

3.0 FAST TRACK CLEANUP PROGRAM IMPLEMENTATION

3.1 EPA Roles and Responsibilities

To support the Fast Track Cleanup Program effectively, OSWER, the Regions, and appropriate Regional personnel will work together and carry out general roles and specific responsibilities described in the following sections. EPA Regional personnel who support Fast Track Cleanup will be managed by the Regional offices and will be accountable to appropriate Regional Division Directors and, ultimately, to the National Program Manager in OSWER.

3.1.1 The Office of Solid Waste and Emergency Response (OSWER)

FFRRO is responsible for allocating and accounting for Fast Track resources and developing Agency policy and guidance, in conjunction with Regional programs, for EPA's implementation of the Fast Track Cleanup Program. FFRRO will coordinate internally with other Headquarters offices, including the Federal Facilities Enforcement Office, and with the Regions, as EPA implements the Fast Track Cleanup Program. FFRRO will review and comment on Regional Fast Track Implementation Plans developed by the Division Directors. FFRRO will monitor progress, provide technical assistance, provide training, assist Regions with problem resolution, and work to ensure national consistency in the implementation of the program.

FFRRO is also responsible for external communications regarding EPA's implementation of Fast Track Cleanup. FFRRO will provide a compilation of the Regional bimonthly reports to DoD on program progress and issues of national concern. Also, FFRRO will interact with DoD and Congress on national policy and legislative issues and coordinate activities with various state groups (e.g.,

the National Governors Association (NGA), the National Association of Attorneys General (NAAG), and the Association of State and Territorial Solid Waste Management Officials (ASTSWMO)). The Assistant Administrator for OSWER, or his designee, represents EPA on the Defense Environmental Response Task Force, a Congressionally mandated interagency task force that examines environmental issues associated with the cleanup and reuse of BRAC installations to identify and recommend ways to expedite and improve environmental response actions.

3.1.2 Regional Waste Management Divisions

EPA Regional Waste Management Divisions (or other organizational units), state environmental regulatory agencies, and DoD, will form a BRAC Cleanup Team (BCT) for each Fast Track location. The BCT will be comprised of representatives from the EPA Region, the state, and DoD. The BCT will serve as the primary forum in which issues affecting the execution of cleanup to facilitate reuse will be addressed.

EPA's Regional representative on the BCT is the Remedial Project Manager (RPM). The RPM designated for each Fast Track Cleanup location or locations will work for the Regional Waste Management Division (or other organizational unit) and will have the responsibilities and implementation authorities for EPA's technical assistance, guidance, and oversight of environmental cleanup programs related to the transfer of the Fast Track Cleanup location's real property. The RPM should have experience and grade commensurate with the responsibilities of the position.

The Region should consider factors such as the status and complexity of the cleanup program at the Fast Track Cleanup location, the impact of the closure on the community, and the potential for economic reuse, in determining whether to dedicate an RPM to a Fast Track Cleanup location or assign an RPM to more than one location. It is anticipated that Regions will assign a dedicated RPM to Fast Track locations on the NPL; however, there may be factors that lead a Region to decide that a greater or lesser degree of support is necessary. The Region should consider input from the military services and states in making these decisions.

The EPA RPM will be supported by a team of EPA experts that will work across Fast Track Cleanup locations, depending upon the needs at a particular location at a given time. The EPA support team will include experts in such areas as hydrogeology, health risk assessment and toxicology, ecological risk assessment, engineering, community relations, field work support (sampling

and site assessment), and clean parcel identification. Administrative, management, NEPA, and legal support will also be provided to address regulatory complexities and policy issues.

The EPA RPM and the support team should be empowered to make decisions locally to the maximum extent possible. EPA has delegated Fast Track Cleanup related authorities to the Regional Administrators (RAs), i.e., delegation 14-39, "Concurrence on Identification of Uncontaminated Federal Real Property" and 14-40, "Evaluation of Approved Remedial Design". The RAs have in turn redelegated the authorities to lower levels within their organizations. Regional personnel should be familiar with their internal delegation of authorities. Should the need arise, the RPM and support team will have the ability to raise issues immediately to senior EPA Regional or Headquarters officials for resolution.

Specific Regional responsibilities inherent to carrying out the Fast Track Cleanup Program include:

- / Identifying the RPM and other members of the support team and notifying OSWER of those individual's names and addresses, as well as any changes.
- / Delegating to the lowest practical level, authority and responsibility for the review and approval of all environmental restoration activities, including those related to the transfer of real property within a BRAC Cleanup Plan (BCP).
- / Ensuring that all RPMs are adequately trained to execute their responsibilities.
- / Applying the joint DoD/EPA guidelines for establishing and operating RABs. The guidelines emphasize the need for the RAB to be representative of all community interests. Special care should be taken to consider community diversity and environmental justice.
- / Ensuring that resources (e.g., technical, legal expertise) are available to the RPM and developing a means for ensuring that resources allocated are being used for Fast Track Cleanup.
- / Developing a Regional Fast Track Cleanup Implementation Plan addressing in particular, the allocation of, and method of accounting for, Fast Track-dedicated resources; provision of technical/scientific and other support to the RPM; and, prioritization of staff activities.

- / Providing regular reporting to OSWER, including timely elevation of issues of national importance.
- / Assisting FFRRO and DoD, where requested, in developing national BRAC Fast Track policies and guidances.

3.1.3 The Remedial Project Manager

The success of the Fast Track Cleanup Program is largely dependent on the BRAC Cleanup Team. RPMs should work with the rest of the BCT in a spirit of partnership to expedite cleanup and integrate cleanup with potential reuse options. The BRAC Cleanup Team approach is a different way of doing business - it breaks the traditional mold for site cleanup. The RPM and the EPA support team, along with the state counterparts, bring a cadre of in-house technical and legal experts to support the BCTs. This leads to real-time decision making, reduction in documents, and identification of innovative ways to accomplish faster cleanup. It is essential that the BCT and the RPM, in particular, identify and take advantage of all opportunities for "in-process" reviews to resolve (or elevate for resolution) critical path technical and/or administrative issues before they become impediments to cleanup and reuse. The BCT should look for opportunities for time and cost savings throughout the process, including effective use of contractor resources, scoping, and sequencing of work.

In conjunction with other members of the BCT, the RPM conducts a "bottom up" review of the environmental conditions of the base, including any ongoing environmental cleanup. The "bottom up" review includes an evaluation of the existing environmental programs, such as the Installation Restoration Program, Closure Related Compliance Program, and the Asbestos Program, to identify opportunities for acceleration of cleanup in order to expedite conveyance of property.

The product of this review is a BRAC Cleanup Plan (BCP), which is the road map for expeditious cleanup necessary to facilitate conveyance of property to communities for redevelopment, and should be considered a living document. The BCP is a phased plan that encapsulates and prioritizes requirements, schedules, and costs of the environmental programs to be implemented by the BCT to facilitate cleanup, reuse and redevelopment of the base.

For sites with existing Federal Facility Agreements (FFAs), Interagency Agreements (IAGs), HSWA permits or similar cleanup agreements or orders, the RPM will, as appropriate, review and,

in accordance with the terms of the agreements, renegotiate schedule changes to accelerate cleanup consistent with the terms of the agreement. The RPM should be willing to negotiate accelerated schedules or re-prioritize cleanup (CERCLA, HSWA) actions, balancing considerations of risk to human health and the environment, cost effectiveness, timeliness, and reuse, and will encourage the states to do the same, where appropriate.

Specific RPM responsibilities (with EPA support team assistance as appropriate) for successfully carrying out the Fast Track Cleanup Program include the following:

- / Providing assistance to DoD, and to the states, in implementing all environmental cleanup programs related to closure in an expeditious and cost effective manner in accordance with the BCP;
- / Supporting up-front planning and scoping;
- / In conjunction with the other members of the BCT, conducting a "bottom-up" review of the environmental programs and developing and updating the BCP, as appropriate;
- / Jointly preparing and reviewing documents, such as the sampling and analysis plan, baseline risk assessment, the Remedial Investigation/Feasibility Study, proposed plan, record of decision, remedial design, remedial action plan, study and sampling data;
- / Negotiating appropriate cleanup and abatement actions with DoD and state BCT members;
- / Supporting the NEPA review process;
- / Participating, in conjunction with the BCT members, as a member of the community's Restoration Advisory Board reviewing environmental matters (e.g., cleanup schedules and priorities, cleanup actions and levels, reports to community leaders on cleanup progress and/or possible impediments to a lease or conveyance);
- / Coordinating and exchanging cleanup and reuse information, in conjunction with the BCT members, with the Local Redevelopment Authority (through the Base Transition Coordinator, where appropriate);
- / Evaluating and providing timely recommendations and guidance to EPA Regional management to expedite approval/concurrence regarding:

- (1) DoD proposals for changes to existing cleanup agreements, orders, and other environmental procedures to achieve timely and cost effective cleanup;
- (2) Proposed Plans and Records of Decision for cleanup actions under CERCLA;
- (3) Decision documents for corrective actions related to cleanup under applicable State laws, regulations and programs;
- (4) HSWA corrective action selections and preparation of statement of Basis/Final Decision and Response to Comments Summary

/ Working with DoD and the state participants on the BCT to collectively formulate and review components of:

- (1) The installation's Environmental Baseline Survey,
- (2) Uncontaminated parcel determinations under CERFA, and
- (3) Finding of Suitability to Lease and Finding of Suitability to Transfer to accelerate

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/ Reviewing construction requested by lessee with the BCT and ensuring that such construction will not interfere with the environmental cleanup program.

/ Reviewing demonstration that remedy is operating properly and successfully;

The above list is not exhaustive, nor does the order indicate any kind of ranking or priority.

3.2 Resource Framework

Beginning in FY 1994, DoD provided EPA, via an interagency funding agreement, with reimbursable resources to support EPA's BRAC Fast Track activities. DoD, EPA and the Office of

Management and Budget (OMB) worked together to develop the details of this agreement, which included 100 workyears for EPA and \$7 million starting in FY 1994 (the FY 1995 budget was 100 workyears and \$8.4 million). The current interagency funding agreement for BRAC rounds I, II, III, and IV extends from FY 1996-2001.

The majority of EPA's Fast Track workyears (93%) are allocated to the Regional programs. Regional personnel provide technical assistance and guidance to DoD and states at Fast Track Cleanup locations. EPA uses Base Closure funding for EPA personnel that participate on BRAC Cleanup Teams as either the EPA designated team member or as technical experts and support personnel that assist the teams. EPA utilizes in-house expertise; no BRAC funds can be used for contractor support.

Regions are allocated workyears, and personnel costs, travel and administrative funding via a workload model jointly agreed upon by all Regions. The level of EPA support varies depending on regional and base specific circumstances. (EPA's base closure workload model takes into account relevant data to assess the environmental condition and economic status of a Fast Track location).

The Agency monitors these DoD reimbursable resources via the Office of the Comptroller's Integrated Financial Management System (IFMS) which tracks Headquarters and Regional expenditures separately for each BRAC round. EPA utilizes site specific charging to track resource utilization directly to actual sites and site work. EPA also tracks non-site work that is performed to support the Fast Track Program. Accounting for EPA use of DoD's BRAC funds is required by the nature of BRAC appropriations and the BRAC legislation. EPA reports quarterly to DoD and annually to OMB on their utilization. (EPA's Office of the Comptroller, Financial Management Division, Cincinnati, Ohio invoices DoD on actual program obligations incurred by EPA).

EPA headquarters receives regular program activity reports from the Regional offices, every two months, on the progress of work at all Fast Track locations. These reports are generated by the EPA Regional BRAC Cleanup Team personnel and provide EPA headquarters and DoD with pertinent program and personnel information related to cleanup and reuse. EPA's Office of the Comptroller, Budget Division also provides to the Office of Solid Waste and Emergency Response's (OSWER) Federal Facilities Restoration and Reuse Office (FFRRO) a monthly "BRAC Utilization Report" generated from their agency-wide Resource Management Integration System (RMIS).

This RMIS report details the status of expenditures by the regional Base Closure resources, workyears, personnel, travel and administrative funding. This reporting is done for overall program management and to track resource expenditures in each BRAC round. Regional Waste Management Directors will be provided copies of the reports and are expected to monitor the use of all BRAC resources within their respective region.

3.2.1 Accountability for Resources

The following information is provided to all EPA personnel involved with the administration of the Military Base Closure Fast Track Cleanup Program to ensure appropriate use and management of the DoD reimbursable resources.

1) BRAC workyears and funding must be used **only** for EPA-related intramural (not for contracts) military base closure activities. Military Base Closure activities are activities related to Fast Track Cleanup of specific locations identified by the military services and DoD, in consultation with OSWER and the states. Before approaching a location as a Fast Track location, please confirm its status as such with EPA Headquarters. Activities at Fast Track locations include those detailed in this guidance such as accelerating the identification of uncontaminated parcels under CERFA; development of BRAC Cleanup Plans; promoting community involvement in cleanup decision-making; preparing and reviewing site documents; studying and sampling field data; NEPA review and analysis; assisting DoD or states with Fast Track Cleanup location issues; and, support activities related to the performance of the EPA personnel participating in Fast Track Cleanup. These activities are outlined in the Memorandum of Understanding between EPA and DOD dated February 3, 1994, and, subsequent memorandums and guidances related to EPA BRAC resources.

2) As the signatory and executing agent for the reimbursable agreement with DoD, the Assistant Administrator for OSWER will rely on Regional Administrators, and, as the primary focus of the EPA BRAC resources, the Hazardous Waste Management Division Directors (or their equivalent) to ensure reimbursable costs are accurate and appropriate. Each region should identify an individual in the regional Waste Management Division who will coordinate and monitor the regional BRAC program and resources, and who can act as a day-to-day liaison with OSWER and DoD. The FFRRO within OSWER will periodically provide the Assistant Administrator of OSWER with programmatic and financial reviews of

specific regions. Reprogrammings of funds submitted to the headquarters Office of the Comptroller require notification of FFRRO for their approval.

3) Headquarters and Regional personnel utilizing BRAC resources should receive authorization from their appropriate EPA headquarters or Regional senior management and use the established BRAC budget Program Elements (PEs). Specific PEs were created in order to closely track costs reimbursed by DoD. Congress created separate appropriations for each round of Base Closures and EPA is required by DoD to track funds based on each round of the base closings (BRAC I, II, III, and IV). In order to facilitate this tracking system EPA created, via its Integrated Financial Management System (IFMS), specific accounts for each base covered by this reimbursable agreement with DoD. Each Region is responsible for ensuring costs are accurately tracked to each base covered by the reimbursable agreement.

3) EPA's Military Base Closure budget Program Elements (PEs) include: RS4Y9A (BRAC I funding which expires September 30, 1995); RS5Y9A (BRAC II funding); RP9Y9A (BRAC III funding); and RS6Y9A (non-site funding). (BRAC IV PEs have not yet been established). Personnel expenses, travel, and other program costs should be accurately recorded and, where appropriate, site-specific charging should be done. BRAC site specific charging should be used to fund personnel costs, travel, training, computers, site related equipment, protective clothing, and assistance at a designated Fast Track Cleanup location. BRAC non-site specific charging should be used for general BRAC program costs associated with administrative support and equipment, and may include telephones, computers, and other equipment necessary to support BRAC Cleanup Teams.

4) EPA regions are required to set aside from each BRAC round funding (each BRAC PE) an equivalent percentage of the initial operating plan for the non-site cost PE (RS6Y9A). For example, a Region that has funds in only BRAC II and III may choose to reprogram 10% each of the BRAC II and BRAC III funds the region has in the initial operating plan. By reprogramming funds in equal proportions from each BRAC PE, the Agency will ensure that each BRAC PE will share an equal share of the non-site costs (much like an overhead cost would be distributed). The integrity of the equal proportions must be maintained throughout the fiscal year. The regional Waste Management Division should determine what proportion of the BRAC program for non-site costs is most appropriate, but it must not exceed 30% without permission of the Director of FFRRO and the Director of the Office of Comptroller Budget Division.

5) The non-site PE should be used judiciously. EPA and DoD senior management made a commitment to minimize "overhead costs" in the overall BRAC cleanup program. To the maximum extent possible, EPA's costs under the reimbursable agreement should be directly attributable to the specific bases covered by the Fast Track Cleanup Program. Personnel, travel, equipment and other expenses should be charged directly to the site specific accounts established for these bases. For example, if a computer is purchased specifically for an EPA staff person assigned to one or two bases exclusively, then the costs of that computer should be charged to base specific accounts in an appropriate proportional manner. This procedure should also be applied for other costs such as annual and sick leave, training, etc. Supervisors, attorneys and technical experts that work at numerous bases should make every effort to account for their time based on the specific bases they are working with. For example, an attorney that spends three hours one day reviewing documents related to one base should "charge" those three hours to the base specific account on their time sheets. However it is recognized that EPA personnel also work on non-site specific activities that provide benefits to the Fast Track Cleanup Program. For example, a regional representative who responds to EPA headquarters' requests to review DoD guidance documents or is working on a cross-cutting issue that concerns a dozen or more bases, should "charge" his or her time to the non-site PE.

6) BRAC resources cannot be used to fund enforcement actions nor can they be used to support contractors.

7) The required bi-monthly reports that the regions send OSWER should include a summary of the individuals who work with the particular bases (EPA, DoD, and state) including the EPA staff that support the EPA RPMs and BRAC Cleanup Teams at the bases. While this list need not be exhaustive, OSWER should be able to refer to the list in order to determine who (including their job title) is working with the base. The regional bi-monthly reports are also required to outline detailed base specific reports that should include programmatic issues. The bimonthly reports are compiled by FFRO and provided to DoD.

8) OSWER will provide DoD a summary of the BRAC program financial status on a quarterly basis.