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STATE OF COLORADO

EXECUTIVE CHAMBERS

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EXECUTIVE ORDER

Roy Romer
Governor

EVALUATION OF REQUESTS FOR TRANSFER OF CONTAMINATED FEDERAL PROPERTY

WHEREAS, section 334 of the National Defense Authorization Act for Fiscal Year 1997, Pub. L. No. 104-201, allows deferral of the requirement that remedial action be conducted before contaminated federal property can be transferred, pursuant to section 120(h)(3)(A)(ii)(I) of the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"); and

WHEREAS, under the law, this requirement can be deferred where a Governor (at a site not included on U.S. Environmental Protection Agency's (EPA) National Priorities List), or the EPA Administrator with the concurrence of the Governor (at a site included on U.S. EPA's National Priorities List), finds that the subject property is "suitable for transfer"; and

WHEREAS, early transfer, prior to the completion of all remedial activities at federal installations, may spur economic recovery and job creation; and

WHEREAS, early transfer may be in the best interests of the state provided that it is done in a manner that is protective of human health and the environment, and in accordance with CERCLA section 120 and this Executive Order.

NOW, THEREFORE, I, Roy Romer, Governor of Colorado, by virtue of the authority vested in me by the Constitution and the laws of the State of Colorado, DO HEREBY ORDER THAT:

1. The Director of the Colorado Statewide Defense Initiatives ("Director") will be the lead state official to evaluate any requests for deferral of the requirement that all necessary remedial action be conducted before contaminated federal property can be transferred.
2. In coordination with the Colorado Department of Public Health and Environment, the Director shall develop evaluation criteria and review procedures, which shall be employed in the event that a request is received to defer the CERCLA requirement; and recommend, to the Governor, a finding that a parcel of federal property is suitable (or is not suitable) for transfer prior to completion of environmental response actions.

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3. Where there is a reasonable expectation of exposure risks to humans or biota at unacceptable levels, such sites will not be considered as appropriate candidates for transfer. In addition, where the nature and extent of potential contamination is unknown, the risks are not assessed, and/or the proposed reuse has not been identified, transfer is inappropriate.
4. This Executive Order shall apply to military bases which are closing pursuant to Base Realignment and Closure (BRAC) legislation, as well as for other parcels of real property owned by the federal government where there has been a release, storage or disposal of hazardous substances.



GIVEN under my hand and the
Executive Seal of the State of
Colorado this 18th day of
June, 1998.

A handwritten signature in black ink, appearing to read "Roy Romer".

Roy Romer
Governor