



**United States  
Department of  
Agriculture**

Chairman,  
Hazardous  
Materials  
Policy Council

DM 5600-001

# **Environmental Pollution Prevention, Control, and Abatement Manual**

## INTRODUCTION

The purpose of this manual is to serve as a directive for the prevention, control, and abatement of environmental pollution from U.S. Department of Agriculture (USDA) facilities, administered lands, and activities. The manual provides objectives, policy, responsibilities, and technical standards and requirements under which the Department plans to manage the various environmental programs to achieve compliance with applicable pollution control standards.

The manual is divided into chapters with respect to the various media programs, including air, water, drinking water, solid and hazardous waste, hazardous substances, mixed hazardous and low-level radioactive waste, pesticides and toxic substances, environmental management systems, and oil pollution. The manual also contains chapters on overall Departmental policy, administration, planning, programming and budgeting.

Each manual chapter is divided into sections describing the purpose, scope, objectives, and agency responsibilities for the individual environmental programs under discussion. Each chapter also describes the basic substantive and procedural standards and general requirements and authorities that agencies must meet to achieve compliance when applicable.

**USERS OF THIS MANUAL ARE REMINDED THAT THERE IS NO ADEQUATE SUBSTITUTE FOR THE ACTUAL STATUTES AND REGULATIONS.** The manual is meant to be used as an introduction to the extensive and complex statutory and regulatory schemes. Agencies must keep apprised of the current statutes, regulations and Executive Orders and refer to them to gain a full understanding of their obligations and responsibilities. Furthermore, agencies must consult with the Office of the General Counsel (OGC) when issues regarding these statutes and regulations arise.

The technical regulations and standards are very dynamic in nature. The U.S. Environmental Protection Agency (EPA) periodically revises and updates environmental regulations and guidance documents. Also, applicable environmental standards and requirements established by individual States may be more stringent than the Federal standards and requirements. Therefore, USDA agencies should contact appropriate regulatory agencies in the earliest phase of individual project planning to determine the requirements for any particular facility or activity.

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<b>DEPARTMENTAL MANUAL</b>		Number: 5600-001
<b>SUBJECT:</b> Environmental Pollution Prevention, Control, and Abatement Manual	<b>DATE:</b> November 18, 2004	
	<b>OPI:</b> Chairman, Hazardous Materials Policy Council	

1 PURPOSE

This revision of Departmental Manual 5600-001 supersedes the previous DM 5600-001 issued on December 9, 1992; as amended by DM 5600-001 Amendment 1 issued on June 25, 1999 and Amendment 2 issued on December 1, 2000; adds a new Chapter XIV and an Appendix B.

2 EXPLANATION OF CHANGES

This revision eliminates Chapter VIII - Environmental Noise Abatement Program and moves Chapter II - Clean Air Program to replace Chapter VIII - Clean Air Program; creates a new Chapter II - Environmental Compliance and Management Training; replaces Chapter III - Clean Water Program, Chapter IV - Safe Drinking Water Program, and Chapter VI - Solid and Hazardous Waste Management Program; renames Chapter VII - Hazardous and Toxic Materials Management Program as Chapter VII - Pesticides and Toxic Substances Management Program; replaces Chapter IX - Pollution Prevention Act Program with a new Chapter IX - Environmental Management Systems Program; adds a new Chapter XIV - Environmental Compliance For Real Property Acquisition or Disposal; creates a new Appendix B - List of Acronyms; and makes minor corrections to Chapters I, V, XI, XII, XIII, and Appendix A.

3 FILING INSTRUCTIONS

Previous editions of DM 5600-001 are not usable. Replace in its entirety with this document.

4 MAINTENANCE OF MANUAL

The Chairman of the Hazardous Materials Policy Council (HMPC) will be responsible for the issuance of any amendments to this manual. The manual will be updated on a continuing basis as necessary to achieve compliance with new or revised requirements.

## 5 AGENCY SUPPLEMENTATION

Consistent with USDA policies, agencies may supplement this manual with agency policy and direction as necessary. However, agency supplements may not be issued on white or yellow paper. Copies of all agency supplements should be forwarded to the Hazardous Materials Management Group (HMMG) for review and approval by the HMPC.

PREVENTION, CONTROL, AND ABATEMENT OF AIR, WATER,  
AND OTHER POLLUTION CONCERNING FEDERAL FACILITIES,  
ADMINISTERED LANDS, AND ACTIVITIES

Chapter I

1 PURPOSE

This chapter prescribes USDA policies, responsibilities, and procedures for complying with applicable environmental laws, regulations, Executive Orders, and the Government Performance and Results Act (GPRA) in relation to protection, preservation, and restoration of the environment including preventing pollution through waste minimization, source reduction, and recycling.

2 SCOPE

The provisions of this chapter apply to all facilities, lands and activities under the jurisdiction, custody, and control of USDA. To the extent provided by law, they apply to contractors, cooperators, concessionaires, and others performing work for USDA, including those responsible for management and operation of USDA facilities; to special use and other permittees operating at facilities and on lands under the jurisdiction, custody and control of USDA; and to activities performed by USDA assistance recipients.

3 AUTHORITIES

The following authorities are the major statutes and Executive Orders relating to the prevention, control, and abatement of pollution. This list is not intended to be exhaustive. Other authorities may be applicable to a particular matter.

- a Clean Air Act (CAA), as amended, 42 USC 7401, et seq.
- b Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (also known as "Superfund"), as amended, 42 USC 9601, et seq.
- c Emergency Planning and Community Right-to-Know Act (EPCRA), 42 USC 11001, et seq.
- d Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), as amended, 7 USC 136, et seq.
- e Federal Water Pollution Control Act (FWPCA) (also known as "Clean Water Act

- (CWA)”), as amended, 33 USC 1251, et seq.
- f Oil Pollution Act (OPA), as amended, 33 USC 2701, et seq.
- g Pollution Prevention Act (PPA), 42 USC 13101, et seq.
- h Resource Conservation and Recovery Act (RCRA), as amended, 42 USC 6901, et seq.
- i Safe Drinking Water Act (SDWA), as amended, 42 USC 300f, et seq.
- j Toxic Substances Control Act (TSCA), as amended, 15 USC 2601, et seq.
- l Executive Order 11738, providing for Administration of the Clean Air Act and the Federal Water Pollution Control Act with respect to Federal Contracts, Grants, or Loans, September 10, 1973, 38 FR 25161 (September 12, 1973).
- m Executive Order 12088, Federal Compliance with Pollution Control Standards, October 13, 1978, 43 FR 47707 (October 17, 1978).
- n Executive Order 12372, Intergovernmental Review of Federal Programs, July 14, 1982, 47 FR 30959, (July 16, 1982), as amended by Executive Order 12416, April 8, 1983, 48 FR 15587 (April 11, 1983).
- o Executive Order 12580, Superfund Implementation, January 23, 1987, 52 FR 2923 (January 29, 1987), as amended by Executive Order 13016 (CERCLA Section 106 Order Authority), August 28, 1996, 61 FR 45871 (August 30, 1996), as further amended by Executive Order 13308, June 20, 2003, 68 FR 37691 (June 24, 2003).
- p Executive Order 12777, Implementation of Section 311 of the Federal Water Pollution Control Act of October 18, 1972, as Amended, and the Oil Pollution Act of 1990, October 18, 1991, 56 FR 54757 (October 22, 1991).
- q Executive Order 12843, Procurement Requirements and Policies for Federal Agencies for Ozone-depleting Substances, April 21, 1993, 58 FR 21881 (April 23, 1993).
- r Executive Order 12856, Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements, August 3, 1993, 58 FR 41981 (August 6, 1993).
- s Executive Order 13101, Greening the Government Through Waste Prevention, Recycling, and Federal Acquisition, September 14, 1998, 63 FR 49643 (September 16, 1998).

- t Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-income Populations, February 11, 1994, 59 FR 7629 (February 16, 1994), as amended by Executive Order 12948, January 30, 1995, 60 FR 6381 (February 1, 1995).
- u Office of Management and Budget (OMB) Circular A-11, Preparation and Submission of Budget Estimates, June 1989.
- v Executive Order 13148: Greening the Government Through Environmental Leadership, 65 FR 24595 (April 26, 2000).

#### 4 OBJECTIVES

USDA is committed to planning, developing, and implementing all programs and projects so as to minimize adverse impacts on the quality of the environment and to restore impacted resources in concert with the Department's overall mission. To achieve this goal, USDA and component agencies will:

- a Minimize the acquisition, storage, and use of hazardous, toxic, and extremely hazardous substances, consistent with mission requirements.
- b Manage the use, storage, discharge or disposal of pollutants and hazardous and toxic substances generated by agency facilities and activities in compliance with applicable regulations and requirements.
- c Respond appropriately, including notification of appropriate agencies, in the event of unpermitted or accidental releases to the environment.
- d Conserve the use of natural and man-made resources throughout the USDA.
- e Maintain and restore the aesthetic and productivity aspects of the natural environment.
- f Demonstrate initiative in developing and implementing programs that contribute to the Nation's goal of protecting human health and welfare of all persons, and preserving the quality of the environment.
- g Incorporate environmental considerations in program development and project planning at the earliest stages of implementation, including environmental justice considerations, providing States and the interested public, where appropriate, an opportunity to comment on activities with real or potentially significant environmental effects, or that may be controversial.

- h Coordinate programs and projects with other Federal, State and local agencies.
- i Provide leadership in enacting, adopting, and implementing environmental goals and concepts.
- j Minimize the generation of solid and hazardous waste, including biological waste, through affirmative pollution prevention, source reduction, and recycling activities.

## 5 POLICY

It is the policy of USDA to plan, design, construct, operate and maintain its facilities, manage its lands, and conduct its activities in a manner to provide leadership in the National effort to protect human health and welfare and to restore and protect the quality of our air, water, soil, forests and other natural resources. In carrying out this policy, USDA agencies shall comply with Executive Order 12088 and the following general principles:

- a Consider the effects of any proposed action on human health and the environment, including disproportionately high and adverse human health or environmental effects of the proposed action on minority populations and low income populations, as early as possible during the planning process and provide the interested public, where appropriate, timely opportunity to review such actions and to comment if the human health or environmental effects may be significant or the proposed action may be controversial. Compliance requirements and human health and environmental effects will be evaluated and incorporated in the decision making process concurrently with technical and economic factors.
- b Develop and implement programs and activities within the overall USDA mission in a manner that minimizes environmental pollution or degradation.
- c Design/construct, review and monitor facilities and activities to ascertain that they are in compliance with applicable Federal, State, or local pollution control standards.
- d Coordinate thorough and timely reviews with Federal, State, and local pollution control agencies.
- e Procure and use material and energy resources in a manner that minimizes the use of hazardous and toxic substances, prevents pollution, reduces generation of hazardous and nonhazardous waste, and is in keeping with National energy conservation policies.
- f Minimize solid and hazardous waste to the maximum extent feasible. Waste that cannot be prevented should be recycled or reclaimed; waste that cannot be

recycled or reclaimed should be treated in an environmentally safe manner. Disposal should be employed as a last resort.

- g Restore damaged environments through environmental response, restoration or other cleanup efforts.
- h Identify and require potentially responsible parties to clean up hazardous substance contamination on or affecting lands and natural resources within USDA jurisdiction, custody or control through enforceable agreements under CERCLA.
- i Comply with USDA's Biological Safety Policy, including the USDA Safety and Health Manual, and 42 CFR Part 72, Interstate Shipment of Etiologic Agents, at facilities transferring or receiving select biological agents.

Additional policy is contained in the chapters covering individual program areas.

## 6 DEFINITIONS

Throughout this manual, terms having specific meanings are used. Many key terms are listed in the Glossary and acronyms are defined in the Acronyms List. For those terms that have not been included in the Glossary, refer to the appropriate statute, the Code of Federal Regulations (CFR), or other applicable authority.

## 7 RESPONSIBILITIES

### a General

The delegations of authority, as outlined herein, reflect assignments made in 7 CFR Part 2, which set forth delegations of authority from the Secretary and general officers. Under Secretaries, Assistant Secretaries and Agency Heads will continue to be responsible for the day-to-day operations of their agencies in resolving environmental problems and for achieving compliance as required by applicable pollution control statutes and implementing regulations. They will coordinate, interact and report accomplishments through established Departmental procedures and the HMPC, particularly for areas where programs may overlap.

### b Deputy Secretary of Agriculture will:

Maintain the HMPC which shall exercise primary responsibility to direct and coordinate pollution prevention, control, and abatement within USDA, with the assistance of HMMG. The HMPC will be chaired by an appointee of the Secretary and consist of senior policy representatives of the affected mission areas and agencies and OGC. The Council Chairman shall coordinate USDA Hazardous Materials Management Program (HMMP) direction with the assistance

of the Director, Office of Procurement and Property Management (OPPM), who shall serve as Departmental Administration Member and Executive Secretary of the HMPC.

c Hazardous Materials Policy Council will:

- (1) Provide leadership in hazardous materials management and Federal facilities compliance for USDA.
- (2) Be served by a Chairman, appointed by the Secretary, who shall coordinate HMMP direction with the assistance of an Executive Secretary.
- (3) Ensure that all affected mission areas and agencies are involved in the Department's environmental pollution prevention, control, and abatement program.
- (4) Provide environmental coordination and consultative assistance to USDA Under and Assistant Secretaries and Agency Heads to help them develop environmental strategies on pollution prevention, control, and abatement issues to meet the requirements of USDA policies and the law.
- (5) Ensure that each affected agency has a designated environmental coordinator and necessary staff who are involved with HMMG in the day-to-day activities necessary to meet the Department's pollution prevention, control and abatement program goals.
- (6) Provide HMMP direction to HMMG.
- (7) Provide oversight to ascertain that applicable environmental pollution prevention, control, and abatement laws and regulations are observed in the acquisition, construction, operation, and disposal of real property.
- (8) Consult with EPA, other appropriate Federal agencies, and others in developing pollution prevention, control, and abatement policies and programs.
- (9) Review and evaluate data submitted by agencies on the extent of environmental pollution affecting USDA. Coordinate actions to mitigate or control adverse impacts with Under and Assistant Secretaries and Agency Heads.
- (10) Provide guidance to USDA agencies, through HMMG, on instructions and policies from agencies outside of the Department relating to environmental pollution prevention, control, and abatement.

- (11) Provide administrative management guidance on environmental aspects of management and disposal of toxic and hazardous wastes.
- (12) Provide guidance, with the assistance of HMMG, and through the Office of Budget and Program Analysis (OBPA), to USDA agencies on programming and budgeting for environmental pollution prevention, control, and abatement.
- (13) Determine allocations among USDA agencies from the USDA Hazardous Materials Management Appropriation (HMMA) with staff assistance from OGC, HMMG and affected agencies.
- (14) Formulate HMMP policy and management changes.
- (15) Monitor and review agency program budget requests for HMMP related activities, prior to submission to OBPA, in consultation with the Office of the Chief Financial Officer (OCFO) and OBPA.
- (16) Monitor and review agency program fund expenditures for HMMP accomplishments.
- (17) Coordinate, through the Council Chairman, with the Assistant Secretary for Administration, the presentation of the USDA HMMP budget request to OMB and Congress.
- (18) Review and approve HMMP accomplishment reports required by Congress, OMB, and EPA.

d Director, Office of Procurement and Property Management will:

- (1) Provide program leadership and coordination for USDA's energy conservation and energy efficiency activities pursuant to Executive Order 13123, Greening of the Government Through Efficient Energy Management.
- (2) Promulgate policies, standards, techniques, and procedures, and represent the Department, in prevention, control, and abatement of pollution with respect to Federal facilities and activities under the control of the Department.
- (3) Review and approve exemptions for USDA contracts, subcontracts, grants, agreements, and loans from the requirements of the CAA, 42 U.S.C. 7401, *et seq.*, the CWA, 33 U.S.C. 1251, *et seq.*, and Executive Order 11738, when he or she determines that the paramount interest of the United States so requires as provided in these acts and Executive Order and the regulations of EPA at 40 CFR 32.215(b).

- (4) Provide program leadership and oversight for USDA compliance with applicable pollution control laws and executive orders, including Executive Order 13148, Greening of the Government Through Leadership in Environmental Management.
- (5) Coordinate USDA waste prevention, recycling, and procurement, acquisition and use of recycled products and environmentally preferable products, including bio-based products, and services, and serve as USDA Environmental Executive, pursuant to Executive Order 13101.
- (6) Serve as Departmental Administration Member and Executive Secretary of the HMPC.
- (7) Represent USDA in consulting or working with the EPA, the Council on Environmental Quality (CEQ), the Domestic Policy Council, and others in developing policies and regulations relating to hazardous materials management, Federal facilities compliance, and other pollution prevention, control, and abatement issues.
- (8) Monitor, review, evaluate, and oversee hazardous materials management program activities and compliance Department-wide.
- (9) Monitor, review, evaluate, and oversee USDA agency expenditures for hazardous materials management program accomplishments.
- (10) Prepare for the HMPC the HMMP budget request to OMB and Congress, prepare accomplishment reports to Congress, OMB, and EPA, and take a role in the preparation of replies to Congressional inquiries.
- (11) Represent USDA on the National Response Team (NRT) on hazardous spills and oil spills pursuant to CERCLA, 42 U.S.C. 9601, et seq.; the CWA, 33 U.S.C. 1251, et seq.; the OPA, 33 U.S.C. 2701, et seq.; Executive Order 12580; Executive Order 12777; and the National Oil and Hazardous Substances Contingency Plan (NCP), 40 CFR Part 300.
- (12) Approve disbursements from the New World Mine Response and Restoration Account, approve the New World Mine Response and Restoration Plan, and make quarterly reports to Congress under Sections 502(d) and (f) of Title V of the Department of the Interior and Related Agencies Appropriations Act of 1998, Public Law 105-83.
- (13) Ensure that the HMMP Department-wide is accomplished with regard to, and in compliance with, Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations.

- (14) With respect to any release or threatened release of hazardous substances affecting natural resources under USDA trusteeship or lands or facilities under USDA jurisdiction, custody, or control, take such action as may be necessary, with the affected agency head and with the concurrence of OGC, including issuance of administrative orders and agreements with any person to perform any response action under sections 106(a) and 122 (except subsection (b)(1)) of CERCLA, 42 U.S.C. 9606(a), 9622, pursuant to Sections 4(c)(3) and 4(d)(3) of Executive Order 12580, as amended by Executive Order 13016.

e Hazardous Materials Management Group will:

- (1) Act as technical and program staff to the HMPC.
- (2) Be supervised by a Director, who shall report to the Director, OPPM, and who shall also serve as the Executive Secretary of the HMPC.
- (3) Assist the Department and its agencies in ensuring proper hazardous materials management and Federal facilities compliance in all of their activities.
- (4) Represent, along with other Council members' staffs and OGC, the Director of OPPM in inter-governmental groups and with other organizations and agencies relating to environmental issues and proposed legislation dealing with hazardous materials management and Federal facilities compliance.
- (5) Develop HMMP policy and guidance recommendations.
- (6) Provide leadership, program advice and direction, and program and technical assistance to agencies and their field units.
- (7) Monitor, review, and evaluate HMMP activities and compliance Department-wide.
- (8) Provide training, technology and information transfer on HMMP activities.
- (9) Provide the lead assistance role to the Director of OPPM in the preparation of HMMP budget and accomplishment reports to Congress, OMB, and EPA and the preparation of replies to Congressional inquiries.
- (10) Compile overall reports, inventories, and statistics based on USDA agency submissions.

- (11) Monitor new developments in pollution prevention, control, and abatement and coordinate technology transfer to USDA agencies.
- (12) Advise USDA agencies to help them develop environmental policies and strategies for the Department's unique activities regarding pollution prevention, control, and abatement.
- (13) Maintain oversight and report progress on the design and construction of pollution control facilities for USDA installations.
- (14) Coordinate technical assistance to USDA agencies on the pollution control aspects of construction and real property maintenance activities.

f Under Secretary - Natural Resources and Environment will:

- (1) Recommend actions and policies that enable USDA agencies under his or her authority to comply with the intent, purposes, and standards of environmental laws for pollution prevention, control, and abatement.
- (2) Consult with EPA and other appropriate Federal agencies in developing pollution prevention, control, and abatement policies and programs relating to agencies under his or her authority.
- (3) Represent USDA in consulting or working with EPA, CEQ, and other organizations or agencies on matters relating to Forest Service and Natural Resources Conservation Service (NRCS) environmental activity and natural resources.
- (4) Represent USDA on Regional Response Teams (RRT) on hazardous spills and oil spills pursuant to CERCLA, the CWA, OPA, Executive Order 12580, Executive Order 12777 and the NCP.
- (5) With respect to lands and facilities under his or her authority, exercise the functions delegated to the Secretary by Executive Order 12580 (except for Sections 4(c)(3) and 4(d)(3)), relating to the exercise of CERCLA Section 106 authority, which must be exercised with the Director, OPPM, and with the concurrence of OGC relating to hazardous substance response and restoration, including entering into administrative orders on consent with potentially responsible parties.
- (6) With respect to lands and facilities under his or her authority, exercise the functions delegated to the Secretary by Executive Order 12088 relating to compliance with applicable pollution control standards and entering into compliance agreements with EPA and State environmental enforcement agencies.

- (7) With respect to lands and facilities under his or her authority, exercise the functions of the Federal Land Manager (FLM) pursuant to the CAA.
- (8) Serve on the HMPC.

g Under Secretary - Research, Education, and Economics will:

- (1) Recommend actions and policies that enable USDA agencies under his or her authority to comply with the intent, purposes, and standards of environmental laws for pollution prevention, control, and abatement.
- (2) Consult with EPA and other appropriate Federal agencies in developing pollution prevention, control, and abatement policies and programs relating to agencies under his or her authority.
- (3) Represent USDA when coordinating with other Federal agencies in developing environmental policy and regulations for FIFRA and TSCA.
- (4) Coordinate USDA environmental quality technology-based research activities.
- (5) Advise USDA agencies in the development of environmental policies and strategies for the Department's unique activities, such as those related to FIFRA and TSCA.
- (6) Serve as a USDA Environmental Executive responsible for coordinating waste prevention, recycling, and the procurement, acquisition and use of recycled products and environmentally preferable products, including bio-based products, and services pursuant to Executive Order 13101.
- (7) With respect to lands and facilities under his or her authority, exercise the functions delegated to the Secretary by Executive Order 12580 (except for Sections 4(c)(3) and 4(d)(3)), relating to the exercise of CERCLA Section 106 authority, which must be exercised with the Director, OPPM, and with the concurrence of OGC relating to hazardous substance response and restoration, including entering into administrative orders on consent with potentially responsible parties.
- (8) With respect to lands and facilities under his or her authority, exercise the functions delegated to the Secretary by Executive Order 12088 relating to compliance with applicable pollution control standards and entering into compliance agreements with EPA and State environmental enforcement agencies.
- (9) Serve on the HMPC.

h Under Secretary for Farm and Foreign Agricultural Services will:

- (1) Recommend actions and policies that enable USDA agencies under his or her authority to comply with the intent, purposes, and standards of environmental laws for pollution prevention, control, and abatement.
- (2) Consult with EPA and other appropriate Federal agencies in developing pollution prevention, control, and abatement policies and programs relating to agencies under his or her authority.
- (3) Recommend actions and policies of the loan and grant programs under his or her authority concerning compliance with the Asset Conservation, Lender Liability, and Deposit Insurance Protection Act of 1996.
- (4) With respect to lands and facilities under his or her authority, exercise the functions delegated to the Secretary by Executive Order 12580 (except for Sections 4(c)(3) and 4(d)(3)), relating to the exercise of CERCLA Section 106 authority, which must be exercised with the Director, OPPM, and with the concurrence of OGC relating to hazardous substance response and restoration, including entering into administrative orders on consent with potentially responsible parties.
- (5) With respect to lands and facilities under his or her authority, exercise the functions delegated to the Secretary by Executive Order 12088 relating to compliance with applicable pollution control standards and entering into compliance agreements with EPA and State environmental enforcement agencies.
- (6) Serve on the HMPC.

i Under Secretary for Rural Development will:

- (1) Recommend actions and policies that enable USDA agencies under his or her authority to comply with the intent, purposes, and standards of environmental laws for pollution prevention, control, and abatement.
- (2) Consult with EPA and other appropriate Federal agencies in developing pollution prevention, control, and abatement policies and programs relating to agencies under his or her authority.
- (3) Recommend actions and policies of the loan and grant programs under his or her authority concerning compliance with the Asset Conservation, Lender Liability, and Deposit Insurance Protection Act of 1996.

- (4) With respect to lands and facilities under his or her authority, exercise the functions delegated to the Secretary by Executive Order 12580 (except for Sections 4(c)(3) and 4(d)(3)), relating to the exercise of CERCLA Section 106 authority, which must be exercised with the Director, OPPM, and with the concurrence of OGC relating to hazardous substance response and restoration, including entering into administrative orders on consent with potentially responsible parties.
- (5) With respect to lands and facilities under his or her authority, exercise the functions delegated to the Secretary by Executive Order 12088 relating to compliance with applicable pollution control standards and entering into compliance agreements with EPA and State environmental enforcement agencies.
- (6) Serve on the HMPC.

j Under Secretary for Food Safety will:

- (1) Recommend actions and policies that enable USDA agencies under his or her authority to comply with the intent, purposes, and standards of environmental laws for pollution prevention, control, and abatement.
- (2) Consult with EPA and other appropriate Federal agencies in developing pollution prevention, control, and abatement policies and programs relating to agencies under his or her authority.
- (3) With respect to lands and facilities under his or her authority, exercise the functions delegated to the Secretary by Executive Order 12580 (except for Sections 4(c)(3) and 4(d)(3)), relating to the exercise of CERCLA Section 106 authority, which must be exercised with the Director, OPPM, and with the concurrence of OGC relating to hazardous substance response and restoration, including entering into administrative orders on consent with potentially responsible parties.
- (4) With respect to lands and facilities under his or her authority, exercise the functions delegated to the Secretary by Executive Order 12088 relating to compliance with applicable pollution control standards and entering into compliance agreements with EPA and State environmental enforcement agencies.
- (5) Serve on the HMPC.

k Under Secretary - Marketing and Regulatory Programs will:

- (1) Recommend actions and policies that enable USDA agencies under his or her authority to comply with the intent, purposes, and standards of environmental laws for pollution prevention, control, and abatement.
- (2) Consult with EPA and other appropriate Federal agencies in developing pollution prevention, control, and abatement policies and programs relating to agencies under his or her authority.
- (3) With respect to lands and facilities under his or her authority, exercise the functions delegated to the Secretary by Executive Order 12580 (except for Sections 4(c)(3) and 4(d)(3)), relating to the exercise of CERCLA Section 106 authority, which must be exercised with the Director, OPPM, and with the concurrence of OGC relating to hazardous substance response and restoration, including entering into administrative orders on consent with potentially responsible parties.
- (4) With respect to lands and facilities under his or her authority, exercise the functions delegated to the Secretary by Executive Order 12088 relating to compliance with applicable pollution control standards and entering into compliance agreements with EPA and State environmental enforcement agencies.
- (5) Serve on the HMPC.

l Assistant Secretary - Administration will:

- (1) Recommend actions and policies that enable USDA agencies under his or her authority to comply with the intent, purposes, and standards of environmental laws for pollution prevention, control, and abatement.
- (2) Consult with EPA and other appropriate Federal agencies in developing pollution prevention, control, and abatement policies and programs relating to agencies under his or her authority.
- (3) Formulate administrative regulations and procedures to procure equipment and material that will comply with all applicable environmental standards.
- (4) Present, in coordination with the Council Chairman, the USDA HMMP budget request to OMB and Congress.
- (5) With respect to lands and facilities under his or her authority, exercise the functions delegated to the Secretary by Executive Order 12580 (except for Sections 4(c)(3) and 4(d)(3)), relating to the exercise of CERCLA Section 106 authority, which must be exercised with the Director, OPPM, and with

the concurrence of OGC relating to hazardous substance response and restoration, including entering into administrative orders on consent with potentially responsible parties.

- (6) With respect to lands and facilities under his or her authority, exercise the functions delegated to the Secretary by Executive Order 12088 relating to compliance with applicable pollution control standards and entering into compliance agreements with EPA and State environmental enforcement agencies.

m Office of the General Counsel will:

- (1) Interpret Federal, State, and local laws and regulations regarding environmental pollution prevention, control, and abatement and provide legal advice and guidance, including providing representation and legal advice in connection with inter-Governmental groups and other parties, to the Secretary, Deputy Secretary, Under and Assistant Secretaries, and USDA agencies on compliance with and enforcement of applicable pollution prevention, control, and abatement laws.
- (2) Serve on the HMPC.
- (3) Concur in all administrative orders on consent and unilateral administrative orders issued by USDA pursuant to Section 106 of CERCLA under Executive Order 12580, as amended by Executive Order 13016, relating to hazardous substance response and restoration.

n Agency Heads will:

- (1) Ensure that all necessary actions are taken for the prevention, control, and abatement of environmental pollution for all Federal facilities and activities under their jurisdiction.
- (2) Comply with all applicable pollution prevention, control, and abatement standards and regulations.
- (3) Cooperate with EPA, and State and local agencies in the prevention, control, and abatement of environmental pollution.
- (4) Coordinate with other agencies on implementation plans for corrective action measures to meet applicable pollution control standards.
- (5) Develop improvement plans and provide follow-up reports as necessary to achieve and maintain compliance with applicable pollution control standards.

- (6) Include requests for adequate funds for compliance with applicable environmental pollution prevention, control, and abatement standards in agency budgets.
- (7) Serve on the HMPC at the discretion of his or her respective Under or Assistant Secretary.
- (8) With respect to any release or threatened release of hazardous substances affecting natural resources under his or her respective trusteeship or lands or facilities under his or her respective jurisdiction, custody, or control, exercise jointly with the Director, OPPM, and with the concurrence of OGC, the authorities delegated to the Secretary by Executive Order 13016, including entering into administrative orders on consent with, and issuing unilateral administrative orders to, responsible parties under Section 106 of CERCLA.

## 8 COMPLIANCE WITH OTHER ENVIRONMENTAL STATUTES

All activities associated with prevention, control, and abatement of environmental pollution shall comply with applicable requirements of the individual statutes and Executive Orders covered in this manual and all other applicable environmental statutes and Executive Orders.

## ENVIRONMENTAL COMPLIANCE AND MANAGEMENT TRAINING

### Chapter II

#### 1 PURPOSE

The purpose of USDA Environmental Compliance and Management Training is to ensure that USDA managers and employees:

- a Are aware of USDA's environmental compliance and management policies, requirements, procedures and goals.
- b Have the skills, knowledge, and ability to conduct their activities within the framework of USDA's environmental policies and management systems.

#### 2 OBJECTIVE

The objective is to develop and implement environmental compliance and management training for USDA managers and employees to:

- a Ensure that managers and employees are aware of USDA environmental compliance and management policies, requirements, procedures and goals, and to integrate environmental accountability into day-to-day decision making and the long term planning process.
- b Improve operational efficiency through the minimization of environmental compliance and management problems associated with USDA operations by emphasizing pollution prevention as a means to achieve and maintain environmental compliance.
- c Provide employees with safe and healthful places in which to work.
- d Ensure that environmental compliance and management training is a requirement in training plans for managers and employees involved in these issues.
- e Minimize environmental Notices of Violations and expenditures for non-compliance and environmental cleanups through up front investment in training and prevention.
- f Properly and systematically manage hazardous and toxic materials.
- g Respond to releases or threatened releases of hazardous substances through the National Response System (NRS).

### 3 POLICY

USDA policy with regard to environmental compliance and management training is to:

- a Identify minimum USDA manager and employee training needs to ensure proper environmental compliance and management.
- b Review current environmental training programs to determine their adequacy.
- c Develop and implement environmental compliance and management training for USDA managers and employees.
- d Review manager and employee environmental compliance and management awareness and technical knowledge in conjunction with annual review of individual development plans and, where applicable, determine training needs and make provisions for needed training.
- e Provide new employees and those assigned responsibility in this area with basic information related to the environmental compliance and management program as part of a new employee orientation program.
- f Require agency managers and employees, as applicable, to attend environmental compliance and management training programs which:
  - (1) Identify the responsibilities related to the environmental compliance and management programs within the Federal government, USDA and the impacted agency.
  - (2) Familiarize the manager with the current laws, regulations and operating procedures, and associated liability (personal, criminal).
  - (3) Assist in the recognition, control and reporting of non-compliance with environmental compliance laws and regulations.
  - (4) Provide specialized training in professional areas, which impacts upon areas of responsibilities.
  - (5) Provide training tailored to employees for whom environmental compliance related responsibilities are collateral and not primary.
- g Maintain, in accordance with USDA Department Regulations, records for all employees participating in training.
- h Assist in the development and implementation of environmental management systems and self-environmental management reviews.

#### 4 RESPONSIBILITIES

##### a USDA Hazardous Materials Policy Council

- (1) Provide leadership in support of the environmental compliance and management training.
- (2) Ensure the availability of adequate resources for HMMG to facilitate the implementation of the training program.

##### b Hazardous Materials Management Group will:

- (1) Determine minimum training needs for USDA and its agencies.
- (2) Review and comment on agency environmental compliance and management training programs.
- (3) Assist agencies in the identification of appropriate training programs.
- (4) Provide environmental compliance and management training.
- (5) Coordinate with USDA Human Resource Management and training activities in the area of Department-wide programs such as orientation and supervisory training.

##### c Agency Heads will:

- (1) Provide leadership in support of environmental compliance and management training.
- (2) Ensure the availability of adequate resources for training.
- (3) Incorporate environmental compliance and management training into Agency Environmental Management System (EMS) program. (See Chapter IX)
- (4) Identify agency environmental compliance and management training needs.
- (5) Develop, implement, and/or arrange for training.
- (6) Distribute information related to Agency/Departmental training.
- (7) Adapt and implement USDA guidelines, policies, and programs related to environmental compliance and management training.
- (8) Keep abreast of significant developments related to environmental compliance and management training activities.

##### d Supervisors/managers will:

- (1) Provide leadership in support of environmental compliance training.
- (2) Evaluate the effectiveness of environmental compliance training.
- (3) Provide employees, under their direction, with adequate environmental compliance training.
- (4) Provide and emphasize environmental compliance instructions to employees at the beginning of all new operations, such as introduction of

- new chemicals or handling/storage of wastes.
- (5) Provide new employees with information and orientation relating to safe and healthful conduct.
- (6) Seek sufficient funding for training.
- (7) Conduct annual evaluations of employee training needs.

## 5 REQUIREMENTS

### a Minimum Training Requirements for Supervisors and Managers

- (1) An overview of CERCLA, as amended.
- (2) An overview of RCRA, as amended.
- (3) An overview of the EOs 13148, 12580, 12088, as amended.
- (4) An overview of DM 5600-1, Environmental Pollution, Prevention, Control, and Abatement Manual.
- (5) An overview of the USDA HMMP Strategic Plan.
- (6) An overview of the USDA HMPC duties and purpose.

### b Minimum Training Requirements for Personnel Who have Environmental Management and Compliance as a Collateral Duty

- (1) All requirements mentioned above.
- (2) Procedures for handling, storing, and disposing of hazardous materials.
- (3) General environmental engineering/administrative controls.
- (4) An overview for handling toxic substances, explosives materials.
- (5) Hazard inspection and abatement/control procedures.
- (6) An overview of appropriate standards, rules and regulations.
- (7) An overview of all appropriate reporting/recording procedures.
- (8) Procedures for conducting environmental compliance audits.
- (9) Pollution Prevention/Waste Minimization/Recycling Principles.
- (10) Procedures for reporting releases of oil, hazardous substances.
- (11) Procedures for evaluating effectiveness of training and education efforts.
- (12) The HAZWOPER course.

### c Minimum Training Requirements for Agency Environmental Pollution Control Coordinators

- (1) All requirements mentioned above.
- (2) Procedures for conducting Environmental Compliance Reviews/Audits/Inspections.
- (3) An overview of Waste Management principles including RCRA controlled wastes, Radiological, Low-Level Radioactive Mixed, and/or Biohazard wastes, and the transportation of wastes.
- (4) An overview of Underground Storage Tank regulations.
- (5) An overview of CERCLA.

- (6) An overview of EPCRA requirements.
- (7) An overview of CAA, Pollution Prevention Act, SDWA, and National Environmental Policy Act (NEPA) requirements.
- (8) An overview of CWA requirements including above ground storage tanks, spill prevention control/countermeasures.
- (9) An overview of the FIFRA and the TSCA.
- (10) Procedures for reporting releases of oil, hazardous substances.
- (11) Procedures for evaluating effectiveness of training efforts.

## CLEAN WATER PROGRAM

### Chapter III

#### 1 PURPOSE

This chapter prescribes USDA policies for complying with the Clean Water Act (CWA), its implementing regulations, and applicable Executive Orders.

#### 2 SCOPE

The provisions of this chapter apply to all facilities, lands, and activities under the jurisdiction, custody and control of USDA. To the extent provided by law, they apply to contractors, cooperators, concessionaires, and others performing work for USDA, including those responsible for management and operation of USDA facilities; to special use and other permittees operating at facilities and on lands under the jurisdiction, custody and control of USDA; and to activities performed by USDA assistance recipients.

#### 3 AUTHORITIES

The primary Federal statute relating to the Clean Water Program is the FWPCA, as amended, 33 U.S.C. 1251, et seq., commonly referred to as the CWA. Other Federal, State, and local clean water requirements may be applicable to a particular matter.

#### 4 OBJECTIVES

The objectives of the USDA Clean Water Program are to: 1) restore and maintain the integrity of the Nation's waters by reducing or eliminating the discharge of pollutants into lakes, rivers, streams, wetlands, and other navigable waters; 2) protect fish, shellfish, other aquatic life, and wildlife resources; 3) provide safe and protected recreational uses of water; and 4) ensure USDA owned, operated or permitted facilities are in compliance with applicable Federal, State, and local CWA requirements.

#### 5 POLICY

USDA is committed to restoring and maintaining the chemical, physical, and biological integrity of the Nation's waters. To achieve this goal, USDA and its agencies will:

- a Comply with all applicable Federal, State, interstate, and local substantive and

procedural requirements respecting the control and abatement of water pollution. USDA agencies will consult with OGC before making a determination concerning the appropriate course of action regarding compliance with State or local requirements that do not clearly fall within the scope of the waiver of sovereign immunity contained in Section 313 of the CWA, 33 U.S.C. 1323.

- b Protect watershed resources by controlling, reducing, or eliminating activities that introduce pollutants into rivers, lakes, streams, and wetlands. As appropriate, participate and cooperate with Federal, State and local agencies in the identification of impaired watersheds and in watershed cleanup and protection programs.
- c Ensure that best management practices (BMP) are employed during planning, construction and operation of USDA and permitted facilities to reduce or eliminate non-point source pollution, including sedimentation, from storm-water runoff. Ensure that designs for new facilities include measures to reduce non-point source pollution. Monitor the implementation and effectiveness of BMPs to ensure their proper and continuous function to meet State water quality standards.
- d Ensure that there is adequate managerial, technical, and financial capacity before planning, designing, and constructing new facilities which may affect watershed resources or before providing financial assistance to build such facilities.
- e When planning and constructing facilities such as roads, buildings, dams, levees, and channels, consider methods to reduce to the maximum extent practical, the introduction of non-point source pollution to waterways resulting from changes in water flow, direction, and quantity.
- f To the maximum extent practical, employ approaches to eliminate or control acid mine drainage or other forms of water pollution, including runoff and siltation, resulting from new, operational, and abandoned surface and underground mines on lands under the jurisdiction, custody and control of USDA.
- g Through loans, grants, agreements, or contracts, encourage owners of rural farm, ranch, and other land to implement and maintain BMPs and/or conservation measures to control non-point source pollution from these lands.
- h To the maximum extent practicable, eliminate or reduce the impact of activities requiring the discharge of dredge or fill material into navigable waters. In cases where the impact cannot be eliminated, reduce the impact to the extent practicable and obtain and comply with applicable permits.
- i Identify and evaluate USDA owned and permitted facilities such as wastewater treatment plants to determine compliance with CWA.
- j Conduct all required monitoring and testing for pollutants as specified in the

regulations and facility or site-specific permits. In the event of non-compliance, provide required notice to regulatory agencies and conduct the required follow-up testing. Ensure that all required records are kept and maintained in an orderly fashion for the number of years specified in the regulations and ensure that sample results are submitted to the regulatory agency on time.

- k Monitor and evaluate the performance of contractors, concessionaires, special use permittees, and others who operate facilities such as wastewater treatment systems at USDA facilities and on lands under the jurisdiction, custody and control of USDA.
- l Take corrective actions including preventive maintenance, upgrades, or closure of facilities where necessary to achieve compliance with CWA.
- m Ensure that wastewater and other water treatment system operators at USDA owned or permitted facilities are properly and routinely trained. Ensure that all operators receive and maintain mandatory certification as required by Federal or State regulation. USDA agencies should encourage operators to become certified even if the regulatory body in their jurisdiction does not require it.
- n During the development of new wastewater treatment facilities, evaluate the potential for wastewater reclamation and recycling sewage through production of agriculture, silviculture, and aquaculture products. Evaluate methods for final sludge disposal that will not result in unacceptable environmental impacts.

## SAFE DRINKING WATER PROGRAM

### Chapter IV

#### 1 PURPOSE

This chapter prescribes USDA policies and responsibilities for complying with the Safe Drinking Water Act (SDWA), its implementing regulations, and applicable Executive Orders.

#### 2 SCOPE

The provisions of this chapter apply to all facilities, lands and activities under the jurisdiction, custody and control of USDA. To the extent provided by law, they apply to contractors, cooperators, concessionaires, and others performing work for USDA, including those responsible for management and operation of USDA facilities; to special use and other permittees operating at facilities and on lands under the jurisdiction, custody and control of USDA; and to activities performed by USDA assistance recipients.

#### 3 AUTHORITIES

The primary Federal statute related to the Safe Drinking Water Program is the SDWA, as amended, 42 U.S.C. 300f, *et seq.* Other Federal, State and local safe drinking water requirements may be applicable to a particular matter.

#### 4 OBJECTIVE

The objective of the USDA Safe Drinking Water Program is to protect the health of the public and USDA personnel by ensuring that water provided by USDA and its agencies for human consumption at facilities owned, operated or permitted by USDA is safe, protected, and in compliance with Federal, State and local regulatory requirements.

#### 5 POLICY

USDA is committed to ensuring that drinking water provided at USDA owned, operated or permitted facilities is safe and in compliance with Federal, State and local regulatory requirements. USDA is committed to protecting ground and surface waters that serve as sources of drinking water. To achieve these goals, USDA and its agencies will:

- a Ensure that appropriate State water rights are acquired for all drinking water systems on National Forest System Lands.
- b Identify and evaluate the performance of all drinking water supply and treatment facilities at USDA owned and operated installations to determine compliance with SDWA.
- c Monitor and evaluate the performance of concessionaires and others who operate drinking water systems at USDA facilities.
- d Provide all required inputs and information to applicable Federal, State and local regulatory agencies to facilitate proper monitoring and evaluation of the performance of all USDA permitted facilities with drinking water supply and treatment systems.
- e Take corrective actions where necessary to achieve facility compliance with SDWA and cease providing drinking water for human consumption at facilities unable to achieve compliance with SDWA.
- f Comply with all applicable Federal, State, interstate, and local substantive and procedural requirements respecting the protection of wellhead areas, public drinking water systems, and concerning underground injection. USDA agencies will consult with OGC before making a determination concerning the appropriate course of action regarding compliance with State or local requirements that do not clearly fall within the scope of the waiver of sovereign immunity contained in Section 1447 of the SDWA, 42 U.S.C. 300j-6.
- g Ensure that non-public water systems covered by this chapter comply with Federal and State regulations applicable to public water systems.
- h Ensure that public and non-public water system operators covered by this chapter are properly and routinely trained. Ensure that all system operators receive and maintain mandatory certification as required by the responsible State. USDA agencies should encourage operators to become certified even if the regulatory body in their jurisdiction does not require it.
- i Develop and implement a program for maintaining, upgrading, or closing aging drinking water systems covered by this chapter.
- j Before planning, designing, and constructing new facilities which may affect watershed resources or before providing financial assistance to build such facilities, ensure that there is adequate managerial, technical, and financial capacity for those facilities. Employ state of the art water treatment and conservation technology to the greatest extent practicable in new construction and

- reconstruction of all water systems.
- k Conduct all required monitoring and testing for contaminants as specified in the regulations for public water systems. Follow all sampling and reporting requirements required by Agency specific policies or directives if they are more stringent than Federal and State regulations or if they impose requirements for transient non-community or non-public water systems.
  - l In the event of a compliance failure of a drinking water system, conduct the required follow-up testing and provide proper notification to regulatory agencies and the public. For non-public water systems, conduct follow-up as if the system were a non-community public water system and provide public notification as required by Agency policy.
  - m For compliance failure with regulatory action levels established for lead and copper, employ treatment techniques with the approval of EPA or State regulatory agencies. These treatment techniques can include corrosion control treatment, source water treatment, lead-service line replacement, and public notification. Establish a lead and copper monitoring and action plan for non-public and transient non-community systems.
  - n For new non-public and transient non-community water systems, conduct initial testing for all SDWA regulated contaminants as if the system were a community system.
  - o Ensure that consumers served by public water systems under USDA jurisdiction receive prompt notification of any violation of drinking water regulations. For non-public drinking water systems covered by this chapter, develop a program to adequately notify affected users of violations of drinking water regulations.
  - p Ensure that all required records are kept and maintained in an orderly fashion for at least the number of years specified in the regulations and ensure that sample results are submitted to the applicable regulatory agency on time.
  - q Protect sources of drinking water by controlling, reducing, or eliminating activities that introduce or could potentially introduce contaminants into the drinking water source. As appropriate, participate with State and local agencies in source water quality protection programs. Encourage the inclusion of source water protection measures in voluntary agricultural resource management plans or voluntary farm or ranch management plans. Comply with State and tribal wellhead protection area programs to protect underground sources of drinking water from contamination.
  - r Prohibit underground injection or placement of fluids and hazardous wastes except as authorized by rule or permit by either EPA or the State, depending upon which entity has primary enforcement responsibility for the underground injection

control program. Conduct all required monitoring and testing for contaminants as specified by rule or individual permit for underground injection wells.

## 6 DEFINITIONS

- a Drinking Water System. A system for providing water suitable for human consumption via service connections (including hand pump wells).
- b Human Consumption. Use of water for drinking, food preparation, dishwashing, oral hygiene, and bathing/showering.
- c Non-Public Water System. A system not meeting the public water system definition.
- d Public Water System. Refer to definition in the SDWA at 42 U.S.C. 300f(4) and the National Primary Drinking Water Regulations at 40 CFR. 142.2. Also refer to the regulations for definitions of the three types of public water systems: Community; Non-Transient Non-Community; and Transient Non-Community.
- e Well Head Protection Area. The surface and subsurface area surrounding a water well or wellfield, supplying a public water system. Refer to the definition in the SDWA at 42 U.S.C. 300n-7(e).

## 7 RESPONSIBILITIES

In addition to the responsibilities listed in Chapter I, Agency Heads will:

- a Program and budget for funding and personnel resources to both allow Agency installations to provide drinking water that meets the quality requirements established by this chapter and by Federal, State and local regulations and that are sufficient to perform required drinking water sampling and program performance evaluation and review.
- b Establish and maintain monitoring programs to ensure drinking water systems and underground injection wells comply with SDWA requirements.
- c Conduct field monitoring of USDA drinking water systems, including contractor, concessionaire and permittee facilities, and implement corrective actions when necessary.
- d Cooperate with other Federal, State and local agencies in the evaluation of drinking water supply needs.

## COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT PROGRAM

### Chapter V

#### 1 PURPOSE

This chapter prescribes USDA authorities and policies for complying with CERCLA, also known as Superfund; applicable Executive Orders issued under CERCLA; and GPRA in relation to environmental cleanup and restoration of natural resources effected by the release or potential release of hazardous substances into the environment.

#### 2 SCOPE

The provisions of this chapter apply to all facilities, lands and activities under the jurisdiction, custody and control of USDA. To the extent provided by law, they apply to contractors, cooperators, concessionaires, and others performing work for USDA, including those responsible for management and operation of USDA facilities; to special use and other permittees operating USDA facilities and on lands under the jurisdiction, custody and control of USDA; and to activities performed by USDA assistance recipients.

#### 3 AUTHORITIES

The following authorities are the statutes and Executive Orders relating to USDA's responsibilities under CERCLA. Other authorities may be applicable to a particular matter.

- a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) (also known, as "Superfund"), as amended, 42 USC 9601, et seq.
- b Executive Order 12580, Superfund Implementation, January 23, 1987, 52 FR 2923 (January 29, 1987), as amended by Executive Order 13016 (CERCLA Section 106 Order Authority), August 28, 1996, 61 FR 45871 (August 30, 1996), as further amended by Executive Order 13308, June 20, 2003, 68 FR 37691 (June 24, 2003).

#### 4 POLICY

The USDA is committed to planning, developing, and implementing all programs and

projects so as to minimize the release of hazardous substances into the environment and to restore impacted natural resources in concert with the Department's overall mission. To achieve this goal, USDA and agencies affected by the CERCLA program will:

- a Incorporate the CERCLA program into the overall mission strategy for the Department and agencies.
- b Ensure that management activities for new or currently active operations will not result in new or exacerbate current CERCLA sites.
- c Ensure that no new municipal solid waste landfills or open dumps will be permitted on facilities and lands under the jurisdiction, custody, or control of USDA and its agencies.
- d Make every effort to ensure that future liability for environmental cleanup is minimized or avoided when acquiring real property through purchase, exchange, and/or transfer or return from other Federal use.
- e Coordinate with EPA, the Department of Justice (DOJ), the Department of the Interior (DOI), and other appropriate State and Federal agencies in the management of the CERCLA program.
- f Work with stakeholders, such as environmental groups, special use permittees, Tribes, State and local government agencies, and industry to identify common goals concerning cleanup of hazardous substances and natural resource restoration.
- g Establish environmental cleanup and natural resource restoration as a priority action, and ensure that adequate appropriation requests are made to ensure that there are key technical and legal personnel and adequate funding for such agency activities.
- h Plan and accomplish GPRA goals and objectives related to environmental cleanup and natural resource restoration, utilizing agency program appropriation, complemented by allocations from the USDA HMMA. Utilize a project accomplishment reporting process with an annual review of the process to ensure that it is adequate and meets the reporting needs of the Department and agencies. Develop and report goals each year for the coming year and describe how action items will be implemented.
- i In cooperation with the EPA and State and local environmental regulatory agencies, complete and maintain an inventory of facilities and lands under the jurisdiction, custody, or control of USDA or other sites where activities by USDA and others may be affecting the environment from the release or potential release of hazardous substances.

- j Working with environmental regulators as necessary, complete assessment and investigation work at each inventoried site consistent with CERCLA requirements, including the NCP, to determine if there is a release or a potential release of a hazardous substance from the site, which may be a threat to public health, welfare, or the environment.
- k At sites eligible for CERCLA action, work with the environmental regulators to determine if USDA may be a Potentially Responsible Party (PRP) as defined in CERCLA.
- l At sites where USDA may be a PRP and is not the lead agency, work with the environmental regulators to identify other PRPs and work with the regulators and other PRPs to complete needed environmental cleanup and natural resource restoration work in accordance with CERCLA and the NCP.
- m At sites where USDA will be the lead agency as defined in CERCLA and Executive Order 12580 the agencies will:
  - (1) Complete PRP searches to determine if PRPs exist and if they are financially viable. These activities will be conducted in consultation with OGC.
  - (2) Contact viable PRPs to determine their willingness to perform or pay for required cleanup activities and to enter into enforceable CERCLA agreements. Legal activities relating to CERCLA enforcement will be implemented by OGC and the DOJ. Viable PRPs will be required to perform or pay for the work. If an urgent situation exists where immediate action in accordance with the NCP is necessary, the PRPs have been contacted, and the time needed for negotiations will result in unacceptable human health or environmental impacts, agencies may perform the work and seek cost recovery later.
- n Perform program and project monitoring through the activities of HMMG and agency environmental coordinators, to evaluate CERCLA activities and field accomplishments.
- o Ensure a proactive approach to environmental management through the tracking and early identification of regulatory changes and proposed regulatory changes affecting USDA agencies, and the maintenance of effective communications with regulatory authorities.

## SOLID AND HAZARDOUS WASTE MANAGEMENT PROGRAM

### Chapter VI

#### 1 PURPOSE

This chapter prescribes USDA policies regarding identification and management of solid and hazardous wastes including the storage of hazardous materials and wastes in underground storage tanks. These policies require compliance with applicable requirements and sustained, affirmative efforts to minimize the volume, toxicity, and environmental persistence of generated wastes.

#### 2 SCOPE

The provisions of this chapter apply to all facilities, lands and activities under the jurisdiction, custody and control of USDA. To the extent provided by law, they apply to contractors, cooperators, concessionaires, and others performing work for USDA, including those responsible for management and operation of USDA facilities; to special use and other permittees operating at facilities and on lands under the jurisdiction, custody and control of USDA; and to activities performed by USDA assistance recipients.

#### 3 AUTHORITIES

The primary Federal statute relating to the Solid and Hazardous Waste Management Program is the Solid Waste Disposal Act, as amended, 42 U.S.C. 6901, et seq., commonly known as Resource Conservation and Recovery Act (RCRA). The Hazardous Materials Transportation Act, 49 U.S.C. 5101, et seq., and other Federal, State, and local requirements relating to solid and hazardous waste may be applicable to a particular matter.

#### 4 OBJECTIVE

The objective of the USDA Solid and Hazardous Waste Management Program is to protect public health and the environment by: 1) minimizing the generation and land disposal of solid and hazardous waste; 2) complying with Federal and State regulatory requirements for generation, transportation, treatment, storage, and disposal of solid and hazardous wastes; 3) conserving material and energy resources through waste recycling and recovery; and 4) addressing leaking underground storage tanks and ensuring that new and existing tanks meet applicable Federal, State, and local standards.

## 5 POLICY

USDA is committed to minimizing the generation of hazardous waste and the threat to human health and the environment by properly treating, storing, and disposing of these wastes. To achieve these goals, USDA and its agencies will:

- a Evaluate waste management practices at USDA facilities to determine compliance with RCRA and associated solid and hazardous waste regulations. Take corrective measures where necessary to bring each facility into compliance.
- b Prohibit the use of HMMA funds to pay RCRA civil penalties.
- c Develop and implement a program to monitor and evaluate the performance of concessionaires, contractors, permittees, and others who have solid and hazardous waste obligations at USDA facilities and on USDA lands. Take corrective measures where necessary to ensure compliance.
- d Comply with applicable Federal, State, interstate, and local substantive and procedural requirements respecting the management, control, disposal, and abatement of solid or hazardous waste. USDA agencies will consult with OGC before making a determination concerning the appropriate course of action regarding compliance with State or local requirements that do not clearly fall with the waiver of sovereign immunity contained in Section 6001 of RCRA, 42 U.S.C. 6961.
- e Develop a program to minimize waste generation and reduce volume and toxicity of wastes generated at USDA facilities through process or material substitution, materials recovery, recycling, reuse, treatment, and other means. Reuse and reclamation of used oil and universal wastes including hazardous waste batteries, pesticides, and thermostats must comply with the specific regulations governing these types of wastes.
- f Ensure that all required records and manifests are kept and maintained in an orderly fashion for at least the number of years specified in the regulations and ensure that required reports are submitted to the applicable regulatory agency on time.
- g Ensure that no new municipal or other solid waste landfills or open dumps are permitted on facilities and lands under the jurisdiction, custody, or control of USDA and its agencies.
- h Develop a procurement program to ensure the purchase of recycled materials, products containing recovered materials, and other environmentally preferable

products and services to the maximum extent practicable. (Refer to DM-5600-1, Chapter IX, concerning environmental management systems.)

- i Develop a program to monitor underground storage tanks and ensure that new tanks, preferably above ground, are constructed and installed in accordance with Federal, State, and local regulations. Existing tanks should already meet performance standards for new tanks, have met upgrade requirements, or have been taken out of service. Promptly address leaking underground storage tanks. Seek to have those responsible for the leaking tank conduct the cleanup or pay USDA for the costs of cleanup.
- j Ensure that RCRA hazardous waste combustion facilities and incinerators comply with applicable Clean Air Act requirements. Ensure that on-site actions associated with response actions conducted pursuant to CERCLA meet the substantive requirements of RCRA and associated regulations.
- k Except as precluded by law or congressional action, prior to acquiring land from the Department of Defense (DoD) or its components or consenting to the use of USDA lands by DoD, enter into written agreements with DoD to ensure that any solid wastes, hazardous wastes, or military munitions associated with DoD activities are handled by DoD in accordance with the requirements of RCRA as well as any other applicable Federal, State, or local laws, regulations, or USDA policies.
- l Ensure that CERCLA response actions on USDA lands used by DoD and their surrounding areas (e.g., “off-range” areas) comply with the substantive requirements of RCRA and related laws or regulations, and are based on cleanup standards consistent with USDA-determined future land use.

## PESTICIDES AND TOXIC SUBSTANCES MANAGEMENT PROGRAM

### Chapter VII

#### 1 PURPOSE

This chapter prescribes USDA policies for complying with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Toxic Substances Control Act (TSCA), implementing regulations, and Executive Orders.

#### 2 SCOPE

The provisions of this chapter apply to all facilities, lands and activities under the jurisdiction, custody, and control of USDA. To the extent provided by law, they apply to contractors, cooperators, concessionaires, and others performing work for USDA, including those responsible for management and operation of USDA facilities; to special use and other permittees operating at facilities and on lands under the jurisdiction, custody and control of USDA; and to activities performed by USDA assistance recipients.

#### 3 AUTHORITIES

The following authorities are the primary Federal statutes relating to the Pesticides and Toxic Substances Management Program. Other authorities may be applicable to a particular matter.

FIFRA, as amended, 7 U.S.C. 136, et seq.

TSCA, 15 U.S.C. 2601, et seq.

#### 4 OBJECTIVE

The objective of the USDA Pesticides and Toxic Substances Management Program is to: 1) minimize the use of pesticides and toxic substances and to ensure that when these substances are used, they are applied, stored, and disposed of in a safe manner; 2) protect USDA employees, the public, and the environment from unreasonable exposure to toxic substances; and 3) ensure compliance with applicable Federal and State regulations.

## 5 POLICY

USDA is committed to protecting USDA employees, the public, and the environment from the adverse effects of pesticides and toxic substances. To achieve this goal, USDA and its agencies will:

- a Adopt workplace practices to reduce or eliminate exposure to pesticides. These practices include, but are not limited to, using only properly labeled pesticides, following label instructions, wearing of proper personal protective equipment, and developing procedures for responding to pesticide exposure related emergencies.
- b Ensure that all USDA employees who use restricted-use registered pesticides are certified applicators in the responsible State and, if applicable, under an approved Government Agency Plan.
- c Properly manage pesticide and toxic substance storage facilities by providing security at these facilities and by establishing and implementing a monitoring/record keeping process to manage an accurate inventory of pesticides and toxic substances. Immediately report discrepancies or theft from inventory of pesticides and/or toxic substances to the proper authorities.
- d Properly dispose of pesticide and toxic substance residues and waste in accordance with required and recommended procedures.
- e Develop and implement a program to monitor and evaluate the performance of contractors, permittees, and others who use or otherwise handle pesticides at USDA facilities or on USDA lands to ensure that they are complying with FIFRA and applicable regulations.
- f Minimize the use of pesticides at USDA facilities and on USDA lands and encourage the use of environmentally and economically beneficial landscaping, native plantings and Integrated Pest Management practices where appropriate.
- g Employ safe practices at laboratories and testing facilities where research is being conducted on pesticides. Ensure that these facilities are in compliance with applicable regulations.
- h Comply with all applicable Federal, State, and local regulations and requirements concerning lead-based paint hazards and activities. Use only properly trained and certified contractors for lead-based paint abatement work.

- i Conduct sampling to determine the extent of radon contamination in USDA owned and leased facilities where this testing has not already been completed. Install radon mitigation measures at facilities where radon levels are unsafe.
- j Comply with all applicable Federal, State, and local regulations and requirements concerning polychlorinated biphenyls (PCB) and PCB-containing equipment.
- k Comply with all applicable Federal, State, and local regulations and requirements concerning asbestos hazards. Use only properly trained and certified contractors for asbestos abatement work.

## CLEAN AIR PROGRAM

### Chapter VIII

#### 1 PURPOSE

This chapter prescribes USDA policies for complying with the Clean Air Act (CAA), its implementing regulations and applicable Executive Orders.

#### 2 SCOPE

The provisions of this chapter apply to all facilities, lands and activities under the jurisdiction, custody and control of USDA. To the extent provided by law, they apply to contractors, cooperators, concessionaires, and others performing work for USDA, including those responsible for management and operation of USDA facilities; to special use and other permittees operating at facilities and on lands under the jurisdiction custody and control of USDA; and to activities performed by USDA assistance recipients.

#### 3 AUTHORITIES

The primary Federal statute relating to the Clean Air Program is the CAA, as amended, 42 U.S.C. 7401, et seq. Other authorities may be applicable to a particular matter.

#### 4 OBJECTIVES

The objectives of the USDA Clean Air Program are to: 1) protect and enhance the quality of air resources by controlling air pollution sources, including mobile sources, under the jurisdiction, custody and control of USDA agencies; 2) protect public lands from adverse effects of air pollution; and 3) prevent deterioration of air quality associated with public lands, especially designated areas where visibility is an important value.

#### 5 POLICY

USDA is committed to protecting and enhancing the quality of air resources to promote public health, welfare and productive capacity. To achieve this goal, USDA and its agencies will:

- a Ensure USDA activities do not cause or contribute to the exceedance of any applicable Federal, State or local air quality standards. Obtain all necessary permits and maintain emissions within permitted levels. Take corrective actions where necessary to achieve compliance.
- b Comply with State Implementation Plan (SIP) requirements, unless exempted. Determine that any planned USDA action, unless exempted, conforms to the applicable SIP prior to taking the action. Comply with all public comment and notification requirements when making conformity determinations. USDA agencies shall not provide financial assistance for, license or permit, or approve any activity which does not conform to the applicable SIP.
- c Develop and implement a program to monitor and evaluate the performance of contractors, concessionaires, permittees, and others who have air quality compliance obligations at USDA facilities or on lands under the jurisdiction, custody, and control of USDA.
- d At affected USDA facilities, conduct all required monitoring and testing for contaminants as specified in the regulations and applicable permits. Ensure that air monitoring equipment operators are properly and routinely trained. In the event of a compliance failure, conduct the required follow-up testing and provide proper notice to the permitting authority. Ensure that all required records are kept and maintained in an orderly fashion for the number of years specified in the regulations and ensure that all required reports are submitted to the permitting authority on time.
- e Ensure that air treatment system operators are properly and routinely trained. Ensure that all system operators receive and maintain mandatory certification as required by the applicable State. USDA agencies should encourage operators to become certified even if the regulatory body in their jurisdiction does not require it.
- f Ensure that all Chlorofluorocarbons (CFC) recovery/recycling equipment is certified to EPA standards and venting prohibitions are maintained. Phase out the procurement of ozone-depleting substances (ODS) for non-excepted uses. Maximize the use of safe alternatives to ODS. Ensure that ODS and regulated refrigerants are recovered and recycled, and emissions reduced to the lowest achievable level during the service, maintenance, repair, and disposal of appliances.
- g Ensure that facility modifications or new facility construction is accomplished in compliance with CAA and applicable regulations. Ensure appropriate coordination with EPA, other Federal land managers, and States is accomplished to protect public welfare, prevent significant airshed deterioration, and protect Class I areas.

- h Use safe work practices in compliance with CAA and applicable regulations to minimize the release of asbestos fibers during the handling and disposal of asbestos and asbestos-containing material during USDA facility modification or demolition. USDA employees may only handle non-friable asbestos and in such a manner that it does not become friable. Certified contractors are required when dealing with friable asbestos.
- i Operate and maintain vehicles in an energy efficient manner. Meet Federal, State, and local emission standards, emission testing requirements, and fuel quality requirements. Comply with applicable regulations for all regulated mobile sources including aircraft and off-road vehicles. Assure that vehicle fleets conform to SIP requirements.
- j Ensure that air emissions resulting from on-site activities associated with response actions conducted pursuant to the CERCLA are controlled such that the substantive requirements of CAA and associated regulations are met.
- k Ensure that all wildland and prescribed fire use projects are conducted in compliance with Federal Wildland and Prescribed Fire Management Policies. Ensure that air quality considerations are integrated into all fire use projects. Develop Smoke Management Contingency Plans as part of a Prescribed Fire Burn Plan or Wildland Fire Implementation Plan to mitigate potential negative or unacceptable impacts of smoke on air quality in such areas as Class I airsheds, identified smoke sensitive areas, hospitals, main travel routes, and airports. Coordinate fire use applications with appropriate air quality specialists and Federal, State, and local regulatory authorities. Consult with OGC before making a determination concerning the appropriate course of action regarding compliance with State or local requirements that do not clearly fall within the waiver of sovereign immunity contained in Section 118 of the CAA, 42 U.S.C. 7418.

## 6 RESPONSIBILITIES

In addition to the responsibilities listed in Chapter I, the Chief of the Forest Service will:

- a With respect to lands and facilities under his or her authority, exercise the functions delegated to the Secretary by Executive Order 12088 relating to compliance with applicable pollution control standards and entering into compliance agreements with EPA and State environmental enforcement agencies.
- b With respect to lands and facilities under his or her authority, exercise the functions of the FLM pursuant to the CAA.
- c Ensure protection of air quality related values in Class I Areas by reviewing permit applications of any new major stationary source or major modification where the emissions from the proposed facility or facility modification may

impact Class I Areas under USDA jurisdiction, custody or control. Coordinate with the other responsible Federal land managers and States in the development of strategies for remedying existing and preventing future visibility impairment of these areas.

- d At Class I Areas and other locations conduct monitoring to assess conditions of air quality related values and visibility.

## ENVIRONMENTAL MANAGEMENT SYSTEMS PROGRAM

### Chapter IX

#### 1 PURPOSE

This chapter prescribes USDA policies and responsibilities to meet goals and requirements for facility environmental compliance through the use of management systems and pollution prevention initiatives. The application of a systematic approach to environmental management that includes pollution prevention goals can result in improved environmental compliance and significant cost savings. The use of regulatory environmental compliance audits and environmental management system reviews will promote environmental protection and proactive environmental stewardship.

#### 2 SCOPE

The provisions of this chapter apply to all facilities, lands and activities under the jurisdiction, custody or control of USDA. To the extent provided by law, they apply to contractors, cooperators, concessionaires, and others performing work for USDA, including those responsible for management and operation of USDA facilities; to special use and other permittees operating at facilities and on lands under the jurisdiction, custody and control of USDA; and to activities performed by USDA assistance recipients.

#### 3 AUTHORITIES

The following authorities are the primary Federal statutes and Executive Order relating to the Environmental Management Systems (EMS) Program. Other authorities may be applicable to a particular matter.

- a Pollution Prevention Act (PPA) of 1990, 42 USC 13101, et seq.
- b Executive Order 13148: Greening the Government Through Environmental Leadership, 65 Federal Register 24595 (April 26, 2000)
- c Emergency Planning and Community Right-to-Know Act (EPCRA), 42 USC 11001, et seq.

#### 4 OBJECTIVES

USDA is committed to environmental compliance by utilizing EMS and by integrating environmental accountability into agency day-to-day decision-making and long-term planning processes, across all Departmental and agency missions, activities, and functions.

The Department and agencies must, whenever feasible and cost-effective, prevent pollution or reduce pollution at the source.

#### 5 POLICY

Agency policies and environmental compliance audit programs will promote pollution prevention as a means to both achieve and maintain environmental compliance. It is the policy of USDA to:

- a Implement EMS at all appropriate USDA facilities utilizing, at a minimum, the Code of Environmental Management Principles for Federal Agencies, developed by EPA.
- b Implement facility-level regulatory environmental compliance auditing programs.
- c Incorporate agency and facility regulatory environmental compliance or EMS audits into the HMMG oversight program.
- d Comply with the provisions of EPCRA and with the reporting requirements of the PPA.
- e Establish a process to take advantage of community outreach opportunities consistent with Executive Order 13148.
- f Reduce releases to the environment and off-site transfers of hazardous substances and toxic chemicals and other pollutants.
- g Reduce the use of selected priority chemicals and the generation of toxic and hazardous waste.
- h Develop and implement a plan to phase out the procurement of Class I ozone-depleting substances (ODS) for non-exempt uses that includes disposition in coordination with the Department of Defense.<sup>1</sup>

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<sup>1</sup>Agencies with excess ODS inventories should contact: DoD ODS Reserve Program Office, 8000 Jefferson Davis Highway, Richmond, Virginia 23297, telephone 804-279-4525 prior to disposal.

- i Promote the use of environmentally and economically beneficial landscaping.
- j Use pollution prevention projects and activities to correct and prevent non-compliance with requirements of environmental regulations.

## 6 DEFINITIONS

- a Action Plan - A plan for implementation establishing the environmental management areas that need improvement and the steps to be taken to achieve the goals, objectives, and targets in the plan.
- b CEMP - The Code of Environmental Management Principles for Federal Agencies. Reference: Implementation Guide For the Code of Environmental Management Principles for Federal Agencies, EPA 315-B-97-001, March, 1997
- c Environmental Management Systems - A set of management tools and principles or elements designed to guide the allocation of resources, assignment of responsibilities and ongoing evaluation of practices, procedures, and processes needed to integrate environmental concerns into daily business operations.
- d Environmentally Benign Pressure Sensitive Adhesives - Environmentally Benign Pressure Sensitive Adhesives for paper products are approved by the U.S. Postal Service (USPS) and listed on the USPS Qualified Product List for pressure sensitive recyclable adhesives.
- e Environmental Compliance Audits - Systematic, documented, periodic, and objective reviews of facility operations and practices related to meeting environmental statutes and regulations. Environmental compliance audits at a minimum should include: air quality including impacts of ODS; surface and ground water quality; solid waste and hazardous materials management; spill prevention control and counter measures; hazardous substance release response; emergency planning and community right-to-know; aboveground and underground storage tanks; wastewater and drinking water management; oil pollution control; management of asbestos containing materials and PCBs; pesticide waste management; and pollution prevention activities. Agencies may include additional areas within their environmental protocols to support specific mission requirements.
- f Facility - Any building, installation, structure, land, or other property owned, operated by, or leased to a USDA agency or office where the agency/office is accountable for compliance under environmental regulation (e.g., permits, reports/records and/or planning requirements) with requirements pertaining to discharge, emission, release, spill, or management of any waste, contaminant, hazardous chemical, or pollutant. This term includes a group of facilities at a

single location managed as an integrated operation, as well as government owned contractor operated facilities. A facility can also be a laboratory entity which produces or has a potential to produce a waste stream and incinerators that have a design capacity to burn waste at a rate of over 500 lbs. per hour.

- g Gap analysis - An evaluation of current environmental management programs to identify specific areas that may need to be addressed. A gap analysis is designed to answer: how well is the agency and its environmental programs performing; what standards of environmental performance does the organization hope to achieve; what are the gaps between environmental objectives and performance; and what existing programs and activities can serve as the best foundation for improved environmental performance.
- h Life Cycle Assessment/Analysis (LCA) - A holistic approach to identifying the environmental consequences of a product, process, or activity through its entire life cycle and identifying opportunities for achieving environmental improvements. EPA specifies four major stages in a life-cycle of a product, process, or activity: raw materials acquisition; manufacturing; consumer use/reuse maintenance; and recycle/waste management. LCA focuses on environmental impacts, not costs.
- i Life Cycle Costing (LCC) - A systematic process of evaluating the life-cycle costs of a product, product line, process, system, or facility by identifying life-cycle consequences and assigning monetary values to those consequences. Also called Life Cycle Cost Assessment (LCCA).
- j Class I Ozone Depleting Substance (ODS) - any substance designated a Class I substance by EPA in 40 CFR Part 82, Subpart A, Appendix A.
- k Pharmacy - A centralized location used to dispense, track, distribute, and manage hazardous materials for use at a facility or a laboratory site.
- l Priority Chemical - A selected list of specific uses of chemicals established by EPA and the Executive Order 13148 intra-agency working group for which 50% reductions of use by December 31, 2006 will be a goal.

## 7 RESPONSIBILITIES

In addition to the responsibilities listed in Chapter I the following will:

### Hazardous Materials Management Group

- a Provide program leadership and oversight for USDA compliance with applicable pollution control laws and executive orders, including EO 13148, and provide assistance to USDA agencies as requested.

- b Conduct periodic EMS information sessions with agency environmental pollution control coordinators, as needed.
- c Conduct, as part of an independent oversight program, facility environmental or EMS audits at affected agencies' operations/facilities not less than once every three years to evaluate the implementation of this policy by the agencies' headquarters and field units.
- d Distribute information, as it becomes available, for the use of safe alternatives for priority chemicals, and ODS, and information on environmentally benign pressure sensitive adhesives for paper products to the agency environmental pollution control coordinators.
- e Collect USDA agency data and prepare an annual report that describes and quantifies USDA's progress in implementing this policy and submit it to EPA.
- f Assist in the development of a pollution prevention program by the affected agencies that includes life cycle costs and life cycle assessments that will be implemented subject to the availability of appropriated funds.
- g Develop an internal USDA-wide awards program to promote and recognize outstanding environmental management performance in agencies and facilities, and to award innovative programs and individuals who demonstrate outstanding environmental leadership in implementing this policy.
- h Assist agencies, as requested, to establish a process for community outreach for Executive Order 13148 implementation and compliance.
- i Coordinate, as appropriate, with OGC, to ensure that significant legal issues are anticipated and adequately addressed.
- j Develop a budget process to identify and provide the funding needed to implement this policy.

#### Chief Financial Officer

Ensure that budget needs to implement this policy are reflected in HMMG and agencies budget requests and, as appropriate, are included in the USDA budget request.

#### Agency Heads

- a Request through the appropriate budget process, the funding and resources needed for implementing this policy, including funding for pollution prevention programs, funding to address findings and recommendations from oversight

activities, and funding for regulatory environmental compliance and EMS audits and reviews.

- b Ensure that facilities under their jurisdiction, custody and control have site-specific goals in their agency performance measures to comply with this policy, including reduced specified use of selected priority hazardous substances and the development and implementation of agency plans to phase out the procurement of ODS for non-exempt uses that includes disposition in coordination with DoD.
- c Ensure the facilities under their jurisdiction, custody and control develop and implement a pollution prevention program that uses life-cycle assessment and life cycle costs and places the highest value on source reduction, including Toxic Release Inventory (TRI) chemicals, in this process.
- d Designate a senior staff agency environmental executive for coordinating the implementation of this policy and incorporate pollution prevention, community awareness, and environmental management into position descriptions and performance evaluations for appropriate senior and staff personnel.
- e Establish an agency EMS program and conduct periodic EMS self-assessment of Agency headquarters and facilities (e.g., operations, laboratory and facilities), including a gap analysis, and an EMS implementation plan including emergency planning and reporting responsibilities.
- f Conduct, on a periodic basis of not less than every 3 years, regulatory environmental compliance audits on each facility under their jurisdiction, custody and control. The scope and frequency of audits shall be based on facility size, complexity, and the environmental aspects of facility operations. As appropriate, each agency shall include tenant, contractor, concessionaire, and special use permittee activities in facility audits.
- g Determine the feasibility of implementing centralized procurement and distribution (e.g., “pharmacy”) programs for hazardous materials at facilities under their jurisdiction, custody and control and, where feasible, implement such programs.
- h Ensure that contractor/concessionaire/special use permittee agreements/contracts and permits include provisions for compliance with this policy and that the contractor(s)/concessionaire(s)/permittee(s) implement those requirements.
- i Prepare an agency annual Executive Order 13148 accomplishment report and submit it to the Director of HMMG. The report will describe, at minimum, the progress made in implementing Executive Order 13148, including attesting to EMS progress; regulatory environmental compliance auditing; reductions in waste generation and use of environmentally preferable substitutes; implementation of pollution prevention programs; meeting the provisions of EPCRA and PPA; and

use of Environmentally and Economically Beneficial Landscape Practices on Federal Landscaped Grounds. Provide the information needed to prepare the annual Executive Order 13148 report for USDA to HMMG in a timely manner.

- j Establish a process to take advantage of community outreach opportunities to demonstrate compliance with this policy.
- k Include training on the provisions of this policy and Executive Order 13148 in the standard senior-level management training for program managers, contracting personnel, procurement and acquisition personnel, facility managers, contractors, and other personnel, as appropriate.
- l Amend the Agency's personal property management policies and procedures to include the use of environmentally benign pressure sensitive adhesives once these are commercially available, and to preclude the Department's disposal of ODS without prior coordination with DoD. Agencies with excess ODS inventories should contact: DoD ODS Reserve Program Office, 8000 Jefferson Davis Highway, Richmond, Virginia 23297, telephone 804-279-4525 prior to disposal.
- m Promote the use of environmentally and economically beneficial landscaping and incorporating the Presidential Guidance Memorandum on Environmentally and Economically Beneficial Landscape Practices on Federal Landscaped Grounds (60 Federal Register 40837).
- n Coordinate, as appropriate, with OGC to ensure that significant legal issues are anticipated and adequately addressed.

## OIL POLLUTION PROGRAM

### Chapter X

#### 1 PURPOSE

This chapter prescribes USDA policies for complying with the Oil Pollution Act (OPA), its implementing regulations and applicable Executive Orders.

#### 2 SCOPE

The provisions of this chapter apply to all facilities, lands and activities under the jurisdiction, custody, and control of USDA. To the extent provided by law, they apply to contractors, cooperators, concessionaires, and others performing work for USDA, including those responsible for management and operation of USDA facilities; to special use and other permittees operating at facilities and on lands under the jurisdiction, custody and control of USDA; and to activities performed by USDA assistance recipients.

#### 3 AUTHORITIES

The primary Federal statute relating to the Oil Pollution Program is OPA, 33 U.S.C. 2701, et seq. Other authorities may be applicable to a particular matter.

#### 4 OBJECTIVES

The objectives of the USDA Oil Pollution Program are to: 1) eliminate discharges of oil into navigable waters; 2) protect natural resources from the adverse effects of oil in the environment; 3) ensure USDA facilities are in compliance with applicable laws and regulations; 4) ensure that USDA employees are knowledgeable of their responsibilities to report spills; 5) ensure USDA agencies are prepared to respond to discharges of oil at USDA facilities and/or affecting USDA lands; and 6) recover USDA costs from responsible parties and/or the Oil Spill Liability Trust Fund.

#### 5 POLICY

USDA is committed to protecting natural resources and the navigable waters of the United States from discharges of oil from USDA owned, operated or permitted facilities. To achieve this goal, USDA and its agencies will:

- a Ensure that all necessary actions are taken to prevent USDA activities, including the activities of USDA concessionaires, contractors, special use permittees, and others, from causing or contributing to releases of oil into the environment.
- b Ensure that USDA agency employees who have knowledge of any discharge of oil from a vessel or onshore or offshore facility immediately notify the National Response Center (NRC) and appropriate Federal agency - EPA or the U.S. Coast Guard. (Refer to DM-5600, Chapter XII concerning spill notification.)
- c Prepare a certified Spill Prevention, Control, and Countermeasure (SPCC) Plan for each USDA facility, including mobile and portable facilities, that meets the regulatory trigger for preparing such plans. The SPCC plan must be certified by a Registered Professional Engineer. Install or construct the containment features or countermeasures called for in each SPCC Plan to ensure that spilled oil does not reach ground or navigable waters. Ensure that each SPCC Plan includes a spill contingency plan at each facility that is unable to provide secondary spill containment. (Refer to 40 CFR 112.7.)
- d Prepare a Facilities Response Plan for each USDA facility where a determination has been made that the facility could reasonably be expected to cause substantial harm to the environment by a discharge of oil. Develop a facility response training program and a drill/exercise program for each of these facilities in compliance with the regulations. (Refer to 40 CFR 112.20.)
- e Participate in emergency preparedness and response activities relating to discharges of oil in compliance with the regulations. (Refer to DM-5600-1, Chapter XII concerning emergency preparedness and response activities.)
- f Recover USDA costs from responsible parties and/or from the U.S. Coast Guard Oil Spill Liability Trust Fund for actions taken in response to spills that occur on lands or facilities under the jurisdiction, custody or control of USDA, or for actions that are taken to assist the National Response Team (NRT) during an emergency response undertaken pursuant to Chapter XII of this document. These actions can include response, natural resources damage (NRD) assessments, NRD restoration, and NRD emergency response. Keep and maintain records that comply with U.S. Coast Guard guidance for filing claims.

## PLANNING, BUDGET PREPARATION, PROGRAM MANAGEMENT, AND ACCOMPLISHMENT REPORTING

### Chapter XI

#### 1 PURPOSE

This chapter prescribes USDA procedures for HMMP budget preparation and submittal, general program management, and accomplishment reporting.

#### 2 SCOPE

The provisions of this chapter apply to all USDA agencies conducting activities under CERCLA and/or RCRA.

#### 3 OBJECTIVES

The objectives of this chapter are to provide the framework and schedule within which USDA agencies:

- a identify, plan, execute, and evaluate programs of work (i.e., projects and activities) in support of the goals and objectives of the HMMP;
- b maintain and periodically report validated and verified data on HMMP performance to allow preparation of appropriate program documentation, including GPRA annual performance plans (APPs) and annual program performance reports (APPRs);
- c consistently account for HMMP funds in accordance with accounting standards issued by OMB; and
- d reconcile agency financial records with National Finance Center (NFC) accounting reports to ensure proper funds management and reporting.

#### 4 DEFINITIONS AND ACRONYMS

- a Project. For purposes of the HMMP, a project is a logically planned and executed aggregation of work that is:
  - (1) directly associated with one or more of the lands or facilities currently or formerly under USDA jurisdiction, custody, or control including sites formerly leased or operated under cooperative agreements;
  - (2) made up of one or more component activities (e.g., outputs) that, taken together, result in attaining one or more of the desired HMMP outcomes identified within HMMP Strategic Goals and their associated objectives;

- (3) planned to be completed within a specified time frame and budget, that may be periodically updated/revised to reflect new developments and information; and
  - (4) required to comply with, and conducted in accordance with, the applicable provisions of the CERCLA, RCRA, or related statutes, regulations, executive orders, or policies.
- b APP. GPRA annual performance plan.
  - c APPR. GPRA annual program performance report.
  - d BY. Budget year; the fiscal year covered in the President's budget subject to authorization and appropriation by Congress.
  - e BY+x. Budget year plus "x" years, where "x" is a number between 1 and 5, inclusive; BY+1 represents the planning year, and BY+2 through BY+5 represent the out years in the five-year plan.
  - f CY. Current fiscal year.
  - g FYxx. Fiscal year xx, where "xx" is the last two digits of the fiscal year being referred to.
  - h GPRA. Government Performance and Results Act.
  - i HMMA. Hazardous Materials Management Appropriation.
  - j HMMG. Hazardous Materials Management Group.
  - k HMMP. Hazardous Materials Management Program, executed with either HMMA or agency funds.
  - l HMPC. Hazardous Materials Policy Council.
  - m NFC. National Finance Center.
  - n OBPA. USDA Office of Budget and Program Analysis.
  - o OCFO. USDA Office of Chief Financial Officer.
  - p OMB. Office of Management and Budget.
  - q PB. President's budget to Congress for BY.
  - r PoW. Program of work (e.g., project/activity list, goals, budgets, priorities).

- s PSR. Program status report of obligations and progress in CY.
- t PY. Prior year. The fiscal year preceding the CY.
- u SF-132. Request for Apportionment or Re-apportionment.
- v SF-133. Report on Budget Execution - issued by NFC on a monthly basis.
- w SF-2108. Year-End Closing Statement - issued by NFC to the Department of the Treasury, the official financial report for PY.

## 5 RESPONSIBILITIES

- a The heads of affected agencies or appropriate policy officials will ensure that the procedures described below are followed in a timely manner and that all data is of high quality. The agency head or appropriate policy official will attest to the accuracy of all submitted information.
- b HMMG, acting as the day-to-day program and technical staff for the HMPC, will coordinate and oversee the HMMP. This includes specifying, collecting, analyzing, and reporting information on agency activities and expenditures in support of the HMMP, conducting periodic program reviews, and otherwise administering the procedures described below.

## 6 BUDGET-CYCLE SCHEDULE OF HMMP PLANNING AND REPORTING

The following table illustrates the “normal” schedule of budget-related activities. Some variation in actual dates will occur from year to year. Specific agency reporting dates and products will be identified in letters or memoranda from the OBPA, OCFO, HMMG, or other appropriate office.

Target Month*	Budget-Related Activity (see Section 4 above for a list of acronyms)	Responsible Organizations
October	Issuance of “apportionment letter” by OMB and warrant by Treasury advising that the appropriated amount of HMMA funds for CY are available in Treasury account 12x0500 (unless there is a continuing resolution); beginning in FY01, prior-year carryover HMMA funds are <b>not</b> available for obligation unless specifically exempted from withdrawal based on an approved critical need	-
	“Advice of allotment” letter reflecting HMPC-approved allocations from OBPA to agency heads for CY	OBPA
	OCFO sends SF-132 showing CY HMMA suballotments (based on allocations approved by HMPC) to agencies, and NFC with a copy to HMMG; starting in FY01, HMMG or HMMG and OCFO will send a memorandum to the agencies detailing allowable uses and other administrative issues	OCFO, HMMG
	"Grace period" for agencies to reconcile PY HMMA financial data with NFC records	agencies
	Preparation of BY budget submittals to OMB based on Secretary/Deputy Secretary decisions (e.g., Department Estimates, prioritized PoW, draft GPRA BY APP) collaboratively with OCFO, OBPA, using agencies' attested data. Submitted to OMB by OBPA. (Submittal in September is more commonly required.)	HMMG, OCFO (OBPA)
November	Attested PY accomplishments reports and updated CY HMMP PoWs due from agencies; financial data is consistent with SF-133 and SF-2108 reports	agencies
	Draft Status of Program (green sheets) for BY Explanatory Notes due to OBPA. (Information to update Status is drawn from agencies' attested annual accomplishment reports.)	agencies, HMMG (OCFO)
	OCFO sends copies of final PY HMMP SF-133 to HMMG for review and/or distribution to agencies; the “actual” amount of PY carryover withdrawal is based on this report, less any carryover that was specifically exempted from withdrawal based on approved critical need	OCFO, (HMMG)

<b>Target Month*</b>	<b>Budget-Related Activity</b>	<b>Responsible Organizations</b>
November (continued)	Draft HMMP APP for PY due to OCFO (details to be worked out, as BY APP and PY APPR are to be integrated into a single report starting with FY02 APP and FY00 APPR) - requires updated CY HMMP programs of work and goals from agencies	HMMG
	NFC issues SF-2108, Year End Closing Statement, for PY to Treasury based on agency financial data; this NFC report contains the "official numbers" used by Congress and others	NFC
	OMB passback for BY received in late November; possible responses are: a) appeal any cuts or b) make reallocations based on priorities, passback, and adjust APP. Turnaround time is normally 48 hours (not in election year; transition budget instead).	HMMG, OCFO
December	Priority-based distribution of PY HMMA carryover to agencies, based on agency documentation of needs and priorities; amount of carryover available for reallocation equals amount on SF-133 less any agency retention based on approved critical need	HMMG, OCFO
	Prepare appeal, if any, of OMB BY HMMA passback. OBPA coordinates appeal.	HMMA, OCFO (OBPA)
	"Final" Stage I HMMP BY budget documents (Explanatory Notes, Status of Program, prioritized project list) conforming to OMB passback	HMMG, OCFO
	Final APP for BY and PY APPR due to OCFO	HMMG
January	Review CY first quarter HMMP status of funds reports (SF-133s), reconcile financial data with NFC records.	agencies (OCFO, HMMG)
	PB for BY to Congress, except in transition years.	-
February	BY budget hearing/testimony preparation. Testimony is reviewed by OBPA and OMB.	HMMG, OCFO, (agencies)

<b>Target Month*</b>	<b>Budget-Related Activity</b>	<b>Responsible Organizations</b>
March	Congressional hearings focusing on BY budget/goals/priorities and PY accomplishments	(HMMG, OCFO)
	Call for BY+1 HMMP budget request, goals, priorities, etc. and BY+2 through BY+5 HMMP budget needs estimate to agencies	HMMG, (OCFO)
April	Submittals for BY+1 HMMP budget request (including proposed program of work goals, priorities, etc.) and BY+2 through BY+5 budget needs estimate due from agencies	agencies
	Review CY second quarter HMMP status of funds reports (SF-133s), reconcile agency financial data with NFC records	agencies (OCFO, HMMG)
May	Processing of agency BY+1 HMMP budget submittals	HMMG
June	"Midyear" CY HMMP PSRs through 5/31 due from agencies	agencies
	Preparation of BY+1 supporting documentation (e.g., consolidated project lists, program summaries, draft APP, with performance goals)	HMMG, OCFO
July	Submit BY+1 HMMA budget request and BY+2 through BY+5 estimates to OBPA, Deputy Secretary	OCFO
	Analyze CY agency PSRs and recommend HMMA reallocations	HMMG
	Issue preliminary CY end-of-year instructions	HMMG, OCFO
	Review CY third quarter HMMP status of funds reports (SF-133s), reconcile financial data with NFC records	agencies (OCFO, HMMG)
August	Review of CY status of funds report; reallocate CY HMMA funds as needed	HMMG, HMPC
	Agency estimates of unobligated HMMA funds due to OCFO	agencies, HMMG

<b>Target Month*</b>	<b>Budget-Related Activity</b>	<b>Responsible Organizations</b>
August (continued)	Modification of BY+1 budget request, APP, etc. to conform to USDA passback	HMMG, OCFO
	Appeals of USDA BY+1 passback, if any, due	HMMG
September	Preparation of BY budget submittals to OMB based on Secretary/Deputy Secretary decisions (e.g., Department Allowances, prioritized PoW, draft GPRA BY APP) collaboratively with OCFO, OBPA, using agencies' attested data. Submitted to OMB by OBPA.	HMMG, OCFO (OBPA)
	Issue PY (still CY at this point) accomplishments report call letter	HMMG
	Period end CY estimates entered, all unobligated HMMA funds unencumbered by period end estimate to be marked/frozen for withdrawal unless specifically exempted by HMMG/HMPC based on critical need	agencies
	Agencies provide HMMG an estimate of CY carryover (to be provisionally withdrawn on 9/30, pending SF-2108) and documentation of critical needs to justify specific exemptions from withdrawal	agencies

\* "Target months" are those in which the listed budget-related activity occurs "on average." In any given year, actual due dates may shift. For example, a "current services" budget was prepared for FY02 because of the Presidential election. Also, as GPRA is integrated into - and modifies - the budget cycle, change will occur. Lastly, consideration of changes to the budget cycle itself, such as moving to two-year budgets, may further alter some activities.

## 7 PROCEDURES

- a In addition to current allotment documentation (e.g., SF-132), HMMG and OCFO will send formal allotment letters to the agency heads or appropriate policy officials to transfer their allocation of HMMA funds. This letter will outline allowable uses of HMMA funds and provide additional information concerning HMMP financial management issues; transfer of the allotment will occur concurrently. These actions will occur within 10 working days after the HMMA advice of allotment is received from OBPA and reflect allocations approved by the HMPC.

- b In coordination with the agencies, HMMG/OCFO will withdraw all HMMA funds that were NOT obligated before the end of each fiscal year except funds specifically exempted from withdrawal on the basis of critical need (e.g., to comply with an enforceable agreement, perform an unprogrammed time-critical removal or other CERCLA response action, or address a newly discovered leaking underground storage tank - UST). This means that unobligated (i.e., “carryover”) HMMA funds that have not been specifically exempted will NOT be available for obligation from October 1 until the HMMA carryover is formally reallocated, as described below. By the third Monday of September of the closing fiscal year, agencies must make all requests to exempt HMMA carryover from withdrawal, explaining the critical need requiring the exemption. The Director of HMMG will review and approve exemption requests in consultation with OCFO and HMPC members. The final carryover amount withdrawn will be the unobligated balance shown on the SF-2108, Year-End Closing Statement, as reported to the Department of the Treasury less any exempted HMMA carryover withdrawal. This topic and others will be covered in the end-of-year instructions HMMG and OCFO will issue jointly early in the fourth quarter of each fiscal year.
- c The unobligated HMMA carryover balance that was withdrawn will be reallocated to agency projects on a priority basis, not necessarily to the same agency that had the carryover balance. This reallocation will be done as early as possible in the new fiscal year, usually by early December. Based on agency projections of HMMA carryover provided by the third Monday of September, HMMG will advise the agencies of the total amount of carryover anticipated to be available for reallocation. To request HMMA funding from the carryover balance, agencies must submit a prioritized request and supporting documentation. The Director of HMMG will review the requests and supporting documentation and make reallocation recommendations for the prior-year carryover balance to the HMPC. Departmental criteria and priorities for reallocating carryover funds will focus primarily on most effectively reducing or eliminating threats or potential threats to human health, welfare and the environment.
- d To support OMB Circular A-34, Instructions on Budget Execution, financial management requirements, agencies receiving HMMA funds will grant OCFO read-only authority for their HMMA accounts and provide pertinent information and data on an as-needed basis.
- e Agencies will reconcile their HMMP accounting/financial records on a regular basis (but not less frequently than quarterly) consistent with their business practices. Agencies will make any needed adjustments as soon as possible after discrepancies or deviations are identified. They will make definitive adjustments before and during the reconciliation period at the close of each fiscal year. The

agencies will use reconciled data in the HMMP program-status and annual accomplishment reports they submit to HMMG. The agency head or appropriate policy official will attest that reconciled data was used in the reports.

- f In support of the HMMP, agencies will maintain project-based accounting and financial management systems capable of providing timely and accurate information needed by HMMG and USDA to develop GPRA APPs and APPRs, prioritized budget requests, budget hearing testimony, responses to Congressional questions for the record, program status reports for possible re-direction or re-programming of HMMA funds, and HMMP accomplishment summaries.
- g In the case of activities and other work that do not meet all criteria for being a “project,” the agency will maintain non-project-based accounting and financial management codes in their systems to ensure consistent accounting for HMMP funds and availability of program information comparable to that for projects. Examples of activities that are not expected to be “projects” under the definition include program management, program oversight, and legal support except for cost recovery.
- h Beginning with the accomplishment report for fiscal year 2000, agencies will inform HMMG annually whether reported financial data includes indirect costs (i.e., whether “activity-based costing” was employed and the reported values reflect the full program costs) in all budget requests, program status reports, and accomplishment reports.
- i Agencies will continue to use the HMMP activity matrix and system developed by HMMG when reporting prioritized programs of work, budget requests, out year needs estimates, program status reports, accomplishments reports, and reconciled financial data throughout the budget cycle and project life cycles. Until automated systems for data reporting become available, it is the responsibility of the agencies, through their HMMP managers, to maintain, analyze, and report project and financial data by activity (i.e., output).
- j Agencies will maintain up-to-date HMMP project files that cover the life of the project, including a comprehensive plan for executing the project. At a minimum, project files must include the best available information on planned/required activities, (e.g., preliminary assessment, engineering evaluation and cost analysis, search for viable potentially responsible parties, removal action, UST cleanup, etc.), current cost estimates, a projected milestone schedule of activities, compliance information, HMMP funding allocations, obligations, end-of-year balances, and other financial information. After projects are completed, project files will be maintained in accordance with Department and agency record retention policies.
- k On behalf of the HMPC, HMMG will conduct periodic reviews of HMMP (program and project) files, financial data, and reports to assess accuracy and

completeness and to ensure data consistency across agencies. HMMG may consult with OCFO for assistance in assessing the accuracy and completeness of program and financial data during select reviews. HMMG may request agency representatives to conduct or assist with these reviews. HMMG may use external consultants to conduct data validation and verification studies.

## EMERGENCY OIL DISCHARGE AND HAZARDOUS SUBSTANCES RELEASE RESPONSE PROGRAM

### Chapter XII

#### 1 PURPOSE

This chapter prescribes USDA policy, responsibilities, and procedures for the Departmental program concerned with emergency responses to discharges of oil into the navigable waters of the United States and releases of hazardous substances into the environment which affect or may affect facilities, lands and natural resources under the jurisdiction, custody, or control of the Department or programs managed by or supported by USDA.

#### 2 SCOPE

The provisions of this chapter apply to all USDA agencies.

#### 3 OBJECTIVES

USDA will be prepared for emergencies or disasters concerning the discharge of oil and release of hazardous substances into the environment by participating in and supporting the NRS as described in the NCP, 40 CFR Part 300. USDA will coordinate with the NRT, other Federal agencies, Tribes, State and local agencies and officials in responding to emergency actions concerning discharges and releases. USDA will also provide assistance to communities, States, Tribes, and other Federal agencies when requested with information, logistical support and technical expertise in a variety of areas in time of emergencies and/or disasters.

#### 4 POLICY

USDA will comply with all applicable regulations of the NCP regarding emergency preparedness and response. This will include the following:

- a Report releases of hazardous substances and discharges of oil as required.
- b Participate on the NRT.
- c Participate on the Regional Response Teams (RRT).

- d Coordinate and facilitate the safety of USDA personnel and facilities and natural resources under the jurisdiction, custody or control of the Department during emergency environmental response actions.
- e Participate in Intra-Departmental efforts to provide emergency and disaster assistance as requested by the USDA Emergency Preparedness Staff.
- f Participate in the Federal Emergency Management Agency (FEMA) Emergency Support Function 10 Hazardous Substances (ESF 10) Team as noted in the Federal Response Plan (FRP).

## 5 RESPONSIBILITIES

- a Director, Office of Procurement and Property Management will:
  - Represent USDA on the NRT.
- b Hazardous Materials Management Group will:
  - (1) Represent USDA on the FEMA ESF 10 Team.
  - (2) Provide information and training to emergency support personnel as needed and maintain current contact information.
  - (3) Provide personnel availability 24 hours a day, seven days a week for emergency response activation for the NRT and the Intra-Departmental emergency efforts of the Emergency Preparedness Staff.
  - (4) Obtain appropriate security clearances in order to support NRT and FRP activities in the national interest.
  - (5) Obtain official passport.
- c Chief, Forest Service will:
  - (1) Provide representation for USDA on the RRTs.
  - (2) Provide support to affected USDA agency facilities as appropriate.
  - (3) Participate in RRTs and NRT activities including spill response, area contingency plan development and review.
  - (4) Provide logistical and technical support as requested to the Environmental Protection Agency, and the U.S. Coast Guard as requested during

emergencies or to FEMA when emergencies are declared under ESF 10 of the FRP.

- (5) Ensure that sufficient funds to support RRT activities are requested in the agency requests for funding.
- (6) Ensure adequate cost accounting principles are followed in order to seek repayment of agency funds expended for emergency actions from responsible parties and the oil pollution trust fund.
- (7) Provide personnel availability 24 hours a day, seven days a week for emergency response activation of the RRTs.
- (8) Obtain appropriate security clearances in order to support NRT and FRP activities in the national interest.

d Agency Heads will:

- (1) For agencies with facilities or lands under their jurisdiction, custody or control, provide accurate facility location information when requested in order to ensure protection of USDA personnel and assets in the event of emergency response activation.
- (2) Provide technical assistance as requested by the USDA NRT or RRT representatives or FEMA in support of emergency responses.
- (3) Provide current Emergency Program point of contact information to the USDA NRT representative in order to facilitate NRS and FRP support.
- (4) Ensure adequate cost accounting principles are followed in order to seek repayment of agency funds expended for emergency actions from responsible parties and the oil pollution trust fund.

## 6 REPORTING

USDA agencies shall comply with all hazardous substances and oil spill reporting requirements in accordance with applicable Federal and State regulations. USDA agencies shall immediately notify the National Response Center (NRC) of any reportable quantity release or discharge on or from agency facilities and lands under their jurisdiction, custody or control.

Procedures:

- (1) Upon activation of the NRT, the USDA NRT representative shall immediately notify appropriate RRT contacts and the Forest Service Engineering Staff, National Environmental Compliance and Protection (ECAP) Program Leader or appropriate designee. The NRT representative will also notify the appropriate RRT representative of other emergencies if there is a potential impact to a USDA component or interest.
- (2) Upon activation of an RRT, the USDA RRT representative shall immediately notify the USDA NRT representative and the Forest Service National ECAP Program Leader or designee in order to facilitate coordination and response.
- (3) Upon provision of notice to the NRC of a spill or release on or from a USDA facility, affected agency personnel will notify the appropriate RRT member that such notice has been made. The RRT member will immediately notify the USDA NRT representative and the Forest Service National ECAP Program Leader or designee.

## 7 TECHNICAL AND LOGISTICAL ASSISTANCE

USDA agencies shall provide technical and logistical assistance in support of a spill or release response, natural resource damage assessment or abatement, logistical support such as law enforcement, communication support, or food and shelter support when requested by a Federal On-Scene Coordinator responsible for an emergency response action, to the extent such support is available. USDA Agencies, as a natural resource trustee, shall coordinate natural resource damage assessments and restorations with other natural resource trustees as required.

USDA agencies shall notify their local RRT representative of any requests for assistance to ensure proper coordination. Cost accounting for providing assistance must be managed in accordance with Section 5c(4) of this chapter.

## LOW-LEVEL RADIOACTIVE/MIXED WASTE MANAGEMENT AND BURIAL SITE CLEANUP PROGRAM

### Chapter XIII

#### 1 PURPOSE

This chapter prescribes USDA policy, responsibilities, and procedures for complying with applicable environmental laws and regulations in managing radioactive/mixed waste, i.e. low-level radioactive and hazardous wastes combined, and the cleanup of mixed waste burial sites on facilities and lands under the jurisdiction, custody, and control of USDA and its agencies.

#### 2 SCOPE

The provisions of this chapter apply to all facilities, lands and activities under the jurisdiction, custody and control of USDA. To the extent provided by law, they apply to contractors, cooperators, concessionaires, and others performing work for USDA, including those responsible for management and operation of USDA facilities; to special use and other permittees operating at facilities and on lands under the jurisdiction custody and control of USDA; and to activities performed by USDA assistance recipients.

#### 3 AUTHORITIES

The following authorities are the major statutes relating to radioactive/mixed waste:

- a Atomic Energy Act (AEA), 42 U.S.C. 2011, et seq.
- b Title 10 CFR, Nuclear Regulatory Commission, Chapter 1, Part 20: Standards for Protection Against Radiation; and Part 30: Domestic Licensing of Byproduct Material
- c Title 49 CFR, Department of Transportation, Subtitle B, Chapter 1, Subchapter C, Parts 171-178: Hazardous Materials Regulations
- d RCRA, as amended, 42 U.S.C. 6901, et seq., as implemented by EPA or authorized States for the hazardous waste component
- e CERCLA (also known as “Superfund”), as amended, 42 U.S.C. 9601, et seq.

#### 4 OBJECTIVES

USDA will manage low-level radioactive mixed waste in accordance with applicable pollution control laws, including the requirements of the license issued to USDA by the Nuclear Regulatory Commission (NRC). USDA will identify and cleanup mixed waste at USDA burial sites that pose a threat to human health, welfare or the environment and restore impacted natural resources. USDA will ensure that all USDA employees involved with these issues proceed in a safe and environmentally responsible manner.

#### 5 POLICY

It is the policy of the USDA to be in compliance with all applicable Federal, State and local pollution control laws that govern mixed waste treatment, storage and/or disposal.

USDA will protect its employees, the public and the environment from the risk of hazards which might be caused by mixed wastes.

Refer to USDA Safety and Health Manual, Radiation Safety Program.

#### 6 DEFINITIONS

Radioactive/mixed waste contains both a hazardous waste component (as defined by RCRA and its amendments) and a radioactive waste component (as defined by Atomic Energy Act (AEA) and its amendments). It is jointly regulated by NRC and EPA or State's authorized by the EPA under RCRA. A hazardous waste is either listed under 40 CFR Part 261, Subpart D, and/or exhibits a characteristic described in 40 CFR Part 261, Subpart C. Radioactive material must be classified as source, special nuclear, or byproduct material subject to the AEA (42 USC Section 2011, et seq.).

#### 7 RESPONSIBILITIES

##### a General

##### (1) Radiological:

The USDA Radiation Safety Program responsibility is delegated from the Secretary of Agriculture to the Under Secretary for Research, Education, and Economics, 7 CFR Sec. 2.21(a)(1)(xcv).

The USDA Radiation Safety Committee has been delegated responsibility for the administration of radiation safety functions within USDA. The

Radiation Safety Officer is delegated the day-to-day responsibility for the management and operation of the radiation safety program.

The Director, Radiation Safety Staff (RSS) serves as the Department's Radiation Safety Officer.

The radiation safety policy for USDA is found in the USDA Safety and Health Manual where specific responsibilities are listed.

(2) Hazardous Materials:

The Delegations of authority reflect assignments made in 7 CFR Part 2 and DM 5600-1 Chapter I, which sets forth delegations of authority from the Secretary and General Officers. Under Secretaries, Assistant Secretaries and Agency Heads will continue to be responsible for the day-to-day operations of their agencies in resolving environmental problems and for achieving compliance as required by applicable pollution control statutes and implementing regulations. They will coordinate, interact and report accomplishments through established Departmental procedures and the HMPC, particularly for areas where programs overlap.

The hazardous materials policy can be found in DM-5600-1 where specific responsibilities are listed.

b In addition to the responsibilities previously listed in DM-5600-1 Chapter I and the USDA Safety and Health Manual, Agency Heads will:

- (1) Notify the RSS when a mixed (i.e., radioactive and hazardous) waste burial site is newly identified.
- (2) Notify HMMG when a mixed (i.e., radioactive and hazardous) waste burial site is newly identified.
- (3) Keep a file of this notification in the involved Agency's site file.
- (4) Comply with all applicable Federal, State and local pollution control laws and regulations that apply to mixed wastes, including NRC and EPA regulations.

## ENVIRONMENTAL COMPLIANCE FOR REAL PROPERTY ACQUISITION OR DISPOSAL

### Chapter XIV

#### 1 PURPOSE

This chapter prescribes the USDA policy, authorities, and responsibilities to ensure environmental compliance in the acquisition, sale or transfer of real property; to ensure that acquisition or disposal is protective of human health and the environment; and to minimize or avoid environmental liability in the transaction process.

#### 2 SCOPE

The provisions of this chapter apply to all USDA agencies and to any acquisition, sale or transfer of real property to which any Departmental liability for environmental compliance can attach. This chapter shall also apply to withdrawn public domain lands returning to the Department's jurisdiction, custody or control. This chapter will also apply to agencies exercising fiduciary responsibility in the temporary acquisition of real property through foreclosure or other involuntary acquisition.

#### 3 AUTHORITIES

The following authorities are the statutes and regulations relating to USDA requirements for real property acquisition or disposal. Other authorities may apply to a particular matter.

- a CERCLA, as amended, 42 U.S.C. 9601, et seq.
- b Federal Property Management Regulations (FPMR) (41 CFR Chapter 101)
- c Agriculture Property Management Regulations (AGPMR) (7 CFR Chapter 104)
- d NCP (40 CFR Part 300)

#### 4 OBJECTIVES

The objectives of the USDA Real Property Acquisition or Disposal Environmental Compliance Program are to: 1) ensure that real property acquired in support of the USDA mission is protective of human health and the environment; 2) ensure that real property transactions for sale or transfer to the private sector comply with real property

disposal statutes, regulations and CERCLA §120(h); and 3) ensure that acquisition of real property does not expose USDA to unreasonable liability for environmental compliance costs.

## 5 POLICY

The USDA is committed to managing real property to support and further the Department mission. In order to ensure the proper acquisition, sale or transfer of real property, it is the policy of USDA to:

- a Avoid unreasonable environmental liability for the Department when acquiring or disposing of real property.
- b Ensure that acquisition or disposal of real property is consistent with the USDA mission, is protective of human health and the environment, and that transactions are executed in accordance with applicable environmental authorities, statutes, and regulations.
- c Identify known or potential environmental compliance or contamination issues prior to acquisition or disposal through the use of an environmental site assessment/audit, including the preparation of an estimate, by qualified parties, of the environmental compliance costs.
- d Ensure that an adequate, defensible, and documented process is used to make decisions concerning acquisition or disposal of real property which includes an environmental site assessment/audit and provisions for funding any environmental compliance costs by the involved USDA agency.
- e Ensure that costs for cleanup of environmental contamination and any other environmental compliance costs are disclosed in writing and provided to the responsible decision maker along with any appraisal report as part of the agency's overall evaluation of a proposed real property acquisition.
- f Ensure that agencies are not acquiring real property that has an environmental cleanup cost in excess of or disproportionate to the fair market value of the property unless there is a clear and compelling justification that acquisition is necessary to the continued mission of the agency.
- g Ensure that real property transferring from USDA jurisdiction, custody or control meets the requirements of CERCLA §120(h).
- h In developing contracts or other agreements for the acquisition of real property by USDA from individuals, corporations, non-governmental entities, or States, ensure that proper due diligence is performed and cleanup is provided for prior to acquisition by USDA.

- i Whenever acquiring real property from individuals, corporations, non-governmental entities, or States, ensure that USDA satisfies the “innocent landowner” requirements set forth at Section 101(35) of CERCLA, and the “bono fide prospective purchaser” requirements set forth at Section 101(40) of CERCLA.
- j Except as precluded by law or congressional action, prior to acquiring real property from another Federal agency including DoD or its components, enter into written agreements to document how compliance requirements will be met and which party will be responsible for compliance requirements.
- k In developing agreements for real property to be acquired from other Federal agencies, provide that future property use is determined by USDA and that the Federal agency transferring real property to USDA agrees to clean up the property to accommodate such future property use prior to USDA acquisition.
- l Ensure when properties are foreclosed upon, or otherwise acquired involuntarily, that environmental liability is minimized or avoided, and that the lender liability exclusion as provided by CERCLA Sections 101(20)(E) through (G) and 101(35)(A)(ii), and RCRA Section 9003(h)(9) (relating to underground storage tanks) is preserved and not voided through USDA actions.
- m Prohibit use of the HMMA funds for environmental compliance costs for real property acquired by a USDA agency.

## 6 DEFINITIONS

Environmental Compliance Costs - costs for response and cleanup actions to bring real property into environmental compliance, also including the costs of operation and maintenance of the cleanup remedy for 30 years.

Environmental Site Assessment/Audit - the use of an accepted process for the conduct of evaluations to determine whether a property is suitable for acquisition, sale or transfer. Typically, a Phase I assessment should be conducted when no previous information is available concerning the environmental condition of a property. A Phase II assessment refers to a confirmatory on-site sampling assessment that shall be conducted if contamination is known to exist on a site. The Phase II shall determine if contamination levels pose a threat to human health and the environment or render a property unsuitable for USDA mission use. Environmental site assessments that are consistent with the requirements of Section 223 of the Small Business Liability Relief and Brownfields Revitalization Act (PL 107-118) are appropriate examples of methodologies for conducting environmental assessments/audits. The Civilian Federal Agency Task Force “Guide on Evaluation Environmental Liability for Property Transfers” and the American

Society for Testing and Materials (ASTM) Standard-1527 for Phase I assessments audits are appropriate examples of methodologies for conducting environmental assessments/audit.

Fair Market Value - the amount, in cash, or in terms reasonably equivalent to cash, for which in all probability the property would be sold by a knowledgeable owner willing but not obligated to sell to a knowledgeable purchaser who desired but is not obligated to buy. In ascertaining that figure, consideration should be given to all matters that might be brought forward and reasonably be given substantial weight in bargaining by persons of ordinary prudence, but no consideration whatever should be given to matters not affecting market value. Environmental compliance costs, including the costs for cleanup of environmental contamination, must be disclosed in writing and provided to the responsible decision maker along with any appraisal report as part of the agency's overall evaluation of a proposed real property acquisition, consistent with the Uniform Appraisal Standards for Federal Land Acquisitions and Uniform Standards of Professional Appraisal Practice (USPAP) Advisory Opinions regarding the responsibility of appraisers concerning toxic or hazardous substance contamination.

Lender Liability Exclusion - the "Lender Liability Exclusion" in CERCLA and RCRA which was enacted in the Asset Conservation, Lender Liability, and Deposit Insurance Protection Act of 1996, Pub. L. 104-208, protects Federal government lenders from liability for property they involuntarily foreclose upon. In general, Federal agencies are protected from liability if they only hold the property for custodial purposes and do not conduct activities that cause the environmental condition of the property to deteriorate. EPA regulations at 40 CFR 300.1105 define involuntary acquisition of property by the government for purposes of CERCLA.

Real Estate - Real: relating to things fixed or permanent or immovable, such as lands; Estate: the degree, nature, quality, extent of one's interest in the land or other property.

Real Property - refers to the interests, benefits, and rights inherent in the ownership of the physical real estate. It is the bundle of rights with which the ownership of real estate is endowed. In some States, this term, as defined by statute, is synonymous with real estate.

## 7 RESPONSIBILITIES

In addition to the responsibilities listed in Chapter I the following will:

### Hazardous Materials Management Group (HMMG)

- a Review and make recommendations to the HMPC for real property acquisition or disposal if the transaction will result in agency or Departmental environmental compliance or cleanup liability.

- b Assist agencies in the establishment and review of policies and procedures for the acquisition, sale or transfer of real property regarding the environmental condition of the property, and the development of appropriate assessment and due diligence procedures.
- c Periodically review and monitor agency real property transactions and procedures for compliance with environmental authorities, statutes, and regulations.
- d Review and concur with proposed USDA agency agreements with sellers of contaminated real property to ensure adequate protections for human health and the environment are addressed and that USDA liability for environmental compliance and cleanup is minimized or avoided.
- e Review and concur on land transfers from other Federal agencies as requested by the Director, OPPM to ensure USDA agency compliance with this Departmental Manual and environmental authorities, statutes and regulations.

#### Agency Heads

- a Comply with Federal real property management regulations, USDA property management regulations, and environmental authorities, statutes and regulations for real property transactions.
- b Develop and implement a decision process to evaluate proposed real property transactions. This process should ensure, among other things, (1) the protection of human health and the environment through the conduct of environmental site assessments/audits consistent with the requirements of Section 223 of the Small Business Liability Relief and Brownfields Revitalization Act (PL 107-118); and (2) adequate identification and consideration of potential compliance and cleanup costs and related concerns affecting the property.
- c Maintain adequate records pursuant to the FPMR and AGPMR for land transactions and the environmental quality of the lands at the time of the transaction including information regarding the kind and duration of any deed restrictions and CERCLA §120(h) determinations.
- d Negotiate and execute agreements with the third-party sellers or transferring agencies of real property that include in fair market valuations adequate compensation for environmental compliance or contamination costs of any remedy needed for a property. Provide these agreements to OGC and HMMG for review and concurrence prior to execution.
- e Seek approval from the HMMG for real property transactions that do not adequately protect human health and the environment or may subject the Department to environmental costs or liability.

- f Include a plan for funding environmental compliance or contamination costs for any real property transaction proposal which may result in environmental costs or liability for the agency or the Department.
- g Preserve the exception granted through the lender liability exclusion of CERCLA and RCRA, and satisfy the “innocent landowner” and “bona fide prospective purchaser” exemptions set forth at Sections 101(35) and 101(40) of CERCLA.
- h Maintain an inventory of real property transactions which is updated annually, including any environmental deed notices or restrictions, and the nature and extent of contamination or absence of contamination.
- i Develop and update on a regular basis written guidance materials and training requirements relating to the acquisition and disposal of real property, and properly train agency personnel to ensure these guidance materials are both understood and implemented.
- j Consult with OGC early in the process of acquiring or disposing of real property that is or may be contaminated.

APPENDIX A  
GLOSSARY OF TERMS

**Applicable regulations.** Federal, State, regional, or local regulations including statutes and ordinances.

**Best Management Practices (BMP).** Methods, measures or practices to prevent or reduce the contributions of pollutants to U.S. waters. BMPs may be imposed in addition to, or in the absence of, effluent limitations, standards, or prohibitions. BMPs include, but are not limited to:

- a. Treatment requirements.
- b. Operating and maintenance procedures.
- c. Schedules of activities.
- d. Prohibition of activities.
- e. Other management practices to control:
  - (1) Plant site runoff.
  - (2) Spillage or leaks.
  - (3) Sludge or waste disposal.
  - (4) Drainage from raw material storage.

**Contaminant.** Any physical, chemical, biological, or radiological substance or matter in water.

**Discharge.** A term that includes, but is not limited to any spilling, leaking, pumping, pouring, emitting, emptying, or dumping of a substance.

**Discharge of a pollutant.**

- a. Any addition of any pollutant to navigable waters from any point source.
- b. Any addition of any pollutant to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft.

**Disposal.** The discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including ground water.

**Environmental pollution.** The condition resulting from the presence of chemical, physical, radiological, or biological forces that:

- a. Adversely alter the proper functioning condition of any part of the natural environment.
- b. Adversely affect human health or the quality of life, biosystems, structures and equipment, recreational opportunity, aesthetics, and natural beauty.

**Facility.** Facilities include buildings, structures, public works, equipment, aircraft, vessels, and other vehicles and property under the control of, or constructed or manufactured for leasing to, the Federal Government.

**Federal Agency.** Any Department, Agency, or instrumentality of the U.S.

**Hazardous substance.** (a) Any substance designated pursuant to Section 311(b)(2)(A) of the Federal Water Pollution Control Act, (b) any element, compound, mixture, solution, or substance designated pursuant to Section 102 of CERCLA, (c) any hazardous waste having the characteristics identified under or listed pursuant to Section 3001 of the Solid Waste Disposal Act (but not including any waste the regulation of which under the Solid Waste Disposal Act has been suspended by Act of Congress), (d) any toxic pollutant listed under Section 307(a) of the Federal Water Pollution Control Act, (e) any hazardous air pollutant listed under Section 112 of the Clean Air Act, and (f) any imminently hazardous chemical substance or mixture with respect to which the Administrator has taken action pursuant to Section 7 of the Toxic Substances Control Act.

**Hazardous waste.** A solid waste, or combination of solid wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

- a. Cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or
- b. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed.

**Hazardous waste generation.** The act or process of producing hazardous waste.

**Hazardous waste management.** The systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery, and disposal of hazardous wastes.

**Hazardous waste storage.** The containment of hazardous waste, either on a temporary basis or for a period of years, in such a manner as not to constitute disposal of such hazardous waste. Storage of hazardous waste exceeding certain time and/or quantity thresholds requires a RCRA treatment, storage, or disposal permit.

**Hazardous waste treatment.** Any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste or so as to render such waste nonhazardous, safer for transport, amenable for recovery, amenable for storage, or reduced in volume. Such term includes any activity or processing designed to change the physical form or chemical composition of hazardous waste so as to render it nonhazardous.

**Implementation plans.** Plans developed to designate the methods to attain and maintain ambient air quality standards.

**Installation.** A grouping of facilities, located in the same vicinity, that supports certain functions.

**Integrated pest management.** The management of actual and potential pest problems using a combination of available preventive and corrective control measures. The biological

effectiveness, environmental acceptability and cost effectiveness of the measure are considered before their use.

**Mobile sources.** Vehicles, aircraft, watercraft, construction equipment, and other equipment that use internal combustion engines for propulsion.

**National Response Center (NRC).** The Washington, D.C. Headquarters that coordinates activities relative to pollution emergencies. It is located at Headquarters, U.S. Coast Guard (U.S.C.G).

**National Response Team (NRT).** A team of representatives from the primary and advisory agencies that serves as the national body for:

- a. Planning and preparedness actions before a pollution discharge.
- b. Coordination and advice during a pollution emergency.

**Natural resources.** Land, fish, wildlife, biota, air, water, ground water, drinking water supplies, and other such resources belonging to, managed by, held in trust by, appertaining to, or otherwise controlled by the United States (including the resources of the fishery conservation zone established by the Fishery Conservation and Management Act of 1976), any State or local government, any Indian Tribe, or any foreign government.

**Oil.**

- a. Oil of any kind or in any form, including but not limited to:
  - (1) Petroleum.
  - (2) Fuel oil.
  - (3) Sludge.
  - (4) Oil refuse.
  - (5) Oil mixed with wastes other than dredged spoil.
- b. The terms oil and petroleum, oils, lubricants (POL) are used interchangeably.

**On-Scene Coordinator (OSC).** The Federal official predesignated by EPA or U.S.C.G to coordinate and direct Federal discharge removal efforts in approved regional contingency plans at the scene of an oil or hazardous substance discharge.

**Open burning.** The combustion of any material without the characteristics below:

- a. Control of combustion air to maintain adequate temperature for efficient combustion.
- b. Containment of the combustion reaction in an enclosed device to provide enough residence time and mixing for complete combustion.
- c. Control of emission of the gaseous combustion products.

**Open dump.** A site for the disposal of solid waste which is not a sanitary landfill within the meaning of Section 4004 of RCRA.

**Pesticide.**

- a. Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest.
- b. Any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant.

**Pollutant.** Dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water.

**Pollution.** The man-made or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

**Regional Response Team (RRT).** A team of regional Federal and State representatives of the primary or selected advisory agencies. It acts within its region as an emergency response team that performs functions like those of the NRT.

**Release.** Any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, but excludes (a) any release which results in exposure to persons solely within a workplace, with respect to a claim which such persons may assert against the employer of such person, (b) emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine, (c) release of source, byproduct, or special nuclear material from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954, if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under Section 170 of such Act, or, for the purposes of Section 104 of CERCLA or any other response action, any release of source byproduct or special nuclear material from any processing site designated under Section 102(a)(1) or 302(a) of the Uranium Mill Tailings Radiation Control Act of 1978, and (d) the normal application of fertilizer.

**Respond or Response.** Remove, removal, remedy, and remedial action.

**Sanitary landfill.** A facility for the disposal of solid waste which meets the criteria published under Section 4004 of RCRA.

**Solid waste.** Any garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved materials in irrigation return flows or industrial discharges which are point sources subject to permits under Section 402 of the Federal Water Pollution Control Act, as amended, or source, special nuclear, or byproduct material as defined by the Atomic Energy Act of 1954, as amended.

**Solid waste management.** The systematic administration of activities which provide for the collection, source separation, storage, transportation, transfer, processing, treatment, and disposal of solid waste.

APPENDIX B  
LIST OF ACRONYMS

AEA	Atomic Energy Act
AGPMR	Agriculture Property Management Regulations
APP	Annual Performance Plan
APPR	Annual Program Performance Report
ASTM	American Society of Testing and Materials
BMP	Best Management Practice
CEQ	Council on Environmental Quality
CERCLA	Comprehensive Environmental Response, Compensation and Liability Act
CFC	Chlorofluorocarbons
CFR	Code of Federal Regulations
CAA	Clean Air Act
CWA	Clean Water Act
DoD	U.S. Department of Defense
DOI	U.S. Department of the Interior
DOJ	U.S. Department of Justice
ECAP	Environmental Compliance and Protection
EMS	Environmental Management System
EPA	U.S. Environmental Protection Agency
EPCRA	Emergency Planning and Community Right-To-Know Act
ESF	Emergency Support Function
FEMA	Federal Emergency Management Agency
FIFRA	Federal Insecticide, Fungicide, and Rodenticide Act

FLM	Federal Land Manager
FPMR	Federal Property Management Regulations
FRP	Federal Response Plan
FWPCA	Federal Water Pollution Control Act
GPRA	Government Performance and Results Act
HMMA	Hazardous Materials Management Appropriation
HMMG	Hazardous Materials Management Group
HMMP	Hazardous Materials Management Program
HMPC	Hazardous Materials Policy Council
NCP	National Oil and Hazardous Substances Pollution Contingency Plan
NEPA	National Environmental Policy Act
NFC	National Finance Center
NRCS	Natural Resources Conservation Service
NRC	National Response Center
NRD	Natural Resource Damage
NRS	National Response System
NRT	National Response Team
OBPA	Office of Budget and Program Analysis
OCFO	Office of Chief Financial Officer
ODS	Ozone-Depleting Substance
OGC	USDA Office of General Counsel
OMB	Office of Management and Budget
OPA	Oil Pollution Act

OPPM	Office of Procurement and Property Management
PCB	Polychlorinated Biphenyls
PPA	Pollution Prevention Act
PRP	Potentially Responsible Party
RCRA	Resource Conservation and Recovery Act
RRT	Regional Response Team
RSS	Radiation Safety Staff
SDWA	Safe Drinking Water Act
SIP	State Implementation Plan
SPCC	Spill Prevention, Control, and Countermeasure
TRI	Toxic Release Inventory
TSCA	Toxic Substances Control Act
USDA	U.S. Department of Agriculture
USPAP	Uniform Standards of Professional Appraisal Practice
USPS	U.S. Postal Service
UST	Underground Storage Tank