



**Naval Facilities Engineering Command
Washington, DC 20374-5065**

**Final
Environmental Restoration Program
Recordkeeping Manual
February 2017**

Approved for public release; distribution is unlimited

Preface

Welcome to the world of Recordkeeping in the Department of the Navy Environmental Restoration Program (DON ERP)! The Naval Facilities Engineering Command (NAVFAC) developed the Naval Installation Restoration Information Solution (NIRIS) to consistently manage and maintain Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Administrative Record Files (AR), Post Decision Files (PF), Site Files (SF) and Petroleum, Oil, and Lubricant (POL) Files throughout NAVFAC Commands.

NIRIS users include Records Managers, Remedial Project Managers (RPMs) and their contractors. All NIRIS users apply for and are granted access rights based on their specific needs. In NIRIS, this is called *provisioning*. Contractor support for the continued development and maintenance of NIRIS is provided by Mijara Corporation. Regional Database Managers assist Environmental Records Managers with document management and processing for inclusion in NIRIS.

This document is specifically designed for Records Managers and contractors who process and manage paper and electronic versions of DON ERP AR, PF, and SF in NIRIS.

This document supersedes

- Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) Environmental Restoration Program Recordkeeping Manual, September 2009
- Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) Administrative Records Management System (ARMS) User's Guide, NFESC UG-2024-ENV, September 1997

PURPOSE

The purpose of this Manual is to:

1. Define Administrative Record Files, Post Decision Files, Site Files and Petroleum, Oil and Lubricant (POL) Files;
2. Provide a list of typical documents suitable for inclusion in each file;
3. Define Records Management roles and responsibilities;
4. Explain and provide guidance on DON and United States (U.S.) Environmental Protection Agency (EPA) policy and guidance related to the files;
5. Provide guidance on how to compile, maintain and store the files;
6. Provide directions on how to create approved NIRIS-ready electronic documents;
7. Provide directions on how to adapt existing electronic documents for uploading to NIRIS; and

8. Provide directions on how to prepare and scan paper or other media for conversion to approved NIRIS-ready electronic documents for uploading to NIRIS.

APPLICABILITY

DON ERP recordkeeping in NIRIS applies to:

- DON installations that are being cleaned up under CERCLA requirements, including Munitions Response Sites;
- DON Base Realignment and Closure (BRAC) installations;
- DON installations which have moved from the RCRA cleanup program to the CERCLA cleanup program; and
- DON installations being cleaned up under RCRA or POL requirements which have been or are funded by ER,N and ER,N II

DON Installations which do not have an Environmental Restoration Program will not be included the NIRIS database.

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CERCLA Authority

The legal requirements for maintaining DON ERP records are found in the authorities listed below. Appendix A provides links to laws, policy, and guidance on maintaining Administrative Record Files, Post Decision Files, and Site Files.

The Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) of 1980, Section 113(k) (42 USC Section 9613(k) [2001]) requires the President of the United States to establish an Administrative Record File upon which the President shall base the selection of environmental response actions.

Executive Order 12580, dated 23 Jan. 1987, passed CERCLA environmental restoration cleanup program responsibilities to the Department of Defense (DoD). DoD delegated CERCLA responsibilities to all the Armed Services. DON delegated the execution responsibility to the Naval Facilities Engineering Command.

MEMORANDUM: Revised Guidance on Compiling Administrative Records for CERCLA Response Actions, 20 September 2010
<http://www.epa.gov/compliance/resources/policies/cleanup/superfund/admin-record-mem-rev.pdf>

National Contingency Plan (NCP) 40 CFR Part 300, Subpart I, Development and Maintenance of the Administrative Record, U.S.C. S9601, 15 September 1994
http://www.access.gpo.gov/nara/cfr/waisidx_00/40cfr300_00.html

The Superfund Amendments and Reauthorization Act (SARA) of 1986 brought all federal facilities under the CERCLA program. SARA requires DoD to follow U. S. EPA, Office of Solid Waste and Emergency Response (OSWER) Directive 9833.3A-1 , Final Guidance on Administrative Records for Selecting CERCLA Response Actions, 3 December 1990. OSWER directs the establishment of an Administrative Record File, Post Decision File and Site File.

Glossary

EPA Environmental Terms Glossary, Abbreviations, and Acronyms

<http://www.epa.gov/OCEPATERMS/>

NARA Records and Information Management Definitions

<https://www.archives.gov/records-mgmt/rm-glossary-of-terms.pdf>

Accession

Transfer of the legal and physical custody of permanent records from an agency to NARA

Appraisal

The National Archives and Records Administration (NARA) process of determining the value and final disposition of records by designating them temporary or permanent. Most Navy and USMC records have a disposition schedule which can be found in SECNAV M5210.1

Archives and Records Centers Information System (ARCIS)

The web based IT system of NARA's Federal Records Centers (FRCs) of the. The system is the online portal for doing business with the FRCs

Batch Update

Performing a particular operation automatically on a group of records all at once rather than manually opening, editing and saving one file at a time. For example, applying or lifting a litigation hold or record freeze to an installation's records or FRC Transfer Numbers would be a batch update

Block

A group of records having the same disposition authority and same disposition date. For electronic records, a grouping of similar data dealt with as a unit by the computer for input or output.

Contingent Records

Temporary records whose disposition is determined by a future event such as the closeout of a cleanup site

Custody

Guardianship or control of records, including both physical possession (physical custody) and legal responsibility (legal custody)

Disposal Schedule (See Records Schedule)

Disposition

Actions taken regarding records no longer needed for current Government business. These actions include:

- Transfer of records to a Federal Records Center
- Transfer of records from one Federal agency to another
- Transfer of permanent records to the NARA
- Disposal of temporary records or donation of government records

Disposition Authority

NARA approval to transfer permanent records or carry out disposition of temporary records

Documentary Material

A collective term for records and non-record materials that refers to all media on which information is recorded, regardless of the nature of the medium or the method or circumstances of recording (36 CFR Section 1220.14)

Federal Records Center (FRC)

A National Archives and Records Administration (NARA) administered facility which stores federal government temporary records.

Federal Records Repository

The National Archives and Records Administration (NARA) or a Federal Records Center

File Plan

A structure developed to organize records. It provides an identifying number, title or description, and disposition authority of the files held in the office. A file plan helps Navy and Marine Corps personnel select categories in which records are filed. It also allows personnel to add, edit, and delete file categories or file folders as needed to best capture their records. Within the DON, the Standard Subject Identification Code (SSIC) provides the categories for organizational file plans.

Frozen records

Temporary records that cannot be destroyed in accordance with their approved disposition schedule. Special circumstances, such as a court order or an investigation, may require a temporary extension of the approved retention period. Such records then become "frozen".

General Records Schedule (GRS)

NARA-issued general disposition schedule covering records common to federal government agencies

Life Cycle of Records

The concept that records pass through three stages: creation, maintenance and use, and disposition.

Litigation

Refers to any legal action. If there is ongoing litigation, Counsel's office may periodically issue litigation holds or moratoriums on destruction of certain records (see Records Hold), because they believe the records may be potentially responsive or helpful in ongoing or pending litigation (lawsuits).

Non-current records

Records no longer required to conduct Command business

Non-record materials

Informational material maintained by the agency but not meeting the legal definition of a record as contained in 44 U.S.C. 3301. Such material may include extra copies of documents kept for convenience; reference stocks of publications; and library or museum materials intended solely for reference or exhibition (see definition at Records).

National Archives and Records Administration (NARA)

The independent agency that oversees management of Federal Government records including presidential libraries and historic collections

Permanent records

Records that NARA appraises as having sufficient value to warrant continued preservation by the Federal Government as part of the National Archives of the United States. Most environmental records are not permanent

Personal Papers

Personal papers are documentary materials, or any portion that can be separated, of a private or nonpublic nature that do not relate to, or have effect upon, the conduct of DON business. Examples of personal papers include the following:

- Materials accumulated by an official before joining Government service that are not used subsequently in the transaction of Government business
- Materials relating solely to an individual's private affairs, such as outside business pursuits, professional affiliations, or private political associations that do not relate to agency business
- Diaries, journals, personal correspondence or other personal notes that are not prepared or used for, or circulated or communicated in the course of, transacting Government business

- Personal papers are excluded from the definition of federal records, and are not owned by the Government, and should be kept separately from a command or activity's official records.

Record

As defined by 44 U.S.C. 3301, all books, papers, maps, photographs, machine readable materials, or other documentary material regardless of physical form or characteristics, made or received by an agency of the United States Government under federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successors as evidence of the organizations functions, policies decisions, procedures, operations, or other activities of the Government or because of the informational value of data in them.

Records Center

A NARA-approved facility for the low-cost storage and servicing of records pending their disposal or transfer to NARA. Includes commercial records storage, NARA authorized agency records centers and NARA operated Federal Records Centers.

Records Management

Records management means the planning, controlling, directing, organizing, training, promoting, and other managerial activities involved with respect to records creation, records maintenance and use, and records disposition in order to achieve adequate and proper documentation of the policies and transactions of the Federal Government and effective and economical management of agency operations. (44 USC, Section 2901)

44 U.S.C., Section 3301 provides the legal definition of a record as:

- All books, papers, maps, photographs, machine readable materials, or other documentary materials, regardless of physical form or characteristics,
- Made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business, and
- Preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the information value of data in them

Records Hold

A litigation hold, also known as a "preservation order" or "hold order" is a temporary suspension of a Command's document retention destruction policies for the documents that may be relevant to a lawsuit or that are reasonably anticipated to be relevant. A litigation hold ensures that the documents in the Command's physical custody relating to the litigation are not destroyed and are available for the discovery process prior to litigation

Records Freeze (frozen records)

Records whose scheduled disposition has been temporarily suspended because of special circumstances that alter the administrative, legal, or fiscal value of the records.

A "freeze" is created when a records officer receives a hold notice for records not in their physical custody but in the custody of an FRC. The records officer asks NARA to create a freeze to halt premature disposition of the affected records. Since most litigations deal with relatively current agency activity, the number of record freezes is significantly smaller than the number of record holds because the Command has physical and legal custody of most records affected by holds.

Commands receive notice of a legal requirement to preserve and collect official records in their custody from the Secretary of the Navy, respective Navy or Marine Corps Records Manager, or directly from the local command Records Officer. Notice of an official record freeze or record hold requires you to:

- Identify records in your custody
- Preserve records to avoid accidental destruction

Records life-cycle

The three records stages: creation, maintenance and use, and disposition

Records Schedule

A "records schedule" identifies records as either temporary or permanent. All records schedules must be approved by NARA. It provides mandatory instructions for the disposition of the records (including the transfer of permanent records and disposal of temporary records) when they are no longer needed by the agency. As part of the ongoing records life cycle, disposition should occur in the normal course of agency business. Also called records disposition schedule, records control schedule, or schedule

Record Series

The basic unit for organizing and controlling records. It represents a group, or category, of records or files that are kept together because they relate to a particular subject or function, result from the same activity, document a specific type of transaction, or have some other relationship. A series is a block of records having the same disposition authority and same disposition date

Retention period

The length of time that records are to be kept prior to disposal. SECNAV M 5210.1 contains disposition schedules

Retirement

Transfer of records to a Federal Records Center or NARA

Scheduled Records

Records whose final disposition has been approved by the NARA

Series - See Record Series

Slip Sheet – Informational paper placed in a document in lieu of sensitive visual representations or information

Standard Form 115 (SF-115)

Request for Records Disposition Authority. The form used to create a news series for unscheduled records. This Form is used by NAVFAC Headquarters to create new records series.

Standard Form 135 (SF-135)

Records Transmittal and Receipt. The form used to transfer records to a Federal Records Center. SF-135 requires FRC approval and transfer number. This form is used by all NAVFAC Commands to transfer records to the FRC

Standard Form 258 (SF-258)

Agreement to Transfer Records to the National Archives. The form used to transfer legal custody of permanent records to the NARA. This form is rarely used because NAVFAC environmental records are not permanent

Temporary records

Records that NARA approves for either immediate disposal or for disposal after a specified time or event

Transfer

Transfer refers to moving records into the physical custody of a NARA Federal Records Center. The transferring agency retains the legal custody of transferred records until final disposition

Unscheduled records

Records whose disposition has not been approved by NARA via an approved SF-115. Very few NAVFAC environmental records are unscheduled.

Vital Records

Essential agency records that are needed to meet operational responsibilities under national security emergencies or other emergency or disaster conditions (emergency operating records) or to protect the legal and financial rights of the government and those affected by government activities (legal and financial rights records). (36 CFR Section 1220.14)

Working Files

Documents such as rough notes, calculations, or drafts assembled or created and used in the preparation or analysis of other documentary materials are working files. In most cases, working files are not considered a record. They are considered records when the information contained in them is essential to understanding the primary record, or are key to the decisions that produced the record. If considered records, working files must be stored within the corresponding folder within your command or activity records management system. If in doubt whether a document or other material from a working file meets the definition of a record, assume that it does and manage it as a federal record. Information on the retention and disposition of working files can be found in SECNAV M-5210.1.

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Acronyms

AR	Administrative Record File
ARAR	applicable or relevant and appropriate requirement
ARCIS	Archives and Records Centers Information System
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CFR	Code of Federal Regulations
DD	Decision Document
DON	Department of the Navy
EDMS	Electronic Document Management System
EPA	Environmental Protection Agency
ESD	Explanation of Significant Differences
FOIA	Freedom of Information Act
FRC	Federal Records Center
GRS	General Records Schedule
NARA	National Archives and Records Administration
NAVFAC	Naval Facilities Engineering Command
NIRIS	Naval Installation Restoration Information Solution
OLEM	Office of Land and Emergency Management
OSWER	Office of Solid Waste and Emergency Response
PF	Post Decision File
POL	Petroleum, Oil, or Lubricants
RAB	Restoration Advisory Board
ROD	Record of Decision
RPM	Remedial Project Manager
SECNAV	Secretary of the Navy
SSIC	Standard Subject Identification Code
SF	Site File / Standard Form
U.S.	United States