

APPENDIX L

HISTORY OF THE ENVIRONMENTAL RESTORATION PROGRAM

The DON/DOD cleanup program began with the passage of the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA). In the early 1980's, the DON solicited information from each Navy and Marine Corps installation about activities conducted on their base. Of particular interest were industrial facilities, disposal areas, landfills, past operations, drinking water wells and other practices that could have resulted in hazardous waste disposal sites. After careful evaluation of the data, DON recommended 79 installations for further study.

At the inception of the DON cleanup program, CERCLA did not specifically apply to federal facilities. However, the DON intended to become a good steward of the environment. This led to the establishment of a similar, but slightly varied program called the Naval Assessment and Control of Installation Pollutants (NACIP). The DON conducted Initial Assessment Studies (IASs), Verification Studies, Confirmation Studies and Corrective Action Measures as part of the NACIP program. The Naval Facilities Engineering Service Center completed IASs at the 79 installations by 1984. Remedial Project Managers at Naval Facilities Engineering Command Engineering Field Divisions (EFDs) then conducted follow on phases of the NACIP.

Passage of the Superfund Amendments and Reauthorization Act (SARA) in 1986 brought all federal facilities under the umbrella of the CERCLA program. SARA required the DON to follow Environmental Protection Agency (EPA) rules and regulations and to have a program that was procedurally and substantively equivalent to the EPA's Superfund program. SARA also formalized the Defense Environmental Restoration Program (DERP) and provided separate funding to DOD for the cleanup program. Currently, Congress provides this separate funding, the Environmental Restoration, Navy (ER, N), directly to the DON.

Following passage of SARA, DOD and the services adopted the EPA's Superfund terminology. Building on information contained in the IASs, the DON initiated studies to confirm the presence and extent of contamination at all Navy and Marine Corps installations. The DON now uses EPA's Superfund guidance to conduct Preliminary Assessments/Site Investigations, Remedial Investigation/Feasibility Studies and Remedial Designs/Remedial Actions to determine hazardous waste site cleanup requirements.

In addition to CERCLA cleanup actions, DON uses ER, N funding to clean up sites under Resource Conservation and Recovery Act (RCRA) Corrective Action and RCRA Underground Storage Tank authority when these sites qualify for ER, N funding. Since the program began, funding has increased from \$21 million in FY-84 and peaked at \$407 million in FY-94. FY-97 funding stands at \$288 million. The DON is well along in the study phase and is transitioning to a program marked by an increasing level of funding being dedicated to actual cleanups. Since FY-91, the level of funding attributed to actual cleanups has risen from 13% to 65% in FY-96.