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## The Final National Contingency Plan: New Directions For Superfund

Today EPA is issuing the final revisions to the National Contingency Plan (NCP), the regulatory blueprint for implementing the Superfund law. The Superfund program - the nation's effort to clean up abandoned toxic waste sites - has evolved significantly since its start nearly ten years ago. In 1986, Congress amended the Superfund law, adding major new authorities and responsibilities to the program. Last year, the Environmental Protection Agency (EPA) undertook a thorough self-appraisal, the Superfund "Management Review," which includes a series of recommendations on how the program could be improved. EPA believes that together the final NCP and the Management Review provide a firm basis for progress in cleaning up the nation's worst toxic waste problems.

The NCP embodies the essential points of the Management Review of Superfund conducted last year. The Management Review establishes a management framework for Superfund. With the promulgation of the NCP, EPA has revised its policy and regulatory framework for Superfund. Both documents describe what the program realistically can accomplish and emphasize the need for taking action at sites -- rather than prolonged investigation and analysis. The documents also recognize the importance of increased state participation and public involvement in the Superfund program.

While the Management Review focuses on EPA's internal management, the NCP sets forth the legal requirements for how all federal agencies, states and private parties respond to toxic releases and oil spills. The NCP provides for a national system to respond to hazards caused by toxic waste and oil spills, a process for investigating and cleaning up toxic waste sites, environmental standards for cleanup, and a structured analytical process to promote consistency in deciding on cleanups across the country.

### Assuring long-term protection.

The NCP confirms EPA's commitment to seek **long-term solutions** to toxic wastes problems near Superfund sites. Consistent with the Superfund law, the NCP **emphasizes using treatment** to eliminate or reduce to safe levels the threat posed by highly toxic waste. Treatment is given preference over covering up highly toxic waste or moving it to another location. Another important **emphasis is on restoring contaminated resources** -- such as ground water which may be a source of drinking water -- so that such valuable resources can be used safely.

### Taking action quickly.

The Management Review recognizes the importance of making sites safer in the near-term by **controlling acute threats immediately**. The NCP provides the framework for taking early action at sites. Early actions are encouraged to stabilize or reduce the high-risk threats at a site. Longer-term investigations and analyses can then proceed. These investigations and analyses will still, however, be tailored to the scope and complexity of the site so that the ultimate action(s) that provide long-term protection will be taken as quickly as possible.



### Setting realistic expectations for Superfund.

The Management Review points out the need to have a clear statement of EPA's expectations about what cleanup or remedy to implement at a site. The NCP includes a new program goal and lays out a series of expectations to guide the process of deciding on remedies.

The NCP's program goal is to select remedies that protect human health and the environment, that maintain protection over time and that minimize untreated waste. EPA believes that treating waste is the best method to achieve long-term protection. Detailed expectations are intended to inform the public of the types of remedies that EPA has selected, and anticipates selecting, for certain types of sites, for example:

- Waste that poses a high level of risk, i.e., highly toxic or mobile waste, will be treated to reduce its toxicity or mobility.
- Waste left on-site after the Superfund action, i.e., waste that poses a relatively low long-term threat, will be controlled, generally by preventing further releases and capping the site.
- Many sites will use a combination of treatment and containment.
- Ground water that is an actual or potential source of drinking water will be restored to levels safe for drinking, where practical.
- Soil will be restored to levels appropriate for current and reasonably potential uses.

### Emphasizing treatment technologies.

A major thrust of the Superfund law is to require more use of hazardous waste treatment technologies. The Management Review points out the need to remove regulatory and policy barriers to the use of treatment technologies. The NCP repeatedly emphasizes treatment. Treatment is the centerpiece of the program goal and expectations described above. The NCP requires that preference be given to remedies that use treatment over remedies that do not. Additionally, the NCP promotes use of innovative technologies in order to bolster the development of new methods to provide long-term protection.

### Defining Cleanup standards.

The NCP, as directed by the Superfund law, requires that standards of protection under other federal and state environmental laws be attained at Superfund sites. For example, standards for drinking water under the Safe Drinking Water Act will be used as the cleanup level for water that is or may be used for drinking at a Superfund site. When standards of protection under other laws are not available, e.g., for a particular type of waste, the program will make a site-specific determination on an appropriate cleanup level. For waste that may cause cancer, the risk posed by the waste generally will be reduced to fall within an acceptable risk range --  $10^{-4}$  to  $10^{-6}$  -- A range of  $10^{-4}$  to  $10^{-6}$  is shorthand for a range of 1 in 10,000 to 1 in 1,000,000 with a presumption that cleanup targets should be set at the more protective end of the range or  $10^{-6}$ .

### Increasing public participation.

From the inception of the Superfund program, EPA has recognized that the community affected by a Superfund site should participate in Agency decision-making and should be informed of the status of action at the site. The Management Review recommends that EPA involve citizens even more extensively in the process of making decisions about cleanups at Superfund sites.



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The NCP ensures public involvement in decision-making by providing opportunities for the public to inform EPA of concerns about a site, to participate in the investigation and analysis of a site and to review and comment on documents used in deciding on cleanups. The NCP requires that the public be allowed at least 30 days, which will be extended to 60 days on request, to complete its review and submit comments before EPA will decide on a cleanup. To facilitate public understanding about the site further, a direct reference to the Technical Assistance Grants (TAG) program is made in the NCP. These grants allow communities to obtain the necessary technical expertise to review and comment on decision documents. Other public involvement requirements ensure that the community is kept informed on the status of action at the site. In addition to the minimum requirements, the NCP provides many suggestions for public involvement activities that should be considered for implementation at individual sites, including informing the public of the nature of discussions with potentially responsible parties.

#### **Strengthening state involvement.**

The NCP provides opportunities for states to work with EPA to address the nation's worst toxic waste site problems. All states are strongly encouraged to participate with EPA in deciding on cleanups. Further, depending on a state's capability, the NCP authorizes the states to conduct investigations, analyze alternatives and recommend the selection of a remedy to EPA. EPA retains the ultimate authority to decide on cleanup remedies that use federal funds. States may also supervise design and construction of a remedy.

#### **Ensuring sites remain safe.**

The Management Review points out the need to monitor and maintain sites over the long-term. The NCP requires a review of a site where waste is left behind at least once every five years to ensure that the site remains safe. No site will be deleted from the National Priorities List (NPL) after completion of the cleanup until at least one five-year review has been conducted.

#### **Measuring success.**

The Management Review notes that deletions of sites from the NPL are not the only measure of progress for Superfund. Major initiatives are underway within EPA to provide new measures of success. The NCP provides that sites where the remedy is complete will be described as "construction complete" sites to distinguish them from sites where action is either underway or about to start.

#### **Encouraging Private party cleanups.**

One emphasis of the Management Review is on maximizing the number of private party cleanups. Because the requirements of the NCP apply to both government and private party cleanups, EPA believes that private party cleanups conducted under the NCP will not compromise environmental goals and will protect public health. EPA will provide oversight of private party cleanups conducted under the NCP.

#### **Conclusion.**

EPA believes that the Superfund program is now making significant and meaningful progress in reducing the hazards posed by the nation's worst toxic waste sites. The Management Review and the final NCP provide the comprehensive management and regulatory tools needed to accomplish the program's difficult objectives.

