

Appendix E: Cost Recovery Status



The Department of Defense (DoD) seeks to recover response costs for contamination caused by the actions of other parties. According to DoD policy, as stated in a February 27, 1998, memorandum, each Component is required to identify all opportunities for recovering environmental restoration costs from, or sharing such costs with, DoD contractors and other parties, public and private, that may have contributed to environmental contamination at DoD sites.

Components must also investigate each activity in which cost recovery or cost sharing may be possible, to determine whether the likelihood of recovering or sharing costs outweighs the expense associated with pursuing such an action. Finally, if cost-recovery and cost-sharing activities appear to be potentially cost-effective, Components must pursue such activities to the extent practicable by:

- ▶ Obtaining all relevant data
- ▶ Identifying any defense contractor negligence or other misconduct that may limit or negate DoD's obligation to indemnify or reimburse the contractor for the costs of environmental restoration at a DoD site

- ▶ Initiating actions, where appropriate, to recover environmental restoration costs incurred, or to be incurred, by the Department.

The Defense Environmental Restoration Program Management Guidance states, "As a matter of policy, Components should pursue recovery of response costs of \$50,000 or more." Components are authorized to credit the amount recovered for response costs to their Environmental Restoration Accounts. The status of the Components' cost-recovery actions is provided in Table E-1.

COST RECOVERY STATUS

**TABLE E-1
COMPONENT COST RECOVERY EFFORTS FOR FISCAL YEAR 2003**

| Installation Name | Location | Cost Action | Status and Explanation (where applicable) | Amount Recovered/ Shared in FY03 | Amount Recovered/ Shared Cumulative through FY03 | Cost to Pursue Action in FY03 | Cost to Pursue Action Cumulative through FY03 |
|--|------------------------|---------------------------|---|----------------------------------|---|-------------------------------|---|
| Army | | | | | | | |
| Rocky Mountain Arsenal | Adams County, Colorado | Recovery | Under Way | \$8,165,096 | \$174,887,714 | Unknown | Unknown |
| Rocky Mountain Arsenal | Adams County, Colorado | Shared | Under Way | \$8,834,176 | \$261,003,400 | Unknown | Unknown |
| Twin Cities AAP | Arden Hills, Minnesota | Recovery | Complete | \$0 | \$3,900,000 | Unknown | Unknown |
| Twin Cities AAP | Arden Hills, Minnesota | Shared | Under Way | \$145,328 | \$990,478 | Unknown | Unknown |
| Navy | | | | | | | |
| NWIRP Bethpage | Bethpage, NY | Cost Recovery and Sharing | Underway | \$1,000,000 | \$22,141,000 | \$68,570 | \$178,320 |
| NWIRP Toledo | Toledo, OH | Cost Recovery and Sharing | Underway | \$0 | \$0 | \$480 | \$5,480 |
| NWIRP McGregor | McGregor, TX | Cost Recovery and Sharing | Underway | \$0 | Unknown | \$132,560 | \$133,260 |
| NWIRP McGregor (SWMU 6-Pesticide Dump) | McGregor, TX | Cost Sharing | Complete | \$0 | PRP incurred pesticide cleanup costs of \$2,500,000 | \$0 | \$10,000 |
| NWIRP Dallas | Dallas, TX | Cost Recovery and Sharing | Underway | \$0 | Unknown | \$122,920 | \$123,020 |
| NWIRP Calverton | Calverton, NY | Cost Recovery and Sharing | Underway | \$0 | \$31,000 | \$480 | \$14,630 |
| NWIRP Bloomfield | Bloomfield, CT | Cost Recovery and Sharing | Underway | Sharing/TBD** | TBD** (\$0 through FY03) | \$480 | \$15,180 |
| NWIRP Bedford | Bedford, MA | Cost Recovery and Sharing | Underway | \$0 | \$0 | \$480 | \$5,480 |

* N/A=Not available

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| NIROP Fridley | Fridley, MN | Cost Recovery and Sharing | Underway | \$0 | \$0 | \$6,140 | \$115,890 |
| NIROP St. Paul | St. Paul, MN | Not Feasible | CERCLA claims appear to be time-barred; and funds expended were non-ER. | \$0 | \$0 | \$0 | \$700 |
| NIROP Pomona | Pomona, CA | Not Feasible | CERCLA claims appear to be time-barred; and funds expended were non-ER. | \$0 | \$0 | \$0 | \$100 |
| NIROP Rochester | Rochester, NY | Not Feasible | CERCLA claims appear to be time-barred; and funds expended were non-ER. | \$0 | \$0 | \$0 | \$100 |
| NIROP Pittsfield | Pittsfield, MA | No Cost To Be Recovered or Shared | Contamination that had been previously identified was on nearby contractor-owned land; not Navy land. | \$0 | \$0 | \$0 | \$100 |
| NIROP Bristol | Bristol, TN | Cost Recovery and Sharing | Underway | \$0 | \$0 | \$480 | \$1,180 |
| Allegany Ballistics Lab (settling PRP) | Rocket Center, WV | Cost Sharing | Underway | \$78,298 | \$78,298 | \$3,070 | \$3,070 |
| Allegany Ballistics Lab (non-settling PRPs) | Rocket Center, WV | Cost Recovery and Sharing | Underway | \$0 | \$0 | \$113,731 | \$201,181 |

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| NAVSEA Drydock | San Juan, PR | Not Feasible | CERCLA claims appear to be time-barred; and funds expended were non-ER. | \$0 | \$0 | \$0 | \$100 |
| Bow Dome Facility | Long Beach, CA | No Cost To Be Recovered or Shared | A review of site cleanup records revealed that no response actions were necessary. | \$0 | \$0 | \$0 | \$100 |
| Great Lakes NTC, Pettibone Creek | Great Lakes, IL | Cost Recovery and Sharing | Achieved settlement with one bankrupt PRP, resulting in right to less than \$50K in cash, but future insurance proceeds up \$8.4M. Other recovery underway. | \$0 | \$0 | \$135,190 | \$169,340 |
| Pearl Harbor Naval Complex, Former Oahu Sugar Site | Honolulu, HI | Cost Sharing | Underway | Unknown | Unknown | \$31,140 | \$141,140 |
| Pearl Harbor Naval Complex, Waipahu Ash Landfill | Honolulu, HI | Cost Sharing | Underway | \$60,000 | \$1,470,000 | \$17,480 | \$112,580 |
| NAS Oceana, Oceana Salvage Site | Virginia Beach, VA | Cost Sharing | Underway | \$0 | Unknown | \$480 | \$1,180 |
| Concord Naval Weapons Station | Concord, CA | Cost Recovery and Sharing | Complete | \$0 | Cost Recovery and Sharing: \$12,166,604 | \$0 | Unknown. Settlements occurred in early 90s. |
| Naval Weapons Station Seal Beach (Site 22 Oil Island) | Seal Beach, CA | Cost Sharing | Underway | \$44,000 | \$90,000 | Unknown, but <i>de minimis</i> | Unknown. Site-specific cost records not kept. |

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| Naval Weapons Station Seal Beach (Site 70 RT&E Area) | Seal Beach, CA | Cost Recovery and Sharing | Underway | \$0 | \$0 | \$8,600 | \$18,000 |
| MCLB Barstow, MTBE Site | Barstow, CA | Cost Recovery and Sharing | Underway | \$0 | \$0 | \$3,070 | \$3,070 |
| Air Force | | | | | | | |
| Air Force Plant 36 | Evansdale, OH | N/A* | Underway | 0 | 0 | 0 | \$10,000 |
| Air Force Plant No. 4 | Fort Worth, TX | N/A* | Underway | 0 | 0 | 0 | 0 |
| Air Force Plant 6 | Marietta, GA | N/A* | Underway | 0 | 0 | 0 | TBD** (AFMC Lawyers are currently reviewing ERP cost for AFP 6) |
| Air Force Plant 42 | Palmdale, CA | N/A* | Underway | 0 | 0 | 0 | 0 |
| Air Force Plant 44 | Tucson, AR | N/A* | Underway | 0 | 0 | \$28,000 | \$307,067 |
| Air Force Plant 59 | Binghamton, NY | N/A* | Underway | 0 | 0 | \$20,000 | \$331,000 |
| Air Force Plant 78 | Bringham City, UT | N/A* | Complete | N/A* | \$500,000 | 0 | 0 |
| Air Force PJKS | Waterton, CO | Recovered | Complete | N/A* | \$1,400,000 | 0 | Unknown |
| Andrews Air Force Base | Camp Springs, MD | N/A* | Underway | 0 | 0 | 0 | Unknown |
| Brandywine Defense Reutilization and Marketing Office | Brandywine, MD | N/A* | Underway | N/A* | 0 | Unknown | Unknown |
| Kelly Air Force Base | San Antonio, TX | Recovery | Underway | 0 | 0 | 0 | \$2,800,000 |
| Kirtland Air Force Base | Albuquerque, NM | N/A* | Underway | N/A* | N/A* | N/A* | N/A* |
| Massachusetts Military Reservation (MMR) | Falmouth, MA | N/A* | Underway | 0 | 0 | TBD** | TBD** |

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