



Department of Defense (DOD) Cleanups and Potentially Responsible Parties (PRP)

This fact sheet explains what happens when releases of hazardous substances, pollutants, or contaminants at a DOD site are potentially caused by a mix of military and non-military sources.

What is a DOD cleanup?

A “DOD cleanup” occurs when the Department of Defense (DOD) identifies, evaluates, and, where appropriate, cleans up hazardous substances, pollutants, or contaminants resulting from DOD activities on or near a military installation. These locations are often referred to as cleanup sites, or simply “sites”. DOD conducts cleanups under the Defense Environmental Restoration Program (DERP) using funds authorized by Congress for environmental restoration activities. DOD’s environmental restoration funding can only be used to clean up releases of hazardous substances, pollutants, or contaminants that are confirmed to be from DOD sources.

DOD is committed to protecting human health and the environment and conducts cleanups under the Federal cleanup law: the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). DOD follows the CERCLA process to carefully investigate past releases of hazardous substances, pollutants, or contaminants and to determine appropriate cleanup actions based on the risk the releases may pose to human health and the environment. These investigations include assessing if hazardous substances, pollutants, or contaminants may have migrated off military installations and the potential impacts to human health and the environment if this migration occurs.

What happens if a hazardous substance is found during a DOD cleanup, but it did not come from a DOD source?

The first step in the DOD cleanup process is to determine whether there may have been a release of a hazardous substance, pollutant, or contaminant into the environment. In accordance with CERCLA, DOD begins cleanups by investigating the type and extent of the possible contamination present, where it came from, and who may have caused it. In some instances, DOD may not be the sole source of a release. If all or some of the contamination is potentially from a non-DOD source, the Department may temporarily pause the investigation to figure out who may be responsible.

What are Potentially Responsible Parties (PRPs)?

Under CERCLA, individuals or entities that may be liable for some of the release of a hazardous substance, pollutant, or contaminant into the environment are known as “**Potentially Responsible Parties**” or PRPs. PRPs can be:

- Current or former owners or operators of the property;
- Individuals or entities who arranged for disposal of any hazardous substance; or
- Individuals or entities who transported hazardous substances to or on the site.

Sites where DOD has evidence that one or more PRPs may be responsible for some or all of the contamination are designated as PRP Sites. DOD will work with regulators and landowners to identify other PRPs as early as possible in the cleanup process.



U.S. Department of Defense

DEFENSE ENVIRONMENTAL RESTORATION PROGRAM

Protecting Human Health and the Environment

Distribution Statement A. Approved for public release: distribution is unlimited. POC: ODASD(EM&R).

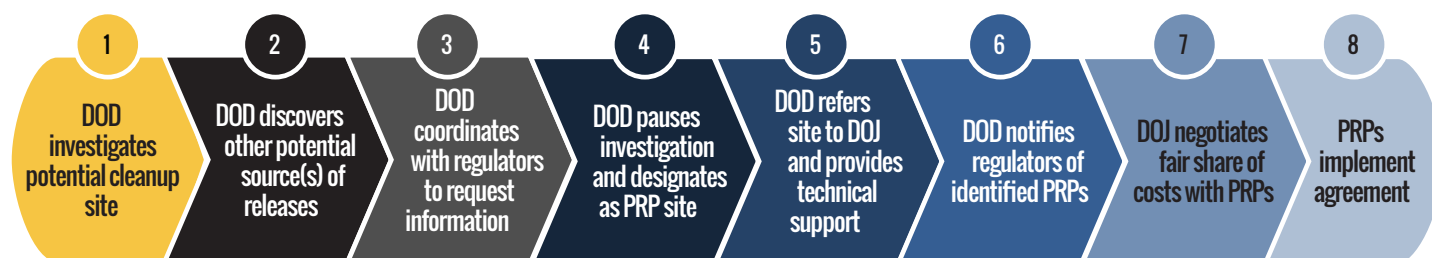


Department of Defense (DOD) Cleanups and Potentially Responsible Parties (PRP)

How does DOD work with PRPs at cleanup sites?

Once DOD determines that other parties may be responsible for releases at the site, DOD follows a specific process required by federal law. Through that process, DOD works with environmental regulators and the Department of Justice (DOJ) to identify the PRPs, determine responsibilities, and negotiate the fair share of costs among PRPs. The outcome is a final negotiated agreement that defines who is responsible for completing and paying for cleanup activities.

A simplified version of the PRP process is shown below, starting with DOD investigating the site. Note that actual steps may vary based on site-specific circumstances.



Why does it matter if a site is a PRP site?

If the PRP process determines that another party may have caused a site's contamination, DOD cannot legally use its environmental restoration funds for cleanup at that site. Therefore, when evidence indicates that DOD may not be the sole source of a release, DOD must initiate the PRP process. This process ensures that each responsible party is identified and held accountable for its share of the cleanup.

Does identifying PRPs delay cleanup?

Sometimes, identifying PRPs can delay cleanup. The extent of these delays depends on site-specific factors. In many cases cleanup progress will slow down. As in any situation involving multiple parties, it often takes time to work out the terms, responsibilities, and cost-sharing arrangement.

Who can I contact with questions about a specific PRP site?

In most cases, the public can contact the state environmental regulator with questions about the PRP site. Some PRP sites may also have a communication plan that identifies a specific point of contact for questions and updates.

