



DEPARTMENT OF THE AIR FORCE
HEADQUARTERS UNITED STATES AIR FORCE
WASHINGTON DC

DAFI32-7020_DAFGM2025-01
16 May 2025

MEMORANDUM FOR DISTRIBUTION C
MAJCOMs/FLDCOMs/FOAs/DRUs

FROM: HQ USAF/A4
1030 Air Force Pentagon
Washington, DC 20330-1030

SUBJECT: Department of the Air Force Guidance Memorandum to Department of the Air Force Instruction 32-7020, Environmental Restoration Program

By Order of the Secretary of the Air Force, Air Force Instruction (AFI) 32-7020, *Environmental Restoration Program*, is re-designated Department of the Air Force Instruction (DAFI), and this DAF Guidance Memorandum (DAFGM) immediately implements changes to DAFI 32-7020. Compliance with this DAFGM is mandatory. To the extent its directions are inconsistent with other DAF publications, the information herein prevails IAW DAFI 90-160.

This publication applies to all DAF civilian employees and uniformed members of the United States Air Force, the Air Force Reserve, the Air National Guard, the United States Space Force, the Civil Air Patrol when conducting missions as the official Air Force Auxiliary, and those with a contractual obligation to abide by the terms of DAF issuances.

No changes are being made to the DAFGM issued 8 May 2024. For convenience, this memorandum attaches the 2024 DAFGM and retains the use of an asterisk (*) to identify the changes made over the previous guidance. This memorandum becomes void after one year has elapsed from the date of this memorandum, or upon publishing a new publication permanently establishing this guidance as DAFI 32-7020, and any successor directive permanently reestablishing *Environmental Baseline Surveys in Real Property Transactions* as separate guidance, previously published as AFI 32-7066, whichever is earlier.

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DCS/Logistics, Engineering & Force Protection

Attachment:
DAFI32-7020_DAFGM2024-01, *Environmental Restoration Program*

DAFI32-7020_DAFGM2024-01

*3.4.1. Changed. Provides legal advice and assistance to SAF/IE, SAF/IEE, and SAF/IEI on environmental policy matters and issues, including remediation of environmental contamination attributable to the Air Force, and collaborates with the AF/JA-Operations and International Law/Environmental Law and Litigation Division (AF/JAOE) on special environmental issues relating to Environmental Baseline Surveys (EBSs).

*3.4.3. Changed. When appropriate, consults with the Headquarters, United States Air Force, The Judge Advocate General (AF/JA).

*3.4.5. Added. Coordinates with AF/JAO on requests for transaction-specific EBSs and EBS waivers for properties in Categories 5-7.

*3.8. Changed. Headquarters, United States Air Force, Office of The Judge Advocate General (AF/JA).

*3.8.1. Changed. Provides legal advice and assistance to Headquarters Air Force and field activities on Department of the Air Force environmental issues and activities at Air Force installations, properties, and Third-Party Sites. AF/JA provides this support primarily through its Operations and International Law Directorate, Environmental Law and Litigation Division (AF/JAOE).

*3.8.1.1. Changed. Interpreting policy, providing instruction, and coordinating guidance; preparing legal reviews; assisting or conducting regulatory negotiations; coordinating requests with SAF/GCN on transaction-specific EBSs and EBS waivers; providing legal advice, litigation support and legal oversight concerning Third Party Sites and affirmative cost recovery; and providing legal support, review, and coordination on all cleanup agreements, permits, and orders.

*3.10.2.2.18. Changed. Prepare and sign Findings of Suitability to Transfer, Findings of Suitability for Early Transfer, EBSs and supplemental Environmental Baseline Surveys (SEBSs) in accordance with **Attachment 3** of this instruction, and the environmental aspects of real property transactions, after appropriate coordination with AF/JAO, which will coordinate with SAF/GCN. **(T-0)**.

*12.3.2.1. Added. 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/A4V, as appropriate, are the official records.

*12.3.2.2. Added. 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. **(T-0)**.

*12.3.2.3. Added. DAF employees (including military, civilian, and contractors) shall not destroy records designated under 42 USC § 9603(d) for 50-year retention, unless the Administrator of the EPA waives this requirement. **(T-0)**.

*13.4.2. Changed. When a regulatory agency seeks to use an authority for environmental restoration other than CERCLA, RCRA corrective action, underground storage tanks (pursuant to 42 USC §§ 6991 – 6991m, 40 CFR Parts 280.10 – 280.252), or a RCRA 3013 or 7003 order (pursuant to 42 USC §§ 6934 and 6973) and AFCEC or the NGB is considering such an agreement, SAF/IEE must approve entering negotiations and approve any subsequent agreement. **(T-1)**. SAF/IEE will notify ASD (Sustainment) as required. **(T-0)**. An exception to this requirement would be when addressing a petroleum release from an above ground storage tank or distribution pipeline.

*14.2.3.2. Changed. For Regular Air Force, Air Force Reserve, and Air National Guard installations:

*14.4. Changed. No Action 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 proposed plan and a Record of Decision (ROD). **(T-0)**. Both documents shall sufficiently summarize both the RI and the baseline risk assessment to establish that no unacceptable risk exists. **(T-0)**. 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”). If the property being assessed is the subject of state regulation, annotate that condition in the EBS. **(T-0)**. For example, “Although the Air Force has determined no further action is required at Solid Waste Management Units/Areas of Concern on this real property, the [name state] has not closed out [name sites] as NFA under the current permit/Consent Order.”

*14.6.2. Changed. CERCLA Removal Actions. Document the selection of a removal action in an Action Memorandum. **(T-0)**. 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/A4V 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 must be notified of the planned emergency removal and an action memorandum must be completed promptly thereafter. **(T-0)**. For more information, see Office of Solid Waste and Emergency Response (OSWER) Final Guidance, *Superfund Removal Guidance for Preparing Action Memoranda*.

*15.2.2. Changed. The central objective of LUC is to protect human health and the environment. As such, LUC 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 land use control to protect the effectiveness of the remedy. For example, LUC will likely be necessary at Munition Response Sites (MRS), 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 land use control strategy and internal written plan.

*15.3.3.1. Changed. 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)**.

*15.5. Changed. Memorandum of agreement (MOA) or memorandums of understanding. The Air Force may enter into an MOA or memorandum of understanding with state regulatory agencies and EPA concerning LUC only when the regulators insist on such agreements. Such MOA and memorandum of understandings are voluntary and are not legally enforceable, but they do formalize the regulators' roles and expectations in consultation, notice, and review and comment during land use control selection, implementation, maintenance, and review. Also, see paragraph 13.2.

*16.4.2. Changed. The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A4V 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)**. The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A4V will ensure subsequent reviews are completed within each five-year period (e.g., five years, ten years, fifteen years) after the initiation of the remedial action. **(T-0)**. The Air Force may group applicable sites into one five-year review, the timetable of which is established in accordance with 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.

*17.3. Changed. 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 long-term management, including LUC, is needed) and there is no

further expense of environmental restoration funds (i.e., environmental restoration account, AF or equivalent Base Realignment and Closure account funds, and ANG O&M restoration funds) at the site. Sites should only be coded as site closeout when there is no requirement to track either LUC or similar restrictions and there is no continuing requirement to conduct 5-year reviews. The appropriate AFCEC/CZ division(s), AFCEC/CIB or NGB/A4V must process for approval a no further action explosive safety submission to achieve site closeout for Munitions Response Areas (MRA) and Munition Response Sites (MRS) through AFSEC/SEW and department of defense explosive safety board. (T-0).

***Attachment 1**

GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION

References

*(Added) ASTM D6008, *Standard Practice for Conducting Environmental Baseline Surveys*, 2014

*(Added) ASTM E1527-13, *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*, 2014

*(Added) ASTM E1903, *Standard Practice for Environmental Site Assessments: Phase II Environmental Site Assessment Process*, 15 June 2011

*(Deleted) AFI 32-7066, *Environmental Baseline Surveys in Real Property Transactions*, 26 January 15

*(Added) AFI 33-322, *Records Management and Information Governance Program*

*(Added) AFMAN 48-148, *Ionizing Radiation Protection*, 20 Jul 2020

*(Deleted) DAFI 33-360, *Publications and Forms Management*, 1 December 2015

*(Added) DAFI 90-160, *Publishing Processes and Procedures*, 14 April 2022

*(Added) 40 CFR Part 312, *Innocent Landowners, Standards for Conducting All Appropriate Inquiries*

*(Added) 40 CFR Part 312.10, *Definitions*

*(Added) 40 CFR 312.22, *Additional inquiries*

*(Added) 40 CFR 312.25, *Searches for recorded environmental cleanup liens*

*(Added) 10 USC § 2684a, *Cooperative agreements for management of cultural resources*

*(Added) 10 USC § 1803, *Facilities for reserve components*

*(Added) EO 11990, *Protection of Wetlands*, 24 May 1977 as amended

*(Added) EO 11988, *Floodplain Management*, 24 May 1977 as amended

*(Added) 40 CFR 373, *Reporting Hazardous Substance Activity When Selling or Transferring Federal Real Property*

Abbreviations and Acronyms

*(Added) **AF/JAOE-FSC**—United States Air Force, Office of the Judge Advocate General, Operations and International Law Directorate, Environmental Law and Litigation Division, Environmental Law Field Support Center

*(Added) **ASTM**—American Society for Testing and Materials

*(Added) **AST**—Aboveground Storage Tank

*(Added) **BCE**—Base Civil Engineer

*(Added) **EBS**—Environmental Baseline Survey

*(Added) **EIAP**—Environmental Impact Analysis Process

*(Added) **FLDCOM**—Field Command

*(Added) **NGB**—National Guard Bureau

*(Added) **OWS**—Oil Water Separator

*(Added) **PCB**—Polychlorinated biphenyl

*(Added) **POL**—Petroleum, Oil, and Lubricants

*(Added) **SAF**—Office of the Secretary of the Air Force

*(Added) **SEBS**—Supplemental Environmental Baseline Survey

*(Added) **UST**—Underground Storage Tank

*(Added) **VSI**—Visual Site Inspection

Terms

*(Added) **Acquisition**—Any authorized method of obtaining any interest in real property. An acquisition may be a temporary or permanent, exclusive or non-exclusive, interest in real property. Methods of real property acquisition includes, but are not limited to, purchase, gift, exchange, lease, license, easement, interagency transfers of real property accountability, or permits to use real property from other Federal government agencies, reinvestment, recapture, or condemnation.

*(Added) **Adjacent Properties**—Not only those properties contiguous to the boundaries of the installation or subject property, but also those properties relatively nearby that could pose significant environmental impact or concern on the installation or subject property.

*(Added) **Disposal**—Any authorized method of permanently divesting the Air Force of control of and responsibility for real property. Includes fee conveyance and interagency transfers or other disposition.

*(Added) **Disposal by Deed**—A conveyance of fee interest in real property. Transfers of federal property by deed trigger special requirements contained in CERCLA 120(h), codified at 42 U.S.C. 9620(h), to include notices, covenant warranties, response assurances, and reservation of access rights by the federal government to conduct subsequent responses if necessary. Although a grant of an easement is also conveyed by deed, it does not trigger the special requirements in CERCLA 120(h).

*(Added) **Environmental Professional**—A person who possesses sufficient specific education, training, and experience necessary to exercise professional judgment to develop opinions and conclusions regarding conditions indicative of releases or threatened releases and who qualifies under the definition of “environmental professional” in 40 CFR 312.10.

*(Added) **Hazardous Substance**— A substance meeting the definition provided in CERCLA, 42 U.S.C. 9601(14). In addition, solely for the purposes of provisions relating to Environmental Baseline Surveys added by this AFGM, it shall also include petroleum, petroleum products, oil, natural gas, and lubricants (POL), but does not include POL for purposes of discussing the deed covenant in CERCLA Sec. 120(h)(3).

*(Added) **Hazardous Waste**—Any solid waste defined as a hazardous waste pursuant to 40 CFR Part 261.3, *Definition of hazardous waste*, or authorized state rules and regulations.

*(Added) **Interagency Transfer**—Transfer of Federal government property accountability to or from other Federal government agencies.

*(Added) **Intermediate Environmental Function**—The AFIMSC Det 2, Pacific Division, Environmental Branch; AFIMSC Det 4, Europe Division, Environmental Branch; AFCEC/CZO Installation Support Section; AFCEC/CZO Regional Support Branches (East, Midwest, West); entities responsible for providing environmental engineering support to a specific regular Air Force installation, organization, command, or activity located with the United States or operating outside the United States. NGB/A4V and AFRC/A4CA fulfill the roles and responsibilities of the Intermediate Environmental Function for ANG and Air Force Reserve installations and units, respectively.

*(Added) **Ingrant**—Documents (such as licenses, leases, permits, easements, foreign base rights agreements, and treaties) that give the AF an interest in or control of real property in less-than-fee ownership.

*(Added) **Natural Resources**—Per 40 CFR Part 300.5, *Definitions*, “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.”

*(Added) **Outgrant**—Documents such as leases, licenses, easements, and permits that transfer interest in or control of real property from the AF to another Government agency, a non-Federal entity, or a private party.

*(Added) **Present or Presence**—With regard to target analytes in environmental media, present or presence refers to the existence of the target analyte at the property and to places where the target analyte is located. Presence does not imply that the total extent of the target analyte is known.

*(Added) **Proponent**—Organization or entity that has a requirement that is driving a need for an interest in real property (either ingrant or outgrant).

*(Added) **Storage**—The holding of hazardous substances for a temporary period prior to the

hazardous substances being either used, treated, transported, or disposed of.

*(Added) **Temporary Interest**—A grant of interest in or use of real property which expires at the end of a stated term, or which can be terminated. Instruments include leases, licenses, and permits.

*(Added) **Real Property**—Land and fixtures and other improvements affixed thereto.

*(Added) **Release**— An event or occurrence meeting the definition provided in CERCLA, 42 U.S.C. 9601(22). In addition, solely for the purposes of provisions relating to Environmental Baseline Surveys added by this AFGM, it shall also include any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles) of any hazardous chemical, extremely hazardous substance, or CERCLA hazardous substance.

***Attachment 3 (Added)**

Environmental Baseline Surveys in Real Property Transactions

A3.1. Background. An EBS will be prepared when required to:

A3.1.1. Document the nature, magnitude, and extent of any environmental conditions affecting real property.

A3.1.2. Identify potential environmental liabilities associated with a real property transaction.

A3.1.3. Satisfy environmental due diligence requirements.

A3.1.4. Develop information to assess health and safety risks.

A3.1.5. Protect human health and the environment.

A3.1.6. Determine possible effects of contamination on property valuation.

A3.1.7. Serve as the basis for notice of environmental condition when required under Sections 9620(h)(1)-(3) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended (Title 42, United States Code 42 USC §§ 9620(h)(1) and (3)) and any applicable state or local real property disclosure requirements.

A3.2. Concept.

A3.2.1. An EBS is used to support a real property transaction. These real property transactions include AF acquisition of real property (fee simple estate or by ingrant), allowing others to temporarily use Air Force real property (outgrant), or disposal of Air Force real property. An EBS is also used to satisfy the CERCLA Section 9620(h)(4) requirement to identify uncontaminated property for military real property on which operations are closed or realigned pursuant to a base closure law within specified statutory time limitations.

A3.2.2. A properly conducted EBS allows the real property transaction authorities to make informed decisions on whether and to what extent such transactions should be pursued by the AF and under what restrictions or limitations to mitigate the U.S. Government's responsibilities and obligations for environmental conditions on the affected real property.

A3.2.3. For AF real property acquisitions, there is an expectation of strict adherence to those standards and requirements listed in 40 CFR. The preparer of the EBS should expect rigorous review for compliance so the AF can avoid, if possible, acquiring real property with environmental conditions that would not fulfill mission needs, would endanger health, or would create unforeseen environmental obligations and expenditures for the Air Force.

A3.2.4. In the rare event that an EBS was not prepared for a real estate transaction that is now being renewed, an EBS will be prepared that covers the preceding term of the real estate transaction.

A3.3. Requirements.

A3.3.1. Conducting an EBS. Installations or proponents for real property transactions will follow applicable or relevant industry standards such as American Society for Testing and Materials (ASTM) D6008 in conducting an EBS of real property. **(T-0)**. For real property transactions involving AF acquisition of real property, installations or proponents shall ensure the EBS meets the EPA "All Appropriate Inquiry" requirements at 40 CFR 312. **(T-0)**. This documentation becomes part of the real estate transaction administrative record. An Environmental Professional as defined at 40 CFR 312 shall complete the EBS. **(T-0)**. An EBS is required for all new real estate acquisitions (in fee simple estate or ingrant), temporary use of AF real property (outgrant), any real property renewal action where an EBS was not previously accomplished, and real property disposal. An EBS shall document existing and past environmental conditions of the property and be prepared by an environmental professional and professionals who are well qualified to assess the condition of cultural, natural, and biological resources. **(T-0)**.

A3.3.1.1. Exemptions. The determination of whether an EBS or EBS waiver is required for temporary access to private property should be made on a case-by-case basis, in consultation

with United States Air Force, Office of the Judge Advocate General, Operations and International Law Directorate, Environmental Law and Litigation Division, Environmental Law Field Support Center (AF/JAOE-FSC). However, in a common set of limited circumstances, no EBS or EBS waiver is necessary. Specifically, no EBS or EBS waiver is required for the following response actions taken pursuant to the Defense Environmental Restoration Program statute (DERP, 10 U.S.C. §§ 2700-11): (i) installation of a whole-house water filter on an existing private off-base drinking water well or its components (to include, where needed, installation of a protective covering or shelter for the system) when the Air Force does not plan to significantly excavate or otherwise penetrate ground surfaces; and (ii) installation of point-of-use water filtration systems within a private residence. To accomplish installation of whole-house and point-of-use filtration systems, the Air Force often establishes a contractual agreement for access to private property with the owner, but does not acquire an interest in real property. Therefore, no real estate acquisition occurs, and no EBS or EBS waiver is required. However, when excavation or significant ground disturbance is necessary, an EBS or EBS waiver is needed to document existing property conditions before such action occurs even if initially the Air Force will not acquire a real property interest. **(T-0)**.

A3.3.2. Programming and Funding.

*A3.3.2.1. The Environmental Impact Analysis Process (EIAP) Manager will coordinate with the Real Property Office (RPO) or equivalents when the installation advocates for EBS requirements. **(T-3)**.

A3.3.2.2. The proponent will be responsible for all costs, whether paid in advance or by reimbursement, for the development and preparation of the EBS and any sampling requirements. **(T-1)**. For real property transactions involving an AF acquisition of real property interests, the AF normally assumes the costs of preparing an EBS. In appropriate cases for other types of real property transactions (e.g., requests by private parties), the AF may assume the cost of preparing EBS documents, but such costs must be justified in writing and approved by the AFCEC Environmental Directorate. The organization and/or non-AF proponent requesting the requirements may fund the project.

A3.3.3. EBS Waivers.

A3.3.3.1. The BCE or authorized designee, in consultation with the base, AFCEC real property staff, and/or NGB real property staff for ANG BCEs, may waive an EBS requirement under the provisions of this section for real property transactions involving non-BRAC property. An AFCEC designee shall have EBS waiver authority for real property transactions involving BRAC property. **(T-1)**. An EBS waiver must be in writing and document why the transaction qualifies for an EBS waiver. **(T-1)**. The written EBS waiver shall become part of the real estate transaction administrative record. **(T-1)**.

A3.3.3.2. Unless statutorily precluded, an EBS waiver is possible when an initial records review, interviews, and site inspections indicate there are no potential sources, releases, or disposal of environmental contamination on the property and if examination of the proposed use of the property indicates that all the following criteria are met:

A3.3.3.2.1. The condition of the property will not create unacceptable human health and safety risks from usage of the property allowed under the real property transaction documents.

A3.3.3.2.2. The allowable use of the property will not introduce any hazardous substances or petroleum products in quantities greater than the minimum levels.

A3.3.3.2.3. The allowable use of the property is consistent with environmental compliance requirements (such as those pertaining to wetlands, historic preservation, etc.).

A3.3.3.3. Examples of transactions that may be eligible for an EBS waiver from the EBS requirement include, but are not limited to:

A3.3.3.3.1. Renewing a temporary interest in real property if no change in the premises or in allowable use will occur.

A3.3.3.3.2. Leasing, licensing, or permitting of administrative space in an existing building having no known asbestos, lead or radon.

A3.3.3.3.3. Acquiring restrictive use (e.g., development rights for Explosive-Quantity Distance arc, clear zone, restrictive use easements for interests acquired under Title 10 United States Code Section 2684a, *Cooperative agreements for management of cultural resources*, and navigation) easements and no other usage will occur.

A3.3.3.3.4. Issuing temporary rights for surveys, inspections, and tests where there will be no introduction of hazardous substances or petroleum products on the property.

A3.3.3.3.5. Allowing non-exclusive use of AF property (e.g., easement for use of a road that is also used by other base vehicle traffic or utility privatization), so long as the appropriate disclosures of any potential threats to human health and safety are provided.

A3.3.3.3.5.1. The NGB may coordinate with AFCEC and will advocate to SAF/IEE when applications of Joint Reserve Component Use as encouraged by 10 USC §1803, *Facilities for Reserve Components*, are applicable.

A3.3.4. All Appropriate Inquiries.

A3.3.4.1. In accordance with 40 CFR 312.20, *All appropriate inquiries*, pursuant to CERCLA section 101(35)(B) must be conducted within one year prior to the date of acquisition of the subject property. **(T-0)**. Inquiries must include:

A3.3.4.1.1. An inquiry by an Environmental Professional as defined at 40 CFR 312.10, *Definitions*. **(T-0)**.

A3.3.4.1.2. The collection of information pursuant to 40 CFR 312.22, *Additional inquiries*, by

persons identified under 40 CFR 312.1(b); and **(T-0)**.

A3.3.4.1.3. Searches for recorded environmental cleanup liens as required in 40 CFR 312.25, *Searches for recorded environmental cleanup liens*. **(T-0)**.

A3.3.4.2. In addition, the following components of “all appropriate inquiries” must be conducted or updated within 180 days of and prior to the date of acquisition of the subject property: **(T-0)**.

A3.3.4.2.1. Interviews with past and present owners, operations, and occupants per 40 CFR 312.23. **(T-0)**.

A3.3.4.2.2. Searches for recorded environmental cleanup liens per 40 CFR 312.25. **(T-0)**.

A3.3.4.2.3. Reviews of federal, tribal, state, and local government records per 40 CFR 312.26. **(T-0)**.

A3.3.4.2.4. Visual inspections of the facility and of adjoining properties per 40 CFR 312.27. **(T-0)**.

A3.3.4.2.5. Declaration by the Environmental Professional per 40 CFR 312.21(d). **(T-0)**.

A3.3.5. Phase I. Determine the potential for present and past site contamination by hazardous substances, petroleum products and derivatives as well as the substances listed in **A3.4. (T-0)**. If contamination is found, characterize the types, quantities and times when storage, release into the environment or structures, or disposal took place on the property, to the extent such information is available after a diligent search per 40 CFR 373. **(T-0)**.

A3.3.5.1. The EBS shall contain the information required by 40 CFR 373, *Reporting Hazardous Substance Activity When Selling or Transferring Federal Real Property* regarding past storage, release or disposal of CERCLA hazardous substances. **(T-0)**. It is preferred that this information be provided in tabular form within or attached to the EBS. See **A3.5. Sample Certification** for an example. The information includes the Chemical Abstracts Service Registry Number;

contaminant regulatory synonym(s); the RCRA hazardous waste number; quantity of hazardous substance stored for one year or more, or known to have been released or disposed of; and the date(s) that such storage, release or disposal took place. If a release or disposal occurred, also include what response actions, if any, were taken to address the release or disposal. If the quantity or date(s) of storage, release or disposal are unknown, indicate “unknown.” **(T-0)**.

A3.3.5.2. At a minimum, Phase I shall include a comprehensive records search (40 CFR 312.25), analysis of aerial photographs, interviews with current and/or former employees (40 CFR 312.23), VSI (40 CFR 312.27), identification of sources of contamination, ongoing response actions or actions that have been taken, and physical inspection of property and adjacent property. **(T-0)**.

A3.3.5.2.1. Make a reasonable search for and review of available AF, Federal, regulatory agency, state and local government studies and records (such as but not limited to: Federal Emergency Management Agency Maps, Environmental Assessments, Biological Assessments, Biological Opinions, Integrated Natural Resource Management Plans, and Cultural Resources records (See **A3.4. Mandatory Format for EBS Reports**)). **(T-0)**. Make a reasonable inquiry into the existence and availability of relevant information and records to include (40 CFR 312.24):

A3.3.5.2.1.1. Complete or partial surveys, inspection reports, or other relevant records. **(T-0)**. Examples of such records include but are not limited to maps showing archaeologically sensitive areas, historic activities, storage tank locations, results of storage tank leak testing, hazardous waste management plans, spill plans, base comprehensive plans, utility drawings, environmental impact analysis documents, biological surveys for federally threatened and endangered species associated with the property, bioenvironmental engineering case files, environmental incident reports, supply records and surveys related to drinking water surveillance, *Environmental Compliance Assessment and Management Program*, asbestos, Polychlorinated Biphenyls (PCBs), radon, and lead-based paint.

A3.3.5.2.1.2. Environmental Restoration Program (ERP) studies or other documents produced under CERCLA or RCRA. **(T-0)**.

A3.3.5.2.1.3. Military Munitions Response Program studies or other documents under CERCLA or RCRA. **(T-0)**.

A3.3.5.2.1.4. Investigation and closure reports related to Above Ground Storage Tanks (ASTs), Underground Storage Tanks (USTs), Solid Waste Management Unit, Oil Water Separators (OWSs), and other sites that formerly fell under the environmental compliance category. **(T-0)**.

A3.3.5.2.1.5. Applicable regulatory agency reports, correspondence, site closure concurrence,

notices of violation or noncompliance. **(T-0).**

A3.3.5.2.1.6. Current and discontinued permits pertaining to environmentally regulated activities such as air emissions, wastewater discharges, and hazardous waste management. **(T-0).**

A3.3.5.2.1.7. Title, deed, other real property records or other documentation that identifies the operational history of the property, focusing on mission related uses over time that could reasonably have contributed to an environmental concern. Ensure that search extends to beyond Air Force ownership of property. **(T-0).**

A3.3.5.2.1.8. Records and reports regarding lead-based paint hazards in or around residential facilities or the presence and condition of asbestos in existing structures or in soil. **(T-0).**

A3.3.5.2.2. Installation BCE, Installation CE Environmental Element, or proponent will review all reasonably obtainable Federal, state, and local government records for adjacent property if the following conditions apply (40 CFR 312.30):

A3.3.5.2.2.1. There has been a release of any hazardous substance, petroleum product, or petroleum on the adjacent property. **(T-0).**

A3.3.5.2.2.2. The release is likely to cause or contribute to a spreading or migration of any hazardous substance or any petroleum product onto the subject property. **(T-0).**

A3.3.5.2.3. Collect samples as appropriate based on professional judgment. **(T-3).** If no record exists, collect samples to determine the following items (not an exclusive list):

A3.3.5.2.3.1. Drinking water quality.

A3.3.5.2.3.2. Quality of water supply sources (surface water and groundwater) on the subject property.

A3.3.5.2.3.3. Radon levels in high occupancy facilities as defined in the *Air Force Radon Assessment and Mitigation Program*. For more information see AFMAN 48-148, *Ionizing Radiation Protection*.

A3.3.5.2.3.4. The presence of PCBs or PCB-containing equipment or property.

A3.3.5.2.3.5. The presence of lead-based paint when it potentially exists in housing units.

A3.3.5.2.3.6. The presence of Asbestos Containing Materials.

A3.3.5.2.3.7. The presence of Vapor Intrusion.

A3.3.5.2.4. Analyze aerial photographs from the Federal government, state or local governments or private companies that may reflect prior uses of the property. **(T-0)**. Effort to obtain historical photos prior to the property's current use is strongly recommended. **(T-1)**.

A3.3.5.2.5. Interview past and present owners, operators, and occupants of the facility for the purpose of gathering information regarding the potential for contamination of the facility (40 CFR 312.23). **(T-0)**.

A3.3.5.2.6. Inspect the following:

A3.3.5.2.6.1. The interior and exterior of the subject property including buildings, structures, equipment, pipes or other improvements on the subject property. **(T-0)**.

A3.3.5.2.6.2. Adjacent properties, noting sewer lines, runoff patterns, evidence of environmental impacts, and anything else which indicates actual or probable release of hazardous or petroleum products as stated in 40 CFR 312.27 for acquisitions following All Appropriate Inquiries. **(T-0)**.

A3.3.5.2.7. Determine current and past use(s) of property; any hazardous substances and petroleum products associated with known uses; (ASTs, USTs, OWSs, etc.) existence of above and USTs; OWSs; odors; pools of liquid; drums; hazardous substance and petroleum product containers; potential asbestos-containing materials; PCB-containing electrical equipment; condition of painted surfaces; stains and corrosion; drains and sumps; pits, ponds, and lagoons; stained soil or pavement; stressed vegetation; solid waste; wastewater; wells; septic systems; and dead or diseased wildlife. In addition, document barriers or limits to the inspection (40 CFR 312.27). **(T-0)**.

A3.3.5.2.8. Identify the sources of contamination on the installation and on adjacent properties which could migrate to the subject property during or after the transaction. **(T-0)**.

A3.3.5.2.9. Identify any actions taken in response to actual or possible contamination on the subject or adjacent property. **(T-0)**.

A3.3.5.2.10. Inspect adjacent property as extensively as the owners or operators permit. **(T-0)**.

A3.3.5.2.11. Note that additional guidelines for conducting an EBS can be found in the ASTM standards D6008 and E1527.

A3.3.5.2.12. Prepare an EBS report at the end of a Phase I investigation for an acquisition in accordance with 40 CFR 312.21. **(T-0)**. Include an EBS report prepared for outgrants or

disposals. **(T-1)**. See **A3.4. Mandatory Format for EBS Reports** for the report format. Specify any media, contaminants, or issues listed in the format that do not apply to the transaction. **(T-1)**.

A3.3.5.3. Conclusions.

A3.3.5.3.1. Based on the findings, the EBS report shall categorize the presence of hazardous substances or petroleum products or their derivatives for each property or area, using the environmental condition categories described below. **(T-1)**. Categories shall be assigned, as applicable, to defined or identified areas within the property, so the real property transaction documents can disclose or warn, with specificity, which portions of the property fall under the relevant categories **(T-1)**.

A3.3.5.3.1.1. Category 1: An area or real property where no storage, release, or disposal of hazardous substances or petroleum products or their derivatives has occurred into the environment or structures or disposed on the subject property (including no migration of these substances from adjacent properties).

A3.3.5.3.1.2. Category 2: An area or real property where only the release or disposal of petroleum products or their derivatives has occurred.

A3.3.5.3.1.3. Category 3: An area or real property where release, disposal, or migration or some combination thereof, of hazardous substances has occurred, but at concentrations that do not require a removal or remedial action.

A3.3.5.3.1.4. Category 4: An area or real property where release, disposal, or migration, or some combination thereof, of hazardous substances has occurred, and all remedial actions necessary to protect human health and the environment have been taken.

A3.3.5.3.1.5. Category 5: An area or real property where release, disposal, or migration, or some combination thereof, of hazardous substances has occurred and removal or remedial actions or both, are under way, but all required actions have not yet been taken.

A3.3.5.3.1.6. Category 6: An area or real property where release, disposal, or migration or some combination thereof, of hazardous substances has occurred, but required response actions have not yet been initiated.

A3.3.5.3.1.7. Category 7: An area or real property that is unevaluated or requires additional evaluation.

A3.3.5.4. Requirements Related to Hazardous Substances and Petroleum Products and their Derivatives.

A3.3.5.4.1. Make the following types of recommendations in the EBS report based on the conclusions related to the presence of hazardous substances or petroleum products or their derivatives. **(T-1)**.

A3.3.5.4.1.1. Consult with AFCEC/CIB and/or AFCEC/CIT, AF/JAOE-FSC - Environmental Law Field Support Center, and SAF/GCN prior to completing an EBS for a real property transaction involving Categories 5-7.

A3.3.5.4.1.2. Proceed with any planned transaction if the real property falls in Categories 1-4.

A3.3.5.4.1.3. Do not proceed with any planned transaction for those portions of the property falling Categories 5-7 without having obtained legal concurrence from AF/JAOE-FSC - Environmental Law Field Support Center and SAF/GCN.

A3.3.5.4.1.4. Properties falling in Categories 5-7 will eventually require further investigation to determine the type and extent of contamination, study to identify additional mitigation or land use restrictions necessary to allow certain land uses in consultation with installation ERP and applicable regulatory authorities without endangering human health or the environment, and may require response actions to adequately address the release or threat of release of the characterized contamination.

A3.3.5.4.1.5. For deed transfers where the AF is the grantor of Categories 5-7 property due to releases or threats of release of CERCLA hazardous substances, the Air Force may not be able to provide the deed covenant required by CERCLA section 120(h)(3)(A)(ii)(I), warranting that all remedial action under CERCLA necessary to protect human health and the environment has been taken before the disposal of the property by deed.

A3.3.5.4.1.6. In such cases, the AF may have to pursue a deed transfer whereby the covenant is deferred ("covenant deferral") under CERCLA section 120(h)(3)(C).

A3.3.5.4.1.6.1. For deed transfers involving covenant deferrals, the AF must first obtain the concurrence of the Governor of the State, and if it involves property on the National Priorities List, the Air Force must also obtain the concurrence of the EPA Administrator. **(T-0)**.

A3.3.5.5. Requirements Related to Other Substances.

A3.3.5.5.1. The report shall:

A3.3.5.5.1.1. Advise that the presence of any lead and copper in drinking water, septic tanks, military munitions sites, asbestos-containing materials, PCBs, radon, lead-based paint or other

environmental conditions that may affect human health should be disclosed to property recipients. **(T-1)**.

A3.3.5.5.1.2. Identify any abatement or mitigation measures necessary to bring property within established action levels or that should be considered for implementation to minimize potential threats to human health and the environment that may arise as a result of the real property transaction. **(T-1)**.

A3.3.5.5.1.3. Incorporate any restrictive provisions based on compliance issues into the recommendations. **(T-1)**.

A3.3.5.6. Other Factors Considered.

A3.3.5.6.1. In addition to the previously discussed environmental conditions, ensure the EBS identifies any other environmental factors that are relevant to the proposed real property transaction. **(T-1)**. For ingrats, appropriately qualified professionals may be needed to identify the following additional factors:

A3.3.5.6.1.1. Presence of Cultural Resources.

A3.3.5.6.1.1.1. Archaeological resources and potentials for buried resources.

A3.3.5.6.1.1.2. Historic structures, facilities, ruins, etc.

A3.3.5.6.1.1.3. Native American/Alaskan Native-sensitive resources or treaty protections.

A3.3.5.6.1.1.4. Consultations underway, completed, and/or required.

A3.3.5.6.1.1.5. Programmatic or Memoranda of Agreement, or Memoranda of Understanding.

A3.3.5.6.1.1.6. Preservation/mitigation covenants.

A3.3.5.6.1.2. Presence of Natural Resources.

A3.3.5.6.1.2.1. Sensitive flora and fauna (threatened or endangered) and associated habitat.

A3.3.5.6.1.2.2. Biological opinions/consultations.

A3.3.5.6.1.2.3. Wetlands [Presidential Executive Order (EO) 11990].

A3.3.5.6.1.2.4. Floodplains (EO 11988).

A3.3.5.6.1.2.5. Stormwater management/drainage.

A3.3.5.6.1.3. Property Conditions, conditions that could generate mission related safety concerns.

A3.3.5.6.1.4. Installation Development Plan (IDP).

A3.3.5.7. Certifications.

A3.3.5.7.1. The EBS report shall contain a certification signed by the preparer regarding the accuracy of the EBS. **(T-0)**. See **A3.5. Sample Certification**. Include a certification of PCB clearance for AF-controlled property. **(T-1)**. If the presence of hazardous substances is on the subject property, a certification regarding the presence of hazardous substances must be included. **(T-0)**.

A3.3.6. Phase II. Conduct this phase if the property requires further evaluation. **(T-1)**. Reference industry standards such as ASTM E1903 for more information.

A3.3.6.1. Objectives of Phase II:

A3.3.6.1.1. Assess whether there has been release of hazardous substances within the requirements of CERCLA.

A3.3.6.1.2. Develop further information of the presence of substances on properties where such substances were not previously identified.

A3.3.6.1.3. Provide information relevant to identifying, defining, and evaluating property conditions associated with target analyses that may pose risk to human health or the environment.

A3.3.6.2. Consistent with general procedures of the Air Force ERP, conduct additional investigation as appropriate, to include surface, subsurface, and aquifer sampling to identify:

A3.3.6.2.1. Contaminants or sources of contaminants in structures or soil.

A3.3.6.2.2. The presence of surface or ground water contamination.

A3.3.6.2.3. The type, concentration, and extent of the contamination.

A3.3.6.3. Prepare an Addendum to the Phase I survey report containing the findings,

conclusions, recommendations, and certifications of the Phase II investigation. **(T-1)**.

A3.3.6.4. Determine whether contaminated property should be included under the ERP or is subject to an existing Federal or state regulatory agreement for the property itself or the installation. **(T-1)**.

A3.3.6.5. Procedures for Un-remediated Property: If the subject property contamination has not been remediated, take the following additional actions before proceeding with any acquisition, interagency transfer, outgrant, or disposal of such property: **(T-1)**.

A3.3.6.5.1. Ensure qualified professionals evaluate the results of sampling, investigations and other available data, including any site inspections or remedial investigations, to determine if any health, occupational, or safety risks are associated with the intended use of the property. Explain in the EBS report that the presence of such contaminants must be disclosed in the transaction documents. Analyze or recommend restrictive provisions in the real property transaction to:

A3.3.6.5.1.1. Mitigate the effects of contamination to reduce any environmental, health, occupational or safety risks associated with the use of property. **(T-0)**.

A3.3.6.5.1.2. Prevent interference with and preserve AF access for environmental compliance or follow-on needed response actions. **(T-0)**.

A3.3.6.5.2. Ensure these measures are included as part of the recommendation in the EBS report. **(T-0)**.

A3.3.6.6. Termination or Expiration of Temporary Interests.

A3.3.6.6.1. At the termination or expiration of a temporary interest, any environmental changes shall be documented in a supplement to the EBS report, restatement of the EBS waiver, or redo the EBS report if appropriate. This documentation becomes part of the real estate transaction administrative record. **(T-1)**.

A3.3.6.6.1.1. In documenting the environmental changes, review these additional documents where applicable:

A3.3.6.6.1.1.1. Federal or state audits or inspections conducted during the term of the temporary interest.

A3.3.6.6.1.1.2. Documents submitted by the holder of the property interest to Federal, state, and local environmental regulatory agencies.

A3.3.6.6.1.1.3. Occupational, health, or safety incident reports involving the property filed during the term of the temporary interest.

A3.3.6.6.1.2. Document all hazardous substances used or stored at the property during the term of the temporary interest. **(T-0)**.

A3.3.6.6.1.3. Document all hazardous waste generated on the property during the term of the temporary interest and its disposition. **(T-0)**.

A3.3.7. Recertification.

A3.3.7.1. Recertification of an EBS for an acquisition is required by 40 CFR 312.20 (b), and as a matter of policy, for an EBS prepared for an outgrant or disposal, when the initial EBS is older than 180 days and the real property transaction has not been completed. **(T-0)**.

A3.3.7.2. To recertify an EBS, conduct a visual site inspection (VSI), review of AF records, and note any changes in environmental conditions from the latest EBS on the recertification page. **(T-0)**. See **A3.5 Concept** for an example of an EBS Recertification page.

A3.3.8. Supplemental Environmental Baseline Surveys. A SEBS is used to update and/or add to an existing EBS.

A3.3.8.1. Outgrants and Disposals (Lease, Easement, License, Permit, or Disposal of Air Force Property to Other Entities).

A3.3.8.1.1. Unless the AF is aware of activities that may have significantly affected the environmental condition of the property, an EBS is valid for 180 days. If no changes to the property and after 180 days, an AF Environmental Professional must conduct, at a minimum, a VSI of the property and adjoining properties. **(T-0)**. An AF Environmental Professional must document, certify, and attach updated VSIs to the original EBS **(T-0)**. If there have been changes in environmental conditions, a SEBS is required, regardless of when the original EBS was prepared. **(T-1)**.

A3.3.8.1.2. If the original EBS was completed more than 1 year prior to the date of the outgrant or disposal, a VSI, interviews, an update of the records review, and other appropriate research shall be performed and documented as a supplement to the original EBS. **(T-0)**.

A3.3.8.1.3. If the AF Environmental Professional conducting a VSI or supplement to the original EBS has actual knowledge that the information being used from the prior EBS is not accurate or if it is obvious, based on other information obtained by means of the EBS or known to the person conducting the EBS, that the information being used is not accurate, such information from the

prior EBS may not be used. **(T-0)**.

A3.3.8.2. Acquisition of Property. For a proposed acquisition (in fee simple or by ingrant) of property by the AF, prepare a SEBS for any prior EBS conducted more than 180 days prior to the AF acquisition of real property from another entity per 40 CFR 312.20. **(T-0)**. The SEBS may be as minimal as a documented VSI and updated government records check conducted by an AF Environmental Professional, if the VSI and records check indicate no change in the environmental condition of the property and the original EBS was accomplished within a year of the date of the planned acquisition. If the original EBS for an acquisition of real property was accomplished more than a year prior to the date of the planned acquisition, then the supplemental EBS must include a VSI of the property and adjoining properties; updated search of relevant environmental regulatory or government records; and updated interviews of current occupants, owners, and operators, per the requirements for an “All Appropriate Inquiry”, as described in EPA regulations at 40 CFR 312.20. **(T-0)**.

A3.3.8.3. To conduct a SEBS, follow the same guidelines as Phase I and reference the initial EBS. **(T-1)**.

A3.3.8.4. Other examples of when to conduct a SEBS include:

A3.3.8.4.1. Additional buildings and or property that was not initially evaluated need to be evaluated to be a part of an initial larger scale EBS.

A3.3.8.4.2. Increased real property footprint to be included in the ingrant.

A3.3.8.4.3. Change in nature of use of property or buildings.

A3.3.8.4.4. Additional environmental work (i.e., INRMP, ICRMP, Biological Assessment, etc.) completed since EBS was prepared.

A3.3.8.4.5. Additional facilities or property acquired after initial base-wide EBS needs to be evaluated.

A3.3.9. Signature Authority.

A3.3.9.1. The completed EBS shall be approved and signed by the BCE or authorized designee. **(T-1)**. However, prior to approving the EBS for properties with Categories 5-7 (explained in A3.3.5.3 Conclusions) the BCE or authorized designee must consult with United States Air Force, Office of the Judge Advocate General, Operations and International Law Domain, Environmental Law and Litigation Division, Environmental Law Field Support Center (AF/JAOE-FSC) and the Deputy General Counsel of the Air Force for Installations, Energy and

Environment (SAF/GCN). **(T-1)**. For an EBS on real property that will be transferred under the Air Force Base Closure and Realignment (BRAC), AFCEC/CC may designate the appropriate approval authority.

A3.3.9.2. The EBS for an acquisition must be prepared, certified and signed by an Environmental Professional as mandated by 40 CFR 312.21(d), **(T-0)** and, as a matter of policy, will be handled the same for an EBS prepared for an outgrant or disposal.

A3.3.9.3. Any recertification of the EBS for an acquisition shall be similarly certified by the Environmental Professional to ensure compliance with 40 CFR 312.21(d), **(T-0)** and, as a matter of policy, a recertification for an EBS prepared for an outgrant or disposal will be similarly recertified. The approval authority shall reside with the BCE or authorized designee. **(T-1)**. For properties that deal with Categories 5-7 (as explained in Section A3.3.5.3 Conclusions), the BCE or authorized designee will consult with AF/JAOE-FSC - Environmental Law Field Support Center and SAF/GCN. **(T-1)**.

A3.4. Mandatory Format for EBS Reports.

EXECUTIVE SUMMARY

E.1. Property Identification (address, assessor parcel number [if applicable], description)

E.2. Site History and Operations

E.3. Proposed Future Use

E.4. Factors Evaluated

E.5. Property Categorization

E.6. Findings and Recommendations

SECTION 1.0. PURPOSE OF THE ENVIRONMENTAL BASELINE SURVEY

1.1. Introduction

1.2. Boundaries of the Property and Survey Area (include map)

SECTION 2.0. SURVEY METHODOLOGY

2.1. Approach and Rationale

2.2. Description of Documents Reviewed

2.3. Property Inspections/Personal Interviews

2.4. Sampling

SECTION 3.0. PROPERTY DESCRIPTION

3.1. History and Current Use

3.1.1. Historic

3.1.1.1. Historic Operations and Land Use

3.1.1.2. Demolitions

3.1.2. Current Operations and Land Use

3.2. Environmental Setting

3.2.1. Climate

3.2.2. Soils

3.2.3. Geology/Hydrogeology

3.2.4. Topography

SECTION 4.0. PROPERTY CATEGORIZATION

SECTION 5.0. FINDINGS FOR SUBJECT PROPERTY

5.1. Visual Site Inspection (VSI)

5.2. Hazardous Substances Notification

5.2.1. Storage of Hazardous Substances

5.2.2. Hazardous Substances Released

5.2.3. Hazardous and Petroleum Waste

5.3. Petroleum Products and Derivatives

5.4. Environmental Restoration

5.4.1. Environmental Restoration Program (ERP) Sites

5.4.2. Military Munitions Response Program (MMRP) Sites

5.5. Areas of Concern (AOC)

5.6. Storage Tanks(s)

5.6.1. Aboveground Storage Tanks

5.6.2. Underground Storage Tanks

5.6.3. Pipelines, Hydrant Fueling, and Transfer Systems

5.7. Oil Water Separator(s)

5.8. Grease Trap(s)

5.9. Wash rack(s)

5.10. Waste Tank(s)

5.11. Pesticides

5.12. Military Munitions/Ordnance

5.13. Medical or Bio-hazardous Waste

5.14. Radioactive Waste

5.15. Solid/Municipal Waste

5.16. Indoor Air Quality

5.17. Groundwater

5.18. Wastewater Treatment, Collection and Disposal/Discharge

5.18.1. Storm Water

5.18.2. Septic Tanks and Leach Fields

5.19. Drinking Water Quality

5.20. Utilities (Energy)

5.21. Asbestos

5.22. Polychlorinated Biphenyls (PCBs)

5.23. Radon

5.24. Lead-Based Paint

5.25. Cultural Resources

5.25.1. Prehistoric Resources

5.25.2. Historic Structures and Resources

5.25.3. Paleontological Resources

5.26. Floodplains

5.27. Natural /Biological Resources

5.27.1. Sensitive Habitat

5.27.2. Threatened and Endangered Species

5.27.3. Wetlands

5.27.4. Floodplains

SECTION 6.0. APPLICABLE REGULATORY COMPLIANCE ISSUES

6.1. List of Compliance Issues (Air Permits, RCRA Permits etc.)

SECTION 7.0. FINDINGS FOR ADJACENT PROPERTIES

7.1. Introduction

7.2. Adjacent Environmental Data Resources (EDR) Survey Properties

7.2.1. Federal Databases

7.2.2. State and Local Databases

7.2.3. Tribal Records

7.3. Findings/Impact

SECTION 8.0. RECOMMENDATIONS

SECTION 9.0. CERTIFICATIONS

9.1. CERTIFICATION OF THE ENVIRONMENTAL BASELINE SURVEY

Appendix

Appendix A: Terms

Appendix B: Maps

Appendix C: Aerial and Site Photos

Appendix D: References

Appendix E: Interviews

A3.5. Sample Certification.

Certification of the Environmental Baseline Survey.

The (preparer) has conducted this EBS on behalf of the Air Force. The (preparer) has reviewed all appropriate records made available, and conducted VSIs of the selected facilities following an analysis of information during the record search. The information contained within the survey report is based on records made available and, to the best of the (preparer's) knowledge, is

correct and current as of (date).

Certified by: (signature of preparer) Date:
(Title Block)

Approved by: (signature of Head of Responsible EF) Date:
(Title Block)

The following specific certifications apply:
Hazardous Substances:

Certification of No Contamination

____ This real property contains no known hazardous substances as that term is defined in the CERCLA (42 USC § 9601), as amended, or other contamination as specified by the RCRA of 1976, the implementing Environmental Protection Agency regulations (40 CFR Parts 261, 262, 263, and 761), and the Federal Property Management Regulations (41 CFR Part 101-47). A complete search of agency files revealed that no hazardous substance has been stored for more than one year, known to have been released, or disposed of on the Air Force-controlled real property described below.

Certification of Contamination

____ A complete search of agency files has revealed that hazardous substance(s) as that term is defined in the CERCLA (42 USC § 9601) as amended, were stored for one year or more, known to have been released, or were disposed of on the excess Air Force controlled real property described in **A3.7**.

Certification of PCB Clearance (Either 1 or 2)

____ 1. This Real Property is in compliance with 40 CFR 761 as outlined below:

- a. An inventory has been prepared and is being maintained of all PCB Real Property Installed Equipment and Real Property PCB Items per Section 761.45.
- b. All in-service and stored serviceable PCB, PCB contaminated Real Property Installed Equipment and Real Property PCB Items have been inspected, repaired and are being maintained to prevent leakage, therefore can be distributed per Section 761.30.
- c. PCB Real Property Installed Equipment and Real Property PCB Items have been stored, decontaminated, and labeled per Sections 761.42, 761.43, and 761.44.
- d. There is no known PCB contaminated soil, wastes, or unserviceable equipment remaining on the existing property.

____ 2. A records search and an on-site inspection indicate that this property has not been exposed to PCB materials or equipment.

Certification of Other Contaminants: *check all that apply and/or list any other known contaminants*

☐ Lead Based Paint
☐ Asbestos Containing Materials
☐ Other (please list any other contaminants)

Certified by: (signature of preparer) Date:
(Title Block)

Approved by: (signature of Head of Responsible EF) Date:
(Title Block)

A3.6. Example Table of Contents for Phase II EBS Report.

Transmittal Letter

Title Page

Table of Contents:

1. Executive Summary
2. Introduction
3. Background
 - 3.1. Site Description and Features
 - 3.2. Physical Setting
 - 3.3. Site History and Land Use
 - 3.4. Adjacent Property Land Use
 - 3.5. Summary of Previous Assessments
- 4.0. Work Performed and Rationale
 - 4.1. Scope of Assessment
 - 4.2. Exploration, Sampling, and Test Screening Methods
 - 4.3. Chemical Analytical Methods
- 5.0. Presentation and Evaluation of Results
 - 5.1. Subsurface Conditions
 - 5.2. Analytical Results
- 6.0. Interpretation and Conclusions
 - 6.1. Recognized Environmental Condition / Potential Release Area
 - 6.2. Conceptual Model Validation / Adequacy of Investigations
 - 6.3. Absence, Presence, Degree, Extent of Target Analytes

6.4. Other Concerns

6.5. Conclusions / Objectives Met

7.0 Recommendations (if applicable)

8.0 Signature of Phase II Assessor with typed name [and professional license number and seal, if applicable]

References and Sources of Information

Tables [if applicable]:

List of Explorations, Samples Collected, COCs Sought

Test Screening Data

Monitoring Well and Water Level Measurements

Soil Analytical Data

Groundwater Analytical Data

Other Media Analytical Data

Figures [if applicable]:

Site Location Map

Site Plan with Likely Release Areas and Exploration Locations

Groundwater Contour Plan with Inferred Groundwater Flow Directions

Geologic Cross-Section

Site Plan with Chemical Testing Results

Appendices [if applicable]:

Prior Assessment Report(s)

Selected Reference Documents

Photographic Log

Subsurface Exploration Logs and Monitoring Well Construction Details

Laboratory Report with Quality Control Information

A3.7. Example Notice of Storage, Release, or Disposal of Hazardous Substances.

A3.7.1. Notice of Hazardous Substances Stored. Notice is hereby provided that the following hazardous substances are known to have been stored for one year or more on the Property and the dates such storage took place in quantities greater than or equal to CERCLA reportable quantity found in 40 CFR Part 302.4. The information contained in this notice is required under the authority of regulations promulgated under section 120(h) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA or “Superfund”) 42 U.S.C. § 9620(h).

Template

Substance Stored	Regulatory Synonym(s)	*CAS Registry Number	Quantity Stored	Years Stored	Hazardous Waste ID.
<i>Building No. or Location</i>					

Substance Stored	Regulatory Synonym(s)	*CAS Registry Number	Quantity Stored	Years Stored	Hazardous Waste ID.
<i>Building No. or Location</i>					

**Chemical Abstract Services*

Example but not limited to the following substances, please insert all relevant substances that were stored at the site.

Substance Stored	Regulatory Synonym (s)	*CAS Registry Number	Quantity Stored	Years Stored	Hazardous Waste ID.
<i>Building 525</i>					
De-icing, Defrosting, and Anti-icing fluid	N/A	N/A	880 gal/yr.	1984	N/A
<i>Building 814B</i>					
Purging Fluid	N/A	N/A	1,500 gal/yr.	1988	N/A
JP-4 Jet Fuel	N/A	N/A	300 gal/yr.	1983, 1986	N/A

**Chemical Abstract Services*

A3.7.2. Notice Of Hazardous Substances Released/Disposed Of. Notice is hereby given that the information set out below provides notice of hazardous substances that are known to have been disposed of or released on the Property. The information contained in this notice is required under the authority of regulations promulgated under Section 120(h) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) 42 U.S.C. Section 9620(h).

Template:

Site Identification:						
Substance	Regulatory Synonym(s)	CAS Registry Number	Quantity kg/lb.	Date	Hazardous Waste ID Number (if applicable)	Response/ Remedial Action

**Chemical Abstract Services*

Example but not limited to the following substances please insert all relevant substances to the site that is being examined.

Site Identification: XX034-Water Tower located within the boundaries of Parcel XYZ						
Substance	Regulatory Synonym(s)	CAS Registry Number	Quantity kg/lb.	Date	Hazardous Waste ID Number (if applicable)	Response/ Remedial Action
Lead		7439-92-1	Unknown	Unknown	NA	Site investigation identified Lead as exceeding BCT-concurred screening level in soils. Approximately 300 cubic yards of soil were excavated and disposed of offsite at a regulated disposal facility. Maximum concentration in soils is 549 mg/kg
Chromium		7440-47-3	Unknown	Unknown	NA	Site investigation identified chromium as exceeding BCT-concurred screening level in soils.

Site Identification: XX034-Water Tower located within the boundaries of Parcel XYZ

Substance	Regulatory Synonym(s)	CAS Registry Number	Quantity kg/lb.	Date	Hazardous Waste ID Number (if applicable)	Response/ Remedial Action
						Approximately 300 cubic yards of soil were excavated and disposed of offsite at a regulated disposal facility. Maximum concentration in soils is 24.6 mg/kg

A3.8. Visual Site Inspection Checklist Template.

VISUAL SITE INSPECTION (VSI)

[Base Name, City, State]

GENERAL INFORMATION

Facility Number:

Current Use:

Inspected:

Type of Building:

Area (Sq. Ft.):

Type of Construction:

Year of Construction:

Description of Facility:

[Insert Photo]

PHYSICAL SETTING

Current Uses of the Facility

Are any current uses likely to involve treatment, storage, disposal, or generation of hazardous substances or petroleum products? ☐Yes ☐No

Report current uses based on observation, interviews, and records review.

Past Uses of the Facility

Were any past uses likely to have involved treatment, storage, disposal, or generation of hazardous substances or petroleum? ☐Yes ☐No

Report all past uses based on observations, interviews, and records review.

PHYSICAL CONDITIONS and FINDINGS

N = No Y = Yes X = Excellent G = Good F = Fair P = Poor NA = Not Applicable

Comments

Condition of Paint	_____	_____
Condition of Building	_____	_____
Air Emissions Sources	_____	_____
PCB Containing Equipment	_____	_____
Historical Property	_____	_____
Observed Wetlands	_____	_____
Drinking Water Wells	_____	_____
Remedial System	_____	_____
Monitoring Wells	_____	_____

Hazardous Material and Waste, Petroleum, Oil, and Lubricant Units

Describe the condition of and materials handled by the following units (use the abbreviations listed below for Waste Stream column).

N=No Y=Yes HM=Hazardous Material HW=Hazardous Waste POL=Petroleum Oil & Lubricant Product POLW=POL Waste OTH=Other
UNITS

INDUSTRIAL	WASTE STREAM	COMMENTS
Floor Drains		
Waste Water System		
Oil/Water Separators		
Wash racks		
Above Ground Storage Tank		
Underground Storage Tank		
Other Tanks		
Sumps		
Silver Recovery Units		
Hydrant System		
Radioactive Units		
Container Storage Area		
Munitions		
Other		
SURFACE WATER		Comments
Storm Water System		
Pits, Ponds, Lagoons		
Other		
MUNICIPAL		Comments
Sanitary Sewer (<i>utility ownership</i>)		-
Septic Tanks		-
Grease Traps		-
Drains		-
Other		-
Site Conditions		
Y=Yes N=No	Comments	
Odors		
Pools of Liquid		
Stained Soil		
Stains (<i>walls, floor, etc.</i>)		
Stressed Vegetation		
Other Areas of Concern		

REPRESENTATIVE
OF _____
(Optional): _____
Print Name: _____

DATE:

AIR FORCE
REPRESENTATIVE:

DATE:

**BY ORDER OF THE SECRETARY
OF THE AIR FORCE**

AIR FORCE INSTRUCTION 32-7020

12 MARCH 2020

Civil Engineering

**ENVIRONMENTAL
RESTORATION PROGRAM**



COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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This publication implements Air Force Policy Directive (AFPD) 32-70, *Environmental Considerations in Air Force Programs and Activities*, and provides guidance and procedures for executing the Air Force (AF) Environmental Restoration Program (ERP) within the United States. This instruction applies to all civilian employees, uniformed members, operations, activities, and installations of the Regular Air Force, Air Force Reserve and Air National Guard, as well as to activities at government-owned, contractor-operated facilities and activities at third-party sites (TPS) where environmental restoration activities are managed by the USAF. This instruction may be supplemented at any level, but all supplements that directly implement this publication are routed to United States Air Force, Deputy Chief of Staff for Logistics, Engineering & Force Protection - Directorate of Civil Engineers – Asset Management Division (AF/A4CA) 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 AF Forms 847 from the field through the appropriate functional chain of command. The authorities to waive wing or unit level requirements in this publication are identified with a Tier (“T-0, T-1, T-2, T-3”) number following the compliance statement. See Air Force Instruction (AFI) 33-360, *Publications and Forms Management*, for a description of the authorities associated with the Tier numbers. Submit requests for waivers through the chain of command to the appropriate Tier waiver approval authority, or alternately, to the requestor’s commander for non-tiered compliance items. Ensure all records created as a result of processes prescribed in this publication are maintained in accordance with

AFI 33-360 and disposed of in accordance with the Air Force Records Disposition Schedule located in the Air Force Records Information Management System.

SUMMARY OF CHANGES

This document includes substantial revisions and must be completely reviewed. This rewrite updates office symbols; removes duplicative material; streamlines remediation procedures and approval processes; and clarifies tier waiver application and designation consistent with AFI 33-360. It updates funding eligibility requirements for Air National Guard (ANG) installations. The duplicative information removed from this document is in DoDM 4715.20, *Defense Environmental Restoration Program (DERP) Management*.

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Chapter 1

OVERVIEW - APPLICABILITY, SCOPE, AND AUTHORITY

1.1. Applicability. The requirements in this instruction apply to all ERP activities, regardless of timing of the release of contaminations or the legal authority driving the activity.

1.2. 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:

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

1.2.2. Correcting other environmental damage (such as damage caused by detection and disposal of Unexploded Explosive Ordnance (UXOs) on other than operational ranges) that creates an imminent and substantial endangerment to the public health or welfare or to the environment; and

1.2.3. 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.

1.3. Environmental Restoration Program Categories. The ERP has three program categories: Installation Restoration Program, Military Munitions Response Program (MMRP), and building demolition and debris removal.

1.3.1. Installation Restoration Program.

1.3.1.1. The Installation Restoration Program 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:

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

1.3.1.1.2. 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 Title 42 United States Code (USC) Sections 9601 – 9675 (42 USC §§ 9601 – 9675), *Comprehensive Environmental Response, Compensation, and Liability Act* (CERCLA)).

1.3.1.1.3. Petroleum, oil, lubricants. In accordance with the DERP, long-term cleanup of petroleum, oils, and lubricants are addressed as part of the Installation Restoration Program. Defense Logistics Agency (DLA) funded petroleum, oil, and lubricants cleanup locations do not use DERP funding without a memorandum of understanding as defined in [paragraphs 13.6.1](#) and [13.6.2](#). **(NOTE:** The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) contains a petroleum exclusion, so certain releases of petroleum, oils, and lubricants are not covered by CERCLA. Releases may also be covered under other applicable authorities

consistent with the DERP, such as 42 USC §§ 6901 – 6992k, *Solid Waste Disposal Act* (aka Resource Conservation and Recovery Act (RCRA)) and paragraph 6.h. of DoDM 4715.20, Enclosure 3.

1.3.1.1.4. Hazardous wastes and hazardous waste constituents per 42 USC § 9601(14), *Definitions*.

1.3.1.1.5. 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.

1.3.1.2. The Installation Restoration Program also covers response activities to address UXOs, discarded military munitions (DMMs), or munitions constituents (MCs) that are incidental to an existing Installation Restoration Program site.

1.3.1.2.1. To determine whether UXOs, DMMs, and MCs are incidental to an Installation Restoration Program site, see Environmental Restoration Account, *Air Force Environmental Restoration Account (AF ERA) Funding Eligibility Guidance* (referred to as ‘ERA Eligibility Guidance’ throughout the document) located in eDASH at:

<https://cs2.eis.af.mil/sites/10040/Shared%20Documents/AFLOA%20List%20Attachments/AF%20ERA%20Funding%20Guidance.pdf>

1.3.1.2.2. 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.

1.3.2. Military Munitions Response Program (MMRP)

1.3.2.1. The MMRP pertains to munitions response actions that address UXOs, DMMs, or MCs at defense sites (i.e., munitions response areas (MRA) or munitions response sites (MRS)). 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.

1.3.2.1.1. It is Department of Defense’s (DoD) interpretation that UXOs, as a class, and MCs on other than operational ranges, may constitute a pollutant or contaminant under the definitions provided by CERCLA if it presents an imminent and substantial endangerment to public health or welfare. If a UXOs is being excavated for destruction due to the UXOs reactive capability, the UXOs is then a RCRA regulatory hazardous waste and thus a CERCLA hazardous substance. This applies to all UXOs being managed for treatment. AF commanders and responsible officials shall ensure CERCLA is the preferred response mechanism used to address UXOs at other than operational ranges in accordance with DoDM 4715.20. (T-0).

1.3.2.2. The MMRP may also include response actions to address releases that are defined in [paragraph 1.2.1](#) through [1.2.3](#) but that are incidental to addressing an existing munitions response site. (Note: See Environmental Restoration Account, ERA Eligibility Guidance to determine whether releases defined in [paragraph 1.2.1](#) through [1.2.3](#) are incidental to a MMRP site.)

1.3.3. Building demolition and debris removal. The building demolition and debris removal 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 substantial restrictions on the availability of Environmental Restoration Account and Base Realignment and Closure (BRAC) Account funds for building demolition and debris removal; AF commanders and responsible officials must have Assistant Secretary of the Air Force/Installations, Environment, and Energy (SAF/IE) approval of any request prior to programming funds. (T-0). See Paragraph 3.c. of DoDM 4715.20, Enclosure 3, for more information.

1.4. Former Air Force Properties. Environmental restoration requirements associated with Air Force real property, where the property transferred from the Air Force and the contamination 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 Program. If extenuating circumstances warrant continued Air Force involvement at the site, justification must be submitted to United States Air Force, Directorate of Civil Engineers (AF/A4C) for authorization to use Air Force obligation authority. Either the Air Force Civil Engineer Center (AFCEC) Environmental Directorate (CZ), AFCEC Installations Directorate (CI), or the Air National Guard Logistics and Installations Directorate, Asset Management Division, Environmental Branch (NGB/A4V), as appropriate, must submit these justifications. (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 Formerly Used Defense Sites Program. The Air Force retains responsibility for former properties not eligible for the Formerly Used Defense Sites Program. Consult legal counsel to determine the extent of Air Force responsibilities.

1.5. Legal Authorities. 10 USC §§ 2700 – 2711, *Environmental Restoration*, also defined in DoDM 4715.20, is the statutory authority that establishes an ERP 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 principally in accordance with 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.

1.5.1. 42 USC §§ 9601 – 9675 and its implementing regulation, Title 40, Code of Federal Regulations (CFR), Part 300, *National Oil and Hazardous Substances Pollution Contingency Plan*, normally called the National Contingency Plan (NCP), apply to most restoration activities. DoDM 4715.20 delegates authority and responsibility to the Secretary of Defense (further 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**).

1.5.2. 10 USC § 2701, *Environmental restoration program*, at § 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 UXOs) 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.”

1.5.3. 42 USC §§ 6901-6992k, *Resource Conservation and Recovery Act* (RCRA) has "corrective action" authorities in 42 USC §§ 6924(u) and 6928(h) that 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 the United States Environmental Protection Agency (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, *Imminent Hazard*, 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.

1.5.4. CERCLA and 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 in accordance with the following authorities and principles:

1.5.4.1. 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 Directive 9272.0-22, *Improving RCRA and CERCLA Coordination at Federal Facilities*, for additional information.

1.5.4.2. 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.

1.5.4.3. 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.

1.5.5. Environmental Restoration under State Response Laws. At all installations, Air Force commanders and responsible officials must comply with state substantive laws. **(T-0)**. At Non-National Priority List (NPL) installations, 42 USC § 9620, *Federal facilities*, 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.

1.5.6. 42 USC §§ 2011 – 2297h-13, *Development and Control of Atomic Energy* (commonly referred to as the Atomic Energy Act). The Air Force manages radioactive materials under the Atomic Energy Act, as amended in the Nuclear Regulatory Legislation (NUREG) (also known as “NUREG-0980”) 110th Congress; 2d Session. Defense weapons grade nuclear materials are handled under 42 USC §§ 2121 – 2123, *Military Application of Atomic Energy*.

1.5.6.1. The Air Force Safety Center (AFSEC) should be consulted on all issues involving the handling or transport of 91(b) radioactive material associated with current nuclear weapons maintenance operations. The term 91(b) refers to radioactive material covered under Public Law 83-703, *The Atomic Energy Act of 1954*, Chapter 9, *Military Application of Atomic Energy*, Section 91(b), *Authority*. All other uses of radioactive materials are regulated by the Nuclear Regulatory Commission through a license procedure. The United States Air Force Radioisotope Committee, pursuant to authority set forth in AFMAN 40-201, *Radioactive Materials (RAM) Management 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 the Letter of Understanding the Air Force has with the Nuclear Regulatory Commission located at <https://www.nrc.gov/docs/ML1003/ML100390080.pdf>.

1.5.6.2. Depending on the actual circumstances of each site where response actions concerning radioactive material are contemplated (notwithstanding that the Nuclear Regulatory Legislation- 1575, Rev. 1, *Multi-Agency Radiation Survey and Site Investigation Manual*, is the basic rule book), requirements under CERCLA or RCRA may also apply. The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A4V should consult with Air Force Office of General Counsel, Installations, Energy and Environmental Division (SAF/GCN) or AFLOA/JACE regarding legal questions related to radioactive materials.

1.5.7. Environmental contamination outside the United States. When conducting remedy of environmental contamination outside the United States, Air Force personnel overseas will comply with AFI 32-7091, *Environmental Management Outside the United States*, 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 Environmental Restoration Program (ERP) mission is to protect human health and the environment, and comply with all applicable statutory, regulatory and other requirements. Air Force commanders and responsible officials shall achieve cost and schedule efficiencies and program effectiveness. This is done by implementing a performance-based approach to environmental restoration as much as feasible, minimizing life-cycle costs, and maximizing the reduction of Air Force environmental liabilities. **(T- 0).** The Air Force optimizes investment, and mitigates and apportions risk, by planning, programming, budgeting, and executing restoration activities.

2.2. Operating Principles.

2.2.1. Air Force commanders and responsible officials will ensure all environmental restoration activities comply with the Defense Environmental Restoration Program (DERP). **(T-0).**

2.2.2. 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 as considered when selecting response actions. On properties slated for disposal (excess or Base Realignment and Closure (BRAC)), all sensible 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).

2.2.3. 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.

2.2.4. The Environmental Restoration Account, Air Force (ERA, AF) and Air Force BRAC account are the sole sources of funding for environmental restoration activities regardless 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 Eligibility Guidance.

2.2.4.1. Exceptions 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.

2.2.4.1.1. 40 USC §§ 572(b)(5)(A) and (B), *Real Property*, 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.

2.2.4.1.2. 10 USC § 2667(c)(1)(A), *Leases: non-excess property of military departments and Defense Agencies*, provides that restoration may be provided as in-kind consideration under certain leases.

2.2.4.1.3. 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.

2.2.4.1.4. Additionally, under some circumstances, a military construction project must assume the costs of responding to contamination.

2.2.4.1.5. Air National Guard (ANG) program could require ANG Operation and Maintenance (O&M) or Environmental Restoration Account funding sources, so Air National Guard Readiness Center or NGB/A4V should be contacted for decision of what funds need to be used. **(T-0)**.

2.2.4.1.6. Refer to AFI 32-7001, *Environmental Management*, for instances where DoD was not the owner or operator at the time of contamination

2.3. Policy. IAW Department of Defense Instruction (DoDI) 4715.07 policy, *Defense 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 **(T-0)**. These strategies include employing performance-based strategies and processes, where appropriate, and cost and benefit and total life-cycle studies in remedy selection decisions to meet Air Force operating principles and the objectives in DoDM 4715.20, which are to:

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 Base Realignment and Closure (BRAC) locations safe and environmentally suitable for transfer.

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

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 integral components of successfully performing military mission activities.

2.5.1.1. Appropriate response actions 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) by meeting DoD goals and metrics in accordance with 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). In accordance with 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. This includes formulation, review, and execution of plans, policies, programs, budgets, and Air Force positions regarding federal and state legislation and regulations related to the ERP. This oversight is performed in consultation with the United States Air Force, Deputy Chief of Staff for Logistics, Engineering, and Force Protection (AF/A4).

3.2. Deputy Assistant Secretary of the Air Force (Environment, Safety, and Infrastructure) (SAF/IEE). With the exception of the Environmental Impact Analysis Process, all matters pertaining to Air Force ERP have been delegated to the SAF/IEE, and are accomplished in consultation with the United States Air Force, Deputy Chief of Staff for Logistics, Engineering, and Force Protection, Directorate of Civil Engineers (AF/A4C).

3.2.1. SAF/IEE establishes and issues policies for ERP-related functions. SAF/IE and AF/A4, or as delegated to SAF/IEE and AF/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, outside 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 agreed upon), SAF/IEE and AF/A4C (AF/A4CA) jointly conduct program management reviews to exercise program oversight.

3.2.3. SAF/IEE issues policy and strategic direction for enterprise-wide ERP response actions for EC, consistent with DoDI 4715.18, *Emerging Contaminants (EC) of Environmental Concern*.

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. This includes 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 Base Realignment and Closure (BRAC). SAF/IEI will coordinate and consult 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).

3.4.1. Serves as the principal legal advisor to SAF/IE, SAF/IEE and SAF/IEI on environmental policy matters and issues, including remediation of environmental contamination attributable to the Air Force

3.4.2. Serves as principal Air Force legal representative on all environmental-related policy issues involving the Office of the Secretary of Defense/Office of General Counsel or General Counsel Offices of other Federal agencies.

3.4.3. When appropriate, consults with the Headquarters, United States Air Force, Judge Advocate General (AF/JA), the Air Force Legal Operations Agency (AFLOA), or other Air Force legal services providers.

3.4.4. Nothing in this paragraph is inconsistent with Headquarters Air Force Mission Directive (HAFMD) 1-14, *General Counsel and The Judge Advocate General*.

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. Air Force Installation and Mission Support Center (AFIMSC)/Public Affairs (PA). AFIMSC/PA works with the installation and Major Command (MAJCOM) PA offices, SAF/PA, AFCEC Environmental Restoration Division (CZR), AFCEC/CIB (for BRAC locations), and NGB/A4V (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, AFIMSC/PA, AFCEC/CZ (or AFCEC/CIB at BRAC locations), and NGB/A4V (for ANG facilities) regarding public affairs activities in support of the ERP.

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

3.6.1. AF/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, as well as non-routine or policy-related requests from OSD, other federal agencies, state and local governments, and other outside organizations. Complete these requests with advance coordination from SAF/IEE and SAF/IEI, as appropriate and consistent with Attachment 5 to HAF MD 1-18.

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 or support to SAF/IE (or applicable Deputy Assistant Secretary) for responses to congressional and state government inquiries.

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

3.6.3. AF/A4C has overall responsibility to manage the ERP 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. AF/A4C supports the Program Objective Memorandum (POM), Budget Estimate Submission, President's Budget, and inner Air Force resource processes for the ERP.

3.7. United States Air Force, Deputy Chief of Staff for Logistics, Installations & Mission Support - Directorate of Civil Engineers – Asset Management Division (AF/A4CA). Serves as the overall AF/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 process guidance to implement policy. For AF/A4C, the AF/A4CA:

3.7.1. Tracks program progress; develops and tracks execution metrics; and reviews and coordinates on installation cleanup agreements, interagency agreements, and federal facility agreements (FFA).

3.7.2. Supports the development of, validates, and advocates for the Environmental Restoration Program (ERP), Air National Guard (ANG) Operation and Maintenance (O&M) Restoration, and Base Realignment and Closure (BRAC) POM. Supports the Budget Estimate Submission and President's Budget. Facilitates transfer of Environmental Restoration Account, AF from the Assistant Secretary of the Air Force for Financial Management and Comptroller (SAF/FM), in accordance with the annual Environmental Restoration Account budget approved through the Air Force Corporate Board structure.

3.7.3. Develops ERP guidance to implement policy in accordance with the SOP for the SAF/IE and AF/A4, and consults with the Air Force Installation and Mission Support Center on ERP guidance.

3.7.4. Satisfies routine requests for data, information, status reports and reporting requirements from OSD, Congress, other federal agencies, outside organizations, and state and local governments by direct reply with copy to the Deputy Assistant Secretary 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 support to SAF/IE (or applicable Deputy Assistant Secretary) 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 AF/A4C representative to DoD committees, teams, councils, and working groups.

3.8. Headquarters, United States Air Force, Office of the Judge Advocate General (AF/JA):

3.8.1. Provides legal advice and assistance to Headquarters Air Force and field activities on Air Force environmental issues and activities at Air Force installations, properties, and Third Party Sites. AF/JA provides this support primarily through the Air Force Legal Operations Agency, Civil Law Directorate, Environmental Law and Litigation Division (AFLOA/JACE). Support includes:

3.8.1.1. Interpreting policy, providing instruction, and coordinating guidance; preparing legal reviews; assisting or conducting regulatory negotiations; and legal advice, litigation support, and legal oversight concerning Third Party Sites and affirmative cost recovery; and legal support, review, and coordination on all cleanup agreements, permits; and orders.

3.8.1.2. Participating in in program management reviews, working groups, and panels, as necessary;

3.8.1.3. Managing the Third Party Site program and provides requirements to AFCEC/CZR for inclusion in the ERA budget.

3.8.2. When appropriate, consults with the Air Force General Counsel (SAF/GC) or Deputy General Counsel Installations, Energy & Environment (SAF/GCN).

3.8.3. Nothing in this paragraph is inconsistent with HAFMD 1-14.

3.9. Air Force Installation and Mission Support Center (AFIMSC). AFIMSC provides leadership, oversight, and execution of AF-wide installation and mission support activities. For the Air Force ERP, execution and supporting collaboration, coordination and communications engagement responsibilities, and other related program activities, are provided by the Air Force Civil Engineer Center (AFCEC) (a Primary Subordinate Unit to the AFIMSC) and the Air National Guard (ANG), as described in [paragraphs 3.10](#) and [3.11](#). AFIMSC develops and advocates for the ERP, Air National Guard Operations and Maintenance, and Base Realignment and Closure (BRAC) POM as the Program Element Manager. AFIMSC supports the Budget Estimate Submissions and President's Budget and facilitates transfer of Environmental Restoration Account, Air Force funding from SAF/FM, in accordance with the annual Environmental Restoration budget approved through the Air Force Corporate Board structure. Additionally, AFIMSC:

3.9.1. Publishes annual Environmental Restoration accounting ((Defense Environmental Restoration Account (DERA), BRAC, Air National Guard (ANG) Operation and Maintenance (O&M) restoration)), Air Force funding guidance, with updates as appropriate to support applicable higher headquarters funding policy and process changes.

3.9.2. Conducts Program Element Manager Parades and serves as the subject matter expert for Environmental Restoration accounting (DERA, ANG O&M restoration, and BRAC) Air Force budget requirements.

3.10. Air Force Civil Engineer Center (AFCEC). AFCEC 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, *Superfund Implementation*, as amended, provided the individual is a member of the Senior Executive Service or a General Officer, with AFLOA/JACE concurrence pursuant to the SAF/IEE re-delegation memorandum (or related re-delegated authorities). **(T-0)**. The AFCEC Director (or Deputy) through AFCEC/CZ and AFCEC/CI will also communicate program performance and compliance to SAF/IEE and AF/A4C through recurring program management reviews. **(T-1)**.

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 federal facility agreements for active installations after SAF/IEE approval; signs removal action memoranda, records of decisions and other Decision Documents after legal and technical review and installation commander coordination is encouraged ((except for cleanup under Resource Conservation and Recovery Act (RCRA) where the installation commander normally signs the Decision Documents)); signs five-year reviews; signs memorandum of agreements (MOA) or other similar agreements for selecting, implementing, operating, or maintaining Land Use Controls (LUC) after SAF/IEE approval; and acts as a natural resources trustee per SAF/IEE designation provided the individual is a member of the Senior Executive Service or a General Officer. **(T-0)**.

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

3.10.1.2. AFCEC Environmental Restoration Division (AFCEC/CZR) develops and implements programmatic and execution strategies for the ERP, manages the Air Force's Environmental Restoration accounting (DERA funds) 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 and NGB/A4V, 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 Environmental Liabilities. **(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 AF/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 maintains or modifies 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 Department of Defense and State Memorandum of Agreement Joint Execution Plans 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 environmental liabilities and sustain audit readiness processes. **(T-0)**. Updates the environmental liabilities yearly 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 Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Resource Conservation and Recovery Act (RCRA), or the Underground Storage Tank 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 or project inspections and review contract deliverables for contractor performance and documents preceding submission to regulatory agencies. **(T-0)**. Monitors and tracks remedy implementation (including LUC). Performs activities required for Long Term Management (LTM). 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 organizes 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 (EA)). **(T-0)**.

- 3.10.1.3.12.4. Assigns a remedial project manager 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.
- 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 military munitions response program (MMRP) documents through the installation commander, MAJCOM, and other appropriate offices (to include Major Command/Weapons Safety Division (MAJCOM/SEW), United States Air Force Safety Center/Weapons Safety Division (AFSEC/SEW), and Department of Defense Explosive Safety Board, as required for Explosive Safety Submission documents – see [paragraph 14.11](#)). **(T-0)**.
- 3.10.1.3.12.8. Ensures evaluation under Environmental Inspection Process self-assessments in accordance with AFI 32-7001 and supports the inspection system in accordance with AFI 90-201, *The Air Force Inspection System*. **(T-1)**. Reviews Management Internal Control Toolset 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 and SI reports that result in site closeout, engineering evaluation and cost analyses, removal action memoranda, FSs, PPs, RODs and any modification thereof, five-year reviews, remedial action completion and site (and facility-wide) closeout reports, and National Priority List deletion requests, as well as parallel documents under other legal authorities. Provides technical support to AFLOA/JACE regarding affirmative cost recovery actions and the third party sites 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 LUC) in accordance with applicable Decision Documents (DD). **(T-0)**.
- 3.10.1.3.12.11. Develops, identifies, tracks, and reports all cleanup and long term management actions, to include land use control activities specified in DD. **(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 LUC) consistent with applicable DD. **(T-0)**.
- 3.10.1.3.12.13. Designates a spokesperson to the community in coordination with the installation commander. **(T-0)**. See [paragraphs 5.2.8.1](#) and [5.2.8.2](#).
- 3.10.1.3.12.14. Approves community Restoration Advisory Board (RAB) members' requests for technical assistance through the Technical Assistance for Public Participation program.

3.10.1.3.12.15. Ensure that the alternatives evaluation considers, and incorporates to the maximum extent practicable, the energy, environment, and economic considerations in Executive Order (EO) 13834, *Efficient Federal Operations*, and Department of Defense Manual (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 Environmental Management System approach in accordance with AFI 32-7001.

3.10.1.3.13. Provides support to MAJCOMs. Provides periodic updates to the MAJCOM regarding status of and issues related the MAJCOM installations' environmental restoration sites. 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 Bioenvironmental Engineering Flight of any situation that involves a potential completed pathway of exposure exceeding applicable relevant and appropriate requirements (ARAR) from a regulated chemical or chemical of concern, to include a potential vapor intrusion pathway to building occupants. **(T-0)**. Provides data, information and support necessary to perform a health risk assessment. **(T-0)**.

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, AF/A4C, SAF/IEE, SAF/IEI, NGB/A4V, 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 or 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. **(T-1)**.

3.10.1.4.5. 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)**.

3.10.1.4.6. Prepares guidance for implementing enterprise-wide responses in support of the Air Force Emerging Contaminants (EC) program. **(T-1)**.

3.10.1.4.7. 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)**.

3.10.1.4.8. 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 federal facility agreements (FFA) after SAF/IEE approval; sign MOA or other similar agreements for selecting, implementing, operating, or maintaining Land Use Controls (LUC) 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 they are a Senior Executive Service or General Officer **(T-0)**.

3.10.2.2. Base Realignment and Closure (BRAC) Program Management Division (AFCEC/CIB). For BRAC locations, AFCEC/CIB shall:

3.10.2.2.1. Execute the Environmental Restoration Program (ERP) by developing the ERP budget requirements for the BRAC account Program Objective Memorandum (POM). **(T-0)**.

3.10.2.2.2. Execute and manage environmental cleanup; track and report ERP performance; and develop Air Force ERP technical guidance. **(T-0)**.

3.10.2.2.3. Track and report ERP performance and develop ERP technical guidance. **(T-0)**.

3.10.2.2.4. Identify, develop, field, sustain, and operate and maintain central ERP information systems and data (to include site audit files). **(T-0)**.

3.10.2.2.5. 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)**.

3.10.2.2.6. Be the responsible office generally for executing real property actions under the oversight of SAF/IEI. **(T-0)**.

3.10.2.2.7. Manage the ERP in compliance with 42 USC §§ 9601 – 9675, DoDM 4715.20, and applicable state and local laws and regulations; maintain or modify applicable permits (e.g., RCRA corrective action) and regulatory schedules, as necessary. **(T-0)**.

3.10.2.2.8. Develop and coordinate the Project Cost Estimating Assumption Document and CTC estimates; develop, monitor, and maintain site or project cleanup schedules; performing routine site or project inspections; initiate, review, and coordinate site technical documents, including ROD and DD. **(T-0)**.

3.10.2.2.9. Support Restoration Advisory Boards (RAB) and organizes Technical Review Committees. **(T-0)**. See [Chapter 11](#).

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

3.10.2.2.11. Report on status of meeting metrics; update and maintain management action plan, Community Relations Plan, administrative record or information repository, site audit folders and other documents as needed; track sites individually and update data systems. **(T-0)**.

3.10.2.2.12. Develop, review, coordinate, and approve Department of Defense and State Memorandum of Agreement Joint Execution Plans with state regulatory agencies. **(T-0)**.

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

3.10.2.2.14. Notify AF/A4CA of any proposal to execute a restoration activity under a legal authority other than Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Resource Conservation and Recovery Act (RCRA), or the Underground Storage Tank regulations (pursuant to 42 USC §§ 6991 – 6991m, *Regulation of Underground Storage Tanks*, 40 CFR Parts 280.10 – 280.252, *Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks*, and 42 USC § 6973, normally known as RCRA 3013 or 7003 orders, respectively) after AFLOA/JACE review. During its review, AFLOA/JACE will coordinate with SAF/GCN. (Also see [paragraphs 13.4.2 and 13.4.3](#)). **(T-0)**.

3.10.2.2.15. Develop and process the approval of required MMRP documents (e.g., Explosive Safety Submission, Explosive Safety Plan, and After Action Report) through the AF Safety Center (AFSEC) and Department of Defense (DoD) Explosive Safety Board. **(T-0)**.

3.10.2.2.16. Update the Environmental Liabilities yearly for certification by AFCEC/CIB. **(T-0)**.

3.10.2.2.17. Submit the following initial and final draft documents to AFLOA/JACE for review and comment prior to submission to regulators: PA and SI reports that result in site closeout, engineering evaluation and cost analyses, removal action memoranda, FS, PP, ROD and any modification thereof, five-year reviews, remedial action completion and site closeout reports, and National Priority List (NPL) deletion requests, as well as parallel documents under other legal authorities. **(T-1)**.

3.10.2.2.18. Prepare and sign findings of suitability to transfer, Findings of Suitability for Early Transfer, Environmental Baseline Surveys and supplemental Environmental Baseline Surveys in accordance with AFI 32-7066, *Environmental Baseline Surveys in Real Property Transactions*, and the environmental aspects of real property transactions after appropriate coordination with AFLOA/JACE, which will coordinate with SAF/GCN. **(T-0)**.

3.10.2.2.19. 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)**.

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

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

3.10.2.2.22. Designate a spokesperson when conducting a removal action under CERCLA. (T-0). See [paragraphs 5.2.8.1](#) and [5.2.8.2](#).

3.10.2.2.23. Designate the RAB co-chair (see [paragraph 11.4.3](#)). (T-0).

3.10.2.2.24. Inform the current property owner, as appropriate, of any situation that involves a potential completed pathway of exposure exceeding ARAR from a regulated chemical or chemical of concern, to include a potential vapor intrusion pathway to building occupants. (T-0). Provide data, information and support necessary to perform a health risk assessment. (T-0).

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 FFA 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/A4V for ANG restoration activities. Consults with AFLOA/JACE as appropriate.

3.11.3. Chief, Environmental Division, Installations and Mission Support Directorate (NGB/A4V):

3.11.3.1. Provides centralized management and oversight for the ERP in support of ANG facilities, to include planning, programming, budgeting, 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 (DD) after legal review (except for cleanup under Resource Conservation and Recovery Act (RCRA) where the installation commander signs the DD).

3.11.3.4. Signs five-year reviews.

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

3.11.3.6. Unless otherwise stated in this instruction, NGB/A4V has equivalent responsibilities for ANG facilities that AFCEC/CZ (and its divisions) has for active installations.

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

3.12. Major Command (MAJCOM). AFCEC should inform and consult with the senior civil engineering representative on the MAJCOM about ERP activities within the command that could adversely impact the mission of the command. MAJCOM Civil Engineer will offer advice such that AFCEC can properly inform, staff or coordinate with other MAJCOM A-Staff and Special Staff concerning environmental issues like:

3.12.1. Explosive Safety Submission documents

3.12.2. Interagency agreements and consent orders.

3.12.3. Notice of Violations (NOV) and Enforcement Actions (EA) with operational impact or important financial penalty or required penalties by an installation.

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

3.13.1. In coordination with responsible officials, ensuring, under 10 USC § 2701, 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)**.

3.13.2. In coordination with responsible officials, ensuring the response actions to correct “other environmental damage (such as the detection and disposal of UXOs) that poses an imminent and substantial endangerment to the public health or welfare or to the environment” shall normally be conducted in accordance with 42 USC §§ 9601 – 9675, 40 CFR Part 300, and DoDM 4715.20. **(T-0)**.

3.13.3. Signing RCRA permits (and permit modifications), and Decision Documents (DDs) where the cleanup is conducted under RCRA (after coordinating with AFCEC/CZR or NGB/A4V, as appropriate). **(T-0)**.

3.13.4. Signing responses to NOV and EA (after coordinating with AFCEC/CZR or NGB/A4V, as appropriate). **(T-0)**.

3.13.5. Informing and working with AFCEC or NGB/A4V, as appropriate and regulatory agencies to respond to and adjudicate NOV and EA. **(T-1)**. Informing the senior civil engineering representative on the MAJCOM staff of NOV and EA with operational impact or important financial penalty, or any stipulated penalties. (The installation is usually the recipient of and responds to NOV and EA. See AFI 32-7001, paragraph 7.2.3.7 for information on what type of written notification does and does not constitute an Enforcement Action. AFCEC/CZ division(s) or NGB/A4V, 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.

3.13.6. Coordinating on all DD signed by AFCEC or NGB/A4V, interagency agreements, consent orders, Land Use Control Implementation Plans, and memorandum of agreement (MOA)/memorandum of understanding to ensure consistency with installation operational, land use and support requirements, or other installation-related equities.

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

3.13.8. Approving establishment and termination of the Restoration Advisory Board (RAB), as described in [paragraph 11.4](#). **(T-0)**.

- 3.13.9. 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).
- 3.13.10. Ensuring a Bioenvironmental Engineering Flight representative shall be on the RAB Technical Review Committee, and other similar advisory groups.
- 3.13.11. Addressing, in advance of construction, and in accordance with 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.
- 3.13.12. Processing, coordinating, and approving Base Civil Engineering Work Clearance Requests consistent with interim or selected remedies in a Decision Document (DD). (T-0). May be delegated to the Mission Support Group Commander (or equivalent) or Base Civil Engineer.
- 3.13.13. 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.
- 3.13.14. Ensuring land use, construction activities, and ground-disturbing activities are compatible with interim and selected remedies (including LUC) consistent with applicable DD. (T-0). May be delegated to the Mission Support Group Commander (or equivalent) or Base Civil Engineer.
- 3.13.15. Maintaining letters of AFCEC/CZO-appointed remedial project managers at active installations or NGB/A4V-appointed remedial project managers at ANG facilities, as appropriate. (T-1). May be delegated to the Mission Support Group Commander (or equivalent) or Base Civil Engineer.
- 3.13.16. Tracking LUC at the installation. (T-0). May be delegated to the Mission Support Group Commander (or equivalent) or Base Civil Engineer.
- 3.13.17. Designating a spokesperson to the community (ANG facilities only). (T-0). See [paragraphs 5.2.8.1](#) and [5.2.8.2](#).
- 3.13.18. Requiring coordination between AFCEC/CZO and the Bioenvironmental Engineering Flight prior to any indoor air sampling that may be conducted to confirm a potential completed pathway as a result of environmental contamination (vapor intrusion).
- 3.13.19. Ensuring the Bioenvironmental Engineering Flight conducts a health risk assessment that involves chemical exposure to an Air Force population from a regulated chemical or chemical of concern.
- 3.13.20. Ensuring a Bioenvironmental Engineering Flight representative shall be on the RAB, Technical Review Committee, and other similar advisory groups.

3.13.21. U.S. Air Force School of Aerospace Medicine (USAFSAM). 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*. 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 (ATSDR) 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 and sub chronic exposures; and accomplishes interagency reviews of proposed changes to toxicity values listed in the Environmental Protection Agency (EPA) Integrated Risk Information System in accordance with DoDI 4715.18.

3.13.22. Be consulted by Air Force commanders and responsible officials. AFLOA/JACE must be provided the opportunity to review and comment on the following initial and final draft documents: **(T-2)**.

3.13.22.1. Preliminary Assessment and Site Investigation (PA and SI) reports that result in site closeout,

3.13.22.2. Engineering evaluations and cost analysis, removal action memoranda, feasibility studies (FS),

3.13.22.3. Proposed Plans (PP) and records of decision (ROD), and

3.13.22.4. Any modification thereof, five- year reviews, remedial action completion and site closeout reports, and National Priority List deletion requests, as well as parallel documents under other legal authorities. **(T-2)**.

3.13.23. For restoration actions under any legal authority, and prior to submission to regulators, Air Force 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 investigation (PA/SI) reports that result in site closeout, Engineering Evaluations/Cost Analysis, 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 National Priority List deletion requests, as well as parallel documents under other legal authorities. **(T-2)**.

3.14. Air Force Medical Readiness Agency/Operational Medicine Bioenvironmental Engineering (AFMRA/SG3C). The AFMRA/SG3C coordinates with AF/A4CA 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). Appoints a liaison to review and provide input on ATSDR activities. **(T-1)**.

3.15. Secretary of the Air Force for Acquisition (SAF/AQ). Responsible for developing contracting policy for implementing the ERP in coordination with SAF/IE.

3.16. The Air Force Installation Contracting Center (AFICC), the U.S. Army Corps of Engineers (USACE), and National Guard Bureau for Acquisition (NGB/AQ) . Air Force contracting offices support activities and strategies for contracting and managing contract performance in support of the ERP, as required. AFICC and USACE are the primary Air Force contracting support office, except at ANG facilities where the contracting function is executed through NGB/AQ.

3.17. Air Force Safety Center/Weapons Safety Division (AFSEC/SEW). Provides guidance and oversees ammunition and explosives safety requirements for the Air Force. Within the environmental restoration area, 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. In addition, AFSEC/SEW reviews and approves all plans for the management, storage, and transportation of explosives on Air Force installations.

Chapter 4

FINANCIAL MANAGEMENT

4.1. General. ERP financial management includes developing cost to complete (CTC) estimates and preparing and submitting budget-related documentation for management purposes and financial reporting. The AF (excluding BRAC) and ANG restoration budgets are built through project requirements submitted through Enterprise Environmental, Safety & Occupational Health-Management Information System (EESOH-MIS). User guides are available on EESOH-MIS Support Portal on eDASH at: <https://cs2.eis.af.mil/sites/10040/WPP/HomePage/Home.aspx>. The Integrated Information Tool tracks the Base Realignment and Closure (BRAC) restoration budget. The CTC supports environmental liability estimates, other financial reporting requirements, and the Defense Environmental Programs Annual Report to Congress.

4.2. Funding and Budget Development.

4.2.1. ERP, AF and the ERP portion of the BRAC account are based on cleanup requirements. If congressional appropriations are not enough 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 NGB/A4V, as appropriate, shall use a management control process for the review and approval of the site strategies and projects, to include complying with the below items. **(T-0)**. The AFCEC/CZ division(s), AFCEC/CIB or NGB/A4V, as appropriate, will:

4.2.2.1.1. Submit project requirements via Project Cost Estimating Assumption Documents for review and validation through EESOH-MIS or the Integrated Information Tool. **(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 that include installation requirements and information management, per **Chapter 5**. **(T-1)**. *AFCEC Program Requirements Development Guide* is located on the Air Force Restoration eDASH at <https://cs2.eis.af.mil/sites/10040/WPP/HomePage/Home.aspx>.

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/A4V 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 integrated Information Tool. **(T-0)**.

4.2.2.2.2. Data reporting in EESOH-MIS or Integrated Information Tool 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/A4V shall ensure the site-level and program management percentages for each project add up to 100 percent. **(T-0)**.

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

4.2.3. Program Objective Memorandum (POM) and President's Budget. AFCEC utilizes EESOH-MIS data and the Integrated Information Tool data to develop the POM and President's Budget exhibits (and supporting documentation) for the Environmental Restoration Program (ERP), AF and BRAC funded environmental restoration sites for which it is responsible. This is performed 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 several reporting requirements, such as Defense Environmental Programs Annual Report to Congress, and planning, programming, budgeting, and execution submissions. The appropriate AFCEC/CZ division(s), AFCEC/CIB and NGB/A4V 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/A4V shall ensure these estimates are updated, as required, based on current project information and schedules in accordance with this instruction, Department of Defense Manual (DoDM) 4715.20, DoD 7000.14-R, *Department of Defense Financial Management Regulations*, Volume 4, Chapter 13, Environmental and Disposal Liabilities, . **(T-0)**. The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A4V shall ensure that the cost to complete estimates are reliable, reproducible, and auditable. **(T-0)**.

4.3.2. Documentation is vital to ensure the costs are reliable, reproducible, and auditable. The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A4V must maintain defensible, audit-ready records of approved former 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 Readiness Center NGB/A4. **(T-1)**. At geographically separated units 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/A4V shall:

4.3.3.1. Establish and maintain inner and outer 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 properly qualified and trained. **(T-0)**. Qualifications are based on the Air Force's established inner 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 (e.g., basic training and annual refresher training) for staff or contractors that estimate, review, approve, or certify cost to complete estimates or prepare environmental restoration liability reports. Provides reports to the Deputy Assistant Secretary of Defense (Sustainment) (ASD(Sustainment)) as per Deputy Under Secretary of Defense, Installations, Environment, and Energy (I&E) (DUSD(I&E)), *Defense Environmental Restoration Program Interim Guidance for Estimating Program Costs and Environmental Liabilities*. **(T-0)**.

4.3.3.5. Ensure that appropriate ERP personnel have taken formal basic training and recurring refresher training for developing cost to complete 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 in accordance with DoDM 4715.20. **(T-0)**.

4.3.3.8. Retain access and ability to validate contracts and invoices supporting unliquidated obligation transaction level details to support future audit requirements. **(T-0)**. (**Note:** Supporting documentation is not required to justify individual unliquidated obligation transaction level details at the cleanup site level.)

4.4. Recovery of Response Costs. Pursuant to Public Law 105 –85, *National Defense Authorization Act for Fiscal Year 1998*, Section 348, *Recovery and Sharing of Costs of Environmental Restoration at Department of Defense Sites*, and Under Secretary of Defense for Acquisition, Technology, and Logistics Memorandum, “*Policy Covering Cost Recovery/Cost Sharing Under the Defense Environmental Restoration Program (DERP)*,” February 27, 1998 (**Note:** Copies may be obtained at <http://www.denix.osd.mil>), 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/A4V must: Establish processes to identify, investigate, and pursue PRP under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) or another relevant environmental or cost recovery statute. Pursue the potential responsible party 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 51-306, *Administrative Claims For and Against the Air Force*, Chapter 7.

4.4.2. The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A4V shall forward information to AFLOA/JACE about potential responsible party identification and subsequent efforts to pursue cost recovery from those PRP. **(T-1)**.

4.4.3. Pursuant to 10 USC § 2703, *Environmental restoration accounts*, 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 ERP or the environmental restoration portion of its Base Realignment and Closure (BRAC) account by amounts recovered pursuant to CERCLA for response costs attributable to other PRP (10 USC § 2703). 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. The ERA Eligibility Guidance addresses AF funding for environmental restoration activities at active and Air National Guard installations eligible for the sole source of ERA.

Chapter 5

INFORMATION MANAGEMENT

5.1. General. AFCEC/CZ division(s), AFCEC/CIB and NGB/A4V 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 management action plan, community relations plan under the 40 CFR, Part 300, and similar plans under other authorities at the installation. See [paragraphs 12.2 through 12.2.2](#) and DoDM 4715.20, Enclosure 3, for specific guidance on Management Action Plans (MAP). **(T-0)**.

5.1.3. Update the administrative record or 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, Enterprise Environmental Occupational Health and Safety-Management Information System (EESOH- MIS) or successor system, the Integrated Information Tool or successor system, Environmental Resources Program Information Management System, audit readiness, and the automatized administrative records. See Records Management, [Chapter 12](#).

5.2. Information Management Systems. AFCEC/CZ division(s), AFCEC/CIB and NGB/A4V shall:

5.2.1. Manage the environmental restoration accounts (including DERA, BRAC, and ANG O&M restoration), AF and Base Realignment and Closure (BRAC) accounts principally using EESOH-MIS for active and ANG locations or the Integrated Information Tool 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 or 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 or data needed for reporting cost to complete and financial environmental liabilities, including information necessary for audit readiness.

5.2.3.4. Information or 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, Environmental Restoration Program (ERP) phase and milestone schedules, and prior and projected costs.

5.2.4. Use Environmental Resources Program Information Management System to collect, store, track, and report analytic data. Environmental resources program information management system 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 and location descriptions, and monitoring well characteristics.

5.2.5. Ensure restoration contracts require submission of analytic data as appropriate into environmental resources program information management system. **(T-1)**.

5.2.6. Annually certify to AF/A4CA that restoration contracts and task and delivery orders contain the requirement to submit sampling data to environmental resources program information management system in a timely manner. **(T- 1)**. (Timely submission refers to the time between the actual sampling event and the environmental resources program information management system data submission as stated in contracts and task and delivery orders.)

5.2.7. Annually report to USAF/A4CA the installations not submitting data within the specified contractual time frame, or submitting no environmental resources program information management system 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, Air National Guard, and BRAC locations, when reporting releases of hazardous and regulated substances. Report releases of hazardous substances pursuant to Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 USC § 9603, *Notification requirements respecting released substances*, and 40 CFR, Part 302.4, *Designation of hazardous substances*, and releases of regulated substances (oil and hazardous substances) under the underground storage tank rules 40 CFR, Part 280.50, *Reporting of suspected releases*. **(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, ANG, 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) instantly 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, AFIMSC/PA, or NGB, as appropriate. **(T-1)**.

5.2.8.3. Requirements to report the discovery of unknown releases are often elements of federal facility agreements (FFA) ((for installations on the National Priority List (NPL)) or other cleanup agreements, Resource Conservation and Recovery Act (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 (42 USC § 6928, *Federal enforcement*)). The appropriate AFCEC/CZ division(s), AFCEC/CIB, or NGB/A4V, as applicable, must report such discoveries in accordance with 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/A4V will comply with 32 CFR Part 188.4, *DoD Environmental Laboratory Accreditation Program, Policy* and DoDI 4715.15, *Environmental Quality Systems*, when collecting, managing, and using environmental data. **(T-0)**. This includes but is not limited to conducting periodic quality assurance reviews on environmental data collection activities and implementing corrective actions for issues identified; using environmental laboratories accredited in accordance with the DoD Environmental Laboratory Accreditation Program; and using organizations accredited in accordance with the Defense Advanced geophysical classification accreditation program to perform advanced geophysical classification at munitions response sites. Environmental sampling or testing services procured by, or on behalf of, the Air Force shall follow part 223 of the Defense Acquisition Regulation (DFAR), 2007. **(T-0)**.

Chapter 6

PRIORITY SETTING AND SEQUENCING

6.1. Priority Setting.

6.1.1. The AF bases funding for environmental response activities on a relative evaluation of the hazards posed by specific conditions at a site. The AF sets priorities by using program category-specific tools.

6.1.1.1. In the installation restoration program, 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 installation restoration program (see deputy under Secretary of Defense(ES) (DUSD(ES), *Relative Risk Site Evaluation Primer* (<https://www.denix.osd.mil/references/dod/policy-guidance/relativ-risk-site-evaluation-primer/>), and the *AFCEC Program Requirements Development Guide* (located on the Air Force Restoration eDASH at <https://cs2.eis.af.mil/sites/10040/WPP/HomePage/Home.aspx>)).

6.1.1.2. In the military munitions response program (MMRP), relative priorities are assigned using 32 CFR Part 179, *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 fiscal year), 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 several 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 substantial 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 ecologic 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 ecologic effects and environmental impacts in general, including injuries to natural resources.

6.2.11. Planned and actual 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 Environmental Restoration Program (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/A4V will individually track each site with respect to reporting module data on site status, cost to complete (CTC) estimate, and schedule-to-complete estimate. Address each site as an individual site in the installation's management action plan. (T-0).

6.4. Construction At or Near Contaminated Sites. Costs associated with the actions to address contamination generated during a construction project (military construction or non-military construction), routine operation, management, or maintenance are not environmental restoration account eligible. Costs associated with a need to change ERP-generated timing actions to address such contamination are also not ERA eligible. These costs 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 Unexploded Explosive Ordnance (UXOs), Discarded Military Munitions (DMMs), and Munitions Constituents (MCs) may require installations to restrict access to Munition Response Sites (MRS). The appropriate AFCEC/CZ division(s), AFCEC/CIB and NGB/A4V 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/A4V 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 DoDM 6055.09, *DoD Ammunition and Explosives Safety Standards: Criteria for Unexploded Ordnance, Munitions Response, Waste Military Munitions, and Material Potentially Presenting an Explosive Hazard*, Volume 7, paragraph V7.E4.2.3.

7.3. Non-Air Force Federal Property. On discovery of live munitions or potential MRS on non-DoD federal property, the Air Force (or the property owner) shall instantly notify the closest DoD military Explosive Ordnance Disposal (EOD) unit for emergency response. **(T-0)**. See Air Force Instruction (AFI) 32-3002-O, *Inter-service Responsibilities For Explosive Ordnance Disposal*, Air Force Manual (AFMAN) 32-3001, *Explosive Ordnance Disposal (EOD) Program*, AFD 10-8, *Defense Support of Civil Authorities*, and AFI 10-801, *Defense Support of Civil Authorities*, 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 determine who the responsible official is, the Air Force must report the live munitions to the local EOD unit. **(T-0)**. Within 5 duty days of discovering potential MRS, the appropriate AFCEC/CZ division(s), AFCEC/CIB or NGB/A4V 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 munitions response sites.

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 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 formerly used defense site).

7.3.3. Provide the current owner with information on potential safety, health, or environmental hazards associated with the presence of UXOs, DMMs, or MCs 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 UXOs-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 duty days after discovering potential MRS on non-Federal property, the appropriate AFCEC/CZ division(s), AFCEC/CIB or NGB/A4V shall send written notification to the current owner. **(T-0)**. Discovering live munitions or 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 within 4 hours). If the property owner has not reported discovering the live munitions and it is not possible to quickly determine who the owner is 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 landowner 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. This includes documents related to the transfer of the property from Federal ownership or control, as appropriate. These documents assist in determining appropriateness of creating a new munitions response site (i.e., confirmation the site is Air Force MMRP eligible and not a formerly used defense site).

7.4.3. Provide the current owner with information on potential safety, health, or environmental hazards associated with the presence of UXOs, discarded military munitions, or MCs 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 landowner can contact regarding UXOs-related incidents at the potential munitions response sites.

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, or NGB/A4V will enter a copy of relevant documents EESOH-MIS or the Integrated Information Tool for storage. **(T-1)**.

7.6. Geophysical Sensor Data. For MMRP geophysical sensor data requirements, see [paragraph 12.3.3](#).

7.7. Advanced Geophysical Classification. The appropriate AFCEC/CZ division, AFCEC/CIB, and NGB/A4V will use organizations accredited in accordance with the DoD Advanced Geophysical Classification Accreditation Program to perform advanced geophysical classification at MRS. **(T-0)**. The DoD Advanced Geophysical Classification Accreditation Program webpage located at the military website <http://www.denix.osd.mil/mmrp> maintains the latest documentation and stakeholder information.

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 National Priority List (NPL).

8.1.2. Defense Environmental Restoration Program (DERP) requires that Environmental Protection Agency (EPA) and appropriate state and local authorities be provided prompt notice of the discovery of releases or threatened releases of hazardous substances. These release notices must include the associated extent of the threat to public health and the environment and 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/A4V, 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 uniformity of requirements.

8.2. Lead Regulators.

8.2.1. National Priority List (NPL) Installations. At Air Force installations on the NPL, EPA is the lead regulator and the Air Force is the lead agency. Comprehensive Environmental Response, Compensation, and Liability Act (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.

8.2.1.1. CERCLA also requires the Air Force to enter into an interagency agreement with EPA at NPL facilities.

8.2.1.1.1. A Federal Facility Agreement (FFA) is used for DoD NPL facilities to satisfy the CERCLA interagency agreement requirement.

8.2.1.1.2. FFA outline the working relationship between the Air Force, EPA, and as appropriate, the affected state, and clearly define common obligations during the cleanup process at a DoD NPL facility. (See [paragraph 13.1](#) for more information).

8.2.1.1.3. The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A4V shall consult Air Force legal counsel if there is no FFA or interagency agreement for an installation, or if there are stakeholder efforts to list sites or an installation on the NPL. **(T-1)**.

8.2.1.1.4. The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A4V shall work with regulators to achieve remedial action objectives and seek removing an installation from the NPL. **(T-0)**.

8.2.1.1.5. 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 Department of Defense Manual (DoDM) 4165.66, *Base Redevelopment and Realignment Manual*, DoDI 4165.72, *Real Property Disposal*, and 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* (located at <http://www.oea.gov/sites/default/files/resources/early-transfer-authority-a-guide-to-using-eta-to-dispose-of-surplus-property.pdf>)).

8.2.2. Non-NPL Installations. The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A4V should identify a single lead regulator for installations that are not on the NPL. For restoration activities conducted under Resource Conservation and Recovery Act (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/A4V 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)**. When transferring property to non-federal entities and where remedy 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 substantial role in the cleanup process. 42 USC § 9620 and 10 USC § 2705, *Notice of environmental restoration activities*, provide stakeholders with notice, review, and comment opportunities at each distinct phase of the response process. Under 40 CFR, Part 300, the National Oil and Hazardous Substances Pollution Contingency Plan ((also known as the National Contingency Plan (NCP)), state acceptance is one of the modifying criteria for evaluation of alternatives for the remedial action. States are often parties to IAG and FFA at installations on the NPL, which may also grant them particular rights to participate in the response process. Also, see **paragraphs 11.4 through 11.4.7**

8.3.2. The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A4V shall work in consultation with AFLOA/JACE prior to working with state and 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/A4V 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 **paragraphs 13.4 through 13.4.3** for requirements for executing cleanup under other legal authorities.

8.3.3. Reimbursement for State Support Services.

8.3.3.1. Defense State Memorandum of Agreement (DSMOA). For environmental restoration activities conducted using environmental restoration account, Air Force (AF) or BRAC funds, the Air Force reimburses eligible expenses to participating state and territorial regulatory agencies through the DSMOA and Cooperative Agreement processes. United States Army Corps of Engineers is the DSMOA lead agent for DoD and administers DSMOA and Cooperative Agreement with participating states and territories. The Air Force is responsible for providing and revising Joint Execution Plans; 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. For additional information, consult the DSMOA/CA Program guide, *Working Together to Achieve Cleanup: Guide to the Cooperative Agreement Process* (located at <https://www.denix.osd.mil/references/dod/policy-guidance/dsmoa-ca-guide/>), and DoDM 4715.20, Enclosure 3, paragraph 15.b(1).

8.3.3.1.1. Cooperative Agreement Process. The Air Force, United States Army Corps of Engineers, and the states use a six-step process for producing and validating the Cooperative Agreement 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 environmental restoration account, 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/A4V 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/A4V shall notify the Office of the ASD(Sustainment), and the Office of the Deputy Assistant Secretary 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 in accordance with DoDM 4715.20, paragraph 15.b.(2) of Enclosure 3. **(T-0)**. The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A4V 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, *Response authorities*, the ATSDR is responsible for conducting public health assessments (PHA) within one year at all sites on or proposed for the National Priority List (NPL). Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) also provides that citizens may petition ATSDR to perform PHA at Non-National Priority List sites. The Air Force shall consider ATSDR PHA in the cleanup process and decision-making. The Air Force's objective is to work with ATSDR in completing all required PHA as expeditiously as possible.

8.4.1.1. The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A4V will track Air Force funded PHA 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/A4V 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)**.

8.4.1.3. A representative from AFMRA/SG3C must be appointed as medical liaison for ATSDR activities. **(T-3)**.

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, and is located at <http://chppm-www.apgea.army.mil/atsdr/atsdr.htm>.

Chapter 9

NATURAL RESOURCE INJURY INTEGRATION

9.1. Application. The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A4V shall evaluate natural resource injury 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/A4V will ensure that Air Force obligations both as a responsible party and as a trustee of natural resources in accordance with CERCLA and DoDM 4715.20 are satisfied. **(T-0)**.

9.2. Sites. At sites where the Air Force is a potential responsible party and a trustee, the responsible Air Force organization shall:

9.2.1. Identify natural resource injury (preferably as part of an ecologic 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 natural resource injury. **(T-0)**.

9.2.3. Coordinate any necessary ecologic risk assessments, RI, and response action planning and conduct with other natural resource trustees in accordance with CERCLA ((see 42 USC § 9604 and § 9607, *Liability*), 40 CFR, Part 300, the National Oil and Hazardous Substances Pollution Control Act (also known as the National Contingency Plan (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 Restoration Advisory Board meeting.

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

9.2.5. Where feasible and cost effective, the appropriate AFCEC/CZ division(s), NGB/A4V or AFCEC/CIB selects a response that results in the least amount of natural resource injury.

9.3. Funding. The environmental restoration account, AF and Base Realignment and Closure (BRAC) accounts, and ANG O&M restoration account may be used to address natural resources injuries only if the action to be funded is incidental to the response action process. **(T-0)**.

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. **(T-0)**.

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*. **(T-0)**.

Chapter 10

PERMIT EXEMPTION

10.1. Scope. Under 42 USC § 9621, *Cleanup standards*, and 40 CFR Part 300.400, Subpart E, *Hazard Substance Response*, the portion of any CERCLA response actions that are conducted all on-site is exempt from requirements to obtain federal, state, and local permits. As defined by 40 CFR Part 300.400, Subpart 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/A4V 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. **(T-1)**.

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 permit exemption. Integrated actions, whereby the Air Force responds both under CERCLA and another legal authority, qualify for the 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/A4V will establish community involvement programs for environmental restoration activities. **(T-0).** Defense Environmental Restoration Program (DERP), Comprehensive Environmental Response, Compensation, and Liability Act (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/A4V 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/A4V shall ensure equivalent opportunities for public review and comment on proposed Resource Conservation and Recovery Act (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 Proposed Plans (PP) and Decision Documents (DD) 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 Environmental Restoration Program (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. 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 community relations plan (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/A4V shall establish a formal community involvement program (documented in a community relations plan). **(T-0).** This program shall be developed in coordination with the installation commander and pertinent installation offices (e.g., medical, public affairs) at active Air Force (non BRAC) and ANG installations and in accordance with CERCLA public participation requirements. **(T-0).** ((See 40 CFR, Part 300.415(n)(3)(ii), *Removal action*, 40 CFR Part 300.430(c)(2)(ii), *Community relations*, and 40 CFR Part 300.435(c)(1), *Remedial design/remedial action, operation and maintenance*, for community relations plan requirements)). At installations where cleanup may be under other frameworks than CERCLA, the appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A4V supplements the community relations plan with requirements from the applicable legal framework, unless other non-CERCLA regulatory authorities specify a different comprehensive community involvement program. **(T-0).** Update the community relations plan, 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 Restoration Advisory Board or equivalent (hereafter referred to as “Restoration Advisory Board” or RAB) at each installation or BRAC location where there is sufficient and sustained community interest. **(T-0).** A RAB may be established for environmental restoration conducted under statutes other than CERCLA 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 BRAC locations. Additional information on RAB may be found in the Office of the Secretary of Defense (OSD), Restoration Advisory Board (RAB) Rule Handbook, and in DoDM 4715.20, Enclosure 3, paragraph 16(c).

11.4.1. Where there is no RAB established, the appropriate AFCEC/CZ division(s), AFCEC/CIB or NGB/A4V, 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/A4V personnel as appropriate; impacted 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. **(T-1).**

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 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 Restoration Advisory Board 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), *RAB adjournment and dissolution*, 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 properly 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/A4V, as applicable, shall ensure that stakeholders are provided an opportunity for continued effective input (with such opportunity documented in the installation's community relations plan or equivalent planning document). **(T-0)**.

11.4.7. Installation commanders and the appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A4V are expected to make every sensible 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/A4V, as applicable, will make an 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 Restoration Advisory Board (RAB) has been delegated. Requirements for dissolving a RAB are described in 32 CFR, Part 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/A4V shall ensure opportunities for technical assistance through the TAPP program are made available to community members of a recognized RAB. This must be performed in accordance with 10 USC § 2705(e) and the TAPP program regulations in 32 CFR, Part 203, *Technical Assistance for Public Participation In Defense Environmental Restoration Activities*. **(T-0)**. Community members of a RAB or Technical Review Committee may request technical assistance from private-sector sources through the Air Force RAB co-chair to AFCEC/CZR, AFCEC/CIB, or NGB/A4V, as appropriate, for approval.

11.5.2. TAPP is funded through the environmental restoration account, AF or BRAC account. TAPP is categorized as a program administration cost. There is no guaranteed or 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 cost to complete, whichever is less. **(T-1)**.

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/A4V, 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/A4V shall ensure that each RAB receiving a TAPP award submits an annual TAPP results report ((per DoDM 4715.20, Enclosure 3, para 16.d.(5)) through AFCEC to SAF/IEE for transmittal to Deputy under Secretary of Defense(I&E). **(T-0)**.

Chapter 12

RECORDS MANAGEMENT

12.1. Records Maintenance and Retention. The appropriate AFCEC/CZ division(s) or NGB/A4V shall ensure collection and retention of environmental restoration records at active installations and ANG facilities in accordance with applicable statutes, regulations, and Air Force records management directives (to include compliance with the Air Force Records Disposition Schedule). **(T-0)**. As mutually agreed between the losing organization and AFCEC regarding the transfer of the Environmental Restoration Program (ERP) at Base Realignment and Closure (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/A4V 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/A4V shall ensure that records for cleanup conducted under other legal authorities are maintained and disposed of in accordance with applicable legal requirements or the Air Force Records Disposition Schedule 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). The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A4V, as applicable, shall prepare a MAP or BRAC equivalent document for each active installation, ANG facility, and BRAC location where activities under the ERP have yet to be completed. **(T-0)**."

12.2.1. MAP must meet the requirements specified in DoDM 4715.20, paragraph 8.c.(2) of Enclosure 3. MAP for geographically separated sites are addressed in either the parent installation's MAP, or in a separate MAP. **(T-0)**.

12.2.2. The MAP function in Enterprise Environmental, Safety & Occupational Health-Management Information System (EESOH-MIS) for installations restoration program sites meets the requirement for a MAP, provided EESOH-MIS is populated with complete and current data.

12.3. Administrative Record.

12.3.1. The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A4V shall establish and maintain an administrative record for each installation or BRAC location where environmental response actions are taken. **(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 Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) response action. The official copy of the administrative record shall be maintained in accordance with DoDM 4715.20, paragraph 7.a.(1) and (4) of Enclosure 3.

12.3.2. 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](#)

12.3.3. The administrative record shall include, but is not limited to:

12.3.3.1. 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/A4V, 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)**.

12.3.3.2. 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.

12.3.3.3. Documents and materials containing information on the response action performance (e.g., remedial design or remedial action, data reports on remedy progress, Remedial Action Completion Report, and five-year reviews).

12.3.4. 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.

12.3.4.1. In cases where an administrative record or similar record is not required by a permit, enforcement order, or agreement, as a matter of policy, the AFCEC/CZ division(s), AFCEC/CIB or NGB/A4V, 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)**.

12.3.4.2. The record of environmental actions shall include, but is not limited to, the items listed in DoDM 4715.20, paragraphs 4.b.(1) through 4.b.(17) of Enclosure 3.

12.3.5. The AFCEC/CZ division(s), AFCEC/CIB or NGB/A4V, as appropriate, shall include all of the data gathered to characterize munitions response sites (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 unnecessary, AFCEC/CZ division(s), AFCEC/CIB or NGB/A4V, as appropriate, shall forward a memorandum documenting the determination to SAF/IEE through AF/A4CA, 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, *Public participation*, and the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR, Parts 300.415(n)(3)(iii) and 300.430(c)(2)(iii)), the AFCEC/CZ division(s), AFCEC/CIB or NGB/A4V, 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 Restoration Advisory Board or equivalent. The information repository may also contain other documents pertinent to the activities at the installation, especially 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. **(T-0)**. 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, 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. **(T-0)**.

12.4.1.4. The AFCEC/CZ division(s), AFCEC/CIB or NGB/A4V, 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). **(T-0)**. The community relations plan (or similar planning document) identifies such mechanisms and uses them 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 in accordance with the requirements in [paragraphs 12.4.1 through 12.4.1.3](#).

12.4.4. The appropriate AFCEC/CZ division(s), AFCEC/CIB and NGB/A4V 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/A4V shall ensure a site audit file is maintained in accordance with DoDM 4715.20, paragraphs 13.a.(7) and 14.f. and g. of Enclosure 3. **(T-0)**.

12.5.1. Geographic Information System files necessary for communicating information about Defense Environmental Restoration Program (DERP) sites are to be developed and maintained in accordance with 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 and Federal Facility Agreements (FFA). Pursuant to 42 USC § 9620, within 180 days of EPA’s review of an RI or FS at a site listed on the National Priority List (NPL), AFCEC/CZ, AFCEC/CI or NGB/CF, as appropriate, and EPA must enter into an interagency agreement. **(T-0)**. If an agreement is not entered into within that time frame, per 42 USC § 9620, Congress shall be informed (via the Defense Environmental Programs Annual Report to Congress) of the reasons for not having an interagency agreement in place. The Air Force uses a FFA at its facilities on the NPL to satisfy the requirements of an interagency agreement. For Air Force facilities on the NPL without signed FFA:

13.1.1. The EPA and Department of the Army Agreement, *Fort Eustis Federal Facilities Agreement* (available at (<https://www.denix.osd.mil/references/dod/policy-guidance/epa-and-department-of-the-army-agreement/>)) is used as the standard to satisfy the requirement for an interagency agreement pursuant to 42 USC § 9620. Only make site-specific changes.

13.1.2. The appropriate AFCEC/CZ division(s), AFCEC/CIB, or NGB/A4V, 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 a 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 ASD(Sustainment), as necessary.

13.1.5. SAF/IEE shall submit all proposed FFA for a “72-hour review” to ASD(Sustainment), the Deputy General Counsel for Environment and Installations, and the other DoD Components with DERP responsibilities prior to signature in accordance with the Department of Defense Manual (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 Comprehensive Environmental Response, Compensation, and Liability Act (42 USC § 9620), to include a memorandum of understanding or any similar arrangement, or substantial 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 in accordance with Attachment 1 to HAF MD 1-18.

13.3. Dispute Resolution. To the greatest extent possible, AFCEC or NGB/A4V, 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 Cooperative Agreement process is used to resolve disputes, if one is in place. Where there is not a signed FFA or defense state memorandum of agreement, AFCEC/CZ, AFCEC/CI, or NGB/A4V, 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 defense state memorandum of agreement, 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/A4V, 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 Comprehensive Environmental Response, Compensation, and Liability Act (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., Resource Conservation and Recovery Act (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, *Safety of Public Water Systems*), the appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A4V will pursue compliance with all CERCLA requirements as well, especially with respect to the content of Decision Documents (DD), 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 underground storage tanks (pursuant to 42 USC §§ 6991 – 6991m, 40 CFR Parts 280.10 – 280.252, and 42 USC § 6973) 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 ASD(Sustainment) as required. An exception to this requirement would be when addressing a petroleum release from an above ground storage tank or distribution pipeline.

13.4.3. When the appropriate AFCEC/CZ division(s), AFCEC/CIB, or NGB/A4V seeks to voluntarily pursue environmental restoration under an authority other than CERCLA, RCRA corrective action, or underground storage tank regulations, where applicable, (e.g., the Air Force wants to pursue a RCRA 3013 or 7003 order), AFCEC must gain SAF/IEE and deputy under Secretary of Defense (I&E) approvals to enter negotiations. **(T-1)**. SAF/IEE must approve any subsequent agreement and notify ASD(Sustainment)). If a DoD Component or the deputy under Secretary of Defense (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 above ground storage tank 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/A4V should contact AFLOA/JACE when involved with third party site. 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 DoDM 4140.25, *DoD Management of Energy Commodities*, DLA-Energy funds the identification, assessment, and remedy 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 a memorandum of understanding for a specific location or facility addressing how to divide responsibilities for environmental restoration (not related to construction), and when signed, the memorandum of understanding supersedes the guidance in DoDM 4140.25. (**Note:** The memorandum of understanding may be signed by AFCEC/CZR, AFCEC/CIB, or NGB/A4V, as appropriate, with copy to USAF/A4CA.)

13.7. Informal Resolution. Upon identifying an issue that may impair program goals, or cleanup efficiency or effectiveness, remedial project managers will notify AFCEC/CZO, AFCEC/CIB, or NGB/A4V, 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/A4V, as appropriate, will evaluate the matter and take action to help reach resolution. **(T-1)**. If after 60 days from initial remedial program manager notification the issue remains unsolved, the appropriate AFCEC/CZ division(s), AFCEC/CIB, or NGB/A4V will ensure that AF/A4CA 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 is based upon the finding of unacceptable risk. This finding should be documented in the appropriate Decision Document.

14.1.1. For environmental restoration actions conducted solely pursuant to Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), a basis for action under CERCLA is established in the remedial investigation and the component baseline risk assessment. **(T-1)**. 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. A list of federal Maximum Contaminant Level Goals or Maximum Contaminant Levels are on Environmental Protection Agency's website at <https://www.epa.gov/risk/regional-screening-levels-rsls-users-guide>. Lists for state and local levels are on varying state and local websites. 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 one.

14.1.2. Cancer and non-cancer risk are established based on appropriate toxicity values. See [paragraph 18.2.1.3](#). **(T-1)**.

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 AFLOA/JACE.

14.2. Documentation Requirements. CERCLA, Resource Conservation and Recovery Act (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 Decision Document (DD) is finalized. Except for an emergency removal prior to the DD, the appropriate AFCEC/CZ division(s), AFCEC/CIB, or NGB/A4V must document the proposed response action and provide it to the public for review and comment (e.g., proposed plan). **(T-0)**. A proposed plan and DD are also required for interim actions, and no action and no further action decisions after a Remedial Investigation or Feasibility Study (RI or 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. **(T-0)**.

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 land use controls 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 must document the decisions above, the actions taken, and ensure the appropriate authority has approved the decision and associated funding. **(T-1)**. This documentation must be maintained in an administrative record (or equivalent) for the site. **(T-1)**.

14.2.3. The documentation of decisions at both National Priority List (NPL) and non-NPL sites shall conform, in content and format, with applicable statutory and regulatory requirements and EPA guidelines and criteria for preparing DD. While not a legal requirement, when conducting CERCLA remedial actions, use the format for Proposed Plans (PP) and Records of Decision (ROD) in EPA guidance, Office of Solid Waste and Emergency Response (OSWER) 9200.1-23P, *Guide to Preparing Superfund Proposed Plans, Records of Decision, and Other Remedy Selection Decision Documents* (https://www.epa.gov/sites/production/files/2015-02/documents/rod_guidance.pdf).

14.2.3.1. The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A4V shall ensure that requirements recorded in DD meet all legal requirements and are streamlined to contain cleanup objectives and essential implementation, operation, and maintenance actions to achieve these objectives. **(T-0)**. DD should contain enough detail about cleanup objectives and actions so the exit strategy for site closure is apparent and that criteria are well defined to objectively determine when site closure is met.

14.2.3.2. For active and Air National Guard 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 and AFCEC/CZO.)

14.2.3.2.2. AFLOA/JACE, AFCEC/CZR and AFCEC/CZT must review all draft and draft final DD, including PP and ROD, and coordinate with the installation commander prior to review by regulatory agencies (final draft version only). **(T-1)**.

14.2.3.3. For ANG facilities:

14.2.3.3.1. The NGB/A4V 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/A4V.)

14.2.3.3.2. NGB/A4V must obtain NGB legal review on all draft and draft final DD, including PP and ROD, and coordination from the installation commander prior to regulatory agency review (final draft version only). **(T-1)**.

14.2.3.4. For Base Realignment and Closure (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. **(T-1)**.

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

14.2.3.5. All DD, 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 Preliminary Assessment and Site Investigation (PA and SI), or RCRA Facility Assessment (RFA)) is a determination that no further investigation, study, or cleanup is warranted or necessary.

14.3.1. A no further response action planned 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/A4V 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, 42 USC § 9621 and 10 USC § 2705, the appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A4V will ensure EPA, state, territorial, and local agencies are provided the opportunity to review and comment on the report. **(T-0)**. For CERCLA PA and SI NFRAP decisions, 40 CFR Part 300.410, *Removal site evaluation*, and 40 CFR Part 300.420, *Remedial site evaluation*, 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/A4V 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 removal or remedial actions after a NFRAP determination has been completed, notify AFCEC/CZR, AFCEC/CIB, or NGB/A4V, 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 a RI determines there is no unacceptable risk and therefore no basis for action, this decision must be documented in both a no action proposed plan and a Record of Decision (ROD). Both documents shall sufficiently summarize both the RI and the baseline risk assessment to establish that no unacceptable risk exists. **(T-0)**. 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 Decision Document. If a prior removal action or interim remedial action has been taken and it is afterwards determined that the action has addressed all unacceptable risk at the site (so that unlimited use and unrestricted exposure levels are attained), a no further action proposed plan and ROD must be completed. **(T-0)**. The no further action proposed plan and ROD should document the prior response action, the no unacceptable risk determination, and establish that no further remedial action is necessary to ensure protectiveness. Depending on site-specific circumstances, a risk screening or focused and 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 no further action determination).

14.6. Short-Term Actions.

14.6.1. The Air Force considers and implements Interim Risk Management activities as appropriate in accordance with paragraph 3.a.(2) of DoDI 4715.07. The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A4V are encouraged to conduct interim risk management 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 Sections 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 interim risk management activities implemented if new information becomes available. The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A4V shall follow the below steps to consider, select, coordinate, manage, and review interim risk management activities, when appropriate:

14.6.1.1. Determine if site-specific conditions warrant establishing interim risk management 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 a lengthy 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 interim risk management 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 Restoration Advisory Board or Technical Review Committee). **(T-0)**.

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

14.6.2. CERCLA Removal Actions. Document the selection of a removal action 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/A4V 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. **(T-0)**. Consultations would be impractical in emergency removals taken because of imminent and substantial endangerment to human health or the environment. However, regulators should be notified of the planned emergency removal and an action memorandum is completed promptly thereafter. For more information, see Office of Solid Waste and Emergency Response (OSWER) Final Guidance, *Superfund Removal Guidance for Preparing Action Memoranda*.

14.6.3. Resource Conservation and Recovery Act (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 in accordance with applicable legal requirements and documented in the administrative record.

14.7. Updates to the Decision Document. The AFCEC/CZ, AFCEC/CI or NGB/A4V, as appropriate, shall update and sign the Decision Document (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 Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) remedy. Changes to the remedy require modification of the DD and shall be in accordance with 40 CFR Parts 300.430(f)(3) and 300.435(c)(2). Changes to remedies under Resource Conservation and Recovery Act (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). In accordance with CERCLA (42 USC § 9620) and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) (40 CFR Parts 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

(ROD), 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 Part 300.430(f)(5). Federal facility agreements (FFA) may modify this process to some extent with consultation and dispute resolution procedures.

14.9. Documenting Decisions at Non-National Priority List 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/A4V, 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 principally 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/A4V 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 or 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/A4V, as applicable, must consult with AFLOA/JACE or NGB/JA, as appropriate, to ensure requirements are met. **(T-1)**.

14.11. Unique Documentation Requirements at Munitions Response Sites (MRS). Due to the unique hazards posed by Unexploded Explosive Ordnance (UXOs), discarded military munition, and Munitions Constituents (MCs), the Air Force is subject to specific documentation and reporting requirements at MRS, in addition to the documentation authorities in CERCLA and other legal authorities. Consistent with DoDM 6055.09, and DoDI 6055.16, *Explosives Safety Management Program*, an explosive safety submission must be prepared and submitted for AFSEC/SEW and Department of Defense Explosive Safety Board approval prior to intrusive activities (e.g., removal or remedial action) on an military munitions site, with the exception of small arms ranges. **(T-0)**. An After Action Report must be prepared at the conclusion of the intrusive activities and sent to AFSEC/SEW and Department of Defense Explosive Safety Board for their records. If a military munitions site is recommended for no further action at the conclusion of a munitions response (e.g., removal or remedial action), a no further action explosive safety submission must be prepared and submitted for USAF/SEW and Department of Defense Explosive Safety Board approval, per the requirements in DoDM 6055.09. **(T-0)**. While an explosive safety submission is not required prior to performing remedy at a small arms range, a no further action 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 Part 300.430(e)(2) remedial action goals and cleanup levels are determined based upon Applicable or Relevant and Appropriate Requirements (ARAR). In the absence of ARAR, cleanup levels are established based on 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 one. 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 ARAR 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 18.2.1.3](#) for information on choosing toxicity values.

Chapter 15

LONG TERM REMEDIES AND LAND USE CONTROLS

15.1. Long-Term Remedies. At active and Air National Guard (ANG) 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/A4V, 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 and ANG installations (done by AFCEC/CIB for Base Realignment and Closure (BRAC) properties).

15.2. Land Use Controls (LUC). LUC 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. LUC are part of a remedial action and can be short-term or long-term; if long-term, LUC should be addressed as described in [paragraph 15.1](#). (Note: LUC are subject to audit.)

15.2.1. LUC 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 anticipated future land use. LUC may also be required while conducting environmental restoration investigations or implementing remedial actions.

15.2.2. The central objective of LUC is to protect human health and the environment. As such, LUC are a common component of any cleanup action that does not allow for limitless use and unrestricted exposure following the completion of the response action or where there is a need for a land use control to protect the effectiveness of the remedy. For example, LUC will likely be necessary at Munition Response Sites (MRS), 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 land use control 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. (T-0). 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. LUC should be implemented, maintained, and monitored at the local level whenever possible.

15.3.2.1. Active and ANG Installations. Implementing, maintaining, and monitoring LUC (and other long-term remedies) is the responsibility of appropriate AFCEC/CZ division(s) at AF installations and NGB/A4V at ANG facilities. Installation commanders will ensure that the LUC 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 land use control and other long-term remedies. **(T-0)**. The appropriate AFCEC/CZ division(s) or NGB/A4V or a designated representative shall ensure the following actions are taken:

15.3.2.1.1. Put appropriate mechanisms in place to manage LUC and incorporate LUC into the existing land use management processes of the locality or the installation. For example, all LUC must be included in an installation's development plan or equivalent. (See AFI 32-1015, *Integrated Installation Planning*, for more information on the installation development plan.) **(T-1)**.

15.3.2.1.2. Develop and document an internal land use control implementation plan for the installation and specific sites, as needed. This plan should define the responsibilities of all parties involved in implementing, maintaining, and monitoring the LUC. Document or annotate a reference to the land use control implementation plan in the installation's development plan. LUC Implementation Plans 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 Resource Conservation and Recovery Act (RCRA) authority, a land use control implementation plan 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. **(T-0)**.

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

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

15.3.2.1.5. If a land use control is breached, AFCEC/CZ divisions(s) or NGB/A4V shall work with the installations to take corrective measures and notify regulators and take immediate steps to restore the land use control, including taking any necessary corrective actions. **(T-1)**. If the integrity of the land use control cannot be restored, then modify or terminate the land use control in accordance with [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 land use control (e.g., an environmental covenant) on active or ANG installations, but may record an environmental notice of contamination or place a location on a state land use control registry that similarly does not create a property interest. Before agreeing to any notice, consult AFLOA/JACE or NGB/JA, as appropriate, which will coordinate with SAF/GCN.

15.3.2.1.7. Modify or terminate LUC through the same process used to establish the land use control. If the land use control is terminated, ensure the land use control is removed from the mechanisms that recorded its existence (e.g., master planning maps). In cases where former DD need to be revised, a note to the file, Explanation of Significant Differences, or DD amendment (or equivalent DD under RCRA or other cleanup regime) is used to select and document changes to the selected remedy, including details regarding LUC at the site. **(T-0)**.

15.3.2.2. BRAC Locations and Property Transfers Outside the Federal Government. Prior to transfer, AFCEC/CIB is responsible for ensuring that LUC are implemented, maintained, and monitored at Base Realignment and Closure 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:

15.3.2.2.1. Ensure that LUC are clearly described in property conveyance documents, such as deeds, and reflect the remedy selected in DD, if it is determined that a land use control is necessary. LUC should also be reflected in transfer-related documents that reflect environmental restrictions (e.g., Finding of Suitability to Transfer, which is described in DoDM 4165.66). 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 LUC, and then capturing that allocation in appropriate environmental and real property documents. **(T-0)**.

15.3.2.2.2. Develop and document a land use control implementation plan, where required, for the installation or specific sites that defines the responsibilities of all parties involved in implementing, maintaining, and monitoring the LUC. LUC Implementation Plans are internal plans and not enforceable, and should not be made a term, condition, or requirement of a DD executed under CERCLA authority. For DD executed under RCRA Act authority, a land use control implementation plan can be included in the DD if the lead regulator requires it as a matter of state law and AFLOA/JACE concurs. **(T-0)**.

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 LUC are part of the selected remedy, then the applicable real property transfer documents shall reflect any environmental notices, restrictions, 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 AFLOA/JACE for guidance. AFLOA/JACE will coordinate its guidance with SAF/GCN. 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 ROD, orders, or agreements. Mandatory provisions addressing environmental covenants pursuant to 42 USC § 9620 for real property disposal are contained in DoDI 4165.72. **(T-0)**.

15.3.2.2.4. Maintain a database of areas restricted by LUC and all Air Force implementation, maintenance, and monitoring responsibilities. **(T-0)**.

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 LUC 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 LUC, the Air Force may be required by applicable DD(s), order(s), or agreement(s) to itself maintain the land use control 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 LUC. To address any future concerns about a property, AFCEC/CIB should retain any DD, agreements, and real property transfer-related documents that specify land use control responsibilities. **(T-0)**.

15.3.2.2.6. Modify or terminate LUC through the same process used to establish the land use control. Responsibility for who can request, approve, process and pay for costs related to modifying or terminating LUC should be identified in real estate transfer or environmental documents. Where former DD need to be revised, a note to the file, Explanation of Significant Differences, or DD amendment (or equivalent DD under RCRA or other cleanup regime) are used to select and document changes to the selected remedy, including details regarding LUC at the site. If a land use control 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. **(T-0)**.

15.3.3. For any evaluation of cleanup action alternatives where a land use control 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/A4V shall:

15.3.3.1. Ensure that the evaluation of response alternatives includes an analysis of an alternative with limitless 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 LUC. Such land use changes, if inconsistent with land use control 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 opportunities to concurrently review LUC. During a five-year review, the LUC 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 Preliminary Assessment and Site Investigation (PA and 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 LUC 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 LUC outlined in [paragraph 15.2](#) shall be implemented when appropriate.

15.4.2. When a final remedy is chosen for the site, interim administrative LUC 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 LUC are retained as part of the final remedy, those LUC shall be documented as part of the remedy in the DD.

15.5. Memorandum of agreement (MOA) or memorandum of understanding. The Air Force may enter into an MOA or memorandum of understanding with state regulatory agencies and EPA concerning LUC only when the regulators insist on such agreements. Such MOA and memorandum of understandings are voluntary and are not legally enforceable, but they do validate the regulators' roles and expectations in consultation, notice, and review and comment during land use control 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 Environmental Restoration Program (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 "deficient 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 AF/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/A4V 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. Five-Year Reviews shall be performed in accordance with DoDM 4715.20, paragraphs 4.b(14), 5.a, and 5.b, of Enclosure 3. The following are Air Force specific responsibilities:

16.4.1. AFCEC/CZO, AFCEC/CIB, and NGB/A4V 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 Response Complete (RC) within five years, the Air Force shall conduct one or more five-year reviews during the Remedial Action-Operation, as appropriate, until unlimited use and unrestricted exposure levels are achieved. **(T-0)**.

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., LUC do not require extensive documentation).

16.4.1.3. The appropriate AFCEC/CZ division(s), AFCEC/CIB or NGB/A4V, as appropriate, prepares the draft and final five-year reviews. Legal review by AFLOA/JACE 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. Do not consider the five-year review reports a primary document, unless specified otherwise in a federal facility agreement (FFA), and are final upon Air Force signature

16.4.2. The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A4V 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 the previous review was signed. The Air Force may group applicable sites into one five-year review, the timetable of which is established in accordance with 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/A4V will ensure cost efficiency is evaluated at the time of the five-year review. **(T-1)**.

16.4.4. Reviews continue until unlimited use and unrestricted exposure have been attained at the property. After achieving unlimited use and unrestricted exposure for any site on the property, that site no longer requires inclusion in the five-year review. Document such a determination in the first five-year review for that particular site after achieving unlimited use and unrestricted exposure.

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 abandon 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. Use Environmental Protection Agency (EPA) Office of Solid Waste and Emergency Response (OSWER) No. 9355.7-03B-P, *Comprehensive Five-Year Review Guidance*, and OSWER 9355.7-21, *Five-Year Reviews*, Frequently Asked Questions (FAQs) and Answers, September 2009, as a guide for meeting the statutory requirements of conducting five-year reviews. Use EPA Office of Land and Emergency Management 9200.0-89, *Five-Year Review Recommended Template*, for a five-year review template.

16.4.7. See [paragraph 18.3](#) for additional requirements and guidance regarding emerging contaminants.

Chapter 17

COMPLETING RESTORATION ACTIVITIES

17.1. Response Complete (RC). Consistent with Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), DERP, and applicable Executive Orders (EO) and regulations, the Air Force can achieve Response Complete for installation restoration program sites or Munitions Response Sites (MRS) 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 DD (after Remedial Investigation or Feasibility Study (RI or FS)) show that no action or no further action is necessary; or

17.1.3. At a pre-remedial investigation phase (Preliminary Assessment (PA) or site inspection (SI)), the Air Force has determined that no action, or no further action, is necessary.

17.2. Remedial Action Completion Report. The appropriate AFCEC/CZ division, AFCEC/CIB, or NGB/A4V shall develop a remedial action completion report, or Resource Conservation and Recovery Act (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 the achievement of protectiveness. In addition, the remedial action completion report provides the basis for full or partial deletion from the National Priority List (NPL). See DoD/EPA, *Joint Guidance on Streamlined Site Closeout and NPL Deletion Process for DoD Facilities* (<https://www.denix.osd.mil/references/dod/policy-guidance/dod-and-epa-joint-guidance/>), for more information.

17.2.1. EPA review and approval of a remedial action completion report is required at NPL sites. The appropriate AFCEC/CZ division(s), AFCEC/CIB, or NGB/A4V will begin the process to obtain and document regulator agreement on a remedial action completion report once a site achieves Response Complete (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 fair attempts to obtain regulatory agreement, a memorandum for the record to document the RC determination is accomplished. The memo for record 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/A4V, and signature and date. The memo for record should be detailed enough to enable a fair person to draw the same conclusion about the RC determination as the individual who makes the original determination (reference to the remedial action completion report should suffice for this purpose). A copy of the memo for record is provided to the appropriate regulator(s), and if applicable, the installation commander.

17.2.3. Remedial Action Completion Reports under CERCLA are signed by the same office as has authority to sign DD. Installation commanders normally sign RCRA corrective action completion reports.

17.2.4. At all NPL facilities, EPA must review and approve the remedial action completion report, and appropriate state and local agencies must be provided review and comment opportunities. Unless specified as such in a federal facility agreement (FFA), the remedial action completion report is not a primary document. If not a primary document in a FFA, the EPA and states should be given 60 days to review and provide comment on the remedial action completion report unless otherwise determined by appropriate binding agreement.

17.2.5. At Non-NPL facilities, the appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A4V shall formally document achieving the RC milestone in a remedial action completion report or RCRA corrective action completion report, as appropriate, and shall seek written regulator agreement for its RC determinations. **(T-0)**.

17.2.6. The remedial action completion report and RCRA corrective action completion report can serve as the After- Action Report for submittal to AFSEC/SEW and Department of Defense Explosive Safety Board detailing munitions response activities.

17.2.7. Protectiveness of remedies for purposes of a remedial action completion report 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 limitless use and unrestricted exposure of the property (e.g., no further long term management, including LUC, is needed) and there is no further expense of environmental restoration funds (i.e., environmental restoration account, AF or equivalent Base Realignment and Closure account funds, and ANG O&M restoration funds) at the site. Sites should only be coded as site closeout when there is no requirement to track either LUC or similar restrictions and there is no continuing requirement to conduct 5-year reviews. The appropriate AFCEC/CZ division(s), AFCEC/CIB or NGB/A4V must process for approval a no further action explosive safety submission to achieve site closeout for Munitions Response Areas (MRA) and Munition Response Sites (MRS) through AFSEC/SEW and department of defense explosive safety board. **(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 Environmental Restoration Program (ERP) site to address the change in circumstances, even if the existing site has achieved Site Closeout status. Always retain the original Enterprise Environmental, Safety & Occupational Health-Management Information System (EESOH-MIS) or integrated information technology identifier, without exception. Additional response action requirements at such sites are programmed and budgeted under the same obligation authority under which the former response actions were conducted, except under the conditions described in [paragraph 6.4](#). The appropriate AFCEC/CZ division chief, AFCEC/CIB or NGB/A4V 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). EC are contaminants characterized by a possible pathway to enter the environment and that present a potential unacceptable human health or environmental risk. EC 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 analytic 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 EC, consistent with DoDI 4715.18.

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/A4V, 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 in accordance with Section 3 of DoDI 4715.18 and promulgated requirements that would be considered Applicable or Relevant and Appropriate Requirements for the specific site at issue.

18.2.1.4. In accordance with Section 4 of DoDI 4715.18, necessary response actions for EC 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. Complete response actions in accordance with ARAR for the specific site at issue.

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 EC will be addressed on a case-by-case basis in consultation with AFLOA/JACE and in accordance with 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/A4V determines whether applicable and relevant or appropriate state and local requirements would require such an evaluation or potential response actions(s) in accordance with this instruction.

18.2.2.3. AFCEC/CZR, AFCEC/CIB or NGB/A4V, 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/A4V, as applicable, will coordinate appropriate sampling with AFCEC/CZT, the local Bioenvironmental Engineer, and US Air Force School of Aerospace medicine under the applicable cleanup framework. **(T-1)**. At Base Realignment and Closure 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 Resource Conservation and Recovery Act (RCRA)). **(T-1)**.

18.2.2.5. The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A4V ensures that toxicity information used in human health risk assessments are consistent with the National Oil and Hazardous Substances Pollution Contingency Plan (e.g. 40 CFR Part 300.430(e)(2)(i))), the Toxicity Hierarchy in Office of Solid Waste and Emergency Response (OSWER) Directive 9285.7-53, *Human Health Toxicity Values in Superfund Risk Assessments* (https://rais.ornl.gov/documents/RAGS_F_EPA540R070002.pdf), 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/A4V, as applicable, in coordination with AFCEC/CZT (for active installations and ANG facilities) or AFCEC/CIB (for Base Realignment and Closure 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.

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 a Remedial Investigation (RI) or Feasibility Study (FS)), and there is a completed Decision Document (DD) for the site, then the risk assessment or the DD shall be reopened or revised only in accordance with 40 CFR Part 300.430(f)(1)(ii)(B)(1) for changed Applicable or Relevant and Appropriate Requirements. For EC for which cleanup levels were earlier 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 EC 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/A4V, 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).**

JOHN J. Allen, Brigadier General, USAF
Director, DCS/Logistics, Engineering & Force
Protection

Attachment 1

GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION

References

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Title 10 USC Section 2701, *Environmental restoration program*

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Title 10 USC Section 2705, *Notice of environmental restoration activities*

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Title 42 USC Sections 9601 – 9675, *Comprehensive Environmental Response, Compensation, and Liability Act*

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Title 42 USC Section 9604, *Response authorities*

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32 CFR Part 188.4, *DoD Environmental Laboratory Accreditation Program, Policy*

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40 CFR Part 280.50, *Reporting of suspected releases*

40 CFR Part 300, *National Oil and Hazardous Substances Pollution Contingency Plan*

40 CFR Part 300.400, Subpart E, *Hazard Substance Response*

40 CFR Part 300.410, *Removal site evaluation*

40 CFR, Part 300.415, *Removal action*

40 CFR Part 300.420, *Remedial site evaluation*

40 CFR, Part 300.430, *Remedial Investigation/feasibility study and selection of remedy*

40 CFR Part 300.430(c)(2)(ii), *Community relations*

40 CFR Part 300.435, *Remedial design/remedial action, operation and maintenance*

40 CFR Part 300.5, *Definitions*

40 CFR Parts 300.500 – 300.525, *State Involvement in Hazardous Substance Response*

40 CFR Part 300.800 – 300.825, *Administrative Record for Selection of Response Action*

40 CFR, Part 302.4, *Designation of hazardous substances*

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Prescribed Forms

None.

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Abbreviations and Acronyms

§—Section (the symbol used to refer to a particular section of a legal code)

§§—Sections (the symbol used to refer to particular sections of a legal code)

AF—Air Force

AF/A4—United States Air Force, Deputy Chief of Staff for Logistics, Engineering, & Force Protection

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

AF/A4CA—United States Air Force, Deputy Chief of Staff for Logistics, Engineering & Force Protection - Directorate of Civil Engineers - Asset Management Division

AFCEC—Air Force Civil Engineer Center

AFI—Air Force Instruction

AFICC—Air Force Installation Contracting Center

AFIMSC—Air Force Installation and Mission Support Center

AFJI—Air Force Joint Instruction

AFLOA/JA—Air Force Judge Advocate General

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

AFMAN—Air Force Manual

AFMRA/SG3C—Air Force Medical Readiness Agency/Operational Medicine Bioenvironmental Engineering

AFPD—Air Force Policy Directive

AFSEC—Air Force Safety Center

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

ANG—Air National Guard

ARAR—Applicable or Relevant and Appropriate Requirements

ASD(Sustainment)—Deputy Assistant Secretary of Defense (Sustainment)

ATSDR—Agency for Toxic Substances and Disease Registry **BRAC**—

Base Realignment and Closure

CERCLA—Comprehensive Environmental Response, Compensation, and Liability Act

CFR—Code of Federal Regulations

CI—Air Force Civil Engineer Center Installations Directorate

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

CTC—Cost to Complete

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

DD—Decision Document

DERA—Defense Environmental Restoration Account

DERP—Defense Environmental Restoration Program

DLA—Defense Logistics Agency **DMMs**—

Discarded Military Munitions **DoD**—Department of Defense

DoDI—Department of Defense Instruction **DoDM**—

Department of Defense Manual **DSMOA**—Defense and State Memorandum of Agreement

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

EA—Enforcement Action

EC—Emerging Contaminant

EESOH-MIS—Enterprise Environmental, Safety & Occupational Health-Management Information System (at <https://eesoh.cce.af.mil/eesoh/>)

EO—Executive Order

EOD—Explosive Ordnance Disposal

EPA—United States Environmental Protection Agency

ERA (AF)—Environmental Restoration Account **ERP**—

Environmental Restoration Program **FFA**—Federal Facility Agreement

FS—Feasibility Study **HAF**—

Headquarters Air Force **LTM**—

Long-Term Management **LUC**—

Land Use Control **MAJCOM**—

Major Command **MAP**—

Management Action Plan **MCs**—

Munitions Constituents **MD**—

Mission Directive

MIS—Management Information System **MMRP**—
Military Munitions Response Program **MOA**—
Memorandum of Agreement **MRA**—Munitions
Response Area **MRS**—Munitions Response Site
NCP—National Contingency Plan (also known as The National Oil & Hazardous Substances
Pollution Contingency Plan)
NFRAP—No Further Response Action Planned
NGB/A4V—Air National Guard Bureau Logistics and Installations Directorate, Asset
Management Division, Environmental Branch
NGB/AQ—Air National Guard Bureau Acquisition
NGB/CF—Air National Guard Bureau Directorate
NGB/JA—Air National Guard Bureau Judge Advocate
NOV—Notice of Violation
NPL—National Priorities List **NUREG**—
Nuclear Regulatory Legislation **O&M**—
Operations and Maintenance **OPR**—
Office of Primary Responsibility **OSD**—
Office of the Secretary of Defense
OSWER—Office of Solid Waste and Emergency Response, EPA
PA—Preliminary Assessment **PHA**—
Public Health Assessment **POC**—Point of
Contact
POM—Program Objective Memorandum
PP—Proposed Plan **PRP**—
Potentially Responsible Party
RAB—Restoration Advisory Board
RC—Response Complete
RCRA—Resource Conservation and Recovery Act
RI—Remedial Investigation **ROD**—
Record of Decision **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/GC—Air Force Office of General Counsel

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 for Environment, Safety, Infrastructure **SAF/IEI**—Deputy Assistant Secretary of the Air Force (Installations)

SAF/PA—Air Force Office of Public Affairs

(SEW)—Weapons Safety Division

SI—Site Inspection

SOP—Standard Operating Procedure

TPS—Third-Party Sites **TOA**—

Total Obligation Authority

USACE—U.S. Army Corps of Engineers

USAFSAM—United States Air Force School of Aerospace Medicine

USC—United States Code

UXOs—Unexploded Explosive Ordnance

Terms

Active Installation—A military installation that is currently in service and being regularly used for military activities. This includes AFRC installations.

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, Parts 300.800 – 300. 825, *Administrative Record for Selection of Response Action*).

Applicable or Relevant and Appropriate Requirements (ARAR)—Per 40 CFR Part 300.5, *Definitions*, “applicable requirements” means those cleanup standards, standards of control, and other 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.”

Building Demolition and Debris Removal—“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)

Contamination—any hazardous material which is present in the soil, groundwater, surface water, air or building materials of a property in a concentration that exceeds the concentration allowed by applicable Environmental Law.

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 – 9675).

Cleanup—See Remediation.

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

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

Cooperative Agreement—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 Defense and State Memorandum Agreements (DSMOA), a Cooperative Agreement is an agreement between a state and US Army Corps of Engineers (USACE) Grants Officer on behalf of the United States. Cooperative Agreement define the financial assistance available for reimbursement of a state’s eligible services under the DSMOA for the specified Cooperative Agreement period, the installations in the state’s DSMOA or Cooperative Agreement program, and any terms affecting that funding or its use. The Cooperative Agreement 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, and signed by the USACE DAMOA Grants Officer.

Cost to Complete (CTC)—The estimated costs remaining at Defense Environmental Restoration Program sites, covering the period beginning October 1 of the upcoming Fiscal Year 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 Proposed Plans and Records of Decision, 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.

Discarded Military Munitions (DMMs)—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 Unexploded Explosive Ordnance (UXOs), 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 Virtual Environmental Management Office 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://cs2.eis.af.mil/sites/10040/WPP/HomePage/Home.aspx>)

Emerging Contaminants (EC)—EC are contaminants that: (1) present a potential unacceptable risk to human health and the environment; and (2) either do not have regulatory standards based on peer-reviewed science, or the existing regulatory standards are evolving 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 Environmental Restoration Program data management system for active and ANG DERA eligible installations.

Environmental Baseline Survey—A multi-disciplinary site survey conducted prior to or in the initial stage of an operational deployment.

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, 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, or disposal is required by lease, contract, federal, state, 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, or disposal. (DoD 7000.14-R, Vol 4, Chapter 13)

Environmental Quality—The combination of three traditional environmental pillars that need to be managed to ensure the protection of the natural infrastructure and compliance with environmental regulations. These encompass the program elements of compliance, conservation, and P2

Environmental Resources Program Information Management System—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 or 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. The DUSD(I&E) per DoDM 4715.20 and AF/A4CA per ERA, shape the ERA Eligibility Guidance in eDASH establishing eligibility criteria for the ERA, AF account at: <https://cs2.eis.af.mil/sites/10040/Shared%20Documents/AFLOA%20List%20Attachments/AF%20ERA%20Funding%20Guidance.pdf>

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

Explosive Ordnance Disposal—The detection, identification, on-site evaluation, rendering safe, recovery, and final disposal of UXOs or other hazardous explosive devices, including damaged or deteriorating munitions and explosives.

Explosives Safety—A condition where operational capability and readiness, people, property, and the environment are protected from the unacceptable effects or risks of potential mishaps involving DoD military munitions or other encumbering explosives or munitions.

Facility—As defined in 42 USC § 9601 “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 Facility Agreement (FFA)—An agreement between a DoD Component and EPA that incorporates and may expand on the CERCLA requirements for an interagency agreement. An FFA establishes roles and responsibilities of the parties involved. Negotiated FFA govern Air Force obligations at many NPL sites. See also “interagency agreement.”

Fiscal Year—A 12-month period at the end of which all accounts are completed in order to provide a statement of a company's, organization's, or Government's financial condition, or for tax purposes. A fiscal year does not necessarily correspond to a calendar year. The Federal Fiscal Year runs from October 1 of the prior year through September 30 of the next year.

Hazardous Waste—Any solid waste defined as a hazardous waste pursuant to 40 CFR Part 261.3, *Definition of hazardous waste*, or authorized state or host nation rules and regulations.

Health Risk Assessment—A process used to identify and evaluate occupational and environmental health threats in populations or at locations over time. It results with estimates of the overall mission impact, recommended control options, and associated uncertainties. Further defined in AFMAN 10-2503, *Operations in a Chemical, Biological, Radiological, and Nuclear (CBRN) Environment*.

Interagency Agreement—Formal documents in which two or more Federal agencies agree to cooperate. Pursuant to 42 USC § 9620 (e), for any installation listed on the National Priority List, the Component must enter into a CERCLA interagency agreement within 180 days of the required EPA review of the Remedial Investigation or Feasibility Study.

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 Formerly Used Defense Sites or any facility used primarily for civil works, rivers and harbors projects, or flood control projects.” (DoDM 4715.20)

Installation commander—The individual responsible for all operations performed by an installation.

Joint Execution Plan—A mutually agreed (state and AFCEC/CZ or AFCEC/CIB) plan of action for Defense and State Memorandum of Agreement 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 Joint Execution Plan should mirror information in the installation MAP. The Joint Execution Plan form also includes space for the state to later insert information concerning state services provided.

Lead Agency—The United States Government agency designated to coordinate the interagency oversight of the day-to-day conduct of an ongoing operation.

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)

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 LUC are generally the same as those used for institutional controls, as discussed in the National Contingency Plan. Examples of institutional controls include deed notices; institutional control registries, property easements and covenants; installation administrative controls, such as construction and work request review and approval processes; and administrative orders and cleanup agreements.

Major Command—For the purpose of this instruction, includes all USAF Major Commands plus the Air National Guard Readiness Center, Air Force Reserve Command, Direct Reporting Units, and Field Operating Agencies.

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 (in accordance with the SOP for the SAF/IE and AF/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 Environmental Restoration 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.

Manpower Requirements—Human resources needed to accomplish specified work loads of organizations.

Military Munitions—As defined in 10 USC §101(e)(4), *Definitions, Military munitions*, “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 – 2297h-13, *Development and Control of Atomic Energy* (commonly referred to as the Atomic Energy Act) have been completed.”

Munitions Constituents (MCs)—As defined in 10 USC § 2710(e)(3), “any materials originating from UXOs, DMMs, 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 Part 179.3, “response actions, including investigation, removal actions, and remedial actions, to address the explosives safety, human health, or environmental risks presented by UXOs, Discarded Military Munitions (DMMs), or MCs, or to support a determination that no removal or remedial action is required.”

Munitions Response Area (MRA)—As defined in 32 CFR Part 179.3, “any area on a defense site that is known or suspected to contain UXOs, DMMs, or MCs. Examples are former ranges and munitions burial areas. An MRA comprises one or more MRS.”

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

Munitions Response Site Prioritization Protocol—Per Deputy Under Secretary of Defense(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 UXOs, DMMs, or MCs.

National Contingency Plan—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 Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). For Federal Facilities on the NPL, the Federal agency must enter an interagency agreement with EPA.

Natural Resources—Per 40 CFR Parts 300.500 – 300.525, *State Involvement in Hazardous Substance Response*, “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 and 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 Parts 300.420(b)(4) or (c)(5) as appropriate.

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.

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 AF/A4.)

Program Objective Memorandum—The final product of the annual programming process within the Department of Defense which translated planning guidance into programs by aligning resources with specific requirements to support operations, training, maintenance and base support.

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) at <https://www.denix.osd.mil/references/dod/policy-guidance/relative-risk-site-evaluation-primer/>, 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-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)

Remedial Project Manager—The person assigned to manage remedial or other response actions at sites in the Environmental Restoration Program (ERP). The remedial project managers 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 Remedial Design and would be expected to meet the remedial action objectives detailed in the Decision Document. 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 Response Complete.” (DoDM 4715.20)

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 underground storage tanks (42 USC §§ 6901 – 6992k). 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 enforced through the statutory authorities established by Public Law 98-616, 98 Stat. 3221, *Hazardous and Solid Waste Amendments of 1984*, and is substantively equivalent to CERCLA.

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 and SI or RI that no additional response action is required; achieved RIP and the required Remedial Action-Operation has achieved the remedial action objectives; or where there is no Remedial Action-Operation 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.

Requirements Development—The process of defining actual contract support requirements and capturing these requirements in acquisition ready contract support requirements packages.

Risk Assessment—The process of detecting hazards and their causes, and systematically assessing the associated risks.

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 Long Term Monitoring, including Land Use Controls, is required). Also, may be a no further action.” (DoDM 4715.20)

Solid Waste—Any discarded material as defined in 40 CFR, Part 261.2, *Definition of Solid Waste*.

Technical Review Committee—A group comprised of the Department of Defense, EPA, State, and local authorities and a public representative of the community formed to meet the requirements of 10 USC 2705(c), the Department of Defense Environmental Restoration Program. Primarily functioning to review installation restoration documents, these committees are being expanded and modified at installations where interest or need necessitates the creation of a RAB.

Third Party Sites—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.

Total Obligation Authority (TOA)—the financial requirement of the Future Years Defense Plan (FYDP), or any component thereof, necessary to support the approved program. The total budget authority received and posted in the accounting system supporting an organization's approved program. TOA includes the anticipated reimbursements an organization expects to earn plus the organization's direct budget authority.

Unexploded Explosive Ordnance (UXOs)—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 COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION, AND LIABILITY ACT (CERCLA) RESPONSE PROCESS AND
RESOURCE CONSERVATION AND RECOVERY ACT (RCRA) CORRECTIVE
ACTION**

Table A2.1. CERCLA/RCRA Corrective Action.

CERCLA	RCRA Options*	Description of Step
Site Discovery and Notification		<p>Identify past releases of hazardous substances or hazardous waste and constituents according to information obtained during records searches or other ongoing project activities</p> <p>Notify applicable regulators</p>
Preliminary Assessment/Site Investigation (PA and SI)	RCRA Facility Assessment (RFA)	<p>Review real property assets for potential releases of hazardous substances to the environment</p> <p>Collect information regarding site conditions, potential contamination, and exposure pathways, in order to determine whether further investigation or short-term action is necessary</p> <p>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</p> <p>Identify sites and solid waste management units</p>
Removal or Interim remedial action (IRA)	Interim measure (IM)	<p>Conduct short-term actions to address any immediate threats to human health or the environment or to prevent further contaminant migration</p> <p>Remedial actions taken during the RI or FS process that are not the complete or final remedial action</p> <p>Documented in an action memorandum or interim ROD under CERCLA. For RCRA, check with the regulator.</p> <p>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</p>
Remedial Investigation (RI)	RCRA Facility Investigation (RFI)	<p>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</p> <p>Estimate potential risks posed by site contamination to human health and the environment</p> <p>Collect data and conduct treatability studies required to support the remedy or corrective action selection process</p>
Feasibility Study (FS)	Corrective Measures Study (CMS)	<p>Develop, screen, and evaluate remedial or 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</p>

CERCLA	RCRA Options*	Description of Step
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 or 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 and 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 or corrective action objectives identified in the DD have been met Document in a Remedial Action Completion Report or Corrective Action Complete Report to ensure recognition that the remedial or corrective action objectives are achieved
Long-Term Management (LTM)		Monitor long-term protectiveness of the remedy; includes monitoring site conditions, operation and management of LUC, and performance of five-year reviews
Site Closeout (SC)		Complete active management and monitoring at an environmental restoration site, achieving unlimited use and unrestricted exposure such that no additional environmental restoration funds will be expended at the site (i.e., no further LTM, including LUC, is required)
Note: * 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.		

**BY ORDER OF THE SECRETARY
OF THE AIR FORCE**

AIR FORCE INSTRUCTION 32-7020

12 MARCH 2020

Civil Engineering

**ENVIRONMENTAL
RESTORATION PROGRAM**



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This publication implements Air Force Policy Directive (AFPD) 32-70, *Environmental Considerations in Air Force Programs and Activities*, and provides guidance and procedures for executing the Air Force (AF) Environmental Restoration Program (ERP) within the United States. This instruction applies to all civilian employees, uniformed members, operations, activities, and installations of the Regular Air Force, Air Force Reserve and Air National Guard, as well as to activities at government-owned, contractor-operated facilities and activities at third-party sites (TPS) where environmental restoration activities are managed by the USAF. This instruction may be supplemented at any level, but all supplements that directly implement this publication are routed to United States Air Force, Deputy Chief of Staff for Logistics, Engineering & Force Protection - Directorate of Civil Engineers – Asset Management Division (AF/A4CA) 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 AF Forms 847 from the field through the appropriate functional chain of command. The authorities to waive wing or unit level requirements in this publication are identified with a Tier (“T-0, T-1, T-2, T-3”) number following the compliance statement. See Air Force Instruction (AFI) 33-360, *Publications and Forms Management*, for a description of the authorities associated with the Tier numbers. Submit requests for waivers through the chain of command to the appropriate Tier waiver approval authority, or alternately, to the requestor’s commander for non-tiered compliance items. Ensure all records created as a result of processes prescribed in this publication are maintained in accordance with

AFI 33-360 and disposed of in accordance with the Air Force Records Disposition Schedule located in the Air Force Records Information Management System.

SUMMARY OF CHANGES

This document includes substantial revisions and must be completely reviewed. This rewrite updates office symbols; removes duplicative material; streamlines remediation procedures and approval processes; and clarifies tier waiver application and designation consistent with AFI 33-360. It updates funding eligibility requirements for Air National Guard (ANG) installations. The duplicative information removed from this document is in DoDM 4715.20, *Defense Environmental Restoration Program (DERP) Management*.

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Chapter 1

OVERVIEW - APPLICABILITY, SCOPE, AND AUTHORITY

1.1. Applicability. The requirements in this instruction apply to all ERP activities, regardless of timing of the release of contaminations or the legal authority driving the activity.

1.2. 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:

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

1.2.2. Correcting other environmental damage (such as damage caused by detection and disposal of Unexploded Explosive Ordnance (UXOs) on other than operational ranges) that creates an imminent and substantial endangerment to the public health or welfare or to the environment; and

1.2.3. 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.

1.3. Environmental Restoration Program Categories. The ERP has three program categories: Installation Restoration Program, Military Munitions Response Program (MMRP), and building demolition and debris removal.

1.3.1. Installation Restoration Program.

1.3.1.1. The Installation Restoration Program 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:

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

1.3.1.1.2. 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 Title 42 United States Code (USC) Sections 9601 – 9675 (42 USC §§ 9601 – 9675), *Comprehensive Environmental Response, Compensation, and Liability Act* (CERCLA)).

1.3.1.1.3. Petroleum, oil, lubricants. In accordance with the DERP, long-term cleanup of petroleum, oils, and lubricants are addressed as part of the Installation Restoration Program. Defense Logistics Agency (DLA) funded petroleum, oil, and lubricants cleanup locations do not use DERP funding without a memorandum of understanding as defined in [paragraphs 13.6.1](#) and [13.6.2](#). **(NOTE:** The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) contains a petroleum exclusion, so certain releases of petroleum, oils, and lubricants are not covered by CERCLA. Releases may also be covered under other applicable authorities

consistent with the DERP, such as 42 USC §§ 6901 – 6992k, *Solid Waste Disposal Act* (aka Resource Conservation and Recovery Act (RCRA)) and paragraph 6.h. of DoDM 4715.20, Enclosure 3.

1.3.1.1.4. Hazardous wastes and hazardous waste constituents per 42 USC § 9601(14), *Definitions*.

1.3.1.1.5. 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.

1.3.1.2. The Installation Restoration Program also covers response activities to address UXOs, discarded military munitions (DMMs), or munitions constituents (MCs) that are incidental to an existing Installation Restoration Program site.

1.3.1.2.1. To determine whether UXOs, DMMs, and MCs are incidental to an Installation Restoration Program site, see Environmental Restoration Account, *Air Force Environmental Restoration Account (AF ERA) Funding Eligibility Guidance* (referred to as ‘ERA Eligibility Guidance’ throughout the document) located in eDASH at:

<https://cs2.eis.af.mil/sites/10040/Shared%20Documents/AFLOA%20List%20Attachments/AF%20ERA%20Funding%20Guidance.pdf>

1.3.1.2.2. 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.

1.3.2. Military Munitions Response Program (MMRP)

1.3.2.1. The MMRP pertains to munitions response actions that address UXOs, DMMs, or MCs at defense sites (i.e., munitions response areas (MRA) or munitions response sites (MRS)). 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.

1.3.2.1.1. It is Department of Defense’s (DoD) interpretation that UXOs, as a class, and MCs on other than operational ranges, may constitute a pollutant or contaminant under the definitions provided by CERCLA if it presents an imminent and substantial endangerment to public health or welfare. If a UXOs is being excavated for destruction due to the UXOs reactive capability, the UXOs is then a RCRA regulatory hazardous waste and thus a CERCLA hazardous substance. This applies to all UXOs being managed for treatment. AF commanders and responsible officials shall ensure CERCLA is the preferred response mechanism used to address UXOs at other than operational ranges in accordance with DoDM 4715.20. (T-0).

1.3.2.2. The MMRP may also include response actions to address releases that are defined in [paragraph 1.2.1](#) through [1.2.3](#) but that are incidental to addressing an existing munitions response site. (Note: See Environmental Restoration Account, ERA Eligibility Guidance to determine whether releases defined in [paragraph 1.2.1](#) through [1.2.3](#) are incidental to a MMRP site.)

1.3.3. Building demolition and debris removal. The building demolition and debris removal 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 substantial restrictions on the availability of Environmental Restoration Account and Base Realignment and Closure (BRAC) Account funds for building demolition and debris removal; AF commanders and responsible officials must have Assistant Secretary of the Air Force/Installations, Environment, and Energy (SAF/IE) approval of any request prior to programming funds. (T-0). See Paragraph 3.c. of DoDM 4715.20, Enclosure 3, for more information.

1.4. Former Air Force Properties. Environmental restoration requirements associated with Air Force real property, where the property transferred from the Air Force and the contamination 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 Program. If extenuating circumstances warrant continued Air Force involvement at the site, justification must be submitted to United States Air Force, Directorate of Civil Engineers (AF/A4C) for authorization to use Air Force obligation authority. Either the Air Force Civil Engineer Center (AFCEC) Environmental Directorate (CZ), AFCEC Installations Directorate (CI), or the Air National Guard Logistics and Installations Directorate, Asset Management Division, Environmental Branch (NGB/A4V), as appropriate, must submit these justifications. (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 Formerly Used Defense Sites Program. The Air Force retains responsibility for former properties not eligible for the Formerly Used Defense Sites Program. Consult legal counsel to determine the extent of Air Force responsibilities.

1.5. Legal Authorities. 10 USC §§ 2700 – 2711, *Environmental Restoration*, also defined in DoDM 4715.20, is the statutory authority that establishes an ERP 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 principally in accordance with 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.

1.5.1. 42 USC §§ 9601 – 9675 and its implementing regulation, Title 40, Code of Federal Regulations (CFR), Part 300, *National Oil and Hazardous Substances Pollution Contingency Plan*, normally called the National Contingency Plan (NCP), apply to most restoration activities. DoDM 4715.20 delegates authority and responsibility to the Secretary of Defense (further 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**).

1.5.2. 10 USC § 2701, *Environmental restoration program*, at § 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 UXOs) 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.”

1.5.3. 42 USC §§ 6901-6992k, *Resource Conservation and Recovery Act (RCRA)* has “corrective action” authorities in 42 USC §§ 6924(u) and 6928(h) that 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 the United States Environmental Protection Agency (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, *Imminent Hazard*, 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.

1.5.4. CERCLA and 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 in accordance with the following authorities and principles:

1.5.4.1. 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 Directive 9272.0-22, *Improving RCRA and CERCLA Coordination at Federal Facilities*, for additional information.

1.5.4.2. 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.

1.5.4.3. 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.

1.5.5. Environmental Restoration under State Response Laws. At all installations, Air Force commanders and responsible officials must comply with state substantive laws. **(T-0)**. At Non-National Priority List (NPL) installations, 42 USC § 9620, *Federal facilities*, 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.

1.5.6. 42 USC §§ 2011 – 2297h-13, *Development and Control of Atomic Energy* (commonly referred to as the Atomic Energy Act). The Air Force manages radioactive materials under the Atomic Energy Act, as amended in the Nuclear Regulatory Legislation (NUREG) (also known as “NUREG-0980”) 110th Congress; 2d Session. Defense weapons grade nuclear materials are handled under 42 USC §§ 2121 – 2123, *Military Application of Atomic Energy*.

1.5.6.1. The Air Force Safety Center (AFSEC) should be consulted on all issues involving the handling or transport of 91(b) radioactive material associated with current nuclear weapons maintenance operations. The term 91(b) refers to radioactive material covered under Public Law 83-703, *The Atomic Energy Act of 1954*, Chapter 9, *Military Application of Atomic Energy*, Section 91(b), *Authority*. All other uses of radioactive materials are regulated by the Nuclear Regulatory Commission through a license procedure. The United States Air Force Radioisotope Committee, pursuant to authority set forth in AFMAN 40-201, *Radioactive Materials (RAM) Management 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 the Letter of Understanding the Air Force has with the Nuclear Regulatory Commission located at <https://www.nrc.gov/docs/ML1003/ML100390080.pdf>.

1.5.6.2. Depending on the actual circumstances of each site where response actions concerning radioactive material are contemplated (notwithstanding that the Nuclear Regulatory Legislation- 1575, Rev. 1, *Multi-Agency Radiation Survey and Site Investigation Manual*, is the basic rule book), requirements under CERCLA or RCRA may also apply. The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A4V should consult with Air Force Office of General Counsel, Installations, Energy and Environmental Division (SAF/GCN) or AFLOA/JACE regarding legal questions related to radioactive materials.

1.5.7. Environmental contamination outside the United States. When conducting remedy of environmental contamination outside the United States, Air Force personnel overseas will comply with AFI 32-7091, *Environmental Management Outside the United States*, 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 Environmental Restoration Program (ERP) mission is to protect human health and the environment, and comply with all applicable statutory, regulatory and other requirements. Air Force commanders and responsible officials shall achieve cost and schedule efficiencies and program effectiveness. This is done by implementing a performance-based approach to environmental restoration as much as feasible, minimizing life-cycle costs, and maximizing the reduction of Air Force environmental liabilities. **(T- 0).** The Air Force optimizes investment, and mitigates and apportions risk, by planning, programming, budgeting, and executing restoration activities.

2.2. Operating Principles.

2.2.1. Air Force commanders and responsible officials will ensure all environmental restoration activities comply with the Defense Environmental Restoration Program (DERP). **(T-0).**

2.2.2. 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 as considered when selecting response actions. On properties slated for disposal (excess or Base Realignment and Closure (BRAC)), all sensible 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).

2.2.3. 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.

2.2.4. The Environmental Restoration Account, Air Force (ERA, AF) and Air Force BRAC account are the sole sources of funding for environmental restoration activities regardless 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 Eligibility Guidance.

2.2.4.1. Exceptions 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.

2.2.4.1.1. 40 USC §§ 572(b)(5)(A) and (B), *Real Property*, 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.

2.2.4.1.2. 10 USC § 2667(c)(1)(A), *Leases: non-excess property of military departments and Defense Agencies*, provides that restoration may be provided as in-kind consideration under certain leases.

2.2.4.1.3. 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.

2.2.4.1.4. Additionally, under some circumstances, a military construction project must assume the costs of responding to contamination.

2.2.4.1.5. Air National Guard (ANG) program could require ANG Operation and Maintenance (O&M) or Environmental Restoration Account funding sources, so Air National Guard Readiness Center or NGB/A4V should be contacted for decision of what funds need to be used. **(T-0)**.

2.2.4.1.6. Refer to AFI 32-7001, *Environmental Management*, for instances where DoD was not the owner or operator at the time of contamination

2.3. Policy. IAW Department of Defense Instruction (DoDI) 4715.07 policy, *Defense 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 **(T-0)**. These strategies include employing performance-based strategies and processes, where appropriate, and cost and benefit and total life-cycle studies in remedy selection decisions to meet Air Force operating principles and the objectives in DoDM 4715.20, which are to:

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 Base Realignment and Closure (BRAC) locations safe and environmentally suitable for transfer.

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

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 integral components of successfully performing military mission activities.

2.5.1.1. Appropriate response actions 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) by meeting DoD goals and metrics in accordance with 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). In accordance with 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. This includes formulation, review, and execution of plans, policies, programs, budgets, and Air Force positions regarding federal and state legislation and regulations related to the ERP. This oversight is performed in consultation with the United States Air Force, Deputy Chief of Staff for Logistics, Engineering, and Force Protection (AF/A4).

3.2. Deputy Assistant Secretary of the Air Force (Environment, Safety, and Infrastructure) (SAF/IEE). With the exception of the Environmental Impact Analysis Process, all matters pertaining to Air Force ERP have been delegated to the SAF/IEE, and are accomplished in consultation with the United States Air Force, Deputy Chief of Staff for Logistics, Engineering, and Force Protection, Directorate of Civil Engineers (AF/A4C).

3.2.1. SAF/IEE establishes and issues policies for ERP-related functions. SAF/IE and AF/A4, or as delegated to SAF/IEE and AF/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, outside 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 agreed upon), SAF/IEE and AF/A4C (AF/A4CA) jointly conduct program management reviews to exercise program oversight.

3.2.3. SAF/IEE issues policy and strategic direction for enterprise-wide ERP response actions for EC, consistent with DoDI 4715.18, *Emerging Contaminants (EC) of Environmental Concern*.

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. This includes 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 Base Realignment and Closure (BRAC). SAF/IEI will coordinate and consult 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).

3.4.1. Serves as the principal legal advisor to SAF/IE, SAF/IEE and SAF/IEI on environmental policy matters and issues, including remediation of environmental contamination attributable to the Air Force

3.4.2. Serves as principal Air Force legal representative on all environmental-related policy issues involving the Office of the Secretary of Defense/Office of General Counsel or General Counsel Offices of other Federal agencies.

3.4.3. When appropriate, consults with the Headquarters, United States Air Force, Judge Advocate General (AF/JA), the Air Force Legal Operations Agency (AFLOA), or other Air Force legal services providers.

3.4.4. Nothing in this paragraph is inconsistent with Headquarters Air Force Mission Directive (HAFMD) 1-14, *General Counsel and The Judge Advocate General*.

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. Air Force Installation and Mission Support Center (AFIMSC)/Public Affairs (PA). AFIMSC/PA works with the installation and Major Command (MAJCOM) PA offices, SAF/PA, AFCEC Environmental Restoration Division (CZR), AFCEC/CIB (for BRAC locations), and NGB/A4V (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, AFIMSC/PA, AFCEC/CZ (or AFCEC/CIB at BRAC locations), and NGB/A4V (for ANG facilities) regarding public affairs activities in support of the ERP.

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

3.6.1. AF/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, as well as non-routine or policy-related requests from OSD, other federal agencies, state and local governments, and other outside organizations. Complete these requests with advance coordination from SAF/IEE and SAF/IEI, as appropriate and consistent with Attachment 5 to HAF MD 1-18.

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 or support to SAF/IE (or applicable Deputy Assistant Secretary) for responses to congressional and state government inquiries.

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

3.6.3. AF/A4C has overall responsibility to manage the ERP 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. AF/A4C supports the Program Objective Memorandum (POM), Budget Estimate Submission, President's Budget, and inner Air Force resource processes for the ERP.

3.7. United States Air Force, Deputy Chief of Staff for Logistics, Installations & Mission Support - Directorate of Civil Engineers – Asset Management Division (AF/A4CA). Serves as the overall AF/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 process guidance to implement policy. For AF/A4C, the AF/A4CA:

3.7.1. Tracks program progress; develops and tracks execution metrics; and reviews and coordinates on installation cleanup agreements, interagency agreements, and federal facility agreements (FFA).

3.7.2. Supports the development of, validates, and advocates for the Environmental Restoration Program (ERP), Air National Guard (ANG) Operation and Maintenance (O&M) Restoration, and Base Realignment and Closure (BRAC) POM. Supports the Budget Estimate Submission and President's Budget. Facilitates transfer of Environmental Restoration Account, AF from the Assistant Secretary of the Air Force for Financial Management and Comptroller (SAF/FM), in accordance with the annual Environmental Restoration Account budget approved through the Air Force Corporate Board structure.

3.7.3. Develops ERP guidance to implement policy in accordance with the SOP for the SAF/IE and AF/A4, and consults with the Air Force Installation and Mission Support Center on ERP guidance.

3.7.4. Satisfies routine requests for data, information, status reports and reporting requirements from OSD, Congress, other federal agencies, outside organizations, and state and local governments by direct reply with copy to the Deputy Assistant Secretary 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 support to SAF/IE (or applicable Deputy Assistant Secretary) 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 AF/A4C representative to DoD committees, teams, councils, and working groups.

3.8. Headquarters, United States Air Force, Office of the Judge Advocate General (AF/JA):

3.8.1. Provides legal advice and assistance to Headquarters Air Force and field activities on Air Force environmental issues and activities at Air Force installations, properties, and Third Party Sites. AF/JA provides this support primarily through the Air Force Legal Operations Agency, Civil Law Directorate, Environmental Law and Litigation Division (AFLOA/JACE). Support includes:

3.8.1.1. Interpreting policy, providing instruction, and coordinating guidance; preparing legal reviews; assisting or conducting regulatory negotiations; and legal advice, litigation support, and legal oversight concerning Third Party Sites and affirmative cost recovery; and legal support, review, and coordination on all cleanup agreements, permits; and orders.

3.8.1.2. Participating in in program management reviews, working groups, and panels, as necessary;

3.8.1.3. Managing the Third Party Site program and provides requirements to AFCEC/CZR for inclusion in the ERA budget.

3.8.2. When appropriate, consults with the Air Force General Counsel (SAF/GC) or Deputy General Counsel Installations, Energy & Environment (SAF/GCN).

3.8.3. Nothing in this paragraph is inconsistent with HAFMD 1-14.

3.9. Air Force Installation and Mission Support Center (AFIMSC). AFIMSC provides leadership, oversight, and execution of AF-wide installation and mission support activities. For the Air Force ERP, execution and supporting collaboration, coordination and communications engagement responsibilities, and other related program activities, are provided by the Air Force Civil Engineer Center (AFCEC) (a Primary Subordinate Unit to the AFIMSC) and the Air National Guard (ANG), as described in [paragraphs 3.10](#) and [3.11](#). AFIMSC develops and advocates for the ERP, Air National Guard Operations and Maintenance, and Base Realignment and Closure (BRAC) POM as the Program Element Manager. AFIMSC supports the Budget Estimate Submissions and President's Budget and facilitates transfer of Environmental Restoration Account, Air Force funding from SAF/FM, in accordance with the annual Environmental Restoration budget approved through the Air Force Corporate Board structure. Additionally, AFIMSC:

3.9.1. Publishes annual Environmental Restoration accounting ((Defense Environmental Restoration Account (DERA), BRAC, Air National Guard (ANG) Operation and Maintenance (O&M) restoration)), Air Force funding guidance, with updates as appropriate to support applicable higher headquarters funding policy and process changes.

3.9.2. Conducts Program Element Manager Parades and serves as the subject matter expert for Environmental Restoration accounting (DERA, ANG O&M restoration, and BRAC) Air Force budget requirements.

3.10. Air Force Civil Engineer Center (AFCEC). AFCEC 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, *Superfund Implementation*, as amended, provided the individual is a member of the Senior Executive Service or a General Officer, with AFLOA/JACE concurrence pursuant to the SAF/IEE re-delegation memorandum (or related re-delegated authorities). **(T-0)**. The AFCEC Director (or Deputy) through AFCEC/CZ and AFCEC/CI will also communicate program performance and compliance to SAF/IEE and AF/A4C through recurring program management reviews. **(T-1)**.

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 federal facility agreements for active installations after SAF/IEE approval; signs removal action memoranda, records of decisions and other Decision Documents after legal and technical review and installation commander coordination is encouraged ((except for cleanup under Resource Conservation and Recovery Act (RCRA) where the installation commander normally signs the Decision Documents)); signs five-year reviews; signs memorandum of agreements (MOA) or other similar agreements for selecting, implementing, operating, or maintaining Land Use Controls (LUC) after SAF/IEE approval; and acts as a natural resources trustee per SAF/IEE designation provided the individual is a member of the Senior Executive Service or a General Officer. **(T-0)**.

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

3.10.1.2. AFCEC Environmental Restoration Division (AFCEC/CZR) develops and implements programmatic and execution strategies for the ERP, manages the Air Force's Environmental Restoration accounting (DERA funds) 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 and NGB/A4V, 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 Environmental Liabilities. **(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 AF/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 maintains or modifies 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 Department of Defense and State Memorandum of Agreement Joint Execution Plans 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 environmental liabilities and sustain audit readiness processes. **(T-0)**. Updates the environmental liabilities yearly 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 Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Resource Conservation and Recovery Act (RCRA), or the Underground Storage Tank 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 or project inspections and review contract deliverables for contractor performance and documents preceding submission to regulatory agencies. **(T-0)**. Monitors and tracks remedy implementation (including LUC). Performs activities required for Long Term Management (LTM). 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 organizes 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 (EA)). **(T-0)**.

- 3.10.1.3.12.4. Assigns a remedial project manager 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.
- 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 military munitions response program (MMRP) documents through the installation commander, MAJCOM, and other appropriate offices (to include Major Command/Weapons Safety Division (MAJCOM/SEW), United States Air Force Safety Center/Weapons Safety Division (AFSEC/SEW), and Department of Defense Explosive Safety Board, as required for Explosive Safety Submission documents – see [paragraph 14.11](#)). **(T-0)**.
- 3.10.1.3.12.8. Ensures evaluation under Environmental Inspection Process self-assessments in accordance with AFI 32-7001 and supports the inspection system in accordance with AFI 90-201, *The Air Force Inspection System*. **(T-1)**. Reviews Management Internal Control Toolset 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 and SI reports that result in site closeout, engineering evaluation and cost analyses, removal action memoranda, FSs, PPs, RODs and any modification thereof, five-year reviews, remedial action completion and site (and facility-wide) closeout reports, and National Priority List deletion requests, as well as parallel documents under other legal authorities. Provides technical support to AFLOA/JACE regarding affirmative cost recovery actions and the third party sites 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 LUC) in accordance with applicable Decision Documents (DD). **(T-0)**.
- 3.10.1.3.12.11. Develops, identifies, tracks, and reports all cleanup and long term management actions, to include land use control activities specified in DD. **(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 LUC) consistent with applicable DD. **(T-0)**.
- 3.10.1.3.12.13. Designates a spokesperson to the community in coordination with the installation commander. **(T-0)**. See [paragraphs 5.2.8.1](#) and [5.2.8.2](#).
- 3.10.1.3.12.14. Approves community Restoration Advisory Board (RAB) members' requests for technical assistance through the Technical Assistance for Public Participation program.

3.10.1.3.12.15. Ensure that the alternatives evaluation considers, and incorporates to the maximum extent practicable, the energy, environment, and economic considerations in Executive Order (EO) 13834, *Efficient Federal Operations*, and Department of Defense Manual (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 Environmental Management System approach in accordance with AFI 32-7001.

3.10.1.3.13. Provides support to MAJCOMs. Provides periodic updates to the MAJCOM regarding status of and issues related the MAJCOM installations' environmental restoration sites. 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 Bioenvironmental Engineering Flight of any situation that involves a potential completed pathway of exposure exceeding applicable relevant and appropriate requirements (ARAR) from a regulated chemical or chemical of concern, to include a potential vapor intrusion pathway to building occupants. **(T-0)**. Provides data, information and support necessary to perform a health risk assessment. **(T-0)**.

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, AF/A4C, SAF/IEE, SAF/IEI, NGB/A4V, 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 or 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. **(T-1)**.

3.10.1.4.5. 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)**.

3.10.1.4.6. Prepares guidance for implementing enterprise-wide responses in support of the Air Force Emerging Contaminants (EC) program. **(T-1)**.

3.10.1.4.7. 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)**.

3.10.1.4.8. 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 federal facility agreements (FFA) after SAF/IEE approval; sign MOA or other similar agreements for selecting, implementing, operating, or maintaining Land Use Controls (LUC) 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 they are a Senior Executive Service or General Officer **(T-0)**.

3.10.2.2. Base Realignment and Closure (BRAC) Program Management Division (AFCEC/CIB). For BRAC locations, AFCEC/CIB shall:

3.10.2.2.1. Execute the Environmental Restoration Program (ERP) by developing the ERP budget requirements for the BRAC account Program Objective Memorandum (POM). **(T-0)**.

3.10.2.2.2. Execute and manage environmental cleanup; track and report ERP performance; and develop Air Force ERP technical guidance. **(T-0)**.

3.10.2.2.3. Track and report ERP performance and develop ERP technical guidance. **(T-0)**.

3.10.2.2.4. Identify, develop, field, sustain, and operate and maintain central ERP information systems and data (to include site audit files). **(T-0)**.

3.10.2.2.5. 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)**.

3.10.2.2.6. Be the responsible office generally for executing real property actions under the oversight of SAF/IEI. **(T-0)**.

3.10.2.2.7. Manage the ERP in compliance with 42 USC §§ 9601 – 9675, DoDM 4715.20, and applicable state and local laws and regulations; maintain or modify applicable permits (e.g., RCRA corrective action) and regulatory schedules, as necessary. **(T-0)**.

3.10.2.2.8. Develop and coordinate the Project Cost Estimating Assumption Document and CTC estimates; develop, monitor, and maintain site or project cleanup schedules; performing routine site or project inspections; initiate, review, and coordinate site technical documents, including ROD and DD. **(T-0)**.

3.10.2.2.9. Support Restoration Advisory Boards (RAB) and organizes Technical Review Committees. **(T-0)**. See [Chapter 11](#).

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

3.10.2.2.11. Report on status of meeting metrics; update and maintain management action plan, Community Relations Plan, administrative record or information repository, site audit folders and other documents as needed; track sites individually and update data systems. **(T-0)**.

3.10.2.2.12. Develop, review, coordinate, and approve Department of Defense and State Memorandum of Agreement Joint Execution Plans with state regulatory agencies. **(T-0)**.

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

3.10.2.2.14. Notify AF/A4CA of any proposal to execute a restoration activity under a legal authority other than Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), Resource Conservation and Recovery Act (RCRA), or the Underground Storage Tank regulations (pursuant to 42 USC §§ 6991 – 6991m, *Regulation of Underground Storage Tanks*, 40 CFR Parts 280.10 – 280.252, *Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks*, and 42 USC § 6973, normally known as RCRA 3013 or 7003 orders, respectively) after AFLOA/JACE review. During its review, AFLOA/JACE will coordinate with SAF/GCN. (Also see [paragraphs 13.4.2 and 13.4.3](#)). **(T-0)**.

3.10.2.2.15. Develop and process the approval of required MMRP documents (e.g., Explosive Safety Submission, Explosive Safety Plan, and After Action Report) through the AF Safety Center (AFSEC) and Department of Defense (DoD) Explosive Safety Board. **(T-0)**.

3.10.2.2.16. Update the Environmental Liabilities yearly for certification by AFCEC/CIB. **(T-0)**.

3.10.2.2.17. Submit the following initial and final draft documents to AFLOA/JACE for review and comment prior to submission to regulators: PA and SI reports that result in site closeout, engineering evaluation and cost analyses, removal action memoranda, FS, PP, ROD and any modification thereof, five-year reviews, remedial action completion and site closeout reports, and National Priority List (NPL) deletion requests, as well as parallel documents under other legal authorities. **(T-1)**.

3.10.2.2.18. Prepare and sign findings of suitability to transfer, Findings of Suitability for Early Transfer, Environmental Baseline Surveys and supplemental Environmental Baseline Surveys in accordance with AFI 32-7066, *Environmental Baseline Surveys in Real Property Transactions*, and the environmental aspects of real property transactions after appropriate coordination with AFLOA/JACE, which will coordinate with SAF/GCN. **(T-0)**.

3.10.2.2.19. 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)**.

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

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

3.10.2.2.22. Designate a spokesperson when conducting a removal action under CERCLA. (T-0). See [paragraphs 5.2.8.1](#) and [5.2.8.2](#).

3.10.2.2.23. Designate the RAB co-chair (see [paragraph 11.4.3](#)). (T-0).

3.10.2.2.24. Inform the current property owner, as appropriate, of any situation that involves a potential completed pathway of exposure exceeding ARAR from a regulated chemical or chemical of concern, to include a potential vapor intrusion pathway to building occupants. (T-0). Provide data, information and support necessary to perform a health risk assessment. (T-0).

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 FFA 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/A4V for ANG restoration activities. Consults with AFLOA/JACE as appropriate.

3.11.3. Chief, Environmental Division, Installations and Mission Support Directorate (NGB/A4V):

3.11.3.1. Provides centralized management and oversight for the ERP in support of ANG facilities, to include planning, programming, budgeting, 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 (DD) after legal review (except for cleanup under Resource Conservation and Recovery Act (RCRA) where the installation commander signs the DD).

3.11.3.4. Signs five-year reviews.

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

3.11.3.6. Unless otherwise stated in this instruction, NGB/A4V has equivalent responsibilities for ANG facilities that AFCEC/CZ (and its divisions) has for active installations.

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

3.12. Major Command (MAJCOM). AFCEC should inform and consult with the senior civil engineering representative on the MAJCOM about ERP activities within the command that could adversely impact the mission of the command. MAJCOM Civil Engineer will offer advice such that AFCEC can properly inform, staff or coordinate with other MAJCOM A-Staff and Special Staff concerning environmental issues like:

3.12.1. Explosive Safety Submission documents

3.12.2. Interagency agreements and consent orders.

3.12.3. Notice of Violations (NOV) and Enforcement Actions (EA) with operational impact or important financial penalty or required penalties by an installation.

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

3.13.1. In coordination with responsible officials, ensuring, under 10 USC § 2701, 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)**.

3.13.2. In coordination with responsible officials, ensuring the response actions to correct “other environmental damage (such as the detection and disposal of UXOs) that poses an imminent and substantial endangerment to the public health or welfare or to the environment” shall normally be conducted in accordance with 42 USC §§ 9601 – 9675, 40 CFR Part 300, and DoDM 4715.20. **(T-0)**.

3.13.3. Signing RCRA permits (and permit modifications), and Decision Documents (DDs) where the cleanup is conducted under RCRA (after coordinating with AFCEC/CZR or NGB/A4V, as appropriate). **(T-0)**.

3.13.4. Signing responses to NOV and EA (after coordinating with AFCEC/CZR or NGB/A4V, as appropriate). **(T-0)**.

3.13.5. Informing and working with AFCEC or NGB/A4V, as appropriate and regulatory agencies to respond to and adjudicate NOV and EA. **(T-1)**. Informing the senior civil engineering representative on the MAJCOM staff of NOV and EA with operational impact or important financial penalty, or any stipulated penalties. (The installation is usually the recipient of and responds to NOV and EA. See AFI 32-7001, paragraph 7.2.3.7 for information on what type of written notification does and does not constitute an Enforcement Action. AFCEC/CZ division(s) or NGB/A4V, 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.

3.13.6. Coordinating on all DD signed by AFCEC or NGB/A4V, interagency agreements, consent orders, Land Use Control Implementation Plans, and memorandum of agreement (MOA)/memorandum of understanding to ensure consistency with installation operational, land use and support requirements, or other installation-related equities.

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

3.13.8. Approving establishment and termination of the Restoration Advisory Board (RAB), as described in [paragraph 11.4](#). **(T-0)**.

- 3.13.9. 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).
- 3.13.10. Ensuring a Bioenvironmental Engineering Flight representative shall be on the RAB Technical Review Committee, and other similar advisory groups.
- 3.13.11. Addressing, in advance of construction, and in accordance with 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.
- 3.13.12. Processing, coordinating, and approving Base Civil Engineering Work Clearance Requests consistent with interim or selected remedies in a Decision Document (DD). (T-0). May be delegated to the Mission Support Group Commander (or equivalent) or Base Civil Engineer.
- 3.13.13. 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.
- 3.13.14. Ensuring land use, construction activities, and ground-disturbing activities are compatible with interim and selected remedies (including LUC) consistent with applicable DD. (T-0). May be delegated to the Mission Support Group Commander (or equivalent) or Base Civil Engineer.
- 3.13.15. Maintaining letters of AFCEC/CZO-appointed remedial project managers at active installations or NGB/A4V-appointed remedial project managers at ANG facilities, as appropriate. (T-1). May be delegated to the Mission Support Group Commander (or equivalent) or Base Civil Engineer.
- 3.13.16. Tracking LUC at the installation. (T-0). May be delegated to the Mission Support Group Commander (or equivalent) or Base Civil Engineer.
- 3.13.17. Designating a spokesperson to the community (ANG facilities only). (T-0). See [paragraphs 5.2.8.1](#) and [5.2.8.2](#).
- 3.13.18. Requiring coordination between AFCEC/CZO and the Bioenvironmental Engineering Flight prior to any indoor air sampling that may be conducted to confirm a potential completed pathway as a result of environmental contamination (vapor intrusion).
- 3.13.19. Ensuring the Bioenvironmental Engineering Flight conducts a health risk assessment that involves chemical exposure to an Air Force population from a regulated chemical or chemical of concern.
- 3.13.20. Ensuring a Bioenvironmental Engineering Flight representative shall be on the RAB, Technical Review Committee, and other similar advisory groups.

3.13.21. U.S. Air Force School of Aerospace Medicine (USAFSAM). 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*. 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 (ATSDR) 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 and sub chronic exposures; and accomplishes interagency reviews of proposed changes to toxicity values listed in the Environmental Protection Agency (EPA) Integrated Risk Information System in accordance with DoDI 4715.18.

3.13.22. Be consulted by Air Force commanders and responsible officials. AFLOA/JACE must be provided the opportunity to review and comment on the following initial and final draft documents: **(T-2)**.

3.13.22.1. Preliminary Assessment and Site Investigation (PA and SI) reports that result in site closeout,

3.13.22.2. Engineering evaluations and cost analysis, removal action memoranda, feasibility studies (FS),

3.13.22.3. Proposed Plans (PP) and records of decision (ROD), and

3.13.22.4. Any modification thereof, five- year reviews, remedial action completion and site closeout reports, and National Priority List deletion requests, as well as parallel documents under other legal authorities. **(T-2)**.

3.13.23. For restoration actions under any legal authority, and prior to submission to regulators, Air Force 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 investigation (PA/SI) reports that result in site closeout, Engineering Evaluations/Cost Analysis, 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 National Priority List deletion requests, as well as parallel documents under other legal authorities. **(T-2)**.

3.14. Air Force Medical Readiness Agency/Operational Medicine Bioenvironmental Engineering (AFMRA/SG3C). The AFMRA/SG3C coordinates with AF/A4CA 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). Appoints a liaison to review and provide input on ATSDR activities. **(T-1)**.

3.15. Secretary of the Air Force for Acquisition (SAF/AQ). Responsible for developing contracting policy for implementing the ERP in coordination with SAF/IE.

3.16. The Air Force Installation Contracting Center (AFICC), the U.S. Army Corps of Engineers (USACE), and National Guard Bureau for Acquisition (NGB/AQ) . Air Force contracting offices support activities and strategies for contracting and managing contract performance in support of the ERP, as required. AFICC and USACE are the primary Air Force contracting support office, except at ANG facilities where the contracting function is executed through NGB/AQ.

3.17. Air Force Safety Center/Weapons Safety Division (AFSEC/SEW). Provides guidance and oversees ammunition and explosives safety requirements for the Air Force. Within the environmental restoration area, 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. In addition, AFSEC/SEW reviews and approves all plans for the management, storage, and transportation of explosives on Air Force installations.

Chapter 4

FINANCIAL MANAGEMENT

4.1. General. ERP financial management includes developing cost to complete (CTC) estimates and preparing and submitting budget-related documentation for management purposes and financial reporting. The AF (excluding BRAC) and ANG restoration budgets are built through project requirements submitted through Enterprise Environmental, Safety & Occupational Health-Management Information System (EESOH-MIS). User guides are available on EESOH-MIS Support Portal on eDASH at: <https://cs2.eis.af.mil/sites/10040/WPP/HomePage/Home.aspx>. The Integrated Information Tool tracks the Base Realignment and Closure (BRAC) restoration budget. The CTC supports environmental liability estimates, other financial reporting requirements, and the Defense Environmental Programs Annual Report to Congress.

4.2. Funding and Budget Development.

4.2.1. ERP, AF and the ERP portion of the BRAC account are based on cleanup requirements. If congressional appropriations are not enough 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 NGB/A4V, as appropriate, shall use a management control process for the review and approval of the site strategies and projects, to include complying with the below items. **(T-0)**. The AFCEC/CZ division(s), AFCEC/CIB or NGB/A4V, as appropriate, will:

4.2.2.1.1. Submit project requirements via Project Cost Estimating Assumption Documents for review and validation through EESOH-MIS or the Integrated Information Tool. **(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 that include installation requirements and information management, per **Chapter 5**. **(T-1)**. *AFCEC Program Requirements Development Guide* is located on the Air Force Restoration eDASH at <https://cs2.eis.af.mil/sites/10040/WPP/HomePage/Home.aspx>.

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/A4V 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 integrated Information Tool. **(T-0)**.

4.2.2.2.2. Data reporting in EESOH-MIS or Integrated Information Tool 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/A4V shall ensure the site-level and program management percentages for each project add up to 100 percent. **(T-0)**.

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

4.2.3. Program Objective Memorandum (POM) and President's Budget. AFCEC utilizes EESOH-MIS data and the Integrated Information Tool data to develop the POM and President's Budget exhibits (and supporting documentation) for the Environmental Restoration Program (ERP), AF and BRAC funded environmental restoration sites for which it is responsible. This is performed 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 several reporting requirements, such as Defense Environmental Programs Annual Report to Congress, and planning, programming, budgeting, and execution submissions. The appropriate AFCEC/CZ division(s), AFCEC/CIB and NGB/A4V 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/A4V shall ensure these estimates are updated, as required, based on current project information and schedules in accordance with this instruction, Department of Defense Manual (DoDM) 4715.20, DoD 7000.14-R, *Department of Defense Financial Management Regulations*, Volume 4, Chapter 13, Environmental and Disposal Liabilities, . **(T-0)**. The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A4V shall ensure that the cost to complete estimates are reliable, reproducible, and auditable. **(T-0)**.

4.3.2. Documentation is vital to ensure the costs are reliable, reproducible, and auditable. The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A4V must maintain defensible, audit-ready records of approved former 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 Readiness Center NGB/A4. **(T-1)**. At geographically separated units 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/A4V shall:

4.3.3.1. Establish and maintain inner and outer 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 properly qualified and trained. **(T-0)**. Qualifications are based on the Air Force's established inner 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 (e.g., basic training and annual refresher training) for staff or contractors that estimate, review, approve, or certify cost to complete estimates or prepare environmental restoration liability reports. Provides reports to the Deputy Assistant Secretary of Defense (Sustainment) (ASD(Sustainment)) as per Deputy Under Secretary of Defense, Installations, Environment, and Energy (I&E) (DUSD(I&E)), *Defense Environmental Restoration Program Interim Guidance for Estimating Program Costs and Environmental Liabilities*. (T-0).

4.3.3.5. Ensure that appropriate ERP personnel have taken formal basic training and recurring refresher training for developing cost to complete 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 in accordance with DoDM 4715.20. (T-0).

4.3.3.8. Retain access and ability to validate contracts and invoices supporting unliquidated obligation transaction level details to support future audit requirements. (T-0). (Note: Supporting documentation is not required to justify individual unliquidated obligation transaction level details at the cleanup site level.)

4.4. Recovery of Response Costs. Pursuant to Public Law 105 –85, *National Defense Authorization Act for Fiscal Year 1998*, Section 348, *Recovery and Sharing of Costs of Environmental Restoration at Department of Defense Sites*, and Under Secretary of Defense for Acquisition, Technology, and Logistics Memorandum, “*Policy Covering Cost Recovery/Cost Sharing Under the Defense Environmental Restoration Program (DERP)*,” February 27, 1998 (Note: Copies may be obtained at <http://www.denix.osd.mil>), 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/A4V must: Establish processes to identify, investigate, and pursue PRP under Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) or another relevant environmental or cost recovery statute. Pursue the potential responsible party 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 51-306, *Administrative Claims For and Against the Air Force*, Chapter 7.

4.4.2. The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A4V shall forward information to AFLOA/JACE about potential responsible party identification and subsequent efforts to pursue cost recovery from those PRP. **(T-1)**.

4.4.3. Pursuant to 10 USC § 2703, *Environmental restoration accounts*, 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 ERP or the environmental restoration portion of its Base Realignment and Closure (BRAC) account by amounts recovered pursuant to CERCLA for response costs attributable to other PRP (10 USC § 2703). 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. The ERA Eligibility Guidance addresses AF funding for environmental restoration activities at active and Air National Guard installations eligible for the sole source of ERA.

Chapter 5

INFORMATION MANAGEMENT

5.1. General. AFCEC/CZ division(s), AFCEC/CIB and NGB/A4V 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 management action plan, community relations plan under the 40 CFR, Part 300, and similar plans under other authorities at the installation. See [paragraphs 12.2 through 12.2.2](#) and DoDM 4715.20, Enclosure 3, for specific guidance on Management Action Plans (MAP). (T-0).

5.1.3. Update the administrative record or 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, Enterprise Environmental Occupational Health and Safety-Management Information System (EESOH- MIS) or successor system, the Integrated Information Tool or successor system, Environmental Resources Program Information Management System, audit readiness, and the automatized administrative records. See Records Management, [Chapter 12](#).

5.2. Information Management Systems. AFCEC/CZ division(s), AFCEC/CIB and NGB/A4V shall:

5.2.1. Manage the environmental restoration accounts (including DERA, BRAC, and ANG O&M restoration), AF and Base Realignment and Closure (BRAC) accounts principally using EESOH-MIS for active and ANG locations or the Integrated Information Tool 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 or 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 or data needed for reporting cost to complete and financial environmental liabilities, including information necessary for audit readiness.

5.2.3.4. Information or 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, Environmental Restoration Program (ERP) phase and milestone schedules, and prior and projected costs.

5.2.4. Use Environmental Resources Program Information Management System to collect, store, track, and report analytic data. Environmental resources program information management system 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 and location descriptions, and monitoring well characteristics.

5.2.5. Ensure restoration contracts require submission of analytic data as appropriate into environmental resources program information management system. **(T-1)**.

5.2.6. Annually certify to AF/A4CA that restoration contracts and task and delivery orders contain the requirement to submit sampling data to environmental resources program information management system in a timely manner. **(T- 1)**. (Timely submission refers to the time between the actual sampling event and the environmental resources program information management system data submission as stated in contracts and task and delivery orders.)

5.2.7. Annually report to USAF/A4CA the installations not submitting data within the specified contractual time frame, or submitting no environmental resources program information management system 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, Air National Guard, and BRAC locations, when reporting releases of hazardous and regulated substances. Report releases of hazardous substances pursuant to Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 USC § 9603, *Notification requirements respecting released substances*, and 40 CFR, Part 302.4, *Designation of hazardous substances*, and releases of regulated substances (oil and hazardous substances) under the underground storage tank rules 40 CFR, Part 280.50, *Reporting of suspected releases*. **(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, ANG, 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) instantly 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, AFIMSC/PA, or NGB, as appropriate. **(T-1)**.

5.2.8.3. Requirements to report the discovery of unknown releases are often elements of federal facility agreements (FFA) ((for installations on the National Priority List (NPL)) or other cleanup agreements, Resource Conservation and Recovery Act (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 (42 USC § 6928, *Federal enforcement*)). The appropriate AFCEC/CZ division(s), AFCEC/CIB, or NGB/A4V, as applicable, must report such discoveries in accordance with 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/A4V will comply with 32 CFR Part 188.4, *DoD Environmental Laboratory Accreditation Program, Policy* and DoDI 4715.15, *Environmental Quality Systems*, when collecting, managing, and using environmental data. **(T-0)**. This includes but is not limited to conducting periodic quality assurance reviews on environmental data collection activities and implementing corrective actions for issues identified; using environmental laboratories accredited in accordance with the DoD Environmental Laboratory Accreditation Program; and using organizations accredited in accordance with the Defense Advanced geophysical classification accreditation program to perform advanced geophysical classification at munitions response sites. Environmental sampling or testing services procured by, or on behalf of, the Air Force shall follow part 223 of the Defense Acquisition Regulation (DFAR), 2007. **(T-0)**.

Chapter 6

PRIORITY SETTING AND SEQUENCING

6.1. Priority Setting.

6.1.1. The AF bases funding for environmental response activities on a relative evaluation of the hazards posed by specific conditions at a site. The AF sets priorities by using program category-specific tools.

6.1.1.1. In the installation restoration program, 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 installation restoration program (see deputy under Secretary of Defense(ES) (DUSD(ES), *Relative Risk Site Evaluation Primer* (<https://www.denix.osd.mil/references/dod/policy-guidance/relativ-risk-site-evaluation-primer/>), and the *AFCEC Program Requirements Development Guide* (located on the Air Force Restoration eDASH at <https://cs2.eis.af.mil/sites/10040/WPP/HomePage/Home.aspx>)).

6.1.1.2. In the military munitions response program (MMRP), relative priorities are assigned using 32 CFR Part 179, *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 fiscal year), 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 several 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 substantial 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 ecologic 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 ecologic effects and environmental impacts in general, including injuries to natural resources.

6.2.11. Planned and actual 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 Environmental Restoration Program (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/A4V will individually track each site with respect to reporting module data on site status, cost to complete (CTC) estimate, and schedule-to-complete estimate. Address each site as an individual site in the installation's management action plan. **(T-0)**.

6.4. Construction At or Near Contaminated Sites. Costs associated with the actions to address contamination generated during a construction project (military construction or non-military construction), routine operation, management, or maintenance are not environmental restoration account eligible. Costs associated with a need to change ERP-generated timing actions to address such contamination are also not ERA eligible. These costs 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 Unexploded Explosive Ordnance (UXOs), Discarded Military Munitions (DMMs), and Munitions Constituents (MCs) may require installations to restrict access to Munition Response Sites (MRS). The appropriate AFCEC/CZ division(s), AFCEC/CIB and NGB/A4V 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/A4V 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 DoDM 6055.09, *DoD Ammunition and Explosives Safety Standards: Criteria for Unexploded Ordnance, Munitions Response, Waste Military Munitions, and Material Potentially Presenting an Explosive Hazard*, Volume 7, paragraph V7.E4.2.3.

7.3. Non-Air Force Federal Property. On discovery of live munitions or potential MRS on non-DoD federal property, the Air Force (or the property owner) shall instantly notify the closest DoD military Explosive Ordnance Disposal (EOD) unit for emergency response. **(T-0)**. See Air Force Instruction (AFI) 32-3002-O, *Inter-service Responsibilities For Explosive Ordnance Disposal*, Air Force Manual (AFMAN) 32- 3001, *Explosive Ordnance Disposal (EOD) Program*, AFD 10-8, *Defense Support of Civil Authorities*, and AFI 10-801, *Defense Support of Civil Authorities*, 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 determine who the responsible official is, the Air Force must report the live munitions to the local EOD unit. **(T-0)**. Within 5 duty days of discovering potential MRS, the appropriate AFCEC/CZ division(s), AFCEC/CIB or NGB/A4V 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 munitions response sites.

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 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 formerly used defense site).

7.3.3. Provide the current owner with information on potential safety, health, or environmental hazards associated with the presence of UXOs, DMMs, or MCs 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 UXOs-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 duty days after discovering potential MRS on non-Federal property, the appropriate AFCEC/CZ division(s), AFCEC/CIB or NGB/A4V shall send written notification to the current owner. **(T-0)**. Discovering live munitions or 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 within 4 hours). If the property owner has not reported discovering the live munitions and it is not possible to quickly determine who the owner is 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 landowner 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. This includes documents related to the transfer of the property from Federal ownership or control, as appropriate. These documents assist in determining appropriateness of creating a new munitions response site (i.e., confirmation the site is Air Force MMRP eligible and not a formerly used defense site).

7.4.3. Provide the current owner with information on potential safety, health, or environmental hazards associated with the presence of UXOs, discarded military munitions, or MCs 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 landowner can contact regarding UXOs-related incidents at the potential munitions response sites.

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, or NGB/A4V will enter a copy of relevant documents EESOH-MIS or the Integrated Information Tool for storage. **(T-1)**.

7.6. Geophysical Sensor Data. For MMRP geophysical sensor data requirements, see [paragraph 12.3.3](#).

7.7. Advanced Geophysical Classification. The appropriate AFCEC/CZ division, AFCEC/CIB, and NGB/A4V will use organizations accredited in accordance with the DoD Advanced Geophysical Classification Accreditation Program to perform advanced geophysical classification at MRS. **(T-0)**. The DoD Advanced Geophysical Classification Accreditation Program webpage located at the military website <http://www.denix.osd.mil/mmrp> maintains the latest documentation and stakeholder information.

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 National Priority List (NPL).

8.1.2. Defense Environmental Restoration Program (DERP) requires that Environmental Protection Agency (EPA) and appropriate state and local authorities be provided prompt notice of the discovery of releases or threatened releases of hazardous substances. These release notices must include the associated extent of the threat to public health and the environment and 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/A4V, 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 uniformity of requirements.

8.2. Lead Regulators.

8.2.1. National Priority List (NPL) Installations. At Air Force installations on the NPL, EPA is the lead regulator and the Air Force is the lead agency. Comprehensive Environmental Response, Compensation, and Liability Act (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.

8.2.1.1. CERCLA also requires the Air Force to enter into an interagency agreement with EPA at NPL facilities.

8.2.1.1.1. A Federal Facility Agreement (FFA) is used for DoD NPL facilities to satisfy the CERCLA interagency agreement requirement.

8.2.1.1.2. FFA outline the working relationship between the Air Force, EPA, and as appropriate, the affected state, and clearly define common obligations during the cleanup process at a DoD NPL facility. (See [paragraph 13.1](#) for more information).

8.2.1.1.3. The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A4V shall consult Air Force legal counsel if there is no FFA or interagency agreement for an installation, or if there are stakeholder efforts to list sites or an installation on the NPL. **(T-1)**.

8.2.1.1.4. The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A4V shall work with regulators to achieve remedial action objectives and seek removing an installation from the NPL. **(T-0)**.

8.2.1.1.5. 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 Department of Defense Manual (DoDM) 4165.66, *Base Redevelopment and Realignment Manual*, DoDI 4165.72, *Real Property Disposal*, and 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* (located at <http://www.oea.gov/sites/default/files/resources/early-transfer-authority-a-guide-to-using-eta-to-dispose-of-surplus-property.pdf>)).

8.2.2. Non-NPL Installations. The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A4V should identify a single lead regulator for installations that are not on the NPL. For restoration activities conducted under Resource Conservation and Recovery Act (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/A4V must notify and provide the applicable regulatory agency review and comment opportunities at discrete cleanup stages as noted in [paragraph 8.1.2 \(T-0\)](#). When transferring property to non-federal entities and where remedy 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 substantial role in the cleanup process. 42 USC §§ 9620 and 10 USC § 2705, *Notice of environmental restoration activities*, provide stakeholders with notice, review, and comment opportunities at each distinct phase of the response process. Under 40 CFR, Part 300, the National Oil and Hazardous Substances Pollution Contingency Plan ((also known as the National Contingency Plan (NCP)), state acceptance is one of the modifying criteria for evaluation of alternatives for the remedial action. States are often parties to IAG and FFA at installations on the NPL, which may also grant them particular rights to participate in the response process. Also, see [paragraphs 11.4 through 11.4.7](#)

8.3.2. The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A4V shall work in consultation with AFLOA/JACE prior to working with state and 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/A4V 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 [paragraphs 13.4 through 13.4.3](#) for requirements for executing cleanup under other legal authorities.

8.3.3. Reimbursement for State Support Services.

8.3.3.1. Defense State Memorandum of Agreement (DSMOA). For environmental restoration activities conducted using environmental restoration account, Air Force (AF) or BRAC funds, the Air Force reimburses eligible expenses to participating state and territorial regulatory agencies through the DSMOA and Cooperative Agreement processes. United States Army Corps of Engineers is the DSMOA lead agent for DoD and administers DSMOA and Cooperative Agreement with participating states and territories. The Air Force is responsible for providing and revising Joint Execution Plans; 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. For additional information, consult the DSMOA/CA Program guide, *Working Together to Achieve Cleanup: Guide to the Cooperative Agreement Process* (located at <https://www.denix.osd.mil/references/dod/policy-guidance/dsmoa-ca-guide/>), and DoDM 4715.20, Enclosure 3, paragraph 15.b(1).

8.3.3.1.1. Cooperative Agreement Process. The Air Force, United States Army Corps of Engineers, and the states use a six-step process for producing and validating the Cooperative Agreement 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 environmental restoration account, 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/A4V 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/A4V shall notify the Office of the ASD(Sustainment), and the Office of the Deputy Assistant Secretary 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 in accordance with DoDM 4715.20, paragraph 15.b.(2) of Enclosure 3. **(T-0)**. The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A4V 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, *Response authorities*, the ATSDR is responsible for conducting public health assessments (PHA) within one year at all sites on or proposed for the National Priority List (NPL). Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) also provides that citizens may petition ATSDR to perform PHA at Non-National Priority List sites. The Air Force shall consider ATSDR PHA in the cleanup process and decision-making. The Air Force's objective is to work with ATSDR in completing all required PHA as expeditiously as possible.

8.4.1.1. The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A4V will track Air Force funded PHA 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/A4V 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)**.

8.4.1.3. A representative from AFMRA/SG3C must be appointed as medical liaison for ATSDR activities. **(T-3)**.

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, and is located at <http://chppm-www.apgea.army.mil/atsdr/atsdr.htm>.

Chapter 9

NATURAL RESOURCE INJURY INTEGRATION

9.1. Application. The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A4V shall evaluate natural resource injury 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/A4V will ensure that Air Force obligations both as a responsible party and as a trustee of natural resources in accordance with CERCLA and DoDM 4715.20 are satisfied. **(T-0)**.

9.2. Sites. At sites where the Air Force is a potential responsible party and a trustee, the responsible Air Force organization shall:

9.2.1. Identify natural resource injury (preferably as part of an ecologic 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 natural resource injury. **(T-0)**.

9.2.3. Coordinate any necessary ecologic risk assessments, RI, and response action planning and conduct with other natural resource trustees in accordance with CERCLA ((see 42 USC § 9604 and § 9607, *Liability*), 40 CFR, Part 300, the National Oil and Hazardous Substances Pollution Control Act (also known as the National Contingency Plan (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 Restoration Advisory Board meeting.

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

9.2.5. Where feasible and cost effective, the appropriate AFCEC/CZ division(s), NGB/A4V or AFCEC/CIB selects a response that results in the least amount of natural resource injury.

9.3. Funding. The environmental restoration account, AF and Base Realignment and Closure (BRAC) accounts, and ANG O&M restoration account may be used to address natural resources injuries only if the action to be funded is incidental to the response action process. **(T-0)**.

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. **(T-0)**.

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*. **(T-0)**.

Chapter 10

PERMIT EXEMPTION

10.1. Scope. Under 42 USC § 9621, *Cleanup standards*, and 40 CFR Part 300.400, Subpart E, *Hazard Substance Response*, the portion of any CERCLA response actions that are conducted all on-site is exempt from requirements to obtain federal, state, and local permits. As defined by 40 CFR Part 300.400, Subpart 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/A4V 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. **(T-1)**.

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 permit exemption. Integrated actions, whereby the Air Force responds both under CERCLA and another legal authority, qualify for the 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/A4V will establish community involvement programs for environmental restoration activities. **(T-0).** Defense Environmental Restoration Program (DERP), Comprehensive Environmental Response, Compensation, and Liability Act (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/A4V 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/A4V shall ensure equivalent opportunities for public review and comment on proposed Resource Conservation and Recovery Act (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 Proposed Plans (PP) and Decision Documents (DD) 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 Environmental Restoration Program (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. 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 community relations plan (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/A4V shall establish a formal community involvement program (documented in a community relations plan). **(T-0).** This program shall be developed in coordination with the installation commander and pertinent installation offices (e.g., medical, public affairs) at active Air Force (non BRAC) and ANG installations and in accordance with CERCLA public participation requirements. **(T-0).** ((See 40 CFR, Part 300.415(n)(3)(ii), *Removal action*, 40 CFR Part 300.430(c)(2)(ii), *Community relations*, and 40 CFR Part 300.435(c)(1), *Remedial design/remedial action, operation and maintenance*, for community relations plan requirements)). At installations where cleanup may be under other frameworks than CERCLA, the appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A4V supplements the community relations plan with requirements from the applicable legal framework, unless other non-CERCLA regulatory authorities specify a different comprehensive community involvement program. **(T-0).** Update the community relations plan, 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 Restoration Advisory Board or equivalent (hereafter referred to as “Restoration Advisory Board” or RAB) at each installation or BRAC location where there is sufficient and sustained community interest. **(T-0).** A RAB may be established for environmental restoration conducted under statutes other than CERCLA 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 BRAC locations. Additional information on RAB may be found in the Office of the Secretary of Defense (OSD), Restoration Advisory Board (RAB) Rule Handbook, and in DoDM 4715.20, Enclosure 3, paragraph 16(c).

11.4.1. Where there is no RAB established, the appropriate AFCEC/CZ division(s), AFCEC/CIB or NGB/A4V, 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/A4V personnel as appropriate; impacted 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. **(T-1).**

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 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 Restoration Advisory Board 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), *RAB adjournment and dissolution*, 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 properly 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/A4V, as applicable, shall ensure that stakeholders are provided an opportunity for continued effective input (with such opportunity documented in the installation's community relations plan or equivalent planning document). **(T-0)**.

11.4.7. Installation commanders and the appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A4V are expected to make every sensible 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/A4V, as applicable, will make an 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 Restoration Advisory Board (RAB) has been delegated. Requirements for dissolving a RAB are described in 32 CFR, Part 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/A4V shall ensure opportunities for technical assistance through the TAPP program are made available to community members of a recognized RAB. This must be performed in accordance with 10 USC § 2705(e) and the TAPP program regulations in 32 CFR, Part 203, *Technical Assistance for Public Participation In Defense Environmental Restoration Activities*. **(T-0)**. Community members of a RAB or Technical Review Committee may request technical assistance from private-sector sources through the Air Force RAB co-chair to AFCEC/CZR, AFCEC/CIB, or NGB/A4V, as appropriate, for approval.

11.5.2. TAPP is funded through the environmental restoration account, AF or BRAC account. TAPP is categorized as a program administration cost. There is no guaranteed or 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 cost to complete, whichever is less. **(T-1)**.

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/A4V, 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/A4V shall ensure that each RAB receiving a TAPP award submits an annual TAPP results report ((per DoDM 4715.20, Enclosure 3, para 16.d.(5)) through AFCEC to SAF/IEE for transmittal to Deputy under Secretary of Defense(I&E). **(T-0)**).

Chapter 12

RECORDS MANAGEMENT

12.1. Records Maintenance and Retention. The appropriate AFCEC/CZ division(s) or NGB/A4V shall ensure collection and retention of environmental restoration records at active installations and ANG facilities in accordance with applicable statutes, regulations, and Air Force records management directives (to include compliance with the Air Force Records Disposition Schedule). **(T-0)**. As mutually agreed between the losing organization and AFCEC regarding the transfer of the Environmental Restoration Program (ERP) at Base Realignment and Closure (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/A4V 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/A4V shall ensure that records for cleanup conducted under other legal authorities are maintained and disposed of in accordance with applicable legal requirements or the Air Force Records Disposition Schedule 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). The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A4V, as applicable, shall prepare a MAP or BRAC equivalent document for each active installation, ANG facility, and BRAC location where activities under the ERP have yet to be completed. **(T-0)**."

12.2.1. MAP must meet the requirements specified in DoDM 4715.20, paragraph 8.c.(2) of Enclosure 3. MAP for geographically separated sites are addressed in either the parent installation's MAP, or in a separate MAP. **(T-0)**.

12.2.2. The MAP function in Enterprise Environmental, Safety & Occupational Health-Management Information System (EESOH-MIS) for installations restoration program sites meets the requirement for a MAP, provided EESOH-MIS is populated with complete and current data.

12.3. Administrative Record.

12.3.1. The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A4V shall establish and maintain an administrative record for each installation or BRAC location where environmental response actions are taken. **(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 Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) response action. The official copy of the administrative record shall be maintained in accordance with DoDM 4715.20, paragraph 7.a.(1) and (4) of Enclosure 3.

12.3.2. 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](#)

12.3.3. The administrative record shall include, but is not limited to:

12.3.3.1. 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/A4V, 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)**.

12.3.3.2. 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.

12.3.3.3. Documents and materials containing information on the response action performance (e.g., remedial design or remedial action, data reports on remedy progress, Remedial Action Completion Report, and five-year reviews).

12.3.4. 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.

12.3.4.1. In cases where an administrative record or similar record is not required by a permit, enforcement order, or agreement, as a matter of policy, the AFCEC/CZ division(s), AFCEC/CIB or NGB/A4V, 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)**.

12.3.4.2. The record of environmental actions shall include, but is not limited to, the items listed in DoDM 4715.20, paragraphs 4.b.(1) through 4.b.(17) of Enclosure 3.

12.3.5. The AFCEC/CZ division(s), AFCEC/CIB or NGB/A4V, as appropriate, shall include all of the data gathered to characterize munitions response sites (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 unnecessary, AFCEC/CZ division(s), AFCEC/CIB or NGB/A4V, as appropriate, shall forward a memorandum documenting the determination to SAF/IEE through AF/A4CA, 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, *Public participation*, and the National Oil and Hazardous Substances Pollution Contingency Plan (40 CFR, Parts 300.415(n)(3)(iii) and 300.430(c)(2)(iii)), the AFCEC/CZ division(s), AFCEC/CIB or NGB/A4V, 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 Restoration Advisory Board or equivalent. The information repository may also contain other documents pertinent to the activities at the installation, especially 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. **(T-0)**. 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, 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. **(T-0)**.

12.4.1.4. The AFCEC/CZ division(s), AFCEC/CIB or NGB/A4V, 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). **(T-0)**. The community relations plan (or similar planning document) identifies such mechanisms and uses them 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 in accordance with the requirements in [paragraphs 12.4.1 through 12.4.1.3](#).

12.4.4. The appropriate AFCEC/CZ division(s), AFCEC/CIB and NGB/A4V 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/A4V shall ensure a site audit file is maintained in accordance with DoDM 4715.20, paragraphs 13.a.(7) and 14.f. and g. of Enclosure 3. **(T-0)**.

12.5.1. Geographic Information System files necessary for communicating information about Defense Environmental Restoration Program (DERP) sites are to be developed and maintained in accordance with 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 and Federal Facility Agreements (FFA). Pursuant to 42 USC § 9620, within 180 days of EPA's review of an RI or FS at a site listed on the National Priority List (NPL), AFCEC/CZ, AFCEC/CI or NGB/CF, as appropriate, and EPA must enter into an interagency agreement. **(T-0)**. If an agreement is not entered into within that time frame, per 42 USC § 9620, Congress shall be informed (via the Defense Environmental Programs Annual Report to Congress) of the reasons for not having an interagency agreement in place. The Air Force uses a FFA at its facilities on the NPL to satisfy the requirements of an interagency agreement. For Air Force facilities on the NPL without signed FFA:

13.1.1. The EPA and Department of the Army Agreement, *Fort Eustis Federal Facilities Agreement* (available at (<https://www.denix.osd.mil/references/dod/policy-guidance/epa-and-department-of-the-army-agreement/>)) is used as the standard to satisfy the requirement for an interagency agreement pursuant to 42 USC § 9620. Only make site-specific changes.

13.1.2. The appropriate AFCEC/CZ division(s), AFCEC/CIB, or NGB/A4V, 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 a 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 ASD(Sustainment), as necessary.

13.1.5. SAF/IEE shall submit all proposed FFA for a "72-hour review" to ASD(Sustainment), the Deputy General Counsel for Environment and Installations, and the other DoD Components with DERP responsibilities prior to signature in accordance with the Department of Defense Manual (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 Comprehensive Environmental Response, Compensation, and Liability Act (42 USC § 9620), to include a memorandum of understanding or any similar arrangement, or substantial 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 in accordance with Attachment 1 to HAF MD 1-18.

13.3. Dispute Resolution. To the greatest extent possible, AFCEC or NGB/A4V, 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 Cooperative Agreement process is used to resolve disputes, if one is in place. Where there is not a signed FFA or defense state memorandum of agreement, AFCEC/CZ, AFCEC/CI, or NGB/A4V, 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 defense state memorandum of agreement, 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/A4V, 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 Comprehensive Environmental Response, Compensation, and Liability Act (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., Resource Conservation and Recovery Act (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, *Safety of Public Water Systems*), the appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A4V will pursue compliance with all CERCLA requirements as well, especially with respect to the content of Decision Documents (DD), 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 underground storage tanks (pursuant to 42 USC §§ 6991 – 6991m, 40 CFR Parts 280.10 – 280.252, and 42 USC § 6973) 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 ASD(Sustainment) as required. An exception to this requirement would be when addressing a petroleum release from an above ground storage tank or distribution pipeline.

13.4.3. When the appropriate AFCEC/CZ division(s), AFCEC/CIB, or NGB/A4V seeks to voluntarily pursue environmental restoration under an authority other than CERCLA, RCRA corrective action, or underground storage tank regulations, where applicable, (e.g., the Air Force wants to pursue a RCRA 3013 or 7003 order), AFCEC must gain SAF/IEE and deputy under Secretary of Defense (I&E) approvals to enter negotiations. **(T-1)**. SAF/IEE must approve any subsequent agreement and notify ASD(Sustainment)). If a DoD Component or the deputy under Secretary of Defense (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 above ground storage tank 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/A4V should contact AFLOA/JACE when involved with third party site. 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 DoDM 4140.25, *DoD Management of Energy Commodities*, DLA-Energy funds the identification, assessment, and remedy 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 a memorandum of understanding for a specific location or facility addressing how to divide responsibilities for environmental restoration (not related to construction), and when signed, the memorandum of understanding supersedes the guidance in DoDM 4140.25. (**Note:** The memorandum of understanding may be signed by AFCEC/CZR, AFCEC/CIB, or NGB/A4V, as appropriate, with copy to USAF/A4CA.)

13.7. Informal Resolution. Upon identifying an issue that may impair program goals, or cleanup efficiency or effectiveness, remedial project managers will notify AFCEC/CZO, AFCEC/CIB, or NGB/A4V, 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/A4V, as appropriate, will evaluate the matter and take action to help reach resolution. (**T-1**). If after 60 days from initial remedial program manager notification the issue remains unsolved, the appropriate AFCEC/CZ division(s), AFCEC/CIB, or NGB/A4V will ensure that AF/A4CA 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 is based upon the finding of unacceptable risk. This finding should be documented in the appropriate Decision Document.

14.1.1. For environmental restoration actions conducted solely pursuant to Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), a basis for action under CERCLA is established in the remedial investigation and the component baseline risk assessment. **(T-1)**. 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. A list of federal Maximum Contaminant Level Goals or Maximum Contaminant Levels are on Environmental Protection Agency's website at <https://www.epa.gov/risk/regional-screening-levels-rsls-users-guide>. Lists for state and local levels are on varying state and local websites. 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 one.

14.1.2. Cancer and non-cancer risk are established based on appropriate toxicity values. See [paragraph 18.2.1.3](#). **(T-1)**.

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 AFLOA/JACE.

14.2. Documentation Requirements. CERCLA, Resource Conservation and Recovery Act (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 Decision Document (DD) is finalized. Except for an emergency removal prior to the DD, the appropriate AFCEC/CZ division(s), AFCEC/CIB, or NGB/A4V must document the proposed response action and provide it to the public for review and comment (e.g., proposed plan). **(T-0)**. A proposed plan and DD are also required for interim actions, and no action and no further action decisions after a Remedial Investigation or Feasibility Study (RI or 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. **(T-0)**.

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 land use controls 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 must document the decisions above, the actions taken, and ensure the appropriate authority has approved the decision and associated funding. **(T-1)**. This documentation must be maintained in an administrative record (or equivalent) for the site. **(T-1)**.

14.2.3. The documentation of decisions at both National Priority List (NPL) and non-NPL sites shall conform, in content and format, with applicable statutory and regulatory requirements and EPA guidelines and criteria for preparing DD. While not a legal requirement, when conducting CERCLA remedial actions, use the format for Proposed Plans (PP) and Records of Decision (ROD) in EPA guidance, Office of Solid Waste and Emergency Response (OSWER) 9200.1-23P, *Guide to Preparing Superfund Proposed Plans, Records of Decision, and Other Remedy Selection Decision Documents* (https://www.epa.gov/sites/production/files/2015-02/documents/rod_guidance.pdf).

14.2.3.1. The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A4V shall ensure that requirements recorded in DD meet all legal requirements and are streamlined to contain cleanup objectives and essential implementation, operation, and maintenance actions to achieve these objectives. **(T-0)**. DD should contain enough detail about cleanup objectives and actions so the exit strategy for site closure is apparent and that criteria are well defined to objectively determine when site closure is met.

14.2.3.2. For active and Air National Guard 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 and AFCEC/CZO.)

14.2.3.2.2. AFLOA/JACE, AFCEC/CZR and AFCEC/CZT must review all draft and draft final DD, including PP and ROD, and coordinate with the installation commander prior to review by regulatory agencies (final draft version only). **(T-1)**.

14.2.3.3. For ANG facilities:

14.2.3.3.1. The NGB/A4V 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/A4V.)

14.2.3.3.2. NGB/A4V must obtain NGB legal review on all draft and draft final DD, including PP and ROD, and coordination from the installation commander prior to regulatory agency review (final draft version only). **(T-1)**.

14.2.3.4. For Base Realignment and Closure (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. **(T- 1)**.

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

14.2.3.5. All DD, 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 Preliminary Assessment and Site Investigation (PA and SI), or RCRA Facility Assessment (RFA)) is a determination that no further investigation, study, or cleanup is warranted or necessary.

14.3.1. A no further response action planned 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/A4V 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, 42 USC § 9621 and 10 USC § 2705, the appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A4V will ensure EPA, state, territorial, and local agencies are provided the opportunity to review and comment on the report. **(T-0)**. For CERCLA PA and SI NFRAP decisions, 40 CFR Part 300.410, *Removal site evaluation*, and 40 CFR Part 300.420, *Remedial site evaluation*, 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/A4V 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 removal or remedial actions after a NFRAP determination has been completed, notify AFCEC/CZR, AFCEC/CIB, or NGB/A4V, 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 a RI determines there is no unacceptable risk and therefore no basis for action, this decision must be documented in both a no action proposed plan and a Record of Decision (ROD). Both documents shall sufficiently summarize both the RI and the baseline risk assessment to establish that no unacceptable risk exists. **(T-0)**. 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 Decision Document. If a prior removal action or interim remedial action has been taken and it is afterwards determined that the action has addressed all unacceptable risk at the site (so that unlimited use and unrestricted exposure levels are attained), a no further action proposed plan and ROD must be completed. **(T-0)**. The no further action proposed plan and ROD should document the prior response action, the no unacceptable risk determination, and establish that no further remedial action is necessary to ensure protectiveness. Depending on site-specific circumstances, a risk screening or focused and 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 no further action determination).

14.6. Short-Term Actions.

14.6.1. The Air Force considers and implements Interim Risk Management activities as appropriate in accordance with paragraph 3.a.(2) of DoDI 4715.07. The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A4V are encouraged to conduct interim risk management 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 Sections 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 interim risk management activities implemented if new information becomes available. The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A4V shall follow the below steps to consider, select, coordinate, manage, and review interim risk management activities, when appropriate:

14.6.1.1. Determine if site-specific conditions warrant establishing interim risk management 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 a lengthy 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 interim risk management 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 Restoration Advisory Board or Technical Review Committee). **(T-0)**.

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

14.6.2. CERCLA Removal Actions. Document the selection of a removal action 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/A4V 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. **(T-0)**. Consultations would be impractical in emergency removals taken because of imminent and substantial endangerment to human health or the environment. However, regulators should be notified of the planned emergency removal and an action memorandum is completed promptly thereafter. For more information, see Office of Solid Waste and Emergency Response (OSWER) Final Guidance, *Superfund Removal Guidance for Preparing Action Memoranda*.

14.6.3. Resource Conservation and Recovery Act (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 in accordance with applicable legal requirements and documented in the administrative record.

14.7. Updates to the Decision Document. The AFCEC/CZ, AFCEC/CI or NGB/A4V, as appropriate, shall update and sign the Decision Document (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 Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) remedy. Changes to the remedy require modification of the DD and shall be in accordance with 40 CFR Parts 300.430(f)(3) and 300.435(c)(2). Changes to remedies under Resource Conservation and Recovery Act (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). In accordance with CERCLA (42 USC § 9620) and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) (40 CFR Parts 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

(ROD), 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 Part 300.430(f)(5). Federal facility agreements (FFA) may modify this process to some extent with consultation and dispute resolution procedures.

14.9. Documenting Decisions at Non-National Priority List 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/A4V, 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 principally 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/A4V 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 or 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/A4V, as applicable, must consult with AFLOA/JACE or NGB/JA, as appropriate, to ensure requirements are met. **(T-1)**.

14.11. Unique Documentation Requirements at Munitions Response Sites (MRS). Due to the unique hazards posed by Unexploded Explosive Ordnance (UXOs), discarded military munition, and Munitions Constituents (MCs), the Air Force is subject to specific documentation and reporting requirements at MRS, in addition to the documentation authorities in CERCLA and other legal authorities. Consistent with DoDM 6055.09, and DoDI 6055.16, *Explosives Safety Management Program*, an explosive safety submission must be prepared and submitted for AFSEC/SEW and Department of Defense Explosive Safety Board approval prior to intrusive activities (e.g., removal or remedial action) on an military munitions site, with the exception of small arms ranges. **(T-0)**. An After Action Report must be prepared at the conclusion of the intrusive activities and sent to AFSEC/SEW and Department of Defense Explosive Safety Board for their records. If a military munitions site is recommended for no further action at the conclusion of a munitions response (e.g., removal or remedial action), a no further action explosive safety submission must be prepared and submitted for USAF/SEW and Department of Defense Explosive Safety Board approval, per the requirements in DoDM 6055.09. **(T-0)**. While an explosive safety submission is not required prior to performing remedy at a small arms range, a no further action 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 Part 300.430(e)(2) remedial action goals and cleanup levels are determined based upon Applicable or Relevant and Appropriate Requirements (ARAR). In the absence of ARAR, cleanup levels are established based on 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 one. 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 ARAR 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 18.2.1.3](#) for information on choosing toxicity values.

Chapter 15

LONG TERM REMEDIES AND LAND USE CONTROLS

15.1. Long-Term Remedies. At active and Air National Guard (ANG) 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/A4V, 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 and ANG installations (done by AFCEC/CIB for Base Realignment and Closure (BRAC) properties).

15.2. Land Use Controls (LUC). LUC 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. LUC are part of a remedial action and can be short-term or long-term; if long-term, LUC should be addressed as described in [paragraph 15.1](#). (Note: LUC are subject to audit.)

15.2.1. LUC 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 anticipated future land use. LUC may also be required while conducting environmental restoration investigations or implementing remedial actions.

15.2.2. The central objective of LUC is to protect human health and the environment. As such, LUC are a common component of any cleanup action that does not allow for limitless use and unrestricted exposure following the completion of the response action or where there is a need for a land use control to protect the effectiveness of the remedy. For example, LUC will likely be necessary at Munition Response Sites (MRS), 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 land use control 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. (T-0). 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. LUC should be implemented, maintained, and monitored at the local level whenever possible.

15.3.2.1. Active and ANG Installations. Implementing, maintaining, and monitoring LUC (and other long-term remedies) is the responsibility of appropriate AFCEC/CZ division(s) at AF installations and NGB/A4V at ANG facilities. Installation commanders will ensure that the LUC 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 land use control and other long-term remedies. **(T-0)**. The appropriate AFCEC/CZ division(s) or NGB/A4V or a designated representative shall ensure the following actions are taken:

15.3.2.1.1. Put appropriate mechanisms in place to manage LUC and incorporate LUC into the existing land use management processes of the locality or the installation. For example, all LUC must be included in an installation's development plan or equivalent. (See AFI 32-1015, *Integrated Installation Planning*, for more information on the installation development plan.) **(T-1)**.

15.3.2.1.2. Develop and document an internal land use control implementation plan for the installation and specific sites, as needed. This plan should define the responsibilities of all parties involved in implementing, maintaining, and monitoring the LUC. Document or annotate a reference to the land use control implementation plan in the installation's development plan. LUC Implementation Plans 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 Resource Conservation and Recovery Act (RCRA) authority, a land use control implementation plan 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. **(T-0)**.

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

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

15.3.2.1.5. If a land use control is breached, AFCEC/CZ divisions(s) or NGB/A4V shall work with the installations to take corrective measures and notify regulators and take immediate steps to restore the land use control, including taking any necessary corrective actions. **(T-1)**. If the integrity of the land use control cannot be restored, then modify or terminate the land use control in accordance with [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 land use control (e.g., an environmental covenant) on active or ANG installations, but may record an environmental notice of contamination or place a location on a state land use control registry that similarly does not create a property interest. Before agreeing to any notice, consult AFLOA/JACE or NGB/JA, as appropriate, which will coordinate with SAF/GCN.

15.3.2.1.7. Modify or terminate LUC through the same process used to establish the land use control. If the land use control is terminated, ensure the land use control is removed from the mechanisms that recorded its existence (e.g., master planning maps). In cases where former DD need to be revised, a note to the file, Explanation of Significant Differences, or DD amendment (or equivalent DD under RCRA or other cleanup regime) is used to select and document changes to the selected remedy, including details regarding LUC at the site. **(T-0)**.

15.3.2.2. BRAC Locations and Property Transfers Outside the Federal Government. Prior to transfer, AFCEC/CIB is responsible for ensuring that LUC are implemented, maintained, and monitored at Base Realignment and Closure 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:

15.3.2.2.1. Ensure that LUC are clearly described in property conveyance documents, such as deeds, and reflect the remedy selected in DD, if it is determined that a land use control is necessary. LUC should also be reflected in transfer-related documents that reflect environmental restrictions (e.g., Finding of Suitability to Transfer, which is described in DoDM 4165.66). 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 LUC, and then capturing that allocation in appropriate environmental and real property documents. **(T-0)**.

15.3.2.2.2. Develop and document a land use control implementation plan, where required, for the installation or specific sites that defines the responsibilities of all parties involved in implementing, maintaining, and monitoring the LUC. LUC Implementation Plans are internal plans and not enforceable, and should not be made a term, condition, or requirement of a DD executed under CERCLA authority. For DD executed under RCRA Act authority, a land use control implementation plan can be included in the DD if the lead regulator requires it as a matter of state law and AFLOA/JACE concurs. **(T-0)**.

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 LUC are part of the selected remedy, then the applicable real property transfer documents shall reflect any environmental notices, restrictions, 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 AFLOA/JACE for guidance. AFLOA/JACE will coordinate its guidance with SAF/GCN. 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 ROD, orders, or agreements. Mandatory provisions addressing environmental covenants pursuant to 42 USC § 9620 for real property disposal are contained in DoDI 4165.72. **(T-0)**.

15.3.2.2.4. Maintain a database of areas restricted by LUC and all Air Force implementation, maintenance, and monitoring responsibilities. **(T-0)**.

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 LUC 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 LUC, the Air Force may be required by applicable DD(s), order(s), or agreement(s) to itself maintain the land use control 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 LUC. To address any future concerns about a property, AFCEC/CIB should retain any DD, agreements, and real property transfer-related documents that specify land use control responsibilities. **(T-0)**.

15.3.2.2.6. Modify or terminate LUC through the same process used to establish the land use control. Responsibility for who can request, approve, process and pay for costs related to modifying or terminating LUC should be identified in real estate transfer or environmental documents. Where former DD need to be revised, a note to the file, Explanation of Significant Differences, or DD amendment (or equivalent DD under RCRA or other cleanup regime) are used to select and document changes to the selected remedy, including details regarding LUC at the site. If a land use control 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. **(T-0)**.

15.3.3. For any evaluation of cleanup action alternatives where a land use control 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/A4V shall:

15.3.3.1. Ensure that the evaluation of response alternatives includes an analysis of an alternative with limitless 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 LUC. Such land use changes, if inconsistent with land use control 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 opportunities to concurrently review LUC. During a five-year review, the LUC 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 Preliminary Assessment and Site Investigation (PA and 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 LUC 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 LUC outlined in [paragraph 15.2](#) shall be implemented when appropriate.

15.4.2. When a final remedy is chosen for the site, interim administrative LUC 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 LUC are retained as part of the final remedy, those LUC shall be documented as part of the remedy in the DD.

15.5. Memorandum of agreement (MOA) or memorandum of understanding. The Air Force may enter into an MOA or memorandum of understanding with state regulatory agencies and EPA concerning LUC only when the regulators insist on such agreements. Such MOA and memorandum of understandings are voluntary and are not legally enforceable, but they do validate the regulators' roles and expectations in consultation, notice, and review and comment during land use control 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 Environmental Restoration Program (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 "deficient 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 AF/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/A4V 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. Five-Year Reviews shall be performed in accordance with DoDM 4715.20, paragraphs 4.b(14), 5.a, and 5.b, of Enclosure 3. The following are Air Force specific responsibilities:

16.4.1. AFCEC/CZO, AFCEC/CIB, and NGB/A4V 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 Response Complete (RC) within five years, the Air Force shall conduct one or more five-year reviews during the Remedial Action-Operation, as appropriate, until unlimited use and unrestricted exposure levels are achieved. **(T-0)**.

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., LUC do not require extensive documentation).

16.4.1.3. The appropriate AFCEC/CZ division(s), AFCEC/CIB or NGB/A4V, as appropriate, prepares the draft and final five-year reviews. Legal review by AFLOA/JACE 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. Do not consider the five-year review reports a primary document, unless specified otherwise in a federal facility agreement (FFA), and are final upon Air Force signature

16.4.2. The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A4V 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 the previous review was signed. The Air Force may group applicable sites into one five-year review, the timetable of which is established in accordance with 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/A4V will ensure cost efficiency is evaluated at the time of the five-year review. **(T-1)**.

16.4.4. Reviews continue until unlimited use and unrestricted exposure have been attained at the property. After achieving unlimited use and unrestricted exposure for any site on the property, that site no longer requires inclusion in the five-year review. Document such a determination in the first five-year review for that particular site after achieving unlimited use and unrestricted exposure.

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 abandon 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. Use Environmental Protection Agency (EPA) Office of Solid Waste and Emergency Response (OSWER) No. 9355.7-03B-P, *Comprehensive Five-Year Review Guidance*, and OSWER 9355.7-21, *Five-Year Reviews*, Frequently Asked Questions (FAQs) and Answers, September 2009, as a guide for meeting the statutory requirements of conducting five-year reviews. Use EPA Office of Land and Emergency Management 9200.0-89, *Five-Year Review Recommended Template*, for a five-year review template.

16.4.7. See [paragraph 18.3](#) for additional requirements and guidance regarding emerging contaminants.

Chapter 17

COMPLETING RESTORATION ACTIVITIES

17.1. Response Complete (RC). Consistent with Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), DERP, and applicable Executive Orders (EO) and regulations, the Air Force can achieve Response Complete for installation restoration program sites or Munitions Response Sites (MRS) 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 DD (after Remedial Investigation or Feasibility Study (RI or FS)) show that no action or no further action is necessary; or

17.1.3. At a pre-remedial investigation phase (Preliminary Assessment (PA) or site inspection (SI)), the Air Force has determined that no action, or no further action, is necessary.

17.2. Remedial Action Completion Report. The appropriate AFCEC/CZ division, AFCEC/CIB, or NGB/A4V shall develop a remedial action completion report, or Resource Conservation and Recovery Act (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 the achievement of protectiveness. In addition, the remedial action completion report provides the basis for full or partial deletion from the National Priority List (NPL). See DoD/EPA, *Joint Guidance on Streamlined Site Closeout and NPL Deletion Process for DoD Facilities* (<https://www.denix.osd.mil/references/dod/policy-guidance/dod-and-epa-joint-guidance/>), for more information.

17.2.1. EPA review and approval of a remedial action completion report is required at NPL sites. The appropriate AFCEC/CZ division(s), AFCEC/CIB, or NGB/A4V will begin the process to obtain and document regulator agreement on a remedial action completion report once a site achieves Response Complete (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 fair attempts to obtain regulatory agreement, a memorandum for the record to document the RC determination is accomplished. The memo for record 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/A4V, and signature and date. The memo for record should be detailed enough to enable a fair person to draw the same conclusion about the RC determination as the individual who makes the original determination (reference to the remedial action completion report should suffice for this purpose). A copy of the memo for record is provided to the appropriate regulator(s), and if applicable, the installation commander.

17.2.3. Remedial Action Completion Reports under CERCLA are signed by the same office as has authority to sign DD. Installation commanders normally sign RCRA corrective action completion reports.

17.2.4. At all NPL facilities, EPA must review and approve the remedial action completion report, and appropriate state and local agencies must be provided review and comment opportunities. Unless specified as such in a federal facility agreement (FFA), the remedial action completion report is not a primary document. If not a primary document in a FFA, the EPA and states should be given 60 days to review and provide comment on the remedial action completion report unless otherwise determined by appropriate binding agreement.

17.2.5. At Non-NPL facilities, the appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A4V shall formally document achieving the RC milestone in a remedial action completion report or RCRA corrective action completion report, as appropriate, and shall seek written regulator agreement for its RC determinations. **(T-0)**.

17.2.6. The remedial action completion report and RCRA corrective action completion report can serve as the After- Action Report for submittal to AFSEC/SEW and Department of Defense Explosive Safety Board detailing munitions response activities.

17.2.7. Protectiveness of remedies for purposes of a remedial action completion report 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 limitless use and unrestricted exposure of the property (e.g., no further long term management, including LUC, is needed) and there is no further expense of environmental restoration funds (i.e., environmental restoration account, AF or equivalent Base Realignment and Closure account funds, and ANG O&M restoration funds) at the site. Sites should only be coded as site closeout when there is no requirement to track either LUC or similar restrictions and there is no continuing requirement to conduct 5-year reviews. The appropriate AFCEC/CZ division(s), AFCEC/CIB or NGB/A4V must process for approval a no further action explosive safety submission to achieve site closeout for Munitions Response Areas (MRA) and Munition Response Sites (MRS) through AFSEC/SEW and department of defense explosive safety board. **(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 Environmental Restoration Program (ERP) site to address the change in circumstances, even if the existing site has achieved Site Closeout status. Always retain the original Enterprise Environmental, Safety & Occupational Health-Management Information System (EESOH-MIS) or integrated information technology identifier, without exception. Additional response action requirements at such sites are programmed and budgeted under the same obligation authority under which the former response actions were conducted, except under the conditions described in [paragraph 6.4](#). The appropriate AFCEC/CZ division chief, AFCEC/CIB or NGB/A4V 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). EC are contaminants characterized by a possible pathway to enter the environment and that present a potential unacceptable human health or environmental risk. EC 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 analytic 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 EC, consistent with DoDI 4715.18.

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/A4V, 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 in accordance with Section 3 of DoDI 4715.18 and promulgated requirements that would be considered Applicable or Relevant and Appropriate Requirements for the specific site at issue.

18.2.1.4. In accordance with Section 4 of DoDI 4715.18, necessary response actions for EC 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. Complete response actions in accordance with ARAR for the specific site at issue.

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 EC will be addressed on a case-by-case basis in consultation with AFLOA/JACE and in accordance with 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/A4V determines whether applicable and relevant or appropriate state and local requirements would require such an evaluation or potential response actions(s) in accordance with this instruction.

18.2.2.3. AFCEC/CZR, AFCEC/CIB or NGB/A4V, 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/A4V, as applicable, will coordinate appropriate sampling with AFCEC/CZT, the local Bioenvironmental Engineer, and US Air Force School of Aerospace medicine under the applicable cleanup framework. **(T-1)**. At Base Realignment and Closure 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 Resource Conservation and Recovery Act (RCRA)). **(T-1)**.

18.2.2.5. The appropriate AFCEC/CZ division(s), AFCEC/CIB, and NGB/A4V ensures that toxicity information used in human health risk assessments are consistent with the National Oil and Hazardous Substances Pollution Contingency Plan (e.g. 40 CFR Part 300.430(e)(2)(i)), the Toxicity Hierarchy in Office of Solid Waste and Emergency Response (OSWER) Directive 9285.7-53, *Human Health Toxicity Values in Superfund Risk Assessments* (https://rais.ornl.gov/documents/RAGS_F_EPA540R070002.pdf), 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/A4V, as applicable, in coordination with AFCEC/CZT (for active installations and ANG facilities) or AFCEC/CIB (for Base Realignment and Closure 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.

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 a Remedial Investigation (RI) or Feasibility Study (FS)), and there is a completed Decision Document (DD) for the site, then the risk assessment or the DD shall be reopened or revised only in accordance with 40 CFR Part 300.430(f)(1)(ii)(B)(1) for changed Applicable or Relevant and Appropriate Requirements. For EC for which cleanup levels were earlier 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 EC 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/A4V, 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).**

JOHN J. Allen, Brigadier General, USAF
Director, DCS/Logistics, Engineering & Force
Protection

Attachment 1

GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION

References

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40 CFR Part 280.50, *Reporting of suspected releases*

40 CFR Part 300, *National Oil and Hazardous Substances Pollution Contingency Plan*

40 CFR Part 300.400, Subpart E, *Hazard Substance Response*

40 CFR Part 300.410, *Removal site evaluation*

40 CFR, Part 300.415, *Removal action*

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40 CFR, Part 300.430, *Remedial Investigation/feasibility study and selection of remedy*

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Prescribed Forms

None.

Adopted Forms

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Abbreviations and Acronyms

§—Section (the symbol used to refer to a particular section of a legal code)

§§—Sections (the symbol used to refer to particular sections of a legal code)

AF—Air Force

AF/A4—United States Air Force, Deputy Chief of Staff for Logistics, Engineering, & Force Protection

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

AF/A4CA—United States Air Force, Deputy Chief of Staff for Logistics, Engineering & Force Protection - Directorate of Civil Engineers - Asset Management Division

AFCEC—Air Force Civil Engineer Center

AFI—Air Force Instruction

AFICC—Air Force Installation Contracting Center

AFIMSC—Air Force Installation and Mission Support Center

AFJI—Air Force Joint Instruction

AFLOA/JA—Air Force Judge Advocate General

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

AFMAN—Air Force Manual

AFMRA/SG3C—Air Force Medical Readiness Agency/Operational Medicine Bioenvironmental Engineering

AFPD—Air Force Policy Directive

AFSEC—Air Force Safety Center

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

ANG—Air National Guard

ARAR—Applicable or Relevant and Appropriate Requirements

ASD(Sustainment)—Deputy Assistant Secretary of Defense (Sustainment)

ATSDR—Agency for Toxic Substances and Disease Registry

BRAC—Base Realignment and Closure

CERCLA—Comprehensive Environmental Response, Compensation, and Liability Act

CFR—Code of Federal Regulations

CI—Air Force Civil Engineer Center Installations Directorate

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

CTC—Cost to Complete

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

DD—Decision Document

DERA—Defense Environmental Restoration Account

DERP—Defense Environmental Restoration Program

DLA—Defense Logistics Agency

DMMs—Discarded Military Munitions

DoD—Department of Defense

DoDI—Department of Defense Instruction

DoDM—Department of Defense Manual

DSMOA—Defense and State Memorandum of Agreement

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

EA—Enforcement Action

EC—Emerging Contaminant

EESOH-MIS—Enterprise Environmental, Safety & Occupational Health-Management Information System (at <https://eesoh.cce.af.mil/eesoh/>)

EO—Executive Order

EOD—Explosive Ordnance Disposal

EPA—United States Environmental Protection Agency

ERA (AF)—Environmental Restoration Account

ERP—Environmental Restoration Program

FFA—Federal Facility Agreement

FS—Feasibility Study

HAF—Headquarters Air Force

LTM—Long-Term Management

LUC—Land Use Control

MAJCOM—Major Command

MAP—Management Action Plan

MCs—Munitions Constituents

MD—Mission Directive

MIS—Management Information System

MMRP—Military Munitions Response Program

MOA—Memorandum of Agreement

MRA—Munitions Response Area

MRS—Munitions Response Site

NCP—National Contingency Plan (also known as The National Oil & Hazardous Substances Pollution Contingency Plan)

NFRAP—No Further Response Action Planned

NGB/A4V—Air National Guard Bureau Logistics and Installations Directorate, Asset Management Division, Environmental Branch

NGB/AQ—Air National Guard Bureau Acquisition

NGB/CF—Air National Guard Bureau Directorate

NGB/JA—Air National Guard Bureau Judge Advocate

NOV—Notice of Violation

NPL—National Priorities List

NUREG—Nuclear Regulatory Legislation

O&M—Operations and Maintenance

OPR—Office of Primary Responsibility

OSD—Office of the Secretary of Defense

OSWER—Office of Solid Waste and Emergency Response, EPA

PA—Preliminary Assessment

PHA—Public Health Assessment

POC—Point of Contact

POM—Program Objective Memorandum

PP—Proposed Plan

PRP—Potentially Responsible Party

RAB—Restoration Advisory Board

RC—Response Complete

RCRA—Resource Conservation and Recovery Act

RI—Remedial Investigation

ROD—Record of Decision

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/GC—Air Force Office of General Counsel

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 for Environment, Safety, Infrastructure

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

SAF/PA—Air Force Office of Public Affairs

(SEW)—Weapons Safety Division

SI—Site Inspection

SOP—Standard Operating Procedure

TPS—Third-Party Sites

TOA—Total Obligation Authority

USACE—U.S. Army Corps of Engineers

USAFSAM—United States Air Force School of Aerospace Medicine

USC—United States Code

UXOs—Unexploded Explosive Ordnance

Terms

Active Installation—A military installation that is currently in service and being regularly used for military activities. This includes AFRC installations.

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, Parts 300.800 – 300. 825, *Administrative Record for Selection of Response Action*).

Applicable or Relevant and Appropriate Requirements (ARAR)—Per 40 CFR Part 300.5, *Definitions*, “applicable requirements” means those cleanup standards, standards of control, and other 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.”

Building Demolition and Debris Removal—“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)

Contamination—any hazardous material which is present in the soil, groundwater, surface water, air or building materials of a property in a concentration that exceeds the concentration allowed by applicable Environmental Law.

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 – 9675).

Cleanup—See Remediation.

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

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

Cooperative Agreement—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 Defense and State Memorandum Agreements (DSMOA), a Cooperative Agreement is an agreement between a state and US Army Corps of Engineers (USACE) Grants Officer on behalf of the United States. Cooperative Agreement define the financial assistance available for reimbursement of a state’s eligible services under the DSMOA for the specified Cooperative Agreement period, the installations in the state’s DSMOA or Cooperative Agreement program, and any terms affecting that funding or its use. The Cooperative Agreement 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, and signed by the USACE DAMOA Grants Officer.

Cost to Complete (CTC)—The estimated costs remaining at Defense Environmental Restoration Program sites, covering the period beginning October 1 of the upcoming Fiscal Year 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 Proposed Plans and Records of Decision, 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.

Discarded Military Munitions (DMMs)—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 Unexploded Explosive Ordnance (UXOs), 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 Virtual Environmental Management Office 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://cs2.eis.af.mil/sites/10040/WPP/HomePage/Home.aspx>)

Emerging Contaminants (EC)—EC are contaminants that: (1) present a potential unacceptable risk to human health and the environment; and (2) either do not have regulatory standards based on peer-reviewed science, or the existing regulatory standards are evolving 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 Environmental Restoration Program data management system for active and ANG DERA eligible installations.

Environmental Baseline Survey—A multi-disciplinary site survey conducted prior to or in the initial stage of an operational deployment.

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, 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, or disposal is required by lease, contract, federal, state, 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, or disposal. (DoD 7000.14-R, Vol 4, Chapter 13)

Environmental Quality—The combination of three traditional environmental pillars that need to be managed to ensure the protection of the natural infrastructure and compliance with environmental regulations. These encompass the program elements of compliance, conservation, and P2

Environmental Resources Program Information Management System—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 or 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. The DUSD(I&E) per DoDM 4715.20 and AF/A4CA per ERA, shape the ERA Eligibility Guidance in eDASH establishing eligibility criteria for the ERA, AF account at: <https://cs2.eis.af.mil/sites/10040/Shared%20Documents/AFLOA%20List%20Attachments/AF%20ERA%20Funding%20Guidance.pdf>

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

Explosive Ordnance Disposal—The detection, identification, on-site evaluation, rendering safe, recovery, and final disposal of UXOs or other hazardous explosive devices, including damaged or deteriorating munitions and explosives.

Explosives Safety—A condition where operational capability and readiness, people, property, and the environment are protected from the unacceptable effects or risks of potential mishaps involving DoD military munitions or other encumbering explosives or munitions.

Facility—As defined in 42 USC § 9601 “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 Facility Agreement (FFA)—An agreement between a DoD Component and EPA that incorporates and may expand on the CERCLA requirements for an interagency agreement. An FFA establishes roles and responsibilities of the parties involved. Negotiated FFA govern Air Force obligations at many NPL sites. See also “interagency agreement.”

Fiscal Year—A 12-month period at the end of which all accounts are completed in order to provide a statement of a company's, organization's, or Government's financial condition, or for tax purposes. A fiscal year does not necessarily correspond to a calendar year. The Federal Fiscal Year runs from October 1 of the prior year through September 30 of the next year.

Hazardous Waste—Any solid waste defined as a hazardous waste pursuant to 40 CFR Part 261.3, *Definition of hazardous waste*, or authorized state or host nation rules and regulations.

Health Risk Assessment—A process used to identify and evaluate occupational and environmental health threats in populations or at locations over time. It results with estimates of the overall mission impact, recommended control options, and associated uncertainties. Further defined in AFMAN 10-2503, *Operations in a Chemical, Biological, Radiological, and Nuclear (CBRN) Environment*.

Interagency Agreement—Formal documents in which two or more Federal agencies agree to cooperate. Pursuant to 42 USC § 9620 (e), for any installation listed on the National Priority List, the Component must enter into a CERCLA interagency agreement within 180 days of the required EPA review of the Remedial Investigation or Feasibility Study.

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 Formerly Used Defense Sites or any facility used primarily for civil works, rivers and harbors projects, or flood control projects.” (DoDM 4715.20)

Installation commander—The individual responsible for all operations performed by an installation.

Joint Execution Plan—A mutually agreed (state and AFCEC/CZ or AFCEC/CIB) plan of action for Defense and State Memorandum of Agreement 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 Joint Execution Plan should mirror information in the installation MAP. The Joint Execution Plan form also includes space for the state to later insert information concerning state services provided.

Lead Agency—The United States Government agency designated to coordinate the interagency oversight of the day-to-day conduct of an ongoing operation.

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)

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 LUC are generally the same as those used for institutional controls, as discussed in the National Contingency Plan. Examples of institutional controls include deed notices; institutional control registries, property easements and covenants; installation administrative controls, such as construction and work request review and approval processes; and administrative orders and cleanup agreements.

Major Command—For the purpose of this instruction, includes all USAF Major Commands plus the Air National Guard Readiness Center, Air Force Reserve Command, Direct Reporting Units, and Field Operating Agencies.

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 (in accordance with the SOP for the SAF/IE and AF/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 Environmental Restoration 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.

Manpower Requirements—Human resources needed to accomplish specified work loads of organizations.

Military Munitions—As defined in 10 USC §101(e)(4), *Definitions, Military munitions*, “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 – 2297h-13, *Development and Control of Atomic Energy* (commonly referred to as the Atomic Energy Act) have been completed.”

Munitions Constituents (MCs)—As defined in 10 USC § 2710(e)(3), “any materials originating from UXOs, DMMs, 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 Part 179.3, “response actions, including investigation, removal actions, and remedial actions, to address the explosives safety, human health, or environmental risks presented by UXOs, Discarded Military Munitions (DMMs), or MCs, or to support a determination that no removal or remedial action is required.”

Munitions Response Area (MRA)—As defined in 32 CFR Part 179.3, “any area on a defense site that is known or suspected to contain UXOs, DMMs, or MCs. Examples are former ranges and munitions burial areas. An MRA comprises one or more MRS.”

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

Munitions Response Site Prioritization Protocol—Per Deputy Under Secretary of Defense(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 UXOs, DMMs, or MCs.

National Contingency Plan—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 Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). For Federal Facilities on the NPL, the Federal agency must enter an interagency agreement with EPA.

Natural Resources—Per 40 CFR Parts 300.500 – 300.525, *State Involvement in Hazardous Substance Response*, “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 and 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 Parts 300.420(b)(4) or (c)(5) as appropriate.

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.

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 AF/A4.)

Program Objective Memorandum—The final product of the annual programming process within the Department of Defense which translated planning guidance into programs by aligning resources with specific requirements to support operations, training, maintenance and base support.

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) at <https://www.denix.osd.mil/references/dod/policy-guidance/relative-risk-site-evaluation-primer/>, 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-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)

Remedial Project Manager—The person assigned to manage remedial or other response actions at sites in the Environmental Restoration Program (ERP). The remedial project managers 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 Remedial Design and would be expected to meet the remedial action objectives detailed in the Decision Document. 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 Response Complete.” (DoDM 4715.20)

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 underground storage tanks (42 USC §§ 6901 – 6992k). 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 enforced through the statutory authorities established by Public Law 98-616, 98 Stat. 3221, *Hazardous and Solid Waste Amendments of 1984*, and is substantively equivalent to CERCLA.

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 and SI or RI that no additional response action is required; achieved RIP and the required Remedial Action-Operation has achieved the remedial action objectives; or where there is no Remedial Action-Operation 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.

Requirements Development—The process of defining actual contract support requirements and capturing these requirements in acquisition ready contract support requirements packages.

Risk Assessment—The process of detecting hazards and their causes, and systematically assessing the associated risks.

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 Long Term Monitoring, including Land Use Controls, is required). Also, may be a no further action.” (DoDM 4715.20)

Solid Waste—Any discarded material as defined in 40 CFR, Part 261.2, *Definition of Solid Waste*.

Technical Review Committee—A group comprised of the Department of Defense, EPA, State, and local authorities and a public representative of the community formed to meet the requirements of 10 USC 2705(c), the Department of Defense Environmental Restoration Program. Primarily functioning to review installation restoration documents, these committees are being expanded and modified at installations where interest or need necessitates the creation of a RAB.

Third Party Sites—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.

Total Obligation Authority (TOA)—the financial requirement of the Future Years Defense Plan (FYDP), or any component thereof, necessary to support the approved program. The total budget authority received and posted in the accounting system supporting an organization's approved program. TOA includes the anticipated reimbursements an organization expects to earn plus the organization's direct budget authority.

Unexploded Explosive Ordnance (UXOs)—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 COMPREHENSIVE ENVIRONMENTAL RESPONSE,
COMPENSATION, AND LIABILITY ACT (CERCLA) RESPONSE PROCESS AND
RESOURCE CONSERVATION AND RECOVERY ACT (RCRA) CORRECTIVE
ACTION**

Table A2.1. CERCLA/RCRA Corrective Action.

CERCLA	RCRA Options*	Description of Step
Site Discovery and Notification		<p>Identify past releases of hazardous substances or hazardous waste and constituents according to information obtained during records searches or other ongoing project activities</p> <p>Notify applicable regulators</p>
Preliminary Assessment/Site Investigation (PA and SI)	RCRA Facility Assessment (RFA)	<p>Review real property assets for potential releases of hazardous substances to the environment</p> <p>Collect information regarding site conditions, potential contamination, and exposure pathways, in order to determine whether further investigation or short-term action is necessary</p> <p>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</p> <p>Identify sites and solid waste management units</p>
Removal or Interim remedial action (IRA)	Interim measure (IM)	<p>Conduct short-term actions to address any immediate threats to human health or the environment or to prevent further contaminant migration</p> <p>Remedial actions taken during the RI or FS process that are not the complete or final remedial action</p> <p>Documented in an action memorandum or interim ROD under CERCLA. For RCRA, check with the regulator.</p> <p>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</p>
Remedial Investigation (RI)	RCRA Facility Investigation (RFI)	<p>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</p> <p>Estimate potential risks posed by site contamination to human health and the environment</p> <p>Collect data and conduct treatability studies required to support the remedy or corrective action selection process</p>
Feasibility Study (FS)	Corrective Measures Study (CMS)	<p>Develop, screen, and evaluate remedial or 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</p>

CERCLA	RCRA Options*	Description of Step
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 or 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 and 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 or corrective action objectives identified in the DD have been met Document in a Remedial Action Completion Report or Corrective Action Complete Report to ensure recognition that the remedial or corrective action objectives are achieved
Long-Term Management (LTM)		Monitor long-term protectiveness of the remedy; includes monitoring site conditions, operation and management of LUC, and performance of five-year reviews
Site Closeout (SC)		Complete active management and monitoring at an environmental restoration site, achieving unlimited use and unrestricted exposure such that no additional environmental restoration funds will be expended at the site (i.e., no further LTM, including LUC, is required)
Note: * 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.		