



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

MAR 21 2005

OFFICE OF
SOLID WASTE AND EMERGENCY RESPONSE

OSWER 9220.0-27

MEMORANDUM

SUBJECT: National Remedy Review Board Criteria Revision

FROM: Michael B. Cook, Director
Office of Superfund Remediation and Technology Innovation
James E. Woolford
James E. Woolford, Director
Federal Facilities Restoration and Reuse Office

TO: Superfund National Policy Managers, Regions 1-10

Purpose:

The purpose of this memorandum is to notify you of changes that are being made to the National Remedy Review Board (NRRB) review threshold. Effective July 1, 2005, the NRRB will review proposed cleanup plans for both National Priorities List (NPL) and non-NPL Superfund sites where costs for the preferred action are estimated to exceed \$25 million (revision from the current \$30 million). Additionally, we are eliminating the seldom invoked criterion where the NRRB reviews proposed remedies that cost more than \$10 million (\$25 million for Department of Energy sites), and are 50 percent more expensive than the least-costly, ARAR compliant, protective alternative.

Other criteria regarding Department of Energy (DOE) sites where radiation is the primary contaminant of concern (\$75 million) and DOE non-time critical removal actions (\$30 million) remain the same. These new changes as well as those that remain the same are reflected in the attached summary. This summary can be found on the internet at www.epa.gov/superfund/programs/nrrb/.

Background:

The Environmental Protection Agency (EPA) established the NRRB in October 1995. The Board's goals are to help control remedy costs and promote both consistent and cost-effective decisions at Superfund sites, including those at federal facilities. When the Board was conceived as part of the 1995 Administrative Reforms, the criteria were adopted based on a number of factors, including the workload. At that time, a goal to review approximately 10% of the decisions was set which resulted in the criteria established above. It was expected that 12 to 16 reviews would be conducted in a year.

Over the last several years, the number of reviews has declined, thus falling below our 10% goal. Between the period of fiscal years 2002 through 2004, approximately 370 decision

documents were signed, but only 15 sites were brought before the Board. This coupled with our increasing demands on funding, suggested that the time has come to readjust our review criteria. From its inception, we anticipated the need that the NRRB review criteria would be adjusted as necessary to assure that it could balance the resources required to conduct robust evaluations and the significant benefits that accrue from them. We anticipate that these changes to the review criteria will simplify the process and contribute to an efficient administration of the Board's resources.

Implementation:

Effective July 1, 2005, the NRRB will review all **proposed** Superfund cleanup decisions¹ that are estimated to cost more than \$25 million (except for DOE sites as stated above). Regional NRRB members should work with their respective site managers to bring eligible sites through the review process. Additionally, we encourage the Regions to consider coming to the NRRB as resources allow, with other sites that may not meet the review threshold but may benefit from the Board's expertise.

Although advisory in nature, we expect the Board's recommendations to be given careful consideration by the Regions. Therefore, we request that the Region's response to the NRRB's recommendations be submitted to the Chair of the NRRB prior to finalizing decision documents. The Region's response will be reviewed by Headquarters. It is not anticipated that every NRRB recommendation be adopted, but the Region should be able to technically justify their responses. Satisfactory resolution of any outstanding issues for fund lead sites will be a prerequisite before any remedial action funding recommendations are finalized.

Finally, there has been a change in the leadership of the NRRB. Bruce Means of the Office of Superfund and Technology Innovation (OSRTI) has chaired the Board since its inception with assistance from Rich Norris and was instrumental in crafting the Board's procedures and policies. Under his leadership, he made the Board an effective tool in improving our overall Superfund program. With our reorganization this year, Bruce has moved on to serve as the Chief of OSRTI's Analytical Operations Branch and Rich has since become a Board member. Jo Ann Griffith, who has been serving as acting chair for this past year and is currently Chief of OSRTI's Science Policy Branch will continue on as the Chair. She is being assisted by Emily Johnson and Leah Evison. They continue to work together to ensure a smooth transition.

In closing, the NRRB has significantly improved both the consistency and cost effectiveness of our cleanup decisions over the past eight years. This reform's success is not just the result of the hard work of those who staff the Board, but of the site managers and regional management who develop our program's cleanup remedies. We appreciate these efforts and look forward to your continued support in NRRB reviews as we move to adjust the review criteria.

If you have any further questions, please contact Ms. Jo Ann Griffith at (703) 603-8774. She can also be reached at griffith.joann@epa.gov.

Attachment: National Remedy Review Board Criteria (effective July 1, 2005)

¹This criterion covers both NPL and non-NPL (Superfund alternative sites) remedial actions regardless of the management lead as well as non-time critical removal actions at sites other than federal facilities.

cc: Eric Steinhaus, EPA Region 8, Superfund Lead Region Coordinator
NARPM Co-Chairs
OSRTI Managers
Debbie Dietrich, OEM
Matt Hale, OSW
Cliff Rothenstein, OUST
Linda Garczynski, OBCR
Susan Bromm, OSRE
Scott Sherman, OGC
Earl Salo, OGC
John Michaud, OGC
Joanna Gibson, OSRTI Documents Coordinator

National Remedy Review Board Review Criteria

(Effective Date: July 1, 2005; as found in OSWER Directive 9220.27)

The National Remedy Review Board (NRRB) will review all proposed interim and final Superfund response decisions at both NPL and non-NPL (including "Superfund Alternative") sites for which:

- The proposed remedial action costs more than \$25 million; or
- The proposed non-time critical removal action (NTCRA) other than Federal Facilities is estimated to cost more than \$25 million; or
- These are the following post Proposed Plan Changes:
 - The Region selects a different alternative (after the release of the Proposed Plan for public comment) that costs more than 20% from the original proposal **and** these costs trigger review criteria. The Board will review the new proposal even if the earlier proposed action had undergone Board review.
 - The Region develops a new alternative that was not evaluated in the Proposed Plan and the costs of the new alternative would trigger a review, then the Region will present the new alternative to the Board.
 - The Board may review (at regional discretion) sites where the proposed action's original cost estimate increases more than 20% after issuance of the Proposed Plan due to updated cost information or **minor** changes to the alternative and those changes trigger review criteria.

Federal Facility Sites (other than the Department of Energy)

- Federal Facility sites (including Formerly Utilized Sites Remedial Action Program-FUSRAP) follow the same review criteria above with the exception of NTCRAs. Federal Facility NTCRAs do not undergo Board review unless requested by the Federal Facility.

Department of Energy Sites (DOE)

- The NRRB will review sites where the primary contaminant is radioactive waste and the proposed remedial action costs more than \$75 million; or
- The NRRB will review NTCRAs at NPL sites that exceed \$30 million for primarily radioactive waste; (Per joint DOE/EPA Memorandum dated October 5, 1998, which can be found at www.epa.gov/superfund/programs/nrrb/).

Decisions at Base Realignment and Closure sites do not undergo Board review.