

DEC's Role in Department of Defense Site Cleanups

There are many military sites in Alaska that are contaminated with hazardous substances. Over 700 sites have been identified that may need cleanup. At active installations, the Department of Defense (DoD) branch using it (such as the Army, Navy or Air Force) usually leads the investigation and cleanup. At inactive installations the U.S. Army Corps of Engineers usually leads the investigation and cleanup.

The DEC has a statutory responsibility to conduct oversight on the cleanup of all contaminated sites statewide, no matter who or what the responsible party is. DEC also has the legal right to recover its oversight costs from responsible parties. This means that people or organizations that are responsible for contaminated sites must pay DEC back for DEC costs of oversight.

In light of DEC's role in the oversight of cleanup of contaminated sites, DEC and the DoD have signed an agreement called the **DoD – State Memorandum of Agreement, or DSMOA**. The DSMOA defines the process used for site cleanup, including sharing of site data and dispute resolution. The DSMOA allows for exchange of information on each site investigation and cleanup. DEC and DoD may also develop agreements for specific sites. These agreements may also include other agencies such as the Environmental Protection Agency (EPA). DSMOA also specifies how the DoD will reimburse the DEC for the costs of oversight. Some people and groups have expressed concern that DoD has "paid off" DEC. This is not the case, as DEC recovers its costs from all responsible parties. DEC's cost recovery process is outlined in a separate fact sheet, "Cost Recovery for Contaminated Sites."

The DoD agencies follow the Federal **Comprehensive Environmental Response,**

Compensation, and Liability Act (CERCLA) and National Contingency Plan (NCP) process for contaminated sites. Federal law provides for state participation in the cleanup process. This process provides flexibility in site cleanups. If no contamination is found that threatens human health or the environment, the cleanup can be stopped. Emergency cleanup can be done without further study, if contamination is more serious than originally thought.

Cleanup Process

❶ The CERCLA cleanup process begins with an initial screening of a site, called a **Preliminary Assessment**. Existing information about a site is gathered and reviewed to evaluate the likelihood that contamination exists. DEC regularly consults with the DoD agencies to assure that both DoD and DEC know about suspected contaminated sites and to review DoD priorities for investigating the sites. DEC has the opportunity to review the results of the Preliminary Assessments that DoD conducts. Based on the findings of a Preliminary Assessment, DEC may decide that further investigation is not needed.

❷ Where further investigation is needed, a **Site Investigation** is conducted to determine the types and extent of contamination at a site. The DoD agency leading the investigation prepares a work plan describing the soil, surface water, ground water, and air sampling to be conducted. DEC reviews the work plan and approves it or recommends changes to improve it. DEC also may oversee the investigation, including collecting additional samples for independent testing. After the investigation is completed, DEC reviews the investigation report to determine whether the investigation

has met the requirements of the DEC Contaminated Site Cleanup Regulations.

③ EPA also evaluates the results of the DoD Site Investigation and assigns the site a **Hazard Ranking System (HRS)** score. Sites that score high can be placed on the **National Priorities List (NPL)**, which allows EPA and DoD to set site cleanup priorities and seek additional cleanup funding from Congress, if needed. DEC does not score DoD sites because the federal government takes responsibility for the clean up and a State-funded cleanup is not needed.

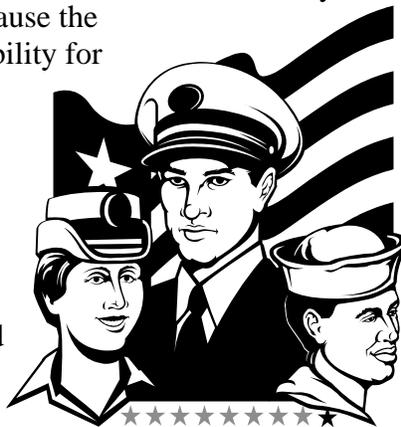
A **Restoration Advisory Board (RAB)** may be formed for a DoD contaminated site or installation where there is enough interest. Sometimes a single RAB is formed for a larger geographic area. The RAB serves as the main forum for the DoD and the local community to exchange information about the investigation and cleanup of a site. A DEC representative actively participates in the RAB, serving as a technical resource to the local RAB members.

④ Once the Site Investigation is complete and the types and extent of contamination are known, DoD conducts a **Remedial**

Investigation and a **Feasibility Study** to evaluate cleanup methods that are practical for use at the site. DEC, and sometimes also EPA, reviews the proposed cleanup or remedial action and approves the plans. DEC and EPA can require DoD to conduct further studies or adopt other recommendations to meet specific cleanup standards or concerns. DEC reviews the Remedial Investigation and Feasibility Study to make sure that the proposed plan meets the Contaminated Site Cleanup Regulations, as well as other applicable requirements.

⑤ After the proposed cleanup for a site has been approved by the DEC, the DoD agency develops a **Record of Decision (ROD)** for the site.

⑥ Cleanup takes place. DEC representatives oversee the cleanup as it is conducted to make sure that it is done according to the approved plans and cleanup goals. DEC representatives also may collect samples from the site to independently determine whether the cleanup is satisfactory.



This fact sheet is one of a series of free publications prepared by DEC to help people understand contaminated site cleanup issues. The others can be found at www.dec.state.ak.us/spar/faq.htm#csp

For More Information

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Glossary

CERCLA - the federal Comprehensive Environmental Response Compensation and Liability Act, also known as “Superfund.”

DOD - The United States Department of Defense. The DOD is made up of several departments and agencies, including the Departments of the Army, Air Force, and Navy and the Defense Logistics Agency.

DSMOA – the Department of Defense and State Memorandum of Agreement.

HRS - Hazard Ranking System. The HRS is EPA’s system of assigning numerical values to sites based on the types, extent, and risks that contamination at sites pose to people living nearby. The HRS allows EPA to compare different sites and establish cleanup priorities based on the risks of different sites.

NCP – *National Contingency Plan*. The National Oil and Hazardous Substances Pollution Contingency Plan, more commonly called the National Contingency Plan or NCP, is the federal government's blueprint for responding to both oil spills and hazardous substance releases.

National Priorities List (NPL) – List of sites that pose the most risk to human health and the environment nationally. Part of the CERCLA/Superfund legislation.

RAB - Restoration Advisory Board. A RAB is made up of local government representatives, local residents, and representatives from other appropriate federal and state government agencies.

ROD - Record of Decision. A written document that describes the cleanup and other remedial actions that will be taken and the reasons for taking the actions.

References

DEC. Oil and Hazardous Substances, 18 AAC 75.

Department of Defense - State of Alaska Memorandum of Agreement

EPA. National Contingency Plan, 40 CFR 302.

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