



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

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

July 16, 2004

MEMORANDUM

SUBJECT: Guiding Principles for Incorporating “Ready for Use” into OSWER Waste Cleanup Programs

FROM: Thomas P. Dunne /s/
Acting Assistant Administrator

TO: Regional Administrators
Deputy Regional Administrators
OSWER Office Directors

I am pleased to share with you the Ready for Use Determination Guiding Principles for use by OSWER Cleanup Programs. These Principles are designed to help guide the application of Ready for Use Determinations at hazardous and solid waste sites, including petroleum tank storage sites and federal facilities. Applying the Ready for Use Determinations will be an important step toward eliminating perceived barriers to promote the use of previously contaminated sites. The Ready for Use Determinations will play a significant role in helping us meet revitalization goals. I encourage everyone to work together to apply each of these principles in ways that are most appropriate for your setting.

I would like to thank the Ready for Use Work Group for their collaborative work. These Principles have been developed through an Agency-wide effort that included participation by all OSWER offices, as well as the Regions, OECA and OGC. Because of the work group’s collaborative effort, the attached Principles are consistent with and support the Ready for Reuse Determinations Guidance that the Superfund Program issued in February of this year and the good work of Region 6 and the State of Texas.

RCRA Regional Division Directors

Regional Counsels

Scott Sherman, Associate General Counsel

Susan Bromm, Director, Office of Site Remediation Enforcement

Reuse Coordinators

READY FOR USE DETERMINATIONS: GUIDING PRINCIPLES

1. A Ready for Use Determination is an environmental status report documenting that all or a portion of a property (including a hazardous or solid waste facility, a petroleum storage facility, or a federal facility) with actual, potential or perceived contamination can support specified types of use and remain protective of human health and the environment.

- It should be based on publicly available information and summarize the environmental status of the property.
- Each Ready for Use Determination should clearly state that it provides information based on existing site assessments and/or cleanup decisions and does not constitute a new site assessment or cleanup decision.
- It generally takes the form of a stand-alone cover sheet or letter, along with any necessary referenced supporting materials. The use of references to existing assessment and cleanup documents in the Ready for Use Determination, instead of a detailed presentation, may be a preferred approach in many programs.
- It may be appropriate for all or a part of a property when the overseeing agency has concluded that the land can support a specific type of use or uses, while being protective of human health and the environment. If the conditions reflected in the Ready for Use Determination change or if new information is discovered regarding the condition of the property, it may be appropriate to update the Ready for Use Determination to ensure that it remains accurate.
- It may be appropriate for properties that have not been cleaned up to levels of unrestricted use.
- It is not necessary that the party seeking a Ready for Use Determination intend to redevelop, sell, or transfer the property in order to request a Ready for Use Determination.

2. A Ready for Use Determination is a technical, not a legal, document and does not provide a release from legal liability for any individual or entity or address any enforcement intentions under relevant statutory authorities. A Ready for Use Determination does not convey legal rights or waive any obligations. A clear legal