

## ENVIRONMENTAL MANAGEMENT PROGRAM

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### I. Purpose

This Directive establishes the Department of Homeland Security (DHS) policy regarding the administration of the Environmental Management Program.

### II. Scope

- A. This Directive applies throughout DHS, except where inconsistent with the statutory independence of the Inspector General (Title 5, United States Code (U.S.C.)).
- B. *DHS Directive 023-02, revision 00, "Environmental Compliance Program," is hereby cancelled.*

### III. Authorities

This Directive is governed by numerous Public Laws, Regulations, and Executive Orders (E.O.), such as but not limited to:

- A. Title 15, U.S.C. Chapter 53, "Toxic Substances Control, Control of Toxic Substances" [Public Law 94-469, "Toxic Substances Control Act"]
- B. Title 33, U.S.C., Chapter 26, "Water Pollution Prevention and Control" [Public Law 80-845, "Federal Water Pollution Control Act" or commonly known as the "Clean Water Act"]
- C. Title 33, U.S.C., Chapter 40, "Oil Pollution" [Public Law 101-380, "Oil Pollution Act of 1990"]
- D. Title 42, U.S.C., Sections 300f-300j-26, "The Public Health Service, Safety of Public Water Systems" [Public Law 93-523, "Safe Drinking Water Act of 1974"]
- E. Title 42, U.S.C., Chapter 82, "Solid Waste Disposal" [Public Law 89-272, Title II, Subtitle A, § 1001, "Solid Waste Disposal Act," including amendments by Public Law 94-580, "Resource Conservation and Recovery Act of 1976," and Public Law 102-386, "Federal Facility Compliance Act of 1992"]

F. Title 42, U.S.C., Chapter 85, “Air Pollution Prevention and Control” [Public Law 88-206, “Clean Air Act”]

G. Title 42, U.S.C., Chapter 103, “Comprehensive Environmental Response, Compensation, and Liability” [Public Law 96-510, “Comprehensive Environmental Response, Compensation and Liability Act of 1980”]

H. Title 42, U.S.C., Chapter 133, “Pollution Prevention” [Public Law 101-508, “Omnibus Budget Reconciliation Act of 1990,” Section 6601 et seq., “Pollution Prevention Act of 1990”]

I. E.O. 13423, “Strengthening Federal Environmental, Energy, and Transportation Management,” January 24, 2007

J. E.O. 13514, “Federal Leadership in Environmental, Energy, and Economic Performance,” October 5, 2009

## IV. Responsibilities

A. The **Chief Readiness Support Officer (CRSO)** oversees the administration and direction of actions taken to ensure environmental compliance and provides advice and support to the Department.

B. The **Chief Financial Officer (CFO)** oversees the direction of the environmental financial liabilities program and ensures the DHS budget, including environmental funding requests comply with Office of Management and Budget requirements.

C. The **Director, Sustainability and Environmental Programs (SEP)** within the Office of the Chief Readiness Support Officer administers the Department’s environmental management program, including compliance for air and water quality, environmental planning and historic preservation, endangered species, marine mammal, and migratory bird protection, hazardous chemicals, hazardous and solid waste management, noise pollution, underground and aboveground storage tanks, oil and hazardous substances pollution prevention, asbestos, lead-based paint, pesticide management, floodplain management, protection of wetlands, and drinking water (et al.);

1. Leads the strategic planning, management, tracking, and reporting for the Departmental environmental compliance program;

2. Develops environmental compliance implementation guidance, procedures, and requirements;

3. Conducts oversight activities and management reviews to ensure that the Components implement effective environmental management

programs to comply with this Directive;

4. Assists the Components in resolving environmental compliance regulatory issues;
5. Develops procedures for identifying and correcting compliance program weaknesses through management reviews, internal control reviews and other appropriate means; and
6. Coordinates the compilation of the Department's annual reports and Office of Management and Budget sustainability/energy scorecard.

D. The **Office of the General Counsel** provides advice on compliance with the requirements of environmental laws, regulations and E.O.'s, consults with the appropriate entities on matters related to Environmental Financial Liability and Notices of Violation and consults with the appropriate entities regarding negotiations with Federal, Tribal, state and local regulators for Administrative Orders, Consent Orders and other settlement agreements

E. **Component Heads**, as it relates to their areas of responsibility, implement an environmental management program that meets the policy and requirements set forth in this Directive and:

1. Integrates systematic environmental compliance into day-to-day business processes and decision-making through the implementation of environmental management systems at all appropriate facilities and organizations;
2. Develops and implements environmental management controls to prevent releases to the environment;
3. Conducts environmental compliance assessments or audits at their facilities, including appropriate tenant, contractor, and concessioners activities at least every three years from the date of the previous audit;
4. Maintains environmental compliance assessment or audit data using the U.S. Army Corps of Engineers (Corps) online Compliance Program (CP) system called *CP-Track* (which is available from the Corps' Construction Engineering Research Laboratory) or justifies to the SEP using an alternative program; and
5. Prepares and submits, to the SEP, the Component's required data submission for environmental Annual Reports and scorecards.

## V. Policy and Requirements

A. ***Policy***: The Department's fundamental environmental policy, applicable to every Component, at every level in the organization and for every mission or activity, is to protect our natural resources, prevent pollution, reduce waste and strive to exceed the environmental performance goals, objectives and targets established for federal agencies. Components establish and maintain a robust environmental program to ensure that all operations and necessary actions are carried out in accordance with all applicable Federal, State, interstate, and local environmental laws, regulations and executive orders. The program addresses, at a minimum, the six core program areas listed below:

1. Environmental compliance and auditing: Achieving, maintaining, and monitoring compliance with applicable environmental federal and state laws, regulations and executive orders, both substantive and procedural to include compliance with requirements in statutorily mandated or authorized documents, such as permits, judicial decrees, or consent or compliance agreements that seek to preserve, protect or enhance human health and/or the environment. Performing periodic assessment of environmental compliance onsite using established protocols such as the Corps' *Environmental Assessment Manual Guide* (which is available from the Corps' Engineering Research Laboratory).
2. Environmental financial liability: Identifying, recognizing, estimating and reporting probable and reasonably estimable future outflows or other expenditures of resources resulting from past transactions or events.
3. Environmental planning and historic preservation: Integrating environmental considerations into Department mission planning and project decision making and ensuring environmental stewardship, homeland security, and economic prosperity are compatible and complementary. Seeking to preserve, conserve and protect buildings, objects, landscapes or other artifacts of historical significance.
4. Environmental corrective action/restoration: Responding to regulatory, EPA or state directed activities to address releases of hazardous wastes or hazardous waste constituents and attempting to recover or repair damaged or degraded areas, sites or ecosystems.
5. Environmental funding: Establishing budgets in accordance with prescribed Federal and Department guidance that recognize compliance with environmental laws and regulations as a priority and seeks to corrects violations in an expeditious manner.
6. Environmental reporting: Collecting, verifying and distributing environmental performance information in response to regulatory or

mandated requirements established in permits, regulations, executive order, Department requirements or other Federal and state entities.

Components located in space provided through the General Services Administration (GSA) may share environmental compliance responsibility with GSA. Such Components may enter into written agreements with GSA which clearly allocate environmental responsibilities between the Component and GSA. Components initiate consultations with GSA, at the earliest feasible point in time, usually prior to or at the point of taking possession of the space, to determine which environmental responsibilities are expected to be addressed by the Component, and which are retained by GSA or another party. As an example, GSA does not take responsibility for hazardous wastes generated by a tenant or delegatee and any special purpose underground storage tanks required by a Component may remain the Component's responsibility.

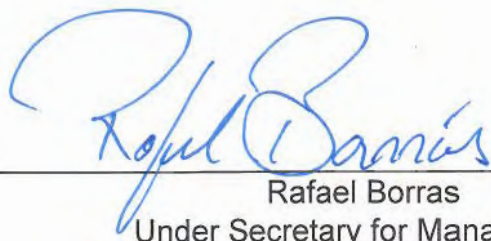
**B. Requirements:**

1. Components:

- a. Submit annual reports to the Director, SEP in the format prescribed;
- b. Use *CP-Track* to track and report environmental compliance assessments;
- c. Report NOV's to SEP via email within 3 days of receiving the NOV. Include in the email the regulatory agency issuing the NOV, the law or regulation noncompliance cited, the timeframe for resolution, and any remedy, where available, being proposed by the Component. Provide follow-up notices as resolution moves forward through closure; and
- d. Provide compliance data inputs to the Real Property Data Warehouse by Real Property Unique Identification Number.

## VI. Questions

Address any questions or concerns regarding this Directive to the DHS Office of the Chief Readiness Support Officer.



Rafael Borrás  
Under Secretary for Management

5/8/13  
Date