

# **Superfund Administrative Improvements: Reinventing Superfund**

Superfund Revitalization Office

Quick Reference Fact Sheet

The Superfund Administrative Improvements initiatives are a comprehensive package of administrative changes designed to make significant improvements to the Superfund program prior to Superfund reauthorization. Announced in June 1993, these initiatives have had an immediate impact on improving the pace, cost and fairness of Superfund. This fact sheet describes the themes, background and each initiative of the Administrative Improvements effort. This fact sheet also describes major activities which have been completed during the first three months of implementation, as well as those that are currently underway and planned to be completed over the next 12 months.

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## **ADMINISTRATIVE IMPROVEMENT THEMES**

Enhance Enforcement Fairness and Reduce Transaction Costs

Enhance Cleanup Effectiveness and Consistency

Enhance Meaningful Public Involvement

Enhance States' Role

Continue Ongoing Management and Enforcement Initiatives

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## **OVERVIEW**

In April of 1993, the Administrator saw an opportunity to evaluate the Superfund program and build on the first 12 years of program experience. The Administrative Improvements Task Force was established to examine options for making administrative changes that could improve Superfund. This Task Force operates under the direction of the Superfund Steering Committee, chaired by EPA's Deputy Administrator. The Task Force developed a series of recommendations for administrative improvements to the program which could be accomplished without statutory or regulatory amendments.

On June 23, 1993, the Administrator announced a series of nine new initiatives and reemphasized eight ongoing initiatives that would enhance enforcement fairness and reduce transaction costs, accelerate the pace of cleanups, increase public involvement, and enhance the role of the States in Superfund. These initiatives are fully described in the *Superfund Administrative Improvements Final Report*.

Currently all ten Regions and all Headquarters Superfund offices are engaged in the implementation of Administrative Improvements initiatives.

# ENHANCE ENFORCEMENT FAIRNESS AND REDUCE TRANSACTION COSTS

## Initiative 1:

### Greater Use of Allocation Tools

- ✓ Identified 11 sites for demonstration of ADR and initiated the first three demonstration sites
- Identifying additional ADR demonstration sites and will initiate at least 20 demonstration sites
- Will identify and begin the use of binding allocation at approximately three pilot sites

Contact: David Batson (202) 260-8173

## Initiative 2:

### Foster More Settlements with Small Volume Waste Contributors

- ✓ Completed 43 de minimis settlements at 30 sites with over 1,500 responsible parties in FY93
- ✓ Issued guidance on streamlining de minimis settlements and guidance on "de micromis" settlements
- ✓ Issued communications strategy for assisting de minimis and "de micromis" parties
- ✓ Identified candidate sites for at least 38 additional de minimis, including "de micromis," settlements for FY94 using the new criteria, and are continuing to identify additional sites
- Will complete at least 35 de minimis, including "de micromis," settlements using the new criteria in FY94

Contacts: Gary Worthman (703) 603-8951

Ken Patterson (202) 260-3091

## Initiative 3:

### Greater Fairness for Owners of Superfund Sites

- ✓ Issued Supplemental Federal Lien guidance
- Will determine if EPA should clarify the requirements of "all appropriate inquiry" under CERCLA, and clarify the requirements, if appropriate
- Will issue supplemental prospective purchaser guidance and a model prospective purchaser agreement

Contacts: Gary Worthman (703) 603-8951

Ken Patterson (202) 260-3091

## Initiative 4:

### Evaluate Mixed Funding Policy

- ✓ Identified candidates and selected pilot sites for evaluating the use of mixed funding
- ✓ Evaluated the mixed funding options and the potential cost of mixed funding
- ✓ Explored options for streamlining preauthorization procedures and requirements
- Will initiate mixed funding pilot sites and evaluate results
- Based on the pilot results, will recommend measures to streamline preauthorization procedures and determine whether to revise the mixed funding policy

Contact: Gary Worthman (703) 603-8951

### Related Documents

De Minimis guidance, OSWER Directive 9834.7-1D, July 30, 1993

"De Micromis" guidance, OSWER Directive 9834.17, July 30, 1993

Federal Lien guidance, OSWER Directive 9832.12-1a, July 29, 1993

"Mixed Funding Evaluation Report: The Potential Costs of Orphan Shares," OSWER, Sept. 1993

### LEGEND

✓ = item complete

• = under development

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## ENHANCE STATE ROLE

### Initiative 9:

#### "State Deferral" of Certain Site Categories

- ✓ Initiated State deferral pilots at 5 sites
- Monitoring pilots and addressing key implementation questions
- Considering up to 50 additional pilots in 7 states
- Will issue interim guidance on State deferral

Contact: Murray Newton (703) 603-8795

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## CONTINUING INITIATIVES

Over the past several years, EPA has implemented a series of reforms to improve aspects of the Superfund program. These reforms, listed below, have had a significant impact on Superfund and are important to the overall goals of the program. These ongoing initiatives were included with the new Administrative Improvements to recognize their continued vitality.

- 10 Full Implementation of the Superfund Accelerated Cleanup Model (SACM)
- 11 National Priorities List (NPL) Construction Completions
- 12 Effective Contracts Management
- 13 Enforcement First
- 14 Accelerated Cleanup at Base Closures
- 15 Promote Use of Innovative Technology
- 16 Compliance Monitoring
- 17 Improve the Effectiveness of Cost Recovery

### Major Accomplishments:

- ✓ Full implementation of SACM
- ✓ Completed construction at a total of 217 NPL sites by the end of FY93
- ✓ Issued remedial Independent Government Cost Estimation guidance
- ✓ Identified 16 bases for accelerated cleanup demonstration projects
- ✓ Concluded agreements with DoD and DoE on use of innovative technology at two sites
- ✓ Developed Cost Recovery Targeting Report that presents the recoverable past costs, efforts to recover past costs, and the statute of limitations for each site

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## ENHANCE CLEANUP EFFECTIVENESS AND CONSISTENCY

### Initiative 5:

#### Streamline and Expedite the Cleanup Process

- ✓ Issued presumptive remedy guidance for municipal landfills and sites with volatile organic compounds in soils, and identified 7 sites for use of the presumptive remedies
- ✓ Completed study of pervasiveness of dense non-aqueous phase liquids (DNAPLs) at NPL sites
- ✓ Issued new technical and enforcement guidance for addressing DNAPLs at Superfund and RCRA sites
- Identifying additional sites for use of presumptive remedies
- Preparing land use policy
- Will issue additional presumptive remedy guidance on groundwater pump and treat, woodtreater, PCB, coal gasification and grain storage sites, and initiate additional demonstration sites
- Will develop standardized remedial design specifications

Contact: *Betsy Shaw (703) 603-9034*

### Initiative 6:

#### Develop Soil Screening Levels

- ✓ Developed and issued draft soil screening levels for 30 common contaminants (screening levels to be used on a pilot basis only)
- Will develop soil screening levels for 60 additional compounds
- Will test the use of the soil screening levels at pilot sites

Contact: *Bruce Means (703) 603-8848*

#### **Related Documents**

General presumptive remedies, OSWER Directive 9355.0-47FS, Sept. 1993

Presumptive remedies: municipal landfills, OSWER Directive 9355.0-49FS, Sept. 1993

Presumptive remedies: VOCs in soils, OSWER Directive 9355.0-48FS, Sept. 1993

Pervasiveness of DNAPLs at NPL sites, OSWER Directive 9355.4-13, Sept. 1993

"Guidance for Evaluating the Technical Impracticability of Ground-Water Restoration," OSWER Directive 9234.2-25

"Draft Soil Screening Levels Guidance," Quick Reference Factsheet, OSWER Sept. 1993

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## ENHANCE MEANINGFUL PUBLIC INVOLVEMENT

### Initiative 7:

#### Implement an Environmental Justice Strategy

- ✓ Analyzed the impact of 158 NPL sites on minority and disadvantaged communities
- ✓ Issued simplified Technical Assistance Grant application materials
- ✓ Identified 21 Regional demonstration projects for environmental justice action
- ✓ Conducted Superfund Training Institute for teachers
- Conducting an in-depth analysis of environmental justice case-studies
- Will initiate and evaluate Regional demonstration projects
- Will develop and issue an environmental justice strategy for future Superfund sites
- Will publish Technical Assistance Grant materials in other languages

Contact: *Marsha Lindsey (202) 260-6626*

### Initiative 8:

#### Early and More Effective Community Involvement

- ✓ Identified 16 sites to demonstrate innovative community involvement techniques
- Establishing site-specific Citizen Advisory Boards at several Department of Energy Superfund sites and will establish Citizen Advisory Boards at some Department of Defense sites
- Will prepare and implement a new Superfund public participation plan

Contact: *Bonnie Chiles (703) 603-8868*

#### **Related Document**

Preliminary Analysis of Population Demographics  
August 1993