



**U.S. Department of
Transportation**

Office of the Secretary
of Transportation

ORDER

DOT 5640.1C

3-22-88

**Subject: PREVENTION, CONTROL AND ABATEMENT OF ENVIRONMENTAL
POLLUTION AT FEDERAL FACILITIES**

1. PURPOSE. This Order establishes responsibilities and procedures for implementing Executive Order (EO) 12088, "Federal Compliance with Pollution Control Standards," dated 10-13-78.
2. CANCELLATION. DOT 5640.1B, PREVENTION, CONTROL AND ABATEMENT OF ENVIRONMENTAL POLLUTION AT FEDERAL FACILITIES, dated 6-27-80.
3. REFERENCES.
 - a. EO 12088, "Federal Compliance with Pollution Control Standards," dated 10-13-78.
 - b. Office of Management and Budget (OMB) Circular A-106, "Reporting Requirements in Connection with the Prevention, Control, and Abatement of Environmental Pollution at Existing Federal Facilities," dated 12-31-74.
4. BACKGROUND.
 - a. EO 12088 states, "The head of each Executive agency is responsible for ensuring that all necessary actions are taken for the prevention, control and abatement of environmental pollution with respect to Federal facilities and activities under the control of the agency." EO 12088 requires that sufficient funds be requested in the agency budget to ensure compliance with applicable pollution control standards. EO 12088 and the related Federal laws make it clear that Federal facilities must comply with Federal, State, interstate, and local regulations. The Federal laws which have a major effect on the Department of Transportation (DOT) are:
 - (1) Resource Conservation and Recovery Act (42 USC 6901 et seq.) requires proper handling of solid and hazardous waste to protect human health and the environment. This law regulates hazardous waste from "cradle to grave" requiring testing, packaging, transportation, treatment, storage and disposal in accordance with the Environmental Protection Agency (EPA) regulations.

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- (2) Comprehensive Environmental Response, Compensation, and Liability Act (42 USC 9601 et seq.) requires notification of the release of hazardous substances and notification to the EPA of past hazardous waste sites, and authorizes EPA to require cleanup of hazardous waste sites.
 - (3) Federal Water Pollution Control Act (33 USC 1251 et seq.) limits the discharge of pollutants into the waters of the United States.
 - (4) Clean Air Act (USC 7401 et seq.) authorizes EPA to establish regulations limiting the discharge of pollutants into the atmosphere to protect and enhance the quality of the Nation's air.
 - (5) Toxic Substances Control Act (15 USC 2601 et seq.) authorizes EPA to issue regulations governing the use, manufacture, processing, distribution in commerce and disposal of chemical substances and mixtures which may present an unreasonable risk of injury to health or environment. The only waiver provided is for actions necessary in the interest of national defense. Primary impact on DOT is the regulation of items containing polychlorinated biphenyls (PCBs).
- b. These laws permit EPA to delegate implementation responsibility and regulation authority to the States if the State's regulations are equal to or more stringent than the Federal regulations. The majority of the programs have been delegated to the States. As a result, there are a multitude of local regulations which Federal facility environmental program managers must have knowledge of to ensure compliance. The logical point of interface between the DOT field organizations and the regulatory authorities is at the field level between the DOT facilities environmental program managers and the State environmental offices and/or the EPA regional offices.

5. RESPONSIBILITIES.

- a. The Assistant Secretary for Administration is responsible for establishing the overall policy and guidelines for implementing EO 12088 within the Department and shall:
 - (1) Conduct oversight activities to assure that an effective environmental protection program is implemented throughout the Department which directs attention to identifying and controlling pollution problems.
 - (2) Coordinate the establishment of a Departmental Environmental Program Management Information System. (See Section 5 of this Order.)

b. Heads of Operating Administrations are responsible for implementing EO 12088 within their organizations and complying with its requirements and shall:

- (1) Appoint an official to be responsible for the Operating Administration's program for meeting the provisions of EO 12088 and this Order, and for coordinating program activities with the Office of the Secretary (OST). The Assistant Secretary for Administration shall be notified of the name of this official.
- (2) Ensure that all the Operating Administrations' facilities are covered by a program to control environmental pollution in compliance with EO 12088. This program should include environmental audits and/or surveys of facilities to identify existing or potential environmental pollution problems, plans for correcting problems including budgeting for the necessary resources and appropriate training of employees involved in the program.
- (3) Prepare an annual plan for control of environmental pollution to meet requirements of Section 1-4 of EO 12088. OMB has ruled that the reporting requirements of OMB Circular A-106 constitutes compliance with Section 1-4 of EO 12088. The OMB Circular A-106 reports shall be submitted to the OST Office of Administrative Services and Property Management (M-40) for consolidation into a DOT report to OMB. EPA issues a call for this report.
- (4) Submit an annual report of facilities environmental program activities to the Assistant Secretary for Administration (Attention M-40) by December 15. This report shall supplement the report required by OMB Circular A-106 and shall contain information from the previous Fiscal Year (FY) including a brief summary of major accomplishments; a copy of directives and manuals issued to the field; a copy of results of surveys and/or environmental audits; an outline of training courses, workshops or seminars conducted and number and general range of job title of attendees; and a facilities environmental program organization chart showing position titles and employee names for headquarters and field. This report shall also contain a description of plans for the current FY including information on prioritization of categories of projects; a brief description of planned training, workshops or seminars, environmental audits and/or surveys; and an estimate of funds and manpower required.

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- (5) Provide the Assistant Secretary for Administration (Attention M-40) a copy of each notice of violation, compliance agreement, administrative order, consent order, or equivalent document (regarding environmental pollution at a DOT facility) issued by Federal, State or local regulatory or enforcement organizations within 30 days of the date of issue of the document.

6. ENVIRONMENTAL PROGRAM MANAGEMENT INFORMATION SYSTEM (EMIS). The purpose of the EMIS is to establish a standard data base of the facilities covered by EO 12088 and the universe of DOT activities to prevent, control and abate environmental pollution. This will ensure that key information needed in both headquarters and field units to manage program activities is readily available. The EMIS data base could include information such as project tracking, reminder messages for corrective action projects and the multitude of regulation deadline dates for completing required actions. In addition, the system could include reports, both pre-planned and ad hoc, for local and national data; interfaces with technical information library reference files of other agencies and private industry; and instruction and information exchange within DOT. Each Operating Administration shall notify the Director of Administrative Services and Property Management (M-40) of the name of their representative to serve on a Departmental committee to develop and maintain the EMIS. The specific requirements and delegation of areas of responsibility to implement the EMIS will be reviewed and issued as an Appendix to this Order.

FOR THE SECRETARY OF TRANSPORTATION:



Melissa J. Allen
For the Assistant Secretary
for Administration