

**AIR FORCE RESTORATION SUMMIT  
ATLANTA, GEORGIA  
APRIL 16-17, 2003  
MINUTES**

**Welcome and Introduction – Mr. Thomas Sims, Air Force Center for Environmental Excellence (AFCEE) Regional Environmental Office (REO)**

Mr. Sims welcomed participants to the first installment of the first round of restoration summits. He stated that the purpose of the summits was to bring the Air Force together with state and U.S. Environmental Protection Agency (EPA) regional regulators to ask questions, make comments, and resolve issues.

Mr. Sims asked the participants to introduce themselves.

After introductions, Mr. Sims stated that the Department of Defense (DoD) is currently conducting Department of Defense and State Memorandum of Agreement (DSMOA) training. The next training session will be held in Norfolk, VA on May 13-14, 2003, followed by Columbus, Ohio on June 3-4, 2003, and Warwick, Rhode Island on June 25-26, 2003. Mr. Sims urged the states to attend in order to be updated on the current requirements in the program and to get questions answered. Mr. Sims' briefing slides are included as Attachment A.

**Keynote Address – What's Happening Inside EPA – Dr. Stan Meiburg, Deputy Regional Administrator, EPA Region 4**

Dr. Meiburg opened his address by commending the Air Force on their partnership with EPA. He expressed an appreciation to those colleagues who are serving in the armed forces and currently protecting our country overseas. Dr. Meiburg's principal theme was that whether it is air pollution, water pollution, or better-protected land – EPA is always looking for more innovative and effective ways to protect.

**Air Pollution** – Dr. Meiburg spoke on **Non-attainment Status** and **National Ambient Air Quality Standards (NAAQS)** for pollutants in the Southeast. The extensive non-attainment areas in Region 4 will require a new way of thinking in order to reach attainment. EPA has offered to defer the deadline for attainment until 2007 to areas that will voluntarily commit to adopting attainment standards early. South Carolina has been very aggressive in this program. The administration's single biggest legislative priority for this session is the **Clear Skies legislation** that provides a straightforward set of targets for reduction of all pollutants. This legislation also puts in place a market mechanism, similar to that which has been used in the acid rain requirements, that provides a cost effective approach and clear scheduling system to reduce pollution. Dr. Meiburg stated that many of those in the Summit may have followed the **New Source Review (NSR)** and how it affects their facilities. The two major elements of the NSR are extending flexibility to non-utility sources and guidance on routine maintenance. EPA is currently in litigation with many electric utilities around the country regarding what constitutes routine maintenance.

**Water Pollution** – The biggest issue in water pollution that EPA is dealing with are requirements for **Total Maximum Daily Loads** which is the mechanism established in the Clean Water Act to determine how much can be put into a water body for it to maintain its daily use. Five states in Region 4 currently have consent agreements. Time schedules are tight in all five states. Another issue that may affect the Air Force directly is **stormwater**. Phase II regulations go into effect this month, which lower the threshold for stormwater controls in larger areas. In Region 4, water continues to be impaired by non-traditional sources. EPA will focus on non-point sources in the coming months. EPA is trying to promote the “watershed approach” which looks comprehensively at all sources of impairment in a watershed. **Wetlands** continue to be a controversial area and litigation continues. An area that EPA is applying its innovative know-how to is **effluent trading**. The driver behind it is to look at water impairment comprehensively across the United States. The trading program allows pollutant contributors to trade controls themselves by establishing a market mechanism to do so. Good examples of where this has been done are in Connecticut and North Carolina.

**Land Protection** – The new **Brownfields** Law was a tremendous step forward and is being implemented by EPA, promoting the reutilization of brownfield sites. EPA is currently establishing funds for examinations and loan funds for remediation. The new Region 4 Assistant Administrator for Solid Waste and Emergency Response wants to put in place the **One Cleanup Program**. This program will focus on sites having the same cleanup plan regardless of which program it is listed under. It is a more comprehensive approach on how to restore land to its productive use. The **Resource Conservation Challenge** is EPA’s plan to reduce the continued growth of wastestreams and find better ways to use our resources. The primary implementing responsibility for solid waste will remain at the state level, but EPA can provide more technical assistance and encourage people to take positive steps to reduce their wastestreams.

On the facility level, EPA has been actively working on the following issues: **post-ROD authority and institutional controls at federal sites, ordnance and explosives work, perchlorate contamination issues, and construction completion in the Superfund and corrective action context.**

EPA has also been actively involved in **Homeland Security** since the September 11 terrorist attacks. Activities have included: drinking water security, the World Trade Center cleanup, anthrax contamination, and space shuttle debris cleanup. EPA may also be involved in chemical plant security, depending on decisions made by Congress.

**EPA’s Report on the Environment** is scheduled to be out by the end of April or May. This report allows EPA to manage for results by identifying what indicators they will use to manage their environmental progress. EPA has been involved in establishing a strategic plan for the **Government Performance and Results Act (GPRA)** which was released in early March on EPA’s website. EPA’s five goals are 1) cleaner air, 2) cleaner water, 3) better-protected land, 4) healthy communities and ecosystems, and 5) environmental compliance and stewardship. EPA continues to strongly support the use of **Environmental Management Systems (EMSs)** as they are effective and save money. EPA’s audit policy benefits those who have EMS systems in place and who are actively performing self-assessments. **Environmental justice** remains an important area for EPA ensuring that no group is disproportionately exposed to environmental hazards. And lastly, the theme of EPA’s strategic plan is **partnerships**. EPA cannot accomplish their goals by themselves and EPAs partners sometimes have tools that EPA does not have. EPA

strongly values its relationship with the Air Force and the other armed services, as an example of the principle that you can do more together than you can do by yourself.

**EPA Environmental Restoration Progress Report: Outlook for FY03 & Beyond – Mr. Jon Johnston, Federal Facilities Branch Chief, EPA Region 4**

Mr. Johnston spoke on how EPA's partnerships have been working in Region 4. His presentation outlined the federal facilities in the southeast. Mr. Johnston presented a list of all federal facilities that are cleanup sites in the Southeast. He compared branches of the military in the Southeast and touched on how different branches may account for their actions differently. Mr. Johnston stated that EPA wants to take advantage of this time to talk to the Air Force about finding more "efficiencies" in the cleanup process.

Mr. Johnston stated that future workload in Region 4 beyond cleanup sites will focus on Formally Used Defense Sites (FUDS), Base Realignment And Closure (BRAC) sites, and the DoD Range Inventory. Mr. Johnston spoke on the importance of **tiered partnering** and what the three tiers consist of. Mr. Johnston's briefing slides are included as Attachment B.

A question posed to Mr. Johnston was:

**QUESTION:** Ms. Carolyn White asked Mr. Johnston for more information on the Land Revitalization Agenda and how it may or may not relate to federal facilities or BRAC sites.

**RESPONSE:** Mr. Johnston replied that it is an EPA priority to learn from what they've done at federal facilities and BRAC sites. Federal facilities have done more to help form these programs and will not so much be affected by these programs. He has not found documentation on the Land Revitalization Agenda.

**COMMENT:** Mr. Earl Bozeman stated that it should be kept in mind that the phrase, "cleanup decisions" in relation to what is considered cleanup at an Air Force site includes decisions to conduct a removal or to do nothing else at the site.

**Air Force Environmental Restoration Program Update – Mr. Johnny Davis, Air Staff (AF/ILEV)**

Mr. Davis presented an overview of the Air Force Restoration Program. His presentation included program health, how the Air Force does business, the organization of the cleanup program, funding, restoration metrics, site completion status, the military munitions response program, and areas the restoration program is currently watching. Areas the Air Force will watch in the future are more efficient Performance Based Contracting, the Air Force Cost Estimation System-Environmental Management Program, environmental liability, perchlorate, the TCE standard being reviewed and comparing GRPA vs. Defense Planning Goals. Mr. Davis' briefing slides are included as Attachment C.

Questions posed to Mr. Davis were:

QUESTION: Col. Patrick Fink asked Mr. Davis why the costs to complete are going up significantly and how does it compare to the Army or Navy? He asked if it is the Air Force's fault for not accounting correctly at sites?

RESPONSE: Mr. Davis responded that he had spent time with the Navy trying to figure out how they were accounting for sites, what they were doing, and how their system works. He said that they deal with Areas of Concern differently than the Air Force. He did not know why their cost to complete is going down and the Air Force's is going up. Time will tell and he thought that in 6-8 years the Navy's costs will increase considerably. He hasn't worked with the Army enough to tell.

COMMENT: Ms. White commented that at a recent meeting, the Army and Navy said their cost to complete had gone down on active sites but BRAC closure costs are going up across the board.

RESPONSE: Mr. Davis responded that the Air Force is realistic with their sites. Every site that gets investigated gets added to the Environmental Restoration Agenda (ERA). He stated that the Air Force sees the long-term operations and maintenance periods getting longer - either driven by the contamination not getting cleaned up fast enough or that regulators are requesting monitoring take place for a longer period of time. Mr. Davis stated that when Eagle-Look evaluated costs, they found that DoD cost to complete was going down, Navy going down, and Army going down, but Air Force was going up. He stated that this is a business administration issue and as for the future, the front end of the budget business is okay. The system weeds out chaff, does the right thing, and gives Congress the right budget and that the reporting is incorrect and we can't account or track the money. DoD will embark on a one-system accounting process. IBM is building a new accounting system to be implemented in FY08. Eagle-Look said in their briefing that the Air Force is in better shape than the DoD and the other services, but it's not in their report.

***Air Force Real Property Agency (AFRPA) Beyond Base Realignment and Closure (BRAC) Environmental Programs – Ms. Carol Ann Beda, AFRPA***

Ms. Beda presented an overview of the AFRPA and the BRAC program. Her presentation included the AFRPA Mission, a breakdown of environmental program funding, reuse jobs and land reuse, environmental program goals and oversight, a breakdown of sites that have reached Last Remedial Action in place (LRIP), milestone status, FY03 site status, and the program's successes and challenges. Ms. Beda provided slides with examples of the type of site funding data that can be provided to other groups upon request. Ms. Beda's briefing slides are included as Attachment D.

The following question was posed to Ms. Beda:

QUESTION: Mr. Earl Bozeman asked Ms. Beda what was included in the term "cleanup" (Specifically, on the pie chart on p. 4 of her presentation)

**RESPONSE:** Ms. Beda responded that the AFRPA considers cleanup to include remedial design, remedial action, and interim actions. Cleanup funding is any money that is put into physical remediation systems and the operation of systems.

**Land Use Controls - Ms. Carolyn White, Air Force Legal Services Agency (AFLSA)**

Ms. White presented the Air Force's Performance-Based Approach to RODs for Land Use Controls (LUCs). Her presentation included an overview of the internal review currently happening at the Office of the Secretary of the Air Force (SAF/IEE), the President's Management Agenda, EPA's Cleanup Program Initiatives, Process Issues, the Air Force's Performance Based Approach to RODs, LUC Issues and Challenges, the EPA/DoD dispute, Air Force Policy, the status of discussions with EPA in Region 3 and Headquarters (HQ), and the need for definition of site completion and site closeout. Ms. White's briefing slides can be found as Attachment E.

Questions posed to Ms. White were:

**QUESTION:** An unknown participant asked Ms. White why sites that were once "response complete" have been reopened?

**RESPONSE:** Ms. White responded that there was not a good analysis for why the sites were reopened during the internal review. She thought that some sites were reopened due to poor documentation at the facility level and in some cases there was no documentation of regulator concurrence.

**QUESTION** Mr. Eric Nuzie from the Florida Department of Environmental Protection (FDEP) asked if Ms. White could tell them where the problems with documentation and personnel turnover were located in the report she was referencing.

**RESPONSE:** Ms. White responded that the results included in the review were not facility specific.

**COMMENT:** Mr. Johnny Davis commented that the Air Force can look at the data in their database to see where sites have been reopened and from there, research to see if it's a data problem or a more significant issue.

**RESPONSE:** Ms. White agreed. She also commented that technical disputes are a major reason for sites reopening.

**QUESTION:** Mr. Jim Crane from FDEP asked how far the 30 percent statistic for reopening Response Complete sites went back.

**RESPONSE:** Ms. White replied that the data were from 1996 to 2002.

**RESPONSE:** Mr. Cane responded that many bases did site assessments and deemed the sites No Further Action (NFA). Once the regulators started looking through the sites, they had to reopen many of them because the assessments did not provide

adequate justification for NFA. He suggested that this may be a major reason for this statistic.

RESPONSE: Ms. White agreed that she thought that was part of it, but also reiterated that there was often not proper documentation.

COMMENT: Mr. Davis commented that when a regulator asked to have further sampling done at a closed site, that site shouldn't necessarily be opened again. It may be a data problem.

RESPONSE: Ms. White responded that Mr. Davis's group would be looking at a lot of these sites and looking at the numbers over the next few years because it is an important issue.

---

QUESTION: Ms. Suzanne Ghais asked Ms. White if the ROD dispute is still ongoing at Langley.

RESPONSE: Ms. White responded that the dispute has been elevated from Region 3 to Marianne Horinko at EPA OSWER Headquarters. She stated that there are difficulties posed by the elevation in that the people who had the concerns with the ROD are from the enforcement office and they do not report to Marianne Horinko. Secondly, EPA HQ has not responded to why they have rejected the last proposal. There is no time frame for getting to resolution at this point.

---

QUESTION: Mr. Earl Bozeman asked Ms. White if there is a reporting process for institutional controls. He asked how EPA knows that the ICs are in place.

RESPONSE: Ms. White responded that the Air Force creates a letter or a report once a year and sends it to the Remedial Project Manager (RPM) but there is still a disagreement as to what role the regulators should have in the content of the reports.

---

QUESTION: Ms. Denise Messier from Maine Department of Environmental Protection (MDEP) asked Ms. White why she had not seen the LUC mechanisms Ms. White presented used at an active or a BRAC facility.

RESPONSE: Ms. White responded that many of the controls on the list were not applicable to actual sites because of real property rules associated with the General Services Administration (GSA). Some of these controls are available in a BRAC context, but only in post-transfer.

---

QUESTION: Mr. Lance McDaniel asked if Operation and Maintenance Plans could be referenced in the ROD.

RESPONSE: Ms. White responded that all of the things in "Slide 16" of her presentation could be referenced in the ROD.

---

COMMENT: Mr. Jon Johnston commented that the Army, Navy, and Marine Corps are results-based organizations and not paperwork organizations. The remedies can be principles that they agree to and do not represent mere paperwork. It is only fair to say that there are other opinions within the services to describe what is results-based.

RESPONSE: Ms. White responded that everyone recognizes that our obligations at the end of the day are the same and that is what is really important. There is significant disagreement among the services as to which approach is the best way to achieve those goals.

---

COMMENT: Mr. Johnston stated he was under the impression that EPA HQ agreed that the signing of the ROD unilaterally would not take place. He would not recommend anyone take that approach to resolve a dispute on a remedy.

RESPONSE: Ms. White responded that the only site that has been done this way is Langley. There have been no other RODs issued unilaterally.

RESPONSE: Mr. Johnston responded that everyone else in the federal government is doing non-time critical removals and recommended that Ms. White might want to read the Non-Time Critical Action Removal Guidance. He recommends they elevate the conversation.

---

QUESTION: Mr. Carlton Crenshaw stated that Deputy Assistant of SAF/IEE, Ms. Maureen Koetz, had approved the Travis ROD, which is similar to the Langley ROD. He asked Ms. White if she knew how it was different because the Travis ROD was moving a lot faster than the Langley ROD.

RESPONSE: Ms. White responded that there were two basic differences. First, Travis already had a federal facility agreement in place. At Langley, the Air Force tried to roll the federal facility agreement together with the ROD and that caused a huge amount of negotiation issues, particularly at the Headquarters level. Second, at Travis the only disputed issue was with the Land Use Controls. We have other RODs in draft form that follow Travis and few Regions have said that it addresses their concerns.

QUESTION: Mr. Davis asked Ms. White if she distributed the Travis and Hanscom RODs at the EPR meeting in February of 2002?

RESPONSE: Ms. White didn't remember when it was passed out, but they had examples of that language. If they don't, they can get it. Travis went to dispute resolution and was formally resolved in September 2002. Because of the rules of how California entities sign things, the final signature was not final until December 2002.

COMMENT: Mr. Davis commented at this point that he thought it was probably handed out at the EPR Meeting in October 2002.

COMMENT: Ms. Stacey Driscoll pointed out that in cases where you are having success, whether or not there is an FFA already in place makes a big difference.

RESPONSE: Ms. White agreed.

---

QUESTION: Mr. Patrick Fink asked if Ms. White was implying that Administrative Records need to be more carefully reviewed and maintained?

RESPONSE: Ms. White agreed with that statement, certainly from how they were being done 10 years ago. She was not sure how they are doing with the ones created in the past few years.

QUESTION: Mr. Fink responded with the question, “are you finding a deficiency in this area of the program?”

RESPONSE: Ms. White responded that when someone comes to her with a site that they want closed, she asks them what they are basing the fact that they say they are done on. There must be a good record to support that you’ve met your goals. If you don’t have a good record, legally she won’t tell them to go fight the battle if they don’t have a good record to support themselves. Ms. White stated that she didn’t get to that level of detail and doesn’t know what the Administrative Records are like at the base level.

QUESTION: Mr. Crenshaw stated that the Air Force has recognized that there are personnel problems that are not unique to the Air Force. These problems have affected how the Air Force deals with people and whom we deal with. That has caused a lot of inconsistencies.

RESPONSE: Ms. White responded that if something is documented, particularly if there is an agreement, then the new person coming in knows what has been done, knows the basis of it and can move forward without revisiting old information. If the Air Force was a little better with this it would probably help out with the time and cost issue.

#### **Land Use Controls - Lawrence Neville Presentation: Attorney for EPA Region 4**

Mr. Neville presented an EPA overview of LUCs. His presentation covered the history of how EPA came to its perspective, the importance of legal issues behind LUCs and EPA’s position, national guidance, LUC Assurance Plans, the requirements for LUCs in RODs, and what should be in post-ROD documents. Mr. Neville also spoke on the importance of the need for creative thinking with LUCs such as the “One Call” system and creating a Geographic Information System (GIS) registry.

Questions posed to Mr. Neville were:

QUESTION: Mr. Corbett asked Mr. Neville whether EPA does not believe it has the authority to dispute the document if a document is not a primary document.

RESPONSE: Mr. Neville responded that that had been the case with Federal Facility Agreements (FFAs) he was associated with. He stated that when it started out, the theory was that those were feeder documents. Over the years there were more primary documents than there were in the early stages. Sometimes there were compromises. If regulators were trying to keep control of the use of removal actions to avoid remedial authority, they might compromise and say we'll make EE/CAs a primary document but the action memoranda will be a secondary document. The effect of not having these things as primary documents is to obtain control for whoever is preparing these documents, of their content, which may make it impossible for the regulators to know whether or not performance has been achieved.

COMMENT: Ms. White commented that most FFAs still have the feeder context. They are disputable only in the context of how it feeds into a primary document.

REPSONSE: Mr. Neville responded that Ms. White was correct. He stated that the concept was there, but if the document does not feed into anything it becomes empty.

---

QUESTION: Mr. Tim Corbett asked Mr. Neville if EPA or states will declare a remedy non-responsive, being primary, secondary or tertiary, if they are not satisfied with the content of the document.

RESPONSE: Mr. Neville responded that in most cases, that wouldn't be practical. The better way to go is to say, we've all got this mission to maintain LUCs, so if the regulators are unreasonable, let the Air Force dispute it. Dispute resolution works for both the Air Force and other agencies as well. If there is a sincere desire by the Air Force to make these things protective in a cost-effective way and if the problem is not that we don't know how we're going to do what we've got, the problems about the paperwork is not an efficiency question. The efficiency goes with making the system we have work and creating ways that we can create the documents that have become part of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) process.

---

QUESTION: Mr. Rod Whitten stated that EPAs new Remedial Action Completion Report (RACR) Guidance requires the Air Force to incur unnecessary costs to close a site. He doesn't want to see this guidance become a primary document because of all of the extra steps the Air Force would have to take. He estimated the cost of performing the requirements in the document was \$100,000. He claimed it does not accomplish human health and protection when you go back and account for all the costs associated. He stated that if you were to follow the guidance, you couldn't meet the requirements. He stated that there needs to be a dialogue on what we really need to get in order to demonstrate what is being protected.

RESPONSE: Mr. Neville responded that he thought that there is a possibility of agreement here. He thinks that most people really want to get the right results.

COMMENT: Mr. Johnston stated that any piece of documentation could be read many ways. The majority of these documents should not cost a lot of money to create. The guidance does not require that level of effort.

RESPONSE: Mr. Whitten responded that the Air Force had been told that RACRs will not be accepted unless they are this way and the ones they have produced since then are this way.

RESPONSE: Mr. Johnston responded that the Air Force should never in a position where you are spending \$100,000 and you don't know why. The Air Force and EPA should share responsibility, challenge each other and share how guidance is interpreted. The unfortunate but predictable outcome of the dispute over post-ROD authority is that we are finding sticks to beat each other with and we need to stop that.

COMMENT: Mr. Whitten commented that the next presentation is an example of where the Air Force put their sticks down.

COMMENT: Mr. Neville commented that dispute resolution works both ways.

**Introduction to AFRPA's Dispute Resolution System for Issues with Environmental Regulators – Mr. Rod Whitten and Ms. Suzanne Ghais, AFRPA and CDR Associates**

Mr. Whitten introduced himself and Ms. Ghais from CDR Associates. In 1999, AFRPA contracted with CDR to resolve a dispute between AFRPA and California Regulators (EPA, state regulators, and state water boards).

Ms. Ghais presented an overview of CDR, an overview of the California pilot including a background, overview of the development of the pilot, the key design elements, the Dispute Resolution System and the results of the pilot. Ms. Ghais also spoke on the Myrtle Beach mediation project between the Air Force and South Carolina Department of Health and Environmental Conservation (SDHEC) she performed highlighting the mediation itself and its implications. Ms. Ghais' briefing slides can be found as Attachment F.

COMMENT: Mr. Whitten commented that the use of a facilitator makes the dispute resolution go much smoother. Discussions can take place with someone in the room listening who can interpret what they think the people in the room have agreed to. The use of a facilitator is quite helpful.

**New Trichloroethylene Cleanup Standards Dr. Samuel Brock – HQAFCEE/ERS**

Mr. Brock presented the effect of new trichloroethylene (TCE) Cleanup Standards. His presentation covered toxicity issues and cleanup standards, the potential cost to the Air Force of lowering the MCL for TCE, what the RPM needs to know about remediation approaches, engineered bioremediation of chlorinated solvents, source zone treatment, source zone

contamination phases, and source zone contamination challenges. Mr. Brock spoke on the cost-benefit analysis that was performed to generate the expected cost to the Air Force. Mr. Brock's briefing slides can be found as Attachment G.

Questions posed to Mr. Brock were:

QUESTION: Mr. Tim Corbett asked Mr. Brock if the \$1.25 billion dollars his group has estimated for the approximate cost of the MCL change included reopening of sites that were previously closed or if the cost only included sites that are not yet under ROD.

RESPONSE: Mr. Brock responded that the methodology looks at the impact to further characterize and additional modifications to systems in place if needed in order to increase their capacity or the area of coverage in order to capture a larger impacted area. Estimates were that the RODs would require reopening in some cases but it was not anticipated to be a large number. The first phase of the process of analyzing facilities was a more qualitative investigation.

---

QUESTION: Mr. Eric Nuzie of FDEP asked Mr. Brock if he would further explain his assumption that changing the cleanup goals because of the limitations in the technology to address the change in standards would not reduce risk.

RESPONSE: Mr. Brock responded that the premise is that the majority of the sites have been identified and attempts to remediate these sites are in place where warranted and it is usually where TCE concentrations are well above the MCL.

---

QUESTION: Lt. Col. Jeff Cornell asked is this estimate considers the changes in thinking about soil vapor intrusion. If not, what were Mr. Brock's thoughts on how it would change?

RESPONSE: Mr. Brock responded that the level of concern about soil vapor intrusion was developed primarily after the first of the year. The results presented today were completed before that. The assumptions are an area where there has been new information based on the investigations that were reopened in California. It is not clear how that will be fully addressed. The statement reflected here was that where we have prolonged times and significant difficulty in remediating water to 5 ppm it is because that is technology limiting. Reducing the target would be assumed to have the effect of increasing the duration of the operating system and increasing the monitoring required but would not be useful in reducing the concentration of TCE in the water any more rapidly. Those were the concerns we had in the cost analysis.

QUESTION: Mr. Corbett asked Mr. Brock if he was saying that he would not change the remedy, but change the amount of time the operation would run.

RESPONSE: Mr. Brock answered that he was correct and that the agency is learning more about new approaches to remedies. The change in remedy has the potential to

change the estimate but will probably not change the estimate by a large amount rapidly because it has to evolve.

---

QUESTION: Mr. Corbett asked if Mr. Brock had considered the legal ramifications of reopening sites that had existing RODs in place in the cost estimate. Mr. Corbett stated that the issue of reopening sites that have RODs in place could have a significant impact on the cost.

RESPONSE: Mr. Brock agreed.

COMMENT: Ms. White commented that a ROD needs to be opened if the new standards meets the standard ARAR and reaches the determination that it is necessary to reopen. Both of those determinations have to be made before reopening the ROD.

QUESTION: Mr. Corbett agreed with Ms. White but repeated his question, asking if this a 5 billion dollar deal or not and if they can make a case by case determination to see just how big this is.

RESPONSE: Lt. Col. Cornell responded that the goal of the analysis was not to get an exact number but to find out if there was a large enough impact that could be shown easily. He stated that the Air Force wants to remain engaged with the policy makers, Congress and EPA on this issue. The Air Force has done a great job showing that this is an issue we need to pay attention to.

RESPONSE: Mr. Brock responded that many of the sites in the data do not have RODs so they will not need to be reopened. In the case where sites have RODs, the cost has been underestimated.

COMMENT: Mr. Corbett commented that the cost estimate that Mr. Brock presented assumed that all RODs would be reopened. If the decision is made that 80 percent of the sites will not be reopened because the ARARs are the ones we are sticking with then we will not have a 5 billion dollar cost, we will have a 1 billion dollar cost.

RESPONSE: Mr. Brock responded that RODs that state that there is NFA because of low levels are assumed done. Those that are under remediation that are not done, we assume those will be required to continue until they get to a lower number.

COMMENT: Ms. White commented that what Mr. Brock was saying was that that assumption is not an automatic assumption.

### **Perchlorate Update – Lt Col Jeff Cornell- SAF/IEE**

Lt. Col Cornell gave an update on the Air Force perchlorate issue. His presentation included a background on the Interagency Workgroup currently focusing on perchlorate which is comprised of EPA, DoD, NASA, DoE and EOP. The workgroup focuses on perchlorate and TCE, science and science policy, and risk analysis/risk management. Lt. Col. Cornell's presentation touched on the current scientific research and regulatory status of perchlorate as it relates to Air Force

operations, the status of the National Academy of Sciences (NAS) scientific review of perchlorate, the challenge of unregulated contaminants, DoD's concerns and goals, operational risks, financial risks, and new policy response. Lt. Col. Cornell stated that the DoD has spent 24 million dollars to date on human health and toxicity studies, treatment methods, and education and outreach and continues to keep track of programmatic, regulatory, political, and fiscal aspects of the perchlorate issue and will provide a coordinated policy at the HQ level when it becomes appropriate.

No questions were posed to Lt. Col. Cornell.

**Resource Conservation and Recovery Act Environmental Indicators for Federal Facilities – Ms. Lael Butler /Anita Shipley– EPA Region 4 – 9:15am-10:00am**

Ms. Butler and Ms. Shipley presented the status of RCRA Environmental Indicators (EIs) as an EPA performance measure under GPRA. The presentation explained what an EI is, what EI results are and how they are determined, how EIs are performed, and key concepts behind human exposures. Ms. Butler and Ms. Shipley presented the EI status of Air Force facilities in EPA Regions 1-4.

Questions posed to Ms. Butler and Ms. Shipley were:

**QUESTION:** Mr. Tim Corbett asked Ms. Butler why Maguire AFB was on the list of AF EI sites.

**RESPONSE:** Ms. Shipley responded that the sites on the list are for all sites in EPA Regions 1-4.

---

**QUESTION:** Ms. White asked if different Regions have different opinions on whose responsibility it is to fill out the EI documentation and work with the facilities.

**RESPONSE:** Ms. Butler responded that in Region 4, the RCRA responsibilities are delegated down to the states except in Mississippi. It is the states responsibility to do the EIs with EPA oversight.

**QUESTION:** Ms. White asked if there is a standard expectation that they specifically talk to the facility.

**RESPONSE:** Ms. Butler responded that it is absolutely an expectation that whoever is conducting the EI talk to the facility because in most cases, the facility knows what the conditions are at the site. If the state does not work with the facility to do the EI, there is a good likelihood that they have missed information and they may not be able to come to the correct determination.

**COMMENT:** Ms. White commented that in the Air Force's experience, the level of communication with the state varies dramatically from facility to facility.

---

QUESTION: Mr. Corbett asked what the EI determination of “No” means and what its impact is.

RESPONSE: Ms. Butler’s response was that “No” means contamination is not under control. Congress said that by 2005, we have to meet certain criteria. If you don’t reach it, we at RCRA have to be able to support that determination with enough documentation to say they can’t get there because they have this kind of groundwater contamination, etc. But we want to report to Congress that 95 percent of the facilities have human exposure under control. We understand that groundwater is a huge issue, but the human exposure control, we think, are achievable by 2005. Ninety-five percent of the facilities are supposed to reach it, and that’s only 14 facilities in Region 4. It will not change your funding, it will not change the way you do business with the government or EPA, but unless we have communication with the facilities and each other, we will not know what work has to be done.

---

QUESTION: Mr. Donald Calder from ACC and Mr. Crenshaw of AFRC asked how EPA defines “Under Control” for groundwater migration.

RESPONSE: Ms. Butler responded that it requires a formal observation, for example, if you can show that the plume has not migrated. For groundwater, it requires a specific measure. One needs to remove the source and have an action. This is different than the earlier topic of human exposure.

---

QUESTION: An unidentified participant asked what “Not Coded” means.

RESPONSE: Ms. Butler responded that “Not Coded” means that there was no information for the EI in the database.

QUESTION: Ms. White asked if this was the EPA’s database.

RESPONSE: Ms. Butler responded that yes, it was EPA’s RCRA database.

---

QUESTION: Mr. Davis asked Ms. Butler what her anticipated impact was if EPA files a negative report to Congress and what she foresees Congress will do to the Air Force.

RESPONSE: Ms. Butler responded that the Air Force would not lose funding. EPA has been told to track federal facilities to be sure they understand what is going on there, work with RCRA people on information gathering and be able to document it.

RESPONSE: Mr. Davis responded that he is just looking forward. He stated he was trying to find out if Congress will ask the General Accounting Office (GAO) to come look at.

RESPONSE: Ms. Butler agreed with Mr. Davis and said that it's a definite possibility.

COMMENT: Ms. White stated that there are no set consequences.

RESPONSE: Ms. Butler stated that they will probably write an unfavorable report about EPA, they will say EPA did not work diligently enough.

QUESTION: Mr. Davis stated that the DoD submits a very large annual report to Congress every year. The report states every dollar ever spent and every dollar we plan to spend, relative risk and narratives on NPL sites. Mr. Davis asked, if this gets submitted, what are the consequences? Does anyone read it? Is EPA talking to Congress or Senators?

RESPONSE: Ms. Butler responded that yes, EPA Headquarters does talk to Congress.

COMMENT: Mr. Corbett commented that the Air Force is concerned that they are going to include any installation that has a 'No' determination and have to explain them.

COMMENT: Ms. White commented that a small number of the total number of sites are Air Force sites.

RESPONSE: Ms. Butler responded to Ms. White's comment that EPA does EIs on all the high-ranked facilities in the database. Between the private and federal installations, EPA has a very narrow margin to miss the goal by. They will publicize this and will run us into the ground. This is human exposure under control and migration of contaminated groundwater stopped. Ms. Butler asked the Summit how many participants have seen the EI memo for their installation. She stated that it is very simple, yet very hard to achieve this. Congress has EPA shadowing this very closely. The bottom line is that Congress is very serious about this and someone will read the report.

---

QUESTION: Mr. Darrin Wray of AFMC asked Ms. Shipley whether bases that reported "No" have clearly identified that they have a risk.

RESPONSE: Ms. Shipley responded, yes.

QUESTION: Mr. Wray asked if we contact the person on the contact list Ms. Butler passed out at the beginning of the presentation, could they tell us what the risk is.

RESPONSE: Ms. Shipley responded that they could get you a copy of a memo and get you in contact with the people who did the evaluation.

---

QUESTION: Mr. Dave Brentzel of AFCEE-REO asked Ms. Shipley if one could modify their EI report electronically.

RESPONSE: Ms. Shipley responded that it depends on the state you are working with. Most of them are on state web sites.

---

QUESTION: Mr. Whitten explained he had a site in the CERCLA program which operated in compliance with a RCRA ROD, however the ROD allowed a portion of the contamination that was already off base to continue because it was under control. He stated that the facility was under compliance with RCRA and asked if the facility would be considered under control under EI determination.

RESPONSE: Ms. Butler responded that it depends on the concentrations and if there is a completed migration pathway. The regulator would have to look at this particular facility, the controls, etc., to make an EI determination.

---

QUESTION: Lt. Col. Cornell asked Ms. Butler if the two criteria she mentioned for an EI determination, a site needs a remedial action and a source removal, were policy or guidance. He asked if that was somewhere in future policy or in RCRA guidance.

RESPONSE: Ms. Shipley responded that they are RCRA regulations. As far as getting a “Yes” determination, that goes back to a GPRa requirement. She later responded that it was both regional and national policy and it is regulated under RCRA. It is source removal and some kind of remediation-like pump and treat or if you can show that groundwater is moving, but its naturally attenuating. EPA understands that with large facilities, there is an incredible level of effort involved to come up with an EI determination.

COMMENT: Ms. White commented that the GPRa is a policy the Air Force has to abide by and that the goals that have been set have been met. EPA has chosen to meet their goals through EIs. There are a few challenges between how EPA measures performance and how the Air Force measures performance. One of which is that EPA measures an entire facility and some of our installations are 1000 acres. Because we haven’t gotten to our low-risk sites, and we are only part way through the medium sites, we will probably not get to 100 percent of the indicators because our program is not set up that way. She stated that there is a working group between DoD, Air Force HQ and EPA HQ to talk about other ways for Federal Facilities to report instead of just a “No” or a “Yes.” For example, a facility could report that it is 85 percent done. Ms. White asked if the presenters knew what the status was of that decision.

RESPONSE: Ms. Shipley responded that she knew the topic was under discussion but was not privy to that information.

COMMENT: Mr. Bozeman commented that the Region 4 RCRA Branch has recently taken an initiative to meet with facilities, installations and states and get everyone on the same page as far as the definitions and the criteria for EIs. After a meeting last week, it was determined that the environmental indicators for Avon Park would

be changed from 'No' to 'Yes' for 725 and potentially the 750 indicator would go to yes. All it took was sitting around a table talking about what the definitions were, where the flexibilities were in the definitions and the level of information that was required for each determination. We're working with federal facilities to try and change the status from 'No' to 'Yes' particularly for 725 so that they can meet their goals.

---

**QUESTION:** Mr. Crenshaw asked if the contacts listed on the handout were fellow EPA workers.

**RESPONSE:** Ms. Shipley responded that they were and if anyone has problems getting in contact with them to call her and she will get them to return your call. She said that the contact would probably refer you to a state level person but that they will be happy to help you.

**Remedial Process Optimization – AFRPA – Mr. Rod Whitten**

Mr. Rod Whitten of AFRPA gave a presentation on the AFRPA FY02 Remedial Process Optimization (RPO) Initiative. His presentation outlined the program goals, the RPO Team, how the PRO process works, the results of recommendations, RPO future goals and the Interstate Technology Regulatory Council (ITRC). Mr. Whitten's briefing slides can be found as Attachment I.

Questions posed to Mr. Whitten were:

**QUESTION:** Mr. Lance McDaniel of AFRC asked Mr. Whitten if he found that CERCLA permitting issues affect the outcome of RPO recommendations.

**RESPONSE:** Mr. Whitten responded that the RCRA Permit Addendum was something that came up about halfway through their visits and was not something they analyzed in depth. He was under the impression that since the site is an NPL site, it should be treated as an ARAR but he knew the State of California does not agree with that. It was not part of the RPO process. He stated that they did do Kelly AFB, which was a RCRA facility, and it was different because recommendations were softer, recognizing that we were going to have to do CMS/CMI amendment to get some of this stuff done. The perception they had was that the Texas regulators were happy with the process and our recommendations and were concurrent with theirs. Implementing some of them will be harder. At Kelly, there are 160 sites in their permit. It didn't make sense any more, and they agreed, but it was hard to change. The team agreed that when they did a permit modification, they would add a schedule in to show how to modify sampling in the future instead of having to change the permit repeatedly.

**QUESTION:** Mr. McDaniel asked Mr. Whitten if there were foreseen concerns over property transfers.

RESPONSE: Mr. Whitten responded, “No.” The state regulator did not foresee that being a problem.

---

QUESTION: Ms. White asked what the status was of integrating this business process at BRAC facilities in the future.

RESPONSE: Mr. Whitten responded that the goal was to get to all of the BRAC facilities in 5 years. They are prioritizing visits based on the size of the program and some other issues like that. Some facilities will not benefit much from an RPO visit, particularly where programs are mature. The plan is to get to all facilities in 5 years and that small bases may go a lot faster.

### **Florida’s Top Three Issues – FLDEP – Mr. Eric Nuzie**

Mr. Nuzie presented an overview of state issues in Florida and the current tracking mechanism used for LUCs at the state level. He explained that there is a registry via the web for LUCs on previously and currently contaminated sites. Mr. Nuzie gave the current status of the RODs at NAS, Cecil, and Tyndall and commented that the State is waiting for issues to be resolved with their RODs. Mr. Nuzie said that the State of Florida has been focused more on security since September 11th and has set up more compliance partnerships through the state similar to cleanup partnerships. Mr. Nuzie spoke on current exit strategies and the resolution of issues at Avon Park. Mr. Nuzie’s briefing slides can be found as Attachment J.

No questions were asked of Mr. Nuzie.

### **EPA Institutional Controls Overview – EPA HQ – Mr. Michael Bellot**

Mr. Bellot gave an overview of EPA’s perspective on ICs. His presentation covered policy background, guidance, a new IC Tracking System and Network Activities, “One-Call” Pilots in Regions 2, 3, and 5, the IC Privatization Pilot (Guardian Trust), and the Top 10 Things a Site Manager should know. Mr. Bellot spoke on the Full Life-Cycle Cost Estimate Document, data sharing, the issue of over notification, and current focus groups EPA has formed. Mr. Bellot’s briefing slides can be found as Attachment K.

No questions were posed to Mr. Bellot.

*Thoughts or ideas to be passed on for future meetings-*

- With topics like TCE and perchlorate, the participants suggested having an EPA risk assessor attend the conference.
- Provide handout slides for each presentation.
- Send the slides early to get into the notebook.
- Eliminate breakout rooms; they were not needed.
- It was recommend that Mr. Bellot attend each summit.
- Post the presentations on the regional web site
- There was concern over lack of participation from the states.
- An attendance list in hardcopy to have at the meeting in the notebooks.