

State of Rhode Island
Department of Environmental Management
Office of Waste Management

Policy Memo 2012-01

Revised February 20, 2019

Guidelines for Expedited Excavation and Disposal Response Actions
(“Dig and Haul” Policy)

I. Purpose

This policy is designed to further the Rhode Island Department of Environmental Management (RIDEM) Office of Waste Management’s (OWM) goals of protecting the environment and public health while promoting efficiency, accountability and lean management principles. The purpose of this policy memo is to provide guidance regarding conducting expedited excavation and disposal response actions (also known as “dig and haul” actions), as a Short-term Response Action in accordance with 250-RICR-140-30-1, Section 1.7 of the Rules and Regulations for the Investigation and Remediation of Hazardous Material Releases (Remediation Regulations), re-codified January 8, 2019, consistent with the RI Administrative Procedures Act. Said action may occur during environmental site investigations, pilot tests, and interim remedial actions conducted on properties in Rhode Island. This policy is specifically tailored to actions addressing soil direct contact issues with the intent of complete removal of contaminated media and compliance with Residential Direct Exposure Criteria. The policy also relies upon new areas of environmental consultant certification of information. The policy is targeted to Performing Parties and environmental consultants seeking streamlined approvals from RIDEM with regard to short-term response actions and confirmation sampling protocols as outlined.

II. Applicability

The use of an expedited excavation and disposal action has been established to allow for the removal and off-site disposal of no more than 1000 cubic yards per Contaminated Site of Hazardous Materials as defined by Section 1.4(A)(33) of the Remediation Regulations, Hazardous Substances as defined by Section 1.4(A)(34) of the Remediation Regulations, petroleum, or soil which contains Reportable Concentrations as defined by Section 1.6.1(C) of the Remediation Regulations. This policy is not applicable to Hazardous Waste, as described in 250-RICR-140-10-1, Rules and Regulations for Hazardous Waste Management. This policy is not intended to address issues such as the removal, treatment, or disposal of groundwater or soil below the water table; sediment; Underground Injection Control closures; vapor intrusion or indoor air concerns. This policy also does not apply to tank removals or any other actions under the jurisdiction of the Underground Storage Tank Program. Those actions shall be conducted in accordance with 250-RICR-140-25-1, the Regulations for Underground Storage Facilities Used for Petroleum Products and Hazardous Materials.

Prior to the response action, notification, as outlined in Section 1.6 of the Remediation Regulations, shall be conducted. Within 60 days of the completion of the removal activities, a fully completed Short-Term Response Report of Expedited Excavation and Disposal Response Action, with all appropriate supporting documentation, shall be provided to the RIDEM. This Short-Term Response Report of Expedited Excavation and Disposal Response Action, with all appropriate supporting documentation, shall fulfill the reporting requirements outlined in Section 1.7.9 of the Remediation Regulations.

III. Project Management

The site owners, operators, performing parties, consultants, and contractors proceeding under the Guidelines for Expedited Excavation and Disposal Response Actions shall:

- A. Be protective of human health and the environment, and accordingly the response action should result in no additional site related risks than existed prior to investigatory activities;
- B. Be consistent with the likely future site remedy if necessary;
- C. Maintain adequate dust and odor control measures including, but not limited to, keeping soils sufficiently moist, damp, and/or covered as necessary during soil disturbance activities; and
- D. Conduct the action in a manner consistent with all applicable federal, state, and local requirements, including, but not limited to, the Remediation Regulations, and other RIDEM regulations.

IV. Reporting Requirements

- A. Notification, as required in Section 1.6 of the Remediation Regulations, shall be completed. RIDEM OWM shall also be provided no less than two (2) business days' notice that the parties intend to complete an expedited excavation and disposal response action, per the requirements of this policy and Section 1.7 of the Remediation Regulations. Public notice shall be performed in accordance with Section 1.7.6 of the Remediation Regulations.

***NOTE:** The two-day notification requirement may be waived at the Department's discretion in the event of public utility disruptions or in the interest of public health and safety. The performing party shall make every effort to notify the Department as soon as practicable, but no more than five days from initiating work in accordance with these guidelines.*

- B. Within 60 days of completion of the excavation activities, complete the attached form as described below. Please type or print clearly in the appropriate areas only.

1. Section I – Notifier Information

Provide the legal name of the person, firm, public (municipal) organization, or other entity providing the response report. The notifier must be the property owner or operator. If the operator is providing the report, note that the property owner must also provide certification of the activities described. The name of the owner or operator may or may not be the same as the name of the site. Do not use a colloquial name. Enter the complete address and telephone number.

2. Section II – Property Information

Provide the official or legal name of the site, complete street address, and telephone number, if available. Enter the latitude and longitude of the site. Enter plat and lot numbers as defined by the city/town Tax Assessor. Enter the full legal name of the property owner and operator.

3. Section III – Site Conditions Information

If known, enter the date and time of the events giving rise to the condition(s) to be remediated under the action. If a reportable condition has been met, it is required that proper notification be made to RIDEM. Enter the material released and the quantity of soil to be removed. Enter the Transporter name, contact information, and Transporter Permit Number

4. Section IV – Supporting Documentation

Please attach all appropriate supporting documentation, including, but not limited to, the following:

- a. A narrative summary of the excavation activities;
- b. A locus plan showing the property location;
- c. Scaled site plans showing the excavation extents, labeled sampling locations, utilities, surface structures, a north arrow, and a graphical scale bar;
- d. Complete analytical data from an accredited third-party laboratory documenting achievement of regulatory standards as outlined in Section 1.9 of the Remediation Regulations;
- e. All manifests, shipping logs, or bills of lading for the transported soil;
- f. Weight slips from the receiving facility;
- g. Recycling, reuse, or disposal certification as appropriate;
- h. Whether groundwater was encountered within the excavation, the conditions (odor, sheen, free product, etc.) of groundwater if encountered, and the Groundwater Classification as described in 250-RICR-150-05-3, the Groundwater Quality Rules;

- i. A full description of how the excavation was closed or restored (e.g. backfill material description, volume, and source of clean fill if brought from off-site, etc.);
- j. A signature sheet with the required certifications as described in Section VI of this policy; and
- k. Any other applicable or relevant and appropriate reporting and public notice requirements described in Section 1.7 of the Remediation Regulations.

5. Section V – Owner Certification

Indicate the owner and the contact person and contact information for the response action.

6. Section VI – Environmental Professional Certification

Indicate the environmental professional's name and contact information, and include all appropriate signatures and certifications contained in Section VI of this policy within the Supporting Documentation.

V. Points of Compliance

- A. The completed response report form and the supporting documentation shall clearly indicate the locations Reportable Concentrations of known or suspected contaminants were measured in order to determine if the remedial objectives have been met. These points will be designated Points of Compliance. Response actions shall be focused on meeting these Points of Compliance, and sufficient samples shall be collected in accordance with the following “Pre-approved confirmation sampling” procedures to ensure that adequate documentation is provided.

Pre-approved confirmation sampling is as follows:

1. For excavations with no side greater than 25 feet and no deeper than 5 feet; 1 sample per side and 1 bottom (minimum of 5 samples);
2. For excavations with any side walls greater than 25 feet and no deeper than 5 feet; 1 per every 25 feet of side wall and 1 bottom sample every 625 square feet; and
3. For excavations with any sidewalls greater than 25 feet and deeper than 5 feet; 1 sample per 25 feet of sidewall and 1 sample every 5-foot of wall height and 1 bottom sample every 625 square feet.

NOTE: all samples shall be grab samples, no composite sampling will be accepted, and samples shall be biased towards previously known areas of contamination.

VI. Required Certifications in Short Term Response Report for Expediated Excavation and Disposal Action

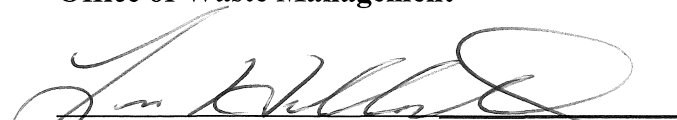
The environmental consultant for the Performing Party shall submit the following certification statements, signed by an authorized representative of the party specified, in the final Short Term Response Report for Expediated Excavation and Disposal Action.

1. I, _____, on behalf of _____ (*consulting firm*), and representing _____ (*Performing Party*), certify that Public Notice has been/will be completed in accordance with Section 1.7.6 (Public Notice Requirements) of the Remediation Regulations;
2. I, _____, on behalf of _____ (*consulting firm*), and representing _____ (*Performing Party*), certify that the Short Term Response Action has been conducted consistent with Policy Memo 2012-01, Guidelines for the Notification of Short-term Response Actions, and Section 1.7 of the Remediation Regulations.
3. I, _____, on behalf of _____ (*consulting firm*), and representing _____ (*Performing Party*), certify that the data and environmental information provided is a complete and accurate representation of environmental conditions at the Site, and accurately depicts the nature, extent, and the known facts and history of the condition requiring use of the Short-Term Response Report for Expediated Excavation and Disposal Action, to the best of my knowledge.
4. I, _____, on behalf of _____ (*consulting firm*), and representing _____ (*Performing Party*), certify that the laboratory certificates of analysis received from _____ (*laboratory*), and being made part of the Short Term Response Report for Expediated Excavation and Disposal Action were reviewed for accuracy relative to sample holding times, detection limits at or below applicable standards, and related laboratory quality assurance and quality control procedures.

VII. Approvals

Following completion of the action and review of the submittals described herein, the Department will issue an approval or response per Section 1.7.11 of the Remediation Regulations.

**Leo Hellested, PE, Chief
RI Department of Environmental Management
Office of Waste Management**


Policy Approval Date: February 20, 2019

SHORT-TERM RESPONSE REPORT FOR EXPEDITED EXCAVATION AND DISPOSAL ACTION

SECTION I: NOTIFIER INFORMATION

Notifier:	_____		
Address:	_____		
City:	_____ State: _____	Zip Code: _____	Telephone Number: _____
Status (indicate one):	<input type="checkbox"/> Owner	<input type="checkbox"/> Operator	Date of Submittal: _____

SECTION II: PROPERTY INFORMATION

Facility Number (if applicable):	_____		
Facility Name:	_____		
Facility Address:	_____	Facility City:	_____
Assessor's Plat:	_____	Assessor's Lot:	_____
Latitude:	_____	Longitude:	_____
Property Owner:	_____		
Property Owner Address:	_____		
	City: _____	State: _____	Zip Code: _____ Telephone Number: _____
Operator Name (if different):	_____		
Operator's Address:	_____		
Operator's City:	_____	State: _____	Zip Code: _____ Telephone Number: _____

SECTION III: SITE CONDITIONS INFORMATION

Notes: All material to be removed from the facility or Site under this permit must be properly documented and transported in accordance with applicable Federal, State, and local regulations. Copies of manifests and weight slips must be submitted with this Response Report.

This Action is applicable for the removal and disposal of up to 1000 cubic yards of contaminated media which are considered jurisdictional by the RI DEM

Date of Knowledge of Condition Requiring use of Permit	_____	Date Action Began	_____	Date of Action Completion	_____
Contaminants of Concern	_____	Concentrations of Contaminants of Concern	_____	_____	_____
Quantity of Soil Removed	_____				
Contractor Name:	_____				
Contractor Address:	_____				
Contractor City:	_____	State: _____	Zip Code: _____	Telephone Number: _____	_____
Transporter Name:	_____				Transporter Permit Number (if applicable): _____
Transporter Address:	_____				
	City: _____	State: _____	Zip Code: _____	Telephone Number: _____	_____
Disposal Facility Name:	_____				
Disposal Facility Address:	_____				
	City: _____	State: _____	Zip Code: _____	Telephone Number: _____	_____

SHORT-TERM RESPONSE REPORT FOR EXPEDITED EXCAVATION AND DISPOSAL ACTION

SECTION IV: REQUIRED SUPPORTING DOCUMENTATION (Confirm Attached)

Locus Plan	<input type="checkbox"/>	Manifests or Bills of Lading	<input type="checkbox"/>	Groundwater Encountered? (Circle One)	Y N
Site Sketch	<input type="checkbox"/>	Weight Slips	<input type="checkbox"/>	Groundwater Classification? (Circle One)	
Analytical Data	<input type="checkbox"/>	Recycling/Disposal Certification	<input type="checkbox"/>	GAA	GA GB GC

SECTION V: OWNER CERTIFICATION

I Certify that this Response Report and associated materials submitted herewith is a complete and accurate representation of the site conditions and contains all applicable known facts surrounding the release to the best of my knowledge.

Owner Name: _____ Title: _____

Signature: _____ Date: _____
(Original Signature Required)

Who should be contacted for questions regarding this Response Report?

Name: _____ Title: _____

Company: _____ Telephone Number: _____

SECTION VI: ENVIRONMENTAL PROFESSIONAL CERTIFICATIONS

- 1) I certify, in my role representing the the notifier listed in Section I of this form, that Public Notice has been/will be completed in accordance with 250-RICR-140-30-1, Section 1.7.06 (Public Notice Requirements) of the Remediation Regulations;
- 2) I certify, in my role representing the the notifier listed in Section I of this form, that the Short Term Response Action has been conducted consistent with Policy Memo 2012-01, Guidelines for the Notification of Short-term Response Actions, and 250-RICR-140-30-1, Section 1.7 of the Remediation Regulations
- 3) I certify, in my role representing the the notifier listed in Section I of this form, that the data and environmental information provided is a complete and accurate representation of environmental conditions at the Site, and accurately depicts the nature, extent, and the known facts and history of the condition requiring use of the Short-Term Response Report for Expedited Excavation and Disposal Action, to the best of my knowledge; and
- 4) I certify, in my role representing the the notifier listed in Section I of this form, that the laboratory certificates of analysis received from all laboratories used to analyze samples taken during this action and being made part of the Short Term Response Report for Expedited Excavation and Disposal Action were reviewed for accuracy relative to sample holding times, detection limits at or below applicable standards, and related laboratory quality assurance and quality control procedures.
- 5) I certify, in my role representing the the notifier listed in Section I of this form, that this Response Report and associated materials submitted herewith is a complete and accurate representation of the site conditions and contains all applicable known facts surrounding the release to the best of my knowledge.

Environmental Professional Name: _____ Title: _____

Company Name and Address: _____

City: _____ State: _____ Zip Code: _____ Telephone Number: _____

Signature: _____ Date: _____
(Original Signature Required)