

## **ENVIRONMENTAL MANAGEMENT PROGRAM STANDARDS**

### **PURPOSE**

These standards define NPS minimum requirements for concessioner Environmental Management Programs (EMPs) in accordance with NPS policy. The EMP is the management system the concessioner develops and implements to address the environmental management aspects of its operations. Concessioners are independently responsible for developing and implementing an EMP of adequate scope and content to comply with all Applicable Laws and to provide for the protection of the environment, irrespective of these EMP standards.

### **AUTHORITIES**

NPS Management Policies (10.2.4.10) states that concessioners are required to meet environmental compliance objectives by complying with all applicable laws pertaining to environmental health and safety and implementing environmental best management practices in all areas of the concession operation. Management Policies also state that Concessioners are required by contract to develop document, implement and comply with an EMP that is (1) appropriate to the nature and size of the operation, (2) accounts for the activities with potential environmental impacts conducted by the concessioner or to which the concessioner contributes, (3) updated at least annually, and (4) accepted by the superintendent.

EMP requirements are further defined in the Standard Concession Contract (Section 6 for Category I and II contracts, and Section 4 and Addendum 4 for Category III contracts). The NPS requires that this program is documented for Category I and II contracts, and defines nine specific areas that must be covered in the written document. The EMP is not required to be documented for Category III concession contracts unless specified as a unique contract requirement. Concessioners operating under a Category III contract are, however, still required to have a 'program' in place, even if undocumented, to manage its operations and meet their contractually stated environmental objectives.

### **STANDARDS DEVELOPMENT AND UPDATE**

The standards were developed in consideration of Applicable Laws, industry environmental management standards (such as ISO 14001), NPS environmental policy and guidance, and concessioner environmental management practices. These standards will be periodically reviewed and may be revised to reflect changes in Applicable Laws, industry practices, or to provide program improvements.

### **EMP STANDARDS**

The EMP standards defined by the NPS consist of the requirements associated with eight elements, identified in Table 1 below (many, but not all, directly correspond to the EMP areas defined in Section 6 of the concession contract). While the EMP must address each of these elements, it should be specific to, and adequately address, the type and size of services the concessioner provides under its concession contract with the NPS. The EMP can, and should be, simple and flexible to ensure it is fully embraced and implemented by the concessioner's management and staff. More complex operations and services, or additional park requirements to address specific environmental impacts or activities, may warrant a more detailed program with additional elements or sub-elements than those defined through the NPS standards. Category III contracts may not be contractually required to meet some of the elements and standards, unless they are uniquely identified for that particular contract. The elements and/or standards that do not generally apply to Category III contracts are identified with a '#' symbol.

**Table 1 – NPS Concession EMP Elements**

1	Environmental Management Program Scope	5	Communications
2	Responsibility and Accountability	6	Reporting
3	Training	7	Monitoring, Measurement, and Corrective Action
4	Documentation and Operational Controls	8	Other Contract Requirements

**EMP Element 1 –Environmental Management Program Scope**

The concessioner establishes and maintains an EMP appropriate for the activities, size, and complexity of the operation.

Standards:

- 1.1 The concessioner’s EMP scope (whether documented or undocumented) covers the environmental objectives and environmental management aspects applicable to the operation including:
  - legal requirements (Applicable Laws), contract requirements (including requirements contained in Exhibits), and environmental best management practices
  - facilities and operations
  - natural and cultural resources
  
- 1.2# The EMP is documented.
  
- 1.3# The EMP establishes the concessioner’s environmental policy. The policy indicates commitment to:
  - compliance with Applicable Laws
  - protecting and conserving park resources and human health
  - assigning responsibilities
  - providing staff and resources
  - monitoring performance

**EMP Element 2 – Responsibility and Accountability**

The concessioner must establish the organizational structure, personnel roles and responsibilities, and resources needed to effectively implement the EMP.

Standards:

- 2.1# The concessioner must identify an environmental officer and/or program manager and document this assignment in the EMP. The environmental officer must meet the contract specified qualifications and requirements defined in the documented EMP.
  
- 2.2 The concessioner determines management and staff responsibilities as necessary to effectively manage environmental activities, and describes this structure and these assignments in the documented EMP (if applicable).
  
- 2.3 EMP resources are developed, documented in the EMP (if applicable), and applied; resources are adequate to execute the program. Resources include:
  - personnel (e.g., number of staff, experience and skills)
  - facilities and equipment
  - information, documentation, and data management systems
  - agreements for support from outside contractors and agencies

- training programs for concession personnel

### **EMP Element 3 – Training**

Personnel must be competent to perform the tasks assigned to implement the EMP.

Standards:

- 3.1 Managers and staff with environmental management responsibilities meet qualification requirements defined in the contract and documented EMP (if applicable). Competency requirements are defined by appropriate education, training, and experience.
- 3.2 A training plan is developed, documented in the EMP (if applicable), and executed; and includes:
  - Defined training requirements for the environmental officer and other personnel, including requirements to meet Applicable Laws, the contract, and the EMP.
  - Required training records, such as training materials, schedules, and participant records.
- 3.3 The concessioner has conducted and documented all training.

### **EMP Element 4 – Documentation and Operational Controls**

The concessioner must establish and maintain plans and procedures to manage operations and emergencies associated with its EMP. The number and complexity of these plans and procedures will depend on the size and complexity of the concessions operation. Some plans and procedures may be required by Applicable Law or the contract.

Standards:

- 4.1 EMP plans and standard operating procedures are developed, implemented, maintained, and included or referenced in the documented EMP (if applicable). These procedures address requirements in Applicable Laws, the contract, and the EMP to ensure protection of human health and the environment. Some plans and procedures may overlap with those in the RMP. Examples of operating procedures include:
  - Procedures for the storage and handling of chemicals
  - Procedures for the management and maintenance of fuel
  - Procedures for pesticide use
  - Procedures for hazardous and solid waste disposal
  - Procedures for weed and pest management
  - Procedures for the protection of cultural and archeological resources
- 4.2 EMP emergency plans and procedures for environmental management are developed, documented (if applicable), implemented, maintained, and included or referenced in the documented EMP (if applicable). These plans and procedures address requirements in Applicable Laws, the contract, and the EMP. Some plans and procedures may overlap with those in the RMP. Emergencies to be addressed include:
  - Hazardous substance spill response
  - Leaks from fuel storage tanks or other chemical storage areas
  - Storm water contamination

### **EMP Element 5 – Communication**

The EMP must be effectively communicated internally to concessioner employees and externally to park personnel, visitors and to other parties involved in the EMP.

Standards:

- 5.1 The EMP is available to staff (if applicable), and communicated throughout the concession organization so that personnel understand and can effectively implement the EMP.
- 5.2 The EMP addresses procedures for communicating environmental controls and initiatives to visitors. These may include:
  - Handling hazardous materials (e.g., fuel)
  - Handling waste (e.g., trash)
  - Natural resource or cultural resource impacts
  - Pest management (e.g., notification of pests if observed)
- 5.3 The concessioner's environmental emergency plans are coordinated and agreements in place with other applicable parties such as the NPS, other federal, state, or local environmental agencies.

### **EMP Element 6 – Reporting**

The concessioner must develop and implement procedures for reporting internally within the concession organization, and externally to the park and regulatory agencies.

Standards:

- 6.1 All documents, reports, monitoring data, manifests, notices and other documentation required to be submitted to regulatory agencies are submitted on time and in accordance with Applicable Laws. Copies of such communications are provided to the NPS in accordance with the contract. Additional plans, reports, and other documentation are submitted to the NPS in accordance with the contract and documented EMP (if applicable). These may include inventories of hazardous substance and waste streams.
- 6.2 Notices of any discharges, release or threatened release of hazardous or toxic substance, material or waste are reported in a timely manner to the NPS in accordance with the contract.
- 6.3 Any written, threatened or actual notices of violation of Applicable Law from any environmental regulatory agency are reported in a timely manner to the NPS in accordance with the contract.
- 6.4 The NPS is provided timely written advance notice of, and the opportunity to participate in, communications with regulatory agencies regarding the concessioner's environmental activities in accordance with the concession contract.

### **EMP Element 7 – Monitoring, Measurement and Corrective Action**

Concessioners must develop and implement inspection processes to identify environmental management issues and correct deficiencies identified through such inspections. Concessioners effectively respond to environmental incidents. Concessioners must develop and implement management review procedures to improve EMP performance over time.

Standards:

- 7.1 Environmental inspections are completed as required by Applicable Law, the contract, the documented EMP (if applicable), or as otherwise necessary to effectively manage environmental activities.
- 7.2 Environmental deficiencies identified by internal or external inspections (e.g., NPS concession environmental audits, etc.) are analyzed, corrected, or mitigated within the timeframes designated by Applicable Law, the contract, documented EMP (if applicable), or inspection report. Any deviations from these timeframes are accepted by the park and documented.

7.3 Environmental incidents are responded to in a timely and effective manner to stop, contain, and remediate the incident. Investigations are conducted, and corrective actions are taken to prevent recurrences to the satisfaction of the NPS in accordance with the contract, EMP, and relevant regulations and NPS policies.

7.4# The EMP is reviewed at least annually, and updated as necessary.

- The EMP review includes analysis of performance in each EMP element area to determine any systemic program failures (particularly failures that resulted in serious incidents of inspection deficiencies), and non-compliance with Applicable Laws.
- Systemic problems are addressed in EMP updates.

7.5# The initial EMP is submitted to the park within the contract specified timeframe for review, and is accepted by the park. Any subsequent documented EMP updates are submitted to the park for review and acceptance.

### **EMP Element 8 – Other Contract Requirements**

In addition to the requirements outlined for other EMP elements, the concession contract may have additional environmental requirements in the contract, operating, or maintenance plans that are *de facto* standards.

10.1 Contract-specific environmental requirements not otherwise addressed in the EMP standards are met.

### **DEFINITIONS**

**Applicable Laws:** The laws of Congress governing the area, including, but not limited to, the rules, regulations, requirements and policies promulgated under those laws (e.g., 36 CFR Part 51), whether now in force, or amended, enacted or promulgated in the future, including, without limitation, Federal, state and local laws, rules, regulations, requirements and policies governing nondiscrimination, protection of the environment and protection of public health and safety.

**Concession Contract:** A binding written agreement between the NPS Director and a concessioner entered into under 36 CFR 51. It authorizes concessioners to provide certain visitor services within a park under specified terms and conditions.

**Emergency Action Plan (EAP):** Covers designated actions employers and employees must take to ensure employee safety from emergencies. Emergencies include hazardous substance spills or releases, especially if the park directs the concessioner not to clean up large (non-incident) hazardous substance spills or releases.

**Environmental Management Program (EMP):** Program that achieves the Standard Concession Contract Environmental Management Objectives of (1) complying with all applicable laws pertaining to the protection of human health and the environment and (2) incorporating best management practices in a concessioner's operation, construction, maintenance, acquisition, provision of visitor services, and other activities under a concession contract. The EMP should be developed, documented, implemented, and complied fully with by a concessioner to account for all activities with potential environmental impacts conducted by the concessioner or to which the concessioner contributes.

**Standard Operating Procedure (SOP):** Procedures used to carry out a specific activity or operation. SOPs are usually documented and filed or posted in a readily accessible location for employee review.

**Sustainability:** Sustainability of operations refers to operations that have a restorative or net positive impact on the environment.

**United States Environmental Protection Agency (EPA):** Federal agency responsible for developing and overseeing many environmental regulations at the Federal level.

**RESOURCES** (available soon on SharePoint)

For more detailed guidance on the Environmental Management Program, please refer to the following:

RM 48 Chapter 5: Contract Management

RM 48 Chapter 6: Concession Review Program

EMP Guidance

EMP example