



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

FEB 12 2004

OSWER 9365.0-33

**MEMORANDUM**

**SUBJECT:** Guidance for Preparing Superfund Ready for Reuse Determinations

**FROM:** Michael B. Cook, Director   
Office of Superfund Remediation and Technology Innovation

Susan E. Bromm, Director   
Office of Site Remediation Enforcement

**TO:** Superfund National Policy Managers, Regions I - X  
Director, Office of Environmental Stewardship, Region I  
Director, Environmental Accountability Division, Region IV  
Regional Counsel, Regions II, III, V, VI, VII, IX, and X  
Assistant Regional Administrator, Office of Enforcement, Compliance, and  
Environmental Justice, Region VIII

**Purpose**

This memorandum transmits guidance to Regional and Headquarters staff on the preparation and use of Ready for Reuse (RfR) Determinations for Superfund sites. 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 Superfund site can support specified types of uses and remain protective of human health and the environment.

**Background**

The RfR determination has been developed by EPA as a means of informing the real estate marketplace about the environmental status of Superfund sites in order to facilitate their reuse. Through an RfR determination, EPA makes an affirmative statement, accompanied by supporting decision documentation, that a site identified as "ready for reuse" will remain protective of human health and the environment as long as all required response conditions and use limitations identified in the site's response decision documents and land title documents continue to be met. EPA also intends to develop One Cleanup Program RfR determination

procedures to ensure a consistent application of RfR determinations across cleanup programs and to distinguish RfR determinations from other cleanup determinations.

This guidance has been extensively reviewed within EPA and has also benefitted from comments from selected outside parties, such as the Association of State and Territorial Solid Waste Management Officials. In addition, while Headquarters was developing the general approaches and procedures to be used for the Superfund RfR determination process, Headquarters, Regional staffs and stakeholders at select Superfund sites concurrently worked together to complete several initial RfR determinations for those sites. These initial RfR determinations have now been issued. The lessons learned from these efforts inform the provisions of this guidance and have helped to shape the final result. One such lesson is that Headquarters and Regions should continue to work together to find ways to simplify the task of producing RfR determinations and to minimize the burden placed on the resources available to Regions. Headquarters is ready to make the experience it has gained in this effort available to Regions that have not yet prepared RfR determinations. Regions wanting to complete RfR determinations are encouraged to request assistance.

In certain instances, Regions should obtain the concurrence of Office of Site Remediation Enforcement (OSRE) prior to signing RfR determinations. These instances include: the first RfR determination by the Region after the issuance of this Guidance; RfR determinations that substantively deviate from the provisions or model language contained in this Guidance; and RfR determinations at sites where required institutional controls have not been fully implemented. In such instances, OSRE's concurrence role is delegated to the Director of OSRE's Policy and Program Evaluation Division. OSRE commits to respond to Regional requests for concurrence within 2 weeks of receipt of such requests.

### **Implementation**

The guidance applies to proposed and final NPL sites, Superfund Alternative sites and non-time-critical removal action sites. Although Federal facilities have certain statutory requirements to transfer property, site managers at Federal facilities may use this guidance if they find it appropriate. While RfR determinations could be appropriate for groundwater or surface waters in the future, the attached guidance only addresses the reuse of land.

The issuance of RfR determinations is not mandatory. EPA Regions have discretion in deciding whether to issue an RfR determination, and should balance the potential value of an RfR determination in supporting site reuse with the work involved, considering other program priorities and the availability of resources.

Questions about the implementation of this Guidance related to Superfund response activities should be addressed to Melissa Friedland at [friedland.melissa@epa.gov](mailto:friedland.melissa@epa.gov), (703) 603-8864. Questions related to enforcement and liability issues should be addressed to Matthew Sander at [sander.matthew@epa.gov](mailto:sander.matthew@epa.gov), (202) 564-7233. Information can also be obtained through Superfund's website as follows:

Guidance: <http://www.epa.gov/superfund/programs/recycle/rfrguidance.pdf>  
Fact Sheet: <http://www.epa.gov/superfund/programs/recycle/rfrfactsheet.pdf>  
Initial RfR determinations: <http://www.epa.gov/superfund/programs/recycle/reuse/index.htm>  
Transmittal memo: <http://www.epa.gov/superfund/programs/recycle/transmemo.pdf>

Attachment

cc: Nancy Riveland, Superfund Lead Region Coordinator, USEPA Region 9  
Jeff Josephson  
NARPM Co-Chairs  
Joanna Gibson, OSRTI Documents Ccoordiinator  
OSRTI Managers  
Debbie Dietrich, OEPPR  
Linda Garczynski, OBCR  
Cliff Rothenstein, OUST  
Robert Springer, OSW  
Jim Woolford, FFRRO  
Ramona Trovato, Senior Advisor to OSWER AA  
David Kling, FFEO  
Paul Connor, OSRE  
Karin Koslow, OSRE  
John Michaud, OGC  
Earl Salo, OGC  
Karen Dworkin, DOJ  
Gary King, ASTSWMO