



A

Reporting Requirements

10 USC §2706. Annual Reports to Congress

(b) Report on Environmental Quality Programs and Other Environmental Activities

Location in the Defense Environmental Programs Annual Report to Congress

- (1) The Secretary of Defense shall submit to Congress each year, not later than 45 days after the date on which the President submits to Congress the budget for a fiscal year, report on the progress made in carrying out activities under the environmental quality programs of the Department of Defense and the military departments.
- (2) Each Report shall include the following:
 - (A) A description of the Environmental Quality Program of the Department of Defense, and of each of the military departments, during the period consisting of the four fiscal years preceding the fiscal year in which the report is submitted, the fiscal year in which the report is submitted, and the fiscal year following the fiscal year in which the report was submitted.
 - (B) For each of the major activities under the environmental quality programs:
 - (i) A specification of the amount expended, or proposed to be expended, in each fiscal year of the period covered by the report.
 - (ii) An explanation for any significant change in the aggregate amount to be expended in the fiscal year in which the report is submitted, and in the following fiscal year, when compared with the fiscal year preceding each fiscal year.
 - (iii) An assessment of the manner in which the scope of the activities have changed over the course of the period covered by the report.
 - (C) A summary of the major achievements of the environmental quality programs and of any major problems with the programs.
 - (D) A summary of fines and penalties imposed or assessed against the Department of Defense and the military departments under Federal, State, or local environmental laws during the fiscal year in which the report is submitted and the four preceding fiscal years, which summary shall include—
 - (i) a trend analysis of such fines and penalties for military installations inside and outside the United States; and
 - (ii) a list of such fines or penalties that exceeded \$1,000,000 and the provisions of law under which such fines or penalties were imposed or assessed.
 - (E) A statement of the amounts expended, and anticipated to be expended, during the period covered by the report for any activities overseas relating to the environment, including amounts for activities relating to environmental remediation, compliance, conservation, pollution prevention, and environmental technology.

- Chapter 1: Defense Environmental Funding
- Chapter 6: Compliance
- Chapter 7: Pollution Prevention
- Chapter 1: Defense Environmental Funding: Environmental Management

- Chapter 3: Natural Resources
- Chapter 4: Cultural Resources
- Chapter 5: Native Americans
- Chapter 6: Compliance: Air Quality
- Chapter 6: Compliance: Uniform National Discharge Standards (UNDS)
- Chapter 7: Pollution Prevention: Solid and Hazardous Waste
- Chapter 7: Pollution Prevention: Green Procurement
- Chapter 7: Pollution Prevention: Toxics Release Inventory
- Chapter 7: Pollution Prevention: Ozone Depleting Substances

- Chapter 6: Compliance: Enforcement Actions

10 USC §2702 (Note). Research, Development and Demonstration Program

Location in the Defense Environmental Programs Annual Report to Congress

In the annual report required under title 10, United States Code §2706 (a), the Secretary shall include the following information with respect to cooperative agreements entered into under this section:

- (1) The number of such partnerships.
- (2) A description of the nature of the technology involved in each such partnership.
- (3) A list of all partners in such partnerships.

Appendix D: Environmental Restoration Narratives
Chapter 8: Restoration: Restoration Partnerships

16 USC §670a. Program for conservation and rehabilitation of natural resources on military installations

Location in the Defense Environmental Programs Annual Report to Congress

- (f) Reviews and Reports
- (1) Secretary of Defense: Not later than March 1 of each year, the Secretary of Defense shall review the extent to which integrated natural resources management plans were prepared or were in effect and implemented in accordance with this subchapter in the preceding year, and submit a report on the findings of the review to the committees. Each report shall include:
 - (A) The number of integrated natural resources management plans in effect in the year covered by the report, including the date on which each plan was issued in final form or most recently revised;
 - (B) The amounts expended on conservation activities conducted pursuant to the plans in each year covered by the report; and
 - (C) An assessment of the extent to which the plans comply with this subchapter.

Chapter 1: Defense Environmental Funding: Natural and Cultural Resources
Chapter 3: Natural Resources

42 USC §6962. Federal Procurement

Location in the Defense Environmental Programs Annual Report to Congress

- (i) Procurement program
- (1) Within one year after the date of publication of applicable guidelines under subsection (e) of this section, each procuring agency shall develop an affirmative procurement program which will assure that items composed of recovered materials will be purchased to the maximum extent practicable and which is consistent with applicable provisions of Federal procurement law.
- (2) Each affirmative procurement program required under this subsection shall, at a minimum, contain:
 - (A) a recovered materials preference program;
 - (B) an agency promotion program to promote the preference program adopted under subparagraph (A);
 - (C) a program for requiring estimates of the total percentage of recovered material utilized in the performance of a contract; certification of minimum recovered material content actually utilized, where appropriate; and reasonable verification procedures for estimates and certifications; and
 - (D) Annual review and monitoring of the effectiveness of an agency's affirmative procurement program.

Chapter 7: Pollution Prevention: Green Procurement

42 USC §9620. Federal Facilities

Location in the Defense Environmental Programs Annual Report to Congress

- (e) Required action by department
- (5) Annual report

Each department, agency, or instrumentality responsible for compliance with this section shall furnish an annual report to Congress concerning its progress in implementing the requirements of this section. Such reports shall include, but not be limited to, the following:

- (A) A report on the progress in reaching interagency agreements under this section.
- (B) The specific cost estimates and budgetary proposals involved in each interagency agreement.
- (C) A brief summary of the public comments regarding each proposed interagency agreement.
- (D) A description of the instances in which no agreement was reached.
- (E) A report on progress in conducting investigations and studies under paragraph (1).
- (F) A report on progress in conducting remedial actions.
- (G) A report on progress in conducting remedial actions at facilities that are not listed on the National Priorities List.

With respect to instances in which no agreement was reached within the required time period, the department, agency, or instrumentality filing the report under this paragraph shall include in such report an explanation of the reasons why no agreement was reached. The annual report required by this paragraph shall also contain a detailed description on a State-by-State basis of the status of each facility subject to this section, including a description of the hazard presented by each facility, plans and schedules for initiating and completing response action, enforcement status (where appropriate), and an explanation of any postponements or failure to complete response action. Such report shall also be submitted to the affected States.

Chapter 8: Restoration: Restoration Partnerships

Appendix C: Installation Restoration Program and Military Munitions Response Program Status Tables

Appendix D: Environmental Restoration Narratives

Chapter 8: Restoration: Restoration Partnerships

42 USC §9621. Cleanup Standards

Location in the Defense Environmental Programs Annual Report to Congress

- (c) Review

If the President selects a remedial action that results in any hazardous substances, pollutants, or contaminants remaining at the site, the President shall review such remedial action no less often than each 5 years after the initiation of such remedial action to assure that human health and the environment are being protected by the remedial action being implemented.

In addition, if upon such review it is the judgment of the President that action is appropriate at such site in accordance with section 9604 or 9606 of this title, the President shall take or require such action. The President shall report to the Congress a list of facilities for which such review is required, the results of all such reviews, and any actions taken as a result of such reviews.

Appendix D: Environmental Restoration Narratives

Appendix C: Installation Restoration Program and Military Munitions Response Program Status Tables

Executive Order 13423: Strengthening Federal Environmental, Energy, and Transportation Management

Sec. 2. Goals for Agencies

Location in the Defense Environmental Programs Annual Report to Congress

In implementing the policy set forth in section 1 of this order, the head of each agency shall:

- (a) Improve energy efficiency and reduce greenhouse gas emissions of the agency, through reduction of energy intensity by
 - (i) 3 percent annually through the end of fiscal year 2015, or
 - (ii) 30 percent by the end of fiscal year 2015, relative to the baseline of the agency's energy use in fiscal year 2003;
- (b) Ensure that
 - (i) at least half of the statutorily required renewable energy consumed by the agency in a fiscal year comes from new renewable sources, and
 - (ii) to the extent feasible, the agency implements renewable energy generation projects on agency property for agency use;
- (c) Beginning in FY 2008, reduce water consumption intensity, relative to the baseline of the agency's water consumption in fiscal year 2007, through life-cycle cost-effective measures by 2 percent annually through the end of fiscal year 2015 or 16 percent by the end of fiscal year 2015;
- (d) Require in agency acquisitions of goods and services
 - (i) use of sustainable environmental practices, including acquisition of biobased, environmentally preferable, energy-efficient, water-efficient, and recycled-content products, and
 - (ii) use of paper of at least 30 percent post-consumer fiber content;
- (e) Ensure that the agency
 - (i) reduces the quantity of toxic and hazardous chemicals and materials acquired, used, or disposed of by the agency,
 - (ii) increases diversion of solid waste as appropriate, and
 - (iii) maintains costeffective waste prevention and recycling programs in its facilities;
- (f) Ensure that
 - (i) new construction and major renovation of agency buildings comply with the Guiding Principles for Federal Leadership in High Performance and Sustainable Buildings set forth in the Federal Leadership in High Performance and Sustainable Buildings Memorandum of Understanding (2006), and
 - (ii) 15 percent of the existing Federal capital asset building inventory of the agency as of the end of fiscal year 2015 incorporates the sustainable practices in the Guiding Principles;
- (g) Ensure that, if the agency operates a fleet of at least 20 motor vehicles, the agency, relative to agency baselines for fiscal year 2005,
 - (i) reduces the fleet's total consumption of petroleum products by 2 percent annually through the end of fiscal year 2015,
 - (ii) increases the total fuel consumption that is non-petroleum-based by 10 percent annually, and
 - (iii) uses plugin hybrid (PIH) vehicles when PIH vehicles are commercially available at a cost reasonably comparable, on the basis of life-cycle cost, to non-PIH vehicles; and
- (h) Ensure that the agency
 - (i) when acquiring an electronic product to meet its requirements, meets at least 95 percent of those requirements with an Electronic Product Environmental Assessment Tool (EPEAT)-registered electronic product, unless there is no EPEAT standard for such product,
 - (ii) enables the Energy Star feature on agency computers and monitors,
 - (iii) establishes and implements policies to extend the useful life of agency electronic equipment, and
 - (iv) uses environmentally sound practices with respect to disposition of agency electronic equipment that has reached the end of its useful life.

Chapter 7: Pollution Prevention
 Chapter 7: Pollution Prevention: Ozone Depleting Substances

Chapter 7: Pollution Prevention: Green Procurement

Chapter 7: Pollution Prevention: Solid and Hazardous Waste
 Chapter 7: Pollution Prevention: Toxics Release Inventory

Chapter 7: Pollution Prevention: Green Procurement

Executive Order 13423: Strengthening Federal Environmental, Energy, and Transportation Management

Sec. 3. Duties of Heads of Agencies

Location in the Defense Environmental Programs Annual Report to Congress

In implementing the policy set forth in section 1 of this order, the head of each agency shall:

- (b) Implement within the agency environmental management systems (EMS) at all appropriate organizational levels to ensure
 - (i) use of EMS as the primary management approach for addressing environmental aspects of internal agency operations and activities, including environmental aspects of energy and transportation functions,
 - (ii) establishment of agency objectives and targets to ensure implementation of this order, and
 - (iii) collection, analysis, and reporting of information to measure performance in the implementation of this order;
- (c) Establish within the agency programs for
 - (i) environmental management training,
 - (ii) environmental compliance review and audit, and
 - (iii) leadership awards to recognize outstanding environmental, energy, or transportation management performance in the agency;
- (d) Within 30 days after the date of this order
 - (i) designate a senior civilian officer of the United States, compensated annually in an amount at or above the amount payable at level IV of the Executive Schedule, to be responsible for implementation of this order within the agency,
 - (ii) report such designation to the Director of the Office of Management and Budget and the Chairman of the Council on Environmental Quality, and
 - (iii) assign the designated official the authority and duty to (A) monitor and report to the head of the agency on agency activities to carry out subsections (a) and (b) of this section, and (B) perform such other duties relating to the implementation of this order within the agency as the head of the agency deems appropriate;
- (e) Ensure that contracts entered into after the date of this order for contractor operation of government-owned facilities or vehicles require the contractor to comply with the provisions of this order with respect to such facilities or vehicles to the same extent as the agency would be required to comply if the agency operated the facilities or vehicles;
- (f) Ensure that agreements, permits, leases, licenses, or other legally-binding obligations between the agency and a tenant or concessionaire entered into after the date of this order require, to the extent the head of the agency determines appropriate, that the tenant or concessionaire take actions relating to matters within the scope of the contract that facilitate the agency's compliance with this order;
- (g) Provide reports on agency implementation of this order to the Chairman of the Council on such schedule and in such format as the Chairman of the Council may require; and
- (h) Provide information and assistance to the Director of the Office of Management and Budget, the Chairman of the Council, and the Federal Environmental Executive.

Chapter 7: Pollution Prevention
 Chapter 2: Environmental Management Systems

 Chapter 2: Environmental Management Systems

Public Law 107-64, Section 131: Fiscal Year 2002 Military Construction Act	Location in the Defense Environmental Programs Annual Report to Congress
<p>(a) Requests for funds for environmental restoration at BRAC sites in future fiscal years – In the budget justification materials submitted to Congress in support of the Department of Defense budget for any fiscal year after fiscal year 2002, the amount requested for environmental restoration, waste management, and environmental compliance activities in such fiscal year with respect to military installations approved for closure or realignment under the base closure laws shall accurately reflect the anticipated cost of such activities in such fiscal year.</p>	<p>Chapter 1: Defense Environmental Funding Chapter 8: Restoration Chapter 1: Defense Environmental Funding: Restoration Appendix D: Environmental Restoration Narratives Appendix C: Installation Restoration Program and Military Munitions Response Program Status Tables</p>
Public Law 109-364: National Defense Authorization Act for Fiscal Year 2007	Location in the Defense Environmental Programs Annual Report to Congress
<p>Sec. 313. Response plan for remediation of unexploded ordnance, discarded military munitions, and munitions constituents.</p>	
<p>(b) Response Plan Required—</p> <p>(1) IN GENERAL—Not later than March 1, 2007, the Secretary of Defense shall submit to the congressional defense committees a comprehensive plan for addressing the remediation of unexploded ordnance, discarded military munitions, and munitions constituents at current and former defense sites (other than operational ranges).</p> <p>(2) CONTENT—The plan required by paragraph (1) shall include—</p> <p>(A) a schedule, including interim goals, for achieving the goals described in paragraphs (1) through (3) of subsection (a), based upon the Munitions Response Site Prioritization Protocol established by the Department of Defense;</p> <p>(B) such interim goals as the Secretary determines feasible for efficiently achieving the goal required under paragraph (4) of such subsection; and</p> <p>(C) an estimate of the funding required to achieve the goals established pursuant to such subsection and the interim goals established pursuant to subparagraphs (A) and (B).</p> <p>(3) UPDATES—Not later than March 15 of 2008, 2009, and 2010, the Secretary shall submit to the congressional defense committees an update of the plan required under paragraph (1). The Secretary may include the update in the report on environmental restoration activities that is submitted to Congress under section 2706(a) of title 10, United States Code, in the year in which that update is required and may include in the update any adjustment to the remediation goals established under subsection (a) that the Secretary determines necessary to respond to unforeseen circumstances.</p>	<p>Chapter 9: Military Munitions Response Program Comprehensive Plan Update</p>

Public Law 109-364; National Defense Authorization Act for Fiscal Year 2007

Sec. 314. Research on Effects of Ocean Disposal of Munitions

Location in the Defense Environmental Programs Annual Report to Congress

(a) Identification of Disposal Sites—

- (1) HISTORICAL REVIEW—The Secretary of Defense shall conduct a historical review of available records to determine the number, size, and probable locations of sites where the Armed Forces disposed of military munitions in coastal waters. The historical review shall, to the extent possible, identify the types of munitions at individual sites.
- (2) COOPERATION—The Secretary shall request the assistance of the Coast Guard, the National Oceanic and Atmospheric Administration, and other relevant Federal agencies in conducting the review required by this subsection.
- (3) INTERIM REPORTS—The Secretary shall periodically, but no less often than annually, release any new information obtained during the historical review conducted under paragraph (1). The Secretary may withhold from public release the exact nature and locations of munitions the potential unauthorized retrieval of which could pose a significant threat to the national defense or public safety.
- (4) INCLUSION OF INFORMATION IN ANNUAL REPORT ON ENVIRONMENTAL RESTORATION ACTIVITIES—The Secretary shall include the information obtained pursuant to the review conducted under paragraph (1) in the annual report on environmental restoration activities submitted to Congress under section 2706 of title 10, United States Code.
- (5) FINAL REPORT—The Secretary shall complete the historical review required under paragraph (1) and submit a final report on the findings of such review in the annual report on environmental restoration activities submitted to Congress for fiscal year 2009.

Chapter 10: Sea Disposal of Military Munitions