



U.S. Department  
of Transportation  
Maritime  
Administration

## MANUAL OF ORDERS

### MARITIME ADMINISTRATIVE ORDER

#### REVOKES

MAO 600-2, dated  
11-2-98

NO. 600-2

#### EFFECTIVE DATE

January 19, 2017

#### SUBJECT

### ENVIRONMENTAL COMPLIANCE

Section 1. Purpose: This Order prescribes the roles and responsibilities for environmental compliance of Maritime Administration (hereinafter referred to as “the Agency” or “MARAD”) facilities and operations by establishing an integrated approach to environmental compliance, to include an Environmental Compliance Team (ECT). The goal of this policy is to establish the framework and processes necessary to ensure that all environmental compliance requirements are achieved for the Agency, minimize future environmental impacts of Agency actions and operations, and improve environmental planning processes.

Section 2. Related Directives: See Exhibit attached to this Order.

Section 3. Scope: This Order applies to all personnel, programs, facilities and vessels owned and operated by MARAD. This includes Headquarters, Division Operational Offices, Gateways, Ready Reserve Force (RRF) vessels, National Defense Reserve Fleet (NDRF) facilities and vessels, and the U.S. Merchant Marine Academy (USMMA). This Order outlines a strategy that defines the responsibility of management and personnel, and facilitates the implementation of robust practices for the effective management of environmental compliance obligations. This Order also establishes an ECT tasked with ensuring the components of the MAO are carried out. Finally, this Order integrates the Agency’s existing Environmental Management System (EMS) in an effort to improve the overall environmental compliance program. As such, the EMS will be consistent with and complementary to this Order.

Section 4. Policy: It is MARAD policy that all Agency facilities, programs, vessels and actions fully comply with all applicable Federal, state and local environmental compliance requirements, Executive Orders, Department of Transportation (DOT) Orders and MARAD policy and guidance documents. Where feasible, and within the limits of available resources, the Agency will demonstrate leadership through protection of the environment above and beyond legal requirements. The Agency will consider environmental impacts in all decisions, actions and operations; use a management system for continual improvement in environmental performance; and be a leader in the maritime transportation field in pollution prevention initiatives. Compliance with this policy is measured by tracking the number of environmental compliance findings. An environmental compliance finding is a determination regarding compliance with the applicable Federal, state and local environmental regulatory requirements, Executive Orders, DOT Orders, and MARAD policy and guidance documents. The ultimate goal is zero negative findings.

Section 5. Environmental Management System: The Fleet sites and the USMMA will fully fund, implement and administer an EMS. The EMS will be used at all applicable facilities as a tool to improve the Agency's environmental performance and improve employee awareness of environmental responsibilities. Assistance with the implementation of the EMS program will be provided by the Office of Environment as needed. The EMS should be reviewed and updated regularly, but not less than every two years.

Section 6. Environmental Audits: The Office of Environment will, in collaboration with appropriate ECT members, audit the environmental performance of RRF vessels, Fleet sites and the USMMA not less than every two years. Audits will focus on the implementation of the EMS at the facility and compliance with applicable Federal, state and local environmental regulatory requirements, Executive Orders, DOT Orders, and MARAD policy and guidance documents.

At the conclusion of each audit visit, auditors will brief the person in charge of the facility on preliminary findings. A final report of the audit will be prepared within 30 days of the audit, and will be provided to facility leadership and the appropriate Headquarters offices.

Section 7. Corrective Action: Upon receipt of audit deficiencies and/or a notice of violation (NOV) issued by third parties, the responsible facility leader, in consultation with the Office of Environment, will prepare a plan to address any negative environmental compliance findings. The plan will identify the negative environmental compliance finding, the timeframe for completing corrective action, the party responsible for carrying out the plan, and the party responsible for monitoring to ensure the identified negative finding is corrected. A copy of the plan will be maintained at the facility and the Office of Environment. The facility leader will notify the Office of Environment upon close-out of the Plan.

Section 8. Environmental Reporting and Recordkeeping:

8.01 Record Keeping. Each MARAD fleet site and the USMMA will maintain an electronic library of documents pertaining to their respective environmental compliance programs. Although the library contents may vary by installation, the library should at a minimum include the facility's EMS instruction; any other environmental instructions, orders or guidance specific to the facility; environmental permits held and pertinent compliance dates, environmental inspection reports, notices of violation received, a schedule of corrective actions if necessary; environmental checklists specific to the facility, and records of environmental training. The Office of Environment will work with the ECT to assist in identifying the appropriate information/requirements to be maintained. The library will be accessible to the Office of Environment as well as appropriate facility or program staff.

8.02 Notices of Violation and Compliance Inspections. If the Agency or part thereof (e.g., USMMA, Fleet site, or vessel), receives a NOV of an environmental law or regulation from any Federal, state or local entity, the recipient will immediately notify the Office of Environment and the Office of Chief Counsel. The MARAD Program Office with responsibility for the activity or activities that are the subject of the NOV will have primary responsibility for the taking corrective action and maintaining appropriate records thereof. The Office of Environment, the Office of Chief Counsel, and the ECT are available to assist in responding to the NOV and instituting corrective actions. Any MARAD facility or cognizant Program Office will notify the Office of Environment regarding environmental compliance inspections conducted by local, state, and Federal regulatory agencies.

8.03 Environmental Compliance Checklists. The Office of Environment will work with the ECT to develop environmental compliance checklists to serve as guidance in ensuring personnel are aware of environmental compliance requirements, and to assist in the inspection, monitoring and resolution of environmental compliance findings. Checklists so developed may be tailored as appropriate to account for differences in facility activities and responsibilities.

8.04 The Office of Environment will forward an annual summary Environmental Compliance Report covering all MARAD activities to the Maritime Administrator. As needed, the ECT and individual facilities will assist in the development of the summary report, which will include as a minimum a discussion of any permit modifications, reports, NOVs, corrective actions, changes to the EMS, and training.

Section 9. Environmental Compliance Team: The purpose of the Environmental Compliance Team is to improve communication regarding environmental issues, coordinate environmental activities, inform members of new regulations, decisions and interpretations affecting environmental compliance, establish guidance for compliance, assist in developing uniform approaches and solutions where possible and foster cooperation within the Agency.

The ECT will be chaired by the Director of the Office of Environment or designee. The Team will at a minimum consist of the MARAD Historian, one member and a designated alternate from the offices of each Associate Administrator, as appropriate; the Office of Chief Counsel, Independent Office Directors, as appropriate, Ship Operations and Maintenance Officers (SOMO), each MARAD Fleet and the USMMA.

The ECT will meet at least annually. In-person attendance at annual meetings is preferred whenever possible. Additional meetings may be held at various times as needed at any location or by video teleconference. Minutes of all meetings will be recorded and distributed to all Team members within a reasonable time according to the urgency of the issues, but not later than 30 days subsequent to the meeting.

Section 10. Responsibilities:

10.01 The Maritime Administrator is ultimately responsible for Agency environmental compliance. He/she will:

1. Approve all Orders and policies pertaining to environmental compliance management;
2. Create an atmosphere in which all Agency personnel and contractors are aware of and properly trained in their environmental responsibilities;
3. Ensure appropriate personnel and fiscal resources are devoted to environmental compliance; and
4. Ensure the environmental compliance program is effectively managed.

10.02 The Associate Administrator for Environment and Compliance will provide leadership and guidance to the Agency in the areas of environmental compliance and stewardship. The Office of Environment is responsible for Agency-wide support for the development, implementation, coordination,

oversight, and training for environmental compliance programs and initiatives. As such, the Office of Environment will:

1. Take a leadership role in promoting a culture of environmental compliance and sustainability;
2. Ensure the implementation of this Environmental Compliance Order;
3. Support Associate Administrators, Independent Office Directors, leadership of all Agency field activities, and all MARAD personnel to ensure compliance with the applicable environmental regulations and this MAO;
4. Provide a Chairperson for the ECT;
5. Provide awareness training to Agency personnel on an annual basis and support specialized training as needed; and
6. Conduct environmental audits of MARAD facilities and field operations on a periodic basis and report audit findings.

10.03 The Associate Administrators, Independent Office Directors, Gateway Directors, SOMOs, Fleet Superintendents, and the Superintendent of the USMMA will:

1. Promote a culture of environmental compliance and stewardship within their areas of responsibility, among assigned personnel, and among Ship Mangers/Contractors as appropriate. Comply with all applicable Federal, state, and local environmental laws and regulations, Executive Orders, and DOT Orders for all MARAD programs under their jurisdiction;
2. Identify environmental compliance requirements and obligations, request the necessary resources; and implement the necessary programs to comply with this Order;
3. Integrate environmental planning into all Agency actions at the earliest possible time;
4. Ensure environmental compliance requirements are appropriately addressed in all contracts with external customers and suppliers;
5. Designate one or more assigned personnel as a representative to the ECT; and
6. Ensure environmental compliance reporting requirements are met, both internally and externally, and that recordkeeping responsibilities are implemented and maintained.

10.04 SOMOs, Fleet Superintendents and the Superintendent of the USMMA will:

1. Develop, implement, and maintain an EMS within their respective areas of responsibility, as appropriate;
2. Promptly report non-compliant conditions to the Office of Environment and expeditiously correct any deficiencies;

3. Ensure personnel are adequately trained in their environmental compliance obligations and that training is kept up-to-date; and
4. Ensure that environmental compliance responsibilities are included in position descriptions and performance management processes.

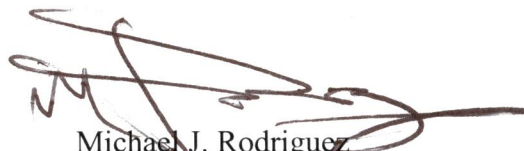
10.05 Environmental Compliance Team representatives will:

1. Coordinate and facilitate environmental compliance activities for their respective offices, facilities, or Fleet Sites;
2. Ensure notifications are made with 24 hours to appropriate management level personnel, the Office of Environment, and the Office of Chief Counsel when significant environmental issues arise. Significant environmental issues may include, but are not limited to, notices of violations, requests for investigation by a regulatory agency, or release of a regulated substance; and
3. Assist in the performance, conduct and evaluation of environmental compliance audits and training, as needed.

10.06 All Agency personnel will be responsible for:

1. Advancing environmental compliance associated with the activities of their position, including identification, management, and reporting, as applicable; and
2. Attending the required environmental awareness training and reporting to management any issues of concern related to environmental compliance.

Section 11. Revisions and Modifications: This Order will also be subject to review and amendment as necessary to ensure the Agency is meeting all components of the environmental compliance policy and program.



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Acting Maritime Administrator

The *National Environmental Policy Act* (42 U.S.C. 4321-4347) (NEPA) established the Nation's environmental policies and goals, the U.S. Environmental Protection Agency (EPA), and the Council on Environmental Quality (CEQ) to unify the assessment and protection of the environment. NEPA requires that environmental impacts be appropriately analyzed and considered during the federal decision-making process.

Executive Order (EO). No. 11514, *Protection and Enhancement of Environmental Quality*, dated March 5, 1970 (35 FR 4247), as amended by EO No. 11991, dated May 24, 1977 (42 FR 26967) mandated that the Federal Government provide leadership in protecting and enhancing the quality of the Nation's environment to sustain and enrich human life. Federal agencies are required to initiate measures needed to direct their policies, plans and programs so as to meet national environmental goals.

EO No. 11988, *Floodplain Management*, dated May 24, 1977 (42 FR 26951), as amended by EO No. 12148, dated July 20, 1979 (44 FR 43239), superseded or revoked in part by EO No. 12919 dated June 3, 1994 (59 FR 29525) and EO 13690, *Establishing a Federal Flood Risk Management Standard and a Procedure for Further Soliciting and Considering Stakeholder Input*, dated January 30, 2015 (80 FR 6425) mandated that each agency's leadership take action to reduce the risk of flood loss, to minimize the impact of floods on human safety, health and welfare, and to restore and preserve the natural and beneficial values served by floodplains in carrying out the agency's responsibilities. EO 13690 established a Federal Flood Risk Management Standard, updated the requirements applicable to Federal agency activities in and affecting the floodplains, and provided a process for soliciting and considering stakeholder input.

EO No. 11990, *Protection of Wetlands*, dated May 24, 1977 (42 FR 26961), as amended by EO No. 12608, dated September 9, 1987 (52 FR 34617), provided that each agency provide leadership and take action to minimize the destruction, loss or degradation of wetlands and to preserve and enhance the natural and beneficial values of wetlands in carrying out the agency's responsibilities.

EO No. 12088, *Federal Compliance with Pollution Control Standards*, dated October 13, 1978 (43 FR 47707), as amended by EO No. 12580, dated January 23, 1987 (52 FR 2928), as amended by EO No. 13308, dated June 20, 2003 (68 FR 37691), provided that the head of each executive agency is responsible for ensuring that all necessary actions are taken for the prevention, control, and abatement of environmental pollution with respect to Federal facilities and activities under the control of the agency.

EO No. 12114, *Environmental Effects Abroad of Major Federal Actions*, dated January 4, 1979 (44 FR 1957), provided that officials of Federal agencies further environmental objectives consistent with the foreign policy and national security policy of the United States.

EO No. 12856, *Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements*, dated August 3, 1993 (58 FR 41981 ) revoked by EO 13148, April 21, 2000 and replaced by EO 13101 *Greening the Government Through Waste Prevention, Recycling and Federal Acquisition* dated September 14, 1998 (63 FR 49643), which requires the head of each executive agency to incorporate waste prevention and recycling in the agency's daily operations and work to increase and expand markets for recovered materials through greater Federal Government preference and demand for such products; to develop and implement affirmative procurement programs in accordance with section 6002 of the Resource Conservation and Recovery Act (RCRA) (42 U.S.C. 6962) and this order to ensure that responsibilities for preparation, implementation, and monitoring of affirmative

procurement programs are shared between the program personnel and acquisition and procurement personnel; and to endeavor when making purchases to maximize environmental benefits, consistent with price, performance, and availability considerations, and constraints imposed by law, and to adjust solicitation guidelines as necessary in order to accomplish this goal.

EO No. 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, dated February 11, 1994 (59 FR 7629), as amended by EO No. 12948, dated January 30, 1995) (60 FR 6381), which requires each Federal agency to make achieving environmental justice a part of the agency's mission.

EO No. 13045, *Protection of Children from Environmental Health Risks and Safety Risks*, dated April 21, 1997 (62 FR 19885), as amended by EO 13229 dated October 9, 2001 (66 FR 52013) and EO 13296 dated April 18, 2003 (68 FR 19931), established as part of each agency's mission the duty assess environmental health risks and safety risks that may disproportionately affect children.

EO No. 13061, *Federal Support of Community Efforts Along American Heritage Rivers*, dated September 11, 1997 (62 FR 48445), mandated that Federal agencies assist in coordinating efforts of the American Heritage Rivers initiative to protect the environment, encourage economic revitalization, and promote historic and cultural preservation.

EO No. 13112, *Invasive Species*, dated February 3, 1999 (64 FR 6183), as amended by EO No. 13286, dated February 28, 2003 (68 FR 10619), mandated the coordination and response of Federal agencies by establishing the National Invasive Species Council (NISC) to provide leadership, planning, and coordination for Federal programs and the Invasive Species Advisory Committee to provide non-governmental consensus and advice to the NISC.

EO No. 13274, *Environmental Stewardship and Transportation Infrastructure Project Reviews*, dated September 18, 2002 (67 FR 59449) amends EO No. 12326, dated February 28, 2003 (68 FR 10619), which established an interagency task force to develop improved processes for environmental reviews and encourages the Secretary of Transportation to work with Federal agencies and State and local governments to implement stewardship measures throughout the transportation system.

EO No. 13423, *Strengthening Federal Environmental, Energy, and Transportation Management*, dated January 24, 2007 (72 FR 3919), as amended by EO No. 13514, *Federal Leadership in Environmental, Energy, and Economic Performance*, dated October 5, 2009 (74 FR 52117), and superseded or revoked by EO 13693, dated March 19, 2015 (80 FR 15871), which established an integrated strategy toward sustainability in the Federal Government and to make reduction of greenhouse gas emissions a priority for Federal agencies. EO No. 13514 does not rescind or eliminate the requirements of EO No. 13423, however, it expands on the energy-use reduction and environmental performance requirements for Federal agencies as identified in EO No. 13423. EO 13693 encourages the continued implementation of formal Environmental Management Systems (EMS) where those systems have proven effective and deployment of new EMS where appropriate.

United States (U.S.) Department of Transportation (DOT) Order 4355, *Water Management Policy*, which established policy, delegated authority, and assigned responsibility to ensure that DOT, including its Operating Administrations (OAs), meet all legal and regulatory requirements related to environmentally responsible procurement, supply, consumption, treatment, and disposal of water within its facilities and operations, including storm water and wastewater management.

DOT Order 4356, *Pollution Prevention and Waste Management Policy*, which established the policy, delegated authority, and assigned responsibility to ensure that DOT, including its OAs, meet all legal and regulatory requirements related to pollution prevention and waste management, including the management and disposal of solid and hazardous wastes.

DOT Order 5610.1C *Procedures for Considering Environmental Impacts*, which established procedures for consideration of environmental impacts in decision-making on proposed DOT actions and provides that information on environmental impacts of proposed actions will be made available to public officials and citizens through environmental analysis and documentation. Maritime Administrative Order 600-1, *Procedures for Considering Environmental Impacts*, provides additional guidance on implementing DOT Order 5610.1C.

DOT Updated Environmental Justice Order 5610.2(a), *Actions to Address Environmental Justice in Minority Populations and Low-Income Populations*, updates DOT's original Environmental Justice Order, which was published in April 15, 1997. The updated Order (May 2, 2012) reaffirms DOT's commitment to environmental justice and clarifies certain aspects of the original Order, including the definitions of "minority" populations. The revisions clarify the distinction between a Title VI analysis and an environmental justice analysis conducted as part of a NEPA review, and affirm the importance of considering environmental justice principles as part of early planning activities in order to avoid disproportionately great and adverse effects.

DOT Order 5640.1C, *Prevention, Control, and Abatement of Environmental Pollution at Federal Facilities*, which requires DOT activities to include positive consideration of the enhancement of environmental quality and observe all environmental quality standards in the operation of its facilities.

DOT Order 5650.1, *Protection and Enhancement of the Cultural Environment*, which provides for DOT implementation of Executive Order 11593, *Protection and Enhancement of the Cultural Environment*.

DOT Order 5650.2, *Floodplain Management and Protection*, which prescribes policies and procedures for ensuring that proper consideration is given to the avoidance and mitigation of adverse floodplain impacts in agency actions, planning programs, and budget requests.

DOT Order 5660.1A, *Preservation of the Nation's Wetlands*, which sets forth DOT policy that transportation facilities and projects should be planned, constructed, and operated to assure the protection, preservation and enhancement of the Nation's wetlands to the fullest extent practicable, and establishes procedures for implementation of the policy.

DOT Order 5680.1, *Environmental Justice*, which describes the policies and procedures for considering environmental impacts on disadvantaged, minority, or low-income populations.

The Council on Environmental Quality (CEQ) Implementing Instructions and Requirements for EO 13423 (March 29, 2007) outlines the specific requirements and procedures for properly implementing EO 13423 and requires Federal agencies to use an environmental management system which is designed in accordance with these instructions.