



DEPARTMENT OF THE ARMY
OFFICE OF THE DEPUTY CHIEF OF STAFF, G-9
600 ARMY PENTAGON
WASHINGTON, DC 20310-0600

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MEMORANDUM FOR SEE DISTRIBUTION

SUBJECT: Supplemental Guidance for Environmental Compliance During COVID-19 Response

1. Reference:

a. AR 200-1 "Environmental Protection & Enhancement" Dec 2007

b. Memorandum, ASA-IEE, 24 Mar 2020, Interim Army Procedures for National Environmental Policy Act (NEPA)

c. Memorandum, USEPA, 26 Mar 2020, COVID-19 Implications for EPA's Enforcement and Compliance Assurance Program

2. Purpose: This memorandum supplements policy and guidance in Reference a. to set compliance program performance expectations and provide temporary guidance for program management during the COVID-19 crisis response.

3. Background: The Army is committed to health and safety of all Soldiers, Army Civilians, and their Families on Army installations or facilities. As the Army adjusts to the evolving COVID-19 pandemic and its impact on communities across the Nation, it is imperative that the Commands take these considerations into account while continuing to provide the best practicable level of protection to human health and the environment.

4. Recognizing that operational limitations imposed by health and safety measures implemented to combat COVID-19 epidemic may result in challenges meeting requirements in Reference a., Reference b. and based on the USEPA guidance in Reference c., the Commands will:

a. Maintain compliance with all environmental requirements to the best extent practicable.

b. Continue to document and self-report all non-compliances to State regulators and/or the EPA as soon as practicable.

c. Thoroughly document all non-compliances due to COVID-19 detailing how COVID-19 restrictions resulted in non-compliance.

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d. Report all non-compliances due to COVID-19 through their chain of command using processes already in place and develop corrective action plans as soon as practicable to address the non-compliances at the conclusion of the COVID-19 crisis.

e. Follow interim NEPA procedures as outlined in Reference b.

f. Return to full operational capability immediately when authorized to do so by the Department of Defense.

5. The USEPA Guidance in Reference b. is not a waiver of pollution control requirements or an authorization to violate any regulations. There are distinct situations where the EPA does not expect to enforce violations for well-documented situations where full compliance was not possible due to safety issues associated with COVID-19 however, the States may choose to not follow the EPA guidance.

6. In order to protect our Soldiers, Army Civilians and their Families, Commands will ensure that the Army's critical water infrastructure and its operators are fully functional. Therefore, all Department of Defense (DoD) owned or operated drinking water and wastewater systems need to have put their Emergency Action Plans in place and ensure that these plans are updated to include information specific to the COVID-19 threat.

7. Commands will maintain full compliance with all regulatory requirements for hazardous waste (HW) management. Defense Logistics Agency (DLA) established provisions to ensure that HW shipments are not impacted. DLA contracting officer representatives (CORs) will be available and can function remotely, if necessary, to ensure that accumulation timeframes are not exceeded.

8. Installations that will not be able to meet their obligations under a Settlement Agreement or a Consent Decree and Final Order, will immediately notify their legal office and their chain of command.

9. Installations unable to conduct habitat management and survey actions for Threatened and Endangered species will immediately document those actions and notify their chain of command and their local US Fish and Wildlife Service (USFWS) Field Office. Notification should also include a plan to engage and mitigate (if possible) at the conclusion of COVID-19 response and after DoD authorizes return to full operations.

10. If a situation arises where facility operations impacted by COVID-19 will result in an imminent non-compliance with a regulated environmental program, installations must

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immediately notify their legal office and their respective Command. The Commands will ensure that the situation is properly documented and communicated to the G-9 Environmental Division.

11. My point of contact for this action is Mr. Michael Khamamayzer, (571) 256-9712, michael.v.khamamayzer.civ@mail.mil.

Encl
as

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