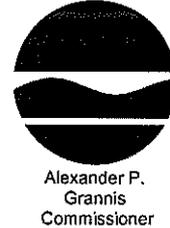


New York State Department of Environmental Conservation
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August 11, 2008

Lora Fly, Project Manager
Naval Facilities Engineering Command-Midlant
9742 Maryland Avenue
Norfolk, VA 23511-3095

RE: Naval Weapons Industrial Research Plant
(NWIRP)-Bethpage, NYSDEC No. 1-30-003B.

Dear Ms. Fly:

The Department of the Navy (Navy) has submitted the report entitled "2007 Five Year Review for Sites 1, 2 and 3, April 2008." This report was prepared by Tetra Tech FW for the Department of the Navy Naval Weapons Industrial Reserve Plant (NWIRP) Bethpage Site. This report has been reviewed by the New York State Department of Environmental Conservation (NYSDEC) and the Federal Facilities Group at the United States Environmental Protection Agency (USEPA).

1. The NWIRP Bethpage Operable Unit 1 (OU 1) Record Of Decision (ROD) covers the remedy for which this Five Year review is being performed. A copy of the OUI ROD should be appended to this report.

2. Page 1-1, Section 1, Site 4: This section states "a decision document" for site four has not been prepared. It was my understanding that a ROD Amendment for OU 1 was going to cover "Site 4" of OU 1. Please clarify this statement.

3. Page 1-1, Section 1, Site 4: The Five Year review process is a requirement under CERCLA and the NWIRP RODs, written under CERCLA and must comply with the federal regulatory requirements. This includes sections as required by the USEPA Office of Solid Waste and Emergency Response (OSWER) Directive No. 9355.7-03B-P entitled "Comprehensive Five Year Review Guidance." The NYSDEC has a periodic review process, whereby the time between reviews can vary depending site specific requirements. With respect to the NWIRP Bethpage facility, not all of the remediation is complete, and therefore the time frame(s) for the periodic review(s) have not yet been established. A copy of Internal guidance Procedure 8 (IGP 8), covering periodic reviews, is attached for your information.

4. Page 2-3, Section 2.3, Last Paragraph: The Five Year Review report does not detail the status of the soil cover Interim Remedial Measure (IRM) implemented for the surface soils with elevated PCBs.

5. Page 2-11, Section 2.7, Summary of Technical Assessment: Site one has a temporary cover on surficial soils with PCB concentrations in excess of 50 ppm. At a minimum, this needs to be remediated before the statement can be made that there is no risk to human health.

6. Page 2-13, Section 2.11: This section should be clarified to state that the next Five year review will be done pursuant to CERCLA and the OSWER directive.

7. Page B-1, Section 1, Site Information: The Inspection Team roster should be attached to the checklist. The Five year review has no indication of who performed the inspection.

8. Page B-3, Item III. On Site records: The OM&M manual, groundwater monitoring records and Discharge Extraction Records for the onsite containment system should be referenced here.

9. Page B-4, IV- O & M costs: the annual O & M costs should be provided.

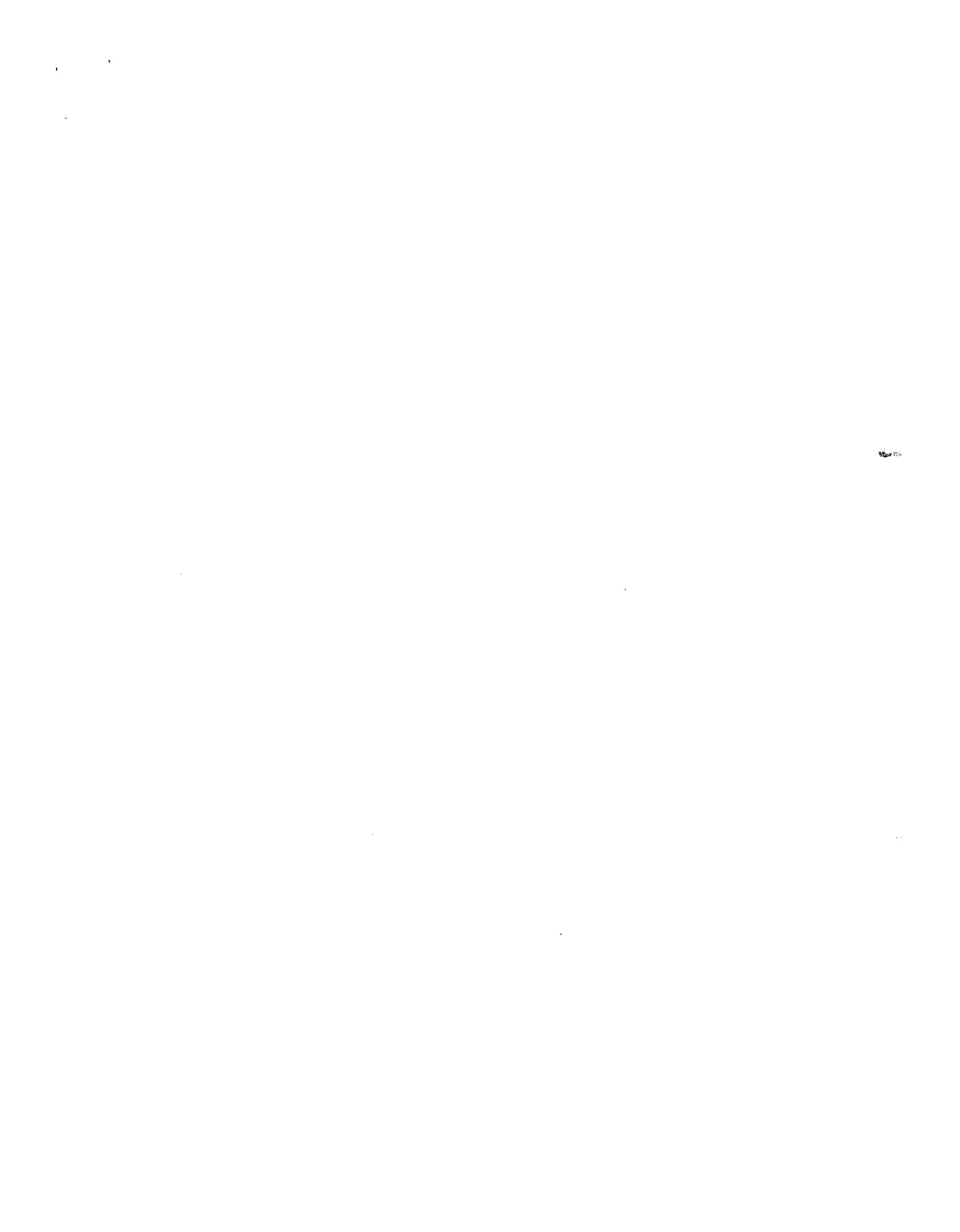
Thank you for the opportunity to comment on the NWIRP Bethpage Five Year Review Document. If you have any questions, please contact me directly at 518-402-9620.

Sincerely,

Steven M. Scharf

Steven M. Scharf, P.E.
Project Engineer
Division of Environmental Remediation
Bureau of Remedial Action A

cc: J. Swartwout/S. Scharf/File
H. Wilkie, DSHM
W. Parish, Region 1
C. Struble USEPA Region 2
D. Brayack, TTNUS



**Division of Environmental Remediation
Internal Guidance Procedure**

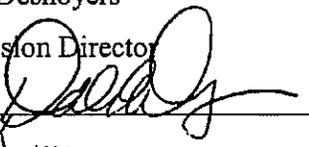
Title: Periodic Review of Site Management Activities	DER ID: IGP-8
Issuing Authority: Name: Dale A. Desnoyers Title: DER Division Director Signature:  Date Issued: AUG 21 2007	Originating Unit: Bureau Lead: Remedial Bureau E Section: Remedial Section D Phone: 402-9812

Table of Contents

I. Summary	1
II. Purpose and Background	
III. Responsibility	2
IV. Procedure	
A. Objectives of a Periodic Review	
B. Periodic Review Responsibility	
C. Periodic Review Cycle.....	3
1. Initiation of PR Activities	
2. PRR 45-Day Reminder Notice.....	4
3. Periodic Review Report Submittal	
4. Periodic Review Evaluation	
5. DER Periodic Review Response.....	7
6. Next Periodic Review Project.....	8
D. Determining the Periodic Review Frequency Selecting or Modifying the PR Frequency, and Terminating the PR Cycle	
E. Type of Periodic Review Evaluation.....	10
Desktop or Field-Oversight PR Evaluation	
F. Periodic Review Data Management.....	11

References

1. "Technical Guidance for Site Investigation and Remediation." NYS DEC. DER-10. (December 2004.)
2. "Overview of the PR Process." NYS DEC. DER Internal website.
3. "Comprehensive Five-Year Review Guidance: Section 4.0 Assessing the Protectiveness of the Remedy." USEPA. OSWER No. 9355.7-03B-P. (June 2001.)
4. 6 NYCRR Part 375. Environmental Remediation Programs. NYS DEC. December 14, 2006.
5. "Site Management Problems and Severity Identification Guidelines." NYS DEC. DER Internal website.
6. "Procedure for Site Classifications / Reclassifications and Significant Threat Determinations." NYS DEC. DER IGP-6. June 2006.)
7. "UIS Tutorial: SM and PR Data Entry in the UIS, IC/EC Data Entry Procedure, and Site Management Reports in the UIS." NYS DEC. DER Internal website.

DER Definitions. "Glossary of Environmental Cleanup Terms." NYS DEC website.

Appendices

- Appendix 1. PR Flow Chart**
- Appendix 2. Certificate of Completion Cover Letter, and Site Management Data Form**
- Appendix 3. IC / EC Certification Package (sample)**
- Appendix 4. Periodic Review Data Collection Form (sample)**
- Appendix 5. PRR Response Letter**

I. Summary

The Periodic Review (PR) is a recurring project throughout the Site Management (SM) phase, which is the last phase of a site remedial program. This Internal Guidance Procedure (IGP), IGP-8 describes the PR process, including objectives of a PR, PR responsibility, PR cycle (i.e., start, notices, reporting, evaluation, and response; determining the PR frequency, including modifying the frequency and terminating the PR cycle; determining the type of PR evaluation, and recording and tracking of the PR in the UIS.)

II. Purpose and Background

The purpose of this IGP is to describe the Periodic Review (PR) process. This process, tracked in the UIS as the PR project, is used for determining if a remedy continues to be properly managed as set forth in the Site Management Plan (SMP).

SM requirements vary at each site; therefore, a site-specific SMP is developed for each site by the Remedial Party (RP) / Site Owner. The SMP is to be prepared in accordance with subsections 6.2 through 6.4 of DER-10, and is approved prior to issuing the Certificate of Completion (COC) (which is the start of the SM phase.) (*See Reference 1.*) In order to assess the SM activities, the SMP requires that reliable and appropriate SM data be collected and managed, and that this data be presented to the DER periodically in a Periodic Review Report (PRR) for evaluation. All required Institutional and/or Engineering Controls (IC/ECs) need to be in-place (or the intent met, for SSF sites with no IC) before the SMP is approved.

The approved SMP is a comprehensive plan addressing all SM and PR requirements, and includes the appropriate plans necessary for the proper management of all operable units. Depending on the requirements of the site remedy, the SMP may include one or all of the following three plans:

1. Institutional and Engineering Controls (IC/ECs) Plan. It details the requirements for assuring that the IC/ECs, required by the site decision document, remain in-place, effective and protective. Unless a site is remediated to “unrestricted levels”, the site will have ICs and/or ECs. For all “restricted-use” sites, including Track-1 BCP sites, where groundwater-use restrictions or short-term controls may be in-place, the IC/EC Plan, as described in subsection 6.2 of DER-10, will be the minimum requirement for an SMP.
2. Monitoring Plan. The Monitoring Plan is described in subsection 6.3 of DER-10, and details the procedures for monitoring, assessing, and reporting the short- and long-term performance, effectiveness, and protectiveness of the remedy.
3. Operation and Maintenance (O&M) Plan. The O&M Plan is described in subsection 6.4 of DER-10, and details the measures necessary to properly operate and maintain any treatment, collection, and/or containment systems comprising the remedy for a site.

The PR cycle begins within approximately 18 months of issuing the COC. The frequency and type of subsequent PRs can be modified during each PR evaluation conducted by DER staff. In addition to tracking the implementation of a remedy, the PR Evaluation Reports can document the implementation and effectiveness of new and/or innovative technologies and approaches being used at sites; therefore, these reports can be useful references for conducting other PR evaluations as well as feasibility studies and designs. The PRR also includes the periodic IC/EC Certification, required by law at remedial sites with ICs and/or ECs.

III. Responsibility

DER Remedial Bureau E is responsible for interpreting and maintaining this guidance document. The procedures are to be used by all DER staff who work on sites in the SM phase, in all remedial programs managed by DER.

IV. Procedure

The Periodic Review of SM activities at a site is a recurring responsibility of the RP and the DER PM, as set forth in the procedure that follows. This section includes a description of the objectives of a periodic review, PR tasks and responsibilities, the PR cycle, determining the PR frequency and type of PR evaluation, and PR data management.

A. Objectives of a Periodic Review

1. Determine if the remedy remains in-place, is performing properly and effectively, and is protective of public health and the environment.
2. Evaluate compliance with the decision document(s) and the SMP.
3. Evaluate all treatment units, and recommend repairs or changes, if necessary.
4. Evaluate the condition of the remedy, and DER's oversight activities during the period.
5. Support decisions, such as a justification to close or modify a process, or a justification to end SM or reclassify a site.
6. Evaluate the IC/EC Certification, certifying that the institutional and/or engineering controls remain in-place, and remain effective as well as protective of public health and the environment.
7. Evaluate costs (for State-funded projects).
8. Provide information for the public.
9. Determine the frequency and type of subsequent review and evaluation, as set forth in this IGP.

B. Periodic Review Responsibility

A PR consists of a number of tasks performed by both the RP and the DER. The following table is a summary of the tasks and the person(s) responsible for task completion. The PR Cycle section of this IGP details the specifics of these tasks.

Table 1. Task Responsibilities	
Task	Responsibility:
Initial Notification	PM includes the SMDF with the COC cover letter; DER Director signs and sends.
45-Day Reminder Notice	DER Site Control Section creates and sends a Crystal Report notice from the UIS.
PRR	RP / Site Owner (or PM / PM's contractor for State-Funded projects / USEPA for federally-funded projects).
PR Evaluation Report	PM prepares; PM's Supervisor approves and signs.
PRR Response Letter	PM sends letter accepting or not accepting, including basis for not accepting, PRR.

C. Periodic Review Cycle

The PR cycle begins when the COC is issued (i.e., all Operable Units (OUs) constructed, Final Engineering Report (FER) approved, IC/EC s in-place, and SMP approved,) and it continues until the site is closed-out. Once PR activities are initiated, the PR cycle consists of a reminder notice, reporting, evaluation, response, and creation of the next PR project, as follows. (See 'PR Flow Chart' in Appendix 1, and 'Overview of the PR Process' in Reference 2.)

1. Initiation of PR Activities. PR's will only be conducted once the COC is issued. PRs will not be conducted for SM projects that may begin for a particular OU or IRM (e.g. placement of ICs, maintenance of water filters, vapor intrusion monitoring, or monitoring or O&M activities) before the COC is issued for a site. An exception would be where PRs are required for a State-Funded Superfund site where all OUs were completely constructed but the COC was never issued.

a. Creation of OU00 and Project Records in UIS:

- Upon creation of the RA End Date (PLN), the Operable Unit (00) (Entire Site) and the following projects, listed in Table 2, are auto-generated in the UIS, for any remedy that includes SM activities:

Table 2. Relation of Auto-generated Project Dates to RA End Date	
Auto-generated Project Dates	Relation to RA End Date
COC Start Date (PLN)	RA End Date (PLN) less 60 days
COC End Date (PLN)	RA End Date (PLN)
SM Start Date (PLN)	RA End Date (PLN)
SM End Date (PLN) ¹	RA End Date (PLN) plus 30 years
PR End Date (PLN) ²	RA End Date (PLN) plus 18 months
PR Start Date (PLN) ² / Certification Due Date (PLN) ³	RA End Date (PLN) plus 16.5 months (45 days less than the PR End Date (PLN))
¹ The SM End Date (PLN) should be revised by PM, if appropriate. ² The PR End Date (PLN) can be revised within the fiscal year, to accommodate PM workload; then, the PR Start Date (PLN) must be revised to 45 days prior to the new PR End Date (PLN). ³ The Certification Due Date is the same as the PR Start Date (PLN).	

b. COC Package:

- Preparation of the COC package by the PM begins on the COC Start Date. When it is complete, it is signed and sent to the RP, and stored in DER's electronic document management system, by the DER Director's office. The COC package includes the COC and the COC cover letter, and a Site Management Data Form (SMDF) created from the UIS. The cover letter also notifies the RP of the due date for the first PRR, and includes a request for any necessary updates to the SMDF. (A template COC cover letter and a sample SMDF Crystal Report are included as Appendix 2.)

Once the COC is issued, the PM enters the COC End Date (ACT,) which is uploaded by the UIS as the SM Start Date (ACT) on the Project Details page, initiating the PR responsibilities.

c. SMDF:

- In order to generate the SMDF from the UIS, the PM must enter all the remedy and IC/EC information. The SMDF includes the site description consisting of site name, number and remedial program, address and use information; and SM description, consisting of the Site Management Plan contents, IC and EC descriptions, and descriptions of remedy elements subject to a Monitoring Plan and/or an O&M Plan. (See *Reference 7*.)

2. PRR 45-Day Reminder Notice. PRR Reminder Notices are part of the IC/EC Certification package, which is processed by the SCS and sent to the RP 45 days prior to the due date of a PRR. They also enter the date sent on the Controls Details page of the UIS.

The IC/EC Certification package includes the PRR 45-Day Reminder Notice, the IC/EC Certification Form, and instructions for completing the IC/EC Certification. A copy of the notice is also sent to the PM and site owner(s), if different than the RP. The notice and IC/EC Certification forms are generated from the data in the UIS, including Site Details, as well as IC/EC descriptions, which must be updated as appropriate, throughout the remedial program. The information should also be updated based on any corrections to the SMDF that was previously sent to the RP with the COC, or any subsequent “change-of-use” notices, submitted for the site by the RP / Site Owner. The PRR Reminder Notice alerts the RP / Site Owner of the obligation to submit the PRR to the DER within 45 days. (*A sample of the IC/EC Certification package is included in Appendix 3.*)

3. Periodic Review Report Submittal. One PRR for an entire site is to be submitted by the RP / Site Owner (or the DER for State-funded sites or the USEPA for National Priority List sites), in accordance with the guidance provided in Section 6 of DER-10. If a site is comprised of multiple properties or parcels, the RP or one of the property owners is to submit one PRR, including a consolidated IC/EC Certification for all IC/ECs on all properties that comprise the site.

The PRR will provide the data and information which is the basis of the PR evaluation. The PRR should include sufficient detail to document compliance with the SMP requirements associated with the:

- O&M Plan: to document the status of the O&M of the remedy, if applicable;
- Monitoring Plan: to document the status of the monitoring of the remedy, if applicable; and
- IC/EC(s) Plan: to certify the IC/ECs, if applicable.

The PRR also documents any problems or changes necessary for the site to be in compliance with the SMP, including removal of IC/ECs that are no longer applicable, and modifications in monitoring or O&M requirements, as applicable, and/or includes a Corrective Action Work Plan and schedule, as necessary.

Upon receipt of the PRR, the PM revises the PR Start Date (ACT) on the Project Details page, it is automatically-copied to the Certification Received date as the same date, and the PM stores a copy of the PRR in the electronic document management system.

4. Periodic Review Evaluation. The PR evaluation will be coordinated and completed by the PM, and should include input from counterparts from NYSDOH and other Department Divisions as necessary, and is documented in a PR Evaluation Report. This evaluation will confirm the overall performance,

effectiveness and protectiveness of the site remedy, as presented in the PRR. One of two types of evaluations can be conducted: desktop or field-oversight, as described below in Section E of this IGP.

For the initial PR evaluation of a site's remedy, the PM (or DER consultant) may need to review supporting remedial documents to obtain information concerning the remedy, in order to evaluate compliance with the SM requirements as set forth in the decision document(s) and/or the SMP for the site. Such documents include the remedy decision documents (e.g., Record of Decision); remedial investigation, remedial design, and remedial action reports; remedy performance and post-closure reports, and enforcement documents (e.g., Consent Orders). The PM is responsible for gathering the relevant documents and for storing them in the DER electronic document management system, if they are not already there.

Regardless of the type of PR evaluation, the PR Evaluation Report should, at a minimum, include assessments of the:

- a. **Performance and Effectiveness of the Remedy:** Confirm the assessment of the performance and effectiveness of the remedy, as presented in the PRR, and
- b. **Protectiveness of the Remedy:** Confirm that the remedy:
 - is functioning as intended by the site decision document(s), and
 - remains protective of human health and the environment.

To assist in the determination of protectiveness of the remedy, see '*Comprehensive Five-Year Review Guidance, Section 4.0. Assessing the Protectiveness of the Remedy.*' (*Reference 3.*)

- c. **Compliance with the SMP:** Confirm that the data, evaluations, and conclusions, reported in the PRR, document compliance with each plan that comprises the SMP, as follows:
 - i. O&M Plan Compliance Report:
 - describes any problems identified as a result of implementing the O&M Plan. This should include possible impacts on the performance, effectiveness, and protectiveness of the remedy and where applicable, include an outline for problem resolution;
 - documents whether there are other actions (e.g. removal actions) that are necessary to ensure that there are no exposure pathways which could result in unacceptable risks, and
 - documents that operation and maintenance activities (e.g., pumping and treating, monitoring slurry walls, mowing cap), as implemented, will maintain the performance, protectiveness, and effectiveness of response actions.
 - ii. Monitoring Plan Compliance Report:
 - confirms that the performance, effectiveness, and protectiveness of systems / remedies is being monitored as specified in the Monitoring Plan; and
 - confirms that performance standards (e.g., cleanup levels, plume containment, pumping rates) are, or will likely be, met;

iii. IC/EC Certification:

- if an IC cannot be applied at a State-funded Superfund site or a federally-funded NPL site, the PRR includes a statement indicating that the intent of the IC is being met; EC is certified by the appropriate party, as set forth in Table 3, below, and was returned with the PRR to the DER PM;
- IC/EC is certified by the appropriate party, as set forth in Table 3, below, and was returned with the PRR to the DER PM; and

Table 3. Signature Requirements for the IC/EC Certification		
Type of Control	Example of IC/EC	Required Signatures
IC	Environmental Easement Deed Restriction.	The Site (or property) Owner ¹ .
EC that does not include a treatment system or engineered caps.	Fence, Clean Soil Cover, Individual-House Water Treatment System, Vapor Mitigation System.	The Site (or property) Owner ¹ , and a Qualified Environmental Professional (QEP). (P.E. license not required.)
EC that includes a treatment system or an engineered cap.	Pump & Treat System providing hydraulic control of a plume, Part 360 Cap.	The Site (or property) Owner ¹ , and a QEP with a P.E. License.

¹ Site Owner means the actual owner of the site. If a site is comprised of multiple properties or parcels, the Department requires that one of the property owners submits one PRR, including a consolidated IC/EC Certification for all IC/ECs on all properties that comprise the site.

- is supported by documentation confirming that:
 - the IC/EC(s) applied at the site is (are) in-place and unchanged from the previous certification,
 - nothing has occurred that would impair the ability of such control(s) to protect the public health and the environment, or constitute a violation or failure to comply with any element of the SMP for such controls;
 - access to the site will continue to be provided to the Department, to evaluate the remedy, including access to evaluate the continued maintenance of such controls; and
 - if a financial assurance mechanism is required by the oversight document for the site, the mechanism remains valid and sufficient for its intended purpose set forth in the document.

The following are additional responsibilities of the PM in reviewing the IC/EC Certification and any attachments:

- Confirm that the certifying party has answered the 6 questions in the Verification of Site Details section of the IC/EC Certification Form, including submitting handwritten changes and/or other supporting documentation, as necessary;
- Confirm that there is no indication that a control exists which is not listed, (if there is a control that was not listed, then the PM should update the UIS;)

- Confirm that there is no indication that a control that is listed is no longer applicable, (if there is a control that is no longer applicable, the RP / Site Owner is to petition the Department requesting approval to remove the control, as set forth in 6 NYCRR subdivision 375-1.8(h), (*see Reference 4;*) and
- Confirm that there is no indication that a control cannot be certified, (if a control cannot be certified, it should be noted on the certification form, and include additional explanation and a corrective action plan). Note: the certification form must be submitted even if some or all of the IC/ECs cannot be certified; however, the PR project is not complete until all necessary corrective measures are completed, all controls are certified, and the PRR is accepted.

After completing desktop or field-oversight evaluation activities, the PM will determine frequency and type for the next PR evaluation, as described below in Sections D and E of this IGP, and issue a response to the RP, as described in Section C.5., below. The final step of the PR evaluation is to review and enter or update current and relevant data for the site, in the UIS. This includes the data in the Periodic Review Data Collection Form (PRDCF), which is necessary to create a complete PR Evaluation Report from the UIS, as well as site description, environmental assessment, health assessment, and legal assessment, as found on the Remedial Site Information page for each site record in the UIS. (*A sample PRDCF Crystal Report is included in Appendix 4.*)

5. DER Periodic Review Response. The PM will determine whether the remedy is performing properly, is effectively meeting the goals of the remedial program, and is protective of public health and the environment, and send an appropriate PRR Response Letter to the RP / Site Owner, (*a template is included as Appendix 5,*) as follows:

a. Accepting the PRR: If the PR evaluation concludes that the remedy is performing properly and effectively, and is protective of public health and the environment, and all other aspects of the remedy are in compliance with the SMP, the PRR can be accepted by the Department.

To accept the PRR, the PM will:

- create and print the PR Evaluation Report from the UIS, for review, approval, signature and dating, by the PM and the PM's supervisor. (If the Overall Remedy Evaluation statement selected on the SMPRR Information page is 'Remedy is performing properly and is effective,' then, the PRR date is automatically-copied to the IC/EC Effective date on the Control Details page; otherwise, that date will be blank.) The PM's supervisor also checks the 'Supervisory Review Complete' box on Remedial Site Information page of the UIS site record,
- store a copy of the PR Evaluation Report in the DER electronic document management system,
- update the PR End Date (ACT) on the Project Details page in the UIS. The actual end date is the same date as the supervisor's signature / approval of the PR Evaluation Report (and 'Supervisory Review Complete' on the Remedial Site Information page in the UIS,) and
- prepare and send a PRR Response letter accepting the PRR, to the RP / Site Owner who submitted the PRR. (Included in the PRR Response letter is the due date of the next PRR, and any other appropriate comments, conclusions and/or recommendations.)

b. Not Accepting the PRR: If the PR evaluation concludes that the remedy is not performing properly or effectively, or is determined to be not protective of public health and the environment,

i.e., remedy has severe problem(s) as defined in *Reference 5*, or the IC/EC is not in-place and/or properly certified, the PRR will not be accepted by the Department.

To document and respond to a PRR which is not accepted, the PM will:

- revise the site's PR End Date, consistent with the actual schedule in the corrective measures work plan, keeping the status as planned (PLN) in the UIS Tracking System; and
- prepare and send a PRR Response letter indicating that the PRR was not accepted, to the RP / Site Owner who submitted the PRR. (Included in the PRR Response letter is a list of reasons why it was not accepted; and unless already provided, it requires the RP / Site Owner to submit a Work Plan within 30 days, proposing corrective measures to address the identified problems and including a schedule for implementation (usually 12 months maximum.) The letter also requires that an acceptable PRR is submitted (45 days after the corrective measures are complete.)

Corrective Measures to address the problem(s), may include, but are not limited to:

- a proposal for actions to correct the noted deficiency,
- a remedial system optimization,
- a re-design of the remedial system,
- additional monitoring or inspections,
- initiation of a reclassification back to a Class 2 for a re-evaluation of the remedy;
- a change to the PR frequency, and/or
- other actions as appropriate for site conditions.

6. Next Periodic Review Project. Subsequent PR Start and End Dates are auto-generated after the PR End Date (ACT), based on the baseline PR Start Date and the PR Frequency in the UIS. Even if a PR End Date is extended, the next PR dates will be auto-generated based on the PR Frequency and the baseline PR Start Date, to prevent the actual PR frequency from being potentially extended excessively due to delayed end dates, until the PR cycle can be ended. The subsequent Certification Due date is automatically-copied as the same day as the PR Start Date. (*Section IV.D.3.*)

D. Determining the Periodic Review Frequency After the Initial Periodic Review

After the first PR, the frequency of recurring PR projects will be determined by the PM and approved by the PM's supervisor as part of the PR Evaluation approval. This section provides guidance to the PM for establishing the frequency of PRs after the initial PR as well as for terminating the PR cycle. The frequency of PRs will be determined based on site conditions and compliance status.

1. Selecting the PR Frequency: Following the initial PR evaluation, the frequency and due date of a next PRR will be as selected by the DER PM. The initial PR Frequency is identified in the COC cover letter (*see Appendix 2*), and subsequent PR frequencies are identified in the PRR Response Letter (*see Appendix 5*). The frequency is selected by the PM based on site conditions and compliance status, using the guidelines in Table 4.

2. Modifying the PR Frequency: Identification of problems and their severity, or lack thereof, are significant factors in determining the frequency of PRRs, as well as the type of PR evaluations to be conducted by the PM. (*See Reference 5.*) Based on site conditions and compliance status, PR Frequency can be modified as follows:

a. Extending the Periodic Review Period. A decrease in the PR frequency, i.e., extending the time period for the next PRR, can be the result of the factors identified in Table 4 or of other changes identified by the PRR, which demonstrate that the remedy is achieving the remedial action objectives. This should be discussed with the NYSDOH PM and approved by the DER PM's Supervisor, as part of the approval of the PR Evaluation Report.

b. Decreasing the Periodic Review Period. It is reasonable to conduct PRs more frequently at a site where more extensive analysis of a remedy may be necessary. Any such change requires the DER PM Supervisor's approval. Reasons leading to more frequent reviews include:

- if significant deficiencies or severe problems with components of the remedy or SM activities are encountered (e.g. need for repairs or replacement of parts, or prohibitively high SM costs);
- if the remedy is not performing properly, effectively, or protectively; or
- if the RP / Site Owner misrepresents or fails to identify any condition at the site which could impact the performance, effectiveness or protectiveness of the remedy during the SM phase.

Table 4. Selecting Periodic Review Frequency	
Frequency	Site Conditions and Compliance Status
Annual (Field-oversight Review)	<ul style="list-style-type: none"> • Sites where the remedy includes treatment systems with O&M Plans as a component of the SMP, except as described for 3- & 5-year frequencies. • Sites with Monitoring Plans, which serve as a sentinel for public or private water supplies, or other sensitive receptors. • Track-1 BCP sites with short-term institutional controls. • Sites with identified, severe problems that require implementation of corrective measure(s,) and follow-up.
Every 3 years (Field-oversight or Desktop Review)	<ul style="list-style-type: none"> • Sites with treatment systems that remain in satisfactory compliance for 2 or more years. • Sites with Monitoring Plans, except as described for the annual frequency.
Every 5 years (Field oversight or Desktop Review)	<ul style="list-style-type: none"> • Sites where the SMP includes only IC/EC(s), where the site is not fully-developed. • Sites with a Monitoring Plan, where monitoring results demonstrate a downward trend in two or more 3-year PRs. • Sites where the only treatment system is a sub-slab depressurization system, a private water supply, or a carbon filtration system.
Every 10 years (Field-oversight Review)	<ul style="list-style-type: none"> • Sites where the SMP includes only IC/EC(s), where the site is fully-developed.

3. Terminating the Periodic Review Cycle. When the final PRR is submitted and approved by the DER, supporting that all obligations in the SMP, i.e., the O&M Plan, Monitoring Plan and IC/EC Plan, are no longer required, the PR cycle can be terminated, the SM phase is ended, and the site can be closed-out. Terminating the need for an IC/EC Plan requires extinguishing the environmental easement (i.e., the removal of the ICs). The requirements for extinguishing an environmental easement are set forth in 6 NYCRR subdivision 375-1.8(h), and require the approval of the Commissioner. (See *Reference 4.*) All PRRs and PR Evaluation Reports can be used to support this petition.

Site close-out guidance is included in IGP-6. (See *Reference 6.*) Upon close-out of the site, the PM enters the SM Project End Date (ACT) on the Project Details page.

E. Type of Periodic Review Evaluation

The PM determines the type of PR Evaluation to be conducted, based on site conditions and compliance status. The primary purpose of the PRR and PR evaluation is to determine whether the remedy at a site will, or continues to, operate properly and be protective of public health and the environment. Therefore, the level of effort necessary to conduct an evaluation is site-specific, and should be tailored appropriately for the remedial action. There are two types of PR evaluations: desktop and field-oversight.

1. Desktop PR Evaluation: For this level of evaluation, the PM is responsible for review of data and other pertinent site-specific information submitted in the PRR, and included in any supporting remedial documents for the site, as necessary. The information evaluated should include, as appropriate, but not be limited to: monitoring results, O&M reports, IC/EC Certification, and/or other documentation of remedy performance, including summaries of previous PRRs. This documentation provides the basis for the technical analyses and subsequent determinations of the remedy's performance, effectiveness, and protectiveness. The documents must include findings and conclusions which are based on quality data, such that the PM can assess the compliance of the site with the SMP. The PM should assess any problems or issues identified by the data, to determine if any recommended problem resolution(s) is appropriate.

If deficiencies were identified by a desktop PR Evaluation, then the next review should include appropriate field activities, to be conducted in a field-oversight PR Evaluation.

2. Field-Oversight PR Evaluation: For this level of review, the PM is responsible for all the activities required for a desktop review as well as the following: an inspection of the site, at a minimum; interviews with the RP / Site Owner or its consultants, and/or collecting or splitting oversight samples, as appropriate. Site inspections are conducted to provide information about the status of a remedy at a site, and to visually confirm and document the conditions of the remedy, the site, and the surrounding area. Where field-oversight inspections are conducted by the DER, they are to be documented in an inspection form, as set forth in the O&M Plan.

F. Periodic Review Data Management

Maintaining PR data in a timely and organized manner facilitates its use for the Division's various technical and administrative needs, as well as ease of retrieval if requested by any interested party. In order to complete a PR evaluation, PR data is compiled and stored in DER's UIS database.

The DER UIS will be used to manage the SM and PR projects. The UIS Start and End Dates for the SM projects are defined in the *Glossary of Environmental Cleanup Terms* posted on the DER Web page.

The UIS will be the source of the site data necessary to generate the COC package, the PRR 45-Day Reminder Notice, IC/EC Certification Form, PR Evaluation Report, PRR Response letter, approvals, and various other reports which may be developed relevant to the performance, effectiveness, and protectiveness of remedial actions. (See **Appendices 1 - 5**, and **Reference 7** of this IGP.) The evaluation and experience gained will be captured in the UIS, and will be useful in scoping future remedial investigations, in feasibility studies, and in the design of similar remedies. In addition, PR evaluation data will be useful in developing annual DER Work Plans, in projecting PR project completions, in generating tracking reports, and in budgeting.

The DER will merge the long-standing annual updates with the PRs. Hence, updating the UIS during the PR process will satisfy the requirement for the former "annual update". Therefore, the PM should review all site information in the UIS to ensure it is current and relevant (e.g.: site description, environmental assessment, health assessment, etc.). Where PRs are discontinued, the requirement to perform periodic site updates will also be discontinued.