



APPENDIX 15-C

**FAST TRACK CLEANUP
FREQUENTLY ASKED QUESTIONS**

Interim Final

HAWAII DEPARTMENT OF HEALTH HAZARD EVALUATION AND EMERGENCY RESPONSE OFFICE FAST TRACK CLEANUP

FREQUENTLY ASKED QUESTIONS

Presented below is a list of frequently asked questions (FAQ) related to the Hawai'i Department of Health (HDOH) Hazard Evaluation and Emergency Response Office (HEER Office) Fast Track Cleanup (FTC) program.

Question/Topic	Answer
What are the advantages of FTC?	FTC streamlines the process by avoiding the submittal of multiple work plans and interim reports and therefore enabling the participant to move forward rapidly to cleanup actions. It communicates a straightforward process for receiving a NFA Letter.
How is FTC different than the VRP or other state-lead programs?	It does not require formal HEER Office reviews at each step (sampling plan or remedial alternatives plan). It does not provide prospective purchaser indemnities as does the Voluntary Response Program (VRP) Letter of Completion.
Are there disadvantages of FTC?	Yes. Risk or uncertainties associated with lack of formal HEER Office approval at each step could be considered a disadvantage. This places added responsibility on the consultant to understand all current guidance and technical policies if HEER Office consultations are not conducted.
Are the technical guidelines the same as any other program?	Yes. FTC operates under HDOH's removal authorities specified in Hawai'i Revised Statutes (HRS) 128D and Hawai'i Administrative Rules (HAR) 451. All actions conducted under FTC must be consistent with relevant and appropriate Hawai'i laws, the Technical Guidance Manual for the Implementation of the Hawai'i State Contingency Plan (HEER TGM), and other policy memoranda.
How is eligibility determined?	FTC is intended to be inclusive of most sites, but there are some conditions to evaluate when determining eligibility. Site conditions will be assessed on a case-by-case basis. The HEER Office will make the determination upon review of site screening form or at the scoping meeting.
Can a site that has already been investigated or cleaned up be included in FTC?	Yes. Eligibility is not determined by the phase or status of the investigation or cleanup. Sites can enter FTC during any phase of the investigation or cleanup process.
What if previous sampling did not incorporate current, state of the art sampling protocols, like <i>Multi-increment</i> sampling(MIS)¹ & use of Decision Units (DUs)?	Previous sample results will be reviewed on a case-by-case basis. If a previous action has been conducted and the file information can support a NFA Letter, then the HEER Office would not require the participant to collect additional data or prepare updated reports.
Will the HEER Office review a Phase I Environmental Site Assessment (ESA) report under FTC?	No. Site eligibility requires that a known or suspected release is present; therefore, if the Phase I ESA does not identify any recognized environmental concerns (REC), the site will not be eligible for FTC or HEER Office review. If sampling is proposed to address a REC, FTC may be a useful process to achieve HEER Office concurrence on environmental hazard(s) or a no further action determination.

¹ *Multi-increment*[®] is a registered trademark of EnviroStat, Inc

Interim Final

Question/Topic	Answer
<p>If residential EALs are exceeded, can I still get a NFA Letter? Would I need an environmental covenant?</p>	<p>FTC may provide sites exceeding unrestricted Environmental Action Levels (EALs) a <i>NFA Letter with Institutional Controls</i>. If site contaminants and hazards have been substantially reduced, the HEER Office will not require an environmental covenant. The NFA Letter with Institutional Controls will serve as the documentation supporting the NFA determination.</p>
<p>If this is a new process, will new guidance or training be provided? Will regulations be required?</p>	<p>Yes. The HEER Office will conduct FTC trainings in Spring 2009. A primary goal of the trainings is to ensure that lenders, consultants, and participants understand the level of detail and effort required in order to receive a no further action determination. Currently, the HEER Office does not support new regulations to enhance FTC.</p>
<p>How does FTC fit within other existing guidance documents or policy statements, such as the HEER TGM, EALs, Environmental Hazard Evaluations (EHE), etc.</p>	<p>All activities under FTC must follow HAR 451-11 (Site Assessment) and HAR 451-12, 13 (Site Response and Cleanup). NFA Letters will be issued under the authorities identified in HAR 451-10.</p>
<p>What strength will the NFA letter have and is it legally defensible?</p>	<p>Yes. The NFA letter issued for a site within FTC will have the same legal standing as any determination of site status issued by HDOH.</p>
<p>Are there any costs?</p>	<p>The HEER Office will implement a cost recovery program by June 30, 2009, whereby it will recover its costs for review and consultation services from program participants. Sites entering FTC prior to this date will be provided HDOH oversight and consultation services without cost for services rendered through that date. Sites that have entered into FTC before June 30, 2009, and that continue to incur HDOH labor efforts beyond that date will be given 60 days' notice prior to the assessment of fees. Applications to the FTC program received after June 30, 2009, will require a fee/deposit in order to initiate the process.</p>
<p>What if I decide to leave the program?</p>	<p>The FTC agreement is non-binding; the HEER Office or the participant can terminate at any time. Participants may leave the program without cause. The HEER Office can terminate the agreement with cause if it believes that the quality of work is poor or adherence to State guidelines has not been adequately met.</p> <p>Since FTC-eligible sites are without offsite impacts or immediate risks to human health or the environment, the HEER Office would not typically pursue the site as a State-lead oversight project while the agreement is in effect.</p>
<p>What about public participation or notices?</p>	<p>FTC eligibility ensures that sites do not pose significant off-site risks or impacts to adjacent or sensitive communities. As a result, public participation or notice before or after the cleanup is not required. If institutional or site controls are necessary, these provisions will be included within the site closure letter which will be available to the public within HDOH files.</p> <p>Note that public review or comment can be conducted under FTC if both the participant and the HEER Office believe it would be beneficial, but it is not required.</p>

Interim Final

Question/Topic	Answer
How can a consultant guard against surprise comments from the HEER Office in the summary reports?	<p>The HEER Office strongly recommends technical consultations at key decision points of the project, particularly regarding the sampling strategies, upon completion of data collection, and during the development of environmental hazard evaluations.</p> <p>Other states that have implemented similar programs report that the success of a site is based on the level of department consultation provided. They report that nearly one-third of the sites are supported with outstanding consultation, resulting in minimal or no agency comments during report review and approvals. Depending on the level of consulting provided, the remaining sites can require extensive revisions and frequently additional sampling. Judicious use of experienced consultants and HEER Office technical consultations is recommended to streamline the process and reduce the need for revisions or additional expense.</p>