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**Civil Engineering**



**COMPLIANCE TRACKING AND REPORTING**

**COMPLIANCE WITH THIS PUBLICATION IS MANDATORY**

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This instruction implements AAFP 32-70, *Environmental Quality*. It identifies requirements for managing and reporting enforcement actions and compliance agreements resulting from inspections of Air Force environmental programs by Federal, state, and local regulatory agencies. Overseas Air Force activities must track and report compliance under AFI 32-7006, *Overseas Environmental Program* (formerly AFR 19-9). **Attachment 1** lists the abbreviations, acronyms, and terms used in this instruction.

**Section A—How To Use This Instruction**

**1. Objectives.** The Air Force manages its compliance programs to achieve and maintain compliance with applicable Federal, state, and local environmental laws and standards. A key factor in attaining these objectives is acquiring and reporting accurate and reliable information on the status of Air Force compliance with such standards.

**2. Concept.** This instruction is intended to provide major commands (MAJCOM) and installations a framework for tracking, reporting, and resolving noncompliance with environmental laws and standards. MAJCOMs provide additional implementing guidance in their supplemental publications to this instruction. MAJCOM supplements must identify the specific "actors" who have implementing responsibility and include any "how to" guidance needed to comply.

**3. Responsibilities:**

**3.1. Headquarters US Air Force (HQ USAF):**

**3.1.1. The Assistant Secretary of the Air Force for Manpower, Reserve Affairs, Installations, and Environment (SAF/MI):**

- Promulgates and oversees policy for compliance tracking and reporting.

- Serves as the principal Air Force representative on all compliance-related issues with the Office of the Secretary of Defense (OSD) staff, Federal agencies, and the Congress.
- Coordinates Air Force compliance tracking and reporting procedures with the other Services to explore common areas of interest and prevent duplication of effort.

### **3.1.2. The Civil Engineer (HQ USAF/CE):**

- Formulates policy, allocates resources, and oversees compliance tracking and reporting requirements throughout the Air Force.
- Serves as the Air Force focal point for coordinating compliance tracking and reporting policies and resource needs with SAF/MI.
- Coordinates Air Force compliance tracking and reporting with other HQ USAF offices.
- Evaluates overall Air Force compliance performance and reports results to SAF/MI, MAJCOMs, the Air National Guard (ANG), and appropriate field operating agencies (FOA).
- Identifies and prioritizes resources in the planning, programming, and budgeting system (PPBS) to implement compliance tracking and reporting procedures throughout the Air Force.
- Designates lead MAJCOMs and FOAs for special compliance tracking and reporting projects and studies.
- Analyzes Air Force compliance performance, identifies negative trends, and seeks to correct negative trends.

### **3.1.3. The Judge Advocate General (HQ USAF/JA):**

- Through the Air Force Legal Services Agency, Environmental Law and Litigation Division (AFLSA/JACE) gives legal advice on complying with environmental laws, resolving enforcement actions, and litigation matters.
- Give legal advice on regional issues through the AFLSA/JACE legal staff at each Regional Compliance Office.

### **3.1.4. The Surgeon General (HQ USAF/SG):**

- Develops compliance tracking and reporting requirements for the Medical Service.
- Coordinates bioenvironmental engineering support for compliance tracking and reporting with HQ USAF/CE, SAF/MI, and MAJCOMs.
- Aligns requirements of this AFI with AFIs issued by HQ USAF/SG.

**3.2. Major Commands.** MAJCOMs provide execution guidance and oversee implementation of compliance tracking and reporting programs at their installations. All references to MAJCOMs in this AFI include the Air National Guard Readiness Center (ANGRC) and other agencies designated as "MAJCOM equivalent" by HQ USAF.

#### **3.2.1. Civil Engineer:**

- Develops supporting directives to implement this instruction.
- Helps bases in their command comply with all applicable Federal, state, and local environmental standards.
- Analyzes MAJCOM compliance performance and identifies negative trends.

- Requests and allocates resources to execute this instruction.
- Reports inspections by regulatory agencies, enforcement actions, and the status of ongoing attempts to resolve enforcement actions and compliance agreements to the Air Force Center for Environmental Excellence (AFCEE) Regional Compliance Offices or to HQ USAF/CEVC and AFLSA/JACE according to paragraph 6.

### **3.2.2. Surgeon:**

- Implements compliance tracking and reporting programs within their command to identify adverse trends and events involving Medical Service responsibilities.
- Reports metric information to HQ AFMOA/SGPA according to AFD 48-1, *Aerospace Medical Program*.

**3.3. Field Operating Agencies.** FOAs provide technical and contracting support to achieve compliance tracking and reporting program objectives.

**3.3.1. Air Force Civil Engineer Support Agency (AFCESA).** AFCESA provides technical assistance to bases regarding facilities, utilities, infrastructure, and Civil Engineer Squadron organization and maintenance management.

### **3.3.2. Air Force Center for Environmental Excellence:**

- Represents the Air Force on a regional basis in dealing with Federal, regional, state, and local environmental regulatory agencies.
- Consolidates MAJCOM inputs for compliance status update briefings to HQ USAF/CE and SAF/MIQ.
- Identifies trends in Air Force compliance performance.
- Disseminates "lessons learned" compliance-related information to MAJCOMs, appropriate FOAs, Armstrong Laboratory, and installations.
- Coordinates and validates MAJCOM compliance status updates with appropriate Federal, state, and local agencies.
- Meets regularly with Federal, regional, and state regulatory officials to discuss Air Force compliance status and other issues that may affect Air Force compliance programs.
- Advises MAJCOMs, FOAs, and installations of regional and state regulatory proposals and other initiatives that may affect Air Force compliance programs.

### **3.3.3. Armstrong Laboratory (AL):**

- Helps MAJCOMs achieve and maintain compliance with applicable Federal, state, and local regulatory requirements by providing laboratory analytical, consultant, contractual, and field survey services.
- Ensures that analytical services meet all applicable Federal, state, and local regulatory requirements for timeliness and correct analytical methods.
- Analyzes Air Force compliance performance involving environmental monitoring.
- Identifies adverse trends and areas that need correcting and reports to HQ AFMOA/SGPA.
- Conducts impact analysis and cost predictions of new and projected compliance requirements involving environmental monitoring.

- Serves as central repository of environmental quality data for the Air Force.

## **Section B—Management and Reporting Requirements**

**4. Using the Information Management System.** MAJCOMs and installations use the Work Information Management System--Environmental Subsystem (WIMS-ES) to track and report information on all regulatory inspections, enforcement actions, and compliance agreements. See AFI 32-7002, *Environmental Information Management System*, for guidelines on using WIMS-ES.

**5. Reporting on Regulatory Inspections.** Installations submit WIMS-ES inspection results through the MAJCOM to HQ USAF promptly (RCS: HAF-CEV(AR)9416 , *Inspection Log*). This report is designated emergency status code D. Discontinue reporting during emergency conditions.

### **6. Reporting and Managing Enforcement Actions:**

**6.1. Immediate Notification.** Any actual or likely action against the Air Force that involves fines, penalties, media attention, or has an off-base impact requires MAJCOMs to immediately notify HQ USAF/CEVC, AFLSA/JACE, and the appropriate regional compliance office. Notify these organizations initially by telephone. Within 24 hours, write and send a report describing the violations and what is being done about them (RCS: HAF-CEV(AR)9432, *Immediate Report of Enforcement Action*). This report is designated emergency status code C-2. Continue reporting during emergency conditions.

**6.2. Routine Notifications.** Installations send, through the MAJCOM, copies of enforcement actions and all related correspondence to the appropriate regional compliance office within 10 working days after receiving it from the regulator (RCS: HAF-CEV(AR)8603 , *Report of Notices of Violation and Noncompliance*). This report is designated emergency status code D. Discontinue reporting during emergency conditions.

**6.3. Enforcement Action Reporting.** Installations send, through the MAJCOM, a summary describing the violations and what is being done about them to the appropriate regional compliance office soon after receiving any enforcement action. Installations also send updated status on each open enforcement action through the MAJCOM to the regional compliance office soon after the end of each calendar quarter. Use WIMS-ES to satisfy these requirements (RCS: HAF-CEV(Q&AR)9415, *Report of Enforcement Actions*). This report is designated emergency status code D. Discontinue reporting during emergency conditions.

**6.4. Enforcement Action Color Codes.** Regional compliance offices assign color codes to open enforcement actions. Color codes are red, yellow, or green depending on the status of close-out actions.

- **Code Red:**

- No final decision exists on the specific actions and schedule to correct an open enforcement action.
- Actions to correct an open enforcement have not begun.
- A fix date on a code yellow action slips from the date previously reported by the MAJCOM, and adequate justification for the slippage cannot be provided.

- **Code Yellow.** Actions to correct findings noted in an enforcement action are underway. Code yellow enforcement actions must be assigned a fix date and an estimated compliance date (ECD).
- **Code Green.** The Air Force corrected the violations and notified the regulatory agency.

#### **6.5. Long-Term Enforcement Action Fixes:**

- Installations and MAJCOMs establish project milestones when an O&M or MILCON project is required to correct violations noted in an enforcement action.
- Installations report, through the MAJCOM, project milestone status to the appropriate regional compliance office and update milestone status quarterly (see **6.3.**).
- Milestone status information includes the decision date, design status, design completion date, construction start date, and the construction completion date.

#### **6.6. Closing Out an Enforcement Action.** An enforcement action closes if any of these conditions exist:

- The regulator states in writing that they are satisfied with actions taken to resolve the findings noted in the enforcement action.
- The regulator rescinds the enforcement action.
- The regulator supersedes one enforcement actions with another.
- A compliance agreement is signed which supersedes and incorporates the enforcement action.
- A completed Federal Facilities Agree-ment (FFA) transfers projects to correct the violations to CERCLA for completion under the Installation Restoration Program.
- A regional compliance office finds that the enforcement action is not open on EPA or state records. The regional compliance office notifies the MAJCOM and base in writing that the action is closed.
- A regulator agrees to close an enforcement action after discussions with a regional compliance office. The regional compliance office notifies the MAJCOM and base in writing that the action is closed.
- An installation enters into a memorandum of agreement (MOA) with a regulatory agency that allows for closing enforcement actions. Under such an MOA, an enforcement action closes when the regulatory agency fails to respond within an agreed period after the installation announces finishing all actions to resolve the violations.

### **7. Making Compliance Agreements:**

**7.1. Philosophy.** Air Force installations should enter into reasonable, fiscally sustainable compliance agreements that demonstrate the mutual commitment of the Air Force and regulatory agencies to protect human health and the environment. Compliance agreements also facilitate closing enforcement actions by establishing mutually agreeable milestones for resolving noncompliance.

**7.2. Unreasonable Requests.** Installations and MAJCOMs must review proposed agreements carefully to make sure that they are not agreeing to anything unreasonable or unnecessary. Work closely with legal staffs while negotiating agreements to ensure that fiscal aspects of agreements comply with law.

**7.3. Consistency Review.** Installations and MAJCOMs must make sure that the terms of proposed compliance agreements are consistent with agreements signed by other Air Force installations. Send initial and later drafts of proposed compliance agreements and copies of other relevant correspondence to the regional compliance office and regional counsel for review.

**7.4. Compliance Agreement Reporting.** Installations send, through the MAJCOM, a summary report describing agreement milestones, schedule, and completion status to the appropriate regional compliance office soon after the installation signs the agreement. Installations also send updated status on each open compliance agreement through the MAJCOM to the regional compliance office soon after the end of each calendar quarter. Use WIMS-ES to satisfy these requirements (RCS: HAF-CEV(Q&AR)941 7, *Report of Compliance Agreements*). This report is designated emergency status code D. Discontinue reporting during emergency conditions.

**7.5. Schedules.** Installations must follow compliance agreement milestones and schedules. Notify the affected regulatory agency of anything that might make you miss a milestone.

**7.6. Compliance Agreement Color Codes.** Regional compliance offices assign color codes to open compliance agreements. Color codes are red, yellow, or green depending on the status of completion:

- **Red.** The installation missed a compliance agreement milestone.
- **Yellow.** The MAJCOM or installation expects to miss a milestone and has not requested a time extension from the regulator.
- **Green.** Actions to meet all milestones are on schedule.

JAMES E. McCARTHY,, Maj General, USAF  
The Civil Engineer

## Attachment 1

### GLOSSARY OF ABBREVIATIONS, ACRONYMS, AND TERMS

#### *Abbreviations and Acronyms*

**AFCEE**—Air Force Center for Environmental Excellence

**AFCESA**—Air Force Civil Engineer Support Agency

**AFI**—Air Force Instruction

**AFLSA**—Air Force Legal Services Agency

**AFMOA**—Air Force Medical Operations Agency

**AFPD**—Air Force Policy Directive

**CERCLA**—Comprehensive Environmental Response, Compensation, and Liability Act

**ECD**—Estimated Compliance Date

**EPA**—Environmental Protection Agency

**FOA**—Field Operating Agency

**MAJCOM**—Major Command

**MILCON**—Military Construction Program

**O&M**—Operations and Maintenance

**RCS**—Report Control Symbol

**SAF/MI**—Assistant Secretary of the Air Force for Manpower, Reserve Affairs, Installations, and Environment

**WIMS-ES**—Work Information Management System--Environmental Subsystem

#### *Terms*

**Compliance Agreement**—A formal agreement between an installation and a regulatory agency for correcting noncompliance. Such agreements usually define the actions to complete and the schedule for completing them. The installation commander or his representative typically signs compliance agreements on behalf of the Air Force.

**Decision Date**—The date an installation or major command makes a decision to adopt a specific fix to correct an enforcement action violation.

**Enforcement Action**—Any written notice from a Federal, state, district, county, or municipal regulatory agency indicating one or more violations of environmental statutes or regulations including warning letters, notices of violation or noncompliance, administrative orders, and consent orders.

**Estimated Compliance Date**—The date an installation or major command expects a regulator to acknowledge corrections for all findings of an enforcement action.

**Fix Date**—The date an installation or major command expects to notify a regulator that corrections were made for all findings of an enforcement action.