

## ORR Recommendation R-5

*Subject:* Risk-Based Closures and Site-Specific Criteria

*Recommendation:* Consistent with the increased flexibility to create site-specific criteria under the 2010 Part 201 amendments, the DEQ should encourage the increased use and approval of risk-based site-specific closure limits in order to facilitate closure of more sites. In addition, Part 201 and the Part 201 rules should be amended to allow for non-numeric site-specific criteria.

*Justification:* See Issue Paper “R-5” in Appendix A on Pg. A-38.

\* James Clift did not concur in this recommendation.

### Appendix A

#### No. R-5

**Subject:** Risk-Based Closures and Site-Specific Criteria

**Remedy:**  Process  Rules  Statute

**Background/Issue:** In 2010, the legislature amended Part 201 in part to provide further flexibility in developing site-specific criteria for sites and to otherwise promote risk-based cleanups. Indeed, several risk-based models exist that could be utilized by the Part 201 program. For example, the Risk-Based Corrective Action (RBCA) approach can be an effective process to develop remedial objectives. Further, the site-specific-criteria option would be further enhanced if the criteria could be both numeric and nonnumeric depending on the site. Unfortunately, the DEQ has historically not allowed for a risk-based site-specific closure option. This is contrary to the intent behind the 2010 Part 201 amendments.

**Proposed Solution:** Consistent with the increased flexibility to create site-specific criteria under the 2010 Part 201 amendments, the DEQ should encourage the increased use and approval of risk-based site-specific closure limits in order to facilitate closure of more sites. In addition, Part 201 and the Part 201 rules should be amended to allow for non-numeric site-specific criteria.

**Rationale for Change/Additional Comments:** Allowing more use of site-specific criteria and training staff regarding site-specific criteria will lead to more closures while still protecting the environment.

**James Clift Comments:** The environmental community is concerned with the labor-intensive nature of these cleanups and diverts resources away from work at other sites. The statute should be amended to allow for the DEQ to recover costs through fees in these instances.