

**Headquarters, U.S.
Marine Corps**

**MCO P5090.2A
PCN 10207187100**



ENVIRONMENTAL COMPLIANCE AND PROTECTION MANUAL

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DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
2 NAVY ANNEX
WASHINGTON, DC 20380-1775

MCO P5090.2A
LFL
10 JUL 98

MARINE CORPS ORDER P5090.2A W/CH 1-2

From: Commandant of the Marine Corps
To: Distribution List

Subj: ENVIRONMENTAL COMPLIANCE AND PROTECTION MANUAL

Encl: (1) LOCATOR SHEET

Reports Required: List, page v

1. Purpose. American society has shown a determined concern for the protection and enhancement of the environment. As a result, the Secretary of Defense has made the commitment that the Department of Defense (DoD) will take the lead in Federal agency environmental compliance and protection. Military leaders are expected to conform to a new national ethic and to consider a new set of priorities which have been superimposed on our traditional defense mission. Consistent with this objective, this Manual has been revised to provide guidance and instruction to installations enabling them to meet stringent environmental legislation and increasing pressure by regulatory agencies at the Federal, state, and local level.

2. Cancellation. MCO P5090.2

3. Effective Date. 1 July 1998

4. Summary of Revision. Revisions are considerable, and this Manual should be reviewed in its entirety.

5. Scope. This Manual accomplishes the following:

- a. Implements the substantive requirements of DoD environmental policy;
- b. Outlines the requirements for compliance with Federal environmental regulations;
- c. Establishes Marine Corps policy for funding, evaluating, and continually improving environmental compliance and protection programs, with emphasis on pollution prevention and training and education.

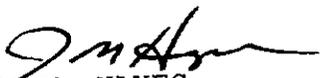
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6. Recommendations for Modification. Recommendations concerning the contents of this Manual are invited. Such recommendations will be forwarded to the Commandant of the Marine Corps (CMC) (LFL) via the appropriate chain of command.

7. Action. All Commanding Officers and Marines whose actions have the potential to adversely affect the environment should ensure that they are familiar with the applicable chapters of this Manual.

8. Reserve Applicability. This Manual is applicable to the Marine Corps Reserve.

9. Certification. Reviewed and approved this date.


J. M. HAYES
Acting Deputy Chief of Staff
for Installations and Logistics

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MCO P5090.2A Ch1
LFL-6
22 JAN 2008

MARINE CORPS ORDER P5090.2A CH 1

From: Commandant of the Marine Corps
To: Distribution List

Subj: ENVIRONMENTAL COMPLIANCE AND PROTECTION MANUAL
CHANGE 1

Encl: (1) Revised chapters and appendices, a new chapter,
and a new appendix to MCO P5090.2A

1. Situation. To transmit revised chapters and appendices, one new chapter and one new appendix to the basic Order.

2. Mission. This change updates Marine Corps policy on environmental compliance and protection. This change also adds policy and responsibilities for managing military waste munitions.

3. Execution

a. Remove the overall table of contents, page iii. Replace it with the corresponding page ii in enclosure (1).

b. Remove the Reports Required, page vii. Replace it with the corresponding Reports Required, page 6, in enclosure (1).

c. Remove chapters 1-5. Replace with corresponding chapters 1-5 in enclosure (1).

d. Remove chapters 11-12. Replace with corresponding chapters 11-12 in enclosure (1).

e. Add chapter 21.

f. Remove appendices A-D. Replace with corresponding appendices A-D in enclosure (1).

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g. Add appendix R.

4. Filing Instructions. File this change transmittal page in front of the original Order.



E. G. USHER III
Deputy Commandant for
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MCO P5090.2A Ch 2
LFL-6
21 May 2009

MARINE CORPS ORDER P5090.2A Ch 2

From: Commandant of the Marine Corps
To: Distribution List

Subj: ENVIRONMENTAL COMPLIANCE AND PROTECTION MANUAL

Encl: (1) Revised chapters and appendices and a
new appendix to MCO P5090.2A

1. Situation. To transmit revised chapters and appendices and add one new appendix to the basic Order.

2. Execution

a. Remove the overall table of contents, page ii. Replace it with the corresponding page ii in enclosure (1).

b. Remove chapters 3, 6 through 9, 12, 14 through 17, and 19. Replace with corresponding chapters 3, 6 through 9, 12, 14 through 17, and 19 in enclosure (1).

c. Remove appendices E and F. Replace with corresponding appendices E and F in enclosure (1).

d. Add appendix S.

3. Summary of Changes. This change updates Marine Corps policy on environmental compliance and protection. This change also adds a procedure for implementing a waiver for the use of Defense Reutilization and Marketing Services.

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Deputy Commandant for
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MCO P5090.2A
10 Jul 98

LOCATOR SHEET

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ENCLOSURE (1)

RECORD OF CHANGES

Log completed change action as indicated.

Change Number	Date of Change	Date Entered	Signature of Person Incorporated Change
1	01/22/08		
2	05/21/09		

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CHAPTER 1

GENERAL POLICIES AND RESPONSIBILITIES

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CHAPTER 1

GENERAL POLICIES AND RESPONSIBILITIES

SECTION 1: INTRODUCTION

1100. PURPOSE. This Manual sets forth Marine Corps policies and responsibilities for compliance with environmental statutes and regulations, as well as the management of Marine Corps environmental programs.

1101. APPLICABILITY

1. This Manual applies to all Marine Corps active and reserve installations, commands, detachments, components, and where applicable, Marine Corps activities in foreign countries.

2. Activities in Foreign Countries

a. Marine Corps activities in foreign countries are generally not subject to United States domestic environmental statutes and regulations. However, Marine Corps facilities and activities in foreign countries may, as applicable, be subject to reference (a) or country-specific Final Governing Standards (FGSs). The country-specific FGSs are prepared by the applicable Department of Defense (DOD) Environmental Executive Agent and are based on host nation environmental requirements and reference (a), whichever is more stringent.

b. If FGSs are established for the host nation, Marine Corps activities must comply with them.

c. If no FGSs are established for the host nation, Marine Corps activities must be in compliance with applicable international agreements, applicable host nation environmental requirements, and reference (a).

d. In addition, unless otherwise indicated, the policies contained in this manual apply to Marine Corps activities overseas.

1102. BACKGROUND

1. This Manual was originally published in 1991 and was based on various statutes, regulations, Executive Orders (E.O.s), directives, and policy. This remains the case, and references contained within this Manual are listed in the appendices with a brief discussion of each reference source. Technical discussions of various reference sources are presented in each chapter. Training requirements drawn from many of the reference sources are also presented in the appendices.

2. Many E.O.s and Federal laws direct Federal agencies to provide leadership in the protection of our Nation's environment. This is one of the principle directives supporting the creation and revision of this Manual.

1103. ENVIRONMENTAL REQUIREMENTS

1. Background

a. Federal environmental law extends as far back as 1899 with the passage of the Rivers and Harbors Act. For many years, the DOD maintained that national security concerns and sovereign immunity exempted it from compliance with environmental laws. However, certain Federal statutes and Federal court decisions have determined that Federal agencies, including the DOD, must comply with most environmental laws. Further, Congress continues to include new waivers from sovereign immunity when reauthorizing or amending environmental laws.

b. Marine Corps implementation of environmental requirements, as set forth in this Manual, is directed toward environmental compliance and natural resources protection. Accordingly, the environmental policies consolidated in this Manual include the policies, legislative mandates, and implementing Federal regulations for air, water, land, and solid and hazardous waste media, as well as the management of forestry, fish, wildlife, and other environmental, natural, and cultural resources. Each chapter in this Manual refers to certain environmental statutes and regulations pertaining to environmental compliance, pollution prevention, and natural/cultural resources protection.

2. Federal Requirements

a. Statutory Requirements. Federal environmental statutes generally require compliance by Federal 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 Federal installations by virtue of Federal waivers from sovereign immunity.

b. Regulatory Requirements. Federal environmental regulations expand upon Federal environmental statutes. These requirements often establish minimum requirements for State and local governments' implementing programs. (See appendix A for a summary of Codes of Federal Regulations.)

c. Executive Order Requirements

(1) Reference (b) requires all facilities owned by, leased to, or leased from the military, to be designed, operated, and maintained per all applicable environmental compliance standards. This E.O. also requires each agency to submit to the Office of Management and Budget an annual plan for environmental pollution control with cost estimates for the design, construction, management, operation, and maintenance of Federal facilities. Military and civilian personnel must cooperate with Federal, State, and local environmental protection agencies and comply with applicable standards and criteria issued by these agencies to the extent permitted by law. Revoked in part by reference (c) (sections 1-4 revoked).

(2) Reference (d) required "Federal agencies to conduct their environmental, transportation, and energy-related activities under the law in support of their respective missions in an environmentally, economically and fiscally sound, integrated, continuously improving, efficient, and sustainable manner."

(3) In addition, other E.O.s require Federal agencies to assume leadership roles in environmental compliance and protection. (See appendix A for a summary of applicable E.O.s.)

d. DOD Requirements. DOD Instructions and Directives referenced in this Manual are found in the appendices.

e. Department of the Navy (DON) Requirements. Certain DON requirements, such as those published by the Office of the Assistant Secretary of the Navy, Installations and Environment; apply to both Navy and Marine Corps activities and installations. DON requirements referenced in this Manual are found in the appendices.

f. Marine Corps Requirements. The Commandant of the Marine Corps (CMC) establishes Marine Corps environmental compliance and protection requirements through this Manual. In addition, the CMC may periodically provide other policies and guidance through letters, memoranda, and messages.

1104. TERMS AND DEFINITIONS. Each chapter contains specific terms and definitions applicable to its respective topic.

CHAPTER 1

GENERAL POLICIES AND RESPONSIBILITIES

SECTION 2: MARINE CORPS POLICY

1200. MISSION. The Marine Corps makes America's Marines, wins our Nation's battles, and creates quality citizens. Training is integral to these missions. By respecting and maintaining the natural resources entrusted to the Marine Corps, the training opportunities enjoyed by today's Marines will be available to future Marines. Complete and successful implementation of the policies herein will maximize the Marine Corps' ability to provide and sustain the natural resources, facilities, and training areas necessary to ensure the success of every Marine.

1201. MANUAL FORMAT. This Manual presents overall policy and program management in the opening five chapters, followed by 16 chapters dealing with specific environmental topics and related technical issues. Each chapter is broadly divided into three parts: Section 1: Introduction, Section 2: Marine Corps Policy, and Section 3: Responsibilities.

1. Section 1: Introduction. Section 1 consists of one or more of the following components:

- a. Purpose. The purpose explains why the chapter exists.
- b. Applicability. The applicability identifies to whom the chapter applies.
- c. Background. The background addresses why the Marine Corps is implementing these policies and discusses historic items in relation to the chapter's subject.
- d. Federal Statutes. This component describes Federal legislation applicable to the chapter's subject.
- e. Requirements. This component explains how legislative and other requirements apply to the chapter's subject.
- f. Terms and Definitions. This component describes terms and definitions designed to meet each chapter's subject matter.

2. Section 2: Policy. Section 2 provides Marine Corps policies for each chapter's subject.
3. Section 3: Responsibilities. Section 3 identifies the responsibilities for any environmental requirements identified within each chapter.
4. Appendices. Appendices A through R and an index are provided at the end of the Manual.

CHAPTER 1

GENERAL POLICIES AND RESPONSIBILITIES

SECTION 3: RESPONSIBILITIES

1300. COMMANDING GENERAL/COMMANDING OFFICER (CG/CO)

1. The CGs of each respective Marine Corps Installation region shall be the Federal officer charged with ultimate responsibility for the compliance with applicable environmental requirements of all installations in their respective region. The CGs of Marine Forces Reserve, Marine Forces Pacific, and Marine Forces Command shall be the Federal officers charged with ultimate responsibility for their respective command's compliance with applicable environmental requirements. The CG/CO of each installation shall be the Federal officer charged with day-to-day responsibility for the compliance with applicable environmental requirements of their installation.

2. Commanders of units deployed to installations overseas must follow reference (a) and comply with the FGS established for each respective host country. Commanders should also consult with their counsel to identify any unique environmental requirements of the host country.

1301. ALL MARINE CORPS PERSONNEL. All Marine Corps personnel must:

1. Know and comply with the environmental rules and regulations that apply to their duties.

2. Maintain a general awareness of all applicable Marine Corps environmental policies and goals.

3. Employ the Marine Corps Environmental Management System to incorporate environmentally safe and compliant practices and procedures into daily operations.

4. Take advantage of pollution prevention opportunities in all activities.

5. Emphasize environmental awareness and continually improve on incorporating environmental compliance into every aspect of operational practices.
6. Promote pollution prevention as the primary means of achieving and maintaining compliance with environmental requirements.
7. Address or elevate environmental issues and concerns.

REFERENCES

(a) DOD 4715.05-G, "Overseas Environmental Baseline Guidance Document," May 1, 2007

(b) Executive Order 12088, "Federal Compliance with Pollution Control Standards," October 13, 1978

(c) Executive Order 13148, "Greening the Government Through Leadership in Environmental Management," April 21, 2000

(d) Executive Order 13423, "Strengthening Federal Environmental, Energy, and Transportation Management," January 24, 2007

CHAPTER 2

ENVIRONMENTAL PROGRAM MANAGEMENT

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CHAPTER 2

ENVIRONMENTAL PROGRAM MANAGEMENT

SECTION 1: INTRODUCTION

2100. PURPOSE. This chapter establishes Marine Corps policies and responsibilities for effective environmental program management through conformance with the Marine Corps Environmental Management System (EMS). 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 goal of the Marine Corps EMS is to sustain and ultimately enhance mission readiness and access to training areas. Effective environmental program management enables Marine Corps units, tenants, commands, and installations to achieve and maintain environmental compliance and protection while maintaining combat training and readiness.

2101. APPLICABILITY. See paragraph 1101.

2102. BACKGROUND

1. 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. Failure to achieve compliance and protect the country's natural resources may lead to legislative, executive, or judicial directives and/or regulatory agency actions limiting Marine Corps access to areas necessary to sustain military readiness.

2. Marines train as intensely as they fight; therefore, they need a variety of landscapes to conduct training. Over time, however, training can degrade a landscape so that it no longer sustains necessary training levels. Marine Corps environmental programs preserve training, enhance military readiness, protect public health, and preserve the environmental quality of the installation and adjacent communities. Environmental programs also strengthen Marine Corps relationships with the public and the regulatory agencies that implement the major Federal environmental laws, and they reduce the long-term costs of maintaining and operating installations.

3. Federal agencies must comply with many Federal, State, and local environmental compliance requirements because many Federal environmental laws contain waivers of sovereign immunity requiring Federal agencies to comply like any other agency, organization or individual. An environmental "requirement" is an objective, defined standard that is subject to uniform application.

4. Federal agency compliance with environmental requirements varies between states and localities because State and local governments often implement differing environmental programs that are more stringent than Federal environmental requirements. Since these programs are dynamic and frequently change and the regulatory enforcement priorities of Federal, State, and local agencies can vary, personnel should seek the advice of legal counsel on specific issues that may result in a dispute with State or local regulatory agencies. If, upon the advice of legal counsel, it appears that such a dispute will remain unresolved at the installation level, promptly notify the Headquarters Marine Corps, Facilities and Services Division (CMC (LF)). In this regard, Chapter 3 of this Manual discusses Marine Corps policy regarding the payment of fees, fines, or taxes and other environmental compliance funding matters.

2103. FEDERAL STATUTES. See appendix A for a summary of applicable Federal statutes.

2104. REQUIREMENTS. See appendix A for a summary of other applicable requirements.

2105. TERMS AND DEFINITIONS

1. Environment. The navigable waters, the waters of the contiguous zone, and ocean waters of which the natural resources are under the exclusive management authority of the United States, and any other surface water, groundwater, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States including man-made structures, indoor air environments, and archeological and cultural resources.

2. Environmental Enhancement. All actions taken to improve the environment beyond, but not limited to, those actions that maintain environmental compliance and meet environmental quality standards.

3. EMS. A management tool that provides and documents systematic approaches for integrating environmental considerations and accountability into day-to-day decision-making and long-term planning processes across all missions, activities, and functions. An EMS institutionalizes processes for continual environmental improvement and reducing risks to mission through effective and continual planning, review, and preventive or corrective action.

4. 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.

5. Environmental and Natural Resources Conservation Awards. Awards given annually by the Secretary of Defense and the Secretary of the Navy to installations that have demonstrated outstanding achievements in environmental protection or natural resources conservation in the preceding two years.

6. Environmental Standard of General Applicability in the Host Nation or Jurisdiction. Substantive environmental standards that are applicable, in effect, and uniformly enforced pursuant to the national pollution control laws of the host country or regulations issued by host government agencies to implement national laws. The term does not include pollution control standards enacted or adopted by local governmental units, nor does it include political subdivisions that do not implement national pollution control laws of the host nation. Specific provisions of Status of Forces Agreements (SOFA) that permit or require applicability of standards other than those of the host country will be considered part of the environmental pollution control standards of general applicability in the host country or jurisdiction.

7. Executive Orders (E.O.s). A direct order signed by the President under his constitutional authority as Chief Executive, specifying responsibilities and actions required by Executive Branch agencies.

8. Facilities. Land resources, buildings, installations, structures, public works, equipment, aircraft, vessels, and other vehicles and property owned by, constructed for or by, or

manufactured for the purpose of leasing to the Marine Corps.

9. Federal Action. An action that is implemented, funded, or authorized by the United States Government. It does not include actions in which the United States participates only in an advisory, information gathering, representational, or diplomatic capacity, nor does it implement or initiate the action or provide funding for the action. Actions in which a foreign government uses funds derived indirectly from the United States are considered Federal actions. Federal actions do not include actions taken by a foreign government or those occurring in a foreign country that benefit the United States but are not initiated, implemented, or funded by the United States.

10. 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.

11. 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 and bases. GOCO facilities consist of government-owned and controlled real property that are jurisdictionally separated from and dedicated to a contractor operation under contract.

12. Lead Agency. The agency having the primary responsibility for preparing required environmental analyses.

13. SOFAs. Agreements concerning the stationing or operation of forces in a host country. These actions include multilateral or bilateral stationing for operating and base rights agreements.

14. United States. All states, the District of Columbia, territories and possessions of the United States, and all waters

and airspace subject to the territorial jurisdiction of the United States. The territories and possessions of the United States include the Virgin Islands, American Samoa, Wake Island, Midway Islands, Guam, Palmyra Island, Johnston Atoll, Navassa Island, and Kingman Reef. For the purpose of this Manual, the United States also includes the Commonwealth of Puerto Rico and the Commonwealth of the Northern Marianas.

15. United States (or Host Country) Provided Facilities.
Facilities contracted at the expense of the United States (or host country).

CHAPTER 2

ENVIRONMENTAL PROGRAM MANAGEMENT

SECTION 2: GENERAL MARINE CORPS POLICIES

2200. ENVIRONMENTAL MANAGEMENT. This section provides general policy for environmental compliance and protection programs, along with technical, legal, and data management support. The Marine Corps employs a proactive environmental management system to protect and enhance the quality of the environment through strict compliance with all applicable environmental requirements. The Marine Corps protects and preserves its watersheds, wetlands, natural landscapes, soils, forests, fish and wildlife, and other natural resources as vital Marine Corps assets.

2201. MARINE CORPS EMS

1. The Marine Corps EMS is a framework of five interrelated components consisting of 18 elements. This framework is consistent with those used by other military services and Federal agencies, and with International Organization for Standardization's ISO 14001, an international standard for EMS. The Marine Corps EMS emphasizes continual improvement through effective policy, planning, implementation, checking and preventive or corrective action, and management review. These five components are explained below; the 18 elements of the Marine Corps EMS appear in table 2-1 of this Manual.

a. Policy. The policy component is a public commitment by senior leadership that, at a minimum, expresses commitment to environmental compliance, pollution prevention, and continual improvement of the installation's environmental performance.

b. Planning. The planning component is an integration of environmental considerations into mission operations through identification of mission-supporting practices and the aspects of those practices that have the potential to impact the environment, analysis and prioritization of risks to mission posed by those practices, development of objectives and targets (goals and metrics) for minimizing the risks to mission posed by those practices, and identification of resources and timelines for achieving those objectives and targets.

c. Implementation. The EMS implementation component is the development and documentation of roles and responsibilities for controlling mission-supporting practices and managing environmental resources to sustain and enhance the installation's mission and mission-supporting practices.

d. Checking and Preventive or Corrective Action. This component includes the establishment and implementation of procedures for self-evaluation and preventive or corrective action of EMS implementation.

e. Management Review. This component is a senior leadership review of EMS implementation, followed by changes, as appropriate.

2. Each Marine Corps installation shall conform with the requirements of the Marine Corps EMS.

2202. CONSISTENCY. Because the number of environmental statutes, regulations, and related environmental requirements continues to increase, the Marine Corps must be prepared to continually and consistently respond. To ensure consistent environmental compliance and avoid adverse precedents, particularly those with funding implications, responsible commands must coordinate with CMC (LF) regarding permit requirements; payments of fines/fees/penalties/supplemental environmental projects from Marine Corps funds; compliance agreements; settlements; and responses to Notices of Violation (NOVs). Legal and technical assistance is available from the installation and regional legal counsel and environmental offices. Naval Facilities Engineering Command (NAVFACENGCOM) and supporting activities and commands are also available to respond to requests for technical assistance.

2203. COMPLIANCE. It is Marine Corps policy that all Marine Corps installations and activities comply with all applicable environmental requirements.

2204. POLLUTION PREVENTION. The preferred methods of sustaining environmental compliance and protection are minimizing resource consumption and eliminating waste generation. Marine Corps activities must incorporate these methods, where practicable, when planning, designing, manufacturing or constructing, maintaining, sustaining, and

disposing of facilities, weapon systems, and equipment. Marine Corps activities shall also eliminate or minimize the use of hazardous materials (HM) and the generation of hazardous waste (HW), where practicable. When assessing environmental compliance alternatives, installations and commands shall employ the environmental management hierarchy (EMH), established by reference (a) to have the following order of preference:

1. Source reduction.
2. Reuse.
3. Recycling.
4. Treatment.
5. Disposal.

2205. 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 Department of Defense (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. Environmental RDT&E planned to be undertaken shall be reported to the CMC (LF); Marine Corps Systems Command; and the Office of the Director of Defense Research and Engineering, Washington, DC 20301-3010.

2206. PERSONAL LIABILITY FOR VIOLATION OF ENVIRONMENTAL LAWS.

In most civil lawsuits, Federal civilian employees and service members are 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.

1. 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 per 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 must 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 reference (b) and from the Counsel for the Commandant of the Marine Corps (CMC (CL)) and its regional offices.

2. Civil Liability for Fines. Many environmental laws provide for civil penalties (e.g., fines) for violations of environmental requirements. Many statutes, such as references (c), (d), and (e) provide varying degrees of immunity from civil penalties to individual Federal civilian employees and service members acting in the line of duty or within the scope of their employment.

3. 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 must 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 must be presumed to be aware of the regulations." In other words, "ignorance of the law is no excuse."

4. 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.

2207. REPORTING ENFORCEMENT ACTIONS (EAS). Immediately after receiving an EA 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:

1. Report it via the chain of command to the Environmental Compliance Officer, CMC (LF), by submitting a Report of Notice of Violation/Notice of Noncompliance Report per the procedures in appendix B-1. Report Control Symbol, MC-5090-01, is assigned to this reporting requirement.

2. Coordinate with the responsible unit to correct the alleged violation or, after consulting with counsel, prepare a plan to achieve and maintain compliance. Compliance stops the assessment of any penalties that may be assessed for the period of noncompliance. The responsible unit and/or cognizant installation should also consult with counsel to determine whether an administrative and/or criminal investigation or a litigation report is appropriate.

2208. SITE INSPECTIONS. Upon the presentation of proper credentials, authorized Environmental Protection Agency (EPA), State, or local regulators or representatives must be allowed to enter a Marine Corps installation at reasonable times to examine or copy records, inspect 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 below.

2209. INFORMATION SECURITY. Federal, State, and local environmental regulators periodically inspect Marine Corps installations. During these inspections, Federal civilian employees and service members must ensure compliance with applicable orders governing the control and protection of classified and sensitive information. Before permitting environmental regulators with appropriate security clearances or access authorizations requested classified or sensitive information, the information holder shall ensure that each recipient understands and complies with the applicable security requirements governing the information requested.

1. Only personnel with appropriate security clearances or access authorizations will be permitted access to classified areas or information, and then only upon a determination by the cognizant Marine Corps official that a "need-to-know" exists to fulfill a legitimate regulatory purpose. In keeping with the need-to-know principle, such access shall be limited to information relevant to the purpose of the inspection.

2. Marine Corps installations handle a considerable amount of sensitive unclassified information controlled under Marine Corps security regulations, Federal export control regulations, and other government-wide requirements. While security clearances or access authorizations are not required for access to this information, a "need-to-know" determination still must be made.

2210. GOCO FACILITIES. Marine Corps installations and/or commands sponsoring GOCO facilities must oversee their GOCO facility use or management contracts to ensure their contractors comply with applicable environmental requirements. To ensure environmental compliance, GOCO facility use and management contracts shall ensure each contractor participates 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 EMH into project planning and design.

2211. OUTLEASE RELATIONSHIPS

1. Federal law under reference (f) 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 Government and the grantee.

2. Installation lease relationships may include dozens of non-Federal entities, including state parks and recreation departments, power companies, Marine Corps Community Services support contractors, credit unions, aid associations, and agricultural lessees. These relationships are established and structured by lease terms. In negotiating these terms, each installation should formulate its own systematic approach to ensure that grantees comply with environmental and land-use laws. Specific issues of concern include:

a. How Federal environmental and land-use laws apply to the grantee;

b. Whether the installation may be liable for grantee violations of environmental and land-use laws; and

c. If the installation may be liable, whether it may limit its liability.

3. Persons, corporations, and other non-Federal entities conducting activities on Marine Corps installations must comply with any applicable Federal, State, and local environmental laws. In many cases, the legal obligations of these entities mirror the legal responsibilities of the Marine Corps. However,

there are many statutory environmental and land use requirements which are only applicable to Federal agencies and do not apply to non-Federal grantees. These requirements must be incorporated into the lease between the Department of the Navy (DON) (for the Marine Corps) and the grantee. Such requirements include:

a. Complying with reference (g).

b. 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.

c. Complying with E.O.s.

d. 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.

4. Grantees may be required to share the installation's Federal agency requirements when compliance with these requirements is in the lease. Leases, like other property interest conveyance instruments, are contracts negotiated between the DON and the grantees, and each grantee is obligated to comply with lease terms. Many leases, especially older ones, do not transfer Federal environmental and land-use responsibilities onto the grantees. Some of these leases simply recognize the installation commander's authority to publish reasonable rules and regulations applicable to grantees.

5. The installation commander is the primary steward of all installation natural resources. This stewardship role includes the oversight of activities, whether Federal or non-Federal, that may degrade the environment and the installation's natural resources.

6. Reference (h) regulates DON real estate transactions, including leases. That manual generally requires regular and periodic inspections of leased property to ensure that grantees comply with the terms of the lease. A Naval Facilities Engineering Command real estate specialist should conduct these inspections. However, if one is unavailable, the installation

commander is responsible for ensuring the inspections are conducted. The manual also requires DON natural resource professionals to inspect agricultural and grazing leases to determine whether the leases are complying with the soil and water conservation requirements of the lease. Here again, however, the installation commander is ultimately responsible for ensuring the inspections are conducted.

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

a. Ensure lease terms require grantees to comply with any applicable Federal, State, and local environmental laws and the environmental and land use requirements specifically applicable to Federal agencies with respect to the leased property.

b. Work with the local NAVFACENGCOCOM Engineering Field Division/Engineering Field Activity and CMC (LF) to ensure that all leases on the installation are periodically inspected and lease terms are enforced.

c. Ensure the installation's ECE program (see Chapter 4 of this Manual) audits grantees.

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

e. Designate installation staff responsible for overseeing grantee environmental and land-use compliance.

f. Document grantee environmental compliance inspections.

g. Ensure the installation considers the grantee's operations when implementing the EMS.

2212. GRANTEE AND CONTRACTOR OPERATIONS AND FACILITY USE. By virtue of lease or contract terms, grantees and independent contractors shall ensure their operations and facilities comply with, and conform to, all applicable environmental requirements. By virtue of lease or contract terms, grantees and independent contractors shall advise the cognizant installation or unit of their environmental compliance permits (e.g., the National Pollutant Discharge Elimination System) and their conditions, provide the cognizant installation or unit periodic

environmental compliance reports (i.e., audit findings), and participate in the Marine Corps ECE Program.

2213. REGIONAL AND COMMUNITY PROGRAMS. Marine Corps representatives may participate in regional or community planning programs. This participation is generally limited to matters of Marine Corps interest and only acting in an advisory (i.e., non-voting) role. The Marine Corps may also partially fund regional and community pollution control and solid waste management solutions where there is sufficient benefit to the Marine Corps. All such funding requests shall be coordinated with CMC (LF) and CMC (CL) to ensure the availability and proper expenditure of appropriations.

2214. 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 Intra(or Inter)-Service Support Agreements or similar instruments to define inter-organizational environmental compliance and protection responsibilities. Each Marine Corps installation shall audit DOD tenant organization environmental compliance activities on the installation. Each DOD tenant organization shall participate in the Marine Corps ECE Program.

2215. COORDINATION BETWEEN ENVIRONMENTAL MANAGERS AND COUNSEL. Environmental program managers and staff must 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 must 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.

2216. RELEASE OF INFORMATION

1. The installation commander or his/her 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.
2. Reference (i) 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.
3. Chapter 4 of this Manual discusses the release of ECE results.
4. Reference (j) requests for agency records should be coordinated with the cognizant Freedom of Information Act office and public affairs office and counsel (if applicable) to ensure that these requests are handled in accordance with Federal law. A brief discussion of reference (j) is provided in Chapter 4 of this Manual. Environmental laws (e.g., references (g), (k), and other environmental requirements (e.g., permits) may also mandate the release of information to governmental agencies and the public.
5. Through regulatory agency websites, such as EPA's online Federal Facility Environmental Compliance Status Report, the general public can retrieve enforcement and compliance information about DOD facilities possessing environmental permits. It is important that the information contained in EPA's database is accurate and reflects the Marine Corps' enforcement and compliance status. Therefore, commanders must ensure this information is reviewed at least quarterly and work with EPA and the State, local, and tribal governments to correct any inaccuracies. Installations shall monitor the EPA's Online Targeting Information System (www.epa.gov/idea/otis/index.html) and Enforcement and Compliance History Online (www.epa.gov/echo) databases and tracking systems at least quarterly to ensure Marine Corps compliance data is current and accurate.

Installations shall pay particular attention to the categorization of Significant Non-Compliance (SNC):

- a. Identify if the installation is listed as a "major" Federal facility.
- b. Verify installation address and permits associated with the installation.
- c. Verify all reported data associated with the permits.
- d. Report any errors and follow up with EPA data stewards until errors are resolved.

The SNC List can be accessed at <http://www.epa.gov/echo>. SNC guidance is available at the Defense Environmental Network and Information Exchange (<https://www.denix.osd.mil/denix.html>). Additional DON Clean Water Act SNC guidance, including SNC criteria and User's Guides to the EPA databases can be found at <https://www.denix.osd.mil/denix/DOD/Policy/component.html#navy-memos> (NOTAL).

2217. RETENTION AND DISPOSITION OF RECORDS AND DOCUMENTATION

1. Installations and units shall retain or dispose of their agency records related to environmental compliance and management in accordance with reference (1) (all references as amended or superseded), unless noted below.
2. Installations and units shall maintain and retain agency records relating to hazardous substance (HS) releases in accordance with references (k), (m), and (n). This requirement generally applies to the installation restoration (IR) program records consisting of the IR administrative record for the installation. Other agency records related to the IR program shall, pending promulgation of EPA regulations for their disposition, be retained in accordance with the most stringent requirements of reference (1) and DON IR program policy.

2218. COMMANDER'S ENVIRONMENTAL STATEMENT. The CMC periodically publishes White Letters expressing his direction on environmental compliance matters. Each White Letter addressee should (if applicable), publish a policy for implementing each of these White Letters.

2219. DESKTOP PROCEDURES AND TURNOVER FOLDERS. All COs will ensure desktop procedures and turnover folders are developed and maintained for environmental billets. See appendix B-2 for desktop procedure guidance and turnover folder requirements.

2220. ENVIRONMENTAL DEPARTMENT ADMINISTRATION AUDITS. Installation commanders will ensure their environmental management department's administration is audited at least every two years. This audit should emphasize proper agency records maintenance, retention, and disposal.

2221. ENVIRONMENTAL LIBRARY. Each installation and unit should establish or participate in an electronic environmental library. These libraries may become a repository for files, reports, studies, plans, permits, evaluations, inspections, and references. The Headquarters Marine Corps (HQMC) Environmental Applications Portal (HEAP) is a potential secure, electronic environmental library site available for installations and units.

2222. REGIONAL ENVIRONMENTAL COORDINATORS (RECS). DOD has established a DOD-wide system for coordinating regional environmental policy. This system consists of DOD environmental Executive Agents, DOD RECs, and Component RECs. The Departments of the Army, Navy, and Air Force serve as DOD environmental Executive Agents for each Federal EPA Region. The Army is the Executive Agent for Regions IV, V, VII, and VIII. The Navy is the Executive Agent for Regions I, III, and IX. The Air Force is the Executive Agent for Regions II, VI, and X. The Secretaries of the Military Departments assign RECs to their respective regions. Figure 2-1 at the end of this chapter illustrates the Federal EPA Region boundaries.

1. The REC system's primary purpose is to coordinate the consistent interpretation and application of DOD environmental policies within each region in consultation with the Executive Agents and affected Component RECs.

2. Component RECs help the DOD focus on the growing number of regional, State, and local environmental requirements affecting installations. Marine Corps Component RECs are General Officers within EPA Regions in which the Marine Corps has a significant presence (Regions III, IV, and IX).

Marine Corps Component RECs primarily monitor State and regional proposed environmental legislation and regulations for their potential impact on the Marine Corps. They coordinate with potentially affected installations and units to assess potential impacts, and with the DOD REC, present Marine Corps positions regarding proposed requirements.

2223. ENVIRONMENTAL ENGINEERING MANAGEMENT OFFICER. Each major installation and unit should add a Marine Officer Military Occupational Specialty (MOS) 8831, Environmental Engineering Management Officer, to its Table of Organization. An MOS 8831 officer is a graduate of the Special Education Program or Advanced Degree Program possessing a master's degree in environmental engineering, management, or science or has otherwise met the requirements delineated in reference (o).

2224. OFFICER OF THE DAY/COMMAND DUTY OFFICER (OOD/CDO). The OOD/CDO is the commander's representative during non-duty hours. The OOD/CDO's primary responsibility is to receive emergency calls during non-duty hours and inform the commander 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., HS spills). All installation and unit HS response plans and other contingency plans or procedures will require the OOD/CDO to be contacted immediately after contacting emergency response personnel.

2225. ENVIRONMENTAL INFORMATION TECHNOLOGY AND SERVICES (EIT&S)

1. EIT&S is the data, people, hardware, software, procedures, and policies required to perform environmental management support functions.

a. Policy. All Marine Corps Forces, Regions, and Installations will ensure that EIT&S is managed in accordance with references (p), (q), (r), and other applicable Marine Corps Information Technology policies.

b. MARINE CORPS ENVIRONMENTAL APPLICATIONS AND SYSTEMS ENTERPRISE (MCEASE). MCEASE is an information technology framework in support of EIT&S. This framework is a combination of computerized tools used to input, edit, store, retrieve, manage, analyze, and present environmental information. An example of computerized tools in this framework is the HEAP, Environmental Management Portal, and Learning Management Portal.

c. Services. The services component of EIT&S is the work performed in policy and procedure development, planning and execution, and management of Environmental Information Technology.

2. Each Marine Corps Force, Region, and installation shall participate in the working group chartered by CMC (LF) to establish broad program goals, objectives and priorities, and coordinate, review, approve/disapprove configuration enhancements/changes to MCEASE.

2226. GEOSPATIAL INFORMATION SYSTEM (GIS). A GIS is a computerized tool used to input, edit, store, retrieve, manage, analyze, and present geographic or geospatial information. Data that identifies the geographic location and characteristics of natural or constructed features and boundaries is known as geospatial information. Marine Corps Installation Geospatial Information and Services (IGI&S), also known as GEOFidelis, is the data, people, hardware, software, procedures, and policies required to perform installation management GIS support functions. It includes information produced by multiple sources to common interoperable data standards. It may be presented in the form of printed maps, charts and publications; in digital simulations and modeling databases; in photographic form; or in digitized maps and charts or attributed centerline data. Geospatial services include tools that enable users to access and manipulate data, and also include instruction, training, laboratory support, and guidance for the use of geospatial data. The vision of the GEOFidelis program is to ensure Marine Corps installations have a GIS that provides precise and reliable information at the installation and enterprise level that is based on a common infrastructure foundation to support interoperability across the Marine Corps.

1. The Marine Corps mission requires efficient operations of our installations and mandates that the Marine Corps has access to the best possible information about our installations and their surroundings. Geospatial information is critical to provide effective installation management, improve our stewardship of natural resources, and protect the environment. Geospatial Information and Services are a core capability to support the mission requirements for installation management. All activities with installation management responsibilities shall include IGI&S in their management, review, analysis, and

decision-making process in order to effectively and efficiently meet their installation management mission. Reference (s) provides specific policy, guidance, and standards for acquiring, utilizing and implementing Marine Corps IGI&S in support of Marine Corps installation management.

2. Each functional dataset lead is responsible for creating, purchasing, and providing individual datasets to the enterprise within the established process for geospatial assets, systems, applications, and technology and other DOD, DON, and Marine Corps policy. This includes funding the portion of the data, applications, hardware, software and services required to support their specific operational needs. Table 2-2 details the dataset themes and datasets leads within the Environmental Branch of the Marine Corps.

2227. STANDARD OPERATING PROCEDURES (SOPS) AND POLICIES

1. Installation commanders shall publish an environmental compliance and protection standard operating procedures (ECPSOP) document that includes all applicable organizational and environmental compliance policies and procedures. The instructions contained in an ECPSOP need not contain all subordinate and Marine Corps command/unit and tenant functions, but it must be sufficiently clear, completely accessible at the command/unit and tenant level, and sufficiently detailed to ensure that each subordinate and Marine Corps command/unit and tenant can perform its mission in an environmentally sensitive manner. The ECPSOP should be a guide to the method of response and management plans which may apply to the reader, along with specific installation- or command-unique requirements not covered by these plans. While the environmental management departments, offices, divisions, etc., are aware of these plans, often the installation tenant or subordinate commanders are not.

2. Installation commanders are encouraged to publish a single ECPSOP vice multiple ECPSOPs. A single ECPSOP ensures continuity of effort and prevents conflicts in policies between various environmental media programs. It also facilitates communication with subordinate and Marine Corps command/unit and tenant commanders by providing a single source for them to use. Installation, Fleet Marine Force (FMF), and major Marine Corps command/unit and tenant commanders are encouraged to work together to publish a single ECPSOP.

3. Major FMF, detached, and separate commands will publish an ECPSOP if they are not co-signatories on an installation ECPSOP. The FMF, detached, and separate command ECPSOP will contain, at a minimum, policies on complying with reference (g) (normally limited to training-related activities), HM, HW, and emergency response plans.

4. ECPSOPs will be prepared in a manner complementary to, but not repetitive of, this Manual, and reviewed annually and updated as necessary.

CHAPTER 2

ENVIRONMENTAL PROGRAM MANAGEMENT

SECTION 3: RESPONSIBILITIES

2300. CMC (LF)

1. Develop and periodically update this Manual.
2. Develop and manage the Marine Corps EMS.
3. Support Marine Corps installations and units in applying the policies within this Manual.
4. Conduct EMS and ECE audits.
5. Coordinate environmental compliance and protection issues with DOD environmental Executive Agents, DOD RECs, Component RECs, Marine Corps installations and units, and counsel.
6. Appoint Marine Corps RECs.

2301. COMMANDING GENERAL (CG) OF MARINE CORPS REGIONAL COMMANDS

1. Facilitate efficient and consistent environmental program management and implementation of the Marine Corps EMS with Marine Corps installations and units in their respective region.
2. Coordinate environmental compliance and protection issues with Marine Corps installations and units, Marine Corps RECs, and counsel in their respective region.

2302. CG/CO OF MARINE CORPS INSTALLATIONS AND COMMANDER MARINE CORPS FORCES RESERVE (COMMARFORRES)

1. Implement an EMS that conforms with the Marine Corps EMS, and for COMMARFORRES, employs a programmatic, organizational EMS that covers all Marine Corps Reserve Centers.
2. Report Notices of Violation (NOVs) or similar assertions of noncompliance to higher headquarters and respond to them appropriately.

3. Coordinate environmental compliance and protection issues with DOD environmental Executive Agents, DOD RECs, Component RECs, Marine Corps installations and units, and counsel.

2303. MARINE CORPS TENANT COMMANDERS

1. Ensure all tenant Marine Corps commands, both active and reserve, participate in their host installation's EMS.

2304. CMC (CL). With regional and installation counsel, advise Marine Corps clients, including CMC (LF), USMC RECs, and Marine Corps installations and units regarding environmental compliance and protection issues.

2305. MARINE CORPS RECS

1. Monitor proposed State/regional environmental legislation and regulations for their potential impact on the Marine Corps.

2. Coordinate with installations and units potentially affected by proposed State/regional environmental legislation and regulations to assess potential impacts.

3. Coordinate with the DOD REC, CMC (LF), and counsel on Marine Corps positions regarding proposed state/regional environmental legislation and regulations.

4. Provide CMC (LF) and the DOD REC semi-annual executive summaries of Marine Corps REC activities, success stories, and issues.

REFERENCES

- (a) 42 U.S.C 13101-13109
- (b) JAGINST 5800.7E, "Manual of the Judge Advocate General,"
June 20, 2007
- (c) 42 U.S.C 7401-7671
- (d) 33 U.S.C 1251-1387
- (e) 42 U.S.C 300f-300j-26
- (f) 10 U.S.C 2667
- (g) 42 U.S.C 4321-4347
- (h) NAVFAC P-73, Chapter 19, "Real Estate Procedural Manual"
- (i) SECNAVINST 5720.44B
- (j) 5 U.S.C 552
- (k) 42 U.S.C 9601-9675
- (l) SECNAVINST M-5210.1
- (m) Title 40, Code of Federal Regulations, Part 300, "National
Oil and Hazardous Substances Pollution Contingency Plan," 2006
edition
- (n) DON Environmental Restoration Program (DERP) Manual, Chapter
14
- (o) MCBUL 1200 (canc: Apr 08)

(p) DOD Directive 8000.01, "Management of DOD Information Resources and Information Technology," February 27, 2002

(q) MARADMIN 226/04

(r) MARADMIN 486/06

(s) MCO 11000.25, Enclosures 1-4

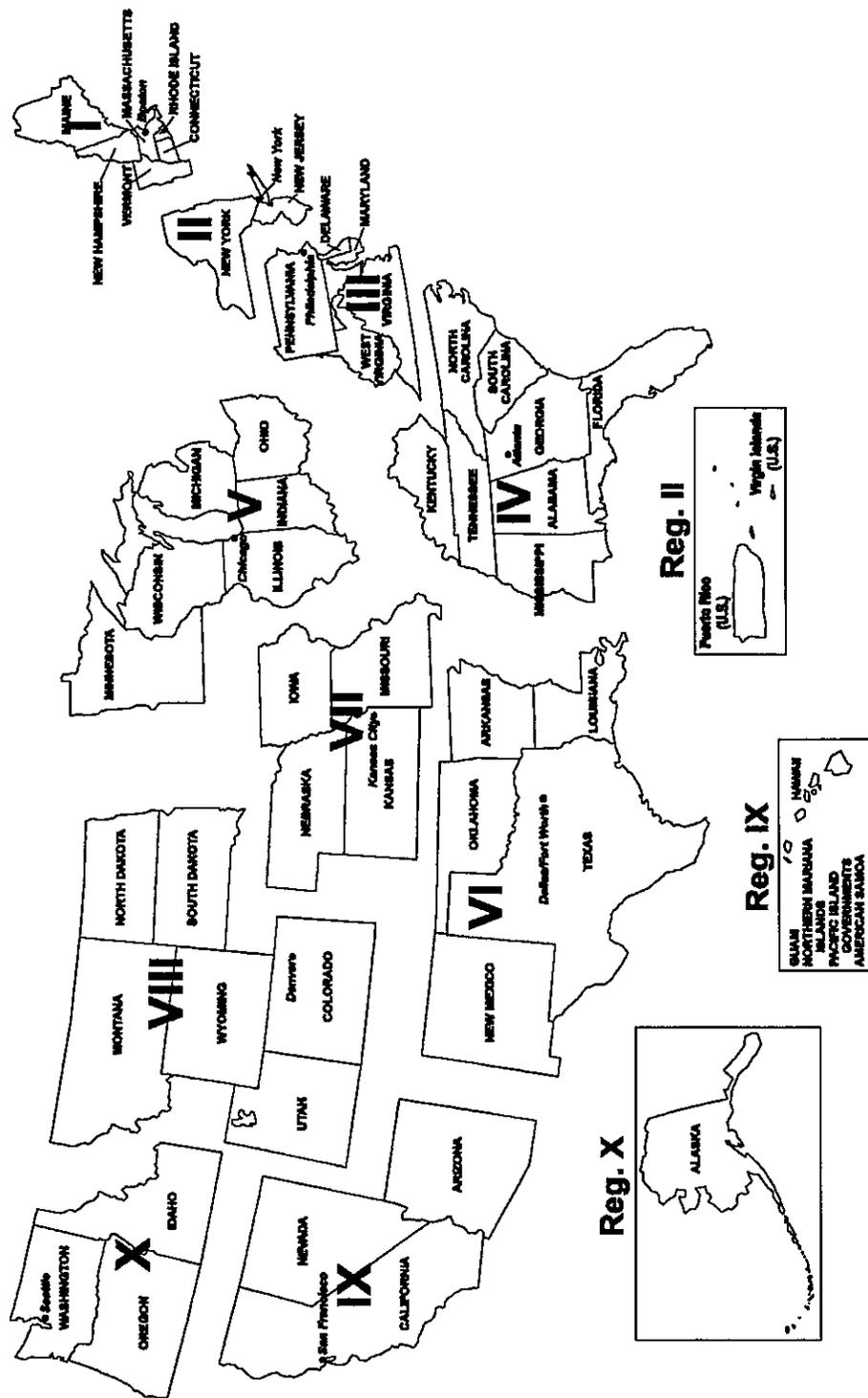


Figure 2-1.--Federal EPA Regional Boundaries

Table 2-1.--EMS Elements and Criteria for Evaluating Conformity with the Marine Corps EMS	
COMPONENT	
Element	Criteria
POLICY	
1. Environmental Policy Statement	<ul style="list-style-type: none"> • The installation has an environmental policy statement that: <ul style="list-style-type: none"> - Is documented and signed by the installation CO; - Reflects the vision of the Marine Corps EMS to sustain and enhance mission readiness and provide access to training environments through effective and efficient environmental management. - Commits to: <ul style="list-style-type: none"> • Compliance with relevant environmental legislation, regulations, and policy; • Pollution prevention; • Conservation of natural and cultural resources; • Clean up of contaminated sites, • Minimizing risks to mission, • Continual improvement in performance of the EMS. • Is communicated to installation personnel and made available to the public. • The environmental policy is implemented and maintained.
PLANNING	
2. Requirements	<ul style="list-style-type: none"> • The installation implements documented procedures to identify Federal, State, local, DOD, DON, Marine Corps, and installation-level environmental requirements applicable to its practices and environmental programs. • The installation disseminates specific and pertinent information regarding requirements to appropriate personnel (e.g., environmental media managers and practice owners) in procedures and checklists as appropriate to all levels and functions operating aboard the installation.

Table 2-1.--EMS Elements and Criteria for Evaluating Conformity with the Marine Corps EMS-- Continued	
Element	Criteria
3. Practices, Aspects, and Impacts	<ul style="list-style-type: none"> • The installation implements a documented procedure for inventorying practices and updates the inventory as practices are altered, discontinued or added. • The installation identifies aspects and impacts associated with each practice on the inventory. • The installation inventories its environmental resources and assesses each resource's vulnerability to the aspects of existing and planned practices.
4. Risk Prioritization	<ul style="list-style-type: none"> • The installation implements a documented procedure to prioritize practices based on risk to mission. The procedures are repeatable and defensible and include a schedule for periodic review and update of the prioritization results.
5. Environmental Objectives and Targets	<ul style="list-style-type: none"> • The installation establishes and documents environmental objectives and targets and communicates them to installation employees at all appropriate levels and functions. • The installation's objectives and targets: <ul style="list-style-type: none"> - Reflect risks to mission determined through prioritization of aspects and practices; - Are consistent with and supportive of the installation's environmental policy statement and environmental requirements; - Are achievable within economic and technological restraints; and - Are reviewed and revised according to a schedule established by the installation. • The installation institutes documented methods for tracking progress toward meeting objectives and targets.
6. Actions to Improve Performance	<ul style="list-style-type: none"> • The installation identifies actions to achieve objectives and targets. • The installation implements identified behavioral and administrative actions. • The installation programs for and executes actions (projects) requiring external funding and/or expertise.

Table 2-1.--EMS Elements and Criteria for Evaluating
Conformity with the Marine Corps EMS--
Continued

IMPLEMENTATION	
Element	Criteria
7. Structure, Responsibilities, and Programs	<ul style="list-style-type: none"> • The installation documents and communicates EMS roles, responsibilities, and authorities for: <ul style="list-style-type: none"> - the EMS Team; - environmental program managers and staff; and - practice owners including tenants and on-site contractors. • The installation reviews and modifies media programs to ensure that they contribute to achieving the installation's Policy, Objectives, and Targets.
8. Funding and Manpower	<ul style="list-style-type: none"> • The installation identifies projects for external funding either as actions to achieve objectives and targets or as preventive or corrective measures identified through problem solving. • The installation tracks expenditures and executes funds through existing budget mechanisms. • The installation periodically evaluates manpower dedicated to environmental management and realigns roles and responsibilities as indicated by the installations objectives and targets and improvements planned for the EMS elements.
9. Training	<ul style="list-style-type: none"> • The installation identifies, provides, and documents training and instruction needed to: <ul style="list-style-type: none"> - Comply with regulations; - Ensure that appropriate personnel understand their responsibilities for implementing the EMS; and - Ensure practice owners understand procedures for controlling their practices.

Table 2-1.--EMS Elements and Criteria for Evaluating Conformity with the Marine Corps EMS-- Continued	
Element	Criteria
10. Communication	<ul style="list-style-type: none"> • The installation implements documented procedures for internal communication among the Installation commander, the EMS Team, the environmental office, all units and offices which own practices, and others within the Marine Corps interested in the installation's environmental affairs. • The installation implements 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.
11. Emergency Preparedness and Response	<ul style="list-style-type: none"> • The installation documents its procedures for identifying and responding to accidents and emergencies and for mitigating the environmental impacts that might result. • The installation reviews and revises its emergency preparedness and response procedures when new practices are initiated and after the occurrence of accidents or emergencies. • Procedures to be followed in the event of an accident or emergency are communicated to building managers and practice owners in scope and detail appropriate to their responsibilities.
12. Document and Record Control	<ul style="list-style-type: none"> • The installation inventories all document and record requirements appropriate to its environmental programs and practices, and identifies other documents and records essential to the efficient operation of its EMS. • The installation implements a system to maintain documents and records, so that they <ul style="list-style-type: none"> - Can be located; - Are reviewed and updated as necessary (documents); - Are protected from alterations or damage (records); - Are available when and where needed; and - Are removed or archived, as appropriate, when obsolete.

Table 2-1.--EMS Elements and Criteria for Evaluating Conformity with the Marine Corps EMS-- Continued	
Element	Criteria
13. Environmental SOPs	<ul style="list-style-type: none"> • The installation prepares and distributes to each practice owner an Environmental SOP for each practice under the practice owner's control. • Environmental SOPs include instructions for operational control, internal communication, emergency preparedness and response, inspection and corrective action, and training and awareness applicable to the practice. • Environmental SOPs identify who is responsible for implementing each instruction and how often the instruction is to be carried out. • Practice owners and operators maintain current Environmental SOPs in the workplace and ensure that they are addressed in employee training.
14. EMS Document	<ul style="list-style-type: none"> • The installation maintains, and the Installation Commander has approved, an EMS document that includes the installation's Environmental Policy Statement and describes <ul style="list-style-type: none"> - EMS elements including Environmental Management Procedures to implement them; - How elements relate to each other; and - Where other documents and records relevant to the EMS are maintained.
CHECKING AND PREVENTIVE OR CORRECTIVE ACTION	
15. Monitoring and Measurement	<ul style="list-style-type: none"> • The installation implements a compliance self-audit plan. • The installation implements methods for tracking progress toward meeting objectives and targets. • The installation monitors practices that may have a significant impact on the environment and, where appropriate, the resources that may be impacted.
16. Problem Solving	<ul style="list-style-type: none"> • The installation follows a structured problem solving process that identifies and defines problems with compliance or the EMS, analyzes causes and alternative solutions, selects and implements actions, and follows up to ensure problems are solved. • The installation documents its problem solving efforts.

Table 2-1.--EMS Elements and Criteria for Evaluating Conformity with the Marine Corps EMS-- Continued	
Element	Criteria
17. EMS Review	<ul style="list-style-type: none"> • The installation evaluates its EMS against the criteria listed here at intervals appropriate to the size of the installation. • The installation supports the HQMC EMS Review conducted as part of the HQMC ECE every three years.
MANAGEMENT REVIEW	
18. Management Review	<ul style="list-style-type: none"> • The Installation commander designates and authorizes an EMS Team to analyze EMS implementation efforts and the results of EMS reviews. • The EMS Team takes actions that ensure the EMS is suitable to the current mission and is effective in achieving the installation's policy, objectives, and targets. • The EMS Team implements improvements to the EMS including but not limited to revising the installation's EMS policy; changing procedures, projects or actions to ensure current objectives and targets are met; establishing new objectives and/or targets; or clarifying/assigning roles and responsibilities.

Table 2-2.--Dataset Themes and Dataset Leads

Dataset Themes	Dataset Leads	Data Type	Examples
Natural & Cultural Resources	CMC (LFL) - 1	Cultural, Ecology, Fauna, Flora, Soils	Archeological Artifacts, Historic Districts, Endangered Species, Forest Stands
Environmental	CMC LFL - 6	Air, Surface Water, Groundwater & Soil Pollution, Hazardous Materials & Waste, Pollution Remediation	Air Pollution Sources, Sampling Points, Hazardous Material Sites, Restoration Sites

CHAPTER 3

FUNDING ENVIRONMENTAL COMPLIANCE AND PROTECTION

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CHAPTER 3

FUNDING ENVIRONMENTAL COMPLIANCE AND PROTECTION

SECTION 1: INTRODUCTION

3100. PURPOSE. This chapter establishes Marine Corps policy and responsibilities for funding environmental compliance and protection.

3101. APPLICABILITY. See paragraph 1101.

3102. BACKGROUND. This chapter 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 installations and from the O&M, MCR account for Reserve Centers. Other environmental funding may be provided from the Naval Working Capital Fund (NWCF); Military Construction (MILCON); reimbursable Agricultural Outlease, Forestry, and Fish and Wildlife Access Fees; Qualified Recycling Program (QRP) revenues; and the Defense Logistics Agency, Defense Energy Support Center (DLA, DESC - hereafter known as DESC) funds (see paragraph 3105, Terms and Definitions). For information on funding the Environmental Restoration Program, see chapter 10 of this Manual.

3103. 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.

3104. REQUIREMENTS

1. Executive Order 12088, October 13, 1978. This reference requires Federal agencies to comply with applicable Federal, State, local, and host nation environmental laws and regulations. Accordingly, reference (a) requires the head of each Executive Agency to ensure that: (1) "sufficient funds for compliance with applicable pollution control standards are requested in the agency budget"; and (2) "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."

2. Department of Defense Policy. The Office of the Secretary of Defense has established environmental funding policies. These policies require that all requirements in Class 0, I, and II be funded consistent with timely execution to meet future deadlines. The definitions for these classes can be found in the Environmental Conservation, Pollution Prevention, and Environmental Compliance DOD Instructions (references (b), (c), and (d), respectively).

3105. TERMS AND DEFINITIONS

1. Centrally-Managed Environmental Program (CMEP). The CMEP is the CMC (LFL), O&M,MC program for resourcing Marine Corps-wide environmental initiatives and non-recurring and emergent installation environmental requirements, to include both Environmental Management and Environmental Projects Programs.

2. Headquarters Authority for Environmentally-Driven Facilities Sustainment, Repair, and Modernization (FSRM). The HQMC Environmental Projects Program is that part of the CMEP for developing, prioritizing and funding environmentally-driven FSRM (formerly: Maintenance of Real Property) projects at Marine Corps installations. This program is for those environmental FSRM projects that exceed an installation's local funding authority as identified in table 3-1. More information can also be found in reference (e).

3. Local Authority for FSRM (M1/R1). Any FSRM project that is within an installation's local funding authority as identified in figure 3-1.

4. MILCON. A single undertaking with a funding cost in excess of \$750,000 that includes all construction necessary to produce a complete and usable facility, or a complete and usable improvement to an existing facility. MILCON projects must receive Congressional approval in both authorization and appropriations laws before construction can begin.

5. 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 semi-annually by 15 March and 15 September of each year. The 15 March submission will be used by HQMC to plan the

straddle program and the 15 September submission will be used to develop the next fiscal year program.

6. Authority to Advertise. Authority given to an installation to advertise a project. This is the formal commitment of funds by CMC (LFL).

7. Marine Corps Compliance Tracking System (CompTRAK). CompTRAK is a web-enabled application for tracking Marine Corps environmental compliance status, requirements, and associated costs.

8. NWCF. The NWCF is a revolving account which does not expire. If these funds are not used during the fiscal year, they revert back to the central NWCF account at the end of the fiscal year and are charged back in the rates to their customers.

9. Operational Plan Submission (OPS). The OPS is the procedure each installation follows to request CMEP O&M, MC funding from Commandant of the Marine Corps, Facilities and Services Division (CMC (LF)). The installation OPS is annually made via CompTRAK and includes the installation's plan for executing CMEP O&M, MC funds.

10. O&M, MC Funds. The O&M, MC account is the Marine Corps operation and maintenance appropriation. This appropriation provides the primary source of environmental project funding for active-duty installations and units. (See paragraph 3201.3b and 3c of this Manual for further details.)

11. O&M, MCR Funds. O&M, MCR is the Marine Corps operation and maintenance appropriation for reserve installations and activities.

12. Programming, Planning, Budgeting, and Execution (PPBE) System. The PPBE System is the process through which all Marine Corps resource requirements, including the environmental program, are identified, justified, planned, programmed, budgeted, and funded.

13. Program Objective Memorandum (POM). The POM biennially identifies United States Marine Corps total program requirements for six years beyond the next fiscal year. Each installation and unit's biennial POM proposal, in part, identifies future environmental program objectives. The Marine Corps environmental POM is submitted and validated via CompTRAK.

14. POM Preparation Instruction (PPI). The PPI is the guidance HQMC provides installations and units to prepare their biennial POM submissions.

CHAPTER 3

FUNDING ENVIRONMENTAL COMPLIANCE AND PROTECTION

SECTION 2: MARINE CORPS POLICY

3200. FUNDING ENVIRONMENTAL COMPLIANCE AND PROTECTION.

Reference (a) requires that the Marine Corps adequately plan, program, and budget 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.

3201. ENVIRONMENTAL FUNDS

1. NWCF. The NWCF is a revolving account that does not expire. If funds are not used during the fiscal year, they revert back to the central NWCF account at the end of the fiscal year and are charged back in the rates to their customers. Marine Corps Logistic Bases (MCLBs) are encouraged to charge their NWCF tenant commands for MCLB services that ensure their compliance with environmental requirements. MCLBs must track these costs and report them to CMC (LF) for subsequent reporting to the Department of the Navy (DON) Secretariat, DOD, and Congress.

2. MILCON. Each Marine Corps installation forwards its requests for MILCON projects requiring Congressional approval to CMC (LF). Installations must include MILCON projects required for environmental compliance within these requests. CMC (LF) validates all MILCON projects requiring Congressional approval. CMC (LF) tracks and reports the costs of Congressionally authorized MILCON projects required for environmental compliance.

3. O&M, MC

a. CMC (LF) primarily distributes O&M, MC funds via base operating support funds and CMEP. To obtain base operating support and CMEP funds, installations identify funding requirements through the PPBE System via CompTRAK. CMC (LF) tracks and reports these requirements to the DON Secretariat, DOD, and Congress. Both base operating support and CMEP funds are apportioned from the O&M, MC appropriation and must be obligated within the fiscal year in which they are available.

b. Base Operating Support Funds. Certain funding requirements are foreseeable, routine, recurring, and easily estimated and are, therefore, easily budgeted into each installation's base operating support account. Installations must include these requirements in their operating budget and document them in CompTRAK. These requirements include, but are not limited to, salaries, permits, fees, hazardous waste (HW) disposal, sampling, monitoring, analyses, training, travel, maintenance, supplies, materials, and local authority FSRM projects. Costs for operating QRPs should be budgeted as Real Property Services vice environmental costs. Installations must obligate base operating support funds using the Standard Accounting, Budgeting and Reporting System (SABRS) environmental accounting codes.

c. CMC (LF) CMEP. The CMEP funds installation-level environmental management and environmentally-driven FSRM projects. CMEP is also used to support Marine Corps-wide environmental initiatives such as the Environmental Compliance Evaluation Program (see chapter 4). Installations must obligate CMEP funds using the SABRS environmental accounting codes.

(1) The Environmental Management Program. This program provides supplemental funding of non-recurring requirements or recurring requirements that develop or emerge too late to be considered in a PPBE System cycle. Installations must use CompTRAK to request these funds.

(2) The Environmental Projects Program. This program provides funding for environmentally-driven, Headquarters authority FSRM projects. These FSRM funds are separate from the facilities FSRM account. Each installation shall provide a CAF semi-annually by 15 March and 15 September of each year. The 15 March submission will be used by HQMC to plan funding for the straddle program and the 15 September submission will be used to develop the funding plan for the next fiscal year. CompTRAK will be used to develop the CAF and the submission will be via the CAF module of the Facilities Integration (FI) website at <https://www.hqmc-facilities.org>. 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 reference (e) 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 20 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. CMC (LFL) 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 20 percent of the original government estimate without additional approval from CMC (LFL). Requests for approval of increased amounts will be submitted via the Project Update Module of the FI website at <https://hqmc-facilities.org> 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. A formal net present value life-cycle economic analysis is required for:

(a) All repair projects with an estimated cost which is greater than \$750,000 and more than 50 percent of the facility's plant replacement value; and

(b) All repair projects with an estimated per facility cost greater than \$2 million.

(c) Guidelines and formats for preparing economic analyses are contained in reference (f). Discount factors are updated annually and published in reference (g). Results of analysis are to be submitted with other required documentation.

4. O&M, MCR. Marine Corps Forces Reserve (MARFORRES) identifies and manages environmental O&M, MCR funds through the PPBE System via CompTRAK. MARFORRES must track these costs and report them to CMC (LF) in CompTRAK for subsequent reporting to the DON Secretariat, DOD, and Congress.

5. Reimbursable Accounts. CMC (LF) manages several reimbursable accounts. These accounts include:

a. Lease Proceeds. Leasing Marine Corps land for agriculture or other purposes generates rental proceeds. The Naval Facilities Engineering Command (NAVFACENGCOM) field activity servicing the lease agreement must deposit these proceeds into a special account. For general lease proceeds, CMC (LF) makes portions of the proceeds available to installations where the proceeds were derived to cover expenses associated with maintaining the leases (e.g., personnel costs for managing real estate or for natural resources monitoring actions) and for other purposes authorized by law. Portions of these proceeds are also available for other installations'

maintenance and protection of property or facilities and for other purposes authorized by law. Agricultural or grazing lease proceeds are managed apart from general lease proceeds, and CMC (LF) may make them available to installations to cover the administrative expenses of agricultural or grazing leasing, and cover the financing of land management programs. Agricultural or grazing lease proceeds, which expire at the end of the fiscal year, are non-appropriated, reimbursable funds. Requests for lease proceeds must be submitted through CompTRAK (see paragraph 3202).

b. Forestry. The sale of forest products (e.g., timber) from Marine Corps-owned or -leased land generates forestry proceeds. Installation or the NAVFACENGCOC field activity personnel servicing timber sales contracts must deposit these proceeds into the Marine Corps forestry account (part of a DOD-administered reserve account established in the Department of the Treasury). CMC (LF) makes these proceeds available to installations with forestry programs to fund 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). DOD Forestry Reserve Account funds may be available to improve forest lands, pay for unanticipated contingencies in the administration of forest lands, and natural resources management that implements approved plans and agreements. Installation requests for these funds to support direct forestry expenses and for DOD Forestry Reserve Account funds must be submitted via CompTRAK with subsequent requests forwarded to CMC (LF) via E-mail each quarter. Direct Forestry and DOD Forest Reserve Account funds, which expire at the end of the fiscal year, are non-appropriated, reimbursable funds.

c. Hunting, Fishing, and Trapping Access Fees. Installations shall establish fees for issuing hunting, fishing, and trapping licenses. Each installation must deposit license proceeds into an installation Hunting, Fishing, and Trapping Access Fee account (see chapter 11 of this Manual). CMC (LF) authorizes obligations from installation Hunting, Fishing, and Trapping Access Fee accounts, and funds within these accounts shall only be obligated for the protection, conservation, and management of installation hunting, fishing, and trapping programs. Installation requests for obligation approval are submitted to CMC (LF) via CompTRAK. License proceeds within Hunting, Fishing, and Trapping Access Fee accounts are non-appropriated, reimbursable funds that do not expire but must be reauthorized each fiscal year by CMC (LFL).

d. QRP Revenues. The distribution of installation QRP proceeds shall comply with the requirements of references (h) and (i). 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. 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.

6. DESC Funds

a. DOD bulk petroleum management policy authorizes the DESC, to fund certain recurring environmental compliance costs involving DESC-owned product. Reference (j) broadens this policy to fund non-recurring environmental compliance projects, including maintenance and repair and minor construction for facilities storing DESC-owned product.

b. Environmental Compliance. The cognizant installation commander is ultimately responsible for compliant DESC-owned product storage on the installation. DESC, however, shall fund the following recurring environmental compliance costs:

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

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

(3) Waste Removal and Disposal. DESC will fund removal and disposal of HW as an environmental compliance cost if the cost is directly linked to facilities containing DESC-owned product. However, DESC 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. The DESC 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 DESC-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. DESC will review fines and penalties incurred on a "case-by-case basis" for reimbursement. The DESC will not reimburse fines and penalties incurred due to the negligence of the operating activity.

c. Installations with eligible requirements are encouraged to submit their funding requests to DESC by completing applicable DESC forms and worksheets. Installations shall give CMC (LF) a copy of all documents submitted to DESC.

d. Installations may submit requests for reimbursement for DESC-owned product spills. For more information, contact CMC (LF) or DESC at: (703) 767-8318/8309 or DSN 427-8318/8309.

3202. COMPTRAK

1. Background. Reporting to Congress through the Office of the Secretary of the Navy and the Office of the Secretary of Defense requires that all environmental compliance requirements and costs be tracked. The Marine Corps uses CompTRAK to meet this requirement. All Marine Corps environmental requirements must be entered into CompTRAK as those requirements are identified, and must be maintained with the most current information available to assist CMC (LF) validation of the requirements in the POM and OPS submittals and appropriate CMEP funding prioritization. As previously identified through the processes described in paragraphs 3201.1 through 3201.6, this information tracking requirement includes all environmental fund sources and appropriations.

2. Identifying Requirements for Environmentally-driven FSRM Projects through CompTRAK. As an environmentally-driven FSRM project requirement is identified, enter the project into

CompTRAK. Ensure that the same project number and title is used in all related documents and databases. Place the project number on DD Form 1391 using the naming procedure for the Environmental Maintenance and Repair Program, which is the two letter installation identifier (e.g., CP or PE), the last two digits of the fiscal year (FY) in which funds are required (e.g., 08 for FY 2008), up to the last five digits of the CompTRAK number (e.g., 58331), and the repair or construction designator (e.g., M or R). For example, a FY 2007 major repair project at Marine Corps Air Station Cherry Point would be numbered "CP0748190M." All environmentally-driven FSRM M2/R2 projects must be entered into CompTRAK with a completed DD Form 1391 attached before they will be reviewed by CMC (LFL).

3. Requesting Funds for Environmental FSRM Projects (M2/R2).

Requests for the funding of environmental FSRM projects previously identified through the process in paragraph 3202.2 are to be submitted to CMC (LFF-2) and CMC (LFL-6) per reference (e), as amended or superseded. The CAF, provided by each installation by 15 March and 15 September of each year, will be used to plan the straddle program and develop the next fiscal year program. Projects must be listed on the CAF as well as in CompTRAK for funding consideration. Once a confirmed low bid has been determined, an installation may request funds for contract award using the Request for Funds Module of the FI Website at <http://www.hqmc-facilities.org>.

3203. BUDGET, EXECUTION, SABRS ACCOUNTING CODES, AND COMPTRAK.

Marine Corps environmental funding generates a high level of interest within the Marine Corps, as well as with the Comptroller of the Navy, Office of the Secretary of Defense (OSD), and Congress. Due to unique fund flow structures at each installation and unit, environmental funds provided as part of each installation or unit's base operating support funds risk losing their identity once released from HQMC. This risk requires each installation or unit executing environmental funds to use SABRS environmental accounting codes to accurately track these funds in CompTRAK and SABRS. These accounting codes are available in CompTRAK and must be used to support POM proposals and requests for CMEP funding for emergent requirements.

3204. REPORTING REQUIREMENTS. Installations and units must comply with the following reporting requirements using CompTRAK.

1. Program Objective Memorandum (POM). Using CompTRAK every two years, and via their chain of command, each installation, unit, and MARFORRES shall submit to CMC (LF) their POM requests showing their environmental compliance program requirements for

six years beyond the next fiscal year. To facilitate this process, CMC (LF) environmental program sponsors will distribute a PPI to installation and unit environmental managers and comptrollers. CMC (LF) environmental program sponsors will use CompTRAK to validate installation and unit POM proposals for inclusion in the Marine Corps POM submittal.

2. Operational Plan Submission (OPS). Every fiscal year, each installation and unit shall submit to CMC (LF), via CompTRAK, their OPS requirements for the fiscal year. Each installation and unit OPS will show the environmental compliance and protection requirements the installation or unit plans on funding that fiscal year. The OPS is also a mechanism for installations to request CMEP funds for environmental management and environmental projects. To facilitate this process, CMC (LF) environmental program sponsors will distribute OPS preparation guidance to installation and unit environmental managers and comptrollers. CMC (LF) environmental program sponsors will use CompTRAK to validate installation and unit OPS submittals.

3. Environmental Liabilities. DOD is required to report environmental liabilities in annual financial statements under Note 14, Environmental Liabilities and Disposal Liabilities. Several laws require that financial statements are complete, accurate, and auditable, including references (k), (l), (m), and (n). As part of this requirement, Marine Corps installations must accurately identify, estimate, and report all environmental liabilities, ensuring that all cost estimates are auditable. Reference (o) defines an environmental liability as "a probable and measurable future outflow or expenditure of resources that exist as of the financial reporting date for environmental cleanup costs resulting from past transactions or events." Environmental cleanup includes activities related to environmental restoration of environmental sites, corrective actions, future disposal of facilities, equipment, munitions, or closure of facilities. Cleanup costs may include, but are not limited to, decontamination, decommissioning, site restoration, site monitoring, closure, as well as post closure costs related to DOD operations that result in the generation of hazardous waste. Additionally, cleanup costs must be tied to an environmental or legal requirement. Developing complete, accurate, and auditable estimates for environmental liabilities requires the participation of the environmental, financial, and audit communities. The environmental community assigns responsibility and authority for developing, viewing, and changing estimates and retains all supporting documentation. The financial community identifies the need for an environmental

liability estimate and the factors that may affect the estimate. The financial community also determines whether the estimate is prepared and presented in accordance with applicable accounting principles and sufficient disclosure is provided. Finally, the audit community reviews the life-cycle of the processes and procedures used by the environmental and financial communities to identify, capture, track, classify, estimate, and report environmental liabilities on financial statements. The audit community also ensures that the proper recognition, measurement, presentation, and disclosure of a liability are performed.

3205. FUNDING NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) REQUIREMENTS. Estimated costs associated with compliance documents as per reference (p) must be identified early in planning the proposed action. The proposed action sponsor is responsible for the budgeting and funding requirements of NEPA compliance. Preparing a NEPA decision document is not considered an environmental compliance requirement; therefore, the costs of NEPA decision document preparation must be borne by the proposed action sponsor. For example, installations or units with training operations triggering NEPA decision document preparation pay the costs of preparing the documents. However, environmental compliance funds may fund NEPA decision document preparation when the proposed action triggering NEPA analysis is an environmental compliance project. Similarly, costs associated with required environmental compliance permits and selected action environmental impacts mitigation may be considered environmental compliance costs.

3206. FEES AND TAXES

1. The Constitution generally prohibits the 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 do pay reasonable permit fees and other reasonable service charges to the extent permitted by law. Before an unprecedented fee payment is made, therefore, 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 CMC (CL) or its area or installation offices for analysis and the REC for inter-service coordination. The disposition of an unprecedented fee payment shall also be made in coordination with CMC (LF).

2. One Federal law (reference (q)), permits states to directly tax Federal installations and units. It empowers states to tax

Federal agency 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.

3207. ECONOMIC ANALYSES. Installations and units shall conduct economic alternatives analyses before making final decisions on environmental compliance project alternatives. Each 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 chapter 2.

3208. ENFORCEMENT ACTIONS AND FINES. Immediately report to the CMC (LF) any enforcement action by a regulatory agency for an alleged violation of any substantive or administrative requirement or of any attempt to levy a fine against a Marine Corps facility. Process the citation according to the processing procedures in appendix B.

3209. THE COSTS OF HAZARDOUS MATERIALS (HM) AND HW. The costs associated with the management of HMs and HWs will be paid in accordance with the following:

1. Installation Commanders. Installation commanders must pay the disposal costs of installation-generated HWs. Containers, labels, personal protective equipment, spill contingency supplies, etc., are routine operating expenses that should be borne by the original generator.

2. Garrison Marine Corps and Non-Marine Corps Units and Commands. Garrison Marine Corps and non-Marine Corps units and commands must pay the costs associated with the generation (drums, labels, protective equipment for personnel, etc.), containment (absorbent materials, overpack drums, etc.), preparation for transportation, and transportation of tenant-generated HMs and HWs associated with garrison-related, day-to-day activities and training not incident 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 Marine Corps 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 costs associated with HM or HW disposal.

3. Exercises with Unique Funding/Budgeting. Units and commands must 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 solid wastes, portable toilets, fuels, food, and other consumable supplies resulting from an exercise. The host installation commander must not add any overhead or handling costs.

4. Disposal of HMs as HWs. Over one-third of the HW disposal costs for the Marine Corps have historically come from the disposal of HMs with an expired shelf life or from HMs contaminated by poor supply- and maintenance-handling procedures. The commander causing the disposal of HMs as HWs must bear the costs of containment, preparation for transportation, transportation, and disposal of the HWs. The host installation commander must not add any overhead or handling costs to these costs.

5. HM and HW Spills. The command or unit responsible for the spill must pay the costs associated with the cleanup of spills and disposal of spill debris.

6. Procurement of Recycled HMs. At times, the cost of recycling HMs is less than the procurement cost of new material through local purchase or the national stock/supply system. When viable and cost-effective recycled HMs are available, installation commanders must give priority to procurement of these less expensive recycled HMs over the procurement of new materials.

7. DESC Oil Spill Cost Reimbursement. Installations may submit oil spill remediation costs of spills from DESC-owned fuel stocks to DESC for reimbursement. Contact DESC-WE at (703) 767-8312 or DSN 427-8312.

CHAPTER 3

FUNDING ENVIRONMENTAL COMPLIANCE AND PROTECTION

SECTION 3: RESPONSIBILITIES

3300. CMC (LF)

1. Advise the CMC in preparing environmental compliance and protection program goals and associated funding requirements.
2. Advise OSD in preparing environmental funding policy.
3. Serve as the Environmental Services program sponsor. Oversee Marine Corps environmental compliance and protection program requirements within the PPBE System to include reviewing and validating Marine Corps environmental compliance deficiencies.
4. Coordinate, consolidate, and, via HQMC Programs and Resources, Fiscal Division, submit Marine Corps environmental compliance and protection financial metrics to the DON Secretariat, DOD, and Congress.
5. Using information from CompTRAK, review installation and unit environmental compliance funding requests and distribute O&M, MC funds.
6. 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 concerning compliance are followed.

3301. COMMANDER, MARINE FORCES RESERVE (COMMARFORRES)

1. Coordinate and validate Marine Forces reserve installation and activity environmental compliance requirements.
2. As applicable, ensure that adequate funding is planned, programmed, budgeted, and executed to meet force, installation, and unit environmental compliance requirements.
3. Ensure that force, installation, and unit environmental compliance requirements are entered into CompTRAK and kept current.

4. Coordinate POM proposals through CMC (LF).
5. Ensure that force, installation and units use SABRS environmental accounting codes.
6. 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 concerning compliance are followed.

3302. COMMANDER, U.S. MARINE CORPS FORCES COMMAND
(COMMARFORCOM)

1. As applicable, review and validate environmental compliance requirements within installation and unit POM proposals and OPS submittals.
2. As applicable, ensure that adequate funding is planned, programmed, budgeted, and when available, executed to meet installation and unit environmental compliance requirements.
3. Ensure that all installation and unit environmental compliance requirements are entered into CompTRAK and kept current.
4. Coordinate POM proposals through CMC (LF).
5. Ensure that installation and unit use SABRS environmental accounting codes.
6. 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 concerning compliance are followed.

3303. COMMANDING GENERALS/COMMANDING OFFICERS OF MARINE CORPS
INSTALLATIONS

1. Provide CMC (LF) installation POM proposals and OPS submittals via chain of command.

2. Ensure that adequate funding is planned, programmed, budgeted, and when available, executed to meet installation environmental compliance requirements.
3. Ensure that all installation environmental compliance requirements and funding data are entered into CompTRAK and are kept current.
4. Ensure proper use of SABRS environmental accounting codes.
5. Request permission from the CMC (LF), via appropriate chain of command, to reprogram CMEP, noting that reprogramming of CMEP is only from one environmental requirement to another environmental requirement. Requests for realignment of CMEP must contain the following for each project involved in the requested reprogramming: project title, CompTRAK project number, facilities project number (for FSRM only), dollar amount, and the Environmental Protection Agency class. The request also must contain a brief justification/impact statement that necessitates this action.
6. 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 concerning compliance are followed.

3304. UNIT COMMANDERS

1. Ensure that adequate funding is planned, programmed, budgeted, and when available, executed to meet unit environmental compliance requirements.
2. As applicable, enter or forward unit environmental compliance requirements to COMMARFORCOM for entry into CompTRAK.
3. Ensure proper use of SABRS environmental accounting codes.
4. 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 concerning compliance are followed.

REFERENCES

- (a) Executive Order 12088, "Federal Compliance with Pollution Control Standards," October 13, 1978
- (b) DOD Instruction 4715.3, "Environmental Conservation Program," May 3, 1996
- (c) DOD Instruction 4715.4, "Pollution Prevention," June 18, 1996
- (d) DOD Instruction 4715.5, "Management of Environmental Compliance at Overseas Installations," April 22, 1996
- (e) MCO P11000.5G
- (f) NAVFAC P-422, "Economic Analysis Handbook," June 1997
- (g) OMB Circular A-94, "Guidelines and Discount Rates for Benefit-Cost Analysis of Federal Programs, Appendix C," October 29, 1992
- (h) 10 U.S.C. 2577
- (i) 32 CFR 172
- (j) DOD 4140.25-M, "DOD Management of Bulk Petroleum Products, Natural Gas, and Coal," Volumes I-III, dates vary
- (k) Section 101-307 of Public Law 101-576, "Chief Financial Officers Act of 1990," November 15, 1990
- (l) Section 1-11 of Public Law 103-62, "Government Performance and Results Act of 1993," August 3, 1993
- (m) Section 403-405 of Public Law 103-356, "Government Management Reform Act of 1994," October 13, 1994
- (n) Section 801-808 of Public Law 104-208, "Federal Financial Management Improvement Act of 1996," September 30, 1996
- (o) DOD 7000.14-R, "Department of Defense Financial Management Regulations (FMRS)," Volumes 1-15, dates vary
- (p) 42 U.S.C. 4321-4347
- (q) 42 U.S.C. 2021b-2021j

Table 3-1.--FSRM Funding Thresholds

Category of Work	Cost Limits	Approval Request To	Approval Authority
Repair (M1/M2)			
	\$0 - \$300,000 (M1)	None	CG/CO
	\$300,001 - \$5M (M2)	CMC (LFL)	CMC (LFL)
	Over \$5 Million	CMC (LFL)	ASN (I&E)
	Over \$7.5 Million	CMC (LFL)	Congress
Construction (R1/R2/MILCON)			
(a) General	\$0 - \$100K (R1)	None	CG/CO
	\$100,001 - \$750,000 (R2)	CMC (LFL)	CMC (LFL)
	Over \$750,000 (MILCON)	CMC (LFL)	Congress
(b) Solely to correct a life, health, or safety threatening deficiency	\$750K to \$1.5M	CMC (LFF)	Congress

CHAPTER 4

ENVIRONMENTAL COMPLIANCE EVALUATION PROGRAM

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CHAPTER 4

ENVIRONMENTAL COMPLIANCE EVALUATIONS

SECTION 1: INTRODUCTION

4100. PURPOSE. This chapter establishes Marine Corps policy and responsibilities for Environmental Compliance Evaluation (ECE) Program implementation. The ECE program is the checking and preventive or corrective action component of the Marine Corps Environmental Management System (EMS).

4101. APPLICABILITY. See paragraph 1101.

4102. BACKGROUND

1. Federal regulations and the Environmental Protection Agency's (EPA) Federal facility compliance policy encourage environmental "auditing" (i.e., self evaluations) to ensure environmental compliance.
2. The Marine Corps ECE Program evaluates Marine Corps installation and unit environmental compliance. The ECE Program assesses each command's compliance level, identifies actions necessary to correct compliance deficiencies, monitors corrective measures, and facilitates continual improvement of environmental compliance and performance.
3. On July 9, 1986, the EPA issued a final agency-wide statement as per reference (a). The statement encourages Federal facilities to adopt sound environmental management practices, particularly environmental auditing, to help achieve and maintain environmental compliance. The statement defines environmental auditing as "a systematic, documented, periodic, and objective review by regulated entities of facility operations and practices related to meeting environmental requirements." Environmental auditing includes a variety of compliance assessment techniques and may be used to verify environmental compliance, evaluate EMS effectiveness, or assess risks from regulated and unregulated materials and practices.

4. On July 1, 1991, the Department of Justice issued a policy memorandum as per reference (b) that made the existence of a regular, intensive, self-audit program an important factor mitigating against criminal prosecution when environmental violations occur.

5. In 1995, the EPA issued a policy statement as per reference (c). The statement reemphasized the importance of environmental auditing. It also provided limited incentives (though few are of much benefit to Federal agencies) to encourage environmental auditing. The EPA clarified its environmental auditing policy in 2000 as per reference (d). The revision also extends beneficial self-reporting timelines.

4103. FEDERAL STATUTES. No Federal statutes are specifically discussed in this chapter. Reference (e) requires "Federal agencies to conduct their environmental, transportation, and energy-related activities under the law in support of their respective missions in an environmentally, economically, and fiscally sound, integrated, continuously improving, efficient, and sustainable manner."

4104. REQUIREMENTS

1. All Marine Corps installations shall participate in the ECE Program. Headquarters Marine Corps (HQMC) will conduct "Benchmark ECEs" every three years to periodically assess installation environmental compliance. Installations are also required to implement an annual Self-Audit Program.

2. Each installation shall prepare and make available for Headquarters Marine Corps, Facilities and Services Division (CMC (LF)) review, within 60 days after the ECE out-brief, a Plan of Action and Milestones (POA&M) to correct findings, discrepancies, and issues. Each installation shall update the POA&M semiannually, and make available for CMC (LF) review beginning no later than 30 days after the one-year anniversary date of the most recent Benchmark ECE.

3. The Automated Compliance Evaluation (ACE) Online software is the only software authorized to track Marine Corps environmental compliance. All Marine Corps installations will use ACE Online to track both HQMC-sponsored ECE's and the installation Self-Audit Program.

4105. TERMS AND DEFINITIONS

1. Definitions

a. Finding. A violation of applicable Federal, State, and 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, and local requirements. Findings are also caused by actions or situations that, while unregulated, may present an imminent and substantial danger to the public health or welfare, prejudice good order and discipline in the armed services, or bring discredit upon the armed services. For overseas installations, a Finding is defined as a violation of the country-specific Final Governing Standards (FGSS), reference (f), or Status of Forces Agreement.

b. Discrepancy. A deficiency that would not result in an NOV, a fine, or other civil or criminal enforcement action. Discrepancies may be caused by poor management practices and/or failure to follow non-punitive provisions of applicable standard operating procedures, Marine Corps Orders, and Department of the Navy and Department of Defense (DOD) directives.

c. Issues. A finding or discrepancy beyond the capability of the installation or unit to correct on its own. Issues may include a finding or discrepancy common to several installations or units requiring HQMC funding and/or policy guidance to correct. Issues may also include a finding or discrepancy caused by an independent action or inaction of a non-Marine Corps individual or organization requiring HQMC action or inter-service coordination to correct.

d. General Recommendations. Comments provided by the ECE Team to promote more effective, efficient, and safe ways to maintain environmental compliance. These may include "best management practices" identified at other Marine Corps or Federal installations.

2. ECE Program. The ECE Program consists of triennial Benchmark ECEs and a continuous installation Self-Audit Program. It provides the commander an assessment of the command's environmental compliance and, when necessary, mandatory or recommended corrective compliance actions. The ECE Program

provides the Commandant with a broad view of Marine Corps environmental compliance trends.

a. Benchmark ECE. A triennial, systematic, documented, and objective CMC (LF) environmental compliance review of an installation.

b. Annual Validation of the Benchmark POA&M. Installations are required to provide an annual validation of the POA&M of the most recent Benchmark ECE. This validation provides a formal follow-up to previously identified deficiencies and is not to be confused with the Self-Audit Program.

c. Self-Audit Program. An installation's annual, systematic, documented, and objective environmental compliance assessment. Each installation and unit shall implement, or be included within, a Self-Audit Program. The Self-Audit Program will use the ACE Online software as a tool to track compliance. POA&Ms generated from self-audits are for installation/tenant use.

3. Environmental Compliance Inspection. A critical evaluation apart from the ECE Program of an installation or unit's environmental compliance. An environmental compliance inspection may include a regulatory agency inspection, an Inspector General inspection, or non-DOD technical assistance site visit.

CHAPTER 4

ENVIRONMENTAL COMPLIANCE EVALUATIONS

SECTION 2: MARINE CORPS POLICY

4200. ENVIRONMENTAL COMPLIANCE EVALUATION PROGRAM

1. Introduction. The Marine Corps conducts Benchmark ECEs and Self-Audits through its ECE Program. The ECE Program provides each installation a management tool to achieve, maintain, monitor, and continually improve environmental compliance and performance. CMC (LF) uses Benchmark ECE reports and installation POA&Ms to plan, program, budget, and execute projects to correct Benchmark ECE findings, discrepancies, and issues.

2. Background. Benchmark ECEs are conducted using Inspector General of the Marine Corps (IGMC) inspection principles. A discussion of the inspection principles is found within reference (g).

3. Goals. The ECE Program shall:

a. Provide installations an environmental compliance management tool;

b. Assess installation environmental compliance and management system and identify corrective actions;

c. Provide installations and units a forum for exchanging environmental compliance strategies;

d. Provide CMC (LF) an accurate assessment of Marine Corps environmental compliance; and

e. Continuously improve Marine Corps environmental compliance and performance.

4. ACE Online Software

a. Background. ACE Online is a Windows-based automated database containing checklist questions related to numerous

environmental programs. Environmental managers will use ACE to assess installation and unit environmental compliance. CMC (LF) ECE teams will use a stand-alone version of ACE Online during Benchmark ECEs and upload the data to ACE Online at the conclusion of installation Benchmark ECEs.

b. Purpose. ACE Online identifies installation environmental requirements. Each installation using ACE Online will use checklist questions based upon Federal requirements applicable to all Marine Corps installations, State and local requirements unique to each installation, and the requirements of this Manual. To the user, ACE Online presents these requirements as questions derived from the applicable sources. The Federal checklist contains Federal environmental requirements known to apply to at least one Marine Corps installation. The State checklist contains environmental requirements known to apply to the installation(s) and units within the State. The local checklist contains the environmental requirements unique to a specific installation or unit, and where an installation crosses local government jurisdictions, the local checklist contains the environmental requirements of the local government with jurisdiction over most of the installation's regulated activities. Overseas Marine Corps installations will use a checklist of environmental requirements from the country-specific FGS or reference (f). If necessary, environmental professionals and legal counsel should be consulted to interpret these requirements.

c. ACE Online Updates. CMC (LF) will annually update installation ACE Online software. The CMC (LF) Baseline ECE schedule contains the ACE Online update schedule.

d. Modification For Local Use. The user may modify ACE Online checklists to meet specific installation and unit requirements. Reference (h) contains the modification procedures.

e. POA&M. An integral part of all evaluations is appropriate follow-up to ensure that corrective actions are completed. Following a Baseline ECE, ACE Online will be used to create a POA&M to comment on findings, discrepancies, and issues identified in the Benchmark ECE Draft Report. POA&Ms shall be updated using ACE Online at least on a semiannual basis and available for CMC (LF) review on an annual basis. This POA&M is the primary requirement and document supporting the "Annual

Validation of the ECE POA&M.”

5. Baseline ECE Scheduling. CMC (LF) publishes a Baseline ECE schedule annually. The schedule establishes a three-year Baseline ECE cycle with a Benchmark ECE conducted at each installation every third year.

6. Benchmark ECE Length. Benchmark ECEs are generally scheduled for a two-week period. Marine Corps Forces Reserve (MARFORRES) Benchmark ECEs generally last one week.

7. Conduct of Benchmark ECE

a. Notification. CMC (LF) shall provide each installation a two-month advance written notice of the Benchmark ECE. In this notice, the installation shall be tasked with providing pre-ECE questionnaire and point-of-contact (POC) information. The installation must provide the requested information to CMC (LF) at least 30 days before the Benchmark ECE begins.

b. Media Evaluation Scheduling. CMC (LF) shall use the POC list and Benchmark ECE Questionnaire to develop the Benchmark ECE's media evaluation schedule. The media evaluation schedule informs the installation when specific environmental media shall be evaluated. CMC (LF) shall give this schedule to the installation no later than two weeks before the Benchmark ECE. After receiving the media evaluation schedule, the installation POCs should contact the Benchmark ECE media evaluators to schedule site visits. The site visit schedule must give Benchmark ECE media evaluators flexibility to evaluate sites of particular interest and permit them the opportunity to evaluate each of the major units on the installation.

c. In-Brief. The CMC (LF) and contractor Benchmark ECE team leaders will conduct an in-brief with the installation commander. They shall explain the Benchmark ECE's goals and give the commander an opportunity to express any areas of concern for the evaluation.

d. Daily Updates. The CMC (LF) and contractor Benchmark ECE team will normally meet each afternoon to discuss evaluation progress, problem areas, and coordinate the next day's schedule. An installation representative is encouraged to attend these meetings.

e. Out-Brief. The CMC (LF) and contractor Benchmark ECE team leaders will conduct an out-brief with the installation commander and provide a copy of the Benchmark ECE draft report. The out-brief will summarize findings, discrepancies, and issues requiring the specific attention of the commander to correct.

f. Document Review. If the Benchmark ECE schedule permits, the CMC (LF) ECE team leader may allow installation or unit staff to read media-specific portions of the Benchmark ECE draft report for their information before the out-brief with the installation commander.

8. Reports

a. Benchmark ECE Draft Report. This report is a preliminary summary of the installation's environmental compliance assessment. The Benchmark ECE Draft Report contains a critique form. The installation commander is requested to complete the critique of the ECE team and forward to CMC (LF) within two weeks of the out-brief.

b. Benchmark ECE Final Report. This report is a final summary of the installation's environmental compliance assessment. After reviewing the POA&M, CMC (LF) shall prepare a Benchmark ECE Final Report cover letter addressed to the installation commander. The letter shall instruct the installation commander to strike the word, "DRAFT", from the Benchmark ECE Draft Report (and make other appropriate administrative marks), print the POA&M with installation commander and higher headquarters' comments, and place the documents in a binder with the Benchmark ECE Final Report on top. CMC (LF) will give the IGMC a copy of the Benchmark ECE Final Report.

c. Appendix C contains the Benchmark ECE report formats.

d. Trend Analysis Reports. CMC (LF) will publish annual and triennial Benchmark ECE trend analysis reports. These reports shall not be attributed to any installation or unit.

9. Self-Audit Program. See reference (i) and paragraph 4202 of this Manual.

10. Releasability

a. References (j) and (k) generally govern public disclosure of ECE Program records. Installations and units receiving Freedom of Information Act (FOIA) requests for ECE Program records shall always consult counsel and CMC (LF) before releasing them.

b. When a Benchmark ECE Final Report is requested under reference (j), the "FOIA Report" function in ACE may produce a document responsive to the request. Within the Benchmark ECE Final Report itself, the Preliminary Executive Overview, Media Overview, recommended corrective action, and installation commander and higher headquarters' comments may be subject to discretionary disclosure. Benchmark ECE Draft Reports are generally not final documents and are not normally subject to FOIA release.

c. As a matter of policy, the EPA and many states should 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 CMC (LF) for recommendations on how to proceed.

d. Installations and units receiving requests for ECE Program records in contemplation of, or during, litigation shall always consult counsel and CMC (LF) on how to proceed.

11. Base Realignment and Closure Installations. Marine Corps installations shall participate in the ECE program until closed. Marine Corps units on closed installations shall participate in the ECE program with and under the cognizance of their higher headquarters.

12. Benchmark ECE Waivers. CMC (LF) will evaluate all installation requests for waivers.

13. Marine Forces Reserve (MARFORRES) ECE Program. MARFORRES will establish an ECE Program for Marine Corps-owned/leased reserve sites and facilities that is similar to the CMC (LF)-sponsored ECE Program. Benchmark ECEs will be provided by and coordinated with CMC (LF). Due to the geographic spread of MARFORRES sites and the small I&I staffs at each MARFORRES site, the Environmental staff at MARFORRES Headquarters will be

responsible for all pre-ECE coordination, POA&M development, and execution. MARFORRES facility ECE checklists will be maintained by CMC (LF). In accordance with DOD policy, each MARFORRES tenant must adhere to the host installation's environmental instruction including the conduct of ECEs. Reserve units on non-Marine Corps sites will participate in their hosts' ECE (or equivalent) programs and establish self-audit programs tied to the MARFORRES Commanding General's Inspection Program (CGIP).

4201. SITE INSPECTIONS. Personnel authorized by the Marine Corps and possessing appropriate security clearances shall be allowed to enter Marine Corps commands and units on Marine Corps installations to conduct ECEs.

4202. SELF-AUDIT PROGRAM. The Self-Audit Program gives commanders a tool to assess their commands' environmental compliance. This program will be incorporated into the CGIP as described in reference (g). See also reference (i).

1. Installation Commanders. The installation commander's Self-Audit Program should annually assess installation environmental compliance by visiting every permitted site and source, every process which generates a waste or may be considered a potential source, and every command/unit and tenant.

2. Other Commands

a. Non-installation commanders with MCO 5040.6H inspection authority, shall conduct annual Self-Audits within the CGIP. These commanders will use the environmental functional area checklist from the IGMC Automated Inspection Reporting System (AIRS). While the installation commander's Self-Audit Program focuses on infrastructure and processes, the non-installation commander's Self-Audit Program shall focus on subordinate commanders' readiness, support of the commander's environmental policies, and support of the host installation's EMS.

b. Commanders with subordinate units geographically-separated that are not tenants on other DOD installations shall annually audit these units using a modified ACE checklist. These commanders may also request Naval Facilities Engineering Command or HQMC assistance to conduct Benchmark ECEs at these

locations. Commanders with geographically-separated administrative units may request an ECE Program waiver from CMC (LF).

3. Self-Audit Program Development. Each Self-Audit Program should, where applicable, be incorporated into the installation EMS and consider existing environmental inspection checklists. 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;
and
- c. National Pollutant Discharge Elimination System dry weather inspections.

Installations should identify all of these environmental requirements and reports and incorporate them into the Self-Audit Program.

4. Implementation of the Self-Audit Program. Installation Self-Audit Programs shall include:

a. Annual Self-Audit Schedule. A detailed POA&M must be published each fiscal year. A critical path method format is recommended. This annual environmental Self-Audit Plan helps determine which tenant units; subordinate units; and installation organizations, buildings, locations, and/or media areas are to be evaluated during each month.

b. IGMC/CGIP Annual Inspection Report. The record of completion for all annual environmental Self-Audits that is incorporated into AIRS.

c. Self-Audit Approaches. The processes for conducting annual Self-Audits. There are three general approaches:

(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); and

(3) Combined Organizational and Media Area Approach.

5. 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 or as part of CGIP.

4203. IGMC REVIEW. To assess installation and unit environmental compliance, the IGMC tasks CMC (LF) to augment IGMC inspections. To avoid duplicative environmental inspections, the IGMC only inspects environmental compliance when the IGMC inspection falls outside a 120-day period before or after a completed Benchmark ECE Draft Report for the installation or unit.

CHAPTER 4

ENVIRONMENTAL COMPLIANCE EVALUATION

SECTION 3: RESPONSIBILITIES

4300. CMC (LF)

- a. Schedule and implement Benchmark ECEs;
- b. Augment IGMC inspections as requested;
- c. Review installations' Annual Validation of POA&M; and
- d. Monitor installation Benchmark ECE findings, discrepancies, and issues to ensure corrective actions are taken and establish environmental compliance trends.

4301. IGMC. Assess installation and unit environmental compliance as needed during IGMC inspections.

4302. COMMANDING GENERAL (CG)/COMMANDING OFFICER OF MARINE CORPS INSTALLATIONS AND COMMANDER, MARINE FORCES RESERVE

- a. Participate in the Marine Corps Benchmark ECE Program.
- b. Establish and implement a command Self-Audit Program.

4303. CG OF MARINE CORPS REGIONS. Participate in the Marine Corps Benchmark ECE Program.

REFERENCES

- (a) Federal Register, Volume 51, page 25004, July 9, 1986
- (b) 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
- (c) Federal Register, Volume 60, page 66705, December 22, 1995
- (d) Federal Register, Volume 65, page 19617, April 11, 2000
- (e) Executive Order 13423, "Strengthening Federal Environmental, Energy, and Transportation Management," January 24, 2007
- (f) DOD 4715.05-G, "Overseas Environmental Baseline Guidance Document," May 1, 2007
- (g) MCO 5040.6H
- (h) "ACE Online QuickStart Guide: Creating User-defined Checklists and Evaluations
- (i) United States Marine Corps, "United States Marine Corps Guide to Environmental Self-Audit Programs"
- (j) 5 U.S.C. 552
- (k) SECNAVINST 5720.42F

CHAPTER 5

ENVIRONMENTAL TRAINING AND EDUCATION

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CHAPTER 5

ENVIRONMENTAL TRAINING AND EDUCATION

SECTION 1: INTRODUCTION

5100. PURPOSE

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

2. Responsibilities for environmental training and education cross many functional and operational areas. This chapter establishes:

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

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

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

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

5101. APPLICABILITY. See paragraph 1101.

5102. BACKGROUND

1. The Environmental Training Challenge. Environmental compliance requirements impact nearly every Marine Corps occupational field, military occupational specialty, and operation. Environmental training requirements are explicitly stated or strongly implied in many environmental statutes and

regulations. Many training requirements are directly and indirectly related to environmental compliance due to job actions, knowledge, or skills they require. As a result, the scope of environmental training requirements and the number of Marine Corps personnel subject to them create significant challenges.

a. These challenges are compounded by professional development needs, public information requirements, and Federal environmental and health and safety requirements for providing training tailored to local (i.e., job site) conditions.

b. In addition, Marine Corps personnel are frequently subject to multiple environmental training requirements due to the nature of their billet responsibilities and/or conditions existing in their work site(s).

2. CETEP. In recognition of the magnitude and importance of environmental training challenges, and with the support and approval of the Marine Corps Training and Education Command (TECOM) and the Deputy Commandant for Installations and Logistics, the CETEP, the environmental training component of the Marine Corps EMS, was established. CETEP's purpose is to support full compliance with applicable environmental requirements, pollution prevention goals, and EMS objectives by analyzing environmental training needs and integrating professional development initiatives, public outreach, and compliance training.

3. Meeting Environmental Training Challenges. The CETEP's ultimate 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 Systems Approach to Training (SAT) to analyze, design, develop, implement, and evaluate performance and mission-oriented environmental training;

b. Be integrated into the Commandant of the Marine Corps (CMC), Commander Marine Forces Reserve, and each installation's EMS;

c. Be based upon and justified by a documented assessment of the installation environmental training needs;

d. Use existing Marine Corps and Department of Defense (DOD) training systems and organizations;

e. To the maximum extent practicable, use existing environmental training materials, courses, and resources rather than developing new initiatives;

f. When necessary, use non-DOD environmental training providers;

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. Eliminate inappropriate and redundant training; and

j. "Translate" complex environmental requirements into pragmatic instruction to guide Marine Corps military training and operations.

4. The SAT and CETEP

a. Formal SAT processes and their associated management documents (including Individual Training Standards (ITSS) and Programs of Instruction (POIs)) are applied at Marine Corps formal schools, training centers, and formal courses at other service schools.

b. All CETEP training shall incorporate and appropriately apply the SAT. 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 Military Occupational Specialty (MOS) should be developed with applicable ITS and MOS Manual requirements. The course should also be developed to explain local procedures for compliance with applicable regulatory requirements and policies.

5. Environmental Training Expertise. Among the initial findings of a Headquarters Marine Corps, Facilities and Services Division (CMC (LF))-sponsored environmental training needs assessment was a finding of a critical need for uniformed environmental specialists to address environmental issues at the unit and installation levels. Further, for CETEP to succeed, environmental training expertise must be developed at all Marine Corps units and installations. In response to these findings, MOS 8056 and MOS 8831 were established and CETEP coordinators were identified. In addition, professional quality standards for environmental instructors and instruction were formulated. For more information on these standards, see paragraph 5205 of this chapter.

a. MOS 8056, Hazardous Material/Hazardous Waste (HM/HW) Officer/Marine. MOS 8056 (formerly MOS 9954) 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.

(1) Specific guidance regarding MOS 8056 is published in reference (a).

(2) Attainment of MOS 8056 may partially satisfy the training requirements established for Environmental Instructors discussed in paragraph 5203 of this chapter.

(3) HQMC has reviewed and approved three courses to fulfill 8056 MOS designation-training requirements. These courses are:

(a) Defense Hazardous Materials/Hazardous Waste Handling Course (Army Logistics Management College);

(b) Introduction to Hazardous Waste Generation and Handling (Civil Engineers Corps Officer's School (CECOS)); and

(c) HM/HW Marine (Marine Corps Institute available on MarineNET at www.marinenet.usmc.mil.)

b. MOS 8831, Environmental Engineering/Management Officer. MOS 8831 (formerly MOS 9631) was established as a secondary MOS to provide the Marine Corps with a cadre of uniformed, operational expertise in the areas of environmental engineering,

management, and science. These officers provide a unique view of environmental issues from a Marine's perspective.

(1) MOS 8831 is administered under the Marine Corps Special Education Program and Advanced Degree Program. Recipients of the MOS have earned a master's degree in environmental management, science, or engineering from designated colleges and universities. Alternatively, officers who possess a bachelor's degree in environmental engineering, science, or management, perform at least six months of on-the-job training in an Environmental Engineering Management billet, and are recommended by their command may be awarded a skill designator of 8831.

(2) Marine Corps Bulletin (MCBUL) specific information regarding MOS 8831 is published in references (a), (b), and (c).

c. CETEP Coordinators. CETEP Coordinators lead Marine Corps installation environmental training programs.

(1) CETEP Coordinators shall ensure installation environmental training programs are structured to identify and address local training requirements in addition to those mandated by Federal regulations.

(2) CMC (LF) sponsors professional development initiatives for CETEP Coordinators. CETEP Coordinator training and experience requirements are detailed in paragraph 5203.

6. Inter-Service Environmental Education Review Board (ISEERB). The ISEERB is composed of environmental and training representatives from the military services and the Defense Logistics Agency. The ISEERB addresses environmental training issues, and it identifies training resources and efficiencies across the Department of Defense.

a. CMC (LF) provides a Marine Corps representative to the ISEERB. This participation has permitted CMC (LF) 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 reviewed the courses and found them to have content suitable for DOD Component use.

A list of ISEERB-approved courses is available at www.denix.osd.mil in the training section. Installations, operating forces and units should utilize these courses before contracting for or developing similar courses.

5103. 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 Code of Federal Regulations. These requirements may be applicable to Marine Corps personnel in addition to applicable State environmental training requirements. Appendix D summarizes the major environmental training provisions required by Federal regulations.

5104. REQUIREMENTS. This chapter implements environmental training program requirements established by Federal, State and local laws and regulations; by the Under Secretary of Defense for Acquisition, Technology, and Logistics; and by Marine Corps policies.

5105. TERMS AND DEFINITIONS

1. By Name Assignment (BNA). An automated system used for scheduling and enrolling students in courses offered by military formal schools.

2. Chesty Brigade. An honorary organization composed of active-duty Marines and other service members, military family members, civilian personnel, and private individuals contributing to Marine Corps environmental compliance efforts.

3. 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.

4. 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 and/or specific licensing or certification requirements mandated by such environmental laws, regulations, or policies.

5. Implicitly Required Training. Instruction and/or information that is not expressly stated as required by laws, regulations, or policies, but that can be reasonably inferred as being required to maintain compliance.

CHAPTER 5

ENVIRONMENTAL TRAINING AND EDUCATION

SECTION 2: MARINE CORPS POLICY

5200. ENVIRONMENTAL TRAINING AND EDUCATION POLICY. Marine Corps personnel, the greater Marine Corps community, and appropriate segments of the public will be provided relevant environmental information and training. All environmental training will be validated, documented, and managed to ensure that it meets Marine Corps quality standards and complies with applicable environmental requirements.

5201. CETEP IMPLEMENTATION

1. Required CETEP Components. To ensure that all environmental training needs are appropriately identified and appropriately addressed, each installation 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 pollution prevention goals. Therefore, each installation's CETEP shall include an environmental education component that is sufficient in scope to ensure that persons within the installation and surrounding community are informed of their environmental requirements and have access to information about, and the opportunity to support, the installation's environmental policies and programs.

(1) The CMC (LF) CETEP includes a Marine Corps-wide environmental education program that creates and distributes environmental education materials (e.g., posters, videotapes, 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. CMC (LF) and installations may

use the Chesty Brigade program to recognize anyone contributing to Marine Corps or installation environmental programs.

(2) Installations should incorporate CMC (LF) environmental education materials to the maximum extent practicable into their CETEP environmental education component. Inter-installation (i.e., regional) development and use of environmental education materials is also highly encouraged. CMC (LF) will maintain a listing of all Marine Corps-developed environmental educational materials.

(3) Installations must provide specific and general awareness training, as appropriate, to ensure all aboard the installation understand their environmental responsibilities and can support environmental policies and programs.

(4) Installations should include environmental awareness materials in local outreach efforts such as New Arrival Check-In briefings, at military family Welcome Aboard briefings, personnel check-in, Earth Day celebrations, and events involving the surrounding community in which the installation is a participant and/or sponsor.

(5) Environmental education materials should be routinely evaluated for improvement and to ensure their validity and effectiveness.

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 receive appropriate environmental training. No Marine or civilian employee should be assigned job responsibilities subjecting them to environmental training requirements without the appropriate training. These environmental training requirements should include:

(1) Explicit Training and/or Information Requirements. Appendix D summarizes the significant environmental training requirements included in Federal regulations and Marine Corps policy. Failure to provide this type of training is a compliance violation, so these requirements should be documented in the position/billet requirements. These training requirements vary widely in length, content, and required topics depending on the job functions performed.

(2) Implicit Training and/or Information Requirements. Implicit training ensures personnel understand and are able to perform their job functions in an environmentally-compliant manner. Implicit training requirements should be identified in turnover folders and in standard operating procedures 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. Commanding General/Commanding Officer (CG/CO) and Senior Executive Service (SES) Education Component. This CETEP component ensures senior Marine Corps civilian and military leadership understand their environmental program responsibilities.

(1) Environmental compliance responsibilities shall be part of the in-briefing each CG/CO receives upon assuming command on an installation. These responsibilities include an awareness of and access to environmental compliance publications, such as this Manual, and the latest editions of references (d), (e), and installation environmental orders and policies for ensuring operations comply with environmental requirements and achieve stated EMS objectives.

(2) 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.

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

(4) Marine Corps CGs/COs and SES members should be aware of and participate in environmental training and education opportunities.

2. CETEP Execution. The installation CG/CO shall review and approve the CETEP plan. An electronic copy of the CG/CO's approved plan shall be forwarded to CMC (LF) to be maintained on file.

5202. CETEP PLANS

1. 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 serves as a planning and management tool for meeting the environmental training challenge, compliance and pollution prevention goals, and EMS objectives and should be updated as necessary to achieve these purposes. A CETEP plan may be a stand alone management plan or it may be incorporated into the training section of the installation EMS manual, provided all required information is included.

2. Required Sections

a. Training Needs Analysis. This section describes procedures for identifying and updating installation environmental training requirements. New regulatory requirements and the results of the annual installation compliance self-audit 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, base 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 hazardous waste generator status, number of less than 90-day and satellite accumulation areas, hazardous substances 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 appendix D and applicable chapters 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. CETEP Plan of Action and Milestone (POA&M). The CETEP 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 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 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); and

(6) Discuss collaborative efforts among installation tenant organizations.

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

5203. CETEP COORDINATORS AND ENVIRONMENTAL INSTRUCTORS

1. 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 must 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 (NOTAL);

b. The Curriculum Developer's Course (or equivalent) offered by the Marine Corps Instructional Management Schools 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 Practical Applications for Environmental Management Course (or equivalent) taught by the Naval School, CECOS, Port Hueneme, California; or serve two years on a Marine Corps staff

in a billet with supervisory authority over multi-media environmental programs.

2. CETEP Coordinators may obtain information about required training courses from CMC (LF) and the BNA System per reference (f). CMC (LF) shall individually consider requests for waivers from CETEP Coordinator training requirements.

3. CETEP Coordinators should participate in CMC (LF)-approved CETEP Coordinators' workshops, seminars, task forces, and committees.

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

a. Complete the Instructor Training Course (or equivalent) offered by the Marine Corps Instructional Management 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 three sessions of Marine Corps students on the environmental training subject. The students' instructor ratings must average at least "satisfactory" in all areas; and

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.

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

5204. UNIVERSAL ENVIRONMENTAL TRAINING. Environmental requirements will be appropriately incorporated into all Marine Corps training. Marine Corps personnel will be trained to perform their occupational specialties and maintain their combat readiness in a manner supporting Marine Corps environmental goals.

5205. ENVIRONMENTAL TRAINING QUALITY STANDARDS

1. All Marine Corps environmental training shall:

a. Meet Marine Corps needs and follow an installation CETEP;

b. Consist of a 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); and

(5) Established mastery levels.

2. CMC (LF) will monitor installation environmental training content for potential Marine Corps-wide application.

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

CHAPTER 5

ENVIRONMENTAL TRAINING AND EDUCATION

SECTION 3: RESPONSIBILITIES

5300. CMC (LF)

1. 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 Manual.
2. Provide liaisons with regard to environmental training and education with MCCDC, other Marine Corps commands and units, the DOD, other military services, private and public institutions, agencies, and organizations.
3. Fully implement all components of CETEP at the HQMC level, to include:
 - a. Developing and distributing Marine Corps-wide environmental training and education materials;
 - b. Maintaining a listing of all CMC (LF)-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; and

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

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

5. Secure quotas to Marine Corps, the DOD, and other service-supported/funded professional development programs and environmental courses for Marine Corps personnel with assigned environmental responsibilities.

6. 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.

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

5301. COMMANDER, MARINE FORCES ATLANTIC; COMMANDER, MARINE FORCES PACIFIC

1. Ensure that all subordinate personnel subject to environmental training requirements are appropriately trained.

2. Include environmental training requirements in operational readiness review and inspections as appropriate.

3. Plan, program, budget, execute, and track environmental training costs.

5302. COMMANDING GENERAL OF MARINE CORPS INSTALLATIONS EAST, WEST, MID-PACIFIC, WESTERN PACIFIC, AND NATIONAL CAPITAL REGION

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

5303. COMMANDING GENERAL/COMMANDING OFFICER OF MARINE CORPS
INSTALLATIONS AND COMMANDER, MARINE FORCES RESERVE (MARFORRES)

1. Attend a commander's environmental orientation briefing after assuming command.
2. Develop, implement, and maintain a CETEP Plan that specifically addresses the environmental training requirements of this Manual. Review the CETEP Plan annually as part of EMS management review and update as necessary to maintain an efficient and effective environmental training program.
3. Ensure that installation and tenant personnel subject to environmental training requirements are appropriately trained.
4. Designate an installation CETEP Coordinator.
5. Develop and implement programs required to support the installation CETEP.
6. Ensure that all forms of training (including operational exercises) conducted within the geographic boundaries of the command include environmental elements as appropriate.
7. Plan, program, budget, execute, and track installation environmental training costs.
8. Develop and implement programs to ensure that all Marine Corps personnel receive environmental awareness information on at least an annual basis.
9. Nominate candidates to receive CMC (LF) centrally-provided environmental training.
10. Ensure that no Marines or civilian employees are assigned job responsibilities without the appropriate required environmental training certification.
11. Ensure that position descriptions and or work plans and turnover folders reflect mandatory environmental training requirements.
12. Ensure that CETEP Coordinators and installation Environmental Instructors are appropriately trained.

5304. MARINE CORPS UNIT COMMANDERS

1. When practicable, attend a commander's environmental orientation briefing after command selection.
2. Ensure unit personnel subject to environmental training requirements are appropriately trained.
3. Designate a unit Environmental Coordinator to liaison with the installation CETEP Coordinator.
4. Plan, program, budget, execute, and track unit environmental training costs.
5. Propose candidate nominations to the installation CG/CO for CMC (LF) centrally-provided environmental training.

5305. MARINE CORPS OCCUPATIONAL FIELDS (OCCFLDs)/MOS SPONSORS

Ensure that OCCFLD and MOS individual training standards, guides, and manuals include environmental compliance responsibilities, as appropriate.

5306. ALL MARINE CORPS PERSONNEL

1. Perform job responsibilities in an environmentally compliant and responsible manner per training received and standard operating procedures.
2. Notify immediate supervisors of personal environmental training requirements and request appropriate environmental training.

REFERENCES

- (a) MCBUL 1200 (canc: Apr 08)
- (b) MCO 1520.9G
- (c) MCO 1560.19E
- (d) United States Marine Corps, "Commander's Guide to Environmental Compliance and Protection"
- (e) United States Marine Corps, "USMC Environmental Campaign Plan," PCN 50100380700
- (f) MCO 1553.7