Defense Environmental Restoration Program Manual

Ms. Deborah Morefield
Office of the Deputy Under Secretary of Defense
(Installations & Environment)/Environmental Management
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Agenda

• Background

• Defense Environmental Restoration Program (DERP) Manual

• DERP Manual Revisions

• Interim DERP Eligibility Memo

• Benefits of Eligibility Criteria Updates

• Path Forward
Background

• DoD has a mature cleanup program

• DoD has been working diligently to clarify and consolidate current cleanup policies

• December 2008 - DoD issued a policy memorandum updating the DERP eligibility criteria

• DoD is continuing to work on finalizing its DERP Manual
DERP Manual

• DoD's overarching policy document for environmental restoration
  – Last formally released in 2001
  – Implements policy established in DoDD 4715.1E and DoDI 4715.7
  – Provides a single source of DoD environmental restoration policies and guidance
  – Ensures consistency across DoD Components
  – Streamlines and remove redundancy

• Complies with DoD issuance requirements
  – The format is different but includes the same information
DERP Manual Revisions

• Specifies Environmental Restoration Account as the sole source of funding

• Includes policy changes since 2001
  – DERP and DSMOA Eligibility Policies
  – Environmental Liability and Cost To Complete policy
  – Federal Facility Agreement (FFA)
  – Vapor Intrusion
  – Management of Bulk Fuel Spills
  – Third Party Sites
  – Clarified Administrative Record Keeping and Five-Year Review Requirements
  – Munitions Response Site Prioritization Protocol
  – Restoration Advisory Board (RAB) Rule
DERP Manual Revisions (cont.)

- Incorporates previously issued policies
  - Land Use Controls (LUCs) policy/guidance
  - Comeback Commitment
  - Natural Resource Injury
  - Lead-Based Paint Policy
  - Joint policies/guidances are referenced and retained
    - DoD/EPA Joint Guidance on Streamlined Site Closeout
    - DSMOA Cooperative Agreement Guide
    - Intergovernmental Data Quality Task Force Uniform Federal Policy for Quality Assurance Project Plans
    - DoD/EPA Interim Final Management Principles for Implementing Response Actions at Closed, Transferring, and Transferred Ranges
DERP Manual Revisions (cont.)

• Program goals
  – Adds Military Munitions Response Program (MMRP) goals for current sites
  – Updates Legacy BRAC goals
  – Develops BRAC 2005 goals and link to the Base Redevelopment and Realignment Manual (BRRM)

• Streamlines reporting requirements
Interim DERP Eligibility Memo

• DUSD(I&E), *Interim Policy for DERP Eligibility*, December 29, 2008 rescinded certain cutoff dates identified in the 2001 DERP Management Guidance and expanded eligibility for ERA funding

  • Elements approved:
    – Eliminate IRP cutoff date
    – Eliminate MMRP cutoff date
    – Include costs of long-term management
    – MC migrating off operational ranges

  • Deferred elements:
    – Buried Chemical Warfare Materiel
    – Sea Disposal Sites

• Elements excluded:
  – Closure activities at RCRA permitted facilities
  – Routine operation, management or maintenance, including operational range clearance and maintenance
  – NRC licensed material
  – Spill response activities
  – Explosives or munitions emergency responses
  – Responses at National Guard or State Military Properties
  – Removal of USTs/ASTs
  – Locations outside the US
  – USACE Civil Works activities
  – Asbestos and lead-based paint
  – Payment of fines, penalties, EPA oversight costs, and court judgments/settlements
  – Activities included under NALEMP
Benefits of Eligibility Criteria Updates

- Aligns the Department’s cleanup activities with statutory requirements

- Increases transparency of cleanup efforts
  - Manages cleanups uniformly under one program
  - Improves budget control and reduced impacts to schedule

- Provides Installation Commanders greater flexibility and authority to consider mission requirements when sequencing cleanup work
Path Forward

- Initiated SD 106 Pre-coordination: April 13

- Provided draft DERP Manual (April 2009) to EPA and State and Territorial regulators via ASTSWMO

- Formal SD 106 Coordination
  - Component Review: May 15 – Jul 17
  - Comment Resolution: Jul 20 – Sep 18

- Pre-Signature: September 21

- DERP Manual estimated publication: October 30