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

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USEPA West Bldg
1301 Constitution Avenue N.W.
Room 3340
Washington, DC 20004

MEMORANDUM

SUBJECT: Superfund Accelerated Cleanup Model (SACM)--
           Transmittal of Questions & Answers Bulletin
           and Issue Submittal Form

FROM: Henry L. Longest II, Director
           Office of Emergency and Remedial Response

           Bruce M. Diamond, Director
           Office of Waste Programs Enforcement

TO: Addressees

PURPOSE

Many important issues have emerged as we have been
implementing SACM. These issues were raised during National
meetings, Regional/Headquarters conference calls, as well as the
SACM Headquarters visits to the Regions. This Questions &
Answers Bulletin has been put together to share the outcome of
the SACM issue resolution dialogue that has occurred between
Regional offices and Headquarters.

DISCUSSION

Headquarters is committed to working with the Regions to
resolve both policy and site-specific issues that are raised
while implementing SACM. We are aware that frequently an answer
raises more questions. In an effort to keep an open line of
communication and a mechanism for quickly resolving issues, we
have attached the SACM Issue Exchange form. We encourage all
staff and management to use this form to raise issues and
questions on SACM. We are committed to quickly responding to
questions and comments and will coordinate with the Regions when
resolving issues. The Qs & As Bulletin will be updated as needed
in order to share this information with all Regional and
Headquarters personnel.

Please submit issues/questions to Katie Daly of the Office
of Emergency and Remedial Response. She may be contacted by
phone 703/603-9026, fax 703/603-9133, or mail 5201G. Thank you!

Attachments

Addressees

      Waste Management Division Directors
          Regions I, IV, V, VII
      Emergency and Remedial Response Division Director
          Region II
      Hazardous Waste Management Division Directors
          Regions III, VI, VIII, IX
      Hazardous Waste Division Directors
          Region X
      Environmental Services Division Directors
          Regions I, VI, VII
      Superfund Branch Chiefs
          Regions I-X
      Superfund Branch Chiefs
          Office of Regional Counsel
          Regions I-X

cc: Rich Guimond, OSWER
     Walt Kovalick, OSWER
     Bill White, OE
     Lisa K. Friedman, OGC
     Tim Fields, SRO
     Superfund Section Chiefs
     All OERR, OWPE and SRO Staff
     All Regional Superfund staff

&EPA Superfund Accelerated Cleanup Model (SACM)

Questions & Answers

Office of Emergency and Remedial Response (OS-200)
Office of Waste Programs Enforcement

This bulletin provides answers to issues the Regions have raised on the Superfund Accelerated Cleanup Model (SACM). The answers are based on discussions with Henry L. Longest II (Director, Office of Emergency and Remedial Response), and the SACM Steering Committee which includes: Tom Sheckells (Director, Office of Program Management); Debbie Dietrich (Director, Emergency Response Division); Larry Reed (Director, Hazardous Site Evaluation Division); Dave Bennett (Acting Director, Hazardous Site Control Division); and Sally Seymour (Director, OWPE/CERCLA Enforcement Division).

REGION: What is the priority of SACM relative to construction completions?

Henry Longest: In a recent directive (OSWER Directive No. 9202.1-14), OSWER and the Office of Enforcement (OE) outlined the eight National Superfund Program Priorities for FY 1993. The top three include: (1) construction completions; (2) enforcement first; and (3) accelerating cleanup through implementation of SACM and presumptive remedies. We view these as complementary priorities that are aimed at achieving measurable program results (completions), leveraging all available resources for cleanup (enforcement first), and improving and streamlining our process (acceleration). Our priority still is to deal with the worst sites first. SACM provides tools to help us accelerate sites already in the pipeline, and assess and respond to the worst sites awaiting entry into the pipline. It is a base assumption that emergencies will always be given first attention. We are developing more detailed guidance on how to manage the blending of program priorities.

REGION: How will Regions get credit for work performed under SACM?

Tom Sheckells: For FY93, the Office of Policy, Planning and Evaluation (OPPE) approved the joint Office of Emergency and Remedial Response (OERR) and Office of Waste Programs Enforcement (OWPE) request for increased flexibility in target

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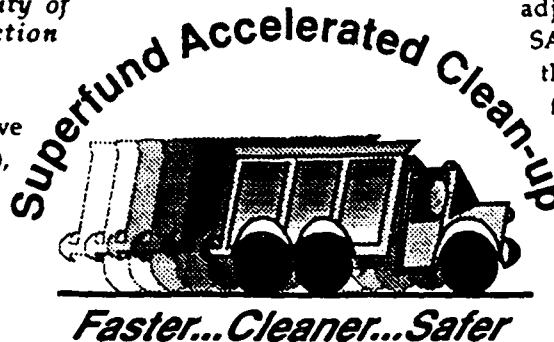
adjustments for Regions pursuing SACM initiatives. Regions were given the opportunity to request relief from specific SCAP/STARS FY93 targets by April 30. Targets will be adjusted accordingly for Regions to get credit while implementing SACM.

REGION: Will the number of non-NPL sites the removal program has cleaned up be used to count towards construction completions?

Henry Longest: No. It has been estimated that over 700 non-NPL sites have been cleaned up by the removal program. The size, duration, and complexity of the non-NPL removals can not be equated with long-term responses at NPL sites. However, the number of non-NPL sites cleaned up by the removal program will be a separate accomplishment from the NPL construction completion number. Together these numbers will convey a more comprehensive measure of all of Superfund's accomplishments to the public.

REGION: How are the impacts of SACM being measured?

Tom Sheckells: Initially, we will measure the impacts of SACM by comparing the results of the pilot project sites with a historical baseline. Currently, we are in the process of developing a comprehensive revision of our FY94 SCAP and STARS measures to focus our program evaluation efforts on

measurement of program results in terms compatible with SACM's goals of (1) accelerating response, (2) improving cost-effectiveness, and (3) achieving rapid risk reduction in a manner consistent with "enforcement first".

REGION: How will SACM activities be funded?

Tom Sheckells: Currently, SACM funding activities are dealt with on a case-by-case basis in consultation with Headquarters. We are working on a FY94 funding strategy that will integrate funding for SACM initiatives with funding for traditional pipeline activities. This strategy will be documented in the FY94 Program Management Manual that will be available to the Regions in draft form this summer, prior to FY94 resource negotiations.

REGION: Under SACM, should Regions reevaluate existing pre-NPL and NPL sites for potential early actions in addition to focusing on integrated site assessments and early actions for new sites?

Tom Sheckells: After determining the resources required to meet the construction completion goal, Regions should focus remaining resources on the worst sites first to reduce risk most quickly and efficiently at NPL, NPL-caliber, and non-NPL sites.

REGION: What is the definition of an NPL-caliber site?

Larry Reed: "NPL-caliber" sites are those sites with a potential for a Hazard Ranking System (HRS) score above 28.5. At such sites, the remedial investigation (RI) and enforcement actions like the PRP search should begin prior to the NPL proposal. Of course, many NPL-caliber sites will pose threats which will meet NCP removal criteria. Removal authority can be utilized to prevent, minimize or mitigate significant threats. The SACM Assessment Short Sheet (Publication No. 9303.1-051) gives an excellent list of examples of NPL-caliber sites. Further guidance is being developed.

REGION: What is integrated site assessment?

Larry Reed: Integrated site assessment combines removal and remedial assessment. It eliminates redundancy in data collection across programs, minimizes the number of mobilizations for field work, and eliminates the unessential down time between steps in the process. A team of Regional staff determines the focus of assessment activities to meet the

data needs at a site. Data collection proceeds until there enough information for the RDT to make a response deci It is not anticipated that there will be an overall, signific increase in workload associated with the process change for the screening level operations.

REGION: Do Regions need to track each component of the integrated site assessment? If so, how is each component defined?

Larry Reed: Regions still need to continue the individual activity reporting we currently have for site assessment activities in CERCLIS. It is important to track this information to report our achievement in meeting the statutory goals for assessment activities, and to report the status of site assessment at sites. Headquarters is currently developing guidance on entering combined assessment activities into CERCLIS.

REGION: Will credit be given for negotiations to do monitoring at no-action ROD sites under SACM?

Sally Seymour: Negotiation completion/settlement credit will not be given for negotiation of monitoring agreements pursuant to no-action RODs. This is to avoid encouraging the use of limited negotiation resources to negotiate an agreement which addresses a nominal site at the expense of using th resources to negotiate an RD/RA settlement at a higher ri and higher cost site. If the Region committed to a SCAP target at a site where action was anticipated, but the ROD resulted in no action, and the Region has no site substitutions, the Region should submit a request for relief from the RD/RA negotiation completion and RD/RA settlement. For SACM sites which do not meet FY93 RD/RA negotiation completion and settlement definition, Regions should submit a request for target relief to Headquarters. Consultation with Headquarters is recommended prior to proceeding with the action and resulting request.

REGION: Under SACM, how will negotiations be referred to?

Sally Seymour: For CERCLIS purposes, negotiations will be tracked as removal negotiations and RD/RA negotiations. For SCAP purposes, SACM project negotiation completions will be referred to as cleanup negotiation completions. For reporting purposes, SCAP reports will be modified to pick up removal and RD/RA negotiations consistent with SCAP definitions at NPL and NPL-caliber sites.

REGION: What type of decision documents are required for removal actions at NPL sites where those removal actions are the sole or final responses at the site?

Debbie Dietrich: The action memorandum is the decision document for all removal actions. When a removal action is the sole or final response at a NPL site, a ROD is required in addition to the action memo. EPA's policy on site deletion is that a ROD is needed to document that no further action is necessary for an entire NPL site. The basis for this policy is that the ROD and the supporting RI provides the information necessary for the finding that the site warrants deletion from the NPL. This information is included in the administrative record to support the site deletion. This policy is under review in light of SACM. (See Interim Final Guidance on Preparing Superfund Decision Documents, October 1989, OSWER Directive 9335.3092, page 9-2).

REGION: Do non-time-critical removals need an action memorandum?

Debbie Dietrich: Every response action using removal authority must be authorized with an action memorandum. This includes emergency, time-critical and non-time-critical removals. The action memo is the decision document and justifies the use of removal authority as required by the NCP.

REGION: To what extent are remedial balancing criteria used in non-time-critical removal response decisions?

Debbie Dietrich: Generally, non-time-critical removal (NTCR) actions are focused on problems of relatively limited complexity and scope. Consequently, the NTCR decision process is a streamlined version of the RIFS/ROD process. The nine criteria used in remedial decision-making will not be applied individually; for NTCRs, these criteria have been collapsed into three categories: effectiveness, implementability and cost. These categories will be the basis of the alternatives analysis, which will lead to the selection of the NTCR response.

REGION: What does the $50 million set-aside cover?

Debbie Dietrich: These funds are for removal or remedial response work that will contribute to early action at NPL sites. Unless part of the response action, the funding should not be used exclusively for site analysis, response planning, or negotiations. Unplanned funding for these activities may come from approved reallocations of RI/FS and design budgets or the regular removal allowance. The set-aside funds are allocated on a first-come, first-served basis. Regions should submit proposals directly to the Emergency Response Division.

REGION: What is EPA's policy on State deferral under SACM?

Larry Reed: Superfund currently does not defer cleanups to the States. Deferral to the States and PRP's was proposed in 1988 in the draft NCP. There was considerable opposition from Congress and environmental groups, and the Administrator agreed not to carry the issue any further. EPA should work with the States to appropriately prioritize the "worst sites" with regard to threats to human health and the environment. This prioritization is for establishing the order in which sites are addressed, not to remove sites from further consideration. The Administrator's Superfund Administrative Improvements study is reevaluating the usefulness and feasibility of State deferral.

REGION: How does the Long-Term Contracting Strategy (LTS) support SACM?

Tom Sheckells: The Long-Term Contracting Strategy (LTCS) supports SACM in several ways. The LTCS was designed to gain contract flexibility beyond the services provided to only one particular program area. The new contracts are structured to support functions, rather than specific program areas.

For example, Field Assessment capabilities will be available in the Superfund Technical Assessment and Response Team (START) contracts and will provide flexibility to cross program areas to serve multiple Regional personnel. START is a merge of what used to be the TAT (removal) and FIT (remedial) contracts. Many of the underlying principles of SACM, such as expanding short-term responses, were anticipated in activities under the LTCS. One example of this is the Emergency and Rapid Response Service (ERRS) contracts. The Regions felt that Regional management of the contracts would lead to improvement in oversight and contractor responsiveness. This also provides maximum support to the Regional Decision Teams (RDTs).

REGION: *Since many of the SACM/LTCS contracts will be under the purview of the Regions, will appropriate resources be provided to the Regions to properly manage the contracts?*

Tom Sheckells: There will not be additional resources for Superfund; however; the workload model for Superfund is currently being revised, with active Regional participation, to more accurately reflect the resource distribution needs of the program. Contracts management is and will continue to be an important part of doing business responsibly under Superfund; contracts management will have to be given appropriate weight in the overall resource distribution. The Administrator has made it clear that EPA managers are to adopt a philosophy of " management over mission" in an effort to "effectively leverage the Agency's resources to protect the environment." Hence, contract management issues will need to be addressed and the necessary resources devoted to them.

REGION: *Will there be adequate capacity in the contracts to handle SACM activities? Will there be extramural funds available to add to the contracts?*

Tom Sheckells: The Regions have formed work groups to put together plans for the implementation of LTCS and how they will address various issues. One of the issues currently being addressed as Statements of Work and procurement packages are put together is contract capacity in support of SACM activities. If there are specific concerns about a contract or area of SACM, you should contact your Regional LTCS lead. Contracts will be designed to best support the streamlined process of One Program. While no additional resources are expected, there may be shifts in resources from different contract areas to meet the demands of the program.

REGION: *Are there any limitations on using the Emergency and Rapid Response Services (ERRS) contracts for early actions?*

Debbie Dietrich: There are no hard and fast limitations on the use of the ERRS contracts. Though the first priority must be given to emergency and time-critical actions, ERRS contracts may also be used for non-time critical removals and early actions using remedial authority.

Use of the ERRS contracts will be limited, obviously, by their capacity. The amount of early remedial responses to be performed by the ERRS contracts must be determined by the Regions and built into all new contracts. The current ERRS contracts do not allow for a significant amount of work over the removal needs.

Currently, the OSCs provide on-site supervision of ERRS contractors. Use of the ERRS contracts will be determined by OSC staffing levels and resources. Some Regions may train Remedial Project Managers to oversee and manage ERRS work for early remedial and non-time critical removal response actions. (See OSWER Directive #9242.2-07FS).

REGION: *How does the Delivery of Analytical Services (DAS) Strategy support SACM?*

Larry Reed: The DAS Strategy decision gives the Regions and RDTs maximum flexibility in determining the best analytical contract structure to meet its needs.

NOTICE: The policies set out in this fact sheet are not final Agency action, but are intended solely as guidance. They are not intended, nor can they be relied upon, to create any rights enforceable by any party in litigation with the United States. EPA officials should follow the guidance provided in this fact sheet, or may act at variance with the guidance, based on an analysis of site-specific circumstances. The Agency also reserves the right to change this guidance at any time without public notice.

SACM ISSUE EXCHANGE

FAX TO: Katie Daly *(Office of Emergency and Remedial Response)*
Phone #: (703) 603-9026
FAX #:   (703) 603-9133

Issue/Recommendation

Contact Information

Your Name and Office: _____ Your FAX #: _____

Your Phone #: _____   Date: _____