

US EPA ARCHIVE DOCUMENT



RCRA CLEANUP REFORMS

Reforms II: Fostering Creative Solutions

The U.S. Environmental Protection Agency (EPA) is implementing a second set of administrative reforms to accelerate the cleanup of hazardous waste facilities regulated under the Resource Conservation and Recovery Act (RCRA). EPA's 1999 Reforms promoted faster, focused, more flexible cleanups. The 2001 Reforms reinforce and build upon the 1999 Reforms and will pilot innovative approaches, accelerate changes in culture, connect communities to cleanup, and capitalize on redevelopment potential, while maintaining protection of human health and the environment.

Why Is EPA Reforming the RCRA Corrective Action Program?

The goals for the RCRA Corrective Action program remain very challenging. To more effectively meet these goals and speed up the pace of cleanups, EPA introduced RCRA Cleanup Reforms in 1999 and is implementing additional Reforms in 2001. The 1999 and 2001 Reforms build upon actions taken by EPA and the states in recent years to accelerate cleanups. EPA believes that the 1999 Reforms remain central to successful implementation of the program. The 1999 Reforms were designed to:

- Focus the program more effectively on achievement of environmental results, rather than fulfillment of unnecessary steps in a bureaucratic process;
- Foster maximum use of program flexibility and practical approaches to achieve program goals;
- Enhance public access to cleanup information and improve opportunity for public involvement in the cleanup process.

The 1999 Reforms set the near-term focus of the program on attainment of the two Environmental Indicators and established an environment for program implementors to be innovative and results-oriented. The 1999 Reforms have successfully led the program toward *faster, focused, more flexible cleanups*. An example of progress since 1997 is the increase, from 47 to 504, in the number of RCRA cleanup facilities meeting both Environmental Indicators.

What are the Goals of the RCRA Corrective Action Program?

EPA has established two near-term goals, termed "Environmental Indicators," for the RCRA Corrective Action program. These goals, developed under the Government Performance and Results Act (GPRA), are that by 2005, the states and EPA will verify and document that 95 percent of the 1,714 RCRA cleanup facilities under GPRA focus will have "current human exposures under control," and 70 percent of these facilities will have "migration of contaminated groundwater under control." The long-term goal of the program is to achieve final cleanup at all RCRA corrective action facilities.

In 2000, EPA held a series of meetings with program implementors and stakeholders, including representatives from tribes, federal and state agencies, regulated industry, and environmental and community groups, to discuss program impediments, successful approaches and ideas for 2001 Cleanup Reforms. Central ideas that emerged include the importance of: (1) reinforcing and building upon the 1999 Reforms; (2) empowering program implementors to try new approaches at the site level; and (3) using frequent, informal communication throughout the cleanup process.

What Are the RCRA Cleanup Reforms of 2001?

The RCRA Cleanup Reforms of 2001 highlight those activities that EPA believes would best accelerate program progress and foster creative solutions. The 2001 Reforms reflect the ideas EPA heard from program

implementors and stakeholders and introduce new initiatives to reinforce and build upon the 1999 Reforms. Specifically, the 2001 Reforms will:

- Pilot innovative approaches;
- Accelerate changes in culture;
- Connect communities to cleanups;
- Capitalize on redevelopment potential.

The 2001 Reforms include just some of the innovative approaches that have been identified by program implementors and stakeholders. EPA intends to continue work in other areas critical to meeting program goals. In particular, we seek to: continue a dialogue with interested parties on groundwater cleanup and other issues relating to final cleanup; provide guidance tailored to cleanup at facilities with limited resources to pay for cleanup; and, continue to work with federally-owned facilities to help them meet their Environmental Indicator goals. Similarly, we encourage program implementors and stakeholders to use approaches that improve the program yet are not specifically included in the RCRA Cleanup Reforms.

I. Pilot innovative approaches.

The RCRA Cleanup Reforms Pilot Program will support state and EPA Regional Offices in their efforts to use innovative, results-orientated and protective approaches to speed achievement of Environmental Indicator goals and final cleanup. Stakeholders are encouraged to contact state and EPA Regional Offices with their pilot ideas.

EPA has set a target of 25 pilot projects to be launched in 2001. EPA expects at least one pilot project in each EPA Region, administered by the state or EPA. EPA will showcase pilot projects to share successes and lessons learned and to promote use of similar approaches at other facilities. EPA recommends that stakeholders consider pilot projects in one or more areas. Examples include pilots that:

- S Achieve program goals most effectively at companies with multiple facilities;
- S Improve stakeholder involvement and communication to resolve issues where cleanup progress is slow;
- S Use site characterization technologies or strategies that efficiently assess Environmental Indicators;
- S Enhance the use of protective and accountable

state non-RCRA Cleanup programs to achieve program goals;

- S Establish EPA Regional or state "corrective action expeditors" to focus on cleanups that are stalled or delayed;
- S Expedite achievement of program goals at federally-owned facilities;
- S Use Superfund or emergency authorities at RCRA sites for bankrupt or unwilling facilities.

What is the RCRA Corrective Action Program?

In 1980, when the RCRA law and regulations went into effect, thousands of facilities became subject to hazardous waste management regulations. These regulations helped ensure that hazardous waste generated from ongoing industrial operations is properly managed and does not contribute to a future generation of toxic waste sites. However, many of these facilities had soil and groundwater contamination resulting from their waste management practices prior to 1980. The RCRA Corrective Action program addresses cleanup of past and present contamination at these operating industrial facilities.

Who Runs the RCRA Corrective Action Program?

The RCRA Corrective Action program is run by both EPA and the states, with 38 states and territories authorized to implement the program. Corrective action is conducted under RCRA permits, orders and other approaches.

II. Accelerate changes in culture.

EPA will help program implementors and stakeholders accelerate changes in the culture in which they implement the program by: focusing on results over process; encouraging frequent, informal communication among stakeholders; encouraging partnerships in training; promoting methods of information exchange; and, using new approaches to meet Environmental Indicator and long-term cleanup goals. EPA will:

- *Promote nationwide dialogue among program implementors and stakeholders on RCRA cleanups.* EPA Regional Offices will work with states in an effort to hold at least one meeting in 2001 in each EPA Region, open to all stakeholders who wish to interact, provide input, or learn more about the RCRA Corrective Action program. Discussion topics could cover local, regional or national topics relevant to corrective action.

- *Conduct targeted training in partnership with program implementors and stakeholders.* EPA will work with interested parties to deliver targeted training, depending upon the needs of those requesting the training and available resources. Training topics could cover, for example: innovative technical and administrative approaches to cleanup; success stories and lessons learned from implementation of the 1999 Cleanup Reforms; Corrective Action program basics; and use of performance-based approaches to corrective action.
- *Use web-based communication to share successes and lessons learned and promote innovative approaches.* EPA will support the establishment of a web-based interactive tool to promote sharing of successes and lessons learned and to provide for frequent exchange of ideas among all stakeholders on any corrective action topic, including those that are technical, policy-oriented or site-specific.
- *Overcome barriers to achieving Environmental Indicators.* EPA will clarify the relationship between Environmental Indicators and final cleanups and how Environmental Indicators can be met within the context of existing orders and permits. EPA will answer "Frequently Asked Questions" about Environmental Indicators, and issue technical guidance on ways to assess the impacts of contaminated groundwater on surface water and indoor air quality. In addition, EPA will demonstrate new uses of enforcement tools to achieve Environmental Indicators.

Focus on Results

The RCRA Cleanup Reforms foster creative, practical, results-based approaches to corrective action. In the field, this means:

- *Providing tailored oversight.* Eliminate administrative or technical steps where not needed to assure effective performance.
- *Using holistic approaches.* Evaluate facilities for overall risk and apply appropriate facility-wide corrective action measures.
- *Exercising procedural flexibility.* Emphasize results over mechanistic process steps and eliminate unproductive activities.
- *Setting performance standards.* Establish clear protective standards the owner/operator must fulfill to complete corrective action.
- *Targeting data collection.* Examine actual conditions at each facility to design data requirements as needed to support corrective action decisions.

III. Connect communities to cleanups.

EPA will provide the public with more effective access to cleanup information. EPA seeks to increase public interest in and awareness of cleanup activities, and to further enhance the public's ability to become more involved in decisions about cleanups in communities. EPA will:

- *Clarify principles and expectations for public involvement in corrective action cleanups.* EPA will set out general principles and expectations for providing the public with the opportunity to become involved at corrective action sites. EPA also will share examples of successful public involvement approaches that have been used at RCRA cleanup sites and lessons learned.
- *Increase support of Technical Outreach Services for Communities (TOSC).* The TOSC program provides communities with technical and educational assistance from universities on issues associated with cleanup of hazardous sites. EPA will provide resources to the TOSC program for community involvement at RCRA cleanup sites and advertise the availability of this program.
- *Place Environmental Indicator evaluation forms and cleanup summaries on EPA web sites.* EPA will place Environmental Indicator evaluation forms and summaries of cleanup activities of 1,714 RCRA facilities on the web sites of EPA Regional Offices. The evaluation forms and summaries will provide readily available information on the status of cleanup at these sites.
- *Publicize and promote the use of readily accessible cleanup information sources.* EPA will produce and distribute a pamphlet for the general public that explains how to access RCRA Corrective Action program information and site-specific cleanup information.

IV. Capitalize on redevelopment potential.

EPA encourages program implementors and stakeholders to capitalize on the redevelopment potential of RCRA cleanup sites. Many of these sites are located in areas that are attractive for redevelopment and are poised for community revitalization. These factors can

motivate interested parties to pursue an expedited cleanup, sometimes with additional resources. EPA will:

- *Initiate Additional RCRA Brownfields Pilots.* EPA will launch 4-6 additional RCRA Brownfields pilot projects in 2001. These pilots will be designed to showcase the flexibility of RCRA and the use of redevelopment potential to expedite or enhance cleanups. Pilot applicants could be program implementors or stakeholders. Pilot participants also benefit from RCRA brownfields expertise. Limited funding may become available for EPA to conduct public meetings and related activities.
- *Initiate the Targeted Site Effort (TSE) Program to spur cleanup at RCRA sites with significant redevelopment/reuse potential.* EPA will ask each Regional Office to identify two sites for the TSE in 2001. The TSE program will apply to sites that have significant redevelopment/reuse potential, and require a limited amount of extra EPA support to help spur cleanup. The TSE program will provide participants with focused attention and access to RCRA brownfields expertise. Limited funding may be available for EPA to conduct public meetings and related activities.
- *Provide training and outreach to program implementors on using redevelopment potential to meet program goals.* EPA will provide training and outreach to program implementors and stakeholders to promote the environmental and community benefits that can be gained by integrating brownfields redevelopment opportunities and RCRA facility cleanups.
- *Promote cleanup and redevelopment with RCRA "Comfort/Status" Letters.* "Comfort/status" letters provide information regarding EPA's intent to exercise its RCRA corrective action response and enforcement authorities at a cleanup site. EPA will issue examples of letters that have been used to spur cleanup and redevelopment at RCRA facilities.

How Will EPA Measure the Results of the Reforms?

Measuring and recording the results of the RCRA Cleanup Reforms is a priority for EPA and the states to ensure continued improvement of the Corrective Action program. EPA will measure progress in putting the reforms into practice. EPA recognizes program implementors are using new approaches that may or

may not be highlighted in the Cleanup Reforms, and will measure progress under these approaches as well. While the ultimate goal of the Corrective Action program is to achieve final cleanups, EPA will continue to measure the near-term success of the program against its Environmental Indicator goals for controlling human exposure and migration of contaminated groundwater.

How Will EPA Involve Stakeholders in Implementing the Reforms?

EPA will provide periodic updates on the RCRA Cleanup Reforms and solicit input from stakeholders through several means, including focus meetings, Federal Register notices, the RCRA Corrective Action Newsletter, Internet postings, and press releases.

EPA seeks continuous feedback from all stakeholders on the need for additional reforms beyond those already underway. EPA values and appreciates the feedback and interest of all stakeholders. However, limited resources may not allow us to respond individually. Based on stakeholder input and our ongoing assessment of the program, we will continue to refine and add to the RCRA Cleanup Reforms, as needed, and will communicate program changes.

If you would like to provide written comments on the RCRA Cleanup Reforms, please mail your comments to: RCRA Information Center (5305W), U.S. Environmental Protection Agency, Ariel Rios Building, 1200 Pennsylvania Avenue, NW, Washington, DC, 20460-0002, or send an email to the RCRA docket at rcra-docket@epa.gov. Please include the following number on all correspondence, written or e-mailed, to the RCRA Information Center: F-2001-CR11-FFFFF.

For More Information

For information on corrective action cleanups, please visit state and EPA Regional web sites, which can be linked via the EPA corrective action web site at <http://www.epa.gov/correctiveaction>. The EPA corrective action web site has the latest and more detailed information on the RCRA Cleanup Reforms.

If you have questions regarding the RCRA Cleanup Reforms, please call the RCRA Hotline at 800-424-9346 or TDD 800-553-7672, or visit their web site at <http://www.epa.gov/epaoswer/hotline/index.htm>.