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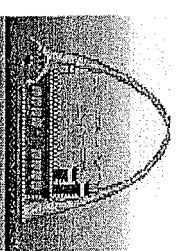
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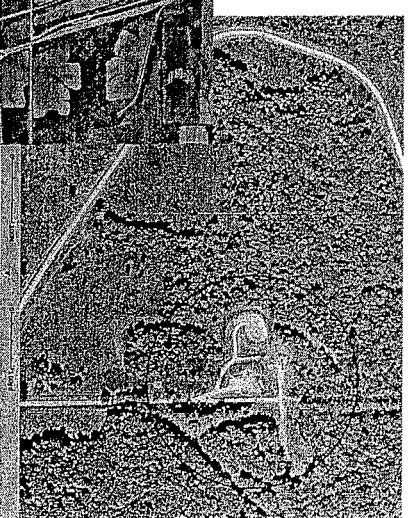
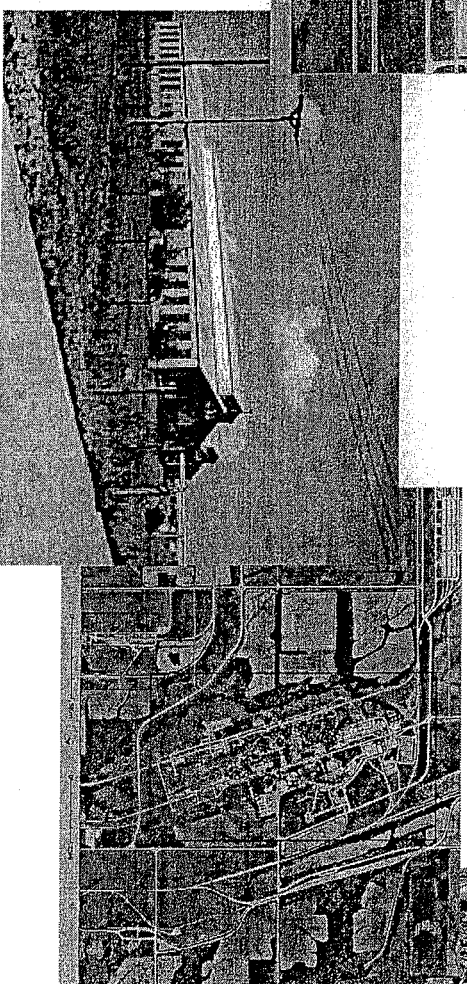
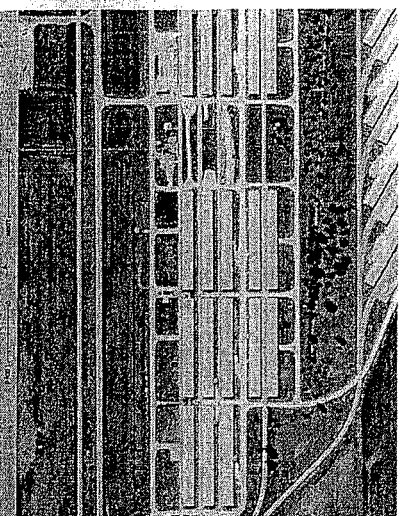
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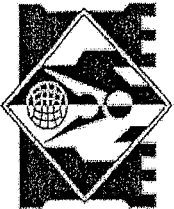


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Federal Facilities Agreement For the Iowa Army Ammunition Plant

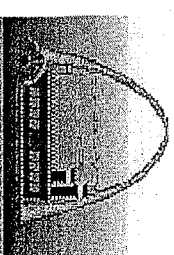
18 May 2006





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Agenda



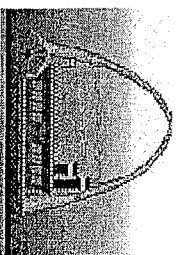
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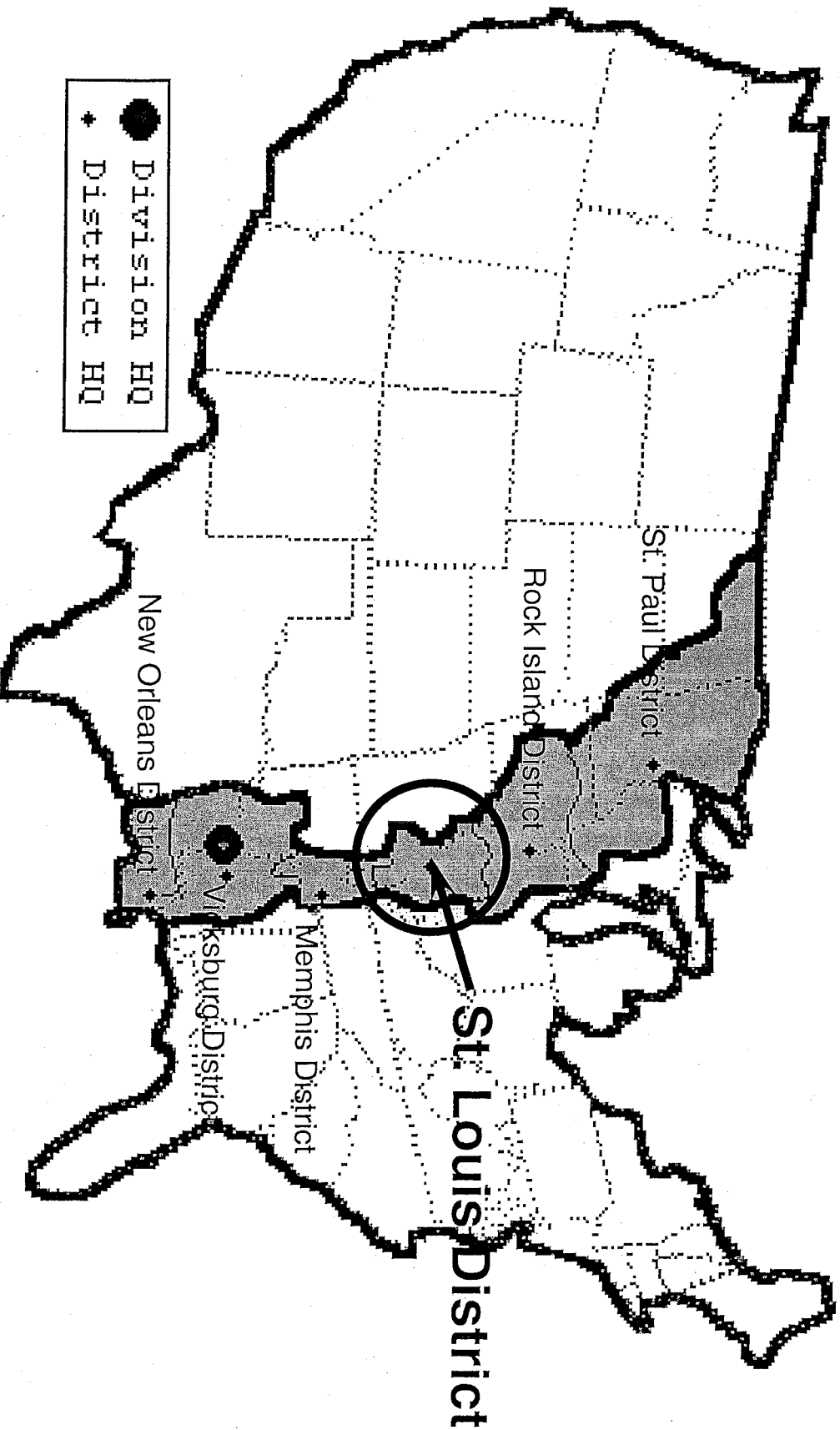


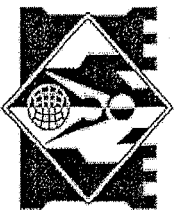
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Mississippi Valley Division



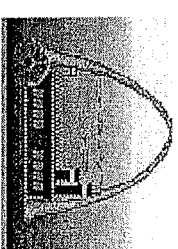
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Background



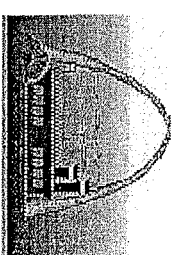
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- **Purpose of an FFA:**
 - Establish a procedural framework & schedule for developing, implementing & monitoring response actions at a Site in accordance with CERCLA/SARA and the NCP.
 - Facilitate cooperation, exchange of information & participation of Parties in such actions
- **Site specific document based upon recently issued model FFA guidance.**



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Background (Cont)



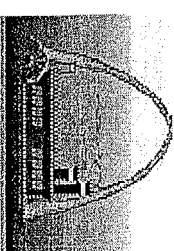
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- **Timing of FFA**
 - CERCLA Section 120(e)(2) states that a FFA is required 180 days after completion of the Feasibility Study.
 - DA Policy (per Environmental Restoration Guidance Program Manual) is to enter into FFAs for National Priorities List (NPL) sites as soon as practicable after listing (as an NPL site).



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Project Description



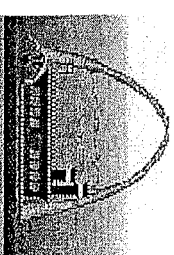
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- Iowa Army Ammunition Plant – Burlington, Iowa
- Total Plant = 19,100 acres
- FUSRAP sites = Approx. 1630 acres
- Load, Assemble & Pack facility – munitions manufacture
- Govt Owned – Contractor Operated (American Ordnance)
- On-going Installation Restoration Program (IRP) clean-up with some on-site disposal
- National Priorities List (NPL) site
- IRP FFA



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Project Description (Cont)

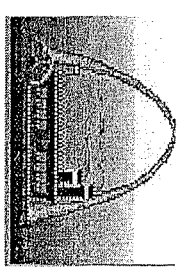


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- Atomic Energy Commission operated in 7 areas. These are the only parts of the plant included in FUSRAP. The remainder of the plant will be addressed by other Army programs.
- AEC assembled and destroyed off-spec weapons
- Contaminants= Radioactive (DU), chemical & explosives
- Media: soil and sediment



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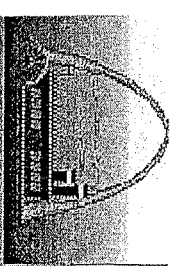
FFA Development

- Decided to have separate FUSRAP FFA rather than amending IRP FFA.
- FFA Development began in Feb 2003.
- Compiled 3 “model” DoD/DA FFAs and used it as a basis for negotiation.
- Numerous meetings and conference calls were held.
- Involved MVD, HQ, ASA and Army General Counsel offices
- FFA Parties: Iowa, EPA, USACE & DOE.
- Document being routed for signature.



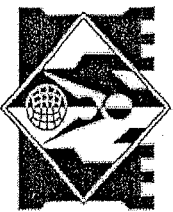
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Contentious FFA Issues



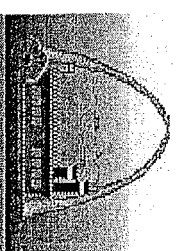
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- **“Rolling Milestone” provisions**
 - **Definition of “milestones”**: EPA wanted to broaden the definition of “milestones”. Failure to meet a milestone could result in EPA assessing stipulated penalties against USACE.
 - **Budget information**: EPA wanted the Corps to release budget information prior to official release of the President’s budget. (Prohibited by OMB.)
 - **EPA’s role**: EPA wanted a large role in development and prioritization of the Corps FUSRAP budget
- **The Dispute Process Decision Maker** – EPA wanted Sec Army
- **Non-model FFA provisions** - EPA wanted non-model provisions which resulted in a larger decision making role for EPA.



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Important FFA Provisions



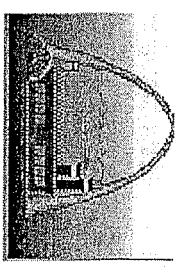
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- **Limits FFA application to FUSRAP activities.**
- **Provides a definition of “a milestone.”**
- **Provides EPA with the opportunity to assess stipulated penalties if milestones are not met.**
- **Established review and response-to-comment timeframes that MUST be followed.**
(Milestones are based on these timeframes.
USACE failure to meet the timeframe translates to missing a milestone and potential assessment of stipulated penalties.)



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Important FFA Provisions (Cont)



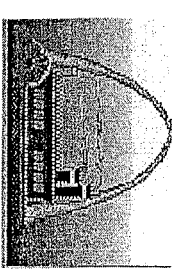
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- Includes a Site Management Plan, which contains milestone dates.
- Identifies a formal role for EPA and Iowa Dept of Public Health in the content of “primary documents”.
- Makes the content of such documents subject to a formal, lengthy, cumbersome dispute process.
- Emphasizes formal communication between FFA parties.



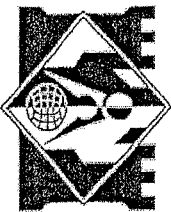
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Next Action



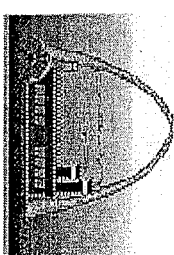
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- Begin process of obtaining signatures.
- EPA will release the fully executed FFA for a 45-day public review/comment period.
- At end of the review period, each of FFA parties receives a copy of the comments and has 20 days to make a request for modification.
- If no one requests a mod, the agreement is effective.
- If any Party requests a mod, everyone meets again to negotiate the modification.
- If Parties cannot agree, any Party can withdraw from the FFA but not before going thru the Dispute Resolution process.



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Recommendation



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- **MVS recommends signature of the FFA at the proper time.**

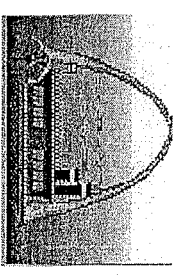
- NOTE: It is in the best interest of USACE to complete finalization of two technical documents (“red sites survey” and “blue sites summary”) prior to executing the FFA. If the FFA is signed prior to finalization of these documents, the documents will be classified as primary documents and subject to dispute.

- The MOA with Army IAAP must be signed before FFA execution. The MOA with Army will ensure USACE access to the Plant. This is required to fulfill the obligations made in the FFA.



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Consequences of non-signature



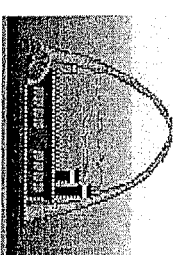
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- Legally the FFA is not required until 180 days after completion of the Feasibility Study.
- However, EPA and the State strongly want an executed FFA as soon as possible. Failure to have a signed document after 30-45 days will result in substantial political pressure, most likely at the ASA level.



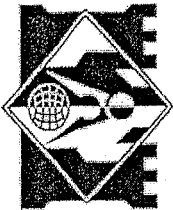
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Summary



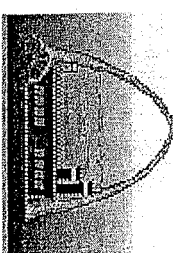
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- Signature requested in approximately 30-45 days (pending signature of MOA with Army and finalization of two documents.)
- This is the culmination of 3 years of extensive negotiation and coordination.
- Full execution of the FFA will position the Corps to expeditiously proceed beyond the Feasibility Study with the FUSRAP mission at Iowa AAP.



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Questions



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