

**BUREAU OF ENVIRONMENTAL REMEDIATION/REMEDIAL SECTION
POLICY
STATE COOPERATIVE PROGRAM
DECISION DOCUMENT DEVELOPMENT¹**

BER POLICY#BER-RS-009

DATE: 1995

Revised 2001

Revised 2005

Revised 2009

PAGES: 6

Section Chief: 

Date: 6/28/9

Bureau Manager: 

Date: 6/29/09

REVISIONS

Reviser: Rick Bean

Date of Revision: 2001

Reviser: Mary Daily

Date of Revision: 2005

Reviser: E. Jean Underwood

Date of Revision: 2009

ORIGINATOR

Originator: Rick Bean

Date: 1995

¹previously titled *Development of Draft CADs*

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For sites managed under the auspices of the Kansas Department of Health and Environment—Bureau of Environmental Remediation (KDHE-BER) State Cooperative Program, corrective action or remedial action decisions are typically memorialized through a formal process which provides the opportunity for public comment. Public comment periods (15- or 30-day) are noticed once in a local newspaper publication with the best distribution proximal to the site. For Superfund or National Oil and Hazardous Substances Contingency Plan (NCP)-consistent sites, which follow the conventional remedial investigation/feasibility study (RI/FS) process, a Proposed Plan, as a precursor to the Record of Decision (ROD), is prepared for 30-day public comment within which period a public meeting is scheduled to present the preferred remedial strategy. The majority of State Cooperative Program sites follow a somewhat analogous comprehensive investigation/corrective action study (CI/CAS) approach culminating with preparation of a draft Corrective Action Decision (CAD) for 30-day public comment; if requested, a public meeting may be scheduled. Alternatively, for other less rigorous State Cooperative Program site categories (e.g., long-term monitoring only, nitrate presumptive remedy, or removal action), a draft Agency Decision Statement will be prepared for 15-day public comment; if requested, a public meeting may be scheduled and/or the public comment period extended. The draft ROD, CAD or Agency Decision Statement, along with a draft press release and draft public notice, will be routed for concurrence through the KDHE-BER Bureau Director before making available to the public for comment. The draft press release and draft public notice must be approved by the Office of Communications before issuance.

After the respective public comment periods have ended, a final ROD, CAD or Agency Decision Statement will be issued by KDHE. This document identifies the selected remedial strategy including a responsiveness summary to address comments received from both the general public and other interested parties. The final ROD or CAD must also be accompanied by a separate declaration statement, signed by the Secretary, which identifies the site name and location; provides a general statement of basis and purpose; provides a brief description of the selected remedy; and, declares that the selected remedy is protective of human health and the environment while attaining all applicable or relevant and appropriate requirements (ARARs). Recognizing that each site is unique and a given decision document may need to be tailored accordingly, this policy document provides a brief description of each type of decision document, a general example or outline to follow, or reference to available guidance. The exact content and format will be determined on a case-by-case basis as determined by the KDHE-BER project manager in consultation with program management.

Proposed Plan/Record of Decision

In general, development of a Proposed Plan and final ROD should closely follow U.S. Environmental Protection Agency (EPA) guidance entitled *A Guide to Preparing Superfund Proposed Plans, Records of Decision, and Other Remedy Selection Documents* (OSWER 9200.1-23P/EPA 540-R-031; July 1999). The EPA guidance document provides recommended formats and content suggestions for the Proposed Plan, ROD, Explanation of Significant Differences (ESD), and ROD Amendment. The KDHE-BER project manager should consult with program management to determine the most recent and relevant example.

Corrective Action Decision

Example outlines for draft and final CADs are presented in Attachments A and B. The level of detail to be included is dependent upon site-specific needs and the anticipated level of public interest. For most sites, the objective is to provide a brief summary of the actions, risks and preferred corrective action alternative. For less controversial sites or low- to medium- priority sites, it may be possible to develop a more focused, abbreviated draft CAD. For high priority sites where public or private water supply wells are impacted, heightened public interest is evident, or where municipalities or other governmental interests are involved, a more detailed draft CAD should be prepared. The KDHE-BER project manager should consult with program management to determine which draft CAD format is appropriate. There are numerous examples available to draw from to avoid “reinventing the wheel.”

Agency Decision Statement

In some circumstances, an Agency Decision Statement may be an appropriate approach. It is envisioned that this would apply to less rigorous State Cooperative Program site categories including, but not limited to, long-term monitoring only, nitrate presumptive remedy or removal action. The goal is for every site managed under the State Cooperative Program to have a documented framework/path to closure with the opportunity for public comment. An example outline for a draft Agency Decision Statement is presented in Attachment C; the final Agency Decision Statement would follow a similar format. The final Agency Decision Statement is routed for concurrence and signature through the KDHE-BER Bureau Director.

**ATTACHMENT A
DRAFT CORRECTIVE ACTION DECISION
EXAMPLE OUTLINE**

SECTION

- 1.0 PURPOSE OF THE DRAFT CORRECTIVE ACTION DECISION
- 2.0 SITE BACKGROUND
 - 2.1 Site Location
 - 2.2 Site History
- 3.0 COMPREHENSIVE INVESTIGATION
 - 3.1 Summary of Investigation Results
 - 3.2 Bench- or Pilot-Study Results
 - 3.3 Vapor Intrusion Assessment
- 4.0 INTERIM MEASURE IMPLEMENTATION
 - 4.1 Interim Measure Objectives
 - 4.2 Description of Interim Measure
 - 4.3 Effectiveness of Interim Measure
- 5.0 SITE RISKS
- 6.0 REMEDIAL ACTION OBJECTIVES
 - 6.1 Cleanup Levels
- 7.0 SUMMARY OF REMEDIAL ALTERNATIVES EVALUATED
 - 7.1 Soil Remedial Alternatives
 - 7.2 Groundwater Remedial Alternatives
- 8.0 DESCRIPTION OF THE PREFERRED REMEDY
- 9.0 COMMUNITY INVOLVEMENT

TABLES

- Table 1 Site-Related Contaminants of Concern in Groundwater
- Table 2 Site-Related Contaminants in Soil
- Table 3 Vapor Intrusion Assessment Results

FIGURES

- Figure 1 Site Location
- Figure 2 Site Boundaries
- Figure 3 Contaminants of Concern in Soil
- Figure 4 Contaminants of Concern in Groundwater
- Figure 5 Interim Measure Location or Layout

**ATTACHMENT B
FINAL CORRECTIVE ACTION DECISION
EXAMPLE OUTLINE**

SECTION

- 1.0 PURPOSE OF THE CORRECTIVE ACTION DECISION
- 2.0 SITE BACKGROUND
 - 2.1 Site Location
 - 2.2 Site History
- 3.0 COMPREHENSIVE INVESTIGATION
 - 3.1 Summary of Investigation Results
 - 3.2 Bench- or Pilot-Study Results
 - 3.3 Vapor Intrusion Assessment
- 4.0 INTERIM MEASURE IMPLEMENTATION
 - 4.1 Interim Measure Objectives
 - 4.2 Description of Interim Measure
 - 4.3 Effectiveness of Interim Measure
- 5.0 SITE RISKS
- 6.0 REMEDIAL ACTION OBJECTIVES
 - 6.1 Cleanup Levels
- 7.0 SUMMARY OF REMEDIAL ALTERNATIVES EVALUATED
 - 7.1 Soil Remedial Alternatives
 - 7.2 Groundwater Remedial Alternatives
- 8.0 SUMMARY OF THE SELECTED REMEDY
- 9.0 COMMUNITY INVOLVEMENT
- 10.0 DOCUMENTATION OF SIGNIFICANT CHANGES
- 11.0 RESPONSIVENESS SUMMARY

TABLES

- Table 1 Site-Related Contaminants Detected in Groundwater
- Table 2 Site-Related Contaminants Detected in Soil
- Table 3 Vapor Intrusion Assessment Results

FIGURES

- Figure 1 Site Location
- Figure 2 Site Boundaries
- Figure 3 Contaminants in Soil
- Figure 4 Contaminants in Groundwater
- Figure 5 Interim Measure Location or Layout

**ATTACHMENT C
DRAFT AGENCY DECISION STATEMENT¹
EXAMPLE OUTLINE**

TITLE: State Cooperative Program Draft Agency Decision Statement

DATE: [add month/day/year]

REVIEWERS: [add signature line/date for Remedial Section Chief]
[add signature line/date for corresponding Unit Chief]

PROJECT NAME/CODE: [add consistent with ISL]

LOCATION: [add city/county]

MEDIA IMPACTED: [indicate groundwater, sediment, soil, etc.]

LAND USE/SETTING: [indicate industrial, residential, etc.]

SITE BACKGROUND: [add narrative in paragraph form]

REMEDIAL PLAN: [add narrative in paragraph form]

RECOMMENDATION: [add narrative in paragraph form]

TABLES

Table 1 Site-Related Contaminants Detected in Groundwater
Table 2 Site-Related Contaminants Detected in Soil

FIGURES

Figure 1 Site Location
Figure 2 Contaminants in Soil
Figure 3 Contaminants in Groundwater

¹Final Agency Decision Statement to include signature block/date for KDHE-BER Bureau Director on last page.