

Governmental Hazardous Waste

Formerly Used Defense Sites (FUDS)

What are FUDS?

FUDS is an acronym for formerly used defense sites. FUDS are defined as a facility or site (property) that was owned by, leased to, or otherwise possessed by the United States Department of Defense (DoD) at the time of actions leading to contamination by hazardous substances. According to the Department of Defense Environmental Restoration Program (DERP) policy, the FUDS program is limited to those properties that were transferred from DoD control prior to October 17, 1986.

The FUDS program has the following five project categories:

- Hazardous, Toxic, and Radioactive Waste (HTRW)
- Containerized Hazardous, Toxic, and Radioactive Waste (CON/HTRW)
- Ordnance and Explosives Waste (OEW)
- Potentially Responsible Party (PRP), including Third Party Sites (TPS)
- Building Demolition and Debris Removal (BD/BR)

What risks can FUDS pose to human health and the environment?

Most FUDS contain hazardous, toxic, and radioactive waste (HTRW), containerized hazardous, toxic, and radioactive waste (CON/HTRW), and/or unexploded ordnance (UXO). HTRW projects include sites where DoD conducted military activities. While conducting these activities, DoD used hazardous substances and pollutants that are associated with explosives, propellants, and other explosive materials. Other contaminants that may be present on FUDS may include but are not limited to low-level radioactive material and/or low-level radioactive wastes which are released to soil, surface water, sediments, and/or groundwater as a result of ammunition or explosives production or manufacturing.

CON/HTRW projects include response actions on eligible FUDS property to address underground storage tanks (USTs), aboveground storage tanks (ASTs), transformers, hydraulic systems, and investigative derived wastes (IDW) and other containerized HTRW materials. CON/HTRW projects may also include response actions to address drums or other containers containing hazardous substances, pollutants, and contaminants.

UXO projects include response actions on eligible FUDS property related to military munitions and explosives of concern (MEC) and their constituents (MC) resulting from DoD activities conducted at FUDS. UXO projects may also include response actions for the removal of foreign military munitions and contaminated soils which pose an explosive hazard.

What to watch for in real-estate transactions?

Future property owners should look for any evidence of the property having been used for any DoD activities such as former military installations, military training areas, or living quarters. This information should be provided by the current property owner(s) or included in deed notices or covenants. Please be aware that some deed notices which reference specific property restrictions may date back to the 1940's. In some cases, property restrictions may have been omitted from subsequent deeds, even when no investigation or cleanup to remove the environmental or human health and safety concerns which originally prompted the deed notice has been conducted on the property.

