

## CHAPTER 3 - ENVIRONMENTAL COMPLIANCE ASSESSMENTS

3-1. Purpose. This chapter establishes the policy for conducting environmental compliance assessments at USACE projects and facilities.

3-2. Applicability. This chapter applies to all USACE commands (MSC), districts, laboratories, having responsibility for civil works functions, including floating plant. USACE military or military/civil-funded facilities and activities will adapt the environmental compliance assessment guidance in AR 200-1, Environmental Protection and Enhancement, in coordination with CECW-OA.

3-3 Policy. It is the policy of the Corps of Engineers that USACE organizations will use environmental compliance assessments, in combination with regulatory agency inspections and environmentally sensitive day-to-day operations as a means of attaining, sustaining, and monitoring compliance with applicable Federal, state, interstate and local environmental regulations. USACE organizations will conduct two types of assessments: external and internal.

### a. External Assessments.

(1) External assessments will be conducted on a five-year cycle and include major outgrants. Deviation from this cycle requires appropriate justification and MSC approval, or command approval at FOAs, etc.

(2) External assessment provides an outside perspective of a facility's environmental compliance status. They will be conducted by contractors or by teams of USACE personnel not employed at the facility to be assessed, and having the necessary organizational and subject matter expertise. Contracting assessments using existing Army Environmental Compliance Assessment System contracts, administered by USACE Environmental Support Districts, is encouraged.

(3) Operations Project/facility managers will provide appropriate staff support and will participate in reviewing assessment results.

### b. Internal Assessments.

(1) Internal assessments (self assessments) will be conducted at each facility annually, with the exception of the year an external assessment is conducted. Districts will decide if internal assessments of outgrants are necessary. When internal assessments of outgrants are required, they will be incorporated in real estate compliance inspections or otherwise coordinated with the Real Estate Division. Each USACE operated project/facility will provide funding for its internal assessments.

(2) Internal assessments may be conducted by project/facility personnel.

(3) At a minimum, internal assessments will review and follow up on the status of uncompleted corrective actions contained in the Corrective Action Plan (CAP) from the last external and subsequent internal assessments; evaluate the status of uncompleted corrective actions required by Notices of Violation or other regulatory violations received since the last assessment (external or internal); assess compliance with any new regulatory requirements after

coordination with the district Environmental Compliance Coordinator; and address any special emphasis areas specified by higher command.

c. Environmental compliance assessments will be conducted using the current versions of The Environmental Assessment Manual (TEAM) and the Environmental Review Guide for Operations (ERGO) manual, supplemented with applicable State and local laws and regulations.

d. The external assessment process results in an ERGO Environmental Compliance Assessment Report and an accompanying CAP, which includes a funding strategy. The ERGO report will be signed by the assessment team leader and the project/facility manager. CAP's are developed and signed by the project/facility manager. Internal assessment findings are incorporated in a brief addendum to the last external assessment report and CAP, and signed by the project/facility manager. External and internal assessment reports and CAP's will be forwarded through the project or facility's chain of command (Operations, Logistics, Engineering, etc.) to the District Commander (or equivalent position in laboratories, FOA's, etc.) or designated senior leaders for final approval. If outgrant issues are involved approval will be coordinated with the Chief, Real Estate Division.

3-4. Funding. Each USACE operated project/facility will provide funding for its internal and external assessments, CAP's and deficiency correction requirements. Outgrant deficiency correction is the responsibility of the outgrantee.

3-5. Environmental Protection Agency FEDPLAN Report. Funding requirements identified during environmental compliance assessments will be identified in the annual Environmental Protection Agency FEDPLAN (formerly OMB A-106) report (see Chapter 11) and incorporated in the project/facility budget process.

3-6. Releasability. Draft assessment reports and supporting papers are internal working documents. The draft documents must be marked "For Official Use Only" (FOUO) and distribution handled accordingly. Requests for release of draft and/or final reports will be referred to the appropriate Freedom of Information Act Officer.

3-7. Assessment Schedules. MSCs will develop a MSC-wide cycle II schedule to assure that all external and internal assessments are completed during the cycle. MSC Commanders, district commanders and commanders/directors of facilities outside of the district structure will develop internal procedures to assure that assessments are conducted in accordance with this guidance and that corrective action plans are developed and executed.