



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

DEC 28 2005

OFFICE OF  
ENFORCEMENT AND  
COMPLIANCE ASSURANCE

MEMORANDUM

SUBJECT: Providing EMS-Related Compliance Assistance During  
Federal Facility Inspections

FROM: David J. Kling, Director  
Federal Facilities Enforcement Office

Michael M. Stahl, Director  
Office of Compliance

TO: Addressees

This memorandum transmits recommended practices for Providing EMS-Related Compliance Assistance During Federal Facility Inspections. These recommendations were prepared in consultation with staff from the Compliance Assessment and Media Programs Division within OECA's Office of Compliance as well as EPA regional Federal Facility Program Managers. Please note that this document supports the June 25, 2003, OECA national policy document on The Role of the EPA Inspector in Providing Compliance Assistance During Inspections and does not change the existing practice of providing appropriate compliance assistance during inspections.

These recommendations are intended to promote the development, implementation and maintenance of Environmental Management Systems (EMS) at federal facilities and support federal facility compliance with Executive Order 13148, Greening the Government Through Leadership in Environmental Management. EPA actively promotes the development of EMSs and has issued a statement of support from the EPA Administrator encouraging their development and use among the regulated community. EMSs can also improve environmental compliance and reduce environmental impairment if properly implemented. Therefore, we are asking inspectors to provide a brochure to facility management during the conduct of a federal facility inspection to promote EMSs. The brochure provides basic information on EMSs and provides a list of contacts in the regions and other resources for facility management and staff. OECA will post these recommendations and the EMS brochure on the EPA Inspector Website

(Intranet) and at FedCenter the Federal Facility Environmental Stewardship and Compliance Assistance Center ([www.fedcenter.gov](http://www.fedcenter.gov)).

Please distribute this document widely throughout the organization to all EPA employees and contractors who conduct federal facility inspections. If you have any questions, please call the Federal Facility Enforcement Office at 202- 564-2510.

**Attachments:** Providing EMS-Related Compliance Assistance During Federal Facility Inspections - Recommended Practices for EPA Staff during Federal Facility Inspections

**Addressees:** Regional Federal Facilities Senior Managers  
Regional Enforcement Division Directors, Regions 1-10  
Regional Media Division Directors, Regions 1-10  
Regional Enforcement Coordinators, Regions 1-10  
Lisa Lund, Deputy Director, Office of Compliance  
OC Division Directors  
Walker Smith, Director, Office of Civil Enforcement  
Randolph Hill, Deputy Director, Office of Civil Enforcement  
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Regional Federal Facilities Program Managers  
FFEO Liaisons

## EMS LINKS AND RESOURCES

[www.epa.gov/ems](http://www.epa.gov/ems) Information about EMS development, EPA's EMS initiatives, guides, case studies, and other EMS resources.

[www.ofec.gov](http://www.ofec.gov) The Office of the Federal Environmental Executive promotes sustainable environmental stewardship throughout the federal government. The site provides extensive information and resources on EMSs.

[www.fedcenter.gov](http://www.fedcenter.gov) *FedCenter.gov* is the Federal government's home for comprehensive environmental stewardship and compliance assistance information.

## FEDERAL FACILITIES PROGRAM MANAGERS (FFPMs)

[www.epa.gov/compliance/contact/fedfac-regional.html](http://www.epa.gov/compliance/contact/fedfac-regional.html)

EPA's Regional FFPMs provide compliance and enforcement support and technical assistance to Federal facilities.

## EXECUTIVE ORDER 13148

<http://ceq.eh.doe.gov/nepa/regs/eos/eo13148.html>

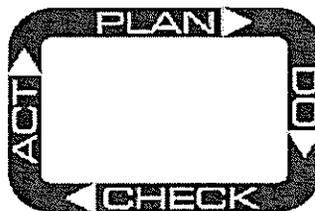
EO 13148 establishes a framework for integrating environmental considerations into each Federal Agency's mission through a variety of directives and goals, including EMSs.

Thousands of governmental organizations have reduced their environmental footprint and improved regulatory compliance through EMSs

## Executive Order 13148

### Greening the Government Through Leadership in Environmental Management

"...each Federal Agency is responsible for ensuring that all necessary actions are taken to integrate environmental accountability into agency day to day decision making and long-term planning processes, across all Agency missions, activities, and functions."

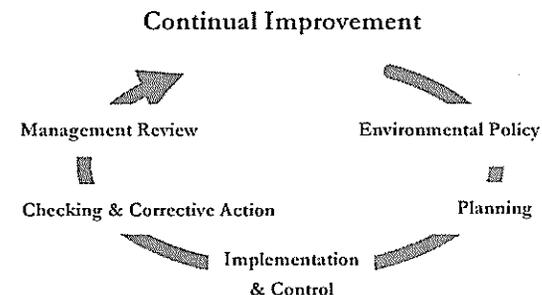


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## FEDERAL FACILITIES

### ACHIEVING COMPLIANCE THROUGH ENVIRONMENTAL MANAGEMENT SYSTEMS (EMS)



Federal Facilities Enforcement Office

## THE FEDERAL GOVERNMENT AND COMPLIANCE

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Over the years, the role of Federal facilities in pollution control and prevention has been watched closely by the President, Congress, the public, and the media. Both the Administration and Congress have created and/or modified requirements that clarify that Federal Agencies and facilities must operate in an environmentally sound manner and in compliance with environmental regulations.

This brochure identifies resources that can help your facility achieve and maintain regulatory compliance through implementation of an Environmental Management System (EMS).

## WHAT IS AN ENVIRONMENTAL MANAGEMENT SYSTEM?

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An EMS is a formal process and framework used by an organization to manage its environmental affairs and issues, including those where legal requirements exist. The type of EMS currently being implemented by most Federal facilities is generally modeled

using the *Plan, Do, Check, Act* management concept.

An EMS can help a facility in several ways by:

**1. Plan-** Identifying all activities at a facility that might have an adverse impact on the environment and determining whether those activities are covered by environmental regulations or requirements.

**2. Do-** Developing plans and controls to ensure that facility personnel have adequate knowledge, training and resources to achieve and maintain regulatory compliance.

**3. Check-** Ensuring that the compliance status of regulated activities is properly monitored and measured, that excursions from compliance are addressed promptly and effectively, and that plans are developed to prevent future problems.

**4. Act-** Identifying opportunities for improvement of environmental performance and pollution prevention as well as opportunities to reduce the impact of activities below regulatory thresholds.

## WHAT CAN AN EMS DO FOR MY FACILITY?

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### ➤ IMPROVE COMPLIANCE

EMSs can also reduce regulatory violations, help prevent reoccurrences, and expand the corrective action process the facility takes to return to compliance by encouraging the facility to focus on root causes related to non-compliance. Remember, EMSs do not guarantee compliance, rather they put mechanisms in place to make compliance more achievable.

### ➤ IMPROVE ENVIRONMENTAL PERFORMANCE

While a properly implemented EMS may improve environmental performance, it has also been proven to enhance performance in mission areas. Further, the detailed process of reviewing environmental issues associated with the organization's activities often identifies redundancies, wasted effort, and coordination problems that lead to inefficiencies.

### ➤ REDUCE COSTS

EMSs can help to reduce costs resulting from energy use, waste, and non-compliance. In addition, an EMS may help to identify other areas where costs can be reduced through the *Plan, Do, Check, Act* process.