

**BY ORDER OF THE
SECRETARY OF THE AIR FORCE**

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Civil Engineering



**ENVIRONMENTAL COMPLIANCE,
RELEASE AND INSPECTION REPORTING**

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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This publication implements Department of Defense Instruction (DoDI) 4715.6, *Environmental Compliance*, DoDI 4715.05, *Environmental Compliance at Installations Outside the United States*, and Air Force Policy Directive (AFPD) 32-70, *Environmental Quality*. This Instruction outlines tracking, reporting, and managing Enforcement Actions (EAs) and Host Nation Enforcement Actions (HNEAs) issued by federal, state, local, and host nation regulatory agencies. It also applies to reporting and tracking of spills or releases, regulatory inspections, and compliance agreements (CAs). This Instruction defines the roles of applicable organizations within the Air Force (AF) as they pertain to environmental compliance, release, and inspection reporting. Complying with environmental reporting requirements of this AFI does not constitute completion of other applicable notification/reporting responsibilities. There may be additional notification or reporting requirements to comply with federal, state, or local laws and regulations. Unless otherwise noted, the procedures outlined in this Instruction apply to all AF enduring locations (including Base Realignment and Closure (BRAC) installations and Joint Bases with an AF supporting component) worldwide. This instruction does not apply to contingency locations as defined in Department of Defense Directive (DoDD) 3000.10, *Contingency Basing Outside the United States*. In the case of BRAC installations that have been transferred or where AF is a tenant, the agency responsible for environmental management shall also be responsible to report and track compliance. This Instruction applies to all Major Commands (MAJCOMs), Field Operating Agencies (FOAs), Direct Reporting Units (DRUs), Air Force Reserve Command (AFRC) and the Air National Guard (ANG). Tenant organizations on AF installations and Joint Bases with an AF supporting component shall also comply with this Instruction. Any

organization may supplement this instruction, including AFRC and the ANG. MAJCOMs, FOAs and Direct Reporting Units must send a draft copy of their proposed supplement to HQ USAF/A4C for approval. Further, the ANGRC or AFRC, will support the intent of this AFI, but where needed may prepare an appropriate policy, supplement, guidance, and/or procedural document reflecting its unique legal status, resources, and structure, as recognized by the reserve component authorities of Title 10 of the United States Code, Air Force Doctrine and other governing authorities. Refer recommended changes and questions about this publication to the Office of Primary Responsibility (OPR) using the AF Form 847, *Recommendation for Change of Publication*; route AF Forms 847s from the field through AFCEC/CZ. The authorities to waive wing/unit level requirements in this publication are identified with a tier (“T-0, T-1, T-2, T-3”) number following the compliance statement. See AFI 33-360, *Publications and Forms Management*, Table 1.1, for a description of the authorities associated with the Tier numbers. Submit requests for waivers through the chain of command to the appropriate Tier waiver approval authority, or alternately, to the Publication OPR for non-tiered compliance items. Ensure that all records created as a result of processes prescribed in this publication are maintained in accordance with Air Force Manual (AFMAN) 33-363, *Management of Records*, and disposed of in accordance with the Air Force Records Disposition Schedule (RDS) located in the Air Force Records Information Management System (AFRIMS).

SUMMARY OF CHANGES

This document includes substantial revisions and must be completely reviewed. This revised instruction includes updated regulatory compliance requirements for personnel involved in the management of natural resources on Air Force installations. This revision complies with AFI 33-360 waiver tier requirements described above and incorporates revised roles and responsibilities based on Program Action Directive 12-03, *Enterprise-Wide Civil Engineer Transformation*, and associated Programing Plan.

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Chapter 1

PROGRAM OVERVIEW

1.1. Overview. This Instruction is intended to provide requirements to report, track, and resolve non-compliance with environmental laws, regulations, and standards. It also provides requirements for the reporting and tracking of environmental releases, inspections, and fines and penalties associated with non-compliance. The Environmental Reporting Playbook is available on the CE Portal <https://app.eis.af.mil/A7CPORTAL/Pages/default.aspx> to provide additional guidance regarding implementation of this Instruction. This Instruction is part of the Environmental Management System (EMS) mandated by Executive Order (E.O.) 13423, *Strengthening Federal Environmental, Energy, and Transportation Management*, and expanded by E.O. 13514, *Federal Leadership in Environmental, Energy, and Economic Performance*; Department of Defense Directive (DoDD) 4715.1E, *Environment, Safety, and Occupational Health (ESOH)*; Department of Defense Directive (DoDI) 4715.17, *Environmental Management System*; and AFI 32-7001, *Environmental Management*. It also contributes to AF compliance with Title 10 United States Codes (U.S.C.) Section (§) 2706: *Annual Reports to Congress*, which requires The Secretary of Defense submit to Congress each year, a report on the progress made in carrying out activities under the environmental quality programs of the Department of Defense (DoD) and the military departments.

1.2. Goals. The goal for installations within the United States and its territories is to achieve and maintain compliance with applicable federal, state, local environmental laws and regulations, and AF guidance and instructions. The goal for enduring locations in overseas locations is to achieve and maintain compliance with applicable international agreement requirements and Final Governing Standards (FGS), or if no FGS exists, the Overseas Environmental Baseline Guidance Document (OEBGD). Key factors in attaining these goals are acquiring and reporting accurate and reliable information on the status of AF compliance with such standards.

1.3. Objectives. Identify and proactively address circumstances that may lead to the issuance of new Enforcement Actions (EAs) and Host Nation Enforcement Actions (HNEAs). Place management emphasis on oversight and execution of proper practices. Encourage leadership to vigorously pursue a return to compliance and closure of existing EAs/HNEAs. Use EA trend analyses and identify root causes to develop actions to prevent future repeat or similar findings. Achieve objectives by providing standardized and timely information to leaders and program managers so that they can assess the overall health of the AF environmental compliance program, demonstrate progress made toward AF compliance goals, and identify areas for improvement.

Chapter 2

ROLES AND RESPONSIBILITIES

2.1. The Assistant Secretary of the Air Force for Installations, Environment, & Energy (SAF/IE) through the Deputy Assistant Secretary of the Air Force for Environment, Safety & Infrastructure (SAF/IEE) shall:

2.1.1. Promulgate and oversees policy for compliance reporting and tracking, including final settlement, throughout the AF as part of an integrated EMS IAW AFI 32-7001 *Environmental Management*.

2.1.2. Serve as the principal AF representative on all compliance-related issues with the Office of the Secretary of Defense (OSD) staff, other federal agencies, and Congress.

2.1.3. Report AF-wide compliance metrics and trends to HQ USAF Environment, Safety, and Occupational Health Council (ESOHC) and OSD as requested.

2.1.4. Review and make final EA decisions in the event that existing policy is insufficient to allow A4CF to make a final EA decision. Coordinate AF compliance reporting and tracking procedures with the other Services to explore common areas of interest and prevent duplication of effort.

2.1.5. Determine when notifications to congressional delegations are appropriate and approve the release of responses to congressional or media inquiries.

2.2. Regional Environmental Office (SAF/IEE REO) shall:

2.2.1. Represent the AF, on a regional basis, in dealing with federal, regional, state, and local environmental regulatory agencies. The Eastern REO covers US Environmental Protection Agency (EPA) Regions 1-4; the Central REO covers EPA Regions 5-8; and the Western REO covers EPA Regions 9-10 (<http://www.epa.gov/tribal/wherelive/regions.htm>).

2.2.2. Receive automated Enforcement Actions, Spills and Inspections (EASI) notification of environmental incidents (spills, releases and enforcement actions) and environmental inspections and environmental action closure notifications. The REOs do not represent the AF in dealing with host nations.

2.3. The General Counsel of the Air Force (SAF/GC), through the Deputy General Counsel, Environment & Installations (SAF/GCN) shall:

2.3.1. Serve as the principal legal adviser to SAF/IE and SAF/IEE on environmental compliance policy, including resolution of final enforcement action decisions, settlement of punitive fines and penalties, and determinations of invocation or waiver of federal sovereign immunity.

2.3.2. Serve as the principal AF legal representative on all compliance-related issues involving the OSD office of General Counsel or the General Counsel offices of other federal agencies.

2.4. Headquarters, United States Air Force, Director of Civil Engineers (AF/A4C) shall:

2.4.1. Prepare and issue guidance for executing approved environmental compliance program policy and guidance, advocate for resources, and oversee execution of

environmental reporting and tracking requirements throughout the AF as part of an integrated EMS.

2.4.2. Coordinate environmental reporting and tracking guidance as required by AFI 33-360 *Publications and Forms Management*.

2.4.3. Prepare and provide a monthly report with current, detailed data for all new and outstanding High Visibility EAs by the end of the subsequent month, and forwards this report to SAF/IEE.

2.4.4. Evaluate overall AF environmental performance and report the results to the Assistant Deputy Under Secretary of Defense (Installations and Environment) (ADUSD (I&E)) through SAF/IE. Ensure status and trends of established AF environmental metrics are regularly reported to HQ USAF ESOHC and corrective actions are implemented as necessary.

2.4.5. Identify and prioritize resources through the Planning, Programming, Budgeting, and Execution (PPBE) process to implement environmental reporting and tracking procedures throughout the AF.

2.4.6. Designate lead organization for specific environmental reporting and tracking projects and studies.

2.4.7. Review and make final EA decisions when consensus cannot be reached between the appropriate Intermediate Environmental Function (IEF), Air Force Civil Engineering Center, Environmental Directorate (AFCEC/CZ), and Regional Counsel Office (RCO).

2.4.8. Report environmental compliance status, identify trends, and report results to the HQ USAF ESOH Steering Committee in support of scheduled ESOH Steering Committee meetings and to HQ USAF ESOHC during annual EMS Management Review.

2.4.9. Provide immediate notification to SAF/IEE upon discovery of spills over 1000 gallons or violations with fines or penalties that have the potential to exceed \$100,000.

2.5. The Judge Advocate General (AF/JA) through the Air Force Legal Operations Agency, Environmental Law Field Support Center (AFLOA/JACE-FSC) shall:

2.5.1. Provide legal advice, through the Environmental Law Field Support Center (ELFSC), the Regional Counsel Offices (RCOs), and the JACE Litigation Center, on new and emerging issues, litigation matters and on compliance with environmental laws, applicable Host Nation standards that are generally in effect and enforced, and obligations under binding international agreements.

2.5.2. Give legal advice that promotes consistency throughout the AF regarding compliance with environmental obligations and resolving EAs/HNEAs.

2.5.3. Provide legal advice on regional environmental issues through the RCO. The RCO shall:

2.5.3.1. Reach consensus with the appropriate IEF and AFCEC/CZ to determine whether written notice of non-compliance from a regulatory agency meets the criteria identified in the EA definition and designates the classification of the EA.

2.5.3.2. Assist the installation legal offices by providing advice and representation on EAs.

2.5.3.3. Consult with ELFSC and the Environmental Liaison Officer (ELO) embedded within the MAJCOM/JA, and when appropriate, the JACE Litigation Center, regarding significant legal issues and EA settlements to promote consistency throughout the AF. Where there are significant legal issues associated with a settlement, JACE shall consult with SAF/GCN before giving AF/JA advice.

2.5.3.4. Provide legal advice and service in possible litigation, administrative actions, fines, and penalties resulting from EAs. The AFLOA/JACE Division Chief shall approve all payments of fines, penalties, and supplemental environmental projects (SEPs). When significant legal issues are involved, the JACE Division Chief will consult SAF/GCN before approving payments of fines, penalties, and SEPs.

2.6. The Surgeon General (AF/SG) shall:

2.6.1. Oversee Safe Drinking Water Act (SDWA) distribution system surveillance compliance.

2.6.2. Ensure Air Force Medical Support Agency Bioenvironmental Engineering Division (AFMSA/SG3PB) support to A4C with respect to SDWA compliance reporting and tracking.

2.6.3. Plan, program and budget funding for drinking water surveillance associated with the protection of public health.

2.6.4. Fund AFMSA/SG3PB to execute required SDWA or OEBGD drinking water distribution system compliance sampling, analysis and monitoring for AF- owned public water systems as per AFI 48-144, *Drinking Water Surveillance Program*.

2.7. MAJCOMs and DRUs shall:

2.7.1. Receive EASI notifications of environmental incidents (spills, releases and enforcement actions) and environmental inspections. **(T-3)**.

2.7.2. Take action through the MAJCOM or DRU ESOHC if operational changes are needed to resolve or prevent environmental incidents. **(T-2)**.

2.8. MAJCOM Bioenvironmental Engineering (BE) shall:

2.8.1. Assist in resolving AF drinking water violations and other potential health risk issues associated with the SDWA.

2.8.2. Assist installations in identifying and eliminating circumstances that may lead to SDWA situations of non-compliance.

2.8.3. Notify AFMSA/SG3PB of non-compliance situations based on potable water quality sampling at installation level within one business day of being notified by the installation Bioenvironmental Engineer (BEE) or other installation authority.

2.8.4. Plan, program, and budget funding for drinking water surveillance associated with the protection of public health.

2.9. MAJCOM Staff Judge Advocate (SJA) shall: Perform the functions of installation Staff Judge Advocate prescribed in Chapter 2 of this instruction for any installations in the MAJCOM that are not supported by an installation legal office.

2.10. Air Force Civil Engineer Center, Environmental Directorate (AFCEC/CZ) shall: Support USAF in the collection and analysis of environmental data including reporting and tracking EAs/HNEAs, spills/releases, and inspections in order to achieve AF-wide objectives and targets and AF performance measures. Also provide USAF direct support in preparing and issuing guidance for executing the environmental compliance program and associated tracking and reporting, advocating for resources, and overseeing environmental reporting and tracking requirements throughout the AF. **(T-1).**

2.10.1. Compliance (AFCEC/CZC) shall:

2.10.1.1. Provide AF-wide standardized reporting capabilities. **(T-1).**

2.10.1.2. Support DoD data calls and Congressional inquiries (e.g., Defense Environmental Programs Annual Report to Congress). **(T-0).**

2.10.1.3. Support AF data calls. **(T-2).**

2.10.1.4. Execute guidance for and oversees the implementation of compliance reporting and tracking, release reporting and tracking, and inspection programs enterprise-wide. **(T-1).**

2.10.1.5. Report environmental compliance status, identifies trends, and reports results to the MAJCOM ESOHC and during the annual HQ AF EMS Management Review. **(T-1).**

2.10.1.6. Analyze compliance data from the EASI database and other environmental information from MAJCOMs, DRUs, FOAs, AFRC and ANG and reports as requested. **(T-2)**

2.10.1.7. Provide quarterly cross-feed to pertinent AF organizations to prevent similar non-compliance at other installations. **(T-3).**

2.10.1.8. Prepare Enforcement Vulnerability Assessments (EVAs) to assist in development of focused AF self-inspection teams. It also helps identify and eliminate circumstances that may lead to situations of non-compliance. **(T-3).**

2.10.2. Technical Support (AFCEC/CZT) shall:

2.10.2.1. Provide subject matter experts to reach consensus with appropriate IEF and RCO to determine whether written notice of non-compliance from a regulatory agency meets the criteria identified in the EA definition and designate the classification of the EA. If only two parties agree to track as an EA, the dissenting party may request a review of that decision by AF/A4CF. **(T-1).**

2.10.2.2. Assist installations in initiating actions to ensure timely closure of all EAs and assists in obtaining formal closure of EAs from the regulator. **(T-1).**

2.10.2.3. Disseminate environmental-related alerts as well as legislative and regulatory activity summaries to SAF/IEE, AF/A4CF, IEF, and installations. **(T-3).**

2.10.2.4. Monitor compliance data posted on regulatory agency databases and notifies IEF, as well as installations, of any inconsistencies discovered between AF and regulatory records. **(T-3)**.

2.10.2.5. Upon request, provide installation with assistance to ensure resolution of inconsistencies in regulatory records and/or timely closure of all EAs/HNEAs, to include facilitating EPA concurrence to remove the installation from the SNC and/or HPV listings. **(T-1)**.

2.10.2.6. Analyze compliance data from the EASI database and other environmental information from IEF and reports as requested. **(T-2)**.

2.10.2.7. Determine when EAs, CAs, and HNEAs are complete and ready to close or has been rescinded by the issuing agency and indicates “closed” or “rescinded,” as is appropriate, in the EASI database. AFCEC/CZT makes these determinations in accordance with the requirements of Chapter 4. AFCEC/CZT shall coordinate decisions about closure of EAs and CAs with the appropriate RCO. For ANG related EAs and CAs, AFCEC/CZT shall coordinate decisions with NGB/A7AN and NGB/JA. The appropriate IEF shall coordinate recommendations about closure of HNEAs with MAJCOM/JA. **(T-1)**.

2.10.3. Operations Support (AFCEC/CZO) shall:

2.10.3.1. Advise SAF/IEE, AF/A4CF and IEF of federal, regional, state, and local regulatory proposals and other initiatives that may affect AF environmental programs. **(T-2)**.

2.11. Intermediate Environmental Function (IEF) shall:

2.11.1. Assist installations to comply with all applicable federal, state, local, and AF environmental standards. **(T-1)**.

2.11.2. Help installations identify and eliminate circumstances that may lead to situations of non-compliance. **(T-1)**.

2.11.3. Assist installations in overseas locations to comply with applicable international agreement requirements, FGS, and if no FGS exist, the OEBGD. **(T-1)**.

2.11.4. Reach consensus with the appropriate AFCEC/CZT and RCO to determine whether or not written notice of non-compliance from a regulatory agency meets the criteria identified in the EA definition. If it is an EA, coordinates with RCO and AFCEC/CZT to also designate the classification of the EA. If only two parties agree to track as an EA, the dissenting party may request a review of that decision by AF/A4CF. For installations in overseas locations, the appropriate IEF coordinates with MAJCOM/JA to determine whether or not written correspondence from host nation governmental authority (HNGA) meets the minimum criteria identified in the HNEA definition. **(T-1)**.

2.11.5. Aid installations with Root Cause Analysis and preparation of Management Action Plan/Corrective Action Plan for environmental incidents, as appropriate. **(T-2)**.

2.11.6. Monitor open EAs/HNEAs through the EASI database **(T-2)** and assists the installation with correcting and obtaining closure in a timely manner. **(T-1)**.

2.11.7. Perform reviews of EAs/HNEAs (until closure) to ensure information is current and complete and validates data in the EASI database by the fifth business day of each month. This includes the status on federal, state, and local CAs, settlement agreements, consents, and other orders pertaining to environmental compliance activity. **(T-3)**.

2.11.8. Monitor compliance data posted on regulatory agency websites, such as EPA's Enforcement & Compliance History Online (ECHO) and other regulatory databases and tracking systems containing AF compliance data to include the Significant Non-Compliance (SNC) and High Priority Violator (HPV) listings. **(T-3)**.

2.11.9. Help installations resolve discrepancies of regulatory records and facilitating EPA concurrence to remove the installation from the SNC list and/or the HPV list. **(T-1)**.

2.11.10. Notify AFCEC/CZT and installations when inconsistencies exist between AF and regulatory records related to environmental compliance. **(T-3)**.

2.11.11. Work with AFCEC/CZT to validate data reported by installations for Higher Headquarters (HHQ) data calls (e.g., Defense Environmental Programs Annual Report to Congress). **(T-0)**.

2.11.12. Work with AFCEC/CZT to validate data reported by installations for AF data calls. **(T-2)**.

2.11.13. Team with representatives from the installation, appropriate AFCEC and RCO to represent the AF in all environmental compliance matters with local, regional, and/or federal environmental regulatory authorities in the US and US territories. **(T-2)**.

2.11.14. Allocate resources to execute this Instruction. **(T-2)**.

2.11.15. Distribute all cross-feed information to installations as it is received. **(T-3)**.

2.12. AFCEC Readiness Directorate (AFCEC/CX) shall:

2.12.1. Find technical solutions to recurring infrastructure and facility systems compliance problems and, work with other services to implement DoD solutions. **(T-1)**.

2.12.2. Find management solutions to recurring installation operations and pest management compliance problems and seek to have appropriate requirements incorporated into appropriate guidance documents. **(T-1)**.

2.12.3. Provide guidance and information on performance work statements and service contract management to ensure environmental compliance. **(T-2)**.

2.12.4. Analyze deficiencies and develop corrective actions for civil engineering training and management related to compliance with environmental laws and regulations. **(T-1)**.

2.13. Installations. The Installation is ultimately responsible for ensuring compliance with all applicable environmental requirements, as well as timely reporting and tracking of environmental compliance inspections, releases, EAs/HNEAs, assessed fines and penalties, CAs, and orders entered into or agreed to as the result of non-compliance. **(T-0)**.

2.13.1. Civil Engineer, Installation Management Flight (or Asset Management), Environmental Element (CEIE or equivalent) shall:

2.13.1.1. Assist organizations to identify and eliminate circumstances that may lead to situations of non-compliance. **(T-2)**.

2.13.1.2. Fund elimination activities only when/if recommended by Environmental Quality (EQ) funding guidance. **(T-1)**.

2.13.1.3. Notify the Installation Commander (via chain of command), the installation Staff Judge Advocate (SJA) (or, if there is no installation SJA, the MAJCOM SJA), and their IEF of any written notice of non-compliance from regulatory agencies. **(T-2)**.

2.13.1.4. Create a new entry, upon receipt of a written notice of non-compliance from a regulator, and uploads the written notice in the EASI database. **(T-1)**.

2.13.1.5. Provide additional required data in the EASI database (once the voting parties have classified the non-compliance as EA/HNEA) and provides real-time status updates until officially closed or rescinded. Ensure all activities at associated Geographically Separated Units are also appropriately reported in EASI. **(T-1)**.

2.13.1.6. Notify the Installation Commander that the written notice of non-compliance is an EA/HNEA. **(T-2)**.

2.13.1.7. Consult with installation SJA (or, if there is no installation SJA, the MAJCOM SJA or State JA at The Adjutant General (TAG) office) then with their IEF, BE, REO, and AFCEC/CZT, as appropriate, prior to providing a response to the regulatory agency. **(T-1)**.

2.13.1.8. Initiate prompt action to attain or return to compliance. **(T-0)**.

2.13.1.9. Initiate prompt action to ensure timely closure of all EAs/HNEAs, to include facilitating EPA concurrence to remove the installation from the SNC and/or HPV listings. **(T-1)**.

2.13.1.10. Monitor installation compliance data posted on regulatory agency websites, such as EPA's ECHO and other regulatory databases and tracking systems containing AF compliance data to include the SNC and HPV listings and identifies and initiates resolution of inconsistencies in regulatory records. **(T-3)**.

2.13.1.11. Report environmental compliance status, identifies trends, and reports results at the installation ESOHC meetings and during the annual EMS Management Review. **(T-1)**.

2.13.1.12. Conduct a detailed root cause analysis in accordance with Root Cause Analysis guidance provided in the Environmental Reporting Playbook. **(T-2)**.

2.13.1.13. Prepare a Management Action Plan/Corrective Action Plan as appropriate to respond to an environmental incident and prevent recurrence, in accordance with the guidance in the Environmental Reporting Playbook. **(T-1)**.

2.13.1.14. Report data for DoD data calls and Congressional inquiries (e.g., Defense Environmental Programs Annual Report to Congress). **(T-0)**.

2.13.1.15. Support AF data calls. **(T-2)**.

2.14. Staff Judge Advocate (SJA) shall:

2.14.1. Provide legal advice to the Installation Commander, the installation CEI organization and any other installation personnel on compliance with relevant environmental laws. Requests support from the RCO, ELFSC, and/or ELO, as needed.

2.14.2. Report the issuance of any written notice of non-compliance or knowledge of potential non-compliance to the installation CEI and the RCO within one business day. **(T-1)**.

2.14.3. Provide the installation CEI assistance on development of an appropriate response to the EA/HNEA and advises on all relevant enforcement issues, including seeking AFLOA/JACE Division Chief approval prior to paying a fine or penalty (including a SEP) in accordance with Chapter 3. **(T-1)**.

2.14.4. Coordinate with the RCO on all CAs/orders and other dispute resolution issues. **(T-1)**.

2.15. Bioenvironmental Engineering (BE) shall:

2.15.1. Jointly support CEI and CE Operations in resolving installation drinking water violations per AFI 48-144, *Drinking Water Surveillance Program*. **(T-1)**.

2.15.2. Assists installations in identifying and eliminating circumstances that may lead to the issuance of new EAs/HNEAs related to drinking water. **(T-1)**.

2.15.3. Notify installation CEI and appropriate MAJCOM, DRU, FOA, or ANG BE of non-compliant situations, including notices of violation, based on potable water quality sampling at installation level within one business day. **(T-1)**.

2.15.4. Consult with the Installation Drinking Water Working Group (or CEI at minimum) about non-compliant situations, including notices of violation, based on potable water quality sampling at installation level and/or when drinking water analytical results indicate a potential public health threat. **(T-2)**.

2.15.5. Immediately implement the public notification procedures described by the primary agency when drinking water analytical results indicate a potential public health threat or result in non-compliance with applicable regulations and standards. **(T-0)**.

2.15.6. Coordinate information with the Installation Public Affairs Office in the preparation of Public Notifications. **(T-2)**.

Chapter 3

MANAGEMENT AND REPORTING REQUIREMENTS

3.1. Introduction. The AF shall report and track regulatory and HNGA inspections, spills/releases, and non-compliance related issues using the EASI database (or current AF approved database).

3.2. Reporting and Tracking Inspections. Installations shall report regulatory and HNGA inspections within five (5) business days of the start of an inspection using the EASI database, Inspections Module. Installations shall complete all data fields and upload all inspection reports to the EASI database. A single media or multi-media inspection shall be tracked as one inspection per media area inspected regardless of length or duration. **(T-1).**

3.3. Reporting and Tracking Spills/Releases. Installations and IEF shall execute all release notification and reporting requirements according to applicable federal, state, and local laws and regulations and in accordance with AFI 10-2501, *Air Force Emergency Management (EM) Program Planning and Operations*, AFI 10-206, *Operational Reporting*. **(T-0).** For overseas installations, release notification and reporting requirements shall be accomplished in accordance with international agreement provisions and the country-specific FGS or, if no FGS exists, the OEBGD. **(T-0).** All installations shall report spills and releases within one business day using the EASI database, Spill Module (also known as the Spill Incident Release Internet System [SIRIS]). **(T-1).**

3.3.1. When releases meet one or more of the criteria reported in paragraphs 3.2.1.1 through 3.2.1.10, the appropriate IEF shall notify AF/A4CF, by telephone or email as soon as possible but no more than one business day after a spill/release is reported by the installation. **(T-2).**

3.3.1.1. Results in injury or loss of life.

3.3.1.2. Results in loss of aircraft or facility.

3.3.1.3. Causes interruption of flying operations.

3.3.1.4. Causes environmental contamination extending beyond installation boundaries.

3.3.1.5. Creates potential of financial impact exceeding \$50,000.

3.3.1.6. Results in or may result in litigation, publicity, or media coverage.

3.3.1.7. Contaminates a body of water and/or waters of the US.

3.3.1.8. Involves a release to the environment of 25 gallons or more of petroleum, oils, or lubricants (POL) or the release of POL causes a film or sheen on nearby surface water. If the release is entirely contained on a hard surface with no environmental contamination, EASI reporting is not required.

3.3.1.9. Is estimated to be equal to or greater than a Reportable Quantity (RQ).

3.3.1.10. Involves sewage and one or more of the following conditions apply:

3.3.1.10.1. The release may cause imminent and substantial threat to public health, safety, or the environment.

3.3.1.10.2. A release in any amount reportable to a regulatory or permitting authority.

3.3.1.10.3. A release of 1,000 gallons or more.

3.3.2. Follow-up Release Reporting. Installations shall provide follow-up reports on incidents meeting any of the criteria listed in paragraph 3.3.1 to their assigned IEF by telephone, email, OPREP-3 (see AFI 10-2501), and updating the EASI database, as required by the situation. The IEF shall submit follow-up information to AF/A4CF by telephone or email. Installations shall continue to update the EASI database Spill Module when completing immediate corrective actions and coordinate with IEF and AFCEC/CZT to close each reportable incident. (T-2).

3.4. Reporting Non-Compliance Related Issues. Installations shall report all written notices, e-mail messages, field citations, and other correspondence from regulatory agencies pertaining to non-compliance with applicable environmental requirements within one business day through the EASI database. Installations in overseas locations shall report all written notices, e-mail messages, and other correspondence from appropriate HNGA (e.g., Ministry of Defense, federal, state, regional, community officials) of noncompliance with any environmental standard that applies pursuant to applicable country-specific FGS or, if no FGS exists, the OEBGD. Overseas installations shall report such notification within one business day through the EASI database. If the notification must be translated into English, installations shall upload the notification within seven (7) business days. All organizations shall utilize the EASI database to capture the required data. In addition, installations shall aggressively pursue the closure of open EAs/HNEAs in EASI. (T-1).

3.5. Identifying EAs/HNEAs. The IEF, AFCEC/CZT and RCOs shall decide by consensus whether or not a written notice of non-compliance issued by a regulatory agency shall be designated as an EA. The IEF, AFCEC/CZT and RCO have three (3) business days to determine whether written notice of non-compliance from a regulatory agency meets the criteria and classification of an EA. If only two parties agree to track as an EA, the dissenting party may request a review of that decision by AF/A4CF. AF/A4CF will expect a formal position from AFCEC/CZ. AF/A4CF notifies SAF/IEE and, when appropriate, SAF/GCN, if and why consensus was not achieved. For overseas installations, the appropriate IEF is AFCEC/CF, who shall coordinate with the MAJCOM/JA to determine whether a written notice of non-compliance issued by a HNGA meets the minimum criteria identified in the HNEA definition. The IEF may delegate its responsibility for identifying HNEAs to the Numbered Air Force (NAF) Environmental Function after consultation with the MAJCOM ESOHC, but any delegation shall be in writing and a copy of the delegation document shall be provided to AFCEC/CZ, MAJCOM/JA, AF/A4CF, and ELFSC. (T-1).

3.5.1. Enforcement Action (EA). A formal, written notification by the EPA or other authorized federal, state, inter-state, regional or local environmental regulatory agency of violation of any applicable statutory or regulatory requirement. Sub-paragraphs 3.5.1.1 through 3.5.1.9 shall be followed when determining what type of written notification does and does not constitute an EA.

3.5.1.1. A formal, written notification may include a letter, inspection report, field citation, e-mail message, unilaterally issued compliance order, or other written correspondence sent from a regulatory agency by a person authorized to issue notices of violation and other incidences of non-compliance.

3.5.1.2. The content of the letter (not the subject line or title on the letter) shall determine whether a formal, written notification is an EA. For example, if the subject line or title states “potential,” “possible” or “alleged” violation, but the text of the letter clearly states the installation is not in compliance with a regulatory requirement (e.g., cites violations of environmental laws or regulations), then it shall be reported as an EA in accordance with the provisions of Chapter 3.

3.5.1.3. EAs include notifications of violation of applicable permits, consent agreements, and compliance orders. They also include warning letters or similarly titled formal written notifications referring to violations of applicable permits, agreements, orders, or releases of contaminants into the environment.

3.5.1.4. EAs do not include written communications that do not cite a violation of an applicable environmental law or regulation, or notices of deficiencies to permit applications.

3.5.1.5. One written notice, regardless of the number of individual violations, findings, or citations listed in it, counts as one EA, if all violations cited relate to a single environmental law or regulation. If the written notification cites violations of more than one environmental law or regulation then it is counted as multiple EAs, one under each applicable environmental law or regulation.

3.5.1.6. Multiple written notices that cite the same violation of law or regulation at different facilities, sites, or locations under the operation or control of the installation will be counted as one if the notices are issued by the same regulatory agency and that agency either a) considers the multiple notices to be part of one enforcement action, b) withdraws the multiple notices and reissues one notice that alleges violations at multiple facilities, sites, or locations, or c) agrees to combine the various notifications or otherwise treat them as part of one enforcement action.

3.5.1.7. Internal or other DoD component review, compliance review, audit, or inspection that identifies a violation of any applicable statutory or regulatory requirement is not to be counted as an EA.

3.5.1.8. Any written correspondence from a regulatory agency addressing Resource Conservation and Recovery Act (RCRA, 42 U.S.C. §§ 6901 to 6992k) Corrective Actions or Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, 42 U.S.C. §§ 9601 to 9675) requirements which will be corrected using Environmental Restoration Account (ERA) funds are to be excluded from external EA reporting, but will be tracked internal to the AF. However, if RCRA or CERCLA cleanup activities themselves generate an EA that is issued under some authority other than CERCLA or RCRA's Corrective Action provisions, the EA shall be included in external EA reporting.

3.5.1.9. EAs do not include notifications of violation of federal, state, or local environmental impact analysis (e.g., National Environmental Policy Act), historic preservation (e.g., National Historic Preservation Act), emergency planning (e.g., Emergency Planning and Community Right-to-Know Act), or occupational safety and health (e.g., Occupational Safety and Health Act) requirements. Notifications regarding such requirements are reported in EASI, but are not tracked and managed as EAs.

3.5.2. Host Nation Enforcement Action (HNEA). A formal, written notification by the appropriate HNGA that an installation located outside the US and its territories violated an environmental standard contained in the applicable country-specific Final Governing Standards or DoDD 4715.05-G, *Overseas Environmental Baseline Guidance Document*, whichever applies. If the written notification cites a standard that is not contained in the FGS or OEBGD, installations should consult the appropriate IEF for guidance. The IEF will consult the MAJCOM/JA and appropriate Lead Environmental Component (formerly called DoD Environmental Executive Agent), if necessary, to determine if compliance with the HN requirement is mandatory. **(T-0)**. If compliance with the HN requirement is mandatory, then the notification of violation of that HN standard will be treated as an HNEA.

3.5.2.1. One written notice, regardless of the number of individual violations, findings, or citations listed in it, counts as one HNEA if all violations cited relate to a single environmental media. If the written notification cites violations of more than one environmental media (e.g., air, waste water, drinking water, hazardous waste, etc.), then count it as multiple HNEAs, one under each applicable media area.

3.5.2.2. Items found to be out of compliance during an internal or other DoD Component review, compliance review or audit, are not to be counted as (included in this definition of) HNEAs.

3.5.2.3. The written notification need not cite the specific standard or criteria of the applicable FGS, OEBGD, or other requirement source to be met. The written notification need not request or direct the installation to take corrective action.

3.5.2.4. HNEAs do not include warning letters that do not cite a violation of the applicable FGS, OEBGD, or other requirement source, informal notices of deficiencies (e.g., field inspection notes versus field citations), or notices of deficiencies to permit applications.

3.5.3. Classification of EA/HNEA. Along with making an EA decision, the appropriate IEF, AFCEC/CZT and RCO have three (3) business days to determine the classification of the written correspondence and report it in EASI. These parties shall also determine if EA meets the criteria for High Visibility as defined in the Environmental Reporting Playbook. For overseas installations, the appropriate IEF coordinates with the MAJCOM/JA to determine the classification and whether an HNEA meets the criteria for a High Visibility HNEA. **(T-1)**.

3.5.3.1. Administrative (A). Any non-compliance relating to incomplete paperwork or lack of detail, such as, but not limited to: failing to complete forms in their entirety; note dates on forms; note land-ban information; keep logs up to date; or document required training.

3.5.3.2. Operational (O). Any non-compliance relating to how business is conducted, such as, but not limited to: failing to make proper notifications; obtain required permits before conducting operations that require permits; submit required samples in a timely manner; storing hazardous waste beyond allowed timeframes; lacking training or certification required by law; or transporting hazardous waste without a manifest.

3.5.3.3. Project (P). Any non-compliance requiring the initiation of a project to fund the work and/or significant construction and/or demolition, such as but not limited to: when

permit standards are exceeded and substantial facility repairs, modifications, or upgrades must be made to regain compliance.

3.6. Reporting and Tracking of EA/HNEA. Installations and IEF shall utilize the EASI database for data management, reporting and tracking (T-1). The appropriate IEF shall input the EA/HNEA determination into the EASI database within three (3) business days after the consensus designation that the written notice of non-compliance is an EA/HNEA. (T-1). Once the installation receives automated notification by EASI of EA/HNEA determination, the installation shall immediately notify the Installation Commander and input all required information into the EASI database within three (3) business days. (T-2). Overseas installations should consult the FGS or OEBCD, whichever applies, and the DoD Lead Environmental Component for any additional reporting requirements. Installations shall upload an electronic copy of any correspondence between the AF and the regulating agency regarding the EA/HNEA into the EASI database within three (3) business days of receipt to include closure documentation. (T-1).

3.6.1. EA/HNEA Status. The appropriate IEF, AFCEC/CZT and RCO shall determine the status of the EA and report through the EASI database. In overseas locations, the IEF and MAJCOM/JA shall determine the status of an HNEA and report through the EASI database. (T-1).

3.6.1.1. Unresolved EA/HNEA. An EA/HNEA for which any deficiency has not been corrected.

3.6.1.2. Pending EA/HNEA. An EA/HNEA for which a deficiency has been corrected but remains open pending agreement by the regulator that it is closed or rescinded.

3.6.1.3. Disputed EA/HNEA. An EA/HNEA for which the AF disagrees that there is non-compliance or disagrees that the requirement is applicable to the installation and is working with the regulator toward resolution. A disputed EA/HNEA does not include an EA/HNEA in which only the fine or penalty is in dispute or being negotiated. A disputed EA/HNEA shall be tracked, but not reported outside of the AF until the dispute is resolved.

3.6.1.4. Rescinded EA. Formal written correspondence from a regulating agency classified as an EA that, for any reason, is revoked by the issuing agency.

3.6.2. Updates to the EASI database. Installations shall provide real time updates to EA entries in the EASI database. In the event that no changes have occurred, this shall be annotated at least monthly. IEF shall validate data in the EASI database by the fifth business day of each month. All offices shall meet the suspense date to their HHQ so that AF/A4CF can review and forward monthly data to SAF/IEE. A root cause code and corrective action details resulting from the root cause analysis for the EA/HNEA shall be entered in the EASI database. The purpose of the codes is to identify the underlying cause for violations or incidents and to aid in trend analysis and creating solutions to prevent recurrence. (T-1).

3.7. Compliance Agreements (CAs). A CA is a multi-party agreement, consent order, interagency agreement, or other compliance document negotiated between a regulatory agency located in the US or a US territory and the installation. Upon receipt of a proposed CA, installation personnel shall notify the installation SJA and CEI immediately. Within one business day, the installation shall report receipt of the proposed CA to the appropriate IEF and

the appropriate SAF/IEE REO. The Installation or IEF shall initiate a CA entry in the EASI database. A signed CA in no way negates the need to close EAs, in accordance with Chapter 4 of this Instruction, and complete corrective actions associated with those EAs. The CA cannot be closed until the corrective actions are complete. Installations track CA updates using the EASI database until all findings from the associated EA(s) are closed. Chapter 4 of this Instruction specifies closure requirements for CAs. **(T-1)**.

3.7.1. RCOs, in coordination with installation SJA, appropriate CEI personnel, IEF, and/or others (e.g., REO, AFCEC/CZT, AF/A4CF, ELFSC, and MAJCOM ELO), negotiate CAs or orders, or their equivalent, with local, state, or federal regulators. **(T-1)**.

3.7.2. To facilitate closing EAs, CAs or orders need to establish mutually agreeable milestones for resolving issues of non-compliance and clearly state criteria for closure of the EA.

3.7.3. Proposed mutual CAs or orders, or their equivalent, shall be consistent with agreements or orders signed by other AF installations and must not establish an unfavorable precedent. Only Installation Commanders may sign CAs or orders, or their equivalent, on behalf of AF. This authority may not be delegated. Installation Commanders shall not sign agreements until coordination with appropriate AF agencies has been completed. Before making any recommendation to an Installation Commander to sign, RCOs shall submit all proposed mutual CAs or orders, or their equivalent, to AFLOA/JACE Division Chief for review and approval. AFLOA/JACE shall coordinate the review of any precedent setting or contentious CAs or orders, or their equivalent, with SAF/GCN to ensure appropriate visibility. **(T-1)**.

3.7.4. Installations provide real time updates to the EASI database. IEF shall provide additional information, if needed, and validate data in the EASI database by the fifth business day of the month. All offices shall meet the suspense date to their HHQ so AF/A4CF can review and forward monthly data by mid-month to SAF/IEE. **(T-1)**.

3.8. Fines and Penalties. Civil fines or penalties levied against AF installations as the result of environmental EAs normally are the funding responsibility of that installation. Commanders shall determine the specific internal funding realignment necessary to fund these costs. **(T-1)**. Commanders shall ensure that the correct appropriation is used to fund these costs. **(T-0)**. Although Operations and Maintenance (O&M) funds may be used, environmental quality (EQ) funds shall not be used to pay fines, penalties, or SEPs. **(T-1)**. SEPs are projects performed in lieu of fines and penalties levied by the EPA or other regulatory agency. The Air Force views SEPs as equivalent to paying a fine, therefore, the funding guidance for fines and penalties also applies to SEPs. Installations shall seek, through their assigned IEF and RCO, AFLOA/JACE Division Chief approval a minimum of ten (10) business days prior to paying a fine or penalty (including a SEP) to a regulatory agency as part of a mutual or unilateral compliance order or settlement. **(T-1)**. Under no circumstance shall a fine or penalty (including a SEP) be paid until coordination with the appropriate IEF and RCO, and AFLOA/JACE Division Chief gives approval. **(T-1)**. When significant legal issues are involved, the AFLOA/JACE Division Chief will consult with SAF/GCN and SAF/IEE before approving payments of fines, penalties, and SEPs.

Chapter 4

ENFORCEMENT ACTION (EA), HOST NATION ENFORCEMENT ACTION (HNEA), AND COMPLIANCE AGREEMENT (CA) RESOLUTION AND CLOSURE

4.1. Closing EAs. An EA may be closed or, if applicable, rescinded if any of these conditions exist:

- 4.1.1. Regulator revokes or rescinds the action in writing.
- 4.1.2. Regulator issues written notice (to include email notification) that the action is closed.
- 4.1.3. Regulatory agency which issued the EA does not respond within sixty (60) days following written notice (sent via email with receipt response, certified mail or other delivery confirmation receipt method) informing the regulator that the installation is in full compliance concerning the matters cited in the EA. (See Attachment 2 for sample 60-day close out correspondence)
 - 4.1.3.1. Sixty (60) day closeout correspondence may be sent after it is determined by the installation and appropriate IEF that all actions necessary to close the EA have been taken but a formal response by the regulator has not been received.
 - 4.1.3.2. If the regulator responds within the sixty (60) day window with additional requirements, the EA may need to stay open. If the regulator responds after sixty (60) days with additional requirements to close the EA, the original EA is reopened.
- 4.1.4. Satisfaction of the terms of closure specified in a signed CA or order.
- 4.1.5. Discovery and verification by AFCEC/CZT or REO that the EA is not open on regulatory agency records, no further action is required and AFCEC/CZT closes the EQ in EASI.

4.2. Closing HNEAs. An HNEA may be closed or, if applicable, rescinded if any of these conditions exist:

- 4.2.1. HNGA issues written notification stating that it is satisfied with the actions taken to resolve the cited violation(s).
- 4.2.2. The HNGA revokes or rescinds the action in writing.
- 4.2.3. The HNGA does not respond within sixty (60) days following written notice (sent via certified mail or other delivery confirmation receipt method) informing the HNGA that the installation is in full compliance concerning the matter cited in the HNEA, requesting written confirmation from the HNGA that the HNEA is closed, and notifying the HNEA that, in absence of confirmation, the installation shall deem the HNEA closed within sixty (60) days of the HNGA receipt of the letter. (See Attachment 3 for sample 60-day close out correspondence)
 - 4.2.3.1. Installations shall consult with the appropriate IEF and the appropriate DoD Lead Environmental Component on the proper method to notify HNGA prior to sending a 60-day closeout letter to the HNGA. In many cases, this communication must be routed through a host nation military agency rather than being directly addressed to the HNGA. Written notice (60-day closeout letter) is only sent after it is determined by the

installation and the appropriate IEF that any necessary project has been fully developed to correct all violations associated with an HNEA, and funding for the project(s) has been allocated in full. The IEF should coordinate its position on sending out closeout letters with MAJCOM/JA. **(T-1)**.

4.2.3.2. If the HNGA responds to a 60-day closeout letter with additional requirements to close the HNEA, the original HNEA remains open.

4.2.3.3. If the HNGA responds to a 60-day closeout letter after more than 60 days and requires additional action to close the HNEA, the original HNEA is reopened.

4.2.4. Discovery and verification by the IEF that the HNEA is not open on HNGA records, no further action is required and AFCEC/CZT closes the HNEA in EASI.

4.3. Closing CAs. AFCEC/CZT shall close a CA after consultation with the appropriate RCO or, if applicable, rescind all CA entries in the EASI database in accordance with this paragraph. **(T-1)**. A CA may not be closed until all corrective actions associated with EAs covered by the CA are complete, all milestones under the CA have been met, and at least one of the following occurs:

4.3.1. Regulator issues written closure notice (to include e-mail notification).

4.3.2. Discovery and verification by AFCEC/CZT that the CA is not open on regulatory agency records. **(T-1)**.

4.3.3. If the regulator does not respond within (60) days to the written notice that the installation is in full compliance regarding the matter cited in the CA, the AFCEC/CZT in consultation with the RCO will close the CA for internal AF reporting purposes **(T-1)**.

JUDITH A.FEDDER, Lt Gen, USAF
DCS/Logistics, Installations & Mission Support

Attachment 1**GLOSSARY OF REFERENCES TERMS AND SUPPORTING INFORMATION*****References***

Title 10 U.S.C. § 2706: US Code - Section 2706: *Annual Reports to Congress*

E.O. 13423, *Strengthening Federal Environmental, Energy, and Transportation Management*, 24 Jan 07

E.O. 13514, *Federal Leadership in Environmental, Energy, and Economic Performance*, 8 Oct 09

DoDD 3000.10, *Contingency Basing Outside the United States*, 10 Jan 13

DoDD 4715.1E, *Environment, Safety, and Occupational Health (ESOH)*, 19 Mar 05

DoDI 4715.05, *Environmental Compliance at Installations Outside the United States*, 1 Nov 13

DoDI 4715.6, *Environmental Compliance*, 24 Apr 96

DoDI 4715.05, *Environmental Compliance at Installations Outside the United States*, 1 Nov 13

DoDI 4715.05-G, *Overseas Environmental Baseline Guidance Document*, 1 May 07

DoDI 4715.17, *Environmental Management Systems*, 15 Apr 09

AFPD 32-70, *Environmental Quality*, 20 Jul 94

AFI 10-206, *Operational Reporting*, 6 Sep 11

AFI 10-2501, *Air Force Emergency Management (EM) Program Planning and Operations*, 24 Jan 07

AFI 32-7001, *Environmental Management*, 4 Nov 11

AFI 33-360, *Publications and Forms Management*, 7 Feb 13

AFI 48-144, *Drinking Water Surveillance Program*, 28 Sep 10

AFI 51-301, *Civil Litigation*, 01 Jul 02

AFI 90-803, *Environmental, Safety and Occupational Health Compliance Assessment and Management Program*, 24 Mar 10

AFMAN 33-363, *Management of Records*, 01 Mar 08

AF Civil Engineering Portal—<https://cs.eis.af.mil/a7cportal/Pages/default.aspx>

EPA Enforcement and Compliance History Online (ECHO) —<http://www.epa-echo.gov/echo/>

Prescribed Forms

None

Adopted Forms

AF Form 847, *Recommendation for Change of Publication*

Abbreviations and Acronyms

A4C—Air Force Director of Civil Engineers

A4CF—Office of the Director of Civil Engineers; Environmental Function

ADUSD (I&E)—Assistant Deputy Under Secretary of Defense (Installations and Environment)

AF—Air Force

AFCEC—Air Force Civil Engineer Center

AFI—Air Force Instruction

AFLOA—Air Force Legal Operations Agency

AFMAN—Air Force Manual

AFMSA—Air Force Medical Support Agency

AFPD—Air Force Policy Directive

ANG—Air National Guard

BE—Bioenvironmental Engineering

BEE—Bioenvironmental Engineer

BRAC—Base Realignment and Closure

CA—Compliance Agreement

CE—Civil Engineer

CEI—Civil Engineer, Installation Management Flight, Environmental Element

CERCLA—Comprehensive Environmental Response, Compensation, and Liability Act

C.F.R.—Code of Federal Regulation

DoD—Department of Defense

DoDD—Department of Defense Directive

DoDI—Department of Defense Instruction

DRU—Direct Reporting Unit

EA—Enforcement Action

EASI—Enforcement Actions, Spills, and Inspections

ECHO—Enforcement & Compliance History Online

ELFSC—Environmental Law Field Support Center

ELO—Environmental Liaison Officer

EMS—Environmental Management System

E.O.—Executive Order

EPA—Environmental Protection Agency

EQ—Environmental Quality

ERA—Environmental Restoration Account

ESOH—Environmental, Safety, and Occupational Health

ESOHC—Environment, Safety, and Occupational Health Council

EVA—Enforcement Vulnerability Assessment

FENCE—Facilities Engineering Center of Excellence

FGS—Final Governing Standards

FOA—Field Operating Agency

FSC—Field Support Center

HHQ—Higher Headquarters

HN—Host Nation

HNEA—Host Nation Enforcement Action

HNGA—Host Nation Governmental Authority

HPV—High Priority Violator

IST—Installation Support Team (AFCEC/CZ) forward operating location

JA—Judge Advocate

JACE—Environmental Law and Litigation Division

MAJCOM—Major Command

NAF—Numbered Air Force

O&M—Operations and Maintenance

OEBGD—Overseas Environmental Baseline Guidance Document

OPREP-3—Operations Event/Incident Report

OSD—Office of the Secretary of Defense

POL—Petroleum, Oils, or Lubricants

PPBE—Planning, Programming, Budgeting and Execution

RCO—Regional Counsel Office

RCRA—Resource Conservation and Recovery Act

RDS—Records Disposition Schedule

RQ—Reportable Quantity

SAF/GC—General Counsel of the Air Force

SAF/GCN—Deputy General Counsel (Environment & Installations)

SAF/IE—Assistant Secretary of the Air Force (Installations, Environment & Energy)

SAF/IEE—Deputy Assistant Secretary of the Air Force (Environment, Safety & Infrastructure)

SAF/IEE REO—Deputy Assistant Secretary of the Air Force for Environment, Safety & Infrastructure, Regional Environmental Office

SDWA—Safe Drinking Water Act

SEP—Supplemental Environmental Project

SG—Surgeon General

SG3PB—AFMSA Bioenvironmental Engineering Division

SIRIS—Spill Incident Release Internet System

SJA—Staff Judge Advocate

SME—Subject Matter Expert

SNC—Significant Non-Compliance

UFC—Unified Facility Criteria

US—United States

U.S.C.—United States Code

USAF—United States Air Force

USD (AT&L)—Under Secretary of Defense for Acquisition, Technology and Logistics

Terms

Compliance Agreement (CA)—A multi-party agreement, consent order, interagency agreement, or other compliance document negotiated between a regulatory agency located in the US or a US territory and the installation.

Crossfeeds—AFCEC prepared and provided monthly summary analysis of EAs and the laws violated. This document is intended to be shared and disseminated AF-wide. Crossfeeds provide lessons learned and attempt to help installations prevent and avoid EAs in specific environmental media areas.

Enduring Locations—A location is enduring when DoD intends to maintain access and use of that location for the foreseeable future. The following types of sites are considered enduring for U.S. Government purposes: main operating base, forward operating site, and cooperative security location. All three types of locations may be composed of more than one distinct site. Enduring locations are published in the classified OSD-approved Enduring Location Master List.

Enforcement Action (EA)—A formal, written notification by the Environmental Protection Agency (EPA) or other authorized federal, state, inter-state, regional or local environmental regulatory agency of violation of any applicable statutory or regulatory requirement.

Enforcement Actions, Spills [SIRIS (Spill Incident Release Internet System)], and Inspections (EASI) database—An Air Force-wide data collection and reporting system that houses three separate reporting modules: Enforcement Actions, Spills (SIRIS), and Inspections.

Enforcement & Compliance History Online (ECHO)—A publicly accessible web application maintained by the EPA that enables government agencies to access a wide range of data relating

to compliance and enforcement. EPA updates this database monthly (typically by the 21st of each month) with inputs from within the applicable EPA Regional offices in consultation with the official State environmental compliance agencies. ECHO can be used for many functions, including planning, targeting, analysis, data quality review, and pre-inspection review. Benefits include helping the regions and states to identify and clean up data errors; providing report information on a cross media basis, leading to improved integration and targeting; and enabling other government agencies to more efficiently monitor their facilities' compliance records.

Environmental Compliance—Conformity with current federal, state, and local environmental laws and regulations. At enduring locations overseas, maintain conformity with applicable Final Governing Standards (FGS), or if no FGS exists, the Overseas Environmental Baseline Guidance Document (OEBGD).

Environmental Law Field Support Center (ELFSC)—A part of the Air Force Legal Operation Agency's Environmental Law and Litigation Division (AFLOA/JACE), the ELFSC serves as reach-back support in the form of environmental expertise for base, MAJCOM, and A4C clients.

Environmental Liaison Officer (ELO)—The ELO is part of the Environmental Law Field Support Center and serves as the primary interface between the wing legal offices, the MAJCOM SJA, other MAJCOM clients, AFCEC/CZ Installation Support Teams, and the ELFSC. The ELO provides advice directly, coordinates reach-back to the appropriate experts at the Environmental Law Field Support Center, and helps the MAJCOM SJA prioritize issues that are forwarded to ELFSC and the Regional Counsel Offices (RCOs) for action.

Environmental Protection Agency (EPA)—An agency of the federal government of the United States charged with protecting human health and the environment, by writing and enforcing regulations based on laws passed by Congress. The EPA was created by Executive Order issued by President Nixon (Reorganization Plan No. 3, 35 Federal Register 15623, July 9, 1970) and began operation on December 2, 1970. The agency is led by its Administrator, who is appointed by the President and approved by Congress.

Environmental Reporting (ER) Playbook—Guidance developed to assist in the execution of this AFI. The ER Playbook is available through the AF Civil Engineering Portal. <https://app.eis.af.mil/a7cportal/CEPlaybooks/IM/ENV/EnvironmentalReporting/default.aspx>

Enforcement Vulnerability Assessment (EVA)—An assessment of regulatory risk for Air Force installations conducted by AFCEC/CZ providing a risk-based approach to appropriately focus external assessment efforts. This information also helps installations target limited resources to address those environmental liabilities as greatest risk of enforcement action.

Final Governing Standards (FGS)—The primary definitive set of environmental criteria and standards applicable to DoD Components located overseas at enduring locations and facilities. The FGS are developed by the Lead Environmental Component (formerly DoD Environmental Executive Agent) for a specific country, and incorporate provisions of minimum standards established by the DoD in the OEBGD, applicable international agreements, and standards of the Host Nation where the US installation or facility is located.

High Priority Violator (HPV) List—A list generated by the EPA that is used to describe a facility's status in regard to Clean Air Act program compliance. HPV designation indicates

whether violations or non-compliance at a given facility pose a severe level of concern for the environment or program integrity.

High Visibility—An EA that meets the criteria for High Visibility EAs as defined in the Environmental Reporting Playbook.

Host Nation—A nation which permits, either by written agreement or official invitation, government representatives and/or agencies of another nation to operate, under specified conditions, within its borders. For purposes of this Instruction, a Host Nation is a country other than the US in which DoD Components are stationed.

Host Nation Enforcement Action (HNEA)—A formal, written notification by the appropriate HNGA that an installation located outside the US and its territories violated an environmental standard contained in the applicable country-specific Final Governing Standards or DoD 4715.05-G, Overseas Environmental Baseline Guidance Document, whichever applies.

Inspection—An examination or survey of a facility or part of a facility to ensure compliance with federal, state, local, FGS, OEBGD, or other applicable environmental rules and regulations.

Intermediate Environmental Function—The environmental function at the intermediate level between the installation CEI and HQ AF/A4CF. For active-duty and reserve Air Force installations located in the US and US territories, this is the AFCEC/CZ Installation Support Team. For installations located overseas, it is the AFCEC/CF Europe and Pacific Divisions (Environmental Branches). For Air National Guard installations, it is the NGB/A7AN, Environmental Compliance Branch.

Lead Environmental Component—The Secretary of a Military Department, Combatant Commander, or Subunified Commander specifically designated by the Under Secretary of Defense for Acquisition, Technology and Logistics (USD(AT&L)) to perform specific duties regarding environmental matters in specific foreign countries as prescribed by DoDI 4715.05 or its successor. Formerly known as DoD Environmental Executive Agent.

One Business Day—The 24 business hours following notification (e.g., notification 3:00 pm Friday one business day would be 3:00 pm Monday or Tuesday if Monday were a holiday).

Overseas—A nation, territory, or geographic area that is located outside the jurisdictions of the US and any territory, possession, or commonwealth of the US; a foreign country or its territory or possession.

Overseas Environmental Baseline Guidance Document (OEBGD)—The OEBGD is a set of objective criteria and management practices developed by the DoD pursuant to DoDI 4715.05 or its predecessor. It specifies the minimum criteria for environmental compliance at DoD enduring locations overseas where no FGS have been established. It is designed to protect human health and the environment and reflects generally accepted environmental standards applicable to DoD installations and activities in the US. The OEBGD is used to develop and update country-specific FGS for all DoD components located in that Host Nation.

Permit—A written authorization, license, or equivalent control document issued by a regulator allowing the holder authority to perform certain tasks or operate certain facilities or activities prohibited without the authority of such document.

Real Time—Response to events as they occur.

Regional Counsel Office (RCO)—A part of Air Force Legal Operations Agency's Environmental Law and Litigation Division (AFLOA/JACE). The RCOs track environmental issues at a regional level, to include state legislative and regulatory activity. The RCOs advise AFCEC/CZ Installation Support Teams, SAF/IEE REOs, and installation legal offices on environmental compliance and enforcement matters.

Release—Any accidental or uncontrolled spilling, leaking, emitting, discharging, escaping, or leaching to soil, air, or water of a potentially hazardous substance.

Reportable Quantity (RQ)—The specific quantity or amount of a substance that, when present in or released to the environment, triggers a reporting requirement under an environmental law, regulation, or permit. See media specific definitions in associated laws and regulations.

Significant Non—Compliance List (SNC)—A list generated by the EPA used to describe the facility status in regard to compliance with the Clean Water Act and Resource Conservation and Recovery Act programs. It is the most serious level of violation noted in EPA databases. This designation indicates whether violations or non-compliance events at a given facility pose a more severe level of concern for the environment or program integrity.

Supplemental Environmental Projects (SEP)—Environmentally beneficial projects which an installation agrees to undertake as part of the settlement of an enforcement action, but which the installation is not otherwise legally required to perform. Like fines and penalties, SEPs normally must be funded through the installations O&M budget.

Written Notice Of Non—Compliance—All written notices, e-mail messages, field citations, and other correspondence from regulatory agencies and HNGAs pertaining to environmental non-compliance (i.e., actual, potential or alleged, etc.).

Attachment 2**SAMPLE 60-DAY EA CLOSEOUT LETTER**

(MUST BE SENT VIA CERTIFIED MAIL OR OTHER DELIVERY CONFIRMATION RECEIPT METHOD)

Date

Name of installation POC Title

Name of Installation

Address

Name of Regulator

Title

Address

SUBJECT: Request for Written Confirmation of Closed Enforcement Action: [Reference the name of the issued document, Date, Permit Number, etc.]

The purpose of this letter is to request your written confirmation that the Enforcement Action (EA) [or other name of the issued document] [insert identifying number] issued on [insert date] is closed. The EA [or other name of the issued document] listed the following violations: [List the alleged non-compliance]

On [insert date], we took the following corrective actions: [Describe corrective actions taken].

We believe our actions have satisfactorily addressed your EA [or other name of the issued document] and we are back in full compliance with respect to the applicable regulation[s].

Please send a written confirmation within 60 days of receiving this letter. If we do not hear from you within 60 days of receipt of this letter, we shall consider the matter satisfactorily resolved.

We take our environmental stewardship seriously and look forward to continuing our cooperative working relationship with you. Please call [insert POC, phone number, and e-mail address] for any questions regarding this matter.

TOM JONES

Title

Attachment 3

SAMPLE 60-DAY HNEA CLOSEOUT LETTER

(MUST BE SENT USING A DELIVERY CONFIRMATION RECEIPT METHOD)

Date
Name of Installation POC
Title

Name of Installation
Address

Name of HNGA
Title
Address

SUBJECT: Request for Confirmation of Environmental Issue Resolution [reference the name of the issued document, date, and person who signed the document]

The purpose of this letter is to request your written confirmation that the issues described in [identify the issued document] signed on [insert date] are resolved. The [describe issued document] identified the following issues related to [name of installation]'s compliance with environmental requirements: [List the alleged non-compliance]

We addressed the identified issues as follows: [Describe corrective actions taken to address each issue. Provide dates actions were taken or will be taken]

As assurance that we took the described actions, we offer the following: [Describe proof the corrective actions were taken as described. For example, proof may be an independent inspection record, documentation that properly trained personnel completed the corrective actions, or documentation from a HNGA who visited the installation or otherwise knows how the installation responded. Include proof as attachments to this letter]

Please send a written confirmation within 60 days of receiving this letter. If we do not hear from you within 60 days, we will consider the matter satisfactorily resolved.

We trust our actions in response to the [describe issued document] renew your confidence that we take our environmental stewardship seriously. If you have any questions about our actions, please contact [insert POC name, office, and phone number].

HOLLY HENRY
Title