This tool does not impose legally binding requirements on EPA, states or the regulated community, and may not apply to a particular situation based upon the circumstances. EPA and state decision-makers retain the discretion to adopt approaches on a case-by-case basis that differ where appropriate. Any decisions regarding a particular site will be made based on the applicable statutes and regulations.

FEDERAL & STATE ARARS PROCESS FLOW CHART

1. ARAR Training
2. Confirm Training For New Starts
3. Determine Lead Agency
4. Scoping Invitation Letter
5. EPA Scope Prep
6. EPA & State Scoping Mtg Held
7. Draft Initial List of ARAR & TBCs
8. Review & Establish Early Agree/Disagree
9. Written Comments to Lead Agency
10. Informal Resolution of Issues
11. Resolved?
12. NO
13. YES
14. Formal Request for ARARs & TBCs
15. Written Comments to Lead Agency
16. Informal Resolution of Issues
17. Request for Support to Identify Action Specific Remedy ARARs
18. Written Comments to Lead Agency
19. Justify Issues
20. Revised List of ARAR & TBCs
21. Draft RI/FS to Support Agency incl. ARAR/TBC Tables
22. Written Comments to Lead Agency
23. If Needed, Informal Resolution of Issues
24. Invitation to Mgt Review Mtg
25. Continue Next Page

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EPA & State Site Specific Mgmt Mtg Held

If necessary work with case attorney and support agency PM and their attorney to resolve any remaining issues

Unresolved Issues

If Needed, Informal Resolution of Issues

Draft Proposed Plan

Transmit Draft Plan to Support Agency and EPA HQ

EPA Notifies State of Any Proposed Disagreements or Waivers to ARARs

Support Agency Reviews Proposed Plan Written Comments to Lead Agency

If Needed, Informal Resolution of Issues

Final PP & RI/FS Issued for Public Comment

Resolved ?

If Needed, Informal Resolution of Issues

EPA HQ Reviews Draft PP Provides Comment to Region

Draft ROD

Transmit Draft ROD to Support Agency and EPA HQ

10 – 15 Working Days

Review and Repeat Steps 36-39 as Needed

Comment Resolution Mtg If Needed

Final ROD Sent to Support Agency for Concurrence

Support Agency Reviews, Send Concurrence or Non Concurrence Letter

EPA Issues ROD or Concurs

10 to 15 working day deadline per NCP

10-15 days applies only to support agency during this review period, EPA not limited

Including statutory determination of ARARs section and table

NCP

FEDERAL & STATE ARARS PROCESS FLOW CHART

Lead Agency

Support Agency

Required Under NCP

Dispute Resolution

Outcome

Decision

Timeframe

Revised 2.23.16