



THE DEPARTMENT OF DEFENSE
AND
THE UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY



WASHINGTON, DC

SUBJECT: DoD/EPA Joint Guidance on Streamlined Site Closeout and NPL Deletion
Process For DoD Facilities

Attached is guidance developed by the Joint DoD/EPA Streamlining Task Force (Task Force) designed to streamline the Comprehensive Environmental Response Compensation and Liability Act (CERCLA) site closeout and National Priorities List (NPL) deletion process for DoD facilities. The Task Force was charged with making recommendations to reduce time and manage costs associated with the CERCLA site closeout and deletion process by:

- examining ways to reduce document review time and revisions,
- identifying key documents for use in the closeout process,
- using the same documentation to memorialize both remedial action completion and deletion,
- establishing the process whereby DoD and EPA will document the completion of the remedial actions required by the Record of Decision (ROD) in a single, primary document, and
- memorializing the agreements reached through the modification of existing guidance and policy.

The joint guidance focuses on streamlining and restructuring a key site closeout document, the Remedial Action Completion Report (RACR), that is used to demonstrate remedial action completion. While the process is streamlined, it continues to ensure that all remedial action has been taken, remedial action objectives have been achieved, and human health and the environment have been protected. The joint guidance also identifies the key site closeout documents used in the site closeout process.

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Attachment

**Department of Defense and Environmental Protection Agency
Joint Guidance
Recommended Streamlined Site Closeout and NPL Deletion Process
For DoD Facilities**

I. Background

This guidance document describes the recommended streamlined procedures for the completion of the final Comprehensive Environmental Response Compensation and Liability Act (CERCLA) Remedial Action and the deletion of the site from the CERCLA National Priority List (NPL). The guidance only applies to Department of Defense (DoD) facilities on the NPL and was jointly developed by Environmental Protection Agency (EPA) and the DoD.

Nothing in this guidance changes state roles or authorities. The military Services and EPA Regions are encouraged to work with the states to implement this guidance.

II. Introduction

The guidance focuses on recommended ways to streamline and restructure a key site closeout document, the Remedial Action Completion Report (RACR)¹, which generally should be used to demonstrate remedial action completion at NPL sites. This guidance is the result of discussions by representatives on a Joint DoD/EPA Streamlining Task Force (Task Force) with input from EPA Regions and the Office of Solid Waste and Emergency Response's (OSWER's) Office of Site Remediation and Technology Innovation (OSRTI). The Task Force was charged with making recommendations to reduce time and manage costs associated with the CERCLA site closeout and deletion process by:

- Examining ways to reduce document review time and revisions;
- Identifying key documents for use in the closeout process;
- Using the same documentation to memorialize both remedial action completion and deletion;
- Establishing the process for documenting the completion of the remedial actions addressed by the Record of Decision (ROD) in a single, primary document, as defined in the model Federal Facilities Agreement²; and
- Memorializing the agreements reached through the modification of existing guidance and policy.

In an effort to objectively evaluate areas for streamlining opportunities, the Task Force focused on the core requirements of the CERCLA and the National Contingency Plan (NCP). The resulting process described in this guidance modifies certain portions of existing EPA and DoD procedures and guidance and is designed to be consistent with the NCP.

¹ The acronym RACR is used in lieu of "Remedial Action Report". Also, RACR is referred to as the Primary Document Memorializing Remedial Action Completion in certain CERCLA Section 120 agreements.

² This Joint Guidance does not alter the required contents of the DoD and EPA Model Federal Facilities Agreement and does not require the modification of current Federal Facilities Agreements.

Revisions to Other Guidance Documents

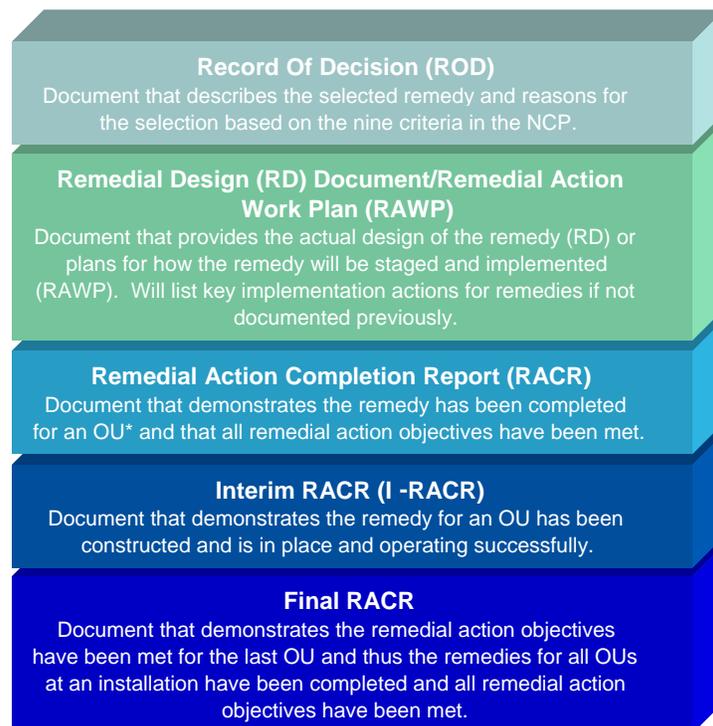
This guidance revises the following guidance documents to the extent they address documentation for DoD sites on the NPL:

- *Closeout Procedures for National Priorities List Sites*, OSWER Directive 9320.2-09A-P, January 2000.
- *Final National Strategy to Manage Post Construction Completion Activities at Superfund Sites*, OSWER Directive 9355.0-105, October 2005.
- *The Environmental Site Closeout Process Guide, Defining the process after cleanup decisions have been made*, issued in September 1999 by EPA, DoD, Army, Navy and the Air Force.
- *A Guide to Preparing and Reviewing Remedial Action Reports of Cost and Performance*, Engineering Pamphlet (EP) 1110-1-19, issued by the US Army Corp of Engineers, June 2001.

Although this guidance revises portions of these documents, they still include useful information that may be appropriate in preparing site closeout documents.

Key Site Closeout Documents Typically Prepared by DoD

In keeping with its mandate to eliminate redundancies and to identify main documents, the Task Force agreed on the recommended universe of key site closeout documents. The site closeout documents listed below are typically prepared by DoD in the site closeout process:

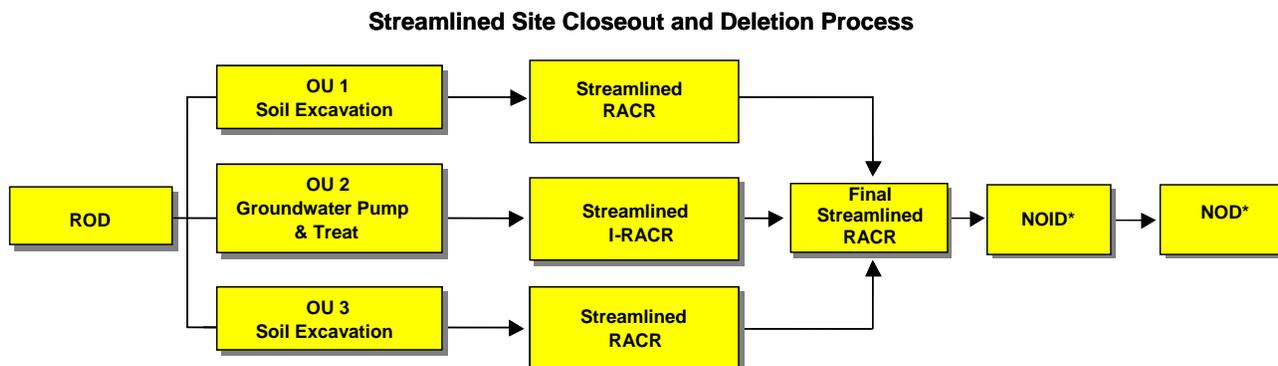


* "OU" is the acronym for "Operable Unit."

In addition, the five-year review should be a key document when it is required. When required by CERCLA Section 121(c), the five-year review is normally prepared no less often than every five years by the lead agency at sites where hazardous substances, pollutants or contaminants remain in place above levels that allow for unlimited use and unrestricted exposure (see NCP, Section 300.430(f)(4)(ii)).

III. Recommended Streamlined Site Closeout and NPL Deletion Process for DoD Facilities

The chart below depicts the recommended streamlined process.



*Prepared by EPA. "NOID" is the acronym for "Notice of Intent to Delete" and "NOD" is the acronym for "Notice of Deletion." As necessary, EPA will also prepare a Preliminary Closeout Report and Final Closeout Report.

For each Operable Unit (OU), a RACR or I-RACR should be prepared using the recommended streamlined guidelines provided in Section IV, and may provide information that can serve as a basis for whole or partial NPL deletion. Typically, a RACR is prepared to show that remedial action objectives for an OU have been achieved. For long-term remedies where it is anticipated that remedial action objectives will be achieved over a long period, an interim document, the I-RACR, generally should be prepared. The I-RACR should document Remedy-in-Place (RIP)³ and demonstrate that all remedial actions taken achieve remedial action objectives. The RACRs may be combined in any fashion that makes sense and provides sufficient documentation. For example, several OUs being completed at the same time may be combined into a single RACR. In some cases, RPMs may choose to maintain one RACR that could be amended each time an OU is completed. For OUs where a no-action ROD is signed, a RACR normally would not be prepared because there was no remedial action taken and the Remedial Investigation/Feasibility Study (RI/FS) and ROD contain all the information necessary to document the decision.

Once remedial action objectives have been met at the last OU, a final RACR should be prepared. The final RACR should contain all the information described in Section IV for the last OU completed, provide a brief summary of previous I-RACRs and RACRs, and provide references to where the previous RACRs are located, unless bundled as one RACR. This information should include adequate documentation that the institutional controls are in place and effective. After the final RACR is completed, EPA prepares the Notice of Intent to Delete (NOID), after obtaining state concurrence and publishes it in the Federal Register. The NOID should contain the rationale for the deletion of the site from the NPL.

³DoD's term "Remedy in Place" is roughly equivalent to EPA's "construction complete" milestone.

The final RACR generally should be the document that shows that the remedial action has been completed and the remedial action objectives in the ROD have been met for the overall site. The final RACR should contain all the essential elements needed for EPA to prepare the NOID. Because of this consolidation, DoD should not need to prepare a separate preliminary and/or final closeout report where the I-RACR and/or RACR, as outlined in this guidance, should serve as the functional equivalent for these documents. To achieve the site construction completion milestone, EPA should be able to prepare the Preliminary Closeout Report (PCOR) and/or the Final Closeout Report (FCOR) based on information provided in the I-RACR, RACR or final RACR.

IV. Recommended Contents of the Remedial Action Completion Report (RACR)

A Remedial Action Completion Report should meet the following criteria :

- All construction activities are complete;
- Remedial action objectives or cleanup goals stated in the ROD have been achieved;
- Institutional Controls are in place, as appropriate;
- A final inspection or equivalent has been conducted;
- Site is protective of human health and the environment; and
- EPA has approved the RACR.

Where appropriate, the RACR should rely heavily on cross-referencing existing material and not contain duplicative language from other reports. The content outlined below should enable the RACR to contain all information needed for the NOID, consistent with the NCP and existing guidance. The I-RACR should follow the same outline as the RACR and the EPA and DoD Remedial Project Managers (RPMs) should determine whether and how Sections D and E should best be included.

The streamlined RACR should consist of the following sections:

Recommended Streamlined RACR Outline	
Section	Contents
A: Overview	This section would include a very brief discussion of the OU characteristics, contaminants of concern, major findings and results of site investigation activities. For the Final RACR, this section would also briefly summarize conclusions from the previous RACRs and identify their location.
B: Remedial Action Objectives	This section would identify the remedial action objectives and cleanup standards specified in the ROD, and subsequent modifications, if any.
C: Remedial Actions	This section would briefly discuss the remedial actions taken to meet the remedial objectives.
D: Demonstration of Completion	This section would include information needed to demonstrate attainment of remedial objectives, e.g., final sampling report, visual inspection report.

Recommended Streamlined RACR Outline	
Section	Contents
E: Ongoing Activities	This section would describe the activities, if any, still being performed or to be performed, e.g., Operations and Maintenance (O&M), 5-year reviews.
F: Community Relations	This section would briefly summarize the public outreach activities conducted at the site, e.g., community relations plan; specify the date the RAB was formed and terminated; provide the dates of public meetings; discuss environmental justice initiatives.
G: Certification Statement	This section would consist of a statement by a Service representative authorized to sign decision documents, certifying that the RACR memorializes the completion of the remedial action objectives.

V. Summary of NPL Deletion Process

The NOID is generally one of the final documents prepared in the process to delete a site from the NPL. The NOID should inform the public of EPA's intent to delete an installation (or a portion thereof) from the NPL. This guidance does not modify EPA's NOID process, but is designed to ensure that the streamlined RACR satisfies the NCP, Section 300.425(e) and existing guidance.

The NCP, Section 300.425(e)(4), requires that information supporting a proposed deletion be placed in the information repository. The information needed to support a proposed deletion decision should be contained in key documents identified in Section III, the NOID, public comments on the NOID, EPA's responses to these comments, and documentation of State concurrence. No further information should be required to support a deletion decision. The Notice of Deletion (NOD) is the final document prepared in the process to delete a site from the NPL.

EPA may delete a portion of a defined geographic unit or a specific medium at a site, e.g. groundwater, depending upon the nature or extent of the releases, when no further response is appropriate for that portion of the site. Information contained in the RACR for that portion of the site can serve as the basis for the notice of intent for a partial deletion.

Information Supporting the Deletion Decision

