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OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

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OSWER Directive 9203.1-06

MEMORANDUM

SUBJECT: Guidance on Setting Priorities for NPL Candidate Sites

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

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

PURPOSE

The purpose of this directive is to transmit interim final guidance on "Setting Priorities for NPL Candidate Sites" for use in Superfund site assessment.

BACKGROUND

Many of the regions have substantial backlogs of sites for which site inspections (SIs) have been completed. Each of these sites needs additional staff work to support a decision to list the site on the NPL or to refer the site to the State or other authorities for appropriate action.

OBJECTIVE

All participants in the Superfund program should set priorities for National Priorities List (NPL) candidate sites in a consistent manner. Proper use of the guidance will help to achieve this goal. The Superfund Accelerated Cleanup Model Regional Decision Team (SACM RDT) can help set priorities and ensure technical quality.

IMPLEMENTATION

Superfund site assessment personnel should immediately begin incorporating this priority-setting guidance into ongoing operations.

If you need further information on priority setting, contact the Hazardous Site Evaluation Division, Barbara Vandermer at FTS 703-603-8812 or David Ouderkirk at FTS 703-603-8721.

Attachment

The project's long-term objective is for each Region to possess the expertise they need to implement the manual at their municipal landfill sites. This goal will be achieved partially through the participation of those RPMs who have agreed to work with the team at their sites. Upon completion of the scoping meeting, these RPMs will possess a working knowledge of the manual, and will be able to provide the necessary expertise to implement the manual at future sites in their Regions. To date, RPMs from Regions 1, 4, 5, and 9 have agreed to fulfill this role.

I would like to take this opportunity to invite Regions 2, 3, 6, 7, 8, and 10 to participate in the project, and ask that you identify one or two interested RPMs to attend and observe one of the two-day site visits. While a significant number of municipal landfill RI/FS starts may not occur in these Regions, it is important for these Regions to know and understand the streamlining methods identified in the manual. In addition, those individuals who participate will be in a position to assist in streamlining any future municipal landfill RI/FS's, should they occur. Regional travel is being funded by the Superfund Revitalization Team.

Potential products to be developed by the project team include an analysis of time and money saved as a result of streamlining the RI/FS for the candidate sites, and a fact-sheet on lessons learned to assist RPMs in scoping upcoming municipal landfill RI/FS's.

Finally, attached for your information is a bulletin developed to report Superfund's progress under the presumptive remedies initiative. This bulletin briefly explains the rationale for using presumptive remedies, and describes the municipal landfill pilot project.

Contact

Please provide the information requested to Andrea McLaughlin, Hazardous Site Control Division, FTS 678-8365 or 703-308-8365 by May 4, 1992.

Addressees: Waste Management Division Director
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cc: Rich Guimond
Tim Fields
Bruce Diamond
Ed Hathaway, Region 1
Brian Ullensvang, Region 9
Mary Beth Novy, Region 5
Terry Tanner, Region 4
Karla Johnson, Region 5
Tony Best, Region 4

Attachment

SETTING PRIORITIES FOR NPL CANDIDATE SITES

PURPOSE

This guidance document identifies factors that will help EPA regions decide the order in which they should consider sites with completed site inspections (SIs) for inclusion on the National Priorities List (NPL) pursuant to section 105(a)(8)(B) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). Stressing risk-based decisionmaking, this guidance should be used as a tool to increase the consistency of the process for setting priorities, conserve program resources, and advance Superfund's worst-sites-first policy. Regions should use the factors in this directive to determine which sites receive the most expedited consideration for early action or NPL listing, not to remove sites from further consideration altogether.

This directive is intended to be used on sites with newly completed SIs and older sites for which no decision on priority has been made. The guidance does not recommend that regions reconsider earlier priority determinations on sites in their backlogs, although they may choose to do so.

The procedures set forth in this document are intended as guidance to employees of EPA, States, and other government agencies. EPA officials may decide whether or not to follow the guidance based on analysis of specific site circumstances. EPA may modify this guidance at any time without public notice. This guidance does not constitute EPA rulemaking and cannot be relied on to create any rights enforceable by any party in litigation with the United States.

BACKGROUND

Many of the regions have substantial backlogs of sites for which SIs have been completed. Each of these sites needs additional staff work to support a decision to list the site on the NPL or to refer the site to the State, CERCLA early-action authorities, or other authorities as appropriate.

GUIDELINES FOR SETTING PRIORITIES

Each region should use the following two-step process to establish the relative priority of sites. The process is designed to make site priority evaluations quick and simple; decisions should require no more information than is routinely included in site inspection reports. To avoid duplicative efforts, site priority decisions should not be reassessed unless significant new information becomes available.

Step 1: Consider General Factors

For each site assigned a projected Hazard Ranking System (HRS) score at or above 28.5, regions should consider the general factors discussed below. However, these factors do not constitute an exhaustive list; regions have the flexibility to consider additional factors they deem appropriate.

Hazard Ranking System Score. The projected HRS score may provide one measure of a site's risk. In evaluating sites under the HRS, regions should ordinarily project the score based on evaluating each site's most significant pathways. Once a projected HRS score (developed from the SI worksheet or PRescore) at or above 28.5 is determined, regions should consider whether there are risks not reflected in the projected score.

Environmental Factors. Although most of the following factors will have been considered when determining the projected HRS score, they should also be evaluated qualitatively for both scored and unscored pathways to the extent that appropriate data are available in the SI report. Regional staff should evaluate any unscored pathways subjectively by using their best professional judgement.

- Has an observed release been documented? Has Level 1 (exposure to humans or sensitive environments above a health-based or ecological benchmark) or 2 (exposure below benchmarks) contamination been documented? Has the site caused the closure of a drinking water supply?
- How far is the target population from the site sources? Is the population potentially or actually exposed under current land use conditions (both onsite and offsite)? What is the likelihood that exposure has occurred?
- Has the Agency for Toxic Substances and Disease Registry (ATSDR) issued a health advisory? Is it planning to?
- What are the risks associated with contaminants found in air, soil, ground water, and surface water? Are the hazardous substances, pollutants, or contaminants at the site highly toxic? Are large quantities of these substances present?
- What is the effect of any removal/remedial work at the site? Are conditions deteriorating? Is contamination spreading? What effect will the delay of any remedial action have at the site?

- Are hazardous substances, pollutants, or contaminants at the site mobile? If so, how mobile? Are any containment features in place to mitigate risks? If so, how effective are they? Are these substances likely to be released in the future?
- Are any nearby sensitive environments or endangered species threatened? How fragile or how important is the sensitive environment? How far is it from the site sources? Are major impacts likely?

CERCLA Removal Actions. Are EPA removal actions complete, underway, or scheduled? Will proposed or ongoing EPA removal actions significantly reduce risks?

Other Regulatory Involvement. Is the site being addressed by some other authority?

- Is there active State or non-CERCLA Federal response action complete, ongoing, or scheduled at the site? Will all pathways of concern be evaluated? Are resources adequate to address the site?
- Is the site subject to regulation pursuant to Subtitle C of the Resource Conservation and Recovery Act (RCRA)? If the RCRA deferral policy is applicable, the site should not receive further consideration for placement on the NPL. If RCRA deferral is not appropriate, any complete, ongoing, or scheduled response action taken under RCRA should be considered in priority setting.
- Are other regulatory agencies, such as local and county health departments, undertaking response action at the site? Can they provide adequate oversight? Is such action likely to continue?

PRP Response Actions. Has the potentially responsible party (PRP) completed, scheduled, or undertaken response action at the site? Is such action likely to continue?

Degree of Public Concern. Has the State recommended this site for the NPL pursuant to CERCLA 105(a)(8)(B)? Is there community interest in the site? Are community groups aware of plans for characterization/remediation, and do they approve? Is there congressional interest?

Step 2: Designate Priorities

After evaluating the general factors listed above, each region should divide its candidate NPL sites into high or low priority. Particular factors should be considered in making this determination:

High priority generally should be given to any site:

- where people are currently exposed to hazardous substances, pollutants, or contaminants;
- where actual contamination has been documented, especially at or above a health-based benchmark;
- where a large potentially affected target population is nearby;
- where contamination to a sensitive environment or fishery has been documented;
- where the State has recommended the site be listed on the NPL pursuant to CERCLA 105(a)(8)(B); or
- where the ATSDR has issued a health advisory or is planning to.

However, in considering the totality of circumstances consistent with the worst-sites-first policy, regions may determine that a particular site may not merit high priority. Such a situation might occur when significant response actions are being undertaken at a site by the State, other governmental authority, or a PRP.

Low priority generally should be given to all sites not exhibiting any of the above factors. Once again, however, after viewing the totality of factors present, regions may conclude that a given site having none of these factors should nonetheless be assigned high priority.

Within each category, priorities should be set consistent with EPA's worst-sites-first policy. This guidance does not present specific factors for determining which of several sites should be addressed first within each category. Guidance may be provided in the future if appropriate.

PEER REVIEW PROCESS

To help set priorities as well as to ensure technical quality, the Superfund Accelerated Cleanup Model (SACM) Regional Decision Team (RDT) may opt to use some form of peer review process. Peer reviews can be an important step in ensuring technical accuracy and promoting consistency. In addition to site assessment staff, the peer review group could include program management staff, remedial project managers, onscene coordinators, technical staff (e.g., chemist, hydrogeologist, toxicologist), and possibly representatives of non-Superfund EPA

programs such as air, water, and toxic substances. Regions may tailor these suggestions to their own needs or choose not to implement peer review.

DOCUMENTATION

Regions should informally document the factors which determined each site's priority. This record should not be made public. The Freedom of Information Act (FOIA) exempts from mandatory release preliminary documents reflecting the Agency's deliberative processes [5 USC 552(b)(5)].