

## CHAPTER 20

### ENVIRONMENTAL QUALITY ASSESSMENT ASHORE

#### 20-1 Scope

This chapter provides policy and outlines procedures and responsibilities for the assessment and oversight of Navy shore installations' environmental quality.

##### 20-1.1 References

- a. DODINST 4715.6 of 24 April 1996, Environmental Compliance
- b. Environmental Protection Agency (EPA) Environmental Auditing Policy Statement of 9 July 1986
- c. EPA Environmental Policy Statement on Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations of 22 December 1995
- d. DODINST 4715.5 of 22 April 1996, Management of Environmental Compliance at Overseas Installations; (NOTAL)
- e. DUSD (ES) Memorandum of 23 April 1997, Root Cause Analysis Methodology and Implementation; (NOTAL)
- f. NAVOP 004/97 of 23 June 1997, Regionalization
- g. NAVOP 015/97 of 19 December 1997, Streamlining Shore Installation Management
- h. SECNAVINST 5720.42F; Department of the Navy Freedom of Information Act (FOIA) Program; (NOTAL)
- i. DOD Directive 5405.2 of 23 July 1985, Release of Official Information in Litigation

and Testimony by DOD Personnel as Witnesses; (NOTAL)

j. SECNAVINST 5820.8A; Release of Official Information for Litigation Purposes and Testimony by DON Personnel; (NOTAL)

k. DUSD (ES) Memorandum of 3 February 1997, Invocation of State Audit Privilege Laws; (NOTAL)

l. ASN Memorandum of 24 March 1997, Invocation of State Audit Privilege Laws; (NOTAL)

#### 20-2 Legislation

**20-2.1 Freedom of Information Act (FOIA).** This act provides for release of government documents to the public upon request, unless the government specifically exempts them from release.

#### 20-3 Terms and Definitions

**20-3.1 Environmental Management System.** That part of the overall management system which includes organizational structure, planning activities, responsibilities, practices, procedures, processes and resources for developing, implementing, achieving, reviewing and maintaining the environmental program, and achieving environmental goals.

**20-3.2 Environmental Quality.** That level of environmental excellence that has a baseline of consistent regulatory compliance, adding continuous process improvement with a concerted focus on pollution prevention.

**20-3.3 Environmental Quality Assessment (EQA) Guide.** A guidance document to assist

activities and Major Claimants in the implementation of the policy for Environmental Quality Assessments (EQA) ashore.

**20-3.4 Environmental Requirements.** Federal, State, regional, local, Navy, Final Governing Standards, Status of Forces Agreements, Overseas Environmental Baseline Guidance Document and environmental and natural resources requirements.

**20-3.5 External Assessment.** A systematic, documented, objective and periodic review of the installation's environmental management system that may include compliance reviews of selected program areas. Designated persons from outside the organization of the inspected installation conduct the assessment. Those designated persons may be members of the Major Claimant, Naval Inspector General, Naval Audit Service and/or others. In terms of the EQA program, regulatory inspections are not considered external assessments.

**20-3.6 External Assessment Plan.** The Major Claimant's plan depicting the schedule and scope of the external assessments planned for each of the activities within its claimancy.

**20-3.7 "Fenceline."** The boundary of the contiguous Navy property and satellite areas under the direct control of the host activity. In Navy Concentration Areas, "fenceline" refers to all properties under direct control of the Regional Commander.

**20-3.8 Installation.** The term used in this chapter to refer collectively to the host and tenant activities within the "fenceline" as defined in 20-3.7.

**20-3.9 Internal Assessment.** A systematic, documented, objective, and comprehensive environmental compliance review of installation processes, facilities and practices completed

within a 12-month period. Installation personnel or their designees conduct the assessment.

**20-3.10 Internal Assessment Plan.** The host activity's plan, coordinated with tenants, that describes how a comprehensive internal assessment will be accomplished within the "fenceline" over the course of the year. The plan addresses assessment of all applicable compliance requirements on a schedule based on the environmental aspects, vulnerabilities, and risk to the environment and may include the environmental management system.

**20-3.11 Root Cause.** The cause of an occurrence that, if corrected, would prevent recurrence of that and similar occurrences. There may be a series of identifiable causes, one leading to another. Activities should pursue that series of causes until identifying the fundamental, correctable cause.

## **20-4 Requirements**

Reference (a) requires and Federal regulations and EPA policy, including reference (b) and (c), recommend environmental assessments as a tool to help achieve and maintain compliance with environmental laws and regulations. Reference (d), as implemented by the Overseas Environmental Baseline Guidance Document (OEBGD), requires an ongoing program to evaluate environmental compliance at overseas installations. Reference (e) requires DOD Components to incorporate root cause analysis in their environmental compliance assessment programs.

References (f) and (g) directed all commands to support infrastructure cost reduction by regionalizing installation management functions, including environmental services, in shore concentration areas and reducing the number of claimants in the installation management business. In shore concentration areas, the Navy is undergoing regionalization to determine better

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and more economical ways to deliver services at shore installations, by streamlining services and merging similar functions under one commander. Commands must implement the EQA Program in light of regionalization and its guiding principles presented in reference (f).

## **20-5 Navy Policy**

**20-5.1 Policy.** Navy policy is to: monitor compliance with environmental requirements; identify problems, their root causes, process improvements, and pollution prevention opportunities; and, ensure appropriate corrective actions and process improvements are completed.

### **20-5.2 Program Structure**

a. **Internal Assessment.** The host activity, in coordination with tenant activities, will conduct an internal assessment annually. The internal assessment is a comprehensive environmental compliance review of installation processes, facilities and practices, completed within a 12-month period. The internal assessment addresses all applicable compliance requirements on a schedule based on the environmental aspects, vulnerabilities, and risk to the environment and may include the environmental management system.

b. **External Assessment.** The Major Claimant of the host activity, in coordination with Major Claimants of tenant activities with significant environmental aspects, will conduct an external assessment that consists of two parts: (1) an annual document review of the installation's Internal Assessment Plan and the annual EQA Report plus any other information available on the installation's environmental performance; and (2) a site visit on a schedule determined by the Major Claimant. The schedule and scope of the site visit are flexible and should be tailored to meet the installation's needs, which allows for varied degrees of compliance or oversight inspections.

(1) **Schedule.** Based on the results of the annual document review, the Major Claimant may elect to visit the installation immediately, once a year, once every 2 years, or less often, if appropriate, depending on the installation's condition and circumstances. At a minimum, the Major Claimant will accomplish the external assessment site visit during the traditional Command Inspection Process.

(2) **Scope.** At a minimum during the site visit, the Major Claimant will evaluate the environmental management system and Internal Assessment Program. A site visit may also include compliance reviews of all environmental program areas or more narrow reviews of particular problem areas.

### **20-5.3 EQA Integration and Coordination**

a. **At Navy installations.** The host activity shall establish a means to communicate and coordinate with Navy and non-Navy tenants with significant environmental aspects located within the "fenceline" for the purpose of planning and implementing the EQA Program. Arrangements for EQA Program support will be documented in interservice and intragovernmental support agreements as appropriate. Examples include such forums as Environmental Compliance Boards and Commanding Officer's Executive Management Boards. Environmental compliance boards of host and tenant management personnel, are required where appropriate by chapter 1 (1-2.14), and are in place within many organizations. These boards function effectively to integrate environmental, natural resources and cultural resources considerations into all aspects of operations.

b. **Where a Navy activity is a tenant on a non-Navy installation.** The Navy activity will participate in the host's environmental compliance assessment program in accordance with the interservice or intragovernmental support agreement. Where the non-Navy host's

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environmental compliance assessments are not consistent with Navy or claimant objectives, Navy activities must develop internal assessment plans and conduct assessments that fulfill the objectives established in the Claimant's External Assessment Plan.

**20-5.4 Root Cause Analysis.** Root cause analysis is a problem solving process to identify root causes and best prevention solutions to compliance deficiencies. Additional information on root cause analysis is available in the EQA Guide.

**20-5.5 Checklists of Compliance Requirements.** The Department of the Navy Automated Compliance Evaluation (ACE) Software is a tool available to installations, Major Claimants, and NAVFACENCOM Environmental Field Divisions/Activities (EFD/EFA). The ACE Software provides checklists of Federal, State, and regional compliance requirements, Navy policy requirements, requirements under the Final Governing Standards (FGS) and requirements of Status of Forces Agreements (SOFA), and the Overseas Environmental Baseline Guidance Document (OEBGD). The software allows for tailoring of the checklists to include those requirements applicable to a particular installation. For example, an activity can add local requirements such as permit conditions and operating procedures and delete non-applicable requirements. The ACE software also provides for tracking follow-up actions in the plan of action and milestones (POA&M). Other environmental compliance checklists are available through various public forums or through the commercial market.

**20-5.6 Plans and Reports.** Additional information on formats for the following plans and reports is available in the EQA Guide.

a. **Installation Level**

(1) **Internal Assessment Plan.** The Internal Assessment Plan describes how the comprehensive internal assessment will be accomplished within the "fenceline" over the course of the year. The plan addresses assessment of all applicable compliance requirements on a schedule based on the environmental aspects, vulnerabilities, and risk to the environment. The plan may also include an environmental management system review. Activities shall review the Internal Assessment Plan annually and update it as necessary. The host activity will provide the Internal Assessment Plan to its Major Claimant annually.

(2) **Internal Assessment Documentation.** Internal Assessment documentation provides the results of assessments and includes identified deficiencies, assigned root cause(s), and POA&Ms for corrective actions and process improvements. The documentation contains deficiencies identified in internal and external assessments conducted during the assessment period as well as those that remain open from previous assessment periods. The POA&M provides proposed corrective actions, process improvements and schedules to address the deficiency and its root cause(s). The documentation also serves as a record of completed corrective actions and to verify problems are resolved. The Major Claimant may request the host activity to submit POA&Ms or, at a minimum, the Major Claimant will review the POA&Ms during the external assessment site visit.

(3) **EQA Report.** The EQA Report provides a summary of the health of the installation's environmental program and information on issues requiring Major Claimant attention and/or resources. The host activity will provide the EQA Report to its Major Claimant and the appropriate Navy Regional Environmental Coordinator annually.

b. **Major Claimant Level**

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(1) **External Assessment Plan.** The External Assessment Plan describes the schedule and scope of oversight planned for the external assessment site visit at each of the Major Claimant's installations and the basis for the decisions. The Major Claimant of the host activity, in coordination with Major Claimants of tenant activities with significant environmental aspects, determines the schedule and scope of oversight based on the document review of the Internal Assessment Plan and EQA Report provided by each host activity and any additional information available on each installation's environmental performance. The plan will also indicate those installations that serve only administrative functions with minimal environmental requirements where exemptions are justifiable. The Major Claimant shall review the plan annually and update it as necessary. The Major Claimant will provide the updated External Assessment Plan to CNO (N45) annually.

(2) **External Assessment Report.** The External Assessment Report provides the results of the external assessment conducted during a site visit and includes identified deficiencies and recommendations for corrective actions and process improvements. The Major Claimant shall give a working draft report to the host activity commanding officer/executive officer at the end of the site visit. The Major Claimant shall present an out brief to the host activity commanding officer/executive officer. The Major Claimant should release the final report to the host activity within 60 days of the site visit completion. The Major Claimant legal counsel should review the External Assessment Report before releasing it.

(3) **Claimant EQA Summary.** The Claimant EQA Summary is a report summarizing the health of the environmental program at the installations in the claimancy. It also provides information on issues requiring CNO attention and/or resources. The Major Claimant will

provide the Claimant EQA Summary to CNO (N45) annually.

c. **Report Releasability.** The activities will consult legal counsel for advice on the releasability and exemptions under the Freedom of Information Act (FOIA). Reference (h) applies to all FOIA requests. If the request is made by a third party involved in litigation, reference (i) and reference (j) also apply.

**20-5.7 State Audit Privilege Laws.** Installations must not invoke the protections of any of the various State Audit privilege or immunity laws without proper consultation with and approvals by the chain of command. References (k) and (l) provide the procedures for required consultation with the Office of the Deputy Assistant Secretary of the Navy (Environment and Safety) and the Office of the Deputy Under Secretary of Defense (Environmental Security).

**20-5.8 EQA at Closing and Closed Bases.** All EQA Program requirements apply to closing and closed bases, including those bases that have already undergone operational closure and are assigned to the COMNAVFACENCOM claimancy for caretaking until transfer of ownership.

**20-5.9 Exemptions.** The Navy has numerous shore activities that serve only administrative functions. Those shore activities typically have minimal environmental requirements and therefore pose little risk to the environment. Major Claimants with activities that serve only administrative functions may elect to exempt them from EQA Program requirements. The Major Claimant's External Assessment Plan shall reflect exemptions.

**20-5.10 Training and Awareness.** Every person conducting, reviewing, or approving internal and external assessments shall receive general environmental awareness training

specified in chapter 24 and specific comprehensive training in assigned subject matter or environmental media. Every person so assigned shall familiarize himself or herself with the provisions of this chapter.

## **20-6 Responsibilities**

### **20-6.1 Commanding Officers of Host Activities shall**

a. In coordination with the affected commands, develop and execute a plan to implement an internal assessment to cover all processes, facilities and practices with environmental aspects within the "fenceline." Review the Internal Assessment Plan annually and update as necessary. On an annual basis, provide the updated *Internal Assessment Plan* or a summary of significant amendments to the Major Claimant.

b. Perform annual internal assessments, identify deficiencies and their root causes, develop POA&Ms with corrective actions and process improvements to address the root causes of deficiencies and document corrective actions and process improvements.

c. For pertinent deficiencies identified in external assessments, identify root causes, develop POA&Ms with corrective actions and process improvements to address the root causes of deficiencies and document corrective actions and process improvements.

d. Coordinate identification and funding of corrective actions and process improvements to address deficiencies and their root causes and fund as appropriate. If necessary and appropriate, submit to the Major Claimant funding requests to support projects required to correct the deficiencies and root causes identified.

e. In coordination with the affected commands, prepare an annual EQA Report and

provide to the Major Claimant and the appropriate Navy Regional Environmental Coordinator.

f. Document arrangements for providing EQA Program support in interservice and intragovernmental support agreements as appropriate.

g. Advise the Navy Regional Environmental Coordinator and the Major Claimant, as soon as possible, if a deficiency or problem identified may result in significant adverse public relations and/or require regional coordination to solve.

h. Ensure environmental compliance is a factor in the performance evaluations of appropriate personnel.

### **20-6.2 Commanding officers or senior managers of tenants with significant environmental aspects shall**

a. Support and participate with the host activity in developing and executing a plan to implement an internal assessment to cover all processes, facilities and practices with environmental aspects within the "fenceline."

b. For pertinent deficiencies identified in internal and external assessments, identify root causes, develop POA&Ms with corrective actions and process improvements to address the root causes of deficiencies, and document corrective actions and process improvements.

c. Coordinate identification and funding of corrective actions and process improvements to address deficiencies and their root causes and fund as appropriate. If necessary and appropriate, submit to the Major Claimant funding requests to support projects required to correct the identified deficiencies and root causes identified.

d. Support and participate with the host activity in preparing an annual EQA Report and provide to the Major Claimant.

e. Advise the host activity and the Major Claimant, as soon as possible, if a deficiency or problem identified may result in significant adverse public relations and/or require regional coordination to solve.

h. Ensure environmental compliance is a factor in the performance evaluations of appropriate personnel.

#### **20-6.3 Major claimants of host activities shall**

a. Implement the EQA Program. Major Claimants may delegate implementation responsibility to lower echelon claimants or Regional Commanders.

b. On an annual basis, review the host activities' Internal Assessment Plans and annual EQA Reports to ensure they conduct internal assessments and identify deficiencies for correction.

c. In coordination with other affected Major Claimants of tenant activities with significant environmental aspects, to accommodate host-tenant relationships, develop and execute an External Assessment Plan addressing all shore installations in the claimancy. Review the External Assessment Plan annually and update as appropriate. On an annual basis, provide the updated External Assessment Plan to CNO (N45).

d. Issue notification of an upcoming external assessment site visit and the external assessment report to the host activity.

e. Prepare an annual Claimant EQA Summary based on input from the claimancy's host activities and provide to CNO (N45).

f. Assist in identification and programming for funding of corrective actions and process improvements to address deficiencies and their root causes and fund as appropriate. If necessary, submit funding requests as part of a midyear review to address emergent requirements.

g. Advise CNO (N45), as soon as possible, if a deficiency or problem identified may result in significant adverse public relations and/or require national coordination to solve.

#### **20-6.4 Major Claimants of tenant activities with significant environmental aspects shall**

a. Implement the EQA Program. Ensure the claimancy's tenant activities support and participate with the host activity in developing and executing a plan to implement an internal assessment to cover all processes, facilities and practices with environmental aspects within the "fenceline."

b. Coordinate with the Major Claimant of the host activity in developing and executing a plan to implement an external assessment site visit as appropriate.

c. For pertinent deficiencies identified in internal and external assessments, assist in identification and programming for funding of corrective actions and process improvements to address deficiencies and their root causes and fund as appropriate. If necessary, submit funding requests as part of a midyear review to address emergent requirements.

d. Advise CNO (N45), as soon as possible, if a deficiency or problem identified may result in significant adverse public relations and/or require national coordination to solve.

#### **20-6.5 Regional Environmental Coordinator shall**

a. Review the annual EQA Reports from all host activities within the region and take any required coordinating actions, consistent with chapter 1.

b. Advise the Area Environmental Coordinator, as soon as possible, if a deficiency or problem identified may result in significant adverse public relations and/or require broader coordination to solve.

**20-6.6 Area Environmental Coordinator shall:**

a. Advise CNO (N45), as soon as possible, if a deficiency or problem identified may result in significant adverse public relations and/or require broader coordination to solve.

**20-6.7 COMNAVFACENGCOM shall**

a. Provide support to Major Claimants and shore activities in the use of the ACE Software that provides automated checklists of Federal and State regulations, final governing standards, overseas requirements, and Navy policy requirements and ensure ACE Software checklists are maintained and available.

b. Upon request, assist Major Claimants in conducting and preparing reports on external assessments.

c. Prepare and update guidance documents and training materials for conducting internal and external assessments including root cause analyses.

d. Support the Chief of Naval Education and Training (CNET) in developing and providing training in conducting internal and external assessments for personnel at shore activities, Major Claimants, EFDs, EFAs, and other commands.

**20-6.8 CNET shall**

a. Through the Naval School, Civil Engineers Corps Officers School (CECOS), and in coordination with COMNAVFACENGCOM and the Interservice Environmental Education Review Board (ISEERB), provide training courses and materials on internal and external assessments including root cause analysis and environmental management system reviews.

**20-6.9 Chief of Naval Operations shall**

a. Ensure the implementation of the EQA Program by reviewing External Assessment Plans and claimant EQA Summaries that cover results of internal and external assessments.

b. Support resource requirements, as appropriate.

c. Act on those issues requiring broad coordination, as identified by the Major Claimant or Area Environmental Coordinator.

d. Provide comments and guidance on common problems and innovative solutions identified in the EQA process.