

US EPA ARCHIVE DOCUMENT

SESSION 4

Public/Community Involvement and Participation

OVERVIEW OF THE STEPS INVOLVED IN PREPARING A STATEMENT OF BASIS



Agenda: Overview of the Steps Involved in Preparing a Statement of Basis

- ▶ Overview
- ▶ Statement of Basis Outline
- ▶ Final Decision Document/Response to Comments



Overview of Steps Involved in Preparing a Statement of Basis

- ▶ Purpose
- ▶ Contents
- ▶ Process
- ▶ Examples
- ▶ Final Decision Document/
Response to Comments
- ▶ Summary
- ▶ References



Overview of the Steps Involved in Preparing a Statement of Basis/Response to Comments

▶ Statement of Basis Purpose

- Summarizes information contained in the RFI/CMS reports and the administrative record
- Solicits public comment on all possible alternatives, including alternatives that may not have been identified in the CMS
- Serves as a public participation document that is expected to be widely read
- Documents and communicates the proposed and selected final remedy to the public
- Describes the proposed remedy, but does not select the final remedy



Statement of Basis Outline

- ▶ Introduction
 - Provide facility name and location
 - Introduce document's purpose
 - Stress the importance of public input on all alternatives

- ▶ Purpose of the proposed remedy

- ▶ Facility background
 - Discuss environmental setting
 - Discuss the history of operations, chemicals used, and history of disposal activities

Statement of Basis Outline (cont.)

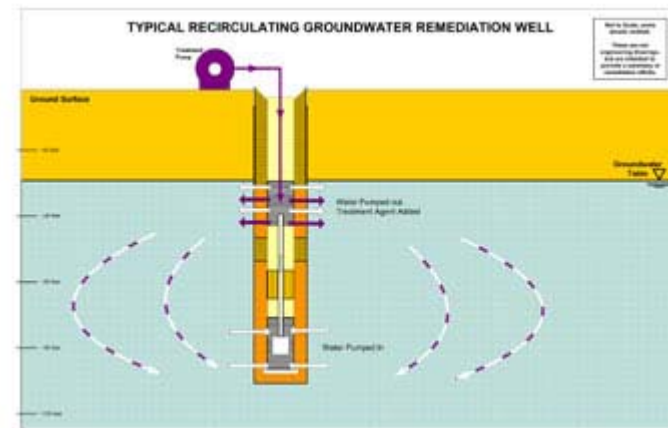
- ▶ Summary of facility risks
 - Extent of contamination
 - Human health risks
 - Ecological risks
 - How risks compare with remediation goals

- ▶ Scope of corrective action
 - Overall strategy for remediation
 - How remedy fits this strategy



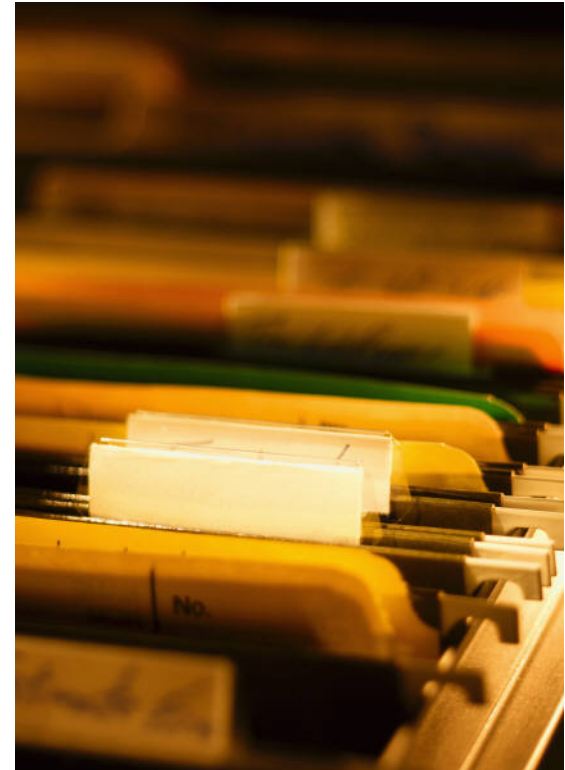
Statement of Basis Outline (cont.)

- ▶ Summary of alternatives
- ▶ Evaluation of proposed remedy and alternatives
 - Technical features of the remedy
 - Media cleanup standards
 - Conditions to demonstrate compliance with standards
 - Procedures for closure and post-closure care
 - Schedule for remedy
 - Summary



Statement of Basis Outline (cont.)

- ▶ Public Participation
 - Dates of public comment period
 - Date, time, and location of public meetings
 - Location and availability of information repositories and administrative files
 - Names, phone numbers, and addresses of regulatory agency personnel who will receive comments or provide additional information



Statement of Basis Examples

- ▶ Motorola, Ft. Lauderdale, FL
 - Filled former lagoon to grade
 - Installed sub-base over contaminated soil
 - Natural attenuation of contaminated groundwater

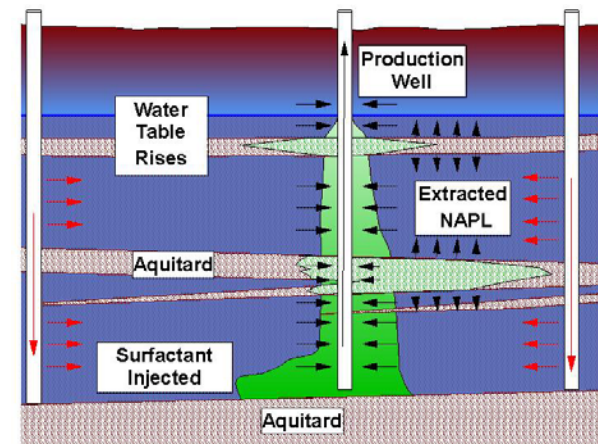
- ▶ Air Products and Chemicals, Pace, FL
 - Groundwater extraction and treatment
 - Soil flushing
 - Multi-media cap, soil cover, and institutional controls

- ▶ Chevron/Texaco, Hooven, OH
 - Soil/sludge removal
 - Off-site disposal

- ▶ Sparton Technology, Albuquerque, NM
 - Expanded groundwater extraction, soil vapor extraction
 - In-situ bioremediation
 - Consent Decree negotiations resulted in payment to Natural Resource Damage Trustees

Final Decision Document and Response to Comments

- ▶ The response to comments (RTCs) is prepared at the conclusion of the public comment period
- ▶ RTCs serve several purposes:
 - Identifies the selected remedy
 - Indicates community preference
 - Demonstrates how public concerns were included in the final remedy
 - Provides contemporaneous written record



Final Decision Document/Response to Comments

- ▶ Outline of the RTC
 - Introduction
 - Selected remedy
 - Public participation activities
 - Public comments and the Agency's response
 - Future actions
 - Declaration

Response to Comments Example

Question: Has the company set aside reserves to cover the cost of cleanup? How do they intend to fund the cleanup? Will they ask for some sort of tax abatement on any future developments to recoup their cost?

Response: The cleanup cost is entirely the company's responsibility. At the Public Hearing, Mr. Jones, president of the company, indicated that the company has reserves available to cover the cleanup cost.



Summary

- ▶ Section 7004(b) of RCRA and regulations in 40 CFR Parts 124 and 270 identify public participation requirements
- ▶ The Statement of Basis identifies the proposed remedy and provides support for proposal
- ▶ The Final Decision Document and the RTC
 - Identifies the selected remedy
 - Demonstrates how comments were integrated into the final remedy
 - Is essential to defending final permit modifications or orders during remedy implementation

Guidance/References

- ▶ U.S. Environmental Protection Agency. RCRA Corrective Action Decision Documents: The Statement of Basis and Response to Comments. Directive No. 9902.6. April 29, 1991.
- ▶ *Advanced Notice of Proposed Rulemaking*. 61 FR 19432. May 1, 1996.
- ▶ U.S. Environmental Protection Agency Statement of Basis Web Site. <http://www.epa.gov/epaoswer/hazwaste/ca/sbs2/index.htm>

