

## **Tiered Partnering a Powerful Tool in Southeast**

**By: Rebecca Shanks, REEO-S, August 2013**

The U.S. Army Regional Environmental and Energy Office – Southern (REEO-S) and the Environmental Protection Agency (EPA) co-hosted the Region 4 Tier III Partnership meeting August 6, 2013 in Atlanta, GA. Representatives from DOD, EPA, the three Military Services, the Corps of Engineers, and seven of eight EPA Region 4 states (AL, FL, GA, KY, NC, SC, and TN) attended. The group discussed administrative issues, project funding, and specific concerns regarding environmental cleanup at installations and states.

Multiple attendees voiced concern about the ability of their organizations to maintain robust treatment programs in the face of strict budgetary restraints and travel restrictions—restraints that they say challenge the effectiveness of the tiered partnering concept itself.

“The continued success of the partnering process is a result of excellent working relationships between regulators and the Services, despite current challenges with budget cuts,” said Arthur Collins, EPA Federal Facility Branch Chief. “A partnering approach will be required to maintain the momentum gained in our cleanup efforts.”

### **Successful Past**

In 1998, the EPA Region 4 and DOD established a series of partnerships at three “tiers” to coordinate, facilitate, and enhance the cleanup of contaminated sites at military installations. Participants and regulatory authorities contribute expertise and resources to provide installations with comprehensive cleanup tools.

Tier I (installation level) teams include representatives from science and engineering disciplines who develop cleanup goals, select technical process requirements, and resolve issues related to specific projects at installations. Tier II (state level) teams support Tier I teams by providing clarification and guidance, addressing technical concerns, resolving issues, and raising policy conflicts to the Tier III (regional level) team. The Tier III (regional level) team is an alliance among state and federal environmental regulators and military commands. The partnership fosters cooperative relationships among members and empowers Tier I and Tier II teams to effectively remediate DOD hazardous substance release sites for protection of human health and the environment.

Tiered partnering was critical in guiding remedial work at Volunteer Army Ammunition Plant (VOAAP). The Base Realignment and Closure (BRAC) 2005 process provided for early transfer of VOAAP to Richmond County, TN, which planned to develop an office park on the site. After the transfer, significant and previously undocumented contamination was discovered, rendering development of the property nearly impossible. Multiple contractors had worked on the site for over 10 years, with no realistic end to active remediation on the horizon; due to regulatory and funding issues, VOAAP quickly became a stalled remediation project.

In 2005, Volkswagen USA chose the VOAAP site for its new production facility, and Tier I, II, and III teams began meeting in earnest to advance the project. New and innovative remediation opportunities were sought; the Army, the state of TN, and EPA worked closely with BRAC personnel; and Hamilton County officials worked closely with the Department of Transportation and all levels of tiered teams to provide support and clear local roadblocks. Today, a multimillion dollar Volkswagen facility is in full production, an Amazon facility is operational, and a 20+ acre nature park complements the site.

Remediation at the Milan Army Ammunition Plant (MAAP) in Tennessee also exemplifies how tiered partnering can produce a successful outcome. The plant opened in 1941 to produce and store ammunition, fuses, and rocket boosters. Because of groundwater contamination, Milan was listed on the National Priorities List (NPL) in 1987. The contamination eventually migrated offsite, whereupon the Army funded new drinking water facilities for the at-risk population. By 2005, EPA had determined the present plans for site treatment were not protective of human health and the environment. When the Tier I team was unable to reach resolution with a path forward, the Tier II Team got involved, offered strategic and technical advice, and attempted to facilitate progress on policy discussions.

In 2008, EPA, the Tennessee Department of Environmental Control (TDEC), and the Army entered into a formal dispute designed to force mediation and negotiations, as well as spark forward progress at MAAP. Without the tiered partnering process and relationships developed and maintained throughout the years, the Milan project would likely have ended up in litigation as opposed to nearing its current stage of completion. Instead, over the course of more than three years, EPA, TDEC and the Army worked diligently to satisfy stakeholder concerns related to technical, and health and safety issues. In 2012, the three entities agreed to seven conditions and terms that allowed site remediation to advance. The Army has completed all terms of the agreement, and is awaiting final Feasibility Study approval. It anticipates a final Record of Decision for site-wide groundwater will be approved by all Federal Facilities Agreement parties no later than December 2013.

Successful collaboration is fundamental to the tiered partnering concept. By cultivating communication and trust among participants, teams have the opportunity to shape more effective restoration projects, thus saving time and taxpayer dollars. EPA's Mr. Collins said, "The Region 4 tiered partnering process has been one of the most successful processes since its inception into the cleanup efforts. There have been fewer formal disputes and more consensus on the cleanup approaches."

Although it is technically possible to address concerns remotely, the depth and breadth of concern, as well as levels of comfort are often best conveyed in person. Because relationships based solely upon remote communication can become strained when difficult issues arise, personal interaction and recognition of names, faces, and personalities are crucial when negotiating the appropriate level of action; strong relationships enable negotiations where everyone gets a "win." Similarly, recognition that lessons learned at one installation can be readily exported and applied at other installations is often a result of professional interaction at meetings and workshops.

### **Consolidation and Sequestration Present New Hurdles**

The August Region 4 Tier III Team meeting was characterized by reports of agency consolidation, reorganization, relocation, and sequestration. Marshall Williams, Regional Environmental Coordinator, REEO-S, said the partnering process is currently viewed as especially crucial in preventing small and large programmatic failures that could disrupt treatment, erode public confidence, and jeopardize public safety.

The partnering process has been instrumental in resolving disputes and disagreements at the lowest working levels. Through the application of partnering, teams and agencies have avoided costly formal disputes and litigation. Partnering fosters an atmosphere where positive working relationships are developed and team members work together to develop open lines of communication. An increased exchange of information—especially in uncertain times—leads to more expedient and less costly cleanup efforts.

“We benefit from long term relationships,” said Jim Bateson, North Carolina Department of Natural Resources, Division of Waste Management, Superfund Section Chief. “Keeping those personal relationships is our number one priority in the face of change.”