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OF THE AIR FORCE**

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**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 Department of the Air Force (DAF) Environmental Restoration Program (ERP) within the United States (U.S.). This publication applies to civilian personnel and uniformed members of the United States Air Force (USAF), United States Space Force (USSF), Air Force Reserve (AFR), or the Air National Guard (ANG), to include non-appropriated fund employees and those who are contractually obligated to comply with Department of the Air Force (DAF) publications. This instruction may be supplemented at any level, but all supplements that directly implement this publication are routed to United States Air Force (USAF), 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 DAF Form 847, *Recommendation for Change of Publication*; route DAF Forms 847 from the field through the appropriate functional chain of command. Furthermore, while supporting the intent of this instruction, ANG and AFR units may prepare appropriate policy, supplement, guidance, and/or procedural documents reflecting their unique legal status, resources, and structure as circumstances dictate. ANG and AFR units will coordinate any unique documentation through their chain of command, who would then route to the OPR of this publication for final approval. The authorities to waive wing, unit, or delta level requirements in this publication are identified with a tier (“T-0, T-1, T-2, T-3”) number following the compliance statement. See DAF Manual (DAFMAN) 90-161, *Publishing Processes and Procedures*, 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 generated as a result of processes prescribed in this publication adhere to Air Force Instruction (AFI) 33-322, *Records Management and Information Governance Program*,

and are disposed in accordance with the Air Force Records Disposition Schedule, which is located in the Air Force Records Information Management System.

SUMMARY OF CHANGES

This document includes substantial revisions and must be completely reviewed. The order of [chapter 2](#) and [chapter 3](#) has been switched in order to be in accordance with guidance in DAFMAN 90-161, which states that the chapter for Roles and Responsibilities should come after the overview chapter and before substantial body information. This rewrite removes Environmental Baseline Survey (EBS) content which has been moved to Department of Air Force Instruction (DAFI) 32-7067, *Environmental Baseline Surveys in Real Property Transactions*. This rewrite updates emerging chemicals, updates community involvement, updates administrative and record accomplishment, updates office symbols, removes duplicative material, and streamlines remediation procedures and approval processes. This document incorporates the requirement of a regional hydrogeologic/stratigraphic conceptual site model for all sites that have not achieved response complete. A checklist for use in evaluating proposed or contemplated on-base construction sites has been added.

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Chapter 1

OVERVIEW: APPLICABILITY, SCOPE, AND AUTHORITY

1.1. Applicability. The requirements in this instruction apply to all Environmental Restoration Program (ERP) activities, regardless of the timing of the release of contamination or the legal authority driving the activity.

1.2. Scope. This instruction applies to the entire DAF within the U.S., including contractor Base Realignment and Closure (BRAC) locations. This instruction does not apply to environmental restoration at locations outside the U.S., to include enduring and contingency locations and the global commons. This publication does not apply to Joint Base installations where DAF is not the lead agent. Requirements for addressing environmental contamination from DAF activities outside the U.S. are addressed in DAFI 32-7091, *Environmental Management Outside the United States*, and other DAF and Department of Defense (DoD) directives. All guidance documents are located on eDASH.

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

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

1.3.2. 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.

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

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

1.4.1. Installation Restoration Program (IRP).

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

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

1.4.1.1.2. 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).

1.4.1.1.3. Petroleum, oil, lubricants. In accordance with the Defense Environmental Restoration Program (DERP), long-term cleanup of petroleum, oils, and lubricants is

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 (MOU) as defined in [paragraph 13.6.1](#) and [paragraph 13.6.2](#). (Note: 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*, (also known as the Resource Conservation and Recovery Act (RCRA)) and paragraph 6.h. of Department of Defense Manual (DoDM) 4715.20, *Defense Environmental Restoration Program (DERP) Management*, Enclosure 3.

1.4.1.1.4. Hazardous wastes and hazardous waste constituents per 40 CFR Part 261.3, *Definition of hazardous waste*.

1.4.1.1.5. 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.

1.4.1.2. The IRP 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.

1.4.1.2.1. In order for UXOs, DMMs, and MCs to be considered incidental to an IRP site, three criteria must be met in line with the *Air Force Environmental Restoration Account (AF ERA) Funding Eligibility Guidance* on eDASH (<https://usaf.dps.mil/teams/eDASH/WPP/HomePage/Home.aspx>), referred to as 'AF ERA eligibility guidance' throughout this document: (1) a relatively small percentage of the volume of hazardous waste found at the site can be UXO, DMM, and MC; (2) a relatively small percentage of solid, non-hazardous waste (as opposed to non-munitions hazardous waste), is found at the site; and (3) the release should be one that was not directly caused by a munitions related activity, including but not limited to the movement, dismantling, clearance, incineration, or detonation of munitions, UXO, DMM, or MC. (T-1) See the guidance for additional DAF clarifications. Consult with the Office of The Judge Advocate General's Corps, Operations and International Law Directorate, Environmental Law and Litigation Division (AF/JAOE) to seek clarification on whether a site falls within this criterion.

1.4.2. Military Munitions Response Program (MMRP).

1.4.2.1. 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)).

1.4.2.1.1. 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.

1.4.2.1.2. UXOs, as a class, and MCs on other than operational ranges, may be constituted as pollutants or contaminants under the definitions provided by CERCLA if they present an actual or potential imminent threat to human health, including safety,

or the environment, including property, as determined by an explosives or munitions emergency response specialist. If a UXO is being excavated for destruction due to the UXO's reactive capability, the UXO is then a RCRA regulatory hazardous waste and thus a CERCLA hazardous substance. This applies to all UXOs being managed for treatment. DAF commanders and responsible officials must ensure CERCLA is the preferred response mechanism used to address UXOs at other than operational ranges in accordance with DoDM 4715.20, *Defense Environmental Restoration Program (DERP) Management*. (T-0)

1.4.2.2. The MMRP may also include response actions to address releases that are defined in [paragraph 1.4.1.1](#) through [paragraph 1.4.1.2](#) but that are incidental to addressing an existing munitions response site. See ERA eligibility guidance for further clarification.

1.4.3. 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 Air Force (AF) ERA and BRAC Account funds for building demolition and debris removal; DAF 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.

1.5. Former DAF Properties. Environmental restoration requirements associated with DAF real property, where the property transferred from DAF 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 (FUDS) Program. If extenuating circumstances warrant continued DAF involvement at the site, justification must be submitted to USAF, Directorate of Civil Engineers (AF/A4C) for authorization to use DAF obligation authority. Either the Air Force Civil Engineer Center (AFCEC) Environmental Directorate (CZ), or the National Guard Bureau (NGB) Logistics and Installations Directorate, Asset Management Division, Environmental Branch (NGB/A4V), as appropriate, must submit these justifications. (T-1) Once DAF accepts involvement with property that was transferred prior to October 17, 1986, the property may not later be turned over to the FUDS Program. The DAF retains responsibility for former properties not eligible for the FUDS Program. Consult legal counsel to determine the extent of DAF responsibilities.

1.6. Legal Authorities.

1.6.1. 10 USC, Chapter 160 (§§ 2700-2716, *Environmental Restoration*, is the statutory authority that establishes an ERP of hazardous substances, pollutants and contaminants for DoD, and is implemented by DoDM 4715.20. Environmental restoration at DAF installations for restoration conducted pursuant to CERCLA is conducted under DERP subject to and consistent with CERCLA requirements, with DAF as the lead agency. DAF 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. 10 USC § 2701(a)(1) states: "the Secretary of Defense

shall carry out a program of environmental restoration at facilities under the jurisdiction of the Secretary and at National Guard facilities.” The scope of the DERP is defined in 10 USC § 2701(b), which states that “goals of the program shall include the following: (1) The identification, investigation, research and development, and cleanup of contamination from a hazardous substance, pollutant or contaminant; (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.”

1.6.2. CERCLA. 42 USC Chapter 103 (§§ 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. EO 12580, *Superfund Implementation*, (as amended) delegates authority and responsibility to the Secretary of Defense. Department of Defense Instruction (DoDI) 4715.07, *Defense Environmental Restoration Program (DERP)*, Enclosure 2, paragraph 7a(1)(c), and DoDM 4715.20, Enclosure 3, paragraph 1b further delegates 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 DAF. The DAF is the “lead agency” with delegated authority to plan and implement response actions under CERCLA and the NCP (see [paragraph 8.2](#)) when under the DAF’s jurisdiction.

1.6.3. Resource Conservation and Recovery Act (RCRA). 42 USC §§ 6901-6992k, known as RCRA, has “corrective action” authorities in 42 USC §§ 6924(u) and 6924(v) that require cleanup of certain releases of hazardous wastes or constituents from any solid waste management unit at installations with a permitted hazardous waste treatment, storage, and disposal facility or from a regulated unit at an interim status facility. Under Section 6928(h), EPA also may issue an order requiring corrective action or such other response measure as deemed necessary to protect human health and the environment. These authorities potentially extend beyond the specific unit to releases that migrate beyond the facility boundaries. 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); DAF 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*, provides EPA authority 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.

1.6.4. CERCLA and RCRA Integration. When both CERCLA and RCRA apply, DAF commanders and responsible officials must ensure that response actions (under CERCLA) or corrective action (under RCRA) are in accordance with the following authorities and principles:

1.6.4.1. 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 EPA Office of Solid Waste and Emergency Response (OSWER) Directive 9272.0-22, *Improving RCRA and CERCLA Coordination at*

Federal Facilities, for additional information (**Note:** OSWER has been renamed the Office of Land and Emergency Management (OLEM)).

1.6.4.2. 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, DAF seeks to implement CERCLA responses that integrate or incorporate RCRA substantive requirements, thereby satisfying its RCRA obligations.

1.6.4.3. DAF 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.

1.6.5. National Environmental Protection Act (NEPA) and NHPA Requirements. When undertaking a response action that complies with DERP, CERCLA, and NCP the intent and substantive requirements of NEPA are met to include Environmental Assessments and Environmental Impact Statement requirements. The intent and substantive requirements of NEPA are also met when a response action is taken under RCRA instead of under CERCLA and the NCP. As a result, no Environmental Impact Analysis Process, 32 CFR Part 989, documentation is required when performing environmental restoration activities in accordance with DERP and CERCLA/NCP or in accordance with DERP and RCRA. Formal Consultation requirements under 16 USC 1531-1544, *Endangered Species Act*, Section 7, *Interagency Cooperation*, and Section 106 of 16 USC 470, *National Historic Preservation Act*, (NHPA) are satisfied when a response action is planned and carried out in accordance with DERP, CERCLA, and the NCP. However, the applicable decision document should identify the ESA (for endangered or threatened species) and the NHPA as applicable or relevant and appropriate requirement (ARARs) when species or historic/cultural resources are respectively present at a CERCLA site.

1.6.6. At all installations, DAF commanders and responsible officials must comply with state substantive laws as required by and consistent with CERCLA. **(T-0)** At non-National Priority List (NPL) installations, 42 USC § 9620(a)(4) ("State laws"), also mandates that Federal agencies' CERCLA response actions comply with applicable state response laws, as long as such state laws apply requirements to the DAF that are no more stringent than those applied to other entities/persons.

1.6.7. Atomic Energy Act, 42 USC §§ 2011 – 2297h-13, *Development and Control of Atomic Energy*. DAF manages radioactive materials under the Atomic Energy Act, as amended. (**Note:** The Nuclear Regulatory Commission's regulation (NUREG) 0980 is a summarized publication containing a comprehensive collection of applicable laws and was last updated in 2015). Defense weapons grade nuclear materials are handled under 42 USC Subchapter VIII (§§ 2121 – 2123), *Military Application of Atomic Energy*.

1.6.7.1. 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 the Atomic Energy Act, 42 USC 2121(b). 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 DAFMAN 40-201, *Radioactive Materials (RAM) Management*, is the point of contact for all radioactive materials owned by DAF under the Air Force Master Materials License and the Letter of Understanding DAF has with the Nuclear Regulatory Commission located at <https://www.nrc.gov/docs/ML2235/ML22353A607.pdf>.

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

Chapter 2 ROLES AND RESPONSIBILITIES

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

In accordance with Headquarters Air Force (HAF) Mission Directive (HAFMD) 1-18, *Assistant Secretary of the Air Force (Installations, Environment and Energy)*, SAF/IE is responsible for providing policy, direction, and oversight. (T-1) This includes formulation, review, and execution of plans, policies, programs, budgets, and DAF positions regarding federal and state legislation and regulations related to the ERP. This oversight is performed in consultation with the Deputy Chief of Staff for Logistics, Engineering, and Force Protection (AF/A4) for the United States Air Force, and the Director for Mission Sustainment (SF/S4) for the United States Space Force, or their equivalent offices.

2.2. Deputy Assistant Secretary of the Air Force (Infrastructure, Energy, and Environment) (SAF/IEE).

All matters pertaining to DAF ERP have been delegated to SAF/IEE and are accomplished in consultation with the Deputy Chief of Staff for Logistics, Engineering, and Force Protection, Directorate of Civil Engineers (AF/A4C).

2.2.1. 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 DAF issuance. SAF/IEE serves as the primary DAF 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 DAF liaison in support of SAF/PA's engagement with media.

2.2.2. 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 DAF 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.

2.2.3. Coordinate on the development and presentation of the DAF Environmental Program Objective Memorandum (POM) brief to ensure resource allocations enable DAF to meet its obligations in accordance with law and policy.

2.2.4. SAF/IEE issues policy and strategic direction for enterprise-wide ERP response actions for emerging chemicals (ECs), consistent with DoDI 4715.18, *Emerging Chemicals (ECs) of Environmental Concern*.

2.3. 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 DAF 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 DAF positions regarding federal and state legislation and regulations related to BRAC. SAF/IEI will coordinate and consult with SAF/IEE when there may be an overlap with or implications for ERP.

2.4. Department of the Air Force Office of General Counsel (SAF/GC).

2.4.1. Serves as the principal legal advisor to SAF/IE, SAF/IEE and SAF/IEI, with respect to environmental policy matters and issues involving remediation of environmental contamination

attributable to the DAF. SAF/GC provides these legal services primarily through the Office of the Deputy General Counsel for Installations, Energy and Environment (SAF/GCN).

2.4.2. Serves as principal DAF legal representative on all environment related legal and policy issues involving the OSD/Office of General Counsel and the General Counsel offices of other Federal departments and agencies.

2.4.3. When appropriate, coordinates with the Judge Advocate General (TJAG) or AF/JAOE.

2.4.4. Nothing in this paragraph is inconsistent with HAFMD 1-14, “*General Counsel and The Judge Advocate General.*”

2.5. The Judge Advocate General (TJAG).

2.5.1. Provides legal advice and assistance to the HAF and field activities on DAF environmental issues and activities at DAF installations, properties, and Third-Party Sites. Serves, along with SAF/GC, as principal legal advisor to SAF/IE, SAF/IEE, and SAF/IEI, with respect to environmental policy matters and issues involving remediation of environmental contamination attributable to the DAF. TJAG provides this support primarily through AF/JAOE. Support includes:

2.5.1.1. 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.

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

2.5.1.3. Managing the Third-Party Site program and providing requirements to AFCEC/CZ for inclusion in the ERA budget.

2.5.2. When appropriate, coordinates with SAF/GC or Deputy General Counsel Installations, Energy & Environment (SAF/GCN).

2.5.3. Nothing in this section is inconsistent with HAFMD 1-14, *General Counsel and The Judge Advocate General.*

2.6. Public Affairs (PA).

2.6.1. Air Force Office of Public Affairs (SAF/PA). SAF/PA provides guidance regarding public affairs activities in support of the ERP, as specified in AFMAN 35-101, *Public Affairs*. SAF/PA will coordinate and communicate with all appropriate USAF, USSF, Air Force Installation and Mission Support Center (AFIMSC), AFCEC, NGB Public Affairs and Strategic Communications (NGB/PA), and installation-level PA offices.

2.6.2. AFIMSC/ PA. AFIMSC/PA works with the installation and Major Command (MAJCOM) or Field Command (FLDCOM) PA offices, SAF/PA, AFCEC Environmental Management Division, and NGB/A4V (for ANG facilities) to ensure consistency of information and communications.

2.6.3. Installation PA Office. The Installation PA works with SAF/PA, MAJCOM/PA, FLDCOM/PA, AFIMSC/PA, AFCEC/CZ, and NGB/A4V (for ANG facilities) regarding public affairs activities in support of the ERP.

2.7. Department of the 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. (T-1)

2.7.1. AF/A4C supports communications to outside entities relative to its ERP responsibilities by:

2.7.1.1. 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 advanced coordination from SAF/IEE and SAF/IEI, as appropriate and consistent with Attachment 5 to HAF MD 1-18.

2.7.1.2. 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.

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

2.7.2. AF/A4C supports SAF/IE in oversight of ERP program.

2.7.3. AF/A4C has overall responsibility to ensure consistency with overall policy, strategic direction and guidance, and priorities as determined by SAF/IE.

2.7.4. AF/A4C supports the POM, Budget Estimate Submission, President's Budget, and inner DAF resource processes for the ERP.

2.8. Department of the Air Force, Deputy Chief of Staff for Logistics, Installations & Mission Support - Directorate of Civil Engineers – Asset Management Division (AF/A4CA).

2.8.1. Serves as the overall AF/A4C lead to oversee ERP execution, advocate for ERP resources, 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.

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

2.8.3. Supports the development of, validates, and advocates for ERP, ANG Operations and Maintenance (O&M) Restoration, and BRAC POM. Supports the Budget Estimate Submission and President's Budget. Facilitates transfer of Defense Environmental Restoration Account (DERA) from the Assistant Secretary of the Air Force for Financial Management and Comptroller (SAF/FM), in accordance with the annual ERA budget approved through the Air Force Corporate Board structure.

2.8.4. Develops ERP guidance to implement policy in accordance with the Standard Operating Procedure (SOP) for the SAF/IE and AF/A4 and consults with the Air Force Installation and Mission Support Center on ERP guidance.

2.8.5. 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.

2.8.6. 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.

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

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

2.8.9. Compiles and submits the DAF ERA budget.

2.8.10. Advocates for DERA funds.

2.8.11. Promotes initiatives that reduce cleanup time, costs, and risks to human health and the environment.

2.8.12. Supports SAF/IEE in DoD In-Progress Reviews and other briefings.

2.8.13. Represents DAF in stakeholder initiatives.

2.8.14. Ensures and maintains the current budget, program management, program execution, and site cleanup information.

2.8.15. Maintains the Enterprise, Environmental, Safety, Occupational Health – Management Information System (EESOH-MIS) Cleanup Module.

2.9. Air Force Installation and Mission Support Center (AFIMSC).

2.9.1. Provides leadership, oversight, and execution of DAF-wide installation and mission support activities. For the DAF ERP, execution and supporting collaboration, coordination and communications engagement responsibilities, and other related program activities, are provided by AFCEC (a primary subordinate unit to the AFIMSC) and ANG, as described in [paragraph 2.10](#) and [paragraph 2.11](#).

2.9.2. Develops and advocates for the ERP and BRAC POM as the Program Element Manager. AFIMSC supports the Budget Estimate Submissions and President's Budget and facilitates transfer of DERA funding from SAF/FM, in accordance with the annual Environmental Restoration budget approved through the DAF Corporate Board structure.

2.9.3. Publishes annual DAF ERAs (Active and BRAC accounts), DAF funding guidance, with updates as appropriate to support applicable higher headquarters funding policy and process changes.

2.9.4. Conducts Program Element Manager Parades and serves as the subject matter expert for DAF ERAs (Active and BRAC) Air Force budget requirements.

2.10. Air Force Civil Engineer Center (AFCEC).

2.10.1. Maintains centralized responsibility for executing an effective and cost-efficient DAF ERP in support of DAF installations and locations. Pursuant to Executive Order 12580 and 10 USC 2701(d), SAF/IEE hereby delegates authority to the AFCEC Commander or Director, so long as

that person is a member of the Senior Executive Service or a General Officer. The AFCEC/CC or Director may delegate this authority further, so long as that delegatee is also a member of the Senior Executive service or a General Officer.

2.10.2. The AFCEC Director (or Deputy) through AFCEC/CZ will communicate program performance and compliance to SAF/IEE, AF/A4C, and SF/S4 through recurring program assessments. Informs and consults with the senior civil engineering representative on the MAJCOM (for USAF) or AFMC (as USSF's Servicing MAJCOM) about ERP activities within the command that could adversely impact the mission of the command.

2.10.3. AFCEC Environmental Directorate (AFCEC/CZ). AFCEC/CZ has centralized responsibility for executing the DAF ERP in support of active and BRAC installations. It provides direct installation support by planning and programming requirements and executing projects. The AFCEC Commander, or Director/Deputy Director of AFCEC/CZ will sign FFAs for active and BRAC installations after SAF/IEE approval; signs removal action memoranda, records of decisions (RODs) and other Decision Documents (DDs) after legal and technical review and installation commander coordination (except for cleanup under Resource Conservation and Recovery Act (RCRA) where the installation commander normally signs the DD); signs five-year reviews; signs Memorandum of Agreements (MOAs) or other similar agreements for selecting, implementing, operating, or maintaining Land Use Controls (LUCs) 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.

2.10.3.1. Serves as the onsite operational execution action officer for the ERP and provides field level services.

2.10.3.2. Develops and implements programmatic and execution strategies for the ERP, manages DAF's DERA Total Obligation Authority (TOA), and serves as the functional manager for ERP tracking and reporting applications in related data management systems.

2.10.3.3. Compiles OSD and SAF responses to data calls for all Active, ANG, and BRAC installations for review by AF/A4C before submittal.

2.10.3.4. Develops and maintains ERP technical and operational guidance.

2.10.3.5. Provides active and BRAC installation Restoration support through a designated Restoration office. See AFCEC/CZ Restoration Office roles and responsibilities in [paragraph 2.12](#).

2.10.3.6. Supports Information Management requirements. See [Chapter 5](#).

2.10.3.7. Notifies the AFCEC/CZ director of any proposal to execute a restoration activity under a legal authority other than CERCLA, RCRA, or the Underground Storage Tank regulations consistent with requirements herein. (Also see [paragraph 13.4.2](#) and [paragraph 13.4.3](#)).

2.10.3.8. Provides support to servicing MAJCOMs. Provides periodic updates to the MAJCOM regarding status of and issues related to the MAJCOM installations' environmental restoration sites. Perform MAJCOM or AFMC (as USSF's Servicing MAJCOM) environmental restoration functions, to include required staffing, technical, and coordinating responsibilities.

2.10.3.9. 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, AF/JAOE, servicing MAJCOM, and OSD upon request. AFCEC/CZ will provide technical services in support of the ERP, specifically:

- 2.10.3.9.1 Acts as focal point for environmental technology issues in restoration.
 - 2.10.3.9.2. Serves as a decision support for consistency and scientific and technical justification for restoration decisions (in particular, basis for action and remedy selection, but also including broader technical or scientific matters affecting restoration).
 - 2.10.3.9.3. Verifies data quality for tracking ERP technical performance.
 - 2.10.3.9.4. Manages the technology transfer for the ERP.
 - 2.10.3.9.5. 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.
 - 2.10.3.9.6. Prepares guidance for implementing enterprise-wide responses in support of the DAF Emerging Chemicals program.
 - 2.10.3.9.7. Conducts technical reviews of proposed regulatory changes, proposals, or new human health or eco-risk toxicity criteria and/or standards and evaluates their potential impact on restoration activities.
 - 2.10.3.9.8. Reviews scientific and research publications and new data to evaluate potential impacts on restoration activities.
 - 2.10.3.9.9. Develops and promotes deployment of innovative technologies and reports on their use.
 - 2.10.3.9.10. Supports strategic and program planning, and negotiations with regulators.
 - 2.10.3.9.11. Interfaces with other services as directed by SAF or HAF, and in the execution of the responsibilities of a center of expertise.
 - 2.10.3.9.12 Provides technical expertise and support for Peer reviews.
 - 2.10.3.9.13. Cross-feeds restoration information and knowledge gained through experience.
 - 2.10.3.9.14. Serves as regional point of contact for liaison activities with state and federal agencies for the ERP and serves as the primary point of contact for TPS.
 - 2.10.3.9.15. Oversee implementation of ERP policy to ensure that real property actions satisfy applicable environmental requirements and that environmental actions support DAF real property priorities, goals and objectives, and accurately reflect the ERP-related condition of the property.
- 2.10.3.10. Be the responsible office generally for executing real property actions under the oversight of SAF/IEI.

2.11. Air National Guard (ANG.).

2.11.1. Complies with AFCEC/CZR's ERP FIAR funding, data, and process control measures and DERA requirements.

2.11.2. Provides oversight for the Chief of NGB/A4V. See [paragraph 2.12](#) for NGB/A4V roles and responsibilities.

2.11.3. Contracts, executes, and oversees ERP requirements on ANG facilities.

2.11.4. Rates and reports ERP contract performance in adherence to AFCEC/CZ Restoration Office's performance measures for consistent execution performance reporting.

2.11.5. Coordinates with the below offices to execute the ERP at ANG facilities and perform duties as shown below.

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

2.11.5.2. NGB General Counsel (NGB/GC): Provides environmental legal support services to NGB/A4V for ANG restoration activities. Consults with AF/JAOE as appropriate.

2.12. Restoration Offices at AFCEC/CZ and NGB/A4V (referred to as "Restoration Offices" in this publication).

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

2.12.2. Provide research and development solutions based on SAF/IEE and AFCEC/CZ requirements.

2.12.3. Develop installation-level project requirements and submissions. Submit Active, BRAC and ANG ERP POM information for each ERA through AFIMSC and manage and are responsible for the programmatic development of ERP requirements through the remaining life cycles to include the cost-to-complete (CTC) and the Environmental Liabilities. Coordinate ERP projects with the installation. This is achieved through the Program Requirements Development (PRD) process, which is the foundation upon which the Restoration Offices and operations divisions build a roadmap to site remediation that supports DAF installations and the DAF mission.

2.12.4. NGB/A4V collaborate with AFCEC/CZ to consolidate program reporting.

2.12.5. Develop requirements for the POM for DERA or BRAC O&M accounts, and develop, plan, prioritize, and defend the annual ERP budget for AF/A4C for approval.

2.12.6. Send BRAC and ANG data call responses to AFCEC/CZ for compilation and submittal.

2.12.7. Execute and manage environmental cleanup; track and report ERP performance.

2.12.8. Identify, develop, field, sustain, and operate and maintain central ERP information systems and data (to include site audit files).

2.12.9. Develop, review, coordinate, and approve Department of Defense and State Memorandum of Agreement Joint Execution Plans with state regulatory agencies.

2.12.10. Manage Active, ANG, and BRAC ERP execution 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.

2.12.11. Manage Active, ANG, and BRAC ERP to meet restoration goals and objectives. Tracks and reports metrics and status of obligations, environmental liabilities, and site milestone progress.

2.12.12. Maintain site audit file documentation and certification. Ensure 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. Update the environmental liabilities yearly for certification by the appropriate Restoration Office division chief(s).

2.12.13. Develop and coordinate the Project Cost Estimating Assumption Document (PCEAD) 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.

2.12.14. Notify AF/A4CA and SAF/IEE of any proposal to execute a restoration activity under a legal authority other than CERCLA, RCRA, or the Underground Storage Tank regulations. These occur pursuant to 42 USC Subchapter IX (§§ 6991 – 6991m), *Regulation of Underground Storage Tanks*, 40 CFR Part 280, *Technical Standards and Corrective Action Requirements for Owners and Operators of Underground Storage Tanks*. Such notification shall occur after legal review. Notify those same offices and AF/JAOE, or NGB-JA for ANG locations, of any draft or executed orders to conduct restoration such as those under CERCLA Section 106, RCRA or the Safe Drinking Water Act. During its review, the appropriate legal office will coordinate with SAF/GCN. (See [paragraph 13.4.2](#) and [paragraph 13.4.3](#)).

2.12.15. Develop and process the approval of required MMRP documents (e.g., Explosive Safety Submission, Explosive Safety Plan, and After-Action Report) through the AFSEC and DoD Explosive Safety Board.

2.12.16. Conduct outside assessments or staff assistance visits, as required.

2.12.17. Ensure that the remedy including LUCs is maintained where DAF retains responsibility for such maintenance.

2.12.18. Perform routine site visits or project inspections and perform a review of contract deliverables prior to submission to regulatory agencies to monitor contractor performance and ensure technical sufficiency. Monitor and track remedy implementation (including LUCs). Perform activities required for Long Term Management (LTM). Oversee and coordinate contractor support, including providing site information and access.

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

2.12.20. Provide the following support to installations:

2.12.20.1. Ensure that ERP responses are consistent with leadership direction, program objectives, program goals, budget priorities, and regulatory requirements. In most cases, the installation is the recipient of enforcement actions. For notification requirements, refer to Installation roles and responsibilities.

2.12.20.2. Support Restoration Advisory Boards (RAB) and organize Technical Review Committees. Restoration Office personnel will serve as representatives at assigned installations. See [Chapter 11](#).

- 2.12.20.3. Support the Installation and Mission Support Group Commander (or equivalent) 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 2.14](#) (e.g., RCRA cleanup actions and responses to Notices of Violation (NOV) and enforcement actions (EA)).
- 2.12.20.4. Assign a remedial project manager in writing and provides notice of assignment to the installation commander.
- 2.12.20.5. Support the installation Environment, Safety, and Occupational Health Council (**Exception:** BRAC installations).
- 2.12.20.6. Serve as the primary interface with regulators and stakeholders as required.
- 2.12.20.7. Develop and coordinate the required MMRP documents through the installation commander, servicing MAJCOM, and other appropriate offices (to include Major Command/Weapons Safety Division (MAJCOM/SEW), AFSEC/Weapons Safety Division (AFSEC/SEW), and Department of Defense Explosive Safety Board, as required for Explosive Safety Submission documents – see [paragraph 14.11](#)).
- 2.12.20.8. Support, advise, and attend the installation Environment, Safety, and Occupational Health Council (**Exception:** BRAC installations). Responsible for Management Internal Control Toolset (MICT) inputs to evaluate Commander's compliance with ERP requirements.
- 2.12.20.9. Submit to appropriate legal office 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 NPL deletion requests, as well as parallel documents under other legal authorities. Provide technical support to the appropriate legal office regarding affirmative cost recovery actions and the third-party sites program. Seek legal support, review and coordination from the appropriate legal office on all cleanup agreements, permits and orders. (**Exception:** NGB/A4V for ANG installations).
- 2.12.20.10. Maintain interim and selected remedies (including LUCs) in accordance with applicable DDs.
- 2.12.20.11. Develop, identify, track, and report all cleanup and long-term management actions, to include land use control activities specified in DD.
- 2.12.20.12. In coordination with the installation, ensure land use, construction activities, and ground-disturbing activities are compatible with interim and selected remedies (including LUCs) consistent with applicable DD.
- 2.12.20.13. Designate a spokesperson to the community in coordination with the installation commander. See [paragraph 5.2.8.1](#) and [paragraph 5.2.8.2](#).
- 2.12.20.14. Approve community RAB members' requests for technical assistance through the Technical Assistance for Public Participation program.
- 2.12.20.15. Consistent with the provisions of DoDM 4715.20, Enclosure 3, Section 6.d., ensure that the response action alternatives evaluation considers and incorporates to the

maximum extent practicable, green and sustainable remediation opportunities in ERP management as described in this instruction conforms to the Environmental Management System approach in accordance with DAFI 32-7001. (T-1)

2.12.20.16. 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 updates data systems.

2.13. Servicing MAJCOM.

2.13.1. Consult with AFIMSC through AFCEC about ERP activities within the command that could adversely impact the mission of the command. Servicing MAJCOM Civil Engineer will offer advice such that AFCEC can properly inform, staff, or coordinate with other servicing MAJCOM A-Staff and Special Staff concerning environmental issues like:

2.13.1.1. Explosive Safety Submission documents,

2.13.1.2. Interagency agreements and consent orders, and

2.13.1.3. NOVs and EAs with operational impact or important financial penalty or required penalties by an installation.

2.14. Installations Commanders and Responsible Officials.

2.14.1. Ensure, under 10 USC § 2701, and in coordination with responsible officials, 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) must be carried out subject to, and in a manner consistent with CERCLA.

2.14.2. Ensure, in coordination with responsible officials, that 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” will normally be conducted in accordance with CERCLA, 40 CFR Part 300, and DoDM 4715.20.

2.14.3. Sign RCRA permits (and permit modifications), and DDs where the cleanup is conducted under RCRA (after coordinating with the appropriate Restoration Office, as needed).

2.14.4. Sign responses to NOV and EA (after coordinating with AFCEC/CZ or NGB/A4V, as appropriate, and legal counsel).

2.14.5. Inform and work with AFIMSC through AFCEC or NGB/A4V, as appropriate, and regulatory agencies to respond to and adjudicate NOV and EA. Inform the senior civil engineering representative on the MAJCOM or AFMC (as USSF’s Servicing 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. 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.

2.14.6. Coordinate on all DDs signed by the appropriate Restoration Office, interagency agreements, consent orders, Land Use Control Implementation Plans, and MOU to ensure

consistency with installation operational, land use and support requirements, or other installation-related equities. RCRA DDs are signed by the Installation Commander (per [paragraph 2.14.3](#)).

2.14.7. Delegate authority to the appropriate Restoration Office to sign solid waste and hazardous waste manifests for ERP generated wastes.

2.14.8. Approve establishment and termination of the RAB, as described in [paragraph 11.4](#) and [paragraph 11.4.1](#).

2.14.9. Co-chair the RAB, as described in [paragraph 11.4.3](#). May be delegated by the installation commander to the Mission Support Group Commander (or equivalent).

2.14.10. Ensure a Bioenvironmental Engineering Flight representative is a member of the RAB Technical Review Committee, and other similar advisory groups when there is the potential for personnel exposures.

2.14.11. Address, 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](#). May be delegated to the Mission Support Group Commander (or equivalent) or Base Civil Engineer.

2.14.12. Process, coordinate, and approve Base Civil Engineering Work Clearance Requests consistent with interim or selected remedies in a DD. May be delegated to the Mission Support Group Commander (or equivalent) or Base Civil Engineer.

2.14.13. Provide input into the remedial investigation (RI) phase of the ERP as to current and reasonably anticipated future land use and mission requirements. May be delegated to the Mission Support Group Commander (or equivalent) or Base Civil Engineer.

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

2.14.15. Maintain letters of AFCEC/CZ-appointed remedial project managers at active installations or NGB/A4V-appointed remedial project managers at ANG facilities, as appropriate.

2.14.16. Track LUCs at the installation. May be delegated to the Mission Support Group Commander (or equivalent) or Base Civil Engineer.

2.14.17. Require coordination with the Bioenvironmental Engineering Flight prior to any on-base indoor air sampling that may be conducted to confirm a potential completed pathway as a result of environmental contamination (vapor intrusion).

2.14.18. Ensure the Bioenvironmental Engineering Flight conducts a health risk assessment that involves chemical exposure to a DAF population from a regulated chemical or chemical of concern.

2.14.19 Consult DAF legal offices for restoration actions under any legal authority, and prior to submission to regulators. Commanders and responsible officials will provide AF/JAOE, or NGB-JA for NGB locations, the opportunity to review and comment on the following initial and final draft documents:

2.14.19.1. Preliminary assessment and site Inspection (PA and SI) reports that result in site closeout,

2.14.19.2. Engineering evaluations and cost analysis, removal action memoranda, feasibility studies (FS) to include responses to regulator comments,

2.14.19.3. Proposed Plans (PPs) and RODs, to include responses to regulator comments, and

2.14.19.4. Any modification thereof, five- year reviews, remedial action completion and site closeout reports, and NPL deletion requests, as well as parallel documents under other legal authorities.

2.15. Department of the Air Force Surgeon General – Policy and Resources Directorate – Logistics & Installation Support Division (AF/SG4/10). Advises AF/A4CA and AFCEC on matters involving human health risk related to environmental restoration activities (and may provide input to SAF/IE offices on potential DoD or DAF policies). Identifies an appropriate medical liaison to review and provide input on Agency for Toxic Substances and Disease Registry (ATSDR) activities.

2.16. United States School of Aerospace Medicine, Occupational and Environmental Health Department (USAFSAM/OE). USAFSAM/OE 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 DAFI 48-145, *Occupational and Environmental Health*. USAFSAM/OE 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 the population from a regulated chemical or chemical of concern. Additionally, USAFSAM/OE performs technical reviews and supports ATSDR public health assessments (PHA) and public health consultations; serves as a reviewer on the DoD's list of ECs providing toxicological expertise regarding human health; collaborates with AFCEC to define human health risk for exposures in terms of acute, sub chronic and 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.

2.17. Assistant Secretary of the Air Force for Acquisition, Technology and Logistics (SAF/AQ). Develops contracting policy for DAF Industrial Plants, also known as GOCOs, for implementing the ERP in coordination with SAF/IE.

2.18. The Air Force Installation Contracting Center (AFICC), the U.S. Army Corps of Engineers (USACE), and NGB Acquisitions Office (NGB/AQ). DAF 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 DAF contracting support office, except at ANG facilities where the contracting function is executed through NGB/AQ.

2.19. AFSEC/Weapons Safety Division (AFSEC/SEW). Provides guidance and oversees ammunition and explosives safety requirements for the DAF. 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 DAF installations.

2.20. Air Force Inspection Agency. Conducts inspections on restoration sites involving the decommissioning of radioactive material, as required by AFMEDCOM, Nuclear Regulatory Commission, or 91(b) permits.

Chapter 3

PROGRAM OBJECTIVES

3.1. Mission. The Environmental Restoration Program's mission is to protect human health and the environment, and comply with all applicable statutory, regulatory, and other requirements. DAF commanders and responsible officials must 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 DAF's environmental liabilities. (T-0) DAF optimizes investment, and mitigates and apportions risk, by planning, programming, budgeting, and executing restoration activities.

3.2. Operating Principles.

3.2.1. DAF commanders and responsible officials will ensure all environmental restoration activities comply with the DERP. (T-0) DAF decisions regarding DAF funds for ERP will be made consistently and in accordance with these guiding principles and instructions.

3.2.2. Cleanup efforts should focus on the most effective and efficient approach to achieve results allowing unlimited use and unrestricted exposure, if feasible and cost effective from a life cycle cost standpoint. At least three alternatives: no action, action to remediate the site to a condition that allows unlimited use and unrestricted exposure (UU/UE) condition, and action to remediate the site to a protective condition that requires land use restrictions (i.e., land use controls (LUCs) or exposure controls) must be evaluated in the selection of remedy. On properties slated for disposal (excess or 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; by transferring cleanup responsibilities together with the real property interest; or by negotiating a privatized cleanup).

3.2.3. 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.

3.2.4. The DERA and BRAC accounts (hereafter known as "Environmental Restoration Accounts") are the sole sources of funding for DERA eligible environmental restoration activities regardless of the statutory authority governing the activity or the date of release of contaminants. Environmental restoration activities at DAF installations eligible for DERA funding are addressed in the ERA eligibility guidance. Exceptions to DERA 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.

3.2.4.1. 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.

3.2.4.2. 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.

3.2.4.3. 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.

3.2.4.4. Under some circumstances, a military construction project must assume the costs of responding to contamination.

3.2.4.5. The ANG restoration program may use DERA funding sources; Air National Guard Readiness Center (ANGRC) or NGB/A4V should be contacted for determination of what funds need to be used. **(T-0)**

3.2.4.6. The BRAC restoration program may use BRAC O&M funds. **(T-0)**

3.3. Policy. In accordance with DoDI 4715.07, the DAF:

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

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

3.3.3. Maximizes transparency, public participation, and collaboration.

3.3.4. Maximizes execution effectiveness and efficiency.

3.4. Objectives. DAF 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 DAF operating principles and the objectives in DoDM 4715.20, which are to:

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

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

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

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

3.5. Goals and Metrics.

3.5.1. The goal of the DAF Environmental Restoration 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.

3.5.1.1. 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.

3.5.1.2. 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)**

3.5.2. The DAF program will demonstrate progress towards achieving statutory program goals (10 USC § 2701) by meeting DoD goals and metrics in accordance with DoDM 4715.20. DAF may establish separate and supporting goals and metrics.

Chapter 4 FINANCIAL MANAGEMENT

4.1. General. ERP financial management includes developing CTC estimates and preparing and submitting budget-related documentation for management purposes and financial reporting. DAF and ANG restoration budgets are built through project requirements submitted through EESOH-MIS. User guides are available on the EESOH-MIS Support Portal. 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. DERA 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 in accordance with [Chapter 6](#) of this document.

4.2.2. Project Development and Submission.

4.2.2.1. The Restoration Offices of AFCEC/CZ division(s) or NGB/A4V, as appropriate, must 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 Restoration Offices, as appropriate, will:

4.2.2.1.1. Submit project requirements via PCEAD for review and validation through EESOH-MIS. **(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 DAF 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 annual PRD Guide is located as a resource on the Air Force Restoration eDASH page.

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

4.2.2.2. DAF Manpower and Management Requirements. AFCEC and NGB/A4V will 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. **(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 will 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. POM and President's Budget. AFCEC utilizes EESOH-MIS data to develop the POM and President's Budget exhibits (and supporting documentation) for the DERA and BRAC O&M

funded environmental restoration sites for which it is responsible. This is performed consistent with DAF priorities and any funding constraints. All Active, BRAC, and ANG data call responses for budget information should be sent to AFCEC for compilation before submittal.

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. Appropriate Restoration Offices must ensure that annual CTC estimates are prepared and documented for each site in the ERP. **(T-0)** Furthermore, Restoration Offices must ensure these estimates are updated, as required, based on current project information and schedules in accordance with this instruction, DoDM 4715.20, DoD 7000.14-R, Department of Defense Financial Management Regulations, Volume 4, Chapter 13, Environmental and Disposal Liabilities. **(T-0)** Restoration Offices must ensure that the CTC estimates are reliable, reproducible, and auditable. **(T-0)**

4.3.2. Documentation is vital to ensure the costs are reliable, reproducible, and auditable. Restoration Offices must maintain defensible, audit-ready records of approved former and revised cleanup cost estimates in the site audit file. **(T-0)** For active and BRAC installations, the appropriate AFCEC/CZ divisions are 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 NGB/A4. **(T-1)** At geographically separated units or operating locations that receive support from an DAF installation or group located elsewhere, the support organization preparing the estimate may maintain the audit file.

4.3.3. The appropriate AFCEC/CZ division(s) and NGB/A4V (“Restoration Offices”) will:

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 DAF’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 CTC estimates or prepare environmental restoration liability reports. Provides reports to the Deputy Assistant Secretary of Defense (ASD) (Sustainment) as per Deputy Under Secretary of Defense (DUSD), Installations, Environment, and Energy (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 CTC estimates. **(T-0)**

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

4.3.3.7. Ensure that CTC estimates are prepared 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 (NDAA) for Fiscal Year 1998*, Section 348, “Recovery and Sharing of Costs of Environmental Restoration at Department of Defense Sites” (located at 10 USC 2701 Note), 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 must 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.

4.4.1. The appropriate Restoration Offices must establish processes to identify, investigate, and pursue PRPs under CERCLA or another relevant environmental or cost recovery statute. Pursue the PRP 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. Restoration Offices will forward information to AF/JAOE or NGB-JA for NGB, 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 must ensure cost 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. DAF may credit its ERP or the environmental restoration portion of its BRAC account by amounts recovered pursuant to CERCLA for response costs attributable to other PRP (10 USC § 2703). DAF 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 DAF funding for environmental restoration activities at DAF and ANG installations eligible for ERA.

Chapter 5 INFORMATION MANAGEMENT

5.1. General. AFCEC/CZ division(s) and NGB/A4V (Restoration Offices) 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 (MAP), community relations plan under the 40 CFR, Part 300, and similar plans under other authorities at the installation. See [paragraph 12.2](#) and DoDM 4715.20, Enclosure 3, for specific guidance on MAPs. **(T-0)**
- 5.1.3. Establish and maintain installation and BRAC location-specific administrative records and information repositories, 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, EESOH-MIS or successor system, Environmental Resources Program Information Management System (ERPIMS), audit readiness, and the automatized administrative records. See Records Management, [Chapter 12](#).

5.2. Information Management Systems. Restoration Offices must:

- 5.2.1. Manage the ERAs principally using EESOH-MIS. **(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 DAF 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 CTC and financial environmental liabilities, including information necessary for audit readiness.
 - 5.2.3.4. Information or data that serves as inputs to the DAF planning, programming, and budget estimating processes.
 - 5.2.3.5. Data in support of program management and execution, such as site inventories, ERP phase and milestone schedules, and prior and projected costs.
- 5.2.4. Use ERPIMS to collect, store, track, and report analytic data. Environmental resources program information management system is the DAF system for validation and management of data from environmental projects at all DAF 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 ERPIMS. **(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 ERPIMS resources program information management system in a timely manner. **(T-1)** (Timely submission refers to the time between the actual sampling event and ERPIMS data submission as stated in contracts and task and delivery orders.)

5.2.7. Annually report to AF/A4CA the installations not submitting data within the specified contractual time frame or submitting no ERPIMS data as required. **(T-1)**

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

5.2.8.1. AFCEC/CZ, in coordination with the installation commander, will designate a government ERA spokesperson at DAF locations when reporting ERA-eligible releases of hazardous and regulated substances. Report releases of hazardous substances from ERP sites pursuant to 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)** **Note:** Releases outside of restoration sites/activities do not fall under the purview of Restoration office personnel. Routine spill notifications and coordination typically fall under the purview of the installation's Environmental Quality office, unless a determination has been made that the release is ERA-eligible and DERP site validation has occurred.

5.2.8.2. When conducting a removal action under CERCLA, AFCEC/CZ must, in coordination with the installation commander, designate a government spokesperson at DAF locations. **(T-0)** The installation commander will make the designation at ANG facilities. **(T-0)** The spokesperson will 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, must 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 in accordance with PA responsibilities provided in [Chapter 2](#).

5.2.8.3. Requirements to report the discovery of unknown ERA-eligible releases are often elements of FFAs (for installations on the NPL or other cleanup agreements), RCRA permits (where ERP activities are occurring at an installation with a RCRA permit), or Administrative Orders (e.g., at an installation operating under an Administrative Order under RCRA (42 USC § 6928, *Federal Enforcement*)). Restoration Offices, 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. Restoration Offices will comply with 32 CFR Part 188, *DoD Environmental Laboratory Accreditation Program* (ELAP) 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, DAF must follow part 223 of the Defense Federal Acquisition Regulation Supplements (DFARS). (T-0)

Chapter 6

PRIORITY SETTING AND SEQUENCING

6.1. Priority Setting. The DAF installations funding for environmental response activities on a relative evaluation of the hazards posed by specific conditions at a site. The DAF sets priorities by using program category-specific tools.

6.1.1. In the IRP, priorities are assigned using the Relative Risk Site Evaluation (RRSE) framework, a prioritization tool that assigns each site to a risk category relative to other sites in the IRP (see DUSD(ES), *Relative Risk Site Evaluation (RRSE) Primer* (Revised Edition) and the *AFCEC Program Requirements Development Guide* (located as a resource on the Air Force Restoration eDASH page)).

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

6.1.3. Priority setting for sites that are transferring from DAF 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), DAF 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 DAF funds ERP activities at a particular site. Project scheduling involves the DAF's plan for work to be performed at ERP sites after the project has been funded.

6.3.2. Restoration Offices will individually track each site with respect to reporting module data on site status, 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 before or during a construction project (military construction or non-military construction), routine operation, management, or maintenance are not ERA eligible. In general, military construction projects are not designed or funded to address contamination at or near contaminated sites. Consequently, during site selection, close coordination between the construction project team and the restoration site program manager is critical to identifying and avoiding, if practicable, those areas impacted by hazardous substances, pollutants, or contaminants. In limited instances, a military construction project is considered to be located at or near a contaminated site if the costs of the actions to address the contamination are reflected on the Military Construction Project Data Sheet DD Form 1391 supporting Congressional project authorization of the project. In all instances siting of construction projects should avoid areas of known contamination if practicable. The installation restoration program manager must be consulted during site selection to identify those areas impacted by hazardous substances, pollutants or contaminants. If, during construction, contamination is discovered, which could not have been reasonably anticipated at the time the project was authorized/appropriated, then the cost to address the contamination is included as a construction project cost. 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. Construction projects must include soil and groundwater management plans that contain provisions in accordance with DAF and Department of Defense policies for managing media that is impacted by hazardous substances, pollutants or contaminants. The checklist at [Attachment 3](#) is intended for use in conjunction with the AF Form 813 by Restoration Offices and construction project planners to evaluate proposed construction site conditions.

Chapter 7 MILITARY MUNITIONS RESPONSE PROGRAM

7.1. General. The unique health and safety hazards associated with UXOs, DMMs, and MCs may require installations to restrict access to MRSs. Restoration Offices will ensure compliance with program requirements, to include notifying the installation commander and other relevant base offices throughout this process. (T-0)

7.2. DAF Property. For sites managed or administratively controlled by the DAF, Restoration Offices will 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 Defense Explosives Safety Regulation (DESR) 6055.09, *DoD Explosives Safety Standards*, paragraph V7.E4.2.3.

7.3. Non-DAF Federal Property. On discovery of live munitions or a potential MRS on non-DAF federal property, the DAF (or the property owner) must immediately notify the closest DoD military Explosive Ordnance Disposal (EOD) unit for emergency response. (T-0) See Air Force Instruction (AFI) 32-3002-0, *Inter-service Responsibilities For Explosive Ordnance Disposal*, Air Force Manual (AFMAN) 32-3001, *Explosive Ordnance Disposal (EOD) Program*, DAFFD 10-8, *Defense Support of Civil Authorities*, and AFI 10-801, *Defense Support of Civil Authorities*, for more information. If the non-DAF property owner has not reported the discovery of the live munitions and the DAF is not able to quickly identify and make contact with the responsible official from the non-DAF owner, the DAF must report the live munitions to the local EOD unit. (T-0) Within 5 duty days of discovering a potential MRS, Restoration Offices must send written notification to the head of the appropriate local office of the non-DAF federal owner. (T-0) The notification should:

7.3.1. Provide information on known or suspected conditions at the potential munition 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 DAF management or control to assist in determining appropriateness of creating a new MRS (i.e., confirmation that the site is DAF 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 DAF 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. Discovering live munitions or a potential MRS requires immediate notification and action by the DAF 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, DAF must report the live munitions to the local EOD unit. (T-0) As soon as possible, but

not later than 5 duty days after discovering potential MRS on non-Federal property, Restoration Offices will send written notifications to the current owner or as soon as practicable after identifying the current owner. (T-0) The written 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 DAF 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, DMMs, 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 DAF with a real property interest (e.g., an access easement) that allows DAF to access the MRS and that allows DAF to prohibit or restrict other parties from accessing the site if DAF does not already have such access.

7.4.5. Identify a DAF POC who the landowner can contact regarding UXOs-related incidents at the potential munition response sites.

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

7.5. Documentation Requirements. The appropriate Restoration Office will enter a copy of relevant documents to EESOH- 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 Restoration Office 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 NPL. DAF will provide regulators opportunity to review and comment on all DERP related documents to include preliminary assessments and site inspections.

8.1.2. DERP requires that the EPA and appropriate state and local authorities be provided prompt notice of the discovery of releases or threatened releases of hazardous substances from DERP sites. 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 must 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. **Note:** Routine spill notifications and coordination typically fall under the purview of the installation's Environmental Quality office, unless a determination has been made that the release is ERA-eligible and DERP site validation has occurred.

8.1.3. Restoration Offices will work with AF/JAOE to determine and establish the legal framework under which cleanup will occur at each installation or site. **(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. In order to meet ERP objectives, communication and meaningful interaction between DAF and the regulators is key to program success and ensures uniformity of regulatory requirements.

8.2. Lead Regulators.

8.2.1. NPL Installations. At DAF installations on the NPL, EPA is the lead regulator and DAF is the lead agency. CERCLA provides EPA with joint remedy selection authority at NPL facilities. If DAF and EPA cannot reach agreement, EPA solely selects the remedy.

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

8.2.1.1.1. A 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 DAF, 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. Restoration Offices will consult AF/JAOE, or NGB-JA for NGB, 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. Restoration Offices will work with regulators to achieve remedial action objectives in compliance with federal, state, and local ARARs and seek removing an installation from the NPL. **(T-0)**

8.2.1.1.5. For transferring installations, EPA has the authority to determine whether remedies are operating properly and successfully (OPS) prior to property transfer, and EPA approves, with state concurrence, requests for early transfer. EPA via policy has determined it will only exercise OPS determination authority at sites on the NPL where the property will transfer prior to remedial action objectives being met. See EPA Memorandum Update to “*Guidance for Evaluation of Federal Agency Demonstrations that Remedial Actions are Operating Properly and Successfully Under CERCLA Section 120(h)(3)*,” dated Feb 06, 2019. The DAF makes OPS determinations for sites not on the NPL. (For more information see 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 https://www.denix.osd.mil/brac/denix-files/sites/13/2018/07/ETA_Guide_Oct04.pdf))

8.2.2. Non-NPL Installations. Restoration Offices work with AF/JAOE, or NGB-JA for NGB sites, to identify a single lead regulator for installations that are not on the NPL. For restoration activities conducted under RCRA, if a state has been delegated RCRA authority for corrective action, the state usually serves as the lead regulator. Regardless, Restoration Offices 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)

8.3. State, Territory, Local, and Tribal 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 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 [paragraph 11.4](#) through [paragraph 11.4.7](#).

8.3.2. Restoration Offices will work in consultation with AF/JAOE, or NGB-JA for NGB, 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, Restoration Offices will 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 DAF restoration activities (normally, the state is the lead regulator for RCRA corrective action but not always). If more than one regulatory regime will apply to restoration on a single installation, document which activities fall under which regimes. See [paragraph 13.4](#) through [paragraph 13.4.3](#) for requirements for executing cleanup under other legal authorities.

8.3.3. Tribal Consultation. CERCLA, 42 U.S.C. § 9626 mandates the “governing body of an Indian tribe will be afforded substantially the same treatment as a State” with respect to CERCLA provisions regarding notification of releases, consultation on remedial actions, and access to information, among other provisions. Restoration Offices must ensure these requirements are met for local federally recognized tribes impacted by restoration efforts.

8.3.4. Reimbursement for State Support Services.

8.3.4.1. Defense State Memorandum of Agreement (DSMOA). For environmental restoration activities conducted using DAF ERA or BRAC funds, DAF 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. DAF must work with participating States to develop and, when appropriate, update 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). Cooperative Agreement Process. DAF, 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 DAF does not coordinate in a timely manner, the state may submit its application without DAF input. Funding for state participation in the ERP through the DSMOA comes from the DAF ERA, or BRAC funds.

8.3.4.2. Alternatives to DSMOA for State Reimbursement.

8.3.4.2.1. DAF may pursue alternative approaches to the DSMOA for reimbursing costs of state DERP-related services. Restoration Offices will consult AF/JAOE to ensure alternative agreements to DSMOA comply with all applicable legal requirements and DoD and DAF policy. **(T-0)**

8.3.4.2.2. To ensure an orderly withdrawal from the DSMOA program, Restoration Offices must 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)** Restoration Offices will 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 AF/JAOE. **(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 PHA within one year at all sites on or proposed for the NPL. CERCLA also provides that citizens may petition ATSDR to perform PHA at non-NPL sites. DAF must consider ATSDR PHA in the cleanup process and decision-making. DAF's objective is to work with ATSDR in completing all required PHA as expeditiously as possible.

8.4.2. Restoration Offices will track DAF funded PHA performed by ATSDR to determine the presence and nature of health hazards at a site proposed for the NPL. **(T-0)**

8.4.3. Restoration Offices 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)**

8.4.4. A medical representative must be identified as medical liaison for ATSDR activities. **(T-3)** AF/SG4/10 will determine the most appropriate liaison.

8.4.5. ATSDR does not conduct assessments of the explosive hazards associated with military munitions, per the MOU 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 <https://www.atsdr.cdc.gov/index.html>.

Chapter 9 NATURAL RESOURCE INJURY INTEGRATION

9.1. Application. The appropriate Restoration Offices will evaluate natural resource injury and, as appropriate, address any release of a CERCLA hazardous substance that may cause injury to natural resources at a DAF 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. Restoration Offices will ensure that DAF 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. DAF as a Potential Responsible Party and Trustee. At sites where DAF is a potential responsible party and a trustee, the responsible DAF organization must:

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

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

9.2.3. Coordinate any necessary ecological 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 NCP), and this instruction. **(T-0)** This coordination does not grant the other trustees any role in the remedy selection process. Where appropriate, DAF may invite other natural resource trustees (as an observer only) 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 Restoration Office selects a response that results in the least amount of natural resource injury.

9.3. Funding. The ERAs 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 42 U.S.C. § 9607(f)(1) and DoDM 4715.20, Encl 3, Sect 17.c. **(T-0)**

Chapter 10

PERMIT EXEMPTION

10.1. Scope. Under CERCLA’s 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. DAF Permits. DAF does not renew a permit or obtain new permits or permit equivalents for on-site CERCLA response actions. Per CERCLA and the NCP, Restoration Offices must identify and ensure that response actions meet the substantive cleanup requirements (standards, requirements, criteria, or limitations). (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 DAF 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 DAF 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 Restoration Offices will establish community involvement programs for environmental restoration activities. (T-0) DERP, CERCLA, and the NCP provide for formal consideration of diverse environmental factors and meaningful opportunities for public involvement on proposed response actions. Restoration Offices conducting cleanup under CERCLA must comply with the community involvement requirements of CERCLA and the NCP, including developing a community relations plan. (T-0) Restoration Offices will ensure equivalent opportunities for public review and comment on proposed RCRA corrective actions or restoration activities conducted under legal authorities other than CERCLA and RCRA. (T-0) Additional information regarding stakeholder participation during the review of PPs and DDs can be found in [paragraph 8.3.1](#).

11.2. Point of Contact (POC). The appropriate AFCEC/CZ division(s) and NGB/A4V in coordination with the installation commander will designate a spokesperson for ERP community involvement matters and public inquiries regarding the ERP and identify the POC to the local community through appropriate means (e.g., a newspaper notice, installation website). (T-0)

11.3. Community Relations Plan. Restoration Offices will 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) The appropriate AFCEC/CZ division(s), and NGB/A4V will seek to achieve meaningful stakeholder engagement, including the language abilities of the community. At installations where cleanup is conducted under CERCLA, Restoration Offices must establish a formal community involvement program (documented in a community relations plan). Considerations of environmental justice are not authorized. (T-0) This program will be developed in coordination with the installation commander and pertinent installation offices (e.g., medical, public affairs) at active DAF (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 frameworks other than CERCLA, Restoration Offices supplement 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 or a minimum of every five years, to ensure interested members of the public have opportunities for effective involvement.

11.4. Restoration Advisory Board (RAB). Installation commanders, or AFCEC/CZ at BRAC locations, will have lead responsibility for establishing a RAB or equivalent 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, and will comply with public outreach requirements established in [paragraph 11.1](#). Only one RAB will be recognized at an installation without prior approval from the installation commander or AFCEC/CZ BRAC locations. Additional information on RAB may be found in the Office of the Secretary of Defense (OSD), RAB Rule Handbook, and in DoDM 4715.20, Enclosure 3, paragraph 16(c).

11.4.1. Where there is no RAB established, Restoration Offices, as applicable, will reassess community interest every 24 months, or earlier upon request by the community. **(T-0)** Where the reassessment finds sufficient and sustained community interest, the installation commander, or AFCEC/CZ 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/CZ at BRAC locations, signs a memorandum for the record that documents the reassessment procedures and findings. **(T-0)** The appropriate AFCEC/CZ division(s) or NGB/A4, as applicable, will 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; AFCEC/CZ (also for BRAC locations) 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 Restoration Offices are responsible for ensuring that RAB members reflect the diverse interests within the community.

11.4.3. The RAB must be chaired jointly by the Installation Commander or equivalent, unless chaired by the installation commander (or AFCEC/CZ representative at BRAC locations), and a representative of the local community. The community co-chair will 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 must 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/CZ 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), *RAB adjournment*, have occurred. The installation commander, or AFCEC/CZ 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 Restoration Offices, as applicable, will 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 Restoration Offices 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 Restoration Offices 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/CZ at BRAC locations, may elect to dissolve

the RAB, if the authority to dissolve the 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, the appropriate AFCEC/CZ division(s), or NGB/A4V, will 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 § 2705I 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 DAF RAB co-chair to AFCEC/CZ or NGB/A4V, as appropriate, for approval.

11.5.2. TAPP is funded through the DERA 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 CTC, 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 DAF RAB co-chair to AFCEC/CZ 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 Restoration Offices must 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 Restoration Offices must ensure collection and retention of environmental restoration records at active installations and ANG facilities in accordance with applicable statutes, regulations, and DAF records management directives (to include compliance with the Air Force Records Disposition Schedule). (T-0) Additionally, the appropriate Restoration Offices must 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 Restoration Offices must 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 Restoration Offices, as applicable, will 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 is addressed in either the parent installation's MAP, or in a separate MAP. (T-0)

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

12.3. Administrative Record.

12.3.1. Restoration Offices will 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 CERCLA response action. The official copy of the administrative record must 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 will also be made available for public inspection at or near the site. This copy of the administrative record will be included in the information repository. See [paragraph 12.4.1.3](#).

12.3.2.1. 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) or NGB/A4V, as appropriate, are the official records.

12.3.2.2. 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 more stringent. (T-0)

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

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

12.3.3.1. Documents and materials containing information that form the basis for DAF's selection of a response action, including regulatory agency review and comments. Confidential or privileged documents will be kept in a separate portion of the administrative record not accessible to the public. Whenever feasible, the AFCEC/CZ division(s) or NGB/A4V, as appropriate, will 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) or NGB/A4V, as appropriate, must 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 must 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. Restoration Offices, as appropriate, will 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)**

12.3.6. The publicly releasable portion of the Administrative Record is a subset of the Information Repository and should not be used as a substitute or replacement for the Information Repository. Restoration Offices should consult AF/JAOE, or NGB-JA for NGB, for guidance when uncertain if a document or material should be placed in the Administrative Record, the Information Repository, or somewhere else.¹

12.4. Information Repository.

12.4.1. Per CERCLA (42 USC § 9617, Public participation, and the NCP (40 CFR, Parts 300.415(n)(3)(iii) and 300.430(c)(2)(iii)), the appropriate Restoration Office will 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 will, 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 that is easily accessible to the public, and where the information is available for inspection at times convenient to the public. **(T-0)** DAF installations do not have to maintain a hard copy of the information repository (including administrative record documentation). 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, DAF 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) or NGB/A4V, as appropriate, through the appropriate public affairs office will inform the public of the establishment of the information repository and provide notice of availability of the information repository for public review. **(T-0)**

12.4.2. Information on environmental restoration activities will 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 must be established in accordance with the requirements in [paragraph 12.4.1](#) through [paragraph 12.4.1.3](#).

12.4.4. Restoration Offices must ensure that documents for publication in an information repository do not contain procurement-sensitive, personal, or security-related information that is privileged from release under the law. **(T-0)**

12.4.5. Program Managers should post documents to the information repository as soon as they become final.

12.5. Site Audit File. Restoration Offices must 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 DERP sites are to be developed and maintained in accordance with DAF standards and be provided to the appropriate DAF data repository.

12.5.2. The appropriate Restoration Offices will provide detailed technical guidance on site audit file contents. (T-1)

Chapter 13 AGREEMENTS AND ISSUE RESOLUTION

13.1. Interagency Agreements and Federal Facility Agreements (FFA).

13.1.1. The appropriate Restoration Offices, in consultation with AF/JAOE-FSC, will be the lead in working with EPA Regions and states to negotiate the FFA. (T-1)

13.1.2. States determine whether they sign an FFA.

13.1.3. To the extent DAF, EPA Region, or state seek variations to the standardized FFA, SAF/IEE is consulted and approves any variations, and notifies ASD (Sustainment), as necessary.

13.2. Developing Agreements.

13.2.1. SAF/IEE must approve any new agreement with federal, state, or local regulators, to include a MOU 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 located at https://static.e-publishing.af.mil/production/1/saf_ie/publication/hafmd1-18/hafmd1-18.pdf.

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 DAF 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, or NGB/A4V, as appropriate, will determine the resolution process on a case-by-case basis after consulting with AF/JAOE. (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, or NGB/A4V, as appropriate, will determine the resolution process on a case-by-case basis after consulting with AF/JAOE. (T-1)

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

13.4.1. In instances where a regulatory agency seeks to use a framework other than DERP and CERCLA (e.g., 42 USC §§ 300f – 300j-26, *Safety of Public Water Systems*), Restoration Offices will pursue compliance with all CERCLA requirements as well, especially with respect to the content of 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, e.g., the Safe Drinking Water Act, 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.

13.4.3. When the appropriate Restoration Offices seeks to voluntarily pursue environmental restoration under an authority other than CERCLA, RCRA corrective action, or underground storage tank regulations, AFCEC must gain SAF/IEE and DUSD (I&E) approvals to enter negotiations. **(T-1)** SAF/IEE must approve any subsequent agreement and notify ASD (Sustainment). If a DoD Component or DUSD (I&E) non-concurs, the DAF 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. Restoration Offices should contact AF/JAOE, or NGB-JA for NGB, when involved with third-party site. Such agreements require Department of Justice and SAF/IEE (or designated delegate) approval. AF/JAOE or NGB-JA for NGB, manages and coordinates such agreements in consultation with SAF/GCN and the appropriate Restoration Office.

13.6. Defense Logistics Agency (DLA) Energy Sites on DAF 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 DAF-funded responsibility.

13.6.2. The DAF and DLA-Energy may enter into a MOU for a specific location or facility addressing how to divide responsibilities for environmental restoration (not related to construction), and when signed, the MOU supersedes the guidance in DoDM 4140.25. **(Note:** The MOU may be signed by AFCEC/CZ or NGB/A4V, as appropriate, with copy to AF/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/CZ 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/CZ 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 Restoration Offices will ensure that AF/A4CA is notified to assist in reaching resolution, with support from (and notification to) SAF/IEE, SAF/GCN, and AF/JAOE or NGB-JA for NGB, as may be needed. **(T-1)**

13.8. Access Agreements. Before entering non-DAF owned or operated real property to perform restoration activities, Restoration Offices must obtain access authorization from the private, commercial, or government entity that owns the land. Restoration Offices will consult AF/JAOE-FSC and (for BRAC locations) SAF/GCN-SA to determine what type of access authorization is required or permissible. NGB will consult NGB-JA. In some cases, a right of entry, easement, or other real property instrument will need to be obtained and Restoration Offices must work with installation Real Property Offices (RPOs) or AFCEC/CIT to obtain the appropriate instruments. In other cases, Restoration Offices may work with AF/JAOE-FSC to draft and negotiate Access Agreements that AFCEC/CZ or CZ-delegate may sign.

13.8.1. For AFCEC/CZ and CZ-delegee-signed agreements, Restoration Offices will submit the owner-signed agreement to AFCEC/CZ for review and signature after completing a statement using the template created and maintained by AF/JAOE-FSC. After obtaining CZ or CZ-delegee signature on an Access Agreement, the Restoration Office will provide the installation RPO a copy of the signed agreement.

13.8.2. Restoration Offices will consult AF/JAOE-FSC about renewing CZ and CZ-delegee-signed agreements. Renewals will be accomplished using a Renewal template and Renewal Statement prepared by AF/JAOE-FSC and approved by CZ or a CZ-delegee. After obtaining CZ or CZ-delegee signature on an Access Agreement Renewal, the Restoration Office will provide the installation RPO a copy of the signed renewal document.

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 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. Ecological risk is determined unacceptable; or

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

14.1.1.3. 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 for human health. See [paragraph 18.2.1.3](#). **(T-1)**

14.1.3. Deviations from [paragraphs 14.1.1](#) and [paragraph 14.1.2](#) require the approval of SAF/IEE, in consultation with the pertinent AFCEC offices, SAF/GCN, and AF/JAOE.

14.2. Documentation Requirements. CERCLA, RCRA, and other environmental laws with cleanup requirements, to include state counterparts, require that decisions that select an environmental restoration or response action be formally documented. A response action cannot begin until the DD is finalized. Except for an emergency removal prior to the DD, the appropriate Restoration Offices 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 remedial 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 removal 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 explain 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 NPL and non-NPL sites will 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 PPs and RODs 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. Restoration Offices will ensure that requirements recorded in DD meet all technical and 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, Air Force Reserve, 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/CZ.

14.2.3.2.2. AF/JAOE and AFCEC/CZ 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). JAOE must review the DD, including PPs and RODs, prior to submitting responses to regulator comments. **(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 BRAC locations:

14.2.3.4.1. The AFCEC/CZ 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. AF/JAOE and AFCEC/CZ must review all draft and draft final DD, including PP and ROD, prior to review by regulatory agencies. JAOE must review the DD, including PPs and RODs, prior to submitting responses to regulator comments. **(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 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 NFRAP determination is appropriate when, based on the historical and physical evidence collected, the DAF 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. Restoration Offices 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)** A CERCLA SI report can document the no action outcome provided the informational elements identified in NCP 300.420 (as outlined in [paragraph 14.3.3](#)) are addressed. **(T-0)**

14.3.3. Pursuant to 42 USC § 9620, 42 USC § 9621 and 10 USC § 2705 Restoration Offices 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*, contain general report content requirements, and implementing EPA guidance contains further recommended report format and content provisions.

14.3.4. Per CERCLA, Restoration Offices 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 the appropriate Restoration Offices concerning the request. Those divisions, consulting with AF/JAOE, 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 ROD. Both documents will 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 RI 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. Interim Response Actions.

14.6.1. The DAF considers and implements interim response actions (i.e., removal actions, interim remedial actions, and interim measures) as appropriate in accordance with paragraph 3.a.(2) of DoDI 4715.07. Restoration Offices are encouraged to conduct interim response actions under CERCLA or interim measures under RCRA when appropriate. Such actions should not be taken solely to avoid taking long-term remedial actions. They may be appropriate to abate, minimize, stabilize, mitigate, prevent, or eliminate threats from releases. Such actions will, 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 assist in determining if a removal is appropriate, and provide examples of actions and situations where a removal action generally is appropriate. Review and adjust, as appropriate, the actions implemented if new information becomes available. Restoration Offices will follow the below steps to consider, select, coordinate, manage, and review interim response actions when appropriate:

14.6.1.1. Determine if site-specific conditions warrant establishing interim response actions to reduce potentially significant threats to human health or the environment. **(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 response actions, as appropriate, with applicable DAF 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 response actions as needed. If an investigation, removal action, or remedial action (CERCLA) or corrective action (RCRA) are not expected to be conducted, also document the determination that such actions 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. Restoration Offices must provide the opportunity for EPA, state, and local agencies, and the public to review and comment on all DAF 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, the RPM or other DAF environmental personnel should notify regulators of the planned emergency removal and complete an Action Memorandum promptly thereafter. For more information, see OSWER Final Guidance, *Superfund Removal Guidance for Preparing Action Memoranda*.

14.6.3. RCRA Interim Measures. RCRA interim measures, also called RCRA interim correction action measures, are similar to CERCLA removal actions. All interim measures are documented as specified by applicable requirements.

14.6.4. The actions described in section 14.6 are conducted in accordance with applicable legal requirements and documented in the administrative record.

14.7. Updates to the Decision Document. The appropriate Restoration Offices will update and sign the DD (after legal, technical and program review of the draft and draft final DD revisions and after installation commander coordination of the draft final version) when changing the remedy to protect

human health and the environment or altering the basic features of the selected remedy. (T-0) Such changes are those that alter scope, performance, or cost of the selected remedy determined to be necessary. Changes to the remedy require modification of the DD and must be in accordance with 40 CFR Parts 300.430(f)(3) and 300.435(c)(2). Changes to remedies under RCRA or state equivalents may procedurally require different steps. Periodic reviews afford the DAF opportunities to confirm the conclusions in an existing DD.

14.8. Documenting Decisions at Installations on the NPL. In accordance with CERCLA (42 USC § 9620) and the NCP (40 CFR §§ 300.430(f)(4), EPA and DAF officials jointly 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 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). FFAs may modify this process to some extent with consultation and dispute resolution procedures.

14.9. Documenting Decisions at Non-NPL Installations. Under CERCLA the DAF 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 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, a state regulator at a CERCLA non-NPL site may issue a non-concurrence letter with remedy selection. In the case a dispute is initiated, the appropriate Restoration Offices, as applicable, should enter into appropriate dispute resolution with notification to SAF/IEE as appropriate. Note: A state regulator with EPA-delegated RCRA corrective action authority may have direct authority over corrective action decisions.

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 Restoration Offices 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 Restoration Offices, as applicable, must consult with AF/JAOE or NGB/GC, as appropriate, to ensure requirements are met. (T-1)

14.11. Unique Documentation Requirements at MRS. Due to the unique hazards posed by UXOs, DMMs, and MCs, the DAF 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 a 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 AFSEC/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. CERCLA and the NCP, 40 CFR Section 300.430(e)(2), base preliminary remediation goals on readily available information such as chemical-specific ARARs or other reliable information. Preliminary goals should be modified, as necessary as more information becomes available during the RI/FS. Remediation goals establish acceptable exposure levels protective of human health and the environment; they must achieve ARARs and are developed by considering (1) acceptable exposure levels (concentration levels to which the human population may be exposed without adverse effect, incorporating an adequate margin of safety; for final remedial goals, normally set at 1×10^{-6} risk level for excess upper bound lifetime cancer risk or 1.0 hazard quotient); (2) factors related to technical limitations such as detection/quantification limits for contaminants; (3) factors related to uncertainty; and (4) other pertinent information. Such levels may be modified due to the presence of multiple contaminants or pathways. 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 ANG installations that are not transferring outside of DAF control, DAF 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 Restoration Offices 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 DAF retains such responsibilities, it should follow the same steps outlined for active and ANG installations (as accomplished by AFCEC/CZ for BRAC properties).

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

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

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

15.3. Implementation Requirements.

15.3.1. At all sites where a LUC is part of environmental restoration activities, the LUC will be clearly defined, documented in a DD, and enforceable. **(T-0)** Implementing LUCs through established real property and land use management mechanisms provides a means to ensure that the LUCs remain effective.

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

15.3.2.1. Active and ANG Installations. Implementing, maintaining, and monitoring LUCs (and other long-term remedies) is the responsibility of appropriate AFCEC/CZ division(s) at DAF installations and NGB/A4V at ANG facilities. Installation commanders will ensure that the LUCs are included in the appropriate base documents (such as real property records, maps, and land use and related planning documents) and that local actions are consistent

with the LUC and other long-term remedies. **(T-0)** The appropriate Restoration Offices or a designated representative will ensure the following actions are taken:

15.3.2.1.1. Put appropriate mechanisms in place to manage LUCs and incorporate LUCs into the existing land use management processes of the locality or the installation. For example, all LUCs must be included in an installation's 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 LUC 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 LUCs. Document or annotate a reference to the LUC 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 RCRA authority, a LUC 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 AF/JAOE (or NGB/GC 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 LUCs.

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

15.3.2.1.5. If a LUC is breached, AFCEC/CZ divisions(s) or NGB/A4V will work with the installations to take corrective measures and notify regulators and take immediate steps to restore the LUC, including taking any necessary corrective actions. **(T-1)** If the integrity of the LUC cannot be restored, then modify or terminate the LUC 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 DAF has no authority to grant a real property interest for a LUC (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 LUC registry that similarly does not create a property interest. Before agreeing to any notice, consult AF/JAOE or NGB/GC, as appropriate, which will coordinate with SAF/GCN.

15.3.2.1.7. Modify or terminate LUCs through the same process used to establish the land use control. If the LUC is terminated, ensure the LUC is removed from the mechanisms that recorded its existence (e.g., master planning maps). In cases where 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 LUCs at the site. **(T-0)**

15.3.2.2. BRAC Locations and Property Transfers Outside the Federal Government. Prior to transfer, AFCEC/CZ is responsible for ensuring that LUCs are implemented,

maintained, and monitored at BRAC locations; AFCEC/CZ has that responsibility for other DAF properties anticipated to be transferred. Either AFCEC/CZ, as applicable, will also:

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

(T-0)

15.3.2.2.2. Develop and document a LUC implementation plan, where required, for the installation or specific sites that defines the responsibilities of all parties involved in implementing, maintaining, and monitoring the LUCs. 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 LUC implementation plan can be included in the DD if the lead regulator requires it as a matter of state law and AF/JAOE or NGB-JA for NGB 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 LUCs are part of the selected remedy, then the applicable real property transfer documents will 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 AF/JAOE or NGB-JA for NGB for guidance. AF/JAOE or NGB-JA for NGB will coordinate its guidance with SAF/GCN. In general, the DAF signs a notice of restriction but not an environmental easement or covenant. All environmental provisions related to property transfer will be coordinated with AFCEC/CZ to ensure the provisions accurately conform to requirements of any applicable ROD, orders, or agreements. Mandatory provisions addressing environmental covenants in a deed 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 LUCs and all DAF 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 LUCs normally rests with the property owner unless the cleanup is continuing, and the DAF has retained such responsibilities. If the new owner fails to properly implement, maintain, and monitor the LUCs, the DAF may be required by applicable DD(s), order(s), or agreement(s) to itself maintain the LUC(s) or take other corrective measures. Regardless of provisions addressing the allocation of responsibilities between the DAF and a property owner, the DAF is normally ultimately responsible for the protectiveness of the remedy. Consequently, the DAF has a strong

interest in ensuring the new owner properly implements, maintains, and monitors the LUCs. To address any future concerns about a property, AFCEC/CZ should retain any DD, agreements, and real property transfer-related documents that specify LUC responsibilities. **(T-0)**

15.3.2.2.6. Modify or terminate LUCs 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 LUCs 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 LUCs at the site. If a LUC is terminated, AFCEC/CZ will 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 LUC will be imposed through the environmental restoration process, either as a stand-alone response alternative or as one component of a more complex action, Restoration Offices will:

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

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

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

15.4. Interim Land Use Controls.

15.4.1. If it is determined in the CERCLA PA 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 LUCs must be, at a minimum, administratively imposed (i.e., not documented in a DD) to ensure base-wide awareness of the contamination and entered in the appropriate installation planning documents. In addition, other LUCs outlined in [paragraph 15.2](#) will be implemented when appropriate.

15.4.2. When a final remedy is chosen for the site, interim administrative LUCs may be removed if they are no longer necessary to protect human health or the environment or to protect the

effectiveness of the remedy. If interim LUCs are retained as part of the final remedy, those LUCs will be documented as part of the remedy in the DD.

15.5. Land Use Controls on property not owned or previously owned by the DAF. Consult with AF/JAOE or NGB-JA for NGB if regulators request that remedies include LUCs or interim LUCs to address DAF contamination that has migrated beyond property the DAF controls or has previously controlled. Decisions on whether to add such LUCs or interim LUCs will be made on a case-by-case basis in accordance with federal laws and DAF policy, including this instruction.

15.6. Memorandum of Agreement (MOA) or Memoranda of Understanding (MOU). DAF may enter into an MOA or MOU with state regulatory agencies and EPA concerning LUCs only when the regulators insist on such agreements. Such MOAs and MOUs are voluntary and are not legally enforceable, but they do formalize the regulators' roles and expectations in consultation, notice, and review and comment during 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. Restoration Offices will 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. Restoration Offices will provide periodic reviews of program performance metrics to AF/A4C and SAF/IEE. The Environmental Program Working Group (EPWG) will identify the frequency of management reviews. (T-1)

16.3. Optimization of the Restoration Program. During the analysis of remedial alternatives, Restoration Offices consider ways to evaluate and improve the remedy over time.

16.3.1. A hydrogeologic/stratigraphic conceptual site model (CSM) is required to comply with FY22 NDAA Section 345 (off-base drinking water) and FY21 NDAA Section 335 (agricultural use notification). A CSM will be developed for all sites during the Remedial Investigation phase and will be maintained and updated through the Response Complete (RC). A regional CSM is required for complex sites with potentially multiple sources, installations with Per- and polyfluoroalkyl substances (PFAS) sites, and/or multiple responsible parties.

16.3.2. 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 must be performed in accordance with DoDM 4715.20, paragraphs 4.b(14), 5.a, and 5.b of Enclosure 3. The following are DAF specific responsibilities:

16.4.1. Restoration Offices 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 levels that do not allow for unlimited use and unrestricted exposure. **(T-0)**

16.4.1.1. If a remedial action will result in unlimited use and unrestricted exposure, but will not achieve RC within five years, DAF will 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 a RCRA corrective action, five-year reviews or a similar evaluation are conducted at least every five years, unless there is a governing authority that has a more stringent review requirement. Reviews are consistent with applicable legal requirements, agreements, permits, or orders. Reviews should be streamlined and tailored to consider applicable regulator guidance and the complexity of the remaining cleanup requirements (e.g., LUCs do not require extensive documentation).

16.4.1.3. The appropriate Restoration Offices prepare the draft and final five-year reviews. Legal review by AF/JAOE or NGB-JA for NGB (and SAF/GCN for BRAC locations) is necessary prior to providing five-year reviews to regulators for review and comment and prior to submitting responses to regulator comments.

16.4.1.4. 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 which do not pertain to remedy protectiveness and 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 an FFA. Five-year reviews are final upon DAF signature by the appropriate Restoration Office's chief or equivalent. **(T-3)**

16.4.2. Restoration Offices 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, if the remedy is LUCs only, after DAF 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 initiation of the remedial action. **(T-0)** The DAF 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. Restoration Offices 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 and will include an updated CSM. After achieving unlimited use and unrestricted exposure for any site on the property, the site no longer requires inclusion in the five-year review. Document such a determination in the first five-year review for that site after achieving unlimited use and unrestricted exposure.

16.4.5. Under CERCLA, if appropriate exposure pathways were evaluated in a completed health or ecological risk assessment approved by the lead regulatory agency (typically as part of a RI or /FS) and there is a completed DD for the site, the risk assessment or the DD must be reopened or revised only for changed Federal, State, or local ARARs (e.g., federal and state MCLs or applicable toxicity values) in accordance with 40 CFR Part 300.430(f)(1)(ii)(B)(1). Where cleanup levels were the earlier risk-based levels, sites with remedies specified in the DD will be reopened only when the original risk-based cleanup level is no longer protective (i.e., greater than ARARs).

16.4.6. For property transferred outside of DAF control.

16.4.6.1. 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).

16.4.6.2. If property is being transferred outside United States government ownership or control, the transferring documentation clearly specifies DAF and recipient's environmental responsibilities. While generally the DAF 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.

16.4.7. Use EPA 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, *Transmittal of the Five-Year Review Recommended Template*, for a five-year review template.

16.4.8. See [paragraph 18.3](#) for additional requirements and guidance regarding ECs.

Chapter 17

COMPLETING RESTORATION ACTIVITIES

17.1. Response Complete (RC). Consistent with CERCLA, DERP, and applicable EOs and regulations, DAF can achieve Response Complete for IRP sites or 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 RI or FS) show that no action or no further action is necessary; or

17.1.3. At a pre-remedial investigation phase PA or SI, DAF has determined that no action, or no further action, is necessary.

17.2. Remedial Action Completion Report. The appropriate AFCEC/CZ division or NGB/A4V will develop a remedial action completion report, or RCRA corrective action completion report if the response was conducted under RCRA, to formally document that remedial action objectives have been achieved. (T-0) These reports formally document the achievement of remedial action objectives and actions and the achievement of protectiveness. In addition, the remedial action completion report provides the basis for full or partial deletion from the NPL. See DoD/EPA, *Joint Guidance on Streamlined Site Closeout and NPL Deletion Process for DoD Facilities*, for more information.

17.2.1. EPA review and approval of a remedial action completion report is required at NPL sites. The appropriate Restoration Offices will begin the process to obtain and document regulator agreement on a remedial action completion report once a site achieves conditions consistent with RC requirements. (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. 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.

17.2.3. 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 an FFA, the remedial action completion report is not a primary document. If not a primary document in an FFA, the EPA and states should be given 60 days to review and provide comment on the remedial action completion report unless otherwise determined by appropriate binding agreement.

17.2.4. At non-NPL facilities, Restoration Offices will formally document achieving conditions consistent with RC requirements in a remedial action completion report or RCRA corrective action completion report, as appropriate, and will seek written regulator agreement for its RC determinations. (T-0)

17.2.5. 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.

17.2.6. 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. DAF 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 LUCs, is needed) and there is no further expense of environmental restoration funds (i.e., ERA, DAF or equivalent BRAC account funds) at the site. Sites should only be coded as site closeout when there is no requirement to track either LUCs or similar restrictions and there is no continuing requirement to conduct 5-year reviews. The appropriate Restoration Offices must process for approval a no further action explosive safety submission to achieve site closeout for MRA and 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 ERP site to address the change in circumstances, even if the existing site has achieved Site Closeout status. Always retain the original EESOH-MIS, 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 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 CHEMICALS

18.1. Emerging Chemicals (ECs). ECs are chemicals characterized by a possible pathway to enter the environment and present a potential unacceptable human health or environmental risk. ECs are chemicals that either do not have promulgated regulatory standards based on peer-reviewed science (i.e., toxicity values), or chemicals that do have promulgated regulatory standards, but are reasonably anticipated to have standards that may change. Possible triggers for classifying a chemical as an EC include changing or new toxicity values, 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 chemical as an EC include regulator requests for more information, data, or analyses based on a reasonable belief that an unaddressed risk may be posed by that chemical; proposed reviews and actions resulting from the DoD or AFCEC surveillance process; or potential costs and schedule impacts to the ERP. Per DERP Guidance, Enclosure 3, Section 4.b.(5)(a)3.e in DoDM 4715.20, values suitable for use in EC risk assessments follow the EPA toxicity value selection hierarchy identified in DoDI 4715.18, *Emerging Chemicals of Environmental Concern*, Section 3A.2., consistent with Enclosure 3, DoDM 4715.20, Section 4.b.(5)(a)3.e. DAF prefers accelerating response action when there is an imminent and substantial endangerment from ECs to the public health or the environment. For chemicals that are transiting from ECs as regulations are developed (e.g., PFAS) defer to OSD and DAF policy until regulatory framework is established.

18.2. Decision Process for EC Responses.

18.2.1. DAF ERP enterprise-wide response to ECs 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 EC is above applicable regulatory criteria or risk screening values (e.g., EPA maximum contaminant levels [MCLs] in drinking water, DAF-approved state MCLs, or EPA regional screening levels [RSLs] for those compounds without established MCLs), it has the potential for exceeding unacceptable human health risk levels by affecting a drinking water source or other potential human receptor pathway. At active installations, ANG facilities, and BRAC facilities, when results indicate actual or potential unacceptable human exposure, the appropriate Restoration Offices, as applicable, will coordinate with the Civil Engineer and the Bioenvironmental Engineer to address contamination of an on-base 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/CZ in accordance with Section 3 of DoDI 4715.18 and promulgated requirements that would be considered ARARs (e.g., EPA and DAF-approved state MCLs) for the specific site at issue.

18.2.1.4. In accordance with Section 4 of DoDI 4715.18, necessary response actions for ECs should be determined by a baseline risk assessment that integrates the toxicological data with site-specific exposure factors to provide the basis for determining risk. Complete

response actions in accordance with CERCLA selection of ARARs 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 inspections or response actions for ECs will be addressed on a case-by-case basis in consultation with AF/JAOE 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 Restoration Offices determines whether applicable and relevant or appropriate federal, state, and local requirements would require such an evaluation or potential response actions(s) in accordance with this instruction.

18.2.2.3. AFCEC/CZ or NGB/A4V, as applicable, will coordinate with AF/JAOE before authorizing sampling. **(T-1)** The frequency and scope of sampling is limited to what is authorized.

18.2.2.4. For active installations, ANG, and BRAC facilities, if the request for testing or actual testing involves evaluation of direct exposure of DAF personnel (e.g., to contaminated air, drinking water), the appropriate Restoration Offices, as applicable, will coordinate appropriate sampling with AFCEC/CZ, the local Civil Engineer and the local Bioenvironmental Engineer (if available), and USAFSAM/OE under the applicable cleanup framework. **(T-1)** At BRAC locations, AFCEC/CZ and applicable DAF offices will also coordinate with regulatory agencies and tenants as required and appropriate under the applicable cleanup framework (normally CERCLA or RCRA). **(T-1)**

18.2.2.5. The appropriate Restoration Office ensure that toxicity information used in human health risk assessments are consistent with the NCP (e.g., 40 CFR Part 300.430(e)(2)(i)), the Toxicity Hierarchy in OSWER Directive 9285.7-53, *Human Health Toxicity Values in Superfund Risk Assessments* (<https://www.epa.gov/sites/default/files/2015-11/documents/hhmemo.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/CZ (for active installations, ANG facilities, and BRAC) or 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 appropriate exposure pathways for ECs were evaluated in a completed health or ecological risk assessment approved by the lead regulatory agency (typically as part of a RI or /FS) and there is a completed DD for the site, the risk assessment or the DD must be reopened or revised only for changed Federal, State, or local ARARs (e.g., federal and state MCLs or applicable toxicity values) in accordance with 40 CFR Part 300.430(f)(1)(ii)(B)(1). For ECs where

cleanup levels were the earlier risk-based levels, sites with remedies specified in the DD will be reopened only when the original risk-based cleanup level is no longer protective (i.e., greater than ARARs).

18.3.3. For ECs with new toxicity levels or health standards and that were not evaluated in a risk assessment or a DD, the appropriate Restoration Offices, as applicable, in coordination with AFCEC/CZ will evaluate the risk and recommend appropriate follow-up action consistent with applicable legal requirements and this instruction. **(T-0)**

Kenyon K. Bell, Lieutenant General, USAF
Director, DCS/Logistics, Engineering & Force Protection

Attachment 1**GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION*****References***

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, 18 November 1997

10 USC § 101, *Definitions*

10 USC § 2667, *Leases: non-excess property of military departments and Defense Agencies*

10 USC §§ 2700 – 2715, *Environmental Restoration* (also known as the Defense Environmental Restoration Program (DERP) statute)

10 USC § 2701, *Environmental restoration program*

10 USC § 2703, *Environmental restoration accounts*

10 USC § 2705, *Notice of environmental restoration activities*

10 USC § 2710, *Inventory of unexploded ordnance, discarded military munitions, and munitions constituents at defense sites (other than operational ranges)*

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42 USC §§ 9601 – 9675, *Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)*

42 USC §§ 9602, *Designation of additional hazardous substances and establishment of reportable released quantities; regulations*

42 USC § 9603, *Notification requirements respecting released substances*

42 USC § 9604, *Response authorities*

42 USC § 9607, *Liability*
42 USC § 9607(a)(3), *Third Party Sites*
42 USC § 9617, *Public participation*
42 USC § 9620, *Federal facilities*
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32 CFR Part 179.3, *Definitions*
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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*
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Prescribed Forms

None.

Adopted Forms

DAF Form 847, Recommendation for Change of Publication

Abbreviations and Acronyms

AF—Air Force

AFCEC—Air Force Civil Engineer Center

AFI—Air Force Instruction

AFICC—Air Force Installation Contracting Center

AFIMSC—Air Force Installation and Mission Support Center

AFMAN—Air Force Manual

AFPD—Air Force Policy Directive

AFR—Air Force Reserve

AFRIMS—Air Force Records Information Management System

AFSEC—Air Force Safety Center

ANG—Air National Guard

ARARs—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

CZ—Air Force Civil Engineer Center Environmental Directorate

CSM—Conceptual Site Model

CTC—Cost to Complete

DAF—Department of Air Force

DAFI—Department of Air Force Instruction

DAFMAN—Department of Air Force Manual

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

EBS—Environmental Baseline Survey

EC—Emerging Chemical

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

EIAP— Environmental Impact Analysis Process

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

FLDCOM—Field Command

FS—Feasibility Study

FUDS—Formerly Used Defense Sites

GOCO—Government-Owned, Contractor-Operated

GSU—Geographically Separated Units

HAF—Headquarters Air Force

HQ—Headquarters

IRP—Installation Restoration Program

LTM—Long-Term Management

LUC—Land Use Control

MAJCOM—Major Command

MAP—Management Action Plan

MCL—Maximum Contaminant Level

MCs—Munitions Constituents

MD—Mission Directive

MIS—Management Information System

MMRP—Military Munitions Response Program

MOA—Memorandum of Agreement

MOU—Memorandum of Understanding

MRA—Munitions Response Area

MRS—Munitions Response Site

NCP—National Contingency Plan (also known as The National Oil & Hazardous Substances Pollution Contingency Plan)

NEPA—National Environmental Policy Act

NFRAP—No Further Response Action Planned

NHPA—National Historic Preservation Act

NOV—Notice of Violation

NPL—National Priorities List

NUREG—Nuclear Regulatory Legislation

OL—Operating Location

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

PFAS—Per- and polyfluoroalkyl substances

PHA—Public Health Assessment

POC—Point of Contact

POM—Program Objective Memorandum

PP—Proposed Plan

PRP—Potentially Responsible Party

RAB—Restoration Advisory Board

RAM—Radioactive Materials

RC—Response Complete

RCRA—Resource Conservation and Recovery Act

RI—Remedial Investigation

ROD—Record of Decision

RRSE—Relative Risk Site Evaluation

RSL—Regional Screening Level

SF—Space Force

SI—Site Inspection

SOP—Standard Operating Procedure

TJAG—The Judge Advocate General

TPS—Third-Party Sites

TOA—Total Obligation Authority

USACE—U.S. Army Corps of Engineers

USAF—United States Air Force

USC—United States Code

USSF—United States Space Force

UXOs—Unexploded Explosive Ordnance

Office Symbols

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

AF/A4C—Headquarters, United States Air Force, 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

AF/A4L—Headquarters, United States Air Force, Directorate of Logistics

AF/JA—Headquarters, United States Air Force, The Judge Advocate General

AF/JAOE—The Judge Advocate General's Corps, Operations and International Law Directorate, Environmental Law and Litigation Division

AF/SE—Air Force Chief of Safety

AF/SG4/10—Department of the Air Force Surgeon General, Policy and Resources Directorate, Logistics and Installation Support Division

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

AFCEC/CZ—Air Force Civil Engineer Center, Environmental Directorate

AF/JAOE—The Judge Advocate General's Corps, Operations and International Law Directorate, Environmental Law and Litigation Division

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/GC—Air National Guard Bureau General Counsel

SAF/AQ—Assistant Secretary of the Air Force for Acquisition, Technology and Logistics

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

SAF/GC—Department of the Air Force Office of General Counsel

SAF/GCN—Department of the 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 Infrastructure, Environment, and Energy

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

SAF/PA—Air Force Office of Public Affairs

USAFSAM/OE—United States School of Aerospace Medicine, Occupational and Environmental Health Department

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 (ARARs)—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 DAF and regulators) covering the entire scope and course of action of the cleanup program, process and procedures at an installation or portion thereof.

Conceptual Site Model— An iterative, ‘living representation’ of a site that summarizes and helps project teams visualize and understand available information. A regional (as opposed to individual) CSM is required for complex sites that may include multiple PFAS and legacy contaminant sources and plumes or operable units, and/or multiple responsible parties.

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

Cooperative Agreement—A legal instrument that the DAF uses to transfer money, property, services, or anything of value to a recipient to accomplish a public purpose in which substantial DAF involvement is anticipated during the performance of the project. As it pertains to Defense and State Memorandum of 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 defines 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 DAF 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 DAF mandated environmental management system. eDASH is the primary one-stop-source for communications and information management of Air Force environmental programs.

Emerging Chemicals (EC)—EC are chemicals 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.

Enduring Location—A main operating base, forward operating site, or cooperative security location designated by the Department of Defense for strategic access and use to support United States security interests for the foreseeable future (JP 4-04, *Contingency Basing*, 4 January 2019)

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 DAF and ANG DERA eligible installations.

Environmental Liabilities—For financial reporting purposes, a DoD environmental liability is a future outflow or expenditure of resources that exists as of the financial reporting date for environmental cleanup, closure, 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 (ERPIMS)—The DAF system for validation and management of data from environmental projects at all DAF 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 (AF ERA)—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 AF ERA.

Environmental Restoration Program (ERP)—The comprehensive program designed to address restoration of the environment affected by DAF 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 DAF obligations at many NPL sites. See also “interagency agreement.”

Field Command—Subordinate command of the US Space Force, established to execute specific space-related missions, operations, and functions. It is an operational-level command that reports

directly to the US Space Force Headquarters, and is responsible for organizing, training, and equipping space forces to achieve national security objectives.

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 (HRA)—Application of professional judgement (fully qualified BE officer, civilian industrial hygienist, or BE Craftsman (4B071)) based on qualitative and quantitative information such as exposure measurements and estimates, mathematical modeling, and/or observations of work practices to identify and assess chemical, physical and biological health hazards.

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) 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 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 LUCs 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), the Munitions Response Site Prioritization Protocol regulation was promulgated to prioritize and subsequently sequence risks at Munitions Response Sites.

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 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. Natural resource damages are assessed when injuries to natural resources that are owned or controlled by a government entity have not been or are not expected to be addressed by response actions performed pursuant to the National Contingency Plan.

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.

Operating Location—A location, site or property that a geographically separated unit (GSU) performs a specific function for the parent organization that owns the overall mission. The parent organization is located at an installation that is not co-located with the GSU.

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 DAF. 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.)

Potentially Responsible Parties— 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 DAF environmental restoration sites, PRPs may include, among others, contractors that generated or disposed of hazardous substances or other contaminants at a DAF installation, persons who disposed of hazardous substances or other contaminants on DAF property, and persons responsible for off-site contamination migrating onto DAF property.

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) 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 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 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.

Restoration Office – Short-term used to represent appropriate AFCEC/CZ division(s) and NGB/A4V for Environmental Restoration.

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

CERCLA	RCRA Options*	Description of Step
		contamination and site conditions that will influence the direction and extent of contaminant migration Estimate potential risks posed by site contamination to human health and the environment Collect data and conduct treatability studies required to support the remedy or corrective action selection process
Feasibility Study (FS)	Corrective Measures Study (CMS)	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 ARARs under CERCLA or complies with any media cleanup standards if corrective action is being undertaken under RCRA
Proposed Plan (PP) and Record of Decision (ROD)	Statement of Basis (SB) and Corrective Action Decision (CAD)/Permit or Order Modification	Propose and document the selected remedy and explains the rationale for remedy selection; establishes how selected remedy 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 SB 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

CERCLA	RCRA Options*	Description of Step
		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 LUCs, 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 LUCs, 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.		

Attachment 3

CHECKLIST FOR EVALUATING HAZARDOUS SUBSTANCES, POLLUTANTS, OR CONTAMINANTS FOR CONSTRUCTION ACTIVITIES

Hazardous Substances, Pollutants or Contaminants					
#	Environmental Scoping Questions	No	Unknown	Yes	Notes
1	Is there a documented hazardous substance, pollutant or contaminant release or a validated ERP site within the Proposed Action/Activity (PA/A) boundary? Check with AFCEC/CZ or NGB A4VR	☐	☐	☐	
2	Is there hazardous substance, pollutant or contaminant impacted shallow soil (less than 2 feet bgs or as defined by local jurisdiction) that would be disturbed as a result of the PA/A?	☐	☐	☐	
3	Is there impacted deep soil (greater than 2 feet bgs or as defined by local jurisdiction) that would be disturbed as a result of the PA/A?	☐	☐	☐	
4	Will the PA/A involve excavating impacted soils for which establishing a soil stockpile(s) would be required?	☐	☐	☐	
5	Is there impacted surface water or sediment that would have the potential to be disturbed by the PA/A requiring engineering controls to prevent impacts to the other environmental media identified in the AF813?	☐	☐	☐	
6	Is there impacted groundwater that would be disturbed by the PA/A? (i.e. dewatering operations)	☐	☐	☐	
7	Does the PA/A potentially impact Water Resources which require Special consideration due to drinking water sources, stormwater discharges, wastewater discharges or biosolids management?	☐	☐	☐	
8	Will the PA/A generate wastewater that potentially contains hazardous substances pollutants or contaminants and must be collected and possibly treated prior to discharge? (Check with EPA/State RPMs)	☐	☐	☐	
9	Would the PA/A have the potential to spread impacted media that could affect biological resources?	☐	☐	☐	

Comments:

☐ No further action required☐ See attached analysis☐ Continue EIAP

Date:

Office symbol:

Signature: