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RCRA

CORRECTIVE ACTION NEWS

A RECORD OF SUCCESS

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WHAT'S INSIDE

Five GPRA Measures 1

Apply to RCRA –

Strategic Plan sets goals to be achieved by FY2008.

ROSA Team Wins 2

Award –

Team wins Friends of OSW Award for developing training modules.

Training Modules 2

Available –

Six new ROSA training modules are ready to download.

New “Ready for 3

Reuse” Program –

Region 6 has developed a program for remedial progress.

Final Completion 3

Guidance –

New guidance covers two types of corrective action completion.

RCRA Brownfields 4

Lessons Learned –

New report outlines lessons, challenges of 5 pilots.

2004 National 4

Conference –

Corrective Action Conference set for May 11-12 in Orlando.

FIVE GPRA MEASURES APPLY TO RCRA

The Office of Solid Waste and Emergency Response rolled out five Government Performance and Results Act (GPRA) measures in the “Land Preservation and Restoration” section of the Agency’s 2003 Strategic Plan that will apply to RCRA and Superfund cleanup sites. The Strategic Plan serves as the Agency’s road map for the next five years, lays out EPA’s long-term goals, and will guide EPA in establishing the annual goals needed along the way.

The five measures that apply to RCRA are:

- Site assessment;
- Human health exposures under control;
- Ground water migration under control;
- Remedy selection; and
- Construction completion.

The purpose of these measures is to move the cleanup program forward toward final remedies, in addition to continuing to make progress with controlling unacceptable human health and ground water exposures from site contaminants. Tracking progress toward achievement of these five measures will begin in FY2006. These measures will need to be achieved by a new baseline list of RCRA facilities that is currently being compiled by the states and regions, and will be finalized by the end of FY2004. The goals that the new baseline list of RCRA facilities must meet for these measures by the end of FY2008 are:

- Assess 100% of new RCRA baseline facilities.
- Control all identified unacceptable human exposures from site contamination to at or below health-based levels for current land and/or ground water use conditions at 95% of new RCRA baseline facilities.
- Control the migration of contaminated ground water through engineered remedies or natural processes at 80% of new RCRA baseline facilities.
- Select final remedies at 30% of new RCRA baseline facilities.
- Complete construction of remedies at 20% of new RCRA baseline facilities. Construction completion is a benchmark used to show that all significant construction activity has been completed, even though cleanup goals may not have been met.

The remedy selection and construction completion measures are to be applied to the entire site. In order to get credit for having met the remedy selection or construction completion measure for the FY2008 goals, a facility must have selected a site-wide remedy or completed construction of a site-wide remedy. Partial site remedies will not count toward meeting these two FY2008 goals.

The new baseline list of facilities being assembled by the states and regions for the FY2008 measures will contain all high-ranked corrective action facilities that have not been officially referred to and accepted by the CERCLA program.

The Strategic Plan is available at www.epa.gov/ocfo/plan/plan.htm.

ROSA TEAM WINS OSW AWARD

RCRA's Results-Oriented Streamlined Approaches (ROSA) Team received a "Friends of OSW Award" in November 2003 for its work to develop a new training initiative in partnership with program implementers and stakeholders. The two-year initiative resulted in six training modules that can be downloaded from the Internet.

In January 2001, EPA announced several Corrective Action Reforms, one of which was developing a new training initiative as a follow-up to the successful RCRA Corrective Action Workshop on Result-Based Program Management. One of the topics stakeholders have routinely requested deals with "innovative administrative approaches" — the mechanisms that promote action, such as innovative orders, permits, use of existing orders and permits, voluntary agreements, and approaches that have been responsible for improving a working relationship and the pace of corrective action.

To tap into the wealth of expertise and experiences in the Corrective Action community, the team sent an e-mail in February 2002 requesting interested individuals to participate at several levels. Initially, they wanted a core group of 10 or so people to do some initial brainstorming, help develop course content, and possibly serve as instructors. They then wanted a larger group to help the team review the draft materials. They envisioned a series of conference calls, followed by a formal working meeting, and ultimately leading to a pilot offering of the course, followed by implementation in the fall. This workgroup, led by Karen Tomimatsu, Office of Solid Waste/Corrective Action Programs Branch, was called Results-Oriented Streamlined Approaches (ROSA).

During the course of the year, their strategy changed. After some initial brainstorming, the workgroup of EPA Regional, state, and industry representatives came up with the following six training modules: Tailored Oversight; Targeted Data Collection; Streamlined Orders; Facility Lead CA Approaches (presented in two perspectives by Regions 3 and 6); Institutional Controls; and Communications, Trust, and Mutual Respect.

During 2002-2003, self-directed workgroups on each topic held a series of conference calls, and developed and prepared PowerPoint presentations, several of which were relayed over conference calls for the entire ROSA workgroup.

CONGRATULATION TO THE ROSA TEAM

Members of the ROSA team were presented with a "Friends of OSW Award" on November 12, 2003, for their achievement in developing Results-Oriented Streamlined Approaches training modules for stakeholders. Congratulations to the members of each workgroup:

Tailored Oversight	Ernie Waterman, EPA Region 1 Catherine Smith, EPA Region 1 Deana Crumbling, TIO
Targeted Data Collection	Lael Butler, EPA Region 4 David Reisman, EPA/ORD Rich Nussbaum, State of Missouri
Streamlined Orders	Phil Page, EPA/OSRE Debbie Goldblum, EPA Region 3 Robert Greaves, EPA Region 3 Tom Krueger, EPA Region 5 Rhett Nelson, EPA Region 5
Facility Lead CA Approaches	Jennifer Shoemaker, EPA Region 3 Rick Ehrhart, EPA Region 6 Arnold Bierschenk, Region 6 Rich Nussbaum, State of Missouri
Communications, Trust and Mutual Respect	Jim Moore, State of Illinois

As a result of the team's hard work and dedication, all training modules were presented at the RCRA National Meeting on August 12-15, 2003, in Washington, DC.

ROSA TRAINING MODULES NOW AVAILABLE

Six new training modules for Results-Oriented Streamlined Approaches (ROSA) are now available on the Internet and can be downloaded and/or printed from under "Courses."

The training modules, all available in PowerPoint and PDF files, are:

1. "Corrective Action Tailored Oversight"
2. "Targeted Data Collection"
3. "Corrective Action Streamlined Consent Orders"
4. "Facility Lead Corrective Action Approaches" and "Facility Lead Corrective Action Approaches – Flexible Risk-Based/Performance-Based Cleanups Using the Region 6 Corrective Action Strategy"
5. "The Use of Institutional Controls Under the RCRA Corrective Action Program"
6. "The Need for Good/Frequent Communication, Respect and Trust for Implementing a Successful RCRA Corrective Action Project"

REGION 6 DEVELOPS “READY FOR REUSE” PROGRAM

EPA’s Region 6 has developed the new “Ready for Reuse” program, a measure of remedial progress in the corrective action process that is now part of EPA’s National Land Revitalization Initiative. The program recognizes when all or a portion of a property has been characterized and remediated to the extent that it will remain protective of human health and the environment for specified types of uses. Rather than intending to be a clean-closure approach, it encourages cleanups that will quickly support protective redevelopment opportunities.

Under this program, EPA and/or the states have the discretion to provide a Ready for Reuse (RfR) determination that the property can support specified types of current and future uses and remain protective, based upon the exposure scenarios evaluated for the property. The RfR determination is an environmental status report that documents a technical determination about protective types of uses for a property; thus RfR determinations do not provide any legal rights or legally enforceable commitments, and do not include any statements about EPA’s enforcement

intentions or any party’s liability regarding a specific property.

Depending on the intended future use of the property, a RfR determination may indicate that corrective action at the property is finished. If characterization and remediation have been performed to support an unrestricted land use, then no additional investigation and remediation would be anticipated. If the characterization and remediation have been performed to support an industrial land use, no additional cleanup would be anticipated unless there is a change to a different land use in the future.

In order to determine that a property is Ready for Reuse, either EPA or the state regulatory authority will evaluate the property’s historical and current data; determine if the investigation is adequate; evaluate the remediation efforts to determine if environmental conditions at the property are protective for current and anticipated land use; and ensure that there are mechanisms in place to maintain and monitor necessary institutional controls.

More information on Ready for Reuse is available on the Internet at www.epa.gov/earth1r6/ready4reuse.

FINAL COMPLETION GUIDANCE ISSUED

EPA has issued a “Guidance on Completion of Corrective Action Activities at RCRA Facilities,” which describes two types of completion – Complete without Controls, and Complete with Controls – and provides guidance on when each type of completion determination is appropriate. It also provides guidance on procedures for EPA and authorized states when making completion determinations, and discusses completion determinations for less than an entire facility.

As described in the guidance, a Complete without Controls determination means that the areas subject to the determination do not require any additional remedial activity to ensure that the remedy remains protective of human health and the environment. Under the guidance, it would be appropriate to make a Complete without Controls determination where:

- A full set of corrective measures has been defined;
- The facility has completed construction and installation of all required remedial actions; and
- Site-specific media cleanup objectives have been met.

As described in the guidance, a Complete with Controls determination would be appropriate where all of the above criteria are satisfied, and all that remains to ensure that the remedy remains protective of human health and the environment is performance of required operation, maintenance, and monitoring actions, and/or compliance with and maintenance of any institutional controls.

The *Federal Register* notice, which includes the final guidance, can be found at www.epa.gov/epaoswer/hazwaste/ca/resource/guidance/gen_ca/compfedr.pdf.

REPORT OUTLINES LESSONS LEARNED IN RCRA BROWNFIELDS PREVENTION PILOTS

The major challenges and lessons learned in five RCRA Brownfields Prevention Pilot projects are described in a new report, *RCRA Brownfields Prevention Initiative Pilot Programs 2001: Summary Report*. A potential RCRA Brownfield is a RCRA facility or portion of a RCRA facility that is not in full use, where there is reuse potential, and where reuse of that site is slowed due to real or perceived concerns about actual or potential contamination, liability, and RCRA requirements. The RCRA Brownfields Prevention Initiative links the EPA's Brownfields Program with the RCRA Corrective Action Program and other Agency cleanup programs, as well as state cleanup programs, to help communities address contaminated, often blighted properties that may stand in the way of economic vitality.

The report includes a Site Description, Pilot Goals, Current Status, Challenges, and Lessons Learned for these sites: Pharmacia & Upjohn Company in North Haven, Connecticut; Union Carbide Caribe, LLC, in Punta Guayanilla, Puerto Rico; BP Wood River, in Wood River, Illinois; City of Muskegon Heights, Michigan; and Approved Oil Services/Milt Adams, Inc., in Commerce City, Colorado.

The lessons learned from these pilots have affected both the RCRA program and broader revitalization efforts across EPA programs. The pilot projects have served as a testing ground for innovative tools and approaches to encourage cleanup and reuse. They have also served as a laboratory where EPA, states, local municipalities, and other stakeholders have developed new revitalization strategies.

RCRA Brownfields Prevention Initiative Pilot Projects 2001 is available on the Internet at www.epa.gov/swerosps/rcrabf/pdf/rcra2001.pdf.

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LESSONS LEARNED FROM RCRA BROWNFIELDS PILOTS

Here are some examples of lessons learned from RCRA Brownfields Pilots, described in *RCRA Brownfields Prevention Initiative Pilot Projects 2001*:

- Early engagement of stakeholders has led to a positive attitude toward working with the owners and EPA. (Pharmacia & Upjohn Company)
- An advocate to champion and shepherd the larger reuse project, beyond RCRA cleanup concerns, is needed. (Union Carbide Caribe)
- Parceling large RCRA sites can greatly accelerate cleanup and reuse. (BP Wood River)
- Creative approaches can be found to address liability concerns. (City of Muskegon Heights)
- Leadership is needed from both the regulators and the regulated community. (Approved Oil Services/Milt Adams, Inc.)

2004 NATIONAL CORRECTIVE ACTION CONFERENCE SET

The 2004 National Corrective Action Conference will be held on May 11-12 at the Sheraton Safari Hotel in Orlando, Florida/Region 4 — the Heart of the South!

One of the primary purposes of the National Corrective Action Conference is to encourage RCRA-regulated industries, consultants, state regulators, individuals in the community, and EPA regional project managers to discuss frankly the issues and actions that affect corrective action progress.

Conference sessions will focus on the 2005 and 2008 GPRA goals, streamlining RCRA reforms, state cleanup programs, EPA Regional success stories and strategies, industry partnerships, and other topics.

This year's conference will also include a reception where EPA Assistant Administrator Marianne Horinko will recognize several companies that recently took the Environmental Indicator Pledge.

Information and registration forms will soon be available at <http://www.nationalcaconf.com>. Registration for the conference is FREE!