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A. JAMES MANCHIN
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WVMR (ARMY) 200-1*

STATE OF WEST VIRGINIA
 ADJUTANT GENERAL'S DEPARTMENT
 CHARLESTON 25311

WV MILITARY REGULATION (ARMY)
 NUMBER 200-1

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ENVIRONMENTAL PROTECTION AND ENHANCEMENT *Series 57*

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* This regulation supersedes WVMR (ARMY) 200-1 dated 1 July 1980.

CHAPTER 1

INTRODUCTION

1-1. GENERAL: The American public has developed a keen sense of awareness concerning his/her environment. This awareness has permeated all sectors - - business, industry, education, labor, and government. Faced with a multitude of environmental problems, the United States has initiated corrective action. Basic National environmental policy was formulated with the passage of the National Environmental Policy Act of 1969 (NEPA). This Act evaluates environmental values using economic and technical values as parameters or solution indicators. In essence, it calls for a three-dimensional planning model involving technical, economic, and environmental tradeoffs. The West Virginia National Guard, along with other Federal agencies, has been charged by the President to comply with published Federal, State and local environmental standards; thus demonstrating leadership in environmental enhancement.

1-2. PURPOSE: The purpose of this regulation is to:

- a. Implement DA policy with respect to environmental protection.
- b. Describe the Environmental Protection Policy of the West Virginia National Guard.
- c. Establish fundamental policies and procedures for the protection and preservation of environmental quality throughout the facilities and activities of the National Guard.
- d. Provide specific guidelines in preparing Environmental Assessments and Environmental Impact Statements for construction, operations, and maintenance projects; Federal real estate acquisitions; training or field exercises; and inactive duty training or active duty training exercises.

1-3. APPLICABILITY: This regulation is applicable to:

- a. All construction, training, special activities involving real and licensed property facilities of the West Virginia Army National Guard.
- b. All appropriated and nonappropriated funds expended on West Virginia Army National Guard projects.

1-4. REFERENCES:

- a. AR 200-1, Environmental Protection and Enhancement, 15 July 1982.
- b. AR 200-2, Environmental Effects of Army Actions, 1 September 1981.
- c. NGB-ARO Letter, subject "Implementation of NEPA", 23 February 1982.
- d. IA Regulation 200-1, First U.S. Army Environmental Program, 16 August 1978.

1-5. IMPACT: The drafting and publication of this regulation has been assessed and an environmental impact statement pursuant to the National Environmental Policy Act (NEPA) is not required.

CHAPTER 2

POLICIES AND RESPONSIBILITIES

2-1. GOALS AND OBJECTIVES:

- a. Plan, initiate and accomplish all actions, projects and programs in a manner that will minimize adverse effects on environmental quality without jeopardizing the mission and readiness of the West Virginia Army National Guard.
- b. Demonstrate initiative and leadership in formulation and execution of programs that contribute to environmental enhancement.
- c. Conserve and protect all natural and man-made resources.
- d. Protect, preserve and enhance the natural and man-made environment.

2-2. POLICIES AND PRINCIPLES:

- a. The West Virginia Army National Guard will carry out the policy set forth in the National Environmental Policy Act of 1969 and Executive Order 11752, "Prevention, Control, and Abatement of Environmental Pollution at Federal Facilities", dated 17 December 1973, and will use all practicable means, consistent with other essential considerations of DA policy, to improve and coordinate West Virginia ARNG plans, functions, programs and resources.
- b. Commanders will cooperate to the extent practicable in beneficial community environmental action programs.
- c. Historic and cultural facilities will be preserved for the benefit of future generations.
- d. The environment must be considered as a single, integrated system which is characterized by the continuous interaction of air, land and water.
- e. For planning purposes, the environmental system should be regarded as closed; nothing can be thrown away. Wastes must be either recycled and reclaimed or confined and contained so they will not migrate to re-emerge in pollutant form.
- f. Pollutants are potential resources that are out of place.
- g. Environmental processes that use the forces in nature are more economical than those which seek to duplicate nature artificially.

2-3. RESPONSIBILITIES:

- a. Adjutant General.
 - (1). Director of Environmental Protection and Enhancement.
 - (2). Transmit all environmental documents, as required, to NGB-ARI.

- (3). Appoint a State Army National Guard Environmental Monitor.
- (4). Appoint members of the State Environmental Protection Committee.
- (5). Insure that Environmental Assessments (EA's and EIS's) are prepared as necessary for training/construction activities performed for/by Army National Guard (ARNG) activities within the State.
- (6). Certify that each EA and EIS prepared fulfills NEPA requirements.
- (7). Insure that all reports required by AR 200-1 are prepared and submitted in a timely manner.

b. Environmental Monitor. The Environmental Monitor is appointed by the Adjutant General on appropriate orders. It will be the responsibility of this individual to:

- (1). Serve as Chairman of the Environmental Protection Committee.
- (2). Review and approve Spill Control Countermeasure Plans and Spill Contingency Plans as required.
- (3). Review procedures for the handling, usage and disposal of toxic and hazardous materials.
- (4). Assure compliance with regulations governing the disposal of solid wastes as they pertain to the West Virginia Army National Guard.
- (5). Assure the necessary waste water discharge permits are applied for and assure compliance with the Federal and State laws and regulations.
- (6). Coordinate air pollution abatement efforts.
- (7). Assure that all properties of historical or archeological significance are maintained and restored if applicable.
- (8). Review all WVARNG programs and projects pertaining to EA's and EIS's.
- (9). Review and approve EA's for all WVARNG activities requiring such documents.

c. Environmental Protection Committee (EPC).

- (1). The EPC will assist the AG in policy formulation and coordinating programs having environmental considerations. Members of the EPC shall be appointed on orders.

(2). Convene at the call of the Chairman or any member through the Chairman as needed.

(3). Committee members may propose agenda items at any time.

(4). Review and approve all EA's and EIS's prepared for WVARNG activities.

(5). Recommend proposed changes of environmental policy, program, or regulation as may be required.

(6). Monitor statewide environmental program and activities.

(7). Review Spill Control and Countermeasure Plans and Spill Contingency Plans as required.

(8). Insure that environmental considerations are included in all plans and regulations developed by WVARNG.

(9). Approve information plans, news releases, etc., for the Adjutant General.

(10). Insure media coverage for the command accomplishments in environmental protection activities.

(11). Provide guidance to commanders requesting Environmental Program assistance.

d. Environmental Quality Control Officer. The EQCO is appointed by the Adjutant General on appropriate orders. It will be the responsibility of this individual to:

(1). Serve as Secretary of the EPC. The Secretary will schedule EPC meetings, provide agenda and necessary discussion papers, render memoranda reports of the meetings, and make other administrative arrangements incident to such meetings as determined by the Chairman.

(2). Compile, prepare and submit all reports concerning environmental matters.

(3). Compile reports from construction, training and logistic activities on known points of pollution and submit reports as required.

(4). Receive all EA's and EIS's from construction, training, logistic activities and maintain a complete environmental file for all environmental matters.

(5). Request comments from reviewing agencies as required.

(6). Review and respond to comments received from reviewing agencies.

(7). Coordinate on an informal basis with state and local agencies as required.

(8). Insure that Environmental Quality Officers are appointed for each major organization/activity of the WVARNG.

e. Environmental Quality Officer. The Environmental Quality Officer of each major organization (Bn/Sqdn and above) and each activity (USPFO, CSMS, AASF) will be responsible for the following:

- (1). Monitor environmental programs and activities in connection with organization/activity operations.
- (2). Insure that environmental considerations are included in all plans, operations and training activities.
- (3). Prepare Spill Control Countermeasure Plans and Spill Contingency Plans as required.
- (4). Assist in preparation of EA's and EIS's as required.
- (5). Complete Environmental Protection Training Checklist (ANNEX E) as required.

2-4. EDUCATION AND TRAINING:

a. Goal: To educate all personnel on the WVARNG responsibilities for protecting the environment and provide the necessary environmental training to designated personnel to discharge their duties in a manner consistent with the West Virginia Army National Guard Environmental Policy.

b. Objectives:

- (1). To insure that individuals understand their roles in controlling pollution, in protecting the environment and in achieving environmental goals.
- (2). To encourage soldier participation in projects and programs that produce environmental benefits, particularly those that aid in the development of military skills.
- (3). Provide training programs to enable each major organization/activity to have a qualified Environmental Quality Officer available to advise and assist on environmental considerations.

2-5. REPORTING REQUIREMENTS:

a. Semi-annual Environmental Pollution Prevention, Control and Abatement Report (RCS DD-M(SA) 1383) NLT 15 October and 15 April each year.

CHAPTER 3

NATURAL RESOURCES MANAGEMENT

3-1. WATER RESOURCES MANAGEMENT: The West Virginia Army National Guard will exercise leadership in the implementation and compliance of the Federal Water Pollution Control Act of 1972 (PL 92-500), and Water Pollution Regulations required by the Environmental Protection Agency and the State of West Virginia.

a. Goal: Comply with the National goal of EPA of eliminating the discharge of pollutants into receiving waters by 1985 and to conserve water resources used in activities of the West Virginia Army National Guard.

b. Objectives.

(1). Obtain and comply with water discharge permits issued by EPA and/or the State of West Virginia under the National Pollutant Discharge Elimination System, and the Corps of Engineers for the discharge/deposition of dredged or fill material.

(2). Conserve water resources by instituting economy measures and re-use when practical.

(3). Minimize soil erosion by effective land management programs and use of Sediment Control Plans (SCP's) developed in cooperation with the State of West Virginia's 208 Water Quality Management Program.

(4). Insure waterborne wastes produced by WVARNG fixed and mobile facilities are in accordance with published Federal, State, and local standards.

3-2. AIR POLLUTION ABATEMENT: The West Virginia Army National Guard will exercise leadership in the implementation and compliance of the Clean Air Act of 1970 (PL 88-206), and Executive Order number 11752.

a. Goal: Reduce emission of pollutants into the air from both stationary and mobile sources to the standards set forth in the Clean Air Act at the earliest practical date.

b. Objectives:

(1). Insure that air pollution emission sources are identified and quantified, and that pollutants are reduced to the levels specified by applicable Federal, State or local standards.

(2). Insure that commercial military vehicles equipped with internal combustion engines are in compliance with applicable emission standards.

(3). Insure that unique military equipment, such as tactical vehicles and transportable engine-driven equipment, are operated and maintained efficiently.

3-3. NOISE ABATEMENT:

a. Goal: Control noise produced by WVARNG activities to protect the health and welfare of members of the military services and the public.

b. Objectives:

(1). Comply, consistent with military requirements, with the provisions of the Noise Control Act of 1972 (PL 92-574).

(2). Control aircraft noise by reducing emissions produced by Army aircraft and regulating Army flying operations to the extent that military requirements permit.

(3). Control noise produced by operational, training and industrial activities to assure compliance with the Occupational Safety and Health Act and EPA regulations.

3-4. HISTORIC PRESERVATION: The West Virginia Army National Guard will exercise leadership in the implementation and compliance of the National Historic Preservation Act of 1966 and Executive Order number 11593.

a. Goal: Protect through preservation, restoration or rehabilitation all sites, structures, and objects of historical, architectural, archeological or cultural significance located on WVARNG licensed or owned land.

b. Objectives:

(1). Any sites identified will be referred to the EQCO for coordination with appropriate agencies.

(2). Take those actions necessary to protect and preserve historic properties commensurate with mission accomplishment.

3-5. FISH AND WILDLIFE: The West Virginia Army National Guard will exercise leadership in the enhancement of wildlife resources including compliance with the Endangered Species Act of 1973.

a. Goal: Protect, through preservation, conservation and mitigation, wildlife resource values affected by WVARNG activities.

b. Objectives:

(1). Identify, early in the planning process, unique fish and wildlife habitats through coordination with the West Virginia Department of Natural Resources.

(2). Upon recommendation of the EQCO, implement formal endangered species consultation with the U. S. Fish and Wildlife Service.

(3). Take those actions necessary to minimize the impact of WVARNG activities on fish and wildlife resources.

CHAPTER 4

MATERIAL DISPOSAL PLAN

4-1. HAZARDOUS/TOXIC MATERIALS: The West Virginia Army National Guard will exercise leadership in the implementation and compliance of the Clean Air Act, as amended; the Federal Insecticide, Fungicide, and Rodenticide Act, as amended by the Federal Environmental Pesticide Control Act of 1973; The Federal Water Pollution Control Act, as amended; The Solid Waste Disposal Act, as amended; The Toxic Substances Control Act of 1976, as amended; and The Resource Conservation and Recovery Act of 1976, as amended.

a. Goal: To control acquisition, transportation, and storage of hazardous and toxic materials so as to minimize health hazards and damage to the Government.

b. Objectives:

(1). Limit, to the extent practicable, the use of toxic/hazardous materials and employ maximum safety procedures during use, storage and disposal of toxic substances.

(2). Provide properly trained personnel for the management, use, storage and disposal of hazardous and toxic materials.

(3). Establish a Spill Control Countermeasure (SPCC) Plan where required. A SPCC is a plan to prevent discharge of oil and other hazardous substances into the navigable waters of the United States and to contain discharges if they occur. This plan must identify potential sources of oil and hazardous substance spills and the measures required to prevent and contain any accidental discharges.

(4). Establish an Installation Spill Contingency Plan (ISCP) where required. The ISCP is a detailed plan to clean up any discharges of oil or other hazardous substances.

(5). Detailed guidance on oil and hazardous liquid substances are found in ANNEX A.

4-2. DISPOSAL PLANS FOR SOLID WASTE MATERIALS:

a. Goal: To reprocess or reclaim solid wastes for other productive uses to the maximum extent possible.

b. Objectives.

(1). Procure material of such a configuration that components can be economically restored, reconstituted, or converted to other uses when the end item and it's packaging are no longer suitable for their original purpose.

(2). Dispose of unserviceable or excess material through property disposal channels or by some other means that would enable these resources to be recovered and reintroduced into the manufacturing process or reclaimed for other production purposes.

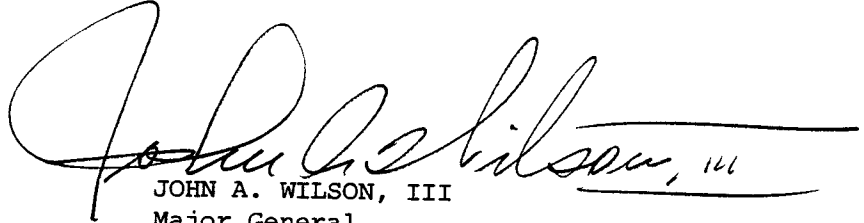
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(3). Dispose of wastes or excess material not capable of being reclaimed or processed in a manner that minimizes pollution of the environment.

NOTE: Submit suggested changes to TAG-WV, ATTN: Environmental Monitor.

BY ORDER OF THE GOVERNOR:

A handwritten signature in cursive script, reading "John A. Wilson, III". The signature is written in dark ink and is positioned above the typed name and title.

JOHN A. WILSON, III

Major General

The Adjutant General

DISTRIBUTION:

A

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LOGISTICS

ENVIRONMENTAL PROTECTION

1. GENERAL:

a. Disposal of waste material is a problem that has long existed but has not received the attention of the general public until recent concern with the environment, and pollution control. As a result, new emphasis in this area is occurring and new regulations and laws have been published.

b. Open burning of wastes and dumping of wastes in unapproved areas is not allowed under new laws and regulations. Also, direct discharges of fuels and lubricants on the ground are prohibited.

c. Emphasis will be placed on the early correction of fuel and lubricant leaks from mobile equipment.

d. Efforts should be directed toward the following:

(1). To correct situations which constitute a direct hazard to the health of man.

(2). To conserve economic resources.

(3). To correct situations that have an adverse impact on the environment.

(4). To improve the recreational and aesthetic value of the environment.

2. MILITARY VEHICLE EMISSIONS.

a. Dispatch/use of vehicles with obvious signs of excessive emissions due to the requirements for maintenance action (e.g., smoky diesel-powered vehicles) is prohibited. Existing pollutants which are increased by faulty engine performance are carbon monoxide, unburned hydrocarbons and oxides of nitrogen.

b. Increases of the pollutants are brought about by malfunctions, either single or in combination, of the electrical timing, carburetion, fuel metering, compression, or air induction systems. Symptoms of excessive harmful exhaust emission are difficulty in starting, repetitive stalling, loss of power or poor acceleration, excessive smoke from exhaust pipe and fumes from crankcase breather.

c. The symptoms above reflect malfunctioning of one or more engine components or systems. Check the applicable systems for the following conditions to determine causes of harmful emissions:

(1). Electrical System.

(a). Burned or fouled spark plugs.

(b). Burned or maladjusted distributor points.

- (c). Defective condenser.
- (d). Improper timing.
- (e). Defective wiring.

- (2). Internal components:
 - (a). Worn piston rings.
 - (b). Burned valves.
 - (c). Cracked or defective pistons.

- (3). Carburetion and/or fuel metering.
 - (a). Improper adjustments.
 - (b). Clogged fuel filters.
 - (c). Choke settings.

- (4). Air Induction:
 - (a). Filters/cleaners.
 - (b). Gaskets.
 - (c). Piping.
 - (d). Obstructions.

- (5). Emission control device: Faulty positive crankcase ventilation valve (PCV).

- (6). Other.
 - (a). Oil filters.
 - (b). Fuel leaks.
 - (c). Heat risers.
 - (d). Coolant thermostats.

d. Corrective Actions. Conditions cited in paragraph 2.c. can be virtually eliminated with proper maintenance and services in accordance with applicable vehicle technical manuals to include:

- (1). Removal and replacement of spark plugs -- insure proper gap setting and proper torque.
- (2). Removal and replacement of distributor points and condenser -- insure proper distributor point gap.
- (3). Compression test all cylinders. This reveals ring, piston and valve defects indicating possible need for engine overhaul.
- (4). Adjustments of all fuel and air controls in accordance with specified technical manuals.
- (5). Removal, cleaning and/or replacement of all fuel and air filters as cited in pertinent technical manuals.
- (6). Cleaning or replacement of emission control devices as necessary (6,000 miles or semi-annually).

3. WASHRACKS. Solids and oils should be removed from grease traps periodically as required and placed in approved sanitary land fill.

4. DISPOSAL OF PETROLEUM PRODUCTS.

a. Used oil and lubricants. Used oil and lubricants will not be disposed of by pouring in ditches, around fences, on roads, down drains or burying. Following are correct procedures to follow:

(1). Units will place all used petroleum products in a suitable container (one or five gallon can), insure that it is protected from further contamination, and turn it in to the supporting OMS as soon as possible after it is accumulated.

(2). Each OMS, and Army Aviation Facility now has some facility for storing used petroleum products. Shops will insure that containers are properly marked (painted yellow with block lettering "USED OIL" displayed on container).

(3). Used oil may be stored at the using shops, turned in to the CSMS, or Coordinated with the USPFO for Federal disposal.

b. Contaminated oil. Contaminated oil will be reported to USPFO by letter for disposition instructions. Contaminated oil will not be mixed with used oil.

5. NON-RECOVERABLE SCRAP METAL. All non-recoverable scrap metal should be disposed of in accordance with the following plan:

a. Units will turn in their scrap metal to the supporting OMS as soon as possible after it is accumulated.

b. Each OMS will deliver accumulated scrap metal to the Combined Support Maintenance Shop on an annual, semi-annual or as required basis. The scrap metal must be segregated by type (cast iron, aluminum, steel, etc.), and placed in an area designated for that purpose by the General Foreman of the CSM Shop.

6. DISPOSAL OF LEAD-ACID ELECTROLYTE. The following instructions and technical information supercedes all previous lead-acid battery electrolyte disposal methods.

a. Prior to neutralization, adequate dilution of the electrolyte is required. An equal volume or more of water must be added to the neutralization container first, then add the electrolyte. CAUTION: Always pour acid into water slowly, never pour water into acid. The dry neutralizing agent is then added slowly, mixing constantly.

b. The neutralization process of battery electrolyte should be performed in an area with adequate ventilation and accomplished in any appropriate size plastic, glass or lead container. The container should be at least three times greater in size than the volume of the prepared electrolyte as foaming may occur during neutralization. Suitable containers are those made of ceramic or certain plastics such as heat resistant foams or polyethylene, polypropylene or polyvinylchloride. Metal containers coated with such substances are acceptable. If the prepared electrolyte is not stored for any appreciable amount of time before neutralization, metal containers such as a 30 gallon drum or garbage can are satisfactory.

c. Neutralize the diluted electrolyte by adding one of the following neutralizing agents slowly with constant stirring:

(1). Sodium carbonates, NSN 6810-00-262-8567 or NSN 6810-00-254-6593.

(2). Sodium bicarbonates (baking soda), NSN 6810-00-241-1143 or NSN 6810-00-264-6618.

d. The neutralizing agents may be added dry or in water diluted form. Caution must be exercised during addition of neutralizing agents because of foaming and spattering. As much as one pound of neutralizing chemical may be required for each pint of electrolyte. However, much less is usually required.

e. Neutralization is complete when foaming no longer occurs with the addition of more neutralizing agent. If pH measurement equipment is available, a reading of from 5 to 9 is necessary. If equipment for measuring pH is not available, neutralization of the electrolyte may be assured by addition of excess sodium carbonate or sodium bicarbonate.

f. The neutralized electrolyte is harmless and may be discarded in a sanitary sewer drain. It may be necessary to draw off the liquid fraction from the neutralized electrolyte. The sludge may be disposed of in the soil, preferably in a sanitary land fill or soakage pit.

g. For safety reasons, the following items should be available and used by personnel when neutralizing acid:

- (1). Chemical resistant gloves.
- (2). Protective clothing.
- (3). Splash goggles and face shield.
- (4). Eye lavage fountain and deluge shower.

NOTE: Personnel should be instructed how to flush the eyes and immediate medical attention should be sought in case of eye injury.

7. OIL POLLUTION PREVENTION PROGRAM. The West Virginia Army National Guard is required by the Federal Water Pollution Control Act, as amended, to prevent discharges of oil into the navigable waters of the United States and to contain such discharges if they occur.

a. West Virginia Army National Guard Facilities will prepare and implement a current Spill Prevention Control and Countermeasure Plan when their oil or hazardous substance storage facilities meet any one of the following:

- (1). Aggregate (in one location) above-ground oil storage is greater than 1,320 gallons.
- (2). Single above ground oil storage is greater than 660 gallons.
- (3). Total underground oil storage is greater than 42,000 gallons.
- (4). Single bulk storage of hazardous liquid substances (acids), chemical solvents, etc.), is greater than 500 gallons.
- (5). Non-transportation related onshore and offshore facilities that, because of their location or operation, could reasonably be expected to discharge oil or hazardous material into or upon the navigable waters of the United States or adjoining shorelines. ("Oil" means oil of any kind or in any form, including, but not limited to petroleum, fuel oil, sludge, oil refuse and oil mixed with wastes other than dredged spoil).

b. Spill Prevention Control and Countermeasure Plans will be developed as required and submitted to the EPC. (SPCC plans require a revision and update every three (3) years. Revisions are due on the anniversary date).

c. Commanders should monitor storage requirements and submit a SPCC Plan prior to expansion/modification of facilities. If any assistance is needed contact Environmental Monitor.

NOTE: (Facilities which utilize tankers as a mobile stock reserve, that is, they are not used strictly for stationary storage, do not require a SPCC plan).

NEPA COMPLIANCE PROCEDURES

1. GENERAL.

a. The National Environmental Policy Act (NEPA) is this Nation's pledge to conserve our natural resources and protect the environment so that future generations of Americans can be productive and healthy. Congress has mandated that proposals for consideration by Federal officials and activities supported with Federal funds undergo environmental impact analyses. It is the responsibility of all Army National Guard (ARNG) personnel to comply with NEPA in a reasonable, timely, and professional manner so that planners and decision makers can utilize environmental information to effect wise use of resources and to mitigate anticipated adverse environmental impacts.

b. To achieve these ends, NEPA requires that the WVARNG "utilize a systematic, interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts in planning and in decision making which may have an impact on man's environment" (PL 91-190; 102(2) (A)).

c. The NEPA process also requires an evaluation of appropriate alternatives to the proposed action or project. To assist in identifying appropriate alternatives, consultation with appropriate Federal, State, and local agencies and the public is required.

2. NEPA RECORDS AND DOCUMENTS.

a. Record of Environmental Consideration.

(1). A record of environmental consideration is a record which briefly describes the proposed action and its anticipated time frame; identifies the responsible proponent; and explains why further environmental documentation is not required.

(2). This document is appropriate if the proposed action:

- (a). is adequately explained in an existing EA, EIA or EIS.
- (b). qualifies for Categorical Exclusion.
- (c). is exempt from NEPA requirements by law.

b. Environmental Assessment (EA).

(1). An Environmental Assessment is a concise analysis of the environmental impact of a proposed action. The purpose of an EA is to determine whether an Environmental Impact Statement (EIS) is required.

(2). An EA is composed of brief discussions of:

- (a). Purpose and need for the proposed action.
- (b). Description of the proposed action.

- (c). Appropriate and reasonable alternatives.
- (d). Environmental impact of the proposed action and alternatives.
- (e). Listing of agencies and persons contacted.
- (f). Conclusions.

(3). Every EA must lead to either a Finding of No Significant Impact (FNSI) or Notice of Intent to prepare an EIS (NOI).

c. Finding of No Significant Impact (FNSI).

(1). A FNSI is a brief document (normally two typewritten pages) stating why a proposed action will not have a significant impact on the human environment and, thus, will not be the subject of an EIS.

(2). The FNSI shall contain a summary of the EA or have the EA attached.

(3). The FNSI must contain:

- (a). The name of the action.
- (b). A brief description of the action.
- (c). A short discussion of anticipated environmental effects.
- (d). Conclusions which have led to the FNSI.
- (e). A deadline and point of contact for further information.

d. Notice of Intent (NOI).

(1). A NOI is the first document in the EIS preparation and review process.

(2). The NOI is coordinated with HQDA and is published in the Federal Register and newspapers with circulation in the area(s) affected by the proposed action.

e. Environmental Impact Statement (EIS).

(1). An EIS is a public document whose primary purpose is to serve to insure that the policies and goals defined in NEPA are infused into the programs and actions of Federal agencies.

(2). An EIS is normally required when the proposed action has the potential to:

- (a). Significantly degrade environmental quality or public health or safety.

(b). Significantly affect historic or cultural resources, public parks and recreation areas, wildlife refuge or wilderness areas, wild and scenic rivers, sole or principal drinking water aquifers, prime and unique farm lands, wetlands, floodplains, coastal zones, or ecologically or culturally important areas or other areas of unique or critical environmental concern.

(c). Result in potentially significant and uncertain environmental effects or unique or unknown environmental risks.

(d). Significantly affect a species listed or proposed to be listed on the Federal list of endangered or threatened species.

(e). Have significant adverse effect on properties listed or eligible to be listed in the National Register of Historic Places, or the National Registry of Natural Landmarks maintained by the Heritage Conservation and Recreation Service, US Department of Interior.

(f). Either establish a precedent for future action or represent a decision in principle about a future consideration with significant environmental effects.

(g). Adversely interact with other actions with individually insignificant effects so that cumulatively significant environmental effects result.

(h). Involve the production, storage, transportation, use, and disposal of hazardous or toxic materials which have the potential to cause significant environmental impact unless a permit under the Resource Conservation and Recovery Act Regulations has been obtained.

3. MITIGATION AND MONITORING.

a. Mitigation of adverse environmental effects will be considered throughout the NEPA process.

b. Only those mitigation measures which can be reasonably be expected to be accomplished as part of any proposed alternative shall be identified in environmental documentation (EA, FNSI or EIS).

c. A monitoring and enforcement program shall be adopted where applicable for any mitigation as recommended by the EQCO.

4. PUBLIC INVOLVEMENT.

a. NEPA regulations require public and other agency involvement when developing NEPA documentation.

b. Preparation of EA's shall incorporate PI processes where appropriate.

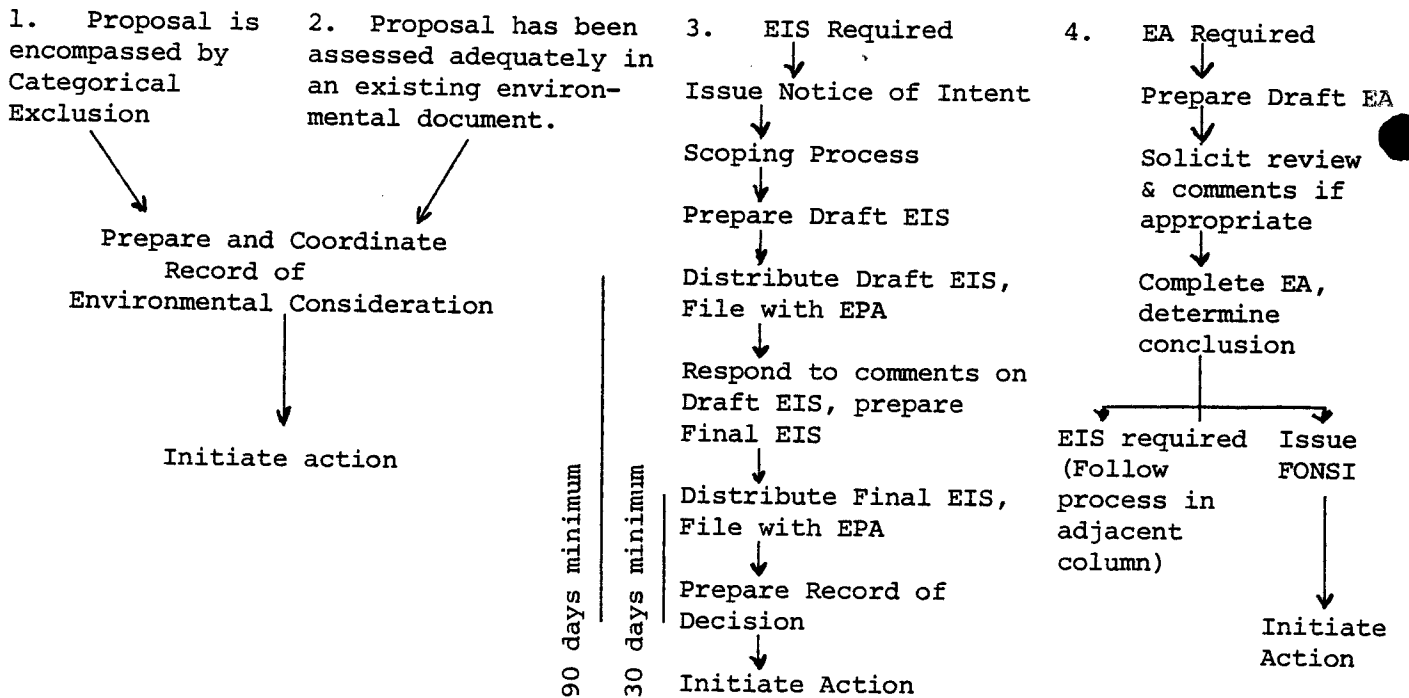
NEPA PROCESS FLOWCHART

PHASE I

1. Identify problem(s) or need(s)/establish objective(s).
- ↓
2. Develop appropriate alternatives.
- ↓
3. Assess effects of alternatives.
- ↓
4. Compare alternatives and select preferred alternative, if appropriate.
- ↓
5. Determine appropriate type of environmental document.

PHASE II

OPTIONS AND POTENTIAL STEPS IN PHASE II OF THE NEPA PROCESS



CONSTRUCTION AND FEDERAL REAL ESTATE ACQUISITION STATEMENTS

1. REQUIREMENTS. All West Virginia National Guard actions must be considered and evaluated in regard to potential environmental impact. To satisfy the requirements for processing O & M Minor Construction, MCARNG Major Construction projects and MCARNG Minor Construction projects and leasing or licensing of federal real estate, with or without buildings, the following must be accomplished:

a. An environmental impact assessment must be made. If the result of the assessment indicates that the action will have no significant impact on the environment nor will be likely to create a controversy, then one of the following statements must be made:

(1). On NGB Form 420 or DD Form 1391c for all construction projects exceeding \$4,000.00: "An environmental assessment has been completed for this project and it has been determined that the project will have no significant impact on the environment, nor will the project be likely to create controversy when the proposed construction becomes known by the public."

(2). In the letter request for leasing or licensing of land: "An Environmental assessment has been completed for this action and it has been determined that the intended use of this land and/or facilities will have no significant impact on the environment, nor is this action likely to create controversy when the intended or actual use of the land and/or facilities become known to the public."

b. If the environmental assessment indicates that the project/action will have a significant impact, or that it is likely to create public controversy, an environmental impact statement must be submitted.

c. Requests for construction project approval or to lease/license land will not be approved or processed without the statements in paragraphs (1) and (2) above, or an approved impact statement.

d. The Facility Management Officer will provide the EQCO a copy of all EA and EIS's for presentation to the EPC and the reviewing agencies prior to forwarding NGB Form 1390 and/or NGB Form 420 to NGB for funding.

TRAINING AND FIELD EXERCISES

1. REQUIREMENTS. Training and field exercises will be conducted in a manner that will least endanger the environment while still accomplishing training objectives. Written environmental assessments or, if required, impact statements will be prepared for overall training programs and field exercises, as outlined below. The written environmental assessment or impact statement will become a part of the training file.

a. Types of unit training activities requiring the preparation of environmental assessments or impact statements.

(1). Normal training activities for all state-operated military training sites. The Facility Management Division will prepare an environmental assessment for each state owned and operated military site. This assessment should consider the environmental effects of all anticipated training activities at an expected use level. When the overall training site evaluation is prepared and approved, then it will not be necessary to prepare individual environmental evaluations for each training or field exercise performed at that site. This will result in a great savings of effort by individual units that anticipate using a state training site, provide a more systematic and complete analysis of environmental impacts resulting from the training and provide better protection for the environment in the State.

(a). In all cases of this nature, the environmental evaluation will be written as either an impact assessment or impact statement. This written evaluation will be reviewed by the EPC. The EIS will be forwarded as required for additional review.

(b). After this original environmental evaluation has been made, it will be up-dated at any change in the type or extent of overall training actions.

(2). Abnormal training activities at a state operated military training site. Abnormal training activities are those activities performed at a State Military Training Site that were not considered in the written evaluation, thereby requiring the preparation of an EPT Checklist (ANNEX A).

(3). Normal training activities at a state or federally operated training site. No written environmental evaluation is required if an EA or EIS has been prepared by the facility for the proposed training action. The facility commander can provide information as to what training actions are considered normal activities for his particular training site.

(4). Abnormal training activity at federally-operated training site. Abnormal training activities at federal facilities are those that were not considered in the original facility's training environmental evaluations for training activities of this type involving ARNG units. Inquiries should be made to facility managers for guidance concerning specific requirements.

(5). Training activities at other sites. In all other cases where training actions are performed at any site other than a state or federally operated military training site, an EPT checklist will be prepared. (ANNEX E)

(6). If the check list indicates the possibility of adverse environmental impacts associated with training activities, the Unit Environmental Quality Officer will contact Facilities Management for further guidance and assistance.

(7). Joint training exercises. Environmental evaluations will be prepared as required by HQ commanding the joint exercise.

ENVIRONMENTAL PROTECTION TRAINING CHECKLIST

TITLE OF TRAINING EXERCISE: _____

LOCATION OF EXERCISE: _____

INCLUSIVE DATES: _____

- | | <u>YES</u> | <u>NO</u> |
|---|------------|-----------|
| I. <u>LOCATION</u> | | |
| 1. Is this training being conducted at a Government owned Training Site (such as Ft Pickett, Ft A. P. Hill, Cp Dawson) for which an Environmental Assessment (EA) has already been written? | _____ | _____ |
| II. <u>COMMAND EMPHASIS</u> | | |
| 1. Have you reviewed the training plan with the Commander for adverse environmental effects? | _____ | _____ |
| 2. Have unacceptable activities been deleted from the training plan, or has alternative corrective action been taken? | _____ | _____ |
| III. <u>WATER QUALITY</u> | | |
| 1. Are there any planned activities that would waste potable water? | _____ | _____ |
| 2. Would any training activity cause pollutants to enter water supplies and/or excessive sedimentation? | _____ | _____ |
| 3. Will any liquid or solid waste material be discharged into bodies of water? | _____ | _____ |
| IV. <u>AIR QUALITY</u> | | |
| 1. Has emission control equipment been installed on all vehicles authorized these items? | _____ | _____ |
| 2. Is equipment use scheduled to reduce to the minimum necessary for mission accomplishment? | _____ | _____ |
| V. <u>SOLID WASTE</u> | | |
| 1. Do units plan for the disposal of solid waste materials at approved areas only? | _____ | _____ |
| 2. Are vehicles designated for solid waste transport equipped with cargo covers? | _____ | _____ |
| VI. <u>HAZARDOUS/TOXIC MATERIALS</u> | | |
| 1. Has the minimum amount of toxic material been used to accomplish the training objective? | _____ | _____ |
| 2. Does unit provide for disposal of hazardous/toxic materials in an approved manner? | _____ | _____ |
| 3. Are trained personnel available to handle these materials? | _____ | _____ |

ENVIRONMENTAL PROTECTION TRAINING CHECKLIST (CONTINUED)

	<u>YES</u>	<u>NO</u>
VII. <u>NOISE POLLUTION</u>		
1. Will the use of aircraft or vehicles exceed acceptable noise levels?	_____	_____
2. Have minimum altitudes and time of flights been prescribed?	_____	_____
3. Will the training cause excessive noise from operational, training or industrial activities and equipment?	_____	_____
4. Did unit provide hearing protection if required?	_____	_____
VIII. <u>LAND MANAGEMENT: FLORA AND FAUNA</u>		
1. Will any activity cause irreversable damage?	_____	_____
2. Will the training unnecessarily deplete a natural resource?	_____	_____
3. Have measures been taken to identify, protect, and maintain historical, cultural or archaeological sites located within the training area?	_____	_____
4. Have measures been taken to identify and protect endangered species?	_____	_____
5. Will this activity be conducted in streams, wetlands or riparian areas?	_____	_____
IX. <u>ENERGY RESOURCE MANAGEMENT</u>		
1. Do training plans for the use of motor fuels conflict with the Energy Conservation Plan?	_____	_____
2. Does any part of the planned training use unnecessary amounts of fuel?	_____	_____

PREPARED BY _____

TITLE _____

DATE _____

APPROVED BY _____

TITLE _____

DATE _____

* COORDINATED WITH _____
(ENVIRONMENTAL MONITOR)

* If the action is considered to have potential adverse environmental impacts and/or public controversy.

COMMUNITY ASSISTANCE PROJECTS

1. GENERAL.

a. Providing assistance to public agencies and communities, within training guidelines, is recognized as an efficient use of National Guard resources.

b. To assure compliance with applicable environmental laws and regulations, community assistance projects involving construction activities must be evaluated with regard to potential environmental impact.

2. RESPONSIBILITIES.

a. The Adjutant General is responsible for establishing internal procedures and maintaining the capability to analyze environmental consequences of continuing and proposed actions and programs.

b. The Facilities Management Division, STARC, is responsible for providing technical assistance as requested, in evaluating environmental impacts and permit requirements associated with community assistance projects.

c. The requesting agency shall be responsible for acquiring all plans, permits, and construction materials to mitigate identified environmental impacts.

3. SPECIAL CONSIDERATIONS FOR CONSTRUCTION PROJECTS.

a. For any construction activity which includes earthwork, the State of West Virginia's 208 Water Quality Management Program requires the preparation and approval of a Sediment Control Plan.

(1). A Sediment Control Plan is a document which describes the potential for erosion and sedimentation problems on a construction project and illustrates the best management practices that are to be employed to control those problems.

(2). Technical assistance for preparing a Sediment Control Plan can be obtained by the requesting agency from the local Soil Conservation District.

(3). While this program is voluntary and non-regulatory, the Department of Natural Resources can assess penalties for violations of State Water Quality Standards involving sedimentation that visibly alters the integrity of the waters of the State.

b. Construction activity in streams, wetlands or riparian areas requires permits issued by the Department of Natural Resources and/or the U. S. Army Corps of Engineers.

c. Construction activity affecting public highways and bridges requires permits from the West Virginia Department of Highways and/or the U. S. Coast Guard.

d. Before construction, all utility lines should be located with coordination effected with the public utility or public service district.