

OFFICE OF WASTE MANAGEMENT

OVERVIEW

I. State Site Investigation and Clean-up Program

This program was established under State authority. The goal of the program is to provide fair, comprehensive and consistent regulation of the investigation and remediation of hazardous waste and hazardous material releases consistent with the federal program, yet implemented in a more timely and cost-effective manner. The State program is designed to determine if a site poses a threat to human health or the environment, and efficiently determines if a remedy is effective but not overly burdensome to the parties involved. Currently seven employees oversee 450 active sites undergoing investigation and /or clean up.

This program also supports the redevelopment and reuse of contaminated sites through the Brownfields program. Sites are identified, evaluated, and cleaned up, both in a reactive and proactive manner, and brought back to beneficial reuse in Rhode Island communities. Since 1997 DEM-OWM has executed over 60 legal settlement agreements on such properties to promote their re-use. EPA-New England has also worked jointly and supported the state in its development of the voluntary cleanup program.

In addition to the State clean up program, there is also a federally funded pre-remedial program within the Office. This section, in conjunction with the EPA, investigates suspected hazardous waste disposal sites that are listed on the federal inventory known as CERCLIS. Currently there are approximately 200 sites in Rhode Island that are in this federal inventory. Also, additional sites continue to be added as warranted.

The Site Remediation Process

Cases posing the potential to release hazardous materials and those consisting of actual releases require notification to the Division by the responsible party within 15 days of their discovery. The Division will attempt to respond in writing within 45 days of the receipt of the notification as to whether additional response actions will be required in accordance with the regulations.

If the Division determines that the reported release requires a response action, the area impacted by the release is considered to constitute a source area of contamination. A site with one or more source areas is considered to be a contaminated site. A contaminated site is the focus of the regulatory framework described in these regulations.

The Division will respond by informing known responsible parties of their obligations under the regulations through the issuance of a Letter of Responsibility, Voluntary Procedure Letter, or Non-Jurisdictional Letter.

A voluntary party which otherwise bears no responsibility for the contaminated site, but which may realize some benefit, economic or otherwise, from remediation may also address a contaminated site. Such parties will not proceed under an enforcement mode as described above,

but instead may be informed of the necessary procedural steps in order to meet the requirements of these regulations through the issuance of a Voluntary Procedure Letter.

Contaminated sites are likely to enter the site management process during a phase of the Site Investigation. The Site Investigation process concludes with the selection of a site remedy or issuance of a Non- Jurisdictional Letter if remedial action is not necessary.

For sites requiring remedial action, the performing party must propose a remedy at the conclusion of the Site Investigation. The Division will approve acceptable remedies through the issuance of a Remedial Decision Letter that will request the performing party to submit for review and approval a Remedial Action Work Plan. The Remedial Action Work Plan will describe the technical details of implementing the remedy.

The Division will approve acceptable Remedial Action Work Plans through an Order of Approval for complex site remedies and a Remedial Approval Letter for simple site remedies. When the Division determines that no further action is necessary, the area impacted by the release in question will be determined to be compliant with the regulations and a Letter of Compliance will be issued.

The Department may enter into Settlement Agreements with performing parties to initiate response action(s). When the Department enters into a Settlement Agreement, each party's liability for the response actions shall be limited as provided in the agreement pursuant to a covenant not to sue.

Before the finalization of any Settlement Agreement, the Department shall provide an opportunity for public comment for a period of fourteen (14) days after the date of the notice of the proposed agreement. The Department shall consider any written comments, views or allegations relating to the proposed agreement. The proposed agreement shall be considered final when all substantive public comments have been addressed.

DEM's Task Force Expectations

As mentioned above DEM will be using this Task Force to evaluate opportunities to streamline program activities and to increase the quality of applications being submitted to the Office of Waste Management. With respect to expediting environmental reviews, the Task Force should invest some time in defining people's needs and expectations of the site remediation program. At a minimum, DEM is interested in determining the stakeholder's expectation in the following areas:

Outcome/Performance Tracking	
Critical Path Reviews/Approvals	Expectation and/or Goal
Review of Site Investigation	XXX days
Preparation of Draft Settlement Agreement	XXX days
Finalization of Settlement Agreement	XXX days
Review of Remedial Action Work Plan	XXX days

With respect to applications submitted to DEM, we would like to investigate mechanisms to improve application quality through:

- Regulation revisions that would clarify the process;
- Development or clarifying guidance material that is needed to prepare applications;
- Development of check-off sheets to ensure an application is complete,
- Development of a standard format for reports that are submitted to DEM,
- Discussion of the need for consultant training opportunities about the DEM process, and
- Development of incentives through fees or other mechanisms that would reward quality applications.