



EPA's Federal Facilities Restoration and Reuse Office

EPA's Role in Base Closures and Realignment

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U.S. EPA Federal Facilities Restoration and Reuse Office



Overview

- History: BRAC Rounds I-IV
- Cleanup Oversight
- EPA's Role in BRAC 2005
- Community Involvement
- Lessons Learned
- Potential Challenges



BRAC Rounds I-IV

- EPA participates, or has participated, in the cleanup of **106 BRAC installations**
 - 34 National Priorities List (NPL)
 - 72 non-NPL
- EPA is working at 73 BRAC I – IV facilities in FY 2006



BRAC Rounds I-IV

- How has EPA participated?
 - Establishment of BRAC Cleanup Teams (BCTs)
 - Activities: Clean parcel determinations, NEPA reviews, EBS reviews, cleanup oversight, supporting states and local governments, property transfer reviews and concurrence, community involvement, etc.



Who Conducts Cleanup Oversight?

- Overseeing Investigation & Cleanup
 - EPA is the lead regulator overseeing cleanup of installations on the Superfund National Priorities List (NPL)
 - State environmental agencies are the lead regulator overseeing cleanup of installations that are not on the NPL



BRAC 2005

- Of the more than 800 active, National Guard and Reserve facilities BRAC 2005 actions will affect, 72 also have NPL status:
 - 6 are closures
 - 33 are realignments (lose functions and/or personnel)
 - 33 have a net gain of personnel and/or functions



NPL BRAC Facilities

- Installations are generally placed on the NPL based on an assessment of the human health and environmental risks posed by the contamination present
- Being placed on the BRAC 2005 list does not change an installation's status on the NPL



EPA's Role in BRAC 2005

- EPA has statutory obligations related to the cleanup and property transfer of installations on the NPL:
 - Oversight of cleanup under CERCLA
 - Property transfer activities, including:
 - NEPA review and comment
 - Clean parcel determinations
 - Early transfer approval
 - Operating properly and successfully (OPS) determinations
 - Consultation on property leases



EPA's Role in BRAC 2005

- For facilities not on the NPL, EPA is responsible for:
 - Corrective action oversight in non-authorized RCRA states (12 states & 5 territories)
 - Issue Permits & Orders
 - Property transfer activities, including:
 - NEPA review and comment
 - Consultation on leases
 - OPS determinations



EPA's Role in BRAC 2005

- Identification of uncontaminated parcels
 - Real property where no hazardous substances and no petroleum products or their derivatives were known to have been released or disposed of
 - EPA concurrence for parcels that are part of NPL facilities
 - Timeline for identification and concurrence:
 - 18 months after BRAC recommendations become final, or
 - 9 months after request submitted to the Base Transition Coordinator for a specific use proposed for real property on the installation
 - Continuing responsibility to identify parcels and seek regulatory concurrence for parcels not identified prior to timelines specified



EPA's Role in BRAC 2005

- Identification should be based on a review of the following, at a minimum:
 - Detailed search of Federal Government records
 - Recorded chain of title documents
 - Aerial photographs that may reflect prior uses
 - Visual inspection of the real property and buildings, structures, equipment, pipeline, etc.
 - Visual and physical inspection of properties immediately adjacent
 - Reasonably obtainable records of each adjacent facility where a release is likely to affect the real property
 - Interviews with current or former employees
 - Sampling, if appropriate under the circumstances

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EPA's Role in BRAC 2005

- Public sale of contaminated property, and the associated use of early transfer authorities, is expected to be used more frequently
 - EPA must approve property transfers at NPL facilities that occur prior to the completion of all cleanup actions (Early Transfer)
 - States must also approve the transfer



EPA's Role in BRAC 2005

- “Privatization” is also expected to be used more frequently for environmental cleanup
 - At NPL facilities, EPA expects the third party agreeing to conduct the cleanup to enter into an enforceable agreement with EPA
 - DoD retains ultimate liability for the cleanup to be completed



Opportunities for Community Involvement at BRAC Facilities

- Local Redevelopment Authorities (LRAs)
 - May be created pursuant to BRAC law
 - Plan for the future use of property to be disposed of by the Military Service
- Restoration Advisory Boards (RABs)
 - Provide input on cleanup activities conducted by the Military Service
 - In privatized cleanup scenarios, RABs may need to find support from the party conducting the cleanup rather than from DoD



Lessons Learned from BRAC Rounds I-IV

- LRAs and transferees should consider the environmental condition of the property as reuse decisions are being made
- LRAs and transferees should be proactive in getting information about the environmental condition of the property



Lessons Learned from BRAC Rounds I-IV

- A contaminated site that is well characterized in the beginning of the process will cause fewer delays later
- Cleanup decisions need to be based on reasonably anticipated future land use to ensure a protective use in the future
- Continuous communication is critical



Potential Challenges

- Cleanup decisions have already been made and completed at many contaminated sites
 - What consideration should an LRA or transferee give to such areas?
- Privatized cleanups need to recognize the need for community involvement
 - CERCLA Section 117 requirements will still apply



Potential Challenges

- DoD's approach to determine the environmental condition of property may create data gaps
- Matching the disposal strategy (e.g., privatization) to the property





Contact Information

U.S. Environmental Protection Agency

Office of Solid Waste and Emergency Response
Federal Facilities Restoration & Reuse Office

Website: <http://www.epa.gov/fedfac/>

Office of Enforcement and Compliance Assurance
Federal Facilities Enforcement Office

Website: <http://www.epa.gov/compliance/federalfacilities>

Federal Facilities Environmental Stewardship and Compliance Assistance
Center

Website: <http://www.fedcenter.gov>

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