

CHAPTER 15

INSTALLATION RESTORATION

15-1 Scope

This chapter discusses the Navy's Installation Restoration (IR) Program, including requirements, procedures, and responsibilities. The purpose of the IR Program is to identify, investigate and clean up or control releases of hazardous substances (HS) from past waste disposal operations and hazardous material (HM) spills at Navy activities.

The IR Program provides for compliance with the procedural and substantive requirements of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA, commonly referred to as Superfund), as amended by the Superfund Amendments and Reauthorization Act (SARA), as well as regulations issued under these acts or by State law. Although the IR Program is primarily intended to clean up past releases of HS, it may address the cleanup of past releases of any pollutant and/or contaminant that endangers public health, welfare or the environment, including petroleum, oil, and lubricant products. Cleanup of past contamination from underground storage tanks (USTs) and corrective action for past contamination at Resource Conservation and Recovery Act (RCRA) sites may be part of the IR Program.

This chapter provides guidance on the investigation and cleanup of HS sites that are located within Navy installations, sites that have been contaminated by the migration of HS from Navy installations, and non-government owned sites that have been contaminated by the disposal of Navy-generated waste and other HS for which the Navy is a potentially responsible party (PRP).

The IR Program is limited to the United States, its territories and possessions, and does not apply in foreign countries.

The Navy/Marine Corps IR Manual provides detailed guidance on the execution of the IR Program at Navy installations and is included in this instruction by reference.

For cleanup at Base Realignment and Closure (BRAC) installations, specific guidance has been provided in the BRAC Cleanup Plan Guidebook of Fall 1993. This was provided to BRAC Cleanup Team Members by Deputy Under Secretary of Defense (Environmental Security) memorandum of 14 September 1993 (NOTAL).

This chapter implements two Executive Orders (EOs). EO 12088 of 13 October 1978, Federal Compliance with Pollution Control Standards, requires each Executive Agency to comply with applicable pollution control standards. Compliance with applicable pollution control standards means conforming to the same substantive, procedural, and other requirements that would apply to a private person. In EO 12580, Superfund Implementation, the President's authority under CERCLA and SARA is delegated to various Federal agencies, including DoD.

15-1.1 References. Relevant references are:

- a. 29 CFR 1910.120, Occupational Safety and Health Administration (OSHA) Regulations on Hazardous Waste Operations and Emergency Response;

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b. 40 CFR 264, Environmental Protection Agency (EPA) Regulations for Owners and Operators of Permitted Hazardous Waste Facilities;

c. 40 CFR 300, National Oil and Hazardous Substances Contingency Plan (NCP);

d. 40 CFR 302, EPA Designation, Reportable Quantities and Notification Requirements for Hazardous Substances Under CERCLA;

e. 40 CFR 355, EPA Regulations for Emergency Planning and Notification Under CERCLA;

f. 40 CFR 373, EPA Regulations for Real Property Transactions under CERCLA;

g. Navy/Marine Corps Installation Restoration Manual; (NOTAL)

h. Interim Report of the Federal Facilities Environmental Restoration Dialogue Committee, February, 1993; (NOTAL)

i. CNO ltr of 9 February 1994, Establishment of Restoration Advisory Boards (RABs); (NOTAL).

15-2 Legislation

15-2.1 Community Environmental Response Facilitation Act of 1992 (CERFA). Created to expedite reuse and redevelopment of Federal facilities being closed. Amends CERCLA Section 120(h)(4) by requiring the Federal government to identify excess real property at bases being closed where no HS or petroleum was stored, released, or disposed.

15-2.2 Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA). CERCLA authorized Federal action to respond to the release, or substantial threat of release, into the environment of HS, pollutants, or contaminants that may present an imminent and

substantial danger to public health or welfare. CERCLA's emphasis is on the cleaning up of old/-inactive HS sites and does not include spills of petroleum, oil and lubricants, although the Navy IR Program does include these contaminants. Reference (c), revised in February 1990, includes the national hazardous substance and response plan that establishes the procedures and standards for responding to releases of hazardous substances, pollutants, and contaminants. This regulation guides the CERCLA program.

15-2.3 Federal Water Pollution Control Act as amended by the Clean Water Act of 1977 (CWA). The CWA requires issuance of the NCP, the basic regulation that implements the statutory requirements of CERCLA, as well as Section 311 of the CWA. The NCP provides the organizational structure and procedures for preparing for, and responding to, discharges of oil and releases of HS, pollutants, and contaminants. The NCP also outlines actions required upon discovery and following notification of a release of a reportable quantity (RQ) of a HS.

15-2.4 Resource Conservation and Recovery Act (RCRA) as amended by the Hazardous and Solid Waste Amendments (HSWA). RCRA establishes a national strategy for the management of current solid waste and HW operations. Of importance to the IR Program is the requirement for corrective action for releases of HW and hazardous constituents at facilities that manage HW. Corrective action for past contamination of RCRA solid waste management units may be conducted under the IR Program.

15-2.5 Superfund Amendments and Reauthorization Act of 1986 (SARA). SARA was passed as Public Law 99-499 on 17 October 1986 to amend the authorities and requirements of CERCLA and associated laws. SARA provisions of primary importance to the IR program are CERCLA Section 120 which addresses response actions at Federal facilities and Section 211 which codifies the De-

fense Environmental Restoration Program (DERP) into law.

15-2.6 State Laws. Many States have laws that are analogous to CERCLA. Although CERCLA does not enable delegation of the Superfund program to the States, under CERCLA Section 120(a)(4), State laws concerning removal, remedial action, and enforcement apply to Federal facilities not listed on the National Priorities List (NPL). State laws must be consistent with CERCLA in order to apply to Federal facilities under Section 120(a)(4). To be consistent, State laws must: set out a comprehensive scheme for remedial enforcement; establish health-based standards through an objective process such as applicable or relevant and appropriate requirements; include cost effectiveness as an element; and be free of discriminatory application to Federal facilities.

15-3 Terms and Definitions

15-3.1 Defense Environmental Restoration Account (DERA). Section 211 of SARA establishes DERA to pay the cost of DoD responses to clean up HS sites. Funds from DERA are transferred to the services for uses consistent with the DERP.

15-3.2 Discharge. For purposes of the NCP, discharge, as defined by Section 311(a)(2) of the CWA, includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping of oil, but excludes discharges in compliance with a permit under Section 402 of the CWA, discharges resulting from circumstances identified and reviewed and made a part of the public record with respect to a permit issued or modified under Section 402 of the CWA, and subject to a condition in such permit, or continuous or anticipated intermittent discharges from a point source identified in a permit or permit application under Section 402 of the CWA, that are caused by events occurring within the scope of relevant operat-

ing or treatment systems. For purposes of the NCP, discharge also means threat of discharge.

15-3.3 Environment. The environment, as defined under CERCLA Section 101(8), includes the navigable waters, the waters of the contiguous zone, and the ocean waters of which the natural resources are under the exclusive management authority of the United States under the Magnuson Fishery Conservation and Management Act; and any other surface water, ground water, drinking water supply, land surface or subsurface strata, or ambient air within the United States or under the jurisdiction of the United States.

15-3.4 Facility. As defined under CERCLA Section 101(9), any building, structure, installation, 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 HS has been deposited, stored, disposed of, placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

15-3.5 Hazardous Substance. Any material which, because of its quantity, concentration, or physical, chemical or infectious characteristics, may pose a substantial hazard to human health or the environment when released or spilled. For purposes of the IR Program, a HS is as defined in CERCLA Section 101(14) and designated under reference (d).

15-3.6 Imminent Threat. A threat posed by a site if human exposure in excess of applicable human health or environmental criteria is predictable prior to implementation of an effective remedial action or an operable unit thereof.

15-3.7 Installation. The real property owned, formerly owned, or leased by the Navy, including a main base and any associated contiguous real properties identified by the same real property number.

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15-3.8 Lead Agency. The agency that provides the on-scene coordinator (OSC)/remedial project manager (RPM) to plan and implement response action under the NCP. The Navy is always the lead agency for response actions on Navy real property.

15-3.9 National Priorities List (NPL). The EPA's list of the nation's highest priority sites that need to be cleaned up. Listing is based on a site's threat to the public health, welfare, or the environment using the Hazard Ranking System (HRS). Sites receiving scores above 28.5 (and having the highest potential for affecting public health, welfare, and the environment) are put on the NPL.

15-3.10 No Further Response Action Planned (NFRAP). Sites that do not warrant moving further in the site evaluation process are designated as NFRAP. The primary criterion for NFRAP is a determination that the site does not pose a significant threat to public health or the environment. NFRAP decisions can be made at several points in the IR process, but must be documented and may be reversed if future information reveals that additional remedial activities are warranted.

15-3.11 Operable Unit (OU). A discrete action that comprises an incremental step toward comprehensively addressing site problems. This discrete portion of a remedial response manages migration, or eliminates or mitigates a release, threat of a release, or pathway of exposure. The cleanup of a site can be divided into a number of operable units, depending on the complexity of the problems associated with the site. Operable units may address geographical portions of a site, specific site problems, or initial phases of an action, or may consist of any set of actions performed over time or any actions that are concurrent but located in different parts of a site.

15-3.12 Pollutant. As defined by Section 101(33) of CERCLA shall include, but not be limited to, any element, substance, compound or mixture, including disease-causing agents, which after release into the

environment and upon exposure, ingestion, inhalation, or assimilation into any organism either directly from the environment or indirectly by ingestion through food chains, will or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction) or physical deformation, in such organisms or their offspring. The term does not include petroleum, including crude oil or any fraction thereof which is not otherwise specifically listed or designated as a hazardous substance under Section 101(14) (A) through (F) of CERCLA, nor does it include natural gas, liquified natural gas, or synthetic gas of pipeline quality (or mixtures of natural gas and such synthetic gas). For purposes of the National Contingency Plan (NCP), the term pollutant or contaminant means any pollutant or contaminant that may present an imminent and substantial danger to public health or welfare.

15-3.13 Release. As defined by Section 101(22) of CERCLA, release means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment (including the abandonment or discarding of barrels, containers, and other closed receptacles containing any HS or pollutant or contaminant), but excludes: any release that results in exposure to persons solely within a workplace, with respect to a claim that such persons may assert against the employer of such persons; emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine; release of source, byproduct, or special nuclear material from a nuclear incident or any processing site, under conditions specified in CERCLA; and the normal application of fertilizer. For purposes of the NCP, release also means threat of release.

15-3.14 Reportable Quantity (RQ). The quantity of an HS that must be reported if released. CERCLA Section 102 requires EPA to establish

and revise a list of HS and their associated reportable quantities; this list is contained in reference (d).

15-3.15 Restoration Advisory Board (RAB). A group established for the purpose of allowing individuals the opportunity to give advice to an installation on the installation's restoration program and to act as a focal point for the exchange of information between an installation and the local community. The RAB is intended to enhance public involvement by bringing community members who reflect the diverse interests within the local community into the resolution process, enabling the early and continued two-way flow of information, concerns, values, and needs between the community and the installation. RABs will not make decisions on environmental restoration activities, but will provide information, suggestions, and community input to be used by the Navy in making decisions on actions and proposed actions respecting releases or threatened releases. RABs will not take the place of community outreach and participation activities required by law, regulation, or policy. All community relations requirements must still be met.

15-3.16 Site. A location on an installation's property where a HS has been deposited, stored, disposed, or placed, or has otherwise come to be located. Such areas may include multiple sources and may include the area between sources. This should not be confused with EPA listing an entire installation on the NPL. An NPL installation will generally have several discrete sites.

15-3.17 Solid Waste Management Unit (SWMU). For the purposes of RCRA corrective action, any unit in which wastes have been placed at any time, regardless of whether the unit was designed to accept solid waste or HW. Such units could include old landfills, waste-water treatment tanks and leaking process or waste collection sewers.

15-3.18 Stakeholder. Interested parties including individual residents that live near the installation;

representatives of citizen, environmental, and public interest groups whose members live in the vicinity of the installation; workers involved or affected by installation operations; and elected and appointed local government officials. The term stakeholder is used in the context of RABs.

15-3.19 Technical Review Committee (TRC). SARA (211) requires a TRC be established to facilitate review and comment on technical aspects of response actions and proposed actions with respect to releases or threatened releases at Navy installations. Members of the TRC include the Navy, EPA officials, appropriate State and local authorities, Federal and State natural resources trustees, and representatives of the community. Navy policy is to convert all TRCs to RABs.

15-3.20 Uncontrolled Hazardous Waste Site. An area identified as an uncontrolled HW site by a governmental body, whether Federal, State, local or other, where an accumulation of HS creates a threat to the health and safety of individuals or the environment or both. Examples of such sites include, but are not limited to, surface impoundments, landfills, dumps, and tank or drum farms. Normal operations at treatment, storage and disposal (TSD) sites are not covered by this definition.

15-4 Requirements

15-4.1 CERCLA Process. The following general procedures are set forth under the NCP for initiating and carrying out the remedial process under the IR Program. Requirements for these procedures are discussed in the following sections (additional details can be found in the IR Manual):

- a. Site discovery and notification
- b. Preliminary Assessment (PA)
- c. Site Inspection (SI)
- d. Hazard Ranking System (HRS)

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- e. Remedial Investigation/Feasibility Study (RI/FS)
- f. Record of Decision (ROD)
- g. Remedial Design/Remedial Action (RD/RA)
- h. Operation and maintenance (O&M)
- i. Long-term monitoring (LTM)
- j. Site Closeout (NFRAP or De-listing).

EPA and appropriate State and local officials and the public are given the opportunity to review and comment on assessments/studies and proposals for removal/remedial actions. In addition, Federal Facility Agreements (FFAs) are negotiated with State and Federal regulators early in the study process for those installations on the NPL (see 15-5.16). A flow chart outlining the IR Program is provided as Figure 15.1.

15-4.2 Site Discovery and Notification. Site discovery and notification is the first step in addressing uncontrolled or abandoned HS sites at Navy installations.

15-4.2.1 Knowledge of a Release. Any release or threatened release of a hazardous substance must be reported to EPA, the State, and relevant local authorities. Releases, or threatened releases, must also be reported to the chain of command using the reporting format contained in Appendix I. In addition, if the release exceeds RQ as defined under CERCLA, the National Response Center (NRC) must immediately be notified at 1-800-424-8802 or 202-267-2675. If notification of the NRC is not practical, the regional EPA-designated OSC or the Coast Guard should be notified.

15-4.2.2 Federal Agency Hazardous Waste Compliance Docket. Per CERCLA requirements, EPA maintains a Federal Agency Hazardous Waste

Compliance Docket that contains information regarding Federal facilities that manage HS or from which HS may be or have been released. A PA must be accomplished for every site on the docket. A governor may petition EPA to add a facility to the docket. CERCLA also authorizes the public to directly petition an installation to conduct a PA if the person or organization believes that a HS release or threat of a release exists. The docket lists all installations that have submitted IR information to EPA.

15-4.3 Removal Actions. Removal actions are near-term actions taken to address releases of HS that require expedited response and are often the first response to a release or threatened release. Removals can be undertaken at any time during the remedial process.

CERCLA Section 104 and EO 12580 grant the Navy the authority to carry out removal actions when the release is on, or the sole source of the

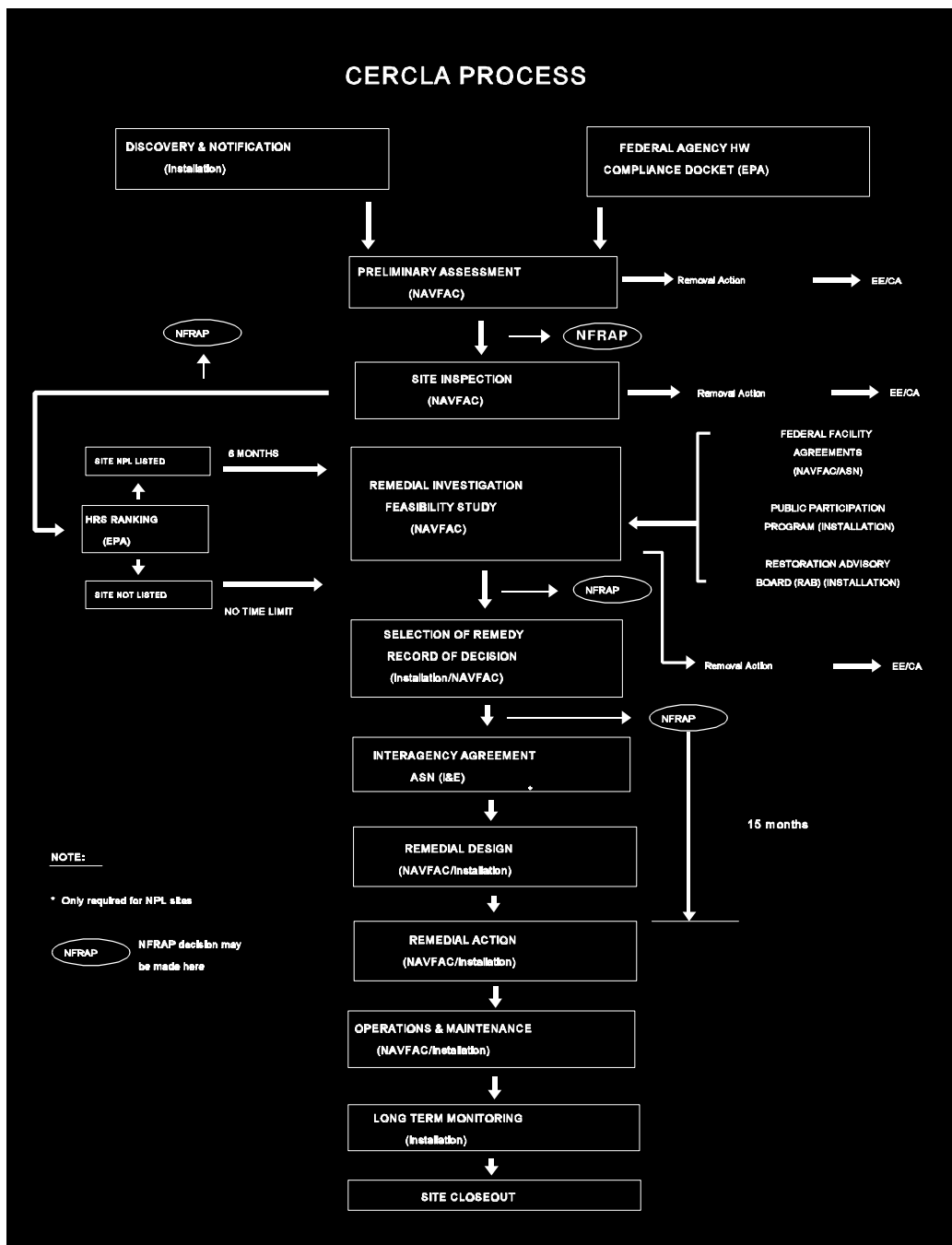


Figure 15.1

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release is from, a Navy installation. However, notice of removal actions must be given to EPA and/or the State under SARA Section 211. Guidance for determining the appropriateness of, and procedures for, removal actions can be found in the Navy/Marine Corps IR Manual.

15-4.4 Preliminary Assessment (PA). The NCP defines a PA as a "...review of existing information and an off-site reconnaissance, if appropriate, to determine if a release may require additional investigation or action, a PA may include an on-site reconnaissance if appropriate. The main purpose of the PA is to collect information for use in assessing the existence of HS at a site and determining the potential for HS migration to determine if a release may require additional investigation or action. This assessment is to include a review of existing information on the pathways of exposure, exposure targets, and the source and nature of the release.

A PA is required under the following circumstances:

- a. After site discovery and notification
- b. Within 12 months after listing on the Federal Agency HW Compliance Docket
- c. Within 12 months of receiving a petition, unless the assessment is deemed inappropriate.

15-4.5 Site Inspection (SI). The NCP defines a SI as "...an on-site inspection to determine whether there is a release or potential release and the nature of the associated threats. A SI is required if the PA reveals that additional investigation is needed. The NCP states that a SI's purpose "is to augment the data collected in the PA and to generate, if necessary, sampling and other field data to determine if further action or investigation is appropriate." Specifically, a SI should serve the following functions:

- a. Eliminate from further consideration those releases that pose no significant threat to public health or the environment
- b. Determine the potential need for removal actions at the installation or site under consideration
- c. Collect data to evaluate and characterize the release for the effective and rapid initiation of RI/FS.

15-4.6 Hazard Ranking System (HRS). The HRS is a method used by EPA to evaluate the relative potential of HS releases to cause health or safety problems, or ecological or environmental damage. With this method, information from the PA/SI is used by EPA for scoring Navy sites. Sites receiving scores above 28.5 (and having the highest potential for affecting human health, welfare, and the environment) are put on the NPL.

15-4.7 Remedial Investigation/Feasibility Study (RI/FS). The RI/FS is an extensive technical study conducted to determine the nature and extent of the threat presented by a release and, where appropriate, to evaluate proposed remedies. Contaminants and their migration pathways are defined, potential risks to public health and the environment are assessed, and a quantitative risk assessment is carried out.

The RI serves as the mechanism for collecting data necessary to characterize the site and the wastes present; to evaluate the performance and cost of possible treatment technologies; and to support the evaluation, selection, and design of selected remedies. The FS serves as the mechanism for the development, screening, and detailed evaluation of potential remedial alternatives. The purpose is to evaluate the threat posed by the HS site to public health and the environment, especially sensitive habitats and critical habitats of species protected under the Endangered Species Act, to develop cleanup performance goals, and to compare the health and environmental risks of the remedial

alternatives. RI/FSs are required at all CERCLA sites, both NPL and non-NPL. For NPL sites, CERCLA requires that an RI/FS be commenced within 6 months of the site being listed on the NPL.

15-4.8 Administrative Record. The NCP requires that an administrative record, or information repository, be established for all CERCLA sites (reference (c)). The administrative record must be established and made available to the public at the start of the remedial investigation for remedial actions, and at the time of engineering evaluation/cost analysis for removal actions.

15-4.9 Public Participation. Prior to adoption of any plan for remedial action, CERCLA Section 117 requires the Navy to:

- a. Publish a notice and brief analysis of the proposed plan and make the plan available to the public
- b. Provide a reasonable opportunity (not less than 30 calendar days) for submission of comments and opportunity for a public meeting
- c. Publish notice of the final remedial action plan adopted and make the plan available to the public prior to commencement of any remedial action.

The function of the public participation activities is to help ensure that the community will be informed of planned and ongoing activities, be given the opportunity to comment on and provide input to technical decisions, and to allow environmental concerns to be addressed as early as possible during the remedial process. Navy policy requires opportunities for public participation to begin at initiation of the IR process and continue through cleanup.

15-4.10 Technical Review Committee (TRC). SARA Section 211 requires that whenever possible and practical, a TRC will be established for the purpose of reviewing and commenting on actions

and proposed actions respecting releases or threatened releases at the installation. Navy policy is to convert all TRCs to RABs including those at bases subject to closure under base closure law.

15-4.11 Protection of Health and Safety. Response actions under the NCP must comply with the provisions for the protection of the health and safety of workers engaged in HW operations found in reference (a). These provisions include requirements for: developing a site health and safety plan; establishing site access control; enforcing standard operating safety procedures; implementing medical surveillance procedures; providing for environmental and personnel monitoring; providing appropriate personal protective equipment (PPE); and establishing emergency procedures. Detailed requirements for the protection of worker health and safety and proper personnel training are found in the IR Manual. Training information is summarized in Figure 3.1.

15-4.12 Public Health Assessment. The Agency for Toxic Substances and Disease Registry (ATSDR) must perform a public health assessment for each facility listed or proposed for inclusion on the NPL. A public health assessment is the evaluation of data and information on the release of hazardous substances into the environment in order to assess any current or future impact on public health, develop health advisories or other recommendations, and identify studies or actions needed to evaluate and mitigate or prevent human health effects. ATSDR will perform the assessment using available information from IR studies and from site visits. To the maximum extent possible, ATSDR will attempt to complete a public health assessment before the completion of the RI/FS.

15-4.13 Record of Decision (ROD). The purpose of a ROD is to document the selection of a site-specific remedy. To be consistent with the NCP, the selected remedy must be protective of human health and the environment, attain all State and Federal applicable or relevant and appropriate requirements

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for that site, be cost-effective, and utilize permanent treatment technologies or resource recovery technologies to the maximum extent practicable.

As required under CERCLA Section 117(b), notice of the final ROD must be published and the ROD must be made available to the public in the administrative record before adoption of any plan for remedial action. The ROD must document any significant changes from the proposed plan and respond to all comments, written and oral, that were received during the comment period. The ROD is signed after closure of the public comment period and once all significant comments or issues are addressed. For non-NPL sites, a decision document is signed. All procedures for the ROD are followed at non-NPL sites, but EPA's signature is not required.

15-4.14 Interagency Agreement (IAG). As required by CERCLA 120(e), Federal agencies must enter into an IAG with EPA for the expeditious completion of all necessary remedial actions within 180 days after completion of each RI/FS for an NPL site. To expedite the cleanup process, a FFA is signed with EPA, and the State where possible, as soon as possible after an installation is proposed for NPL listing. An FFA becomes an IAG for an operable unit or site cleanup at an installation once the ROD is signed and new schedules are negotiated for the actual Remedial Action (RA). FFAs are not required by law; however, DoD and Navy policy requires them unless they are not advantageous to the Navy.

15-4.15 Other Cleanup Agreements. There are also non-NPL cleanup agreements with States, the RCRA corrective action permit and 3008(h) order process, UST cleanup agreements, the application of RCRA corrective action to petroleum releases and CERCLA FFA implications, and RCRA/ CERCLA integration including RCRA closure and corrective action at NPL and non-NPL sites.

15-4.16 Remedial Design/Remedial Action (RD/RA). After the ROD has been completed, the

RD/RA for the selected remedy will be initiated. For NPL sites, Federal activities will commence substantial continuous physical on-site remedial action not later than 15 months after completion of the RI/FS. The RD converts the conceptual design for the selected remedy into a final design to be implemented. The RA commences after completion of the RD with the award of a contract to construct or implement the selected alternative.

15-4.17 Operations and Maintenance (O&M). CERCLA requires long term O&M following completion of the RA if HS remain at the site. Plans for O&M, including LTM, are identified in the FS, ROD, or decision document. Long term O&M of the remedial alternative begins with initiation of the RA and continues until the remedy is no longer needed.

15-4.18 Long Term Monitoring (LTM). Depending on the selection of the remedial alternative, LTM may be required to demonstrate that the remedy has achieved its goal. LTM may also be selected as the RA, or in place of a RA. Long term monitoring records are reviewed every 5 years.

15-4.19 Site Closeout. A site closeout should be conducted when no further response actions under the IR Program are considered appropriate for the site and when site cleanup confirms that no significant threat to public health or the environment exists. Wherever possible, EPA and State concurrence should be sought.

15-4.19.1 NPL Site Closeout. Per NCP requirements (reference (c) part 425(e)), releases may be deleted from, or re-categorized on, the NPL provided that all appropriate response actions have been implemented, no further response action is appropriate, or the RI has shown that the release poses no significant threat to public health or the environment. The EPA, in consultation with the State, will determine whether any of these requirements has been met and if so, will prepare a notice of intent to delete. EPA will obtain State concur-

rence with the deletion notice prior to making the notice available to the public. The final deletion package will also be made available to the public and will contain the response to public comments received. For purposes of de-listing a Federal NPL installation, all individual sites on the installation must be closed out.

15-4.19.2 Non-NPL Site Closeout. For non-NPL sites, EPA and the State must be notified that appropriate response actions have been completed and no further response action is appropriate. The site(s) will be designated as NFRAP, with supporting documentation being placed in the information repository, and the public will be notified of these actions.

15-4.20 Real Property Transactions and Management. Reference (f) requires, per CERCLA Section 120(h)(1), that all Federal agencies entering into a contract for the sale or other transfer of real property include a notice that identifies whether HS were stored on the property for 1 year or more, or were released or disposed of on the property. This notice must identify the type and quantity of such HS and the time at which such storage, release, or disposal took place.

CERFA expanded CERCLA Section 120(h) to require that, before termination of Federal activities on any real property owned by the government and subject to base closure, the head of the agency with jurisdiction over the property must identify the real property on which no HS and no petroleum products or their derivatives were stored for 1 year or more, known to have been released, or disposed of. The identification of uncontaminated property will be based on an investigation of the real property. Concurrence with the identification must be obtained from EPA for NPL sites. For non-NPL sites, the State must be provided 60 days for review and comment. If no comments are received, concurrence is deemed to have occurred.

For bases subject to closure or realignment under a base closure law, the CERFA identification must be made, and concurrence must be obtained, within either: 18 months of the CERFA enactment (October 19, 1992); 18 months of the date by which a joint resolution disapproving the closure or realignment must be enacted and such a joint resolution has not been enacted; or 18 months of the date on which the real property is selected for closure or realignment.

15-4.21 Retention of Records. CERCLA Section 103(d)(2) requires that any person responsible for providing notification of known, suspected, or likely releases should also retain records of the facility and the HS release for 50 years. The records include information on the location, title, and condition of the facility and the identity, characteristics, quantity, origin, or condition (including containerization and previous treatment) of any HS contained or deposited on the facility. It is unlawful to destroy, mutilate, conceal, or falsify such records. It is possible, under some circumstances, to obtain a waiver from these requirements by applying to EPA.

15-4.22 RCRA Corrective Action. Installations seeking or renewing a permit for a TSD are required by RCRA Section 3004(u) to take corrective action for past releases of HW or constituents from any SWMU at the facility. Permits issued by EPA or a State with RCRA authority will contain schedules of compliance for such correction (where such action cannot be completed before the permit is issued).

Additional RCRA corrective action requirements include:

- a. Per Section 3004(v), corrective action must be taken for releases of HW that have migrated beyond the facility's border
- b. Per Section 3008(h), EPA may issue an order requiring corrective action to address releases of HW (constituents omitted), whether or not from

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a SWMU, at facilities authorized to operate under interim status.

DERA funds can be used for corrective action as described above for past releases of HW at TSDs if these are the same types of releases covered by the IR program.

15-5 Navy Policy

15-5.1 General. All actions carried out under the Navy IR Program shall be accomplished in compliance with all applicable requirements of CERCLA/SARA and all terminology utilized by the Navy IR Program shall be consistent with that used in CERCLA/SARA and RCRA/HSWA. All IR response actions shall follow EPA guidance in determining the reasonable interpretation and application of the regulations and shall be accomplished per the NCP. The Navy shall not adopt any guidelines or rules that are inconsistent with EPA's guidelines and rules. The Navy strives to clean up sites with higher risk before those with lower risk. This concept should continually be pushed with the regulators and the public, especially when funding is constrained. Funding is provided by the Congress through DERA. The Navy shall maintain an open and continuous dialogue with regulatory agencies and the public on all IR activities. The Defense/State Memorandum of Agreement (DSMOA) process shall be used to provide funds to State regulatory agencies for oversight costs.

15-5.2 Site Discovery and Notification. If a release has been discovered, and that release has not previously been reported, it shall then be reported immediately to the appropriate agencies. If a PA identifies a potential disposal site exists, a SI shall be conducted to determine if a release has occurred. If a release has occurred, the appropriate agencies shall be immediately notified. The message format for reporting a HS release is provided in Appendix I.

15-5.3 Removal Actions. At any site (irrespective of whether the site is included on the NPL) where the Navy or EPA determines that there is a threat to human health or the environment, the Navy shall use any appropriate means to abate, minimize, stabilize, mitigate, or eliminate the release or threat of release. Alternatives that attain or exceed applicable or relevant and appropriate Federal public health and environmental requirements, Federal criteria, advisories and guidance, and State standards shall be considered in selecting a removal action. The cognizant Naval Facilities Engineering Command (NAVFACENGCOM) activity, in coordination with the installation, shall prepare an analysis of the removal alternatives for the site, make the analysis available to the public, and provide at least a 30-day comment period. A decision document developed in coordination with the installation shall also be prepared to substantiate the need for the removal action, identify the selected action, explain the rationale for the removal, and respond to significant public comments. Removal action shall then begin. If the Navy determines that the removal action shall not fully address the threat or potential threat posed by the release, the Navy shall ensure an orderly transition from removal to remedial response action. The funding and time constraints in CERCLA that apply to Superfund expenditures for removal actions do not specifically apply to Navy removal actions but should be used as guidelines.

15-5.4 Emergency Response. Under CERCLA Section 104, EO 12580 and the NCP, the Navy has the authority to respond to "emergency" situations (i.e., those circumstances that may immediately endanger human life, health or the environment) where the release or threatened release is on, or the sole source of the release is from, a Navy facility. If an IR site appears to be causing an emergency situation, the Navy is responsible for taking appropriate action to protect the public and the environment from the threat. The installation, in consultation with the cognizant NAVFACENGCOM activity,

shall be responsible for responding to emergency situations using DERA funds.

15-5.5 PA. All PAs shall be conducted by the cognizant NAVFACENGCOM activity or the Naval Facilities Engineering Service Center (NFESC) as soon as possible after site discovery or listing on the Federal Agency HW Compliance Docket. Upon completion, the PA shall be provided to the installation for review and forwarding to the cognizant EPA region and the State.

15-5.6 SI. The cognizant NAVFACENGCOM activity conducts SIs at sites that are recommended for further investigation at the end of the PA. The SI shall be accomplished as expeditiously as possible.

15-5.7 HRS. Following completion of a PA/SI, the cognizant NAVFACENGCOM activity shall prepare a package that includes available information necessary for HRS scoring, and the installation shall forward the package to the EPA.

15-5.8 RI/FS. COMNAVFACENGCOM or its designee is responsible for conducting the RI/FS on behalf of the installation. The RI/FS shall be accomplished as expeditiously as possible.

15-5.9 No Further Response Action Planned (NFRAP). The Navy should not expend resources on sites that pose little or no threat to humans or the environment. A no further action decision can be made at several points within the remedial process, but must be based on a defensible and properly documented "assessment of risk to human health and the environment." The Navy may apply this procedure at both NPL and non-NPL installations to describe those locations where it has been determined that no further action is required, based upon appropriate investigation. NFRAP decision documents shall be prepared by COMNAVFACENGCOM or its designee and signed by the installation commander. Upon signature, the installation shall forward the NFRAP decision

documentation to appropriate regulatory agencies for information and/or concurrence and ensure that the public receives notification via RABs, public meetings or other appropriate methods. Remedial project managers shall be alert to document opportunities for a NFRAP decision.

15-5.10 Administrative Record. The administrative record shall be initiated as soon as the SI shows that the program shall move into the RI/FS phase. The cognizant NAVFACENGCOM activity shall establish and maintain the administrative record and send copies to the installation, State, and EPA as appropriate. Installations shall ensure that a copy of the administrative record is available in an information repository. The repository shall be available to the public at or near the site and notice of the availability is part of the record. This record is the basis for actions taken by the Navy and any future legal action concerning the site.

15-5.11 Public Participation. Navy public participation requirements, described in detail in the Navy/Marine Corps IR Manual, are more comprehensive than the NCP. Installations, with assistance from the cognizant NAVFACENGCOM activity, are responsible for implementing proactive public information programs that shall include formal Community Relations Plans (CRPs) for all IR sites, whether or not the installations are on the NPL. In addition, the installation shall appoint a contact or spokesperson for community relations activities who shall be responsible for receiving all inquiries and releasing information concerning the installation's restoration program.

15-5.12 TRC. All installations that currently have TRCs shall convert them to RABs. The RABs shall meet the statutory requirements for the TRCs as required in 10 USC 2705 while providing expanded opportunities for community participation in the environmental restoration process. The conversion of TRCs to RABs shall be accomplished by:

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a. Expanding existing TRCs to include additional community representatives.

b. Establishing co-chairs, one from the community members of the RAB and one from the Navy.

c. Opening all meetings to the public.

15-5.13 Restoration Advisory Board (RAB).

DON policy is to convert all TRCs to RABs. By increasing the diversity and number of community representatives, establishing a Community Co-Chair, and opening the meetings to the public, the RABs shall ensure that all stakeholders have an increased opportunity to actively participate in the timely review of installation restoration documents and plans and to present various points of view for careful consideration. At base closure installations, RABs should facilitate accelerated cleanup and property transfer. RABs shall not make decisions on environmental restoration activities as a group, but shall provide information, suggestions, and community input for use by the Navy in making decisions on actions and proposed actions concerning releases or threatened releases. It is not intended that Federal Advisory Committee Act (FACA) requirements shall apply. RABs shall not take the place of community outreach and participation activities required by law, regulation or policy. All community relations requirements must still be met. The installation shall be responsible for implementing the RAB. DERA funding should be used for this effort.

15-5.13.1 RABs at Non-TRC Installations.

Installations that do not currently have TRCs shall establish RABs under the following conditions:

a. Determination that a release has been confirmed upon completion of the PA and SI.

b. Request from a local government that a RAB be formed.

c. Presentation of a petition signed by 50 local residents requesting that a RAB be formed.

d. Determination by the installation that a RAB is needed.

15-5.13.2 Membership of the RAB.

The RAB shall include at least one representative of the installation and cognizant NAVFACENGCOM activity, EPA, and appropriate State and local authorities and members of the local community. Whenever appropriate, natural resources trustees and installation natural resources managers should be invited to have representatives on the RAB. EPA and the State should be encouraged to provide the RAB with representatives who have the authority to make decisions concerning the implementation of specific proposals. Community members should represent diverse interests and reflect a broad cross section of the community. At Base Realignment and Closure (BRAC) installations, the Transition Coordinator and BRAC Cleanup Team members from EPA and the State should be encouraged to attend.

The size of each RAB should be determined on a case by case basis and shall likely vary from installation to installation. The current TRC should determine how many community members are needed (from 3-12). The RAB should be no larger than is necessary to get the job done but no smaller than is necessary to adequately reflect the diversity of community interests regarding base cleanup and conversion.

15-5.13.3 Selecting Community Members.

It is the Navy's responsibility to ensure that a diverse group of individuals, representing a broad cross section of the community including established groups and interested individuals, be selected. In all cases it is imperative to be upfront with the public. The selection procedure and number of new members to be added to the RAB should be announced along with the responsibilities of RAB membership. Potential new members may be identified by:

- a. Asking members of the current TRC to make recommendations for potential new members.
- b. Convening a selection panel representative of the diversity of the community to nominate community members.
- c. Re-contacting citizens interviewed during the development of the CRP and asking for recommendations.
- d. Soliciting nominations through announcements in newspapers (if this method is used to recruit members, it is important to describe the process that shall be used in selection and to advertise the number of positions to be filled).

Once a slate of candidates is created, the commanding officer (CO) accepts the slate as a whole. If the CO rejects the slate, the process starts again. New members should be announced upon their selection. Their names and phone numbers should be made available to the community to assure access and communication.

15-5.13.4 Membership Requirements. RAB members shall be expected to:

- a. Serve a 2-year term established by the RAB.
- b. Communicate with local community members and interest groups concerned with specific base issues.
- c. Comment on documents available for review.
- d. Attend all RAB meetings or send an alternate.
- e. Reside in the vicinity of the installation.
- f. If unable to continue to fully participate, submit their resignation in writing to either of the

RAB co-chairs (if the member is representing a group or organization, that group or organization may nominate a new member).

15-5.13.5 Restoration Advisory Board Meetings. All RAB meetings shall be open to the public. The meeting place shall be large enough to accommodate everyone interested in attending and have access for the handicapped. Time and place shall be selected to permit public attendance. Meetings shall be announced in advance through mailed announcements and local newspapers. In addition, minutes shall be published in a local newspaper and distributed to interested parties on the mailing list.

Procedures for the conduct of the RAB meetings shall be established by the RAB members. The public may participate in RAB meetings in one or more of the following ways, depending on the decision made by the RAB:

- a. The public can be allowed to ask questions or make comments at specific times as outlined in the agenda.
- b. Time can be allotted at the end of each meeting for public participation.
- c. The RAB meeting can be followed by a public meeting.
- d. The public can comment and ask questions in writing.

RABs shall make decisions concerning comments at the next RAB meeting as part of the official agenda.

15-5.13.6 RAB Sub-committees. Sub-committees may be established as needed to investigate technical issues in depth, prepare special reports, produce bulletins, summarize activities, or accomplish other tasks that are specialized or require too much time for the entire RAB.

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15-5.14 Health and Safety. The RPM and installation restoration coordinator shall be responsible for ensuring that requirements for protecting site worker health and safety are being enforced.

15-5.15 Public Health Assessment. The Navy Environmental Health Center (NAV-ENVIRHLTHCEN) shall coordinate with ATSDR concerning the public health assessments. NAVENVIRHLTHCEN shall ensure that ATSDR is aware of new NPL listings and coordinate any ATSDR visits to installations with the installation and cognizant NAVFAC-ENGCOM activity. NAVENVIRHLTHCEN shall review public health assessments being done by ATSDR.

15-5.16 Federal Facility Agreements (FFAs) under CERCLA Section 120. The Navy shall enter into FFAs at its NPL sites as early as possible after the requirement for a RI/FS has been identified. These agreements have high priority and are intended to establish roles and responsibilities and to improve communications between all parties by allowing EPA and the State to review all work in support of remedy selection. FFAs also establish the procedural framework and establish schedules for the parties involved. FFAs at NPL sites shall outline the working relationship between the States, EPA, and the Navy. NAVFACENGCOM is responsible for negotiating all FFAs. In developing the Navy's negotiating position, NAVFACENGCOM shall seek the input of the installation, the cognizant major claimant(s), the Regional Environmental Coordinator (REC), and CNO (N45). After coordination, FFAs shall be forwarded with appropriate endorsements via the Chain of Command and CNO (N45) to Assistant Secretary of the Navy (Installations and Environment) (ASN(I&E)) for signature.

15-5.17 ROD/Decision Document. The cognizant NAVFACENGCOM activity shall prepare a ROD/decision document at the conclusion of a RI/FS and provide the ROD/decision document and a recommendation of action to the installation CO

with a copy to the major claimants. The installation CO shall carefully review the proposed ROD/decision document and administrative record. If the CO concurs with the proposed ROD/decision document, then he/she shall sign it. If the CO disagrees or has questions on the ROD, he/she shall present the issues to the cognizant NAVFACENGCOM activity and the major claimant for discussion and resolution.

For NPL sites, the ROD is forwarded to the EPA regional office for concurrence. Although neither a ROD nor an IAG is required under CERCLA at non-NPL sites, State remediation laws may contain requirements for decision documentation. Where such requirements apply, the cognizant NAVFACENGCOM activity shall write a decision document for submittal by the installation that satisfies State law. If the State remediation law contains no specific requirements for decision documentation, the cognizant NAVFACENGCOM activity shall write a decision document that contains the elements of a ROD. The installation shall forward the decision document to EPA and the State.

15-5.18 IAGs. At the completion of an RI/FS at a NPL site, the law requires that an IAG be signed. The previously negotiated FFA shall become an IAG when the statutory requirements are incorporated after the ROD.

15-5.19 RD/RA. Remedial designs and remedial actions shall be completed as expeditiously as possible, whether at NPL or non-NPL sites.

The RPM shall oversee coordination of the RD/RA with the installation, EPA, the State, and local officials, maintain the administrative record, participate in community relations, and ensure overall quality assurance/quality control. The Navy Resident Officer in Charge of Construction (ROICC) shall manage construction for the RA and shall ensure that the RA meets all specifications and is constructed in a manner that protects human health, welfare, and the environment.

15-5.20 O&M. O&M is the responsibility of NAVFACENGCOM (using DERA funding) until the remedial objective has been achieved; thereafter, it is the responsibility of the installation. If HS, pollutants, or contaminants remain at a site after the RA, the installation CO, with technical assistance from the cognizant NAVFACENGCOM activity, shall review monitoring records to ensure that human health and the environment are being protected. O&M for equipment used in the RA shall be ongoing at the site. Operation, maintenance, and monitoring activities are eligible for DERA funding for a period of ten years after completion of the remedial action, after which the installation Operation and Maintenance, Navy (O&MN) funds shall be used. In cases where the remedy is divided into OUs, the 10-year limit applies to each individual OU.

15-5.21 LTM. Navy installations shall undertake LTM when appropriate per applicable law. If an RI/FS shows detectable contamination that is below the level that requires a remedial action, the Navy may be required to continue monitoring in order to detect any increases in contamination level or migration of contaminants so as to ensure the site or the OU remains protective of human health and the environment.

DERA funds shall pay for the start-up of a monitoring program and the first 10 years of operation. After that, the installation must pay the costs associated with LTM. Installations shall budget for LTM just as they budget for other operations.

15-5.22 Site Closeout. The following actions shall be taken when it is determined that no further response actions are appropriate for the site.

15-5.22.1 NPL Sites. COMNAVFACENGCOM or its designee shall notify the EPA regional office that appropriate response actions have been completed and request that the site be deleted from the NPL. COMNAVFACENGCOM or its designee and the installation shall support EPA and the State

in their determination of whether or not to delete the site by providing information and public notification as appropriate.

15-5.22.2 Non-NPL Sites. The installation shall notify the EPA regional office and the State that appropriate response actions have been completed. The cognizant NAVFACENGCOM activity shall prepare required documentation and designate the site(s) as NFRAP. The installation shall ensure public notification by placing the documentation supporting NFRAP in the information repository and publishing notification of its availability.

15-5.23 RCRA Corrective Actions. Corrective action shall be completed as expeditiously as possible.

15-5.24 Construction on Contaminated Project Sites. All efforts shall be made to ensure that Navy projects are not constructed on contaminated sites. However, there may be times when the project is being planned or is underway and contamination is discovered. In such instances, the following applies:

a. If contamination is discovered during the planning stage, the site can be investigated and cleaned up following IR procedures. In most cases, this shall take several years and the site may not be available for the subject project. The site investigation/clean up shall compete with other IR sites on a worst-first basis.

b. If contamination is discovered during construction, the site investigation/cleanup shall compete with other IR sites on a worst-first basis. If IR funding is not available, project funds shall be used to investigate/clean up the site. If IR or project funding is not available and it is possible to re-site the project, then IR funds may be used to investigate and clean up the site at a later date.

15-5.25 Off-Station Sites

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15-5.25.1 Navy as Potentially Responsible Party (PRP). Historically, the Navy has contracted with private companies to transport and dispose of HW generated at its installations. Many of the disposal sites selected by contractors are themselves threatening/contaminating the environment and need to be cleaned up. Upon receipt of formal notice from the EPA, State or local authorities that a Navy installation is involved in a site as a PRP, the installation shall notify, by message, its chain of command, the REC, COMNAVFACENGCOM, cognizant NAVFACENGCOM activity, Judge Advocate General, Office of Assistant General Council (Installation and Environment) (OAGC(I&E)), Office of General Council (Litigation Office) (OGC (Litigation Office)) and CNO (N45). The message shall describe the salient points of the notice. Simultaneously, a copy of the notice and other appropriate documents shall be mailed to the same addressees. Cognizant NAVFACENGCOM activities shall take the lead role in negotiating with EPA, the U.S. Attorney's Office, and the PRP Steering Committee. Cognizant NAVFACENGCOM activity personnel shall cooperate with the PRP Steering Committee and provide information that is requested regarding the Navy's HW that has been sent to that site. NAVFACENGCOM shall report semiannually to CNO on the status of Navy involvement in off-station CERCLA sites. The cognizant NAVFACENGCOM activity shall keep the REC apprised of site status.

15-5.25.2 Formerly Used Defense Sites (FUDS). FUDS differ from PRP sites in that FUDS are not identified as part of the EPA Superfund and are located on property that has been formerly owned or operated by DoD. The Army Corps of Engineers is responsible for the FUDS Program. The Navy's responsibility for FUDS sites that were formerly Navy sites is informational only. Should local interest arise, questions regarding the status of FUDS sites should be passed to appropriate Corps of Engineers officials. In special circumstances, authority can be obtained from the Corps to address

FUDS located on property that had been owned or operated by the Navy.

15-5.26 Real Property Transactions and Management. The cognizant NAVFACENGCOM activity shall be responsible for ensuring that the IR Program is considered prior to engaging in real property transactions and as part of all land management decisions.

As Navy installations are closed and realigned, IR Program efforts must continue. IR Program requirements shall be identified and completed per CERCLA, SARA, CERFA and the NCP. Congress has established guidelines for funding the necessary investigations and cleanups and established a specific fund account for IR Program work at BRAC installations.

For properties being obtained by the Navy, the condition of the property should be evaluated from a perspective of IR Program responsibilities prior to completing the property acquisition.

15-5.27 National Environmental Policy Act (NEPA). IR Program actions that follow the NCP and fulfill public participation requirements are deemed to have complied with NEPA.

15-5.28 Government-Owned/Contractor-Operated (GOCO) Plants. The Navy's liability and responsibility for cleanup of sites at GOCO facilities is based upon its status as "owner" of the facility. Past and present contractors share this liability since they are "operators" or "generators" at these facilities. Absent special contractual provisions to the contrary, Navy policy shall be to require current GOCO contractors to pay for any and all cleanup costs associated with their operation of Navy facilities.

Navy actions to fulfill its CERCLA responsibilities shall be consistent with its contractual requirements with the GOCO contractor. Failure to coordinate may result in a claim by the operating contractor

under a Navy contract or loss of potential claims by the Navy against the operator.

The following policy shall be followed when implementing the IR program at GOCOs:

a. A PA/SI shall be done by NAVFACENGCOM at Navy GOCOs. DERA funds shall be used for the PA/SI. NAVFACENGCOM shall coordinate with the corresponding Echelon 2 Command prior to starting the study.

b. Once the PA/SI has been completed, the results shall be provided to the Echelon 2 Command for action. If the PA/SI recommends additional follow-up work, the Echelon 2 Command shall immediately initiate discussions with the contractor pertaining to contractor responsibility for and participation in any cleanup efforts. Since the contractor may be liable for the cleanup, he/she shall be offered the opportunity to conduct any follow-up studies. To ensure that any work done by the contractor is consistent with the requirements of CERCLA, the NCP and the IR Program, COMNAVFACENGCOM or its designee shall serve as the Echelon 2 Command's technical representative and shall review and approve all phases of the work, including submittals.

c. If the contractor declines to perform the follow-up studies, the Echelon 2 Command shall request COMNAVFACENGCOM to conduct the work under the IR Program. DERA funds shall be used and all costs associated with the follow-up studies shall be identified for future cost recovery actions if such action is appropriate.

d. Similar scenarios shall be followed as described above for any RD/RAs, including removal actions and interim RAs. The Navy shall pursue cost recovery actions against the contractor where appropriate.

e. All actions (i.e., studies and cleanups) done at GOCOs on Navy property shall be consis-

tent with CERCLA and the NCP. Administrative records and CRPs shall be done at all the GOCOs. RABs are recommended but not mandatory unless DERA funding is being used to conduct the studies and cleanup. If a GOCO is placed on the NPL, all timetables associated with CERCLA Section 120 apply and the Navy shall ensure that these are met. Negotiations concerning necessary FFAs shall be handled by COMNAVFACENGCOM.

15-5.29 State Laws. Navy policy is to comply with all State laws which are consistent with the CERCLA, SARA and the NCP. For States with a mini-superfund law, it may be advantageous to negotiate a Federal Facility/State Remediation Agreement (FFSRA) for non-NPL sites which spells out the responsibilities of each party to the cleanup. When cleaning up sites under the RCRA corrective action program, laws and regulations for States which have received primacy will be followed by the Navy.

15-5.30 Coordination with Other Environmental Regulations. Although CERCLA Section 121(e) exempts IR Program actions occurring entirely on-site that are consistent with CERCLA Section 121 from obtaining Federal, State, or local permits, interagency coordination is often required to ensure consistency with applicable or relevant and appropriate requirements (ARARs) or other environmental laws. RPMs shall solicit early involvement of other Navy specialists including natural and cultural resources personnel to ensure that the Endangered Species Act, Section 7 consultations, National Historic Preservation Act, Section 106 consultations, and related requirements are identified and completed. These requirements may occur at any phase of an IR Program investigation including PA/SI, RI/FS, removal action, interim action, or RA.

15-5.31 Training. HW site training is required by SARA; the requirements are issued in reference (a). All Navy and contractor employees working on-site exposed to HS, health hazards or safety hazards,

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and the supervisors and management personnel responsible for the site, shall receive training meeting the requirements summarized below before they are permitted to engage in cleanup operations (see Figure 3.1).

a. All employees exposed to HS, health hazards, or safety hazards shall have 40 hours of off-site instruction and 3 days of field experience. Training shall be as practical as possible and include hands-on use of equipment and exercises designed to demonstrate and practice classroom instruction.

b. On-site management and supervisors of personnel engaged in HM operations shall receive training equal to the above, plus eight additional hours on managing such operations.

c. Trainers shall be trained at a level higher than, and including, the subject matter they are teaching.

d. Employees and managers shall receive 8 hours of refresher training annually.

Additional details of required and recommended IR training for staff and visitors to IR sites are provided in the Navy/Marine Corps IR Manual.

15-6 Responsibilities

15-6.1 Echelon 2 Commands shall:

a. Ensure that subordinate installations identify IR Program requirements to NAVFACENGCOM.

b. Ensure program information and guidance is passed to their installations.

c. Ensure that subordinate installations coordinate base cleanup planning, programming, budgeting, and execution with their cognizant NAVFACENGCOM activity.

d. Ensure that subordinate installations fulfill their responsibilities under the Navy IR Program and appoint an IR coordinator.

e. Ensure that public participation and other legal requirements are met at installations with sites.

f. Ensure that installation budgets reflect resource requirements to support the IR Program.

15-6.2 COMNAVFACENGCOM shall:

a. Operate the IR Program for CNO, including the necessary overall planning, programming, budgeting, and execution.

b. Ensure the IR database is updated quarterly.

c. Ensure cognizant NAVFACENGCOM activities coordinate overall IR Program with installation commanders.

d. Provide program and technical support as directed by CNO; also provide site specific technical, progress, and budgeting information to satisfy program reporting requirements.

e. Develop and support DERA resource requests and manage funds allocated for program execution.

f. Resolve issues and problems associated with conduct of the IR Program, and raise the issues to CNO where necessary.

g. Perform IR studies and RA projects and prepare NFRAP documentation by contract, in-house effort, or combination.

h. Identify and train RPMs.

i. Consistent with coordination requirements of paragraph 15-5.16, negotiate FFAs and State remediation agreements. Forward draft final pro-

posed FFAs and State agreements to CNO for review and submission to Office of Assistant Secretary of the Navy (Installations and Environment) (OASN(I&E)) for signature. When substantial changes to model language or policy are contemplated, these should be referred to OAGC(I&E) and CNO (N45) as early as possible after they are identified.

j. Participate in remediation planning meetings with other PRPs and agencies, forward proposed remediation agreements to CNO and OGC (Litigation Office) for review and comment, sign and administer the agreements and disseminate information to all interested parties at all stages of the process.

k. Develop and perform site-specific projects to assess and control contamination in conjunction with installations.

l. Ensure that IR work plans and ecological risk assessments are reviewed by health and safety and natural resources professionals familiar with the site.

m. Track project progress to meet schedule requirements.

n. Coordinate, at all stages, with installation COs and regulatory agencies prior to initiating projects and through project completion.

o. Support installations in fulfilling their RAB and CRP responsibilities.

p. Prepare the ROD and/or decision document and forward to the installation CO with a recommended alternative.

q. Maintain administrative record files and distribute copies as required.

r. Prepare project plans, reports, and contract documents; coordinate review and comments;

and distribute final documents to the appropriate installation and Echelon 2 Command.

s. Provide technical and financial oversight during project performance.

t. Provide IR study results to planning, real estate and natural resources personnel and work with acquisition project managers to ensure that HS site conditions are taken into account by other Navy programs and projects before irreversible decisions are made.

15-6.3 BUMED shall:

a. Provide support in the areas of ATSDR public health assessments, review of toxicological profiles, environmental risk communication workshops, review of human health risk assessments, review of site health and safety plans (HSPs), and review of ecological risk assessments.

b. Coordinate with ATSDR concerning ATSDR's legally mandated health-related activities, including public health assessments, public health consultations, health surveys and investigations, toxicology databases, emergency response and health education.

c. Assist NAVFACENGCOM and installations to prepare for public meetings and respond to community concerns regarding program health and safety.

15-6.4 Commanding officers of shore activities shall:

a. Notify Federal, State and local officials when a release is discovered.

b. Ensure that all applicable statutory and regulatory requirements including safety and health, training (for installation personnel), and natural resources are met during site assessment and response actions.

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c. Provide necessary review and comment on IR plans of action, reports, etc. to the cognizant NAVFACENGCOM activity.

d. Forward, or authorize cognizant NAVFACENGCOM activity to forward, all final primary documents to the EPA and State regulatory agencies prior to deadlines in either FFAs or State agreements/orders.

e. Be responsible for O&M funding and support for long-term monitoring and operation and maintenance of sites.

f. Provide an IR coordinator and logistic support for IR projects at their installation.

g. Establish and conduct periodic meetings of the RAB for IR Program sites.

h. Provide information as required for updating project exhibits to cognizant NAVFACENGCOM activities for IR Program studies and RAs (i.e., studies, RAs, salaries, support costs).

i. Provide information as required for updating project exhibits to cognizant Echelon 2 for IR Program salaries, support, travel and training costs.

j. Prepare and implement a public participation program, including a CRP, for IR Program sites.

k. In conjunction with the cognizant NAVFACENGCOM activity, select the remedy and sign the decision documents for all IR Program sites.

l. Participate in negotiations of FFAs and State agreements.

m. Notify appropriate commands of any EPA or State notice of PRP action, and support PRP response.

n. Ensure that IR Program site conditions are considered prior to land use planning, development, or operation, especially in regard to Military Construction (MILCON) and special project development. IR Program review must be incorporated into the shore facilities planning process.

o. Ensure that appropriate information is placed in the information repository(s).

p. Inform the public of the availability of technical assistance grants (TAGs) for installations on the NPL.

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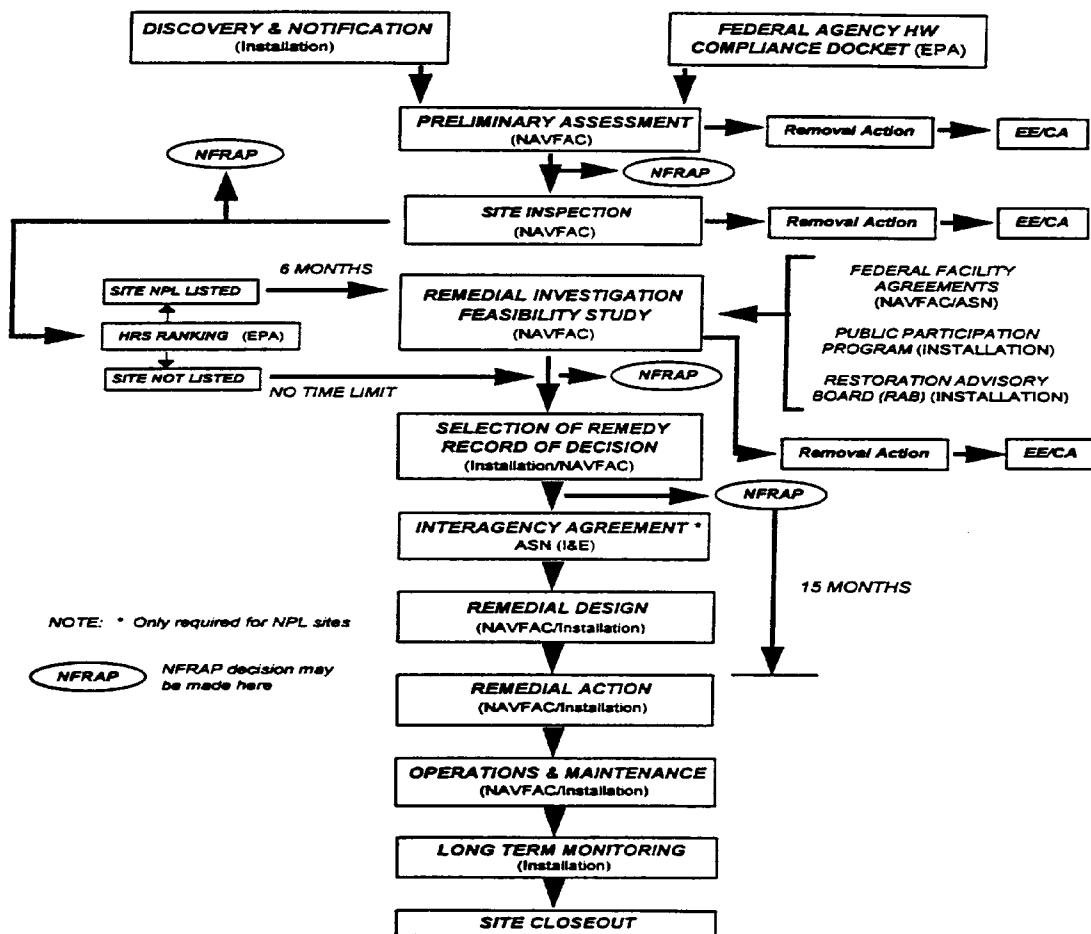


Figure 15-1
15-7

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