

DoD Guidance and Policies on Fast Track Cleanup at Closing Installations (9 September 1993)

Guidance and Policies on Fast Track Cleanup at Closing Installations

THE DEPUTY SECRETARY OF DEFENSE

WASHINGTON, D.C. 20301

9 September 1993

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHAIRMAN OF THE JOINT CHIEFS OF STAFF
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ASSISTANT SECRETARIES OF DEFENSE
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SUBJECT: Fast Track Cleanup at Closing Installations

The President announced on July 2, 1993, a five-part program to speed economic recovery at communities where military bases are slated to close. The Under Secretary of Defense for Acquisition (USD(A)) has begun implementation of the five-part program with a strategy paper promulgated on July 15, 1993. This policy memorandum is one in a series that will be issued to further implement the President's program and the USD(A) strategy. In particular, it provides Department of Defense (DoD) guidance on implementing "Fast Track" cleanup initiatives.

The attached guidance includes procedures for establishing cleanup teams at closing bases, conducting comprehensive "bottom up" reviews of cleanup plans and schedules, accelerating the National Environmental Policy Act process, involving the public, and preparing Suitability to Lease documentation. Also attached is updated guidance on implementing the Community Environmental Response Facilitation Act for identification of uncontaminated properties.

The USD(A) will provide Components with a protocol and format for conducting the bottom up reviews at each closing installation by September 15, 1993. The results of the reviews and your revised cleanup plans must be submitted to him no later than April 29, 1994.

I want to emphasize that this initiative calls for a sharp departure from "business as usual". As such, the DoD Components should use the attached policy for implementation without further issuance of Component-specific policy, unless absolutely necessary. Any necessary Component-specific implementing directives should be issued by September 30, 1993.

The Department's best efforts are critical to communities successfully transitioning from base closure to economic recovery through economic redevelopment. I ask for your personal support and urge you to give this initiative continual, high level management attention and to allocate the resources necessary to help ensure success.

Attachments

**DOD GUIDANCE ON ESTABLISHING
BASE REALIGNMENT AND
CLOSURE CLEANUP TEAMS**

I. PURPOSE

This guidance implements the President's plan to expedite the disposal and reuse of closing military bases by creating partnerships and accelerating environmental cleanup activities. It establishes a Base Realignment and Closure (BRAC) Cleanup Team (BCT) for each Department of Defense (DoD) closing or realigning base where property is available for transfer to the community and empowers the team with the authority, responsibility, and accountability for environmental cleanup programs at these installations, emphasizing those actions which are necessary to facilitate reuse and redevelopment.

II. APPLICABILITY AND SCOPE

This policy applies to all DoD installations slated for closure or realignment where property is available for transfer to the community pursuant to the Base Closure and Realignment Act of 1988 (P.L. 100-526) (BRAC 88) or the Defense Base Closure and Realignment Act of 1990 (P.L. 101-510)(BRAC 91, 93, and 95). The policy's scope includes environmental cleanup programs and activities that support the lease or transfer of real property at affected installations under applicable statutes, regulations, and authorities, including but not limited to the following:

- Comprehensive Environmental Response, Compensation and Liability Act (CERCLA)
- Resource Conservation and Recovery Act (RCRA)
- National Environmental Policy Act (NEPA)
- Executive Order 12580, Superfund Implementation
- Community Environmental Response Facilitation Act (CERFA)
- National Contingency Plan (NCP)
- Defense Environmental Restoration Program (DERP)

The requirements of this policy shall in no way impede, or otherwise affect the continuing responsibility to achieve and maintain environmental compliance in the ongoing operation of installation facilities.

III. POLICY

Department of Defense policy is to conduct environmental cleanup actions and programs to protect human health and the environment and to facilitate the reuse and redevelopment of closure bases as expeditiously as possible. This policy will be carried out to promote economic reuse of affected installations in support of their surrounding communities, while satisfying applicable environmental protection laws and regulations.

IV. PROCEDURES AND RESPONSIBILITIES

A. PROCEDURES

1. In conjunction with the appropriate Environmental Protection Agency (EPA) Regional Office and state environmental regulatory entity, every DoD installation slated for closure or realignment at which property will be available for transfer to the community shall form a BCT comprised of one representative from DoD, one representative from the state and, where appropriate, one representative from the U.S. EPA. The BCT will act as the primary forum in which issues affecting the execution of cleanup to facilitate reuse will be addressed.

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2. The DoD representative on the BCT (to be known as the BRAC Environmental Coordinator (BEC)) will be appointed by the appropriate DoD Component responsible for the installation. The BEC appointed for each base will work for and within the DoD Component organization and will have the responsibilities and implementation authorities for environmental cleanup programs related to the transfer of the installation's real property. The BEC shall have experience commensurate with the responsibilities of the position. The regulatory entities are preparing similar policies to provide members to the BCT of comparable experience who will possess the requisite authority from their respective organizations to take the actions
3. The BEC, in conjunction with other members of the BCT, will conduct a "Bottom Up" review of the environmental cleanup. The "Bottom Up" review will include an evaluation of the existing environmental programs such as the Installation Restoration Program, Closure Related Compliance Program, and the Asbestos Program to identify opportunities for acceleration to expedite conveyance of property. Potential areas for acceleration include, but are not limited to:
 - a. Review of selected technology for application of expedited solutions.
 - b. Implementation of immediate removal actions to eliminate "hot spots" while investigation continues.
 - c. Identification of clean properties.
 - d. Identification of overlapping phases of the cleanup process.
 - e. Use of improved contracting procedures.
 - f. Interfacing with the community reuse plan and schedule.
 - g. Embracing a bias for cleanup instead of studies.
 - h. Validation of technology of the proposed remedy selection to ensure conformance with Fast Track Cleanup objectives.
 - i. Identification of opportunities for application of presumptive remedies.
 - j. Using innovative management, coordination and communication techniques (e.g., partnering).

The product of this review will be a BRAC Cleanup Plan (BCP) which will be the road map for expeditious cleanup necessary to facilitate conveyance of property to communities for redevelopment. The BCP will be a phased plan which encapsulates and prioritizes requirements, schedules and cost of the environmental programs to be implemented by the BCT for completing environmental action in support of the cleanup, reuse and redevelopment of the base. For sites with existing Federal Facility Agreements (FFA), Interagency Agreements (IAG), or similar cleanup agreements, orders or decrees, the BEC will propose and negotiate changes needed to expedite cleanup.

B. RESPONSIBILITIES

1. For the purposes of carrying out this policy, the Secretaries of the Military Departments and the Director of the Defense Logistics Agency, through their organizations, shall be responsible for:
 - a. Identifying the DoD Representative (the BEC) for each installation and notifying the DUSD(ES) of the Representative's name and address by September 1, 1993.

- b. Delegating to the BRAC Environmental Coordinator (BEC), to the extent permitted by applicable law, authority and responsibility for the execution of all environmental cleanup programs related to the transfer of the base or parcels within a BRAC Cleanup Plan (BCP).
 - c. Ensuring that all BECs are adequately trained to execute their responsibilities.
 - d. Making the resources (e.g., technical expertise, contracting, legal, financial) available to the BEC for executing the cleanup programs.
 - e. Acting on the BCP within 30 days of receipt.
 - f. Programming and budgeting for the resources required to execute the BCP.
 - g. Providing implementing instructions for this guidance.
 - h. Providing oversight of the BEC's actions.
2. The responsibilities of the BEC shall include:
- a. In conjunction with the other members of the BCT, conducting a "Bottom-Up" review of the environmental cleanup programs and submitting the resulting BCP to the respective component by March 31, 1994.
 - b. Contacting the appropriate U.S. EPA Regional Office and state environmental regulatory agency and forming the BCT
 - c. Implementing all environmental cleanup programs related to closure in an expeditious and cost effective manner in accordance with the BCP.
 - d. Negotiating appropriate cleanup and abatement actions with EPA and state BCT members.
 - e. Identifying resource requirements for cleanup and abatement actions.
 - f. Acting as the liaison/coordinator with appropriate installation and headquarters commanders with regard to closure-related environmental compliance matters.
 - g. Participating, in conjunction with other BCT members, as a member of the community's Restoration Advisory Board (RAB) and acting as liaison to the DoD Transition Coordinator on environmental matters affecting the leasing or conveyance of property (e.g., cleanup schedules and priorities, cleanup actions and levels, reports to community leaders on cleanup progress and/or possible impediments to a lease or conveyance).
 - h. Providing direction on the use of BRAC environmental funds to accomplish cleanup and abatement actions within resources available.
 - i. Proposing and executing changes to existing cleanup agreements, orders and decrees, and other environmental procedures to achieve timely and cost effective cleanup.
 - j. Serving as the Program Manager or the Remedial Program Manager where the installation has an FFA, IAG, or other regulatory cleanup agreement, order or decree.

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- k. Signing the Record of Decision for cleanup actions under CERCLA.
- l. Signing the decision documents for corrective actions related to cleanup under RCRA once the operational mission has departed, and removal actions under CERCLA.
- m. Signing the decision documents for corrective actions related to cleanup under applicable state laws, regulations and programs.
- n. Signing the installation's Environmental Baseline Survey.
- o. Signing uncontaminated parcel determinations under CERFA.
- p. Providing input to the Finding of Suitability to Lease (FOSL) and Finding of Suitability to Transfer (FOST).
- q. Establishing and maintaining the Administrative Record and Participation Procedures required under CERCLA and administrative records of all actions taken with regard to the cleanup of the installation.
- r. Maintaining an awareness of the status of site activities and intervening as warranted to ensure expeditious project completion.
- s. Integrating property transfer priorities into the cleanup program.
- t. Certifying construction requested by lessee will not interfere with the environmental cleanup program.

V. ISSUES RESOLUTION

Issues affecting the execution of environmental cleanup programs should be resolved at the BCT level. For sites with existing FFAs, IAGs, or other agreements, orders, or decrees, issues which cannot be resolved by the BCT will be handled in accordance with existing dispute resolution procedures. For sites covered under the Defense - State Memorandum of Agreement (DSMOA) program without other agreements, orders, or decrees in place, disagreements will be resolved through the Dispute Resolution provision in the DSMOA. Where disputes arise at sites without any dispute resolution procedures in place, resolution will be made at the Component Deputy Assistant Secretary level.

**DOD GUIDANCE ON ACCELERATING
THE NEPA ANALYSIS PROCESS
FOR BASE DISPOSAL DECISIONS**

I. PURPOSE

This guidance implements the President's plan to expedite the disposal and reuse of closing military bases by directing that any required Environmental Impact Statement (EIS) on disposition and reuse is produced within 12 months of receipt of a community's final reuse plan. It requires expedited production of an early, high-quality environmental analysis which will be useful in the community's ongoing planning efforts as well as in the Department of Defense (DoD) Component's property disposal decision making, thus expediting Component disposal decisions, the productive reuse of the property, and the economic redevelopment of the community. Such a completed analysis may also be used to support DoD Component decisions on interim outleasing of parcels for early reuse and other actions supporting conversion of the installation to civilian reuse.

II. APPLICABILITY AND SCOPE

This policy applies to all DoD installations being closed or realigned pursuant to the Base Closure and Realignment Act of 1988 (P.L. 100-526) (BRAC 88) or the Defense Base Closure and Realignment Act of 1990 (P.L. 101-510) (BRAC 91, 93, and 95). The policy's scope includes all environmental analyses required under the National Environmental Policy Act of 1969 (NEPA) to support DoD Component decisions to be made on disposition and reuse of closure or realignment properties.

III. POLICY

The DoD policy is that DoD Components responsible for making decisions on disposal and reuse of installations being closed or realigned pursuant to the Base Closure statutes will implement measures to assure that Final EIS's or other environmental analyses under NEPA will be completed within 12 months from the date the community involved submits its final reuse plans. A single NEPA analysis will be prepared to support decisions regarding both disposal and reuse of the installation.

IV. PROCEDURES AND RESPONSIBILITIES

A. Procedures

1. Every effort should be made by the DoD Office of Economic Adjustment (OEA) and the DoD Components to aid and encourage the community to arrive at a "final" suitable reuse plan at an early stage. A community's reuse plan is considered "final" when officially adopted by the governing body of the state or local governmental organization with the primary role in the base's reuse.
2. The community's reuse plan, if available, will be the basis for the proposed action and alternatives addressed in the DoD Component's EIS or other NEPA analyses unless it conflicts with statutory or regulatory requirements. To the extent that the elements of the community reuse plan do not constitute a reasonable proposed or alternative for the disposal of a closed base, the DoD Components will identify the problems with the plan to the community as soon as possible and work with the community to devise mutually acceptable modifications to the plan. Designation of the community reuse plan as the proposed action does not affect the DoD Component's obligation under NEPA to evaluate reasonable alternatives for the disposal of base closure property.
3. In the event that the community fails to achieve consensus on or does not submit an approved final reuse plan by the time the DoD Component needs to initiate the NEPA analysis to support future disposition and reuse decisions for the property (which decisions will normally be made at least by the

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time of installation closure), the DoD Components will prepare the NEPA analysis using reasonable assumptions as to the likely reuse scenarios and their reasonable alternatives.

Reuse assumptions may be based upon such factors as existing use of the facilities; local zoning; limitations based on cultural and historic resources, wetlands, and endangered species, etc.; extent of environmental contamination; highest and best use studies; results of the Federal agencies' screening process; proposals from public benefit transfer applicants or sponsoring agencies; known specific reasonable proposals or plans of others for the reuse of parts of the installation; and prior DoD experience in disposal and reuse actions at similar installations.

4. Where EIS's are required, the DoD Components will assure that the formal EIS process is initiated at the appropriate time commensurate with planned disposal of the specific base. Gathering environmental documentation and conducting the background analysis for the likely reuse scenarios for the installation should begin as early as possible.

This early data gathering should be combined with other ongoing environmental processes and property disposal actions, such as the preparation of Environmental Baseline Surveys (EBS) for uncontaminated property identification. Likewise, other related environmental studies to support the EIS and disposal-related processes, such as those for wetlands determinations or threatened and endangered species and cultural or historical resources concerns, should be commenced at this early stage, to assure timely compliance with the related specific regulatory requirements.

5. This advance EIS background information gathering may begin even before the publication in the *Federal Register* of the Notification of Intent (NOI) to produce the EIS. Information preparation will require allocation of sufficient staff, contracting support, and other resources in order to identify a proposed action and alternatives; undertake major advanced environmental data collection efforts that will be useful regardless of the more specific proposed action(s) that may emerge from a community reuse plan; and accomplish on an advance basis, insofar as possible, as many other early-phase activities of the normal EIS preparation process.
6. This advance EIS data development and analysis process will continue after publication of the NOI in the *Federal Register* and will be conducted in cooperation with community officials, as well as the United States Environmental Protection Agency (EPA) and other anticipated formal cooperating agencies. Early information gathered and analyses prepared, which may include in appropriate cases, a preliminary draft of the EIS, will be provided to the communities to aid development of their reuse plans.
7. If no community reuse plan emerges before the Draft EIS is needed to support the disposal decision schedule, this advance EIS work should become the basis for the DoD Component to complete its EIS process in the absence of such a community reuse plan. In the event that an approved reuse plan is later developed, at a point before DoD disposal decisions and actions have been taken, the DoD Component will analyze whether the plan is covered in its NEPA analysis and whether the plan constitutes a reasonable alternative for reuse of the installation. Based on this analysis, consideration can be given to integrating the plan into the existing analysis or preparing additional analyses, as required by law or otherwise deemed appropriate.
8. DoD Components should prepare Programmatic EIS's, in advance, on certain common reuse scenarios for closing installations. These may include conversion of military airfields into public airport use or military housing into public housing (e.g., McKinney Homeless Assistance Act) or private housing. Such Programmatic EIS's should then be used in subsequent NEPA analyses.

B. Responsibilities

The Secretaries of the Military Departments and Director of the Defense Logistics Agency, through their organizations, shall be responsible for:

1. Delegating authority, responsibility and necessary resources to the appropriate level(s) to achieve timely, effective NEPA analyses.
2. Ensuring that DoD Transition Coordinators (TC) and BRAC Environmental Coordinators (BEC) are involved in the NEPA analysis process for their installations.
3. Establishing adequate procedures to provide information on the NEPA analysis process and actions and permit meaningful community and public input into the process.

DOD GUIDANCE ON IMPROVING PUBLIC INVOLVEMENT IN ENVIRONMENTAL CLEANUP AT CLOSING BASES

I. PURPOSE

This guidance implements the President's plan to expedite the closure and reuse of closing military bases. This guidance directs the Components to involve the community near a closing base in the cleanup program by making information available, providing opportunities for comment, and establishing and seeking public participation on a Restoration Advisory Board (RAB).

II. APPLICABILITY AND SCOPE

This guidance applies to all Department of Defense (DoD) bases being closed or realigned pursuant to the Base Closure and Realignment Act of 1990 (P.L. 100-526) (BRAC B8) or the Defense Base Closure and Realignment Act of 1990 (P.L. 101-510) (BRAC 91, 93 and 95) and where property will be available for transfer to the community. The policy explains DoD intent in establishment of RABs, fundamental responsibilities of the RAB, and procedures for the RAB.

III. POLICY

It is DoD policy to:

- A. Be open, cooperative and forthright with the public concerning environmental cleanup activities and to make information on program activities available in a timely manner.
- B. Provide opportunities for and encourage public comment on documents and proposed activities and to be responsive to comments.
- C. Establish an RAB at closing and realigning bases where property will be available for transfer to the community. The RAB will work in partnership with the Base Cleanup Team (BCT) on cleanup issues and related matters. Through the RAB, stakeholders may review progress and participate in the decision making process.

IV. PROCEDURES AND RESPONSIBILITIES

A. PROCEDURES

1. An RAB will be established at each closing and realigning base where property will be available for transfer to the community. The RAB will:
 - a. be comprised of DoD Component, United States Environmental Protection Agency (EPA) and state representatives and members of the local community;
 - b. be jointly chaired by a DoD Component representative (the BRAC Environmental Coordinator [BEC]) and a member of the local community;
 - c. meet the requirements of 10 USC Section 2705(c), Department of Defense Environmental Restoration Program, which directs DoD to establish Technical Review Committees (TRC). Where TRCs or other similar groups already exist, they shall be expanded or modified to become RABs, rather than creating a separate committee.

2. The DoD Components will seek to include on the RAB members who reflect diverse interests within the community (e.g. representatives of the local Land Reuse Committee, representatives of citizen, environmental and public interest groups; local government and individual community members). RAB members may be nominated by regulatory agencies. The DoD Component should accept the nominations unless it determines that the nominees would not reflect the full range of views within the community. The membership selection process will be conducted in an open manner.
3. A point-of-contact for cleanup information shall be identified at the installation level (normally the BEC). A second point-of-contact (e.g., at higher headquarters) to resolve problems in obtaining information shall also be identified.
4. Information on cleanup activities, such as draft and final technical documents, proposed and final plans, status reports, etc., will be provided to the RAB and made available to the public in a timely manner. Public comments will be actively solicited and considered before documents are finalized.
5. Vehicles for disseminating information such as public meetings, bulletins, and central repositories shall be identified and used consistently.

B. RESPONSIBILITIES

1. The DoD Components shall:
 - a. Ensure that the policies stated in this memorandum are implemented by their respective organizations;
 - b. Ensure that adequate administrative support is available to establish RABs and conduct public outreach;
 - c. Conduct oversight of public outreach activities.
 - d. Ensure that:
 - i. community relations plans are developed or revised to reflect these policies;
 - ii. RABs are established expeditiously and that their inputs are fully considered in decision making in the cleanup program; and
 - iii. installation public affairs staff are involved in public outreach activities of the cleanup program.
2. The RAB will:
 - a. act as a forum for discussion and exchange of cleanup information between Government agencies and the public;
 - b. conduct regular meetings, open to the public, at convenient times;
 - c. keep meeting minutes and make them available to the public;
 - d. develop and maintain a mailing list of names and addresses of stakeholders who wish to receive information on the cleanup program;

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- e. review and evaluate documents;
- f. identify project requirements;
- g. recommend priorities among sites or projects;
- h. identify applicable standards and, consistent with Section 121 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), propose cleanup levels consistent with planned land use.

MEMORANDUM OF UNDERSTANDING
BETWEEN THE
U.S. ENVIRONMENTAL PROTECTION AGENCY
AND THE U.S. DEPARTMENT OF DEFENSE

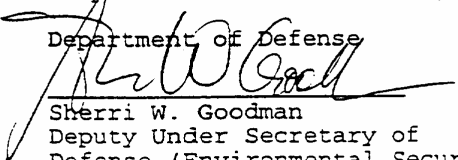
SUBJECT: Procedures to Determine Environmental Suitability for
Leasing Property Available as a Result of a Base
Closure or Realignment

1. Purpose: The purpose of this Memorandum of Understanding (MOU) between the Department of Defense (DoD) and the Environmental Protection Agency is to establish procedures and responsibilities for determining the environmental suitability for leasing property which is available as a result of a base closure or realignment initiated per the 1988 or 1990 Base Closure and Realignment Act. The MOU is entered into as provided by 10 U.S.C. 2667 (f), as amended by section 2906 of the Defense Authorization Act of 1994.

2. Scope: On September 9, 1993, the Deputy Secretary of Defense issued a memorandum, subject; Fast Track Clean-up at Closing Installations, which contained the attached DoD Policy on the Environmental Review Process to Reach a Finding of Suitability to Lease (FOSL) on the basis of an Environmental Baseline Survey (EBS). DoD and EPA agree that the DoD Components will make the determination of environmental suitability for leasing utilizing this FOSL policy. DoD prepared the FOSL policy in cooperation with EPA, and any modification of the FOSL policy will be the result of similar cooperation, without requiring modification of this MOU. DoD agrees that the Components will develop FOSL documents with input from the appropriate State Agency and EPA Regional Office, in accordance with the attached FOSL policy, and that the Components will respond to regulatory comments, as described in this policy.

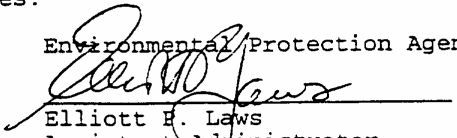
3. Duration and termination: This agreement expires September 30, 1998, but may be extended upon the agreement of the parties. Modifications to this agreement may be made upon the mutual agreement of the parties; however, modifications shall be made in writing. The agreement will remain unchanged absent a response. Conflicts arising between the parties shall be resolved administratively between the agencies. Absent agreement, dispute resolution shall be in accordance with procedures for resolving disputes between Federal agencies.

Department of Defense


Sherri W. Goodman
Deputy Under Secretary of
Defense (Environmental Security)

Date: 3/25/94

Environmental Protection Agency


Elliott H. Laws
Assistant Administrator
Office of Solid Waste
and Emergency Response

Date: 5/4/94

**DOD POLICY ON THE ENVIRONMENTAL
REVIEW PROCESS TO REACH A
FINDING OF SUITABILITY TO LEASE (FOSL)**

I. PURPOSE

This policy provides guidance to Department of Defense (DoD) Components on the process to identify and document parcels of real property made available through the Base Realignment and Closure (BRAC) process and which are environmentally suitable for outlease. The DoD Components may develop implementing procedures containing additional requirements based on their own specific organizational needs and unique requirements but which will, at a minimum, include, but not conflict with, the following documentation and procedures.

II. APPLICABILITY AND SCOPE

This policy applies to all DoD installations slated for closure or realignment pursuant to the Base Closure and Realignment Act of 1988 (P.L. 100-526) (BRAC 88) or the Defense Base Closure and Realignment Act of 1990 (P.L. 101-510) (BRAC 91, 93, and 95) and on which property is being considered for outlease. This policy is effective immediately. However, where DoD Components have been following a similar policy for arriving at FOSLs, and converting to these specific requirements would delay requested leases already being processed, those existing similar Component procedures may be followed until January 1, 1994. Nothing in this policy affects any requirement to comply with the National Environmental Policy Act (NEPA). The policy meets the following objectives:

- A. Ensure protection of human health and the environment.
- B. Develop a DoD-wide process to assess, determine and document the environmental suitability of properties (parcels) for outlease.
- C. Ensure outleases of properties do not interfere with environmental restoration schedules and activities being conducted under the provisions of law or regulatory agreements.
- D. Ensure compliance with all applicable environmental requirements and establish the basis for the DoD Components to make notifications to lessees regarding hazardous substances (including asbestos and any substance regulated under CERCLA, RCRA or state law) and petroleum products (including their derivatives, such as aviation fuel and motor oil) potentially on the property.
- E. Provide adequate public and regulatory participation.

III. POLICY

- A. Requirement for Assessment, Determination and Documentation of Properties Suitable for Outlease

In the case of real property to which this policy applies, the head of the DoD Component with accountability over the property, or his/her designated representative, shall assess, determine and document when properties are suitable for outleasing. This assessment and determination will be based on an Environmental Baseline Survey (EBS) and will be documented in a Finding of Suitability to Lease (FOSL) as described below.

B. Investigation

1. Environmental Baseline Survey (EBS). An EBS will be prepared encompassing any parcel to be outleased. The EBS will be based on all existing environmental information related to storage, release, treatment or disposal of hazardous substances or petroleum products on the property to determine or discover the obviousness of the presence or likely presence of a release or threatened release of any hazardous substance or petroleum product. In certain cases, additional data, including sampling and analysis, may be needed in the EBS to support the FOSL determination.

A previously conducted EBS may be updated as necessary and used for making a FOSL determination, where appropriate. An EBS also may satisfy other environmental requirements (e.g., to reach a Finding of Suitability to Transfer [FOST] or meet the uncontaminated parcel identification requirements of the Community Environmental Response Facilitation Act [CERFA]).

2. Procedures for Conducting an EBS. The EBS will consider all sources of available information concerning environmentally significant current and past uses of the real property and shall, at a minimum, consist of the following:
 - a. Detailed search and review of available information and records in the possession of the DoD Components and records made available by the regulatory agencies or other involved Federal agencies. DoD Components are responsible for requesting and making reasonable inquiry into the existence and availability of relevant information and records to include any additional study information (e.g., surveys for asbestos, radon, lead-based paint, transformers containing PCB, Resource Conservation and Recovery Act Facility Assessments and Investigations [RFA and RFI]) to determine what, if any, hazardous substances or petroleum products may be present on the property.
 - b. Review of all reasonably obtainable Federal, state, and local government records for each adjacent facility where there has been a release of any hazardous substance or any petroleum product, and which is likely to cause or contribute to a release or threatened release of any hazardous substance or any petroleum product on the real property.
 - c. Analysis of aerial photographs that may reflect prior uses of the property which are in the possession of the Federal Government or are reasonably obtainable through state or local government agencies.
 - d. Interviews with current and/or former employees involved in operations on the real property.
 - e. Visual inspections of the real property; any buildings, structures, equipment, pipe, pipeline, or other improvements on the real property; and of properties immediately adjacent to the real property, noting sewer lines, runoff patterns, evidence of environmental impacts (e.g., stained soil, stressed vegetation, dead or ill wildlife) and other observations which indicate actual or potential release of hazardous substances or petroleum products.
 - f. Identification of sources of contamination on the installation and on adjacent properties which could migrate to the parcel during the lease term.
 - g. Ongoing response actions or actions that have been taken at or adjacent to the parcel.
 - h. A physical inspection of property adjacent to the real property, to the extent permitted by owners or operators of such property.
 - i. Sampling, if the circumstances deem appropriate.

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NOTE: For the purposes of paragraphs b, e, f, g, & h above, “adjacent properties” should be defined as either those properties contiguous to the boundaries of the property being surveyed or other nearby properties. In either case, the survey should be addressed to those portions of the properties relatively near the installation that could pose significant environmental concern and/ or have a significant impact on the results of the EBS.

3. Documentation of an EBS. At the completion of the EBS, a report will be prepared which will include the following:
 - a. An Executive Summary briefly stating the areas of real property (or parcels) evaluated and the conclusions of the survey.
 - b. The property identification (e.g., address, assessor parcel number, legal description).
 - c. Any relevant information obtained from a detailed search of Federal Government records pertaining to the property, including available maps.
 - d. Any relevant information obtained from a review of the recorded chain of title documents regarding the real property. The review should address those prior ownerships/uses that could reasonably have contributed to an environmental concern, and, at a minimum, cover the preceding 60 years.
 - e. A description of past and current activities, including all past and current DoD and non-DoD uses to the extent such information is reasonably available, on the property and on adjacent properties.
 - f. A description of hazardous substances or petroleum products management practices (to include storage, release, treatment or disposal) at the property and at adjacent properties.
 - g. Any relevant information obtained from records reviews and visual and physical inspections of adjacent properties.
 - h. Description of ongoing response actions or actions that have been taken at or adjacent to the property.
 - i. An evaluation of the environmental suitability of the property for lease for the intended purpose, if known, including the basis for the determination of such suitability.
 - j. Reference to key documents examined (e.g., aerial photographs, spill incident reports, investigation results). (The documents will be made available by DoD upon request to DoD.)

C. Finding of Suitability to Lease (FOSL)

After completion and review of the EBS and any appropriate local community reuse plans, the DoD Component Official will sign a FOSL once a determination that the property is suitable to lease for the intended purpose has been made based on one of the following:

1. Hazardous substance notice need not be given because no hazardous substances or petroleum products were stored for one year or more, known to have been released, treated or disposed of on the parcel;
2. Hazardous substance notice will be given of the type and quantity of hazardous substances or petroleum products, and the time at which storage for one year or more, release, treatment or disposal

took place, but the property is not now contaminated with hazardous substances or petroleum products (e.g., storage for one year or more but no release, a release has occurred but no response action is required, or a response action has been completed); or

3. The property contains some level of contamination by hazardous substances or petroleum products, and hazardous substance notice will be given of the type and quantity of such hazardous substances or petroleum products, and the time at which storage for one year or more, release, treatment or disposal took place. However, this property can be used pursuant to the proposed lease, with the specified use restrictions in the lease, with acceptable risk to human health or the environment and without interference with the environmental restoration process. (The specific lease restrictions on the use of the parcel to protect human health and the environment and the environmental restoration process will be listed in the FOSL.)

IV. PROCEDURES AND RESPONSIBILITIES

- A. Regulatory agencies will be notified at the initiation of the EBS and the FOSL. The process of development of these documents will be designed to assure that regulators are provided adequate opportunity to express their views. Regulators will be provided with workable draft documents as they become available. Regulatory comments received during the development of these documents will be reviewed and incorporated as appropriate. Any unresolved regulatory comments will be included as attachments to the EBS or the FOSL.
- B. As required by CERCLA Section 120(h)(5), DoD shall notify the state prior to entering into any lease that will encumber the property beyond the date of termination of DoD's operations. These notifications shall include the length of lease, the name of lessee, and a description of the uses that will be allowed under the lease of the property. At National Priorities List (NPL) sites, DoD shall provide this notification to the United States Environmental Protection Agency (EPA) as well.
- C. The DoD Components will provide public notice of signing the FOSL; will retain the signed FOSL, including all regulatory comments and responses on the EBS and/or FOSL, in the transaction file (and the Administrative Record, where applicable); and will make the FOSL available to the public upon request.
- D. The EBS and the FOSL will be provided to each lessee prior to execution of the lease.
- E. Conditions will be included in the lease to ensure:
 1. Notification of the existence of a Federal Facility Agreement (FFA), Interagency Agreement (IAG), or other regulatory agreements, orders or decrees for environmental restoration (e.g., RCRA~HSWA permit), if any. Terms of the lease shall not affect the rights and obligations of parties under the FFA, IAG, or other regulatory agreements, orders, or decrees.
 2. Environmental investigations and response oversight and activities will not be disrupted. Such conditions will include, but are not limited to:
 - a. providing for continued access for DoD and regulatory agencies to perform investigations as required on, or adjacent to, the real property, to monitor the effectiveness of the cleanup as required, to perform five-year reviews as required, and/or to take additional remedial or removal actions as required. At a minimum, such rights shall include all rights existing under the FFA.
 - b. ensuring that the proposed use will not disrupt remediation activities.
 3. Human health and the environment are protected by preventing the inappropriate use of the property.

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4. Compliance with health and safety plans.
 5. Subsequent transactions involving the property shall include such provisions.
- F. The attached model lease provisions will be included in all outleases and subleases, unless determined not to be appropriate by the DoD Component in consultation with the appropriate EPA or state representative. This determination will be documented by the DoD Component.
- G. Leases will provide that both the EBS and restrictive conditions in the lease, dealing with environmental requirements limiting use, will also be included in subleases as they occur. Copies of all subleases will be provided to the DoD Components with jurisdiction over the parcel, retained in the transaction file and made available to the public upon request.
- H. Amendments, renewals or extensions of leases shall not require a new EBS or FOSSL, or an updating of them, unless the leased premises change substantially or the permitted uses of them are to change in environmentally-significant ways.

ATTACHMENT

MODEL LEASE PROVISIONS

NOTE: [] Indicates the need for lease-specific information (e.g., installation name).

ENVIRONMENTAL PROTECTION

1. The sole purpose(s) for which the leased premises and any improvements thereon may be used, in the absence of prior written approval of the Government for any other use, [insert intended use of the leased premises].
2. The Lessee shall neither transfer nor assign this Lease or any interest therein or any property on the leased premises, nor sublet the leased premises or any part thereof or any property thereon, nor grant any interest, privilege, or license whatsoever in connection with this Lease without the prior written consent of the Government. Such consent shall not be unreasonably withheld or delayed. Every sublease shall contain the Environmental Protection provisions
3. The Lessee and any sublessee shall comply with the applicable Federal, state, and local laws, regulations, and standards that are or may become applicable to Lessee's activities on the Leased Premises.
4. The Lessee and any sublessee shall be solely responsible for obtaining at its cost and expense any environmental permits required for its operations under the Lease, independent of any existing permits.
5. The Government's rights under this Lease specifically include the right for Government officials to inspect upon reasonable notice the Leased Premises for compliance with environmental, safety, and occupational health laws and regulations, whether or not the Government is responsible for enforcing them. Such inspections are without prejudice to the right of duly constituted enforcement officials to make such inspections. The Government normally will give the Lessee or sublessee twenty-four (24) hours prior notice of its intention to enter the Leased Premises unless it determines the entry is required for safety, environmental, operations, or security purposes. The Lessee shall have no claim on account of any entries against the United States or any officer, agent, employee, or contractor thereof.

NOTE: USE THE FOLLOWING PROVISION 6. IF THE LEASED PROPERTY IS PART OF A NATIONAL PRIORITIES LIST (NPL) SITE; ADAPT TO CLEANUP AGREEMENTS TO SUIT CLEANUPS UNDER STATE REGULATORY AUTHORITIES (E.G., A NON-NPL SITE).

6. The Government acknowledges that [insert name of military installation] has been identified as a National Priority List (NPL) Site under the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) of 1980, as amended. The Lessee acknowledges that the Government has provided it with a copy of the [insert name of military installation] Federal Facility Agreement (FFA) entered into by the United States Environmental Protection Agency (EPA) Region [insert number], the state of [insert name of state], and the Military Department and effective on [insert date], and will provide the Lessee with a copy of any amendments thereto. The Lessee agrees that should any conflict arise between the terms of such agreement as it presently exists or may be amended ("FFA," "Interagency Agreement" or "IAG") and the provisions of this Lease, the terms of the FFA or IAG will take precedence. The Lessee further agrees that notwithstanding any other provision of the Lease, the Government assumes no liability to the Lessee or its sublessees or licensees should implementation of the FFA interfere with the Lessee's or any sublessee's or licensee's use of the Leased Premises. The Lessee shall have no claim on account of any such interference against the United States or any officer, agent, employee or contractor thereof, other than for abatement of rent.

NOTE: USE THE FOLLOWING PROVISION 7. IF A FEDERAL FACILITIES AGREEMENT (FFA) OR INTERAGENCY AGREEMENT (IAG) APPLIES TO THE PROPERTY BEING LEASED (E.G., AN NPL SITE).

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7. The Government, EPA, and the [insert name of state agency] and their officers, agents, employees, contractors, and subcontractors have the right, upon reasonable notice to the Lessee and any sublessee, to enter upon the Leased Premises for the purposes enumerated in this subparagraph and for such other purposes consistent with any provision of the FFA:
 - (a) to conduct investigations and surveys, including, where necessary, drilling, soil and water sampling, test-pitting, testing soil borings and other activities related to the [insert name of military installation] Installation Restoration Program, FFA or IAG;
 - (b) to inspect field activities of the Government and its contractors and subcontractors in implementing the [insert name of military installation] IRP, FFA or IAG;
 - (c) to conduct any test or survey required by the EPA or [insert name of state agency] relating to the implementation of the FFA or environmental conditions at the Leased premises or to verify any data submitted to the EPA or [insert name of state agency] by the Government relating to such conditions;
 - (d) to construct, operate, maintain or undertake any other response or remedial action as required or necessary under the [insert name of military installation] IRP or the FFA or IAG, including, but not limited to monitoring wells, pumping wells and treatment facilities.

NOTE: USE THE FOLLOWING ALTERNATE PROVISION 7. IF THE INSTALLATION RESTORATION PROGRAM (IRP) OR OTHER ENVIRONMENTAL INVESTIGATION APPLIES TO THE PROPERTY BEING LEASED (E.G., A NON-NPL SITE).

7. The Government and its officers, agents, employees, contractors, and subcontractors have the right, upon reasonable notice to the Lessee and any sublessee, to enter upon the Leased Premises for the purposes enumerated in this subparagraph:
 - (a) to conduct investigations and surveys, including, where necessary, drilling, soil and water sampling, test-pitting, testing soil borings and other activities related to the [insert name of military installation] Installation Restoration Program (IRP);
 - (b) to inspect field activities of the Government and its contractors and subcontractors in implementing the [insert name of military installation] IRP;
 - (c) to conduct any test or survey related to the implementation of the IRP or environmental conditions at the Leased premises or to verify any data submitted to the EPA or [insert name of state agency] by the Government relating to such conditions;
 - (d) to construct, operate, maintain or undertake any other response or remedial action as required or necessary under the [insert name of military installation] IRP, including, but not limited to monitoring wells, pumping wells and treatment facilities.
8. The Lessee agrees to comply with the provisions of any health or safety plan in effect under the IRP or the FFA during the course of any of the above described response or remedial actions. Any inspection, survey, investigation, or other response or remedial action will, to the extent practicable, be coordinated with representatives designated by the Lessee and any sublessee. The Lessee and sublessees shall have no claim on account of such entries against the United States or any officer, agent, employee, contractor, or subcontractor thereof. In addition, the lessee shall comply with all applicable Federal, state, and local occupational safety and health regulations.

9. The Lessee further agrees that in the event of any assignment or sublease of the Leased Premises, it shall provide to the EPA and [insert name of state agency] by certified mail a copy of the agreement or sublease of the Leased Premises (as the case may be) within fourteen (14) days after the effective date of such transaction. The Lessee may delete the financial terms and any other proprietary information from the copy of any agreement of assignment or sublease furnished pursuant to this condition.
10. The Lessee shall strictly comply with the hazardous waste permit requirements under Resource Conservation and Recovery Act, or its [insert name of state] equivalent. Except as specifically authorized by the Government in writing, the Lessee must provide at its own expense such hazardous waste management facilities, complying with all laws and regulations. Government hazardous waste management facilities will not be available to the Lessee. Any violation of the requirements of this condition shall be deemed a material breach of this Lease.
11. DoD Component accumulation points for hazardous and other wastes will not be used by the Lessee or any sublessee. Neither will the Lessee or sublessee permit its hazardous wastes to be commingled with hazardous waste of the DoD Component.
12. The Lessee shall have a Government-approved plan for responding to hazardous waste, fuel, and other chemical spills prior to commencement of operations on the leased premises. Such plan shall be independent of [insert name of installation] and, except for initial fire response and/or spill containment, shall not rely on use of installation personnel or equipment. Should the Government provide any personnel or equipment, whether for initial fire response and/or spill containment, or otherwise on request of the Lessee, or because the Lessee was not, in the opinion of the said officer, conducting timely cleanup actions, the Lessee agrees to reimburse the Government for its costs.
13. The Lessee shall not construct or make or permit its sublessees or assigns to construct or make any substantial alterations, additions, or improvements to or installations upon or otherwise modify or alter the leased premises in any way which may adversely affect the cleanup, human health, or the environment without the prior written consent of the Government. Such consent may include a requirement to provide the Government with a performance and payment bond satisfactory to it in all respects and other requirements deemed necessary to protect the interests of the Government. For construction or alterations, additions, modifications, improvements or installations (collectively "work") in the proximity of operable units that are part of a National Priorities List (NPL) Site, such consent may include a requirement for written approval by the Government's Remedial Project Manager. Except as such written approval shall expressly provide otherwise, all such approved alterations, additions, modifications, improvements, and installations shall become Government property when annexed to the leased premises.
14. The Lessee shall not conduct or permit its sublessees to conduct any subsurface excavation, digging, drilling or other disturbance of the surface without the prior written approval of the Government.
15. The Lessee shall strictly comply with the hazardous waste permit requirements under the Resource Conservation and Recovery Act (RCRA), or its State equivalent and any other applicable laws, rules or regulations. The Lessee must provide at its own expense such hazardous waste storage facilities which comply with all laws and regulations as it may need for such storage. Any violation of the requirements of this provision shall be deemed a material breach of this Lease.

DOD POLICY ON THE IMPLEMENTATION OF THE COMMUNITY ENVIRONMENTAL RESPONSE FACILITATION ACT (CERFA)

I. PURPOSE

This policy provides guidance to the Department of Defense (DoD) Components on implementing the Community Environmental Response Facilitation Act (CERFA), Public Law 102-425, Oct. 19, 1992, as it amends Section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980 (42 U.S.C. Section 9620(h)) for identifying and documenting all uncontaminated real property, or parcels thereof, at installations undergoing closure or realignment. The DoD Components may develop implementing procedures containing additional requirements based on their own specific organizational needs and unique requirements but which will, at a minimum, include, but not conflict with, the following documentation and procedures. Nothing in this policy shall affect, preclude, or otherwise impair the termination of DoD operations on real property owned by the United States.

II. APPLICABILITY AND SCOPE

A. Applicability

This policy applies to the identification and documentation of uncontaminated real property controlled by the DoD Components where DoD plans to make excess property available for reuse pursuant to a base closure law. Uncontaminated property is defined as any real property on which no hazardous substances and no petroleum products or their derivatives, including aviation fuel and motor oil, were stored for one year or more, known to have been released, or disposed of. For purposes of this policy, the term “base closure law” includes the following:

1. Title II of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526; 10 U.S.C. Section 2687 note).
2. The Defense Base Closure and Realignment Act of 1990 (Part A of Title XXIX of Public Law 101-510; 10 U.S.C. Section 2687 note).
3. Section 2687 of Title 10, United States Code.
4. Any provision of law authorizing the closure or realignment of a military installation enacted on or after the date of enactment of CERFA.

B. Scope

The policy’s scope intends to meet the following objectives:

1. Ensure protection of human health and the environment.
2. Develop a DoD-wide process to assess, determine and document properties (parcels) which can be considered “uncontaminated” as defined above and in CERFA.
3. Ensure appropriate consultation with the public and coordination with and concurrence of regulatory agencies without unduly encumbering DoD’s authority and mandate to make property available for reuse in a timely manner.

III. POLICY

A. Requirement for Assessment, Determination and Documentation of Uncontaminated Property

In the case of real property to which this policy applies, the head of the DoD Component with accountability over the property, or his/her designated representative, shall assess, determine and document the real property, or parcels thereof, that can be considered as “uncontaminated” as defined above and in CERFA. This assessment and determination will be based on an Environmental Baseline Survey (EBS) as described below.

B. Investigation

1. Environmental Baseline Survey (EBS). An EBS will be prepared for each installation being closed or realigned. The EBS will be based on all existing environmental information related to storage, release, treatment or disposal of hazardous substances or petroleum products on the property to determine or discover the obviousness of the presence or likely presence of a release or threatened release of any hazardous substance or petroleum product. In certain cases, additional data, including sampling and analysis, may be needed in the EBS to support the determination.

A previously conducted EBS may be updated as necessary and used for making a CERFA determination, where appropriate. An EBS also can satisfy other environmental requirements (e.g., to reach a Finding of Suitability to Lease [FOSL] or Finding of Suitability to Transfer [FOST]).

2. Procedures for Conducting an EBS. The EBS will consider all sources of available information concerning environmentally significant current and past uses of the real property and shall, as a minimum, consist of the following:
 - a. Detailed search and review of available information and records in the possession of the DoD Components and records made available by the regulatory agencies or other involved Federal agencies. DoD Components are responsible for requesting and making reasonable inquiry into the existence and availability of relevant information and records to include any additional study information (e.g., surveys for asbestos, radon, lead-based paint, transformers containing PCB, Resource Conservation and Recovery Act Facility Assessments and Investigations [RFA & RFI]) to determine what, if any, hazardous substances or petroleum products may be present on the property.

NOTE: The presence of some of the above noted conditions (e.g., non-friable asbestos) should not preclude a CERFA determination of “uncontaminated.” “however, their presence and any required protective actions should be identified and addressed.

- b. Review of all reasonably obtainable Federal, state, and local government records for each adjacent facility where there has been a release of any hazardous substance or any petroleum product, and which is likely to cause or contribute to a release or threatened release of any hazardous substance or any petroleum product on the real property.
- c. Analysis of aerial photographs that may reflect prior uses of the property which are in the possession of the Federal Government or are reasonably obtainable through state or local government agencies.
- d. Interviews with current and/or former employees involved in operations on the real property.
- e. Visual inspections of the real property; any buildings, structures, equipment, pipe, pipeline, or other improvements on the real property; and of properties immediately adjacent to the real

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property, noting sewer lines, runoff patterns, evidence of environmental impacts (e.g., stained soil, stressed vegetation, dead or ill wildlife) and other observations which indicate actual or potential release of hazardous substances or petroleum products.

- f. Identification of sources of contamination on the installation and on adjacent properties which could migrate to the parcel.
- g. Ongoing response actions or actions that have been taken at or adjacent to the property.
- h. A physical inspection of property adjacent to the real property, to the extent permitted by owners or operators of such property.
- i. Sampling, if the circumstances deem appropriate.

NOTE: For the purposes of paragraphs b, e, f, g & h above, "adjacent properties" should be defined as either those properties contiguous to the boundaries of the property being surveyed or other nearby properties. In either case, the survey should be addressed to those portions of the properties relatively near the installation that could pose significant environmental concern and/or have a significant impact on the results of the EBS.

- 3. Documentation of an EBS. At the completion of the EBS, a report will be prepared which will include the following:
 - a. An Executive Summary briefly stating the areas of real property evaluated and the conclusions of the survey.
 - b. The property identification (e.g., address, assessor parcel number, legal description).
 - c. Any relevant information obtained from a detailed search of Federal Government records pertaining to the property, including available maps.
 - d. Any relevant information obtained from a review of the recorded chain of title documents regarding the real property. The review should address those prior ownerships/uses that could reasonably have contributed to an environmental concern, and, at a minimum, cover the preceding 60 years.
 - e. A description of past and current activities, including all past and current DoD and non-DoD uses to the extent such information is reasonably available, on the property and on adjacent properties.
 - f. A description of hazardous substances or petroleum products management practices (to include storage, release, treatment or disposal) at the property and at adjacent properties.
 - g. Any relevant information obtained from records reviews and visual and physical inspections of adjacent properties.
 - h. Description of ongoing response actions or actions that have been taken at or adjacent to the property.
 - i. References to key documents examined (e.g., aerial photographs, spill incident reports, investigation results). (The documents will be made available by DoD upon request.

IV. PROCEDURES AND RESPONSIBILITIES

- A. Regulatory agencies will be notified at the initiation of the EBS. The process of development of these documents will be designed to assure that regulators are provided adequate opportunity to express their views. Regulators will be provided with workable draft documents as they become available. Regulatory comments received during the development of these documents will be reviewed and incorporated as appropriate. Any unresolved regulatory comments will be included as attachments to the EBS.
- B. Once completed, the appropriate DoD Component official will review the EBS report and will, in the appropriate instance, determine that the property, or some portion of it, is uncontaminated as defined above and in CERFA.
- C. Once the above-required determination has been made, the EBS report and determination will be provided immediately to the United States Environmental Protection Agency (EPA) Administrator and state and local government officials and made available to the public. In addition, a request for concurrence in such determination will be included in the submittal to the appropriate regulatory official. This will take place at the earliest possible time, but no later than 120 days prior to the deadlines discussed below. Additional supporting documentation will be made available upon request. In the case of real property that is part of a facility on the NPL, the appropriate concurring regulatory official will be the EPA Administrator or designated representative. In the case of real property that is not part of a facility on the NPL, the appropriate regulatory official will be the designated state official. In the case of a concurrence which is required from a state official, the concurrence is deemed to be obtained if, within 90 days after receiving a request for the concurrence, the State official has not acted (by either concurring or declining to concur) on the request for concurrence. The DoD Components will address relevant comments from regulatory officials that are received within the first 90 days of the 120-days period. Every effort will be taken to resolve any conflicts at the installation-regulatory agency level. Unresolved comments will be forwarded to the DoD Component's Deputy Assistant Secretary level. The EBS report along with regulatory comments, DoD responses to those comments, and signed regulatory concurrence will be included in the installation records and, where appropriate, in the Administrative Record.
- D. The identification required under paragraph III is not complete until the above concurrence in the results of the identification is obtained.
- E. For installations described in paragraph II.A. on which operations have been closed or realigned or scheduled for closure or realignment pursuant to a base closure law described in paragraphs II.A.1. or II.A.2., by the date of the enactment of CERFA, the identification and concurrence required above shall be made not later than 18 months after such date of enactment. (For installations designated in BRAC 88 or BRAC 91, the identification and concurrence process will be completed by April 19, 1994 [18 months after the CERFA enactment date of October 19, 1992].)
- F. For installations described in paragraph II.A. on which operations are closed or realigned or become scheduled for closure or realignment pursuant to the base closure law described in paragraph II.A.2. after the date of the enactment of CERFA (October 19, 1992), the identification and concurrence required above shall be made no later than 18 months after the date by which a joint resolution disapproving the closure or realignment of the real property under Section 2904(b) of such base closure law must be enacted, and such a joint resolution has not been enacted.
- G. For installations described in paragraph II.A. on which operations are closed or realigned pursuant to a base closure law described in paragraphs II.A.3. & 4., the identification and concurrence required above shall be made not later than 18 months after the date on which the real property is selected for the closure or realignment pursuant to such base closure law.

