



DIRECTIVE NUMBER:

2/10/87 0-14

TITLE: Use of Expanded Removal Authority to Address NPL
and Proposed NPL sites

APPROVAL DATE: 2/10/87

EFFECTIVE DATE: 2/10/87

ORIGINATING OFFICE: Office of Solid Waste

☒ **FINAL**


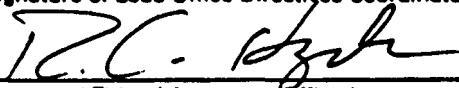
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STATUS:

- | | |
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| [] | A- Pending OMB approval |
| [] | B- Pending AA-OSWER approval |
| [] | C- For review &/or comment |
| [] | D- In development or circulating
headquarters |

REFERENCE (other documents):

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 OSWER Directive Initiation Request		United States Environmental Protection Agency Washington, DC 20460	1. Directive Number 9360.0-14
2. Originator Information			
Name of Contact Person Jean Schumann	Mail Code WH-548/B	Office OERR/ERD	Telephone Number 382-2198
3. Title Use of Expanded Removal Authority to Address NPL and Proposed NPL sites			
4. Summary of Directive (Include brief statement of purpose) Directs Regions to evaluate NPL/Proposed NPL sites to determine if the expanded removal authority in SARA can be used to clean up, or substantially clean up, these sites.			
5. Keywords Superfund, CERCLA, SARA, removal action, expanded removal authority.			
6a. Does this Directive Supersede Previous Directive(s)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No What directive (number, title)			
b. Does It Supplement Previous Directive(s)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No What Directive (number, title)			
7. Draft Level <input type="checkbox"/> A — Signed by AA/DAA <input type="checkbox"/> B — Signed by Office Director <input type="checkbox"/> C — For Review & Comment <input type="checkbox"/> In Development			
This Request Meets OSWER Directives System Format			
8. Signature of Lead Office Directives Coordinator 			Date 2/10/87
9. Name and Title of Approving Official Henry L. Longest II, Director/OERR			Date 2/10/87

OSWER OSWER OSWER
 DIRECTIVE DIRECTIVE



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

FEB -7 1987

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE
OSWER DIRECTIVE #9360.0-14

MEMORANDUM

SUBJECT: Use of Expanded Removal Authority to Address NPL and Proposed NPL Sites

FROM: Henry L. Longest II, Director
Office of Emergency and Remedial Response *H. Longest*

TO: Waste Management Division Directors, Regions I-X
Environmental Services Division Directors, Regions I, VI, and VII

The Superfund Amendments and Reauthorization Act of 1986 (SARA) and the recent National Contingency Plan (NCP) revisions expand removal authority in several ways. The Office of Solid Waste and Emergency Response (OSWER) is exploring methods to use this increased authority innovatively to enhance efforts to clean up sites on the proposed and final National Priorities List (NPL).

A number of provisions in SARA broaden removal authority. First, the amendments revise the statutory limits on removal actions from \$1 million and 6 months to \$2 million and 12 months. The new law also provides for a waiver of these limits where "continued response action is otherwise appropriate and consistent with the remedial action to be taken." The three "emergency criteria" contained in the prior law still exist. The new waiver, however, is independent of the original three exemption criteria. This means that an exemption may be granted if the proposed removal action meets the original three criteria, or the fourth criterion alone. Another new provision in SARA requires removal actions to "contribute to the efficient performance of any long-term remedial action" to the extent practicable. Finally, SARA establishes a preference for using alternative technologies and resource recovery techniques to achieve more permanent solutions.

In addition, the NCP revisions expanded removal authority by authorizing removal actions to be taken in response to threats, rather than just immediate and significant threats. This increased authority allows remedial operable units, e.g., the former initial remedial measures, to be implemented under removal authority.

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OSWER would like to examine whether these new legislative and regulatory removal authorities can be used to clean up, or substantially clean up, any of the final or proposed NPL sites. It may be possible to delete certain sites from the NPL, or to achieve substantial cleanup, by performing a remedial operable unit under the expanded removal authority. Each Region is, therefore, requested to evaluate its final and proposed NPL sites and to identify those sites that may be appropriately addressed using removal authority. Such sites must meet the criteria for initiation of a removal action in Section 300.65 of the NCP, and the potential response action should generally remain within the new \$2 million/12 month removal limits. OSWER will consider approval of actions that exceed the \$2 million limit by a reasonable amount if the additional funds are needed to conduct an efficient response. Complicated response actions that require extensive study, such as the cleanup of a contaminated aquifer, would more properly be addressed using remedial authority.

Each Region is requested to provide us with the following information:

- ° List of potential NPL sites for removal action.
- ° For each site, a brief description of
 - Site background
 - Threat
 - Proposed removal action
 - Estimated cleanup cost.

The appropriate removal, remedial, and enforcement personnel in the Region should coordinate with each other in this effort. Please submit this information to Tim Fields, Director, Emergency Response Division, no later than February 27, 1987.

cc: J. Winston Porter
Jack W. McGraw
Tim Fields
Russ Wyer
Superfund Branch Chiefs, Regions I-X