

## Property Transfer at Federal Facilities

EPA's Federal Facilities Restoration and Reuse Office (FFRRO) helps accelerate the transfer of Federal property by coordinating environmental cleanup activities and crafting innovative property transfer arrangements. As part of this mission, FFRRO assists in the transfer of both Base Realignment and Closure (BRAC) and National Priorities List (NPL) sites, also known as [Superfund sites](#). Because these facilities often encompass hundreds of acres with buildings, roads and other infrastructure, their effective and efficient cleanup and reuse can play a pivotal role in a community's economic development.

To elicit community input, smooth the transfer process and mitigate the social and economic impacts of a site closure, EPA and the lead Federal agency responsible for cleanup often work with surrounding communities through [advisory boards](#). Together, the lead Federal agency, EPA and state and local governments conduct environmental restoration activities as efficiently and effectively as possible to help the local community put the property into economically beneficial use as quickly as possible.

### [BRAC Sites](#)

To sustain and streamline military readiness, the Department of Defense (DoD) recognized the need to close some installations and redefine the Department's mission at others. DoD and Congress agreed on four rounds of BRAC actions in 1988, 1991, 1993 and 1995. A large portion of BRAC property was designated for transfer to other Federal agencies or non-Federal entities, such as states, tribes, local governments or private industries.

### [NPL Sites](#)

The Superfund NPL consists of the hazardous waste sites that pose the greatest threats in the United States and its territories, as determined through EPA's Hazard Ranking System (HRS) or as identified by the state as their top priority site. Sites on the NPL may be in proposed, final or deleted status.

A proposed site is a facility that EPA has announced it intends to place on the NPL. This action is conducted as a regulatory rule-making process. The regulatory rule-making process requires public notice and comment.

A final NPL site is one where EPA has made a final regulatory decision, after receiving public comments, to place it on the NPL. In the context of federal facilities, this means that additional requirements now come in to play, such as EPA approval of remedies and the establishment of an interagency cleanup agreement commonly referred to as a Federal Facilities Agreement (FFA) or Interagency Agreement (IAG).

A deleted NPL site is one that has met all of the cleanup objectives specified in remedy selection documents. EPA may delete or partially delete sections of a site from final status on the NPL. To delete a site from the NPL requires that the state concur with EPA that cleanup actions have met the cleanup objectives specified in the remedy decision document and no further response is required to protect human health and the environment.

All federal facilities that are listed on the NPL pose actual or potential exposures to hazardous substances, pollutants or contaminants and actual or potential human health or environmental risks posed by contamination at the facility. Whether an installation remains an active facility, or is closed or realigned under this round of BRAC, a designation as an NPL facility will not change until actual or potential risks to human health and the environment have been addressed. The BRAC list has no bearing on the hazards of the contamination present at the time of a base's NPL designation. Likewise, the states' environmental authorities and responsibilities are not affected by the BRAC designation.

<http://www.epa.gov/fedfac/documents/baseclosure.htm>

## BRAC 2005

Whether a DoD facility is on the proposed BRAC list does not change EPA's core environmental responsibilities relative to characterization and cleanup of an installation on the Superfund NPL. At NPL sites, EPA remains responsible for:

- Negotiating cleanup agreements at the individual military Service's facilities;
- Overseeing the Service's investigation and response activities, including jointly selecting the cleanup remedies;
- Reviewing and commenting on remedies in the five-year review reports; and
- Preparing documents for deleting certain parcels or entire areas of land off the NPL.

For the facilities that are being proposed as part of BRAC 2005, EPA will continue to work on those installations as we did prior to the release of the recommended list. However, should a proposed facility become final on the BRAC 2005 list, EPA will then have additional responsibilities to be performed, which may include:

- Working with the Service and local community to integrate reuse priorities into the cleanup process to minimize the adverse economic impact on the local community;
- Providing assistance, as requested, on a Service's National Environmental Policy Act's (NEPA) documentation;
- Concurring on a Service's identification and determination of uncontaminated parcels at NPL sites;

- Concurring on the property transfer, along with Governor of the host state, when a Service plans to transfer a NPL facility prior to the completion of cleanup, (frequently referred to as “early transfer”). As part of this process, EPA and the state must agree that, among other things, the interim use of the property will not adversely affect the ongoing cleanup, all necessary response actions will be taken, and the intended use is consistent with protection of human health and the environment;
- Negotiating a cleanup agreement with the new owner and continuing to conduct normal oversight functions where a Service is transferring cleanup responsibility to a third party at a NPL site;
- Certifying that remedies are working as they were intended at all sites when remedial actions are complete (known as “operating properly and successfully”); and
- Reviewing and commenting on the documentation that a property is suitable to transfer by deed or lease to determine if the military service has an adequate basis for issuing the required CERCLA covenant that all necessary remedial action has been taken. This review also ensures that the intended use is consistent with the protection of human health and the environment, or that the likely effectiveness of lease restrictions will be protective.

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