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THE ENVIRONMENTAL RESTORATION PROGRAM

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This publication implements Air Force Policy Directive (AFPD) 32-70, *Environmental Quality*, and provides guidance and procedures for executing the Air Force (AF) Environmental Restoration Program (ERP) within the United States. This Instruction applies to operations, activities, and installations of the United States Air Force (USAF), which includes the Active Air Force, Air Force Reserve, and Air National Guard (ANG). (For the purposes of this Instruction, reference to active installations includes Air Force Reserve installations.) The Instruction also applies to activities at government-owned, contractor-operated facilities and activities at third-party sites (TPS) where environmental restoration activities are managed by the USAF. The requirements in this Instruction apply to all ERP activities, regardless of when the contamination was released or the legal authority driving the activity. New provisions in this Instruction do not have retroactive application unless otherwise specifically provided. The ERP adheres to the requirements of the Defense Environmental Restoration Program (DERP) as outlined in Department of Defense Instruction (DODI) 4715.7, *Defense Environmental Restoration Program (DERP)*. Additional guidance for the DERP is provided in Department of Defense Manual (DODM) 4715.20, *Defense Environmental Restoration Program (DERP) Management*. This Instruction may be supplemented at any level, but all supplements that directly implement this publication are routed to Headquarters, United States Air Force, Deputy Chief of Staff for Logistics, Engineering & Force Protection - Directorate of Civil Engineers - Energy and Environment Division (HQ USAF/A4CE) for coordination prior to certification and approval. Refer recommended changes and questions about this publication to the Office of Primary Responsibility (OPR) using the AF Form 847, *Recommendation for Change of Publication*; route

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SUMMARY OF CHANGES

This interim change (IC) contains revisions to: (1) update compliance statements and tier waiver authorities; (2) update office symbols and titles and dates of referenced publications; (3) add responsibilities to track and report efforts associated with public health assessments in paragraphs 8.4.1.1. and 8.4.1.2.; (4) add steps to consider, select, coordinate, manage, and review Interim Risk Management activities in paragraph 14.6.1. (and subparagraphs); (5) correct the characterization of "re-opened sites" in paragraph 17.4.; (6) add reference to an Office of the Secretary of Defense (OSD) memorandum in paragraph 4.3.1 that supports documenting environmental liabilities; and (7) make general administrative adjustments.

Chapter 1— PROGRAM SCOPE **7**

1.1. Environmental Restoration Program (ERP)..... 7

1.2. ERP Categories..... 7

1.3. Former Air Force Properties..... 8

1.4. Legal Authorities..... 9

Chapter 2— PROGRAM OBJECTIVES **13**

2.1. Mission..... 13

2.2. Operating Principles..... 13

2.3. Policy..... 14

2.4. Objectives..... 14

2.5. Goals and Metrics..... 15

Chapter 3— ROLES AND RESPONSIBILITIES **16**

3.1. Assistant Secretary of the Air Force for Installations, Environment and Energy (SAF/IE)..... 16

3.2. Deputy Assistant Secretary of the Air Force (Environment, Safety, and Infrastructure) (SAF/IEE). 16

3.3. Deputy Assistant Secretary of the Air Force (Installations) (SAF/IEI). 16

3.4. Air Force Office of General Counsel (Installations, Energy and Environment Division) (SAF/GCN). 16

3.5. Public Affairs 16

3.6. Headquarters, United States Air Force, Deputy Chief of Staff for Logistics, Engineering & Force Protection – Directorate of Civil Engineers (HQ USAF/A4C). 17

3.7. Headquarters, United States Air Force, Deputy Chief of Staff for Logistics, Installations & Mission Support - Directorate of Civil Engineers - Energy and Environment Division (HQ USAF/A4CE). 17

3.8. AFLOA/JACE. 18

3.9. Air Force Safety Center/Weapons Safety Division (HQ AFSEC/SEW). 18

3.10. Air Force Civil Engineer Center (AFCEC). 19

3.11. Air National Guard (ANG). 24

3.12. Major Command (MAJCOM). 24

3.13. Installations. 25

3.14. U. 26

3.15. Air Force Medical Support Agency/Bioenvironmental Engineering Branch (AFMSA/SG3PB). 27

3.16. Acquisition/Contracting Offices 27

Chapter 4— FINANCIAL MANAGEMENT **28**

4.1. General. 28

4.2. Funding and Budget Development 28

4.3. Cost to Complete (CTC) Estimates 29

4.4. Recovery of Response Costs. 30

4.5. Funding Eligibility. 30

Chapter 5— INFORMATION MANAGEMENT **31**

5.1. General. 31

5.2. Information Management Systems. 31

5.3. Quality Assurance. 32

Chapter 6— PRIORITY SETTING AND SEQUENCING 33

6.1. Priority Setting 33

6.2. Sequencing. 33

6.3. Project Scheduling 34

6.4. Construction At or Near Contaminated Sites. 34

Chapter 7— MILITARY MUNITIONS RESPONSE PROGRAM 35

7.1. General. 35

7.2. Air Force Property. 35

7.3. Non-Air Force Federal Property. 35

7.4. Non-Federal Property. 36

7.5. Documentation Requirements. 36

7.6. Geophysical Sensor Data. 36

Chapter 8— REGULATORY INVOLVEMENT 37

8.1. General 37

8.2. Lead Regulators 37

8.3. State, Territory, and Local Involvement 38

8.4. Agency for Toxic Substances and Disease Registry (ATSDR) 39

Chapter 9— NATURAL RESOURCE INJURY INTEGRATION 41

9.1. Application 41

9.2. Sites 41

9.3. Funding. 41

Chapter 10— PERMIT EXEMPTION 42

10.1. Scope 42

10.2. Air Force Permits. 42

10.3. Actions Taken Under Other Legal Authority. 42

Chapter 11— COMMUNITY INVOLVEMENT 43

11.1. Establishing Community Involvement Programs. 43

11.2. Point of Contact (POC). 43

11.3. Community Relations Plan (CRP). 43

11.4. Restoration Advisory Board (RAB). 43

11.5. Technical Assistance For Public Participation (TAPP) Program 45

Chapter 12— RECORDS MANAGEMENT 46

12.1. Records Maintenance and Retention. 46

12.2. Management Action Plan (MAP) 46

12.3. Administrative Record 46

12.4. Information Repository 48

12.5. Site Audit File. 49

Chapter 13— CLEANUP AGREEMENTS 50

13.1. Interagency Agreements (IAG)/Federal Facility Agreements (FFA). 50

13.2. Developing Agreements 50

13.3. Dispute Resolution. 50

13.4. Executing Work Under Other Legal Authorities. 51

13.5. Agreements for Third-Party Sites (TPS) 51

13.6. Defense Logistics Agency (DLA)-Energy Sites on Air Force Installations 51

13.7. Informal Resolution. 52

Chapter 14— DECISION DOCUMENTS 53

14.1. Basis for Action. 53

14.2. Documentation Requirements. 53

14.3. Documenting No Further Response Action Planned (NFRAP) Decisions in the Evaluation Phases. 55

14.4. No Action (Necessary) Decision Document. 55

14.5. No Further Action (NFA) Decision Document 55

14.6. Short-Term Actions 56

14.7. Updates to the Decision Document 57

14.8. Documenting Decisions at Installations on the National Priorities List (NPL). 57

14.9. Documenting Decisions at Non-NPL Installations. 57

14.10. Documenting Decisions under Other or Mixed/Integrated Cleanup Laws. 57

14.11. Unique Documentation Requirements at Munitions Response Sites (MRS)..... 58

14.12. Cleanup Levels. 58

Chapter 15— LONG TERM REMEDIES AND LAND USE CONTROLS 59

15.1. Long-Term Remedies. 59

15.2. Land Use Controls (LUC)..... 59

15.3. Implementation Requirements 59

15.4. Interim Land Use Controls..... 62

15.5. Memorandum of Agreement (MOA)/Memorandum of Understanding (MOU). ... 63

Chapter 16— PERFORMANCE EVALUATION 64

16.1. Reporting Environmental Indicators..... 64

16.2. Performance Management Reviews. 64

16.3. Optimization of the Restoration Program. 64

16.4. Five-Year Reviews 64

Chapter 17— COMPLETING RESTORATION ACTIVITIES 66

17.1. Response Complete (RC)..... 66

17.2. Remedial Action Completion Report (RACR). 66

17.3. Site Closeout. 67

17.4. Re-opened Sites. 67

Chapter 18— EMERGING CONTAMINANTS 68

18.1. Emerging Contaminants (EC)..... 68

18.2. Decision Process for EC Responses 68

18.3. Five-Year Reviews 69

Attachment 1— GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION 71

Attachment 2— COMPARISON OF CERCLA RESPONSE PROCESS AND RESOURCE CONSERVATION AND RECOVERY ACT (RCRA) CORRECTIVE ACTION 90

Chapter 1

PROGRAM SCOPE

1.1. Environmental Restoration Program (ERP). The ERP provides for the environmental cleanup of contamination whose release is attributable to the Air Force, to include immediate actions taken to remove imminent threats to human health and the environment. The Air Force executes its ERP by planning, programming, and implementing response actions. The Air Force shall comply with all applicable statutory and regulatory requirements in conducting environmental restoration activities**. (T-0).** This Instruction provides guidance on:

1.1.1. Addressing releases of hazardous substances, pollutants or contaminants to the environment to protect human health and the environment;

1.1.2. Correcting other environmental damage (such as damage caused by detection and disposal of unexploded explosive ordnance (UXO) on other than operational ranges) that creates an imminent and substantial endangerment to the public health or welfare or to the environment; and

1.1.3. Demolishing and removing unsafe buildings and structures, including buildings and structures of the Air Force at sites formerly used by or under the jurisdiction of the Secretary of the Air Force.

1.2. ERP Categories. The ERP has three program categories: Installation Restoration Program, Military Munitions Response Program, and Building Demolition/Debris Removal.

1.2.1. Installation Restoration Program (IRP).

1.2.1.1. The IRP covers response actions (i.e., the identification and investigation of releases, removal actions and remedial actions, or a combination of removal and remedial actions) to address:

1.2.1.1.1. The release or substantial threat of release of hazardous substances.

1.2.1.1.2. The release or substantial threat of release of any pollutant or contaminant that may present an imminent and substantial danger to the public health or welfare (as defined in the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), *Title 42 United States Code* (42 USC) Sections (§§) 9601 – 9675.

1.2.1.1.3. Petroleum, oil, lubricants (POL). IAW with the DERP, cleanup of POL may be addressed as part of the IRP. CERCLA contains a petroleum exclusion, so it may not be used to address certain releases of POLs. POL releases may also be covered under other applicable authorities consistent with the DERP, such as the Resource Conservation and Recovery Act (RCRA). Paragraph 6.h. of DODM 4715.20, Enclosure 3, contains further information on bulk fuel situations.

1.2.1.1.4. Hazardous wastes and hazardous waste constituents. (Per 42 USC § 9601(14))

1.2.1.1.5. Explosive compounds released to soil, surface water, sediments, or groundwater as a result of ammunition or explosives production or manufacturing at

ammunition plants (which are not "defense sites," and therefore, are ineligible for cleanup under the MMRP).

1.2.1.2. The IRP also covers response activities to address UXO, discarded military munitions (DMM), or munitions constituents (MC) that are incidental to an existing IRP site (**Note**: See *ERA, AF Funding Eligibility Guidance* to determine whether UXO, DMM, and MC are incidental to an IRP site). If necessary, consult with Air Force Legal Operations Agency, Environmental Law and Litigation Division (AFLOA/JACE) to seek clarification on whether a site falls within this criterion.

1.2.2. Military Munitions Response Program (MMRP).

1.2.2.1. The MMRP pertains to munitions response actions that address UXO, DMM, or MC at defense sites (i.e., munitions response areas (MRAs)/munitions response sites (MRSs)). Defense sites exclude operational ranges, operating storage or manufacturing facilities, or facilities that are used for or were permitted for the treatment or disposal of military munitions, and locations outside the United States. (**Note:** It is DOD's interpretation that UXO, as a class, and MC on other than operational ranges, formerly referred to as "closed, transferred, or transferring ranges," may constitute a CERCLA "pollutant or contaminant" if it presents an imminent and substantial endangerment to public health or welfare. If a UXO is actively managed as a waste (e.g., excavated) for treatment (e.g., destruction) due to the UXO's reactive capability, the UXO may then be viewed as a RCRA regulatory hazardous waste and thus also as a CERCLA hazardous substance. AF commanders and responsible officials shall ensure CERCLA is the preferred response mechanism used to address UXO at other than operational ranges IAW DODM 4715.20. **(T-0).**

1.2.2.2. The MMRP may also include response actions to address releases that are defined in paragraph 1.2.1, but are incidental to addressing an existing MRS. (**Note:** See *ERA, AF Funding Eligibility Guidance* to determine whether releases defined in paragraph 1.2.1. are incidental to an MMRP site.)

1.2.3. Building Demolition/Debris Removal (BD/DR). The BD/DR program provides for the demolition and removal of unsafe buildings and structures at facilities or sites that are or were owned by, leased to, or otherwise possessed by the United States and under the jurisdiction of the Secretary of the Air Force. There are significant restrictions on the availability of ERA and Base Realignment and Closure (BRAC) Account funds for BD/DR; AF commanders and responsible officials must have DUSD(I&E) approval of any request prior to programming funds. **(T-0).** See Paragraph 3.c. of DODM 4715.20, Enclosure 3, for more information.

1.3. Former Air Force Properties. Environmental restoration requirements associated with Air Force real property, where the property transferred from the Air Force and the release occurred prior to October 17, 1986, are generally the responsibility of the U.S. Army Corps of Engineers (USACE) as part of the Formerly Used Defense Sites (FUDS) Program. If extenuating circumstances warrant continued Air Force involvement at the site, the AFCEC Environmental Directorate (CZ), AFCEC Installations Directorate (CI), or the National Guard Bureau, Installations and Mission Support Directorate, Operations Division (NGB/A7O), as appropriate, must submit justification to HQ USAF/A4CE for authorization to use Air Force obligation authority. **(T-1).** Once the Air Force elects involvement with property that was transferred prior

to October 17, 1986, the property may not later be turned over to the FUDS program. The Air Force retains responsibility for former properties not eligible for the FUDS program. Consult legal counsel to determine the extent of Air Force responsibilities.

1.4. Legal Authorities. 10 USC §§ 2700 – 2711, otherwise known as the DERP is the statutory authority that establishes an environmental restoration program of hazardous substances, pollutants and contaminants for DOD. Environmental restoration at Air Force installations for restoration conducted pursuant to CERCLA is conducted under DERP subject to, and in accordance and consistent with CERCLA requirements, with the Air Force as the lead agency. The Air Force conducts environmental restoration of hazardous substances, pollutants and contaminants primarily IAW CERCLA; it may also conduct restoration activities under RCRA and other applicable Federal, state, or local requirements. Regardless of the legal authority for performing environmental restoration, the processes are substantively similar. Attachment 2 depicts the typical steps in CERCLA response actions and the corresponding activities required by CERCLA or RCRA corrective action.

1.4.1. CERCLA, 42 USC §§ 9601 et seq. CERCLA and its implementing regulation, Title 40, Code of Federal Regulations (CFR), Part 300, *National Oil and Hazardous Substances Pollution Contingency Plan*, commonly called the National Contingency Plan (NCP), apply to most restoration activities. Executive Order (EO) 12580, *Superfund Implementation*, as amended by EO 13016, *Amendment to EO 12580*, delegates authority and responsibility to the Secretary of Defense (re-delegated to the Secretary of the Air Force) to respond to releases or threatened releases "where either the release is on or the sole source of the release is from any facility or vessel under the jurisdiction, custody, or control" of the Air Force. The Air Force is the "lead agency" with delegated authority to plan and implement response actions under CERCLA and the NCP (see paragraph 8.2).

1.4.2. DERP, 10 USC §§ 2700-2711. 10 USC § 2701(a) states "The Secretary of Defense shall carry out a program of environmental restoration at facilities under the jurisdiction of the Secretary." The scope of the DERP is defined in 10 USC § 2701(b), which states "Goals of the program shall include the following: (1) identification, investigation, research and development, and cleanup of contamination from hazardous substances, pollutants or contaminants; (2) correction of other environmental damage (such as detection and disposal of UXO) which creates an imminent and substantial endangerment to the public health or welfare or to the environment; (3) demolition and removal of unsafe buildings and structures, including buildings and structures of the DOD at sites formerly used by or under the jurisdiction of the Secretary."

1.4.2.1. AF commanders and responsible officials will ensure, under 10 USC § 2701(a)(2) and (c)(1), that response actions (i.e., site identification, investigation, removal actions, remedial actions, or a combination of removal and remedial actions) taken under the DERP to address releases of hazardous substances, pollutants or contaminants (as defined under CERCLA) shall be carried out subject to, and in a manner consistent with, 42 USC § 9620. **(T-0).**

1.4.2.2. AF commanders and responsible officials will ensure the response actions to correct "other environmental damage (such as the detection and disposal of UXO) that poses an imminent and substantial endangerment to the public health or welfare or to the

environment" shall normally be conducted IAW CERCLA, EO 12580 as amended by EO 13016, and the NCP. **(T-0).**

1.4.2.3. Demolition and removal of unsafe buildings and structures are not subject to CERCLA unless the demolition or removal involves the need for, or is an integral part of, a response action to address releases to the environment of CERCLA hazardous substances, pollutants or contaminants that pose an imminent and substantial danger to public health or welfare or the environment.

1.4.2.4. 10 USC § 2710(a) requires the Secretary of Defense to develop and maintain an inventory of defense sites known or suspected to contain UXO, DMM, or MC. 10 USC § 2710(c) requires the Secretary of Defense to annually review and update the inventory and site prioritization list, as necessary, to reflect new information that becomes available. AF commanders and responsible officials will ensure the inventory is available in published and electronic form. **(T-0).**

1.4.3. RCRA, 42 USC §§ 6901 et seq. RCRA has "corrective action" authorities in 42 USC §§ 6924(u) and (v), and 6928(h). These authorities require cleanup of certain releases of hazardous wastes or hazardous constituents at installations with a hazardous waste treatment, storage, and disposal unit (either under a RCRA permit or interim status). These authorities potentially extend beyond the specific unit used to treat, store, or dispose of hazardous waste to the entire contiguous installation property under Air Force control, as well as releases that migrate beyond the facility boundaries. Corrective action obligations exist for areas that are either a Solid Waste Management Unit at a permitted facility or a regulated unit at an interim status facility. Most states have been authorized and delegated by EPA to be the lead regulator for RCRA implementation (a few have not been delegated corrective action oversight, but otherwise have delegated authority over RCRA); AF commanders and responsible officials will ensure state and similar laws are consulted. **(T-0).** In addition, the "imminent and substantial endangerment authority" of 42 USC § 6973 allows EPA to require such action as necessary to abate an imminent and substantial endangerment from the handling, storage, treatment, transportation, or disposal of any solid or hazardous waste.

1.4.4. CERCLA/RCRA Integration. When both CERCLA and RCRA apply, AF commanders and responsible officials shall ensure that response actions (under CERCLA) or corrective action (under RCRA) are IAW the following authorities and principles: **(T-0).**

1.4.4.1. Action under one program should satisfy the substantive requirements of the other. This is consistent with EPA's policy that there should be parity between RCRA corrective action and CERCLA programs, each of which should generally yield similar substantive remedies in similar circumstances. See Office of Solid Waste and Emergency Response (OSWER) Directive 9272.0-22, *Improving RCRA/CERCLA Coordination at Federal Facilities*, for additional information.

1.4.4.2. Because of the authority described in 10 USC § 2701(a)(2) and (c)(1), the Air Force's "lead agency" status under CERCLA, and CERCLA's provisions for recognizing applicable requirements from other laws, the Air Force prefers to follow the CERCLA framework for environmental restoration. Thus, in general, it seeks to implement CERCLA responses that integrate or incorporate RCRA substantive requirements, thereby satisfying its RCRA obligations through CERCLA responses.

1.4.4.3. The Air Force works with regulators to identify the appropriate regulatory framework to guide the environmental restoration process at an installation if the framework has not already been selected. This framework should remain generally consistent throughout the environmental restoration process.

1.4.5. Environmental Restoration under State Response Laws. At all installations, AF commanders and responsible officials must comply with state substantive laws. **(T-0).** At non-NPL installations, 42 USC § 9620(a)(4) also mandates that Federal agencies' CERCLA response actions comply with applicable state response laws, as long as such state laws apply requirements to the Air Force that are no more stringent than those applied to other entities/persons.

1.4.6. National Environmental Policy Act (NEPA), 42 USC §§ 4321 et seq. Relying on a United States Department of Justice (DOJ) opinion in a different context, DOD has determined that NEPA does not apply to those response actions that fully comply with CERCLA and the NCP. Therefore, the Air Force is not required to comply with NEPA process requirements when undertaking a response action that complies with the DERP, CERCLA, and the NCP. AF commanders and responsible officials will achieve the overall NEPA mandate for a fully-informed and well-considered decision that includes consideration of alternatives and environmental impacts through adherence to the DERP, CERCLA, and NCP processes (to include coordination with applicable installation organizations). **(T-0).** Similarly, the RCRA corrective action process should integrate formal consideration of diverse environmental factors and meaningful opportunities for public involvement such that a separate NEPA evaluation is not required. This may require including a public comment period during remedy selection if one is not provided under applicable state RCRA procedures. The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A7O shall consult with legal counsel on questions concerning the scope of a NEPA exemption for restoration actions. **(T-1).**

1.4.7. Atomic Energy Act (AEA), 42 USC §§ 2011 et seq. The Air Force manages radioactive materials under the AEA, as amended in the Nuclear Regulatory Legislation 110th Congress; 2d Session (otherwise known as "NUREG-0980"). Defense weapons grade nuclear materials are handled under 42 USC § 2121(b) (otherwise known as section 91(b) of the AEA).

1.4.7.1. The Air Force Safety Center (HQ AFSEC) should be consulted on all issues involving the handling or transport of 91(b) material. All other uses of radioactive materials are regulated by the Nuclear Regulatory Commission (NRC) through a license procedure. The United States Air Force Radioisotope Committee, pursuant to authority set forth in AFI 40-201, *Managing Radioactive Materials in the US Air Force*, is the point of contact for all radioactive materials owned by the Air Force under the Air Force Master Materials License and Letter of Understanding the Air Force has with the NRC.

1.4.7.2. Depending on the factual circumstances of each site where response actions concerning radioactive material are contemplated (notwithstanding that the NUREG-1575, Rev. 1, *Multi-Agency Radiation Survey and Site Investigation Manual (MARSSIM)* is the basic rule book), requirements under CERCLA or RCRA may also apply. The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A7O should consult with SAF/GCN or AFLOA/JACE regarding legal questions related to radioactive materials.

1.4.8. Environmental contamination outside the United States. When conducting remediation of environmental contamination outside the United States, Air Force personnel overseas will comply with DoDI 4715.08, *Remediation of Environmental Contamination Outside the United States*, its subsequent implementing Air Force instruction, applicable Unified Combatant Command directives, DOD Lead Environmental Component policy, and any specific obligations stemming from a binding international agreement. **(T-0).**

Chapter 2

PROGRAM OBJECTIVES

2.1. Mission. The ERP mission is to protect human health and the environment, and comply with all applicable statutory, regulatory and other requirements. AF commanders and responsible officials shall achieve cost and schedule efficiencies and program effectiveness by implementing a performance-based approach to environmental restoration as much as feasible, minimize life-cycle costs, and maximize the reduction of Air Force environmental liabilities. **(T-0).** Restoration activities are planned, programmed, budgeted, and executed to optimize the Air Force's investment and appropriately mitigate and apportion risk.

2.2. Operating Principles

2.2.1. AF commanders and responsible officials will ensure all environmental restoration activities comply with the DERP statutory requirements of 10 USC §§ 2700 – 2711 and with all other applicable laws, regulations, and formal agreements (e.g., Federal Facility Agreements (FFA)). **(T-0).** AF commanders and responsible officials shall implement the DERP consistent with related OSD and Air Force Departmental Directives, issuances, policy, and guidance. **(T-0).**

2.2.2. In addition to complying with 10 USC §§ 2700 – 2711, AF commanders and responsible officials shall protect human health and the environment generally by exercising those Presidential authorities under 42 USC §§ 9601 through 9675 delegated to the Secretary of Defense under EO 12580 and EO 13016, and IAW 40 CFR Part 300 (the NCP). **(T-0).**

2.2.3. Cleanup efforts should focus on the most effective and efficient approach to achieve results allowing unlimited use and unrestricted exposure, if cost effective from a life cycle cost standpoint. If cost-benefit analysis demonstrates the incremental costs are too high to achieve unlimited use and unrestricted exposure standards, only then should current and reasonably anticipated future land use be considered when selecting response actions. On properties slated for disposal (excess or BRAC), all reasonable efforts should be made to minimize long-term cleanup responsibilities and associated costs to the greatest degree feasible (for example, by cleaning up to unlimited use and unrestricted exposure standards; or transferring cleanup responsibilities together with the real property interest; or by negotiating a privatized cleanup).

2.2.4. All major environmental restoration decisions should be risk-based to the maximum extent authorized by legal or regulatory regime(s) under which the cleanup is being conducted. This includes, but is not limited to, the choice of remedial investigation design elements or its counterparts, determinations that action is necessary to address unacceptable risk to human health or the environment, and cleanup levels to be achieved when action is necessary.

2.2.5. The ERA, AF (established in 10 USC § 2703(a)(4)) and Air Force BRAC account (established in sections 2906 of the Defense Base Closure and Realignment Act of 1990, 10 USC § 2687 note), are the sole sources of funding for environmental restoration activities irrespective of the statutory authority governing the activity or the date of release of contaminants. Environmental restoration activities at active installations eligible for ERA, AF funding are addressed in the *ERA, AF Funding Eligibility Guidance*. (**Note:** Exception to

ERA, AF Funding. There are several specially created accounts or provisions in real property leasing or transfer laws that allow alternate sources of funding or means to obtain environmental restoration services. For example, 40 USC § 572(b)(5)(A) and (B) allow a portion of the proceeds from the sale of military installation real property owned by the United States to be available to pay for environmental restoration in some circumstances. 10 USC § 2667(c)(1)(A), provides that restoration may be provided as in-kind consideration under certain leases. 10 USC § 2667(e)(1)(C) provides that, under certain conditions, money rental proceeds from the lease of military property may be available to pay for environmental restoration of military property or facilities. In addition, under some circumstances, a military construction project may assume the costs of responding to contamination.)

2.2.6. Environmental restoration personnel must:

2.2.6.1. Protect human health and the environment. **(T-0).**

2.2.6.2. Develop and evaluate response alternatives as prescribed in 40 CFR § 300.430(e). **(T-0).**

2.2.6.3. Ensure that the alternatives evaluation considers, and incorporates to the maximum extent practicable, the energy, environment, and economic considerations in EO 13423, *Strengthening Federal Environmental, Energy, and Transportation Management*, EO 13514, *Federal Leadership in Environmental, Energy, and Economic Performance*, and DODM 4715.20, including, but not limited to, reducing greenhouse gas emissions, life cycle costs, and improving energy and water use efficiency and management. **(T-0).** ERP management as described in this Instruction conforms to the EMS approach IAW AFI 32-7001, *Environmental Management*, and the aforementioned EOs, as appropriate.

2.2.6.4. Ensure all ARARs are achieved or waived, as appropriate, when conducting CERCLA remedial actions, or ensure all media cleanup objectives for RCRA corrective actions are achieved or waived, as appropriate.

2.3. Policy. IAW DODI 4715.07 policy, the Air Force Environmental Restoration Program:

2.3.1. Reduces risk to human health and the environment attributable to past activities related to the release of hazardous substances, pollutants or contaminants.

2.3.2. Facilitates compliance with applicable statutes, regulations, Executive Orders, and other legal requirements governing environmental restoration by providing necessary policy, procedures, and implementing guidance.

2.3.3. Maximizes transparency, public participation, and collaboration.

2.3.4. Maximizes execution effectiveness and efficiency.

2.4. Objectives. AF commanders and responsible officials will use efficient and effective strategies to achieve DOD cleanup objectives, employing performance-based strategies and processes, where appropriate, and cost/benefit and total life-cycle analyses in remedy selection decisions to meet Air Force operating principles and the objectives in DODM 4715.20, which are to: **(T-0).**

2.4.1. Reduce risk to human health and the environment through implementation of effective, legally compliant, and cost-effective response actions.

2.4.2. Make property at BRAC locations safe and environmentally suitable for transfer.

2.4.3. Have final remedies in place and complete response actions expeditiously.

2.4.4. Fulfill other established milestones to demonstrate progress toward meeting program goals.

2.5. Goals and Metrics.

2.5.1. The goal of the Air Force program is to cost-effectively restore water and land resources to meet operational mission requirements and BRAC objectives. Protecting human health and the environment are inherent components of successfully performing military mission activities.

2.5.1.1. Appropriate response actions at sites containing hazardous substances, pollutants or contaminants, regardless of regulatory construct applied to the site, are planned, programmed, budgeted, and executed to provide natural infrastructure sufficient to support operational capability or to meet real property transfer goals.

2.5.1.2. Program managers will execute program functions in the most cost-effective manner available, using all available best practice information including private sector data benchmarks. **(T-2).**

2.5.2. The Air Force program will demonstrate progress towards achieving statutory program goals (10 USC § 2701(b)) by meeting DOD goals and metrics IAW DODM 4715.20. The Air Force may establish separate and supporting goals and metrics.

Chapter 3

ROLES AND RESPONSIBILITIES

3.1. Assistant Secretary of the Air Force for Installations, Environment and Energy (SAF/IE). IAW Headquarters Air Force (HAF) Mission Directive (MD) 1-18, *Assistant Secretary of the Air Force (Installations, Environment and Energy)*, SAF/IE is responsible for providing policy, direction, and oversight of all matters pertaining to the formulation, review, and execution of plans, policies, programs, budgets, and Air Force positions regarding federal and state legislation and regulations related to the ERP, in consultation with the Headquarters, United States Air Force, Deputy Chief of Staff for Logistics, Installations & Mission Support (HQ USAF/A4).

3.2. Deputy Assistant Secretary of the Air Force (Environment, Safety, and Infrastructure) (SAF/IEE). All matters pertaining to Air Force ERP have generally been delegated to the SAF/IEE, and are accomplished in consultation with the Headquarters, United States Air Force, Deputy Chief of Staff for Logistics, Installations & Mission Support - Directorate of Civil Engineers (HQ USAF/A4C).

3.2.1. SAF/IEE (as delegated) establishes and issues policies for ERP-related functions. SAF/IE and HQ USAF/A4, or as delegated to SAF/IEE and HQ USAF/A4C, will coordinate on any proposed DOD, other federal agency, or Air Force issuance. SAF/IEE serves as the primary Air Force liaison with the Office of the Secretary of Defense (OSD), Congress, other federal agencies, external organizations, and state and local government, and is the primary Air Force liaison for media, non-routine or policy matters.

3.2.2. SAF/IEE exercises program oversight for the ERP and related authorities, which means it ensures that high-level decision-making, programming, resource allocation, and program execution are consistent with and achieve overall Air Force policy, strategic direction and guidance, jointly established priorities, and legal requirements. As needed (frequency and scope to be mutually determined), SAF/IEE and HQ USAF/A4C (or HQ USAF/A4CE) jointly conduct program management reviews to exercise program oversight.

3.3. Deputy Assistant Secretary of the Air Force (Installations) (SAF/IEI). SAF/IEI is responsible for all matters pertaining to the development of strategic planning for Air Force installations, including without limitation, providing policy, direction, and oversight of all matters pertaining to the formulation, review, and execution of plans, policies, programs, budgets, and Air Force positions regarding federal and state legislation and regulations related to BRAC and cleanup under BRAC, while coordinating and consulting as needed with SAF/IEE when there may be an overlap with or implications for ERP.

3.4. Air Force Office of General Counsel (Installations, Energy and Environment Division) (SAF/GCN). SAF/GCN provides legal counsel, representation, and other legal services to SAF/IE, SAF/IEE, and SAF/IEI on all environmental response, compliance, and installation-related matters, including the ERP; regulatory compliance; natural resources conservation and management; and real property acquisition, use, management, and disposal and associated transactions.

3.5. Public Affairs

3.5.1. Air Force Office of Public Affairs (SAF/PA). SAF/PA provides guidance regarding public affairs activities in support of the ERP, as specified in AFI 35-108, *Environmental Public Affairs*.

3.5.2. AFCEC/Public Affairs (PA). AFCEC/PA works with the installation and MAJCOM PA offices, SAF/PA, AFCEC/CZR, AFCEC/CIB (for BRAC locations), and NGB/A7O (for ANG facilities) to ensure consistency of information and communications.

3.5.3. Installation PA Office. The Installation PA works with SAF/PA, MAJCOM PA, AFCEC/PA, AFCEC/CZ (or AFCEC/CIB at BRAC locations), and NGB/A7O (for ANG facilities) regarding public affairs activities in support of the ERP.

3.6. Headquarters, United States Air Force, Deputy Chief of Staff for Logistics, Engineering & Force Protection – Directorate of Civil Engineers (HQ USAF/A4C). IAW AFPD 32-10, *Installations and Facilities*, the HQ USAF/A4C formulates specific operational and procedural guidance to implement broad policy, advocates for resources, and leads and oversees ERP planning and execution.

3.6.1. HQ USAF/A4C supports communications to outside entities relative to its ERP responsibilities by:

3.6.1.1. Satisfying routine requests for data, information, and reporting requirements with copy to SAF/IEE or advance coordination if time permits, as well as non-routine or policy-related requests from OSD, other federal agencies, state and local governments, and other external organizations, with advance coordination from SAF/IEE and SAF/IEI, as appropriate (consistent with the Standard Operating Procedure (SOP) for the SAF/IE and HQ USAF/A4).

3.6.1.2. Providing data analyses and information papers to OSD or congressional staff in support of established policies, programs, or other initiatives that have been coordinated through the Air Force corporate structure or other appropriate decision process.

3.6.1.3. Providing information and/or support to SAF/IE (or applicable DAS) for responses to congressional and state government inquiries.

3.6.2. HQ USAF/A4C supports the SAF/IE in addition to having the primary responsibility for overseeing day-to-day ERP decision making activities.

3.6.3. HQ USAF/A4C has overall responsibility to manage the ERP program in an efficient and effective way, as well as ensuring consistency with overall policy, strategic direction and guidance, and priorities as determined by SAF/IE.

3.6.4. HQ USAF/A4C supports the Program Objective Memorandum (POM), Budget Estimate Submission, President's Budget, and internal Air Force resource processes for the ERP.

3.7. Headquarters, United States Air Force, Deputy Chief of Staff for Logistics, Installations & Mission Support - Directorate of Civil Engineers - Energy and Environment Division (HQ USAF/A4CE). Serves as the overall HQ USAF/A4C lead to oversee ERP execution, advocate for ERP resources (but not for BRAC locations which is accomplished by SAF/IE), implement policy, perform routine reporting internally and to outside entities, interact at the program-level with stakeholders, and develop operational and procedural guidance to implement policy. For HQ USAF/A4C, the HQ USAF/A4CE:

3.7.1. Tracks program progress; develops and tracks execution metrics; and reviews and coordinates on installation cleanup agreements, IAGs, and FFAs.

3.7.2. Supports the development of, validates, and advocates for the ERP POM (excluding BRAC locations which is accomplished by SAF/IE); supports the Budget Estimate Submission and President's Budget; facilitates transfer of ERA, AF from the Assistant Secretary of the Air Force for Financial Management and Comptroller (SAF/FM), IAW with the annual ERA budget approved through the CE Corporate Board structure.

3.7.3. Develops ERP guidance to implement policy IAW the SOP for the SAF/IE and HQ USAF/A4.

3.7.4. Satisfies routine requests for data, information, status reports and reporting requirements from OSD, Congress, other federal agencies, external organizations, and state and local governments by direct reply with copy to the respective DAS office, or advance coordination if time permits.

3.7.5. Provides data analyses and information papers to OSD or Congress consistent with established policies, programs, or other initiatives that have been vetted through the Air Force corporate structure or other appropriate decision process.

3.7.6. Provides information and/or support to SAF/IE (or applicable DAS) for responses to congressional and state government inquiries.

3.7.7. Provides interface with OSD, SAF/IEE, regulators, and other stakeholders, as appropriate, to include oversight supporting and attaining ERP goals consistent with AF policy and guidance. Serves as the HQ USAF/A4C representative to DOD committees, teams, councils, and working groups.

3.8. AFLOA/JACE. Provides environmental legal support to HQ USAF/A4C, AFCEC, MAJCOMs, installations, and other Air Force organizations. This support includes interpreting policy, providing instruction, and coordinating guidance; legal reviews; regulatory negotiations; and legal advice, litigation support, and legal oversight concerning TPS and affirmative cost recovery. For restoration actions under any legal authority, and prior to submission to regulators, AF commanders and responsible officials will ensure that AFLOA/JACE is provided the opportunity to review and comment on the following initial and final draft documents: preliminary assessment and site inspection (PA/SI) reports that result in site closeout, Engineering Evaluations/Cost Analysis (EE/CA), removal action memoranda, feasibility studies (FSs), proposed plans (PPs) and records of decision (RODs) and any modification thereof, five-year reviews, remedial action completion and site closeout reports, and NPL deletion requests, as well as parallel documents under other legal authorities. **(T-2).** Provides legal support, review, and coordination on all cleanup agreements, permits, and orders. Participates in program management reviews, working groups, and panels, as necessary. AFLOA/JACE manages the Third Party Site (TPS) program and budgets for requirements with AFCEC/CZR.

3.9. Air Force Safety Center/Weapons Safety Division (HQ AFSEC/SEW). Provides guidance and oversees ammunition and explosives safety requirements for the Air Force. Within the environmental restoration area, HQ AFSEC/SEW is charged with the review, approval, and coordination of all explosives site plans, explosives safety submissions and chemical safety submissions with the Department of Defense Explosives Safety Board (DDESB). In addition,

HQ AFSEC/SEW reviews and approves all plans for the management, storage, and transportation of explosives on Air Force installations.

3.10. Air Force Civil Engineer Center (AFCEC). AFCEC reports to the Air Force Installation and Mission Support Center and has centralized responsibility for executing an effective and cost efficient Air Force ERP in support of active installations and BRAC locations. The AFCEC Director (or Deputy) will implement the authorities under sections 2(j) and 4(e) of Executive Order 12580, as amended, provided the individual is a member of the Senior Executive Service (SES) or a General Officer (GO),with AFLOA/JACE concurrence pursuant to the SAF/IEE re-delegation memorandum (or related re-delegated authorities). **(T-0).**

3.10.1. AFCEC Environmental Directorate (AFCEC/CZ). AFCEC/CZ has centralized responsibility for executing the Air Force ERP in support of active installations. It provides direct installation support by planning and programming requirements, and executing projects. The Director or Deputy Director of AFCEC/CZ will sign FFAs for active installations after SAF/IEE approval; signs removal action memoranda, records of decisions and other decision documents after legal and technical review and after Installation Commander coordination (except for cleanup under RCRA where the Installation Commander normally signs the decision documents); signs five-year reviews (see paragraph 16.4); signs MOAs or other similar agreements for selecting, implementing, operating, or maintaining LUCs after SAF/IEE approval; and acts as a natural resources trustee per SAF/IEE designation provided the individual is a member of the SES or a GO. **(T-0).**

3.10.1.1. Environmental Operations Division (AFCEC/CZO) serves as the operational execution agent for the ERP and provides field level services.

3.10.1.2. Environmental Restoration Division (AFCEC/CZR) develops and implements programmatic and execution strategies for the ERP, manages the Air Force's ERA Total Obligation Authority (TOA), and serves as the functional manager for ERP tracking and reporting applications in related data management systems.

3.10.1.3. AFCEC/CZR, with support from AFCEC/CZO, shall perform the following roles and responsibilities.

3.10.1.3.1. Develops installation-level project requirements and submissions. Submits ERP POM information through the Air Force Installation and Mission Support Center, and manages and is responsible for the programmatic development of ERP requirements through the remaining life cycles to include the cost-to-complete (CTC) and the EL. **(T-0).** Coordinates ERP projects with the installation.

3.10.1.3.2. Develops requirements for the POM, and develop, plan, prioritize, and defend the annual ERP budget to HQ USAF/A4C for approval. **(T-0).**

3.10.1.3.3. Develops and maintains ERP technical and operational guidance. **(T-1).**

3.10.1.3.4. Supports Information Management requirements. See Chapter 5.

3.10.1.3.5. Manages ERP execution in compliance with applicable federal, state, and local laws and regulations, and DOD and Air Force policy and guidance; and maintain and/or modify applicable permits and regulatory schedules, as required. **(T-0).**

3.10.1.3.6. Manages the ERP to meet restoration goals and objectives. Track and report metrics and status of obligations, environmental liabilities, and site milestone progress. (T-0).

3.10.1.3.7. Develops, reviews, coordinates, and approves DSMOA Joint Execution Plans (JEPs) with state regulatory agencies. **(T-0).**

3.10.1.3.8. Maintains site audit file documentation and certification. Ensures environmental liabilities have been accurately computed and properly supported to correctly prioritize environmental cleanup activities, meet legal obligations, achieve an unqualified audit opinion for ELs, and sustain audit readiness processes. **(T-0).** Updates the EL annually for certification by the appropriate AFCEC/CZ division chief(s). **(T-0).**

3.10.1.3.9. Notifies the AFCEC/CZ director of any proposal to execute a restoration activity under a legal authority other than CERCLA, RCRA, or the UST regulations consistent with requirements herein. **(T-0).** (Also see paragraphs 13.4.2. and 13.4.3.)

3.10.1.3.10. Performs routine site/project inspections and review contract deliverables for contractor performance and documents preceding submission to regulatory agencies. (T-0). Monitors and tracks remedy implementation (including LUCs). Performs Long Term Management (LTM) activities. Oversees and coordinates contractor support, including providing site information and access. **(T-0).**

3.10.1.3.11. Coordinates on routine correspondence to congressional and other inquiries, when requested and depending on the nature of the inquiry.

3.10.1.3.12. Provides support to installations. The appropriate AFCEC/CZ division(s) shall provide the following support to AF installations:

3.10.1.3.12.1. Ensures that ERP responses are consistent with leadership direction, program objectives, program goals, budget priorities, and regulatory requirements. In most cases, the installation is the respondent to Enforcement Actions. For notification requirements, refer to Installation roles and responsibilities. **(T-0).**

3.10.1.3.12.2. Supports Restoration Advisory Boards (RAB) and conducts Technical Review Committees, with AFCEC/CZ personnel assigned to the installation. **(T-0).** See Chapter 11.

3.10.1.3.12.3. Supports the Installation and Mission Support Group (or equivalent) Commander in the execution of their roles and responsibilities related to the ERP, to include ERP technical and staffing support associated with installation responsibilities in paragraph 3.13 (e.g., RCRA cleanup actions and responses to Notices of Violation (NOV) and Enforcement Actions). **(T-0).**

3.10.1.3.12.4. Assigns a Remedial Project Manager (RPM), in writing and provides notice of assignment to the Installation Commander. **(T-1).**

3.10.1.3.12.5. Supports the installation Environment, Safety, and Occupational Health Council (ESOHC).

3.10.1.3.12.6. Serves as the primary interface with regulators and stakeholders as required.

3.10.1.3.12.7. Develops and coordinates the required MMRP documents through the Installation Commander, MAJCOM, and other appropriate offices (to include MAJCOM/SEW, HQ AFSEC/SEW, and DDESB, as required for Explosive Safety Submission documents – see paragraph 14.11). **(T-0).**

3.10.1.3.12.8. Ensures evaluation under Environmental Compliance and Assessment Management Program (ECAMP) self-assessments IAW AFI 32-7001 and supports the inspection system IAW AFI 90-201, *The Air Force Inspection System.* **(T-1).** Reviews Management Internal Control Toolset (MICT) inputs to evaluate Commander's compliance with ERP requirements. **(T-1).**

3.10.1.3.12.9. Submits to AFLOA/JACE for review and comment the following initial and final draft documents prior to submission to regulators: PA/SI reports that result in site closeout, EE/CAs, removal action memoranda, FSs, PPs, RODs and any modification thereof, five-year reviews, remedial action completion and site (and facility-wide) closeout reports, and NPL deletion requests, as well as parallel documents under other legal authorities. Provides technical support to AFLOA/JACE regarding affirmative cost recovery actions and the TPS program. Seeks legal support, review and coordination from AFLOA/JACE on all cleanup agreements, permits and orders. **(T-1).**

3.10.1.3.12.10. Maintains interim and selected remedies (including LUCs) IAW applicable decision documents (DD). **(T-0).**

3.10.1.3.12.11. Develops, identifies, tracks, and reports all cleanup and LTM actions, to include LUC activities specified in DDs. **(T-0).**

3.10.1.3.12.12. In coordination with the installation, ensures land use, construction activities, and ground-disturbing activities are compatible with interim and selected remedies (including LUCs) consistent with applicable DD(s). **(T-0).**

3.10.1.3.12.13. Designates spokesperson to the community and in writing to the Installation Commander. **(T-0).** See paragraphs 5.2.8.1. and 5.2.8.2.

3.10.1.3.12.14. Approves community RAB members' requests for technical assistance through the Technical Assistance For Public Participation **(**TAPP) program (see paragraph 11.5.1.).

3.10.1.3.13. Provides support to MAJCOMs. The appropriate AFCEC/CZ division(s) will perform MAJCOM environmental restoration functions, to include required staffing, technical, and coordinating responsibilities. **(T-1).**

3.10.1.3.14. Notifies the installation medical treatment facility and the U.S. Air Force School of Aerospace Medicine Department of Occupational and Environmental Health (USAFSAM/OE) of any situation that involves a potential completed pathway of exposure exceeding applicable relevant and appropriate requirements from a regulated chemical or chemical of concern. Provides data, information and support necessary to perform a health risk assessment. **(T-1).**

3.10.1.4. AFCEC Technical Support Division (AFCEC/CZT). Serves as the center for ERP technical specialties to provide subject matter expertise within AFCEC/CZ and to AFCEC/CI, HQ USAF/A4C, SAF/IEE, SAF/IEI, NGB/A7O, AFLOA/JACE, MAJCOMs, and OSD upon request. AFCEC/CZT shall provide technical services in support of the ERP, specifically:

3.10.1.4.1. Acts as focal point for environmental technology issues in restoration. **(T-1).**

3.10.1.4.2. Serves as a decision support for consistency and scientific and technical justification for restoration decisions (in particular, remedy selection, but also including broader technical/scientific matters affecting restoration). **(T-1).**

3.10.1.4.3. Maintains environmental decision information and verifies data quality for tracking ERP technical performance. **(T-1).**

3.10.1.4.4. Manages the technology transfer for the ERP. Cross-feeds technical information, participates in technology-related partnerships and collaboration efforts, which may include OSD workgroups, and technology forums such as Interstate Technology Regulatory Council, Strategic Environmental Research and Development Program, and the Environmental Security Technology Certification Program. **(T-1).**

3.10.1.4.5. Prepares guidance for implementing enterprise-wide responses in support of the Air Force emerging contaminants (ECs) program. **(T-1).**

3.10.1.4.6. Conducts technical reviews of proposed regulatory changes, proposals, or new human health or eco-risk standards and evaluates their potential impact on restoration activities. **(T-1).**

3.10.1.4.7. Reviews scientific and research publications and new data to evaluate potential impacts on restoration activities.

3.10.2. AFCEC Installations Directorate (AFCEC/CI).

3.10.2.1. The Director or Deputy Director of AFCEC/CI shall: sign FFAs after SAF/IEE approval; sign MOAs or other similar agreements for selecting, implementing, operating, or maintaining LUCs after SAF/IEE approval; select response actions and document such response actions in a removal memorandum or DD after technical and legal review; and act as a natural resources trustee per SAF/IEE designation, if an SES or GO. **(T-0).**

3.10.2.2. BRAC Program Management Division (AFCEC/CIB). For BRAC locations, AFCEC/CIB shall execute the ERP by developing the ERP budget requirements for the BRAC account POM; execute and manage environmental cleanup; track and report ERP performance; develop Air Force ERP technical guidance; identify, develop, field, sustain, and operate and maintain central ERP information systems and data (to include site audit files); and oversee implementation of ERP policy to ensure that real property actions satisfy applicable environmental requirements and that environmental actions support Air Force real property priorities, goals and objectives. **(T-0).** AFCEC/CIB is also the responsible office generally for executing real property actions under the oversight of SAF/IEI. AFCEC/CIB shall perform the following duties at BRAC locations:

3.10.2.2.1. Manage the ERP in compliance with Federal, applicable state, and local laws and regulations, and DOD and Air Force policy and guidance; maintain and/or

modify applicable permits (e.g., RCRA corrective action) and regulatory schedules, as necessary. **(T-0).**

3.10.2.2.2. Develop and coordinate the Project Cost Estimating Assumption Document (PCEAD) and CTC estimates; develop, monitor, and maintain site/project cleanup schedules; performing routine site/project inspections; initiate, review, and coordinate site technical documents, including RODs/DDs. **(T-0).**

3.10.2.2.3. Support RAB(s) and conduct Technical Review Committees. **(T-0).** See Chapter 11.

3.10.2.2.4. Serve as the primary initial interface with regulators and stakeholders. **(T-0).**

3.10.2.2.5. Report on status of meeting metrics; update and maintain the Management Action Plan (MAP), Community Relations Plan (CRP), Administrative Record/Information Repository, site audit folders and other documents as needed; track sites individually and update data systems. **(T-0).**

3.10.2.2.6. Develop, review, coordinate, and approve DSMOA Joint Execution Plans with state regulatory agencies. **(T-0).**

3.10.2.2.7. Develop and submit ERP funding requirements. **(T-0).**

3.10.2.2.8. Notify HQ USAF/A4CE of any proposal to execute a restoration activity under a legal authority other than CERCLA, RCRA, or the UST regulations after AFLOA/JACE and/or SAF/GCN review. (Also see paragraphs 13.4.2. and 13.4.3.) **(T-0).**

3.10.2.2.9. Develop and process the approval of required MMRP documents (e.g., Explosive Safety Submission, Explosive Safety Plan, After Action Report) through the AF Safety Center and DDESB. **(T-0).**

3.10.2.2.10. Update the EL annually for certification by AFCEC/CIB. **(T-0).**

3.10.2.2.11. Submit the following initial and final draft documents to AFLOA/JACE for review and comment prior to submission to regulators: PA/SI reports that result in site closeout, EE/CAs, removal action memoranda, FSs, PPs, RODs and any modification thereof, five-year reviews, remedial action completion and site closeout reports, and NPL deletion requests, as well as parallel documents under other legal authorities. **(T-1).**

3.10.2.2.12. Prepare and sign findings of suitability to transfer (FOST), findings of suitability for early transfer (FOSET), environmental baseline surveys (EBS) and supplemental EBSs IAW AFI 32-7066, *Environmental Baseline Surveys in Real Estate Transactions*, and the environmental aspects of real property transactions after appropriate coordination with AFLOA/JACE or SAF/GCN. **(T-0).**

3.10.2.2.13. Ensure the ERP aspects of real property transactions comply with applicable ERP law, policies, and guidelines, and accurately reflect the ERP-related condition of the property. **(T-0).**

3.10.2.2.14. Ensure that the remedy and LUCs are maintained where the Air Force retains responsibility for such maintenance. **(T-0).**

3.10.2.2.15. Sign RCRA permits (and permit modifications) and five-year reviews. **(T-0).**

3.10.2.2.16. Designate a spokesperson when conducting a removal action under CERCLA. **(T-0).** See paragraphs 5.2.8.1 and 5.2.8.2.

3.10.2.2.17. Designate the RAB co-chair (see paragraph 11.4.3). **(T-0).**

3.10.2.2.18. Inform the installation medical treatment facility and USAFSAM/OE of any situation that involves a potential completed pathway of exposure exceeding applicable relevant and appropriate requirements from a regulated chemical or chemical of concern. Provide data, information and support necessary to perform a health risk assessment. **(T-1).**

3.11. Air National Guard (ANG). The below offices shall execute the ERP at ANG facilities and perform duties as shown below. **(T-0).**

3.11.1. Director of the Air National Guard (NGB/CF): Signs FFAs for ANG facilities (after SAF/IEE approval) and implements the authorities under sections 2(j) and 4(e) of Executive Order 12580, as amended.

3.11.2. National Guard Bureau Judge Advocate (NGB/JA): Provides environmental legal support services to NGB/A7O for ANG restoration activities. Consults with AFLOA/JACE as appropriate.

3.11.3. Chief, Operations Division, Installations and Mission Support Directorate (NGB/A7O):

3.11.3.1. Provides centralized management and oversight for the ERP in support of ANG facilities, to include planning, programming and development of requirements and program execution.

3.11.3.2. Collaborates with AFCEC to consolidate program reporting. (AFCEC/CZR incorporates status and progress into overall ERP status and progress reporting.)

3.11.3.3. Signs removal action memorandum, records of decisions and other decision documents after legal review (except for cleanup under RCRA where the Installation Commander signs the decision documents).

3.11.3.4. Signs five-year reviews (see paragraph 16.4).

3.11.3.5. Signs MOAs or other similar agreements for selecting, implementing, operating, or maintaining LUCs (after SAF/IEE approval).

3.11.3.6. Unless otherwise stated in this Instruction, NGB/A7O has equivalent responsibilities for ANG facilities that AFCEC/CZ (and its divisions) has for active installations.

3.11.3.7. Conducts external assessments or staff assistance visits, as required.

3.12. Major Command (MAJCOM). The senior civil engineering representative on the MAJCOM staff shall maintain awareness of all significant ERP activities within the command, and provide input to HQ USAF/A4C and the appropriate AFCEC division when such activities could adversely impact the mission of the command or other Air Force organizations. The senior

civil engineering representative on the MAJCOM staff will serve as the interface between AFCEC and the command concerning environmental issues, and:

3.12.1. Review and coordinate on the approval of Explosive Safety Submission documents though the MAJCOM/SEW, HQ AFSEC/SEW, and DDESB.

3.12.2. Be informed of IAGs and Consent Orders.

3.12.3. Be informed of NOVs and Enforcement Actions with operational impact or significant financial penalty or stipulated penalties by an installation.

3.13. Installations. Installation Commanders at active installations and ANG facilities shall be responsible for:

3.13.1. Signing RCRA permits (and permit modifications), and DDs where the cleanup is conducted under RCRA (after coordination with AFCEC/CZR or NGB/A7O, as appropriate). **(T-0).**

3.13.2. Signing responses to NOVs and Enforcement Actions (after coordination with AFCEC/CZR or NGB/A7O, as appropriate). **(T-0).**

3.13.3. Informing and working with AFCEC or NGB/A7O, as appropriate, and regulatory agencies to respond to and adjudicate Notices of Violation (NOVs) and Enforcement Actions. (T-1). Informing the senior civil engineering representative on the MAJCOM staff of NOVs and Enforcement Actions with operational impact or significant financial penalty, or any stipulated penalties. (The installation is usually the recipient of and responds to NOVs and Enforcement Actions. See AFI 32-7047, Environmental Compliance, Release, and Inspection Reporting, paragraph 2.4.1., for information on what type of written notification does and does not constitute an Enforcement Action. AFCEC/CZ division(s) or NGB/A7O, as appropriate, has coordinating and supporting roles to ensure that responses are consistent with program direction, objectives, and budget priorities.) May be delegated by the Installation Commander to the Mission Support Group Commander (or equivalent) or Base Civil Engineer.

3.13.4. Coordinating on all DDs signed by AFCEC or NGB/A7O, IAGs, Consent Orders, Land Use Control Implementation Plans (LUCIPs), and Memorandum of Agreement (MOA)/Memorandum of Understanding (MOU) to ensure consistency with installation operational, land use and support requirements, or other installation-related equities.

3.13.5. Delegating authority to AFCEC/CZO personnel to sign solid waste and hazardous waste manifests for ERP generated wastes. (Does not apply to ANG facilities.) **(T-1).**

3.13.6. Approving establishment, dissolution, and adjournment of the RAB, as described in paragraph 11.4. **(T-0).**

3.13.7. Co-chairing the RAB, as described in paragraph 11.4.3. **(T-0).** May be delegated by the Installation Commander to the Mission Support Group Commander (or equivalent).

3.13.8. Ensuring the senior civil engineering representative on the MAJCOM staff and other appropriate MAJCOM offices are fully appraised of ERP programs (to the extent needed to complement AFCEC or NGB/A7O actions), to include any related matters that may have adverse mission or public relations implications.

3.13.9. Addressing, in advance of construction, and IAW normal processes, any likely contamination that is identified during the planning process for a future construction site, consistent with paragraph 6.4. **(T-1).** May be delegated to the Mission Support Group Commander (or equivalent) or Base Civil Engineer.

3.13.10. Processing, coordinating, and approving Base Civil Engineering Work Clearance Requests consistent with interim or selected remedies in a DD. **(T-0).** May be delegated to the Mission Support Group Commander (or equivalent) or Base Civil Engineer.

3.13.11. Providing input into the remedial investigation phase of the ERP as to current and reasonably anticipated future land use and mission requirements. **(T-1).** May be delegated to the Mission Support Group Commander (or equivalent) or Base Civil Engineer.

3.13.12. Ensuring land use, construction activities, and ground-disturbing activities are compatible with interim and selected remedies (including LUCs) consistent with applicable DD(s). **(T-0).** May be delegated to the Mission Support Group Commander (or equivalent) or Base Civil Engineer.

3.13.13. Maintaining letters of AFCEC/CZO-appointed RPMs at active installations or NGB/A7O-appointed RPMs at ANG facilities, as appropriate. May be delegated to the Mission Support Group Commander (or equivalent) or Base Civil Engineer.

3.13.14. Tracking LUCs at the installation. **(T-0).** May be delegated to the Mission Support Group Commander (or equivalent) or Base Civil Engineer.

3.13.15. Designating spokesperson to the community (ANG facilities only)**. (T-0).** See paragraphs 5.2.8.1. and 5.2.8.2.

3.13.16. Ensuring the Medical Group Commander (or equivalent) conducts a health risk assessment for any situation that involves a potential completed pathway of exposure exceeding an applicable relevant and appropriate requirement, to an Air Force population, from a regulated chemical or chemical of concern, and provides health risk communication support, including support to Restoration Advisory Boards (RAB) when needed.

3.14. U. S. Air Force School of Aerospace Medicine (USAFSAM). The USAFSAM supports environmental restoration by providing technical expertise, guidance, and services related to risk communication, radiological health support, occupational and environmental health assessment as defined per AFMAN 48-146, *Occupational & Environmental Health Program Management*. The USAFSAM provides technical specialists in occupational medicine, health physics, epidemiology, risk communication, industrial hygiene, and toxicology to perform occupational and environmental health assessment for situations that involve a potential completed pathway of exposure to an Air Force population from a regulated chemical or chemical of concern. Additionally, USAFSAM performs technical reviews and supports Agency for Toxic Substances and Disease Registry public health assessments (PHA) and public health consultations; serves as a reviewer on the DOD's list of emerging contaminants providing toxicological expertise regarding human health; collaborates with AFCEC to define human health risk to Air Force personnel for exposures in terms of acute/sub chronic exposures; and accomplishes interagency reviews of proposed changes to toxicity values listed in the EPA Integrated Risk Information System IAW DODI 4715.18, *Emerging Contaminants (ECs).*

3.15. Air Force Medical Support Agency/Bioenvironmental Engineering Branch (AFMSA/SG3PB). The AFMSA/SG3PB coordinates with HQ USAF/A4CE and AFCEC on guidance involving human health risk related to environmental restoration activities (and may provide input to SAF/IE offices on potential DOD or Air Force policies).

3.16. Acquisition/Contracting Offices

3.16.1. Secretary of the Air Force for Acquisition (SAF/AQ). Responsibilities include, but are not limited to, assistance in developing contracting policy(ies) for implementing the ERP in coordination with SAF/IE.

3.16.2. Air Force contracting offices support activities and strategies for contracting and managing contract performance in support of the ERP, as required. The Air Force Installation Contracting Agency (AFICA) is the primary Air Force contracting support office, except at ANG facilities where the contracting function is executed through NGB/AQ.

Chapter 4

FINANCIAL MANAGEMENT

4.1. General. ERP financial management includes developing CTC estimates and preparing and submitting budget-related documentation for management purposes and financial reporting. The active and ANG restoration budgets are built through project requirements submitted through EESOH-MIS. The BRAC restoration budget is tracked through the Integrated Information Tool (IIT). The CTC supports environmental liability estimates, other financial reporting requirements, and the Defense Environmental Programs Annual Report to Congress (DEP ARC).

4.2. Funding and Budget Development

4.2.1. ERA, AF and the ERP portion of the BRAC account are based on cleanup requirements. If congressional appropriations are insufficient to cover these requirements, projects are prioritized to protect public health and the environment considering regulator input, as appropriate, and consistent with applicable legal requirements.

4.2.2. Project Development and Submission.

4.2.2.1. AFCEC/CZ division(s), AFCEC/CIB or NGBA7O, as appropriate, shall use a management control process for the review and approval of the site strategies and projects **(T-0)**, to include complying with the below items. The AFCEC/CZ division(s), AFCEC/CIB or NGBA7O, as appropriate, will:

4.2.2.1.1. Submit project requirements via PCEADs for review and validation through EESOH-MIS or IIT. **(T-1).**

4.2.2.1.2. Maintain management control processes for review and approval of the site strategies and projects to meet DOD and Air Force program objectives. **(T-1).**

4.2.2.1.3. Maintain program requirements development guides which include installation requirements and information management, per Chapter 5. **(T-1).**

4.2.2.1.4. Validate site projects in the approved data management systems to ensure the Air Force uses appropriate funds to accomplish eligible cleanup activities. **(T-1).**

4.2.2.2. Air Force Manpower and Management Requirements. AFCEC and NGB/A7O shall ensure the following requirements are met:

4.2.2.2.1. Record management, including manpower costs through program completion (not limited to the POM years) in EESOH-MIS or IIT. **(T-0).**

4.2.2.2.2. Data reporting in EESOH-MIS or IIT should reflect any planned changes in manpower requirements. **(T-1).**

4.2.2.2.3. For each manpower-phased reporting module project, enter both the site-level percentage and the complementary management percentage. AFCEC and NGB/A7O shall ensure the site-level and program management percentages for each project add up to 100 percent (100%). **(T-0).**

4.2.2.2.4. Ensure the quarterly obligation plan, including first quarter requirements, includes manpower costs. **(T-1).**

4.2.3. POM and President's Budget (PB). AFCEC utilizes EESOH-MIS data and IIT data to develop the POM and PB exhibits (and supporting documentation) for the ERA, AF and BRAC funded environmental restoration sites for which it is responsible, consistent with Air Force priorities and any funding constraints.

4.3. Cost to Complete (CTC) Estimates

4.3.1. CTC estimates support financial reporting of environmental liabilities for various reporting requirements, such as DEP ARC, and planning, programming, budgeting, and execution submissions. The appropriate AFCEC/CZ division(s), AFCEC/CIB and NGB/A7O shall ensure that annual CTC estimates are prepared and documented for each site in the ERP. **(T-0).** Furthermore, the appropriate AFCEC/CZ division(s), AFCEC/CIB and NGB/A7O shall ensure these estimates are updated, as required, based on current project information and schedules IAW this Instruction, DODM 4715.20, DOD 7000.14-R, *Financial Management Regulations (FMR), Volume 4*, **Chapter 13**, *Environmental Liabilities*, Office of the Under Secretary of Defense (Comptroller) and Assistant Secretary of Defense (Energy, Installations and Environment) Memorandum, *Strategy for Environmental & Disposal Liabilities Audit Readiness*, and other applicable guidance and policies. **(T-0).** The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A7O shall ensure that the CTC estimates are reliable, reproducible, and auditable. **(T-0).**

4.3.2. Documentation is critical to ensure the costs are reliable, reproducible, and auditable. The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A7O must maintain defensible, audit-ready records of approved previous and revised cleanup cost estimates in the site audit file. **(T-0).** For active installations, the appropriate AFCEC/CZ division(s) is required to maintain and retain the audit file and support documentation at the installation where the cleanup site is located, or may be centrally or regionally located as determined by AFCEC/CZ. ANG may retain records at ANG Headquarters. **(T-1).** At geographically separated units (GSUs) that receive support from an Air Force installation or group located elsewhere, the support organization preparing the estimate may maintain the audit file. AFCEC/CIB may maintain BRAC location audit files and support documentation at the BRAC location or AFCEC/CIB offices.

4.3.3. The appropriate AFCEC/CZ division(s), AFCEC/CIB and NGB/A7O shall:

4.3.3.1. Establish and maintain internal and external management controls to confirm CTCs meet quality assurance required across DOD business processes. **(T-0).**

4.3.3.2. Ensure that personnel responsible for the development, review, approval, and reporting of ERP CTC estimates are appropriately qualified and trained. **(T-0).** Qualifications are based on the Air Force's established internal management controls and training requirements.

4.3.3.3. Demonstrate, through records on the specific personnel qualifications referenced in the site audit file, that staff engaged in the development of the estimate, review, approval, and reporting of CTC estimates are qualified and trained to make estimates and approve estimates. **(T-0).**

4.3.3.4. Implement training programs (i.e., introductory training and annual refresher training) for staff or contractors that estimate, review, approve, or certify CTC estimates or prepare environmental restoration liability reports. DUSD(I&E), *Guidance on*

Training Standards for Environmental Liabilities Recognition, Estimating, and Reporting provides further information. **(T-0).**

4.3.3.5. Ensure that appropriate ERP personnel have taken formal introductory training and recurring refresher training for developing CTC estimates. **(T-0).**

4.3.3.6. Ensure that a management control process is established for the review and approval of estimates. **(T-0).**

4.3.3.7. Ensure that CTC estimates are prepared IAW DODM 4715.20. **(T-0).**

4.4. Recovery of Response Costs. Pursuant to Public Law 105 –85, National Defense Authorization Act for 1998, Section 348, and Under Secretary of Defense (Acquisition, Technology, and Logistics) Memorandum, *Policy Covering Cost Recovery/Cost Sharing Under the Defense Environmental Restoration Program*, responsible officials shall pursue recovery of response costs from potentially responsible parties (PRP) if such activity appears to be potentially cost effective. (T-0). Further guidance can be found in the DODM 4715.20. (**Note:** PRPs are individuals, companies, or any other parties that are potentially liable under applicable law for the conduct or costs of environmental response actions. At Air Force environmental restoration sites, PRPs may include, among others, contractors that generated or disposed of hazardous substances or other contaminants at an Air Force installation, persons who disposed of hazardous substances or other contaminants on Air Force property, and persons responsible for off-site contamination migrating onto Air Force property.)

4.4.1. The appropriate AFCEC/CZ division(s), AFCEC/CIB and NGB/A7O must establish processes to identify, investigate, and pursue PRPs under CERCLA or another relevant environmental or cost recovery statute, and to pursue the PRP to either take responsibility for environmental restoration or contribute to the cost of response actions on a cost-recovery or contribution basis, as appropriate. **(T-1).** Personnel should apply the requirements of AFI 51-502, *Personnel and Government Recovery Claims*, **Chapter 4**, Property Damage Tort Claims In Favor of the United States.

4.4.2. The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A7O shall forward information to AFLOA/JACE about PRP identification and subsequent efforts to pursue cost recovery from those PRPs. **(T-1).**

4.4.3. Pursuant to 10 USC § 2703(e), responsible officials shall ensure recovery actions are processed for credit to the appropriate account. Recovery actions are not limited to recovery of current year appropriations. **(T-0).**

4.4.4. The Air Force may credit its ERA or the environmental restoration portion of its BRAC account by amounts recovered pursuant to CERCLA for response costs attributable to other PRPs (10 USC §§ 2703(e)(1) and (2)). The Air Force may also credit any other amounts recovered from a contractor, insurer, surety, or other person for reimbursement for response activities.

4.5. Funding Eligibility. Environmental restoration activities at active installations eligible for the sole source of ERA, AF funding are addressed in the *ERA, AF Funding Eligibility Guidance*.

Chapter 5

INFORMATION MANAGEMENT

5.1. General. AFCEC/CZ division(s), AFCEC/CIB and NGB/A7O will:

5.1.1. Identify, develop, field, sustain and operate a central ERP information system that maintains the required data. **(T-0).**

5.1.2. Update and maintain the MAP, CRP under the NCP, and similar plans under other authorities at the installation. See paragraph 12.2 and DODM 4715.20, Enclosure 3, for specific guidance on MAPs. **(T-0).**

5.1.3. Update the Administrative Record/Information Repository, site audit folders and other documents; track sites individually; and update data systems. **(T-0).** Track and report ERP status and progress. They also develop requirements and advocate for supporting systems such as Remedial Action Cost Engineering and Requirements (RACER), Enterprise Environmental Occupational Health and Safety-Management Information System (EESOH-MIS) or successor system, IIT or successor system, Environmental Resources Program Information Management System (ERPIMS), audit readiness, and the automated administrative records. See Records Management, Chapter 12.

5.2. Information Management Systems. AFCEC/CZ division(s), AFCEC/CIB and NGB/A7O shall:

5.2.1. Manage the ERA, AF and BRAC accounts primarily using EESOH-MIS for active and ANG locations or IIT for BRAC locations. **(T-1).** The systems support an inventory management model that provides a baseline for progress measurement and highlights milestones in the restoration process.

5.2.2. Submit and maintain data to reflect program changes, status, and requirements. **(T-1).**

5.2.3. Ensure the following minimum information is maintained: **(T-1).**

5.2.3.1. Data used in preparing submissions for Annual Reports to Congress.

5.2.3.2. Information/data needed for internal Air Force Environmental, Safety, and Occupational Health Management Reviews or reports requested by the Office of the Secretary of Defense pursuant to DODM 4715.20.

5.2.3.3. Information/data needed for reporting CTC and financial environmental liabilities, including information necessary for audit readiness.

5.2.3.4. Information/data that serves as inputs to the Air Force planning, programming, and budget estimating processes.

5.2.3.5. Data in support of program management and execution, such as site inventories, ERP phase and milestone schedules, and prior and projected costs.

5.2.4. Use ERPIMS to collect, store, track, and report analytical data. ERPIMS is the Air Force system for validation and management of data from environmental projects at all Air Force locations. **(T-1).** This data contains analytical chemistry samples, tests, and results, as well as hydrogeological information, site/location descriptions, and monitoring well characteristics.

5.2.5. Ensure restoration contracts require submission of analytical data as appropriate into ERPRIMS. **(T-1).**

5.2.6. Annually certify to HQ USAF/A4CE that restoration contracts and task/delivery orders contain the requirement to submit sampling data to ERPIMS in a timely manner. **(T-1).** (Timely submission refers to the time between the actual sampling event and the ERPIMS data submission as stated in contracts and task/delivery orders.)

5.2.7. Annually report to HQ USAF/A4CE the installations not submitting data within the specified contractual time frame, or submitting no ERPIMS data as required. **(T-1).**

5.2.8. Report or disseminate ERP information, to include but not limited to:

5.2.8.1. AFCEC/CZO or AFCEC/CIB (as appropriate), in coordination with the Installation Commander, shall designate a government spokesperson at active installations and BRAC locations, when reporting releases of hazardous substances pursuant to CERCLA, 42 USC § 9603(a) and40 CFR Part 302.4, and releases of regulated substances (oil and hazardous substances) under the UST rules 40 CFR Part 280.50. **(T-0).** The Installation Commander will make the designation at ANG facilities. **(T-0).**

5.2.8.2. When conducting a removal action under CERCLA, AFCEC/CZO or AFCEC/CIB (as appropriate) shall, in coordination with the Installation Commander, designate a government spokesperson at active installations and BRAC locations. **(T-0).** The Installation Commander will make the designation at ANG facilities. **(T-0).** The spokesperson shall inform the community of actions taken, respond to inquiries, and provide information concerning the release. **(T-0).** The spokesperson, with assistance from the installation public affairs office, shall notify (at a minimum) immediately affected citizens, state and local officials, and when appropriate, civil defense or emergency management agencies. **(T-0).** The installation public affairs office will coordinate news releases, media and public inquiries, and public statements with the spokesperson, Installation Commander, AFCEC, and/or NGB, as appropriate. **(T-1).**

5.2.8.3. Requirements to report the discovery of previously unknown releases are often elements of FFAs (for installations on the NPL) or other cleanup agreements, RCRA permits (where ERP activities are occurring at an installation with a RCRA permit), or Administrative Orders (e.g., at an installation operating under an Administrative Order under RCRA § 3008 (h)(42 USC § 6928(h)). The appropriate AFCEC/CZ division(s), AFCEC/CIB, or NGB/A7O, as applicable, must report such discoveries IAW the existing FFA, permit, order, or other relevant legal authority. **(T-0).**

5.3. Quality Assurance. The appropriate AFCEC/CZ division(s), AFCEC/CIB and NGB/A7O will comply with DODI 4715.15, *Environmental Quality Systems*, when collecting, managing, and using environmental data. **(T-0).** Environmental sampling or testing services procured by, or on behalf of, the Air Force shall follow part 223 of the DOD Federal Acquisition Regulation Supplement, Procedures, Guidance, and Information to the DOD Federal Acquisition Regulation Supplement, *Acquisitions Involving Environmental Sampling or Testing Services*. **(T-0).**

Chapter 6

PRIORITY SETTING AND SEQUENCING

6.1. Priority Setting

6.1.1. Priority setting for ERA, AF funded environmental response activities is based on a relative evaluation of the hazards posed by specific conditions at a site and is accomplished using program category-specific tools.

6.1.1.1. In the IRP, priorities are assigned using the Relative Risk Site Evaluation (RRSE) framework, a prioritization tool that assigns each site to a risk category relative to other sites in the IRP (see *DUSD(ES) Relative Risk Site Evaluation Primer* and the AFCEC *Program Requirements Development Guide*).

6.1.1.2. In the MMRP, relative priorities are assigned using Title 32 CFR, Part 179, *DOD Munitions Response Site Prioritization Protocol*.

6.1.1.3. Priority setting for sites that are transferring from Air Force control may also be affected by other factors such as reuse priority, or actions needed to transfer property.

6.2. Sequencing. When making sequencing decisions (i.e., decisions regarding whether to fund response activities at a particular site in a given FY), the Air Force considers both the relative hazards posed by site conditions and other factors of management significance. Whenever possible, sequencing decisions should accelerate responses to achieve established program goals or mission requirements in advance of the stated date for each goal. Sequencing does not change a site priority based on risk; however, sequencing a lower risk site before a higher risk site requires appropriate documentation. In making sequencing decisions, responsible officials will consider various factors, as appropriate. **(T-0).** Considerations include but are not limited to:

6.2.1. Implementation and execution considerations (e.g., the availability of the necessary systems to implement a particular action, responses that require significant capital investments, a lengthy period of operation, or costly maintenance).

6.2.2. Economic considerations, including economies of scale, evaluation of the total life-cycle cost of a remedy, and evaluation of long-term liabilities.

6.2.3. Mission requirements, both current and reasonably anticipated.

6.2.4. The relative risk posed among sites.

6.2.5. The findings of health, safety, or ecological risk assessments or evaluations based on site-specific data.

6.2.6. Concerns expressed by stakeholders.

6.2.7. Current land use and the reasonably anticipated future land use.

6.2.8. Property transfer considerations.

6.2.9. Legal, statutory, or regulatory drivers.

6.2.10. Short-term and long-term ecological effects and environmental impacts in general, including injuries to natural resources.

6.2.11. Actual and anticipated funding levels.

6.3. Project Scheduling

6.3.1. Project scheduling differs from site sequencing. Site sequencing involves decisions about when the Air Force funds ERP activities at a particular site. Project scheduling involves the Air Force's plan for work to be performed at ERP sites after the project has been funded.

6.3.2. The appropriate AFCEC/CZ division, AFCEC/CIB, and NGB/A7O will individually track each site with respect to reporting module data on site status, CTC estimate, and schedule-to-complete (STC) estimate, and must be addressed as an individual site in the installation's MAP. **(T-0).**

6.4. Construction At or Near Contaminated Sites. To the extent that a construction project (MILCON or non-MILCON) generates actions to address contamination, or a need to change ERP-generated timing actions to address contamination, the costs of such actions are not ERA eligible and are funded as part of the construction project. This includes the handling, mitigation, and disposal or other disposition of contamination discovered before or during the construction activity.

Chapter 7

MILITARY MUNITIONS RESPONSE PROGRAM

7.1. General. The unique health and safety hazards associated with UXO, DMM, and MC may require installations to restrict access to MRSs. The appropriate AFCEC/CZ division(s), AFCEC/CIB and NGB/A7O shall ensure compliance with program requirements, to include notifying the Installation Commander and other relevant base offices throughout this process. **(T-0).**

7.2. Air Force Property. For sites managed or administratively controlled by the Air Force, the appropriate AFCEC/CZ division(s), AFCEC/CIB and NGB/A7O shall evaluate the MRS location and condition, and implement protective measures to ensure the health and safety of military personnel, dependents, contractor personnel, and the public. **(T-0).** This includes taking actions as described in DOD 6055.09-M, *DOD Ammunition and Explosives Safety Standards*, Volume 7, paragraph V7.E4.2.3.

7.3. Non-Air Force Federal Property. On discovery of live munitions on a potential MRS on non-DOD Federal property, the Air Force (or the property owner) shall immediately notify the closest DOD military Explosive Ordnance Disposal (EOD) unit for emergency response. **(T-0).** (see AFJI 32-3002, *Interservice Responsibilities For Explosive Ordnance Disposal*, AFI 32-3001, *Responsibilities For Explosive Ordnance Disposal (EOD) Program*, AFPD 10-8, *Defense Support of Civil Authorities (DSCA)*, and AFI 10-801, *Defense Support of Civil Authorities (DSCA)*, for more information.) If the responsible official for the non-DOD agency has not reported the discovery of the live munitions and it is not possible to quickly ascertain who the responsible official is, the Air Force must report the live munitions to the local EOD unit. **(T-0).** Within 5 days of discovering a potential MRS, the appropriate AFCEC/CZ division(s), AFCEC/CIB or NGB/A7O shall send written notification to the head of the appropriate local office of the responsible agency. **(T-0).** The notification should:

7.3.1. Provide information on known or suspected conditions at the potential MRS.

7.3.2. Request copies of any applicable documents the responsible agency may possess related to the property, especially documents related to transfer of the property from previous Air Force management or control to assist in determining appropriateness of creating a new MRS (i.e., confirmation that the site is Air Force MMRP eligible and not a FUDS).

7.3.3. Provide the current owner with information on potential safety, health, or environmental hazards associated with the presence of UXO, DMM, or MC to aid the owner in making informed decisions on land use and access.

7.3.4. Strongly urge the responsible agency to take swift action to prohibit access to the potential MRS.

7.3.5. Identify a point of contact (POC) at the Air Force installation who the responsible agency can contact regarding UXO-related incidents at the potential MRS.

7.3.6. Propose a means of communication (e.g., meetings, newsletter) to provide updates on the status of munitions response activities planned if the potential MRS requires further action.

7.4. Non-Federal Property. As soon as possible, but not later than 5 days after discovering a potential MRS on non-Federal property, the appropriate AFCEC/CZ division(s), AFCEC/CIB or NGB/A7O shall send written notification to the current owner. **(T-0).** Discovering live munitions on a potential MRS requires immediate notification and action by the Air Force or the property owner (i.e., notification to the nearest military EOD unit for emergency response). If the property owner has not reported discovering the live munitions and it is not possible to quickly ascertain who the owner is and/or how they can be contacted, the Air Force must report the live munitions to the local EOD unit. **(T-0).** The notification sent to the land owner should:

7.4.1. Provide information on known conditions at the potential MRS.

7.4.2. Request copies of any applicable documents the agency or entity in possession of the property may have related to the property, especially documents related to the transfer of the property from Federal ownership or control, as appropriate, to assist in determining appropriateness of creating a new MRS (i.e., confirmation the site is Air Force MMRP eligible and not a FUDS).

7.4.3. Provide the current owner with information on potential safety, health, or environmental hazards associated with the presence of UXO, DMM, or MC to aid the owner in making informed decisions on land use and access (e.g., urge the property owner to restrict access).

7.4.4. Request that the owner provide the Air Force with a real property interest (e.g., an access easement) that allows the Air Force to access the MRS and that allows the Air Force to prohibit or restrict other parties from accessing the site if the Air Force does not already have such access.

7.4.5. Identify an Air Force POC who the land owner can contact regarding UXO-related incidents at the potential MRS.

7.4.6. Propose a means of communication (e.g., meetings, newsletter) to provide updates on the status of munitions response activities planned for the MRS if the potential MRS requires further action.

7.5. Documentation Requirements. The appropriate AFCEC/CZ division, AFCEC/CIB, and NGB/A7O will ensure a copy of relevant documents shall be entered and stored in EESOH-MIS or IIT. **(T-1).**

7.6. Geophysical Sensor Data. For MMRP geophysical sensor data requirements, see paragraph 12.3.7.

Chapter 8

REGULATORY INVOLVEMENT

8.1. General

8.1.1. The roles of Federal, state, or local regulatory agencies involved at an environmental restoration site largely depend on the legal framework under which the cleanup is conducted and whether or not the installation is on the NPL.

8.1.2. DERP requires that EPA and appropriate state and local authorities be provided prompt notice of: the discovery of releases or threatened releases of hazardous substances; the associated extent of the threat to public health and the environment; proposals to carry out response actions to address the release(s) and the initiation of such actions. Adequate opportunity shall be given for EPA and appropriate state and local authorities to comment on notices and provide timely review and comment after the proposal and before commencement of action.

8.1.3. The appropriate AFCEC/CZ division(s), AFCEC/CIB and NGB/A7O, in consultation with AFLOA/JACE, shall work with regulators to establish the legal framework under which the cleanup shall be conducted at a particular installation. **(T-1).** Evaluate and compare regulatory requirements applied to environmental restoration activities with those applied to restoration activities conducted by other parties in that state or region to ensure parity of requirements.

8.2. Lead Regulators

8.2.1. NPL Installations. At Air Force installations on the NPL, EPA is the lead regulator and the Air Force is the lead agency. CERCLA provides EPA with joint remedy selection authority at NPL facilities. If the Air Force and EPA cannot reach agreement, EPA solely selects the remedy. CERCLA also requires the Air Force to enter into an IAG with EPA at NPL facilities. An FFA is used for DOD NPL facilities to satisfy the CERCLA IAG requirement. FFAs outline the working relationship between the Air Force, EPA, and as appropriate, the affected state, and clearly define mutual obligations during the cleanup process at a DOD NPL facility. (See paragraph 13.1. for more information on FFAs). The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A7O shall consult Air Force legal counsel if there is no FFA or IAG for an installation, or if there are stakeholder efforts to list sites or an installation on the NPL. **(T-1).** The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A7O shall work with regulators to achieve remedial action objectives and seek removing an installation from the NPL. **(T-0).** For transferring installations, EPA determines whether remedies are operating properly and successfully prior to property transfer, and EPA approves, with state concurrence, requests for early transfer. (For more information see DODM 4165.66, *Base Redevelopment and Realignment Manual*, DODI 4165.72, *Real Property Disposal*, Office of the Deputy Under Secretary of Defense for Installations and Environment Guide, *Early Transfer Authority: A Guide to Using ETA to Dispose of Surplus Property*.)

8.2.2. Non-NPL Installations. The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A7O should identify a single lead regulator for installations that are not on the NPL. For restoration activities conducted under RCRA, if a state has been delegated RCRA

authority for corrective action, the state usually serves as the lead regulator. Regardless, the appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A7O must notify and provide the applicable regulatory agency review and comment opportunities at discrete cleanup stages as noted in paragraph 8.1.2. **(T-0).** For property to be transferred to non-federal entities and where remediation is ongoing, EPA determines whether remedies are operating properly and successfully prior to property transfer. For early transfer, a state governor approves the request.

8.3. State, Territory, and Local Involvement

8.3.1. States, territories, and local governments have a significant role in the cleanup process. 42 USC §§ 9620(f) and 9621(f) and 10 USC § 2705(a) and (b) provide stakeholders notice, review, and comment opportunities at each distinct phase of the response process. Under the NCP, state acceptance is one of the modifying criteria for evaluation of alternatives for the remedial action. States are often parties to IAGs and FFAs at installations on the NPL, which may also grant them particular rights to participate in the response process. Also see paragraph 11.4.

8.3.2. The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A7O shall work in consultation with AFLOA/JACE prior to working with state and/or Federal regulators to determine the appropriate Federal or state legal authority(ies) under which environmental restoration is to be conducted. **(T-1).** For cleanups conducted under CERCLA, the appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A7O shall provide state, territorial, and local governments with notice and review and comment opportunities at each distinct phase of the cleanup process. (T-0). For cleanups conducted under legal authorities other than CERCLA, usually RCRA corrective action, consult legal counsel on the appropriateness of the alternate mechanism, the procedures that apply, and who approves the Air Force restoration activities (normally, the state is the lead regulator for RCRA corrective action but not always). If more than one regulatory regime will apply to restoration on a single installation, document which activities fall under which regimes. See paragraph 13.4 for requirements for executing cleanup under other legal authorities.

8.3.3. Reimbursement for State Support Services.

8.3.3.1. DSMOA. For environmental restoration activities conducted using ERA, AF or BRAC funds, the Air Force reimburses eligible expenses to participating state and territorial regulatory agencies through the DSMOA and Cooperative Agreement (CA) processes. USACE is the DSMOA lead agent for DOD and administers DSMOAs and CAs with participating states and territories. The Air Force is responsible for providing and revising JEPs; concurring on states' proposed work to support an installation's ERP; reviewing costs invoiced by the states for allowable, authorized, and eligible expenses; reviewing work plans, documents, and progress reports; and providing funds. Consult the DSMOA Cooperative Agreement Program Guide, *Working Together to Achieve Cleanup: Guide to the Cooperative Agreement Process*, for additional information. Also see DODM 4715.20, paragraph 15.b.(1) of Enclosure 3.

8.3.3.1.1. The requirements controlling the eligibility of various types of state services for DSMOA program eligibility are primarily governed by whether:

8.3.3.1.1.1. The service is in furtherance of the Air Force's DERP responsibilities

and listed in the DSMOA, with costs that are allowable, reasonable, allocable, and applicable per paragraph 8.3.3.1.2.

8.3.3.1.1.2. The activity is legitimately a service that must be sought by the Air Force, not an action imposed by the State.

8.3.3.1.1.3. The service is listed in the JEP.

8.3.3.1.2. Other Federal Requirements. State services shall meet Federal requirements for CAs with states (e.g., Office of Management and Budget Circulars No. A-87, *Cost Principles for State, Local, and Indian Tribal Governments*, A-110, *Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations*, and A-133, *Audits of States, Local Governments, and Non-Profit Organizations*).

8.3.3.1.3. CA Process. The Air Force, USACE, and the states use a six-step process for producing and validating the CA package, which is the funding instrument for the DSMOA program. If the Air Force does not coordinate in a timely manner, the state may submit its application without Air Force input. Funding for state participation in the ERP through the DSMOA comes from the ERA, AF or BRAC account.

8.3.3.2. Alternatives to DSMOA for State Reimbursement.

8.3.3.2.1. The Air Force may pursue alternative approaches to the DSMOA for reimbursing costs of state DERP-related services. The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A7O shall ensure alternative agreements to DSMOA comply with all applicable legal requirements and DOD and Air Force policy. **(T-0).**

8.3.3.2.2. To ensure an orderly withdrawal from the DSMOA program, the appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A7O shall notify the Office of the DUSD(I&E), Environment, Safety and Occupational Health Directorate (ODUSD(I&E)/ESOH) and the Office of the DAS of the Army (Environment, Safety, and Occupational Health) at least 60 days in advance of signing an agreement to pursue an alternative approach to DSMOA IAW DODM 4715.20, paragraph 15.b.(2) of Enclosure 3. **(T-0).** The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A7O shall monitor and document the alternative approach, and ensure it meets all legal, fiscal, and policy requirements and require coordination by the Cooperative Agreement Grants Officer and AFLOA/JACE. **(T-0).**

8.4. Agency for Toxic Substances and Disease Registry (ATSDR)

8.4.1. Under 42 USC § 9604(i)(6), the ATSDR is responsible for conducting public health assessments (PHA) within one year at all sites on or proposed for the NPL. CERCLA also provides that citizens may petition ATSDR to perform PHAs at non-NPL sites. The Air Force shall consider ATSDR PHAs in the cleanup process and decision making. The Air Force's objective is to work with ATSDR in completing all required PHAs as expeditiously as possible.

8.4.1.1. The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A7O will track Air Force funded public health assessments performed by ATSDR to determine the presence and nature of health hazards at a site proposed for the NPL. **(T-0).**

8.4.1.2. The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A7O will report to the Army tracking system (for ATSDR public health assessments) the responses and actions taken based on ATSDR's recommendations in its final public health assessment reports for these sites. **(T-0).**

8.4.2. ATSDR does not conduct assessments of the explosive hazards associated with military munitions, per the Memorandum of Understanding between the Agency for Toxic Substances and Disease Registry, Public Health Service, and the Department of Defense on the Development of Toxicological Profiles for Hazardous Substances, and Public Health Assessments and Related Activities at DOD Facilities.

Chapter 9

NATURAL RESOURCE INJURY INTEGRATION

9.1. Application. The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A7O shall evaluate Natural Resource Injury (NRI) and, as appropriate, address any release of a CERCLA hazardous substance that may cause injury to natural resources at an Air Force installation. **(T-0).** Consult with the appropriate legal office as necessary. This requirement applies regardless of the legal authority under which the cleanup is conducted. The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A7O will ensure that Air Force obligations both as a responsible party and as a trustee of natural resources IAW CERCLA and DODM 4715.20 are satisfied. **(T-0).**

9.2. Sites. At sites where the Air Force is a PRP and a Trustee, the responsible Air Force organization shall:

9.2.1. Identify sites (preferably as part of an ecological risk assessment) and, whenever practicable and consistent with the response action, redress it as part of the site assessment, investigation, remedy selection, and implementation processes. **(T-0).**

9.2.2. When investigating releases, promptly notify other Trustees with jurisdiction over natural resources at the site, which may include Federal agencies, states, and tribes, of actual or potential NRI. **(T-0).**

9.2.3. Coordinate any necessary ecological risk assessments, RIs, and response action planning and conduct with other natural resource Trustees IAW CERCLA (see 42 USC §§ 9604(b) and 9607(f)), the NCP, and this Instruction. **(T-0).** This coordination does not grant the other Trustees any role in the remedy selection process. Where appropriate, the Air Force may invite other natural resource Trustees to attend an installation's RAB meeting.

9.2.4. Whenever practical, during the FS and as part of evaluating response alternatives, assess how each response alternative addresses existing NRI and whether implementation of that response alternative could cause additional NRI. **(T-2).**

9.2.5. Where feasible and cost effective, the appropriate AFCEC/CZ division(s), NGB/A7O or AFCEC/CIB selects a response that results in the least amount of NRI. **(T-2).**

9.3. Funding. The ERA, AF and BRAC accounts may be used to address natural resources injuries only if the action to be funded is incidental to the response action process.

9.3.1. These accounts may not be used to enhance or replace natural resources unless such actions are required for conduct of a response action.

9.3.2. Environmental restoration funding may not be used to conduct natural resource damage assessments, or to pay other Natural Resource Trustees' monetary natural resource damages. See AFI 32-7064, *Integrated Natural Resources Management*.

Chapter 10

PERMIT EXEMPTION

10.1. Scope. Under 42 USC § 9621(e)(1) and 40 CFR 300.400(e), the portion of any CERCLA response actions that are conducted entirely on-site is exempt from requirements to obtain Federal, state, and local permits. As defined by 40 CFR 300.5 and 300.400(e), "on-site" means the areal extent of contamination (all media and pathways) and all suitable areas in close proximity to the contamination necessary for implementing the response action. The exemption applies to all permits that could otherwise be required for response actions, as well as permit equivalency and other approval processes.

10.2. Air Force Permits. The Air Force does not renew a permit or obtain new permits or permit equivalents for on-site CERCLA response actions. Per CERCLA and the NCP, the appropriate AFCEC/CZ division(s), AFCEC/CIB and NGB/A7O shall identify and meet the substantive cleanup requirements (standards, requirements, criteria, or limitations) to which response actions conform. **(T-0).** Exceptions to this must be made on a case-by-case basis, contingent upon written approval of SAF/IEE.

10.3. Actions Taken Under Other Legal Authority. If the Air Force conducts responses to CERCLA hazardous substances, or pollutants or contaminants solely under a legal authority other than CERCLA, the permit exemption does not apply. Similarly, responses to substances that are not CERCLA hazardous substances, pollutants or contaminants (and therefore are not subject to CERCLA) do not qualify for the CERCLA permit exemption. Integrated actions, whereby the Air Force responds both under CERCLA and another legal authority, qualify for the CERCLA permit exemption.

Chapter 11

COMMUNITY INVOLVEMENT

11.1. Establishing Community Involvement Programs. Installation Commanders and the appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A7O will establish community involvement programs for environmental restoration activities. **(T-0).** DERP, CERCLA, and the NCP provide for formal consideration of diverse environmental factors and meaningful opportunities for public involvement on proposed response actions. The appropriate AFCEC/CZ division(s), AFCEC/CIB and NGB/A7O conducting cleanup under CERCLA shall comply with the community involvement requirements of CERCLA and the NCP, including developing a community relations plan. **(T-0).** The appropriate AFCEC/CZ division(s), AFCEC/CIB and NGB/A7O shall ensure equivalent opportunities for public review and comment on proposed RCRA corrective actions or restoration activities conducted under legal authorities other than CERCLA and RCRA. **(T-0).** Additional information regarding stakeholder participation during the review of PPs and DDs can be found in paragraph 8.3.1.

11.2. Point of Contact (POC). The appropriate AFCEC/CZ division(s) and AFCEC/CIB shall designate a POC for ERP community involvement matters and public inquiries regarding the ERP and identify the POC to the local community through appropriate means (e.g., a newspaper notice, installation website). **(T-0).**

11.3. Community Relations Plan (CRP). The appropriate AFCEC/CZ division(s) and AFCEC/CIB shall make available in a timely manner information on environmental restoration activities using appropriate mechanisms for disseminating information outlined in the CRP (e.g., local media, public meetings and websites). **(T-0).** At installations where cleanup is conducted under CERCLA, the appropriate AFCEC/CZ division(s), AFCEC/CIB and NGB/A7O shall establish a formal community involvement program (documented in a CRP) in coordination with the Installation Commander and pertinent installation offices (e.g., medical, public affairs) at active installations and IAW CERCLA public participation requirements. **(T-0).** (See 40 CFR 300.415(n)(3)(ii), 300.430(c)(2)(ii), and 300.435(c)(1) for CRP requirements.) At installations where cleanup may be under other frameworks than CERCLA, the appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A7O supplements the CRP with requirements from the applicable legal framework, unless other non-CERCLA regulatory authorities specify a different comprehensive community involvement program. **(T-0).** The CRP shall be updated, as needed, to ensure interested members of the public have opportunities for effective involvement.

11.4. Restoration Advisory Board (RAB). Installation Commanders, or AFCEC/CIB at BRAC locations, shall have lead responsibility for establishing a RAB or equivalent (hereafter referred to as "RAB") at each installation or BRAC location where there is sufficient and sustained community interest. (T-0). A RAB fulfills the requirements of 32 CFR Part 202, *Restoration Advisory Boards* and 10 USC § 2705(c) and (d), which direct DOD to establish a TRC or a RAB. A RAB may be established for environmental restoration conducted under other statutes when deemed appropriate or required by a permit, enforcement order, agreement, or statute. Only one RAB will be recognized at an installation without prior approval from the Installation Commander or AFCEC/CIB at BRAC locations. Additional information on RABs may be found in the OSD *RAB Rule Handbook*.

11.4.1. Where there is no RAB established, the appropriate AFCEC/CZ division(s), AFCEC/CIB or NGB/A7O, as applicable, shall reassess community interest every 24 months or upon request by the community. **(T-0).** Where the reassessment finds sufficient and sustained community interest, the Installation Commander, or AFCEC/CIB at BRAC locations, approves establishing a RAB. Where the reassessment does not find sufficient and sustained community interest in a RAB, the Installation Commander, or AFCEC/CIB at BRAC locations, signs a memorandum for the record that documents the reassessment procedures and findings. **(T-0).** The appropriate AFCEC/CZ division(s), AFCEC/CIB or NGB/A70, as applicable, shall include the memo in the Administrative Record. **(T-1).**

11.4.2. The RAB is comprised of representatives determined by the Installation Commander at active installations and ANG facilities or AFCEC/CIB at BRAC locations; AFCEC/CZ, AFCEC/CIB, or NGB/A7O personnel as appropriate; affected members of the local community; and representatives from EPA, state regulatory agencies, and tribal or local governments, as appropriate. The appropriate AFCEC/CZ division(s) or AFCEC/CIB is responsible for ensuring that RAB members reflect the diverse interests within the community.

11.4.3. The RAB must be chaired jointly by the Mission Support Group Commander or equivalent, unless chaired by the Installation Commander (or AFCEC/CIB representative at BRAC locations), and a representative of the local community. The community co-chair shall be selected by the community members serving on the RAB.

11.4.4. A RAB may only address issues associated with environmental restoration activities under the ERP.

11.4.5. A RAB is not subject to the requirements of the Federal Advisory Committee Act. However, all RAB meetings, correspondence, discussions, and proceedings shall be conducted in public, and no member of the public will be denied access (unless there is sufficient cause, for example, concern for the safety of those involved with the RAB meetings). Documents related to RAB proceedings or communications will be included in the Information Repository. If the RAB minutes reflect decision-making, copies should also be documented in the Administrative Record.

11.4.6. The Installation Commander or AFCEC/CIB at BRAC locations may adjourn a RAB with input from the community and appropriate regulatory agencies when one or more of the situations outlined in 32 CFR Part 202.10(a)(1) have occurred. The Installation Commander, or AFCEC/CIB at BRAC locations, must document the rationale for adjournment in a memorandum for inclusion in the Administrative Record and appropriately notify the public of the decision through written notice to the RAB members and through publication of a notice in a local newspaper of general circulation. (T-0). If a RAB is adjourned at an installation where environmental restoration activities are not complete, the Installation Commander and the appropriate AFCEC/CZ division(s), AFCEC/CIB, or NGB/A7O, as applicable, shall ensure that stakeholders are provided an opportunity for continued effective input (with such opportunity documented in the installation's CRP or equivalent planning document). **(T-0).**

11.4.7. Installation Commanders and the appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A7O are expected to make every reasonable effort to ensure that a RAB performs its role as efficiently as possible. Despite these efforts, circumstances may prevent a RAB

from operating efficiently or fulfilling its intended purpose. When this occurs, the Installation Commander and the appropriate AFCEC/CZ division(s), AFCEC/CIB, or NGB/A7O, as applicable, will make a concerted effort to resolve the issues that impair the RAB's effectiveness. **(T-0).** If unsuccessful, the Installation Commander, or AFCEC/CIB at BRAC locations, may elect to dissolve the RAB, if the authority to dissolve RABs has been delegated. Requirements for dissolving a RAB are described in 32 CFR 202.10.

11.5. Technical Assistance For Public Participation (TAPP) Program

11.5.1. Installation Commanders and the appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A7O shall ensure opportunities for technical assistance through the TAPP program are made available to community members of a recognized RAB IAW 10 USC § 2705(e) and the TAPP regulations in 32 CFR Part 203, *Technical Assistance For Public Participation (TAPP) In Defense Environmental Restoration Activities*. (T-0). Community members of a RAB or TRC may request technical assistance from private-sector sources through the Air Force RAB co-chair to AFCEC/CZR, AFCEC/CIB, or NGB/A7O, as appropriate, for approval.

11.5.2. TAPP is funded through the ERA, AF or BRAC account. TAPP is categorized as a program administration cost. There is no guaranteed or automatic TAPP funding allocation per installation, and there is no separate account for such funding.

11.5.2.1. TAPP funding may not exceed $100,000 over the life of the restoration program at the installation. The limit for a single fiscal year is $25,000, or one percent (1%) of the installation's total projected environmental restoration CTC, whichever is less.

11.5.2.2. Waivers to the $100,000 total and fiscal year funding limits may be approved by SAF/IEE.

11.5.3. In the event that a dispute arises concerning the approval of a TAPP request, RAB community members may appeal through the Air Force RAB co-chair to AFCEC/CZR, AFCEC/CIB, or NGB/A7O, as appropriate. The highest level of appeal is SAF/IEE. SAF/IEE will determine appeals on waivers to the annual funding limits.

11.5.4. Communities that have received EPA Technical Assistance Grants or Technical Outreach Services to Communities are not precluded from receiving a TAPP award. However, these other sources of funds are relevant considerations during the decision process.

11.5.5. Installation Commanders and the appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A7O shall ensure that each RAB receiving a TAPP award submits an annual TAPP Results Report (per DODM 4715.20, paragraph 16.d.(5)) through AFCEC to SAF/IEE for transmittal to DUSD(I&E). **(T-0).**

Chapter 12

RECORDS MANAGEMENT

12.1. Records Maintenance and Retention. The appropriate AFCEC/CZ division(s) or NGB/A7O shall ensure collection and retention of environmental restoration records at active installations and ANG facilities IAW applicable statutes, regulations, and Air Force records management directives (to include compliance with the Air Force RDS). **(T-0).** As mutually agreed between the losing organization and AFCEC regarding the transfer of the ERP at BRAC locations and other transferred properties, AFCEC/CIB will assume responsibility for maintaining environmental restoration records. **(T-0).** Additionally, the appropriate AFCEC/CZ division(s) or NGB/A7O shall ensure the administrative record for ERP activities is maintained for fifty (50) years after the last site achieves Response Complete (RC). **(T-0).** Also, the appropriate AFCEC/CZ division(s) or NGB/A7O shall ensure that records for cleanup conducted under other legal authorities are maintained and disposed of IAW applicable legal requirements or the Air Force RDS located at **https://www.my.af.mil/afrims/afrims/afrims/rims.cfm,** whichever provides a longer retention period. **(T-0).** Further, negotiated agreements, permits, and unilateral or consent decrees may have additional and specific record maintenance and retention requirements.

12.2. Management Action Plan (MAP)

12.2.1. The MAP, or BRAC equivalent document (hereinafter referred to as "MAP"), is a key management tool for the ERP at an active installation or a BRAC location. The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A7O, as applicable, shall prepare a MAP for each active installation, ANG facility, and BRAC location where activities under the ERP have yet to be completed. **(T-0).** The MAP is used to track environmental restoration requirements, schedules, and LUCs. The MAP also serves as the basis for overall program planning, budget development, and execution decisions. The MAP describes an integrated, coordinated approach for conducting environmental restoration activities. The MAP addresses all required restoration actions, by year, through the estimated completion.

12.2.2. MAPs must meet the requirements specified in DODM 4715.20, paragraph 8.c.(2) of Enclosure 3. MAPs for geographically separated sites are addressed in either the parent installation's MAP, or in a separate MAP.

12.2.3. The MAP function in EESOH-MIS for IRP sites meets the requirement for a MAP, provided EESOH-MIS is populated with complete and current data.

12.3. Administrative Record

12.3.1. Pursuant to 42 USC § 9613(k) and 40 CFR 300.800-300.825, the appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A7O shall establish and maintain an Administrative Record at the installation or other central location. **(T-0).** The Administrative Record (or similar record) is the official legal record that contains the documents that form the basis for the selection of a CERCLA response action. The official copy of the Administrative Record shall be maintained IAW DODM 4715.20, paragraph 7.a.(1) and (4) of Enclosure 3.

12.3.2. Additionally, pursuant to 42 USC § 9613(k) and 40 CFR 300.800-300.825, a copy of the documents included in the Administrative Record shall also be made available for public inspection at or near the site. This copy of the Administrative Record shall be included in the Information Repository. See paragraph 12.4.1.3. The copy of the Administrative Record made available to the public may be in any of the following formats: hard copy, microfiche, web-based, or such electronic formats as compact discs or portable hard drives. If any discrepancies are found, the record copies maintained by the appropriate AFCEC/CZ division(s), AFCEC/CIB or NGB/A7O, as appropriate, are the official records.

12.3.3. The content, format, and retention of the Administrative Record should be consistent with EPA guidance on the Administrative Record. If such EPA guidance conflicts with this Instruction, this Instruction controls. For responses under RCRA, the Administrative Record will comply with this Instruction unless the requirements in the RCRA permit are greater.

12.3.4. IAW 42 USC § 9603(d), it is a felony to destroy certain records that must be retained for 50 years.

12.3.5. The Administrative Record shall include, but is not limited to:

12.3.5.1. Documents and materials containing information that form the basis for the Air Force's selection of a response action, including regulatory agency review and comments. Confidential or privileged documents shall be kept in a separate portion of the Administrative Record not accessible to the public. Whenever feasible, the AFCEC/CZ division(s), AFCEC/CIB or NGB/A7O, as appropriate, shall summarize or rephrase (with legal counsel assistance) those portions of the privileged document that pertain to the response selection so that a summary or rephrased version can be included in the publicly accessible portion of the Administrative Record. **(T-1).**

12.3.5.2. Documents made available to the public, as required by CERCLA, for removal or remedial site assessments or actions, as well as public comments received on these documents.

12.3.5.3. While not a legal requirement, documents and materials containing information on the response action's performance (e.g., RD/remedial action, data reports on remedy progress, RACRs, and five-year reviews) should be included in the Administrative Record.

12.3.6. An Administrative Record or similar record retention requirements may be required by a permit, enforcement order, or agreement for cleanup under non-CERCLA statutory authorities.

12.3.6.1. In cases where an Administrative Record or similar record is not required by a permit, enforcement order, or agreement, as a matter of guidance, the AFCEC/CZ division(s), AFCEC/CIB or NGB/A7O, as appropriate, shall establish a record of environmental actions for environmental restoration activities conducted under legal authorities other than CERCLA equivalent in scope to the Administrative Record requirements described herein. **(T-1).**

12.3.6.2. The record of environmental actions shall include, but is not limited to, the items listed in paragraph 12.3.5.

12.3.7. The AFCEC/CZ division(s), AFCEC/CIB or NGB/A7O, as appropriate, shall include all of the data gathered to characterize an MRS (including geophysical sensor data that is digitally recorded and geo-referenced) accompanied by a clear audit trail of pertinent analyses and resulting decisions in the Administrative Record. **(T-0).** Where collecting digitally recorded, geo-referenced, geophysical sensor data is impractical or unwarranted, AFCEC/CZ division(s), AFCEC/CIB or NGB/A7O, as appropriate, shall forward a memorandum documenting the determination to SAF/IEE through HQ USAF/A4CE, and include the memorandum in the Administrative Record and the Information Repository. **(T-1).**

12.4. Information Repository

12.4.1. Per CERCLA (42 USC § 9617(d)) and the NCP (40 CFR 300.415(n)(3)(iii) and 300.430(c)(2)(iii)), the AFCEC/CZ division(s), AFCEC/CIB or NGB/A7O, as appropriate, shall establish an Information Repository. (T-0).

12.4.1.1. The Information Repository provides the public with a single reference source for information about environmental restoration activities at the installation.

12.4.1.2. The Information Repository shall, at a minimum, contain items made available to the public, including documentation that is in the Administrative Record and all public documents associated with the RAB or equivalent. The Information Repository may also contain other documents pertinent to the activities at the installation, particularly documents related to ERP community outreach activities and publicly disseminated information.

12.4.1.3. The Information Repository must be maintained at a location near the installation or site that is easily accessible to the public, and where the information is available for inspection at times convenient to the public. Air Force installations do not have to maintain a hard copy of the Information Repository. Installations may maintain the Information Repository solely in an electronic format (e.g., web-based, compact disc, microfiche, and/or removable hard drive). If the installation provides a web-based or electronic file at or near the site, the Air Force must ensure that the public has access to the appropriate technology to review the files at that location.

12.4.1.4. The AFCEC/CZ division(s), AFCEC/CIB or NGB/A7O, as appropriate, through the appropriate public affairs office shall inform the public of the establishment of the Information Repository and provide notice of availability of the Administrative Record for public review. **(T-0).**

12.4.2. Information on environmental restoration activities shall be made available to the public in a timely manner using appropriate mechanisms for disseminating information to the public (e.g., local media, public meetings, and websites). Such mechanisms are identified in the CRP (or similar planning document) and used in a consistent manner.

12.4.3. An Information Repository and other public access to information may be required by permit, enforcement agreement, or other requirements for cleanup under non-CERCLA statutory authorities. Even when not required by these authorities, an Information Repository shall be established IAW the requirements in paragraph 12.4.1.

12.4.4. The appropriate AFCEC/CZ division(s), AFCEC/CIB and NGB/A7O shall ensure that documents for publication in a public repository do not contain procurement-sensitive, personal, or security-related information that is privileged from release under the law. **(T-0).**

12.5. Site Audit File. The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A7O shall ensure a site audit file is maintained IAW DODM 4715.20, paragraphs 13.a.(7) and 14.f. and g. of Enclosure 3. **(T-0).**

12.5.1. GIS files necessary for communicating information about DERP sites are to be developed and maintained IAW Air Force standards, and be provided to the appropriate Air Force data repository.

12.5.2. The appropriate AFCEC/CZ division(s) shall provide detailed technical guidance on site audit file contents. **(T-1).**

Chapter 13

CLEANUP AGREEMENTS

13.1. Interagency Agreements (IAG)/Federal Facility Agreements (FFA). Pursuant to 42 USC § 9620(e)(2), within 180 days of EPA's review of an RI/FS at a site listed on the NPL, AFCEC/CZ, AFCEC/CI or NGB/CF, as appropriate, and EPA must enter into an IAG. **(T-0).** If an agreement is not entered into within that time frame, per 42 USC § 9620(e)(5), Congress shall be informed (via the Defense Environmental Programs Annual Report to Congress) of the reasons for not having an IAG in place. The Air Force uses an FFA at its facilities on the NPL to satisfy the requirements of an IAG. For Air Force facilities on the NPL without signed FFAs:

13.1.1. The EPA and Department of the Army Agreement, *Fort Eustis Federal Facility Agreement*, 25 Mar 08, is used as the standard to satisfy the requirement for an IAG pursuant to 42 USC § 9620(e)(2) and (4). Only make site specific changes.

13.1.2. The appropriate AFCEC/CZ division(s), AFCEC/CIB, or NGB/A7O, in consultation with AFLOA/JACE, shall be the lead in working with EPA Regions and states to negotiate the FFA. **(T-1).**

13.1.3. States determine whether they sign an FFA.

13.1.4. To the extent the Air Force, EPA Region, or state seek variations to the standardized FFA, SAF/IEE is consulted and approves any variations, and notifies DUSD(I&E), as necessary.

13.1.5. SAF/IEE shall submit all proposed FFAs for a "72 hour review" to DUSD(I&E), the Deputy General Counsel for Environment and Installations (DGC(E&I)), and the other DOD Components with DERP responsibilities prior to signature IAW DODM 4715.20, paragraph 6.g. of Enclosure 3.

13.2. Developing Agreements

13.2.1. SAF/IEE must approve any new agreement with federal, state, or local regulators pursuant to Section 120 of CERCLA (42 USC § 9620), to include an MOU or any similar arrangement, or substantive revisions of existing such agreements, and also approve entering into negotiations for such agreements. **(T-1).**

13.2.2. Authority to sign the FFA is IAW the SAF/IEE re-delegation memorandum.

13.3. Dispute Resolution. To the greatest extent possible, AFCEC or NGB/A7O, as appropriate, should work with regulators informally before invoking dispute resolution.

13.3.1. Disputes at NPL Installations. If an issue between regulators and the Air Force arises, the dispute resolution process designated in the FFA applies. If no FFA exists, the DSMOA CA process is used to resolve disputes, if one is in place. Where there is not a signed FFA or DSMOA, AFCEC/CZ, AFCEC/CI, or NGB/A7O, as appropriate, will determine the resolution process on a case-by-case basis after consulting with AFLOA/JACE. **(T-1).**

13.3.2. Disputes at Non-NPL Installations. Use the resolution process stated in the DSMOA, unless a cleanup agreement has been entered that contains an alternative dispute resolution mechanism. Where there is not a signed DSMOA or applicable cleanup agreement,

AFCEC/CZ, AFCEC/CI, or NGB/A7O, as appropriate, will determine the resolution process on a case-by-case basis after consulting with AFLOA/JACE. **(T-1).**

13.4. Executing Work Under Other Legal Authorities. The Air Force maximizes the use of its DERP authority and delegated CERCLA authorities (e.g., as a lead agency). However, the Air Force may conduct environmental restoration pursuant to CERCLA; other applicable Federal, state, or local laws addressing environmental restoration (e.g., RCRA corrective action); or a combination thereof. See paragraph 8.3.2. for information on executing work under other legal authorities.

13.4.1. In instances where a regulatory agency seeks to use a framework other than DERP and CERCLA (e.g., 42 USC §§ 300f-300j-26), the appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A7O will pursue compliance with all CERCLA requirements as well, especially with respect to the content of DDs, public involvement, and maintaining the administrative record. **(T-0).**

13.4.2. When a regulatory agency seeks to use an authority for environmental restoration other than CERCLA, RCRA corrective action, or USTs pursuant to 42 USC § 6991 and 40 C.F.R. part 280, subpart F (e.g., 42 USC §§ 6934 and 6973, commonly known as RCRA 3013 or 7003 orders, respectively), and AFCEC or the NGB is considering such an agreement, SAF/IEE must approve entering negotiations and approve any subsequent agreement. SAF/IEE will notify DUSD(I&E), as required. An exception to this requirement would be when addressing a petroleum release from an AST or distribution pipeline.

13.4.3. When the appropriate AFCEC/CZ division(s), AFCEC/CIB, or NGB/A7O seeks to voluntarily pursue environmental restoration under an authority other than CERCLA, RCRA corrective action, or UST regulations, where applicable, (e.g., the Air Force wants to pursue a RCRA 3013 or 7003 order), AFCEC must gain SAF/IEE and DUSD(I&E) approvals to enter negotiations. **(T-1).** SAF/IEE must approve any subsequent agreement and notify DUSD(I&E) accordingly. If a DOD Component or the DUSD(I&E) non-concurs, the Air Force cannot pursue the alternate approach until the objection is resolved. An exception to this requirement would be when addressing a petroleum release from an AST or distribution pipeline.

13.5. Agreements for Third-Party Sites (TPS). TPS Agreements, including Consent Decrees and other litigation settlement agreements, are not addressed in this Instruction. The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A7O should contact AFLOA/JACE when involved with TPS. Such agreements require Department of Justice and SAF/IEE (or designated delegate) approval. AFLOA/JACE manages and coordinates such agreements in consultation with SAF/GCN and the appropriate AFCEC/CZ division(s) or AFCEC/CIB.

13.6. Defense Logistics Agency (DLA)-Energy Sites on Air Force Installations

13.6.1. Per DOD 4140.25-M, *DOD Management of Bulk Petroleum Products, Natural Gas, and Coal*, DLA-Energy funds the identification, assessment, and remediation costs of fuel spills and leaks from DLA-Energy-managed bulk storage facilities and transportation systems that occur after October 1, 1992. Restoration of contaminated sites resulting from activities conducted prior to October 1, 1992, is an Air Force-funded responsibility.

13.6.2. The Air Force and DLA-Energy may enter into an MOU for a specific location or facility addressing how to divide responsibilities for environmental restoration (not related to

construction), and when signed, the MOU supersedes the guidance in DOD 4140.25-M. (**note**: The MOU may be signed by AFCEC/CZR, AFCEC/CIB, or NGB/A7O, as appropriate, with copy to HQ USAF/A4CE.)

13.7. Informal Resolution. Upon identifying an issue that may impair program goals, or cleanup efficiency or effectiveness, RPMs will notify AFCEC/CZO, AFCEC/CIB, or NGB/A7O, as appropriate, and attempt to resolve the issue for up to 30 days. **(T-1).** If the issue is not resolved during this period, AFCEC/CZO, AFCEC/CIB, or NGB/A7O, as appropriate, will evaluate the matter and take action to help reach resolution. **(T-1).** If after 60 days from initial RPM notification the issue remains unresolved, the appropriate AFCEC/CZ division(s), AFCEC/CIB, or NGB/A7O will ensure that HQ USAF/A4CE is notified to assist in reaching resolution, with support from (and notification to) SAF/IEE, and AFLOA/JACE as may be needed. **(T-1).**

Chapter 14

DECISION DOCUMENTS

14.1. Basis for Action. All restoration legal authorities require that a basis for action exists, which in turn is based upon the finding of unacceptable risk. This finding should be documented in the appropriate DD.

14.1.1. For environmental restoration actions conducted solely pursuant to CERCLA, a basis for action under CERCLA is established in the RI and the component baseline risk assessment. A basis for action under CERCLA generally exists when:

14.1.1.1. For groundwater, a federal or state non-zero Maximum Contaminant Level Goal or Maximum Contaminant Level is exceeded when groundwater is a current or potential source of drinking water, or for surface water, a water quality standard that supports the designated uses for the surface water is exceeded, and there is a potential or actual exposure pathway. Other chemical-specific standards that define an acceptable level of risk may be considered (on a discretionary basis, after SAF/IEE approval); or

14.1.1.2. Ecological risk is determined unacceptable; or

14.1.1.3. Cumulative cancer risk exceeds one in ten thousand (10^{-4}); or

14.1.1.4. The non-cancer risk exceeds a hazard index of 1.

14.1.2. Cancer and non-cancer risk are established on the basis of appropriate toxicity values. See paragraph 18.2.3.4.

14.1.3. Deviations from paragraphs 14.1.1. and 14.1.2. require the approval of SAF/IEE, in consultation with the pertinent AFCEC offices, SAF/GCN, and/or AFLOA/JACE.

14.2. Documentation Requirements. CERCLA, RCRA, and other environmental laws with cleanup requirements, to include state counterparts, require that decisions that select an environmental restoration or response action be formally documented. A response action cannot begin until the DD is finalized. Except for an emergency removal prior to the DD, the appropriate AFCEC/CZ division(s), AFCEC/CIB, or NGB/A7O must document the proposed response action and provide it to the public for review and comment (e.g., PP). **(T-0).** A PP and DD are also required for interim actions, and no action and no further action decisions after an RI/FS or equivalent has been performed. For emergency actions, a DD is necessary as soon as feasible after initiating the emergency action, such as a removal action memorandum for an emergency removal. The DD, at a minimum, will include all facts, technical rationale, alternatives considered and the selected action, and site-specific determinations considered in the course of identifying the selected response. The DD will also define the action(s) to be implemented, applicable federal and state requirements for the selected action, environmental restoration objectives, and exit strategy. The DD must contain a level of detail appropriate to the site situation and explains the evaluation criteria used to select the remedy.

14.2.1. The decisions that require formal documentation are:

14.2.1.1. Removal and other similar actions.

14.2.1.2. Selection and implementation of a specific remedy (or specific interim remedy), including monitored natural attenuation and LUCs at a site.

14.2.1.3. No action is necessary at a site.

14.2.1.4. No further action is necessary at a site.

14.2.2. Regardless of whether or not the legal authority under which the response action is taken requires a DD, environmental personnel should document the decisions above, the actions taken, and ensure the appropriate authority has approved the decision and associated funding. This documentation should be maintained in an Administrative Record (or equivalent) for the site.

14.2.3. The documentation of decisions at both NPL and non-NPL sites shall conform, in content and format, with applicable statutory and regulatory requirements and EPA guidelines and criteria for preparing DDs. While not a legal requirement, when conducting CERCLA remedial actions, use the format for PPs and RODs in EPA guidance, OSWER 9200.1-23P, July 30, 1999.

14.2.3.1. The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A7O shall ensure that requirements recorded in DDs meet all legal requirements and are appropriately streamlined to contain cleanup objectives and essential implementation, operation, and maintenance actions to achieve these objectives. **(T-0).** DDs should contain enough detail about cleanup objectives and actions so the exit strategy for RC and SC is apparent and that criteria are well defined to objectively determine when RC or SC to unlimited use and unrestricted exposure is met.

14.2.3.2. For active installations:

14.2.3.2.1. The AFCEC/CZ Director or the Deputy Director signs the DD and is accountable for achieving cleanup objectives and cleanup actions identified in the DD. (At locations where the cleanup is conducted under RCRA, the Installation Commander signs the DD after coordination with AFCEC/CZR.)

14.2.3.2.2. AFLOA/JACE, AFCEC/CZR and AFCEC/CZT must review all draft and draft final DDs, including PPs and RODs, and coordinate with the Installation Commander prior to review by regulatory agencies (draft final version only). **(T-1).**

14.2.3.3. For ANG facilities:

14.2.3.3.1. The NGB/A7O signs the DD and is accountable for achieving cleanup objectives and cleanup actions identified in the DD. (At locations where the cleanup is conducted under RCRA, the Installation Commander signs the DD after coordination with NGB/A7O.)

14.2.3.3.2. NGB/A7O must obtain NGB legal review on all draft and draft final DDs, including PPs and RODs, and coordination from the Installation Commander prior to regulatory agency review (draft final version only). **(T-1).**

14.2.3.4. For BRAC locations:

14.2.3.4.1. The AFCEC/CI Director or Deputy Director signs the DD and is accountable for achieving cleanup objectives and cleanup actions identified in the DD.

14.2.3.4.2. AFLOA/JACE, AFCEC/CIB and AFCEC/CZT must review all draft and draft final DDs, including PPs and RODs, prior to review by regulatory agencies. **(T-1).**

14.2.3.5. All DDs, once finalized, are included in the Administrative Record. (Remedial action cannot commence until the DD is in the Administrative Record.)

14.3. Documenting No Further Response Action Planned (NFRAP) Decisions in the Evaluation Phases. One possible outcome of the site evaluation phases (e.g., CERCLA PA/SI, or RCRA Facility Assessment (RFA)) is a determination that no further investigation, study, or cleanup is warranted or necessary.

14.3.1. A NFRAP determination is appropriate when, based on the historical and physical evidence collected, the Air Force determines that no hazardous substances, pollutants or contaminants are detected at the site; or no releases of hazardous substances, pollutants or contaminants present at the site pose an unacceptable hazard to human health or the environment.

14.3.2. The appropriate AFCEC/CZ division(s), AFCEC/CIB and NGB/A7O are required to formally document no action and NFRAP decisions in a NFRAP report, RCRA release report, or other NFRAP-equivalent document and include documentation supporting the decision in the Administrative Record. **(T-0).**

14.3.3. Pursuant to 42 USC § 9620(f) and 9621(f) and 10 USC § 2705, the appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A7O will ensure EPA, state, territorial, and local agencies are provided the opportunity to review and comment on the report. **(T-0).** For CERCLA PA/SI NFRAP decisions, 40 CFR §§ 300.410 and 300.420 contains general report content requirements, and implementing EPA guidance contains further recommended report format and content provisions.

14.3.4. Per CERCLA, the appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A7O will ensure that the EPA Region and appropriate state and local authorities are provided review and comment opportunities. **(T-0).** Under RCRA, EPA or state approval is necessary for a NFRAP determination.

14.3.5. If a regulator seeks further investigation and/or removal or remedial actions after a NFRAP determination has been completed, notify AFCEC/CZR, AFCEC/CIB, or NGB/A7O, as appropriate, concerning the request. Those divisions, consulting with AFLOA/JACE, should provide direction as to an appropriate response in this circumstance.

14.4. No Action (Necessary) Decision Document. When an RI determines there is no unacceptable risk and therefore no basis for action, this decision must be documented in both a no action PP and a ROD. Both documents shall sufficiently summarize both the RI and the baseline risk assessment to establish that no unacceptable risk exists. Similar processes and requirements normally exist under other legal authorities (for example, under RCRA, either a RCRA Facility Investigation or Corrective Measures Study would normally document a “no basis for action”).

14.5. No Further Action (NFA) Decision Document. If a prior removal action or interim remedial action has been taken and it is subsequently determined that the action has addressed all unacceptable risk at the site (so that unlimited use and unrestricted exposure levels are attained),

an NFA PP and ROD must be completed. The NFA PP and ROD should document the prior response action, the no unacceptable risk determination, and substantiate that no further remedial action is necessary to ensure protectiveness. Depending on site-specific circumstances, a risk screening or focused/streamlined remedial investigation may be required. RCRA corrective actions may be subject to similar RCRA requirements depending on the applicable law and permit provisions (normally the lead RCRA regulator approves the RCRA document that establishes the NFA determination).

14.6. Short-Term Actions

14.6.1. The Air Force considers and implements Interim Risk Management (IRM) activities as appropriate IAW paragraph 3.a.(2) of DOD Instruction 4715.07. The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A7O are encouraged to conduct IRM activities, such as removal or interim corrective action measures, when appropriate. However, short-term actions should not be taken solely to avoid taking long-term actions. Short-term actions may be appropriate to abate, minimize, stabilize, mitigate, prevent, or eliminate threats from releases. Such actions shall, to the extent practical, contribute to the efficient performance of and not be inconsistent with anticipated long-term actions. 40 CFR §§ 300.415(b)(2) and (e) contain factors to consider to determine if a removal is appropriate, and examples of actions and situations where a removal action generally is appropriate. Review and adjust, as appropriate, the IRM activities implemented if new information becomes available. The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A7O shall follow the below steps to consider, select, coordinate, manage, and review IRM activities, when appropriate:

14.6.1.1. Determine if site-specific conditions warrant establishing IRM activities to reduce potentially significant threats to human health at a site where an investigation, removal action, or remedial action is not expected to be conducted for an extended period of time. **(T-0).**

14.6.1.2. Work with involved parties (e.g., property owners or operators and other stakeholders, state regulators, other Federal agencies, and local governments) to define each party's roles and responsibilities, as appropriate. **(T-0).**

14.6.1.3. Coordinate IRM activities, as appropriate, with applicable Air Force offices (e.g., explosives safety and environmental and health officials), environmental regulators, safety officials, and local stakeholders (e.g., property owners, community members of a RAB or TRC). **(T-0).**

14.6.1.4. Implement, document, and review and adjust IRM activities, as needed. If an investigation, removal action, or remedial action is not expected to be conducted for an extended period of time, also document the determination that IRM activities are not required at the site. **(T-0).**

14.6.2. CERCLA Removal Actions. Selection of a removal action is documented in an Action Memorandum. The specific requirements for an Action Memorandum depend on the scope of the action, urgency of the situation, and the time available before the action is needed to begin. The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A7O shall provide the opportunity for EPA, state and local agencies, and the public to review and comment on all Air Force removal actions as documented in an Action Memorandum, except

for emergency removals taken because of imminent and substantial endangerment to human health or the environment when consultation would be impractical. **(T-0).** However, regulators should be notified of the planned emergency removal and an action memorandum is completed promptly thereafter. For more information, see OSWER Final Guidance, *Superfund Removal Guidance for Preparing Action Memoranda*.

14.6.3. RCRA Interim Measures. RCRA interim measures are similar to CERCLA removal and interim remedial actions. All interim measures are documented as specified by applicable requirements.

14.6.4. Short-term measures are conducted IAW applicable legal requirements and documented in the Administrative Record.

14.7. Updates to the Decision Document. The AFCEC/CZ, AFCEC/CI or NGB/A7O, as appropriate, shall update and sign the DD (after legal, technical and program review of the draft and draft final DD revisions and after Installation Commander coordination of the draft final version) when changing the remedy to protect human health and the environment or altering the basic features of the selected remedy. **(T-0).** Such changes are those that alter scope, performance, or cost of the selected remedy determined to be necessary as a result of implementing the initial CERCLA remedy. Changes to the remedy require modification of the DD and shall be IAW 40 CFR Sections 300.430(f)(3) and 300.435(c)(2). Changes to remedies under RCRA or state equivalents may procedurally require different steps. Periodic reviews afford the Air Force opportunities to confirm the conclusions in an existing DD.

14.8. Documenting Decisions at Installations on the National Priorities List (NPL). IAW CERCLA (42 USC § 9620(e)(4)) and the NCP (40 CFR Sections 300.430(f)(4) and 300.435(c)(2)), EPA and Air Force officials jointly assess remedial alternatives and select the remedy. To support the selection of a remedial action, all facts, analyses of facts, and site-specific policy determinations considered in the course of carrying out activities are documented, as appropriate, in a record of decision, in a level of detail appropriate to the site situation, for inclusion in the administrative record. Documentation explains how the evaluation criteria were used to select the remedy. If no agreement can be reached, the EPA Administrator solely selects the remedy. The DD includes the selected remedy and complies with all CERCLA and NCP requirements, such as 40 CFR Section 300.430(f)(5). FFAs may modify this process to some extent with consultation and dispute resolution procedures.

14.9. Documenting Decisions at Non-NPL Installations. Under CERCLA the Air Force requirements for documenting remedial alternatives and selected remedy decisions in a DD and soliciting comment are the same as for a site on the NPL. However, there is no requirement that EPA or the state jointly assess and select the remedy under CERCLA, or that a regulator solely select the remedy if agreement is not reached. Instead, if the regulator(s) disagrees with the selection of the cleanup alternative, the appropriate AFCEC/CZ division(s), AFCEC/CIB, or NGB/A7O, as applicable, should enter into appropriate dispute resolution with notification to SAF/IEE, as appropriate.

14.10. Documenting Decisions under Other or Mixed/Integrated Cleanup Laws. If cleanup actions are primarily conducted under a legal authority other than CERCLA, such as RCRA or a state response law, then the appropriate AFCEC/CZ division(s), AFCEC/CIB, or NGB/A7O must ensure the requirements of that law for selecting and documenting cleanup decisions are met. **(T-0).** For example, under RCRA corrective action authorities, the source of the release

must be controlled. Source control is considered under CERCLA, but is not a distinct remedy selection criterion. Under the scenario of a mixed/integrated approach, the decision selection and documentation requirements of both cleanup laws are to be met, preferably in one combined decision and documentation process. The appropriate AFCEC/CZ division(s), AFCEC/CIB, or NGB/A7O, as applicable, must consult with AFLOA/JACE and/or SAF/GCN to ensure requirements are met. **(T-1).**

14.11. Unique Documentation Requirements at Munitions Response Sites (MRS). Due to the unique hazards posed by UXO, DMM, and MC, the Air Force is subject to specific documentation and reporting requirements at MRSs, in addition to the documentation authorities in CERCLA and other legal authorities. Consistent with DOD 6055.09-M and DODI 6055.16, *Explosives Safety Management Program*, an explosive safety submission is required to be prepared and submitted for HQ AFSEC/SEW and DDESB approval prior to intrusive activities (e.g., removal or remedial action) on an MRS, with the exception of small arms ranges. An after action report must be prepared at the conclusion of the intrusive activities and sent to HQ AFSEC/SEW and DDESB for their records. If an MRS is recommended for NFA at the conclusion of a munitions response (e.g., removal and/or remedial action), an NFA explosive safety submission must be prepared and submitted for HQ USAF/SEW and DDESB approval, per the requirements in DOD 6055.09-M. While an explosive safety submission is not required prior to performing remediation at a small arms range, an NFA explosive safety submission is still required to be completed as part of site closeout documentation.

14.12. Cleanup Levels. Under CERCLA and the NCP, 40 CFR § 300.430(e)(2) remedial action goals and cleanup levels are determined based upon ARARs. In the absence of ARARs, cleanup levels are established on the basis of toxicity values, with concentration levels established within a 10^{-4} to 10^{-6} acceptable human health cancer risk range, and for non-cancer risk at concentration levels that do not exceed a hazard index of 1. For cancer risk the preference and point of departure is to achieve concentrations that achieve cancer risk levels at 10^{-6}. However, the ultimate cleanup level is based upon the nine NCP remedy selection criteria within this acceptable range. Where compliance with ARARs due to the presence of multiple contaminants or pathways either exceeds a cancer risk of 10^{-4} or a non-cancer hazard index of 1, cleanup levels may be further modified based upon the above rules. See paragraph 18.2.3.4. for information on choosing toxicity values.

Chapter 15

LONG TERM REMEDIES AND LAND USE CONTROLS

15.1. Long-Term Remedies. At active installations that are not transferring outside of Air Force control, the Air Force retains responsibility for implementing, maintaining, and monitoring any long-term remedy. Such remedies may include pump and treat systems, monitored natural attenuation, or landfill gas monitoring. Therefore, the appropriate AFCEC/CZ division(s) or NGB/A7O, in coordination with the installation, should put mechanisms in place to manage such actions, including internal implementation plans; documenting areas subject to restrictions and notifying affected users as necessary; planning, programming and budgeting for necessary funding; and ensuring the remedy is monitored and addressing remedy failures, if they occur. Where installations are transferring to other U.S. government entities or outside of the U.S. government, responsibilities for implementing, maintaining, monitoring (and sometimes reporting on) long-term remedies is subject to negotiation. Where the Air Force retains such responsibilities, it should follow the same steps outlined as for active installations (done by AFCEC/CIB for BRAC properties).

15.2. Land Use Controls (LUC). LUCs include any type of physical, legal, or administrative mechanism that restricts the use of, or limits access to, real property to prevent or reduce risks to human health and the environment. LUCs are part of a remedial action and can be short-term or long-term; if long-term, LUCs should be addressed as described in paragraph 15.1. (**Note**: LUCs are subject to audit.)

15.2.1. LUCs may be needed when the environmental restoration decision requires controls on, or limits to, property use to prevent or limit exposure to hazardous substances, pollutants or contaminants based on the reasonably anticipated future land use. LUCs may also be required while conducting environmental restoration investigations or implementing remedial actions.

15.2.2. The central objective of LUCs is to protect human health and the environment. As such, LUCs are a common component of any cleanup action that does not allow for unlimited use and unrestricted exposure following the completion of the response action or where there is a need for a LUC to protect the effectiveness of the remedy. For example, LUCs will likely be necessary at MRSs, to ensure protection of human health, public safety, and the environment because total removal of the military munitions may not be possible due to technical limitations. Use of a system of mutually reinforcing controls is often a necessary component in a LUC strategy and internal written plan.

15.3. Implementation Requirements

15.3.1. At all sites where a use restriction is part of environmental restoration activities, the use restriction shall be clearly defined, documented in a DD, and enforceable. Implementing use restrictions through established real property and land use management mechanisms provides a means to ensure that the restrictions remain effective.

15.3.2. LUCs should be implemented, maintained, and monitored at the local level whenever possible.

15.3.2.1. Active Installations and ANG Facilities. Implementing, maintaining, and monitoring LUCs (and other long-term remedies) is the responsibility of appropriate AFCEC/CZ division(s) at active installations and NGB/A7O at ANG facilities. Installation Commanders will ensure that the LUCs are included in the appropriate base documents (such as real property records, maps, and land use and related planning documents) and that local actions are consistent with the LUC and other long-term remedies. **(T-0).** The appropriate AFCEC/CZ division(s) or NGB/A7O and the Installation Commander or a designated representative shall ensure the following actions are taken: **(T-0).**

15.3.2.1.1. Put appropriate mechanisms in place to manage LUCs and incorporate LUCs into the existing land use management processes of the locality or the installation. For example, all LUCs must be included in an installation's comprehensive plan or equivalent. (See AFI 32-7062, *Air Force Comprehensive Planning*, for more information on the comprehensive plan.)

15.3.2.1.2. Develop and document an internal LUCIP for the installation and specific sites, as needed, that defines the responsibilities of all parties involved in implementing, maintaining, and monitoring the LUCs, and document or annotate a reference to the LUCIP in the installation's comprehensive plan. LUCIPs are internal plans and not enforceable, and should not be made a term, condition, or requirement of a DD executed under CERCLA authority. For DDs executed under RCRA authority, a LUCIP can be included in the DD if the lead regulator requires it as a matter of state law applicable to all entities similarly situated and AFLOA/JACE (or NGB/JA for ANG facilities) concurs.

15.3.2.1.3. Plan, program, and budget for the necessary funding in appropriate accounts to implement, maintain, and monitor LUCs.

15.3.2.1.4. Document areas restricted by LUCs in EESOH-MIS. EESOH-MIS includes information on the types of LUCs established and any Air Force responsibilities for implementing, maintaining, and monitoring the LUCs.

15.3.2.1.5. If a LUC is breached, work with the installation to take corrective measures and notify regulators. Immediate steps must be taken to ensure the LUC is restored, including taking any necessary corrective actions. If the integrity of the LUC cannot be restored, then modify or terminate the LUC IAW paragraph 15.3.2.1.7 and revise other components of the remedy to ensure the remedy is protective of human health and the environment.

15.3.2.1.6. The Air Force has no authority to grant a real property interest for a LUC (e.g., an environmental covenant) on an active installation, but may record an environmental notice of contamination or place a location on a state LUC registry that similarly does not create a property interest. Consult AFLOA/JACE and SAF/GCN or NGB/JA, as appropriate, before agreeing to any such notice.

15.3.2.1.7. Modify or terminate LUCs through the same process used to establish the LUC. If the LUC is terminated, ensure the LUC is removed from the mechanisms that recorded its existence (e.g., master planning maps). In cases where previous DDs need to be revised, a note to the file, Explanation of Significant Differences, or DD

amendment (or equivalent DDs under RCRA or other cleanup regime) is used to select and document changes to the selected remedy, including details regarding LUCs at the site.

15.3.2.2. BRAC Locations and Property Transfers Outside the Federal Government. Prior to transfer, AFCEC/CIB is responsible for ensuring that LUCs are implemented, maintained, and monitored at BRAC locations; AFCEC/CZ has that responsibility for other Air Force properties anticipated to be transferred. Either AFCEC/CZ or AFCEC/CI, as applicable, shall also: **(T-0).**

15.3.2.2.1. Ensure that LUCs are clearly described in property conveyance documents, such as deeds, and reflect the remedy selected in DDs, if it is determined that a LUC is necessary. LUCs should also be reflected in transfer-related documents that reflect environmental restrictions (e.g., Finding of Suitability to Transfer, which is described in DOD 4165.66M, *Base Redevelopment and Realignment Manual*, March 1, 2006). AFCEC should work with the appropriate local and state agencies and potential transferee(s) early in the disposal process to determine an appropriate allocation of responsibilities as to long-term remedies, including LUCs, and then capturing that allocation in appropriate environmental and real property documents.

15.3.2.2.2. Develop and document a LUCIP, where required, for the installation or specific sites that defines the responsibilities of all parties involved in implementing, maintaining, and monitoring the LUCs. LUCIPs are internal plans and not enforceable, and should not be made a term, condition, or requirement of a DD executed under CERCLA authority. For DDs executed under RCRA authority, a LUCIP can be included in the DD if the lead regulator requires it as a matter of state law and AFLOA/JACE concurs.

15.3.2.2.3. Ensure applicable environmental and real property documents reflect the allocation of responsibility for long-term remedies to future owners of the property. If LUCs are part of the selected remedy, then the applicable real property transfer documents shall reflect any environmental notices, restrictions, and/or other environmental-related requirements identified as part of the selected remedy in a DD. Where a state has a requirement for an environmental covenant or environmental easement, consult with SAF/GCN for guidance. In general, the Air Force signs a notice of restriction but not an environmental easement or covenant. All environmental provisions related to property transfer shall be coordinated with AFCEC/CZR or AFCEC/CIB, as appropriate, to ensure the provisions accurately conform to requirements of any applicable RODs, orders, or agreements. Mandatory provisions addressing environmental covenants pursuant to CERCLA Section 120(h) for real property disposal are contained in DODI 4165.72, *Real Property Disposal*.

15.3.2.2.4. Maintain a database of areas restricted by LUCs and all Air Force implementation, maintenance, and monitoring responsibilities.

15.3.2.2.5. Coordinate with local authorities and new property owners as appropriate. Post-transfer, primary responsibility for implementing, maintaining, monitoring, and reporting on the status of LUCs normally rests with the property owner unless the cleanup is continuing and the Air Force has retained such responsibilities. If the new owner fails to properly implement, maintain, and monitor the LUCs, the Air Force

may be required by applicable DD(s), order(s), or agreement(s) to itself maintain the LUC or take other corrective measures. Regardless of provisions addressing the allocation of responsibilities between the Air Force and a property owner, the Air Force is normally ultimately responsible for the protectiveness of the remedy. Consequently, the Air Force has a strong interest in ensuring the new owner properly implements, maintains, and monitors the LUCs. To address any future concerns about a property, AFCEC/CIB should retain any DDs, agreements, and real property transfer-related documents that specify LUC responsibilities.

15.3.2.2.6. Modify or terminate LUCs through the same process used to establish the LUC. Responsibility for who can request, approve, process and pay for costs related to modifying or terminating LUCs should be identified in real estate transfer and/or environmental documents. Where previous DDs need to be revised, a note to the file, Explanation of Significant Differences, or DD amendment (or equivalent DDs under RCRA or other cleanup regime) are used to select and document changes to the selected remedy, including details regarding LUCs at the site. If a LUC is terminated, AFCEC/CIB shall cooperate in having it removed from any formal recording mechanisms (e.g., environmental easement) normally at owner expense. **(T-1).**

15.3.2.2.7. On occasion, a use restriction can be imposed for reasons other than environmental restoration and in documents other than a DD, such as but not limited to, deeds. If an installation is imposing a restriction for reasons other than a remedial requirement (e.g., administrative convenience, risk management not mandated as part of a cleanup decision), it should be clear in the referencing documents that the restriction is not part of a selected remedy. These types of restrictions would also be outside of any five-year review.

15.3.3. For any evaluation of cleanup action alternatives where a LUC will be imposed through the environmental restoration process, either as a stand-alone response alternative or as one component of a more complex action, the appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A7O shall:

15.3.3.1. Ensure that the evaluation of response alternatives includes an analysis of an alternative with unlimited use and unrestricted exposure, including life-cycle costs. **(T-0).**

15.3.3.2. Institute a process to review and evaluate the effect on human health and the environment of any proposed land use changes for areas covered by LUCs. Such land use changes, if inconsistent with LUC restrictions, may require re-evaluation of the selected remedy and modification of the DD. **(T-0).**

15.3.3.3. Five-year reviews and long-term management of environmental restoration sites provide convenient opportunities to concurrently review LUCs. During a five-year review, the LUCs shall also be reviewed for continued effectiveness (e.g., assess whether current zoning and land use are still consistent with use restrictions). **(T-0).**

15.4. Interim Land Use Controls

15.4.1. If it is determined in the CERCLA PA/SI (or by an equivalent process under other legal authorities) that contamination warrants further response action and there is potential for unacceptable use and exposure, then interim LUCs shall be, at a minimum, administratively imposed (i.e., not documented in a DD) to ensure base-wide awareness of

the contamination, and entered in the appropriate installation planning documents. In addition, other LUCs outlined in paragraph 15.2 shall be implemented when appropriate.

15.4.2. When a final remedy is chosen for the site, interim administrative LUCs may be removed if they are no longer necessary to protect human health or the environment or to protect the effectiveness of the remedy. If interim LUCs are retained as part of the final remedy, those LUCs shall be documented as part of the remedy in the DD.

15.5. Memorandum of Agreement (MOA)/Memorandum of Understanding (MOU). The Air Force may enter into an MOA or MOU with state regulatory agencies and/or EPA concerning LUCs only when the regulators insist on such agreements. Such MOAs and MOUs are voluntary and are not legally enforceable, but they do formalize the regulators' roles and expectations in consultation, notice, and review and comment during LUC selection, implementation, maintenance, and review. Also see paragraph 13.2.

Chapter 16

PERFORMANCE EVALUATION

16.1. Reporting Environmental Indicators. The EPA maintains environmental indicators as measures related to the ERP. The appropriate AFCEC/CZ division(s) and AFCEC/CIB shall be proactive in providing information or data about their restoration program's environmental indicators to the appropriate regulator. **(T-1).** Every effort should be made to eliminate any "insufficient information" or "no status" listings, and correct inaccurate and incomplete EPA data.

16.2. Performance Management Reviews. The appropriate AFCEC/CZ division(s) and AFCEC/CIB will provide periodic reviews of program performance metrics to HQ USAF/A4C and SAF/IEE. **(T-1).**

16.3. Optimization of the Restoration Program. During the analysis of remedial alternatives, the appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A7O considers ways to evaluate and improve the remedy over time. The optimization process continues through the operating life of the remedy to the end state condition that was defined as the final environmental restoration objective(s). Such an evaluation may be a part of required reviews, such as the 5-year review.

16.4. Five-Year Reviews

16.4.1. The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A7O will ensure five-year reviews are conducted if a selected remedial action results in any hazardous substances, pollutants or contaminants remaining on the site at response completion at levels that do not allow for unlimited use and unrestricted exposure. **(T-0).**

16.4.1.1. If a remedial action will result in unlimited use and unrestricted exposure, but will not achieve RC within five years, the Air Force, as a matter of policy, conducts one or more five-year reviews during the RA-O phase, as appropriate, until unlimited use and unrestricted exposure levels are achieved.

16.4.1.2. If a response is being conducted under a cleanup authority other than CERCLA, such as RCRA corrective action, as a matter of policy, five-year reviews or a similar evaluation are conducted at least every five years, unless there is a governing authority that has a more stringent review requirement. Reviews are consistent with applicable legal requirements, agreements, permits, or orders. Reviews should be streamlined and tailored to consider applicable regulator guidance and the complexity of the remaining cleanup requirements (e.g., LUCs do not require extensive documentation).

16.4.1.3. The appropriate AFCEC/CZ division(s), AFCEC/CIB or NGB/A7O, as appropriate, prepares the draft and final five-year reviews. Legal review by AFLOA/JACE and/or SAF/GCN is necessary prior to providing five-year reviews to regulators for review and comment. Address regulator comments pertaining to remedy protectiveness and include them and their disposition in the final five-year review report. Addressing comments in the report not pertaining to remedy protectiveness, as well as including any information unrelated to a site falling within paragraph 16.4.1. is discretionary. Five-year review reports are not considered a primary document, unless specified otherwise in an FFA, and are final upon Air Force signature.

16.4.2. The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A7O will ensure the first review is completed no later than five years after the initiation of an interim or a final remedial action (e.g., start of remedial action construction or after Air Force signs the DD) for the first site at the installation requiring a five-year review. **(T-0).** Subsequent reviews are completed within each five year period (e.g., five years, ten years, fifteen years) after initiation of the remedial action. The Air Force may group applicable sites into one five-year review, the timetable of which is established IAW the first site requiring a five-year review. Contracts for reviews should be awarded in sufficient time before the review due date to allow for streamlined and tailored internal and regulatory reviews. Sufficient time should also be allotted for initial and final drafts under relevant cleanup agreements.

16.4.3. The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A7O will ensure cost efficiency is evaluated at the time of the five-year review. **(T-1).** This review should include evaluating the selected remedy's ability to reduce or eliminate long-term Air Force environmental liabilities as well as costs for sites with residual contamination that do not allow for unlimited use and unrestricted exposure. The evaluation should consider the cost-benefit analysis. This analysis is used for cleanup decision making, and is not part of the five-year review report that is submitted to the regulators.

16.4.4. Reviews continue until unlimited use and unrestricted exposure have been attained at the property. If unlimited use and unrestricted exposure are achieved for any site on the property, that site no longer needs to be included in the five-year review. Such a determination is documented in the first five-year review for that particular site after unlimited use and unrestricted exposure are achieved.

16.4.5. For property transferred outside of Air Force control.

16.4.5.1. If the property is being transferred to another federal government entity, the transferring documentation clearly specifies environmental responsibilities by the accepting entity (which would normally include all CERCLA responsibilities, including five-year reviews).

16.4.5.2. If property is being transferred outside United States government ownership or control, the transferring documentation clearly specifies the Air Force and recipient's environmental responsibilities. While generally the Air Force cannot relinquish its statutory responsibility for five-year reviews, it can require a property owner to provide monitoring and supporting information or data to support the five-year review.

16.4.6. Remedy changes determined as necessary to protect human health and the environment, or as necessary to reflect changes that alter the basic features of the selected remedy are made via a DD modification as discussed in paragraph 14.7.

16.4.7. See DODM 4715.20, paragraph 5 of Enclosure 3 for additional information.

16.4.8. Use OSWER Directive 9355.7-03B-P, *Comprehensive Five-Year Review Guidance*, June 2001, as a guide for meeting the statutory requirements of conducting five-year reviews, and EPA's *Five-Year Review Summary Form*, November 2011, for a five-year review template.

Chapter 17

COMPLETING RESTORATION ACTIVITIES

17.1. Response Complete (RC). Consistent with CERCLA, DERP, and applicable EOs and regulations, the Air Force can achieve RC for IRP sites or MRSs in any one of the following ways:

17.1.1. Where response actions are necessary, the remedy is in place and remedial action objectives have been met as specified in the DD;

17.1.2. The DDs (after RI/FS) show that no action or no further action is necessary; or

17.1.3. At a pre-RI phase (PA or SI), the Air Force has determined that no action, or no further action, is necessary.

17.2. Remedial Action Completion Report (RACR). The appropriate AFCEC/CZ division, AFCEC/CIB, or NGB/A7O shall develop a RACR, or RCRA corrective action completion report if the response was conducted under RCRA, to formally document that remedial action objectives have been achieved. **(T-0).** These reports formally document the achievement of remedial action objectives and actions and that protectiveness has been achieved. In addition, the RACR provides the basis for full or partial deletion from the NPL. See DOD/EPA *Joint Guidance on Streamlined Site Closeout and NPL Deletion Process for DOD Facilities* for more information.

17.2.1. EPA review and approval of a RACR is required at NPL sites. The appropriate AFCEC/CZ division(s), AFCEC/CIB, or NGB/A7O will begin the process to obtain and document regulator agreement on a RACR once a site achieves RC. **(T-1).** Documentation of regulatory agreement includes written agreement in the form of a dated, official letter or email from the regulator of appropriate authority reflecting agreement and official sanction of the RC determination.

17.2.2. For NPL and non-NPL sites, if regulator concurrence has not been obtained after one year of reasonable attempts to obtain regulatory agreement, a memorandum for the record (MFR) to document the RC determination is accomplished. The MFR includes the steps followed to seek regulatory agreement; the reason(s) the Air Force believes it did not obtain agreement; the reason(s) for determining the site is at RC and any necessary documentation to support the RC determination; and the signature by the applicable AFCEC/CZ division chief, AFCEC/CIB or NGB/A7O, and signature and date. The MFR should be detailed enough to enable a reasonable person to draw the same conclusion about the RC determination as the individual who makes the original determination (reference to the RACR should suffice for this purpose). A copy of the MFR is provided to the appropriate regulator(s), and if applicable, the Installation Commander.

17.2.3. RACRs under CERCLA are signed by the same office as has authority to sign DDs. Installation Commanders normally sign RCRA corrective action completion reports.

17.2.4. At all NPL facilities, EPA must review and approve the RACR, and appropriate state and local agencies must be provided review and comment opportunities. Unless specified as such in an FFA, the RACR is not a primary document. If not a primary document in an FFA,

the EPA and states should be given 60 days to review and provide comment on the RACR, unless otherwise determined by appropriate binding agreement.

17.2.5. At non-NPL facilities, the appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A7O shall formally document achieving the RC milestone in a RACR or RCRA corrective action completion report, as appropriate, and shall seek written regulator agreement for its RC determinations. **(T-0).**

17.2.6. The RACR and RCRA corrective action completion report can serve as the After-Action Report for submittal to HQ AFSEC/SEW and DDESB detailing munitions response activities.

17.2.7. Protectiveness of remedies for purposes of a RACR or RCRA corrective action completion report is determined in the same manner as it is for five-year reviews.

17.3. Site Closeout. The Air Force achieves site closeout when environmental restoration goals have been achieved that allow unlimited use and unrestricted exposure of the property (e.g., no further LTM, including LUCs, is needed) and there is no further expense of environmental restoration funds (i.e., ERA, AF or equivalent BRAC account funds) at the site. Sites should only be coded as SC when there is no requirement to track either LUCs or similar restrictions and there is no continuing requirement to conduct 5-year reviews. The appropriate AFCEC/CZ division(s), AFCEC/CIB or NGB/A7O must process for approval an NFA explosive safety submission to achieve site closeout for MRAs and MRSs through HQ AFSEC/SEW and DDESB. **(T-0).**

17.4. Re-opened Sites. Any site previously determined to have achieved remedial action objectives, and where circumstances have changed so that existing remedies are no longer protective, is considered a “re-opened environmental restoration site.” Do not create a new site at an existing ERP site to address the change in circumstances, even if the existing site has achieved Site Closeout status. Always retain the original EESOH-MIS or IIT identifier, without exception. Additional response action requirements at such sites are programmed and budgeted under the same obligation authority under which the previous response actions were conducted, except under the conditions described in paragraph 6.4. The appropriate AFCEC/CZ division chief, AFCEC/CIB or NGB/A7O approves the reopening of existing sites for inclusion in the program, and ensures appropriate reporting and notifications are made to the regulators.

Chapter 18

EMERGING CONTAMINANTS

18.1. Emerging Contaminants (EC). ECs are contaminants characterized by a possible pathway to enter the environment and that present a potential unacceptable human health or environmental risk. ECs are contaminants that either do not have promulgated regulatory standards based on peer-reviewed science, or contaminants that do have promulgated regulatory standards but it is reasonably anticipated that such standards may change due to new science, detection capabilities, or pathways. Possible triggers for classifying a contaminant as an EC include additional exposure pathways or new information about such pathways; changed analyses or analytical methods; and new information concerning receptor impacts. Other potential triggers for classifying a contaminant as an EC include regulator requests for more information, data, or analyses based on a reasonable belief that an unaddressed risk may be presented by that contaminant; proposed reviews and actions resulting from the AFCEC surveillance process; or potential costs and schedule impacts to the ERP.

18.2. Decision Process for EC Responses

18.2.1. Air Force ERP enterprise-wide response to EC is designed to promote consistent response actions, facilitate identification of funding requirements for programming purposes, and outline how technical program elements provide support for analysis, risk assessment, and decision making.

18.2.1.1. SAF/IEE issues policy and strategic direction for enterprise-wide ERP response actions for ECs, consistent with DODI 4715.18, *Emerging Contaminants*.

18.2.1.2. If release of an emerging contaminant is above applicable screening values (e.g., has the potential for exceeding unacceptable risk levels based on current knowledge), determine if a drinking water source has been, or may be, impacted, and confirm whether an actual human exposure pathway exists. At active installations and ANG facilities, when results indicate potential human exposure, the appropriate AFCEC/CZ division(s) or NGB/A7O, as applicable, will coordinate with the Bioenvironmental Engineer if there is potential contamination of a drinking water supply. **(T-1).**

18.2.1.3. When warranted, a site-specific risk assessment is accomplished to evaluate the extent of actual or potential exposure and risk. Risk is assessed using appropriate toxicity values approved by AFCEC/CZT IAW Enclosure 3 of DODI 4715.18 and promulgated requirements that would be considered ARARs for the specific site at issue.

18.2.1.4. IAW Enclosure 4 of DODI 4715.18, necessary response actions for ECs should be determined by a baseline risk assessment that integrates the toxicological data with site-specific exposure factors to provide the basis for determining the extent of the risk. Response actions must be done in accordance with applicable legal requirements and this Instruction.

18.2.2. Actions related to sampling.

18.2.2.1. Regulatory requests for sampling and decisions to conduct environmental investigations or response actions for ECs will be addressed on a case-by-case basis in

consultation with AFLOA/JACE and IAW legal requirements, EC-specific guidance, if available, and this Instruction.

18.2.2.2. Upon request to evaluate an EC for potential response actions, the appropriate AFCEC/CZ division(s), AFCEC/CIB, or NGB/A7O ascertains whether applicable and relevant or appropriate state and/or local requirements would require such an evaluation or potential response actions(s) IAW this Instruction.

18.2.2.3. AFCEC/CZR, AFCEC/CIB or NGB/A7O, as applicable, will coordinate with AFLOA/JACE before authorizing sampling. **(T-1).** The frequency and scope of sampling is limited to what is authorized.

18.2.2.4. For active installations and ANG facilities, if the request for testing or actual testing involves direct exposure of Air Force personnel (e.g., air, drinking water), the appropriate AFCEC/CZ division(s) or NGB/A7O, as applicable, will coordinate appropriate sampling with AFCEC/CZT, the local Bioenvironmental Engineer, and USAFSAM under the applicable cleanup framework. **(T-1).** At BRAC locations, AFCEC/CIB and applicable Air Force offices will coordinate with regulatory agencies and tenants as required and appropriate under the applicable cleanup framework (normally CERCLA or RCRA). **(T-1).**

18.2.2.5. The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A7O ensures that toxicity information used in human health risk assessments are consistent with the NCP (e.g. 40 CFR 300.430(e)(2)(i)) and the Toxicity Hierarchy in OSWER Directive 9285.7-53, *Human Health Toxicity Values in Superfund Risk Assessments*) and DODI 4715.18. Further, AFCEC EC-specific guidance should also be followed as applicable.

18.2.2.6. When results of a site-specific review indicate a requirement for substantial sampling and investigation or that the selected remedy is not protective, notify, coordinate, and obtain authorization from AFCEC/CZ division(s) or NGB/A7O, as applicable, in coordination with AFCEC/CZT (for active installations and ANG facilities) or AFCEC/CIB (for BRAC locations) prior to any related action.

18.3. Five-Year Reviews

18.3.1. During the five-year review, it is appropriate to examine whether a change in a contaminant's risk information or new information about exposure pathways, such as vapor intrusion, warrants further investigation at the site. Five-year reviews are discussed in paragraph 16.4.

18.3.2. Under CERCLA, if an EC and appropriate exposure pathways were evaluated in a completed health risk assessment approved by the lead regulatory agency (typically as part of an RI/FS), and there is a completed DD for the site, then the risk assessment or the DD shall be reopened or revised only IAW 40 CFR 300.430(f)(1)(ii)(B)(1) for changed ARARs. For ECs for which cleanup levels were originally risk-based, remedies specified in the DD will be reopened only when the original risk-based cleanup level is no longer protective.

18.3.3. For ECs with new toxicity levels or health standards and that were not evaluated in a risk assessment or a DD, the appropriate AFCEC/CZ division(s) or NGB/A7O, as applicable, in coordination with AFCEC/CZT, or AFCEC/CIB shall evaluate the risk and recommend appropriate follow-up action consistent with applicable legal requirements and this Instruction. **(T-0).**

JUDITH A. FEDDER, Lieutenant General, USAF
DCS/Logistics, Installations & Mission Support

Attachment 1

GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION

References

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Prescribed Forms

None.

Adopted Forms

AF Form 847, *Recommendation for Change of Publication*

Abbreviations and Acronyms

ADUSD(ESOH)—Assistant Deputy Under Secretary of Defense (Environment, Safety, and Occupational Health

AEA—Atomic Energy Act

AF—Air Force

AFCEC—Air Force Civil Engineer Center

AFCEC/CI—Air Force Civil Engineer Center Installations Directorate

AFCEC/CIB—Air Force Civil Engineer Center Base Realignment and Closure Program Management Division

AFCEC/CZ—Air Force Civil Engineer Center Environmental Directorate

AFCEC/CZO—Air Force Civil Engineer Center Operations Division

AFCEC/CZR—Air Force Civil Engineer Center Environmental Restoration Division

AFCEC/CZT—Air Force Civil Engineer Center Technical Support Division

AFI—Air Force Instruction

AFLOA/JACE—Air Force Legal Operations Agency, Environmental Law and Litigation Division

AFMAN—Air Force Manual

AFMSA/SG3PB—Air Force Medical Support Agency Bioenvironmental Engineering Branch

ANG—Air National Guard

ARAR—Applicable or Relevant and Appropriate Requirements

ATSDR—Agency for Toxic Substances and Disease Registry

BD/DR—Building Demolition/Debris Removal

BRAC—Base Realignment and Closure

CA—Cooperative Agreement

CE—Civil Engineer

CERCLA—Comprehensive Environmental Response, Compensation, and Liability Act

CFR—Code of Federal Regulations

CRP—Community Relations Plan

CTC—Cost to Complete

DAS—Deputy Assistant Secretary

DD—Decision Document

DDESB—Department of Defense Explosives Safety Board

DEP ARC—Defense Environmental Programs Annual Report to Congress

DERP—Defense Environmental Restoration Program

DLA—Defense Logistics Agency

DMM—Discarded Military Munitions

DOD—Department of Defense

DODI—Department of Defense Instruction

DODM—Department of Defense Manual

DOJ—Department of Justice

DRU—Direct Reporting Unit

DSMOA—Defense and State Memorandum of Agreement

DTIC—Defense Technical Information Center

DUSD(I&E)—Deputy Under Secretary of Defense (Installations and Environment)

EA—Enforcement Action

EBS—Environmental Baseline Survey

EC—Emerging Contaminant

ECAMP—Environmental Compliance and Assessment Management Program

EE/CA—Engineering Evaluation/Cost Analysis

EESOH-MIS—Enterprise Environmental, Safety & Occupational Health-Management Information System

EL—Environmental Liability

EO—Executive Order

EOD—Explosive Ordnance Disposal

EQ—Environmental Quality

EPA—United States Environmental Protection Agency

ERA, AF—Environmental Restoration Account, Air Force

ERP—Environmental Restoration Program

ERPIMS—Environmental Resources Program Information Management System

ESOHC—Environment, Safety, and Occupational Health Council

FFA—Federal Facility Agreement

FMR—Financial Management Regulation

FOSET—Finding of Suitability for Early Transfer

FOST—Finding of Suitability to Transfer

FS—Feasibility Study

FTA—fire training areas

FUDS—Formerly Used Defense Sites

FY—Fiscal Year

GO—General Officer

GSU—Geographically Separated Unit

HAF—Headquarters Air Force

HQ USAF/A4C—Headquarters, United States Air Force, Deputy Chief of Staff for Logistics, Engineering & Force Protection – Directorate of Civil Engineers

HQ USAF/A4CE—Headquarters, United States Air Force, Deputy Chief of Staff for Logistics, Engineering & Force Protection - Directorate of Civil Engineers - Energy and Environment Division

HQ USAF/A4CF—Headquarters, United States Air Force, Deputy Chief of Staff for Logistics, Installations & Mission Support - Directorate of Civil Engineers - Facilities, Environment and Energy Division

HQ USAF/JA—Judge Advocate General

HQ AFSEC/SEW—Air Force Safety Center/Weapons Safety Division

IAG—Interagency Agreement

IC—Institutional Control

IGS—Installation Governance Structure

IIT—Integrated Information Tool

IPL—Integrated Project List

IRA—Interim Remedial Action

IRM—Interim Risk Management

IRP—Installation Restoration Program

JEP—Joint Execution Plan

LTM—Long-Term Management

LUC—Land Use Control

LUCIP—Land Use Control Implementation Plan

MAJCOM—Major Command

MAP—Management Action Plan

MC—Munitions Constituents

MD—Mission Directive

MFR—Memorandum For Record

MILCON—Military Construction

MIS—Management Information System

MMRP—Military Munitions Response Program

MOA—Memorandum of Agreement

MOU—Memorandum of Understanding

MRA—Munitions Response Area

MRS—Munitions Response Site

NCP—National Contingency Plan

NEPA—National Environmental Policy Act

NFA—No Further Action

NFRAP—No Further Response Action Planned

NOV—Notice of Violation

NPL—National Priorities List

NRC—Nuclear Regulatory Commission

NRI—Natural Resource Injury

O&M—Operations and Maintenance

ODUSD(I&E)/ESOH—Office of the Deputy Under Secretary of Defense for Installations and Environment, Environment, Safety, and Occupational Health Directorate

OPR—Office of Primary Responsibility

OSD—Office of the Secretary of Defense

OSWER—Office of Solid Waste and Emergency Response, EPA

PA—Preliminary Assessment

PB—President's Budget

PBR—Performance-Based Remediation

PCEAD—Project Cost Estimating Assumption Document

PHA—Public Health Assessment

PMO—Program Management Office

POC—Point of Contact

POL—Petroleum, Oil, and Lubricants

POM—Program Objective Memorandum

PP—Proposed Plan

PPBE—Planning, Programming, Budget and Execution

PRD—Program Requirements Development

PRP—Potentially Responsible Party

RA—Remedial Action

RA-O—Remedial Action-Operation

RAB—Restoration Advisory Board

RACER—Remedial Action Cost Engineering and Requirements

RACR—Remedial Action Completion Report

RC—Response Complete

RCRA—Resource Conservation and Recovery Act

RD—Remedial Design

RDS—Records Disposition Schedule

RFA—RCRA Facility Assessment

RFI—RCRA Facility Investigation

RI—Remedial Investigation

RIP—Remedy In Place

ROD—Record of Decision

RPM—Remedial Project Manager

RPO—Remedial Process Optimization

RRSE—Relative Risk Site Evaluation

SAF/AQ—Assistant Secretary of the Air Force for Acquisition

SAF/FM—Assistant Secretary of the Air Force (Financial Management and Comptroller)

SAF/GCN—Air Force Office of General Counsel (Installations, Energy and Environment Division)

SAF/IE—Assistant Secretary of the Air Force (Installations, Environment and Energy)

SAF/IEE—Deputy Assistant Secretary of the Air Force (Environment, Safety, and Infrastructure)

SAF/IEI—Deputy Assistant Secretary of the Air Force (Installations)

SAF/PA—Air Force Office of Public Affairs

SAFO—Secretary of the Air Force Order

SB—Statement of Basis

SES—Senior Executive Service

SI—Site Inspection

SOP—Standard Operating Procedure

STC—Schedule-to-Complete

TAPP—Technical Assistance for Public Participation

TPS—Third-Party Sites

TRC—Technical Review Committee

TOA—Total Obligation Authority

USACE—U.S. Army Corps of Engineers

USAFSAM—United States Air Force School of Aerospace Medicine

USC—United States Code

UST—Underground Storage Tank

UXO—Unexploded Explosive Ordnance

Terms

91b Material—Nuclear material designated for DOD use by 91b of the Atomic Energy Act of 1954 as presently codified in 42 USC § 2121(b), which includes quantities of special nuclear material or atomic weapons delivered to DOD for such use as deemed necessary in the interest of national defense. The AEA also authorizes DOD to manufacture, produce, or acquire any atomic weapon or utilization facility for military purposes; however, such authorization shall not extend to the production of special nuclear material other than that incidental to the operation of such utilization facilities.

Administrative Record—Compiled information, located at or near the facility and available to the public, that contains the documents that form the basis for the selection of a response action (described in 40 CFR 300.800 to 300.825).

Agency for Toxic Substances and Disease Registry (ATSDR)—The ATSDR conducts public health activities at NPL and petitioned sites. CERCLA requires that ATSDR complete a preliminary PHA within one year of a site's proposed listing on the NPL. ATSDR may also perform risk assessments when petitioned by individuals or licensed physicians.

Applicable or Relevant and Appropriate Requirements (ARAR)—Per 40 CFR 300.5, "applicable requirements means those cleanup standards, standards of control, and other

substantive requirements, criteria, or limitations promulgated under Federal environmental or state environmental or facility-siting laws that specifically address a hazardous substance, pollutant, contaminant, remedial action, location, or other circumstance found at a CERCLA site. Only those state standards that are identified by a state in a timely manner and that are more stringent than Federal requirements may be applicable." "Relevant and appropriate requirements means those cleanup standards, standards of control, and other substantive requirements, criteria, or limitations promulgated under Federal environmental or state environmental or facility-siting laws that, while not "applicable" to a hazardous substance, pollutant, contaminant, remedial action, location, or other circumstance at a CERCLA site, address problems or situations sufficiently similar to those encountered at the CERCLA site that their use is well suited to the particular site. Only those state standards that are identified in a timely manner and are more stringent than Federal requirements may be relevant and appropriate."

BRAC locations—Installations that are being or have been closed, or are being realigned by BRAC, but are still under the jurisdiction of the Air Force. Also includes properties that have been transferred out of the Air Force by the BRAC process, but where the Air Force retained restoration responsibilities.

Building Debris/Demolition Removal (BD/DR)—"The demolition and removal of unsafe buildings and structures at facilities or sites that are or were under the jurisdiction of the Secretary of Defense and were owned by, leased to, or otherwise possessed by the United States (including governmental entities that are the legal predecessors of DOD or the DOD Components); and that were unsafe at the time of transfer; and have not been beneficially used since transfer by any other party." (DODM 4715.20)

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)—A Federal statute that establishes a comprehensive framework to identify, investigate, and clean up releases or threatened releases of hazardous substances, pollutants, or contaminants into the environment. CERCLA provides the statutory authority for cleanup of hazardous substances, pollutants, or contaminants that could endanger public health, welfare, or the environment (42 USC § 9601 et. seq.).

Cleanup—See "Remediation."

Cleanup Agreements—Arrangements between two or more parties (e.g., the Air Force and regulator(s)) covering the entire scope and course of action of the cleanup program, process and procedures at an installation or portion thereof.

Component—A Military Department, Service, Agency, or other organizational entity within the Department of Defense.

Contingency—An emergency involving military forces caused by natural disasters, terrorists, subversives, or required military operations.

Cooperative Agreement (CA)—A legal instrument that the Air Force uses to transfer money, property, services, or anything of value to a recipient to accomplish a public purpose in which substantial Air Force involvement is anticipated during the performance of the project. As it pertains to DSMOAs, a CA is an agreement between a state and USACE Grants Officer on behalf of the United States that defines the financial assistance available for reimbursement of a state's eligible services under the DSMOA for the specified CA period, the installations in the state's DSMOA/CA program, and any terms affecting that funding or its use. The CA is

comprised of two parts: (1) the application from the state submitted to the USACE DSMOA team, and (2) the agreement incorporating approval of the state's application, modified where necessary, signed by the USACE DSMOA Grants Officer.

Cost to Complete (CTC)—The estimated costs remaining at DERP sites, covering the period beginning October 1 of the upcoming FY through the Site Closeout milestone.

Decision Document (DD)—A generic name for the document that selects a response action under all legal authorities. All DDs, including PPs and RODs, must go through legal and technical review. The remedial action objectives defined in the DD will be used later in the environmental restoration process to confirm and demonstrate that DOD has met the obligations established in the DD.

Defense Environmental Restoration Program (DERP)—A program establishing authorities and responsibilities for conducting environmental restoration activities at facilities under DOD jurisdiction. This law establishes DOD and Component ERAs to fund DERP activities (10 USC § 2701 et seq.). The Air Force conducts its DERP activities as the ERP.

Defense Site—As defined in 10 USC § 2710(e)(1), "locations that are or were owned by, leased to, or otherwise possessed or used by the DOD. The term does not include any operational range, operating storage or manufacturing facility, or facility that is used for or was permitted for the treatment or disposal of military munitions."

Defense and State Memorandum of Agreement (DSMOA)—An agreement between a state and the DOD that establishes a partnership for environmental restoration fostering communication and cooperation on specified installations. The DSMOA provides for reimbursement to the state by DOD for costs of providing specified types of assistance (eligible services) for environmental restoration at specified DOD facilities.

Delineation—Determination of the length, depth and width of impact to soil, groundwater, surface water, and sediment.

Discarded Military Munitions (DMM)—As defined in 10 USC § 2710(e)(2), "military munitions that have been abandoned without proper disposal or removed from storage in a military magazine or other storage area for the purpose of disposal. The term does not include UXO, military munitions that are being held for future use or planned disposal, or military munitions that have been properly disposed of consistent with applicable environmental laws and regulations."

eDASH—online tool (known as VEMO for the Air National Guard) supporting day-to-day requirements of the federally, DOD, and Air Force mandated environmental management system. eDASH is the primary one-stop-source for communications and information management of Air Force environmental and sustainability programs. (The Air Force Restoration eDASH is located at **https://cs1.eis.af.mil/sites/edash/Web%20Part%20Pages%20%20Program%20Pages/Environmental/Environmental%20Restoration.aspx**)

Emerging Contaminants (EC)—ECs are contaminants that either (1) do not have regulatory standards based on peer-reviewed science, or (2) contaminants that have the regulatory standards which may change due to new science, detection capabilities, or pathways.

Enforcement Action (EA)—A formal, written notification by the Environmental Protection Agency (EPA) or other authorized federal, state, inter-state, regional or local environmental regulatory agency of violation of any applicable statutory or regulatory requirement.

Enterprise Environmental, Safety & Occupational Health-Management Information System (EESOH-MIS)—EESOH-MIS (or successor system) is currently the primary ERP data management system for active installations.

Environmental Liabilities—For financial reporting purposes, a DOD environmental liability is a future outflow or expenditure of resources that exists as of the financial reporting date for environmental cleanup, closure, and/or disposal costs resulting from past transactions or events. A DOD environmental liability exists when: (1) contamination is present or likely to be present; (2) environmental cleanup, closure, and/or disposal is required by lease, contract, federal, state, and/or local statute, regulation, or other legal agreement; and (3) the operations that created the liability are DOD related. An environmental liability may also exist if environmental contamination is not DOD related, but DOD enters into a binding agreement that formally accepts financial responsibility for cleanup, closure, and/or disposal. (DOD 7000.14-R, Vol 4, Chapter 13)

Environmental Resources Program Information Management System (ERPIMS)—The Air Force system for validation and management of data from environmental projects at all Air Force locations. This data contains analytical chemistry samples, tests, and results, as well as, hydrogeological information, site/location descriptions, and monitoring well characteristics.

Environmental Restoration Account–Air Force (ERA, AF)—The primary source of funding for most environmental restoration activities, as established under 10 USC § 2703. With respect to active installations, DERP statutory 10 USC 2703(g) states "[except as provided in 10 USC 2703(h), certain BRAC cleanups], the sole source of funds for all phases of an environmental remedy at a site under the jurisdiction of the Department of Defense or a formerly used defense site shall be the applicable environmental restoration account established under subsection (a)." DUSD(I&E) per DODM 4715.20 and HQ USAF/A4CE per *ERA, AF Funding EligibilityGuidance* in eDASH establish eligibility criteria for the ERA, AF account.

Environmental Restoration Program (ERP)—The comprehensive program designed to address restoration of the environment affected by Air Force activities.

Execution and Implementation—The processes of carrying out near-year investments and/or utilizing personnel and/or resources to accomplish program requirements IAW DOD and Air Force policy and direction(s).

Facility—As defined in 42 USC § 9601 of CERCLA, "any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel."

Federal Action—An action that is implemented or funded directly by the United States government. A Federal action does not include actions in which the United States participates in an advisory, information-gathering, representational, or diplomatic capacity but does not implement or fund the action; actions taken by a foreign government or in a foreign country in

which the United States is a beneficiary of the action, but does not implement or fund the action; or actions in which foreign governments use funds derived indirectly from US funding.

Federal Facility Agreement (FFA)—An agreement between a DOD Component and EPA that incorporates and may expand on the CERCLA requirements for an IAG. An FFA establishes roles and responsibilities of the parties involved. Negotiated FFAs govern Air Force obligations at many NPL sites. See also "Interagency Agreement."

General Plan—The document that provides the Installation Commander and other decision-makers a condensed picture of an installation's capability to support the mission with its physical assets and delivery systems. It is a general assessment of the installation's infrastructure and attributes for the purpose of gauging development potential. (See AFI 32-7062 for more information.)

Interagency Agreement (IAG)—Formal documents in which two or more Federal agencies agree to cooperate. Pursuant to 42 USC § 9620 (e), for any installation listed on the NPL, the Component must enter into a CERCLA IAG within 180 days of the required EPA review of the RI/FS.

Installation—"A base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the DOD, including any leased facility, that is located within the United States. Does NOT include FUDS or any facility used primarily for civil works, rivers and harbors projects, or flood control projects." (DODM 4715.20)

IRM activities—"Actions taken, as appropriate, to reduce potentially significant threats to human health at a site where DOD does not expect to conduct an investigation, removal action, or remedial action for an extended period of time. IRM activities may include, but are not limited to: notifying property owners, placing signage, conducting community outreach and education programs, coordinating with local government officials, or requesting others to take actions for matters within their control. IRM activities, which the DOD Components may implement individually or layered, will vary based on the site-specific conditions and the available site information. IRM activities do not include removal actions (e.g., fencing, providing drinking water) or remedial actions, and the DOD Components should continue to follow the requirements of the NCP for response actions." (DODI 4715.07)

Joint Execution Plan (JEP)—A mutually agreed (state and AFCEC/CZ or AFCEC/CIB) plan of action for DSMOA eligible state services to be provided for each installation listing type of funds to be used, the DOD Component involved, milestones, environmental restoration actions, state tasks, estimated dates that state involvement will be required, and the current status for each milestone/task. The JEP should mirror information in the installation MAP. The JEP form also includes space for the state to later insert information concerning state services provided.

Land Use Control (LUC)—Any type of physical, legal, proprietary or administrative mechanism that restricts the use of, or limits access to, real property to prevent or reduce risks to human health and the environment. Physical mechanisms (i.e., engineering controls) encompass a variety of engineered remedies to contain or reduce contamination and physical barriers to limit access to property, such as landfill caps, fences, or signs. The legal, proprietary, or administrative mechanisms used for LUCs are generally the same as those used for ICs, as discussed in the National Contingency Plan. Examples of ICs include deed notices; IC registries, property

easements and covenants; installation administrative controls, such as construction and work request review and approval processes; and administrative orders and cleanup agreements.

Long-Term Management (LTM)—"Environmental monitoring, review of site conditions, and maintenance of a remedial action to ensure continued protection as designed once a site achieves Response Complete. LTM includes O&M, which are the measures required to maintain the effectiveness of response actions. LTM should not be used until no further environmental restoration response actions are appropriate or anticipated. LTM should not be used to refer to monitoring after Remedy in Place (this includes sites for which the selected response action is natural attenuation). Examples of LTM include landfill cap maintenance, leachate disposal, fence monitoring and repair, management of five-year review execution, and LUC maintenance." (DODM 4715.20)

Management—Management actions should ensure that decisions and resource requirements are developed and executed so that program execution is consistent with and achieves overall policy, strategic direction and guidance, and priorities (IAW the SOP for the SAF/IE and HQ USAF/A4). Management activities include, but are not limited to, determining whether cleanup decisions are appropriate; ensuring financial and personnel resources are being used in an effective and efficient manner; designing priorities and decisions to be consistent across the ERP program; fostering good quality technical approaches in data gathering, evaluation, and decision making; and reviewing and evaluating past practices and decisions to recommend future improvements.

Military Munitions—As defined in 10 USC § 101(e)(4), "all ammunition products and components produced for or used by the armed forces for national defense and security, including ammunition products or components under the control of the Department of Defense, the Coast Guard, the Department of Energy, and the National Guard. Such term includes the following: (i) Confined gaseous, liquid, and solid propellants. (ii) Explosives, pyrotechnics, chemical and riot control agents, smokes, and incendiaries, including bulk explosives, and chemical warfare agents. (iii) Chemical munitions, rockets, guided and ballistic missiles, bombs, warheads, mortar rounds, artillery ammunition, small arms ammunition, grenades, mines, torpedoes, depth charges, cluster munitions and dispensers, and demolition charges. (iv) Devices and components of any item specified in clauses (i) through (iii). Such term does not include the following: (i) Wholly inert items. (ii) Improvised explosive devices. (iii) Nuclear weapons, nuclear devices, and nuclear components, other than non-nuclear components of nuclear devices that are managed under the nuclear weapons program of the Department of Energy after all required sanitization operations under 42 USC § 2011 et seq. have been completed."

Munitions Constituents (MC)—As defined in 10 USC § 2710(e)(3), "any materials originating from UXO, DMM, or other military munitions, including explosive and non-explosive materials, and emission, degradation, or breakdown elements of such ordnance or munitions."

Munitions Response—As defined in 32 CFR subpart 179.3, "response actions, including investigation, removal actions, and remedial actions, to address the explosives safety, human health, or environmental risks presented by UXO, DMM, or MC, or to support a determination that no removal or remedial action is required."

Munitions Response Area (MRA)—As defined in 32 CFR subpart 179.3, "any area on a defense site that is known or suspected to contain UXO, DMM, or MC. Examples are former ranges and munitions burial areas. An MRA comprises one or more MRSs."

Munitions Response Site (MRS)—As defined in 32 CFR subpart 179.3, "a discrete location within an MRA that is known to require a munitions response."

Munitions Response Site Prioritization Protocol (MRSPP)—Per DUSD(I&E) *Munitions Response Site Prioritization Protocol Primer*, a tool adopted by DOD to assign a relative priority for munitions responses to each location in the Department's inventory of defense sites known or suspected of containing UXO, DMM, or MC.

National Contingency Plan (NCP)—The National Oil and Hazardous Substances Pollution Contingency Plan, commonly referred to as the NCP, 40 CFR Part 300, is a set of regulations setting forth procedures that lead agencies must follow when implementing CERCLA and similar response authorities under the Clean Water Act.

National Priorities List (NPL)—A formal list of the nation's sites that pose the greatest potential risks, as established by CERCLA. NPL sites are priorities for response actions under CERCLA. For Federal facilities on the NPL, the Federal agency must enter an IAG with EPA.

Natural Resources—Per 40 CFR Part 300.5, "land, fish, wildlife, biota, air, water, groundwater, drinking water supplies, and other such resources belonging to, managed by, held in trust by, pertaining to, or otherwise controlled by the United States (including the resources of the exclusive economic zone defined by the Magnuson Fishery Conservation and Management Act of 1976), any state or local government, any foreign government, any Native American tribe, or, if such resources are subject to a trust restriction on alienation, any member of an Indian tribe."

Natural Resource Injury—The actual harm to a natural resource caused by a release of a CERCLA "hazardous substance." This term is to be distinguished from "Natural Resource Damages," which are money damages whose purpose is to restore, replace or acquire the equivalent of any such injured natural resources or the services they provide.

No Further Response Action Planned (NFRAP)—Under CERCLA, a signed NFRAP report is a determination during the PA/SI that no further action is necessary as the site poses no threat to human health and the environment due either to the absence of releases or because the risk is acceptable for all use and exposure scenarios. The report which documents this must address, at a minimum, the requirements specified in 40 CFR 300.420(b)(4) or (c)(5) as appropriate.

Operational Range—As defined in 10 USC § 101(e)(3), "a range that is under the jurisdiction, custody, or control of the Secretary of a military department and that is used for range activities, or although not currently being used for range activities, that is still considered by the Secretary to be a range and has not been put to a new use that is incompatible with range activities." Includes "active ranges" and "inactive ranges" as defined by the military munitions rule, 40 CFR 266.201.

Operation—A military action or the carrying out of a strategic, tactical, service, training, or administrative military mission; the process of carrying on combat, including movement, supply, attack, defense, and maneuvers needed to gain the objectives of any battle or campaign.

Other than Operational Range—As defined in 10 USC § 2710(e)(1), "locations that are or were owned by, leased to, or otherwise possessed or used by the DOD. The term does not include any operational range, operating storage or manufacturing facility, or facility that is used for or was permitted for the treatment or disposal of military munitions." (same as **Defense Site**)

Policy—Policy is a statement of important, high-level direction that guides decisions and actions throughout the Air Force. Policy translates the ideas, goals, or principles contained in the mission, vision, and strategic plans into actionable directives. (Also see the SOP for the SAF/IE and HQ USAF/A4.)

Program Oversight—Program oversight means ensuring that high-level decision-making, programming, resource allocation, and program execution are consistent with and achieve overall Air Force policy, strategic direction, and guidance; priorities jointly established with HQ USAF/A4C; and legal requirements. (Also see the SOP for the SAF/IE and HQ USAF/A4.)

Public Health—The science of protecting and improving the health of communities through education, promotion of healthy lifestyles, and research for disease and injury prevention.

Record of Decision (ROD)—The document required by CERCLA containing the final decision and statutory determinations of the lead agency concerning selection of the remedial action at a site(s). This includes any preliminary phase of a remedial action, such as an interim remedial action, which would require an interim ROD.

Relative Risk Site Evaluation (RRSE)—The RRSE framework, described in the DOD Relative-Risk Site Evaluation Primer (Summer 1997, Revised Edition), provides a single, consistent DOD-wide approach for evaluating the relative-risk to human health and the environment posed by the chemical contamination present at a site. Evaluation of contaminants present, environmental migration pathways, and receptors results in the placement of sites into relative-risk categories of "high," "medium," or "low." These categories are used in prioritizing sites and sequencing the implementation of environmental restoration activities.

Remedial Action-Construction—"The period of time in which a response action is being implemented but is not yet operating as designed. At the end of this phase of work, a remedy is in place." (DODM 4715.20)

Remedial Action Completion Report (RACR)—"At an NPL facility, a key RC document prepared to show that remedial action objectives have been achieved at a specific site, group of sites, or an entire installation, BRAC location, or FUDS property, as specified in the DD, and documents that the remedy remains protective. It also serves as a basis for whole or partial NPL deletion." (DODM 4715.20)

Remedial Action-Operation (RA-O)—"The period of time that a selected remedy must operate before achieving remedial action objectives. At the end of this phase of work, the response is complete. " (DODM 4715.20)

Remedy or Remedial Action—As defined in 40 CFR 300.5, "those actions consistent with permanent remedy taken instead of, or in addition to, removal action in the event of a release or threatened release of a hazardous substance into the environment, to prevent or minimize the release of hazardous substances so that they do not migrate to cause substantial danger to present or future public health or welfare or the environment. The term includes, but is not limited to, such actions at the location of the release as storage, confinement, perimeter protection using dikes, trenches, or ditches, clay cover, neutralization, cleanup of released hazardous substances and associated contaminated materials, recycling or reuse, diversion, destruction, segregation of reactive wastes, dredging or excavations, repair or replacement of leaking containers, collection of leachate and runoff, on-site treatment or incineration, provision of alternative water supplies, any monitoring reasonably required to assure that such actions protect the public health and

welfare and the environment and, where appropriate, post-removal site control activities. The term includes the costs of permanent relocation of residents and businesses and community facilities (including the cost of providing "alternative land of equivalent value" to an Indian tribe pursuant to CERCLA section 126(b)) where EPA determines that, alone or in combination with other measures, such relocation is more cost-effective than, and environmentally preferable to, the transportation, storage, treatment, destruction, or secure disposition off-site of such hazardous substances, or may otherwise be necessary to protect the public health or welfare; the term includes off-site transport and off-site storage, treatment, destruction, or secure disposition of hazardous substances and associated contaminated materials. For the purpose of the NCP, the term also includes enforcement activities related thereto."

Remedial Project Manager (RPM)—The person assigned to manage remedial or other response actions at sites in the ERP. The RPM is responsible for coordinating, directing, and reviewing ERP work, ensuring compliance with legal requirements, and recommending decisions on actions.

Remediation—Actions taken at a contaminated site to abate the effects of environmental contamination on human health and safety, ecological resources or receptors (unless overseas), and operations. These actions occur sometime after the release of pollutants into the environment, as opposed to immediately following and in response to a release incident, and are consistent with or intended to be the final and permanent solution for site releases.

Remedy in Place (RIP)—"Designation that a final remedial action has been constructed, is functional, and is operating as planned in the RD and would be expected to meet the remedial action objectives detailed in the DD. Examples of RIP are a soil vapor extraction system or an in situ chemical treatment system that is installed and operating as designed and for which performance data indicate the system will achieve remedial action objectives, thus demonstrating proper operation of the system. Because remedial action objectives have not been met, the site cannot be considered RC." (DODM 4715.20)

Remove or Removal—"As defined by section 311(a)(8) of the CWA, refers to removal of oil or hazardous substances from the water and shorelines or the taking of such other actions as may be necessary to minimize or mitigate damage to the public health or welfare or to the environment. As defined by section 101(23) of CERCLA, remove or removal means the cleanup or removal of released hazardous substances from the environment; such actions as may be necessary taken in the event of the threat of release of hazardous substances into the environment; such actions as may be necessary to monitor, assess, and evaluate the release or threat of release of hazardous substances; the disposal of removed material; or the taking of such other actions as may be necessary to prevent, minimize, or mitigate damage to the public health or welfare or to the environment, which may otherwise result from a release or threat of release. The term includes, in addition, without being limited to, security fencing or other measures to limit access, provision of alternative water supplies, temporary evacuation and housing of threatened individuals not otherwise provided for, action taken under section 104(b) of CERCLA, post-removal site control, where appropriate, and any emergency assistance which may be provided under the Disaster Relief Act of 1974. For the purpose of the NCP, the term also includes enforcement activities related thereto." (40 CFR § 300.5)

Resource Conservation and Recovery Act (RCRA)—RCRA was enacted in 1976, amending the Solid Waste Disposal Act, to address the issue of how to safely manage and dispose of the

huge volumes of municipal and industrial waste generated nationwide. Specifically, the RCRA program regulates solid waste recycling and disposal; Federal procurement of products containing recycled materials; waste minimization; hazardous waste generators and transporters; hazardous waste treatment, storage, or disposal facilities; and USTs (42 USC § 6901 et seq.). The RCRA corrective action program for wastes addresses releases of hazardous wastes and hazardous waste constituents from solid waste management units. The corrective action program is principally enforced through the statutory authorities established by the Hazardous and Solid Waste Amendments of 1984 and is substantively equivalent to CERCLA.

Respond or Response—As defined by section 101(25) of CERCLA, "remove, removal, remedy, or remedial action, including enforcement activities related thereto."

Response Complete (RC)—A milestone signifying that the DOD Component has met the remedial action objectives for a site, documented the determination, and sought regulatory agreement. RC signifies that DOD has determined at the end of the PA/SI or RI that no additional response action is required; achieved RIP and the required RA-O has achieved the remedial action objectives; or where there is no RA-O phase, then the remedial action-construction has achieved the remedial action objectives. LTM may occur after RC is achieved and precedes Site Close Out.

Restoration Advisory Board (RAB)—An advisory group for the environmental restoration program that includes members of the public, the installation, and regulatory agencies. The purpose of a RAB is to gain effective input from stakeholders on cleanup activities and to increase installation responsiveness to community environmental restoration concerns.

Site—A discrete location that is, or was, owned by, leased to, or otherwise possessed by the United States and under the jurisdiction of the Secretary of Defense, and that is known or suspected to require remediation. A site has a unique name or identification designation given to a distinct area of an installation containing one or more releases or threatened releases of hazardous substances that can be treated (1) as a discrete entity for cleanup, management, contracting, reporting, and cost accounting purposes, or (2) to consolidate a grouping for response purposes.

Site Closeout—"The stage at which the DOD has completed active management and monitoring at an environmental restoration site, and no additional environmental restoration funds will be expended at the site. SC occurs when environmental restoration goals have been achieved that allow unlimited use and unrestricted exposure of the property (e.g., no further LTM, including LUCs, is required). Also may be a no further action." (DODM 4715.20)

Third Party Sites (TPS)—A facility or site that is not currently, and never was owned by, leased to, or otherwise possessed by the United States and under the jurisdiction of the DOD; at which DOD arranged for disposal or treatment of hazardous substances within the meaning of 42 USC § 9607(a)(3), thus DOD is a PRP under CERCLA; and at which there has been a release of a hazardous substance.

Unexploded Explosive Ordnance (UXO)—Explosive ordnance which has been primed, fused, armed or otherwise prepared for action, and which has been fired, dropped, launched, projected, or placed in such a manner as to constitute a hazard to operations, installations, personnel, or material and remains unexploded either by malfunction or design or for any other cause. (Joint Publication 1-02)

United States—As defined in 42 USC § 9601(27), the United States "includes the several states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Marianas, and any other territory or possession over which the United States has jurisdiction."

Attachment 2

COMPARISON OF CERCLA RESPONSE PROCESS AND RESOURCE CONSERVATION AND RECOVERY ACT (RCRA) CORRECTIVE ACTION

CERCLA	RCRA Options*	Description of Step
Site Discovery and Notification		Identify past releases of hazardous substances or hazardous waste and constituents according to information obtained during records searches or other ongoing project activities Notify applicable regulators
Preliminary Assessment/Site Inspection (PA/SI)	RCRA Facility Assessment (RFA)	Review real property assets for potential releases of hazardous substances to the environment Collect information regarding site conditions, potential contamination, and exposure pathways, in order to determine whether further investigation or short-term action is necessary May include limited field investigations (e.g., collection and analysis of environmental samples) to confirm suspected releases and make a preliminary estimate of their significance, and initial risk screening Identify sites and/or solid waste management units
Removal or Interim remedial action (IRA)	Interim measure (IM)	Conduct short-term actions to address any immediate threats to human health or the environment or to prevent further contaminant migration Remedial actions taken during the RI/FS process that are not the complete or final remedial action Documented in an action memorandum or interim ROD under CERCLA. For RCRA, check with the regulator. May be conducted at any point in the RCRA or CERCLA process to mitigate imminent risk, stabilize the site, or contain contamination from further migration
Remedial Investigation (RI)	RCRA Facility Investigation (RFI)	Conduct a more detailed evaluation of the site(s) identified in previous phases, including field investigations to define the nature and extent of contamination and site conditions that will influence the direction and extent of contaminant migration Estimate potential risks posed by site contamination

CERCLA	RCRA Options*	Description of Step
		to human health and the environment Collect data and conduct treatability studies required to support the remedy/corrective action selection process
Feasibility Study (FS)	Corrective Measures Study (CMS)	Develop, screen, and evaluate remedial/corrective measures options based on site-specific conditions; assess the performance of remediation options; and present such information so that the decision maker can make an informed decision to select a permanent solution that is protective of human health and the environment and attains or waives any ARAR under CERCLA or complies with any media cleanup standards if corrective action is being undertaken under RCRA
Proposed Plan (PP) and Record of Decision (ROD)	Statement of Basis (SB) and Corrective Action Decision (CAD)/Permit or Order Modification	Propose and document the selected remedy and explains the rationale for remedy selection; establishes how selected remedy/corrective action meets legal requirements; Consult state RCRA SB requirements Provide the public and regulators comment opportunity Note: Often details that would be in a ROD may be deferred to a CMI.
Remedial Design/Remedial Action (RD/RA)	Corrective Measures Implementation (CMI)	Complete RD and construction of remedial systems Implement the selected remedy identified in the DD/SOB Conduct operation and maintenance of the remedial systems for the duration of the response action
Response Complete (RC)	Corrective Action Complete	Milestone at which all remedial/corrective action objectives identified in the DD have been met Document in a RACR or Corrective Action Complete Report to ensure recognition that the remedial/corrective action objectives are achieved
Long-Term Management (LTM)		Monitor long-term protectiveness of the remedy; includes monitoring site conditions, operation and management of LUCs, and performance of five-year reviews
Site Closeout (SC)		Complete active management and monitoring at an environmental restoration site, achieving unlimited

CERCLA	RCRA Options*	Description of Step
		use and unrestricted exposure such that no additional environmental restoration funds will be expended at the site (i.e., no further LTM, including LUCs, is required)

* Because RCRA corrective action does not consist of a set of structured, mandatory steps, not all of the options listed above may be appropriate for each cleanup. EPA, or an authorized state, will select the RCRA options based upon site-specific circumstances.