidental to conveyance.

Stormwater. The portion of precipitation that does not naturally percolate into the ground or evaporate but flows via overland flows, channels, or pipes into a defined surface water channel or stormwater system during and immediately following a storm event.

Straddle Program. Includes CMP10 projects authorized from the semi-annual CAF that have a scheduled bid opening date in the fourth quarter of the fiscal year. Provides HQMC (LFF)/MCICOM (GF) the flexibility of using either current year or following year funds. The

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number of projects approved for the Straddle Program is determined by the amount of additional funds that are expected to be available and shall be obligated before the year-end.

Strategic List Items. These items, under the jurisdiction of the Export Administration Regulations, U.S. Department of Commerce, have been assigned a code letter “A” or “B” following the Export Control Classification Number on the Commerce Control List, 15 CFR 774 (Volume 17 Reference (w)), and include both military and commercial items. They are controlled due to national security, foreign policy controls, nuclear proliferation, missile technology, chemical and biological warfare, and short supply.

Supplier of Water (as defined by Volume 16 Reference (e)). Any person who owns or operates a public PWS.

Surface Water (as defined by Volume 16 Reference (e)). All water which is open to the atmosphere and subject to surface runoff.

Surveillance. Thorough inspections or surveys made before or after pest management treatments to determine the presence and prevalence of pests or disease vectors.

Sustainability. Defined in Chapter 1 of this Order.

Sustainable Acquisition (as defined by DoD, “Updated Green Procurement Program (GPP) Strategy,” December 2, 2008 (Volume 1 Reference (s))). Volume 1 Reference (s) defines sustainable acquisition or “Green Procurement” as the “purchase of environmentally preferable products and services in accordance with federally-mandated ‘green’ procurement preference programs.” Green procurement includes the acquisition of recycled content products, environmentally preferable products and services, biobased products, energy and water efficient products, alternative fuel vehicles and alternative fuels, products using renewable energy, and alternatives to hazardous or toxic chemicals.

Sustainable Practices. Section 2 of Volume 2 Reference (a) directs federal agencies to implement sustainable practices for:

- a. Improvement in energy efficiency and reduction in greenhouse gas emissions.
- b. Use of renewable energy.
- c. Reduction in water consumption.
- d. Sustainable acquisition.
- e. Reduction of the use and disposal of toxic and hazardous chemicals and materials.
- f. Pollution and waste prevention/diversion and recycling programs.
- g. High performance and sustainable buildings.
- h. Vehicle fleet management.
- i. Participation in regional and local transportation planning.
- j. Electronics stewardship.

Sustainable Procurement. Products or services that have a lesser or reduced effect on human health and the environment when compared with competing products or services that serve the same purpose. This comparison may consider raw materials acquisition, production, manufacturing,

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packaging, distribution, reuse, operation, maintenance, or disposal of the product or service. Components of sustainable procurement are described in 17303.b.

T

Target. A detailed performance requirement that sets a limit, usually a quantity, and/or a time frame, for the achievement of objectives. An objective may have more than one target.

Technical Guide. A manual prepared by the AFPMB on specific pest management and disease vector control topics. Technical guides are available from the AFPMB website. Most technical guides are guidance on specific pest management and disease vector control topics designed to help rather than enforce, and are not DoD policy. However, those cited in DoD policy issuances do carry the weight of DoD policy.

Technical Review Committee (as defined by Volume 10 Reference (ab)). A group comprised of DoD, EPA, state and local authorities, and a public representative of the community formed to meet the requirements of 10 U.S.C. 2705(c), DoD Environmental Restoration Program. Primarily functioning to review IR documents, these committees are being expanded and modified at installations where interest or need necessitates the creation of a RAB.

Tenant. An authorized governmental activity located on an installation that is not part of the host organization.

Terrestrial System Management. Programs and techniques to manage lands, including soil conservation, erosion control, nonpoint source pollution, habitat restoration, control of noxious weeds and poisonous plants, agricultural outleasing, grassland/rangeland management, landscaping, and grounds maintenance.

Territorial Sea (as defined by Volume 20 Reference (av)). The belt of seas measured from the baseline, in accordance with the Convention on the Territorial Sea and the Contiguous Zone (the line of ordinary low water located along the coast that is in direct contact with the open sea and the line marking the seaward limits of inland waters), and extending seaward at a distance of 3 nautical miles.

Territorial Seas (as defined by Volume 7 Reference (al)). The belt of the seas measured from the line of ordinary low water, along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters, and extending seaward a distance of three miles.

The Environmental Assessment Manual (TEAM) Guide Checklists. TEAM Guide is an audit protocol that lists environmental compliance requirements and provides auditing guidance for federal and state/territory environmental requirements. The TEAM Guide checklists are maintained by U.S. Army Corps of Engineers for the military services.

The Environmental Assessment Manual (TEAM) Guide. An audit protocol that lists environmental compliance requirements (checklists) and provides auditing guidance for overseas environmental requirements.

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Third-Party Site (as defined by Volume 10 Reference (g)). A site never owned by, leased to, or otherwise possessed by the United States Government; never under DoD jurisdiction; and where DoD is a potentially responsible party.

Threatened Species (as defined by section 1532.20 of Volume 11 Reference (ae)). Any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

Threshold Planning Quantity (TPQ). The established amount of an EHS which, when present onsite at a facility in excess of the threshold limit, requires reporting pursuant to sections 302, 311, and 312 of Volume 7 Reference (a). TPQs are listed in appendices A and B of Volume 7 Reference (ag).

Tier I Qualified Facility. A facility that (1) has 10,000 gal or less in aggregate aboveground oil storage capacity; (2) has no individual aboveground oil containers greater than 5,000 gal; and (3) within 3 years prior to the plan certification date, has not had a single discharge of oil to navigable waters or adjoining shorelines exceeding 1,000 gal or two discharges of oil to navigable waters or adjoining shorelines each exceeding 42 gal within any 12-month period.

Tier II Qualified Facility. A facility that (1) has 10,000 gal or less in aggregate aboveground oil storage capacity; (2) has any individual aboveground oil containers greater than 5,000 gal; and (3) within 3 years prior to the plan certification date, has not had a single discharge of oil to navigable waters or adjoining shorelines exceeding 1,000 gal or two discharges of oil to navigable waters or adjoining shorelines each exceeding 42 gal within any 12-month period.

Title V Operating Permit. A federally-enforceable document issued by the states to major sources, sources subject to NSPS, sources subject to any standard in accordance with section 112(d) of Volume 6 Reference (a), and sources subject to NSR. This document defines emission standards, operational procedures, and all obligations of the source pursuant to Volume 6 Reference (a).

Total Maximum Daily Load (as defined by Volume 19 Reference (i)). The sum of the individual WLAs for point sources and LAs for nonpoint sources and natural background. If a receiving water has only one point source discharger, the TMDL is the sum of that point source WLA plus the LAs for any nonpoint sources of pollution and natural background sources, tributaries, or adjacent segments. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure. If Best Management Practices (BMPs) or other nonpoint source pollution controls make more stringent load allocations practicable, then wasteload allocations can be made less stringent. Thus, the TMDL process provides for nonpoint source control tradeoffs.

Totally Enclosed Manner. Any manner that will ensure no exposure of human beings or the environment to any concentration of PCBs.

Toxic Chemical. Chemicals on the list in Committee Print Number 99-169 of the Senate Committee on Environment and Public Works, titled "Toxic Chemicals Subject to Section 313 of the Emergency Planning and Community Right-To-Know Act of 1986." Any substance listed in 40 CFR 372 (Volume 9 Reference (ap)).

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Toxic Pollutant. Any pollutant listed as toxic pursuant to section 307(a)(1) of Volume 20 Reference (a) or, in the case of sludge use or disposal practices, any pollutant identified in regulations implementing section 405(d) of Volume 20 References (a) and (b). Toxic pollutants include those that have been determined by EPA as causing death, disease, behavioral abnormalities, cancer, genetic mutations, physical deformities, or physiological malfunctions.

Treatment (as defined by Volume 9 Reference (al)). Treatment is any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste 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.

Treatment Works Treating Domestic Sewage (as defined by Volume 20 Reference (b)). A POTW, FOTW, or any other sewage sludge or wastewater treatment device or system, regardless of ownership, used in the storage, treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated for the disposal of sewage sludge.

Treatment, Storage, or Disposal Facility (TSDF). Any facility that currently or plans to treat, store, or dispose of hazardous wastes. TSDFs shall obtain a RCRA permit.

Tribal Historic Preservation Officer (THPO). A THPO appointed or designated in accordance with Volume 8 Reference (d) is the official representative of a tribe for the purposes of Section 106.

U

Underground Injection (as defined by Volume 20 Reference (am)). A well injection consisting of the subsurface emplacement of fluids through a bored, drilled, or driven well, or through a dug well, where the depth of the well dug is greater than the largest surface dimension.

Underground Injection Control (UIC) (as defined by Volume 16 Reference (i)). The regulation of the injection of fluids into the subsurface through a well to protect ground water for potential use as drinking water.

Underground Storage Tanks (USTs). All tank systems containing regulated substances for which the tank volume, including piping, is 10 percent or more beneath the surface of the ground. The following tank systems are excluded from federal UST regulations:

- a. Any UST system holding a HW listed or identified in accordance with subtitle C of Volume 18 Reference (b), or a mixture of such a HW and other regulated substances.
- b. Any wastewater treatment tank system that is part of a wastewater treatment facility pursuant to sections 402 or 307(b) of Volume 18 Reference (l).
- c. Equipment or machinery that contains regulated substances for operational purposes, such as hydraulic lift tanks and electrical equipment tanks.
- d. Any UST system that has a capacity of 110 gal or less.
- e. Any UST system that contains a minimum concentration of regulated substances.
- f. Any UST emergency spill or overflow containment system that is expeditiously emptied after use.

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- g. Any residential tank containing motor fuel for noncommercial use with a capacity of 1,100 gal or less.
- h. Any tank storing heating oil for consumptive use on the premises.
- i. Any tank system on or above the floor of underground areas, such as basements or tunnels.
- j. Any septic tank, stormwater, or wastewater collection system.
- k. Any flow-through process tank.

Undertaking. Any 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; those requiring a federal permit, license, or approval; and those subject to State or local regulations administered pursuant to a delegation or approval by a federal agency.

Unexploded Ordnance (UXO) (as defined by Volume 10 Reference (z)). Military munitions that have been primed, fused, armed, or otherwise prepared for action; have been fired, dropped, launched, projected, or placed in such a manner as to constitute a hazard to operations, installations, personnel, or material; and remain unexploded either by malfunction, design, or any other cause.

Uniform Hazardous Waste Manifest (UHW) System. The UHW is a set of forms, reports, and procedures designed to seamlessly track hazardous waste from the time it leaves the generator facility where it was produced, until it reaches the offsite waste management facility that will store, treat, or dispose of the hazardous waste.

United States. All states, territories, and possessions of the United States and all waters and airspace subject to the territorial jurisdiction of the United States.

- a. As defined by Volume 7 Reference (aj), the States, the District of Columbia, Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

Upgrade. The addition or retrofit of a system with cathodic protection, lining, or spill and overflow controls to improve the ability of a UST system to prevent the release of product.

UST/AST System. The UST/AST and any connected underground piping, underground ancillary equipment, and containment system, if any.

V

Value (as defined by Volume 7 Reference (aq)). The maximum amount of goods, services, or money an individual is willing to give up to obtain a specific good or service, or the minimum amount of goods, services, or money an individual is willing to accept to forgo a specific good or service.

Vapor Intrusion (as defined by Volume 10 Reference (g)). The migration of volatile chemical releases from subsurface media (i.e., soil, soil gas, and groundwater) into overlying structures.

Vessel (as defined by Volume 7 Reference (s)). Every description of watercraft or other artificial contrivance used, or capable of being used, as a means of transportation on water, other than a public vessel.

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Volatile Organic Compound (VOC). A VOC is a photo chemically reactive organic compound which evaporates readily under normal temperature and pressure conditions. As a result of the tendency to evaporate readily, VOCs are primary contributors to the formation of ground level ozone.

W

Waste Military Munition (WMM) (as defined by Volume 21 Reference (b)). A military munition is a “waste” military munition if it has been identified as a solid waste, as defined by Subpart M sections 266.202 of Volume 21 Reference (j), or a hazardous waste, as defined by Subparts C or D of Volume 21 Reference (o). In general, WMMs are hazardous waste when they exhibit the hazardous waste characteristic of ignitability, corrosivity, reactivity, or toxicity or are listed as a hazardous waste.

Waste Office Paper. Materials such as letterhead, copy paper, miscellaneous business forms, stationary, typing paper, tablet sheets, and computer printouts and cards. Classified wastes are explicitly excluded, except when applicable security directives allow their inclusion.

Waste to Energy (as defined in EPA Energy Recovery from Waste Website (Volume 17 Reference (x))). The conversion of non-recyclable waste materials into useable heat, electricity, or fuel through a variety of processes, including combustion, gasification, pyrolyzation, anaerobic digestion, and landfill gas recovery.

Wasteload Allocation (as defined by Volume 20 Reference (i)). The portion of receiving water's loading capacity that is allocated to one of its existing or future point sources of pollution.

Wastewater Treatment Tank. A tank that is designed to receive and treat influent wastewater through physical, chemical, or biological methods.

Water Quality Standards (as defined by Volume 20 Reference (i)). Provisions of state or federal law consisting of a designated use or uses for the waters of the United States and water quality criteria for such waters based upon such uses.

Waters of the United States (as defined by 33 CFR 328.3 (Volume 11 Reference (bj)) and 40 CFR 122.2 (Volume 11 Reference (bk))). Waters of the United States includes:

- a. All waters which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
- b. All interstate waters including interstate wetlands;
- c. All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate or foreign commerce including any such waters:
 - (1) Which are or could be used by interstate or foreign travelers for recreational or other purposes; or
 - (2) From which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or
 - (3) Which are used or could be used for industrial purpose by industries in interstate commerce;

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(4) All impoundments of waters otherwise defined as waters of the United States under the definition;

(5) Tributaries of waters identified in paragraphs (a)(1) through (4) of this section;

(6) The territorial seas;

(7) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in paragraphs (a)(1) through (6) of this section.

(8) Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any other federal agency, for the purposes of the Volume 11 Reference (z), the final authority regarding Volume 11 Reference (z) jurisdiction remains with the U.S. Environmental Protection Agency.

d. Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling ponds as defined in 40 CFR 423.11(m) which also meet the criteria of this definition) are not waters of the United States.

Watershed.

a. A watershed is a drainage area or basin in which all precipitation and other waters drain or flow to a marsh, stream, river, lake, or groundwater.

b. An area where rain, snow, sediment, and dissolved material drains to a river, lake, wetland, or other common point body of water.

Web-based Compliance Assessment and Sustainment Software (WEBCASS). A web application to document environmental compliance and EMS conformance deficiencies and manage corrective action plans.

Well (as defined by Volume 16 Reference (i)). A bored, drilled, or driven shaft; or a dug hole, whose depth is greater than the largest surface dimension.

Wellhead Protection Area (as defined by Volume 11 Reference (a), section 1428(e)). The surface and subsurface area surrounding a water well or well field supplying a PWS through which contaminants are reasonably likely to move and to reach such water well or well field.

Wetlands (as defined by Volume 11 References (bj) and (bk)). Those areas that are inundated or saturated by surface or ground water 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. Wetlands generally include swamps, marshes, bogs, and similar areas. Jurisdictional wetlands, those that are regulated by the U.S. Army Corps of Engineers under Section 404 of CWA (Volume 11 Reference (z)), must exhibit all three characteristics listed above. The USFWS definition of wetlands only requires one of these characteristics.

Whole Effluent Toxicity (as defined by Volume 20 Reference (b)). The aggregate toxic effect of an effluent measured directly by a toxicity test. Toxicity tests can be conducted to measure "acute" and "chronic" toxic effect.

Worst Case Discharge (as defined by Volume 7 Reference (u)). The largest foreseeable discharge of oil, including a discharge from fire or explosion, in adverse weather conditions. This volume will be determined by each pipeline operator for each response zone and is calculated according to section 105 of Volume 7 Reference (u).

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Glossary

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Worst Case Release (as defined by Volume 7 Reference (w)). The release of the largest quantity of a regulated substance from a vessel or process line failure that results in the greatest distance to an endpoint defined in section 22(a) of Volume 7 Reference (w).

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