



# Superfund Design and Construction Update

Office of Emergency and Remedial Response  
Hazardous Site Control Division OS - 220

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## REMEDIAL ACTION PRIORITIZATION

Prior to fiscal year 1989, the Superfund program had sufficient funding to support all remedial actions that were ready for implementation. However, the remedial action (RA) budget for FY89 was severely curtailed. By the fourth quarter, it appeared that for the first time, funding was not sufficient to cover all of the RA projects ready for funding. Because of the inadequate funding and the recommendations of the Superfund Management Review (90-day study) for addressing the worst sites first, a prioritization process was developed so that funds could be allocated among RA projects on the basis of environmental and public health parameters.

A ranking scheme for prioritizing projects was developed. It consists of five categories and is based on the immanence and risk level of the threat posed at a site. A workgroup composed of one senior

management representative from each Region and three from OERR was established to implement the process. The workgroup was charged to meet at least twice annually to evaluate each candidate site and to rank the site on the priorities list. Sites are now funded in ranked order during the year.

To initiate the funding process, a Region must submit descriptions of the sites and explanations of how the sites meet the criteria for the funding category proposed by the Region to the workgroup. After a site is ranked, the Region must obtain an RA Advice of Allowance. This will be issued when three criteria are met. The criteria are: (1) the remedial design must be at least 90 percent complete, (2) the Superfund State Contract (SSC) must be in place, and (3) the State Capacity Assurance Plan must be approved.

There are two exceptions to the ranking process. One exception applies if the project is determined to be ongoing. For example, this would apply when a contract has been awarded and additional funding is required for covering increased quantities. Funding is guaranteed so that work will not stop. The other exception applies to projects of less than \$2.5 million that meet the criteria for issuing an Advice of Allowance. These projects can be funded out of order from a portion of the RA funds set aside to help expedite responses.

Any questions concerning RA prioritization should be addressed to a Regional workgroup member or to Tom Sheckells or Ken Ayers of OERR at FTS 382-2466 or 475-6707, respectively.

## NEW DEVELOPMENTS IN STATE AND LOCAL SUPERFUND INTERACTION

Superfund sites have been, and will continue to be, of interest and concern to people in surrounding communities and to the general public. Information may be limited, and citizens often feel that the government is unconcerned about their problems and uninterested in truly cleaning up the contaminated area. Often sites are not identifiable as hazardous waste sites because visible drums have been removed or contamination is concealed below the surface. In addition, a cleanup can be long and uneventful, leaving the impression that no action is being taken.

Increasing the public's awareness is necessary to counteract widespread

confusion about Superfund projects, prevent dissemination of wrong or falsely represented information, and prevent accidents. The most recent, easiest, and perhaps fastest way to inform and educate interested parties is posting signs at every Superfund site.

At each Superfund program area, regardless of site lead, EPA will require a sign to be posted that:

- Identifies the site as an EPA Superfund project, and
- Provides a phone number for reporting criminal or suspicious activities

If necessary, the lead agency may use the EPA Inspector General's toll-free number (800-424-4000), but, if available, a State or Regional contact may be more appropriate. EPA has proposed language in 40 CFR, Part 35, Subpart O, *Cooperative Agreements and Superfund State Contracts for Superfund Response Actions*, that requires this action be taken to encourage greater understanding of EPA Superfund projects. (See Figure 1, on page 2, for an example of a sign.)

To further a positive and growing relationship with affected communities and

# NEW DEVELOPMENTS IN STATE AND LOCAL SUPERFUND INTERACTION

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the public, EPA suggests that the following information be included on the sign:

- EPA logo
- Name of site
- Name and number of Community Relations Coordinator
- Funding amounts and sources, including state matching funds


All signs should be constructed in dimensions consistent with other EPA projects. Prominently displayed, the sign can provide invaluable information to interested parties.

In the past, similar initiatives have been successfully implemented in other environmental programs, including EPA's Office of Water. For example, posting signs at sites is required by all construction contracts for water pollution control facilities

By including the posting of signs as a requirement of Cooperative Agreements and State Contracts for Superfund (40 CFR, Part 35, Subpart O), EPA hopes to increase the overall effectiveness of the

Superfund program. Additional guidance and specifications will be provided in the Revised Remedial Design and Remedial Action Guidance.

For further information, please contact Ms. Nadine Shear, State and Local Coordination Branch, at FTS 382-2450 or commercially at (202) 382-2450.



**SUPERFUND CLEANUP**

Name of Site \_\_\_\_\_  
EPA Site # \_\_\_\_\_

\$ \_\_\_\_\_ Federal Government  
\$ \_\_\_\_\_ State & Local Governments

**To obtain more information on the site, contact:**

- U.S. EPA Community Relations Coordinator:
- State/Local Community Relations Coordinator:

**To report suspicious/criminal activities, contact:**

- U.S. EPA Hotline: 1-800-424-4000
- State Agency

**Figure 1. Sample Superfund Sign.** (Depending on the lead agency and other circumstances of the site, a sign may contain some, but not all, of the contacts shown above.)

## DESIGN AND CONSTRUCTION ADVISOR FOR ARCS PROJECTS

The successful execution of a construction project requires the application of both technical and administrative skills. The nature of construction projects is such that work cannot be suspended while issues are being resolved without incurring substantial delay costs. In the Alternative Remedial Contracting Strategy (ARCS) Program, Remedial Project Managers (RPMs) and contracting officers often will be required to interpret technical specifications and contract clauses while work is in progress. To assist them, they need the services of an experienced Design and Construction Advisor (DCA).

The DCA must be a registered Professional Engineer with significant construction management experience on projects similar in size and complexity to ARCS projects. Theoretically, the RPM and the DCA could be the same individual if the RPM has the required background. More likely, however, many individuals in the Agency may not have experience or may occupy a more senior position than that of an RPM. Therefore, if no one is avail-

able to serve as a DCA, the RPM must look to sources outside of the Agency.

The Bureau of Reclamation (BUREC) is one potential outside source for DCAs. DCAs are experienced construction-liaison engineers. They are available from the Denver, Colorado, office on short notice to advise RPMs and contracting officers on ARCS technical issues. They can provide the following services:

- Perform preliminary design reviews to verify appropriateness and constructibility.
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- Perform final design reviews with claims prevention as the focus.
- Review the ARCS contractor's work plan for implementing and completing the construction work.
- Participate in the preconstruction conference.
- Analyze construction changes and claim reviews, including cost estimates

and provide technical support to the Region if litigation is involved.

- Participate in the pre-final inspection of the construction site; review records, tour the site; and assist in preparing a "punch list" of items required to complete the work at the site.
- Provide advice by telephone to the RPM in response to issues that arise at the construction site.

To supplement the DCAs, BUREC has a Claims Analysts Section whose personnel can review high-cost or complex construction changes and claims. The staff includes registered Professional Engineers and cost/price analysts representing a wide range of experience in construction and claims issues.

EPA Headquarters has an Interagency Agreement with BUREC to provide the services of DCAs at no cost to the requesting Region. To arrange for a DCA for your ARCS construction project, contact Ms. Tracy Loy, Design and Construction Management Branch, at FTS 382-7997 or commercially at (202) 382-7997.

## EASEMENTS VS. ACCESS AGREEMENTS AT SUPERFUND SITES

With more projects entering the remedial action phase, RPMs are faced with increasingly complex access issues at Superfund sites. EPA Headquarters personnel acknowledge confusion on the part of the RPM in dealing with these issues.

This article will provide the RPM with guidance to obtain the necessary legal documentation to permit entry and use of property that is not contaminated and not threatened by contamination.

EPA, under Section 104(e) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), has the authority to access any private property that is contaminated or threatened with contamination to undertake a remedial action.

At some sites, a Region may determine that access to portions of adjacent property is necessary for construction purposes or for long-term remedial action. Two mechanisms for securing uncontaminated private property are access agreements and easements. An access agreement, negotiated between the Region and the owner, should only be

used when entry to the property is necessary for design work or additional testing. A voluntary access agreement for uncontaminated private property is not binding on the part of the owner and can be revoked at any time. Because it is not considered an interest in property, the owner cannot be compensated for the use or loss of use of the property.

The Region should consider access agreements only in those situations where EPA will not be performing any type of intrusive action on the property. Because the agreements are not tied to the property title in any way and are revokable, the Region should negotiate these types of agreements on a short-term basis, up to one year.

Easements, on the other hand, are considered interest in property and fall under the acquisition provisions of Section 104(j) of CERCLA. Property easements should be acquired when EPA will take intrusive actions on a portion of uncontaminated private property. Examples of intrusive actions include: constructing a RCRA cap against the site boundary, making it necessary to run bulldozers across the

adjacent property; grubbing and clearing for site access purposes, using a private road for transporting equipment; and installing a buffer zone for a treatment facility. Easements may be temporary, during construction only, or long term, up to completion of the remediation. Easements are attached to the title of the property and are not revokable by the owner. A properly written easement specifies the purpose for which EPA needs the property, the condition in which the property will be left, and the approximate duration of the action.

Because an easement is considered an acquisition, it must be approved by the Office of Solid Waste and Emergency Response and the Office of General Counsel. Since acquiring an easement may take up to six months, the RPM is encouraged to begin the process as soon in the design phase of the project as practicable.

For additional information, please contact Ms. Jo Ann Griffith, Design and Construction Management Branch, at FTS (202) 475-6704 or commercially at (202) 475-6704.

## BID TABULATIONS

### Alladin Plating, PA

The Alladin Plating site is located in Lackawanna County, Pennsylvania. The 2-acre site contains an electroplating facility that operated from 1947 to 1982. The source control operable unit addresses offsite treatment of soil contaminated with arsenic, chromium, and lead. The work bid includes:

- Excavation and offsite treatment, via stabilization, of approximately 12,000 cubic yards of contaminated soil
- Disposal of treated soils in an offsite RCRA landfill in compliance with the land disposal restrictions
- Replacement of the excavated soil with clean fill

Sealed bids were solicited and five bids were received and opened on July 18, 1989. Two bids were eliminated at the opening because one bidder withdrew and one bidder did not provide a final cost estimate. The low bidder, Chemical Waste Management, was awarded the contract.

ALLADIN PLATING, PA						
Description of Offered Item	Estimated Quantity	Unit	Chem. Waste Mgmt.		Sevenson	
			Unit Price	Estimated Amount	Unit Price	Estimated Amount
Mobilization/Demobilization	12,342	LS	234	\$114,270.00	2,234	\$223,526.00
Clearing & Grubbing		LS		16,381.00		39,304.00
Site Work		LS		42,985.00		406,021.00
Decontamination Facilities		LS		112,750.00		202,165.00
Excavation & Transportation of Soil	12,000	CY		2,907,588.00		2,774,700.00
Offsite Treatment & Disposal	12,000	CY		4,127,379.00		5,135,978.00
Site Restoration/Demobilization		LS		412,706.00		83,603.00
Total				\$7,734,059.00		\$8,865,297.00

## BID TABULATIONS *(continued from page 3)*

### Hollingsworth Solderless, FL

The Hollingsworth Solderless site is located in Broward County, Florida. The 3.5-acre site contains a manufacturing plant that operated from 1968 to 1982. The operable unit addresses onsite treatment of soil and ground water contaminated with volatile organic contaminants

(VOCs) and organics. The work bid includes:

- Excavation, aeration, and onsite replacement of VOC-contaminated soils
- Recovery of contaminated ground water from the sand zones followed by treatment and reinjection

Sealed bids were solicited and two bids were received and opened during the summer of 1989. The low bidder, Westinghouse, was awarded the contract.

#### HOLLINGSWORTH SOLDERLESS, FL

Description of Offered Item	Estimated Quantity	Unit	Westinghouse		Qualtec	
			Unit Price	Estimated Amount	Unit Price	Estimated Amount
Mobilization				\$33,400.00		\$51,000.00
Extraction Wells	180	FT	132	23,760.00	39	7,020.00
Recharge Wells	240	FT	104	24,960.00	39	9,360.00
Extrac. Well Pump & Piping + Instal.		LS		118,381.00		131,177.00
VOC Stripping Towers & Controls Purchase		LS		127,000.00		326,000.00
Recharge Well Pump & Piping + Instal.		LS		68,689.00		115,000.00
In Situ Soil Treatment						
1st 12 feet in depth	75	CY	2,333	174,975.00	1,960	147,000.00
Addl. 3 feet in depth	18	CY	678	12,204.00	250	4,500.00
GW Treatment System O&M	40	Weeks	1,768	70,720.00	1,000	40,000.00
Well Logging		LS		20,300.00		9,700.00
Demonstration		LS		13,300.00		25,000.00
Health & Safety Equip. & Plan		LS		15,000.00		6,000.00
All Other Work		LS		3,917.00		67,000.00
			Total	\$706,606.00		\$938,757.00

#### ABOUT THE UPDATE

For comments, ideas, submissions, or questions about the *Update*, please contact Ms. Jo Ann Griffith, Design and Construction Management Branch, at FTS 475-6704 or commercially at (202) 475-6704. For copies, contact EPA's Public Information Center at FTS 8-382-2080 or (202) 382-2080, or write to U.S. Environmental Protection Agency, 401 M St. S.W., Washington, D.C. 20460.