

Department of the Interior Departmental Manual

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Series: Organization

Part 112: Policy, Management and Budget

Chapter 4: Office of Environmental Policy and Compliance

Originating Office: Office of Environmental Policy and Compliance

112 DM 4

4.1 Office of Environmental Policy and Compliance. The OEPC is responsible for providing leadership and program evaluation in implementing the Department of the Interior's (Department) environmental policy. The OEPC provides a coordinated and unified enterprise-wide approach for compliance with the full range of environmental statutes and assists the Department's leadership in responding to environmental issues that affect multiple Bureaus/Offices.

4.2 Program Authorities. Program authorities include, but are not limited to, the following:

A. National Environmental Policy Act of 1969, as amended (NEPA); 40 CFR Part 1500 (Council on Environmental Quality Regulations Implementing the National Environmental Policy Act); and 43 CFR Part 46 (Department of the Interior Regulations Implementing the National Environmental Policy Act).

B. Fixing America's Surface Transportation Act (FAST Act or FAST-41), as amended by the Infrastructure Investment and Jobs Act of 2021.

C. Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA, also known as Superfund), as amended by the Superfund Amendments and Reauthorization Act (SARA) of 1986.

D. Chief Financial Officers Act of 1990; Government Management Reform Act of 1994; Office of Management and Budget (OMB) Circular A-136 (Financial Reporting Requirements).

E. Resource Conservation and Recovery Act (RCRA), as amended by the Hazardous and Solid Waste Amendments Act of 1984.

F. Clean Water Act, as amended by the Oil Pollution Act (OPA); 40 CFR Part 300 (National Oil and Hazardous Substances Pollution Contingency Plan); and Executive Order 12777, as amended.

- G. Safe Drinking Water Act of 1974, as amended.
- H. Pollution Prevention Act of 1990.
- I. Emergency Preparedness and Community Right to Know Act of 1986.
- J. Federal Insecticide, Fungicide, Rodenticide Act, as amended.
- K. Federal Power Act; 43 CFR 45 (Department of the Interior Procedures for Conditions and Prescriptions in Hydropower Licenses).
- L. Energy Policy Act of 2005.
- M. Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988.
- N. Homeland Security Act of 2002.
- O. Homeland Security Presidential Directives 5 and 8.
- P. Executive Order 11988 (Floodplain Management), as amended by Executive Order 13690 (Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input).
- Q. Executive Order 12088 (Federal Compliance with Pollution Control Standards).
- R. Executive Order 12580 (Superfund Implementation), as amended.
- S. Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations).
- T. Executive Order 13985 (Advancing Racial Equity and Support for Underserved Communities Through the Federal Government).
- U. Executive Order 13990 (Protecting Public Health and the Environment and Restoring Science to Tackle the Climate Crisis).
- V. Executive Order 14008 (Tackling the Climate Crisis at Home and Abroad).
- W. Executive Order 14030 (Climate-Related Financial Risk).
- X. Executive Order 14035 (Diversity, Equity, Inclusion, and Accessibility in the Federal Workforce).
- Y. Executive Order 14057 (Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability).

Z. Executive Order 14091 (Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government).

AA. Executive Order 14096 (Revitalizing Our Nation's Commitment to Environmental Justice for All).

BB. Abandoned Hardrock Mine Reclamation as authorized under Section 40704 of the Infrastructure Investment and Jobs Act.

CC. National Response Framework (multiple authorities, including Homeland Security Act of 2002, Pub. L. 107-296, 116 Stat. 2135 (2002), Department of Homeland Security Appropriations Act of 2007, Pub. L. 109-295, 120 Stat. 1355 (2006)).
<https://www.fema.gov/emergency-managers/national-preparedness/frameworks/response>

DD. National Disaster Recovery Framework (multiple authorities, including Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended, 42 U.S.C. 5121 et seq.).
<https://www.fema.gov/emergency-managers/national-preparedness/frameworks/recovery>

4.3 **Functions.** The Office performs the following functions:

A. Provides advice and assistance to the Assistant Secretary – Policy, Management and Budget (AS – PMB) on policies, programs, and activities affecting the human environment, or on related issues affecting multiple Bureaus/Offices; and implementation of NEPA.

B. Serves as the Department's principal contact on NEPA matters to the Council on Environmental Quality (CEQ), the OMB, the Federal Permitting Improvement Steering Council (FPISC), and the Environmental Protection Agency (EPA).

C. Oversees and coordinates the Department's compliance with the FAST-41; determines technical and procedural adequacy of implementing procedures, and project compliance of covered infrastructure projects; coordinates and prepares required reports; represents the Department on the FPISC as the Interior Chief Environmental Review Permitting Officer; conducts ongoing evaluations of compliance; and identifies problems, recommends solutions and implements changes for improving the environmental review and permitting of infrastructure projects.

D. Coordinates Departmental activities on environmental quality matters with other Federal agencies.

E. Oversees and coordinates the Department's NEPA compliance program. This includes developing policy, technical, and procedural guidance; providing technical assistance; determining technical and procedural adequacy of certain environmental documents (see 516 DM 3); supporting the AS – PMB in resolving intra-Departmental differences involving more than one program Assistant Secretary and interagency differences; conducting ongoing

compliance evaluations; and identifying problems, recommending solutions and implementing changes to improve the Department's NEPA compliance programs.

F. Implements and coordinates the Department's environmental review of non-Interior proposals, such as regulations, applications, plans, reports, and environmental documents, that affect the interests of the Department, and ensures that regions have programs and procedures for conducting reviews. The OEPC provides Departmental leadership with information on non-Department proposals to make informed recommendations thereon. This includes establishing interagency coordination procedures; notifying leadership of intra-Departmental differences that involve more than one program Assistant Secretary and interagency differences; preparing and recommending Departmental positions for proposals; conducting ongoing evaluations of review effectiveness; and identifying problems and recommending solutions.

G. Provides leadership and coordinates policy, guidelines, and integration efforts related to the Department's Environmental Justice programs and activities. Serves as the Department's principal contact on environmental justice matters to the CEQ. Leads internal Departmental coordination, including co-chairing the Department's Environmental Justice Steering Committee, and represents the Department on external working groups and interagency coordination related to environmental justice.

H. Oversees Departmental compliance with applicable Federal, state, and local environmental laws, directives, and requirements for pollution prevention and control, and ensures that Bureaus and Offices have compliance programs and procedures.

I. Provides support and coordinates the Department's implementation of Executive Order 14057 (Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability). Leads implementation of the Department-level Environmental Management Systems.

J. Provides leadership, coordinates, and promotes consistency in carrying out the Department's roles and responsibilities for oil spill response under the National Oil and Hazardous Substances Pollution Contingency Plan and OPA, and hazardous substance release under CERCLA.

K. Provides national level leadership, and coordinates and promotes consistency in carrying out the Department's roles and responsibilities for integrating federal assets and capabilities to help state and tribal governments and communities address environmental and cultural recovery needs during and after a disaster.

L. Chairs the Department's Environmental Safeguards Group (ESG) that coordinates implementation of the Department's Environmental Safeguards Plan for All-Hazards Emergencies (DOI ES Plan).

M. Provides expertise to the Office of Restoration and Damage Assessment on coordination between National Resource Damage Assessment and Restoration and OEPC Programs (including tracking time required for NEPA and other environmental compliance

requirements for restoration) and Inland Oil Spill Preparedness Program policy and allocation funding.

N. Participates on the Department's Emergency Management Council (EMC). Serves as the Department's lead office for the EMC's involvement in Emergency Support Function (ESF) #10 – Oil and Hazardous Materials Response and the U.S. Governmental lead for ESF #11 –Protection of Natural and Cultural Resources and Historic Properties, pursuant to the National Response Framework. Serves as the Department's lead office for the Natural and Cultural Resources Recovery Support Function (NCR RSF) pursuant to the National Disaster Recovery Framework.

O. Coordinates reviews, ensures consistency, and issues policy and guidance in all aspects of the Department's involvement with contaminated sites under CERCLA and RCRA. This includes, but is not limited to, the following: maintaining a comprehensive inventory of contaminated sites; tracking Bureau/Office cleanup activities; providing a centralized methodology for the prioritization of contaminated sites across Bureaus/Offices; providing recommendations and guidance on site characterization and cleanup selection; reviewing and commenting on Bureau/Office hazardous materials and CERCLA response budgets; and monitoring the implementation of Bureau/Office environmental site assessments prior to the acquisition of an interest in lands.

P. Manages the Central Hazardous Materials Fund (CHF) Program and chairs the Department's Technical Review Committee (TRC). The TRC makes recommendations to the Director, OEPC, on allocation of funds for the cleanup of CERCLA sites from the CHF.

Q. Provides leadership, oversight, and guidance on the Department's environmental and disposal liabilities (EDLs). Chairs the EDL Work Group and manages the Environmental Management Information System that is used to record the Department's EDLs.

R. Chairs the committee to select the annual Environmental Achievement Awards.

S. Leads the Department's Integrated Pest Management (IPM) Committee/Council, which provides guidance to Bureaus/Offices on IPM as authorized by the Federal Insecticide, Fungicide, and Rodenticide Act.

T. Recommends, and, in certain cases, trains personnel responsible for preparing and reviewing environmental and related documents and ensuring compliance with environmental laws, directives and standards.

U. Provides oversight for Departmental programs affecting environmental quality, identifying problems, and recommending solutions.

V. Represents the Department on the Recovery Support Function Leadership Group (RSFLG), which is chaired by the Federal Emergency Management Agency.

W. Represents the Department on the National Response Team, which is co-chaired by the U.S. Coast Guard and the Environmental Protection Agency.

X. Provides oversight and management of the Abandoned Hardrock Mine Reclamation (AHMR) Program. This includes implementation of the grant program and funds management as well as coordination with States, Tribes, and Bureaus. Represents the Department in the Federal Mining Dialogue and similar multi-agency organizations.

4.4 **Organization.** The OEPC is led by a Director who reports to the Deputy Assistant Secretary - Policy and Environmental Management. The Director carries out the functions of the OEPC with assistance from a Deputy Director and headquarters and regional staff (see attached organization chart).

A. Headquarters Staff. The headquarters staff includes interdisciplinary divisions. Each Division Chief reports to the Director. The interdisciplinary divisions are:

- (1) National Environmental Policy Act and Environmental Coordination;
- (2) Environmental Compliance and Cleanup;
- (3) Environmental Response and Recovery.

B. Regional Staff. Each regional office is headed by a Regional Environmental Officer who reports to the Deputy Director. Regional office staff carry out the OEPC's responsibilities at the regional level. The Regional Environmental Officers work closely with regional and state bureau leadership, including the Field Special Assistants, Regional Executive Committee members and staff, as needed, on matters of regional significance such as major projects, programs, or events (e.g., disasters). The regional environmental offices are located within their respective geographic areas of responsibility and support DOI Unified Regions (URs) as follows:

- (1) Boston, Massachusetts – Northeast United States (US); UR 1;
- (2) Philadelphia, Pennsylvania – Mid-Atlantic US; UR 3;
- (3) Atlanta, Georgia – Southeast US; UR 2;
- (4) Albuquerque, New Mexico – Southwest US; URs 4 and 6;
- (5) Denver, Colorado – West and Midwest US; URs 5 and 7;
- (6) Sacramento, California – Pacific Southwest US; URs 8, 10, and 12;
- (7) Portland, Oregon – Pacific Northwest US; UR 9;
- (8) Anchorage, Alaska – the State of Alaska; UR 11.

Office of Environmental Policy and Compliance

