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APPENDIX A. APPLICABLE REGULATIONS AND GUIDELINES

This section lists applicable public laws, Department of Defense directives, Air Force directives and instructions, and American Society for Testing and Materials standards.

A.1. PUBLIC LAW

Public Law 106-65, *National Defense Authorization Act for Fiscal Year 2000*, and subsequent similar laws, authorize appropriations for each fiscal year for DoD activities and military construction, and prescribe personnel strengths of the Armed Forces.

Public Law 100-180, Section 2325 (10 *United States Code* (U.S.C.) § 9781), covers the disposal process, in which first priority of consideration is to current adjacent landowners, who must pay fair market value.

A.2. PUBLIC HEALTH AND SAFETY / HAZARDOUS MATERIALS / HAZARDOUS AND SOLID WASTES

The *Comprehensive Environmental Response, Compensation, and Liability Act* of 1980, as amended by the *Superfund Amendments and Reauthorization Act* (42 U.S.C. Sec. 9601, et seq.), provides USEPA with the authority to inventory, investigate, and clean up uncontrolled or abandoned hazardous waste sites. The USEPA has established a series of programs to clean up hazardous waste disposal and spill sites nationwide. This Act provides for funding, enforcement, response, and liability for the release or threatened release of hazardous substances into the environment.

The *Resource Conservation and Recovery Act* of 1976 (42 U.S.C. Sec. 6961), as amended by the *Hazardous and Solid Waste Amendments* of 1984 (PL 98-616), is a comprehensive program for regulating and managing hazardous wastes (Subtitle C), nonhazardous solid wastes (Subtitle D), Federal procurement of reclaimed products (Subtitle F), and underground storage tanks (Subtitle I). The Act requires Federal agencies to comply with all Federal, state, interstate, and local regulations respecting control and abatement of solid waste or hazardous waste disposal. The USEPA's most comprehensive regulations have been developed under the Subtitle C program, which governs the generation, transportation, treatment, storage, and disposal of hazardous wastes.

The *Toxic Substances Control Act* of 1976 (15 U.S.C. Sec. 2601, et seq.) requires USEPA to regulate the use, storage, and disposal of industrial chemicals, including PCBs, production of which was prohibited after January 1979.

The *Occupational Safety and Health Act* of 1971 created the Occupational Safety and Health Administration under the Department of Labor. The Act grants the Secretary of Labor the authority to promulgate, modify, and revoke safety and health standards; to conduct inspections and investigations and to issue citations, including penalties; to require employers to keep records of safety and health data; to petition the courts to restrain imminent danger situations; and to approve or reject state plans for programs under the act. The act also established the National Institute for Occupational Safety and Health (NIOSH), the principal Federal agency engaged in research to eliminate on-the-job hazards. The

NIOSH is primarily responsible for identifying occupational safety and health hazards and determining necessary changes to the encompassing regulations.

The *Defense Environmental Restoration Program* (10 U.S.C. Sec. 2701), is the legal mandate for the DoD Installation Restoration Program, designed to identify, confirm, quantify, and remediate suspected problems associated with past hazardous waste disposal sites on DoD installations.

A.3. DEPARTMENT OF DEFENSE DIRECTIVES

Department of Defense Directive (DoDD) 4165.6, *Real Property Acquisition, Management, and Disposal*, September 1, 1987, directs that the military departments and defense agencies determine which real property is needed to satisfy military requirements both in peacetime and time of war. The directive prescribes that the departments and agencies will ensure that the necessary property is obtained and will dispose of only the real property having no foreseeable military requirement.

DoDD 5160.63, *Delegations of Authority Vested in The Secretary of Defense to Take Certain Real Property Actions*, June 3, 1986, delegates additional authority and responsibility to lower organization levels. The policy allows installation commanders the freedom to obtain goods and services that best satisfy their requirements whenever they can successfully achieve quality, responsiveness, and lower cost. The policy also allows commanders to retain and decide on the use of money they have saved.

A.4. AIR FORCE POLICY DIRECTIVES

Air Force Policy Directive (AFPD) 32-70, *Environmental Quality*, July 20, 1994, establishes policies to carry out the Air Force's commitment to achieving and maintaining environmental quality by cleaning up environmental damage resulting from past activities; meeting all environmental standards applicable to present operations; planning its future activities to minimize environmental impacts; responsibly managing the irreplaceable natural and cultural resources it holds in public trust; and eliminating pollution from its activities wherever possible.

AFPD 32-90, *Real Property Management*, September 10, 1993, governs the management of real property, throughout the history of the property, to ensure that the Air Force acquires and maintains only the minimum property necessary to meet peacetime and mobilization requirements.

A.5. AIR FORCE INSTRUCTIONS

AFI 32-7020, *The Environmental Restoration Program*, May, 1994, provides the Air Force with guidance on compliance with CERCLA, and federal, state, and local regulations.

AFI 32-7061, *The Environmental Impact Analysis Process*, January, 1995, establishes the procedures to supplement the CEQ regulations promulgated by NEPA.

AFI 32-7062, *Air Force Comprehensive Planning*, October, 1997, establishes the Air Force Comprehensive Planning Program for development of Air Force installations. The AFI contains responsibilities and requirements for comprehensive planning and describes

procedures for developing, implementing, and maintaining the General Plan within the installation Comprehensive Plan.

AFI 32-7066, *Environmental Baseline Surveys in Real Estate Transactions*, April 1994, provides responsibilities and procedures for an EBS in a real property transaction. This instruction also covers additional procedures for transactions involving unremediated real property and for the termination or expiration of temporary interests in real property.

AFI 32-9004, *Disposal of Real Property*, July, 1994, provides the Air Force with guidance on the disposal of real property that the Air Force does not need to support the mission.

A.6. AMERICAN SOCIETY FOR TESTING AND MATERIALS

ASTM Publication E 1527, *Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process*, July, 2000, defines good commercial and customary practice in the United States for conducting an environmental site assessment of a parcel of commercial real estate with respect to the range of contaminants within the scope of CERCLA and petroleum products. This practice, as well as Publication E 1528, is intended to permit a user to satisfy one of the requirements to qualify for the innocent landowner defense to CERCLA liability.

ASTM Publication E 1528, *Standard Practice for Environmental Site Assessments: Transaction Screen Process*, July, 2000, defines good commercial and customary practice in the United States for conducting an environmental site assessment of a parcel of commercial real estate with respect to the range of contaminants within the scope of CERCLA and petroleum products. This practice, as well as Practice E 1527, is intended to permit a user to satisfy one of the requirements to qualify for the innocent landowner defense to CERCLA liability.

ASTM Publication D 6008-96, *Standard Method for Sampling Waste Piles*, October 10, 1996, establishes appropriate safety and health practices and determines the applicability of regulatory limitations prior to use.

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