

Major Federal Laws Which Affect the Cleanup of Former Military Bases August 2008

The following is a table of major federal laws that affect the cleanup of former military bases:

Federal Cleanup Laws	Major Components
National Environmental Policy Act (NEPA) ⁱ	<ul style="list-style-type: none"> • Environmental Impact Analysis (EIA) – an assessment of the likely positive and/or negative influence a proposed cleanup project may have on the environment. • Environmental Impact Statement (EIS) – More detailed than an EIA, it describes the method for disposal and reuse of Base Realignment and Closure (BRAC) installations.
Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund) ⁱⁱ	<ul style="list-style-type: none"> • The most overarching federal cleanup law which governs the cleanup of hazardous substances, primarily at inactive sites. • National Priorities List (NPL) – Sites that meet a criteria as the most hazardous sites in the country. • Even non-NPL sites must be cleaned up in accordance with CERCLA. • The US Department of Defense (DoD) is required to follow state environmental laws and regulations.ⁱⁱⁱ • DoD serves as the lead agency for cleanup at military base Superfund remediation projects^{iv}. DoD has delegated this lead agency status to the individual military departments. The US Environmental Protection Agency has oversight authority.
Resource Conservation and Recovery Act (RCRA) ^v	<ul style="list-style-type: none"> • Regulates the management of facilities that treat, store, and dispose of hazardous waste at active sites (including active military bases). • RCRA can also apply to NPL sites. • States have a large role under RCRA due to their authorized RCRA programs. These programs give each authorized state the authority to oversee RCRA Corrective Actions (i.e., cleanup at active facilities). In states without authorized or delegated programs, EPA oversees the RCRA cleanups.^{vi}

ⁱ 42USC4321

ⁱⁱ 42USC9601

ⁱⁱⁱ The 1986 [Superfund Amendments and Reauthorization Act \(SARA\)](#) requires that DoD consider the standards and requirements found in other state and federal environmental laws and regulations

^{iv} Executive Order 12580 (Superfund Implementation) gave DoD lead agency status.

^v 42USC6901-6992k

^{vi} According to [EPA](#), there are currently 50 states and territories that have been granted authority to implement the base, or initial, RCRA corrective action program. Alaska and Iowa and three territories are currently without RCRA authorization.