



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

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

June 17, 2004

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MEMORANDUM

SUBJECT: Revised Response Selection and Settlement Approach for Superfund Alternative Sites Guidance for the Superfund Alternative Sites Pilot

FROM: Susan E. Bromm, Director /s/
Office of Site Remediation Enforcement (OSRE)

Michael B. Cook, Director /s/
Office of Superfund Remediation and Technology Innovation (OSRTI)

TO: Superfund National Policy Managers, Regions I - X
Regional Counsel, Regions I - X

OSRE and OSRTI have signed the attached guidance, titled "Revised Response Selection and Settlement Approach for Superfund Alternative Sites Guidance" (Revised SAS Guidance). The Revised SAS Guidance supersedes the original June 24, 2002 SAS Guidance, which set forth general enforcement and settlement approaches for Superfund Alternative (SA) sites. SA sites are eligible to be listed on the National Priorities List (NPL) but are not listed.

In response to comments by the NACEPT Superfund Subcommittee, OSRE and OSRTI will be piloting the revised SA approach over the next eighteen months. At the end of that period, we will evaluate issues raised by Regions, potentially responsible parties (PRPs), States, communities, and other relevant parties and consider appropriate responses. In the meantime, we will focus on improving transparency in the SA approach. For example, the Revised SAS Guidance encourages Regions to discuss SA site designations with PRPs prior to the start of negotiations, and we will work with the Regions on how best to initiate such discussions. The forthcoming guidance on Technical Assistance Plans (TAPs) will include ways to ensure that affected communities are adequately informed about SA site designations and opportunities for technical assistance. In addition, in response to recommendations in the Superfund 120-Day Study (dated April 22, 2004) we will be considering revisions to performance measures and data reporting related to Superfund Alternative sites.

The Revised SAS Guidance also addresses other issues that have arisen while implementing the June 2002 SAS Guidance. For example, EPA clarifies the steps a Region should take when a certain SA settlement provision is not needed or cannot be negotiated at an SA site. In addition, EPA has revised the parameters of the SA settlement provisions and included model language. As with the June 2002 SAS Guidance, Regions should continue to coordinate with States on SA sites, affording the State the same opportunities for involvement at an SA site as at an NPL site.

If you have questions about the Revised SAS Guidance, please contact Anne Berube (202-564-6065) of OSRE with settlement or enforcement issues or Joan Fisk (703-603-8791) of OSRTI with NPL-eligibility or response selection issues.

The guidance can be found on EPA's internet site at:
<http://www.epa.gov/compliance/resources/policies/cleanup/superfund/rev-sas-04.pdf>

cc: Federal Facilities Enforcement Office
Office of Emergency Prevention, Preparedness and Response
Department of Justice

Attachment