

§ 650.2 Applicability.

This regulation applies to: (a) All active, semiactive, and Army Reserve installations and activities located in the United States.

(b) National Guard installations and sites supported with Federally appropriated funds.

(c) Army installations and activities overseas in accordance with the general provisions set forth in § 650.5(c).

(d) Contractor activities and lessees located on real property in the United States under the jurisdiction of the Department of the Army.

(e) The Civil Works activities under the jurisdiction of the Secretary of the Army and implemented by the Chief of Engineers are excluded from the provisions of this regulation. Separate environmental regulations promulgated for Civil Works activities by the Chief of Engineers (COE) are found generally in 33 CFR chapter II and Engineering Regulations.

§ 650.3 Explanation of terms.

For the purpose of this regulation, the following apply:

(a) *Facility*. (AR 310-25.) Facilities include buildings, installations, structures, public works, equipment, aircraft, vessels, and other vehicles and property under the control of or constructed or manufactured for leasing to the Army.

(b) *Environmental quality standard*. The Federal, State and regional quality standards adopted pursuant to the Clean Air Act; Water Pollution Control Act, Noise Control Act and other Federal statutes established for the protection and enhancement of environmental quality.

(c) *Environmental performance specifications*. Permissible limits of emissions, discharges, or other values applicable to activities which would provide for conformance to environmental quality standards to protect health and welfare.

(d) *Environmental pollution*. The condition resulting from the presence of chemical, physical, radiological, or biological forces which alter the natural environment and thus adversely affect human health or the quality of life, biosystems, structures and equipment,

recreational opportunity, aesthetics, and natural beauty.

(e) *Environmental enhancement*. All actions taken to improve the environment, including but not limited to, those to abate environmental pollution and meet environmental quality standards and performance specifications.

(f) *Substantive standards and limitations*. The qualitative and quantitative pollution control provisions contained in approved State implementation plans promulgated under Federal environmental protection statutes.

(g) *United States*. The 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands.

(h) *Installation*. A grouping of facilities, located in the same vicinity, which support particular functions.

(i) *Activity*. A unit, organization or installation performing a function or mission.

§ 650.4 Goal.

It is the Department of the Army's goal to plan, initiate, and carry out all actions and programs to minimize the adverse effects on the quality of the human environment without impairment to the Army's mission. Inherent in this goal is the requirement to achieve the following objectives:

(a) Eliminate the discharge of potentially harmful pollutants produced by Army activities.

(b) Conserve and wisely use natural and material resources provided for use throughout the Army.

(c) Maintain, restore, and enhance the natural and manmade environment in terms of its visual attractiveness and productivity.

(d) Demonstrate initiative and leadership in the formulation and execution of a program that contributes to the national goal of preserving and enhancing the environment.

§ 650.5 Policy.

(a) All Department of Defense agencies are required to—

(1) Comply with the provisions of the National Environmental Policy Act and all other Federal environmental laws, executive orders, and regulations.

(2) Demonstrate leadership in environmental pollution abatement and enhancement of the environment consistent with the security interests of the Nation.

(b) The Department of the Army policy is that—(1) The achievement of environmental objectives is an integral part of the Army mission.

(2) The environmental consequences of any proposed action will be considered during the planning process and will be evaluated along with the technical and economic factors in the decisionmaking process.

(3) A detailed environmental impact statement will be prepared and processed in accordance with the National Environmental Policy Act when an environmental assessment reveals that the proposed action may significantly affect the quality of the human environment, is highly environmentally controversial, or is anticipated to evoke litigation based upon environmental issues. “Environmentally controversial” relates to cases in which substantive disagreement, real or purported, exists as to the extent, nature, or effect of the action on the environment.

(4) Insofar as essential mission constraints permit, all programs and actions will be planned, initiated, or carried out in a manner to minimize polluting or degrading the environment.

(5) All activities subject to Federal, State, or local regulation will be conducted in accordance with applicable standards and monitored to insure compliance with such standards.

(6) All material and energy resources will be procured and used in a manner that will minimize the emission of pollutants and the production of wastes in keeping with the national policies for energy conservation. Wastes generated will be reprocessed or reclaimed for other productive uses to the maximum extent practicable.

(7) An understanding of the urgent need to preserve and restore the natural environment and to conserve material resources and an appreciation of the Army’s support of the environmental protection effort will be fostered throughout the Army. Initiative, leadership, and cooperation in achiev-

ing these environmental objectives are encouraged of all personnel.

(8) Commanders will cooperate, to the extent practicable, in beneficial community environmental action programs.

(9) Historic and cultural sites, structures, and objects under Army jurisdiction will be preserved, restored, and maintained for the benefit and enjoyment of future generations.

(10) An integrated, multiuse, natural resources, land management program will be conducted for forests and woodlands, fish and wildlife, open space, soil, water, vegetation, outdoor recreation, natural beauty, and increased public access and nonconsumptive utilization on lands under Army jurisdiction within the provisions of AR 405-80 and AR 420-74.

(c) At locations outside the United States, Department of the Army activities will comply with the requirements of the National Environmental Policy Act as set forth in subpart B of this part and conform at all times to the environmental quality standards of the host country, international agreements, and Status of Forces Agreements. The provisions of this regulation will be used, to the extent applicable, in fulfilling environmental protection requirements in overseas locations.

(d) When, in the interest of national defense, it is not considered practicable to comply with the foregoing policies, the matter will be referred with full particulars to HQDA (DAEN-ZCE), WASH DC 20310.

§650.6 Implementing guidance.

Guidance for implementing DA environmental policies are—(a) The environment must be considered as a single, integrated system characterized by the continuous interaction of air, land, and water.

(b) For planning purposes, the environmental system will be regarded as closed; nothing can be thrown away. Wastes must be either recycled and reclaimed or confined and contained so they will not migrate to re-emerge in pollutant form.

(c) Pollutants are potential resources which are out of place.

§ 650.7 Responsibilities.

(a) Army Environmental Council will—

(1) Review and redirect, as necessary, Army environmental policy and programs to insure the Army fulfills its responsibility under the National Environmental Policy Act and other Federal laws and regulations pertaining to pollution control and environmental protection.

(2) Provide policy guidance on those matters which fall within the cognizance of the Council and on such matters as referred for consideration by the Secretariat or the Army Staff.

(b) Army Environmental Committee will assist the Army Environmental Council by—

(1) Proposing new environmental policies and programs as directed by the Council.

(2) Serving as a forum for the exchange of information and ideas related to the formulation of the Army Environmental Program.

(3) Assisting in the resolution of interagency problems on environmental matters.

(4) Assisting in the formulation of Army-wide implementing instructions for the Army Environmental Program.

(5) Maintaining surveillance over the ongoing Army Environmental Program and activities.

(6) Reviewing Army Environmental Impact Statements and requests for exemption from Federal and State pollution control standards prior to formal approval by the Assistant Secretary of the Army (Civil Works).

(7) Providing reports and information as directed by the Army Environmental Council.

(c) Chief of Engineers will—

(1) Exercise primary Army Staff responsibility for directing and coordinating environmental activities within the Army.

(2) Recommend such actions as will enable DA to comply with the intent, purposes, and procedures of the National Environmental Policy Act and other Federal legislation relative to environmental quality.

(3) Apply Army environmental policy and direct programs so that applicable environmental and pollution control laws and regulations are observed in

the acquisition, construction, operations, and disposal of real property.

(4) Maintain positive surveillance over and report progress of the design and construction of pollution control facilities for Army installations.

(5) Insure that environmental research and development (R&D) projects fully support the environmental program goals.

(6) Promote participation by engineer troop units in the Army's environmental program.

(7) Provide technical and engineering assistance on the pollution control aspects of construction and the Real Property Maintenance Activities.

(8) Prepare an annual Department of the Army Environmental Quality Status Report (§§ 650.9 and 650.11).

(9) Conduct, with the assistance of the Army Staff agencies concerned, a continuing review of DA statutory authority, administrative regulations, policies, procedures, and programs (including those relating to loans, grants, contracts, leases, licenses, or permits) to eliminate deficiencies or inconsistencies which might prohibit or limit full compliance with the National Environmental Policy Act of 1969, Executive Orders 11514 and 11752, DoD Instruction 4120.14 and DoD Directives 4150.7, 5030.41, 5100.50, 6050.1 and 6050.2.

(d) The Surgeon General will—

(1) Monitor, evaluate, and disseminate data on health and welfare aspects of environmental pollution within the Department of the Army to ensure that the required degree of environmental enhancement is maintained.

(2) Provide health and medical policy guidance in respect to instructions and recommendations received from other Federal agencies assigned responsibility for environmental enhancement at Federal installations.

(3) Provide personnel for conducting field investigations and special studies concerning environmental pollution and recommend enhancement measures required for protection of health.

(4) Provide technical assistance and guidance on the health and environmental aspects of management and disposal of hazardous and toxic materials.

(5) Provide technical consultation to the Office, Chief of Engineers (OCE) and appropriate commanders on health

aspects in the development of environmental enhancement policy and programs.

(e) The Chief of Information will—

(1) Ensure that the public is informed of the Army's accomplishments in environmental protection and enhancement.

(2) Develop and execute a command information program designed to stimulate understanding and participation by all Army personnel.

(f) Heads of Army Staff agencies will—

(1) Integrate environmental considerations into regularly assigned staff management functions and activities to insure compliance with applicable pollution control and environmental protection laws and to demonstrate the Army's leadership in the national effort to preserve the environment.

(2) Ensure that the environmental consequences of each proposed project, program regulation, or action for which they are the Army Staff proponent are assessed at an early stage of planning and are made an integral part of the decisionmaking process. Further, ensure that environmental damage is mitigated to the maximum extent feasible.

(g) Major Army commanders will—

(1) Establish an organizational structure to plan, execute, and monitor environmental programs.

(2) Formulate and execute an environmental program which fully supports the achievement of the Army's environmental goals and objectives.

(3) Monitor and control the environmental projects and activities of the subordinate commands and the installations and activities under their jurisdiction.

(4) Review, consolidate, and forward to higher authority, reports from subordinate installations and activities concerning their environmental projects and activities.

(h) Army installation and activity commanders will—

(1) Establish an organizational structure to plan, execute, and monitor environmental programs.

(2) Formulate and execute an environmental program based on the policies set forth in §650.5 to achieve the

Army's environmental goals and objectives.

(3) Cooperate with State and local authorities in formulation and execution of projects and activities required to bring an installation into compliance with applicable Federal, State, and regional pollution control standards.

(4) Integrate environmental protection and preservation activities, to the fullest extent feasible, into the planning and execution of the command's basic mission.

(5) Report, as required, to major commanders on the progress and effectiveness of environmental projects and activities to detect, quantify, and correct pollution sources in accordance with published laws, standards, and guidelines.

§650.8 Installation, State and Environmental Protection Agency (EPA) relationships.

(a) Federal installations are not required to comply with State or local administrative procedures with respect to pollution abatement and control. However, the majority of Federal environmental protection statutes contain provisions that require compliance with Federal, State, interstate and local substantive standards and limitations.

(b) Permits required by Federal statute, notably the National Pollutant Discharge Elimination System (NPDES) permits, will be obtained from the Environmental Protection Agency in accordance with regulations promulgated pursuant to the Federal Water Pollution Control Act and the guidance contained in this regulation.

(c) Compliance schedules required by State Implementation plan for air pollution control, reflecting the major increments of progress for projects designed to meet specified standards, will be negotiated with State regulatory authorities and coordinated with the Regional Office of EPA. When established, such compliance schedules are enforceable and may only be changed by renegotiation.

(d) Performance reports as specified in this regulation on the operation of wastewater treatment facilities, sources of air pollutant emissions, oil

spills and such other reports as may be directed by DAEN-ZCE will be submitted to EPA regional authorities, as appropriate, who in turn will transmit appropriate information to State authorities. Requests for substantive reports not provided for by this regulation will be promptly referred to HQDA (DAEN-ZCE) Washington, DC 20310 for guidance.

(e) Military authorities are to cooperate fully with EPA, State, regional and local authorities requesting access to Army installations for the purpose of inspecting pollution control facilities and activities.

§650.9 Annual Status Report on Environmental Programs and Activities (RCS DD-I&L (A) 1269).

HQDA (DAEN-ZCE) will prepare the DA Annual Status Report on Environmental Programs and Activities (RCS DD-I&L (A) 1269). The DA report will include information on the programs and activities of the major Army commands, the Army Reserve, and the Army National Guard.

(a) Major Army commanders will submit an annual report to DAEN-ZCE not later than February 15, covering actions and activities of the preceding calendar year. The command report should be based on feeder reports from active and semi-active installations. Command and installation reports will include the information outlined in §650.11 to the extent that it is applicable. Further, the installation report will contain information identified in §650.11 (c), (d), (e), (f), (g), (h) and (i) for tenant activities and satellited Army Reserve facilities.

(b) The State adjutants will submit an annual report to the Chief, National Guard Bureau not later than February 1. Negative reports are required. The Chief, National Guard Bureau will consolidate and forward reports containing facilities/sites that are not in compliance with Federal/State standards to HQDA (DAEN-ZCE) WASH DC 20310 not later than February 15. The report will contain the following information:

(1) Status of compliance with Federal/State pollution control standards for those facilities/sites which receive support from federally appropriated funds. Those not in compliance will be

listed separately with the reasons for noncompliance.

(2) Status of programs and actions by facility/site currently ongoing that will bring the facility/site into compliance with Federal/State pollution control requirements.

(3) Those requirements along with estimated cost needed to bring facilities/sites not addressed in paragraph (b)(2) of this section into compliance with Federal/State pollution control standards.

(4) Significant accomplishments by ARNG units to protect and enhance the environment.

(c) Commander in Chief USAREUR; Commanders, Eighth US Army, and US Army, Japan will submit an annual report covering only those elements of §650.11 which may be applicable. This should include an analysis of the scope of host nation environmental quality laws and regulations, their impact on US Army installations and activities, status of compliance with specific host nation requirements, and a summary of plans to correct any deficiencies.

§650.10 Environmental Quality Award.

(a) *Secretary of Defense award.* The Secretary of Defense presents an annual award to the Department of Defense installation which conducted the best environmental quality program during the preceding calendar year and give recognition to other installations having particularly noteworthy programs. Department of the Army nominees will be selected by the Army Environmental Council from the list of Active Army installations nominated to receive the Secretary of the Army Award.

(b) *Secretary of the Army Award.* The Secretary of the Army will present an Environmental Quality Award to the Army installation that evidences the most noteworthy contribution to protecting and preserving the quality of the environment. The basis of selection will be the annual Status Report on Environmental Programs and Activities prepared by an installation and used as a feeder report by the major command to its overall report (RCS DD-I&L (A) 1269, §650.9).

(c) *Nominating instructions.* (1) Army commanders may nominate active or

semiactive installations or separate and distinct geographically identifiable activities (e.g., USA Material Development and Readiness Command (DARCOM) depot activity and sub-installations) as candidate for the Environmental Quality Award, not to exceed the number listed below:

	No. of nominees
Command:	
US Army Training and Doctrine Command	3
US Army Forces Command	3
US Army Materiel Development and Readiness Command	3
US Army Health Services Command	1
US Army Military District of Washington	1
US Army Intelligence and Security Command	1
US Army Communications Command	1
US armies overseas	1

(2) The list of nominations will be accompanied by six copies of each installation annual report and submitted to HQDA (DAEN-ZCE) WASH DC 20310 by March 31. Reports will be typewritten or printed, fastened or bound in folders approximately 9 x 11 inches and narrative in style covering the topics in §650.11.

§ 650.11 Reporting requirements.

The annual status reports required under the provisions of §650.9 (RCS DD-I&L (A) 1269) will be prepared, using the following format. Each topic will be addressed in sufficient detail to give the next higher headquarters an understanding of the overall environmental program, specific accomplishments, problem areas, and planned new initiatives.

- (a) Environmental protection organization.
 - (1) Organizational structure for environmental matters.
 - (2) Staffing and management procedures.
- (b) National Environmental Policy Act implementation.
 - (1) Summary of environmental assessments made.
 - (2) Environmental impact statements prepared and their status.
- (c) Air pollution control.
 - (1) Status of compliance with applicable air quality standards.
 - (2) Status of corrective projects.
 - (3) Summary of litigation actions, if any.

- (d) Water pollution control.
 - (1) Status of National Pollutant Discharge Elimination System (NPDES) permits requested and issued.
 - (2) Status of compliance with applicable water quality standards and permit provisions.
 - (3) Status of corrective projects.
 - (4) Summary of litigation actions, if any.
- (e) Noise pollution control.
 - (1) Summary of major sources.
 - (2) Status of corrective measures.
 - (3) Summary of complaints/litigation, if any.
- (f) Radiation pollution control.
 - (1) Summary of ionizing sources.
 - (2) Status of protective measures.
- (g) Solid waste management.
 - (1) Summary of waste disposal operations.
 - (2) Waste recycling (equipment installed and in use, quantities and types of materials recycled, funds derived from sale of waste materials and use made of such funds).
- (h) Toxic and hazardous materials management.
 - (1) Identification of significant toxic materials being controlled.
 - (2) Summary of types and protective measures for control of oil spills, disposal of toxic chemicals, etc.
 - (3) Identification of unique problems.
 - (i) Land management.
 - (1) Summary of conservation activities (forest, fish and wildlife management, etc.).
 - (2) Summary of historical and archeological sites and facilities and related preservation activities.
 - (3) Summary of installation attractiveness program and activities.
 - (j) Environmental research programs (if applicable).
 - (1) Summary of ongoing environmental research activities by pollution control media (air, water, etc.).
 - (2) Summary of technology-application activities.
 - (3) Identification of new research requirements.
 - (k) Environmental education, training and information programs.
 - (1) Status of individual and unit education training activities.
 - (2) Summary of environmental protection courses given or attended (TRADOC Report will include courses