



Rhode Island State Voluntary Cleanup Program (VCP) and Brownfield Process

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Applicable Regulations

- Rules and Regulations for the Investigation and Remediation of Hazardous Material Releases
- Short Title: Remediation Regulations
- Web Address:
www.dem.ri.gov/pubs/regs/regs/waste/remreg04.pdf

How/When to enroll in the VCP

- Submit a Notification of Hazardous Materials Release Form - Required Within 15 Days of Knowledge of Release – In Writing
- Rule 5.0 of the Remediation Regulations
- Notification Form is Appendix C of the Remediation Regulations

What Happens After A Notification of Release?

- Receipt of Form by the Department marks beginning of State process & EPA's requirement of enrolling in State program
- Using GIS, a determination is made about whether or not Site is in an EJ Area
- Documentation submitted is reviewed

What Happens After A Notification of Release?

The Department will issue one of 3 Letters:

1. Letter of Responsibility (LOR)
 - ◆ Requirement to conduct SIR
2. Voluntary Procedure Letter (VPL)
 - ◆ Requirement to conduct SIR
3. Non-Jurisdictional Letter (NJL)
 - ◆ No SIR or further action required

Site Investigation (SI)

- Scope of Investigation outlined in Section 7.00 of the Remediation Regulations
- A Phase II is not equivalent to a Section 7 Site Investigation
- SI Work Plan is optional
- First Goal is to assess the Nature and Delineate the Extent of the Release(s)
 - ◆ NOTE: This is usually not accomplished during the 1st round of sampling
- Second Goal: Develop 3 Remedial Alternatives based on findings of the investigation

Prior to SI Field Work: - 1st Public Notice

- Notification to Abutters, Tenants & Cities that field activities are about to occur
- Section 7.07.A of the Remediation Regulations.
- If an EJ Site, Public Notice must follow DEM EJ Guidance Policy

Public Notice

- For Grantees this would be a good time to develop A Community Relations Plan (CRP) per EPA requirements
- Some overlapping requirements between EJ Policy and the CRP
- Copies of each Notice sent to DEM concurrently

Environmental Equity/Justice

- Statutory Language from the RI Industrial Property Remediation and Reuse Act - -

§ 23-19.14-5 Environmental equity and public participation. – (a) The department of environmental management shall consider the effects that clean-ups would have on the populations surrounding each site and shall consider the issues of environmental equity for low income and racial minority populations. The department of environmental management will develop and implement a process to ensure community involvement throughout the investigation and remediation of contaminated sites.

The Final “EJ Policy”

- EJ Policy Finalized by DEM in June 2009.
- Goal: to develop and implement measures to ensure consistent and fair consideration of environmental justice and community issues related to the cleanup of contaminated sites in Rhode Island.
- Can be found on DEM website at:
<http://www.dem.ri.gov/envequity/index.htm>
- Applies to sites in Environmental Justice Areas that have come into DEM’s site remediation program since 7/31/07.
- Map of EJ Areas can be found at:
<http://www.dem.ri.gov/maps/index.htm>
(Click on Envir. Resource Map and then ‘Env. Justice Zones’ under ‘Regulatory Overlays’ folder)
- For more info contact: Elizabeth Stone, 222-4700 X2422 or your project manager.

Site Investigation Report (SIR)

- Scope of Report outlined in Section 7.08 of the Remediation Regulations
- Submitted to DEM with “Site Investigation Report Checklist” – Appendix I
- Grantees may incorporate the “Analysis of Brownfields Cleanup Alternatives” requirement into the SIR

Site Investigation Report (SIR)

- If SIR is incomplete, DEM will issue comment letter identifying deficiencies
- If SIR is complete, DEM issues Program Letter

Program Letter

- Program Letter indicates that SI is Complete
- Requires 2nd Public Notice to Abutting Property Owners, Tenants, Community Well Suppliers, & the City to:
 - ◆ Inform that SI is complete and outlines findings
 - ◆ Discusses proposed remedial alternatives
 - ◆ Allows public to comment on Technical Feasibility of Preferred Proposed Remedy
- If EJ Site, Public Notice to Community
- Submit proof of public notice and response to comments received to DEM

Remedial Decision Letter (RDL)

Once 2nd Public Notice is complete, DEM issues RDL:

- Formally approves the SIR & Analysis of Cleanup Alternatives (*If Applicable*)
- Identifies the Preferred Remedial Alternative
- Authorizes the Development of the Remedial Action Work Plan (RAWP)
- Requests the submission of \$1,000 for Remedial Action Approval Fee

Remedial Action Work Plan (RAWP)

- Requirements outlined In Section 9.00 of the Remediation Regulations
- Must be in accordance with Sections 8.00 (Risk Management) and 9.00 (RAWP)
- Identifies the Design Standards & Technical Specifications required to implement remedy

Approval of RAWP

- Remedial Approval Letter (RAL) – Issued for simple standard remedies such as capping
- Order of Approval (OA) – Issued for complex, engineered remedies such as Pump & Treat Systems, Soil Vapor Extraction, Injections, etc.

Closure of Site

- Implement remedy in accordance with RAWP
- Submit Remedial Action Closure Report
- Submit Draft Environmental Land Usage Restriction (ELUR) and Soil Management Plan (SMP) – *If necessary*

DEM Closure of Site

- Reviews and approves Closure Report
- Receipt of recorded ELUR and SMP on deed
- Issues 1 of 3 Letters:
 - ◆ Letter of Compliance (LOC)
 - ◆ No Further Action Letter (NFA)
 - ◆ Interim Letter of Compliance (ILOC)
 - ◆ Long-term Groundwater Monitoring

Interaction With Grantees

- DEM will meet as often as they request
 - ◆ Pre-application meetings are a great place to start
 - ◆ Can have follow-up meetings
 - ◆ Can meet grantees on Site

Any Questions?