



DEPARTMENT OF THE NAVY  
ATLANTIC DIVISION  
NAVAL FACILITIES ENGINEERING COMMAND  
NORFOLK, VIRGINIA 23511

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IN REPLY REFER TO:

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2 3 DEC 1982.

From: Commander, Atlantic Division, Naval Facilities Engineering Command  
To: Distribution

Subj: Responsibilities/fund sources for cleanup of hazardous wastes

Ref: (a) NAVFACENCOM ltr 1121A/TJZ of 24 Nov 1982 (NOTAL)

Encl: (1) CNO ltr ser 451/399355 of 17 Dec 1981  
(2) Procedures for Disposal of Hazardous Material Spill Residues through DLA

1. Reference (a) forwarded enclosures (1) and (2) which were developed by the Navy and the Defense Property Disposal Service (DPDS) concerning implementation of DOD policies pertaining to Hazardous Material Disposal.
2. Enclosure (1) discusses the responsibilities and fund sources for cleanup of past hazardous waste disposal sites and hazardous material spills. Paragraph 4.c. of enclosure (1) states DOD policy that the Defense Logistics Agency (DLA) is responsible for disposal of properly identified and containerized hazardous material spill residues.
3. Enclosure (2) discusses DPDS procedures which allow either the turn-in of containerized hazardous spill residues, or reimbursement by DPDS for residue disposal as part of a cleanup contract if this procedure is more cost effective.
4. Activities should review enclosures (1) and (2) to become familiar with funding sources and proper turn-in procedures for hazardous materials and wastes.
5. Point of contact at this Command is Mr. Steve Olson, telephone (804) 444-9565, AUTOVON 690-9565 or FTS 954-9565.

*J. R. Bailey*  
J. R. BAILEY  
By direction

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DEPARTMENT OF THE NAVY  
OFFICE OF THE CHIEF OF NAVAL OPERATIONS  
WASHINGTON, DC 20350

IN REPLY REFER TO  
Ser 451/399355  
17 December 1981

From: Chief of Naval Operations  
To: Distribution

Subj: Responsibilities and Fund Sources for Clean-up of Hazardous Waste (HW) Disposal Sites and Hazardous Material (HM) Spills

Encl: (1) HW Disposal Sites - Clean-up Scenarios and Funding Aspects  
(2) Clean-up of HW Sites and HM Spills Responsibilities and Funding

Ref: (a) Resource Conservation and Recovery Act, 42 USC 6901  
(b) Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("Superfund")

1. In the past, some Navy activities may have occasionally disposed of hazardous wastes (HW) by burial on Navy land, or contracted to have it disposed of off station. These were generally lawful practices at that time. Only recently have the potentially serious environmental effects of such practices been recognized. Similarly, the accidental spilling of hazardous materials (HM) can have serious environmental consequences.

2. Recently enacted laws have established very stringent requirements concerning current disposal practices (reference (a)) and clean-up responsibilities for HW disposal sites and HM spills (reference (b)). It is Navy policy to react responsibly and rapidly in HW/HM clean-up situations as public concern is very high and environmental damage is always a consideration. The purpose of this letter is to define clean-up responsibilities and the sources of funds for such actions.

3. HW Disposal Site Clean-up. There are two basic situations:

a. A Navy installation has, in the past, contracted for hazardous waste disposal at an off-station private or commercial disposal site. In the event of subsequent contamination, or imminent contamination, the operator and/or owner of the site is responsible for any clean-up actions. However, if the operator and/or owner cannot be identified, or is financially incapable of clean-up, the activity that contracted for the disposal may be liable for clean-up. This, of course, can be a legally complicated situation which, among other things, will involve a case-specific determination of Navy liability and identification of that portion of the wastes at the site that were generated by the Navy.

b. A Navy installation or a tenant on the installation has disposed of HW on land that is now owned by the Navy, and such

HW disposal is found to cause environmental contamination, or be an imminent danger to the environment.

4. Responsibilities for clean-up of HW disposal sites are as follows:

a. The activity that contracted for off-station disposal (paragraph 3a) has the basic responsibility for accomplishing clean-up if the owner or operator of the disposal site cannot be identified, or is financially incapable of clean-up. In the paragraph 3b on-station disposal situation, the installation that owns the disposal site area is responsible for any required clean-up. In all instances, technical assistance in arranging for the clean-up is available from Engineering Field Divisions (EFD) of the Naval Facilities Engineering Command (NAVFACENGCOM).

b. In cases involving the clean-up of past HW disposal sites, either on or off-station, funding shall be from centrally managed Pollution Abatement Resources administered by COMNAVFACENGCOM. Enclosure (1) provides the proper appropriation and limitations applicable to typical HW clean-up scenarios, and enclosure (2) tabulates clean-up and funding responsibilities.

5. HM Spills. The clean-up of HM spills typically involves the functions of removal of contamination, containerization and disposal of contaminated residue, and site restoration. Responsibilities are as follows:

a. Responsibility for all clean-up functions for "old" spills, (those that occurred before 1 January 1981) rests with the installation on whose property the contamination exists. Funding for clean-up of "old" spills, shall be from centrally managed pollution abatement funds administered by COMNAVFACENGCOM.

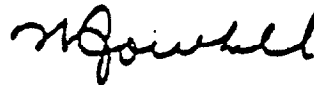
b. Responsibility for all clean-up functions for spills which occurred in the 1 January 1981 to 1 October 1982 time frame rests with the installation on whose property the contamination exists. Funding for the clean-up shall be by the spilling activity, whether Navy or non-Navy.

c. The Defense Logistics Agency (DLA) has been assigned to program for disposal of residues from HM spills that occur in FY83 and later. Thus, beginning 1 October 1982, responsibility for removal and containerization of contaminated residue and site restoration continues to rest with the installation on whose property the contamination exists; however, DLA has responsibility for final and proper disposal (including funding) of properly identified and containerized residue. Funding for the removal and containerization of contaminated residue and site restoration shall be by the spiller, whether Navy or Non-Navy.

d. Installation Commanders/Commanding Officers may delegate clean-up functions, as appropriate, e.g., delegation to the spiller who may be particularly expert in handling the spilled material.

6. Enclosure (2) provides a tabular description of HM spill clean-up and funding responsibilities.

7. It is imperative that funding requirements for those cases that are to be funded from the centrally managed pollution abatement program, as set forth in paragraphs 3, 4, and 5, be made known to COMNAVFACENGCOM as soon as the requirement for clean-up is known. Such requirements shall be forwarded to the appropriate NAVFACENGCOM EFD by message and copies provided to COMNAVFACENGCOM, the Chief of Naval Material, and the Chief of Naval Operations.



W. J. COWHILL  
Deputy Chief of Naval  
Operations (Logistics)

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HW DISPOSAL SITES - CLEANUP SCENARIOS  
AND FUNDING ASPECTS

<u>SCENARIO</u>	<u>APPROPRIATION</u>	<u>DOLLAR LIMITATION</u>	<u>RATIONALE</u>
A. Navy hires contractor to:			
1. Evaluate HW contamination, determine appropriate solution, design equipment, etc., for solution, and/or	O&M	None	Does not involve acquisition of new facilities
2. Enter Navy owned site at which HW is buried, dig it up, categorize it, containerize it, have it hauled away to an approved disposal site and dispose of it therein, and/or	O&M	None	Does not involve acquisition of new facilities
3. Bring in potable water treatment equipment and pumps, operate the equipment for several years to pump water from the soil, treat it to remove contaminants, and return it to the soil, and/or	O&M	None	Does not involve acquisition of new facilities
4. Dig a trench and place a clay barrier in the trench to intercept contaminant-laden ground water, and/or	O&M	None	The clay barrier and the clay cap are not "real property improvements"
5. Place a clay or asphalt cap over the HW site, and/or	O&M	None	
6. Drill monitoring (test) wells to take groundwater samples and prove groundwater is/is not polluted, and/or	O&M	None	The test wells are <u>not</u> for water production and do not add to the capability of any facet of the activity. The fence also does not add to the capability of the activity.
7. Build a fence around the contaminated site.	O&M	None	

<u>SCENARIO</u>	<u>APPROPRIATION</u>	<u>DOLLAR LIMITATION</u>	<u>RATIONALE</u>
B. Navy:			
1. Builds utilities and roads to contractor facilities described above and/or	O&M or MILCON	O&M-\$100K MILCON- None	Minor construction (O&M)
2. Builds a water treatment facility to pump water from the soil, treat it to remove contaminants, and return the water to the soil and or			
3. Pays to a state HW control agency funds to cover the Navy share of a state clean up of an off-station site used by many other dumpers. The state clean up involves all features described in A1-A6.	O&M	None	Does not involve acquisition of new facilities

CLEAN UP OF HW SITES AND HM SPILLS

RESPONSIBILITIES AND FUNDING

<u>SITUATION</u>	<u>CLEAN UP RESPONSIBILITY</u>	<u>FUNDING RESPONSIBILITY</u>
Past Contracted off-installation Disposal (para 3.a.)	Activity which contracted for the disposal	NAVFACENGCOM Pollution Abatement
Past on-installation Disposal (para 3.b.)	Installation	NAVFACENGCOM Pollution Abatement
HM Spill on Navy installation prior to 1 Jan 81	Installation	NAVFACENGCOM Pollution Abatement, if spill by Navy.  If spill by others, funding by others.
HM Spill on Navy installation after 1 Jan 81	*Installation	*Spilling activity, whether Navy, or non-Navy

\*See paragraph 5.c. Beginning 1 October 1982, DLA is responsible for final and proper disposal of residue.



PROCEDURES FOR DISPOSAL OF HAZARDOUS MATERIAL SPILL RESIDUES  
THROUGH DLA

1. As of 1 October 1982, DLA/DPDS will assume disposal responsibility of spill residues (as defined by 40 CFR 261.3 or 40 CFR 761 for PCBs), for spills that occur in FY 1983 and later.
2. The following procedures are effective as of 1 October 1982.
3. DPDS will dispose of spill residues through the turn-in procedures outlined in paragraph 4 below or, if cost effective, through a funding process outlined in paragraph 6 below.
4. Turn-in activities will properly identify (e.g., soil contaminated with methyl ethyl ketone), package, label and meet all turn-in requirements of the consolidated hazardous material/hazardous waste disposal guidance when turning in spill residues to the DPDO. Due to the uniqueness of the item being turned in, prior coordination by the turn-in activity with the DPDO is essential to ensure disposal meets all requirements yet is completed in the most cost effective manner to DOD. The standard local stock number (LSN) "9999-00-SPIRES" has been developed by DPDS to be used by generators for the turn-in of all spill residues including PCBs. The turn-in activity will place the standard local stock number (LSN), "9999-00-SPIRES", on the disposal turn-in document (DTID) and Code "HW" for hazardous waste in Block C of the DTID. If the turn-in activity possesses additional information (e.g., chemical analysis of spill residue), it should be attached to the DTID upon turn-in to the DPDO. Acceptance of physical custody of spill residues by DPDOs will be in accordance with established criteria.
5. If, after the initial spill has been contained and the turn-in activity can provide a more cost effective spill residue disposal service as part of spill cleanup, the activity may obtain the necessary funding for such disposal from DPDS through prior coordination, as indicated in paragraph 6 below, with the following office:

Defense Property Disposal Service  
Federal Center  
ATTN: DPDS-HP  
Battle Creek, MI 49016  
AV 369-6977  
Commercial (616) 962-6511 Ext. 6977  
PTS 372-6977

6. This coordination will be in writing and consist of the following:
  - a. Request for fund citation along with specific address, including office symbol to which fund citation should be sent by electronic means. Line item on service contract for spill residue disposal must designate that DPDS-CF is the paying office.

b. Identification of the property to be disposed of (e.g., soil contaminated with methyl ethyl ketone).

c. Indication of quantity of material spilled and quantity of material to be disposed of.

d. Indication of how material will be handled or treated for disposal (e.g., will it be in solid or liquid form).

e. Statement of work for service contract and proposed method of disposal.

f. Estimated cost for disposal of spill residue and cost analysis.

g. Circumstances of spill, including when spill occurred and location of spill.

h. Contact person within turn-in activity who can, if necessary, answer further questions.

7. To preclude the hardship of additional paperwork on turn-in activities, the information requested above in paragraphs 6b through 6h may be provided in the form of a copy of the DTID and the proposed service contract, but all items must be addressed.

8. Upon DPDS approval of the service contract for disposal, the turn-in activity will be provided a fund citation and instructions indicating which DPDO will take accountability of the property. The DTID will then be prepared by the turn-in activity in accordance with procedures outlined above.

9. After completion of the disposal, the turn-in activity will forward a copy of the resulting service contract to above DPDS address.

10. This policy will be disseminated to our region offices and to our Defense Property Disposal Offices.

11. This policy will be submitted through channels for incorporation in the DOD 4160.21-M, Defense Disposal Manual.