



## 2.5 SITE CLOSURE

Sites are no longer subject to response actions under the Hawai'i SCP when the HEER Office determines no further action (NFA) is necessary based on a review of all information that is available in the record for the site. Section 19 provides a detailed discussion of site closures; however, primary considerations include:

- Has evaluation of site data relating to minimum hazard criteria shown any of these criteria to be exceeded? (see Section 2.4.2, Site Listing) Note: This evaluation must be based on defensible site characterization data and other supportive evidence documented in the file. If minimum hazard criteria are not exceeded, taking response action is not appropriate.
- If response actions have been taken, were they sufficient to address the release or threat of release?

Once the HEER Office decides that no further action is necessary for a specific release or suspect release site, a NFA letter will be sent to the responsible party(s). The NFA determination may be made after review of site assessment reports that demonstrate a release or threat of release does not exist. NFA letters may also be issued after appropriate response action (either removal or remedial action) has been successfully completed and documented. The NFA letter typically:

- Summarizes the release or suspect release scenario briefly
- Indicates all pertinent information and data regarding the site assessment and/or response actions have been reviewed
- States that no further action appears necessary for the release
- Notes that if new information indicates that contamination is present at levels of concern, the HEER Office may require additional assessment and cleanup work (as necessary) to be performed

In some cases, a response action may address the threat posed by a hazardous substance release by containing the hazardous substances on site so that exposure to the public and the environment is prevented. For example, a barrier cover might be used to prevent direct contact with contaminated soil at a site. To ensure the continued effectiveness of controls preventing public



exposure at a site, HDOH may place conditions on the site's NFA letter to require monitoring and reporting of site conditions, placement of an environmental covenant on the property title, or other long-term management actions. If these controls are not adequately maintained, HDOH may revoke the NFA letter and initiate additional site assessment or response actions (see Section 19, Site Closures).

As noted in Section 2.3, Emergency Response, an NFA letter regarding completion of an emergency response action may be qualified as pertaining only to the emergency response action, and may not necessarily address contamination that may remain at the site (e.g., in the subsurface soil or groundwater). In these instances, the NFA letter will indicate that the emergency response has been appropriately concluded and the site stabilized, but the site has been referred for additional environmental evaluation and remains an active (listed) environmental cleanup site.

Voluntary Response Program (VRP) sites receive a specialized NFA letter called a Letter of Completion (LOC), which also includes an exemption from future liability for the specific contaminants and media that were cleaned up (see Section 20.3, VRP).

Sites receiving NFA letters are removed from the "list of sites" (at the end of the yearly reporting period) that are required to be identified for assessment or potential cleanup action under HRS 128-D and the Hawai'i SCP (see Section 2.4.2, Site Listing).

Finally, under HEER Office guidance for Long-Term Management of Petroleum-Contaminated Soil and Groundwater, responsible parties may request the HEER Office to issue a determination that "No Further Active Remediation" is required for a site. Although short of a NFA letter (a No Further Active Remediation determination is not considered a type of site closure), this letter clearly defines the remaining environmental hazards, and consequently the environmental liabilities posed by the release, and the site conditions under which such hazards would be posed. This determination may be helpful to site owners, financial institutions, and potential purchasers to establish the "environmental liability" of a site with remaining contamination prior to formal site closure.