

# **State Regulatory Role in Unexploded Ordnance Detection and Characterization Technology Selection (UXO-1)**

## **EXECUTIVE SUMMARY**

The Interstate Technology and Regulatory Cooperation (ITRC) Unexploded Ordnance (UXO) Work Team wrote this case study analysis to provide an analysis of the role state regulators play in the ordnance and explosive waste (OEW) site characterization and technology selection process. The UXO Work Team also hopes to demonstrate how early and meaningful state regulatory involvement in the technology selection process can expedite more efficient regulatory concurrence and encourage the use of innovative technologies. Finally, this document will broadly map the technology selection and UXO contracting processes and provide recommendations as to where state regulatory input would best be served.

The UXO Work Team held a national summit in May 1999 in conjunction with the UXO/Countermine Forum 1999 to initiate this effort. The summit's purpose was to determine what barriers exist in common among the states regarding the application of advanced and/or innovative technologies and to find ways to remove those barriers. During this summit, the team was not aware of any incentives for using innovative technologies and believed that the initial use of innovative technologies must be encouraged before a contract has been awarded. The group decided that the key to encouraging the use of innovative and advanced technologies is to include a site-specific technology prove-out test (see Section 1.0) prior to contract award or request for proposal (RFP) development.

The UXO Work Team decided to focus on the contracting process in looking for ways to insert meaningful state regulatory participation. To this end, the team developed a detailed questionnaire for determining the level of state regulators' participation in the site characterization and technology selection process on UXO-contaminated sites in their states. Each questionnaire was then summarized and analyzed.

Several state regulators provided site-specific case study information on selected sites within their states containing known UXO contamination. Section 2.0 of this document summarizes the case study information, their similarities and distinctions, and uses that information to support the team's original hypothesis. Section 2.0 also describes the change in focus and methodology of this document from the original hypothesis due to evolving U.S. Department of Defense (DoD) policy. Section 3.0 broadly describes DoD's cleanup objectives and the current status of state involvement in the site characterization and technology selection process. It describes the main steps of the contracting process as compared to the level of participation each state experienced. Section 4.0 of the document provides an analysis of the case study data and outlines incentives for encouraging different parties to participate in the decision process. Finally, Section 5.0 presents the UXO Work Team's conclusions that early and consistent communication and involvement in the site characterization and technology selection process will positively impact the cleanup process. Section 5.0 also offers the team's recommendations to improve the process (Subsection 5.2).

During the development of this document, the involved parties have increasingly recognized the importance of early and meaningful state regulatory and stakeholder participation. ITRC and the UXO Work Team hope that this document will serve as a catalyst to improve state, tribal, and federal communication in regard to UXO/OEW contamination. This improvement in information exchange will help make the process more transparent to the community and other private stakeholders, who are the true end users of the land.