



**U.S. DEPARTMENT OF TRANSPORTATION**  
**FEDERAL AVIATION ADMINISTRATION**  
National Policy

**ORDER**  
**1050.10D**

Effective Date:  
11/16/15

**SUBJ:** Environmental Pollution Control and Abatement at FAA Facilities

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Consistent with the Federal Aviation Administration's (FAA) mission to provide the safest, most efficient air transportation system in the world, is an ongoing need for an effective policy to ensure compliance with the numerous environmental laws, regulations, and other requirements established to control and abate FAA environmental pollution. This Order responds to the need for an updated policy and set of procedures to comply with environmental requirements with respect to pollution control and abatement at FAA facilities. Requirements vary based on the size and operations of the facility.

This Order establishes policy, delegates authority, and assigns responsibilities for ensuring FAA –owned, -leased, -licensed, and –operated facilities comply with applicable federal environmental laws and regulations pertaining to the control and abatement of environmental pollution. This Order also discusses the liability of employees with regard to pollution control statutes.

Each Line of Business (LOB) and Staff Office (SO) should supplement this Order with guidelines, instructions, or protocol specific to its needs in a manner that is consistent with this Order.

As laws, regulations, and other environmental requirements are evolving and dynamic, this Order cannot remain static. Recognizing that program improvement is a vital element in the program's effectiveness and responsiveness to FAA's evolving needs, users are encouraged to offer suggestions to update and improve this directive through the use of FAA Form 1320-19, Directives Feedback Information.

A handwritten signature in black ink, appearing to read "RS", written over a horizontal line.

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Assistant Administrator  
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## Table of Contents

| <i>Paragraph</i>  | <i>Page</i> |
|---|-------------|
| 1. Purpose of this Order. ....                                      | 1           |
| 2. Audience. ....   | 1           |
| 3. Where Can I Find This Order ....                                 | 1           |
| 4. Cancellation. ....   | 1           |
| 5. Explanation of Policy Changes. ....                              | 1           |
| 6. Applicability and Scope. ....                                    | 1           |
| 7. Related Documents. ....  | 2           |
| 8. Definitions. ....  | 2           |
| 9. Pollution Control Statutes. ....                                 | 4           |
| 10. Policy ....   | 6           |
| 11. Reporting Requirements ....                                     | 8           |
| 12. Responsibilities ....   | 10          |
| 13. Personal Liability for Violation of Pollution Control Laws .... | 13          |
| 14. Review of FAA Orders and/or Explanatory Guidance ....           | 14          |

### List of Appendices

|  |    |
|--|----|
| Appendix A: Applicable Directives .....                              | 16 |
| Appendix B: Executive Orders .....                                   | 17 |
| Appendix C: Pollution Control Statutes and Related Regulations ..... | 18 |

- 1. Purpose of this Order.** This Order establishes agency policy, roles, and responsibilities pertaining to the control and abatement of environmental pollution at, or from, Federal Aviation Administration (FAA) -owned, -leased, -licensed, and -operated facilities. This Order also discusses the potential liability of employees with regard to pollution control statutes and establishes policy to implement portions of DOT Order 4356 related to pollution control. As stated in the FAA Environmental Management Policy, found in Appendix A of FAA Order 1050.21A, issued by the Administrator on August 23, 2013, the FAA will identify, evaluate, and fully comply with all applicable environmental and natural resource laws, regulations, and Executive Orders (EOs) at each designated EMS-appropriate organization.
- 2. Audience.** FAA employees and contractors are required to comply with this Order.
- 3. Where Can I Find This Order.** This Order is available on the MyFAA employee website at [https://employees.faa.gov/tools\\_resources/orders\\_notices](https://employees.faa.gov/tools_resources/orders_notices) and on the public website at [http://www.faa.gov/regulations\\_policies/orders\\_notices/](http://www.faa.gov/regulations_policies/orders_notices/).
- 4. Cancellation.** This Order cancels FAA Order 1050.10C, Prevention, Control, and Abatement of FAA Environmental Pollution, dated September 14, 2004.
- 5. Explanation of Policy Changes.** This Order has been revised to:
  - a.** Rename FAA Order 1050.10D *Environmental Pollution Control and Abatement at FAA Facilities*, in order to remove reference to pollution prevention, and make reference to FAA Facilities.
  - b.** Refine the scope of this Order to focus on the control and abatement of environmental pollution at FAA facilities. Discussion of pollution prevention has been removed from this Order and will be the subject of another Order.
  - c.** Clarify the pollution control and abatement focus of the Order through updated definitions, expanded references to pollution control statutes (e.g., Clean Air Act), and expanded policy language specific to the various FAA environmental management programs (e.g., air pollution control, water pollution control).
  - d.** Update reporting requirements to reflect changes in Executive Order requirements and changes to EPA, DOT, and FAA policies and practices.
  - e.** Update environmental requirements and responsibilities of FAA employees and contractors.
  - f.** Clarify the roles and responsibilities of headquarters environmental policy and oversight and headquarters implementation organizations to reflect current organizational operations.
- 6. Applicability and Scope.** This Order covers all environmental pollution control and abatement activities at FAA facilities. An environmental pollution control activity is covered by this Order if it is required by applicable statutory, regulatory, or policy-driven mandates (e.g.,

Clean Air Act, Clean Water Act). Environmental pollution control requirements associated with this Order will not restrict or inhibit the safe and efficient operation of the National Airspace System (NAS).

**a. Federal Environmental Requirements.** This Order identifies those provisions of federal environmental laws, regulations, and other requirements, such as Executive Orders, that are pertinent to FAA facilities. It is designed to provide general familiarity with potentially applicable requirements. It does not list each and every requirement contained in the laws and regulations. For this reason, LOBs/SOs are responsible for examining each environmental law and regulation to determine its applicability to a particular facility. In addition, since laws and regulations change periodically, the most recent versions must be consulted to ensure that the provisions included herein reflect the current requirements. (*See* Appendices A, B, and C for a list of directives, FAA Orders, policy, and guidance).

**b. State and Local Environmental Requirements.** Some federal environmental laws delegate specific regulatory programs to states for implementation. Because the requirements in this Order include only federal laws and regulations, FAA LOBs/SOs should examine state and local requirements to ensure complete compliance with delegated programs and state-specific environmental laws and regulations.

**7. Related Documents.** Laws, regulations, policies, and other documents referenced in or related to this Order are listed in the Appendices.

## **8. Definitions.**

**a. Activities** are actions of FAA employees with regard to their duties at FAA-owned, -leased, -licensed, and -operated facilities. As defined in this Order, “activities” do not include routing, rerouting, or any related movement of air traffic.

**b. Applicable Pollution Control Statutes** are the same substantive, procedural, and other requirements, unless specifically exempted, that would apply to any person or entity subject to those requirements. See Appendix C for a list.

**c. Employees** include FAA personnel. Note that contractors working on behalf of FAA must comply with applicable pollution control and abatement statutes, regulations, and other requirements in the same manner and to the same extent as FAA employees.

**d. Environmental Auditing** is a systematic, documented, periodic, and objective review of facility operations to identify existing or potential environmental pollution problems.

**e. Environmental Pollution Incident** means an incident or set of circumstances during or as a consequence of which there is, has been or is likely to be a leak, spill, emission, or other escape of a hazardous substance. It includes an incident or set of circumstances in which hazardous waste has been placed or disposed of unlawfully, but it does not include an incident or set of circumstances involving only the emission of noise.

**f. Facility** means equipment, buildings, installations, structures, land, public works, aircraft, vessels, and other vehicles and property owned, constructed, leased, or operated by or on behalf of the FAA, including FAA aircraft.

**g. Hazardous Chemical** is any substance for which a facility must maintain a Material Safety Data Sheet (MSDS) or Safety Data Sheet (SDS) under the Occupational Safety and Health Administration Hazardous Communication Standard.

**h. Hazardous Material** is any substance of material that has been determined by the Department of Transportation (DOT) to be capable of posing an unreasonable risk to health, safety, and property when transported in commerce (49 CFR Part 172, Table § 172.101). This includes hazardous substances and hazardous wastes.

**i. Hazardous Substance** is any substance which, because of its quantity, concentration, or hazardous properties, can pose a substantial hazard to human health or the environment when released into the environment and for which a specific reportable quantity is listed at 40 CFR § 302.4. Hazardous substances include:

(1) any element, compound, mixture, solution, or substance designated as hazardous under Section 102 of CERCLA;

(2) any hazardous substance designated under Section 311(b)(2)(A) or any toxic pollutant listed under Section 307(a) of the Clean Water Act;

(3) any hazardous waste under Section 3001 of RCRA; and

(4) any hazardous air pollutant listed under Section 112 of the Clean Air Act;

Please note that the definition of hazardous substances under CERCLA excludes petroleum products, unless specifically listed or designated thereunder.

**j. Hazardous Waste** is a discarded material that is either listed in 40 CFR Part 261, Subpart D, or exhibits any of the characteristics identified in 40 CFR Part 261, Subpart C (i.e., ignitability, corrosivity, reactivity, or toxicity). States may also have more stringent definitions of hazardous waste that include additional waste streams such as used oil, PCBs, or others.

**k. National Response Center (NRC)** is the federal government's national communications center, which is staffed 24 hours a day by U.S. Coast Guard officers and marine science technicians. The NRC is the sole federal point of contact for reporting all hazardous substances releases and spills. The NRC receives all reports or releases including hazardous substances and oil that trigger notification under several laws. The NRC hotline number is 1-800-424-8802.

**l. Ozone Depleting Substances (ODS)** accelerate the stratospheric ozone destruction processes, resulting in lower than normal ozone levels. ODS include chlorofluorocarbons (CFCs), hydrochlorofluorocarbons (HCFCs), halons, methyl bromide, carbon tetrachloride, hydrobromofluorocarbons, chlorobromomethane, and methyl chloroform.

**m. Pollution** is the presence of human-made or human-induced matter or energy whose nature, location, or quantity produces, or could produce, undesired effects on the earth or its inhabitants, including the air, water, soil, plant life, animal life, or human life.

**n. Recycling** is separating and processing waste for reuse, new use or function into useful materials.

**o. Release** is any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing of a hazardous substance into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any hazardous substance or pollutant or contaminant).

**p. Remediation** is any action taken to remove or contain a hazardous substance release. Remediation activities may include isolating, enclosing, encapsulating, treating, or removing contamination.

**q. Reportable Quantity (RQ)** is the quantity of a hazardous substance that triggers reporting under CERCLA (40 CFR § 302.4). If a substance exceeds its RQ, then pursuant to CERCLA and EPCRA, the release must be reported to the National Response Center, the State Emergency Response Commission (SERC), and community emergency coordinators for areas likely to be affected.

**r. Resources** are funding, material, and human factors (including training).

**s. Stationary Source** is a place or object from which pollutants are released and which does not move around. Stationary sources include power plants, gas stations, incinerators, houses etc.

**t. Tribe** is an American Indian or Alaska Native Tribe, Band, Nation, Pueblo, Village, or Community the Secretary of the Interior recognizes as an Indian Tribe under the Federally Recognized Indian Tribe List Act of 1994, 25 USC § 479a. A Federally Recognized Tribe is eligible for the programs, services, and other government-to-government relationships established by the United States for Indians because of their status as Indian Tribes. The term “tribe” may also refer to state-recognized tribes under specific authorities for certain DOT programs, especially related to surface transportation that may be associated with a particular FAA project. A tribe may have pollution control requirements that are more stringent than federal regulations.

**u. Used Oil** is any oil that has been refined from crude oil (or synthetic oil), that has been used, and as a result of such use is contaminated by physical or chemical impurities. Types of oils included in this definition are spent automotive lubricating oils, hydraulic fluids, compressor oils from refrigeration units, and metal working oils.

**9. Pollution Control Statutes.** All FAA facilities must be designed, constructed, managed, operated, maintained, and decommissioned to conform to applicable pollution control statutes. In addition to those primary pollution control statutes described below (e.g., Clean

Air Act, Clean Water Act), there are a number of other statutes, including but not limited to, those listed in Appendix C.

**a. Primary Pollution Control Statutes.** The primary federal pollution control statutes to which FAA must comply include:

(1) The Clean Air Act (CAA) of 1970 establishes a comprehensive program for protecting and enhancing the nation's air quality and stratospheric ozone layer by regulating air pollutant emissions from stationary and mobile sources. The U.S. Environmental Protection Agency (EPA) and the states, through state implementation plans, implement air quality standards. State air pollution prevention agencies have developed emission control strategies and permit programs, particularly for new construction or modifications of sources of air pollution. The CAA also establishes National Emission Standards for Hazardous Air Pollutants, which regulates emissions of 188 hazardous air pollutants through permitting and implementation of pollution control standards.

(2) The Clean Water Act (CWA; also known by its official name, the Federal Water Pollution Control Act) was enacted in 1972 to restore and maintain the chemical, physical, and biological integrity of the nation's waters by establishing the basic structure for regulating the discharge of pollutants into the waters of the United States. The CWA also established goals of eliminating releases of hazardous substances into waters of the United States. The CWA regulates indirect discharges of wastewater through a publicly owned treatment works (POTW). The CWA's National Pollutant Discharge Elimination System (NPDES) controls water pollution by regulating point sources that discharge pollutants into the waters of the United States.

(3) The Resource Conservation and Recovery Act (RCRA) of 1976 is the primary federal statute regulating the management and disposal of hazardous wastes. The goals set by RCRA are: to protect human health and the environment from the potential hazards of waste disposal; to conserve energy and natural resources; to reduce the amount of waste generated; and to ensure that wastes are managed in an environmentally sound manner. Subtitle C of RCRA authorizes the EPA to regulate hazardous waste. This includes all stages of the waste's life cycle: generation, transportation, treatment, storage, and disposal. It requires careful tracking of waste from the time it is generated until its ultimate disposal. RCRA Subtitle D provides a framework for the management of non-hazardous solid wastes.

(4) The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress in 1980. CERCLA establishes joint and several liability for those parties responsible for hazardous substance releases to pay cleanup costs and establishes a trust fund to finance cleanup costs in situations in which no responsible party could be identified. CERCLA enables the creation of the National Priorities List (NPL), a list of sites with known releases or threatened releases of hazardous substances in the United States and its territories used to guide the EPA in determining which sites warrant further investigation. As conditions of a sale, release, or transfer of federal lands or facilities used to store hazardous materials or where a release or disposal of hazardous materials has occurred, federal agencies must identify those lands or facilities and complete waste or contaminate clean-up of these lands or facilities.

(5) The Toxic Substances Control Act (TSCA) provides the EPA with the authority to regulate the production, importation, use, and disposal of chemicals defined as toxic that have the potential to cause unreasonable risk of injury to public health or the environment. Through this Act, the EPA has established reporting, testing, and distribution requirements for the chemicals listed in the TSCA Inventory, which include substances such as asbestos, indoor radon, lead, and PCBs.

(6) The Oil Pollution Act (OPA) of 1990 streamlined and strengthened the EPA's ability to prevent and respond to catastrophic oil spills. A trust fund financed by a tax on oil is available to clean up spills when the responsible party is incapable or unwilling to do so. The Act requires oil storage facilities and vessels to submit to the federal government plans detailing how they will respond to large discharges. The EPA has published regulations for aboveground storage facilities (*see* 40 CFR Parts 9-300); the Coast Guard has done so for oil tankers. The Act also requires the development of Area Contingency Plans to prepare and plan for oil spill response on a regional scale. The Act applies to facilities with a storage capacity of: (1) at least 1,320 gallons in aboveground containers that are 55 gallons in size or larger; or (2) at least 42,000 gallons in underground storage tanks.

(7) The Federal Facility Compliance Act of 1992 (FFCA) amended RCRA and waives any immunity otherwise applicable to federal agencies for substantive or procedural requirement in connection with a federal, state, interstate, or local solid waste or hazardous waste regulatory programs.

(8) The Pollution Prevention Act (PPA) of 1990 requires pollution prevention and source reduction control so that wastes will have less effect on the environment while in use and after disposal. The intent of this Act should also be considered when reviewing potential sources associated with a proposed project and related pollution prevention measures.

(9) The Emergency Planning and Community Right-to-Know Act (EPCRA) of 1986 was created to help communities plan for emergencies involving hazardous substances. EPCRA requires hazardous chemical emergency planning by federal, state, and local governments, Indian tribes, and industry. It also requires industry to report on the storage, use, and releases of hazardous chemicals to federal, state, and local governments.

**b. Delegation of Authority.** Some of these pollution control statutes permit the EPA to delegate implementation responsibility and regulatory authority to a state or tribal government if the state or tribal regulations are equal to or more stringent than the federal regulations. As a result, there are a number of state regulations which federal facility employees must have knowledge of or specific related training (if applicable) to ensure compliance.

**10. Policy.** Protection of the environment and the public are responsibilities of paramount concern and importance to FAA. All FAA activities must recognize and reflect this concern and public trust. The Agency is committed to comply with all federal, state, tribal, and local environmental regulations and pollution control statutes, unless specifically exempted, in the same manner and to the same degree as any other person or entity also subject to those



requirements. All FAA LOBs/SOs must consistently work to meet environmental obligations. Fines can be levied for non-compliance with applicable federal, state, and local requirements. The FAA is committed to sound pollution control and abatement at all of its facilities. Sound environmental management will help identify and correct present and past environmental problems and prevent future ones.

**a. Air Pollution Control.** FAA is committed to comply with all federal, state, local, and tribal requirements respecting control and abatement of air pollution pursuant to the CAA to the same extent as nongovernmental entities. These requirements impact FAA facilities that have stationary sources of air emissions or that use ozone depleting substances (ODS).

**b. Water Pollution Control.** FAA is committed to comply with all federal, state, local, and tribal laws and regulations that protect the groundwater and surface water (e.g., CWA) that may be impacted by activities at FAA facilities. These include point source discharges to navigable waters, discharges to municipal sewage treatment works (e.g., boiler blowdown, cooling tower discharges, or any type of thermal discharge), storm water runoff, any activities that involve dredging or filling in a waterway, and underground injection control.

**c. Hazardous Materials Management.** DOT regulates the shipment of hazardous materials in commerce pursuant to 49 CFR Part 172. The EPA regulates the storage and management of hazardous materials through many different regulations, including but not limited to the CAA, CERCLA, EPCRA, and the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). In addition to these federal regulations, FAA must follow applicable state and local regulations and Agency guidelines.

**d. Hazardous Waste Management and Disposal.** FAA is committed to comply with the requirements of both federal and state hazardous waste programs to ensure proper management and disposal of hazardous waste. All hazardous wastes generated at FAA facilities must be accumulated, stored, and disposed in a manner which avoids release to the environment and which meets federal, state, and local regulatory requirements.

**e. Solid Waste Management.** Solid waste accumulated by FAA facilities must be stored, collected, and disposed of in accordance with applicable federal, state, and local requirements with respect to the control of solid waste. Solid waste must be managed in such a manner that it does not constitute a fire, health, or safety hazard in accordance with 40 CFR Part 243 and applicable state and local requirements. FAA employees and contractors are prohibited from open dumping of solid waste on FAA-owned land or elsewhere. Solid waste from FAA facilities must be disposed at disposal facilities authorized by state and local regulatory agencies.

**f. Used Oil Management.** Used oil and materials containing used oil (e.g., oil filters) generated at FAA facilities must be managed and recycled in accordance with 40 CFR Part 279 or applicable state regulations. Any used oil that is not properly recycled may also be subject to hazardous waste management and disposal requirements, which are significantly more stringent than the used oil regulations.

**g. Fuel Storage Tank Management.** All fuel storage tanks at FAA facilities must meet the requirements of FAA Order 1050.15A, *Fuel Storage Tanks at FAA Facilities* (or the most current version of this Order), and all applicable federal, state, and local requirements.

**h. Polychlorinated Biphenyl (PCB) Management.** FAA is committed to managing PCBs in accordance with federal regulations and FAA Order 1050.14B, *Polychlorinated Biphenyls (PCBs) in the National Airspace System* (or the most current version of this Order).

**i. Lead Management.** Lead-based paint (LBP) may pose a risk to the environment when it is disturbed for maintenance, renovation, or demolition. The EPA establishes requirements for lead management under TSCA and RCRA for LBP debris disposal. FAA is committed to managing and disposing of LBP in accordance with applicable federal, state, and local regulations.

**j. Environmental Cleanup or Remediation.** FAA's Environmental Cleanup (ECU) Program must encompass all necessary planning, organization, evaluation, and implementation activities associated with remedial responses at FAA's contaminated sites where the release of contaminant(s) to the environment is known to have occurred, is considered to be likely or are suspected based on visual observations, or is inferred based on historical activity. In managing these sites, FAA must comply with the numerous federal, state, and local environmental regulations applicable to cleanup and remediation activities.

**k. Violation of Environmental Regulations.** When the FAA is officially notified that the Agency is in violation of an applicable pollution control statute or regulations, FAA must promptly consult with the appropriate regulatory entity and initiate developing a plan to bring the facility into compliance.

**l. Environmental Auditing Programs.** FAA must institute environmental auditing programs for FAA facilities. Environmental auditing provides a way to measure, achieve, and maintain environmental regulatory compliance at FAA facilities. The auditing program must address federal, state, local, and internal requirements. These auditing programs will ensure facilities are adequately monitoring, achieving, and maintaining environmental compliance. In addition, they will help identify specific problems and required corrective actions.

**11. Reporting Requirements.** FAA facilities at which environmental compliance monitoring is deemed to be required will provide appropriate environmental information as required by the applicable EPA, DOT, and other statutory and regulatory pollution control reporting requirements as identified in this Order.

**a. DOT Reporting,** as required by DOT Order 4356.

**b. Air Pollution Control from Stationary Sources,** as required by air emissions regulations and permits. Required reports must be prepared and submitted to federal, state, or local regulatory entities associated with air permitting requirements. Copies of air permits and reports for stationary sources must be retained onsite or at the nearest administrative office. Air permits must also be posted within the stationary source room or enclosure, as required, for regulatory inspection purposes.

**c. Water Pollution Control**, as required by CWA permits. FAA will adhere to the reporting requirements stipulated in each CWA permit (e.g., direct discharges to navigable waters, storm water discharges, discharge of dredged or fill material) that pertains to an FAA facility.

**d. Emergency Planning Notification.** Any FAA facility that has chemicals on the extremely hazardous substances (EHS) list above the threshold planning quantity (TPQ) found in 40 CFR Part 355, Appendix A, must send a notification to the State Emergency Response Commission (SERC) and Local Emergency Planning Committee (LEPC) within 60 days after receipt of a shipment and also ensure notification to the LEPC of a facility representative involved in the emergency planning process pursuant EPCRA Section 302. This is a one-time submittal, unless the chemical or product changes (i.e., no longer in use or new chemical or product is acquired).

**e. Hazardous Chemical Inventory Reporting.** FAA facilities must report an annual inventory of their extremely hazardous substances (EHS) and hazardous chemicals in excess of certain quantities by March 1 of each year to their SERC, LEPC, and local fire department pursuant to EPCRA Sections 311-312. Facilities will provide a Tier I or Tier II Hazardous Chemical Inventory Form based on individual state requirements. In addition, FAA facilities must submit a copy of the Material Safety Data Sheet (MSDS) or Safety Data Sheet (SDS) for any hazardous chemicals or EHS exceeding certain quantities to the SERC, LEPC, and local fire department.

**f. Toxic Release Inventory (TRI) Reporting.** FAA facilities that are subject to the EPCRA Section 313 TRI reporting requirements for toxic chemicals must submit TRI reports annually, on or before July 1, for activities in the preceding calendar year to the EPA and state environmental agency pursuant to 40 CFR § 372.85. EPCRA Section 313 establishes requirements for providing the public with important information regarding toxic chemicals in their communities.

**g. Release Notification and Response.** The FAA adheres to the reporting requirements contained in EPA's *National Oil and Hazardous Substance Pollution Contingency Plan* under CERCLA for reporting releases of hazardous substances to the environment. Pursuant to EPCRA, FAA shall notify the LEPC and SERC if any accidental release occurs that exceeds the applicable reportable quantity (RQ) of an EHS (40 CFR Part 355) or a RQ of a CERCLA hazardous substance (40 CFR § 302.4), and the release extends beyond the boundaries of the facility. In addition, pursuant to the relevant statutory authority, FAA shall immediately report the following discharges to the NRC (1-800-424-8802):

(1) Discharges of CERCLA hazardous substances equal to or greater than the reportable quantity (40 CFR § 302.6(a) and 40 CFR Part 117); and

(2) Oil releases (e.g., film or sheen) to water or shoreline, or violation of water quality standards (40 CFR § 117.21).

In some cases, states may have more stringent reporting requirements for releases of oils or other hazardous substances that will apply to FAA facilities.

**h. Pesticides Management.** LOB/SO managers must ensure compliance with the applicable reporting regulations found at 40 CFR Part 171.

**i. Hazardous Waste Report (Biennial Report).** FAA must submit hazardous waste reports to the appropriate EPA Regional Office and/or state environmental compliance officials on a biennial basis for all facilities that are classified as Large Quantity Generator (LQG) of hazardous waste (typically unless otherwise required by the state) as specified in 40 CFR § 262.41.

**j. Exception Reporting.** FAA facilities that do not receive a returned copy of the hazardous waste manifest from the transporter/receiving facility within 45 days from the date it was shipped must file an exception report with the appropriate environmental protection regulatory authority.

**k. Radioactive Materials.** FAA facilities must adhere to all reporting and recordkeeping requirements specified in 10 CFR Part 20 for FAA radioactive materials awaiting disposal.

**l. PCB Management.** FAA facilities should register with EPA any PCB transformers and submit an annual report to EPA by July 15<sup>th</sup> of each year for PCBs and PCB items that were handled as PCB waste at the facility for the previous calendar year as provided in FAA Order 1050.14B, *Polychlorinated Biphenyls (PCBs) in the National Airspace System* (or the most current version of this Order).

## 12. Responsibilities.

**a. The FAA Administrator will:** Retain responsibility for managing the FAA with the assistance of the Deputy Administrator. Ultimately, the FAA Administrator is responsible for all pollution control compliance within the FAA.

**b. All FAA Personnel will:**

(1) Notify supervisors of environmental pollution incidents or situations, which they believe to be in noncompliance. The person in charge of the facility or his or her designated representative must notify the National Response Center, or other appropriate authority, immediately when a noncompliance situation occurs.

(2) Request of their supervisors, as appropriate, the necessary resources to comply with applicable pollution control requirements.

(3) Document compliance efforts appropriately.

**c. Associate and Assistant Administrators or designee will:**

- (1) Notify their organizations under direct line authority of the environmental requirements with which they must comply.
- (2) Ensure sufficient funds and resources for compliance with applicable pollution control statutes are requested in the agency budget.
- (3) Direct funds appropriated and apportioned for the control and abatement of environmental pollution and ensure funds are not used for any other purpose.
- (4) Ensure their offices control and abate environmental pollution at, or from, FAA-owned, -leased, -licensed, or -operated facilities.
- (5) Manage the construction or operation of facilities outside the United States in order to comply with the more stringent environmental pollution control requirements of general applicability of either the U.S. or the host country of jurisdiction.
- (6) Advise, oversee, and, as appropriate, assist their field counterparts to maintain compliance with this Order.
- (7) Establish and implement environmental compliance training specific to the services and offices under their direction so that all personnel involved in environmental compliance activities receive appropriate training.

**d. Regional Administrators will:**

- (1) Designate an official contact on request for selected environmental matters, for example, regional recycling coordinators.
- (2) Cooperate with the EPA, state, tribal, interstate, and local agencies in controlling and abating environmental pollution, as required.

**e. Service Area Directors and Center<sup>1</sup> Directors will:**

- (1) Designate an official contact (Center or Regional Environmental Coordinator) for matters relating to facility environmental pollution control.
- (2) Interact with the EPA, state, tribal, interstate, and local agencies in controlling and abating environmental pollution, as required.
- (3) Provide AEE with information on each notice of violation, associated compliance agreement, administrative Order, consent Order, or equivalent document (regarding the control and abatement of environmental pollution at, or from, an FAA facility) issued by a federal, state, tribal, or interstate agency within 30 days of receiving the document.

**f. The Office of Financial Services (ABA) will:**

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<sup>1</sup> "Center" in this context refers to the aeronautical center and the technical center.

(1) Receive budget requests from LOBs and SOs consistent with processes established by DOT and FAA.

(2) Serve as the central liaison point in the agency for annual budgetary estimates or programmatic matters requiring coordination with or submission to the Office of the Secretary of Transportation (OST), OMB, or Congressional Committees and for integrating environmental funding requirements with other requirements of the Agency.

**g. The Office of the Chief Counsel (AGC) will:**

(1) Provide legal advice to the Administrator and agency employees on pollution control and abatement. The Environmental Law Branch (AGC-620) is responsible for providing counsel and assistance to AEE and other headquarters staff. The Regional and Center Counsel are responsible for providing counsel and assistance to regional and center employees.

(2) Advise agency employees in negotiating compliance agreements, when appropriate.

**h. LOBs and SOs will:**

(1) Develop operational plans and directives as required to implement the FAA facility environmental program.

(2) Identify funds requested for compliance with this Order, and all applicable legal and regulatory requirements, and submit to Financial Services (ABA) as requested to support the annual budget process. This identification of funds will be done in accordance with OMB and DOT guidance.

(3) Prioritize and implement facility environmental training requirements.

(4) Ensure environmental considerations are included in the Life Cycle Management Process including real property (Acquisition Management System (AMS)).

(5) Ensure appropriate environmental guidance is included in all technical and maintenance requirements, Orders, plans, and programs.

(6) Consult on facility environmental implementation matters as needed with all headquarters, regional, and center personnel.

(7) Provide to headquarters management, as needed, reports of progress, potential problems, and trends in facility environmental programs.

(8) Provide to AEE, upon request, data and reports that demonstrate compliance with environmental statutes, regulations, and Orders.

**i. The Office of Environment and Energy (AEE) will:**

(1) Develop policies, programs, procedures, and standards on agency-wide environmental compliance within the framework of applicable environmental laws, regulations, E.O.s, and standards.

(2) Notify the LOBs/SOs of agency-wide requirements.

(3) Evaluate the effectiveness of FAA environmental policies and the directives produced by other organizations to implement the policies.

(4) Serve as the focal point within FAA for guidance relating to FAA environmental management systems, environmental compliance policies, and environmental risk management issues.

(5) Interpret applicable environmental standards and regulations and develop (or participate in developing) new or revised FAA Orders and AMS language, when appropriate.

(6) Conduct programmatic oversight of the facility environmental program throughout the agency.

(7) Evaluate LOB/SO environmental training program(s).

(8) Serve as liaison between the FAA and DOT, EPA, Office of the Federal Environmental Executive, Tribal States, the States and other regulatory or advisory agencies on national environmental program matters and policies.

(9) Serve as chair of the agency-wide Environmental Network, EMS Steering Committee, and the Greening Initiative.

### **13. Personal Liability for Violation of Pollution Control Laws.**

a. If an individual federal employee is a named defendant in a case involving the alleged violation of a pollution control law, the employee is most often named in his or her official capacity. In other words, the employee is named in a case because he or she was taking or not taking actions by virtue of their official authority. These cases typically proceed without risk of personal liability for the individual employee. In some cases, however, a federal employee may be sued in his or her individual capacity for injuries or damages to persons or property. Federal employees who violate environmental laws or who injure or damage the persons or property of others as a result of carelessness may be personally liable for the damage. These cases can be divided into civil and criminal suits. In general, FAA personnel acting within the scope of their official duties are shielded from personal civil liability. However, evidence that any employee had knowledge of a violation of an environmental law and took no corrective action can warrant criminal prosecution. Managers can also be held accountable in a criminal action for knowing acquiescence in a violation by a lower level employee if the manager fails to take steps to correct the violation or to make sure that it is not repeated.

**b. Personal Liability for Injuries or Damages to Persons or Property.** In the event that actions or inactions of a federal employee cause injuries or damage to the person or property of another, the injured party may bring an action to recover the cost of the damage. In such cases, the Department of Justice, acting in defense of the FAA, may substitute the United States for the individual if it determines that the individual was acting within the scope of official duties. An individual exercising official authority to carry out Agency business in accordance with applicable laws, regulations, and Agency policy and guidance normally will be determined to be acting within the scope of official duties.

**c. Civil Liability.** Most environmental laws impose criminal liability for willful or knowing violations. Many federal environmental statutes impose civil penalties for the violation of those statutes or applicable regulations. Some of the statutes, such as the CAA and CWA, provide varying degrees of immunity from civil penalties to individual federal employees. Liability under other statutes is not as clearly established. In general, however, if federal employees have made good faith efforts to understand and comply with applicable environmental laws and regulations and act within the scope of their employment, they likely would not be imposed civil penalties under federal environmental laws.

**d. Criminal Liability.** Evidence that an employee had knowledge of a violation and intentionally took no corrective action may warrant a criminal prosecution of the employee. Environmental statutes that impose criminal liability for violations include the CAA, the CWA, the CERCLA, the RCRA, the TSCA, and the Safe Drinking Water Act. In addition, some environmental statutes authorize criminal sanctions for “negligent” violations, including the CAA and the CWA. (Note: FAA and the U.S. Department of Justice may not provide employees legal advice or representation when employees are sued in their individual capacity in criminal actions).

**e.** Under current laws, managers may similarly face criminal sanctions if the manager knowingly acquiesces in a violation by a lower level employee and fails to take steps to correct a situation or to make sure that it is not repeated. In addition, managers may also face criminal sanctions for “negligent” violations of environmental statutes such as the Clean Air Act or the Clean Water Act.

**f.** Whenever officially notified that a facility is in violation of an applicable pollution control statute, the responsible management official or designee must promptly consult with the regulatory entity and, in coordination with General and/or Regional Counsel, initiate development of a plan to bring the facility into compliance as soon as possible.

**g.** The Regional and Center Counsels are the consultative source for regional and center employees and the Assistant Chief Counsel for the Airports & Environmental Law Division is the consultative source for headquarters employees seeking to understand federal, state, tribal, and local environmental laws and regulations.

**14. Review of FAA Orders and/or Explanatory Guidance.** Before the release and implementation by LOBs/SOs of directives and/or organization-wide explanatory guidance, including training, to implement the requirements of this order, the LOBs/SOs must submit such orders and/or explanatory guidance to AEE for a 30-day review period. If AEE-1 finds the



documentation to be consistent with this Order, then AEE must notify the program office and the program office may adopt and implement the directive or guidance. All FAA LOBs/SOs that have previously issued such directives and guidance must update those documents to be consistent with this Order. This Order supersedes any inconsistent directives and guidance. If it has questions regarding whether a directive and/or organization-wide explanatory guidance needs to be reviewed by AEE, the LOB/SO should consult with AEE and AGC to determine whether a 30-day review is necessary.

## Appendix A. Applicable Directives

**The following directives, or their successors, apply. Always refer to the most updated version of these directives:**

*Note that these are FAA specific Orders and that there may be LOB/SO specific Orders as well.*

DOT Order 4356, *Pollution Prevention and Waste Management Policy*, dated September 5, 2013.

FAA Order 1050.1F, *Environmental Impacts: Policies and Procedures*, dated July 16, 2015.

FAA Order 1050.14B, *Polychlorinated Biphenyls (PCB) in the National Airspace System*, dated November 6, 2012.

FAA Order 1050.15A, *Fuel Storage Tanks at FAA Facilities*, dated April 30, 1997.

FAA Order 1050.18, *Chlorofluorocarbons and Halon Use at FAA Facilities*, dated April 25, 1994.

FAA Order 1050.19B, *Environmental Due Diligence Audits in the Conduct of FAA Real Property Transactions*, dated October 3, 2007.

FAA Order 1050.21A, *Environmental Management Systems (EMS)*, dated August 23, 2013.

FAA Order 1054.1A, *Environmental Network*, dated August 22, 2012.

**Appendix B. Executive Orders**

The following Executive Orders impact pollution control and management at FAA facilities.

| <b>Citation</b>         | <b>Title</b>   |
|-------------------------|--|
| E.O. 11738              | Providing For Administration Of The Clean Air Act And The Federal Water Pollution Control Act With Respect To Federal Contracts, Grants Or Loans |
| E.O. 11990 (as amended) | Protection of Wetlands   |
| E.O. 11991              | Protection and Enhancement of Environmental Quality  |
| E.O. 12088 (as amended) | Federal Compliance With Pollution Control Standards  |
| E.O. 12114              | Environmental Effects Abroad Of Major Federal Actions  |
| E.O. 12146 (as amended) | Management of Federal Legal Resources  |
| E.O. 12580 (as amended) | Superfund Implementation   |
| E.O. 12777 (as amended) | Implementation of section 311 of the Federal Water Pollution Control Act of October 18, 1972, as amended, and the Oil Pollution Act of 1990      |
| E.O. 12898 (as amended) | Federal Actions To Address Environmental Justice In Minority Populations And Low-Income Populations  |
| E.O. 12915              | Federal Implementation Of The North American Agreement On Environmental Cooperation  |
| E.O. 12996              | Management And General Public Use Of The National Wildlife Refuge System   |
| E.O. 13006              | Locating Federal Facilities On Historic Properties In Our Nation's Central Cities  |
| E.O. 13045 (as amended) | Protection of Children From Environmental Health Risks and Safety Risks  |
| E.O. 13132              | Federalism   |
| E.O. 13175              | Consultation and Coordination With Indian Tribal Governments   |
| E.O. 13380              | Implementing Amendments of the Border Environment Cooperation Commission and the North American Development Bank                                 |
| E.O. 13423              | Strengthening Federal Environmental, Energy, and Transportation Management   |
| E.O. 13693              | Planning for Federal Sustainability in the Next Decade   |

## Appendix C. Pollution Control Statutes and Related Regulations

All FAA facilities will be designed, constructed, managed, operated, and maintained so as to conform with the applicable pollution control statutes, including, but not limited to the following. Note that other statutes or regulations may be applicable, and the below list includes only those most commonly referenced. Always refer to the most recent text.

(Refer to <http://www.epa.gov/epahome/laws.htm> for updates.)

1. Archaeological Resources Protection Act (ARPA) 16 USC Sections 470aa-470mm
2. Atomic Energy Act (AEA) 42 USC Sections 2011-2297h-13
  - a. 10 CFR Part 20 – Standards for the Protection Against Radiation
3. Clean Air Act (CAA) 42 USC Sections 7401-7671q
  - a. 40 CFR Part 50 – National Primary & Secondary Ambient Air Quality Standards
  - b. 40 CFR Part 60 – Standards of Performance for New Secondary Sources
  - c. 40 CFR Part 61 – National Emission Standards for Hazardous Air Pollutants
  - d. 40 CFR Part 82 – Protection of Stratospheric Ozone
4. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) 42 USC Sections 9601-9675
  - a. 40 CFR Part 300 – National Contingency Plan
  - b. 40 CFR Part 373 – Notice of Contaminated Property
5. Clean Water Act (CWA) (See the Federal Water Pollution Control Act)
6. Coastal Zone Management Act (CZM) 16 USC Sections 1455-1465
7. Emergency Planning Community Right-To-Know Act (EPCRA) 42 USC Section 11001-11050
  - a. 40 CFR Part 110 – Discharge
  - b. 40 CFR Part 112 – Oil Pollution Prevention
  - c. 40 CFR Part 355 – Emergency Planning & Notification
  - d. 40 CFR Part 370 – Hazardous Chemical Inventory
  - e. 40 CFR Part 372 – Toxics Release Inventory
8. Endangered Species Act (ESA) 16 USC Sections 1531-1544
  - a. 50 CFR Part 17 – Endangered and Threatened Wildlife and Plants
  - b. 50 CFR Part 402 – Interagency Cooperation
9. Federal Facilities Compliance Act (FFCA) 42 USC Section 6961  
40 CFR Part 22 – Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits
10. Federal Insecticide, Fungicide & Rodenticide Act (FIFRA) 7 USC Sections 136-136y

- a. 40 CFR Part 171 – Certification of Pesticide Applicators

**11. Federal Land Policy and Management Act 43 USC Sections 1701-1787**

**12. Federal Water Pollution Control Act (FWPCA) 33 USC Sections 1251-1387**

- a. 40 CFR Part 122 – National Pollutant Discharge Elimination System
- b. 40 CFR Part 403 – General Pretreatment Regulations for Existing and New Sources of Pollution

**13. Fish and Wildlife Coordination Act (FWCA) 16 USC Sections 661-667d**

**14. Hazardous Materials Transportation Act (HMTA) 49 USC Sections 5101-5128**

- e. 49 CFR Parts 117-178 – Hazardous Materials Transportation

**15. Indoor Radon Abatement Act (IRAA) 15 USC Sections 2661-2671**

**16. Lead-Based Paint Exposure Reduction Act (LBP ERA) 42 USC Sections 2681-2692**

**17. Noise Control Act (NCA) 42 USC Sections 4901-4918**

**18. National Environmental Policy Act (NEPA) 42 USC Sections 4321-4370f**

- a. 40 CFR Parts 1500-1508 – Council on Environmental Quality

**19. Oil Pollution Act (OPA), 33 USC Sections 2701-2762**

**20. Pollution Prevention Act (PPA), 42 USC Sections 13101-13109**

**21. Resource Conservation and Recovery Act (RCRA) 42 USC Sections 6901-6992k**

- a. 40 CFR Part 243 – Guidelines for the Storage & Collection of Residential, Commercial & Institutional Solid Waste
- b. 40 CFR Parts 260-279 – Hazardous Waste Management

**22. Safe Drinking Water Act (SDWA) 42 USC Sections 300f-300j-26**

**23. Toxic Substances Control Act (TSCA) 15 USC Sections 2601-2695d**

- a. 40 CFR Part 761 – Polychlorinated Biphenyl (PCBs) Manufacturing, Processing, Distributing in Commerce, and Use Prohibitions
- b. 40 CFR Part 745 – Lead, Identification of Dangerous Levels of Lead