

National Oceanic and Atmospheric Administration	NOAA Administrative Order 216-17A	
NOAA ADMINISTRATIVE ORDER SERIES	DATE OF ISSUANCE January 1, 2019	EFFECTIVE DATE January 1, 2019
SUBJECT: NOAA ENVIRONMENTAL COMPLIANCE PROGRAM		

SECTION 1. PURPOSE AND AUTHORITY.

.01 The Environmental Compliance (EC) Program was developed to ensure NOAA-wide compliance with Department Administrative Order (DAO) 217-16, *Sustainability and Environmental Management*, Executive Order (EO) 12088, *Federal Compliance with Pollution Control Standards*, and all applicable federal, state, and local environmental laws, regulations, and Executive Orders (EOs) aimed at protecting human health, the environment, natural resources, and cultural resources. These are hereafter referred to as “all applicable environmental requirements.” Categories and examples of these requirements can be seen in Section 3.

.02 This Order is a revision and update to the previous NOAA Administrative Order (NAO) 216-17. This revision incorporates NOAA-wide changes to the organization and practices since the last issuance of the Order (October 1998), and it establishes a NOAA-wide Environmental Management System (EMS).

.03 The Chief of NOAA’s Environmental Compliance Division (ECD), within the NOAA Safety and Environmental Compliance Office (SECO), is responsible for preparing, clearing, issuing, and maintaining this NAO and the associated NOAA EC Manual.

.04 This Order hereby authorizes the development of the NOAA EC Manual that will contain detailed procedures for execution of the EC Program. The NOAA EC Manual shall have the same force and effect as this NAO for the management of NOAA’s EC Program.

SECTION 2. POLICY.

.01 It is NOAA policy to conduct its mission in ways that minimize environmental impacts, conserve natural and cultural resources, and provide effective stewardship of the environment.

.02 It is NOAA policy for all personnel and affiliates to conduct their activities in a manner that complies with all applicable environmental requirements and to cooperate with federal agencies (including the Environmental Protection Agency (EPA), as well as state, interstate, and local agencies in the prevention, control, and abatement of environmental pollution.)

.03 It is NOAA policy for all personnel to consider environmental impacts in project planning, operation, disposition, decommissioning, and budget decisions.

.04 It is NOAA policy for senior officials to maintain the personnel and financial resources required to comply with all applicable environmental requirements and to fund environmental compliance costs from the appropriate budget.

.05 It is NOAA policy for environmental compliance responsibilities to be incorporated into the performance criteria for NOAA senior officials and for feedback from the ECD to the Deputy Under Secretary for Operations (DUSO) to serve as assessment information on the fulfillment of this performance criteria.

.06 It is NOAA policy for the ECD to offer technical support to NOAA corporate functions and line offices (LOs) and establish guidance for implementing the policies, roles, and responsibilities established in this Order.

.07 It is NOAA policy for the ECD to elevate environmental non-compliance issues and environmental incidents to the Chief Administrative Officer (CAO) and DUSO for resolution when the ECD becomes aware that the LO or corporate function is unable to carry out required compliance measures. This includes informing the DUSO regarding senior officials' performance of environmental compliance duties and responsibilities.

SECTION 3. SCOPE AND APPLICABILITY.

.01 This Order and the associated NOAA EC Manual delineate roles, responsibilities, and procedures for NOAA's compliance with all applicable environmental requirements. The categories of requirements related to the NOAA EC Program include those that prescribe management of the following: air emissions, cultural resources, hazardous materials, hazardous waste, natural resources, environmental noise, cleanup activities, pollution prevention, pesticides, petroleum, oil, and lubricants, solid waste, storage tanks, toxic substances, wastewater, and water quality. Examples of the related federal regulations are listed in the References Section 6. A more comprehensive list can be found in the U.S Army Corps of Engineers *The Environmental Assessment and Management (TEAM) Guide*, federal guide and state supplements; updated annually.

.02 This Order provides the NOAA ECD with the continued authority to maintain NOAA's headquarters (HQ)/agency-wide EC Program and to coordinate across corporate functions (which includes NOAA Staff Offices (SO) and corporate service offices) and LOs. The elements of the HQ/agency-wide EC Program include:

- a. developing agency-wide guidance on strategies for compliance with all applicable environmental requirements;
- b. identifying training and awareness standards and/or opportunities;
- c. facilitating agency-wide communication relevant to the NOAA EC Program;
- d. providing technical support, and
- e. monitoring compliance through an assessment program.

As described in .03 of this Section, the NOAA General Counsel (GC) - Environmental Review

and Coordination (ERC) Section oversees and coordinates several program elements for NOAA's National Environmental Policy Act (NEPA) Program and the NOAA Trust Resources Statutes Compliance Program. However, ECD, as NOAA's primary EC office, maintains HQ/agency-wide involvement in all environmental compliance programs through the environmental compliance assessment program, some technical support, and the HQ/agency-wide EMS.

.03 Some HQ/agency-wide program elements for certain environmental regulations have been delegated to particular NOAA offices. Specifically, NOAA's NEPA Program is overseen by the NOAA GC-ERC and described in NAO 216-6A and the associated Companion Manual. Furthermore, agency-wide coordination and assistance for compliance with NOAA's Trust Resources Statutes is also overseen by NOAA GC-ERC. Implementation guidance for the NOAA NEPA Program and the NOAA Trust Resources Statutes Compliance Program are therefore outside the scope of this Order.

.04 This Order does not include guidance on NOAA's occupational health and safety programs, which are covered in NAO 209-1A, *NOAA Occupational Safety and Health*, and the associated companion manual.

.05 This Order does not include guidance on NOAA's Sustainability Program.

.06 This Order applies to all NOAA activities and operations as well as all NOAA personnel, including contractors, affiliates, student interns, and volunteers.

SECTION 4. ACRONYMS & DEFINITIONS.

.01 Acronyms.

AA	- Assistant Administrators
CAO	- Chief Administrative Officer
CFO	- Chief Financial Officer
CFR	- Code of Federal Regulations
DAA	- Deputy Assistant Administrators
DAO	- Department Administrative Order
DOC	- Department of Commerce
DRO	- Designated Responsible Official
DUSO	- Deputy Under Secretary for Operations
EC	- Environmental Compliance
ECC	- Environmental Compliance Committee
ECD	- Environmental Compliance Division
ECS	- Environmental Compliance and Safety
EMS	- Environmental Management System
EO	- Executive Order
EPA	- Environmental Protection Agency
ERC	- Environmental Review and Coordination Section (within GC)
FEC	- Facility Environmental Coordinator

HQ	- Headquarters
GC	- General Counsel
ISO	- International Organization for Standardization
LECO	- Line Office Environmental Compliance Officer
LESCO	- Line Office Environmental and Safety Compliance Officer
LO	- Line Office
NAO	- NOAA Administrative Order
NOV	- Notice of Violation
NOV	- National Oceanic and Atmospheric Administration
NECSAS	- NOAA Environmental Compliance and Safety Assessment System
NEPA	- National Environmental Policy Act
POC	- Point of Contact
OCAO	- Office of the Chief Administrative Officer
SECO	- Safety and Environmental Compliance Office
SO	- Staff Office

.02 Definitions. Within this Order, certain terms may not be used by every NOAA corporate function or LO, who may have adopted different titles for their personnel, particularly those with roles in environmental compliance matters. Readers of this Order and the associated EC Manual should review the definitions and associated functions and responsibilities herein to determine how they best apply to their corporate function/LO.

- a. All Applicable Environmental Requirements. Term used within this Order to capture all the environmental requirements that apply to NOAA activities and operations. This refers to all applicable federal, state, and local environmental laws, regulations, and EOs aimed at protecting human health, the environment, natural, and cultural resources. Categories of environmental compliance and examples of regulations are described in Section 3 of this Order.
- b. Corporate Functions. NOAA headquarters offices that support the entire NOAA organization through service and management functions. This includes NOAA SO and corporate service offices. They represent NOAA functions outside the LOs. (See NOAA Organization Chart (<http://www.noaa.gov/about/organization>) for updated list of offices included within each).
- c. Corporate Service Offices. A subgroup of NOAA corporate functions. Current corporate service offices are the Acquisition and Grants Office (AGO), Office of the Chief Administrative Officer (CAO), Office of the Chief Financial Officer (CFO), Office of the Chief Information Officer (CIO), and the Workforce Management Office (WFMO). (See NOAA Organization Chart (<http://www.noaa.gov/about/organization>) for an updated list of offices included within each).
- d. Designated Responsible Official (DRO). The senior NOAA official for a specific site, facility, or vessel who is responsible for daily activities of mission and operations. Typically this person is onsite, but for remote unmanned locations where onsite personnel do not exist, this is the senior official responsible for that location. This

official has authority over operations or activities which are subject to environmental compliance requirements. At facilities with more than one DRO, the highest-ranking NOAA official within the common area serves this role.

- e. Environmental Compliance Committee (ECC). The NOAA committee comprised of NOAA personnel with environmental compliance responsibilities. This is a cross-functional group that facilitates discussion of environmental compliance priorities and needs. The ECD oversees this committee. The ECC membership includes LO/corporate function personnel who have a role in environmental compliance. Members are designated by senior officials and approved by the NOAA ECC chair. The name of this committee is subject to change.
- f. Environmental Compliance Costs. Expenditure(s) necessary to ensure NOAA complies with all applicable environmental requirements. These costs may include, but are not limited to, tank testing, permits, training, service fees, hazardous waste disposal, spill containment and cleanup.
- g. Environmental Compliance Division (ECD). An office within the SECO, the ECD is responsible for overseeing the HQ/agency-wide NOAA EC Program, in accordance with that described in Section 3 of this Order. The ECD also serves as the environmental compliance support for the OCAO and therefore manages all aspects of environmental projects associated with OCAO-led projects/actions, including real property projects and actions.
- h. Environmental Compliance Manual (EC Manual). The EC Manual is the companion manual to this Order. The EC Manual contains processes and procedural guidance as well as additional details regarding the roles and responsibilities for implementing the NOAA EC Program and NOAA EMS.
- i. Environmental Compliance and Safety (ECS) Committee. The NOAA SECO committee to discuss current and important environmental compliance and occupational health and safety matters. The ECS serves as the working arm of the NOAA Safety Council.
- j. Environmental Compliance (EC) Program. The HQ/agency-wide program across all LOs and corporate functions (which includes NOAA SOs and corporate service offices) established to ensure compliance with all applicable environmental requirements (as defined in this Order). The NOAA EC Program is overseen and executed by the ECD, with the exception of some HQ/agency-level program elements executed by the GC-ERC for NOAA's NEPA and Trust Resources Statutes Compliance Program.
- k. Environmental Incident. An event or series of events that resulted in, or is likely to result in, an unauthorized impact/release/pollution to air, water, land, or protected species. This includes hazardous substances, hazardous waste, or other constituents that have resulted in, or are likely to result in, an adverse impact to human health, the environment (including animal species, flora, and fauna), or cultural heritage resources.

- l. Environmental Liability. An environmental liability is a specific financial term referring to a probable and measurable future outflow of resources for environmental response, remediation, and/or cleanup necessary because of past incidents, activities, or events. This term is specific to regulatory-required federal financial reporting and is different from the general “liability” associated with operations. This is a legal obligation to make a future expenditure due to past or ongoing environmental remediation and cleanup activity.
- m. Environmental Management System (EMS). A holistic system aimed at ensuring full implementation of the NOAA EC Program. The NOAA EMS is a compliance-focused EMS, serving as a tool to facilitate execution of the EC Program. Through the EMS, the ECD identifies compliance priorities by evaluating organization-wide elements (e.g., organizational structure, planning activities, responsibilities, practices, procedures, and resources).
- n. Environmental Non-Compliance. The failure to meet an applicable environmental requirement (as established in a permit, license, agreement, or statutory regulation [federal, state, and local]) relevant to a specific NOAA activity and/or facility. This includes both non-compliance situations identified through internal assessments such as NOAA Environmental Compliance and Safety Assessment System (NECSAS) findings and Notices of Violation (NOV), or similar, received from federal, state, and/or local regulating agencies.
- o. Facility Environmental Coordinator (FEC). The Facility Environmental Coordinator (FEC) is a Point of Contact (POC) who works on-site and is responsible for ensuring facility activities are conducted in accordance with all applicable environmental requirements. Each NOAA facility has a designated FEC. Sometimes the FEC is also responsible for compliance with occupational safety and health requirements. The FEC typically serves as the NECSAS POC.
- p. Line Office (LO). The operating branches of NOAA responsible for managing the delivery of products and services to meet the needs of the agency’s customers and stakeholders. The NOAA’s LOs are accountable for aligning their efforts with respect to particular strategic goals and objectives. NAOO LOs are: the National Environmental Satellite, Data, and Information Service (NESDIS), the National Marine Fisheries Services (NMFS), the National Ocean Service (NOS), the National Weather Service (NWS), the Office of Oceanic and Atmospheric Research (OAR), and the Office of Marine and Aviation Operations (OMAO).
- q. Line Office Environmental Compliance Officer (LECO). The employee designated to be responsible for managing environmental compliance responsibilities within the LO. LECOs are to be knowledgeable of all applicable environmental requirements affecting facilities and activities within their LO. They are the primary liaison on environmental compliance matters between SECO and the LO. This person may serve the dual role of Occupational Safety and Health (OSH) manager and LECO, and is therefore referred to

as Line Office Environmental and Safety Compliance Officer (LESCO). LECOs (members of the SECO ECS) are invited to be members of the ECC.

- r. NOAA Environmental Compliance and Safety Assessment System (NECSAS). The NOAA internal compliance program that conducts comprehensive environmental, occupational health, and safety assessments of its facilities. This program is executed by the SECO, managed by the ECD, and described in NOAA Policy 97-01.
- s. NOAA Trust Resources. Biological, physical, or ecosystem attributes for which NOAA is entrusted, through statutory authority, to manage, protect, conserve, recover, or restore on behalf of the public. Resources may include, but are not limited to, delineated geographic areas, individual species, species complexes, and coastal ecosystems. These resources are protected by authorities that NOAA administers, including the Marine Mammal Protection Act (MMPA), Endangered Species Act (ESA), National Marine Sanctuaries Act (NMSA), Magnuson-Stevens Fishery Conservation and Management Act (MSA), and Executive Order 13158, Marine Protected Areas (MPA).
- t. NOAA Trust Resources Statutes. The statutes aimed at protecting the resources (see NOAA Trust Resources definition) including MMPA, ESA, NMSA, MSA, and MPA.
- u. NOAA Trust Resources Statutes Compliance Program. A comprehensive NOAA program across LOs and corporate functions that ensures sustained compliance with NOAA Trust Resources Statutes and foster stewardship of the resources NOAA is entrusted with protecting. Each corporate function/LO designates a NOAA Trust Resources Statutes Compliance Representative. As described in Section 3 of this Order, the GC-ERC is responsible for agency-wide coordination and assistance of this program.
- v. Office of the Chief Administrative Officer (OCAO). The OCAO provides policy, staff support, and services for facilities; environmental compliance; occupational safety and health; emergency preparedness; information systems; records and directives management; and audit and internal control activities, including all Government Accountability Office and Office of Inspector General audits of NOAA's activities.
- w. Principal Investigator (PI). A common role within the research community, the PI is an individual who has primary responsibility for planning specific research activities, projects, and/or programs, and for managing the associated people and funds. A PI may incur environmental compliance responsibilities associated with these activities, projects, or programs.
- x. Safety Council. The NOAA executive level operational council responsible for providing oversight and guidance related to improving safety throughout NOAA programs and operations. The council is chaired by the DUSO and provides senior officials with visibility on safety matters that impact, influence, or affect all NOAA LOs and corporate functions, including field/program offices. Environmental

compliance matters may be agenda items at the Safety Council meetings.

- y. Safety and Environmental Compliance Office (SECO). The NOAA office within OCAO that establishes NOAA's policy, guidance, and oversight to ensure compliance with applicable requirements and to drive toward continuous improvement in Safety, Occupational Health, Environmental Management, and Sustainability. The ECD is within the SECO.
- z. Senior Facilities Council. The NOAA executive-level operational council responsible for providing oversight and guidance for corporate-level aspects related to NOAA facilities issues. Environmental compliance matters may be agenda items during the Senior Facilities Council meetings.
- aa. Senior Officials. The highest level(s) of management within a LO or corporate function, such as LO Assistant Administrators (AA)/Deputy AAs (DAA) and SO Directors.
- bb. Staff Office (SO). Corporate function offices that perform specific roles in support of NOAA's mission. NOAA SOs are the: Office of Communications, Office of Education, Office of Federal Coordinator for Meteorology, Office of General Counsel, Office of International Affairs, and the Office of Legislative and Intergovernmental Affairs. (See NOAA Organization Chart (<http://www.noaa.gov/about/organization>) for updated list of offices included within each).

SECTION 5. RESPONSIBILITIES.

.01 General Responsibilities.

- a. EO 12088 mandates that all federal agencies comply with all applicable environmental requirements and develop programs accordingly.
- b. In accordance with DAO 217-16, the Under Secretary of Commerce for Oceans and Atmosphere (NOAA Administrator) has been designated authority to develop and implement NOAA programs and activities that prevent or minimize adverse impacts on environmental quality.
- c. The NOAA Senior Counsel for Environmental Compliance and Safety (General Counsel Environmental Compliance and Safety, GC-ECS) provides legal advice and counsel for NOAA's EC Program.
- d. GC-ERC administers the NOAA NEPA Program and provides coordination and assistance for the NOAA Trust Resource Statutes Compliance Program.
- e. The NOAA Administrator has designated responsibility for oversight of NOAA's Environmental Compliance Program to the CAO.

- f. The CAO, through the SECO Director, has designated responsibility for implementation of the HQ/agency-wide EC Program to the ECD Chief.
- g. The ECD Chief oversees and executes the HQ/agency-wide EC Program including the NOAA-wide EMS.
- h. LO/corporate function senior officials are responsible for ensuring compliance with the NOAA EC Program within their respective offices. This includes designation of necessary environmental compliance personnel and the development of LO/corporate function-specific environmental compliance programs for their Office.

.02 Environmental Compliance Program Responsibilities. All NOAA personnel are responsible for conducting their job duties in compliance with applicable environmental requirements. Senior officials are ultimately responsible for ensuring compliance obligations are met within their LO/corporate function. To accomplish this, senior officials may develop specific environmental programs and designate specific responsibilities for environmental compliance to personnel within their organization. Failure to appropriately program for environmental compliance or take actions necessary to abate environmental non-compliance issues, once discovered, can lead to personal legal liability. The Federal Facility Compliance Act of 1992 (Public Law 102-368), as well as other individual environmental statutes, expose federal employees to both civil and criminal liability for failing to comply with environmental laws and regulations. Following are some specific responsibilities for administering the NOAA EC Program.

- a. **The NOAA Environmental Compliance Division (ECD)** is responsible for HQ/agency-wide oversight of the NOAA EC Program, with the exception of the program elements designated to other NOAA offices as described in Section 3 of this Order. The ECD is responsible for the implementing the EC Program elements including:
 - 1. **Planning and Guidance.**
 - i. developing agency-wide policies, programs, and guidance for implementing the EC Program throughout NOAA
 - ii. developing and overseeing the NOAA EMS in order to set environmental compliance priorities and monitor implementation
 - iii. overseeing/chairing the NOAA Environmental Compliance Committee (ECC) to identify NOAA-wide environmental compliance priorities, strategies for compliance, and changes in regulatory landscape that affect NOAA
 - 2. **Training, Awareness, and Competence.**
 - i. identifying environmental compliance training standards, providing training and guidance, and recommending appropriate environmental training for NOAA personnel

3. Technical Support.

- i. providing technical guidance to NOAA LO/corporate function personnel on environmental compliance matters, including but not limited to:
 - (1) strategies for compliance with all applicable environmental requirements
 - (2) responses to environmental incidents and/or cleanup actions at NOAA locations
 - (3) corrective action recommendations in response to environmental non-compliance findings (including Notices of Violation (NOVs)), which may be in response to internal or external agency audits
- ii. managing environmental projects including but not limited to: NEPA projects, Environmental Site Assessments (Phase I/II), Environmental Baseline Surveys, floodplain evaluations, site characterizations, and hazardous material surveys in support of:
 - (1) OCAO actions, serving as the CAO's environmental compliance support
 - (2) LO/corporate function actions, upon request. For project management that requires technical support beyond that which is customary under ECD's HQ/agency-wide oversight role, support agreements shall be documented in a Memorandum for Record which describes roles and responsibilities for the project
- iii. determining environmentally-regulated contamination and estimated cleanup costs at NOAA-owned properties and providing data annually on financial environmental liabilities to support NOAA's financial statement as required by the CFO Act of 1990 and the Government Management Reform Act of 1994

4. Communication-Internal and External.

- i. maintaining contact with appropriate federal, state, and local government environmental regulatory officials
- ii. responding to data calls as the liaison to Department of Commerce (DOC) Environmental
- iii. informing NOAA senior officials of EC Program priorities, issues of non-compliance, and recommended corrective actions. This communication can be accomplished through the NOAA Senior Facilities Council, the NOAA Safety Council, Environmental Compliance and Safety (ECS) Committee or similar means
- iv. informing the CAO and DUSO of NOAA senior officials' performance regarding

environmental compliance

- v. utilizing the ECS and ECC to facilitate NOAA-wide communication on environmental compliance matters

5. Compliance Assessments.

- i. managing the NOAA environmental compliance assessment program, NECSAS
- ii. informing NOAA senior officials of environmental compliance performance

b. **NOAA LO/Corporate Function Senior Officials.** NOAA senior officials (management, including LO AAs/DAAs, SO Directors and corporate function Directors) are responsible for ensuring compliance with all applicable environmental requirements within their respective offices. Because each LO and corporate function has unique structure, the functions described within this section may be accomplished by NOAA personnel with different titles, but this refers to the most senior officials within a specific LO or corporate function. NOAA senior officials are responsible for:

1. supporting the HQ/agency-level NOAA EC Program
2. ensuring allocation of adequate resources to maintain compliance with all applicable environmental requirements. This includes the appropriate allocation of funds for environmental compliance costs (pollution prevention, control, abatement, permits, studies, and NEPA assessments for proposed actions)
3. ensuring their LO/Corporate function-specific environmental compliance programs are aligned with the HQ/agency-wide NOAA EC Program
4. appointing a DRO (in writing) for each site within their LO and communicating those appointments to the SECO ECD
5. appointing LECOs (in writing) and communicating that appointment to ECD
6. communicating the appointment and roles of other LO personnel with environmental compliance duties
7. ensuring environmental compliance personnel (including but not limited to LECOs, EC Coordinators, and SECOs) coordinate with the ECD regarding environmental compliance matters, are properly trained and certified (as required), and adhere to the requirements outlined in this Order, the associated EC Manual, and other NOAA environmental compliance policies and guidance
8. ensuring all office personnel are appropriately trained in accordance with assigned responsibilities to comply with all applicable environmental requirements

9. incorporating environmental compliance responsibilities into performance plans, as appropriate. This is important for personnel whose job duties are subject to environmental compliance requirements (e.g., those who handle hazardous materials, generate or manage hazardous waste, conduct building maintenance activities)
 10. considering environmental impacts of all proposed actions in accordance with NAO 216-6A
 11. engaging the ECD early in project planning for proposed real property projects (e.g., improvement, maintenance, construction, demolition, and decommissioning project) and real property actions (e.g., leases, disposals, out-grants, and easements)
 12. requesting ECD environmental project management where adequate resources cannot be allocated or the NOAA LO/corporate function office lacks technical expertise. These support agreements shall be in writing in a Memorandum for Record which delineates relevant roles and responsibilities
 13. ensuring the LECO immediately reports releases (oil or hazardous substance releases in reportable quantities as defined by 40 CFR 302) to the ECD and the applicable regulatory agency (as identified in the facility spill contingency plan)
 14. ensuring immediate (within five days of receipt or awareness) reporting of environmental non-compliance areas (including environmental incidents and NOVs) and/or the inability to meet environmental requirements to the LECO, who shall report to the ECD
 15. supporting all aspects of internal and external compliance assessments, such as the NOAA NECSAS Program. This includes facilitating completion of comprehensive assessments, appointing necessary personnel to assist, and ensuring timely closure of non-compliance findings
- c. **Designated Responsible Officials (DROs)** are the most senior NOAA officials for a specific site, facility, or vessel responsible for daily activities of mission/operations. DROs are responsible for:
1. ensuring day-to-day operations and activities are conducted in compliance with applicable environmental requirements
 2. ensuring on-site personnel are aware of environmental requirements and are properly trained and certified (as required)
 3. elevating environmental compliance issues to their respective LO senior officials with recommendations for resolution
 4. appointing the appropriate site-level environmental points of contact for handling environmental compliance such as Facility Environmental Coordinators (FECs)

5. ensuring participation in support of the NECSAS Program by identifying a NECSAS POC (such as the FEC or other responsible individual based on the LO structure) and ensuring timely closure of findings
- d. **Special Project Managers.** Those who originate and manage a NOAA project, including, but not limited to, facilities project managers, and PIs are responsible for:
1. considering the environmental impacts of their proposed projects before taking action through compliance with the NEPA, floodplain and wetland EOs and related applicable environmental requirements. This involves early engagement of their LO NEPA POC and/or ECD for real property projects
 2. ensuring project activities are conducted in compliance with all applicable environmental requirements, which includes, but is not limited to, obtaining necessary permits, clearances, and approvals
 3. ensuring personnel involved in their project(s) are appropriately trained and aware of environmental requirements
- e. **Line Office Environmental Compliance Officers (LECOs)** are responsible for:
1. serving as the primary liaison between their LO/corporate function and the ECD regarding environmental compliance matters
 2. supporting the HQ/agency-wide NOAA EC Program executed by the ECD, including the NOAA EMS
 3. ensuring LO/corporate function specific environmental compliance programs, policies, and guidance documents align with the overall NOAA EC Program
 4. maintaining knowledge of all applicable environmental requirements and how they relate to their LO/corporate function
 5. receiving the necessary training to conduct their environmental compliance duties and ensure compliance with environmental requirements
 6. participating in environmental compliance meetings including the SECO Environmental Compliance and Safety (ECS) Committee and Environmental Compliance Committee (ECC) and ensuring relevant other LO/corporate function personnel with environmental compliance duties participate in the ECC
 7. ensuring the ECD is informed of all LO/corporate function-specific environmental policies, procedures, and guidance documents
 8. ensuring ECD is made aware of other LO/corporate function personnel with

environmental compliance duties and their respective roles

9. notifying ECD of relevant environmental issues including oil or hazardous materials spills (immediately if reportable quantity to regulatory agency) and instances of environmental non-compliances, including but not limited to NOV's (within 5 days of receipt or awareness)
 10. elevating environmental compliance issues to their respective LO Senior Officials
 11. supporting site-specific EC Program activities including facility condition surveys
 12. supporting all aspects of the NECSAS Program, including the timely closure of findings
- f. **Other Line Office Personnel with Environmental Compliance Duties** refers to LO/corporate function personnel, other than LECOs, with a role in ensuring daily environmental compliance. Each LO may use different terminology, titles, and specific roles. Currently used titles for such personnel include but are not limited to: LECOs, LESCOs Environmental Compliance Coordinators, and Environmental Compliance Specialists. While not required, LO/corporate functions may elect to appoint personnel with these environmental compliance duties and when they exist, they are responsible for:
1. ensuring LO/corporate function-specific environmental programs, guidance documents, and policies align with the NOAA EC Program
 2. communicating LO/corporate function-specific environmental programs, guidance documents, and policies with the ECD
 3. maintaining knowledge of applicable environmental regulations and how they relate to their LO/SO
 4. receiving the necessary training to perform their environmental compliance duties to ensure compliance with environmental requirements
- g. **Facility Environmental Coordinators (FECs)** are responsible for:
1. ensuring activities carried out at a site/facility (within their purview as designated by the DRO) are performed in accordance with all applicable environmental requirements
 2. maintaining knowledge of all applicable environmental requirements and how they relate to their site and operations
 3. receiving the necessary environmental compliance training to perform their environmental compliance duties

4. serving as the site/facility-level POC for the NECSAS program, if designated as such

.03 Additional Details. The NOAA Environmental Compliance (EC) Manual, companion manual to this Order, has additional information regarding on the responsibilities and procedures for EC Program comprehensive execution.

SECTION 6. REFERENCES.

.01 The authorities listed below are the regulatory drivers for the policies established in this Order. Additional references are provided in the EC Manual.

- a. Archaeological and Historic Preservation Act of 1974 (16 U.S.C. § 469 et seq.).
- b. Archaeological Resources Protection Act of 1979 (16 U.S.C. § 470(aa) et seq.).
- c. Chief Financial Officers Act of 1990 (Public Law 101-576).
- d. Clean Air Act (CAA) of 1970, as amended (42 U.S.C. §7401 et seq.).
- e. Clean Water Act (CWA) of 1977, as amended (Public Law 95-217, 33 U.S.C. § 1251, et seq.).
- f. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended (42 U.S.C. § 9601 et seq.).
- g. Coastal Zone Management Act of 1972 (16 U.S.C. § 1451 et seq.).
- h. Department of Commerce Administrative Order (DAO) 217-16, *Sustainability and Environmental Management*, 16 April 2016.
- i. Endangered Species Act of 1973 (16 U. S. C. § 1531 et seq.).
- j. Energy Independence and Security Act of 2007 (Public Law 110-140).
- k. Energy Policy Act of 2005 (Public Law 102-486).
- l. Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986 (42 U.S.C. § 11001 et seq.)
- m. Environmental Protection Agency (EPA), *Enforcement and Compliance at Federal Facilities*, <https://www.epa.gov/enforcement/enforcement-and-compliance-federal-facilities>
- n. Executive Order (EO) 12088, *Federal Compliance with Pollution Control Standards*, 13 October 1978.
- o. Federal Facilities Compliance Act of 1992 (Public Law 102-386).
- p. Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. § 136 et seq.).
- q. International Organization for Standardization (ISO) 14001:2015, *Environmental Management Systems -- Requirements with Guidance for Use*, 15 September 2015.
- r. NAO 216-6A, *Compliance with the National Environmental Policy Act, Executive Orders 12114, Environmental Effects Abroad of Major Federal Actions; 11988 and 13690, Floodplain Management; and 11990, Protection of Wetlands*, 22 April 2016.
- s. NOAA Office of the Chief Financial Officer, *NOAA Business Operations Manual (BOM)*, <http://www.performance.noaa.gov/bom/>, 23 September 2016.
- t. NOAA Safety & Environmental Compliance Office (SECO Policy 97-01, *NECSAS Program*, 26 September 2012.
- u. *Government Management Reform Act of 1994* (Public Law 103-356)
- v. Safe Drinking Water Act (SDWA) of 1974 (42 U.S.C. § 300f et seq.).

- w. Pollution Prevention Act (PPA) of 1990 (42 U.S.C. § 13101 et seq.).
- x. Marine Protection, Research and Sanctuaries Act (MPRSA) of 1972 (33 U.S.C. § 1401 et seq., 16 U.S.C. § 1431 et seq.)
- y. National Historic Preservation Act (NHPA) of 1966 (16 U.S.C. § 470 et seq.).
- z. Resource Conservation and Recovery Act (RCRA) of 1976 (42 U.S.C. § 6901 et seq.).
- aa. Toxic Substances Control Act (TSCA) of 1976 (15 U.S.C. § 2601 et seq.).
- bb. Code of Federal Regulations (CFR) Title 40: *Protection of Environment*.
- cc. U.S. Army Corps of Engineers Engineer Research and Development Center, *The Environmental Assessment and Management (TEAM) Guide*, December 2018 (and updates).

SECTION 7. EFFECT ON OTHER ISSUANCES.

.01 This Order supersedes NAO 216-17, NOAA Environmental Compliance Program, October 1998.

.02 The Under Secretary of Commerce for Oceans and Atmosphere signs because there is no delegation of authority for this NAO.

An electronic copy of this Order will be posted on the NOAA Office of the Chief Administrative Officer website under the Administrative Programs' NOAA Issuances section at <http://www.corporateservices.noaa.gov/~ocao/index.html>.



Neil A. Jacobs, Ph.D.
Assistant Secretary of Commerce for
Environmental Observation and Prediction
Performing the Duties of
Under Secretary of Commerce
for Oceans and Atmosphere

Office of Primary Interest:
Office of the Chief Administrative Officer
Safety and Environmental Compliance Office (SECO)