RCRA FIRST TOOL 9: Remedy Selection Process Document (RSPD) Template

Introduction

For regulators and facilities wishing to utilize the RCRA FIRST approach to remedy selection, this model Remedy Selection Process Document (RSPD) Template[1] may be used as a tool for drafting the facility-specific RSPD. The RSPD is a tool generally intended to summarize the site-specific goals and process to be used for remedy selection. A key component to a successful Lean approach to remedy selection is coordination between the regulatory authority and the facility to determine that the RFI is sufficient and the conceptual site model is valid prior to, or at the beginning of the RSP Meeting and before development of the RSPD.

For the RSP Lean approach, it is typically more beneficial for facility representatives to facilitate the RSP meeting and develop the RSPD. This is because the facility is typically responsible for evaluating the remedial alternatives, collecting and analyzing any data necessary to support the remedy, and proposing the selected remedy to the agency. Preparation for the RSP meeting should still involve close coordination between all participants to insure the meeting is as productive as possible.

EPA anticipates that the level of detail included in each RSPD may vary based on which selection path will be used at the site. More complete discussions may be necessary in the RSPD if a CMS report and/or CMS workplan will not be prepared for the facility. This is because the RSP meeting and RSPD will essentially function as an abbreviated CMS. The user should also keep in mind that the elements included in the model RSPD Template are intended as suggestions, and may not be appropriate for their particular situation. Users are encouraged to identify elements for inclusion in their RSPD that will assist in selection of a recommended remedial alternative for use at their facility, and adapt this model as appropriate.

Template

Remedy Selection Process Document

[Facility name]
[EPA ID]
[Address]

[1] This document is intended to provide guidance to EPA personnel on implementing the RCRA Subtitle C program. As indicated by the use of non-mandatory language such as “guidance,” “recommend,” “may,” “should,” and “can,” it identifies policies and provides recommendations and does not impose any legally binding requirements. This document is not a rule or regulation, may not apply to a particular situation based upon the circumstances, does not change or substitute for any law, regulation, or any other legally binding requirement, and is not legally enforceable. While EPA has made every effort to ensure the accuracy of the discussion in these documents, the obligations of the regulated community are determined by statutes, regulations or other legally binding requirements. In the event of a conflict between the discussion in this document and any statute or regulation, this document would not be controlling. In addition, under RCRA, states may apply to EPA for, and receive from EPA, authorization of a state program to operate in lieu of the federal RCRA hazardous waste program. These state programs may be broader in scope or more stringent than EPA’s RCRA regulations, and requirements can vary from state to state. Members of the regulated community are encouraged to contact their state agencies for the requirements that apply to them.

The Remedy Selection Process Document (RSPD) is a tool intended to summarize the process and goals of the *[regulatory authority]* and the [*responsible party, facility, or representative]* that will facilitate RCRA remedy selection at the *[facility name].* The RSPD is not a legally binding document and does not alter any legal requirements under any permit or order applicable to the facility. Nor is the RSPD a substitute for a permit or order. Only where the RSPD is expressly incorporated into a new permit (or order, for interim status facilities) or incorporated through a modification to an existing permit (or order for interim status facilities) will the RSPD become an enforceable condition of the permit (or order for interim status facilities). The RSPD is also not expected to address every technical or administrative aspect or detail of remedy selection. Rather, the RSPD records the discussions and process selected and developed by the *[regulatory authority*] and the [*responsible party, facility, or representative]* during the RSP meeting or any subsequent meetings. The RSPD also documents the Corrective Action Objectives (CAOs) discussed during the RSP meeting which the selected remedial alternative(s) should be able to attain. Note that this RSPD is a "living document" and is subject to change in light of new information or data.

[The sections below should be included as appropriate, to address the RSP for the specific facility.]

I. RSP Meeting Participants

[Provide a list of meeting attendees, including name, title, employer, and contact information]

II. RFI Summary

a. Summary of the findings of the RFI
[Provide a brief overview of the key findings of the RFI as pertinent to remedy selection.]

b. Confirm the objectives of the RFI for this facility have been met
[Typically the objectives of an RFI are to determine the nature, extent (vertical and horizontal) and rate of migration of contaminant releases; identify the source(s) of contamination; and provide sufficient information and data to choose appropriate response actions. Both the regulatory authority and facility should concur that the RFI is sufficient.]

c. Identify any data gaps that must be filled to proceed with the remedy selection process
[List data needs and how they are proposed to be filled. Include necessary deliverables and timeframes.]

III. Conceptual Site Model Summary

a. Summary of the conceptual site model (CSM) as refined by the RFI
[Provide an overview of the CSM with particular focus on the aspects pertinent to remedy selection.]

b. Confirm the validity of the CSM for the purpose of remedy selection
[Typically the CSM should address the following issues: sources and extent of known contamination; contamination transport/migration pathways; tentative exposure pathways; exposure receptors; exposure point and exposure medium; and exposure routes.]

c. Identify any issues or concerns about the CSM with respect to remedy selection

IV. Development of Corrective Action Objectives (CAOs)

[Include discussion of the general objectives, (e.g., protect human health and the environment; achieve media cleanup standards; and control the sources of contamination) and more specific objectives, as necessary.]

a. Point of compliance

b. Aquifer use classifications
[Include all aquifers present]

c. Current land use and reasonably expected future land use

d. Media cleanup standards
[Include each impacted media at the site, with the cleanup standard and background level.]

e. Timeframes for achieving CAOs

f. Exit strategy

V. Remedial Strategy

[This section should address all information below that will be taken into consideration in Section VI to select the site-specific path to be used.]

a. Identify the suite of potential remedial alternatives to be considered
   i. *Current interim measures and whether they are appropriate for final remedy*
   ii. *Pertinent presumptive remedies*
   iii. *Media-specific remedies*
   iv. *SWMU/AOC/unit-specific remedies*
   v. *Institutional controls and their implementability*
   vi. *Engineering controls and post-implementation care*

b. Discuss the three required threshold criteria with regards to the remedial alternatives
   i. *Protect human health and the environment*
   ii. *Attain media clean-up standards*
   iii. *Control of contaminant source(s)*

c. Discuss how the seven balancing criteria will be applied to the remedial alternatives.
[If there is only a single remedial alternative that meets the threshold criteria, this section should discuss it that remedy is reasonable with respect to these criteria.]
   i. *Long-term effectiveness*

ii. *Reduction of toxicity, mobility or volume of contaminants*
iii. *Short-term effectiveness*
iv. *Cost*
v. *Implementability*
vi. *Community acceptance*
vii. *State acceptance*

d. Identify data gaps or data needs to evaluate and/or support remedial alternatives
   i. *Pump tests*
   ii. *Pilot studies*
   iii. *Additional investigation, delineation/characterization*
   iv. *Research*

VI. Identify the Site-Specific Remedy Selection Path

[Identify which of the following remedy selection paths below was selected for use at [facility name] Provide the information indicated below and any additional rationale or supporting information for the path selected]

a. No CMS - Move on to Statement of Basis preparation
   i. *List the single dominant alternative and state why*
   ii. *Discuss whether the single alternative meets all three threshold criteria adequately*
   iii. *Discuss whether the single remedy is reasonable with respect to the balancing criteria*
   iv. *List any documents needed by the regulatory authority to prepare the Statement of Basis [e.g., site figure, remedy costs]*

b. Limited CMS - No workplan required
   i. *Document that all final alternatives being considered meet the three threshold criteria*
   ii. *Document the consensus on how the balancing criteria will be applied to the alternatives*
   iii. *Discuss whether additional data is necessary to evaluate the alternatives, and if so whether a workplan for collection of the additional data is necessary.*

c. Full CMS
   i. *Identify why a CMS workplan is necessary in addition to this RSPD*
   ii. *Document that all final alternatives being considered meet the three threshold criteria*
   iii. *Document the consensus on how the balancing criteria will be applied to the alternatives*
   iv. *Discuss whether additional data is necessary to evaluate the alternatives, and if so whether a workplan for collection of the additional data is necessary.*

VII. Scope of Deliverable Documents

[Discuss the scope of each of the documents listed below if required or any other documents determined to be deliverables during the RSP meeting.]

a. Scope of the CMS workplan, if necessary

b. Scope of the additional data collection workplan(s), if necessary

c. Scope of the CMS report, if necessary

VIII. Other Potential Issues

a. Schedule of deliverables (e.g., CMS Report)
[This section should summarize the schedules of any action items generated as a result of the RSP meeting.]

b. Format for reports/data/information exchange/submissions

c. Interim submissions (e.g. Pilot Study Report)

d. Financial assurance expectations and timing

e. Stakeholder considerations, if any

f. Community engagement plan