



RCRA Corrective Action Training Program: Getting to YES! *Strategies for Meeting the 2020 Vision*



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Module 12

Corrective Action Complete



Module Overview

- ❖ Review EPA guidance and other methods used to make formal determination that corrective action (CA) is complete
- ❖ Examine approaches to determine that controls are in place and effective
- ❖ Review other types of determinations



Completion Determinations

- ❖ A formal determination is made to:
 - Inform the owner/operator (o/o)
 - Provide opportunity for public comment
 - Help return property to reuse
 - Remove facility from work load universe
- ❖ There are no Federal regulatory requirements for completion determinations



EPA Guidance

- ❖ Two types of Completion Determinations
 - CA Complete without Controls
 - CA Complete with Controls
- ❖ Determinations not designed to recognize progress for short-term or intermediate goals



CA Complete without Controls

- ❖ Occurs when o/o satisfies all obligations under §§3004(u) and (v). Indicates that
 - There is no need for CA in the first place, or
 - Remedy has been successfully implemented and no further activity or controls are necessary, or
 - There is no need for Institutional Controls (ICs) or Engineering Controls (ECs) in order to protect human health and the environment.



CA Complete with Controls

- ❖ Applies when
 - Corrective measures defined
 - Construction complete
 - Cleanup objectives met
 - Future activities include remedy Operation and Maintenance (O&M), monitoring, and maintenance of ICs and ECs



Long-Term Stewardship

- ❖ Long-term management of information
- ❖ Clear roles and responsibilities
- ❖ Reliable ECs and ICs
- ❖ Accurate life cycle costs
- ❖ Adequate financial assurance and resources
- ❖ Monitoring to ensure enforceability



ICs and Completion Determinations

- ❖ ICs selected in the final remedy must be monitored and enforceable
 - The Uniform Environmental Covenants Act (UECA)
- ❖ If ICs were not included in the selected remedy, should they be added (and if so, what ICs should be added)?



Appendix A of EPA 2003 Draft Guidance.



Potential Issues with ICs During Completion Determinations

- ❖ Ensure that ICs are effective and reliable as long as they are needed.
- ❖ How will ICs be monitored?



Procedures for Making Completion Determinations

- ❖ Will vary depending on
 - Permit status
 - Whether CA is subject to an order
 - Whether applied to entire facility or a parcel
- ❖ Should provide opportunity for public comment



The Process: CA Complete Without Controls Determination - Entire Facility

- ❖ Use permit modifications
- ❖ Issue a notice at non-permitted facilities
- ❖ Terminate orders



The Process: CA Complete with Controls Determination - Entire Facility

- ❖ Permit modifications appropriate
- ❖ Issue notice for interim status facilities
- ❖ If RCRA-regulated obligations remain, no termination of interim status
- ❖ May use other non-RCRA mechanisms to maintain ICs, such as UECA



The Process: Completion Determinations for Less Than the Entire Facility

- ❖ Can be requested by o/o
- ❖ Should be processed in a manner that will not affect portions where obligations remain
- ❖ Consider long-term plan for the facility, ICs, and financial assurance obligations if owner plans to sell property



Wrap Up “Loose Ends”

- ❖ Ensure closure of RCRA-regulated units via CA has been addressed
- ❖ Ensure other obligations in orders have been addressed
- ❖ Document applicable RCRA performance measures



RAU Documentation

- ❖ Ready for Anticipated Use (RAU)
- ❖ Reuse determinations complement cleanup decisions



CA Performance Standards Attained

- ❖ Event Code 900
 - All required remedies constructed and installed
 - Cleanup objectives have been met
 - May include long-term controls to maintain protection of human health and the environment
 - May remain under RCRA permit, order, or other mechanism



CA Process Terminated

- ❖ Event Code CA 999
 - Cleanup objectives have been met
 - RCRA regulatory mechanisms terminated
 - CA complete



Summary

CA Completion Determinations signal everyone that CA activities are no longer necessary (though controls to ensure remedies remain protective may be necessary).