



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

NOV 14 1996

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

MEMORANDUM

SUBJECT: Coordinating with the States on National
Priorities List Decisions

FROM: Elliott P. Laws, Assistant Administrator
Office of Solid Waste and Emergency Response

TO: Regional Administrators,
Regions I-VII, IX, X

Acting Regional Administrator,
Region VIII

PURPOSE

The purpose of this memorandum is to provide information on the role of the State or Tribe (hereafter referred to as "State") in the National Priorities List (NPL) listing decision process.

BACKGROUND

The Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1996, included a requirement that EPA must receive a written request from the Governor of the State in order for the Agency to propose to place a site on the NPL or to place a site on the NPL. However, the Department of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1997, Public Law 104-204, does not contain such a requirement. The purpose of this memorandum is to outline a process to continue to include State input in NPL listing decisions. This process supersedes the process described in Stephen Luftig's memorandum entitled, "Updating the National Priorities List - Proposal 20 and Upcoming Final Rule," dated February 29, 1996.

IMPLEMENTATION

In an effort to maintain close coordination with the States in the NPL listing decision process, the Regions should determine the position of the State on sites that EPA is considering for NPL listing. The Regional Administrator should direct the written inquiry to the governor, with a copy to the State environmental commissioner. The inquiry should specify that a written response from the State is requested. When the site is located on the land of a Federally recognized Tribe, the Regional Administrator should direct the inquiry to the Tribe and request a written response from the Tribe.

The Region should make this inquiry as early in the site assessment process as practical, ideally before initiating a Hazard Ranking System (HRS) package for the site. The Regions should send copies of the correspondence with the State to the Director, Office of Emergency and Remedial Response (OERR), 401 M Street, S.W., Washington, D.C., 20460. If the State agency or governor has already sent a letter requesting that EPA propose a site and we are now placing that site on the final NPL, no additional correspondence is warranted.

OERR will have a process to resolve issues for sites where the State does not agree that EPA should continue to investigate the site for possible inclusion on the NPL, but where the Region has compelling reasons to proceed with the evaluation. OERR would consider, for example, cases involving sites that meet the listing criteria included in the NCP at 40 CFR 300.425(c)(3) ("the ATSDR public health advisory listing criteria"), sites where the State could be a major responsible party, or sites with community-identified conditions that warrant listing. Please raise any such cases to Dave Evans, Director of the State, Tribal and Site Identification Center (ST/SI) of OERR, and/or your ST/SI Regional Coordinator. See the attached list.

FUTURE SITE ASSESSMENT WORK AND NPL RULES

OERR intends to continue to support site assessment activities and to publish semi-annual proposed and final rules to update the NPL. Placing sites on the NPL is often the best assurance for a comprehensive site response. Moreover, the Agency's ability to place sites on the NPL provides strong leverage for State and PRP response activities. In addition, the site assessment program is extensively involved in brownfields assessment and restoration work as well as pilot projects for streamlining the site assessment process.

I urge you to continue to work with your States to assess sites and to prepare and submit HRS packages for those sites that are the highest priority for listing on the NPL. I also urge you to coordinate closely with the Natural Resources Trustees.

If you or your staff have any questions, you may contact Dave Evans, Director of the ST/SI Center, at (703) 603-8885.

Attachment

cc: Steve Herman, OECA
Lisa Friedman, OGC
Jim Woolford, OFFRO
OERR Center Directors
Site Assessment Contacts, Regions I-X
Superfund Regional Division Directors

November 7, 1996

**State, Tribal, and Site Identification Center
Regional Coordinators**

<u>Region</u>	<u>Coodinator</u>	<u>Telephone Number</u>
1	Randy Hippen	703/603-8829
2	Barbara Vandermer	703/603-9018
3	Marti Otto	703/603-8853
4	Tim Gill	703/603-8856
5	Bob Myers	703/603-8851
6	Marti Otto, acting	703/603-8853
7	Mary Ann Rich	703/603-8825
8	Terry Keidan	703/603-8852
9	Ken Fisher	703/603-8764
10	Terry Keidan	703/603-8352