

United States
Environmental Protection
Agency

Office of
Solid Waste and
Emergency Response



DIRECTIVE NUMBER: 9355.0-25

TITLE: Requirements for Using Removal Authorities for Speeding
Up Remedial Projects

APPROVAL DATE: 12/9/88

EFFECTIVE DATE: 12/9/88

ORIGINATING OFFICE: OSWER OERR HSCD

☒ **FINAL**

REFERENCE (other documents):

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OSWER Directive Initiation Request		United States Environmental Protection Agency Washington, DC 20460	1. Directive Number 9355.0-25
2. Originator Information			
Name of Contact Person Jim Vickery	Mail Code	Office HSCD	Telephone Code
3. Title Requirements for Using Removal Authorities for Speeding Up Remedial Projects			
4. Summary of Directive (include brief statement of purpose): This memo clarifies the points of agreement required for using removal authorities to speed remedial projects. States must provide CERCLA Section 104(c)(3) assurances for cost-sharing, operation and maintenance and off-site disposal through a signed SSC.			
5. Keywords Superfund, CERCLA, SARA			
6a. Does This Directive Supersede Previous Directive(s)? <input type="checkbox"/> No <input type="checkbox"/> Yes What directive (number, title)			
b. Does It Supplement Previous Directive(s)? <input type="checkbox"/> No <input type="checkbox"/> Yes 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"/> D - In Development			

8. Document to be distributed to States by Headquarters? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

This Request Meets OSWER Directives System Format Standards.	
9. Signature of Lead Office Directives Coordinator Betti C. VanEpps <i>Betti C. VanEpps</i>	Date 11/21/88
10. Name and Title of Approving Official Henry L. Longest II, Director, OERR	Date <i>Dec 9, 1988</i>

EPA Form 1315-17 (Rev. 5-87) Previous editions are obsolete.

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

JUL 11 1988

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

MEMORANDUM

SUBJECT: Clarification of Requirements for Use of Removal
Authorities for Speeding Up Remedial Projects

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

TO: Pat Tobin, Director
Waste Management Division
Region IV

This memo further clarifies one of the points of agreement set out in my memo to you of March 18, 1988, regarding Region IV's proposal to use ERC's contracts for speeding up remedial projects. The Office of General Counsel (OGC) has expressed a concern that the requirement for entering into a State Superfund Contract (SSC) before implementing a remedy at these sites is not specific enough in the March 18 memo.

States must provide the CERCLA Section 104(c)(3) assurances for cost-sharing, operation and maintenance (O&M), and off-site disposal, in the form of a signed SSC. As usual, the State must assure payment of 50% of all response costs at publicly operated sites and 10% of all remedial action costs at privately operated sites. The SSC must also commit the State to responsibility for implementing and funding O&M for the remedy. The SSC must include a payment schedule for the State's share of the costs, in cash only, since payment in kind is not permitted for Federal actions.

Questions should be addressed to Tim Fields in the Emergency Response Division (FTS-475-8720) or Paul Nadeau in the Hazardous Site Control Division (FTS-382-4632).

cc: Director, Waste Management Division
Regions I, V, VII, VIII
Director, Emergency and Remedial Response Division, Region II
Director, Hazardous Waste Management Division
Regions III, VI
Director, Toxic and Waste Management Division, Region IX
Director, Hazardous Waste Division, Region X



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

MAR 18 1988

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

MEMORANDUM

SUBJECT: Region IV's Proposal to Use Removal Authorities
for Speeding up Remedial Projects

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

TO: Pat Tobin, Director
Waste Management Division
Region IV

This memo contains the points of agreement reached in our February 24, 1988, meeting on Region IV's proposal to use removal authorities to speed up remedial projects at seven NPL sites. While the agreement detailed in this memo was reached in the context of the specific sites discussed, it can be generally applied by all Regions. Therefore, I am also sending a copy to appropriate Regional Division Directors for their consideration.

The principal point of agreement is the purpose served in supporting the Region's initiative. The purpose as we discussed, is to get NPL sites cleaned up, doing so more quickly and at a lower cost than would be the case under a remedial project management approach. For the seven sites discussed, it is my understanding that cleanup work will be completed sufficient for NPL deletion. Total project costs and duration are expected to be less, based on adjustments to selected remedies and through use of removal authorities and ERCS contracts.

Specifically, the points below detail our agreement in relation to the following sites:

1. Distler Brickyard, KY
2. Distler Farm, KY
3. Geiger, SC
4. Independent Nail, SC
5. Palmetto Wood, SC
6. Tower Chemical, FL
7. Zellwood, FL

(A). All seven sites are NPL sites with money for remedial design or remedial action provided for in the FY 1988 SCAP. No additional money is being sought by the Region. Budgeted FY 1988 money will be redistributed across sites to pay the complete cleanup costs of all seven.

(B). The enforcement moratorium for these sites has expired; and a ROD has been signed for each.

(C). Where more current information will lead to a significant change in the selected remedy for a site, the Region will amend its ROD following the steps outlined in the Draft ROD Guidance Manual (OSWER Directive 9355.302).

(D). Each site meets both remedial and removal action criteria. ERCS contracts will be used with all removal requirements being met, including preparing an action memorandum and obtaining any necessary exemption waiver. Remedial dollars, activity codes, and account numbers will be used to fund the actions; and the appropriate audit trail provided by my office will be followed by the Region.

(E). As is the case with all remedial projects, State cost sharing is required for these site actions. The Region will include assurances for cost sharing in contracts signed with the States involved.

(F). The Region will make sure O & M responsibilities are clear and resolved for each site.

(G). Once cleanup work under this initiative is completed, it is expected that the criteria for NPL deletion will be met and the Region will quickly proceed with a formal deletion action.

(H). An eighth site, SAPP Battery, FL, also meeting these terms, with a potential cleanup cost in the \$4 million range will be done in two stages. Stage one will stockpile contaminated material using removal authorities and contracts. Stage two, solidification, will be competitively bid due to its multi-million dollar cost.

In addition to this agreement, we are developing a generic approach to support taking early actions at NPL sites. The approach will touch on both Removal and Remedial program policies. You soon will be receiving a separate OSWER directives, signed by the Assistant Administrator, a policy statement on Removal Program Priorities, and a policy statement on Interim Actions under the Remedial Program.

cc: Waste Management Division Directors, Regions I-III, V-X
Environmental Service Division Directors, Regions I, VI, VIII
Gene Lucero



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

DEC 9 1988

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

MEMORANDUM

SUBJECT: Statement of Policy: Requirements for Using
Removal Authorities for Speeding Up Remedial
Projects (OSWER Directive 9355.0-25)

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

TO: Directors, Waste Management Division, Regions I, IV,
V, VII and VIII
Director, Emergency and Remedial Response Division,
Region II
Director, Air and Waste Management Division, Region II
Directors, Hazardous Waste Management Division,
Regions III and VI
Director, Toxic Waste Management Division, Region IX
Director, Hazardous Waste Division, Region X

In accordance with OERR's FY-89 emphasis on identification and codification of Superfund policies through the use of the OSWER Directives system, this memorandum reissues two previously distributed documents under the above directive number. Taken together, they articulate the policy for utilizing removal authorities in speeding up remedial projects. The policy was developed as a result of an agreement reached with Region IV in March of 1988, and further clarified by an Office of General Counsel (OGC) opinion transmitted to Region IV in my memorandum dated July 11, 1988.

Questions with respect to the policy should be directed to Tim Fields in the Emergency Response Division (FTS-475-8720) or Russ Wyer in the Hazardous Site Control Division (FTS-382-4632). Questions with respect to the directives system should be referred to Betti VanEpps, Office of Program Management, Policy and Analysis Staff (FTS-475-8864).

Attachments

cc: Regional Branch Chiefs
Walt Kovalick
Jim Vickery