

COMPLIANCE INSPECTIONS AT REMEDIAL RESPONSE SITES

Background

Periodic compliance inspections are conducted to confirm that remedial action performance standards are being met and to ensure that the integrity of remedies at sites are maintained by implementing routine operation and maintenance (O&M) activities.

Operation and maintenance may be required under the authority of Director's Final Findings and Orders (Orders) for Remedial Design/Remedial Action, Interim Action, and O&M. In rare situations, a decision document may be issued that requires no engineering controls. Operation and maintenance may, for example, consist merely of ensuring continuing property use restrictions.

Periodic compliance inspections are conducted on an annual basis beginning one year after construction completion. The annual inspection frequency will be evaluated during each inspection. If a remedy continues to consistently meet the performance standards, then the inspection frequency may be reduced. Any change in Ohio EPA's inspection schedule does not alleviate the responsible parties of their responsibility to implement their O&M Plan and scheduled inspections.

Inspection Procedures

The inspection focuses on the O&M components of the remedy. Typical inspection activities include:

- Review of on-site operational logs and/or sampling records for compliance with any discharge permits;
- Observation of general site conditions such as landscape, drainage, erosion, integrity of structures and fences and site security;
- Inspection of all visible components of the remedial system such as wells, piping, treatment facilities, mechanical and electrical systems, equipment and any other engineering controls;
- Documentation of the current condition of the remediation system(s) with photographs, sketches, videos, or other visual media; and
- A determination that compliance with institutional controls is in place, including the documentation of current land use.

The inspection results in a determination that the remedial action is or is not in compliance with the Final Design, Director's Orders, the O&M Plan, and/or performance standards. Compliance issues are identified as either minor or major non-compliance. Minor non-compliance is when a responsible party is continuing to meet performance standards, but is not complying with other parts of the approved O&M Plan. Major non-compliance is when a PRP is failing to meet remedial performance standards due to either remedy failure or a change in protectiveness.

Remedy failure occurs when a new remedy is required because the remedy in place is not meeting the performance standards or the design of the system cannot achieve the performance standards. A change in protectiveness occurs when the implemented

remedial action is no longer protective of human health and the environment.

If the inspection reveals that a remedy has failed or that a change in protectiveness has occurred, the decision document (cleanup plan) is reviewed to determine if there is a contingent remedy. If a contingent remedy is included in the Decision Document, a decision is made as to whether it should be triggered. If a contingent remedy is deemed to be unacceptable or a contingent remedy was not included in the decision document, Ohio EPA may develop a new remedy in an amended decision document. Implementation of a new remedy may be triggered via the Additional Work provision in an existing Order or under a new Order.