



SUPERFUND READY FOR REUSE DETERMINATION GUIDANCE Fact Sheet

Where can I obtain a copy of EPA's Superfund Ready for Reuse (RfR) Determination Guidance?

EPA's guidance entitled "Guidance for Preparing Superfund Ready for Reuse Determinations" is available at www.epa.gov/superfund/programs/recycle/rfrguidance.pdf. The transmittal memo for the guidance is available at www.epa.gov/superfund/programs/recycle/rfrmemo.pdf.

What is a RfR determination and what is its purpose?

The RfR determination is an environmental status report that documents a technical determination by EPA, in consultation with States, Tribes, and local governments, that all or a portion of a real estate property can support specified types of uses and remain protective of human health and the environment. The RfR determination is intended to aid the real estate marketplace by making an affirmative statement, written in plain English and accompanied by supporting decision documentation, that a site identified as *ready for reuse* will remain protective as long as all required response

The policies and procedures set forth herein are intended as guidance to Agency and other government employees. They do not constitute rule making by the Agency, and may not be relied on to create a substantive or procedural right enforceable by any other person. The Government may take action that is at variance with the policies and procedures in this fact sheet.

conditions and use limitations identified in the site's response decision documents and land title documents continue to be met.

Do RfR determinations address CERCLA liability?

No. RfR determinations are limited to technical matters and reflect only the environmental status of property, not the activities taken by individuals. Therefore, RfR determinations do not provide any legal rights or legally enforceable commitments, and do not include any statements about EPA's enforcement intentions or any party's potential liability regarding a specific site.

What properties are eligible for RfR determinations?

RfR determinations can be issued for proposed and final NPL sites, non-time critical removal action sites, and Superfund Alternative sites.

Is a RfR determination necessary before a site can be reused?

No. Although RfR determinations may help facilitate reuse activities at certain sites, the majority of sites will not be expected to have RfR determinations because RfR determinations are not necessary to support site reuse. However, in certain circumstances, RfR determinations may have considerable value as a tool that provides information to the marketplace. EPA Regions have discretion in deciding whether to issue RfR determinations. If an individual requests a RfR determination, EPA Regions should balance the potential value of a RfR determination in

supporting site reuse with the work involved, considering other program priorities and the availability of resources.

What is the appropriate timing for issuing RfR determinations?

RfR determinations are intended to help site owners understand that the contamination on the property has been addressed and the property is ready for reuse. However, EPA will not issue a RfR determination until:

- the site meets CERCLA standards of protectiveness and EPA is not aware of any potential circumstances or any EPA, state, or local government environmental restrictions that would make the site conditions not protective for the types of uses addressed in the RfR determination;
- a ROD or other response decision document has been issued giving the public notice of the exposure pathways and risks evaluated for the site;
- after institutional controls required by the ROD or other decision documents have been implemented; and
- after consultation with affected state, tribal, and local governments.

A few limited exceptions to these principles exist. Please see the guidance for details.

Can RfR determinations prohibit uses of property?

No. A RfR determination does not prohibit or prescribe specific uses of property; instead, it states that EPA has determined that a site's conditions, including restrictions, are protective for specific types of uses. The actual selection and determination of the specific land use for a site remains within the jurisdiction of the local government, and RfR determinations should be consistent with and not supercede such decisions.

How can I get more information about Superfund Ready for Reuse determinations?

For questions regarding a Ready for Reuse determination for a specific site, interested parties should contact the site's Remedial Project Manager in the appropriate EPA Regional Office (www.epa.gov). For questions about the implementation of the guidance and EPA's Superfund Redevelopment Initiative, please contact Melissa Friedland at friedland.melissa@epa.gov or (703) 603-8864. Further information about the initial RfR determinations already completed is available at <http://www.epa.gov/superfund/programs/recycle/reuse/index.htm>.