

National Remedy Review Board Charter

August 2021

NOTICE: This document provides guidance to U.S. Environmental Protection Agency (EPA) regions concerning how the Agency intends to exercise its discretion in implementing one aspect of the Comprehensive Environmental Response, Compensation and Liability Act remedy selection process. This guidance is designed to implement national policy on these issues. Some of the statutory provisions described in this document contain legally binding requirements. However, this document does not substitute for those provisions or regulations, nor is it a regulation itself. Thus, it cannot impose legally binding requirements on EPA, states, or the regulated community, and may not apply to a particular situation based upon the circumstances. Any decisions regarding a particular situation will be made based on the statutes and regulations, and EPA decision-makers retain the discretion to adopt approaches on a case-by-case basis that differ from this guidance where appropriate. Interested parties are free to raise questions and objections about the substance of this guidance and the appropriateness of the application of this guidance to a particular situation, and the Agency welcomes public input on this document at any time. EPA may change this guidance in the future.

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Introduction to the National Remedy Review Board

History

In October 1995, the U.S. Environmental Protection Agency (EPA) Administrator announced a collection of initiatives designed to promote consistent and cost-effective Superfund cleanup decisions. As one of these initiatives, EPA established the National Remedy Review Board (NRRB, the Board) to review proposed select cleanup decisions to help evaluate whether they were consistent with current law, regulations, and Agency policy and guidance.

The Board is a technical and policy review group made up of experienced members with both regional and headquarters perspectives in the Superfund remedy selection process. Since inception of the Board, the reviews have been conducted for sites with upcoming decision documents (record of decision [ROD], record of decision amendment [RODA], non-time critical removal action [NTCRA] memorandum) near the end of the feasibility study (FS) or engineering evaluation/cost analysis (EE/CA) and prior to development of the proposed plan or NTCRA memorandum.

Re-Envisioning

Recommendation 4 of the Superfund Task Force's 2017 report¹ called, in part, for an evaluation of the Board's role. In addition, other Task Force recommendations examined opportunities to reduce project durations, promote adaptive management and interim/early actions and to increase technical support – all aimed at improving the overall efficiency and effectiveness of the remedial response process. As a result, the Office of Superfund Remediation and Technology Innovation (OSRTI) has re-envisioned headquarters/regional engagement throughout the pipeline with a focus on earlier engagement in the remedial investigation/feasibility study (RI/FS) or EE/CA process, including the Board's scope and role.

Summary of Proposed Changes

As envisioned, for remedies at sites subject to this process, the Board Review Team (see below) will convene earlier during the FS scoping stage, or EE/CA scoping stage for NTCRAs, to provide recommendations for upcoming remedy decisions identified through the screening process described below. The FS scoping stage is a critical point for identifying concerns regarding site characterization, human health and ecological risk assessments, proposed remedial/removal action objectives (RAOs), preliminary remediation goals and potential remedial technologies. The Board package will be streamlined to focus on these aspects of the site. The Board Review Team will be positioned to evaluate the remedial investigation (RI) and to provide support to the region

¹ U.S. Environmental Protection Agency. (2017). *Superfund Task Force Recommendations*. Washington, D.C. https://www.epa.gov/sites/production/files/2017-07/documents/superfund_task_force_report.pdf

in developing a comprehensive suite of remedial alternatives. As such, the evaluation is expected to be more beneficial than at the current proposed plan stage.

With earlier engagement, site-specific questions will be identified sooner, which in turn, will facilitate their earlier resolution. As a result, it is anticipated that, following FS scoping, the Board Review Team's involvement will continue but generally will gradually taper. A smaller Advisory Team (see below) will continue to engage with the regional site team through the proposed plan's development. The Board Chair or Vice Chair and the headquarters regional remedy coordinator will provide review of the draft proposed plan and draft ROD, including evaluating consistency with the Board's recommendations.

The Office of Superfund Remediation and Technology Innovation and the Federal Facilities Restoration and Reuse Office (FFRRO) will meet with the Office of Land and Emergency Management (OLEM) Assistant Administrator semiannually to discuss Board business including, but not limited to, Board activities, recommendations and regional responses to Board recommendations. This charter may be modified as needed.

National Remedy Review Board Mission

The NRRB's primary mission is to ensure national consistency in remedy selection at selected sites. The Board assists the regions in operating in a nationally consistent manner in compliance with the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), and applicable Agency guidance. The Board will advise and evaluate ongoing, selected sites' regional technical work during the FS' scoping stage for response decisions (RODs, RODAs, NTCRA memoranda and select explanations of significant difference [ESDs]). This work will focus on the:

- Overall site management/response strategy;
- Evaluation and data necessary to support nationally consistent remedy selection;
- and
- Range of alternatives that should be considered.

National Remedy Review Board Membership

The Board membership will include the Board Chair, a regional Board Vice Chair, a FFRRO representative (selected by FFRRO management), a representative from each region (generally Branch Chiefs or equivalent seniority/experience), ad hoc scientific/technical experts (e.g., Office of Research and Development (ORD)/OSRTI's Technical Innovation and Field Services Division/expert groups), and representatives from both the Office of General Counsel (OGC) and the Office of Site Remediation Enforcement (OSRE). The Board Chair will maintain a list of Board members, both standing and ad hoc, and their areas of expertise. Regions will nominate their Board representative for terms of up to three years. Advisory Team members are expected to follow a site through the detailed alternatives analysis. Members may be nominated for

multiple terms, though rotating membership is encouraged. Regional Board members should be senior agency managers, policy experts or technical experts. Scientific/technical expert groups, such as the ORD, CSTAG, hydrologists, remediation engineers, mining experts, risk assessors, radiation experts, etc., will continue to be brought into the Board Review Team as appropriate to provide a comprehensive, focused review process. Board members are expected to travel approximately three times annually (approximately two Board Review Team meetings and one NRRB or NRRB/CSTAG meeting).

The Agency anticipates that CSTAG will identify Tier 2 (large, complex, or controversial sites)² sediment sites. The CSTAG will be the review board for the contaminated sediment portions of Tier 2 sites and may invite the NRRB Chair and/or designated NRRB member(s), as appropriate, to provide a policy perspective during the CSTAG reviews. Tier 1 sediment sites³ do not undergo a full CSTAG review. Per the 2002 Principles memo, the RPM consults with the OSRTI regional coordinator and CSTAG Chair on the Tier 1 sediment action. Tier 1 sites identified through the process below for early technical engagement will go through the NRRB process. For continuity and coordination, the CSTAG chair and/or designated CSTAG member(s) will attend the NRRB meeting(s), serving as the NRRB's sediment expert(s).

The Board Vice Chair will be identified through a regional Board member self-nomination process. Should multiple members be interested, the Board Chair, OSRTI's Assessment and Remediation Division (ARD) Director, and up to three Regional Superfund and Emergency Management Division Directors will conduct interviews to select a Vice Chair for a term of up to three years.

Board Review Team Membership

The Board Review Team will be a subset of the full Board membership and will generally include the Board Chair or Vice Chair, the headquarters regional coordinator, a risk assessor, one legal representative, an appropriate mix of scientific/technical experts and/or regional members with significant expertise, experience, and skill in the relevant area. Regional members and scientific/technical experts could be based on a certain site type (e.g., contaminated groundwater in a karst geology, mining, sediments, etc.) or technology type (e.g., in situ stabilization, self-sustaining treatment for active remediation ["STAR"] technology, etc.), contaminant type (e.g., PCBs, lead, radiation, etc.) or some other relevant skill mix. The headquarters regional coordinator will be a Board Review Team member and will participate in site-specific Board meetings as well as engage with

² Principles for Managing Contaminated Sediment Risks at Hazardous Waste Sites. Feb. 2002 (<https://semspub.epa.gov/work/HQ/174512.pdf>)

³ Tier 1 sites are sites that include a proposed sediment action which, in combination with other sediment actions at a site, would result in dredging more than 10,000 cubic yards or capping or using monitored natural recovery as a remedy for more than five acres, calculated on a site-wide basis. (Remediating Contaminated Sediment Sites - Clarification of Several Key Remedial Investigation/Feasibility Study and Risk Management Recommendations and Updated Contaminated Sediment Technical Advisory Group Operating Procedures. Jan 2017) (<https://semspub.epa.gov/work/HQ/196834.pdf>)

the region through their regional coordination role throughout the remedy development and selection process.

The Board Chair will select the Board Review Team based on site characteristics, skill set, and member availability. The Chair will distribute Board Review Team participation amongst Board members as evenly as possible. Regional Board members may recommend alternative regional managers with relevant experience to be their representative for a specific site. The need for OSRE and/or OGC participation will be determined by the NRRB Chair based upon site needs. Generally, OSRE and OGC representatives' roles will include review of materials submitted to the Board, meeting attendance, discussions, evaluating and advising the Board on enforcement and/or legal concerns, and review of Board recommendations.

Advisory Team Membership

Following the initial Board Review Team's FS scoping review, a smaller Advisory Team will be identified to follow the site through the FS and the proposed plan's development. The Advisory Team will be a subset of the Board Review Team and will include the Board Chair or Vice Chair, the headquarters regional coordinator, up to two regional members, and up to three scientific/technical/legal experts, as needed. The regional members and the scientific/technical/legal experts will be based upon relevant experience/expertise with similar sites/situations. For regional and ad hoc members, it is anticipated that this participation will not exceed 60 hours over the life of the FS (typically one to two years).

Upcoming Remedy Decision Selection

Upcoming remedy decisions to be evaluated by the Board will be selected through the process outlined below. The upcoming remedy selection process no longer relies on a cost threshold, but rather focuses on a collaborative approach between the region, OSRTI and OLEM. Federal Facility upcoming remedies will undergo a selection process led by the FFRRO office (Appendix A). Given the revised upcoming remedy selection process and the inclusion of an offramp from subsequent Board reviews, there should no longer be a need for a Board review exemption process.

Site Selection – Draft Remedial Investigation

The pipeline's draft RI stage is typically the point at which the site has been sufficiently characterized to identify both technical and programmatic complexities. Therefore, as it immediately follows the draft RI stage, the FS scoping stage is an ideal point at which to identify the need for a Board Review.

The site universe will include interim, early and final Superfund response and NTCRA decisions at both National Priorities List (NPL) and non-NPL sites (including Superfund Alternative Approach sites). Early and interim actions often provide supportive

information for future decisions and, therefore, may benefit from Board review. The Board will focus on upcoming response decisions, including RODs, RODAs, and NTCRA memoranda. Generally, the Board will not review ESDs, although exceptions may be made should site-specific circumstances warrant. Should a site management plan call for an early and/or interim action to be followed by a final action, the Board may review the early/interim action and/or the final action(s) dependent upon region/OSRTI selection of each action for Board review during the pipeline's RI phase. Federal Facility sites will be considered for Board review in accordance with Appendix A, Federal Facility Board Process. It is anticipated that the Board will review approximately 10-20 percent of upcoming response decisions, including Federal Facility sites, in the FS stage.

The headquarters regional coordinator will work closely with the site team and with ARD managers to identify upcoming remedy decisions that may warrant review by the Board Review Team. Similarly, the site team should work with the regional management and the NRRB regional member to identify potential Board upcoming remedies. Based on these discussions, the region and ARD managers will identify candidate sites for OSRTI Office Director approval.

Candidate decisions will be selected based on technical and programmatic considerations that would benefit from a broader peer review. Such upcoming remedies may include: emerging contaminants, innovative technologies and decisions subject to new Agency guidance, including Superfund Task Force recommendations related to remedy selection. The following is a suggested set of factors to guide whether a remedy merits attention under this process:

- Technical Considerations
 - Complex Conditions:
 - Hydrogeologic
 - Geochemical
 - Complex and/or Emerging Contaminants
 - Large-Scale Sites
 - Innovative Technologies
- Programmatic Considerations
 - Unique Remedial Action Objectives
 - Adaptive Management
 - Early/Interim Actions
 - Overlapping Regulatory Responsibilities
 - Complex Institutional Controls
 - New Agency Guidance
 - Commonality of Issues Presented

As the draft RI stage nears completion, the region, in consultation with the headquarters regional coordinator, will develop a list of candidate remedy decisions, as described above. The ARD Director and the Superfund Division Director, or their designees, are expected to meet semiannually to identify upcoming remedy decisions for continued staff support and to propose

sites for Board review. If requested, a separate briefing to discuss individual upcoming remedies can be arranged to avoid site delays. The candidate site list will be approved by the OSRTI Office Director or FFRRO Office Director, as appropriate, and shared with the OLEM Assistant Administrator. If a Board review is deemed appropriate, the Board Chair will work with the region to prepare briefing materials and schedule a Board Review at the regional office. The Board Chair is also responsible for ensuring other offices' participation.

Upcoming remedy decisions that are not part of the Board process will continue to receive HQ support through the OSRTI regional coordination processes. This support may involve sampling, technical, and/or policy support to ensure efficient development of a robust conceptual site model and remedy development and selection process.

Board Review Process

Feasibility Study Scoping – Board Review Team Meeting at the Region

The FS scoping stage, or EE/CA scoping stage for NTCRAs, is a critical point for identifying concerns regarding site characterization, risk assessment, proposed RAOs and cleanup levels, and for identifying potential remedial technologies. As such, it is an optimal point for an initial Board Review Team meeting. Ideally, the meeting would take place no earlier than when the RI is near final, the human health and/or ecological risk assessment(s) are final or near final, the RAOs and preliminary remedial goals have been drafted, and prior to the screening of alternatives. It is expected that prior to the Board meeting, the region and OSRTI will collaborate to ensure the updating of the conceptual site model, which will allow the Board Review Team to provide recommendations on the risk assessment, the RAOs and the preliminary remedial goals. A comprehensive conceptual site model will also inform the suite of alternatives to undergo preliminary screening.

Board Review Team Meeting

The Board Review Team is generally expected to devote one to two days with the Regional Site Team as part of the FS scoping exercise. The Regional Site Team will be established by the region but may include the remedial project manager (RPM)/on-scene coordinator (OSC), risk assessor(s), other regional and national technical experts, the community involvement coordinator and the site attorney, with managers included on an as-needed basis. The Regional Site Team is invited to attend all sessions of the Board Review Team meeting. Meeting materials and duration will depend on the scope of site challenges. (Please see Appendix B for a checklist of Remedial Project Manager Responsibilities). During the meeting, a smaller Advisory Team will be identified for future engagement with the Regional Site Team during later stages. The Board Review Team meeting and subsequent Advisory Team meeting will be open for remote attendance by all Board members, but only the Board Review Team or Advisory Team will be responsible for drafting recommendations. This arrangement will facilitate transfer of knowledge and improve national consistency.

The review will focus on the conceptual site model, including site characterization, human health and ecological risk assessments, and RAO and cleanup level development, as well as development of a comprehensive suite of remedial alternatives. The Regional Site Team will provide a summary of each of these topics, issues on which the region would like assistance, and any other appropriate topics, to the Board Review Team no later than two weeks prior to the scheduled Board meeting. Please see Appendix B for additional detail on the topics of discussion and package preparation.

The one- to two-day meeting will consist of individual sessions to discuss:

- Site characterization results,
- Human health/ecological risk assessments results,
- RAO development,
- Cleanup level development,
- Suite of alternatives and
- Other topics, as appropriate.

An optional stakeholder session (see below) may also be scheduled. Finally, a deliberative session will be held to identify recommendations followed by a session to draft recommendations. Each session will include a short presentation, question and answer, and a discussion of any additional data needs to support remedy selection. Deliberations regarding potential recommendations will be held during a separate deliberation's session.

Contractor Role

EPA support contractors often play a key role supporting the regional site team. As a result, support contractors may attend all but the deliberative session. The RPM is expected to lead the presentations and discussions, but support contractors may actively participate in the topical sessions.

State and Tribal Role

For each upcoming remedy decision, the RPM is responsible for inviting appropriate state and tribal representatives to present their overall perspective on the site and to provide input on the scope of the FS, including remedial alternatives and other considerations, such as applicable or relevant and appropriate requirements (ARARs) and preliminary remediation goals. Typically, these representatives do not participate in a deliberative session, which the Board normally limits to EPA personnel.

Stakeholder Role

This revised process does not envision altering existing mechanisms for PRP and stakeholder involvement in the FS, proposed plan or ROD development processes. Stakeholders, such as PRPs and community groups (e.g., technical assistance grant [TAG] recipients, or recognized community advisory groups [CAG] and other involved stakeholder representatives), have a vested interest in the suite of alternatives EPA is considering for implementation. The RPM is

responsible for inviting stakeholders to provide limited written comments (no longer than 10 pages) to the Board for members' consideration.

Optional Stakeholder Session

The RPM, in consultation with the NRRB Chair/co-chair, may offer a virtual stakeholder session, or the Regional Superfund Division Director, in consultation with the OSRTI Office Director, may offer an in-person session at which key stakeholder groups with significant site involvement can make short presentations to the Board. These stakeholder groups may include the lead PRP; the lead trustee; and site CAG, TAG or another involved stakeholder representative. The stakeholders may only attend the stakeholder session.

Recommendations Memo

The Board is expected to provide a set of recommendations (Board memo) to the Regional Superfund Division Director and OSRTI Office Director for their consideration approximately six weeks following the Board meeting. The recommendations will identify technical and programmatic opportunities and limitations with a focus on early issue resolution. The Board should strive to structure their deliverable into a set of recommendations and a set of advisory considerations. The OSRE and/or OGC Board members are expected to review, for potential legal concerns, the draft final product prior to submittal to the Regional Superfund Division Director and OSRTI Office Director. The OSRTI Office Director is expected to review Board recommendations as part of a semiannual meeting with the OLEM Assistant Administrator.

Approximately six weeks after receipt of the Board memo, the Regional Superfund Division Director should provide a written response to the OSRTI Office Director, which addresses implementation of each Board recommendation and those advisory considerations that the region is not adopting. The OSRTI Office Director will review the regional responses to Board recommendations as part of the semiannual Board business meeting with the OLEM Assistant Administrator. While the Board's recommendations are expected to carry substantial weight, other important factors may influence the region's implementation of Board recommendations. Should the Regional Superfund Division Director decide not to implement a Board recommendation, he/she should provide a basis for this decision in the regional response memo. The OSRTI Office Director will then discuss the response with the Superfund Regional Superfund Division Director within approximately two weeks of receiving the region's written response memo. The OSRTI Office Director will report the discussion to the OLEM Assistant Administrator. While it is anticipated that issues can be resolved at this level, disagreements may be raised to higher levels in accordance with the memo entitled "Elevating Site-Specific Superfund Remedy Selection Issues between the Office of Superfund Remediation and Technology Innovation (OSRTI) and Regional Superfund Program Offices" (March 31, 2010, OSWER Directive 9200.3-68). After a decision is made, the region should proceed with the FS and development of alternatives.

Record Keeping

In the case of Board-related materials, OSRTI maintains the Agency records of pertinent Board-issued documents (e.g., operating protocol, charter, etc.). Site-specific information, including Board recommendations and regional responses are kept by the region. The recommendation memo(s), response memo(s), and documentation of issue resolution should be included in the site's administrative record prior to the proposed plan's issuance. The region should notify the NRRB Chair when the documents have been added to the administrative record so they can be linked to the NRRB webpage.

Detailed Alternatives Analysis – Advisory Team Review

The Regional Site Team is expected to tailor the submittal based on the complexity or simplicity of the upcoming decision. Generally, it is suggested the region provide a summary of the remedial alternatives, the detailed alternatives analysis, and the preferred alternative to the Advisory Team for review prior to the initiation of drafting the proposed plan or EE/CA. The region may also conduct a remote presentation/discussion of the detailed alternatives analysis and identification of the preferred alternative. The Advisory Team members, through the Board Chair or Vice Chair, should provide a review of the detailed analysis of alternatives and provide a recommendation memo to the Regional Superfund Division Director and OSRTI Office Director within one month of the summary's receipt. As appropriate, the Advisory Team may recommend the site be removed from future Board reviews. The regional response to the recommendations and issue resolution process should be followed to maintain site progress. The recommendation and responses memos will be included in the site's administrative record.

Draft Proposed Plan – Board Chair or Vice Chair

The Board Chair or Vice Chair and the headquarters regional coordinator will review the draft proposed plan, or draft EE/CA, to assess implementation of Board recommendations and identify any remaining issues. The Board Chair or Vice Chair will determine if the proposed plan should be reviewed by any or all members of the Advisory Team. This review will be conducted in accordance with the remedy regional coordination review schedule (i.e., four-week turnaround). Depending on the significance of the comments, the Board Chair or Vice Chair will either coordinate comments with the headquarters regional coordinator or provide a formal set of recommendations to the Regional Superfund Division Director and OSRTI Office Director, for their consideration. If a formal set of recommendations is provided to the region, the regional response to the recommendations and issue resolution process should be followed prior to the proposed plan's finalization. As appropriate, the Board Chair or Vice Chair may recommend the site be removed from future Board reviews. The recommendation and response memos will be included in the site's administrative record.

Draft Record of Decision – Board Chair or Vice Chair

The Board Chair or Vice Chair and the headquarters regional coordinator will provide a review of the draft ROD, RODA, or draft NTCRA memorandum, and if necessary, work with the region to resolve any remaining issues. If resolution cannot be obtained at the staff level, the Board

Chair or Vice Chair and the headquarters regional coordinator will follow the process outlined in the elevation memo⁴ for management resolution.

Optional Board Consultation

While the upcoming remedy selection process identifies candidate Board sites during the RI, a region may request a Board consultation at any point in the pipeline for any site. Consultations generally consist of a shorter remote meeting on a specific topic guided by the needs of the region rather than the in-depth review of the draft RI and development of remedial alternatives that would occur during a Board review. The Board Chair will select a Board Consultation Team similar to the approach outlined for the Board Review Team above. Two weeks in advance of the meeting, the region should provide a summary of the site-specific issue that is the basis for the consultation request. The site summary should include a site overview, including site conditions and background information on the site-specific topic. During the meeting, the region will present the site and topic to the Board Consultation Team. The presentation will be followed by a question and answer session and a deliberative/discussion session. The Board Consultation Team will provide a meeting summary to the regional site team.

Summary

The revised NRRB process has been designed to address operational challenges and will allow for issue resolution and enhancement of national consistency early in the RI/FS process. The Board's peer review function at the FS scoping stage will provide valuable feedback on the draft RI and assist the region with formulation of the FS. The Board will continue to provide support, as needed, through finalization of the decision document. For additional information please contact NRRB Chair, Christine Poore (poore.christine@epa.gov; 703-603-9022) or Brigid Lowery, Director, Assessment and Remediation Division (lowery.brigitd@epa.gov; 703-603-8752).

⁴ <https://semspub.epa.gov/work/HQ/886038.pdf>

Appendices

Appendix A
Federal Facility Board Process

Overall, the Federal Facilities Board process will follow the private site upcoming remedy decision process. Under Executive Order 12580, the President delegated authority to carry out non-emergency Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) response actions to Other Federal Agencies (OFAs). The OFA is the lead CERCLA agency for Federal Facility sites, while the U.S. Environmental Protection Agency (EPA) is the lead CERCLA oversight agency. The oversight role includes enforcing statutory and regulatory provisions, providing guidance and directions, and providing outreach support. As a result, the OFA prepares the site documents with EPA's review and concurrence and typically the states under a Federal Facility agreement (FFA). The following information provides clarity on Federal Facility-specific needs to supplement the Board process.

Board Review Team and Advisory Team Membership

Given the unique roles and responsibilities between the EPA and our Federal Facility partners, as well as the protocols that govern EPA/Federal Facility interactions, the FFRRO Board representative has an enhanced role in reviewing Federal Facility sites. The FFRRO representative will work in conjunction with the National Remedy Review Board (NRRB) Chair or Vice Chair on selection of the site's Board Review Team and Advisory Team members, coordination with the Regional Site Team on meeting materials and logistics, finalization of recommendation memos, and dispute resolution.

The Board Review Team should include an appropriate mix of scientific/technical experts and/or regional members with significant Federal Facility experience. An EPA Office of Enforcement and Compliance Assurance Federal Facility Enforcement Office (FFEO) or Office of General Counsel (OGC) representative may participate in Federal Facility Board reviews. Similar to the Office of Superfund Remediation and Technology Innovation (OSRTI) process, the Board Review Team will identify a subset of their group to be the Advisory Team.

NRRB Site Selection

The FFRRO Board representative will work closely with the regions to identify candidate Federal Facility sites. A discussion between the Regional Superfund Division Director and the FFRRO Office Director, with input from the OSRTI Office Director, will be employed to select Federal Facility sites for NRRB review. Sites that are not part of the Board process will continue to receive HQ support through the FFRRO remedy decision document review process and other HQ reviews and consultations, as appropriate.

Board Review Process

Feasibility Study Scoping – Board Review Team Meeting at the Region

The Regional Site Team will be established by the region, but may include the OFA site team, the EPA remedial project manager (RPM)/on-scene coordinator (OSC), and other technical experts (e.g., OFA munitions experts), with others included on an as-needed basis. The OFA site team is invited to attend all sessions, with the exception of the deliberation session of the Board Review Team meeting. For Federal Facility sites with state CERCLA lead or FFA signature,

state participation is encouraged. As mutually acceptable, the OFA and state site teams may collaborate with the Regional Site Team on preparation of materials and presentations for the Board Review Team and Meeting, in recognition of the agency roles under CERCLA, E.O. 12580, the FFA and common practice at these three-party Federal Facility National Priorities List sites.

Recommendations Memo

The Board will provide a set of recommendations (Board memo) to the Regional Superfund Division Director and FFRRO Office Director, with a courtesy copy to the OSRTI Office Director, for their consideration approximately one month following the Board meeting. The FFEO and/or OGC Board members will review the draft final product prior to submittal to the Regional Superfund Division Director and FFRRO Office Director. The FFRRO Office Director will review Board recommendations as part of a semiannual Board business meeting with the OLEM Assistant Administrator.

The region should provide a written response memo to the FFRRO Office Director that addresses implementation of each Board recommendation approximately one month after receipt of the Board memo. The FFA signatory agencies will participate in response memo development and either jointly issue a single memo, or if the parties do not agree on the response to each recommendation, they may choose to issue separate responses for EPA headquarters consideration. The FFRRO Office Director will discuss the response with the FFA Dispute Resolution Committee-level participants as well as the OSRTI Office Director. The FFRRO Office Director will review Board recommendations as part of a semiannual Board business meeting with the OLEM Assistant Administrator. Any disputes between EPA and the OFA will be addressed in accordance with the FFA. After a resolution is reached, the region should then proceed with the feasibility study and development of alternatives.

Record Keeping

Site-specific information, including the Board recommendations and regional responses, are kept by the region. The region should ensure that the recommendations memo(s), response memo(s), and documentation of issue resolution are included in the site's administrative record.

Detailed Alternatives Analysis – Advisory Team Review

The Advisory Team members, through the Board Chair or Vice Chair, should provide a review of the detailed analysis of alternatives and provide recommendations to the Regional Superfund Division Director and FFRRO Office Director, with a courtesy copy to the OSRTI Office Director, within one month of the summary's receipt.

Draft Proposed Plan – Board Chair or Vice Chair

The Board Chair or Vice Chair and the FFRRO Board representative will review the draft proposed plan to assess implementation of Board recommendations and identify any remaining issues. Dependent upon the significance of the comments, the Board Chair or Vice Chair will either coordinate comments with the FFRRO Board representative or provide a formal set of

recommendations to the Regional Superfund Division Director and FFRRO Office Director, with a courtesy copy to the OSRTI Office Director, for their consideration. As appropriate, the Board Chair or Vice Chair and the FFRRO Board representative may recommend the site be removed from future Board reviews.

Draft Record of Decision – Board Chair or Vice Chair

The Board Chair or Vice Chair and the FFRRO Board representative will provide a review of the draft record of decision and if necessary, work with through the region to resolve any remaining issues. If resolution cannot be obtained at the staff level, the Board Chair or Vice Chair and the FFRRO Board representative will follow the process that has been outlined in the elevation memo⁵ for management resolution.

⁵ <https://semspub.epa.gov/work/HQ/886038.pdf>

Appendix B
Remedial Project Manager Responsibilities

The remedial project manager (RPM) or on-scene coordinator (OSC) should work with his/her management throughout the site selection process to inform the discussion and potential selection of their site as a National Remedy Review Board (NRRB) site. As soon as the RPM or OSC becomes aware that he/she has a Board site, the RPM should notify his/her regional board member, who, in turn, should coordinate the NRRB review meeting date.

The site manager should:

- Convey to the regional board member any preferences regarding review timing.
- Provide the site-specific charging number to the Board chair as soon as possible.
- Contact stakeholders, including the state and any appropriate tribes, PRPs, or community groups, to notify them that the site has been identified as a Board site as soon as it is identified as such. At this time, discuss with these stakeholders the procedures governing their involvement in the review process. Outside participants should be provided with invitations at least six weeks prior to the planned meeting date. For Federal Facility sites, the RPM should notify the lead federal agency and the state.
- Work with the regional Board member and the Board Chair or Vice Chair with regards to meeting logistics (e.g., date of meeting, travel arrangements, site visit details [as appropriate], meeting location, remote participation logistics).
- Prepare a site information package that the Board will use to conduct its review. For Federal Facility sites, this package may be prepared with the lead federal agency and the state. The information in the site package may be pulled from the draft remedial investigation, as appropriate. Inclusion of clear and well-labeled maps, tables and figures with sufficient detail are critical to the review. The RPM's development of a thoroughly prepared package is time well spent and benefits everyone involved in a review, as complex site decisions will likely benefit from careful preparation.
- The site information package should include:
 - Site Strategy
 - For Federal Facilities, include a short description of where this action fits into the overall site cleanup plan.
 - Site characterization
 - Site name and location;
 - Site history and significant enforcement activities;
 - Scope and role of the operable unit or response action;
 - Site characteristics – size, geographical/topographical information, surface and subsurface features, sources of contamination, affected media, contaminant of concern concentrations, presence of principal threat waste, and historical and potential migration; and
 - Current/future land use.
 - Human health/ecological risk assessments
 - Describe the conceptual site model on which the risk assessment is based.
 - Identify potentially exposed populations and sensitive sub-populations in current and future scenarios (e.g., worker currently working on site, adults and children living on site in the future), including routes of exposure.
 - Provide a summary table for all current and future land use scenarios presenting unacceptable risks.

- If applicable, describe how radiological risks were calculated, including the use of and justification for use of non-EPA tools.
 - Identify ecological assessment endpoints determined to be at risk. Provide a discussion of the risk drivers, exposure routes, key species and any modeling/monitoring data and assumptions.
 - Remedial action objectives development/Cleanup level development
 - Provide the draft remedial action objectives and preliminary remediation goals, if available.
 - Suite of alternatives
 - If available, provide the suite of alternatives and/or treatment technologies contemplated to date.
 - Include the components of the remedy and the media/materials they address.
 - If known, include a description of institutional controls and how they will be implemented.
 - Stakeholder input – please provide stakeholder submittals for Board review.
 - Other topics as appropriate
 - If technical and/or policy issues are known, please include a discussion of known issues.
- Finalize the informational site package at least two weeks before the meeting and provide it to the relevant regional NRRB member and the Board Chair or Vice Chair for distribution to Board Review Team members in preparation for the site review. The package will be posted on the Board’s SharePoint site so that Board members may download it at their convenience.
- Prepare presentations for each session that summarize the site information package and present any additional detail necessary to allow for meaningful input. Each session will include a presentation and a question and answer period.
- Prepare for the meeting by expecting questions that probe beyond the basic information presented in the site information package (e.g., questions about important assumptions, models, peer reviews or tools used in developing key supporting information).
- **OPTIONAL:** Participate in a pre-meeting conference call one week before the meeting to give the Board an opportunity to ask clarifying questions regarding the factual information in the site information package and to possibly request more information prior to the Board meeting, or as part of the region’s presentation at the board meeting. The pre-meeting conference call should provide feedback to the region prior to the Board meeting as to whether the information provided is sufficient to support Board discussion and development of key/substantive recommendations. The Board chair and RPM will decide if a pre-call is necessary.
- Recognizing that the reviews generally are part of EPA’s internal deliberative process, **please label all documents “DELIBERATIVE”**

Appendix C
Sample Board Meeting Agenda

Sample Board Meeting Agenda

Agenda may be adjusted to include different or additional sessions as needed. The inclusion of an optional site visit or optional stakeholder meetings may also change the sample agenda.

Day 1

Introductions

Site Characterization

Human Health and Ecological Risk Assessments

State/Tribal Presentations

Remedial Action Objectives Development/Cleanup Levels

Suite of Alternatives Development/ARARs (as appropriate)

Deliberations

Selection of Advisory Team

Day 2

Reserved for optional site visit and optional stakeholder presentations