

**INDIAN AFFAIRS  
DIRECTIVES TRANSMITTAL SHEET**

(modified DI-416)

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FOR FURTHER INFORMATION Division of Environmental and Cultural Resources Management	<b>Environmental Management Assessment and Performance Program</b>	DATE <b>OCT 20 2011</b>

**EXPLANATION OF MATERIAL TRANSMITTED:**

This chapter establishes the requirements and responsibilities of Indian Affairs (IA) for carrying out the Environmental Management Assessment and Performance (EMAP) Program within the framework of IA's Environmental Management System (EMS).

  
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Acting Deputy Assistant Secretary – Indian Affairs (Management)

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**FILING INSTRUCTIONS:**

Remove: None

Insert: 59 IAM 2 (New)

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- 1.1 Purpose.** This chapter establishes the requirements and responsibilities of Indian Affairs (IA) for carrying out the Environmental Management Assessment and Performance (EMAP) Program within the framework of IA's Environmental Management System (EMS).
- 1.2 Scope.** This policy applies to all IA headquarters, program, and field staff, and the operations and activities under the authority of the Assistant Secretary - Indian Affairs. The EMAP applies to all operations and activities that occur at IA-owned facilities and all operations and activities conducted by IA employees.
- 1.3 Policy.** It is the policy of IA to develop, implement, and document an EMAP Program that:
- A. Advances the protection of human health, welfare and the environment;
  - B. Assists IA (and its Bureaus of Indian Affairs and Indian Education) in monitoring and measuring its environmental compliance performance;
  - C. Conducts periodic, thorough and objective environmental compliance assessments of operations and activities; and
  - D. Educates and promotes awareness of environmentally sound operations, pollution prevention, and sustainable practices.
- 1.4 Authority.** The authority for the EMAP is found in the following Statutes and Executive Orders:
- A. Statutes.**
- 1) 7 U.S.C. §§ 136-136 y, Federal Insecticide, Fungicide & Rodenticide Act (FIFRA)
  - 2) 15 U.S.C. §§ 2601-2692, Toxic Substances Control Act (TSCA)
  - 3) 15 U.S.C. §§2641 et seq., Asbestos Hazard Emergency Response Act (AHERA) of 1986
  - 4) 16 U.S.C. §§ 1431-1434, Marine Protection, Research, & Sanctuaries Act of 1972, as amended
  - 5) 33 U.S.C. §§ 1251-1387, Federal Water Pollution Control Act, as amended
  - 6) 33 U.S.C. §§ 2702-2761, Oil Pollution Act (OPA) of 1990
  - 7) 42 U.S.C. §§ 300 f et seq.; Safe Drinking Water Act (SDWA) of 1974 as amended
  - 8) 42 U.S.C. §§ 4901 - 4918, Noise Control Act of 1972
  - 9) 42 U.S.C. §§ 6901-6992, Solid Waste Disposal Act (SDWA)
  - 10) 42 U.S.C. §§ 6901 et seq; Resource Conservation & Recovery Act (RCRA) of 1976
  - 11) 42 U.S.C. §§ 6961, Federal Facilities Compliance Act of 1992
  - 12) 42 U.S.C. §§ 7401-7671 q, Clean Air Act (CAA), as amended
  - 13) 42 U.S.C. §§ 9601-9675, Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended
  - 14) 42 U.S.C. §§ 11011 et seq., Emergency Planning and Community Right-to-Know Act of 1986 (EPCRA)
  - 15) 42 U.S.C. §§ 13101-13109, Pollution Prevention Act (PPA) of 1990
  - 16) 49 U.S.C. §§1801-1812, Hazardous Materials Transportation Act

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- 17) Omnibus Appropriations Act, 2009, Title VII: General Provisions – Government-Wide Section 748-8, March 11, 2009

#### B. Executive Orders.

- 1) Executive Order (E.O.) 13514: Federal Leadership in Environmental, Energy and Economic Performance, October 5, 2009
- 2) E.O. 13148: Greening the Government Through Leadership in Environmental Management, April 21, 2000
- 3) E.O. 13016 - Amendment to E.O. 12580, August 28, 1996
- 4) E.O. 12873 - Federal Acquisition, Recycling, & Waste Prevention, October 20, 1993
- 5) E.O. - 12856, Federal Compliance With Right-to-Know Laws & Pollution Prevention Requirements, August 3, 1993
- 6) E.O. 12843 - Procurement Requirements & Policies for Federal Agencies for Ozone-Depleting Substances, April 21, 1993
- 7) E.O. 12780 - Federal Agency Recycling & the Council on Federal Recycling & Procurement
- 8) E.O. 12580, Superfund Implementation, January 23, 1987
- 9) E.O. 12088, Federal Compliance with Pollution Control Standards, October 13, 1978

#### C. Guidance.

- 1) 515 Departmental Manual (DM) 2, Environmental Auditing
- 2) 518 DM 2, Compliance with Hazardous Waste Requirements
- 3) 515 DM 4, Environmental Management Systems
- 4) 59 IAM 1, Environmental Management
- 5) IA Auditor's Guidebook for the Environmental Management Assessment and Performance Program

### 1.5 Responsibilities.

- A. **Assistant Secretary – Indian Affairs** discharges the duties of the Secretary with the authority and direct responsibility to protect and preserve Indian trust assets. Provides program and budget support to carry out environmental management, environmental compliance and environmental management assessment and performance.
- B. **IA Senior Sustainability Official** ensures results of the EMAP Program are integrated with the IA EMS, promotes IA environmental compliance, environmental performance improvement, and sustainable practices.
- C. **Director, Bureau of Indian Affairs and Director, Bureau of Indian Education** ensure appropriate organizational arrangements, resources and personnel are available to implement environmental compliance and compliance management into day-to-day operations and activities. Bureau Directors ensure applicable environmental and sustainable practice requirements are communicated to all management levels and require environmental accountability of senior managers.

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- D. Chief, Division of Environmental and Cultural Resources Management** establishes IA's environmental compliance policies, guidance, and standards for environmental reporting, complying with federal environmental requirements, and integrating EMAP Program findings and recommendations with IA EMS. Serves as the lead environmental manager in negotiating settlements involving alleged environmental non-compliance when IA is subject to an enforcement action. Oversees the EMAP Program, including the EMAP environmental compliance audits and internal control reviews.
- E. Director, Office of Facilities, Management and Construction** ensures IA facilities construction, renovation and demolition projects are designed and carried out to minimize environmental impact and compliance burden, including the proper removal, clean up and disposal of environmental contaminants. Documents actions taken to achieve environmental compliance, including records that verify compliance with environmental permits and other environmental requirements. Ensures timely reporting of sustainable practice actions taken and Environmental Protection Agency (EPA) Notice of Violations (NOVs).
- F. BIA Regional Directors** serve as the senior accountable official for EMAP Program compliance in their region; identify funding and resources to maintain environmental compliance, provide environmental training and designate a Regional Environmental Scientist (RES) responsible for providing technical compliance assistance to BIA and BIE facilities within the Regions. Ensures timely reporting of sustainable practices and corrective actions taken to address EMAP audit findings and EPA's NOVs.
- G. BIE Associate Deputy Directors (ADDs) West, Navajo, and East** serve as the senior accountable official for maintaining environmental compliance in the Education Line Offices (ELOs) and schools in their jurisdiction. ADDs require environmental accountability of ELOs for achieving and maintaining environmental compliance in day-to-day operations and activities at schools and dormitories.
- H. BIE Education Line Officers (ELOs)** are responsible for tracking environmental compliance performance at their schools and dormitories, integrating the results of EMAP audit findings and action plans in their EMS, coordinating with DECRM and BIA RESs on environmental compliance actions. Assist DECRM in ensuring appropriate staff accompany EMAP compliance auditors at BIE schools and dormitories. Ensure timely reporting of sustainable practices and corrective actions taken to address EMAP audit findings and EPA's NOVs.
- I. BIE University, School and Dormitory Administrators** are responsible for achieving, managing and maintaining sustainable practices and environmental compliance in day-to-day operations and activities; ensuring cooperation of their organization with environmental compliance auditors and EPA inspectors; addressing EMAP audit findings in a timely manner, using action plans and performance objectives. Document actions taken to achieve environmental compliance, including records that verify compliance with environmental permits and other environmental requirements. Ensure timely reporting of sustainable practices and corrective actions taken to address EMAP audit findings and EPA's NOVs.

- J. BIA Agency Superintendents, Irrigation Project Office Managers, Justice Service Officers, and Detention Facility Managers** manage and maintain environmental compliance in day-to-day operations and activities, ensure cooperation of their organization with environmental compliance auditors and EPA inspectors. Coordinate with the RES on environmental compliance actions, and correction of EMAP audit findings and EPA NOV's in a timely manner. Integrate their EMAP Audit findings with their organizational level EMS. Document actions taken to achieve environmental compliance, including records that verify compliance with environmental permits and other environmental requirements. Ensure timely reporting of sustainable practices and corrective actions taken to address EMAP audit findings and EPA's NOV's.
- K. Regional Environmental Scientists** provide environmental compliance and performance assistance to BIA and BIE. Track progress of preventive and corrective actions to address environmental compliance and performance within their region and coordinate with DECRM on environmental compliance and performance. Review and/or approve regional annual reports for sustainable practices. Immediately inform Chief, DECRM of any communication received regarding non-compliance with environmental requirements at IA facilities or as a result of IA activities. Work with other federal agencies, especially the EPA, to ensure their region's compliance with environmental requirements.

## 1.6 Definitions.

- A. Corrective Action** is any action taken to correct a deviation from an environmental requirement or standard.
- B. Environmental Management Assessment and Performance (EMAP) Program** is the IA environmental program that oversees IA environmental compliance and performance.
- C. EMAP Audit** is an independent environmental compliance assessment of operations and activities that occur at IA owned facilities and operations and activities conducted by IA employees. EMAP audits occur on a three year cycle. The audit process assesses compliance with Title 40 Code of Federal Regulations, Executive Orders, and applicable state or Tribal requirements; includes technical compliance assistance; and corrective action follow-up.
- D. EMAP Audit Finding** is an auditor-identified deviation from an environmental requirement or standard, a root cause or best management practice that is documented in an audit report.
- E. EMAP Auditor** is a person who conducts the IA audit and has a minimum of a Bachelor's degree, three years of experience in conducting compliance audits, and current subject matter expertise in environmental statutes and regulations.
- F. Environmental Auditing Protocol** is the process that systemically documents conducting an environmental audit and is referenced in the IA Auditors Guidebook.

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- G. Notice of Violation (NOV)** is a violation of federal environmental requirements or standards issued by the U.S. Environmental Protection Agency (EPA) that is subject to civil and/or criminal penalties and fines
- H. Sustainable Practices Reporting** is the annual report to the Department of the Interior that documents green purchasing, waste diversion, pollution prevention, toxic substances reduction, practices to reduce or control emissions of greenhouse gases, electronic and other product stewardship, sustainable construction and buildings, water and energy conservation, renewable energy and resources, and recycling.