



United States Department of the Interior
OFFICE OF THE SECRETARY
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PEP-ENVIRONMENTAL COMPLIANCE MEMORANDUM SERIES NO. 10-2

To: Heads of Bureaus and Offices

From: Stephen G. Tryon, Director
Office of Environmental Policy and Compliance

Subject: Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Record of Decision (ROD) Surname Guidance

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PURPOSE

The Office of Environmental Policy and Compliance (OEPC) is issuing this Environmental Compliance Memorandum (ECM) under the authority provided in Department Manual, Series 17, Part 381, Chapter 4 (381DM4) to convey instructions and guidance through the Environmental Memoranda Series. This ECM updates guidance on the surnaming process for a CERCLA ROD.

BACKGROUND

Although this policy is not limited to Records of Decision at Central Hazardous Materials Fund (CHF)-funded projects, the guidance has been reviewed by each of the bureau representatives on the CHF Technical Review Committee as the group most familiar with CERCLA response activities across the Department and as the bureau points-of-contact for the ROD surnaming process as described in this policy. If you have any questions, please contact Mr. Jamey Watt, CHF Program Coordinator, by email at jamey_watt@ios.doi.gov or by phone at 202-208-6129.

Attachment

cc: REOs

OFFICE OF ENVIRONMENTAL POLICY AND COMPLIANCE

Environmental Compliance Memorandum 10-2

Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Record of Decision Surname Guidance

The Office of Environmental Policy and Compliance (OEPC) is issuing this Environmental Compliance Memorandum (ECM) under the authority provided in Department Manual, Series 17, Part 381, Chapter 4 (381DM4) to convey instructions and guidance through the Environmental Memoranda Series. This ECM provides guidance concerning the surnaming process for a Record of Decision (ROD) issued pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The issuance of a CERCLA ROD requires the signature of the Assistant Secretary - Policy, Management and Budget (AS-PMB). The authority of the AS-PMB to issue a CERCLA ROD is provided in Department Manual (DM), Series 3, Part 209, Chapter 4 (209DM4).

At any site where a bureau is undertaking a response action pursuant to CERCLA authority and is selecting a remedial action for the cleanup of that site, the bureau shall prepare a ROD based upon the Proposed Plan which identifies the preferred alternative from among those evaluated in the Feasibility Study. The Proposed Plan and ROD shall be prepared consistent with EPA's *A Guide to Preparing Superfund Proposed Plans, Records of Decision, and Other Remedy Selection Decision Documents* (OSWER 9200.1-23P, July 1999), CERCLA, the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), and DOI ECM 10-1 (formerly 16-3) *CERCLA Process for CHF Projects*.

The OEPC's role is to review the ROD package for completeness, resolve any questions that OEPC or PMB may have, and ensure that the package has been surnamed appropriately. After completing this role, the OEPC will prepare a Decision Document for the AS-PMB and submit it with the ROD package in the Data Tracking System (DTS).

In order for a ROD to be approved by the AS-PMB, a ROD Surnaming Package must be entered into the DOI DTS by the bureau. Contents of a ROD Surnaming Package and a proper DTS review and approval routing pathway are provided in Attachment 1, *Record of Decision Surnaming Process*. The bureau is responsible for obtaining approvals (through DTS) from the bureau Director (or the Director's designee), the bureau's Assistant Secretary or Deputy Assistant Secretary (at the bureau's discretion), and the Solicitor (or the Solicitor's designee) before sending it forward to OEPC. The bureau should coordinate with the Solicitor's Office, Branch of Environmental Compliance and Response (ECRB), to obtain surnames from the Solicitor's Office. If a Regional Office has the lead, the Regional Office should surname the package before it comes to ECRB.

The OEPC will rely on the bureau's CHF Technical Review Committee (TRC) representative as the bureau's point of contact in completing this surname process. The TRC representative shall notify the OEPC upon initialization of the ROD surnaming process and, under normal circumstance, strive to coordinate and complete the review process up to

OEPC within a 45-day timeframe. Once the ROD Surnaming Package is received by the OEPC through DTS, the OEPC will coordinate the remaining steps involving AS/PMB review and approval.

Upon completion of the process outlined above and as described in Attachment 1, the OEPC will distribute the final, signed ROD back to the bureau through the CHF TRC representative.

Attachment 1. Record of Decision Surnaming Process

Record of Decision (ROD) Surnaming Package Content

All content will be entered and routed through the Department's Data Tracking System (DTS). At a minimum, the ROD Surnaming Package includes these 4 items.

1. **Record of Decision** with the correct signature block for the AS/PMB or a MS Word version that can be edited;
2. **Information Memo / Note to Reviewer** provides a succinct overview of the topic and relevant issues for briefing leadership on the ROD and includes a point of contact for questions;
3. **Briefing Slides** to visually share the environmental impact of the contamination and describe how the proposed action will resolve the impact;
4. **Reviewer's Notes** that provide a brief orientation of activity and explains the role of each document in the ROD Surnaming Package.

Roles

Bureau staff will shepherd the ROD package through the bureau's review chain and SOL (and provide friendly reminders when needed via DTS). They will notify OEPC that a package is en route and provide an expected arrival time at OEPC. The bureau will also identify any time requirements associated with ROD signing. If bureau leadership or SOL do not agree with the proposed remedy (e.g., inconsistency with CERCLA or the NCP, inadequate remedy), then it will return to the Field Office/Project Staff for follow-up action and OEPC will be notified.

Solicitor (SOL) involvement is critical to the development and drafting of the ROD. The SOL Attorney Advisor will serve as the main point of contact and work with SOL management and Bureau Staff to identify the SOL review pathway in DTS. SOL will communicate and coordinate internally through its management levels as the ROD progresses through bureau review and transitions to SOL.

OEPC will add a Decision Memo for the Department's Executive Secretary and the AS/PMB. OEPC will coordinate any Department-level briefings needed and monitor the progress within the Department.

NOTE:
Substantive changes made to the ROD during surnaming must be noted and may require re-starting reviews.

Timeframe: 45 days to OEPC

