

Interagency Agreements, DSMOAs, and Cooperative Agreements

Interagency Agreements

An Interagency Agreement (IAG) or a Federal Facility Agreement (FFA) is to be entered into within 180 days of the completion of the remedial investigation and feasibility study (RI/FS) for a National Priorities List (NPL) site, per the Superfund Amendments and Reauthorization Act (SARA) provisions codified as CERCLA §120(e)(2). The IAG allows the U.S. Environmental Protection Agency (EPA), and frequently the state, to assume regulatory oversight over cleanup activities at Department of Defense (DoD) installations. CERCLA §120(e)(5) requires that the following IAG-related information be reported in the Annual Report to Congress. The information provided here is for fiscal year 1998 (FY98).

The three IAGs signed in FY98 bring the total number of IAGs to 108. Table C-2 lists all installations that conducted negotiations or signed IAGs or FFAs in FY98. Some agreements on which negotiations began in FY98 are still under negotiation within the required 180-day time period. Descriptions of cases in which no agreement was reached in the required time period are included in the table.

Other information required by CERCLA §120(e)(5) is provided below.

Cost estimates and budgetary proposals for IAGs. Table B-1 provides (1) information on the costs that each DoD installation has incurred through FY98 and (2) estimates of each installation's costs from FY99 through site closeout.

Public comments regarding proposed IAGs. No public comments were received during FY98.

Table C-1: IAG/FFA Status Summary

Component	IAGs/FFAs Signed in FY98	IAGs/FFAs Negotiated in FY98
Army	0	2
Navy	2	7
Air Force	0	3
DLA	0	0
FUDS	1	1
Total	3	13

Table C-2: Installations That Conducted Negotiations or Signed IAGs or FFAs in FY98

Installation Name	IAG/FFA Status (signed or negotiated in FY98)	Description of cases in which no agreement was reached within 180 days of completion of the RI/FS
ARMY		
Fort Eustis	Ongoing negotiations	EPA indicated that negotiations do not need to continue until EPA and the Army reach an agreement on the FFA model language and until the Record of Decision (ROD) is ready to be signed.
Redstone Arsenal	Ongoing negotiations	All RI/FSs are not completed. FFA negotiations will continue until the EPA and the Army are ready to sign the final ROD.
NAVY		
Allegany Ballistics Laboratory (ABL)	Signed	FFA funding and natural resource damages extended negotiations past 180 days.
Cherry Point Marine Corps Air Station	Ongoing negotiations	Delay caused by Navy and EPA efforts to finalize acceptable language on funding and other issues at the national level. Delay also is in part due to the Navy's and EPA's inability to reach consensus on the language of the FFA documents in a timely manner.
Mechanicsburg Naval Inventory Control Point (NAVICP)	Negotiated	The EPA changed its remedial project manager (RPM) for the installation in February 1998. The new RPM required a few months to become familiar with NAVICP Mechanicsburg, which was the primary reason for not completing the FFA in 1998.
Norfolk Naval Base	Negotiated	The FFA was signed in February 1998. Previously, the FFA was delayed by Navy and EPA efforts to finalize acceptable language on funding and other issues at the national level.
Portsmouth Naval Shipyard (PNS)	Negotiated	PNS has not completed an RI/FS. Therefore, PNS has not exceeded the permitted 180 days for reaching agreement on an IAG/FFA after completion of the RI/FS.
Puget Sound Naval Shipyard (PSNS)	Signed	Lengthy negotiations on the IAG for PSNS were responsible for the failure to meet the 180-day time limit. In Washington State, the Washington Department of Ecology (WDOE) is the lead regulator for many Navy NPL sites. The state's lead status presented novel issues (e.g., who is the final decision maker for dispute resolution), which required time to negotiate. The IAG was executed during the summer of 1998.

Table C-2: Installations That Conducted Negotiations or Signed IAGs or FFAs in FY98 (continued)

Installation Name	IAG/FFA Status (signed or negotiated in FY98)	Description of cases in which no agreement was reached within 180 days of completion of the RI/FS
NAVY		
Quantico Marine Corps Combat Development Command	Negotiated	FFA was delayed because Navy and EPA were working out language that both parties could agree to on funding on a national level (as part of the ABL negotiations). Once this language was settled, negotiations began again; these negotiations on the Quantico FFA are now complete.
Washington Navy Yard	Ongoing negotiations	Delay due to the Navy's and EPA's inability to reach consensus on the language of the FFA documents in a timely manner.
Whiting Field Naval Station	Negotiated	None of the RI/FSs that are complete at Whiting Field apply to NPL. Sites 00121 through 00128 are all in the Outlying Field Barin. Underground Storage Tanks 000001, 000003, and 000005, plus Sites 00005 and 00008, were all completed under the Florida Petroleum Agreement.
AIRFORCE		
Air Force Plant (AFP) PJKS	Pending	Negotiations pending while transfer to contractor is being negotiated. USAF has entered into a compliance order on consent with the state, in accordance with RCRA.
Langley AFB	Negotiated	The 180 days for reaching agreement after completion of the RI/FS on an IAG/FFA has not been exceeded.
Tyndall AFB	Ongoing negotiations	The 180 days for reaching agreement after completion of the RI/FS on an IAG/FFA has not been exceeded.
FUDS		
Hastings Groundwater	Negotiated	Delay due to EPA requesting public comments through the <i>Federal Register</i> .
Moses Lake Wellfield Contamination Site	Signed	Not applicable - Completed within required time period.

Technology Cooperative Agreements

This section summarizes the efforts involved in cooperative partnering between the California Environmental Protection Agency, Department of Toxic Substances Control, and the U.S. Army. The following information fulfills the reporting requirements of the FY98 National Defense Authorization Act, for the past year.

Number of Technology Cooperative Agreements: 1

Partners in each such agreement:

California Environmental Protection Agency,
Department of Toxic Substances Control
U.S. Army

Description of the nature of the technology involved in the agreement:

This agreement will enable the California Environmental Protection Agency, Department of Toxic Substances Control, to evaluate the performance of the Navy-developed Benthic Flux Sampling Device (BFSD). The BFSD is an automated, in situ sampling device that collects data to quantify metal concentrations in bays and estuaries. The device isolates a volume of water at the sediment-water interface and collects samples over time to determine mobility of contaminants out of or into the sediment.

Data on the mobility of contaminants, when considered as part of an ecological risk assessment, will lead to contaminated-sediment management decisions that require regulatory agency and stakeholder approval. Thus, it is critical that the parties involved accept the method of determining and quantifying mobility. This cooperative agreement with the California EPA will encourage regulator acceptance of the BFSD method.

Amount of funds obligated or expended by DoD for the agreement during FY98:

The California EPA, Department of Toxic Substances Control, will receive \$34,981 for the evaluation and certification of the BFSD.

DSMOAs and Cooperative Agreements

As described earlier in this report, a Defense and State Memorandum of Agreement (DSMOA) is a program which reimburses states for reviewing the investigation and cleanup efforts at DoD active or closing installations or Formerly Used Defense Sites. In order for a state or territory to receive DSMOA funding, it must first secure approval of a Cooperative Agreement (CA) detailing a 2-year work plan and planned projects for the following 4 years, including cost estimates.

Of the 50 states, 1 district (District of Columbia), and 5 U.S. territories that are eligible for reimbursement under DSMOA, 45 states, the District of Columbia, and 4

territories have entered into such agreements. DSMOAs for Connecticut and Montana were signed in FY98. Of the states and territories eligible for DSMOA funding, 43 states, the District of Columbia, and 2 territories have submitted applications for Cooperative Agreements to receive the funding.

A list of the states and territories eligible to participate in the DSMOA program and their status as of September 30, 1998, is presented in Table C-3 of this Appendix.

Note: The information on the services obtained by the Secretary during FY96 with regard to DSMOA reimbursements, required by the FY96 National Defense Authorization Act, was included in the FY97 DERP Annual Report to Congress and will not be shown in the FY98 DERP Annual Report to Congress.

**Table C-3 States and Territories Eligible for the DSMOA and Cooperative Agreement Program:
Agreement Status as of September 30, 1998**

State or Territory	DSMOA Signed	CA Application Date	CA Period	POC	POC Phone Number
Alabama	05/29/90	02/06/98	07/01/98 - 6/30/00	Larry Bryant	(334) 271-7738
Alaska	06/04/90	07/17/98	07/01/98 - 06/30/00	Jennifer Roberts	(907) 269-7553
American Samoa	07/10/91	NA	NA	Sheila Wiegman	(684) 633-2304
Arizona	03/13/91	05/30/98	07/01/98 - 06/30/00	Moses Olade	(602) 207-4245
Arkansas	NA	NA	NA	NA	NA
California	05/31/90	06/20/98	07/01/98 - 06/30/00	Jennie Lewis	(916) 323-3506
Colorado	10/18/93	06/09/98	07/01/98 - 06/30/00	Jeff Edson	(303) 692-3388
Connecticut	04/23/98	08/04/98	07/01/98 - 06/30/00	Mark Lewis	(860) 424-3768
Delaware	02/26/90	05/29/98	06/01/96 - 06/30/00	Jamie Rutherford	(302) 395-2642
District of Columbia	05/09/94	09/15/98	07/01/98 - 06/30/00	Jim Sweeney	(202) 645-6075
Florida	06/14/90	07/16/98	07/01/98 - 06/30/00	Eric Nuzie	(904) 921-9999
Georgia	05/08/90	NA	NA	Jim Ussery	(404) 656-2833
Guam	11/27/91	06/10/98	07/01/98 - 06/30/00	Mark Petersen	(671) 475-1609
Hawaii	09/10/91	05/15/98	07/01/98 - 06/30/00	Michael Miyasaka	(808) 586-7537
Idaho	02/06/91	02/25/98	07/01/98 - 06/30/00	Dean Nygard	(208) 373-0285
Illinois	12/17/92	06/30/98	07/01/98 - 06/30/00	Stephen Nussbaum	(217) 782-9803

**Table C-3 States and Territories Eligible for the DSMOA and Cooperative Agreement Program:
Agreement Status as of September 30, 1998 (continued)**

State or Territory	DSMOA Signed	CA Application Date	CA Period	POC	POC Phone Number
Indiana	04/17/91	07/12/98	07/01/98 - 06/30/00	Rex Osborn	(317) 308-3130
Iowa	NA	NA	NA	NA	NA
Kansas	08/06/92	05/10/98	07/01/98 - 06/30/00	Randy Carlson	(913) 296-1686
Kentucky	06/06/91	06/09/98	07/01/98 - 06/30/00	Nini Hughes	(502) 564-2225
Louisiana	11/13/91	05/28/98	07/01/98 - 06/30/00	Michael Vince	(504) 765-0355
Maine	06/24/91	04/15/98	07/01/98 - 06/30/00	Denise Messier	(207) 287-4851
Mariana Islands	10/18/91	06/10/98	07/01/98 - 06/30/00	Ignacio Cabrera	(670) 234-1003
Maryland	11/26/90	03/02/98	07/01/98 - 06/30/00	Shari Wilson	(410) 631-3437
Massachusetts	10/18/91	04/06/98	05/01/98 - 06/30/00	Anne Malewicz	(617) 292-5659
Michigan	08/27/92	06/16/98	07/01/98 - 06/30/00	George Jackson	(517) 335-0223
Minnesota	06/28/91	04/29/98	07/01/98 - 06/30/00	Dave Douglas	(612) 296-7818
Mississippi	10/13/89	06/09/98	07/01/98 - 06/30/00	Philip Weathersby	(601) 961-5302
Missouri	05/22/91	06/07/98	07/01/98 - 06/30/00	Bob Geller	(573) 751-7869
Montana	04/17/98	NA	NA	NA	NA
Nebraska	09/29/92	05/10/98	07/01/98 - 06/30/00	Jeff Kelly	(402) 471-2909
Nevada	09/12/90	05/27/98	07/01/98 - 06/30/00	Paul Liebendorfer	(702) 687-6396

Table C-3 States and Territories Eligible for the DSMOA and Cooperative Agreement Program: Agreement Status as of September 30, 1998 (continued)

State or Territory	DSMOA Signed	CA Application Date	CA Period	POC	POC Phone Number
New Hampshire	01/22/93	06/12/98	07/01/98 - 06/30/00	Richard Pease	(603) 271-3649
New Jersey	04/03/92	03/23/98	07/01/98 - 06/30/00	Dhruva Kanjarpane	(609) 633-1455
New Mexico	06/12/90	06/10/98	07/01/98 - 06/30/00	Julie Jacobs	(505) 827-2776
New York	06/06/91	04/24/98	07/01/98 - 06/30/00	Marsden Chen	(518) 457-3976
North Carolina	06/06/91	05/22/98	07/01/98 - 06/30/00	Grover Nicholson	(919) 733-2801
North Dakota	NA	NA	NA	NA	NA
Ohio	10/06/92	05/04/98	07/01/98 - 06/30/00	Bonnie Buthker	(937) 285-6469
Oklahoma	12/28/92	06/22/98	07/01/98 - 06/30/00	Hal Cantwell	(405) 271-7158
Oregon	NA	NA	NA	NA	NA
Pennsylvania	04/14/94	09/30/98	07/01/98 - 06/30/00	Bill Apgar	(717) 787-6239
Puerto Rico	02/04/91	NA	NA	Miguel Maldonado	(787) 766-0368
Rhode Island	09/26/91	09/30/95	07/01/98 - 06/30/00	Richard Gottlieb	(401) 277-3872
South Carolina	05/08/91	05/26/98	07/01/98 - 06/30/00	Kathy Williams	(803) 896-4140
South Dakota	10/25/91	03/05/98	07/01/98 - 06/30/00	Mark Lawrensen	(605) 773-5868
Tennessee	06/02/92	06/17/98	07/01/98 - 06/30/00	Bill Forrester	(615) 532-0913
Texas	04/08/91	07/16/98	07/01/98 - 06/30/00	Allan Posnick	(512) 239-2332

Table C-3 States and Territories Eligible for the DSMOA and Cooperative Agreement Program: Agreement Status as of September 30, 1998 (continued)

State or Territory	DSMOA Signed	CA Application Date	CA Period	POC	POC Phone Number
Utah	11/11/98	09/29/98	07/01/98 - 06/30/00	Martin Gray	(801) 538-6819
Vermont	06/22/90	06/24/98	07/01/98 - 06/30/00	George Desch	(802) 241-3888
Virgin Islands	NA	NA	NA	NA	NA
Virginia	08/31/90	06/08/98	07/01/98 - 06/30/00	Erica Dameron	(804) 698-4201
Washington	02/03/94	01/02/98	07/01/98 - 06/30/00	Tim Nord	(360) 407-7226
West Virginia	05/24/90	04/09/98	07/01/98 - 06/30/00	Ken Ellison	(304) 558-5033
Wisconsin	07/22/92	11/13/95	07/01/95 - 03/31/98	Mark Gordon	(608) 266-7278
Wyoming	06/27/90	05/28/98	07/01/98 - 06/30/00	Maggie Davison	(307) 777-7092

Total Possible = 56 (50 states; 5 territories; 1 district)

Total Signed DSMOAs = 50 (45 states; 4 territories; 1 district)

Total Signed CAs = 46 (43 states; 2 territories; 1 district)

NA means not applicable, or states or territories without a DSMOA or a CA program as of December 1998.