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

NOV 28 1995

OFFICE OF
SOLID WASTE AND EMERGENCY
RESPONSE

MEMORANDUM

SUBJECT: Formation of National Superfund Remedy Review Board

FROM: Elliott P. Laws
Assistant Administrator

TO: Director, Office of Site Remediation and Restoration
Region I
Director, Emergency and Remedial Response Division
Region II
Director, Hazardous Waste Management Division
Region III, IX
Director, Waste Management Division
Region IV
Director, Superfund Division
Region V, VI, VII
Assistant Regional Administrator, Office of Ecosystems Protection and Remediation
Region VIII
Director, Environmental Cleanup Office
Region X

PURPOSE

This memorandum requests your assistance in establishing the National Superfund Remedy Review Board recently announced by the Administrator as one of the key Superfund Administrative Reforms. This Review Board is intended to help control remedy costs and to promote both consistent and cost-effective decisions at Superfund sites, including federal facilities.

BACKGROUND

As you all know, cost plays an important role in Superfund response decisions. The statute, in fact, mandates that, in addition to being protective, all remedies must be cost-effective. This mandate is built into the remedy selection process established under the National Contingency Plan (NCP), and expanded upon in a number of related program guidances. In this year of greatly reduced budgets, it is even more important for us to focus on this criterion in our decision making. On October 2, 1995, EPA Administrator Carol Browner announced a

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collection of Administrative Reforms intended to help our program achieve significant cost savings without compromising a remedy's protection of human health or the environment or reliability. Today, as one of these Reforms, I am announcing the formation of the National Superfund Remedy Review Board.

DISCUSSION

By establishing this Board, I intend to help control remedy costs by providing a cross-Regional management-level review of high cost (and thus, potentially controversial) decisions in "real time" on a site-specific basis.

Board Structure and Function

This national Review Board will be comprised of senior Agency managers or experts on remedy selection, cost effectiveness, and program implementation from both the Regions and Headquarters. Each Region will have one management-level representative on the Board. Headquarters representatives will include national experts from the Federal Facilities Restoration and Reuse Office, the Technology Innovation Office, the Office of General Counsel, ORD's National Risk Management Research Laboratory, and the Office of Emergency and Remedial Response (OERR). Other Offices may be requested to participate as the need arises. The Board will be chaired by Bruce Means, Senior Process Manager for Response Decisions in OERR.

All proposed cleanup actions at sites where: (1) estimated costs for the preferred alternative are over $30M; or (2) proposed remedy costs are over $10M and 50% greater than the costs of the least-costly, protective, ARAR-compliant remedy will be subject to the Board's review. As other cost control "rules of thumb" are developed (under a separate Administrative Reform), these "guides" may also be used to signal the need for this Board's review My overall expectation, based on previous ROD history, is that this program should result in Board review of approximately 10% of FY96 actions.

The Review Board will consider the nature of the site, the risks posed by the site, regional and state/tribal opinions on proposed actions, the quality and reasonableness of the cost estimates, and any other relevant factors or program guidances in making "advisory recommendations" to the Regional Administrator regarding EPA's preferred remedy before a proposed plan is issued for public comment. The overall goal of the reviews will be to ensure sound decision making consistent with current law, regulations, and guidance. The Board's reviews will be performed quickly but will require advanced planning by the Region to account for the added review time. Remedies subject to Board review should be brought to the Board's attention as soon as the Region has identified them as likely 'preferred alternatives,' but in any case before the proposed plan is announced for public comment. Regions are encouraged to coordinate with OERR Regional

Service Center Coordinators as early as possible in the process.

Especially since we are operating under a greatly reduced budget this year, I am sensitive to the likely increase in workload for you and your staff. This new Board will require additional work for us all and may briefly delay release of a small number of proposed plans by about two months. For these reasons, the Board will work to establish a review process that requires a minimum of travel and effort for Board participants. The Board is likely to form standing subgroups, based upon geography, expertise or workload. Reviews are likely to involve the faxing of relevant materials to subgroup(s) for discussion by conference call after a brief review period. Details will be developed further as part of the Board's initial organizing discussions.

The Board is expected to be fully operational by January 1996. However, proposed remedies planned for issuance in the first quarter of FY '96 which meet the screening criteria noted above should also be discussed with my office.

Key Messages

By establishing this Board, I want to encourage decision makers to think even harder about the costs of response actions at every Superfund site.

However, this effort does not change the Agency's delegation authorities or alter in any way the public's current role in site decisions. This current effort is intended to facilitate the application of our national program's extensive experience to a select number of "high stakes" and thus, potentially controversial site decisions.

IMPLEMENTATION

If you have not already done so, please send your nominations for Board membership by December 8, to Bruce Means at (703) 603-8815; FAX: (703) 603-9103; Mail code: (5204G). We have already welcomed the nominations of Walter Graham (Region 3), Wendy Carney (Region 5), Bill Honker (Region 6), and Wayne Pierre (Region 10). Bruce will be contacting your representatives shortly to schedule an introductory conference call later this month. For your information, Attachments A and B present an overview of the Board's tentative start up schedule and membership, respectively. I expect the Board to be up and running by the **beginning of January 1996**.

I recognize that this additional review for the sites that exceed these cost control triggers may briefly delay the release of proposed plans. However, it is critically important to the Agency that we provide both the public and Congress the necessary

assurances that Superfund dollars are being well spent. This Board will do much to provide those assurances.

Thank you for your prompt attention to this important matter.

Attachments

cc: Regional Administrators
Steve Herman, OECA
Bob Huggett, ORD
Jon Cannon, OGC
Romona Trovato, ORIA

Attachment A

National Superfund Remedy Review Board
Tentative Start-Up Schedule
(11/20/95)

October/November

- Analyze past RODs meeting trigger criteria to examine trends.
- Issue memorandum to Regions announcing the Board kickoff.
- Complete membership list.

December

- Initial meeting/conference call to introduce concepts, discuss possible charter, operations/workflow models, roles.
- Develop / revise charter; determine need for additional Regional/HQ members/contacts.

January

- Fully operational.

REMEDY REVIEW BOARD
MEMBERSHIP
October 8, 1996

	Organization	NAME
1	Office of Emergency & Remedial Response	Bruce Means, Chairman
2	Region 1	Richard Cavagnero
3	Region 2	John Frisco
4	Region 3	Walter Graham
5	Region 4	Curt Fehn
6	Region 5	Wendy Carney
7	Region 6	Bill Honker
8	Region 7	Craig Smith
9	Region 8	Gwen Hooten
10	Region 9	John Kemmerer
11	Region 10	Wayne Pierre
12	Office of Emergency & Remedial Response	Paul Nadeau
13	Office of Emergency & Remedial Response/Emergency Response Team	Andre' Zownir
14	Office of General Counsel	Brian Grant
15	Technology Innovation Office	Mike Kosakowski
16	Federal Facilities Restoration and Reuse Office	Tim Mott
17	Office of Research and Development/ National Risk Management Research Laboratory-Cincinnati, Ohio	Donald Sanning
18	Office of Radiation and Indoor Air	Mike Boyd
19	Office of Federal Facilities Enforcement Office	Jean Rice
20	Office of Research and Development/National Risk Management Research Laboratory-Ada, Oklahoma	Clint Hall