



Federal Removal Actions - State Role

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Outline

- Introduction/background
- Summary of State role from NCP and Guidance Documents
- Other ways States contribute to removal actions
- Highlight key issues



Introduction

- Emphasis on “Time Critical Removal Actions”
- Experience based on States working with USEPA
- TCRA can be excellent tool
 - Well planned and executed
 - Appropriate site conditions
 - Recognize benefits and limitations

Sources of Information

- **National Contingency Plan** - §300:410, §300:415 and §300:525
- **Superfund Removal Procedures: (OSWER 9360.3-01 to 9360.3-09)**
 - **State Participation in Federal-Lead Removal Actions**, (*December 1996*) – OSWER 9360.3-07; EPA 540/R-96-041; PB96-963409
 - **Guidance on the Consideration of ARARs During Removal Actions** (*August 1991*) – OSWER 9360.3-02; EPA 540/P-91-011; PB92-963401



Guidance Highlights

- State involvement in all aspects of the removal program is encouraged
- Intent is to foster effective and cooperative relationship with States in implementation
- States should be involved as often as possible and in an appropriate manner
- State should be consulted on all removal actions conducted in that State

Guidance (cont.)

- State concerns should be considered when conducting a removal action in that State, not limited to the following:
 - State identify primary coordinator/contact person
 - When practicable, considering the immediacy of the threat, should be notified before beginning a removal action
 - Should be notified when natural resources are injured, damaged or threatened
 - Open lines of communication are important are important
 - Knowledge and expertise relative to equipment, materials and services locally available

Guidance (cont.)

- Identification of ARARs (Applicable or Relevant and Appropriate Requirements)
 - Removal actions should comply with State ARARs to the extent practicable
 - Potential State ARARs
 - Must be promulgated (i.e., of general applicability and legally enforceable)
 - More stringent than Federal requirements
 - Identified in a timely manner
 - OSC responsible for requesting
 - States responsible for providing ARARs in timely manner

Guidance (cont.)

- OSC's responsibility to determine which requirements are actually ARARs
 - OSC is not bound to comply with all requirements identified by the State
 - If there are any questions concerning identification of ARARs or the practicability of complying with an ARAR identified, State officials should consult with the staff and management of EPA's regional offices to promptly address them
 - In some situations, identifying and/or complying with ARARs will not be practicable during a removal action

Other State Activities

- OSCs encouraged to meet with States on periodic basis to discuss site activities
- Early and continuous State involvement may help avoid difficulties that arise when unaware of State concerns
- Inform States of any decisions/recommendations concerning use of institutional controls following removal action when wastes are left on site
 - Discussion of post removal site controls (PRSC)
- Community relations
 - States often have existing contact with local communities
 - Assist with community relations plan



Other State Activities (cont.)

- Public information meetings and draft press releases
- Help with local repositories
- Identify off-site facilities
- Identify sensitive areas and ecosystems
- Other support (site security, analytical support, PRP searches, enforcement and oversight activities, specialized response and monitoring equipment)
- Contingency planning for responses – emergency and disaster



Other State Contributions

- Work with EPA to identify and prioritize sites
- Written agreements
 - Programmatic issues
 - Site Specific
- Specialized technical and equipment resources
- Targeted funding support

State Contributions (cont.)

- Assist with community relations
 - Established relationship with communities



- Knowledge of nearby treatment and disposal facilities



- Can serve advocate for removal actions – dealing with other programs



State Contributions (cont)



- Integrate removal action with other resources



- Post removal site control/land reuse

Key Issues

- Identification of potential removal actions
- Discussion on scope of removal actions
 - Characterization is important
- Respective roles during removal actions
- ARARs – can generate a lot of discussion
 - Identification, compliance and impracticability
- Effective working relationship
- Well planned and executed removal actions are effective tool for remediation and risk reduction