

US EPA ARCHIVE DOCUMENT



Module 8: Federal Facilities



Module Overview

- ◆ Module Objective: Examine the application of CERCLA authorities at Federal facilities
- ◆ Topics
 - » Applicability of CERCLA at Federal facilities
 - » How CERCLA responses are implemented at Federal facilities
 - » EPA oversight of CERCLA cleanups at Federal facilities
 - » Federal facilities as PRPs
 - » Unique issues at Federal facilities and an overview of several major Federal environmental restoration programs

Application of CERCLA at Federal Facilities

- ◆ Federal facilities are subject to CERCLA requirements similar to private entities
- ◆ E.O. 12580 delegates the President's response authorities to Federal agencies for releases at facilities under their jurisdiction
- ◆ Cleanups must be consistent with the requirements of the NCP
- ◆ Trust Fund monies cannot be spent at Federal facilities



Special Requirements and Timetables for Federal Facilities

- ◆ Creation of a Federal Agency Hazardous Waste Compliance Docket
- ◆ Completion of a PA/SI within 18 months
- ◆ Commencement of a RI/FS within 6 months of listing on the NPL
- ◆ Enter into FFA/IAG for remedial action at sites on the NPL
- ◆ Requirements applicable to the transfer of Federal property

Oversight of CERCLA Response Actions at Federal Facilities

- ◆ In general, EPA does not oversee responses performed by Federal agencies at non-NPL sites
- ◆ EPA has oversight of remedial actions at Federal facilities on the NPL
 - » FFA requirements
 - » Selection of the remedy
 - » Implementation and O&M of remedy
- ◆ For property transfers, EPA makes “operating properly and successfully” determination regardless of site’s status



State and Public Involvement Under CERCLA at Cleanups of Federal Facilities

- ◆ States, Tribal governments, and local officials must be provided an opportunity to participate in the planning and selection of remedial actions
- ◆ EPA's "lead regulator" policy
- ◆ Federal facilities are subject to the public participation requirements of § 117 of CERCLA and the NCP
- ◆ At BRAC installations, stakeholders include the:
 - » BRAC Cleanup Team
 - » Local Redevelopment Authority

Federal Agencies as PRPs at Privately Owned Sites

- ◆ Typically, the Federal PRP will enter into a cash-out settlement using funds derived from the Judgment Fund
- ◆ CERCLA § 106 UAOs require DOJ concurrence
- ◆ FUDS present unique challenges



Other Cleanup Issues at Federal Facilities

- ◆ UXO, OE waste, and remediation of former military training ranges
- ◆ Contaminated soils from lead-based paint at closing installations
- ◆ Perchlorate contamination



EPA Headquarters Offices that Address Federal Facility Cleanups

- ◆ FFRRO
- ◆ FFEO



Major Federal Agency Environmental Restoration Programs

- ◆ Defense Environmental Restoration Program
 - » Established under SARA § 211
 - » Includes three programs: IRP, BRAC, and FUDS
- ◆ DOE's Environmental Restoration Program
 - » Established at Assistant Secretary level
 - » Cleanups generally occur under CERCLA authority with triparty agreements

In Review

- ◆ Federal facilities are subject to CERCLA similar to other entities, including liability
- ◆ E.O. 12580 designates the head of the Federal agency with jurisdiction over the facility as the lead agency
- ◆ EPA oversight of CERCLA actions at Federal facilities occurs at sites on the NPL and property transfers
- ◆ Federal agencies, such as DoD and DOE, have established comprehensive restoration programs