

U.S. Department of
Homeland Security

United States
Coast Guard



Commandant
United States Coast Guard

Stop 7714
2703 Martin Luther King Jr Ave SE
Washington, DC 20593-7714
Staff Symbol: CG-47
Phone: (202) 475-5692
E-mail: ronald.l.johnsen@uscg.mil

COMDTINST 5090.12
02 May 2014

COMMANDANT INSTRUCTION 5090.12

Subj: POLICY ON ENVIRONMENTAL COMPLIANCE AND RESTORATION PROGRAM

- Ref: (a) 14 U.S.C. §691 *et seq.*, U.S. Coast Guard Environmental Compliance and Restoration Program
 (b) Financial Resources Management Manual (FRMM), COMDTINST M7100.3 (series)
 (c) Claims and Litigation Manual, Ch. 19, COMDTINST M5890.9, 3 March 1993
 (d) Policy on Management of Environmental Liabilities, COMDTINST 5090.11, 28 March 2012
 (e) Environmental Remediation for DoD Activities Overseas, Department of Defense Instruction (DODI) 4715.8, 2 February 1998

1. PURPOSE. This instruction establishes the policy for how the Coast Guard manages the Environmental Compliance and Restoration (EC&R) Program in accordance with the requirements set forth in References (a) and (b). It establishes standards for Coast Guard EC&R Program funding and execution.
2. ACTION. All Coast Guard unit commanders, commanding officers, officers-in-charge, deputy/assistant commandants, and chiefs of headquarters staff elements shall comply with the provisions of this Instruction. Internet release is authorized.
3. DIRECTIVES AFFECTED. None.
4. DISCUSSION.
 - a. Reference (a) states that the Secretary shall carry out a program of EC&R at current and former Coast Guard facilities that includes the following program goals:

DISTRIBUTION – SDL No. 164

	a	b	c	d	e	f	g	h	i	j	k	l	m	n	o	p	q	r	s	t	u	v	w	x	y	z
A																										
B	X	X	X						X							X				X						
C						X	X																			
D	X																									
E																										
F																										
G																										
H																										

NON-STANDARD DISTRIBUTION:

- (1) Identifying, investigating, and cleaning up contamination from hazardous substances and pollutants.
 - (2) Correcting other environmental damage that poses an imminent and substantial danger to the public health or welfare or to the environment.
 - (3) Demolishing and removing unsafe buildings and structures, including buildings and structures at former Coast Guard facilities.
 - (4) Preventing contamination from hazardous substances and pollutants at current Coast Guard facilities.
 - b. The goals above provide a framework for the Coast Guard's EC&R program. In addition, Reference (a) also provides definitions to guide the Coast Guard in management of its EC&R activities.
 - c. All EC&R budgeting, funding and execution activities shall be in accordance with Reference (b).
5. **DISCLAIMER.** This guidance is not a substitute for applicable legal requirements, nor is it itself a rule. It is intended to provide operational guidance for Coast Guard personnel and is not intended to nor does it impose legally-binding requirements on any party outside the Coast Guard.
6. **ENVIRONMENTAL ASPECT AND IMPACT CONSIDERATIONS.** Environmental considerations under the National Environmental Policy Act of 1969 (NEPA) were examined in the development of this Directive. It is categorically excluded from further NEPA analysis and documentation requirements under current Coast Guard Categorical Exclusion (33), in accordance with the National Environmental Policy Act Implementing Procedures and Policy for Considering Environmental Impacts, COMDTINST M16475.1 (series), Figure 2-1. An Environmental Checklist or Categorical Exclusion Determination is not required.
7. **DISTRIBUTION.** No paper distribution will be made of this Instruction. An electronic version will be located on the following Commandant (CG-612) web sites. Internet: <http://www.uscg.mil/directives/>, and CGPortal: <https://cgportal2.uscg.mil/library/directives/SitePages/Home.aspx>.
8. **PROCEDURE.** Reference (d) states the Coast Guard recognizes that the service's responsibilities include accurate accounting of financial liabilities associated with future environmental cleanup (including EC&R projects) caused by activities at Coast Guard-managed shore installations. To accomplish these responsibilities and to systematically manage and reduce or eliminate environmental liabilities, the following shall be conducted for the EC&R program:
- a. Shore Infrastructure Logistics Center (SILC) Environmental Management Division (EMD) shall develop a Coast Guard Environmental Compliance and Restoration Program Process Guide with oversight from Commandant (CG-47). The EC&R Process Guide shall establish and describe procedures and practices to implement the Coast Guard EC&R program and policy. The EC&R Process Guide shall be revised

- as necessary to reflect current technology, legislative requirements, accounting principles and practices, and changes in Coast Guard missions. Commandant (CG-47) and SILC EMD shall manage sustainment of the EC&R Process Guide and ensure that this guidance document remains current and in accordance with applicable Coast Guard policy and mission support protocols.
- b. SILC EMD shall conduct an annual EC&R project Planned Obligation Prioritization (E-POP) Board by the end of June to include project validation and risk assessment for project prioritization.
 - c. SILC EMD shall annually update and prepare a five-year EC&R spend plan based on results of the annual E-POP Board. The spend plan shall be submitted to Commandant (CG-47) for approval by the end of July.
 - d. Commandant (CG-47) and SILC EMD shall develop jointly the annual EC&R budget submission via the Commandant (CG-8) Resource Allocation Proposal format by the end of July for the following 2nd fiscal year (e.g. 31 July 2014 for FY 2016).
 - e. SILC EMD shall annually prepare a complete, prioritized EC&R project backlog listing, by the end of October (for that FY), to be used in the annual EC&R Report to Congress required by 14 U.S.C. §693 (Reference (a)).
 - f. Commandant (CG-47) and SILC EMD shall annually conduct and document a validation of all EC&R-funded billets by the end of each FY.
 - g. SILC EMD shall annually conduct a reconciliation of all EC&R obligations or expenditures for the previous FY by the end of each calendar year.
 - h. Civil Engineering Unit (CEU) Environmental Management Branches shall execute EC&R projects and activities in accordance with approved spend plans. EC&R program goal is to obligate 90% of EC&R funding within twelve months of receipt and obligate 100% within two years of receipt.
 - i. EC&R projects in foreign countries shall conform to Reference (e) and be approved by Commandant (CG-4) after consultation with Commandant (CG-0941e) prior to funding/execution.
 - j. EC&R projects shall not be conducted, nor EC&R funds expended, on former Coast Guard property which is now under jurisdiction and control of an entity outside of the Department of Homeland Security unless approved by Commandant (CG-4) after consultation with Commandant (CG-0941e).
9. RECORDS MANAGEMENT CONSIDERATIONS. This Instruction has been thoroughly reviewed by the Coast Guard, and it has been determined there are no further records scheduling requirements, in accordance with Federal Records Act, 44 U.S.C. 3101 et seq., NARA requirements, and Information and Life Cycle Management Manual, COMDTINST M5212.12 (series). This policy does not have any significant or substantial change to existing records management requirements.
10. RESPONSIBILITY. Personnel with responsibilities for the management of the EC&R program include:
- a. Assistant Commandant for Engineering and Logistics (CG-4). Program Director for the EC&R program with final funding, programming and execution approval

- authority.
- b. Director, Office of Environmental Management (CG-47). Program Manager for EC&R program responsible for maintaining EC&R policy and program budget requests. Maintains oversight of program execution. Approves EC&R spend plans on behalf of Commandant (CG-4).
 - c. Office of Civil Engineering (CG-43), Shore Infrastructure Logistics Center (SILC) Environmental Management Division (EMD). Responsible for EC&R program coordination/execution. Allocates funding to and performs oversight of Civil Engineering Units (CEUs) EC&R projects and activities. Develops draft spend plans in coordination with CEU Environmental Management Branch Chiefs for Commandant (CG-47) final approval. Provides required EC&R program reporting to Commandant (CG-47).
 - d. Civil Engineering Unit (CEU) - Product Lines, Environmental Management Branch. Responsible for providing technical assistance and/or execution of EC&R projects and activities. Identifies and manages environmental liabilities, assess and evaluate risk and determine risk assessment scoring for remediation projects. Liaison with operational units and regulatory agencies regarding EC&R projects and activities. Participates in annual E-POP meetings to draft program spend plans and identify funding requirements. Responsible for meeting EC&R program funding obligation goals. Develops and maintains project documentation and data. Provides required EC&R project reporting information to SILC EMD.
 - e. Judge Advocate General and Chief Counsel (CG-094). Supports Commandant (CG-4) and the Office of Environmental Management with legal advice on questions associated with environmental compliance and restoration and fiscal authorities.
 - f. Chief, Environmental Law Division (CG-0941e). Supports Commandant (CG-4 and CG-47) with legal advice on questions associated with environmental compliance and restoration and has settlement authority for EC&R claims not exceeding \$100,000 (Reference (c)).

11. FORMS/REPORTS. None.

12. REQUEST FOR CHANGES. All requests for change shall be submitted to: Commandant (CG-47); U. S. Coast Guard; Stop 7714; 2703 Martin Luther King Jr. Ave SE; Washington, DC 20593-7714.

R. J. RÁBAGO /s/
Rear Admiral, U. S. Coast Guard
Assistant Commandant for Engineering & Logistics