

## TRAINING SUPPORT PACKAGE (TSP)

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<b>TSP Number / Title</b>	T227 / ENVIRONMENTAL AWARENESS
<b>Effective Date</b>	01 Oct 2003
<b>Supersedes TSP(s) / Lesson(s)</b>	M209, Environmental Awareness, Dec 99
<b>TSP Users</b>	400-PLDC Primary Leadership Development Course
<b>Proponent</b>	The proponent for this document is the Sergeants Major Academy.
<b>Improvement Comments</b>	Users are invited to send comments and suggested improvements on DA Form 2028, <i>Recommended Changes to Publications and Blank Forms</i> . Completed forms, or equivalent response, will be mailed or attached to electronic e-mail and transmitted to:  COMDT USASMA ATTN ATSS DCP BLDG 11291 BIGGS FIELD FORT BLISS TX 79918-8002  Telephone (Comm) (915) 568-8875 Telephone (DSN) 978-8875 E-mail atss-dcd@bliss.army.mil
<b>Security Clearance / Access</b>	Unclassified
<b>Foreign Disclosure Restrictions</b>	FD5. This product/publication has been reviewed by the product developers in coordination with the USASMA foreign disclosure authority. This product is releasable to students from all requesting foreign countries without restrictions.

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## PREFACE

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**Purpose**

This Training Support Package provides the instructor with a standardized lesson plan for presenting instruction for:

**Task Number**

**Task Title**

**Individual**

051-250-1001	Comply with Host Nation, Federal, State, and Local Environmental/Protection Laws and Regulations
051-250-1003	Enforce Company Compliance with Host-Nation, Federal, State, and Local Environmental Laws and Regulations
051-250-1004	Integrate military environmental protection into operations

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This TSP  
Contains

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**ENVIRONMENTAL AWARENESS**  
**T227 / Version 1**  
**01 Oct 2003**

**SECTION I. ADMINISTRATIVE DATA**

<b>All Courses Including This Lesson</b>	<u>Course Number</u> 400-PLDC PHII	<u>Version</u> 1	<u>Course Title</u> Primary Leadership Development Course, PHII
<b>Task(s) Taught(*) or Supported</b>	<u>Task Number</u> <u>Individual</u>	<u>Task Title</u>	
	051-250-1001	Comply with Host Nation, Federal, State, and Local Environmental/Protection Laws and Regulations	
	051-250-1003	Enforce Company Compliance with Host-Nation, Federal, State, and Local Environmental Laws and Regulations	
	051-250-1004	Integrate military environmental protection into operations	
<b>Reinforced Task(s)</b>	<u>Task Number</u>	<u>Task Title</u>	
<b>Academic Hours</b>	The academic hours required to teach this lesson are as follows:		
		<u>Resident Hours/Methods</u>	
		1 hr	/ Conference / Discussion
	Test	0 hrs	
	Test Review	0 hrs	
	Total Hours:	1 hr	
<b>Test Lesson Number</b>		<u>Hours</u>	<u>Lesson No.</u>
	Testing (to include test review)	2 hrs 30 mins	Written Exam II
<b>Prerequisite Lesson(s)</b>	<u>Lesson Number</u> None	<u>Lesson Title</u>	
<b>Clearance Access</b>	Security Level: Unclassified Requirements: There are no clearance or access requirements for the lesson.		
<b>Foreign Disclosure Restrictions</b>	FD5. This product/publication has been reviewed by the product developers in coordination with the USASMA foreign disclosure authority. This product is releasable to students from all requesting foreign countries without restrictions.		

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**References**

<u>Number</u>	<u>Title</u>	<u>Date</u>	<u>Additional Information</u>
FM 3-100.4	Environmental Considerations in Military Operations	15 Jun 2000	Chapter 1 and Appendix A

**Student Study Assignments**

Before Class--

- Read Student Handouts 1 (Advance Sheet) and 2 (Extracts from FM 3-100.4, Chap 1 and Appendix A).

During Class--

- Participate in classroom discussion.

After Class--

- Review notes and lesson materials.

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**Instructor Requirements**

2:16, SSG or SFC, PLDC graduate, ITC and SGITC qualified (SFC only used in the absence of an SSG and approved by the proponent commandant, or post commander).

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**Additional Support Personnel Requirements**

<u>Name</u>	<u>Stu Ratio</u>	<u>Qty</u>	<u>Man Hours</u>
None			

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**Equipment Required for Instruction**

<u>ID Name</u>	<u>Stu Ratio</u>	<u>Instr Ratio</u>	<u>Spt</u>	<u>Qty</u>	<u>Exp</u>
441-06 LCD Projection System	1:16	1:2	N	1	N
559359 SCREEN PROJECTION	1:16	1:2	N	1	N
673000T101700 PROJECTOR, OVERHEAD, 3M	1:16	1:2	N	1	N
7110-00-132-6651 CHALKBOARD	1:16	1:2	N	1	N
7110-00-T81-1805 DRY ERASE BOARD	1:16	1:2	N	1	N

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**Materials Required****Instructor Materials:**

- Viewgraphs: 8

**Student Materials:**

- Reading materials listed on the Advance Sheet.
- Pen or pencil and writing paper.

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**Classroom, Training Area, and Range Requirements**

CLASSROOM INSTRUCTION 900 SF, 16 PN or Classroom Conducive to Small Group Instruction of 16 Students.

**Ammunition Requirements**

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<u>Id</u>	<u>Name</u>	<u>Exp</u>	<u>Stu Ratio</u>	<u>Instr Ratio</u>	<u>Spt Qty</u>
None					

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**Instructional Guidance**

**NOTE:** Before presenting this lesson, instructors must thoroughly prepare by studying this lesson and identified reference material.

- This TSP has questions throughout to check learning or generate discussion among the group members. You may add any questions you deem necessary to bring a point across to the group or expand on any matter discussed. You must know the information in this TSP well enough to teach from it, not read from it.
  - Read and study all TSP material and be ready to conduct the class.
  - Conduct the class in accordance with this TSP.
  - Collect all recoverable materials after the examination for this lesson.
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**Proponent Lesson Plan Approvals**

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<u>Name</u>	<u>Rank</u>	<u>Position</u>	<u>Date</u>
/s/Santa Barbara, Robert GS-09		Training Specialist	
/s/Barnes, Ronnie G.	SGM	Course Chief, PLDC	
/s/Lawson, Brian H.	SGM	Chief, NCOES	
/s/Mays, Albert J.	SGM	Chief, CDDD	

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**SECTION II. INTRODUCTION**

Method of Instruction: Conference / Discussion  
Technique of Delivery: Small Group Instruction (SGI)  
Instructor to Student Ratio is: 1:8  
Time of Instruction: 5 mins  
Media: VGT-1

**Motivator**

In recent years, the Army’s concern for the environment has increased. Both the Army and the public have increased their emphasis on environmental stewardship. General Dennis Reimer, former Chief of Staff of the Army, made the Army’s commitment to our nation’s environmental policy quite clear when he said: “Everyone must protect and conserve the natural environment as an individual responsibility. Seemingly minor infractions by individuals, particularly in cumulative effect, can have major effects on human health and natural habitat--or upon operating budgets. Leaders must set the example as well as to strictly enforce environmental policy and regulations. Environmental responsibility involves all of us. The environmental ethic must be part of how we live and how we train.” As a team leader you have the inherent personal and professional responsibility to know, understand, and support the Army’s environmental program.

**Terminal Learning Objective**

**NOTE:** Inform the students of the following Terminal Learning Objective requirements. At the completion of this lesson, you [the student] will:

<b>Action:</b>	Demonstrate awareness and understanding of the U.S. Army's environmental program.
<b>Conditions:</b>	Given all applicable references and in a classroom environment.
<b>Standards:</b>	Demonstrated awareness and understanding of the U.S. Army environmental program IAW FM 3-100.4.

**Safety Requirements**

None

**Risk Assessment Level**

Low

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**Environmental Considerations**

**NOTE:** It is the responsibility of all soldiers and DA civilians to protect the environment from damage.

None

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**Evaluation**

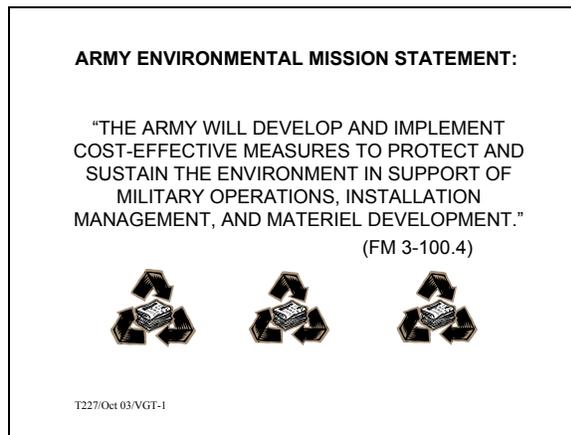
You will take a written examination. The examination will contain questions from this lesson. You must correctly answer 70 percent or more of the questions on the examination to receive a GO.

**NOTE:** Inform the students when their examination will take place as posted on the training schedule; tell them when they will receive feedback on the tests. Include any retest information.

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**Instructional Lead-In**

**SHOW VGT-1, ARMY ENVIRONMENTAL MISSION STATEMENT**



Ref: SH-2 (FM 3-100.4), p SH-2-5, para 1-23

**NOTE:** Read VGT-1 to the students.

This lesson will provide you with an awareness of your responsibilities concerning environmental laws, regulations, policies, and procedures associated with the U.S. Army environmental program. As you can see the Army’s environmental mission statement communicates its commitment to the environment.

**REMOVE VGT-1**

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**SECTION III. PRESENTATION**

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**NOTE:** Inform the students of the Enabling Learning Objective requirements.

**A. ENABLING LEARNING OBJECTIVE**

<b>ACTION:</b>	Identify the four sources of environmental law.
<b>CONDITIONS:</b>	Given student handout extracts from FM 3-100.4, Appendix A and a group discussion in a classroom environment.
<b>STANDARDS:</b>	Identify the four sources of environmental law IAW Student Handout extracts from FM 3-100.4, Appendix A.

1. Learning Step / Activity 1. Four Sources of Environmental Law

Method of Instruction: Conference / Discussion  
Technique of Delivery: Small Group Instruction (SGI)  
Instructor to Student Ratio: 1:8  
Time of Instruction: 15 mins  
Media: VGT-2 thru VGT-7

**NOTE:** Direct students to SH-2, (FM 3-100.4), page SH-2-8

Environmental issues are a major concern of the Army, and with emerging new laws and regulations, environmental protection will continue to have a growing impact on Army operations. Violations of federal, state, or local environmental laws can result in both civil and criminal penalties. Unit leaders must understand the laws and respond accordingly. Leaders must also ensure that unit personnel receive appropriate training and that the unit complies with all legal requirements.

The four primary sources of environmental laws that influence Army actions are federal, state, local, and host nation (HN). The Army will comply with these laws and regulations as they pertain to individual localities and installations.

**SHOW VGT-2, PRIMARY SOURCES OF ENVIRONMENTAL LAW**

**PRIMARY SOURCES OF ENVIRONMENTAL LAW**

- » FEDERAL LAWS
- » STATE LAWS
- » LOCAL LAWS
- » HOST NATION



T227/Oct 03/VGT-2

Ref: SH-2 (FM 3-100.4), Appendix A

The Army will comply with these laws and regulations as they pertain to individual localities and installations.

**REMOVE VGT-2**

First, we will discuss federal laws.

**SHOW VGT-3, FEDERAL LAWS**



**FEDERAL LAWS**

THESE LAWS PROVIDE STATES AND FEDERAL AGENCIES WITH A LEGAL FRAMEWORK WITHIN WHICH TO OPERATE.



T227/Oct 03/VGT-3

Ref: SH-2 (FM 3-100.4), Appendix A, para Federal Laws

Federal environmental laws apply to all situations and at all locations. However, environmental policy will change from installation to installation because environmental laws are different between localities, states, and foreign countries. The Federal Facilities Compliance Act (FFCA) of 1992 allows regulatory agencies to impose civil fines on other federal agencies, like the Department of the Army, for violations of the Resource Conservation and Recovery Act (RCRA) of 1976. The

RCRA sets the nation's framework for managing hazardous wastes. The RCRA regulations establish the standards for identifying, classifying, transporting, storing, treating, and disposing of hazardous wastes. Under the FFCA, the federal and state environmental regulatory agencies can impose civil fines on federal agencies, including the Army, for RCRA violations. The penalty can be up to \$50,000 for each day of violation and/or up to two years in jail.

SH-2 (FM 3-100.4), p SH-2-13

### **REMOVE VGT-3**

The next source of environmental law that we will discuss is state laws.

### **SHOW VGT-4, STATE LAWS**



Ref: SH-2 (FM 3-100.4) Appendix A, p SH-2-13, para State Laws

States are responsible for developing and implementing their own environmental regulations. Many states parallel the federal environmental regulations. All states are different and have different state laws. You must be familiar with each state's environmental regulations.

### **REMOVE VGT-4**

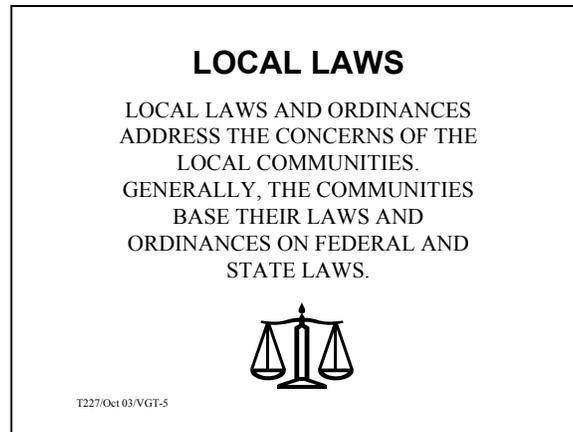
The next source of environmental law is local laws.

QUESTION: What are local laws?

ANSWER: Local laws are laws and ordinances that address the environmental concerns of the local communities.

Ref: SH-2 (FM 3-100.4), Appendix A, p SH-2-13, para Local Laws

### **SHOW VGT-5, LOCAL LAWS**



Ref: SH-2 (FM 3-100.4), Appendix A, p SH-2-13, para Local Laws

As you can see, locales base their laws on federal and state laws. However, each municipality or community may place more stringent restrictions on certain activities, for example noise restrictions during certain hours of the day.

### **REMOVE VGT-5**

The last source of environmental law that we will discuss is Host Nation (HN) Law/Final Governing Standards (FGS).

QUESTION: What is host nation (HN) environmental law?

ANSWER: Environmental laws outside the continental United States (OCONUS) which the Army must follow.

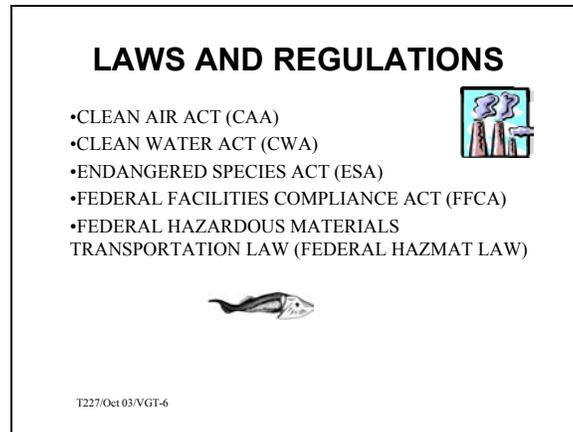
Ref: SH-2 (FM 3-100.4), Appendix A, p SH-2-13, para Host Nation Law/Final Governing Standards

The Army has committed to pursuing an active role in addressing environmental quality issues in relations with neighboring communities and assuring that consideration of the environment is an integral part of all decisions. Installations and units OCONUS that are not subject to federal environmental regulations decreed by the Environmental Protection Agency (EPA) will, in areas where a HN has minimal or no environmental laws and regulations, comply with Army Regulations, AR 200-1 and

AR 200-2. In countries where there are HN laws, the Army will use the FGS according to the executive agent of the country.

Now that we have discussed the sources of environmental law, let's take a look at the major laws and regulations that apply to Army units and unit leaders.

### **SHOW VGT-6, LAWS AND REGULATIONS**



Ref: SH-2 (FM 3-100.4), Appendix A, pp SH-2-8 thru SH-2-11

The Clean Air Act (CAA) of 1970 requires preventing, controlling, and reducing air pollution from various sources (maintenance, logistics, and training). Vehicles, other than combat and heavy engineering equipment, require emission inspections in some areas of the country.

The Clean Water Act (CWA) of 1972 affects surface water, groundwater, and storm water protection; wetlands and coastal waters protection; and erosion control. It also establishes requirements for reporting oil and hazardous substance spills into waterways.

The Endangered Species Act (ESA) of 1973 prohibits actions that harm listed threatened or endangered species or their critical habitats.

The Federal Facilities Compliance Act (FFCA) of 1992 applies only to hazardous waste and solid waste requirements of the RCRA, but forces federal facilities to comply with environmental laws in the same manner as private, nongovernmental civilian agencies.

The Federal Hazardous Materials Transportation Law (Federal HAZMAT Law of 1988 (formerly known as the Hazardous Materials Transportation Act) authorizes DOT to issue interstate and intrastate regulations related to transportation of HM. Units most commonly haul HM in the form of POL products and ordnance. Units comply with these requirements during operations and deployments that require vehicle movement or convoys on federal and state highways.

**REMOVE VGT-6**

**SHOW VGT-7, LAWS AND REGULATIONS, CONT**

**LAWS AND REGULATIONS,  
CONT**

- NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)
- NATIONAL HISTORIC PRESERVATION ACT (NHPA)
- NOISE CONTROL ACT (NCA)
- RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)
- SAFE DRINKING WATER ACT 

T227/Oct 03/VGT-7

Ref: SH-2 (FM 3-100.4), Appendix A, page SH-2-11 thru SH-2-12

The National Environmental Policy Act (NEPA) of 1969 directs the Army's stated environmental goals and policy. Its purpose is to encourage harmony with our physical environment, promote efforts that prevent or eliminate environmental degradation, and improve our understanding of natural resources.

The nation designed the National Historic Preservation Act (NHPA) of 1966 to help safeguard against the loss of irreplaceable historic, archeological, and cultural properties, especially on federal lands. The Army has many facilities located on historic and archeological sites.

The Noise Control Act (NCA) of 1972 enables the EPA to establish standards. The NCA regulates noise emissions from commercial products such as transportation and construction equipment. This act exempts weapons or equipment designed for combat use.

The Resource Conservation and Recovery Act (RCRA) of 1976 sets the nations framework for managing hazardous waste. RCRA regulations establish the standards for identifying, classifying, transporting, storing, treating, and disposing of hazardous waste. The RCRA also requires that those involved in managing hazardous wastes receive proper training.

The Safe Drinking Water Act (SWDA) of 1974 regulates drinking water quality. The Army's program objectives are to conserve water resources by implementing conservation plans and to provide drinking water that meets regulatory standards.

### **CHECK ON LEARNING:**

**NOTE:** Conduct a check on learning by asking the following questions. Briefly summarize the covered material and correct any misunderstandings the students may have.

QUESTION: What is the Army's environmental mission?

ANSWER: The Army will develop and implement cost-effective measures to protect and sustain the environment in support of military operations, installation management, and materiel development.

Ref: SH-2 (FM 3-100.4), p SH-2-5, para 1-23

QUESTION: What are the four sources of environmental law and regulations?

ANSWER: Federal, State, Local, and Host Nation Law/Final Governing Standards.

Ref: SH-2 (FM 3-100.4), p SH-2-8 thru SH-2-13

QUESTION: What type of organizations must comply with the Federal Facilities Compliance Act?

ANSWER: All federal facilities, private and nongovernmental civilian agencies.

Ref: SH-2 (FM 3-100.4), p SH-2-10

**B. ENABLING LEARNING OBJECTIVE**

<b>ACTION:</b>	Identify the four pillars of the Army's environmental program
<b>CONDITIONS:</b>	Given Student Handout extracts from FM 3-100.4, Chapter 1 and a group discussion in a classroom environment.
<b>STANDARDS:</b>	Identified the four pillars of the Army's environmental program IAW Student Handout extracts from FM 3-100.4, Chapter 1.

1. Learning Step / Activity 1. Pillars of Environmental Program

Method of Instruction: Conference / Discussion  
 Technique of delivery: Small Group Instruction (SGI)  
 Instructor to Student Ratio: 1:8  
 Time of Instruction: 20 mins  
 Media: VGT-8

Now that we have discussed the laws, let's talk about the strategy that the Army takes to ensure that units and personnel comply with all laws and regulations.

**SHOW VGT-8, ARMY'S ENVIRONMENTAL STRATEGY MODEL**



Ref: SH-2 (FM 3-100.4), p SH-2-6

**NOTE:** Before discussing each pillar of the Army's environmental program, ask different students what they think that pillar represents and give an example.

For years, the Department of Defense (DOD) and private industry believed that nature would take care of itself. This belief and the preparation for two world wars and numerous armed conflicts required the testing, development, and production of hazardous substances. This has resulted in an increased risk to the environment and human health.

The Army's environmental strategy takes its direction from a vision and consists of goals, policies, and an implementation plan. Through the framework set out in this strategy, the Army strives to achieve environmentally sustainable operations, improve national security, and enhance the quality of life.

Now, let's take a closer look at the VGT. The Army founded this strategy on the bedrock of shared national values, which tie the Army to the nation and give the Army stability. The key building blocks--people, resources, communication, management and organization--provide the foundation for all Army activities.

These building blocks support the Army's tradition of leadership. Strong commitment to each part of the foundation is critical to ensure a solid base for environmental initiatives and for long-term success. Army leadership, coupled with the building blocks, provides a sound footing for the pillars of compliance, restoration, prevention, and conservation. These four pillars symbolize the Army's environmental program. Maximum support for the Army's mission takes place when all four pillars remain strong and balanced.

- The compliance pillar addresses all activities to ensure that current operations conducted on Army installations meet federal, state, local, and HN environmental requirements
- The restoration pillar includes all activities necessary to clean up contaminated sites at Army installations.
- The prevention pillar focuses on eliminating pollution at the source; this includes reducing or eliminating the use of hazardous materials and the generation of hazardous waste. Eliminating pollution also includes all phases of the material management life cycle from cradle to grave.
- The conservation pillar includes two different types of resource management--conservation and preservation. Conservation focuses on responsibly using Army land to ensure long-term natural resource productivity so the Army can achieve its mission. Preservation, which focuses on resource protection, is essential for ensuring the future of valuable national resources.

**REMOVE VGT-8**

**CHECK ON LEARNING:**

**NOTE:** Conduct a check on learning by asking the following questions. Briefly summarize the covered material and correct any misunderstandings the students may have.

**QUESTION:** According to the Army's environmental strategy model, what does the compliance pillar address?

**ANSWER:** It addresses all activities to ensure that current operations conducted on Army installations meet federal, state, local and HN environmental requirements.

Ref: SH-2 (FM 3-100.4), p SH-2-6

**QUESTION:** What are the four pillars of the environmental strategy model?

**ANSWER:** Compliance, prevention, conservation, and restoration.

Ref: SH-2 (FM 3-100.4), p SH-2-6

**SECTION IV. SUMMARY**

Method of Instruction: <u>Conference / Discussion</u>
Technique of Delivery: <u>Small Group Instruction (SGI)</u>
Instructor to Student Ratio is: <u>1:8</u>
Time of Instruction: <u>10 mins</u>
Media: <u>None</u>

**Check on Learning**

**NOTE:** Conduct a check on learning by asking the following questions.

QUESTION: What are the four sources of environmental laws that influence the Army?

ANSWER: Federal, state, local, and host nation.

Ref: SH-2 (FM 3-100.4), Appendix A, pp SH-2-8 thru SH-2-13

QUESTION: What does the Noise Control Act do?

ANSWER: This act enables EPA to establish noise standards. It regulates noise emissions from commercial products such as transportation and construction equipment.

Ref: SH-2 (FM 3-100.4), Appendix A, p SH-2-12

QUESTION: What makes up the foundation of the Army's environmental strategy?

ANSWER: People, resources, communication, and management and organization.

Ref: SH-2 (FM 3-100.4), p SH-2-6

QUESTION: What does the prevention pillar address?

ANSWER: It focuses on eliminating pollution at the source, this includes reducing or eliminating hazardous-materials use and hazardous-waste generation.

Ref: SH-2, FM 3-100.4, p SH-2-6

**Review / Summarize Lesson**

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For more than 200 years, the Army has been a vital force in U.S. society, promoting national stability and defense while developing skills and techniques to enhance future operational effectiveness. The Army shares with all Americans their values of democracy, equal opportunity, and wise use of natural resources. The Army expects all leaders to serve as basic environmental stewards. These leaders have the professional and personal responsibility to understand and support the Army's environmental program.

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**SECTION V. STUDENT EVALUATION**

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**Testing Requirements**

**NOTE:** Describe how the student must demonstrate accomplishment of the TLO. Refer student to the Student Evaluation Plan.

You will take a written examination. The examination will contain questions from this lesson. You must correctly answer 70 percent or more of the questions on the examination to receive a "GO."

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**Feedback Requirements**

**NOTE:** Feedback is essential to effective learning. Schedule and provide feedback on the evaluation and any information to help answer students' questions about the test. Provide remedial training as needed.

**NOTE:** Inform the students of where the examination will take place as posted on the training schedule and when they will receive feedback on the test. Include any retest information.

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Terminal Learning Objective

VGT-1, Army Environmental Mission Statement

**ARMY ENVIRONMENTAL MISSION STATEMENT:**

“THE ARMY WILL DEVELOP AND IMPLEMENT  
COST-EFFECTIVE MEASURES TO PROTECT AND  
SUSTAIN THE ENVIRONMENT IN SUPPORT OF  
MILITARY OPERATIONS, INSTALLATION  
MANAGEMENT, AND MATERIEL DEVELOPMENT.”

(FM 3-100.4)



T227/Oct 03/VGT-1

Enabling Learning Objective A

Learning Step 1

VGT-2, Primary Sources of Environmental Law

# PRIMARY SOURCES OF ENVIRONMENTAL LAW

» FEDERAL LAWS

» STATE LAWS

» LOCAL LAWS

» HOST NATION



T227/Oct 03/VGT-2



# FEDERAL LAWS

THESE LAWS PROVIDE STATES  
AND FEDERAL AGENCIES WITH A  
LEGAL FRAMEWORK WITHIN  
WHICH TO OPERATE.



T227/Oct 03/VGT-3

# STATE LAWS

EACH STATE HAS ITS OWN REGULATORY ORGANIZATION CHARGED WITH DEVELOPING AND IMPLEMENTING ENVIRONMENTAL REGULATIONS. MANY STATES PARALLEL FEDERAL ENVIRONMENTAL REGULATIONS AND ARE OFTEN MORE STRINGENT.



T227/Oct 03/VGT-4

# LOCAL LAWS

LOCAL LAWS AND ORDINANCES  
ADDRESS THE CONCERNS OF THE  
LOCAL COMMUNITIES.  
GENERALLY, THE COMMUNITIES  
BASE THEIR LAWS AND  
ORDINANCES ON FEDERAL AND  
STATE LAWS.



T227/Oct 03/VGT-5

# LAWS AND REGULATIONS

- CLEAN AIR ACT (CAA)
- CLEAN WATER ACT (CWA)
- ENDANGERED SPECIES ACT (ESA)
- FEDERAL FACILITIES COMPLIANCE ACT (FFCA)
- FEDERAL HAZARDOUS MATERIALS  
TRANSPORTATION LAW (FEDERAL HAZMAT LAW)



T227/Oct 03/VGT-6

# LAWS AND REGULATIONS, CONT

- NATIONAL ENVIRONMENTAL POLICY ACT (NEPA)
- NATIONAL HISTORIC PRESERVATION ACT (NHPA)
- NOISE CONTROL ACT (NCA)
- RESOURCE CONSERVATION AND RECOVERY ACT (RCRA)
- SAFE DRINKING WATER ACT

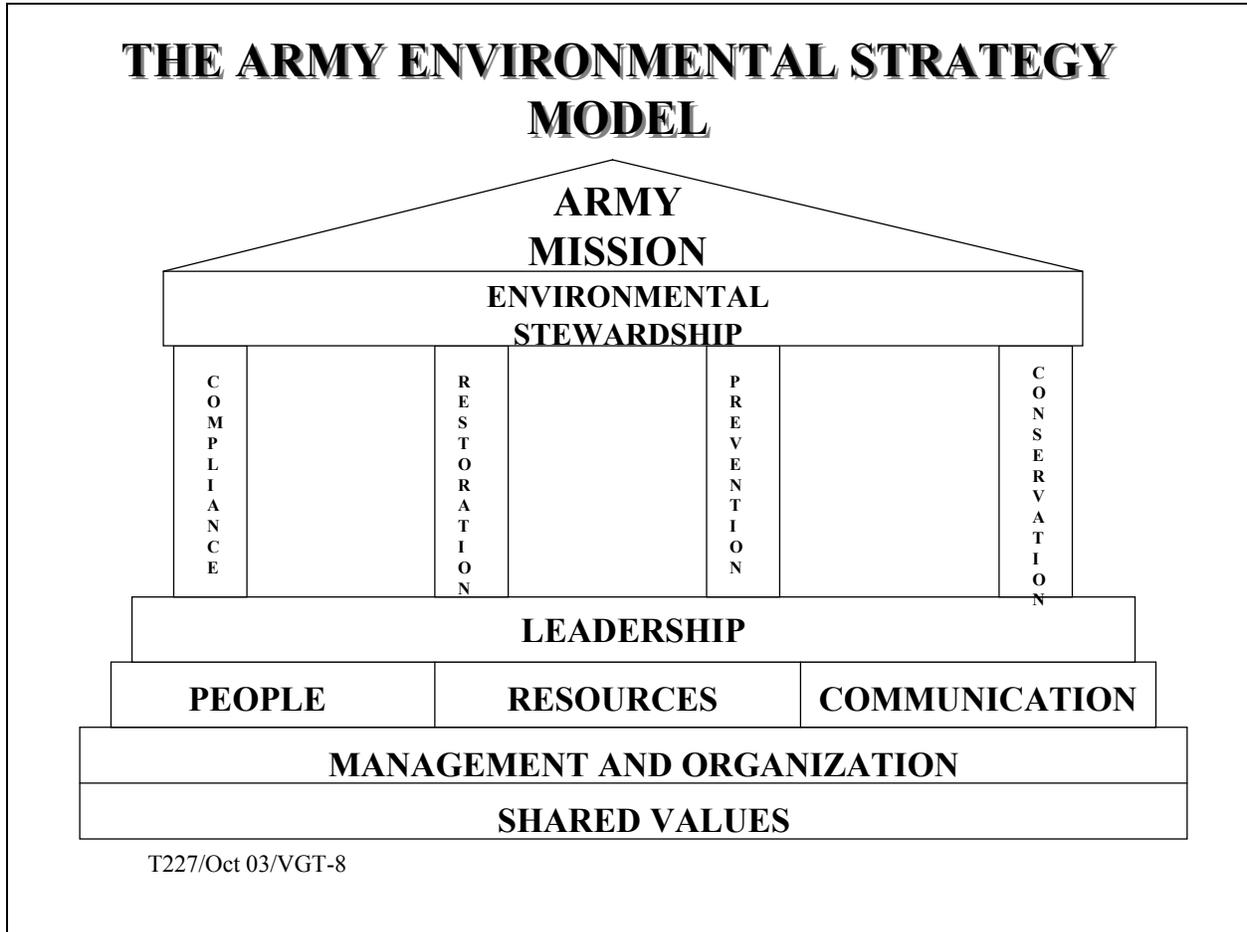


T227/Oct 03/VGT-7

Enabling Learning Objective B

Learning Step 1

VGT-8, The Army Environmental Strategy Model



**Appendix B Test(s) and Test Solution(s) (N/A)**

## Appendix C Practical Exercises and Solutions (N/A)

**HANDOUTS FOR LESSON: T227 version 1**

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This appendix contains the items listed in this table—

<b>Title/Synopsis</b>	<b>Pages</b>
SH-1, Advance Sheet	SH-1-1 thru SH-1-3
SH-2, Extract from FM 3-100.4	SH-2-1 thru SH-2-13

# Student Handout 1

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This student handout contains the Advance Sheet.

---

## Student Handout 1

### Advance Sheet

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**Lesson Hours** This lesson consists of one hour of small group instruction.

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**Overview** This lesson teaches you some of the most important aspects of the Army's concern for the environment. Both the Army and the public have increased their emphasis on environmental stewardship. General Dennis Reimer, former Chief of Staff of the Army, made the Army's commitment to our nation's environment policy quite clear when he said: "Everyone must protect and conserve the natural environment as an individual responsibility. Seemingly minor infractions by individuals, particularly in cumulative effect, can have major effects on human health and natural habitat--or upon operating budgets. Leaders must set the example as well as to strictly enforce environmental policy and regulations. Environmental responsibility involves all of us. The environmental ethic must be part of how we live and how we train." As a team leader you have the inherent personal and professional responsibility to know, understand, and support the Army's environmental program.

---

**Learning Objective** Terminal Learning Objective (TLO).

<b>Action:</b>	Demonstrate awareness and understanding of the U.S. Army's environmental program.
<b>Conditions:</b>	Given all applicable references and in a classroom environment.
<b>Standard:</b>	Demonstrated awareness and understanding of the U.S. Army environmental program IAW FM 3-100.4.

**ELO A** Identify the four sources of environmental law.

**ELO B** Identify the four pillars of the Army's environmental program.

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### Assignment

Before Class--

- Read Student Handout 1, Advance Sheet for TSP T227.
- Read Student Handout 2 (Extract from FM 3-100.4, Chap 1 and App A).

During Class--

Participate in classroom discussion.

After Class--

- Review notes and lesson materials.
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**Additional  
Subject Area  
Resources**

None

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**Bring to Class**

You must bring the following materials to class—

- Student Handout 1, Advance Sheet
  - Student Handout 2, Extracts from FM 3-100.4, Chap 1 and App A
  - Pencil or pen and writing paper
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## Student Handout 2

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This student handout contains an extract from FM 3-100.4.

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### RECOVERABLE PUBLICATION

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# Chapter 1

## Environmental Protection and Military Operations

The US military's primary mission is to defend the US—its people, its land, and its heritage. National security strategy now includes specific environmental security concerns. Strategic and operational end states support lasting victories. End states include environmental components. Additionally, the American people expect the Army to manage the financial, human, and natural resources entrusted to them in a responsible manner. The policy and vision of the Army on these issues, as well as your responsibilities as leaders, are critical to understanding how to address *military environmental protection*.

### Background

1-1. Strategic factors influencing international security and stability have dramatically changed. Global population and industrial activity have grown geometrically, and technological advancement has accelerated. These phenomena have begun to shift the foundations of strategic analysis, fundamentally altering the relationships between the human population and the supporting natural resources. *Operational Terms and Graphics (FM 101-5-1/MCRP 5-2A)* defines the natural environment as "the human ecosystem, including both the physical and biological systems that provide resources (i.e., clean air, clean water, healthy surroundings, sufficient food) necessary to sustain productive human life. Included in the natural environment are manmade structures, such as water and waste water treatment facilities and natural/cultural resources."

### Environmental Resources as a Cause of Conflict

1-3. Strategic resources (i.e., minerals, oil, or coal) have often been catalysts of conflict. The widespread distribution and product substitution associated with a global economy tend to mitigate scarcity. Renewable or "sustainable" resources—such as clean air, water, croplands, or forests—are more difficult to replace and can be a regional catalyst of instability.

1-4. Environmental degradation, natural disasters, famines, health epidemics, and changes in climate can threaten a nation's economy and send populations across borders as refugees. For example, construction of a series of dams on the Senegal River made river-bottom farmland suitable for high intensity agriculture. Mauritan Moors abandoned cattle production in their degraded grazing areas to migrate to the river valley where a struggle ensued over the farmland. In a similar situation, soil degradation and population growth in Chiapas, Mexico generated peasant migrations to upland hillsides. Population overload, combined with the lack of capital to protect the local ecosystem, caused severe environmental resource scarcity.

1-5. In both examples, environmental resource scarcity, caused by degradation or depletion of renewable resources, encouraged groups to capture these resources or migrate to find adequate resources. Environmental resources can contribute to the potential for conflict when they become environmental threats or strategic goals.

### Environmental Threats

1-6. Environmental threats intensify regional instability. In Haiti, dwindling resources were central to the social collapse of the island nation. Almost totally deforested, its poor croplands were divided into smaller and less productive parcels with each generation. Haiti's population of seven million, already unsustainable by every measure, is expected to double in the next 18 years.

1-7. Environmental threats to stability and security might result from acts of war or terrorism (i.e., the destruction of infrastructure facilities providing water or fuel). The threats (i.e., polluting the rivers or air that flow into another country) may also result from the routine activities of an industrial society.

1-8. The actions associated with developing a national infrastructure, such as building a dam, which cuts off water to downstream neighbors, may contribute to regional instability and conflict. Regional environmental threats can trigger events leading to conflict or deepening poverty. These types of situations encourage citizens to seek violent solutions.

1-9. Security from these environmental threats includes protective measures for natural resources; safety measures for soldiers whether at home station or deployed; and offensive, defensive, and support actions when required to meet national security goals. Environmental threats will confront theater commanders in the form of natural resource issues as strategic and operational factors before, during, and after future conflicts.

### **National Strategic and Security Interests**

1-10. Resources such as minerals, oil, and water often possess strategic significance. Access to sufficient energy supplies is of vital national interest to a nation when it becomes industrialized. The importance of resources was certainly demonstrated in the actions that the US and other nations took to form a coalition and conduct the actions associated with Desert Shield and, subsequently, Desert Storm.

1-11. Water has been a strategic resource since the beginning of recorded history. In the Middle East, three or more countries share all of the major river basins. Each of these countries now faces the possibility of severe water scarcity during the next decade and beyond.

1-12. In the West Bank, population growth in the Jordan River basin increased demand for the scarce supply of freshwater. Overpumping the aquifers depleted the water supply and degraded some aquifers by causing saltwater intrusion from the Mediterranean. Because 40 percent of Israel's groundwater originates in the former occupied territories, Israel sought to protect its water supply by limiting water use during the occupation of the West Bank. The stringent restrictions on water use imposed upon Jordan, Syria, and Lebanon became another point of tension in the conflict during the 1960s to 1970s. Although the intensity of that issue has been moderated, it continues to be a major concern.

1-13. Countries rely on natural resources to achieve political ends. A country overexploiting its own resources by deforestation or polluting a neighboring country's air or water may cause corresponding increases in regional tensions.

### **Environmental Protection as a National Ethos**

1-14. As outlined in [FM 100-1](#), the nation's ethos translates into national policy, national security strategy, and military strategy. The US has often been the first nation to search for solutions to environmental problems. Americans believe continued environmental degradation presents a potential short- and long-term threat to their safety and well-being. They have demanded and supported national and international environmental protection efforts.

1-15. As environmental protection becomes increasingly important to Americans, it assumes a growing significance to operational readiness. US military forces must maximize environmental compliance and restoration efficiency to preserve funds for force structure, modernization, and training.

1-16. Operational readiness depends on sufficient land for training individuals and units. The Army manages large training and testing areas, which are increasingly valuable as part of a diminishing inventory of undeveloped land. Often, the health of the surrounding natural ecosystem also depends on the natural habitat of these training or testing areas. Fortunately, protecting and preserving these undeveloped spaces serves the interests of both operational readiness and the natural habitat. Good conservation techniques preserve training areas for future military use and reduce compliance and restoration costs.

### **Environmental Protection as an Impact on Safety, Force Protection, and Environmental Health**

1-17. Environmental protection tends to be viewed according to its effect on the natural environment. While this focus is appropriate, it is essential to understand the linkages between the effect on the environment and their associated impacts on safety, force protection, and force health protection as these effect soldiers. These linkages are identified in [FM 100-10](#), [FM 100-14](#), medical doctrine ([FM 8-10](#), [FM 8-55](#), [FM 21-10](#), [FM 21-10-1](#), see [Chapter 7](#)), and an increasing number of other doctrinal manuals. The term *military environmental protection* includes the understanding of this linkage

### **Environmental Compliance as a Regulatory Requirement**

1-18. Heightened environmental concern has led all federal agencies, including the DOD, to consider the environmental consequences of proposed actions to avoid costly litigation and remediation requirements. Compliance with environmental laws and regulations is now a necessary cost of doing business. The Army complies with all environmental laws and regulations applying to installations or theaters of operation (TOs).

1-19. The sources of environmental laws influencing the actions of US military forces include federal, state, local, and HN laws, as well as international treaties. [Appendix A](#) provides an overview of the key environmental laws, regulations and treaties applicable to unit level operations. These come from a variety of sources to include federal, state, local host nation, executive order, Department of Defense policies and directives, and international agreements.

### **Ethical Implications as a Function of Army Values**

1-20. From every philosophical or moral perspective, environmental stewardship is the right thing to do. As more demands are made on the shrinking resource base, the ethical issues become clearer. The US military has always accepted and internalized its role as a moral, as well as a physical force. Senior leaders must create ethical climates in which subordinate leaders recognize that the natural resources of the earth are not inexhaustible, and they must take responsibility to protect the environment. [FM 22-100](#) defines ethics as principles or standards that guide professionals to do the moral or right thing. To help subordinates live according to Army values, leaders enforce rules, policies, and regulations. This ethical climate is the same climate that guides the decisions to be made in areas such as the law of land warfare. Ethical behavior is not restricted to merely following the letter of the law when it comes to specific written laws, regulations, and treaties. It captures the ethos that caused those laws to be generated in the first place. By educating subordinates and setting the example, leaders enable their subordinates to make ethical decisions that, in turn, contribute to excellence.

1-21. Considering the environmental effects of training, operations, and logistics activities reduces environmental damage and costs. Habitually protecting the environment ensures that land will continue to be available to conduct realistic training and that environmental problems

will not disrupt operations. Environmental protection must be recognized in material acquisition procedures, training, and facilities operations. In short, it must be an institutional and personal ethic. To be successful, soldiers and Marines must practice pollution prevention as a proactive measure rather than just a mere compliance or reaction to laws and regulations. "Doing the right thing is good. Doing the right thing for the right reason and with the right intention is even better" ([FM 22-100](#)).

*"Everyone must protect and conserve the natural environment as an individual responsibility. Seemingly minor infractions by individuals, particularly in cumulative effect, can have major effects on human health and natural habitat—or upon operating budgets. Leaders must set the example as well as to strictly enforce environmental policy and regulations. Environmental responsibility involves all of us. The environmental ethic must be part of how we live and how we train."*

General Dennis Reimer, 1995, Chief of Staff, US Army

### **The Army Environmental Strategy**

1-22. Governmental rules and regulations do in fact influence the strategies of the Army. Therefore it is important for subordinate commanders to understand the commander's guidance from his respective chain of command. Success will be achieved through the commitment of the chain of command, as well as organizing for success, spreading the environmental ethic, training and educating the force, prioritizing resources, and harnessing market forces by purchasing environmentally benign materials whenever possible. A discussion of the rules and regulations is provided in [Appendix A](#).

### **Mission Statement**

1-23. "The Army will develop and implement cost-effective measures to protect and sustain the environment in support of military operations, installation management, and materiel development."

### **Environmental Stewardship Goals**

1-27. Environmental protection is no longer the province of a few technical experts. It requires soldiers to prevent environmental problems by caring for those resources entrusted to them by the American people. This responsibility includes financial, material, and environmental stewardship. Environmental stewardship, the wise use and management of environmental resources, is a natural outgrowth of the military's role as protector of US national security. The following are goals for responsible environmental stewardship:

- Demonstrating leadership in environmental protection and improvement, including pollution prevention.
- Ensuring that consideration of the natural and cultural environment is an integral part of decision-making.
- Minimizing adverse natural environment and human health impacts while maximizing readiness and strategic preparedness.
- Initiating aggressive action to comply with all applicable federal, state, local, and HN environmental laws.
- Supporting pollution prevention programs, which includes periodically reassessing products and processes that generate pollution, reusing and recycling materials, and avoiding hazardous waste (HW) generation.
- Managing all military controlled lands, natural and cultural resources, and remediate areas contaminated by past activities.
- Enhancing outreach activities with local communities by openly addressing

environmental quality issues.

1-28. Everyone, from the commander in chief to the newest recruit and every civilian employee, must apply stewardship to his area of responsibility. However, implementing service-wide stewardship requires an environmental protection strategy. The strategy's goals and objectives focus on four pillars:

Compliance - Give immediate priority to sustained compliance with environmental laws.

Prevention - Focus efforts on pollution prevention to reduce or eliminate pollution at the source.

Conservation - Conserve and protect natural and cultural resources so they will be available for present and future generations to use.

Restoration - Simultaneously continue to restore previously contaminated sites as quickly as funds permit.

### ENVIRONMENTAL PILLARS

1-29. The principal duty of soldiers is not protecting the environment. However, they accomplish this requirement as part of their other duties. In those rare instances where real or perceived conflict exists between environmental protection and mission accomplishment, commanders and individuals must make informed decisions. Unit commanders, leaders at all levels, and individual soldiers must understand the pillars for environmental protection.



#### Compliance: Taking Care of Today's Problems

1-30. The essence of compliance is obeying the law. Compliance includes all activities that ensure operations and activities meet federal, state, local, and applicable HN environmental requirements. These requirements include laws and regulations for waste water discharge, noise abatement, air quality attainment, and solid waste and HW management.

#### Prevention: Minimizing Problems for Tomorrow

1-31. Eliminating pollution at the source is usually much easier and less costly than dealing with hazardous materials (HM) or their aftermath. Pollution is a liability, and clean up is an overhead cost that must be controlled. Avoiding or reducing pollution saves the military resources that will enhance readiness. Pollution prevention includes all phases of the material management life cycle from concept development to final disposition. Prevention is generally achieved through

the following:

- Reducing the amount of waste produced. This may include using smaller amounts of toxic materials or replacing them with less toxic substitutes. On a larger scale, it may include changing operating methods by increasing efficiency or preventing accidents that generate waste and residue.
- Reusing materials whenever possible. Reusing items is more cost efficient than recycling. Reuse entails using an item in its current form. Refilling containers, filtering solvents, or reusing subassemblies reduces the amount of waste that must be treated and disposed.
- Recycling products. This entails changing the physical composition of the item by melting it down or shredding it for use in other processes. Recycling, while less efficient than reuse, may be the only alternative for several types of waste. Many installations sponsor recycling programs to support morale, welfare, and recreation activities.

### **Conservation: Sustaining Resources for the Next Generation**

1-32. Conservation includes two types of resource management: controlled use and preservation. Controlled use focuses on managing military land to ensure long-term natural resource productivity. Preservation focuses on protecting natural and cultural resources (to include endangered species) by maintaining them in their current state. Renewable resources, such as timber or training land, require controlled use. Nonrenewable resources, such as historic monuments or endangered species, require preservation. The military must balance these demands in a responsible effort to conserve natural resources and still maintain readiness.

### **Restoration: Taking Care of Yesterday's Problems**

1-33. Restoration includes all activities necessary to clean up contaminated military sites. Most military units do not perform restoration; normally, environmental staffs and contractors perform this function. However, to make installations safer and healthier places for soldiers and their families, the services are cleaning up contaminated sites. By following the principles of the other three environmental strategies, soldiers help minimize the need for restoration.

*"Preventing environmental problems is always more cost-effective (in dollars) than trying to clean them up after the fact. During the deployment to Desert Shield, one installation spent \$1,000,000 to clean up HW improperly left behind by individuals in deploying units. Environmental protection is the smart thing to do, and it is the right thing to do."*

After-Action Report, Operations Desert Shield and Desert Storm

### **Program Area Integration**

1-34. The four environmental program areas—compliance, prevention, conservation, and restoration—**apply to all military activities**. During peacetime, they ensure that military lands are available for mission training; during contingency operations or combat, they support strategic goals and desired endstates. At all times, these program areas protect the safety and health of soldiers and their families.

### **Environmental Responsibilities**

1-35. Commanders, staffs, subordinate leaders, and soldiers/Marines must understand their individual duties and responsibilities for environmental protection and become environmental stewards. To practice stewardship, US military personnel must understand the basic environmental management responsibilities that apply to their work area or assigned duties.

## **Appendix A Environmental Regulations, Laws, and Treaties**

Environmental issues are a major concern for the Army and with emerging new laws and regulations, environmental protection will continue to have a growing impact on Army operations. Violations of federal, state, or local environmental laws can result in both civil and criminal penalties. Unit leaders must understand the laws and respond accordingly. They must understand and apply the respective Army regulations, ensure that unit personnel are properly trained and that all legal and regulatory guidance and requirements (both military and civilian) are met.

This appendix provides a brief description of the primary Army environmental regulations and the principal environmental laws applicable to military activities. Military facilities are subject to federal, state, local and HN environmental laws; when the requirements differ, the most stringent applies. Environmental laws affect almost every military operation. Services do not expect commanders to be legal experts, yet they must understand the requirements of environmental laws and regulations. The installation's environmental staff is the best source of assistance to ensure unit compliance with environmental laws and regulations. Ignorance of environmental laws is not an excuse for noncompliance, and it will not protect commanders, soldiers, or the military services from civil and criminal liability.

These short synopses of laws and regulations provide only a brief sketch and are not inclusive of all requirements.

### **SOURCES OF ENVIRONMENTAL LAWS AND REGULATIONS**

#### **Federal Laws**

These laws provide states and federal agencies a legal framework within which to operate. These laws include acts and executive orders. For example, the Federal Facilities Compliance Act (FFCA) allows regulatory agencies to impose civil fines on other federal agencies, like the DA, for violations of the Resource Conservation and Recovery Act (RCRA).

#### **Clean Air Act (CAA) of 1970**

The CAA, with amendments, requires the prevention, control, and abatement of air pollution from stationary sources (power plants) and mobile sources (vehicles). It controls the volatile organic compounds (VOCs) from fuel storage and dispensing, spray painting, and solvent use. Additional impacts include open burning, smoke obscurant generation, incineration of waste, and fugitive emissions.

The CAA implementing regulations concerning emission requirements do not apply to tactical vehicles. However, increasingly, stringent requirements for civilian vehicles do apply to other military vehicles. The CAA also controls open burning operations that result in nitrogen oxide (NOX). The inherent CAA requirement to control air pollutants and fugitive dust affects military activities. The CAA also regulates asbestos removal and disposal. Recent amendments include provisions for control of air toxins (hazardous air pollutants), acid rain, and ozone depleting compounds, such as CFC.

Unit leader actions include:

Advising the chain of command of air pollution sources.

Identifying and reducing sources of air pollution (dust control in training areas, excessive

emissions from poorly maintained vehicles, parts washer emissions, and so forth).  
Using riot control and smoke agents only in approved training areas.

### **Clean Water Act (CWA) of 1972**

The CWA, amended in 1977, regulates point source discharges into US waters. This law applies most often to industrial facilities, sewage treatment facilities, and ships. Requirements for oil and HM spill reporting and waterways clean up affect military operations, including river crossings and amphibious actions. The CWA requires spill prevention plans for sites that store significant quantities of petroleum products.

The CWA also regulates storm water runoff from certain industrial sources and requires permits for activities that affect wetlands. There is also an inherent requirement to prevent soil erosion during construction and earth moving activities. Units must ensure that ground disturbed during tactical operations and training is preserved from future soil erosion.

Unit leader actions include:

- Knowing the locations of surface water and groundwater in the training areas or areas of operations.
- Planning and conducting training, operations, and logistics activities to avoid surface and groundwater areas where possible.
- Crossing streams and ditches only at designated vehicle crossing locations.
- Ensuring soldiers use designated vehicle wash areas and do not perform maintenance or refuel vehicles or equipment where a spill can easily contaminate surface water or groundwater.
- Ensuring released or spilled vehicle fluids do not contaminate surface water or groundwater. Taking immediate corrective action should oil or hazardous substance spills occur.
- Reporting all spills/releases as stated in the ISCP.
- Using proper preventive medicine and sanitation procedures to prevent surface water and groundwater contamination.
- Disposing of liquid waste from kitchens, showers, and baths properly.
- Avoiding entering terrain drainage areas with vehicles unless the area is dry and the ground will support such activities.
- Ensuring soldiers do not pour chemicals into sinks or storm drains.

For wetland and coastal water areas unit leader actions include:

- Requesting a map of designated wetlands and coastal water areas from the environmental office or range control.
- Ensuring soldiers/Marines are aware of wetland and coastal water areas and the restrictions for each area.
- Planning and conducting training, operations, and logistics activities without contaminating or causing unnecessary damage.
- Ensuring soldiers/Marines use designated vehicle wash areas and do not perform maintenance or refuel vehicles/equipment in these areas.
- Crossing streams and ditches only at designated vehicle crossings.
- Ensuring permits are obtained before any operations resulting in dredging or filling of wetlands.

For erosion control and its associated considerations, unit leader actions include:

- Verifying restrictions with range control.
- Briefing soldiers/Marines on environmental and safety considerations before field

training.

- Planning missions to reduce the possibility of erosion. Prohibiting the use of live vegetation unless permitted; driving or parking vehicles close to trees; and cutting trees without permission from range control or the installation forester.
- Avoiding compaction of soil to the point that water can no longer percolate through it.
- Avoiding tactical maneuvers in erosion-susceptible areas, and refilling all fighting positions.
- Reducing maneuvers during periods of high rainfalls and saturated soil conditions. Making maximum use of existing roads and trails. prevent surface water and groundwater contamination.

### **Endangered Species Act (ESA) of 1973**

This act, as amended, protects threatened or endangered plants and animals (to include fish, insects, and invertebrates). All federal agencies ensure their actions do not jeopardize threatened or endangered species or their habitats. The Secretary of the Interior publishes lists of endangered and threatened species in the Federal Register.

The ESA prohibits anyone from "taking", harassing or harming, a listed fish and wildlife species unless permitted by the ESA. Additionally, the ESA makes it unlawful to remove or to maliciously damage or destroy listed plants in areas under federal jurisdiction.

The ESA prohibits the destruction, capture, trading, selling, or buying of listed species. The DOD consults with the National Marine Fisheries and the USFWS before taking any action that may effect, adversely or beneficially, a listed species or designated critical habitat.

Unit leader actions include:

- Enforcing range control and installation environmental regulations.
- Avoiding actions that could harm protected plants and animals and their habitats on the installation and any off-post training areas.
- Recognizing threatened and endangered species' habitat and avoiding it during training, operations, and logistics activities.
- Marking environmentally sensitive areas as restricted movement areas during field training.
- Consulting the environmental office for other local requirements relating to wildlife and natural vegetation.
- Avoiding cutting brush and trees for camouflage.
- Coordinating with Preventive Medicine.
- Avoiding damage to marked wildlife food plots and watering areas.
- Complying with the installation endangered species management plan.

### **Federal Facilities Compliance Act (FFCA) of 1992**

The FFCA applies only to HW and solid waste requirements of the RCRA. This act represents, however, a growing consensus that federal facilities should comply with environmental laws in the same manner as private, nongovernmental civilian agencies.

Originally passed in 1992, the FFCA subjects DOD employees at all levels to personal criminal liability for environmental violations of any federal or state solid waste or HW law. Criminal sanctions under the federal HW law (RCRA) include a maximum fine of up to \$250,000, a jail sentence of up to 15 years, or both. The FFCA also allows regulatory agencies to issue NOVs, and impose civil fines and administrative action for solid waste and HW violations.

Unit leader actions include:

- Cooperating with environmental inspectors.
- Performing assessments of the work areas of soldiers/Marines to ensure compliance with environmental guidelines.
- Informing the chain of command when environmental problems are discovered.

### **Federal Hazardous Materials Transportation Law (FEDERAL HAZMAT LAW) of 1988**

Formerly known as the Hazardous Materials Transportation Act (HMTA), this law authorizes the US DOT to issue interstate and intrastate regulations related to transportation of HM. DOT oversight applies to; packing and repacking; handling; labeling, marking, and placarding; routing.

In addition, the HMTA establishes record keeping requirements and a registration program for shippers, carriers, and container manufacturers. Units most commonly haul HM in the form of POL products and ordnance. Units comply with these requirements during operations and deployments that require vehicle movement or convoys on federal and state highways.

Unit leader actions include:

- Training soldiers/Marines on proper transportation procedures to include vehicle placarding, material packaging, vehicle loading, operator requirements, safety precautions, and spill procedures.
- Ensuring accountability for all HM.
- Applying the risk management process to each unit movement requirement.

### **National Environmental Policy Act (NEPA) of 1969**

The NEPA affects virtually every proposed action on military installations. Installations pay particular attention to actions that may present a danger to the health, safety, or welfare of civilian and military personnel, or may cause irreparable harm to animal or plant life. The NEPA requires federal agencies to consider the environmental impacts of their actions during planning and decision making.

Installations document these considerations, while ensuring public involvement in the planning process. Only those actions categorically excluded from NEPA documentation requirements are exempt. (See [Chapter 4](#) and [AR 200-2](#) for a list of categorical exclusions.) [EO 12114](#) extends the application of the NEPA philosophy to major federal actions in foreign nations.

Unit leader actions include:

- Identifying areas of environmental concern.
- Identifying mission-related environmental risks.
- Identifying potential effects of environmental factors on missions and operations.
- Discussing environmental risk in training meetings and briefings.
- Identifying alternative training scenarios and techniques.
- Consulting installation environmental office personnel regarding requirements for NEPA documentation.

### **National Historic Preservation Act (NHPA) of 1966**

The NHPA requires federal agencies to consider the effects of their actions, such as

construction, leasing, land transactions, and base realignment and closure (BRAC), on cultural and historic resources. The act seeks to safeguard against the loss of irreplaceable historic properties, especially those located on federal land. Many Army and Marine Corps facilities are located on historic and archaeological sites, to include prehistoric settlements and 19th century cantonments.

Unit leader actions include:

- Identifying and recognizing possible archaeological and historical artifacts, sites, and structures.
- Planning and conducting training, operations, and logistics activities to avoid damage to archaeological or historic artifacts, sites, or structures.
- Instructing soldiers/Marines to leave historic artifacts in place and report newly discovered items to the chain-of-command.
- Reporting vandalism, theft, or damage to historic, cultural, or archaeological sites.

### **Noise Control Act (NCA) of 1972**

The NCA establishes a national policy to promote an environment free from noise that jeopardizes the public's health and welfare. It also regulates noise emissions from commercial equipment, such as transportation and construction equipment. The NCA exempts noise from military weapons or combat equipment. However, the goal of the Army's environmental noise abatement program is to achieve compliance with applicable noise regulations in a manner consistent with mission accomplishment.

Unit leader actions include:

- Complying with local and installation noise restrictions.
- Maintaining equipment to perform to maintenance specifications.
- Checking with range control to confirm installation compatible use zone (ICUZ) program requirements.

### **Resource Conservation and Recovery Act (RCRA) of 1976**

The RCRA (originally the Solid Waste Disposal Act), with amendments, establishes guidelines and standards for HW generation, transportation, treatment, storage, and disposal. All states require RCRA operating permits for HW treatment, storage, and disposal facilities (TSDF). The RCRA also covers the laws surrounding the disposal of solid waste to include solid waste management, landfill regulation, recycling, and affirmative procurement. RCRA regulations require training for soldiers handling or managing HM. It also requires management of underground storage tanks (USTs) and clean up of hydrocarbon contamination.

Unit leader actions include:

- Complying with the installation HW management plan.
- Supporting the installation recycling program (ensuring soldiers/ Marines understand its importance).
- Removing expended brass, communications wire, concertina, and trip wires from waste (see the Military Munitions Rule).
- Conducting police calls to collect and dispose of solid waste (trash).
- Disposing of kitchen waste only as authorized; prohibiting garbage burning/burying.
- Ensuring the unit SOP covers HW and HM, including spill contingencies.
- Collecting and turn-in HW/HM according to local and installation procedures, both in garrison and in the field.
- Properly cleaning up, reporting, and documenting any hazardous spills.

- Transporting HW according to local and installation procedures.
- Conducting maintenance, and allowing the use of HM only after soldiers/Marines have been properly trained.
- Ensuring the unit ECO is properly trained and that the training is documented.
- Maintaining a current HM inventory and an MSDS for every HM in the unit. Providing a copy of the HM inventory to the fire department or installation EMO.

### **Safe Drinking Water Act (SDWA) of 1974**

The SDWA regulates drinking water quality. It bases assessments of water quality on levels of pollutants present in the water. Water supply facility managers analyze treated water regularly. If the water quality is below standards, water supply providers notify their customers. The Army's program objectives are to conserve water resources by implementing conservation plans and to provide drinking water that meets regulatory standards.

Unit leader actions include:

- Enforcing the installation water conservation plan.
- Briefing soldiers on the impact of polluting water sources.
- Employing pollution prevention practices.
- Reporting all concerns about water quality through the chain of command.

### **STATE LAWS**

Each state has its own regulatory organization charged with developing and implementing environmental regulations. Many of the state regulations parallel federal environmental regulations and are often more stringent.

### **LOCAL LAWS**

Local laws and ordinances address the concerns of the local communities. Generally, they are based on federal and state laws. However, each municipality or community may place more stringent restrictions on certain activities (noise restrictions during certain hours of the day).

### **HOST NATION LAW/FINAL GOVERNING STANDARDS**

The Army is committed to actively addressing environmental quality issues in relations with neighboring communities and assuring that consideration of the environment is an integral part of all decisions. Installations and units OCONUS that are not subject to federal environmental regulations promulgated by EPA will, in areas where a HN has minimal or no environmental laws and regulations, comply with [AR 200-1](#) and [200-2](#). In countries where there are HN laws, the FGS will be used according to the executive agent of that country.

### **ENVIRONMENTAL COMPLIANCE ENFORCEMENT**

Under the FFCA, federal and state environmental regulatory agencies can impose civil fines on federal agencies, including the Army, for RCRA violations. For the Army, penalties can be fines, damage awards, and intervention from the EPA and other federal, state, and regional agencies. An additional consequence is an increase in monitoring by these agencies.

Unit leaders and their subordinates are required to comply with all federal, state, and local laws designed to protect the environment. Violators can be held personally liable for clean up costs and civil or criminal penalties. Violators include the actual person who causes contamination and the commanders, supervisors, and leaders who allowed the contamination to occur and did not take immediate action to prevent or correct the occurrence. The penalty can be up to \$50,000 for each day of violation and/or up to two years in jail.