



OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE

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ENERGY, INSTALLATIONS,
AND ENVIRONMENT

MEMORANDUM FOR DEPUTY ASSISTANT SECRETARY OF THE ARMY
(ENVIRONMENT, SAFETY AND OCCUPATIONAL HEALTH)
DEPUTY ASSISTANT SECRETARY OF THE AIR FORCE
(ENVIRONMENT, SAFETY, AND INFRASTRUCTURE)

SUBJECT: Including National Guard Sites in the Defense Environmental Restoration Program

Section 312 of the National Defense Authorization Act (NDAA) for FY 2024 provides the Department of Defense (DoD) with new authority to use Environmental Restoration Account (ERA) funds to carry out cleanup of all Defense Environmental Restoration Program (DERP) eligible releases resulting from National Guard activities. Therefore, the DoD Component Heads with DERP responsibilities, as identified in DoD Instruction 4715.07, *DERP*, may begin transferring and adding newly authorized National Guard sites to the DERP immediately. The Army and Air Force will ensure the sites meet DERP eligibility requirements in DoD Manual 4715.20, *DERP Management* (section 2 of Enclosure 3 (excluding section 2.d.(9))), prior to transferring and adding them to the DERP. The Army and Air Force will follow the attached procedures, which provide guidance for transferring and adding newly authorized National Guard sites to the DERP inventory, to ensure a seamless transition.¹

This memorandum is effective immediately and supersedes and cancels the Assistant Secretary of Defense for Energy, Installations, and Environment memorandum, “Funding Cleanup at National Guard Locations,” November 28, 2017, and the Assistant Secretary of Defense for Sustainment memorandum, “Guidance for Including Certain National Guard Sites in the Defense Environmental Restoration Program,” September 29, 2020.² The point of contact for this matter is Ms. Susan Elrod at 202-430-0928 or susan.l.elrod.civ@mail.mil.

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Ronald E. Tickle
Deputy Assistant Secretary of Defense
(Environmental Management & Restoration)

Attachment:
As stated

¹ Sites that have already transferred or been added to the DERP must comply with the requirements in the attached procedures.

² DoD issued the November 28, 2017, memorandum to clarify its legal position on and restrict the use of ERA funds at National Guard facilities where DoD was not the “owner or operator” at the time of a release. DoD issued the September 29, 2020, memorandum to comply with Section 316 of the NDAA for FY 2020, which provided DoD with new authority to use ERA funds to carry out cleanup of perfluorooctane sulfonate or perfluorooctanoic acid releases resulting from National Guard activities.

Procedures for Transferring and Adding Newly Authorized National Guard Sites to the Defense Environmental Restoration Program

Introduction

Section 312 of the National Defense Authorization Act (NDAA) for FY 2024 provides the Department of Defense (DoD) with new authority to use Environmental Restoration Account (ERA) funds to carry out cleanup of all Defense Environmental Restoration Program (DERP) eligible releases resulting from National Guard activities. Therefore, the DoD Component Heads with DERP responsibilities, as identified in DoD Instruction (DoDI) 4715.07, *DERP*, may begin transferring and adding newly authorized National Guard sites to the DERP immediately.¹ These sites must meet all DERP eligibility requirements in DoD Manual (DoDM) 4715.20, *DERP Management* (section 2. of Enclosure 3 (excluding section 2.d.(9))).

The Office of the Deputy Assistant Secretary of Defense for Environmental Management and Restoration (ODASD(EMR)) developed these procedures to help the Army and Air Force transfer and add newly authorized sites where there are DERP eligible releases resulting from National Guard activities to the DERP inventory and ensure they are reported appropriately.² The procedures provide guidance to the Army and Air Force on:

- Determining whether they can transfer and add National Guard sites to the DERP;
- Integrating newly authorized National Guard sites into the DERP inventory; and
- Reporting newly authorized National Guard sites on the ENV30 budget exhibit and in the Knowledge-Based Corporate Reporting System (KBCRS).

Procedures

1. The Army and Air Force will evaluate each National Guard site that could transfer or be added to the DERP to determine if the site meets the eligibility requirements in DoDM 4715.20, *DERP Management* (section 2. of Enclosure 3 (excluding section 2.d.(9))).
2. The Army and Air Force will transfer and add newly authorized National Guard sites to their DERP inventories using the same procedures they follow when adding any newly identified DERP sites to their inventories. The Army and Air Force may transfer and add newly authorized National Guard sites to the DERP at any time during the FY.¹
3. After transferring or adding newly authorized National Guard sites to the DERP, the DoD Component Heads must:

¹ The Army and Air Force may transfer and add newly authorized sites to the DERP while the Operation and Maintenance (O&M), Army National Guard, and O&M, Air National Guard, accounts are funding DERP eligible activities at the sites. However, they cannot report the O&M-funded phases or O&M obligations (actual or planned) on the ENV30 budget exhibit or in KBCRS. Refer to Step 5 of these Procedures for additional information about reporting.

² Sites that have already transferred or been added to the DERP must comply with the requirements in these procedures.

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- a. Follow the cleanup process and procedures in accordance with title 10, United States Code, sections 2700 – 2711; DoDI 4715.07; DoDM 4715.20; and supplemental policies and guidance issued by ODASD(EMR). This includes:
 - i. Using the Relative Risk Site Evaluation to evaluate and sequence the sites for response actions with all other Army and Air Force DERP sites, as appropriate;
 - ii. Requesting funding for and including the sites in the ERA, Army and ERA, Air Force budget exhibits, as appropriate. The environmental liabilities associated with the sites will be documented and reported in the same manner as other DERP cleanup liabilities; and
 - iii. Reporting the sites in KBCRS in accordance with the KBCRS reporting instructions issued for each data submission and the instructions provided in Step 5 below.
 - b. Stop requesting funding for the sites on the Compliance Cleanup line on the PB28 budget exhibit.
4. The Army and Air Force may only use the authorities provided under the DERP (e.g., use of ERA funds, cooperative agreement authority such as the Defense and State Memorandum of Agreement [DSMOA]) at National Guard sites after the sites are officially transferred or added to the DERP and reported on the ENV30 budget exhibit and in KBCRS. The Army and Air Force may not use the authorities provided under the DERP to support activities associated with O&M-funded contracts awarded before sites are transferred or added to the DERP (e.g., if a contract for the remedial investigation [RI] phase for a site was awarded with O&M funding, DSMOA cannot be used for State Services associated with that RI).
5. Reporting:
- a. Include newly authorized National Guard sites on the first ENV30 budget exhibit following their transfer or addition to the DERP.
 - b. Report the required installation-level data in KBCRS for the National Guard bases in the first submission following the transfer or addition of newly authorized sites to the DERP. This includes, but is not limited to, reporting data in the KBCRS Installation (INST) and Restoration Advisory Board (R_A_B) tables.
 - c. Report the required site-level data in KBCRS for the newly authorized National Guard sites in the first submission following their transfer or addition to the DERP. This includes, but is not limited to, reporting data in the following KBCRS tables:
 - i. The Site table (ENV_REST_SITE);
 - ii. The Cleanup Driver table (ENVST_CLEANUP_DRVR);
 - iii. The Phase table (PHASES);
 - iv. The Remedy table (PHASES_REMEDY);

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- v. The Munitions Response Area table (MRA_AREA);³
 - vi. The Munitions Response Site table (MMR_CHAR);³
 - vii. The Reopened Milestones tables (REOPEN_RIPRCSC, REOPEN_RIPRCSC_RSN, and, as appropriate, REOPEN_RIPRCSC_CONT and REOPEN_PHASES); and
 - viii. The Funding tables (ENVST_FND, CTC_CHG, and, as appropriate, ENVST_FND_PROJ_MGT).
- d. Only report data associated with work performed and funded under the DERP on the ENV30 budget exhibit and in KBCRS.
- i. Only report obligations of ERA funds on the ENV30 budget exhibit and in the KBCRS Funding tables. If there is an O&M-funded contract in place when a site transitions to the DERP, continue reporting the obligations of O&M funds on the PB28 budget exhibit until the contract expires and the O&M-funded work is complete.
 - ii. Only include ERA-funded future requirements in the cost-to-complete (CTC) estimates reported on the ENV30 budget exhibit and in the KBCRS Funding tables.
 - iii. Phase data reported in the KBCRS Phase table:
 - 1. Do not report phases completed using funds from the O&M, Army National Guard and O&M, Air National Guard accounts prior to a site's transition.
 - 2. For phases that are underway at the time of a site's transition:
 - a. Report the phase status as "underway" if you start funding the work under the DERP between the time you transition the site to the program and the end of the reporting cycle in which you transition the site. The actual start date will reflect the date you began using ERA funds, not the date the phase began.
 - b. Report the phase status as "planned" if you do not start funding the work under the DERP between the time you transition the site to the program and the end of the reporting cycle in which you transition the site. The estimated start date will reflect the date you expect to begin funding the work under the DERP.
 - 3. Report all planned phases in KBCRS with estimated start dates that reflect when you expect to begin funding the work under the DERP.
- e. For each newly authorized Army Non-DoD Owned, Non-Operational Defense Site (NDNODS) that transitioned out of the DERP in accordance with Attachment 2 of the Director, Environmental Management memorandum, "Revisions to KBCRS DERP Data

³ This table does not apply to Installation Restoration Program sites.

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Templates and Site Tracking,” November 1, 2012, and that is transitioning back into the program, the Army will:

- i. Include the site on the ENV30 budget exhibit in accordance with Step 5.a. above.
 - ii. Report the required installation- and site-level data in KBCRS in accordance with Steps 5.b. and 5.c. above.
 - iii. Report obligations and CTC estimates on the ENV30 budget exhibit and in the KBCRS Funding tables in accordance with Steps 5.d.i. and 5.d.ii. above.
 - iv. Remove the “FA” (site funded under another program) site type (envst_type_cd) in the KBCRS Site table and report the actual site type (e.g., spill site, storage area).
 - v. Do not update the date the site was first entered into KBCRS to reflect the date the site became DERP eligible per Section 312 of the NDAA for FY 2024 (i.e., do not change the date in the envst_enter_ymdt field in the KBCRS Site table).
 - vi. Report actual or estimated remedy in place (RIP), response complete (RC), and site closeout (SC) dates that reflect when the site achieved or is expected to achieve these milestones in the KBCRS Site table.
 - vii. Report the sites in the KBCRS Reopened Milestones tables, as appropriate. Report that the site was reopened because of new authority to use ERA funds for cleanup (i.e., in the REOPEN_RIPRCSC_RSN table, enter “16” in the reopen_riprsc_cd field).
 - viii. Continue reporting phases completed prior to the transition out of the DERP in the KBCRS Phase table.
 - ix. If the Army changed the phase status from “underway” to “complete” when a site transitioned out of the DERP in accordance with Attachment 2 of the memorandum dated November 1, 2012, and the phase is still underway when the site transitions back to the DERP, contact ODASD(EMR) to discuss how to report the phase.
 - x. Report phases that are underway and planned in the KBCRS Phase table in accordance with Steps 5.d.iii.2. and 5.d.iii.3. above.
- f. For each newly authorized Air National Guard site that transitioned out of the DERP in accordance with the Assistant Secretary of Defense for Energy, Installations, and Environment memorandum, “Funding Cleanup at National Guard Locations,” November 28, 2017, and that is transitioning back into the program, the Air Force will:
- i. Include the site on the ENV30 budget exhibit in accordance with Step 5.a. above.
 - ii. Report the required installation- and site-level data in KBCRS in accordance with Steps 5.b. and 5.c. above.

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- iii. Report obligations and CTC estimates on the ENV30 budget exhibit and in the KBCRS Funding tables in accordance with Steps 5.d.i. and 5.d.ii. above.
 - iv. Remove the “IS” (ineligible site) site type (envst_type_cd) in the KBCRS Site table and report the actual site type (e.g., spill site, storage area).
 - v. Do not update the date the site was first entered into KBCRS to reflect the date the site became DERP eligible per Section 312 of the NDAA for FY 2024 (i.e., do not change the date in the envst_enter_ymdt field in the KBCRS Site table).
 - vi. Report actual or estimated RIP, RC, and SC dates that reflect when the site achieved or is expected to achieve these milestones in the KBCRS Site table.
 - vii. Report the sites in the KBCRS Reopened Milestones tables, as appropriate. Report that the site was reopened because of new authority to use ERA funds for cleanup (i.e., in the REOPEN_RIPRCSC_RSN table, enter “16” in the reopen_riprsc_cd field).
 - viii. Continue reporting phases completed prior to the transition out of the DERP in the KBCRS Phase table.
 - ix. If the Air Force changed the phase status from “underway” to “complete” when a site transitioned out of the DERP in accordance with the transition plan dated November 20, 2017, and the phase is still underway when the site transitions back to the DERP, report the data for that site in the KBCRS Phase table as follows:
 1. Continue reporting the existing completed phase record with the original start and end dates; and
 2. Add a second record for the same phase to the KBCRS Phase table. Report the phase status as “underway” or “planned” in accordance with Step 5.d.iii.2. above.
 - x. Report phases that are underway and planned in the KBCRS Phase table in accordance with Steps 5.d.iii.2. and 5.d.iii.3. above.
6. Reopening sites:
- a. Steps 1 through 5 above apply to Army NDNODS that remained in the DERP because they achieved SC at the completion of the site inspection phase, in accordance with Attachment 2 of the memorandum dated November 1, 2012, and that the Army must reopen to continue the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) process in accordance with the new authority provided in Section 312 of the NDAA for FY 2024.

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- b. Steps 1 through 5 above apply to Air National Guard sites that remained in the DERP because they had achieved SC as of the end of FY 2017, in accordance with the transition plan dated November 20, 2017, and that the Air Force must reopen to continue the CERCLA process in accordance with the new authority provided in Section 312 of the NDAA for FY 2024.