



# Corrective Action Results

This document is part of the training materials for the RCRA Corrective Action Workshop on Results-Based Project Management. It contains summaries of EPA statutory authorities, regulations, and guidance materials. This document does not substitute for any of these authorities or materials. In addition, this document is not an EPA regulation and therefore cannot impose legally binding requirements on EPA, States, or the regulated community. EPA may change this document in the future, as appropriate.

## Objectives

Participants will:

- Be able to describe the guiding principles for RCRA Corrective Action
- Be able use Interim and Final Corrective Action Quick Reference Tables to identify relevant results-oriented policies and guidance

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Notes:

A fact sheet of the History of RCRA Corrective Action was distributed to pre-registrants and is available behind the Introduction tab of the Workshop Toolbox.

## RCRA Corrective Action Operating Principles

- Taken from the May 1, 1996 Corrective Action Advance Notice of Proposed Rulemaking (ANPR)
- ANPR and this Workshop represent Agency's most current guidance
- Operating principles reflect a formal shift from process-driven toward results-driven implementation

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### Notes:

These operating principles are taken from 61 FR 19441 of the May 1, 1996 Advance Notice of Proposed Rulemaking (ANPR) for the RCRA Corrective Action program. The May 1, 1996 ANPR: 1) introduced a strategy for improving the Corrective Action Program (i.e., Subpart S Initiative); 2) it requested information to assist in identifying and developing program improvements; and 3) provided a status report on the program and the latest Agency guidance for program implementation. Since issuing the ANPR, the Agency has made a decision not to finalize comprehensive Corrective Action Regulations. In the absence of such regulations, EPA will rely on guidance, policy directives, and related regulations, including a January 17, 1997 memorandum from EPA that stated the expectation that the ANPR will be used as guidance (especially Section III) for implementing the RCRA Corrective Action Program. Full copy of the ANPR, as well as the January 17 memo is provided in the workshop Toolbox.

The principals espoused in the ANPR reflect a formal shift in EPA's philosophy regarding Corrective Action implementation from a process-driven program to a results-based program. Collectively, these principles provide a foundation that supports innovation towards protective, quicker, and more efficient Corrective Action implementation. Program implementers are encouraged to evaluate innovative approaches based on their consistency with these principles as opposed to basing the evaluation solely on consistency with any one particular process.

## RCRA Corrective Action Operating Principles (Cont.)

- Corrective Action decisions should be based on risk
- Program implementation should focus on results
- Interim actions and stabilization should be used to reduce risks and prevent exposures
- Activities at Corrective Action facilities should be phased

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### Notes:

Corrective Action based on risk takes into account both current risks as well as risks that would be associated with reasonably expected future land and water resource use(s). Therefore, the absence of current risks does not eliminate the need to investigate and remediate contamination, as necessary, to prevent unacceptable future risks. A critical component of risk evaluation and risk management is the fact that uncertainties associated with environmental investigation and remediation are inherent. Basing Corrective Action on risk recognizes the need to strive for the appropriate balance between reducing uncertainties via data collection and managing uncertainties via remedial action and contingencies.

Corrective Action focuses on results and benefits from **early** identification of the “problem,” the appropriate results that should be achieved, and the responses that are likely to achieve those results.

Taking interim and/or final actions to control unacceptable exposures to humans and further migration of contaminated groundwater represents the highest priority for the RCRA Corrective Action Program.

## Operating Principles (Cont.)

- Program implementation should provide for meaningful inclusion of all stakeholders
- Corrective Action obligations should be addressed using the most appropriate tool for any given facility
- States will be the primary implementers of the Corrective Action program

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### Notes:

Effective communication between all interested stakeholders, early and throughout Corrective Action, is essential to identify concerns, focus resources, and avoid/minimize conflicts.

EPA recognizes that there are a variety of tools (e.g., permits, orders, voluntary agreements) to implement Corrective Action that may be acceptable provided that the appropriate results are achieved.

EPA recognizes that some States have their own approaches to implementing RCRA Corrective Action, which may differ between States and EPA Regions. This workshop was developed around key principles, approaches, and tools that have national application. Different approaches between States and EPA Regions should be accepted provided they are capable of achieving the desired results. The “Administration Approaches” module of this workshop is devoted to Region- and State-specific approaches and issues associated with improving the pace and quality of RCRA Corrective Action.

## Corrective Action Quick Reference Tables

- Condense key results and supporting topics for interim (Table 1) and final (Table 2) Corrective Action remedies
- Serve as a tool to identify results-oriented policies and guidance
- Include:
  - topic, brief description, workshop mod(s) topic is addressed, and note(s) for detailed supporting narrative

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Notes:

Tables and supporting narrative are provided behind the exercise on the next page, and are also on the CD in the Toolbox section.

Supporting narrative has been taken from May 1, 1996 ANPR, and other relevant guidance. As with all the materials in this workshop, the narrative supporting these tables should not be construed as regulations; however, they are appropriate to use to help guide program implementation.

Tables can be used to:

- Help identify and communicate the goals to focus resources
- Quickly identify actual/potential problems
- Help prioritize actions to address problems
- Focus decision-making on information needed to support actions
- Help identify likely areas of disagreement