



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

APR 4 1997

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

MEMORANDUM

OSWER Directive # 9345.1-25

SUBJECT: Revision to OSWER NPL Policy "The Revised Hazard Ranking System: Evaluating Sites After Waste Removals" Publication No. 9345.1-03FS, October 1991.

FROM: Stephen D. Luftig, Director *Steve Luftig*
Office of Emergency and Remedial Response

TO: Director, Office of Site Remediation and Restoration
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Regions III, IX
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Region VIII
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Purpose:

The purpose of this memorandum is to provide greater flexibility to the current National Priorities Listing (NPL) policy for evaluating the impact of completed removals on the Hazard Ranking System (HRS) score (Publication No. 9345.1-03FS, October 1991). Flexibility is accomplished by allowing post-Site Inspection ("post-SI") completed removals to be considered in HRS scoring.

Background:

The October 1991 NPL policy "The Revised Hazard Ranking System: Evaluating Sites After Waste Removals" (Publication No. 9345.1-03FS) established **three requirements** for considering removal actions when scoring a site using the HRS. **First**, all the waste subject to the removal must be physically removed from the site. **Second**, the removal action must have occurred prior to the SI. (55FR 51567, December 14, 1990). **Third**, all waste removed must be disposed or destroyed at a facility permitted under the Resource Conservation and Recovery Act, Toxics Substances Control Act, or by the Nuclear Regulatory Commission.

Objective:

Based on experiences in applying the current NPL policy, the Agency recognizes that some post-SI removal actions can substantially address the threat to human health and environment and should be considered up to the time of NPL listing. Therefore, as a means of encouraging early response actions, especially by private parties, when setting priorities for the NPL, EPA can now consider certain types of post-SI removal completions (removals completed any time before the site is proposed to the NPL) in preparing HRS scoring packages. Additionally, this post-SI consideration hereon modifies the second of three requirements cited in the October 1991 NPL policy.

Implementation:

This consideration only applies where the Region has documentation (e.g. OSC Removal Site File containing responsible party work plans, sampling data, closeout assessment) that clearly demonstrates there is no remaining release or potential for a release that could cause adverse environmental or human health impacts (e.g., all releases have been dealt with such that hazardous substances are not present at potentially harmful levels). Otherwise, the removed waste should be counted in the HRS waste quantity value calculation. If the site's HRS score drops below 28.5 as a result of these changes, and if all cost recovery activities have been addressed (a decision not to cost recover has been completed or final payment of outstanding oversight or response costs has been received, etc.), the Region can proceed with archiving the site from the Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS). The attached *Post-Site Inspection Removal Site Example* is provided to assist you in implementing this new reform.

In summary, the Agency believes that this reform would reduce EPA and private sector legal/transaction costs associated with the listing and subsequent deletion process. Most importantly, this reform better reflects the Agency's priorities for listing only those sites adversely impacting human health and the environment.

If you have any questions regarding this reform, please contact Tim Gill, Office of Emergency and Remedial Response, at (703) 603-8856.

This reform is not a rule, and does not create any legal obligations. The extent to which EPA applies this policy will depend on the facts of each case.

CC: EPA HQ OSWER/IO
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Post-Site Inspection Removal Site Example

To illustrate the implementation of this policy, consider a CERCLIS site that is a candidate for the NPL because of the threat it poses to ground water. The site consists of leaking transformers and soils contaminated with polychlorinated biphenyls (PCBs) in a 5,000 square foot area at a former storage facility. Targets include more than 3,000 people who receive drinking water from ground water wells within ½ to 1 mile of the site.

In 1989, EPA conducted a Site Inspection (SI) at the facility to gather the data necessary to prepare an HRS documentation record. Preliminary evaluations by EPA indicate that the site will score greater than 28.50 on the HRS based on the threat to ground water alone. Although no release to ground water was discovered, the potential for a release to the local drinking water aquifer is high and many people near the site use this aquifer.

In 1993, the PRP drained fluids containing PCBs from the transformers and hauled away the transformers and PCB-containing fluids to an approved disposal facility. The soil was excavated to a depth of approximately 8 feet and around 1500 drums of PCB-contaminated soil were taken to an approved facility for the disposal of PCBs. Post-removal soil sampling revealed no PCBs. Current data show no PCB contamination in downgradient drinking water and monitoring wells within ½ mile of the site.

After the removal was completed, EPA developed a revised HRS score. Under EPA's original policy, the HRS score would still be greater than 28.50 because the response action occurred after the SI. Under this revised policy, the site score would be reduced to 0 because the Hazardous Waste Quantity value became 0 once all hazardous waste sources were physically removed from the site and disposed of at an appropriately permitted facility. The nondetection of PCBs during a resampling of the ground water monitoring well and drinking water wells within ½ mile downgradient of the site ensured EPA that the PRP's response action removed a sufficient quantity of PCBs to restrict further contaminant migration. EPA began the procedures to archive the site from CERCLIS.