

EPA HQ Federal Facilities Program
Craig Hooks, Director, Federal Facilities Enforcement Office

Mr. Hooks discussed the issuance of penalties for non-compliance and stated that Congress mandated that the Environmental Protection Agency (EPA) treat Federal Agencies the same as private parties. The issuance of penalties create a level playing field for all parties concerned, even between Federal Agencies and businesses in the private sector. The reason for the penalties is to achieve deterrence.

The Department of Defense (DoD) Resource Conservation and Recovery Act (RCRA) compliance has been leading the compliance area and the EPA will continue to enforce the regulations that are authorized; the goal is to prioritize cleanup at National Priority List (NPL) sites.

An issue that needs to be addressed is Formerly Used Defense Sites (FUDS). The States are requesting assistance in this area. The policy is different between the states, the EPA, and Federal Facilities. The EPA will be working with the Army Corps of Engineers on this issue.

Mr. Hooks stated that the Unexploded Ordnance (UXO) issue is very controversial and needs to be worked through. The EPA and DoD are working on the problem and have now asked the states to assist.

It was indicated that BRAC issues are being worked on more and more. Mr. Hooks said that we have no choice but "to deal with the legacy of our past actions." It is understood that these situations were not intentional, but they must now be addressed.

Mr. Hooks indicated that good cooperative working relationships enhance the ability to work on goals more effectively.

Overview of Air Force Environmental Restoration Program--FY 00 and Beyond Lt Col Ray Knight, Chief, Environmental Restoration Program, HQ USAF

Lt Col Knight provided a corporate overview of the Air Force (AF) Environmental Restoration Program. He reviewed the organizational structure of the AF. Lt Col Knight discussed the AF vision, goals, and commitments to the AF Restoration Program. He focused on how the principles and recommendations from the Federal Facilities Environmental Restoration Dialogue Committee (FFERDC) are used to shape the AF cleanup program. This topic led into a review of the AF budgeting process, the "Bottom-Up" aspect for requirement identification, and the importance of stakeholder involvement in the process. This process supports the AF stable funding request to Department of Defense (DoD) and Congress, allowing the AF to establish long-range commitments to stakeholders based on FFERDC principles of "Risk plus other Factors". However, stable funding does not necessarily mean level funding. Program funding is vulnerable to congressional cuts, priority realignments, etc. Lt Col Knight specifically addressed his support of DoD/State Memorandum of Agreement (DSMOA) and asked the states to help the AF demonstrate that it "...is getting a return on this investment" in the DSMOA program. He concluded his presentation by identifying several challenges in the program and highlighting the upcoming AF partnering initiative.

Overview of the Air Force Base Conversion Agency-FY 00 and Beyond **John Smith, HQ AFBCA, Environmental Chief**

Mr. Smith indicated that the Air Force Base Conversion Agency (AFBCA) mission is disposal of AF Base Realignment and Closure (BRAC) property after clean up and assisting the community with the development of jobs. The conceptual differences between the environmental restoration program missions of the operational AF installations and those that have been identified for conversion or closure were discussed. He described the details of the organization working on the environmental cleanup; with emphasis on regionalization. Defense Planning Guidance (DPG) goals were discussed. BCA plans to meet the DPG, with the assistance of the regulators. Site Closeout Decision Support Tools, Quarterly Reviews and Regional Peer Reviews, and Site Closeout Assistance Visits were also described.

Mr. Smith discussed the issue of land-use controls^{1[1]}, certification from the states and the Environmental Protection Agency (EPA) concerning Last Remedy In Place (LRIP) and, more importantly, Operating Properly and Successfully (OPS), which relates to the ability to transfer property. It was concluded that there should be a method for confirming that the goals of the DoD/State Memorandum of Agreements (DSMOAs) have been achieved. Mr. Smith indicated that funding for AFBCA is secure but there are differences between stable funding and “fast track” BRAC funding. BRAC Clean Up Teams (BCTs) would be provided with funding information through quarterlies. It was indicated that there is a focus on utilizing the BCT for providing input for the closure process. Participation by everyone in the AFBCA quarterly reviews is essential and everyone is encouraged to participate in the teleconference during the January, April, and July meetings and in person for the October quarterly meeting.

AFBCA Quarterly Review Schedule:

January 18-28, 2000 - Focus on Institutional Controls.

April 10-21 - Critical, as it discusses out year and next year programs.

July 17-28 - Program execution.

October - Program looks at last year and what is planned for this year.

Mr. Smith stated that the AFBCA would include a review of the EPA and state goals, if they are provided, and that their input is requested and needed.

The regulators were invited by Mr. Smith to attend the Regional Peer Review, **1-5 May, 2000**, which will focus on the overview of base closure strategy, Record of Decisions (RODs), priorities. Mr. Smith indicated that the regulators are key to this process.

Mr. Smith highlighted Program Initiatives such as Internet access to base wide closure schedules^{2[2]} and optimizing contaminant removal effectiveness (i.e. Contaminates of Concern, and pounds of contaminants removed per pound of soil).

To summarize, Regions 1-3 are important to the success of the AFBCA. The AFBCA is committed to working together with the regulators and the stakeholders to reach the goal of site closeout.

Mr. Smith concluded by asking that the audience participate in the upcoming quarterly meetings and that immediate input is essential.

3¹¹ In the current AFBCA newsletter, Vol. 3*Issue 04*Winter 1998 – Spring 1999, on page 5, web site address, <http://www.afbca.hq.af.mil/convconn/spring99/spring99.pdf> , there is an article on the AFBCA approach to Institutional Controls. A fact sheet is available at the AFBCA web site address, <http://www.afbca.hq.af.mil/factshts/ic.htm>

4²¹ AFBCA web site address, <http://www.afbca.hq.af.mil/ols/index.htm>

Partnering Perspective
Thomas W. L. McCall, Deputy Assistant Secretary of the Air Force

Mr. McCall began by welcoming everyone and extending his gratitude for their participation in this summit. The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Permit Exclusion Memorandum was discussed. It is understandable that the regulators might have some justifiable questions on this policy and it would be reviewed for possible editing, but it would not be rescinded. It was indicated that partnering between the Air Force and the Regulators is important and lessons learned from this has emphasized that fact.

Mr. McCall stated that there are three important reasons for partnering:

- 1) Both the Air Force and the Regulators, as a whole, need to do a good job for the community. The group needs to listen to and serve the community;
- 2) Stakeholder's values need to be incorporated; and
- 3) Scientific principles and initiatives need to be developed and implemented.

Mr. McCall said that an important principle of effective partnering is to understand the other person; listening and learning accomplish this goal. In effect, a good listener becomes a good partner. The group, the Air Force and the Regulators, have common objectives but the paths to reach those objectives are not usually the same. To accomplish these common objectives, there needs to be institutional support for the program.

Mr. McCall went on to say that the Defense Environmental Restoration Account (DERA) partnering has gone well. When the Air Force does well, the group, the states, the Environmental Protection Agency (EPA), and the Air Force, as a whole has done its job well. It is a group success and he stated that he is committed to this team process.

US EPA Region 1

Mike Daly, Remedial Project Manager Federal Facilities Superfund

Discussed Base Realignment and Closure (BRAC) installations (Pease Air Force Base and Loring Air Force Base) and NON-BRAC installations (Hanscom AFB and Otis AFB/Massachusetts Military Reservation (MMR)) in Region 1.

Detailed the topic of interests for the Environmental Protection Agency (EPA) Region 1 which are: Land Use Controls/Institutional Controls (ICs); Joint Commitments for Federal Facilities Agreement (FFA); Record of Decisions (RODs); Last Remedy in Place (LRIP)/ Construction Completions; Site Closeout-Including Long Term Monitoring/Long Term Operation (LTM/LTO); FFAs-Hanscom AFB Negotiations; Long Term Staffing and Contracting Strategies- Especially BRAC; Natural Resource Damage Assessment at Otis/MMR; and DoD/State Memorandum of Agreement (DSMOA) Funding/State Capacity.

US EPA Region 2

Robert Wing, Chief, Federal Facilities Section

The Environmental Protection Agency (EPA) Region 2 organizational structure was presented. Mr. Wing identified those departments that would most impact the Air Force and its mission in the Region.

All the National Priority List (NPL) and Non-NPL sites were listed.

The Air Force specific NPL sites were discussed, including identifying those programs that have Remedial Project Managers (RPMs) dedicated to one site, as well as those that may be assigned multiple sites. Non-NPL Air Force sites were also discussed. RPMs are only assigned to Base Realignment and Closure (BRAC) Non-NPL sites.

EPA Regional goals were presented. These include Construction Completion, Site Close-Out, and Five Year Reviews. Those issues that need further discussion were identified as: Institutional Controls, Long Term Maintenance/Long Term Operation (LTM/LTO), Five Year Reviews, Property Transfers, Last Remedy in Place (LRIP) vs. Construction Completions, and Consultation and Communication with Regulators.

The issue of McGuire Air Force Base was also discussed. Items covered were site assessment, project management, and the possibility of any other McGuires out there.

US EPA Region 3
Bill Arguto, Federal Facilities Coordinator

Mr. Arguto provided an overview of the Environmental Protection Agency (EPA) Region 3 and Hazardous Site Cleanup Division. The priorities for Region 3 were listed: Base Realignment and Closure (BRAC), Record of Decisions (RODs), Interagency Agreements (IAGs), Remedial Action (RA), and Site Completions. Detailed the topics for Region 3: Full Time Equivalent (FTE), Federal Facilities Agreement (FFA), Anacostia Naval Air Station Initiative, Funding, Partnering, and Institutional Controls. Described the next steps for Region, which are: Effective Communication, Partnering, Work Smarter, Study Less, and Complete/Delete Sites.

AF MAJCOM: A Regional Perspective
Tim Corbett, Chief, Environmental Restoration Branch

Mr. Corbett provided an overview of the installations and Major Commands (MAJCOMs) within Region 3. He discussed the following goals and objectives: Protect Human Health and the Environment; Comply with All Legal Agreements; Move Sites and Installations to Completion; Timely Execution within Budget; Program Credibility; and Be a Good Neighbor. Other issues discussed were the Completion Strategy, Regional Site Cleanup Inventory, Regional Relative Risk Profile, Relative Risk by State, Schedule to Complete, Final Remedies in Place, Regional Funding Projections, Cost to Complete, Stakeholder Involvement, and Challenges to Progress.

AF MAJCOM: A Regional Perspective
Jeff Munday, Chief, Environmental Restoration, Air Force Materiel Command

A historical perspective of the environmental cleanup program was provided. When the program was first implemented under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) 120(h), there were many difficulties with staffing, low budgets, and lack of cooperation between regulators and the military. Now it appears that this situation has been reversed and there is a fairly stable budget. However, there is a cooperative effort between the regulators and the Air Force.

A general organizational overview of the Major Commands (MAJCOMs) was provided.

A brief overview of the budgeting process was given. Credibility must be established in order to get money for a program. Credibility creates an atmosphere for stable funding, which provides for a more effective program.

It is also important to apply a sound business investment strategy. Adequate study of the situation is required to properly design a project. Based on congressional issues, interim projects have been implemented. The term 'relative risk' is a means for providing a priority scheme and not strictly based on human risk.

It was noted that risk reduction, as defined by the Air Force, is one item that is used for prioritizing a site. The Restoration Advisory Board (RAB) and the community may be concerned about a site, even if it is low in priority, which may drive it to become a high priority site. Legal agreements also play a vital role in this determination. Risk Reduction is one management tool.

The Air Force is, and has been, willing to take risks to find new ways to clean sites.

These challenges were outlined:

- 1) Document review times are an issue at a number of bases; 65% of time is spent on the review process. If this turnaround time can be reduced, or if a commitment could be made for a schedule that would shorten project times, then the cleanup process is shortened. If a schedule is moved, for whatever reason, then the budget moves and the project moves.
- 2) It was noted that institutional controls are a challenge. Environmental Protection Agency (EPA) Regions 4 and 10 seem to have good policies in place. It is obvious that active bases have a natural obligation to apply and regulate institutional controls on the base.
- 3) It was also noted that every time a regulation, guidance, or policy changes, the process is affected; the Government Performance and Results Act (GPRA) is a prime example of this. The Department of Defense (DoD) has not had the opportunity to evaluate how GPRA will impact the overall program.

State Perspective - Virginia

Erica Dameron, Office Director, Virginia Department of Environmental Quality

Ms. Dameron provided an overview of the Virginia State Government Executive Branch and the Virginia Department of Environmental Quality (DEQ) organization. She provided the status of the Office of Remediation Programs and Federal Facilities Restoration Program. In addition, she discussed the goals for FY00 for the Virginia DEQ which include: Remedial Investigation (RI) Reports, Feasibility Study (FS) Reports, Proposed Plans, Records of Decision, Remedial Designs, Remedial Action Plans, and Site Management Plans. Lastly, the FY00 goals for Langley AFB Tier I were discussed.

State Perspective--Massachusetts
Len Pinaud, Chief, Massachusetts Department of Environmental Protection

Mr. Pinaud provided an overview of the Massachusetts Department of Environmental Protection organization and overviews of various Air Force bases in Massachusetts. He indicated that a Record of Decision at Hanscom AFB is expected to be signed for three sites. The available manpower for the Massachusetts Military Reservation was discussed. It was also explained that the Westover Air Reserve Base project has been delayed due to funding. Mr. Pinaud described how through an active outreach program at an Air National Guard base, a once hostile community is now actively involved and cooperating. Also discussed was Risk Based Criteria Cleanup, which has three categories: 1) Unrestricted, 2) Current or anticipated use, and 3) Site by site basic risk assessment.

State Perspective--Maryland
Jeff Goldberg, Maryland Department of the Environment

Mr. Goldberg provided an overview of the Maryland Department of the Environment organizational structure. There was an emphasis on insufficient staffing. This understaffing situation has caused project constraints. Maryland is working with the Environmental Protection Agency (EPA) to remedy this situation. There was discussion of common goals, understanding of agency situations, and structuring of partnering sessions and it was indicated that there needs to be further work on the development of partnering at Andrews AFB.

State Perspective--New York
Marsden Chen, New York State Department of Environmental Conservation,
Division of Environmental Remediation

An overview of the New York State Department of Environmental Conservation (NYSDEC) Division of Environmental Remediation was presented, including a review of the major divisions, Superfund, Resource Conservation and Recovery Act (RCRA), and Spills Management.

The National Priority List (NPL) process and agency responsible was outlined. A short description of the Federal Facilities Agreements was given. The Air Force Bases impacted by this program were reviewed. The major Non-NPL sites were then discussed.

The final topics that are to be discussed at future roundtable discussions are: Future Use of Sites, Risk-Based Criteria Cleanup, and Institutional Controls.

State Perspective--Delaware
Alex Rittberg, Program Manager, Delaware Department of Natural Resources and
Environmental Control

Mr. Rittberg provided a general overview of the organizational structure of the Delaware Department of Natural Resources and Environmental Control. An overview of the Voluntary Cleanup Program (VCP) was provided and it was identified as the model to be used for expedited cleanup. The state considers this program very successful.

It was indicated that there needs to be more partnering type endeavors made with the state; especially in addressing issues at Dover AFB.

Mr. Rittberg expressed appreciation on the Air Force's presentation on the budget process. He would like to work more closely with the Air Force to save money and to clean up the environment.

State Perspective--New Hampshire
Richard Pease, Supervisor, New Hampshire Department of Environmental Services,
Federal Facilities Section

An overview of the New Hampshire Department of Environmental Services organization was presented.

The challenges associated with completing the Air Force's Installation Restoration Program (IRP) activities were identified. Regionalization and the potential drawbacks and concerns were outlined. Some suggestions were made to help overcome these drawbacks. Long-Term Management, and the various issues that it presented such as Land Use Controls, Monitored Natural Attenuation, Long Term Operation and Maintenance, Site Closeout, and Property Transfer, was outlined.

State Perspective - New Jersey
John Pitonyak, Executive Assistant, New Jersey Department of Environmental Protection

Mr. Pitonyak provided an overview of the organizational structure of the New Jersey Department of Environmental Protection. The Army Corps of Engineers provides assistance to the program. Currently, a Regional Program Manager is responsible for assisting the Air Force with their program.

One issue that needs to be further discussed is partnering. It was suggested that this one session may not be enough; there needs to be more communication.

State Perspective - Pennsylvania
Gary Moulder, Chief, Pennsylvania Department of Environmental Protection,
Federal Facilities

Mr. Moulder indicated that the Pennsylvania Department of Environmental Protection has undergone major restructuring. A brief overview of the current structure was presented.

An overview of the Cooperative Multi-Site Agreement between the Pennsylvania Department of Environmental Protection and the U.S. Air Force, U.S. Army, U.S. Navy, and the Defense Logistics Agency was presented. This Agreement will address the assessment and remediation of selected sites in the Commonwealth by 2010. One of the primary goals of the Agreement is to maximize the use of funds and resources to ensure that work is accomplished in the most cost-effective and efficient manner. Other aspects of the Agreement discussed were: anticipated time frame; public participation; similar agreements in other states; public health concerns; and sufficient funding for the Agreement.

Region 3 Summation

Robin Sims, HQ USAF

Mr. Robin Sims provided a summary of the afternoon breakout session discussions. He provided the following disclaimer on the cost and schedule data provided during the Air Force Major Command (AF MAJCOM) presentations. The cost and schedule information provided in the AF presentations provide the most current reflection of the AF environmental restoration program in this region, and therefore may not be consistent with historical projections provided in the Annual Report to Congress. He indicated these cost and schedule projections were developed at the installation level in partnership with the stakeholders. He challenged each of the regulators to share the information with their RPMs and help ensure this process is occurring at the installation level.

Mr. Sims recognized and applauded those states with minimal Air Force presence in their state or region for participating in this summit.

A state representative indicated that the issue of definitions needs to be worked out; that it is important to understand the other person's goals and then identify common goals.