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## 40 C.F.R. § 307.23

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### EPA's review of preauthorization applications.

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- (a) EPA shall review each preauthorization application and will notify the applicant of the decision to grant or deny preauthorization. Decisions to grant preauthorization will be memorialized in a PDD.
- (b) Each application for preauthorization must include information sufficient for EPA to determine whether the response will be consistent with 40 CFR 300.700(d). EPA will evaluate applications based on the following non-exclusive list of criteria, as appropriate:
- (1) Whether the release is within the scope of CERCLA;
  - (2) The seriousness of the problem or importance of the response activity when compared with competing demands on the Fund;
  - (3) Whether there is sufficient time to process the request for preauthorization (e.g., if a removal action is proposed);
  - (4) Whether the party liable for the release or threat of release of the hazardous substance is unknown, or if known, has been notified of the application for preauthorization and is unwilling or incapable of performing the response in a reasonable period of time;
  - (5) Whether the State, a political subdivision, or an Indian Tribe is willing to undertake the response action through a contract or a cooperative agreement;
  - (6) The cost and effectiveness of the proposed response actions when compared with other alternatives;
  - (7) Whether proposed response can be carried out in accordance with the NCP and other environmental requirements;

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