



Department of Defense **INSTRUCTION**

NUMBER 4715.07

May 21, 2013

Incorporating Change 2, August 31, 2018

USD(A&S)

SUBJECT: Defense Environmental Restoration Program (DERP)

References: See Enclosure 1

1. PURPOSE. This instruction:

a. In accordance with the authority in DoD Directive (DoDD) 5134.01 (Reference (a)) and the guidance in DoDD 4715.1E (Reference (b)), reissues DoD Instruction (DoDI) 4715.7 (Reference (c)) to establish policy, assign responsibilities, and provide procedures for implementing the DERP.

b. Establishes the DoD Cleanup Committee in accordance with the authority in Reference (a) and DoDI 5105.18 (Reference (d)) to identify, discuss, and provide recommendations to resolve DERP programmatic issues.

c. Incorporates and cancels Deputy Under Secretary of Defense for Installations and Environment Memorandum (Reference (e)).

2. APPLICABILITY. This instruction:

a. Applies to:

(1) OSD, the Military Departments, the Office of the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Combatant Commands, the Office of the Inspector General of the Department of Defense, the Defense Agencies, the DoD Field Activities, and all other organizational entities within the DoD (referred to collectively in this instruction as the "DoD Components").

(2) Environmental restoration when undertaken by a DoD Component within the United States.

b. Does not apply to:

(1) Civil works projects of the U.S. Army Corps of Engineers (USACE) and projects that USACE performs for non-DoD entities.

(2) Environmental remediation outside the United States.

c. Does not alter or delegate the authorities of the Secretary of Defense with regard to seeking or directing exemptions from the various environmental laws as discussed in Deputy Secretary of Defense Memorandum (Reference (f)).

3. POLICY. It is DoD policy to:

a. Reduce risk to human health and the environment because of its activities.

(1) Identify, evaluate and, where appropriate, respond to a release or threat of a release into the environment from DoD activities or DoD facilities involving:

(a) Hazardous substances.

(b) Pollutants or contaminants (including unexploded ordnance (UXO) on other than operational ranges).

(c) Hazardous waste or hazardous waste constituents.

(d) Petroleum, oil, or lubricants (POL), in certain circumstances.

(2) Implement Interim Risk Management (IRM) activities, when appropriate, to reduce potentially significant threats to human health at a site where DoD is not expected to conduct an investigation, removal action, or remedial action for an extended period of time. Coordinate IRM activities, as appropriate, with the applicable DoD Component offices (e.g., explosives safety, environmental and health officials), environmental regulators, safety officials, and stakeholders (e.g., property owners or users, representatives from communities surrounding the site). Review and adjust, as appropriate, the IRM activities implemented if new information becomes available.

(3) Consider and implement green and sustainable remediation opportunities in current and future remedial activities when feasible, consistent with Executive Orders (E.O.s) 13423 and 13514 (References (g) and (h)). In doing so, the DoD Component should not, under most circumstances, re-open decision documents and agreements already in place with environmental regulators.

(4) Select response actions, where practicable, at closing and realigning installations that are consistent with redevelopment actions.

(5) Demolish and remove unsafe buildings and structures in accordance with DoD Manual 4715.20 (Reference (i)).

b. Facilitate compliance with applicable statutes, regulations, E.O.s, and other legal requirements governing environmental restoration by providing necessary policy, procedures, and implementing guidance.

(1) Execute DERP at facilities currently or previously under the jurisdiction of the Secretary of Defense in accordance with sections 2701(a)(1) and 2701(c) of Title 10, United States Code (U.S.C.) (Reference (j)).

(2) Conduct environmental restoration activities in accordance with:

(a) Primarily sections 9601-9675 of Title 42, U.S.C. (also known as the “Comprehensive Environmental Response, Compensation, and Liability Act of 1980” and referred to in this instruction as “CERCLA,” (Reference (k))).

(b) When appropriate, sections 6924(u), 6924(v), and 6928(h) of Reference (k) (also known as the “Resource Conservation and Recovery Act of 1976” and referred to in this instruction as “RCRA”) and other applicable federal, State, interstate, and local requirements.

(3) Use the Environmental Restoration Accounts (ERAs) established by section 2703(a) of Reference (j) and the Base Realignment and Closure (BRAC) accounts established by section 2906 of Public Law 101-510 (Reference (l)) as the sole sources of funding for environmental restoration activities, regardless of the statutory authority governing the activity or the date of the release, unless otherwise excepted by law.

c. Maximize DERP transparency, public participation, and collaboration.

(1) Involve, as appropriate, the Environmental Protection Agency (EPA) and other federal, State, Indian tribal, and local regulatory agencies throughout the environmental restoration process, including providing adequate opportunity for timely review and comment and taking proactive steps to identify and address stakeholder concerns.

(a) Seek written regulatory agreement from the appropriate environmental regulators on response complete determinations.

(b) Provide the 5-year review report (or similar document) to the appropriate regulator for review and comment.

(2) Promote and support participation by affected federal land managers and the public throughout the DERP process.

d. Maximize DERP execution effectiveness and efficiency.

(1) Facilitate the development and transition of cost-effective innovative technologies and process improvements in the restoration process.

- (2) Promote DERP efficiency and consistent execution through oversight.
4. RESPONSIBILITIES. See Enclosure 2.
5. PROCEDURES. See Enclosure 3.
6. INFORMATION COLLECTION REQUIREMENTS. The data collected in the DERP Information System, referred to in paragraph 2f of Enclosure 2 of this instruction, is submitted to Congress as part of the Defense Environmental Programs Annual Report to Congress, which is referred to in paragraph 2h of Enclosure 2 of this instruction. The Report to Congress is composed in accordance with section 2711 of Reference (j) and is coordinated with the Office of the Assistant Secretary of Defense for Legislative Affairs in accordance with the procedures in DoDI 5545.02 (Reference (m)).
7. RELEASABILITY. **Cleared for public release.** This instruction is available on the Directives Division Website at <http://www.esd.whs.mil/DD/>.
8. SUMMARY OF CHANGE 2. This change reassigns the office of primary responsibility for this instruction to the Under Secretary of Defense for Acquisition and Sustainment in accordance with the July 13, 2018 Deputy Secretary of Defense Memorandum (Reference (n)).
9. EFFECTIVE DATE. This instruction is effective May 21, 2013.



Frank Kendall
Under Secretary of Defense for
Acquisition, Technology, and Logistics

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ENCLOSURE 1

REFERENCES

- (a) DoD Directive 5134.01, "Under Secretary of Defense for Acquisition, Technology, and Logistics (USD(AT&L))," December 9, 2005, as amended
- (b) DoD Directive 4715.1E, "Environment, Safety, and Occupational Health (ESOH)," March 19, 2005
- (c) DoD Instruction 4715.7, "Environmental Restoration Program," April 22, 1996 (hereby cancelled)
- (d) DoD Instruction 5105.18, "DoD Intergovernmental and Intragovernmental Committee Management Program," July 10, 2009, as amended
- (e) Deputy Under Secretary of Defense for Installations and Environment Memorandum, "Reimbursement of State Activities in Support of the Defense Environmental Restoration Program (DERP)," June 18, 2008 (hereby cancelled)
- (f) Deputy Secretary of Defense Memorandum, "Consideration of Requests for Use of Existing Exemptions Under Federal Environmental Laws," March 7, 2003
- (g) Executive Order 13423, "Strengthening Federal Environmental, Energy, and Transportation Management," January 24, 2007
- (h) Executive Order 13514, "Federal Leadership in Environmental, Energy, and Economic Performance," October 5, 2009
- (i) DoD Manual 4715.20, "Defense Environmental Restoration Program (DERP) Management," March 9, 2012
- (j) Title 10, United States Code
- (k) Title 42, United States Code
- (l) Section 2906 of Public Law 101-510, "Defense Base Closure and Realignment Act of 1990," November 5, 1990
- (m) DoD Instruction 5545.02, "DoD Policy for Congressional Authorization and Appropriations Reporting Requirements," December 19, 2008
- (n) Deputy Secretary of Defense Memorandum, "Establishment of the Office of the Under Secretary of Defense for Research and Engineering and the Office of the Under Secretary of Defense for Acquisition and Sustainment," July 13, 2018
- (o) Executive Order 12580, "Superfund Implementation," January 23, 1987, as amended
- (p) Executive Order 13016, "Amendment to Executive Order No. 12580," August 28, 1996
- (q) Title 40, Code of Federal Regulations
- (r) Memorandum of Understanding Between the Agency for Toxic Substances and Disease Registry, U.S. Public Health Service, and the Department of Defense, "The Development of Toxicological Profiles for Hazardous Substances and Public Health Assessments and Related Activities at DoD Facilities," September 23, 2015
- (s) DoD Directive 5145.01, "General Counsel of the Department of Defense, (GC DoD)," December 2, 2013, as amended
- (t) DoD Instruction 5030.7, "Coordination of Significant Litigation and Other Matters Involving the Department of Justice," August 22, 1988
- (u) DoD 7000.14-R, "Department of Defense Financial Management Regulations (FMRs)," current edition

- (v) Deputy Under Secretary of Defense for Environmental Security, "Relative Risk Site Evaluation Primer," Summer 1997
- (w) Title 32, Code of Federal Regulations
- (x) Deputy Secretary of Defense Memorandum, "Demilitarization of Non-Stockpile Chemical Warfare Munitions, Agents and By-Products," March 13, 1991
- (y) Page 28835 of Volume 57, Federal Register, June 29, 1992
- (z) Office of the Secretary of Defense Handbook, "Restoration Advisory Board Rule Handbook," March 2007

ENCLOSURE 2

RESPONSIBILITIES

1. UNDER SECRETARY OF DEFENSE FOR ACQUISITION, TECHNOLOGY, AND LOGISTICS (USD(AT&L)). The USD(AT&L):

- a. Serves as the decision authority for the DERP and delegates program authority, as appropriate, pursuant to paragraphs E2.1.1.15. and E2.1.1.16. of Reference (a).
- b. Establishes policy and issues guidance for the DERP, including establishing program scope, goals, and priorities.
- c. Provides oversight of the DERP.

2. ASSISTANT SECRETARY OF DEFENSE FOR ENERGY, INSTALLATIONS, AND ENVIRONMENT (ASD(EI&E)). Under the authority, direction, and control of the USD(AT&L), the ASD(EI&E):

- a. Protects human health and the environment by executing the responsibilities and exercising the authorities of the Secretary of Defense pursuant to:

- (1) Chapter 160 of Reference (j).
- (2) Those Presidential authorities in CERCLA delegated to the Secretary of Defense pursuant to E.O. 12580 (Reference (o)) and E.O. 13016 (Reference (p)).
- (3) Part 300 of Title 40, Code of Federal Regulations (CFR) (also as “The National Oil and Hazardous Substances Pollution Contingency Plan known and referred to in this instruction as “NCP” (Reference (q)).
- (4) RCRA corrective action provisions and any associated implementing regulations found in Reference (q).

- b. Provides goals, guidance, metrics, procedures, and reporting and eligibility requirements needed for consistent and effective accounting, acquisition, budgeting, execution, oversight, and planning of DERP activities by the DoD Components.

- c. Develops other DoD issuances and revisions to this instruction for consideration by the USD(AT&L).

- d. Coordinates with the Under Secretary of Defense (Comptroller)/Chief Financial Officer, Department of Defense (USD(C)/CFO) to include information on preparing financial audits and reporting environmental liabilities in DERP policy and guidance.

e. Oversees DERP execution, including conducting program reviews and analyzing and evaluating DoD Component DERP execution.

(1) Comments on and compiles the program objective memorandum (POM) for the Defense-wide ERA, which includes non-BRAC funding for the ASD(EI&E), the Defense Logistics Agency (DLA), the Defense Threat Reduction Agency, and Formerly Used Defense Sites (FUDS).

(a) Prepares the budget exhibits for the Defense-wide ERA budget estimate submission and President's Budget.

(b) Submits the POM and budget exhibits to the Director, Cost Assessment and Program Evaluation (DCAPE), and USD(C)/CFO through the Select and Native Programming Data Input System (SNaP).

(2) Reviews and evaluates the DoD Component ERA and BRAC account POM and budget submissions. Makes recommendations to the DCAPE and USD(C)/CFO about those submissions.

(3) Reviews budget preparation formats and SNaP requirements and proposes updates to the DCAPE and USD(C)/CFO.

f. Designates and maintains the official central DoD-wide DERP information system that is the official source of all DERP site and programmatic information. Issues annual and ad hoc data calls as necessary. Collects performance and financial information for program analysis, oversight, and development of the "Defense Environmental Programs Annual Report to Congress" as stated in paragraph 2h of this section.

g. Provides oversight of the Defense and State Memorandum of Agreement (DSMOA) program, the FUDS program, and DoD interaction with the Agency for Toxic Substances and Disease Registry (ATSDR).

(1) Provides oversight of the DSMOA program and guidance to the Secretary of the Army as lead agent for the DSMOA program. Signs DSMOAs with interested States for active installations, BRAC locations, and FUDS.

(2) Provides oversight, including guidance, planning, programming, and budgeting, to the Secretary of the Army as lead agent for the FUDS program.

(3) Provides oversight of and guidance to the Secretary of the Army for execution of DoD responsibilities under the Memorandum of Understanding Between the ATSDR, U.S. Public Health Service, and the DoD (Reference (r)).

h. Pursuant to section 2711 of Reference (j), prepares and issues the "Defense Environmental Programs Annual Report to Congress."

- i. Coordinates with other federal agencies and with State and Indian tribal governments regarding DERP issues related to their authorities.
- j. Responds to congressional, inter-agency, and inter-governmental requests for information related to DERP.
- k. Negotiates and signs agreements to support DERP execution, as appropriate, with other organizations (e.g., ATSDR, EPA).
- l. Evaluates potential DoD Component involvement in a third-party site (TPS) when multiple DoD Components are involved.
- m. Establishes and issues a charter or operating principles, as appropriate, for the DoD Cleanup Committee.
- n. Facilitates the development and transition of cost-effective innovative technologies.
- o. Delegates program authority, as appropriate.

3. DIRECTOR, DLA. Under the authority, direction, and control of the USD(AT&L), the Director, DLA, assumes responsibility for TPS claims arising from a DLA sale or disposal contract.

4. USD(C)/CFO. The USD(C)/CFO:

a. Incorporates appropriate changes to the ERA and BRAC account budget preparation formats to provide a format for the DoD Components to submit appropriate, meaningful data.

b. Consults with the ASD(EI&E) regarding the ERA and BRAC account budget submissions.

c. Reviews and adjusts, as appropriate, the DoD Component ERA and BRAC account budget submissions.

d. Coordinates with the ASD(EI&E) and DoD Component financial management offices to produce complete and accurate financial reports on ERA and BRAC accounts funding and environmental liabilities.

5. DCAPE. The DCAPE:

a. Reviews and analyzes DoD Component ERA and BRAC account POM submissions.

b. Coordinates with the ASD(EI&E) on DoD Component ERA and BRAC account programming, including SNaP requirements, POM submissions, and program review decisions.

6. GENERAL COUNSEL OF THE DEPARTMENT OF DEFENSE. Through the Deputy General Counsel for Environment and Installations, the General Counsel of the Department of Defense:

a. Provides authoritative legal advice and counsel to OSD organizations and, as appropriate, other DoD Components regarding environmental restoration issues.

b. Determines the DoD position on specific legal problems and matters of legal policy related to environmental restoration, including litigation and defenses raised, pursuant to paragraph 3.10 of DoDD 5145.01 (Reference (s)) and DoDI 5030.7 (Reference (t)).

c. Evaluates TPS claims when multiple DoD Components are involved and determines which DoD Component will take the lead for legal defense at the TPS.

d. Responds to congressional, inter-agency, and inter-governmental requests for information related to DERP or CERCLA litigation or legal matters.

7. DoD COMPONENT HEADS WITH DERP RESPONSIBILITIES. The DoD Component heads with DERP responsibilities:

a. Subject to the concurrent authority of the USD(AT&L) and ASD(EI&E) and pursuant to USD(AT&L) policy and ASD(EI&E) guidance, conduct DERP activities by:

(1) Exercising the authorities of the Secretary of Defense in:

(a) Sections 2701(a)(1), 2701(c)(3), 2701(d)(1), 2702 (but only in coordination with the Strategic Environmental Research and Development Program and Environmental Security Technology Certification Program Director), 2705 (other than 2705(d)(2)), 2709, 2710(a), 2710(b)(2), and 2710(c) of Reference (j).

(b) Section 9622(h) of CERCLA.

(c) Those Presidential authorities in CERCLA delegated to the Secretary of Defense by Reference (o), including section 9606(a) in Reference (p), which is to be exercised only with the concurrence of the EPA Administrator.

(2) Executing all environmental restoration activities in accordance with NCP and other legal requirements, this instruction, and any other issuances (e.g., Reference (i), DoD 7000.14-R (Reference (u))), policies, guidance, procedures, goals, metrics, and reporting requirements established by OSD for execution of environmental restoration activities by the DoD Components.

- b. Manage their DERP responsibilities, subject to the oversight of the ASD(EI&E).
- c. Serve as the lead agency at DERP sites, executing lead agency responsibilities (e.g., site prioritization, sequencing, executing responses) pursuant to CERCLA, Reference (o), and NCP.
- d. Plan, program, and budget their ERA and BRAC accounts to execute DERP consistent with the goals, issuances, guidance, metrics, policies, procedures, and reporting requirements established by OSD for accounting, acquisition, budgeting, execution, oversight, and planning of environmental restoration activities.
- e. Monitor and oversee execution and progress for each of their DERP sites.
- f. Collect and maintain data and documentation by DERP site, submitting updated data to the official central DoD-wide system of records as directed by the ASD(EI&E); respond to ASD(EI&E) data calls and other requests for information.
- g. Determine the sequence for funding actions at DERP sites by evaluating the relative risk and explosive hazard to human health and the environment using the “Relative Risk Site Evaluation Primer” (Reference (v)) or part 179 of Title 32, CFR (also known as the “Munitions Response Site Prioritization Protocol”) (Reference (w)), as appropriate.
- h. Pursuant to paragraph 7a(1)(a) of this enclosure, CERCLA, NCP, and other applicable laws and regulations, coordinate with federal, State, Indian tribal, and appropriate local environmental regulators to execute response actions at DERP sites under the DoD Component’s authority.
- i. Execute responsibilities as required in agreements between the DoD and other organizations to support DERP execution.
- j. Meet all public participation requirements for the environmental restoration process consistent with sections 2701 and 2705 of Reference (j), CERCLA, NCP, and other applicable laws and regulations.
- k. Assist government legal counsel in defending TPS claims alleging the liability of DoD Components under any law related to environmental restoration.
- l. Facilitate the development and use of innovative technologies for DERP applications.
- m. For the receiving DoD Component, assume environmental restoration actions and responsibility for property transferred from another DoD Component.
- n. Maintain the official administrative record.

8. SECRETARY OF THE ARMY. The Secretary of the Army, in addition to the responsibilities in section 7 of this enclosure:

a. Acts as lead agent for:

(1) The DSMOA Program, subject to ASD(EI&E) oversight pursuant to paragraph 2g of this enclosure. This includes:

(a) Negotiating DSMOAs for ASD(EI&E) signature with interested States to facilitate their provision of services in support of restoration at installations, BRAC locations, and FUDS properties.

(b) Notifying the DoD Components of the costs of each cooperative agreement in a timely manner to enable the DoD Components to plan, program, and budget accordingly.

(c) Reporting on program progress.

(2) The FUDS program, subject to the oversight of the ASD(EI&E) and in accordance with paragraph 2g of this enclosure. This includes:

(a) Identifying to the ASD(EI&E) funding required for the FUDS program.

(b) Conducting restoration activities at eligible properties on behalf of the DoD.

(c) Exercising the authority of the Secretary of Defense in Reference (j), as described in paragraph 7a of this enclosure, to conduct response actions as the DoD lead agency at the FUDS.

(d) Reporting on program progress.

(3) DoD interaction with ATSDR, exercising the authorities and responsibilities provided in sections 2704(a), 2704(c), 2704(d), and 2704(e) of Reference (j), subject to ASD(EI&E) oversight pursuant to paragraph 2g of this enclosure, and performing the responsibilities in Reference (r). This includes notifying the DoD Components of the costs in a timely manner to enable them to plan, program, and budget accordingly and reporting on program progress.

b. As the DoD Executive Agent for Chemical Demilitarization pursuant to the Deputy Secretary of Defense Memorandum (Reference (x)), is responsible for recovered chemical warfare material at DERP eligible sites.

ENCLOSURE 3

PROCEDURES

1. In accordance with this instruction, the DoD Components:

a. Protect human health, safety, and the environment by conducting environmental restoration activities pursuant to chapter 160 of Reference (j), and in accordance with CERCLA and other applicable federal, State, interstate, and local requirements addressing environmental restoration (e.g., RCRA corrective action). The DoD Components normally follow the CERCLA remedial action process when conducting environmental restoration activities pursuant to section 2701(a) of Reference (j).

(1) The DoD Components maximize the use of their DERP authority and delegated CERCLA authorities (e.g., as a lead agency).

(2) The DoD Components address UXO as a CERCLA pollutant or contaminant on other than operational ranges.

b. Maintain an inventory of all DERP-eligible sites, environmental restoration as identified in section 2 of Enclosure 3 of Reference (i), as a permanent record. The DoD Components update the inventory as appropriate according to the annual ASD(EI&E) data call. The inventory consists of:

(1) Installation Restoration Program (IRP) sites.

(2) Military Munitions Response Program (MMRP) sites. The DoD Components annually review and update the MMRP inventory and site prioritization list to reflect new information that becomes available in accordance with section 2710(c) of Reference (j) and the annual ASD(EI&E) data call.

(3) Building demolition and debris removal program sites.

c. Plan, program, and budget the ERA and BRAC accounts to execute DERP pursuant to the goals, metrics, issuances, policies, guidance, procedures, and reporting requirements established by the ASD(EI&E) for accounting, acquisition, budgeting, execution, oversight, and planning of environmental restoration activities by the DoD Component.

d. Manage and oversee environmental restoration activities funded under their ERA and BRAC accounts by:

(1) Developing management plans for each installation or each FUDS property that identify all DERP sites, planned activities, schedules, and costs.

(2) Overseeing contractor activities at DERP sites.

(3) Tracking and reporting on schedules, costs, and progress relative to performance milestones. Program progress will be measured in terms of:

(a) Reducing risk to human health and the environment through implementing effective, legally compliant, and cost-effective response actions.

(b) Having final remedies in place and completing response actions as quickly as possible.

(c) Fulfilling other established milestones to demonstrate progress toward meeting program goals.

(d) Taking actions necessary to protect human health and the environment from imminent hazards before property transfer.

(4) Preparing documentation and maintaining records necessary to support program and financial audits.

e. Collect, retain, classify, and store DERP records in accordance with applicable statutes, regulations, and their respective DoD Component records management directives.

f. Conduct public participation activities consistent with sections 2701 and 2705 of Reference (j), CERCLA, NCP, and other applicable laws and regulations by ensuring timely public access to information, opportunity for public comment on proposed remedial actions and, if feasible, removal actions, and to consider public comments in the response action decision-making process. Establish technical review committees (TRCs) or restoration advisory boards (RABs) where there is sufficient and sustained community interest, pursuant to part 202 of Reference (w).

(1) Provide EPA and affected federal, State, interstate, Indian tribal, and local officials with notice of discrete phases of a response (e.g., discovery of a release, proposed response actions, initiation of response action) and adequate opportunity for timely review and comment for response actions pursuant to section 2705 of Reference (j).

(2) Take proactive steps to identify and address, when appropriate, issues of concern to stakeholders.

(3) Involve the local community in the environmental restoration process as early as possible and seek continued community involvement throughout the environmental restoration process.

(4) Make opportunities for technical assistance through the DoD Technical Assistance for Public Participation (TAPP) Program available to community members of RABs or TRCs consistent with section 2705(e) of Reference (j) and the TAPP regulations at part 203 of Reference (w).

g. Negotiate and sign federal facility agreements and other types of federal and State restoration agreements, as appropriate. Agreements will address the relationships between agencies, reflect budget constraints, and allow for flexibility of schedules. All such agreements will be subject to the inter-Component review periods established by the ASD(EI&E).

h. Enter into agreements, as necessary, on a reimbursable (e.g., DSMOA) or other basis for services provided by State agencies to assist the DoD in carrying out the responsibilities of the Secretary of Defense pursuant to section 2701 of Reference (j) at active installations, BRAC locations, and FUDS properties. Alternative approaches to DSMOA are subject to the appropriate State regulatory agency agreeing to negotiate a separate agreement that complies with all applicable legal requirements. DoD Components must notify the ASD(EI&E) at least 60 days in advance of signing such an agreement to ensure an orderly withdrawal from the DSMOA program.

i. Execute their responsibilities as CERCLA trustee on behalf of the public for natural resources the DoD Component manages or controls, pursuant to section 9607(f) of CERCLA. The DoD is not a natural resource trustee at FUDS.

2. The DoD Cleanup Committee:

- a. Operates under a charter or operating principles issued by the ASD(EI&E).
- b. Is composed of representatives from the DoD Components with DERP responsibilities.
- c. Identifies, discusses, and provides recommendations to the ASD(EI&E) regarding DERP programmatic issues.

GLOSSARY

PART I. ABBREVIATIONS AND ACRONYMS

ASD(EI&E)	Assistant Secretary of Defense for Energy, Installations, and Environment
ATSDR	Agency for Toxic Substances and Disease Registry
BRAC	Base Realignment and Closure
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act of 1980
CFR	Code of Federal Regulations
DCAPE	Director, Cost Assessment and Program Evaluation
DERP	Defense Environmental Restoration Program
DLA	Defense Logistics Agency
DoDD	DoD Directive
DoDI	DoD Instruction
DSMOA	Defense and State Memorandum of Agreement
E.O.	Executive Order
EPA	Environmental Protection Agency
ERA	Environmental Restoration Account
FUDS	Formerly Used Defense Sites
IRM	interim risk management
IRP	Installation Restoration Program
MMRP	Military Munitions Response Program
NCP	National Oil and Hazardous Substances Pollution Contingency Plan
POL	petroleum, oil, or lubricants
POM	program objective memorandum
RAB	restoration advisory board
RCRA	Resource Conservation and Recovery Act of 1976
SNaP	Select and Native Programming Data Input System
TAPP	technical assistance for public participation
TPS	third-party site

TRC	technical review committee
USACE	U.S. Army Corps of Engineers
U.S.C.	United States Code
USD(AT&L)	Under Secretary of Defense for Acquisition, Technology, and Logistics
USD(C)/CFO	Under Secretary of Defense (Comptroller)/Chief Financial Officer, Department of Defense
UXO	unexploded ordnance

PART II. DEFINITIONS

Unless otherwise noted, these terms and their definitions are for the purposes of this instruction.

BRAC. A congressionally authorized process to close and realign military installations.

BRAC locations. Installations that are being or have been closed or are being realigned by BRAC but are still under the jurisdiction of the DoD and those properties that have been transferred out of the DoD by the BRAC process but where the DoD retains restoration responsibilities.

building demolition and debris removal program. The demolition and removal of unsafe buildings and structures at facilities or sites that are or were under the jurisdiction of the Secretary of Defense and owned by, leased to, or otherwise possessed by the United States (including governmental entities that are the legal predecessors of the DoD or the DoD Component) and that were unsafe at the time of transfer and have not been beneficially used since transfer by any other party. One of three DERP program categories.

chemical warfare material. Defined in subpart 179.3 of Reference (w).

decision document. A generic term used to describe the documentation for the selection of a removal action, remedial action, or other type of environmental restoration action. Examples of decision documents include an action memorandum (i.e., document describing a removal action selected in accordance with subpart 300.415 of NCP) and record of decision.

defense site. Defined in subsection 2710(e)(1) of Reference (j).

DERP. Defined in subsection 2701(c) of Reference (j).

discarded military munitions. Defined in subsection 2710(e)(2) of Reference (j).

DSMOA. An agreement entered into between the DoD and a State pursuant to section 2701(d) of Reference (j) and Page 28835 of Volume 57, Federal Register (Reference (y)).

environmental liabilities. Defined in chapter 13 of Volume 4 of Reference (u).

explosive hazard. Defined in subpart 179.3 of Reference (w).

facility. Defined in section 2700(2) of Reference (j).

FUDS. A facility or site that was under the jurisdiction of the Secretary of Defense and owned by, leased to, or otherwise possessed by the United States at the time of actions leading to contamination by hazardous substances. The FUDS Program is limited to those real properties that were transferred from DoD control prior to October 17, 1986. FUDS properties are located in the United States.

green and sustainable remediation. Using strategies that consider all environmental effects of remedy implementation and operation and incorporating options to maximize the overall environmental benefit of response actions.

hazardous substance. Defined in section 2700(2) of Reference (j).

installation. A base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the DoD, including any leased facility, that is located within the United States. Such term does not include FUDS or any facility used primarily for civil works, rivers and harbors projects, or flood control projects.

IRM activities. Actions taken, as appropriate, to reduce potentially significant threats to human health at a site where DoD does not expect to conduct an investigation, removal action, or remedial action for an extended period of time. IRM activities may include, but are not limited to: notifying property owners, placing signage, conducting community outreach and education programs, coordinating with local government officials, or requesting others to take actions for matters within their control. IRM activities, which the DoD Components may implement individually or layered, will vary based on the site-specific conditions and the available site information. IRM activities do not include removal actions (e.g., fencing, providing drinking water) or remedial actions, and the DoD Components should continue to follow the requirements of the NCP for response actions.

IRP. The IRP category is based on the statutory authority in sections 2701(b)(1) and 2701(b)(2) of Reference (j). IRP sites require response actions to address releases of hazardous substances or pollutants or contaminants; POLs; hazardous wastes or hazardous waste constituents; and explosive compounds released to soil, surface water, sediment, or groundwater as a result of ammunition or explosives production or manufacturing at ammunition plants. The IRP category also includes response activities to address UXO, discarded military munitions, or munitions constituents posing an explosive, human health, or environmental hazard that are incidental to an existing IRP site. One of three DERP program categories.

land use control. Any type of physical, legal, or administrative mechanism that restricts the use of or limits access to real property to prevent or reduce risks to human health and the environment. Physical mechanisms encompass a variety of engineered remedies to contain or reduce contamination and physical barriers to limit access to property, such as fences or signs.

The legal mechanisms used for land use controls are generally the same as those used for institutional controls as discussed in NCP. Legal mechanisms include restrictive covenants, negative easements, equitable servitudes, and deed notices. Administrative mechanisms include notices, adopted local land use plans and ordinances, construction permitting, or other land use management systems to ensure compliance with use restrictions.

long-term management. Environmental monitoring, review of site conditions, and maintenance of a remedial action to ensure continued protection as designed once a site achieves response complete. Long-term management includes the operations and maintenance measures required to maintain the effectiveness of response actions and should be used until no further response actions are appropriate or anticipated. Examples of long-term management include landfill cap maintenance, leachate disposal (i.e., disposing of undesirable liquid material that drains from land or stockpiled material), fence monitoring and repair, performance of 5-year reviews, and land use control maintenance.

military munitions. Defined in subsection 101(e)(4) of Reference (j).

MMRP. This category was established to meet the DERP goals in sections 2710 and 2701(b)(2) of Reference (i) and includes munitions response areas and munitions response sites that are known or suspected to contain UXO, discarded military munitions, or munitions constituents. The MMRP does not include UXO, discarded military munitions, or munitions constituents at operational ranges, operating storage or manufacturing facilities, or facilities that are used for or were permitted for the treatment or disposal of military munitions. The DoD Component may also include in the MMRP category sites where addressing the release of hazardous substances or pollutants or contaminants is incidental to the munitions response. One of three DERP program categories.

munitions constituents. Defined in subsection 2710(e)(3) of Reference (i).

munitions response. Defined in subpart 179.3 of Reference (w).

munitions response area. Defined in subpart 179.3 of Reference (w).

munitions response site. Defined in subpart 179.3 of Reference (w).

operational range. Defined in subsection 101(e)(3) of Reference (i).

pollutant or contaminant. Defined in section 2700(2) of Reference (i).

RAB. Defined in chapter 1 of the OSD Handbook (Reference (z)).

record of decision. Documents the selection of remedial action for a site addressed pursuant to CERCLA authority and serves to:

Certify that the remedy selection process was carried out in accordance with CERCLA and, to the extent practicable, with NCP.

Describe the technical parameters of the remedy, specifying the methods selected to protect human health and the environment including treatment, land use controls, and cleanup levels.

Provide the public with a consolidated summary of information about the site and the selected remedy, including the rationale behind the selection.

relative risk site evaluation. A single, consistent DoD-wide approach for evaluating the relative risk to human health and the environment posed by the chemical contamination present at an IRP site. Evaluation of contaminants present, environmental migration pathways, and receptors results in the placement of sites into relative risk categories of “high,” “medium,” or “low.” These categories are used in prioritizing sites and sequencing the implementation of environmental restoration activities.

remedial action. Defined in section 9601(24) of CERCLA.

remedial action-construction. The period of time in which a response action is being implemented but is not yet operating as designed. At the end of this phase of work, a remedy is in place.

remedial action-operation. The period of time that a selected remedy must operate before achieving remedial action objectives. At the end of this phase of work, the response is complete.

remedy in place. Designation that a final remedial action has been constructed, is functional, and is operating as planned in the remedial design and would be expected to meet the remedial action objectives detailed in the decision document. Examples of remedy in place are a soil vapor extraction system or an *in situ* chemical treatment system (i.e., clean-up is performed using and simulating natural processes) that is installed and operating as designed and for which performance data indicate the system will achieve remedial action objectives, thus demonstrating proper operation of the system. Because remedial action objectives have not been met, the site cannot be considered response complete.

removal. Defined in section 2700(2) of Reference (j).

response action. Identification, investigation, removal actions, remedial actions, or a combination of removal and remedial actions.

response complete. A milestone signifying that the DoD Component has met the remedial action objectives for a site, documented the determination, and sought regulatory agreement. Response complete signifies that DoD has determined at the end of the preliminary assessment or site inspection or remedial investigation that no additional response action is required; achieved remedy in place and the required remedial action-operation has achieved the remedial action objectives; or where there is no remedial action-operation phase, then the remedial action-construction has achieved the remedial action objectives. Long-term management may occur after response complete is achieved.

site. A distinct geographic area containing one or more releases or threatened releases of hazardous substances treated as a discrete entity or consolidated grouping for response purposes.

site inspection. Defined in subpart 300.5 of NCP.

State. Includes the several States, the District of Columbia, the Commonwealths of Puerto Rico and the Northern Marianas Islands, Guam, American Samoa, and the U.S. Virgin Islands.

TPS. A site never owned by, leased to, or otherwise possessed by the United States government, never under DoD jurisdiction, and where the DoD is a potentially responsible party pursuant to CERCLA.

TRC. Defined in subpart 203.3 of Reference (w).

United States. Defined in section 9601(27) of CERCLA.

UXO. Defined in subsection 101(e)(5) of Reference (j).