



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

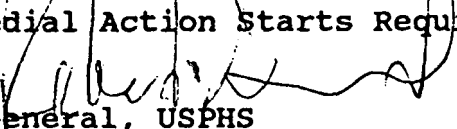
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OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

OSWER Directive 9355.0-24A

MEMORANDUM

SUBJECT: The SARA "200" Remedial Action Starts Requirement

FROM: Richard J. Guimond 
Assistant Surgeon General, USPHS
Deputy Assistant Administrator

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, IX
Director, Hazardous Waste Division
Region X
Director, Environmental Services Division
Regions I, VI, VII, X

PURPOSE

This memorandum notifies you of a modification to the method of tracking the SARA "200" remedial action first starts.

BACKGROUND

Section 116(e) of the Comprehensive Environmental Response, Compensation, and Liability Act required EPA to assure that "substantial and continuous physical on-site remedial action" commences at a rate not fewer than:

- (1) 175 facilities during the first 36 month period after enactment of SARA (through October 17, 1989); and
- (2) 200 additional facilities during the following 24 month period after such 36 month period (through October 17, 1991).

OSWER Directive 9355.0-24, dated December 28, 1987, selected the remedial action contract award date as the measure of accomplishment for commencement of physical on-site remedial action. This date was selected as a readily identifiable point with written documentation (contract signatures) for a remedial action start. The award is the date that the contracting party enters into a contract to initiate substantial and continuous clean-up activities. This date was used consistently throughout the tracking period and was the basis upon which we reported completion of the initial 175 RA first starts.

In a memorandum dated July 18, 1991, the Director, Office of Emergency and Remedial Response, established criteria to assist the Regions in selecting sites as first start accomplishments. (For example, "substantial and continuous" physical activity was defined as an action that typically represents an operable unit leading to final site clean-up.) Regions were asked to verify in subsequent memoranda that sites reported as first starts complied with the criteria set out in that memorandum. This written verification (site summaries) included the date that the contractor mobilized on-site to commence substantial and continuous activity (although only contract award dates were officially reported).

Based on a review of the policies relating to the first start mandate, the Agency believes that the verification that the contractor has mobilized is the best indicator of progress towards meeting the mandate. Therefore, we are modifying the method of tracking to address this issue. We will no longer use the contract award date alone to measure first start accomplishments.

OBJECTIVE

Our objective is to modify the measure for tracking the 200 RA first starts target from a contract award date to the date the contractor mobilizes on-site to commence substantial and continuous physical remedial activity.

IMPLEMENTATION

Before a site can be counted as a 200 RA start accomplishment, the Regions must report the date that the contractor mobilizes on site to commence substantial and continuous physical remedial activity. The method of reporting this date will be through the use of an existing CERCLIS subevent, "RA On-Site Construction," (C3101-RA) which is defined as the following:

"The date the PRP or contractor mobilizes to start construction. This field represents a subevent to RA."

Regions are currently reporting this date through the site summary verification process. In the interest of ensuring consistency, we are adding an additional documentation requirement to the WasteLAN data element dictionary. This will affect all sites where this field is used as a means of reporting information through the CERCLIS database (not only first starts). The Regions should include, at a minimum, a memorandum in the site file stating when the contractor mobilized on site to commence substantial and continuous remedial activity. A copy of a report of mobilization from the contracting party is also acceptable. The CERCLIS and WasteLAN Data Element Dictionary will be updated to reflect this new reporting requirement.

All sites where a first contract was awarded on or before October 17, 1991 have already been counted and reported as first start achievements (for the 200 first RA start deadline) under our previous tracking efforts. Summaries were completed and verified by Regional Officials for each of these sites.

Because we are continuing to track our progress towards meeting the mandate, site summaries will be distributed for regional verification as an ongoing process. My staff will be collecting these summaries on a quarterly basis to assist them in the preparation of a yearly status report.

If you have any questions, please contact Jo Ann Griffith, of my staff, at (703) 603-8774.

cc: Lisa Friedman, LE-132S