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TITLE: Guidance for Proposed National Priorities List
Update #3

APPROVAL DATE: December 10, 1984

EFFECTIVE DATE: December 10, 1984

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

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OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE
OSWER Directive 9320.3-4

MEMORANDUM

SUBJECT: Guidance for Proposed NPL Update #3 - February 1985

Lee M. Thomas
Lee M. Thomas
Assistant Administrator

TO: Regional Administrators
Regions I-X

Introduction

The Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) requires that the National Priorities List (NPL) be updated at least annually. Most recently, EPA published NPL Update #2 proposal in the Federal Register on October 15, 1984. The next proposed update to the NPL, Update #3, is scheduled for February 1985. The purpose of this memorandum is to discuss the schedule and scope of the next update.

Following the October 1984 proposal of Update #2, Regional Superfund managers and staff met in Washington to discuss various options for increasing the frequency of updating the NPL and procedures to improve the process. Although a complete analysis of the issues discussed at this meeting has not been completed, we believe that there is sufficient demand in the Regional programs to justify a third proposed update to the NPL as early as February 1985. A proposed fourth update is currently being planned for June 1985.

Scope of Update #3

The purpose of proposed Update #3 is to allow Regions to submit sites that were not completed in time for inclusion in the Update #2 proposed rule in October 1984. Because of the short

schedule and limited Regional, Headquarters, and quality assurance (QA) resources, we expect to have a limited number of sites (50-75 nationwide) submitted for Update #3. We expect a much larger number of sites to be submitted for proposed Update #4 in June of 1985.

Eligibility

In order to assure our mutual awareness of sites entered into the QA process, we are requesting that sites (including Federal facilities) which have passed Regional quality control (QC) be transmitted by the Regional Division Director prior to the initiation of the Headquarters QA review. Sites that have previously been submitted for QA for earlier NPL proposals must also be resubmitted by the Regional Division Director. Prior to proposed rule-making, Headquarters will provide to the Regional Division Directors a list of sites that have passed QA and considered eligible for proposed Update #3. This list should be reviewed by you and then transmitted under your signature to me.

Because of the short time frame, we will limit our consideration for Update #3 to classic NPL industrial waste sites as opposed to sites for which complex policy issues have yet to be resolved. Such sites may be considered in following updates when more time is available to resolve issues or develop appropriate policies for NPL listing.

Categories of sites that will not be considered for listing on proposed Update #3 are RCRA sites (non-regulated units associated with active RCRA facilities) and sites where releases occurred as a result of the application of pesticides registered under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA). The policy which permitted the listing of RCRA facilities is currently under review following the recent RCRA reauthorization. The Agency intends to discuss the various options regarding the existing RCRA sites on the NPL as well as the listing of additional RCRA sites in a Federal Register notice and seek public comment on the various proposals.

The proposed listing of six Hawaii pesticide sites in the October 1984 NPL Update #2 represented a new category of sites for inclusion on the NPL. As discussed in the preamble to Update #2 (49 FR 40320, October 15, 1984), the Agency is currently seeking public comment on the appropriateness of listing such FIFRA sites on the NPL. Therefore, the Agency will not consider listing any such sites for the Update #3 proposed rulemaking.

Schedule

Sites that have passed Regional QC review and transmitted by the Regional Division Director must be submitted to Harold Snyder, Chief, Discovery and Investigation Branch by December 31, 1984, in order to be eligible for QA review. Because of the resource requirements of responding to comments on proposed Update #2, the QA resource for Update #3 will be limited. Regions are strongly encouraged to submit only well prepared, completely documented HRS packages prior to the December 31, 1984, deadline. Sites which fail QA and are not corrected by the Regions in time for a second QA review, and sites submitted beyond the resources available for QA will not be considered for Update #3. Such sites may be resubmitted for proposed Update #4, which is currently planned for June 1985.

- December 31 - Deadline for HRS package submissions
- January 27 - QA Ends. Deadline for completed HRS packages
- February 3 - Regional Division Director receives list of eligible sites
- February 10 - Regional Administrator transmits memo to AA, OSWER, recommending sites
- February 15 - Start Agency-wide Red Border & OMB review

An HRS package will not be considered for proposed rule-making until QA is complete, all appropriate HRS documents have been received, and a site narrative summary has been approved by Headquarters. In order to streamline the narrative summary process, we recommend the following:

- 1) Use the attached outline for narrative summaries to ensure that the information is complete and consistent across all sites. If Regional staff has any questions regarding the narrative summaries, they should contact Irene Kiefer (FTS-382-3335).
- 2) Commit enforcement personnel from the Office of Regional Counsel to review each narrative to ensure that no enforcement confidential information is included.

I believe that proposing additional sites by the end of February 1985 will help alleviate the pressures you may now have to propose additional sites. We can meet this goal only if we work closely together to focus on a limited number of sites which have high quality and complete HRS packages and stay within the dates indicated in this memo. We appreciate your hard work on previous NPL proposals and look forward to your assistance on this one. If you have any questions, please contact Scott Parrish (FTS 475-8103).

Attachments