



DIRECTIVE NUMBER: 9360.0-10

TITLE: Expedited Response Actions

APPROVAL DATE: July 8, 1986

EFFECTIVE DATE: July 8, 1986

ORIGINATING OFFICE: OERR / HSCD

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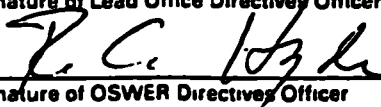
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STATUS: Final

REFERENCE (other documents):

Supplements 9360-0-6A Relationship of the Removal and
Remedial Programs under the Revised NCP

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 United States Environmental Protection Agency Washington, DC 20460		OSWER Directive Initiation Request		Interim Directive Number 9360.0-10	
Originator Information					
Name of Contact Person William Kaschak		Mail Code WH-548-E		Telephone Number 382-2348	
Lead Office <input checked="" type="checkbox"/> OERR <input type="checkbox"/> OSW		<input type="checkbox"/> OUST <input type="checkbox"/> OWPE <input type="checkbox"/> AA-OSWER		Approved for Review Signature of Office Director  Henry Longest II Dir. OERR	
				Date 7/7/86	
Title Expedited Response Actions					
Summary of Directive Clarification of Expedited Response Actions and Remedial Action Operable Units. Clarifies distinction between Expedited Response Actions and First Operable Unit Remedial Actions. Provides guidance on how to choose one or the other and sketches the planning process. Includes flow chart and inquiry memorandum from Region 7. Henry Longest to Region 7; cc's to all other Regions. (7/8/86, 9 pp.) Key words: Expedited Response Actions, First Operable Unit, Operable Unit, Remedial Action, Removal Action, National Priorities List					
Type of Directive (Manual, Policy Directive, Announcement, etc.) Policy Directive				Status <input type="checkbox"/> Draft <input checked="" type="checkbox"/> Final <input checked="" type="checkbox"/> New <input type="checkbox"/> Revision	
Does this Directive Supersede Previous Directive(s)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				Does It Supplement Previous Directive(s)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If "Yes" to Either Question, What Directive (number, title) Programs 9360.06A - Relationship of the Removal and Remedial Under Revised NCP.					
Review Plan <input type="checkbox"/> AA-OSWER <input type="checkbox"/> OUST <input type="checkbox"/> OECM <input type="checkbox"/> Other (Specify) <input type="checkbox"/> OERR <input type="checkbox"/> OWPE <input type="checkbox"/> OGC <input type="checkbox"/> OSW <input type="checkbox"/> Regions <input type="checkbox"/> OPPE					
This Request Meets OSWER Directives System Format					
Signature of Lead Office Directives Officer 				Date 7.3.86	
Signature of OSWER Directives Officer				Date	



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

JUL 8 1986

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE
9360.0-10

MEMORANDUM

SUBJECT: Expedited Response Actions

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

TO: David A. Wagoner, Director
Waste Management Division, Region VII

I am writing in response to your memorandum dated May 29, 1986, regarding Region VII's approach to Expedited Response Actions (ERAs). In your memorandum, you discuss the procedures you use to categorize sites to screen for the potential implementation of ERA's and the various options for implementing ERAs and first operable unit remedial actions. The major factors to consider when deciding if an ERA can be implemented for an operable unit project is whether the recommended action meets the criteria in the National Contingency Plan (NCP) for removal actions, and that the action can be implemented within the statutory limits of \$1 million in total cost and six months in duration. These ceilings may increase to \$2 million and one year with the reauthorization of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

The inability of a State to provide its 10 percent cost share should not be a factor in making the distinction between a removal and remedial action. In addition, if the site is on the proposed National Priorities List (NPL) at the time a decision is needed on whether to implement a remedial action, we can work closely with you to expedite the listing of that site on the final NPL. This has been done for selected sites in special situations.

In order to clarify the distinction between an ERA and a remedial action, the following paragraphs summarize the procedures that are being developed. Also, a flow diagram of the process is attached for your information. The following discussion is limited to final or proposed NPL sites.

Planning activities for ERAs are initiated during the early stages of a remedial investigation/feasibility study (RI/FS), usually during the initial scoping of remedial activities as the RI/FS work plan is being developed. Once a decision has been made to pursue an ERA, the remedial contractor would initiate an initial screening of alternatives to see if the action would meet the cost and duration limitations. The next step would be the preparation of an Engineering Evaluation/Cost Analysis (EE/CA) to further develop the most likely alternatives. Another check is made to ensure the proposed ERA will meet the NCP criteria and the cost and duration ceilings. Once this has been concluded, the Region would approve the ERA and select the appropriate remedy by signing an action memorandum. Implementation would then be carried out by the remedial contractor using removal authorities.

If the proposed actions, or portions thereof, cannot meet the cost and duration ceilings for removal actions, then the projects should be pursued under remedial authority. If an EE/CA has been prepared, it should be possible to expand the analysis into a focused feasibility study to recommend a first operable unit remedial action. Prior to implementation of the remedial action, the site must be on the final NPL and the State must commit to the statutory assurances including their 10 percent cost share.

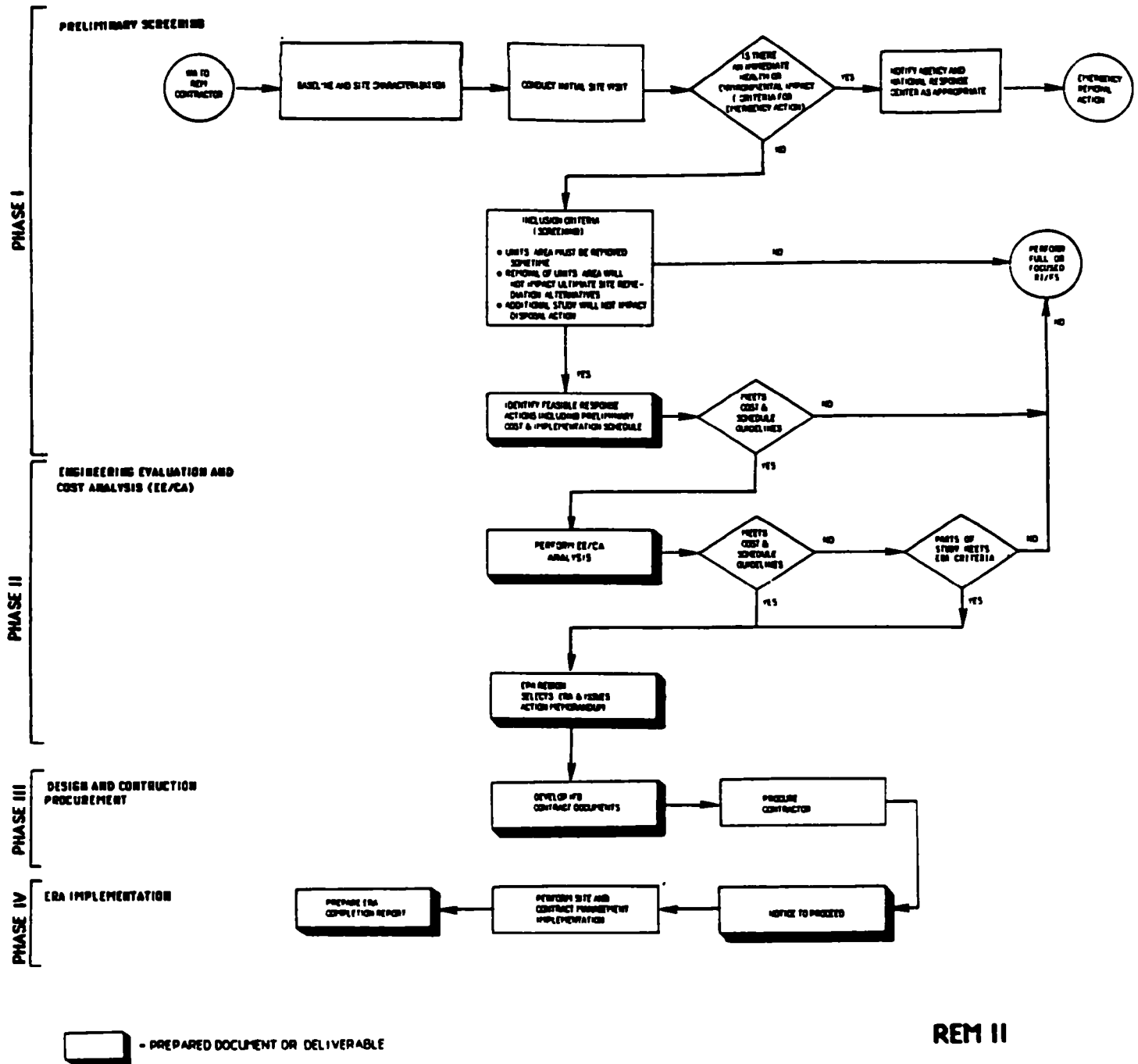
At this time, I am unable to provide you with the funds to conduct the ERAs. Until CERCLA is reauthorized, our ability to fund projects is severely limited. These projects will be included in our fourth quarter Superfund Comprehensive Accomplishments Plan and will be funded once funds become available.

Draft guidance on ERAs is being prepared which will be distributed to the Regions for comment in the near future. I will look forward to your comments on the proposed guidance. If I may be of any further assistance to you, please let me know.

Attachment

cc: M. Hohman, Director Region I
C. Simon, Director Region II
W. Librizzi, Director Region II
S. Wassersug, Director Region III
P. Tobin, Director Region IV
B. Constantelos, Director Region V
A. Davis, Director Region VI
R. Duprey, Director Region VIII
H. Seraydarian, Director Region IX
C. Findley, Director Region X

**FIGURE 1-1
GUIDANCE FLOW DIAGRAM FOR EXPEDITED
RESPONSE ACTIONS (ERA)**



REM II



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII
726 MINNESOTA AVENUE
KANSAS CITY, KANSAS 66101

MAY 29 1985

MEMORANDUM

SUBJECT: Proposed Expedited Response Actions at NPL Sites in Region VII

FROM: David A. Wagoner
Director, Waste Management DivisionTO: Henry L. Longest, II
Director, Office of Emergency and Remedial Response (WH-548)

Through study of your March 17, 1986, memo and a series of recent telephone conversations with staff people from OERR and OWPE, we have explored the mechanisms for conducting expedited response actions (ERAs) and operable unit remedial actions (OUs). In this memo we summarize our understanding of these mechanisms and propose ERAs at three sites in our Region. We have discussed this initiative with our Regional Administrator, Morris Kay, and have received his support.

At National Priorities List (NPL) sites where prompt action is warranted and obvious, the agency can pursue either an OU or an ERA. (Please see attached flowsheet.) To qualify for an OU the site must be on (not just proposed for) the NPL and must have a 10% state match for construction costs available. If these conditions are met, an Engineering Evaluation Cost Analysis (EECA) prepared for the site may be converted to an OU Focused Feasibility Study (OUFFS). Then, the Regional Administrator (RA) may obtain delegation for the action, take public comment and sign a Record of Decision to implement the OU. The RA may obligate Superfund Comprehensive Accomplishment Plan (SCAP) funds via a Procurement Request (PR) to a REM (remedial) contractor who will prepare detailed plans and specifications, bid and oversee the construction work, and conduct follow up monitoring. He may, as an alternative, task the Corps of Engineers to perform these functions.

At sites only proposed for the NPL and/or ineligible for state match the RA may convert the EECA to an action memorandum (AM), sign the AM and obligate SCAP funds to the REM or ERCS contractor via a PR. Then the REM contractor will implement an ERA by preparing a detailed design, bidding and overseeing the construction work and performing follow up monitoring. Or, the ERCS contractor will perform the response actions on a time and materials basis.

At designated high priority non-NPL dioxin sites the RA may task the REM contractor to prepare the EECA for an ERA but must use either the ERCS (removal) contractor or a site-specific dioxin contract to perform the actual construction work.

The limits on removals of \$1 million for construction work and 6 months of construction time (unless an exception is granted) are acknowledged as applicable to all ERAs but not to OUs. We also acknowledge that operation and maintenance (O&M) costs must be borne by the PRP, state, city, etc., or by the agency under an exception from the removal time and/or cost limits.

Our Region is presently evaluating all of our NPL (proposed and final) sites and major dioxin sites and categorizing them as follows.

1. Sites so large and/or complex that a traditional RI/FS and RD/RA is appropriate.

2. Sites at which the appropriate response action for final cleanup is fairly obvious, and implementation and such actions is expected to eventually result in delisting the site from the NPL.

3. Sites with the combined characteristics of 1 and 2 above at which an ERA or OU should be conducted for part of the site simultaneously with preparation of the RI/FS/RD/RA for the entire site.

We will not consider an ERA or OU to be a final solution for any site (or part thereof) until a ROD supported by a delisting RI/FS (or equivalent document) has been signed.

One result of our evaluation to date is the identification of three category 2 sites. They are Waverly and A.Y. McDonald (a final and a both proposed NPL site respectively), and Thompson Chemical (a non-NPL priority dioxin site). Our REM II subcontractor, Woodward/Clyde Consultants (WCC) is preparing EECA's for these sites and we are negotiating with the potentially responsible parties (PRPs).

We request that you continue to support our enforcement strategy for these sites by providing funds in the SCAP for ERAs in the following amounts:

Waverly	1000K
A.Y. McDonald	700K
Thompson Chemical	650K

If negotiations fail we intend to do the following things. For Thompson Chemical, we would fund the ERCS contractor or a site-specific dioxin contractor to perform the ERA with oversight by our Environmental Services Division. For Waverly and A.Y. McDonald, we would fund our REM contractor to design, bid and oversee the ERAs. The issuance of unilateral CERCLA 106 Administrative Orders (AOs) to the PRPs prior to commencing work would enable us to recover treble damages in our subsequent cost recovery action.

If negotiations succeed, we plan to fund our REM contractor for oversight of the PRP ERAs (under AOs or compliance agreements as appropriate) in the following amounts:

Waverly	150K
A.Y. McDonald	100K
Thompson Chemical	125K

Depending on the mix of successful and unsuccessful negotiations, varying amounts of money would be freed to fund Regional response (remedial and/or removal) actions at other sites.

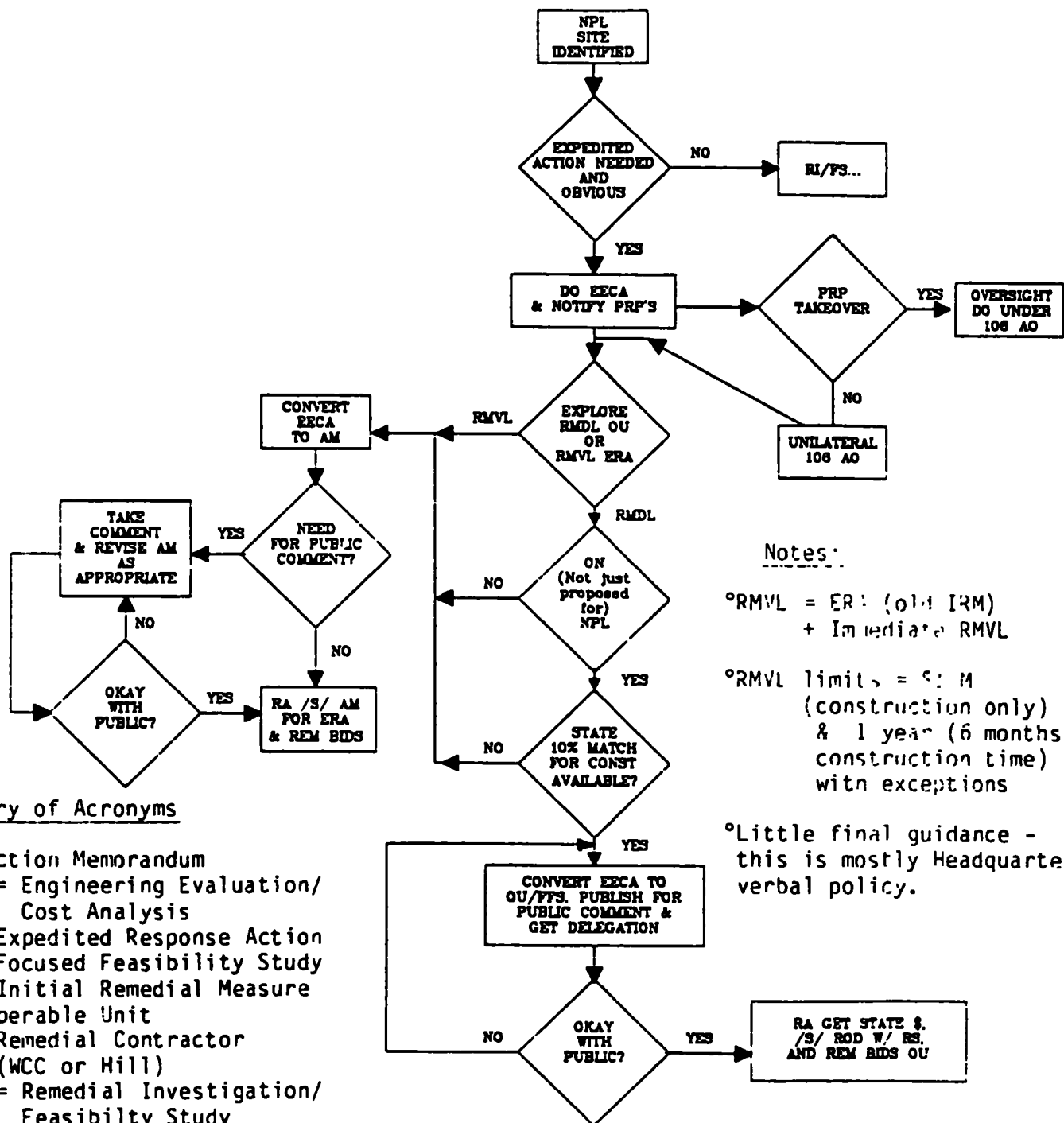
We are confident that these plans will result in prompt, appropriate cleanup actions and we appreciate the attention you are giving to this request.

I would like your thoughts on the process which we have outlined and am anxious to start on ERA's at one or more sites as soon as you provide funds. If you think a briefing would be useful, we would be glad to come in.

Attachment

cc: Tim Fields, (WH-548B)
Russ Wyer, (WH-548E)

FLOW SHEET FOR EXPEDITED ACTION AT NPL SITES UNDER THE REMEDIAL & REMOVAL PROGRAMS



Notes:

°RMVL = ER: (old IRM)
+ Immediate RMVL

°RMVL limits = 9: M
(construction only)
& 1 year (6 months
construction time)
with exceptions

°Little final guidance -
this is mostly Headquarters
verbal policy.

Glossary of Acronyms

AM = Action Memorandum
EE/CA = Engineering Evaluation/
Cost Analysis
ERA = Expedited Response Action
FFS = Focused Feasibility Study
IRM = Initial Remedial Measure
OU = Operable Unit
RC = Remedial Contractor
(WCC or Hill)
RI/FS = Remedial Investigation/
Feasibility Study
RMDL = Remedial
RMVL = Removal
RS = Responsiveness Summary