

CHAPTER 34

OVERSEAS ENVIRONMENTAL COMPLIANCE ASHORE

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34-1 Scope. This chapter provides environmental guidance for Navy installations outside the United States, its territories, and possessions, but not to ships, aircraft, and operational and training deployments outside the United States.

34-1.1. Related Chapters. There are several related chapters which are identified in the requirements section. Chapters referenced are chapter 3 (Environmental Readiness Training), chapter 10 (Environmental Planning Under the National Environmental Policy Act and Executive Order 12114), chapter 12 (Natural Resources Conservation), chapter 13 (Cultural Resources Compliance and Management), chapter 17 (Environmental Management Systems), chapter 18 (Environmental Compliance Audits Ashore), chapter 19 (Processing Notices of Violation Under Environmental Laws and Regulations), chapter 20 (Clean Water Ashore), chapter 21 (Safe Drinking Water Act Compliance Ashore), chapter 23 (Hazardous Material Management Ashore), chapter 24 (Pesticide Compliance Ashore), chapter 25 (Toxic Substances Control Act), chapter 26 (Procedures for Implementing the Environmental Planning and Community Right-to-Know Act), chapter 27 (Hazardous Waste Management Ashore), chapter 28 (Solid Waste Management and Resource Recovery Ashore), chapter 29 (Low-Level Radioactive Waste Disposal), chapter 30 (Oil Management Ashore), chapter 31 (Storage Tanks), chapter 39 (Oil and Hazardous Substance Spill Preparedness and Response), and chapter 42 (Environmental Restoration).

34-1.2. References

- (a) DoD Instruction 4715.05 of 01 November 2013
- (b) E.O. 12344, Naval Nuclear Propulsion Program
- (c) 42 U.S.C. §7158
- (d) Final Governing Standards (FGS) for each country where the Undersecretary of Defense, Acquisition, Technology and Logistics (USD(AT&L)) has directed FGS establishment (NOTAL)

(e) DoD 4715.05-G, DoD Overseas Environmental Baseline Guidance Document, May 2007

(f) E.O. 12088

(g) OPNAVINST S5510.155C (NOTAL)

(h) E.O. 12114

(i) DoD Directive 6050.7 of 31 March 1979

(j) E.O. 13423

(k) E.O. 13514

(l) OSD Memorandum of 3 Jul 2003, DoD Policy on Drinking Water Vulnerability Assessments and Emergency Response Plans

(m) DoD Instruction 4715.08 of 01 November 2013

34-1.3. Applicability

a. The policies and procedures in this chapter apply to Navy shore activities, facilities, and installations located outside the United States, its territories, and possessions. Applicability is limited to shore activities, facilities, and installations provided by the United States and under the jurisdiction of the Navy.

b. The policies and procedures in this manual do not apply where excluded under paragraph 2.a.(2) of reference (a); or to U.S. military ship and aircraft operations governed by other Department of Defense (DoD) policies and directives and applicable international agreements; facilities and activities covered under reference (b) and the Naval Nuclear Propulsion Program, and conducted under reference (c); and to facilities located in Antarctica.

34-2 Legislation

a. The following legislation contains provisions that pertain to overseas Navy commands as detailed in the scope:

(1) National Historic Preservation Act, and

(2) Toxic Substances Control Act.

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b. A summary of this legislation is included in appendix A (Laws and Regulations).

34-3 Requirements. Navy shore activities, facilities, and installations provided by the United States and under the jurisdiction of the Navy in foreign nations will comply with applicable country-specific final governing standards (FGS) (reference (d)). Where FGS have not been issued, Navy installations will comply with reference (e), host nation substantive pollution control laws of general applicability (as required by reference (f)), U.S. law with extraterritorial effect, and applicable treaties (including the status of forces agreement (SOFA) and bilateral agreements). Reference (f) requires, in part, the head of each executive agency constructing or operating Federal facilities outside the United States ensure such construction or operation complies with environmental pollution control standards of general applicability in the host nation or jurisdiction.

34-3.1. Funding of Capital Improvements for Environmental Compliance at Overseas Installations. When capital improvements are required at overseas installations or facilities to comply with either the FGS (reference (d)) or references (e) and (f), as applicable, funding decisions shall be based on a number of considerations including which country provided the facilities in question and provisions of the pertinent SOFA and bilateral agreements. Unless otherwise provided in the pertinent SOFA and bilateral agreements, the host nation is expected to fund environmental compliance projects at facilities the host nation provides. After consultation or negotiation with the host nation, funding questions may be resolved in a number of ways including the following:

a. Pollution abatement improvements may be accomplished as a result of inclusion in bilateral or multilateral negotiations on programs not directly involving environmental compliance;

b. In some cases, host nation provided facilities have been significantly modified by the United States to meet operational requirements. When capital improvements are required to meet the environmental standards of general applicability in the host nation or jurisdiction, Navy may negotiate shared contributions for such improvements. Shared contributions may be done, after consultation with the ambassador, when it is in the best interest of Navy and does not establish a precedent. The contribution should normally be no more than the proportion of modification attributable to the United States. Project funding request

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documents shall indicate the results of negotiations to include the basis for determination of the U.S. share; or

c. If the host nation declines to provide funds for required capital improvements or if negotiations with the host country for shared contributions are unsuccessful, Navy may program for required pollution control capital improvement projects when it is in the best interest of Navy and does not establish precedent. Project funding request documents shall indicate the circumstances under which the projects are submitted.

34-3.2. Facility Visits and Inspections. Federal law and executive orders (E.O.) on information and physical security matters, as implemented in Navy regulations, SOFA, and bilateral agreements, shall govern access of host nation environmental officials to U.S. controlled fixed facilities.

a. Sovereign Immunity Policy. U.S. military aircraft, warships, and naval auxiliaries (including Navy vessels and afloat prepositioned force ships) enjoy sovereign immunity from interference by foreign governmental authorities. Foreign officials shall not be allowed access to military aircraft, warships, or naval auxiliaries for purposes of environmental inspections or examination. Commanding officers (CO), masters, and aircraft commanders may certify compliance with host nation environmental requirements which may include a general description of measures taken to comply with environmental requirements. At the discretion of the CO, master, or aircraft commander, foreign authorities may be received aboard for the purpose of accepting the certification of compliance, but under no circumstances may they be permitted to exercise governmental authority, nor may they inspect military aircraft, warships, or naval auxiliaries or act as an observer while U.S. personnel conduct such inspections.

b. Pre-Establishment of Procedures for Access to Navy Facilities and Installations. U.S. region, installation, and facility commanders shall consult with legal counsel, U.S. embassy officials, the DoD lead environmental component (LEC) for the host nation, or with the combatant commander where no LEC has been appointed, to pre-establish procedures for access by host nation officials to Navy facilities and installations. These procedures shall comply with the applicable SOFA and bilateral agreements. Since most U.S. facilities are tenants of host nation military installations, host nation authorities will control access to the host nation installation with COs of U.S. tenant facilities controlling access to U.S. facilities.

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Commanders of U.S. facilities shall comply with access procedures so established.

c. Additional Access Requests. Where host nation official's access request is not covered by the facility or installation's pre-established access procedures, the U.S. installation or facility commander shall immediately notify the Navy component commander in theater, the LEC (if applicable), and the Deputy Chief of Naval Operations for Fleet Readiness and Logistics (CNO (N4)). The notice shall include the identity of the host nation authority needing access, the extent to which the host nation authority requesting access is delegated national authority for environmental regulation, the extent of access requested, the date for which access is requested, an explanation why established access procedures (if applicable) are insufficient, the extent to which granting the request would establish precedent, and the commander's recommendation whether providing access would be in the best interest of the United States. Unless otherwise directed, the installation commander may permit access after completing consultation with the LEC, component commander, and CNO (N4), or 3 working days after providing notification, whichever is earlier. If access is denied, the U.S. installation commander shall notify the same parties and shall ensure the chief of mission with the U.S. ambassador to the host nation has been notified as well.

d. Access to Propulsion Plant Spaces or Nuclear Propulsion Information. Access by foreign officials to propulsion plant spaces of nuclear powered ships or to naval nuclear propulsion information is governed by reference (g) and is not authorized without approval by Director, Naval Nuclear Propulsion Program.

34-3.3. Notices of Violation. For Navy installations outside the United States, its territories, and possessions, a notice from regulatory authorities that the installation has violated an applicable environmental standard may take a number of different forms. To be considered an NOV, the notice should cite the relevant standard or criteria to be met and request the installation take corrective action. An NOV does not include warning letters that do not cite a violation of specific environmental law or regulation, informal notices of deficiencies, or notices of deficiencies to permit applications. Warning letters or similarly titled formal written notifications from authorized regulators that do cite violations with environmental laws, standards, and regulations are considered NOV. One written notice, regardless of the number of individual violations, findings, or citations listed in it, counts as one

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NOV if all violations cited relate to a single environmental media. If the NOV cites violations in more than one environmental media area (e.g., air, water, hazardous waste, drinking water), then it counts as multiple NOVs, one under each of the applicable media area. Items found to be out of compliance during an internal or other DoD component review, or a compliance review or audit, are not NOVs (i.e., are not included in the definition of NOV). Upon receipt of an NOV as defined in this section, installations shall follow the procedures set forth in chapter 19 (Processing Notices of Violation Under Environmental Laws and Regulations).

34-3.4. Mobile Sources. Reference (d) shall govern the operation and maintenance of mobile sources based in a host nation where such provisions have been issued, except for vessels and aircraft. If no FGS has been issued, the operation and maintenance of mobile sources, with the exception of aircraft and vessels, based in a host country shall be governed by applicable provisions of the SOFA and bilateral agreements, and references (e) and (f) per reference (a). In particular, reference (f) requires compliance with substantive host nation pollution control laws of general applicability. In most instances, the relevant host nation pollution control laws shall be the pollution control standards observed by the host nation's military forces for similar vehicles. Except for sovereign immune vessels and aircraft and unless otherwise provided in the SOFA and bilateral agreements, transient mobile sources or those sources temporarily within a foreign jurisdiction are subject to the host country's standards for the terms and conditions set forth in the visit clearance. Although not subject to enforcement by the host nation, sovereign immune vessels and aircraft shall operate under the environmental protection provisions of their visit clearance. Where no specific environmental protection provisions are included in the visit clearance, sovereign immune vessels and aircraft shall follow environmental protection standards used by the host nation's military forces to the extent practical.

34-3.5. Waivers of Overseas Environmental Standards at Naval Installations

a. A U.S. installation commander should seek a waiver from standards in reference (d), or when reference (d) has not been issued, from reference (e), host nation laws of general applicability (as required by reference (f)), and applicable treaties (including SOFAs and bilateral agreements) if compliance with that particular standard would:

- (1) Seriously impair its mission,
- (2) Adversely affect relations with the host nation
- (3) Require substantial expenditure of funds for physical improvements at an installation for which public notification for return has been made, or
- (4) Apply to an installation that has been identified for closure or realignment and will no longer be subject to the FGS requirement upon closure or realignment.

b. Waiver requests shall include budget submitting office (BSO) endorsement prior to processing via procedures outlined in reference (a). Navy policy is to minimize requests for waivers and limit the duration of waivers. Requests for waivers are appropriate, for example, where the cost of the project to achieve compliance at an installation slated for closure is grossly disproportionate to the period during which environmental benefits would be derived from the project. Where this manual or instructions by Navy component commanders require measures more protective than the applicable FGS, COs shall request a waiver from the LEC before requesting project funding.

c. Waiver requests will not be granted if the waiver would result in a breach of applicable U.S. law with extraterritorial effect or breach of an applicable international agreement.

34-3.6. Environmental Planning. The National Environmental Policy Act does not apply overseas. Navy activities shall comply with the applicable requirements of references (h) and (i) that address environmental effects abroad of major federal actions. Refer to chapter 10 (Environmental Planning Under the National Environmental Policy Act and Executive Order 12114) for applicable environmental planning requirements.

34-3.7. Environmental Management Systems. Navy environmental management system (EMS) appropriate facilities shall implement a comprehensive EMS, including pollution prevention and green procurement elements, per chapter 17 (Environmental Management Systems).

34-3.8. Emergency Planning and Community Right-to-Know Act. References (j) and (k) require Federal agencies to comply with the Emergency Planning and Community Right-to-Know Act (EPCRA). These requirements apply to federal facilities in any U.S. state,

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District of Columbia, Commonwealth of Puerto Rico, Guam, American Samoa, U.S. Virgin Islands, Northern Mariana Islands, and any other territory or possession over which the United States has jurisdiction. EPCRA does not impose any requirements on Navy shore installation operations in foreign countries or directly upon ships or aircraft.

34-3.9. Hazardous Materials Management. Navy activities shall manage hazardous materials per reference (d). When reference (d) has not been issued, Navy facilities and installations will comply with reference (e), host nation laws of general applicability (as required by reference (f)), U.S. laws with extraterritorial effect, and applicable treaties (including SOFAs and bilateral agreements). In addition, activities shall implement the Consolidated Hazardous Material Reutilization and Inventory Management Program in the same manner and to the same extent as that delineated in chapter 23 (Hazardous Materials Management Ashore).

34-3.10. Hazardous Waste Management Ashore. Navy activities shall manage their hazardous waste (HW) per reference (d). When reference (d) has not been issued, Navy facilities and installations will comply with reference (e), host nation laws of general applicability (as requested by reference (f)), U.S. laws with extraterritorial effect, and applicable treaties (including SOFAs and bilateral agreements). Refer to chapter 29 (Low-Level Radioactive Waste Disposal Program) for policy on mixed waste. Waste that is considered hazardous under reference (d) or reference (e) will not be disposed of in the host nation without an agreement as described in Enclosure (3) of reference (a).

34-3.11. Clean Air Ashore. Navy activities shall manage their air programs per reference (d). When reference (d) has not been issued, Navy facilities and installations will comply with reference (e), host nation laws of general applicability (as required by reference (f)), U.S. laws with extraterritorial effect, and applicable treaties (including SOFAs and bilateral agreements).

34-3.12. Ozone-Depleting Substances. Navy activities shall manage their ozone-depleting substances as directed in chapter 22 (Clean Air Ashore) and per reference (d). When reference (d) has not been issued, Navy facilities and installations will comply with reference (e), host nation laws of general applicability (as requested by reference (f)), U.S. laws with extraterritorial effect, and applicable treaties (including SOFAs and bilateral agreements).

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34-3.13. Polychlorinated Biphenyls (PCBs) Management Ashore. Navy activities shall manage their PCBs per reference (d). When reference (d) has not been issued, Navy facilities and installations will comply with reference (e), host nation laws of general applicability (as requested by reference (f)), U.S. laws with extraterritorial effect, and applicable treaties (including SOFAs and bilateral agreements).

34-3.14. Radon. Navy activities shall manage their radon program per the Navy Radon Assessment and Mitigation Program as outlined in chapter 25 (Toxic Substances Control Act).

34-3.15. Water Programs Ashore

a. Navy activities shall manage their water programs per reference (d). When reference (d) has not been issued, Navy facilities and installations will comply with reference (e), host nation laws of general applicability (as requested by reference (f)), U.S. laws with extraterritorial effect, and applicable treaties (including SOFAs and bilateral agreements).

b. Commander, Navy Installations Command (CNIC) serves as executive agent for drinking water quality matters for all Navy facilities and installations worldwide. The executive agent responsibilities are outlined in section 21-3.1 and are applicable worldwide.

34-3.16. Drinking Water

a. Navy activities shall manage their drinking water systems for human consumption as defined in chapter 21 (Safe Drinking Water Act Compliance Ashore) per reference (d) and provide drinking water that meets or exceeds U.S. water quality standards. When reference (d) has not been issued, Navy facilities and installations will comply with reference (e), host nation laws of general applicability (as requested by reference (f)), U.S. laws with extraterritorial effect, and applicable treaties (including SOFAs and bilateral agreements). In addition, Navy activities shall monitor for lead in priority areas as specified in section 21-3.3.c.2. All non-continental U.S. water systems serving greater than 25 DoD consumers shall develop a water system vulnerability assessment (WSVA) and emergency response plan (ERP) update (if required) for internal use only (reference (1)).

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b. U.S. Navy overseas installation water systems, including leased facilities (including Navy housing) or under a U.S. Navy base operating support contract shall be subject to oversight by regional water quality boards (RWQB) and must receive a certificate to operate (CTO) in accordance with requirements established by the executive agent for drinking water. All drinking water treatment and distribution system operators shall be trained per references (d) or (e), as appropriate.

c. All Navy installations including outlying facilities and leased government properties (including Navy housing) shall develop and provide a copy of their water quality consumer confidence reports to the regional water quality board. Copies of public notification reports shall also be provided when applicable.

34-3.17. Oil Management. Navy activities shall manage their oily wastes and waste oils per reference (d). When reference (d) has not been issued, Navy facilities and installations will comply with reference (e), host nation laws of general applicability (as requested by reference (f)), U.S. laws with extraterritorial effect, and applicable treaties (including SOFAs and bilateral agreements).

34-3.18. Oil and Hazardous Substances Spills and Contingency Planning. Navy activities shall manage oil and hazardous substance spills and contingency planning per reference (d). When reference (d) has not been issued, Navy facilities and installations will comply with reference (e), host nation laws of general applicability (as requested by reference (f)), U.S. laws with extraterritorial effect, and applicable treaties (including SOFAs and bilateral agreements). Navy shore commands shall implement the requirements of chapter 39 (Oil and Hazardous Substance Spill Preparedness and Response) regarding internal reporting, drills, and exercises.

34-3.19. Pesticide Compliance Ashore. Navy activities shall manage their pesticides per reference (d). When reference (d) has not been issued, Navy facilities and installations will comply with reference (e), host nation laws of general applicability (as requested by reference (f)), U.S. laws with extraterritorial effect, and applicable treaties (including SOFAs and bilateral agreements). Activities responsible for pesticide application shall develop integrated pest management plans and ensure the program addresses pesticide applicator certification and re-certification training, pesticide storage, handling and

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disposal practices, and pest management operations recordkeeping and reporting.

34-3.20. Solid Waste Management and Resource Recovery Ashore. Navy activities shall ensure compliance with solid waste standards per reference (d). When reference (d) has not been issued, Navy facilities and installations will comply with reference (e), host nation laws of general applicability (as requested by reference (f)), U.S. laws with extraterritorial effect, and applicable treaties (including SOFAs and bilateral agreements). In addition, integrated solid waste management requirements, including those pertaining to recycling and qualified recycling programs in chapter 28 (Solid Waste Management and Resource Recovery Ashore), apply worldwide.

34-3.21. Low-Level Radioactive Waste. Navy activities shall manage their low-level radioactive waste per chapter 29 (Low-Level Radioactive Waste Disposal Program).

34-3.22. Cleanup and Restoration. The Installation Restoration Program is limited to the United States, its territories, and possessions and does not apply to foreign countries. However, current and past DoD activities can result in the need for emergent environmental cleanup and restoration overseas. The decision to conduct and execute cleanup actions shall comply with the provisions of reference (m).

34-3.23. Storage Tanks. Navy activities shall manage their above and underground storage tanks per reference (d). When reference (d) has not been issued, Navy facilities and installations will comply with reference (e), host nation laws of general applicability (as requested by reference (f)), U.S. laws with extraterritorial effect, and applicable treaties (including SOFAs and bilateral agreements).

34-3.24. Environmental Compliance Audits Ashore. Overseas installations shall implement an internal compliance assessment program and be subject to external compliance assessments per chapter 18 (Environmental Compliance Audits Ashore) and reference (a). Internal and external environmental audit checklists shall be derived from the applicable FGS. Checklists are required to be developed into official forms. Prior to the establishment of the FGS, audit criteria shall be based on reference (e), host nation laws of general applicability (as requested by reference (f)), U.S. laws with extraterritorial effect, applicable treaties (including SOFAs and bilateral agreements), and applicable provisions of this manual.

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34-3.25. Natural Resources Management. Navy activities shall program, budget for, and ensure compliance with reference (d). When reference (d) has not been issued, Navy facilities and installations will comply with reference (e), host nation laws of general applicability (as requested by reference (f)), U.S. laws with extraterritorial effect, and applicable treaties (including SOFAs and bilateral agreements). In addition, natural resources managers may use applicable elements from chapter 12 (Natural Resources Conservation) as a framework for natural resources management, subject to concurrence by the DoD LEC. Integrated natural resource management plans at installations outside the United States are not typically subject to E.O. 12114 analyses because they do not result in significant harm to the host nation. The decision not to perform E.O. 12114 analysis shall be documented in a record of negative decision per chapter 10 (Environmental Planning Under the National Environmental Policy Act and Executive Order 12114).

34-3.26. Historic and Archeological Resources Protection. Navy activities shall manage their historic and archeological resource management program per reference (d). When reference (d) has not been issued, Navy facilities and installations will comply with reference (e), host nation laws of general applicability (as requested by reference (f)), U.S. laws with extraterritorial effect, and applicable treaties (including SOFAs and bilateral agreements).

34-3.27. Training Requirements. Navy activities shall comply with the training measures outlined in chapter 3 (Environmental Readiness Training) and other chapters as applicable. Navy commands shall comply with the training requirements per reference (d). When reference (d) has not been issued, Navy facilities and installations will comply with reference (e), host nation laws of general applicability (as requested by reference (f)), U.S. laws with extraterritorial effect, and applicable treaties (including SOFAs and bilateral agreements).

34-3.28. Lead Environmental Component. LECs are responsible for environmental matters in foreign countries where DoD installations are located and where USD (AT&L) determines that DoD presence justifies establishment of FGS. Specific LEC responsibilities are delineated in reference (a). Heads of military departments designated as LECs normally delegate LEC authority to the theater component commanders after coordination with the relevant combatant commander. Note that due to the unique construct and influence of the European Union (EU), the

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Commander, USEUCOM, is designated as the DoD Theater Environmental Coordinator (TEC) for Europe. As such, the Commander provides specific oversight to ensure consistent application of this instruction at installations in host-nation countries within the EU and geographically located within the USEUCOM area of responsibility.

34-4 Responsibilities

34-4.1. The Office of the Chief of Naval Operations, Energy and Environmental Readiness Division (OPNAV (N45)) shall:

a. Ensure BSOs allocate the resources required to achieve and maintain compliance with reference (d). When reference (d) has not been issued, Navy facilities and installations will comply with reference (e), host nation laws of general applicability (as requested by reference (f)), U.S. laws with extraterritorial effect, and applicable treaties (including SOFAs and bilateral agreements). Where Navy has been delegated by DoD as the LEC per references (a) and (m), ensure BSOs allocate the resources required to execute these responsibilities; and

b. Provide policy guidance needed to establish and maintain a program for the management of environmental concerns overseas.

34-4.2 CNIC shall serve as executive agent for drinking water quality matters for all Navy shore facilities and installations worldwide per sections 21-3.1 and 21-4.2.

34-4.3. BSOs shall:

a. Ensure compliance with reference (d). When reference (d) has not been issued, ensure compliance with reference (e), host nation laws of general applicability (as required by reference (f)), U.S. laws with extraterritorial effect, and applicable treaties (including SOFAs and bilateral agreements);

b. Conduct (or oversee the conduct of) environmental compliance audits at overseas installations to ensure compliance with reference (d). When reference (d) has not been issued, conduct EQAs to ensure compliance with reference (e), host nation laws of general applicability (as required by reference (f)), U.S. laws with extraterritorial effect, and applicable treaties (including SOFAs and bilateral agreements). EQAs shall be conducted per the requirements of reference (a) and chapter 18 (Environmental Compliance Audits Ashore);

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c. Program and budget for environmental compliance projects;

d. Ensure contracts for services or construction where performance takes place outside the United States and DoD contracts for the disposal of HW include provisions requiring contractors to comply with reference (d). When reference (d) has not been issued, contractors shall be required to comply with reference (e), host nation laws of general applicability (as required by reference (f)), U.S. laws with extraterritorial effect, and applicable treaties (including SOFAs and bilateral agreements). The BSO shall also ensure contracts are administered to enforce such compliance;

e. Ensure host-tenant agreements are per, and address compliance with, reference (d). When reference (d) has not been issued, host-tenant agreements will address compliance with reference (e), host nation laws of general applicability (as required by reference (f)), U.S. laws with extraterritorial effect, and applicable treaties (including SOFAs and bilateral agreements);

f. Communicate with LECs regarding the compliance status of activities or installations, waiver requests, proposed host nation regulations, and environmental issues impacting their installations and commands; and

g. In consultation with Commander, Naval Facilities Engineering Command (COMNAVFACENGCOM) and OPNAV (N45), endorse waiver requests from Navy activities or installations per section 34-3.4.

h. Provide to CNIC any information needed for the annual drinking water quality report to VCNO required by section 21-3.1 and section 21-4.2.

34-4.4. COMNAVFACENGCOM shall:

a. Support CNIC on all aspects of drinking water system management per section 21-4.3;

b. Develop standard processes for issuance of consumer confidence reports to Navy personnel at overseas installations; and

c. In consultation with Chief, Bureau of Medicine and Surgery, provide independent oversight of RWQBs.

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34-4.5. Navy components, when delegated authority to act as LECs, shall execute the LEC responsibilities assigned in reference (a) for their assigned area of responsibility. Note: In the absence of formal diplomatic relations (e.g., Cuba), the requirement to consult with the host nation in development of FGS is waived.

34-4.6. Region commanders and installation and facility COs shall:

a. Comply with reference (d). When reference (d) has not been issued, comply with reference (e), host nation laws of general applicability (as required by reference (f)), U.S. laws with extraterritorial effect, and applicable treaties (including SOFAs and bilateral agreements);

b. Develop and conduct training and education programs to instruct required personnel in the environmental aspects of their job;

c. Perform and document internal installation environmental compliance audits annually to determine the overall compliance assessment status of the installation or facility, and support the performance of, and corrective actions required by, external environmental compliance audits;

d. Communicate following the Navy chain of command with the Navy region commander, if present, on the LECs environmental issues; and

e. Ensure their installations provide drinking water that meets or exceeds U.S. water quality standards and sign and issue CTOs for installations in their area of responsibility.

34-4.7 BUMED shall:

a. Establish and publish appropriate medical surveillance guidance for overseas Navy water systems;

b. Provide consultative services to CNIC and Navy commands for drinking water quality per section 21-4.4.b and 21-4.4.c;

c. Provide public health advice to Navy shore installations and facilities outside the U.S. in carrying out their responsibilities for drinking water quality and distribution;

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d. In consultation with COMNAVFACENGCOM, provide independent oversight of RWQBs.

34-5 Definitions

34-5.1. Department of Defense Lead Environmental Component. The DoD LEC is the secretary of a military department, combatant commander, or subunified commander specifically designated as described in reference (a). The DoD LEC executes responsibilities prescribed in Enclosure (2) of reference (a) associated with DoD installations within a specified foreign nation. LECs are responsible for environmental matters in foreign countries where DoD installations are located and where DUSD(I&E) determines that DoD presence justifies establishment of FGS. Secretaries of military departments designated as LECs may delegate LEC responsibilities through the chain of command to an appropriate general-level or flag-level commander. The LEC establishes FGS for DoD installations within its geographic area of responsibility and performs other functions per reference (a).

34-5.2. Drinking Water System. An assemblage of natural and or man-made infrastructure by which water is captured, collected, stored, treated, and delivered to end users. Components of drinking water systems include raw water supplies (e.g., reservoirs, lakes, rivers, and groundwater), water purification facilities, water storage facilities, water pressurization components, and distribution piping networks.

34-5.3. Environment. Environment refers to the natural and physical environment and excludes social, economic, or other environments.

34-5.4. Final Governing Standards. A comprehensive set of country-specific substantive environmental provisions; typically technical limitations on effluent, discharges, etc., or specific management practices developed in accordance with reference (a). FGS are developed using the Overseas Environmental Baseline Guidance Document (OEBGD) unless the OEBGD is inconsistent with applicable host nation environmental standards or standards under applicable international agreements and these other applicable standards provide more protection to human health and the environment. In the case of inconsistency, the more protective standard is normally used to establish the FGS unless a specific international agreement with the host nation establishes a different standard applicable to U.S. installations and commands. The DUSD(I&E) maintains a list of countries requiring FGS. (See

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the appendix to enclosure 3 of reference (a) for the list of countries requiring FGS and the corresponding LECs).

34-5.5. Foreign Nation. A foreign nation is a geographic area (i.e., land, water, airspace) under the territorial jurisdiction of a government other than the United States, or a geographic area under the territorial jurisdiction of the United States alone, or jointly with any other government, by virtue of military occupation.

34-5.6. Navy Facilities and Installations. For determining overseas environmental compliance requirements, naval facilities and installations are real property under the control of or used by U.S. Navy, including tenant facilities and installations on host nation installations, non-contiguous leased portions such as military housing and family support activities, and non-contiguous installations, piers, and ports operated under the auspices of the North Atlantic Treaty Organization by the host nation.

34-5.7. Overseas Environmental Baseline Guidance Document. The OEBGD is a current compendium of criteria based on consideration of laws generally applicable to similarly-situated DoD installations within the United States designated to protect the environment at DoD installations outside U.S. territory.

34-5.8. United States. United States means all states, territories, and possessions of the United States and all waters and airspace of which the natural resources are under the exclusive management authority of the United States.