

**Forest Service Manual
National Headquarters - Washington Office
Washington, DC**

**Forest Service Manual 1400 – Controls
Chapter 1480 - Environmental Compliance Program**

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Duration: This amendment is effective until superseded or removed.

Superseded Directive:

Approved by: Gloria Manning, Associate Deputy Chief, NFS

Date approved: October 29, 2007

Responsible Staff:

Explanation of changes: Following is an explanation of the changes throughout the directive by section.

1480: Establishes new chapter in its entirety. Incorporates requirements of Executive Order 13423 into the Directive System.

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1480.1 - Authority

1. Executive Order 12088, “Federal Compliance With Pollution Control Standards”; 1978. (<http://www.archives.gov/federal-register/executive-orders/>). The head of each Executive agency is responsible for ensuring that all necessary actions are taken for the prevention, control, and abatement of environmental pollution with respect to Federal facilities and activities under the control of the agency.
2. Executive Order 13423, “Strengthening Federal Environmental, Energy, and Transportation Management”; 2007. (<http://www.archives.gov/federal-register/executive-orders/>) Requires each agency to implement sustainable practices for energy efficiency and pollution prevention using EMS, environmental training, and environmental compliance review and audit programs.
3. Department Manual 5600, “Environmental Pollution Prevention, Control, and Abatement Manual”; 2004. (<http://www.ocio.usda.gov/directives/files/dm/DM5600-001.htm>) Requires the implementation of a regulatory environmental compliance audit program.
4. Title 36, Code of Federal Regulations, Part 219, Subpart A. This subpart provides direction on land management planning procedures on National Forest System lands. Section 219.5 requires that the scope of an Environmental Management System (EMS) include the land management planning process and conform to standard 14001 developed by the International Organization for Standardization (ISO).
5. International Organization for Standardization (ISO) 14001, Section 4.2(c). “Top management shall define the organization’s environmental policy and ensure that, within the defined scope of its environmental management system, it includes a commitment to comply with applicable legal requirements. . .” and Section 4.5.2, “Evaluation of Compliance.” Requires periodic reviews of compliance with applicable legal requirements.

1480.2 - Objectives

1. To assure compliance with applicable Federal, State, Departmental, and Agency environmental requirements that affect National Forest Service lands, facilities, operations, and the uses thereof. Key environmental and related laws that govern Agency operations include:
 - a. Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S. C. 9601 et seq.;
 - b. Clean Air Act (CAA), 42 U.S. C. 7401-7671q, as amended;
 - c. Clean Water Act (CWA), 33 U.S.C. 1251 et seq., as amended;

- d. Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), 7 U.S.C. s/s 136 et seq.;
- e. Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901 et seq.;
- f. Safe Drinking Water Act (SDWA), 42 U.S.C. 300f-300j-26;
- g. Toxic Substances Control Act (TSCA), 42 U.S.C. 2601 et seq.;
- h. Emergency Planning and Community Right-To-Know Act (EPCRA), 42 U.S.C. 1101 et seq.;
- i. Pollution Prevention Act (PPA), 42 U.S.C. 13101 and 13102 et seq.;
- j. The Oil Pollution Act of 1990 (OPA); 33 U.S.C. 2702 to 2761;
- k. Occupational Safety and Health Act (OSHA) Part 1910, Subpart H - Hazardous Materials.

Additional Federal and/or State environmental and related laws and regulations exist that may apply to site-specific situations.

- 2. To fulfill various elements of the International Organization for Standardization (ISO) 14001 including but not limited to 4.5.2, "Evaluation of Compliance", and 4.4.2 "Compliance, Training and Awareness", thereby meeting specific requirements of FSM 1331, "Environmental Management Systems (EMS)" for applicable environmental requirements covered by this chapter.
- 3. To fulfill Agency obligations under Executive Order 13423, "Strengthening Federal Environmental, Energy, and Transportation Management."

1480.3 - Policy

The Forest Service is committed to environmental compliance, integrating environmental accountability into agency day-to-day decisionmaking, and long-term planning processes across all Forest Service activities and functions.

To fulfill this commitment, staff must know how to perform their duties in a manner that is in compliance with all environmental and related requirements. Managers must be able to assess the status of environmental compliance at the facilities under their control, and develop and track solutions to any discovered problems. The Forest Service must support the environmental compliance program as outlined herein. Resources developed for this program include concise procedures for addressing common compliance issues along with additional references, training materials, checklists/questionnaires for completing audits and reviews, and a mechanism to track findings. Audits and reviews shall be used to identify potential

compliance issues, and to recommend, where applicable, pollution prevention process changes to assist facilities in achieving and sustaining compliance.

Except as otherwise described herein, external environmental compliance audits shall follow the principles and framework outlined in American Society for Testing and Materials (ASTM) E 2107, "Standard Practice for Environmental Regulatory Compliance Audits."

1480.4 - Responsibility

1480.41 - Washington Office

1480.41a - Deputy Chiefs for National Forest System, Research, and State and Private

The Deputy Chiefs are responsible servicewide for:

1. Ensuring necessary actions are taken to integrate environmental accountability into day-to-day decisionmaking and long term planning processes across the Agency;
2. Approving national policy regarding the environmental compliance program;
3. Acting as an advocate for environmental compliance initiatives for the Agency;
4. Integrating environmental compliance with other programs and initiatives that affect day-to-day operations;
5. Appointing a representative to serve as the Agency liaison with the Agency Environmental Executives;
6. Ensuring regions/stations/Area are maintaining and implementing an environmental compliance program; and
7. Ensuring consistency across regions/stations/Area.

1480.42 - Regional Foresters/Station Directors/Area Director

Regional foresters, station directors, and the Area Director are responsible for:

1. Ensuring environmental accountability and compliance is integrated into the day-to-day decisionmaking and long-term planning processes across administrative units under their jurisdiction;
2. Ensuring external environmental compliance audits are conducted on administrative units under their jurisdiction;

3. Developing and identifying compliance awareness, procedural, training and internal environmental compliance review tools, in coordination with the Washington Office, for use by administrative units under their jurisdiction;
4. Identifying and emphasizing pollution prevention opportunities as a means to both achieve and maintain environmental compliance, and developing tools to facilitate their implementation;
5. Ensuring corrective action plans are developed, approved, implemented, and tracked for all findings; and
6. Providing general program oversight for administrative units under their jurisdiction.

1480.43 - Forest Supervisors/Project Leaders/Field Representatives

Forest Supervisors, project leaders, and field representatives are responsible for:

1. Integrating environmental accountability and compliance into the day-to-day decision-making and long-term processes within the administrative units under their jurisdiction;
2. Conducting internal environmental compliance reviews for the administrative units and operations under their jurisdiction on a periodic basis, or as directed by the regional forester/station director/Area Director to engage and educate employees in environmental compliance issues within their activities;
3. Preparing, approving, and implementing corrective action plans for findings identified during external environmental compliance audits, and ensuring that corrective actions indicated for the findings in the internal environmental compliance reviews are implemented;
4. Implementing pollution prevention practices whenever possible as a means to both achieve and maintain environmental compliance; and
5. Training employees on job-related compliance impacts and what controls are necessary to manage those impacts.

1480.5 - Definitions

Except as otherwise clarified below, the definitions provided in American Society for Testing and Materials (ASTM) E 2107 shall be utilized.

Administrative Unit. The Forest Service organizational unit [organizational entity or component (FSM 1225.05)], including but not limited to: national forests, grasslands, prairies, and monuments; ranger districts, research work units, and field offices.

Agency Environmental Executive. Individual(s) appointed by the Secretary of Agriculture in accordance with E.O. 12873. Note the term Agency Environmental Executive is used in multiple Executive orders but the position creation and appointment is found in the above reference. The current agency (Department) environmental Executive order can be found at www.ofee.gov/rrw/webaees.htm.

Built Environment. The constructed features, improvements, appurtenances, systems, and associated contents owned and operated by an administrative unit.

Corrective Action Plan. A documented strategy to specifically address the findings detailed in an external environmental compliance audit, or the specific corrective action measures indicated in the internal environmental compliance review checklists.

Environmental Compliance Audit. A systematic, documented, periodic, and objective review of operations and practices related to meeting environmental statutes, regulations, and requirements.

External Environmental Compliance Audit. A systematic, independent, and documented process for obtaining audit evidence and evaluating it objectively to determine the extent to which environmental compliance is achieved. These audits are synonymous with second- and third-party audits and regional/station/Area level audits. External environmental compliance audits are more formal than internal environmental compliance reviews and are conducted by individuals from outside the administrative unit being audited, which ensures objectivity.

Finding. Results of the evaluation of the collected audit/review evidence compared with the agreed audit/review criteria. Based on the professional judgment of the lead auditor/reviewer, findings are classified as follows:

1. Significant. Requires immediate attention. Significant deficiencies are a direct and immediate threat to human health, safety, the environment, and/or the facility's mission. A significant finding indicates that a facility is currently out of compliance, has received an enforcement action from the regulatory agency, or has signed a compliance agreement or received a consent order.
2. Major. Requires action, but not necessarily immediate action. Major deficiencies may pose a threat to human health, safety, and/or the environment. Any immediate threat must be categorized as "significant." This category of finding identifies conditions that, if discovered, usually result in a notice of violation from regulatory agencies.
3. Minor. Usually administrative in nature, even though conditions might possibly result in a notice of violation. They identify a need to respond to important environmental activities not related to immediate compliance requirements, but necessary to address time sensitive environmental concerns. They may also involve temporary or occasional instances of noncompliance with requirements.

4. Compliant. A positive condition that meets or exceeds regulatory requirements. This classification may be used to identify practices that are required, but are unusual at Forest Service facilities.

Internal Environmental Compliance Review. An internal evaluation of environmental compliance typically conducted by the employees within an administrative unit. Internal environmental compliance reviews are not necessarily independent reviews.

Operations. The day-to-day administrative activities in which each functional area is involved in support of the agency's mission, such as hazardous materials management, drinking water system operation, pesticide program management, etc.

Site. For environmental compliance audit purposes, a site is a contiguous area where environmentally significant operations occur. Examples include administrative sites with hazardous materials storage and office activities, developed recreation sites containing drinking water systems, remote district boneyards, and so on.

1480.6 - References

1. Federal Facilities Compliance Act, 42 U.S.C. 6961 Section 6001.
2. Federal Compliance with Pollution Standards, Executive Order 12088, as amended by EO 13016.
3. Departmental Manual 5600-001, "Environmental Pollution Prevention, Control, and Abatement Manual," November 18, 2004.
4. Environmental Audit Program Design Guidelines for Federal Agencies; U.S. Environmental Protection Agency - Office of Enforcement and Compliance Assurance, EPA Publication Number EPA 300-B-96-011, Spring 1997.
(<http://www.epa.gov/compliance/resources/policies/incentives/auditing/envaudproquidemas.pdf>)
5. Executive Order 13423, "Strengthening Federal Environmental, Energy, and Transportation Management," 2007.
6. Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations; Environmental Protection Agency, 2000.
(<http://www.epa.gov/compliance/incentives/auditing/auditpolicy.html>)
7. ASTM E 2107, "Standard Practice for Environmental Regulatory Compliance Audits."
(<http://www.astm.org>)
8. ISO 14001:2004, "Environmental management systems- Requirements with guidance for use."

9. TEAM Guide, US Army Corps of Engineers, Engineer Research and Development Center (ERDC) Construction Engineering Research Laboratory (CERL), Revised September 2006. (<http://www.cecer.army.mil/listbuilder2/>)

1481 - Built Environment and Operations

1481.04 - Responsibilities

1481.04a - Director, Engineering

The Director of Engineering is responsible for:

1. Overall program development, management, and oversight;
2. Coordination with other staff directors and the Deputy Chief regarding program development, integration, and implementation;
3. Establishing reporting requirements and coordinating end-of-year reports for upper management on servicewide status of environmental compliance for facilities and the built environment;
4. Maintaining environmental compliance instructional and informational tools, protocols, audit criteria, and data management systems for environmental compliance audits and reviews of the built environment; and
5. Identifying pollution prevention opportunities and developing resources that promote and facilitate their implementation.

1481.1 - Program Components

Environmental compliance audits and reviews may be combined or completed in conjunction with other reviews and audits such as health and safety inspections and/or facility condition surveys, provided the environmental compliance audit or review requirements are met.

1481.11 - Environmental Compliance Training

1. Purpose. The purpose of environmental compliance training is to ensure that employees understand the environmental compliance aspects of their jobs.
2. Responsibility. Forest supervisors, project leaders, and field representatives are responsible for training employees on job-related compliance impacts and what controls are necessary to manage those impacts.
3. Frequency. Environmental compliance training shall be provided when duties are first assigned, followed by an annual refresher.

4. Protocols. The Washington Office must establish and maintain a website to assist with field-level training on environmental compliance. The web site should include photographs, references, procedures, and audio-visual materials, and serve as a clearinghouse for training resources. Additional training may be obtained from other external commercial or government resources, as well as from on-the-job learning experience.
5. Scope. Training should be tailored to specific operations or activities; that is, rather than addressing specific environmental regulations, the training should provide specific instruction on how to perform the particular operation or activity such that it is in compliance with the applicable environmental regulations.

1481.12 - Internal Environmental Compliance Reviews

1. Purpose. The purpose of the internal environmental compliance review is for an administrative unit to review day-to-day activities and operations in which it is involved for compliance with applicable environmental and related laws and regulations, to help identify pollution prevention opportunities, and to verify that employees understand the environmental aspects of their jobs.
2. Responsibility. Each administrative unit is responsible for reviewing the activities in which they are involved.
3. Frequency. Recommend that internal environmental compliance reviews be completed on a periodic basis, frequently enough to engage and educate employees in environmental compliance issues within their activities. Recommend that all operations (FSM 1480.5) on all sites (FSM 1480.5) that are covered by environmental compliance requirements be reviewed.
4. Protocols. Units shall use internal environmental compliance review tools as developed and/or modified by the regional forester, station director, or Area Director in coordination with the Washington Office (WO).
5. Scope. Internal environmental compliance reviews provide a systematic check for environmental compliance of operations (FSM 1480.5) within sites (FSM 1480.5).

1481.13 - External Environmental Compliance Audits

1. Purpose. The purpose of the external environmental compliance audit is to provide an independent, objective review of an administrative unit's compliance program; including a review of their day-to-day activities for compliance with applicable regulations. The environmental compliance audit evaluates the implementation of the internal environmental compliance reviews, if any, and provides follow up by modifying and/or expanding available tools to assist the unit with achieving and maintaining compliance. Additionally, the environmental compliance audit helps identify and

promote pollution prevention opportunities on the unit, and ensure that information is available to assist with their implementation.

2. Responsibility. Each region/station/Area is responsible for ensuring that external environmental compliance audits are completed. Regions who use contractors to complete external environmental compliance audits may delegate contracting officer representative (COR) responsibilities to forest supervisors, if Forest staff qualifications are sufficient. This would include the implementation and administration of the external environmental compliance audits, provided the audits meet the objectivity and scope requirements stated herein.

3. Frequency. On a periodic basis of not less than once every 5 years, conduct external environmental compliance audits on all administrative units under the region/station/Area jurisdiction, custody, or control. External environmental compliance audits conducted by the WO as part of its oversight of the environmental compliance program counts for the purpose of meeting this schedule requirement.

4. Auditor Qualifications. Auditors must possess a working knowledge of the environmental laws and regulations, as well as a working knowledge of the operations being reviewed. Collectively, the audit team must have the knowledge and background required to efficiently and effectively conduct all aspects of the audit. At a minimum, all external auditors, whether contracted or Forest Service personnel, shall have received training as an environmental auditor, and training on environmental statutes and regulations. Lead auditors must hold a working knowledge of applicable environmental statutes and regulations, and must be experienced in conducting environmental compliance audits and/or inspections.

5. Protocols. The Environmental Assessment Manual (TEAM) Guide developed by the Army Corps of Engineers, including Federal, State, Forest Service, and Regional supplements, shall be used as the basis for external environmental compliance audits and internal environmental compliance reviews. The WO identifies the minimum audit protocols to be covered within a 5-year period by external environmental compliance audits. Where region- and/or state-specific environmental compliance self-audit checklists have been developed, the region shall have the flexibility to utilize these checklists as long as they are cross-walked to the TEAM Guide chapter/section headings for purposes of documenting significant and major findings, and corrective actions.

6. Scope. The regional forester, station director, or equivalent shall define the scope of the external environmental compliance audits in terms of content and geographic coverage, and shall incorporate minimum content requirements identified by the Washington Office.

1481.2 - Audit/Review Report

Completed internal environmental compliance review checklists or other appropriate documentation constitute the report for the internal environmental compliance review. The completed internal environmental compliance review checklists shall be kept at the site (FSM 1480.5).

Each external environmental compliance audit team shall prepare a compliance audit report and transmit it to the audited unit and staffs of the reviewing office within 45 days of on-site review. The report shall, at a minimum, include:

1. Executive summary that highlights key findings and recommendations including a summary of compliance status;
2. Description of administrative operations (FSM 1480.5) and sites (FSM 1480.5) covered as part of the audit;
3. Description of the significant and major audit findings organized by TEAM Guide chapter/section headings; and
4. Identification of root causes of audit findings and recommended corrective actions for key findings including pollution prevention opportunities.

1481.3 - Findings and Corrective Actions

1481.31 - Disclosure

Administrative units should consider voluntary self-disclosure, in consultation with the USDA Office of General Counsel - Pollution Control Team, of findings and associated corrective actions to the local primacy agency according to EPA's audit policy. Voluntary self-disclosure prior to a regulatory authority inspection/investigation or a third party complaint is a key component of EPA's audit policy, and is a prerequisite for EPA to utilize its authority to waive gravity-based penalties. For further information regarding EPA's audit policy, refer to EPA's "Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations" (FSM 1480.6, para. 6.)

1481.32 - Findings

Significant findings shall be immediately reported to the forest supervisor/project leader/field representative.

Copies of completed internal environmental compliance review checklists that show significant or major findings shall be submitted to the regional forester/station director/Area Director. Significant and major findings associated with the internal environmental compliance review

shall be entered into the corporate database and linked to the appropriate asset or land unit by means of Forest Service Form FS-1400-2.

External environmental compliance audit reports shall be submitted to the regional forester/station director/Area Director with corrective action plans. Additionally, significant and major findings associated with external environmental compliance audits shall be entered into the corporate database and linked to the appropriate asset or land unit by means of Forest Service Form FS-1400-2.

Findings from compliance audits and reviews will be included in the forest's/research unit's/field office's Environmental Management System (EMS) management reviews.

1481.33 - Corrective Actions

All significant findings shall be corrected or mitigated immediately upon discovery.

Corrective actions for major findings shall be mitigated as expeditiously as possible.

A corrective action plan for addressing deficiencies identified through an internal environmental compliance review shall be part of the internal environmental compliance review checklist, which shall be updated upon completion of the corrective action.

The administrative unit receiving an external environmental compliance audit shall develop and approve a corrective action plan and transmit the plan to appropriate units and the regional forester/station director/Area Director within 60 days following transmittal of the draft compliance audit report.

Each corrective action plan must include the following:

1. Findings titled and numbered in alignment with the audit report;
2. Planned corrective actions and estimated costs;
3. Preventative actions and mitigation measures to prevent recurrence of the non-compliance;
4. Officials responsible for the actions; and
5. Target dates for completion of actions.

The national database shall be updated using Forest Service Form FS-1400-2 to record the date the corrective action was completed for those significant and major findings already entered into the database.