

US EPA ARCHIVE DOCUMENT

**Region III Success Story
Facility Lead Agreement
Expediting RCRA Corrective Action at the University of Virginia**

In the Summer of 1999, EPA Region III identified the University of Virginia (UVA) as a high priority unaddressed facility on its GPRA baseline. This meant that there was no State or Federal cleanup program in place to drive the investigation of areas of suspected contamination and, if necessary, the cleanup of these areas. After inspecting the facility in September 1999, and consulting with the Virginia Department of Environmental Quality (VDEQ), Region III decided that UVA was a good match for conducting the Corrective Action investigation under its new Facility Lead Program.

The Region believes that "Facility Lead Agreements" can be effectively used when a responsible party like UVA demonstrates a commitment to perform the entire investigation phase or clean-up activities to EPA and the State's satisfaction. Good candidates for this program include ones that do not have a large number of contaminated areas, investigation or clean-up is already underway, or little additional work is needed. The Region will be using this new tool, as well as traditional permits and orders, to meet the national RCRA GPRA goals for Corrective Action.

The "Facility Lead Agreement" requires the company to provide a site investigation schedule, a data quality assurance plan, time frames for achieving EPA's Environmental Indicators, and a plan for public participation. The Region requires the same quality of data that would be generated under a permit or order.

In most cases, this streamlined approach has the potential to save significant time and resources when compared to the more lengthy process of preparing and negotiating traditional consent orders. UVA was identified as a good candidate for the program since it had voluntarily begun a preliminary investigation of past waste disposal areas. UVA and EPA currently have identified a two-acre former rubble/debris landfill and an adjacent one-acre land area where hospital waste and construction debris may have been buried. The site inspection in September 1999 verified the old landfill did not have controlled access or ground water monitoring.

Lessons Learned

The following two schedules demonstrate how the Facility Lead Program can result in a streamlined process for initiating a facility investigation as well as the attainment of Environmental Indicator goals and overall facility cleanup. The first set of milestones illustrate a recent negotiation of a 3008(h) administrative order in Region III. The second set reflect milestones for performing the investigation portion of Corrective Action at UVA under a Facility Lead Agreement.

Section 3008(h) Administrative Order (Illustrative)

- 2/99 Draft Findings of Fact
- 7/99 EPA Issues Draft Administrative Order on Consent

- 8/99 Facility Responds
- 3/00 EPA issues "Best and Final"
- 5/00 Facility Rejects Order
- 9/00 EPA Issues Unilateral Order
- 10/00 Order Effective
- 12/00 Facility submits Draft RFI Workplan

University of Virginia Facility Lead Agreement

- 9/99 EPA conducts On-site Evaluation
- 10/99 Facility signs "Letter of Commitment"
- 1/00 Facility submits Draft RFI Workplan
- 3/00 EPA comments on workplan
- 4/00 Facility responds to comment and revises workplan
- 5/00 Final RFI Workplan
- 9/00 Fieldwork Complete
- 1/01 RFI Report



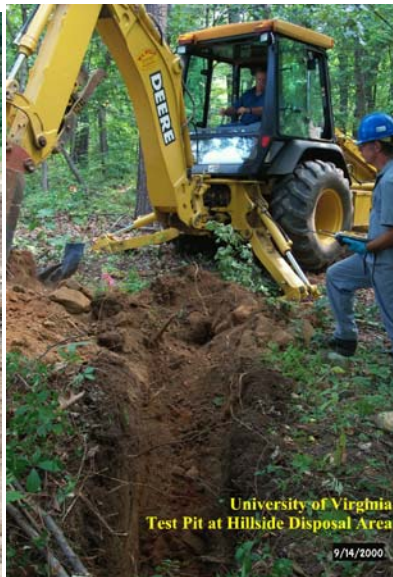
Comparing the two sets of milestones, completion of the Facility Lead Agreement took 2 months compared to the 20 months for the negotiation of the 3008(h) Consent Order and ultimately to issue a Unilateral Administrative Order. This comparison clearly demonstrates the advantage of using a Facility Lead Agreement to reduce transaction costs where a facility has demonstrated its willingness to implement corrective action to the Agency's satisfaction. This

can clearly be a win-win for both UVA and EPA.



Within 16 months of the initial site visit evaluation, UVA has drafted and finalized a Corrective Action Workplan for investigating the two remaining Solid Waste Management Units (SWMUs), procured contractors, completed the field work activities, (i.e. monitoring well installation, test trenching, sample collection, etc.) and submitted a report documenting the results of the field work. EPA is currently reviewing the report and will determine if Environmental Indicators have been met and if there is a need to implement final corrective measures based on the results of the investigation.

The UVA Director of Environmental Health and Safety, Dr. Ralph Allen, has discussed the merits of the Region III Facility Lead Program



during meetings with other University officials. UVA plans to institute a periodic meeting schedule with the local community in the UVA area to keep them apprized of the progress of the project. Not only has UVA been able to realize savings resulting from a streamlined negotiation process, but the University has also been able to use its technical staff to conduct much of the work. If you have questions about how UVA is working with EPA, you can contact Dr. Allen at (804-982-

4922) .

For Further Information

Thus far, 18 facilities have signed Facility Lead Agreements in Region III. The Region anticipates as many as 20 agreements to be underway by the end of the year. The Region remains very optimistic about the success of the program. If you would like to find out more about the Region III Facility Lead Program, contact Bob Greaves (215-814-3423), Paul Gotthold (215-814-3410) or Denis Zielinski (215-814-3431) or visit their web site at www.epa.gov/reg3wcmd/correctiveaction.htm.