



RCRA Corrective Action Training Program: Getting to YES! *Strategies for Meeting the 2020 Vision*



This training and training documents do not create any legally binding requirements on the U.S. Environmental Protection Agency (EPA), states, or the regulated community, and do not create any right or benefit, substantive or procedural. The training and documentation are not a complete representation of the Resource Conservation and Recovery Act or of EPA's regulations and views.



November 2009 Module 1 - Introduction and Course Overview 1

Notes:

Purpose of Slide

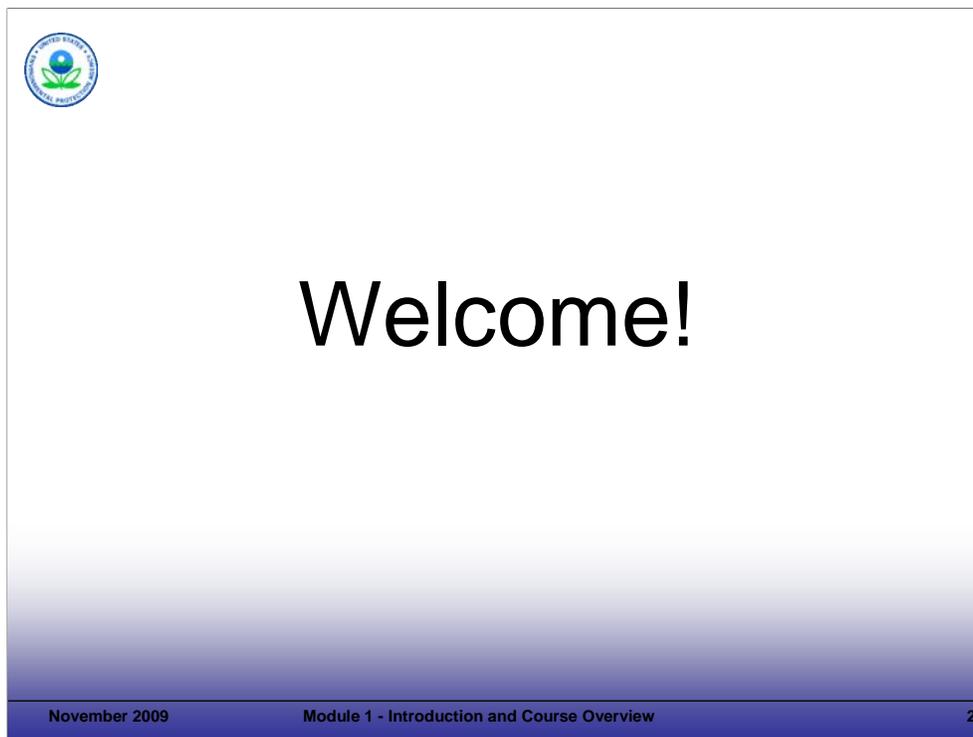
- Holder slide for opening of the training program.

Key Points

- Holder slide, no specific key points.

References

- None.



Notes:

Purpose of Slide

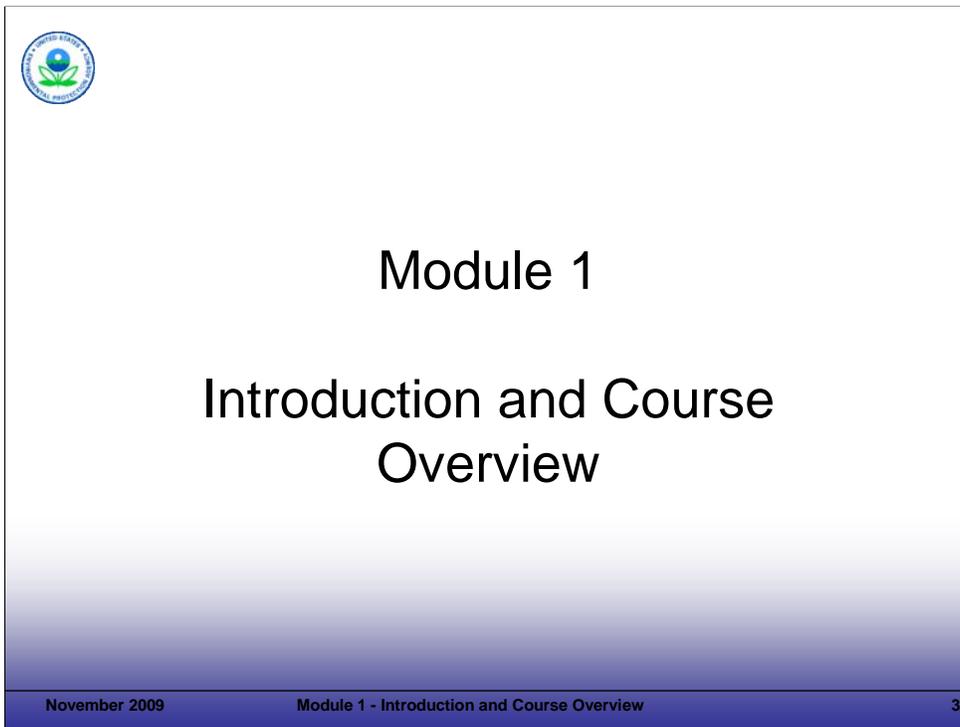
- Holder slide to welcome participants.

Key Points

- The mission of this course is to develop and enhance the skills of qualified personnel who will implement corrective actions for their sites by the year 2020 that are protective of human health and the environment while encouraging revitalization – we will talk more about the purpose and the objectives of the course later in this module. This course is designed for experienced personnel.
- Significant preparation has gone into the course. The development of this training was managed by U.S. Environmental Protection Agency (EPA) Headquarters (HQ), with input from EPA Regional, and state representatives. State input and involvement is critical because the states will play a major role in future progress. This course will focus on supporting achievement of EPA's Resource Conservation and Recovery Act (RCRA) Corrective Action (CA) goals and vision. We have a lot of material to cover and will do so in a focused manner.
- The training course and training documents do not create any legally binding requirements on the EPA, states, or the regulated community, and do not create any right or benefit, substantive or procedural. The training and documentation are not a complete representation of RCRA or of EPA's regulations and views.

References

- None.



Notes:

Purpose of Slide

- Transition from the general welcome to first module.

Key Points

- None.

References

- None.



Introduction and Course Overview

- ❖ Introductions
- ❖ Course mission
- ❖ Training objectives
- ❖ Training approach
- ❖ Logistics
- ❖ Road map and agenda

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Module 1 - Introduction and Course Overview

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Notes:

Purpose of Slide

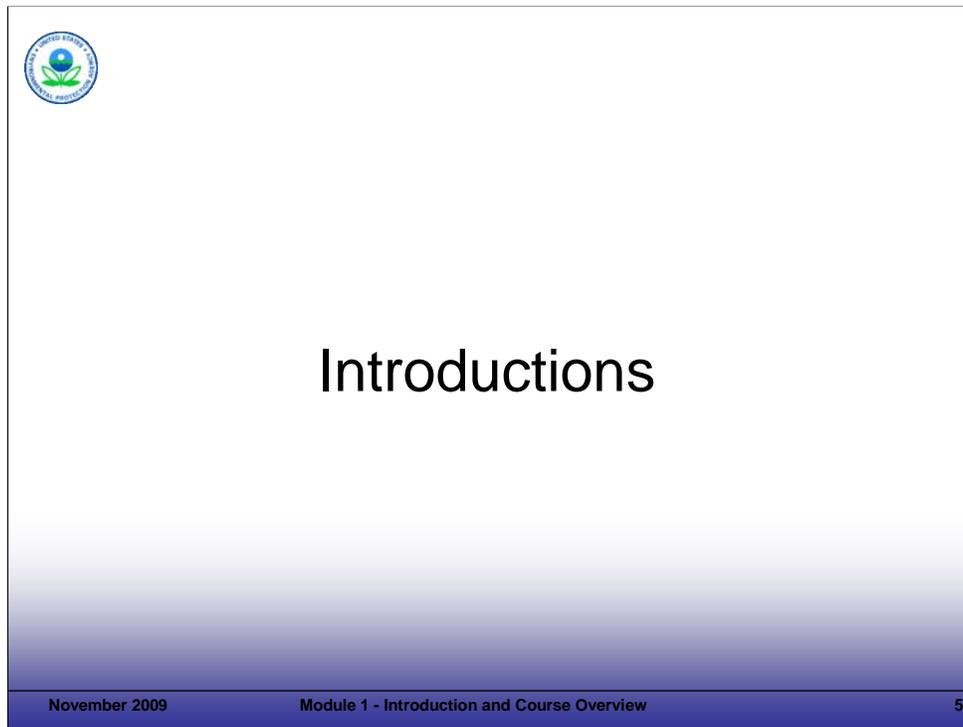
- Overview the module's content.

Key Points

- This introduction and course overview provides an opportunity for the class to get to know each other and understand the mission, objectives, approach, logistics, and agenda for the course.
- This module addresses introductory material, including the elements shown above.

References

- None.



Notes:

Purpose of Slide

- Holder slide for participant and instructor introductions (if instructor introductions not provided previously).

Key Points

- Introductions will be made.

References

- None.



Course Mission Statement

- ❖ *To develop and enhance the skills of qualified personnel who will implement corrective actions for their sites by the year 2020 that are protective of human health and the environment while encouraging revitalization.*

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Module 1 - Introduction and Course Overview

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Notes:

Purpose of Slide: Communicate the mission of the course.

Key Points

- EPA carefully considered the reason for doing this new national training program. Resources are tight and must be spent wisely. However, given the ambitious goals for RCRA CA progress, this national course was developed (1) to focus on enhancing skills, (2) to provide a forum to review and discuss means to support rapid RCRA CA progress, and (3) to highlight EPA's emphasis and resources to encourage revitalization.
- The mission statement above was developed by RCRA EPA HQ and Regional representatives, as well as state program personnel. It reflects the strong body of program experience developed over time. That experience now needs to be applied to achieve progress towards EPA's goals and vision for the RCRA CA program. This course builds on the existing body of knowledge and is designed for personnel with experience in the RCRA CA program.
- This training course builds on the strong program knowledge that has been developed over the years. It stresses practical approaches that support progress -- while achieving on-going protection of human health and the environment and long-term environmental stewardship.
- You will notice that this course includes a strong focus on revitalization. EPA is focusing on revitalization across its cleanup programs (1) as a tool to accelerate cleanups at facilities with current redevelopment interest and (2) to ensure that remedies at other facilities are selected with reasonably anticipated future uses in mind (as opposed to leaving facilities fenced and inactive).
- Revitalization is defined broadly for this course to include land reuse and redevelopment efforts including: continued use of facilities (also known as, operating facilities) and/or reuse of a property for new purposes (for example, commercial, residential, ecological, public, or industrial). The importance of revitalization is recognized throughout this training program and Module 6 provides specific information on EPA's revitalization efforts, goals, and resources.
- In addition to reviewing regulatory requirements and guidance -- the training program will also present facility considerations and perspectives. These facility considerations include things like budgeting for major environmental projects, managing cash flow, and trying to achieve cost savings and benefits. Generally, understanding the facility perspective will help you collaborate and work with facilities to achieve CA progress; however, a more enforcement-oriented approach may be necessary for those facilities that are not willing to work collaboratively.

References

- None.



Training Objectives

- ❖ Enhance the existing skills and knowledge of federal, state, and other personnel to support Resource Conservation and Recovery Act (RCRA) corrective action (CA) progress
- ❖ Demonstrate and share approaches that have been successful in supporting CA efforts
- ❖ Share examples and lessons learned
(continued)

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Notes:

Purpose of Slide

- Provide the training objectives as shown on Slide 7 (this slide) and Slide 8 (next slide).

Key Points

- Discuss how the overarching mission of the course is now translated into specific objectives for the training program and highlight the objectives which are provided on this slide and the next.

References

- None.



Training Objectives

Course participants will be able to:

- ❖ Explain the background and future of the RCRA CA Program
- ❖ Focus efforts on progress, rather than process
- ❖ Describe and apply successful approaches to achieve RCRA CA goals
- ❖ Identify and use available tools and resources to support RCRA CA progress
- ❖ Understand and document progress towards RCRA CA milestones

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Module 1 - Introduction and Course Overview

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Notes:

Purpose of Slide

- Continue the review of training objectives.

Key Points

- Continue the review of training objectives.
- Remember that the course discussions and materials do not substitute for official EPA regulations, policy, and guidance or create or negate any requirements specified in those regulations, policies, or guidance.

References

- None.



Training Approach

- ❖ Use an interactive approach (all have lessons and challenges to share)
- ❖ Mix lectures, discussions, exercises, and real-world examples
- ❖ Maximize shared learning
- ❖ Increase information retention (next two slides)

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Notes:

Purpose of Slide

- Review the training approach. This slide (Slide 9) and the following two slides (Slides 10 and 11) focus on the general approach to training and the topic-specific approach for sharing knowledge related to RCRA CA.

Key Points

- This training course is designed in a manner that recognizes that the course is not a straight “teacher/student” situation.
- Experience shows that the best way to enhance learning and information retention is through the use of interactive approaches, lectures, discussion, and exercises.
- The emphasis on a two-way sharing of knowledge through interactive approaches recognizes that participants in this class already have training and experience to share. This experience may be in the area of RCRA CA or other related environmental management areas that can provide ideas and lessons learned to support RCRA CA progress. Whenever we can, we want to build on what is working and avoid repeating approaches that do not work well.
- The instructors have many years of field experience as regulators, industry personnel, and/or consultants -- specifically focused on RCRA CA policies and guidance, site investigation, and remediation. However, participants in the class also have a range of experience and real-world knowledge to share. In addition, class participants will know best what is happening in their own regions and states and will be able to identify current situations/issues/challenges that can be discussed during the course.
- Our goal is to create a cooperative and comfortable learning environment, which increases information retention and your ability to implement the concepts we will present.

References

- None.



Information Retention

Adults retain:

- ❖ 10% of what they read
- ❖ 20% of what they hear
- ❖ 30% of what they see
- ❖ 50% of what they see and hear
- ❖ 70% of what they talk over with others
- ❖ 80% of what they use and do in real life
- ❖ 95% of what they teach someone else to do

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Notes:

Purpose of Slide

- This slide ties to the last bullet on the previous slide.

Key Points

Adults learn and retain information in a number of ways (and unfortunately, do not absorb information as well as children -- for example, this is why children are quick at learning new languages).

- This course recognizes that listening to 2.5 days of lecture and reading hundreds of slides, will not maximize learning. Therefore, the course includes discussion, exercises, and examples.
- Even with a course designed to maximize learning, we likely will not achieve full information retention. Therefore, it is critical that this training event be followed by real-world implementation of the concepts and principles discussed. This will include subsequent use of the resources and tools we provide. In addition, we hope that the course will help you develop your own network of practitioners focused on progress, with whom you can share ideas long after the course is over.
- To support networking, we are asking you to complete a sign up list with your contact information to share with the group. The list will be shared when the course is completed. In addition, the instructor names and contact information will be on that list.
- We will be asking for examples and input to improve this course over time and we are always willing to discuss RCRA CA. In addition, we encourage you to mingle with others during your time here -- grab lunch or dinner, discuss issues you are dealing with, and otherwise network to increase the sharing of ideas and knowledge.
- Ultimately, this course can only provide information, ideas, and a framework for future progress -- the hard work will be up to you when you return to your day-to-day work supporting RCRA CA efforts.

References

- None.



Topic-Specific Approach

- ❖ Focus on progress for CA
- ❖ Implement 3 days of progressive training
 - Daily themes
 - Early modules provide foundation for later lessons
- ❖ Confirm learning through group discussion
- ❖ Obtain feedback to improve the course

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Module 1 - Introduction and Course Overview

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Notes:

Purpose of Slide

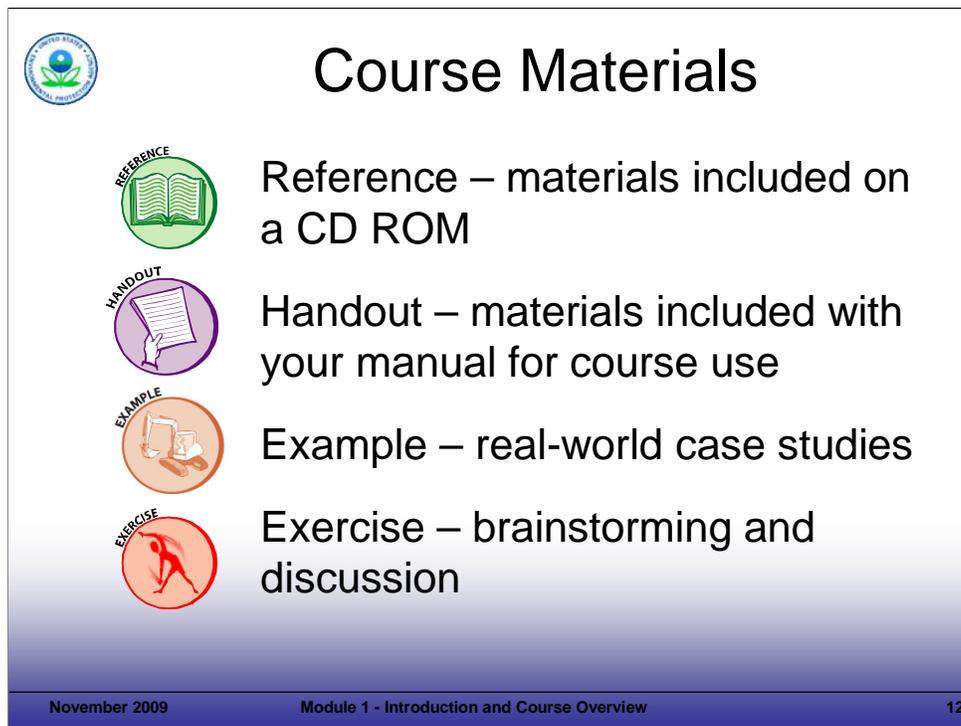
- Provide the specific approach developed to present the RCRA CA Course.

Key Points

- We have talked about the general course approach, which is designed to maximize information retention and sharing of knowledge.
- In structuring the specific approach to this course, we considered the large volume of material to be covered and the mission of the course.
- We then identified groupings of information to provide a clear focus, or theme, for each day.
- This approach also breaks the course into sections that are more manageable and that build on each other as the course progresses.
- Finally, we would appreciate your feedback on the course. We will provide evaluation forms at the end of the course; please keep notes as thoughts occur to you during the course. You can then talk to instructors at the end of each day or add your input to the evaluation form on Day 3.

References

- None.



The slide features a title 'Course Materials' at the top center. To the left of the text are four circular icons: a green book icon labeled 'REFERENCE', a purple hand holding a document icon labeled 'HANDOUT', an orange backhoe icon labeled 'EXAMPLE', and a red person icon labeled 'EXERCISE'. The text to the right of each icon describes the material type. At the bottom of the slide, there is a footer with the date 'November 2009', the module title 'Module 1 - Introduction and Course Overview', and the page number '12'. A small circular logo is in the top left corner of the slide area.

Course Materials

 **REFERENCE** – materials included on a CD ROM

 **HANDOUT** – materials included with your manual for course use

 **EXAMPLE** – real-world case studies

 **EXERCISE** – brainstorming and discussion

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Notes:

Purpose of Slide

- Review icons that will be used during the course.

Key Points

- The reference icon highlights information discussed on a particular slide and included as a key reference on the CD ROM included in your participant manual. Many of these references are available through the internet. However, participants in past courses have indicated that they like to have all of the key references in one location. A list of the references is included in your manual.
- The handout icon indicates that material on the slide is supplemented by a handout included at the end of the module. Handouts provide additional detail to support a topic, exercise, or discussion. For this module, you will see that a handout of the Road Map for RCRA CA is provided.
- The backhoe icon indicates site-specific examples that illustrate the application of concepts presented in a module. Over time, we hope to collect additional real-world examples from participants and integrate them into the course.
- The exercise icon illustrates a point where an activity or question is posed to stimulate thought and discussion.

References

- None.



Course Logistics

- ❖ Facilities
- ❖ Cell phones/E-mail tools
- ❖ Breaks
- ❖ Lunch
- ❖ Schedule

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Notes:

Purpose of Slide

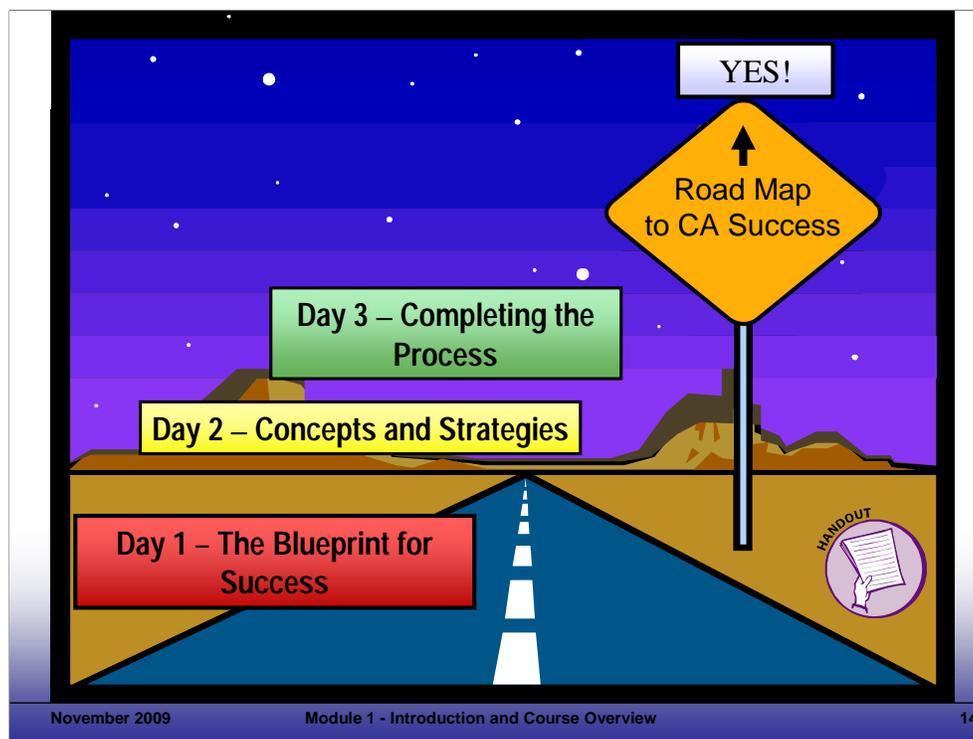
- Provide a holder to discuss logistical items for each specific delivery of the course.

Key Points

- The instructors will review course logistics.

References

- None.



Notes:

Purpose of Slide

- Present the road-map approach to the course. The handout for this slide is a course overview chart developed to illustrate the CA topics addressed by the course.

Key Points

- As stated previously, we thought carefully about how to cover the wide range of materials required for this training program in a manner that is logical and manageable.
- In thinking through the material, EPA and the development team identified that RCRA CA can be thought of as progress toward specific goals; this progress relies on logical decision points, sign posts, and directions. This helped us develop a road map for the course.
- Within this framework, each day will have a theme and we will cover certain topics related to that theme. We will build on the lessons from one day as we move into the next.
- The road we are on leads to RCRA CA Success. As you can see on this slide, we are moving to a YES for key decision milestones that are being measured and for getting sites ready for anticipated uses. We will discuss the "Yes" concept in greater detail in Module 2.
- This slide shows each daily theme. The next three slides (15, 16, and 17) show the detailed agenda for each day.

References

- None.



Day 1 – The Blueprint for Success

- ❖ Module 1 – Introduction and Course Overview
- ❖ Module 2 – How to Achieve the 2020 Vision
- ❖ Module 3 – CA Authorities and Guidance
- ❖ Module 4 – Starting with the End in Mind: Building an Exit Strategy
- ❖ Module 5 – Achieving Success: Practical Solutions to CA Challenges
- ❖ Module 11 – Maintaining Effective Remedy Performance

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Notes:

Purpose of Slide

- Overview content of Day 1.

Key Points

- The first day of the course focuses on (1) the Goals and Vision for CA; (2) the regulations, guidance, and policies that provide the framework for RCRA CA; (3) the importance of keeping end goals in mind through the CA process; (4) practical approaches to support CA implementation; and (5) maintaining effective remedy performance.
- Day 1 presents the basic framework of CA and overviews where we are and where the program is headed. Note that one module has been moved from a later day to accommodate speaker schedules for this delivery.
- The course emphasis is on concepts and approaches to achieve CA progress.

References

- None.



Day 2 – Concepts and Strategies

- ❖ Module 9 – Managing Remediation Waste
- ❖ Module 6 – CA and Facilitating Land Revitalization
- ❖ Module 8 – Greener Cleanups and Reuse
- ❖ Module 7 – Selecting and Approving an Effective Remedy
- ❖ Module 10 – CA Optimization Tools and Challenge Exercise

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Notes:

Purpose of Slide

- Overview content of Day 2.

Key Points

- The second day of training builds on the first; it addresses elements that are common to RCRA CA sites and are important to implementing the CA process successfully.
- Module 9, Managing Remediation Waste, reviews common issues and practical solutions related to planning and implementing the management of investigation and cleanup-related residuals at RCRA CA sites.
- Module 6, CA and Facilitating Land Revitalization, focuses on how one can integrate revitalization concepts with CA needs.
- Module 8, Emerging Technologies and Issues, provides information on emerging remediation technologies and issues (such as, green remediation) that are relevant to remedy implementation.
- Module 7, Achieving an Effective and Protective Remedy, reviews factors that support the selection of a remedy. These concepts include cleanup criteria and related matters. In addition, land revitalization opportunities are relevant to remedy selection.
- Module 10, CA Optimization Tools and Challenge Exercise, will include a facilitated discussion of options to support CA. This will reinforce concepts presented on Days 1 and 2.

References

- None.



Day 3 – Completing the Process

- ❖ Module 12 – CA Complete
- ❖ Module 13 – Challenge Exercise
- ❖ Module 14 – Wrap Up

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Notes:

Purpose of Slide

- Overview content of Day 3.

Key Points

- Module 12, CA Complete, reviews the documentation required to show that CA is complete.
- Module 13, Challenge Exercise, allows time for participants to work in groups to review example challenges and site-specific needs. This will allow participants to share their knowledge and brainstorm regarding how some of the course principles can be applied.
- Finally, in Module 14, we will wrap up the course and get your feedback so that we can improve the course for future deliveries. Your feedback is very important to planning for future deliveries of the course.

References

- None.



Summary

- ❖ EPA's goals and vision for RCRA CA are ambitious.
- ❖ This course provides guidance, tools, and approaches to assist in achieving RCRA CA results.
- ❖ The active participation of everyone present will increase the value of our time together.

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Module 1 - Introduction and Course Overview

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Notes:

Purpose of Slide

- Review key points included in Module 1, Introduction and Course Overview.

Key Points

- This slide summarizes key points addressed in Module 1.

References

- None.



**RCRA Corrective Action Training
Program: Getting to YES!**
Strategies for Meeting the 2020 Vision



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November 2009 Module 2 – How to Achieve the 2020 Vision 1

Notes:Purpose of Slide

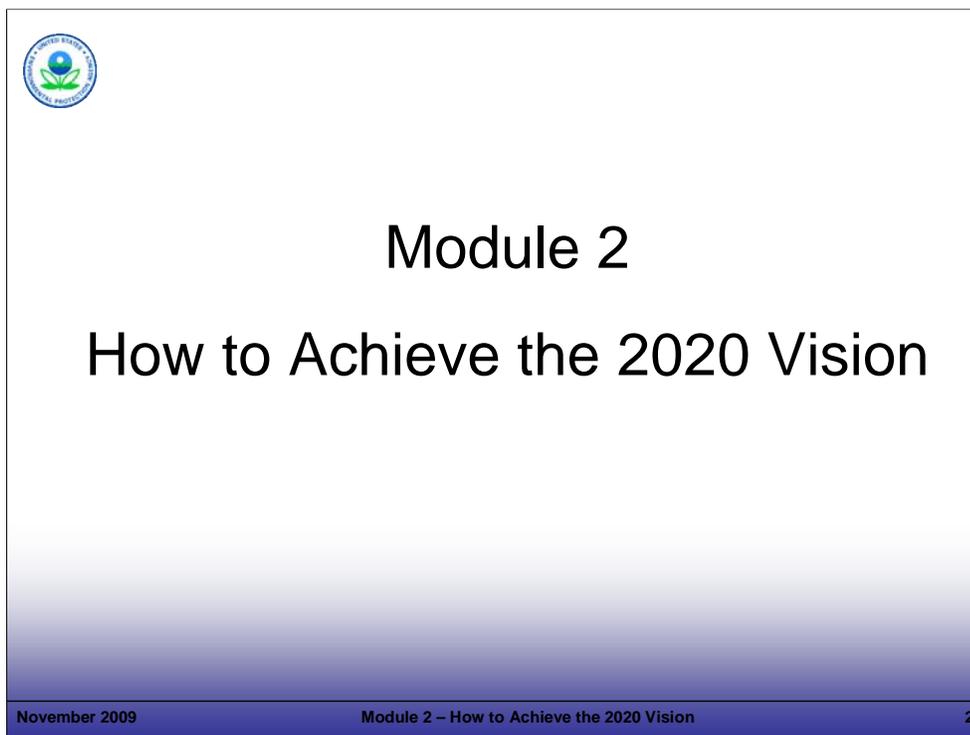
- Holder slide for Module 2, How to Achieve the 2020 Vision.

Key Points

- No specific key points.

References

- None.



Notes:

Purpose of Slide

- Transition slide to the next topic, Module 2, How to Achieve the 2020 Vision.

Key Points

- This module lays the foundation for where we are and where we are headed.
- The module is presented in two parts:
 - First – A representative of the U.S. Environmental Protection Agency (EPA) will present an update on progress toward meeting the 2008 Goals and the 2020 Vision, including the status of, and approach to, the 2020 universe of facilities.
 - Second – The instructors will present how this course is designed to help CHANGE how CA implementation proceeds. It focuses on the regulatory framework for corrective action (CA), illustrates the inherent flexibility in the Resource Conservation and Recovery Act (RCRA) CA process, and presents key principles that skilled professionals can apply to support rapid CA progress.
- This presentation will show that meeting the RCRA CA goals and vision will require rapid progress. This course was designed to provide concepts and tools that can support that progress.

References

- None.



Module Overview

- ❖ Defining the 2020 Vision
- ❖ Region 7 Goals and Progress
- ❖ Principles for Achieving the 2020 Vision

November 2009 Module 2 – How to Achieve the 2020 Vision 3

Notes:

Purpose of Slide

- Overview slide for Module 2, How to Achieve the 2020 Vision.

Key Points

- This module lays the foundation for Day 1 – Establishing a Blueprint for Success.
- The module is presented in two parts: (1) EPA will present information regarding the CA universe and goals/vision, which lays the foundation for changing our approach to RCRA CA implementation and (2) the instructors will present principles that will support regulatory representatives and the regulated community to achieve the RCRA 2020 Vision for CA.

References

- None.

**Notes:**Purpose of Slide

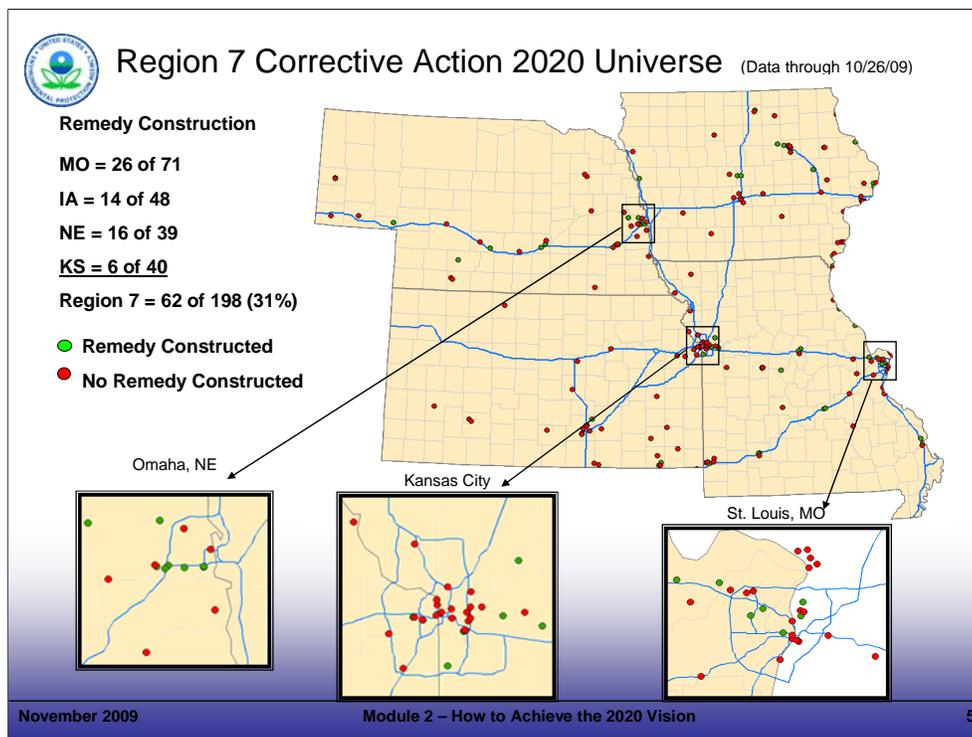
- Transition slide.

Key Points

- This slide provides a transition to the discussion of the background for the vision and goals and the current status of the 2020 CA Universe.

References

- None.

**Notes:**Purpose of Slide

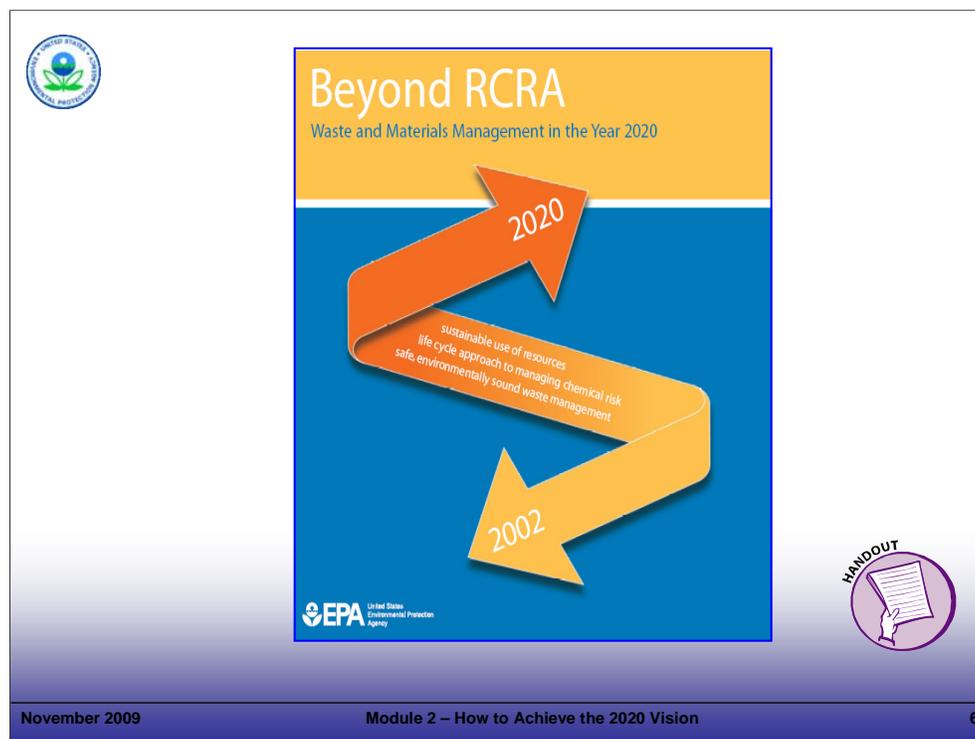
- Show how many facilities need to be addressed in this Region; a regional EPA and/or state representatives can speak here.

Key Points

- An EPA Regional and/or state representative(s) will overview the Regional and local challenges and approaches to meeting the 2020 Vision.
- This slide will be modified for each regional delivery of the course. Data current through October 26, 2009.

References

- EPA. 2009. Slide Updated by Office of Resource Conservation and Recovery. October.



Notes:

Purpose of Slide

- Introduce EPA's White Paper that describes the CA 2020 Vision and how it aligns with the course approach.

Key Points

- Beyond RCRA: Waste and Materials Management in the Year 2020* is a discussion paper which was developed jointly by EPA and state environmental agencies. It aims to open and inspire dialogue on what the future could hold for the RCRA program. The paper identifies a number of trends that could affect the future of waste and materials management, resource conservation, and human and environmental health. The paper also suggests certain general strategies and tools that might be used to build a new vision for the future of the RCRA program.
- The excerpt below is from the 2020 Vision:

The year is 2020, and America's wasteful ways are a thing of the past. New technologies and a changed economic climate, combined with enlightened government policies and a pronounced shift in societal and corporate attitudes have resulted in dramatic decreases in the volumes and toxicity of industrial wastes generated by the country's industries. Materials that were once considered wastes suitable only for landfilling are now continually reused and recycled, and "industrial ecology" has become the mantra of corporate executives across the nation. Landfills are becoming obsolete – the small volumes of wastes that actually need disposal are carefully managed under an efficient and environmentally protective system that features a mix of economic incentives, voluntary measures, and regulatory controls. Cleanup of most contaminated sites has been largely completed, and thousands of areas once known as Brownfields have been put back into productive use.

References

- EPA. 2002. *Beyond RCRA: Waste and Materials Management in the Year 2020*.



2020 Vision for CA

By the year 2020, cleanup of existing contamination problems at RCRA-regulated facilities will largely be complete.

November 2009 Module 2 – How to Achieve the 2020 Vision 7

Notes:

Purpose of Slide

- Explain the relationship between the 2020 Vision and the specific goals for RCRA CA.

Key Points

- 2020 Vision Goal 3 – “Manage wastes and cleanup chemical releases in an environmentally sound manner.”
- Goal 3 states that “Ideally, of course, all wastes would be used and reused in a continuous cycle, in much the same way natural ecological systems work.”
- Achieving the vision involves meeting individual goals; the RCRA CA goal is one of these and is presented as follows: *“By the year 2020, cleanup of existing contamination problems at RCRA-regulated facilities will largely be complete.”*
- The owner/operator (o/o) has a statutory obligation to conduct CA. In some cases, enforcement approaches will be necessary to ensure that this obligation is fulfilled.
- The RCRA CA goal established in the White Paper leads to the specific Government Performance and Results Act (GPRA) goals of achieving Remedy Decision and Remedy Construction.
- The 1993 GPRA holds federal agencies accountable for using resources wisely and achieving program results. GPRA requires agencies to develop plans for what they intend to accomplish, measure how well they are doing, make appropriate decisions based on the information they have gathered, and communicate information about their performance to Congress and to the public. Additional information is available at: <http://www.epa.gov/ocfo/planning/gpra.htm>.

References

- EPA. 2002. Beyond RCRA: Waste and Materials Management in the Year 2020.



Measuring Progress

- ❖ Environmental Indicators
- ❖ Performance Measures
- ❖ RCRA Info Event Codes

November 2009 Module 2 – How to Achieve the 2020 Vision 8

Notes:

Purpose of Slide

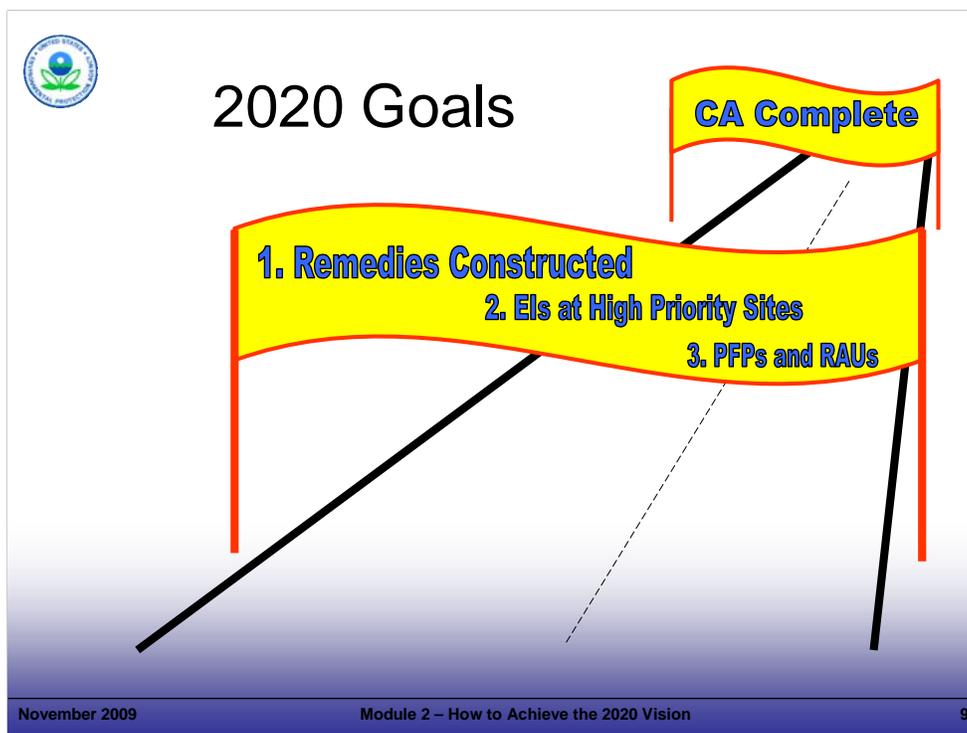
- Review how EPA measures progress at RCRA-regulated facilities and how this relates to the 2008 and 2020 goals for CA.

Key Points

- Remediation of the highest-priority sites involves numerous steps and often takes years. To document stabilization of these sites prior to a final remedy, the CA Program created two Environmental Indicators (EIs):
 - The Current Human Exposures Under Control EI (also known as RCRA event code CA 725) documents that people near a particular site are not exposed to unacceptable levels of contaminants.
 - The Migration of Contaminated Groundwater Under Control EI (also known as RCRA event code CA 750) documents that contaminated groundwater does not spread and further contaminate groundwater resources.
- EPA also established land revitalization performance measures in 2007 to improve EPA's ability to promote and communicate cleanup and revitalization accomplishments and associated benefits/values to society.
 - The Protective for People under Current Conditions (PFP) measure recognizes the near-term progress associated with preventing human exposures based on current uses at the site.
 - The Ready for Anticipated Use (RAU) measure enables EPA and States to track acres determined to be protective for current and reasonably anticipated uses.
- RCRA Info is a database used to track progress at RCRA-regulated facilities according to a series of event codes. The 2020 CA Vision is based on progress in achieving EIs, performance measures, and the following event codes:
 - Remedy Decision (CA 400), which is when a facility-wide remedy is selected.
 - Remedy Construction (CA 550), which is when construction of the facility-wide remedy is complete.

References

- EPA. 1999. Interim Final. RCRA Corrective Action Environmental Indicator (EI) RCRIS Code (CA725) Current Human Exposures Under Control and (CA 750) Groundwater Migration Controlled. February 5.
- EPA. 2005. Permitting and Corrective Action (PCA) Program Area Analysis (PAA) Report: Appendix D, National Details for Corrective Action Event Codes. Final Report. Win/Informed Executive Steering Committee. July 28.



Notes:

Purpose of Slide

- Discuss the 2020 Vision in terms of the specific goals to be achieved.

Key Points

- Progress is measured when facilities meet milestones. EPA has designated RCRA Event Codes for some of the milestones. Remedy decision (CA 400) is covered in Module 7 and Remedy Construction (CA 550) is covered in Module 11. PFP and RAU are addressed in Module 6. CA Complete (CA 900 or 999) is covered in Module 12. RCRA CA progress is tracked in the RCRA Information System (RCRIS) using RCRA Info Status Codes that tie to each event code.
- Remedy Decision (CA 400) – *the event when the State or EPA formally selects a remedy designed to meet RCRA CA long-term goals of protection of human health and the environment. This event code also applies when no further RCRA CA is required because stabilization measure(s) have already been implemented or because the site characterization has demonstrated attainment of the long-term RCRA CA goals. When the site-wide remedy decision has been made, Remedy Decision must be linked to the "Entire Facility." Phased or partial remedies, or other remedy decisions pertaining only to specific areas of the facility, are to be linked only to the specific areas of implementation and not to the "Entire Facility."*
- Remedy Construction (CA 550) – *reflects that a RCRA facility has completed and certified construction of its final remedy and that the remedy is fully functional, whether or not final cleanup levels or other requirements have been achieved.*
- EPA has designated RCRA Event Codes for various environmental indicators (EIs).
- PFP – *same as the Current Human Exposures Under Control EI, but allows tracking by acres as well as by facility (not entire facility).*
- RAU – *The following criteria are necessary to meet the RAU measure: (1) criteria for PFP are met; (2) cleanup goals have been achieved for media that may affect current and reasonably anticipated future land uses of the facility so that there are no unacceptable risks; and (3) all institutional or other controls identified as part of a response action or remedy as required to help ensure long-term protection, are in place.*
- CA Complete (CA 900 or 999) – *The following criteria are necessary to meet the CA complete measure: (1) full set of corrective measures is defined; (2) the facility has completed construction and installation of all required remedial actions; and (3) site-specific media cleanup objectives, which were selected based on current and reasonably anticipated future land use, and maximum beneficial groundwater use, have been met.*

References

- EPA. 2005. Permitting and Corrective Action (PCA) Program Area Analysis (PAA) Report: Appendix D, National Details for Corrective Action Event Codes. Final Report. Win/Informed Executive Steering Committee. July 28.
- EPA. 2007. Guidance for Documenting and Reporting RCRA Subtitle C Corrective Action Land Revitalization Indicators and Performance Measures. February 21.
- Federal Register (FR). 2003. Final Guidance on Completion of Corrective Action Activities at RCRA Facilities. 68 FR 8757. February 25.



2020 Measures

2020 Universe	3,746 facilities
Remedy: Design and Construct	3,559
Environmental Indicators: Human Exposures and Groundwater Migration	3,559

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Notes:

Purpose of Slide

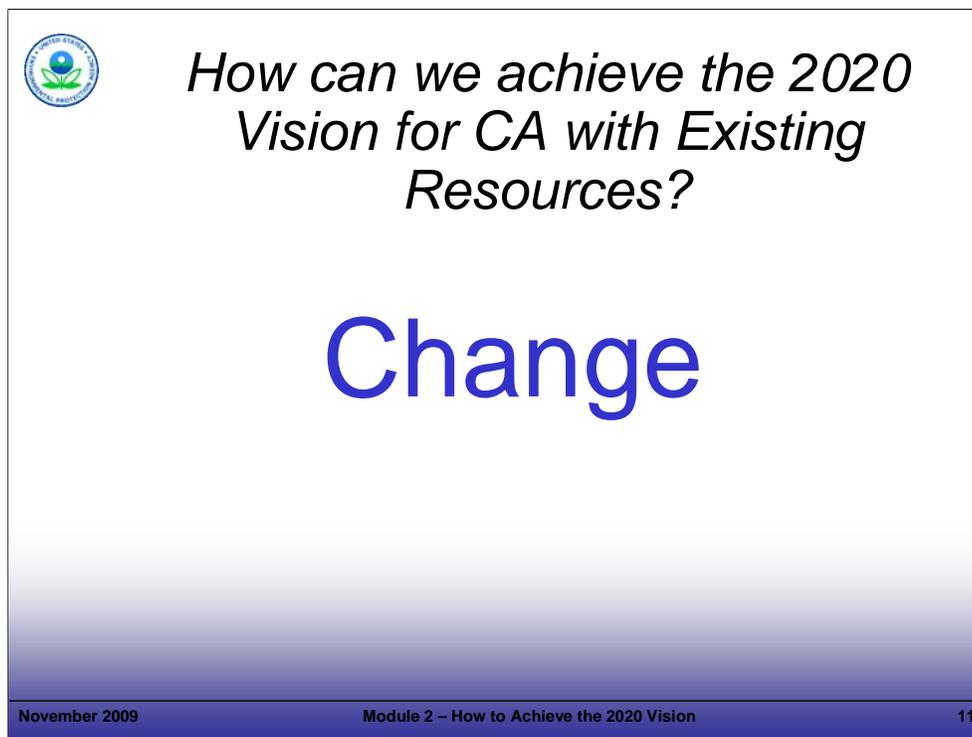
- Show how many facilities need to be addressed. Emphasize the difference between the 2008 CA Baseline and 2020 CA Universe.

Key Points

- Explain how the 2008 Baseline and 2020 Universe were established. These facilities were identified and evaluated under the National Corrective Action Prioritization effort in the 1990s.
 - 2008 Baseline: all of the high priority RCRA CA facilities
 - 2020 Universe: all of the high, medium, and low priority RCRA CA facilities
- The speaker will review the above numbers. The 2020 CA Universe is posted on EPA's web site. Regions that may now have 20% complete based on the 2008 CA Baseline will have far less of a percentage complete based on the 2020 CA Universe, which is much larger than the 2008 CA Baseline. This 2020 CA Universe represents all facilities that EPA and States will address as part of working towards the 2020 Vision.
- The universe of facilities to be addressed and the amount of work to be accomplished are significant.
- This presents a significant challenge for the RCRA CA program, considering the resources we expect to be available.

References

- EPA. EPA Corrective Action Web Site. 2020 Universe. Accessed On-line at: <http://www.epa.gov/epaoswer/hazwaste/ca/facility.htm>.



 *How can we achieve the 2020 Vision for CA with Existing Resources?*

Change

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Notes:

Purpose of Slide

- Emphasize that CHANGE is absolutely necessary to achieve the 2020 Vision for CA.

Key Points

- The 2020 CA Universe (3,746 facilities) is much larger than the 2008 CA Baseline (1,968 facilities); however, personnel and resources to manage the additional workload likely will not have a proportional increase. Therefore, each Project Manager will be responsible for more facilities and it will be necessary to manage those facilities efficiently.
- If we continue at the current pace, EPA estimates it will take until the year 2060 (or longer) for construction to be complete at most RCRA CA facilities.
- It will not be possible to meet the 2020 Vision for CA if we continue with the traditional approach of moving in a sequential manner, including, for example: detailed review-comment cycles for each report before moving on to the next step, evaluating each well installed and sampled, and examining the flow rate of each recovery well.
- It will be necessary to move toward a more holistic and results-based approach to evaluating and achieving cleanups, supported by performance standards.
- We will need to CHANGE to achieve the ambitious goals laid out for the RCRA CA program, and we will present 8 principles in this course that will facilitate the change required.

References

- None.



Why is it O.K. to Change?

Because we've learned through our collective experience

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Notes:

Purpose of Slide

- Point out that the RCRA CA process has evolved and matured; many facilities have advanced beyond the initial stages of RCRA CA – so the focus can, and should, change. Acknowledge that RCRA CA can be handled in a more efficient, effective manner.

Key Points

- We have more than 20 years of experience in CA – we do not need to reinvent the wheel at each facility.
- For characterization activities, EPA and many states have standard operating procedures (SOPs), so detailed work plans (e.g., specifying drilling and sampling methods, etc.) are generally not necessary.
- There are numerous expedited site characterization techniques that can be used; a good resource for these techniques is at <http://clu-in.org/char1.cfm>.
- We have developed a number of presumptive remedies for sites. Therefore, it is generally not necessary to report a laundry list of remedies, evaluate each remedy in detail, and present the selection method for the remedy, as in the traditional Corrective Measures Study (CMS) approach. We can streamline the investigation and remedy selection process.
- Remedies are easier for facilities to select and agencies to approve because there is a better understanding of how much information (for example, hydrogeology and chemistry data for a site) is sufficient to proceed with remedy selection and design. We also have more experience in implementing remedies for different types of facilities and uses (operating, multiple land uses) and for a variety of contamination scenarios (different media, chemicals, and contaminant levels) using available information.
- Over time, we have found that it is often more cost effective to install a remediation system and then make system modifications in response to effectiveness monitoring data – than it is to require exhaustive site investigations, engineering evaluations, and design iterations in an attempt to predict exactly how a system will operate over time.

References

- None.



How Can We Achieve the 2020 Vision for CA?

Follow 8 principles, beginning with:

1. **Get** an Exit Strategy established.

(continued)

November 2009

Module 2 – How to Achieve the 2020 Vision

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Notes:

Purpose of Slide

- Introduce the concept of an Exit Strategy and explain how development of an Exit Strategy will help to focus cleanup and provide measurable milestones and endpoints against which to evaluate progress.

Key Points

- An Exit Strategy is established based on current and reasonably anticipated use of the facility. Future use dictates a range of factors that should be considered in implementing CA (including the schedule, appropriate cleanup criteria, etc.).
- Knowing whether a site will be revitalized for a new use or continue to operate as an active facility will support planning decisions regarding effective CA implementation.
- It is important to establish metrics as part of the Exit Strategy. Metrics may be technical, such as groundwater concentrations or mass removed from groundwater, or metrics may be regulatory, such as meeting performance measures (e.g., remedy decision or remedy construction). Establishing these metrics will help to meet the 2020 Vision for CA.
- Once milestones and endpoints are established, informed and timely decisions on a project path can be made. For example, if a portion of a facility is ready for a new use (with its associated potential exposure pathways evaluated), while the remainder of the facility continues operating, more aggressive remedial technologies may be chosen for the area designated for a new use, while passive technologies may be considered for the continued use area (though the passive approach likely will require institutional controls and monitoring to ensure current uses and exposure assumptions remain valid).
- Reaching consensus is easier when an Exit Strategy supported by all stakeholders is available. For example, if the strategy is long-term with passive technologies to be implemented, parties are more likely to agree on less frequent sampling than for an Exit Strategy that calls for rapid cleanup. Having a clear end point and Exit Strategy at the facility can assist communication and understanding between multiple stakeholders.

References

- None.



How Can We Achieve the 2020 Vision for CA?

2. Environmental cleanup to protective levels is the goal.

(continued)

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Module 2 – How to Achieve the 2020 Vision

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Notes:

Purpose of Slide

- Emphasize that cleanup, not the cleanup process, is the goal. In other words, clean water, soil, sediment and air are the goals – not completion of RCRA Facility Investigation Reports (RFIs), CMSs, etc. By “protective levels,” we mean levels that are protective of human health and the environment for current and reasonably anticipated uses. Cleanup is a statutory obligation (as we will discuss in Module 3); however, the process is flexible – it is not necessary to follow a particular sequence of activities or develop a series of reports; in some cases, institutional controls (ICs) may need to be in place.

Key Points

- One of the basic operating principles of RCRA is that it should focus on achieving “environmental cleanup,” which, in the context of RCRA CA, refers to meeting cleanup criteria that are protective of human health and the environment for current and reasonably anticipated uses. Thus, EPA expects cleanup criteria for facilities that will continue to operate to be different than for facilities that will be reused for residential or other purposes. In some cases, ICs will be associated with cleanups where cleanup criteria are associated with a particular anticipated land use (e.g., continued industrial use); we discuss ICs in detail in later modules.
- Innovative approaches to management and oversight are encouraged.
- The concept of the RCRA CA program focusing on results is not new:
 - The 1996 Advance Notice of Proposed Rulemaking (ANPR) encouraged program implementers to focus on cleanup results rather than cleanup processes.
 - The 1999 RCRA Cleanup Reforms reiterated the emphasis on flexibility and encouraged implementers to foster maximum use of program flexibility and practical approaches to achieving cleanup results.
 - The 2003 Results-Based CA and Tailored Oversight Guidance encourages flexible approaches that focus on environmental progress, rather than on the reporting process.
 - EPA’s Handbook of Groundwater Protection and Cleanup Policies for RCRA CA, first published in 2001, encourages flexible approaches and states that the process is flexible.

References

- FR. 1996. Corrective Action for Releases from Solid Waste Management Units at Hazardous Waste Management Facilities; Advance Notice of Proposed Rulemaking (ANPR). 61 FR 19432. May 1.
- EPA. 1999. RCRA Cleanup Reforms. EPA 530-F-99-018 (Fact Sheet #1). July.
- EPA. 2003. Results-Based Approaches and Tailored Oversight Guidance for Facilities Subject to Corrective Action under Subtitle C of the Resource Conservation and Recovery Act. EPA 530-R-03-012. September.
- EPA. 2004. Handbook of Groundwater Protection and Cleanup Policies for RCRA Corrective Action for Facilities Subject to Corrective Action Under Subtitle C of the Resource Conservation and Recovery Act. EPA 530-R-04-030. Update. April.
- EPA. 2006. Interim Guidance on OSWER Cross-Program Revitalization Measures. October 20.
- EPA. 2007. Guidance for Documenting and Reporting RCRA Subtitle C Corrective Action Land Revitalization Indicators and Performance Measures. February 21.



How Can We Achieve the 2020 Vision for CA?

3. Think performance standards.

(continued)

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Module 2 – How to Achieve the 2020 Vision

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Notes:

Purpose of Slide: Emphasize the importance of using performance standards to streamline the RCRA CA process.

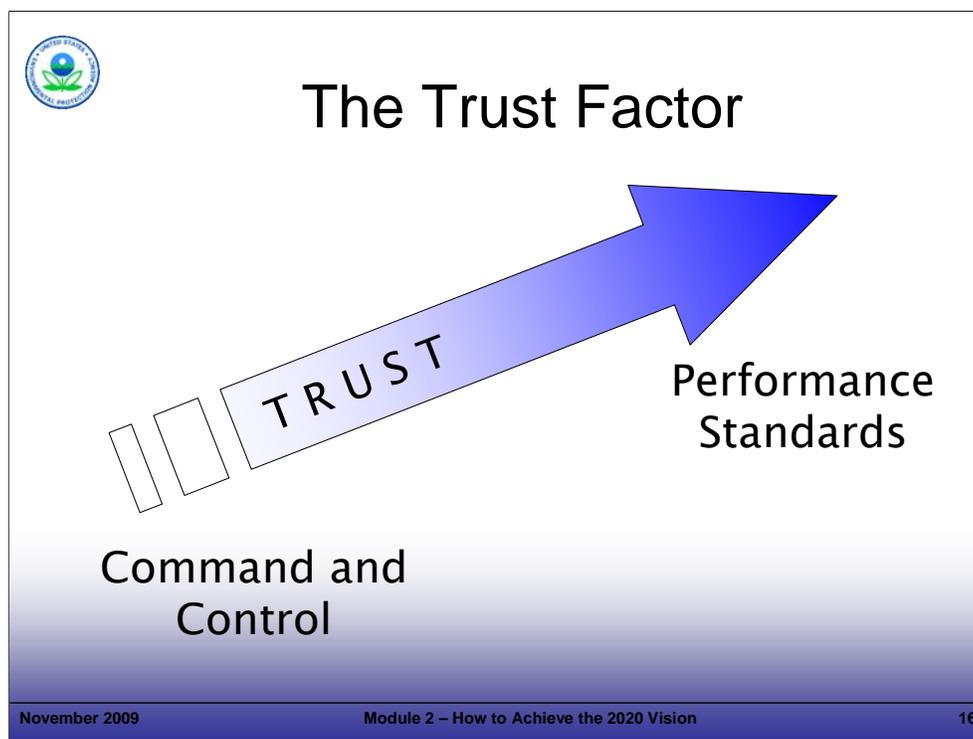
Key Points

- The effective use of performance standards can reduce the traditional comment-response cycle between the regulator and the facility. As long as clear, specific performance standards are established by the regulator and facility, the facility can proceed with CA implementation without separate approvals for each task, as long as the standards are met. In other words, the facility has the flexibility to decide how to meet the performance standard.
- Specific examples of performance standards and how they can be used are provided in later modules. However, just as an example, EPA's threshold criteria can serve as the basis of performance standards. These threshold criteria include:
 - Protect human health and the environment;
 - Attain media cleanup objectives; and
 - Control sources of release.
- Here is an example of replacing a technical standard with a performance standard:
 - Technical Standard: Monitor the following wells on a quarterly basis: PW-1 to PW-20.
 - Performance Standard: Maintain a groundwater monitoring system that adequately characterizes the lateral and vertical extent of contamination over time.

The regulatory agency evaluates whether the performance standard is being achieved through communication with the facility and review of technical reports and documentation.
- EPA's support of performance standards spans two decades:
 - *EPA favors performance-based approaches provided that the remedial goals for the facility are clear, the oversight during remedy implementation is appropriate to the complexity of the facility-specific circumstances, and the public is substantively involved* (FR. 1996. ANPR, page 19448).
 - *Performance-based permitting will now be the preferred approach, wherever feasible and appropriate, for all of EPA's permitting programs, and State, tribal, and local governments will be provided the flexibility and guidance to implement similar approaches* (EPA. 1996. Permit Improvement Team's Concept Paper and Task Force Recommendations).
- Other performance standards can be developed for final remedies or to streamline other phases of RCRA CA (e.g., assessment). It is the Project Manager's responsibility to establish clear, reasonable, and protective performance standards. It is the o/o's responsibility to meet the established performance standards.

References

- FR. 1996. ANPR. 61 FR 19432. May 1. Page 19448.
- EPA. 1996. Permits Improvement Team Final Draft of Concept Paper on Environmental Permitting and Task Force Recommendations. July.
- EPA. 2003. Results-Based Approaches and Tailored Oversight Guidance for Facilities Subject to Corrective Action under Subtitle C of the Resource Conservation and Recovery Act. EPA 530-R-03-012. September.
- ITRC 2007. Improving Environmental Site Remediation Through Performance-Based Environmental Management. November



Notes:

Purpose of Slide

- A level of trust between the facility and regulatory agency is important when developing and implementing effective performance standards. As described in EPA's Tailored Oversight guidance, effective oversight of corrective action requires a clear, documented understanding of facility-specific cleanup goals.

Key Points

- A command and control approach tends to be used when trust is lacking. This approach can slow down the CA process significantly, especially when it consists of only actions such as formal document exchanges and the associated lengthy comment cycles.
- The degree to which one party trusts another is a measure of belief in the honesty, and competence of the other party. Placement of trust allows actions to be conducted based on incomplete information and, as we know, CA decisions are often made in the face of incomplete information.
- A key to building mutual trust between regulators and a facility, and thereby streamlining the CA process, is communication. Regular, informal discussions and other information exchanges are important in communicating expectations, issues, and uncertainties associated with establishing and implementing performance-based standards. Working out these details informally helps to build a rapport between the regulators and facility as well as serving to streamline the review and approval of submitted documents.

References

- EPA. 2003. Results-Based Approaches and Tailored Oversight Guidance for Facilities Subject to Corrective Action under Subtitle C of the Resource Conservation and Recovery Act. EPA 530-R-03-012. September.



How Can We Achieve the 2020 Vision for CA?

4. Tailor sustainable solutions considering risk management and revitalization.

(continued)

November 2009

Module 2 – How to Achieve the 2020 Vision

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Notes:

Purpose of Slide

- Emphasize that decisions relating to final remedies evaluate the human and ecological risk posed by the contaminants at the site – this is risk management.
- Stress that decisions relating to final remedies should consider current and reasonably anticipated uses – that is, whether the site will continue operating or if redevelopment for other uses is planned. In addition, a robust tailored risk management approach should consider long-term stewardship (LTS) implications, authorities, limitations, costs, and responsibilities.

Key Points

- At continued use sites (e.g., operating facilities), it is often reasonable to take a long-term approach to cleanup (including monitoring only or natural attenuation), as long as:
 - there are no unacceptable risks given current use and exposure scenarios;
 - contamination is not spreading to the extent it will create human or ecological risk and media cleanup criteria will eventually be achieved, especially after the facility closes in the future; and
 - sources are controlled to protect humans and prevent ecological exposure.
- Sustainable solutions relate to wise energy and resource use.
- Facilities undergoing revitalization are commonly under tight time schedules. Property sales, closing dates, and leasing agreements all require a quick turnaround on decisions. Therefore, it is important for the regulatory agency to be aware of these constraints in order to tailor the solution, as appropriate.
- Land development will often affect cleanup decisions. Generally, it is prudent to allow remedies to move forward on a fast track under these circumstances, as long as (1) the decisions are backed by registered professionals – for example, Professional Geologists (PGs), Professional Engineers (PEs), or state-licensed professionals (e.g., Licensed Site Professionals in MA or Licensed Environmental Professionals in CT) and (2) the site cleanup meets the State's or EPA's criterion of being protective of human health and the environment.

References

- EPA. 2000. Final Remedy Selection for Results-Based RCRA Corrective Action (Fact Sheet #3). March.
- EPA. 2000. Results-Based Approaches to Corrective Action. July 26.



How Can We Achieve the 2020 Vision for CA?

5. Okay for remedy to change over time to improve overall performance.

(continued)

November 2009

Module 2 – How to Achieve the 2020 Vision

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Notes:

Purpose of Slide

- Make the point that a remedy can be selected and constructed without perfect site characterization data, because the remedy can be modified based on how it performs.

Key Points

- A remedy is designed based on predictions of how the hydrogeology and chemistry of a site will react to some external influence – for example, pumping, chemical additives, or the injection of air. Therefore, it is common to modify the operating conditions of a remedy after it is installed and is operating, based on evaluations of its effectiveness. For example, a pump and treat system may yield more or less water than anticipated, so flow rates and treatment systems are adjusted accordingly. As another example, air sparge wells may have a different radius of influence than expected and systems may need to be adjusted to achieve the desired radius. In short, improvements through modifications to a technology or remedy, once installed and operating, are not uncommon.
- Other changes may be longer-term. For instance, pump and treat systems may reduce concentrations by orders of magnitude for several years – but over time, concentration changes may reach asymptotic levels. At this point, a different technology may be appropriate. These longer-term changes or improvements to the remedy or a technology are often identified through Remedial System Evaluation or Remedial System Optimization, which is discussed in Module 11. The most effective remedies may require the most changes; as cleanup occurs, site conditions no longer meet the design parameters.
- A remedy also may change due to land use changes, which can lead to modifications of cleanup goals.
- Effective long-term stewardship of both engineering and ICs will help identify changes that may be needed to maintain remedy effectiveness.
- The bottom line is that all efforts and resources should not focus only on selecting the remedy, because the remedy can be adjusted over time – and likely will need to be.

References

- EPA. 2002. Elements for Effective Management of Operating Pump and Treat Systems. Fact Sheet. OSWER 9355.4-27FS-A. 542-R-02-009. December.
- Interstate Technology and Regulatory Council (ITRC). 2004. Remediation Process Optimization: Identifying Opportunities for Enhanced and More Efficient Site Remediation. September.



How Can We Achieve the 2020 Vision for CA?

6. Yield to changes in focus:

- ❖ From assessment to remediation
- ❖ From procedures to results

(continued)

November 2009

Module 2 – How to Achieve the 2020 Vision

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Notes:

Purpose of Slide

- Point out the need for implementers to change their focus -- from assessment to operation -- *and* -- from procedures to results.

Key Points

- The focus should be (1) to get a remedy operating (including passive remedies, such as monitored natural attenuation [MNA]) once sufficient characterization data are available and (2) to evaluate the effectiveness of the remedy over time.
- Constructing and implementing a remedy prior to complete characterization is often environmentally and economically beneficial. This approach may shorten the CA timeline by focusing early on areas of higher concentration, which in turn can reduce contaminant migration.
- Changing focus requires the Project Manager to be a Risk Manager, approving investigations and cleanup plans in the face of uncertainties. A critical component of risk evaluation and risk management, which is the basis of CA, is that uncertainties associated with environmental investigation and remediation are inherent (e.g., are there enough wells to demonstrate a plume is not migrating?, is there another source of contamination?). Basing CA on risk recognizes the need to strive for the appropriate balance between reducing uncertainties via data collection and managing uncertainties via remedial action and contingencies.
- For years now, EPA has emphasized that results are more important than procedures. EPA made this point strongly as part of the RCRA Reforms in 1999 and has reiterated this message in its courses and conferences since that time.

References

- FR. 1996. ANPR. 61 FR 19432. May 1.
- EPA. 1999. RCRA Cleanup Reforms. EPA 530-F-99-018 (Fact Sheet #1). July.
- EPA. 2001. RCRA Cleanup Reforms 2. EPA 530-F-01-001 (Fact Sheet #2). January.
- EPA. 2003. Results-Based Approaches and Tailored Oversight Guidance for Facilities Subject to Corrective Action under Subtitle C of the Resource Conservation and Recovery Act. EPA 530-R-03-012. September.
- EPA. 2004. Handbook of Groundwater Protection and Cleanup Policies for RCRA Corrective Action for Facilities Subject to Corrective Action Under Subtitle C of the Resource Conservation and Recovery Act. EPA 530-R-04-030. Update. April.
- EPA. 1999. RCRA CA Workshop on Results-Based Project Management. June 10. Accessed On-line at: <http://www.epa.gov/osw/hazard/correctiveaction/workshop/>.

	Regulatory Mechanism Negotiation	Assessment and Interim Measures	Remedy Selection/ Construction	Remedy Operation
Agency Staff Time				
Facility Costs	\$\$\$	\$\$\$\$\$\$	\$\$\$\$\$\$\$\$ \$\$\$\$	\$\$\$\$\$\$\$\$ \$\$\$\$\$\$\$\$
Public Participation				
Human Health & Environmental Benefit				

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Notes:

Purpose of Slide

- Illustrate that most of the regulatory agency time and focus has traditionally been on site characterization; however, the largest facility expenditures and greatest environmental benefits occur during remedy selection/construction and remedy operation.

Key Points

- Project Managers should strive to achieve a balance between having sufficient information to proceed with remedy selection and gathering additional information that adds to the overall understanding of the site.
- Some considerations for moving forward with less than perfect site information include:
 - The Pareto Principle – chasing down the last 20% of characterization information may eat up 80% of the budget without positively affecting the remedial design;
 - Interim remedial measures can be used to focus on source areas, where relative cleanup benefits are generally the greatest compared to overall site cleanup costs (e.g., \$ per pound of contaminant removed);
 - At many facilities, successful interim measures have been converted to final measures;
 - If a remedy is implemented as a pilot or in a phased approach, the remedy’s design can be improved as it is expanded over time; and
 - Even selected final remedies may change over time to achieve more efficient operation and better results.

References

- None.



How Can We Achieve the 2020 Vision for CA?

7. Engineering and Science are the solution (not reports!)

(continued)

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Module 2 – How to Achieve the 2020 Vision

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Notes:

Purpose of Slide

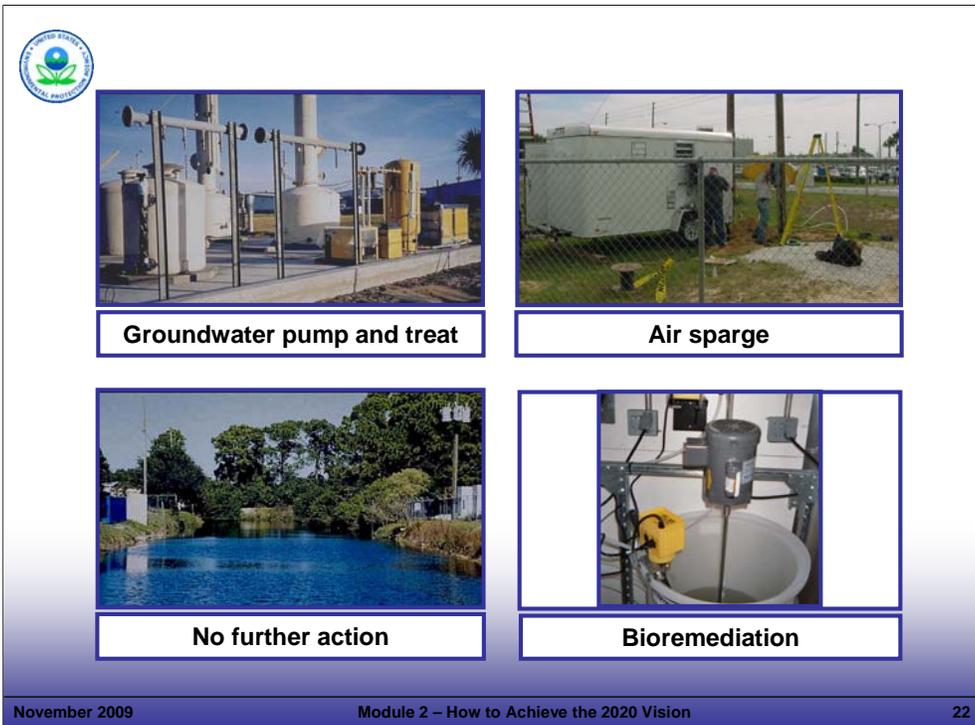
- Environmental remediation does not occur through the preparation and review of reports – it occurs through the design and implementation of effective remedies, which are based on sound engineering and science.

Key Points

- The Agency requires certain documentation for decision-making purposes. In addition, reports are necessary for planning, communicating, and documenting decisions. However, in themselves, reports and documents do not remediate a site.
- Engineering and scientific results drive decisions related to risk and support remedy implementation.

References

- None.



The slide features a 2x2 grid of images illustrating remediation methods. In the top-left corner is the United States Environmental Protection Agency (EPA) logo. The top-left image shows industrial equipment for groundwater pumping and treatment, labeled "Groundwater pump and treat". The top-right image shows a worker near a large white container with a yellow hose, labeled "Air sparge". The bottom-left image shows a clear blue pond in a natural setting, labeled "No further action". The bottom-right image shows a close-up of a bioremediation tank with a stirrer, labeled "Bioremediation". At the bottom of the slide, the text "November 2009" is on the left, "Module 2 – How to Achieve the 2020 Vision" is in the center, and "22" is on the right.

Notes:

Purpose of Slide

- Point out that the best way to meet the 2020 CA Vision is by focusing on science, engineering, and construction – not on process and reports.

Key Points

- Achieving Remedy Decision and Remedy Construction measures requires that remedial solutions (e.g., pump and treat, air sparge, no further action, bioaugmentation) be selected, engineered, and constructed. The Project Manager can help streamline this process by keeping the focus on remediation goals, including land revitalization. Reports and other documents support this effort and are necessary, but in themselves, are not the driving force behind an effective cleanup.
- Real environmental progress occurs when the remedy is constructed, not when the report is completed.
- However, we should remember that while reports may not drive progress, regulatory agency decision makers need adequate and sound documentation to support their actions.

References

- None.



How Can We Achieve the 2020 Vision for CA?

8. Success – document it!

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Notes:

Purpose of Slide

- Implementation of these principles will lead to environmental successes – Remedy Decision and Remedy Construction – and while we don't want to *focus* on process, we still need to document those successes.

Key Points

- The Project Manager should document the achievement of Remedy Decision (CA 400) and Remedy Construction (CA 550) following the actual date each measure is met.
- The "actual date" for the Remedy Decision measure is defined as follows:
The date that the EPA or State decision maker signs the Remedy Decision and Response to Comments or other appropriate document.
- The "actual date" for the Remedy Construction measure is defined as follows:
(1) The date the State or EPA acknowledges, in writing, that any necessary physical construction of the last corrective measure is complete and all remedial systems are fully functional as designed, whether or not final cleanup levels or other requirements have been achieved, or (2) the scheduled date for the remedy decision if no further physical construction of a remedy is needed.
- The Agency requires sufficient documentation from the o/o to support these decisions.
- We will focus more on these specific measures in later modules.
- Ultimately, success is achieved when sites are cleaned up for continued or new uses.

Reference

- EPA. 2005. Permitting and Corrective Action (PCA) Program Area Analysis (PAA) Report: Appendix D, National Details for Corrective Action Event Codes. Final Report. Win/Informed Executive Steering Committee. July 28.



Get an Exit Strategy

Environmental cleanup to protective levels is the goal

Think performance standards

Tailor sustainable solutions considering risk management and revitalization

Okay for remedy to change

Yield to changes in focus

Engineering and science are the solution

Success – document it!

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Notes:Purpose of Slide

- Review the 8 principles identified in this module.

Key Points

- This slide summarizes the principles associated with achieving CHANGE and RCRA CA progress.

References

- None.

**Notes:**Purpose of Slide

- Generate enthusiasm for meeting the 2020 goals and vision for CA and encourage all to take the challenge!

Key Points

- The rest of the course provides information, tools, and resources that can be used to achieve RCRA CA progress, meet RCRA CA goals, and ensure the RCRA CA Vision is achieved.
- We will return to the "Get to YES!" principles as we progress.

References

- None.



RCRA Corrective Action Training Program: Getting to YES! *Strategies for Meeting the 2020 Vision*



This training and training documents do not create any legally binding requirements on the U.S. Environmental Protection Agency (EPA), states, or the regulated community, and do not create any right or benefit, substantive or procedural. The training and documentation are not a complete representation of the Resource Conservation and Recovery Act or of EPA's regulations and views.



November 2009 Module 3 - Corrective Action Authorities and Guidance 1

Notes:

Purpose of Slide

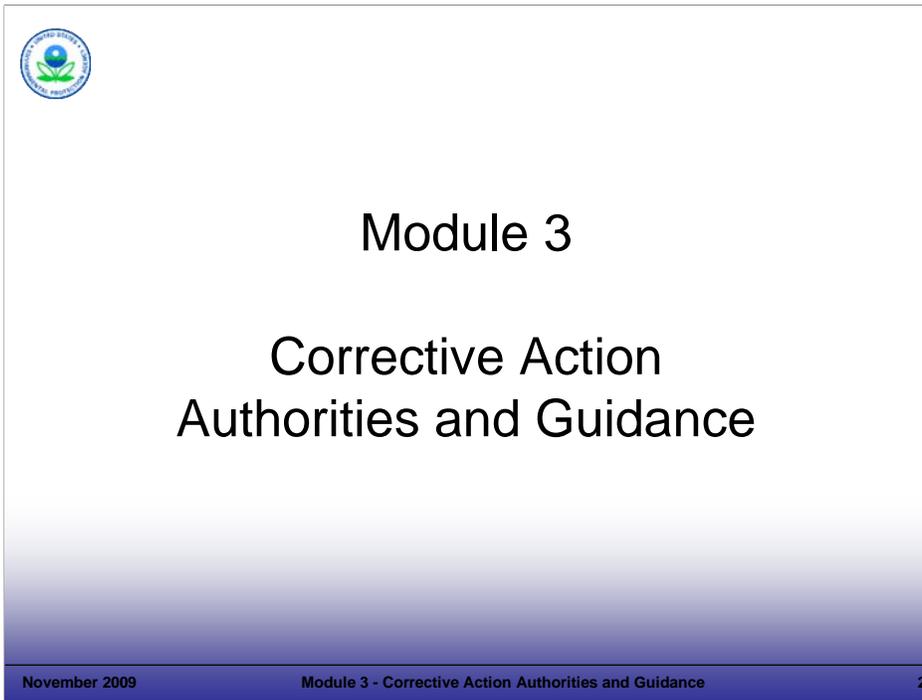
- Holder slide for Module 3, Corrective Action Authorities and Guidance.

Key Points

- This is a holder slide. No specific key points.

References

- None.



Notes:

Purpose of Slide

- Holder slide for Module 3, Corrective Action Authorities and Guidance.

Key Points

- This is a holder slide. No specific key points.

References

- None.



Module Overview

- ❖ Review legal authorities used to implement Resource Conservation and Recovery Act (RCRA) corrective action (CA)
- ❖ Examine RCRA CA cleanup reforms and results-based guidance for CA
- ❖ Trace the evolution of the legal and policy framework for CA

November 2009

Module 3 - Corrective Action Authorities and Guidance

3

Notes:

Purpose of Slide

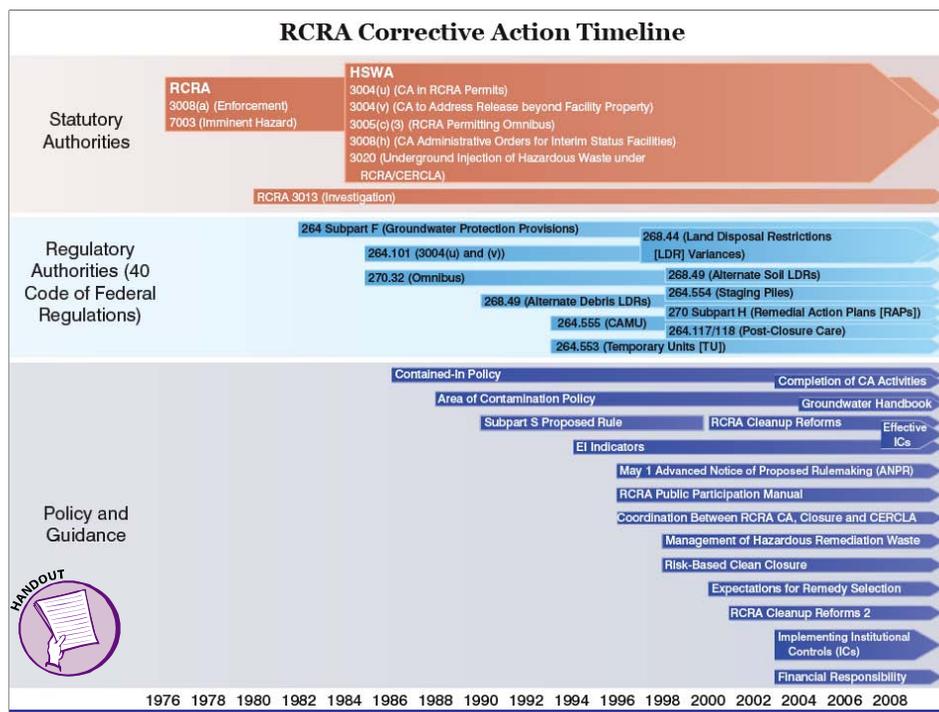
- Provide an overview of the topics covered by this module.

Key Points

- The first part of the module reviews the legal authorities and mechanisms used to implement corrective action (CA) at Resource Conservation and Recovery Act (RCRA) facilities. Various authorities and mechanisms are available to implementers in administering CA. We will briefly review the statutory and regulatory authorities for RCRA CA established by the original RCRA statute and by authorities added by the Hazardous and Solid Waste Amendments (HSWA) to RCRA. The EPA and state define the means for CA, but the end is the key. We will discuss several key terms which apply specifically to RCRA CA. We also will examine other legal authorities, primarily including various types of state cleanup programs (including voluntary cleanup programs) that may be used to address cleanup obligations at RCRA facilities.
- The second part of the module examines the RCRA reforms and results-based guidance for implementing CA.
- In addition, this module reminds participants of the public involvement and financial assurance requirements of RCRA CA and the important role these play in successfully achieving RCRA CA progress.
- Regulations and state programs provide the means; the end is a protective cleanup. As long as the site is being addressed adequately, as required by RCRA, neither the authority used nor the agency overseeing the cleanup is important. The various authorities allow implementers to be flexible and creative in administering CA.

References

- None.



Notes:

Purpose of Slide

- Provide a historic overview of the statutory authorities, regulatory authorities, and policies and guidance that provide the framework for RCRA CA.

Key Points

- This slide provides a historic view of the evolution of the RCRA CA program.
- The following slides provide more detail on these authorities and policy/guidance.
- The instructor will review these materials with the class, based on the level of experience of participants. The timeline is also provided as a handout and ties to references included with the Reference CD ROM, which participants can use as a resource after the course is over.

References

- Derived from the references cited in the remainder of this module.



Pre-HSWA Statutory Enforcement Authorities

- ❖ 1976
 - Section 7003 provides judicial authority to compel any person to abate conditions that present an imminent and substantial endangerment to human health or the environment
- ❖ 1980
 - Section 3013 added (provides administrative authority to compel investigations)
 - Section 7003 amended (provides administrative authority to abate conditions that **may** present)

(continued)

November 2009

Module 3 - Corrective Action Authorities and Guidance

5

Notes:

Purpose of Slide

- Review two of the statutory authorities contained in RCRA (prior to HSWA) for compelling owner/operators (o/o's) to perform CA. These authorities remain in effect and may be used where appropriate.

Key Points

- Prior to HSWA, CA was not required at RCRA-regulated facilities (except at regulated units); however, the U.S. Environmental Protection Agency (EPA) did have information-gathering and cleanup authorities.
- Section 3013 of RCRA provides authority to require monitoring, testing, analysis, and reporting at hazardous waste treatment, storage and disposal facilities (TSDFs) to address potentially substantial hazards to human health or the environment. Under this authority, EPA could issue an administrative order to require testing, monitoring, analysis, and reporting. While Section 3013 authority is triggered by the presence or release of hazardous waste that may present a substantial hazard, Section 3013 refers to the statutory definition of hazardous waste, which is broader than the regulatory definition at 40 Code of Federal Regulations (CFR) 261.3. Section 3013 applies to the current o/o or potentially the most recent previous o/o who could be expected to know about the presence or potential release of the hazardous waste (it only applies to the most recent previous o/o if the current o/o could not be expected to know this information).
- Section 7003 provides EPA authority to initiate judicial action or issue administrative orders to any person to require action as necessary to protect human health and the environment. This action can include investigation and cleanup in situations that may present imminent and substantial danger to human health and the environment. Courts have repeatedly recognized that the endangerment standard of Section 7003 is quite broad. The associated guidance defines an "endangerment" as an actual, threatened, or potential harm to health or the environment. Section 7003 also applies to potential endangerments caused by materials that meet RCRA's statutory definition of solid waste. EPA may enforce and seek penalties against violators of Section 7003 orders in appropriate United States district courts.
- EPA retains enforcement authority under Sections 3013 and 7003 in authorized states.

References

- Code of Federal Regulations (CFR). 40 CFR 261.3.
- EPA. 1984. Issuance of Administrative Orders under Section 3013 of RCRA. September 26.
- EPA. 1997. Guidance on the Use of Section 7003 of RCRA. October 20.
- EPA. 2005. Model RCRA Section 7003 Administrative Order on Consent. October 28.



Pre-HSWA Regulatory Authority

- ❖ Established in 1982 as part of groundwater monitoring and protection regulations for hazardous waste land disposal units
- ❖ Requires o/o to implement CA program for release of hazardous constituents into groundwater from “regulated units”
- ❖ Only implemented as a permit condition

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Notes:

Purpose of Slide: Review the original CA regulatory authority established under RCRA Subpart F groundwater monitoring regulations for o/o's of hazardous waste land disposal facilities.

Key Points

- Prior to HSWA, “RCRA CA” referred to the removal or treatment of Appendix VIII hazardous constituents in groundwater. Under the original groundwater monitoring requirements established in 40 CFR Part 264 Subpart F for o/o's of TSDFs, the o/o must develop and implement a CA plan to address the release of hazardous constituents into groundwater from “regulated units” at levels above the groundwater protection standard (GWPS) or alternative concentration limits (ACLs). The CA requirement is the third step of a three-phased program for detecting, characterizing, and responding to releases to the uppermost aquifer from regulated units. This requirement remains in effect and may be used where appropriate.
- 40 CFR 264.90 defines a “regulated unit” as any land disposal unit (for example, a surface impoundment, waste pile, land treatment unit, or landfill) that received hazardous waste on or after July 26, 1982.
- This regulatory authority only addresses releases of hazardous constituents into groundwater (not other environmental media) from “regulated units” and is part of the base RCRA program.
- The requirements of 40 CFR 264.100 are implemented under an o/o's permit.
- Note that the post-closure rule allows the integration of groundwater and other cleanup at “regulated units” with facility-wide CA.

References

- CFR. 40 CFR 264.100.
- CFR. 40 CFR 264.90.
- Federal Register (FR). 1982. 47 FR 32274. July 26.
- FR. 1998. Standards Applicable to Owners and Operators of Closed and Closing Hazardous Waste Management Facilities; Post-Closure Permit Requirement and Closure Process; Final Rule. 63 FR 56710. October 22.



HSWA Authorities - §3008(h)

- ❖ Authorizes CA administrative orders for o/o's subject to interim status requirements
- ❖ EPA may issue an order based on a determination of a release
- ❖ Versatile authority
- ❖ Not delegated to states; however, many states have similar authorities
 - EPA should consult and give notice to states before issuing orders
 - Pursue unilateral enforcement only if other avenues fail

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Notes:

Purpose of Slide: Introduce the authority for interim status CA orders.

Key Points

- Section 3008(h) authority for interim status CA orders provides authority for requiring CA at non-permitted, interim status RCRA facilities. Interim status is the period during which the o/o of a TSDF is treated as having been issued a RCRA permit even though a final determination on the permit has not yet been made by the regulator. O/o's of TSDFs in existence on November 19, 1980, or brought under Subtitle C regulation due to a legislative or regulatory change, may continue to operate as if they have a permit until their permit is issued or denied as long as they comply with specific requirements. Congress created "interim status" under section 3005(e) of RCRA.
- Section 3008(h) authorizes EPA to issue CA administrative orders and to initiate civil actions for facilities currently under interim status, facilities that once had interim status, or facilities that should have had interim status. A Section 3008(h) order may be issued whether the facility is operating (prior to receiving a permit), is closing, or is closed.
- EPA may issue the order based on determination of a release of hazardous waste or hazardous constituents from the facility into the environment.
- CA orders under Section 3008(h) may be issued unilaterally by EPA (unilateral administrative order [UAO]) or issued as consent agreements between the o/o and the Agency (administrative orders on consent [AOC]). A UAO is a non-negotiated, and usually, adversarial proceeding under which the o/o is ordered to act. EPA may use its administrative order authority without going through the federal courts. Also, EPA may choose to obtain a 3008(h) order by commencing a civil action in the U.S. district court.
- The Section 3008(h) authority is versatile and can be crafted as needed to implement CA for releases at a particular facility. All types of CA activities at a RCRA facility can be performed under an order, including: interim measures, investigation and assessment, controls of facility operations, and long-term cleanup work. In the case where a permit is issued to the facility after an order is already in place, EPA (1) may require the o/o to continue all or some of the activities under the order or (2) may incorporate the requirements of the order into the RCRA permit. EPA expects equivalent results whether CA is performed under an order or permit.
- EPA has issued guidance to EPA employees on Section 3008(h) model consent orders. The guidance discusses potential consent order provisions, including: definitions, guidance on work to be performed, alternative dispute resolution, termination and satisfaction, and stipulated penalties for AOCs. EPA has recently issued additional guidance on model consent orders regarding cost estimates and financial responsibility. Note that UAOs do not include stipulated penalties, procedures for dispute resolution, and *Force Majeure* clauses.
- The Section 3008(h) authority is Federal, but many states have comparable authority. States that desire such authority must enact parallel statutory enforcement authorities. For example, MI and CO have established legal authority to issue CA consent orders. If a State is authorized, EPA expects the State to implement the CA program and take enforcement actions, as necessary.
- It is advisable that EPA and the State should confer prior to issuance of an order to help ensure all facts about the facility are well known, to avoid misunderstandings, and to inform the State of the conditions requiring response and the actions EPA will take.

References

- EPA. 1985. Memorandum from J. Winston Porter, OSWER Assistant Administrator, to Regional Administrators. Interpretation of Section 3008(h) of the Solid Waste Disposal Act. December 16.
- EPA. Undated. Memorandum from J. Winston Porter, OSWER Assistant Administrator, to Regional Administrators. Use of §3008(h) Orders or Post-Closure Permits At Closing Facilities. OSWER Directive 9502.00-7. March 8.
- EPA. 1989. Guidance on Administrative Records for Section 3008(h) Orders. July.
- EPA. 1993. Final RCRA Section 3008(h) Model Consent Order OSWER Directive #9902.5A. December 15.
- EPA. 2006. Model Provisions for Cost Estimates and Financial Responsibility for Use in Section 3008(h) Administrative Orders on Consent. February.
- FR. 1985. 50 FR 28702. July 15; FR. 1985. 50 FR 38946. September 25; FR. 1988. 40 CFR Part 24. 53 FR 12256. April 13; and FR. 1999. 64 FR 40138. July 23. Preamble to the Consolidated Rules of Practice for 40 CFR Part 22.
- 40 CFR Part 22. Consolidated Rules of Practice.



HSWA Authorities - §3004(u)

- ❖ Requires that RCRA permits issued after November 8, 1984, include CA for releases from solid waste management units (SWMUs) within the facility boundary
- ❖ Requires financial assurance for CA
- ❖ Requires schedule of compliance for CA
- ❖ Codified at 40 CFR 264.101

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Notes:

Purpose of Slide: Review the permitting authority for CA at TSDFs added by HSWA.

Key Points

- HSWA substantially expanded CA authorities for both permitted RCRA facilities and facilities operating under interim status.
- Section 3004(u) of RCRA, as amended by HSWA, requires that any permit issued to a TSDF under Section 3005(c) after November 8, 1984, address CA for releases of hazardous wastes or hazardous constituents from any solid waste management unit (SWMU) at the facility. Permits subject to CA requirements include post-closure permits and permits issued to operating hazardous waste management facilities.
- Under Section 3004(u), o/o's are required to demonstrate financial responsibility for completing the required CAs. EPA has not issued regulations on financial assurance for CA, but has provided guidance. EPA is also considering if any further tools are warranted to support program implementers addressing financial assurance requirements.
- Section 3004(u) also requires a schedule of compliance for CA.
- Section 3004(u) was codified as a regulatory requirement at 40 CFR 264.101. We will discuss financial assurance in a little more detail later in this module.

References

- CFR. 40 CFR 264.101.
- FR. 1985. 50 FR 28702. July 15.
- FR. 1987. 52 FR 45788. December 1.
- FR. 1996. Corrective Action for Releases from Solid Waste Management Units at Hazardous Waste Management Facilities; Advance Notice of Proposed Rulemaking (ANPR). 61 FR 19432. May 1.



HSWA Authorities - §3004(v)

- ❖ Requires o/o to perform CA to address releases beyond facility's boundary
- ❖ Codified in 40 CFR 264.101
- ❖ Implemented as a permit condition

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Notes:

Purpose of Slide

- Review the CA authority created under Section 3004(v) of RCRA, as amended by HSWA.

Key Points

- Section 3004(v) requires EPA to amend the CA standards for TSDFs to require CA for releases that have migrated beyond the facility boundary where necessary to protect human health and the environment, unless the o/o demonstrates to the satisfaction of EPA that, despite the o/o's best efforts (which could include paying reasonable sums of money and making reasonable communication efforts), the o/o was unable to obtain permission to undertake the required actions. An example of a situation where required actions are not able to be undertaken includes if the o/o can demonstrate that it could not obtain access to properties beyond the facility boundary to implement the chosen remedy.
- This provision applies to releases from all SWMUs, including releases to the uppermost aquifer from regulated units.
- Section 3004(v) requirements have been codified at 40 CFR 264.101.

References

- CFR. 40 CFR 264.100 and 264.101.
- FR. 1985. 50 FR 28702. July 15.
- FR. 1987. 52 FR 45788. December 1.



CA Permits

- ❖ One tool for implementing CA and achieving completion
 - Forty-three states and territories now authorized
- ❖ Provide broad regulatory authority
- ❖ EPA and states may also use “omnibus” authority to implement cleanup activities at RCRA permitted facilities

(continued)

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Notes:

Purpose of Slide: Overview RCRA CA permits.

Key Points

We will discuss other approaches for CA later in this module (for example, facility-lead agreements and post-closure mechanisms).

- CA permits are one tool for implementing CA and achieving CA completion, by EPA and authorized states. The statutory language of Section 3004(u) requires EPA to issue a RCRA permit with a schedule of compliance (if CA has not been addressed) for investigating and correcting releases rather than delay issuance of permit until cleanup has been completed. Schedules of compliance, which are enforceable components of the permit, are the primary vehicle by which EPA specifies procedural and technical requirements that the o/o's must follow to achieve compliance with their CA obligations.
- Forty-three states and territories are authorized to implement CA. In states without authorization, EPA continues to implement RCRA CA authorities. However, in many of these states (not authorized for CA), the states oversee much of the CA work through a work sharing agreement with EPA. The relationship between state cleanup programs and RCRA CA is discussed in more detail later in this module.
- EPA and states have a number of authorities under the hazardous waste program to compel o/o's to address releases of hazardous waste and hazardous constituents from SWMUs throughout the facility. The requirement found at 40 CFR 264.101 (and state equivalent requirements) specifies that o/o's: “must institute CA as necessary to protect human health and the environment for all releases...”
- HSWA created section 3005(c)(3) that requires EPA and authorized states to establish conditions in a facility's RCRA permit as needed to protect human health and the environment. Referred to as the “omnibus” authority, EPA occasionally has used this authority to implement cleanup activities at RCRA-permitted facilities. Similarly, states with authorized RCRA programs have used state omnibus authorities. For example, EPA or an authorized state could use the omnibus authority to require the o/o to investigate the release of hazardous constituents from a source that was not defined as a SWMU. This authority is codified at 40 CFR 270.32(b)(2).

References

- CFR. 40 CFR 270.32(b)(2).
- FR. 1985. 50 FR 28702. July 15.
- FR. 1987. 52 FR 45788. December 1.
- EPA. Corrective Action Web Site: Data on Authorized States. Accessed at: www.epa.gov/epawaste/hazard/correctiveaction/index (October 2009).



CA Permits

- ❖ Majority of new and operating facilities typically perform CA under permits
- ❖ CA requirements included in the permit can and should be performance-based

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Notes:

Purpose of Slide

- Continue discussion of CA permits.

Key Points

- In general, facilities seeking a new permit or active operating facilities with regulated units will generally perform CA activities under conditions included in their RCRA permit. As noted earlier, Section 3004(u) was codified in 40 CFR 264.101; however, this requirement is not prescriptive, but is performance-based.
- In regards to CA permits, remember Principle No. 3 from Module 2 - "Think Performance Standards."
- The instructor will discuss how CA requirements in permits can be performance-based; performance-based approaches are discussed further in other modules.

References

- CFR. 40 CFR 264.101.



Alternate State Cleanup Programs

- ❖ Most states are authorized to implement CA program in lieu of EPA
- ❖ States also use alternate cleanup programs and authorities to support cleanup at RCRA facilities
 - State Superfund programs (e.g., NY)
 - One Cleanup programs (e.g., WI)
 - Brownfields programs (e.g., CT)
 - Voluntary programs (e.g., IL)
 - Other programs (e.g. Regional Water Quality Boards in CA)

(continued)

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Notes:

Purpose of Slide: Overview alternate State program authority for CA at TSDFs and stress the importance of state cleanup programs.

Key Points

- Alternate State cleanup programs may play an important role for RCRA CA facilities.
- Most states and territories are authorized to implement CA. In states without authorization, EPA continues to implement RCRA CA authorities. However, in many cases, the states oversee much of the CA work through work sharing agreements with EPA although EPA continues to have enforcement authority over CA. States also use other authorities to support cleanup.
- Many states have voluntary cleanup programs (VCPs) and other alternate cleanup authorities to speed cleanup at, for example, lower risk sites that may not be subject to other authorities – and to foster redevelopment. Eligibility and procedures vary among states. Participants commonly pay oversight costs. For example, the IL Voluntary Site Remediation Program (SRP) provides remediation applicants the opportunity to receive IL EPA review, technical assistance, and no further remediation (NFR) determinations. The program is designed to be flexible and responsive to the needs of the remediation applicants; the goals and scope of actions at these sites are normally defined by the Remediation Applicants. Under the program, IL EPA issues NFR letters to the Remedial Applicants who have successfully demonstrated, through proper investigation and remedial action (when warranted), that environmental conditions at their site do not present a significant risk to human health or the environment. The NFR letter signifies a release from further responsibilities under the Illinois Environmental Protection Act.
- States will often use their alternate cleanup programs to accelerate cleanups at facilities subject to RCRA CA. For example, a RCRA facility may have 45 SWMUs identified, but only 20 SWMUs are currently subject to a CA order issued by the EPA Region. The State or owner or operator could choose to address the remaining 25 SWMUs, not covered by the order, under an alternate state cleanup mechanism instead of a RCRA permit.
- EPA and several states have entered into non-binding Memoranda of Agreement (MOA) to recognize the use of alternate cleanup programs to address CA at lower priority RCRA TSDFs.
- The use of alternate state cleanup programs is one of the tools that may be used to meet the 2020 cleanup goals.

References

- IL Environmental Protection Agency. IL Environmental Protection Agency, Bureau of Land Web Site. Information on IL Voluntary State Remediation Program. Accessed On-line at: <http://www.epa.state.il.us/land/site-remediation/index.html>.



Alternative State Cleanup Mechanisms

- ❖ States will typically have a number of cleanup mechanisms that provide varying degrees of flexibility, including:
 - Voluntary cleanup programs
 - Operating permits
 - Post-closure plans, permits, or orders
 - Compliance orders on consent
 - Unilateral compliance orders

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Notes:

Purpose of Slide

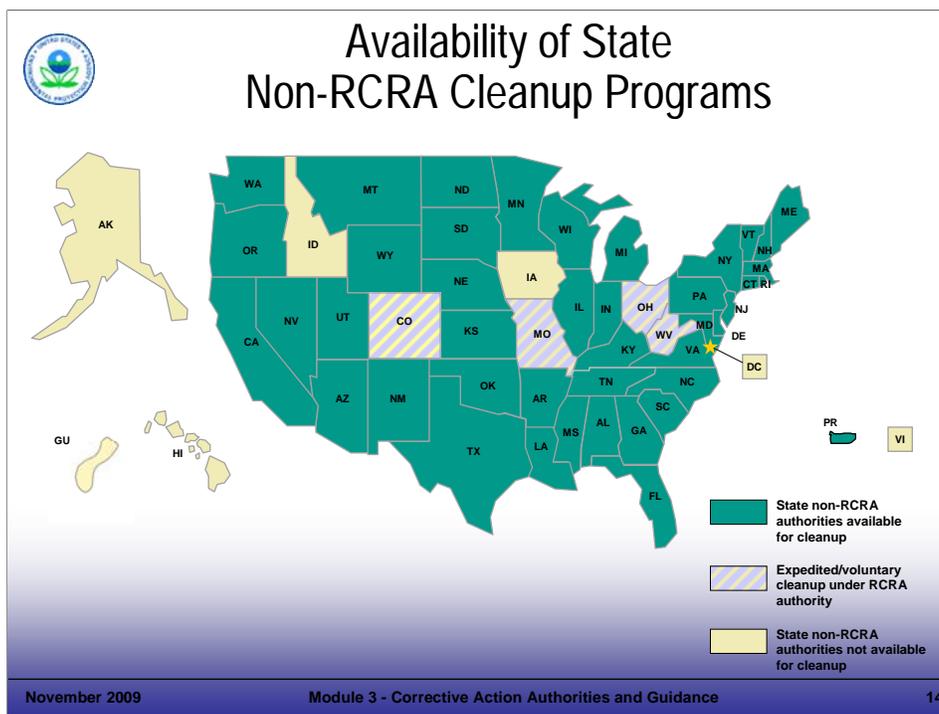
- Briefly discuss available and flexible options State programs typically have for implementing RCRA CA.

Key Points

- RCRA CA at a facility may be performed under one or a number of the mechanisms noted on this slide. Such mechanisms provide a structured, yet flexible, process for holding parties responsible for completing cleanup activities. They also ensure that a process is available to resolve any disputes that may arise during the course of the CA process. The facility benefits by having a defined process that may aid in planning, budgeting resources, obtaining insurance, and informing management of long-term commitments.
- An o/o may propose a mechanism under which it will perform the work; however, the final decision to accept that proposal or select an alternate mechanism rests with regulatory authority.
- The next slide shows a map of States that use alternate cleanup authorities at RCRA TSDFs; however, the map does not distinguish between the type of TSDFs (e.g., permitted, interim status, high priority, low priority).

References

- None.



Notes:

Purpose of Slide

- Overview of alternate State program authority for CA at TSDFs.

Key Points

- This map shows the availability of alternate state cleanup programs that may support remediation efforts at RCRA sites.
- This map is current as of October 2008.

References

- 2008. Map provided by EPA Office of Solid Waste and Emergency Response, Office of Resource Conservation and Recovery (ORCR). October.



Leveraging Compliance: Enforcement Authorities

- ❖ Section 3008(a) authorizes administrative orders and judicial actions to address non-compliance with any requirement of RCRA Subtitle C
- ❖ Subtitle C requirements include CA provisions in RCRA permit
- ❖ EPA may assess penalties for each day of violation
- ❖ State can take enforcement action under analogous state authority if authorized for CA

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Notes:

Purpose of Slide

- Overview enforcement approaches for CA.

Key Points

- Section 3008(a) authority is used to require any person that is not in compliance with the requirements of RCRA Subtitle C to take steps immediately or within a stated time period (that is, a schedule) to return to compliance.
- Subtitle C requirements include CA provisions in RCRA permits.
- The order can contain penalty provisions up to \$32,500 per day per violation and can suspend or revoke a facility's permit or interim status. When EPA issues a compliance order, the person issued the order can request an administrative hearing on the factual provisions of the order. If no hearing is requested, the order becomes final 30 days after it is issued.
- Section 3008(a) is Federal, but states have comparable authorities. EPA would look to the state to take enforcement action for non-compliance with CA requirements in a permit if the state is authorized for CA.

References

- CFR. 40 CFR 261.3.
- EPA. 1984. Issuance of Administrative Orders under Section 3013 of RCRA. September 26.
- EPA. 1997. Guidance on the Use of Section 7003 of RCRA. October 20.
- EPA. 2005. Model RCRA Section 7003 Administrative Order on Consent. October 28.



Summary of Mechanisms

- ❖ Agreements
 - Permits
 - Consent orders
 - Voluntary actions
- ❖ Unilateral actions (administrative and judicial)
- ❖ Enforcement for non-compliance

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Notes:

Purpose of Slide

- Summarize the key points of the first half of the module.

Key Points

- A variety of mechanisms are available to achieve CA.
- A Regional representative will speak to mechanisms and approaches used in your area.

References

- None.



Presentation/Discussion



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Notes:

Purpose of Slide

- Provide a place for Headquarters and Region/State discussion on current priorities and programs to support meeting 2020 goals.

Key Points

- An EPA representative will speak to mechanisms and approaches used in this area on a national and Regional perspective.

References

- None.



Use of RCRA 3013 and 7003 and CERCLA 106 Authorities

- ❖ RCRA Section 7003 & CERCLA Section 106
 - Both may be used to address *potential* imminent and substantial endangerment situations
 - Pros and cons to using each authority
 - Have been used individually and jointly at RCRA facilities
 - Region 9 recently issued a joint RCRA 7003/CERCLA 106 order
- ❖ RCRA Section 3013 has been used to address facilities not making progress under a facility-lead approach

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Notes:

Purpose of Slide

- Discuss use of RCRA Section 3013 and 7003 and CERCLA Section 106 authorities to help meet CA goals.

Key Points

- Region 1 has used a facility-lead approach to achieve CA goals at many RCRA facilities.
- At facilities that were not making adequate progress under the facility-lead approach, Region 1 issued RCRA Section 3013 orders to require these facilities to complete key CA activities (*e.g.*, completing RCRA Facility Investigations, preparing and submitting interim measures work plans).
- RCRA Section 7003 and CERCLA Section 106 have similar language about addressing *potential* imminent and substantial endangerment situations (RCRA Section 7003 states "...may present an imminent and substantial endangerment..." and CERCLA Section 106 states "...may be an imminent and substantial endangerment...").
- As stated in the 1997 "Guidance on the Use of Section 7003 of RCRA", there are advantages and disadvantages of using RCRA Section 7003 vis-à-vis CERCLA Section 106 authorities.
- RCRA Section 7003 and CERCLA Section 106 authorities have been used individually and jointly to help further CA goals.
- In December 2008, Region 9 issued a RCRA Section 7003/CERCLA Section 106 unilateral administrative order to a RCRA facility where wood treatment operations resulted in ground water and soil contamination.
- The order required various CA-related activities to characterize and stabilize the contamination.

References

- EPA. 1997. Guidance on the Use of Section 7003 of RCRA. October 20.



Use of RCRA 3008(h) Authority

- ❖ RCRA § 3008(h) is used in a variety of ways
 - Most follow 1993 model consent order
 - Some Regions have issued streamlined orders
- ❖ RCRA § 3008(h) is the most commonly used CA enforcement authority
 - Region 7 issued a § 3008(h) order with performance standards and included requirements that the Agency would impose remedy if performance standards not met.

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Notes:

Purpose of Slide

- Discuss use of RCRA Section 3008(h) to help meet CA goals.

Key Points

- RCRA Section 3008(h) is the most commonly used enforcement authority to achieve CA goals.
- Most of the RCRA § 3008(h) orders follow the "Final RCRA Section 3008(h) Model Consent Order."
- However, several Regions have issued streamlined RCRA § 3008(h) orders that are designed to achieve CA goals faster, but are still enforceable and protective of human health and the environment.
- Region 7 issued a RCRA § 3008(h) order that included a performance standard approach to control groundwater contamination.
- The order also included a provision that the Region would impose a remedy if the respondent did not meet the performance standard included in the order.

References

- EPA. 1993. Final RCRA Section 3008(h) Model Consent Order OSWER Directive #9902.5A. December 15.



RCRA CA Cleanup Reforms and Guidance

- ❖ This part of the module reviews EPA policy and guidance to support CA results, including:
 - RCRA Cleanup Reforms and Goals
 - Results-Based Guidance for CA
 - Public Participation
 - Financial Assurance

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Notes:

Purpose of Slide

- This part of the module reviews how EPA has integrated an emphasis on results into RCRA CA program guidance.

Key Points

- The first part of this module served to review the statutory and regulatory authorities and mechanisms that regulators use to implement CA at RCRA facilities. While these statutes and regulatory authorities provide EPA and states the means for CA, the end is the key. With that in mind, EPA has prepared many guidance and policy statements over the years; this second part of Module 3 examines RCRA reforms and results-based guidance for implementing CA.
- In addition, this module reminds participants of the public involvement requirements of RCRA CA and the important role that public involvement plays in successfully achieving RCRA CA progress.
- Financial assurance requirements are also reviewed.
- Regulations and state programs provide the means; the end is a protective cleanup. As long as the site is being addressed adequately, as required by RCRA, neither the authority used nor the agency overseeing the cleanup is important. The various authorities allow implementers to be flexible and creative in administering CA.

References

- None.



RCRA Cleanup Reforms

- ❖ 1999 Cleanup Reforms
- ❖ 2001 Cleanup Reforms

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Notes:

Purpose of Slide

- Introduce the background and purpose of the RCRA Cleanup Reforms.

Key Points

- In response to the Government Performance and Results Act of 1993 (GPRA), EPA established national goals for the RCRA CA program. GPRA holds federal agencies accountable for using resources wisely; it requires federal agencies to establish strategic plans and methods to measure the performance of the programs they administer.
- Partly in response to GPRA, EPA introduced the RCRA Cleanup Reforms in 1999. These initial reforms were EPA's comprehensive effort to address key impediments to cleanup at RCRA facilities, maximize program flexibility, and spur progress toward the national cleanup goals established for GPRA. The reforms are designed to achieve faster, more efficient cleanup at RCRA CA sites.
- In 2001, EPA implemented a second round of reforms. The 2001 Reforms reflected ideas and comments that EPA obtained from implementers and stakeholders involved in the RCRA CA Program.

References

- EPA. Web site link to GRPA Guidance. Accessed On-line at: <http://www.epa.gov/ocfo/planning/gpra.htm>.
- EPA. 1999. RCRA Cleanup Reforms. EPA 530-F-99-018 (Fact Sheet #1). July.
- EPA. 2001. RCRA Cleanup Reforms 2. EPA 530-F-01-001 (Fact Sheet #2). January.



Goals of the 1999 RCRA Cleanup Reforms

- ❖ Provide results-oriented guidance with clear objectives
- ❖ Foster practical approaches
- ❖ Enhance community involvement

(continued)

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Notes:

Purpose of Slide

- Discuss specific objectives and goals of the RCRA Cleanup Reforms.

Key Points

- Both the 1999 and 2001 RCRA Cleanup Reforms included the following goals:
 - Provide new results-oriented guidance with clear objectives. We will discuss examples of this guidance later in this module.
 - Foster practical approaches through training, outreach, and new uses of enforcement tools.
 - Enhance community involvement. EPA's reforms include a focus on providing public access to information on cleanup progress.
- Currently, as well as in the past, EPA has provided national and regional training to explain and foster the use of practical and results-oriented approaches for implementing RCRA CA.

References

- EPA. 1999. RCRA Cleanup Reforms. EPA 530-F-99-018 (Fact Sheet #1). July.
- EPA. 2001. RCRA Cleanup Reforms 2. EPA 530-F-01-001 (Fact Sheet #2). January.
- EPA. 1999. RCRA CA Workshop on Results-Based Project Management. June 10. Accessed On-line at: <http://www.epa.gov/osw/hazard/correctiveaction/workshop/>.



Goals of the 2001 Cleanup Reforms

- ❖ Pilot innovative approaches
- ❖ Promote cultural change
- ❖ Provide more effective access to cleanup information
- ❖ Encourage implementers and stakeholders to capitalize on redevelopment potential

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Notes:

Purpose of Slide

- Highlight additional goals and activities identified in the 2001 RCRA Cleanup Reforms.

Key Points

- The 2001 Reforms built on the 1999 Reforms and focused specifically on:
 - Piloting innovative approaches implemented by EPA regions and states, such as using innovative site characterization technologies and applying state cleanup programs, where appropriate, to achieve national goals.
 - Moving toward a culture of implementation by focusing on results, and not process, and by encouraging partnerships and increased dialogue between implementers and stakeholders.
 - Providing the public with better access to cleanup information, such as increasing support of Technical Outreach Services to Communities (TOSC) and posting information on the web.
 - Encouraging redevelopment and reuse of RCRA sites. Module 6 will discuss RCRA CA and Land Revitalization in greater detail – including, EPA's efforts and resources to support the incorporation of redevelopment and land reuse in RCRA CA cleanups.

References

- EPA. 2001. RCRA Cleanup Reforms 2. EPA 530-F-01-001 (Fact Sheet #2). January.



Primary EPA Guidance for RCRA CA

- ❖ The 1990 proposed Subpart S Rule (most of this rule was withdrawn by EPA in 1999)
- ❖ The 1996 Advance Notice of Proposed Rulemaking (ANPR) serves as the primary guidance for RCRA CA

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Notes:

Purpose of Slide: Identify EPA's primary guidance for implementing RCRA CA.

Key Points

While the goals of the Cleanup Reforms focus on fostering practical approaches and cultural change, RCRA CA guidance supporting these approaches has been in place for many years. The primary guidance includes the following:

- On July 27, 1990, EPA proposed new CA regulations (known as the Subpart S Rule) designed to help with implementation of a comprehensive regulatory framework for the CA statutory authorities under Sections 3004(u) and 3004(v). The Subpart S Rule was developed by EPA in response to HSWA and provided a comprehensive CA program (40 CFR 264 Subpart S [55 FR 30798, July 27, 1990]). Subpart S CA was to apply to releases to any media from any SWMU at a TSDF. CA requirements under the proposed Subpart S Rule were imposed through permit conditions or, for interim status facilities, through a RCRA Section 3008(h) order.
- In 1996, EPA issued its Advance Notice of Proposed Rulemaking (ANPR) related to RCRA CA requirements for releases from SWMUs at hazardous waste management facilities.
- On October 7, 1999, as part of the RCRA Cleanup Reforms, EPA withdrew most provisions of the July 27, 1990, Proposed Subpart S Rule. EPA took this action because it determined that the existing regulations and guidance allow the Agency and states to implement a CA program that is protective of human health and the environment. While most provisions of the rule were withdrawn, the Corrective Action Management Unit (CAMU) and temporary unit (TU) regulations that had been finalized earlier, remain in effect.
- The end result of EPA's withdrawal of the Proposed Subpart S Rule is that the May 1, 1996, ANPR provides the primary guidance for the RCRA CA program.
- EPA does not currently anticipate issuing federal regulations for implementing the RCRA CA Program. However, if information becomes available to indicate that regulation may be appropriate for certain aspects of CA, EPA will consider issuing such regulations.

References

- EPA. 1999. Environmental Fact Sheet: EPA Discontinues Action on 1990 Subpart S Proposal. EPA 530-F-99-042. October.
- FR. 1990. Corrective Action for Solid Waste Management Units at Hazardous Waste Management Facilities; Proposed Rule. 55 FR 30798. July 27.
- FR. 1996. ANPR. 61 FR 19432. May 1.
- FR. 1999. Withdrawal of Subpart S Proposed Rule. 64 FR 54604. October 7.



Results-Based Approaches to CA

- ❖ Encourages technical and administrative innovation to achieve cleanups
- ❖ Emphasizes outcomes and results in cleanups rather than the process used
- ❖ Offers benefits that include:
 - Greater focus on end goals
 - Faster results
 - Fewer resources used

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Notes:

Purpose of Slide

- Introduce and discuss EPA's results-based approaches to CA.

Key Points

- To provide guidance supporting the cleanup reforms, in September 2003, EPA issued Results-Based Approaches and Tailored Oversight Guidance to provide a framework for implementers to run programs that most effectively use available RCRA CA cleanup tools and private party resources to address environmental problems.
- The results-based approaches identified in the guidance reflect the collective experience of EPA and the states in implementing RCRA CA and other cleanup programs. The approaches are intended to help program implementers without placing an undue focus on the detailed procedures and steps originally established in earlier EPA guidance and in the Proposed Subpart S Rule (which has since been withdrawn).
- A key to the results-based approaches to CA is that program implementers consider practical approaches to achieve environmental results without necessarily following rigid administrative procedures. Benefits can include a greater focus on end goals, faster results, and fewer resources used.

References

- EPA. 2003. Results-Based Approaches and Tailored Oversight Guidance for Facilities Subject to Corrective Action under Subtitle C of the Resource Conservation and Recovery Act. EPA 530-R-03-012. September.



Overarching Approaches to Results-Based CA

- ❖ Establish tailored oversight for each facility
- ❖ Use a holistic approach to address environmental problems at the facility
- ❖ Develop performance standards for the o/o to achieve
- ❖ Tailor data gathering strategies to the purpose for which data will be used

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Notes:

Purpose of Slide

- Provide more detail on EPA's results-based approaches to CA.

Key Points

- Tailored oversight refers to an oversight plan that is developed cooperatively by the Project Manager and the o/o. It considers facility-specific conditions such as site complexity, compliance history, and the financial and technical capability of the o/o.
- A holistic approach emphasizes that implementers examine the overall conditions at a facility and prioritize and address environmental problems based on overall risk, rather than focusing on the cleanup of individual SWMUs or other units. Implementers need to focus on overall environmental results rather than following a rigid set of procedural steps to ensure that RCRA CA activity directly supports cleanup goals at a site.
- It is also recommended that the regulatory agency and the o/o work to develop performance standards that prescribe the scientific, technical, and administrative requirements that the o/o must fulfill to complete RCRA CA.
- Data gathered should support the selection and implementation of appropriate responses at the facility, such as data required to evaluate the status of environmental indicators (EIs). EIs are discussed further later in this module.
- Data Quality Objectives (DQOs), rather than a pre-determined set of sampling requirements, should guide the determination of data needs and quality.

References

- EPA. 2003. Results-Based Approaches and Tailored Oversight Guidance for Facilities Subject to Corrective Action under Subtitle C of the Resource Conservation and Recovery Act. EPA 530-R-03-012. September.



Supplemental Approaches to Results-Based CA

- ❖ Use presumptive remedies
- ❖ Incorporate innovative technologies and approaches, where appropriate
- ❖ Phase CA to achieve greater efficiency
- ❖ Expedite cleanups using facility-lead agreements
- ❖ Coordinate post-closure and facility-wide CA

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Notes:

Purpose of Slide: Discuss supplemental approaches identified in EPA guidance.

Key Points

- EPA has developed presumptive remedies under the Superfund program to streamline cleanups and these should be considered as potential remedies at appropriate RCRA CA facilities. Using presumptive remedies is an effective way to tailor CA oversight to individual facilities through the use of EPA and the states' collective experience in implementing these remedies at other sites. Information regarding presumptive remedy policies and procedures can be found on the EPA Superfund Web site (see references below).
- Where presumptive remedies are not available or appropriate, regulatory agencies and o/o's should consider innovative technologies that offer comparable or superior treatment performance, fewer adverse impacts, and lower costs for acceptable levels of performance compared to conventional technologies.
- O/o's should also consider phased approaches that focus on areas that pose the greatest near-term threat to human health and the environment. Moreover, o/o's should focus on RCRA CA activities that achieve EIs and subsequently develop remediation time frames for achieving final cleanup goals. A phased approach may be particularly useful where the o/o wants to redevelop, reuse, or sell part of the property.
- Facility-lead agreements are a tool and, where appropriate, should be considered at facilities in advance of issuing a permit or order requiring CA. Facility-lead agreements are discussed in more detail elsewhere in this module and in other modules included in this training program.
- Where facilities have post-closure requirements for hazardous waste management units, regulatory agencies and o/o's should seek to coordinate those requirements with facility-wide CA where appropriate.

References

- EPA. 2003. Results-Based Approaches and Tailored Oversight Guidance for Facilities Subject to Corrective Action under Subtitle C of the Resource Conservation and Recovery Act. EPA 530-R-03-012. September.
- EPA. 1996. Guidance on Coordination Between RCRA CA, Closure, and CERCLA Site Activities. September 24.
- EPA. Superfund Web site: Presumptive Remedies Policies and Procedures. Accessed On-line at: <http://www.epa.gov/superfund/policy/remedy/presump/pol.htm>



Additional Tools

- ❖ Environmental Indicators (EIs)
- ❖ Coordination between RCRA CA, RCRA Closure and CERCLA Site Activities
- ❖ Risk-Based Clean Closure

(continued)

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Notes:

Purpose of Slide

- This slide and the next one, identify additional guidance issued by EPA on implementation of RCRA CA authorities. We'll discuss some of these in this module and discuss others in later modules.

Key Points

- At the close of Module 2, we briefly introduced EIs. In 1994, EPA established two EIs as measures for CA to help site decision-makers focus on cleanup outcomes rather than the administrative processes. On February 5, 1999, EPA issued updated guidance for evaluating sites to determine whether they met the two EIs. The EIs focus on (1) documenting that current human exposures are controlled and (2) evaluating if the migration of contaminated groundwater has been controlled.
- On September 24, 1996, EPA issued guidance to address coordination between RCRA CA, RCRA closure, and CERCLA site activities. This guidance focuses on: (1) acceptance of decisions made by other remedial programs; (2) deferral of activities and coordination among RCRA, CERCLA, and state and tribal cleanup programs; and (3) coordination of standards and administrative requirements for closure with other cleanup efforts. This policy reiterated the general principle that RCRA and CERCLA cleanups will achieve similar environmental results and therefore, cleanups under one program will be acceptable to the other program.
- On March 16, 1998, EPA issued a memorandum that provided guidance on risk-based clean closure, and confirmed that RCRA-regulated units may be clean-closed to protective, risk-based, media cleanup levels.

References

- EPA. 1987. Memorandum from J. Winston Porter, Assistant Administrator OSWER to Regional Administrators. "RCRA Permit Requirements for State Superfund Actions." November 16.
- EPA. 1994. Memorandum from Michael Shapiro, Director OSW to Regional Waste Management Division Directors. "RCRIS Corrective Action Environmental Indicator Codes CA 725 and CA 750." July 29.
- EPA. 1995. Memorandum from Susan Parker, Corrective Action Program Branch Chief to Regional Corrective Action Contacts. "Environmental Indicator Fact Sheet." July 26.
- EPA. 1999. Interim Final. RCRA Corrective Action EI RCRA Code (CA725) and Current Human Exposures Under Control and (CA750) Groundwater Migration Controlled. February 5.
- EPA. 1996. Guidance on Coordination Between RCRA CA, Closure, and CERCLA Site Activities. September 24.
- EPA. 1998. Memorandum from Elizabeth Cotsworth, Acting Director Office of Solid Waste to RCRA Senior Policy Advisors and Regions I-X. Risk-Based Clean Closure Guidance. March 16.



Additional Guidance

- ❖ Public Participation
- ❖ Financial Assurance
- ❖ Handbook of Groundwater Protection and Cleanup Policies for RCRA CA
- ❖ Managing Remediation Waste (Module 9)
- ❖ CA Completion (Module 12)

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Notes:

Purpose of Slide: Identify additional guidance issued by EPA on the implementation of RCRA CA authorities. The following slides discuss public participation, financial assurance, and the Handbook of Groundwater Protection and Cleanup Policies for RCRA CA in more detail, while the other guidance is discussed in later modules.

Key Points

- EPA's overall public participation policy calls for meaningful public involvement in all EPA programs.
- Under Section 3004(u), o/o's are required to demonstrate financial responsibility for completing the required CA. EPA has not issued regulations on financial assurance for CA, but has provided guidance. EPA is also considering if any further tools are warranted to support program implementers addressing financial assurance requirements; two meetings of the 2020 work group were dedicated to this issue. (Note: this training course will be modified to include new guidance if it is issued).
- In 2001, EPA issued the Handbook of Groundwater Protection and Cleanup Policies for RCRA CA that integrates 15 topics into an overall Groundwater Protection and Cleanup Strategy that emphasizes a phased, results-based approach to cleaning up contaminated groundwater. In 2004, EPA issued an updated Handbook. Topics addressed in the Handbook are discussed in more detail in subsequent slides in this module and in subsequent modules.
- On October 14, 1998, EPA issued guidance that consolidated and explained existing statutes, regulations, policies, and guidance that can be used to tailor the RCRA hazardous waste requirements for application to remediation wastes. Examples of the 18 approaches addressed in this guidance include: the area of contamination policy, permit waivers, the "contained-in" policy, and LDR treatment variances. Additional detail on the management of remediation waste at RCRA CA facilities is provided in Module 9, Managing Remediation Waste.
- On February 25, 2003, EPA issued final guidance on CA completion. The purpose of this guidance is to address significant issues and procedures to determine when CA activities at a site are complete. This guidance is discussed in more detail in Module 12.

References

- EPA. 1996. RCRA Public Participation Manual. Chapter 4: Public Participation in RCRA Corrective Action under Permits and Section 3008(h) Orders. Office of Solid Waste, Permits Branch.
- EPA. 1998. Memorandum on Management of Remediation Waste. EPA 530-F-98-026. October 14.
- EPA. 2004. Handbook of Groundwater Protection and Cleanup Policies for RCRA Corrective Action for Facilities Subject to Corrective Action Under Subtitle C of the Resource Conservation and Recovery Act. EPA 530-R-04-030. Update. April
- FR. 2003. Final Guidance on Completion of CA Activities at RCRA Facilities. 68 FR 8757. February 25.
- EPA. 2003. Interim Guidance on Financial Responsibility for Facilities Subject to RCRA Corrective Action. September 30.



Public Participation During RCRA CA

- ❖ Begin early
- ❖ Identify, communicate, and listen
- ❖ Involve stakeholders throughout decision process
- ❖ Develop options
- ❖ Design site-specific programs

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Notes:

Purpose of Slide

- Convey general EPA public involvement principles.

Key Points

- The fundamental premise of EPA's public participation policy is meaningful public involvement in all EPA programs and that EPA consistently looks for new ways to enhance public input. EPA seeks input reflecting all points of view and should carefully consider this input when making decisions. EPA also works to ensure that decision-making processes are open and accessible to all interested groups, including those with limited financial and technical resources, English proficiency, and/or past experience participating in environmental decision-making. Such openness to the public increases EPA's credibility, improves the Agency's decision-making processes, and supports the Agency's final decisions. EPA's principles for public participation call for the following:
 - EPA should involve the public early and often throughout the decision-making process.
 - EPA should identify, communicate with, and listen to affected sectors of the public. To do this, Agency officials should plan and conduct public involvement activities that provide equal opportunities for individuals and groups to be heard. Where appropriate, Agency officials should give extra encouragement and consider providing assistance to sectors, such as minority and low-income populations, small businesses, and local governments, to ensure that they have opportunities to be heard and, where possible, access to technical or financial resources to support their participation.
 - EPA should involve members of the public as alternatives are developed, when possible, and seek the public's opinion on alternatives before decisions are made.
 - The Agency should use public input to develop options that facilitate resolution of differing points of view.
 - EPA should make every effort to tailor public involvement programs to the complexity of the facility, potential controversy in regards to certain issues, the segments of the public affected, the time frame for decision making, and the desired outcome.
 - EPA should work in partnership with state, local and tribal governments, community groups, associations, and other organizations to enhance and promote public involvement.

References

- EPA. RCRA Corrective Action Tools and Techniques Presentation. Accessed On-line at: <http://www.epa.gov/waste/hazard/correctiveaction/curriculum/caover.htm>
- EPA. 1996. RCRA Public Participation Manual. Chapter 4: Public Participation in RCRA Corrective Action under Permits and Section 3008(h) Orders. Office of Solid Waste, Permits Branch.



Financial Assurance

- ❖ Financial assurance requirements (CFR 264.101)
- ❖ Proposed financial assurance regulations (1986)
 - Permissible instruments
 - Timing guidelines
- ❖ Subpart S proposal (1990)
 - Use 1986 proposal as guideline
- ❖ ANPR (1996)
 - Flexibility
 - Goal: Ensure remedy proceeds expeditiously
- ❖ Interim Guidance (2003)

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Notes:

Purpose of Slide

- Present an overview of financial assurance requirements and provide references on the subject.

Key Points

- CFR 264.101 codifies the statutory requirement that each "permit will contain...assurances of financial responsibility for completing ... CA."
- On October 24, 1986, the Agency proposed detailed regulations for financial assurance for CA. (51 Federal Register (FR) 37854). The proposed rule was not finalized. The 1986 proposed rule provided permissible instruments to demonstrate financial assurance for CA and guidelines on critical issues (such as, the timing of financial assurance for CA).
- In the July 27, 1990 Subpart S proposal, the Agency stated its intent to use the 1986 proposed regulations as general guidelines for financial assurance for CA (55 FR 30798, page 30801).
- In the 1996 Subpart S ANPR (61 FR 19432), the Agency restated its general principles for financial assurance for CA in the absence of final rules. The Agency emphasized that program implementers and facility owner/operators have the flexibility to tailor financial responsibility requirements to facility-specific circumstances (61 FR 19432, page 19454). In response to industry concerns that financial assurance requirements would divert resources from actual cleanup activities, the Agency stated that program implementers should apply financial assurance requirements flexibly and that their main goal should be to ensure that remedies proceed expeditiously (61 FR 19432, page 19455).
- The September 30, 2003, "Interim Guidance on Financial Responsibility for Facilities Subject to RCRA Corrective Action," provides additional guidance on the timing of financial assurance, cost-estimating, and available financial assurance mechanisms.

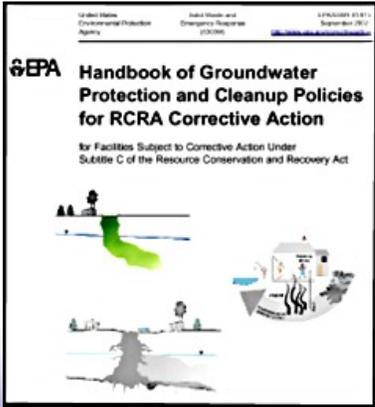
References

- FR. ANPR. 61 FR 19432. Page 19455. May 1.
- FR. 1990. Proposed Rule: Allowable Mechanisms. 55 FR 30799 (at 30856). July 27.
- EPA. 2003. Interim Guidance on Financial Responsibility for Facilities Subject to RCRA Corrective Action. Transmitted on September 30.



Handbook of Groundwater Protection and Cleanup Policies

- ❖ Comprehensive list of EPA policies on protecting and cleaning up groundwater at RCRA CA facilities
- ❖ Provides examples to illustrate application of policies



(continued)

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Notes:

Purpose of Slide

- Discuss EPA's Handbook of Groundwater Protection and Cleanup Policies.

Key Points

- The Handbook is designed to assist the regulator, the regulated community, and the public in finding and understanding EPA policies concerning groundwater protection and cleanup at RCRA facilities.
- The Handbook reflects EPA's latest thinking on groundwater policies and is a "living" document that is updated by adding new topics and new policies, by integrating changing policies or by clarifying existing policies. Examples are included to illustrate the application of principles discussed in the manual.

References

- EPA. 2004. Handbook of Groundwater Protection and Cleanup Policies for RCRA Corrective Action for Facilities Subject to Corrective Action Under Subtitle C of the Resource Conservation and Recovery Act. EPA 530-R-04-030. Update. April.



Summary

- ❖ States and EPA have several statutory and regulatory authorities for CA.
- ❖ The authorities, regulations, policies, and guidance provide the framework—a protective cleanup is the end goal.
- ❖ Implementers should use judgment in crafting the best, most practical approach for a site to achieve compliance with CA obligations.

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Notes:

Purpose of Slide

- Summarize the key points of this module.

Key Points

- EPA and authorized states have a number of authorities under the hazardous waste program to implement RCRA CA at permitted and interim status facilities.
- Authorities, regulations, guidance, and state programs provide the means; the end is a protective cleanup. As long as the site is being addressed adequately, as required by RCRA, neither the authority used nor the agency overseeing the cleanup is important. The various authorities allow implementers to be flexible and creative in administering CA.
- Implementers should use judgment in crafting the best approach for a site to achieve compliance with CA obligations, implement a protective remedy, and meet CA goals.

References

- None.



RCRA Corrective Action Training
Program: Getting to YES!
Strategies for Meeting the 2020 Vision



This training and training documents do not create any legally binding requirements on the U.S. Environmental Protection Agency (EPA), states, or the regulated community, and do not create any right or benefit, substantive or procedural. The training and documentation are not a complete representation of the Resource Conservation and Recovery Act or of EPA's regulations and views.



November 2009 Module 4 - Starting with the End in Mind: Building an Exit Strategy 1

Notes:

Purpose of Slide

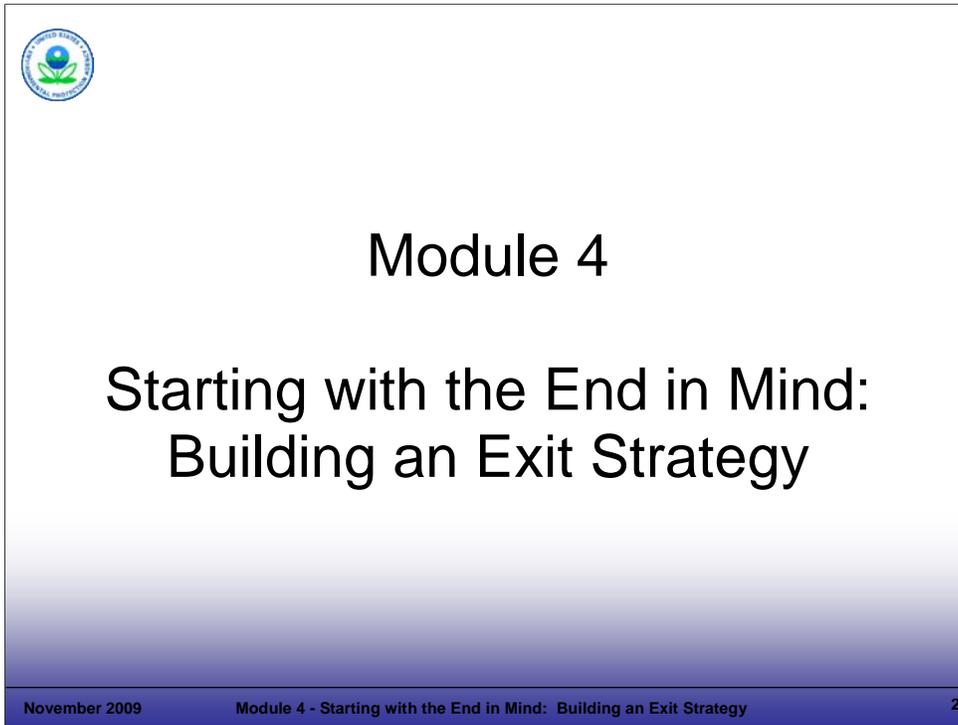
- Holder slide for Module 4, Starting with the End in Mind: Building an Exit Strategy.

Key Points

- This is a holder slide. No specific key points.

References

- None.



Notes:

Purpose of Slide

- Holder slide for Module 4, Starting with the End in Mind: Building an Exit Strategy.

Key Points

- This is a holder slide. No specific key points.

References

- None.



Module Overview

- ❖ Define Exit Strategy
- ❖ Identify the benefits of developing and implementing an Exit Strategy
- ❖ Consider different perspectives
- ❖ Review elements of a performance-based Exit Strategy
- ❖ Getting to YES with an Exit Strategy

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Module 4 - Starting with the End in Mind: Building an Exit Strategy

3

Notes:

Purpose of Slide: Introduce the module, which is placed at the beginning of the course to stress the importance of clear end goals in supporting rapid corrective action (CA) progress.

Key Points

- This module will introduce the concept of an Exit Strategy and identify the benefits of “starting with the end in mind.” An Exit Strategy can help streamline the CA process when all stakeholders agree to the Strategy. Also, it can integrate 2020 goals for CA.
- We will review the importance of understanding the perspectives of all the stakeholders, including the technical project manager, the regulator, the business owner, and the public.
- There is also a historical perspective. In the early days of Resource Conservation and Recovery Act (RCRA) CA, we tended to focus on the task at hand – preparing plans on how to install monitoring wells and sample those wells, evaluating technologies that would address the type of contamination present, writing work plans and reports, and responding to comments. In other words, we were process oriented because people (both the regulators and the regulated community) were not familiar with conducting cleanup. But now, our collective CA experience allows us to replace, in part, the process-driven approach with a results-based approach that accelerates the rate at which we address sites.
- Over time, we have come to realize that the best approach to CA (the results-based approach) addresses current and reasonably anticipated uses of a property. The results-based approach lends itself to development of an Exit Strategy for each site early in the CA process. The exit strategy will incorporate all phases of CA, including long-term stewardship when required.
- A facility that plans to change its use from industrial with historical hazardous waste disposal to a residential development or theme park will require a CA approach that is very different than if the same industrial facility intends to continue operating as an industrial plant. The Exit Strategy will reflect these plans.
- To illustrate how Exit Strategy use can support CA, we will provide examples of Exit Strategy implementation.
- **Facilities can incorporate 2020 goals into Exit Strategies – hence, Getting to YES!**

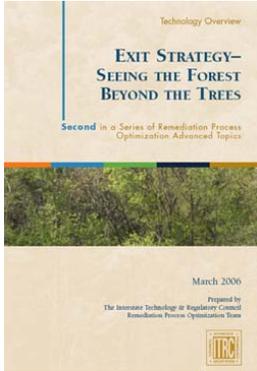
References

- None.



Definition of Exit Strategy

- ❖ A dynamic and succinct plan for accomplishing
- ❖ specific performance goals within a
- ❖ defined time period to
- ❖ assure protection of human health and the environment.



November 2009 Module 4 - Starting with the End in Mind: Building an Exit Strategy 4

Notes:

Purpose of Slide

- Provide a definition of Exit Strategy.

Key Points

- An Exit Strategy is a clear, forward-looking plan for a site. The Exit Strategy should be dynamic and refined over time as knowledge of the site improves. The Exit Strategy and site understanding should be reviewed and updated, as appropriate, through routine reviews to take advantage of lessons learned. Preferably, the Exit Strategy is developed and updated by the facility and regulatory agency working together.
- To the extent possible, the Exit Strategy for a facility should be performance-based, so that it focuses on progress toward achieving remedial action objectives (RAOs). To support the identification of specific performance goals, the Exit Strategy should be based on a sound technical understanding of site conditions and appropriate remediation technologies. The Exit Strategy should be constructed using objective metrics to describe how progress toward meeting RAOs will be measured (i.e., how success will be measured). Once metrics are established, course corrections can be made if a selected remedy fails to perform as expected.
- Finally, an Exit Strategy should be designed to assure protection of human health and the environment based on current and reasonably anticipated uses for the site. The Exit Strategy should emphasize the evaluation and optimization of remedy performance to assure timely and cost effective protection of human health and the environment.

References

- Interstate Technology and Regulatory Council (ITRC). 2006. Exit Strategy – Seeing the Forest Beyond the Trees. Second in a Series of Remediation Process Optimization Advanced Topics. ITRC Remediation Process Optimization Team. March.



Benefits of an Exit Strategy

- ❖ Builds consensus
- ❖ Puts an end in sight
- ❖ Measures progress
- ❖ Tightens schedule and budget
- ❖ Establishes a plan for “Getting to YES!”

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Module 4 - Starting with the End in Mind: Building an Exit Strategy

5

Notes:

Purpose of Slide

- Outline the benefits of having a clear Exit Strategy.

Key Points

- Having a clear end point and Exit Strategy can assist communication and understanding among multiple stakeholders. Reaching consensus on CA decisions is easier when the Exit Strategy is supported by all stakeholders. For example, if the Exit Strategy calls for long-term remediation with passive technologies, the parties are more likely to agree on less frequent sampling than for a rapid cleanup. This is because contaminant concentrations will change more rapidly for an aggressive remedy with a technology approach and therefore, will need to be monitored more frequently.
- An Exit Strategy will allow informed and timely decisions on the project path; such a strategy would typically include milestones and endpoints. For example, if a portion of a facility will be revitalized for a new use, while the remainder of the facility remains in operation, more aggressive remedial technologies may be chosen for the area designated for redevelopment, while passive technologies may be considered for the continued use area.
- Once milestones and endpoints are established, the owner/operator (o/o) can judge the level of effort required and set aside appropriate resources to achieve timely implementation.
- An Exit Strategy allows the o/o to track its schedule and expenses relative to site progress (such as reaching key milestones) and will allow forward planning to address any necessary changes in the approach.
- An Exit Strategy can help industrial and government facilities with their budget planning processes and support their budget tracking. Financial assurance considerations can be taken into account. Publicly traded companies, for example, must comply with Sarbanes Oxley, which deals with fiscal accountability for environmental liabilities and proper and accurate estimation of anticipated costs. Government facilities must make budget requests for future years within prescribed budgeting timelines.
- A plan and schedule for meeting 2020 CA goals (Getting to YES) can be included in an Exit Strategy.

References

- None.



Elements of a Performance-based Exit Strategy

1. Schedule
2. Conceptual Site Model
3. Remedial Action Objectives (RAOs)
4. Remedies and performance expectations (means to achieve RAOs)
5. Performance metrics
6. Decision criteria
7. Gap Analysis

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Module 4 - Starting with the End in Mind: Building an Exit Strategy

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Notes:

Purpose of Slide

- Introduce the elements of a performance-based Exit Strategy.

Key Points

- A schedule is a key element of an Exit Strategy.
- The description of the environmental problem at a site typically takes the form of a conceptual site model (CSM), which is a summary of available information related to contaminant sources and release mechanisms, affected media, contaminant fate and transport, and receptor exposures.
- RAOs are CA completion criteria that must be met for a cleanup to be protective. RAOs are generally expressed in narrative form, sometimes with references to numerical standards.
- The remedy selected to achieve the RAOs may include treatment, contaminant containment, and receptor exposure controls (engineering and institutional controls). The remedy is generally expressed in a narrative form, although it may incorporate numeric cleanup goals. The description should include how the remedy is expected to perform over time.
- Performance metrics are the yardsticks against which progress (success/failure) toward meeting the objectives is measured.
- The decision criteria, in the form of a logic diagram or flowchart, can be a valuable component of an Exit Strategy. Examples of factors that can be incorporated into a decision logic diagram or flowchart include:
 - The number or frequency of "clean" samples required to terminate active remediation or to abandon monitoring wells;
 - The influent concentration required to eliminate treatment components, such as a second air stripper or off-gas treatment.
- Data gaps are expected in long-term cleanups and plans for closing these gaps should be developed.

References

- ITRC. 2006. Exit Strategy – Seeing the Forest Beyond the Trees. ITRC Remediation Process Optimization Team. March.
- ITRC. 2004. Remediation Process Optimization: Identifying Opportunities for Enhanced and More Efficient Site Remediation. September.
- ITRC. 2007. Improving Environmental Site Remediation Through Performance-Based Environmental Management. November.



2. Conceptual Site Model (CSM)

- ❖ Indicates what is known or suspected:
 - Sources
 - Fate and transport
 - Exposure pathways
 - Potential receptors
- ❖ Organizes data in relation to project goals
- ❖ Focuses resources to fill data gaps

(continued)

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Module 4 - Starting with the End in Mind: Building an Exit Strategy

8

Notes:

Purpose of Slide

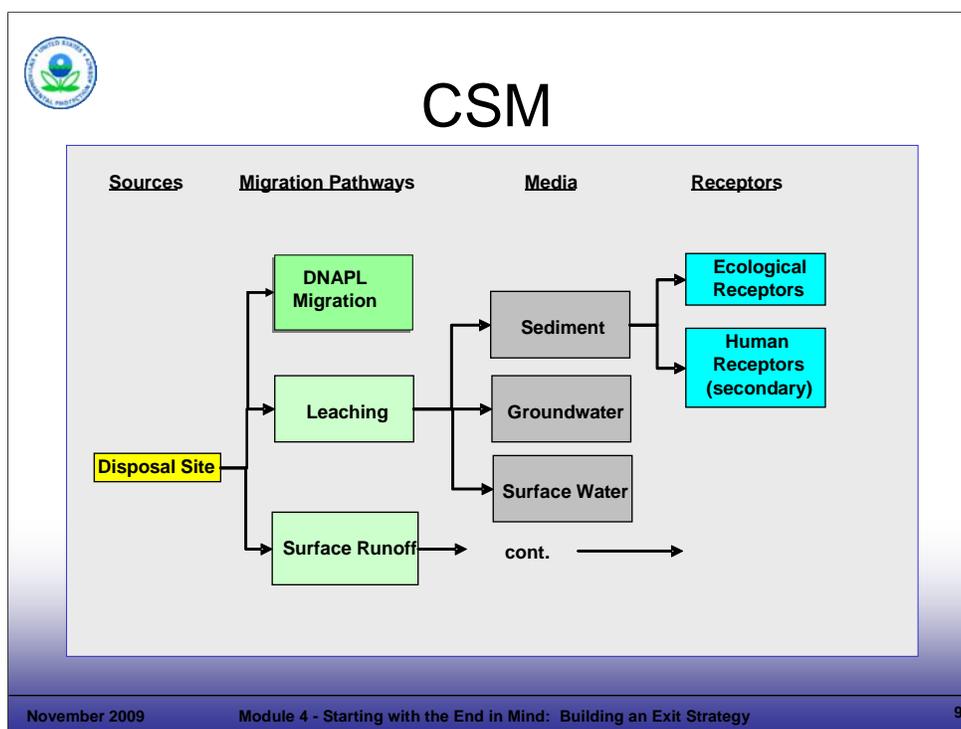
- Discuss the CSM and how it is used in developing and implementing an effective Exit Strategy.

Key Points

- The CSM identifies sources of contamination and how that contamination moves through the environment to receptors when the migration pathways are complete.
- A CSM is important for organizing known information, but also provides the framework to identify what is not known about the site and what decisions need to be made. The CSM focuses on identifying data gaps that must be closed to meet site goals.
- The CSM is dynamic and should be updated as new site information becomes available.

References

- EPA. 2001. Current Perspectives in Site Remediation and Monitoring: Using the Triad Approach to Improve the Cost Effectiveness of Hazardous Waste Site Cleanups. Author listed: DM Crumbling. EPA-542-R-01-016. October.



Notes:

Purpose of Slide

- Provide an example of a CSM.

Key Points

- A CSM can be presented in the form of graphs, cross-sectional maps, simple diagrams, tables, flowcharts, plan view maps, and/or verbal descriptions. The purpose is to identify sources, migration pathways, impacted media, and potential receptors.
- A CSM is also used to evaluate engineering controls and institutional controls (ICs) for their potential to prevent or limit exposure.
- A single project may have more than one CSM.
- The CSM is used to guide field work that gathers information to address data gaps.

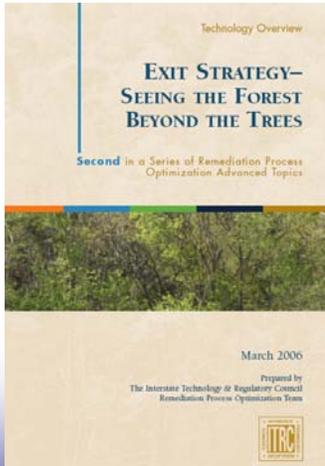
References

- EPA. 2001. Current Perspectives in Site Remediation and Monitoring: Using the Triad Approach to Improve the Cost Effectiveness of Hazardous Waste Site Cleanups. Author listed: DM Crumbling. EPA-542-R-01-016. October.



3. Remedial Action Objectives (RAOs)

- ❖ Completion criteria that must be achieved
- ❖ to reduce risks and hazards to potential receptors
- ❖ to acceptable levels under reasonable exposure scenarios



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Notes:

Purpose of Slide

- Provide an operating definition of RAOs.

Key Points

- RAOs are remediation completion criteria achieved to reduce risks and hazards to potential receptors to acceptable levels under reasonable exposure scenarios. An example of a RAO is “prevent exposure of on-site workers to arsenic in soils above the applicable industrial soil cleanup criterion.”
- Well defined and achievable RAOs are vital to efficient site remediation. The Project Manager and facility should work to establish RAOs that are reasonably attainable as well as protective of human health and the environment.

References

- ITRC. 2006. Exit Strategy – Seeing the Forest Beyond the Trees. Second in a Series of Remediation Process Optimization Advanced Topics. ITRC Remediation Process Optimization Team. March.
- EPA. 2002. Elements for Effective Management of Operating Pump and Treat Systems. Fact Sheet. December.



RAO Considerations

- ❖ Exposure scenarios
- ❖ Facility operations
- ❖ Environmental conditions
- ❖ Timeframe (consider 2020)
- ❖ Remediation costs

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Notes:

Purpose of Slide

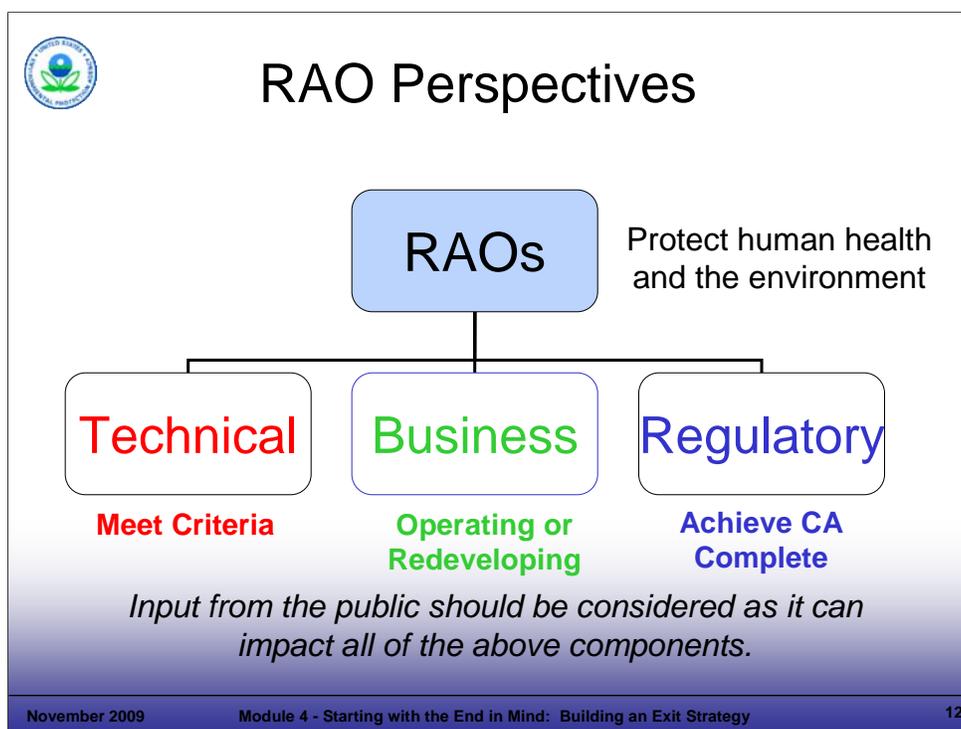
- Explain the basis of RAOs.

Key Points

- An understanding of current and anticipated *land* uses and exposure scenarios is important to identify acceptable cleanup levels under reasonable exposure scenarios. If there are no risks, remedial actions and RAOs are unnecessary.
- Facility operations, financial considerations, and the schedule for redevelopment, if applicable, are important in developing RAOs, which are tailored to each site's specific environmental conditions.
- RAOs should be achievable in a reasonable timeframe and in a cost effective manner. The 2020 Vision for CA and associated goals come into play here; they are important elements to consider in defining a reasonable end point. EPA's goal is to have remedies implemented by 2020 at facilities in the CA universe; however, while the remedy is implemented, all cleanup objectives may not be achieved by that year. For example, complex groundwater and non-aqueous phase liquid (NAPL) remedies could take many years for the goals to be achieved. Thus, the remedy construction goal can be met by 2020, with the cleanup criteria achieved over a longer time period. The ultimate goal for the facility is to complete CA and have CA obligations removed from the permit or have the CA order terminated, depending on the regulatory mechanism.
- The EPA Groundwater Handbook is a source that discusses reasonable timeframes as this concept relates to groundwater:
 - *After achieving short-term goals [eliminating unacceptable risks and preventing plumes from spreading], facilities can move toward final cleanup goals in a timeframe commensurate with the technical difficulties and potential risks.*
- Anticipated remediation costs and financial assurance are also considered in establishing RAOs.

References

- ITRC. 2006. Exit Strategy – Seeing the Forest Beyond the Trees. Second in a Series of Remediation Process Optimization Advanced Topics. ITRC Remediation Process Optimization Team. March.
- EPA. 2004. Handbook of Groundwater Protection and Cleanup Policies for RCRA Corrective Action for Facilities Subject to Corrective Action Under Subtitle C of the Resource Conservation and Recovery Act. EPA 530-R-04-030. Update. April.



Notes:

Purpose of Slide

- Point out that there are various ways of looking at RAOs or an Exit Strategy.

Key Points

- There are different ways of looking at an Exit Strategy and its components. These different perspectives might include those of the technical project manager, the regulator, and the facility owner. It is important to understand these perspectives because each of these stakeholders needs to take ownership of the Exit Strategy for it to work.
- The technical project manager looks for a technology that will address the contaminants that are present. His or her milestones and endpoints are technical, such as cleanup to a certain concentration level. He or she is also responsible for meeting certain performance metrics, such as discharge criteria. However, there are often multiple effective technologies for a family of contaminants, so other considerations, such as facility goals for reuse, also affect the technology selection.
- The regulator has different endpoints or RAOs that must be met, such as meeting CA Complete (CA 900 or CA 999).
- The owner has other factors to consider. For example, the owner may need to ensure a portion of a facility is ready for sale to a prospective purchaser by a given date. The anticipated use of that parcel can have direct consequences for remedy selection. For example, a facility may select capping for contaminated soil for continued industrial use of a parcel, but may select excavation with off-site disposal under a redevelopment scenario.
- When there are no imminent risks, the different perspectives and associated approaches to remedial decision making can have significant impacts on the remedial choices that are made.
- In developing the Exit Strategy, these various perspectives should be considered.

References

- None.

Technical Endpoint: **Meet state criteria**
 Regulatory Endpoint: **CA complete w/ controls**
 Business Endpoint: **Donate land for county park**

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Notes:

Purpose of Slide

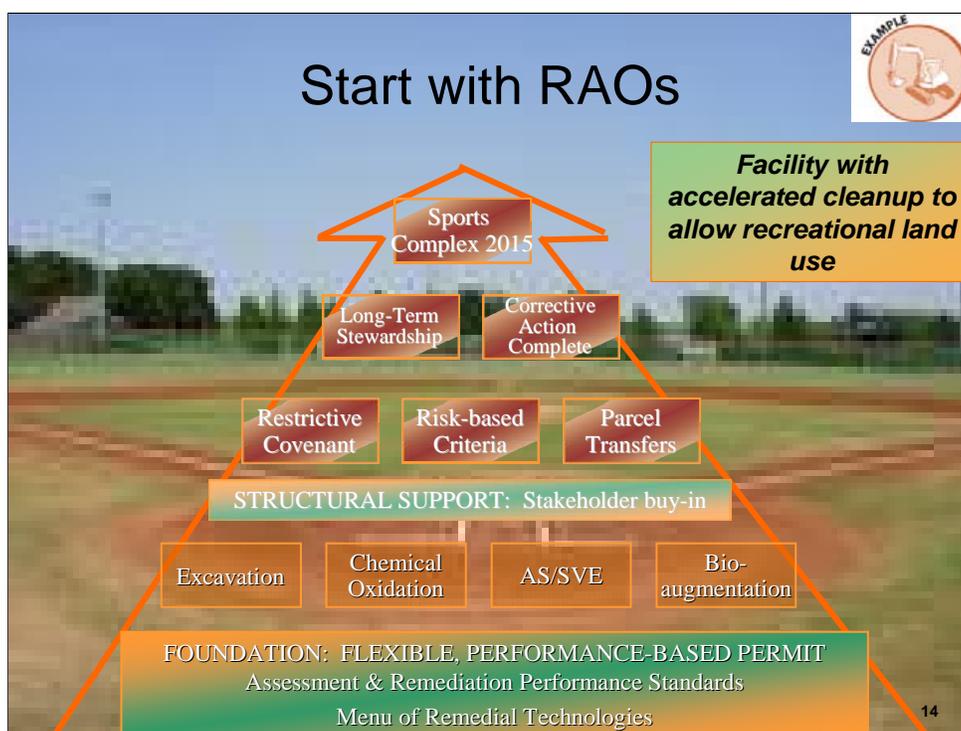
- Illustrate different perspectives or components of the Exit Strategy.

Key Points

- In this example, soil at a former fire training center has been excavated; all source material, including dense non-aqueous phase liquids (DNAPL), has been removed but the groundwater does not meet risk-based criteria. The endpoints, established based on technical, regulatory, and business perspectives, are identified in the Exit Strategy as the following:
 - The technical endpoint is to design a remedy that will meet the state criteria by 2012 within the available budget and consistent with financial assurance requirements.
 - The regulatory endpoint is to assure that sufficient monitoring data are available to support a permit modification for No Further Action (NFA) by 2015 (considerable lead time is necessary for permit modifications – for example, to accommodate public notice requirements). This will also constitute a CA Complete with Controls decision, based on meeting the state's criteria (such as plume stability) for NFA with ICs.
 - The business endpoint is to close out the liability associated with the property and donate the land to the County for use as a sports complex.

References

- None.



Notes:

Purpose of Slide

- Provide an example of an Exit Strategy. This strategy was developed “with the end in mind” – in other words, it is based on the anticipated use of the facility as a sports complex. This example shows how a permit was used to support progress. While certain significant treatment system modifications may require permit modifications under 240 CFR 270.42, this course focuses on the flexibility that can be built into permits, through up-front planning. Examples are provided to illustrate how adjustments to field activities and treatment technologies can be planned for by including clear and appropriate performance standards in permits. The facility can then make changes within the specified parameters and report the changes to the agency, which provides review and oversight during the implementation process.

Key Points

- This slide shows that the Exit Strategy begins with a rough conceptual blueprint of where the facility wants to go; it then incorporates regulatory concerns, issues, and milestones. The details of the Exit Strategy, such as cleanup goals (“the what, the where, and the when”, as we will discuss in more detail in Module 7) can then be developed. The Exit Strategy can take many forms, and it does not create a need for unnecessary or additional documentation. Rather, it is meant to provide a roadmap that helps to guide, justify, and track CA decisions.
- This facility wants to transfer ownership of land that was formerly used as a fire training center to the town government by the year 2015. It also wants to have all active remediation completed prior to property transfer.
- A RCRA CA permit is the regulatory mechanism governing the facility; this permit required renewal at about the same time the Exit Strategy was being developed.
- Because the final remedial technology had not been selected for the facility before the permit was renewed, a number of possible remedies were included in the new permit to avoid the need for multiple permit modifications and regulatory approval cycles when new technologies were implemented. The permit required that any remedy selected for implementation had to meet certain performance standards, which were established in the permit. So, the foundation of the Exit Strategy became a performance-based permit, which included a menu of potential technologies including those shown on the slide.
- The facility envisioned implementing one or more of the technologies after the permit was renewed, and anticipated that active remediation would be completed by the time the permit again required renewal. Anticipating that site cleanup criteria would be met following the second permit renewal, a number of forward-looking conditions were included in the permit, such as: performance standards and parcel transfer language. These permit conditions set the stage for completing CA and reaching the remediation endpoint according to the 2015 schedule.

References

- None.



4. Remedies and Expected Performance: *Redevelopment*



Business RAO: Mixed use development
Regulatory RAO: CA complete w/ controls
Technical RAO: plume stability, ecological sustainability




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Notes:

Purpose of Slide

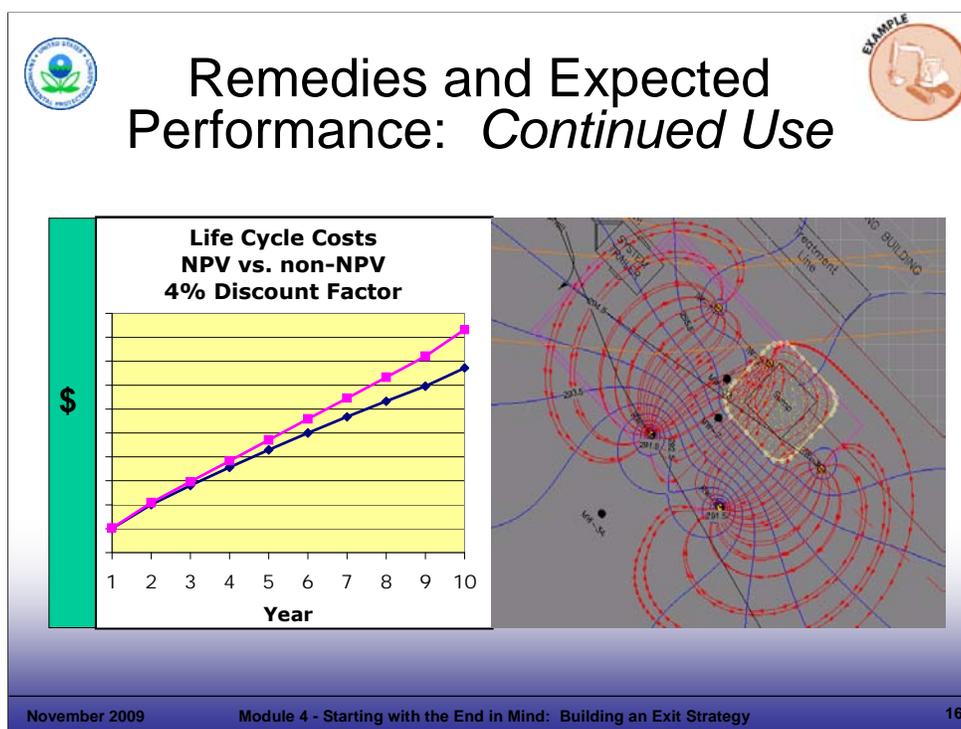
- Discuss the selection of the remedy or remedies that will be used at a facility to meet the RAOs, which are related to the anticipated use of the facility. This example includes a combination of remedies established for a facility undergoing revitalization.

Key Points

- Identifying the remedy and anticipating how it will perform over time are important components of the Exit Strategy.
- In this example, a developer purchased a large tract of land (1,500 acres) where 5 industrial landfills were located. The remedies were (1) excavation of the landfills and the surrounding contaminated soil, (2) groundwater pump and treat, and (3) chemical oxidation. Closure is now linked to meeting non-numeric goals, such as plume stability, that the state has established for risk-based CA (RBCA). Also, the CSM identified many potential ecological receptors and a decision was made to include development of an ecological corridor as part of the remedy.
- When the property was first purchased, RBCA was not an option; the cleanup standards for groundwater were maximum contaminant levels (MCLs). RBCA is now in place and ICs have been established.
- The land is considered a RCRA facility and regulated by a Hazardous and Solid Waste Amendments (HSWA) permit. Each landfill is a solid waste management unit (SWMU).
- The land will be developed in phases for mixed uses – including commercial, ecological, and residential.
- The remedy components are implemented in phases, as parcels are scheduled for redevelopment. Remedy implementation and performance are linked to development plans.

References

- None.



Notes:

Purpose of Slide

- Provide an example of developing a remedy for an operating facility, where timing often is not as critical as for sites undergoing property transfers and changing uses.

Key Points

- Annual operating costs, capital cleanup expenses, and life cycle remediation costs are important to operating facilities, which generally evaluate costs based on net present value (NPV), the long-term costs in terms of today's dollars. On the other hand, property values are critical to land owners and developers considering revitalization of facilities to support redevelopment; therefore, reuse considerations can significantly affect the pace of cleanup and the selection of technologies.
- Correctly anticipating performance is important because poor performance can increase cleanup times and costs substantially. Remedies need to be well-maintained once implemented to keep costs in check and maintain remedy performance. We discuss remedy performance further in Module 11.
- Plume stability – eliminating migration – is important for a variety of reasons, including attaining or maintaining Environmental Indicator (EI) 750 (groundwater migration under control) and avoiding third party issues with adjacent property owners. The figure on the right shows results from a groundwater fate and transport model developed to evaluate plume stability at an operating facility.
- The Exit Strategy should include a remedy that the facility and agency anticipate will meet the RAOs (including remediation completion criteria) associated with continued industrial use.
- Whether a site will be revitalized through a new use or remediated for continued use as an industrial facility, use of an Exit Strategy will support effective CA implementation.

References

- None.



5. Performance Metrics

- ❖ Types:
 - Operational
 - Risk reduction
 - Response completion
- ❖ Timing:
 - “Fast track” (redevelopment)
 - Longer-term cleanups (operating facilities)
 - 2020 milestones

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Notes:

Purpose of Slide

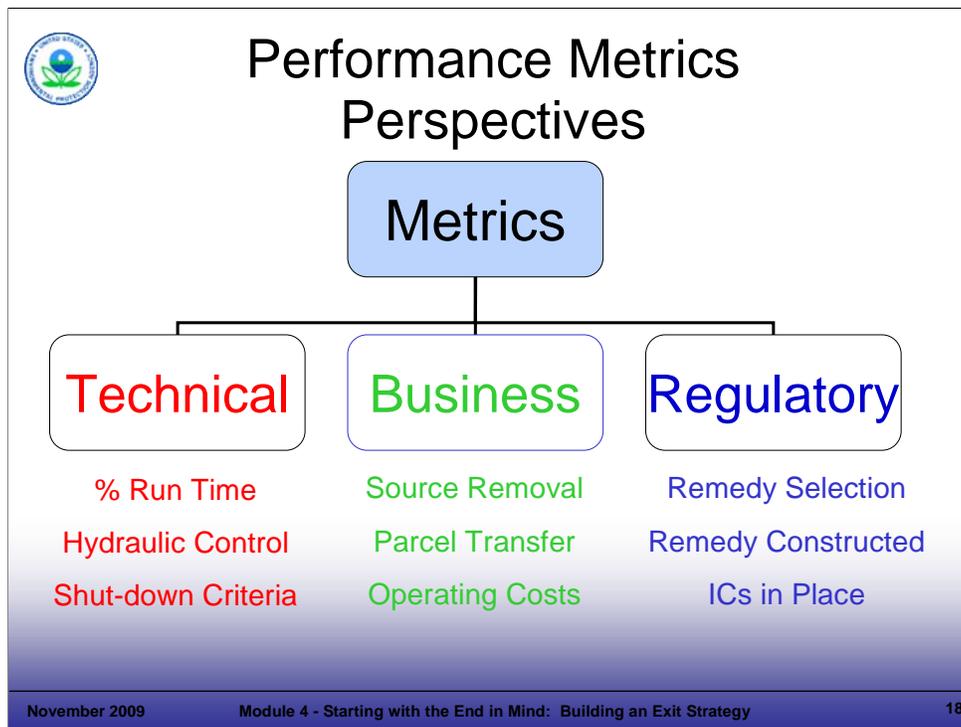
- Present how performance metrics are used within an Exit Strategy, in the context of different RAOs.

Key Points

- Performance metrics should be objective and specific. They generally fall into three categories: (1) operational metrics for engineered systems (extraction rates, treatment system efficiencies, discharge requirements); (2) risk reduction metrics (plume stability or recession, product or soil removal, land-use controls); and (3) response completion metrics or site close-out criteria (meeting cleanup criteria).
- Metrics can also be used as triggers for contingencies described in decision logic flowcharts. For example, if an operational performance metric of 99% removal efficiency for an air stripper is not achieved during three consecutive monthly sampling events, this could serve as a trigger for the requirement to add a carbon polishing unit.
- In the case of phased remediation (e.g., removal followed by bioaugmentation), interim metrics (milestones) may trigger the next phase of action. Similarly, there may be a step-wise optimization (scale down) of remedial actions and monitoring requirements as risks are reduced (e.g., as a plume shrinks or concentrations of the contaminants of concern decline). The Exit Strategy should identify these metrics and provide a decision logic that specifies what conditions must be met before proceeding.
- Facilities on a fast track for cleanup may have more intensive metrics to support changing land uses.
- Longer-term cleanups generally require less frequent sampling (over a greater length of time). If the CSM shows that contamination is stable, the facility is intended for continued use as an operating facility, and there are no threats to human health or the environment, the Exit Strategy may allow decades for site cleanup, in which case annual or less frequent sampling may be environmentally sound. O&M will be an important component of long-term cleanups to address factors such as aging equipment. In addition, appropriate ICs and monitoring will ensure that exposure assumptions based on continued use remain appropriate.
- 2020 milestones (such as Remedy Construction) can be included in an exit strategy as performance metrics.

References

- ITRC. 2006. Exit Strategy – Seeing the Forest Beyond the Trees. Second in a Series of Remediation Process Optimization Advanced Topics. ITRC Remediation Process Optimization Team. March.

**Notes:**Purpose of Slide

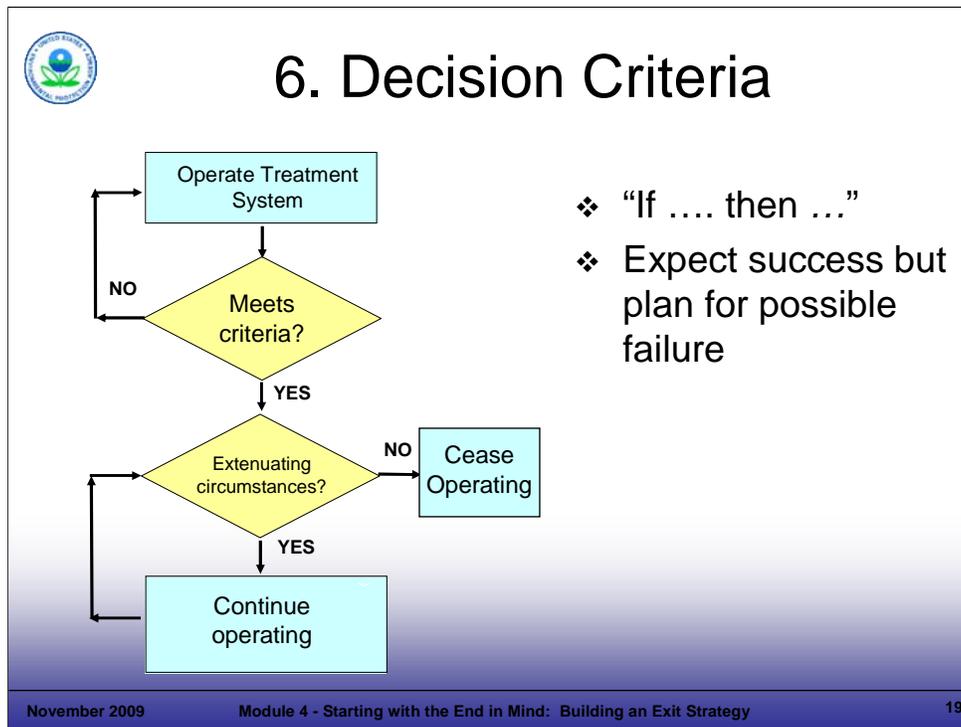
- Illustrate various perspectives on performance metrics.

Key Points

- This slide illustrates technical, business, and regulatory perspectives on performance metrics.
- Technical metrics can include performance metrics that are used to measure progress towards milestones or endpoints and should be objective and specific. They generally fall into three categories: (1) operational metrics for engineered systems (extraction rates, treatment system efficiencies, discharge requirements); (2) risk reduction metrics (plume stability or recession, product or soil removal, land-use controls); and (3) response completion metrics or site close-out criteria (meeting cleanup criteria). Metrics can also be used as triggers for contingencies described in decision logic flowcharts. For example, if an operational performance metric of 99% removal efficiency for an air stripper is not achieved during three consecutive monthly sampling events, this could serve as a trigger for the requirement to add a carbon polishing unit.
- Business milestones may relate to source removal, property sales, or reducing annual or life cycle costs. Facilities on a fast track for cleanup may have more intensive metrics to support changing land uses.
- Regulatory milestones, such as the 2020 goals (e.g., Remedy Construction) can be included in an Exit Strategy as performance metrics.

References

- None.



Notes:

Purpose of Slide

- Explain why decision criteria should be established as part of an Exit Strategy. Establishing decision logic allows implementation of a pre-determined process with stakeholder buy-in to efficiently and cost-effectively evaluate performance monitoring data and make corrections, implement contingency actions, or scale-down operational or monitoring requirements, depending on progress toward meeting RAOs.

Key Points

- Performance-based exit strategies should expect success but plan for possible failures. It is best to have a predetermined process, with stakeholder buy-in, to deal with eventualities that can occur during the CA process.
- From ITRC 2000: *Exit strategies must include quantitative criteria that will be used to assess system performance, and ultimately determine when the remedial technology has achieved its intended goal. Without predefined metrics, any uncertainty resulting from collected data may lead to a seemingly endless process of additional sampling and analysis to support a decision (“Let’s collect one more round of samples to see what that tells us.”)*
- Flow diagrams can be used to graphically depict decision logic, such as the flow diagram shown on this slide. It was developed cooperatively by a facility and the State agency.
- For example, the facility samples for chemicals of concern, and must meet cleanup criteria for at least “X” rounds before turning off a recovery well. The “X” would be agreed upon and documented by the agency and the o/o, and would be protective of human health and the environment based on current and reasonably anticipated uses.
- If there are “X” clean rounds, and there are no extenuating circumstances, then the facility can terminate recovery operations. Since the agency and facility developed this decision logic flowchart cooperatively, the facility can turn off the recovery well immediately upon achieving cleanup levels – a separate agency approval is not necessary.

References

- ITRC. 2006. Exit Strategy – Seeing the Forest Beyond the Trees. ITRC Remediation Process Optimization Team. March.
- ITRC. 2007. Improving Environmental Site Remediation Through Performance-Based Environmental Management. November.
- U.S. Department of Energy. 2000. Developing Exit Strategies for Environmental Restoration Projects DOE/EH-413-0013



Decision Criteria Examples

- ❖ If/then action statements
 - If “X” consecutive monitoring well samples are clean, abandon the monitoring well
 - If air emissions drop below criteria, eliminate off-gas treatment
 - If plume distribution is wider than expected, add air sparge points

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Module 4 - Starting with the End in Mind: Building an Exit Strategy

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Notes:

Purpose of Slide

- Provide examples of decision criteria and endpoints.

Key Points

- Simple “if (a specific condition occurs) ... then (a certain response action is taken) ...” uses the monitoring data and performance metrics to make decisions and keep the process moving. This slide provide examples of decision criteria that address changing conditions and associated contingencies.
 - A RAO may be to meet cleanup criteria; the first bullet provides a specific action (abandon the monitoring well) associated with a specific definition of when the criteria are met (“X” clean events).
 - The second bullet anticipates performance and a decision point - air emissions will drop below criteria. The associated action is to eliminate off-gas treatment.
 - On the other hand, additional treatment may be necessary when a plume is larger or deeper than expected.
- Establishing these criteria in the Exit Strategy streamlines actions and will lead to faster, cheaper cleanups.

References

- ITRC. 2006. Exit Strategy – Seeing the Forest Beyond the Trees. ITRC Remediation Process Optimization Team. March.
- U.S. Department of Energy. 2000. Developing Exit Strategies for Environmental Restoration Projects. DOE/EH-413-0013. March.



❖ Source removal – milestone

❖ Meet background levels – milestone or endpoint?

❖ Does Consent Order remain in force?

❖ Do residential criteria have to be met?

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Notes:

Purpose of Slide

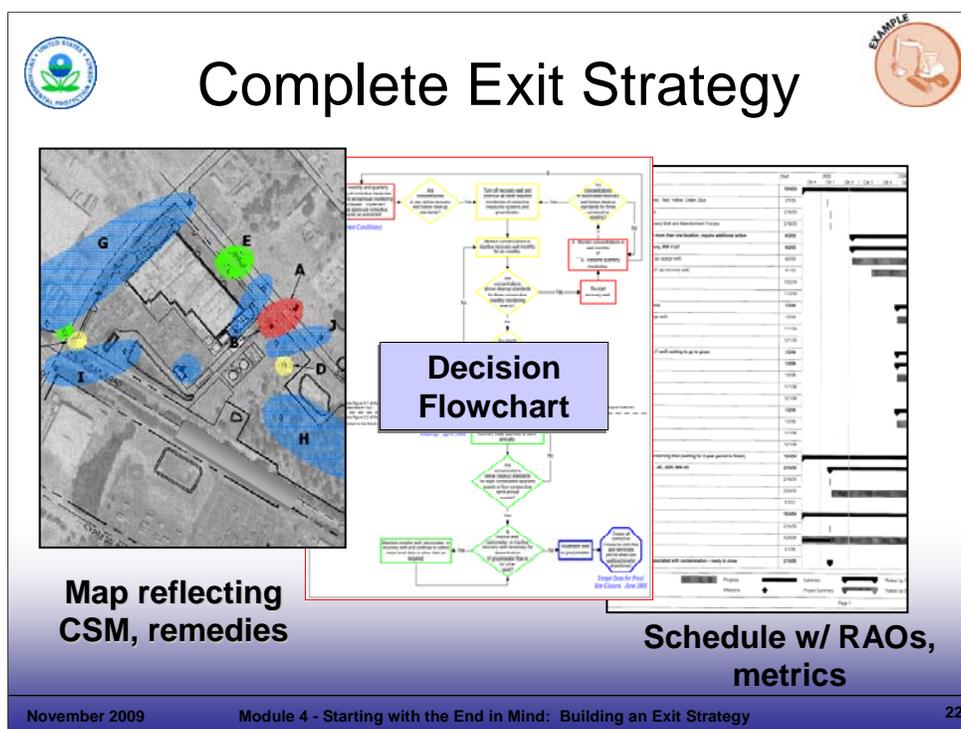
- Provide a case study example of issues that can make development of an Exit Strategy difficult.

Key Points

- At this site, trichloroethylene (TCE) has been released from a SWMU. Upgradient, there was a tetrachloroethylene (PCE) release from a Superfund site, which is degrading to TCE and the two plumes are now commingling.
- Developing an Exit Strategy for this site is difficult because establishment of the cleanup criteria is complicated for the following reasons:
 - The groundwater cleanup standard in this state is residential groundwater criteria at the RCRA CA facility.
 - The facility considers meeting background concentrations as the appropriate technical endpoint (so as not to create an “island of purity”). However, the regulatory agency considers residential criteria as the endpoint and meeting background concentrations as an interim milestone.
 - A schedule was established for meeting background concentrations and that schedule was met.
 - No schedule or cost estimate can be established for meeting residential criteria because that is dependent on the upgradient source.
 - The result is that the facility is on the Consent Order “hook” indefinitely, until the upgradient source is remediated.

References

- None.



Notes:

Purpose of Slide

- Provide an example of an efficient, focused Exit Strategy that has been distilled to a few key figures and charts.

Key Points

- This Exit Strategy has 3 components:
 - A **CSM** shows different categories of groundwater contamination (blue represents areas that have been clean for 2 years of monitoring; green represents areas that have been clean for less than 2 years; yellow represents an isolated pocket of contamination; and red represents areas with more widespread contamination). This is the CSM element of the Exit Strategy.
 - A **flowchart** shows remediation contingencies and the logic ("if/then") used to make decisions. The flow chart describes the circumstances under which the facility can discontinue sampling of groundwater monitoring wells, discontinue pumping of recovery wells, discontinue sampling of recovery wells, and abandon either type of well. The flowchart represents a performance-based approach that is self-implementing.
 - A **schedule** shows the anticipated activities over time (air sparge, pump and treat, monitoring, reporting, permitting) and the schedule required to meet the remedial action objectives. This schedule includes meeting health-based groundwater criteria in 5 years (at a cost of under \$1 million), and includes regulatory milestones (construction complete), based on a cooperative approach by the regulators and the facility.

References

- None.



Summary

- ❖ The Exit Strategy can change with evolving site conditions and improved technical understanding.
- ❖ A performance-based Exit Strategy supports sound environmental management and efficient use of resources.
- ❖ The Exit Strategy is a useful tool for meeting the 2020 CA goals.

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Module 4 - Starting with the End in Mind: Building an Exit Strategy

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Notes:

Purpose of Slide

- Summarize the main points of this module.

Key Points

- A performance-based Exit Strategy provides a practical framework to support RCRA CA; remember, keep the end in mind.
- The Exit Strategy can change with evolving site conditions and improved technical understanding.
- The Exit Strategy supports sound environmental management and an efficient use of resources.
- The Exit Strategy can integrate and help focus progress towards 2020 CA goals.

References

- None.



RCRA Corrective Action Training Program: Getting to YES! *Strategies for Meeting the 2020 Vision*



This training and training documents do not create any legally binding requirements on the U.S. Environmental Protection Agency (EPA), states, or the regulated community, and do not create any right or benefit, substantive or procedural. The training and documentation are not a complete representation of the Resource Conservation and Recovery Act or of EPA's regulations and views.



November 2009 Module 5 – Achieving Success: Practical Solutions to CA Challenges 1

Notes:Purpose

- Holder slide for Module 5, Achieving Success: Practical Solutions to Corrective Action (CA) Challenges.

Key Points

- This is a holder slide. No specific key points.

References

- None.



Module 5

Achieving Success: Practical Solutions to Corrective Action Challenges

November 2009 Module 5 – Achieving Success: Practical Solutions to CA Challenges 2

Notes:Purpose of Slide

- Holder slide for Module 5, Achieving Success: Practical Solutions to CA Challenges.

Key Points

- No specific key points.

References

- None.



Module Overview

- ❖ Identify general principles for implementing practical solutions
- ❖ Review practical approaches to
 - Remedy selection and implementation
 - Field investigations and assessment

November 2009

Module 5 – Achieving Success: Practical Solutions to CA Challenges

3

Notes:

Purpose of Slide

- This module reviews how the Resource Conservation and Recovery Act (RCRA) CA program can be implemented using flexible, practical approaches to expedite cleanups.

Key Points

- In order to discuss implementing CA in the real world, we will discuss:
 - General considerations for implementing practical solutions; and
 - Use of results-based, practical approaches to remedy selection, remedy implementation, and field investigations.

References

- None.



General Principles for Implementing Practical Solutions

1. Science and engineering are the solutions; reports document them.
2. The process is not linear.
3. EPA encourages practical approaches.
4. Performance standards provide flexibility.
5. Site-specific risks and cleanup timeframes drive remedy decisions.

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Module 5 – Achieving Success: Practical Solutions to CA Challenges

4

Notes:

Purpose of Slide

- Summarize key principles for proactive CA processes. Each of the points on this slide will be elaborated further in subsequent slides.

Key Points

- Science and engineering are the solutions; reports document them. This theme was discussed previously in Module 2. *Think progress versus process* (Principle 7 of the 8 principles covered in Module 2).
- The process is iterative, not linear – a number of activities leading to site cleanup can be performed concurrently.
- EPA encourages practical approaches to selecting and implementing remedies.
- Using performance standards provides flexibility to the CA process.
- Site-specific risks and cleanup timeframes need to be considered in the planning & implementation of remedies.

References

- None.



1. Science and Engineering are the Solutions/Reports Document Them

- ❖ Primary goal of CA program is remedies in place, not generating reports.
- ❖ Progress more important than process.
- ❖ Reports and regulatory reviews at key points.
- ❖ Challenge for Project Managers: balance information and reporting needs with need to maintain progress.

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Module 5 – Achieving Success: Practical Solutions to CA Challenges

5

Notes:

Purpose of Slide

- Emphasize that the real goal of the CA Program is to get remedies in place, not to generate reports.

Key Points

- Remedial solutions will be selected, engineered, and constructed by professionals. Work plans, reports, and other documents support their efforts but they should not be more important than implementing a timely and effective cleanup. In addition to professional geologists (P.G.) and professional engineers (P.E.), some states have additional certifications such as Licensed Site Professionals (MA) and Licensed Environmental Professionals (CT).
- Real environmental progress is achieved when the remedy is constructed, not when a report is submitted.
- Major environmental reports require significant resources and can take months or years to finalize. If no remediation progress is made while work plans or reports work their way through the review and approval process, the process wins out over progress.
- The challenge for each Project Manager is to identify a streamlined reporting process that satisfies his or her needs for current and relevant information, but also maintains remediation progress at the site. It is important to maintain adequate documentation to ensure compliance and preserve EPA/state enforcement options.
- At some points in the CA process, reports and associated reviews will be needed; these reports should be integrated into the CA timeline where they will be out of the project's critical path.

References

- None.



Effective Documentation/ Reporting

- ❖ **Purpose**
 - Establish and track schedule
 - Certify technical soundness, safety, QA/QC
 - Document decisions
- ❖ **Content and design**
 - Dynamic: for real-time decisions
 - Informal: e-mail or teleconference with minutes
 - Short: tables and figures: minimal text
 - Clear: decision matrices
 - Certified: registered or licensed professional

November 2009 Module 5 – Achieving Success: Practical Solutions to CA Challenges 6

Notes:

Purpose of Slide

- Describe the appropriate role of documentation in the CA process.

Key Points

- If work plans are clear and succinct, they help to guide field and other activities (including the tracking of schedules) and help to streamline reporting on those activities. If the goals and protocols for a planned activity are well documented in the work plan, the resulting report can often refer back to the work plan, without additional discussions of procedures. Work plans and project documentation should be used strategically – to guide activities and document the rationale for important decisions.
- In most cases, the content and design of documents should be planned up front by the owner/operator (o/o) and agency. Goals for content and design can include documentation/reporting that is:
 - Dynamic – Documents should be dynamic, supporting real-time decisions.
 - Informal – Frequent, shorter communications can ensure all parties are on the same page. As much as is practicable, informal project updates and status reports (for example, e-mails and phone calls) can take the place of lengthy written status reports.
 - Short – Most seasoned report reviewers look first at conclusions, tables, and figures – the information-dense parts of a report. That is where most of the emphasis should also be placed in generating reports (not on lengthy discussions of site background and investigative procedures used [unless these are important to understanding the site]).
 - Clear – Decision rules should be incorporated, where feasible. Decision matrices and flow charts are one way to communicate decision points.
 - Documented – Professionals in their field (engineers, geologists, other state-licensed environmental professionals), generally should seal documents to certify their review and approval of the content. These certifications put a professional's reputation and registration behind the findings or approach.

References

- None.



2. Process is Not Linear

- ❖ Implement short-term, focused remediation (for example, Interim Measures) before assessment completed.
- ❖ Combine documents – such as RCRA Facility Investigations (RFIs) and Corrective Measure Studies (CMSs).
- ❖ Evaluate exposure pathways & potential risks early.

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Module 5 – Achieving Success: Practical Solutions to CA Challenges

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Notes:

Purpose of Slide

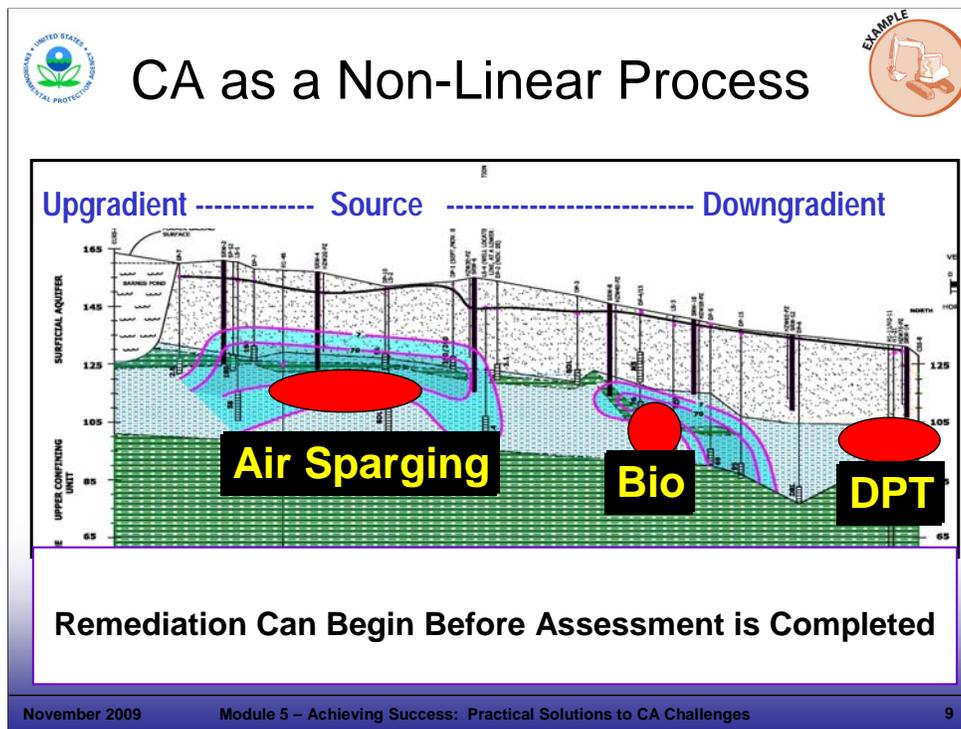
- Emphasize that CA is an iterative process.

Key Points

- In some cases, it makes sense to begin to implement remedial action before assessment of the site is completed. It can take years to characterize a complex site completely. During this time, interim measures and other site stabilization activities can be implemented based on the information collected to date. For example, if a concentrated source area of groundwater contamination is identified during a site assessment (RCRA Facility Investigation [RFI]), implementing a source control action (for example., excavation, pump and treat, partial nonaqueous phase liquid [NAPL] removal or containment) may help to address the principal threat at the site and to reduce the overall timeframe and cost of site cleanup while the site investigations continue.
- Combining several traditionally separate documents (for example, RFI and Corrective Measures Study [CMS]) into one submittal can save substantial time in the overall project schedule, as well as saving on production costs and reducing agency review time.
- A timely evaluation of the potential exposure pathways and risks posed by a site can be used to focus site assessment activities and remedy considerations to those pathways and receptors that comprise the significant risks.

References

- Federal Register (FR). 1996. Corrective Action for Releases from Solid Waste Management Units at Hazardous Waste Management Facilities, Advanced Noticed of Proposed Rulemaking (ANPR). 61 FR 19432. May 1.

**Notes:**Purpose of Slide

- Present a case study of CA implementation through a non-linear CA process.

Key Points

- In the case of groundwater contamination with VOCs, two different remediation pilot studies (bioremediation and air sparging) were implemented during the ongoing site assessment (direct push technology [DPT] and well sampling) to address different source areas.
- Air sparging was implemented in an upgradient area of shallow groundwater contaminated with VOCs.
- Bioaugmentation was implemented in a downgradient area of deeper groundwater contaminated with VOCs, where air sparging was ineffective.
- By monitoring the effects of these pilot studies on contaminant levels and other site conditions over time, a good understanding of the remediation dynamics of the site was developed and these pilot systems were expanded and used as permanent remedies for the site.

References

- None.



3. EPA Encourages Practical Approaches

- ❖ Tailored oversight
- ❖ Facility-lead agreements
- ❖ Performance-based permits

Be creative

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Notes:

Purpose of Slide

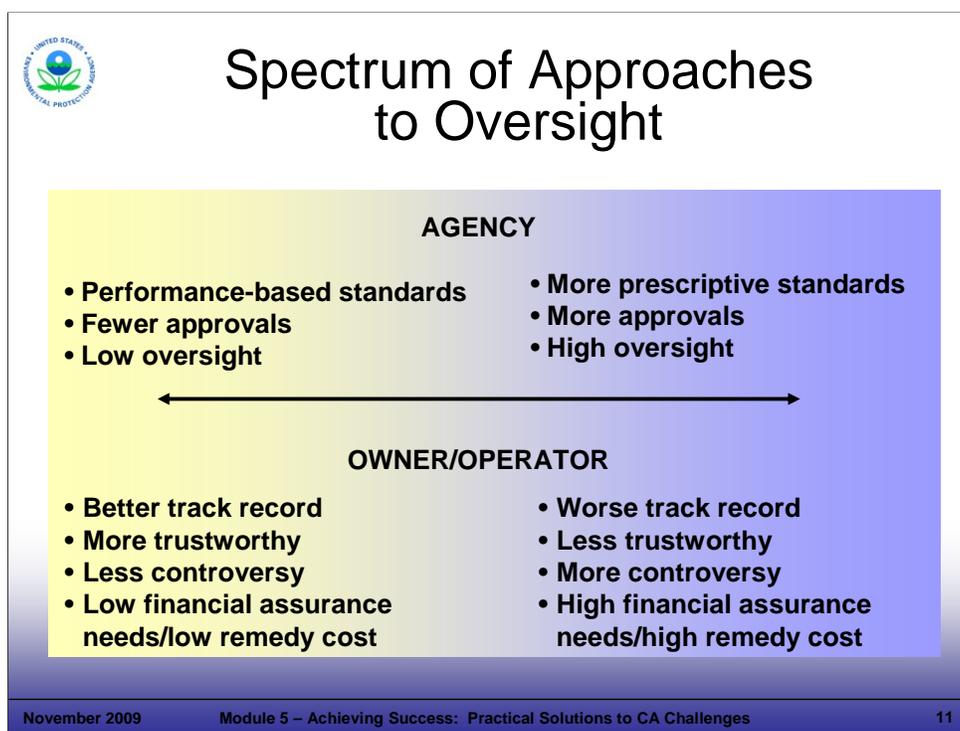
- Reiterate that EPA encourages practical considerations in the “process” because implementation challenges are rarely predictable. Emphasize CA program elements that support practical solutions.

Key Points

- Tailored oversight – The level of facility oversight should be based on facility-specific factors such as the facility's past track record, capabilities, level of trust, and other factors.
- Facility-lead agreements, permits, orders, and other agreements such as voluntary agreements – Use creativity in applying these mechanisms.
- Performance-based permits – Set performance-based standards to allow the focus to be long-term and on results, rather than short-term and on process. Ideally, the regulator establishes clear and reasonable performance standards in the CA order or permit. The facility must meet these standards, but has flexibility in determining how the standards are met.

References

- EPA. 2003. Results-Based Approaches and Tailored Oversight Guidance for Facilities Subject to Corrective Action under Subtitle C of the Resource Conservation and Recovery Act. EPA 530-R-03-012. September.
- FR. 1996. ANPR. 61 FR 19432. May 1.

**Notes:**Purpose of Slide

- A range of approaches and mechanisms are available to achieve CA. The project manager must select the right approach on a facility-specific basis.

Key Points

- If an o/o is more cooperative, the regulatory agency should be willing to provide greater flexibility.
- The o/o's track record (e.g., compliance history, technical capability) is one of the key factors that an overseeing agency should consider when deciding the appropriate level of flexibility.
- In addition, financial assurance needs and cost of remedy should be considered.
- Generally, o/o's that demonstrate more cooperation and technical capability are better candidates for facility-lead or voluntary approaches. On the end of the spectrum are recalcitrant o/o's that are better candidates for enforcement approaches.

References

- None.



Tailored Oversight






DECLARATION OF RESTRICTIVE COVENANT

THIS DECLARATION OF RESTRICTIVE COVENANT (hereinafter "Declaration") is made this ____ day of _____, 200 __, by {{property owner -}} {{a corporation authorized to conduct business in the State of Florida, -- if applicable (hereinafter GRANTOR) and the Florida Department of Environmental Protection (hereinafter "FDEP")




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Notes:

Purpose of the Slide

- Provide an example where the facility and regulators are working together to expedite cleanup activities to facilitate demolition of an existing manufacturing facility, and to allow redevelopment of the site for use as a large, high-end commercial development (upper right photograph on slide). The cleanup is under a state Voluntary Cleanup Program.

Key Points

- The previous owner, who is responsible for site cleanup, is working closely with the new owner and State agency to clean up the site as demolition occurs, and between demolition and new construction.
- The picture in the upper left shows interim groundwater recovery operations. Note the monitoring well in the lower left photograph – the demolition contractor must keep wells that were not abandoned intact so sampling can continue as long as possible. Similarly, a geologist is sampling where the building used to stand (photograph at the lower right).
- Expedited cleanup is essential to the previous owner, who hopes to remediate the property to no further action levels with ICs – hence, the draft Declaration of Restrictive Covenant for the property (as shown on the slide). Further cleanup during or following new construction would be far more complex and expensive than remedial operations before and immediately following demolition.
- The stakeholders - the previous owner, new owner, and State agency - are successfully working together on practical solutions, primarily through frequent meetings, calls, and emails. There is minimal process involved in this project – it's all progress!

References

- None.



Facility-Lead Agreement University of VA



- ❖ 2 months to develop Facility Lead Agreement
- ❖ RFI completed in 16 months by UVA
- ❖ Verification sampling by EPA
- ❖ Statement of Basis: 2003
- ❖ CA Complete without Controls: 2004



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Notes:

Purpose of Slide

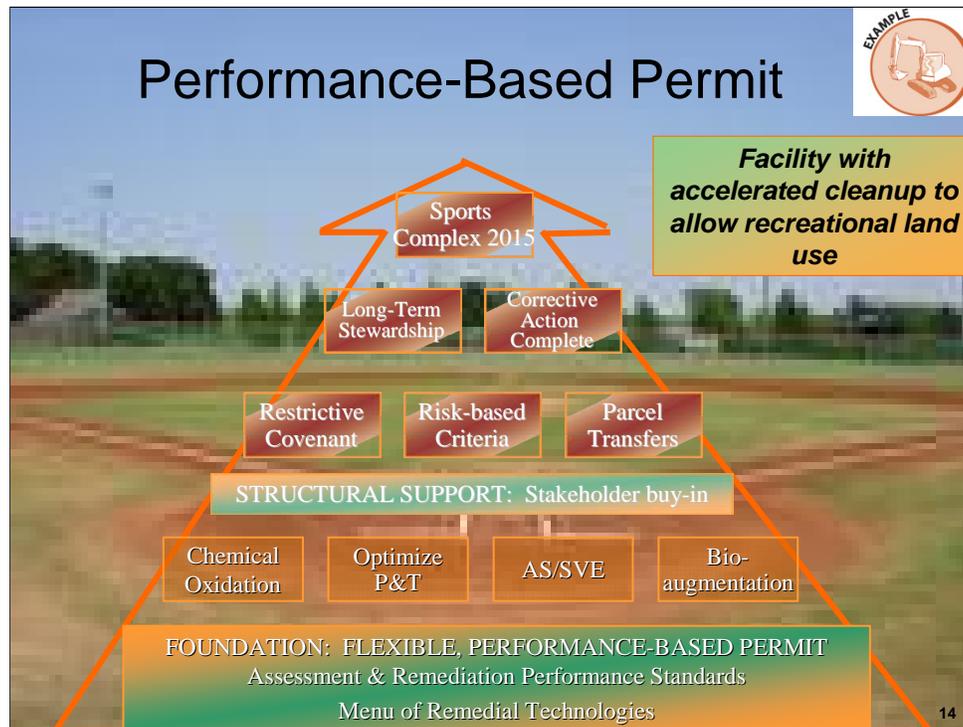
- Provide an example of a successful Facility-lead Agreement.

Key Points

- In 1999, EPA Region 3 identified the University of VA (UVA) as a high-priority facility on its RCRA Government Performance Results Act (GPRA) baseline, and there was no state or federal cleanup mechanism in place with the facility driving investigation and remediation of areas requiring cleanup (if any).
- After inspecting the facility in September 1999 and consulting with the VA Department of Environmental Quality (VDEQ), Region 3 determined that UVA was a good match for conducting CA investigations under the Region's new Facility Lead Program. This was the first such agreement put in place. The Facility-Lead Agreement required UVA to provide a site investigation schedule, a data quality assurance plan, time frames for achieving environmental indicators (EIs), and a plan for public participation. UVA was identified as a good candidate for the program as it had voluntarily begun to investigate its past waste disposal practices.
- As described in the EPA Region 3 Success Story documentation for this site, completion of the Facility-Lead Agreement took 2 months compared to an estimated 20 months to negotiate a 3008(h) consent order or to issue a Unilateral Administrative Order (UAO).
- UVA completed all field investigation activities, including three rounds of groundwater sampling and submitted a final report in October 2001. EPA conducted an additional round of sampling in May 2002 to verify UVA's results.
- In December 2003, EPA issued a Statement of Basis explaining the findings of the field investigation and EPA's conclusion that there are no unacceptable risks to human health or the environment associated with the facility (O-Hill area). EPA determined that no further CA is necessary and signed a Determination of CA Complete without Controls on March 1, 2004.

References

- EPA. Region 3 Success Story: Facility-Lead Agreement. Expediting RCRA CA at the University of VA. Accessed On-line at: http://www.epa.gov/reg3wcmd/ca/fl_success.htm.
- EPA. Region 3 Facility Lead Program Website. University of Virginia: Region 3 GPRA Baseline RCRA CA Facility Fact Sheet. Accessed On-line at: http://www.epa.gov/reg3wcmd/ca/fl_sites.htm.



Notes:

Purpose of Slide

- Demonstrate how a performance-based permit can streamline the CA process. This example shows how a permit was used to support progress. While certain significant treatment system modifications may require permit modifications under 40 CFR 270.42, this course focuses on the flexibility that can be built into permits, through up-front planning. Examples are provided to illustrate how adjustments to field activities and treatment technologies can be planned for by including clear and appropriate performance standards in permits. The facility can then make changes within the specified parameters and report the changes to the agency, which provides review and oversight during the implementation process.

Key Points

- This slide was used earlier to introduce the concept of an Exit Strategy.
- The facility envisioned implementing one or more remediation technologies after the permit was issued, but it had not yet selected the technology. To eliminate the need for a future permit modification while meeting the need for public participation, several technologies were included in the permit application and CMS. No public comments were received and the permit was issued.
- The permit allows for any of the specified technologies to be implemented, as long as: (1) the technology meets performance standards established in the permit, (2) there is a 60-day notification to the State agency, and (3) the design is sealed by a professional engineer.

References

- None.



4. Performance Standards Provide Flexibility

- ❖ Groundwater Monitoring Program:
 - Evaluate CA program effectiveness
 - Determine compliance with cleanup criteria
 - *Facility selects wells, parameters, frequency*
- ❖ Remediation Technologies:
 - Protect human health and the environment (HH&E)
 - Attain cleanup criteria
 - Achieve source control
 - *Facility selects technology and O&M data*

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Notes:

Purpose of Slide

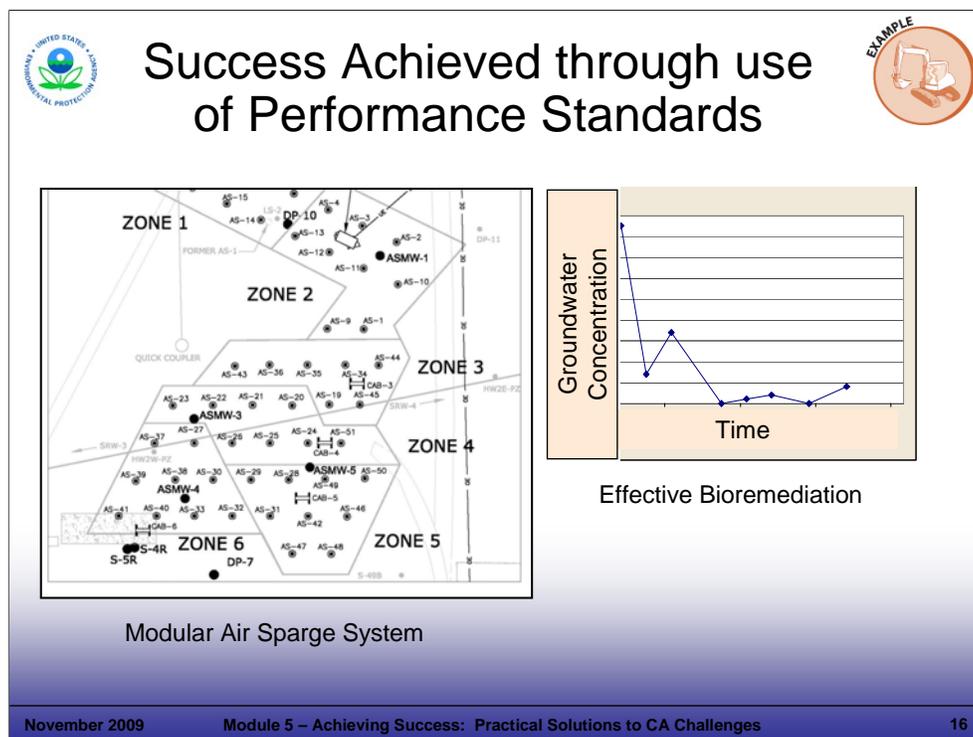
- Provide an example of how the threshold criteria were used as the underpinning for performance standards in one facility's permit that was structured to provide regulatory and technical flexibility. The slide lists the performance standards in the permit. The regulatory agency monitors implementation of the performance standards based on ongoing technical reporting by the facility.

Key Points

- The facility is responsible for maintaining a groundwater monitoring program that meets two performance standards: (1) collect appropriate data for evaluating the effectiveness of the CA program over time and (2) collect sufficient data to evaluate compliance with cleanup criteria.
- The permit allows the facility flexibility in demonstrating compliance with the performance standards by simply specifying that water levels and water quality samples are collected at sufficient well locations, for appropriate chemical and physical parameters, and at appropriate frequencies. The facility may modify wells, parameters, and frequency over time, as long as the performance standards continue to be met.
- The facility is responsible for maintaining a remediation system that meets three performance standards: (1) protect human health and the environment (HH&E), (2) attain media cleanup standards, and (3) control sources. (These standards are the EPA threshold criteria.)
- The facility incorporated alternative technologies in the permit (for example, air sparging, bioremediation, and excavation). As long as performance standards are met, one or more of these technologies can be implemented or the existing system can be modified, with 60 days notice to the State. No permit modification is needed for these changes; they are reported in the next routine monitoring report.
- The permit allows the facility flexibility in demonstrating compliance with the performance standards by simply specifying that the facility collect sufficient analytical, hydrologic, and O&M data, rather than specifying exactly what data should be collected.

References

- None.



Notes:

Purpose of Slide

- Establishing performance standards in this facility's permit allowed the facility to make day-to-day decisions using pre-established criteria in the permit and to implement them without need for formal approvals.

Key Points

- By including multiple technologies in the permit, the following could be implemented without a permit modification and the associated cost and wait time for processing the modification:
 - Air sparge (implemented in a modular manner, as shown on the left, so portions could be turned off as the plume reduced in size); and
 - Bioremediation (graph shows order-of-magnitude drop in concentration levels).
- Use of performance standards allowed the following to be implemented without the need for permit modifications:
 - Modification of the existing pump and treat system (combined influent lines, turned off wells where cleanup complete, added recovery wells where necessary);
 - Effective implementation of pilot tests, full-scale implementation, and modifications/adjustments of new technologies; and
 - Adjustment of groundwater monitoring wells and sampling parameters over time.
- Faster, more efficient implementation of the remedy reduced the cleanup timeframe by 15 years and the estimated costs by \$3 million. Savings were achieved in sampling, operational (energy), and maintenance costs.

References

- None.



Performance Standards Save Time and Reduce Costs



- ❖ Modified injection/recovery rates
- ❖ Adjusted sampling program
- ❖ Applied additional technologies




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Notes:

Purpose of Slide

- Continue example.

Key Points

- By employing a performance standards approach, substantial savings in time and dollars were realized by efficiently making monitoring system and remediation system adjustments, without the need for formal regulatory approvals or permit modifications. This approach allowed:
 - Modifications to the existing remediation system, including changing groundwater recovery and injection rates, as cleanup progressed. The photograph on the left shows rerouting of treatment lines to improve operational efficiency. With energy and other operational costs running over \$40,000 per month, combining influent from active groundwater recovery wells (many of which were shut down as the plume reduced in size) resulted in substantial savings.
 - Reduction in the number of groundwater monitoring wells and sampling parameters over time.
 - Efficient implementation of additional remediation technologies, such as bioremediation (right photograph). Adding bioremediation reduced the total time to reach cleanup criteria by over 20 years, as predicted by fate and transport modeling.
- Remediation systems can cost hundreds of thousands of dollars annually to operate. Efficient use of agreed-upon performance standards in place of lengthy regulatory review & approval cycles allows facilities to make timely decisions and changes to the remedy. This approach can result in a net improvement of environmental conditions, while, at the same time, saving substantial time and costs.

References

- None.



5. Site-specific Risks and Cleanup Timeframes Drive Remedy Decisions

- ❖ Risk management
 - Address source areas and eliminate unacceptable exposures early
 - Ensure adequate monitoring and reliable controls to prevent exposure over time
- ❖ Cleanup timeframes can vary
 - Consider redevelopment and reuse
 - Accommodate facility operations

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Notes:

Purpose of Slide

- Discuss several concepts associated with remedy selection and appropriate timing in CA.

Key Points

- Risk management – Immediate risks to human health and the environment (HH&E) presented by a site should be addressed in the short term (for example, remediating a source area near occupied buildings or intercepting a groundwater plume moving toward groundwater users). However, when the site has addressed short-term threats and is relatively stable (for example, EIs for controls on human exposure and groundwater have been achieved), a number of site-specific factors should be considered when evaluating an appropriate cleanup timeframe. Adequate monitoring and reliable controls must be implemented to prevent exposure, where longer-term cleanup approaches are implemented.
- Cleanup timeframe – The cleanup timeframe should be based on site-specific considerations of risk and other factors such as anticipated long-term site use and remediation costs. Examples of factors that can impact the timing of remedies include:
 - Redevelopment and reuse – A facility may want to expedite the schedule for cleanup of certain areas on a site in order to sell those parcels or change the land use (for example, from industrial to residential).
 - Operating facilities – Most of the RCRA facilities in the 2020 CA Universe will continue to be operating facilities, with little or no anticipated changes in use. For these facilities, where the current and anticipated use will continue to be industrial or commercial and the facility is adequately controlling contamination migration and exposure, a fair amount of flexibility should be used in deciding on the applicable cleanup schedules and timeframes. An operating facility's remedy should be designed based upon consideration of its ongoing industrial use.

References

- EPA. 2004. Handbook of Groundwater Protection and Cleanup Policies for RCRA Corrective Action for Facilities Subject to Corrective Action Under Subtitle C of the Resource Conservation and Recovery Act. Update. EPA 530-R-04-030. April.
- EPA. 2003. Results-Based Approaches and Tailored Oversight Guidance for Facilities Subject to Corrective Action under Subtitle C of the Resource Conservation and Recovery Act. EPA 530-R-03-012. September.

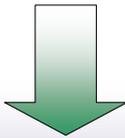


Interim Measures Approach to Remedy Implementation



- ❖ Operating facility
- ❖ Horizontal wells installed as IM
- ❖ Long-term cleanup through Monitored Natural Attenuation

Interim Measure



**Final Remedy
Verification**




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Notes:

Purpose of Slide

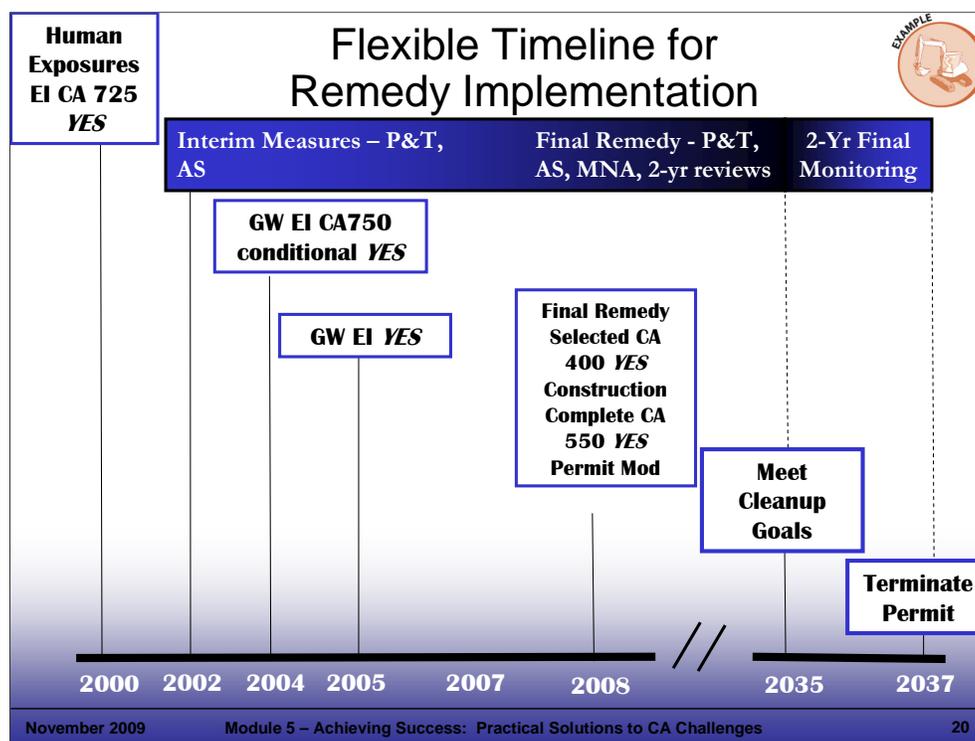
- Present a case study of how a short-term stabilization approach was implemented through an IM to achieve source control and facilitate long-term cleanup of the site.

Key Points

- This operating CA facility had a high-concentration VOC plume in the central portion of the site, underlying an existing building.
- The facility proposed horizontal recovery wells to capture the VOC source area plume as an IM; EPA and the State subsequently approved this IM.
- Groundwater modeling was performed to verify that the planned IM would support the long-term cleanup goals for the site.
- Because the horizontal wells were installed to control the “hottest” part of the plume, the less-concentrated dissolved plume was able to be addressed using monitored natural attenuation. Together, these actions met the performance criteria for a final remedy (that is, protection of HH&E, containment of the contamination, addressing the source area, and achieving media cleanup criteria over time).
- The facility was able to convert the IM and MNA to a permanent remedy for groundwater at the site through a simple permit modification.
- No CMS was required. A simple verification report was submitted to the regulatory agencies to convert the IM to a final remedy based on system operating information. The same report justified MNA based on the groundwater modeling results for the site.
- Through use of this IM approach, the facility saved 12 months and \$100,000 in implementing the remedy compared to what a traditional CMS would have required.

References

- None.

**Notes:**Purpose of Slide

- Present timeline for the previous IM example (focusing on flexible timing).

Key Points

- As shown in the project schedule, the human exposure controlled EI was met in 2000 and the and groundwater EI was met in 2005 following implementation of the IM.
- The facility converted the IM plus MNA to a final remedy through a simple permit modification.
- Construction complete determination was achieved in 2008, well in advance of 2020.
- Because the source area is being effectively controlled by pump and treat and the surrounding plume is being effectively controlled by MNA, the facility is implementing a realistic schedule (with regulator approval) to meet final groundwater cleanup criteria by 2035.

References

- None.



Practical Approaches to Field Investigations

- ❖ Triad approach supports field planning across technology types
- ❖ Field screening and real-time data acquisition can guide further sampling for laboratory analysis

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Notes:

Purpose of Slide

- Review some field considerations related to remedy selection and design.

Key Points

- Field strategies provide the data that will be used to select and design remedies and to monitor their effectiveness. Where presumptive remedies are planned or select technologies are being considered for a site, data collection should focus on those parameters that will support effective design.
- Triad is an EPA approach that can support planning for site data collection in a dynamic and cost effective manner.
- Evolving field sampling and field analysis techniques can supplement standard sample collection procedures and off site laboratory analysis.

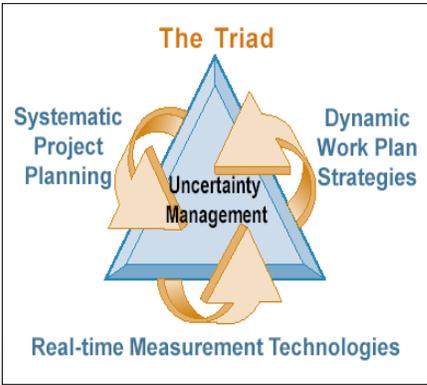
References

- None.



Triad Approach

- ❖ Field analyses make dynamic work plan strategies possible.
- ❖ Real-time decisions are made using real-time data.
- ❖ Field-based methods can be more cost effective.
- ❖ Laboratory data is not replaced, but supplemented.



The Triad

Systematic Project Planning Dynamic Work Plan Strategies

Uncertainty Management

Real-time Measurement Technologies

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Notes:

Purpose of Slide

- Describe Triad approach to site investigations and decision-making with an emphasis on real-time measurement technologies.

Key Points

- The Triad approach to decision-making for hazardous waste sites offers a technically defensible method for managing decision uncertainty using innovative characterization tools and strategies.
- Managing decision uncertainty increases confidence that project decisions (about contaminant presence, location, fate, exposure, and risk reduction choices and design) will be made correctly and cost-effectively.
- Systematic planning and dynamic work strategies provide for development of a conceptual site model (CSM) and flexible strategies using real-time measurement systems to guide real-time decisions regarding further investigation and refinements of the CSM.
- A focus on real-time measurement systems using field-based methods may allow more sampling data to be obtained than using conventional approaches because each sample can be collected/analyzed less expensively than a typical sample for off-site laboratory analysis.
- Laboratory analysis is not replaced, but is supplemented by the use of field technologies.

References

- EPA. 2004. Summary of the Triad Approach. White Paper by Deana Crumbling of the Office of Superfund Remediation and Technology Innovation (OSRTI). March 25.
- ITRC. 2003. Technical and Regulatory Guidance for the Triad Approach: A New Paradigm for Environmental Project Management. ITRC Sampling, Characterization and Monitoring Team. December.
- Multi-Agency Web Site. Triad Web Site. Triad Partners include EPA, Argonne National Laboratory, USACE, U.S. Navy, U.S. Air Force, State of New Jersey, and Interstate Technology Regulatory Council.



Practical Field Sampling and Analysis Methods

- ❖ Colorimetric Test Kits
- ❖ Immunoassay Methods
- ❖ Membrane Interface Probe (MIP)
- ❖ Direct Push Technology (DPT)
- ❖ Passive Diffusion Bags (PDBs)

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Notes:

Purpose of Slide

- List assessment procedures for evaluating and reevaluating the presence and distribution of contaminants (for example, dense nonaqueous phase liquids) as a component of the Triad approach.

Key Points

- A range of field sampling and analysis approaches support sound characterization of sites.
- Membrane Interface Probes (MIP) can be used to detect VOCs in soil/groundwater. The VOCs in the soil/groundwater rapidly diffuse through the heated polymer membrane of the MIP and then are swept by a nitrogen carrier gas to the land surface where VOCs are measured by detectors (e.g., photoionization detectors (PIDs) or flame ionization detectors (FIDs)).
- Direct Push Technology (DPT) uses hydraulic pressure and a rotary hammer to advance sampling devices into the subsurface to collect a series of soil, soil gas, or groundwater readings/samples at different target depths. Mobile laboratories allow some analytical techniques to be performed on-site, providing data that can support decisions regarding further investigation in a shorter time frame.
- Passive Diffusion Bags (PDBs) are comprised of polyethylene bags containing deionized (DI) water. Each bag is suspended on a weighted line next to the well screen where contaminants in the well water diffuse through the bag into the DI water until equilibrium is reached. The bag is then retrieved and emptied into sample bottles for analysis – preferably in a mobile laboratory.

References

- ITRC. 2003. An Introduction to Characterizing Sites Contaminated with DNAPLs. September.
- Multi-Agency Web Site. Triad Web Site. Triad Partners include EPA, Argonne National Laboratory, U.S. Army Corps of Engineers, U.S. Navy, U.S. Air Force, State of New Jersey, and Interstate Technology Regulatory Council.



Colorimetric and Immunoassay Methods

- ❖ Colorimetric Tests
 - Color proportional to concentration
 - pH, chloride, cyanide, metals (As, Cr⁺⁶, Cu, Fe)
- ❖ Immunoassay Methods
 - Antibodies bind with specific compounds/groups & form color proportional to concentration
 - PCBs, PCP, dioxins, PAHs, pesticides, explosives, Hg






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Notes:Purpose of Slide

Discuss colorimetric and immunoassay methods for field screening

Key Points

- Test kits are self-contained analytical kits that generally use a chemical reaction that produces color to identify contaminants, both qualitatively and quantitatively.
- Numerous different kits are used in the environmental field, in applications ranging from simple paper test strips used to assay various water quality parameters to sophisticated colorimetric reactions measured by UV fluorescence that give quantitative results for definitive site characterization. Test kits also can be used after an initial site characterization phase to monitor the operating conditions of a remediation system or to confirm that contaminated soils have been removed.
- Immunoassays methods use antibodies that bind with a target compound or class of compounds. Concentrations are identified through colorimetric reactions.

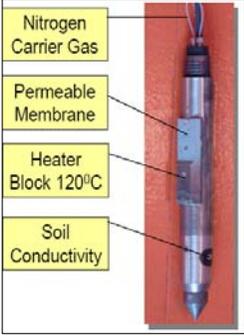
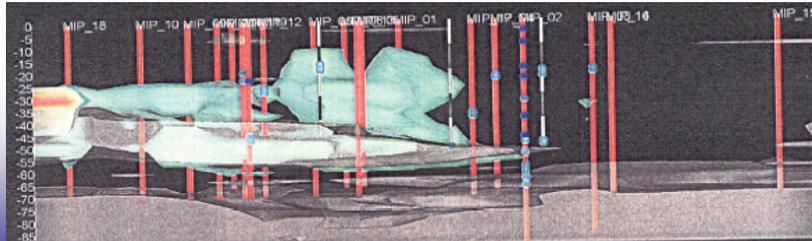
References

- CLU-In Website. Characterization & Monitoring, Test Kits. Accessed at: (<http://clu-in.org/char/technologies/color.cfm>).
- CLU-In Website. Characterization & Monitoring, Immunoassay & Enzymatic Assays. Accessed at: <http://clu-in.org/char/technologies/immunoassay.cfm>.
- Federal Remediation Technologies Website. Field Sampling and Analysis Technologies Matrix and Reference Guide. Accessed at: <http://www.frtr.gov/site/analysismatrix.html>.



Membrane Interface Probe (MIP)

- ❖ Measures volatile organic compounds (VOCs) in soil and groundwater
- ❖ VOCs diffuse through heated permeable membrane
- ❖ Collected VOCs swept by carrier gas to land surface and measured by detectors

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Notes:Purpose of Slide

- Show and describe a MIP.

Key Points

- The technique is a rapid method for collecting quantitative VOC concentration data.
- The MIP probe is advanced using DPT to the target sampling depth.
- VOCs diffuse through a heated permeable membrane and then are swept by nitrogen carrier gas to the surface where they are measured by VOC detectors (photo ionization detector, flame ionization detector).
- The MIP is often combined with a soil conductivity probe to interpret lithology, producing a rapid and near real-time picture of the subsurface and contaminant distribution as shown in the above figure.
- When paired with analytical data (e.g., field or fixed lab), the method is reasonably accurate and can be considered semi-quantitative.

References

- ITRC. 2003. An Introduction to Characterizing Sites Contaminated with DNAPLs. September.

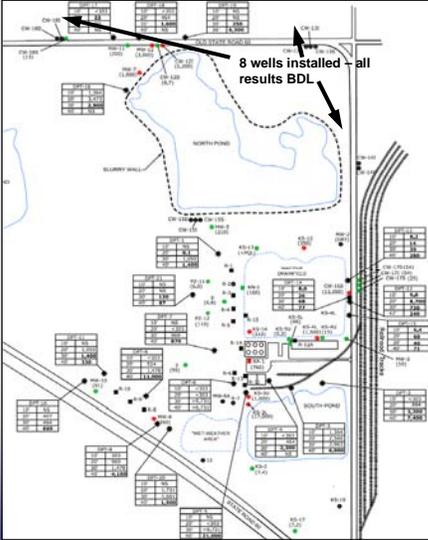


DPT/Chloride Screening



- ❖ DPT plus chloride field screening used to “chase” contamination
- ❖ Previous investigations used expensive monitoring wells
- ❖ Conceptual site model revised after study





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Notes:

Purpose of Slide

Provide example of effective use of DPT and field screening methods for site characterization.

Key Points

- In the last slide, we talked about use of DPT for geotechnical evaluations of soil properties. In this example, DPT groundwater sampling and field screening were used to delineate chloride contamination in groundwater.
- This site had been characterized historically by installing a series of shallow, intermediate, and deep wells in an attempt to delineate the contamination. As shown above, samples from a number of these wells have not detected any chloride, an expensive way to obtain that information. Because of the high cost of well installation, there were large portions of this 200+ acres site that had not been adequately characterized.
- DPT groundwater sampling involves pushing a small-diameter hollow steel rod into the ground to a selected depth and extracting a small water sample. The DPT sampling tool is hydraulically driven into the soil to the appropriate sampling depth below the water table, where an outer cylinder on the tool is pulled back, exposing a perforated stainless steel sample entry barrel. Hydrostatic pressure forces groundwater into the sample compartment and the probe is pulled to the surface to retrieve the sample.
- The DPT survey was conducted over a one-week period using a small rotary hammer rig like the one shown above to obtain groundwater samples at multiple depths (10-50 feet below ground surface) and at several dozen locations. The water samples were screened in real time by the field geologist using chloride test strips to determine the next sample depth or sampling location. Ten percent of the screened samples were sent to a lab for standard analysis; the correlation with screening results was good.
- As a result of the investigation, the previous site conceptual model was significantly changed:
 - Chloride was previously thought to be concentrated in the upper 25 feet of the aquifer because of an underlying semi-confining layer. Vertical screening of the groundwater across the site showed high chloride levels at greater depths.
 - Screening of off-site groundwater showed elevated chloride, which had not been previously shown.
 - Significant gaps between existing monitoring wells were characterized, giving a much better understanding of chloride distribution across the site.

References

None.



Passive Diffusion Bag

- ❖ VOC sampling of groundwater
- ❖ Permeable bag containing deionized water
- ❖ Contaminants diffuse into DI water
- ❖ Bag retrieved from well and sampled



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Notes:

Purpose of Slide

- Describe the use and advantages of passive diffusion bags (PDBs).

Key Points

- PDBs are used for VOC sampling of groundwater.
- A permeable polyethylene bag contains deionized (DI) water.
- The PDB is suspended on a weighted polypropylene line next to the well screen.
- Wells with long screens can have more than one PDB on the same or different lines.
- Contaminants in well water diffuse through the bag into DI water until equilibrium is reached .
- The PDB is retrieved from the well and emptied into sample bottles.
- Use of PDBs generally cuts labor & sampling equipment costs by over 50%.
- Because wells do not have to be purged before sampling, almost no investigation-derived waste is produced compared to traditional sampling methods.

References

- ITRC. Diffusion Sampler Page of Website. Accessed on-line at:
http://www.itrcweb.org/teampublic_DPS.asp.



Advantages of Field Technologies

- ❖ Rapid sample turn-around (real time)
- ❖ Low cost
- ❖ Large number of samples collected
- ❖ Ease of use (varies)
- ❖ Little or no investigation derived waste (IDW)

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Notes:

Purpose of Slide

- Describe some advantages and disadvantages of the field technologies included in the previous slides.

Key Points

- The key advantages of these types of technologies include: real-time sample results, reduced costs, increased speed, and little if any investigation derived waste (IDW).
- Disadvantages include that these technology may be appropriate for only limited depths, may require additional or specialized training, and the data are not quantitative.

References

- ITRC. 2003. An Introduction to Characterizing Sites Contaminated with DNAPLs. September.



Summary

- ❖ To achieve progress, focus on practical solutions that protect HH&E.
- ❖ Practical solutions consider current and reasonably anticipated uses.
- ❖ Triad and field-based investigation approaches are available to support progress.

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Notes:

Purpose of Slide

- Review key points included in Module 5, Achieving Success: Practical Solutions to CA Challenges.

Key Points

- Review the key points from the module.

References

- None.



**RCRA Corrective Action Training
Program: Getting to YES!**
Strategies for Meeting the 2020 Vision



This training and training documents do not create any legally binding requirements on the U.S. Environmental Protection Agency (EPA), states, or the regulated community, and do not create any right or benefit, substantive or procedural. The training and documentation are not a complete representation of the Resource Conservation and Recovery Act or of EPA's regulations and views.



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Notes:

Purpose of Slide

- This is the title slide for Module 6, Corrective Action (CA) and Facilitating Revitalization.

Key Points

- This is a holder slide. No specific key points.

References

- None.



Module 6

Corrective Action and Facilitating Land Revitalization

November 2009 Module 6 - CA and Facilitating Land Revitalization 2

Notes:

Purpose of Slide

- Review the content and purpose of this module.

Key Points

- As stated earlier in this course, Land Revitalization is a priority focus area for EPA.
- This module overviews some of the goals, activities, approaches, resources, tools, and measures available for Land Revitalization.
- The specific goals of this module include the following:
 - Convey EPA's goal that Resource Conservation and Recovery Act (RCRA) corrective action (CA) sites be cleaned up to accommodate safe reuse.
 - Provide information on approaches that may facilitate RCRA site reuse.
 - Present real world examples through a video of success stories.
- The title of this module reflects a two-way street. CA may facilitate land revitalization; in addition, revitalization may help to drive CA.

References

- None.



Module Overview

- ❖ Land Revitalization – an Agency Priority
- ❖ Resource Conservation and Recovery Act (RCRA) Goals and Initiatives for Land Revitalization
- ❖ Policies, Guidance, Resources, and Approaches
- ❖ RCRA Corrective Action (CA) Land Revitalization Measures
- ❖ RCRA CA Land Revitalization Examples



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Module 6 - CA and Facilitating Land Revitalization

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Notes:

Purpose of Slide

- Overview the content of the module.

Key Points

- EPA began to emphasize land revitalization in the 1990s, with the Brownfields Program. In 1997, the RCRA Brownfields and Prevention Initiative was launched. Now land revitalization is an Agency priority and is being implemented by all of EPA's cleanup programs and on the state and local level.
- We will start by reviewing EPA's Land Revitalization Priorities and the RCRA Land Revitalization Goals. We will consider how revitalization and CA progress goals are complementary. As a starting point, we will share some information on the status of current and planned uses at RCRA facilities. This provides a foundation of understanding for moving forward. We will also identify some of the potential obstacles to land revitalization.
- We will then review resources and approaches to support Land Revitalization, including those that provide incentives for, or support to, efforts to reuse and redevelop RCRA CA sites. This will include consideration of some key approaches and concepts that support revitalization at RCRA CA sites. A number of things must come together for a RCRA CA site to be revitalized; however, there are a few critical aspects for success, including: early consideration of end uses, leveraging reuse interests, communication, partnering, sharing of information on funding resources, using sustainable approaches, and ecological revitalization. While revitalization is a current emphasis, revitalization at RCRA sites is not new and is routine in RCRA program; hundreds of sites have been addressed in this manner.
- After reviewing these concepts and approaches, we will identify and review how progress in land revitalization will be measured. A cross-program group has developed guidance on land revitalization measures and specific guidance and measures have been developed for the RCRA CA program.
- We will share examples of successful Land Revitalization efforts to illustrate how existing tools, resources, and guidance can be applied in creative ways to spur cleanup and land revitalization. We also will show a video developed by EPA to share land revitalization success stories that were achieved at three RCRA CA facilities.

References

- None.



EPA Land Revitalization Initiative

❖ One of Administrator Jackson's 5 Priority Areas

"EPA will strive to accelerate the pace of cleanup at the hundreds of contaminated sites across the country. Turning these blighted properties into productive parcels and reducing threats to human health and the environment means jobs and an investment in our land, our communities, and our people."

❖ EPA's 2006-2011 Strategic Plan, Goal 3

"EPA's cleanup programs have set a national goal for returning formerly contaminated sites to long-term, sustainable, and productive use."

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Module 6 - CA and Facilitating Land Revitalization

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Notes:

Purpose of Slide

- Review Agency plans and goals aligning with land revitalization.

Key Points

- Cleaning up contaminated properties and returning them to safe and productive use is an Agency priority.
- In her confirmation hearings before Congress, Administrator Lisa Jackson identified "cleaning up contaminated lands and returning them to safe and productive use" as one of her top five priorities.
- In its 2006-2011 Strategic Plan, EPA has established Goal 3: Land Preservation and Restoration to "preserve and restore the land by using innovative waste management practices and cleaning up contaminated properties to reduce risks posed by releases of harmful substances."
- EPA is actively encouraging all cleanup programs to ensure properties are remediated in a way that supports reasonably anticipated uses. Within the Office of Solid Waste and Emergency Response (OSWER), all cleanup programs and offices are working on Land Revitalization: the Office of Brownfields and Land Revitalization, the Superfund Program, Underground Storage Tanks, Federal Facilities Restoration and Reuse Office (FFRRO), and the RCRA CA Program.
- EPA recognizes that cleanup and revitalization are mutually supportive goals. Often revitalization/reuse interests can drive a cleanup. Therefore, land revitalization is a critical part of achieving the 2020 Vision for CA.

References

- EPA. EPA Administrator Action Plan. Accessed On-line at: <http://www.epa.gov/adminweb/administrator/actionplan.pdf>
- EPA. 2006. EPA Strategic Plan, 2006-2011. Goal 3. Accessed On-line at: <http://www.epa.gov/ocfo/plan.htm>.
- EPA. Undated. EPA OSWER Action Plan. Accessed On-line at: <http://www.epa.gov/swerrims/actionplan/index.htm>.



OSWER Priority

“Cleaning up contamination is vitally important to the physical health of America’s communities, but putting clean land back into productive use brings with it a range of social and economic benefits for years to come.”

- OSWER AA Mathy Stanislaus, Sept. 2, 2009

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Notes:

Key Points

- Statement by Assistant Administrator Mathy Stanislaus read by David Lloyd, Director of EPA's Office of Brownfields and Land Revitalization, at the 2009 Land Revitalization Coordinators' Meeting, Sept. 2, 2009. Denver, Colorado.
- AA Stanislaus identified six areas on which to focus:
 - make sure affected communities have a leadership role at the decision table
 - strengthen and promote partnerships with other federal agencies
 - use cleaned up land for urban gardens and urban agriculture
 - promote cleanup and redevelopment of properties adjacent to urban transit centers,
 - emphasize reuse in communities affected by the deteriorating auto industry
 - site renewable energy on cleanup sites
- Message emphasizes that affected communities must have a leadership place at the decision making table when discussing cleanup goals and future possible land uses
- Notes the importance of forging partnerships between EPA offices and between federal agencies. AA Stanislaus highlighted the Interagency Partnership for Sustainable Communities between EPA, HUD, and DOT as a great example
- Other opportunities for partnerships include working with USDA to use clean brownfield properties for urban gardens and building on the recent interagency agreement between EPA and DOE's National Renewable Energy's Lab (NREL) to promote renewable energy generation at contaminated sites.

References

- AA Stanislaus's Statement will be available at www.epa.gov/brownfields
- HUD/DOT/EPA. Interagency Agreement for Sustainable Communities. Accessed online at: <http://www.epa.gov/dced/2009-0616-epahuddot.htm>.

EXAMPLE

GM Duke

- ❖ Former Assembly Plant in Baltimore, MD
- ❖ Closure announced in 2005, requiring:
 - Termination of hazardous waste storage permit (MDE)
 - Meeting CA obligations (EPA)
- ❖ Duke Realty awarded development (\$140 million investment commitment)
- ❖ CA under facility lead agreement (EPA)
- ❖ EPA and MDE requirements integrated



Before

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    graph TD
      A[Determine EPA objectives] --> C[Create Decision Matrix to Balance Programs]
      B[Determine MDE objectives] --> C
      C --> D[Propose Integrated Program to EPA and MDE]
      D --> E[Begin RFI/CMS and VCP Process]
      E --> F[Identify and Address Areas of Agreement and Disagreement]
      F --> G[Establish "ONE" Administrative Process]
      G --> H["Duke, EPA and MDE Goal: Approve and implement CMS/RAP - Move Forward"]
  
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Module 6 - CA and Facilitating Land Revitalization

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Notes:

Purpose of Slide

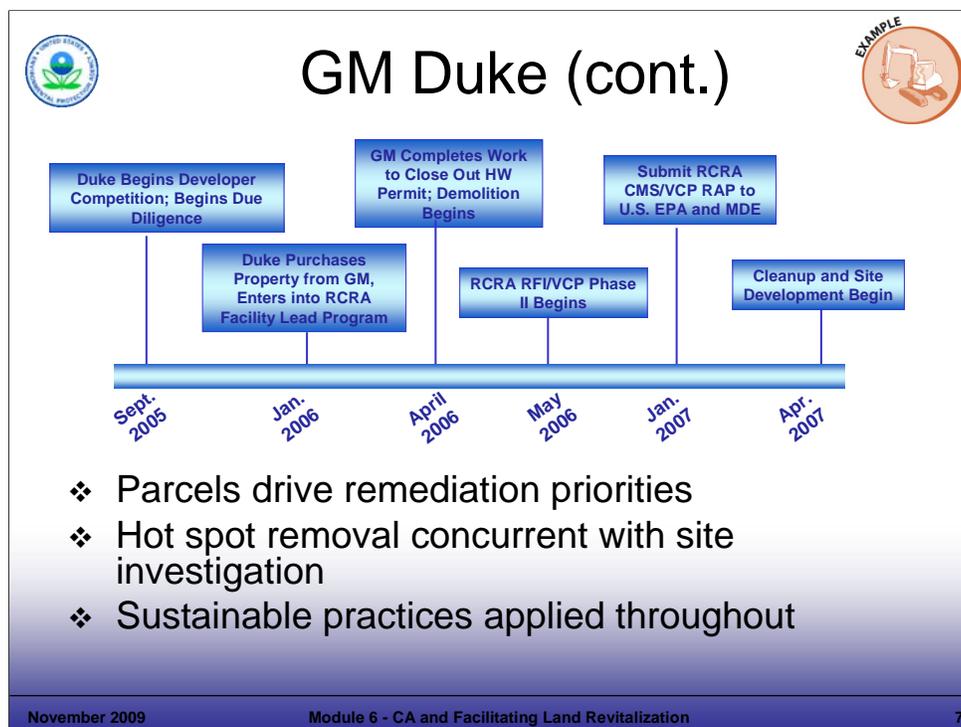
- Present an example of successful revitalization at a RCRA-regulated facility.

Key Points

- This photograph shows the GM Assembly Plant which operated in Baltimore for 68 years, with closure plans announced in 2005. The facility occupied 182 acres in SE Baltimore, with over 3.5 million square feet under roof. Before use as an assembly plant, sections of the property were used as a fort, and other industrial uses.
- The facility had both a hazardous waste storage permit issued by the Maryland Department of Environment (MDE) and had CA obligations that would be overseen by EPA Region 3 (as MD was not authorized for CA).
- To facilitate redevelopment, GM requested proposals from 20 developers including redevelopment and environmental planning requirements. Duke Realty (Duke) and its consultants won the project, which included a commitment to invest over \$140 million to achieve closure and support redevelopment.
- GM led closure of the hazardous waste permit. GM initiated a Facility Lead Agreement with Region 3, which Duke then took over. The EPA, MDE, GM, and Duke worked collaboratively to achieve an approach that integrated CA and State Voluntary Cleanup Program (VCP) requirements, supporting the dual goals of meeting RCRA CA obligations and ensuring state remediation requirements were addressed. The property was divided into four planned use areas, with appropriate protective measures identified for each area. Parcels were prioritized for remediation to support redevelopment (with less contaminated parcels addressed first to allow their redevelopment).
- Public participation efforts were significant as several homes border the facility; the community has been supportive of redevelopment and Duke has taken extra steps to minimize area disruptions such as truck traffic and dust. In some cases, the redevelopment also is affording area homes a better view of the harbor.
- Sustainable approaches were integrated into the revitalization process (see next slide).

References

- EPA. EPA Region 03 Revitalization Web Site. Accessed Online at: <http://www.epa.gov/region03/revitalization/newsletter/winter07/newsletter.pdf>.
- EPA. 2008. Presentation by Bob Greaves: Opening the Flood Gates. Presented at 2008 Brownfields Conference, Detroit, MI. May.
- MDE. 2007. MDE Web Site Article. GM Plant Site Revitalized. March. Accessed On-line at: <http://www.mde.state.md.us/ResearchCenter/Publications/General/eMDE/vol2no11/GMredevelopment.asp>.



Notes:

Purpose of Slide

- Continue an example of successful revitalization at a RCRA-regulated facility.

Key Points

- This slide shows the rapid timeline achieved by the parties supporting the remediation and redevelopment. Duke and its contractors worked closely with MDE and EPA, as well as with appropriate stakeholders, to develop plans and achieve concurrence.
- Through careful planning, regulatory analysis, and appropriate input – one set of standards and requirements that met both EPA CA requirements and MDE VCP standards was achieved. Implementing this planning up-front ensured fewer problems would be identified during the process in terms of remediation standards and requirements.
- Method to streamline the process included prioritizing parcels for remediation to support redevelopment plans and implementing hot spot removal concurrent with ongoing site investigation in other areas.
- Sustainable approaches were integrated into the revitalization process, with results including deconstruction of 3.5 million square feet of buildings, with 96% of the building material recycled. Recycling of other materials included 98,000 tons.
- Benefits to the community of the new business park included: (1) 3,500 new jobs; (2) \$140 million of new investment; (3) \$61 million in property taxes; and (4) cleanup and reuse of 182 acres of land for industrial and commercial purposes (including a warehouse and distribution center and 240,000 square feet of office space).

References

- EPA. EPA Region 03 Revitalization Web Site. Accessed Online at: <http://www.epa.gov/region03/revitalization/newsletter/winter07/newsletter.pdf>.
- EPA. 2008. Presentation by Bob Greaves: Opening the Flood Gates. Presented at 2008 Brownfields Conference, Detroit, MI. May.
- MDE. 2007. MDE Web Site Article. GM Plant Site Revitalized. March. Accessed On-line at: <http://www.mde.state.md.us/ResearchCenter/Publications/General/eMDE/vol2no11/GMredevelopment.asp>.



RCRA Land Revitalization Goals

- ❖ Cleanup close to 3,746 RCRA CA sites by 2020 (RCRA CA 2020 Universe)
- ❖ Leverage reuse interests and resources to achieve RCRA CA cleanup goals
- ❖ Measure progress towards the safe reuse of sites
- ❖ Move facilities from idle properties to productive assets for the community

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Notes:

Purpose of Slide

- Present and explain RCRA Land Revitalization Goals; these support progress towards the 2020 Vision for CA.

Key Points

- As discussed in Module 2, the RCRA 2020 Vision for CA presents a vision that by 2020, RCRA CA sites are largely addressed in a manner that is safe for current and reasonably anticipated future uses. Because remedy decisions incorporate current and future use considerations, cleanup decisions tie to revitalization interests and goals; therefore, revitalization interests can help drive progress towards the 2020 Vision.
- Because revitalization interests can bring resources and momentum towards cleanup, reuse interests and resources should be leveraged to help achieve the RCRA 2020 Vision.
- Moving forward, cleanup progress will be reported using both the number of "sites" and "acres" of land that have been addressed and are safe for current and anticipated future uses (acres of land is a new measurement that complements the former focus on "facilities" or "sites"). We will discuss specific RCRA CA Land Revitalization Indicators and Performance Measures later in this module.
- A related goal is to ensure that RCRA properties are not left idle due to concerns about contamination; instead, these idle or underutilized sites should be addressed so that they can be revitalized to become positive resources for the community.

References

- EPA. Corrective Action Website. RCRA 2020 CA Goals and Program Results. Accessed On-line at: <http://www.epa.gov/correctiveaction/facility.htm>.
- EPA. 2007. Guidance for Documenting and Reporting RCRA Subtitle C Corrective Action Land Revitalization Indicators and Performance Measures. February 21.



RCRA Sites Present Opportunities for Revitalization

- ❖ Location
- ❖ Size
- ❖ Available utility and transportation infrastructure
- ❖ Existing environmental data
- ❖ Many facilities will continue operating, with some portions going to new uses

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Notes:

Purpose of Slide: Discuss why RCRA CA sites can provide a good fit for revitalization.

Key Points

- Location – RCRA CA sites often are located in areas that are urban. Other facilities are located in more rural areas. As the focus on reuse of property increases, these sites may be ideally located for particular uses.
- Size – Many RCRA CA sites are large properties and developers can often do more with larger sites. For example, larger sites provide room for major developments (housing or commercial complexes) and also provide an opportunity for parceling to support a variety of end uses.
- Utilities and Transportation – Because RCRA facilities generally already have utility and transportation infrastructure – reuse can build on the existing infrastructure at these facilities.
- Environmental Data – Because many RCRA facilities have been evaluated for CA, or for prioritization and evaluation of environmental indicators (EIs) status, environmental data often already exist for these facilities. This data can provide a strong starting point for evaluating potential future uses and cleanup needs.
- Operating Facilities – Over half of our RCRA sites plan to continue operating and therefore, will not be changed to a new use. However, at some of these larger sites, some parcels may be freed up (leased or sold) for new uses. Operating facilities can work to address cleanup obligations and achieve the “construction complete” CA milestone or the new Land Revitalization “Ready for Anticipated Use – RAU,” which we will address later in this module. Module 12 provides more information on the construction complete milestone.
- Looking at potential reuse can be good for the economy and also can conserve green space. Fewer acres of previously used land are required for redevelopment when compared to development on new land. A George Washington University Study cited in a Region 3 Land Use and Reuse Assessment Report found that “for every acre of Brownfields property redeveloped, a minimum of 4.5 acres would have been required had the same project been located in a greenfield area.”
- Reusing urban Brownfields instead of developing greenfields can have environmental benefits such as helping to preserve green space, reducing resource use, and reducing commuter miles and emissions.

References

- EPA. 2005. National CA Conference in Denver, CO. Session on “Capitalizing on Revitalization as a Catalyst for Cleanup.” Diana Duva, CT DEP – Slide on “RCRA and Land Revitalization – Why RCRA?” Discussion moderated by Sara Rasmussen, EPA Office of Resource Conservation and Recovery. Powerpoint. May 4.
- EPA. 2006. Hazardous Waste Cleanup Sites Land Use and Reuse Assessment. EPA Region 3. May. Accessed On-Line at: <http://www.epa.gov/reg3hwmd/bf-lr/landreuse.htm#summer2006>.



RCRA Land Revitalization Activities

- ❖ Increase knowledge and expertise for Land Revitalization
- ❖ Implement creative approaches and tools
- ❖ Partner/outreach/technology transfer with the RCRA community, stakeholders
- ❖ Partner with OSWER's other cleanup programs
- ❖ RCRA Reuse and Brownfields Prevention Workgroup activities
- ❖ Implement RCRA Land Revitalization Indicators and Performance Measures

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Module 6 - CA and Facilitating Land Revitalization

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Notes:

Purpose of Slide: Provide specific examples of RCRA CA activities related to Land Revitalization.

Key Points

- RCRA's Draft Revitalization Strategy includes a clear goal to increase knowledge and expertise to support Land Revitalization. This will be achieved by a number of activities, including:
 - For example, land revitalization case studies and topics are presented at the National CA Conference and other stakeholder meetings, here in this training and several regions have included land revitalization in their regional and state meetings.
 - Creative Approaches and Tools – A range of approaches and tools are being developed and shared to support revitalization efforts. For example, these include: (1) websites, (2) direct technical assistance, and (3) documentation of successful results (case studies, the video, course examples).
 - RCRA Brownfields Prevention Workgroup - This group was formed in the late 1990s to identify issues, develop tools, and support cross-region communication and technology transfer. This active workgroup has representatives from all 10 Regions and a number of states. The workgroup supports the RCRA program's activities to develop and pilot test approaches, share examples, and spread information to the RCRA community about revitalization tools. Other outreach efforts include the RCRA Brownfields Website, which includes: program descriptions, official documents, and links for a variety of topics related to RCRA Brownfields topics. It also identifies some of the initiatives, resources, and recent RCRA guidance and reforms that may be applicable at potential RCRA Brownfields facilities.
 - The RCRA program is participating in EPA's cross-program land revitalization effort and will measure land "ready for anticipated reuse" as one parameter of success.
 - RCRA Land Revitalization Indicators and Performance Measures were issued as part of this effort for the CA Program (February 2007). These measures will help to track both the number of sites and acres that are ready for anticipated uses.

References

- EPA. RCRA Brownfields Prevention Initiative Website. Accessed On-line on at: <http://www.epa.gov/rcrabrownfields/index.html>.
- EPA. 2006. Measuring Revitalization of Contaminated Properties in America's Communities: Past Accomplishments and Future Opportunities. Interim Final. EPA OSWER Land Revitalization Staff Office. EPA-500-R-06-002. September.
- EPA. 2006. Interim Guidance on OSWER Cross-Program Revitalization Measures. October 20.
- EPA. 2007. Guidance for Documenting and Reporting RCRA Subtitle C CA Land Revitalization Indicators and Performance Measures. February 21.



What We Know About Use Status of RCRA Sites

- ❖ Several Regions and states are documenting the use status of RCRA sites
 - Regions 3, 5, and 10
 - Other Regions launching activities
 - States such as Florida are also documenting uses
- ❖ A few conclusions
 - Well over half of RCRA CA facilities still in “continued use”
 - Large number of RCRA CA facilities will discontinue operations and go to reuse

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Notes:

Purpose of Slide

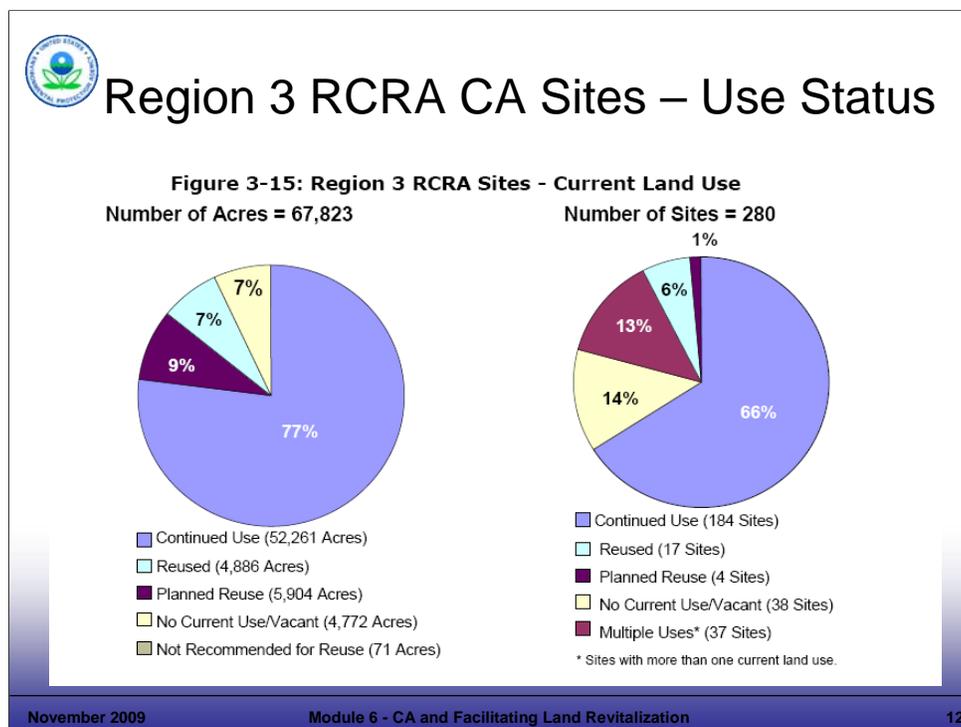
- Introduce efforts to catalogue current and reasonably anticipated uses of RCRA CA and other types of contaminated or underutilized properties.

Key Points

- Various EPA Regions have collected information regarding the use of RCRA Sites in their regions. We will review an example of these efforts in the next two slides. The example is taken from EPA Region 3, which has issued a report documenting its findings. Region 3 researched current and planned land use across all of its cleanup programs, including RCRA CA.
- Research to date shows that well over half of RCRA CA sites are still in continued use; the remainder will discontinue operation and go into reuse in some other form.

References

- EPA. 2006. Hazardous Waste Cleanup Sites Land Use and Reuse Assessment. EPA Region 3. May. Accessed On-Line at: <http://www.epa.gov/reg3hwmd/bf-lr/landreuse.htm#summer2006>.
- EPA. 2006. National Corrective Action Conference, Providence, RI. “Innovations in Measuring Revitalization Challenges and Successes.” Presented by Guy Tomassoni, OSWER Land Revitalization Office. June.



Notes:

Purpose of Slide

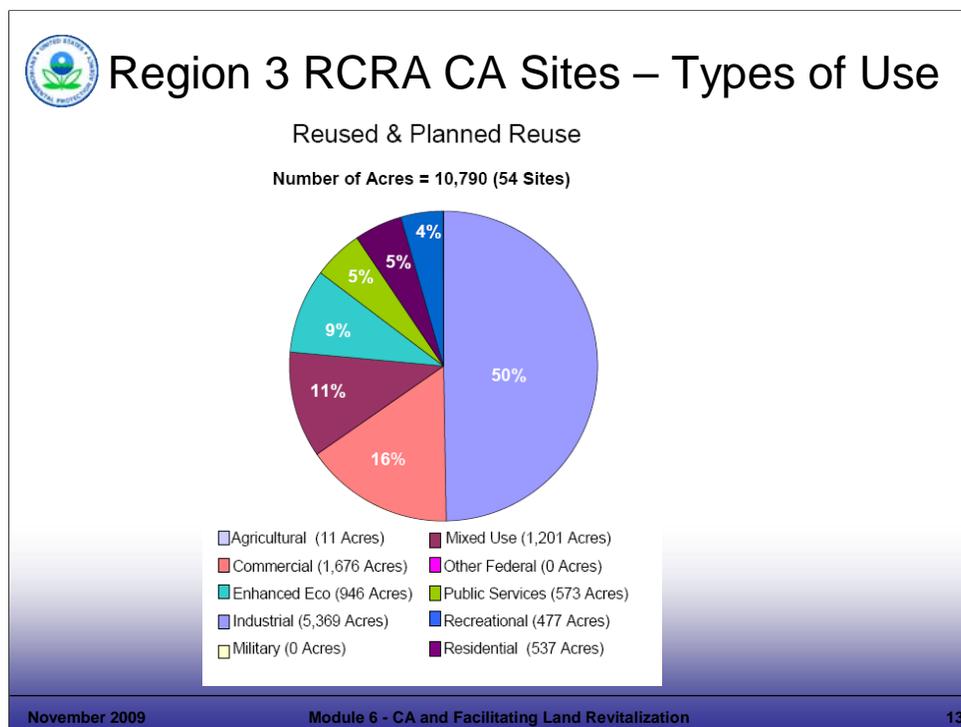
- Provide a perspective on how RCRA CA sites are currently used.

Key Points: EPA Region 3 conducted a Study of Land Use and Reuse at Superfund, Federal Facility, and RCRA CA sites as part of a regional pilot effort that looked at site use across cleanup programs (pages 3 and 14 of Region 3 Report). Deb Goldblum of EPA Region 3 is the primary contact for this work.

- Over 500 RCRA CA, Superfund National Priorities List (NPL), and Federal Facility sites with about 230,000 acres were evaluated (this is 10 times the total land mass of Manhattan Island in NY).
- The charts on this slide were developed for that study and show total ACRES and SITES (facilities) that fall within each category of use for RCRA CA Sites in the Region. This universe includes 280 RCRA CA High Priority sites, comprising 67,823 acres of site land. RCRA CA sites accounted for 29% of all acres of land within the Superfund NPL, Federal Facility, and RCRA CA Site Universe in this Region.
- Pie Chart on Left – This pie chart shows the number of ACRES of current land use by category for RCRA CA high priority sites, including: (1) Continued Use (52,261 acres/77%); (2) Planned Reuse (5,094 Acres/9%); (3) Reused (4,886 acres/7%); (4) No Current Use/Vacant (4,772 Acres/7%); and (5) Not Recommended for Reuse (71 Acres/Non-significant percent). All of the categories, except the last one, present active or potential Land Revitalization opportunities.
- Pie Chart on Right – This pie chart shows the number of SITES and current land use by category, including: (1) Continued Use (184 sites/66%); (2) Reused (17 Sites/6%); (3) Planned Reuse (4 Sites/1%); (5) No Current Use/Vacant (38 Sites/14%); and (6) Multiple Uses (37 Sites/13%). All of the categories encompass active or potential Land Revitalization opportunities. Multiple uses can occur at sites that have undergone parceling, which we will talk about later in this module.
- Note: The majority of RCRA site acreage in the U.S. is from Federal Facilities (9,600,000 acres federal facility, 600,500 acres non-federal facility). For more information on acreage and the RCRA universe, see the OSW FY07 RCRA Land Revitalization Measures Status Report.

References

- EPA. 2006. Hazardous Waste Cleanup Sites Land Use and Reuse Assessment. EPA Region 3. May. Accessed On-Line at: <http://www.epa.gov/reg3hwmd/bf-lr/landreuse.htm#summer2006>.
- EPA. 2006. National Corrective Action Conference, Providence, RI. "Innovations in Measuring Revitalization Challenges and Successes." Presented by Guy Tomassoni, OSWER Land Revitalization Office. June.
- EPA. 2007. Implementing RCRA Land Revitalization Measures. Presented by Sara Rasmussen, Corrective Actions Program Branch Office of Resource Conservation and Recovery, EPA. November 6 (Clu-In Session). Accessed On-Line at: <http://www.clu-in.org/conf/tio/rcralr/>



Notes:

Purpose of Slide

- To gain a perspective on how RCRA CA sites are being used after cleanup and to compare reuse of property to new development.

Key Points

- For the High Priority RCRA CA sites evaluated on the previous slide, EPA Region 3 selected a subset that were designated as Reused or Planned Reuse (not including Continued Use). The Region then identified the types of land uses that were occurring or planned for those sites. The pie chart on this slide provides information on specific types of use for the facilities studied.
- This slide shows the types of use for Reuse and Planned Reuse sites in EPA Region 3. The Reused and Planned Reuse sites subset included a total of 54 sites out of the 280 High Priority sites; which comprises 10,790 acres of land.
- EPA Region 3 estimated the ACRES for each site that falls into the following types of uses: (1) Agricultural (11 acres), (2) Commercial (1,676 acres), (3) Enhanced Ecological (946 acres), (4) Mixed Use (1,201 acres), (5) Industrial (5,369 acres), (6) Public Services (573 acres), (7) Military (0 acres), (8) Other Federal (0 acres), (9) Recreational (477 acres), and (10) Residential (537 acres). The percentages are shown on the pie chart.
- These types of studies are important because they provide a good picture of where we are and provide a foundation for where we are headed. This type of information informs programs of what types of uses RCRA sites are going into and what type of use might be reasonably expected.

References

- EPA. 2006. Hazardous Waste Cleanup Sites Land Use and Reuse Assessment. EPA Region 3. May. Accessed On-Line at: <http://www.clu-in.org/conf/tio/rcralr>.



Potential Barriers to Revitalization

- ❖ Length of time for cleanup
- ❖ Cost of cleanup/financial obstacles
- ❖ Lack of certainty
- ❖ Concerns about liability

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Notes:

Purpose of Slide

- Set the stage for the next slides, which focus on resources, tools, approaches, and principles to achieving revitalization – making it happen.

Key Points

- The largest barriers to developers in reusing contaminated properties are tied to cost (which is sometimes manifested in time) and risk.
 - Length of Time for Cleanup – The risk of delay in a property getting ready for use. Time is money; developers often work with borrowed funding.
 - Cost of Cleanup – If developers cannot achieve a profit margin, they will pass on a property.
 - Lack of Certainty – Often, there may be real or perceived uncertainty regarding the environmental status of a property – this presents a risk of higher costs or future costs. Developers need to know the range of potential cleanup costs to make a business decision regarding redevelopment.
 - Concerns about Liability – Concerns about liability create uncertainty. The potential for additional cleanup presents a risk of future costs. Complete cleanups with minimal long term stewardship requirements reduce risk and potential future costs.
- EPA recognizes that actual and perceived barriers must be addressed. To support a better understanding of stakeholder perspectives on barriers, the Office of Brownfields and Land Revitalization hosted a forum in October 2007 for representatives of industry, EPA regions, states and cities to discuss specific examples of how such barriers have been successfully overcome.

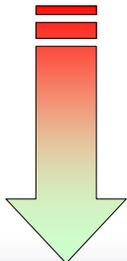
References

- None.



Overcoming Potential Obstacles to Revitalization

- ❖ Identify resources
- ❖ Leverage reuse interests
- ❖ Apply flexible and innovative approaches
- ❖ Identify anticipated future uses early
- ❖ Focus on the exit strategy
- ❖ Partner and communicate well
- ❖ Help overcome financial obstacles
- ❖ Integrate sustainable approaches
- ❖ Focus on long-term stewardship
- ❖ Measure and share successes



Underutilized Contaminated Property

Ready for Anticipated Use!

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Notes:

Purpose of Slide

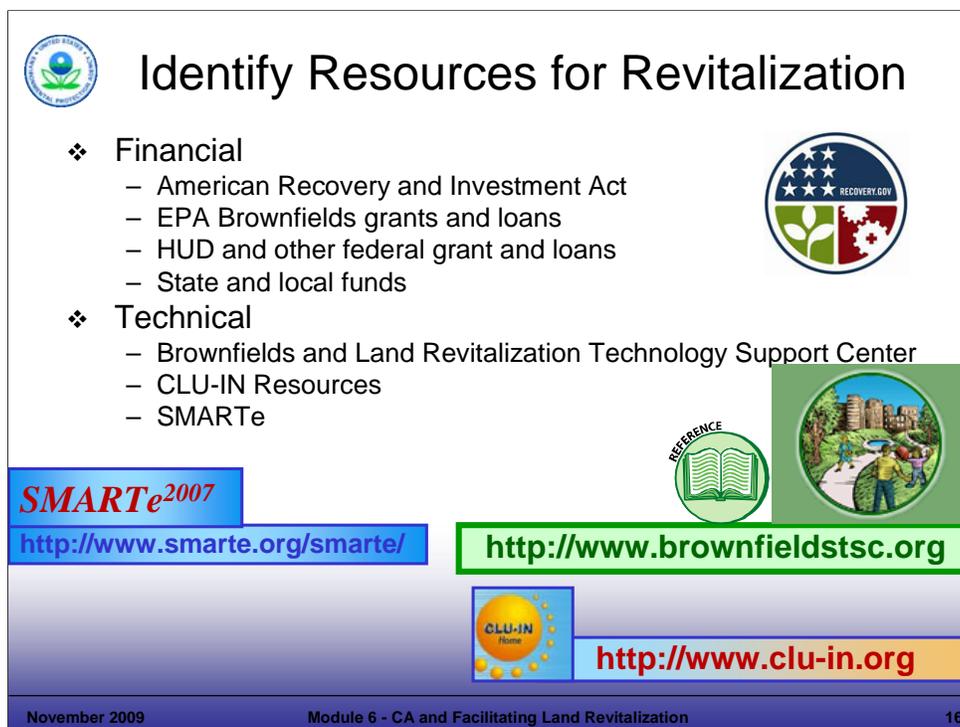
- Review obstacles to revitalization and guidance, resources, and approaches that support revitalization.

Key Points

- We mentioned some barriers to revitalization on the last slide.
- This section of Module 6 identifies resources and approaches to support revitalization.
- The speaker will mention and elaborate on some of the bullets above; for example, the importance of partnering and communication.
- Identify that some of these are touched on in this module as they relate to revitalization and also are addressed in other Modules (for example, the Exit Strategy is discussed in detail in Module 4). Others are presented on the following slides.
- The end goal is to move properties from underutilized to productive use that is appropriate and protective for anticipated future uses.

References

- None.



Identify Resources for Revitalization

- ❖ **Financial**
 - American Recovery and Investment Act
 - EPA Brownfields grants and loans
 - HUD and other federal grant and loans
 - State and local funds
- ❖ **Technical**
 - Brownfields and Land Revitalization Technology Support Center
 - CLU-IN Resources
 - SMARTe

SMARTe²⁰⁰⁷
<http://www.smarte.org/smarte/>

RECOVERY.GOV
<http://www.recovery.gov>

REFERENCE
<http://www.brownfieldstsc.org>

CLU-IN Home
<http://www.clu-in.org>

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Notes:

Purpose of Slide: Review some resources and approaches that support revitalization.

Key Points

- The American Recovery and Investment Act of 2009 has increased funding for a number of agencies to support economic recovery efforts, including revitalization. For example, EPA Brownfields grants funding has increased, as has Regional funding to support site cleanup. More information on the Recovery Act and EPA funds and activities through the Act is available at: <http://www.recovery.gov/>; this page links to state and tribal programs and agency web pages that summarize funding and use of the stimulus money. Information on the Act's impact on EPA efforts is available at: <http://www.epa.gov/recovery/>.
- Grant Programs – EPA's Brownfields Grant program may be available for some RCRA CA facilities that might not otherwise be cleaned up (but can not be used to fund the obligations of o/o's for RCRA CA). Information on grants and the types of RCRA sites that might be eligible for grants can be found at <http://www.epa.gov/brownfields>. In addition, other federal agency grants support revitalization (e.g., Housing and Urban Development Brownfields Economic Development Initiative (BEDI) grants)). Most states also offer Brownfields site assessment/cleanup grants; check with your state for more information. Also, the Brownfields Office recently posted a useful report on financing Brownfields. It can be found at: http://www.epa.gov/brownfields/partners/vf_fin_state.htm.
- The Brownfields and Land Revitalization Technology Support Center – This center provides information and support to sites that are undergoing investigation, remediation, and potential revitalization. The Website includes information about the use of innovative site investigation and cleanup technologies and strategies. Innovative technologies and strategies such as the Triad approach support redevelopment goals by lowering costs and decreasing project time frames.
- CLU-In – This web-based educational organization provides archives of several web-based seminars on revitalization topics, as well as web pages on ecological restoration and other aspects of land revitalization. CLU-IN is supported by EPA and is located at: <http://www.clu-in.org>.
- SMARTe – This is another on-line resource. EPA and the German Federal Ministry for Education and Research initiated a cooperative effort to share information and evaluate new solutions for the redevelopment of contaminated sites. This Website helps users identify, apply, and integrate tools and technologies to facilitate the revitalization of sites in the U.S. The Website will be updated as new tools, technologies, and approaches become available for revitalizing previously used lands. This Website also provides information on funding sources and shares community involvement tips.

References

- EPA. Brownfields and Land Revitalization Website. Accessed On-line, at: <http://www.epa.gov/brownfields/>.
- Department of Housing and Urban Development. Brownfields Economic Development Initiative Website. Accessed On-line, at: <http://www.hud.gov/offices/cpd/economicdevelopment/programs/bedi/index.cfm>.
- Brownfields and Land Revitalization Technology Support Center (BTSC). BTSC Website (Supported by EPA, Argonne National Laboratory, and the U.S. Army Corps of Engineers). Accessed On-line, at: <http://www.brownfieldstsc.org/>.
- EPA. 2007. SMARTe 2007 Web Site; On-line Revitalization Tool. Accessed On-line at: <http://www.smarte.org/smarte/home/index.xml>.



Leverage Reuse Interests

- ❖ Can bring resources towards cleanup
- ❖ Can result in accelerated cleanup
- ❖ Can help avoid properties being left idle due to RCRA concerns
- ❖ Requires cooperation with reuse interests to address their needs (when reasonable)
 - Identify developer needs and accommodate them (for example, schedule needs)
 - Provide site status documentation for use by lenders
 - Help identify and provide information on possible resources for the site

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Notes:

Purpose of Slide

- Stress that reuse interests should be leveraged through cooperative approaches to avoid delays or lack of progress.

Key Points

- Leveraging mutual interests or building on interest to redevelop a property can help expedite cleanup at some sites. Redevelopment interests for a site may provide resources and momentum for a site cleanup.
- Some sites that might remain idle due to RCRA CA concerns can be addressed if a reuse interest is identified, encouraged, and leveraged.
- Cooperation with stakeholders, when reasonable, can include:
 - Identifying developer needs and accommodating these where feasible (schedules, requests for documentation, etc.). Where feasible, a strong emphasis should be put on setting and adhering to schedules that work for the developer. Some Regions have found success in adhering to agreed-upon schedules that are important to developers.
 - As discussed previously, site documentation can be important to help developers understand the status and risk associated with a site; this documentation also can assist a developer in obtaining loans. Lenders will want to have a good understanding of site conditions and risks.
 - Some potential developers or interested parties may benefit from funding resources that are available (see slide on working at financially struggling sites).

References

- None.



Apply Flexible and Creative Approaches

- ❖ Use of alternate authorities (for example, state Voluntary cleanup programs)
- ❖ Facility-lead agreements
- ❖ Parceling

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Notes:

Purpose of Slide

- Discuss flexible and creative approaches that support reuse.

Key Points

- Use of Alternate Authorities – This was discussed in Module 3 and can include the application of state voluntary cleanup programs (VCPs) or other cleanup authorities. The Project Manager should consider available authorities and identify which may be best to support remediation and revitalization efforts at a particular site. States often may be best able to lead this consideration and determine the best program to use; input from other site parties (EPA, facility, etc.) also is important. In all cases, the authority used must achieve a cleanup equivalent to RCRA CA requirements; for states lacking RCRA CA authority, other options are likely available (for example, VCPs, Superfund programs, and Brownfields programs).
- Facility-Lead Agreements – This approach, which streamlines the process by developing an agreement on cleanup activities between the RCRA program and the regulated facility, is being used successfully in some situations. A model Facility-Lead Agreement is available online on Region 3's Web site.
- Parceling – Parceling is a viable option for some sites and can speed the site cleanup process; the next slide provides more information on parceling.

References

- EPA. 2004. "Getting it Done: RCRA Liability Tools." Includes topic of Parceling. Presented by Susan Bromm. Director of Office of Superfund Remediation and Enforcement (OSRE) at Brownfields Conference. December.
- EPA. 2002. Memorandum to RCRA Senior Policy Advisors from Robert Springer, "Clarifying My Views on RCRA Parceling." December 20.
- EPA. 2000. Model Facility-Lead Agreement. Accessed On-line http://www.epa.gov/reg3wcmd/ca/ca_facilitylead.htm.



Parceling

- ❖ Facility divided into parcels based on different end uses
 - Allows alternate cleanup criteria based on varying anticipated uses
 - Allows different timelines to be used
- ❖ Parcels can be transferred or leased using various approaches – outcomes
 - Must ensure protection of human health and the environment
 - Should allow cleanup and productive reuse to progress

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Notes:

Purpose of Slide: Review parceling in greater detail.

Key Points

- Parceling divides a site into portions to support cleanup to appropriate levels given each portion's anticipated end use. It also facilitates revitalization efforts by allowing some portions of a site to proceed quickly to reuse.
- Different portions of a site can be remediated to different degrees and on different timelines based on alternate future land uses.
- Parcels can be transferred or leased using a variety of approaches, as follows:
 - Clean parcels or parcels that do not require further cleanup, can be removed from an order or permit.
 - If a parcel requires additional cleanup activities parceling can be more difficult to achieve – approaches include: (1) the parcel can be defined as "off-site" contamination to the remaining property – with the original owner still required to conduct cleanup; and (2) the individuals involved can enter into agreements regarding who will cleanup remaining contamination. When someone other than the new owner will address remediation at the property, the new owner should provide legal access for the remediation activities. Whatever approach is used, CA obligations must be met.
 - Parceling is a viable option for some sites and can speed the site cleanup process. It allows redevelopment of some addressed or non-contaminated yet idle property sections – returning them to beneficial use for the community.
- Parceling at RCRA-permitted facilities can require a permit modification. That modification can state that the original owner is liable for cleanup of any newly discovered contamination. If expecting to undertake cleanup or maintenance activities, the regulator should require the old owner to also have an access agreement or otherwise address RCRA Section 3004 (v) requirements. Parceling at Interim Status facilities may involve reprioritization of cleanup goals to facilitate transfer; if there is a reuse interest for a parcel, remediation of that portion of the facility may be expedited to support reuse. Some legal issues could also require resolution.
- Information on the Agency's parceling efforts related to RCRA include: (1) Final Guidance on Completion of CA Activities at RCRA Facilities; (2) discussion on EPA's RCRA Reuse and Brownfields Prevention Website; and (3) examples posted on EPA's CA Website at <http://www.epa.gov/osw/hazard/correctiveaction/bfields.htm>.

References

- EPA. 2002. Memorandum to RCRA Senior Policy Advisors from Robert Springer, "Clarifying My Views on RCRA Parceling." December 20.
- Federal Register. 2003. Volume 68, Number 37. Final Guidance on Completion of Corrective Action Activities at RCRA Facilities. February 25.



Identify Anticipated Uses Early in the Process

- ❖ Helps to
 - Define expectations for cleanup
 - Identify various parts of a site that may have different future uses
- ❖ Partner with local stakeholders to ensure you are realistic in identifying future use - this is key!
- ❖ Future uses and the available types and potential effectiveness of ICs help to guide remedy selection decisions

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Notes:

Purpose of Slide

- Emphasize that looking at end uses early in the planning process can save time and resources; its also helps to identify potential problems so that they can be planned for and avoided.

Key Points

- Identify anticipated uses early in the planning process. This supports development of the Exit Strategy. Early planning can assist with, or address:
 - Defining expectations for cleanup.
 - Informing the remedy selection process, especially when parts of a site may have different future use scenarios (which can impact cleanup scenarios). Reuse assessments can evaluate available data early and guide further planning efforts.
- Identify and partner with local stakeholders. This is important because:
 - Community acceptance of site redevelopment should be factored into decisions.
 - Partnering can assist with early agreement on future uses and reduce future delays.
 - Partnering is critical and will be discussed further in this module.
- Future use considerations are important to selecting remedies. Cleanup strategies can be designed more efficiently when future use plans are available (for example, at a commercial development, a parking lot might be placed over an area of concern).
- This slide includes concepts we introduced in Module 4, Exit Strategy and will revisit throughout the course.

References

- None.



Document/Implement Exit Strategies

- ❖ Documentation of site status
 - Ready for Anticipated Use (RAU) Determination
 - Comfort letters, no further action assurance
- ❖ Other documentation to assist developers
 - Prospective Purchaser Agreements (State or Federal)
- ❖ CA Completion Determination
 - With controls (Institutional and/or Engineering Controls)
 - Without controls

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Notes:

Purpose of Slide: Review the government's role in supporting revitalization and in documenting that cleanup decisions also are protective of human health and the environment, in accordance with EPA policies and guidelines. Review available tools.

Key Points

- The Instructor should introduce Agency documentation related to RCRA CA Sites:
- Under RCRA CA, a national determination that is used to document that a site is safe for use is the new RCRA Land Revitalization Measure we will discuss later in this Module (RAU).
- In addition to the RAU measure, comfort letters and no further action assurances from Federal or State Agencies can document the status of cleanup at a site and assist in moving revitalization forward. Comfort letters help to appease concerns about potential liability under RCRA and CERCLA. When a state is the lead at a RCRA facility, the comfort letter normally comes from the state. The letters may convey varying degrees of comfort by communicating EPA or State perceptions of the environmental status of the property and intentions regarding future cleanup activities. The letters, when issued by EPA, may include Agency policy statements regarding the exercise of EPA's enforcement discretion as it relates to specific site circumstances or activities of a party. As of September 2000, EPA Regional staff had issued more than 500 comfort/status letters. No further action assurances document that the Agency has reviewed available information and concluded that based on current data, no further action is necessary at a site. This can help a redeveloper assess if a site is a good prospect for redevelopment.
- Other documentation may also support redevelopment, for example, Prospective Purchaser Agreements (PPA). A PPA is a covenant not to sue that is issued by the Federal government to the prospective purchaser for existing, pre-purchase contamination. States also issue PPAs under state laws. The PPA can require the purchaser to perform cleanup work relating to existing contamination at the site. Federal PPAs must be prepared with Department of Justice input and can take a significant amount of time and resources to complete, although EPA is trying to streamline the process.
- The RCRA CA Completion Guidance provides information on making CA Completion "with controls" or "without controls" determinations, as we will discuss in Module 12. Several Regions are making completion determinations both for entire facilities and for parcels of a facility.

References

- EPA. 2007. Guidance for Documenting and Reporting RCRA Subtitle C Corrective Action Land Revitalization Indicators and Performance Measures. February 21.
- EPA. 1986. Policy on Issuance of Comfort/Status Letters. November 8.
- EPA. 2000. EPA's PPAs and Comfort/Status Letters: How Effective Are They? Findings, Benefits, and Suggested Improvements Final Report. Office of Site Remediation Enforcement Publication # 330R00002. September 29.
- EPA. 1989. Guidance on Settlements with Prospective Purchasers of Contaminated Property. OSWER Directive No. 9835.9 and 54 F.R. 34235. August 18. Accessed On-line at: <http://www.epa.gov/brownfields/html-doc/purchase.htm>.
- Federal Register. 2003. Volume 68, Number 37. Final Guidance on Completion of Corrective Action Activities at RCRA Facilities. February 25. Accessed online at: http://www.epa.gov/correctiveaction/resource/guidance/gen_ca/compfedr.pdf.



Partnership and Good Communication

- ❖ Create a common vision of the revitalization project
- ❖ Successful partnering requires
 - Commitment, respect, and trust
 - Free exchange of information
 - Clearly defined goals and expectations of success
- ❖ Good communication includes:
 - Listening and responding – communicate with stakeholders to identify reasonable and realistic uses of the site
 - Clearly stating cleanup expectations up front

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Notes:

Purpose of Slide: Emphasize the importance of communication in the land revitalization process. Stress that working in partnership with stakeholders is considered one of the most important ingredients to a successful Brownfields or RCRA CA Revitalization project.

Key Points

- Partnering and good communication create a common vision that can guide a revitalization effort. Agreeing on a vision and working together to achieve it can support progress. Partnering is important across all phases of the project and it can: (1) help streamline the process; (2) help avoid project upsets; and (3) improve the chances of revitalization and cleanup success.
- Communication is a key role that RCRA staff can support in terms of revitalization.
- RCRA program staff should communicate with site owners and stakeholders to identify reasonable and realistic future uses for the site. RCRA site cleanup staff should provide as much site information as possible to developers and stakeholders up front. This allows new parties to clearly understand the cleanup needs of the site and reduces uncertainty and risk.
- RCRA staff also should listen and respond to developer information needs, as appropriate. Information may be requested regarding funding resources, integration of cleanup with a state VCP, how to obtain comfort letters, etc.
- Finally, EPA or State personnel should clearly state cleanup expectations. To prevent any misunderstandings, RCRA staff should be straight forward about the cleanup expectations for the site. The developers and site owner should have these requirements clearly laid out for them so that they can make decisions and move forward.
- There are two EPA programs that can provide assistance to communities in understanding the complexities of CA sites. Technical Assistance Services for Communities (TASC) uses university educational and technical resources to help community groups understand the technical issues involving the hazardous waste sites in their midst (<http://www.epa.gov/superfund/community/tasc/>). The Community Action for a Renewed Environment (CARE) is a community-based, community-driven, multimedia demonstration program. It provides grants to help communities understand and reduce the risk of exposure to toxic chemicals (<http://www.epa.gov/CARE>).

References

- Undated. EPA. Technical Assistance Services for Communities: Overview Flyer. Accessed On-line at: <http://www.epa.gov/superfund/community/tasc/>.



Work with Financially Struggling Sites



- ❖ Understand financial situation at site
- ❖ Share information regarding funding sources, particularly for struggling sites and communities
 - EPA Brownfields Grants and other federal funds
 - State Brownfields, cleanup and redevelopment financing
 - Local funding – for example, economic development agencies
 - Recent EPA report on financing for Brownfields sites: (http://www.epa.gov/brownfields/partners/bf_fin_state.htm)
- ❖ Creative partnering



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Notes:

Purpose of Slide: RCRA owner/operators (o/o's) are required to demonstrate financial assurance to address CA obligations. However, EPA acknowledge that financial hurdles must be overcome at some sites and this slide reviews how EPA and State personnel can assist by sharing information on resources. Financial assurance requirements for o/o's are discussed in Module 3.

Key Points

- Understand the financial situation of the site; in some cases, the potential developer needs to obtain funding.
- As discussed previously, some communities and sites may be eligible for Federal funding including: (1) EPA Brownfields grants and other Federal grants/funds; (2) State Brownfields, cleanup, and redevelopment financial support; and (3) local funding. The recently released report on Brownfield Funding should be a useful resource (referenced earlier). The handout for this module includes a list of tax incentive opportunities compiled by representatives of OBCR.
- Help the owner look for partnering opportunities. A great example of this is the Century Brass site in New Milford, CT. This 72 acre site was formerly occupied by a copper and brass alloy tubing manufacturer. Past practices resulted in hazardous metal hydroxide sludge being disposed in two unlined surface impoundments, which required clean closure. PCBs also were identified and threatened human health and the river.
- The City took over this RCRA CA site through a foreclosure in 1999. The property then moved toward redevelopment with assistance from the CT DEP, EPA Brownfields, and EPA TSCA Programs. In 2001, New Milford was provided with a \$1 million loan for cleanup. In 2002, the City was awarded a \$150,000 grant to continue Brownfield redevelopment and cleanup. The City did a great job in getting resources from a variety of entities, including: the EPA Brownfields Program, State Environmental Program and economic development programs.
- Costs to remediate the site were greater than initially estimated (as of July 2004, \$2.6 million had been spent and additional contamination was identified and required another \$500,000 to address). However, the site is now cleaned up and listed for sale on the town's web site. This site is the only available industrially zoned property in town, is served by sewer and water, and is near to a national gas pipeline, rail line, and major highway. This makes it a promising property for future use. In March 2008, the town received an offer of \$4.5 million for the site, with plans to use it for a venture that will produce an alternative fuel.

References

- Litchfield County Times Web site. 2008. Article by Nancy Barnes. Firm Is Seeking New Milford Site To Make Ethanol. March 13.
- EPA. 2007. List of Tax Incentive Web sites. Provided by David Lloyd of OBCR. August 8, 2007.
- EPA. 2002. Press Release. EPA Awards Brownfields Redevelopment Money to Two CT Communities. May 20.
- EPA. 2001. Press Release. EPA Gives CT Towns Seven Grants Worth \$3.4 Million. April 20.
- New York Times. 1986. In Westchester and CT, 3 Large Old Brass Mill Sites Up for Sale. March 9.
- American Metal Market. 2004. CT Town Faces Rising Costs to Clean Site of Old Brass Mill. July 8.



Sustainable Approaches in the Land Revitalization Process

Opportunities to conserve resources, reduce impacts to the community, and reduce impacts on human health and the environment in order to maximize the benefits associated with a land revitalization project.

Deconstruction, Demolition, and Removal	Cleanup, Remediation, and Waste Mgmt.	Design and Construction for Reuse	Sustainable Use and Long-Term Stewardship
<ul style="list-style-type: none"> •Reuse/recycle deconstruction and demolition materials •Reuse materials on site whenever possible •Consider future site use and reuse existing infrastructure •Use clean diesel and low sulfur fuels in equipment and noise controls for power generation •Retain native vegetation and soils, wherever possible •Protect water resources from runoff and contamination 	<ul style="list-style-type: none"> •Power machinery and equipment using clean fuels •Use renewable energy sources, such as solar, wind, and methane to power remediation activities •Improve energy efficiency of chosen remediation strategies •Select remediation approaches that reduce resource use and impact on air, water, adjacent lands, and public health •Employ remediation practices (such as phytoremediation) that can restore soil health and ecosystems and, in some cases, sequester carbon through soil amendments and vegetation 	<ul style="list-style-type: none"> •Use Energy Star, LEED, and GreenScapes principles in both new and existing buildings •Reduce environmental impact by reusing existing structures and recycling industrial materials •Use natural systems to manage stormwater, like green roofs, landscaped swales, and wetlands •Incorporate Smart Growth principles that promote more balanced land uses, walkable neighborhoods, and open space •Create ecological enhancements to promote biodiversity and provide wildlife habitat and recreation 	<ul style="list-style-type: none"> •Reduce use of toxic materials in manufacturing, maintenance, and use of buildings and land •Minimize waste generation, manage waste properly, and recycle materials used/generated •Maintain engineering and institutional controls on site, where waste is left in place •Reduce water use by incorporating water efficient systems and use native vegetation to limit irrigation •Promote energy efficiency and use of renewable energy •Take appropriate steps to prevent (re)contamination



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Notes:

Purpose of Slide: Provide examples of sustainable approaches and resources.

Key Points

- EPA is encouraging green remediation and greener approaches in the land revitalization process. OSWER is working on a set of Green Remediation Principles and a new green web page. The Superfund Program has developed a Green Remediation Strategy and EPA is working with the American Society of Testing and Materials (ASTM) to develop a green cleanup standard.
- This graphic demonstrates that there are opportunities to promote sustainability throughout the land revitalization process. The key to implementing any sustainable approach is to begin planning early in the process.
- Deconstruction, Demolition, and Removal – In this phase, you can reuse and recycle several components of buildings, such as bricks, concrete, and wood. Often, building and infrastructure components may be of value (e.g., steel that can be recycled).
- Cleanup, Remediation, and Waste Management – While cleaning up a site, consider remediation approaches that would reduce resource use and impacts on the environment. For example, you could power a pump & treat system with renewable energy or use clean fuels to power machinery and equipment on the site.
- Design and Construction for Reuse – Reuse available infrastructure, reuse existing buildings, and develop ecological enhancements. NOTE: Ecological revitalization is discussed further in later slides.
- Sustainable Use and Long-Term Stewardship – Finally, you can encourage and effect sustainable use and long-term stewardship. For example, you can work with stakeholders to minimize waste generation, manage waste properly, and recycle materials onsite.

References

- EPA. EPA Sustainability Website. Accessed On-line at: <http://www.epa.gov/sustainability/>.
- EPA. EPA ER3 Website. Accessed On-line at: <http://www.epa.gov/oeaerth/cleanup/revitalization/er3/index.html/>.



Sustainable Approaches in the Land Revitalization Process

- ❖ Reuse/recycling of demolition and deconstruction wastes
- ❖ Green landscaping
- ❖ Green building
- ❖ Smart growth concepts
- ❖ Ecological revitalization
- ❖ Environmentally Responsible Redevelopment and Reuse (ER3)

<http://www.epa.gov/oecaerth/cleanup/revitalization/er3/index.html>



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Notes:

Purpose of Slide: Provide examples of sustainable approaches and resources:

Key Points

- Reuse/Recycling of Demolition and Deconstruction Wastes – Various components of buildings are valuable and can be reused. For example, bricks are often reused for residential or other purposes. For older buildings, architectural features and trim may be valuable. Some revitalization projects have been able to sell used machinery and equipment on the internet for parts, avoiding disposal costs. Always make sure that any reuse/recycling is done in a safe and environmentally sound manner. Information on recycling demolition wastes and other materials can be found at: <http://www.epa.gov/epaoswer/non-hw/debris-new/index.htm>.
- Green Landscaping – This includes the consideration of features that may require less chemicals and water to thrive. For example, native species and the local climate should be considered. EPA has an active Greenscapes program for companies: <http://www.epa.gov/greenscapes>. Also there is a new Website on sustainable sites – ideas for sustainable approaches can be found there: <http://www.sustainablesites.org/>
- Green Building – This area is becoming recognized as a long-term way to save money when operating facilities, whether industrial or commercial. Rising energy costs have spurred interest in this area. Green design can save energy through the use of energy efficient layouts, equipment, and alternate energy sources. Water reuse is another practice that is popular, particularly in arid areas. There are a number of resources on green building design. EPA provides information at: <http://www.epa.gov/greenbuilding>.
- Smart Growth – Smart growth is development that serves the economy, the community, and the environment. It shifts the development debate from the traditional “growth/no growth” question to evaluating “how and where new development can be accommodated.” Smart growth focuses on economic growth that is conducted more efficiently (for example, in a manner that supports energy savings, reduced pollution, etc.) than traditional development. Revitalization of RCRA CA facilities can constitute smart growth because these sites are often located in developed areas that will not require the development of new roads and infrastructure, etc. Information regarding EPA’s Smart Growth program is available at - <http://www.epa.gov/smartgrowth/>.
- Ecological Revitalization is discussed on the next slide.
- Environmentally Responsible Redevelopment and Reuse (ER3) – The Office of Enforcement and Compliance Assurance (OECA) has developed the ER3 effort, which is designed to use enforcement and other Agency-wide incentives to promote sustainable redevelopment of contaminated sites. For example, ER3 can provide enforcement assurances (such as comfort letters, no further action letters, PPAs, streamlined orders, etc.) in exchange for a site owner/developer implementing “green” or sustainable measures (such as green building, smart growth, etc.). For more information on ER3 - <http://www.epa.gov/oecaerth/cleanup/revitalization/er3/index.html>.

References

- Web sites listed above.



Ecological Revitalization

- ❖ Integrates ecological enhancement and reuse when possible
- ❖ Does not have to jeopardize remediation goals and objectives
- ❖ Uses partnerships and resources (for example, Wildlife Habitat Council and Interstate Technology and Regulatory Council, Clu-in)
- ❖ Tools are available to help

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Notes:

Purpose of Slide: Discuss ecological reuse practices in relation to revitalization of RCRA CA sites.

Key Points

- There are a number of ecological enhancements that can be incorporated into development designs that benefit the environment. For example, providing rain gardens and vegetative buffer zones can reduce run-off and also control contamination of nearby surface waters.
- For some sites or portions of a site, returning the property to a vital habitat may be the primary "new use."
- There are a number of resources available to aid in restoring land to provide useful local habitat (for instance, through the use of native plants to help ensure a native habitat).
- In 2006, the Interstate Technology and Regulatory Council (ITRC) finalized a guidance on "Planning and Promoting Ecological Land Reuse of Remediated Sites." This was developed in collaboration with a number of organizations, including the Wildlife Habitat Council and EPA. The ITRC has provided internet training on this guidance, which has been archived and can be viewed at <http://www.clu-in.org/live/archive.xml>. Clu-in also has created a "resource" page for ecological restoration, which will serve as a useful tool.
- The Wildlife Habitat Council has held workshops in EPA Regions 2, 3, 4, 5, 6, and 10 on ecological reuse. Information about these workshops can be found at: <http://www.wildlifehc.org/events/restoringgreenspace.cfm>. A range of similar tools are available to assist your efforts.
- EPA recently finalized a cross-program document on how to incorporate ecological restoration practices at contaminated sites. This document assists site managers and property owners in understanding ecological revitalization at contaminated properties during cleanup; provides an overview of EPA's cleanup programs as related to ecological revitalization; and includes about 100 case studies that have successfully incorporated ecological revitalization element(s).

References

- EPA. 2006. Presented at National CA Conference in Providence, RI: Planning and Promoting of Ecological Re-Use of Remediated Sites. ITRC Technical/Regulatory Guideline Planning and Promoting of Ecological Re-Use of Remediated Sites. June 21.
- EPA. 2009. Ecological Revitalization: Turning Contaminated Properties into Community Assets. EPA 542-R-08-003. February. Accessed On-line at http://www.clu-in.org/download/issues/ecotools/Ecological_Revitalization_Turning_Contaminated_Properties_into_Community_Assets.pdf
- ITRC. Web Site. Accessed On-line at: <http://www.itrcweb.org/>: (1) "Making the Case for Ecological Enhancements" (January 2004) and (2) "Planning and Promoting Ecological Re-Use of Remediated Sites" (July 2006).

EXAMPLE

Kenosha Harbor Park, WI





Site in 1990 and as redeveloped

- ❖ Former AMC Plant
- ❖ Voluntary cleanup under WI regulations
- ❖ City led financial and development aspects
- ❖ Urban Land Institute supported smart growth planning

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Notes:

Purpose of Slide: Illustrate land revitalization of a former industrial site, integrating smart growth principles.

Key Points:

- In Wisconsin, an approach to revitalization is to allow all cleanups to follow one set of regulations (NR 700 – State Comprehensive Cleanup Regulations). Wisconsin also has a Memorandum of Agreement with EPA, regarding cleanup of properties under various authorities. The goal is to be protective of human health and the environment, with flexible remedial options to achieve that endpoint. The one cleanup program approach combines: protection of all state groundwater, a risk-based approach to soil contamination, ICs to limit exposure, and one program to allow for quicker and less expensive cleanups.
- The Kenosha Harbor Lakefront Redevelopment is a former Chrysler/AMC Plant. The site includes over 40 acres on Lake Michigan, impacted by historical manufacturing since the 1900s (AMC, Simmons Mattress). The property was vacant from 1986 on and impacted by petroleum and chlorinated carbon; the site also includes historic fill. Environmental issues included 17 underground storage tanks, impacted loading docks, waste, and product storage areas, foundry sand and dredge fill areas, rail lines and an incinerator. Cleanup was implemented under a voluntary cleanup program.
- The City led the way on market analysis and planning, securing financing, liability protections, and identification of developers.
- The Urban Land Institute assisted sustainable redevelopment, including the integration of Smart Growth concepts. Goals included revitalization of the area, buildings on existing infrastructure, and encouraging a mix of public and commercial uses. Smart Growth concepts include: housing with a park and open space and easy access to the area. The site links to the area by bike trail, streets, a street car line, and boat. The bike trail is part of a larger system connecting the south and north sections of the city with a regional trail system linking to Chicago, Milwaukee, and beyond. The street car stops allow riders to access the area, Kenosha's downtown, and connect with commuter train lines to Chicago.

References:

- Wisconsin Department of Natural Resources (WDNR). (Michael Prager). Year not Cited. National Governor's Association Meeting: Coastal Brownfields – Wisconsin's Brownfields Initiative. Presented September 10-12.
- EPA (Sara Rasmussen). 2008. Green Approaches in the Land Revitalization Process. Presentation to Association of State and Territorial Waste Management Officials. July 31.
- WDNR. 2006. Letter from Scott Hassett of WDNR to Mary Gade, Regional Administrator (Region 5), Attaching Memorandum of Agreement for Wisconsin's One Cleanup Program. December 6.



Long-Term Stewardship

- ❖ Institutional Controls (ICs)
 - EPA guidance
 - State uniform environmental covenants act (UECA)
 - Criteria of RAU
- ❖ ICs discussed further in later modules

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Notes:

Purpose of Slide: Present general information on long-term stewardship and institutional controls (ICs).

Key Points

- Remedies must be implemented in a manner that is protective in the long term.
- EPA defines ICs as non-engineered instruments, such as administrative and legal controls, that help to minimize the potential for human exposure to contamination and protect the integrity of the remedy. Such controls provide information and/or restrictions that help modify or guide human behavior at properties where hazardous waste contamination prevents unlimited use and unrestricted exposure.
- ICs can provide vital safeguards for property that has not been remediated to levels safe for unrestricted use.
- ICs may be used by themselves or in conjunction with engineering controls to ensure that exposure to remaining contamination is prevented in the future.
- Twenty-four states and territories have adopted a Uniform Environmental Covenants Act (UECA); UECA is a model law that helps to provide clear rules for the States and federal agencies to create, enforce, and modify a valid real estate document – an “environmental covenant” - to restrict the use of contaminated real estate.
- The EPA Land Revitalization Measure, Ready for Anticipated Use (RAU), includes as part of its criteria, that ICs that were identified as necessary in the remedy selection documents must be in place to achieve a positive RAU determination.
- To assist with IC issues, each EPA Region has designated a Regional IC Legal Coordinator (see first reference below). EPA also has a Long-Term Stewardship task force.

References

- EPA. List of EPA Region IC Legal Coordinators. Available to EPA employees at: <http://intranet.epa.gov/oea/osre/workgroup/ic.html>.
- EPA. Superfund Program Website with IC Information. Accessed On-line at: <http://www.epa.gov/superfund/policy/ic/index.htm>.
- EPA. 2007. Ensuring Reliable and Effective ICs at RCRA facilities. June 14. Accessed On-line at: <http://www.epa.gov/reg3wcmd/ca/pdf/EnsuringReliableIC.pdf>
- EPA. 2000. Institutional Controls: A Site Manager's Guide to Identifying, Evaluating and Selecting Institutional Controls at Superfund and RCRA Corrective Action Cleanups. (EPA 540-F-00-005, OSWER 9355.0-74FS-P). September 29.
- EPA. 2005. Long Term Stewardship Task Force Report. Ensuring Environmental Site Cleanups Remain Protective Over Time: Challenges and Opportunities Facing EPA's Cleanup Programs. EPA 500-R-05-001. September.
- Environmental Law Commission Web Site. Accessed On-line at: <http://www.environmentalcovenants.org>.



RCRA Land Revitalization Indicators and Performance Measures

- ❖ Two cross-program measures that focus on documenting:
 - Protective for People under Current Conditions (PFP)
 - Land Ready for Anticipated Uses (RAU)
- ❖ Tool to support implementation
 - RCRA Guidance issued in February 2007
 - Two forms



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Notes:

Purpose of Slide: Overview the specific RCRA measures that will track progress in protecting human health and land ready for anticipated uses.

Key Points

- Building on cross-program efforts, the RCRA program issued a guidance to assist in tracking RCRA CA land revitalization progress in February 2007; this guidance operates together with the October 2006 Guidance on OSWER Cross-Program Revitalization Measures.
- RCRA CA Indicators included in the guidance include: (1) universe indicator, (2) status of use indicator (optional), and (3) type of use indicator (optional). For 2008, the universe includes the 2008 baseline (1,968 facilities). For 2009 and beyond, the universe will include the 2020 CA Universe.
- Measure 1: Protective for People under Current Conditions (PFP): This measure is based on the Human Exposure Controlled Environmental Indicator (HE EI) (CA 725). All or portions of a facility may be reported as PFP (for example, facilities that have achieved CA 725 facility-wide, would have all acres counted as meeting PFP). Guidance is also provided to assess and record partial facility achievement of PFP.
- Measure 2: Ready for Anticipated Use (RAU): This measure is based on the criteria for meeting cleanup goals that are protective for safe reuse of the land and having ICs in place to ensure that the land is not used in an unsafe manner. The RCRA program has developed a methodology for collecting data and assessing which RCRA sites and acreages meet this measure. Initial reporting on this measure will begin in 2008. ICs and recent guidance on ICs are presented in later modules.
- The two measures – PFP and RAU – address both the number of sites and the number of acres.
- Instructors will be familiar with the guidance and EPA implementation considerations when delivering the course. Suggested materials for a handout include: (1) Type of Use/Status of Use Form, (2) RAU Form, and (3) Decision Tree – RCRA RAU Measure (page 11 of guidance).
- RCRAInfo Version 4 includes the new Event Code for achieving the RAU Measure, which is CA 800.

References

- EPA. 2006. Measuring Revitalization of Contaminated Properties in America's Communities: Past Accomplishments and Future Opportunities. Interim Final. EPA OSWER Land Revitalization Staff Office. EPA-500-R-06-002. September.
- EPA. 2006. Interim Guidance on OSWER Cross-Program Revitalization Measures. October 20.
- EPA. 2007. Guidance for Documenting and Reporting RCRA Subtitle C Corrective Action Land Revitalization Indicators and Performance Measures. February 21.



Review of Useful Resources

EPA RCRA Reuse and Brownfields Prevention
http://www.epa.gov/swerosps/rcrabf/
EPA RCRA CA
http://www.epa.gov/correctiveaction/
EPA Land Revitalization
http://www.epa.gov/oswer/landrevitalization/index.htm
EPA Brownfields
http://www.epa.gov/brownfields/
EPA Sustainability
http://www.epa.gov/sustainability
CLU-IN
http://www.clu-in.org
EPA Long Term Stewardship
http://www.epa.gov/landrevitalization/ltstf_report/index.htm
Green Remediation
http://www.clu-in.org/greenremediation

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Notes:

Purpose of Slide

- Review some of the useful resources for revitalization.

Key Points

- Review some of the useful resources identified for revitalization information.

References

- None.



Summary

- ❖ Incorporate anticipated land reuse options as early as possible.
- ❖ Use available tools and resources to support land revitalization and cleanup.
- ❖ Keys to success include:
 - Communication
 - Partnering
 - Creativity

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Module 6 - CA and Facilitating Land Revitalization

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Notes:

Purpose of Slide

- Review the take home messages from the module.

Key Points

- Many facilities may provide opportunities for revitalization; however, the regulator can only do so much.
- At some sites, opportunities will not be ideal for revitalization (for example, no reuse potential, no developer); focus your efforts on those sites with promise. Identify promising sites as early as possible.

References

- None.



The slide features a central graphic with two vertical film strips on either side of a central purple circle containing a white camera icon. To the left of the film strips is a yellow speaker icon. The text 'Video: Our Land, Our Legacy' is centered below the graphic. At the bottom of the slide, there is a blue gradient bar with the text 'November 2009', 'Module 6 - CA and Facilitating Land Revitalization', and '32'.

Notes:

Purpose of Slide

- Illustrate the successful implementation of RCRA Land Revitalization through a video.

Key Points

- Introduce the video, which provides three real-world examples that illustrate successful revitalization that also helps to drive environmental cleanup and progress towards the 2020 Vision for CA.

References

- EPA. 2007. Our Land, Our Legacy – The Resource Conservation and Recovery Act. EPA 530-C-07-003. January.



RCRA Corrective Action Training Program: Getting to YES! *Strategies for Meeting the 2020 Vision*



This training and training documents do not create any legally binding requirements on the U.S. Environmental Protection Agency (EPA), states, or the regulated community, and do not create any right or benefit, substantive or procedural. The training and documentation are not a complete representation of the Resource Conservation and Recovery Act or of EPA's regulations and views.



November 2009 Module 7 - Selecting and Approving a Protective Remedy 1

Notes:

Purpose of Slide

- This is the introductory slide to Module 7, Selecting and Approving a Protective Remedy.

Key Points

- None.

References

- None.



Module 7

Selecting and Approving a Protective Remedy

Part 1 - Policy Considerations
Part 2 - Field Considerations

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Module 7 – Selecting and Approving a Protective Remedy

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Notes:

Purpose of Slide

- This module familiarizes the class with how remedies are chosen and documented. The module is broken into two sections: policy considerations and field considerations.

Key Points

- Examples of policy considerations are cleanup goals and objectives, EPA's threshold and balancing criteria, selecting institutional controls (ICs), and documenting remedy decisions (CA 400).
- Field considerations include hydrogeology and contaminant distribution at the facility. Field considerations also include facility operations that limit access for characterization or cleanup.
- Both policy and field considerations play significant roles in making a remedy decision.

References

- None.



Policy Considerations

- ❖ Defining Remedy Decision
- ❖ Selecting the Remedy
- ❖ Documenting the Remedy Decision

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Module 7 – Selecting and Approving a Protective Remedy

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Notes:

Purpose of Slide

- Provide an overview of policy considerations related to selecting a remedy that is protective of human health and the environment (HH&E).

Key Points

- This module will discuss policy considerations in selecting a remedy and achieving a Remedy Decision including:
 - Key elements and considerations in making a Remedy Decision
 - Factors considered in selecting an appropriate remedy including land use, remediation goals, remedy evaluation criteria, and use of institutional controls .
 - We will end this portion of the module by discussing the process of documenting the remedy decision.

References

- EPA. 2000. Final Remedy Selection for Results-Based RCRA Corrective Action (Fact Sheet #3).



Defining Remedy Decision

- ❖ Roles and responsibilities – facility, state/EPA
- ❖ Defined as - when State or EPA approves remedy designed to meet corrective action long-term goals (CA 400)
- ❖ Other considerations
 - Final remedy may be No Further Action
 - Site-wide versus partial or phased remedy decisions

A formal Corrective Measures Study document is not necessary to select a final remedy.

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Module 7 – Selecting and Approving a Protective Remedy

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Notes:

Purpose of Slide

- Provide the key elements of Remedy Decision, as specified in EPA's definition of the measure. Remedy Decision is a milestone toward the 2020 Vision.

Key Points

- The Remedy Decision milestone is met when the State or EPA approves a remedy designed to meet RCRA CA long-term goals of protection of HH&E. The RCRA Info Code is CA 400.
- As we discussed previously, the owner/operator (o/o) studies and identifies the recommended remedy.
- The regulatory authority reviews and approves the recommended remedy. Later in this module, we will discuss how EPA or the state can document the remedy decision.
- A Remedy Decision also applies when no further CA is required because stabilization measure(s) have already been implemented or because site characterization has demonstrated the attainment of long-term RCRA CA goals. In some cases, especially at lower concern facilities, successful remedies may have been achieved through means such as stabilization measures and long-term CA goals met before they receive formal regulatory attention. In these cases, the regulatory agency need only affirm the remedies and address any needed long-term controls through appropriate processes.
- When a site-wide remedy decision has been made, Remedy Decision must be linked to the entire facility. Partial or phased remedies or other remedy decisions pertaining only to specific areas of the facility are to be linked only to the specific areas of implementation (not the "Entire Facility").

References

- EPA. 2005. Permitting and Corrective Action (PCA) Program Area Analysis (PAA) Report: Appendix D, National Details for Corrective Action Event Codes. Final Report. Win/Informed Executive Steering Committee. July 28.



Selecting the Remedy

- ❖ Anticipated land use
- ❖ Final cleanup goals
- ❖ Evaluation criteria
- ❖ Institutional controls

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Module 7 – Selecting and Approving a Protective Remedy

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Notes:

Purpose of Slide: Review key factors that go into selecting a remedy to meet the remedy objectives we discussed.

Key Points

- Anticipated land and groundwater use - One of the most important aspects of remedy selection is anticipated land and groundwater use, which will influence cleanup objectives, including: timing, cleanup criteria, and points of compliance. Land use will also affect design considerations and construction options – for example, aesthetics may not be as important to operating facilities as facilities planned for redevelopment.
- Final Cleanup Goals – Final cleanup goals for all sites involve 1) protecting human health and the environment (HH&E) and maintain that protection over time 2) addressing all environmental media, and 3) no unacceptable risk based on current and reasonably anticipated future land and groundwater uses control sources
- Remedy Evaluation Criteria - EPA has established performance standards that are useful for evaluating and selecting remedies. These standards are known as threshold criteria and balancing criteria. Threshold criteria are used to determine if a remedy is acceptable (that is, protective of HH&E); balancing criteria assist in selecting from a range of acceptable remedies.
- Institutional Controls – The selected remedy will often be a combination of engineering controls (ECs) and ICs. ICs are non-engineered instruments, such as administrative and legal controls, that help to minimize the potential for human exposure to contamination and protect the integrity of the remedy.

References

None



Anticipated Land Use



Planned Urban Residential



Light Industrial



Planned Commercial



Heavy Industrial

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Notes:

Purpose of Slide

- Current and reasonably anticipated land use and a groundwater use designation by EPA or the State will help to define the cleanup objectives necessary for the remedy. Companies should select remedies based on the current and reasonably anticipated use of the site; the regulator should approve the remedies based on that use. Anticipated use planning ties back to the 2nd and 4th principles we discussed in Module 2 (2nd – environmental cleanup to risk-based levels is the goal and 4th – tailor sustainable solutions considering risk management and revitalization).

Key Points

- Establishing the current and reasonably anticipated land and groundwater uses is the first step in risk-based CA. It is necessary to establish the land and groundwater uses to determine actual and potential receptors, which in turn form the basis for establishing risk-based cleanup criteria.
- It is important to realize that land use and groundwater use should be evaluated separately: for example, a currently operating manufacturing facility may be anticipated to remain industrial, but may overlie an aquifer currently used as a drinking water supply.
- Facilities must select remedies that are protective of HH&E. MCLs may be cleanup criteria for protecting drinking water sources. EPA's position is that decisions on cleanup criteria should relate to current and reasonably anticipated land and groundwater uses. EPA does not expect that MCLs or other drinking water criteria will necessarily be the applicable cleanup criteria in areas that are not reasonably expected to be sources of drinking water. As stated in the Groundwater Handbook:

Groundwater cleanup levels for human health should typically be developed by using existing cleanup standards (e.g., drinking water standards) when they are available and when using them is protective of current and reasonably expected exposures. If a cleanup standard is not available for a constituent, a facility should first assess all actual and potential exposures to the contaminant(s). Then, a groundwater cleanup level should be developed based on the magnitude of exposure (i.e., dose), and the toxicity of the contaminant resulting in an estimate of risk. Groundwater cleanup levels are then calculated to fall within generally acceptable levels of risk....Higher cleanup levels may be appropriate, for a given facility, for example, when: ... the groundwater designation is not a current or reasonably expected source of drinking water, and contaminants in groundwater would not result in unacceptable impacts to hydraulically connected surface water bodies. (pp. 5.1-5.3)

- State regulators have the responsibility of regulating groundwater use in their state, and states may have a position relating to groundwater protection or cleanup that is more stringent than the federal guidance. For instance, a state may designate all groundwater as a current or potential drinking water source, even in industrial areas where groundwater is not currently or likely ever to be used as a water supply. In this case, state regulators may find longer-term remediation solutions, such as monitored natural attenuation coupled with ICs, to be acceptable. While it may take years or decades to achieve drinking water standards, HH&E would be protected during the cleanup period while the facility remains industrial.
- There are special considerations for establishing cleanup criteria for facilities where NAPLs are present; we will cover such situations in subsequent slides.

References

- EPA. 2004. Handbook of Groundwater Protection and Cleanup Policies for RCRA Corrective Action for Facilities Subject to Corrective Action Under Subtitle C of the Resource Conservation and Recovery Act. EPA 530-R-04-030. Update. April.



Final Cleanup Goals

- ❖ Protect human health and the environment (HH&E) and maintain that protection over time
- ❖ Address all environmental media
- ❖ No unacceptable risk based on current and reasonably anticipated future land and groundwater uses

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Notes:

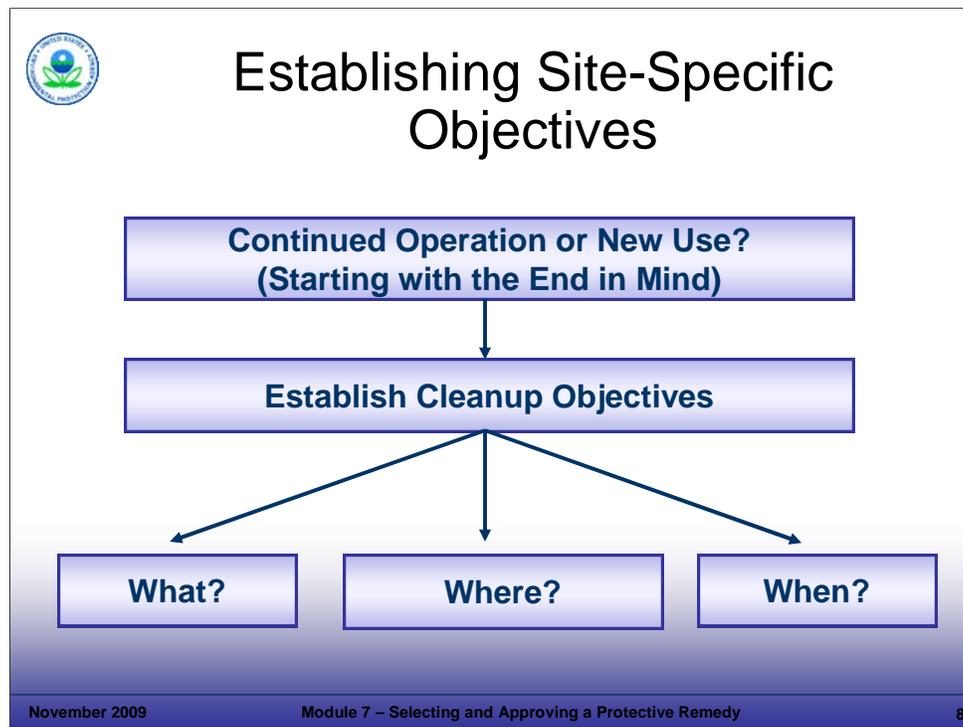
Purpose of Slide: Review remedy goals and the factors that impact remedy decisions.

Key Points

- CA remedies must be protective of HH&E and maintain protection over time.
- Remedy decisions must address contamination in all environmental media – groundwater, surface water, soil, sediment, and air – and be designed to meet the cleanup objectives.
- RCRA requires that cleanup be achieved to levels that are protective of HH&E, and EPA interprets that to mean that cleanup objectives should address risk based on current and reasonably anticipated land and groundwater uses. As stated in the Groundwater Handbook:
 - EPA recommends that groundwater cleanup levels be based on the maximum beneficial use to ensure that groundwater is cleaned up to levels that protect HH&E both now and in the future. (p. 5.1)*
 - The maximum beneficial use, determined by EPA or State regulators, is the current or reasonably expected use that warrants the most stringent groundwater cleanup levels. (p. 5.3)*
- A few examples include:
 - From a federal perspective, cleanup criteria at manufacturing facilities where groundwater is not a current or reasonably anticipated future source of drinking water do not need to be set at maximum contaminant levels (MCLs), but rather at levels based on potential exposure.
 - Similarly, groundwater cleanup criteria at facilities that are being revitalized under a Brownfields agreement for urban residential use, for instance, may not be set at MCLs (from a federal perspective) if groundwater is not a current or reasonably anticipated source of drinking water.
- In each of these cases, ICs and ECs are expected to provide long-term protection. For instance:
 - The state may require the manufacturing facility to have a restrictive covenant, which would prohibit groundwater use.
 - The urban residential area may have a requirement for each home to be constructed with a vapor intrusion barrier, and with restrictions relating to well drilling for home irrigation.
- Cleanup criteria should be set at MCLs when there is a reasonable expectation that groundwater will be used as a drinking water source, or if the contaminated groundwater is hydraulically connected to an aquifer used for drinking water. From the Groundwater Handbook:
 - For groundwater that is currently used or designated as a current or reasonably expected source of drinking water, EPA recommends that regulators identify cleanup levels based on a residential drinking water exposure scenario. Even if no one is currently drinking the groundwater, the cleanup level should generally be based on drinking water use if the aquifer is considered by EPA or the State to be a reasonably expected future source of drinking water. (p. 5.4)*

References

- EPA. 2007. Final Memorandum. Ensuring Effective and Reliable ICs at RCRA Facilities. June 14.
- EPA. 2004. Handbook of Groundwater Protection and Cleanup Policies for RCRA Corrective Action for Facilities Subject to Corrective Action Under Subtitle C of the Resource Conservation and Recovery Act. EPA 530-R-04-030. Update. April.

**Notes:**Purpose of Slide

- Reiterate that reasonably anticipated use aligns with the approach discussed in Module 4, Starting with the End in Mind.

Key Points

- Once the reasonably anticipated use is established, specific cleanup objectives can be identified.
- The cleanup objectives are the "what," "where," and "when" of final remedies.
- We will explain these "what," "where," and "when" objectives further in the following slides.

References

- EPA. 2004. Handbook of Groundwater Protection and Cleanup Policies for RCRA Corrective Action for Facilities Subject to Corrective Action Under Subtitle C of the Resource Conservation and Recovery Act. EPA 530-R-04-030. Update. April.



the What?

Establishing Cleanup Objectives

- ❖ Standards for all environmental media
- ❖ Based on reasonably anticipated land and groundwater uses
 - Human exposure scenarios
 - Ecological scenarios
- ❖ Normally state decisions

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Notes:

Purpose of Slide

- Discuss establishing cleanup objectives in all environmental media – air, groundwater, surface water, sediment, soil, and air.

Key Points

- Cleanup criteria typically represent *what* specific numerical cleanup levels a facility needs to meet. These criteria are established for all contaminated media based on reasonably expected land uses, State or EPA groundwater use designations, and/or cross media transfer (e.g., soil to groundwater).
- Cleanup criteria for soil and groundwater are typically based on human exposure scenarios such as direct contact, ingestion, and inhalation (vapor intrusion) whereas sediment and surface water criteria are more often established based on ecological considerations.
- Cleanup criteria should typically be developed by using existing cleanup standards or guidelines (for example, drinking water standards or surface water criteria for protection of aquatic organisms) when they are available and when using them is protective of current and reasonably expected exposures.
- If a cleanup standard or guideline is not available to establish an applicable cleanup criterion for a site contaminant, the facility may conduct a risk assessment to develop a cleanup level based on the magnitude of exposure and the toxicity of the contaminant.
- State regulations and guidance are important in establishing cleanup levels. If a State is not authorized for CA, EPA will make these decisions.
- Cleanup criteria should be consistent with the identified groundwater use designation, reasonably expected worker or public exposure, and ecological considerations at the facility. The facility should always verify that the groundwater use designation is correct and that the cleanup criteria are protective of surface water and sediments.
- Cleanup criteria at NAPL sites do not always need to be numerical. Rather, the criteria may be to (1) remove sufficient NAPL to contain it, and (2) control movement of the dissolved plume and/or treat the dissolved plume to numerical standards.

References

- EPA. 2004. Handbook of Groundwater Protection and Cleanup Policies for RCRA Corrective Action for Facilities Subject to Corrective Action Under Subtitle C of the Resource Conservation and Recovery Act. EPA 530-R-04-030. Update. April.



Special Considerations for Establishing Cleanup Objectives

- ❖ Complex receptor/exposure scenarios - vapor intrusion
- ❖ Establishing cleanup objectives when NAPLs present

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Notes:

Purpose of Slide

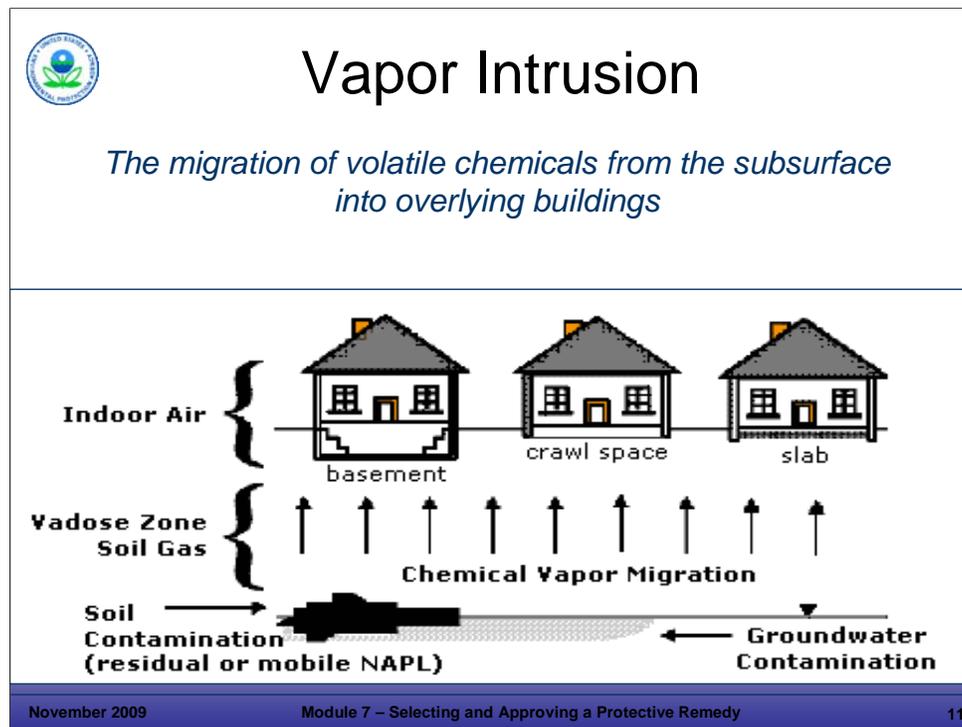
- Introduce the concept that there are some special considerations that may impact the cleanup objectives for some sites.

Key Points

- Complex receptor/exposure scenarios caused by vapor intrusion
- Establishing cleanup objectives when non-aqueous phase liquids are present

References

None



Notes:

Purpose of Slide

- This slide provides an introduction to VI concepts; a more detailed discussion will be provided in Module 8.

Key Points

- EPA defines VI as the migration of volatile chemicals from the subsurface into overlying buildings.
- EPA environmental indicators (EIs) require evaluation of the indoor air pathway for the human exposures under control EI. If a site has volatile chemicals, remedy selection must also evaluate VI.
- Historical observations indicate that VI into structures is a potential exposure pathway.
- Estimating human exposures by the VI pathway is complex and the subject of ongoing research and reevaluation.

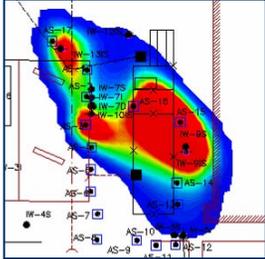
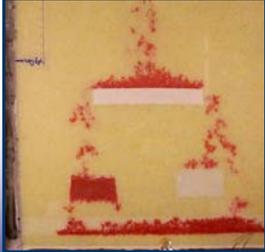
References

- EPA. 2002. Draft Guidance for Evaluating the Vapor Intrusion to Indoor Air Pathway from Groundwater and Soils (Subsurface Vapor Intrusion Guidance). OSWER. EPA 530-D-02-004. August. Accessed On-Line at: <http://www.epa.gov/osw/hazard/correctiveaction/eis/vapor/complete.pdf>.
- EPA. 2004. Design Solutions for Vapor Intrusion and Indoor Air Quality. EPA 500F-04-004. March. Accessed On-line at: http://epa.gov/brownfields/tools/vapor_intrusion.pdf.
- EPA. 2004. User's Guide For Evaluating Subsurface Vapor Intrusion Into Buildings. August. Accessed On-line at: http://www.epa.gov/oswer/riskassessment/airmodel/johnson_ettinger.htm.
- ITRC. 2003. Background Document: Vapor Intrusion Issues at Brownfield Sites. ITRC Brownfields Team. December. Accessed On-line at: <http://www.itrcweb.org/Documents/BRNFLD-1.pdf>.



Special Case: NAPL Remediation

- ❖ Non-numeric cleanup criteria
 - Stabilization
 - Containment
- ❖ Engineering solutions to reduce source
- ❖ Institutional controls to protect HH&E
- ❖ Dissolved phase criteria

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Notes:

Purpose of Slide

- Discuss special considerations associated with establishing cleanup objectives for facilities where nonaqueous phase liquids (NAPLs) are present.

Key Points

- NAPLs may be in the form of dense nonaqueous phase liquids (DNAPLs, “sinkers”) or light nonaqueous phase liquids (LNAPLs, “floaters”).
- NAPLs, especially DNAPLs in the subsurface are extremely difficult to locate and delineate, and present real challenges to remediate completely, other than through excavation.
- Given the technical challenges associated with NAPL remediation, a successful remediation strategy might focus on containment and stabilization of NAPL source areas, and remediation of the dissolved portion of the plume to meet cleanup criteria.
- A Remedy Decision (CA 400) can be made for a facility where NAPL is present and no numerical cleanup criteria are established for the NAPL. In this case, the key to an effective Remedy Decision is assuring long-term protection of HH&E with appropriate ECs and ICs.
- Technical impracticability (TI) would apply if the established cleanup criteria could not be met, and under RCRA CA, an achievable cleanup goal for protection of HH&E (i.e., stabilization or risk management) can be set.
- In states that designate all groundwater as drinking water, it may be necessary to make a TI determination for NAPL sites.

References

- EPA. 2004. DNAPL Remediation: Selected Projects Approaching Regulatory Closure. EPA 542-R-04-016. December.
- EPA. 2004. Handbook of Groundwater Protection and Cleanup Policies for RCRA Corrective Action for Facilities Subject to Corrective Action Under Subtitle C of the Resource Conservation and Recovery Act. EPA 530-R-04-030. Update. April.
- ITRC. 2003. Technology Overview. An introduction to Characterizing Sites Contaminated with DNAPLs. September.
- ITRC. 2000. Technology Overview. DNAPLs: Review of Emerging Characterization and Remediation Technologies. June.



the Where?

Defining the Remediation Area

- ❖ Cleanup criteria may vary at different facility locations
- ❖ Soil – e.g., industrial criteria on site, residential criteria off site
- ❖ Groundwater
 - At & beyond waste management area boundary
 - Throughout plume
 - At & beyond groundwater management zone
- ❖ Parceling property

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Notes:

Purpose of Slide: Discuss that the Remedy Decision (CA 400) applies to the entire facility, but there may be different cleanup objectives established for different portions of the facility. This concept is particularly important for facilities that are subdivided for sale or for reuse of parcels.

Key Points

- The remedy decision applies to the entire facility, but where cleanup criteria apply may vary.
- For instance, at an operating chemical plant, contaminated soil may be allowed to meet industrial exposure scenario values within the plant and residential values at and beyond the facility boundary.
- For groundwater, cleanup criteria may apply either at the unit boundary (such as the edge of a landfill), throughout a groundwater plume, or within a defined groundwater management zone.
- Some states use the concept of a defined groundwater management zone, where groundwater criteria may be set at and beyond the boundary of the management zone.
- There are many RCRA facilities across the country that are being subdivided for reuse under different ownership and land uses.
- Once parcels have achieved numerical cleanup criteria, they may no longer be subject to CA (depending on the requirement in facility permits or orders).
- Parcels that have appropriate ECs and/or ICs in place for the anticipated land use may or may not remain subject to the permit or other regulatory mechanism. The parcel will remain a part of the CA “facility” until a permit or order modification is made.
- In some cases, different cleanup criteria would be established for a given parcel than for other portions of the property, depending on the intended land use for the parcel.

References

- None.



Parceling

- ❖ **Benefits**
 - Jump-start cleanups
 - Make valuable real estate available
 - Provide benefits to the community before final cleanup
- ❖ **Considerations**
 - Enforceable mechanism when cleanup not completed before sale
 - Safe future anticipated uses of the property
 - ICs with residual contamination greater than unrestricted use
 - Financial considerations
 - Expedited reviews

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Notes:

Purpose of Slide

- In the previous slide, property parceling was mentioned as a factor in defining the remediation area. This and the following slide will provide more details on property parceling concepts.

Key Points

- RCRA facility parceling is selling or leasing a portion of a RCRA facility, normally with the intent of revitalization or productive reuse. Parceling makes valuable real estate resources available for revitalization, provides benefits to the community sooner, and can help move cleanups more quickly.
- Facilities can be parceled regardless of cleanup status. Considerations for parceling include:
 - Most parcels have had cleanup addressed prior to sale or lease. However, when a property sale happens before a parcel is cleaned up, an enforceable mechanism is needed to ensure the cleanup will be carried out by the original or new owner.
 - The remedy should allow for safe future anticipated uses of the property.
 - If waste is left in place, ICs will be appropriate.
 - Financial considerations should include: (1) preventing bankruptcy and future Superfund sites, (2) ensuring a party is responsible for CA and financial assurance for the rest of the facility, and (3) the mechanics of implementation.
 - Regulators should expedite reviews and cleanup decisions when reuse interests are involved because the redevelopment window of opportunity may be brief.

References

- EPA. Presentation on Parceling (David Hockey, EPA Office of Resource Conservation and Recovery).



Parceling Framework

- ❖ Authority for parceling
- ❖ Permit requirements
 - States make necessary modifications to address ongoing CA
 - Consider performance-based permit language
- “Using the minor modifications requirements...may redefine facility boundaries whenever a parcel of the facility is sold...so long as the parcel does not include a solid waste management unit (SWMU).”*
- ❖ Voluntary cleanup programs

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Notes:

Purpose of Slide

- Further explain how parceling can and should be implemented to expedite cleanup and revitalization.

Key Points

- States with authorized CA programs have authority to make parceling decisions. EPA Regions may make these decisions for non-authorized states.
- For permitted facilities, the permitting authority has responsibility for any permit modifications required to address CA requirements for parcels.
- Language can be incorporated into permits to address future parceling. In the example shown, the facility can parcel any portion of its property through a simple Class 1 permit modification, as long as no SWMUs are on the parcel.
- Voluntary cleanup programs or other State programs have been used in getting parcels addressed in a timely fashion.

References

- EPA. Presentation on Parceling (David Hockey, EPA Office of Resource Conservation and Recovery).



... and the When? Setting the Cleanup Timeframe

- ❖ Based on facility-specific objectives
 - Property sale/environmental restoration
 - Close-out of regulatory mechanism
 - Continued property use
- ❖ Timing affects technology selection
- ❖ Establishing milestones

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Notes:

Purpose of Slide

- Cleanup timeframes generally represent *when* specific numerical standards need to be met. Or in the case of NAPL, when stabilization or containment criteria have been met.

Key Points

- Regulators should work with facilities to establish reasonable timeframes for meeting cleanup criteria. Timeframes to meet cleanup goals may differ for different parts of a facility or in different media.
- Cleanup timeframes should be reasonable, linked to specific objectives, and based on facility-specific conditions.
- A cleanup timeframe is an estimate of the schedule for meeting groundwater or other media cleanup criteria at a specified location. The timeframe may include the schedule for developing and constructing a remedy to achieve the cleanup goals.
- Some facilities may be on a fast-track for cleanup, which would generally be considered a few years. Facilities on a fast-track are often those undergoing revitalization efforts that include changing land uses or facilities that are focused on reducing permit requirements and eliminating environmental liabilities.
- Facilities on a fast track will tend to select more aggressive remedies such as excavation or bioremediation, whereas facilities with fewer time constraints will be more inclined to choose passive remedies such as monitored natural attenuation (MNA).
- Industrial facilities selecting MNA, where no new future land uses are anticipated, could consider a timeframe that spans decades. Some facilities have even adopted timeframes of centuries; one example is the Casper, WY facility we saw in the video for Module 6. That facility anticipates meeting groundwater cleanup criteria in 400 years. In the meantime, ECs and ICs have been implemented at the facility and are protective of HH&E. This facility has been redeveloped and is currently being used as a golf course and business park.
- Regulators may approve a Remedy Decision (CA 400) that will take many years to achieve numerical cleanup levels, as long as the remedy is protective of HH&E for its current and reasonably anticipated uses.
- In working with facilities, the regulator should establish a timeframe for intermediate goals such as achieving environmental indicators and other RCRA CA Measures (such as Human Exposures under Control and Groundwater Migration under Control by 2008 and Remedy Selected and Remedy Constructed by 2020).
- There are many uncertainties associated with estimating a cleanup timeframe, but it is prudent to do so, because the cleanup timeframe affects the Exit Strategy.

References

- None.



Evaluation Criteria: Selecting the Right Remedy

- ❖ Threshold criteria
- ❖ Balancing criteria



Expectations for Final Remedies at RCRA Corrective Action Facilities (Fact Sheet #2)

Final Remedy Selection for Results-based RCRA Corrective Action (Fact Sheet #3)

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Notes:

Purpose of Slide

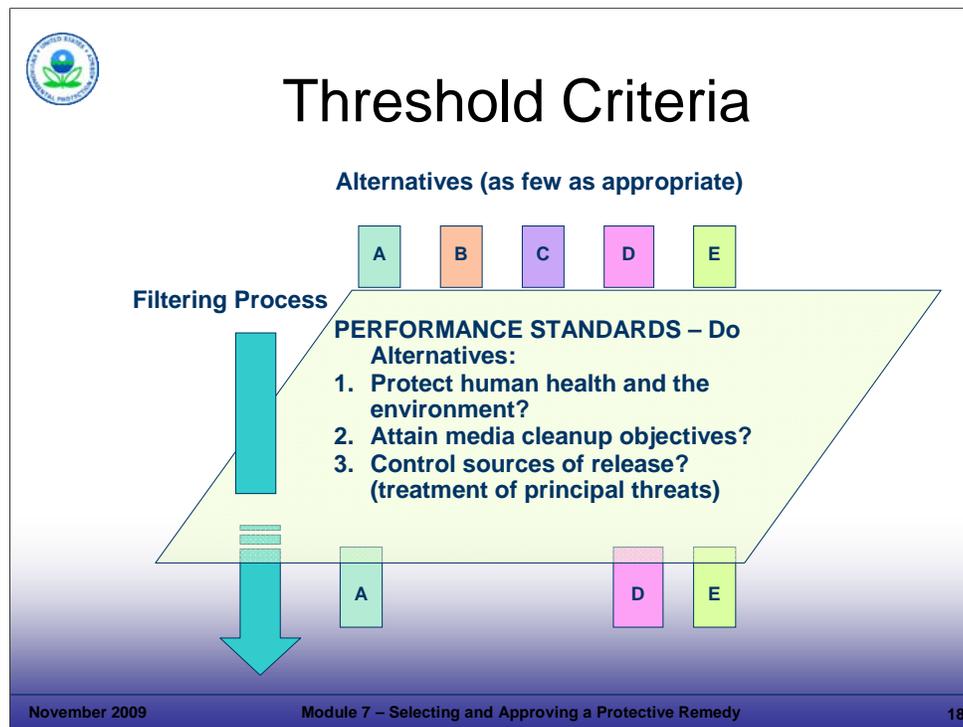
- Discuss EPA's guidance for the selection of final remedies.

Key Points

- EPA has established useful guidance for selecting remedies, particularly for complicated sites. The guidance provides threshold and balancing criteria for evaluating multiple technologies. Facilities must meet threshold criteria in evaluating technologies. Facilities may also use balancing criteria to evaluate the effectiveness of remedies, but there is no EPA requirement to do so; the balancing criteria are considered guidance. First, potential remedies are evaluated using threshold criteria, which are general performance standards that serve as filters or screens. If a remedy under consideration does not meet these performance standards, it is screened out and does not move on for further evaluation.
- Potential remedies that pass the threshold criteria screen are then evaluated against EPA's balancing criteria, which serve as the "scale" to balance different remedy selection considerations (for example, effectiveness and cost). Remedies do not have to "meet" balancing criteria but are simply measured against them. For example, if a property is undergoing redevelopment, the short-term effectiveness and implementability of a remedy may weigh more heavily in the remediation decisions than long-term effectiveness or cost. This evaluation affects the remedy decision.
- When a single remedy alternative is being considered, these criteria serve as a basis to determine that the remedy will be adequate.
- For multiple alternatives, the criteria allow identification of a recommended or "best" remedial approach.
- It is not necessary to evaluate multiple remedies for a site; a single, proven remedy can be selected and approved.

References

- EPA. 2000. Expectations For Final Remedies At RCRA Corrective Action Facilities, RCRA Corrective Action Workshop On Results-Based Project Management (Fact Sheet #2). March. <http://www.epa.gov/epawaste/hazard/correctiveaction/pdfs/workshop/expect.pdf>.
- EPA. 2000. Final Remedy Selection for Results-Based RCRA Corrective Action (Fact Sheet #3). March. Accessed On-line at: <http://www.epa.gov/epawaste/hazard/correctiveaction/pdfs/workshop/select.pdf>.



Notes:

Purpose of Slide: Present and review EPA's threshold criteria for remedies.

Key Points

- There are three threshold criteria, which can serve as general performance standards. The facility, regulators, and public agree to the standard and the facility has the flexibility to decide how to meet the standard.
- Protecting HH&E is the mandate of the RCRA statute and regulations. Also, remedies must meet the second and third criteria as a means of achieving the overall mandate to protect HH&E.
- Protecting HH&E is a function of current and reasonably anticipated uses and receptors. For instance, if air stripping is being evaluated against this criterion, the projected air emissions from the stripper to the ambient air must be protective of surrounding populations.
- Protecting the environment involves, among other things, considering the ecological setting around a facility when evaluating and selecting a final remedy. For instance, if groundwater pump and treat is being evaluated, it may be eliminated as a remedy if lowering the water table through groundwater extraction would negatively impact a fragile wetland area.
- The criterion of "attaining media cleanup objectives" reflects three concepts that we discussed earlier: (1) "what" cleanup criteria have to be met, such as numerical cleanup criteria or stabilization and containment measures; (2) "where" cleanup criteria need to be met, such as a unit boundary or throughout the plume; and (3) "when" cleanup criteria need to be met. Each of these concepts is influenced by the anticipated use of the property.
- The criterion of "controlling sources of releases" focuses on reducing or eliminating further releases of hazardous wastes or constituents that may pose a threat to HH&E. In satisfying this criterion, EPA expects facilities to use treatment for wastes and contaminated media that are principal threats and ECs for wastes and contaminated media that can be reliably contained, pose relatively low long-term threats, or for which treatment is impracticable.

References

- EPA. 2000. Final Remedy Selection for Results-Based RCRA Corrective Action (Fact Sheet #3). March.
- EPA. 2004. Handbook of Groundwater Protection and Cleanup Policies for RCRA Corrective Action for Facilities Subject to Corrective Action Under Subtitle C of the Resource Conservation and Recovery Act. EPA 530-R-04-030. Update. April.



Balancing Criteria

- ❖ Long-term effectiveness
- ❖ Toxicity, mobility, or volume reduction
- ❖ Short-term effectiveness
- ❖ Implementability
- ❖ Cost
- ❖ Community acceptance
- ❖ State acceptance

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Notes:

Purpose of Slide: Describe EPA's balancing criteria for final remedy selection. These criteria are provided as guidance, particularly for complicated sites.

Key Points

- Balancing criteria are used to evaluate remedies that have passed the threshold screening criteria. Balancing criteria use the 7 factors shown on this slide. The facility is not required to evaluate multiple remedies, if the selected engineering solution has proven effective in similar situations.
- Decision-makers should evaluate final remedies based on their anticipated long-term effectiveness and reliability in protecting HH&E. Long-term effectiveness should consider reasonably anticipated future uses.
- Reducing the toxicity, mobility, or volume of hazardous waste and contaminated media helps achieve the broader objectives of long-term reliability and permanence in reducing the risks posed by hazardous wastes and constituents.
- Short-term effectiveness addresses the amount of time it will take for remedy design, construction, and implementation. This criterion may be important to address risks to the community, workers, and the environment. It also may be most important criterion to a facility undergoing revitalization.
- Decision-makers should evaluate remedies based on the implementability, or technical feasibility, of constructing, operating, and monitoring the remedy. This would include the administrative feasibility of obtaining needed permits and approvals and the availability of services and materials.
- Facilities can propose lower cost remedies as long as they are effective. Some facilities may prefer to keep short-term capital expenditures to a minimum, while other facilities focus on life cycle costs. Net present value estimates of remediation costs can be considered, including operation and maintenance costs. Tools that can be used to evaluate potential remedial costs include EPA's CostPro Software and the U.S. Air Force Remedial Action Cost Engineering and Requirements System (RACER).
- Evaluation of community acceptance is important and should address, among other things, community concerns regarding reuse of the property. Individuals or local groups may have input.
- Finally, the State's acceptance is important, particularly when EPA selects the remedy.

References

- EPA. Final Remedy Selection Module. EPA Region 7 Delivery of the EPA Headquarters RCRA Corrective Action Workshop. Delivered by Guy Tomassoni.
- EPA. 2000. Final Remedy Selection for Results-Based RCRA Corrective Action (Fact Sheet #3).



Other Considerations in Remedy Selection

- ❖ Green Remediation
 - Maximize net environmental benefit of remediation
- ❖ Long-term Stewardship
 - Manage on-site waste and contaminated environmental media to protect HH&E
- ❖ Sustainability
 - Meeting the needs of the present w/o compromising the ability of future generations to meet their own needs

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Notes:

Purpose of Slide

- Introduce additional considerations relevant to remedy selection.

Key Points

- Green remediation considers the environmental impacts of remediation activities at every stage of the remedial process to maximize the net environmental benefit of a cleanup. Considerations include: energy requirements, efficiency of on-site activities, and reduction of impacts on surrounding areas. Many pump and treat systems currently in place were designed and installed when energy was less expensive and designers did not consider the full impacts of using non-renewable energy. Alternative energy sources are now available for powering remediation systems and reducing the emission of greenhouse gases. Green remediation will be discussed in more detail in Module 8.
- Long-term stewardship typically centers on physical and legal controls to prevent inappropriate exposure to contamination that is left in place at a site. We will describe how to maintain ECs through efficient and effective operation and maintenance in Module 11 and how to select, implement, and maintain ICs to minimize the potential for human exposure to contamination by limiting land or resource use later in this module.
- As discussed in Module 6, sustainability means meeting the needs of the present without compromising the ability of future generations to meet their own needs, in terms of environmental cleanup. This means considering remedies that minimize or eliminate energy consumption, maximize the reuse of land and recycling of materials, preserve natural resources, and minimize or eliminate ancillary environmental impacts such as carbon dioxide (CO₂) emissions.

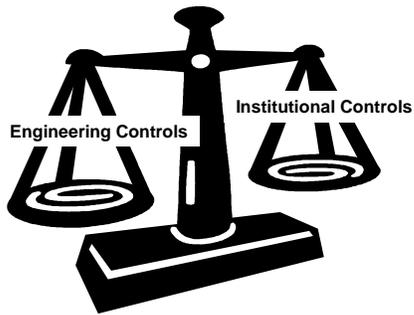
References

- EPA Website. Sustainability. Accessed On-line at: <http://www.epa.gov/sustainability>.
- Goldblum, Deborah (EPA). 2007. Integrating Sustainability into EPA's Cleanup Programs Region 3 RCRA/DuPont Pilot. June 27.
- Dellens, Amanda. 2007. Green Remediation and the Use of Renewable Energy Sources for Remediation Projects. National Network for Environmental Management Studies Fellow Case Western Reserve University (developed for EPA). August. Accessed On-line at: <http://clu-in.org/download/studentpapers/Green-Remediation-Renewables-A-Dellens.pdf>.



Institutional Controls

- ❖ Legal or administrative instruments
- ❖ Minimize potential for exposure
- ❖ Limit land or resource use
- ❖ Examples:
 - Government controls
 - Enforcement tools





ICs: A Guide to Implementing, Monitoring, and Enforcing ICs at Superfund, Brownfields, Federal Facility, Underground Storage Tank and RCRA CA Cleanups. Draft. 2003. <http://www.epa.gov/superfund/policy/ic/guide/index.htm>

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Notes:

Purpose of Slide: Discuss the purposes for, and types of, ICs.

Key Points

- Many remedy decisions include the incorporation of ECs and ICs.
- In the past, facilities and agencies have focused first on selecting and developing good engineering designs, followed by a decision regarding the applicability of ICs to ensure long-term protectiveness.
- Today's remedy decision process involves evaluating, integrating, and balancing engineering solutions and ICs from the beginning of the process -- to establish a holistic approach to facility remediation.
- EPA defines ICs as "non-engineered instruments, such as administrative and legal controls, that help to minimize the potential for human exposure to contamination and protect the integrity of the remedy." For example, a remedy may use an engineered cap to cover contaminated soils and an IC (for example, an excavation permit) to restrict excavation through the cap.
- A remedy generally should include ICs if contamination will remain in place at the facility above residential risk-based levels. ICs should minimize the potential for exposure to contamination by limiting land or resource use.
- Various types of ICs can be used including:
 - **Government Controls:** These controls impose land or resource use restrictions using the authority of an existing government. Examples include: (1) zoning, (2) laws regarding well drilling or water usage, and (3) legal authorities involving licensing or permitting processes.
 - **Proprietary ICs:** These include legal instruments placed in the chain of title that convey a property interest from the owner to a second party. Proprietary ICs impose restrictions on land and water use. Examples include: (1) restrictive easements and (2) covenants. These controls often include the right of access to inspect and monitor.
 - **Enforcement Tools:** Enforcement tools include orders, permits, and consent decrees, which may incorporate ICs. Prohibitions on certain land uses or activities can be made a condition of the permit.
 - **Informational Devices:** A notice of land use restrictions (sometimes referred to as a deed notice) may be placed in the land records or statewide registries by the owner. Such notices are usually not enforceable, but have informational value. The term "Deed Restriction" is not a property law term or concept. To avoid confusion, site managers should avoid the term and instead be specific about the types of ICs under consideration.

References

- EPA. 1999. Final Remedy Selection Module. Kansas City Version of EPA HQ Corrective Action Workshop. Delivered by Guy Tomassoni.
- EPA. 2000. ICs: A Site Manager's Guide to Identifying, Evaluating, and Selecting Institutional Controls. Fact Sheet. OSWER 9355.0-74FS-P. EPA 540-F-00-005. OSWER 9355.0-74FS-P. September.
- EPA. 2003. ICs: A Guide to Implementing, Monitoring, and Enforcing ICs at Superfund, Brownfields, Federal Facility, UST and RCRA CA Cleanups. Draft. February.
- EPA. 1996. Advanced Notice of Proposed Rulemaking. 61 FR 19432. Corrective Action for Releases from Solid Waste Management Units at Hazardous Waste Management Facilities. May 1.
- EPA. 2007. Final Memorandum. Ensuring Effective and Reliable ICs at RCRA Facilities. June 14.



Principles for Selecting ICs

- ❖ Early planning required
- ❖ Ensure enforceable mechanisms
- ❖ Identify roles and responsibilities
- ❖ Evaluate costs
- ❖ Layering of ICs

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Notes:

Purpose of Slide: Present guiding principles for evaluating and selecting ICs.

Key Points

- Assessment of potential ICs requires early planning – evaluation should begin as early as possible during the remedy selection process and carry on through remedy implementation.
 - ICs may be either short- or long-term; applied to a portion of a site or the entire site; and can be part of interim or final actions.
 - ICs may be needed to limit short-term exposures before cleanup is completed.
 - Evaluation of long-term ICs should continue through remedy selection and implementation.
 - The availability of viable IC tools may be location specific; therefore, the facility should determine early on what enforceable ICs exist under state and local law.
- Establishing and implementing ICs through enforceable mechanisms is important to ensure long-term effectiveness. ICs need to be effective and reliable for as long as they are needed, including whenever the property is transferred.
- Roles and responsibilities of all parties involved in implementing the selected ICs over time should be identified. These parties should have the financial and organizational capabilities and interest to reliably accomplish their tasks.
- The facility should consider short- and long-term costs associated with ICs and include these costs in financial assurance.
- Implementing more than one IC at a particular facility increases reliability; this approach is known as layering.

References

- EPA. Final Remedy Selection Module. Kansas City Version of EPA HQ Corrective Action Workshop. Delivered by Guy Tomassoni.
- EPA. 2000. ICs: A Site Manager's Guide to Identifying, Evaluating, and Selecting Institutional Controls. Fact Sheet. OSWER 9355.0-74FS-P. EPA 540-F-00-005. OSWER 9355.0-74FS-P. September.
- EPA. 2003. ICs: A Guide to Implementing, Monitoring, and Enforcing ICs at Superfund, Brownfields, Federal Facility, UST and RCRA CA Cleanups. Draft. February.
- Federal Register (FR). 1996. Corrective Action for Releases from Solid Waste Management Units at Hazardous Waste Management Facilities; Advance Notice of Proposed Rulemaking (ANPR). 61 FR 19432. May 1.
- EPA. 2007. Final Memorandum. Ensuring Effective and Reliable ICs at RCRA Facilities. June 14.



Documenting the Remedy Decision

- ❖ Facility documentation – letter report, CMS, or other
- ❖ Timely regulator review
- ❖ Regulatory documentation – Statement of Basis or equivalent
- ❖ Public participation – comments in response to public notice
- ❖ Final regulatory decision (CA 400 measure)

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Notes:

Purpose of Slide

- Explain the process of documenting a Remedy Decision.

Key Points

- The regulated facility is responsible for developing a proposed remedy, and then submitting the proposed remedy to the regulatory agency with documentation in the form of a letter report, CMS, or other applicable document.
- The regulators should review remedies submitted by the facility expeditiously.
- Once the remedy is preliminarily approved by the regulator, the decision is announced through issuance of a decision document such as a Statement of Basis, which can be prepared by the regulatory agency or facility for public review and comment. A Statement of Basis may not be required in all cases, depending on the regulatory mechanism and state requirements. This is also the stage in the CA process where many facilities are required to demonstrate financial assurance.
- Following a public comment period, the regulatory agency makes a final decision, which is published along with a response to public comments.
- A “Remedy Decision and Response to Comments” or other appropriate decision document is used to formalize the agency’s remedy decision (CA 400).

References

- EPA. 2005. Permitting and Corrective Action (PCA) Program Area Analysis (PAA) Report: Appendix D, National Details for Corrective Action Event Codes. Final Report. Win/Informed Executive Steering Committee. July 28.



Field Considerations

- ❖ Health and Safety
- ❖ Nature of the Site

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Notes:

Purpose of Slide

- Overview the second part of this module, which presents field considerations related to selecting a remedy.

Key Points

- We have talked about some of the policy considerations that impact remedy selection.
- Field considerations are also important to remedy selection.
- During the remainder of this module, we will discuss factors that impact the remedy decision, such as:
 - Health and safety considerations; and
 - Nature of the site (location, status of the facility, accessibility issues, site conditions and contamination, waste management, and other site goals (for example, green remediation goals)).
- All of these factors should be considered as the remedy for a particular site is selected.

References

- None.



Health and Safety

- ❖ Off-site Issues
 - Community Impacts
 - Proximity of Neighbors
- ❖ On-site Issues
 - Worker Exposure
 - Employee Exposure

(continued)

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Notes:

Purpose of Slide

- Discuss health and safety considerations.

Key Points

- Health and safety impacts to the community must be considered.
- Frequently, sites are in close proximity to residential neighborhoods that may be impacted and the technology selected must consider its potential impact. In the case of excavation of highly contaminated soils, vapor suppression foam may be appropriate to minimize impacts. Modified excavation techniques may be appropriate where only very small areas may be open at any time. Pretreatment of an area (for example, dewatering and vapor extraction) also may be suitable before excavation.
- Air quality may not pose a health risk to neighbors but may create a problem with odors. Sometimes, engineers use air dispersion modeling to design a system based upon an acceptable odor threshold.
- Sites that have organic contaminants creating air emissions well below health-based risk levels and perhaps not even analytically detectable can still have an odor and a taste to downwind receptors.
- On site worker exposure also must be considered as part of technology selection. Intrusive activities may require breathing protection for site workers. The use of personal protective equipment can impact workers and these impacts can be aggravated by weather conditions (that is, think of Level B supplied air on a hot summer day). To reduce worker risk, the technology approach or timing may be modified to ensure worker safety.
- At large installations, employees may be located close to an area where intrusive remediation activities may allow emissions to impact them. The nature of duties may not allow the area to be evacuated or their work relocated.

References

- EPA. 1994. RCRA Corrective Action Plan. May.



Health and Safety

❖ Associated with the remedy:

- Dust Control
- Emissions
- Dermal Contact

❖ Associated with site operations:

- Physical hazards, traffic
- Electrical and other utilities

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Notes:

Purpose of Slide

- Discuss some specific impacts related to health and safety considerations.

Key Points

- Dust control during site remediation efforts may be a major issue. Contaminated dust must be controlled, but even non-contaminated dust can be a health problem for both site workers and neighbors. Traffic-generated dust can create problems to site neighbors, especially residential neighbors.
- Process emissions are also important. It is wise to use a basic screening model for air dispersion, such as Toxics Screen (TSCREEN), to assess the potential impact a remediation process will have on the area. If TSCREEN indicates a problem, a more detailed modeling approach using software, such as the Industrial Source Complex Short Term Model (ISCST3), can be used. This level of effort should be implemented for any remediation technology with a process that can emit contaminants.
- Fugitive emissions can be difficult to control and monitor. Site operators should inspect their systems for fugitive emissions and maintain equipment to reduce or eliminate them.
- Direct skin or dermal contact is also a factor. Remediation activities should take this into account so that contact is avoided.
- There are many health and safety issues associated with operating sites, including traffic and other physical hazards.
- Above-ground electrical lines and buried utilities can be safety concerns.
- Remedies should always be consistent with a facility's health and safety plans.

References

- NASA. 2007. Website on TSCREEN. Accessed On-line at: <http://gcmd.nasa.gov/records/TSCREEN-Model.html>.
- EPA. Industrial Source Complex Short Term Area Model (ISCST). Website. Accessed On-line at: http://www.epa.gov/scram001/dispersion_alt.htm.



Safety at Operating Facilities



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Notes:

Purpose of Slide

- Demonstrate how some areas of an operating facility are too dangerous to implement an active remedy. In addition, some areas of an operating facility need to be avoided so as not to interrupt facility operations and to avoid above-ground and underground obstructions.

Key Points

- These photographs show the congestion and complexity of operating facilities. Notice that some areas are roped off to limit access.
- At this operating plant (a refinery), drilling monitor wells or collecting soil samples would be too dangerous while the facility is operating. Numerous underground and above-ground obstruction exist and most have high pressure and high temperatures. In addition, the plant operations would be interrupted to collect samples or construct a remedy.
- An operating facility may achieve the performance measure of Ready for Anticipated Use by demonstrating that environmental conditions in operating areas are safe for their current and reasonably anticipated uses.
- Criteria that may be considered in selecting a remedy for an operating facility with limited access are:
 - Demonstrate that environmental conditions (for example, VI from product in the subsurface) are not contributing to worker exposures in excess of applicable standards;
 - Maintain control of contaminant plumes through the use of groundwater management zones or ECs;
 - Identify actions to ensure site conditions are protective of HH&E in the context of the use of the facility;
 - Record use restrictions in the deed;
 - Have plans for inspection and maintenance of ECs to make sure they are in place; and
 - Provide financial assurance for future investigation, long-term monitoring, or anticipated active remediation for current or reasonably anticipated uses.

References

- None.



Nature of the Site

- ❖ Location
- ❖ Status
- ❖ Accessibility
- ❖ Site conditions and contaminant distribution
- ❖ Waste management considerations

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Notes:

Purpose of Slide

- Discuss the nature of the site and how this can impact the remedy.

Key Points

- It is important that the nature of the site be considered during remedy selection.
- The location of the facility will impact how a remedy can be implemented; different considerations will be important in a densely residential area versus a rural area. In addition, the weather conditions will vary across the country from some areas where extreme heat or cold must be considered to areas where events such as hurricanes must be planned for.
- Operating status is also important:
 - Industrial facilities have unique issues because they do not want their operations interrupted. The remedies selected dictate the type of tasks that must be performed. Some tasks may be able to be performed during off-hours or during plant vacation or maintenance shutdowns. Non-operating facilities generally have more latitude and will probably not be affected by remedial activities, unless revitalization is underway.
 - Site security requirements can vary based on the type of facility and its operating status.
- Accessibility may be limited at some sites and this also can impact the remedy decision. The types of accessibility considerations that apply include: physical access, utilities, and right of way/ ownership considerations. We will look at each of these in the slides that follow.
- The type and distribution of contaminants and remediation waste generation and management issues also can impact remedy selection.
- The factors above can impact the selection of one remedy over another (this would fall under the balancing criteria of implementability) or it may impact aspects of a remedy such as the schedule or design. We will present some examples of how these factors can impact remedial choices and approaches.

References

- None.



Location – Area Use



Industrial



Suburban



Commercial



Urban



Ecologically sensitive

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Notes:

Purpose of Slide

- Illustrate the types of locations where RCRA CA facilities may be present and discuss how location can impact the remedy decision.

Key Points

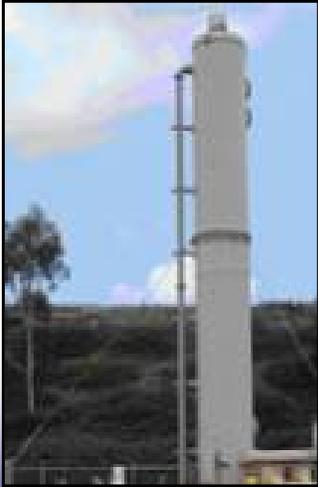
- The type of location will affect the remedy selection.
- Industrial locations are usually the least problematic unless the remediation will interfere with ongoing operations or if accessibility is limited due to health and safety concerns. Intrusive activities and those that are noisy, dusty, or have a similar nuisance impact will be more acceptable at an industrial facility than at a location that is residential.
- Residential (urban and suburban) and commercial locations pose the greatest challenge. It will be difficult to gain public acceptance for loud, disruptive operations. Air emissions, odors, and dust are other, less obvious, issues that must be addressed at such locations.
- In cities, interference with traffic may pose an issue. Imagine installing a groundwater monitoring well in the sidewalk of a major downtown business district and having to close a major road to do it. Night time drilling is an option.
- Ecologically sensitive areas pose special considerations and difficulties. For instance, a remedy that involves pumping (for example, dewatering for excavation or pump and treat systems) might have to be eliminated from consideration at a site with wetlands due to the negative ecological impacts of lowering water levels. Similarly, thermal treatment or chemical oxidation may also have to be eliminated at some sites because they can alter the temperature and chemistry of groundwater.
- The participants may wish to share input regarding how site location (the nature of the site) has impacted remedy selection at RCRA CA or other sites that they have been involved with.

References

- None.



Location – Noise and Air Quality



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Notes:

Purpose of Slide

- Discuss how potential community impacts associated with noise and air quality can affect remedy selection.

Key Points

- A large excavation project or landfill cap could require heavy truck traffic for 12 hours a day for months. This situation would impact traffic safety and congestion, and may lead to selection of an alternative remedy.
- Noise can be a serious problem with process equipment. Blowers, compressors, and other rotating machinery can generate high pitched whines that carry long distances. These sounds would be especially noticeable at night. Other machinery can generate low frequency vibrations that are felt more than heard. These also can be objectionable. The photograph on the right is an air stripping tower installed on personal property to address contaminated groundwater that had migrated off-site.
- Earth moving and construction machinery can also generate these types of objectionable noises.

References

- None.

Location - Weather

Hurricanes

140 MPH Design
CCF AST's Survived

2004 - Frances
108 MPH Gusts

Shuttle VAB
Damaged

EXAMPLE

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Notes:

Purpose of Slide

- Discuss design considerations to address the potential weather events, such as storm conditions (video clip included).

Key Points

- In coastal regions of the country, primarily the Gulf Coast, hurricanes have to be accommodated during design and implementation.
- In coastal Florida, the design wind load conditions for structures is 140 miles per hour (MPH). Further inland, the wind load criteria may drop to 110 MPH. Systems and buildings should be designed to withstand the force of these winds.
- In the photograph above (upper right), the dual aboveground storage tank (AST) system at the CCF facility at NASA Kennedy Space Center (KSC) was designed for a 140 MPH wind loading in a free-standing structure with no added bracing of guy wires. This level of effort required detailed design of the reinforced fiberglass ASTs, including shop samples and structural testing.
- In the same area at NASA KSC, the VAB building was severely damaged by Hurricane Frances in 2004 (108 MPH gusts), while the treatment system sustained no damage.
- Tropical storms (below 75 MPH) are common and can also cause severe damage.
- Hurricanes and tropical storms can drop large amounts of rain (up to 24-inches of rain in 24 hours).
- These wind and rain conditions can interrupt construction work, remediation system operations, and field work -- and can cause site shutdown and abandonment. Heavy rains associated with hurricanes also can affect groundwater conditions.
- Hurricanes can affect the Atlantic Coast all the way to Long Island and Cape Cod and heavy rains from such storms occur in the Appalachian and Blue Ridge mountains and into Pennsylvania and New York and cause major flooding issues.
- The bottom line is that potential weather conditions and storm events should be considered during remedy selection and design.

References

- None.



Facility Status



Active Versus Inactive Facilities

Bioremediation system at an operating facility, visible to plant personnel



Bioremediation system at an inactive facility, with restricted access

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Notes:

Purpose of Slide

- Illustrate design and implementation considerations for active versus inactive facilities.

Key Points

- The photograph on the right is a bioremediation system installed in the parking lot of an active facility, near a sump where the original spill occurred. The system was designed to be as compact as possible (use few parking spaces); it is secure from a security and safety standpoint, and it is aesthetically acceptable.
- The photograph on the bottom shows a remediation system at an inactive facility with 24 hour security and no access to anyone other than remediation personnel. System design is more flexible from an aesthetic standpoint, since there is limited access to the site.

References

- None.

 **Facility Status** 

Site Security



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Notes:

Purpose of Slide

- Review site security considerations.

Key Points

- Many sites require security to protect the public and prevent damage and vandalism.
- This site is located in an industrial area undergoing revitalization.
- This remediation system is protected by a 10-foot chain link fence with razor ribbon to prevent intruders from coming into the site. Security lighting may also be required. As the area is developed, aesthetics will become important and it may be necessary to surround the site with a privacy fence.
- It is important to periodically review potential exposures as land uses change.

References

- None.



Accessibility - Right of Way / Ownership / Utilities





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Notes:

Purpose of Slide

- Discuss Right of Way/Ownership issues.

Key Points

- This photograph shows rotasonic drilling at an angle to reach potential DNAPL contamination. The contaminants are along a rail right of way and access was not possible from the right of way.
- A similar case may arise when the adjoining property owner will not allow access to investigate.
- Notice the power lines in this photograph. Both above-ground and underground utilities are considered during remedy design and implementation.

References

- None.

 Accessibility –
Facility
Operations



LPH recovery well



Multi-phase extraction trailer

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Notes:

Purpose of Slide

- Further discussion of remediation design considerations as they relate to accessibility and facility operations.

Key Points

- These photographs show ECs are protective of HH&E at operating facilities where there is limited access to portions of the facility.
- The multi-phase extraction trailer is at a chemical plant. The trailer is located outside the main part of the plant where it is safer and does not interfere with the operating facility.
- The light petroleum hydrocarbon (LPH) recovery well is placed outside the area of an operating facility where high pressure and high temperature equipment is present.

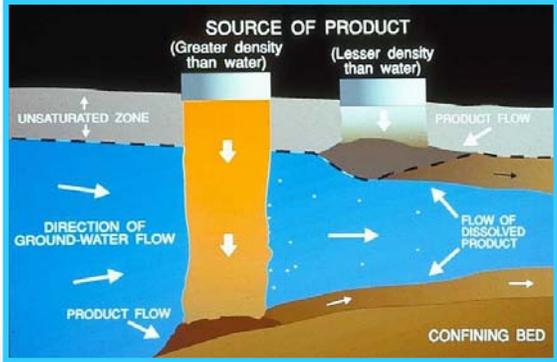
References

- None.



Site Conditions and Contaminant Distribution

- ❖ Hydrogeology
- ❖ Release characteristics
- ❖ Natural groundwater chemistry
- ❖ Natural environment



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Notes:

Purpose of Slide

- Discuss site conditions and contaminant distribution and their potential impacts on the remedy.

Key Points

- Site conditions and contaminant type and distribution are the characteristics that we generally focus on during the characterization and remedy selection phase.
- However, the other topics we are discussing in this module can be equally important because they can make the difference between a remedy being implementable and not.
- The types of contaminants, media, type of release, and age of release, will all affect the remedial approach.
- Type of contaminant –
 - What was released? VOCs? Semi-volatile organic compounds (SVOCs)? Metals?
 - NAPL (product) or dissolved phase (like rinse water)? Solid waste? Floaters or sinkers?
- Release characteristics –
 - How was the material released? Through a spill or a slow leak over numerous years?
 - A spill generally spreads out over a wide area and percolates downward.
 - A long, slow release generally tends to cover a smaller area, but may migrate deeper.
 - Age of release – When was the material released?
 - Time affects degradation (what are we dealing with now) and dispersion (how far have the contaminants spread).
 - Some byproducts can provide clues to what natural processes are occurring on site.
- Natural groundwater chemistry can affect treatment options. Slide 44 shows problems associated with high iron content.

References

- None.



Natural Groundwater Chemistry







Iron fouling



Calcium scale



Biofouling



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Notes:

Purpose of Slide

- Explain how the natural chemistry of the groundwater can affect treatment system design and cost. Anticipating issues is always preferred, but sometimes treatment problems do not show up until a system is running and modifications to design or maintenance become necessary.

Key Points

- This is an example of a site where a proven remedy – pump and treat groundwater contaminated with VOCs with air stripping technology – was implemented. Iron pretreatment was considered but eliminated in initial design due to high cost and some uncertainty of need, given the anticipated flow from multiple recovery wells with highly variable iron content combining as influent to the treatment system.
- The alternative to pretreatment was anticipating higher maintenance costs due to iron fouling at the air stripper. The operation and maintenance (O&M) plan and budget called for frequent cleaning and replacement of the packing material.
- However, iron oxidized at the collection pad due to aeration and affected system operation.
- The system was modified by replacing jet pumps. An air diaphragm pump was pilot tested at one of the treatment zones. It recovered groundwater at similar rates while lowering maintenance costs by reducing aeration and recirculation of the iron laden groundwater.
- Calcium scale can build up on air sparge packing material, and biofouling can also be a problem, depending on natural water chemistry.

References

- None.



Natural Environment



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Notes:

Purpose of Slide

- Review how natural site conditions can affect remedy selection.

Key Points

- Physical site conditions can be problematic for some remedies. In this photograph, a large front end loader is being used to extract a bull dozer mired in mud. This incident occurred while workers were trying to clear a path to install a monitoring well.
- The presence of wetlands can impact remedy selection. For instance, thermal treatment may damage natural habitats and therefore, may be eliminated as a remediation option when wetlands are present.

References

- None.



Pilot Studies



Bioaugmentation Unit



Air Sparge Unit



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Notes:

Purpose of Slide

- Discuss the concept of pilot studies to verify the feasibility/effectiveness of the selected technology(ies) to address site-specific conditions.

Key Points

- A pilot study is a focused, limited-scale test of a technology to determine its potential effectiveness under field conditions.
- Sometimes, a pilot study is preceded by a bench-scale test, which is a smaller lab-based test of the technology.
- Data from field observations are used to scale up the technology from the pilot-scale to the full-scale remedy.
- On some small sites, cleanup that is accomplished through a successful pilot study may actually turn out to be the final remedy.
- The unit shown on the left is a portable air sparge unit, originally used for a pilot study. At one site, this unit remediated groundwater to below MCLs in less than six months; it was used as a polishing step following pump and treat.
- The unit shown on the right is a bioaugmentation pilot trailer. Groundwater is extracted, amended with nutrients, and reinjected. Groundwater oxidation-reduction potential (ORP), pH, and temperature are read and logged electronically. The amended groundwater is then injected upgradient of the contaminant source area under gravity flow. After 12 months, contaminant mass in the source area was reduced by 97%, resulting in the elimination of a contaminated groundwater discharge to a stream and a change in remediation approach to monitoring only.
- In some cases, the pilot study will prove that a remedy is not effective and an alternative approach will be needed.

References

- None.



Waste Management

- ❖ Air Emissions
- ❖ Effluent Disposal
 - Where?
 - How?
- ❖ Remediation Waste Handling
 - Storage
 - Transport
 - Testing



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Notes:

Purpose of Slide

- Discuss the importance of addressing waste management issues early in the remedy selection process – point out that waste management is discussed in greater detail in Module 9, Managing Remediation Waste.

Key Points

- Understanding the volume and nature of wastes that may be generated from each remediation option is important, given that waste management issues can limit available options. For example, if soil contains hazardous waste, excavation and off-site disposal may be cost prohibitive. Air emissions limitations may eliminate certain treatment options or mean that off-gas treatment may be necessary. Handling of treated effluent is a common challenge for groundwater pump and treat systems.
- RCRA regulations that address the handling and disposal of waste can affect the selection of remedies or specific designs, particularly to minimize the generation of hazardous waste during remediation.
- Air emissions from treatment technologies may be subject to the Maximum Achievable Control Technology (MACT) Rule for Site Remediation – The MACT final rule (40 CFR Part 63, subpart GGGGG) was published on October 8, 2003. It establishes national emission standards for hazardous air pollutants from site remediation activities. The rule covers remediation of contaminated environmental media, such as soils, groundwater or surface water. The affected sources subject to control are: process vents, remediation material management units, and equipment leaks. Currently, the final rule exempts emissions from site remediation when covered under CERCLA or RCRA CA programs (but this exemption has been challenged in court). The rule does not provide an exemption of cleanups conducted under alternative authorities, such as state voluntary programs. Even with the current exemption, the MACT applies to all cleanups not performed under a permit or 3008(h) order.
- Effluent disposal can be an issue – what do you do with treated groundwater? Options and considerations include:
 - Surface water discharge – National Pollution Discharge Elimination System (NPDES) permit
 - Exfiltration gallery – shallow disposal
 - Underground injection well – Underground Injection Control (UIC) permit required
 - Publicly-Owned Treatment Works (POTW) – may be cost prohibitive: (1) Is a pipeline required?, (2) Is a connection available nearby?
 - Permitted industrial pre-treatment facility – are the waste stream and process compatible?
- Some remediation wastes (soil, sludge) may have to be transported by truck for disposal to a non-hazardous or hazardous waste facility.

References

- Federal Register (FR). 2003. 40 Code of Federal Regulations (CFR) Part 63. National Emission Standards for Hazardous Air Pollutants; Site Remediation. Final Rule. 68 FR No. 195. October 8.
- EPA. Office of Air and Radiation Web Site. Includes link to the Proposed Rule from 2002 (<http://www.epa.gov/ttn/oarpg/t3/meta/m6058.html>).
- National Petrochemical and Refiners Association (NPRA) Website. Information on Site Remediation MACT and link to Final Rule Promulgated on October. Accessed On-line at: http://nptra.org/issues/environment/?zoom_highlight=MACT.



Selecting the Remedy: Remedy Matrix



Criteria	Pump and Treat	Air Sparge	Bio-remediation
Implementability	1 (effluent discharge)	3	2 (injection permit)
Cost (2 X Factor)	4	6	2
Effectiveness (3 X Factor)	3	6	9
Total	8	15	13

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Notes:

Purpose of Slide

- Show the utility of a matrix to compare and select remedies. Also point out that the threshold and balancing criteria are useful in evaluating options because they address both policy and field considerations important for selecting a remedy.

Key Points

- Feasibility studies are not required under RCRA CA, but facilities often evaluate multiple technologies for site cleanups. One effective way to select a remedy from a number of alternatives is to develop a matrix of remedial options, evaluation criteria, and associated weighting factors for the evaluation criteria. The speaker will describe the rows and columns shown on this slide. The scale used for each item ranges from 1 for low score to 3 for high score; these scores are then weighted as shown on the table.
- Weighting factors are established to represent the importance of a criterion to a facility. For instance, in this example, the facility considers effectiveness to be the most important criterion and it is weighted by a factor of 3.
- In the example shown, the technology selected for implementation would be air sparging based on the selection criteria and weighting factors applied.
- This screening approach can be implemented before complete characterization of the facility is accomplished. For instance, air sparge could be tentatively selected as the most appropriate remedy based on current information, with a subsequent pilot test used to evaluate the implementability of the remedy (for example, adequate radius of influence). Based on pilot test results, air sparge might remain as the final remedy or another remedy may be more deemed more appropriate. In this case, air sparge was appropriate for one part of the site and bioaugmentation was used for another part of the site.
- It is not always necessary to prepare a CMS containing detailed evaluations and descriptions of various remedial alternatives considered for the facility. The CMS or equivalent document need only present the selected remedial alternative and the basis for its selection. This streamlined approach is more efficient and cost effective than presenting the full range of technologies considered.

References

- None.



Green Remediation Evaluation

	<i>ZVI-Clay In Situ Treatment</i>	<i>Excavation & Off-Site Disposal</i>	<i>Ex-Situ Thermal Desorption</i>	<i>Soil Vapor Extraction</i>	<i>Capping</i>
<i>Tons of CO₂ Equivalents</i>	85	252	586	306	21

Adapted From: Deborah Goldblum (EPA). 2007. Integrating Sustainability into EPA's Cleanup programs. Region 3: RCRA Dupont Pilot. June 27.

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Notes:

Purpose of Slide

- Present a potential additional row in a broader remediation technology matrix to address green remediation - in this case, carbon dioxide (CO₂) emissions from a variety of alternative remedies under consideration are compared.

Key Points

- This is from an EPA Region 3 pilot study, which focused on integrating sustainability into cleanups and identified sustainability goals, performance measures, and implementation options.
- Sustainability performance measures included consideration of greenhouse gases produced, resources consumed (land, soil, water), and energy consumed.
- This table shows the greenhouse gas emissions calculated based on implementation of five remedial options (ZVI is zero valent iron). In addition to the threshold and balancing criteria, this type of information can be used in the evaluation and selection of a remedy.

References

- EPA. 2007. Integrating Sustainability into EPA's Cleanup Programs. Region 3 RCRA DuPont Pilot. Author Deborah Goldblum. June 27.



Summary

- ❖ Remedy selection includes
 - Policy considerations
 - Field considerations
- ❖ The regulator's focus is on achieving a protective and effective remedy within a reasonable timeframe.

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Notes:

Purpose of Slide

- Summarize the key points of this module.

Key Points

- The participants will have reviewed and learned about a variety of considerations for selecting remedies and achieving a Remedy Decision.
 - Only some of these considerations are technical (related to hydrogeology, chemistry, and transport of contaminants); policy considerations are also important.
 - It is important to remember that field considerations, such as access and right of way, also can impact remedy selection and implementation.
- We have discussed the importance of a results-based approach and the application of the flexibility allowed under the RCRA CA program to select protective remedies that will meet cleanup criteria in reasonable timeframes based on current and reasonably anticipated uses.

References

- None.



RCRA Corrective Action Training Program: Getting to YES! *Strategies for Meeting the 2020 Vision*



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Module 8 Greener Cleanups and Reuse

Part 1 - Basic Concepts
Part 2 - Implementation

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What is a Greener Cleanup?

The practice of considering:

- ❖ all environmental effects of a cleanup
- ❖ during each phase of the process, and
- ❖ incorporating strategies to maximize the net environmental benefit of the cleanup.

Starting Points:

- Cleaning up contaminated sites is inherently “green”
- Cleanup objectives must be achieved

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What a Greener Cleanup is NOT?

- ❖ An excuse to:
 - implement only monitored natural attenuation
 - not meet cleanup objectives
 - slow the pace of cleanup activities

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Greener is a Federal Priority

"As the largest consumer of energy in the U.S. economy, the Federal government can and should lead by example when it comes to creating innovative ways to reduce greenhouse gas emissions, increase energy efficiency, conserve water, reduce waste, and use environmentally-responsible products and technologies..."

White House E.O 13514. 2009. Federal Leadership in Environmental, Energy, and Economic Performance, October 5.



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OSWER Cross-Program Greener Cleanup Principles

- ❖ Cleanups must meet cleanup objectives, comply with regulatory criteria, and consider community input
- ❖ All OSWER cleanup programs, including RCRA Corrective Action, are encouraged to consider the 5 elements when selecting and implementing cleanups.
 - Total Energy Use and Renewable Energy Use
 - Air Pollutants and Greenhouse Gas Emissions
 - Water Use and Impacts to Water Resources
 - Materials Management and Waste Reduction
 - Land Management and Ecosystems Protection
- ❖ As tools are developed, OSWER will work to document reductions in the environmental footprint of cleanup projects
- ❖ Recognize that green cleanup approaches will vary from site to site and from program to program



EPA. 2009. Greener Cleanup Principles. Mathy Stanislaus, AA of OSWER. August 27. http://www.epa.gov/oswer/greencleanups/pdfs/oswer_greencleanup_principles.pdf

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Current Initiatives

- ❖ EPA
 - OSWER Principles for Greener Cleanups and related OSWER program activities
 - Superfund Green Remediation Strategy
 - Regional Greener Cleanup Policies and Activities
- ❖ Others
 - Executive Order 13514 on Federal Leadership in Environmental, Energy, and Economic Policy (October 5, 2009)
 - ASTM developing Green Cleanup Standard (EPA participating)
 - ASTSWMO Greener Cleanups Task Force
 - States (IL, CA, MN, WI)
 - ITRC Green and Sustainable Team
 - Sustainable Remediation Forum (SURF) industry workgroup
 - Other Federal Agencies (e.g., Air Force, Army)



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Greener Applies to all Cleanup Phases



- ❖ Interim remedial action
- ❖ Investigation
- ❖ Remedy selection and construction
- ❖ Remedy operation and monitoring
- ❖ Site demolition
- ❖ Site closeout
- ❖ Redevelopment and reuse
- ❖ Remedy Optimization

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 **Examples of Some Green Practices** 



Site where 93% of C&D materials were recycled



DPT drilling to minimize investigative derived waste (IDW) (continued)



Silt fence used during IRM to protect wetland

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 **Examples of Some Green Practices** 



Water truck used during construction to control dust



Excavated soils characterized during construction for reuse as fill



Solar panels used to power pumps for groundwater cleanup



Constructed wetland incorporated into site redevelopment

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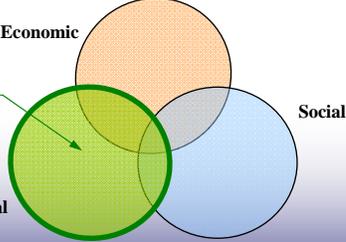


Sustainability and Green Cleanups

Sustainability Defined:

Meeting the needs of the present without compromising the ability of future generations to meet their needs.

Greener Cleanups focus on reducing environmental impacts, which can have environmental, social and economic benefits



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Sustainability Hierarchy




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Core Elements of Greener Cleanups

- ❖ Minimize total energy use and maximize renewable energy use
- ❖ Minimize air pollutants and greenhouse gas emissions
- ❖ Minimize water use and impacts to water resources



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Core Elements of Greener Cleanups

- ❖ Reduce, reuse, recycle material and waste
- ❖ Optimize future land use and protect ecosystems
- ❖ Optimize sustainable management practices during stewardship





EPA. 2008. Green Remediation: Incorporating Sustainable Environmental Practices into Remediation of Contaminated Sites. EPA542-R-08-002. April.

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Benefits of Considering Core Elements



- ❖ Reduce local environmental impact
- ❖ Reduce GHG and other broader impacts
- ❖ Reduce project impacts on community
- ❖ In some instances, reduce costs

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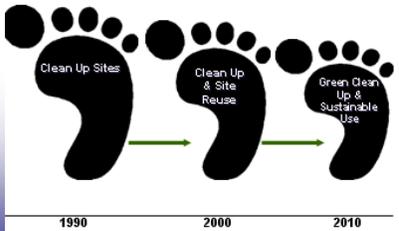


Analyses and Footprints

- ❖ *An environmental footprint is the environmental impact associated with the activities, products and services of a project.*
- ❖ *“Green cleanup environmental footprint assessments should be conducted in a transparent manner and should include, at a minimum, energy use, air emissions, water impacts, materials use, and land and ecosystem protection.” (OSWER Green Cleanup Principles)*

Environmental Footprint considers :

- amount of depletable raw materials and nonrenewable resources consumed,
- Air emissions, generation of wastes, contamination of soils and water
- Reducing the impact on the environment.



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Case Study

- ❖ **Remedy Objectives**
 - Recover hydrocarbons from groundwater
 - Use renewable energy systems
- ❖ **Implementation**
 - 6 wind turbines and 6 photovoltaic panels power submersible pumps and fluid-gathering system
 - Recovered petroleum product recycled at adjacent oil refinery

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Part 2 - Implementation

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RCRA Remedy Selection Criteria

Threshold Criteria

- ❖ Protect Human Health & the Environment
- ❖ Control Sources
- ❖ Meet Cleanup Objectives

Balancing Criteria

- ❖ Long-term reliability
- ❖ Reduction of toxicity, mobility or volume
- ❖ Short-term effectiveness
- ❖ Ease of implementation
- ❖ Cost
- ❖ Community acceptance
- ❖ State acceptance

❖ **Green and Sustainable Practices**

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Greener Cleanup Decision Process

Steps:

Process

1.

Exit Strategy

Identify Cleanup Objectives

Develop Conceptual Site Model

2.

Pick Remedies that Work!

Evaluate Technologies

3.

Apply Green Principles

Identify and Reduce Environmental Impacts



Greener Cleanup Decision Process

Balance Inputs and Impacts to
Maximize Benefits

- ❖ **Inputs**
 - Raw materials, energy
- ❖ **Environmental Impacts**
 - Air and water quality
 - Solid waste, by-products
- ❖ **Benefits**
 - Reduced environmental impacts
 - Allows land use
 - Community

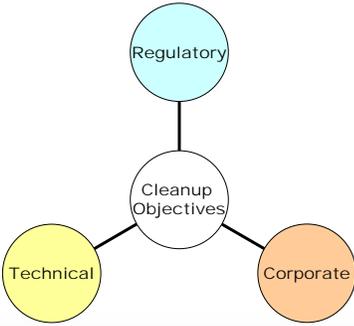


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Scenario

Site with Soil and Groundwater Contamination



- ❖ **Technical Issues**
 - Municipal well-field nearby
 - Sandy soil
 - Buildings over soil contamination
 - Soil is leaching into groundwater
- ❖ **Corporate Issues**
 - Long-term operating facility
 - Prefer not to demo buildings
 - Eliminate liability, but control capital costs
 - Protect workers from vapor intrusion

*Screen Technologies,
then Rank Alternatives!*

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Qualitative Analysis for Soil

<u>SOIL</u>		Inputs			Environmental Impacts			
Remedial Technology	Meets Cleanup Objectives	Renewable Energy Sources	Non-Renewable Energy Use	Natural Resources	Air Quality	Water Quality	Solid Waste	Land Use
Excavation	☺							
SVE	☺							

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Qualitative Analysis for Soil

<u>SOIL</u>		Inputs			Environmental Impacts			
Remedial Technology	Meets Cleanup Objectives	Renewable Energy Sources	Non-Renewable Energy Use	Natural Resources	Air Quality	Water Quality	Solid Waste	Land Use
Excavation	☺							
SVE	☺	☺						



Excavation: Electric Trucks, Excavators – Not yet!

SVE: Solar, Wind Powered – YES!

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Qualitative Analysis for Soil

<u>SOIL</u>		Inputs			Environmental Impacts			
Remedial Technology	Meets Cleanup Objectives	Renewable Energy Sources	Non-Renewable Energy Use	Natural Resources	Air Quality	Water Quality	Solid Waste	Land Use
Excavation	✔							
SVE	✔	✔	✔					



Excavation: 270,000 kWh *

SVE: 58,000 kWh *

Source: *Sustainable Remediation Tool*
Air Force Center for Engineering and the Environment, <http://www.afcee.af.mil>



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Qualitative Analysis for Soil

<u>SOIL</u>		Inputs			Environmental Impacts			
Remedial Technology	Meets Cleanup Objectives	Renewable Energy Sources	Non-Renewable Energy Use	Natural Resources	Air Quality	Water Quality	Solid Waste	Land Use
Excavation	✔							
SVE	✔	✔	✔	✔				



Excavation: Fill material, water for dust control

SVE: Construction materials, carbon

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Qualitative Analysis for Soil

<u>SOIL</u>		Inputs			Environmental Impacts			
Remedial Technology	Meets Cleanup Objectives	Renewable Energy Sources	Non-Renewable Energy Use	Natural Resources	Air Quality	Water Quality	Solid Waste	Land Use
Excavation	✔							
SVE	✔	✔	✔	✔				

Now

Immediate impacts?

Future

Future Impacts?

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Qualitative Analysis for Soil

<u>SOIL</u>		Inputs			Environmental Impacts			
Remedial Technology	Meets Cleanup Objectives	Renewable Energy Sources	Non-Renewable Energy Use	Natural Resources	Air Quality	Water Quality	Solid Waste	Land Use
Excavation	✔							
SVE	✔	✔	✔	✔	✔			

Now

Excavation: GHG emissions, volatilization

SVE: Can treat off-gas

1.3 lbs CO₂ per kWh

20 lbs CO₂ per gal gasoline

US DOE, 2000

Future

Excavation: No air impacts

SVE: Vapor intrusion

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Qualitative Analysis for Soil

<u>SOIL</u>		Inputs			Environmental Impacts			
Remedial Technology	Meets Cleanup Objectives	Renewable Energy Sources	Non-Renewable Energy Use	Natural Resources	Air Quality	Water Quality	Solid Waste	Land Use
Excavation	✔					✔		
SVE	✔	✔	✔	✔	✔			

Now

Excavation: Dewatering waste stream
SVE: None



Future

Excavation: No groundwater or surface water impacts
SVE: Condensate

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Qualitative Analysis for Soil

<u>SOIL</u>		Inputs			Environmental Impacts			
Remedial Technology	Meets Cleanup Objectives	Renewable Energy Sources	Non-Renewable Energy Use	Natural Resources	Air Quality	Water Quality	Solid Waste	Land Use
Excavation	✔					✔		
SVE	✔	✔	✔	✔	✔		✔	

Now

Excavation: Contaminated soil
SVE: Construction debris



Future

Excavation: None
SVE: Carbon, scrap metal

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Qualitative Analysis for Soil

<u>SOIL</u>		Inputs			Environmental Impacts			
Remedial Technology	Meets Cleanup Objectives	Renewable Energy Sources	Non-Renewable Energy Use	Natural Resources	Air Quality	Water Quality	Solid Waste	Land Use
Excavation	✔					✔		
SVE	✔	✔	✔	✔	✔		✔	✔

Now

Excavation: Site can be redeveloped quickly; landfill space need for excavated soil

SVE: More flexible to implement since existing structures will remain

Future

Excavation: Site reuse/redevelopment

SVE: Risk of vapor intrusion

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Qualitative Analysis for Soil

<u>SOIL</u>		Inputs			Environmental Impacts			
Remedial Technology	Meets Cleanup Objectives	Renewable Energy Sources	Non-Renewable Energy Use	Natural Resources	Air Quality	Water Quality	Solid Waste	Land Use
Excavation	✔					✔		
SVE	✔	✔	✔	✔	✔		✔	✔

Now

Excavation: More energy, higher emissions
Can be implemented during site redevelopment

SVE: Better if existing facility, less energy & materials

Future

Excavation: Good source Rx, No ICs, allows redevelopment

SVE: Less energy & materials, greater flexibility to implement

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Qualitative Analysis for GW

GROUNDWATER		Inputs			Environmental Impacts			
Remedial Technology	Meets Cleanup Objectives	Renewable Energy Sources	Non-Renewable Energy Use	Natural Resources	Air Quality	Water Quality	Solid Waste	Land Use
MNA, NFA w/ICs	☺							
Bio	☺							
Thermal Treatment (ERH)	☺							
Pump & Treat	☺							

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Qualitative Analysis for GW

GROUNDWATER		Inputs			Environmental Impacts			
Remedial Technology	Meets Cleanup Objectives	Renewable Energy Sources	Non-Renewable Energy Use	Natural Resources	Air Quality	Water Quality	Solid Waste	Land Use
MNA, NFA w/ICs	☺	☺	☺	☺	?		☺	
Bio	☺	☺	☺	☺	☺	☺	☺	☺
Thermal Treatment (ERH)	☺				☺	☺		☺
Pump & Treat	☺	☺				?		

- ❖ Bio may be right choice, but many other factors go into decision
- ❖ When multiple technologies can meet cleanup goals, decision becomes more quantitative

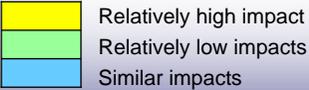
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Example of Quantitative Analysis

Alternatives

	Hybrid	Bio	P&T	
Inputs	Materials			
	PVC Pipe (lbs)	11,000	9,000	20,000
	Cement (ft3)	70	70	70
	Molasses (gallons)	140,000	220,000	0
	Water (gallons)	4,500,000	6,800,000	0
	Energy			
	Diesel Fuel (gallons)	20,000	11,000	40,000
	Gasoline (gallons)	8,000	8,000	4,000
	Electricity (kWh)	10,000,000	20,000	42,000,000
	Waste Generation			
	Spent Carbon (lbs)	1,200,000	0	3,900,000
	Wastewater (gallons)	1,600,000,000	0	5,300,000,000
	Air Emissions			
	CO ₂ (tons)	5,000	200	19,000
	Other			
Road Distance (miles)	300,000	200,000	300,000	
Remediation Time (years)	16	11	21	



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Greener Cleanup Tools and Resources

Greener Cleanups is a new and evolving field. EPA will post new tools and resources as they are developed. Resources include:

- EPA’s Green Remediation Toolbox
- Best Management Practices and Fact Sheets
 - Excavation and Surface Restoration
 - Pump and Treat (coming soon)
 - Site Investigation (coming soon)
- Environmental and Energy Footprints and Case Studies

EPA’s Key Green Cleanup Websites
www.epa.gov/oswer/greencleanups
www.clu-in.org/greenremediation



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Remedial System Operation

- ❖ Have cleanup objectives changed?
- ❖ Periodic review of performance indicators and treatment costs
- ❖ Use Data Quality Objectives to optimize sampling activities
- ❖ Can we downsize equipment?

Consider New & Emerging Technologies or Regulatory Approaches



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Ongoing EPA Activities

- **Superfund Green Remediation Strategy (Draft)**
- **Participating in ASTM Green Cleanup Standard Development Process**
- **Regional Green Cleanup Policies, Trainings, and Activities**
- **Developing Technical documents, BMPs, case studies (OSRTI and other OSWER offices)**
- **Internet sessions**
- **ORCR including Green Remediation Module in RCRA CA training**

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On the Horizon

Watch for:

- ❖ New tools for estimating environmental footprint
- ❖ ASTM cleanup standards initiative
- ❖ Information on emerging technologies
- ❖ More pilots and case studies
- ❖ Product research guides (LID/LEED)



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Remember...



- ❖ Cleaning up a site is inherently green
- ❖ Look holistically at each project
- ❖ Identify environmental impacts early
- ❖ Look for opportunities to reduce environmental impacts in each phase of cleanup and reuse

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**RCRA Corrective Action Training
Program: Getting to YES!**
Strategies for Meeting the 2020 Vision



This training and training documents do not create any legally binding requirements on the U.S. Environmental Protection Agency (EPA), states, or the regulated community, and do not create any right or benefit, substantive or procedural. The training and documentation are not a complete representation of the Resource Conservation and Recovery Act or of EPA's regulations and views.



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Notes:Purpose of Slide

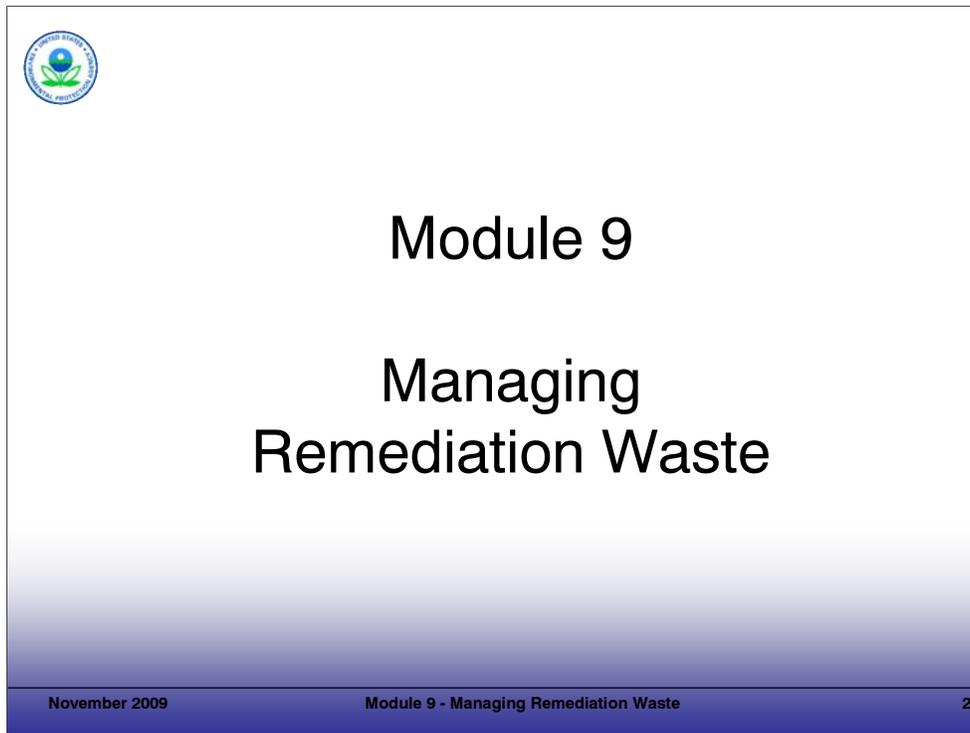
- Holder slide for Module 9, Managing Remediation Waste.

Key Points

- This is a holder slide. No specific key points.

References

- None.



Notes:

Purpose of Slide

- Holder slide for Module 9, Managing Remediation Waste.

Key Points

- This is a holder slide. No specific key points.

References

- None.



Module Overview

- ❖ Waste characterization: determining how remediation waste is regulated
- ❖ Provisions for managing hazardous remediation waste

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Module 9 - Managing Remediation Waste

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Notes:

Purpose of Slide

- Present module overview. Module addresses: (1) U.S. Environmental Protection Agency (EPA) regulations and policies applicable to remediation waste and (2) various technical issues associated with remediation waste management. Examples are used to illustrate concepts described in this module. Site managers should focus on a safe remedy – using the regulations and guidance developed for remediation waste.

Key Points: The module will cover:

- Key questions that site managers should answer to properly determine their management options for remediation waste.
- Types and sources of remediation waste and how EPA has issued regulations and policies for managing remediation wastes that differ from, and provide flexibility from, requirements for “as generated” hazardous waste.
- Determining when remediation waste is Resources Conservation and Recovery Act (RCRA) hazardous, including a discussion about the RCRA “contained-in” policy.
- Provisions for managing RCRA hazardous remediation waste, including discussion of:
 - The Area of Contamination Policy;
 - Special remediation waste management units, such as Corrective Action Management Units (CAMUs), Temporary Units (TUs), and staging piles, created for RCRA CA to provide flexibility from otherwise applicable RCRA design and operating standards;
 - Variances from land disposal restriction (LDR) treatment standards and alternative LDR treatment standards for contaminated soils and hazardous debris that may be used instead of the LDR standards developed for “as generated” waste.
 - EPA’s policy regarding the application of LDR standards to re-injected groundwater;
- Other regulatory considerations that may apply to the management of remediation waste, such as permits needed for surface waste discharges, management of polychlorinated biphenyl compound (PCB) remediation wastes, EPA’s Contaminated Sediments Strategy, and compliance with the Clean Air Act Maximum Achievable Control Technology (MACT) standards, will be discussed.
- Options for managing hazardous remediation waste at cleanups that would otherwise require a RCRA permit (for example, cleanups performed under State Superfund or other authorities).

References

- None.



Remediation Waste: What's the Issue?

- ❖ “As-generated” waste versus remediation waste
- ❖ RCRA Subtitle C requirements apply to hazardous remediation wastes
- ❖ Incorporating remediation waste management into the overall exit strategy

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Module 9 - Managing Remediation Waste

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Notes:

Purpose of Slide

- Introduce the issue of remediation waste management and link the topic to the overall exit strategy

Key Points

- Realizing the unique nature of remediation wastes and that RCRA regulations for “as generated” wastes from industrial activities were acting as disincentives, EPA has promulgated a number of regulations and policies since the mid-1980's to provide practical approaches to managing remediation wastes. This module will discuss the special rules and policies in detail.
- With respect to managing remediation waste, there are several key questions site managers need to answer to determine whether and how those special rules and policies may apply:
 - The first and most critical question to answer regarding management of remediation waste is whether the waste must be managed under Subtitle C regulations because it exhibits a hazardous waste characteristic or contains a RCRA listed hazardous waste (HW).
 - When developing an exit strategy, don't forget to incorporate waste management into the plan

References

- None.



Types of Remediation Wastes



- ❖ Disposed wastes
- ❖ Media/debris contaminated by solid waste or hazardous waste

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Notes:

Purpose of Slide

- Introduce broad types of remediation wastes.

Key Points

- Remediation waste is defined in 40 Code of Federal Regulations (CFR) 260.10 as “all solid and hazardous wastes, and all media (including groundwater, surface water, soils, and sediments) and debris, that are managed for implementing cleanup.”
- Remediation waste may be RCRA hazardous; generators should make a determination as to which wastes need to be managed as hazardous waste taking into account available information about the wastes and policies covering the management of remediation waste, such as the “contained-in” policy.
- Some remediation wastes consist of media contaminated by HWs (for example, soil surrounding F006 sludge). These may be regulated under the more flexible remediation waste requirements that will be discussed in this module.
- Some remediation wastes are identified HWs previously disposed at a site (for example, F006 sludge and the containerized waste solvent shown on this slide).
- An important concept – even if a HW was disposed at a site before the effective date of its coverage under RCRA (for example, before November 1980), once it is removed/excavated at the site, it is “generated” and becomes subject to all applicable RCRA HW regulations for that waste (including LDRs).

References

- Code of Federal Regulations (CFR). 40 CFR 260.10.



Sources of Remediation Waste



- ❖ Assessment – drilling waste, pumped groundwater
- ❖ Clean-up – excavated wastes and soils, dredged sediments, abandoned drums, debris, and recovered groundwater
- ❖ Long-term operation and monitoring (O&M) – treatment residues, spent filters

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Module 9 - Managing Remediation Waste

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Notes:

Purpose of Slide

- Introduce typical sources of remediation waste at RCRA CA facilities.

Key Points

- Investigation-derived waste (IDW) is typically produced during site investigations in the form of drill cuttings from soils borings and well installation, groundwater produced by well development and sampling, and other forms of waste associated with site investigation activities (for example, spent personal protection equipment (PPE) and supplies).
- The largest volume of remediation waste is typically generated during cleanup activities and includes residuals such as excavated wastes (for example, sludge, drums, contaminated soils) and recovered groundwater.
- Lesser volumes of remediation waste may be generated during long-term operation and maintenance (O&M) such as spent filters, spent activated carbon, and solids (sludges or sediments) in settling tanks from groundwater treatment systems.

References

- None.



Managing Remediation Waste: Key Questions to Ask

- ❖ Am I dealing with RCRA hazardous waste?
- ❖ If yes, do the RCRA unit and management standards apply?
- ❖ If yes, do the RCRA LDR standards apply?
- ❖ What other regulatory requirements apply?

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Notes:

Purpose of Slide

- Identify key questions and decisions that regulators and owners or operators (o/o's) must address regarding the management of remediation waste generated during the RCRA corrective action (CA) process.

Key Points

- Realizing the unique nature of remediation wastes and that RCRA regulations for “as generated” wastes from industrial activities were acting as disincentives, EPA has promulgated a number of regulations and policies since the mid-1980's to provide practical approaches to managing remediation wastes. This module will discuss the special rules and policies in detail.
- With respect to managing remediation waste, there are several key questions site managers need to answer to determine whether and how those special rules and policies may apply:
 - The first and most critical question to answer regarding management of remediation waste is whether the waste must be managed under Subtitle C regulations because it exhibits a hazardous waste characteristic or contains a RCRA listed hazardous waste (HW).
 - If remediation waste is subject to the RCRA HW regulations, then one must assess how the waste will be managed and determine whether other RCRA HW regulations will apply (for example, a hazardous remediation waste will be placed in a roll-off box for disposal off-site).
 - Hazardous remediation waste may be subject to the RCRA LDRs depending on how the waste is managed. If subject to LDRs, the waste will need to meet applicable LDR treatment standards before it may be land disposed unless a variance is obtained.
 - Other non-RCRA regulatory requirements may apply to the management of remediation waste, such as Toxic Substances Control Act (TSCA) regulations for the cleanup and management of PCB wastes, Clean Water Act requirements regarding surface water discharges, and Clean Air Act site remediation MACT requirements for emission of air pollutants.

References

- None.



Am I Dealing With Hazardous Remediation Waste?

- ❖ Generator must determine if waste is hazardous
- ❖ Definition of remediation waste at 40 CFR 260.10
 - Is it a hazardous waste?
 - Is it a media that:
 - Exhibits a characteristic?
 - Contains a listed waste?

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Module 9 - Managing Remediation Waste

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Notes:

Purpose of Slide

- Introduce discussion of determining whether remediation waste is hazardous under RCRA.

Key Points

- Remediation waste is defined in 40 CFR 260.10 and means all solid and hazardous waste, and all media (including groundwater, surface water, soils, and sediments), and debris that contains listed HW or that themselves exhibit a hazardous characteristic and are managed for implementing cleanup.
- Under 40 CFR 262.11, generators are responsible for determining if a remediation waste is hazardous.
- The process for determining whether a waste is hazardous is two-fold:
 - The waste is a listed hazardous waste (F-, K-, P-, or U-code listed hazardous wastes) and/or
 - The waste exhibits one of the characteristics of hazardous waste (ignitability, corrosivity, reactivity, or toxicity)
- In addition, wastes may be hazardous under the mixture and derived from rules located in 40 CFR 261.3. These rules discuss when waste mixtures and wastes derived from the treatment, storage, or disposal of HW are considered HW. (Note: The next several slides discuss the “contained in” rule and how that applies to environmental media).

References

- CFR. 40 CFR. 260.10.
- CFR. 40 CFR. 262.11.
- CFR. 40 CFR 261.3.
- EPA. 1998. Management of Remediation Waste Under RCRA. EPA530-F-98-026. October.
- Federal Register (FR). 1990. National Contingency Plan Final Rule-making. March 8. Page 8758.

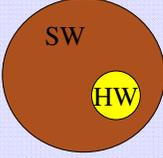


Determining When Contaminated Environmental Media are Hazardous

Contaminated environmental media are not presumptively hazardous waste



In situ Media



SW
HW

Contaminated Environmental Media Must be Handled as HW when:

- ❖ Exhibits a characteristic
- ❖ Contains listed HW (based on source)

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Notes:

Purpose of Slide: Define and discuss the “contained-in” policy and how it applies to the management of contaminated environmental media.

Key Points

- Contaminated environmental media, in and of itself, is not HW and, generally, is not subject to regulation under RCRA. Environmental media is not considered solid waste because it is not “disposed of,” so media contaminated with RCRA HW cannot be considered hazardous under the RCRA “mixture rule.”
- Contaminated environmental media can become subject to regulation under RCRA if they “contain” HW. The “contained-in” policy forms the basis for applying RCRA Subtitle C requirements to mixtures of environmental media and HW. If contaminated environmental media contain HW, they are subject to all applicable RCRA requirements until they no longer contain HW.
- The “contained-in” policy requires contaminated environmental media to be managed as HW when they contain one or more listed HWs or exhibit one or more characteristics of HW.
- Media do not need to be managed as HW if they do not exhibit a hazardous characteristic and they do not contain hazardous constituents above site-specific health-based levels; this determination is referred to as a “contained out” determination.
- Authorized States interpret application of the “contained-in” policy on a case-by-case basis and make “contained out” determinations, which are discussed later in this module. In non-authorized states, EPA makes this determination.
- The “contained-in” policy also applies to media containing P- and U-listed wastes, which are discarded or off-specification commercial chemical products or intermediates and their spill residues. Some have questioned how the “contained-in” policy applies to P- and U- contaminated media because of 40 CFR 261.33(d). EPA clarified the interpretation of the applicability of the “contained-in” policy to P- and U-listed wastes in a February 17, 1995, EPA Memorandum, “P and U Listed Wastes and the Contained-in Policy.” This memorandum states that the RCRA “contained-in” policy applies to P- and U- listed wastes in the same manner as for other listed wastes. In other words, if the implementing Agency determines that the media do not contain a P- or U-listed waste, they would not be a HW.

References

- FR. 1998. Preamble to the LDR Phase IV Rule. 63 FR 28621. May 26.
- EPA. 1995. P and U Listed Wastes and the Contained-In Policy. EPA Memorandum. February 17.



Source of Contamination Presumption



Regulator should not presume waste (or contaminated media) is a listed HW unless it is known to be a listed waste, or derived from, a listed waste

**Source not
known to be
listed**

+

**Leachate is
< TCLP
concentrations**

=

**Waste or
media is non-
hazardous**

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Notes:

Purpose of Slide

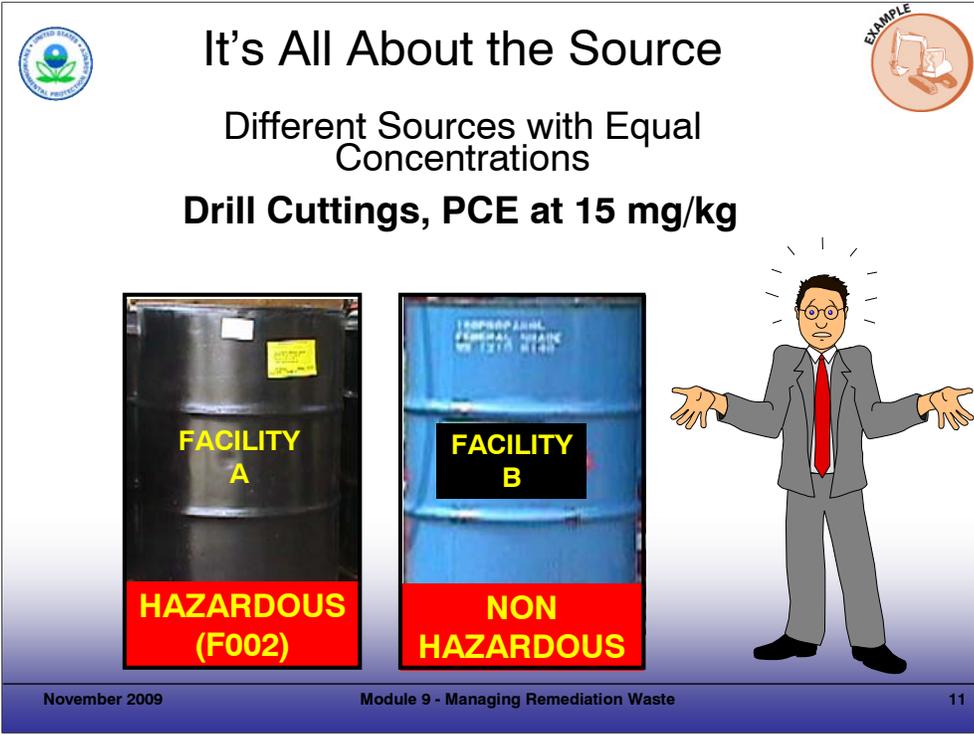
- Describe EPA's policy on the source of contamination presumption.

Key Points

- To determine whether a waste is a listed HW, the source (activity or industrial process that generated the waste) must be known. Project managers are not required to presume that a remediation waste contains a listed HW unless affirmative evidence supports this assumption.
- Project managers should make reasonable efforts to determine whether a remediation waste contains a RCRA-listed waste based on available information such as facility business records or documentation of processes used at the facility.
- If an affirmative determination cannot be made about the source of the contamination, the contaminated media can be considered not to contain a listed HW and therefore, would not need to be managed as a HW unless it was shown to exhibit a hazardous characteristic.

References

- EPA. 1998. Management of Remediation Waste Under RCRA. EPA 530-F-98-026. October.
- FR. 1988. Preamble of the Proposed and Final National Contingency Plan. 53 FR 51443 (December 21) and 1990 (55 FR 8758, March 8).
- EPA. 1989. Superfund Land Disposal Restrictions (LDRs) Guide #5: Determining When LDRs Are Applicable to CERCLA Response Actions. OSWER Directive 9347.3-OSFS. July.



It's All About the Source

Different Sources with Equal Concentrations

Drill Cuttings, PCE at 15 mg/kg

FACILITY A
HAZARDOUS (F002)

FACILITY B
NON HAZARDOUS

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Notes:Purpose of Slide

- Point out the importance of source identification when determining if media contains listed HW.

Key Points

- In this example, drums of drill cuttings were generated during site investigations at two different facilities. Sampling showed the same concentration (15 milligram per kilogram (mg/kg) PCE) in the containerized materials from both sites.
- At Facility A, it was determined that a listed HW (spent solvent – F002) was the source of the PCE in the drill cuttings. The drill cuttings were determined to be subject to full RCRA regulation. (Because the drill cuttings were above the State's health threshold for PCE, the State did not make a "contained-out" determination.)
- At Facility B, the source of the PCE was not identified after good-faith efforts, so it was determined that the cuttings did not contain F002 or any other listed HW. The cuttings were also tested for Extraction Procedure (EP)-Toxicity using the Toxicity Characteristic Leaching Procedure (TCLP) and did not exceed any regulatory levels. Therefore, the Facility B drill cuttings were not subject to the RCRA HW regulations (but, because of the PCE concentration, would likely be managed as non-hazardous, contaminated media).
- This example illustrates how the same type of material may require different management approaches under RCRA.

References

- None.



Over-Management of Media Can be Costly






<u>Handling issues:</u>	<u>Disposal Cost (150 drums):</u>
Twenty 50-ft, 2-inch monitor wells: 120 drums	Hazardous \$14,000
Three 50-ft, 4-inch recovery wells: 30 drums	Nonhazardous \$2,800
<u>Regulatory issues:</u>	
❖ 90-day storage limit	
❖ Compliance with generator regulations – training, inspections, recordkeeping, reporting	

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Notes:

Purpose of Slide

- Provide an example of the cost implications of the “contained-in” determination for contaminated media.

Key Points

- The above example of managing investigation derived waste (IDW) from a contaminated site illustrates the substantial difference in the estimated disposal cost (actually, transportation and off-site disposal) for media determined to be hazardous (\$14,000) versus non-hazardous (\$2,800).
- There would also be additional costs associated with management of HWs on site to comply with the applicable RCRA generator requirements for manifesting, inspections, training, recordkeeping, and reporting.
- These examples show that a presumption that contaminated media generated at a site are HW can have regulatory and cost implications. A more thorough evaluation of the source of contamination presumption and a resulting “contained out” determination may have helped to avoid the costs of containerizing and managing this media as HW.

References

- None.



 Proper Application of Media Policies Encourages *More* Treatment Options

Horizontally Trenched Recovery Well and Contaminated Soil Removal

Groundwater Treatment System

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Notes:Purpose of Slide

- Provide examples of the positive implications of applying the policies for contaminated media.

Key Points

- These photographs illustrate sites where facilities and regulatory agencies agreed that groundwater and soil did not have to be managed as HW, based on proper application of media policies. As a result, multiple treatment options were available to cost-effectively manage remediation waste.
- The photograph on the right shows a horizontal recovery well that is under construction. The activity is occurring in an established Area of Contamination so the environmental media are not subject to Subtitle C management standards.
- The photograph on the left shows part of a groundwater recovery and off-gas treatment system at a site where the source of contamination principle was applied; there were multiple sources of volatile organic compounds (VOCs) in the groundwater (some of which were listed and some were not), and because the precise source of the contamination was not known, the groundwater did not have to be handled as hazardous. Therefore, the treatment system could be designed at a fraction of the cost. For example, double-walled pipe (shown in the photograph) on the lower-right was not necessary.
- In both cases, media are managed as contaminated, and all appropriate health and safety considerations apply.

References

- None.



Contained Out Determination

- ❖ If media or treatment residue contains listed HW, authorized State (or EPA if State is not authorized) may make a “contained out” determination.
- ❖ This determination is based on direct exposure using a reasonable maximum exposure scenario and use of conservative, health-based, standards
- ❖ These determinations can be made for an entire area of contaminated media before or after extraction or treatment. (The approach could have implications for LDR standards.)

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Notes:

Purpose of Slide

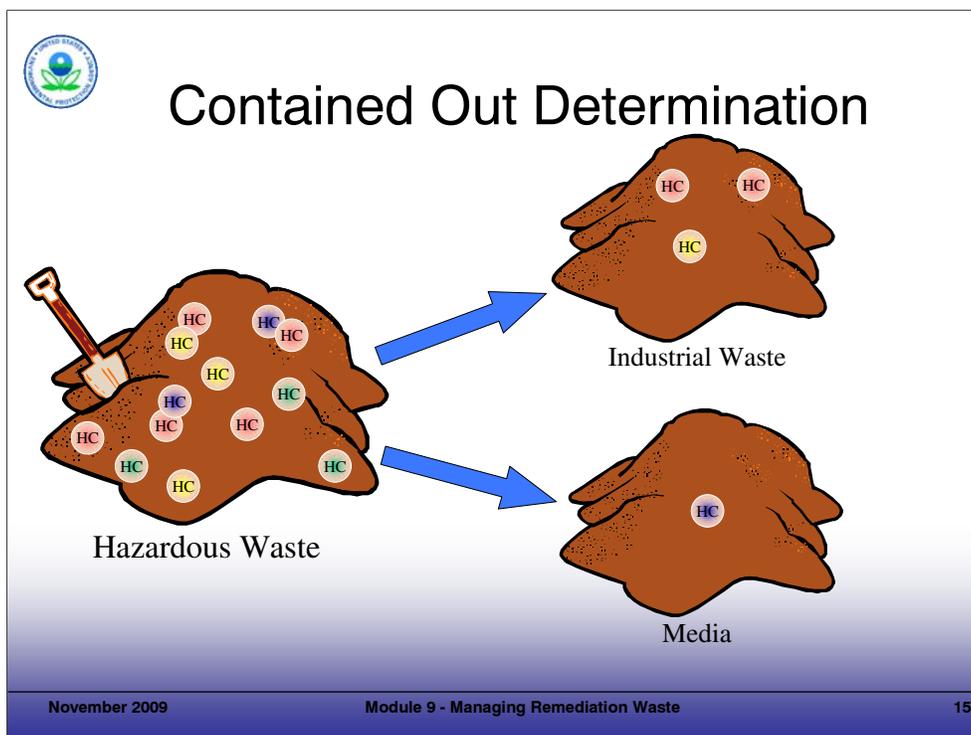
- Discuss the overall process for making a “contained-out” determination.

Key Points

- Media that contain a listed HW have to be managed as a HW. However, the State (or EPA if the State is not authorized) can make a “contained-out” determination if it finds that the levels of hazardous constituents from the associated listed waste do not exceed applicable health-based limits in the media. To determine the applicable hazardous constituents for a given listed waste, Appendix VII in 40 CFR Part 261 can be used to find the hazardous constituents for which the waste was listed. Alternatively, analysis of the original listed waste may be used to determine the applicable constituents.
- The health-based limits used to compare to hazardous constituent concentrations in contaminated media will vary from Region to Region and State to State but are generally based on direct exposure assumptions using a reasonable maximum exposure scenario. Since this determination involves development of site-specific health-based levels, the approval of an authorized State or EPA is required.

References

- CFR. 40 CFR Part 261.
- EPA. 1998. Management of Remediation Waste Under RCRA. EPA530-F-98-026. October.



Notes:

Notes will be added for subsequent deliveries.



Site-Wide “Contained Out” Determination





- ❖ Electroplating sludge excavated
- ❖ Surrounding soils over excavated – potentially contain F006 waste
- ❖ “Contained out” request to State for < industrial levels (continued)

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Notes:

Purpose of Slide

- Describe a case study illustrating the application of the “contained out” determination at a RCRA CA facility.

Key Points

- This facility had disposed of a listed HW, electroplating sludge (F006), in five landfills that were excavated as part of revitalization activities.
- The F006 sludge was visually detected during excavation of the landfills by its blue-gray appearance. After the sludge was excavated in a given area, an additional 6 to 12 inches of surrounding soil was removed to ensure that contaminants associated with the sludge were also remediated.
- Because of the proximity of the surrounding soils to the excavated sludge and small amounts of sludge commingled in the soils, the over-excavated soils were considered to potentially contain a listed HW (F006).
- Accordingly, the over-excavated soils were required to be characterized and a “contained out” determination was required to determine if the soils contained HW.
- According to Florida’s Contaminated Media Policy, contaminated media may be “contained out” if: (1) representative sampling shows that contaminant concentrations in the media do not exceed the State’s risk-based soil criteria (Soil Cleanup Target Levels [SCTLs]) and (2) certain media management practices are followed.
- If the contaminated soil concentrations fell under the State’s Industrial SCTLs, the soil could be “contained out” and subsequently managed as a non-hazardous waste in a permitted Subtitle D (nonhazardous) landfill.
- This facility submitted the first formal petition to the State for a “contained out” determination. After a 30-day public notice period of the petition, the State issued a Final Order for its “contained out” decision.

References

- Florida DEP. 2002. Guidance Document: Management of Contaminated Media Under RCRA. August 21 (recently updated).



Site-Wide “Contained Out” Determination – Soil Management: One Possible Strategy

- ❖ Soils > Industrial criteria or TCLP (contained in) = offsite LDR treatment + Subtitle C landfill disposal
- ❖ Soils < Industrial criteria and TCLP (contained out) but > Residential criteria = Subtitle D landfill disposal
- ❖ Soils < Residential criteria and TCLP (contained out) = used as on-site backfill

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Notes:

Purpose of Slide

- Describe how “contained out” process was implemented at a RCRA CA facility.

Key Points

- This slide reviews the soil management approach approved for the site, using the “contained out” determination approved by the State.
- Using this “contained out” process for over-excavated soil, instead of automatically assuming the soil was hazardous under the “contained-in” policy, expedited cleanup by months.

References

- None.



Greening Remediation Waste

- ❖ Minimize IDW—sampling techniques
- ❖ Minimize waste generation
 - Proper characterization
 - In situ management
 - Segregate wastes
- ❖ Recycle and reuse

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Notes:

Notes will be added for subsequent deliveries.



Provisions Applicable to All Hazardous Remediation Wastes

- ❖ Area of Contamination Policy
- ❖ Special units created for management of remediation wastes
 - Corrective Action Management Units (CAMUs)
 - Temporary Units (TUs)
 - Staging Piles

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Notes:

Purpose of Slide

- Introduce a number of specific types of RCRA requirements and associated terms for waste management units.

Key Points

- If remediation wastes are hazardous or subject to Subtitle C regulations, EPA has developed regulations and requirements for several special types of waste management units to provide flexibility in managing hazardous remediation wastes. In most cases, use of these units allows on-site management of remediation wastes without triggering compliance with minimum technology requirements (MTRs) and LDRs.
- An Area of Contamination is not a specific unit, per se, but refers to a designated area of a site where management of remediation waste is allowed without triggering MTRs or LDRs.
- The area of contamination and special units created for managing remediation waste will be discussed in more detail in the following slides.

References

- EPA. 1998. Management of Remediation Waste Under RCRA. EPA 530F-98-026. October 14.



Area of Contamination Policy

- ❖ Area of generally dispersed contamination such as large contiguous area of soil contamination
 - May include old waste disposal units
- ❖ If contamination is in non-contiguous areas, multiple areas of contamination may be used
- ❖ Movement or in situ treatment within area of contamination does not trigger LDRs, MTRs, and other Subtitle C requirements as long as waste is not placed in containers, tanks or non-land based units.

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Notes:

Purpose of Slide

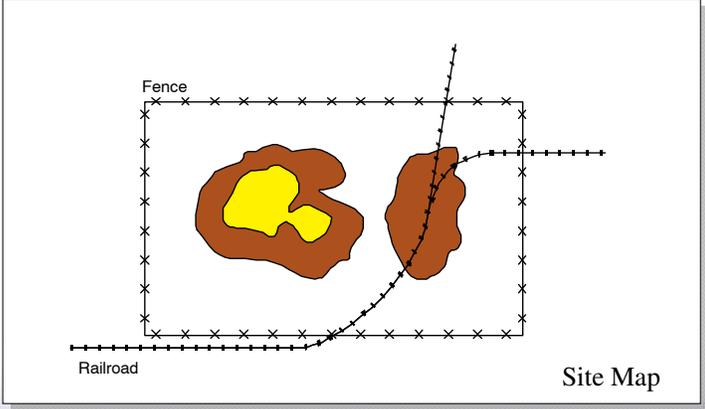
- Define and discuss the use of, and features of, area of contamination for management of remediation wastes. This acronym should not be confused with an enforcement “Administrative Order on Consent” or a Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) or Hazardous and Solid Waste Amendments (HSWA) “Area of Concern.”

Key Points

- EPA introduced the area of contamination concept in the preamble to the National Contingency Plan (NCP).
- An area of contamination is defined as “a discrete area of generally dispersed contamination that can be equated with a RCRA landfill.” An area of contamination is delineated by the areal extent (or boundary) of contiguous contamination. Such contamination must be contiguous, but may contain varying types and concentrations of hazardous substances.
- Areas of contamination can include old landfills or surface impoundments.
- Because the definition of “landfill” would not include discrete, widely separated areas of contamination, an area of contamination would not always encompass an entire site. To address noncontiguous contaminated areas at a site, multiple areas of contamination can be employed.
- Movement of wastes within an area of contamination does not trigger LDRs or MTRs. Consolidation and in situ treatment of HW within the area of contamination, as long as it is managed only in land-based units, does not constitute “disposal”, and does not trigger LDRs or disposal unit standards.
- The area of contamination concept allows wastes to be consolidated or treated without triggering LDRs or MTRs. However, ex-situ treatment (such as incineration or treatment in a tank or container or other non-land based unit) or transfer to another area of contamination will trigger those RCRA requirements.

References

- Federal Register (FR). 1990. area of contamination Concept First Presented in National Contingency Plan. 55 FR 8758. March 8.
- EPA. 1996. Guidance: Use of the Area of Contamination Concept During RCRA Cleanups. Memorandum. March 13.



The diagram, titled "Area of Contamination Policy", shows a site map with two irregularly shaped brown areas representing contamination. The left area contains a yellow region. A dashed line labeled "Fence" encloses the left area and extends to the right. A solid line labeled "Railroad" runs horizontally across the bottom left. A curved line with arrows indicates a path from the railroad area towards the right side of the site.

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Notes:

Notes will be added for subsequent deliveries.

 Application of Area of Contamination Policy to Hazardous Remediation Waste 



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Notes:

Purpose of Slide

- Provide an example of application of area of contamination policy for managing contaminated media.

Key Points

- An empty underground storage tank that previously contained listed HW solvents was excavated as part of cleanup activities at this RCRA facility.
- The tank showed evidence of past leakage so several feet of surrounding soil was also excavated. The facility concluded that the soil contained HW because the source was known to be a RCRA HW.
- Excavated soil was stockpiled in the immediate area of the tank excavation pending characterization.
- The facility determined, and the State regulatory agency confirmed, that the stockpiled soil was within an area of contamination.
- By storing the contaminated soil in an area of contamination, the requirements associated with establishing a staging pile or CAMU did not have to be met.
- Based on sampling and analysis, concentrations of hazardous constituents in some of the excavated soil were below risk-based levels, so the regulatory agency determined that this soil did not “contain” HW and it was placed back in the excavation. The excavated soil containing hazardous constituents above “contained out” levels were transported to a HW disposal facility. Note, the hazardous soil could have been placed back in the excavation, but the regulatory and facility wished to minimize long-term care obligations.
- This example points out that the use of areas of contamination can streamline the cleanup activity (for example, time associated with permitting a staging pile or CAMU) and waste management costs (facilitating reuse of soil as opposed to off-site disposal).

References

- None.



Land-based Management-- CAMU

- ❖ Provides flexibility for eligible waste
- ❖ Disposal CAMU:
 - Minimum design requirements - cap, liner, leachate collection
 - Treatment of Principle Hazardous Constituents
- ❖ Treatment and storage CAMU:
 - Flexible design requirements; same as staging piles
 - May be limited to 2.5 years of operation

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Notes:

Purpose of Slide: Discuss use of CAMUs for management of remediation waste.

Key Points

- A CAMU is a special type of land-based unit used for on-site treatment, storage, or disposal of remediation waste. Use of CAMUs is intended to provide flexibility in managing remediation wastes. The CAMU Rule was promulgated in 1993, and used successfully for nearly 10 years. As a result of a law suit, the rules were revised in 2002 and specific restrictions were placed on the use of the CAMU. The final CAMU rule was issued on January 22, 2002.
- CAMUs must be approved by EPA or an authorized State and designated in a permit or order. In certain circumstances, EPA and states (including states that are not authorized for the CAMU regulations) may use other mechanisms to approve CAMUs.
- CAMUs can only be used to manage “CAMU-eligible waste” which includes solid and HW, contaminated media, and debris from cleanup activities. Wastes that are not “CAMU-eligible waste” include “as-generated” waste, waste in intact containers, and bulk and free liquids.
- There are two basic types of CAMUs: (1) disposal CAMUs, where waste will remain after closure and (2) treatment and storage CAMUs, which are used for a limited time and in which wastes will not remain after closure.
- Minimum design and operating standards for disposal CAMUs include: Requirements for a cap, composite liner, and a leachate collection system; CA for releases; and Principle hazardous constituents in the waste must be treated to the LDR Phase IV soil standards before disposal. Principal hazardous constituents are parameters that pose a risk to human health and the environment, either directly or via groundwater migration, that are substantially higher than the cleanup levels for the site (for example, carcinogens above a 10⁻³ cancer risk and non-carcinogens an order of magnitude or greater than the reference dose). The Phase IV soil standards will be described in later slides.
- Design and operating standards for treatment and storage CAMUs include: (1) same standards as staging piles, which will be discussed later in this module; (2) if a CAMU is used for longer than 2.5 years, it must meet the minimum design standards of disposal CAMUs; and (3) consolidation of cleanup wastes does not trigger compliance with LDRs or MTRs.
- 40 CFR Part 264.555 provides for disposal of CAMU-eligible waste in off-site permitted hazardous waste landfills, if certain conditions are met, including: (1) principal hazardous constituents are treated to applicable LDR Phase IV soil standards; (2) the landfill must be a RCRA hazardous waste facility whose permit authorizes receipt of CAMU-eligible wastes; and (3) the landfill must notify the regulatory agency of its intent to receive CAMU-eligible waste and receive notification of no objections.

References

- FR. 2002. Final CAMU Rule. 67 FR 2962. January 22.
- CFR. CAMU Regulations. 40 CFR Parts 264.550, .551, .552, and .555.

 **Use of a CAMU for Disposal of Hazardous Remediation Waste**

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Notes:

Purpose of Slide

- Discuss use of CAMU to manage hazardous remediation waste.

Key Points

- A CAMU was used to manage remediation waste at the U.S. Smelter and Lead Refinery, Inc. (USS Lead) facility.
- This facility operated as a copper and lead refinery and secondary lead smelter.
- Remediation of the site involved excavation of large volumes of contaminated soil, sediment, slag, and debris.
- The remedy chosen involved excavation, consolidation, and on-site disposal using a CAMU.
- The CAMU design included a subsurface slurry wall around the 11-acre CAMU, an engineered final cover, and a long-term ground-water monitoring system.

References

- EPA. 2007. Fact Sheet: USS Lead, East Chicago, Indiana. October. Accessed On-line at: <http://www.epa.gov/Region5/sites/usslead/pdfs/usslead-joint-factsheet-200710.pdf>
- U.S. Steel. Undated. CAMU Photo Archive. Accessed On-line at: <http://www.ussteel.com/corp/rcra/images/GCR%20Pictures/CAMU/Camu%20Aerial-07j.jpg>.



Differences Between Areas of Contamination and CAMUs

<u>Area of Contamination</u>	<u>CAMU</u>
<ul style="list-style-type: none"> ❖ In situ treatment allowed ❖ Located only in area with contiguous contamination ❖ Consolidation only allowed within area of contamination 	<ul style="list-style-type: none"> ❖ In situ or ex situ treatment allowed ❖ Located in contaminated areas, uncontaminated areas, and off-site ❖ Consolidation allowed from areas inside or outside CAMU

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Notes:Purpose of Slide

- Describe the significant differences between the use of areas of contamination and CAMUs.

Key Points

- The area of contamination policy addresses only consolidation and other in situ waste management techniques carried out within an area of contamination (that is, wastes may be consolidated or treated in situ within an area of contamination without triggering LDRs or MTRs). The area of contamination policy does not allow ex situ treatment of waste. However, waste may be treated ex situ and then placed in a CAMU.
- An area of contamination may only be located in an area of contiguous contamination, but a CAMU can also be located in uncontaminated areas of a site.
- Wastes cannot be consolidated from different areas of contamination at a site, but wastes from different areas of contamination can be consolidated in a CAMU.
- A further discussion of the differences between areas of contamination and CAMUs is included in the EPA guidance document referenced below.

References

- EPA. 1998. Management of Remediation Waste Under RCRA. EPA 530-F-98-026. October.



Land-based Management— Staging Piles

- ❖ Temporary storage of solid, non-flowing remediation waste
- ❖ Mixing, sizing, blending, or other physical operations allowed, but not treatment
- ❖ Site-specific design/performance standards
- ❖ Limited to 2 years of operation
 - If a pile is located within an area of contamination, this requirement does not apply since it is a land-based unit

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Notes:

Purpose of Slide

- Define and discuss the use of, and features of, staging piles for management of remediation wastes.

Key Points

- A staging pile is an accumulation of solid, non-flowing, remediation waste that is not a containment building and is used only during remedial operations for temporary storage at a facility. A staging pile is a non-land-based unit.
- By definition, staging piles cannot be used to treat remediation waste. However, in the amendments to the final CAMU rule in January 2002, EPA clarified that mixing, sizing, blending, and other physical operations intended to prepare waste for subsequent treatment or management could occur in staging piles.
- Staging piles can be used to store hazardous remediation waste only if standards and design criteria established for the staging piles are followed. Performance standards and design criteria are established by EPA or the authorized State. Staging piles are not subject to LDRs or MTRs.
- Performance standards for a staging pile require that the staging pile: (1) facilitate a reliable, effective, and protective remedy; (2) prevent or minimize releases of HW or constituents to the environment, and minimize cross-media transfer; (3) complete operations within two years unless a 180-day extension is granted (the two year limit starts the first day that the waste is placed in the staging pile); and (4) provide for proper and timely closure. Sufficient information must be provided to EPA or the State to establish site-specific standards and design criteria.

References

- CFR. 40 CFR 264.554.



Temporary Units (TUs)

- ❖ Non-land-based unit
 - Temporary tank
 - Temporary container storage area
- ❖ Design standards may be Part 264 or 265 requirements for tanks and containers or alternative site-specific standards.
- ❖ Limited to 1 year of operation

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Notes:

Purpose of Slide

- Discuss use of temporary units (TUs) for management of remediation wastes.

Key Points

- The regulations for TUs were promulgated at the same time as the original CAMU final rule. A TU is a non-land-based unit used to manage hazardous remediation wastes. A TU can include temporary tanks and container storage areas.
- Alternative design, operating, and closure standards are available for TUs. EPA or authorized States may specify site-specific design, operation, and closure standards as alternatives to those specified for tanks and containers in Parts 264 or 265. For example, if a TU will be located in a widely contaminated area that will be remediated, it may not be necessary to require secondary containment for the TU.
- Placement of wastes in TUs is not considered land disposal; therefore, LDRs do not apply. However, wastes or treatment residuals that are removed from TUs may be subject to LDRs.
- TUs may only operate for a period of one year, with an opportunity for a one-year extension.

References

- FR. 1993. Final TU Rule. 58 FR 8658. February 16.
- CFR. 40 CFR Part 264.553.



Authorizing Mechanisms

- ❖ Permit conditions
- ❖ Administrative consent orders
- ❖ Remedial action plans

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Notes:

Notes will be added for subsequent deliveries.



Remedial Action Plans (RAPs)

- ❖ A special form of RCRA permit that provides an alternative mechanism to a traditional RCRA permit for managing hazardous remediation waste
- ❖ Options for issuing RAPs:
 - Part of existing RCRA permit (permit mod)
 - Stand-alone document
 - Part of other decision document
- ❖ Do not reduce cleanup obligations
(continued)

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Notes:

Purpose of Slide: Discuss use of Remedial Action Plan (RAPs) as an alternative to RCRA permits for management of hazardous remediation waste.

Key Points

- Often, remedies selected for cleanup sites involve treating, storing, or re-disposing of hazardous remediation waste. RCRA permits are required whenever you treat, store or dispose of HW (unless a specific permit exemption or exclusion applies). Treating, storing or re-disposing of hazardous remediation wastes required the same type of permit as that for as generated process waste management. Traditional RCRA permits, however, were designed for operating HW TSDFs managing as-generated process wastes. The permit procedures, requirements, and contents were designed specifically for those situations. Traditional RCRA permits also require facility-wide CA under RCRA Sections 3004 (u) and (v). Many of these requirements are not well suited to cleanup activities. The intent of the RAP is to expedite remediation efforts performed at sites where HW management is required, including Brownfields and abandoned contaminated lands, by making it easier for a site o/o to obtain permitting for a cleanup. RAPs involve application and approval procedures that differ from traditional RCRA permitting procedures for the management of hazardous remediation wastes. RAPs make permits for treating, storing, and disposing of remediation wastes faster and easier to obtain. Remediation waste management sites can be designated to avoid facility-wide CA. Previously, the process of obtaining a treatment, storage, or disposal permit triggered facility-wide CA requirements. This was a huge disincentive against undertaking cleanup activities requiring a permit. Under the revised definition of a remediation waste management site, this disincentive is removed by stipulating that remediation waste management sites do not constitute facilities requiring CA.
- If alternative state authorities are not practicable for a site, a RAP, which is a special form of a permit, can be used in lieu of a traditional RCRA permit to treat, store, or dispose of hazardous remediation waste at remediation waste management sites. Given this flexibility, EPA believes that it will be possible for EPA and authorized States to develop RAPs that are much more suited to cleanups than current RCRA permits are—that is, a RAP will generally fit the model of a Superfund Record of Decision or an approval of a cleanup workplan, rather than that of a RCRA Part B permit. EPA believes this flexibility is essential for an effective cleanup program. Note that RAPs are not part of State base RCRA programs.
- RAPs can be issued in several ways. A RAP may be issued to a facility with an existing RCRA permit through a permit modification. Alternatively, the RAP may be issued as a stand-alone document or it may be included as part of another document, such as Superfund Record of Decision (where they have been used to specify compliance with substantive RCRA regulations), applicable to remediation activities at a facility.
- The RAP approval process follows the general administrative procedures for issuing environmental permits, consisting of a determination that the application is technically adequate, agency preparation and public notice of a draft RAP, and issuance of the final RAP. RAP modification procedures are also similar to traditional permits. However, while the basic procedures are similar, the process has been significantly streamlined and simplified for RAPs.
- It is important to note that use of a RAP does not affect “how clean is clean” decisions about a facility or the legal obligations of the facility to conduct cleanup activities.

References

- CFR. 40 CFR Part 270 Subpart H (270.70 - 270.230).



RAPs

- ❖ RAP benefits:
 - More flexible application requirements
 - Less prescriptive, streamlined public involvement
 - Flexibility in modifying RAPs
 - “Permit as shield” protections
 - Site-wide corrective action not required
 - May be located offsite under certain circumstances
- ❖ RAP limitations:
 - No on-site incineration or management of “as-generated” waste

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Notes:

Purpose of Slide

- Explain some benefits and limitations related to the use of RAPs.

Key Points

- RAPs provide several advantages to traditional RCRA permits, including:
 - The information requirements in RAP applications (40 CFR 270.110) replace the detailed information requirements in traditional Part B permit applications. The applicant is only required to provide site-specific information that is relevant to management of its hazardous remediation wastes. EPA or an authorized State may require additional information as needed.
 - Accordingly, the permit writer is freed from addressing prescriptive Part B requirements designed to address production wastes and can tailor the RAP requirements to address the site-specific cleanup setting.
 - The public involvement procedures for RAPs include flexibility for the regulatory agencies and minimal public notice requirements. For example, the following are not required: a facility mailing list, pre-application public meeting, and information repository.
 - The procedures for modifying existing RAPs are more flexible and streamlined than for traditional permits.
 - RAPs provide “permit as shield” protection in that as long as the terms of the RAP are met, the facility is considered to be in compliance with RCRA Subtitle C for enforcement purposes.
 - In order to encourage cleanup, EPA revised the definition of a remediation waste management site and eliminated the requirement for site-wide CA at sites conducting remediation only (that is, no management of production wastes) under RAPs or traditional permits.
 - RAPs are generally issued for on-site remediation purposes. However, an o/o may request a RAP for remediation waste management activities at an off-site location if the o/o believes that such a location would be more protective than the contaminated area or areas in close proximity. An off-site RAP is subject to expanded public participation requirements.
- RAPs have several limitations in their use, including that RAPs may not be used for on-site combustion of hazardous remediation wastes or for the management of “as-generated” HW.

References

- CFR. 40 CFR Part 270 Subpart H (270.70 - 270.230).



Doe Run Company RAP



- ❖ **Purpose** – manage and place lead-contaminated remediation waste excavated from residential yards and other areas in Viburnum, MO
- ❖ **Format** – streamlined document (10 pages)
- ❖ **General conditions** – similar to standard permit (for example, proper O&M, monitoring, recordkeeping and reporting)
- ❖ **Special conditions** – site-specific waste handling procedures

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Notes:

Purpose of Slide

- Provide an example of a RAP issued in Region 7.

Key Points

- The Doe Run Company (Doe Run) Viburnum Facility RAP, issued in 2006 by EPA (MO did not have RAP authorization at the time of issuance) allowed the Permittee to stage, sample, transport, treat and place lead-contaminated remediation waste excavated from residential yards into a CAMU associated with a site cleanup in the area of Viburnum, MO. Some soils also were removed from other areas as a part of a RCRA CA. Portions of the removed waste may be characteristically hazardous for lead (TCLP). In its RAP application, the Permittee requested approval to dispose of an estimated 100,000 tons of remediation waste from the lead-impacted Superfund and RCRA CA sites into the CAMU.
- Unlike the lengthy and all-encompassing requirements of a traditional RCRA permit, the Doe Run RAP distilled the general and site-specific conditions into a 10-page document.
- The general conditions in the RAP read similarly to the general conditions in most RCRA permits, addressing: duty to comply, maintaining proper O&M and site conditions, and recordkeeping/reporting.
- What sets the RAP apart from most traditional RCRA permits is that it is self-contained – most (if not all) of the conditions are spelled out in the RAP itself, such as:
 - Site-specific methods for wastes handling and management;
 - Specific waste characterization protocols (for example, waste sampling frequency and analytical methods);
 - Waste treatment method (2% tri sodium phosphate [TSP] treatment of soils);
 - Specific engineering controls and decontamination requirements; and
 - Decision making protocols for different management methods (for example, treatment of soils with TSP is followed by mixing and curing of soils, which is followed by TCLP analysis for lead); the prescribed management method for the treated soil is then based on TCLP results and comparison of this data to the lead UTS.

References

- EPA. 2006. Draft Remedial Action Plan for Management of Hazardous Remediation Waste, Viburnum Facility, Viburnum, MO, EPA ID # MOD 000 823 252. May 30.



Other Considerations

- ❖ Land Disposal Restrictions
- ❖ Re-injection of Groundwater
- ❖ Other Regulatory Programs

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Notes:

Notes will be added for subsequent deliveries.



Applying LDRs to Remediation Waste





- ❖ **At the point of generation**
- ❖ **When first actively managed**

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Notes:

Purpose of Slide: Introduce key concepts regarding the applicability of LDRs to remediation waste; reaffirm that LDRs do not “attach” in areas of contaminations or CAMUs.

Key Points

- The point of generation for remediation wastes is when they are first removed from the land or area of contamination. If these remediation wastes contain listed HW, then LDRs “attach” when they are generated or “actively managed,” regardless of the date of their original disposal. Active management is defined as physically disturbing remediation waste through removing, excavating, mixing with other waste, or other on-site treatment.
- Excavation of soil contaminated from a recent or current spill of HW or product would represent a new point of generation in the affected media and the soil would be prohibited from land disposal until it meets applicable LDR treatment standards (unless a site-specific risk-based variance is obtained) because the contaminating waste (spill of HW or product that is considered hazardous when disposed of) was prohibited from land disposal and LDR treatment standards were not met prior to the spill.
- Deliberately mixing HW with media to change the treatment requirements (for example, to the Phase IV LDR soil treatment standards) is prohibited.
- Normal mixing of soil during remediation is allowed (from 63 FR 10 page 28621; May 26, 1998):

The Agency notes that the normal mixing of contaminated soil from various portions of a site that typically occurs during the course of remedial activities or in the course of normal earthmoving and grading activities is not considered intentional mixing of soil with non-media or prohibited soil with non-prohibited soil and, therefore, is not a type of impermissible dilution.
- LDRs “attach” to remediation wastes depending on the circumstances of disposal, as described in the following examples:
 - If a HW was disposed prior to the LDR effective date for that waste, then LDRs have not yet attached to that waste (or associated soil or debris). If a successful “contained out” determination is made for the remediation waste while it remains in situ, then the remediation waste can be managed as non-hazardous and does not have to meet the LDR treatment standards.
 - Under the above disposal scenario, if the remediation waste is excavated (that is, “actively managed”) before a “contained out” determination is made, then LDRs “attach” at the time of the active management and will continue to apply even after a successful “contained out” determination is made. In this case, LDRs must be met or an LDR variance would be required.
 - If the HW was disposed of after the LDR effective date for that waste, then LDRs have already attached to that waste (and associated soil and debris) and will continue to apply regardless of when a “contained out” determination is made. In this case, LDRs must be met or an LDR variance would be required.

References

- FR. 1993. Land Disposal Restrictions for First Third Scheduled Wastes. Final Rule. 53 FR 31148.
- FR. 1988. Phase IV LDR Rule. 63 FR 28751. May 26.



LDR Treatment Standards for Remediation Wastes

- ❖ Variances: EPA and authorized states can grant LDR variances under certain circumstances
- ❖ Alternative LDR standards for new treatability groups:
 - Contaminated soil
 - Hazardous debris

(continued)

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Notes:

Purpose of Slide

- Introduce concept of variances and alternative LDR treatment standards applicable to contaminated soil and hazardous debris.

Key Points

- The Phase IV LDR Rule created a new treatability groups — contaminated soil and hazardous debris.
- “Soil” was defined in the rule as unconsolidated earthen material or a mixture of earth material with liquids, sludges, or solids that is inseparable by simple mechanical removal methods and is comprised primarily of soil. Deliberate mixing of HW with soil to change its treatment classification is not allowed.
- Debris is defined as solid material exceeding a 60-millimeter (mm) particle size that is intended for disposal and that is: (1) a manufactured object, (2) plant or animal matter, or (3) natural geologic material. Some materials, such as lead acid batteries and scrap metal, are not included in this definition. Debris that contains a listed HW or exhibits a HW characteristic is considered hazardous debris under RCRA and is subject to the LDRs.

References

- FR. 1998. Phase IV LDR Rule. 63 FR 28751. May 26.
- CFR. Universal Treatment Standards. 40 CFR 268.48.
- CFR. Alternate Treatment Standards for Contaminated Soil. 40 CFR 268.49.
- EPA. 2001. Land Disposal Requirements: Summary of Requirements. EPA 530-R-01-007. August.
- EPA. 2002. Guidance on Demonstrating Compliance with the LDR Alternative Soil Treatment Standards. EPA 530-R-02-003. July.



Alternative LDR Treatment Standards

- ❖ New treatability group – contaminated soil
 - 90% reduction in hazardous constituents, capped at 10 times Universal Treatment Standards (UTS)
 - Treatment required for underlying hazardous constituents (UHCs) present at 10 times the UTS
- ❖ New treatability group – hazardous debris
 - Specified technologies (extraction, destruction, immobilization)
 - Debris treated by extraction or destruction technologies is generally not subject to further RCRA Subtitle C Regulation

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Notes:

Purpose of Slide: Introduce concept of alternative LDR treatment standards applicable to contaminated soil.

Key Points

- Contaminated soil that exhibits a characteristic or contains a listed HW may meet either the soil LDR treatment standards or industrial waste treatment standards.
- The contaminated soil LDR treatment standards require a 90 percent reduction in hazardous constituents subject to treatment. However, that treatment does not have to reduce constituent concentrations to below 10 times the Universal Treatment Standards (UTS) for those constituents.
- Some characteristic HWs may require treatment of underlying hazardous constituents (UHCs) in addition to the property being treated (for example, corrosivity). UHCs are constituents that can be expected to be present in the waste at levels above applicable UTSs. Only UHCs that are present at concentrations greater than 10 times their respective UTSs must be treated.
- Hazardous debris must be treated for each “contaminant subject to treatment,” using the technology or technologies listed in the alternative treatment standards for hazardous debris in 40 CFR 268.45. The alternative treatment standards for hazardous debris list various extraction, destruction, and immobilization technologies. The extraction technologies include physical extraction technologies (abrasive blasting, grinding, scarification, spalling, vibratory finishing, or high pressure steam or water washing), chemical extraction technologies (water washing and spraying, liquid-phase solvent extraction, vapor-phase solvent extraction), and thermal extraction technologies (high temperature metals recovery thermal desorption). Destruction technologies include biological destruction, chemical destruction (chemical oxidation using specified reagents such as peroxides, chemical reduction using reducing agents such as sulfur dioxide), and thermal destruction (treatment in an RCRA-regulated incinerator or boiler or industrial furnace). Immobilization technologies include macroencapsulation, microencapsulation, and sealing.
- Hazardous debris must be treated using the alternative treatment standards for hazardous debris before being land disposed. RCRA provides a conditioned exclusion for debris treated using either the extraction or destruction technologies (for example, concrete that has been sandblasted). Under the exclusion, hazardous debris that has been treated by one of the technologies specified in the alternative treatment standards and that does not exhibit a characteristic of HW after treatment is not a HW and need not be managed in a permitted HW disposal facility. However, if hazardous debris contaminated with a listed waste is treated only by an immobilization technology specified in the alternative treatment standards, then that hazardous debris must still be managed in a Subtitle C facility.

References

- FR. 1998. Phase IV LDR Rule. 63 FR 28751. May 26.
- CFR. Universal Treatment Standards. 40 CFR 268.48.
- CFR. Alternate Treatment Standards for Contaminated Soil. 40 CFR 268.49.
- EPA. 2001. Land Disposal Requirements: Summary of Requirements. EPA 530-R-01-007. August.
- EPA. 2002. Guidance on Demonstrating Compliance with the LDR Alternative Soil Treatment Standards. EPA 530-R-02-003. July. FR. 1992.
- Alternative LDR Treatment Standards for Debris. 57 FR 37196.
- CFR. 40 CFR 268.45.



Alternative LDR Treatment Standards for Soil (Example)

- ❖ Contaminated soil is considered a hazardous waste subject to LDR with A-waste, concentration 100 mg/kg
- ❖ The Universal Treatment Standard for A-waste hazardous constituent is 2 mg/kg
- ❖ What is the LDR treatment standard for this hazardous remediation waste?
 - 90% reduction ($100 - .9 \times 100 = 10$ mg/kg)
 - capped at 10 x UTS ($10 \times 2\text{mg/kg} = 20$ mg/kg)

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Notes:

Purpose of Slide

- Illustrate concept of alternative LDR treatment standards applicable to contaminated soil using an example.

Key Points

- The instructor will review the example to illustrate LDR treatment standards for soil.

References

- FR. 1998. Phase IV LDR Rule. 63 FR 28751. May 26.
- CFR. Universal Treatment Standards. 40 CFR 268.48.
- CFR. Alternate Treatment Standards for Contaminated Soil. 40 CFR 268.49.
- EPA. 2001. Land Disposal Requirements: Summary of Requirements. EPA 530-R-01-007. August.
- EPA. 2002. Guidance on Demonstrating Compliance with the LDR Alternative Soil Treatment Standards. EPA 530-R-02-003. July. FR. 1992.
- CFR. Alternative LDR Treatment Standards for Debris. 57 FR 37196.
- CFR. 40 CFR 268.45.



Re-injection of Groundwater During Cleanups

- ❖ Re-injected groundwater exempt from LDRs if:
 - Groundwater treated before reinjection (either ex-situ or in-situ)
 - Cleanup protective of human health and the environment
 - Part of RCRA or CERCLA cleanup



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Module 9 - Managing Remediation Waste

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Notes:

Purpose of Slide: Review policies regarding the reinjection of groundwater during cleanups.

Key Points

- Underground injection of groundwater contaminated with HW frequently occurs as part of RCRA and CERCLA cleanups to facilitate groundwater remedies. For example, groundwater containing HW may be extracted, treated, and reinjected into an aquifer as part of a pump and treat remediation system.
- Section 3020 of RCRA addresses underground injection of HW in the context of RCRA and CERCLA cleanups. RCRA Section 3020(a) bans HW disposal by underground injection into, or above, a formation which contains an underground source of drinking water (within one-quarter mile of the well). RCRA Section 3020(b), however, exempts reinjection of treated contaminated groundwater from LDRs if certain conditions are met.
- Under EPA policy, reinjected groundwater is exempt from compliance with LDRs if: (1) it is treated before reinjection and the treatment is intended to “substantially reduce” hazardous constituents in the groundwater. The “substantial reduction” may occur either before or after reinjection; (2) the cleanup is protective of human health and the environment; and (3) the injection is part of RCRA or CERCLA cleanup under RCRA CA or CERCLA 104 or 106 actions.
- EPA interpreted Section 3020 in a December 27, 2000, memorandum. That document discusses the applicability of Section 3020 requirements to groundwater reinjection associated with in-situ groundwater bioremediation, chemical oxidation, and injection of other materials as follows:
 - Amending extracted contaminated groundwater with nutrients, microorganisms, chemical oxidants, or other treatment materials is consistent with the RCRA Section 3020 treatment requirement, as long as the extracted groundwater is amended (or otherwise treated) before reinjection, and as long as the treatment is intended to achieve a substantial reduction of hazardous constituents after reinjection (that is., nutrients or microorganisms are added to groundwater at the surface to assist treatment even if the reduction occurs later).
 - When a commercial chemical is injected into groundwater for in-situ treatment but no groundwater is withdrawn and reinjected, RCRA does not regulate or prohibit the material’s injection.

References

- Section 3020 of RCRA.
- EPA. 2000. Applicability of RCRA Section 3020 to In-Situ Treatment of Ground Water. December 27.
- EPA. 1998. Management of Remediation Wastes Under RCRA. October.



Other Regulatory Considerations

- ❖ Clean Water Act (CWA)
 - National Pollutant Discharge Elimination System
 - Section 404 and state rules for wetlands impacts
- ❖ Toxic Substances Control Act (TSCA) (slide follows)
- ❖ EPA's Contaminated Sediment Management Strategy
- ❖ Clean Air Act - Site Remediation Maximum Achievable Control Technology (MACT) Rule
- ❖ Endangered Species Act and related state rules
- ❖ Local rules and ordinances

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Module 9 - Managing Remediation Waste

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Notes:

Purpose of Slide: Discuss several other regulatory concerns associated with remediation waste management.

Key Points: Project managers should recognize that a number of regulatory programs other than RCRA can apply to CA effort.

- Superfund cleanups are exempted from obtaining permits to comply with other environmental regulations; however, RCRA CA cleanups are not. In planning RCRA CA cleanups, project managers should consider the timeframes and costs associated with obtaining the required environmental permits, such as National Pollutant Discharge Elimination System (NPDES) or Section 404 permits (for dredged spoils), applicable to their sites.
- PCBs released from electrical and other equipment may be present at RCRA facilities; where such contamination is identified in soil, both the TSCA and RCRA may apply to the remediation. TSCA regulations regarding cleanup and disposal options for PCB remediation waste are found at 40 CFR 761.61. The regulations establish three cleanup options for PCB remediation waste: self-implementing; performance-based disposal; and risk-based disposal. Clean up and disposal of PCBs performed under 40 CFR 761.61 is based on the concentration at which the PCBs are present. Under the RCRA LDR program, UTS have been established for PCBs (0.10 mg/L in wastewater and 10 mg/kg in non-wastewaters). PCBs may be considered UHCs in contaminated soil that exhibits a characteristic, and therefore, treatment may be necessary.
- EPA created a Contaminated Sediment Strategy to address the ecological and human health risks that contaminated sediment poses in many U.S. watersheds. The Strategy establishes four goals to manage the problem of contaminated sediment and describes actions the Agency intends to take to accomplish these goals. The goals are: (1) to control sources of sediment contamination and prevent the volume of contaminated sediment from increasing; (2) to reduce the volume of existing (in-place) contaminated sediment; (3) to ensure that sediment dredging and dredged material disposal are managed in an environmentally sound manner; and (4) to develop a range of scientifically sound sediment management tools for use in pollution prevention, source control, remediation and dredged material management.
- In 2003, EPA promulgated the Final National Emission Standard for Hazardous Air Pollutants ("NESHAP") for Site Remediation under 40 CFR Part 63, Subpart GGGGG, also known as the "Site Remediation MACT Rule." It establishes national emission standards for hazardous air pollutants ("HAPs") from remediation of contaminated environmental media, such as soils, groundwater, or surface water. The affected sources subject to control are: process vents, remediation material management units, and equipment leaks. Site remediation activities subject to the final MACT Rule are required to control emissions of 97 specific organic HAP compounds by meeting emissions limitations and work practice standards consistent with application of the MACT. If site remediation does not involve cleanup of materials containing the listed HAPs, then the site is not subject to the rule. The rule exempts emissions from site remediation when covered under CERCLA or RCRA CA programs because those programs require consideration of the same HAP emissions and the RCRA and CERCLA statutes apply more specifically to the remediation process than does MACT under the CAA and, unlike the CAA, authorize site specific means of dealing with remediation activities and their associated HAP emissions. The Final Rule does not apply to a site remediation to clean up leaking underground storage tanks located at a gasoline service station. The Final Rule does not apply to any site remediation conducted at a farm or residential site. Also, the Final Rule does not apply to site remediation conducted at a research and development facility that meets the requirements of CAA Section 112(c)(7). The Rule also exempts certain "short duration" cleanups, but it does not exempt cleanups conducted under alternative authorities, such as state voluntary programs. Under the short-term site remediation exemption, a site remediation at a facility subject to the Final Rule is not subject to the emissions limitations and work practice standards in the final NESHAP for Site Remediation if the site remediation can be completed within 30 consecutive calendar days (as determined from the day on which actual work begins at the site to physically clean up the remediation materials).
- Other potential regulatory requirements associated with protecting endangered species and with local rules and ordinances also should be considered.

References

- 1998. EPA's Contaminated Management Strategy, April. EPA 823-R-98-001.
- FR. 1998. Disposal of PCBs. Final Rule. 40 CFR Parts 750 and 761. 63 FR 35383. June 29.
- FR. 2000. Proposed Rule: Deferral of Phase IV LDRs for PCBs. 65 FR 7809. February 16.
- EPA. 2000. Environmental Fact Sheet on Proposed Deferral of Phase IV LDRs for PCBs as an Underlying Constituent in Soil. EPA 530-F-00-008. February
- FR. 2003. Volume 68, No. 195. 40 CFR Part 63, Subpart GGGGG. National Emission Standards for Hazardous Air Pollutants: Site Remediation; Final Rule. October 8.
- CFR. 40 CFR 761.61.



Regulation of PCB Wastes

- ❖ TSCA – 1976 – PCBs were banned except for “totally enclosed uses”, such as transformers, capacitors, vacuum pumps and hydraulic fluids
- ❖ Disposal Options include:
 - PCB Remediation Waste (40 CFR 761.61)
 - a. Self-implementing Approach
 - b. Performance-based Approach
 - c. Risk-based Approach
 - PCB Bulk Product Waste (40 CFR 761.2)
 - a. Performance-based Approach
 - b. Solid Waste Landfill
 - c. Risk-based Approach
 - d. Daily Landfill Cover or Road Bed

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Module 9 - Managing Remediation Waste

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Notes:

Purpose of Slide: Describe the law and regulations for the management, disposal and remediation of PCBs.

Speaker Key Points

- TSCA Section 6(e) was enacted in 1976 and required EPA to regulate PCBs.
- The TSCA PCB regulations (40 CFR Part 761) place prohibitions on the manufacture, processing, distribution in commerce, use, and disposal of PCBs and PCB items.
- PCB regulations include owners and/or operators of PCB-contaminated property where the PCB contamination exceeds allowable concentrations under the regulations.
- TSCA authority is only delegated to EPA regions. It can not be delegated to states.
- At the EPA Headquarters level, the use of PCBs is handled under the Office of Pollution Prevention and Toxic Substances (OPPTS), while cleanup and disposal of PCBs are handled by the Office of Resource Conservation and Recovery.
- “PCB Remediation Waste” is waste containing PCBs as a result of a spill, release, or other unauthorized disposal if:
 - Disposed prior to April 18, 1978, and with PCBs currently present at ≥ 50 parts per million (ppm);
 - Original PCB source ≥ 500 ppm beginning on April 18, 1978, and currently any concentration (≥ 1 ppm);
 - Original PCB source ≥ 50 ppm beginning on July 2, 1979, and currently any concentration (≥ 1 ppm); and
 - Any concentration of PCBs, if from an unauthorized source.
- “PCB Bulk Product Waste” is waste containing PCBs if the waste is derived from manufactured products containing PCBs in a non-liquid state, at any concentration where the PCB concentration at the time of designation for disposal was ≥ 50 ppm PCBs.

References

- EPA. Toxic Substances Control Act (TSCA) Regulations, Section 6(e).
- 40 CFR 761 (PCB Regulations). PCB Manufacturing, Processing, Distribution Commerce and Use Prohibitions.
- EPA PCB Web Site. Accessed On-line at: <http://www.epa.gov/epaoswer/hazwaste/pcbs/index.htm>.
- Toxic Substances Control Act (15 USC 2605(e)).



Summary of Module

- ❖ Range of regulations and guidance address management of remediation waste
- ❖ Other regulations also can apply to RCRA CA
- ❖ Understand requirements and plan ahead



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Module 9 - Managing Remediation Waste

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Notes:

Purpose of Slide

- Summarize the key take home points associated with Module 9, Managing Remediation Waste.

Key Points

- Remediation wastes will be generated during CA.
- Planning for management of these wastes should be integrated into CA planning.
- Project managers should be familiar with the regulations and polices/guidance for remediation waste management. These allow flexibility in managing remediation waste.
- In considering remediation waste management, understand the regulations and plan ahead to apply the best approach for your site, while ensuring wastes are properly managed.

References

- None.



**RCRA Corrective Action Training
Program: Getting to YES!**
Strategies for Meeting the 2020 Vision



This training and training documents do not create any legally binding requirements on the U.S. Environmental Protection Agency (EPA), states, or the regulated community, and do not create any right or benefit, substantive or procedural. The training and documentation are not a complete representation of the Resource Conservation and Recovery Act or of EPA's regulations and views.



November 2009 Module 10 – CA Optimization Tools and Challenge Exercise 1

Notes:

Purpose of Slide

- Holder slide for Module 10, Corrective Action (CA) Optimization Tools and Challenge Exercise.

Key Points

- This is a holder slide. No specific key points.

References

- None.



Module 10

Corrective Action Optimization Tools and Challenge Exercise

November 2009 Module 10 - CA Optimization Tools and Challenge Exercise 2

Notes:

Purpose of Slide

- Holder slide for Module 10, CA Optimization Tools and Challenge Exercise.

Key Points

- This is a holder slide. No specific key points.

References

- None.



Module Overview

- ❖ Review concepts covered in Modules 1 through 9
- ❖ Provide a summary reference of approaches and tools
- ❖ Review and discuss these concepts – share ideas and examples of group



November 2009 Module 10 - CA Optimization Tools and Challenge Exercise 3

Notes:

Purpose of Slide

- Provide overview of Module 10, which includes a handout and discussion exercise.

Key Points

- As a break from lecture and PowerPoint overload, we will have an interactive, hand out-based discussion.
- This module provides an opportunity to review and share practical approaches and tools for corrective action (CA).
- The instructor will hand out a Menu of CA Optimization Tools developed for the training course from a variety of information sources. This menu highlights some of the practical approaches discussed in this course.
- The goal is to discuss the currently listed approaches and add more approaches as the course is delivered in each Region.

References

- None.



Challenge Exercise

- ❖ Which tools are you:
 - Currently using?
 - Intend to use?
 - Would like to use but can't?
- ❖ What are the potential obstacles or limitations:
 - Legal / regulatory?
 - Policy?
 - Technical or resources?

November 2009

Module 10 - CA Optimization Tools and Challenge Exercise

4

Notes:

Purpose of Slide

- Provide guide to exercise.

Key Points

- The instructor will provide direction for this exercise.

References

- None.



Optimization Tool	Currently Used	Intend to Use	Would Like to Use, But	Obstacles		
				Legal/Regulatory	Policy	Technical or Resource
<i>Regulatory approach</i>						
Performance-based permit	√	√				
Facility-lead agreement		√				
Parcel Transfer		√				

November 2009 Module 10 - CA Optimization Tools and Challenge Exercise 5

Notes:

Purpose of Slide

- Overview information to support the exercise.

Key Points

- The instructor will provide direction for this exercise.

References

- None.



Summary

- ❖ Concepts discussed to date can be applied using a variety of practical approaches and streamlining tools.
- ❖ Tools and resources are available to support implementation of these concepts.
- ❖ To GET TO YES, focus on progress rather than process.

November 2009

Module 10 - CA Optimization Tools and Challenge Exercise

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Notes:

Purpose of Slide

- Summarize the module.

Key Points

- Review the key points discussed or reiterated in this module.

References

- None.



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Program: Getting to YES!**
Strategies for Meeting the 2020 Vision



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November 2009 Module 11 – Maintaining Effective Remedy Performance 1

Notes:Purpose of Slide

- Holder slide for Module 11, Maintaining Effective Remedy Performance.

Key Points

- This is a holder slide. No specific key points.

References

- None.



Module 11

Maintaining Effective Remedy Performance

November 2009 Module 11 – Maintaining Effective Remedy Performance 2

Notes:

Purpose of Slide

- Holder slide for Module 11, Maintaining Effective Remedy Performance

Key Points

- This is a holder slide. No specific key points.

References

- None.



Module Overview

- ❖ Remedy Construction Definition
- ❖ Facility and Agency Roles during remediation
- ❖ Remedial System Optimization
- ❖ Maintaining Engineering and Institutional Controls
- ❖ Effective Reporting

November 2009

Module 11 – Maintaining Effective Remedy Performance

3

Notes:

Purpose of Slide

- Provide an overview of Module 11, Maintaining Effective Remedy Performance.

Key Points

- We covered the remedy decision determination (CA 400) in Module 7. In this module, we will review the Remedy Construction determination (CA 550) and then focus on long-term operation and oversight of remedies.
- The greatest facility expenditures and most significant environmental benefits often occur during operation and maintenance of the remedy. It is important that the relationship between the facility and regulatory agency be maintained throughout operation so that decisions can be made and implemented efficiently. A remedial system may operate for months, years, decades, or possibly even centuries (recall our Casper, WY example, where cleanup is anticipated to take 400 years). The facility is responsible for properly operating the system; the agency can help make operations run efficiently by working with the facility to establish clear performance standards, allowing flexible sampling, and accepting streamlined reports. A results-based approach during remedy operations is most effective and we will discuss examples of what this means.
- Remedial system optimization means evaluating system performance in terms of progress toward meeting goals and cost effectiveness. Optimization occurs at multiple levels. There is a continuous aspect of optimization during regular performance evaluations (for example, monthly maintenance visits or semiannual sampling events), but there is also a formal optimization process that occurs less frequently known as Remedial System Evaluation; we will discuss both in this module.
- It is important that the engineering control (EC) and institutional control (IC) components of the remedy are maintained and monitored during the remedy performance phase of CA. This responsibility falls on both the facility and the regulatory agency.
- We will also discuss effective reporting approaches that provide the regulatory agency with appropriate information to perform its oversight responsibilities. These reports can include meetings, teleconferences, e-mails, letters, and reports. Effective reporting focuses on providing the right information to support progress, in a clear, succinct, and usable format.

References

- None.



Remedy Construction Defined

- ❖ **Remedy Constructed (RC):**
 - Construction is complete
 - Remedy is fully functional
- ❖ **No Remedy Constructed (NR):**
 - CA already complete
 - No construction necessary

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Notes:

Purpose of Slide

- Review the Remedy Construction event code (CA550) and definition. This code is also discussed in Modules 2 and 7.

Key Points

- The Remedy Construction milestone is achieved when construction of a facility's remedy is complete and the remedy is fully functional as designed, whether or not final cleanup criteria or other requirements have been achieved.
- The Remedy Construction milestone may also be achieved if construction is not needed to meet the remedial goals.
- The RCRA Code 550 applies when: (1) construction of the remedy(ies) have been completed (RCRA Event Code RC), or (2) the Remedy Decision or other appropriate decision document indicates that no physical construction of a remedy is needed (RCRA Event Code NR).
 - RC – Remedy Constructed. This status code applies after the actual date of the CA 400 - Remedy Decision when either: (1) all necessary physical construction of the last corrective measure has been completed and all remedial systems are fully functional as designed, whether or not final cleanup levels or other requirements have been achieved, or (2) all necessary physical construction and all remedial systems are fully functional as designed as a result of actions prior to the actual date of the CA 400 Remedy Decision, whether or not final cleanup levels or other requirements have been achieved.
 - NR – No Remedy Constructed. This status code applies on the actual date of the CA 400 Remedy Decision if no physical construction of a remedy has been needed since site characterization activities began.
- Remedy Construction for remedies that address the entire facility (including off-site migration of contaminants) should be linked to the "Entire Facility" area. Phased or partial remedies are to be attached to specific areas of implementation and not to the "Entire Facility" area.

References

- EPA. 2005. Permitting and Corrective Action (PCA) Program Area Analysis (PAA) Report: Appendix D, National Details for Corrective Action Event Codes. Final Report. Win/Informed Executive Steering Committee. July 28.



Documenting Remedy Construction Decision

- ❖ Options
 - Letter or memorandum
 - Decision document
- ❖ Getting to the remedy – not the event code
 - is what counts!

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Notes:

Purpose of Slide

- Explain the process of documenting Remedy Construction.

Key Points

- Options for documentation include a letter or memorandum to the facility or the file or a decision document. To receive recognition for Remedy Constructed as a facility accomplishment, the overseeing agency should provide either: (1) a document (for example, letter to facility, memorandum to file, etc.) confirming the completed construction of the final remedy or (2) an appropriate decision document prepared to indicate that no further remedy is needed.
- Getting to the remedy is the goal. The event code tracks that the goal is being achieved.

References

- EPA. 2005. Permitting and Corrective Action (PCA) Program Area Analysis (PAA) Report: Appendix D, National Details for Corrective Action Event Codes. Final Report. Win/Informed Executive Steering Committee. July 28.

 <h2 style="text-align: center;">Facility and Agency Roles in Perspective</h2>				
	Regulatory Mechanism Negotiation	Assessment and Interim Measures	Remedy Selection/ Construction	Remedy Operation
Agency Staff Time				
Facility Costs	\$\$\$	\$\$\$\$\$\$	\$\$\$\$\$\$\$\$ \$\$\$\$	\$\$\$\$\$\$\$\$ \$\$\$\$\$\$\$\$
Public Participation				
Human Health & Environmental Benefit				
November 2009 Module 11 – Maintaining Effective Remedy Performance 6				

Notes:

Purpose of Slide

- Remember, although we may think of the most intense regulatory involvement as occurring during assessment and interim measures, the greatest facility expenditures and most significant environmental benefits often occur during remedy operation. Therefore, it is important that the relationship between the facility and regulatory agency be maintained throughout operation so that decisions can be made and implemented efficiently.

Key Points

- This slide was shown in an earlier module; we will review it here – focusing on the Remedy Operation column.
- The regulatory agency and the facility should work together to streamline activities during remedy operation. This can be accomplished through:
 - Regular, but not overly burdensome, communications;
 - Self-implementing decisions, that is, remedial decisions can be made by the facility without the need for agency approval because clear performance standards have been established. Examples of these types of decisions will be provided in slides to follow; and
 - Streamlined reporting.

References

- None.



Results-based Concepts:

- ❖ Tailored Oversight
- ❖ Targeted Data Collection
- ❖ Performance Criteria

The benefits of implementing these concepts during cleanup are faster results and resource savings to the agency and the facility

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Notes:

Purpose of Slide

- Reiterate the major concepts of results-based CA and the importance of this approach during remedy operation.

Key Points

- These slides provide a refresher on the concepts associated with results-based CA that were discussed in previous modules. For example, facility oversight should be tailored based on facility-specific factors such as the facility's past track record, capabilities, level of trust, and other factors.
- The benefits of these concepts include:
 - A focus on goals, rather than a predetermined process;
 - Results that are generally achieved more quickly; and
 - Resource savings to both the facility and the regulatory agency by focusing scarce oversight resources on the most important problems.
- The next set of slides explains facility responsibilities for operating a remedy efficiently and cost effectively and the regulatory agency's responsibilities for providing reasonable oversight. Without the ability to make operational decisions, the facility cannot operate the remedy efficiently or cost effectively. Similarly, the agency needs appropriate information to perform oversight of remedy implementation.

References

- None.



Targeted Data Collection

- ❖ Sampling Frequency
 - Site-specific factors should dictate
- ❖ Analytical Tests
 - Focus on chemicals of concern
- ❖ Sampling Locations
 - May change over time, as cleanup occurs

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Notes:

Purpose of Slide

- Site monitoring is required to ensure that the long-term objectives of containment and cleanup are on track, where contamination is left in place and remedial goals have not been met. Targeted data collection will reduce resource needs (time, money) without sacrificing data quality, and will provide quicker understanding of system performance.

Key Points

- Sampling should focus on the locations, frequency, and parameters that are necessary to evaluate the system performance.
 - Are concentrations in monitoring wells declining over time?
 - Are anaerobic conditions maintained for biological activity?
- It may not be necessary to sample all wells during all sampling events. For instance, if the estimated cleanup time is many years, then annual or biannual sampling for monitoring wells in the center of the plume may be sufficient.
- Lab analyses for plume delineation should focus on chemicals of concern. Some additional analyses may need to be run for performance evaluation. For instance, geochemical parameters may be necessary when bioremediation is utilized, or additional parameters may need to be sampled to verify compliance with discharge permits.
- Monitoring well locations should serve a purpose, such as:
 - Demonstrate progress toward meeting groundwater cleanup goals (cleanup); or
 - Ensure that the plume is not expanding or moving off-site (containment).
- Appropriate locations for wells may change over time. For instance, as plumes reduce in size, it may be possible to stop sampling and even abandon wells where concentrations meet cleanup criteria. The next several slides will show how the agency and facility can work together to establish self-implementing approaches for sampling.

References

- None.



Performance Criteria



- ❖ A facility has multiple recovery wells and treatment systems
- ❖ The RCRA permit requires agency approval to shut down recovery wells and treatment systems after cleanup criteria are met

(continued)

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Notes:

Purpose of Slide

- Illustrate the usefulness of establishing performance criteria that allow remedial system optimization.

Key Points

- This is a real-world example. A facility has multiple recovery wells and treatment systems.
- The facility cannot automatically shut down recovery wells when cleanup criteria are met; the RCRA permit requires that the facility request agency approval to shut down recovery wells once cleanup criteria are met.

References

- None.



Example of Cost Associated with Timing



The facility requests agency approval to shut down a recovery well; assume the agency approves this request 8 months later.

- ❖ Cost of approval step:
 - \$15,000/yr X 2/3 yr = \$10,000 operational cost to facility
- ❖ Environmental benefit of approval step:
 - None; the facility has been treating clean water

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Notes:

Purpose of Slide

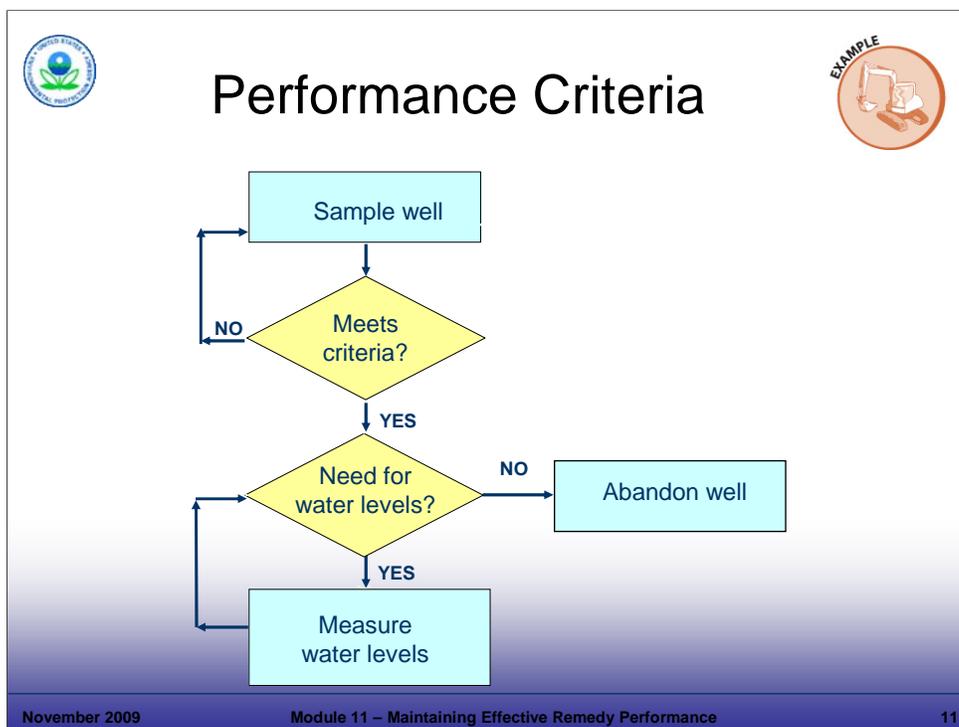
- Example continued.

Key Points

- If we assume that the request to the agency takes 8 months to process, and the cost of operating the recovery well and treatment system is \$15,000 per year, then the 8 months waiting period before agency approval could cost the facility \$10,000 in operational costs, with little or no environmental benefit.
- If a permit or agreement for CA is established with clear performance standards, such as when a well can be shut down, the burden for agency review and approval and the cost to the facility while waiting could be avoided. The environmental outcome is the same.

References

- None.



Notes:

Purpose of Slide

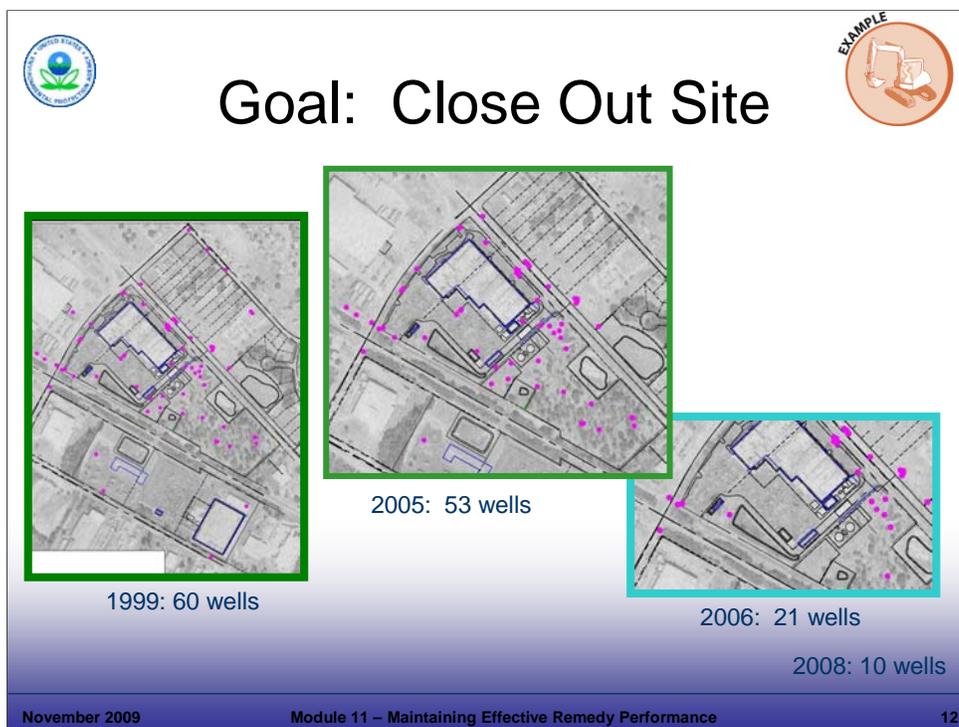
- Show a decision flow chart (which is simplified for illustration purposes) developed cooperatively by a facility and state agency, so that monitoring decisions can be made without the requirement for separate approvals, based on performance criteria.

Key Points

- The subject facility samples for chemicals of concern, and must meet cleanup criteria for "X" rounds before considering well abandonment. "X" would be agreed upon by the regulatory authority and the facility. (There are some details not shown on this slide, such as sampling frequency and cleanup criteria that are in the expanded version of the flowchart).
- If the samples are below cleanup criteria for "X" rounds, then the facility must determine if the well is needed for water levels – if not, it can be abandoned.
- This type of streamlined decision-making approach could be adopted for multiple aspects of CA (for example, including when recovery wells can be shut down, relating to the previous example).

References

- None.



Notes:

Purpose of Slide

- Show how a decision flow chart streamlined decisions and actions at the subject facility.

Key Points

- The facility was moving successfully toward meeting cleanup criteria and set a goal of achieving CA complete without controls by 2008.
- In 1999, there were 60 monitoring wells, represented by the pink dots. Six years later, there were 53 monitoring wells – well abandonment decisions required an arduous decision-making process among the parties.
- The agency and facility realized that a streamlined decision-making process relating to well abandonment could be developed – hence, the flowchart.
- Between 2005 and 2006, 32 wells were abandoned using the flowchart approach.
- The point is that up-front planning and creativity can achieve success and maintain momentum toward achieving cleanup goals.

References

- None.



Remedial System Optimization

- ❖ Systematic evaluation of technologies:
 - Remedy performance
 - Cost effectiveness
- ❖ Considers technological advances
- ❖ Leads to system modifications/technology changes
- ❖ Regulatory mechanism should allow efficient implementation

November 2009 Module 11 – Maintaining Effective Remedy Performance 13

Notes:

Purpose of Slide

- Introduce the concept of remedial system optimization to improve remedial system performance and cost efficiency.

Key Points

- Once a selected technology has been operating for a period of time (generally a few years), it is usually prudent to perform a Remedial System Evaluation (RSE), also known as Remedial System Optimization (RSO). Site conditions change over time, and remedial systems should reflect the changes.
- Technological advances in remediation are being made continuously. Optimization studies open the door to consider new technologies, sampling methods, and other improvements.
- RSEs generally lead to system modifications that improve performance and reduce overall costs. The agency and facility should work together to allow changes to take place.

References

- EPA. 2001. Groundwater Pump and Treat Systems: Summary of Selected Cost and Performance Information at Superfund-financed Sites. EPA 542-R-01-021b. December.
- EPA. 2005. Roadmap to long-Term Monitoring Optimization. EPA-542-R-05-003. May.
- EPA. 2002. Pilot Project to Optimize Superfund-financed Pump and Treat Systems: Summary Report and Lessons Learned. EPA 542-R-02-008a.
- EPA. 2002. Elements for Effective Management of Operating Pump and Treat Systems. EPA 542-R-02-009.
- EPA. 2005. Cost-Effective Design of Pump and Treat Systems. EPA-542-R-05-008. April.



Site Changes Drive Optimization

- ❖ Contaminant concentrations
- ❖ Hydraulic recovery
- ❖ Zones of influence not as expected
- ❖ Source areas delineated and removed
- ❖ Natural degradation occurring

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Notes:

Purpose of Slide

- Discuss the reasons why optimizing remedial systems is important, particularly for those systems that operate for long periods of time or lead to dramatic changes in site conditions. Discussion applies mostly to groundwater.

Key Points

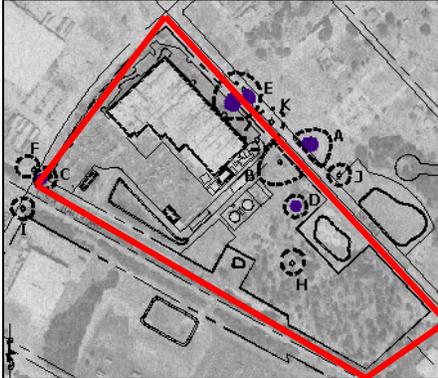
- Site conditions can change over long or short periods of time. For instance, an air sparging unit may achieve rapid reductions in contaminant levels. If the system is modular, sections can be turned off and/or moved to optimize contaminant removal. Site changes that can drive optimization include:
 - Typically contaminant levels (and plume dimensions) decline after years of treatment. Systems and components can be modified, adjusted, consolidated, or even eliminated to reduce operating costs because of reduced treatment needs.
 - In the case of P&T, hydraulic capture needs change with time. Some recovery wells may no longer be required or may need to be modified to perform effectively. Recovery efficiency also declines with time as wells foul and pumps wear out.
 - Sometimes we discover that zones of influence for air sparge or P&T units are not as expected due to unknown geological conditions. Modifications – additions or deletions – may improve the efficiency.
 - Source areas may not be well delineated initially or may change with time. The removal of a large contaminant mass will also change site needs for further remediation work.
 - Natural degradation may change the geometry or chemistry of a plume.
- Optimization is an approach that can be used to efficiently respond to changes as they occur over time.

References

- None.



Adding Technologies: Air Sparge




- ❖ Initially one large plume; successful P&T reduced size, then progress stalled
- ❖ Air sparge unit added as a polishing step



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Notes:

Purpose of Slide

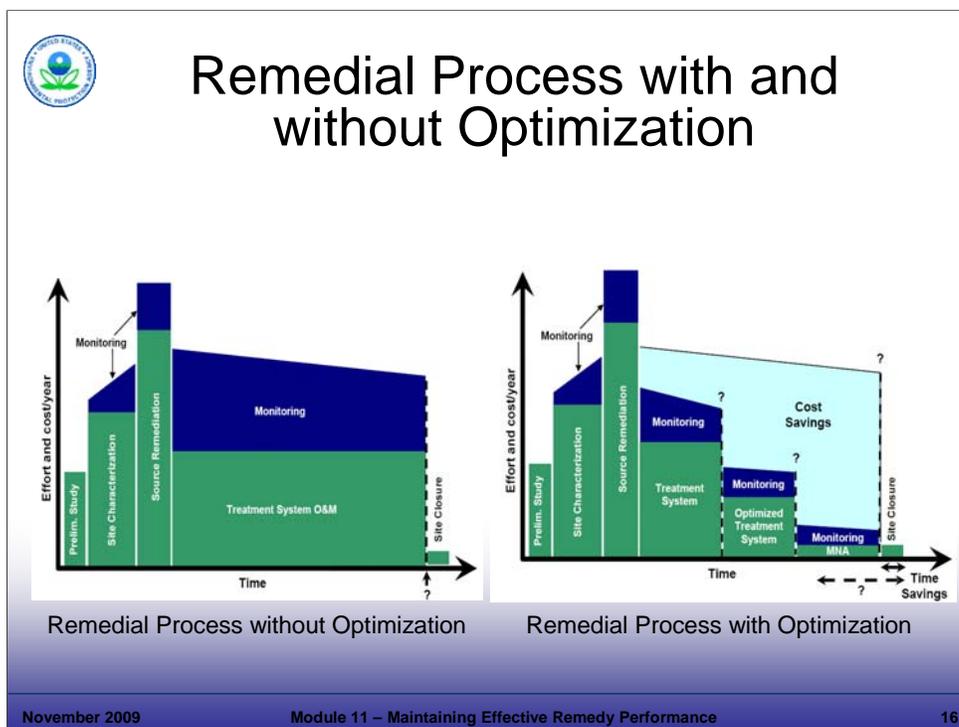
- Describe an example of a remedial technology that was very effective in the early- and mid-stages of remediation. However, progress towards cleanup goals stalled as the concentrations of contaminants (chlorinated ethenes) in groundwater approached maximum contaminant levels (MCLs). (The significant metric is time versus concentration).

Key Points

- In the late 1980s, there was one large plume covering about 1/3 of the site.
- The Exit Strategy called for meeting MCLs, given the facility's location near residences and public water supply wells. No ICs would be used.
- A P&T system was installed, and the plume was reduced to a few "pockets" where groundwater continues to exceed MCLs.
- An RSE was conducted, and air sparging was selected as the final polishing step. A portable unit was constructed and moved from one target location to the next. Since 2005, three "pockets" have been eliminated.
- The facility has performance-based permits, so permit modifications were not necessary to implement the additional technology. During an earlier permit renewal, the facility and agency had incorporated multiple remedial technologies as options for use at the site. Therefore, when the decision to implement a polishing step was made, it could be implemented without a permit modification. Financial assurance obligations actually decreased because the life-cycle cleanup cost estimate decreased with the addition of the air sparge unit (estimated time to cleanup was reduced).
- Estimated savings from implementing this polishing step are \$1.4 million over 8 years. Most of the savings are on the back-end, meaning that cleanup criteria are achieved earlier than they would be if the facility continued with P&T.
- This illustrates one of the guiding principles of this course – that a remedy can change, even if it was designed properly and operated effectively.

References

- None.



Notes:

Purpose of Slide

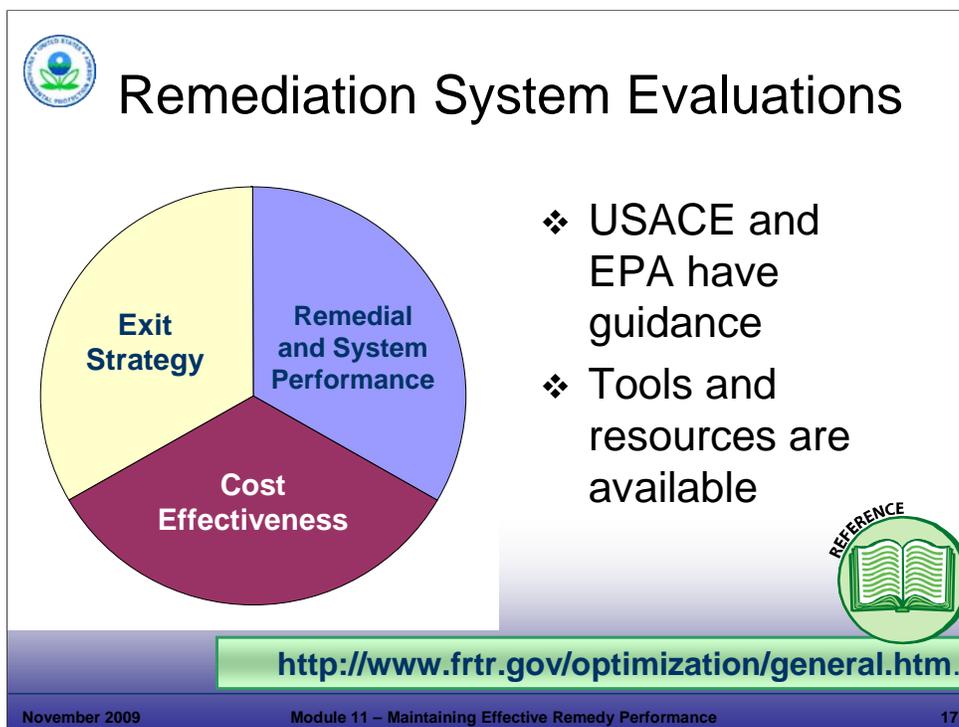
- Review Remedial Process Optimization (similar to RSO and RSE, but focusing on the entire remedial process (including monitoring approaches) to support efficiency in site remediation.

Key Points

- The figure on the left shows the traditional linear approach to site investigation and remediation, without process optimization. In this process, the effort proceeds from characterization to source remediation with on-going monitoring but without reviews for optimization and associated system modifications.
- As the project matures, most of the resources are spent on O&M and monitoring and, for most sites, the project duration is unknown.
- The figure on the right shows a non-linear remediation paradigm, when remediation process optimization steps are implemented.
- Under this approach, site and treatment system metrics are systematically evaluated in order to improve both system operation efficiency and cleanup efficiency.
- The result is a shorter cleanup time, lower cost, and improved predictability.

References

- ITRC. 2004. Remediation Process Optimization: Identifying Opportunities for Enhanced and More Efficient Site Remediation.



The diagram is a circular pie chart divided into three equal segments. The top-left segment is yellow and labeled 'Exit Strategy'. The top-right segment is blue and labeled 'Remedial and System Performance'. The bottom segment is maroon and labeled 'Cost Effectiveness'. To the right of the pie chart, there are two bullet points: '❖ USACE and EPA have guidance' and '❖ Tools and resources are available'. Below the pie chart, there is a green box containing the URL 'http://www.frtr.gov/optimization/general.htm'. In the bottom right corner of the slide, there is a circular icon with an open book and the word 'REFERENCE' written around it. The slide footer includes the date 'November 2009', the title 'Module 11 – Maintaining Effective Remedy Performance', and the page number '17'.

Remediation System Evaluations

- ❖ USACE and EPA have guidance
- ❖ Tools and resources are available

<http://www.frtr.gov/optimization/general.htm>

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Notes:

Purpose of Slide:

- Discuss the formal optimization process developed by the U.S. Army Corps of Engineers (USACE) and used by EPA. This is not an activity that the regulatory agency would undertake during RCRA CA. However, understanding the process is helpful because the process leads to system modifications, which the agency generally needs to approve.

Key Points

- A formal RSE process grew out of a need to better use limited resources and reduce costs. More formalized approaches began in 1999 with the USACE and expanded through 2003 with the EPA.
- The initial focus was on P&T systems – 89% of EPA fund-led sites were P&T only; 6% were P&T plus an in situ technology.
- The formal process is known as RSE or can be called RSO. Within the context of this course, RSE and RSO are equivalent. The three key areas of evaluation and optimization are discussed below.
- The Exit Strategy is reviewed for completeness: goals and milestones should be clear (for example, starting with the end in mind). As we learned in earlier modules, the Exit Strategy impacts how and when technologies are implemented.
- Remedial and system performance are evaluated, including: (1) progress toward meeting cleanup goals; (2) degree to which a system component is meeting design expectations; and (3) operational history.
- Cost effectiveness is evaluated, including: labor needs, fuel requirements, life-cycle costs, and disposal costs.
- Each of these items will be discussed on the following slides. Resources available to support these efforts are listed below and include websites, guidance, and case studies.

References

- USACE. Web Site. USACE Remediation System Evaluation (RSE) Checklists. Accessed On-line at: <http://www.frtr.gov/optimization/general/methods.htm>.
- Interstate Technology and Regulatory Council (ITRC). 2004. Remediation Process Optimization: Identifying Opportunities for Enhanced and More Efficient Site Remediation (RPO-1). September.
- Federal Technologies Remediation Roundtable (FRTR). Web Site. Remediation System Optimization General Web Page. Accessed On-line at: <http://www.frtr.gov/optimization/general.htm>.
- EPA. 2000. USEPA Superfund Reform Strategy, Implementation Memorandum: Optimization of Fund-lead Ground Water Pump and Treat (P&T) Systems. OSWER 9283.1-13. Signed October 31.



Exit Strategy Considerations

- ❖ Continued use or revitalization (residential or industrial?)
- ❖ Cleanup timeframe, including milestones
- ❖ Cleanup criteria (soil, groundwater)
- ❖ Are cleanup goals the same for the entire facility?

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Notes:

Purpose of Slide

- To optimize a remedial system, it is important to understand the facility's goals. These are expressed through the facility's Exit Strategy.

Key Points

- The RSE should involve *reviewing* the Exit Strategy.
- In evaluating the effectiveness of a remedial system, progress is compared to cleanup goals (remember: goals were discussed in a previous module – goals are the what, where, when of CA). And cleanup goals are established based on the facility's planned uses.
- The cleanup timeframe affects an engineer's view of remediation effectiveness. For instance, if a facility will continue with its current use, there are no exposures, and a plume is not expanding, it may not be as important to show rapid progress toward meeting cleanup levels. It is important to compare progress to milestones, however.
- Understanding the final (or intermediate) cleanup criteria is important in evaluating progress toward meeting those goals.
- Similarly, it is important for the reviewing engineer to be familiar with where cleanup criteria apply (for instance, industrial soil criteria may apply on a part of a facility under continued use, but residential soil criteria may be necessary for parcels that will be sold for unrestricted use).

References

- None.



Remedial and System Performance

- ❖ Site Remedial Effectiveness
 - Concentrations in groundwater decreasing?
 - Plume contained?
- ❖ Treatment System Effectiveness
 - Meeting design expectations?
 - Maintenance issues such as biofouling?
- ❖ Should new technologies be introduced?

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Notes:

Purpose of Slide

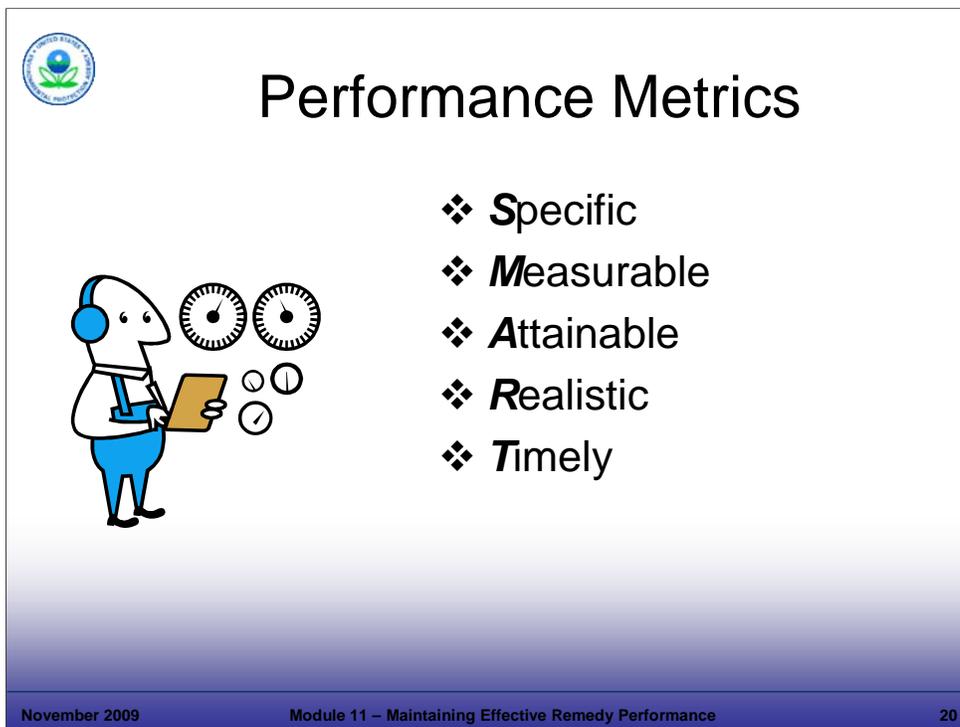
- Discuss the second component of RSEs, evaluation of site remedial effectiveness and treatment system effectiveness.

Key Points

- Site remedial effectiveness is a big-picture look at how well the chosen technology is progressing and meeting milestones. Look at concentration versus time – graph the results and look at the rate of change (slope).
- In the case of P&T systems, capture zones should be reviewed through routine water level measurements and construction of groundwater contour maps to show flow patterns. This information is used to determine if containment is achieved.
- Treatment system effectiveness is a detailed look at whether or not the system meets design requirements (for example, effluent discharge limits or flow rates) and operates efficiently.
- An RSE might identify declining system performance (such as, decreasing flow rates) and recommend system modifications to improve flow rates (such as, more frequent maintenance).
- Contaminant concentrations and flow rates should be used to calculate mass removal rates over time (for example, pounds of volatile organic compounds (VOCs) per month). This is a good metric for system effectiveness.
- The evaluation of site and system effectiveness may lead to a conclusion that different or supplemental technologies should be considered. Complex sites generally may require multiple technologies.

References

- None.



The slide features a circular logo in the top left corner with the text 'RCRA CORRECTIVE ACTION TRAINING PROGRAM' and 'GETTING TO YES!'. The main title is 'Performance Metrics'. To the left of the text is a cartoon illustration of a person wearing a headset and holding a tablet, with several gears floating around them. To the right of the illustration is a list of five performance metrics, each preceded by a blue diamond symbol. The footer of the slide contains the text 'November 2009', 'Module 11 – Maintaining Effective Remedy Performance', and '20'.

Performance Metrics

- ❖ **Specific**
- ❖ **Measurable**
- ❖ **Attainable**
- ❖ **Realistic**
- ❖ **Timely**

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Notes:

Purpose of Slide

- Introduce the concept of performance metrics.

Key Points

- Site and remedial system effectiveness is evaluated against performance metrics.
- In addition to *evaluating* effectiveness, performance metrics should provide information for *improving* effectiveness.
- Metrics should be:
 - **Specific** to avoid ambiguity or misunderstanding;
 - **Measurable** so they can be quantified and compared to standards;
 - **Attainable** because they are reasonable and achievable;
 - **Realistic** because they are possible and cost effective; and
 - **Timely** because they can be achieved in the required time frame.

References

- None.



Examples of Performance Metrics

- ❖ Treatment System
 - % Removal
 - Rate of Removal (Mass / Time)
 - Energy Consumption / Mass Removal
 - Unit Cost / Mass Removal
 - % Utilization (actual versus available)
- ❖ Site Control
 - Hydraulic control
 - Groundwater quality trends

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Notes:

Purpose of Slide

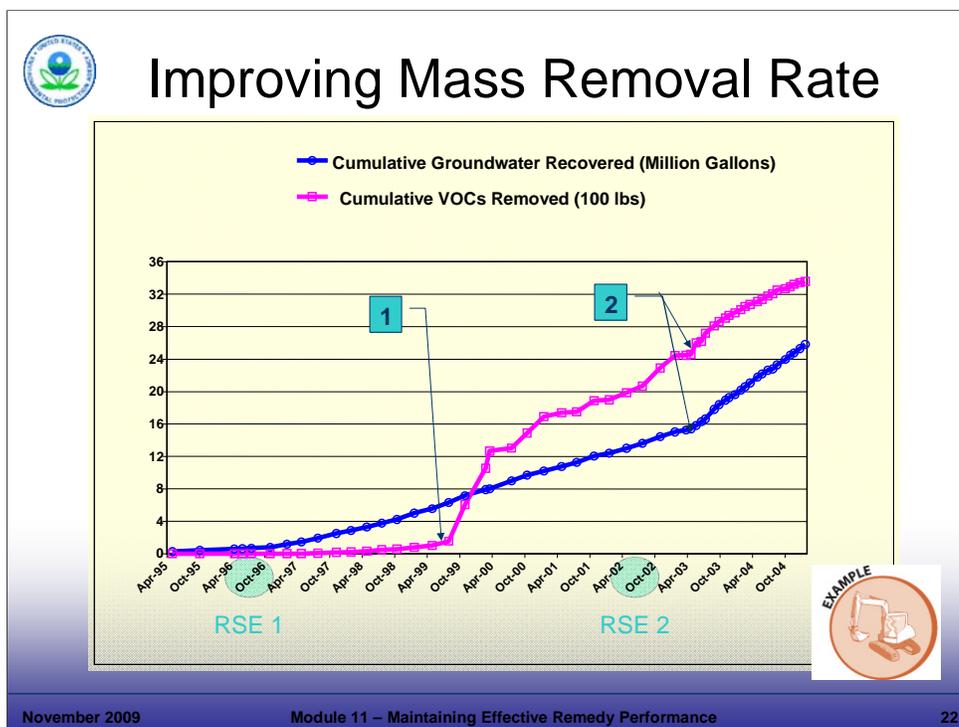
- Discuss examples of performance metrics.

Key Points

- This slide provides examples of the types of calculations that are made to evaluate system effectiveness. Calculated values are compared to reasonably expected values or are used in trend analysis. Developing spreadsheet templates is an effective means to perform calculations and present results. Tables, graphs, and other visual comparisons against baseline data or standards also are useful.
 - Treatment system metrics include the following:
 - % Removal – This refers to treatment system effectiveness. This metric can be tracked with influent/effluent data and is generally reported to the agency.
 - Rate of removal – Concentrations over time or rate of mass removal over time are common metrics used in evaluating treatment system effectiveness. Absolute values and trends can suggest a variety of conclusions:
 - If mass removal is decreasing over time, the reason can be insufficient maintenance (for example, iron fouling) or successful operation (that is., the mass in the aquifer has significantly diminished). In the latter case, there may be a point where the data indicate that a new technology may be needed as a polishing step.
 - Concentrations not decreasing with time might indicate that the wrong technology was selected, or an unknown source is present.
 - Energy Consumption or Unit Cost per Mass Removed – These metrics generally increase with time when system optimization does not occur. For instance, if a pump and treat (P&T) system is effective in removing the area of highest concentration, but equipment usage and energy costs are not streamlined, then the cost per unit of mass removed would increase.
 - % Utilization – This tracks the amount of time systems are operating compared to available time. Systems that are down frequently are generally not efficient or effective.
 - Site Control – These metrics relate to the effectiveness of the treatment system in meeting cleanup objectives. Plume containment (hydraulic control) and contamination reduction (groundwater quality trends) are two primary metrics related to site control.

References

- None.



Notes:

Purpose of Slide

- Discuss how technology improvements affect progress toward meeting remedial goals using a real world example.

Key Points

- This graph demonstrates mass removal over time.
- The X-axis is the date (covers the period from April 1995 through October 2005).
- The Y-axis shows cumulative groundwater recovered (in millions of gallons) in blue.
- The Y-axis also shows cumulative VOCs removed (in 100 pound increments) in magenta.
- By looking at this graph we see the following:
 - A flattening of the slope of either line (reduction of slope) is an indication of performance fall-off. The slopes represent the rates of groundwater recovery and VOCs removed, which are metrics.
 - Sharp or sudden changes in slope occur as a result of improved performance. These resulted from major process changes implemented after a RSE/RSO. We will look at two specific points in time.
 - The first change (1) in the magenta line (mass removed) indicates the results of bringing a new treatment process on-line that allowed the removal and destruction of highly contaminated groundwater (millions of parts per billion (ppb)). The rate of groundwater processed did not increase, but the mass removed did. This change took about 3 years to implement, because the site remediation was operating under the old “command and control” approach and permit modification requirements required time before proposed changes could be implemented.
 - The second major change (2) in the magenta and blue lines occurred when new horizontal wells located in a source area were brought on-line. As a result, the volume and mass removal rates both increased. This change was brought on-line much more quickly (in less than one year) under a results-based approach.

References

- None.



RSE - Cost Effectiveness Evaluation

- ❖ Identify Major Cost Categories
- ❖ Focus on the Highest Percentages
 - 40 to 60% of Costs: Energy Consumption
 - 20 to 40% of Costs: Sampling and Analysis
- ❖ Analyze for Cost Reduction Opportunities
 - Start with the largest costs first

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Notes:

Purpose of Slide

- Remind participants that there are three aspects to RSEs – review the Exit Strategy, complete the system and site performance evaluation, and evaluate cost effectiveness. It is incumbent on facility managers to make prudent decisions relating to CA.

Key Points

- The RSE typically involves performing a cost analysis on an existing facility using historical data.
- Costs are broken into categories and analyzed in detail.
- Identifying the most costly items helps to focus the detailed cost evaluation. It is prudent to focus on the highest cost items first – where there is the best chance of savings.
- The following slides provide examples of modifications recommended in RSEs that lead to significant cost savings and improved system operation. Such changes save resources, while also maintaining or improving the system's environmental performance.

References

- EPA. 2006. 2005 Annual Progress Report for Ground Water Remedy Optimization. EPA 540-R-06-066.
- EPA. 2005. Cost-effective Design of Pump and Treat Systems. EPA 542-R-05-008.



Reducing Energy Costs



- ❖ Initial design for Vapor Recovery System based on 275 lbs/hr VOCs
- ❖ Actual now at 1.5 lbs/hr VOCs

Modifying system process cycle time realized annual energy savings of \$18,000.



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Notes:

Purpose of Slide

- Provide an example where the energy/cost evaluation led to optimizing an air stripping / granular activated carbon (GAC) off-gas treatment system to reduce energy consumption (operating costs).

Key Points

- This system was installed and operated for ten years with no significant changes.
- Design loading for the system was based on initial groundwater concentration data and expected VOC loading.
- Contaminant concentrations dropped dramatically over time (from design conditions) as the site remediation progressed (normal occurrence).
- Steam regeneration of the carbon beds is a major energy cost and occurs on a fixed cycle time. Regeneration was being performed based on initial system design volatile organic compound (VOC) loading (for example, too frequently for current conditions).
- Adjusting the cycle time to reduce the frequency of regeneration based on current VOC loading conditions resulted in a dramatic reduction of energy usage and utility costs, with no change in environmental performance.

References

- None.



Reducing Equipment Needs



- ❖ Air stripping system initially designed for 4 lbs/hr VOC – two towers in series
- ❖ Actual rate now at 1 lb/hr (continued)

Modifying system to use one tower and reducing blower size realized annual energy savings of \$10,000.



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Notes:

Purpose of Slide

- This is an example where the cost evaluation led to optimization of a treatment system, given that operating conditions had significantly changed – flow rate and concentrations had declined dramatically from design conditions.

Key Points

- The system was designed for higher influent concentrations than current conditions.
- Significant savings were possible by reducing treatment from two air stripping towers in sequence to one and changing out other equipment.
- The regulatory agency will be involved in these types of system changes – through effectiveness reports that describe conditions or recommended modifications, or regulatory issues relevant to the changes. It is prudent to develop lines of communication that will allow these changes to occur expeditiously. Development of performance standards is one mechanism that allows a facility to proceed with reasonable changes in an efficient manner.

References

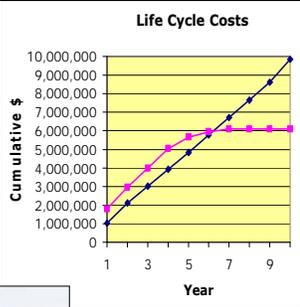
- None.



Savings on O&M and Sampling



- ❖ Sampling cost reduction of 57%
- ❖ O&M cost reduction of 77%
- ❖ Active remediation cut by 4 years





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Notes:

Purpose of Slide

- Show the significant impact that the level of O&M and sampling activities can have on CA costs and cleanup times through a site-specific example.

Key Points

- An RSE was conducted and implemented in years 4 to 5.
- The RSE identified improvements in the sampling plan for the facility, resulting in a 57% reduction in sampling costs:
 - Passive diffusion bags (PDBs) were used for sampling VOCs in groundwater.
 - PDB is a permeable polyethylene bag containing deionized (DI) water and suspended on a weighted line next to the well screen .
 - Contaminants in well water diffuse through the bag into DI water until equilibrium is reached .
 - The PDB is retrieved from the well and emptied into sample bottles.
 - Use of PDBs generally cuts labor, equipment, and IDW handling costs of sampling by over 50%.
 - A number of wells that had been sampled and met cleanup criteria for years were eliminated from further sampling.
 - The sampling frequency was reduced for all wells, and a 2-tiered sampling program was developed, where some wells were sampled less frequently than others.
- O&M costs were reduced by 77%, based on multiple system improvements:
 - The P&T system was treating a fraction of the volume it was designed to treat; the plume was much smaller than it had been initially.
 - Therefore, a number of recovery wells were inactivated and the influent streams from the remaining wells were combined.
 - The combined influent was rerouted from several air strippers to one air stripper for treatment, saving on power, monitoring, and equipment costs.
 - System utilization (the time the system is operating) was increased by replacing parts, proactive maintenance, and expanding the parts inventory.
 - Adding technologies (air sparging and bioremediation) also reduced the estimated time to cleanup. This added significant capital costs but reduced the life-cycle costs.
 - The effect of these activities was to reduce total estimated time to cleanup by 4 years.
 - The savings in cleanup time and life-cycle costs could not have been realized without the results-based approach adopted by the agency.

References

- None.



Horizontal Well - Low Flow



- ❖ Why is flow declining?
 - Silt?
 - Iron fouling?
 - Slots clogged with drilling mud?
 - Slot size OK?
 - Biofouling?
 - Pumps?
 - Casing corrosion?



(continued)

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Notes:

Purpose of Slide

- Provide an example of examining operations to improve efficiency. In this example, horizontal recovery wells had been operating for several years and the flow rate was steadily dropping. The total estimated time of cleanup is directly related to flow rates (mass removal rates), so it was important for the facility to trouble-shoot the system to determine the cause and correct it.

Key Points

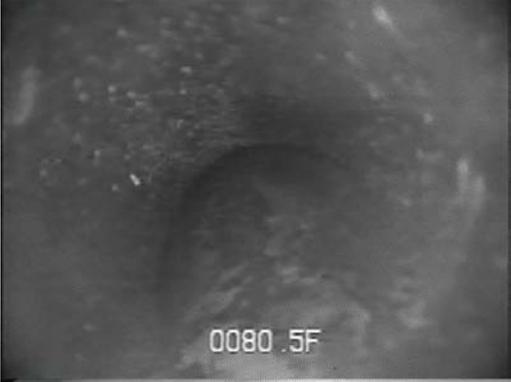
- The engineers identified several possible reasons for flow rates declining, as illustrated in the slide.
- The horizontal well was located in a lithologically tight environment, so the wells were designed with small slot sizes. This helps prevent silt from clogging the well, but the downside is that the well is more sensitive to fouling or clogging.

References

- None.

 **Horizontal Well - Inspection** 

Decided to have the horizontal wells video inspected:



(continued)

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Notes:

Purpose of Slide

- Continue example of trouble-shooting problems to improve operational efficiency (note: video clip).

Key Points

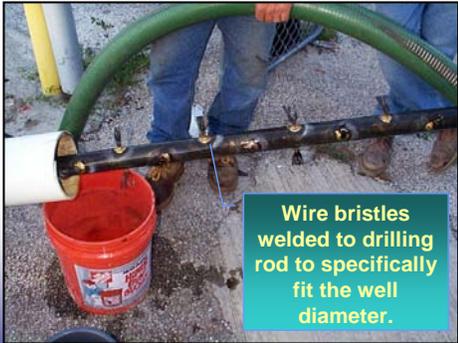
- This is a video taken of the horizontal well.
- The video shows a build up of material on the well; this is the cause of the flow rate decrease.

References

- None.

 **Horizontal Well - Cleaning** 

No known method to mechanically clean such long horizontal wells. Driller custom fabricated a wire brush and used citric acid to scrub the wells.

 Wire bristles welded to drilling rod to specifically fit the well diameter.

 Wells were mechanically scrubbed, washed with citric acid, and then flushed with water.

(continued)

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Notes:

Purpose of Slide

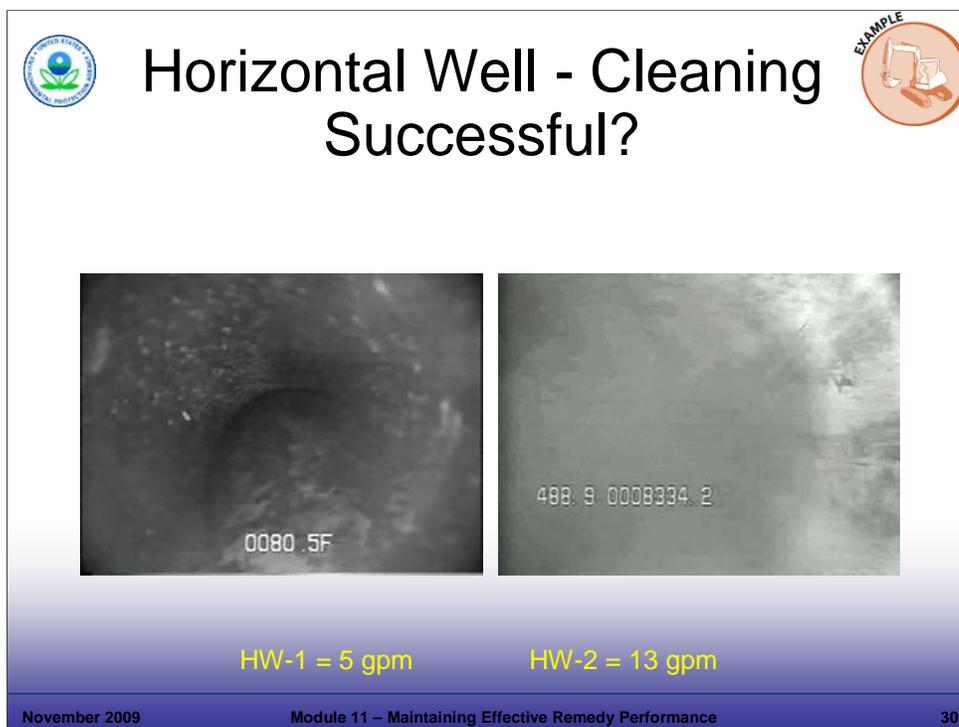
- Continue example and illustrate the solution implemented to increase flow rates and improve system performance.

Key Points

- The wells were mechanically scrubbed, washed with citric acid and flushed with water using a 400 gallon per minute (GPM) pump.
- The driller had to custom fabricate a cleaning tool for the wells.

References

- None.



The slide features a title "Horizontal Well - Cleaning Successful?" in large black font. To the left is the EPA logo, and to the right is a circular icon labeled "EXAMPLE" showing a wellhead. Below the title are two side-by-side grayscale video stills. The left still shows a dark, narrow well opening with the text "0080 .5F" at the bottom. The right still shows a much wider, clearer view of the well interior with the text "488.9 0008334.2" at the bottom. Below these images, the flow rates are listed: "HW-1 = 5 gpm" and "HW-2 = 13 gpm". The slide footer contains the date "November 2009", the module title "Module 11 - Maintaining Effective Remedy Performance", and the page number "30".

Notes:

Purpose of Slide

- Continue the example and illustrate the success of the optimization effort (video clip).

Key Points

- This is another video clip taken after the well was scrubbed.
- It shows that the build up has been reduced.
- Flow rates increased and the site was back on track in terms of its Exit Strategy and estimated time to cleanup.

References

- None.



Maintaining Engineering Controls

- ❖ Maintain integrity and effectiveness of final cover
- ❖ Operate liquids management systems, if applicable
- ❖ Maintain and monitor groundwater monitoring system

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Notes:

Purpose of Slide

- Discuss importance of maintaining of ECs.

Key Points

- ECs are designed to minimize the potential for human exposure to contamination by either limiting direct contact with contaminated areas or controlling migration of contaminants.

Examples of ECs and maintenance and monitoring requirements include:

- Final Cover: When waste or residual contamination remains, the facility has an obligation to maintain any final cover that has been installed to eliminate exposure (direct contact) and/or to minimize the potential for migration of contaminants through precipitation. This includes implementing an inspection program and quickly repairing any damage discovered through periodic inspections.
- Liquids Management: The facility has an obligation to collect and treat leachate and minimize run-on and run-off to avoid erosion and surface water contamination
- Monitoring: If long-term groundwater monitoring is part of the final remedy, the facility has an obligation to not only conduct the monitoring, but to periodically inspect and maintain the monitoring system.

References

- None.



Monitoring Institutional Controls (ICs)

- ❖ Important to ensuring long-term effectiveness of remedy
- ❖ Used to determine whether ICs:
 - Remain in place
 - Provide the protection required by the remedy
- ❖ May be the responsibility of more than one party
- ❖ Ongoing site activities also provide monitoring opportunities for ICs

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Notes:

Purpose of Slide:

- Discuss the importance of monitoring ICs.

Key Points

- Identification and selection of appropriate ICs were discussed in earlier modules.
- In addition to active remediation and ECs, ICs will play an important role in many final remedies. The most critical post-implementation aspect to ensuring the long-term effectiveness of ICs is monitoring as often as necessary to ensure effectiveness.
- The objectives of monitoring are to determine: (1) whether the mechanism remains in place; and (2) whether the ICs are providing the protection as required by the remedy.
- For added protection of HH&E, and to minimize risk, EPA recommends layering (that is, use of more than one IC) and considering different types of ICs. For example, to restrict land use, the regulatory agency may issue an enforcement tool (order), the facility owner/operator (o/o) may obtain an easement, and the facility may discuss options with local governments for zoning and assuring awareness of restrictions by recording them in a deed notice and in a state registry of contaminated sites.
- Ongoing site activities present an opportunity for monitoring. For example, monitoring of ICs may occur in conjunction with facility inspections, multimedia inspections, or sampling.

References

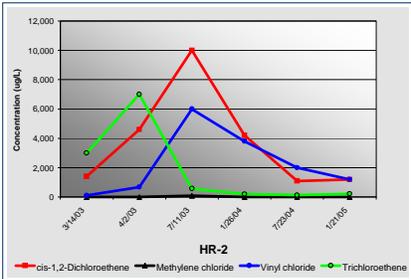
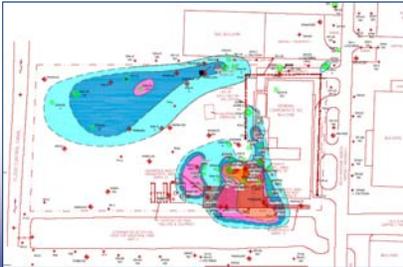
- EPA. 2005. Institutional Controls Bibliography: Institutional Control, Remedy Selection, and Post-Construction Completion Guidance and Policy. December.
- EPA. 2007. Final Memorandum. Ensuring Effective and Reliable ICs at RCRA Facilities. June 14.



Effectively Reporting Effectiveness

Lean Reporting:

- ❖ Simple Reports
 - Think “bullets,” not paragraphs
 - Focus on results
 - Use graphics
- ❖ Reduced Frequency
 - Annual versus semi-annual
- ❖ Exception Reporting
 - Deviations from the norm

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Notes:

Purpose of Slide

- It is necessary for facilities to provide performance data and system effectiveness information to the regulatory agency, but the reporting format should be simple. Lean reports are preferred by facilities because they can be produced at lower cost than reports with extensive text and generally are preferred by the regulatory agency because the data are presented in a concise format for review.

Key Points

- Historically reports have been voluminous, with much detail and supporting documentation. Facility time to prepare this data and agency time to review this information and provide comments can be lengthy. Lean reporting focuses on efficient and effective reporting. This includes:
 - Simple Reports - Simplification of reports can speed up review effort and time considerably and is more cost efficient. Parties can agree on the most important data items and best formats to support adequate oversight and protective outcomes. Concepts include:
 - Consider bullets, not paragraphs;
 - Use tables, charts, and graph to convey information in lieu of text;
 - Use graphics to describe conditions – for example, plume maps; and
 - Reference standard operating procedures for sampling and other activities, rather than providing lengthy descriptions.
 - Reduced Frequency - Quarterly reports were once common, now semi-annual are the norm.
 - Most older sites are stable and do not change rapidly.
 - Consider changing to annual or even less reporting, when justified.
 - Exception Reporting - Emphasize reports that focus on exceptions or deviations from expected results, rather than many pages of reporting to document non-events (that is, all metrics meeting expectations).
- Lean reporting can also be used for reports associated with system modifications or implementation of new technologies.

References

- None.



Summary

- ❖ Remediation does not end with Remedy Construction
- ❖ Facilities are responsible for adequately maintaining remedies, including ICs
- ❖ Remedies may change over time to reflect changing site conditions and optimize performance

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Notes:

Purpose of Slide

- Summarize the key points addressed in the module.

Key Points

- It will take considerable effort from all stakeholders to meet the ambitious goals of 2020. Once construction is complete, there is still much effort necessary to achieve remediation goals.
- Remediation systems need to be maintained for efficient operation. As plumes decrease in size and concentration, treatment systems should be adjusted accordingly and sometimes technologies should be changed. ICs must be implemented and maintained.
- Over time, remedies may need to be adjusted to reflect changing site conditions and to optimize performance. Facilities and agencies should plan ahead to establish clear performance standards and goals for protective remedies. These results-based approaches can support efficient and effective system optimization and modifications as conditions dictate (for example, through performance-based permits).

References

- None.



**RCRA Corrective Action Training
Program: Getting to YES!**
Strategies for Meeting the 2020 Vision



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November 2009 Module 12 – Corrective Action Complete 1

Notes:

Purpose of Slide

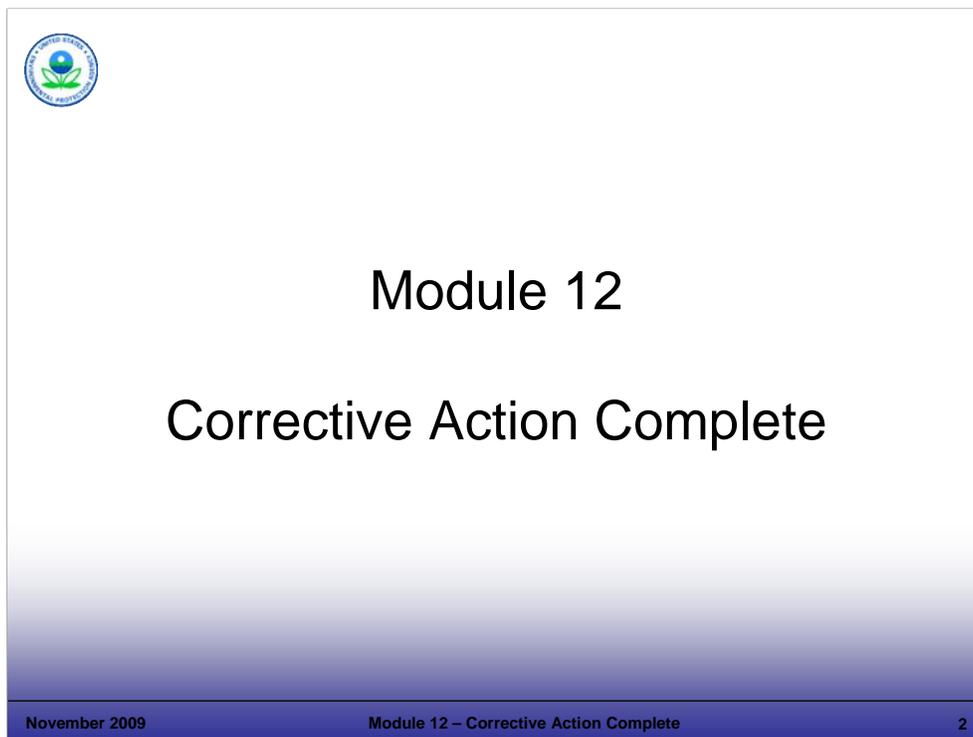
- Holder slide for Module 12, Corrective Action (CA) Complete.

Key Points

- This is a holder slide. No specific key points.

References

- None.



Notes:

Purpose of Slide

- Holder slide for Module 12, CA Complete.

Key Points

- This is a holder slide. No specific key points.

References

- None.



Module Overview

- ❖ Review EPA guidance used to make formal determination that CA is complete
- ❖ Examine approaches to determine that controls are in place and effective
- ❖ Review other types of determinations

November 2009 Module 12 – Corrective Action Complete 3

Notes:

Purpose of Slide

- Present the module overview.

Key Points

- In this module, we will review the following:
 - EPA guidance and other methods used to make formal determinations that CA is complete;
 - Approaches to determine that controls are in place and effective; and
 - Other types of determinations.
- We will also revisit long-term stewardship (LTS) and its relation to CA completion and related determinations.
- In other words, we will review how to determine whether we have used a good exit strategy to GET TO YES!

References

- FR. 2003. Final Guidance on Completion of CA Activities at RCRA Facilities. 68 FR 8757. February 25.



Completion Determinations

- ❖ A formal determination is made to:
 - Inform the owner/operator (o/o)
 - Provide opportunity for public comment
 - Help return property to reuse
 - Remove facility from work load universe
- ❖ There are no Federal regulatory requirements for completion determinations

November 2009

Module 12 – Corrective Action Complete

4

Notes:

Purpose of Slide

- Examine why we do Completion Determinations.

Key Points

- A formal determination is made to:
 - Inform the owner/operator (o/o) that the milestone has been met;
 - Provide an opportunity for public comment;
 - Help return the property to reuse; and
 - Remove the facility from the work load universe.
- EPA recognizes the importance of an official acknowledgment that CA activities have been completed. A Completion Determination informs the o/o that CA is complete at the facility. The process of making a formal Completion Determination assures that the public has the opportunity to review and comment on the determination. Completion determinations also can help promote the transfer of properties and redevelopment.
- Federal regulations do not provide explicit procedures for making Completion Determinations; therefore, regulators have considerable flexibility. On October 2, 2001, EPA announced draft guidance on Completion Determinations for CA, and on February 27, 2002, EPA issued another draft version of the guidance. After reviewing the comments received, EPA finalized the guidance on Completion Determinations on February 25, 2003. The 2003 guidance ties completion determinations to 40 CFR 264.101 requirement that CA must be conducted to protect human health and the environment and therefore, a completion determination from the State or EPA that CA activities are complete is, in effect, an announcement that the protection of human health and the environment standard has been achieved.

References

- FR. 2003. Final Guidance on Completion of CA Activities at RCRA Facilities. 68 FR 8757. February 25.



EPA Guidance

- ❖ Two types of Completion Determinations
 - CA Complete without Controls
 - CA Complete with Controls
- ❖ Determinations not designed to recognize progress for short-term or intermediate goals

November 2009

Module 12 – Corrective Action Complete

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Notes:

Purpose of Slide

- Review EPA guidance for Completion Determinations.

Key Points

- EPA guidance identifies two types of Completion Determinations, as follows:
 - CA Complete without Controls, and
 - CA Complete with Controls.
- Facilities may obtain both types of determinations: A facility may obtain a CA Complete with Controls or a CA Complete without Controls. If a determination is made that CA is Complete with Controls and circumstances change (for example, if anticipated land use changes) and the facility wishes to achieve CA Complete without Controls, that is acceptable, but not required.
- Determinations are not designed to recognize progress for short-term or intermediate performance goals: EPA recognizes that some CAs may be complex and may include requirements for achievement of several progressive milestones. We have discussed in previous modules several performance goals to measure progress for RCRA CA short-term protection (for example, Environmental Indicators). However, a CA Completion Determination is only made when a remedy achieves the final cleanup goal(s).

References

- EPA. 2004. Handbook of Groundwater Protection and Cleanup Policies for RCRA Corrective Action for Facilities Subject to Corrective Action Under Subtitle C of the Resource Conservation and Recovery Act. EPA 530-R-04-030. Update. April.
- FR. 2003. Final Guidance on Completion of CA Activities at RCRA Facilities. 68 FR 8757. February 25.



CA Complete without Controls

- ❖ Occurs when o/o satisfies all obligations under §§3004(u) and (v). Indicates that:
 - No need for CA in the first place, or
 - Remedy has been successfully implemented and no ICs or ECs are necessary to protect human health and the environment.

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Module 12 – Corrective Action Complete

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Notes:

Purpose of Slide

- Review the meaning of CA Complete without Controls.

Key Points

- The CA Complete without Controls determination is made when the facility owner has satisfied all obligations under Sections 3004(u) and (v), or there is no need for CA in the first place. EPA recommends this terminology be used to indicate that either there was no need for CA at the facility or, where CA was necessary, the remedy has been implemented successfully, and no further activity or controls are necessary for protection of human health and the environment. We will talk further about this RCRA event code on slide 18.

References

- FR. 2003. Final Guidance on Completion of CA Activities at RCRA Facilities. 68 FR 8757. February 25.



CA Complete with Controls

- ❖ Applies when:
 - Corrective measures defined
 - Construction complete
 - Cleanup objectives met
 - Future activities include long-term stewardship

November 2009 Module 12 – Corrective Action Complete 7

Notes:

Purpose of Slide

- Review the meaning and application of CA Complete with Controls.

Key Points

- A CA Complete with Controls determination is made at a facility where:
 - A full set of corrective measures has been defined;
 - The facility has completed construction and installation of all required remedial actions;
 - Site-specific media cleanup objectives for anticipated future use have been met; and
 - Performance of O&M and monitoring actions is required, and/or compliance with and maintenance of any ICs is ensured.
- A CA Complete with Controls determination “provides the o/o with recognition that protection of human health and the environment has been achieved, and will continue as long as the necessary O&M actions are performed, and any ECs and ICs are maintained and complied with.”

Note: The definition of CA Complete with Controls refers to “maintenance” of ICs rather than “implementation.” As we have discussed in previous modules, ICs are implemented and in place prior to a Completion Determination.

References

- FR. 2003. Final Guidance on Completion of CA Activities at RCRA Facilities. 68 FR 8757. February 25.



Long-Term Stewardship

- ❖ Reliable ECs and ICs
- ❖ Clear roles and responsibilities
- ❖ Accurate life cycle costs
- ❖ Adequate financial assurance and resources
- ❖ Monitoring and enforcement
- ❖ Long-term management of information

November 2009

Module 12 – Corrective Action Complete

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Notes:

Purpose of Slide

- Remind participants of the role of, and issues involving, LTS at RCRA CA sites. This slide also provides a segue to following slides that discuss strategies to ensure the reliability of ICs and ECs at CA sites.

Key Points

- As we have discussed in previous modules, LTS is part of maintaining any remedy, in order to ensure long-term protection of human health and the environment. LTS helps ensure that ICs and ECs have been adequately protected. This should be done by ensuring that the following issues have been addressed:
 - Long-term management of information;
 - Clear roles and responsibilities;
 - Reliable ECs and ICs;
 - Accurate life cycle costs;
 - Adequate financial assurance and resources; and
 - Monitoring to ensure enforceability.

References

- Michael Hendershot. EPA Region 3. 2007. Presentation at San Diego Long-Term Strategy Meeting. "Developing Effective and Reliable ICs During the Remedy Selection Process." April.



Engineering Controls

- ❖ Operation and maintenance plan
 - Activities
 - Frequencies
- ❖ Monitoring and reporting
 - Activities
 - Frequencies
- ❖ Financial assurance

November 2009

Module 12 – Corrective Action Complete

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Notes:

Notes will be added for subsequent deliveries.



Institutional Controls

- ❖ ICs selected in final remedy must be
 - Clearly established and in place
 - Enforceable
 - Monitored and enforced
- ❖ The Uniform Environmental Covenants Act (UECA)



Appendix A of EPA 2003 Draft Guidance.

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Module 12 – Corrective Action Complete
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Notes:

Purpose of Slide

- Discuss concepts developed to ensure a thorough and consistent approach to assessing the implementation and performance of ICs used in CA remedies. The next several slides will cover those concepts in more detail.

Key Points

- Before remedies are considered complete, regulatory agencies should determine (1) if ICs have been implemented, (2) that ICs will be monitored and are enforceable, (3) who will be enforcing them. The status and performance of ICs (where ICs are considered necessary) is an essential part of determining if the remedy is protective. Monitoring is necessary to ensure that (1) the IC mechanism remains in place; and (2) the IC provides protection as required by the remedy.
- We briefly discussed the Uniform Environmental Covenants Act (UECA) in Module 6. UECA may provide clear rules for the States and federal agencies to create, enforce and modify a valid real estate document (an “environmental covenant”) to restrict the use of contaminated real estate. The UECA makes these covenants enforceable by eliminating legal doctrines that cast doubt on the covenant’s validity. UECA also applies traditional real estate law principles to environmental covenants to ensure they will be preserved over the very long term and be enforceable in accordance with their terms against successive owners of the property and against the parties liable for maintaining “ICs” on the property and performing other duties identified in the covenant.
- We discussed issues associated with establishing and monitoring ICs in Module 11, Maintaining Effective Remedy Performance. When issuing a CA Completion Determination, it is important to again review the performance and effectiveness of ICs used in the remedy.
- At the time of a Completion Determination, the regulatory agency should check whether ICs included in the selected remedy continue to prevent exposure as intended. If ICs were not selected, the review may show that ICs are now appropriate. The appropriate ICs should then be identified and implemented.

References

- FR. 2003. Final Guidance on Completion of CA Activities at RCRA Facilities. 68 FR 8757. February 25.
- EPA. 2003. ICs: A Guide to Implementing, Monitoring, and Enforcing Institutional Controls at Superfund, Brownfields, Federal Facility, UST, and RCRA Corrective Action Cleanups. Draft. February.
- EPA. 2007. Final Memorandum. Ensuring Effective and Reliable ICs at RCRA Facilities. June 14.
- Environmental Covenants Web Site. Accessed On-line at <http://www.environmentalcovenants.org/ueca/DesktopDefault.aspx>.



Procedures for Making Completion Determinations

- ❖ Will vary depending on
 - Permit status
 - Whether CA is subject to an order
 - Whether applied to entire facility or a parcel
- ❖ Should provide opportunity for public comment

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Module 12 – Corrective Action Complete

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Notes:

Purpose of Slide

- Review the procedures associated with Completion Determinations.

Key Points

- The regulatory agency implementing CA should make a Completion Determination using appropriate procedures and should provide a meaningful opportunity for public comment. Several factors affect procedures for Completion Determinations:
 - The permit status of the facility. If the facility is permitted, the process for making the Completion Determination will generally proceed as a permit modification. If the facility is not permitted, the Completion Determination may be accomplished by several methods. A different approach may be used for a Completion Determination if the facility will continue to operate under a permit, perform post-closure activities at a regulated unit without a permit, or complete clean closure.
 - Whether the CA is carried out under an order. If the facility is implementing CA under an order, the Completion Determination may involve modifying or terminating the order.
 - Whether the determination applies to the entire facility or a portion of it. There is no need to make a determination for a parcel; however, this may be done for the o/o if the o/o or the purchaser requests it, particularly if the parcel will be developed for reuse.
- Completion determination procedures should provide an opportunity for public comment.

References

- FR. 2003. Final Guidance on Completion of CA Activities at RCRA Facilities. 68 FR 8757. February 25.



The Process

Controls	Permitted	Non-Permitted	CA Financial Assurance
Without	Modify or terminate	<ul style="list-style-type: none"> ❖ Notice ❖ Terminate mechanism 	Terminate
With	Modify	<ul style="list-style-type: none"> ❖ Notice ❖ Modify mechanism ❖ Alternate mechanism 	Maintain

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Notes:

Purpose of Slide: Review the procedures for CA Complete without Controls Determination for an entire facility.

Key Points

- Use a permit modification for permitted facilities: EPA believes that a permit modification is an appropriate way to indicate the regulatory agency's determination that CA is complete. The purpose of the modification would be to terminate the permit, if CA is complete without controls. Current regulations in 40 CFR 270.42 provide procedural requirements for facility-requested permit modifications. In most cases, Class 3 permit modifications are used to indicate completion of CA. If CA is complete without controls, and a permit is terminated, the action means that there are no further controls needed to protect human health and the environment (unrestricted use). For RCRA-permitted facilities, the procedures for permit modifications are also appropriate when making a CA Complete with Controls Determination. A permit modification may be put in place to shorten the life of the permit, if there are other enforceable mechanisms in place that result in LTS.
- Address administrative disposition of permit, or issue a notice at non-permitted facilities: At non-permitted facilities where CA is complete without controls and all other RCRA obligations have been satisfied, EPA or the authorized State may acknowledge completion of CA by terminating interim status through final administrative disposition of the facility's Part A permit application. Regulatory agencies may use alternative terminology such as "no permit necessary determination" rather than "permit denial" to avoid confusing the public and possibly causing misperceptions of the facility. Regardless of the terminology, the basis for the decision should state clearly that: (1) no ongoing activities require a RCRA permit; (2) all closure and post-closure care requirements applicable to regulated units have been fulfilled; and (3) all CA obligations, including implementation of long-term monitoring procedures, have been fulfilled. For non-permitted facilities with controls remaining, a regulatory agency may issue a notice with an opportunity to comment that provides procedural protections (public comment, response to comments, administrative record). These are equivalent but not necessarily identical to those required by 40 CFR Part 124 (or an authorized State equivalent).
- Rather than issuing a final permit decision, EPA or authorized States may issue a notice informing the facility and public that the facility has met its CA obligations. However, this approach will not terminate interim status at the facility. Alternative procedures should provide procedural protections equivalent, though not necessarily identical, to those in 40 CFR Part 124 (or authorized State equivalent).
- Terminate order at facilities performing CA under an order: The regulatory agency may consider terminating the interim status CA order if a Completion Determination without Controls decision is appropriate for a facility.
- Should not terminate interim status or an enforcement order if RCRA-regulated obligations remain: If the facility must maintain financial assurance for maintenance or monitoring controls, regulators generally should not terminate interim status or eliminate an order.
- As appropriate, regulators may explore a variety of options, including: permits, orders, and other non-RCRA enforceable mechanisms, such as UECA, to maintain long-term ICs, where appropriate.
- Remember: informal communications about the status of cleanup activities are not the same as Completion Determinations.

Reference: FR. 2003. Final Guidance on Completion of CA Activities at RCRA Facilities. 68 FR 8757. February 25.



The Process: CA Complete for Less Than the Entire Facility

- ❖ Can be requested by o/o
- ❖ Process in a manner that will not affect portions where obligations remain
 - Long-term plan for the facility,
 - ICs, and
 - Financial assurance obligations

November 2009

Module 12 – Corrective Action Complete

13

Notes:

Purpose of Slide

- Review the procedures for CA Complete Determination for Less than the Entire Facility. Note that portions of facilities can be released with this determination.

Key Points

- Determinations for less than the entire facility are not necessary, but may be useful to an o/o. These can be requested by an o/o, particularly if that portion of the facility will be reused or redeveloped.
- The decision should be processed in a manner that will not affect portions where obligations remain. For example, a permitted facility may seek a CA Completion Determination with or without Controls for a portion of the facility. If a facility has ongoing CA obligations (for example, solid waste management units (SWMUs) at other parts of the facility that still require CA), a permit modification is appropriate. However, the permit should not be eliminated.
- Consider the long-term plan for the facility, ICs, and financial assurance obligations if the owner plans to sell property: If the owner plans to sell the portion not subject to CA because of a Completion without Controls Determination, the regulatory agency should take steps to ensure adequate financial resources to address obligations for CA and/or closure at the remainder of the facility. If an IC is being imposed through a RCRA permit, steps should be taken to ensure that long-term enforceability is not lost through property transfer or permit expiration.

References

- FR. 2003. Final Guidance on Completion of CA Activities at RCRA Facilities. 68 FR 8757. February 25.



Wrap Up “Loose Ends”

- ❖ Ensure closure of RCRA-regulated units via CA has been addressed
- ❖ Ensure other obligations in orders have been addressed
- ❖ Document applicable RCRA performance measures

November 2009

Module 12 – Corrective Action Complete

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Notes:

Purpose of Slide

- Point out that all “loose ends” must be addressed with Completion Determinations.

Key Points

- Ensure that closure of RCRA-regulated units via CA has been adequately addressed: Regulatory distinctions exist between requirements for closure of RCRA-regulated units and CA requirements for SWMUs. RCRA-regulated units are subject to specific standards under 40 CFR Parts 264 and 265, Subparts F, G, and H. However, EPA rules provide flexibility to coordinate and implement closure and CA requirements: The Post-Closure Care Final Rule provides the regulatory agency discretion to impose requirements developed for CA in lieu of the requirements of 40 CFR Parts 264 and 265, Subparts F, G, and H, where a regulated unit and SWMU have contributed to the same release. Generally speaking, the goal is that closure and CA can be treated similarly.
- Ensure any other applicable obligations required in orders have been addressed.
- Document applicable RCRA performance measures, using appropriate RCRA Info Codes.

References

- EPA. 1998. Standards Applicable to Owners and Operators of Closed and Closing Hazardous Waste Management Facilities: Post-Closure Permit Requirement and Closure Process; Final Rule. Federal Register, Volume 63, Number 204. 63 FR 56710. October 22.
- EPA. 2005. Permitting and Corrective Action (PCA) Program Area Analysis (PAA) Report: Appendix D, National Details for Corrective Action Event Codes. Final Report. Win/Informed Executive Steering Committee. July 28.



RAU Documentation

- ❖ Ready for Anticipated Use (RAU)
- ❖ Reuse determinations complement cleanup decisions

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Notes:

Purpose of Slide

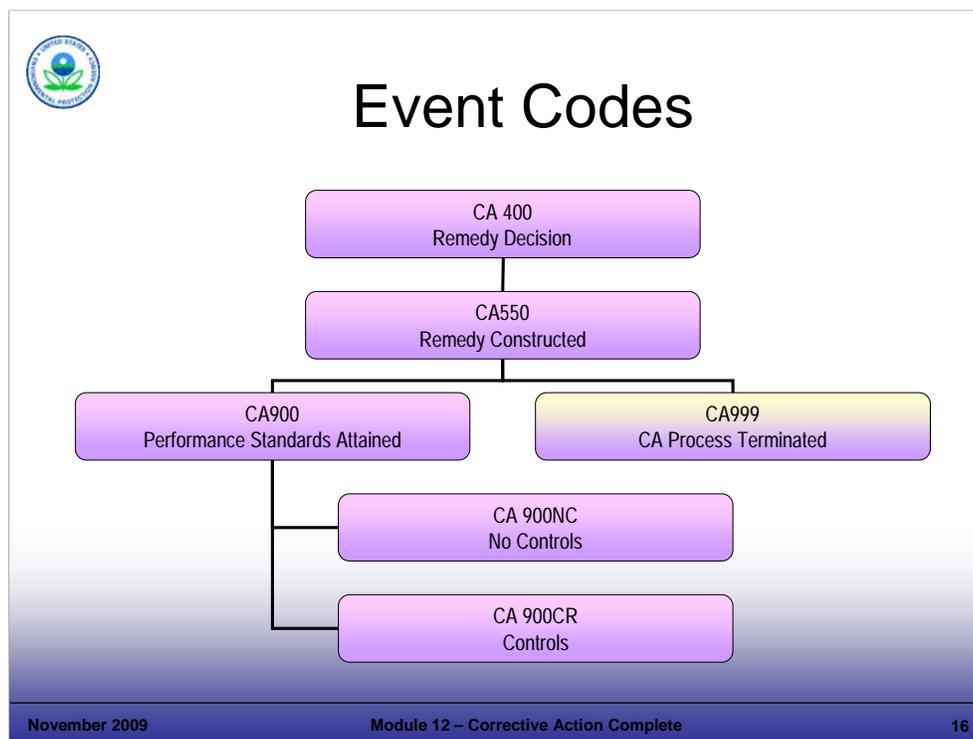
- Identify other types of Completion Determinations.

Key Points

- The Ready for Anticipated Use (RAU) Determination is a performance measure that enables EPA and States to track acres determined to be protective for current and reasonably anticipated uses. The criteria for a facility or areas of a facility to meet the Ready for Anticipated Use Measure outlined in the CPRM Guidance are as follows:
 - Criteria for Protective for People under Current Conditions has been met (this requires documentation);
 - Cleanup goals have been achieved for media that may affect current and reasonably anticipated future land uses of the facility so that there are no unacceptable risks; and
 - All institutional or other controls, identified as part of a response action or remedy as required to help ensure long-term protection, are in place.
- The RAU Determination can be accomplished for an entire facility or for a portion of a facility. States and Regions are not required to make area-specific RAU determinations, but may make these determinations as they deem appropriate.
- RAU determinations are intended to aid EPA in performance measurement--they complement cleanup decisions, but cannot be used to address matters of liability or enforcement. The RAU Determination does not replace or substitute for decision documents required by RCRA regulations.

References

- EPA. 2007. Guidance for Documenting and Reporting RCRA Subtitle C Land Revitalization Indicators and Performance Measures. February 21.
- EPA. 2007. RCRA Ready for Anticipated Use (RAU) Documentation Form.



Notes:

Purpose of Slide: Review the RCRA Info Event Codes CA 990 and CA 999.

Key Points

CA 900 – CA 900 is a new RCRAInfo event code established to describe remaining events beyond the selection and construction of remedies at facilities subject to CA. While the event code is not actually available in RCRAInfo, it will become available with an upcoming release of this system.

- When EPA issued its final CA Completion Guidance, the guidance described CA Complete with or without Controls. EPA will use this guidance in making Completion Determinations at facilities, and will want to track those determinations. However, the event code structure in RCRAInfo did not adequately distinguish between situations where a completed CA requires long-term controls, and a “walk-away” situation. Also, in a number of authorized states, CA is not considered “complete” when an implemented remedy requires long-term maintenance procedures, land use controls, or other controls to maintain performance criteria. These states view these controls as part of CA, and must continue to expend RCRA resources to ensure that the controls remain in place. An event code structured on the final guidance would present a potentially misleading picture in states that require a permit or order to remain in place until no controls are necessary.
- The CA 900 code was designed to record the event where a facility attains CA performance standards, either with or without controls. There are two status codes within the 900 event code: CN for long-term controls, and NC for no controls.
- CA 999 - The CA 999 Event Code memorializes that the CA process has been terminated. All remediation and stabilization has been completed at the facility, and all requirements in permits and/or orders have been satisfied. This means that:
 - All cleanup objectives have been met.
 - The regulatory agency has determined that the RCRA CA process is no longer needed to maintain a protective remedy, regardless of whether the determination is completed with or without controls. For example, some states have an IC scheme that ensures LTS of the facility outside of the RCRA CA process.
- CA 900 without Controls (where RCRA CA in a permit or orders has been terminated) is equivalent to CA 999.

References

- EPA. 2005. Permitting and Corrective Action (PCA) Program Area Analysis (PAA) Report: Appendix D, National Details for Corrective Action Event Codes. Final Report. Win/Informed Executive Steering Committee. July 28.



Summary

CA Completion Determinations signal everyone that CA activities are no longer necessary (though controls to ensure remedies remain protective may be necessary).

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Notes:Purpose of Slide

- Summarize the key messages in this module.

Key Points

- CA Completion Determinations signal that no further CA activities are necessary (though controls may remain in place).
- The end goal is a remedy that is sustainable, complete, and protective of human health and the environment, based on current and reasonably anticipated uses.

References

FR. 2003. Final Guidance on Completion of CA Activities at RCRA Facilities. 68 FR 8757. February 25



Notes:

Notes will be added for subsequent deliveries.



**RCRA Corrective Action Training
Program: Getting to YES!**
Strategies for Meeting the 2020 Vision



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November 2009 Module 13 – Challenge Exercise 1

Notes:

Purpose of Slide

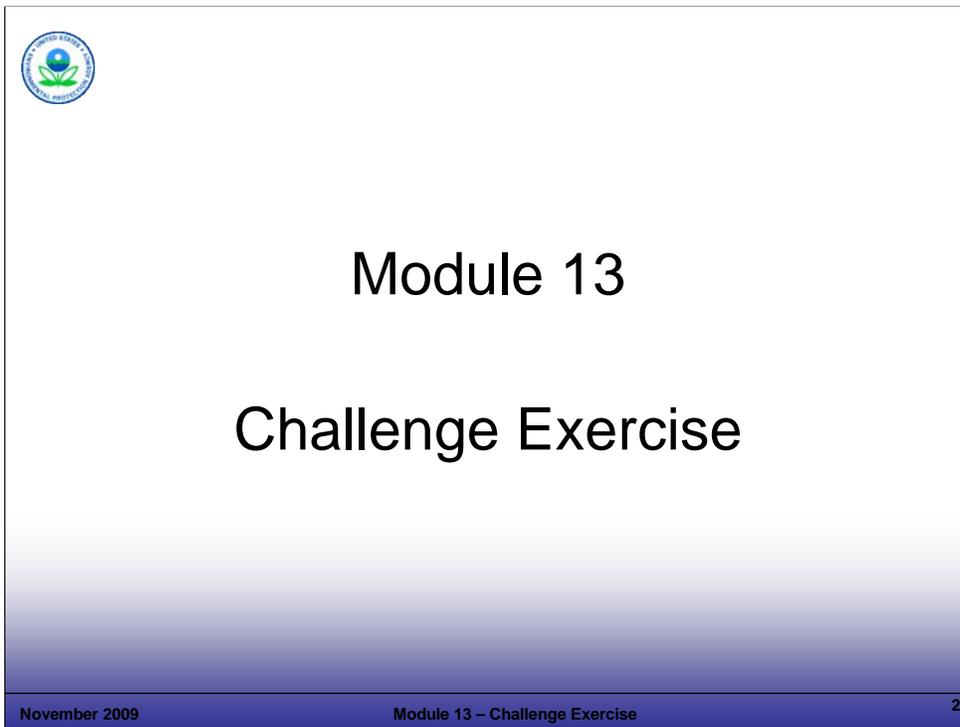
- Holder slide for Module 13, Challenge Exercise.

Key Points

- This is a holder slide. No specific key points.

References

- None.



Notes:

Purpose of Slide

- Holder slide for Module 13, Challenge Exercise.

Key Points

- This is a holder slide. No specific key points.

References

- None.



Module Overview

- ❖ Review concepts covered in Modules 1 through 12
- ❖ Groups work to evaluate CA challenges and identify solutions
- ❖ Group present findings and discusses options with class
- ❖ Class provides input to future Challenge Exercises



November 2009

Module 13 – Challenge Exercise

3

Notes:

Purpose of Slide

- Provide overview of Module 13, which includes a Challenge Exercise.

Key Points

- In this module we will review the concepts addressed in this course using a Challenge Exercise.

References

- None.



Challenge Exercise

- ❖ Divide into groups.
- ❖ Take time to review and discuss your group's challenges.
- ❖ As a group, identify solutions to the challenges (as possible).
- ❖ Designate a representative to report to the class.
- ❖ Participate in a facilitated discussion.

November 2009

Module 13 – Challenge Exercise

4

Notes:

Purpose of Slide

- Provide overview of Challenge Exercise process.

Key Points

- The participants will divide into groups, review the handout materials, and work as a group to discuss corrective action (CA) challenges, experiences, and options for future progress.
- The participants can refer to the course material, share their knowledge, and refer to the menu of CA optimization tools considered earlier.
- After the exercise, the instructor will facilitate group presentations and lead a review a debrief of the exercise.

References

- None.



Summary

- ❖ Course concepts can be applied across a range of sites and challenges.
- ❖ Tools and resources are available to support implementation of the concepts presented in this training course.
- ❖ To GET TO YES, focus on progress rather than process.

November 2009

Module 13 – Challenge Exercise

5

Notes:

Purpose of Slide

- Summarize the module.

Key Points

- Summarize key concepts reviewed in this module.

References

- None.



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RCRA Corrective Action Training Program: Getting to YES! *Strategies for Meeting the 2020 Vision*



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November 2009 Module 14 – Course Wrap-Up 1

Notes:

Purpose of Slide

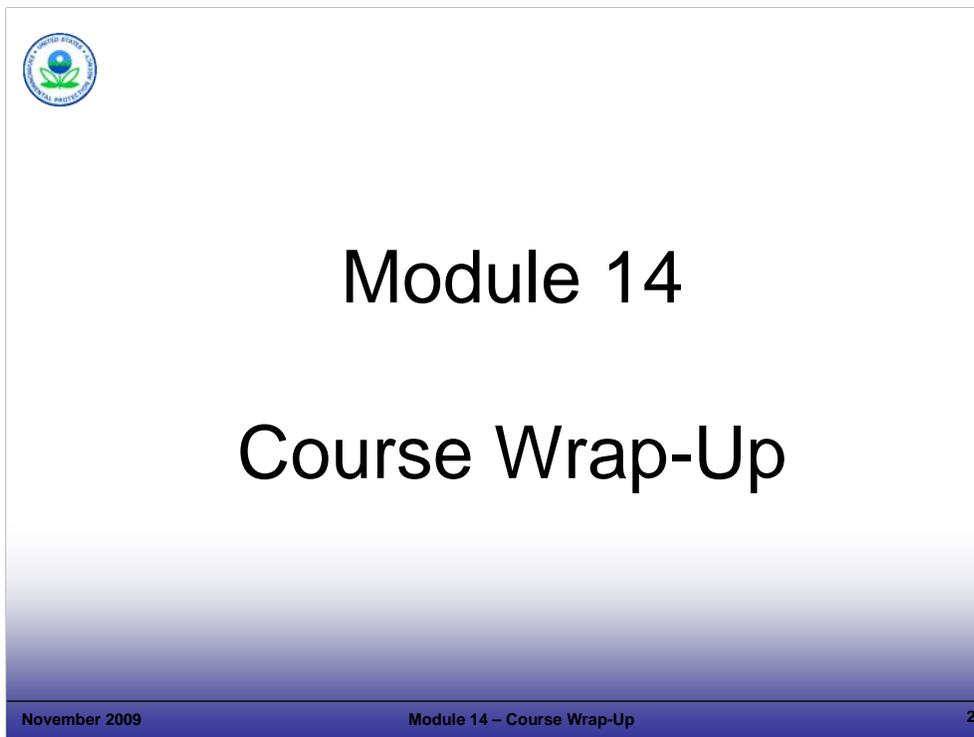
- Holder slide for Module 14, Course Wrap-Up.

Key Points

- This is a holder slide. No specific key points.

References

- None.



Notes:

Purpose of Slide

- Holder slide for Module 14, Course Wrap-Up.

Key Points

- This is a holder slide. No specific key points.

References

- None.



Module Overview

- ❖ Review materials covered and resources provided/available
- ❖ Review training purpose, objectives and course expectations
- ❖ Revisit learning objectives (....test)
- ❖ Provide evaluation input for future course improvements

November 2009

Module 14 – Course Wrap-Up

3

Notes:

Purpose of Slide

- Provide overview of wrap-up module.

Key Points

- Review the points covered in this module.

References

- None.



Day 1 – The Blueprint for Success

- ❖ Module 1 – Introduction and Course Overview
- ❖ Module 2 – How to Meet the 2020 Vision
- ❖ Module 3 – CA Authorities and Guidance
- ❖ Module 4 – Starting with the End in Mind: Building an Exit Strategy
- ❖ Module 5 – Achieving Success: Practical Solutions to CA
- ❖ Module 11 – Maintaining Effective Remedy Performance

November 2009

Module 14 – Course Wrap-Up

4

Notes:

Purpose of Slide

- Review content of Day 1.

Key Points

- Review the content of Day 1; this first day of the course focused on (1) the RCRA CA Goals and Vision that must be achieved; (2) the regulations, guidance, and polices that provide the framework for CA; (3) reforms and results-oriented guidance; (4) how focusing on the end goals early in the process can support CA results; (5) EPA programs and resources to support revitalization; and (6) maintaining effective remedy performance.
- Day 1 presented the basic framework of CA and overviewed where the program has come from and where the program is headed.
- The course emphasis is on concepts and tools to achieve rapid CA progress.

References

- None.



Day 2 – Concepts and Strategies

- ❖ Module 9 – Managing Remediation Waste
- ❖ Module 6 – CA and Facilitating Land Revitalization
- ❖ Module 8 – Greener Cleanups and Reuse
- ❖ Module 7 – Selecting and Approving a Protective Remedy
- ❖ Module 10 – CA Optimization Tools and Challenge Exercise

November 2009

Module 14 – Course Wrap-Up

5

Notes:

Purpose of Slide

- Review content of Day 2.

Key Points

- Review the content of Day 2; the second day built on the first.
- The second day addressed elements that are common to each CA site and are important in implementing the CA process successfully.
- Module 9, Managing Remediation Waste, reviewed common issues and practical solutions related to the management of soil and groundwater materials at RCRA CA sites.
- Module 6, CA and Facilitating Land Revitalization, explores how redevelopment can integrate with CA.
- Module 7, Selecting a Protective Remedy, reviewed factors that support the selection of a remedy (Module 8, Achieving a Remedy Decision). The modules included two parts, policy and field considerations, including: consideration of current and anticipated uses, establishment of cleanup objectives, integration of engineering and institutional controls, and integration of special challenges (non-aqueous phase liquids).
- Module 8, Greener Cleanups and Reuse, is a new module presenting opportunities to make cleanups greener.
- Module 10, CA Optimization Tools and Challenge Exercise, provided a discussion-based review of ideas that can support rapid CA progress.

References

- None.



Day 3 – Completing the Process

- ❖ Module 12 – CA Complete
- ❖ Module 13 – Challenge Exercise
- ❖ Module 14 – Wrap Up

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Notes:

Purpose of Slide

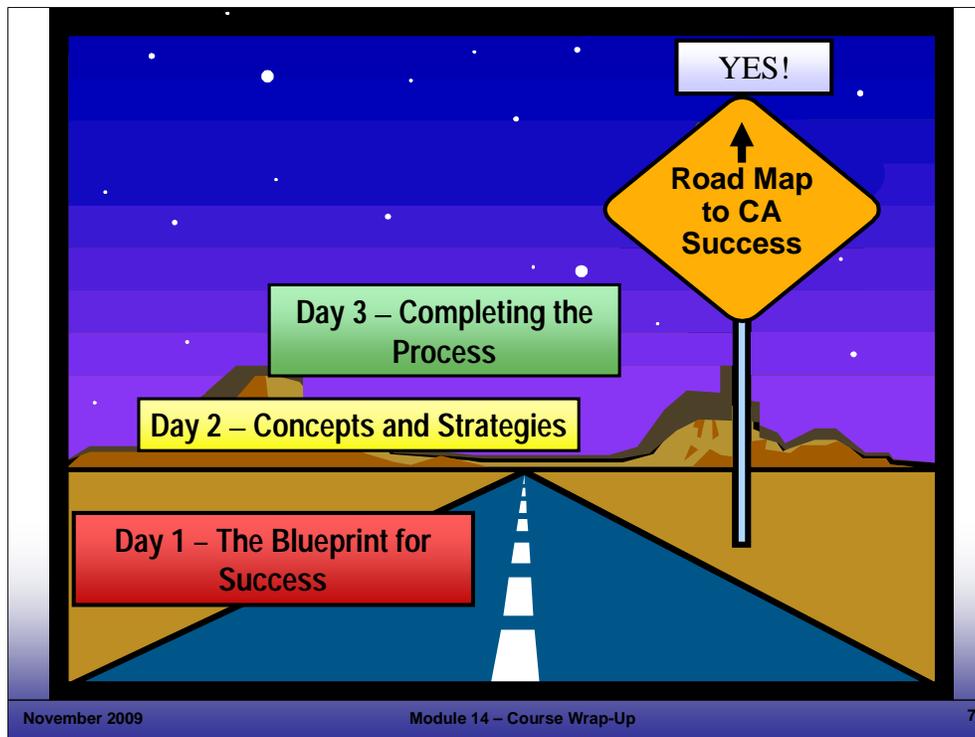
- Review content of Day 3.

Key Points

- Module 11, Maintaining Effective Remedy Performance, reviewed what happens after a remedy is implemented; after implementation, monitoring, optimization and operation and maintenance become important.
- Module 12, CA Complete, reviewed the CA completion determinations.
- Module 13, Challenges Exercise, allowed time for participants to work in groups to review a case study where groups of participants were able to work through an example facility undergoing RCRA CA. This will allow participants to share their knowledge and brainstorm regarding how some of the tools and principles can be applied at sites in the future.

References

- None.



Notes:

Purpose of Slide

- Revisit the road-map approach to the course.

Key Points

- As stated previously, we thought carefully about how to cover the wide range of materials required for this training program in a manner that is logical and manageable.
- In thinking through the material, EPA and the development team identified that the RCRA CA process can be thought of as a process with logical decision points, sign posts, and directions. This helped us develop a road map for the course.
- Within this framework, each day had a theme and covered certain topics related to that theme. As we progressed, we built on the lessons from one day as we moved into the next.
- The road we are on is to an end point of RCRA CA Success. As you can see on this slide, we are moving to a YES for key decision milestones associated with the 2008 and 2020 RCRA Goals and Vision.
- This course is designed to assist those working on RCRA CA to build on the strong foundation of knowledge and experience that has been developed to achieve further, rapid progress.
- The course materials have focused on opportunities for streamlining and maximizing the flexibility allowed within the RCRA CA program to achieve rapid CA progress, support land revitalization, and ensure remedies that are protective of human health and the environment.
- We have included a range of examples that show how these approaches can be applied. As we move forward with this course, additional examples are being sought.

References

- None.



Course Mission Statement

- ❖ *To develop and enhance the skills of qualified personnel who will implement corrective actions for their sites by the year 2020 that are protective of human health and the environment while encouraging revitalization.*

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Notes:

Purpose of Slide

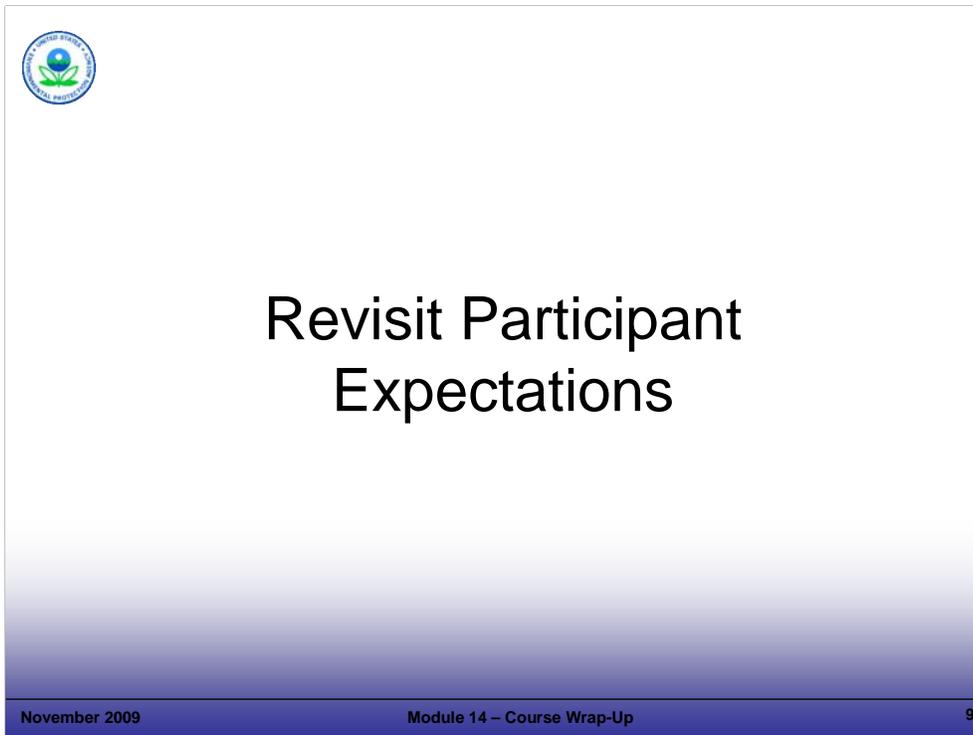
- Review the course mission.

Key Points

- Review materials covered in light of the course mission.

References

- None.

**Notes:**Purpose of Slide

- Review the participant expectations and compare what was covered to expectations.

Key Points

- Review the participant expectations list from Day 1 of the course and discuss which were met and which were not addressed, if any.
- Remind students that their input is important to course improvements.

References

- None.



Summary

- ❖ EPA goals and vision for the CA program are ambitious.
- ❖ Practical and demonstrated approaches can support rapid progress towards EPA Goals and 2020 Vision – Get to Yes!
- ❖ Resources are available to support your efforts.
- ❖ Your input to this course will improve it over time.

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Module 14 – Course Wrap-Up

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Notes:

Purpose of Slide

- Summarize the module and course.

Key Points

- Summarize the module and course.
- Participants should complete evaluation forms; this input will be used to improve the course over time.
- Thanks for your time and good luck with your future RCRA CA efforts!

References

- None.