



COMDTINST 16478.5
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COMMANDANT INSTRUCTION 16478.5

Subj: Environmental Compliance Evaluation (ECE) Program

Ref: (a) Department of Transportation Order 5640.1C

(b) 51 Federal Register 25004, 9 July 1986

(c) Generic Protocol for Environmental Audits at Federal Facilities, EPA/130/4-89/002,
August 1989

1. PURPOSE. This instruction establishes policies, procedures, and responsibilities for the Coast Guard Environmental Compliance Evaluation (ECE) program.
2. APPLICABILITY. This instruction applies to all Coast Guard staffed shore facilities, and vessels independently moored, in the U.S. and trust territories. Units not subject to environmental requirements or that pose minimal environmental risk (i.e. purely administrative facilities) may be exempted from the program by the cognizant Maintenance and Logistics Command (MLC).
3. BACKGROUND.
 - a. The Commandant's Environmental Policy Statement challenges the Coast Guard to "be a leader in ensuring our own facilities, operations, and personnel comply with environmental standards".
 - b. Federal agencies and industry have recognized the need to conduct internal "environmental audits" to ensure compliance with federal, state, and local environmental requirements which are continuously evolving. Reference (a) requires the DOT operating administrations to each implement environmental auditing programs. The Environmental Protection Agency's policy and protocol with respect to federal agency environmental auditing programs are contained in references (b) and (c).

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- c. The Coast Guard ECE program is more than just an audit program. Traditional environmental audits are field inspections of facilities and operations to determine areas of noncompliance. The ECE program, in addition to determining areas of noncompliance, will provide unit Commanders and Commanding Officers with:
 - (1) specific recommendations for corrective action.
 - (2) assistance in developing, estimating, and programming projects for Environmental Compliance and Restoration (EC&R) funding.
 - (3) advice on environmental training, staffing, and program management. The benefits of an effective ECE program are: implementation of the Commandant's Environmental Policy Statement. early identification and correction of noncompliance so as to protect human health and the environment, and avoid Notices of Violation (NOVs) and enforcement actions, including fines and penalties.

4. RESPONSIBILITIES.

- a. MLCs shall manage the ECE program for all units under their cognizance, to include:
 - (1) determining and programming required resources through the EC&R program.
 - (2) based on the criteria in paragraph 5., approving annual ECE schedules developed by Civil Engineering Units (CEUs).
 - (3) providing a quality control function to ensure consistency and quality of ECEs.
 - (4) developing management summaries for District and Group Commanders and COMDT (G-ECV-1).
 - (5) providing recommendations to COMDT (G-ECV-1) on procedures and evaluation protocols.
 - (6) determining and exempting from the program units which pose minimal environmental risk, such as those purely administrative in nature.

- b. CEUs shall:
 - (1) provide the Coast Guard ECE "team leader" for conducting ECEs at units in their area of responsibility and develop ECE annual schedules in coordination with field units, Districts, and MLCs.
 - (2) determine the necessary multi-disciplinary talents needed for a specific ECE team.
 - (3) assemble ECE teams, including experts made available per paragraph 6.b. below, and perform ECEs.
 - (4) provide in and out briefs to the unit Commander/Commanding Officer, and a written executive summary within 7 days.
 - (5) within 60 days provide a draft, written report, per the prescribed format, to the unit Commander/Commanding Officer with copies to the MLC. After comment resolution, the final report will be forwarded to the unit, the MLC, Group and District Commanders, and G-ECV-1.
- c. Unit Commanders/Commanding Officers are responsible at all times for environmental compliance at facilities under their command. Unit Commanders/Commanding Officers shall:
 - (1) consistent with mission requirements, make personnel, records, and facilities available during ECEs.
 - (2) ensure prompt correction of deficiencies within the control of the unit.
 - (3) consult with CEUs to ensure that projects eligible for EC&R funds are programmed and prioritized accordingly.
- d. District Commanders shall:
 - (1) ensure unit Commanders/Commanding Officers fulfill the responsibilities in paragraph c.
 - (2) handle any Freedom of Information Act requests or other public or press inquiries related to environmental compliance at an unit in their geographic area of responsibility.

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(3) for HQ units and Support Centers, responsibilities described in (1) and (2) above will be fulfilled by Headquarters Program Offices (in consultation with G-E) and MLCs respectively.

e. COMDT (G-ECV-1) shall:

(1) develop and update ECE program policy and protocols, as needed.

(2) plan, program, and budget for adequate resources for both the ECE program and for EC&R projects to correct deficiencies.

(3) provide executive level management summaries for Headquarters Offices.

(4) serve as the Coast Guard representative relative to the ECE program with EPA and the Environmental Auditing Roundtable.

(5) perform ECEs at independent Headquarters units.

ECE FREQUENCY AND SCHEDULING.

a. At a minimum, ECEs shall be performed every three years.

b. ECEs will be scheduled to coincide with other facility inspections or management visits to the maximum extent possible.

c. MLCs, in consultation with Districts, may perform ECEs on a more frequent schedule for certain units depending on compliance status and the pace of regulatory change.

RESOURCES.

a. All resources necessary to implement the ECE program shall be programmed and budgeted via the Coast Guard EC&R account.

b. Technical and regulatory specialists will be made available to CEU team leaders via contract and/or interagency support arranged by COMDT (G-ECV-1)

ECE PROCEDURES AND FORMATS.

- a. ECEs will be conducted and reported per protocols developed by COMDT (G-ECV-1).
- b. ECE Reports will consist of two parts:
 - (1) Part 1. Findings of Fact - consists of factual material including date/time/participants in the ECE; a table, sorted by law, displaying the operations or facilities evaluated, whether or not in compliance, and the applicable regulation, statute, directive, etc.
 - (2) Part 2. Recommendations - consists of recommendations for the Commanding Officer and Appendices with proposed EC&R projects, if needed.

RELEASE OF ECE INFORMATION. The release of ECE information and/or denial of requests for ECE information shall be governed by the Freedom of Information Act (FOIA) and the Privacy and Freedom of Information Acts Manual, COMDTINST M5260.2. Draft ECEs are working documents and usually not subject to release. Part 1 of the ECE contains only factual matters, therefore it can usually be released. Part 2 contains internal advice, recommendations and subjective evaluations, therefore it will usually be exempt from release.

ACTION. Area and District Commanders, Commanders of Maintenance and Logistics Commands, Headquarters and Unit Commanding Officers, shall ensure compliance with the provisions and responsibilities of this instruction.

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