

## DON PREAMBLE TO EPA TOOLKIT FOR PREPARING CERCLA RECORDS OF DECISION (OCTOBER 2011)

As part of the Department of the Navy's (DoN) commitment to continual process improvements, DoN issued the *Streamlined Record of Decision Strategy* (DoN, August 2007). DoN set a goal to develop higher quality Records of Decision (RODs) and collaborated with the Environmental Protection Agency (EPA) to develop a Toolkit for Preparing RODs that supplements EPA's *A Guide to Preparing Superfund Proposed Plans, Records of Decision, and Other Remedy Selection Decision Documents* (EPA, July 1999). The EPA Federal Facility Restoration and Reuse office (FFRRO) issued the ROD Toolkit in an electronic format that can be downloaded from [http://www.epa.gov/fedfac/documents/ici\\_accomp.htm](http://www.epa.gov/fedfac/documents/ici_accomp.htm).

This Navy preamble to the ROD Toolkit presents supplemental information that focuses on Navy-specific policies and guidance. Application of the ROD Toolkit is appropriate for all DoN active and Base Realignment and Closure (BRAC) environmental restoration sites following the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) process. The Navy considers distinguishing characteristics for high quality RODs as the use of comprehensive summary text, tables, and figures, including a graphic conceptual site model (CSM), and relying on reference to the Administrative Record that substantiates the information presented. On a site-specific basis, flexibilities and adaptations during development of Navy RODs should include early planning and regulatory and other stakeholder buy-in.

The ROD is a stand-alone document substantiated by information previously reviewed by regulatory agencies and documented in the Administrative Record (e.g. Remedial Investigation, Feasibility Study, Proposed Plan) and other resources. Therefore, instead of copying and pasting information from the Administrative Record, the ROD should summarize and synthesize that information to tell the story of the site and clearly convey the remedy selection decision and rationale. Because the ROD relies heavily on the Administrative Record, a detailed list of references is valuable to identify title/author/date, section number, and page numbers to key information from the Administrative Record file. Consider highlighting key words in the ROD that correspond to each reference and direct the reader to more detailed Administrative Record information. An optional feature to enhance the transparency of the ROD is to include a CD containing the relevant referenced information from the Administrative Record (*Exhibit 16*). The CD provides immediate access to referenced material, expediting the review process for stakeholders. However, the official ROD that memorializes the remedy selection decision consists of the body of the report and associated tables, figures, and appendices without the optional reference information from the Administrative Record. The reference CD does not need to be included in the Administrative Record because the reference material should already be contained in the Administrative Record.

For NPL sites, the ROD Declaration should state that the Navy is the lead agency, provides funding for site cleanups, and that the remedy has been selected by the Navy and EPA. The ROD should include signature lines for the Navy and EPA with concurrence or signature from the State. For non-NPL and BRAC sites, RODs or Decision Documents should include a signature line for the DoN and may contain a concurrence signature line for the EPA and/or State.

It should be noted that EPA and Navy terminology for operable unit, site, and facility may differ [refer to EPA's *Close Out Procedures for NPL Site* (EPA, January 2000) and DoN's *Environmental Restoration Program Manual* (DoN, August 2006)]. When addressing the scope and role in the ROD, clarify how the response action fits into the overall site/operable unit/facility strategy.

In addition to the content contained the the ROD Toolkit, Table 1 identifies tips to ensure appropriate consideration of Navy policy and guidance.



Table 1. Navy Toolkit Tips

Section in the ROD	ROD Toolkit Exhibit	Navy Toolkit Tip
Decision Summary, Current and Potential Future Land and Resource Uses	Exhibit 7 - Current and Potential Future Land and Resource Uses	Reasonably anticipated future land uses and basis for future use assumptions should be consistent with the Base mission needs and Regional Shore Infrastructure Plans.
Decision Summary, Remedial Action Objectives	Exhibit 10 – Remedial Action Objectives for Chemicals of Concern Requiring Action	The <i>Guidance for Optimizing Remedy Evaluation, Selection, and Design</i> (DoN, March 2010) should be considered when establishing RAOs and cleanup levels. Per DoN background policy, cleanup levels should not be set lower than background levels (DoN, January 2004).
Decision Summary, Description of Alternatives	Exhibit 11 – Summary of Remedial Alternatives	<p>Accurately present the no action alternative, as it should not include land use controls (LUCs), Institutional Controls (ICs), engineering controls, monitoring, or cost.</p> <p>When LUCs are a component of a remedial alternative, identification of LUC objectives and implementation as well as a forward reference to a LUC RD should be included in accordance with the <i>Principles and Procedures for Specifying Monitoring and Enforcement of Land Use Controls and Other Post ROD Actions</i> (DoD, January 2004).</p>
Decision Summary, Comparative Analysis of Alternatives	Exhibit 13 - Comparative Analysis of Alternatives	When comparing alternatives, opportunities for green and sustainable solutions should be considered to reduce the environmental footprint of remedy components and consider the overall net environmental benefit consistent with the Navy's Environmental Strategy (NAVFAC <i>Sustainable Environmental Remediation Fact Sheet</i> ).
Decision Summary, Comparative Analysis of Alternatives	Exhibit 13 - Comparative Analysis of Alternatives	Refer to the <i>Navy's Green and Sustainable Remediation Guidance</i> (2011).
Decision Summary, Selected Remedy	Exhibit 14 - Description of Selected Remedy	Contingency remedies, treatment train technologies, and planning for optimization should be incorporated into the Selected Remedy as outlined in <i>Guidance for Optimizing Remedy Evaluation, Selection, and Design</i> (DoN, March 2010), to allow for maximum flexibility as site conditions and system efficiencies evolve.

The DoN encourages the development of new ideas, consistent with EPA's ROD Guidance, and ROD Toolkit. The streamlining tools presented in the Toolkit may be adapted to other CERCLA documents. An interactive version of this Toolkit, example RODs, and other references and guidance are available on the NAVFAC website: [www.navfac.navy.mil](http://www.navfac.navy.mil).