



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

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OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

DEC 8 1992

OERR Directive 9345.0-07

MEMORANDUM

SUBJECT: Standard Document for Remedial Site Assessment
Decisions

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

613/5121 **TO:** Director, Waste Management Division
Regions I, IV, V, VII
Director, Emergency and Remedial Response Division
Region II
Director, Hazardous Waste Management Division
Regions III, VI, VIII and IX
Director, Hazardous Waste Division, Region X
Director, Environmental Services Division
Regions I, VI, VII, X

PURPOSE

The attached form (EPA #9100-3) provides a standard documentation format for all remedial site assessment decisions. The form also may be used to document the review and approval of all final preliminary assessment (PA) and site inspection (SI) reports submitted to the site assessment program.

BACKGROUND

The National Contingency Plan (NCP) requires the U.S. Environmental Protection Agency (EPA) to assess all releases and threatened releases throughout the United States pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA), as amended. In accordance with the NCP, EPA conducts PAs and SIs to assess sites where releases or threatened releases may exist. After evaluating information collected during a PA or SI, EPA then decides on the need for further investigative or response action.

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All Regions document remedial site assessment decisions, but procedures vary. To ensure adequate documentation of such decisions, the site assessment program has developed a standard site assessment decision sheet.

OBJECTIVE

Every remedial site assessment decision recorded into the CERCLA Information System (CERCLIS) should have a corresponding record in the Regional site file. This record should indicate the basis for any site assessment decision. When a site assessment report (e.g. PA, SI, etc.) forms the basis of a decision, EPA must document its review and approval of that report.

IMPLEMENTATION

The basis for all remedial site assessment decisions should be concisely documented. The attached form (EPA #9100-3) summarizes the information needed to properly document these decisions. Remedial site assessment decisions can relate to any plan of action made for a site (e.g. site evaluation accomplished, reopen a site to evaluate new information, etc.).

Once complete, this documentation should be kept in a site file as a record of the site assessment decision. A Region may incorporate this form into a final report (e.g., PA) or reformat the form for a special database application. Only EPA personnel, however, may complete this form. The following points explain other considerations required to accurately complete the form:

- Managing Nonreleasable Information under the Freedom of Information Act (FOIA) - Evaluations of projected Hazard Ranking System (HRS) scores and evaluations of site priority may reflect the Agency's deliberations and therefore, may be exempt from mandatory release under FOIA. Other nonreleasable information includes EPA's deliberations concerning whether a site is eligible for placement on the National Priorities List (NPL). This information should not be set forth in this form. In the event that nonreleasable information is placed on the form, the Region should redact that information before releasing a document in accordance with FOIA.
- Site Deferral - applies to situations where the CERCLA program refers a site to either the Resource Conservation and Recovery Act (RCRA) Subtitle C program or the Nuclear Regulatory Commission (NRC). Since the CERCLA program generally will suspend any further action at these sites, the site assessment program should ensure that the

responsible authority receives adequate documentation and references. Only RCRA treatment, storage and disposal (TSD) facilities for which EPA has corrective action authority can be deferred to RCRA Subtitle C authorities (see 54 Fed. Reg. 41000, 41004 (1989)). Only sites operating under NRC licenses can be deferred to NRC (see 49 Fed. Reg. 37070, 37074 (1984)).

- HRS Evaluation - indicates when EPA plans to follow up a site assessment by estimating or evaluating an HRS score. Applicable situations in which HRS evaluation would be an appropriate option include conducting PAScore or PRESCORE evaluations. The attached form should not be used to indicate EPA's plans for proposing a site to the NPL.
- Discussion/Rationale - should briefly highlight the primary factors (e.g. targets, observed releases, etc.) that form the basis of EPA's decision. The discussion should also present the rationale for not accepting recommendations (if there are any) made in a referenced report.

The discussion may indicate if EPA has identified a need to involve other authorities in subsequent site actions. For example, there may be instances where the CERCLA program may take future action at a site, but will also notify a State or other authority (e.g. National Oceanic and Atmospheric Administration (NOAA)) before conducting that action. This notification may initiate concurrent or coordinated activities with the State or other Federal authority. With the exception of sites regulated under RCRA and by the NRC, the Agency currently does not defer sites to States or other authorities. The CERCLA program may notify the RCRA program and the NRC in cases where it is not readily evident whether a site should fall under RCRA Subtitle C or NRC authorities.

A Site Evaluation Accomplished (SEA) determination for any site must meet the standard criteria (e.g., deferral or projected HRS score clearly less than 28.5 - see 40 CFR 300.420). For sites receiving an SEA determination, EPA may want to indicate that a State or other authority will be informed of the determination.

- Superfund Accelerated Cleanup Model (SACM) - Under SACM, the Regional decision team (RDT) is the primary decision making group for assessment and cleanup actions. Site assessment decisions made by the RDT, like those made by the SAM, also can be documented on the attached form (see OSWER Directive # 9203.1-03, Guidance on Implementation of the Superfund Accelerated Cleanup Model (SACM) under CERCLA and

the NCP). If appropriate, the discussion section can indicate that a site has been (or will be) brought to the RDT's attention.

- "Other" CERCLA actions (option 2b) - The activities specified under 2b (PA, SI, ESI, and HRS Evaluation), constitute most of the decisions historically delegated to the site assessment program. This form was designed primarily to document these standard decisions. The "other" option should be used for any decision not falling in these categories. In cases where the RDT decides to conduct a combined action, the form can refer to this decision under the "other" option.

The back page of the form provides instructions and general information. If you have additional questions or comments regarding this directive, please contact John Hollister of HSED at FTS (703) 603-8835.

Attachment

cc: Kenneth Konz, Office of the Inspector General
Site Assessment Section Chiefs, Regions 1 - 10 (w diskette)