



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

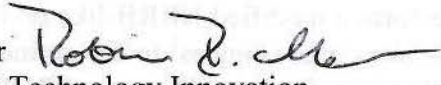
OFFICE OF
SOLID WASTE AND
EMERGENCY RESPONSE

SEP 04 2014

OSWER Directive 9285.6-21

MEMORANDUM

SUBJECT: National Remedy Review Board Criteria Revision and Operational Changes

FROM: Robin H. Richardson, Acting Director 
Office of Superfund Remediation and Technology Innovation

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 and other operational changes. Effective October 1, 2014, the NRRB will pilot a change to the dollar threshold for requiring a review of a Superfund response action. Currently Superfund response actions costing greater than \$25 million are subject to NRRB review. The pilot, as developed by Superfund regional staff, will increase that cost trigger to \$50 million and implement a regional remedy review process to evaluate response actions costing between \$25 million and \$50 million. The increase to \$50 million reflects inflation since 1995 and will keep the Board reviewing its target of 10 percent of the non-federal facility response actions each year. The regional remedy review process will ensure that response actions, below the \$50 million threshold, will be reviewed for key considerations and possible referral to the NRRB. This change in dollar threshold and regional remedy review process applies to National Priorities List (NPL) and non-NPL, including Superfund Alternative Agreement, sites.

In addition to the pilot, this memorandum announces three other additional operational changes. All NRRB operational changes made or proposed to date are based on input from the regional Superfund program.

BACKGROUND

The Board was established in 1995 as a Superfund Administrative Reform. It was designed to help control remedy costs and promote both consistent and cost-effective Superfund remedial decisions. The Board consists of senior remedy experts from the regional Superfund program offices and several headquarters offices who consider the risks posed by the site, quality and reasonableness of cost

estimates and ensure sound decision making consistent with Comprehensive Environmental Response, Compensation and Liability Act, the National Contingency Plan, and EPA guidance. The advisory recommendations made by the NRRB and the regional responses are made available to the public on the NRRB's web page.

Since 2011, the Office of Superfund Remediation and Technology Innovation (OSRTI) and the regional Superfund programs have been working on streamlining the NRRB process. As part of the Integrated Cleanup Initiative numerous operational changes have already been put in place, e.g. early consultation, exemption requests and expanded opportunities for stakeholder and potentially responsible party (PRP) input to the NRRB process.

The latest operational change includes a regional remedy review process pilot. Each region will establish a Superfund regional remedy review team (RRRT) for assessing sites with the estimated cost of the most likely response actions costing between \$25 million and \$50 million for possible review by the NRRB. The RRRT will include senior Superfund staff and be independent of the site team. Response actions costing over \$50 million will automatically go for NRRB review.

RRRT's would perform a modified NRRB-like review. The RRRT would also review stakeholder concerns and other site circumstances¹ to determine if a full NRRB review is warranted or recommend to the Superfund Regional Division Director (SRDD) that a full NRRB review is not warranted. The appropriate state and/or tribe would be consulted on the RRRT's review. The SRDD would inform the OSRTI Office Director (OD) of the RRRT process, the rationale for why the site did not warrant NRRB review, and of the state's or tribe's position(s). If the OSRTI OD disagrees with the regional assessment, the response action may nonetheless go for NRRB review.

In addition to this pilot, other operational changes will also be implemented on or before October 1, 2014:

- Reduce the number of non-regional NRRB members
- Select a regional co-chair from the future Superfund lead region²
- Reduce the size of the site information package/revise the contents

IMPLEMENTATION

Effective October 1, 2014, the NRRB will pilot the review of proposed Superfund response actions that are estimated to cost more than \$50 million and the RRRT process. Sites from across all regions that have projected response costs between \$25 million and \$50 million will be part of this RRRT review. The pilot will start at the beginning of 1st quarter FY15 and be re-evaluated in 1st quarter FY16. Adjustments will be made to the process as necessary. A final evaluation of the RRRT process will be done in 1st quarter FY17. Full implementation will be decided by the OSRTI OD in consultation with the SRDDs.

The NRRB will evaluate sites with an estimated cost greater than \$50 million during the two year pilot process unless a region refers a lower cost response action to the NRRB as a result of a RRRT review.

¹ Criteria that may be considered include but are not limited to: heightened congressional, state, tribal, community or PRP interest; novel cleanup approach; national consistency issues; type of media being addressed.

² As of October 1, 2014, the future lead region will be Region 3.

The two year RRRT pilot process will review proposed response actions in the \$25 million to \$50 million cost range.

If you have any further questions, please contact Amy Legare at 703-347-0124. She can also be reached at legare.amy@epa.gov.

cc:

Mathy Stanislaus, OSWER
Nitin Natarajan, OSWER
Barry Breen, OSWER
Reggie Cheatham, OSWER/OEM
Barnes Johnson, OSWER/ORCR
David Lloyd, OSWER/OBLR
Charlotte Bertrand, OSWER/FFRRO
Carolyn Hoskinson, OSWER/OUST
Cyndy Mackey, OECA/OSRE
David Kling, OECA/FFEO
John Michaud, OGC/SWERLO
OSRTI Managers
Superfund Regional Superfund Branch Chiefs, Regions 1-10
Lisa Price, Superfund Lead Region Coordinator, Region 6
NARPM Co-Chairs
Members National Remedy Review Board

