



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

MAY 29 1998

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OSWER 9360.3-20  
PB98-963243

OFFICE OF  
SOLID WASTE AND EMERGENCY RESPONSE

**MEMORANDUM**

**SUBJECT:** Response Actions that Affect Residential or Commercial Structures

**FROM:** Timothy Fields, Jr. /s/  
Acting Assistant Administrator

**TO:** Superfund Program Managers, Regions I-X  
Office of Regional Counsels, Regions I-X

We currently are assembling a team that will focus its attention on the development of a policy on how best to conduct a response action that affects a residential or commercial structure (i.e., the response action may result in significant damage or the need for complete demolition of the structure). As part of this effort, we plan to solicit assistance from all ten Regions in follow-up to the information that was obtained at the June 1997 Residential Cleanup Workshop. Our goal is to issue the policy by September 1999.

We recognize the need for a consistent approach in addressing these types of responses. Therefore, until a final policy is in place, before making any final decisions regarding this aspect of a removal or remedial site response, Regions should contact their OERR Regional Accelerated Response Center, who will coordinate with the Office of Solid Waste and Emergency Response for formal consultation and approval. We anticipate that the consultation and approval requirement will affect a very limited number of sites but the questions raised by several Regions in carrying out these types of responses coupled with recent OIG reports at the methyl parathion sites (E1SFB7-06-0020-7400069; "Results of Assessment of Controls over Emergency Removal Actions at Methyl Parathion Sites") and the Austin Avenue Site (E1SFF7-0300017-8100090; "Replacement Housing at the Austin Avenue Radiation Site," dated March 30, 1998), emphasized the need for EPA to put this Headquarters consultation requirement in place. We also are advising those considering these types of responses that it is our policy not to rebuild residential or commercial structures, except under the rarest of circumstances. Additional details will be fully expanded upon in the final policy.

Regions should use the established consultation and approval procedures described in OSWER Directive 9360.0-19, dated March 3, 1989, "Guidance on Non-NPL Removal Actions Involving Nationally Significant or Precedent Setting Issues and OSWER Directive 9360.0-12,

dated August 12, 1993, "Response Action at Sites with Contamination Inside Buildings" (attached).

We appreciate your assistance on this matter. If you have any questions, please contact Terri Johnson or Jo Ann Griffith, of the Office of Emergency and Remedial Response at (703) 603-8718 and (703) 603-8774, respectively.

Attachment

cc:

Earl Salo, OGC  
Peggy Schwebke, Reg 5  
Steve Herman, OECA