



CERCLA

CERCLA FIVE-YEAR REVIEWS



The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) requires that, at least every five years, a review of remedial actions be conducted for all sites where a Decision Document (DD) or Record of Decision (ROD) states that hazardous substances, pollutants or contaminants may remain in place above levels that allow for unlimited use or unrestricted exposure hazardous substances, pollutants, or contaminants. This requirement applies to both Army active installations and Base Realignment and Closure (BRAC) installations being addressed under CERCLA, regardless of National Priority List (NPL) status.

THE ARMY USES FIVE-YEAR REVIEWS TO:

- Verify that active treatment remedies and long-term monitoring programs are cost effective and operating efficiently
- Determine whether the selected remedy for a cleanup site remains protective of human health and the environment
- Determine if additional response actions are required
- Consider alternatives to optimize cleanup
- Determine when the Five-year Reviews process for a site may be terminated, i.e., when no hazardous substances, pollutants or contaminants remain at the site above levels that allow for unrestricted use and unlimited exposure

For more information

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THE FIVE-YEAR REVIEW PROCESS

The U.S. Army Environmental Command (USAEC), the Army program manager for Five-year Reviews, distributes an annual scheduling memorandum to installations that have Reviews due in the next fiscal year. Five-year Reviews must be completed within five years of the actual remedial action onsite construction start date for statutory reviews, or the construction-complete end date for policy reviews. Determinations are made from Army Environmental Database-Restoration (AEDB-R) completion dates for RODs and DDs submitted by the installations.

Generally, all sites on an installation requiring Five-year Reviews are reviewed concurrently. Separate Reviews may be conducted, however,

for large or complex sites where operable units (OUs), or groups of OUs, have been treated as individual sites during the remedial process. Installations identify their Five-year Review requirements in their Cost-to-Complete, Installation Action Plan, Annual Report to Congress, and AEDB-R submissions.

The U.S. Army Corps of Engineers Hazardous, Toxic and Radioactive Waste (HTRW) Center of Expertise (CX) conducts the Five-year Reviews for installations funded by the Environmental Restoration, Army account, except for installations that have included their Reviews in Performance-based Contracts. BRAC Division chooses the executor for Reviews at BRAC sites. The HTRW CX provides quality assurance and tracking for all Army Five-year Reviews regardless of executor.

KEY QUESTIONS THAT MUST BE ANSWERED:

- Is the remedy functioning as intended by the DD/ROD?
- Are the exposure assumptions, toxicity data, cleanup levels, and remedial action objectives used at the time of remedy selection still valid?
- Does any other information call into question the protectiveness of the remedy, e.g., Applicable or Relevant and Appropriate Requirements or land use controls?
- Can long-term operations be further optimized?

Army Five-year Reviews include background document reviews, a site visit, and a report that complies with the Environmental Protection Agency (EPA) “Comprehensive: Five-Year Review Guidance,” available at: <http://www.epa.gov/superfund/resources/5year/index.htm>.

The Five-year Review report must contain a signed determination by the installation commander, or BRAC designee, that a selected remedy is or is not protective of human health and the environment. Copies of the final signed report are placed in the installation’s Administrative Record and information repository and provided to the USAEC, the EPA, and state regulators.

Where active, a Restoration Advisory Board (RAB)/Technical Review Committee, must be apprised of an upcoming Five-year Review, its scope, conclusions reached, and where and when the final Review report may be viewed. When there is no active RAB, the Review executor must announce via newspaper when a five-year review will be conducted and when a five-year review has been completed. If the Review calls for a ROD amendment, community participation must be allowed as outlined in 40 CFR 300.435(c)(2)(ii).

