

## Appendix O: Restoration Partnerships

The Department of Defense's (DoD) Defense Environmental Restoration Program (DERP) participates in various partnership agreements to ensure that cleanup decisions and remedies are used most efficiently to better protect human health and the environment. These successful and lasting partnerships with communities, tribal governments, and other federal agencies are fundamental to the DERP's success, and often expedite environmental remediation at DoD installations and Formerly Used Defense Sites (FUDS) through effective planning and implementation.

This appendix describes three formal partnership agreements established with federal and state agencies under the DERP. It includes interagency agreements (IAGs) or federal facility agreements (FFAs) with the U.S. Environmental Protection Agency (EPA), the memorandum of understanding with the Agency for Toxic Substances and Disease Registry (ATSDR), and the Defense and State Memorandum of Agreement (DSMOA). Each agreement augments DoD's ability to meet the following goals of the DERP: (1) the identification, investigation, research and development, and cleanup of contamination from hazardous substances, pollutants, and contaminants; (2) correction of other environmental damage (such as detection and disposal of unexploded ordnance) that creates an imminent and substantial endangerment to the public health or welfare or to the environment; and (3) demolition and removal of unsafe buildings and structures, including buildings and structures at FUDS properties.

DoD enters into IAGs or FFAs to facilitate cooperation, exchange of information, and the participation of EPA, and as appropriate the state, in the environmental restoration process at DoD facilities on the Comprehensive Environmental Response Compensation and Liability Act's (CERCLA) National Priorities List (NPL). DoD partners with ATSDR to conduct public health activities at DoD installations on the NPL and provides health services to both DoD and the local community relating to human health risks at toxic hazardous waste sites. The DSMOA program supports environmental restoration at DoD active and Base Realignment and Closure (BRAC) installations and FUDS properties by reimbursing states for costs associated with services that support the DERP. By signing a DSMOA with DoD, states are able to apply for cooperative agreements (CAs), which provide guidance for work plans and financial assistance at DoD installations where federal cleanup exists.

### Interagency Agreements

An IAG or FFA is an agreement between DoD and EPA that facilitates cooperation, exchange of information, and the participation of EPA, and as appropriate the state, in the environmental restoration process at specific sites listed on CERCLA's NPL. These agreements describe procedure and assign specific responsibilities to the Component, EPA, and states as appropriate, related to the selection of remedial actions.

Components enter into an IAGs or FFAs pursuant to Section 120(e)(1) of CERCLA, the Resource Conservation and Recovery Act (RCRA), Executive Order 12580, the National Environmental Policy Act, 42 United States Code (U.S.C.) §14321, and 10 U.S.C §2701 et seq. An IAG is not required until 180 days after EPA has completed their review of the remedial investigation or feasibility study. IAGs and FFAs serve as procedural frameworks for the development, implementation, and monitoring of remedial actions.

In addition to providing a procedural framework and a detailed response schedule, IAGs and FFAs offer important information necessary to develop accurate cleanup budgets. Appendix M: Installation Restoration Program and Military Munitions Response Program Status Tables provides information on environmental cleanup costs incurred by DoD installations through Fiscal Year (FY) 2008 and estimates of each installation's costs through completion.

In FY2008, DoD signed two agreements, with another 11 agreements under negotiation, as shown in Figure O-1. As of September 30, 2008, DoD has signed a total of 129 IAGs and FFAs. Figure O-2 details IAG and FFA negotiations conducted in FY2008.

In FY2008, DoD had 11 facilities without IAGs, four of which were issued "imminent and substantial endangerment" administrative orders in 2007. In May of FY2008, DoD elevated the dispute to the Office of Management and Budget (OMB) under long-established interagency dispute resolution processes, requesting OMB

to adjudicate on the terms of CERCLA IAGs. DoD also raised legal concerns to Department of Justice, using the process established by Executive Order for interagency disputes.

### Agency for Toxic Substances and Disease Registry

Created by Congress in 1980, the ATSDR is an agency within the U.S. Department of Health and Human Services that assists DoD in evaluating the potential public health risks from hazardous substances resulting from past DoD activities. CERCLA §104(i) authorizes ATSDR to assess the presence and nature of potential public health hazards at sites listed on the NPL. ATSDR Public Health Assessments help identify potential exposures and possible illnesses that may result from exposure to a site, and contribute to the knowledge about the potential health effects from exposure to a hazardous substance. More specifically, ATSDR seeks to implement the health-related sections of laws that protect the public from hazardous wastes and environmental substances.

The Department enters into a MOU with ATSDR for 1) conduct of public health assessments and other health related activities at DoD installations or sites and facilities and 2) development of toxicological profiles for unregulated substances as requested by DoD and authorized by DERP (10 U.S.C. §2704) and CERCLA §104(i).

ATSDR evaluates the environmental data from three sources to complete a public health assessment (PHA): hazardous substance releases, community health concerns, and local health data. These assessments provide a comprehensive study of public health at a site and are used to develop health advisories, recommendations for further studies, and actions to reduce or eliminate potential health risks. The assessments are published as initial release documents, public comment releases, or final release documents.

Initial release documents provide DoD, state and local health departments, and other federal agencies with an

opportunity to review site information ensuring that accurate site information is used in evaluating health risks. The public release is made available to communities and other stakeholders for review and comment, and to voice concerns about possible health issues. The final release addresses comments from DoD, regulatory agencies, public health departments, and communities. Final release PHAs are revised through health consultations, site reviews, and updates, as new environmental information becomes available. As of September 30, 2008, ATSDR had completed 139 PHAs for DoD installations and FUDS properties, 11 of which were published in FY2008 and are shown in Figure O-3.

Figure O-1 IAG/FFA Status Summary

Component	IAGs/FFAs Signed in FY2008	IAGs/FFAs Under Negotiation in FY2008
Army	1	2
Navy and Marine Corps	1	2
Air Force	0	7
<b>Total</b>	<b>2</b>	<b>11</b>

**Figure O-2** IAGs/FFAs Status

Army			
Installation Name	FFID	IAG/FFA Status (Signed or Under Negotiation)	Description of Cases in which Negotiations are Underway or No Agreement was Reached within 180 Days after EPA review of of the RI/FS
Fort Eustis	MD321022056700	Signed	Agreement signed in March 2008.
Fort Meade	AL421382074200	Under Negotiation	Efforts to reach agreement on the terms of an FFA continue.
Redstone Arsenal	VA321372032100	Under Negotiation	Efforts to reach agreement on the terms of an FFA continue.

Navy and Marine Corps			
Installation Name	FFID	IAG/FFA Status (Signed or Negotiated)	Description of Cases in which Negotiations are Underway or No Agreement was Reached within 180 Days after EPA review of of the RI/FS
Naval Air Station Whiting Field	FL4170023244	Under Negotiation	Efforts to reach agreement on the terms of an FFA continue.
Marine Corps Air Station Cherry Point	NC4173027261	Signed	Agreement signed January 2008.
Naval Computer and Telecommunications Area Master Station Pacific	HI017009005400	Under Negotiation	Efforts to reach agreement on the terms of an FFA continue.

Air Force			
Installation Name	FFID	IAG/FFA Status (Signed or Negotiated)	Description of Cases in which Negotiations are underway or No Agreement was Reached within 180 Days after EPA review of of the RI/FS
Air Force Plant 44	HI017009005400	Under Negotiation	Efforts to reach agreement on the terms of an FFA continue. Signatures are expected by the end of FY2009.
Andrews Air Force Base/Brandywine Defense Reutilization and Marketing Office	HI017009005400	Under Negotiation	Memorandum of Understanding (MOU) signed in 2002. FFA under negotiation to replace MOU.
Hanscom Air Force Base	HI017009005400	Under Negotiation	Efforts to reach agreement on the terms of an FFA continue. Signatures are expected by the end of FY2009.
Langley Air Force Base	HI017009005400	Under Negotiation	Efforts to reach agreement on the terms of an FFA continue. Signatures are expected by the end of FY2009.
McGuire Air Force Base	HI017009005400	Under Negotiation	Efforts to reach agreement on the terms of an FFA continue. Signatures are expected by the end of FY2009.
Tyndall Air Force Base	HI017009005400	Under Negotiation	Efforts to reach agreement on the terms of an FFA continue. Signatures are expected by the end of FY2009.

**Figure O-3** Summary of Public Health Assessments Completed at DoD Installations

Stage of Assessment	Army	Navy and Marine Corps	Air Force	DLA	FUDS	Total
Initial Release Document	0	0	0	0	0	<b>0</b>
Public Comment Release	2	2	1	0	0	<b>5</b>
Final Release Document	2	3	1	0	0	<b>6</b>
<b>All Stages, Total</b>	<b>4</b>	<b>5</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>11</b>

## DSMOA Program

The purpose of the DSMOA Program is to expedite environmental restoration at DoD installations through the coordination of efforts between DoD and state governments. A DSMOA is an agreement between DoD and a state or territory that provides a framework for the Department to openly coordinate and communicate with state regulators to achieve cleanup objectives. Under the DSMOA Program, DoD reimburses their partners for environmental restoration services at DoD's active or BRAC installations and at FUDS properties.

The DSMOA Program was established pursuant to Section 211 (b) of the Superfund Amendments and Reauthorization Act (SARA) enacted on October 17, 1986. SARA authorizes the Federal Government to obtain the assistance of state and local governments in executing the cleanup responsibilities of DoD under 10 U.S.C. §2701(d), the authority to conduct environmental restoration activities at DoD installations and FUDS properties. Internally, the current business practices of the DSMOA Program are contained in the DSMOA/CA Program Guide, July 2006. While the Guide is not a rule or a regulation, it follows regulations for CAs promulgated in 32 Code of Federal Regulations (CFR) Part 33; DoD Grant and Agreement Regulation 3210.6-R; and OMB Circulars A-87, A-102, and A-133.

After signing a DSMOA with DoD, a state must apply for a CA in order to obtain financial assistance for its activities and services in support of federal cleanup at military installations. A CA outlines the planning and funding structure for the environmental restoration efforts that the state will carry out at DoD facilities over the next two years. Only states that have a completed and signed DSMOA are eligible to apply for a CA under the DSMOA Program. In FY1997, a "six-step" process designed to produce and validate the CA package was implemented.

In FY2007, DoD undertook an automation initiative that

streamlined this six-step process. The DSMOA Web Site is an information and services portal for the DSMOA community to access data and conduct business practices, such as the development of Joint Execution Plans, preparing state budget estimates, and obtaining Component approval of proposed costs. The site also allows states to elect to participate in the upcoming CA period and submit their applications. Training on the automated system was provided during FY2008 to the DSMOA community through a series of live Web seminars that allowed for nationwide, timely outreach to the DSMOA community while minimizing costs. Web seminar recordings and online tutorials are available through the portal, along with the ability to view and track existing DSMOAs and CAs.

Although an FY2008 memorandum allowed states and territories to pursue alternative approaches to the DSMOA Program for cost reimbursement, the program continues to be, and is expected to remain utilized by the majority of states and territories. To date, DoD has signed 53 DSMOAs with 48 states, 4 territories, and the District of Columbia since the program's inception in 1986. The State of Iowa is the most recent state to sign a DSMOA. Only Arkansas, North Dakota, and the Virgin Islands have not signed DSMOAs with DoD. Of the 53 eligible partners, 52 have signed CAs for the 2008-2010 period. American Samoa has a signed a DSMOA but does not currently have a signed CA for the 2008-2010 period.



Figure O-5 DSMOA and CA Status

State/Territory	DSMOA Signed	CA Application Signed
Alabama	05/29/90	06/26/08
Alaska	06/04/90	06/25/08
America Samoa	07/10/91	N/A
Arizona	03/13/91	06/09/08
Arkansas	N/A	N/A
California	05/31/90	06/04/08
Colorado	10/18/93	06/17/08
Connecticut	04/23/98	06/24/08
Delaware	02/26/90	07/23/08
District of Columbia	05/09/94	06/17/08
Florida	06/14/90	06/06/08
Georgia	05/08/90	06/09/08
Guam	11/27/91	06/09/08
Hawaii	09/10/91	06/09/08
Idaho	02/06/91	05/30/08
Illinois	12/17/92	05/25/08
Indiana	04/17/91	05/29/08
Iowa	02/01/08	05/30/08
Kansas	08/06/92	06/12/08
Kentucky	06/06/91	06/24/08
Louisiana	11/13/91	06/11/08
Maine	06/24/91	06/04/08
Maryland	11/26/90	06/11/08
Massachusetts	10/18/91	06/09/08
Michigan	08/27/92	06/06/08
Minnesota	06/28/91	05/28/08
Mississippi	10/13/89	06/20/08
Missouri	05/22/91	05/20/06
Montana	04/17/98	05/22/08
Nebraska	09/29/92	06/06/08

N/A= Not Applicable

State/Territory	DSMOA Signed	CA Application Signed
Nevada	09/12/90	06/02/08
New Hampshire	01/22/93	06/02/08
New Jersey	04/03/92	05/21/08
New Mexico	06/12/90	06/03/08
New York	06/06/91	06/18/08
North Carolina	06/06/91	06/08/08
North Dakota	N/A	N/A
Northern Mariana Islands	10/18/91	07/01/06
Ohio	10/06/92	06/18/08
Oklahoma	12/28/92	05/22/08
Oregon	06/30/04	06/10/08
Pennsylvania	04/14/94	06/13/08
Puerto Rico	02/04/91	06/02/08
Rhode Island	09/26/91	05/21/08
South Carolina	05/08/91	06/17/08
South Dakota	10/25/91	05/31/08
Tennessee	06/02/92	06/18/08
Texas	04/08/91	06/13/08
Utah	11/11/98	06/03/08
Vermont	06/22/90	07/03/08
Virgin Islands	N/A	N/A
Virginia	08/31/90	06/12/08
Washington	02/03/94	06/17/08
West Virginia	05/24/90	06/12/08
Wisconsin	07/22/92	05/30/08
Wyoming	06/27/90	06/18/08