**MODEL REMEDIAL DESIGN/REMEDIAL ACTION STATEMENT OF WORK**

**For Use with 2024 Update to Model RD/RA Consent Decree**

**508 Compliant Version**

**March 2025**

● This model and any internal procedures adopted for its implementation and use are intended solely as guidance for employees of the U.S. Environmental Protection Agency and the U.S. Department of Justice. They do not constitute rulemaking by EPA and may not be relied upon to create a right or benefit, substantive or procedural, enforceable at law or in equity, by any person. EPA may take action at variance with this model or its internal implementing procedures.

● This document uses styles to make editing easier. Do not try to format any paragraphs manually. Instead, use the custom-made “quick style” buttons, accessible from the “Home” tab. There is a quick style for each of the six numbered paragraph levels; they are “LVL 1” through “LVL 5.” All section headings (which have “LVL 1” formatting) will appear in the Table of Contents (TOC). Do not manually renumber any internal cross references, as they are all automatic. To update the cross-references, press: Ctrl-A > fn-F9 > update entire table > OK. Note: If a numbered paragraph that was cross-referenced elsewhere in the document has been deleted, remove the “broken” paragraph cross-reference. To find and delete the broken cross-references, do a search for “Error!”.

● Do not delete this note until DOJ/ENRD has reviewed the draft SOW. The ENRD attorney should review any changes to the following: ¶ 5.4 (Permits), ¶ 5.5 (Emergency Response and Reporting), ¶ 5.6 (Off-Site Shipments), ¶ 5.8 (Certification of Remedial Action Completion), ¶ 8.6 (Approval of Deliverables), and, if they are used in lieu of the Institutional Controls Implementation and Assurance Plan (ICIAP) under ¶ 4.2, the optional Proprietary Controls provisions.

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1. INTRODUCTION
   1. **Purpose of SOW**. This SOW sets forth the procedures and requirements for implementing the Work.
   2. The Scope of the Remedy includes the actions described in Section \_\_ of the Record of Decision, including \_\_\_\_\_\_.[[1]](#footnote-2)
   3. The terms used in this SOW that are defined in CERCLA, in regulations promulgated under CERCLA, or in the Consent Decree (“Decree”), have the meanings assigned to them in CERCLA, in such regulations, or in the Decree, except that the term “Paragraph” or “¶” means a paragraph of the SOW, and the term “Section” means a section of the SOW, unless otherwise stated.
2. COMMUNITY INVOLVEMENT
   1. As requested by EPA, Settling Defendants shall conduct community involvement activities under EPA’s oversight as provided for in, and in accordance with this Section. Such activities must include designation of a Community Involvement Coordinator (“CI Coordinator”) [**insert, if provided for below:** and implementation of a technical assistance plan].
   2. **Community Involvement Responsibilities**
      1. EPA has the lead responsibility for developing and implementing community involvement activities at the Site. Previously [during the Remedial Investigation and Feasibility Study (“RI/FS”) phase], EPA developed a Community Involvement Plan (“CIP”) for the Site. In accordance with 40 C.F.R. § 300.435(c), EPA shall review the existing CIP and determine whether it should be revised to describe further public involvement activities during the Work that are not already addressed or provided for in the existing CIP [, including, if applicable, [any Technical Assistance Grant (“TAG”), any use of the Technical Assistance Services for Communities (“TASC”) contract, and/or any Technical Assistance Plan (“TAP”)]].
      2. **Settling Defendants’ Community Involvement Coordinator**. As requested by EPA, Settling Defendants shall, within [15] days, designate and notify EPA of Settling Defendants’ Community Involvement Coordinator (Settling Defendants’ CI Coordinator). Settling Defendants may hire a contractor for this purpose. Settling Defendants’ notice must include the name, title, and qualifications of the Settling Defendants’ CI Coordinator. Settling Defendants’ CI Coordinator shall coordinate his/her activities with EPA’s CI Coordinator, provide support regarding EPA’s community involvement activities, and, as requested by EPA’s CI Coordinator, provide draft responses to the public’s inquiries including requests for information or data about the Site. The Settling Defendants’ CI Coordinator has the responsibility to ensure that when they communicate with the public, the Settling Defendants protect any “Personally Identifiable Information” (“PII”) (*e.g.* sample results from residential properties) in accordance with “EPA Policy 2151.0: Privacy Policy.”
      3. As requested by EPA, Settling Defendants shall participate in community involvement activities, including participation in: (1) public meetings that may be held or sponsored by EPA to explain activities at or relating to the Site (with interpreters present for community members with limited English proficiency); and (2) [add other activities EPA decides are necessary to protect and address the concerns of affected communities, *e.g.*, “giving presentations,” “providing a live video feed of areas where work is being performed”]. Settling Defendants’ support of EPA’s community involvement activities may include providing online access to initial submissions and updates of deliverables to: (1) any Community Advisory Groups, (2) any Technical Assistance Grant (“TAG”) recipients and their advisors, and (3) other entities to provide them with a reasonable opportunity for review and comment. EPA may describe in its CIP Settling Defendants’ responsibilities for community involvement activities. All community involvement activities conducted by Settling Defendants at EPA’s request are subject to EPA’s oversight. Upon EPA’s request, Settling Defendants shall establish, as early as is feasible, a community information repository at or near the Site, as provided in the CIP, to house one copy of the administrative record.
      4. **Information for the Community**. As requested by EPA, Settling Defendants shall develop and provide to EPA information about the design and implementation of the remedy including: (1) any validated data from monitoring of impacts to communities as provided in the Community Impacts Mitigation Plan under ¶ 8.7(f); (2) results from unvalidated sampling as provided under ¶ 8.7(e)(7); (3) a copy of the Community Impacts Mitigation Plan required under ¶ 8.7(f); (4) schedules prepared under Section 9; (5) dates that Settling Defendants completed each task listed in the schedules; and (6) digital photographs of the Work being performed, together with descriptions of the Work depicted in each photograph, the purpose of the Work, the equipment being used, and the location of the Work. The EPA Project Coordinator may use this information for communication to the public via EPA’s website, social media, or local and mass media. The information provided to EPA should be suitable for sharing with the public and the education levels of the community. Translations should be in the dominant language(s) of community members with limited English proficiency.
   3. **Settling Defendants’ Responsibilities for Technical Assistance**[[2]](#footnote-3)
      1. At EPA’s request,[[3]](#footnote-4) Settling Defendants shall arrange for a qualified community group to receive the services of a technical advisor(s) who can: (1) help group members understand Site cleanup issues (specifically, to interpret and comment on Site-related documents developed under this SOW); and (2) share this information with others in the community. The technical advisor(s) will be independent from the Settling Defendants. Settling Defendants’ assistance will be limited to $50,000, except as provided in ¶ 2.3(d)(3), and will end when EPA issues the Certification of Work Completion under ¶ 5.10. Settling Defendants shall implement this requirement under a Technical Assistance Plan (“TAP”).
      2. At EPA’s request, Settling Defendants shall cooperate with EPA in soliciting interest from community groups regarding a TAP[[4]](#footnote-5) at the Site. If more than one community group expresses an interest in a TAP, Settling Defendants shall cooperate with EPA in encouraging the groups to submit a single, joint application for a TAP.
      3. At EPA’s request, Settling Defendants shall, within [30] days, submit a proposed TAP for EPA approval. The TAP must describe the Settling Defendants’ plans for the qualified community group to receive independent technical assistance. The TAP must include the following elements:
         1. For Settling Defendants to arrange for publication of a notice in local media that they have received a Letter of Intent (“LOI”) to submit an application for a TAP. The notice should explain how other interested groups may also try to combine efforts with the LOI group or submit their own applications, by a reasonable specified deadline;
         2. For Settling Defendants to review the application(s) received and determine the eligibility of the community group(s). The proposed TAP must include eligibility criteria as follows:
            1. A community group is eligible if it is: (a) comprised of people who are affected by the release or threatened release at the Site; and (b) able to demonstrate its ability to adequately and responsibly manage TAP-related obligations.
            2. A community group is ineligible if it is: (a) a potentially responsible party (PRP) at the Site, represents such a PRP, or receives money or services from a PRP (other than through the TAP); (b) affiliated with a national organization; (c) an academic institution; (d) a political subdivision; (e) a group established or presently sustained by any of the above ineligible entities; or (f) a group in which any of the above ineligible entities is represented;
         3. For Settling Defendants to notify EPA of their determination on eligibility of the applicant group(s) to ensure that the determination is consistent with the SOW before notifying the group(s);
         4. If more than one community group submits a timely application, for Settling Defendants to review each application and evaluate each application based on the following elements:
            1. The extent to which the group is representative of those persons affected by the Site; and
            2. The effectiveness of the group’s proposed system for managing TAP-related responsibilities, including its plans for working with its technical advisor and for sharing Site-related information with other members of the community.
         5. For Settling Defendants to document their evaluation of, and their selection of, a qualified community group, and to brief EPA regarding their evaluation process and choice. EPA may review Settling Defendants’ evaluation process to determine whether the process satisfactorily follows the criteria in ¶ 2.3(c)(4). TAP assistance may be awarded to only one qualified group at a time;
         6. For Settling Defendants to notify all applicant(s) about Settling Defendants’ decision;
         7. For Settling Defendants to designate a person (TAP Coordinator)[[5]](#footnote-6) to be their primary contact with the selected community group;
         8. A description of Settling Defendants’ plans to implement the requirements of ¶ 2.3(d) (Agreement with Selected Community Group); and
         9. For Settling Defendants to submit quarterly progress reports regarding the implementation of the TAP.
      4. Agreement with Selected Community Group
         1. Settling Defendants shall negotiate an agreement[[6]](#footnote-7) with the selected community group that specifies the duties of Settling Defendants and the community group. The agreement must specify the activities that may be reimbursed under the TAP and the activities that may not be reimbursed under the TAP. The list of allowable activities must be consistent with 40 C.F.R. § 35.4070 (*e.g*., obtaining the services of an advisor to help the group understand the nature of the environmental and public health hazards at the Site and the various stages of the response action, and communicating Site information to others in the community). The list of non-allowable activities must be consistent with 40 C.F.R. § 35.4075 (*e.g*., activities related to litigation or political lobbying).
         2. The agreement must provide that Settling Defendants’ review of the Community Group’s recommended choice for Technical Advisor will be limited, consistent with 40 C.F.R. §§ 35.4190 and 35.4195, to criteria such as whether the advisor has relevant knowledge, academic training, and relevant experience as well as the ability to translate technical information into terms the community can understand.
         3. The agreement must provide that the Community Group is eligible for additional TAP assistance, if it can demonstrate that it has effectively managed its TAP responsibilities to date, that it can demonstrate a need for such assistance given the future response activities the Settling Defendants and EPA anticipate for the Site (and such need is described in a proposed budget and proposed scope of work), and that at least three of the following 10 factors are satisfied:
            1. EPA expects that more than eight years (beginning with the initiation of the RI/FS) will pass before construction completion will be achieved;
            2. EPA requires treatability studies or evaluation of new and innovative technologies;
            3. EPA reopens the Record of Decision;
            4. The public health assessment (or related activities) for the Site indicates the need for further health investigations and/or health-related activities;
            5. After Settling Defendants’ selection of the Community Group for the TAP, EPA designates additional operable units at the Site;
            6. EPA issues an Explanation of Significant Differences for the Record of Decision;
            7. After Settling Defendants’ selection of the Community Group, a legislative or regulatory change results in significant new Site information;
            8. Significant public concern about the Site exists, as evidenced, *e.g.*, by relatively large turnout at meetings, the need for multiple meetings, the need for numerous copies of documents to inform community members, etc.;
            9. Any other factor that, in EPA’s judgment, indicates that the Site is unusually complex; or
            10. A RI/FS costing at least $2 million was performed at the Site.
         4. Settling Defendants are entitled to retain any unobligated TAP funds upon EPA’s Certification of Work Completion under ¶ 5.10.
         5. Settling Defendants shall submit a draft of the proposed agreement to EPA for its comments.
3. COORDINATION AND SUPERVISION[[7]](#footnote-8)
   1. **Selection of Project Coordinators and Supervising Contractor**
      1. Settling Defendants’ Project Coordinator and Supervising Contractor each: (i) must have sufficient technical expertise to carry out their responsibilities; (ii) may not be attorneys representing any Settling Defendant in this matter; (iii) may not be the same person; and (iv) may not have a conflict of interest regarding the project. The Supervising Contractor must have a quality assurance system that complies with the most recent version of Quality Systems for Environmental Data and Technology Programs -- Requirements with Guidance for Use (American National Standard), ANSI/ASQC E4 (Feb. 2014).
      2. Settling Defendants shall notify EPA, within [10] days after the Effective Date, of the name, title, contact information, and qualifications of their proposed Project Coordinator and Supervising Contractor.
      3. EPA shall issue a notice of disapproval and/or authorization to proceed regarding any proposed Project Coordinator and Supervising Contractor, as applicable. Any EPA disapproval must be based on the criteria under ¶ 3.1(a).
      4. Notwithstanding ¶¶ 3.1(a) through 3.1(c), Settling Defendants have proposed, and EPA has authorized Settling Defendants to proceed, regarding the following Project Coordinator and Supervising Contractor: [name and contact information].[[8]](#footnote-9)
      5. Settling Defendants shall follow the procedures of ¶¶ 3.1(a) through 3.1(c): (1) to select an alternate Project Coordinator or Supervising Contractor, as applicable, if EPA issues a notice of disapproval; or (2) to change their Project Coordinator or Supervising Contractor.
      6. Settling Defendants may assign other representatives, including other contractors, to assist in coordinating the Work.
   2. EPA has designated \_\_\_\_ as its RPM. EPA may, with notice to Settling Defendants, designate an alternate RPM. EPA may designate other representatives including contractors or consultants to oversee the Work.
   3. The State shall designate and notify the Parties of its Project Coordinator. The State may designate other representatives including contractors or consultants to oversee the Work.
   4. **Project Coordinator and RPM Responsibilities**
      1. Settling Defendants’ Project Coordinator shall communicate with the RPM at least [monthly].
      2. The RPM has the authorities described in the NCP, 40 C.F.R. § 300.120.
      3. The State’s Project Coordinator may participate in any meeting or inspection in which the RPM participates. Settling Defendants shall notify the State reasonably in advance of any such meetings or inspections.
4. REMEDIAL DESIGN
   1. **Remedial Design Work Plan** **(“RDWP”)**. Settling Defendants shall submit a RDWP for EPA approval. The RDWP must include:
      1. Plans for implementing all Remedial Design activities identified in this SOW, in the RDWP, or required by EPA to be conducted to develop the Remedial Design;
      2. A description of the overall management strategy for performing the Remedial Design, including a proposal for phasing of design and construction, if applicable;
      3. A description of the proposed general approach to contracting, construction, operation, maintenance, and monitoring of the Remedial Action as necessary to implement the Work;
      4. A description of the responsibility and authority of all organizations and key personnel involved with the development of the Remedial Design;
      5. Descriptions of any areas requiring clarification and/or anticipated problems (*e.g.*, data gaps);
      6. [Description of any proposed pre-design investigation;]
      7. [Description of any proposed treatability study;]
      8. Descriptions of any applicable permitting requirements and other regulatory requirements;
      9. Description of plans for obtaining access in connection with the Work, such as property acquisition, property leases, and/or easements; and
      10. The following supporting deliverables described in ¶ 8.7 (Supporting Deliverables): Health and Safety Plan and Emergency Response Plan.[[9]](#footnote-10)
   2. **Institutional Controls Implementation and Assurance Plan (“ICIAP”)**. Settling Defendants shall submit a proposed ICIAP for EPA approval. The ICIAP should describe plans to implement, maintain, monitor, and enforce the Institutional Controls (“ICs”) at the Site. The ICIAP shall include plans to commence implementing ICs as early as is feasible, including before EPA approval of the 100% design under ¶ 4.9. The ICIAP also should include procedures for effective and comprehensive review of implemented ICs, procedures for the solicitation of input from affected communities regarding the implementation of ICs, procedures to periodically review and determine if the ICs are having their intended effect, and if not, procedures for the development, approval and implementation of alternative, more effective ICs. Settling Defendants shall develop the ICIAP in accordance with *Institutional Controls: A Guide to Planning, Implementing, Maintaining, and Enforcing Institutional Controls at Contaminated Sites*, OSWER 9355.0-89, EPA/540/R-09/001 (Dec. 2012), and *Institutional Controls: A Guide to Preparing Institutional Controls Implementation and Assurance Plans at Contaminated Sites*, OSWER 9200.0‑77, EPA/540/R-09/02 (Dec. 2012). Settling Defendants also shall consider including in the ICIAP the establishment of effective Long-Term Stewardship procedures including those described in EPA Memorandum: *Advanced Monitoring Technologies and Approaches to Support Long-Term Stewardship* (July 20, 2018). The ICIAP must include the following additional requirements:
      1. Locations of recorded real property interests (*e.g*., easements, liens) and resource interests in the property that may affect ICs (*e.g*., surface, mineral, and water rights) including accurate mapping and geographic information system (GIS) coordinates of such interests; and
      2. Legal descriptions and survey maps that are prepared according to current American Land Title Association (“ALTA”) [**for Texas sites:** Texas Land Title Association (“TLTA”)] Survey guidelines and certified by a licensed surveyor.
      3. Upon the approval of the ICIAP, EPA shall issue a Notice of Authorization to Proceed regarding the Institutional Controls.
   3. Settling Defendants shall communicate regularly with EPA to discuss design issues as necessary, as directed or determined by EPA.[[10]](#footnote-11)
   4. **Pre-Design Investigation**[[11]](#footnote-12) **(“PDI”)**. The purpose of the PDI is to address data gaps by conducting additional field investigations.
      1. **PDI Work Plan**. [If EPA requests,] Settling Defendants shall submit a PDI Work Plan (“PDIWP”) for EPA approval.[[12]](#footnote-13) The PDIWP must include:
         1. An evaluation and summary of existing data and description of data gaps;
         2. A sampling plan including media to be sampled, contaminants or parameters for which sampling will be conducted, location (areal extent and depths), and number of samples; and
         3. Cross references to quality assurance/quality control (“QA/QC”) requirements set forth in the Quality Assurance Project Plan (“QAPP”) as described in ¶ 8.7(d).
      2. Following the PDI, Settling Defendants shall submit a PDI Evaluation Report for approval. This report must include:
         1. Summary of the investigations performed;
         2. Summary of investigation results;
         3. Summary of validated data (*i.e.*, tables and graphics);
         4. Data validation reports and laboratory data reports;
         5. Narrative interpretation of data and results;
         6. Results of statistical and modeling analyses;
         7. Photographs documenting the work conducted; and
         8. Conclusions and recommendations for Remedial Design, including design parameters and criteria.
      3. EPA may require Settling Defendants to supplement the PDI Evaluation Report and/or to perform additional pre-design studies.
   5. **Treatability Study (“TS”).**[[13]](#footnote-14)
      1. Settling Defendants shall perform a TS for the purpose of \_\_\_\_\_\_.
      2. Settling Defendants shall submit a TS Work Plan (“TSWP”) for EPA approval. Settling Defendants shall prepare the TSWP in accordance with EPA’s *Guide for Conducting Treatability Studies under CERCLA, Final* (Oct. 1992), as supplemented for Remedial Design by the *Remedial Design/Remedial Action Handbook*, EPA 540/R-95/059 (June 1995).
      3. Following completion of the TS, Settling Defendants shall submit a TS Evaluation Report for EPA comment.
      4. EPA may require Settling Defendants to supplement the TS Evaluation Report and/or to perform additional treatability studies.
   6. **Preliminary (30%) Remedial Design**. Settling Defendants shall submit a Preliminary (30%) Remedial Design for EPA’s comment. The Preliminary Remedial Design must include:
      1. A design criteria report, as described in the *Remedial Design/Remedial Action Handbook*, EPA 540/R-95/059 (June 1995);
      2. Preliminary drawings and specifications;
      3. Descriptions of permit requirements, if applicable;
      4. Preliminary Operation and Maintenance (“O&M”) Plan and O&M Manual;
      5. A description of how the Remedial Action will be implemented in a manner that minimizes environmental impacts in accordance with EPA’s *Principles for Greener Cleanups* (Aug. 2009);
      6. A description of monitoring and control measures to protect human health and the environment, such as air monitoring, and measures to reduce and manage traffic, noise, odors, and dust, during the Remedial Action in accordance with the Community Involvement Handbook pp. 53-66 (text box on p. 55) to minimize community impacts;
      7. Any proposed revisions to the Remedial Action Schedule that is set forth in ¶ 9.3 (Remedial Action Schedule); and
      8. Updates of all supporting deliverables required to accompany the RDWP and the following additional supporting deliverables described in ¶ 8.7 (Supporting Deliverables): [**delete if submitted with RDWP:** Field Sampling Plan; Quality Assurance Project Plan;] Site Wide Monitoring Plan; Community Impacts Mitigation Plan, Construction Quality Assurance/Quality Control Plan; Transportation and Off-Site Disposal Plan; O&M Plan; and O&M Manual.
   7. **Intermediate (60%) Remedial Design**.[[14]](#footnote-15) Settling Defendants shall submit the Intermediate (60%) Remedial Design for EPA’s comment. The Intermediate Remedial Design must: (a) be a continuation and expansion of the Preliminary Remedial Design; (b) address EPA’s comments regarding the Preliminary Remedial Design; and (c) include the same elements as are required for the Preliminary (30%)Remedial Design.
   8. **Pre-final (95%) Remedial Design**. Settling Defendants shall submit the Pre-final (95%) Remedial Design for EPA’s comment. The Pre-final Remedial Design must be a continuation and expansion of the previous design submittal and must address EPA’s comments regarding the Intermediate Remedial Design. The Pre-final Remedial Design will serve as the approved Final (100%) Remedial Design if EPA approves the Pre-final Remedial Design without comments. The Pre-final Remedial Design must include:
      1. A complete set of construction drawings and specifications that are: (1) certified by a registered professional engineer; (2) suitable for procurement; and (3) follow the Construction Specifications Institute’s MasterFormat [**2020 or a later edition**];
      2. A survey and engineering drawings showing existing Site features, such as elements, property borders, easements, and Site conditions;
      3. Pre-final versions of the same elements and deliverables as are required for the [Preliminary/Intermediate] Remedial Design;
      4. A specification for photographic documentation of the Remedial Action; and
      5. Updates of all supporting deliverables required to accompany the Preliminary (30%) Remedial Design.
   9. **Final (100%) Remedial Design**. Settling Defendants shall submit the Final (100%) Remedial Design for EPA approval. The Final Remedial Design must address EPA’s comments on the Pre-final Remedial Design and must include final versions of all Pre-final Remedial Design deliverables.
   10. **Notice of Authorization to Proceed**. Upon the approval of the Remedial Design, EPA shall issue a Notice of Authorization to Proceed regarding the Remedial Action.
5. REMEDIAL ACTION
   1. **Remedial Action Work Plan (“RAWP”)**. Settling Defendants shall submit a RAWP for EPA approval that includes:
      1. A proposed Remedial Action Construction Schedule [specify desired format, such as critical path method, Gantt chart, or Program Evaluation and Review Techniques (“PERT”) chart];
      2. An updated health and safety plan that covers activities during the Remedial Action; and
      3. Plans for satisfying permitting requirements, if any, including obtaining permits for off-site activity and for satisfying substantive requirements of permits for on-site activity.
   2. **Independent Quality Assurance Team**[[15]](#footnote-16) **(“IQAT”)**. Settling Defendants shall notify EPA of Settling Defendants’ designated IQAT. The IQAT must be independent of, and cannot include the Supervising Contractor. Settling Defendants may hire a third party for this purpose. Settling Defendants’ notice must include the names, titles, contact information, and qualifications of the members of the IQAT. The IQAT will have the responsibility to determine whether Work is of expected quality and conforms to applicable plans and specifications. The IQAT will have the responsibilities as described in ¶ 2.1.3 of the *Guidance on EPA Oversight of Remedial Designs and Remedial Actions Performed by Potentially Responsible Parties*, EPA/540/G-90/001 (Apr. 1990).
   3. **Meetings and Inspections**
      1. **Preconstruction Conference**. Settling Defendants shall hold a preconstruction conference with EPA and others as directed or approved by EPA and as described in the *Remedial Design/Remedial Action Handbook*, EPA 540/R-95/059 (June 1995). Settling Defendants shall prepare minutes of the conference and shall distribute the minutes to all Parties.
      2. **Periodic Communications**. During the construction portion of the Remedial Action (Remedial Action Construction), Settling Defendants shall communicate regularly [**insert frequency if appropriate**] with EPA, and others as directed or determined by EPA, to discuss construction issues. Settling Defendants shall distribute an agenda and list of attendees to all Parties prior to each meeting or telephone call. Settling Defendants shall prepare minutes of the meetings or calls and shall distribute the minutes to all Parties.
      3. **Inspections**
         1. EPA or its representative shall conduct periodic inspections of [or have an on-site presence during] the Work. At EPA’s request, the Supervising Contractor or other designee shall accompany EPA or its representative during inspections.
         2. [**If needed:** Settling Defendants shall provide [on-site] office space for EPA personnel to perform their oversight duties. The minimum office requirements are [*e.g.*, a private office with at least 150 square feet of floor space, an office desk with chair, a four-drawer file cabinet, and a telephone with a private line, access to facsimile, reproduction, and personal computer equipment, wireless internet access, and sanitation facilities.]]
         3. [**If needed:** Settling Defendants shall provide personal protective equipment needed for EPA personnel and any oversight officials to perform their oversight duties.]
         4. Upon notification by EPA of any deficiencies in the Remedial Action Construction, Settling Defendants shall take all necessary steps to correct the deficiencies and/or bring the Remedial Action Construction into compliance with the approved Final Remedial Design, any approved design changes, and/or the approved RAWP. If applicable, Settling Defendants shall comply with any schedule provided by EPA in its notice of deficiency.
   4. **Permits**
      1. As provided in CERCLA § 121(e), and Section 300.400(e) of the NCP, no permit is required for any portion of the Work conducted entirely on-site *(i.e*., within the areal extent of contamination or in very close proximity to the contamination and necessary for implementation of the Work). Where any portion of the Work that is not on-site requires a federal or state permit or approval, Settling Defendants shall submit timely and complete applications and take all other actions necessary to obtain all such permits or approvals.
      2. Settling Defendants may seek relief under the provisions of Section [**XI**] (Force Majeure) of the Decree for any delay in the performance of the Work resulting from a failure to obtain, or a delay in obtaining, any permit or approval referenced in ¶ 5.4(a) and required for the Work, provided that they have submitted timely and complete applications and taken all other actions necessary to obtain all such permits or approvals.
      3. Nothing in the Decree or this SOW constitutes a permit issued under any federal or state statute or regulation.
   5. **Emergency Response and Reporting**
      1. **Emergency Action**. If any event occurs during performance of the Work that causes or threatens to cause a release of Waste Material on, at, or from the Site and that either constitutes an emergency situation or that may present an immediate threat to public health or welfare or the environment, Settling Defendants shall: (1) immediately take all appropriate action to prevent, abate, or minimize such release or threat of release; (2) immediately notify the authorized EPA officer (as specified in ¶ 5.5(c)) orally; and (3) take such actions in consultation with the authorized EPA officer and in accordance with all applicable provisions of the Health and Safety Plan, the Emergency Response Plan, and any other deliverable approved by EPA under the SOW.
      2. **Release Reporting**. Upon the occurrence of any event during performance of the Work that Settling Defendants are required to report under CERCLA § 103 or Section 304 of the Emergency Planning and Community Right-to-Know Act (“EPCRA”), Settling Defendants shall immediately notify the authorized EPA officer orally.
      3. The “authorized EPA officer” for purposes of immediate oral notifications and consultations under ¶ 5.5(a) and ¶ 5.5(b) is the RPM, the Alternate RPM (if the RPM is unavailable), or the EPA [Emergency Response Unit], Region \_\_ (if neither RPM is available).
      4. For any event covered by ¶ 5.5(a) and ¶ 5.5(b), Settling Defendants shall: (1) within [14] days after the onset of such event, submit a report to EPA describing the actions or events that occurred and the measures taken, and to be taken, in response thereto; and (2) within 30 days after the conclusion of such event, submit a report to EPA describing all actions taken in response to such event.
      5. The reporting requirements under ¶ 5.5 are in addition to the reporting required by CERCLA § 103 or EPCRA § 304.
   6. **Off-Site Shipments**
      1. Settling Defendants may ship hazardous substances, pollutants, and contaminants from the Site to an off-Site facility only if they comply with CERCLA § 121(d)(3), and 40 C.F.R. § 300.440. Settling Defendants will be deemed to be in compliance with CERCLA § 121(d)(3) and 40 C.F.R. § 300.440 regarding a shipment if Settling Defendants obtain a prior determination from EPA that the proposed receiving facility for such shipment is acceptable under the criteria of 40 C.F.R. § 300.440(b).
      2. Settling Defendants may ship Waste Material from the Site to an out-of-state waste management facility only if, prior to any shipment, they provide notice to the appropriate state environmental official in the receiving facility’s state and to the RPM. This notice requirement will not apply to any off‑Site shipments when the total quantity of all such shipments does not exceed 10 cubic yards. The notice must include the following information, if available: (1) the name and location of the receiving facility; (2) the type and quantity of Waste Material to be shipped; (3) the schedule for the shipment; and (4) the method of transportation. Settling Defendants also shall notify the state environmental official referenced above and the RPM of any major changes in the shipment plan, such as a decision to ship the Waste Material to a different out-of-state facility. Settling Defendants shall provide the notice after the award of the contract for Remedial Action construction and before the Waste Material is shipped.
      3. Settling Defendants may ship Investigation Derived Waste (IDW) from the Site to an off-Site facility only if they comply with CERCLA § 121(d)(3), 40 C.F.R. § 300.440, *EPA’s Guide to Management of Investigation Derived Waste*, OSWER 9345.3-03FS (Jan. 1992), and any IDW-specific requirements contained in the Record of Decision. Wastes shipped off-Site to a laboratory for characterization, and RCRA hazardous wastes that meet the requirements for an exemption from RCRA under 40 CFR § 261.4(e) shipped off-site for treatability studies, are not subject to 40 C.F.R. § 300.440.[[16]](#footnote-17)
   7. **Remedial Action Construction Completion**
      1. For purposes of this ¶ 5.7, “Remedial Action Construction” comprises, for any Remedial Action that involves the construction and operation of a system to achieve Performance Standards (for example, groundwater or surface water restoration remedies), the construction of such system and the performance of all activities necessary for the system to function properly and as designed.
      2. **Inspection of Constructed Remedy**. Settling Defendants shall schedule an inspection to review the construction and operation of the system and to review whether the system is functioning properly and as designed. The inspection must be attended by Settling Defendants and EPA and/or their representatives. A reinspection must be conducted if requested by EPA.
      3. **Shakedown Period**. There shall be a shakedown period of up to one year for EPA to review whether the remedy is functioning properly and performing as designed. Settling Defendants shall provide such information as EPA requests for such review.
      4. **Remedial Action Report**. Following the shakedown period, Settling Defendants shall submit a “Remedial Action Report” requesting EPA’s determination that Remedial Action Construction has been completed. The Remedial Action Report must: (1) include statements by a registered professional engineer and by Settling Defendants’ Project Coordinator that the construction of the system is complete and that the system is functioning properly and as designed; (2) include a demonstration, and supporting documentation, that construction of the system is complete and that the system is functioning properly and as designed; (3) include as‑built drawings signed and stamped by a registered professional engineer; (4) be prepared in accordance with Chapter 2 (Remedial Action Completion) of EPA’s *Close Out Procedures for NPL Sites* guidance (May 2011), as supplemented by *Guidance for Management of Superfund Remedies in Post Construction*, OLEM 9200.3-105 (Feb. 2017); and (5) be certified in accordance with ¶ 8.5 (Certification).
      5. If EPA determines that Remedial Action Construction is not complete, EPA shall so notify Settling Defendants. EPA’s notice must include a description of, and schedule for, the activities that Settling Defendants must perform to complete Remedial Action Construction. EPA’s notice may include a schedule for completion of such activities or may require Settling Defendants to submit a proposed schedule for EPA approval. Settling Defendants shall perform all activities described in the EPA notice in accordance with the schedule.
      6. If EPA determines, based on the initial or any subsequent Remedial Action Report, that Remedial Action Construction is complete, EPA shall so notify Settling Defendants.
   8. **Certification of Remedial Action Completion**[[17]](#footnote-18)
      1. **Remedial Action Completion Inspection**. The Remedial Action is “Complete” for purposes of this ¶ 5.8 when it has been fully performed and the Performance Standards have been achieved. Settling Defendants shall schedule an inspection for the purpose of obtaining EPA’s Certification of Remedial Action Completion. The inspection must be attended by Settling Defendants and EPA and/or their representatives.
      2. [**Remedial Action Report/Monitoring Report**]. Following the inspection, Settling Defendants shall submit a [Remedial Action Report/Monitoring Report] to EPA requesting EPA’s Certification of Remedial Action Completion. The report must: (1) include certifications by a registered professional engineer and by Settling Defendants’ Project Coordinator that the Remedial Action is complete; [(2) include as‑built drawings signed and stamped by a registered professional engineer;] (3) be prepared in accordance with Chapter 2 (Remedial Action Completion) of EPA’s *Close Out Procedures for NPL Sites* guidance (May 2011), as supplemented by *Guidance for Management of Superfund Remedies in Post Construction*, OLEM 9200.3-105 (Feb. 2017); [(4) contain monitoring data to demonstrate that Performance Standards have been achieved;] and (5) be certified in accordance with ¶ 8.5 (Certification).
      3. If EPA concludes that the Remedial Action is not Complete, EPA shall so notify Settling Defendants. EPA’s notice must include a description of any deficiencies. EPA’s notice may include a schedule for addressing such deficiencies or may require Settling Defendants to submit a schedule for EPA approval. Settling Defendants shall perform all activities described in the notice in accordance with the schedule.
      4. If EPA concludes, based on the initial or any subsequent [Remedial Action Report/Monitoring Report] requesting Certification of Remedial Action Completion, that the Remedial Action is Complete, EPA shall so certify to Settling Defendants. This certification will constitute the Certification of Remedial Action Completion for purposes of the Decree, including Section [**XIV**] of the Decree (Covenants by Plaintiffs).[[18]](#footnote-19) Certification of Remedial Action Completion will not affect Settling Defendants’ remaining obligations under the Decree.
   9. **Periodic Review Support Plan (“PRSP”)**. Settling Defendants shall submit the PRSP for EPA approval. The PRSP addresses the studies and investigations that Settling Defendants shall conduct to support EPA’s reviews of whether the Remedial Action is protective of human health and the environment in accordance with CERCLA § 121(c) (also known as “Five-Year Reviews”). Settling Defendants shall develop the plan in accordance with *Comprehensive Five-year Review Guidance*, OSWER 9355.7-03B-P (June 2001), and any other relevant five-year review guidances.
   10. **Certification of Work Completion**[[19]](#footnote-20)
       1. **Work Completion Inspection**. Settling Defendants shall schedule an inspection for the purpose of obtaining EPA’s Certification of Work Completion. The inspection must be attended by Settling Defendants and EPA and/or their representatives.
       2. **Work Completion Report**. Following the inspection, Settling Defendants shall submit a report to EPA requesting EPA’s Certification of Work Completion. The report must: (1) include certifications by a registered professional engineer and by Settling Defendants’ Project Coordinator that the Work, including all O&M activities, is complete; and (2) be certified in accordance with ¶ 8.5 (Certification). If the [Remedial Action Report/Monitoring Report] submitted under ¶ 5.8(b) includes all elements required under this ¶ 5.10(b), then the [Remedial Action Report/Monitoring Report] suffices to satisfy all requirements under this ¶ 5.10(b).
       3. If EPA concludes that the Work is not complete, EPA shall so notify Settling Defendants. EPA’s notice must include a description of the activities that Settling Defendants must perform to complete the Work. EPA’s notice must include specifications and a schedule for such activities or must require Settling Defendants to submit specifications and a schedule for EPA approval. Settling Defendants shall perform all activities described in the notice or in the EPA-approved specifications and schedule.
       4. If EPA concludes,[[20]](#footnote-21) based on the initial or any subsequent report requesting Certification of Work Completion, that the Work is complete, EPA shall so certify in writing to Settling Defendants. Issuance of the Certification of Work Completion does not affect the following continuing obligations: (1) obligations under the Periodic Review Support Plan; (2) obligations under Sections [**VI**] (Property Requirements), and [**XVII**] (Records) of the Decree; (3) [Institutional Controls obligations as provided in the ICIAP;] (4) [**add other relevant obligations**]; and (5) reimbursement of EPA’s Future Response Costs under Section [**IX**] (Payments for Response Costs) of the Decree.]
6. CONTINGENCY REMEDY[[21]](#footnote-22)
   1. **Testing/Investigations**. If testing and/or investigations are needed for EPA to make a determination whether the contingency remedy selected in the Record of Decision needs to be implemented, Settling Defendants shall submit a plan for implementing such testing and/or investigations, shall implement such testing and/or investigations in accordance with EPA’s approval and/or modification of such plan, and shall submit reports to EPA regarding the results of such testing and/or investigations.
   2. **Reports Regarding Performance of Selected Remedy**. If the Record of Decision provides for implementation of a contingency remedy in the event of failure of the selected remedy to achieve desired performance levels, Settling Defendants shall submit such reports as EPA requests regarding the performance of the selected remedy.
   3. **Invocation of Contingency Remedy**. If EPA determines that the contingency remedy selected in the Record of Decision needs to be implemented, EPA shall so notify Settling Defendants, and shall include a copy of EPA’s decision document invoking the contingency remedy.
   4. **Implementation of Contingency Remedy**. Settling Defendants shall implement the contingency remedy in accordance with the EPA notification and consistent with the requirements of Section 4 and Section 5 of this SOW.
   5. **Other Modifications**. If EPA determines that implementation of the contingency remedy selected in the Record of Decision will require modifications to any deliverable submitted under this SOW, and so notifies Settling Defendants, Settling Defendants shall modify those deliverables.
7. REPORTING
   1. **Progress Reports**. Commencing with the [month] following lodging of the Decree and until EPA approves the Remedial Action [**if using ¶ 5.7, insert**: Construction] Completion, Settling Defendants shall submit progress reports to EPA on a [monthly/weekly] basis, or as otherwise requested by EPA. The reports must cover all activities that took place during the prior reporting period, including:[[22]](#footnote-23)
      1. The actions that have been taken toward achieving compliance with the Decree;
      2. A summary of all results of sampling, tests, and all other data received or generated by Settling Defendants;
      3. A description of all deliverables that Settling Defendants submitted to EPA;
      4. A description of all activities relating to Remedial Action Construction that are scheduled for the next [six weeks];
      5. An updated Remedial Action Construction Schedule, together with information regarding percentage of completion, delays encountered or anticipated that may affect the future schedule for implementation of the Work, and a description of efforts made to mitigate those delays or anticipated delays;
      6. A description of any modifications to the work plans or other schedules that Settling Defendants have proposed or that have been approved by EPA; and
      7. A description of all activities undertaken in support of the Community Involvement Plan (“CIP”) during the reporting period and those to be undertaken in the next [six weeks].
   2. **Notice of Progress Report Schedule Changes**. If the schedule for any activity described in the Progress Reports, including activities required to be described under ¶ 7.1(d), changes, Settling Defendants shall notify EPA of such change at least seven days before performance of the activity.
8. DELIVERABLES
   1. **Applicability**. Settling Defendants shall submit deliverables for EPA approval or for EPA comment as specified in the SOW. If neither is specified, the deliverable does not require EPA’s approval or comment. Paragraphs 8.2 (In Writing) through 8.4 (Technical Specifications) apply to all deliverables. Paragraph 8.5 (Certification) applies to any deliverable that is required to be certified. Paragraph 8.6 (Approval of Deliverables) applies to any deliverable that is required to be submitted for EPA approval.
   2. **In Writing**. As provided in [**¶ 82**] of the Decree, all deliverables under this SOW must be in writing unless otherwise specified.
   3. **General Requirements for Deliverables.**[[23]](#footnote-24) All deliverables must be submitted by the deadlines in the Remedial Design Schedule or Remedial Action Schedule, as applicable. Settling Defendants shall submit all deliverables to EPA in electronic form. Technical specifications for sampling and monitoring data and spatial data are addressed in **¶**8.4. All other deliverables shall be submitted to EPA in the electronic form specified by the RPM. If any deliverable includes maps, drawings, or other exhibits that are larger than 8.5” by 11”, Settling Defendants shall also provide EPA with paper copies of such exhibits.
   4. **Technical Specifications**[[24]](#footnote-25)
      1. Sampling and monitoring data should be submitted in standard regional Electronic Data Deliverable (“EDD”) format. [**Specify the EDD format that the Region uses**.] Other delivery methods may be allowed if electronic direct submission presents a significant burden or as technology changes.
      2. Spatial data, including spatially-referenced data and geospatial data, should be submitted: (1) in the ESRI File Geodatabase format [**or insert Regionally-preferred spatial file format**]; and (2) as unprojected geographic coordinates in decimal degree format using North American Datum 1983 (“NAD83”) or World Geodetic System 1984 (WGS84) as the datum. If applicable, submissions should include the collection method(s). Projected coordinates may optionally be included but must be documented. Spatial data should be accompanied by metadata, and such metadata should be compliant with the Federal Geographic Data Committee (“FGDC”) Content Standard for Digital Geospatial Metadata and its EPA profile, the EPA Geospatial Metadata Technical Specification. An add-on metadata editor for ESRI software, the EPA Metadata Editor (“EME”), complies with these FGDC and EPA metadata requirements and is available at <https://edg.epa.gov/EME/>.
      3. Each file must include an attribute name for each site unit or sub-unit submitted. Consult https://www.epa.gov/geospatial/geospatial-policies-and-standards for any further available guidance on attribute identification and naming.
      4. Spatial data submitted by Settling Defendants does not, and is not intended to, define the boundaries of the Site.
   5. **Certification**.[[25]](#footnote-26) All deliverables that require compliance with this paragraph must be signed (or electronically signed) by the Settling Defendants’ Project Coordinator, or other responsible official of Settling Defendants, and must contain the following statement:

I certify under penalty of perjury that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I have no personal knowledge that the information submitted is other than true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

* 1. **Approval of Deliverables**[[26]](#footnote-27)
     1. **Initial Submissions**
        1. After review of any deliverable that is required to be submitted for EPA approval under the Decree or the SOW, EPA shall: (i) approve, in whole or in part, the submission; (ii) approve the submission upon specified conditions; (iii) disapprove, in whole or in part, the submission; or (iv) any combination of the foregoing.
        2. EPA also may modify the initial submission to cure deficiencies in the submission if: (i) EPA determines that disapproving the submission and awaiting a resubmission would cause substantial disruption to the Work; or (ii) previous submission(s) have been disapproved and the deficiencies in the initial submission under consideration indicate a bad faith lack of effort to submit an acceptable deliverable.
     2. **Resubmissions**. Upon receipt of a notice of disapproval under ¶ 8.6(a) (Initial Submissions), or if required by a notice of approval upon specified conditions under ¶ 8.6(a), Settling Defendants shall, within \_\_ days or such longer time as specified by EPA in such notice, correct the deficiencies and resubmit the deliverable for approval. After review of the resubmitted deliverable, EPA may: (1) approve, in whole or in part, the resubmission; (2) approve the resubmission upon specified conditions; (3) modify the resubmission; (4) disapprove, in whole or in part, the resubmission, requiring Settling Defendants to correct the deficiencies; or (5) any combination of the foregoing.
     3. **Implementation**. Upon approval, approval upon conditions, or modification by EPA under ¶ 8.6(a) (Initial Submissions) or ¶ 8.6(b) (Resubmissions), of any deliverable, or any portion thereof: (1) such deliverable, or portion thereof, will be incorporated into and enforceable under the Decree; and (2) Settling Defendants shall take any action required by such deliverable, or portion thereof. The implementation of any non-deficient portion of a deliverable submitted or resubmitted under ¶ 8.6(a) or ¶ 8.6(b) does not relieve Settling Defendants of any liability for stipulated penalties under Section [**XIII**] (Stipulated Penalties) of the Decree.
  2. **Supporting Deliverables**. Settling Defendants shall submit each of the following supporting deliverables for EPA approval, except as specifically provided. Settling Defendants shall develop the deliverables in accordance with all applicable regulations, guidances, and policies (see Section 11 (References)). Settling Defendants shall update each of these supporting deliverables as necessary or appropriate during the course of the Work, and/or as requested by EPA.[[27]](#footnote-28)
     1. **Health and Safety Plan (“HASP”)**. The HASP describes all activities to be performed to protect on site personnel and area residents from physical, chemical, and all other hazards posed by the Work. Settling Defendants shall develop the HASP in accordance with EPA’s *Emergency Responder Health and Safety Manual* and Occupational Safety and Health Administration (“OSHA”) requirements under 29 C.F.R. §§ 1910 and 1926. The HASP should cover Remedial Design activities and should be, as appropriate, updated to cover activities during the Remedial Action and updated to cover activities after Remedial Action completion. EPA does not approve the HASP but will review it to ensure that all necessary elements are included and that the plan provides for the protection of human health and the environment.
     2. **Emergency Response Plan (“ERP”)**. The ERP must describe procedures to be used in the event of an accident or emergency at the Site (for example, power outages, water impoundment failure, treatment plant failure, slope failure, etc.). The ERP must include:
        1. Name of the person or entity responsible for responding in the event of an emergency incident;
        2. Plan and date(s) for meeting(s) with the local community, including local, State, and federal agencies involved in the cleanup, as well as local emergency squads and hospitals;
        3. Spill Prevention, Control, and Countermeasures (“SPCC”) Plan (if applicable), consistent with the regulations under 40 C.F.R. part 112, describing measures to prevent, and contingency plans for, spills and discharges;
        4. Notification activities in accordance with ¶ 5.5(b) (Release Reporting) in the event of a release of hazardous substances requiring reporting under CERCLA § 103 or EPCRA § 304; and
        5. A description of all necessary actions to ensure compliance with ¶ 5.5 of the SOW in the event of an occurrence during the performance of the Work that causes or threatens a release of Waste Material from the Site that constitutes an emergency or may present an immediate threat to public health or welfare or the environment.
     3. **Field Sampling Plan (“FSP”)**. The FSP addresses all sample collection activities. The FSP must be written so that a field sampling team unfamiliar with the project would be able to gather the samples and field information required. Settling Defendants shall develop the FSP in accordance with *Guidance for Conducting Remedial Investigations and Feasibility Studies*, EPA/540/G 89/004 (Oct. 1988).
     4. **Quality Assurance Project Plan (“QAPP”)**. The QAPP must include a detailed explanation of Settling Defendants’ quality assurance, quality control, and chain of custody procedures for all treatability, design, compliance, and monitoring samples. Settling Defendants shall develop the QAPP in accordance with EPA Directive CIO 2105.1 (Environmental Information Quality Policy, 2021), the most recent version of *Quality Management Systems for Environmental Information and Technology Programs – Requirements with Guidance for Use*, ASQ/ANSI E-4 (Feb. 2014, and *Guidance for Quality Assurance Project Plans*, EPA QA/G-5, EPA Office of Environmental Information (Dec. 2002). Settling Defendants shall collect, produce, and evaluate all environmental information at the Site in accordance with the approved QAPP.
     5. **Site Wide Monitoring Plan (“SWMP”)**. The purpose of the SWMP is to obtain baseline information regarding the extent of contamination in affected media at the Site; to obtain information, through short- and long- term monitoring, about the movement of and changes in contamination throughout the Site, before and during implementation of the Remedial Action; to obtain information regarding contamination levels to determine whether Performance Standards are achieved; and to obtain information to determine whether to perform additional actions, including further Site monitoring. The SWMP must include:
        1. Description of the environmental media to be monitored;
        2. Description of the data collection parameters, including existing and proposed monitoring devices and locations, schedule and frequency of monitoring, analytical parameters to be monitored, and analytical methods employed;
        3. Description of how performance data will be analyzed, interpreted, and reported, and/or other Site-related requirements;
        4. Description of verification sampling procedures;
        5. Description of deliverables that will be generated in connection with monitoring, including sampling schedules, laboratory records, monitoring reports, and monthly and annual reports to EPA and State agencies;
        6. Description of proposed additional monitoring and data collection actions (such as increases in frequency of monitoring, and/or installation of additional monitoring devices in the affected areas) in the event that results from monitoring devices indicate changed conditions (such as higher than expected concentrations of the contaminants of concern or groundwater contaminant plume movement);
        7. A plan to immediately provide to EPA any unvalidated sampling data from Community Areas as defined in ¶ 8.7(f) affected by the remedy that exceed removal management levels or three times remedial cleanup levels, whichever is lower; and
        8. A plan to expedite sampling and analysis in Community Areas as defined in ¶ 8.7(f) affected by the remedy (particularly in situations where EPA determines that unvalidated sampling data indicates substantial exceedances of cleanup standards), including procedures for expedited analysis, validation, and communication of sampling results to affected communities.
     6. **Community Impacts Mitigation Plan (“CIMP”)**. The CIMP describes all activities to be performed: (1) to reduce and manage the impacts from remedy implementation (*e.g.*, air emissions, traffic, noise, odor, temporary or permanent relocation) to residential areas, schools, playgrounds, healthcare facilities, or recreational or impacted public areas (“Community Areas”) from and during remedy implementation, (2) to conduct monitoring in Community Areas of impacts from remedy implementation, (3) to expeditiously communicate validated remedy implementation monitoring data, (4) to make adjustments during remedy implementation in order to further reduce and manage impacts from remedy implementation to affected Community Areas,[[28]](#footnote-29) (5) to expeditiously restore community resources damaged during remediation such as roads and culverts, and (6) to mitigate the economic effects that the Remedial Action will have on the community by structuring remediation contracts to allow more local business participation.[[29]](#footnote-30) The CIMP should contain information about impacts to Community Areas that is sufficient to assist the RPM in performing the evaluations recommended under the *Superfund Community Involvement Handbook*, OLEM 9230.0-51 (March 2020), pp. 53-56.
     7. **Construction Quality Assurance Plan (“CQAP”) and Construction Quality Control Plan (“CQCP”)**. The purpose of the CQAP is to describe planned and systemic activities that provide confidence that the Remedial Action construction will satisfy all plans, specifications, and related requirements, including quality objectives. The purpose of the CQCP is to describe the activities to verify that Remedial Action construction has satisfied all plans, specifications, and related requirements, including quality objectives. The CQAP/CQCP (“CQA/CP”) must:
        1. Identify, and describe the responsibilities of, the organizations and personnel implementing the CQA/CP;
        2. Describe the Performance Standards required to be met to achieve Completion of the Remedial Action;
        3. Describe the activities to be performed: (i) to provide confidence that Performance Standards will be met; and (ii) to determine whether Performance Standards have been met;
        4. Describe verification activities, such as inspections, sampling, testing, monitoring, and production controls, under the CQA/CP;
        5. Describe industry standards and technical specifications used in implementing the CQA/CP;
        6. Describe procedures for tracking construction deficiencies from identification through corrective action;
        7. Describe procedures for documenting all CQA/CP activities; and
        8. Describe procedures for retention of documents and for final storage of documents.
     8. **Transportation and Off-Site Disposal Plan**[[30]](#footnote-31) **(“TODP”)**. The TODP describes plans to ensure compliance with ¶ 5.6 (Off-Site Shipments). The TODP must include:
        1. Proposed times and routes for off-site shipment of Waste Material;
        2. Identification of communities affected by shipment of Waste Material; and
        3. Description of plans to minimize impacts (*e.g.*, noise, traffic, dust, odors) on affected communities.
     9. **O&M Plan**. The O&M Plan describes the requirements for inspecting, operating, and maintaining the Remedial Action. Settling Defendants shall develop the O&M Plan in accordance with *Guidance for Management of Superfund Remedies in Post Construction*, OLEM 9200.3-105 (Feb. 2017). The O&M Plan must include the following additional requirements:
        1. Description of Performance Standards required to be met to implement the Record of Decision;
        2. Description of activities to be performed: (i) to provide confidence that Performance Standards will be met; and (ii) to determine whether Performance Standards have been met;
        3. **O&M Reporting**. Description of records and reports that will be generated during O&M, such as daily operating logs, laboratory records, records of operating costs, reports regarding emergencies, personnel and maintenance records, monitoring reports, and monthly and annual reports to EPA and State agencies;
        4. Description of corrective action in case of systems failure, including: (i) alternative procedures to prevent the release or threatened release of Waste Material which may endanger public health and the environment or may cause a failure to achieve Performance Standards; (ii) analysis of vulnerability and additional resource requirements should a failure occur; (iii) notification and reporting requirements should O&M systems fail or be in danger of imminent failure; and (iv) community notification requirements; and
        5. Description of corrective action to be implemented in the event that Performance Standards are not achieved; and a schedule for implementing these corrective actions.
     10. **O&M Manual**. The O&M Manual serves as a guide to the purpose and function of the equipment and systems that make up the remedy. Settling Defendants shall develop the O&M Manual in accordance with *Guidance for Management of Superfund Remedies in Post Construction*, OLEM 9200.3-105 (Feb. 2017).

1. SCHEDULES
   1. **Applicability and Revisions**. All deliverables and tasks required under this SOW must be submitted or completed by the deadlines or within the time durations listed in the Remedial Design and Remedial Action Schedules set forth below. Settling Defendants may submit proposed revised Remedial Design Schedules or Remedial Action Schedules for EPA approval. Upon EPA’s approval, the revised Remedial Design and/or Remedial Action Schedules supersede the Remedial Design and Remedial Action Schedules set forth below, and any previously-approved Remedial Design and/or Remedial Action Schedules.
   2. **Remedial Design Schedule**

|  | **Description of Deliverable, Task** | **¶ Ref.** | **Deadline** |
| --- | --- | --- | --- |
| 1 | TAP | 2.3(c) | X days after EPA request |
| 2 | Designate TAP Coordinator | 2.3(c)(7) | X days after EPA request |
| 3 | RDWP | 4.1 | X days after EPA’s Authorization to Proceed regarding Supervising Contractor (¶ 3.1(c)). |
| 4 | ICIAP | 4.2 | X days after EPA Authorization to Proceed regarding Supervising Contractor (¶ 3.1(c)). |
| 5 | PDIWP | 4.4(a) | X days after EPA’s Authorization to Proceed regarding Supervising Contractor (¶ 3.1(c)). |
| 6 | Preliminary (30%) Remedial Design | 4.6  4.4(a) | X days after EPA approval of Final RDWP |
| 7 | Intermediate (60%) Remedial Design | 4.7 | X days after EPA comments on Preliminary Remedial Design |
| 8 | Pre-final (90/95%) Remedial Design | 4.8 | X days after EPA comments on [Preliminary or Intermediate] Remedial Design |
| 9 | Final (100%) Remedial Design | 4.9 | X days after EPA comments on Pre-final Remedial Design |

* 1. **Remedial Action Schedule**

|  | **Description of  Deliverable / Task** | **¶ Ref.** | **Deadline** |
| --- | --- | --- | --- |
| 1 | Commence to Implement ICIAP | 4.2 | X days after EPA Notice of Authorization to Proceed with ICIAP (¶ 4.2(c))[[31]](#footnote-32) |
| 2 | Award Remedial Action contract |  | X days after EPA Notice of Authorization to Proceed with Remedial Action (¶ 4.10) |
| 3 | RAWP | 5.1 | X days after EPA Notice of Authorization to Proceed with Remedial Action (¶ 4.10) |
| 4 | [Designate IQAT] | 5.2 |  |
| 5 | Pre-Construction Conference | 5.3(a) | X days after Approval of RAWP |
| 6 | Start of Construction |  | X days after Approval of RAWP |
| 7 | Completion of Construction |  |  |
| 8 | Pre-final Inspection | 5.7(b) | X days after completion of construction |
| 9 | Pre-final Inspection Report | 5.7(d) | X days after completion of Pre-final Inspection |
| 10 | Final Inspection |  | X days after Completion of Work identified in Pre-final Inspection Report |
| 11 | Remedial Action Report | 5.7(d) | X days after Final Inspection |
| 12 | [Monitoring Report] | 5.8(b) |  |
| 13 | Work Completion Report | 5.10(b) |  |
| 14 | Periodic Review Support Plan | 5.9 | [Five years after Start of Remedial Action Construction] |

1. STATE[[32]](#footnote-33) PARTICIPATION
   1. **Copies**. Settling Defendants shall, at any time they send a deliverable to EPA, send a copy of such deliverable to the State. EPA shall, at any time it sends a notice, authorization, approval, disapproval, or certification to Settling Defendants, send a copy of such document to the State.
   2. **Review and Comment**. The State will have a reasonable opportunity for review and comment prior to:
      1. Any EPA notice to proceed under ¶ 4.10;
      2. Any EPA approval or disapproval under ¶ 8.6 (Approval of Deliverables) of any deliverables that are required to be submitted for EPA approval; and
      3. Any approval or disapproval of the Construction Phase under ¶ 5.7 (Remedial Action Construction Completion), any disapproval of, or Certification of Remedial Action Completion under ¶ 5.8 (Certification of Remedial Action Completion), and any disapproval of, or Certification of Work Completion under ¶ 5.10 (Certification of Work Completion).
2. REFERENCES
   1. The following regulations and guidance documents, among others, apply to the Work. Any item for which a specific URL is not provided below is available on one of the three EPA web pages listed in ¶ 11.2:[[33]](#footnote-34)
      1. A Compendium of Superfund Field Operations Methods, OSWER 9355.0‑14, EPA/540/P-87/001a (Aug. 1987).
      2. CERCLA Compliance with Other Laws Manual, Part I: Interim Final, OSWER 9234.1-01, EPA/540/G-89/006 (Aug. 1988).
      3. Guidance for Conducting Remedial Investigations and Feasibility Studies, OSWER 9355.3-01, EPA/540/G-89/004 (Oct. 1988).
      4. CERCLA Compliance with Other Laws Manual, Part II, OSWER 9234.1-02, EPA/540/G-89/009 (Aug. 1989).
      5. Guidance on EPA Oversight of Remedial Designs and Remedial Actions Performed by Potentially Responsible Parties, OSWER 9355.5-01, EPA/540/G90/001 (Apr.1990).
      6. Guidance on Expediting Remedial Design and Remedial Actions, OSWER 9355.5-02, EPA/540/G-90/006 (Aug. 1990).
      7. Guide to Management of Investigation-Derived Wastes, OSWER 9345.3‑03FS (Jan. 1992).
      8. Permits and Permit Equivalency Processes for CERCLA On-Site Response Actions, OSWER 9355.7‑03 (Feb. 1992).
      9. Guidance for Conducting Treatability Studies under CERCLA, OSWER 9380.3-10, EPA/540/R‑92/071A (Nov. 1992).
      10. National Oil and Hazardous Substances Pollution Contingency Plan; Final Rule, 40 C.F.R. part 300 (Oct. 1994).
      11. Guidance for Scoping the Remedial Design, OSWER 9355.0-43, EPA/540/R-95/025 (Mar. 1995).
      12. Remedial Design/Remedial Action Handbook, OSWER 9355.0-04B, EPA/540/R-95/059 (June 1995).
      13. EPA Guidance for Data Quality Assessment, Practical Methods for Data Analysis, QA/G-9, EPA/600/R-96/084 (July 2000).
      14. Comprehensive Five-year Review Guidance, OSWER 9355.7-03B-P, EPA/540‑R‑01-007 (June 2001).
      15. Guidance for Quality Assurance Project Plans, EPA QA/G-5, EPA Office of Environmental Information (Dec. 2002) https://www.epa.gov/quality/guidance-quality-assurance-project-plans-epa-qag-5.
      16. Institutional Controls: Third-Party Beneficiary Rights in Proprietary Controls, OECA (Apr. 2004).
      17. EPA Guidance on Systematic Planning Using the Data Quality Objectives Process, QA/G-4, EPA/240/B-06/001 (Feb. 2006).
      18. EPA Requirements for Quality Management Plans, QA/R-2, EPA/240/B‑01/002 (Mar. 2001, reissued May 2006).
      19. EPA National Geospatial Data Policy, CIO Policy Transmittal 05-002 (Aug. 2005), https://www.epa.gov/geospatial/epa-national-geospatial-data-policy.
      20. Summary of Key Existing EPA CERCLA Policies for Groundwater Restoration, OSWER 9283.1-33 (June 2009).
      21. Principles for Greener Cleanups (Aug. 2009), https://www.epa.gov/greenercleanups/epa-principles-greener-cleanups.
      22. [**If Technical Assistance Plan provided for in SOW:** Providing Communities with Opportunities for Independent Technical Assistance in Superfund Settlements, Interim (Sept. 2009).]
      23. Close Out Procedures for National Priorities List Sites, OSWER 9320.2-22 (May 2011).
      24. Groundwater **Road Map: Recommended Process for Restoring Contaminated Groundwater at Superfund Sites,** OSWER 9283.1-34 (July 2011).
      25. Recommended Evaluation of Institutional Controls: Supplement to the “Comprehensive Five-Year Review Guidance,” OSWER 9355.7-18 (Sept. 2011).
      26. Construction Specifications Institute’s MasterFormat [**specify 2020 or a later edition**], available from the Construction Specifications Institute, http://www.csinet.org/masterformat.
      27. Updated Superfund Response and Settlement Approach for Sites Using the Superfund Alternative Approach, OSWER 9200.2‑125 (Sept. 2012)
      28. Institutional Controls: A Guide to Planning, Implementing, Maintaining, and Enforcing Institutional Controls at Contaminated Sites, OSWER 9355.0-89, EPA/540/R-09/001 (Dec. 2012), https://semspub.epa.gov/work/HQ/175446.pdf.
      29. Institutional Controls: A Guide to Preparing Institutional Controls Implementation and Assurance Plans at Contaminated Sites, OSWER 9200.0-77, EPA/540/R-09/02 (Dec. 2012), https://semspub.epa.gov/work/HQ/175449.pdf.
      30. [EPA’s Emergency Responder Health and Safety Manual](http://www.epaosc.org/_HealthSafetyManual/manual-index.htm), [OSWER 9285.3-12](http://www.epaosc.org/_HealthSafetyManual/emergency-responder-manual-directive-final.pdf) (July 2005 and updates), https://www.epaosc.org/\_HealthSafetyManual/manual-index.htm.
      31. Broader Application of Remedial Design and Remedial Action Pilot Project Lessons Learned, OSWER 9200.2-129 (Feb. 2013).
      32. Guidance for Evaluating Completion of Groundwater Restoration Remedial Actions, OSWER 9355.0-129 (Nov. 2013).
      33. Groundwater Remedy Completion Strategy: Moving Forward with the End in Mind, OSWER 9200.2-144 (May 2014).
      34. Quality Management Systems for Environmental Information and Technology Programs -- Requirements with Guidance for Use, ASQ/ANSI E-4 (February 2014), available at https://webstore.ansi.org/.
      35. Guidance for Management of Superfund Remedies in Post Construction, OLEM 9200.3-105 (Feb. 2017), https://www.epa.gov/superfund/superfund-post-construction-completion.
      36. Advanced Monitoring Technologies and Approaches to Support Long-Term Stewardship (July 20, 2018), https://www.epa.gov/enforcement/use-advanced-monitoring-technologies-and-approaches-support-long-term-stewardship.
      37. Superfund Community Involvement Handbook, OLEM 9230.0-51 (March 2020). More information on Superfund community involvement is available on the Agency’s Superfund Community Involvement Tools and Resources web page at https://www.epa.gov/superfund/superfund-community-involvement-tools-and-resources.
      38. EPA directive CIO 2105.1 (Environmental Information Quality Policy, 2021), https://www.epa.gov/sites/production/files/2021-04/documents/environmental\_information\_quality\_policy.pdf.
   2. A more complete list may be found on the following EPA web pages:
      1. Laws, Policy, and Guidance at <https://www.epa.gov/superfund/superfund-policy-guidance-and-laws>;
      2. Search Superfund Documents at https://www.epa.gov/superfund/search-superfund-documents; and
      3. Test Methods Collections at: <https://www.epa.gov/measurements/collection-methods>.
   3. For any regulation or guidance referenced in the Decree or SOW, the reference will be read to include any subsequent modification, amendment, or replacement of such regulation or guidance. Such modifications, amendments, or replacements apply to the Work only after Settling Defendants receive notification from EPA of the modification, amendment, or replacement.

1. Insert description of remedy from ROD (and any ROD Amendments or ESD) in ¶ 1.3, including any contingency remedies. The model RDRA Decree defines the “Scope of the Remedy” by reference to ¶ 1.3 of the SOW. [↑](#footnote-ref-2)
2. Keep this Technical Assistance Plan (TAP) provision if the Site is a “Superfund Alternative Approach” (SAA) site. This TAP provision is optional if the Site is an NPL site. Technical Assistance Plans are conceptually similar to Technical Assistance Grants, which typically provide an initial $50,000 for independent technical assistance to communities. If a prior RI/FS settlement agreement relating to the ROD included a TAP provision, then this SOW will also probably include a TAP provision. Moreover, in that instance, EPA and the Settling Defendants will likely agree to simply continue the existing TAP, and portions of ¶ 2.3 (Settling Defendants’ Responsibilities for Technical Assistance) should be modified accordingly (e.g., to omit the process for selecting a community group and to replace it with language that reflects that a group was already selected during the RI/FS). [↑](#footnote-ref-3)
3. This paragraph does not necessarily mean that Settling Defendants will transfer funds to the community group. Settling Defendants may elect, for example, to enter into an agreement providing that the community group direct its advisor to provide certain services, with the community group later receiving an invoice from the advisor, approving it, and sending the invoice to Settling Defendants for payment. [↑](#footnote-ref-4)
4. If a community group expresses interest in participating in a TAP and appears to be eligible, then EPA generally should request that Settling Defendants prepare and submit a TAP. *See Interim Guidance: Providing Communities with Opportunities for Independent Technical Assistance in Superfund Settlements* (Sept. 3, 2009). [↑](#footnote-ref-5)
5. Settling Defendants’ obligations to implement a TAP and their obligation to support EPA’s Community Involvement Activities are distinct obligations. The EPA Remedial Project Manager (RPM) might not request that Settling Defendants prepare and implement a TAP (and designate a TAP Coordinator) since, historically, community groups have expressed interest in TAPs in only about 20% of settlements that contain TAP provisions. Similarly, the RPM might not request that Settling Defendants designate a CI Coordinator, since the RPM might decide EPA does not need Settling Defendants’ support. Therefore, the deadlines for designating a TAP coordinator and for designating a CI Coordinator may be different. However, Settling Defendants generally will designate the same individual for both responsibilities if both requirements are triggered. [↑](#footnote-ref-6)
6. EPA has developed a sample agreement to use as a starting point for negotiations between Settling Defendants and the selected community group. The sample agreement is available from the Office of Site Remediation Enforcement upon request. [↑](#footnote-ref-7)
7. To simplify drafting of the SOW, and to simplify executing subsequent modifications, all deadlines should be in only one place: Section 9 (Schedules). Note that ¶ 9.1 provides that “all deliverables and tasks required under this SOW must be submitted or completed by the deadlines or within the time durations listed in the RD and RA Schedules.” [↑](#footnote-ref-8)
8. Optional paragraph to include if Settling Defendants have already selected their project coordinator and supervising contractor. [↑](#footnote-ref-9)
9. If the SOW includes ¶ 4.3 (Pre-Design Investigation), also include Field Sampling Plan and Quality Assurance Project Plan. [↑](#footnote-ref-10)
10. The SOW includes many EPA obligations (such as approvals and notices) that must be completed in a timely manner for the remedial process to proceed efficiently and on schedule. Some of these are items that the Settling Defendants require to proceed with the next step of the remedial process. Note that the CD contains a provision in the “Force Majeure” section [¶ 43], as follows: “The failure by EPA to timely complete any activity under the Decree or the SOW is not a violation of the Decree, provided, however, that if such failure prevents Settling Defendants from timely completing a requirement of the Decree, Settling Defendants may seek relief under this Section.” [↑](#footnote-ref-11)
11. The Pre-Design Investigation (PDI) may not be needed if sufficient data was gathered during the RI/FS. The PDI is only needed when additional field investigations are necessary to address data gaps. [↑](#footnote-ref-12)
12. The SOW describes many deliverables that are to be submitted to EPA. Some are to be submitted “for EPA approval,” some “for EPA comment,” and some are to be simply submitted without either EPA approval or comment. The model SOW includes careful selections of those deliverables that are to be submitted for “approval,” those that are to be submitted for “comment,” and those that are to be submitted without the need for “comment” or “approval.” [↑](#footnote-ref-13)
13. Depending on the type of remedy selected, a Treatability Study (TS) may be needed during Remedial Design. Remedies involving the use of proven technologies may not need a TS. Review the guidance referenced in ¶ 4.4(b) for information about whether a TS is appropriate in a given case. [↑](#footnote-ref-14)
14. The Intermediate (60%) Remedial Design generally is not needed for less complex projects. [↑](#footnote-ref-15)
15. Include this element if case team determines that an Independent Quality Assurance Team is appropriate for the Work. *See Guidance on EPA Oversight of Remedial Designs and Remedial Actions Performed by Potentially Responsible Parties*, EPA/540/G-90/001 (Apr. 1990). [↑](#footnote-ref-16)
16. The case team may consider inserting here the proprietary controls provisions of the 2019 version of the model CD in lieu of requiring an ICIAP. However, this is inconsistent with EPA’s guidances and is discouraged. Contact OSRE for those provisions.

    For any remedy that involves the construction and operation of a system to achieve Performance Standards (such as groundwater or surface water restoration remedies), the case team should include ¶ 5.7 (Remedial Action Construction Completion). Under applicable EPA guidance, for such remedies, EPA approves the “Remedial Action Construction Completion” (also known as the “operational and functional” determination). “Remedial Action Construction Completion” includes two components: construction of the system, and the determination that the Remedial Action is functioning properly and performing as designed. For such remedies, “Remedial Action Completion” will occur later, i.e., once the system has operated long enough for Performance Standards to be achieved. For remedies in which Performance Standards are achieved upon RA Construction Completion (such as soil excavation and off-site disposal remedies), omit ¶ 5.7. In that case, ¶ 5.8 (Certification of RA Completion) will mark both RA Construction Completion and Remedial Action Completion. Case teams may modify ¶ 5.7 to provide for multiple RA Construction Completion approvals, if needed due to specific Site circumstances. Such instances are rare, and case teams should consult with the Office of Superfund Remediation and Technology Innovation and the Office of Site Remediation Enforcement to discuss site-specific circumstances. [↑](#footnote-ref-17)
17. Include ¶ 5.8 (Certification of RA Completion) for all remedial actions. For excavation remedies, “RA Completion” also signifies “RA Construction Completion.” For groundwater or surface water restoration remedies, RA Completion occurs after RA Construction Completion, i.e., once the groundwater or surface water restoration system has been operating long enough for Performance Standards to be achieved. Paragraph 5.8 is needed for either situation. However, for groundwater or surface water restoration remedies, the information enabling EPA to make a determination that Performance Standards have been achieved is provided in a Monitoring Report (as provided in ¶ 5.8(b)) because the RA Report would have been previously submitted under ¶ 5.7(d) (RA Report). Therefore, if using ¶ 5.7 (i.e., for groundwater and surface water restoration remedies): (i) delete ¶ 5.8(a) (RA Completion Inspection) and any references to the inspection (as no inspection is needed); (ii) change the heading and text of ¶ 5.8(b) from “RA Report” to “Monitoring Report;” and (iii) delete the requirement under ¶ 5.8(b)(2) for as-built drawings (as they will already have been provided under ¶ 5.7(d) (RA Report)). [↑](#footnote-ref-18)
18. Make consistent with CD wording. [↑](#footnote-ref-19)
19. Delete the Certification of Work Completion requirement for any remedy where waste is left in place. Because activities such as O&M and five-year reviews will continue indefinitely after certification of RA, the Work will not be completed for such remedies. [↑](#footnote-ref-20)
20. In most cases, despite issuance of the Certification of Work Completion, the Settling Defendants will have continuing obligations regarding the Site, such as implementing further studies in support of EPA’s five year reviews. The Settling Defendants may also have other obligations including ICs. Modify this paragraph as appropriate. [↑](#footnote-ref-21)
21. Include this section only if the ROD provides for a contingency remedy. [↑](#footnote-ref-22)
22. The cutoff for reporting under this paragraph (Progress Reports), which is “RA Completion” (or “RA Construction Completion, if ¶ 5.7 is used) is intentional. Reporting subsequent to that milestone is covered in the O&M Plan as provided under ¶ 8.7(h)(3) (O&M Reporting). [↑](#footnote-ref-23)
23. If paper copies of specific deliverables (in addition to large exhibits) are needed, this paragraph should be revised accordingly. [↑](#footnote-ref-24)
24. The information in this paragraph is consistent with the EPA National Geospatial Data Policy 2008, which is under review and may be revised at any time. The case team should check https://www.epa.gov/geospatial/geospatial-policies-and-standards for the latest guidance on the policy and associated EPA and CERCLA procedures and technical specifications, including standards and quality assurance for geographic information system (GIS) deliverables. [↑](#footnote-ref-25)
25. The model SOW identifies the deliverables that should be certified in accordance with ¶ 8.5 (Certification). If the case team wishes that additional deliverables be so certified, the case team should make sure that the paragraph regarding such additional deliverable also refers to ¶ 8.5. [↑](#footnote-ref-26)
26. The provisions of this paragraph have been carefully integrated. It is recommended that these provisions not be changed unless there is a site-specific reason for doing so. Even then the case team should ensure that the change is consistent with the other parts of this paragraph. [↑](#footnote-ref-27)
27. The case team should keep or delete the elements below as appropriate based on requirements of the particular remedy. [↑](#footnote-ref-28)
28. Use this shorthand definition “Community Areas” to substitute for “residential areas, schools, playgrounds, or recreational or public areas frequented by community members” and so we don’t have to repeat that litany two more times. If anyone can think of a better shorthand word for this, please suggest it. [↑](#footnote-ref-29)
29. See CI Handbook, page 55. [↑](#footnote-ref-30)
30. For most remedial actions, ¶ 5.6 (Off-Site Shipments) should be sufficient to ensure that Waste Material will be disposed of properly off-site and, therefore, the requirement to prepare a Transportation and Off-Site Disposal Plan (TODP) can be omitted. However, a TODP may be required, for example, when off-site disposal requirements are complicated by high vehicle traffic and densely populated areas. [↑](#footnote-ref-31)
31. The RPMs are encouraged to approve the ICIAP and have the Settling Defendants commence implementation of ICs, if feasible based on site-specific circumstances, even before the remedial design process has been completed. [↑](#footnote-ref-32)
32. Substitute “Tribe” for “State” throughout Section 10 if the Site is entirely on tribal land. Add “and Tribe” after “State” throughout Section 10 if both have a role at or an interest in the Site. [↑](#footnote-ref-33)
33. Case teams may modify the list to add references specific to the remedy selected in the ROD or to any applicable Regional guidance. [↑](#footnote-ref-34)