

Headquarters
United States Forces Korea
Unit #15237
APO AP 96205-5237

United States Forces Korea
Regulation 200-1

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Environmental Quality

UNITED STATES FORCES KOREA REMEDIATION REGULATION

***This is the first edition of USFK Regulation 200-1**

For the Commander:

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Official:



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Summary. This regulation establishes a country-specific remediation regulation as required by Department of Defense (DOD) Instruction 4715.8. It describes the procedures and information needed to obtain approval to conduct environmental remediation on United States Forces Korea (USFK) installations. It provides guidance to define the extent of remediation at contaminated sites, and provides procedures for negotiating with, and furnishing documentation to, host nation authorities.

Summary of Change. Not applicable.

Applicability.

a. This regulation applies to Headquarters, USFK and its Component Commands (including the Coast Guard when it is operating as a Military Service in the Department of the Navy), the Defense Agencies, the DOD Field Activities, and any other DOD organizational entity or instrumentality performing a governmental function within the

Republic of Korea (ROK). Environmental contamination includes but is not limited to leachate from solid waste disposal sites and petroleum, oil, and lubricants (POL) releases from any source within a USFK installation.

b. This regulation does not apply to cleanups of spills accomplished under the Korea Environmental Governing Standards established under Reference 2a, or the removal of contaminated material incidental to construction projects.

c. This regulation does not apply to remediation covered by requirements in environmental annexes to USFK operational plans, DOD component operational plans, and similar operational directives.

Supplementation. Issue of further supplements to this regulation by subordinate commands is prohibited unless prior approval is obtained from the Commander, USFK (FKEN-EP), Unit #15237, APO AP 96205-5237.

Forms. USFK forms are available at www.usfk.mil.

Records Management. Records created as a result of processes prescribed by this regulation must be identified, maintained, and disposed of according to AR 25-400-2 or the applicable service regulations. Record titles and descriptions are available on the Army Records Management System website at: <https://www.arims.army.mil>.

Suggested Improvements. The proponent of this regulation is the Commander, USFK (FKEN-EP). Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Blank Forms) to the Commander, USFK (FKEN-EP), Unit #15237, APO AP 96205-5237.

Distribution. Electronic Media Only (EMO).

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Section I GENERAL

1. Purpose: This regulation establishes a country-specific remediation regulation as required by DOD Instruction 4715.8. It describes the procedures and information needed to obtain approval to conduct environmental remediation on USFK installations. It provides guidance to define the extent of remediation at contaminated sites, and provides procedures for negotiating with, and furnishing documentation to, host nation authorities.

2. References:

- a. DOD Instruction 4715.8, Environmental Remediation for DOD Activities Overseas, 2 February 1998
- b. DOD Instruction 4715.5, Management of Environmental Compliance at Overseas Installations, 22 April 1996
- c. DOD Directive 5530.3, International Agreements, 11 June 1987
- d. DOD Directive 7000.14R, DoD Financial Management Regulation, May 1996
- e. US-ROK SOFA Joint Committee Memorandum, Joint Environmental Information Exchange and Access Procedures, 18 January 2002
- f. USFK Pamphlet 200-1, Korea Environmental Governing Standards, 24 October 2004
- g. USFK Regulation 550-51, International Agreement, 27 March 2002

3. Explanation of Abbreviations and Terms: Explanation of abbreviations and terms are located in the glossary.

4. Responsibilities:

a. Commander, USFK, as the Environmental Executive Agent (EEA) for Korea, will maintain this regulation by issuing country-specific remediation policy updates as needed and furnishing documentation to the host nation regarding contamination on or emanating from USFK facilities and areas through the Environmental Subcommittee if requested by the host nation, in accordance with Reference 2e.

b. In-theater Component Commanders will:

(1) Comply with the procedures in this regulation when evaluating a site for remediation or performing remediation of a contaminated site.

(2) Develop staffing procedures to ensure timely transmittal and internal coordination of information needed to make an informed decision.

(3) Develop procedures to obtain suitable medical and legal reviews to support final decisions.

(4) Maintain information relating to environmental contamination at facilities and areas in coordination with the EEA, for five years after the location is returned to the host nation and all claims or other issues relating to contamination are resolved.

(5) Shall determine whether a contaminated site poses an imminent and substantial endangerment after consultation with an appropriate medical authority and the DOD environmental executive agent.

c. Installation, Facility, or Area Commanders will:

(1) Recommend remediation actions following the procedures outlined in this regulation and guidance from the in-theater component commander.

(2) Take an active role in ensuring control measures and response plans are maintained and updated to prevent future environmental remediation actions.

d. In-theater DOD medical authorities will support requests for consultation from their DOD component commanders in a timely manner.

Section II POLICY AND PROCEDURES

5. Policies and Procedures:

a. The EEA for Korea must be consulted when a DOD component anticipates a remediation action in the ROK. This consultation will include the DOD component's assessment of whether the remediation action is based on a Known Imminent and Substantial Endangerment (KISE) to human health and safety, is not a KISE but necessary to maintain operations or protect human health and safety, or is an obligation under an international agreement (IA). In accordance with Reference 2a, this consultation will be conducted with the USFK Assistant Chief of Staff, Engineer (FKEN), who has been delegated the EEA's responsibility and authority for such consultations. A proposed course of action to remediate environmental contamination will not be executed until the in-theater component commander has approved the action.

(1). If the Installation, Facility, or Area Commander believes a remediation action is necessary because the contamination may represent a KISE condition, the commander will seek an evaluation by medical authority, consult with the EEA, and receive the In-theater DOD component's determination using the most appropriate and expeditious means available. At a minimum, the following information is required in a decision document to support a remediation action under this paragraph.

(a). Description of the condition causing the KISE.

(b). Medical determination that a KISE exists.

(c). A coordinated solution incorporating the minimum medical and engineering requirements needed to eliminate imminent and substantial endangerment.

(d). Description of the indicators that will be used to determine when the project implementing the coordinated solution is completed.

(e). USFK EEA written record of consultations.

(f). In-theater DOD component commander's determination that a KISE exists and the recommended course of action is necessary.

(2). If the Installation, Facility, or Area Commander believes a condition does not create a KISE, but a remediation action is deemed necessary to maintain operations or protect human health and safety, the commander will prepare a decision document with a recommended course of action. This decision document will be staffed through the Component in accordance with Component Commander's guidance and submitted to the EEA for consultation. At a minimum, the following information is required to support a remediation action intended to correct a condition that is not a KISE.

(a). Description of the condition, the mission impact of the condition.

(b). Description of the proposed course of action, timeline and indicators of the desired end state.

(c). Comparison of the proposed course of action with at least one additional course of action and a no action alternative to show that the course of action selected is in the best interest of the United States (U.S.) Government.

(d). Installation, Facility or Area Commander's recommendation that the existing condition impacts the installation's, component's, or USFK's, ability to fulfill its mission, and the course of action proposed is in the best interest of the U.S. Government.

(e). USFK EEA, or a designated representative, memorandum documenting consultations.

(f). Determination by the in-theater DOD component commander, or designated representative, that the condition poses an impact to the mission, and the proposed course of action is in the best interest of the U.S. Government.

(3). If the Installation, Facility, or Area Commander believes a condition does not create a KISE; however, a remediation action is necessary to meet an obligation under an IA, the commander will prepare a decision document with a recommended course of action. This decision document will be staffed through the Component in accordance with Component Commander's guidance and submitted it to the EEA for consultation. At a minimum, the following information is required to support a remediation action

intended to correct a condition under an IA.

(a). Description of the condition and the IA.

(b). A legal determination that the requirement is mandatory and arises from a binding IA that pertains to the U.S. Military operating rights in the ROK.

(c). Description of the proposed course of action and timeline and indicators of the desired end state.

(d). Comparison of the proposed course of action with at least one additional course of action and a no action alternative to show that the course of action selected is in the best interest of the U.S. Government.

(e). Installation, Facility or Area Commander's recommendation that the existing condition violates a binding IA and the course of action proposed is in the best interest of the U.S. Government.

(f). USFK EEA, or a designated representative, written record of consultations.

(g). Determination by the in-theater DOD component commander, or a designated representative, that the condition violates a binding IA and the proposed course of action is in the best interest of the U.S. Government.

(4). Within 30 days of receipt of the component's decision document, the EEA will review the decision document, consult with the DOD component for clarification, and provide documentation of EEA review with the proposed remediation. In the case of non-concurrence, the DOD component may appeal the EEA's determination to Pacific Command (PACOM). The point of contact for the submission of appeals is the PACOM Engineering Division, Logistics and Security Assistance Directorate.

GLOSSARY

Section I ABBREVIATIONS

DOD	Department of Defense
EEA	Environmental Executive Agent
IA	international agreement
KISE	Known Imminent and Substantial Endangerment
PACOM	Pacific Command
POL	petroleum, oil, and lubricants
ROK	Republic of South Korea
USFK	United States Force Korea
U.S.	United States

Section II TERMS

Contaminated Site. A specific area, polluted by petroleum, oil, and lubricants (POL), hazardous substances, pathogens, or other pollutants that pose a substantial threat to human health or the environment.

DOD Components. Military departments and DOD agencies as defined in Reference 2a operating within the USFK area of responsibility.

DOD Medical Authority. A component's medical authority responsible for preventive medicine or bio-environmental engineering.

Environmental Executive Agent (EEA). The component designated by DOD under reference 3.2 as the Executive Agent for environmental matters for nations within a command's area of responsibility. Throughout USFK's area of responsibility, the EEA is the Commander, US Forces Korea.

Hazardous Substance. Any hazardous material or hazardous waste that can pose a potential or substantial threat to human health or the environment as defined by reference 2f.

Negotiating. Discussions with appropriate host nation authorities regarding the scope

of appropriate remedial measures. Those discussions will generally reflect a coordination of DOD component-selected remediation methods or standards with local-level host-nation authorities. The discussions may also reflect negotiations with national-level host-nation authorities leading to a formal agreement between the parties regarding required remedial measures. Such negotiations are governed by References 2c, 2d and 2g. Care must be exercised to ensure compliance with the policy and procedures reflected therein.

Remediation. Actions taken at a contaminated site to abate the effects of environmental contamination on human health and safety and on operations.

Defining the appropriate level of remediation: The appropriate level of remediation is dependent on site-specific circumstances. Considerations in determining the appropriate level of remediation include associated risks to human health and safety, projected future use of the site, and operational requirements. An essential part of a site's assessment is the review of different remediation alternatives in the context of the above considerations. Consultation with the EEA is required before any commitment is made regarding the extent of remediation to be performed at a contaminated site. Not all methods of Known Imminent and Substantial Endangerment (KISE) mitigation include treatment or removal of contamination or contaminated media.

Risk Assessment. Quantitatively or qualitatively evaluating the potential for harm to human health and safety from a contaminated site by examining all probable migration routes, contaminant concentrations, and human exposure potential.

Risk Management. Making an informed decision about the actions that must be taken at a contaminated site, using factors such as risk assessments, mission impacts, economics, political climate, host nation considerations, legal requirements, available remediation methods, and time constraints.

Spill. A spill is a release of POL or hazardous substances to soil or water resulting from current DOD operations