



# **Superfund Program Management Manual**

**Fiscal Year 1993**

- **Program Goals and Priorities**
- **Program Planning and Reporting Requirements**
- **Superfund Financial Management and FTE Distribution**
- **SCAP/STARS Targets/Measures and Definitions**

# **Superfund Program Management Manual Fiscal Year 1993**

Office of Emergency and Remedial Response  
U.S. Environmental Protection Agency  
Washington, DC 20460

# **DISCLAIMER**

The policies and procedures established in this document are intended solely for the guidance of employees of the U.S. Environmental Protection Agency. They are not intended and cannot be relied upon to create any rights, substantive or procedural, enforceable by any party in litigation with the United States. EPA reserves the right to act at variance with these policies and procedures and to change them at any time without public notice.

## USE AND STRUCTURE OF THE MANUAL

The information in this Manual is targeted to Unit, Section and Branch Chiefs. Its primary purpose is to provide:

- The primary program goals and priorities for FY 93; and
- An overview of the Superfund program management processes (planning, accomplishment reporting and program evaluation, and resource allocation).

The FY 93 Superfund Program Management Manual consists of information on:

- Manager's schedule of significant events;
- Program goals and priorities;
- Program planning and reporting requirements; and
- Financial management and FTE distribution.

The Appendix contains the definitions for Federal Facility and non-Federal Facility site assessment, response, removal and remedial/enforcement pipeline activities.

In FY 93, for the first time, two other documents have been developed to support the program management needs of the Regional Information Management Coordinators, Remedial Project Managers and On-Scene Coordinators (*Superfund Program Implementation Manual*) and Division Directors (*Highlights: Superfund Program Management*).



# FY 93 SUPERFUND PROGRAM MANAGEMENT MANUAL

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## **MANAGER'S SCHEDULE OF SIGNIFICANT EVENTS**

### **JULY    QUARTER 4 (FISCAL YEAR (FY) 92)**

- 6      Fourth quarter Advice of Allowance (AOA) approved by the Assistant Administrator for the Office of Solid Waste and Emergency Response (AA SWER) and the Office of the Comptroller (OC)
  
- 8      Headquarters (HQ) pulls 3rd quarter accomplishments data from the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) and provides for:
  - 1) Entry into the Office of Pollution Prevention (OPP) Strategic Targeted Activities for Results System (STARS);
  - 2) Special program reports; and
  - 3) Assistant Administrator (AA) report
  
- 13-17    Regions verify accomplishments data contained in the OPP STARS system (third quarter accomplishments)
  
- 15      HQ/Regions pull data from CERCLIS to support negotiation of:
  - 1) Final Superfund Comprehensive Accomplishments Plan (SCAP)/STARS FY 93 targets;
  - 2) First quarter FY 93 removals; and
  - 3) Final FY 93 operating plan
  
- 17      OPP STARS system closes (third quarter accomplishments)
  
- 31      HQ distributes final FY 93 Superfund Program Implementation Manual for IMCs/RPMs/OSCs

### **AUG.**

- 6-25    HQ/Regions conduct negotiations on final FY 93 SCAP/STARS targets and budget
  
- 7      HQ pulls accomplishments data from CERCLIS
  
- 31      HQ sends memorandum to Regions on final budgets, targets and measures

### **SEPT.**

- 4      Regions revise CERCLIS to reflect final budgets, targets and measures
  
- 8      HQ pulls data from CERCLIS for first quarter (FY 93) AOA
  
- 8      HQ pulls accomplishments data from CERCLIS
  
- 21      HQ makes final FY 93 Full Time Equivalent (FTE) distribution



**MANAGER'S SCHEDULE OF SIGNIFICANT EVENTS (continued)****SEPT. (continued)**

- 25 HQ submits FY 93 first quarter AOA request to the AA SWER and places it in CERHELP
- 29 HQ/Regional conference call on final Remedial Action (RA) appropriation
- 30 HQ distributes final FY 93 Superfund Program Management Manual for Branch/Section/Unit Chiefs
- 30 HQ distributes final FY 93 Highlights: Superfund Program Management for Division Directors
- 30\* Regions input AOA to the Integrated Financial Management System (IFMS)

**OCT. QUARTER 1 (FY 93)**

- 5\* First quarter AOA approved by the AA SWER and OC
- 7 HQ pulls 4th quarter FY 92 accomplishments data from CERCLIS and provides for:
  - 1) AA report;
  - 2) Special Program reports;
  - 3) End-of-year assessment for FY 92; and
  - 4) Entry into OPP system for FY 92 STARS end-of-year accomplishments

**NOV.**

- 6 HQ/Regions set FY 93 final targets, including open season changes in CERHELP
- 6 HQ pulls accomplishments data from CERCLIS
- 16-20 Regions verify accomplishment data contained in OPP STARS system (fourth quarter FY 92)
- 20 OPP STARS system closes (fourth quarter FY 92)
- 30 Regions complete evaluation of Remedial Investigation/Feasibility Study (RI/FS) start candidates

**DEC.**

- 1 HQ sends draft FY 94 Operating Guidance and STARS measures to Regions for review

\* Dependent on approval of final appropriation

**MANAGER'S SCHEDULE OF SIGNIFICANT EVENTS (continued)****Dec.** (continued)

- 7 HQ pulls CERCLIS data for:
  - 1) Second quarter AOA; and
  - 2) FY 94 Congressional Budget
- 18 HQ submits second quarter AOA request submitted to AA SWER and places it in CERHELP
- 31 Regions input AOA to IFMS

**JAN.** **QUARTER 2 (FY 93)**

- 6 Second quarter AOA approved by the AA SWER and OC
- 8 Regions submit list of non-Federal Facility proposed and final National Priorities List (NPL) sites that did not receive a removal investigation during calendar year 1992
- 8 HQ pulls 1st quarter SCAP data from CERCLIS and baseline FY 94 targets and measures are developed using SCAP Methodologies
- 8 HQ pulls accomplishments data from CERCLIS and provides for:
  - 1) Entry into OPP STARS system for first quarter review;
  - 2) Special Program reports; and
  - 3) AA report
- 12 HQ performs a preliminary run of workload model based on methodologies
- 15 HQ sends call memorandum containing schedules for semi-annual negotiations and baseline targets and measures to Regions
- 15 Regional comments on FY 94 Operating Guidance due
- 21-27 Regions verify accomplishments data contained in the OPP STARS system
- 27 OPP STARS system closes
- 28-29 HQ/Regional Program Management meeting (SCAP/Workload Model)
- 29 Regions submit Fund mega-site Management Plans for FY 94 to the Hazardous Site Control Division (HSCD)

**FEB.**

- 5 HQ pulls accomplishments data from CERCLIS

## **MANAGER'S SCHEDULE OF SIGNIFICANT EVENTS (continued)**

### **FEB. (continued)**

- 5 HQ/Regions pull data from CERCLIS to support negotiation of:
  - 1) FY 93 RA schedules;
  - 2) Preliminary SCAP/STARS FY 94 targets;
  - 3) Preliminary FY 94 annual Regional budget; and
  - 4) Budget projections for FY 95 projects
- 5 HQ pulls national Environmental Indicators (EI) data from CERCLIS
- 18 HQ/Regions begin negotiation of:
  - 1) FY 93 third and fourth quarter targets and budget;
  - 2) FY 94 SCAP/STARS targets and annual Regional budget; and
  - 3) Preliminary FY 95 outyear budget
- 19 HQ prepares EI questions and answers to send to the Regions
- 26 HQ submits NPL proposed rule to the Office of Management and Budget (OMB)

### **MARCH**

- 1 HQ issues final FY 94 Operating Guidance
- 1 HQ/Regions complete preliminary negotiations of FY 94 targets
- 5 HQ pulls accomplishments data from CERCLIS
- 5 HQ pulls data from CERCLIS for enforcement extramural mid-year evaluation and third-quarter AOA
- 19 HQ distributes draft FY 94 Superfund Program Implementation Manual for Regional review
- 19 HQ pulls data from CERCLIS for mid-year assessment
- 19 HQ pulls CERCLIS data for third quarter AOA
- 19 Regions revise CERCLIS to reflect negotiated FY 94 preliminary targets and measures
- 22 HQ runs workload model for preliminary FY 94 FTE distribution
- 26 HQ submits third quarter AOA request to the AA SWER and places it in CERHELP

**MANAGER'S SCHEDULE OF SIGNIFICANT EVENTS (continued)****March** (continued)

- 30 HQ sends memorandum to Regions on preliminary targets and FTEs
- 31 Regions input AOA to IFMS
- 31 Regional response to HQ EI questions and answers

**APRIL** **QUARTER 3 (FY 93)**

- 1 HQ issues Addendum for FY 94 Operating Guidance
- 5 Third quarter AOA approved by the AA SWER and OC
- 6 Regional comments on FY 94 Superfund Program Implementation Manual due
- 7 HQ pulls accomplishments data from CERCLIS and provides for:
  - 1) Entry into OPP system for second quarter review;
  - 2) AA report; and
  - 3) Special Program reports
- 12-16 Change Management Council Meeting
- 14 Regions submit current FY STARS amendment requests to HQ
- 20-26 Regions verify accomplishments data contained in OPP STARS system (second quarter accomplishments)
- 22 Regions submit data sheets on Remedial Design (RD) projects that will lead to a FY 94 RA start
- 26 OPP STARS system closes (second quarter accomplishments)
- 30 HQ distributes FY 92 EI analysis to HQ/Regional managers

**MAY**

- 7 HQ pulls accomplishments data from CERCLIS
- 7 HQ pulls SCAP planning data for outyear budget (FY 95)
- 15 All Regional NPL site fact sheets must be updated by the Regions in NPL-PAD
- 21 HQ distributes final FY 94 Superfund Program Implementation Manual
- 31 HQ submits NPL final rule to OMB



## **MANAGER'S SCHEDULE OF SIGNIFICANT EVENTS (continued)**

### **JUNE**

- 7 HQ pulls CERCLIS data for fourth quarter AOA
- 7 HQ pulls accomplishments data from CERCLIS
- 9 HQ distributes draft FY 94 Superfund Program Management Manual
- 11 HQ/Regions complete negotiations on FY 93 fourth quarter AOAs for RD/RA, removal, and enforcement
- 11 HQ sends call memorandum and FY 94 proposed Regional budget to the Regions for semi-annual negotiations
- 18 HQ submits fourth quarter AOA request to the AA SWER and places it in CERHELP
- 25 Regional comments on FY 94 Superfund Program Management Manual due
- 30 Regions submit enforcement mega-site management plans to the Office of Waste Programs Enforcement (OWPE)
- 30 Regions input AOA to IFMS

### **JULY QUARTER 4 (FY 93)**

- 6 Fourth quarter AOA approved by the AA SWER and OC
- 8 HQ pulls accomplishments data from CERCLIS and provides for:
  - 1) Entry into OPP STARS;
  - 2) Special Program reports; and
  - 3) AA report
- 8 HQ/Regions pull data from CERCLIS to support negotiation of:
  - 1) Final SCAP/STARS FY 94 targets;
  - 2) First quarter FY 94 removals; and
  - 3) Final FY 94 operating plan
- 9 HQ distributes final FY 94 Superfund Program Management Manual
- 22-27 Regions verify accomplishments data contained in OPP STARS system (third quarter accomplishments)
- 23 HQ distributes final FY 94 Superfund Program Management Highlights
- 27 OPP STARS system closes (third quarter accomplishments)

**MANAGER'S SCHEDULE OF SIGNIFICANT EVENTS (continued)****AUG.**

- 6 HQ pulls accomplishments data from CERCLIS
- 9-20 HQ/Regions conduct negotiations on final FY 94 SCAP/STARS targets and budget
- 31 HQ sends memorandum to Regions on final budgets, targets and measures
- 31 HQ submits NPL proposed rule to OMB

**SEPT.**

- 8 Regions revise CERCLIS to reflect final budgets, targets and measures
- 8 HQ pulls data from CERCLIS for first quarter FY 94 AOA
- 8 HQ pulls accomplishments data from CERCLIS
- 20 HQ performs final FY 94 FTE distribution
- 24 HQ submits FY 94 first quarter AOA request to the AA SWER and places it in CERHELP
- 30\* Regions input AOA to IFMS

**OCT. QUARTER 1 (FY 94)**

- 5\* First quarter AOA approved by the AA SWER and OC
- 7 HQ pulls accomplishment data from CERCLIS and provides for:
  - 1) Special Program reports;
  - 2) AA report;
  - 3) Entry into OPP system for FY 93 STARS end-of-year; and
  - 4) FY 93 end-of-year assessment

**NOV.**

- 5 HQ pulls accomplishment data from CERCLIS
- 5 HQ/Regions set FY 94 final targets, including open season changes in CERHELP
- 18-24 Regions verify accomplishments data contained in OPP STARS system (fourth quarter FY 93)
- 24 OPP STARS system closes (fourth quarter FY 93)

\* Dependent on approval of final appropriation

## **MANAGER'S SCHEDULE OF SIGNIFICANT EVENTS (continued)**

### **Nov.** (continued)

- 24 Regions complete evaluation of FY 95 RI/FS start candidates
- 30 HQ submits NPL final rule to OMB

### **DEC.**

- 1 HQ sends draft FY 95 Operating Guidance and STARS measures to Regions for review
- 7 HQ pulls CERCLIS data for:
  - 1) Second quarter AOA; and
  - 2) FY 95 Congressional budget
- 7 HQ pulls accomplishments data from CERCLIS
- 11 HQ submits second quarter AOA request to AA SWER and places it in CERHELP
- 31 Regions input AOA to IFMS

**CHAPTER I**  
**PROGRAM GOALS AND PRIORITIES**



## CHAPTER I – PROGRAM GOALS AND PRIORITIES

### ONE MINUTE PROGRAM MANAGER RULES

Following are the actions Regional managers must take to comply with the requirements described in this Chapter. In order to acquire a more in-depth understanding of these requirements, the Chapter itself should be read.

#### Efficiency

- Regions should submit projects to pilot the new Superfund Accelerated Cleanup Model (SACM) to the Superfund Revitalization Office.
- In Fiscal Year 1993 (FY 93), incentives have been established for performing quick response actions at National Priorities List (NPL) sites.

The scope of site evaluations should include a determination of whether there are opportunities for quick response.

Regions must review half of their NPL sites each calendar year to ensure no immediate threats have arisen.

By January 7, 1993, each Region needs to submit documentation on the proposed or final non-Federal Facility NPL sites that were evaluated during calendar year 1992.

A \$50 million set aside from the Remedial Action (RA) budget can be used for quick response projects. Projects under \$2 million and projects up to \$5 million that contribute to substantial risk reduction, constitute a significant interim action, or lead to site completion/NPL deletion may be funded.

- Trend measures to assess time efficiency of the remedial pipeline in each Region are being implemented.
- The standard planning durations for response and enforcement activities contained in the Integrated Timeline should only be used if more accurate timeframes are not available. When better planning data and schedules are developed, the Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS) must be revised.
- Regions are urged to use Site Management Plans (SMPs) to ensure that proper funding, enforcement activities, and management responsibilities are laid out for a site.

## CHAPTER I – PROGRAM GOALS AND PRIORITIES (Cont.)

### ONE MINUTE PROGRAM MANAGER RULES

#### Effectiveness

- In FY 93, site construction completions and NPL deletions are a high priority.

- Prepare the Preliminary Site Close-Out Report as soon as possible after construction is complete at the final OU.

Prepare Interim and Final Superfund Site Close-Out Reports as soon as possible after accepting the RA Report for the final RA.

Shift sites into the Construction Complete category following approval of Interim or Final Superfund Site Close-Out Reports.

Removals that complete all remediation necessary at NPL sites require completion of an Action Memoranda and a Record of Decision (ROD) that documents that the site meets the statutory requirements for site closeout.

- Conduct five year reviews for appropriate sites so they are completed within five years of award of RA contract.
- Regions are required to develop and submit Mega-site Management Plans for Fund-financed Remedial Investigation/Feasibility Study (RI/FS) projects if their costs exceed or are expected to exceed \$3 million, or for enforcement projects where management costs are more than \$200,000 per year for removal oversight and litigation support and \$500,000 per year for RI/FS oversight.
- Establish and enter into CERCLIS site assessment decisions/priority recommendations at each step of the evaluation process.
- Regions should continue efforts to accelerate site cleanup and transfer of property at Federal Facility closing bases.

#### Equity

- Regions should evaluate sites and the Potentially Responsible Parties (PRPs) to determine if an early de minimis settlement is appropriate.
- The President has set a goal of recovering \$300 million in FY 93 in his Management by Objectives (MBO) system.

## CHAPTER I - PROGRAM GOALS AND PRIORITIES

### **OVERVIEW OF PROGRAM GOALS**

The focus of the Superfund program is to maximize the protection of human health and the environment through fast, effective cleanup of **priority** hazardous waste sites and releases. Maximizing appropriate participation of Potentially Responsible Parties (PRPs) and timely remediation of sites, including Federal Facilities, are two of the Superfund program's highest priorities.

#### **FY 93 Themes**

Fiscal Year 1993 (FY 93) is a critical year for the Superfund program as the Environmental Protection Agency (EPA) enters the final year of the three-year extension to the Superfund Amendments and Reauthorization Act of 1986 (SARA). Accomplishments in FY 93 will be the most significant indicators of the program's performance. New initiatives are being proposed that embody the Agency's vision for the future and reflect the application of three key principles: **efficiency, effectiveness, and equitability.**

Efficiency and effectiveness initiatives will reduce the timeframe for moving sites through the remedial pipeline and increase the number of site completions/National Priorities List (NPL) deletions. An increase in the number of de minimis settlements, the allocation of equitable costs to municipalities, and the pursuit of non-settlers will improve the Superfund program's equity in dealing with the PRPs.

The following themes are highlighted in FY 93 in order to achieve these program goals and principles:

- Accelerate and streamline the Superfund pipeline to mitigate risk and produce an increase in the number of construction completions and NPL deletions;
- Accelerate cleanup at closing military bases on the NPL and expedite property transfer;
- Reduce risks by performing quick response actions at priority sites, including effective pilot testing of the Superfund Accelerated Cleanup Model (SACM);
- Achieve early and appropriate settlements with collateral PRPs, including de minimis parties and municipalities;
- Regions should consider use of all relevant enforcement tools and apply these tools to given situations, e.g., Administrative Order on Consent (AOC), Consent Decree (CD), Unilateral Administrative Order (UAO), use of the Fund, cost recovery, de minimis or mixed funding;
- Select the best cases for cost recovery so as to ensure cost effective litigation (both administrative and judicial) to maximize cost recovery to the Trust Fund;
- Effectively communicate program progress through Environmental Indicators (EI) and other related initiatives;
- Ensure effective management of contracts; and

- Further the use of innovative treatment technologies to permanently cleanup sites. Use Federal Facilities to develop innovative technologies that reduce the cost and time of cleanup.

### A Framework for Setting Priorities

Over the past few years, Regional personnel have been told that “enforcement first,” worst sites/worst problems first, and completions/deletions are each the highest program priority. Although it is frequently possible to address all priorities, it is not always possible to optimize them. This section will address the reconciliation of the competing priorities of the Superfund program.

The highest priority of the Superfund program is the **management of imminent risk to human health and the environment**. Once it is determined that the site poses no imminent risk, the Agency moves on to other priorities. All other activities in the Superfund program are directed toward optimizing **completion of construction at sites (and deletion where feasible)**, while using enforcement tools to ensure **maximum PRP involvement**.

**Addressing worst sites/worst problems first is a guiding principle within the context of the goal of optimizing the number of completions, as well as when the choices made do not affect the number of completions.** When cleaning up sites, decisions should be focused on ensuring risk reduction and addressing the worst problems at the worst sites first. Records of Decisions (RODs) that will document completion of site remediation will often have priority over sites that have been stabilized, but will take longer to bring to completion. Although imminent threats have been addressed, and the site is “under control,” there may be times where the tentativeness of the control warrants that the problem or site be given a higher priority than a site moving toward completion. Common sense and public welfare must guide the manner in which the priority given to completions is reconciled with the emphasis on reducing risk at the worst sites first.

Enforcement first should remain an objective while balancing the need to expedite completions/deletions. When PRPs are recalcitrant, the Region must determine what mix of Fund and enforcement tools should be used to move the site expeditiously to cleanup. Both a UAO and Fund-financed action should be considered. If UAOs are issued and the PRPs do not comply, a Fund-financed cleanup should be considered as appropriate to ensure that the site moves forward quickly, and then treble damages pursued.

One of the tools used by the Agency to reconcile the competing Superfund priorities is the Integrated Priority Setting Matrix. The Matrix was initially developed in 1989 by the Office of Waste Programs Enforcement (OWPE), the Office of Emergency and Remedial Response (OERR), and the Regions. It is evaluated on a yearly basis to ensure that the latest program priorities are accurately reflected. The Matrix is used by OERR, OWPE, the Office of Federal Facilities Enforcement (OFFE), and the Office of Enforcement (OE) to allocate resources in Superfund to the highest priority activities. The Integrated Priority Setting Matrix is described in the following section.

### Integrated Priority Setting Matrix

The Integrated Priority Setting Matrix shown in Exhibit I-1 has been reorganized to reflect the key principles in FY 93 of efficiency, effectiveness and equity. The new Matrix is designed to:

- Identify the most significant program priorities that support the three key principles;



- List the major activities or tools that receive resources, grouped according to their contribution to a program priority; and
- Arrange the program priorities and major tools in order of importance, where possible.

The Matrix provides a framework for establishing, testing and adjusting resource levels. This Matrix will be used by Headquarters (HQ) and the Regions in making trade off decisions during:

- FY 94 budget formulation;
- FY 93 operating plan development, target setting and negotiation; and
- FY 93 mid-year adjustment.

The overall organization of the Matrix is governed by the following concepts:

- All of the activities listed in the Matrix contribute in a significant manner to Superfund program success. Therefore, priority setting must be couched in terms of maintenance of an essential minimum baseline of activity across the board; and
- A baseline of activities must be supported to ensure that a constant flow of projects is maintained across the remedial and removal pipelines, and that the entire program maintains its operating integrity.

**EXHIBIT I-1****INTEGRATED PRIORITY SETTING MATRIX**

PROGRAM THEME	PROGRAM PRIORITIES	TOOLS
EFFICIENCY	Reduce risks by performing quick response actions at Federal Facility and non-Federal Facility sites; Ensure that resources are available for time critical removals	Classic Emergencies (Fund and PRP) National Priorities List (NPL) Removals/ Expedited Response (Fund, PRP and Federal Facility)
	Emphasize enforcement first in Superfund actions; Regions should be prepared to take action promptly after the negotiation moratorium deadlines	Remedial Design (RD)/Remedial Action (RA) Negotiations Section 106 Settlement Referrals Section 106 Unilateral Administrative Orders (UAOs) for RD/RA Mixed Funding for RD/RA Administrative Orders (AO) for Removals Federal Facility Interagency Agreements (IAG) Remedial Investigations/Feasibility Study (RI/FS) Negotiations AOs for Non-NPL Time Critical Removals
	Accelerate and streamline the Superfund pipeline; Accelerate cleanup at closing military bases and expedite property transfer	NPL Base Closures Superfund Accelerated Clean-up Model (SACM) RA Starts (Fund, PRP and Federal Facility) RD Starts (Fund, PRP, and Federal Facility) RI/FS Starts (Fund, PRP, and Federal Facility) Site Assessment (Preliminary Assessment (PA)/Site Inspection (SI), Listing) Non-NPL Time Critical Removals
EFFECTIVENESS	Increase the number of site completions and NPL deletions	Complete Ongoing RAs Prepare and Approve RA Reports, Preliminary Site Close-Out Reports, Interim Site Close-Out Reports and Final Superfund Site Close-Out Reports Delete Sites from the NPL Five Year Reviews Complete Ongoing RDs Complete Ongoing RI/FSs
	Consider use of all relevant enforcement tools and apply these tools to given situations	Section 104 Access Section 106 Litigation to Enforce UAOs Compliance Enforcement Section 106/107 Litigation Section 106 Litigation

**EXHIBIT I-1 (Continued)****INTEGRATED PRIORITY SETTING MATRIX**

PROGRAM THEME	PROGRAM PRIORITIES	TOOLS
EFFECTIVENESS (CONT.)	Effectively communicate progress in the Superfund program	Pilot Projects to Support Efficiency, Effectiveness and Equity Environmental Indicators Technical Assistance Grants Community Relations Administrative Record (Removal and Remedial)
	Ensure effective management of activities that support the Superfund program; Further the use of innovative technologies to permanently clean Up Sites	Innovative Technologies Contract Management Contract Laboratory Program Removal Support Remedial Project Support Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS) Data Base Management Records Management Program Management
EQUITY	Achieve early and appropriate settlements with collateral PRPs	<u>De minimis</u> Settlements Settlements with Municipalities
	Select the best cases to ensure cost effective litigation and to maximize recovery to the Trust Fund	Section 107 Statute of Limitation (SOL) Cost Recovery Referrals Section 122 Administrative Settlements
	Take actions to Identify PRPs	Section 104(e) Referrals NPL PRP Searches Non-NPL PRP Searches
	Enter into Cooperative Agreements, Superfund Memoranda of Agreement or other management assistance agreements	Core Program Cooperative Agreement (CPCA) State Program Support

## **EFFICIENCY**

A major theme of the Superfund program is an aggressive, well planned and tightly coordinated system for moving sites to completed remediation, while maximizing the participation of the PRPs. This has led to the development and implementation of a number of program initiatives. These initiatives, as well as the supporting response and enforcement goals and priorities, are discussed in this section.

### **Superfund Accelerated Cleanup Model (SACM)**

The Office of Solid Waste and Emergency Response (OSWER), through its continued investigation of ways to make the Superfund program more efficient, has developed a model for streamlining and accelerating the Superfund program. (See OSWER Directive 9203.1-03, Guidance on Implementation of the Superfund Accelerated Cleanup Model (SACM) under CERCLA and the NCP, July 7, 1992.) This model concept is designed for a dual purpose: to make the Superfund program work better and to communicate success in risk reduction to the public. The model:

- Combines and eliminates steps in the Superfund process;
- Identifies all sites/releases at which Superfund takes action as "Superfund sites";
- Shortens timeframes for performing cleanup actions at all Superfund sites; and
- Achieves immediate risk reduction by tackling the worst sites first using removal and/or remedial authority.

The model will deliver results the public will value:

- Quick reduction of acute risks at all Superfund sites (removal and remedial); and
- Restoration of the environment over the long term.

The SACM, which is presented in Exhibit I-2, includes:

- A one-step site screening and risk assessment at the front end of the process to expedite cleanup and blend removal and remedial cultures;
- Establishment of multi-disciplinary Regional Decision/Management Teams to serve as "traffic cops" for moving sites to early response action or long-term action. This team will also develop standards for remediation levels and technologies;
- Reduction of immediate risk by performing early actions;
- Implementation of long-term actions to restore the environment/media. These sites will require years to clean up but pose no immediate threat; and
- Involvement of enforcement, community relations and the public throughout the process.

The compressed schedule for the SACM initiative will require early and continuous consultations with the State and local communities. For many site assessments and early action activities, this interaction will be essential to the success of SACM projects.

Each of the elements of the SACM are discussed in the following sections and presented in Exhibit I-3. The information in this Manual does not address the unique issues associated with implementation of the SACM at Federal Facilities. Supplemental guidance on those issues is under development. In FY 93, continuing the phased implementation of the SACM concept will be a high priority. The results of the pilots will be used to develop and refine the procedures for implementing SACM to cleanup sites. Nationwide implementation of the SACM is expected in FY 94. As a result, the information in this Manual will not reflect the concepts of SACM.

### Site Assessment

One of the major initiatives of SACM is to break down institutional barriers within the Agency, and to establish an operational scheme under which data are collected and used to serve multiple purposes. The National Oil and Hazardous Substances Pollution Contingency Plan (NCP) contemplates that the Agency will sequentially perform (as warranted) a removal Preliminary Assessment (PA) and Site Inspection (SI), a remedial PA and SI, and ultimately a Remedial Investigation (RI). These various studies can be consolidated in appropriate cases under the SACM model such that one site assessment can be performed and one site assessment report written. The report should, however, include findings required by the NCP for moving from one phase of site assessment to another.

By using data for multiple purposes, economies can be achieved in terms of the amount of sampling needed, expertise and learning can be shared among officials responsible for the various tasks undertaken at a site, and the time between data collection and action (if deemed necessary) can be shortened. Specifically, if and when sufficient information is gathered during the combined site assessment, the Agency may commence an early action, a Hazard Ranking System (HRS) scoring package, or ultimately a long-term action. This consolidation could save years in the site evaluation phase of the Superfund process.

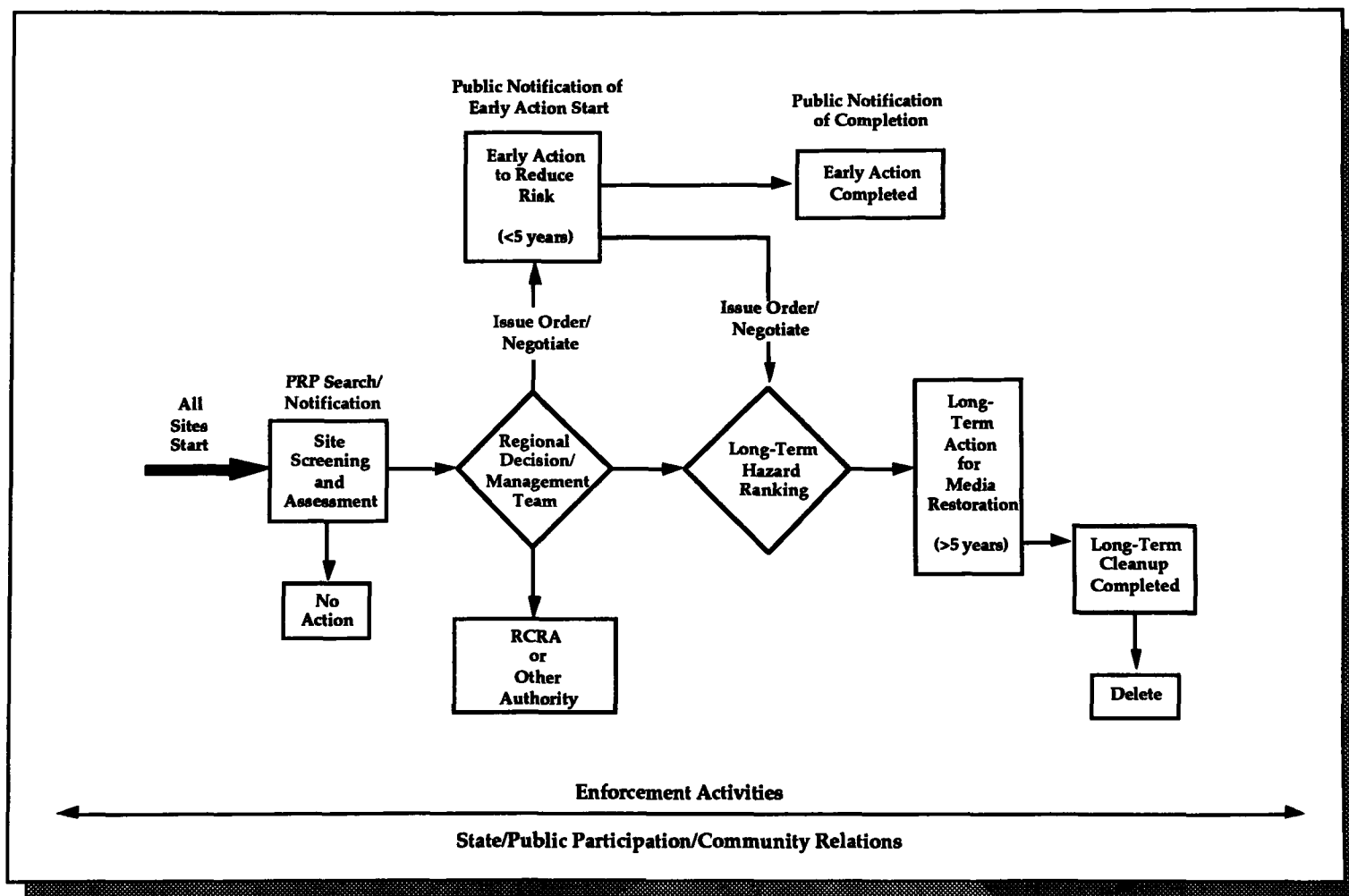
### Regional Decision Team (RDT)

The RDT is cornerstone to the day-to-day implementation of SACM. It is envisioned that there will be one or several RDTs functioning simultaneously to provide adequate coverage for all sites in the remedial pipeline. The RDTs will have decision responsibility for select activities, such as site "triage" (i.e., determining the initial responses required to minimize risk), and follow up actions (i.e., site sampling strategy). In addition, the RDT will be responsible for developing and recommending alternatives to upper management for signature of the Action Memorandum and/or ROD.

True emergency situations may be initiated outside the RDT structure when required to accelerate on-site response.

While it is expected that RDTs will have some features that are standard, there is Regional flexibility. The following is a general discussion of the make-up and role of the RDT that may be implemented:

- Make-up of the RDT – The RDT is expected to be composed of a Core Group, with a Team Leader, and a Support Group. During the initial start-up of SACM, the Team Leaders for the RDTs are expected to be Branch Chiefs. The remainder of the Core Group includes the Remedial Project Manager (RPM)/On-Scene Coordinator (OSC), Office of Regional Counsel (ORC) and a site assessment representative. The Core Group will identify the make-up of the Support Group. It is strongly encouraged that all Support Groups include a State representative.

**EXHIBIT I-2****THE SUPERFUND ACCELERATED CLEANUP MODEL (SACM)**

# EXHIBIT I-3

## SACM Implementation Within NCP Framework

	EARLY ACTIONS				LONG TERM ACTIONS
NCP Terminology	Emergencies	Time Critical	Non-Time Critical	Early Remedial	Remedial
Funding Source and Authority	Removal	Removal	Removal (Remedial not precluded)	Remedial	Remedial
Types of Actions	Classic Emergencies	Site Access Direct Threats Water Supply Visible Soil Contamination Remove Surface Structure and Debris	Soil Source Control Capping DNAPL Ground Water Plume Containment Treatment Incineration	Actions w/ Extended Operation & Maintenance (O & M) Property Acquisition Permanent Relocation Institutional Controls	Restore • Groundwater • Surface water Sediments Wetlands/Estuaries Large Mining Sites
Enforcement Vehicle	← Administrative Order on Consent Unilateral Order →			→ Consent Decree →	
State Role	Notification and Optional Participation			Consultation and Participation	
Contractor Vehicle	Emergency Response Cleanup Service (ERCS) Field Investigation Team (FIT)/Technical Assistance Team (TAT)		← ERCS and Alternative Remedial Contracting Strategy (ARCS) and US Army Corps of Engineers (USACE) → FIT/TAT FIT		
Requirements for ARARs	Not Required	Required to Extent Practicable (or get waiver)		Required (or get waiver)	
Cost Share	Not Required		Optional	Required	
Community Relations	Varies as Time Allows		← Required →		
Public Comment	Not Applicable		Engineering Evaluation/ Cost Analysis (EE/CA)	RI/FS	
Baseline Risk Assessment	Risk Documented in Action Memo Only		Optional – Apply EPA Policy?	Required	
Preference for Treatment	As Time Allows But Not Required		Required – Apply EPA Policy?	Required	
Documentation	Action Memo  Emergency Waiver Administrative Record – (After the Fact)	Action Memo  Emergency Waiver Consistency Waiver  Administrative Record	Consistency Waiver	Quick ROD Hazard Ranking System (HRS) Scoring National Priorities List (NPL) Listing Remedial Investigation/Feasibility Study (RI/FS) Cooperative Agreement/Superfund State Contract (CA/SSC) Administrative Record	Complete ROD Administrative Record

- Role of the RDT – The RDT will guide the project from site discovery through site close-out. Decision authority for specific key milestones of the project (i.e., determining appropriate initial responses required to minimize risk and helping to set response priorities) will generally be the responsibility of the Core Group and more specifically the Team Leader. The Support Group will provide information and consultation to the Core Group as needed. It is the responsibility of the Team Leader to ensure the RDT expedites the site process and the goals of the SACM are realized on a site specific basis.

### Early Actions

The purposes of early actions are to respond to emergencies and to eliminate or achieve a quick reduction of risks. The EPA will continue to use the removal authorities in the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) and the NCP to respond to emergency and time critical situations (actions must be initiated in less than six months). In non-time critical situations, where a planning period of at least six months exists, both non-time critical removal and early action remedial authorities could be used to reduce risk.

A non-time critical removal action must include an analysis of alternatives in an Engineering Evaluation/Cost Analysis (EE/CA) and the public must be afforded 30 calendar days to comment on the proposed removal alternative before it is selected. It is also anticipated that it will generally be practicable for non-time critical removal actions to attain most Applicable or Relevant and Appropriate Requirements (ARARs). Finally, in order to assure the public that the non-time critical removal action will be of high quality, Agency policy will be to implement a preference for treatment and conduct a baseline risk assessment, where appropriate, before selecting a response action.

An early remedial action may be either a final or interim remedial action. An early remedial action can be taken during scoping or at other points during the Remedial Investigation/Feasibility Study (RI/FS) process. Due to its use early in the remedy evaluation process, less documentation is required for the ROD for an interim remedial action than for a final ROD; however, adequate documentation must be provided to justify the action. (See OSWER Directive No. 9355.3-02FS-3, "Guide to Developing Superfund No Action, Interim Action, and Contingency Remedy RODs," April 1991.)

In making a decision as to which authority to use in the non-time critical situation, the following issues should be considered:

- NPL status – Non-time critical removal actions can be performed at both NPL and non-NPL sites. However, Fund financed remedial construction can only be performed at final NPL sites.
- Site complexity – Sites with complex sources of contamination should be addressed under remedial authority.
- Cost and duration – Fund-financed removal actions exceeding \$2 million or 1 year must be accompanied by an analysis supporting an exemption. The exemption will most likely be based on a finding that the removal action is consistent with the remedial action to be taken at a NPL site.
- State cost share – Although State cost share is not required for a removal action, the absence of a State's financial participation may limit EPA's ability to fully fund



certain actions. Regions may want to seek voluntary State funding on a site-by-site basis.

- Operation and Maintenance (O&M) – Where a proposed Fund-financed removal action would require the performance of measures to maintain the effectiveness of the action, the State's willingness to perform these measures should be evaluated.
- PRP involvement – Non-time critical removal actions may be performed by the PRPs under an AOC. If the PRPs seek judicial approval of a settlement (CD) or there are multiple parties, an early remedial action may be more appropriate.
- Public involvement – High visibility sites are more likely to require the use of remedial authorities to ensure community and State involvement in the remedy selection process. In non-time critical removal situations, the public must be given not less than 30 calendar days to comment on the proposed removal alternative before it is selected. The remedial action proposed plan is also available to the public for no less than 30 calendar days prior to remedy selection. In addition, the EPA conducts a public meeting on the proposed plan.
- Resource availability – Resource (dollars, Full Time Equivalents (FTEs), contractual) availability within the Region may dictate the use of one type of authority over the other.

### Long -Term Actions

The purposes of long-term actions are site remediation activities including groundwater restoration and other resource and time intensive activities. The Agency will continue to use remedial action authorities to respond to most long-term contamination problems. Key considerations for using long-term actions are:

- The sites must be listed on the NPL to expend Federal dollars on Remedial Action (RA);
- Response actions require significant resources;
- Long term O&M;
- Permanent relocation and/or the acquisition of real estate by EPA is required; or
- Other factors, such as cost recovery or enforcement strategy considerations.

### Involvement of Enforcement

The SACM goal of accelerating cleanups is not intended to replace other important goals, such as the Agency's general policy of enforcement first. Therefore, it will be necessary to carry out PRP searches early in the site assessment process. An early and effective PRP search will allow the Agency to pursue an effective enforcement strategy for non-time critical early actions. In addition, early identification and notice to the PRPs will strengthen EPA's cost recovery case in Fund-financed situations.

### Quick Response

Two of the goals of the SACM, streamlining cleanup actions and reducing risk using remedial and/or removal authorities, are not new. In the past, the Agency has encouraged the use

of removal authorities to perform quick response actions (i.e., Initial Remedial Measures (IRMs) and Expedited Response Actions (ERAs)). In FY 91 and FY 92, a variety of contracting mechanisms were implemented that provided the capability to perform these actions.

During site evaluation phases, including the PA and SI, removal assessment or scoping for the RI/FS, the RPM or OSC should determine if the site is safe. A part of the site evaluation is a determination of the need for surface cleanup that will reduce risk and can be accomplished quickly through the use of removal/remedial authorities.

Quick response actions are designed to eliminate surface waste/chemicals, barrels, tanks, pits, ponds, and lagoons. They also serve to develop information for use in the RI/FS scoping. When evaluating the potential for a quick response, the following criteria should be considered:

- The cleanup actions should be well defined, of low to moderate technical complexity, use a proven technology, have existing field information readily available, and have a low to moderate cost to complete. Examples are surface cleanup, soil excavation, interim groundwater plume controls, tank or structure demolition, and impoundment closure.
- A project should not be divided up and expedited just to “turn dirt.” The decision to perform a quick response should be based on an attempt to reduce risks and compress the critical path for pipeline remedial activities. The actions must be consistent and appropriate to the other response actions being performed at the site.
- Before an action is taken, certain enforcement issues need to be addressed – Are willing and viable PRPs that are able to produce quality products involved? Are these PRPs interested in conducting quick response actions?

These criteria will assist the Region in a decision as to whether to conduct a quick response action at the site.

### Financial Considerations

To provide incentives for quick response actions at remedial sites, the following management procedures are in place:

- \$50 million dollars is set aside in the RA budget to be used for quick response projects. This funding is available on a first ready, first funded basis. It is not for emergencies or time critical actions, but for getting a head start or fast start on remedial work.
- Quick response projects should be less than \$2 million, but projects up to \$5 million may be approved by HQ. These projects must demonstrate one or more of the following:
  - Substantial contribution to risk reduction;
  - Significant interim action; or
  - Activities lead to completion or deletion.

### Authorities and Contracting Strategies

A separate determination needs to be made on which authority and contract vehicle will be employed. EPA is planning to award several new Emergency Response Cleanup Services (ERCS) contracts that may have the capability and capacity to perform rapid response actions. Under the remedial program, the Alternative Remedial Contracting Strategy (ARCS) contractor performing RI/FS activities may be tasked by the RPM to conduct quick response actions. Typically, the ARCS contractor will be able to subcontract for work of this nature. EPA has also developed a Prequalified Offerors Procurement Strategy, which provides a list of prequalified contractors that have the capability to perform specified technologies. The U.S. Army Corps of Engineers (USACE) has rapid response contracts for demolition actions, closures, point source contamination controls, and site stabilization for use by EPA. Finally, separate site-specific contracts should be considered.

### Procedures for Quick Response

Projects for quick response funding must be identified by the third quarter in order to guarantee funding. At that point, unplanned and unobligated funds remaining in the quick response set aside will be placed back in the RA budget and used to fund priority RAs or quick response projects identified after the third quarter. A Region may request funding for quick response actions by writing the Director, Emergency Response Division (ERD). The ERD Director is responsible for coordinating the request with the Hazardous Site Control Division (HSCD), the Office of Program Management (OPM), and OWPE. The request to the ERD Director should address the relevant criteria listed earlier in this section to justify the need for the quick response. The request should be supported by relevant documents.

If the quick response is a rapid remedial response, Regions are encouraged to conduct a focused Feasibility Study (FS) that will lead to a "thin" or interim action ROD. Guidance on preparing these RODs was issued in April 1991 ("Guide to Developing Superfund No Action, Interim Action and Contingency Remedy RODs," OSWER Directive 9355.3-02FS-3). The ROD must be signed and the Superfund State Contract (SSC) in place prior to initiating the action. In the event the Region targeted a ROD at a site and a removal will be performed instead, and there are no other sites available to substitute for the ROD target, the request for quick response funding should include a request for relief from the ROD target.

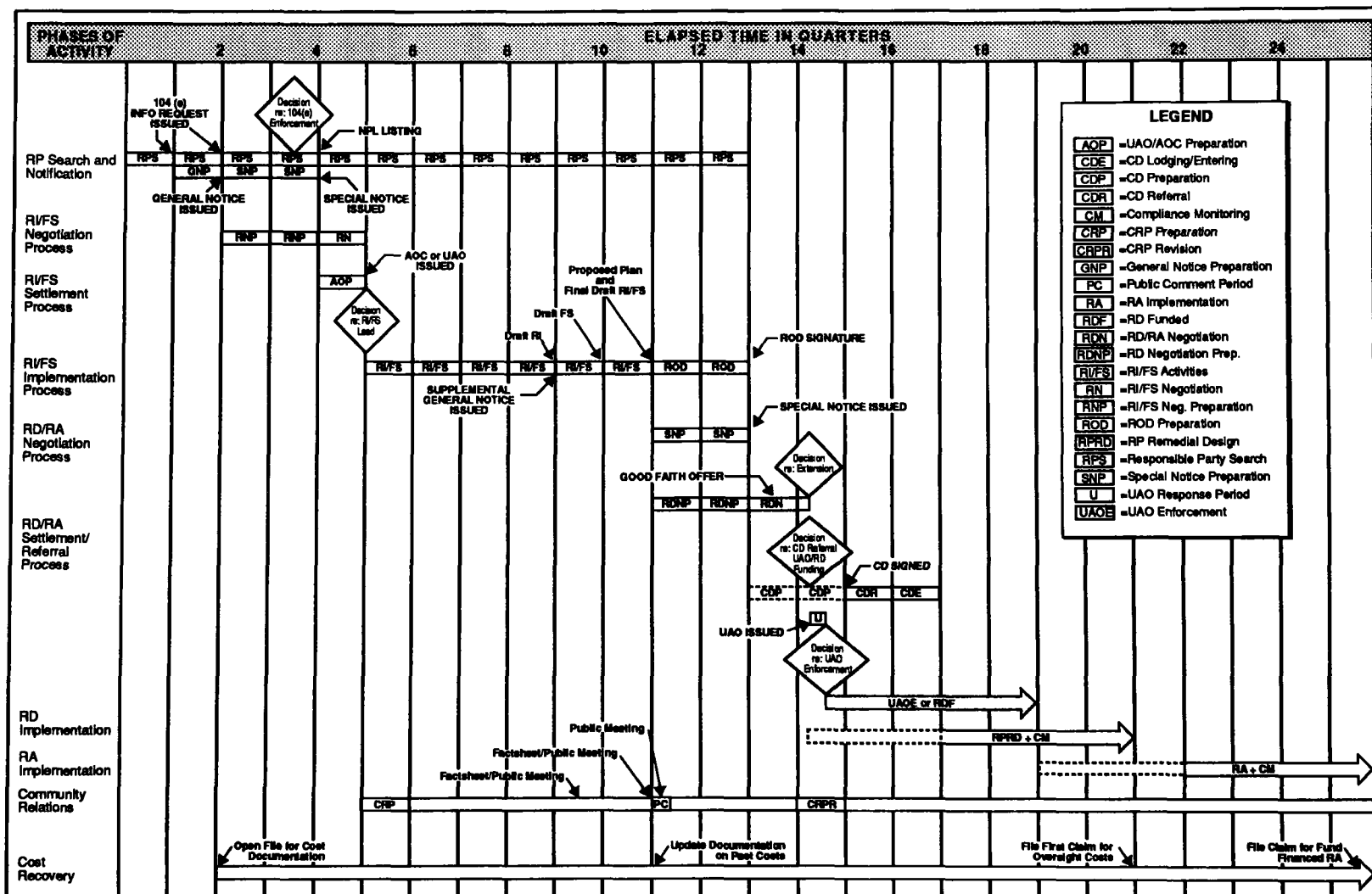
### Integrated Timeline for Site Management

Success in implementing the Superfund program depends in large part on identifying critical decision points and timeframe goals for moving from one phase of activity to the next. In 1989, the Agency developed a timeline that provides an overview of the major remedial and enforcement activities required in the Superfund site cleanup process. The Integrated Timeline (Exhibit I-4) is a multi-step site management process that, in the ideal situation, spans 24 quarters. The Integrated Timeline will be evaluated in the upcoming year in light of the SACM. Implementation of the SACM may result in the elimination of a number of steps and a reduction in the duration of activities in the timeline.

In FY 93, the Integrated Timeline will continue to be utilized to establish performance expectations. Performance improvements will be tracked against the Timeline. To embody the concept of good timeline management, trends analyses will be undertaken. The average duration will be measured—by Region—for sites where Remedial Design (RD)/RA negotiation starts or completions, RD starts or RA starts are planned in FY 93 as follows:

- ROD to RD/RA negotiation starts;

# **EXHIBIT I - 4** **INTEGRATED TIMELINE**



- ROD to RD/RA negotiation completions;
- ROD to RD start; and
- ROD to RA start.

Each of these averages will be reported relative to prior years (FY 91 and FY 92) and prior quarters performance. In addition, RI/FS start to completion timeframes and RD/RA negotiation timeframes will also be tracked. (See the Appendix for more information.)

Regions are strongly urged to develop a Site Management Plan (SMP) for a site shortly after proposal for the NPL. The plan should lay out important enforcement activities that are essential at the site (PRP searches, issuance of RI/FS special notice, issuance of RD/RA special notice, RD/RA negotiations, development and finalization of CD, issuance of UAO). These enforcement activities should be integrated with response events at the site or Operable Unit (OU). The plan can be used to ensure that funding is requested for the activities and that the proper people in all affected offices have been brought into the process at the appropriate points. The Agency is developing guidance to assist the Regions in the preparation of SMPs.

The durations in the Integrated Timeline are goals that should be used if more accurate estimates are not available. **When better planning data and schedules are developed, the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) must be revised to reflect these schedules.**

#### Supporting Program Goals

The following sections described the specific goals that support a more efficient Superfund program.

#### Removal

In FY 93, as in the past, the key goal of the removal program is to ensure that resources are available for time critical removals and not diverted to less critical removal actions. Regions should prioritize time critical removals in the following order:

Classic emergencies at NPL or non-NPL sites;

Removals at NPL sites; and

- Time critical removals at non-NPL sites posing major environmental and public health threats that can not be addressed by other authorities.

Non-time critical removals at non-NPL sites should be undertaken only as resources allow and to expedite cleanup in conformance with the worst problems first policy. Non-time critical removals at NPL sites should be planned and budgeted site specifically. For all non-time critical removals, Regions should involve States and PRPs to the maximum extent practicable. In classic emergencies, PRPs should be notified orally and given up to 24 hours to respond, depending on the situation. Oral notification should be followed up in writing. For time critical removals, enforcement activities (PRP searches, negotiations and issuance of an order) should be initiated as soon as the site is identified, and scheduled for completion based on the timing of the removal start.

Regions have the responsibility of reviewing half their NPL sites each calendar year to ensure no immediate threats have arisen. By January 7, 1993, each Region needs to

submit documentation on the completed evaluations of those non-Federal Facility proposed and final NPL sites that were evaluated during calendar year 1992. The documentation that must be submitted includes memoranda signed by a Regional Division Director and sent to the Regional Administrator with a copy to the Director ERD, along with a copy of the CERCLIS report RMVL-12, Summary of NPL Site Evaluations Conducted in Calendar Year. This CERCLIS report is to be used to document sites where a biennial NPL site evaluation was conducted in the last calendar year.

### Enforcement

One of the goals of the enforcement program is to maximize efficient use of PRP resources. To reach this goal, the following priorities have been identified for FY 93:

- Aggressively seek settlement for PRP response with more parties — Regions are encouraged to use SMPs to lay out negotiations responsibilities among the parties involved and timeframes for deliverables. Well planned negotiations need to be initiated and completed within the special notice moratoria or schedules presented in general notice letters.
- RD/RA Negotiation process — Regions should manage the RD/RA negotiation process within the timeframes established under Section 122. Special Notice Letters (SNLs) should be issued in a timely manner. Regional Administrator or Assistant Administrator (AA) extensions should be used only where settlement appears likely.
- Section 106 Settlements — Regions should be prepared to issue a UAO promptly after the negotiation moratorium deadlines if there are viable PRPs and a settlement has not been reached. UAOs with delayed effective dates should also be considered in order to encourage the successful conclusion of negotiations. If a Fund-financed response is initiated, all steps should be taken to seek treble damages against recalcitrant PRPs during cost recovery.
- Removal enforcement — Regions should work to maintain or increase the percentage of removals conducted by PRPs, particularly time critical and non-time critical removals. In this effort, Regions should commence PRP searches early to assess whether there are viable and liable PRPs. Where this is the case and an AOC can not be negotiated, Regions should issue UAOs and, in cases of non-compliance, pursue cost recovery. Regions are required to support their removal enforcement decisions in action memos and other appropriate documents. A sound administrative record will be the Agency's key to defending itself against Section 106(b) claims from PRPs seeking reimbursement for their removal costs. As the Superfund program uses more UAOs to compel response, there are likely to be more claims.

### Site Assessment

Site assessment demands are expanding and Regions are encountering more requirements in screening sites and making worst sites first decisions. To ensure that the worst sites enter the cleanup process first, the site assessment program has established the following goals:

- Renewed and expanded emphasis on the removal program coordination. State, ARCS, and EPA staff conducting PAs, site reconnaissance and SIs should consider the need for removal activities at all sites evaluated. Removal personnel must be

notified in all instances where evidence of potential fire, explosion, or direct exposure hazards exist or where removal activities may substantially improve a hazardous situation. Also, new policies on consideration of removals in HRS scoring increases the need for removal and site assessment coordination.

- Make substantial progress on SI priorities. Resources will be provided in FY 93 to collect data as needed to determine a priority for sites that have had an SI in the past, but require further work in order to 1) make a decision on whether to proceed with HRS ranking and NPL proposal, or 2) make a determination that the site evaluation is complete. Over 6,000 sites have completed SIs and need to be evaluated for inclusion on the NPL. The overarching site assessment goal is to set priorities for screening and listing the highest priority sites first. Each Region will need to work with HQ to determine its most balanced priorities/workload and division of labor with its States.
- Continue EPA's policy of conducting PAs within one year of CERCLIS listing in order to prevent the build-up of a PA backlog.
- Perform PAs and HRS scoring at Federal Facilities to achieve SARA goals.
- Implement the revised HRS. Use the HRS to rank sites for proposal to the NPL. An update to the NPL is scheduled for publication in the *Federal Register* (FR) semi-annually.

### Federal Facilities

Superfund Federal Facilities enforcement remains a key Agency issue because of the high visibility and significant threat posed by military sites; the impact of military base closings; the significant resources needed to oversee Department of Defense (DoD)/Department of Energy (DOE) efforts at NPL sites; and heightened public interest. Federal Facilities program goals for FY 93 are based on a number of interacting factors, including overall Superfund program goals, anticipated resource constraints, Congressional interest, and statutory requirements. Program activities and resources should be planned to achieve the following goals:

- Facilitating property transfer at military base closure sites;
- Improving program efficiencies through accelerated response (including the use of removal authorities);
- Continuing integration of the Resource Conservation and Recovery Act (RCRA) and CERCLA through the use of Interagency Agreements (IAGs);
- Using of innovative technologies and pollution prevention principles;
- Compliance with statutory timeframes (i.e., IAG, ROD and RA);
- Enhanced oversight of base closure actions; and
- Improved formal and informal HQ/Regional interaction, including workgroups.

## **EFFECTIVENESS**

There are a number of program priorities that focus on the effectiveness of the Superfund program in cleaning up hazardous waste sites and releases. The highest priority in FY 93 is the completion of construction activities and the subsequent deletion of sites from the NPL. The Strategic Targeted Activities for Results System (STARS) is one of the tools used by the Agency to track progress toward Superfund site cleanup.

### **Completions/Deletions**

The Preamble to the NCP describes the "Construction Completion" category of the NPL. The category consists of:

- Sites awaiting deletion; and
- Sites undergoing Long Term Response Action (LTRA).

EPA shifts sites into the NPL Construction Completion category only after approval of Interim Site or Final Superfund Site Close-Out Reports (final RA completion). Approval of an Interim Site Close-Out Report indicates that construction of the remedy is complete and that it is operating properly, but that the remedy must operate for a period of time before achieving cleanup levels specified in the ROD. Approval of the Final Superfund Site Close-Out Report indicates that the remedy has achieved protectiveness levels specified in the ROD, and that all site activities except O&M are complete.

On October 2, 1991, the EPA Administrator announced targets for sites where all construction has been completed. The target includes 130 sites by the end of FY 92, 200 sites by the end of FY 93, and 650 sites by the end of FY 2000. In order to meet this goal, construction activities for the final OU must be complete, a pre-final inspection conducted, and a Preliminary Close-Out Report must be signed by the designated Regional official (final RA NPL site construction completion). The Preliminary Close-Out Report documents the completion of physical construction, summarizes site conditions and construction activities, and provides, as appropriate, the schedule for the final inspection, Operational and Functional (O&F) phase, approval of the O&M work plan, and the establishment of institutional controls.

LTRA sites may be recategorized in the awaiting deletion category upon attainment of the final remediation goals. A site requiring only O&M at the time of construction completion may be recategorized as awaiting deletion until the process of reviewing the site for deletion from the NPL has been completed.

Section 300.425(e) of the NCP states that "Releases may be deleted from or re-categorized on the NPL where no further response is appropriate." It further states that in making a determination to delete a release from the NPL, EPA shall consider, in consultation with the State, whether any of the following criteria has been met:

- PRPs or other persons have implemented all appropriate response actions required;
- All appropriate Fund-financed responses under CERCLA has been implemented and no further response actions by the PRPs are appropriate; or
- The RI has shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.



While the current focus remains on site completions, a priority remains to delete sites from the NPL when appropriate. Close-Out Reports and *Federal Register* notices for sites eligible for recategorization as completions or for deletion from the NPL should be prepared and submitted promptly to ensure that progress is accurately conveyed to those outside the Agency. Interim and Final Superfund Site Close-Out Reports should be completed no later than the quarter following EPA acceptance of the RA Report for the final RA. NPL sites that have been completed and RA completions are targeted in the STARS in FY 93.

### Five Year Reviews

SARA requires EPA to review those remedial actions that result "...in any hazardous substances, pollutants, or contaminants remaining at the site..." no less often than every five years after implementation. The NCP states that RAs that result in hazardous substances, pollutants, or contaminants remaining at the site "...above levels that allow for unlimited use and unrestricted exposure..." shall be reviewed no less than every five years after initiation of the selected RA. In the Superfund Management Review, the Administrator decided that EPA would not delete from the NPL sites that require SARA reviews until at least one review had been completed. This policy was later rescinded by a notice in the *Federal Register* (56FR 6601, December 24, 1991).

The Agency must report to Congress on five-year reviews and actions taken in response to such reviews. On May 23, 1991, OERR issued OSWER Directive 9355.7-02, entitled "Structure and Components of Five-Year Reviews." This guidance defines the scope of five-year reviews and identifies two types of reviews: statutory reviews (i.e., reviews required by CERCLA and the NCP) and policy reviews (i.e., reviews that EPA will implement as a matter of policy). Each Region must schedule statutory reviews to assure that they are completed within five years of award of the RA contract. In addition, Regions must determine whether to conduct the review in-house (EP-lead), under a CD (PRP-lead), or through a contract (e.g., ARCS) or assistance agreement (e.g., U.S. Army Corps of Engineers (USACE), Bureau of Reclamation (BUREC), State).

Since five-year reviews for appropriate sites are to be completed within five years of RA contract award, reviews may be conducted during phases of the RA, during LTRA, and during O&M. Where appropriate, additional reviews may be conducted after a site has been deleted from the NPL. Each ROD attempts to identify when a five-year review is necessary based on the nature of the remedy. Regions should identify sites where a five-year review is required and develop workplans. HQ has established a mechanism to provide extramural funds for such reviews on a site-specific basis and has projected completing 50 five-year reviews per year. The President's FY 93 budget would redirect 15 FTEs and provide \$1.5 million for five-year reviews. Funds for five-year reviews are contained in the RA Advice of Allowance (AOA).

### STARS Targets and Measures

Superfund Comprehensive Accomplishment Plan (SCAP) and STARS targets are the key devices by which the program goals discussed in this Chapter are translated into quantifiable program achievements. During the Program Management Meeting in January 1992, HQ and the Regions discussed the SCAP/STARS targets and measures that were proposed in the FY 93 Agency Operating Guidance. Regions expressed concerns that since the budget and workload models were frozen, HQ should reevaluate and consider dropping some of the SCAP/STARS targets and measures. Based on this discussion, the Regions voted on the highest priority Superfund STARS targets/measures for FY 93. The information contained in this Manual reflects HQ decisions relative to the Regional vote on the SCAP/STARS targets and measures.

Exhibit I-5 contains the STARS targets and measures for the remedial, removal, enforcement and Federal Facility program areas. Definitions for the STARS targets and measures can be found in the Appendix to this Manual.

In FY 93, a number of Regions will be participating in the pilot efforts for testing the SACM prior to full scale implementation. HQ will renegotiate any Regional SCAP/STARS targets and measures affected by the pilot projects.

### Supporting Program Goals

The following sections describe the specific goals that support a more effective Superfund program.

#### Removal

Removals that result in NPL site completions are a priority. **In addition to the Action Memorandum, these actions require a ROD that states that all necessary remediation has been completed. The ROD must document that the site meets the statutory requirements for site closeout.**

#### Enforcement

Following settlement for RI/FS, or RD/RA, or professed intent by a PRP to comply with a UAO for RD/RA, the Region must ensure PRP compliance with the terms of the settlement or UAO. EPA must ensure that PRP responses are timely, thorough, and do not compromise environmental goals. Regions should assess penalties in situations where PRPs clearly have not submitted major deliverables of acceptable quality by the dates specified in the AO, CD or UAO.

If PRP's fail to comply with a UAO, consideration should be given to referring a Section 106 judicial action to enforce compliance.

#### Remedial

The remedial program's highest priority is moving projects/sites toward construction completion and NPL deletion in a timely and cost effective manner. The number of PRP-lead RDs and RAs must be maximized. However, lead changes from EPA to the PRPs in the middle of a phase of the Superfund process will be limited.

Greater emphasis will be placed on the evaluation and selection of alternative technologies and the employment of the technologies on-site. Treatability studies will be an important part of the RI/FS, ensuring that adequate data exist to evaluate each technology prior to remedy selection. Regions should provide technical oversight of all treatability study activities.

#### Site Assessment

To facilitate program planning and expedite response to Congressional and public inquiries, Regions should enter into WasteLAN all site assessment decisions/priority recommendations at each step of the evaluation process and all appropriate identifiers (Federal Facility, Indian lands, etc.) as rapidly as possible.

**EXHIBIT I-5**

## STARS TARGETS AND MEASURES

ACTIVITIES	STARS TARGET	STARS REPORTING
<b><u>RI/FS ENFORCEMENT ACTIVITIES &amp; SETTLEMENTS</u></b>		
<u>De minimis</u> Settlements prior to ROD and Number of PRPs (S/E-3b)		X
IAG Start	X	
IAGs Signed at NPL or Proposed NPL Federal Facility Sites (FFE-2)	X	
<b><u>RI/FS</u></b>		
Federal Facility Remedy Selection at NPL Sites (First and Subsequent) (FFE-4)	X	
<b><u>RD/RA ENFORCEMENT ACTIVITIES, SETTLEMENTS AND REFERRALS</u></b>		
RD/RA Settlements and Injunctive Referrals (S/E-1)	X	
<u>De minimis</u> Settlements and Number of PRPs (S/E-3a)		X
<b><u>RA</u></b>		
Federal Facility RA Starts (FFE-3)	X	
RA Contract Award (S/C-1)	X	
RA Construction Completion (S/C-2)		X

**EXHIBIT I-5 (Continued)****STARS TARGETS AND MEASURES**

<b>ACTIVITIES</b>	<b>STARS TARGET</b>	<b>STARS REPORTING</b>
<b><u>COST RECOVERY</u></b>		
Cost Recovery Actions/ Decisions > \$200,000 (S/E-2a)	X	
Cost Recovery Actions/ Decisions < \$200,000 (S/E-2b)		X
<b><u>RESPONSE</u></b>		
NPL Sites Addressed Through Removal Start or RI/FS Start (S/C-4)	X	
Decision Document Development – Remedies Selected and Action Memoranda Signed (S/C-5)	X	
NPL Site Construction Completions (S/C-3)		X
Progress Through Environmental Indicators		X
<b><u>REMOVAL</u></b>		
Federal Facility Removals/ Expedited Response Actions (ERA) Starts (FFE-3)		X
Federal Facility Removals/ ERAs Completed		X

### Federal Facilities

OE has initiated a national effort to develop cleanup priorities for Federal Facilities based on the judgment of EPA, States, Indian Tribes, citizen groups and other Federal agencies to target limited government resources.

### Management Initiatives

The following initiatives have been implemented in recent years to ensure the effectiveness of the Superfund program:

- Implementation of a well managed program by continuing the strategy of fully funding all RI/FS projects. The program has set the goal of reducing Fund-financed RI/FS costs to a national average of \$750,000 per OU and \$1,100,000 per site (exclusive of treatability studies). Every effort should be made to ensure that the trend of RI/FS costs is toward the overall national goal. Regions are strongly encouraged to focus RI/FS projects on principal threats, even if this does require additional OU(s) to complete site remediation. A Region's RI/FS budget is developed based on the full funding strategy. "Mega-sites" are excluded from the OU and site level cost reduction goals described above.

The Superfund enforcement budget has remained the same for the past two years and is not expected to increase in FY 93. As a result, Regions are required to manage their extramural budgets to ensure that current year needs are fully addressed. Forward funding of activities is a lower priority.

- Implement a mega-site management strategy that insures cost-effective environmental management of these significant sites. Response mega-sites are defined as sites where Fund-financed RI/FS work at the site reaches or exceeds \$3 million. Regions are required to develop and submit to the HSCD a response Mega-site Management Plan that characterizes site problems and management options. Response mega-site funding requests will be reviewed and resources allocated on a site by site basis.

An enforcement mega-site has projects that require more than \$200,000 per year for enforcement actions or over \$500,000 per year for RI/FS oversight. Regions are required to develop and submit enforcement mega-site plans to the CERCLA Enforcement Division (CED). Enforcement mega-site requests will be fully funded wherever possible.

The dates for submittal of response and enforcement mega-site plans can be found in the Manager's Schedule of Significant Events at the beginning of this Manual.

- Contract Management — During FY93, program emphasis should be placed on ensuring contract management. Full implementation of the ARCS and Contract Laboratory Program (CLP) task force recommendations remains a high priority. Also, HQ and Regions must continue to focus on the management and control of the ARCS program management costs to achieve Congressionally mandated goals. Implementation of the Long Term Contracting Strategy (LTCS) will focus on the phase-in of new contracts, most of which are delegated to the Regions for management.

Enforcement oversight support, currently provided under the Technical Enforcement Support (TES) contract vehicle should be shifted to the ARCS contract

early in FY 93. Regions should begin transferring assignments or assigning new work to the ARCS contract, especially those that will exceed the TES period of performance.

- Make effective use of other agency expertise — It is important that EPA make full use of construction management expertise available from the USACE and the BUREC, and that EPA staff avoid duplicative oversight of projects assigned to these agencies. The USACE has a mission assignment from EPA to provide technical assistance, review RI/FS projects, oversee PRP RDs and RAs, and conduct RDs and RAs depending on their estimated cost. Pursuant to OSWER Directive 9242.3-08, RD assignments can be made to the ARCS contractors or the USACE/BUREC at the Region's discretion. RA assignments with an estimated cost over \$15 million must be issued to the USACE.
- Information management — Continue the efforts toward making CERCLIS/WasteLAN more of a management tool for the Regions. This includes integrating the information needs external to OSWER (e.g., ORC, OE and Department of Justice (DOJ)) into the CERCLIS information management environment, implementing and integrating project and program management tools (e.g., the Superfund Management and Reporting Technology (SMARTech), and the Remedial Pipeline Project Management (RP2M) System), and reporting technical data using WasteLAN (e.g., EI and RA information). HQ will continue to work with the Regions to expand the use of CERCLIS/WasteLAN for these and other management initiatives.
- Building public confidence — In the past three years the Agency has taken major steps in improving the communication of the ongoing efforts of the Superfund program and the progress being made in site cleanup. These efforts started in FY 90 with the implementation of the EI program and the publishing of the NPL Books. In FY 92, OWPE initiated a communication and outreach effort. Working closely with OERR, OWPE developed a format for telling site specific stories of *Superfund at Work*. The *Superfund at Work* success stories, which will continue to be prepared in FY 93, demonstrate both the effort and results of the program to key external audiences. In FY 93 and beyond, the Agency will also look to the SACM as a means to communicate the successes in risk reduction.

Better communication of this type of information to Congress and the public will help build confidence in the Agency and the Superfund program.

## **EQUITY**

The third key principle, equity, focuses on two key players in the Superfund arena – the PRPs and the State. With respect to the PRP involvement in the Superfund program, the following goals have been established:

- Equitably seek settlement for PRP response earlier in the process;
- Achieve early and appropriate settlement with collateral PRPs;
- Maximize cost recovery to the Trust Fund; and
- Send a clear message to the PRP community that recalcitrance is costly.

To reach these goals, the following priorities have been identified for FY 93:

- PRP search/compliance enforcement — A high-caliber PRP search is the foundation of EPA's enforcement process. It must focus on obtaining the necessary evidence of the liability and financial viability of all PRPs for Section 106 and 107 litigation. Regions should consider starting the PRP search earlier (i.e., at the SI phase). The focus should continue to be on thorough PRP searches with the assistance of civil investigators. Also, Regions are encouraged to use administrative subpoena authorities in cases of non-compliance with information requests issued under Section 104(e) and, if necessary, use statutory penalty provisions to enforce compliance. PRP search activities should continue even if Regions are unable to start the RI/FS as planned. If the start of the RI/FS is delayed, the actions that follow the RI/FS start should also be delayed.
- Achieve early and appropriate settlement with collateral PRPs — The main objective of the early de minimis settlement strategy is to reduce PRP transaction costs, preserve government resources, and settle with eligible de minimis parties quickly. Regions should use the data derived from waste-in lists, volumetric ranking and Section 104(e) information to perform an allocation of responsibility. Regions may also consider preparation of a Non-Binding Allocation of Responsibility (NBAR) if it would assist in settlement. Regions should use an AOC for early de minimis settlements.

Under EPA policy, the Agency generally will not pursue a generator or transporter of municipal solid waste without site specific evidence that hazardous substances were contained in the municipality's contribution of waste. However, an increasing number of third party suits have been instituted against municipalities. As a result, HQ is preparing guidelines to be used by the Regions in reaching settlements with municipalities.

- Cost recovery — Cost recovery actions recover revenues to the Fund. An active cost recovery program also will encourage voluntary PRP cleanup action by eliminating incentives for PRPs to allow the government to conduct the response action. In FY 93, the Agency will be re-examining its cost recovery strategy. The focus of the cost recovery program will be on selecting and developing the best cost recovery cases that will maximize recovery of Trust Fund monies. The President has set a goal of recovering \$300 million in FY 93 in his Management By Objectives (MBO) system. The most significant step the Regions can take to meet this goal is to initiate each cost recovery negotiation with a demand for 100 percent of all eligible costs. Ensuring timely completion of cost documentation, issuing demand letters and addressing Statute of Limitation (SOL) sites will also help EPA reach the President's goal. Regions must also pursue viable non-settlors where a partial settlement was reached. In some cases, Regions may consider deferral or waiver of past costs against settlors for response work and pursue non-settlors for recovery of past costs. Such actions will reinforce the perception that recalcitrance is costly.

States continue to play an important role in the Superfund enforcement process. Regions are encouraged to enter into Cooperative Agreements (CAs), Superfund Memoranda of Agreement (SMOA), or other management assistance agreements when the State expects to play a significant role. State roles in the RD/RA negotiation process should be clearly defined prior to the negotiations. Use of SMPs will ensure that all parties are aware of their roles, the timeframe for negotiations, and the strategy that will be employed.

**CHAPTER II**  
**PROGRAM PLANNING AND REPORTING REQUIREMENTS**



## **CHAPTER II - PROGRAM PLANNING AND REPORTING REQUIREMENTS**

### **ONE MINUTE PROGRAM MANAGER RULES**

Following are the actions Regional managers must take to comply with the requirements described in this Chapter. In order to acquire a more in-depth understanding of these requirements, the Chapter itself should be read.

- Regions have complete responsibility for maintaining WasteLAN, CERCLIS, and selected portions of the CERHELP data base.
- On the fifth working day of February and July, HQ pulls Superfund Comprehensive Accomplishments Plan (SCAP) data from CERCLIS for negotiation of preliminary and final SCAP/Strategic Targeted Activities for Results System (STARS) targets.
- During negotiations, Regions may propose changes in targets to match the total Regional Superfund resource level.
- The preliminary and final SCAP/STARS targets are established in March and August, respectively.
- Response and enforcement funding needs identified in January form the basis for the annual Regional budgets.
- Final "approved" funding requests must be within the annual Regional budget proposed by HQ.
- Planning and accomplishment data should be updated in WasteLAN within five days of the occurrence, or schedule/funding change, or at least monthly.
- HQ will not recognize a SCAP/STARS accomplishment unless it is correctly recorded in CERCLIS by the specified pull date. HQ bases its evaluation of Regional performance on CERCLIS data.
- At the close of business on the fifth working day of each month, HQ pulls accomplishment data from CERCLIS to support a variety of official reporting requirements.

## **CHAPTER II - PROGRAM PLANNING AND REPORTING REQUIREMENTS (CONTINUED)**

### **ONE MINUTE PROGRAM MANAGER RULES**

- Changes to STARS should not be made simply because a target cannot be met.
- Report STARS accomplishments in the Office of Pollution Prevention (OPP) STARS system.
- SCAP/STARS amendments require HQ concurrence and approval.
- STARS amendments should be submitted by the Regional Administrator to the Assistant Administrator for the Office of Solid Waste and Emergency Response (AA SWER) by April 15.
- Regions, as data owners, are responsible for entering data, and ensuring the data accurately reflects actual plans and accomplishments. Source documents to support accomplishments must be in official site records maintained in the Region.
- HQ program offices, as data sponsors, are responsible for entering targets, reviewing the accuracy of the data Regions enter, and pulling planning and accomplishment data for negotiations, Advice of Allowance (AOA) generation, and program evaluation purposes.

## CHAPTER II - PROGRAM PLANNING AND REPORTING REQUIREMENTS

### **INTRODUCTION**

The SCAP process is used by the Superfund program to plan, budget, track, and evaluate progress toward Superfund site cleanup. The SCAP planning process is a dynamic, ongoing effort that has a significant impact on Superfund resource allocation and program evaluation. Planned obligations and STARS targets and measures are generated through SCAP and influence the Superfund budget and evaluation process. SCAP planning is a day-to-day responsibility of the Regions. A semi-annual process has been established through which HQ and Regions formally negotiate plans for the future. CERCLIS serves as the conduit for the SCAP process. CERCLIS provides both HQ and Regions with direct access to the same data. Reports can be produced allowing for daily, interactive updates of planning and site cleanup progress information.

### **RELATIONSHIP OF SCAP TO OTHER MANAGEMENT TOOLS**

As the Superfund program's central planning mechanism, SCAP is interrelated with the following Agency and Superfund program specific planning and management systems:

- **Agency Operating Guidance** – This defines Superfund goals for the upcoming year. SCAP targets/measures are designed to reflect the Agency Operating Guidance.
- **Superfund Budget** – The operating year's budget is developed 18 months prior to its beginning. For example, the SCAP existing in the third quarter of FY 93 will be used to formulate the FY 95 budget. The site schedules reflected in the SCAP serve as the foundation for determining outyear budget priorities.
- **Agency Operating Plan** – The Operating Plan, which is finalized prior to the FY, establishes the funds available to the Regions for performing Superfund work.
- **STARS** – This system is used by EPA to set and monitor the environmental objectives identified in the Agency's Operating Guidance. STARS targets are a subset of those contained in SCAP. STARS targets and measures are reported quarterly by HQ and the Regions to the Office of Pollution Prevention (OPP). OPP tracks Regional progress toward STARS goals on a quarterly basis as part of the overall Agency performance evaluation process. With the exception of CEPP measures, HQ will not recognize a STARS accomplishment unless it is correctly recorded in CERCLIS.
- **Superfund Workload Models** – The models distribute FTEs for each program and Region. There are three Superfund program models: the Hazardous Site and Spill Response model, which distributes resources for the site assessment, remedial and removal programs; the Technical Enforcement model which distributes enforcement FTEs; and the Federal Facilities Superfund Workload model, which distributes Superfund resources for response and enforcement activities at Federal Facilities. SCAP plans form the basis of the workload models. In FY 93, each Region's response and enforcement FTEs will be frozen at the FY 90 levels. The Federal Facility FTEs will be frozen at the FY 92 level. While the freeze ensures that total Regional Superfund resources will not be affected, shifting of resources within the Region among the different program areas may occur. This includes shifts between the response and enforcement programs. All shifts must be made in accordance

with the FY 93 national budget and the Integrated Priority Setting Matrix (see Chapter I).

OFFE will coordinate with OERR and OWPE throughout the SCAP process. OFFE will rely on CERCLIS data in planning, budgeting, tracking, and evaluating progress at Superfund Federal Facility sites. CERCLIS data is used, in part, to feed the Federal Facilities workload model. In addition to CERCLIS, OFFE and the Regions will also utilize information gathered in conjunction with the A-106 Pollution Abatement Planning Process to evaluate the adequacy of other Federal agency budgeting for Superfund sites and Federal Facility compliance rates under other environmental statutes (e.g. Air, Water, RCRA). These data will enable OFFE and the Regions to evaluate actual outlays and accomplishments at Superfund sites in relationship to budget authorities, obligations and performance under other environmental programs. Changes to the A-106 data base, also known as the Federal Facilities Information System (FFIS), and to the information collection procedures will enable improved planning and coordination with Federal agencies, and post-funding evaluation of accomplishments. A-106 data will complement information provided in CERCLIS and will provide OFFE and the Regions with additional insight into Federal agency planning and cleanup support.

### **OVERVIEW OF THE SCAP PROCESS**

The SCAP process generates data that fulfill the following functions:

- Tracking of accomplishments against targets/measures;
- Updating planning (schedules and funds) for the current FY;
- Developing planning data for the upcoming FY; and
- Providing data for outyear budget planning purposes.

Regions are required to keep the SCAP data in WasteLAN and CERCLIS up-to-date and accurate. Changes in planning information (schedules and funds) should be entered into WasteLAN within five days and accomplishments should be reported as soon as they occur. If changes affect a SCAP or STARS target or measure or the approved funding level for a site, the appropriate fields in WasteLAN must also be updated. Regions should note that changes made in WasteLAN or CERCLIS to site schedules and other planning data will not automatically result in changes to SCAP/STARS targets. Although Regions have the flexibility to alter plans, they are still accountable for meeting the targets negotiated prior to the beginning of the FY. (See the section later in this Chapter on SCAP/STARS Adjustments and Amendments.)

The SCAP formal negotiation cycle is a semi-annual process. The focus of the two formal negotiations is slightly different as shown in Exhibit II-1. The remainder of this Chapter will discuss the procedures for target setting, accomplishment reporting and evaluation, and the efforts to improve CERCLIS data quality.

### **PROCEDURES FOR ANNUAL TARGET SETTING**

The process for the development of SCAP and STARS targets/measures for a FY begins with the SCAP developed during the second quarter of the previous FY. All targets/measures are negotiated and numbers are established only after discussions between OERR, OWPE, OFFE, and the Regions. In the Regions, a review of the status of projects should be undertaken by the program office, ORC, and the State. For Federal Facility sites, the Region may want to consult

with the responsible Federal agency to ensure site schedules in WasteLAN are accurate. Final SCAP and STARS targets are negotiated in the fourth quarter (August) between HQ and the Region. The procedures for setting targets for the upcoming FY can be found in Exhibit II-2. The dates for pulling the information from CERCLIS that will be used for negotiations can be found in the Manager's Schedule of Significant Events presented at the beginning of this Manual.

The negotiation of preliminary and final SCAP/STARS targets and measures has become complicated as a result of the freeze in Regional FTEs. During negotiations, Regions may propose changes in targets to match the total Regional Superfund resource level. The changes in targets must be made in accordance with the Integrated Priority Setting Matrix and the overall budget. HQ will work to ensure that the cumulative Regional targets meet national budget commitments.

## **EXHIBIT II-1**

### **SCAP PLANNING YEAR**

#### **SECOND QUARTER (JANUARY/FEBRUARY/MARCH 1993)**

- Regional program office consults with States, ORC and responsible Federal agencies on plans and schedules for the upcoming year
- Revise FY 93 annual budget ceilings to reflect first and second quarter performance and revised plans for the remainder of the year
- Update and negotiate planning information in CERCLIS for the third and fourth quarter FY 93
- Negotiate third and fourth quarter enforcement AOA's
- Negotiate preliminary FY 94 SCAP/STARS targets and measures
- Negotiate preliminary annual Regional budgets for FY 94
- Provide complete site schedules including planned RA obligations to allow HQ to project the outyear budget (FY 95)

#### **FOURTH QUARTER (JULY/AUGUST 1993)**

- Establish final SCAP/STARS commitments for FY 94
- Establish FY 94 annual Regional budget

#### **Planning for Negotiations**

To adequately plan for the year, a Region must make decisions on the status of projects and funding needs. Remedial, enforcement, and Federal Facilities projects should be identified as either "Primary" or "Alternate." Primary projects represent those that have the greatest likelihood of meeting the schedules in WasteLAN. Alternate projects represent sites that can be substituted for primary targets. The negotiated number of primary projects will be used to determine SCAP/STARS commitments.

Similar to the project status, funding for remedial events or enforcement activities are identified as either "Approved" or "Alternate." Funds for events/activities that have the greatest likelihood of requiring funding during the FY are labeled "Approved." Projects with alternate funding status may be substituted for approved projects that experience slippage or are deferred due to changing priorities. Activities/events identified as alternate will also form the basis for any requests for supplemental funding.

For all remedial pipeline events scheduled to begin during the FY, funds are approved only for those projects that are "primary" targets. For example, only RI/FS starts that are SCAP/STARS targets will be used by HQ to establish the RI/FS budget. **The total of all approved funding must not exceed the HQ established Regional budget ceilings or HQ will not initiate negotiations.**

At the close of business on the fifth working day of February and July, HQ pulls SCAP reports from CERCLIS. The data in these reports serve as the basis for HQ/Regional mid-year and final negotiations. HQ will perform all negotiations based on the information in CERCLIS on these pull dates. To ensure consistency in the negotiation phase, the CERCLIS data bases are frozen prior to pulling the reports used for negotiations. As a result, all parties (HQ and the Regions) will have identical data for use during the negotiation process.

## **EXHIBIT II-2**

### **PROCEDURES FOR ANNUAL TARGET SETTINGS**

- |  |                  |
|--|------------------|
| • HQ Develops Initial Targets/Measures Based on SCAP Methodologies and Budget  | January          |
| • Initial Targets/Measures Sent to Regions   | January          |
| • After Consultation with States, ORC and Responsible Federal Agencies, Regions Update Site Schedules and Funding Needs in WasteLAN  | January-February |
| • HQ/Regional Negotiation of Preliminary SCAP/STARS Targets/Measures   | February - March |
| • Preliminary Targets/Measures Set   | March            |
| • HQ Develops Proposed Regional Budget Ceilings for Removal, Remedial, Enforcement and Federal Facilities                            | June             |
| • Proposed Regional Budgets Sent to Regions  | June             |
| • Regions Update Site Schedules and Funding Needs in WasteLAN  | June-July        |
| • HQ/Regional Negotiation of Final SCAP/STARS Targets and Annual Regional Budgets  | August           |
| • Targets/Measures and Budgets Sent to AA SWER for Approval and Submitted to OPP; Federal Facility Targets/Measures Submitted to OPP | September        |

## **ACCOMPLISHMENT REPORTING AND PERFORMANCE EVALUATION**

Accomplishments data are entered into WasteLAN by the Region. Data on accomplishments should be entered into WasteLAN as soon as they occur, but no later than within five working days of the event or activity. **Only accomplishments correctly reported in CERCLIS will be recognized by HQ.**

The Superfund evaluation process provides managers with an opportunity to meet program objectives by:

- Examining program accomplishments;
- Analyzing and discussing issues that affect the successful operation of the Superfund program; and
- Initiating changes in program operations or reallocating resources.

The strategy for assessing the performance of the Superfund program is comprised of monthly accomplishments reporting, quarterly SCAP/STARS performance evaluation based on CERCLIS data, and mid-year and end of year detailed management evaluations. (See Exhibit II-3) This strategy enables management to recognize high performance, concentrate Superfund resources in those Regions that demonstrate success, and provide training and technical assistance to those Regions that are experiencing difficulties.

HQ and the Regions have different roles and responsibilities in Superfund program evaluation and management, as shown in Exhibit II-4.

HQ divisions in OSWER are tasked, usually through a memorandum, to provide a narrative of activities taking place in the Regions. The primary purpose of this memo is to provide a routine opportunity for top Agency managers to share their candid assessment of the program goals and initiatives, highlighting where the Regions are experiencing success and where there are problems, and the actions HQ can take to improve Regional performance. These narratives, in conjunction with the quarterly performance numbers, are placed in a memorandum to the Deputy Administrator (DA), giving a more balanced and thorough view of program status and issues. The memoranda contain the most significant issues/activities and performance highlights from the previous quarter, and may include information on removal actions in the news, emergency response activities, a Total Quality Management (TQM) project taking place in a Region, and the like. It gives OERR and OWPE the opportunity to convey important issues, instead of merely presenting SCAP/STARS numbers.

In addition to reporting accomplishments through CERCLIS, Regions must verify the accuracy of a subset of data entered by HQ into the OPP STARS system. The STARS accomplishments discrepancy resolution deadline is usually the 18th business day following the end of the quarter. After the Regions have finalized their CERCLIS entries and the DA Memo has been distributed throughout OERR, OWPE and the Regions (between 20 and 30 business days following the end of the quarter), OERR and OWPE evaluation staff brief the AA's office on response and enforcement program accomplishments made in that quarter.

### **EXHIBIT II-3**

## **ACCOMPLISHMENT REPORTING AND PERFORMANCE EVALUATION**

	<b>MONTHLY</b>	<b>QUARTERLY</b>	<b>SEMI ANNUAL</b>	<b>ANNUAL</b>
<b>PULL DATE</b>	Close of Business (COB) - 5th working day of each month	COB - 5th working day of each quarter	COB - 5th working day of April	COB - 5th working day of September (preliminary) COB - 5th working day of October (official)
<b>DATA PULLED</b>	Key indicators of progress – removals, negotiations, RI/FS starts, RODs, RDs, RAs, RD/RA CDs, cost recovery referrals	SCAP/STARS accomplishments	SCAP/STARS accomplishments; key indicators of progress	SCAP/STARS accomplishments
<b>PURPOSE</b>	<ul style="list-style-type: none"> <li>• Reporting Superfund progress</li> </ul>	<ul style="list-style-type: none"> <li>• Track Regional progress toward meeting SCAP/STARS targets</li> <li>• Identify/assess performance problems</li> <li>• Develop HQ/Regional action plans for meeting/exceeding targets</li> <li>• Identify trends in performance</li> <li>• Adjust program management strategies</li> </ul>	<ul style="list-style-type: none"> <li>• Track Regional progress toward meeting SCAP/STARS targets</li> <li>• Identify/assess performance problems</li> <li>• Develop HQ/Regional action plans for meeting/exceeding targets</li> <li>• Determine if resource reallocation is needed</li> <li>• Results impact targets and resources for next FY</li> </ul>	<ul style="list-style-type: none"> <li>• Analysis of yearly performance</li> <li>• Track progress toward implementing action plans</li> <li>• Identify Regions that are added to next year's commitments</li> <li>• Results impact targets and resources for next FY</li> </ul>
<b>PROVIDED TO</b>	Administrator, Deputy Administrator (DA), AA SWER, AA OE, OWPE, OFFE and OERR Office Directors, Congress, and the Media	OPP STARS system, Administrator, Deputy Administrator (DA), AA SWER, AA OE, OWPE, OFFE and OERR Office Directors, Congress, and the Media	DA, AA SWER, OWPE, OFFE and OERR Office Directors	DA, AA SWER, OWPE, OFFE and OERR Office Directors



## **EXHIBIT II-4**

### **EVALUATION RESPONSIBILITIES**

#### **REGIONAL RESPONSIBILITIES**

Meet quarterly SCAP and STARS targets and solve performance problems when they arise

Provide quarterly SCAP and STARS data to HQ through CERCLIS

Maintain CERCLIS data quality at high levels for Superfund program and project management

Negotiate performance standards that provide individual accountability for targets

Develop plans for meeting targets

Assess Federal agency needs identified during the OMB A-106 process

#### **HQ RESPONSIBILITIES**

Provide guidance to the Regions for the quarterly review, the mid-year assessment, the year-end assessment

Implement and report on follow-up action items from the Superfund mid-year assessment

Review quarterly performance data reported by the Regions and negotiate plans with Regions for meeting targets

Continually assess program performance and analyze timeliness and quality of work

Recommend resource reallocation based on Regional needs and performance

Assure that all staff are informed of the results of performance reporting

Compare Federal agency budget authorities, obligations and outlays to monitor cleanup activities

The following sections provide a brief description of the reports available to support Superfund program management.

#### **Superfund Management Reports**

The implementation of an integrated CERCLIS database and the improvement of CERCLIS data quality led to the development of a series of senior management reports. These management tools are designed to supplement conventional quarterly SCAP/STARS accomplishment reporting by providing a more comprehensive examination of program activity. The format and content of the reports package has evolved over time to address a variety of project needs. The INSITE II system was created to ease the process of generating the Superfund Management Reports and to reduce calculation errors that arose from constructing these reports by hand. Using data that is downloaded from CERCLIS, INSITE II provides EPA senior managers with summary graphic reports and backup site detail information.

In 1990, OERR and OWPE began producing expanded Quarterly Reports. The quarterly packages produced by OERR are divided into three distinct reports:

- **Report I: Targets and Accomplishments** – This section graphically displays specific SCAP/STARS program targets and accomplishments by Region, the percent of annual targets achieved in the major site assessment and remedial program areas,

and annual target and accomplishment totals by SCAP/STARS activity for each Region.

- Report II: Trends Analysis – These graphs present the duration analyses of pipeline events, including RI/FS start to RA start and ROD to RD start. Users can request that the duration reports be run for a given FY or Region.
- Report III: Superfund Historical Performance – These reports provide graphical presentations of progress made at NPL and non-NPL sites. Various information, including site, enforcement, budget and project data, are used to present an overall picture of the Superfund program activities.

Additional management reports produced by OWPE are presented in Exhibit II-5.

### **SCAP/STARS ADJUSTMENTS AND AMENDMENTS**

After targets have been finalized and funding levels developed, the SCAP process provides the flexibility to modify plans during the year. Modifications to planned targets are termed either adjustments or amendments. **Amendments require HQ concurrence and approval.** Adjustments do not require HQ approval, but may require HQ notification. Exhibit II-6 lists the major Superfund amendments and adjustments. Exhibit II-7 describes the procedures that must be followed when processing amendments.

OPM coordinates change requests/SCAP amendments for the program offices in OERR. OPM and CED of OWPE provide input on SCAP amendment approval decisions. The Program Operations Division (POD) of OFFE will coordinate change requests/SCAP amendments involving Federal Facilities.

Changes to STARS commitments should not be made simply because targets will not be met. However, in some cases, amendments to targets may be necessary and may be changed under the following conditions:

- Major, unforeseen contingencies arise that alter established priorities (i.e., Congressional action, natural disasters);
- Major contingencies arise to alter established Regional commitments (i.e., State legislative action); or
- Measure or definition in system is creating an unanticipated negative impact.

OSWER and OE require that all STARS amendments be submitted to HQ by April 15 in order to meet the April 30 deadline for changing targets imposed by OPP. STARS amendments must be approved by AA SWER or the AA OE. The OPM and program offices in OERR, the CED in OWPE, and the POD in OFFE provide input on STARS amendment approval decisions.

## **EXHIBIT II-5**

### **OWPE MANAGEMENT REPORTS**

<b>Cost Recovery Category Report</b>	Lists Removals, RA Starts and Pre-RA Activities that are Candidates for Cost Recovery.
<b>SOL Management Report</b>	Lists Planned and Actual Completion Dates and Planned and Actual Obligations for Removals, RI/FSs, and Remedial Activities
<b>Settlements Master Report</b>	Lists Settlements Program-to-Date by Settlement Category
<b>Litigation Master Report</b>	Lists Litigation Cases Program-to-Date by Litigation Type
<b>Negotiation Master Report</b>	Lists Ongoing and Completed Negotiations Program-to-Date by Negotiation Category
<b>Administrative/ Unilateral Orders Issued</b>	Lists all issued AOs and UAOs
<b>Enforcement Data Audit Report</b>	Used to Monitor Enforcement Data Quality

### **CERCLIS DATA QUALITY**

All data base users are concerned with the quality of the data that they enter and analyze. Data entry screens, data entry edits, upload programs, and documentation that summarize required data base elements support the users' data quality efforts. The Regions, as data owners, enter data, ensure that data accurately reflect actual plans and accomplishments, and obtain credit for accurate planning and for accomplishments. Source data to support accomplishments must be in official site records maintained in the Regions. The HQ offices, as data sponsors, enter targets, review the accuracy of the data that the Regions enter, and pull planning and accomplishment data for negotiations, AOA generation, and program evaluation.

#### **Audit Reports**

Focused data quality studies identified key data problems that made it difficult to interpret data. The Audit-26 report was developed to identify errors within record types, such as pipeline event records. The report was run each month and a summary prepared for each Region to track improvements in data quality. Regions were successful in reducing the number of problems that this report identified.

## **EXHIBIT II-6**

### **AMENDMENTS AND ADJUSTMENTS**

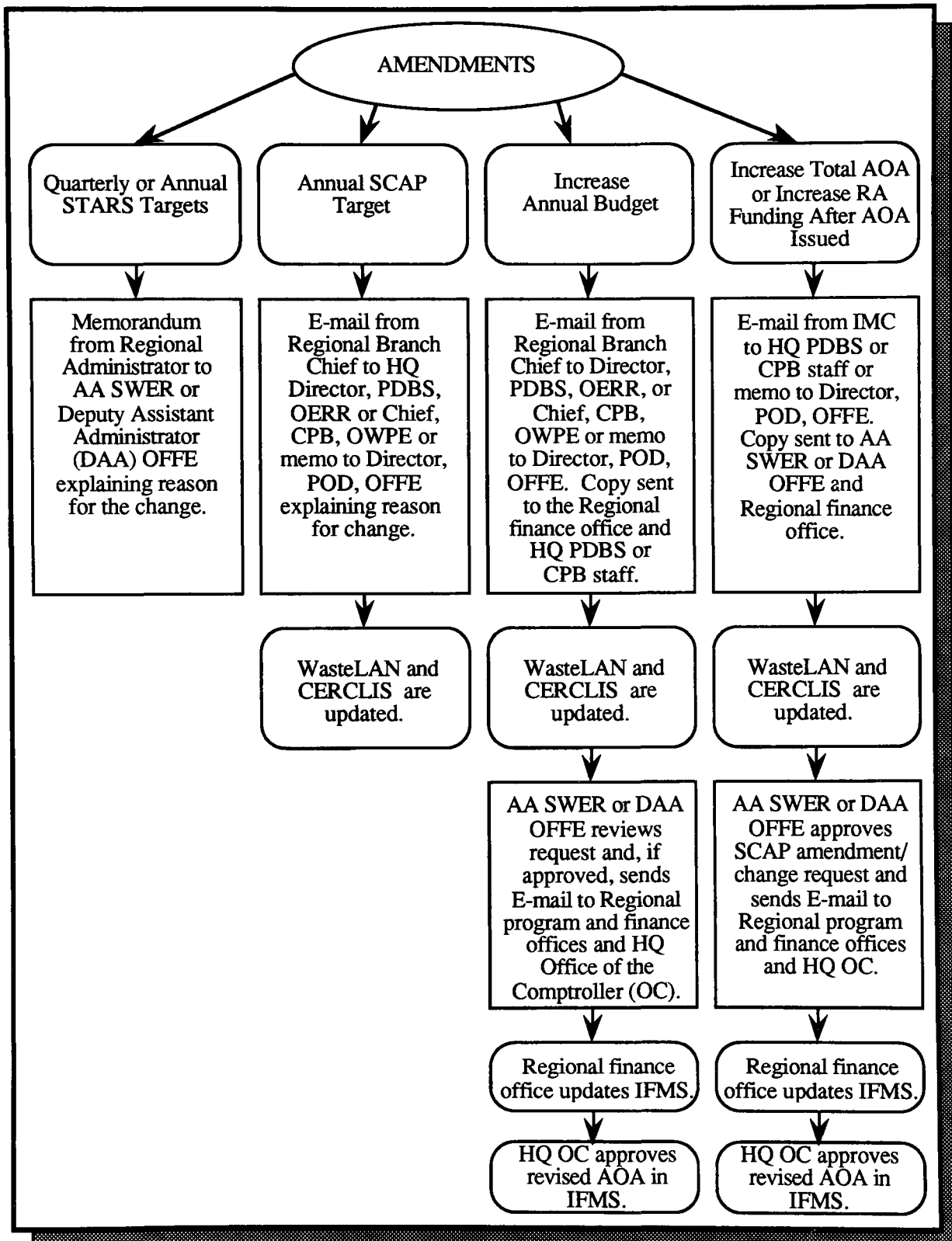
<b>SITUATION</b>	<b>AMENDMENT OR ADJUSTMENT</b>	<b>PROCEDURES</b>
INCREASE ANNUAL BUDGET	AMENDMENT	SEE EXHIBIT II-7
DECREASE ANNUAL BUDGET	ADJUSTMENT	REVISE WASTELAN/CERCLIS; NOTIFY HQ PROGRAM DEVELOPMENT AND BUDGET STAFF (PDBS), OERR CONTRACTS AND PLANNING BRANCH (CPB), OWPE OR POD, OFFE
INCREASE TOTAL (OWPE AND OERR) AOA AFTER ISSUANCE WITHIN ANNUAL BUDGET	AMENDMENT	SEE EXHIBIT II-7
DECREASE TOTAL (OWPE AND OERR) AOA AFTER ISSUANCE	ADJUSTMENT	SEE CHAPTER III, EXHIBIT III-4
INCREASE/DECREASE RA FUNDING BEFORE AOA ISSUED	ADJUSTMENT	REVISE WASTELAN/CERCLIS
DECREASE RA FUNDING AFTER AOA ISSUED	ADJUSTMENT	SEE CHAPTER III, EXHIBIT III-4
INCREASE RA FUNDING AFTER AOA ISSUED	AMENDMENT	SEE EXHIBIT II-7
SHIFT FUNDS WITHIN ALLOWANCE AFTER AOA ISSUED	ADJUSTMENT	REVISE WASTELAN/CERCLIS
SHIFT FUNDS BETWEEN ALLOWANCES AFTER AOA ISSUED	ADJUSTMENT	SEE CHAPTER III, EXHIBIT III-4
CHANGE ANNUAL SCAP TARGET	AMENDMENT	SEE EXHIBIT II-7
CHANGE STARS QUARTERLY OR ANNUAL TARGETS	AMENDMENT	SEE EXHIBIT II-7
TARGET SITE SUBSTITUTIONS	ADJUSTMENT	REVISE WASTELAN/CERCLIS

The Office of Program Management (OPM) commenced an initiative in mid-FY 92 to address data quality issues in frequently used CERCLIS data elements. A primary goal of the initiative is to develop data quality tools that identify errors between records. Slated to be completed by early FY 93, this project relies upon the coordination between HQ and Regional Information Management Coordinators (IMCs) to identify and prioritize problematic data, as well as to test and implement correctional tools.

The ENFR-8 report is sorted site-specifically, and lists all enforcement and response activities at a site that contain enforcement data entry errors. If there are no enforcement data errors at a site, the site will not be displayed on the report. The meaning of each audit code is listed at the bottom of each site summary.

The ERD is in the process of developing an audit report that checks for the existence of key data for removal starts and completions.

**EXHIBIT II-7**  
**SCAP AMENDMENT PROCESS**



### Data Sponsors

HQ program offices have taken a more active role in identifying their data needs and in checking data through either the audit reports described above or through focused data studies. Data sponsors identify and define allowable data element values and develop coding guidance or rules for each sponsored element or element group. This includes eliminating duplicate data entry through either using report select logic to calculate related values, or developing system specifications to system generate the related value. Data sponsors perform periodic audits or data quality reviews of data entered and maintained by the Regions to ensure coding guidance is being properly followed. Sponsors work directly with the Regional IMC or program offices to resolve and correct data errors or problems. Formal data quality processes and procedures are developed and implemented, and training is provided to Regions and HQ program offices on these processes and procedures.

### **CHAPTER III**

## **SUPERFUND FINANCIAL MANAGEMENT AND FTE DISTRIBUTION**

## **CHAPTER III- SUPERFUND FINANCIAL MANAGEMENT AND FTE DISTRIBUTION**

### **ONE MINUTE PROGRAM MANAGER RULES**

Following are the actions Regional managers must take to comply with the requirements described in this Chapter. In order to acquire a more in-depth understanding of these requirements, the Chapter itself should be read.

#### **Relationship Between SCAP and Annual Regional Budget**

- Regions are required to plan their obligations within the program specific budget allocations given to the Regions prior to the August negotiations.
- Funding needs within the budget allocation should have a funding priority status of "Approved." Funding needs above the budget allocation should have a funding priority status of "Alternate." HQ will not initiate negotiations with a Region until the "Approved" funds requested are within the budget allocations.

#### **Advice of Allowance Procedures and Requirements**

- Regions are required to operate within their quarterly AOA and final negotiated annual operating budget.
- No monies will be issued to the Region through the AOA process unless the appropriate project specific obligation and commitment data are reflected in CERCLIS.
- The third quarter AOA for a specific response category will not be issued unless the commitment/obligation rate is 50 percent or greater in that AOA category.
- Regions must obligate and task 60-65 percent of their first and second quarter AOA in order to receive their third quarter enforcement AOA. If a Region does not receive its third quarter AOA, a site specific spending plan is required.
- Regions will not receive RA funds in their AOA unless the remedy technology type is in CERCLIS.
- Regions should request enforcement extramural budget funds the quarter in which they will be utilized.
- HQ approval is not required to shift funds between projects within the other response, RI/FS, RD, removal, enforcement or Federal Facility AOA.



## **CHAPTER III - SUPERFUND FINANCIAL MANAGEMENT AND FTE DISTRIBUTION**

This chapter discusses the Regional operating budget and AOA, outlines Superfund financial management responsibilities, and provides an overview of the FTE distribution process.

### **DEVELOPMENT OF THE FY 93 NATIONAL BUDGET**

In FY 93 there are insufficient resources for all ongoing activities plus the new activities the Regions planned to begin. As a result, resource decisions were made based on the following program priorities and consistent with the Integrated Priority Setting Matrix presented in Chapter 1.

### **THE FY 93 REGIONAL BUDGET PROCESS**

Prior to the beginning of the FY, each Region will be given a proposed budget allocation for the site assessment, remedial, removal, enforcement and Federal Facility programs. The budget allocations are developed using the program/activity-specific criteria discussed in subsequent sections of this Chapter. Final budgets will be developed upon completion of the fourth quarter negotiations between HQ and the Regions. Funds requested for Regional activities must fall within the total identified budget levels for each program. Funding needs above the HQ proposed total budget level must be designated as "alternate". This will allow HQ to see the Regional funding priorities, what activities will not be performed as a result of lack of funds, and provide the information needed for any supplemental funding requests. HQ will not initiate negotiations with a Region until the "approved" funds requested are within the proposed total Regional budget levels.

#### **Response Budget**

The FY 93 President's response budget contains \$896 million for direct cleanup activities, including RI/FS, RD, RA, RD/RA PRP oversight, removals, and laboratory support for response actions. \$295.7 million is available to support other response actions, policy support, information management, laboratory analysis for site assessment activities, the Technical Assistance Team (TAT), and the ARCS and ERCS contracts.

The criteria for establishing the Regional budget is presented in Exhibit III-1.

#### **Enforcement Budget**

The current projected enforcement budget for FY 93 is \$58 million. The enforcement budget provides support for PRP searches, PRP removals, PRP RI/FS starts and oversight, response negotiations, referrals, litigation, judicial and administrative cost recovery actions, and project support activities. Mega-site funding requests will be fully funded in FY 93. The remainder of the extramural budget will be allocated to the Regions based on the workload model. Exhibit III-2 displays all the activities and events eligible for funding. Funding requests for activities not on this exhibit will not be accommodated.

#### **Federal Facilities Budget**

The Federal Facilities extramural budget for FY 93 is approximately \$14 million. It covers oversight of all phases of response work (RI/FS through deletion) at Federally-owned sites, as well as negotiations for and implementation of IAGs and special Congressional requirements (i.e., base closures). Exhibit III-3 presents the pricing factors for Federal Facility activities.

**EXHIBIT III-1****CRITERIA FOR REGIONAL RESPONSE BUDGET DEVELOPMENT**

ACTIVITY	CRITERIA
PA	\$6,840 per completion
SI	\$22,800 per completion
ESI	\$57,500 per start
RI/FS	Negotiate mega-sites and ongoing actions \$750,000 per new start
RD	\$700,000 per start
RA	Based on dollars and schedules in CERCLIS Funded on a first ready/ first funded basis
PRP RD/RA Oversight	\$37,500 per quarter
Removal	90% of the FY 92 Regional budget for removal

Funding distribution will be based on Regional needs as requested through CERCLIS. The OFFE will plan, negotiate, monitor and distribute funds. OFFE plans to fully fund all basic SCAP commitments as agreed upon during final negotiations.

It is highly likely that not all projects can be funded within the requested budget. Consequently, the highest priority should be given to base closure projects, projects which will address the highest risks at a site and projects accelerating cleanup. Regions are encouraged to use innovative oversight techniques (e.g. tiered oversight) provided they can carryout their responsibilities under the IAG.

**FY 93 REGIONAL ENFORCEMENT EXTRAMURAL BUDGET FUNDED ACTIVITIES REQUIRED TO  
ACHIEVE PROGRAM OUTPUTS**

OWPE DISTRIBUTION MODEL CATEGORIES	ASSOCIATED REGIONAL ENF. EXT. BUDGET FUNDED ACTIVITIES (Target = *)	WASTE LAN CODES	CERHELP CODES	VALID LEADS FOR SITE-SPECIFIC PLANS	\$K AVG. PRICING FACTOR		AVG. DURATION IN QUARTERS	TOTAL AVG. COST
					ANNUAL	QTRLY		
<b>REMOVAL PROGRAM</b>	- Non-NPL PRP Search	RP	RP	FE	15.0		1	15.0
	- Removal Negotiation Starts	RN	RN	FE				
	- RP Oversight (PRP removals starts)*	RV	RC,NA,NP	RP, MR	50.0		1	50.0
<b>PRP SEARCHES AND RI/FS NEGOTIATIONS</b>	- NPL PRP Search (Phase I)	NS	PS	FE	25.0	6.0	4	25.0
	- NPL PRP Search (Phase II)	NS	PS	FE			12	72.0
	- RI/FS Negotiation Starts	FN	FN	FE, SE	50.0			50.0
<b>PRP RI/FS OVERSIGHT</b>	- PRP RI/FS Oversight*	RI, FS, CO	RI	RP, MR	250.0		10	250.0
	-Treatability Study Oversight	TS		RP,MR	20.0		2	20.0
	-Endangerment Assessment Oversight	ED		RP,MR	20.0		2	20.0
<b>LITIGATION SUPPORT</b>	- Cost Recovery Negotiation	NE		FE				
	- Prepare Cost Documentation Pkg.	PC		FE				
	- Administrative Cost Recovery	AV		FE	7.0		1	7.0
	- RD/RA Negotiation Starts*	AN	AN	FE, SE	24.0		3	24.0
	- NBAR	NB	NB	FE				
	- Referral Development*							
	Section 106, 106/107	SX,CL	SX,CL	FE	15.0		3	15.0
	Section 107 Removal	SV	SV	FE	14.0		2	14.0
	Section 107 Remedial	SV	SV	FE	21.0		3	21.0
	Section 104 (e)	SF		FE	10.0		1	10.0
	- Claims in Bankruptcy	CB		FE	10.0			
<b>STATE ENFORCEMENT</b>	- Ongoing Support							
	Section 106, 106/107	SX,CL	SX,CL	FE		20.0		
	Section 107	SV	SV	FE		10.0		
<b>PROGRAM IMPLEMENTATION</b>	- PS RI/FS Oversight*	RI, FS, CO	RI	PS	150.0		10	150.0
<b>PROGRAM IMPLEMENTATION</b>	- TES 5+ Program Management		TM					
	- Contract Program Management		PM					
	- Administrative Record	AR	AR	F				
	- Records Management		RM					
	- CRs	CR,RC	CR	F				
	- State Enforcement							
	Management Assistance		EM					
	- Information Management		IM					
	- Management Assistance	MA	MA	F				
	- PNRS		PN					
	- Technical Assistance	TA	TA	F				
	- Multi-site CA		MS					
	- Training		TR					
	- Other	OH	OH					
	- Senior Environmental Employee Program		SE					

**EXHIBIT III-3****PLANNING BUDGET AMOUNTS FOR FEDERAL FACILITIES**

IAG Negotiations	\$25,000/negotiation
Removal Oversight	\$25,000/removal
RI/FS and RD/RA Oversight (includes Community Relations)	\$25,000/quarter
State Support	\$20,000/State
Information Management	\$50,000/Region
Contract Management	\$20,000/Region
Technical Assistance/Training/Capacity Building	\$50,000/Region
Base Closure Support	\$20,000/Closing Base

**RELATIONSHIP BETWEEN SCAP AND THE ANNUAL REGIONAL BUDGET**

The SCAP process is the planning mechanism used by the Superfund program to identify site assessment, remedial, removal, enforcement and Federal Facility funding needs for the FY. The planned obligations included in the second quarter SCAP update (February) form the basis for the Regional budgets for the next FY. The final annual Regional operating plan, and the associated budget, are a result of the August HQ and Regional negotiations on the proposed outputs and program budgets. Though Regions are required to operate within their final negotiated annual operating budgets, adjustments within this budget can be made during the FY.

**ADVICE OF ALLOWANCE PROCEDURES AND FINANCIAL REPORTING REQUIREMENTS**

The planned obligations identified through the SCAP process are the basis for the AOA approved by the Office of the Comptroller (OC) and AA SWER or the Deputy Assistant Administrator (DAA) OFFE.

**Regional Allowances**

In FY 93, the OC will issue seven allowances to the Regions. They are:

- RA (site-specific "site" allowance), which also includes funds for O&M, LTRA, and five-year reviews;
- RD (non-site specific "site" allowance), which also includes RD/RA oversight funding;

- RI/FS (non-site specific "site" allowance);
- Removal (non-site specific "site" allowance);
- Other response (non-site specific "regular" allowance) contains funds for site assessments and response program and project support, including ARCS program management, treatability studies, the Technical Assistance Grant (TAG) program, Core Program Cooperative Agreement (CPCA) funds, and pollution liability insurance;
- Enforcement (non-site specific "regular" allowance); and
- Federal Facility (non-site specific "regular" allowance).

The following sections explain how these allowances are developed and the flexibility available in the AOA structure.

### The AOA Process

The AOA identifies projected obligations for each quarter of the FY. The AOA for FY 93 is based on the final SCAP plans developed in the fourth quarter of FY 92. Funds available for obligation, however, are limited to projected needs for the upcoming quarter. Regions enter the quarterly AOA into the Integrated Financial Management System (IFMS). The AA SWER or the DAA OFFE and the OC review the funding levels entered by the Region and compare them to the AOA amounts generated by the HQ program offices or POD. If the two agree, within three working days after the start of the quarter, the HQ OC Budget Division and the AA SWER or the DAA OFFE approve the AOA in IFMS and the funds are available for obligation.

In the past, the AOA obligation rate through the first two quarters of the FY has been low. As a result, HQ has implemented the following measures to improve performance:

- **Regions will not receive their third quarter AOA for a specific response category unless the commitment/obligation rate is 50 percent or greater in that AOA category.** If the commitment/obligation rate for one response allowance (i.e., RDs) is 35 percent while the rate for another (i.e., removals) is 65 percent, the third quarter removal AOA would be issued but the RD AOA would not be issued.
- Regions must obligate and task 60-65 percent of the **enforcement** regional extramural funds received in their first and second quarter enforcement AOA. If a Region does not receive its third quarter enforcement AOA, it is required to produce a site specific spending plan in WasteLAN for both the third and fourth quarters by mid-May.

For those Regions that continue to have a low rate of commitment/obligation/tasking, OSWER or OE will renegotiate the Region's operating plan for the remainder of the year during June. **This may result in a reduction in the Region's annual budget.**

### Financial Planning for Response AOA

The RI/FS, RD and other response AOAs are the total of the approved site specific or non-site specific planned obligations at NPL sites in CERCLIS.

The AOA for RAs is pulled directly from the approved site specific planned obligation in CERCLIS and is issued by site name, S/S ID and dollar amount. **Regions will not receive RA funds in their AOA unless the remedy technology type is reflected in CERCLIS. RAs are funded on a first ready/first funded basis.**

A Region will not receive funds above its annual Regional budget unless a SCAP amendment/change request has been approved by HQ. **Each quarter, the actual and approved planned obligations and actual commitments must be less than or equal to the annual Regional budget or the AOA will not be approved.**

#### Financial Planning for Enforcement AOA

Quarterly AOAs will be issued based on Regional quarterly planned obligations reflected in CERCLIS. It is also recognized that Regions will have TES obligated untasked funds (carryover) from one FY to the next. Since these funds represent tasking authority, the use and planned use of these funds will exceed the annual Regional budget. To ensure that the budget is balanced and the availability of resources when they are needed, Regions should plan on obligating approximately 40 percent of their negotiated budget plus carryover funds in the first quarter, 18 percent in the second and 21 percent in the third and fourth quarters. Regions may receive a higher percentage of funds in a quarter only after discussions with HQ. Also, as budget utilization will be measured against quarterly plans, Regions should request extramural budget funds the quarter in which they will be utilized.

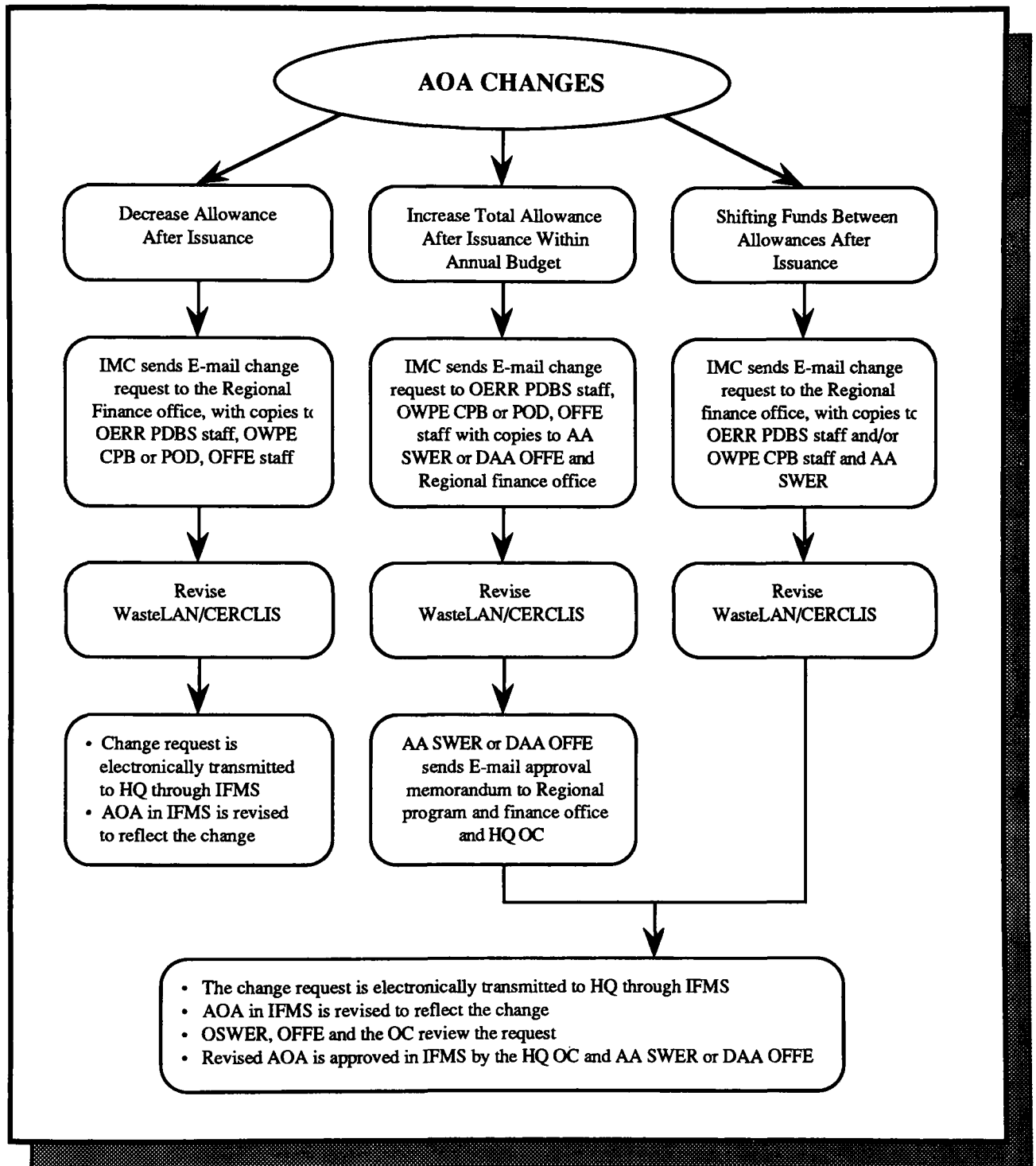
#### AOA Flexibility and Change Request Procedures

Regions are required to operate within their quarterly AOA and their annual Regional budget. Each Region will receive an RA budget based on the schedule for the RA. Regions are responsible for managing the funds issued in the AOA and for operating within budget ceilings, floors and other restrictions. Regions may:

- Shift funds between projects within the other response, RI/FS, RD, removal, Federal Facility or enforcement allowances. HQ approval is not required;
- Shift existing funds between certain allowances, e.g., the RI/FS and RD allowances. HQ approval of a change request is required. However, funds cannot be shifted into the other response allowance, out of the RA allowance, or into or out of the Federal Facility allowance;
- Use response funds to address deficient PRP projects. If substantial fund involvement will be required, the funds should be transferred to the appropriate response AOA; and
- Move future planned obligations to the current quarter (increase total allowance after issuance within the annual budget). HQ approval of a change request/SCAP amendment is required.

In some situations, a change request is required as a result of Regional changes to the SCAP. Chapter II identifies SCAP amendments and adjustments and when a change request is needed. Exhibit III-4 describes the procedures to be followed for an AOA change request.

**EXHIBIT III-4**  
**AOA CHANGE PROCESS**



## **OVERVIEW OF FTE DISTRIBUTION PROCESS**

Regional FTE allocations are made through the Hazardous Spill and Site Response Model, the Technical Enforcement Model and the Federal Facilities Superfund Workload Model. Resources for the site assessment, remedial and removal programs are contained in the Spill and Site Response Model. Enforcement resources are in the Technical Enforcement Model and resources for oversight of Federal Facilities Superfund activities are distributed by the Federal Facilities Workload Model. The Federal Facilities Workload Model is currently being revised.

The workload models are designed to reflect priorities and policies contained in both the budget and planning processes. For the most part, the workload models are a straight forward applications of FTE pricing factors from the national budget to Region-specific SCAP/STARS targets and ongoing activities in the remedial pipeline. **No FTEs are given to projects that are incorrectly coded and scheduled in CERCLIS.**

Regional FTE allocations usually occur in two stages. An initial allocation is made in April based on preliminary negotiated SCAP/STARS targets and schedules in CERCLIS. A final distribution is made in September. This distribution reflects the final SCAP and STARS targets negotiated in August as reflected in CERCLIS and any adjustments to the budget as a result of Congressional action.

In FY 93, each Region's Superfund response and enforcement FTEs will be frozen at the FY 90 levels. The Federal Facilities program received an increase in FTEs in FY 92. The resources available in FY 93 will be the same as FY 92. While the freeze ensures that total Regional Superfund resources will not be affected, shifting of resources within the Region among the different program areas may occur. This includes shifts between the response and enforcement programs. All shifts will be based on the national budget and the Integrated Priority Setting Matrix.

During negotiations of preliminary and final SCAP/STARS targets, Regions may propose changes to the targets to match the total Regional Superfund resource level. These proposals must be made in accordance with the Integrated Priority Setting Matrix. HQ will ensure that the cumulative Regional targets meet national budget commitments.

It is anticipated that FY 94 workload models will be unfrozen, and FY 93 mid-year negotiations will be particularly important. At this time, the process for distributing resources (preliminary allocation in April, final in September) will be the same as in FY 90. Additional guidance will be issued, pending Agency decisions.



## **ACRONYMS**

## **ACRONYMS**

AA —	Assistant Administrator
AA SWER —	Assistant Administrator for the Office of Solid Waste and Emergency Response
ALT —	Alternate
AO —	Administrative Order
AOA —	Advice of Allowance
AOC —	Administrative Order on Consent
APR —	Approved
AR —	Administrative Record
ARAR —	Applicable or Relevant and Appropriate Requirements
ARCS —	Alternative Remedial Contracting Strategy
ATSDR —	Agency for Toxic Substances and Diseases Registry
BC/AOA —	Budget Control/Advice of Allowance
BLM —	Bureau of Land Management
BUREC —	Bureau of Reclamation
CA —	Cooperative Agreement
CAS —	Chemical Abstract Number
CD —	Consent Decree
CERCLA —	Comprehensive Environmental Response, Compensation, and Liability Act of 1980
CERCLIS —	Comprehensive Environmental Response, Compensation, and Liability Information System
CERHELP —	CERCLIS non-site specific data base
CR —	Community Relations
CWA —	Clean Water Act
DA —	Deputy Administrator
DAA —	Deputy Assistant Administrator
DoD —	Department of Defense
DOE —	Department of Energy
DOI —	Department of the Interior
DOJ —	Department of Justice
EE/CA —	Engineering Evaluation/Cost Analysis
EI —	Environmental Indicators
EPA —	Environmental Protection Agency
ERA —	Expedited Response Action
ERCS —	Emergency Response Cleanup Services
ERD —	Emergency Response Division
ERNS —	Emergency Response Notification System
ESAT —	Environmental Services Assistance Team
ESF —	Emergency Support Function
ESI —	Expanded Site Inspection
FEMA —	Federal Emergency Management Agency
FFIS —	Federal Facilities Information System
FINDS —	Facility Index System
FMD —	Financial Management Division
FMFIA —	Federal Managers Financial Integrity Act
FMO —	Financial Management Office
FR —	Federal Register

FS —	Feasibility Study
FTE —	Full-time Equivalent
FY —	Fiscal Year
FY/Q —	Fiscal Year/Quarter
GFO —	Good Faith Offer
GNL —	General Notice Letter
HQ —	Headquarters
HRS —	Hazard Ranking System
HSCD —	Hazardous Site Control Division
IAG —	Interagency Agreement
IFMS —	Integrated Financial Management System
IMC —	Information Management Coordinator
IRM —	Initial Remedial Measure
LAN —	Local Area Network
LOE —	Level of Effort
LTRA —	Long Term Response Action
MBO —	Management by Objectives
MM/DD/YY —	Month/Day/Year
MSCA —	Multi-Site Cooperative Agreement
NBAR —	Non-Binding Allocation of Responsibility
NCP —	National Oil and Hazardous Substances Pollution Contingency Plan or National Contingency Plan
NOAA —	National Oceanic and Atmospheric Administration
NPL —	National Priorities List
NRC —	National Response Center
NRT —	National Response Team
OC —	Office of the Comptroller
OFFE —	Office of Federal Facilities Enforcement
O&M —	Operations and Maintenance
OE —	Office of Enforcement
OERR —	Office of Emergency and Remedial Response
OIG —	Office of the Inspector General
OMB —	Office of Management and Budget
OPM —	Office of Program Management
OPP —	Office of Pollution Prevention
ORC —	Office of Regional Counsel
OSC —	On-Scene Coordinator
OSW —	Office of Solid Waste
OSWER —	Office of Solid Waste and Emergency Response
OU —	Operable Unit
OUST —	Office of Underground Storage Tanks
OWPE —	Office of Waste Programs Enforcement
PA —	Preliminary Assessment
PC —	Personal Computer
PCB —	Polychlorinated biphenyls
PCMD —	Procurement and Contracts Management Division
PDBS —	Program Development and Budget Staff
PO —	Project Officer
POD —	Program Operations Division
POLREP —	Pollution Report
PRP —	Potentially Responsible Party
QAPP —	Quality Assurance Project Plan

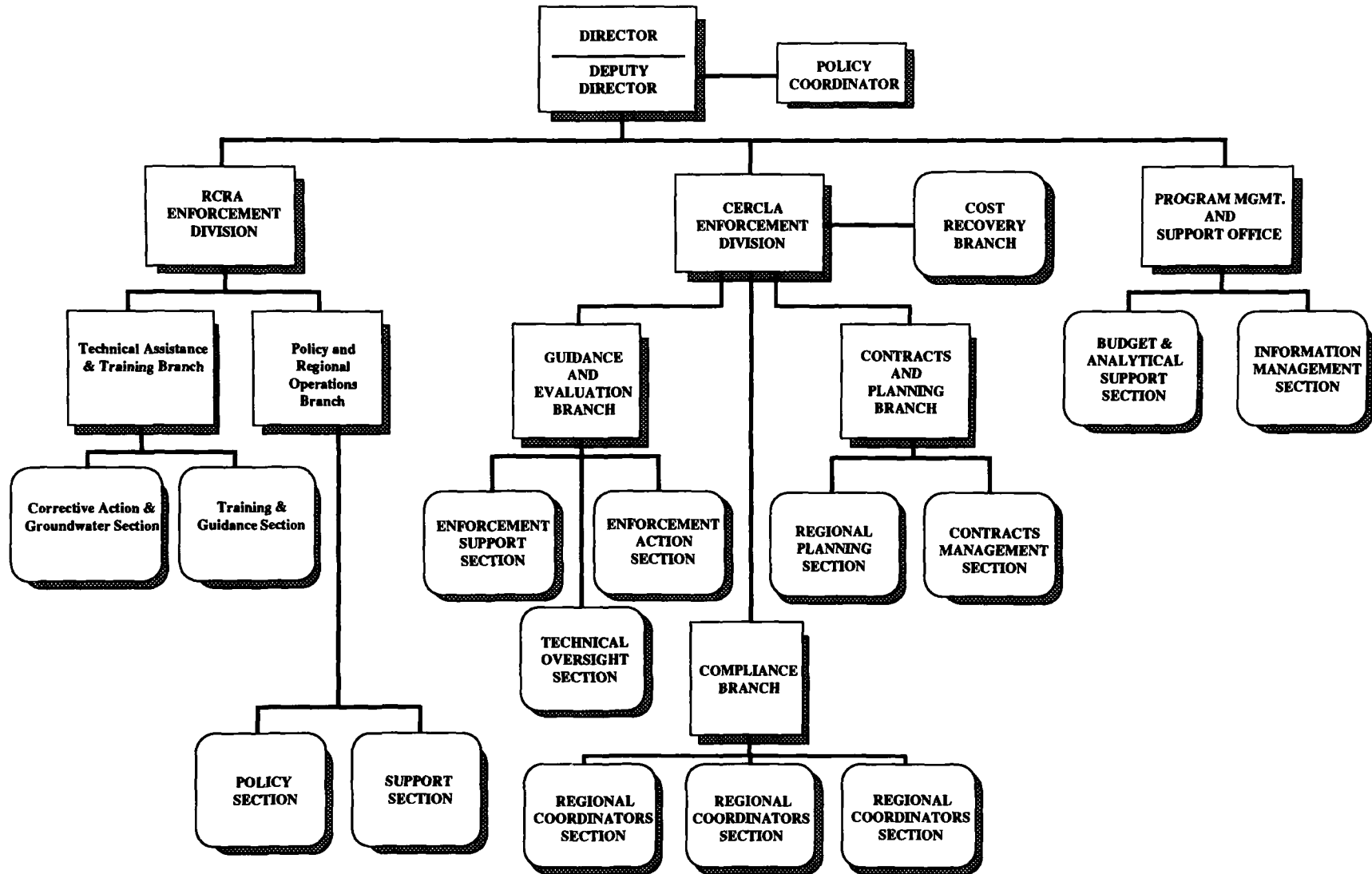
QAT —	Quality Action Team
RA —	Remedial Action
RCRA —	Resource Conservation and Recovery Act
RD —	Remedial Design
RDT —	Regional Decision Team
REPT —	Regional Emergency Preparedness Team
RFP —	Request for Proposal
RI —	Remedial Investigation
RI/FS —	Remedial Investigation and Feasibility Study
ROD —	Record of Decision
RP —	Responsible Party
RPM —	Remedial Project Manager
RPO —	Regional Project Officer
RRT —	Regional Response Team
SACA —	Site Assessment Cooperative Agreement
SACM —	Superfund Accelerated Cleanup Model
SARA —	Superfund Amendments and Reauthorization Act of 1986
SCAP —	Superfund Comprehensive Accomplishments Plan
SEA —	Site Evaluation Accomplished
SERC —	State Emergency Response Commissions
SI —	Site Inspection
SMP —	Site Management Plan
SMOA —	State Memorandum of Agreement
SNL —	Special Notice Letter
SOL —	Statute of Limitations
SOW —	Statement of Work
SRIS —	Superfund Report Information System
SSC —	Superfund State Contracts
S/S ID —	Site/Spill Identification Number
SSP —	Site Safety Plan
STARS —	Strategic Targeted Activities for Results System
TAT —	Technical Assistance Team
TSCA —	Toxic Substances Control Act
TQM —	Total Quality Management
UAO —	Unilateral Administrative Order
USACE —	United States Army Corps of Engineers
USCG —	United States Coast Guard
USFWS —	United States Fish and Wildlife Service
USGS —	United States Geological Survey
WAM —	Work Assignment Manager
ZPO —	Zone Project Officer

### **ORGANIZATIONAL CHARTS**

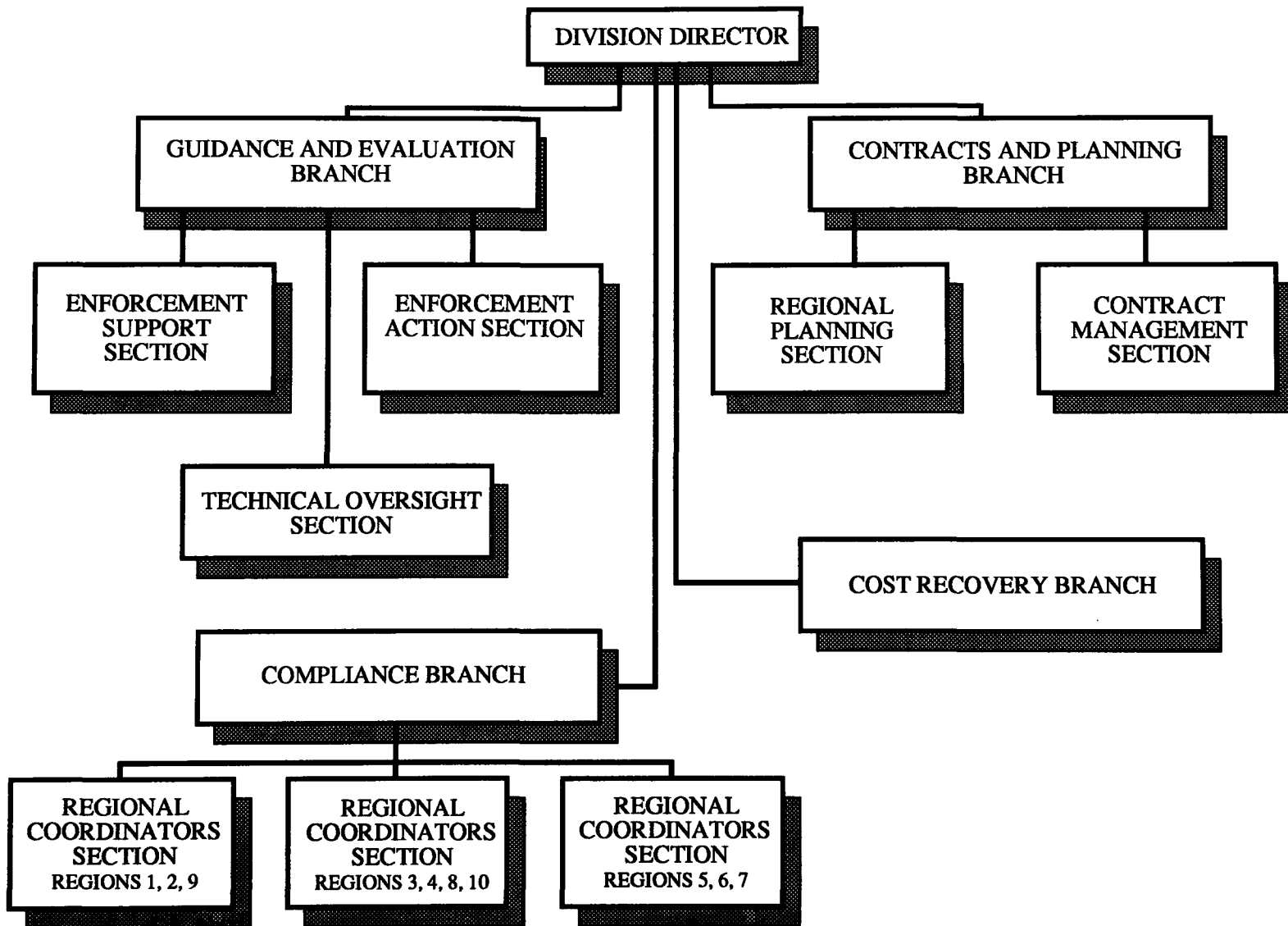
- Office of Waste Programs Enforcement  
*CERCLA Enforcement Division*
- Office of Emergency and Remedial Response
  - *Office of Program Management*
  - *Emergency Response Division*
  - *Hazardous Site Evaluation Division*
  - *Hazardous Site Control Division*
- Office of Federal Facilities Enforcement

### **U.S. EPA REGIONS MAP**

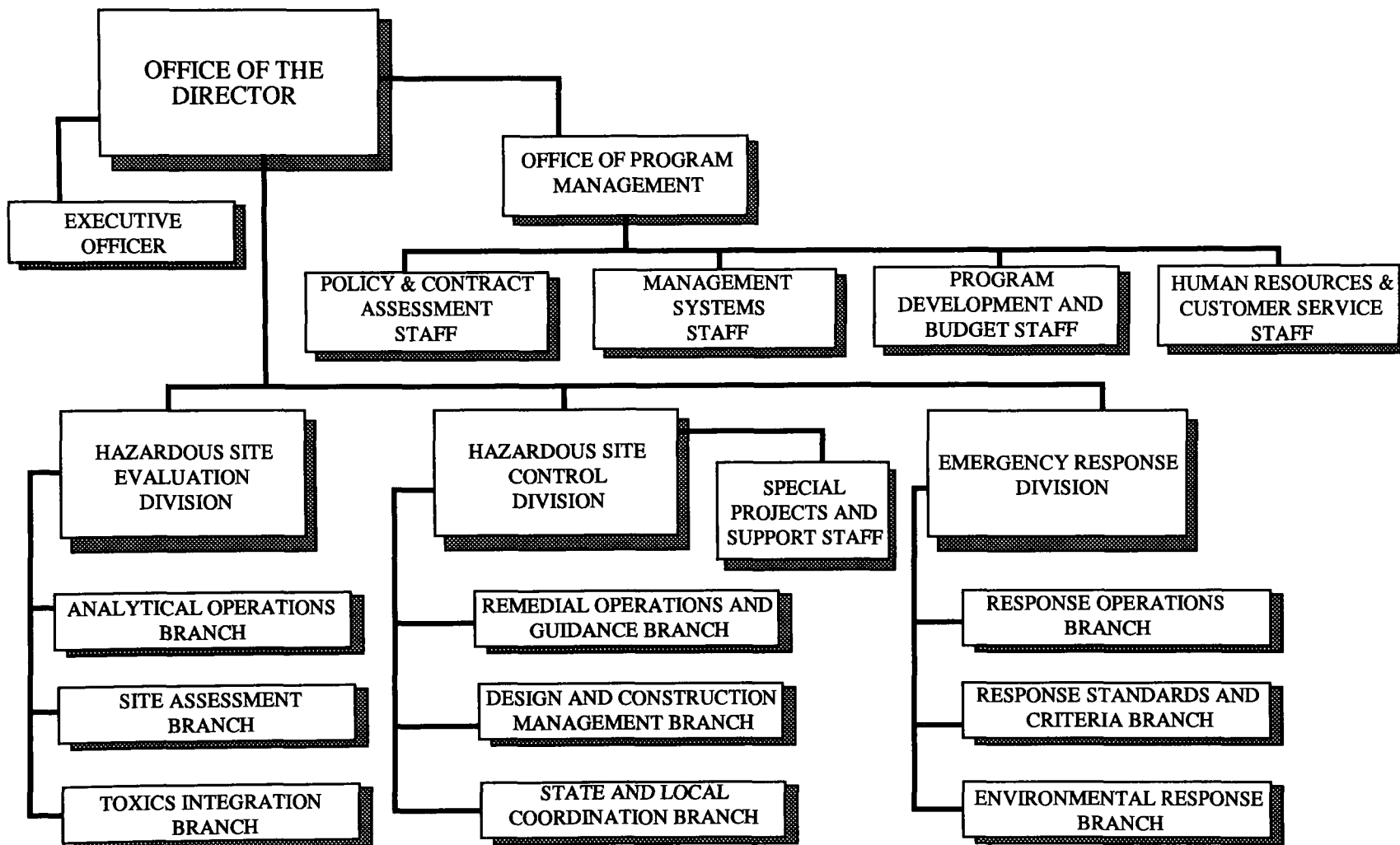
# OFFICE OF WASTE PROGRAMS ENFORCEMENT



**CERCLA ENFORCEMENT DIVISION**



## OFFICE OF EMERGENCY AND REMEDIAL RESPONSE





## OFFICE OF PROGRAM MANAGEMENT

## OFFICE OF PROGRAM MANAGEMENT

POLICY AND  
CONTRACT  
ASSESSMENT STAFF

- NCP
- Regulatory Agenda coordination
- Cross-cutting policy issues (population at risk studies, CERCLA benefits analysis, impracticability, future environmental indicators)
- OERR strategic planning
- Contract special studies (LTCS, DAS)
- Regional contract assessment/assistance
- Contracts Information Transfer/Bulletins
- Contracts Management Information System
- Information Collection Budget

POLICY ANALYSIS  
SECTIONCONTRACTS  
OVERSIGHT SECTIONMANAGEMENT  
SYSTEMS STAFF

- WasteLAN/SMARTech
- CERCLIS management, support & evaluation
- Technical ADP systems development (Regional Program management module)
- ADP Administration (OASYS, LAN Systems Management)
- Headquarters Contract Management
- CERCLIS QA

HEADQUARTERS  
CONTRACT  
MANAGEMENT SECTIONMANAGEMENT SYSTEMS  
COORDINATION  
SECTIONHUMAN RESOURCE &  
CUSTOMER SERVICE  
STAFF

- Customer Service Desk (training forms, AX/ALs, personnel actions, PRs, space, property, other services)
- Correspondence Control
- Documents Management
- TQM/Team Building/HR Coordination
- OERR Training/Awards Coordination
- Annual Report to Congress
- FMFIA
- Audit Follow-up and Regional reviews
- Directives Systems

CUSTOMER SERVICE  
SECTIONPROGRAM  
DEVELOPMENT AND  
BUDGET STAFF

- implementation
- OERR ADCR Management
- Resource allocation/OERR workload model
- Program management/STARS guidance
- SCAP planning, negotiations and reports
- Financial policy, accounting and tracking
- Remedial pipeline evaluations (trends and analysis)
- Program evaluation (accomplishments reporting, quarterly management reports)
- OLM/SF2000
- Environmental Indicators
- Headquarters Budget Execution
- NPL Books

PLANNING AND  
EVALUATION SECTIONRESOURCE  
MANAGEMENT  
SECTION

# EMERGENCY RESPONSE DIVISION

## EMERGENCY RESPONSE DIVISION

- ERT Liaison

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- ERCS Zone I, 4 and 4B
- Budget/Regional Allowance
- SCAP/SPMS/CERCLIS Management
- Oversight
- Operations
- ERNS
- SERA Summary

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- Drinking Water Action Levels
- Land Disposal Restrictions
- Engineering Evaluation/Cost Analysis (EE/CA)
- Removal Procedures Guidance
- CERCLA Hazardous Substance Designations
- Reportable Quantity Adjustments
- Radionuclides/Potential Carcinogens
- Oil Regulations and Guidance
- Continuous Releases
- Federally-Permitted Releases

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#### RESPONSE REGULATION SECTION

### ENVIRONMENTAL RESPONSE BRANCH

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- Coordination of Emergency Response
- ERT Training Program
- Radiation Response Capability
- Extent of Contamination Studies
- Groundwater Studies
- Soil Gas Studies
- Bloassessment Studies
- Innovative Technology Demonstration
- Treatability Testing
- Site-Specific Cleanup Standards

#### OPERATIONAL SUPPORT SECTION

#### SITE INVESTIGATION SECTION

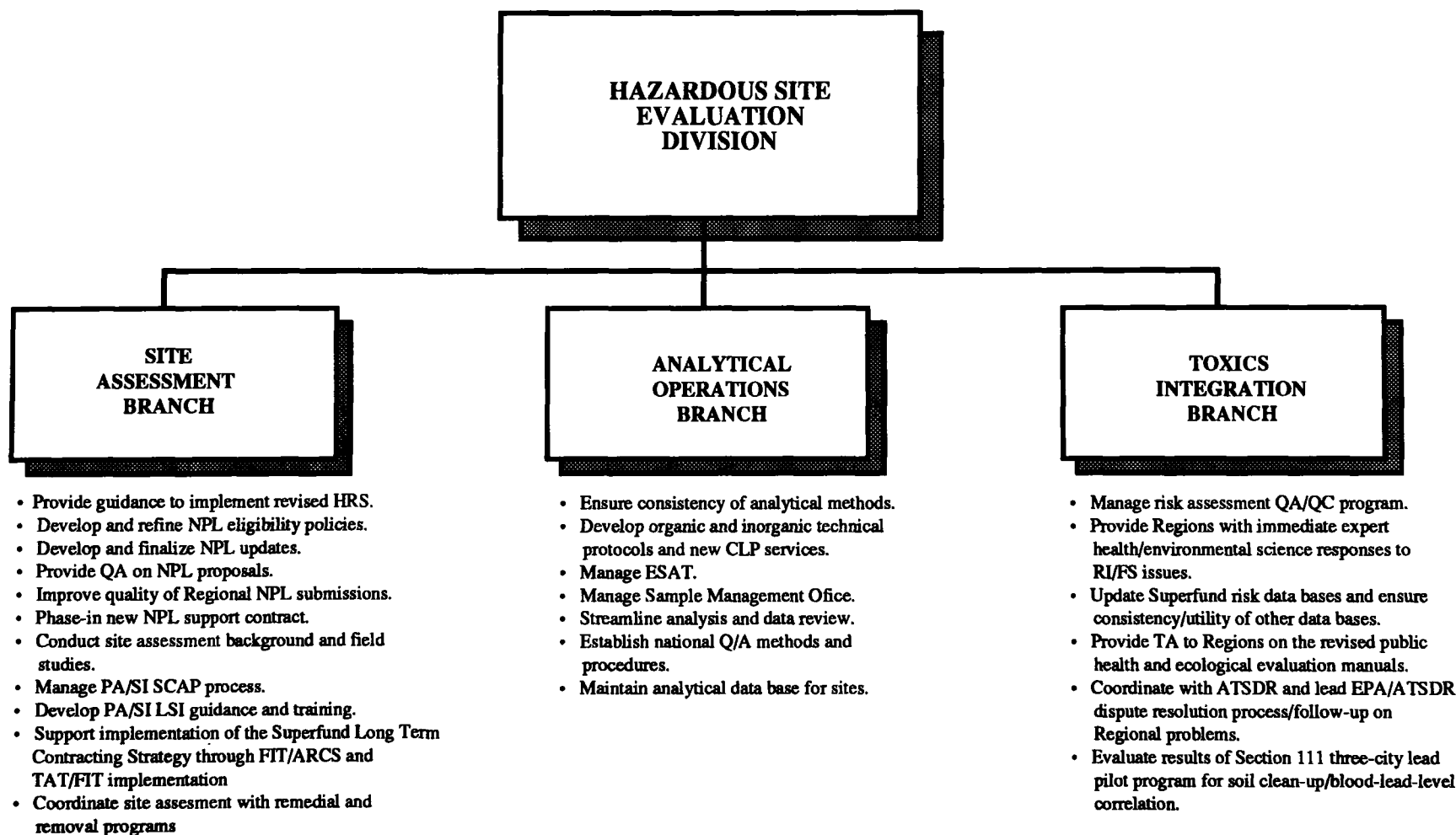
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- Alternative Technology Feasibility Standards
- SITE Program Coordination
- Support Contract Management
- Administrative Support
- Automated Data Support
- Analytical Support
- QA/QC Activities
- Safety and Health Activities
- Preparedness Program Support
- Air Monitoring Activities
- Coordination with OSHA

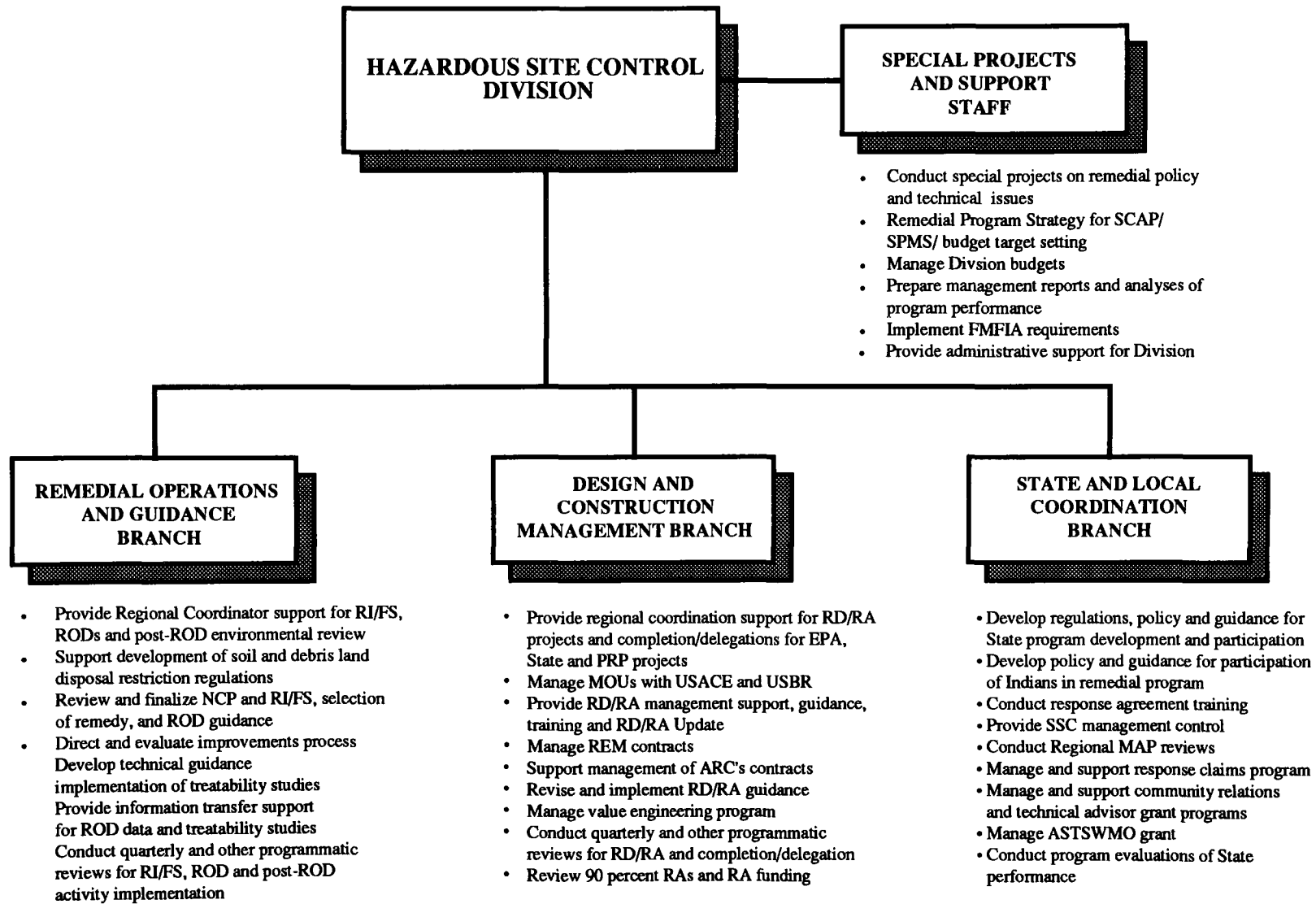
#### CONTRACTS AND DATA MANAGEMENT SECTION

#### SAFETY AND AIR SURVEILLANCE SECTION

## HAZARDOUS SITE EVALUATION DIVISION

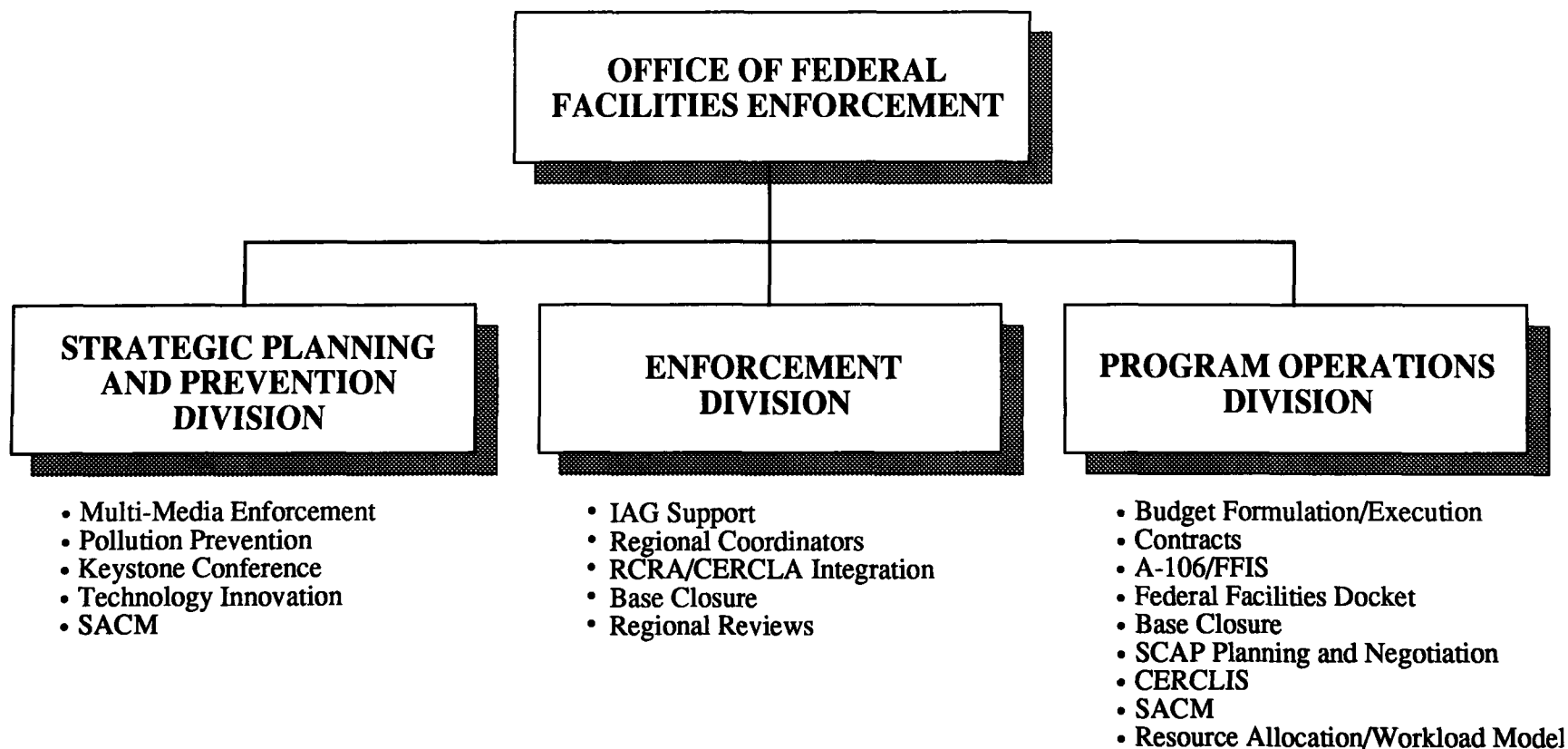


# HAZARDOUS SITE CONTROL DIVISION

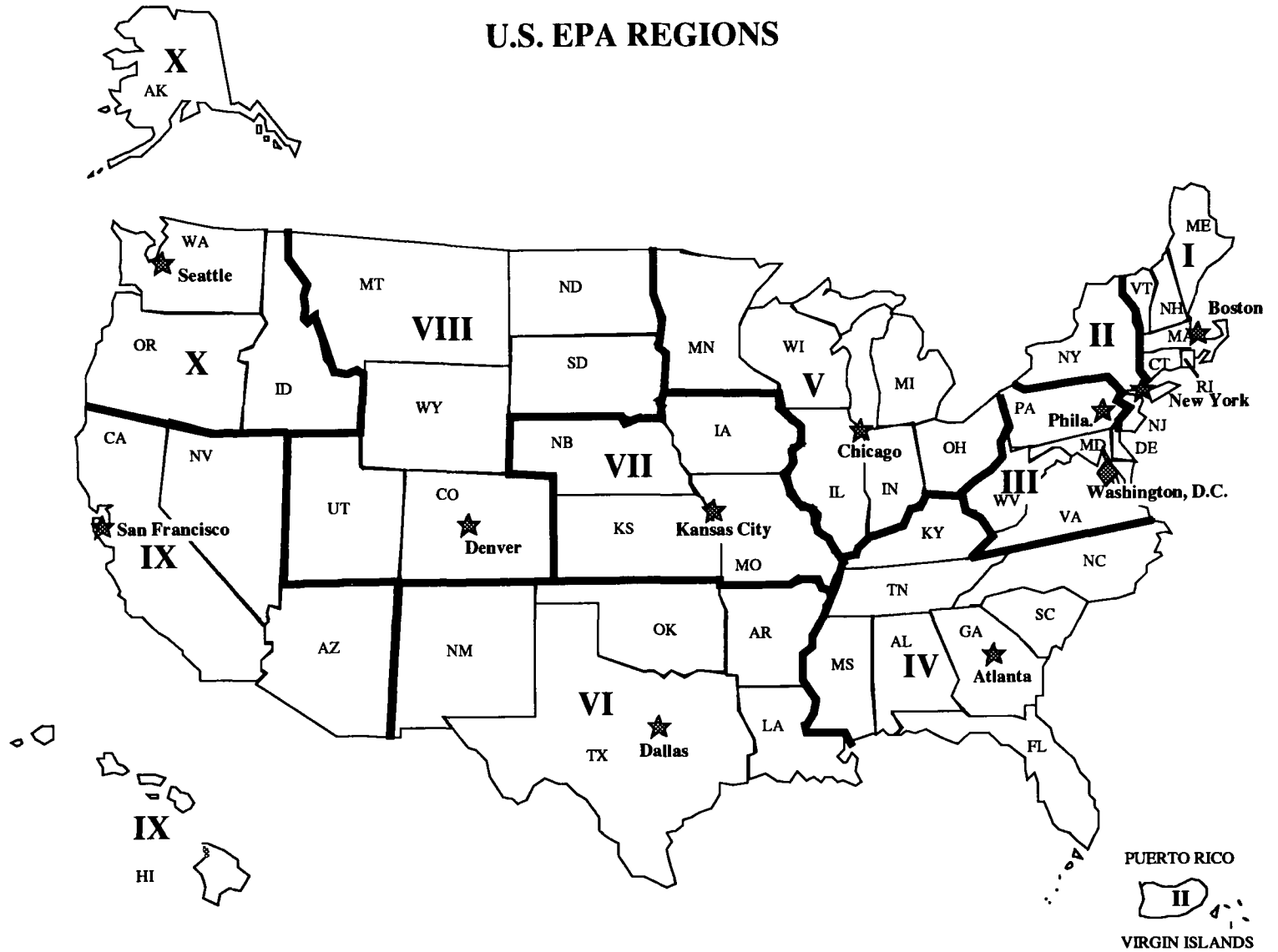


## OFFICE OF FEDERAL FACILITIES ENFORCEMENT

8



# U.S. EPA REGIONS



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## **APPENDIX A - TARGETS/MEASURES AND DEFINITIONS**

### **ROLE OF SUPERFUND COMPREHENSIVE ACCOMPLISHMENTS PLAN (SCAP)**

SCAP and Strategic Targeted Activities for Results System (STARS) targets are the key device by which program goals are translated into quantifiable program achievements. They identify performance expectations for the Regions and should not be seen as only a method for allocating resources. Specific targets are negotiated by Headquarters (HQ) and the Regions. The Regions are expected to concentrate their resources on achieving these targets.

STARS is used by the Administrator to set and monitor the progress each program is making toward meeting its environmental goals. STARS targets and measures are reported quarterly by HQ and the Regions to the Office of Pollution Prevention (OPP) through the OPP STARS computer system. SCAP is used by the Assistant Administrator for the Office of Solid Waste and Emergency Response (AA SWER), the Office of Enforcement (OE), and senior Superfund managers to monitor the progress each Region is making toward achieving its Superfund goals. SCAP targets and measures are reported monthly by the Regions through the Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS).

National and Regional STARS goals are established and tracked through SCAP. STARS targets are a subset of those contained in SCAP.

### **SCAP/STARS TARGETS AND MEASURES**

A SCAP or STARS **target** (either quarterly or annual) is a pre-determined numerical goal that is established prior to the Fiscal Year (FY) to ensure that designated activities will take place. STARS targets and measures track the priorities set forth in the Operating Guidance. **All STARS targets are SCAP targets.** An example of a SCAP and STARS targeted activity is Remedial Action (RA) Contract Award. Annual budgets are allocated based on STARS and SCAP targets. In addition, Regions are evaluated on a quarterly basis according to their completion of activities with established targets.

A SCAP or STARS **measure**, on the other hand, is used to track an activity that is important in monitoring overall program progress. The two types of measures are STARS reporting and SCAP planning/reporting measures. Planning estimates result in numerical goals being established prior to the FY, which are used in setting annual budgets. Regions report progress against the planning estimates. STARS reporting measures have no associated quantitative goals; only actual accomplishments are tracked (e.g., progress through environmental indicators).

National Priorities List (NPL) sites are the top priority for all response, and many enforcement and Federal Facility targets and measures. Regions will receive credit for accomplishments at non-NPL sites only for non-NPL removal starts and non-NPL Potentially Responsible Party (PRP) searches. The following targets and measures will credit accomplishments at both NPL and non-NPL sites:

- Progress Through Environmental Indicators;
- Removal Completions;

- Emergency Response Activity;
- Cost Recovery Actions/Decisions (< \$200,000);
- Cost Recovery Actions/Decisions (> \$200,000);
- 107 Case Resolution;
- Administrative Record Compilation;
- Dollars Achieved Toward Cost Recovery Management by Objective (MBO) Goal;
- Administrative Orders (AO) Issued for Removal;
- Federal Facility Removals/Expedited Response Action (ERA); and
- All site assessment, Oil Pollution Act (OPA), and Chemical Emergency Preparedness and Prevention (CEPP) targets and measures.

All other targets and measures accomplishments are credited at NPL sites only.

#### FY 93 SCAP/STARS Targets and Measures

During the January 1992 Program Management Meeting, HQ and the Regions discussed the SCAP/STARS targets and measures proposed in the FY 93 Agency Operating Guidance. Regions expressed concerns that since the budget and workload models are frozen, HQ should reevaluate and consider dropping some of the SCAP/STARS targets and measures. Based on this discussion, the Regions voted on the highest priority STARS targets/measures for FY 93. Seven targets/measures received the greatest number of votes. The information in this Manual reflects HQ decisions relative to the Regional vote on the STARS targets and measures.

Following are the changes in the STARS targets and measures from FY 92 to FY 93:

- Remedial Remedies Selected (Record of Decision (ROD)) and Action Memoranda Signed for NPL Removals is a new STARS target (S/C-5). Separate targets are negotiated in SCAP for RODs and NPL removal starts;
- NPL Site Construction Completions is a new STARS measure (S/C-3). The target includes final RA NPL Site Construction Completions, RODs where all necessary remediation has been completed and removal completions that cleaned up NPL sites. Separate targets are negotiated in SCAP for final RA NPL Site Construction Completions, RODs and removal completions;
- RA Construction Completion is a new STARS measure (S/C-2).
- De minimis Settlements and Number of PRPs is a new STARS measure (S/E-3). The measure includes de minimis settlements (S/E-3a) and de minimis settlements achieved prior to ROD signature (S/E-3b);
- Cost Recovery Actions/Decisions > \$200,000 replaces Section 107 or 106/107 Settlements and Referrals as a STARS target (S/E-2a);



- Cost Recovery Actions/Decisions < \$200,000 is a new STARS measure (S/E-2b);
- Federal Facility IAG Starts is a new STARS target;
- Federal Facility RA Starts is a new STARS target (FFE-3(1));
- Federal Facility Removal Actions/Expedited Response Actions (ERA) is a new STARS measure (FFE-3(2));
- RA completions is no longer a STARS target. First, subsequent and final RA completions are still SCAP targets.
- Site Inspection (SI) Completions is no longer a STARS target. It is still a SCAP target;
- Remedial Design (RD) Completions is no longer a STARS target. First and subsequent RD completions are SCAP targets;
- Remedial Investigation/Feasibility Study (RI/FS) Projects Nominated for the Superfund Innovative Technology Evaluation (SITE) Program is no longer a STARS reporting measure. It is still a SCAP reporting measure;
- The trend analyses - ROD to RD Start Duration, ROD to RA Start Duration, and ROD to RD/RA Negotiation Completion Duration - are no longer STARS reporting measures, however, they are SCAP reporting measures;
- AOs Issued for Removals and RI/FS, Dollars Achieved Toward the Cost Recovery MBO Goal, and 104(e) Referrals/Orders are SCAP reporting measures. All were STARS reporting measures in FY 92; and
- Resource Conservation and Recovery Act (RCRA) Preliminary Assessments (PA) under the Environmental Priorities Initiative (EPI) is no longer tracked in STARS or SCAP.

The definitions contained in this Appendix are those that were available at the time the Manual went to the printer. Every effort has been made to ensure that the definitions contained herein for SCAP and STARS targets and measures are consistent. If there are inconsistencies, the STARS definition is the official definition. If STARS definitions are revised during the year, an addendum to the Superfund Program Management Manual may be published.

The term “activity” as used in the definitions applies to a specific action. It does not relate to the CERCLIS use of the term “activity” which is applied to enforcement actions.

The remainder of this Appendix is divided into the following four major sections:

- **Section 1: Site Assessment** - Includes targets/measures and definitions for PAs and SIs;
- **Section 2: Pipeline** - Includes targets/measures and definition for response events and enforcement activities that are integral to the remedial, enforcement and Federal Facility programs. The definitions in this section are in remedial pipeline order and include the following activities:

RI/FS Enforcement Activities and Settlements;

- RI/FS;
  - RD/RA Enforcement Activities, Settlements and Referrals;
  - RD;
  - RA; and
  - Cost Recovery.
- **Section 3: Response** - Includes targets/measures and definitions for response (**removal and remedial**) events that occur at sites on the NPL. It also includes definitions for site completions and NPL deletions; and
  - **Section 4: Removal** Includes targets/measures and definitions for events and enforcement activities that are integral to the operation of the removal program. Removal actions at Federal Facilities are also included in this section.

## **SECTION 1: SITE ASSESSMENT DEFINITIONS**

### **INTRODUCTION**

The site assessment targets/measures track the initial events at Superfund sites. Two site assessment events are projected and tracked through the Superfund Comprehensive Accomplishments Plan (SCAP)/Strategic Targeted Activities for Results System (STARS) process:

- Preliminary Assessment (PA) Completions; and
- Site Inspection (SI) Completions.

SI completions is a SCAP target. PA completions is a SCAP measure. Regions propose targets for all site assessment activities in the CERHELP data system. Funds for site assessment activities are included in the other response Advice of Allowance (AOA). Exhibit A-1 displays the SCAP/STARS targets and measures for the site assessment program.

<b>EXHIBIT A-1: SITE ASSESSMENT SCAP/STARS TARGETS AND MEASURES</b>					
	<b>STARS/SCAP TARGET</b>	<b>STARS REPORTING</b>	<b>SCAP PLAN &amp; REPORT</b>	<b>QUARTERLY</b>	<b>ANNUAL</b>
<b>PA COMPLETIONS</b>			X	X	X
<b>SI COMPLETIONS</b>	X*			X	X
<b>EPA - PA/SI COMPLETIONS</b>			X	X	X
<b>STATE - PA/SI COMPLETIONS</b>			X	X	X

\*SCAP only

### **PA COMPLETIONS**

**Definition:** A PA is the first stage of site assessment which determines whether a site should be recommended for further Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) action. Federal, State, and local government files, geological and hydrological data, and data concerning site practices are reviewed to complete the PA report. A site reconnaissance is also conducted.

**Definition of Accomplishment:** A PA is complete when the report is reviewed and approved by the Region and WasteLAN contains the PA completion date and the decision on further activities is shown in the Event Qualifier Field. Although a site can have multiple PAs, only the first completed PA with an 'S' or 'F' lead counts toward the target.

**Changes in Definition FY 92 - FY 93:**

**Special Planning/Reporting Requirements:** For budget and resource allocations, separate projections must be made for Environmental Protection Agency (EPA) vs. State PA completions. Accomplishments are reported site specifically in WasteLAN. This is a SCAP reporting measure.

**SI COMPLETIONS**

**Definition:** The SI involves collection of field data from a hazardous substance site for the purpose of characterizing the magnitude and severity of the hazard posed by the site and/or to support enforcement. An SI should provide adequate data to determine the site's Hazard Ranking System (HRS) score.

**Definition of Accomplishment:** This measure includes only screening SIs. A SI is complete when: 1) a Focused Site Inspection Report has been received by the Region from the Alternative Remedial Contracting Strategy (ARCS) contractor or the State; 2) the report has been reviewed and approved by the appropriate Regional official; 3) a decision has been made on whether to proceed with further site evaluation work; and 4) the SI report date and decision on further action has been recorded in WasteLAN.

**Changes in Definition FY 92 - FY 93:**

**Special Planning/Reporting Requirements:** This is a SCAP target. Commitments are made based on the sum of the EPA and State conducted SIs. However, for budget and resource allocations, separate projections must be made for EPA vs. State SI completions. Regions propose targets in the CERHELP non-site data system. Accomplishments are reported site specifically in WasteLAN.

<b>EXHIBIT A-2: SITE ASSESSMENT DEFINITIONS</b>		
<b>PLANNING REQUIREMENTS</b>	<b>PA</b>	<b>SI</b>
STARS?	NO	NO
SCAP?	YES	YES
TARGET OR MEASURE?	MEASURE	TARGET
QUARTERLY TARGETS?	NO	YES
IF YES, WHEN?		PRIOR TO FY
PLANNED SITE SPECIFICALLY?	NO	NO
PLANNED/REPORTED ON OPERABLE UNIT OR WHOLE SITE BASIS?	WHOLE SITE	WHOLE SITE
REPORTED ON COMBINED PROGRAM LEAD OR ON A PROGRAM SPECIFIC BASIS?	N/A	N/A
REPORTED SITE SPECIFICALLY OR IN NON-SITE PORTION OF WASTELAN?	SITE SPECIFIC	SITE SPECIFIC
AOA CATEGORY?	OTHER RESPONSE	OTHER RESPONSE
BASIS FOR AOA?	NON-SITE PLANS	NON-SITE PLANS

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## **SECTION 2: PIPELINE DEFINITIONS**

### **INTRODUCTION**

The pipeline definitions include remedial, enforcement and project support activities at both Federal Facility and non-Federal Facility Superfund sites. The remedial and support events and enforcement activities have been placed in this section in the order they occur in the Superfund pipeline:

- Remedial Investigation/Feasibility Study (RI/FS) Enforcement Activities and Settlements;
- RI/FS;
- Remedial Design (RD)/Remedial Action (RA) Enforcement Activities, Settlements, and Referrals;
- RD;
- RA; and
- Cost Recovery.

Exhibit A-3 presents the SCAP/STARS targets for pipeline activities. Exhibit A-4 displays the SCAP/STARS reporting measures.

<b>EXHIBIT A-3: PIPELINE SCAP/STARS TARGETS</b>				
	<b>STARS TARGET</b>	<b>SCAP TARGET</b>	<b>QUARTERLY TARGET</b>	<b>ANNUAL TARGET</b>
<b><i>RI/FS Enforcement Activities &amp; Settlements</i></b>				
– Interagency Agree- ments (IAG) Start	X	X	X	X
– IAG Complete at National Priorities List (NPL) or proposed NPL Sites (FFE-2)	X	X	X	X
<b><i>RI/FS</i></b>				
– First RI/FS Start		X +	X	X
– Subsequent RI/FS Start		X +	X	X
– First Remedy Selected at NPL Sites-Record of Decision (ROD)*		X	X	X
– Subsequent Remedy Selected at NPL Sites - ROD*		X	X	X
– Federal Facility Remedy Selection at NPL Sites (FFE-4)	X**		X	X
• First Federal Facility RODs		X	X	X
• Subsequent Federal Facility RODs		X	X	X
<b><i>RD/RA Enforcement, Settlements &amp; Referrals</i></b>				
– RD/RA Negotiation Start		X	X	X
– RD/RA Negotiation Completion		X	X	X
– RD/RA Settlements and Injunctive Referrals (S/E-1a and 1b)	X		X	X
• RD/RA Settlements		X	X	X
• RD/RA Injunctive Referrals		X	X	X
<b><i>RD</i></b>				
– First RD Start		X +	X	X
– Subsequent RD Start		X +	X	X
– First RD Completions		X +	X	X
– Subsequent RD Completions		X +	X	X
<p>* Includes F, FE, and SE-lead RODs</p> <p>** The STARS target combines first and subsequent, if appropriate, as a single target.</p> <p>+ Includes projects with the following leads: Federal (F), State (S), PRP action under State order/decreed (PS), In-house RI/FS or RD (EP), Responsible party under Federal order/decreed (RP), Mixed funding (MR) and Federal Facility (FF).</p>				



<b>EXHIBIT A-3: PIPELINE SCAP/STARS TARGETS (CONTINUED)</b>				
	<b>STARS TARGET</b>	<b>SCAP TARGET</b>	<b>QUARTERLY TARGET</b>	<b>ANNUAL TARGET</b>
<b>RA</b>				
- First RA Start (Fund)		X	X	X
- Subsequent RA Start (Fund)		X	X	X
- First RA Start Potentially Responsible Party (PRP)		X	X	X
- Subsequent RA Start (PRP)		X	X	X
- RA Start-Federal Facility (FFE-3(1))	X**		X	X
• First RA Start		X	X	X
• Subsequent RA Start		X	X	X
- RA Contract Award (S/C-1)	X**		X	X
• First RA Contract Award		X	X	X
• Subsequent RA Contract Award		X	X	X
- RA Completions				
• First RA Completion		X +	X	X
• Subsequent RA Completion		X +	X	X
• Final RA Completion		X	X	X
<b>Cost Recovery</b>				
- Actions/Decisions (>\$200,000) (S/E-2a)	X	X	X	X
<p>** The STARS target combines first and subsequent, if appropriate, as a single target.</p> <p>+ Includes projects with the following leads: Federal (F), State (S), PRP action under State order/decre (PS), In-house RI/FS or RD (EP), Responsible party under Federal order/decre (RP), Mixed funding (MR) and Federal Facility (FF).</p>				

<b>EXHIBIT A-4: PIPELINE SCAP/STARS MEASURES</b>				
	<b>STARS REPORTING</b>	<b>SCAP PLAN/REPORT</b>	<b>QUARTERLY</b>	<b>ANNUAL</b>
<b><i>RI/FS Enforcement Activities &amp; Settlements</i></b>				
- NPL PRP Search Start		X	X	X
- NPL PRP Search Completion		X	X	X
- 104(e) Letters Issued		X	X	X
- 104(e) Referrals & Orders Issued		X	X	X
- Issuance of General Notice Letters (GNL)		X	X	X
- Issuance of Special Notice Letters (SNL)*		X	X	X
- RI/FS Negotiation Start		X	X	X
- RI/FS Negotiation Completion		X	X	X
- <u>De minimis</u> Settlements Prior to ROD (S/E- 3b)	X	X	X	X
- Administrative Order (AO) Issued for Removals & RI/FS		X	X	X
- State Orders for RI/FS Issued		X	X	X
<b><i>RI/FS</i></b>				
- Federal Facility Listing to RI/FS Start Duration		X	X	X
- Treatability Studies		X	X	X
- RI/FS Projects Nominated for the Superfund Innovative Technology Evaluation (SITE) Program		X	X	X
- RI/FS to Public		X	X	X
- RI/FS Duration		X +	X	X
<b><i>RD/RA Enforcement Activities, Settlements &amp; Referrals</i></b>				
- Remedial Administrative Record Compilation		X	X	X
- Issuance of SNL*		X	X	X
- ROD to RD/RA Negotiation Start Duration		X	X	X
- ROD to RD/RA Negotiation Completion Duration		X	X	X
- RD/RA Negotiation Duration		X	X	X
- Unilateral Administrative Orders (UAO) Issued for RD/RA		X	X	X
+Includes projects with the following leads: Federal (F), State (S), In-house (EP), PRP action under State order/decreed (PS), Responsible party under Federal order/decreed (RP), Mixed Funding (MR) and Federal Facility (FF). *Activity is listed in two places in the exhibit.				

<b>EXHIBIT A-4: PIPELINE SCAP/STARS MEASURES (CONTINUED)</b>				
	<b>STARS REPORTING</b>	<b>SCAP PLAN/REPORT</b>	<b>QUARTERLY</b>	<b>ANNUAL</b>
<b><i>RD/RA Enforcement Activities, Settlements &amp; Referrals (continued)</i></b> - Mixed Funding Settlements Achieved - <u>De minimis</u> Settlements (S/E-3a) - Section 106, 106/107, 107 Case Resolution* - State Consent Decrees (CD) for RD/RA Issued	X	X X X X	X X X X	X X X X
<b><i>RD</i></b> - ROD to RD Start Duration - Federal Facility RD Start to RD Complete Duration		X X	X X	X X
<b><i>RA</i></b> - ROD to RA Start Duration - Federal Facility RA Contract Award - RA On-Site Construction - RA Construction Completion (S/C-2) - NPL Site Construction Completion (Final RA) - Federal Facility RA Final Completion - Federal Facility RA Start to RA Complete Duration	X	X + X X X X X X X X	X X X X X X X X X	X X X X X X X X X
<b><i>Cost Recovery</i></b> - Demand Letters Issued - Actions/Decisions (<\$200,000) (S/E-2b) - Section 106, 106/107, 107 Case Resolution* - Dollars Achieved Toward Cost Recovery Management by Objective (MBO) Goal	X	X X X X	X X X X	X X X X
+Includes projects with the following leads: Federal (F), State (S), PRP action under State order/decree (PS), Responsible party under Federal order/decree (RP), Mixed Funding (MR) and Federal Facility (FF). *Activity is listed in two places in the exhibit.				

**REMEDIAL INVESTIGATION/FEASIBILITY STUDY (RI/FS) ENFORCEMENT ACTIVITIES AND SETTLEMENTS**

Following are the definitions for the RI/FS search, negotiation and settlement activities, and Federal Facility Interagency Agreement (IAG) activities that are included in this section:

- National Priorities List (NPL) Potentially Responsible Party (PRP) Search Starts;
- NPL PRP Search Completions;
- Section 104(e) Letters Issued;
- Section 104(e) Referrals and Orders;
- Issuance of General Notice Letters (GNL);
- Issuance of Special Notice Letters (SNL);
- RI/FS Negotiation Starts;
- RI/FS Negotiation Completions;
- Administrative Orders (AO) Issued for Removals and RI/FS;
- De minimis Settlements Prior to the Record of Decision (ROD) and Number of PRPs;
- State Order for RI/FS Issued;
- IAG Start; and
- IAGs Complete at NPL or Proposed NPL Sites.

IAG start and IAGs complete at NPL or proposed NPL sites are SCAP/STARS targets. De minimis settlements prior to ROD is a STARS reporting measure. NPL PRP search starts and completions, Section 104(e) letters issued, Section 104(e) referrals and orders, issuance of GNL, issuance of SNL, RI/FS negotiation starts and completions, AOs issued for removal and RI/FS, and State orders issued for RI/FS are SCAP measures.

All of the RI/FS enforcement activities and settlements are planned site specifically. Planning and accomplishment data for these activities are reported in WasteLAN. Funds to support the non-Federal Facility enforcement activities are contained in the enforcement Advice of Allowance (AOA). Funds to support Federal Facility IAGs are allocated in the Federal Facility AOA.

For the definitions below, IAG start and completion definitions have been combined. The definition for SNLs issued appears in this section and the RD/RA Enforcement Activities, Settlements and Referrals Section. The definition for AOs issued for RI/FS and removals appear in this section and Section 4: Removal Definitions.

## NPL PRP SEARCH STARTS

**Definition:** The purpose of the PRP search is to identify PRPs. At NPL sites the PRP search should be initiated at the same time as the Site Inspection (SI) or Expanded Site Inspection (ESI) or, at the latest, with the listing of the site. It should be completed in time to send a GNL which should be approximately two months before the SNL date and at least 90 days prior to the obligation of funds for a RI/FS.

**Definition of Accomplishment:** If the search is being conducted by a contractor, the start date is considered to be the date the work assignment is procured. If it is conducted by EPA, the start date is the day the EPA staff begins the PRP search activities.

**Changes in Definition FY 92 - FY 93:**

**Special Planning/Reporting Requirements:** NPL PRP searches are planned and funds requested on a site-specific basis. PRP searches should be planned for all sites listed on the NPL. This is a SCAP reporting measure.

## NPL PRP SEARCH COMPLETIONS

**Definition:** A PRP search is the action taken by the Region to identify the responsible parties at a site.

**Definition of Accomplishment:** The PRP search is complete when PRPs at a site have been identified, all applicable activities described in the Agency's PRP Search Manual have been completed, and the date and the outcome of the search has been determined and entered into WasteLAN. If no PRPs are found, the date and the outcome of the search are entered into WasteLAN.

This definition applies to both Phase I (single owner, operator site) and Phase II (multi-generator site) PRP search accomplishments.

**Changes in Definition FY 92 - FY 93:**

**Special Planning/Reporting Requirements:** NPL PRP search completions are planned on a site-specific basis. This is a SCAP reporting measure.

## SECTION 104(e) LETTERS ISSUED

**Definition:** This is a letter issued under Section 104(e) of the Superfund Amendments and Reauthorization Act (SARA). It requests information from PRPs on matters such as: the nature and extent of a release or threatened release at a site; nature and quantity of materials; indemnification; financial ability of PRP to pay for response actions.

**Definition of Accomplishment:** Credit for this activity is given on the date the information request letter is signed by the appropriate EPA official.

**Changes in Definition FY 92 - FY 93:**

**Special Planning/Reporting Requirements:** This is a SCAP reporting measure and is recorded at the milestone level.

## **SECTION 104(e) REFERRALS AND ORDERS ISSUED**

**Definition:** Section 104(e)(5) referrals/orders are enforcement actions to compel parties to respond to EPA requests for information.

**Definition of Accomplishment:** Report the number of Section 104(e)(5) orders issued or referrals to Headquarters (HQ) or to the Department of Justice (DOJ) to compel PRPs to comply with information requests. Credit for the referral is the date on the Regional Administrator's transmittal memo to HQ or to the DOJ as recorded in WasteLAN. Credit for the order is based on the date it is signed by the Regional Administrator as recorded in WasteLAN. Due to workload considerations, Regions issuing referrals for non-compliance with a Section 104(e)(5) order will receive credit for both the order and the follow-up referral.

**Changes in Definition FY 92 - FY 93:**

**Special Planning/Reporting Requirements:** This is a SCAP reporting measure.

## **ISSUANCE OF GENERAL NOTICE LETTERS**

**Definition:** Letter sent by EPA under Section 122 of SARA informing recipients of their potential liability for cleanup actions at the site. It is usually sent out during the PRP search or during preparation for negotiations.

**Definition of Accomplishment:** Credit for this activity is given on the date the GNL is signed by the appropriate EPA official.

**Changes in Definition FY 92 - FY 93:**

**Special Planning/Reporting Requirements:** This is a SCAP reporting measure and is recorded at the milestone level.

## **ISSUANCE OF SPECIAL NOTICE LETTERS**

**Definition:** A SNL is a letter from EPA to the PRPs informing them of their potential liability and inviting them to offer to conduct the planned response action(s) at the site. This letter, under Section 122 of SARA, triggers a negotiation moratorium allowing the PRPs to consider EPA's invitation to negotiate. The moratorium period varies depending on the response action (RI/FS, RD/RA) and can be extended if necessary.

**Definition of Accomplishment:** Credit for this activity is given on the date the SNL is signed by the appropriate EPA official.

**Changes in Definition FY 92 - FY 93:**

**Special Planning/Reporting Requirements:** This is a SCAP reporting measure and is recorded at the milestone level.

## RI/FS NEGOTIATION STARTS

**Definition:** RI/FS negotiations are discussions between EPA and the PRPs on their liability, willingness, and ability to conduct the RI/FS.

**Definition of Accomplishment:** RI/FS negotiations start when:

- The first SNL is signed, or
- A waiver of SNL is signed.

**Changes in Definition FY 92 - FY 93:**

**Special Planning/Reporting Requirements:** If the Region does not plan to perform RI/FS negotiations at a site, negotiation dates should not be placed in WasteLAN. The start of RI/FS negotiations should be planned site specifically. This is a SCAP reporting measure.

## RI/FS NEGOTIATION COMPLETIONS

**Definition:** RI/FS negotiations end when the Region decides how to proceed with the RI/FS activities.

**Definition of Accomplishment:** RI/FS negotiations end when:

- A Unilateral Administrative Order (UAO)\* or Administrative Order on Consent (AOC) for RI/FS is signed by the Regional Administrator;
- A signed Consent Decree (CD) for RI/FS is referred by the Region to HQ or DOJ; or
- The Region decides to proceed with a Fund-financed RI/FS, terminates negotiations, and obligates funds for the RI/FS.

The negotiations conclusion date is the date the Regional Administrator signs the order, the date on the transmittal letter referring the CD, or the date funds for RI/FS are obligated.

\* A UAO is not the preferred enforcement tool for RI/FS and should be used only under unique circumstances.

**Changes in Definition FY 92 - FY 93:**

**Special Planning/Reporting Requirements:** The activity is planned site specifically in WasteLAN. This is a SCAP reporting measure.

## REMOVAL AND RI/FS ADMINISTRATIVE ORDERS

**Definition:** Administrative Orders (AOC and UAO) are an enforcement tool to compel the PRPs to assume responsibility for removal actions and RI/FS projects.

**Definition of Accomplishment:** Report Section 104/106/122 Administrative Orders (AOC and UAO) issued by EPA for PRPs to conduct removal actions and/or RI/FSs.

Credit for the order is based on the date it is signed by the Regional Administrator as recorded in WasteLAN.

**Changes in Definition FY 92 - FY 93:**

**Special Planning/Reporting Requirements:** Projections for AOs for RI/FS are made site specifically. This is a SCAP reporting measure.

**DE MINIMIS SETTLEMENTS PRIOR TO ROD AND NUMBER OF PRPS (S/E-3B)**

**Definition:** Administrative or judicial settlement reached under Section 122(g) of SARA prior to the first remedy being selected (ROD signature). This settlement involves the established de minimis portions of the response costs at the site and is embodied as a CD or in an AOC. If the total response costs at the site exceed \$500,000 (excluding interest), the AOC can only be issued with DOJ's prior written approval. If DOJ does not approve or disapprove the AO within 30 days, the AOC is considered approved and can be issued. (DOJ and the Administrator can agree to extend this 30-day period.)

**Definition of Accomplishment:** Credit for a final settlement is identified when an AOC is signed by the Regional Administrator (as reported in WasteLAN), and for a CD, when the Regional Administrator signs the transmittal memo to HQ or to the DOJ (as reported in WasteLAN). The number of PRP signatories to each settlement must also be reported.

Post ROD de minimis settlements will not count in this measure.

**Changes in Definition FY 92 - FY 93:** New definition for FY 93.

**Special Planning/Reporting Requirements:** The remedy qualifier for de minimis must be entered into WasteLAN Enforcement Remedy Qualifier data elements (C2741 C2750 = "DL" or "DG"). This is a STARS reporting measure.

**STATE ORDER FOR RI/FS**

**Definition:** AO or CD signed by the State and the PRPs for the PRPs to conduct the RI/FS.

**Definition of Accomplishment:** The date the last State official or party signs the order or CD. All WasteLAN coding requirements for AOs and CDs apply. The enforcement activity type (C1701) should be State decree ("SD") or State order ("SO") and the date should be placed in C1717. In addition, the remedy field must denote that the AO/CD was issued for an RI/FS.

**Changes in Definition FY 92 - FY 93:**

**Special Planning/Reporting Requirements:** This is a SCAP reporting measure not a targeted activity.

**INTERAGENCY AGREEMENTS (IAGs)**

**Definition:** Under CERCLA Section 120, Federal agencies are required to enter into an IAG with EPA within six months of completing the RI/FS. However, as a matter of policy, HQ encourages the Regions to enter into an IAG as soon after NPL listing as



possible. IAGs are legally binding requirements which set forth detailed requirements for performance of site response activities, as well as appropriate enforcement responses to non-compliance with the IAG. IAG negotiations provide the Federal agency an opportunity to meet with EPA, and often the State, to discuss key issues and come to a final agreement.

**Definition of Accomplishment:**

IAG Start Date: Date notice letter is sent by EPA to the Federal Facility.

IAG Completion Date: Date the Federal agency and all parties sign the IAG, or the date which the Letter of Intent is signed by all parties, or the date the draft IAG is signed by all parties (generally prior to the start of a public comment period), or the date the IAG is elevated to HQ for dispute resolution, or the date the IAG goes to Federal agency HQ, or the date public comment is initiated.

NOTE: To enable accurate tracking of major milestones, a non-targeted data element, IAG Effective Date will be added to CERCLIS. This will be the date on which the IAG becomes effective.

**Changes in Definition FY 92 - FY 93**: New definition for FY 93.

**Special Planning/Reporting Requirements**: IAG start and IAG complete are STARS/SCAP targets.

**EXHIBIT A-5: RI/FS ENFORCEMENT ACTIVITIES AND SETTLEMENTS**

<b>PLANNING REQUIREMENTS</b>	<b>NPL PRP SEARCH START</b>	<b>NPL PRP SEARCH COMPLETE</b>	<b>104(e) LETTERS</b>	<b>104(e) REF/ORDERS</b>	<b>GENERAL NOTICE LETTERS</b>	<b>SPECIAL NOTICE LETTERS</b>
<b>STARS ?</b>	NO	NO	NO	NO	NO	NO
<b>SCAP ?</b>	YES	YES	YES	YES	YES	YES
<b>TARGET OR MEASURE?</b>	MEASURE	MEASURE	MEASURE	MEASURE	MEASURE	MEASURE
<b>QUARTERLY TARGETS SET?</b>	NO	NO	NO	NO	NO	NO
<b>IF YES, WHEN?</b>						
<b>PLANNED SITE SPECIFICALLY?</b>	YES	YES	NO	NO	NO	NO
<b>IF YES, WHEN?</b>	PRIOR TO FY	PRIOR TO FY				
<b>PLANNED/REPORTED ON OPERABLE UNIT OR WHOLE SITE BASIS?</b>	WHOLE SITE	WHOLE SITE	WHOLE SITE	WHOLE SITE	OPERABLE UNIT	OPERABLE UNIT
<b>REPORTED ON COMBINED PROGRAM LEAD OR ON A PROGRAM-SPECIFIC BASIS?</b>	N/A	N/A	N/A	N/A	N/A	N/A
<b>REPORTED SITE SPECIFICALLY OR IN NON-SITE PORTION OF WASTELAND?</b>	SITE SPECIFIC	SITE SPECIFIC	SITE SPECIFIC	SITE SPECIFIC	SITE SPECIFIC	SITE SPECIFIC
<b>AOA CATEGORY?</b>	ENFORCE- MENT	N/A	N/A	ENFORCE- MENT	ENFORCE- MENT	ENFORCE- MENT
<b>BASIS FOR AOA?</b>	SITE SPECIFIC PLANS	N/A	N/A	SITE OR NON- SITE SPECIFIC PLANS	SITE OR NON- SITE SPECIFIC PLANS	SITE OR NON- SITE SPECIFIC PLANS

**EXHIBIT A-5: RI/FS ENFORCEMENT ACTIVITIES AND SETTLEMENTS (CONTINUED)**

<b>PLANNING REQUIREMENTS</b>	<b>IAG START</b>	<b>IAG COMPLETE</b>	<b>RI/FS NEG START</b>	<b>RI/FS NEG COMP</b>	<b>AO FOR REMOVAL OR RI/FS</b>	<b>DE MINIMIS SETTLEMENTS PRIOR TO ROD</b>	<b>STATE ORDERS FOR RI/FS</b>
<b>STARS ?</b>	YES	YES	NO	NO	NO	YES	NO
<b>SCAP ?</b>	YES	YES	YES	YES	YES	YES	YES
<b>TARGET OR MEASURE?</b>	TARGET	TARGET	MEASURE	MEASURE	MEASURE	MEASURE	MEASURE
<b>QUARTERLY TARGETS SET?</b>	YES	YES	NO	NO	NO	NO	NO
<b>IF YES, WHEN?</b>	PRIOR TO FY	PRIOR TO FY					
<b>PLANNED SITE SPECIFICALLY?</b>	YES	YES	YES	YES	NO	YES	NO
<b>IF YES, WHEN?</b>	PRIOR TO FY	PRIOR TO FY	PRIOR TO FY	PRIOR TO FY		PRIOR TO FY	
<b>PLANNED/REPORTED ON OPERABLE UNIT OR WHOLE SITE BASIS?</b>	WHOLE SITE	WHOLE SITE	OPERABLE UNIT	OPERABLE UNIT	OPERABLE UNIT OR WHOLE SITE	WHOLE SITE	OPERABLE UNIT
<b>REPORTED ON COMBINED PROGRAM LEAD OR ON A PROGRAM-SPECIFIC BASIS?</b>	PROGRAM SPECIFIC	PROGRAM SPECIFIC	COMBINED	COMBINED	N/A	N/A	N/A
<b>REPORTED SITE SPECIFICALLY OR IN NON-SITE PORTION OF WASTELAN?</b>	SITE SPECIFIC	SITE SPECIFIC	SITE SPECIFIC	SITE SPECIFIC	SITE SPECIFIC	SITE SPECIFIC	SITE SPECIFIC
<b>AOA CATEGORY?</b>	FEDERAL FACILITY	N/A	ENFORCEMENT	N/A	ENFORCEMENT	ENFORCEMENT	ENFORCEMENT
<b>BASIS FOR AOA?</b>	WORKLOAD MODEL ALLOC.	N/A	SITE SPECIFIC PLANS	N/A	SITE SPECIFIC PLANS	SITE OR NON-SITE SPECIFIC PLANS	SITE OR NON-SITE SPECIFIC PLANS

### **REMEDIAL INVESTIGATION/FEASIBILITY STUDIES (RI/FS)**

Following are the SCAP and STARS events tracked for RI/FS:

- Federal Facility Final Listing to RI/FS Start Duration;
- First RI/FS Starts (Fund-financed, PRP and Federal Facility);
- Subsequent RI/FS Starts (Fund-financed, PRP and Federal Facility);
- Treatability Studies (Fund-financed and PRP);
- RI/FS Projects Nominated for the Superfund Innovative Technology Evaluation (SITE) Program (Fund-financed and PRP);
- RI/FS to Public (Fund-financed and PRP);
- First Remedy Selected (Record of Decision (ROD)) (Fund (F), Federal Enforcement (FE), State Enforcement (SE), and Federal Facility (FF));
- Subsequent Remedy Selected (ROD) (F, FE, SE, and FF); and
- RI/FS Duration (Fund-financed, PRP and Federal Facility).

Federal Facility RODs is a STARS/SCAP target. First RI/FS start or first NPL removal start is a target under STARS measure S/C-4 titled Number of Sites Where Activity Has Started. The definition for Number of Sites Where Activity Has Started can be found in Section 3: Response Definitions. The number of remedies selected and action memoranda signed for removal actions at NPL sites are a target under STARS measure S/C-5. The definition for Remedies Selected and Action Memoranda Signed can be found in Section 3: Response Definitions. First and subsequent RI/FS starts, and F, FE, SE, and FF first and subsequent remedies selected (RODs) are SCAP targets. RI/FS projects nominated for the SITE program, treatability studies, Federal Facility final listing to RI/FS start duration, and Fund-financed, PRP and Federal Facility RI/FS duration are SCAP reporting measures.

RI/FS commitments are made on a combined Fund-financed and PRP basis and there is a limit on the number of RI/FS starts during the FY. Separate Fund-financed, PRP and Federal Facility goals for RI/FS starts are set prior to the FY. All RI/FS activities are planned on a site, OU and project specific basis. Planning and accomplishment information are entered into WasteLAN. Funds for Fund-financed RI/FS projects are in the RI/FS AOA. Funds for oversight of PRP and Federal Facility RI/FS projects are available in the enforcement and Federal Facility AOAs, respectively.

For the definitions below, first and subsequent RI/FS starts have been combined, as have first and subsequent remedy selections (RODs).

Definitions for RI/FS project support activities are presented at the beginning of this section.

## COMMUNITY RELATIONS

**Definition:** Community Relations (CR) are the activities conducted in accordance with SARA, the National Contingency Plan (NCP) and the Community Relations Handbook to involve the community in response activities conducted at a site.

**Definition of Accomplishment:** The start of CR is the obligation of funds for the development of the Community Relations Plan (CRP). For RP-lead sites where the PRP is preparing the CRP in accordance with an AO or CD, the start of CR is defined as EPA approval of the CRP. For EP-lead sites, CR begins when EPA initiates work on the CRP. The completion of CR is the deletion of the site from the NPL or the conclusion of a removal action.

### Changes in Definition FY 92 - FY 93:

**Special Planning/Reporting Requirements:** CR activities at PRP sites and Federal Facilities are paid for by the Regional enforcement extramural budget and Federal Facility budget, respectively. Planned and actual start and completion dates are not required in WasteLAN. Funds may be planned site or non-site specifically; however, they must be obligated site specifically. Once funds are obligated, the non-site specific amount must be reduced. Funds for CR activities are in the enforcement, other response or Federal Facility AOA.

## MANAGEMENT ASSISTANCE/SUPPORT AGENCY ASSISTANCE

**Definition:** Management assistance/support agency assistance are the activities performed by another entity in support of EPA. The support agency furnishes necessary data to EPA, reviews response data and documents, and provides other assistance to EPA.

EPA may provide States, political subdivisions and Indian Tribes with funding to carry out a variety of management responsibilities via a support agency Cooperative Agreement (CA) to ensure their meaningful and substantial involvement in response activities.

Unless otherwise specified in the CA, all support agency costs, with the exception of RA support agency costs, may be documented under a single Superfund account number designated specifically for support agency activities. RA support agency activities must be documented site specifically and require cost share provisions.

**Definition of Accomplishment:** The start of management assistance/support agency assistance is the signature of the CA by the Regional Administrator or his designee. The completion of management assistance is the completion of all remedial activities at the site.

### Changes in Definition FY 92 - FY 93:

**Special Planning/Reporting Requirements:** Management assistance/support agency assistance activities for RP and PS-lead projects are paid for by the enforcement program, are contained in the Regional enforcement extramural budget, and distributed to the Region in the enforcement AOA. Funds to support MR and F-lead projects are in the other response AOA. Planned and actual start and completion dates are not required in WasteLAN. Funds may be planned site or non-site specifically; however, they must be obligated site specifically. Once funds are obligated, the non-site specific amount must be reduced.

## TECHNICAL ASSISTANCE

**Definition:** Technical assistance is support provided by a third party to EPA in the conduct of response activities.

**Definition of Accomplishment:** The start of technical assistance is the obligation of funds for technical assistance. The completion is defined as the completion of the response activities for which technical assistance was requested.

**Changes in Definition FY 92 - FY 93:**

**Special Planning/Reporting Requirements:** Planned and actual start and completion dates are not required in WasteLAN. Funds may be planned site or non-site specifically; however, they must be obligated site specifically. Once funds are obligated, the non-site specific amount must be reduced. Funds for technical assistance are contained in the other response AOA.

## TECHNICAL ASSISTANCE GRANTS

**Definition:** Technical Assistance Grants (TAG) are provided under SARA to a community for technical assistance in dealing with Superfund issues at NPL sites.

**Definition of Accomplishment:** The start of the TAG is the signature of the CA to the community group. The completion of the TAG is the completion of the final RA or the deletion of the site from the NPL.

**Changes in Definition FY 92 - FY 93:**

**Special Planning/Reporting Requirements:** Planned and actual start and completion dates are not required in WasteLAN. Funds may be planned site or non-site specifically; however, they must be obligated site specifically. Once funds are obligated, the non-site specific amount must be reduced. Funds for TAGs at non-Federal Facility sites are contained in the response budget and found in the other response AOA. Funds for TAGs at Federal Facilities are in the Federal Facility AOA.

## FEDERAL FACILITY LISTING TO RI/FS START DURATION

**Definition:** CERCLA/SARA Section 120(e) states "not later than six months after the inclusion of any facility on the NPL the department, agency, or instrumentality shall ... commence a RI/FS for such facility."

**Definition of Accomplishment:** This measure will count final NPL sites, where the duration between final NPL listing (publication of final listing in the *Federal Register* and the first RI/FS start is less than six months (two quarters). The duration will be calculated based on the RI/FS start definition contained in this manual.

**Changes in Definition FY 92 - FY 93:** New definition in FY 93.

**Special Planning/Reporting Requirements:** This is a SCAP reporting measure.

## RI/FS START — FIRST AND SUBSEQUENT

**Definition:** The RI/FS is an investigation designed to characterize the site, assess the nature and extent of the contamination, evaluate potential risk to human health and the environment, and develop and evaluate potential remediation alternatives.

In order for the RI/FS to be counted as a first start it must not have had previous RI/FS activity at the site, a prior CERCLA settlement or prior Fund obligation for Remedial Investigation (RI), Feasibility Study (FS), or combined RI/FS. In order for the Fund-financed and PRP RI/FS to be counted in the STARS target S/C-4, Number of Sites Where Activity has Started, First NPL Removal Actions and RI/FS, it must not have had previous RI/FS or removal activity at the site.

Obligation of funds for forward planning, community relations and/or other support activities do not constitute an RI/FS start. A subsequent RI/FS is any RI/FS that starts after the first one.

### Definition of Accomplishment:

**Fund-financed** (Including F- and S-lead events.) - A Fund RI/FS start is counted when funds are obligated. Funds are obligated when:

- The contract modification for the RI/FS has been signed by the Contracting Officer (CO);
- An IAG has been signed by the other Federal agency (U.S. Army Corps of Engineers (USACE) or Bureau of Reclamation (BUREC)); or
- A CA has been signed by the Regional Administrator or his designee to conduct an RI/FS; and
- Obligations have been recorded or documented in WasteLAN.

If a subsequent RI/FS or focused FS is initiated without a new obligation of funds, the start date is defined as EPA approval of the work plan for the subsequent RI/FS.

**PRP-financed** (Includes RP-, MR-, and PS- lead events) - A Responsible Party (RP or MR)-lead RI/FS start counts when one of the following enforcement actions occurs:

- An AOC is signed by the Regional Administrator. The RI/FS start date is the AOC completion date (Regional Administrator signature date); or
- A CD is referred by the Region to DOJ or HQ. The RI/FS start date is the last signature date by the appropriate official or party (e.g., the Regional Administrator, DOJ, or HQ);

A PS-lead RI/FS start counts when a State order or comparable enforcement document is signed by the last appropriate official or party and the site is covered by one of the following:

- State enforcement CA;

- Superfund Memorandum of Agreement (SMOA) containing a schedule for RI/FS work at the site; or
- Other State/EPA agreement.

If a subsequent RI/FS is initiated without a new or amended AOC, CD, State order, or other comparable State enforcement document, the start date for the RI/FS is defined as EPA's or the State's approval of the work plan for the subsequent RI/FS.

If an AOC, a State order, or other comparable State enforcement document is amended for the subsequent RI/FS, the start date is the date the last official signs the amendment. If an EPA CD is amended, the start date is the last signature date by the appropriate official or party.

**Federal Facility** - In general, the RI/FS first start date should coincide with the IAG effective date. However, for sites where RI/FS work starts prior to the IAG effective date, the earliest date reportable is the IAG completion date. For sites where RI/FS work is initiated under a Resource Conservation and Recovery Act (RCRA) order or permit, the RI/FS first start date should equal the date when the RCRA order or permit becomes effective. In rare cases, with HQ approval, when the RI/FS has been initiated prior to the IAG completion date and there has been extensive Regional involvement with the facility, the RI/FS first start date can be the receipt of the RI/FS work plan.

Subsequent RI/FS starts count on the date of receipt of the work plan which addresses the subsequent RI/FS. For cases where the subsequent RI/FS is described in the same work plan as the first RI/FS start, the subsequent RI/FS start is the date of the RI/FS first start (which is generally the IAG effective date or IAG completion date, whichever is earlier). In rare cases, with HQ approval, when the RI/FS has been initiated prior to the IAG completion date and there has been extensive Regional involvement with the facility, the RI/FS subsequent start date can be the receipt of the RI/FS workplan.

**EP-lead** An EP-lead RI/FS counts when the Region begins preparation of the workplans following the initial scoping meeting.

**Changes in Definition FY 92 - FY 93:** Federal Facility definition is new in FY 93.

**Special Planning/Reporting Requirements:** First Fund or PRP RI/FS start or first Fund or PRP NPL removal start is a target under STARS S/C-4, Number of Sites Where Activity Has Started. The definition for Number of Sites Where Activity Has Started can be found in Section 3: Response Definitions. Individual targets for first RI/FS starts and NPL removals are established in SCAP. Separate Fund-financed, RP-lead and Federal Facility RI/FS start targets will be established in SCAP prior to the FY. A limit will be placed on the number of Fund-financed, RP and PS lead RI/FS that can be started during the FY for budget purposes. Targets are established site specifically. For first RI/FS starts, "to be determined (TBD)" sites are allowed.

Regions cannot receive credit for a site under STARS S/C-4, Number of Sites Where Activity has Started, First NPL Removal Actions and RI/FS, if an RI/FS or NPL removal began or was conducted at the site in a previous year. Regions also cannot receive credit under STARS for both an RI/FS start and an NPL removal if they are started in the same year. Credit is given for the first activity started and a site can receive credit only once. Therefore, historical data must be reviewed prior to negotiating commitments and report-



ing accomplishments in STARS. Regions can receive credit for both individual events in SCAP.

## TREATABILITY STUDY

**Definition:** Treatability studies are laboratory or field tests used to evaluate and implement one or more remedial alternatives. This definition also covers post-ROD treatability studies.

### **Definition of Accomplishment:**

*Fund-financed* - The start of the treatability study is the obligation of funds specifically for the study. If unexpended RI/FS or RD funds are used for the treatability study, the start date is the date of EPA approval, as reflected in WasteLAN, of the treatability study work plan. The completion is the approval of the report on the results of the treatability study.

*PRP-financed* - The treatability study starts when EPA approves the treatability study work plan submitted by the PRPs. The completion is the approval of the report on the results of the treatability study.

**Changes in Definition FY 92 - FY 93:** Added that the definition also covers treatability studies to support remedy implementation (i.e., RD/RA treatability studies). Included Fund-financed and PRP definitions.

**Special Planning/Reporting Requirements:** Planned and actual start and completion dates are required in WasteLAN. Funds are planned site specifically and are placed in the other response AOA. This is a SCAP reporting measure.

## RI/FS PROJECTS NOMINATED FOR SITE PROGRAM

**Definition:** The SITE program assesses new technologies for the treatment of hazardous waste. Technologies enter the program through an annual solicitation. Once technologies are selected, it is necessary to find demonstration sites.

**Definition of Accomplishment:** An RI/FS project is nominated for the SITE program when the Region sends a memorandum to HQ formally submitting the site for consideration as a location for a demonstration project.

### **Changes in Definition FY 92 - FY 93:**

**Special Planning/Reporting Requirements:** Accomplishments are reported site specifically. Fund-financed or RP-lead sites may be submitted for consideration. This is a SCAP reporting measure.

## RI/FS TO PUBLIC

**Definition:** The RI/FS is released to the public when the contamination at the site has been characterized and alternatives for remediation have been evaluated.

**Definition of Accomplishment:** An RI/FS to public is accomplished the date the proposed plan is available to the public. This date must be recorded in WasteLAN (C3101) with the RI/FS event under subevent code "CF."

**Changes in Definition FY 92 - FY 93:**

**Special Planning/Reporting Requirements:** Accomplishments are based on the first proposed plan released to the public for each RI/FS regardless of lead. This is a SCAP reporting measure.

**REMEDIES SELECTED (ROD) — FIRST AND SUBSEQUENT**

**Definition:** A remedy is selected at the completion of the RI/FS. Upon completion of the public comment period on a Fund-financed or RP-lead RI/FS, a ROD which identifies the Agency's selected remedy for a site or phase of site cleanup is signed by the Assistant Administrator for the Office of Solid Waste and Emergency Response (AA SWER) or the Regional Administrator/Deputy Regional Administrator.

Upon completion of a Federal Facility RI/FS, the Federal agency selects a remedy for the site that is presented in a cleanup decision document (i.e., ROD, Corrective Action Decision Document). This document is concurred upon or approved by either the AA for the Office of Enforcement (OE) or the Regional Administrator/Deputy Regional Administrator.

**Definition of Accomplishment:**

F, FE, and SE-lead - The date the ROD is signed by the Regional Administrator/Deputy Regional Administrator or the AA SWER is the remedy selection date.

Federal Facility - Date of EPA approval/concurrence on the clean-up decision document pursuant to an IAG or other enforceable decision document, or the date of EPA's Letter of Concurrence.

This date must be entered in WasteLAN as both the RI/FS and ROD completions.

**Changes in Definition FY 92 - FY 93:** Added Federal Facility ROD requirements.

**Special Planning/Reporting Requirements:** Commitments are made based on F, FE, or SE lead RODs that result from F, S, EP, MR, RP, or PS lead RI/FS. Federal Facility RODs are tracked separately. The RI/FS completion date and ROD completion date are the same. Planned and actual dates must be entered with both events in WasteLAN. The RA technology type should be entered into WasteLAN in the RA Technology Type data field (C3401 = RT) and the specific technology type(s) in the Technical Information Qualifier fields (C3402 - C3411).

Remedies selected (F, FE, or SE lead RODs) and Action Memorandum signed for removal actions at NPL sites is a combined target under STARS S/C-5. F, FE, or SE lead RODs at the final OU that state that no further remediation is necessary at the final OU also meet the STARS measure S/C-3 of NPL Site Construction Completion. Definitions for Remedies Selected and Action Memoranda Signed and NPL Site Construction Completion can be found in Section 3: Response Definitions.

## RI/FS DURATION

**Definition:** The RI/FS is an investigation designed to characterize the site, assess the nature and extent of contamination, evaluate potential risk to human health and the environment, and develop and evaluate potential remediation alternatives.

The RI/FS starts with the obligation of Fund monies or the signature of an AO for RI/FS or the date the Federal Facility IAG effective date. The RI/FS is complete with the signature of the ROD or EPA concurrence/approval on the Federal Facility cleanup decision document.

The objective of this measure is to focus on good project management of critical portions of the remedial pipeline and establish a methodology which accurately assesses program performance. The Integrated Timeline for Site Management (Chapter I) will be used for establishing performance expectations. Duration trends provide indicators of areas that require attention.

Only RI/FS projects that started post-SARA will be used for comparison and evaluation purposes.

**Definition of Accomplishment:** This measure includes all RI/FS projects that have a targeted completion date in FY 93. The RI/FS duration will be calculated based on the SCAP/STARS RI/FS start and completion definitions specified in this Manual. Regional performance in FY 93 will be compared to:

- The Regional and national average of RI/FS projects completed in FY 91 and FY 92; and
- The Regional and national average duration of RI/FS projects completed in previous quarters of FY 93.

**Changes in Definition FY 92 - FY 93:** Added definition for calculation of Federal Facility RI/FS duration.

**Special Planning/Reporting Requirements:** CERCLIS will automatically look at actual RI/FS start dates, and planned and actual ROD completion dates. HQ will perform the analysis of the average durations. Trend duration reports are currently being developed. Fund, PRP, and Federal Facility RI/FS durations will be tracked. At sites where one site-wide RI is conducted and OU specific FSs and RODs are conducted, links data will be used. This is a SCAP reporting measure.

**EXHIBIT A-6: REMEDIAL INVESTIGATION/FEASIBILITY STUDIES**

PLANNING REQUIREMENTS	FF LISTING TO RI/FS START DURATION	FIRST RI/FS START	SUBSEQUENT RI/FS START	TREATABILITY STUDIES	RI/FS NOMINATED FOR SITE	RI/FS TO PUBLIC	FIRST REMEDY SELECTED
STARS ?	NO	NO*	NO	NO	NO	NO	NO**
SCAP ?	YES	YES+	YES+	YES	YES	YES	YES++
TARGET OR MEASURE?	MEASURE	TARGET	TARGET	MEASURE	MEASURE	MEASURE	TARGET
QUARTERLY TARGETS?	NO	YES	YES	NO	NO	NO	YES
IF YES, WHEN?		PRIOR TO FY	PRIOR TO FY				PRIOR TO FY
PLANNED SITE SPECIFICALLY?	NO	YES***	YES	YES	NO	YES	YES
IF YES, WHEN?		PRIOR TO FY	PRIOR TO FY	PRIOR TO FY		PRIOR TO FY	PRIOR TO FY
PLANNED/REPORTED ON OPERABLE UNIT OR WHOLE SITE BASIS?	OPERABLE UNIT	OPERABLE UNIT	OPERABLE UNIT	OPERABLE UNIT	OPERABLE UNIT	OPERABLE UNIT	OPERABLE UNIT
REPORTED ON COMBINED PROGRAM LEAD OR ON A PROGRAM-SPECIFIC BASIS?	PROGRAM SPECIFIC	COMBINED # FUND & PRP-SEPARATE FED. FAC.	COMBINED # FUND & PRP-SEPARATE FED. FAC.	COMBINED	COMBINED	COMBINED	COMBINED
REPORTED SITE SPECIFICALLY OR IN NON-SITE PORTION OF WASTELAN?	SITE SPECIFIC	SITE SPECIFIC	SITE SPECIFIC	SITE SPECIFIC	SITE SPECIFIC	SITE SPECIFIC	SITE SPECIFIC
AOA CATEGORY IF FUND FINANCED ACTION?	N/A	RI/FS	RI/FS	OTHER RESPONSE	N/A	N/A	N/A
AOA CATEGORY FOR OVERSIGHT?	N/A	ENFORCEMENT OR FED FACILITY	ENFORCEMENT OR FED FACILITY	ENFORCEMENT	N/A	N/A	N/A
BASIS FOR AOA?	N/A	SITE SPECIFIC PLANS OR FED FACILITY WORKLOAD MODEL ALLOCATION	SITE SPECIFIC PLANS OR FED FACILITY WORKLOAD MODEL ALLOCATION	SITE SPECIFIC PLANS	N/A	N/A	N/A

\* Fund-financed and PRP first RI/FS start or first NPL removal is a STARS target.

\*\* Remedies selected and action memoranda signed for removal actions at NPL sites are a STARS target. RODs where all necessary remediation has been completed are included in the STARS measure NPL Site Construction Completion.

\*\*\* "To be determined" sites are allowed.

# Goals are established on a program specific basis.

## First and subsequent Federal Facility RODs are a combined target under STARS; separate targets are established in SCAP.

+ Includes projects with the following leads: Federal (F), State (S), In-House (EP), PRP action under State order/decre (PS), Responsible party under Federal order/decre (RP), Mixed funding (MR), and Federal Facility (FF).

++ Includes F, FE, and SE-lead RODs. SE-lead RODs must be the result of PS-lead RI/FS.

## EXHIBIT A-6: RI/FS REMEDIAL INVESTIGATION/FEASIBILITY STUDY (CONTINUED)

PLANNING REQUIREMENTS	FIRST FED. FAC. ROD	SUBSEQUENT REMEDY SELECTED	SUB. FED. FAC. ROD	RI/FS DURATION	COMMUNITY RELATIONS	MANAGEMENT ASSISTANCE	TECHNICAL ASSISTANCE	TECHNICAL ASSISTANCE GRANT
STARS?	YES ##	NO**	YES ##	NO	NO	NO	NO	NO
SCAP?	YES	YES++	YES	YES	NO	NO	NO	NO
TARGET OR MEASURE?	TARGET	TARGET	TARGET	MEASURE				
QUARTERLY TARGETS?	YES	YES	YES	NO	NO	NO	NO	NO
IF YES, WHEN?	PRIOR TO FY	PRIOR TO FY	PRIOR TO FY					
PLANNED SITE SPECIFICALLY?	YES	YES	YES	NO	NOT REQUIRED	NOT REQUIRED	NOT REQUIRED	NOT REQUIRED
IF YES, WHEN?	PRIOR TO FY	PRIOR TO FY	PRIOR TO FY					
PLANNED/REPORTED ON OPERABLE UNIT OR WHOLE SITE BASIS?	OPERABLE UNIT	OPERABLE UNIT	OPERABLE UNIT	OPERABLE UNIT	OPERABLE UNIT	WHOLE SITE	OPERABLE UNIT	WHOLE SITE
REPORTED ON COMBINED PROGRAM LEAD OR ON A PROGRAM SPECIFIC BASIS?	PROGRAM SPECIFIC	COMBINED	PROGRAM SPECIFIC	COMBINED FUND & PRP - SEPARATE FED. FAC.	N/A	N/A	N/A	N/A
REPORTED SITE SPECIFICALLY OR IN NON-SITE PORTION OF WASTELAN?	SITE SPECIFIC	SITE SPECIFIC	SITE SPECIFIC	SITE SPECIFIC	NOT REQUIRED	NOT REQUIRED	NOT REQUIRED	NOT REQUIRED
AOA CATEGORY IF FUND FINANCED ACTION?	N/A	N/A	N/A	N/A	OTHER RESPONSE	OTHER RESPONSE	OTHER RESPONSE	OTHER RESPONSE FEDERAL FACILITY
AOA CATEGORY FOR OVERSIGHT?	N/A	N/A	N/A	N/A	ENFORCEMENT	N/A	N/A	N/A
BASIS FOR AOA?	N/A	N/A	N/A	N/A	SITE OR NON-SITE SPEC PLANS	SITE OR NON-SITE SPECIFIC PLANS	SITE OR NON-SITE SPECIFIC PLANS	SITE OR NON-SITE SPECIFIC PLANS

\* Fund-financed and PRP first RI/FS start or first NPL removal is a STARS target.

\*\* Remedies selected and action memoranda signed for removal actions at NPL sites are a STARS target. RODs where all necessary remediation has been completed are included in the STARS measure NPL Site Construction Completion.

\*\*\* "To be determined" sites are allowed.

# Goals are established on a program specific basis.

## First and subsequent Federal Facility RODs are a combined target under STARS; separate targets are established in SCAP.

+ Includes projects with the following leads: Federal (F), State (S), In-House (EP), PRP action under State order/decre (PS), Responsible party under Federal order/decre (RP), Mixed funding (MR), and Federal Facility (FF).

++ Includes F, FE, and SE-lead RODs.

**REMEDIAL DESIGN (RD)/REMEDIAL ACTION (RA) ENFORCEMENT ACTIVITIES, SETTLEMENTS AND REFERRALS**

Following are the RD/RA negotiations, settlements and referral actions tracked in SCAP and STARS:

- Administrative Record (AR) Compilation Completion (Remedial);
- Issuance of SNL;
- RD/RA Negotiation Start;
- RD/RA Negotiation Completion;
- ROD to RD/RA Negotiation Start Duration;
- ROD to RD/RA Negotiation Completion Duration;
- RD/RA Negotiation Duration;
- RD/RA Settlements and Injunctive Referrals;
- UAO Issued for RD/RA;
- Mixed Funding Settlements Achieved;
- De minimis Settlements and Number of PRPs;
- Section 106, 106/107, 107 Case Resolution; and
- State CDs for RD/RA Issued.

RD/RA settlements and injunctive referrals is a STARS/SCAP target. De minimis settlements is a STARS reporting measure. RD/RA negotiation starts and RD/RA negotiation completions are SCAP targets. The remaining activities are SCAP reporting measures.

The definition for issuance of SNL can be found in both the following and the RI/FS Enforcement Activities and Settlements sections. The definition for Section 106, 106/107, 107 Case Resolution are in this section and the Cost Recovery section. The definition for AR compilation completion appears in the following section and Section 4: Removal Definitions.

**ADMINISTRATIVE RECORD COMPILATION COMPLETION**

**Definition:** An AR is a compilation of all documents that EPA used to make a specific decision on the appropriate response action to be taken at a Superfund site. SARA specifies that ARs be compiled at sites where remedial or removal responses are planned or are occurring, or where EPA is issuing a UAO or initiating litigation.

**Definition of Accomplishment:** The AR compilation begins when the AR is received at the site repository and the start date is entered into WasteLAN. The AR compilation is complete when the compilation is certified by the program office.

**Changes in Definition FY 92 - FY 93:** Completion definition was modified to match the December 1990 guidance.

**Special Planning/Reporting Requirements:** The completion of the compilation of the AR must be reported site specifically in WasteLAN. A "E" must be recorded in the Event Qualifier field (C2103) to indicate the AR is for a remedial activity. This is a SCAP reporting measure.

## ISSUANCE OF SPECIAL NOTICE LETTERS

**Definition:** A SNL is a letter from EPA to the PRPs informing them of their potential liability and inviting them to offer to conduct the planned response action(s) at the site. This letter, under Section 122 of SARA, triggers a negotiation moratorium allowing the PRPs to consider EPA's invitation to negotiate. The moratorium period varies depending on the response action (RI/FS, RD/RA) and can be extended if necessary.

**Definition of Accomplishment:** Credit for this activity is given on the date the SNL is signed by the appropriate EPA official.

**Changes in Definition FY 92 - FY 93:**

**Special Planning/Reporting Requirements:** This is a SCAP reporting measure and is recorded at the milestone level.

## RD/RA NEGOTIATION STARTS

**Definition:** RD/RA negotiations are discussions between EPA and the PRPs on their liability, willingness and ability to implement the remedy selected in the ROD for the site or OU.

**Definition of Accomplishment:** RD/RA negotiations start when:

- The first SNL is signed, or
- A Section 122(a) waiver of SNL is signed.

**Changes in Definition FY 92 - FY 93:**

**Special Planning/Reporting Requirements:** If the Region does not plan to conduct RD/RA negotiations, dates should not be entered into WasteLAN. The start of RD/RA negotiations is planned site specifically. This is a SCAP target.

## ROD TO RD/RA NEGOTIATION START DURATION

**Definition:** A remedy is selected when a ROD is signed by either the Regional Administrator or the AA SWER. RD/RA negotiations begin when the special notice letter is issued.

The objective of this measure is to focus on good project management of critical portions of the remedial pipeline, particularly the period between ROD and RA start. It also results in the establishment of a methodology which accurately assesses program performance. The Integrated Timeline for Site Management (Chapter I) will be used for estab-

lishing performance expectations. Duration trends provide indicators of areas that require attention.

Only RODs that resulted from RI/FS projects started post-SARA will be used for comparison and evaluation.

**Definition of Accomplishment:** This measure includes all RD/RA negotiations that have a scheduled start date in FY 93. Regional performance in FY 93 will be compared to:

- The Regional and national average duration for ROD to RD/RA negotiation start duration in FY 91 and FY 92; and
- The Regional and national average duration for ROD to RD/RA negotiation start duration in previous quarters of FY 93.

The durations will be calculated using the actual ROD completion dates and planned and actual RD/RA negotiation start dates. The SCAP/STARS definitions for Remedies Selected (ROD) and RD/RA Negotiation Start contained in this Manual will be used in the analysis.

#### **Changes in Definition FY 92 - FY 93:**

**Special Planning/Reporting Requirements:** Data on durations will be developed using CERCLIS. HQ will conduct the analysis. CERCLIS trend analysis reports are currently under development. This is a SCAP reporting measure.

### **RD/RA NEGOTIATION COMPLETIONS**

**Definition:** RD/RA negotiations end when the Region decides how to proceed with the RD/RA.

**Definition of Accomplishment:** RD/RA negotiations end when:

- A signed CD (Section 106 or 106/107 referral with settlement) for RD/RA and 10 point analysis are referred by the Region to either DOJ or HQ;
- A Section 106 or 106/107 injunctive referral to compel the PRPs to perform the RD/RA is referred to DOJ or HQ. (HQ prefers that a UAO be issued prior to initiating an injunctive referral);
- A UAO for RD/RA or RA only to initiate site work is signed by the Regional Administrator;
- EPA and PRPs proceed to trial under an existing case;
- Funds are obligated for a Fund-lead RD; or
- If RD funds are not available **and** the Region decides a UAO is not appropriate; **and** HQ concurs with this decision **in writing**, the negotiation completion date is the date of the HQ memorandum concurring with the UAO decision.



The negotiation conclusion date is: the date on the transmittal letter for the CD, the date on the transmittal letter with the injunctive referral, the date the UAO is signed by the Regional Administrator, the date the trial begins, the date funds are obligated, or the date on HQ memorandum.

**Changes in Definition FY 92 - FY 93:** Injunctive referrals without a UAO are not recommended. UAOs are for RD/RA or RA only.

**Special Planning/Reporting Requirements:** This SCAP target is planned site specifically in WasteLAN.

## ROD TO RD/RA NEGOTIATION COMPLETION DURATION

**Definition:** A remedy is selected when a ROD is signed by either the Regional Administrator or AA SWER. RD/RA negotiations end when the Region decides how to proceed with the RD/RA.

The objective of this measure is to focus on good project management of critical portions of the remedial pipeline, particularly the period between ROD and RA start. It also results in the establishment of a methodology which accurately assesses program performance. The Integrated Timeline for Site Management (Chapter I) will be used for establishing performance expectations. Duration trends provide indicators of areas that require attention.

Only RODs that resulted from RI/FS projects started post-SARA will be used for comparison and evaluation.

**Definition of Accomplishment:** The purpose of this measure is to evaluate Regional performance in managing the RD/RA negotiation process. It includes all RD/RA negotiations with a scheduled completion date in FY 93. The SCAP/STARS definitions for Remedies Selected (ROD) and RD/RA Negotiation Completion contained in this Manual will be used in the analysis. Regional performance in FY 93 will be compared to:

- The Regional and national average duration for ROD to RD/RA negotiation completion in FY 91 and FY 92; and
- The Regional and national average duration for ROD to RD/RA negotiation completion in previous quarters of FY 93.

**Changes in Definition FY 92 - FY 93:**

**Special Planning/Reporting Requirements:** Data on durations will be developed using CERCLIS. The durations will be calculated using the actual ROD completion dates and planned and actual RD/RA negotiation completion dates. HQ will conduct the analysis. CERCLIS trend analysis reports are currently under development. This is a SCAP reporting measure.

## RD/RA NEGOTIATION DURATION

**Definition:** RD/RA negotiations are discussions between EPA and the PRPs on their liability, willingness and ability to implement the remedy selected in the ROD for the site or OU.

The RD/RA negotiations start when the SNL is signed or a Section 122(a) waiver of SNL is signed. RD/RA negotiations are complete when a signed CD is referred to DOJ or HQ, a Section 106 or 106/107 referral to enforce a UAO for RD/RA is referred to DOJ or HQ, a UAO is issued, EPA and the PRPs proceed to trial under an existing case, or funds are obligated for a Fund-lead RD.

**Definition of Accomplishment:** This measure includes all RD/RA negotiations that have a targeted completion date in FY 93. Regional performance in FY 93 will be compared to:

- The Regional and national average duration of RD/RA negotiations completed in FY 91 and FY 92; and
- The Regional and national average duration of RD/RA negotiations completed in previous quarters of FY 93.

The durations will be calculated using the actual RD/RA negotiation start dates and planned and actual RD/RA negotiation completion dates. The SCAP/STARS RD/RA negotiation start and completion definitions specified in this Manual will be used in the analysis.

#### **Changes in Definition FY 92 - FY 93:**

**Special Planning/Reporting Requirements:** Data on durations will be developed using CERCLIS. HQ will perform the analysis. Trend duration reports are currently under development. This is a SCAP reporting measure.

### **RD/RA SETTLEMENTS AND INJUNCTIVE REFERRALS (S/E-1A AND 1B)**

**Definition:** RD/RA settlements are the enforcement actions when the PRPs agree to conduct the RD and/or RA. That agreement is embodied in a CD. Injunctive referrals are actions taken to enforce UAOs for RD/RA.

#### **Definition of Accomplishment:**

- 1) RD/RA Settlements (S/E-1a) - This measure includes all CD referrals under Section 106, 107 and 122(d) for PRPs to conduct or pay for RD/RA. It includes mixed funding and cash out settlements for RD/RA. Credit for the CD referral is the date on the Regional Administrator's transmittal memo to HQ or to the DOJ as recorded in WasteLAN. Regions also receive credit for this measure for UAOs issued under Section 106 for RD/RA that are in compliance. Credit for UAOs is the date PRPs provide notice of intent to comply with the order as recorded in WasteLAN. (Should a PRP initially comply with a UAO, and later a CD is agreed to for the same work, credit will be for the UAO only.) Also included in this measure are IAGs with Federal agencies at non-Federal Facility sites.
- 2) RD/RA Injunctive Referrals (S/E-1b) - This measure includes injunctive referrals, under Section 106 or 106/107, to enforce a UAO for RD/RA. Credit for the referral is the date on the Regional Administrator's transmittal memo to HQ or to the DOJ as recorded in WasteLAN. (Referrals for preliminary relief or penalties do not count toward this measure.)

**Changes in Definition FY 92 - FY 93:** The measure includes IAGs at non-Federal Facility sites.

**Special Planning/Reporting Requirements:** RD/RA settlement and injunctive referrals are a combined targets in STARS. TBD sites are allowed with an explanation. Credit will be withdrawn if a case is returned by OE or DOJ for additional work. Credit will be reinstated upon re-referral and will be based on the quarter of re-referral. In the event a case is referred in one year and returned to the Region in subsequent years, no credit will be provided for re-referral.

## **UNILATERAL ADMINISTRATIVE ORDERS (UAO) ISSUED FOR RD/RA**

**Definition:** UAOs are an enforcement tool to compel the PRPs to conduct the RD and/or RA.

**Definition of Accomplishment:** This measure includes UAOs issued under Section 106 to compel PRPs to conduct the RD/RA. Credit is based on the date the UAO is signed by the Regional Administrator as recorded in WasteLAN. PRPs do not have to comply with the UAO in order for the Region to receive credit under this measure.

**Changes in Definition FY 92 - FY 93:**

**Special Planning/Reporting Requirements:** UAOs are reported separate from RD/RA settlements and injunctive referrals. This is a SCAP reporting measure.

## **MIXED FUNDING SETTLEMENTS**

**Definition:** Administrative or judicial settlements under Section 106 or 106/107 and Section 122(b)(1) of SARA. Mixed funding generically refers to three types of settlements: 1) preauthorization, 2) mixed work, and 3) cash outs. Preauthorization occurs where PRPs reach a settlement with EPA whereby they agree to perform a share of the response actions, and the Agency agrees to reimburse some part of their expenses. Mixed work occurs where PRPs and EPA agree to jointly work on a project or where work may be divided between the parties. Cash outs are funds received by EPA, a State, or another PRP to pay for all or part of the future cost for a response action that is or may be implemented at a site.

**Definition of Accomplishment:** This measure includes mixed funding settlements in the form of a CD or AOC between EPA and the PRPs. Credit for the CD is the date on the Regional Administrator's memo transmitting the referral to HQ or DOJ as recorded in WasteLAN. Credit for the AOC is based on the date it is signed by the Regional Administrator as recorded in WasteLAN.

**Changes in Definition FY 92 - FY 93:**

**Special Planning/Reporting Requirements:** This is a SCAP reporting measure only. The remedy qualifier for cash out ("CO"), mixed work ("MW"), or preauthorization ("PA") must be entered into WasteLAN Enforcement Remedy Qualifier (C2741 C2750).

## **DE MINIMIS SETTLEMENTS AND NUMBER OF PRPS (S/E-3A)**

**Definition:** This is all administrative or judicial settlements that were reached solely under Section 122(g) of SARA, with PRPs who qualified as de minimis PRPs under Section 122(g). This settlement involves the established de minimis portions of the response costs at the site and is embodied in a CD or an AOC. If the total response costs at the site exceed \$500,000 (excluding interest), the AOC can only be issued with DOJ prior written approval. If DOJ does not approve or disapprove the AO within 30 days, the AOC is considered approved and can be issued. (DOJ and the Administrator can agree to extend this 30-day period.)

**Definition of Accomplishment:** Credit is given for a final settlement when an AOC is signed by the Regional Administrator (as reported in WasteLAN) or when the Regional Administrator signs the memo transmitting the CD to HQ or DOJ (as reported in WasteLAN). The number of PRP signatories to each settlement must also be reported.

**Changes in Definition FY 92 - FY 93:** New definition for FY 93.

**Special Planning/Reporting Requirements:** The remedy qualifier for de minimis must be entered into WasteLAN Enforcement Remedy Qualifier data elements (C2741 - C2750 = "DL" or "DG"). This is a STARS reporting measure.

## **SECTION 106, 106/107, 107 CASE RESOLUTION**

**Definition:** Case resolution is the conclusion of a Section 106, 106/107, or 107 judicial action by a full settlement, a final judgment, a case dismissal, or a case withdrawal.

**Definition of Accomplishment:** Credit for case resolution is given when:

- A CD is entered in the court **fully addressing** the complaint with all parties;
- The case is withdrawn;
- The case is dismissed; or
- A trial concluded and a judgment entered fully addressing the complaint.

The case resolution date (activity actual completion date) is the same as the milestone date and is defined as follows:

- Date CD is entered;
- Date case is withdrawn;
- Date case is dismissed; or
- Date judgment is entered.

**Changes in Definition FY 92 - FY 93:**

**Special Planning/Reporting Requirements:** This is a SCAP reporting measure.

**STATE CONSENT DECREE FOR RD/RA**

**Definition:** Judicial agreement between the State and the PRPs fully or partially settling a claim under CERCLA. The settlement may be for response work, or both response and cost recovery work.

**Definition of Accomplishment:** Date the State CD is signed by the last State official or party. All WasteLAN coding requirements for CDs apply. The enforcement activity type (C1701) should be State decree ("SD") and the date should be reported in C1717. In addition, the remedy field must denote that the CD was issued for RD and/or RA.

**Changes in Definition FY 92 - FY 93:**

**Special Planning/Reporting Requirements:** This is a SCAP reporting measure not a targeted activity.

EXHIBIT A-7: RD/RA ENFORCEMENT ACTIVITIES, SETTLEMENTS AND REFERRALS							
PLANNING REQUIREMENTS	SPECIAL NOTICE LETTERS	RD/RA NEG START	RD/RA NEG COMP	ADMIN RECORD	DURATION ROD TO RD/RA NEG START	DURATION ROD TO RD/RA NEG COMP	RD/RA NEG DURATION
STARS ?	NO	NO	NO	NO	NO	NO	NO
SCAP ?	YES	YES	YES	YES	YES	YES	YES
TARGET OR MEASURE?	MEASURE	TARGET	TARGET	MEASURE	MEASURE	MEASURE	MEASURE
QUARTERLY TARGETS SET?	NO	YES	YES	NO	NO	NO	NO
IF YES, WHEN?		PRIOR TO FY	PRIOR TO FY				
PLANNED SITE SPECIFICALLY?	NO	YES	YES	NO	NO	NO	NO
IF YES, WHEN?		PRIOR TO FY	PRIOR TO FY				
PLANNED/REPORTED ON OPERABLE UNIT OR WHOLE SITE BASIS?	OPERABLE UNIT	OPERABLE UNIT	OPERABLE UNIT	OPERABLE UNIT	OPERABLE UNIT	OPERABLE UNIT	OPERABLE UNIT
REPORTED ON COMBINED PROGRAM LEAD OR ON A PROGRAM-SPECIFIC BASIS?	N/A	COMBINED	COMBINED	COMBINED	COMBINED	COMBINED	N/A
REPORTED SITE SPECIFICALLY OR IN NON-SITE PORTION OF WASTELAN?	SITE SPECIFIC	SITE SPECIFIC	SITE SPECIFIC	SITESPECIFIC	SITE SPECIFIC	SITE SPECIFIC	SITE SPECIFIC
AOA CATEGORY?	ENFORCEMENT	ENFORCEMENT	N/A	ENFORCEMENT OR OTHER RESPONSE	N/A	N/A	N/A
BASIS FOR AOA?	SITE/NON-SITE SPECIFIC PLANS	SITE SPECIFIC PLANS	N/A	SITE OR NON-SITE SPECIFIC PLANS	N/A	N/A	N/A

\* RD/RA Settlements and Injunctive Referrals are a combined target under STARS.

## EXHIBIT A-7: RD/RA ENFORCEMENT ACTIVITIES, SETTLEMENTS AND REFERRALS (CONTINUED)

PLANNING REQUIREMENTS	UAO FOR RD/RA	RD/RA SETTLEMENT	RD/RA INJ REF	DE MINIMIS SETTLE	MIXED FUNDING SETTLE	106, 106/107, 107 CASE RESOLUTION	STATE CD FOR RD/RA
STARS ?	NO	YES*	YES*	YES	NO	NO	NO
SCAP ?	YES	YES	YES	YES	YES	YES	YES
TARGET OR MEASURE?	MEASURE	TARGET	TARGET	MEASURE	MEASURE	MEASURE	MEASURE
QUARTERLY TARGETS SET?	NO	YES	YES	NO	NO	NO	NO
IF YES, WHEN?		PRIOR TO FY	PRIOR TO FY				
PLANNED SITE SPECIFICALLY?	NO	YES	YES	YES	NO	NO	NO
IF YES, WHEN?		PRIOR TO FY	PRIOR TO FY	PRIOR TO FY			
PLANNED/REPORTED ON OPERABLE UNIT OR WHOLE SITE BASIS?	OPERABLE UNIT	OPERABLE UNIT	OPERABLE UNIT	WHOLE SITE	WHOLE SITE	WHOLE SITE	OPERABLE UNIT
REPORTED ON COMBINED PROGRAM LEAD OR ON A PROGRAM-SPECIFIC BASIS?	N/A	N/A	N/A	COMBINED	COMBINED	N/A	N/A
REPORTED SITE SPECIFICALLY OR IN NON-SITE PORTION OF WASTELAN?	SITE SPECIFIC	SITE SPECIFIC	SITE SPECIFIC	SITE SPECIFIC	SITE SPECIFIC	SITE SPECIFIC	SITE SPECIFIC
AOA CATEGORY?	ENFORCEMENT	ENFORCEMENT	ENFORCEMENT	ENFORCEMENT	ENFORCEMENT	ENFORCEMENT	ENFORCEMENT
BASIS FOR AOA?	SITE SPECIFIC PLANS	SITE SPECIFIC PLANS	SITE SPECIFIC PLANS	SITE OR NON-SITE SPECIFIC PLANS	SITE OR NON-SITE SPECIFIC PLANS	SITE SPECIFIC PLANS	SITE OR NON-SITE SPECIFIC PLANS

\* RD/RA Settlements and Injunctive Referrals are a combined target under STARS.

### **REMEDIAL DESIGN (RD)**

RD activities are planned site, OU and project specifically and reported in WasteLAN. Initial schedules for RD are established when the RI/FS for the site is initiated. These initial schedules must be updated in WasteLAN as better planning data become available. The funds for Fund-financed RDs and oversight of RP-lead RDs are pulled directly from WasteLAN and allocated in the RD AOA. Funds for oversight of Federal Facility RDs are in the Federal Facility AOA. The following SCAP and STARS activities are tracked:

- First RD Start (Fund-financed, PRP and Federal Facility);
- Subsequent RD Start (Fund-financed, PRP and Federal Facility);
- ROD Signature to RD Start Duration (Fund-financed and PRP);
- First RD Completions (Fund-financed, PRP and Federal Facility);
- Subsequent RD Completions (Fund-financed, PRP and Federal Facility); and
- Federal Facility RD Start to RD Complete Duration.

RD starts and RD completions are SCAP targets. Separate targets for first and subsequent and Fund, PRP and Federal Facility RD starts and first and subsequent, Fund/PRP, and Federal Facility RD completions are established prior to the FY. Duration from ROD signature to RD start and Federal Facility RD start to RD complete duration are SCAP measures.

In the definitions below, first and subsequent RD starts and first and subsequent RD completions have been combined.

### **DESIGN ASSISTANCE**

**Definition:** Design assistance activities are undertaken by the USACE in preparation for initiating RD activities. This includes:

- Synopsise RD requirements in the Commerce Business Daily (CBD);
- Develop architect/engineer (A/E) firm pre-selection list;
- Contact A/E firms on the pre-selection list to ascertain interest in project;
- Develop A/E selection list; and
- Tentative selection of A/E firm.

**Definition of Accomplishment:** The initiation of design assistance is the obligation of funds. The completion of design assistance is the start of RD.

#### **Changes in Definition FY 92 - FY 93:**

**Special Planning/Reporting Requirements:** Funds for design assistance should be obligated prior to the signature of the ROD. Planned and actual start and completion dates are not required in WasteLAN. Funds may be planned site or non-site specifically;



however, they must be obligated site specifically. Once funds are obligated the non-site specific amount must be reduced. Funds for design assistance are in the other response AOA.

## ROD SIGNATURE TO RD START DURATION

**Definition:** A remedy is selected when a ROD is signed by either the Regional Administrator or the AA SWER. An RD is started when funds are obligated for RD or when the RD contract is awarded by the PRPs.

The objective of this measure is to focus on good project management of critical portions of the remedial pipeline, particularly the period between ROD and RA start. It also results in the establishment of a methodology which accurately assesses program performance. The Integrated Timeline for Site Management (Chapter I) will be used for establishing performance expectations. Duration trends provide indicators of areas that require attention.

Only RODs where the RI/FS started post-SARA will be used for comparison and evaluation.

**Definition of Accomplishment:** The purpose of this measure is to evaluate Regional performance in managing the timeframe between ROD and the start of RD. The SCAP/STARS definitions for Remedies Selected (ROD) and RD Start contained in this Manual will be used in the analysis. This measure includes all RDs scheduled to begin in FY 93. Regional performance will be compared to:

- The Regional and national average duration between ROD and RD start in FY 91 and FY 92; and
- The Regional and national average duration between ROD and RD start in previous quarters of FY 93.

### Changes in Definition FY 92 - FY 93:

**Special Planning/Reporting Requirements:** Data on durations will be developed using CERCLIS. CERCLIS will automatically look at actual ROD completion dates and planned and actual RD start dates. HQ will conduct the analysis. CERCLIS trend analysis reports are currently under development. This is a SCAP reporting measure.

## RD STARTS — FIRST AND SUBSEQUENT

**Definition:** The RD establishes the general size, scope, and character of a project, and details and addresses the technical requirements of the RA selected in the ROD. The RD may include, but is not limited to, drawings, specification documentation, and statement of bidability and constructability. The obligation of funds for design assistance or technical assistance do not constitute an RD start. Under certain circumstances, an RD may be prepared by other parties (i.e., water lines where the city already prepared plans and specifications); or the plans developed for one site may be used at a similar site.

Subsequent RD starts occur at NPL sites where previous RD activity has taken place.

**Definition of Accomplishment:**

*Fund-financed* (Includes F and S lead events.) - A Fund RD start is counted when funds are obligated. An obligation is made when:

- The CO signs the contract modification for the RD;
- A CA is signed by the Regional Administrator or his designee; or
- An IAG is signed by the other Federal agency.

In those instances where RD activities are conducted prior to ROD signature and there is not a new obligation of funds for a subsequent RD, the start of RD is defined as the approval of the work plan to conduct these activities. If there is a new obligation of funds, the start of RD is defined as the date funds are obligated. When an RD has been prepared by other parties or plans developed for a similar site will be used, the RD start date is the same as the RA start date.

*PRP-financed* (Includes MR, RP, and PS lead events) - For MR and RP lead, the start is credited on the date the Region approves the PRP design contractor and an enforcement document, which clearly spells out EPA's expectations with respect to the RD, exists or is planned. The appropriate dates for the RD start and the associated enforcement document must be entered in WasteLAN.

For PS lead sites, credit will be given based on the issuance of a State order or other comparable State enforcement document for RD (or RD/RA) or, if the RD is covered by a pre-existing State order, the RD notice to proceed date.

If PRPs are doing the work "in-house" pursuant to an enforcement settlement document, the start date is when EPA allows the PRPs to proceed.

*Federal Facility* - If post-ROD, the RD start date is the date of submission of RD work plan or statement of work. If work begins prior to the ROD, the RD start date will coincide with the ROD date.

**Changes in Definition FY 92 - FY 93:** Federal Facility RD start definition was added. The PRP start date is when the Region approves the PRP contractor.

**Special Planning/Reporting Requirements:** Separate first and subsequent start SCAP targets are established. Separate Fund, PRP and Federal Facility financed RD start goals are established prior to the FY.

**RD COMPLETIONS - FIRST AND SUBSEQUENT**

**Definition:** An RD is complete when the plans and specifications and, in the case of a Fund-financed RD, an RA bid package for the selected remedy are developed.

**Definition of Accomplishment:**

*Fund-financed* - For F or S lead RD projects, an RD completion is the date that EPA concurs on or approves and accepts the plans, specifications and RA bid package. When

the Fund performs the RD and the PRPs will do the RA under a CD, the RD completion is the date that EPA concurs on or approves and accepts the plans and specifications.

**PRP-financed** - An RD is complete on the date that EPA concurs on or approves and accepts the plans and specification. For PS-lead RDs, the RD is complete when the State concurs on or approves and accepts the plans and specifications.

**Federal Facility** - The date of EPA approval of the final RD package.

**Changes in Definition FY 92 - FY 93:** Federal Facility RD completion definition was added. RDs no longer have to be sent to the Hazardous Site Control Division (HSCD) for concurrence. A sentence was added that defined the RD completion when the Fund performed the RD and the PRPs will perform the RA.

**Special Planning/Reporting Requirements:** Separate SCAP targets are established for first versus subsequent and Fund/PRP versus Federal Facility RD completions.

## **FEDERAL FACILITY RD START TO RD COMPLETE DURATION**

**Definition:** The RD is an essential component of the remedial pipeline which links the execution of a decision document with the initiation of remedial construction activities. Initiation of the RA depends upon completion of an acceptable RD which reflects the chosen remedy. Additionally, CERCLA/SARA Section 120(e) states that "substantial, physical, onsite RA shall be commenced at each facility not later than 15 months after completion of the investigation and study." Hence, it is necessary to manage the duration of the RD to ensure that the statutory requirement described above is met and that overall remedial timeframes are reduced to the maximum extent possible.

**Definition of Accomplishment:** This measure will look at Regional performance by analyzing the average duration from RD start to RD completion for sites scheduled for RD completion in FY 93. Duration will be calculated using the actual RD start dates and the planned and actual RD completion dates in WasteLAN. RD start to RD completion durations that are less than five quarters will be counted. For sites where the ROD leads to RDs at different OUs, links data will be used. The RD start and RD completion definitions contained in this Manual will be used in the analysis.

**Changes in Definition FY 92 - FY 93:** New definition for FY 93.

**Special Planning/Reporting Requirements:** Data on durations will be developed using CERCLIS. CERCLIS will automatically look at actual RD start dates and planned and actual RD completion dates. HQ will conduct the analysis. This is a SCAP reporting measure.

**EXHIBIT A-8: REMEDIAL DESIGN**

PLANNING REQUIREMENTS	DESIGN ASSIST.	DURATION ROD TO RD	FIRST RD START	SUB. RD START	FIRST RD COMP.	SUB. RD COMP.	FF RD DURATION
STARS?	NO	NO	NO	NO	NO	NO	NO
SCAP?	NO	YES	YES*	YES*	YES*	YES*	YES
TARGET OR MEASURE?		MEASURE	TARGET	TARGET	TARGET	TARGET	MEASURE
QUARTERLY TARGETS?	NO	NO	YES	YES	YES	YES	NO
IF YES, WHEN?			PRIOR TO FY	PRIOR TO FY	PRIOR TO FY	PRIOR TO FY	
PLANNED SITE SPECIFICALLY?	NOT REQ.	NO	YES	YES	YES	YES	NO
IF YES, WHEN?			PRIOR TO FY	PRIOR TO FY	PRIOR TO FY	PRIOR TO FY	
PLANNED/REPORTED ON OPERABLE UNIT OR WHOLE SITE BASIS?	OPERABLE UNIT	OPERABLE UNIT	OPERABLE UNIT	OPERABLE UNIT	OPERABLE UNIT	OPERABLE UNIT	OPERABLE UNIT
REPORTED ON COMBINED PROGRAM LEAD OR ON A PROGRAM-SPECIFIC BASIS?	N/A	COMBINED FUND & PRP	COMB. # FUND & PRP SEPARATE FEDERAL FACILITY	COMB. # FUND & PRP SEPARATE FEDERAL FACILITY	COMB. FUND & PRP SEPARATE FEDERAL FACILITY	COMB. FUND & PRP SEPARATE FEDERAL FACILITY	PROGRAM SPECIFIC
REPORTED SITE SPECIFICALLY OR IN NON-SITE PORTION OF WASTELAND?	NOT REQUIRED	N/A	SITE SPECIFIC	SITE SPECIFIC	SITE SPECIFIC	SITE SPECIFIC	SITE SPECIFIC
AOA CATEGORY IF FUND FINANCED ACTION?	OTHER RESPONSE	N/A	REMEDIAL DESIGN	REMEDIAL DESIGN	N/A	N/A	N/A
AOA FOR OVERSIGHT?	N/A	N/A	REMEDIAL DESIGN OR FEDERAL FACILITY	REMEDIAL DESIGN OR FEDERAL FACILITY	N/A	N/A	N/A
BASIS FOR AOA?	SITE OR NON-SITE PLANS	N/A	SITE SPEC. PLANS OR FEDERAL FACILITY WORKLOAD MODEL	SITE SPEC. PLANS OR FEDERAL FACILITY WORKLOAD MODEL	N/A	N/A	N/A

# Goals are established on a program specific basis.

\* Includes projects with the following leads: Federal (F), State (S), PRP action under State order/decreed (PS), In-house RD (EP), PRP action under Federal order/decreed (RP) Mixed funding (MR) and Federal Facility (FF).

**REMEDIAL ACTION (RA)**

Following are the SCAP and STARS activities tracked for RA:

- ROD Signature to RA Start Duration (Fund-financed, PRP, and Federal Facility);
- First RA Start (Fund-financed, PRP and Federal Facility);
- First RA Contract Award (Fund-financed and PRP);
- Subsequent RA Start (Fund-financed, PRP and Federal Facility);
- Subsequent RA Contract Award (Fund-financed and PRP);
- Award of RA Contract (Federal Facility);
- RA On-Site Construction (Fund-financed and PRP);
- RA Construction Completion (Fund-financed and PRP);
- First RA Completion (Fund-financed, PRP and Federal Facility);
- Subsequent RA Completion (Fund-financed, PRP and Federal Facility);
- Final RA NPL Site Construction Completion (Fund-financed and PRP);
- Final RA Completion (Fund-financed, PRP and Federal Facility);
- Federal Facility RI/FS Start to RA Complete Duration; and
- Federal Facility RA Start to RA Complete Duration.

RAs are planned site, OU and project specifically and reported in WasteLAN. Initial schedules for RA are established when the RI/FS for the site is initiated. These initial schedules must be updated in WasteLAN as better planning data become available. Funds for Fund-financed RAs are allocated site specifically in the RA AOA. Funds for oversight of Federal Facility RA activities are available in the Federal Facility AOA. Funds for oversight of RP-lead RAs are placed in the RD AOA.

Federal Facility RA starts, Fund and PRP award of RA contract are SCAP/STARS targets. Fund and PRP first and subsequent RA starts, first, subsequent and final fund and PRP RA completions, and first and subsequent Federal Facility RA completions are SCAP targets. RA construction completion is a STARS measure. Final RA NPL Construction Completion is contained in the STARS measure S/C-3, NPL Site Construction Completions. The definition for NPL Site Construction Completions can be found in Section 3: Response Definitions. The duration from ROD signature to RA start, Federal Facility award of RA contract, RA on-site construction, final Federal Facility RA completions, RA construction completion, Federal Facility RI/FS start to RA complete duration, and Federal Facility RA duration are SCAP measures.

In the definitions below, first and subsequent RA starts, first and subsequent award of RA contract, and first and subsequent RA completions have been combined.

## ROD SIGNATURE TO RA START DURATION

**Definition:** A remedy is selected when a ROD is signed by either the Regional Administrator or the AA SWER. A Federal Facility remedy is selected when the EPA approves/concurs on the Federal Facility decision document. An RA is started when funds are obligated for RA, EPA approves the PRP RD package, or the CD for RA is referred to HQ or DOJ. The Federal Facility RA starts when substantial, continuous, physical on-site remedial actions begin pursuant to SARA Section 120.

The objective of this measure is to focus on good project management of critical portions of the remedial pipeline, particularly the period between ROD and RA start. It also results in the establishment of a methodology which accurately assesses program performance. The Integrated Timeline for Site Management (Chapter I) will be used for establishing performance Fund-financed and PRP expectations. Duration trends will provide indicators of areas that require attention.

CERCLA/SARA Section 120(e) states that substantial, physical, on-site remedial action shall be commenced at each Federal Facility no later than 15 months after completion of the investigation and study. This measure will provide a method for tracking compliance with this key program requirement.

Only RODs that resulted from RI/FS projects started post-SARA will be used for comparison and evaluation.

**Definition of Accomplishment:** This measure will look at Regional performance by comparing the average duration from ROD signature to RA start for all sites scheduled for RA start in FY 93 to:

- The Regional and national average duration from ROD signature to RA start in FY 91 and FY 92; and
- The Regional and national average duration from ROD signature to RA start in previous quarters of FY 93.

The durations will be calculated using the actual ROD completion dates and the planned and actual RA start dates in WasteLAN. The ROD completion and RA start definitions contained in this Manual will be used in the analysis.

Federal Facility ROD signature to RA start durations that are less than five quarters will be counted.

**Changes in Definition FY 92 - FY 93:** Added Federal Facility duration analysis.

**Special Planning/Reporting Requirements:** Data on durations will be developed using CERCLIS. HQ will conduct the analysis. Fund, PRP and Federal Facility duration will be tracked. For sites where the ROD leads to RAs at different OUs, links data will be used. CERCLIS trend analysis reports are currently under development. This is a SCAP reporting measure.

## RA START — FIRST AND SUBSEQUENT

**Definition :** An RA start is the implementation of the remedy selected in the ROD at final NPL sites that is intended to ensure protection of human health and the environment.

### **Definition of Accomplishment:**

**Fund-financed** ( F or S lead events) - Credit for an RA start is given on the date a contract modification for the RA is signed by the CO or the IAG or CA is awarded, and funds are obligated. This date is entered into WasteLAN with the RA event.

**PRP-financed** (RP, MR or PS lead events) - Credit for an RA start is given when one of the following occurs and has been recorded in WasteLAN:

- If work is performed by the PRPs under the same CD or UAO as the RD, the RA start is the date EPA approves the PRP RD package (RD completion);
- If the PRP is doing work under a State order or comparable enforcement document, and the site is covered by a State enforcement cooperative agreement or SMOA (PS-lead) with a schedule for RA work at the site, and EPA approved the ROD, the RA start is the date the State approves the PRP RD package; or
- Where the Fund performed the RD or the RD was done under a settlement/order for RD and the PRPs are doing the RA under the terms of a CD, UAO or judgment for RA only, the RA start is the date on which the PRPs provide notice of intent to comply with the UAO (C2801 = "NC") or the date the CD is referred to HQ or DOJ (as recorded in WasteLAN). Where the PRP is in significant non-compliance with the UAO, credit will be withdrawn.

**For both Fund and PRP financed actions** –The Region must enter the Remedial Technology of the RA into the RA Technology Type date field (C3401 = RT) and the remedial technology types data fields (C3402 - C3411) for the RA event.

**Federal Facility** Date of which substantial, continuous, physical, on-site, remedial actions begin pursuant to SARA Section 120.

**Changes in Definition FY 92 - FY 93:** Federal Facility RA start is included. Added in the requirement to record the RA technology type. For PS-lead sites, the RA starts when the State approves the RD package.

**Special Planning/Reporting Requirements:** Fund and PRP RA starts is a SCAP target. Federal Facility RA starts is a STARS target. The Region must enter the remedial technology of the RA into WasteLAN.

## RA CONTRACT AWARD (S/C-1)

**Definition:** Award of RA contract is the initiation of on-site construction activities for the remedy selected in the ROD.

### **Definition of Accomplishment:**

*Fund-financed* (F or S lead events) - Sites (as recorded in WasteLAN) where the EPA, a State, the USACE or BUREC has awarded a contract to initiate Fund-financed RA.

If the ARCS contractor is assigned RA responsibility, the award of RA contract is defined as the date the RA subcontract is awarded. If the Emergency Response Cleanup Services (ERCS) contractor will be performing the RA, award of RA contract is defined as the obligation of funds to the ERCS contractor for the RA.

*PRP-financed* (RP, MR or PS lead events) - Sites (as recorded in WasteLAN) where the PRP has begun substantial and continuous physical action, which is equivalent to an EPA contract award, or where the PRP has taken equivalent action with its own work force.

*Federal Facility* - Date where the Federal agency has begun substantial and continuous physical action at a site, which is equivalent to an EPA contract award, or the date where the Federal agency has taken equivalent action with its own work force.

**Changes in Definition FY 92 - FY 93:** Added Fund-financed situations where ARCS or ERCS are assigned the RA activities. Added a Federal Facility definition.

**Special Planning/Reporting Requirements:** First and subsequent, Fund and PRP RA contract awards are a single STARS target. Individual targets are negotiated in SCAP. Federal Facility award of RA contract is a SCAP measure. RA contract award triggers the date for completion of Five Year Reviews. (See new measure for Five Year Reviews in Section 3: Response Definitions.)

### **RA ON-SITE CONSTRUCTION**

**Definition:** RA on-site construction begins when the EPA, ARCS, ERCS, USACE, BUREC or State contractor for a Fund-financed RA or the PRP or PRP's contractor for a PRP RA, mobilizes to start implementation of the selected remedy.

**Definition of Accomplishment:** The date of mobilization must be placed in WasteLAN against the RA subevent (3101) "RO" (on-site construction).

**Changes in Definition FY 92 - FY 93:** Added ARCS and ERCS.

**Special Planning/Reporting Requirements:** The planned completion date for RA on-site construction must be placed in WasteLAN when the RA contract is awarded. This date is used for planning cost recovery actions and establishing Statute of Limitation (SOL) dates. This is a SCAP reporting measure.

### **RA CONSTRUCTION COMPLETION (S/C-2)**

**Definition:** RA construction is complete when all construction activities for the OU have been performed and a final inspection has been conducted. The time period to determine if the remedy is Operational and Functional (O&F) still remains. This is equivalent to the definition for Final RA NPL Site Construction Completion.



**Definition of Accomplishment:** The date the lead and support agencies conduct the final inspection. This date must be entered into WasteLAN with the RA subevent, Final Inspection and Certification (C3101=IN).

**Changes in Definition FY 92-FY 93:** New definition in FY 93.

**Special Planning/Reporting Requirements:** RA construction completion is reported site specifically in WasteLAN. This is a STARS reporting measure.

## **FINAL RA NPL SITE CONSTRUCTION COMPLETION**

**Definition:** Final NPL RA site construction is complete when construction activities for the final OU are complete, a pre-final inspection has been conducted, and a Preliminary Close-Out Report prepared. This report documents the completion of physical construction, summarizes site conditions and construction activities and, as appropriate, provides the schedule for the joint inspection (required before the start of the O&F phase), approval of the Operation and Maintenance (O&M) work plan, and the establishment of institutional controls. The Preliminary Site Close-Out Report is only required for the final OU.

**Definition of Accomplishment:** The date that the designated Regional official (Division Director or above) signs the Preliminary Site Close-Out Report documenting, based on a pre-final site inspection, that physical construction is complete and only minor inspection/punch list items remain. The appropriate date must be recorded in WasteLAN with the RA subevent, Preliminary Close-Out Report Prepared (C3101=CC).

**Changes in Definition FY 92-FY 93:** New definition in FY 93.

**Special Planning/Reporting Requirements:** Final RA site construction completion is reported site specifically in WasteLAN. A new subevent for Preliminary Close-Out Report Prepared (C3101=CC) has been added to WasteLAN. This will be valid for RA and ROD events. This is a SCAP reporting measure. Final RA NPL Site Construction Complete is also included in the STARS measure S/C-3 NPL Site Construction Completion. The definition for NPL Site Construction Completion can be found in Section 3: Response Definitions.

## **OPERATIONAL AND FUNCTIONAL (O&F)**

**Definition:** O&F means the activities required to determine that the remedy is functioning properly and is performing as designed. O&F activities are part of RA when a Fund-financed RA was conducted. Physical construction may be complete before the start of O&F. EPA funds O&F activities for a period up to one year after joint inspection by EPA and the State, or until EPA and the State jointly determine that the remedy is functioning properly and is performing as designed, whichever is earliest. EPA may extend the one-year period, as appropriate.

**Definition of Accomplishment:** The completion of O&F is the date upon which the lead and support agencies agree through a joint inspection that the remedy is operating in accordance with the standards contained in the ROD and RD. This documentation is reported in RA Report. Normally, O&F completion will occur within one year following completion of construction.

**Changes in Definition FY 92 - FY 93:** O&F only has a completion date.

**Special Planning/Reporting Requirements:**

**RA COMPLETION**

**Definition:** A first and subsequent RA is complete when construction activities are complete, a final inspection has been conducted, the remedy is O&F (see definition for O&F), and an RA Report has been prepared. This report summarizes site conditions and construction activities for the OU.

**Definition of Accomplishment:** The date that the designated Regional official (Branch Chief or above) signs a letter accepting the RA Report for the first or subsequent RA. The contractor's construction manager (ARCS, USACE, State, PRP, Federal Facility, etc.) submits a signed RA report to document the completion of all construction activities for that OU, and that the remedy is O&F. In lieu of a report from the contractor's construction manager, the Region must prepare a report to document the completion. The appropriate date must be recorded in WasteLAN with the RA event.

**Changes in Definition FY 92 - FY 93:** The RA Report is accepted by the Branch Chief or above, not the Regional Administrator.

**Special Planning/Reporting Requirements:** Commitments are made on a combined Fund and PRP basis. Federal Facility RA completion commitments are made separately. First and subsequent Federal Facility RA completions is a SCAP target. First, subsequent and final Fund and PRP RA completions are SCAP targets. (See following definition for final RA completion.)

**FINAL RA COMPLETION**

**Definition:** A final RA is complete when:

- Construction for all OUs is complete;
- A pre-final inspection has been conducted;
- A Preliminary Site Close-Out Report has been prepared. This report documents the completion of physical construction, summarizes site conditions and construction activities and, as appropriate, provides the schedule for the joint final inspection (required before the start of the O & F phase), approval of the O&M work plan, and establishment of institutional control. The date of the Preliminary Close-Out Report must be reported in WasteLAN with the RA Subevent, Preliminary Close-Out Report Prepared (C3101 = CC);
- A final inspection has been conducted;
- The remedy is O&F;
- A letter accepting the RA report has been signed by the designated Regional official. The date of the letter is entered into WasteLAN as the RA completion date (C2101=RA); and

- An Interim Site Close-Out Report or Final Superfund Site Close-Out Report has been prepared. An Interim Site Close-Out Report must be prepared if the only activity remaining is Long Term Response Action (LTRA).

**Definition of Accomplishment:** The final RA is complete on the date the Regional Administrator signs the Interim Site Close-Out Report or Final Superfund Site Close-Out Report documenting completion of the final RA. The appropriate date must be recorded in WasteLAN with the Close-Out Report RA subevent (C3101=CL).

**Changes in Definition FY 92-FY 93:** More details were added to the definition for clarification.

**Special Planning/Reporting Requirements:** The date of completion of the Preliminary Close-Out Report must be entered into WasteLAN with the Preliminary Close-Out Report Prepared subevent (C3101 = CC). The date of the letter accepting the RA Report must be entered into WasteLAN with the RA event (C2101=RA). The date the Regional Administrator signs the Interim or Final Superfund Site Close-Out Report must be entered into WasteLAN with the Close-Out Report subevent (C3101=CL).

First, subsequent and final, Fund and PRP RA completions are SCAP targets. Final Federal Facility RA completions is a SCAP measure.

#### **FEDERAL FACILITY RI/FS START TO RA COMPLETE DURATION:**

**Definition:** The objective of this measure is to focus on the duration of the essential components of the remedial pipeline. As an indicator of the project duration, this measure reflects the success of EPA in reducing the length of time needed to complete remedial activities at Federal Facilities. Duration trends will address the need for continuous improvements relative to meeting the Office of Federal Facilities Enforcement (OFFE) goals.

**Definition of Accomplishment:** This measure will look at Regional performance by analyzing the average duration from RI/FS start to RA completion for sites scheduled for RA completion in FY 93. Duration will be calculated using the actual RI/FS start dates and the planned and actual RA completion dates in WasteLAN. The RI/FS start and RA completion definitions contained in this Manual will be used in the analysis.

**Changes in Definition FY 92 - FY 93:** New definition in FY 93.

**Special Planning/Reporting Requirements:** Data on durations will be developed using CERCLIS. HQ will conduct the analysis. This is a SCAP reporting measure.

#### **FEDERAL FACILITY RA START TO RA COMPLETE DURATION:**

**Definition:** The objective of this measure is to project the success, as well as the complexity, of the Federal Facilities Superfund program. The measure will also enable management to focus on sites where additional emphasis on enhancing the pace of response activities may be required. Duration trends will provide a basis for evaluating the progress Federal agencies are making in performing RAs in as timely a manner as possible.

**Definition of Accomplishment:** This measure will look at Regional performance by analyzing the average duration from RA start to RA completion for sites scheduled for RA completion in FY 93. Durations will be calculated using the actual RA start dates and the planned and actual RA completion dates in WasteLAN. The RA start and RA completion definitions contained in this Manual will be used in the analysis.

**Changes in Definition FY 92 - FY 93:** New definition in FY 93.

**Special Planning/Reporting Requirements:** Data on durations will be developed using CERCLIS. HQ will conduct the analysis. This is a SCAP reporting measure.

## **LONG TERM RESPONSE ACTION (LTRA)**

**Definition:** LTRA are response actions undertaken for the purpose of restoring ground or surface water quality. (Guidance is currently under development that will expand the LTRA definition to include soil vapor extraction and similar remedies.) These actions require a continuous period of on-site activity before cleanup levels, specified in the ROD or an Action Memorandum, are achieved.

For Fund-financed RAs involving treatment or other measures to restore contaminated ground or surface water quality, the operation of such treatment or measures for a period up to 10 years after the construction or installation and commencement of operation will be considered part of RA.

Activities required to maintain the effectiveness of such treatment or measures following the 10-year period, or after RA is complete, whichever is earlier, shall be considered O&M. Ground or surface water measures initiated for the primary purpose of providing drinking water, not for the purpose of restoring ground or surface water shall not be considered treatment.

**Definition of Accomplishment:** LTRA begins when EPA and the State jointly determine that the RA is O&F. (See definition of O&F.) Typically, this is when the letter accepting the RA Report is signed by the designated Regional official. The completion date is the point at which the levels specified in the ROD or Action Memorandum have been achieved and all necessary Superfund response required to protect human health or the environment has been completed, or ten years after the remedy becomes O&F, whichever is earliest.

**Changes in Definition FY 92 - FY 93:** Deleted the phrase that the source control measures to prevent contamination of ground or surface water are not considered LTRA. Deleted acceptance of Interim Site Close Out Report from the definition.

**Special Planning/Reporting Requirements:** LTRA is planned on a site-specific basis in WasteLAN and is used for resource allocation purposes only. Funds for LTRA are issued site specifically in the RA AOA.

## OPERATION AND MAINTENANCE (O&M)

**Definition:** O&M means the activities required to maintain the effectiveness or the integrity of the remedy, and, in the case of measures to restore ground or surface waters, continued operation of such measures beyond a period of ten years or when the remediation levels are achieved, whichever is earlier. Except for ground or surface water actions covered under Section 300.435(f)(3) of the NCP, O&M measures are initiated after the remedy has achieved the RA objectives and remediation goals in the ROD or CD, and is determined to be O&F. The State or PRP is totally responsible for these activities for the time period specified in the ROD or other appropriate documents.

**Definition of Accomplishment:** The start of O&M is defined as the date upon which the designated Regional official signs a letter accepting the RA Report. This report documents that work has been performed within desired specifications and that the remedy is O&F. The completion (where appropriate) of O&M is defined as the date specified in a CA, Superfund State Contract (SSC), or CD.

**Changes in Definition FY 92 - FY 93:** O&M starts when the Region signs a letter accepting the RA Report.

**Special Planning/Reporting Requirements:** O&M is planned site specifically in WasteLAN and is used for resource allocation purposes only. Funds for oversight of O&M are contained in the RA AOA.

**EXHIBIT A-9: REMEDIAL ACTION**

<b>PLANNING REQUIREMENTS</b>	<b>ROD TO RA DURATION</b>	<b>FEDERAL FACILITY RA START</b>	<b>FIRST RA START</b>	<b>SUB. RA START</b>	<b>FED FAC RA CONTRACT AWARD</b>	<b>FIRST RA CONTRACT AWARD</b>	<b>SUB. RA CONTRACT AWARD</b>
<b>STARS ?</b>	NO	YES	NO	NO	NO	YES*	YES*
<b>SCAP ?</b>	YES +	NO	YES +	YES +	YES	YES	YES
<b>TARGET OR MEASURE?</b>	MEASURE	TARGET	TARGET	TARGET	MEASURE	TARGET	TARGET
<b>QUARTERLY TARGETS SET?</b>	NO	YES	YES	YES	NO	YES	YES
<b>IF YES, WHEN?</b>		PRIOR TO FY	PRIOR TO FY	PRIOR TO FY		PRIOR TO FY	PRIOR TO FY
<b>PLANNED SITE SPECIFICALLY?</b>	NO	YES	YES	YES	YES	YES	YES
<b>IF YES, WHEN?</b>		PRIOR TO FY	PRIOR TO FY	PRIOR TO FY	PRIOR TO FY	PRIOR TO FY	PRIOR TO FY
<b>PLANNED/REPORTED ON OPERABLE UNIT OR WHOLE SITE BASIS?</b>	OPERABLE UNIT	OPERABLE UNIT	OPERABLE UNIT	OPERABLE UNIT	OPERABLE UNIT	OPERABLE UNIT	OPERABLE UNIT
<b>REPORTED ON COMBINED PROGRAM LEAD OR ON A PROGRAM-SPECIFIC BASIS?</b>	COMBINED FUND & PRP SEPARATE FED FAC	PROGRAM SPECIFIC	COMBINED # FUND & PRP SEPARATE FED FAC	COMBINED # FUND & PRP SEPARATE FED FAC	PROGRAM SPECIFIC	COMBINED	COMBINED
<b>REPORTED SITE SPECIFICALLY OR IN NON-SITE PORTION OF WASTELAND?</b>	SITE SPECIFIC	SITE SPECIFIC	SITE SPECIFIC	SITE SPECIFIC	SITE SPECIFIC	SITE SPECIFIC	SITE SPECIFIC
<b>AOA CATEGORY IF FUND FINANCED?</b>	N/A	N/A	RA	RA	N/A	N/A	N/A
<b>AOA CATEGORY FOR OVERSIGHT?</b>	N/A	FEDERAL FACILITY	RD FED. FAC.	RD FED. FAC.	N/A	N/A	N/A
<b>BASIS FOR AOA?</b>	N/A	WORKLOAD MODEL ALLOCATION	SITE SPECIFIC PLANS WORKLOAD MODEL ALLOC.	SITE SPECIFIC PLANS WORKLOAD MODEL ALLOC.	N/A	N/A	N/A

\* First and subsequent are a combined target under STARS and include Fund and PRP action.

\*\* Final RA construction completions are also included in STARS measure S/C-3 NPL Site Construction Completions.

# Goals are established on a program-specific basis.

+ Includes projects with the following leads: Federal (F), State (S), PRP action under State order/decre (PS), Responsible party under Federal order/decre (RP), Mixed funding (MR), and Federal Facility (FF).

**EXHIBIT A-9: REMEDIAL ACTION (CONTINUED)**

<b>PLANNING REQUIREMENTS</b>	<b>ON-SITE CONSTR.</b>	<b>RA CONST COMPLETE</b>	<b>FINAL RA CONSTRUCTION COMPLETION</b>	<b>RA COMPLETE</b>	<b>FIRST FF RA COMPLETE</b>	<b>SUB. FF RA COMPLETE</b>	<b>FINAL FF RA COMPLETE</b>
<b>STARS ?</b>	NO	YES**	NO**	NO	NO	NO	NO
<b>SCAP ?</b>	YES	YES	YES	YES	YES	YES	YES
<b>TARGET OR MEASURE?</b>	MEASURE	MEASURE	MEASURE	TARGET	TARGET	TARGET	MEASURE
<b>QUARTERLY TARGETS SET?</b>	NO	NO	NO	YES	YES	YES	NO
<b>IF YES, WHEN?</b>				PRIOR TO FY	PRIOR TO FY	PRIOR TO FY	
<b>PLANNED SITE SPECIFICALLY?</b>	YES	YES	YES	YES	YES	YES	YES
<b>IF YES, WHEN?</b>	WHEN RA CON. AWARD	PRIOR TO FY	PRIOR TO FY	PRIOR TO FY	PRIOR TO FY	PRIOR TO FY	PRIOR TO FY
<b>PLANNED/REPORTED ON OPERABLE UNIT OR WHOLE SITE BASIS?</b>	OPERABLE UNIT	OPERABLE UNIT	WHOLE SITE	OPERABLE UNIT	OPERABLE UNIT	OPERABLE UNIT	WHOLE SITE
<b>REPORTED ON COMBINED PROGRAM LEAD OR ON A PROGRAM-SPECIFIC BASIS?</b>	COMBINED	COMBINED	COMBINED	COMBINED	PROGRAM SPECIFIC	PROGRAM SPECIFIC	PROGRAM SPECIFIC
<b>REPORTED SITE SPECIFICALLY OR IN NON-SITE PORTION OF CERCLIS?</b>	SITE SPECIFIC	SITE SPECIFIC	SITE SPECIFIC	SITE SPECIFIC	SITE SPECIFIC	SITE SPECIFIC	SITE SPECIFIC
<b>AOA CATEGORY IF FUND FINANCED?</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>AOA CATEGORY FOR OVERSIGHT?</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A
<b>BASIS FOR AOA?</b>	N/A	N/A	N/A	N/A	N/A	N/A	N/A

\* First and subsequent are a combined target under STARS and include Fund and PRP action.

\*\* Final RA construction completions are also included in STARS measure S/C-3 NPL Site Construction Completions.

# Goals are established on a program-specific basis.

+ Includes projects with the following leads: Federal (F), State (S), PRP action under State order/decre (PS), Responsible party under Federal order/decre (RP), Mixed funding (MR), and Federal Facility (FF).

<b>EXHIBIT A-9: REMEDIAL ACTION (CONTINUED)</b>					
<b>PLANNING REQUIREMENTS</b>	<b>FF RI/FS TO RA COMP</b>	<b>FF RA DURATION</b>	<b>O &amp; F</b>	<b>LTRA</b>	<b>O &amp; M</b>
<b>STARS ?</b>	NO	YES**	NO	NO	NO
<b>SCAP ?</b>	YES	YES	NO	NO	NO
<b>TARGET OR MEASURE?</b>	MEASURE	MEASURE			
<b>QUARTERLY TARGETS SET?</b>	NO	NO	NO	NO	NO
<b>IF YES, WHEN?</b>					
<b>PLANNED SITE SPECIFICALLY?</b>	NO	NO	NO	NO	NO
<b>IF YES, WHEN?</b>					
<b>PLANNED/REPORTED ON OPERABLE UNIT OR WHOLE SITE BASIS?</b>	OPERABLE UNIT	OPERABLE UNIT	N/A	OPERABLE UNIT	OPERABLE UNIT
<b>REPORTED ON COMBINED PROGRAM LEAD OR ON A PROGRAM-SPECIFIC BASIS?</b>	PROGRAM SPECIFIC	PROGRAM SPECIFIC	N/A	COMBINED	COMBINED
<b>REPORTED SITE SPECIFICALLY OR IN NON-SITE PORTION OF WASTELAN?</b>	SITE SPECIFIC	SITE SPECIFIC	N/A	SITE SPECIFIC	SITE SPECIFIC
<b>AOA CATEGORY IF FUND FINANCED?</b>	N/A	N/A	N/A	RA	N/A
<b>AOA CATEGORY FOR OVERSIGHT?</b>	N/A	N/A	N/A	RD	RA
<b>BASIS FOR AOA?</b>	N/A	N/A	N/A	SITE SPECIFIC PLANS	SITE SPECIFIC PLANS

\* First and subsequent are a combined target under STARS and include Fund and PRP action.  
 \*\* Final RA construction completions are also included in STARS measure S/C-3 NPL Site Construction Completions.  
 # Goals are established on a program-specific basis.  
 + Includes projects with the following leads: Federal (F), State (S), PRP action under State order/decreed (PS), Responsible party under Federal order/decreed (RP), Mixed funding (MR), and Federal Facility (FF).



## **COST RECOVERY**

SCAP and STARS track the following cost recovery activities:

- Issue Demand Letters;
- Cost Recovery Actions/Decisions (<\$200,000);
- Cost Recovery Actions/Decisions (>\$200,000);
- Section 106, 106/107, 107 Case Resolution; and
- Dollars Achieved Toward Cost Recovery Management by Objective (MBO) Goal.

Cost recovery actions/decisions (>\$200,000) is a STARS target. Cost recovery action/decisions (<\$200,000) is a STARS measure. The remainder of the cost recovery activities are SCAP reporting measures.

The definition for Section 106, 106/107, 107 Case Resolution are in this section and the RD/RA Enforcement Activities, Settlements and Referrals section.

### **ISSUE DEMAND LETTER**

**Definition:** A Section 122(e) letter issued pursuant to Section 107 from EPA to the PRP requesting that the PRP reimburse the Fund for a specific amount associated with one or more response activities. Demand letters are typically sent for each separate response activity.

**Definition of Accomplishment:** Credit for this activity is given on the date the demand letter is signed by the appropriate EPA official and recorded in WasteLAN.

#### **Changes in Definition FY 92 - FY 93:**

**Special Planning/Reporting Requirements:** This is a SCAP reporting measure and is recorded at the milestone level.

### **COST RECOVERY ACTIONS/DECISIONS LESS THAN \$200,000**

**Definition:** Cost recovery actions/decisions taken are defined as the decision to take cost recovery action by use of administrative cost recovery settlement, Section 106/107 or 107 judicial referral for cost recovery, initiation of Alternative Dispute Resolution (ADR) (mediation, arbitration, mini-trial), preparation of a decision document not to pursue cost recovery, settlement for past costs under a CD (with no prior referral), bankruptcy filing, cash out settlement for cost recovery or initiation of debt collection procedures.

This category only includes cost recovery actions for reimbursement of Trust Fund amounts of less than \$200,000.

#### **Definition of Accomplishment:**

Section 107 or 106/107 referrals - Credit is given on the date of the Regional Administrator's transmittal letter to HQ or DOJ as recorded in WasteLAN.

Settlement under CD (with no prior referral) - Credit is given on the date of the Regional Administrator's transmittal letter to HQ or DOJ as recorded in WasteLAN.

Cash out settlements - Credit is given on the date of the Regional Administrator's transmittal letter to HQ or DOJ or when the Regional Administrator signs the AOC for the cash out. This date must be recorded in WasteLAN.

Decision documents prepared not to pursue cost recovery claims - Credit is given when the document is issued by the Regional office and recorded in WasteLAN.

Administrative Settlement - Credit is given on the date that the Regional office or DOJ receives payment from the PRPs in direct response to a demand letter for voluntary cost recovery or the date the Regional Administrator signs the AOC for cost recovery. The date must be reported in WasteLAN.

Initiation of ADR - Credit is given on the date that the Region refers the case to the Office of Enforcement (OE) for selection of a mediator or arbitrator as reported in WasteLAN. An activity code or milestone will be added to WasteLAN to track ADRs.

Bankruptcy Filing - Credit is given based on the date that the bankruptcy strategy package is prepared or on the date that the first creditor committee meeting convenes as reported in WASTELAN. New bankruptcy filing milestones have been added to WasteLAN: C2801 = CP (Creditors Committee Meeting) and BS (Bankruptcy Strategy Package).

Initiation of Debt Collection Procedures - Credit is given on the date the demand letter indicating use of debt collection procedures is signed by the EPA official as reported in WasteLAN. New debt collection milestones have been added to WasteLAN: C2801 = CS (Collection Services); AF (Administrative Offset); and TF (Tax Refund Offset). These milestones are valid **only** for activity AV (Administrative/Voluntary Cost Recovery). A new statute code (C2771) will be added to WasteLAN for the Debt Collection Act.

**Changes in Definition FY 92 - FY 93:** This definition encompasses the following FY 92 measures: Issue Cost Recovery Decision Document, Use of ADR for Cost Recovery, Administrative Cost Recovery Settlements and Section 107 Referrals/Settlements <\$200,000. Bankruptcy case filings were added. The WasteLAN codes for reporting accomplishments were added to the definitions.

**Special Planning/Reporting Requirements:** This is a STARS reporting measure. All dates must be entered into WasteLAN. Credit for referrals is based on the referral package not on the number of sites. Credit will be withdrawn if a case is returned to the Region by HQ or DOJ for additional work, but will be reinstated upon re-referral and will be based on the quarter of re-referral. New WasteLAN activity codes were developed for reporting, debt collection procedures and bankruptcies. A new activity code is still under development for reporting settlements through ADR.

## **COST RECOVERY ACTIONS/DECISIONS GREATER THAN \$200,000**

**Definition:** Cost recovery actions/decisions taken are defined as the decision to take cost recovery action by use of administrative cost recovery settlement, Section 106/107 or 107 judicial referral for cost recovery, initiation of ADR - (mediation, arbitration, mini-trial), preparation of a decision document not to pursue cost recovery, settlement for past costs under a CD (with no prior referral), bankruptcy filing, cash out settlement for cost recovery or initiation of debt collection procedures.

This category includes cost recovery actions for reimbursement of Trust Fund amounts of greater than \$200,000.

### **Definition of Accomplishment:**

Section 107 or 106/107 referrals - Credit is given on the date of the Regional Administrator's transmittal letter to HQ or DOJ as recorded in WasteLAN.

Settlements under CD (with no prior referral) - Credit is given on the date of the Regional Administrator's transmittal letter to HQ or DOJ as recorded in WasteLAN.

Cash out settlements - Credit is given on the date of the Regional Administrator's transmittal letter to HQ or DOJ or when the Regional Administrator signs the AOC for the cash out. This date must be recorded in WasteLAN.

Decision documents prepared not to pursue cost recovery claims - Credit is given when the document is issued by the Regional office and recorded in WasteLAN.

Administrative Settlement - Credit is given on the date the Regional office or DOJ receives payment from the PRPs in direct response to a demand letter for voluntary cost recovery or the date that the Regional Administrator signs the AOC for cost recovery. The date must be reported in WasteLAN.

Initiation of ADR - Credit is given on the date that the Region refers the case to OE for selection of a mediator or arbitrator as reported in WasteLAN. An activity code or milestone will be added to WasteLAN to track ADRs.

Bankruptcy Filing - Credit is given on the date that the bankruptcy strategy package is prepared or on the date that the first creditor committee meeting convenes and the information is reported in WasteLAN. New bankruptcy filing milestones have been added to WasteLAN: C2801 = CP (Creditors Committee Meeting) and BS (Bankruptcy Strategy Package).

Initiation of Debt Collection Procedures - Credit is given on the date the demand letter indicating use of debt collection procedures is signed by the EPA official and reported in WasteLAN. New debt collection milestones have been added to WasteLAN: C2801 = CS (Collection Services); AF (Administrative Offset); and TF (Tax Refund Offset). These milestones are valid **only** for activity AV (Administrative/Voluntary Cost Recovery). A new statute code (C2771) will be added to WasteLAN for the Debt Collection Act.

**Changes in Definition FY 92 - FY 93:** This definition encompasses the following FY 92 measures: Issue Cost Recovery Decision Document, Use of ADR for Cost Recovery, Administrative Cost Recovery Settlements and Section 107 Referrals/Settlements >\$200,000. Bankruptcy case filings were added. The new WasteLAN codes for reporting accomplishments were added to the definitions.

**Special Planning/Reporting Requirements:** This is a STARS target. All dates must be entered into WasteLAN. Credit for referrals is based on the referral package not on the number of sites. Credit will be withdrawn if a case is returned to the Region by HQ or DOJ for additional work, but will be reinstated upon re-referral and will be based on the quarter of re-referral. New WasteLAN activity codes were developed for debt collection procedures and bankruptcies. A new activity code is still under development for reporting settlements through ADR.

## **SECTION 106, 106/107, 107 CASE RESOLUTION**

**Definition:** Case resolution is the conclusion of a Section 106, 106/107, or 107 judicial action by a full settlement, a final judgment, a case dismissal, or a case withdrawal.

**Definition of Accomplishment:** Credit for case resolution is given when:

- A CD is entered in the court **fully addressing** the complaint with all parties;
- The case is withdrawn;
- The case is dismissed; or
- A trial concluded and a judgment entered fully addressing the complaint.

The case resolution date (activity actual completion date) is the same as the milestone date and is defined as follows:

- Date CD is entered;
- Date case is withdrawn;
- Date case is dismissed; or
- Date judgment is entered.

**Changes in Definition FY 92 - FY 93:**

**Special Planning/Reporting Requirements:** This is a SCAP reporting measure.

## **DOLLARS ACHIEVED TOWARD COST RECOVERY MBO GOAL**

**Definition:** Report the value of administrative cost recovery settlements (including ADR), cash out settlements, cost recovery CDs (upon lodging), cost recovery judgements (including bankruptcy judgements) and penalties and fines assessed.

**Definition of Accomplishment:** Credit is given when the value of the settlements/ judgments are entered into WasteLAN. Credit for administrative settlements will be given when the AOC is signed by the Regional Administrator.

**Changes in Definition FY 92 - FY 93:**

**Special Planning/Reporting Requirements:** This is a SCAP reporting measure only.

**EXHIBIT A-10: COST RECOVERY**

<b>PLANNING REQUIREMENTS</b>	<b>DEMAND LETTERS</b>	<b>COST REC ACT/DEC &lt;\$200,000</b>	<b>COST REC ACT/DEC &gt;\$200,000</b>	<b>106,106/107, 107 CASE RESOLUTION</b>	<b>\$\$ ACHIEVED</b>
STARS ?	NO	YES	YES	NO	NO
SCAP ?	YES	YES	YES	YES	YES
TARGET OR MEASURE?	MEASURE	MEASURE	TARGET	MEASURE	MEASURE
QUARTERLY TARGETS SET?	NO	YES	YES	NO	NO
IF YES, WHEN?		PRIOR TO FY	PRIOR TO FY		
PLANNED SITE SPECIFICALLY?	NO	YES	YES	NO	NO
IF YES, WHEN?		PRIOR TO FY*	PRIOR TO FY		
PLANNED/REPORTED ON OPERABLE UNIT OR WHOLE SITE BASIS?	OPERABLE UNIT OR WHOLE SITE	WHOLE SITE	WHOLE SITE	OPERABLE UNIT OR WHOLE SITE	WHOLE SITE
REPORTED ON COMBINED PROGRAM LEAD OR ON A PROGRAM-SPECIFIC BASIS?	N/A	N/A	N/A	N/A	N/A
REPORTED SITE SPECIFICALLY OR IN NON-SITE PORTION OF WASTELAN?	SITE SPECIFIC	SITE SPECIFIC	SITE SPECIFIC	SITE SPECIFIC	SITE SPECIFIC
AOA CATEGORY?	ENFORCE-MENT	ENFORCE-MENT	ENFORCE-MENT	ENFORCE-MENT	N/A
BASIS FOR AOA?	SITE/NON-SITE SPECIFIC PLANS	SITE SPECIFIC PLANS	SITE SPECIFIC PLANS	SITE SPECIFIC PLANS	N/A

\* TBD Sites are allowed

### **SECTION 3: RESPONSE DEFINITIONS**

#### **INTRODUCTION**

There are a subset of FY 93 STARS/SCAP targets/measures that reflect the status of response activities and the accomplishment of cleanup goals at NPL sites. Following are the response activities tracked in STARS/SCAP:

- Sites Where Activity Has Started, First NPL Removal Actions or RI/FS;
- Remedial Program Remedies Selected (ROD) and Action Memoranda Signed for Removal Actions at NPL Sites;
- NPL Site Construction Completions;
- Five-Year Reviews Completed;
- NPL Deletion Initiation (Fund, PRP and Federal Facility);
- Federal Facility NPL Deletion Completion; and
- Progress Through Environmental Indicators.

Sites where activity has started, first NPL removal action or RI/FS and Remedial program remedies selected and action memoranda signed at NPL sites are STARS targets. Progress through Environmental Indicators and NPL site Construction Completions are STARS measures. Five-year reviews and NPL deletion starts and completions are SCAP measures. In the following sections the definitions for Federal Facility NPL deletion start and completion have been combined.

<b>EXHIBIT A-11: RESPONSE SCAP/STARS TARGETS AND MEASURES</b>					
<b>ACTIVITIES</b>	<b>SCAP/STARS TARGET</b>	<b>STARS REPORTING</b>	<b>SCAP REPORTING</b>	<b>QUARTERLY</b>	<b>ANNUAL</b>
<b>NPL SITES ADDRESSED THROUGH REMOVAL ACTION OR RI/FS START (S/C-4)</b>	<b>X*</b>			<b>X</b>	<b>X</b>
<b>DECISION DOCUMENT DEVELOPMENT-REMEDIES SELECTED AND ACTION MEMORANDA SIGNED (S/C-5)</b>	<b>X**</b>			<b>X</b>	<b>X</b>
<b>NPL SITE CONSTRUCTION COMPLETIONS (S/C-3)</b>		<b>X*</b>		<b>X</b>	<b>X</b>
<b>FIVE YEAR REVIEWS</b>			<b>X</b>	<b>X</b>	<b>X</b>
<b>NPL DELETION INITIATION</b>			<b>X+</b>	<b>X</b>	<b>X</b>
<b>FEDERAL FACILITY NPL DELETION COMPLETE</b>			<b>X</b>	<b>X</b>	<b>X</b>
<b>PROGRESS THROUGH ENVIRONMENTAL INDICATORS</b>		<b>X</b>			<b>X</b>
<p>* Includes projects with the following leads: Federal (F), State (S), PRP Action Under State Order/Decree (PS), In-House RI/FS (EP), PRP Action Under Federal Order/Decree (RP), and Mixed Funding (MR).</p> <p>** Remedies include Federal (F), Federal Enforcement (FE), and State Enforcement (SE).</p> <p>+ Includes RA projects with the following leads: Federal (F), State (S), PRP Action Under State Order/Decree (PS), PRP Action Under Federal Order/Decree (RP), Mixed Funding (MR), and Federal Facility (FF).</p>					

## **NUMBER OF SITES WHERE ACTIVITY HAS STARTED, FIRST NPL REMOVAL ACTION OR RI/FS (S/C-4)**

**Definition:** Number of NPL sites (final and proposed) where on-site activity has begun. On-site activity is characterized by either a removal action under the direction of EPA or through an AO, CD or judgment; or implementation of a first RI/FS (Fund or PRP) at the site, but not both.

**Definition of Accomplishment:** See RI/FS start definitions in Section 2: Pipeline Definitions and NPL removal start definition in Section 4: Removal Definitions.

### **Changes in Definition FY 92 - FY 93:**

**Special Planning/Reporting Requirements:** First NPL removal start or first RI/FS start is a target under STARS. Separate targets are negotiated in SCAP for RI/FS starts and removal starts. Regions cannot receive credit under STARS if an RI/FS or NPL removal began or was conducted at the site in a previous year. Similarly, Regions cannot receive credit for both an RI/FS start and a NPL removal at a site under STARS if they are started in the same year. Credit is given for the first activity started and a site can only receive credit once. Therefore, historical data must be reviewed prior to targeting and reporting accomplishments in STARS.

## **NUMBER OF REMEDIAL PROGRAM REMEDIES SELECTED (ROD) AND ACTION MEMORANDA SIGNED FOR REMOVAL ACTIONS AT NPL SITES (S/C-5)**

**Definition:** A remedial program remedy is selected when a ROD has been signed and the appropriate date has been recorded in WasteLAN.

An Action Memorandum to begin a removal is signed by the On-Scene Coordinator (OSC), Regional Administrator or AA SWER. For PRP-financed removals, an Action Memorandum is signed or the PRP begins the removal actions contained in an enforcement document.

### **Definition of Accomplishment:**

Remedies Selected The date the Regional Administrator/Deputy Regional Administrator or AA SWER signs the ROD represents the ROD completion date. This date must be reported in WasteLAN. Remedies selected include RODs with a Federal (F), Federal Enforcement (FE) or State Enforcement (SE) lead designation.

Action Memoranda for Removal (Fund-financed): To receive credit for an Action Memoranda when a Fund-financed removal will be conducted:

- An Action Memorandum is signed by the OSC, Regional Administrator or AA SWER; and
- The date of signature is recorded in WasteLAN with the removal subevent Approval of Action Memo (C3101=AM).

Action Memorandum for Removal (PRP-financed): An Action Memorandum for a removal will be counted when:

- An Action Memorandum is signed by the OSC, Regional Administrator, or AA SWER;



- The date of the approval of the Action Memorandum is recorded in WasteLAN with the removal subevent (C3101) "AM" (Approval of Action Memo); and
- When the PRP begins to follow the removal instructions outlined in the AOC, UAO or CD. The date of the AOC, UAO, or CD and the removal remedy code (C2731=RV) must be recorded in WasteLAN.

**Changes in Definition FY 92 - FY 93:** This is a new STARS target in FY 93, however, the ROD completion and removal start definitions are not new.

**Special Planning/Reporting Requirements:** Remedial program remedies selected (RODs) and Action Memoranda for removal is a combined target under STARS. Separate targets are negotiated in SCAP for RODs and removal starts. The Action Memorandum signature date should be reported in WasteLAN with the removal subevent Approval of Action Memorandum (C3101 = AM). For PRP-financed removals the date of the Action Memo, the date of the AOC, UAO or CD and the remedy code (C2731 = RV) must be reported in WasteLAN.

### NPL SITE CONSTRUCTION COMPLETIONS (S/C-3)

**Definition:** Starting in FY 93, construction at an NPL site is considered complete when physical construction of the remedy is complete. Remedial/removal implementation is complete as a result of a final RA or a ROD for the final OU stating that all necessary remediation is complete. A removal completion that cleans up an NPL site and is documented by a ROD that states that all necessary remediation is complete and that the site meets the requirements for site closeout also qualifies for an NPL site completion.

This is the definition to meet the Administrator's goal of 200 site completions by the end of FY 93. In order to receive credit for a final RA completion there are other requirements that must be met. These requirements are discussed in the definition for final RA completions. This definition can be found in Section 2: Pipeline Definitions.

#### **Definition of Accomplishment:**

RA site construction is complete when:

- RA construction activities at all OUs are complete;
- A pre-final inspection of the site has been conducted;
- A Preliminary Close-Out Report has been prepared. This report documents the completion of physical construction of the remedy, summarizes site conditions and construction activities and, as appropriate, provides the schedule for the joint final inspection (required before the start of O&F), approval of the O&M work plan and the establishment of institutional controls; and
- The designated Regional official (Division Director or above) signs the Preliminary Site Close-Out Report. The completion date must be reported in WasteLAN with the RA subevent, Preliminary Close-Out Report Prepared (C3101 = CC).

**Accomplishments are credited based on the completion date of the Preliminary Close-Out Report Prepared (C3101 = CC).**

RODs that state that no remediation is required are signed by the Regional Administrator/Deputy Regional Administrator or the AA SWER. The ROD must include a construction completion certification. There should be no RD or RA activities at this OU.

For sites where EPA has conducted a RA and the ROD at the final OU states that all necessary remediation has been completed, the Region is required to either prepare an Interim or Final Superfund Site Close-Out Report or document compliance with the statutory requirements for site closeout in the ROD and include a construction completion certification. The following data must be entered into WasteLAN:

- The RI/FS completion date;
- The ROD completion date;
- The Remedial Action Technology Type (C3401 = RT and C3402 = NA); and
- The completion date for the ROD subevent, Close-Out Report (C3101 = CL), *if a separate Interim or Final Superfund Site Close-Out Report is prepared.*

**Accomplishments are credited based on the ROD completion date, or the completion date in the Close-Out Report data field (C3101 = CL) if a separate Interim or Final Superfund Site Close-Out Report is prepared.**

Removal completion that cleaned up an NPL site (Fund financed) is credited when:

- The contractor has demobilized and left the site as documented in a Pollution Report (POLREP); and
- A ROD that states that all necessary remediation is complete has been signed. The ROD must document that the site meets the statutory requirements for site close-out.

Removal completion that cleaned up an NPL site (PRP-financed) is credited when:

- The Region certifies that the PRPs or their contractor have completed the removal action and fully met the terms of the AO, CD or judgment; and
- A ROD that states that all necessary remediation is complete has been signed. The ROD must document that the site meets the statutory requirements for site close-out.

The removal event qualifier that indicates that the site is cleaned up (C2103 = C) must be entered into WasteLAN. The date of signature of the ROD that states that all necessary remediation is complete must be entered in the removal completion and ROD completion data fields. The RA Technology Type (C3401 = RT and C3402 = NA) must also be entered into WasteLAN.

**Accomplishments are credited based on the ROD completion date.**

**Changes in Definition FY 92 - FY 93:** This is a new STARS measure in FY 93. The definition encompasses the final RA NPL site construction completion definition from Section 2: Pipeline Definitions. It also includes RODs where all necessary remediation has been completed. This measure also credits removals that clean up NPL sites. The

definition for removal completions is found in Section 4: Removal Definitions. However, in order for a removal to qualify under this measure, a ROD that states that all necessary remediation is complete must be prepared.

**Special Planning/Reporting Requirements:** The STARS measure NPL site construction completions includes final RA construction completion, RODs that state that all necessary remediation is complete, and removal completions at NPL sites as documented by a ROD stating that all necessary remediation is complete. Separate planning measures are negotiated in SCAP for each of these events.

**RA** - The date the designated Regional official signs the Preliminary Close-Out Report should be entered into WasteLAN with the Preliminary Close-Out Report Prepared subevent (C3101 = CC).

**ROD** The date of signature of the ROD that states that all necessary remediation is complete and documents that the site meets the statutory requirements for the site close-out must be entered into WasteLAN in the RI/FS completion and ROD completion data fields. If a separate Interim or Final Superfund Site Close-Out Report is prepared, the date the Regional Administrator signs the Interim or Final Superfund Site Close-Out Report is to be recorded in the Close-Out Report Completion subevent (C3101 = CL). The RA Technology Type (C3401 = RT and C3402 = NA) must also be entered into WasteLAN.

**Removal** - The removal event qualifier that states that the site is cleaned up (C2103 = C) is to be recorded in WasteLAN. The signature date of the ROD that states that all necessary remediation is complete upon completion of the removal must be entered into WasteLAN in the removal completion and ROD completion data fields. The RA Technology Type (C3401 = RT and C3402 = NA) must also be entered.

## FIVE-YEAR REVIEWS COMPLETED

**Definition:** Five-year reviews are intended to evaluate whether the response action implemented at an NPL site remains protective of public health and the environment. EPA will conduct five-year reviews of any site at which a remedy, upon attainment of the ROD cleanup levels, will not allow unlimited use and unrestricted exposure.

### Definition of Accomplishment:

**Start** (*Fund-financed*) - Obligation of funds for the five-year review.

**Start** (*PRP-financed*) - EPA approval of five-year review work plan.

**Completion** (*Fund and PRP*) - EPA acceptance of the five-year review report.

The five-year review must start within five years of the RA start (as defined in this Manual). The five-year review must be complete within five years of award of RA contract.

**Changes in Definition FY 92 - FY 93:** New definition for FY 93.

**Special Planning/Reporting Requirements:** Five-year reviews must be planned and reported site specifically in WasteLAN. Funds are allocated in the RA AOA. The WasteLAN event code for five-year reviews is C2101 = FA. This is a SCAP reporting measure.

## NPL DELETION INITIATION

**Definition:** The deletion process is initiated when performance monitoring of the completed remedy or remedies for the site has verified the integrity of the action and it has been determined that all necessary remediation has been completed.

**Definition of Accomplishment:** The deletion process is credited when a notice of intent to delete the site is published in the *Federal Register*. The deletion process is completed when the notice of deletion is published in the *Federal Register*.

**Changes in Definition FY 92 - FY 93:**

**Special Planning/Reporting Requirements:** This is a SCAP reporting measure.

## FEDERAL FACILITY NPL DELETION

**Definition:** Site completion (another name for a deletion candidate) is the point at which all response actions have been completed and no further RA is appropriate to protect public health and the environment. Pursuant to Section 300.425(e)(1) of the NCP, sites can be deleted or recategorized on the NPL, in consultation with the State, if one or more of the following criteria are met:

- Federal agency has implemented all appropriate response actions required by EPA;
- All appropriate Fund-financed responses under CERCLA have been implemented and no further response by the Federal Facility is appropriate; or
- Based on a remedial investigation, it is determined that the release poses no significant threat to human health or the environment and, therefore, taking remedial measures are not appropriate.

Deleting a site from the NPL does not eliminate the site's eligibility for future actions. The deletion process can be divided into three phases: initiation phase, public notice and comment phase, and the final (deletion) phase.

**Definition of Accomplishment:**

**Deletion Start Date:** The date the Regional Administrator approves the Final Superfund Site Close-Out Report. Regions and HQ should work closely with the Deletion Coordinator to prepare the documents necessary to delete a site from the NPL.

**Deletion Completion Date:** The date the responsive summary is approved by the Regional Administrator. (The Regional Administrator will then publish the notice of deletion in the *Federal Register*.)

**Changes in Definition FY 92 - FY 93:** New definition for FY 93.

**Special Planning/Reporting Requirements:** Federal Facility deletion start and completion are SCAP reporting measures.

## PROGRESS THROUGH ENVIRONMENTAL INDICATORS

**Definition:** This measure results from the Environmental Indicators program. It documents the number of sites where the following types of results have been achieved:

- Progress toward final cleanup goals; and
- Reductions of acute threats.

Either of these results may be achieved through implementing removal and/or remedial projects. Results are reported for each of the media affected at a site. These media include contaminated land, surface water, and ground water.

Progress toward final cleanup goals is reported as three levels of progress at NPL sites:

- Full achievement of site goals for a medium;
- Partial achievement of goals for a medium; and
- Cleanup underway.

Reduction of acute threats measures how often threats to human health have been eliminated at both NPL and non-NPL sites by preventing exposure to contaminated materials. Progress recorded by this indicator should reveal success in closing off exposure pathways. (See Volume I, Chapter II and Volume II, Appendix D for additional information on the Environmental Indicators program.)

**Definition of Accomplishment:** Same as definition.

### Changes in Definition FY 92 - FY 93:

**Special Planning/Reporting Requirements:** This is a STARS reporting measure. Accomplishment data will be reported in WasteLAN. The results should be reflected in the comment field of the STARS data base.

## EXHIBIT A-12: RESPONSE DEFINITIONS

PLANNING REQUIREMENTS	FIRST NPL REMOVAL OR RI/FS	REMEDIES SELECTED & ACTION MEMOS	NPL SITE CONSTRUCTION COMPLETIONS	NPL DEL. PROC. INIT.	FEDERAL FACILITY DELETION COMP	FIVE YEAR REVIEWS	ENVIRON- MENTAL INDICATORS
STARS?	YES *	YES	YES	NO	NO	NO	YES
SCAP?	NO	NO	NO	YES**	YES	YES	NO
TARGET OR MEASURE?	TARGET	TARGET	MEASURE	MEASURE	MEASURE	MEASURE	MEASURE
QUARTERLY TARGETS?	YES	YES	YES	NO	NO	NO	NO
IF YES, WHEN?	PRIOR TO FY	PRIOR TO FY	PRIOR TO FY				
PLANNED SITE SPECIFICALLY?	YES	YES	YES	YES	YES	YES	NO
IF YES, WHEN?	PRIOR TO FY	PRIOR TO FY	PRIOR TO FY	PRIOR TO FY	PRIOR TO FY	PRIOR TO FY	
PLANNED ON OPERABLE UNIT OR WHOLE SITE BASIS?	OPERABLE UNIT	OPERABLE UNIT	WHOLE SITE	WHOLE SITE	WHOLE SITE	WHOLE SITE	OPERABLE UNIT
PLANNED/REPORTED ON COMBINED PROGRAM LEAD OR ON A PROGRAM-SPECIFIC BASIS?	COMBINED#	COMBINED	COMBINED	COMBINED FUND AND PRI' SEPARATE FED FAC	PROGRAM SPECIFIC	COMBINED	COMBINED
REPORTED SITE SPECIFICALLY OR IN NON-SITE PORTION OF WASTELAND?	SITE SPECIFIC	SITE SPECIFIC	SITE SPECIFIC	SITE SPECIFIC	SITE SPECIFIC	SITE SPECIFIC	SITE SPECIFIC
AOA CATEGORY IF FUND- FINANCED?	RI/FS OR REMOVAL	N/A	N/A	N/A	N/A	RA	N/A
AOA CATEGORY FOR OVERSIGHT?	ENFORCE- MENT	N/A	N/A	N/A	N/A	RD	N/A
BASIS FOR AOA?	SITE SPEC. PLANS	N/A	N/A	N/A	N/A	SITE SPECIFIC PLANS	N/A

\* Includes projects with the following leads: Federal (F), State (S), PRP Action under State order/decrece (PS), In-house RI/FS (EP). Responsible party under Federal order/decrece (RP), and Mixed funding (MR).

\*\* Includes RA projects with the following leads: Federal (F), State (S), PRP action under State order/decrece (PS), PRP action under Federal order/decrece (RP), Mixed funding (MR), and Federal Facility (FF).

# Program specific goals are established prior to the FY.

## **SECTION 4: REMOVAL DEFINITIONS**

### **INTRODUCTION**

Requirements for the removal program differ from the remedial program due to the nature of removal activities. The removal program responds to emergency, time critical and non-time critical situations at NPL and non-NPL sites. Since so much of the removal work cannot be anticipated in advance, the planning horizon of these activities is significantly shorter than for remedial activities. Thus, quarterly commitments are not required. All SCAP/STARS targets, however, are established on an annual basis. Targets are planned site specifically prior to the quarter the removal is projected to begin. Site-specific removal funding needs are placed in WasteLAN the quarter prior to the expected obligation date. The annual removal commitments are placed in the Targets and Accomplishments portion of the CERHELP non-site data system. Credit will be given for NPL or non-NPL activities depending on the NPL status recorded in CERCLIS on the date accomplishment reports are pulled.

### **REMOVAL ACTIVITIES**

The following removal activities are tracked in SCAP and STARS:

- Removal Investigations at NPL Sites;
- Non-NPL PRP Search Starts;
- Non-NPL PRP Search Completion;
- AO Issued for Removal and RI/FS;
- NPL Removal Starts;
- Non-NPL Removal Starts;
- Emergency Response Activity;
- Removal Completions;
- NPL Site Completions Through Removal;
- Administrative Record (AR) Compilation Completion;
- Federal Facility Removals/Expedited Response Actions (ERA) Started; and
- Federal Facility Removals/ERAs Completed.

Federal Facility removals/ERAs started and completed are STARS/SCAP measures. First NPL removal start or first RI/FS start is a STARS target under S/C-4, Number of Sites Where Activity has Started, First NPL Removal Actions and RI/FS. Separate RI/FS and removal targets are established in SCAP. The definition for Number of Sites Where Activity has Started can be found in Section 3: Response Definitions. Action Memoranda signed for removal actions at NPL sites and remedial remedies selected are a STARS target under S/C-5. Separate ROD

and removal targets are established in SCAP. The definition for Remedial Remedies Selected and Action Memoranda Signed can be found in Section 3: Response Definitions. NPL site completions through removal actions are included in the STARS measure S/C-3, NPL Site Construction Completions, separate planning measures are negotiated in SCAP. The definition for NPL Site Construction Completions can be found in Section 3: Response Definitions.

Non-NPL and NPL removal starts are SCAP targets. SCAP commitments for removal starts are made on a combined program basis. Separate goals for Fund-financed and RP-lead removals are negotiated prior to the FY. Accomplishments are reported on a combined program basis. Removal investigations, non-NPL PRP search starts and completions, AOs issued for RI/FS or removal, removal completions, emergency response activity and AR compilation completion are SCAP measures.

NPL and non-NPL removal start definitions have been combined. The Federal Facility removal/ERA start and completion definitions have also been combined. The definition for AOs issued for removal and RI/FS can be found in the following section and Section 2: Pipeline Definitions.

Exhibit A-13 contains the SCAP/STARS targets and measures for the removal process.



EXHIBIT A-13: REMOVAL SCAP/STARS TARGETS AND MEASURES					
ACTIVITIES	STARS/SCAP TARGET	STARS REPORTING	SCAP REPORTING	QUARTERLY	ANNUAL
<b><u>REMOVAL</u></b>					
REMOVAL INVESTIGATIONS COMPLETED AT NPL SITES			X	X	X
FEDERAL FACILITY REMOVALS/ ERA START (FF E-3 (2))		X	X	X	X
NPL REMOVAL START	X**				X
NON-NPL REMOVAL START	X*				X
EMERGENCY RESPONSE ACTIVITY			X	X	X
REMOVAL COMPLETION			X	X	X
FEDERAL FACILITY REMOVAL/ERA COMPLETION		X	X	X	X
NPL SITE COMPLETION THROUGH REMOVAL		X**	X		X
<b><u>ENFORCEMENT</u></b>					
NON-NPL PRP SEARCH START			X	X	X
NON-NPL PRP SEARCH COMPLETE			X	X	X
ADMINISTRATIVE ORDER ISSUED FOR REMOVAL AND RI/FS			X	X	X
ADMINISTRATIVE RECORD COMPILATION COMPLETE			X	X	X
<p>* SCAP Target Only.</p> <p>** SCAP target only. First NPL removal start or first RI/FS start is a target under STARS S/C-4, Number of Sites Where Activity Has Started. Action memoranda for removal actions at NPL sites and remedies selected (RODs) are a combined target under STARS S/C-5.</p> <p>*** SCAP target only. NPL site completions through removal are included in the STARS measure S/C-3, NPL Site Construction Completions.</p>					

## REMOVAL INVESTIGATIONS AT NPL SITES

**Definition:** A removal investigation at an NPL site is the process of collecting field data at an NPL site for the purpose of characterizing the magnitude and severity of the problem to determine if a removal or quick response action is warranted.

Investigations may be conducted by the State, EPA and/or the Technical Assistance Team (TAT), and must include an on-site component, such as a walk around survey or sampling to be counted.

**Definition of Accomplishment:** The start of the removal investigation at NPL sites is defined as the date of the site visit or the start of the review process if no site visit took place. The completion is defined as the signature of an Action Memorandum, the date of a memorandum to the file documenting the decision not to perform a removal action, or signature of the Site Evaluation Report. The removal investigation completion date must be entered into WasteLAN.

### Changes in Definition FY 92 - FY 93:

**Special Planning/Reporting Requirements:** This is a SCAP reporting measure. Accomplishments are reported site specifically in WasteLAN using event (C2101) type "RS." Removal investigations at NPL sites are tracked on a calendar year basis.

## NON-NPL PRP SEARCH STARTS

**Definition:** The purpose of the PRP search is to identify PRPs. It should be done prior to the start of the removal action when possible or very soon after the initiation of the emergency response.

**Definition of Accomplishment:** If the search is being conducted by a contractor, the start date is considered to be the date the work assignment is procured. If it is conducted by EPA, the start date is the day the EPA staff begins the PRP search activities.

### Changes in Definition FY 92 - FY 93:

**Special Planning/Reporting Requirements:** Non-NPL PRP searches should be planned site specifically to the maximum extent possible. All targeted non-NPL removal starts should have an associated projection for a non-NPL PRP search. Funds for non-NPL PRP searches are requested in CERHELP. Projections for non-NPL PRP searches should be placed in the Targets and Accomplishments portion of CERHELP. This is a SCAP reporting measure.

## NON-NPL PRP SEARCH COMPLETION

**Definition:** A PRP search is the action taken by the Region to identify the responsible parties at a site.

**Definition of Accomplishment:** The PRP search is complete when PRPs at a site have been identified, all applicable activities described in the Agency's PRP Search Manual have been completed, and the date and outcome of the search have been entered into WasteLAN. If no PRPs are found, the date and the outcome of the search are entered into WasteLAN.

### **Changes in Definition FY 92 - FY 93:**

**Special Planning/Reporting Requirements:** Non-NPL searches should be planned site specifically to the maximum extent possible. All targeted non-NPL removal starts should have an associated projection for a non-NPL PRP search. These projections should be placed in the Targets and Accomplishments portion of CERHELP. This is a SCAP reporting measure.

### **ADMINISTRATIVE ORDERS ISSUED FOR REMOVAL AND RI/FS**

**Definition:** Administrative Orders (AOC and UAO) are an enforcement tool to compel the PRPs to assume responsibility for removal actions.

**Definition of Accomplishment:** Report Section 104/106/122 administrative orders (AOC and UAO) issued by EPA for PRPs to conduct removal actions and/or RI/FSs. Credit for the order is based on the date the order is signed by the Regional Administrator as recorded in WasteLAN.

### **Changes in Definition FY 92 - FY 93:**

**Special Planning/Reporting Requirements:** Projections for AOs for removal actions are made in the Targets and Accomplishments portion of the CERHELP non-site data base. This is a SCAP reporting measure.

### **REMOVAL STARTS — NPL AND NON-NPL**

**Definition:** A removal is a response action taken to prevent or mitigate a threat to public health, welfare or the environment posed by the release or potential release of a CERCLA hazardous substance, or an imminent or substantial risk posed by a pollutant or contaminant.

In order for the NPL removal to be counted in the STARS target S/E-4, Number of Sites Where Activity has Started, First NPL Removal Actions or RI/FS, it must not have had previous Fund-financed or PRP removal or RI/FS activity at the site.

#### **Definition of Accomplishment:**

*Fund-financed* - A Fund-financed removal counts toward this target when on-site removal work is begun as documented in the POLREP. Prior to on-site work beginning, the following actions usually occur:

- The Action Memorandum is approved by the OSC, Regional Administrator or AA SWER; and
- A Delivery Order has been issued by EPA under the ERCS contract or a contract has been signed for a U.S. Coast Guard (USCG) on-site removal; and
- An obligation for the removal has been recorded in WasteLAN and the Integrated Financial Management System (IFMS) or the OSC activates \$50,000; and
- On-site removal work has begun.

The date the on-site work began is the start date for the removal action.

**PRP-financed** - A PRP removal counts when there is on-site removal activity financed by the PRP in compliance with an AO (unilateral or consent), CD or judgment. The date the PRPs begin actual on-site work (as entered in WasteLAN) is the start date. If PRPs start the removal and become in substantial non-compliance and the Fund takes over the removal, credit will be given for a PRP start but the Fund will be credited for the completion, because PRPs have not met the terms of the AO or CD. If the PRPs do not comply with a UAO, credit for the removal is not given. Regions will receive credit under SCAP for issuing the UAO. No credit will be provided where a PRP is conducting a response without an enforcement document.

**Changes in Definition FY 92 - FY 93:** Added that the removal work must be documented in a POLREP.

**Special Planning/Reporting Requirements:** Plans are made site specifically prior to the quarter the removal is expected to begin; TBD sites are allowed. Annual targets for removals are established in the Targets and Accomplishments portion of the CERHELP data base. A limit is placed on the number of Fund-financed removal starts. Commitments for non-NPL removals are made based on a combined Fund and PRP financed and first and subsequent basis. Removal starts is a SCAP target.

First NPL removal start or first RI/FS start is a target under STARS. Separate targets are established in SCAP for RI/FS starts and removal starts. Regions cannot receive credit for a site under STARS S/C-4, Number of Sites Where Activity Has Started, First NPL Removal Action or RI/FS, if an RI/FS or NPL removal began or was conducted at the site in a previous year. Regions also cannot receive credit for both an RI/FS start and a removal under STARS if they are started in the same year. Credit is given for the first activity started and a site can receive credit only once. Therefore, historical data need to be reviewed prior to negotiating commitments and recording accomplishments in STARS. Regions can receive credit for both activities under SCAP.

Action Memoranda for removal actions at NPL sites and remedial remedies selected (RODs) are a combined target under STARS S/C-5. Separate targets are established in SCAP for removal starts and RODs.

Definitions for Number of Sites Where Activity Has Started and Remedies Selected and Action Memoranda Signed can be found in Section 3: Response Definitions.

## EMERGENCY RESPONSE ACTIVITY

**Definition:** An emergency response activity is an action performed by an EPA OSC within 24 hours of receipt of an oil or hazardous substance incident notification. Such actions include OSC field investigations, OSC on-scene monitoring, and the start of a removal action; or OSC participation in emergency response field simulations.

Note that the time frame of 24 hours for response is used, as opposed to “hours or days,” in order to capture first responder type activities and “days” is simply too open-ended. These activities will only be counted when they are performed in the field and an EPA OSC performs them. This pertains to simulations as well; table-top exercises do not count. Training activities are purposely omitted. Contractor activities, for example, TAT investigations, do not count as an accomplishment under this measure. The purpose of this measure is to identify and track emergency response activities performed by EPA OSCs to support OSC readiness initiatives.

**Definition of Accomplishment:** An Emergency Response Activity must be performed by an EPA OSC and documented. Appropriate documentation includes the report date in the Emergency Response Notification System (ERNS) Version 4.0 and the following:

- Entry follow-up component of ERNS. To enter these data, check off “Emergency Response Activity”; enter the “Emergency Response Activity Date”; enter the “Responding OSC” name; and check off the appropriate activity (e.g., field simulation, release investigation, etc.).
- Entry in WasteLAN of an emergency removal action start and entry in the follow-up component of ERNS to tie the removal action to the notification through supporting comments, including “Responding OSC” name.

The note to the file or POLREP requirement provides backup documentation, as well as more details for future applications (e.g., lessons learned, technology transfer, etc.).

**Changes in Definition FY 92 - FY 93:** Changes were made in how the information is reported in ERNS.

**Special Planning/Reporting Requirements:** This is a SCAP reporting measure. Accomplishments should be reported site specifically in ERNS, entered into WasteLAN at the Regional level on a quarterly basis, and uploaded to CERHELP.

## NPL AND NON-NPL REMOVAL COMPLETIONS

**Definition:** A removal is complete when the conditions specified in the Action Memorandum have been met even if the OSC determines that additional response work may be necessary.

**Temporary demobilization and temporary storage on-site are not considered completions**, unless temporary storage is the only action identified in the Action Memorandum to mitigate threats to public health, welfare and the environment. Likewise, **temporary off-site storage** of hazardous substances at a Treatment, Storage, and Disposal (TSD) facility other than the facility of ultimate disposal is a continuation of the removal action, **not a completion**. In addition, removal action **would not** be considered complete if:

- Hazardous substances stored on-site are being monitored by the ERCS contractor or if any additional ERCS expenditures are anticipated, or
- Hazardous substances are being stored at an off-site facility, other than the ultimate TSD facility.

A removal action **would** be considered complete if:

- The scope of work for the removal action does not specify final off-site disposal of hazardous substances, the substances have been stabilized and are stored on-site, and no additional CERCLA removal program funds are anticipated to be expended at the site. In this case, hazardous substances may be expected to undergo long-term storage on-site due to circumstances such as the unavailability of a final treatment/disposal remedy. In this instance, no CERCLA removal program funds will be expended for long-term site O&M. Any long-term (greater than 6 months) site O&M will be performed by the PRP or another agency (e.g., State).

Hazardous substances are being stored off-site at the location of final disposal, and no additional ERCS expenditures are anticipated.

**Definition of Accomplishment:**

*Fund-financed* - Completions are counted when the actions specified in the Action Memorandum are complete, the contractor has demobilized and left the site, as documented in a POLREP, and no additional ERCS expenditures are anticipated for the action, as documented in a POLREP and recorded in WasteLAN.

*PRP-financed* - Completions will count when the Region has certified, by entering a date in WasteLAN, that the PRPs or their contractors have completed a removal action and fully met the terms of an AO, CD or judgment.

**Changes in Definition FY 92 - FY 93:** Added that the completion must be documented in a POLREP.

**Special Planning/Reporting Requirements:** This is a SCAP reporting measure. Accomplishments are reported based on combined Fund and PRP-financed and first and subsequent NPL and non-NPL removal completions. Projections on the number of NPL removal completions are placed in the Targets and Accomplishments portion of the CERHELP non-site data system. The removal event qualifier (C2103) is to be recorded in WasteLAN.

## **NPL SITE COMPLETIONS THROUGH REMOVAL**

**Definition:** An NPL site is completed through a removal action when conditions specified in the Action Memorandum or ROD have been met and all necessary remediation at the site has been completed.

**Definition of Accomplishment:**

*Fund-financed* - A removal completion that cleaned up an NPL site is credited when:

- The contractor has demobilized and left the site as documented in a POLREP; and
- A ROD that states that all necessary remediation is complete has been signed. The ROD must document that the site meets the statutory requirements for the site closeout.

*PRP-financed* - A removal completion that cleaned up an NPL site is credited when:

- The Region certifies that the PRPs or their contractor have completed the removal action and fully met the terms of the AO, CD or judgment;
- A ROD that states that all necessary remediation is complete has been signed. The ROD must document that the site meets the statutory requirements for site close-out.

The removal event qualifier that states the site is cleaned up (C2103 = C) must be entered into WasteLAN. The date of the signature of the ROD that states that all remediation is complete must be entered in the removal completion and ROD completion data fields. The RA technology type (C3401 = RT and C3402 = NA) must also be entered into WasteLAN.

**Changes in Definition FY 92 - FY 93:** Added requirements for completion of a ROD that states that all necessary remediation is complete.

**Special Planning/Reporting Requirements:** This is a SCAP target. It is planned site specifically and includes Fund-financed and PRP removals. NPL site completions through removal are included in the STARS measure S/C-3, NPL Site Construction Completion. The definition for NPL Site Construction Completion can be found in Section 3: Response Definitions.

## ADMINISTRATIVE RECORD COMPILATION

**Definition:** An AR is a compilation of all documents which EPA used to make a specific decision on the appropriate response action to be taken at a Superfund site. SARA specifies that ARs be compiled at sites where remedial or removal responses are planned or are occurring, or where EPA is issuing a UAO or initiating litigation.

**Definition of Accomplishment:** The AR compilation is complete when the compilation is certified by the program office. The AR compilation begins when the AR is received at the site repository and the start date is entered into WasteLAN.

**Changes in Definition FY 92 - FY 93:** Completion definition was modified to match December 1990 guidance.

**Special Planning/Reporting Requirements:** The completion of the AR must be reported site specifically in WasteLAN. To indicate that the AR is for a removal activity, a "V" must be recorded in the Event Qualifier field (C2103).

## FEDERAL FACILITY REMOVALS/ERAs (FFE-3(2))

**Definition:** Removal actions and ERAs are defined in CERCLA as the cleanup or removal of released hazardous substances from the environment, and the necessary actions taken in the event of the threat of release of hazardous substances into the environment. Removal actions and ERAs are conducted in response to emergency, time critical, and non-time critical situations at NPL and non-NPL sites.

**Definition of Accomplishment:**

Removal Start Date: Date the Federal agency begins actual on-site removal work, or the date of Action Memorandum signature, or other decision document signature/approval.

Removal Completion Date: Actual date the Federal agency has demobilized, completing the scope of work set forth in the Action Memorandum or other decision document.

**Changes in Definition FY 92 - FY 93:** New definition for FY 93.

**Special Planning/Reporting Requirements:** This is a STARS/SCAP reporting measure and must be planned and reported site specifically.

**Exhibit A-14: REMOVAL DEFINITIONS**

<b>PLANNING REQUIREMENTS</b>	<b>NPL REM. INVEST.</b>	<b>NON-NPL PRP SEARCH START</b>	<b>NON-NPL SEARCH COMP.</b>	<b>AO FOR REMOVAL</b>	<b>EMERG. RESP. ACT.</b>
<b>STARS?</b>	NO	NO	NO	NO	NO
<b>SCAP?</b>	YES	YES	YES	YES	YES
<b>TARGET OR MEASURE?</b>	MEASURE	MEASURE	MEASURE	MEASURE	MEASURE
<b>QUARTERLY TARGETS SET?</b>	NO	NO	NO	NO	NO
<b>IF YES, WHEN?</b>					
<b>PLANNED SITE SPECIFICALLY?</b>	NO	NO	NO	NO	NO
<b>IF YES, WHEN?</b>					
<b>PLANNED/REPORTED ON OPERABLE UNIT OR WHOLE SITE BASIS?</b>	WHOLE SITE	WHOLE SITE	WHOLE SITE	WHOLE SITE OR OPERABLE UNIT	WHOLE SITE
<b>REPORTED ON COMBINED PROGRAM LEAD OR ON A PROGRAM-SPECIFIC BASIS?</b>	N/A	N/A	N/A	N/A	PROGRAM SPECIFIC
<b>REPORTED SITE SPECIFICALLY OR IN NON-SITE PORTION OF WASTELAN?</b>	SITE SPECIFIC	SITE SPECIFIC	SITE SPECIFIC	SITE SPECIFIC	SITE SPECIFIC IN ERNS
<b>AOA CATEGORY IF FUND FINANCED?</b>	REMOVAL	ENFORCEMENT	N/A	ENFORCEMENT	REMOVAL
<b>AOA CATEGORY FOR OVERSIGHT?</b>	N/A	N/A	N/A	N/A	N/A
<b>BASIS FOR AOA?</b>	SITE SPEC. PLANS & CONTINGENCY	NON-SITE SPECIFIC PLANS	N/A	SITE SPECIFIC PLANS	SITE SPECIFIC PLANS & CONTINGENCY

\* First RI/FS start or first NPL removal is a combined target under STARS, S/C-4. Action memoranda for removal actions and RODs are a combined target under STARS, S/C-5.

\*\* NPL removal site completions, RODs that state that all remediation is complete and final RA construction completions are combined under STARS S/C-3, NPL Site Construction Completions.

\*\*\* "To Be Determined" sites are allowed.

# Separate program specific goals are established prior to FY. A limit is placed on the number of Fund-financed NPL removal starts.



**EXHIBIT A-14: REMOVAL DEFINITIONS (CONTINUED)**

PLANNING REQUIREMENTS	FED FAC REMOVAL ERA START	NPL REM. START	NON-NPL REM. START	FED FAC REMOVAL/ ERA COMP.	REM. COMP.	NPL REM. SITE COMP.
STARS?	YES	NO*	NO	YES	NO	NO**
SCAP?	YES	YES	YES	YES	YES	YES
TARGET OR MEASURE?	MEASURE	TARGET	TARGET	MEASURE	MEASURE	TARGET
QUARTERLY TARGETS SET?	NO	NO	NO	NO	NO	NO
IF YES, WHEN?						
PLANNED SITE SPECIFICALLY?	YES	YES***	YES***	YES	YES	YES
IF YES, WHEN?	PRIOR TO FY	PRIOR TO QUARTER	PRIOR TO QUARTER	PRIOR TO FY	PRIOR TO QUARTER	PRIOR TO QUARTER
PLANNED/REPORTED ON OPERABLE UNIT OR WHOLE SITE BASIS?	OPERABLE UNIT	WHOLE SITE/ OPER. UNIT	WHOLE SITE	OPERABLE UNIT	WHOLE SITE/ OPER. UNIT	WHOLE SITE
REPORTED ON COMBINED PROGRAM LEAD OR ON A PROGRAM-SPECIFIC BASIS?	PROGRAM SPECIFIC	COMBINED #	COMBINED #	PROGRAM SPECIFIC	COMBINED	COMBINED
REPORTED SITE SPECIFICALLY OR IN NON-SITE PORTION OF WASTELAND?	SITE SPECIFIC	SITE SPECIFIC	SITE SPECIFIC	SITE SPECIFIC	SITE SPECIFIC	SITE SPECIFIC
AOA CATEGORY IF FUND FINANCED?	N/A	REMOVAL	REMOVAL	N/A	N/A	N/A
AOA CATEGORY FOR OVERSIGHT?	FEDERAL FACILITY	ENFORCE- MENT	ENFORCE- MENT	N/A	N/A	N/A
BASIS FOR AOA?	WORK- LOAD MODEL ALLOC.	SITE SPEC. PLANS & CONTING- ENCY	SITE SPEC. PLANS & CONTING- ENCY	N/A	N/A	N/A

\* First RI/FS start or first NPL removal is a combined target under STARS, S/C-4. Action memoranda for removal actions and RODs are a combined target under STARS, S/C-5.

\*\* NPL removal site completions, RODs that state that all remediation is complete and final RA construction completions are combined under STARS S/C-3, NPL Site Construction Completions..

\*\*\* "To Be Determined" sites are allowed.

# Separate program specific goals are established prior to FY. A limit is placed on the number of Fund-financed NPL removal starts.