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The Honorable Lisa P. Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Jackson:

The Local Government Advisory Committee (LGAC) has been working with EPA's Office of Federal Facilities Restoration and Reuse Office (OSWER) to address environmental matters related to the military. The Committee's Military Work Group has developed a set of general recommendations in three categories:

1. Implementation of the Munitions Response Site Prioritization Protocol (MRSPP),
2. Remediation of Formerly Used Defense Sites (FUDS), and
3. Issues related to land transfers from the Department of Defense (DOD).

In most cases, when DOD conducts research, training, and other activities in an environmentally sensitive and sustainable manner, the costs associated with clean-up are reduced. Although DOD recognizes the need to be more environmentally aware, frequently sites are found to be contaminated with munitions or other hazardous materials, such as trichloroethylene.

EPA should be actively involved with environmental remediation at military installations and when land is transferred to non-military entities. At this point in time, this does not appear to be the case.

EPA's participation is critical as the FY 2007 MMRP inventory contained 3,537 munitions response sites. This does not include battlefield/combat sites that are not part of this inventory. While EPA is participating on the Munitions Response Dialogue Committee, the agency does not appear to be sufficiently involved in the prioritization criteria used to clean up munitions site. This is contrary to the final MRSPP rulemaking. Thus, it is recommended that EPA seek early participation with other stakeholders in DOD's site prioritization and sequencing process.

The same can be said of matters related to unexploded ordnance (UXO). Local governments are typically the first point of contact for residents who discover UXO on their property or in their neighborhood. EPA and stakeholder involvement should be increased by DOD so issues related to environmental justice and particularly disadvantaged communities are thoroughly considered and acted upon.

The current MRSPP rule excludes "all locations where the presence of military munitions resulted from combat operations." Many areas in our Nation fall into this category. Examples include Hawaii, Alaska, Guam, and the eastern seaboard, where combat operations took place during World War II. Many of these sites are now, or are in the process of becoming, recreation areas, tourist destinations, or national parks. This rule should be reconsidered to allow for the prioritization and clean-up of these sites in order to improve safety and remediate environmental contamination.

The present method for addressing FUDS that do not contain munitions or where the status is unknown regarding munitions, presents a significant problem to local communities. For instance, many FUDS, such as decommissioned NIKE sites, have become attractive nuisances with corresponding negative effects on a community's economy and cohesiveness. And, the problem looms large, as 2,650 FUDS have been found to require environmental clean-up by DOD at an estimated cost of over \$18 billion. These costs could be dramatically higher since there are over 9,800 FUDS in existence today. While the DOD has the primary responsibility for prioritizing the clean-up of FUDS, it makes sense that EPA be involved in this process. The LGAC recommends that EPA become an equal partner with DOD in the prioritization of FUDS clean-ups.

Furthermore, we recommend that a method of allocating the clean-up funds be developed that both addresses the sites with the most contamination while at the same time assuring that some percentage of the overall clean-up funds are directed to sites needing less rigorous remediation. By providing some funds to less contaminated FUDS, progress can be made on more sites, particularly those that are now attractive nuisances in local communities.

Lastly, FUDS or other DOD real property routinely becomes available for transfer to state and local governments and non-government entities. Typically, these land transfers are actively promoted as having major benefits and they often do, as they can make good economic sense for both parties. In some cases, however, the real property is found to be contaminated or to contain UXO. In the case of Base Realignment and Closure (BRAC) actions, EPA is not presently involved in the early stages of such closures and subsequent facility transfers. If the agency were, it is more likely that potential associated environmental contamination would be identified. The LGAC therefore recommends that the BRAC process be revised to assure the early involvement of EPA.

When contaminants or UXO are found after title has transferred, "the owner may bear the burden." In the case of local governments, financial and professional resources typically do not exist to approach DOD and resolve the matter. Entities that are considering the transfer of DOD real property should therefore be informed of both the potential benefits of such transfers as well as the potential costs. Public information materials already exist that describe the potential benefits of such transfers but nothing comparable exists that addresses the potential costs and what one might do if a site was found to be contaminated. The LGAC therefore recommends the creation of informational materials that adequately explain the potential costs of accepting title to DOD real property and how to adequately consider both the benefits and costs of such transfers. The LGAC is willing to take the lead in developing this "tool box."

In summary, the LGAC believes that EPA and other stakeholders should take a more active, lead role in the prioritization and sequencing of DOD sites with munitions and FUDS. The MRSPP should be implemented with this intent. In addition, the MRSPP should provide more transparency on matters involving environmental justice and disadvantaged communities. Also it should be revised to include sites having military munitions from combat operations.

The method of allocating funds for the clean up of contaminated sites with or without munitions should include a provision so that a percentage is provided to sites of low ranking. The LGAC further recommends the creation of informational materials that discuss the pros and cons of accepting real property from DOD.

Thank you in advance for considering these recommendations. The LGAC looks forward to working with you on military environmental matters.

Sincerely,



B. Roy Prescott, Chair
LGAC



John Duffy, Chair
Military Workgroup