



STATE OF TENNESSEE
DEPARTMENT OF ENVIRONMENT AND CONSERVATION
Division of Solid Waste Management
Fifth Floor, L & C Tower
401 Church Street
Nashville, Tennessee 37243 - 1535

February 15, 2002

Mr. Jim Reed
SOUTHNAVFACENGCOM
2155 Eagle Drive
North Charleston, SC 29419-9010
TN2170022600

Dear facility contact:

In our continuing effort to improve the efficiency of the regulatory program, the State is adopting Corrective Action reforms. These reforms will change the way the State administers its oversight of the regulated community. As our way of doing business moves from being process oriented to results oriented, facilities in Corrective Action that are willing to adopt the reforms, will find more freedom, less paperwork, and a faster Corrective Action process.

Corrective Action reforms may not be for everyone. Each facility must decide whether or not to adopt the reforms. Adopting reforms is voluntary and will require a permit modification. If your facility is close to completing its investigation there may not be anything gained in adopting the reforms.

Enclosed with this letter is a package that describes the process and provides the language to modify your permit. If you have any questions, please feel free to contact Charles Burroughs at (615) 532-0863.

Sincerely,

A handwritten signature in black ink that reads "Mike Apple".

Mike Apple
Director

cc: Charles Burroughs, Manager, DSWM, Corrective Action Section
Bill Krispin, Manager, DSWM, Permitting
File 54

**Corrective Action Reform
Facility Action Plan Process
Hazardous Waste Management Program
Tennessee Division of Solid Waste Management**

Introduction

The Tennessee Department of Environment and Conservation, Division of Solid Waste Management (SWM), with the cooperation of the Environmental Protection Agency, has developed a Facility Action Plan (FAP) process to accelerate corrective action at Resource Conservation and Recovery Act (RCRA) treatment, storage, and/or disposal facilities (TSDFs). This document was developed as guidance to help regulators and TSDF owner/operators make meaningful progress with corrective action using the FAP process. The two primary objectives of this guide are to: 1) establish the goals of the FAP process, and 2) provide the operating principles of the process. This guide is not intended to replace any applicable state/federal statutory or regulatory requirement but merely to provide an alternative approach to implementation of the RCRA corrective action process. It is SWM's objective to provide an alternative approach to corrective action by using the flexibilities available under the RCRA statute, and existing State and federal remediation guidance.

1) FAP Goals and Objectives

The FAP process is a performance-based, voluntary approach that emphasizes results over process. The RCRA corrective action program is now driven by two environmental indicators (EIs) established pursuant to the 1993 Government Performance and Results Act (GPRA): the control of current human exposure, and the control of the migration of contaminated groundwater. EPA included the EIs as performance objectives to be achieved by 2005 for high-priority RCRA TSDFs listed in the GPRA baseline. Meeting these performance objectives for GPRA may be difficult or impossible unless corrective action is accelerated in constructive directions. As in most environmental protection programs, the fundamental goal of the RCRA corrective action program is to control or reduce risks to human health and the environment. Historical guidance has unfortunately established process driven approaches that have hindered achievement of desired results.

Regulators and industry have focused historically on TSDF cleanups in a fragmented, step-by-step manner, in which each unit with a potential release is investigated and evaluated equally and independently with considerable regulatory oversight each step of the way. Today, the RCRA corrective action program has matured to the point where review and approval of implementation activities conducted at many TSDFs can be made simpler and more efficient. A main goal of the FAP process is to provide the opportunity for a more holistic remedial approach (in line with the EIs) with reasonable regulatory oversight. For this approach to work, a voluntary partnership will be formed between the SWM and the TSDF owner/operator, each understanding that the mutually agreed upon responsibilities must be met in a timely and predictable fashion. Increased scope and

schedule predictability will enable both the regulators and industry to better plan future resource needs.

The FAP process may not be the best approach for all TSDFs undergoing RCRA corrective action. Some facilities may already be far enough in the process that fundamental administrative changes may not provide any benefits. A goal of the FAP process is to provide those facilities that could benefit from a more results-oriented, less administrative process with an alternative approach that will enable them to focus on the most important activities by reducing time-consuming and repetitive formal document reviews, revisions and approvals. Once in this voluntary program, if either partner believes that the FAP process is not the most efficient approach towards meeting the goals of the RCRA corrective action program, then, upon written notification, the facility will revert back to traditional corrective action approaches.

2) FAP Process

A) Facility Action Plan Workshop. The heart of the FAP process is the yearly FAP Workshop. The purpose of the FAP Workshop is to review the accomplishments of the past year and establish the priorities for the following year. The first FAP Workshop will include a presentation and evaluation of pertinent information collected thus far at the facility as part of past RCRA corrective action investigations and other activities to construct a current site conceptual model (SCM). This SCM can then form the basis for establishing corrective action needs and priorities for the following year. The scope and schedule for activities needed to address those needs and priorities can then be worked out and agreed upon. Subsequent yearly FAP Workshops will then merely build upon the existing SCM and information already established in the first FAP Workshop. Facilities must be willing to hold an FAP Workshop to be eligible to participate in the FAP process.

The timing of and participation in the FAP Workshop should be established on a site-specific basis. In general, it is anticipated that the annual FAP Workshop will occur during the second half of the fiscal year. This will enable agreements on future work scope to be completed early enough for budget estimating and resource planning purposes. The TSDF owner/operator and SWM may agree to hold the annual FAP Workshop during another time of the year if an alternative time frame is more appropriate for fiscal resource planning purposes. Minimum participation at the FAP Workshop would at a minimum include the regulators and facility representatives.

B) Facility Action Plan. Within 30 calendar days after each yearly FAP Workshop and before the work year begins, the TSDF owner/operator will prepare and submit the FAP. The FAP will provide a summary of prior work that has been completed and the currently anticipated work necessary to complete the corrective action investigation and remediation. The FAP will also provide the scope and schedule of all activities to be conducted during the following year. An example FAP outline is attached to this document.

will include reporting requirements and an implementation schedule. The Permittee must notify the Division prior to any deviation from their FAP. The Permittee must notify the Division and provide the plans for fieldwork at least 30 days prior to the commencement of any field activities. The Permittee must provide for a mid-year meeting, if deemed necessary by the Director. If the Permittee fails to abide by the negotiated conditions and schedules in the FAP and as outlined in this condition, or the Permittee no longer wishes to remain in the FAP process, then upon notification, the Permittee will be required to revert back to the conditions of Part VIII.