



ACQUISITION AND
TECHNOLOGY

OFFICE OF THE UNDER SECRETARY OF DEFENSE

3000 DEFENSE PENTAGON
WASHINGTON DC 20301-3000

AUG. 31 2000

Honorable Timothy Fields, Jr.
Assistant Administrator
Office of Solid Waste and Emergency Response
U.S. Environmental Protection Agency (5101)
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Mr. Fields:

Enclosed for your information is the Department of Defense (DoD) *Interim Policy on Land Use Controls Associated with Environmental Restoration Activities*. Input on the draft provided by your Federal Facilities Restoration and Reuse Office (FFRRO) in July 2000, was very helpful in finalizing the interim policy. We expect to issue a final policy later with additional input from stakeholders and our experience in using the policy framework across the DoD. We appreciate receiving any further input from your Agency by November 1, 2000, on our land use control framework.

In working to finalize the land use control framework within the Department, we seek to have an expanded discussion with your office regarding not only our Departmental framework but also the efforts being taken your Office of Emergency and Remedial Response (OERR) regarding a national approach to institutional controls. We believe that a national guidance on the selection and management of institutional controls that will be broadly applicable to all types of sites, including Federal facilities, will be very helpful in providing a consistent protection of human health and the environment. We also look forward to an on-going dialogue with your FFRRO on previously issued and planned guidance regarding use of institutional controls at Federal facilities.

In your further review of our policy framework and our broader discussions with your Agency, we want to clarify the intent, purpose and scope of our policy framework. In general, our policy framework is intended to integrate land use and real property management responsibilities with our environmental responsibilities in implementing environmental restoration decisions that may restrict the use of property. In doing so, we use a concept of land use controls that encompasses institutional controls discussed in the National Contingency Plan and focus on land use management and real estate mechanisms. Our framework is not intended provide remedy selection guidance, and we assume that the environmental decision on restricting land use has been made following applicable statutes and regulations.

We applaud and encourage efforts being taken by OERR in outlining how best to consider, implement and manage institutional controls. We suggest that a formal rule or guidance may be helpful in providing a consistent approach in addressing risk and protection of human health and the environment and eliminate confusion due to different approaches being

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taken by various EPA offices and regions. We want to contribute to these efforts so that a consistent national approach is practical at our non-National Priority List (NPL) facilities as well as NPL installations, and that there is an appropriate balance among environmental, land use and real estate responsibilities.

A consistent national policy framework on land use controls is urgently needed. It is in the best interests of EPA and DoD to work together and with other Federal agencies to develop such a consistent national framework. My staff contact for this matter is Mr. Shah A. Choudhury at (703) 697-7475, or feel free to discuss this matter with Ms. Karla Perri or me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Sherri W. Goodman", with a long horizontal line extending to the right.

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

Enclosure:
as stated

cc:
DGC(E&I)
DASA(ESOH)
DASN(E&S)
SAF/MIQ
DLA-CAAE
EPA/OERR
EPA/FFRRO
DOE/EM30
DOE/EM51
GSA/PBS