



DIRECTIVE NUMBER: 9830.2

TITLE: REGIONAL OVERSIGHT OF FEDERAL
FACILITY CLEANUPS UNDER CERCLA

APPROVAL DATE: NOVEMBER 25, 1985

EFFECTIVE DATE: NOVEMBER 25, 1985

ORIGINATING OFFICE: OWPE

☒ FINAL

☐ DRAFT

STATUS:

REFERENCE (other documents):

OSWER OSWER OSWER
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United States Environmental Protection Agency Washington, DC 20460		Interim Directive Number 9830.2
OSWER Directive Initiation Request		
Originator Information		
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Lead Office <input type="checkbox"/> OERR <input type="checkbox"/> OSW <input type="checkbox"/> OUST <input checked="" type="checkbox"/> OWPE <input type="checkbox"/> AA-OSWER	Approved for Review Signature of Office Director <i>[Signature]</i>	
		Date 11/15/85
Title Regional Oversight of Federal Facility Cleanups Under CERCLA		
Summary of Directive <p>The purpose of the memo is to reemphasize the importance of oversight of Federal facilities (FF). Regional roles and responsibilities for FF oversight are outlined in the draft <u>Federal Facilities Program Manual for Implementing CERCLA Responsibilities of Federal Agencies</u> sent to the Regions in July. Regions questioned whether the Manual applied to non-NPL FF. This memo directs Regions to focus their efforts on NPL FF.</p> <p>Resources specifically earmarked for FF oversight at NPL sites are limited. Regions should use resources dedicated in the OERR model for oversight and, if necessary, the general resources for private party response. There are no resources for oversight at non-NPL FF sites. Federal agencies frequently ask for technical assessment and review of reports at their non-NPL sites - the resource implications of this are currently being examined.</p> <p>The memo describes the direction of reauthorization for FF, i.e. stronger requirements for Federal agencies and a clearer definition of EPA's role and authority. Issuance of the <u>Program Manual</u> in final will be deferred until after reauthorization so that it reflects the new requirements.</p>		
Type of Directive (Manual, Policy Directive, Announcement, etc.) Policy Directive		Status <input type="checkbox"/> Draft <input checked="" type="checkbox"/> Final <input checked="" type="checkbox"/> New <input type="checkbox"/> Revision
Does this Directive Supersede Previous Directive(s)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		Does It Supplement Previous Directive(s)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
If "Yes" to Either Question, What Directive (number, title) It supplements the FF Program Manual which was issued in draft before the Directives System so there is no number		
Review Plan <input checked="" type="checkbox"/> AA-OSWER <input type="checkbox"/> OERR <input type="checkbox"/> OSW <input type="checkbox"/> OUST <input type="checkbox"/> OWPE <input type="checkbox"/> Regions <input type="checkbox"/> OECM <input type="checkbox"/> OGC <input type="checkbox"/> OPPE <input checked="" type="checkbox"/> Other (Specify) OEA		
This Request Meets OSWER Directives System Format		
Signature of Lead Office Directives Officer <i>[Signature]</i>		Date 11/15/85



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

OSWER # 9830.2

NOV 25 1985

MEMORANDUM

SUBJECT: Regional Oversight of Federal Facility Cleanups
Under CERCLA

FROM: J. Winston Porter *JW to Peter*
Assistant Administrator for Solid Waste and
Emergency Response

Jennifer Joy Manson *Jennifer Joy Manson*
Assistant Administrator for External Affairs

TO: Addressees

The purpose of this memorandum is to reemphasize the importance of oversight at Federal facilities. As you know, the draft Federal Facilities Program Manual for Implementing CERCLA Responsibilities of Federal Agencies states that oversight at Federal facilities should be to the same degree as oversight of potentially responsible parties (PRPs). Consistent with Agency policy, efforts should be focused on Federal facilities identified as "priority" using the Hazard Ranking System.

The importance we place on Federal facility oversight is reflected in the new target in the FY86 Superfund Comprehensive Accomplishments Plan (SCAP) for Federal facility remedial investigations and feasibility studies (RI/FS). Regional resources to conduct oversight of Federal facility RI/FS have been programed in the FY86 budget. Eight FTE were programed for EPA assistance at 16 Federal facilities based on an average pricing factor of 0.5 FTE for a facility. Resources were distributed based on Federal facility starts projected by the Regions in the FY86 Preliminary SCAP. Since only nine Federal facilities were included in the SCAP by the Regions for FY86, 4.5 FTE were identified for Federal facility support. The 4.5 FTE were distributed through OERR's workload model. Although the resources are conveyed via an OERR budgetary account, the resources are intended for whatever unit the Regional Administrator designates for CERCLA oversight of Federal facilities.

We recognize that the resources programed in the budget for Federal facility oversight are limited, but the Regions are nevertheless expected to conduct oversight activities at priority sites as outlined in the Federal Facility Staff Guidance Supplement and the appendix to this memo. The burden of this oversight effort should be shared between the enforcement and the remedial programs. For example, resources allocated to the Regions for Preliminary Assessments/Site Inspections (PA/SIs) can be used to review Federal facility Phase I reports and for scoring the site for NPL purposes. The resources in the OERR model, and, if necessary, the general resources for private party response should be used for oversight activities. Federal facility oversight should not suffer for lack of resources. We expect the SCAP target for RI/FS starts at Federal facilities to be achieved or exceeded next fiscal year.

In addition, the current Office of Federal Activities (OFA) workload model recognizes the role of the Federal Facility Coordinator in coordinating the flow of information between the Federal facility and the EPA Region and in resolving disputes which may arise. (These responsibilities are outlined in detail in the Program Manual.)

The importance Congress places on Federal facility oversight is reflected in the bill passed by the Senate and the amendments proposed by the House during the reauthorization of CERCLA. For example, S.51 has the following provisions:

- ° Not later than six months after inclusion of Federal facilities on the NPL, or within six months of enactment of the Act, whichever is later, the Federal agency shall enter into an Interagency Agreement (IAG) with EPA and the State for the RI/FS. The IAG shall include a timetable and deadline for the RI/FS.
- ° Within six months after completion of the RI/FS, the Federal agency shall enter into an IAG with EPA for remedial action. The IAG will require that "substantial physical onsite remedial action is commenced at each facility within twelve months after completion of remedial design."
- ° The IAG shall include a review of alternatives with selection of remedial action plan by EPA, a schedule for completion of remedial actions, and arrangements for long term operation and maintenance of the facility.

Language in the House bills may be subject to revision. However, the direction is toward stronger requirements for Federal agencies and a clearer definition of EPA's role and authority.

Since Federal facilities are under such scrutiny by Congress, you may receive additional requests for technical assistance and review of reports at non-NPL sites. We recognize the increased workload associated with this oversight and are currently examining the resource implications.

You should, therefore, anticipate an increased level of oversight activity as the Federal agencies respond to the stronger requirements. We plan to account for any increases in the level of oversight activity required by reauthorization by including resources for Federal facility oversight in the FY87 budget request.

Since the final draft Federal Facilities Program Manual was issued in June 1985, it does not incorporate the provisions of reauthorization. Issuance of guidance will be deferred until after reauthorization so that it reflects the new requirements. We plan to issue a draft Manual after reauthorization for review by the Regions and Federal agencies before finalizing the Manual.

If you have any questions about this memo, please contact Linda Southerland at FTS 382-2035 or Lee Herwig at FTS 382-5908.

Addressees:

Regional Administrators, Regions I-X
Directors, Waste Management Divisions, Regions I, IV, V,
VII, VIII
Director, Emergency and Remedial Response Division, Region
II
Director, Hazardous Waste Management Division, Region III
Directors, Air & Waste Management Divisions, Regions II, VI
Director, Toxics & Waste Management Division, Region IX
Director, Hazardous Waste Division, Region X
Regional Counsels, Regions I-X

cc:

Henry Longest, OERR
Fred Stiehl, OECM
Steve Leifer, OECM
Lee Herwig, OFA

APPENDIX: OVERSIGHT ACTIVITIES

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Oversight activities for Federal facilities parallel those for Fund-financed and responsible party cleanups and include the following:

- Review Federal agency site identification programs and visit Federal facilities as necessary to ensure that programs are sufficient in scope, technically sound, and adequately funded
- Review PA report and recommend whether SI should be conducted
- Review SI and recommend either no further CERCLA action or HRS scoring
- HRS scoring
- Develop, with Federal agency, Initial Management Agreement for RI/FS
 - review of draft and interim versions of RI/FS workplans and reports
 - review and concurrence on RI/FS workplans
 - preparation, review, and concurrence on final RI/FS reports
- Develop, with Federal agency, Management Agreements for remedy
- Provide community relations assistance
- Review Federal agency action memo for removals. Monitor progress of removals
- Review preliminary, intermediate, prefinal, and final RD submittals
- Review monthly progress reports of RA and final RA technical report
- Attend prefinal RA construction conference, a prefinal RA inspection, and final RA inspection