



# **Defense Environmental Restoration Program (DERP) aka Cleanup**

US Army Environmental  
Command (USAEC)



## Department of Defense Policy

- DoD Manual 4715-20, Defense Environmental Restoration Program (DERP) Management says “the DoD shall:
  - Identify, evaluate and, where appropriate, remediate contamination resulting from DoD activities.
  - Ensure immediate action to remove imminent threats to human health and the environment.
  - Comply with applicable statutes, regulations, Executive orders (E.O.s), and other legal requirements governing response actions to address contamination.
  - Execute an environmental restoration program, known as DERP, at facilities under the jurisdiction of the Secretary of Defense.”





# Department of the Army Policy

## Army Regulation (AR) 200-1, Installation Restoration Program

- Conduct screening for past use of hazardous substances, pollutants and contaminants and the potential for contamination at Army installations. Conduct studies and response actions in accordance with the annual Installation Action Plan.
- Establish an information repository and administrative record to provide public access to information about the cleanup activities at the installation.
- Establish an effective community involvement program, to include a community involvement plan (CIP).
- Negotiate a Federal Facilities Agreement/Interagency Agreement at NPL sites.
- Establish a Restoration Advisory Board (RAB) to allow the local community an opportunity to participate in the remedy selection process.







## Associated Federal Laws

- Sections 9601-9675 of title 42, U.S.C. Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (**CERCLA**)
- Part 300 of title 40, Code of Federal Regulations (CFR) National Oil and Hazardous Substances Pollution Contingency Plan (**NCP**)





## CERCLA

- **CERCLA** is an environmental cleanup authority and is the Army's preferred means to clean up sites
  - Focuses on addressing releases of hazardous substances, which includes RCRA hazardous wastes
  - Affected areas include soil, sediments, groundwater, and surface waters
  - Can be used to address contamination that resulted from past practices and at facilities no longer in operation, or to respond to new releases
- Key Point: Army has both NPL ( National Priorities List, aka Superfund) sites and non-NPL sites. EPA has a bigger role in cleanups at NPL sites. States will be consulted in both scenarios.





# CERCLA Phases

- **Preliminary Assessment (PA)** – Initial review and analysis of available information to determine whether a release is likely to have occurred, potential sources and type of releases, along with an evaluation of a site's relative risk and recommendations on need for subsequent phases in the cleanup process or no further action
- **Site Inspection (SI)** – Characterizes the presence or absence of contamination, and determines the next appropriate phase for sites identified during the PA, or for munitions response areas
- **Hazard Ranking System (HRS) Score** – EPA does this, not DoD. HRS assesses four pathways of human exposure: groundwater, surface water, soil and air. If score is 28.5 or higher, the site is proposed for listing on the National Priority List (NPL).
- **Remedial Investigation (RI)** – Conducted to determine the nature (types) and extent (vertical and horizontal boundaries) of contamination; the phase where the presence and level of any unacceptable risk to human health and the environment is evaluated. The purpose of the RI is to “collect data necessary to adequately characterize the site for the purpose of developing and evaluating effective remedial alternatives.” (40 CFR 300.430d)
- **Feasibility Study (FS)** – Alternatives to address any unacceptable risk to human health and the environment are developed and evaluated based on an established set of nine EPA criteria. The criteria evaluation allows the Army to identify the preferred remedial alternative.
- **Proposed Plan (PP)** - Summarizes the RI/FS and describes the remedial alternatives, how they were evaluated, and how they compared to one another in each of the nine criteria; identifies the Army's preferred remedy for public and regulatory review and comment during a formal remedy selection process.





## CERCLA Phases (continued)

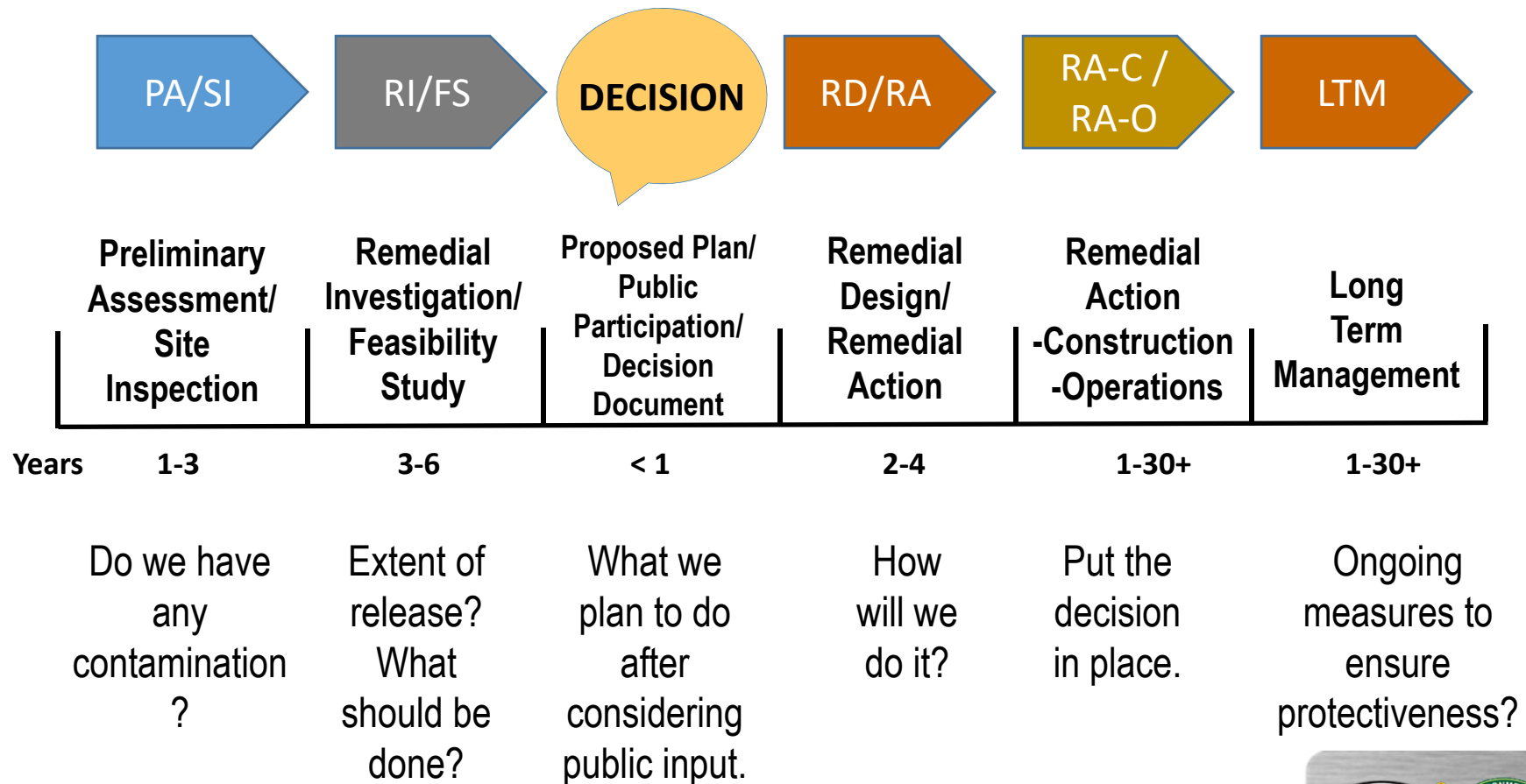
- **Record of Decision (ROD)** – After consideration of comments received during the public comment period, the Army selects a remedial action alternative and announces that in a legal document (decision document) specifying the selected remedy, its objectives, and its endpoint. The remedial action selected may or may not be the preferred alternative as described in the proposed plan.
- **Remedial Design (RD)/Remedial Action – Construction (RA-C)** – The final remedy documented in the ROD is designed (RD) and constructed and/or put in place (RA-C) at the remediation site. When RA-C is complete, the Army classifies the site as Response Complete (RC), if all cleanup goals have been met, or Remedy-in-Place (RIP) if remedial action operations are required to meet final cleanup goals over time.
- **Remedial Action - Operation (RA-O)** – Remedy is operating/in progress, with monitoring to measure progress toward cleanup goals.
- **Long-Term Management (LTM)** - Post-project monitoring to document the continued effectiveness of the selected remedy.
- **Site Closeout** – the point in the restoration process when cleanup goals have been met and the regulating authorities believe no further action or long-term management is warranted to protect human health and/or the environment.
- **Five-year Review** - For any site not restored to a condition allowing unlimited use/unrestricted exposure, the protectiveness of the remedy is reviewed during a five-year or periodic review process.





# CERCLA Phases Timing

*The Army follows the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) process to fully investigate releases, prioritize responses, and determine appropriate cleanup actions based on risk.*







## Explanation of Significant Differences

- Once the Record of Decision is published, the Army works towards implementing the remedy
- Sometimes circumstances occur that require a modification to the decision (e.g., the remedy doesn't work or an emerging chemical of concern is found that requires additional remedial action)
- The Army documents these changes in the remedy by either a ROD amendment or explanation of significant differences (ESD)
- The Army currently has developed ESDs to document the need to add treatments for 1,4 dioxane (OU1 ESD is signed and in repository; OU2 ESD is awaiting final signatures)





## Questions

- I can answer questions about the laws, the policies and general DERP procedures.
- The next presentation is on the actual cleanup and specific questions will be appropriate after that.

