

Working Together to Achieve Cleanup:

A Guide to the Cooperative Agreement Process



July 2006 (Final)



The Department of Defense and State Memorandum of Agreement/Cooperative Agreement (DSMOA/CA) Program

FOREWORD

This guidance is issued by the DoD for use by officers and employees of the DoD, Components, and States/Territories to assist with the efficient and cooperative administration of the DSMOA/CA Program. It is intended to promote mutual understanding of the procedures used in administration of the DSMOA/CA Program. It is not a rule or regulation, and does not create rights in or obligations on any federal department or agency, State or Territory or their agencies, or any third party or individual. It is not enforceable in any proceeding. In the event of any conflict between this guidance and any DSMOA, any CA, any federal law or regulation, an OMB Circular, or the DERP Management Guidance, this guidance shall not govern. Whether and how this guidance is applied to any particular situation will depend on the facts and circumstances, and is subject to the discretion of authorized DoD officials. DoD may periodically review this guidance and may amend, modify, or rescind it at any time.

A DSMOA Steering Committee, comprised of representatives from States and DoD Components, was formed in 2004 to promote top-level understanding and cooperation. The Association of State and Territorial Solid Waste Management Officials (ASTSWMO) facilitates State participation in the DSMOA Steering Committee by seeking volunteer members. The Office of the Secretary of Defense (OSD) facilitates DoD Component participation in the Steering Committee. Subcommittees are formed for specific purposes. A DSMOA CA Rewrite team was formed in the summer of 2004 to review and revise as necessary the 1999 version of the CA Guide, titled *Working Together to Achieve Cleanup: A Guide to the Cooperative Agreement Process*.

The purpose of this DSMOA CA Guide rewrite is to capture the current business practices of the DSMOA Program, and to serve as a reference to successfully participate in the DSMOA Program. The following items were considered beyond the scope of the CA Guide rewrite effort:

1. Changes to the DSMOA Federal Register model language or individual Defense-State agreements.
2. Changes to an individual Cooperative Agreement.
3. Changes to regulations.
4. Changes to decisions that the Grants Officer has previously rendered.

The DSMOA Steering Committee acknowledges the efforts of representatives of the following States and DoD Component organizations in drafting and publishing the 2006 version of the CA Guide.

Colorado	Army Secretariat
Illinois	Army Staff
Maine	Navy Staff
Missouri	Air Force Regional Office, Dallas
New Mexico	Corps of Engineers Headquarters Staff
Rhode Island	Corps of Engineers DSMOA staff in Omaha, NE
Virginia	US Army Environmental Center
Facilitation by Tetra Tech EM Inc.	

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SECTION 1: INTRODUCTION AND PURPOSE

1.0 INTRODUCTION

The Department of Defense and State Memorandum of Agreement/Cooperative Agreement (DSMOA/CA) Program was established pursuant to Section 211 (B) of the Superfund Amendments and Reauthorization Act (SARA) enacted on October 17, 1986. SARA authorizes the Federal government to obtain the assistance of State and local governments in executing environmental cleanups of Department of Defense (DoD) installations and Formerly Used Defense Sites (FUDS). The goals of the DSMOA Program are to expedite environmental restoration at DoD installations and help ensure compliance with applicable state laws through financial assistance for technical services provided by the States.

A DSMOA is an agreement between DoD and a State or Territory that provides a framework for working together through the Defense Environmental Restoration Program (DERP) (Installation Restoration Program (IRP) or Military Munitions Response Program (MMRP)) at active bases, or the Base Realignment and Closure Program (BRAC) at closing bases to

These relationships are to be fostered through improved communication, coordination, and cooperation between States and DoD Components in order to facilitate progress on projects to protect human health and the environment.

A DSMOA is an agreement between DoD and a State or Territory that provides a framework for partnership at specified DoD installations. After signing a DSMOA with DoD, a State must apply for a CA in order to obtain financial assistance for its activities and services (hereafter, services) in support of Federal cleanups at DoD installations (as outlined by the DSMOA). Under the CA, the State may receive financial assistance from U.S. Army Corps of Engineers (USACE DSMOA Team) for eligible services in support of environmental cleanup at listed installations. Only States that have a completed and signed DSMOA are eligible to apply for a CA under the DSMOA Program.

A CA is the funding mechanism by which a State or Territory receives Federal financial assistance for eligible services at DoD facilities in support of environmental restoration.

This Guide is the product of a collaborative effort among States and DoD Components to design a process that includes:

- Establishing a plan for state support in executing cleanups
- Preparing a CA application
- Approving the CA application
- Requesting payment advances or reimbursements
- Reporting the States' services under the CA
- Conducting annual funding reviews
- Closing out the CA

This Guide follows regulations for CAs promulgated in 32 *Code of Federal Regulations* (CFR) Part 33, the DoD Grant and Agreement Regulations (DoDGAR) DoD 3210.6-R, and Office of Management and Budget (OMB) Circulars A-87, A-102, and A-133. Efforts have been made to minimize administrative burdens, increase flexibility, and optimize use of existing resources.

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1.1 DEFINITIONS

The term “installation(s)”, as used in this document, refers to an active DoD installation; closing or closed DoD base; site under the Defense Logistics Agency (DLA), Defense Energy Support Center (DESC), or Defense National Stockpile Center; or a property eligible under the FUDS Program.

The term “State(s)”, as used in this document, refers to any State, Commonwealth, the District of Columbia, or United States Territory.

The term “DoD Component(s)”, as used in this document, refers to the following Military Departments, DoD Components, agencies, or program: the Department of the Army, Department of the Navy, Department of the Air Force, DLA, DESC, Defense National Stockpile Center, and FUDS Program.

The term Defense Environmental Restoration Program (DERP) as used in this document means the program established by SARA § 211. SARA § 211 and later amendments are codified in Title 10 of the United States Code (USC) §§ 2700 – 2710. 10 USC § 2701(a) states that the: “Secretary of Defense shall carry out a program of environmental restoration at facilities under the jurisdiction of the Secretary.”

The term DERP Management Guidance refers to the “Management Guidance for the Defense Environmental Restoration Program”, Office of the Deputy Under Secretary of Defense (Installations and Environment), September 2001, or more current version. It is available to the public at <https://www.denix.osd.mil/denix/Public/ES-Programs/Cleanup/guida.html>.

The term Installation Restoration Program (IRP) refers to one of three categories or types of restoration conducted under DERP. The IRP generally addresses CERCLA hazardous substances or pollutants and contaminants as well as petroleum, oil, or lubricants (POL) (as appropriate) and DoD unique materials (the DERP Management Guidance contains a complete list).

The term Military Munitions Response Program (MMRP) refers to the second category of restoration under DERP. The MMRP generally addresses military munitions and explosives of concern (MEC), to include discarded military munitions, unexploded ordnance, and munitions constituents (MC).

The term Base Realignment and Closure (BRAC) refers to the DoD effort to realign missions and workload and to close those installations no longer needed. DoD uses its DERP authority to conduct environmental restoration at designated closing or closed installations using monies appropriated for the specific purpose of BRAC environmental restoration.

1.2 PURPOSE

The purpose of this Guide is to establish uniform procedures for developing Joint Execution Plans (JEP) and CAs while allowing for flexibility under the DSMOA Program and to present the procedures as guidance for use by stakeholders within States and DoD Components. The procedures described in this Guide are intended to encourage consistency, create efficiencies, and simplify the process of working together under the DSMOA Program.

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Although the purpose of the DSMOA Program remains constant, the processes that it encompasses are dynamic. Consequently, this Guide is a living document subject to refinement as necessary. A stakeholders committee consisting of representatives from States and the DoD Components will convene as necessary to review and revise the details of the processes. Revised versions of this Guide will be prepared accordingly.

The Guide consists of seven sections and appendices A through I. The content of the sections and appendices is summarized below.

- Section 1 Presents an introduction and statement of purpose
- Section 2 Provides a detailed, step-by-step explanation of the CA application process
- Section 3 Includes instructions for payments to States
- Section 4 Provides details on completing Performance Reports (PR)
- Section 5 Discusses annual funding reviews
- Section 6 Explains the CA closeout process
- Section 7 Provides background on notification of issues and concerns
- Appendices Present samples of forms and provide guidance for completing the CA process

1.3 REVIEW OF KEY PROGRAM UPDATES

Since this Guide was last issued in August 1999, the DSMOA Program has undergone several modifications. These include:

- Standardizing the CA period to correspond to most States' fiscal year (July 1 through June 30)
- Streamlining of CAs to provide a 24-month performance period (**Appendix A** includes a timeline of key dates associated with a CA.)
- Implementing a unilateral/bilateral modification process
- Combining the JEP and PR on the same form
- Requiring electronic submittal of payment requests and PRs by States
- Developing a routinely updated online financial status report system
- Encouraging States to participate in electronic funds transfer (EFT) for reimbursements (financial managers will work with States that are not able to accommodate EFT)
- Accounting for MMRP activities separately from IRP activities

1.4 RESOURCES

Various resources were developed to assist States and DoD entities throughout the DSMOA process. Some of the resources that provide additional guidance on the DSMOA Program are described below.

The Defense Environmental Network and Information eXchange (DENIX) Web Site

- Central platform and information clearinghouse for environmental, safety, and occupational health (ESOH) news, information, policy, and guidance
- Vast document library, gateway to web-based environmental compliance tools, and interactive workgroup environment
- Separate portions accessible for States, DoD Components, and the public at <https://www.denix.osd.mil/> (requires a username and password to log in to some sections)

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- DoD and State employees can register for a DENIX user account at <https://www.denix.osd.mil/denix/register.html>

Defense Environmental Network & Information eXchange

A Comprehensive Resource for
Defense Installations & Environmental Communities

Welcome to DENIX 2005!
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- [Base Realignment and Closure 2005](#) **NEW**
- [Defense Environmental Programs Annual Report to Congress '04](#)
- [Environmental Awards](#)
- [Homeland Security](#)
- [Munitions Response Site Prioritization Protocol \(MRSP\)](#)
- [Sustainable Ranges](#)
- [Green Purchasing Program \(GPP\)](#)
- [Munitions Response Committee \(MRC\) Checklist for Munitions Site Inventory Review and Update](#)

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- [HSMS](#)
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What's New

SECTION 1: INTRODUCTION AND PURPOSE

DSMOA Home Page

- The DSMOA home page is accessible at <https://www.denix.osd.mil/denix/State/DSMOA/dsmoa.html>. The home page contains:
 - An electronic copy of this guide
 - General background information about the DSMOA Program
 - Guidance, policies, and regulations relevant to the program
 - State documents, including State DSMOAs and CAs
 - Past DSMOA Watch e-letters
 - Points of contact
 - Success stories, news, and events



The screenshot shows a web browser window displaying the DSMOA Home Page. The address bar shows the URL: <https://www.denix.osd.mil/denix/State/DSMOA/dsmoa.html>. The page features a green navigation bar with the 'denix' logo and a 'state menu' header. Below the navigation bar is a large circular graphic with a yellow border, containing the text 'DSMOA Defense/State Memorandum of Agreement' and an image of two hands shaking in a field of yellow flowers. Surrounding the central graphic are several menu items: 'About the Program', 'Cooperative Agreement Guide & Training', 'Guidance, Policies & Regulations', 'State Documents', 'DSMOA Watch', 'DSMOA POC', 'Success Stories', 'Events & News', and 'Links'. At the bottom of the page, there are links for 'Min. Browser Reqts', 'Top', and 'Restricted Areas Info', along with a footer containing 'What's New', 'Calendar', 'DSMOA', 'EUDS', 'Current Issues', 'Partnering', 'Web Search', 'Document Index', 'Site Map', 'Submit Data/Docs', and 'Contact Us'.

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DSMOA Watch E-Letter

- Periodic e-letter distributed by the USACE DSMOA Team that addresses topics associated with current issues, trends, and direct feedback from readers
- Past e-letters are available at www.denix.osd.mil/denix/State/DSMOA/dsmoa.html
- State or Component employees can subscribe or unsubscribe to the e-letter by sending an email to DSMOA.Watch@usace.army.mil with the word “add” or “remove” in the subject line

Air Force DSMOA Online Training

- Available online at <https://webu.brooks.af.mil/webu/secure/onlinecourse.asp>
- Designed for DoD Component and State personnel responsible for participation in the DSMOA Program
- Comprehensive description of the DSMOA Program processes
- Comprehensive lists of forms and program contacts are available
- Provides an improved way of doing business in the DSMOA Program by standardizing the way that participants approach the agreement process

Additional Resources

- OMB Circulars A-87, A-102, and A-133 available online at <http://www.whitehouse.gov/omb/circulars/index.html>
- DoD Grant and Agreement Regulations (DoDGAR) available online at <http://www.dtic.mil/whs/directives/corres/html/32106r.htm>
- Up-to-date DSMOA Program points of contact and forms available online at <https://www.denix.osd.mil/denix/State/DSMOA/dsmoa.html>
- DERP Management Guidance available online at <https://www.denix.osd.mil/denix/Public/ES-Programs/Cleanup/quida.html>

SECTION 2: THE COOPERATIVE AGREEMENT PROCESS

2.0 OVERVIEW

This section identifies uniform procedures for developing an application for a CA under the DSMOA Program. The procedures described are intended to encourage consistency, create efficiencies, and simplify the process of developing CAs from the installation level up to the approving offices of the DoD Components. With use of these procedures, a CA will reflect actual cleanup and program activities at installations, create a common vision of the cleanup, and coordinate State and Federal budget cycles. (**Appendix B** provides an overview of the DoD budget process.)

This section:

- Defines the relationships necessary to build a CA from the installation level up to a DoD Component's approving office
- Defines eligibility requirements
- Defines the budget for the CA
- Lists and explains the steps in preparing the CA
- Identifies the responsibilities of all parties in the preparation of the CA, including specifically identifying the State official with the authority to submit a CA application
- Identifies and refers to examples of CA forms

2.1 RELATIONSHIPS

A statutory goal of the DERP is to take appropriate response actions to investigate, and where necessary, address releases of hazardous substances or pollutants and contaminants, and correcting other environmental damage which creates an imminent and substantial endangerment to the public health or welfare or to the environment. Attaining this goal is dependent upon maintaining mutual trust and avoiding litigation through an open, team approach between State and DoD installation representatives. Day-to-day, field-level tasks through overall program missions must be developed and mutually understood. Mutual understanding begins with the sharing of information between DoD and the State upon identification of environmental restoration issues at DoD installations.

The DERP Management Guidance and the Final Report of the Federal Facilities Environmental Restoration Dialogue Committee (FFERDC) both establish a framework for productive relationships between DoD, the regulatory community, and the public. The DERP Management Guidance states that DoD is fully committed to the substantive involvement of the U.S. Environmental Protection Agency (EPA), current and future Federal land managers, other Federal agencies, States, Tribes, and the public throughout the environmental restoration process. FFERDC states that cooperation and trust must permeate our nation's efforts to meet the challenge of cleaning up environmental contamination at federal facilities. DoD Components that are responsible for environmental restoration activities shall take proactive steps to identify and address issues of concern to affected stakeholders. These steps have the overall goal of ensuring that decisions regarding environmental restoration activities reflect a broad spectrum of stakeholder input. DoD Components and States may consult the DERP Management Guidance for more information on relationships.

JEPs are planning documents that are intended for the coordination of resources; they are not enforcement documents.

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A State's CA is developed through continuous, mutual planning between State and DoD project managers from initiation of the installation cleanup through site closeout. Although JEPs and a State's CA will be developed by those individuals who are most knowledgeable about the installation, it is understood that estimates of current and future workload and funding are likely to change as time progresses.

For the DSMOA CA process to flow smoothly, DoD Components (Installation environmental restoration project manager (IPM)) should strive to provide information outlined below at specified milestone dates for submission of JEPs, enabling States to provide timely review of DoD Component submittals. If the timely review of DoD Component submittals is not possible, States should submit schedules that specify when the reviews will be completed or agree to alternative review and approval mechanisms.

2.2 ELIGIBILITY

Under the DSMOA Program, a State must apply for a CA in order to obtain financial assistance for regulatory services in support of Federal cleanups at DoD installations. Eligible State services are defined below. **Appendix C** provides copies of the forms that comprise the CA application package. Copies of the forms also may be downloaded from the DSMOA home page at <https://www.denix.osd.mil/denix/State/DSMOA/dsmoa.html>. A State must have a signed DSMOA to be eligible to apply for a CA under the DSMOA Program.

A DSMOA is negotiated with the USACE DSMOA Team (see **Appendix H** for information on USACE DSMOA team responsibilities), DoD's agent for managing the program, and is signed by the Assistant Deputy Under Secretary of Defense (Environment, Safety and Occupational Health). Further information regarding DSMOAs may be obtained from the USACE DSMOA Team.

Eligible Funding

For States to receive reimbursement for eligible environmental restoration services and financial assistance for services rendered, DoD restoration activities must be funded from one of the five specific Environmental Restoration (ER) accounts established by Congress, or from BRAC environmental funds which are a subset of the Military Construction Appropriation. These accounts cannot be used to fund cleanup under compliance programs, therefore State regulatory services for compliance-related cleanup are not eligible for reimbursement under the DSMOA. The State must track costs by funding type, and sub-types, for each Component and for each installation.

Eligible Funding Sources

- Environmental Restoration (ER), Army
- ER, Navy
- ER, Air Force
- ER, FUDS
- ER, Defense-wide
- BRAC (Each Component except

Eligible Installations

States can obtain financial assistance for support of environmental restoration at installations listed on the State's CA Attachment A using obligated funds identified on the CA Attachment B. The Attachment A is part of the scope of the CA, and lists only those installations identified by the Component where work is planned during the CA period. Changes to the Attachment A can be made at any time during the performance period by means of a bilateral modification to the

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CA. Bilateral modifications are made between the State and the USACE Grants Office, following mutual concurrence of the State and Component to the change (see Section 2.6).

Note: The DSMOA Attachment A and the CA Attachment A do not need to be identical or agree with each other. The DSMOA Attachment A is a static document and is no longer modified for administrative changes. The CA Attachment A is the living document that establishes eligibility for funding reimbursement of eligible services to the States.

Restoration efforts undertaken at all eligible (CA Attachment A) installations, including newly designated MMRP sites, use ER (either Installation Restoration Program (IRP) or MMRP) or BRAC funds. State costs at IRP, MMRP, and BRAC sites, must be tracked independently. DoD Components identify all known IRP, MMRP, BRAC and BRAC MMRP sites that are eligible for funding. CA Attachment A's are modified to incorporate the designations. Following the accompanying development of a JEP for each installation designated on the CA Attachment A, obligated funding from each Component account (IRP, MMRP, BRAC and BRAC MMRP) is tracked separately using the State's CA Attachment B.

Concerning property transfer from DoD control: properties that remain under DoD ownership (and FUDS) and that are ER or BRAC funded, are DSMOA eligible. If it is anticipated that property will transfer, alternate means of funding may be sought.

Eligible State Services

Services conducted by a State that are eligible for financial assistance under a CA are identified in the State's DSMOA and may be slightly different from State to State. A summary of the types of eligible services, consolidated from the States' DSMOAs, is provided below. Policy statements may be issued periodically by the USACE DSMOA Team on behalf of DoD to clarify the eligibility of services.

The DoDGAR is a set of policies and rules authorized in DoD Directive Number 3210.6, "Defense Grant and Agreement Regulatory System" and published as DoD 3210.6-R, "DoD Grant and Agreement Regulations." It applies to all DoD-awarded and -administered CAs. The DoDGAR specifies that CAs are signed and administered by a Grants Officer. Eligible State services under the DSMOA Program are established by the DoDGAR and 57 *Federal Register* (FR) 28835 and include:

- Technical review, comments, and recommendations on all documents or data required to be submitted to the State under an agreement between the State and a DoD Component, all documents or data that a DoD Component requests the State to review, and all documents or data that are provided by a DoD Component to the State for review as a result of a request from the State made under applicable State law.
- Identification and explanation of State applicable or relevant and appropriate requirements related to response actions at DoD installations or FUDS.
- Site visits to review DoD response actions and ensure their consistency with appropriate State requirements or in accordance with site-specific requirements established in other agreements between the State and DoD Component.

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- Participation in cooperation with DoD in the conduct of public education and public participation activities in accordance with Federal and State requirements for public involvement.
- Services provided at the request of DoD in connection with participation in Restoration Advisory Boards and Technical Review Committees.
- Preparation and administration of a CA to implement the DSMOA, including the estimate of State costs.
- Preparation and administration of the DSMOA and amendments.
- Technical review, comments, and recommendations on all documents and data regarding prioritization of sites pursuant to Section II.B of the DSMOA.
- Determination of scope of agreements, determination of legal and technical applicability of agreements, and assurance of satisfactory performance of interagency agreements, but excluding any costs which may be incurred in anticipation of litigation against the U.S. Government.
- Costs associated with independent quality assurance/quality control (QA/QC) efforts by the State of up to ten percent of samples collected by the State, the installation, or both at each DoD installation and FUDS covered in the CA. Note: the purpose/objective of QA/QC sampling is to duplicate/validate the results of the samples being collected in an investigation to evaluate data reliability. QA/QC samples must be collected in accordance with the approved quality assurance plan or approved by the IPM. The ten percent sampling limit may be applied to samples taken over/during the period of the CA, rather than applied to each single event. States should be allowed a minimum of a single sample, regardless of how few samples are taken in a single event.
- Other services that the State will provide that are set out in the State-specific DSMOA or are included in installation-specific agreements.

Ineligible State Services

DSMOA reimbursable services must be related to the State's regulatory role, intended to assist in the completion of an eligible project, or furtherance of the DSMOA Program. Ineligible State services under the DSMOA Program include, but are not limited to:

- Activities not associated with projects funded by environmental restoration or BRAC funds.
- Activities related to regulatory enforcement (e.g., preparation of stipulated penalties or an enforcement order, but not participation in dispute resolution, see **Appendix I** for a definition of enforcement).
- Services that could be performed by a contractor under a government contract in accordance with the Competition in Contracting Act (CICA) (e.g., well drilling or landfill cover maintenance or repair). If work can be performed IAW CICA, it cannot be performed under a CA.

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- Services associated with projects at any installation not listed in the State's current CA Attachment A.
- Services that create a conflict of interest, or appearance of a conflict of interest, between DoD and the State or a private sector entity.
- Any activities constituting project execution (e.g., work plan development or sampling and monitoring activities, see **Appendix I** for a definition of project execution).
- Regulatory activities associated with the development or promulgation of State regulations, development of State guidance documents, or other State regulatory issuances of a general nature or applicability not limited to ER or BRAC projects.
- Sampling and monitoring activities unrelated to independent QA/QC by the State or exceeding ten percent of samples collected.
- Activities not falling within the list of eligible activities specified in the DSMOA.
- Activities which are disallowed under the DoDGAR or under any OMB Circular applicable to grants and CAs with States, including Circulars A-87, A-133, or any other guidance or regulation published at 2 CFR Subtitles A or B, or federal law.
- State support services related to response actions undertaken by parties other than DoD, except for those remediation services performed for DoD under a procurement contract issued by DoD or a Component.
- State participation in meetings that do not include a representative of the Component, or where the State is not performing a regulatory function intended to assist in the completion of an eligible project, or furtherance of the DSMOA Program.

The Grants Officer is normally the final authority in determining eligible and ineligible services. Decisions by the Grants Officer may be disputed using the formal dispute resolution process (See Section 7).

2.3 STATE COST CATEGORIES AND DETERMINING STATE COSTS

Cost estimates for a State to provide services in support of the DERP may include costs in the following categories:

- Direct salary costs
- Other direct costs
- Direct program support costs
- Agency indirect costs

In a CA application, each cost must be shown for each DoD Component and funding program, specifying IRP, MMRP, or BRAC round. Each of the cost categories is explained below.

Direct Salary Costs – Costs of hours worked and other benefits required by law to be paid to employees working on DSMOA eligible services related to DoD installations on the Attachment A.

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Examples include the estimates of costs of hours expended by:

- Engineers
- Geologists
- Hydrogeologists
- Environmental scientists
- Toxicologists
- Public information officers

Other Direct Costs – Costs incurred as a direct result of the work of agency staff on DSMOA eligible services related to a DoD installation on the CA Attachment A.

Examples include the costs of:

- Supplies
- Travel
- Printing and publishing of documents
- Purchase or rental of equipment
- Laboratory services
- Contractor services
- Any other direct costs related to a specific installation

Direct Program Support Costs – Non-site-specific direct program costs necessary to support the State's ability to implement an environmental restoration program.

Examples include the costs of:

- General program management and supervision
- Participation in conferences, seminars, or work groups related to DERP- or BRAC-eligible site restoration
- Clerical support
- Computer support and database management
- Development of CAs

Agency Indirect Costs – Additional overhead costs calculated using the indirect rate approved by the cognizant Federal audit agency for the State. For many States, this Federal agency is the U.S. Department of Health and Human Services.

2.4 SIX-STEP PROCESS FOR PREPARING THE COOPERATIVE AGREEMENT

- Step 1 – Initiate the CA Process
- Step 2 – Prepare JEPs
- Step 3 – Develop the CA Budget
- Step 4 – Obtain Concurrence on CA Budgets
- Step 5 – Prepare and Submit the CA Application Package
- Step 6 – Obtain CA Approval and Funding and Issue the CA

The six steps in the CA process are described below and are presented in a timetable format on pages 2-18 and 2-19. A CA covers a 24-month period from July 1 of Year 1 through June 30 of Year 2.

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A JEP establishes the agreed scope of services for the State, and covers a 2-year CA period and a subsequent 4-year (years 3 through 6) out-years period. The intent of the six-step process is to produce and validate the CA package, which is the funding instrument for the DSMOA Program. Two primary program purposes are satisfied through the six-step process. The first is to accurately project program funding requirements and provide support and documentation necessary to planning, programming, and budgeting system (PPBS). Secondly, the JEP generated in Step 2 defines remedial milestones and provides the touchstone for establishing program performance standards for each installation on Attachment A.

A JEP is developed and maintained through mutual planning between State and DoD project managers. Ongoing communication throughout the process:

- Allows the States and Components to plan workload, thereby improving program efficiency
- Minimizes processing and approval delays
- Maximizes the accuracy and effectiveness of the JEP
- Expedites resolution of the inevitable questions and concerns that will arise over the life of the JEP

All involved parties should be aware of the steps, expectations, and deadlines included in the six-step process. Prior to or not later than the completion of Step 1, the IPMs and State should review all significant work items and deadlines for both parties' activities together to ensure that all parties are aware of the dates and expectations (e.g., when the JEP will be finalized, expectations for document review and revision times, how delays should be communicated between the parties) for each step in the process. As each deadline approaches, the IPMs and State should be in contact to increase the potential for a quality, timely product. When a deadline is missed, the organization responsible for the work product should inform the other party, and the two parties should set a new deadline. The organization that is expecting input should call the responsible organization to inquire about the input's status. If that deadline is missed without good cause, the issue should be elevated to a higher level in the chain of command within both organizations, and the USACE DSMOA Team should be informed. The higher authorities should impose a new deadline and should ensure that resources are available to meet that deadline. If a State is late in submitting its application, it risks losing timely funding of its CA. If DoD installations are not coordinating in a timely manner, the State may submit its application without input from the installations.

The USACE DSMOA Team, responsible for the execution of the CAs, will send out periodic global email reminders to the IPMs, DoD Components, and States to provide guidance about where they should be in the six-step process.

Step 1 – Initiate the CA Process

Objective: To initiate the development of the CA package through notification of the IPM that the State is starting its CA application process.

Schedule: Step 1 should be initiated during June through July of the calendar year preceding the effective date of the new CA. Step 1 should be completed by July 31st.

SECTION 2: THE COOPERATIVE AGREEMENT PROCESS

CA Start Date 

JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL
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Responsibilities: To commence Step 1, the designated representative of the State (that is, the State's project manager [SPM]) notifies the IPM that the State is beginning preparation of a new CA application (SPM and IPM are terms used for the purposes of this Guide only and are further defined in the Glossary in **Appendix I**.)

Process: To initiate Step 1, the SPM should contact the IPM and schedule a meeting or telephone call to:

- Discuss the six-year restoration program
- Notify the IPM that the State is starting the CA application process and will require their coordination

If using email to notify relevant parties about the start of the CA application process, the State is encouraged to copy the IPMs' supervisor on all messages to ensure that they are aware that the CA process has been initiated. Recognizing the chain of command and bringing supervisors into the process as necessary will increase awareness and enhance the development of the CA.

DoD installations and USACE Districts should determine their projected restoration budgets for each year of the six-year period prior to meeting with the State. If they have not been contacted by the State by August 1st of the year preceding the CA, the installations should initiate contact and inform the State that they are prepared to provide relevant information for Step 2 of the CA process. The planning process should be a cooperative effort between the DoD installations and the State, preferably during face-to-face planning meetings.

A CA covers a 24-month period, from July 1 of Year 1 through June 30 of Year 2.

Step 2 – Prepare Joint Execution Plans

Objective: The SPM and IPM jointly develop a six-year restoration execution plan. The plan is developed in two sections:

- JEP organized by Years 1 and 2
- Out-Years Description of Work for Years 3 through 6

These execution work plans are signed by both the SPM and IPM and identify installation restoration activities and State services to be provided in support of those activities.

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Schedule: Step 2 should be initiated between June and August of the calendar year preceding the effective date of the new CA. Step 2 should be completed by August 31st.

CA Start Date 

JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL
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Responsibilities: The designated SPM and IPM are jointly responsible for:

- Creating a set of JEPs for Years 1 and 2 based on each installation's schedule of planned environmental restoration activities for the two-year CA period
- Creating an Out-Years Description of Work for Years 3 through 6
- Signing the JEP and Out-Years Description of Work to signify that they have been jointly prepared
- Updating and re-signing as necessary

Process: After Step 1 has been completed, development of the JEP, along with the Out-Years Description of Work, should begin. The USACE DSMOA Team will kick off the Step 2 process by sending all States a copy of their current CA Attachment A, and an e-mail reminder that this process should be now under way. This should begin during the last week of June and end no later than August 31 of the year preceding the new CA. The CA Attachment A is a listing of Installations and FUDS properties where States expect to be performing DSMOA eligible services. States can use the current CA Attachment A as a starting point for assessing the number of JEPs that might be prepared during Step 2 planning. States should revise this list according to the real number of JEPs that will be prepared in Step 2 by adding any unlisted installations, and de-listing installations where no more DSMOA eligible work is expected. This revised CA Attachment A is a new submittal Form in the CA Application Package (see **Appendix C**).

The JEP and PR have been combined in one form to streamline the planning and reporting requirements in the CA process (see Chapter 4 for details). If completed properly, the combined JEP/PR meets DoDGAR requirements for performance reporting of grants and CAs under current DoD regulations.

Joint Execution Plan

JEPs should be developed on an installation-wide basis rather than by site- or on an operable unit-specific basis. In unusual circumstances, however, the SPM and IPM may decide to develop separate plans for specific sites on an installation. Note that for installations with more than one source of funds (e.g., IRP and MMRP), two JEPs may be needed.

For each installation, the IPM initiates the development of the JEP and coordinates with the SPM to create a mutually agreed JEP covering Years 1 and 2 of the CA. The JEP should be based on the installation's schedule

SECTION 2: THE COOPERATIVE AGREEMENT PROCESS

of planned activities in accordance with guidance from a higher DoD Component command to accomplish environmental restoration under IRP, MMRP, or BRAC during the two-year period of the CA, as well as years 3 through 6 of the JEP.

IPMs should be proactive during JEP development to ensure that JEPs are consistent with Component management action plans (MAP).

Each Component must develop a MAP for each installation where activities under the DERP have yet to be completed. The MAP is used to identify and monitor

environmental restoration requirements, schedules, and estimates of cost. The MAP also serves as the basis for an installation's input to overall program planning, programming, budget development, and

Management Action Plans have other names:
Army: Installation Action Plan.
Navy: Site Management Plan.
Air Force: Management Action Plan.
FUDS: Management Action Plan for specific property, but FUDS also develops some Statewide Management Action Plans that include all properties in a State.

execution decisions. In sum, the MAP describes an integrated, coordinated approach for conducting all environmental restoration activities required at an installation or FUDS. As these restoration activities usually require several years to complete, the MAP shall address all required actions, by year, up to and including the year when the environmental restoration requirements are expected to be complete.

IPMs should ensure that information in MAPs and JEPs is consistent and that as one document is updated, the other is updated as well.

Because of the ongoing partnering and assistance to the installation in developing restoration milestones and schedules, the SPM should have an understanding of the budget requirements for the installation's restoration activities during the CA period. The IPM should provide general budget information to the SPM to assist the SPM in understanding funding limitations, the magnitude of planned projects, and the recurring review of changes in restoration program requirements.

The SPM and IPM mutually agree upon the estimated work to be accomplished by the installation and the State during Years 1 and 2 of the next CA. The SPM and IPM should fully identify and resolve as many details as possible surrounding activities that will be included in the JEP (for example, deliverable details, involvement of specialists, issues of concern, special equipment purchases or training, community outreach requirements, and regulatory participation at briefings or conferences). During this step there should be a discussion and mutual understanding of the level of effort and estimated hours required to conduct restoration activities. The JEP should include only those activities that are anticipated to occur during the period of the CA. The JEP should be reviewed as the CA period progresses, and must be revised if plans change. Milestones should be identified for the installation, along with corresponding actions by

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the State. Limits on State resources may become apparent at this time, and their impacts discussed. These limitations should be noted in the comments section on the JEP.

A copy of the JEP and instructions for completing the form are available in **Appendix D**. Instructions for completing the JEP can also be found on the DENIX website at <https://www.denix.osd.mil/denix/State/DSMOA/policy.html>

Out-Years Description of Work

Concurrent with the planning for Years 1 and 2, the SPM and IPM discuss and agree on anticipated plans for Years 3 through 6. A general summary of the activities anticipated for Years 3 through 6 also will be agreed upon. Although plans for Years 3 through 6 may not be well defined and conditions may change, it is still extremely important that the installation share with the State the prevailing thoughts for these out-years. Using the best information available at the time, these out-year plans will show trends for the future DSMOA Program that are useful in overall DoD planning. The installation's MAP provides plans through the completion of the restoration program and should be used as guidance for development of the out-year plan. As with any plan, MAPs are living documents, and the installation and State should ensure that the 2-year JEPs and out-years plans are consistent with the latest working version of the MAP.

Following completion of the JEP, the SPM and IPM verify their discussions and agreement by jointly signing the form. Note that because of the large number of FUDS properties undergoing work in some States, the SPM and IPM may elect to consolidate plans for groups of FUDS properties on one form. The resulting JEP for Years 1 and 2 becomes the basis for the new CA.

Additional Information

The signatures of the SPM and IPM on the JEP and the Out-Years Description of Work validate their mutual understanding of the best estimates of the work anticipated in the future. All stakeholders

understand that, as a result of the dynamic nature of environmental restoration, Federal budgets, and State resource capacities, such estimates of work probably will change, especially the estimate for the out-years. The SPM and IPM should maintain communications and notify each other when significant changes are anticipated. Upon mutual agreement of necessary changes to the JEP, both the SPM and IPM should sign and retain copies of the original and revised plans.

If it hasn't been done already, SPMs and IPMs should identify an individual to monitor the progress of

Work estimates, especially those for the out-years period, are likely to change due to the dynamic nature of environmental restoration.

Open communication between the SPM and IPM throughout the Step 2 process is critical to developing an accurate JEP.

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the six-step process during Step 2. Establishing a chain of command will help enable the States and DoD Components to stay on schedule throughout the process.

Step 3 – Develop the CA Budget

Objective: To develop the budget for the CA.

Schedule: Step 3 should be completed in September and October of the calendar year preceding the effective date of the new CA. Step 3 should be completed by October 31st.

Responsibilities: The State works to define and estimate the costs of the activities for which the State will request financial assistance via CA from DoD Components. After the SPM submits the JEP and Out-Years Description of Work, the State:

- Estimates the site-specific costs and non-site-specific costs of providing direct technical and program support on the basis of the agreement reached in Step 2 for each year of the JEP
- Prepares an estimated summary (not a detailed cost estimate) of State services for Years 3 through 6
- Records the results of these estimates on the CA Step 3 Backup Data Worksheet (see **Appendix E**). The worksheet should include one line of estimated costs per installation.
- Notifies the Step 2 POC if the signed JEPs are not received by the deadline or if agreement was not reached during Step 2

Process: The State develops an estimate of the total funding required by the State for eligible activities to support the accomplishment of environmental restoration at each installation covered under the CA Attachment A. The total funding estimate is calculated by adding all direct and indirect costs. In addition, the State develops technical and program support cost estimates for State services as identified on the JEP for each year of the two-year CA period using CA Step 3 Backup Data Worksheets (included in **Appendix E**). Backup Data Worksheets include a breakdown of direct technical costs, program support costs, and total costs by installation for each year of the CA period. The costs should reflect the work identified on the signed Two-Year JEP. The State also develops budgetary estimates for State services for years 3 through 6 that should reflect the activities identified in the signed Out-Years Description of Work (see **Appendix D-5**).

In accordance with OMB Circular A-87, States must develop and maintain backup data for all summary

Section 2.3 of this Guide provides general guidance for the estimation of State costs.

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Step 4 – Obtain Concurrence on CA Budgets

Objective: To promote an understanding of the CA budget on the part of the State and DoD Components and to receive concurrence on the CA budgets from the State and DoD Component contact.

Schedule: Step 4 should be completed in October and November of the calendar year preceding the effective date of the new CA. Step 4 should be completed by the State and DoD Components by November 30th.



Responsibilities: The State provides detailed estimates by installation for Years 1 and 2 and general estimates for Years 3 through 6 to the appropriate Step 4 DoD Component contact for a reasonableness review and future budget planning.

The DoD Component contacts:

- Review the estimates for reasonableness and accuracy
- Determine whether the levels of State effort appropriately reflect the size and complexity of the planned six-year restoration from the JEP
- Concur or non-concur with the estimated levels of effort and funding within 30 days of receipt

The USACE DSMOA Team obtains final concurrence of the budget costs from the DoD Component contact.

Process: The State electronically submits Form C-7, a summary of estimated costs by Component and Fund type, e.g., Army MMRP, including costs for personnel, administrative charges, travel, training, equipment, and other cost categories for Years 1 and 2, and Form E-1, a summary of estimated costs by installation for each Component and Fund Type, including direct technical costs, program support costs and total costs for Years 1 and 2, and Total costs for Years 3-6 to the appropriate DoD Component contact. A complete list of contacts is available in **Appendix G**, and updated lists will be periodically posted online at <http://hq.environmental.usace.army.mil/programs/dsmoa/dsmoaagree/dsmoaagree.html>. The estimate for each installation should be accompanied by copies of the signed JEPs for each installation from Step 2. The DoD Component contact reviews the State's estimates to verify that the data submitted accurately address the cleanup plan and schedule during the two-year CA and the out-years period. The DoD Component contact also verifies that the levels of effort are appropriate for the size and complexity of the restoration program.

Budgets and estimates should be coordinated with the DoD Component contacts

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The State should retain information they use to develop estimates for the CA Step 3 Backup Data Worksheet, Form E-1. Whatever system States use to develop cost estimates must be acceptable to subsequent audit review.

The responsible party for the review of State budgets varies by DoD Component and type of activity and is outlined in Table 2-1 below.

Table 2-1

DoD Component	DERP Activities	BRAC Activities
Army	Army Environmental Center	ACSIM BRAC Division
Navy	NAVFAC Engineering Commands	ASN Project Management Office
Air Force	Major Command	AFRPA
FUDS	USACE Headquarters FUDS Team	N/A
DESC and DNSC	DLA Headquarters	N/A

If the DoD Component contact concurs with the State's budget, they notify the State and the USACE DSMOA Team by email of their concurrence with the site- and non-site-specific estimates for each installation. If the DoD Component contact does not concur with the budget, they should notify the State in an attempt to resolve the issues. If a DoD Component and the State are unable to reach agreement, the DoD Component contact should notify the USACE DSMOA Team of non-concurrence.

Any differences of opinion on budget costs should be resolved during Step 4. If the State does not receive feedback or notification of budget concurrence from the DoD Components in a timely

If States do not receive feedback or notification of concurrence on the budget from the DoD Components in a timely manner, they should continue to process the CA application.

manner, the State should continue to process its CA application in order to meet the scheduled deadlines rather than wait for DoD Component concurrence. The State's budget is an estimate, and DoD Component "approval" at this step is not required to continue with the six-step process. The State's estimates are subject to change and do not represent a binding legal agreement. Issues related to the estimated costs that are included in the CA budget should be resolved at the lowest level possible. If not resolved, disputes may be submitted by either party for dispute resolution.

Step 5 – Prepare and Submit the CA Application Package

Objective: To prepare the CA application package and submit it to the USACE DSMOA Team.

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Schedule: Step 5 should be completed by January 31st of the calendar year in which the new CA will become effective.

													CA Start Date 	
JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	

Responsibilities: The State compiles all budget information, prepares the CA application package, and submits the package to the USACE DSMOA Team for processing. The DoD Component contact uses the State's six-year projections to develop future budgetary requirements.

Process: The State prepares its CA application by filling out the forms listed below (which are included in **Appendix C**) and then submits them as a package to the USACE DSMOA Team for processing. The estimates reflected in the CA application package should be the same as those submitted in Step 4.

The estimates reflected in the CA application should be the same as those submitted in Step 4.

- Transmittal Letter – Includes a statement acknowledging that the data in the application were obtained as a result of following the six-step CA process. The letter must identify the State's PR submittal frequency (quarterly or semiannually) and must include the signature of a State official with the authority to submit a CA application to the Federal government for funding.
- Standard Form (SF) 424, Application for Federal Assistance – Provides information about the State applicant and the proposed project(s).
- SF 424A, Budget Information – Non-Construction Programs – Provides budget estimates and funding information. The form requires information in the following sections:
 - Section A – Budget Summary
 - Section B – Budget Categories (personnel, fringe benefits, travel, equipment, supplies, contractual, other, and indirect charges)
 - Section C – Non-Federal Resources
 - Section D – Forecasted Cash Needs (for Year 1, by quarter)
 - Section E – Budget Estimates of Federal Funds Needed for Balance of the Project
 - Section F – Other Budget Information
- SF 424B, Assurances – Non-Construction Programs – Indicates that the State official has the authority to apply for Federal assistance and that the State has the institutional, managerial, and financial capabilities to ensure proper planning, management, and completion of the project described in the application. The form also acknowledges that the State will comply with certain applicable Federal laws and statutes.

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- DSMOA CA Application Budget Breakdown by Component/Funding Type – Details the amount of funding that the State is requesting from the Component, broken out by Component and funding type (IRP, MMRP, or BRAC) for each budget category for Years 1 and 2 of the CA period.
- DSMOA CA Application Budget Summary – Details the amount of funding that the State is requesting from the Component, broken out by Component and funding type (IRP, MMRP, or BRAC) for Years 1, 2, 3, 4, 5, and 6 of the CA period.
- Proposed CA Attachment A – The CA Attachment A is considered part of the scope of the CA and identifies the installations where the CA will provide financial assistance for that period of time.
- Certifications Regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirements – Certifies that the State applicant is in compliance with requirements pertaining to lobbying; debarment, suspension, and other responsibility matters; and a drug-free workplace.

Timely State submittal of the complete CA application is essential to ensure that progress in Step 6 is not affected. After the State submits the CA application package to the USACE DSMOA Team, the USACE DSMOA Team provides summary information separated by program to the DoD Component contact and coordinates with the DoD Component contact to obtain their final concurrence.

Step 6 – Obtain CA Approval and Funding and Issue the CA

Objective: To obtain DoD approval of the CA application, notify the State of final CA approval, obtain Component funds, issue the CA, and provide funding for Year 1 of the CA period.

Schedule: Step 6 occurs from February through June of the calendar year in which the new CA will become effective, with the new CA becoming effective on July 1st. The State should complete its Step 6 responsibilities by April 30th and the DoD Component contact should complete their Step 6 responsibilities by May 31st. The USACE DSMOA Team prepares the CA in June.

CA Start Date 

JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL
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Responsibilities: After the State submits the CA application package to the USACE DSMOA Team, the USACE DSMOA Team notifies the DoD Component contact of receipt of the State's CA application. The USACE DSMOA Team sends the DoD Component contact the CA estimate information for verification of

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approved estimates and budget identified in the State's CA. The USACE DSMOA Team will also obtain concurrence of the Proposed CA Attachment A for each State. The DoD Component contact verifies that the requested funding corresponds with funding levels reviewed during Step 4 and provides final approval to the USACE DSMOA Team, then forwards DSMOA Year 1 funds to the USACE DSMOA Team. The Grants Officer then issues the CA obligating the funds made available by the DoD Components.

Process: Below is a monthly summary of activities that should be completed during Step 6.

- February: Verify CA Application – The USACE DSMOA Team verifies that the content of the State's CA application is acceptable and follows up with the State as necessary for clarification or correction of the CA application's content. The USACE DSMOA Team forwards the information in Form A (Page C-8) to the DoD Component contact for review and concurrence.

By completing all of the requirements in Steps 1 through 5 on time, States increase the likelihood that funding will be available on or before the effective date of the signed CA Schedule.
- February-March: Review and Concur with CA Application – The DoD Component contact reviews the State funding estimates for Years 1 through 6 and informs the USACE DSMOA Team of concurrence or contacts the State in the event there are questions or differences.
- March-April: Develop DSMOA Program Funding Estimate – The USACE DSMOA Team develops an overall DSMOA Program funding summary broken out by DoD Component and funding source. The summary is based on all of the CA applications received from the States and the final concurrence of the DoD Components. States make any last minute changes or corrections. The USACE DSMOA Team posts Component-approved budget estimates for each State on the DSMOA financial website.
- May: Forward Funding – DoD Components forward approved funding to the USACE DSMOA Team by May 31st.
- June: Issue the CA – Upon receipt of funding, the USACE DSMOA Team forwards the CA Schedules, which include the funding levels, to the State Financial Point of Contact for the State's signature. The State returns the signed CA to the USACE Grants Officer for his or her signature. The Grants Officer signs the CA and obligates funding, formally establishing the CA between DoD and the State. The Grants Officer sends a copy of the signed CA to the State Financial Point of Contact for record keeping.

CA Schedules cannot be processed until funding has been received by

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DoD understands that the lead State agency or department responsible to respond to, and to provide technical assistance on, hazardous waste remediation and cleanup at Defense Environmental Restoration Account (DERA) funded sites varies among the States. Often state environmental protection agencies or departments of public health are authorized by State legislatures to serve in such capacities.

It remains DoD policy, consistent with Federal and State law, and the National Contingency Plan, 40 CFR Part 300, to seek the signature of the lead State cleanup/restoration agency on the CA. The States determine which agency will serve as the lead agency and to sign the DSMOA and the CA. DoD defers to the State to make this determination. With respect to restoration activity funded through the DSMOA program, it remains DoD's intention to hold the State, through the lead agency, bound to the terms of the cooperative agreement. The DoD and its components are bound to the State under the CA. This is in accordance with federal regulations on administration of cooperative agreements administered by the Grants Officer.

Alleged failures or breaches of the DSMOA or CA terms and conditions, to include alleged failures to address disputes under Section IV of the DSMOA, are dealt with on a case-by-case basis by the Grants Officer. The decision of the Grants Officer is subject to further appeal.

SECTION 2: THE COOPERATIVE AGREEMENT PROCESS

Summary Chart of the Six-Step Cooperative Agreement Process

Step	Start/Complete by Date	Objective	Responsibility	Products or Outcomes
1	June 1 st / July 31 st	To initiate the development of the CA package through notification of the IPM that the State is starting its CA application process.	SPM Notifies the IPM that the State is beginning preparation of the new CA application.	Scheduled meeting or telephone call
2	June 1 st / August 31 st	To develop (for each installation) a JEP for Years 1 and 2 and an Out-Years Description of Work for Years 3 through 6 that identify installation restoration activities and State services to be provided in support of those activities. The JEP and Out-Years Description of Work should be based on the latest version of the installation's MAP.	IPM and SPM together (1) Create a set of JEPs for Years 1 and 2 based on each installation's schedule of planned environmental restoration activities for the two-year CA period. (2) Create an Out-Years Description of Work for Years 3 through 6. (3) Sign the JEP and Out-Years Description of Work to signify that they have been jointly prepared. (4) Update and re-sign as necessary	(1) JEP and Out-Years Description of Work (signed jointly) (2) Copies retained by SPM and IPM
3	September 1 st / October 31 st	To develop the budget for the CA.	State (1) Estimates the site-specific costs and non-site-specific costs of providing direct technical and program support on the basis of the agreement reached in Step 2 for each year of the JEP. (2) Prepares an estimated summary (not a detailed cost estimate) of State services for Years 3 through 6. (3) Records the results of these estimates on the CA Step 3 Backup Data Worksheet. (4) Notifies the Step 2 POC if the signed JEPs are not received by the deadline or if agreement was not reached during Step 2.	(1) Estimated cost of State services for Years 1 and 2, with backup worksheet (2) Estimated cost summary of State services for Years 3 through 6
4	October 1 st / November 30 th	To promote an understanding of the CA budget on the part of the State and DoD Components and to receive concurrence on the CA budgets from the State DoD Component contact.	State Provides detailed estimates by installation for Years 1 and 2 and general estimates for Years 3 through 6 to the appropriate Step 4 DoD Component contact for a reasonableness review and future budget planning. DoD Component Contact (1) Reviews the estimates for reasonableness and accuracy. (2) Determines whether the levels of State effort appropriately reflect the size and complexity of the planned six-year restoration from the JEP. (3) Concurs or non-concurs with the estimated levels of effort and funding within 30 days of receipt. USACE DSMOA Team Obtains final concurrence of the budget estimates from the DoD Component contact.	Discussion and agreement on the reasonableness of the State estimates for Years 1 and 2 and 3 through 6

SECTION 2: THE COOPERATIVE AGREEMENT PROCESS

Step	Start/Complete by Date	Objective	Responsibility	Products or Outcomes
5	December 1 st / January 31 st	To prepare the CA application package and submit it to the USACE DSMOA Team.	State Compiles all budget information, prepares the CA application package, and submits the package to the USACE DSMOA Team for processing.	Complete CA application package
6	February 1 st / June 30 th	To obtain DoD approval of the CA application, notify the State of final approval, obtain Component funds, issue the CA, and provide funding for Year 1 of the CA period.	USACE DSMOA Team (1) Notifies the DoD Component contact of receipt of the State's CA application. (2) Sends the DoD Component contact the CA estimate information for verification of approved estimates and budget identified in the State's CA. (3) Obtains concurrence of the Proposed CA Attachment A for each State. (4) Posts approved budget estimate for each State to website. DoD Component Contact (1) Verifies that the requested funding corresponds with funding levels reviewed during Step 4 and provides final approval. (2) Forwards DSMOA Year 1 funds to the USACE DSMOA Team. Grants Officer Issues the CA obligating the funds made available by the DoD Components.	The forwarding of funds for Year 1 of the CA

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2.5 BUDGET DEADLINE AND IMPACTS

The goal of the six-step CA process is timely development of an accurate projection of State regulatory level of effort and expenses and to plan Component funding to maximize remediation by providing reimbursement for eligible services to the States for their support of response actions. Funding for State participation in the DERP through the DSMOA comes from DoD Component Defense ER or BRAC accounts. The funding levels are based on the State budgets developed during the six-step process.

CAs must be fully funded to the extent of agreed State activities, as required by fiscal law and regulations. Components use a “12-6-6” funding model to apply funds to CAs. At the beginning of a 2-year CA period, each Component provides funds for a full 12 month period of the new CA. Funds obligated to provide the agreed financial assistance to the States may cross federal fiscal years that the CA is active, so funds obligated in June or July may be used throughout the 2-year life of the CA. Toward the end of the first year of the CA, States and Components conduct a funding review (see Section 5). Following the funding review, Components add funds to cover the next six months of work under the CA, carrying over into the third fiscal year of the 2-year CA period. In the December time frame, Components add funds to the CA for the last six-month period of the CA. As the CA is closed (see Section 6) any prior fiscal year funds are lost to the program, but current-fiscal year funds remaining may be deobligated and used for other eligible restoration activities. The figure on page A-2 shows the 12-6-6 timeline.

The fixed deadlines for DoD Component and State completion of the six-step process, particularly the submittal of State CA applications and budgets, are driven by the need to optimize use of funds and mitigate the adverse effects of late submittals. DoD Components must submit their planned response actions for the JEPs to the States on time in order to permit the States to project resources and develop budgets. The JEP helps define the scope of work for the CA and such definition is a DoDGAR requirement. The DoD Components should monitor the development of the JEPs to ensure that the deadlines are met. States that do not receive JEPs on time should begin to develop their CA budgets based on the SPM’s knowledge of the site schedule, and should notify the USACE DSMOA Team of non-receipt.

CA applications that are submitted after the deadline may experience delays in funding, or potentially no funding at all, because DoD Components may have obligated available funds elsewhere within the restoration program. Additionally, throughout the year, most States experience budget shortfalls for some DoD Component projects and excesses for others because of changes in activities and schedules. During periodic reviews, excesses are redistributed among the States to rectify shortfalls. States whose budgets are submitted late may be funded from those excesses, making it likely that States with shortfalls will not be funded in a timely manner. The DSMOA funding process can accommodate the changes in schedules and activities that all DoD Components and States experience if the CA applications and budgets are submitted on time. It is in the best interest of all parties involved to complete the six-step process on schedule.

Applications that are submitted after the deadline may experience delays in funding, or potentially no

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2.6 POST-AWARD COOPERATIVE AGREEMENT MAINTENANCE

Bilateral Modifications

Bilateral modifications can be issued by the Grants Officer and require the signature of both the Grants Officer and the authorized representative of the recipient prior to being effective.

Bilateral modifications can be issued for any changes in:

- 1) the Scope of Work to the CA,
- 2) Attachment A,
- 3) decreasing funds specified in Attachment B, or
- 4) increasing funds specified in Attachment B as a result of increasing the CA Scope of Work.

Bilateral modifications are typically administratively initiated by the USACE DSMOA Team State Manager at the instruction of the Grants Officer, the recipient, or the DoD funding Component, following prior negotiations/agreement between the Grants Officer, recipient, and the Component. The USACE Program Support Manager drafts the bilateral modification, which includes the agreed-upon changes, and sends the modification electronically to the recipient for signature. The recipient indicates formal concurrence by signing the bilateral modification, and returns the signed modification to the USACE Program Support Manager. The Program Support Manager then forwards the signed modification directly to the Grants Officer in the case of Scope of Work or Attachment A changes, or to the USACE DSMOA Financial Manager for verifying Attachment B funding changes prior to forwarding to the Grants Officer for issuance. Once issued, the completed modification is sent by portable document format (PDF) to the recipient with copy furnished to the involved Components, where applicable.

Unilateral Modifications

The Grants Officer, representing the Federal government, can implement administrative changes to the CA as unilateral modifications. For the purpose of the CA, administrative changes include any increase in grant funds as specified in the CA Attachment B for any work currently included in the SOW, or administrative changes in the Grants Officer or points of contact specified in the CA for the Federal government or recipient, such as name, address, phone number, e-mail address, typographical or calculation error changes. Unilateral modifications are issued with the signature of only the Grants Officer. Unilateral modifications are administratively initiated and processed by the USACE Program Support Manager following the instructions of the Grants Officer. Unilateral Attachment B modifications involving funds transfer are typically drafted by the Program Support Manager and forwarded to the USACE DSMOA Financial Manager for fund verification prior to forwarding to the Grants Officer for issuance. Once issued, the unilateral modification is sent electronically to the recipient.

CA Closeout Modification Administrative Process

The CA closeout process is described in Section 6 of this DSMOA/CA Program Guide. The DSMOA Program Support Manager administratively initiates a final CA closeout modification following the instructions of the USACE DSMOA Financial Manager, who negotiates balancing the funding accounts as specified in the CA Attachment B with the recipient. Because closeout fund balances typically involve decreasing actual funds awarded by one or several funding Components, requiring the recipient to return funds to one or several funding Components, the closeout modifications are bilateral. The bilateral closeout modification is processed by the CX Program Support Manager for recipient sign-off and Grants Officer issuance as described above.

SECTION 3: PAYMENTS TO STATES

3.0 OVERVIEW

States obtain compensation for their services under DSMOA by means of the Request for Advance or Reimbursement, SF 270, submitted by facsimile or electronically in a PDF to the USACE financial point of contact. Most States receive reimbursements, although a few receive advances by special arrangement with USACE where State law or circumstances require it.

States that request advances must submit the Financial Status Report (SF 269A) in addition to SF 270.

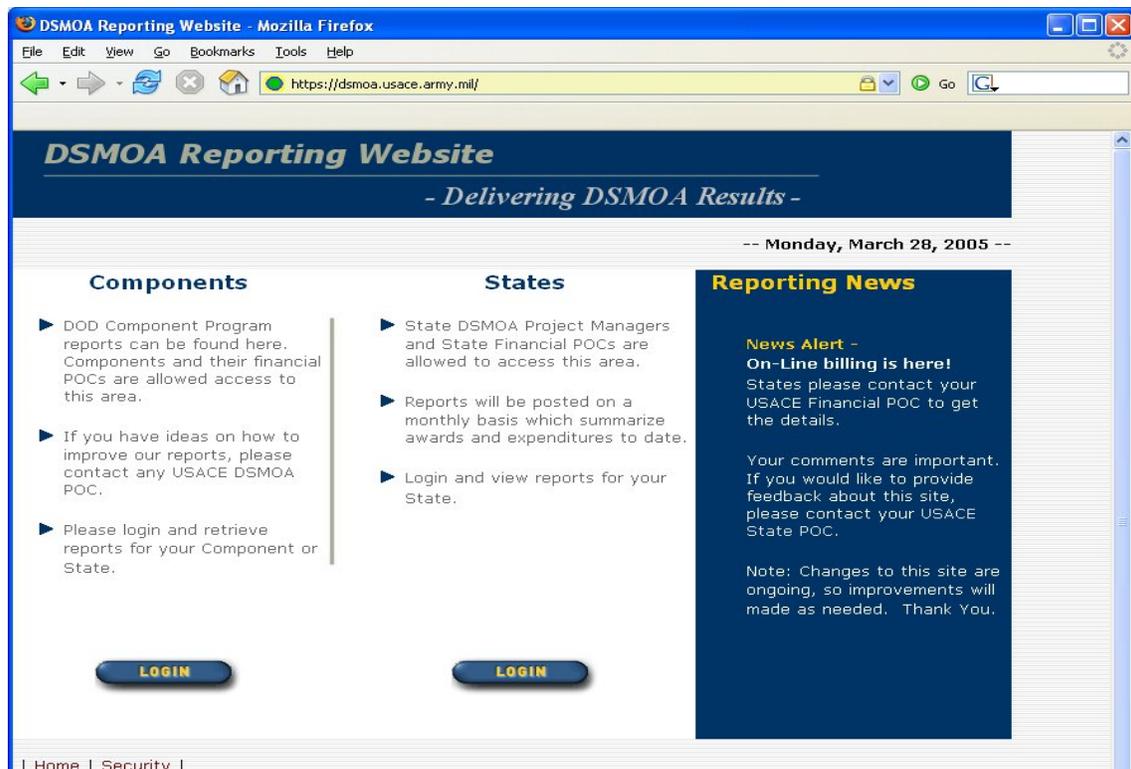
3.1 REQUESTS FOR ADVANCE OR REIMBURSEMENT

Requests for advance or reimbursement should be submitted using SF 270 at least quarterly within 30 days of the end of each quarter (e.g., October 31st, January 31st, April 30th, and July 31st). Monthly requests are encouraged if a State prefers that option.

It is imperative that States bill in a timely manner so that the USACE DSMOA Team can assess whether the estimated costs are on target, short, or in excess. **Appendix F** contains the forms required for requests for advance or reimbursement as well as instructions for completing the forms.

It is imperative that States bill in a timely manner so that USACE can assess whether the estimated costs appear to be on target, short, or in

States are required to submit installation costs by means of electronic billing, which is available on the DSMOA Reporting Website at <https://dsmoa.usace.army.mil/>.



SECTION 3: PAYMENTS TO STATES

The DSMOA Reporting Website was deployed to allow States and Components access to updated financial reports for the DSMOA Program. The following reports and information are available on the website:

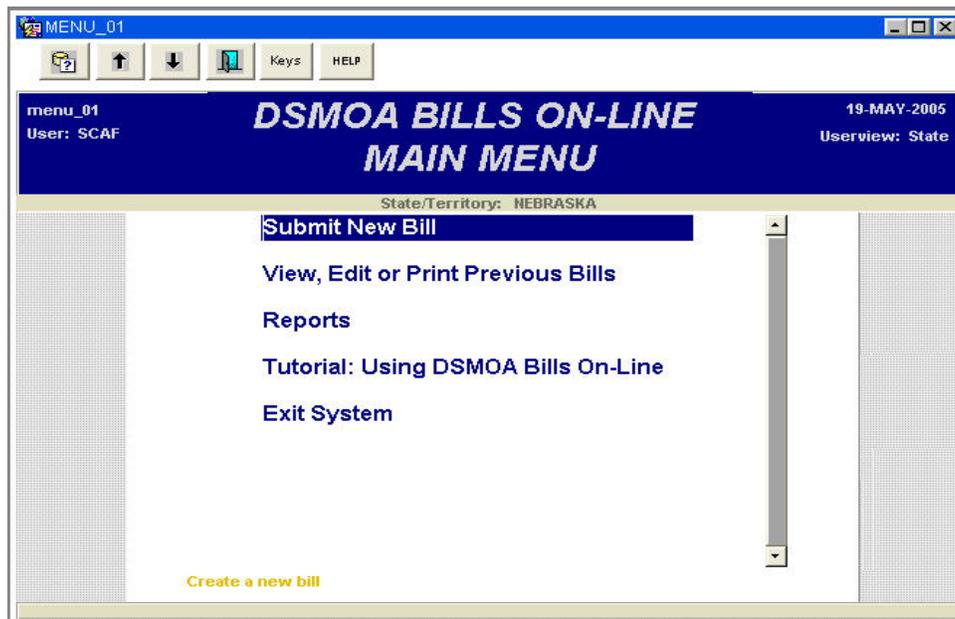
- State CA Application amounts
- Component approved amounts
- State obligation amounts
- State reimbursement amounts
- State Attachment A (eligible installations)
- Other reports as needed

The website also contains an online reimbursement tool and Annual Funding Review entry tools for States. States and Components can access the DSMOA Reporting Website, but must be granted a password by the USACE DSMOA Team. Passwords change periodically as needed for security. Please note that DENIX still retains the historical documentation for the DSMOA Program.

Procedures for State Reimbursement

States seeking reimbursement for eligible services must electronically complete and submit SF 270 by following these steps:

- 1) Collect all paperwork for the performance period and for the activities for which the voucher will be submitted.
- 2) Sort all cost information by DoD Component, funding type, then installation (this is the order in which the information will need to be entered into the system) and verify the accuracy and eligibility of each cost entry.
- 3) Log on to the DSMOA Reporting Website at <https://dsmoa.usace.army.mil/>.
- 4) In order to access the site, State financial managers will use the required username and password provided by USACE financial managers.
- 5) Select the "First Software Download" option to download required software. This download is only necessary the first time State financial managers use the electronic billing feature.



SECTION 3: PAYMENTS TO STATES

- 6) Select the “Click Here to Enter Voucher” option in order to access the electronic billing feature.
- 7) Select the “Submit New Bill” option, and identify the appropriate CA period. The billing period identifies the specific months that the expenses were incurred.
- 8) Enter the costs by installation.
- 9) Run and print reports as necessary.
- 10) Click the “Submit” button when finished.
- 11) Fax or send a PDF copy of the completed SF 270 with the required signature to the USACE financial point of contact.

A signature card of the individual authorizing certification must be on file with USACE. If the signing authority changes, the State must submit a new Signature Card (DD Form 577) containing the signatures of the individuals who are authorized to sign SF 270 and the individual who can authorize certification along with SF 270. A copy of DD Form 577 and instructions for completing the form are included in **Appendix F**. The State should retain the original, signed copy of SF 270 in its records.

The signed SF270 serves as notification to the USACE financial manager that a reimbursement request has been submitted. The USACE financial manager processes the submittal (see Section 3.2. below). The State may log in to the DSMOA Reporting Website in order to check on the status of a payment at any time.

The State is required to maintain cost backup data associated with costs for personnel, administrative charges, benefits, travel, equipment, supplies, contract, indirect, and other costs (see SF270 Cost Breakdown Chart, **Appendix F-5**). States should be able to link costs invoiced with services provided as outlined on the JEP. These data do not need to be submitted to the USACE DSMOA Team; however, the data must be made available if requested.

The State is required to submit requests for reimbursement on a quarterly basis at a minimum; however, more frequent billing is encouraged. The assigned USACE financial manager processes the payment as described below in Section 3.2.

States cannot submit reimbursement requests that exceed the award amounts specified in Attachment B of their CA.

A State cannot submit reimbursement requests that exceed the award amount specified in Attachment B of the CA. If State spending exceeds the award amount, there is no guarantee that the State will be reimbursed.

Procedures for Advance Payment

For its first advance payment request, the State should prepare SF 270 and the SF 270 Cost Breakdown Chart, which details the breakdown of costs by DoD Component for the quarter for which the State is requesting the advance. The forms with the required signatures should be faxed or sent electronically to the USACE financial point of contact. The request for advance payment must be submitted prior to the beginning of the quarter. A signature card of the individual authorizing certification must be on file with USACE. If the signing authority changes, the State must submit a new Signature Card (DD Form 577) containing the signatures of the individuals who are authorized to sign SF 270 and the individual who can authorize certification along with SF 270. The USACE DSMOA Team processes the payment request and provides the advance payment to the State.

SECTION 3: PAYMENTS TO STATES

For subsequent advance payment requests, the State should prepare forms SF 270 and SF 269A, and input installation cost data into the DSMOA Electronic Billing Database. The State should fax or PDF the SF 270 and SF 269A with the required signatures to the USACE financial manager. This information is necessary to show that monies previously advanced have been totally or at least 80 percent spent. The USACE financial manager reviews the payment request and initiates the advance payment to the State.

3.2 USACE VOUCHER PROCESSING AND QUALITY ASSURANCE

A Request for Advance or Reimbursement (SF 270) is submitted by the State/Territory electronically to USACE on the DSMOA Reporting Website at <https://dsmoa.usace.army.mil>. Improperly prepared payment requests will be returned immediately to the State. Properly prepared payment requests will be processed as follows:

- 1) The payment request is processed electronically through USACE to the payment center. The payment center disburses payment via electronic funds transfer to the State not later than 7 workdays after receipt.
- 2) Components periodically review payment requests using the DSMOA Reporting Website. The review will be conducted to verify that expenses expressed on the payment request are eligible for reimbursement under the DSMOA and Cooperative Agreement.
- 3) If no expenses are questioned, the Component takes no further action.
- 4) If a Component identifies questionable expenses submitted on the payment request, the Component contacts the State POC to confirm the eligibility of expenses. If, after contacting the State, the Component determines expenses are ineligible for reimbursement under the DSMOA or the Cooperative Agreement, the Component will identify in writing the State activities considered ineligible and the related expenses (a total dollar amount, by funding category). The Component provides this information to USACE who will take action to withhold funds from the next payment request submitted by the State.
- 5) The USACE DSMOA Team is encouraged to discuss the request for withholding with appropriate State representatives.

It is important for States to know that voucher payments will not be held up while Components are conducting their reviews.

The USACE DSMOA Team is available to assist with any issues as they arise.

SECTION 4: PERFORMANCE REPORTS

4.0 OVERVIEW

As mentioned in Section 2.4, the JEP and PR were combined to streamline the planning and reporting requirements in the CA process. The State must develop and submit PRs (excluding financial information, which is submitted at least quarterly on SF 270) on a quarterly or semiannual basis. The State informs the USACE DSMOA Team of whether PRs will be submitted quarterly or semiannually when the State submits its CA application; this information is included in the transmittal letter. The PR documents services provided by the State in support of environmental restoration at each installation. The State should submit the PR electronically to the USACE DSMOA Team.

The PR should be submitted to the USACE DSMOA Team within 30 days after the end of the reporting period. Quarterly reports are due by October 30th, January 30th, April 30th, and July 30th of each CA year. Semiannual reports are due by January 30th and July 30th of each CA Year. Each report describes activities performed for each installation during the preceding 3-months (for quarterly reports) or 6-months (for semiannual reports).

4.1 PREPARATION

The PR contains DoDGAR required information on the State's activities at each installation for which reimbursement for eligible services is sought. Components are encouraged to review PRs in a timely manner to ensure mutual understanding of progress and expectations. The SPM should use the combined JEP and PR form to report performance progress. Instructions for completing the combined form are included in **Appendix D** and can be found on the DENIX web site at <https://www.denix.osd.mil/denix/State/DSMOA/policy.html>.

When completing the information related to performance progress, the SPM should use the following codes in the status column:

- [] – Not begun
- [O] – In progress/ongoing
- [X] – Completed
- [D] – Delayed
- [R] – Reschedule (provide an explanation in the Remarks section)
- [N] – Tasks will not be performed (provide an explanation in the Remarks section)

The Remarks section should be used to amplify status codes, provide brief remarks, or highlight significant issues and concerns. If costs for an activity were greater than estimated in the State's budget, an explanation must be provided in this section of the PR, in accordance with the DoDGAR. If significant services were performed that were not reflected on the JEP, the joint JEP/PR form should be amended. Lengthy narratives should not be included in this section.

4.2 REVIEW

After the SPM has developed and delivered the PR, the USACE DSMOA Team forwards a copy of the report to DENIX for posting on the DSMOA web site at <https://www.denix.osd.mil/denix/State/DSMOA/dsmoa.html>. The IPM should conduct a thorough review to ensure that everything is being accomplished in a timely fashion and should contact the SPM if any questions arise. IPMs and SPMs should attempt to resolve any differences at the lowest level, but may invoke formal dispute resolution if necessary. To facilitate CA closeout, final PRs must be submitted to the USACE DSMOA Team no later than 90 days after the CA expiration date.

SECTION 5: ANNUAL FUNDING REVIEWS

5.0 OVERVIEW

To allow for the USACE DSMOA Team to secure adequate funds for States to accomplish their JEPs, States conduct annual funding reviews to verify their original CA cost estimates. The reviews should be accomplished by the State, assisted by SPM consultation with the IPM, to identify any changes in installation plans or schedules. If the reviews reveal expected funding shortages, the USACE DSMOA Team requests additional funds from the DoD Components. The JEP is the basis for developing cost estimates. Adjustments to funding requests are based on the current JEP. If the reviews reveal expected surpluses, the USACE DSMOA Team applies these funds as carry-over from Year 1 to Year 2 for the involved State, or applies the funds to other States, or returns the funds to the DoD Components, as appropriate. Out of cycle funding requests follow this same process.

5.1 REVIEW OF FUNDING

States review their funding requirements annually, between January 2 and April 15 in Years 1 and 2. These annual funding reviews are two of the many critical processes that take place during an active CA period as illustrated in **Appendix A**. Successful completion of the annual funding review process allows DoD to make the best possible use of available funding. This process identifies funding excesses and shortages, and funds are redistributed accordingly. To begin the review, the SPM contacts the IPM to learn of any anticipated work plan changes that may affect workloads. The SPM and IPM work together to jointly review the PR for the previous period and update the JEP, if necessary, and to determine any necessary adjustments to the State's budget estimate. The IPM and SPM should use the latest working version of the MAP as guidance. The State assesses the estimated CA costs for Years 1 and 2 documented in the original Component-approved budget estimate on the website to determine whether the obligated funds are sufficient to complete its JEP in the current year or whether adjustments are required (increases or decreases in funding levels). The State also makes a similar assessment for the following year. Therefore, the annual review during Year 1 includes the cost estimates for Years 1 and 2. The State identifies any necessary funding adjustments by program and funding source, informs the DoD Component contact and the USACE DSMOA Team of the review results, and provides a rationale for changes requiring DoD Component concurrence. The USACE DSMOA Team requests budget concurrence and funding for the State from the DoD Component contact based on the results of the review. The DoD Component contact then provides concurrence and funding adjustments to the USACE DSMOA Team, provided that funding is available. The USACE DSMOA Team may assist the Component and State in an attempt to resolve funding issues.

The IPM and SPM should use the latest working version of the Component's MAP for guidance when

The annual review performed during Year 2 only involves Year 2 and not the following year, because the next CA will start in July after the end of Year 2. However, this review provides useful information for the start of the next CA cycle.

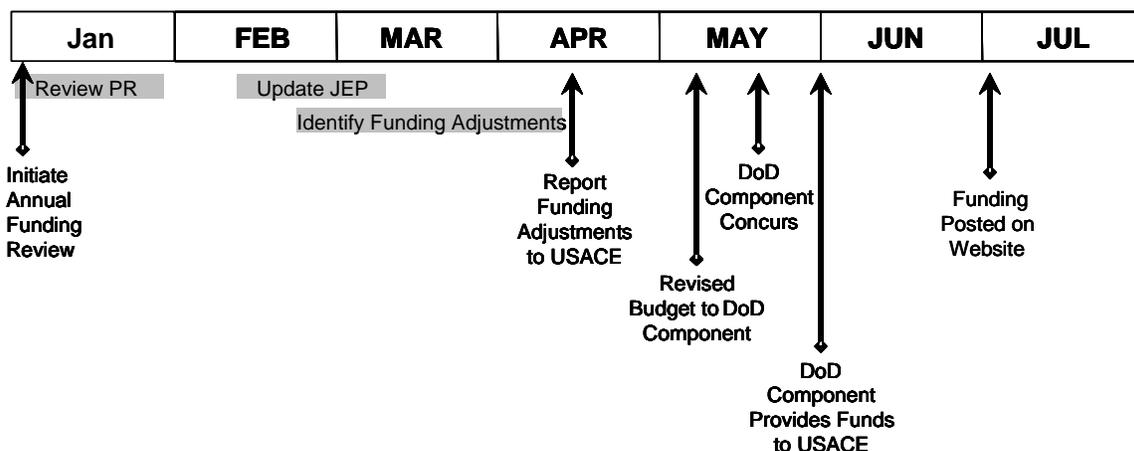
5.2 REPORTING SCHEDULE

The annual funding review takes place from January through May of the calendar year following the effective date of the CA, with funding provided to the States in June. The schedule of activities is outlined below:

SECTION 5: ANNUAL FUNDING REVIEWS

- January 2** To initiate the review, the SPM contacts the IPM to learn of any anticipated work plan changes. Ideally, the SPM and IPM would have already been reviewing the (quarterly or semi-annual) PR during the month of January. The SPM and IPM jointly review and update the JEP based on any such changes. The State assesses the original estimated CA costs for Years 1 and 2 from the original USACE funding letter to determine if funds are sufficient to complete the JEP, identifies any necessary funding adjustments by program and funding source, and informs the DoD Component contact of the results and provides a rationale for changes requiring the contact's concurrence.
- April 15** The State reports any estimated funding adjustments and the rationale for them to the USACE DSMOA Team by April 15th. If no adjustments are necessary, the State reports that fact to the USACE DSMOA Team.
- May 10** The USACE DSMOA Team requests funding for the State based on the results of the annual funding review. The USACE DSMOA Team prepares a budget for the adjusted requirements and forwards it to the DoD Component contact for concurrence and funding. The USACE DSMOA Team also provides information on current State expenditures to the DoD Component contact. The State may be asked for further information regarding the funding adjustments.
- May 20** The DoD Component contact reviews the reasonableness of the State-adjusted funding requirements and provide concurrence or non-concurrence with the adjustments to the USACE DSMOA Team.
- May 31** The DoD Component provides any funds needed for the remainder of Year 1 and for the first six months of Year 2 to the USACE DSMOA Team.
- July** The USACE DSMOA Team posts Component approved amounts on the web site. This action completes the annual funding review process.

A State may alert the USACE DSMOA Team of any funding adjustment needed at any time during the CA period.



SECTION 6: PROCESS FOR CLOSEOUT OF THE COOPERATIVE AGREEMENT

6.0 OVERVIEW

CA closeout is necessary to confirm that a State was reimbursed for its total costs for DSMOA-eligible services provided during the CA period and to formally end the CA that had been in effect. To close out a CA, a State receiving reimbursements must submit a final SF 270 to the USACE DSMOA Team. A State receiving advance payments must submit a final SF 270 and a final SF 269A to the USACE DSMOA Team. The final forms are due to the USACE DSMOA Team no later than 90 days after the CA expiration date. If this timeframe cannot be accommodated, the State should contact the USACE DSMOA Team to arrange for an extension.

6.1 STATE RESPONSIBILITIES

When submitting the final forms for CA closeout, the State financial manager should be sure to indicate that a final request is being made by marking the appropriate box on each form (Item 1.b on SF 270 for a State receiving reimbursement or advances and Item 6 on SF 269A for a State receiving advances). The forms should be submitted within 90 days of the CA expiration date (June 30th). The State should ensure that it includes all allowable expenditures at the time of the final request before closing the account. After the USACE DSMOA Team closes the State's CA financial account, they cannot accept any additional requests for payment. The State also ensures that all remaining PRs for the CA period have been submitted within 90 days of the CA expiration date.

States should ensure that they include all allowable expenditures when completing final

6.2 USACE RESPONSIBILITIES

During CA closeout, the USACE DSMOA Team should verify that all State PRs have been received and posted on DENIX. The USACE Grants Officer issues a CA closeout letter to the State after: (1) resolving all funding issues, (2) receiving all financial paperwork, and (3) receiving all PRs. Ongoing communication between the USACE DSMOA Team and the DoD Components is essential to completing CA closeout on time.

6.3 COMPONENT RESPONSIBILITIES

After the State submits its final SF 270 and final PR, the Component should review them to verify they are accurate as to the activities included and the costs billed. If any government-owned equipment is then held by the State, the Component should confer with the USACE DSMOA Team to provide instructions to the State regarding the disposition of the equipment. If equipment will be retained by the State and carried over under a new CA, all required property records must be completed by the Component and the State, with information furnished to the USACE DSMOA Team on the decisions. If the Component is aware of any omissions, errors, or discrepancies in any of the documents submitted by the State, it should promptly notify the State and the USACE DSMOA Team to attempt to resolve the matter. Any unresolved matter may be submitted for dispute resolution under the DSMOA provision.

SECTION 7: DISPUTE RESOLUTION

7.0 OVERVIEW

The goals of the DSMOA Program are to expedite environmental restoration at DoD installations and help ensure compliance with applicable state laws through reimbursement for eligible services provided by the States. Relationships between States and DoD Components are to be fostered through improved communication, coordination, and cooperation in order to facilitate progress on projects to protect human health and the environment. DoD Components and the States recognize that issues and concerns will arise from time to time, and that any issues need to be dealt with in a timely, cooperative manner, and resolved at the lowest possible level.

States and DoD Components agree to resolve any disagreements between them in accordance with the terms of the DSMOA and the DSMOA CA Program Guide.

As a DSMOA program participant, Components and State signatories resolve to use the DSMOA Section IV dispute resolution process as the mechanism to resolve financial and technical disagreements arising in regard to work in which State participation is performed and funded through the DSMOA and implementing CA.

If an agency, division or program, other than the designated State lead agent, takes an enforcement action at a DERA funded restoration/remediation activity, which is identified as part of the DSMOA program, the lead State agency will assist DoD in the response to such action so as to ensure continued progress at the site/property and will seek to have the enforcement action addressed through the dispute resolution process of Section IV of the DSMOA. The parties to the agreement understand that DERA funds, per federal law, may not be used to pay for enforcement costs. The grants officer will address each such situation in light of relevant facts and circumstances. DoD acknowledges that the costs of the lead State agency would include those of the supporting agency, division or program in the dispute resolution process under the terms of the DSMOA, CA and the DSMOA/CA Program Guide.

DoD and the States are committed to reviewing the dispute resolution process to ensure:

- Preservation of processes to resolve disputes as efficiently as possible, and to protect human health and the environment;
- Preservation of legal authorities; and,
- Resolution of issues as quickly as possible.

In an emergency, the parties may agree to use as an alternative to the three tier dispute resolution process, alternate dispute resolution. The one stop alternate dispute resolution process envisioned would be handled at the agency chief to Secretariat level.

7.1 ALTERNATE DISPUTE RESOLUTION

The DSMOA allows the parties to a dispute to use alternative dispute resolution methods if mutually agreed upon. The following discusses the authority for and describes commonly recognized forms of alternative dispute resolution that may be used to attempt to settle disputes under the DSMOA.

SECTION 7: DISPUTE RESOLUTION

Statutory Framework:

In an effort to maximize government efficiency and minimize the costs associated with formal dispute resolution processes, Congress endorsed the voluntary use of alternative dispute resolution (ADR) techniques in the Administrative Dispute Resolution Act of 1996. 5 U.S.C. §§ 571-584 (2005). Agencies and departments of the Executive Branch are to use ADR “whenever feasible” in lieu of resolving disputes in formal proceedings. Exec. Order No. 12,988, 61 Fed. Reg. 4727 (Feb. 7, 1996). The Department of Defense (DoD) issued its ADR policy in a directive released April 22, 1996. DoD Directive No. 5145.5 (Apr. 22, 1996). Directive No. 5145.5 states, “all DoD Components shall use ADR techniques as an alternative to litigation or formal administrative proceedings whenever appropriate.” Id. at paragraph 4.2. ADR is allowed as a method of attempting to resolve a dispute under the Model DSMOA language at any point in the DSMOA dispute resolution process, subject to the actual authority of the participants to resolve the issue in dispute. 57 Fed. Reg. 28835 (June 29, 1992), Model provision at Section IV.B.

Alternative Dispute Resolution Techniques:

1) Conciliation

Conciliation involves the use of a neutral individual as an intermediary to the parties in disagreement. The use of the conciliator may help to lower tensions and improve communication between the parties.

2) Neutral Evaluation

Neutral Evaluation allows the parties to present their position to a neutral third party. This is normally presented in writing by each party, with an opportunity to respond to the other party’s submission. The neutral provides an objective evaluation of the strengths and weaknesses of their respective positions. This process may help the disputing parties to better understand each other’s point of view.

3) Facilitation

Facilitation involves the use of a third party neutral to assist the parties in improving the process by which they attempt to work towards a resolution. A facilitator focuses primarily on procedural issues rather than factual disagreements.

4) Fact Finding

Fact finding allows for an impartial third party to research the factual issues of a dispute and provide the parties with an objective opinion on the validity of key facts.

5) Mediation

Mediation is similar to facilitation in that a third party works with the participants to define the dispute, improve communication, and encourage compromise. Mediators do not evaluate the merits of the parties’ positions and do not have decision-making authority, although they may offer their reactions to the strengths and weaknesses of each party’s positions in order to help them reach a compromise.

6) Minitrial

Minitrials involve the presentation of summary arguments, and may involve the presentation of evidence, to the key decision-makers for each party. Discovery is usually conducted for a specified period prior to the proceeding. The minitrial is often presided over by a former judge. Hearing the arguments allows decision-makers to better understand the strengths

SECTION 7: DISPUTE RESOLUTION

and weaknesses of their positions. The decision-makers then meet to negotiate a settlement.

7) Arbitration

In arbitration, each party to a dispute presents their position to a neutral individual or panel. The arbitrator, or arbitration panel, issues a decision based on the facts presented. Parties to arbitration must decide at the outset if the decision will be binding or purely advisory. Federal agencies generally may not agree to binding arbitration because decision-making authority may not be delegated to an individual or panel outside of the agency and without actual authority to render a decision on the matter in dispute for the agency.

7.2 PROCESS

If the parties to a dispute decide to utilize ADR as a method to attempt to resolve the disagreement, they will negotiate an agreement that establishes the procedures to be followed by the parties in the ADR and the decision-makers at the level involved at that stage of the dispute will sign the agreement. Each party must ensure that the official representing it in the ADR has actual authority to decide the issue in dispute for that agency. If second or third level dispute resolution officials are required to participate, each party is responsible for including their authorized official in the proceedings. A copy of any DSMOA ADR agreement should be furnished to the Grants Officer for information and the Grants Officer may assist the parties in discussing the ADR procedures to be established in the agreement if that is helpful to the parties. During the course of an ADR, the parties should maintain a record of the proceedings, but this will generally not be admissible in evidence as a form of admission by either party if the ADR is not successful and the parties later resort to litigation or other enforcement action.

7.3 COSTS

The costs incurred by a State in participating in the dispute resolution process are eligible for reimbursement under DSMOA.

SECTION 7: DISPUTE RESOLUTION

**Table 7-1
Model DSMOA Dispute Resolution Process
Military Component and State Entry Points for Implementing Dispute Resolution**

<i>Military Component</i>	<i>Informal Level</i>	<i>Formal Level 1</i>	<i>Formal Level 2</i>	<i>Formal Level 3</i>
Army *	IPM	'Installation Commander **	Major Command, Commander	Secretary of Army
Navy *	IPM	Commanding Officer, Facilities Engineering Command (FEC)	Commander, Naval Facilities	Secretary of Navy
Air Force *	IPM	Wing Commander-Installation ***	Major Command 1-star General Or Senior Executive Service Member ***	Secretary of Air Force
Defense Logistics Agency	IPM	Base Commander	Director, Environment & Safety	Secretary of Defense
Formerly Used Defense Sites (FUDS)	IPM	District Commander, US Army Corps of Engineers (USACE)	Headquarters, USACE, Chief, DoD Support Team	Same as Army's
State	SPM	State Program Office Chief	State agency head	Governor

Note: Each individual DSMOA outlines a dispute resolution process. While "model language" was used in drafting each DSMOA, the final signed agreement language will govern and should be reviewed before initiating the dispute resolution process.

Actions ****	10 working days to resolve	10 working days to resolve	20 working days to resolve	No time limit, but expedite
---------------------	-----------------------------------	-----------------------------------	-----------------------------------	------------------------------------

* Formerly Level 3 for Army, Navy and AF should not be implemented until after presentation of dispute to the Office of the Deputy Under Secretary of Defense (Installations and Environment).

** For Army National Guard Bureau, Level 1 is Director, Environmental Programs Directorate; Levels 2 and 3 are the same as for the active installations. For closed installations, Level 1 is the BRAC Division on the Army Staff.

*** For Air National Guard, Level 1 is Chief, Environmental Division, Civil Engineer Directorate; Level 2 is Deputy Director, Air National Guard; and Level 3 is the same as for the active bases. For Air Force Base Conversion Agency (AFBCA), Level 1 is Site Manager; Level 2 is Division Manager, Headquarters, AFBCA; and Level 3 is the same as for the closing bases.

****Times for actions are from the date of the referral at each level. The USACE DSMOA Team should be informed of all actions throughout the dispute resolution process, and can assist as a neutral party in the dispute resolution process.

Appendix A
Cooperative Agreement Timelines

COOPERATIVE AGREEMENT TIMELINE

STEP 1: INITIATE THE CA PROCESS

(SPM and IPM)

STEP 2: PREPARE JOINT EXECUTION PLANS

(SPM and IPM jointly)

STEP 3: DEVELOP THE CA BUDGET

(State and USACE)

STEP 4: OBTAIN CONCURRENCE ON CA BUDGETS

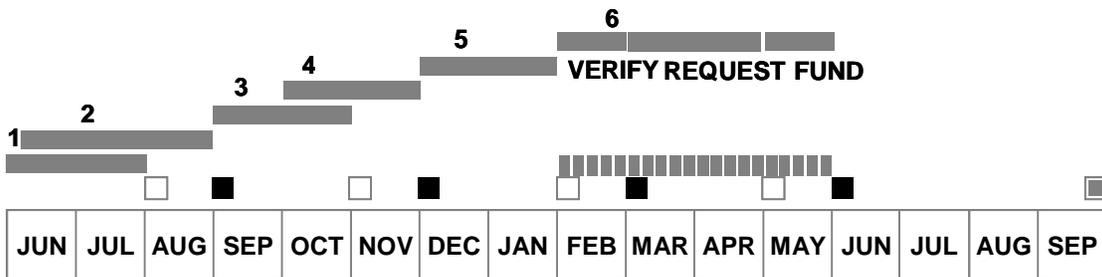
(State, DoD Component Contact, and USACE DSMOA Team)

Step 5: PREPARE AND SUBMIT CA PACKAGE

(State)

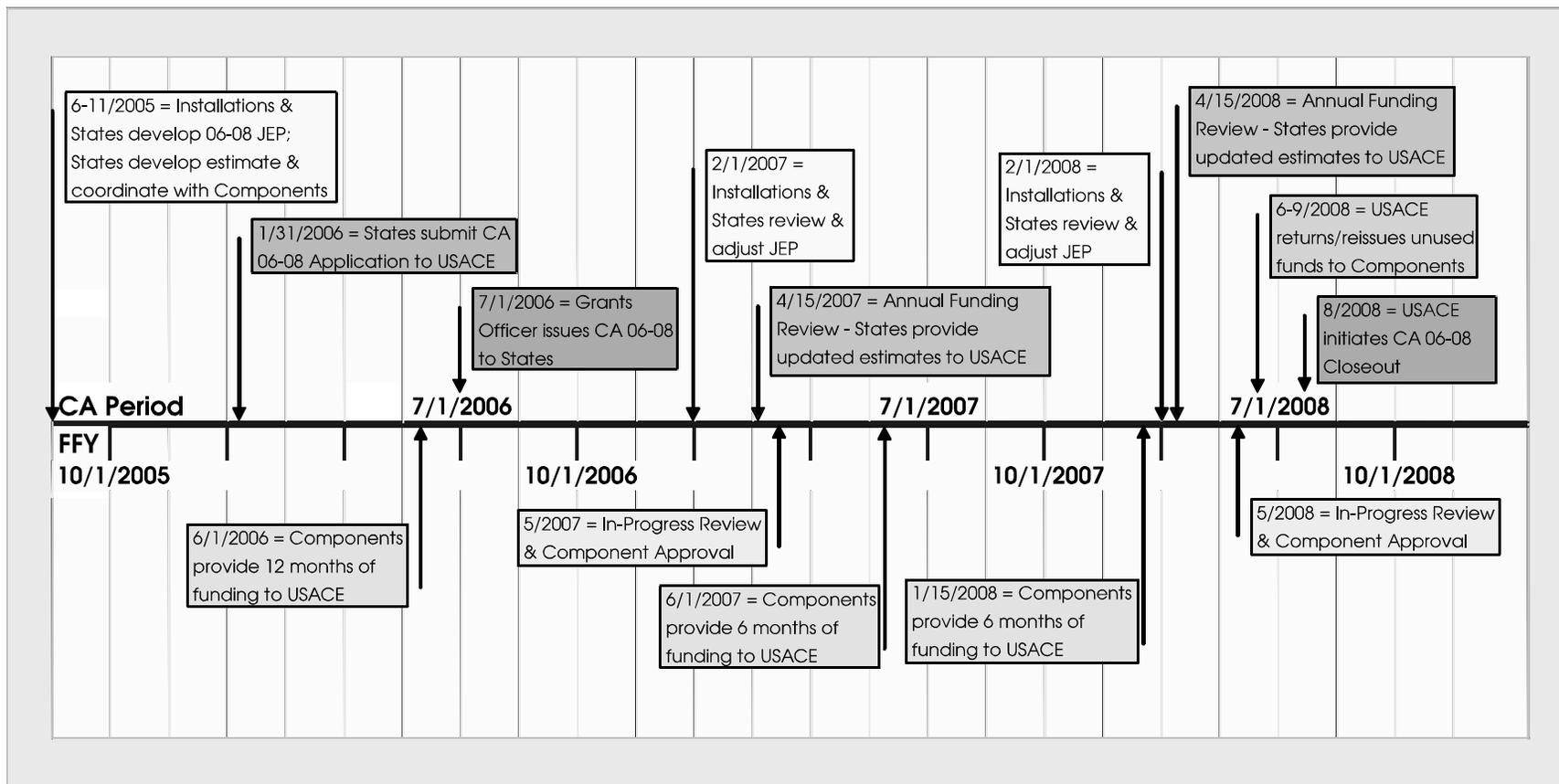
STEP 6: OBTAIN CA APPROVAL AND FUNDING

(USACE DSMOA Team, DoD Component Contact, and Grants Officer)



- **PAYMENTS TO STATES: QUARTERLY SUBMITTAL**
- **PERFORMANCE REPORTS: DUE QUARTERLY OR SEMI-ANNUALLY**
- ▨ **ANNUAL FUNDING REVIEWS: YEAR FOLLOWING AWARD**
- **CA CLOSEOUT**

DSMOA FUNDING TIMELINE CA 06-08



Appendix B

Department of Defense Budget Process

Introduction

As Federal agencies implement the cleanup phase of the environmental restoration program at more sites, the scope of the Federal government's financial obligation may increase or decrease. The ability of each agency to obtain sufficient funds to ensure execution of projected environmental cleanup activities in a given year will be an important factor in determining the overall success of DoD's restoration program. The funding constraints of the Federal budget in combination with other factors require that priorities be set and cleanup activities assigned sequentially. The availability of funds plays a crucial and ever-increasing role in determining how cleanup priorities are established. Because of the Federal budget process, it is crucial that States and other stakeholders in the DERP take full advantage of their best opportunity to influence future budgets for particular installations or activities by becoming involved early in the DoD budget process.

Three-Phase Budget Process

The DoD budget process is divided into three interrelated phases: (1) planning, (2) programming, and (3) budgeting. The process is commonly known as the PPBS.

- (1) **Planning Phase** (October - March): In the planning phase of the PPBS, projections are made that cover not only the budget year but also the 5-year period beyond the year for which the budget is being produced. This phase of the budget process begins in the first quarter of the Federal fiscal year and ends in February or March with the issuance of defense planning guidance (DPG) by the Secretary of Defense. The DPG specifies the goals of DoD programs and initiatives, projects future requirements of each of the programs and initiatives, and assigns planning priorities for the rest of the PPBS cycle.
- (2) **Programming Phase** (April - June): During the programming phase, decisions are made about what projects can be afforded with limited resources. In this phase, each DoD Component must develop what is known as a program objective memorandum (POM) based in part on information developed and submitted by the installations. The POM provides a 6-year funding plan for meeting overall program goals and milestones established in the planning phase. The Comptroller for the Office of the Secretary of Defense (OSD) issues requests for POMs to the various military Components in late March and April. Each military Component has a line item in its budget for the DSMOA Program. The Components ask the USACE DSMOA Team for an estimate of how much money will be needed for the appropriate program year for which the POM is being prepared and for the out-years. The USACE DSMOA Team then prepares budgets based on information received from the States and on information known about future events. The budgets are due to the appropriate DoD Component two weeks after the date of the request. The DoD Components send their POMs to OSD in late May. OSD then reviews each POM, and the Components are asked to meet and defend their programs. OSD then has 10 days to review each POM and ensure that it meets established goals, legal requirements, and established cleanup schedules. The POMs are then consolidated to form an overall 6-year plan referred to as the Future Years Defense Plan (FYDP). The FYDP is the basic DoD programming tool and establishes the targets that form the basis for programming and budgeting decisions for each fiscal year in the cycle.

- (3) **Budgeting Phase** (July - December). The DoD Comptroller is responsible for this phase of the budget process. During this phase, the budgets are reviewed, and a final validation is made of the program issues and goals. By late fall, a validated budget is forwarded to OMB. OMB examiners and management analysts review the budget requests to identify issues to be discussed by OMB officials and DoD. The budget review is usually completed by late December. At that time, the final stage of development of detailed budget data and the final preparation of the President's budget begin. Upon completion of the budget, the President transmits it to Congress in early February.

Conclusion

The budget process from start to finish is extensive. The involvement of the States and other stakeholders in the DERP must begin early in the planning and programming phases. After budget requests have been submitted through the chain of command, there is limited opportunity to change them. When all the interested parties work together in the early phases, budget planning will be beneficial to all parties involved.

Appendix C

Cooperative Agreement Application Package

The CA application package is submitted to the USACE DSMOA Team upon completion of Step 5 of the CA process. The application package consists of the following elements:

- Transmittal Letter – Must include a statement acknowledging that the data in the application were obtained as a result of following the six-step CA process
- SF 424, Application for Federal Assistance (with original signatures)
- SF 424A, Budget Information – Non-Construction Programs
- SF 424B, Assurances – Non-Construction Programs
- DSMOA CA Application Budget Breakdown by Component/Funding Type
- DSMOA CA Application Budget Summary
- Proposed CA Attachment A
- Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements

Electronic copies of these forms are available online at <http://hq.environmental.usace.army.mil/programs/dsmoa/dsmoaagree/dsmoaagree.html>.

Also included in this Appendix is a sample Attachment B to Cooperative Agreement Award Amount Table, which is prepared by the USACE DSMOA Team in the final step in issuing the CA.

APPLICATION FOR FEDERAL ASSISTANCE		2. DATE SUBMITTED	Applicant Identifier
1. TYPE OF SUBMISSION Application Pre Application <input type="checkbox"/> Construction <input type="checkbox"/> Construction <input type="checkbox"/> Non Construction <input type="checkbox"/> Non Construction		3. DATE RECEIVED BY STATE	State Application Identifier
		4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier
APPLICANT INFORMATION			
Legal Name		Organizational Unit	
Address (give city, county, state, and zip code)		Name and telephone number of the person to be contacted on matters involving this application (give area code)	
6. EMPLOYER IDENTIFICATION NUMBER (EIN)		7. TYPE OF APPLICANT: (enter appropriate letter in box) []	
8. TYPE OF APPLICATION <input type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision If Revision, enter appropriate letter(s) in box(es) [] [] A. Increase Award B. Decrease Award C. Increase Duration D. Decrease Duration Other (specify)		A. State B. County C. Municipal D. Township E. Interstate F. Intermunicipal G. Special District H. Independent School Dist. I. State Controlled Institution of Higher Learning J. Private University K. Indian Tribe L. Individual M. Profit Organization N. Other (Specify)	
10. CATALOGUE OF FEDERAL DOMESTIC ASSISTANCE NUMBER TITLE: 12.113 State Memorandum of Agreement Program for the Reimbursement of Technical Services		9. NAME OF FEDERAL AGENCY:	
12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc)		11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT	
13. PROPOSED PROJECT:		14. CONGRESSIONAL DISTRICTS OF:	
Start Date	Ending Date	a. Applicant	b. Project
15. Estimated Funding		16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?	
a. Federal		a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON: DATE: _____	
b. Applicant		b. NO. <input type="checkbox"/> PROGRAM IS NOT COVERED BY E.O. 12372 <input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW	
c. State		17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT? <input type="checkbox"/> Yes If "Yes" attach an explanation. <input type="checkbox"/> No	
d. Local		18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.	
e. Other		a. Typed Name of Authorized Representative	b. Title
f. Program Income		c. Telephone Number	
g. TOTAL		Date Signed	

BUDGET INFORMATION - NON-CONSTRUCTION PROGRAMS

SECTION A - BUDGET SUMMARY						
Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	ESTIMATED UNOBLIGATED FUNDS		NEW OR REVISED BUDGET		
		FEDERAL (C)	NON-FEDERAL (D)	FEDERAL (E)	NON-FEDERAL (F)	TOTAL (G)
1.		\$	\$	\$	\$	\$
2.						
3.						
4.						
5.		\$	\$	\$	\$	\$
SECTION B - BUDGET CATEGORIES						
		GRANT PROGRAM, FUNCTION OR ACTIVITY				TOTAL (5)
6. Object Class Categories		(1) Federal	(2)	(3)	(4)	
a. Personnel		\$	\$	\$	\$	\$
b. Fringe Benefits						
c. Travel						
d. Equipment						
e. Supplies						
f. Contractual						
g. Construction						
h. Other						
i. Total Direct Charges (sum of 6a-6h)						
j. Indirect Charges						
k. Totals (sum of 6i and 6j)		\$	\$	\$	\$	\$
7. Program Income		\$	\$	\$	\$	\$

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SECTION C - NON-FEDERAL RESOURCES

(a) Grant Program	(b) applicant	(c) State	(d) Other Sources	(e) TOTALS
8.		\$	\$	\$
9.				
10.				
11.				
12. TOTALS (sum of lines 8 and 11)				

SECTION D - FORECASTED CASH NEEDS

13. Federal	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
	\$				
14. Non Federal	\$				
15. TOTAL (sum of lines 13 and 14)	\$				

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT

(a) Grant Program	(b) First	(c) Second	(d) Third	(e) Fourth
16.	\$	\$	\$	\$
17.				
18.				
19.				
20. TOTALS (sum of lines 16 - 19)				

SECTION F - OTHER BUDGET INFORMATION
(Attach additional Sheets if Necessary)

21. Direct Charges:	22. Indirect Charges:
---------------------	-----------------------

23. Remarks

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L.88-352) which prohibits discrimination on the basis of race, color, or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683 and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616) relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42, U.S.C. § 3601 et seq.) as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) and other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provides for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-910) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

Signature of Authorized Certifying Official:	Title:
Applicant Organization:	Date Submitted

DSMOA CA Application – Budget Breakdown by Comp Funding Type

Component/Fund Type* _____

	Budget Categories	Fund Source		Total
		Yr 1	Yr 2	Component
	Staff Hours			0
a	Personnel			\$0
b	Admin Charges			\$0
c	Fringe Benefits			\$0
d	Travel			\$0
e	Equipment			\$0
f	Supplies			\$0
g	Contractual			\$0
h	Other			\$0
i	Total Direct Charges (sum a.-h.)	\$0	\$0	\$0
j	Indirect Charges (Rate _____*Base)			\$0
	TOTALS (sum i. and j.)	\$0	\$0	\$0

* Note: See DSMOA CA Application Budget Summary for listings
 Reproduce for each Component/Fund Type

Staff Hours: Include all hours (technical, support, and admin).

Admin Charges: States are allowed to include administrative costs in their Cooperative Agreements. Administrative costs are defined by each State’s cognizant audit agency and accounting system. Costs are usually those that cannot be assigned to individual installations or projects. They may include but are not limited to salaries for accountants, payroll clerks, etc.; travel for those people not assigned to a project; training for those not assigned to a project, etc. The goal of the USACE DSMOA Team has been to be flexible, allowing each State grants manager to decide the costs to include in the administrative costs category. One stipulation is that whatever costs are included in the administrative category must be based on acceptable accounting standards that would pass an audit. When transferring costs from the form above to SF424A, States must insure that all costs are transferred.

Note: Backup information for this summary form should correlate to State services to be provided as outlined on the JEP.

DSMOA CA Application – Budget Summary

FORM A

Component/Fund Type	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6
Air Force IRP						
Air Force MMRP						
Army IRP						
Army MMRP						
DLA IRP						
DNSC IRP						
FUDS IRP						
FUDS MAPS						
FUDS MMRP						
Navy IRP						
Navy MMR						
Air Force BRAC 88						
Air Force BRAC 88 MMRP						
Army BRAC 88						
Army BRAC 88 MMRP						
DLA BRAC 88						
Navy BRAC 88						
Navy BRAC 88 MMRP						
Air Force BRAC 91						
Air Force BRAC 91 MMRP						
Army BRAC 91						
Army BRAC 91 MMRP						
DLA BRAC 91						
Navy BRAC 91						
Navy BRAC 91 MMRP						
Air Force BRAC 93						
Air Force BRAC 93 MMRP						
Army BRAC 93						
Army BRAC 93 MMRP						
DLA BRAC 93						
Navy BRAC 93						
Navy BRAC 93 MMRP						
Air Force BRAC 95						
Air Force BRAC 95 MMRP						
Army BRAC 95						
Army BRAC 95 MMRP						
DLA BRAC 95						
Navy BRAC 95						
Navy BRAC 95 MMRP						
DESC						
Total	\$0	\$0	\$0	\$0	\$0	\$0

**Attachment A to Cooperative Agreement Schedule
DoD Installations Covered By this Agreement**

State/Territory of _____

Component/Funds Type	Installation
Air Force BRAC 88	George AFB
Air Force BRAC 91	Castle AFB
Air Force BRAC 93	March AFB
Air Force BRAC 95	Davis Transmitter - McClellan AFB
Air Force IRP	AF Plant #42, Palmdale
Army BRAC 88	Hamilton Army Airfield
Army BRAC 91	Fort ORD
Army BRAC 95	Fort Hunter Ligget
Army IRP	Camp Roberts
Army MMRP	Program Management
DESC DWC	Fuel Terminal DFSP Norwalk
DLA IRP	Defense Distribution San Joaquin CA
FUDS IRP	Almaden Air Force Station
Navy BRAC 91	Crows Landing NALF
Navy IRP	Lemoore NAS

SAMPLE

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Energy determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

- (1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
 - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

- (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - (c) Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
- (2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.
-

3. DRUG-FREE WORKPLACE

This certification is required by the Drug-Free Workplace Act of 1988 (Pub. L. 100-690, Title V, Subtitle D) and is implemented through additions to the Debarment and Suspension regulations, published in the Federal Register on January 31, 1989, and May 25, 1990.

ALTERNATE I (GRANTEES OTHER THAN INDIVIDUALS)

- (1) The grantee certifies that it will or will continue to provide a drug-free workplace by:
 - (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 - (b) Establishing an ongoing drug-free awareness program to inform employees about:
 - (1) The dangers of drug abuse in the workplace;

- (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:
- (1) Abide by the terms of the statement; and
 - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace not later than five calendar days after such conviction;
- (e) Notifying the agency, in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
- (f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:
- (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

- (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
 - (g) Making a good-faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).
- (2) The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance:
(Street address, city, county, state, zip code)

Check if there are workplaces on file that are not identified here.

ALTERNATE II (GRANTEES WHO ARE INDIVIDUALS)

- (1) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant.
- (2) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to every grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

NAME OF APPLICANT	PR/AWARD AND/OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

Insert Attachment B

Appendix D

Joint Execution Plan (JEP) and Performance Report (PR)

INSTRUCTIONS FOR USING THE JOINT EXECUTION PLAN AND PERFORMANCE REPORT FORM

The DSMOA JEP/PR is designed to simplify, streamline and standardize the planning and reporting requirements within the DSMOA CA process. It is also intended that States and DoD Components will use this format to track progress, identify problem areas and work cooperatively to conduct site restoration activities, identify funding requirements and available resources. The planning process should be a cooperative effort between the IPM and the SPM, preferably but not necessarily during face-to-face planning meetings. This report meets current DoDGAR requirements for performance reporting of grants and cooperative agreements. Completed JEPs should be forwarded to and maintained by the installation and State as part of the Step 2 CA process with a copy furnished to the USACE DSMOA Team. The PR column of the JEP should be completed by the SPM and submitted as a single file or document (as far as practicable) electronically (preferably as an e-mail attachment) to the DSMOA Program Manager and for posting to the DENIX web site. Several examples of completed JEPs (Sample JEP 01, 02, 03, 04) are included with these instructions for additional guidance in completing these reports. These examples are not meant to prescribe or restrict States or installations; they are merely examples. The end user is encouraged to adapt this format to meet specific needs or use existing report information. Nothing in these instructions or examples is intended to limit States/installations from requiring additional information.

INSTALLATION NAME: This must match the name of the installation on Attachment A of your CA. JEPs should be completed by installation, not by operable unit. Where practicable, two or more similar installations can be included on one JEP (refer to Sample JEP #3).

DATE MODIFIED: For initial submission of the JEP, this should be the date the JEP was initiated. If the JEP is modified or changed after it has been approved, use this block to indicate the latest revision to the JEP.

JOINT EXECUTION PLAN:

DoD Components – Initiate the Step 2 process by completing the Milestones and the Installation Task portion of the JEP for CA Years 1 and 2. The “Milestones” column may be used for work breakdown items at the user’s discretion. See JEP samples. Use the “Remarks” block to indicate any special conditions, requirements or amplification of information contained in the JEP. The Out-Years section should be used to list long-term commitments and is important for DoD future-year funds planning. The JEP signature block indicates AGREEMENT or CONCURRENCE after completion of Step 2 in the CA process. Although a signature is not required prior to the SPM completing the State DSMOA Activities portion of the JEP, completion of the information in the “signature blocks” indicates approval of the tasks by the Installation. If not completed during a face-to-face meeting with the State contact, send the Installation-completed JEP electronically to the State.

States – Based on the input from the DoD installation, indicate what State services need to be completed under the “State DSMOA Services” column. Refer to Sample JEPs. Leave the Performance Report column blank. Use the “Remarks” block to indicate any special conditions, requirements or amplification of information contained in the JEP. The JEP signature block indicates AGREEMENT or CONCURRENCE after completion of Step 2 in the CA process by the installation. Completion of the information in the “signature blocks”

indicates approval of the tasks by the State point of contact/project manager. If not completed during a face-to-face meeting with the DoD Installation Manager, send the completed JEP electronically to the DoD Installation Manager listed on the JEP.

PERFORMANCE REPORTS: PRs are to be submitted to the USACE DSMOA Team within 30 days after the reporting period has ended, either quarterly or semiannually, as agreed by the parties. The PR column should be completed by the SPM listed on the JEP signature block and be submitted to the assigned USACE State Manager. DoD Installations are not required to mark the PR Status column. Submittals of PRs are a State responsibility, and DoD installations may access these PRs on the DENIX website (Also see Section 4.2 regarding IPM review of PRs). Use the following codes in the status columns to indicate performance progress:

- [] Not Begun
- [O] In-Progress/Ongoing
- [X] Completed
- [D] Delayed
- [R] Reschedule (explain in Remarks Section)
- [N] Tasks will not be performed (explain in Remarks Section)

Use the “Remarks” section to amplify status codes, note brief remarks or highlight significant issues and concerns. If significant services were performed that were not reflected on the JEP, the form should be amended. **DO NOT INCLUDE LENGTHY NARRATIVE INFORMATION IN THE REMARKS SECTION.** Success stories should be reported separately.

**DSMOA JOINT EXECUTION PLAN
AND PERFORMANCE REPORT
2006-2008 CA
Your State Here**

INSTALLATION NAME: Fort Sample		DATE MODIFIED: August 15, 2005	
Funding Source: _X_ DERA ___ BRAC 91 ___ BRAC 93 ___ BRAC 95 ___ BRAC 05 ___ MMRP ___ MAPS		Military Component: _X_ Army ___ Navy ___ Air Force ___ DLA ___ FUDS	
Year 1: July 1, 2006 – June 30, 2007		Status Codes: <input type="checkbox"/> Not Begun <input type="checkbox"/> In-Progress/Ongoing <input checked="" type="checkbox"/> Completed <input type="checkbox"/> Delayed <input type="checkbox"/> Reschedule (explain in Remarks Section) <input type="checkbox"/> Tasks will not be performed (explain in Remarks Section)	
Performance Report Period: ___ Jul – Dec (1 st Half Year) ___ Jan – Jun (2 nd Half Year) ___ Jul – Sep (1 st Quarter) ___ Oct – Dec (2 nd Quarter) ___ Jan – Mar (3 rd Quarter) ___ Apr – Jun (4 th Quarter)			
Remarks: Fieldwork is underway at the Former Incinerator Site and pre-assessment work has been completed. The removal action start date is 29 November 2006. Post removal activities begin 10 January 2007. Groundwater sampling of monitoring wells, 4 quarters begin January 2007 and finish in December 2007.			

JOINT EXECUTION PLAN

Milestones	Installation task	State DSMOA Activities	Status
<i>Installation-Wide Tasks</i>			
	Work Plans	Review and comment	
	Site Safety and Health Plan	Review	
	Community Relations Plan	Review and comment	
	Sampling Plans	Review	
	Quality Assurance Project Plans	Review	
	Contractor Quality Control Plan	Review	
Program Management	Meetings	Attend meetings	
	Teleconferences	Participate in teleconferences	
	Site visits	Attend site visits	
Decision Document	Former incinerator site	Review and comment	

Removal Action	Former incinerator site		
	Remove source contamination	Site visit	
	Install monitoring wells		
	Quarterly monitoring reports	Review	
	Draft report for remediation of the former incinerator site	Review and comment	
RI	Former staging area		
	Install monitoring wells		
	Draft RI report for the former staging area	Review and Comment	

**DSMOA JOINT EXECUTION PLAN
AND PERFORMANCE REPORT
2006-2008 CA
Your State Here**

INSTALLATION NAME: Fort Sample		DATE MODIFIED: August 15, 2005	
Funding Source: <input checked="" type="checkbox"/> DERA <input type="checkbox"/> BRAC 91 <input type="checkbox"/> BRAC 93 <input type="checkbox"/> BRAC 95 <input type="checkbox"/> BRAC 05 <input type="checkbox"/> MMRP <input type="checkbox"/> MAPS		Military Component: <input checked="" type="checkbox"/> Army <input type="checkbox"/> Navy <input type="checkbox"/> Air Force <input type="checkbox"/> DLA <input type="checkbox"/> FUDS	
Year 2: July 1, 2007 – June 30, 2008		Status Codes: <input type="checkbox"/> Not Begun <input type="checkbox"/> In-Progress/Ongoing <input checked="" type="checkbox"/> Completed <input type="checkbox"/> Delayed <input type="checkbox"/> Reschedule (explain in Remarks Section) <input type="checkbox"/> Tasks will not be performed (explain in Remarks Section)	
Performance Report Period: <input type="checkbox"/> Jul – Dec (1 st Half Year) <input type="checkbox"/> Jan – Jun (2 nd Half Year) <input type="checkbox"/> Jul – Sep (1 st Quarter) <input type="checkbox"/> Oct – Dec (2 nd Quarter) <input type="checkbox"/> Jan – Mar (3 rd Quarter) <input type="checkbox"/> Apr – Jun (4 th Quarter)			
Remarks:			
JOINT EXECUTION PLAN			
Milestones	Installation task	State DSMOA Activities	Status
<i>Program Management</i>	Meetings	Attend meetings	
	Teleconferences	Participate in teleconferences	
	Site visits	Attend meetings	
Removal Action	Former Incinerator Site		
	Quarterly Groundwater Monitoring reports	Review	
	No Further Action Decision document	Review and comment	
RI	Former Staging Area		
	Quarterly Groundwater Monitoring reports	Review	
	Draft RI Report	Review and comment	

**OUT YEARS DECSRIPTION OF WORK
YEARS 3 – 6**

NAME OF INSTALLATION: Fort Sample			
Overview – <i>A brief description of the environmental restoration activities expected to occur at the installation during YEARS 3 – 6:</i>			
Operable Unit 01 - Continued monitoring groundwater as required. Approval for closure of Unit 01 under state regulations.			
Operable Unit 02 - Complete RI and Baseline Risk Assessment (BRA). Based on results of RI and BRA, conduct Feasibility Study or draft Decision Document for recommended action/no further action			
Goals – <i>Expected environmental restoration program achievements envisioned during this period:</i>			
Closure of sites under State Cleanup Program.			
Public Health and the Environment – <i>Explain any impacts as a result of work planned during Years 3 – 6:</i>			
None.			
Summary of Cleanup Activity – <i>Explain the expected status of this facility by the end of this period (e.g.: completed, Long-term O & M, property transferred, etc.):</i>			
All sites will be cleaned up to remediation goals or found to have no contamination requiring remediation.			
JOINT EXECUTION PLAN SIGNATURES			
DoD Installation Manager: Frank C. Smith, P.E.		State Project Manager: George E. Jones, P.G.	
E-Mail: fsmith@sample.army.mil		E-Mail: gjones@state.pa.us	
Phone: (905) 555-1212	Date: 16 August 2005	Phone: (509) 555-2121	Date: 30 August 2005

**DSMOA JOINT EXECUTION PLAN
AND PERFORMANCE REPORT
2006 – 2008 CA
Your State Here**

INSTALLATION NAME: Naval Air Station Sample		DATE MODIFIED: August 16, 2005	
Funding Source: <input checked="" type="checkbox"/> DERA <input type="checkbox"/> BRAC 91 <input type="checkbox"/> BRAC 93 <input type="checkbox"/> BRAC 95 <input type="checkbox"/> BRAC 05 <input type="checkbox"/> MMRP <input type="checkbox"/> MAPS		Military Component: <input type="checkbox"/> Army <input checked="" type="checkbox"/> Navy <input type="checkbox"/> Air Force <input type="checkbox"/> DLA <input type="checkbox"/> FUDS	
Year 1: July 01, 2006 – June 30, 2007		Status Codes: <input type="checkbox"/> Not Begun <input type="checkbox"/> In-Progress/Ongoing <input checked="" type="checkbox"/> Completed <input type="checkbox"/> Delayed <input type="checkbox"/> Reschedule (explain in Remarks Section) <input type="checkbox"/> Tasks will not be performed (explain in Remarks Section)	
Performance Report Period: <input type="checkbox"/> Jul – Dec (1 st Half Year) <input type="checkbox"/> Jan – Jun (2 nd Half Year) <input type="checkbox"/> Jul – Sep (1 st Quarter) <input type="checkbox"/> Oct – Dec (2 nd Quarter) <input type="checkbox"/> Jan – Mar (3 rd Quarter) <input type="checkbox"/> Apr – Jun (4 th Quarter)			
Remarks:			

JOINT EXECUTION PLAN			
Milestones	Installation task	State DSMOA Activities	Status
	Site 1 – Soil and Groundwater		
RI	Prepare documents and address regulator's comments for groundwater	Review and provide comments	
ROD	Prepare documents and address regulator's comments for soil	Review and provide comments	
	Site 2		
RI	Prepare documents and address regulator's comments	Review and provide comments	
ROD	Prepare documents and address regulator's comments	Review and provide comments	
	Site 5 Groundwater		
FS	Prepare documents and address regulator's comments	Review and provide comments	
	Site 10		
	Prepare for 4 RAB and technical meetings	Attend 4 site meetings	
Close Out	Prepare site close out for soil and groundwater	Review, comment, approve closeout reports for soil and groundwater	
	Site 11		
ESI	Prepare report	Review and provide comments	

**DSMOA JOINT EXECUTION PLAN
AND PERFORMANCE REPORT
2006 – 2008 CA
Your State Here**

INSTALLATION NAME: Naval Air Station Sample	DATE MODIFIED:
Funding Source: <input checked="" type="checkbox"/> DERA <input type="checkbox"/> BRAC 91 <input type="checkbox"/> BRAC 93 <input type="checkbox"/> BRAC 95 <input type="checkbox"/> BRAC 05 <input type="checkbox"/> MMRP <input type="checkbox"/> MAPS	Military Component: <input type="checkbox"/> Army <input checked="" type="checkbox"/> Navy <input type="checkbox"/> Air Force <input type="checkbox"/> DLA <input type="checkbox"/> FUDS
Year 2: July 01, 2007 – June 30, 2008	Status Codes: <input type="checkbox"/> Not Begun <input type="checkbox"/> In-Progress/Ongoing <input checked="" type="checkbox"/> Completed <input type="checkbox"/> Delayed <input type="checkbox"/> Reschedule (explain in Remarks Section) <input type="checkbox"/> Tasks will not be performed (explain in Remarks Section)
Performance Report Period: <input type="checkbox"/> Jul – Dec (1 st Half Year) <input type="checkbox"/> Jan – Jun (2 nd Half Year) <input type="checkbox"/> Jul – Sep (1 st Quarter) <input type="checkbox"/> Oct – Dec (2 nd Quarter) <input type="checkbox"/> Jan – Mar (3 rd Quarter) <input type="checkbox"/> Apr – Jun (4 th Quarter)	

Remarks:

JOINT EXECUTION PLAN

Milestones	Installation task	State DSMOA Activities	Status
	Site 1 –Groundwater		
ROD	Prepare documents and address regulator's comments	Review and provide comments	
	Site 3		
FS	Prepare documents and address regulator's comments	Review and provide comments	
	Site 5 – Soil and Groundwater		
ROD	Prepare documents and address regulator's comments - soil	Review and provide comments	
	Prepare documents and address regulator's comments – groundwater	Review and provide comments	
RAB	Prepare for RAB and technical meetings	Prepare for attend meetings	
	Site 1 –Groundwater		
ROD	Prepare documents and address regulator's comments	Review and provide comments	
	Site 3		
FS	Prepare documents and address regulator's comments	Review and provide comments	

OUT YEARS DECSRIPTION OF WORK YEARS 3 – 6

NAME OF INSTALLATION: Naval Air Station Sample			
Overview – <i>A brief description of the environmental restoration activities expected to occur at the installation during YEARS 3 – 6:</i>			
<p>Prior to the years listed above, the Naval Air Station Sample expects to have a groundwater remedy in place at IR Site 5 – Fire Training Area and plans to continue operation of the groundwater remedy throughout the out-year period from FY2007 through FY 2010.</p> <p>In addition, if during the course of preparation of the RI and FS for IR Site 3, it is determined that a groundwater remedy is required, installation and operation of such a system would be implemented during this out-year period.</p>			
Goals – <i>Expected environmental restoration program achievements envisioned during this period:</i>			
<ul style="list-style-type: none"> • To continue operation of the groundwater remedy at IR Site 5. • Install groundwater remedy at IR Site 3, if required. 			
Public Health and the Environment – <i>Explain any impacts as a result of work planned during Years 3 – 6:</i>			
At the end of FY (2010), cleanup actions are expected to be in place at each of the IR sites. If this occurs, all risks to human health and the environment would be virtually eliminated.			
Summary of Cleanup Activity – <i>Explain the expected status of this facility by the end of this period (e.g.: completed, Long-term O & M, property transferred, etc.):</i>			
The expected status of cleanup by the end of the (FY 2010) period is 100% for all of the Navy's IR Sites located at Naval Air Station Sample , however, operation and maintenance will continue for those sites where a treatment system has been installed.			
JOINT EXECUTION PLAN SIGNATURES			
DoD Installation Manager: Frank Lee Speaking, P.E.		State Project Manager: I. Love Regs, P.G.	
E-Mail: fspeaking@navairsta.navy.mil		E-Mail: iregs@state.aa.us	
Phone: (700) 456-7890	Date: 3 September 2005	Phone: (700) 123-4567	Date: 3 September 2005

**DSMOA JOINT EXECUTION PLAN
AND PERFORMANCE REPORT
2006 – 2008 CA
Your State Here**

INSTALLATION NAME: Former Sample Sites for State		DATE MODIFIED: August 30, 2005	
Funding Source: <input checked="" type="checkbox"/> DERA <input type="checkbox"/> BRAC 91 <input type="checkbox"/> BRAC 93 <input type="checkbox"/> BRAC 95 <input type="checkbox"/> BRAC 05 <input type="checkbox"/> MMRP <input type="checkbox"/> MAPS		Military Component: <input type="checkbox"/> Army <input type="checkbox"/> Navy <input type="checkbox"/> Air Force <input type="checkbox"/> DLA <input checked="" type="checkbox"/> FUDS	
Year 1: July 1, 2006 – June 30, 2007		Status Codes: <input type="checkbox"/> Not Begun <input checked="" type="checkbox"/> In-Progress/Ongoing <input checked="" type="checkbox"/> Completed <input type="checkbox"/> Delayed <input type="checkbox"/> Reschedule (explain in Remarks Section) <input type="checkbox"/> Tasks will not be performed (explain in Remarks Section)	
Performance Report Period: <input type="checkbox"/> Jul – Dec (1 st Half Year) <input type="checkbox"/> Jan – Jun (2 nd Half Year) <input type="checkbox"/> Jul – Sep (1 st Quarter) <input type="checkbox"/> Oct – Dec (2 nd Quarter) <input type="checkbox"/> Jan – Mar (3 rd Quarter) <input type="checkbox"/> Apr – Jun (4 th Quarter)			

Remarks:

JOINT EXECUTION PLAN

Milestones	Installation task	State DSMOA Activities	Status
	<i>Patton Army Tank Plant (CO3PA1932)</i>		
SOW	Finalize Statement of Work for removal actions	Review and comment on SOW	
	Site visit and identify AOCs	Attend site visit	
RA	Surface removal action		
	Calcium Carbide Drum Disposal	Provide disposal approvals and off-site permits	
	Empty and clean ASTs/ Backfill ASTs	Provide assistance with tank removal documentation	
	Sample Analyses	Split samples with Corps District office	
	Empty, pump and clean USTs	Review closure reports/assist with tank documentation	
	Remove/remediate Asbestos-containing material (ACM)	Ensure removal complies with air quality standards	
	Sample/dispose of PCB capacitors	Approve PCB disposal facility	
	Soil disposal	Review and comment on soil disposal	
	Tank closure reports	Review and approve closure reports	
Site Visits	Conduct periodic site visits	Attend site visits and meetings	
	<i>Camp Semour (CO3PA1945)</i>		
SI	Site investigation report	Review Site investigation report for approval	
RD	Remedial action plan submitted to State. Demonstration of attainment sampling to begin.	Review/approve Remedial action plan	
	Demonstrate attainment sampling	Split soil and groundwater sampling	
	<i>Naval Warehouse (CO3PA1982)</i>		

LTM	Quarterly groundwater sampling	Review quarterly sampling results against state standards	
	Compile and submit annual report	Review and comment on annual report	

OUT YEARS DESCRIPTION OF WORK YEARS 3 – 6

NAME OF INSTALLATION: Former Sample Sites for State			
Overview – <i>A brief description of the environmental restoration activities expected to occur at the installation during YEARS 3 – 6:</i> All environmental restoration activities have been completed in accordance with a 1999-ROD and State cleanup standards and were approved by State in 2005.			
Goals – <i>Expected environmental restoration program achievements envisioned during this period:</i> 			
Public Health and the Environment – <i>Explain any impacts as a result of work planned during Years 3 – 6:</i> 			
Summary of Cleanup Activity – <i>Explain the expected status of this facility by the end of this period (e.g.: completed, Long-term O & M, property transferred, etc.):</i> 			
JOINT EXECUTION PLAN SIGNATURES			
DoD Installation Manager: Elmer FUDS		State Project Manager:	
E-Mail: feuds@usacoe.army.mil		E-Mail:	
Phone: (700) 123-9876	Date: 1 September 2005	Phone:	Date:

**DSMOA JOINT EXECUTION PLAN
AND PERFORMANCE REPORT
2006 – 2008 CA
[Your State Here](#)**

INSTALLATION NAME: DSMOA Program Management		DATE MODIFIED: September 1, 2005
Funding Source: <input checked="" type="checkbox"/> DERA <input checked="" type="checkbox"/> BRAC 91 <input checked="" type="checkbox"/> BRAC 93 <input checked="" type="checkbox"/> BRAC 95 <input type="checkbox"/> BRAC 05 <input type="checkbox"/> MMRP <input checked="" type="checkbox"/> MAPS		Military Component: <input checked="" type="checkbox"/> Army <input checked="" type="checkbox"/> Navy <input checked="" type="checkbox"/> Air Force <input checked="" type="checkbox"/> DLA <input checked="" type="checkbox"/> FUDS
Year 1: July 01 2006 – June 30, 2007		Status Codes: <input type="checkbox"/> Not Begun <input type="checkbox"/> In-Progress/Ongoing <input checked="" type="checkbox"/> Completed <input type="checkbox"/> Delayed <input type="checkbox"/> Reschedule (explain in Remarks Section) <input type="checkbox"/> Tasks will not be performed (explain in Remarks Section)
Performance Report Period: <input type="checkbox"/> Jul – Dec (1 st Half Year) <input type="checkbox"/> Jan – Jun (2 nd Half Year) <input type="checkbox"/> Jul – Sep (1 st Quarter) <input type="checkbox"/> Oct – Dec (2 nd Quarter) <input type="checkbox"/> Jan – Mar (3 rd Quarter) <input type="checkbox"/> Apr – Jun (4 th Quarter)		

Remarks:

JOINT EXECUTION PLAN

Milestones	Installation task	State DSMOA Activities	Status
Step 1	Initiate new CA Process with cognizant installations	Notify all State RPMs to begin new CA process	
Step 2	Draft installation portion of the JEP	Review component tasks and	
	Meet and discuss with state DSMOA manager	Meet and discuss with Installation/Program Managers	
	Finalize JEP	Finalize and distribute JEPs	
Step 3		Develop cost and workload estimates based on JEPs	
		Submit cost estimates to military contacts	
Step 4	Evaluate and discuss state costs estimates/obligate funding	Discuss/revise cost estimates	
Step 5		Compile CA Application	
		Submit 2006-2008 CA Application	
Step 6	CA Approval/Component funding/Notify state	CA Approval/state agencies notified/funding established	
Billing	Review billing requests	October – submit 1 st Qtr Billing	
	Review billing requests	January – submit 2 nd Qtr Billing	
	Review billing requests	April – submit 3 rd Qtr Billing	
	Review billing requests	July – submit 4 th Qtr Billing	
Reports	Post semi-annual reports	January – submit 1 st half Performance Report	
	Post semi-annual reports	July – submit 2 nd half Performance Report	
Training	Attend bi-annual DSMOA Conference	Attend bi-annual DSMOA Conference	
		Staff training/updates	

Prog. Mgt	Review/approve funding modifications	Process funding modifications	
		Monthly "burn rate" reviews	
		Correspondence	
		MAPS Planning meetings	
		Tier 2 Meetings with components	
		Review/revise changes to JEPs	

**OUT YEARS DECSRIPTION OF WORK
YEARS 3 – 6**

NAME OF INSTALLATION: DSMOA Program Management			
Overview – <i>A brief description of the environmental restoration activities expected to occur at the installation during YEARS 3 – 6:</i>			
Goals – <i>Expected environmental restoration program achievements envisioned during this period:</i>			
Public Health and the Environment – <i>Explain any impacts as a result of work planned during Years 3 – 6:</i>			
Summary of Cleanup Activity – <i>Explain the expected status of this facility by the end of this period (e.g.: completed, Long-term O & M, property transferred, etc.):</i>			
JOINT EXECUTION PLAN SIGNATURES			
DoD Installation Manager: DSMOA Program Manager		State Project Manager: State DSMOA Program Manager	
E-Mail: acoepm@aco.e.army.mil		E-Mail: pmanager@aa.state.us	
Phone: (700) 678-9012	Date: 1 September 2005	Phone: (300) 345-6789	Date: September 1, 2005

Appendix E

CA Step 3 Backup Data Worksheet

CA STEP 3 BACKUP DATA WORKSHEET

Budget Information Per Component:

	Year 1			Year 2			Years 3-6
	Direct Technical Costs	Program Support Costs	Total \$	Direct Technical Costs	Program Support Costs	Total \$	Total \$
Installation Name							
	0	0	0	0	0	0	0
	0	0	0	0	0	0	0
	0	0	0	0	0	0	0
	0	0	0	0	0	0	0
	0	0	0	0	0	0	0
	0	0	0	0	0	0	0
	0	0	0	0	0	0	0

Total Cost per DoD Service _____ 0 _____ 0 _____ 0

NOTE:
 If program support costs cannot be attributed to individual installations, one line for total program support costs or general administrative costs, per DoD Component and fund type may be added as the last line on the worksheet.

Appendix F

Financial Forms for Cooperative Agreements

**DSMOA PROGRAM
INSTRUCTIONS FOR SF 270 REQUEST FOR REIMBURSEMENT**

- Item 1 - Indicate reimbursement
- Item 2 - Indicate cash
- Item 3 - Department of Defense
- Item 4 - Federal grant number (State abbreviation, fiscal year of agreement, example: AL-00-1)
- Item 5 - Payment number (numbers should be consecutive)
- Item 6 - Employer identification number assigned by the U.S. Internal Revenue Service
- Item 7 - State account number or identifying number
- Item 8 - Enter the month, day, and year for the beginning and ending of the period covered in this request
- Item 9 - Recipient organization
- Item 10 - Address where check is to be mailed (this address should be the place where the check is to be mailed with a designated point of contact and telephone)
- Item 11 - All items should be summed into total column
- Item 11a - Total program outlays to date. This sum is the amount spent by the state since the beginning of the current agreement.
- Item 11b - This amount always should be zero
- Item 11c - This amount should be the same as 11a
- Item 11d - This amount should be zero for reimbursement
- Item 11e - Sum for lines 11c and 11d
- Item 11f - This amount always should be zero
- Item 11g - Total of amount on line 11e
- Item 11h - Total federal payments previously received on this agreement
- Item 11i - Amount of money expected to be received on this request. This amount should not be rounded off.
- Item 11j - Leave blank
- Item 12a, b, and c - Leave blank
- Item 13 - Signature of certifying official – signature card for this individual must be on file with CEMP-RA before payment can be made.

**DSMOA PROGRAM
INSTRUCTIONS FOR SF 270 REQUEST FOR ADVANCE**

- Item 1 - Indicate advance
- Item 2 - Indicate cash
- Item 3 - Department of Defense
- Item 4 - Federal grant number (State abbreviation, fiscal year of agreement, example: AL-00-1)
- Item 5 - Payment number (numbers should be consecutive)
- Item 6 - Employer identification number assigned by the U.S. Internal Revenue Service
- Item 7 - State account number or identifying number
- Item 8 - Enter the month, day, and year for the beginning and ending of the period covered in this request
- Item 9 - Recipient organization
- Item 10 - Address where check is to be mailed (this address should be the place where the check is to be mailed with a designated point of contact and phone number)
- Item 11 - All items should be summed into total column.
- Item 11a - Total program outlays to date. This sum is the amount spent by the state since the beginning of the current agreement.
- Item 11b - This amount always should be zero
- Item 11c - This amount should be the same as 11a
- Item 11d - Estimated amount needed for the period of the request
- Item 11e - Sum for lines 11c and 11d
- Item 11f - This amount always should be zero
- Item 11g - Total of amount on line 11e
- Item 11h - Total federal payments previously received on this agreement
- Item 11i - Amount of money expected to be received on this request
- Item 11j - Leave blank
- Item 12a, b, and c - Leave blank
- Item 13 - Signature of certifying official – signature card for this individual must be on file with CEMP-RA before payment can be made.

**REQUEST FOR ADVANCE
OR REIMBURSEMENT**
(2 pages)

SF270

SF 270 COST BREAKDOWN CHART

STATE OF:

PERIOD COVERED:

AGREEMENT NUMBER:

DoD COMPONENT:

INSTALLATION:

INSTALLATION:

INSTALLATION:

CATEGORY:	COSTS	CATEGORY:	COSTS	CATEGORY:	COSTS
Personnel		Personnel		Personnel	
Administrative Charges		Administrative Charges		Administrative Charges	
Benefits		Benefits		Benefits	
Travel		Travel		Travel	
Equipment		Equipment		Equipment	
Supplies		Supplies		Supplies	
Contract		Contract		Contract	
Indirect		Indirect		Indirect	
Other		Other		Other	
TOTAL		TOTAL		TOTAL	

INSTRUCTIONS FOR SF 269A FINANCIAL STATUS REPORT

- Item 1 - Department of Defense
- Item 2 - Federal grant number (state abbreviation, fiscal year of agreement, example: AL 98-1)
- Item 3 - Recipient organization
- Item 4 - Employer identification number assigned by the U.S. Internal Revenue Service
- Item 5 - Recipient control number
- Item 6 - Check No., unless this is the final report for agreement
- Item 7 - Indicate cash or accrued expenditure basis
- Item 8 - Month, day, year for beginning and ending dates of the current cooperative agreement
- Item 9 - Month, day, and year for period covered by this report
- Item 10a - Total outlays - column I - if this is the first report this column would be zero; column II - amount expended during this reporting period; and column III - sum of column I and II
- Item 10b - Under this agreement this column should be zero
- Item 10c - Same as item 10a
- Item 10d - Under the advance system, any monies not expended by the end of the quarter. Under the reimbursement system this amount would be zero
- Item 10e - Under this agreement this column should be zero
- Item 10f - Same as 10d
- Item 10g - Sum of lines 10c and 10f
- Item 10h - Total funds issued under current agreement
- Item 10i - Balance of funds issued under current agreement line 10h minus 10g
- Item 11b - Indirect cost rate during reporting period
- Item 13 - Signature of certifying official

FINANCIAL STATUS REPORT
(2 pages)

SF269A

INSTRUCTIONS FOR DD FORM 577 (SIGNATURE CARD)

(NOTE: THIS MUST BE ON FILE IN ORDER TO MAKE PAYMENTS)

- Item 1 - Name of individual certifying payment
- Item 2 - Leave blank
- Item 3 - Current date
- Item 4 - Official address
- Item 5 - Signature of individual in Item 1
- Item 6 - Type of document individual authorized to sign (Example: SF 270 and SF 269A)
- Item 7 - Name of individual authorizing person in Item 1 to sign forms
- Item 8 - Leave blank
- Item 9 - Signature of individual in Item 7

DD FORM 577

1. NAME (type or print)	2. PAY GRADE	3. DATE
4. OFFICIAL ADDRESS		
5. SIGNATURE		
6. TYPE OF DOCUMENT OR PURPOSE FOR WHICH AUTHORIZED		
THE ABOVE IS THE SIGNATURE OF THE AUTHORIZED INDIVIDUAL		
7. NAME OF COMMANDING OFFICER (type or print)	8. PAY GRADE	
9. SIGNATURE OF COMMANDING OFFICER		

DD Form 577, MAY 88

*Previous edition may
be used until exhausted*

SIGNATURE CARD

Appendix G

DSMOA Program Points of Contact

Appendix G contains the following points of contact lists:

- DoD Component Contacts During Step 2, Step 4, and Step 6 of the Six-Step Process
- DSMOA Program – States Primary Points of Contact
- USACE DSMOA Team – DSMOA State/Territory Managers
- USACE/CX DSMOA Team – DSMOA Financial Managers
- State Financial Points of Contact During Step 2 and Step 4 of the CA Six-Step Process

For up-to-date contact information, visit:

<https://www.denix.osd.mil/denix/State/DSMOA/dsmoa.html>.

**DOD COMPONENT CONTACTS
DURING STEP 2 AND STEP 4 OF THE CA SIX-STEP PROCESS**

Component	Step 2: Develop a Joint Six-Year Cleanup Plan	Step 4: Promote Understanding and Concurrence of the CA Budget
Army DERP	Installation Restoration Project Manager	US Army Environmental Center Tom Symalla (410) 436-1545 (410) 436-7109 (FAX) thomas.symalla@us.army.mil
Army BRAC		Army BRAC Office Robert Ross (703) 601-1928 (703) 601-0544 (FAX) robert.ross@hqda.army.mil
Navy DERP	For NC: NAVFAC Mid-LANT NAVFACENGCOM Mr. Rodger Jackson (757) 322-4589 (757) 322-8280 (FAX) rodger.jackson@navy.mil	For NC: NAVFAC Mid-LANT NAVFACENGCOM Mr. Rodger Jackson (757) 322-4589 (757) 322-8280 (FAX) rodger.jackson@navy.mil
	For PR: NAVFAC ATLANTIC NAVFACENGCOM Mr. Bryon Brant (757) 322-4786 (757) 322-4805 (FAX) bryon.brant@navy.mil	For PR: NAVFAC ATLANTIC NAVFACENGCOM Mr. Bryon Brant (757) 322-4786 (757) 322-4805 (FAX) bryon.brant@navy.mil
	For CT, ME, MA, RI, NJ, NY, PA, VA(S), WV: NAVFAC Mid-Lant NAVFACENGCOM Mr. Bob Schirmer (757) 322-2911 (757) 322-4805 (FAX) robert.g.schirmer@navy.mil	For CT, ME, MA, RI, NJ, NY, PA, VA(S), WV: NAVFAC Mid-Lant NAVFACENGCOM Mr. Bob Schirmer (757) 322-2911 (757) 322-4805 (FAX) robert.g.schirmer@navy.mil
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Component	Step 2: Develop a Joint Six-Year Cleanup Plan	Step 4: Promote Understanding and Concurrence of the CA Budget
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Component	Step 2: Develop a Joint Six-Year Cleanup Plan	Step 4: Promote Understanding and Concurrence of the CA Budget
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Component	Step 2: Develop a Joint Six-Year Cleanup Plan	Step 4: Promote Understanding and Concurrence of the CA Budget
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Component	Step 2: Develop a Joint Six-Year Cleanup Plan	Step 4: Promote Understanding and Concurrence of the CA Budget
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Component	Step 2: Develop a Joint Six-Year Cleanup Plan	Step 4: Promote Understanding and Concurrence of the CA Budget
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Component	Step 2: Develop a Joint Six-Year Cleanup Plan	Step 4: Promote Understanding and Concurrence of the CA Budget
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**DSMOA PROGRAM
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Missouri
Nebraska

Region II

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Automation

Region IX

Arizona
California
Guam
Hawaii
Marianas
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Region VII

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Maine
Massachusetts
New Hampshire
Rhode Island
Vermont

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New Jersey
New York

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Georgia
Kentucky
Mississippi
North Carolina
South Carolina
Tennessee

Region V

Indiana
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Michigan
Minnesota
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Appendix H

USACE DSMOA Team Responsibilities

Grants Officer

The DSMOA Program Grants Officer is the Government agent, acting on behalf of the United States of America, responsible for the proper administration of all Cooperative Agreements (CA) issued in support of the DSMOA Program. The Grants Officer awards and modifies CAs; negotiates, interprets and enforces the terms and conditions of each CA; obligates funds; authorizes disbursement of funds and reimbursement of eligible services, ensures regulatory/statutory compliance by program participants and provides administration guidance to the USACE DSMOA Program Administration Team.

DSMOA Financial Managers

The DSMOA Financial Managers are responsible for coordinating the transfer of DSMOA funds from the DoD Components to USACE. The Financial Managers verify CA funds distributions from the awarding DoD Components and ensure adequate funds are available for obligation to the recipients. They initiate action to obligate all funds awarded on Attachment B of the CAs and subsequent modifications. The Financial Managers coordinate with the Grants Officer for signature on modifications involving recipient funding changes to the Attachment B. The DSMOA Financial Managers coordinate with recipient Financial Managers to concur with account balances in preparation for closeout, and coordinate with DSMOA Program Managers to initiate Cooperative Agreement closeout modifications. The DSMOA Financial Managers coordinate with the recipient Financial Managers to submit reimbursement requests and then initiate the payments to the recipients.

DSMOA Program Support Managers

The DSMOA Program Support Managers are part of the USACE DSMOA Team working under the guidance and direction of the USACE Grants Officer and the USACE DSMOA Program Manager at USACE Headquarters as well as Army and DoD DSMOA Program officials. The Program Support Managers' overall responsibilities focus on the communication needs between the recipients and the DoD Funding Components for their assigned States, and as such, act as program facilitators for the Grants Officer in interaction with the recipients and the Components. Facilitation is carried out on a day-to-day basis primarily through administering the CA modifications (see Section 2.6) negotiated and agreed to by the Grants Officer, the recipients, and the Components. Facilitation involves drafting and processing modifications for Grants Officer issuance. Facilitation also involves responding to recipient requests for DSMOA Program information, clarifying and defining for the recipients and Components, the DSMOA Program requirements, and facilitating direct communication between the recipients, Components, and the Grants Officer. The Program Support Managers maintain DSMOA Program information databases and the official Program records required and specified by the Grants Officer.

DSMOA Program Budget Manager

The DSMOA Program Budget Manager is responsible for coordinating funding requirements with the Components, orchestrating the funds distribution to the States when funds are provided by the Components, and managing the Management Reserve that USACE maintains to provide efficient funds management for the DSMOA Program. The Budget Manager is responsible for initiating the Annual Funding Review, assessing the funding status and identifying funding requirements to the Components, and chairs the Component/Corps In-Progress Review. The

Budget Manager works with the Program Support Managers and Financial Managers regarding State's funding needs and issues with Component funding.

DSMOA Program Team Leader

The DSMOA Team Leader works closely with Components and DoD to assure uniform administration of the entire DSMOA Program. The DSMOA Team leader serves as the Component POC and on the DSMOA Steering Committee. The DSMOA Team leader coordinates programmatic issues and Team resources.

DSMOA Legal Counsel

The DSMOA Legal Counsel is a USACE attorney located with the USACE DSMOA Team, who is the legal advisor to the Grants Officer and all the USACE DSMOA Team members discussed in this section. The DSMOA Legal Counsel furnishes legal opinions to these officials, and coordinates with the USACE Chief Counsel and legal staff at the Office of the Army General Counsel and the Office of the DoD General Counsel on legal issues related to the DSMOA/CA program. The DSMOA Legal Counsel provides legal reviews of all CAs, legal advice to the Grants Officer in the event of claims or appeals, and represents the United States in legal actions related to the CAs.

Appendix I

Glossary of Key Terms and List of Acronyms

GLOSSARY OF KEY TERMS (As Used In This Document)

Base Realignment and Closure (BRAC) – refers to the DoD effort to realign missions and workload and to close those installations no longer needed. DoD uses its DERP authority to conduct environmental restoration at designated closing or closed installations using monies appropriated for the specific purpose of BRAC environmental restoration.

Building Demolition/Debris Removal (BD/DR) – refers to response actions to address the demolition and removal of unsafe buildings and structures and the removal of unsafe debris. The conditions must have been hazardous as a result of prior DoD use and must have been inherently hazardous when the property was transferred or disposed of by GSA before October 17, 1986.

Cooperative Agreement (CA) – is an agreement between a State and the USACE Grants Officer on behalf of the United States that defines the financial assistance available for reimbursement of a State’s eligible services under the DSMOA for the specified CA period, the installations in the State’s DSMOA/CA program, and any terms affecting that funding or its use. The CA is comprised of two parts: (1) the application from the State submitted to the USACE DSMOA Team, and (2) the approval of the State’s application, modified where necessary, from the USACE DSMOA Grants Officer.

Cooperative Agreement Attachment A – is a list of those installations that will require work in the two-year period of the CA. Attachment A to the CA typically lists installations according to the type of funds that will be used for restoration activities. The CA Attachment A and the DSMOA Attachment A do not need to agree with each other.

Cooperative Agreement Attachment B – is a table showing CA award amounts for each State for the period of the CA, broken down by Component and fund type. As funds are obligated, the CA Award Amount Table is updated to reflect the latest obligation of funds, by Component and fund type.

Defense Environmental Restoration Program (DERP) – means the program established by Section 211 of the SARA of 1986. It is codified in Title 10 of the United States Code, 10 USC §§ 2700 to 2710, as amended. 10 USC § 2701(a) states that the: “Secretary of Defense shall carry out a program of environmental restoration at facilities under the jurisdiction of the Secretary.”

Department of Defense and State Memorandum of Agreement (DSMOA) – is an agreement between a State and the DoD that establishes a partnership for environmental restoration fostering communication and cooperation on specified installations. The DSMOA provides for reimbursement to the State by DoD for costs of providing specified types of assistance (eligible services) for environmental restoration at specified DoD facilities.

DoD Component(s) – refers to the following Military Departments, DoD Components, agencies, or program: Department of the Army, Department of the Navy, Department of the Air Force, Defense Logistics Agency, Defense Energy Support Center, Defense National Stockpile Center, and the Formerly Used Defense Sites Program.

Enforcement – Regulatory enforcement, other litigation, or claim costs for activities determined ineligible for reimbursement under the DSMOA Program are defined as any costs incurred for any action or activity by a State/Territory:

1. That is part of a process which may lead under Federal or State law to administrative or judicial enforcement by a State regulatory agency against DoD or a Component, including, but not limited to, any notice of violation, order, or enforcement-related actions at an ER- or BRAC-funded site.
2. Taken in anticipation of litigation against the United States, including action by regulatory staff or legal staff at an ER- or BRAC-funded site.
3. Taken to prepare or present a written claim to the Grants Officer under the CA.
4. Involving the investigation or prosecution of criminal charges against a DoD or Component officer, employee, or agent, or the military department itself, related to DoD or Component ER, FUDS or BRAC environmental restoration programs or projects.

Formerly Used Defense Sites (FUDS) – A FUDS is defined as a facility or site (property) that was under the jurisdiction of the Secretary of Defense and owned by, leased to, or otherwise possessed by the United States at the time of actions leading to contamination by hazardous substances.

Installation(s) – refers to an active DoD installation; closing or closed DoD base; site under the DLA, DESC, or Defense National Stockpile Center; or a property eligible under the FUDS Program.

Installation Environmental Remedial Project Manager (IPM) – is the individual at the lowest field level for a DoD Component who is responsible for the day-to-day environmental restoration at the DoD facility, or who has been designated by the Component as the point of contact for coordinating environmental restoration schedules and the development of JEPs/Installation requirements with the SPM.

Installation Restoration Program (IRP) – refers to one of three categories or types of restoration conducted under DERP. The IRP generally addresses CERCLA hazardous substances or pollutants or contaminants as well as POL and DoD unique materials (the DERP Management Guidance contains a complete list).

Joint Execution Plan (JEP) – is a mutually agreed (IPM and SPM) plan of action for DSMOA eligible State services to be provided for each installation listing type of funds to be used, the military Component involved, milestones, environmental restoration actions, State tasks, estimated dates that State involvement will be required, and the current status for each milestone/task. The JEP should mirror information in the installation MAP. The JEP form also includes space for the State to later insert information concerning State services provided (in the form of a PR).

Military Munitions Response Program (MMRP) – refers to another category of restoration under DERP. The MMRP generally addresses military MEC, to include discarded military munitions, unexploded ordnance, and munitions constituents.

Munitions and Explosives of Concern (MEC) – distinguishes specific categories of military munitions that may pose unique explosives safety risks, and means: (a) Unexploded Ordnance (UXO), as defined in 10 U.S.C. 2710 (e)(9); (b) Discarded military munitions (DMM), as defined in 10 U.S.C. 2710 (e)(2); or (c) Munitions constituents (e.g., TNT, RDX) present in high enough concentrations to pose an explosive hazard.

Potentially Responsible Party (PRP) Site – a site where more than one party has contributed to any contamination present. PRP sites are generally not eligible for DSMOA funding because response actions at PRP sites are generally conducted by PRPs other than DoD. State regulatory costs for PRP sites (PRP investigation, research and negotiations) are paid by the PRPs executing the response actions. DoD contribution to these costs, if determined to be appropriate under the circumstances, will be included in any settlement agreements. If DoD is performing the remedial action work, and the State certifies that it is receiving funding from no other source for activities otherwise eligible for DSMOA funding, the DoD site may be added to the DSMOA Cooperative Agreement, if found to be appropriate under the circumstances.

Project Execution – Project execution activities are those activities that DoD or the Component is required to perform for an environmental restoration project, from initial identification through final remediation. Such activities include but are not limited to:

1. Federal government contract solicitation, contractor selection and contract award activities.
2. Site characterization and decision-making activities, to include performing Preliminary Assessments, Site Inspections, Interim Remedial Actions, Remedial Investigations, Feasibility Studies and preparing decision documents.
3. Preparation of engineering design, drawings, or other related studies.
4. Conducting actual project remediation activities.
5. Long-term operation and maintenance, including establishing Land Use Controls or a treatment system.

Restoration-funded Sites – means areas where environmental restoration or other eligible work is performed by or for a DoD Component that is funded from one of the five environmental restoration accounts. The five accounts are: environmental restoration, Army; environmental restoration, Navy, environmental restoration, Air Force; environmental restoration, FUDS; and environmental restoration, Defense-wide (includes DLA, DESC, etc.).

State(s) – refers to any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Marianas, and any other territory or possession over which the United States has jurisdiction.

State Project Manager (SPM) – is the individual from the State who is responsible for the performance of the State's services described in the DSMOA for installations.

State/Territorial Agency Coordinator (S/TAC) – The single point of contact between the appropriate DoD component and the State/Territory regarding State/Territorial involvement in the restoration program.

LIST OF ACRONYMS

BRAC	Base Realignment and Closure
CA	Cooperative Agreement
CFR	<i>Code of Federal Regulations</i>
DENIX	Defense Environmental Network and Information eXchange
DERP	Defense Environmental Restoration Program
DESC	Defense Energy Support Center
DLA	Defense Logistics Agency
DNSC	Defense National Stockpile Center
DoD	Department of Defense
DoDGAR	Department of Defense Grant and Agreement Regulations
DPG	Defense Planning Guidance
DSMOA	Department of Defense and State Memorandum of Agreement
DSMOA/CA	Department of Defense and State Memorandum of Agreement /Cooperative Agreement
EFT	Electronic Funds Transfer
EO	Executive Order
EPA	Environmental Protection Agency
ESOH	Environmental, Safety, and Occupational Health
FR	<i>Federal Register</i>
FS	Feasibility Study
FTE	Full-Time Equivalent
FUDS	Formerly Used Defense Sites
FYDP	Future Years Defense Plan
IPM	Installation Environmental Restoration Project Manager
IRP	Installation Restoration Program

JEP	Joint Execution Plan
LTM	Long-Term Monitoring
MAP	Management Action Plan
MEC	Munitions and Explosives of Concern
MIPR	Military Interdepartmental Purchase Request
MMRP	Military Munitions Response Program
O&M	Operation and Maintenance
OMB	Office of Management and Budget
OPM	Office of Personnel Management
OSD	Office of the Secretary of Defense
PA	Preliminary Assessment
P. L.	Public Law
POL	Petroleum, Oil, or Lubricants
POM	Program Objective Memorandum
PPBS	Planning, Programming, and Budgeting System
PR	Performance Report
PRP	Potentially Responsible Party
QA/QC	Quality Assurance/Quality Control
RA	Remedial Action
RD	Remedial Design
RI	Remedial Investigation
SARA	Superfund Amendments and Reauthorization Act of 1986
SF	Standard Form
SI	Site Investigation
SPM	State Project Manager
S/TAC	State/Territorial Agency Coordinator

U.S.C.

U.S. Code

USACE

U.S. Army Corps of Engineers