

## ENVIRONMENTAL COMPLIANCE MANAGEMENT

- 1. REASON FOR ISSUE:** This handbook prescribes the goals and objectives, procedures, and requirements for Administration and staff office environmental compliance management and reporting within the Department.
- 2. SUMMARY OF CONTENTS:** This handbook outlines the procedures, processes, and other key elements necessary to facilitate VA's continual improvement of management and performance with respect to environmental compliance and reporting.
- 3. RESPONSIBLE OFFICE:** Assistant Secretary for Management (004), Office of Asset Enterprise Management (044), and Green Management Program Service (044E).
- 4. RELATED DIRECTIVES:**
  - a. VA Directive 0057, Environmental Management Program.
  - b. VA Directive 0062, Environmental Compliance Management.
- 5. RESCISSIONS:** None.

**CERTIFIED BY:**

**BY DIRECTION OF THE SECRETARY  
OF VETERANS AFFAIRS:**

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## ENVIRONMENTAL COMPLIANCE MANAGEMENT

### 1. PURPOSE

a. The mission of the Department of Veterans Affairs (VA) is to fulfill President Lincoln's promise, "To care for him who shall have borne the battle and for his widow and his orphan," by serving and honoring the men and women who are America's Veterans. The goal of the Green Management Program Service within VA's Office of Asset Enterprise Management (OAEM) is to lead the Department in becoming a fully sustainable organization. This supports the mission by making more resources available for Veterans' care and optimizing VA stewardship of public resources. The purpose of this handbook is to establish VA program objectives, strategies and tools with respect to environmental compliance and reporting in support of the mission and goal.

b. This handbook facilitates continual improvement of environmental compliance and optimization at VA through robust environmental management systems (EMS). All facilities and appropriate organizations are required to be covered by an EMS. Each EMS shall reflect the elements and framework found in ISO 14001 and be in accordance with VA Directive 0057, Environmental Management Program, and VA Directive 0064, Environmental Management System Procedures.

c. This guidance is provided to assist Administrations and staff offices in implementing the environmental compliance requirements of VA Directive 0062, which states that VA will ensure that it meets or exceeds the requirements of all applicable executive orders and Federal, state, and local environmental laws and regulations. It is designed to help Administrations and staff offices develop uniform, effective internal procedures.

### 2. SCOPE

The provisions of this handbook apply to all Administrations and staff offices, including those located in leased space. Each Administration and staff office shall ensure that all subordinate organizations are aware of and comply with this handbook.

### 3. PROGRAM OBJECTIVES, PROCEDURES, AND REPORTING

a. The roles and responsibilities of the Administrations and staff offices as they relate to the objectives of environmental compliance are defined in VA Directive 0062.

b. Environmental Compliance Objectives

A robust EMS facilitates environmental compliance by assuring continual improvement in compliance efforts and moving VA towards becoming a sustainable organization. Within each EMS, compliance management procedures shall include the following elements at the appropriate level:

(1) A clear, sustained and up-to-date commitment by senior leadership to achieve and maintain environmental compliance, to be integrated into the Administration/staff office's strategic plans and policies; and

(2) Clear articulation of roles and responsibilities related to environmental performance at all levels to ensure accountability for environmental performance.

c. Environmental Compliance Procedures

(1) Administrations and staff offices shall implement an environmental compliance review and audit program that identifies compliance gaps and root causes of non-compliance. These audits shall be conducted using the Army Corps of Engineers "The Environmental Assessment and Management" (TEAM) Guide. Audit results shall be entered into the Compliance and Process Tracking System (CPTrack™) database to maintain and track information on audit findings, corrective actions, and facility data. Administrations and staff offices shall maintain current information (within 30 days of occurrence/discovery/event) in CPTTrack™.

(2) Administrations and staff offices shall integrate compliance management system information and resource allocation procedures to ensure that audit findings and non-compliance root causes are tracked and addressed, including allocation of funds.

d. Environmental Compliance Reporting

(1) Administrations and staff offices shall use the TEAM Guide (with state supplements) as the standard tool for all third-party environmental audits. Administrations and staff offices may also establish additional parameters to be evaluated and recorded. All VA facilities shall use CPTTrack™, the web-based data management system that supports TEAM Guide evaluations, to record, at a minimum, all triennial third-party audits.

Administrations and staff offices shall track and report annually, or as directed, facility/operational environmental compliance status to the Director of OAEM. The report shall include the following:

- (a) Significant findings (as defined by TEAM Guide standards) since the last report;
- (b) Significant enforcement actions (as defined by TEAM Guide standards) citing details and status;
- (c) Summary of internal, external and regulatory audits and inspections;
- (d) Summary and evaluation of root causes;
- (e) Trends comparing root cause, severity and frequency of findings to previous years; and
- (f) Compliance response plan status for significant findings (as defined by TEAM Guide standards) and enforcement actions and mitigation action plans.

(2) The Director of OAEM shall develop reporting requirements that facilitate VA fulfillment of mandatory reporting to the Environmental Protection Agency (EPA), Office of Management and Budget (OMB), Office of the Federal Environmental Executive (OFEE), the Department of Energy (DOE), and the U.S. Department of Agriculture (USDA). Administrations and staff offices shall respond to OAEM reporting requirements as promulgated.

#### 4. STRATEGIES AND TOOLS

##### a. Manuals, Handbooks and Directives

(1) ISO 14000 Series Environmental Management System Standards. The ISO 14000 Toolkit provides a supporting policy manual, procedures, and data collection forms that can be applied to a VA EMS. It is VA policy to apply ISO 14001, Environmental Management System–Requirements, with guidance for use as the EMS standard.

(2) VHA Green Management System (GEMS) Guidebook. The GEMS Guidebook provides a systematic approach to develop and implement the Veterans Health Administration's (VHA) environmental policy and manage its environmental program at all levels of the organization. The GEMS guidebook is arranged to follow the ISO 14001:2004(E) environmental management system model, presenting a process designed to foster continual improvement in the management of VHA environmental responsibilities. The ISO 14001:2004(E) framework follows the Plan, Do, Check and Act model and includes the elements of environmental policy, planning, implementation and operation, checking, and management review. The GEMS Guidebook is organized using the ISO framework and includes guidance, examples, and references that VHA facilities can use to manage their EMS for each element. While oriented towards VHA, the information contained in the guidebook may be of value to other VA components as well.

(3) VA Directive 0064, VA Environmental Management System. This directive establishes EMS scope and policy regarding program policies in VA Directive 0057, Environmental Management Program.

(4) VA Handbook 0064, VA Environmental Management System. This handbook establishes VA EMS procedures, implementing the EMS policies contained in VA Directive 0057, Environmental Management Program.

(5) VA Directive 0058, VA Green Procurement Program Policies and Procedures. This directive establishes requirements, scope, and VA policy regarding Federal laws and executive orders. Compliance with the requirements will result in the acquisition of environmentally preferable products and services, including those with no or reduced toxicity, and general improvement in Departmental sustainability.

(6) VA Handbook 0058, VA Green Procurement Program Policies and Procedures. This handbook establishes technical VA requirements of Federal law and

executive order. Compliance with the requirements will result in the acquisition of environmentally preferable products and services, including those with no or reduced toxicity, and general improvement in Departmental sustainability.

b. Web-based Compliance Tools

(1) OAEM Green Management Program. The green management website features guidance for environmental management, along with fleet management, energy and water management, sustainable building, greenhouse gas emissions reductions, awards programs, and employee education information (<http://www.green.va.gov/>).

(2) VHA Center for Engineering & Occupational Safety and Health (CEOSH). This website is a one-stop reference, networking, and help site for environmental compliance, energy conservation, and other sustainability-related programs and information (<http://vaww.ceosh.med.va.gov/>).

(3) EPA's FedCenter. The FedCenter website contains a wealth of environmental compliance information ([www.fedcenter.gov/](http://www.fedcenter.gov/)).

(4) Enforcement and Compliance History Online (ECHO). ECHO provides public access to compliance and enforcement information for approximately 800,000 EPA-regulated facilities. ECHO allows users to find permit, inspection, violation, enforcement action, and penalty information covering the past two years. The site includes facilities regulated as Clean Air Act stationary sources, Clean Water Act direct dischargers, and RCRA hazardous waste generators/handlers ([www.fedcenter.gov/Bookmarks/index.cfm?id=680&prg\\_id=8572&page\\_id=1862](http://www.fedcenter.gov/Bookmarks/index.cfm?id=680&prg_id=8572&page_id=1862)).

(5) Facility Regulatory Tour. The FedCenter's Facility Regulatory Tour is an activity-based guide designed to help Federal facility environmental managers meet their regulatory requirements. It also provides information on green products, pollution prevention opportunities and best practices related to a particular facility activity ([www.fedcenter.gov/Bookmarks/index.cfm?id=894&prg\\_id=8572&page\\_id=1862](http://www.fedcenter.gov/Bookmarks/index.cfm?id=894&prg_id=8572&page_id=1862)).

(6) Online Tracking Information System (OTIS). OTIS enables EPA staff, state/local/tribal governments, and Federal agencies to access a wide range of data relating to enforcement and compliance with respect to their facilities, including location, component name, toxic releases, environmental justice, time since the last inspection, violation status and frequency, enforcement actions, and statistical criteria and trends ([www.fedcenter.gov/Bookmarks/index.cfm?id=681&prg\\_id=8572&page\\_id=1862](http://www.fedcenter.gov/Bookmarks/index.cfm?id=681&prg_id=8572&page_id=1862)).

(7) The Auditing Roundtable (TAR). TAR is a professional organization dedicated to the development and professional practice of environmental, health, and safety (EHS) auditing. TAR's mission is to enhance the practice of EHS auditing by creating a national forum and organization to advance ideas, procedures and member interaction ([www.fedcenter.gov/Bookmarks/index.cfm?id=1092&prg\\_id=8575&page\\_id=1862](http://www.fedcenter.gov/Bookmarks/index.cfm?id=1092&prg_id=8575&page_id=1862) and <http://www.auditing-roundtable.org/fw/main/default.asp>).

## 5. REFERENCES

### a. Environmental Laws and Regulations

There are a multitude of environmental regulations and requirements that apply to facilities, operations, and locations within VA. A complete listing of all the applicable environmental regulations is too expansive to enumerate here. Federal laws and regulations are available through web-based resources such as Government Printing Office (GPO) Access, <http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&tpl=%2Findex.tpl>. Most environmental-related regulations will be found in Code of Federal Regulations, Titles 29, 40, and 49. Hardcopy is available from the GPO. State and local regulations are typically available through state and local environmental agencies.

### b. Executive Orders

The Executive Orders with significant implications to environmental management and compliance in effect (at the time this handbook was drafted), are EO 13423 and 13514. A complete list of all environmental EO's is too expansive and fluid to be included herein. A complete listing of EO's can be found through the National Archives accessible at: <http://www.archives.gov/federal-register/executive-orders/disposition.html>.

### c. VA Environmental Directive

VA Directive 0057, Environmental Management Program, establishes VA environmental policies. Its purpose is to set forth a comprehensive Department-wide environmental management policy to comply with Federal mandates and achieve internal goals. It is intended to provide direction to Administrations and staff offices developing and administering their specific environmental programs. The directive establishes policy in the areas of environmental compliance, green purchasing, chemicals management and pollution prevention, electronics stewardship, waste prevention and recycling, and environmental management systems. It also includes reporting requirements and roles and responsibilities. Directive 0057 establishes that detailed, subject oriented directives and handbooks, such as this one, 0062, will be promulgated.

## 6. DEFINITIONS

a. **Appropriate Facility or Organization.** Any Administration or staff office facility, site, multiple-site/facility, or organization that can have a significant impact on the environment (either directly or indirectly, individually or cumulatively) due to the operations of that facility's or organization's mission, processes, or functions.

b. **Enforcement Action.** An enforcement action is a formal written notification, issued by the EPA or other authorized Federal, state, or local environmental regulatory authority, of violation of any applicable statutory or regulatory requirement. Enforcement action does not include warning letters, informal notices of deficiencies, or notices of deficiencies to permit applications. All infractions of a separate statutory or regulatory requirement constitute a separate enforcement action, even if addressed in a single notice. Items found to be out of compliance during an internal audit are not included in this definition of enforcement action.

c. Environmental Impact. Any change (complete or partial) to the environment, whether adverse or beneficial, resulting from an Administration's or staff office's functional mission or activities.

d. Facility. Any building, installation, structure, land, or real property that is owned or operated by, or constructed or manufactured and leased to, an Administration or staff office, as well as any fixture. This term includes a group of facilities at a single or multiple location(s) managed as an integrated operation, as well as government-owned contractor-operated facilities.

e. Open Enforcement Action. An enforcement action for which a formal, written notice has been issued but is not yet closed by one of the resolutions described under the definition of closed enforcement action.

f. Closed Enforcement Action. An enforcement action that has been resolved by one of the following:

(1) Revocation of the action by the regulating authority;

(2) Closure of the action following written notice from the regulating authority that the action is closed or resolved;

(3) Closure of the action, after a reasonable time span, following written notice from the regulating authority of their intent to close the enforcement action; or

(4) Receipt of a signed compliance agreement order.

g. Significant Environmental Event. A noteworthy environmental occurrence (positive or negative) that may be of interest to the public, or require a "timely and appropriate" response. Such an event may be likely to have regional or national public and media interest. Such occurrences may involve non-compliance with environmental statutes, criminal environmental enforcement actions, major oil and/or chemical emergencies or spills, or assessed fines and/or penalties.