

Appendix B

Administrative Record File, Post Decision File And Site File Documents

ADMINISTRATIVE RECORD FILE

The **Administrative Record File** (AR) organizes and manages all documents associated with the decision making process up to and including the Record of Decision (ROD) or Decision Document (DD) for an Environmental Restoration (ER) site.

Documents created after the ROD/DD is signed are placed in the Post Decision File. There are exceptions which are added to the Administrative Record File. See the Post Decision File Exceptions to Inclusion. Administrative Record File documents are publicly available unless the document contains sensitive information.

Figure 1 shows the Department of the Navy Environmental Restoration Program (DON ERP) process phases

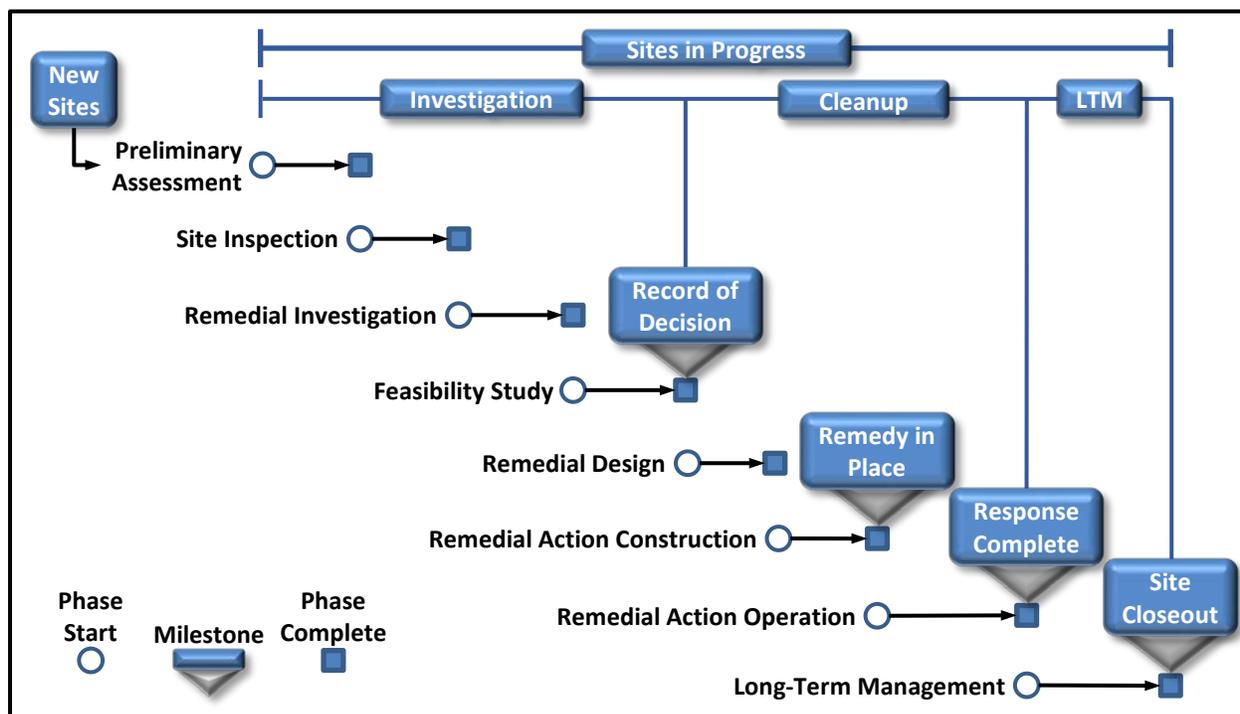


Figure 1 – DON ERP Process Phases

Figure 2 compares the process terminology for radiological sites using the Multi-Agency Radiation Survey and Site Investigation Manual (MARSSIM); sites under CERCLA; and sites under RCRA.

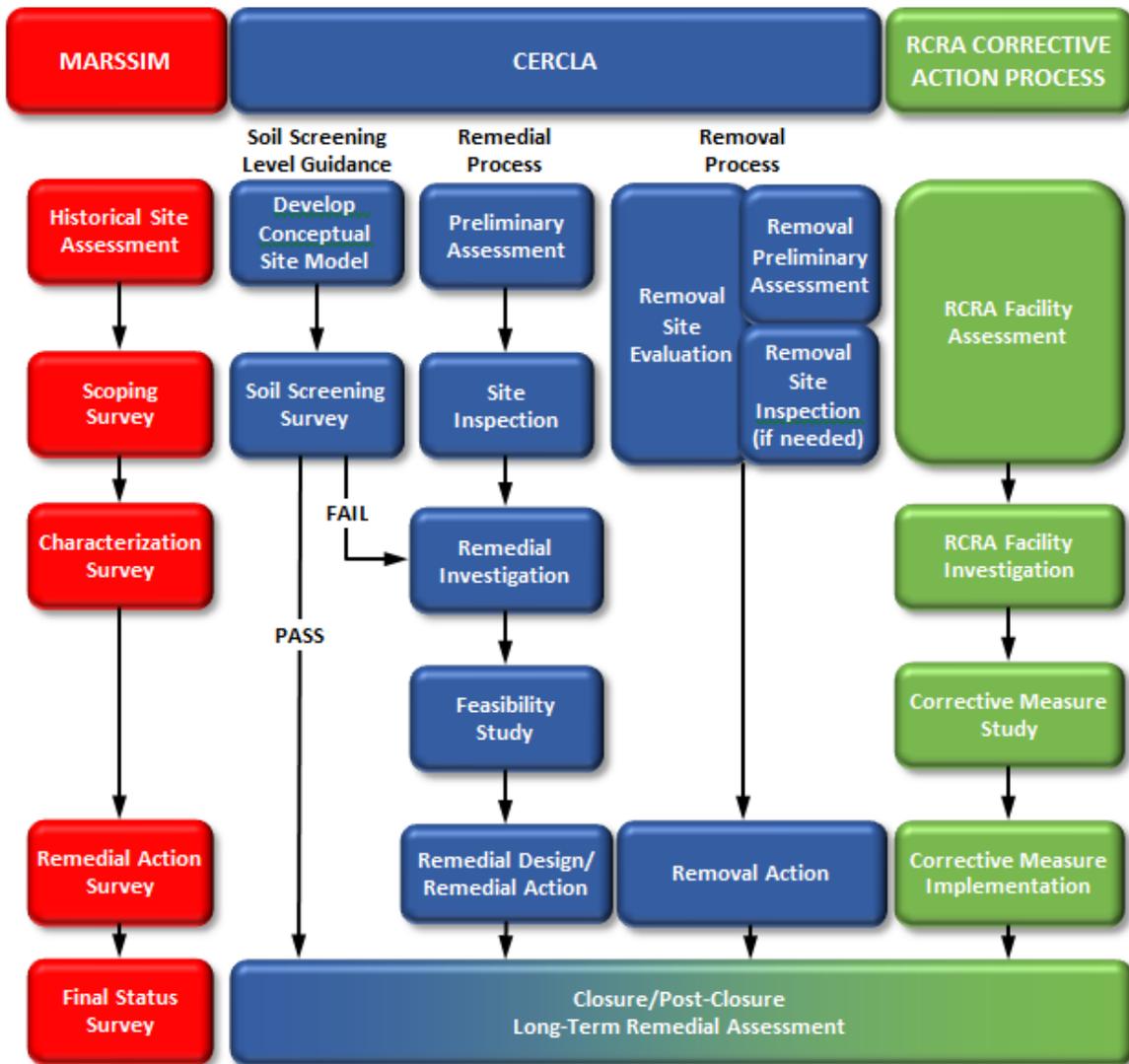


Figure 2 – Comparison of MARSSIM, CERCLA, and RCRA Processes

Source: Department of the Navy Environmental Restoration Program Manual

ADMINISTRATIVE RECORD FILE DOCUMENTS

- **Preliminary Assessment**
 - Preliminary Assessment Report
 - Munitions Response Program Preliminary Assessment Reports (See also Appendix T)
 - Relevant RCRA information, including:
 - Waste management documents
 - RCRA corrective action at the site (e.g., RCRA permit applications, inspection reports)
 - RCRA Facility Assessment (RFA)
 - RCRA Facility Investigation (RFI)
 - Interim Corrective Measures
 - Corrective Measures Studies (CMS)
 - Responses to RCRA information requests
- PFAS Special Area Technical Memorandums
- PFAS Preliminary Assessment Reports
- PFAS Site Investigation Reports
- **Site Inspection**
 - Site Inspection Report
 - Site Inspection Work Plan
 - Site Inspection Sampling and Analysis Plan
 - Site Inspection Quality Assurance Project Plan
 - Site Inspection Health and Safety Plan
 - Site Inspection Field Sampling Plan

- Site Inspection Chain of Custody Forms
- Site Investigation Report
- Data Summary Data
- Site Evaluation Work Plan
- Site Evaluation Sampling and Analysis Plan
- Site Evaluation Quality Assurance Project Plan
- Site Evaluation Health and Safety Plan
- Site Evaluation Field Sampling Plan
- Site Specific Accident Prevention Plan
- Risk evaluation/endorsement assessments and underlying documentation
- Engineering Evaluation/Cost Analysis (EE/CA) (for non-time critical removal actions)
- EE/CA Approval Memorandum
- Public Notice of Availability of the EE/CA
- Public Notice of the Availability of the Administrative Record File
- Navy responses to EPA CERCLA § 104(e) information request letters, if appropriate for inclusion
- Documentation of state or commonwealth involvement
- ATSDR documents including Health Evaluations and Studies
- SAP Technical studies performed for the site (e.g., groundwater studies)
- Data submitted by the public, including Potentially Responsible Parties (PRPs)
- Remedial Investigation/Feasibility Study (IR and MRP)
- Remedial Investigation/Feasibility Study Report(s)
- Remedial Investigation/Feasibility Study Work Plans (See also Appendix T)
- IR and MRP Remedial Investigation/Feasibility Study Work Plan Amendments

- IR and MRP Remedial Investigation/Feasibility Study Work Plan Amendments
See also Appendix T)
- IR and MRP Remedial Investigation Sampling and Analysis Plans (See also Appendix T)
- IR and MRP Remedial Investigation Quality Assurance Project Plan (See also Appendix T)
- IR and MRP Remedial Investigation Health and Safety Plan (See also Appendix T)
- IR and MRP Quality Control Plans (See also Appendix T)
- IR and MRP Remedial Investigation Report (See also Appendix T)
- IR and MRP Feasibility Study Report (See also Appendix T)
- IR and MRP Remedial Investigation/Feasibility Reports (See also Appendix T)
- Remedial Investigation Field Sampling Plan
- Remedial Investigation Chain of Custody Forms
- Verified Analytical Data
- Inspection Reports
- Uniform Hazardous Waste Manifests
- Data Summary Sheets
- Site Specific Accident Prevention Plans
- Supporting technical studies and reports
- Alternative Technologies/Treatability Studies
- Human Health Risk Assessment
- Ecological Risk Assessment
- Memoranda on site-specific or issue-specific policy decisions
- Medical Reviews of select documents
- Site Management Plans
- Site photographs/maps

- Correspondence to regulators requesting identification of ARARs
- Responses from regulators identifying ARARs
- Notice to regulators
- Regulator (state, federal, and other) correspondence, regardless of medium, which contains comments on all versions of draft, draft final and final documents
 - See Final *Guidance on Administrative Records for Selecting CERCLA Response Action*," OSWER Directive # 9833.3A-1, Part III C, paragraph #3
 - "... if a draft document or internal memorandum is circulated by the lead agency to other persons (e.g., the support agency, PRPs or the general public) who then submits comments which the decision maker considers or relies on when making a response action decision, relevant portions of the draft document or **the memorandum and comments on that document should be included in the record file...**"
- All responses to regulator comments by DON or their representative
- Selected correspondence and memorandums to and from government agencies to regulatory agencies
- Regulatory concurrence or non-concurrence correspondence on final documents
- NAVFAC response to comments or other correspondence from regulatory (state, federal, or other) agencies
- Selected other federal agency documents (U.S. EPA, ATSDR, etc.)
- Congressional correspondences
- National Resources Trustee notices and responses, Findings of Fact
- Responsiveness Summary
- Documentation of substantive oral comments on the selected remedy
- Site specific guidance documents in the Administrative Record File
- General guidance documents may be included
- Technical literature used when considering remedial action alternatives
- Technical studies performed for the site

- Memorandums on site-specific or issue-specific policy decisions
- Documents showing public involvement
 - Community Relations Plans
 - Community Involvement Plans
 - Newspaper articles showing general community awareness
 - Fact Sheets or summary information regarding Remedial Action alternatives
 - Proposed Remedial Action Plans
 - Correspondence sent to individuals or organizations on the community involvement mailing list; include associated data, documents (mailing lists may contain sensitive information)
 - Newspaper notices (extracted from the newspaper) from each publication carrying the notice on each date published
 - Public Notices
 - Navy Responses to significant comments received from the public
 - Transcripts and/or documentation of public meetings including handouts, visual displays, presentations
 - Restoration Advisory Board meeting minutes, agendas and presentations (associated members of the public sign in sheets with name, address, and other personal information are handled as sensitive information)
- Congressional Correspondence
 - **Record of Decision (ROD)**
 - Amendments to ROD
 - Explanation of Significant Differences to the ROD
 - Action Memorandum
 - Action Memorandum Amendments
 - **Decision Documents**

- Notice letters to Potentially Responsible Parties (PRPs) and their response(s)
- Administrative Orders *
- Consent Decrees *
- Federal Facility Agreement (FFA) **
- Federal Facilities Site Remediation Agreement (FFSRA) **
- Documents supporting a finding under CERCLA §106 of imminent and substantial endangerment
- CERCLA § 122(e) subpoenas and responses, including deposition transcripts, if appropriate for inclusion
 - *Enforcement documents (Administrative Orders and Consent Decrees) are included **ONLY** if they are relevant to selection of a removal action
 - **Federal Facility Agreements (FFA) and Federal Facilities Site Remediation Agreements (FFSRA) are filed in the Administrative Record File; Post Decision documents which are required in accordance with the FFA or FFSRA are filed in the Post Decision File

POST DECISION FILE

Post Decision Files (PF) are the collection of records generated or received after a response action is selected and a CERCLA ROD/DD is issued. PF records document that the selected response action was designed, performed, monitored, reviewed, and the site was ultimately closed. PF records are not relevant to the response decision; records were not “considered or relied on in the decision process”. Such documents may, however, be relevant to later response selection decisions and, if so, should be included in the Post Decision File pursuant to Section 300.825 of the National Contingency Plan.

Public Availability

Most Post Decision documents are not available to the public or the judiciary but some can be made available on NAVFAC public web pages or at Information Repositories without a Freedom of Information Act request or judiciary action compelling the Command to provide the documents.

There is no restriction or prohibition on making Post Decision documents available to the public as long as they do NOT appear to be part of an Administrative Record File.

Below is a list of typical Post Decision File documents. If the document has (PUBLIC DOCUMENT) in parenthesis after the description, add (PUBLIC DOCUMENT) in the title field and check the **Make Public** and **Public Download** boxes in NIRIS if the document has no sensitive information.

POST DECISION FILE DOCUMENTS

- Enforcement orders (federal and state) **(PUBLIC DOCUMENT)**
- Post Record of Decision or post Action Memorandum administrative orders and consent decrees, certain pleadings and answers, state and federal statutes, settlements, judgments and executions signed after the Decision Document or Record of Decision **(PUBLIC DOCUMENT)**
- Documentation of Minor Post-ROD Changes Memorandum to File **(PUBLIC DOCUMENT)**
- Significant Post Decision comments by regulators and the Navy responses to the comments **(PUBLIC DOCUMENT)**

- All other pleadings (e.g., Memoranda of Law, Request for Admissions, Deposition Subpoena, Notice of Deposition, Document Production Request, Responses to Document Production, Interrogatories)
- Remedial Design Documents, Plans and Reports (**PUBLIC DOCUMENT**)
- Remedial Action Documents, Plans and Reports (**PUBLIC DOCUMENT**)
- MRP Remedial Action Construction and Operation Plans and Reports See also Appendix T) (**PUBLIC DOCUMENT**)
- Long-term monitoring information and reports (quarterly, semiannual, annual, etc.) (**PUBLIC DOCUMENT**)
- Land Use Control Implementation (**PUBLIC DOCUMENT**)
- Land Use Control Remedial Design (**PUBLIC DOCUMENT**)
- Land Use Control Assurance Plans (**PUBLIC DOCUMENT**)
- Post Decision Restoration Advisory Board Meeting Minutes, associated presentations, agendas and other documentation generated for or by the Post Decision Restoration Advisory Board meeting (do not release member of the public sign in sheets) (**PUBLIC DOCUMENT**)
- Post Decision Restoration Advisory Board Public notices (**PUBLIC DOCUMENT**)
- Post Decision subsequent reviews and public notices (**PUBLIC DOCUMENT**)
- Operation and Maintenance Manuals and Plans related to cleanup technology (**PUBLIC DOCUMENT**)
- Five-year reviews and public notices (**PUBLIC DOCUMENT**)

- Final Contractor Closeout Reports
 - Contractor closeout reports are generated by the contractor when all work/actions on a contract have been completed and the contractor certifies same. They are different than the Site Closeout document
- Final Site Closeout Reports (**PUBLIC DOCUMENT**)
- Final Construction Closeout Reports (**PUBLIC DOCUMENT**)
- Final MRP Response Complete Reports (part of the process is the Audit and Verification) (**PUBLIC DOCUMENT**)
- Final Munitions Response Program Remedial Action Construction and Operation Plans and Reports (See also Appendix T) (**PUBLIC DOCUMENT**)
- Final Munitions Response Program Land Disposal Restrictions (See also Appendix T) (**PUBLIC DOCUMENT**)
- Final Removal Action Completion Reports (**PUBLIC DOCUMENT**)
- Interim Remedial Action Completion Report (IRACR) (**PUBLIC DOCUMENT**)
 - Documents completion of cleanup for a site or Operable Unit (OU) and documents the response complete milestone (this Site Closeout Report can be for an individual site or OU closeout)
- Final Remedial Action Completion Report (RACR) (**PUBLIC DOCUMENT**)
 - Documents the Remedial Action completion at the last site or OU cleaned up, summarizes all previous RACRs and summarizes No Further Action (NFA) designations at a base
- Remedial Action Completion Report Amendment (**PUBLIC DOCUMENT**)
 - Documents the completion of Long Term Management and documents the Site Closeout milestone completion for long-term management phase
- Uniform Hazardous Waste Manifest (See also Appendix T)

- Closure Memorandum
- Finding of Suitability to Transfer (FOST) **(PUBLIC DOCUMENT)**
- Finding of Suitability for Early Transfer (FOSET) **(PUBLIC DOCUMENT)**
- Finding of Suitability to Lease **(FOSL) (PUBLIC DOCUMENT)**

SITE FILE

Many documents do not fall within the strict definition of Administrative Record File documents yet are pertinent, as well as important, to the remediation process and should be retained.

These documents are placed in the Site File. Many of the included documents are specifically identified in the OSWER Directive 9833.3A-1; others may be included for the convenience of RPMs.

Site File records are not readily available to the public or the judiciary. They are not normally released to the public unless they are authorized by an attorney as suitable for release based on a FOIA inquiry. The judiciary can compel the Command to provide the documents to the public.

Site File records do not appear in the publicly released information nor are they listed on public Administrative Record File websites.

Site File documents are housed in NIRIS.

The Site File does **NOT** include documents or files which are considered Working Papers.

Working papers contain copies of documents needed to perform cleanup work. Working papers and documents are kept together for the convenience of a Project Manager. The documents and paper should be properly disposed of at the completion of the work.

These documents fall into three general categories:

- work in progress (i.e. most drafts, draft final versions of documents),
- background or research material
- information and supporting documentation including internal Navy and Navy-contractor emails and other correspondence

Many RPM working papers are duplicate copies of official records filed elsewhere in the Command's official environmental recordkeeping system, NIRIS.

Other types of documents which are not included in the official file include copies of environmental contracts, contract modifications, or contractor progress reports, and duplicate copies of documents which are in the NIRIS Administrative Record File, Post Decision File or Site File.

SITE FILE DOCUMENTS

- Applicable or Relevant and Appropriate Requirements (ARARs) correspondence between attorneys and/or site team members
- Site chronologies and descriptions if they reflect official agency positions; do not include if prepared as part of the working papers
- Hazard Ranking System documentation, scores and other associated documents
- Relative Risk Site Evaluation Model (RRSEM)
- Selected RCRA documents and information not defined as an AR File document
- Partnering meeting minutes (consult with the RPM or an environmental attorney)
- Memorandums of Understanding (MOUs)
- Defense/State Memorandums of Agreement (DSMOA)
- Relative Risk Ranking documents
- Technical Assistance Grants information
- Testimony before Congress
- Written comments from a member of the public on the selected remedy
- Data submitted by the public
- EPA CERCLA § 104(e) information request letters
- National Priority List de-listing information
- BRAC Cleanup Team (BCT) meeting minutes (All Versions). This includes all related comments, correspondence, response to comments, etc.

- BRAC Business Plans. This includes all related transmittals, comments, response to comments, etc.
- Internal Navy (RPM)/Contractor meeting minutes (All Versions)
- Raw Analytical and Unverified Laboratory Data
- Raw Analytical and Unverified Laboratory Data Packages
- Environmental Baseline Survey documents
- Environmental Condition of Property documents
- Affidavits containing relevant factual information not contained elsewhere in the Administrative Record File

Munitions Response Program and Unexploded Ordnance Site File Documents
(see Appendix T)

Note: Some or all the following documents may become part of an Administrative Record File or Post Decision File Report as an appendix; others may be published or issued as a single document.

- After Action Report and associated correspondence and/or documentation
 - The Project Team should identify, via the Document Data Sheet, After Action Reports which should be placed in the Administrative Record File and After Action Report which should be placed in the Site File
 - Document creation is usually mandated by Naval Ordnance Safety and Security Activity (NOSSA) and is not part of CERCLA documentation placed in the Administrative Record File
 - After Action Reports are usually placed in the Site File because they do not satisfy CERCLA documentation requirements because of the document format and content.
 - Some cleanups use the After Action Report to document the site Decision. If no other Decision Document is produced for the cleanup, the After Action Report is placed in the Administrative Record File
 - After Action Reports are not Action Memorandums

- DD Form 1348- 1A
- DD Form 626 - Motor Vehicle Inspection - Transporting Hazmat
- Explosive Waste Profile Sheet
- Explosives Safety Submission
- Explosives Safety Submission Determination
- Explosive Safety Submission Waiver (now called the Explosive Safety Submission Determination)
- Explosives Site Approval (now part of the Explosives Safety Submission) approved by NOSSA or MARCORSYSCOM and Department of Defense Explosives Safety Board (DDESB) and the Explosives Safety
- Interim Hazardous Classification Request
- Munitions and Explosives of Concern (MEC) Hazard Assessments
- Munitions Response Site Identification and Notification Report, NOSSAINST 8020.15
- Munitions Response Site Prioritization Protocol (also called Munitions Protocol)