Implementing Non-Time Critical Removal Actions for Interim MMRP Land Use Controls at Active Army Installations

M2S2 Web Seminar
August 29th, 2013

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Overview

- Background
- Purpose
- Execution
- Interim Land Use Controls
- Lessons Learned
Background

- **MMRP Site Inspections (SI)**
  - Conducted 2003 – 2010
  - MRSs recommended for further investigation
  - Potential explosive safety hazard

- **Requirements**
  - CERCLA, 40 CFR Part 300.415
  - Defense Environmental Restoration Program (DERP)
  - DoD Ammunition and Explosives Safety Standards - DoDI 6055.09M
Purpose

- Implement Interim Land Use Controls for all MRSs being Evaluated under the Active MMRP
  - Minimizes potential for exposure to explosive safety hazard and/or potential MC until final remedy is implemented
  - Focuses on preventing exposure (human health)
  - Does not apply to transferred MRSs (property not owned by DoD)
  - Unilateral decision by the Army to implement
Execution

- Non-Time Critical Removal Action
  - Selected based on time-sensitivity, complexity, comprehensiveness, and cost
  - Includes
    - Army only Kick-off Meeting
    - TPP Meeting with Stakeholders/Regulators
    - Engineering Evaluation/Cost Analysis (EE/CA) with Public Notice
      - No Action – Alternative 1
      - Land Use Controls – Alternative 2
    - Action Memorandum (AM)
    - Land Use Control Plan (LUCP) with Public Meeting, if requested
Interim Land Use Controls

- Basis for Selection, Specific to each MRS
  - SI Conceptual Site Models (CSMs)
  - Current land-use
  - Guidance from installation

- Types of Land Use Controls
  - Institutional controls
    - Land use restrictions/notations in master planning documents/dig permits
    - Public advisories
  - Engineering controls
    - Markers or signs
    - Fences
    - Guards
  - Other measures
    - Annual inspections
    - Environmental self audit
Lessons Learned

1. Contract Award
   - Original scope for 52 installations without installation involvement
     - Scope reduced to 26 installations
       - LUCs mechanism already in place
       - Post-SI investigations recommended NFA
       - Recommend coordinating with installation prior to contract award
   - Period of Performance
     - Initially one year from Notice to Proceed
     - Significant delays in excess of 2 years

2. Document Templates
   - Templates exist for EE/CA, Action Memorandums, and Land-Use Control Plans
   - Use templates for consistency
   - No templates for annual inspections or environmental self audits
     - Specific to each installation
     - Installation can implement as appropriate
Lessons Learned

3. Regulatory Involvement
   ► Unilateral decision by the Army to implement an IRA
   ► Seeking regulatory concurrence, not acceptance
     o Not required to sign the Action Memo, installation specific
     o Army may elect to not address a regulatory comment
   ► Clarification of LUCs as interim, not final measures
   ► Document review delays
     o Ensure review times are adequate per the installation during the TPP meeting
   ► Interim LUCs may be included within the final remedy

4. Installation Involvement
   ► Project not a priority
   ► Document review delays
   ► Offer significant insight and knowledge regarding the application of LUCs.
   ► Delays caused by staffing, specifically the Garrison Commander’s signature for the Action Memorandums
Lessons Learned

5. EE/CA Preparation
   ► NTCRA requires an EE/CA
   ► In accordance with CERCLA
   ► Allows for public comment of an interim action

6. Pre-existing Land Use Controls
   ► Installations-wide LUCs versus interim MMRP LUCs
   ► Overlap of IRP LUCs versus interim MMRP LUCs

7. Off-post, Army leased property
   ► Typically lease agreements with state agencies
   ► Interim MMRP LUCs may be applied
     o Application specific to lease agreements and may require legal review
Lessons Learned

8. Public Perception/Involvement
   ▶ Installation concern for highly publicized sites
   ▶ To-date no public comments received on the EE/CA (18 of 26 installations)
   ▶ To-date no request for a separate public meeting, though interim LUCs have been discussed at RABs

9. Implementation and Funding for Interim MMRP LUCs
   ▶ Army is only performing the NTCRA
   ▶ Implementation is the installation’s responsibility
   ▶ Installation can request other DERP funds for implementation
Questions or Comments?

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