



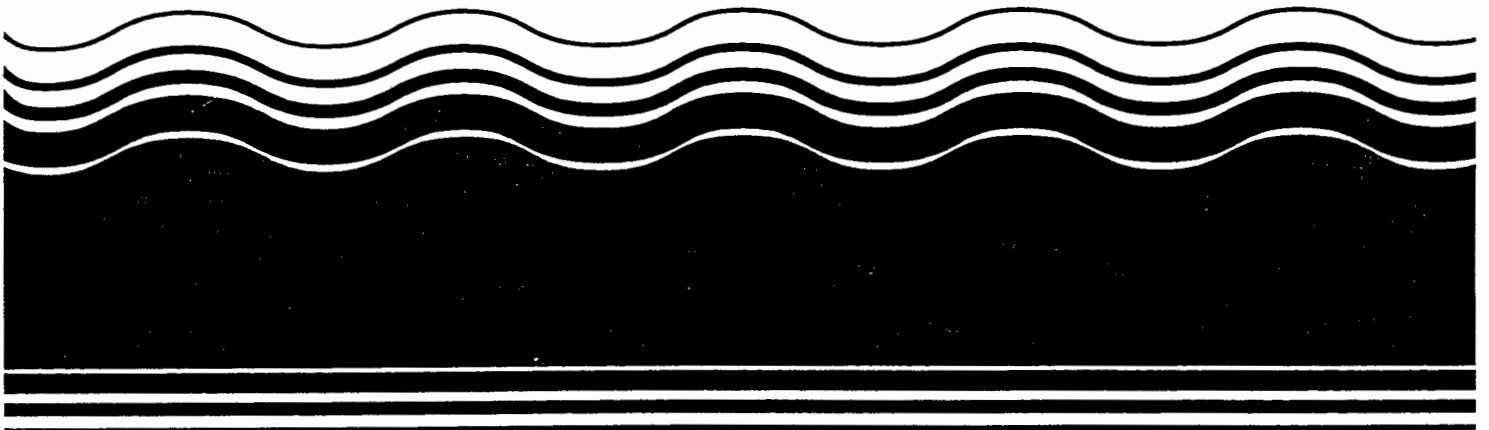
**EPA**

# **Superfund/Oil Program Implementation Manual Fiscal Year 1997**

*Program Implementation Guidance for OERR, OSRE, FFRRO,  
FFEO and the Oil Program*

## **Program Goals and Planning Requirements**

## **Program Implementation Procedures**



# **Superfund/Oil Program Implementation Manual Fiscal Year 1997**

## **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.



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

SEPTEMBER 23, 1996

MEMORANDUM

SUBJECT: FY 97 Superfund Implementation Manual (SPIM)  
FROM: *Robin Richardson*  
Robin Richardson, Director (Acting)  
Planning Analysis & Resource Management, OERR  
Neilima Senjalia, Chief *N. Senjalia*  
Program Evaluation & Coordination Branch, OSRE  
TO: Addressees

PURPOSE

The purpose of this document is to transmit the attached OSWER Directive 9200.3-14-1C, "Superfund/Oil Implementation Manual (SPIM), Fiscal Year 1997." This document is also available in WORDPERFECT.

BACKGROUND

The SPIM was last published in October 1993 for Fiscal Year (FY) 1994. For FY 95 and FY 96, we published supplements to the FY 93 document. The FY 97 document is a completely new manual in loose leaf, three ring binder format.

DOCUMENT

Please distribute this document to your Superfund managers and responsible staff. This document, also, is available in WORDPERFECT and will soon be available on LOTUS NOTES.

The SPIM will be amended as needed. Change pages with a Change Log will be issued to update the SPIM to reflect changes.

If you have any questions or comments, please contact Robert White, OERR/PARM (703-603-8873) or Dela Ng, OSRE/PPED (202-564-6073).

## FY97 SPIM DEVELOPMENT SCHEDULE

EVENT	SUBJECT MATTER EXPERTS (SME) RESP/PERSON	PLANNED START DATE	ACTUAL START DATE	PLANNED COMPLETION DATE	ACTUAL COMPLETION DATE	
KICK-OFF MEETING	R White	26-Oct-95	26-Oct-95	26-Oct-95	26-Oct-95	
DEVELOP MATRIX + SCHEDULE	R White	26-Oct-95	26-Oct-95	26-Oct-95	26-Oct-95	
COMPILE FY96 REGIONAL FOCUS FORUM MATERIALS	G Padgett/R White	31-Jan-96	31-Jan-96	28-Feb-96	28-Feb-96	
FY96 SUPERFUND FOCUS FORUM (SFF)	Hqtrs + Reg's	04-Mar-96	04-Mar-96	06-Mar-96	06-Mar-96	
LIST ACTION ITEMS from SFM	R White, et al	07-Mar-96	06-Mar-96	21-Mar-96	06-Mar-96	
WRITE MINUTES FOR MEETING	R White	07-Mar-96	07-Mar-96	25-Mar-96	25-Mar-96	
DEVELOP DRAFT MANUAL * SEE GPRA COMMENT BELOW	Contractor	25-Mar-96	22-Mar-96	20-May-96	23-May-96	
REVIEW DRAFT	R White	20-May-96	23-May-96	20-May-96	23-May-96	
CHANGE DRAFT & PRINT REVIEW COPIES	Contractor	20-May-96	23-May-96	20-May-96	23-May-96	
DISTRIBUTE DRAFT FOR REVIEW	R White	20-May-96	23-May-96	22-May-96	23-May-96	
SUBJECT MATTER EXPERTS' (SME) REVIEW	Hqtrs	24-May-96	23-May-96	21-Jun-96		
Chapter 1	E Ziomkoski/R Whit	24-May-96	23-May-96	21-Jun-96	27-Jun-96	
Chapter 2	Carasea/Blandford	24-May-96	31-May-96	21-Jun-96	19-Jun-96	EARLY
Chapter 3	D Pipkin/D Reynold	24-May-96	23-May-96	21-Jun-96	20-Jun-96	EARLY
Appendix A	PARM/Hippen	24-May-96	23-May-96	21-Jun-96	19-Jun-96	EARLY
Appendix B	R White	24-May-96	23-May-96	21-Jun-96	21-Jun-96	ON TIME
Appendix C	D Ng	24-May-96	23-May-96	21-Jun-96	25-Jun-96	
Appendix D	Renee Wynn	24-May-96	23-May-96	21-Jun-96	21-Jun-96	ON TIME
Appendix E	W Johnson	24-May-96	23-May-96	21-Jun-96	21-Jun-96	ON TIME
Appendix F	D Stalcup/G King	24-May-96	23-May-96	21-Jun-96	21-May-96	ON TIME
INCORPORATE CHANGES + COORDINATE ISSUES w/SME	Contractor	24-Jun-96	24-Jun-96	08-Jul-96	08-Jul-96	
DISTRIBUTE DRAFT	R White	09-Jul-96	09-Jul-96	10-Jul-96	10-Jul-96	
REVIEW DRAFT	Regions + Hqtrs	11-Jul-96	11-Jul-96	01-Aug-96	06-Aug-96	
PREPARE NOTEBOOKS	Contractor	02-Aug-96	31-Jul-96	20-Aug-96	18-Aug-96	
REVIEW COMMENTS & ISSUES w/SME + HQTRS STAFF	(R White + )Hq Staff	21-Aug-96	21-Aug-96	21-Aug-96	21-Aug-96	
INCORPORATE CHANGES	Contractor	22-Aug-96	22-Aug-96	19-Sep-96	19-Sep-96	
PRINT LIMITED NUMBER OF ADVANCE COPIES	Contractor	20-Sep-96	23-Sep-96	27-Sep-96	26-Sep-96	
PRINT FY97 SCAP MANUAL	R White	27-Sep-96	27-Sep-96	18-Oct-96		
DISTRIBUTE LIMITED NUMBER OF ADVANCED COPIES	R White	30-Sep-96	27-Sep-96	03-Oct-96	27-Sep-96	
DISTRIBUTE FY97 SCAP MANUAL	R White	21-Oct-96		28-Oct-96		
PREPARE FY97 CODING + USER GUIDE	Contractor	18-Oct-96		15-Nov-96		
PRINT FY97 CODING + USER GUIDE, LIMITED NUMBER OF COPIES	Contractor	22-Nov-96		29-Nov-96		
MAINTAIN FY97 SPIM (CHANGE PAGES)	Contractor	27-Sep-96		30-Sep-97		
KICK-OFF MEETING for FY98 SPIM	R White	30-Oct-96		30-Oct-96		Proposed
DEVELOP MATRIX + SCHEDULE	R White	30-Oct-96		30-Oct-96		Proposed
COMPILE FY97 REGIONAL FOCUS FORUM MATERIALS	P Schwebke/R White	31-Jan-97		25-Feb-97		Proposed
FY98 REGIONAL FOCUS FORUM	P Schwebke/R White	26-Feb-97		01-Mar-97		Proposed

\* GPRA evolution will parallel SPIM development. Expect late SPIM changes to reflect GPRA developments

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## **USE AND STRUCTURE OF THE MANUAL**

The information in this Manual is targeted to Information Management Coordinators (IMCs), Remedial Project Managers (RPMs), and On-Scene Coordinators (OSCs). Its primary purpose is to provide guidance to this audience on management of the Superfund program.

The FY 1997 Superfund Program Implementation Manual contains information on:

- Manager's Schedule of Significant Events;
- Program goals and priorities;
- Program planning and reporting requirements; and
- Financial management.

In addition, the appendices at the end of the manual contain pipeline specific planning and reporting definitions and, in some instances, program priority and financial information:

- Appendix A presents measure definitions for Site Screening and Assessment and Regional Decisions;
- Appendix B provides measure definitions for Early and Long Term Actions;
- Appendix C presents measure definitions for Enforcement;
- Appendix D contains program priorities and measure definitions for Federal Facilities;
- Appendix E provides information on Superfund Information Systems;
- Appendix F contains program priorities, measures, definitions, planning and reporting requirements, and financial information for the Oil Program; and
- Appendix G provides GPRA referenced material.

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## **Manager's Schedule of Significant Events**

September 27, 1996



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## **MANAGERS SCHEDULE OF SIGNIFICANT EVENTS**

### **OCTOBER 1996 QUARTER 1 (FY 97)**

- 3\* The AAs and OC approve the first quarter AOA
- 7 HQ pulls 4th Quarter FY 96 accomplishment data from CERCLIS and provides for:
  - 1) Special program reports; and
  - 2) Initial FY 96 end-of-year assessment
- 24 HQ pulls 4th quarter FY 96 accomplishment data from CERCLIS for review of end of year accomplishments

### **NOVEMBER 1996**

- 1 Enforcement extramural budget carryover calculated
- 15 OMB passback of FY 98 budget request

### **DECEMBER 1996**

- 6 HQ pulls CERCLIS data for second quarter AOA
- 6 HQ pulls accomplishment data on key accomplishments from CERCLIS
- 15 HQ appeal of the OMB FY 98 budget passback
- 23 HQ submits second quarter AOA request to AAs and places it in CERCLIS
- 30 Regions input AOA to IFMS

### **JANUARY 1997 QUARTER 2 (FY 97)**

- 3 The AAs and OC approve the second quarter AOA
- 7 HQ pulls accomplishments data from CERCLIS and provides for special reports
- 7 Enforcement provides:
  - 1) Special program reports; and
  - 2) First quarter performance evaluations
- 10 HQ submits FY 98 budget request to the President

\* Dependent on approval of final appropriations.

**FEBRUARY 1997**

- 5-9 HQ/Regional Superfund Focus Forum Meeting
- 7 HQ pulls national Environmental Indicators (EI) data from CERCLIS
- 7 HQ pulls accomplishment data on key accomplishments from CERCLIS
- 16 HQ prepares EI questions and answers to send to the Regions

**MARCH 1997**

- 7 HQ pulls data from CERCLIS for enforcement extramural budget and third quarter AOA
- 7 HQ pulls accomplishment data on key accomplishments from CERCLIS
- 24 HQ submits third quarter AOA request to the AAs and places it in CERCLIS
- 31 Regions input AOA to IFMS
- 31 Regional response to HQ EI questions and answers

**APRIL 1997 QUARTER 3 (FY 97)**

- 3 The AAs and OC approve the third quarter AOA
- 7 HQ pulls accomplishment data from CERCLIS and provides for:
  - 1) Special program reports; and
  - 2) Mid-Year performance evaluation
- 25 HQ distributes FY 96 EI analysis to HQ/Regional managers
- 25 HQ prepares preliminary Regional FY 98 operating plan based on past three years obligating/tasking averages

**MAY 1997**

- 7 HQ analysis of Regional pipeline
- 7 HQ allocates 90 percent of FY 98 budget to Regions
- 7 HQ pulls accomplishment data on key accomplishments from CERCLIS

**MAY 1997 (cont'd)**

- 12 HQ program offices characterize and submit their FY 98 program initiatives
- 29 HQ program offices meet with the Administrator to review FY 98 program goals

**JUNE 1997**

- 2-27 Regions generate their plans for FY 98 by updating schedules and financial information in WasteLAN and uploading to CERCLIS
- 6 HQ pulls planning information from CERCLIS:
  - 1) for fourth quarter AOA; and
  - 2) to support FY 98 and FY 99 budget request
- 6 HQ pulls accomplishment data on key accomplishments from CERCLIS
- 6 HQ pulls financial data for analysis of Regional obligation/commitment rate
- 9 HQ presents FY 98 Superfund goals and priorities and FY 99 investments to the Administrator and Regional Administrator
- 13 Administrator and OC provide HQ program offices and Regions with policy for FY 99 budget formulation
- 23 HQ submits fourth quarter AOA request to the AAs and places it in CERCLIS
- 30 Regions input AOA to IFMS

**JULY 1997 QUARTER 4 (FY 97)**

- 3 The AAs and OC approve the fourth quarter AOA
- 8 HQ pulls 3rd Quarter FY 97 accomplishments data from CERCLIS and provides for special program reports
- 8 Enforcement provides:
  - 1) Special program reports; and
  - 2) Third quarter performance evaluations
- 8 HQ submits FY 99 Superfund investment summaries to the Administrator and Budget to OC
- 8 HQ pulls data from CERCLIS to review and analyze:
  - 1) SCAP and pipeline workload and FY 98 budget request;
  - 2) Past Regional accomplishments and planned durations/dollars; and
  - 3) Regional request for 10 percent FY 98 budget reserve

**JULY 1997 (cont'd)**

- 14-18 HQ program offices and lead Regions make presentation to Administrator/ Deputy Administrator on FY 99 program priorities
- 21-25 Regional conference calls on HQ analyses
- 31 Administrator passback of FY 99 budget request

**AUGUST 1997**

- 1-15 HQ develops FY 99 budget for submission to the Office of Management and Budget (OMB)
- 7 HQ pulls accomplishment data on key accomplishments from CERCLIS
- 7 HQ pulls CERCLIS data to assist in preparation of the FY 99 budget
- 11-22 HQ/Regions conduct negotiations on the final FY 98 SCAP targets and measures and budget
- 29 HQ develops strategy for presenting the FY 99 budget to OMB
- 29 HQ sends memorandum to Regions on final budgets and targets and measures

**SEPTEMBER 1997**

- 5 HQ submits FY 99 budget to OMB
- 8 Regions revise CERCLIS to reflect final negotiated budgets and targets and measures
- 8 HQ pulls data from CERCLIS for first quarter FY 98 AOA
- 8 HQ pulls accomplishments data on key accomplishments from CERCLIS
- 16 HQ performs final FY 98 Full Time Equivalent (FTE) distribution
- 22 HQ submits FY 98 first quarter AOA request to the AAs and places it in CERHELP
- 30\* Regions input AOA to IFMS

**\* Dependent on approval of final appropriations.**

**OCTOBER 1997 QUARTER 1 (FY 98)**

- 3\* The AAs and OC approve the first quarter AOA
- 7 HQ pulls 4th quarter FY 97 accomplishment data from CERCLIS and provides for:
  - 1) Special program reports; and
  - 2) Initial FY 97 end-of-year assessment
- 21 HQ pulls 4th quarter FY 97 accomplishment data from CERCLIS for review of end of year accomplishments

**NOVEMBER 1997**

- 3 Enforcement extramural budget carryover calculated
- 19 OMB passback of FY 99 budget request

**DECEMBER 1997**

- 5 HQ pulls CERCLIS data for second quarter AOA
- 5 HQ pulls accomplishment data on key accomplishments from CERCLIS
- 12 HQ appeal of the OMB FY 99 budget passback
- 22 HQ submits second quarter AOA request to AAs and places it in CERCLIS
- 29 Regions input AOA to IFMS

\* Dependent on approval of final appropriations.

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## **Acronyms**



AA —	Assistant Administrator
A/E —	Architect/Engineer
AA OE —	Assistant Administrator for the Office of Enforcement
AA SWER —	Assistant Administrator for the Office of Solid Waste and Emergency Response
AA OECA —	Assistant Administrator for the Office of Enforcement and Compliance Assurance
AAU —	Administrative Assistance Unit
AC —	Area Committee
ACP —	Area Contingency Plan
ADCR —	Automated Document Control Register
ADR —	Alternative Dispute Resolution
AHRC —	Allowance Holder/Responsibility Center
ALT —	Alternate
AN —	Account Number
AO —	Administrative Order
AOA —	Advice of Allowance
AOC —	Administrative Order on Consent
AOG —	Agency Operating Guidance
APR —	Approved
AR —	Administrative Record
ARAR —	Applicable or Relevant and Appropriate Requirements
ARCS —	Alternative Remedial Contracting Strategy
ARIP —	Accidental Release Information Program
ARM —	Administration and Resources Management
ASF —	Above-ground Storage Facility
AST —	Above-ground Storage Tank
ASTW —	Above-ground Storage Tank Workgroup
ASU —	Administrative Support Unit
ATSDR —	Agency for Toxic Substances and Diseases Registry
ATSDR HAZDAT —	Agency for Toxic Substances and Diseases Registry Hazardous Data System
BC/AOA —	Budget Control/Advice of Allowance
BLM —	Bureau of Land Management
BRAC —	Base Realignment or Closure
BTAG —	Biological Technical Assistance Group
BUREC —	Bureau of Reclamation
CA —	Cooperative Agreement
CADD —	Corrective Action Decision Document
CAS No. —	Chemical Abstract Number
CBD —	Commerce Business Daily
CD —	Consent Decree
CED —	CERCLA Enforcement Division (OWPE)
CEPP —	Chemical Emergency Preparedness and Prevention Program
CEPPO —	Chemical Emergency Preparedness and Prevention Office (OSWER)
CERCLA —	Comprehensive Environmental Response, Compensation, and Liability Act of 1980
CERCLIS —	Comprehensive Environmental Response, Compensation, and Liability Information System
CERFA —	Community Environmental Response Facilitation Act
CFO —	Chief Financial Officer
CIAO —	Citizen Information and Access Offices
CIOC —	Community Involvement & Outreach Center (OERR)
CLP —	Contract Laboratory Program
CN —	Commitment Notice
CO —	Contracting Officer

COI —	Conflict of Interest
CORA —	Cost of Remedial Action
CPCA —	Core Program Cooperative Agreement
CR —	Community Relations
CRCR —	Cost Recovery Category Report
CRP —	Community Relations Plan
CWA —	Clean Water Act
CWG —	Community Work Groups
3DB —	Decision Document Database
DA —	Deputy Administrator
DAS —	Delivery of Analytical Services
DCN —	Document Control Number
DNAPL —	Dense Non-Aqueous Phase Liquids
DOD —	Deputy Office Director
DoD —	Department of Defense
DOE —	Department of Energy
DOI —	Department of the Interior
DOJ —	Department of Justice
DOT —	Department of Transportation
DPO —	Deputy Project Officer
DRG —	District Response Group
EA —	Integrated Removal/Remedial Evaluation
EBS —	Environmental Baseline Survey
EE/CA —	Engineering Evaluation/Cost Analysis
EI —	Environmental Indicators
EMSL —	Environmental Monitoring Systems Laboratory
ENRD —	Environment and Natural Resources Division (DOJ)
EPA —	Environmental Protection Agency
EPA-ACH —	EPA Automated Clearing House
EPA ID —	EPA Identification Number
EPCRA —	Emergency Planning and Community Right to Know Act of 1986
EPI —	Environmental Priorities Initiative
EPIC —	Environmental Photographic Interpretation Center
EPS —	Environmental Protection Specialist
ERA —	Expedited Response Action
ERCS —	Emergency Response Cleanup Services
ERNS —	Emergency Response Notification System
ERRS —	Emergency and Rapid Response Services
ERT —	Environmental Response Team
ESAT —	Environmental Services Assistance Team
ESC —	Enforcement Support Contract
ESD —	Explanation of Significant Differences
ESF —	Emergency Support Function
ESI —	Enhanced Site Inspection
ESI/RI —	Expanded Site Inspection/Remedial Investigation
ESS —	Enforcement Support Services
FCO —	Funds Certifying Officer
FE —	Federal Enforcement
FEMA —	Federal Emergency Management Agency
FFA —	Federal Facility Agreement
FFCA —	Federal Facility Compliance Agreement
FFEO —	Federal Facilities Enforcement Office
FFRRO —	Federal Facilities Restoration and Reuse Office

FFIS —	Federal Facilities Information System
FFS —	Focused Feasibility Study
FINDS —	Facility Index System
FMC-Ci—	Financial Management Center - Cincinnati
FMD —	Financial Management Division
FMFIA —	Federal Managers Financial Integrity Act
FMO —	Financial Management Office
FOIA —	Freedom of Information Act
FOSL —	Finding of Suitability to Lease
FOST —	Finding of Suitability to Transfer
FR —	Federal Register
FRP —	Facility Response Plan
FS —	Feasibility Study
FSC —	First and Subsequent Completion
FSS —	First and Subsequent Start
FTE —	Full-time Equivalent
FUDS —	Formerly Used Defense Sites
FY —	Fiscal Year
FY/Q —	Fiscal Year/Quarter
GAD —	Grants Administration Division
GAO —	Government Accounting Office
GFO —	Good Faith Offer
GICS —	Grants Information Control System
GIS —	Geographic Information System
GNL —	General Notice Letter
GPRA —	Government Performance and Results Act
HAZDAT —	Hazardous Data System
HHS —	Health and Human Services
HI —	Hazard Index
HQ —	Headquarters
HRS —	Hazard Ranking System
HSWA —	Hazardous and Solid Waste Amendments
HWC —	Hazardous Waste Collection
IAG —	Interagency Agreement
IFMS —	Integrated Financial Management System
IG —	Inspector General
IMC —	Information Management Coordinator
IMPM —	Information Management/Program Measurement Center (OERR)
IMS —	Integrated Management Strategy
IOTV —	Interoffice Transfer Voucher
IRM —	Initial Remedial Measure
ISIF —	Integrated Site Information Form
LAN —	Local Area Network
LEPC —	Local Emergency Planning Committee
LERP —	Local Emergency Response Plan
LOC —	Letter of Credit
LOE —	Level of Effort
LTCS —	Long Term Contracting Strategy
LTRA —	Long Term Response Action
MARS —	Management and Accounting Reporting System
MBO —	Management by Objectives
MM/DD/YY —	Month/Day/Year

MMS —	Minerals Management Service
MOHR —	Magnitude of Hazard Reduction
MORR —	Magnitude of Risk Reduction
MOU —	Memorandum of Understanding
MSCA —	Multi-Site Cooperative Agreement
NAPL —	Non-Aqueous Phase Liquid
NBAR —	Non-Binding Allocation of Responsibility
NCP —	National Oil and Hazardous Substances Pollution Contingency Plan or National Contingency Plan
NFRAP —	No Further Remedial Action Planned
NOAA —	National Oceanic and Atmospheric Administration
NPL —	National Priorities List
NRC —	National Response Center
NRS —	National Response System
NRT —	National Response Team
NSEP —	National Security Emergency Preparedness
NSFCC —	National Strike Force Communication Center
NTC —	Non-Time Critical
NTIS —	National Technical Information Services
OAM —	Office of Acquisition Management
OARM —	Office of Administration and Resources Management
OC —	Office of the Comptroller
OD —	Office Director
OE —	Office of Enforcement
OECA —	Office of Enforcement and Compliance Assurance
OERR —	Office of Emergency and Remedial Response (OSWER)
O&F —	Operational and Functional
OFFE —	Office of Federal Facilities Enforcement (OE)
OIG —	Office of the Inspector General
O&M —	Operation and Maintenance
OMB —	Office of Management and Budget
OPA —	Oil Pollution Act of 1990
OPAC —	On-line Payment and Collections
OPC —	Oil Program Center
OPPE —	Office of Policy, Planning, and Evaluation
OPRP —	Oil Pollution Response & Prevention Center (OERR)
ORC —	Office of Regional Counsel
ORD —	Office of Research and Development
OSC —	On-Scene Coordinator
OSRE —	Office of Site Remediation and Enforcement
OSW —	Office of Solid Waste
OSWER —	Office of Solid Waste and Emergency Response
OU —	Operable Unit
OUST —	Office of Underground Storage Tanks (OSWER)
PA —	Preliminary Assessment
PAH —	Polycyclic Aromatic Hydrocarbons
PARM —	Program Analysis & Resources Management Center (OERR)
PC —	Personal Computer
PCB —	Polychlorinated biphenyl
PECB —	Program Evaluation & Compliance Branch (OSRE)
PNRS —	Preliminary Natural Resource Surveys
PO —	Project Officer
POD —	Program Operations Division (OFFE)

POLREP —	Pollution Report
POS —	Program Operations Staff (OSRE)
PPED —	Program Policy & Evaluation Division (OSRE)
PQOP —	Pre-Qualified Officers Procurement
PR —	Procurement Request
PRA —	Prospective Purchaser Agreement
PREP —	Preparedness Response Exercise Program
PRP —	Potentially Responsible Party
PRSC —	Post Removal Site Controls
PSO —	Program Support Office
QA —	Quality Assurance
QAPP —	Quality Assurance Project Plan
QAT —	Quality Action Team
RA —	Remedial Action
RAC —	Response Action Contract
RADS —	Risk Assessment Data System
RAGS —	Risk Assessment Guidance for Superfund
RCMS —	Removal Cost Management System
RCP —	Regional Contingency Plan
RCRA —	Resource Conservation and Recovery Act
RCRC —	Regional Cost Recovery Coordinator
RD —	Remedial Design
RDT —	Regional Decision Team
REMT —	Regional Emergency Preparedness Team
RESAT —	Regional Environmental Services Assistance Team
RFP —	Request for Proposal
RI —	Remedial Investigation
RIDS —	ROD Information Data System
RI/FS —	Remedial Investigation and Feasibility Study
RME —	Reasonable Maximum Exposure
ROC —	Remedial Oversight Contract
ROD —	Record of Decision
RODEIS —	ROD and Enforcement Information System
RPM —	Remedial Project Manager
RPO —	Regional Project Officer
RRT —	Regional Response Team
RTP —	Research Triangle Park
SACA —	Site Assessment Cooperative Agreement
SACM —	Superfund Accelerated Cleanup Model
SAM —	Site Assessment Manager
SARA —	Superfund Amendments and Reauthorization Act of 1986
SAS —	Special Analytical Services
SCAP —	Superfund Comprehensive Accomplishments Plan
SCORES —	Superfund Cost Organization and Recovery Enhancement System
SEA —	Site Evaluation Accomplished
SEP —	Standard Evaluation Procedures
SERC —	State Emergency Response Commission
SERP —	State Emergency Response Plan
SFO —	Servicing Finance Office
SI —	Site Inspection
SIBAC —	Simplified Interagency Billing and Collection
SIF —	Site Information Form

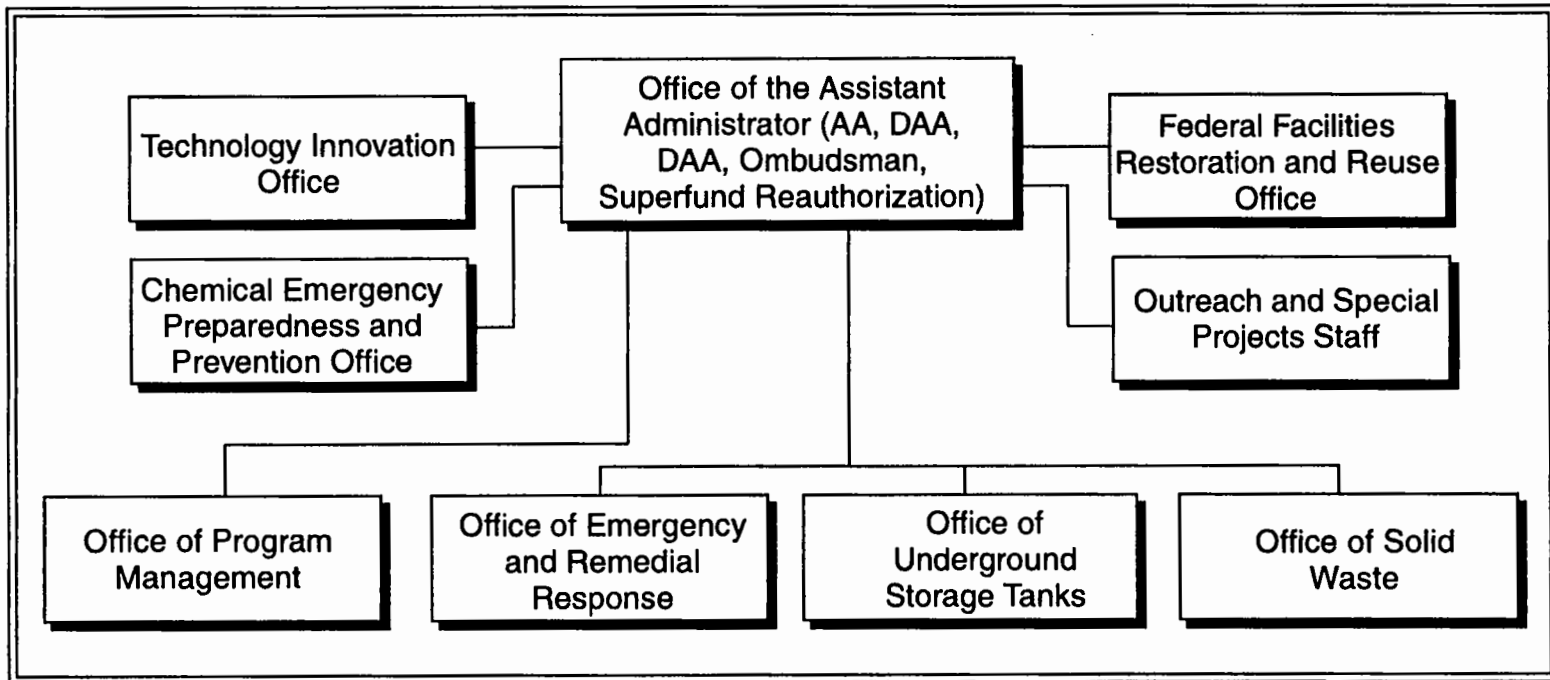
SIP —	Site Inspection Prioritization
SITE —	Superfund Innovative Technology Evaluation
SMOA —	State Memorandum of Agreement
SMP —	Site Management Plan
SMSA —	Standard Metropolitan Statistical Area
SNAP —	Superfund National Assessment Program
SNL —	Special Notice Letter
SOL —	Statute of Limitations
SOW —	Statement of Work
SPCC —	Spill Prevention Control and Countermeasure
SRA —	Superfund Reform Act
SRIS —	Superfund Report Information System
SSA —	Site Screening and Assessment
SSAB —	Site Specific Advisory Board
SSC —	Superfund State Contracts
S/S ID —	Site/Spill Identification Number
SSP —	Site Safety Plan
START —	Superfund Technical Assistance and Response Team
STSI —	State, Tribal, & Site Identification Center (OERR)
TAG —	Technical Assistance Grants
TAT —	Technical Assistance Team
TBD —	To Be Determined
TDD —	Technical Direction Document
TSCA —	Toxic Substances Control Act
TQM —	Total Quality Management
TRC —	Technical Review Committee
TRW —	Technical Review Workgroup
TSD —	Treatment, Storage, Disposal Facility
UAO —	Unilateral Administrative Order
USCG —	United States Coast Guard
USCOE —	U.S. Army Corps of Engineers
USFWS —	United States Fish and Wildlife Service
USGS —	United States Geological Survey
VRP —	Vessel Response Plan
WA —	Work Assignment
WAM —	Work Assignment Manager
ZPO —	Zone Project Officer

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## **Organizational Charts**



## Office of Solid Waste and Emergency Response

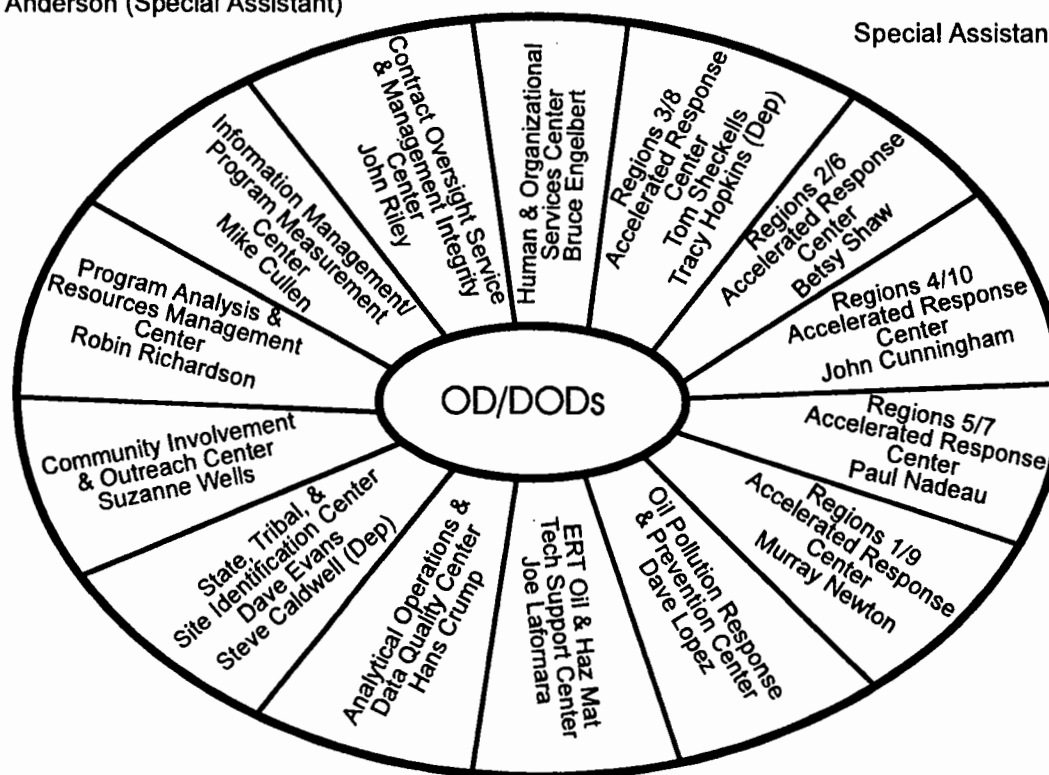


### Senior Process Managers

Risk: David Bennett  
 Response Decision: Bruce Means  
 Pipeline Integration: John Smith  
 Emergency Response: Mark Mjones  
 Teaming: Phyllis Anderson (Special Assistant)

### OERR Immediate Office

Director: Stephen Luftig  
 Deputy Director: Elaine Davies  
 Deputy Director: Larry Reed  
 Superfund Reform Advocate:  
 William Ross  
 Special Assistant: Jan Baker  
 Patricia Tidwell

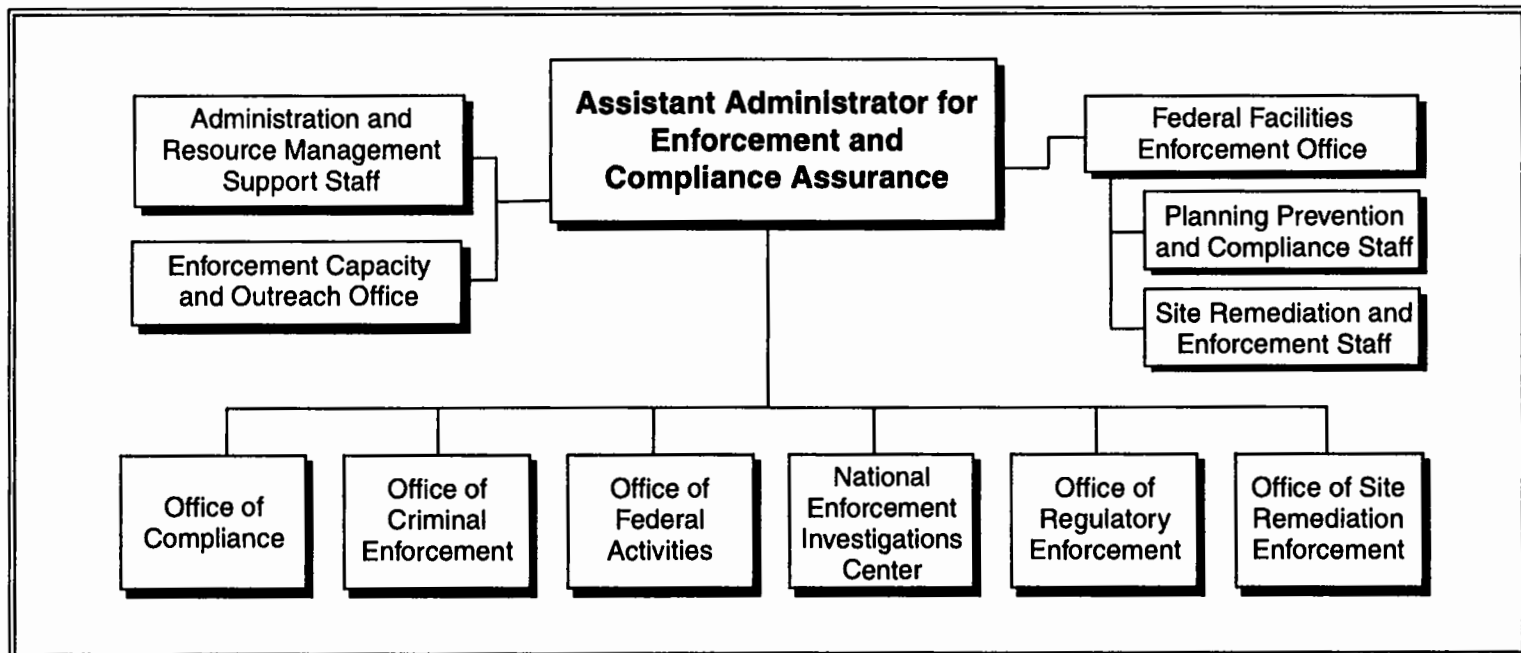


## U.S. EPA Office of Emergency and Remedial Response Reorganization

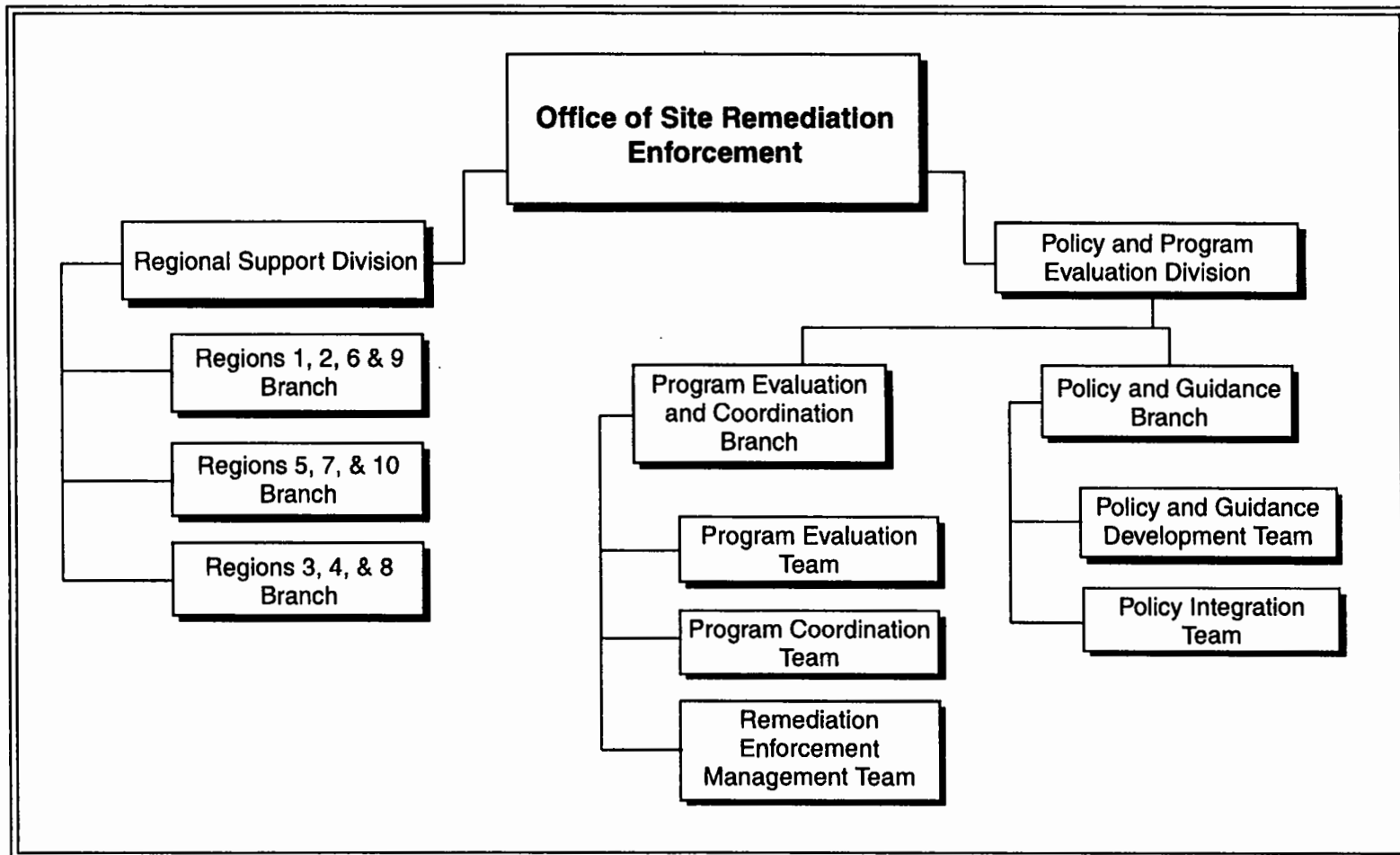
September 1995

OSWER Directive 9200.3-14-1C

## Office of Enforcement and Compliance Assurance



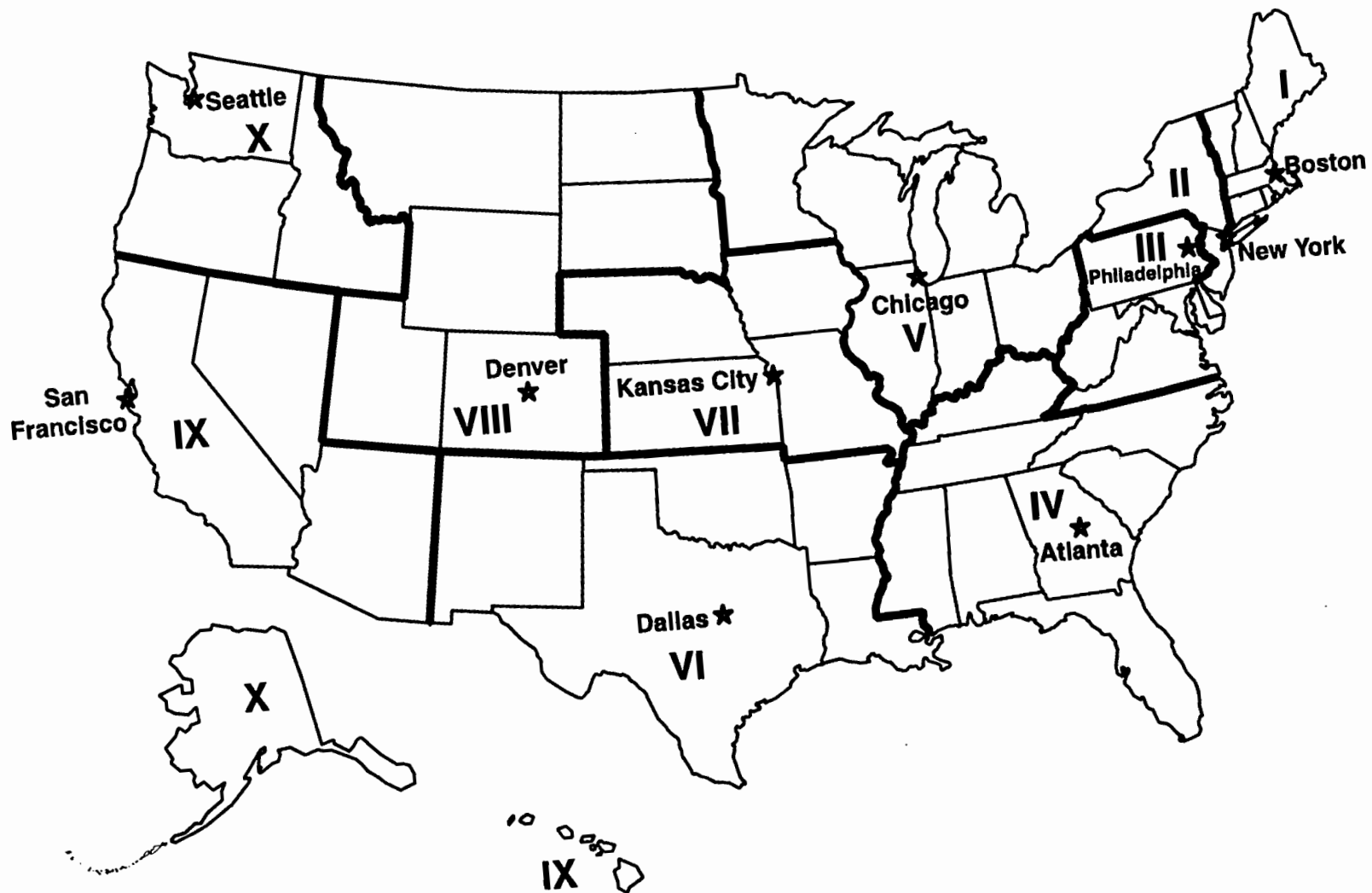
## Office of Site Remediation Enforcement



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## **Regional Map**

September 27, 1996



## **Program Goals and Planning Requirements**

September 27, 1996



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## **Chapter I: Program Goals and Priorities**

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## Chapter I Program Goals and Priorities

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**Chapter I**  
**Program Goals and Priorities**

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## **CHAPTER I**

### **PROGRAM GOALS AND PRIORITIES**

#### ***INTRODUCTION***

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. The most essential principle of the Superfund program is that the worst sites are cleaned up first. In addition, the acceleration of site cleanup and National Priority List (NPL) construction completion is integral to the success of the program. Implementation of the program also will be facilitated by a strong collaboration with the States and Indian Tribes. Partnerships are an integral part of the Brownfields program. Furthermore, collaboration with the Department of Defense will be necessary as the Agency continues to assist in assessing base closure properties. Finally, the Superfund program will continue to employ Environmental Indicators (EIs) as a crucial tool for evaluation and communication.

#### **Superfund and its History**

The Superfund program began when Congress passed the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) in 1980. Prior to this, there was no authority for direct Federal response to hazards posed by abandoned and uncontrolled hazardous waste sites. Existing environmental laws, such as the Resource Conservation and Recovery Act (RCRA), provided regulatory requirements to address present activities and prevent future catastrophes, but lacked authority to allow Federal emergency and long-term responses to past disposal problems.

CERCLA is unique in that it provided the first Federal response authority to address the problem of uncontrolled hazardous waste sites. CERCLA, for the first time, required EPA to step beyond its traditional regulatory role and provide response authority to clean up hazardous waste sites.

In October 1986, Congress reauthorized CERCLA by enacting the Superfund Amendments and Reauthorization Act (SARA). The enactment of SARA resulted in the following changes to the Superfund program:

- Increased the size of the Trust Fund to \$8.5 billion and refined its finances;  
(Note: The Fund is financed by a tax on crude oil and 42 commercially used chemicals.)
- Stressed the development and use of permanent remedies;
- Provided Enforcement and Settlement tools, as well as, increased State involvement in the Superfund Program; and
- Included Title III, a free standing statute, that created the Emergency Planning and Community Right-to-know Act (EPCRA). EPCRA is designed to help communities prepare to respond in the event of a chemical emergency, and to increase the public's knowledge of the presence and threat of hazardous chemicals.

The National Oil and Hazardous Substances Pollution Contingency Plan (NCP) resulted from SARA and is the major regulatory framework that guides the Superfund response effort. The NCP outlines a step-by-step process for implementing Superfund responses and defines roles and responsibilities of EPA, other Federal agencies, States, private parties, and the communities in response to situations in which hazardous substances are released into the environment.

In 1992, EPA introduced the Superfund Accelerated Cleanup Model (SACM). SACM was responsible for expediting the cleanup of uncontrolled waste sites and redefining the way Superfund progress is measured.

Fiscal Year (FY) 97 is a critical year for the Superfund program as CERCLA, as amended by SARA, is being considered for reauthorization.

The Superfund program is comprehensive, yet flexible and innovative. Its mission is both immediate and long-range. Its focus is specific enough to handle individual site cleanup with precision, yet broad enough to encourage advances in a relatively new scientific and technical field. Today the hazardous waste problem in the United States remains large, complex and long-term.

### **Reauthorization**

Superfund reauthorization bills are currently in Committee in both the U.S. Senate and the House of Representatives. Congress has extended SARA authorities for FY 97. The debate over the language of the reauthorization bills is ongoing. Additional information will be provided following enactment of a revised Superfund law.

### ***FY 97 THEMES***

Superfund is now more than 16 years old. After 16 years, significant progress has been made in reducing risks posed to human and natural ecosystems from releases of hazardous substances into the environment. Accomplishments in FY 97 will expand and refine Superfund's measures of success, refocus the debate on Superfund progress, and explore options for making administrative changes that will improve Superfund in the future.

- **Current Program Priorities** - These priorities summarize the challenges that Regional and Headquarters (HQ) Superfund managers must work together to address in FY 97. These challenges and administrative improvements will be discussed in more detail later in this chapter. Please note the following:
  - Worst Sites First: A Framework for Setting Priorities
  - Construction Completions
  - Federal Facilities
  - Reinventing Site Assessment
  - Enhancement of State/Tribal Role
  - Performance Partnership Grants
  - State/Tribal Programs: State Remedy Selection
  - Brownfields
  - Base Closures
  - Environmental Indicators
  - Enforcement Fairness/Reduce Transaction Cost
  - Enforcement First/Cost Recovery

- Effective Contract Management
  - Innovative Technologies
  - Accelerated Cleanup
- **Superfund Reforms** - Please refer to Superfund Reforms section later in the Chapter.
  - **Government Performance and Results Act (GPRA) of 1993 Implementation** - Please refer to GPRA section later in the Chapter.

## ***CURRENT PROGRAM PRIORITIES & SUPERFUND REFORMS***

The continued focus of the Superfund program in FY 97 is to maximize the protection of human health and the environment through fast, efficient cleanup of priority hazardous waste sites and releases. Protecting human health and the environment are Superfund's highest priorities for FY 97. Superfund also shall work for reauthorization and shall progress with Superfund Reforms and compliance with GPRA.

### **Current Program Priorities**

The following are Superfund current program priorities:

#### ***Worst Sites First: a Framework for Setting Priorities***

Over the past few years, Regional personnel have been told that completions/deletions, "enforcement first," and worst sites/worst problems first are each the highest program priority. While 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. Worst site/worst problems first is a guiding Superfund principle. Efforts to streamline and accelerate the entire Superfund process also support this important goal. Once it is determined that the site poses no imminent risk, the Agency moves on to other priorities. Given current resource constraints, maximizing PRP involvement in the cleanup process by using all available enforcement tools will be necessary to meet the mandates of SARA and the goals of the Agency.

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. The use of both Unilateral Administrative Orders (UAOs) and Fund-financed cleanup actions 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. Appropriate cost recovery efforts should be pursued when PRPs do not comply and Fund-financed activities are initiated.

#### ***Construction Completions***

EPA is committed to increasing the number of NPL construction completions. The goal established by the Administrator is 650 construction completions by the end of the year 2000. There are a sufficient number of sites with final RODs signed to meet this goal. Sites in the RD/RA stages will be efficiently managed to ensure work continues in a timely manner through to construction completion. Regions and States must continue to work together to identify opportunities for expediting construction completions and response actions. Maximum PRP involvement will be imperative to meeting these goals.



### ***Federal Facilities***

The primary mission of the Superfund Federal facilities program is to ensure that the hazardous waste sites owned or operated by the Federal government are addressed and cleaned up as quickly as possible. Regional efforts should be focused on getting to completion of construction activities at Federal facilities whether they are accomplished under remedial or removal authority. Meeting these goals will help build the program's credibility, which is vital to the Superfund's long-term success.

### ***Reinventing Site Assessment***

EPA is reinventing the site assessment process. EPA is redesigning the site assessment process to allow it to better pursue Brownfields redevelopment, increase State and Tribal programs' expertise, and address sites in CERCLIS and on the NPL. The intent is to ensure protection of public health and the environment while increasing State responsibility, encouraging more efficient and effective cleanups, reducing costs, and aiding economic redevelopment and environmental recovery.

Priorities for site assessment include listing appropriate sites on the NPL, evaluating the backlog of sites in the CERCLIS inventory to determine high-priority sites and those not requiring Federal response action, and assessing non-CERCLIS sites in conjunction with EPA's Brownfields initiatives. The percentage of site assessment funding devoted to each of these priority areas will not be established given variations in Regional workloads; however, careful balancing of these priorities is important given constrained site assessment resources. Regions and States with significant CERCLIS backlogs need to ensure steady progress is being made addressing them. Regions and States without such backlogs can give higher priority to non-CERCLIS sites.

### ***Enhancement of State/Tribal Role***

The Superfund program places a very high priority on empowering States and Indian Tribes to play a greater role in the Superfund program's implementation. The Administration's Superfund reauthorization position and several superfund reforms are evidence of this.

In 1993 - 1994 and in recent reauthorization debates, the Administration has supported a substantial shifting of current programs to the States. The Superfund program direction is evidenced by a number of Superfund reforms such as State Deferral, Block Funding, and Voluntary Cleanup.

Throughout FY 97, preparation will be made for an enhanced State and Tribal role in the Superfund program. It is crucial that the transfer of these programs, to States and Tribes wishing to adopt them, be smooth and successful. Working with issues surrounding State readiness, assistance to States, EPA/State partnership agreements, and the unique considerations that pertain to enhancing Tribal participation are critical to successful implementation of any new reauthorization law.

Collaboration with Superfund's co-implementors, the States and Tribes, is essential in developing a strategy for strong partnerships between the Federal and State governments. Superfund can learn from State expertise developed from their cleanup. Superfund will work with Tribes to assist them in assuming cleanup programs. Tribes will be recognized as sovereign nations and not entities of State governments.

Superfund is planning for the ultimate transfer of the cleanup program to States and Tribes. This will enable EPA to identify and analyze major issues associated with program and technology transfer. It also will result in a comprehensive and flexible strategy for decentralizing this program.

### ***Performance Partnership Grants***

A Performance Partnership Grant (PPG) is a single grant made to a State or Tribe from grant funds allocated and otherwise available for existing categorical grants programs. PPGs are voluntary and provide States and Tribes with the option to combine funds from two or more categorical grants into one or more PPG(s). Recipients may receive their financial assistance as one or more PPG(s) or continue receiving funds as categorical grants. States and Tribes may apply for these grants for any period after enactment of statutory authority for the PPG program.

The purpose of the PPG is:

- To increase State and Tribal flexibility to address their highest environmental priorities across all media and establish resource allocations based on those priorities, while continuing to address core program commitments;
- To more effectively link program activities with environmental goals and program outcomes;
- To develop innovative pollution prevention, ecosystem, and community based strategies; and
- To develop partnerships between EPA and the States and Tribes where all parties share the same environmental and program goals, and deploy their unique resources and abilities to jointly accomplish those goals.

All PPGs will be required to contain a legally binding set of program commitments, in the form of National Environmental Performance Partnership System (NEPPS) agreements. Program commitments are a description of the program goals and objectives, results and benefits expected, a plan of action, and quantifiable projections of the program and environmental accomplishments to be achieved and the performance measures to be used. The States and Tribes are encouraged to adopt outcome- and output-oriented performance measures that track program performance, environmental conditions and trends, and business environmental performance. Program performance measures assess how effectively or reliably a State/Tribal program is achieving its objectives. The NEPPS/PPG performance measures should be consistent in scope and purpose with ongoing EPA and State or Tribal initiatives, such as The New Generation of Environmental Protection: EPA's Five-Year Strategic Plan; the National Environmental Goals Project; and EPA National Program performance measures (developed under the NEPPS). The PPG commitments are the legal basis for the expenditures of Federal grant funds and the recipient's matching requirement.

At present, Superfund monies can not be included in PPGs, because these funds may not be expended for purposes other than Superfund. Nonetheless, several States are including their Superfund programs in NEPPS agreements and, in time, it may be feasible to include Superfund resources in PPGs. In the near-term, Superfund is exploring the feasibility of Superfund Block Funding awards to move in a direction consistent with PPGs; initial block funding awards have been made to Minnesota and Colorado. We will be working to encourage further progress toward the goals of flexible funding within the context of strong program commitments to Superfund outcomes.

### ***State/Tribal Programs: State Remedy Selection***

State Remedy Selection is an administrative reform where pilots will allow some States to select remedies consistent with the National Contingency Plan (NCP) for some sites. The goal of this reform is to provide States and Tribes with an increased role in remedy selection at NPL sites, only in certain circumstances. State Remedy Selection allows States and Tribes to take the lead in selecting remedies while ensuring that the cleanup approach will be consistent with the NCP. Under this pilot project, the State or Tribe determines the cleanup approach for the Record of Decision (ROD).

The goal of this reform is to provide States and Tribes with an increased role in remedy selection at NPL sites. EPA and selected States and Tribes enter into agreements through which the States and Tribes conduct the remedy selection process, consistent with applicable laws and regulations, at certain NPL sites. Participating States and Tribes supervise the entire remedy selection process with minimal EPA oversight or involvement, giving States and Tribes significantly more control over NPL site cleanup.

The implementation plan envisions sharing lessons from experiences to date with States exercising a lead role in remedy selection, and defining criteria for selecting new pilots. New pilots will be selected in late 1996. During 1997, the pilot project will be evaluated to determine what lessons it may offer for a more broadly enhanced role of States and Tribes in the Federal Superfund program.

## ***Brownfields***

### ***History***

In January, 1995, EPA Administrator Carol Browner unveiled the Brownfields Action Agenda. It is a comprehensive approach empowering the States, communities, and other stakeholders interested in environmental cleanup and economic redevelopment to work together in a timely manner to prevent, assess, safely clean up, and sustainably reuse Brownfields. The Brownfields properties are generally not traditional Superfund sites as they are not generally highly contaminated and present lesser health risks. The program focuses on enabling quicker and more effective assessments, clarifying liability and cleanup issues, providing funding for demonstration pilot projects, initiating partnerships with key stakeholders, and implementing job development and training programs. This action agenda identified and addressed barriers created by regulations, guidance, and administrative practices, and recommended swift, aggressive measures for changes within the context of existing Superfund law.

The Agency has worked with States, cities, Federally recognized Indian Tribes, community representatives, and other stakeholders to implement the many commitments made in January 1995. In mid-June, the Agency accomplished 100% of the commitments with the announcement of the last awards for Brownfields pilots and the signing of the Soil Screening Level guidance. Some of the remaining issues will require a new Superfund law.

EPA efforts have focused on four main categories:

- Brownfields Pilots;
- Clarifying liability and cleanup issues;
- Partnership and outreach; and
- Job development.

### ***Brownfields Pilots***

As part of the Brownfields action agenda, the Agency committed to funding 50 Brownfields pilots by 1996 for up to \$200,000 each. This commitment was met in mid-June with the announcement of the final awards. The Brownfields pilot program is intended to provide EPA, States, local governments, and Federally recognized Indian Tribes with useful information and new strategies for promoting a unified approach to environmental assessment, cleanup and redevelopment. EPA is currently funding 60 Brownfields pilots across the country. EPA Headquarters is sponsoring 39 pilots and an additional 21 pilots are being supported by EPA Regional Offices.

The Agency also held a Brownfields Pilots National Workshop on February 13 and 14, 1996 which provided pilot recipients as well as representatives from other Federal agencies, States, Federally recognized Indian Tribes, and sector organizations with an opportunity to exchange information.

***Brownfields Tax Incentive/Prospective Purchaser Agreements***

In his January 23, 1996 State of the Union address, the President announced a Brownfields tax incentive. Currently, tax expenditures which increase the value or extend the useful life of the property must be capitalized for tax purposes, and the costs recovered over the life of the property. This capitalization treatment contrasts with repair and maintenance expenditures, which are generally deducted in the year incurred. The time frame for the deductibility of environmental remediation expenditures has long been disputed between taxpayers and the Internal Revenue Service (IRS). In 1994, the IRS passed a ruling that enables current owners to immediately write off environmental remediation costs.

The White House proposal would provide the same tax incentive for prospective purchasers, allowing them to "expense" their cleanup costs at Brownfields sites over a relatively short period of time rather than "capitalize" them over the useful life of the property. Because of budgetary constraints, the administration is evaluating the length of the "expensing" period and options for targeting the incentive. In addition, the Treasury has asked EPA for options on certifying environmental expensing costs of prospective purchasers.

***FY 97 Budget Request***

In FY 97, EPA has requested to expand the Brownfields pilot grant awards to States, local governments, and Federally recognized Indian tribes. Funding will provide incentives and seed money to assess properties which may be contaminated. \$5,000,000 will be used for environmental assessment cooperative agreements to 25 States, local governments, or Federally recognized Indian tribes for up to \$200,000 each. In addition, \$10,000,000 will be used for follow-up cleanup cooperative agreements of up to \$350,000 each to capitalize revolving loan funds for the first 29 pilot recipients who received assessment funds prior to 1996. These additional grants will bring the knowledge basis of the local governments, States, and Federally recognized Indian tribes to the next logical step, site cleanup. \$10,000,000 will be used to fund State Voluntary Cleanup Program infrastructure for purposes of implementing the proposed Brownfields tax incentive. State involvement is critical to the success of a sustained Brownfields program. Also, EPA will use \$3,000,000 to expand the current site assessment initiative using EPA and State resources to assess Brownfields sites. Funding for State Voluntary cleanup and expanded Site Assessments will be distributed to Regions as extramural funds from HQ. Dollars will be held at HQ and issued to Regions through the Advice of Allowance (AOA) process. (See Chapter III, Advice of Allowance Procedures and Financial Reporting Requirements.) This is not a new program, but rather a redirection of the existing site assessment program to include a greater emphasis on Brownfields.

In addition, \$4,920,000 will be used to build, foster, and perform outreach to Regional, State, existing Brownfields pilot programs, and external groups. EPA will coordinate with Brownfields pilot programs, organizations, and stakeholders to develop working agreements and develop interagency cooperative agreements so that an efficient and non-overlapping program is maintained. Another key part of the Brownfields program is cooperation among Federal agencies and the leveraging of limited resources so that communities and stakeholders are best served. The end result is that community groups, lenders, investors, developers, and other affected parties join forces and develop creative solutions to assess and clean up contaminated sites and return them to productive uses. The Agency will continue to support, through funding and technical assistance, outreach to States and local governments on Brownfields and hazardous waste management. EPA will disseminate outreach materials, and will provide guidance documents as well as targeted assistance to State and local government organizations to continue to develop strong partnerships.

EPA also will continue to support, through funding and technical assistance, Brownfields outreach to Federally recognized Indian tribes. This will aid Tribal programs in their effort to attain capacity to implement and manage hazardous waste programs on Tribal lands. Specifically, EPA's role is to provide leadership, training, policy guidance, and documents to the Tribes, American Indian environmental offices, as well as to other Federal government offices. EPA will strive to develop and support stronger partnerships with Native American organizations.

### ***Base Closures***

Under the Base Realignment and Closure Acts of 1988, 1991, 1993, and 1995, 113 military installations are scheduled for closure or realignment. Of this total, 21 sites are on the National Priorities List (NPL), and there are a number of non-NPL sites requiring some degree of decontamination. The Agency must continue to assist the Department of Defense (DoD) in assessing these properties, accelerating cleanup actions wherever possible, listing sites on the NPL where appropriate, and ensuring that remedies selected at NPL sites meet Superfund criteria. HQ and Regional managers must work with DoD, State/local governments, and private interests to expedite cleanup and support responsible transfers of Federal property to non-Federal parties for reuse and economic development.

### ***Environmental Indicators***

In 1989, EPA's Administrator directed all EPA programs, including Superfund, to develop Environmental Indicators (EIs) to help program managers and interested citizens assess program accomplishments from a more ecological viewpoint than either administrative or budgetary measures alone permitted. Today, EI data is fundamental to the effective evaluation and communication of the Superfund program from an environmental standpoint. EIs are the preeminent means for EPA to show how, and to what extent, Superfund cleanups are reducing risks to people and the environment.

EIs are designed to measure progress at each stage of Superfund's "cleanup pipeline." This is done by identifying the following: the number of emergency actions undertaken to immediately protect people from hazardous waste sites (Indicator A); the achievement of cleanup goals set for a site's soil, groundwater, and surface water (Indicator B); and the counting of technologies applied and volumes of waste handled (Indicator C). The data collected via these three indicators shows how Superfund cleanup activities are continually and incrementally reducing the threats that hazardous waste poses to people and the environment. This incremental environmental progress reporting is critical to Superfund's efforts to move evaluations of the program away from total site cleanup and "deletion" from the NPL as being the only measure of Superfund's progress and success.

Therefore, EIs serve a number of important purposes for the Superfund program, including:

- An information base to communicate incremental cleanup results to Congress, the media, environmental groups, and the public;
- A mechanism to improve understanding of site characteristics and cleanup activities on the part of the community, media, elected officials, and other stakeholders, and to encourage community interest and involvement in site decisions;
- A compendium of technical data on Superfund sites that supplements administrative and budgetary data to enhance program management capabilities;
- An automated "institutional memory" allowing program managers to identify trends in the types of technologies and cleanup methods used at different types of hazardous waste sites; and
- A means to quantify threats posed by hazardous waste sites to human health and the environment, and assess efficacy of efforts to address these threats.

A fourth EI has recently been proposed for use by the Superfund program and will be piloted on only a few sites nationally (sites chosen will be based on amount of risk data available). Indicator D (Reducing Risk to Affected Populations) is an attempt to assess the degree to which health threats have been reduced by the actions taken at hazardous waste sites—both in terms of cancer risk reduction and non-cancer hazard reduction. Given that the fundamental purpose of undertaking cleanup actions is to alleviate these risks and hazards, it is critical to create useful EIs that not only identify the nature and extent of risks and hazards, but also profile their reduction.

*Environmental Indicators and CERCLIS 3*

During 1996, CERCLIS 3 was piloted in Region 2. A number of system and architecture improvements have occurred to update EI and reflect the program's increased understanding of environmental progress tracking. Improvements to Environmental Indicators under CERCLIS 3 include:

- Reduced EI reporting requirements on the Regions due to increased sharing of data between functionally-linked areas in the new database;
- Goal attainment tracked for non-NPL as well as NPL sites;
- In some instances (for example, at the site level), goal attainment is automatically calculated;
- Risk data is used to support Indicator D reporting;
- Groundwater and surface water volumes are tracked by flow rate, not overall volume;
- On-line EI reports are available to RPMs and IMCs — for example, the national, Regional, and State-level EI data compilation reports, and an EI Audit Report (Site 12); and
- The EI Audit Report allows RPMs and IMCs to automatically view and edit EI data errors regarding their sites.

*Enforcement Fairness/Reduce Transaction Costs*

EPA must assure fair treatment of all Potentially Responsible Parties, especially small volume contributors and parties with a limited ability to pay, who will be targeted for early and prompt settlements. PRP searches to pursue parties identified by other PRPs will be emphasized, as will Alternative Dispute Resolution. Allocation of response costs will be emphasized through pilots and mixed funding will be used where possible. Steps will be taken to reduce private sector transaction costs associated with cleanup of contaminated sites.

EPA has initiated several reforms to address enforcement fairness and reduce transaction costs, including compensating settlors for a portion of the orphan share, adopting private party allocations, and using special accounts in order to dedicate settlement funds to specific sites. These initiatives are now a part of the way we do business.

The initiatives fall roughly into two categories: some are intended to reduce the transaction costs paid by PRPs as part of the settlement process; others are designed to ensure that PRPs are only asked to assume a fair portion of the response costs for the sites where they are involved. Specific initiatives include:

- **Orphan Share Compensation** — EPA will help fund a portion of the Superfund cleanup costs attributable to parties that are financially insolvent as a way to ensure that remaining viable PRPs are not asked to pay for substantially more than their share of the site cost.
- **“De Micromis” Settlements** — EPA has doubled the threshold amount of waste a party may have contributed to a Superfund site without being held liable for cleanup costs. The new policy relieves these small contributors of having to pay for a portion of the cleanup at a site, virtually eliminates their transaction costs, and protects them from “third-party” suits from larger waste contributors. While EPA will enter into “de micromis” settlements when requested, the ultimate measure of success of this policy change will be that “de micromis” parties are no longer pursued and there is no need to enter into such settlements.

- **Alternative Dispute Resolution** — EPA is expanding its use of ADR as a way to reduce the costs of achieving settlement with PRPs. PRPs who choose this alternative should see dramatically reduced transaction costs compared to what would have been encountered during litigation.
- **Equitable Issuance of UAOs** — EPA will issue UAOs to the maximum manageable number of PRPs wherever there is sufficient basis to include them. Issuance of these UAOs will compel those PRPs to participate in, and share the cost of, the specific response actions. The participation of these PRPs, even if only through a financial contribution, will reduce the portion of the cleanup cost that is borne by PRPs who have settled with EPA.
- **Adopting Private Party Allocations** — By adopting allocations of orphan share costs prepared by the PRPs, EPA hopes to eliminate one area of dispute and reduce the transaction costs associated with reaching settlement.
- **Interest Bearing Special Accounts** — As a result of a special agreement between OMB, the Treasury Department and EPA, EPA Special Accounts will now accrue interest. Special Accounts are created when PRPs settle their liability at a site with a cash payment toward the future costs of the response. All funds in a Special Account must be applied to the direct costs of the response covered by the settlement. Now that these accounts will accrue interest, the total amount of money available from the accounts will increase, providing EPA with more money to: 1) pay for part of an EPA led response; 2) defray costs EPA incurs at a PRP led site (e.g., past costs or oversight costs); 3) or help pay the costs of a PRP led response.

#### ***Enforcement First/Cost Recovery***

In order to leverage the number of cleanups that can be accomplished, maximizing PRP participation is a priority. Key areas of emphasis are early initiation of PRP searches, negotiations to secure PRP-lead cleanup activities, maximizing PRP response leads, addressing cost recovery at all sites with total costs greater than \$200,000 prior to the expiration of the Statute of Limitations, using Alternative Dispute Resolution to resolve costs owed, and compliance monitoring to ensure violations are documented. As a result to this approach, PRPs have lead the majority of new cleanup actions in past years, accelerating the pace of cleanup far beyond what could be done if only Superfund resources were used. Early involvement by PRPs ensures that their transaction and cleanup costs are kept to a minimum.

#### ***Effective Contract Management***

Good contract management is a Superfund priority, as well as an Agency-wide priority. The Agency will continue to implement the recommendations of the task force on Alternative Remedial Contracting Strategy (ARCS) contracts, and build a future with reliable cost-effective contracts across the program through implementation of the Superfund Long-Term Contracting Strategy (LTCS).

In recent years, HQ has been working with the Regions on implementing the LTCS. The LTCS provides the mechanisms for greater contractor flexibility and improved oversight and cost management by giving Regions full responsibility for contract management. For example, the national Special Analytical Service (SAS) contract has been totally decentralized. Each Region has implemented their own strategy by taking over the management of the SAS contract. In addition, Regional contracting officers and project officers are currently managing a new stable of Regional Superfund contracts in the following areas: Superfund Technical Assistance and Response Teams (START); Emergency and Rapid Response Services (ERRS); Response Action Contracts (RACs); and Enforcement Support Services (ESS).

Responsible, trained, and reliable personnel should oversee the procurement and administration of all Superfund contracts. Senior management involvement is essential and all staff must work together and communicate with their contracting support offices. Principles of good contract management must permeate the day-to-day activities of the program.

### ***Federal Facilities***

At Federal facility sites, particular attention must be paid to potential or actual conflicts of interest involving EPA contractors who also may be working for another Federal agency. OECA is developing a strategy for improving the government's procurement process, addressing inter-agency Conflicts of Interest, and the issue of contractor indemnification.

### ***Innovative Technologies***

Environmental technology development and commercialization are a top national priority for this Administration. EPA stresses its importance for the long-term hazardous waste remedy challenge that lies ahead.<sup>1</sup> The following describes several initiatives designed to facilitate the testing, demonstration, and use of innovative cleanup and field measurement technologies.

EPA seeks to improve the performance, as well as lower the cost, of site cleanup. In addition, cleanups continue (and are increasing in pace) in other EPA programs as well as the many emerging voluntary State and local programs. The Agency has made considerable progress using new technologies in the Superfund, RCRA, and Underground Storage Tank (UST) programs. In the Superfund program, better than half of the recent remedial cleanup decisions for source control call for technologies which were not available when the law was reauthorized in 1986. The UST program has seen tremendous growth in the application of alternatives to pump and treat or land filling of petroleum contaminated media. Tens of thousands of UST sites are employing approaches such as bio-remedy, soil vapor extraction, air sparging, and natural attenuation either in combination with traditional technologies or as the sole method of cleanup. The large remaining cleanup needs in EPA programs, as well as the formidable future requirements for State and other Federal agencies, provide a continuing impetus to find less expensive and more effective solutions.

These initiatives recognize that the state of remedy science today requires EPA to take experimental approaches. They are based on cooperation with other government and private entities that share EPA's interest in developing the next generation of remedy technologies. They envision partnerships with agencies, States, and the private sector to jointly develop and apply solutions which will allow us to protect public health and the environment more efficiently. While these initiatives are directed primarily to programs EPA implements, many States are actively pursuing innovative approaches and may find these initiatives to be of value.

EPA encourages proposals and efforts to promote the development and implementation of these potentially high payoff solutions. Its initiatives apply, as appropriate, to UST cleanups, RCRA Corrective Actions, Federal facility-lead and Fund-lead, Responsible Party-lead, and removal and remedial sites.

### ***Federal Facilities***

Federal facility sites provide an excellent testing ground for assessing innovative technologies. Federal facilities offer a number of benefits: sole responsible party; acknowledged liability; controlled sites; funding; and willingness. For these reasons, the Agency expects to see more public-private partnerships established at Federal facility sites.

### ***Accelerated Cleanup***

The technical complexity of hazardous waste site cleanup, coupled with complex Superfund site study and cleanup requirements, have left the Superfund program vulnerable to criticism on the slow pace of achieving cleanup. The Administrative Improvements identified new and continued initiatives that Regional managers should implement to accelerate cleanup. The initiatives that are being implemented include:

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<sup>1</sup> Please see OSWER POLICY DIRECTIVE 9380.0-25



- *Presumptive remedies* — Promoting the use of presumptive remedies for cleanup of municipal landfills and volatile organic chemicals in soil. Expanding the use of presumptive remedies to other sites including wood treaters, polychlorinated biphenyls (PCBs), groundwater pump and treat systems, grain storage, and coal gasification;
- *Dense Non-Aqueous Phase Liquid (DNAPL) contamination* — Developing and implementing a methodology for quickly assessing the presence of DNAPLs, characterizing site contamination problems, and developing a remedial strategy for addressing DNAPL contamination;
- *Soil acceptance levels* — Developing national soil acceptance levels for a variety of chemicals. These acceptance levels will be an important screening tool to identify contaminant levels below which there is not concern and above which further site-specific evaluation would be warranted. The acceptance level also could be used as a cleanup level for certain exposure pathways; and
- *Superfund Accelerated Cleanup Model* — SACM was introduced in FY 92, piloted with field demonstrations in FY 93, and implemented in FY 94. The purpose of SACM is to streamline and accelerate the cleanup process, resulting in prompt risk reduction and restoration of the environment over the long term.

#### **Superfund Reforms (Previously Known as Administrative Reforms)**

The Superfund program has achieved substantial progress in cleaning up hazardous waste sites and protecting human health and the environment during its 16 year existence. However, there have been serious proposals for improvement of the statute and the program to make it faster, fairer, and more efficient. Since 1993, EPA has launched three rounds of reforms to Superfund to address criticisms raised by affected parties and to improve the pace, cost, and fairness of the program. Each set of reforms consists of various initiatives and pilots focusing on changes to the program that can be implemented within the existing statutory framework. These reforms were intended to accomplish different goals, ranging from strengthening of the program prior to reauthorization to testing concepts developed during Congressional debate on actual legislation. As a result of all the new and continuing reforms, Superfund is a dramatically different program today than it was at its inception.

EPA and other Superfund stakeholders have worked since the inception of the program to reduce risks posed by abandoned and uncontrolled hazardous waste sites. Since 1980, EPA has evaluated more than 40,000 sites, conducted over 4,200 early actions, and has completed construction at over 350 of the more than 1,300 sites on the National Priorities List in an effort to protect human health and the environment. Much has changed in the Superfund program since 1980. Not only did the Superfund Amendments and Reauthorization Act (SARA) of 1986 produce significant legislative changes, but EPA also instituted a substantial number of administrative changes.

In February 1995, EPA announced 12 initiatives designed to improve the Superfund program. This second round of reforms encompassed six general areas: enforcement; economic redevelopment; community involvement and outreach; environmental justice; consistent program implementation; and State and Tribal empowerment. Many of these initiatives included pilots which are continuing to furnish information on the operation and changes in the program.

In October 1995, EPA Administrator Carol Browner announced the third and final round of "Superfund Reforms." This third round of "common sense" reforms was intended to assist State and local governments, communities, and industries involved in cleanups to more easily: (1) make cost-effective cleanup choices that protect public health and the environment; (2) reduce litigation so more time and money can be spent on cleanup and less on lawyers; and (3) help communities become more informed and involved so that cleanup decisions make the most sense at the community level. [For additional information on this topic, please see the Superfund Reform Measures of Success (OERR & OECA) section of Appendix C and G.]

***Risk Based Priorities for Contaminated Sites***

EPA considers risk to be a major factor when establishing priority and allocating resources for contaminated sites posing the greatest threat to human health and the environment. In order to develop this priority-setting system for funding cleanups, the Superfund program has a National Risk-Based Priority Panel for reviewing new start construction activities and for recommending funding strategies for Fund-lead response actions based upon the principle of "worst problems first."

The panel consists of representatives from the ten Regions and Headquarters. Panel members are chosen based upon experience and expertise in construction cleanup and resource management. The panel ranks projects using various factors such as human health risk, contaminant stability and characteristics, ecological risk, and program management considerations. Risks to human population exposed and contaminant stability are given the greatest weights. A cumulative score is tallied for each construction activity reviewed by the panel, and a prioritized list is developed for new start construction activities during the fiscal year. Funds for new cleanup work during the fiscal year are based primarily on the project evaluations and recommendations of the National Risk-Based Priority Panel.

***GOVERNMENT PERFORMANCE AND RESULTS ACT (GPRA) OF 1993***

*"The Law ... requires that we chart a course for every endeavor...see how well we are progressing, tell the public how we are doing, stop the things that don't work, and never stop improving..."*

President William Clinton, 3 AUG 93

Superfund's program planning and reporting requirements have evolved and matured from intricate, internally focused measures, to aligning and measuring resources with activities and reporting the environmental outcomes of the work undertaken at hazardous waste sites. The National Goals Project of 2005 and the Chief Financial Officers (CFO) Act are legislative and administrative initiatives that have guided the evolution of Superfund program management by gradually shifting the focus from administrative program success to a results-oriented future (e.g., Superfund Environmental Indicators) in which the program is held accountable for its actions. These various initiatives will be the starting point for finalizing the Congressionally-mandated GPRA, which provides the overarching principles for Superfund program management now and in future years. For additional information regarding GPRA, please see Appendix G: GPRA Referenced Material.

In 1993, Congress enacted the Government Performance and Results Act of 1993 (Public Law 103-62) based on its findings that:

- Waste and inefficiency in Federal programs undermine the confidence of the American people in the government and reduces the Federal government's ability to address adequately vital public needs;
- Federal managers are seriously disadvantaged in their efforts to improve program efficiency and effectiveness because of insufficient articulation of program goals and inadequate information on program performance; and
- Congressional policy making, spending decisions, and program oversight are seriously handicapped by insufficient attention to program performance and results.<sup>2</sup>

The purposes of the Act are to:

- Improve the confidence of the American people in the capability of the Federal government, by systematically holding Federal agencies accountable for achieving program results;

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<sup>2</sup> Public Law 103-62, section 2(a)

- Initiate program performance reform with a series of pilot projects in setting program goals, measuring program performance against those goals, and reporting publicly on their progress;
- Improve Federal program effectiveness and public accountability by promoting a new focus on results, service, quality, and customer satisfaction;
- Help Federal managers improve service delivery, by requiring that they plan for meeting program objectives and by providing them with information about program results and service quality;
- Improve Congressional decision making by providing more objective information on achieving statutory objectives, and on the relative effectiveness and efficiency of Federal programs and spending; and
- Improve internal management of the Federal government.<sup>3</sup>

To carry out the provisions of GPRA, agencies are required to generate strategic plans, annual performance plans, and program performance reports.

### **Strategic Plan Requirements**

Agencies are required to submit the strategic plan no later than September 1997. The strategic plan must be updated once every three years or when there are significant policy, programmatic, or other changes to any element of the current plan. Minor changes to the strategic plan can be incorporated in advance of the three-year cycle by including the changes in the annual performance plan.<sup>4</sup>

The strategic plan covers a period of six years — the current fiscal year (FY) and the five fiscal years following the current fiscal year. For example, if the strategic plan is submitted for FY 1998, the plan would cover the fiscal years 1998 through 2003.<sup>5</sup> The elements of the strategic plan required by GPRA are as follows:

#### ***Comprehensive Mission Statement***

The mission statement is a brief statement which defines the basic purpose of the agency. It focuses on the core programs and activities, including a brief discussion of the enabling or authorizing legislation and issues Congress specifically charged the agency to address.<sup>6</sup>

#### ***General Goals and Objectives***

The strategic plan documents the long-term programmatic, policy, and management goals of the agency, including the planned accomplishments and the schedule for their implementation. The general goals and objectives elaborate how the agency is carrying out its mission. Often this will be in the form of outcome-type goals.<sup>7, 8</sup>

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<sup>3</sup> Public Law 103-62, section 2(b)

<sup>4</sup> OMB Circular A-11 (revised 1995), part 2, section 200.4

<sup>5</sup> OMB Circular A-11 (revised 1995), part 2, section 200.5

<sup>6</sup> OMB Circular A-11 (revised 1995), part 2, section 200.8

<sup>7</sup> An outcome goal is defined as a description of the intended result, effect, or consequence that occur from carry out a program or activity.

<sup>8</sup> OMB Circular A-11, (revised 1995), part 2, section 200.9

The criteria for the general goals and objectives are as follows: (a) the goals/objectives need to be precise in order to direct and guide the staff to fulfill the mission of the agency; (b) the goals/objectives should be within the agency's span of influence; and (c) the goals/objective should be defined in a manner that allows future assessment to be made on whether the goals/objectives were or are being achieved.<sup>9</sup>

#### ***Description of How General Goals and Objectives Will Be Achieved***

This section describes the means the agency will use to meet the general goals and objectives. This includes, when applicable: (a) operational processes; (b) skills and technologies; and (c) human, capital, information and other resources.<sup>10</sup>

#### ***Relationship Between Goals in the Annual Performance Plan and in a Strategic Plan***

The strategic plan should briefly outline: (a) the type, nature, and scope of performance goals to be included in a performance plan; (b) the relationship between the performance goals and the general goals and objectives; and (c) the relevance and use of performance goals in helping determine the achievement of general goals and objectives.<sup>11</sup>

#### ***Key Factors Affecting Achievement of General Goals and Objectives***

The strategic plan identifies key external factors<sup>12</sup> that are beyond the Agency's control that could significantly affect the achievement of the general goals and objectives. The external factor needs to be linked to a goal(s) and describe how the achievement of the goal could be affected by the factor.<sup>13</sup>

#### ***Program Evaluations***

Program evaluations that were used in preparing the strategic plan should be briefly described. Also, a schedule for future program evaluations needs to be included.<sup>14</sup> The development of the strategic plan is considered to be an inherently governmental function; therefore, it can only be performed by Federal employees.<sup>15</sup>

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<sup>9</sup> OMB Circular A-11, (revised 1995), part 2, section 200.9

<sup>10</sup> OMB Circular A-11, (revised 1995), part 2, section 200.10

<sup>11</sup> OMB Circular A-11, (revised 1995), part 2, section 200.11

<sup>12</sup> External factors may be economic, demographic, social or environmental and the factors may remain stable or change within a predicted rate or vary to an unexpected degree. Achievement of goals can also depend on the action of Congress, other Federal agencies, States, local governments, Tribes, or other non-Federal entities.

<sup>13</sup> OMB Circular A-11, (revised 1995), part 2, section 200.12

<sup>14</sup> OMB Circular A-11 (revised 1995), part 2, section 200.13

<sup>15</sup> Public Law 103-662, section 306(e)

### **Annual Performance Plan**

Agencies are required to submit a performance plan to OMB by September 1997. Beginning with fiscal year 1999, the performance plan must be submitted to Congress. The plan must be submitted annually thereafter, and it must be consistent with the agency's strategic plan.<sup>16</sup> The performance plan includes the following:

#### ***Performance Goals***

Objective, quantifiable, and measurable performance goals should be established that define the level of performance to be achieved by a program activity. If it is not feasible to express the goals in an objective, quantifiable, and measurable form, then OMB may authorize an alternate form.

#### ***Resources***

A brief description of the operational processes, skills and technology, and the human, capital, information, or other resources required to meet performance goals.

#### ***Performance Indicators***

Performance indicators to assess the relevant outputs, service levels, and outcomes of each activity.

#### ***Verification and Validation***

A basis for comparing actual program results with the established performance goals, and a description of the methodology to be used to verify and validate measured values.<sup>17</sup>

The development of the annual performance plan is considered to be an inherently governmental function; therefore, it can only be performed by Federal employees.<sup>18</sup>

### **Program Performance Reports**

Agencies are required to submit the program performance report to the President and Congress no later than March 31, 2000.<sup>19</sup> The performance report includes:

- The performance indicators in the agency performance plan with a comparison of the program performance achieved against the performance goal(s) that were set;
- A review of the success in achieving the performance goals;
- An assessment of the performance plan for the current fiscal year relative to the performance achieved in the preceding fiscal year;

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<sup>16</sup> Public Law 103-62, section 4(a)(29)

<sup>17</sup> Public Law 103-62, section 1115(a)

<sup>18</sup> Public Law 103-662, section 1115(e)

<sup>19</sup> Public Law 103-62, section 1116(a)

- An explanation and description where a performance goal was not met, of: (a) why the goal was not met; (b) plans and schedules for achieving the performance goal; or (c) recommended action if the performance goal is impractical or infeasible (e.g., current or future funding is inadequate, an unforeseen occurrence impedes achievement);
- A description of the use and effectiveness of a managerial flexibility waiver in achieving the performance goal.
  - An indication of any individual or organizational consequences resulting from a failure, after using the waiver, to maintain the previous level of performance.
  - A brief explanation of the reasons for suspending or ending prematurely any waiver that was in effect for the fiscal year;
- The summary of the program evaluations completed during the fiscal year;
- Performance trend data for the three preceding fiscal years. This is phased in (e.g., for FY 2000, FY 1999 data; for FY 2001, FY 1999 - FY 2000 data; for FY 2002, FY 1999-2001 data; for FY 2003, FY 2000-2002 data); and
- An acknowledgment of the role, and a description of the contributions made by non-Federal entities in the preparation of the report.<sup>20</sup>

Agencies may elect to report on program performance under GPRA, using the annual financial statement required by the Chief Financial Officer's Act, but the report must be submitted by March 31 of the year following the FY covered by the report.<sup>21</sup> The development of the program performance report is considered to be an inherently governmental function; therefore, it can only be performed by Federal employees.<sup>22</sup>

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<sup>20</sup> Public Law 103-62, section 1116(d)

<sup>21</sup> Public Law 103-62, section 1116(e)

<sup>22</sup> Public Law 103-662, section 1116(f)

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## **Chapter II: Program Planning and Reporting Requirements**



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## Chapter II Program Planning and Reporting Requirements

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## **CHAPTER II**

### **PROGRAM PLANNING AND REPORTING REQUIREMENTS**

#### ***INTRODUCTION***

The Office of Emergency and Remedial Response (OERR), Office of Site Remediation and Enforcement (OSRE), the Federal Facilities Enforcement Office (FFEO), and the Federal Facilities Restoration and Reuse Office (FFRRO) are responsible for program planning and reporting requirements. The Superfund Comprehensive Accomplishment Plan (SCAP) is the mechanism used by the Superfund program to plan, budget, track, and evaluate progress toward site cleanup. The SCAP process serves as the foundation upon which changes in direction (e.g., Administrative Reforms) and the parameters within which the program operates, and will operate in the future, will be reflected.

Planning in the Superfund program is accomplished through the budget, SCAP, and program evaluation processes. Successful planning requires the reflection and accurate costing of program priorities in the budget and workload model, and translation of the priorities and resource requirements into specific output commitments in SCAP. Candid evaluation of performance against these commitments is essential to assess the viability of program priorities, resource requirements, and overall effectiveness.

#### ***BROWNFIELDS***

The Brownfields Pilot Program is funded using Superfund money under EPA's CERCLA investigatory authority. These properties are generally not traditional Superfund sites as they are not highly contaminated and present lesser health risks. The Brownfields pilot program is intended to provide EPA, States, local governments, and Federally recognized Indian tribes with useful information and new strategies for promoting a unified approach to environmental assessment, cleanup, and redevelopment. As such, this program leads to the cleanup of hazardous waste sites but not in the traditional context. Therefore, a traditional approach such as SCAP cannot capture the true benefits of the program. To do this, EPA has signed a cooperative agreement with the Institute for Responsible Management (IRM) to work with the pilots and track their progress. This progress tracking of the Brownfields program will not be done via the CERCLIS database as all other Superfund progress is reported. IRM will have the responsibility for tracking and reporting. IRM will review the goals and objectives, measures of success, and progress of each pilot, and develop a pilot-specific matrix that will track the progress at each pilot. Through this effort, EPA will capture the progress at the Brownfields pilots and fulfill the spirit of the Government Performance and Results Act (GPRA) intention for financial accountability.

#### ***REINVENTING SITE ASSESSMENT***

As the nature of site assessments change, we need to address new reporting and accountability challenges to accurately portray the extent of State, federal, and local government site assessment activities. Traditional CERCLIS site assessments, including integrated assessments, should continue to have accomplishments coded into CERCLIS on a routine (i.e., quarterly) basis. As Regions provide States flexibility in Cooperative Agreement applications and work plans by expanding the definition of types of assessment activities to be performed, the States also need to provide accountability for the activities performed through quarterly or annual reporting of the number of sites assessed, types or nature of assessments performed, and assessment results. Management systems at the State and probably Federal level will be needed to provide the accountability necessary and, also, to identify program accomplishments.

#### ***INTEGRATED PLANNING***

Integrated planning is the responsibility of HQ and Regional program offices, Regional finance offices, the States, the Office of Regional Counsel (ORC), and DOJ. Information on planned activities should also be coordinated with the Natural Resources Trustees and the Agency for Toxic Substances and Disease Registry (ATSDR). To provide

adequate resources for priority actions at Superfund sites, HQ allocates resources within and between response and enforcement actions. Regions are responsible for providing data on the level of resources needed to accomplish those priority activities and negotiate commitments consistent with realistic site planning. Regions should not accept targets that require completion of activities that cannot be funded or staffed within the resources provided. This requires Regions to reconcile FY 97 targets and their Superfund pipeline with the financial operating plan proposed by HQ.

Flexibility is greatest in the budget planning years. Realistic outyear planning data (milestones and funding needs) allows HQ to prepare requests for resources based on Regional needs. Exhibit II.1 summarizes levels of flexibility as the operating year is entered. Major phases in the decision making continuum include:

- *Formulation of the outyear budget occurs 12 to 18 months prior to the FY.* Development of the budget includes identification of major program issues, analysis of program costs, and alignment of resources among competing priorities. These activities receive resource allocations that are established by the Administrator and the Assistant Administrator for the Office of Solid Waste and Emergency Response (AA SWER) or the Assistant Administrator for the Office of Enforcement (AA OECA). These allocations balance the needs of the Superfund program with the needs of other Agency programs.
- *Development of the initial operating plan occurs six months prior to the FY and is finalized before the start of the FY.* The proposed response and enforcement operating plans are developed based on the average amount of money obligated/tasked by the Region over the past three years. The Federal facility budget is based on Regional requested needs and an evaluation of prior year expenditures. OSWER and OECA negotiate the final operating plan based on Regional response to the initial operating plan, the Regional pipeline, past Regional accomplishments and planned durations/dollars, Regional requests for the budget reserve, and associated SCAP output commitments. OSWER and OECA provide resources to support the program through the Advice of Allowance (AOA) and workload process. Regions are expected to work within the annual Regional budgets established at the start of the year until the mid-year evaluation. Regions have flexibility within the general budget and AOA structure to shift funds as needed to meet priority activities. (See Chapter III for additional information on shifting funds.) Once the operating plan is established at the start of the year, additional resources generally can be shifted to a Region only at the expense of resources from other Regions. However, HQ may shift funds among the Regions depending on the level of use and need.
- *Use of the mid-year evaluation to realign resources in the current FY.* Current year resource adjustments focus on changes needed due to cost and project schedule modifications. Changes may result in shifts within program areas and among Regions, and revised annual funding levels. Estimates developed in April/May for the upcoming FY represent the first formal opportunity for changing resources among program areas at a national level. The revised resource estimates also serve as a "baseline" for examining program needs in the budget year.

Exhibit II.2 describes the information flow and HQ and Regional responsibilities associated with integrated planning.

## ***INTRODUCTION TO THE SUPERFUND COMPREHENSIVE ACCOMPLISHMENT PLAN (SCAP)***

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 SCAP 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. An 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 by providing both HQ and Regions with direct access to the same data. With the implementation of the new CERCLIS system, reports can be produced allowing for daily interactive updates of planning and site cleanup progress information.

**EXHIBIT II.1**  
**FLEXIBILITY SCALE FOR BUDGETING/PLANNING**

← Minimum <span style="float: right;">Maximum →</span>		
Operating Year Budget (FY 97)	Planning Year Budget (FY 98)	Outyear Budget (FY 99)
1. Operating Plan Establishes Funding Ceiling (96/4)	2. Development of Operating Plan Begins 6 Months Prior to FY; 90 percent of Operating Plan based on Prior Years's Obligations (Begins 97/2)	3. Formulations Begins 12-18 Months Prior to FY; Largely Dependent on Regional Planning Data in CERCLIS (Begins 97/3)
1. Semi-Annual Targets are Set - Targets can be Changed Only through Formal Regional Administrator Request. Sites can be Substituted to Meet Commitments	2. SCAP Targets finalized in September	3. No Targets Set but Schedules and Estimated costs for RA and Early Action Under Remedial Authority Help to Drive Budget Request
1. Pricing Factors are Set - Cannot Change Pricing on Events/Activities	2. Pricing Factors can be changed through Regional/HQ Consensus	3. Pricing Factors are Subject to Review
1. Additional Funds can only be Obtained through Special Requests	2. The Budget is Set but There is More Leeway to Make Adjustments based on Proven Need	3. Budget is Constrained Based on Resource Cap Imposed by AA and Administrator Unless Exception can be Justified
1. Regions have flexibility within General Budget and AOA Structure to Shift Funds to Meet Priority Activities	2. Regions Request Funds to Meet Regional Pipeline Goals and National Program Priorities	3. Maximum Flexibility to Design Budget to Optimize Cross-Program Priorities
1. Mid-Year SCAP Evaluation Used to Realign Current Year Resources	2. Final SCAP Targets Set Final Resource Levels (97/4)	3.
1. Flexibility on Dollars much Greater than FTEs through Reg. Reprogramming	2. Flexibility on Dollars and FTE may be Constrained by President's Budget	3.
1. Resources for response actions will be funded based on the Priority Panel decisions	2. Candidate sites are identified for the Priority Panel	3.

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

The SCAP process is crucial to Superfund program planning, tracking, and evaluation. As the Superfund program's central planning mechanism, it is interrelated with all Agency and Superfund program specific planning and management systems, including the EPA and Superfund strategic plans, the Superfund budget, Agency Operating Plan, and the Superfund workload models. SCAP targets/measures are designed to reflect the strategic plans and the Agency's goals and priorities for the upcoming year. In some cases, new SCAP categories are developed, or the projections for SCAP activities are adjusted to match the Agency's goals.



**EXHIBIT II.2**  
**HQ/REGIONAL INTEGRATED PLANNING RESPONSIBILITIES**

Regional Responsibilities	HQ Responsibilities
<p>Manage projects to integrate Enforcement and Fund milestones and to ensure schedules and timelines are met</p> <p>Involve the State, ORC, and finance offices in the planning process</p> <p>Provide accurate, complete, and timely project planning data in CERCLIS</p> <p>Follow established planning procedures and requirements so that HQ has a common basis with which to evaluate Regional proposals (See Chapter III and Volume II Appendices)</p> <p>Assess Federal agencies cleanup needs identified as part of the Office of Management and Budget (OMB) A-106 process</p> <p>Identify multi-media planning and cleanup opportunities</p> <p>Recognize that missed commitments severely impact resource availability</p> <p>Identify potential unused funds and return them to HQ within reasonable timeframe for redistribution</p>	<p>Establish a combined Fund and Enforcement hierarchy of program priorities in consultation with the Regions to be used in negotiations and adjustment of targets</p> <p>Review integrated operating plans and site commitments proposed by the Regions prior to negotiations</p> <p>Coordinate OSWER, OECA, DOJ, Financial Management Division (FMD), and the Office of Administration and Resources Management (OARM) activities throughout the planning process</p> <p>Work with Regional managers to formulate preliminary resource requests and determine how resources should be adjusted to meet program priorities</p> <p>Communicate with the Regions on changes/additions to SCAP schedules</p> <p>Provide funding and FTE levels consistent with each Region's active pipeline phases, shifting Regional resources if needed to support priority activities</p> <p>Develop policy and guidance in response to Congressional or Agency initiatives</p>

### Management Tools

Most of the Superfund program's budget is based on SCAP. The operating year's budget is developed 18 months prior to its beginning. For example, SCAP data existing in the third quarter of FY 97 will be used to formulate the FY 99 budget. The site schedules reflected in SCAP serve as the foundation for determining outyear budget priorities, such as the dollar levels to be requested in the budget and the total level of FTEs to be made available for distribution through the workload model. Because dollars for Fund-financed RAs, early actions (remedial authority), and RDs dominate the overall Superfund budget, it is critical that SCAP identify RD, RA, and early actions (remedial authority) candidates and projected funding needs. Cost estimates for RAs and early actions (remedial authority) should be derived using the draft FS or ROD estimates. Brownfields budgets are based on decisions during selection of pilot sites. For pilot purposes, Brownfields are being identified via the Priority Flag in the new CERCLIS system. Progress tracking of the Brownfields program is being led by IRM with support from individual Regions.

The Superfund budget provides the basis for the Agency Operating Plan. The Operating Plan, which is finalized prior to the FY, establishes the funds available to the Regions for performing Superfund work. Enforcement operating plans are adjusted in the first quarter of the FY based on Regional contract carryover.

To meet the requirements of the Government Performance and Results Act (GPRA) discussed in Chapter I, Superfund will be developing its strategic plan and its annual performance plan during FY 97. Included in the annual performance plan will be objective, quantifiable, measurable performance goals. The goals established for GPRA will replace/supplement the present SCAP goals and will be reported semi-annually by HQ and the Regions to the Office of Policy, Planning and Evaluation (OPPE). OPPE will track Superfund's progress towards achieving GPRA goals as part of the overall Agency performance evaluation process. GPRA accomplishments will be tracked through CERCLIS. Commencing March 30, 2000, an annual performance report will be submitted to Congress discussing the previous year's program successes and failures in meeting GPRA goals and objectives.

The Superfund workload models distribute FTEs for each program and Region. There are two Superfund program models: the Hazardous Site and Spill Response model, which distributes resources for the site assessment and response programs, and the Technical Enforcement model, which distributes enforcement FTEs and extramural dollars. SCAP plans form the basis of the workload models. In FY 97, each Region's FTEs distribution continue to be frozen at the FY 90 distribution ratio. While the freeze ensures that the total Regional Superfund resources are not affected, shifting of resources within the Region among the different program areas to support Agency/Regional program priorities may occur. This includes shifts between the response and enforcement programs. All shifts will be based on the national budget (see Chapter III) and program priorities (see Chapter I). *[Note: Shifts between program elements in excess of \$500,000 require both HQ and Office of Management and Budget (OMB) approval.]*

FFRRO and FFEO will coordinate with OERR and OSRE throughout the SCAP process. FFRRO and FFEO will rely on CERCLIS data in planning, budgeting, tracking, and evaluating progress at Superfund Federal facility sites. In addition to CERCLIS, FFEO and the Regions will 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. These data will enable FFRRO, FFEO, and the Regions to evaluate actual outlays and accomplishments at Superfund sites as they relate to budget authorities and obligations. 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 FFEO and the Regions with additional insight into Federal agency planning and cleanup support.

### **Superfund Information Systems**

Effective management of the Superfund program requires the availability of accurate information on Superfund sites throughout the country. CERCLIS was developed in the mid-1980s as an integrated system to hold national site assessment, remedial, removal, enforcement, and financial information. To facilitate Regional use of the information in the centralized CERCLIS data base, a local area network (LAN) version of CERCLIS, called WasteLAN, was implemented. Beginning in FY 97, Regions will start using the third generation of CERCLIS, CERCLIS 3, to record Superfund planning and accomplishment information. CERCLIS 3 has been designed to support the evolving business needs of the Superfund program. (See Appendix E for more information on CERCLIS 3.)

## **OVERVIEW OF THE SCAP PROCESS**

The SCAP process generates data that fulfill the following functions:

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

The SCAP cycle was revised in FY 93. Instead of a semi-annual, formal update and negotiations process, the SCAP planning cycle begins in late April/early May and ends with formal negotiations in September. Therefore, it is essential that SCAP data remain current and up-to-date throughout the year and that accomplishments be reported as soon as they occur. Site schedules and financial planning information should be reviewed and updated on an ongoing basis (at a minimum on a monthly basis).

Following is a summary of the revised SCAP cycle:

- *Late April/early May* - HQ prepares the response and enforcement Regional operating plan based on the past three years of Regional obligations and tasking averages. The enforcement program will also consider unliquidated balances in relation to current invoicing rates. The proposed operating plan will be coupled with an analysis of where each Region is in the Superfund pipeline. HQ will distribute 90 percent of the budget, holding a 10 percent reserve to negotiate in August. At this time, HQ will also pull data from CERCLIS to determine the number of active sites and the phase each site is in for the initial run of the workload model.
- *Mid-May/late June* - Regions should do their site planning using CERCLIS as in years past. The Regions should focus on their individual pipeline, the overall goals and priorities of the program (See Chapter I), and how they can achieve their portion of the national effort given proposed resources.
- *July*- HQ generates each Region's proposed workload and budget, reviews past Regional accomplishments and planned durations/dollars, and reviews Regional requests for the 10 percent reserve. A preliminary round of Regional conference calls are conducted to share the HQ analysis with the Regions.
- *August* - Final negotiations on Regional budgets and targets occur between HQ and the Regions.
- *November*- Enforcement extramural budget carryover amounts are calculated and the FY Regional enforcement budget allocation is finalized. Regions revise their final negotiated targets based on commitments that were not met the previous year.

Regions are required to manage their funds and operate within the annual budgets established. Non-RA funds within the Region's budget must be reprogrammed to meet unexpected needs.

### ***SCAP CHANGE CONTROL REQUIREMENTS***

Stability in the SCAP process through the year is essential to the success of SCAP planning and accomplishment reporting/evaluation procedures. The following procedures are used to control changes to items in SCAP:

- Changes (including additions or deletions) to SCAP targets, measures, definitions, methodologies, planning processes, accomplishment reporting, financial management, or any other process described in this Manual must be presented by the Office Director for the program office proposing the change, and receive the comments/concurrence of OSRE, OERR, FFRRO, and OFFE;
- All proposed changes must be sent to the Regions and all other program offices for review and comment prior to implementation; and
- The decision on whether to proceed with the proposed change must be documented in writing. Copies of all final decisions should be provided to all program offices and Regions. If the proposed change will be implemented, an addendum to the Superfund Program Implementation Manual may be issued.

## ***HQ/REGIONAL ROLES AND RESPONSIBILITIES***

### **Maintaining SCAP in CERCLIS**

Exhibit II.3 describes the HQ/Regional responsibilities for maintaining SCAP data in CERCLIS.

The Information Management Coordinator (IMC) is a senior position which serves as Regional lead for all Superfund program and CERCLIS systems management activities. The following lead responsibilities for Regional program planning and management rest with the IMC:

- Coordinate SCAP planning, development, and reporting;
- Ensure Regional accomplishments are completely and accurately reflected into CERCLIS;
- Ensure nationally established CERCLIS core data requirements are met and the data are complete, accurate, and up-to-date;
- Reconcile Integrated Financial Management System (IFMS) and Enforcement Support Services Work Assignment Tracking System (ESSWATS) data with CERCLIS financial data;
- Provide liaison to HQ on SCAP and program evaluation issues;
- Coordinate Regional evaluations by HQ; and
- Ensure that the quality of CERCLIS data is such that accomplishments and planning data can be accurately retrieved from the system.

**EXHIBIT II.3**  
**HQ/REGIONAL SCAP AND CERCLIS RESPONSIBILITIES**

<b>Regional Responsibilities</b>	<b>HQ Responsibilities</b>
Planning and scheduling all events and enforcement activities from site assessment and PRP search through NPL deletion	Entering/negotiating final SCAP targets and measures
Keeping SCAP planning data current in CERCLIS, including updating site schedules established at the ESI/RI stage and cost estimates for long-term action and early action (remedial authority) when better planning data become available	Updating the numbers and site back-up in the Targets and Accomplishments data file to reflect approved amendments to the SCAP throughout the year
Updating site back-up in the Targets and Accomplishments data file to reflect adjustments to SCAP throughout the year	Entering preliminary and final budget data into the Budget Control (BC)/AOA component of CERCLIS
Reporting accomplishments in CERCLIS as they occur	Determining the AOA based on SCAP planned activities in CERCLIS
For Regions still in the CERCLIS 2 environment, uploading WasteLAN data to CERCLIS on a regular basis	Entering and maintaining AOA data in the BC/AOA component of CERCLIS
Entering and maintaining quarterly planning, budget, and accomplishment reporting for non-site specific activities	Responding to Regional requests for changes in plan through the amendment/change requests process
Preparing SCAP amendments and change requests	Utilizing CERCLIS to obtain SCAP, budget and other Superfund site information to respond to special requests for information and planning data
Tracking and maintaining the enforcement extramural budget and the Federal facilities budget	Communicating with Regions and HQ offices regarding changes in budget, SCAP process, SPIM, and other SPFD program guidance that will impact CERCLIS, and subsequently implementing these changes in CERCLIS

## Program Evaluation

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

### EXHIBIT II.4 EVALUATION RESPONSIBILITIES

Regional Responsibilities	HQ Responsibilities
Meet quarterly/semi-annual SCAP targets and solve performance problems when they arise	Provide guidance to the Regions for the quarterly reporting, the mid-year assessment, the year-end assessment, and Regional reviews
Provide quarterly SCAP data to HQ through CERCLIS	Implement and report on follow-up action items from the Superfund quarterly and/or mid-year assessment and Regional reviews
Maintain CERCLIS data quality at high levels for Superfund program and project management	Review performance data reported by the Regions and assist Regions having difficulties in meeting targets
Negotiate performance standards that provide individual accountability for targets	Conduct Regional reviews
Assess Federal agency needs identified during the OMB A-106 process	Continually assess program performance and analyze timeliness and quality of work
Participate in the Regional reviews	Recommend resource reallocation based on Regional needs and performance
	Assure that all staff are informed of results of performance reporting
	Compare Federal agency budget authorities, obligations, and outlays to monitor cleanup activities

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/redirecting resources.

The strategy for assessing the performance of the Superfund program is comprised of the following:

- Establishing semi-annual and annual targets and planning measures;
- Quarterly reporting of response and enforcement SCAP accomplishments based on CERCLIS data;
- Semi-annual reporting of response internal measures and Federal facility SCAP accomplishments based on CERCLIS data;
- Quarterly evaluation of enforcement SCAP accomplishments against internal measures;

- Semi-annual performance evaluation; and
- Regional reviews.

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.

In addition to the program management and assessment tools traditionally used by OSWER, FFEO will also be utilizing the A-106 Pollution Abatement Planning Process to ensure sufficient Federal agency funding of response programs. Modifications to the A-106 process have been made to provide FFEO, Regions, OMB, other Federal agencies, and Congress with improved information to evaluate accomplishments at Federal facilities.

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

The process for developing SCAP targets/measures for a FY begins with the SCAP developed during the third quarter of the previous FY, as shown in Exhibit II.5. All targets/measures are established in September only after negotiations between OERR, OSRE, FFRRO, FFEO, and the Regions. In the Regions, a joint review of commitments should be undertaken by the program office and ORC. The dates for pulling CERCLIS data that will be used in developing the proposed Regional operating plan, generating the Regional workload and budget, and negotiations can be found in the Manager's Schedule of Significant Events presented at the beginning of this Manual.

The Region's focus in preparing for negotiations should be on its individual pipeline (i.e., more site assessments or more construction completion oriented), the overall goals and priorities of the program, and how it can achieve its portion of the national effort given proposed resources. HQ compares Regional plans with program goals and resource allocations. In addition, HQ reviews past Regional accomplishments and planned durations/dollars to ensure that the Region is planning the appropriate amount of work given the dollars it is requesting. This provides HQ with a benchmark going into negotiations on what the Region should be able to accomplish based on its unique pipeline status.

### ***PLANNING FOR NEGOTIATIONS***

Regions are required to keep the SCAP data in CERCLIS up-to-date and accurate. Changes in planning information (schedules and funds) should be entered into CERCLIS within five days after the Remedial Project Manager (RPM)/On-Scene Coordinator (OSC)/Site Assessment Manager (SAM) are aware of the need for the change. If changes affect a SCAP target or measure or the approved funding level for a site, the Planning Status and Funding Priority Status fields in CERCLIS must also be updated.

#### **Planning Process**

Exhibit II.6 outlines the steps a Region must go through to prepare for negotiations.

As a final check to ensure that SCAP data are up-to-date, Regions should generate CERCLIS SCAP and Audit reports routinely, especially those Regions that have delegated responsibility for entering information into the CERCLIS data base to RPMs, OSCs, and SAMs. At an absolute minimum, reports should be generated prior to HQ development of the proposed operating plan and in late June for internal review of the planning data in CERCLIS. These planning data should reflect any adjustments or approved amendments made to the annual plan.

As designated, HQ pulls SCAP reports from CERCLIS. The data in these reports serve as the basis for HQ/Regional 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.

CERCLIS data quality problems that affect the SCAP update shall be resolved prior to negotiations. These problems are to be resolved on a Region-specific basis through telephone calls between HQ and the IMC or program manager.

**EXHIBIT II.5**  
**PROCEDURES FOR ANNUAL TARGET SETTING**

<b>Month</b>	<b>Regional Responsibilities</b>	<b>HQ Responsibilities</b>
April/May	Consult with States and ORC on FY 98 activities	<ul style="list-style-type: none"> <li>• Prepare program and enforcement Regional operating plan based on past three years average Regional obligations/tasking</li> <li>• Analyze Regional pipelines</li> <li>• Allocate 90 percent of FY budget to Regions (proposed operating plan)</li> </ul>
May/June	Update site schedules and funding needs based on plan, Regional pipeline, and national goals and priorities	
July	Participate in HQ conference calls on analysis of Regional plan	<ul style="list-style-type: none"> <li>• Distribute official "call memo" for upcoming negotiations planning</li> <li>• Review Regional SCAP and pipeline workload and budget</li> <li>• Review past Regional accomplishments and planned durations/dollars</li> <li>• Review Regional requests for 10 percent budget reserve</li> <li>• Conduct Regional conference calls on the results of the analyses</li> <li>• Distribute draft SPIM for review and comment</li> </ul>
August/September	<ul style="list-style-type: none"> <li>• Negotiate final targets/measures and budget</li> <li>• Enter schedule or target changes that result from the negotiations into CERCLIS</li> </ul>	<ul style="list-style-type: none"> <li>• Negotiate final targets/measures and budget</li> <li>• Enter final commitments and site specific back-up into CERCLIS</li> <li>• Send targets/measures and Regional budgets to AAs for approval</li> </ul>
November	Revise negotiated targets during open season based on commitments missed in the prior year	<ul style="list-style-type: none"> <li>• Revise Regional Enforcement operating plans</li> </ul>

**EXHIBIT II.6**  
**REGIONAL PLANNING FOR NEGOTIATIONS**

Month	CERCLIS 2 Activity	CERCLIS 3 Activity
May/June	<p>Identify response, enforcement, and Federal Facility projects as "Primary" (P) or "Alternate" (A) in the Activity/Event Planning Status field (C1725/C2110).</p> <ul style="list-style-type: none"> <li>Primary projects have the greatest likelihood of meeting schedules and are used to determine SCAP commitment.</li> <li>Alternates are projects that can be substituted for primary targets that slip or are deferred.</li> </ul>	<p>IMCs and Regional management can identify actions as "Primary" or "Alternate" in the Planning Status field on the Regional Planning screen. The Planning Status field assists in identifying actions with the greatest likelihood of meeting scheduled start and completion dates. However, this designation is specific to an action (e.g., RA) and is not sufficient when the start of the RA is a primary candidate to achieve the target/measure for RA Starts and the completion of the RA is an alternate to achieve credit for the RA Completion target/measure. An indicator field has been added that is specific to each target/measure. Primary candidates for a target/measure can be selected and identified by checking the target icon box on the Regional Planning screen.</p> <ul style="list-style-type: none"> <li>Primary projects have the greatest likelihood of meeting schedules and are used to determine SCAP commitments.</li> <li>Alternates are projects that can be substituted for primary targets that slip or are deferred.</li> </ul>
July/August	<p>Identify events/activities requiring funding by placing "Approved" (APR) in the Funding Priority Status Field (C2625/C3225). <b>The total of all approved funding must not exceed the proposed operating plan.</b></p> <ul style="list-style-type: none"> <li>Only "Primary" targets/measures should have an "Approved" funding status.</li> <li>Projects the Region would like to conduct with the 10 percent budget reserve should have a Funding Priority Status of "Alternate" (ALT).</li> <li>Projects may also be identified with a Funding Priority Status of "CON" (planned contingency funds), indicating projects that have a medium or high potential for the PRP to assume lead responsibility. The funds for the event/activity that has the greatest likelihood of proceeding would be coded as "APR;" the funds for the event/activity that has the least likelihood of proceeding would be coded as "CON."</li> </ul>	<p>Identify actions requiring funding by placing "Approved" in the Priority field. (IMCs gain access to the Priority field through the Budget/AOA screen in the Program Management view or the Site Financial screen in the Cost/Financial view. SAMs/OSCs/RPMs must access the Priority field through the Site Financial screen in the Project Management view.) <b>The total of all approved funding must not exceed the proposed operating plan.</b></p> <ul style="list-style-type: none"> <li>Only "Primary" targets/measures should have an "Approved" funding status.</li> <li>Projects the Region would like to conduct with the 10 percent budget reserve should have a Priority status of "Alternate."</li> <li>Projects may also be identified with a Priority status of "Contingency Funding Planned," indicating projects that have a medium or high potential for the PRP to assume lead responsibility. The funds for the actions that has the greatest likelihood of proceeding would be coded as "Approved;" the funds for the action that has the least likelihood of proceeding would be coded as "Contingency Funding Planned."</li> </ul>



## CERCLIS Reports for SCAP Planning/Target Setting

Exhibit II.7 presents the CERCLIS reports used by HQ and the Regions in the development and negotiation of Regional targets/measures. Following is a description of these reports:

- The *Site Summary Report* (SCAP-02) is used by EPA to display enforcement sensitive CERCLIS data for NPL and non-NPL sites. SCAP-11 and SCAP-12 are Site Summary Reports used to generate external or public NPL and Non-NPL Site Summary reports.
- The *SCAP Response Financial Report* (SCAP-04R), *Federal Facility Financial Summary* (SCAP-04F), and *Enforcement Financial Summary* (SCAP-04E) aggregate dollars by program area and provide both site-specific and non-site specific backup from CERCLIS. These reports should be used to compare the funding requests with the Regional budgets. Regions are prompted for "APR," "ALT," "CON," and "TOTAL."
- The *OPA Measures Report* (SCAP-08) is used by EPA for tracking estimates and accomplishments for reporting progress made toward achieving program goals under the Oil Pollution Act (OPA).
- The *Site Assessment Report* (SCAP-13) is used by EPA for reporting estimates, plans, and accomplishments for SCAP measures. The information provided by this report is used in conjunction with the SCAP-14 and SCAP-18 reports to encompass the entire range of SCAP measures.
- The *Superfund Accomplishments Report* (SCAP-14) is used by EPA to track both event information reflecting targeting, planning, and accomplishment actions and SACM goals.
- The *Response Budget Control Report* (SCAP-21) and *Financial Report for Enforcement* (SCAP-21E) are similar to the SCAP-04R and SCAP-04E. They are used by the Regions to track and balance their fiscal year budgets and by HQ to issue the quarterly Advice Of Allowance (AOA). The report calculates the difference between the Regions current planned budget and its negotiated budget for each line item category. The report also calculates the AOA against the amount of funds actually obligated (including open commitments).
- The *SOL Management Report* (ENFR-17) identifies planned and actual completion dates and obligations for response activities.
- The *Cost Recovery Category Report* (ENFR-46) is used to negotiate cost recovery targets and track cost recovery actions at sites. It divides sites into a number of categories based on SOL considerations and planned or actual cost recovery enforcement activity.

### EXHIBIT II.7 SCAP PLANNING/TARGET SETTING CERCLIS REPORTS

<b>SCAP-2:</b>	Site Summary Report
<b>SCAP-4E:</b>	Enforcement Financial Summary
<b>SCAP-4F:</b>	Federal Facility Financial Summary
<b>SCAP-4R:</b>	SCAP Response Financial Report
<b>SCAP-08:</b>	OPA Measures Report
<b>SCAP-13:</b>	Site Assessment Report
<b>SCAP-14</b>	The Superfund Accomplishments Report
<b>SCAP-21</b>	Response Budget Control Report
<b>SCAP-21E:</b>	Financial Report for Enforcement
<b>ENFR-17:</b>	SOL Management Report
<b>ENFR-46:</b>	Cost Recovery Category Report

## **REGIONAL ACCOMPLISHMENT REPORTING**

Accomplishments data are entered into CERCLIS by the IMC, RPM, OSC, SAM, or other designated program staff (i.e., PRP search, cost recovery) or are recorded on other Regional data entry forms, and entered into CERCLIS by the IMC or designee. Data on accomplishments should be entered into CERCLIS within five working days of the action occurring. Only accomplishments correctly reported in CERCLIS will be recognized by HQ. If a Region feels that it has correctly recorded an accomplishment that is not showing in the Superfund Accomplishments Report (SCAP-14) or Site Assessment Report (SCAP-13), please contact the appropriate HQ office.

Regions should perform data quality checks and make adjustments to CERCLIS if the data base does not reflect actual accomplishments. In any event, Regions need to be sure the information reflected in CERCLIS is up-to-date and accurate.

On the fifth working day of each month, HQ will pull data from CERCLIS on a selected number of key indicators of progress in the Superfund program (e.g., construction completions, early action completions, site characterization starts, negotiations, RODs, on-site construction starts, response settlements and referrals, cost recovery actions/decisions). These numbers will be the official numbers used in any reports of progress given to the Administrator, the AA SWER, the AA OECA, Congress, and the news media.

On the fifth working day of each quarter, HQ pulls SCAP reports from CERCLIS. Preliminary end of the year accomplishments will be pulled on the fifth working day of September; it is the starting point for preparing for the end of the year assessment in November. Since many senior managers and Congress request final accomplishments immediately following the end of the year, CERCLIS accomplishment reports will be pulled on the fifth and the tenth working days of October and reported in late October to mid-November (see Manager's Schedule of Significant Events at the beginning of this Manual for specific dates). This allows the Regions ample opportunity to review end-of-year financial data, ensure that all accomplishments are accurately reflected in CERCLIS, and determine which commitments were not met.

### **CERCLIS Reports for Accomplishment Reporting**

Exhibit II.8 presents the CERCLIS reports HQ uses to evaluate Regional accomplishments. All are used for reporting and crediting accomplishments for SCAP targets and internal reporting measures. Following is a description of these reports:

- The *SCAP Response Financial Report* (SCAP-04R), *Federal Facility Financial Summary* (SCAP-04F), and *Enforcement Financial Summary* (SCAP-04E) aggregate dollars by program area and provide both site-specific and non-site specific backup from CERCLIS. These reports should be used to compare the funding requests contained in CERCLIS to the Regional budgets. Regions are prompted for "APR," "ALT," "CON," and "TOTAL."
- The *Site Assessment Report* (SCAP-13) is used by EPA for reporting estimates, plans, and accomplishments for SCAP measures. The *Superfund Accomplishments Report* (SCAP-14) is used by EPA to track both event information reflecting targeting, planning, and accomplishment actions and SACM goals.
- *Settlements Master Report* (ENFR-3) - This report lists all settlements to date. Data are divided by settlement category and summarized by FY, Region, and remedy.
- *Litigation Master Report* (ENFR-6) - This report lists all litigation cases to date. Data are divided by litigation type and summarized by FY and Region.
- *Administrative/Unilateral Orders Issued* (ENFR-25) - This report lists AOs and UAOs that have been issued.

- *Cost Recovery Category Report* (ENFR-46) - This report lists all completed removals, RA starts, and certain pre-RA activities that are candidates for cost recovery. Sites/projects are divided into one of four universes and seven categories of cost recovery response.
- *Measures of Success Report* (ENFR-62) - This report is intended to allow Regions to report progress on newly developed measures of success relating to enforcement fairness and trust fund stewardship.
- *Environmental Indicators Report* (ENVI-01) - This report provides EPA Regional management with a tool to easily monitor environmental indicators (EI) data.
- Under Section 116(e) of SARA, EPA was required to initiate continuous and substantial remedial action at 200 new NPL facilities during the period of October 18, 1989 through October 17, 1991. EPA acknowledged that the mandate goal could not be achieved. HQ is tracking the progress being made toward meeting the SARA mandate. Information on RA start accomplishments will be pulled from the RA on-site construction data field, per OSWER Directive 9355, O-24A, dated December 22, 1992. This data is captured in the SCAP-14 Report.

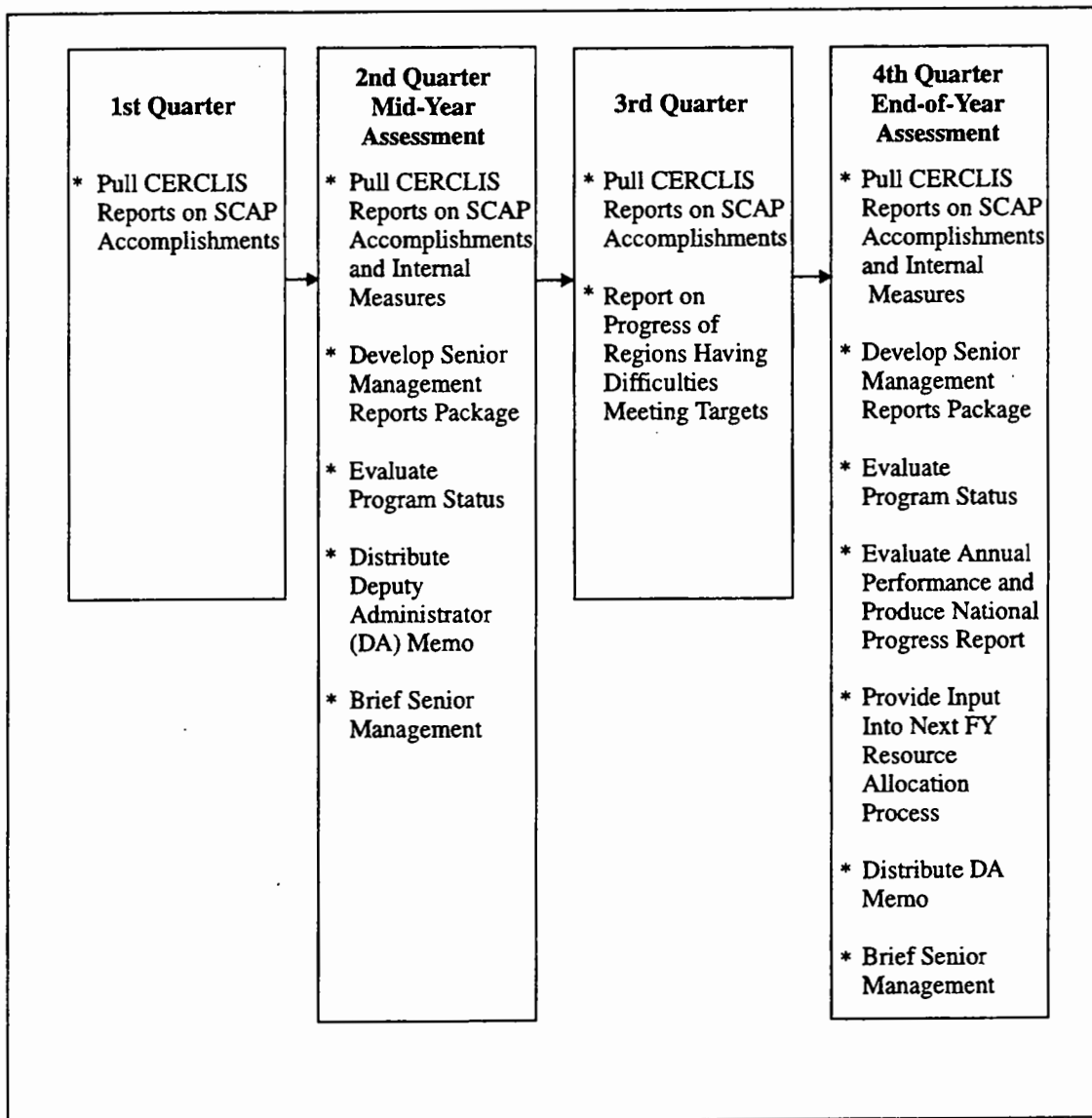
#### EXHIBIT II.8 PROGRAM EVALUATION CERCLIS REPORTS

SCAP-4E:	Enforcement Financial Summary
SCAP-4F:	Federal Facility Financial Summary
SCAP-4R:	SCAP Response Financial Report
SCAP-13	Site Assessment Report
SCAP-14:	Superfund Accomplishments Report
ENFR-3:	Settlements Master Report
ENFR-6:	Litigation Master Report
ENFR-25:	Administrative/Unilateral Orders Issued
ENFR-46:	Cost Recovery Category Report
ENFR-62:	Measures of Success
ENVI-01:	Environmental Indicators

#### ***HQ EVALUATION OF REGIONAL PERFORMANCE***

Accomplishment data for SCAP are pulled from CERCLIS at the close of business of the fifth working day of the quarter; **therefore, it is necessary that the Regions update their accomplishments quarterly prior to the fifth working day pull date. HQ management tracks and bases its evaluation of Regional program performance on these data.** The data are pulled on a selected number of key indicators of progress in the Superfund program (e.g., construction completions, early action completions, site characterization starts, response settlements and referrals, RODs, on-site construction starts, and cost recovery activities). These numbers are the official numbers used in any reports of progress given to the Administrator, Deputy Administrator (DA), AAs, Congress, and the media. Detailed HQ management evaluation occurs at two points during the FY: after the second quarter (mid-year assessment) and after the fourth quarter (end-of-year assessment). (See Exhibit II.9.) In addition, HQ will be conducting Regional reviews in FY 97.

**EXHIBIT II.9**  
**THE REGIONAL EVALUATION PROCESS**



**Mid-Year Assessment**

The purpose of the mid-year assessment is to:

- Track Regional progress toward accomplishing SCAP targets;
- Evaluate Regional accomplishments against internal planning and reporting measures;
- Identify and assess problems impacting performance;
- Work with Regions experiencing difficulty in meeting their targets;

- Provide both HQ and the Regions with an opportunity to assess performance;
- Consider the impact of Regional program performance on the Superfund pipeline; and
- Identify trends in program performance and adjust program management strategies accordingly.

On the fifth working day of April, second quarter SCAP data are pulled from CERCLIS. Prior to the mid-year SCAP briefing (the second week in May), OERR, FFEO, and OSRE Directors have briefed the AA SWER on the steps being taken to ensure the accomplishment of annual targets. To ensure that these actions are implemented, HQ will track follow-up items and reallocate resources. The results of the mid-year assessment can result in increases or decreases to third or fourth quarter AOAs. The measure of a Region's ability to meet their targets will be considered in August when final FY 98 SCAP commitments and Regional budgets are established.

#### **End-of-Year Assessment**

Before the end of the fourth quarter, there is a preliminary pull for end-of-year accomplishments (the first week of September). This pull is used to project end-of-year accomplishments. It is important to stress that this is only a projection and that the actual pulls, on the fifth and tenth working days of October, are likely to be somewhat different than the projected numbers. Since many Superfund managers and Congress request final accomplishments immediately, Regions should make every attempt to update CERCLIS at the earliest possible date and, in no event, any later than the fifth working day after the end of the year.

In November, HQ conducts the official end-of-year assessment. This assessment is an integrated analysis of program performance activities for the year. The purpose of the end-of-year assessment is to emphasize pipeline issues (e.g., slipped targets and their impact on commitments for the next year). The end-of-year review also notes progress toward implementing strategies identified in the mid-year assessment, and identifies Regions that might require additional assistance as the new FY begins.

HQ considers the end-of-year assessment in developing the final SCAP target and measures. In this way, the results of the end-of-year assessment have a double impact.

#### **Regional Reviews**

Before the beginning of the FY, the program offices and Regions identify key program areas and issues in the strategic plans or individual program management guidance. Those issues that HQ program managers believe to be important to the general success of the program's mission are selected for discussion during the Regional reviews.

#### **Management Reporting**

Periodically, reports are pulled from CERCLIS that provide national information on Superfund planning and progress. These reports must be consistent with the SCAP data. It is essential that end-of-month CERCLIS data be up-to-date as of the close of business on the fifth working day of the following month. (Specific dates are listed in the Manager's Schedule of Significant Events found at the beginning of this Manual.) This is the day that data will be pulled from CERCLIS. It is strongly recommended that planning and accomplishment data be entered into CERCLIS as events, activities, and slippage occur.

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 data base 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 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. Using data that is downloaded from CERCLIS, the INSITE II system provides EPA senior managers with summary graphic reports and backup site detail information.

The FY 97 packages provide graphical representations of the status of SCAP targets and accomplishments, as well as analytic summaries of key aspects of the program including: status and duration of events; trend analysis of PRP involvement; cost recovery candidates; and the current status of negotiations, settlements, and litigation.

The reports, produced semi-annually, illustrate the progress being made by the Agency in both the movement of projects through the Superfund pipeline and in the trend toward increased involvement by PRPs. The semi-annual packages produced by OERR are divided into three distinct sections:

- *Report I: SCAP Estimates and Accomplishments* - This section graphically displays specific SCAP program targets and accomplishments by Region, the percent of annual targets achieved in the major response and enforcement program areas, and annual target and accomplishment totals by SCAP activity for each Region.
- *Report II: Trends Analysis* - These graphs present the duration analyses of pipeline events, including RI/FS, RD, and RA durations, durations from proposed to final listing, and proposed listing to first RI/FS start, first RD start, and first RA start, for both fund and enforcement. 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 OSRE include:

- *SOL Management Report (ENFR-17)* - This report lists all planned and actual completion dates for removals, site assessments, and remedial activities by FY quarter. Planned and actual obligations for each activity are linked with cost recovery actions.
- *Negotiation Master Report (ENFR-59)* - This report lists all negotiations to-date. Data are divided by negotiation category and summarized by FY, Region, milestones, completed negotiations, and ongoing negotiations.

### ***Annual Reporting Requirements***

The Chief Financial Officer's (CFO) Act of 1990 requires all agencies with a trust fund program to submit, in addition to an annual financial statement, a report on program performance measures. Agencies have been directed to establish long-term goals and develop measures that are understandable to the general public. HQ relies heavily on SCAP data to develop and report on these measures. The FY 97 measures are presented in Exhibit II.10.

## **SCAP TARGET AND DEFINITION CHANGE REQUESTS**

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 SCAP target and definition change requests. Regional requests for target changes must be provided in writing to the appropriate HQ office.

**Target changes require HQ concurrence and approval. Target changes do not require HQ approval, but may require HQ notification. Any exceptions to the SCAP accomplishment definitions contained in the Appendices to this Manual are considered target definition changes.**

**These exceptions will be reviewed on a case-by-case basis.** Regions should note that changes made in CERCLIS to site schedules and other planning data will not automatically result in changes to SCAP targets.

### **EXHIBIT II.10 CFO PERFORMANCE MEASURES**

- Number of sites on the NPL where the first cleanup investigation has started compared to the total number of sites on the NPL
- Number of non-NPL sites with hazardous releases where EPA has begun a cleanup action
- Number of sites on the NPL where a decision has been made about how to proceed with the cleanup of at least a significant portion of the site compared to the total number of sites on the NPL
- Number of sites on the NPL where remedial action has been completed for at least a significant portion of the site compared to the total number of sites on the NPL
- Number of sites on the NPL where cleanup construction is completed compared to the total number of sites on the NPL
- Number of enforcement actions taken at NPL sites to have potentially responsible parties (PRPs) conduct or participate in response activities compared to the total number of sites on the NPL, and the percentage and estimated value of PRP commitments for response activities at non-Federal facilities sites on the NPL
- The total value of cost recovery settlements and judicial actions achieved and past costs considered recoverable
- The amount of money EPA has collected from PRPs compared to the total amount achieved in cost recovery settlements and judicial actions
- The estimated amount of money PRPs have committed legally to site cleanup compared to the total amount of funds obligated by the Superfund enforcement program
- The number of *de minimis* settlements, potential value of these settlements, and the estimated number of settlers

Target or definition changes that modify the Region's AOA require a change request. In these situations, the change request becomes the SCAP "amendment." Chapter III outlines the change request procedures. Exhibit II.11 lists the major types of Superfund changes and adjustments. Exhibit II.12 describes the procedures that must be followed when processing these changes.

SCAP target changes should contain the following information:

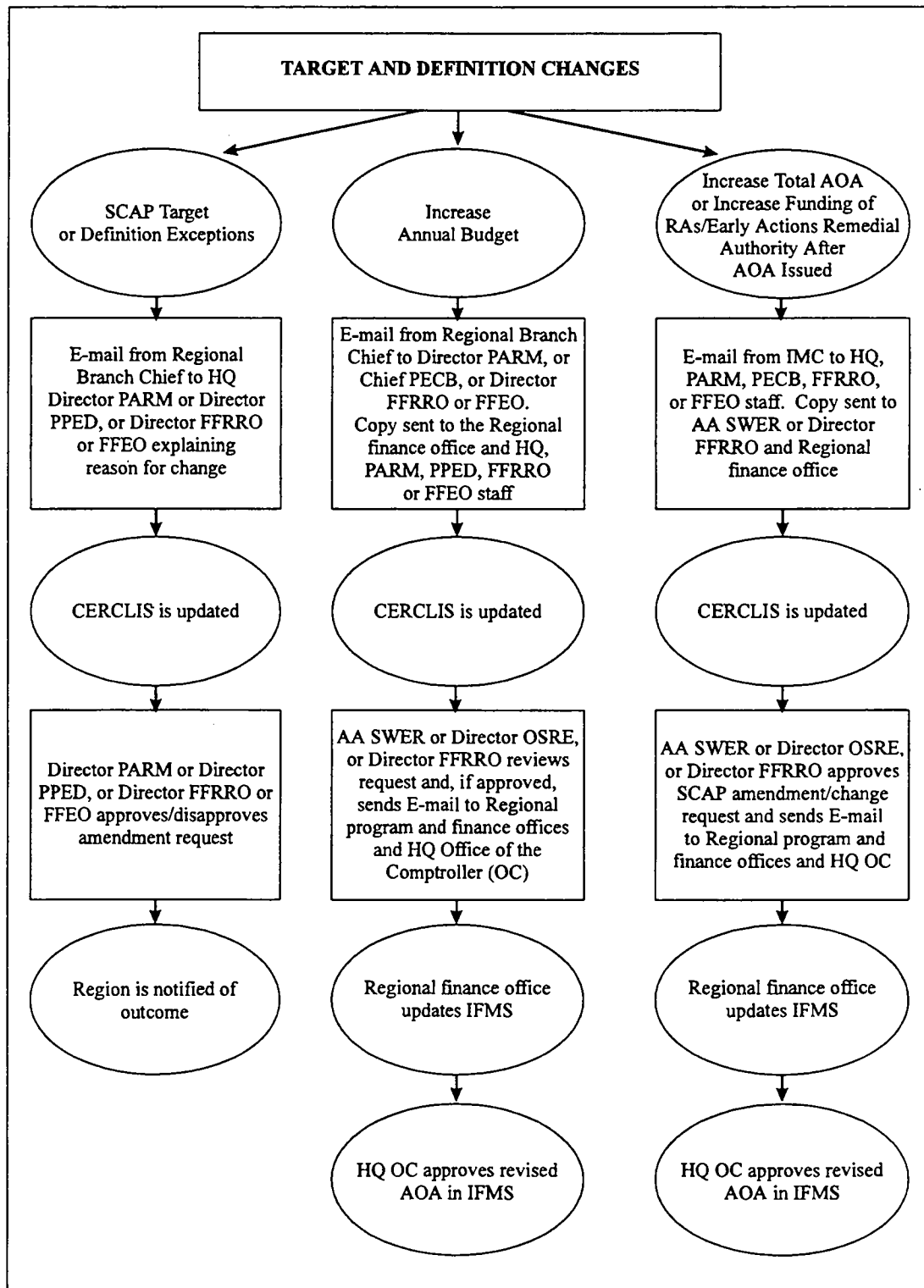
- Site name and Site/Spill Identification number (S/S ID);
- Event/activity affected;

**EXHIBIT II.11  
CHANGES AND ADJUSTMENTS**

Situation	Change or Adjustment	Change Request Required	Procedures
Increase Annual Budget	Change	Yes, if Approved	See Exhibit II.12 or Chapter III, Exhibit III.4
Decrease Annual Budget	Adjustment	No	Revise CERCLIS; Notify HQ PARM Staff, or OSRE/OECA or OFFE or FFRRO
Increase Total (OSRE and PARM) AOA After Issuance Within Annual Budget	Change	Yes	See Exhibit II.12 or Chapter III, Exhibit III.4
Decrease Total (OSRE and PARM) AOA After Issuance	Adjustment	Yes	See Chapter III, Exhibit III.4
Increase/Decrease RA or Early Action (Remedial Authority) Funding Before AOA Issued	Adjustment	No	Revise CERCLIS
Decrease RA or Early Action (Remedial Authority) Funding After AOA Issued	Adjustment	Yes	See Chapter III, Exhibit III.4
Increase RA or Early Action (Remedial Authority) Funding After AOA Issued	Change	Yes	See Exhibit II.12 or Chapter III, Exhibit III.4
Shift Funds Within Allowance After AOA Issued	Adjustment	No	Revise CERCLIS
Shift Funds Between Allowances After AOA Issued	Adjustment	Yes	See Chapter III, Exhibit III.4
Change Annual SCAP Target	Change	No	See Exhibit II.12
Target Site Substitutions	Adjustment	No	Revise CERCLIS
Definition Exceptions	Change	No	See Exhibit II.12



**EXHIBIT II.12  
SCAP TARGET AND DEFINITION CHANGES**



- Justification/purpose;
- Funding amount (if the request is an increase in the annual budget or is a change request);
- Allowance that is being increased and/or allowance that is being decreased, if it is a change request; and
- Program element (GBX-enforcement, FAX-response, and YPX-Federal facilities), if it is also a change request.

The Planning, Analysis, and Resource Management (PARM) coordinates these requests for the program office in OERR. PARM, the Policy and Program Evaluation Division (PPED) of the Office of Site Remediation (OSRE) in OECA, Federal Facilities Enforcement Office (Federal facilities enforcement related issues), and FFRRO (Federal facilities non-enforcement related issues) provide input on SCAP change approval decisions.

Although Regions have the flexibility to alter plans, they are still accountable for meeting the targets negotiated at the beginning of the FY. Changes to SCAP commitments should not be made simply because targets will not be met. However, in some cases, changes to targets may be necessary and may be revised 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);
- Measure or definition in system is creating an unanticipated negative impact;
- Major shifts in project approach associated with SACM and the need to conduct early response actions; or
- Need to address newly identified site which represents a significant human health or ecological risk.

OSWER and OECA require that all SCAP target and definition changes be submitted to HQ by April 15. SCAP target changes must be approved by the Directors of PARM, FFEO, FFRRO, and the chief of PPED.

All changes should be recorded in CERCLIS as an "approved" action after the Region issues the change request or memorandum to OERR, OSRE, FFEO, or FFRRO. Regions should not initiate any obligations against change requests until the HQ Office of the Comptroller (OC) and the Directors of the appropriate office approve the revised AOA in IFMS. The site back-up in CERCLIS should be revised by the Region if the change is approved. If the change is not approved, HQ will notify the Region and the "approved" record in CERCLIS will have to be revised.

### **Maintaining the Targets and Accomplishments File**

HQ is responsible for entering the preliminary and final negotiated SCAP targets in the Targets and Accomplishments file in CERCLIS. During the FY, HQ will also be responsible for changing the targets if amendments are approved. Regions are responsible for updating the Targets and Accomplishments file to reflect SCAP adjustments. The Appendices to this Manual contain tables that show which targets and measures require site specific backup in CERCLIS.

Following are guidelines for Regional maintenance of the Targets and Accomplishments file.

- Regions are allowed to add to or delete sites from the Targets and Accomplishments file only in the case of site substitutions. However, the site specific CERCLIS records should be updated at the time a SCAP amendment is requested.

- The number of approved sites named in the Targets and Accomplishments file must be at least equal to the numerical target. If a Region has a target of eight long-term action starts, for example, eight approved sites must be named in the Targets and Accomplishments site back-up.
- If "To Be Determined" (TBD) sites are used instead of real sites in the Targets and Accomplishments file, there must be enough candidate sites in CERCLIS that can be used to replace the TBD sites as soon as possible. TBDs are not allowed for site assessment activities.
- Regions must ensure that a site and its associated actions that are planned site-specifically be recorded in CERCLIS before they are recorded in the CERCLIS Targets and Accomplishments file.
- It is the Region's responsibility to keep the list of sites that support the targets up-to-date and current. Regional SCAP adjustments must be reflected in CERCLIS. This includes site substitutions and changes in schedules that do not affect SCAP targets.

### ***ARCHIVING CERCLIS SITES***

Of the 40,500 sites that have come to the attention of the Federal Superfund program, less than five percent have been listed on the final NPL. Most sites have been evaluated and determined not to warrant placement on the NPL and have been referred to the States or deferred to other Federal authorities such as the Resource Conservation and Recovery Act (RCRA) program for any further action. However, the perceived potential threat of Superfund liability historically remained for these sites since they were still listed in the general inventory of sites, known as CERCLIS. In response to growing concerns about this unintended stigma associated with sites listed in CERCLIS, EPA introduced the CERCLIS archiving effort in early 1995 as part of the Agency's Brownfields initiative on economic redevelopment. Specifically, CERCLIS archiving is an ongoing effort that addresses this stigma by removing those sites with no further interest under the Federal Superfund program from the CERCLIS inventory. Archiving CERCLIS sites is a key measure of Superfund accomplishments and is being added as a GPRA pilot measure of success for FY 97.

#### **Progress to Date**

To date, the archive effort has included:

- Initially identifying 24,000 sites that had "No Further Remedial Action Planned" site assessment decisions with no removal or other apparent federal Superfund interest;
- Adding an archive flag and archive date field to CERCLIS and updating these for the more than 27,000 sites identified above;
- Separating the List-8 standard FOIA report into two separate reports: one for archived sites and one for the remaining CERCLIS sites;
- Removing the archived sites from the public FOIA CERCLIS database and distributing archive data sets through NTIS;
- Providing archive guidelines in June, 1995 along with site listings;
- Reporting regional progress on archiving additional sites for the EPA Administrator's address to the U.S. Conference of Mayors in January, 1996; and
- Providing access to archived sites via EPA's web server accessible through the Internet.

## Definition

CERCLIS archiving represents a site-wide decision or status indicating that no further interest exists at the site under the federal Superfund Program based on available information. It is a comprehensive decision in that archive status means that there is no further site assessment, remedial, removal, enforcement, cost recovery, or oversight activities being planned or conducted at the site. Please note that archive is not the same as no further remedial action planned (NFRAP). A NFRAP decision is made only at the conclusion of a site assessment event, and does not take into account any other Superfund programmatic activity that may be going on at a site such as removal actions or cost recovery.

EPA currently houses archived sites within the same physical database (CERCLIS) as the remaining CERCLIS sites. As mentioned above, efforts have been taken to segregate these sites on products distributed to stakeholders. Compliance with this strategy is tantamount to ensuring recognition among stakeholders that archived sites are not the same as remaining CERCLIS sites. To assist in this effort, Headquarters and Regions should suppress references to CERCLIS when distributing archived information. The remaining active sites should be referred to as the "CERCLIS" inventory in outreach materials. Archived sites will be stored as a separate, and appropriately named, data set within the CERCLIS environment. EPA will maintain information on the archived sites for historical analyses and to ensure that new sites entered into CERCLIS were not previously addressed (unless warranted by new information as discussed below).

In addition, archived and CERCLIS sites should not be merged together on outreach materials since it defeats the purpose of segregating these sites. In response to requests for information on Superfund sites, EPA's verbal, and now written, policy is to provide information on only the CERCLIS (active) inventory of sites unless the requestor specifically asks for information on the archived sites. In these situations, Regions should provide archive data but must distribute it as a separate product (i.e., do not merge the CERCLIS inventory and archived sites on the same report).

## Information Management

An archive decision is recorded in CERCLIS at the site level. To receive credit for an archive decision, the "Archive IND" must be checked, and the "Archive Date" entered. Archive designation should be documented by a note to the site file identifying that no further Federal Superfund interest exists at the site based on available information. The date of this document should serve as the date entered in the "Archive Date" field.

The public FOIA version of the CERCLIS database is currently comprised of those sites where the archive flag has no value (i.e., not Archive IND). Similarly, standard FOIA reports available from the mainframe such as the List-8T, List-8E, and List-9 are all based on the archive flag value. The archive flag will also be the basis for moving archived sites into a separate data set in CERCLIS.

Archive flag and action information in CERCLIS should be consistent before a site is designated as archived. This means an archived site should not have information indicating that further work is required (e.g., on a backlog, in-process, or undergoing cost recovery). Events with actual start dates and no completion dates must be updated or corrected prior to assigning an archive status since data on these sites indicates that work is still ongoing or in-process. Automating update of the archive flag/date fields based on action data may not be feasible since there may be reasons the Regions do not want a site archived that are not reflected in existing database fields.

## Eligible Sites

Although the underlying basis for archiving a site is whether or not federal Superfund interest exists, several categories of sites are used to generate lists of potential archive candidate sites. Based on review of sites in these categories, Regions should update the archive flag and date fields as appropriate in a timely fashion. These categories are:

- Sites that have gone only through the site assessment process and have either been given a NFRAP or Deferred decision at the conclusion of the last completed site assessment event, and no other federal Superfund activity is anticipated (including confirmation by the RCRA Program or the Nuclear Regulatory Commission (NRC) for sites deferred to those authorities that they are aware of these sites and no further work under the federal Superfund program is required);
- Sites that have had both removal and site assessment work completed, or have had only removal work performed with no site assessment work required (removal-only sites) that have completed any related cost recovery and have no further federal Superfund activity anticipated;
- Sites removed from the proposed NPL, or final NPL (e.g., as a result of a lawsuit) that have no further federal Superfund activity anticipated;
- Sites deleted from the Final NPL that have no further federal Superfund activity anticipated; and
- Sites that have been entered into CERCLIS that have not had any work started and, based on cursory review, do not warrant expenditure of site assessment or removal funding (i.e., sites that have been recorded in CERCLIS that should never have been entered in the first place). A discovery date and abbreviated preliminary assessment (PA) may be appropriate for these sites prior to designating archive status. An abbreviated PA is appropriate when initial information indicates the site does not warrant a full scale PA (see p. 145, Preliminary Assessment Guidance, September, 1991).

Through July 1996, EPA has designated approximately 27,500 sites as archived. About half of the remaining CERCLIS inventory of 13,000 sites are being evaluated under the site assessment program and many of these have been given NFRAP or deferred site assessment decisions, but have not yet been given an archive designation. These "potential archive" candidate sites presently number over 3,000. In addition, typical Superfund activities add between 500 and 1,000 sites per year to these candidate archive groups of sites. It is imperative that Regions determine on a timely basis whether further federal Superfund interest exists at these sites, and make archive decisions as appropriate. If research indicates that further assessment work is required, Regions should update event decisions as appropriate (e.g., change the NFRAP decision at the last site to a low or high priority for further assessment, if appropriate). Reports identifying potential archive candidate sites are available from Headquarters and are being modified to include sensitive cost recovery data to assist Regions in determining federal Superfund interest. The reports are also being converted for use in the new CERCLIS environment.

### **Business Process**

Due to Regional variations in administering Superfund processes, Headquarters is not establishing a business process each Region must follow when designating archive status. This process is left to each Region to implement in a manner that makes sense and is most effective within their operational structure. The archive criteria described above must be considered in whatever process a Region implements. Within the business process of archiving sites, Regions must also include coordination with the RCRA program to ensure that both federal programs are in agreement on which sites each program is responsible.

### **Returning Sites to CERCLIS**

Finally, CERCLIS archiving may be a dynamic process. Archive decisions are made based on information known at the time of the decision. If new information warrants, EPA may return an archived site back into the CERCLIS inventory. This can be accomplished within the CERCLIS-2 environment by simply deleting the "NFA" value and related date from the archive flag/date fields. A process for returning sites to the CERCLIS inventory will be provided within the new CERCLIS environment, but the technical procedures have not been identified as of this writing. When determined, these procedures will be discussed in related CERCLIS information management documentation.

## ***PARTIAL DELETION OF NPL SITES***

On November 1, 1995, EPA revised its policy on deleting sites listed on the NPL. With State concurrence, EPA may delete sites from the NPL when it determines that no further Superfund response is appropriate. In making that decision, the following issues are typically considered. The policy introduces guidelines on partial deletions of releases/sites listed on the NPL, which will more fully communicate successful cleanup of portions of these sites. Historically, EPA policy has been to delete releases only after evaluation of the entire site. However, total site cleanup may take many years, while portions of the site may have been cleaned up and may be available for productive use. Potential investors or developers may be reluctant to undertake economic activity at even a "cleaned up" portion of real property that is part of a site listed on the NPL. Therefore, EPA will consider partial deletion for portions of sites when no further response is appropriate for that portion of the site. Such portion may be a defined geographic unit of the site, perhaps as small as a residential unit, or may be a specific medium at the site, e.g., groundwater, depending on the nature or extent of the release(s). The criteria for partial deletion are the same as for final deletion. Given State concurrence, EPA considers:

- Whether responsible or other parties have implemented all appropriate and required response actions;
- Whether all appropriate Fund-financed responses have been implemented and EPA has determined that no further cleanup by responsible parties is appropriate; or
- Whether the release of hazardous substances poses no significant threat to the public health, welfare, or the environment, thereby eliminating the need for remedial action.

EPA will delete portions of sites, as appropriate, and will consider petitions to do so. Petitions may be submitted by any person, including individuals, business entities, States, local governments, and other Federal agencies. Partial deletion will also be governed by 40 CFR 300.425(e). Therefore, State concurrence will continue to be a requirement for any partial deletion.

The primary purpose of the NPL is to serve as an informational and management tool. Whether property is part of an NPL site is unrelated to CERCLA liability because neither NPL listing nor deletion assigns liability to any party or to the owner of any specific property. Liability under CERCLA is determined by CERCLA Section 107, which makes no reference to NPL listing or deletion. Listing or deleting a site from the NPL does not create CERCLA liability where it would not otherwise exist. As with entire sites, deleted portions of sites remain eligible for further Fund-financed remedial actions should future conditions warrant such action. Whenever there is a significant release from a site or portion of a site deleted from the NPL, the site or portion may be restored to the NPL without application of the Hazard Ranking System.

Guidance on how to report partial deletions in CERCLIS is included in Appendix B for non-Federal facility sites and Appendix D for Federal facility sites.

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## **Chapter III: Superfund Financial Management**



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## Chapter III Superfund Financial Management

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## **CHAPTER III SUPERFUND FINANCIAL MANAGEMENT**

### ***INTRODUCTION***

This chapter discusses the impact of the Superfund Comprehensive Accomplishments Plan (SCAP) process on the development of the outyear budget, the Regional operating plan and the quarterly Advice of Allowance (AOA) process, outlines Superfund financial management responsibilities, and provides an overview of the Full-time Equivalency (FTE) distribution process. General information on the Fiscal Year (FY) 97 response, enforcement, and Federal facility budgets, as well as a general discussion of each program's workload model, is provided in this chapter.

The following offices are responsible for budget formulation:

- Program Analysis and Resources Management (PARM) Center in the Office of Emergency and Remedial Response (OERR) – Response;
- Program Operations Staff (POS) in the Office of Site Remediation Enforcement (OSRE); and
- Federal facilities.

There will be differences in the way financial management information is reported by the Regions during FY 97. During FY 96, actual financial information from the Integrated Financial Management System (IFMS) was downloaded to the Comprehensive Environmental Response, Compensation and Liability Information System (CERCLIS) on a nightly basis; the information will no longer be manually entered. OERR and the Office of Solid Waste and Emergency Response (OSWER) implemented the transfer within the WasteLAN/CERCLIS 2 environment in all Regions, and then began to implement the transfer within the CERCLIS 3 environment on a Region-by-Region basis thereafter. The transfer is being implemented for extramural transactions, and will expand to include intramural, Superfund State Contract (SSC), and Potentially Responsible Party (PRP) transaction types in FY 97. For a more detailed discussion of the IFMS transfer and related changes to current financial management processes, see the section of the chapter entitled, "Handling Financial Data in the CERCLIS Environment."

### ***BROWNFIELDS***

EPA has awarded 60 pilot cooperative agreements using CERCLA Section 104 investigative authorities. The deadlines and requirements for applications were published in the *Federal Register*. EPA held five rounds of selections and received between 100 and 160 applications for review during each round. Panels of Regional representatives, Headquarters (HQ) representatives, and representatives from other Federal agencies made the preliminary review. Final awardees were selected by senior OSWER officials. The Regions then negotiated a work plan with the awardees and the commitment documents were sent to HQ for signature and distribution of funds. Additionally, there is now an action code in CERCLIS that can be used to track dollars for Brownfields (Action Name = Brownfields). The code allows for both site- and non-site specific entry of financial information associated with Brownfields activities.

### ***REINVENTING SITE ASSESSMENT***

In addition to conventional EPA-funded site assessment activities (PA, SI, ESI, HRS and integrated assessment), it is appropriate to use some site assessment resources for innovative approaches. Among these are efforts to assess readily available information to "prescreen" sites for potential CERCLIS entry, conduct streamlined assessments of non-CERCLIS sites in support of Brownfields, and streamlined risk assessments of CERCLIS sites. Past guidance limited assessments at non-CERCLIS sites. We believe flexibility is appropriate, given the direction and needs of the program. As a result, we will not specify a cost limit, but will require, for those limited but more expensive

assessments (i.e., those where costs exceed a PA or ASTM Phase I), a greater accounting and tracking, sufficient to justify expenditures under audit conditions. At a minimum, there needs to be a description of the assessment work being conducted and the expected benefits of this work available for review upon request. Given the various priorities and constrained site assessment resources, a careful balancing of activities is important.

## ***OUTYEAR BUDGET DEVELOPMENT***

The preliminary outyear budget request is developed in June, approximately 18 months before the operating year begins. This means that SCAP data existing in the third quarter of FY 97 is used to formulate the FY 99 budget request. The schedules for all response, enforcement, and Federal facilities activities, and the planned obligations for Remedial Actions (RAs) and early actions (remedial authority) reflected in CERCLIS serve as the foundation for determining the dollar levels to be requested in the budget and the total level of FTEs to be made available for distribution. Following are the procedures for developing the outyear budget:

- In June, the OSWER and OECA strategic plans are updated and the FY 99 goals and priorities are presented to the Administrator. The Administrator may change the priorities based on overall Agency goals;
- Once a decision is made by the Administrator on the final Superfund goals, the site data in CERCLIS are re-evaluated to ensure that the dollar levels accurately reflect these goals;
- Budget requests that reflect both the OSWER and OECA strategic plans and the data in CERCLIS are prepared and sent to the Administrator in July;
- The Administrator makes any changes to the budget requests and passes them back to the program offices;
- The budget requests are revised and submitted to the Office of Management and Budget (OMB) in September;
- OMB makes any changes to the budget requests and passes them back to EPA in November;
- If the program offices do not agree with the budgets that are passed back from OMB, EPA initiates an appeals process in December; and
- In mid-January, EPA prepares and submits the President's budget request.

## ***FY 98 BUDGET DEVELOPMENT***

The process for developing the FY 98 budget is essentially the same as the process being followed for the development of the outyear budget. The base budget process that is being used to develop the FY 98 budget consists of the following phases, and builds on the budget that was developed for FY 97, the Agency's strategic plans, and investments for the future.

- ***Program Characterization*** — The first phase consists of a thorough program characterization by the HQ program offices with the participation of the lead Region. This characterization groups related activities within each program area. It identifies the statutory basis for the activities, the associated resources, the type and number of outputs, the environmental results derived from these activities, and the major strategic choices facing each program.

The program offices also summarize the FY 97 resource distribution by function (e.g., regulation development, enforcement, research) and major statutes. This phase is completed in mid-May.

- ***Review Phase*** — During the second phase, HQ program offices meet with the Administrator to discuss the program, strategies, and goals. There also are small group meetings of Office/Division Directors and the

Planning and Budgeting Workgroup to review FY 97 budget information and make recommendations on issues that should be considered in developing the FY 98 budget. This phase is completed at the end of May.

- **Budget Formulation** — The third phase is the actual development of the budget. This phase is a multi-step process that begins in June with an Assistant Administrator (AA)/Regional Administrator forum to discuss FY 97 budgeting, recommend Agency priorities for FY 98, and set long-term Agency direction.

The Administrator then provides guidance on investment priorities for FY 98 and overall policy guidance for budget formulation. Using this guidance, the program offices develop and submit the budget to the Office of the Comptroller (OC) at the end of June.

The program offices and lead Regions make presentations to the Administrator/Deputy Administrator on the program priorities in mid-July. The Administrator passes back the budget at the end of July, and the program offices begin development of the budget for submission to OMB.

Based on the Administrator's priorities and results of the budget formulation process, a strategy for presenting the Agency's budget to OMB is developed. The focus is on describing the Agency's long-term goals and how the FY 98 request will, or will not, support them. The budget is submitted to OMB in October.

- **Budget Approval** - Congress appropriates dollars to the Agency during the first quarter of the FY. EPA then submits the Agency Operating Plan to Congress for approval. Once approved by Congress, the operating plan is implemented by the Agency.

Exhibit III.1 provides a timeline of the FY 99, FY 98, and FY 97 budget/financial activities.



**EXHIBIT III.1  
BUDGET TIMELINE**

Month, Year	Outyear Budget (FY 99)	Planning Year Budget (FY 98)	Current Year Budget (FY 97)
October 1996			<ul style="list-style-type: none"> <li>• Congress appropriates dollars to the Agency</li> <li>• EPA submits Agency Operating Plan to Congress for approval</li> <li>• AAs and OC approve a portion of the first quarter AOA</li> </ul>
November 1996		<ul style="list-style-type: none"> <li>• OMB passback of budget request</li> </ul>	<ul style="list-style-type: none"> <li>• Enforcement extramural budget carryover calculated</li> </ul>
December 1996		<ul style="list-style-type: none"> <li>• HQ appeal of the OMB budget passback</li> </ul>	<ul style="list-style-type: none"> <li>• Second quarter AOA calculated</li> </ul>
January 1997		<ul style="list-style-type: none"> <li>• Budget request submitted to the President</li> </ul>	<ul style="list-style-type: none"> <li>• AAs and OC approve the second quarter AOA</li> </ul>
February 1997			<ul style="list-style-type: none"> <li>• Third quarter AOA calculated</li> </ul>
March 1997			<ul style="list-style-type: none"> <li>• AAs and OC approve third quarter AOA</li> </ul>
April 1997		<ul style="list-style-type: none"> <li>• HQ prepares preliminary Regional operating plan based on past three years obligating/tasking averages</li> </ul>	
May 1997		<ul style="list-style-type: none"> <li>• HQ allocates 90% of budget to the Regions</li> <li>• Regions generate their plan</li> <li>• HQ meets with the Administrator to review program goals</li> </ul>	<ul style="list-style-type: none"> <li>• HQ summarizes resource distribution by function and statutes</li> <li>• Regions with low obligation and tasking rate prepare enforcement site specific spending plan</li> </ul>

**EXHIBIT III.1 (cont'd)**  
**BUDGET TIMELINE**

Month, Year	Outyear Budget (FY 99)	Planning Year Budget (FY 98)	Current Year Budget (FY 97)
June 1997	<ul style="list-style-type: none"> <li>HQ pulls financial planning information from CERCLIS</li> <li>HQ presents investments to the Administrator/Regional Administrators</li> <li>Administrator and OC provide HQ with policy for budget formulation</li> </ul>	<ul style="list-style-type: none"> <li>Regions generate their plan</li> <li>HQ pulls financial planning information from CERCLIS</li> <li>HQ presents goals and priorities to the Administrator/Regional Administrators</li> </ul>	<ul style="list-style-type: none"> <li>Fourth quarter AOA calculated</li> <li>HQ pulls financial data from CERCLIS for analysis of Regional obligation/commitment rate</li> </ul>
July, 1997	<ul style="list-style-type: none"> <li>HQ submits Superfund investment summaries to the Administrator and budget proposal to OC</li> <li>HQ and lead Region make presentation to Administrator/Deputy Administrator (DA) on program priorities</li> <li>Administrator passback</li> </ul>	<ul style="list-style-type: none"> <li>HQ reviews and analyzes Regional budget request</li> </ul>	<ul style="list-style-type: none"> <li>AAs and OC approve fourth quarter AOA</li> </ul>
August 1997	<ul style="list-style-type: none"> <li>HQ pulls data from CERCLIS for the development of the budget for submission to OMB</li> <li>HQ develops strategy for presenting the budget to OMB</li> </ul>	<ul style="list-style-type: none"> <li>HQ/Regional negotiations on operating plan</li> </ul>	
September 1997	<ul style="list-style-type: none"> <li>HQ submits budget to OMB</li> </ul>	<ul style="list-style-type: none"> <li>First quarter AOA calculated</li> </ul>	

## ***DEVELOPMENT OF THE FY 97 NATIONAL BUDGET***

Over the past three years, the Superfund budget has experienced significant reductions. In order to identify where Superfund resources (FTE and dollars) currently exist and whether there are adequate resources to meet Program goals and priorities, a Superfund base budget review was conducted. A unified priorities list was developed from a variety of sources, including the January 1994 memo, "Fiscal Year 1994 National Superfund Program Priorities" (OSWER Directive No. 9201.0-02), Administrative Improvements initiatives, and the Agency's proposed Reauthorization bill. The Base Review Workgroup identified where Superfund resources existed in FY 94, how these resources met the unified program priorities, and how, or if the priorities could be better met by shifting the resources. To measure the adequacy of resources to meet priorities, the cost associated with the established quantifiable goals of each priority was estimated. Each priority was analyzed individually and in conjunction with the others to determine what role it plays in overall resource needs.

Based on the results of the Superfund Base Review, and in keeping with the tenets of the Superfund Administrative Reforms, resources are being distributed in FY 97 to meet the following goals:

- Economic redevelopment (Brownfields, environmental justice);
- Community involvement/relations (information access, environmental justice);
- Remedy reform (expanded removal authority);
- Cleanup pace/allocations/expedited settlements;
- Worst sites first;
- State program development;
- Maximize PRP Participation;
- Enforcement Fairness/Reduce Transaction Costs; and
- Information management.

## ***FY 97 REGIONAL BUDGET***

To help offset the Superfund budget, Regions should actively pursue deobligation of prior year funds. Projects prime for deobligation include Interagency Agreements (IAGs) with the U.S. Army Corps of Engineers (USCOE) where the projects have been completed, Fund-lead Remedial Actions (RAs) taken over by the PRPs, and Fund-lead RAs where the actual construction contract award and oversight costs will be significantly less than the funds obligated. Regions may request that deobligated funds be recertified and returned to the Region to address budget shortfalls. HQ will work with the OC to ensure that any funds deobligated are returned to the Region through the recertification process. Additionally, a Superfund Deobligation Task Force, consisting of representatives from each of the Regions, OC, OERR, the Office of Site Remediation Enforcement (OSRE), and the Office of Administration and Resource Management (OARM) was formed to facilitate the recovery of unliquidated obligations. The OC will forward deobligation candidate reports to the Regions on a quarterly basis for their review and follow-up action. The Task Force also will hold monthly conference calls to discuss deobligation/recertification status and issues. By deobligating prior year funds, the Agency shows that it is fiscally responsible for its obligations (See the January 1995 memo from OC budget division outlining deobligating procedures for more information).

## Response Budget

The FY 97 President's Budget for the Superfund Program is \$1.394 billion. Of this amount, the FY 97 response budget contains \$902.3 million. Within this budget, the Agency has set aside funds to be used for time-critical and non-time critical (NTC) early actions (removal authority) and early actions (remedial authority). Specifically, resources will be provided for:

- Early actions (removal authority) to address the Region's highest priority response actions [at both National Priorities List (NPL) and non-NPL sites] to ensure that worst sites are being addressed first;
- Ongoing RA projects to construction completion;
- Long-term actions and early actions (remedial authority) at NPL sites;
- Oversight of all RP-lead Remedial Investigation/Feasibility Study (RI/FS), Remedial Design (RD), Remedial Action (RA), and removal projects;
- Ongoing RI/FS and RD projects;
- Five-year reviews;
- Integrated/combined assessments to eliminate the SI backlog; and
- Priority Regional resource needs.

To the greatest extent possible, the following activities will be supported:

- New RAs;
- New, first, and subsequent Expanded Site Inspection (ESI)/RI/FS projects;
- New RDs;
- Listing of new sites on the NPL;
- New removals above base removal budget; and
- Support activities, such as the laboratory support.

The first priorities for response funding are classic emergencies and activities at sites that will be used to meet the national construction completion goals. Ongoing RAs, mixed funding, and mixed work projects receive priority for funding over new cleanup work. New Fund-financed cleanup work (with the exception of emergency and time-critical removal actions) will be subject to priority ranking by the National Risk-Based Priority Panel. The Panel consists of representatives from each Region and HQ (OERR and OSRE) and utilizes a risk-based environmental priority setting approach. All new cleanup work is funded in sequence of national ranking, unless the AA SWER grants an exemption. Determination on whether a project represents new or existing work will be made by the Panel. New cleanup work consists of large removal actions that exceed funding levels available within a Region's baseline removal budget, as well as cleanup activities at sites where no previous actions have taken place. In addition, activities at sites are considered new work if they constitute "separable and discrete" elements of existing site activities. "Separable and discrete" implies an element of work associated with the overall cleanup of a site that may be considered on an independent pathway with regard to timing and implementation. The Panel is scheduled to meet in October 1996 to rank new work scheduled to begin in FY 97.

### **Enforcement Budget**

The enforcement extramural budget for FY 97 is approximately \$171.2 million. Approximately 95 percent of the budget has been allocated to the Regions; 5 percent has been held back in anticipation of additional requests for Mega-sites and the Superfund Administrative Reforms.

The budget provides support for enhanced PRP searches, response negotiations, litigation, referrals, administrative and judicial cost recovery actions, and program management support activities. The following activities are priorities:

- Negotiating PRP response actions;
- Compliance enforcement of all PRP response actions;
- Negotiating settlements with collateral PRPs, including *de minimis* and municipal solid waste contributors;
- Maintaining ongoing litigation for response and cost recovery; and
- Referring removal and remedial cost recovery cases greater than \$200,000, with SOLs that will expire during the budget year.

Within this context, it is important to consider that the enforcement program has changed significantly to take into account a greater PRP participation, dealing with recalcitrant PRPs, and addressing collateral PRPs, with an emphasis on *de minimis* and *de micromis* parties and municipalities. Therefore, activities that reinforce these criteria need to be supported to the maximum extent possible within available resources.

### **Federal Facilities Budget**

The Federal facilities response budget for FY 97 is approximately \$13 million (This \$13 million is part of the \$902.3 million FY 97 response budget). This budget provides support for response work at all NPL Federal facilities. The following activities are priorities:

- Involving communities in the cleanup decision process;
- Maintaining ongoing oversight activities; and
- Expediting response where possible.

**No funds are available for projects at non-NPL sites.** Oversight activities at non-NPL sites are the responsibility of the State. For Fast Track cleanup of non-NPL BRAC sites where oversight is needed, extramural funds can be used.

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

The SCAP process is the planning mechanism used by the Superfund program to identify site screening and assessment, early action, long-term action, enforcement, and Federal facility funding needs for the 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.

A Region will not receive funds above its annual Regional budget unless a SCAP amendment/change request has been approved by HQ. The "approved" Regional budget must balance with the sum of actual obligations, open

commitments to date, and remaining planned resources (see Regional SCAP Reports 4R and 4E) or the entire AOA will not be approved. In the case of enforcement, the Regional budget refers to new current year operating plan funds plus prior year enforcement support contract carryover.

The actual allocation of funds is accomplished through the Agency's Phase III Operating Plan. This plan is submitted to OMB prior to the start of the FY for apportionment of funds. After the OMB review and concurrence, the Operating Plan is submitted to Congress for approval of significant reprogramming of funds. At this time, Congress also may modify the Operating Plan. Changes made by Congress may affect the Regional budget negotiated in the previous August negotiations.

### **Initial Annual Regional Budget Development**

Prior to the beginning of the FY, each Region will be given a proposed budget operating plan allocation for removal, remedial, enforcement, and Federal facility programs. Exhibit III.2 lists the categories contained within the response, enforcement and Federal facilities operating plans. The criteria discussed below were used to develop the budgets in prior years and will be used to develop the FY 98 budgets.

The FY 98 Regional response budgets will be allocated as follows:

- 90 percent of a Region's budget is based on its FY 94, FY 95, and FY 96 averages of actual response obligations; and
- The remaining 10 percent will be allocated to the Region based on the final negotiated targets.

For enforcement, FY 98 initial operating plans will be based on the relative percentage of the FY 97 operating plan and will be adjusted in first quarter FY 98 based on FY 97 utilization rate, including Enforcement Support Services (ESS) contract carryover. Regional targets/accomplishment estimates should be developed consistent with initial operating plans.

Regions are required to plan their obligations within the program-specific allocations. Final budgets will be developed upon completion of the fourth quarter negotiations between HQ and the Regions. For enforcement, the operating funds will be adjusted in first quarter of the FY based on utilization rates at the end of FY 96, including consideration of ESS carryover. Planned obligations for Regional activities must fall within the total identified budget levels, and should be shown by selecting "approved" from the Funding Status drop down list associated with the appropriate AOA category on the Budget Allowance Detail Backup screen. Funding needs above the HQ proposed total budget level must be designated as "alternate". This will allow HQ to see the Regional funding priorities, the activities the Region would like to conduct with the budget reserve, the activities that 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.

### ***Site-Specific Travel***

Beginning with the FY 94 appropriations, line item activities in the Superfund budget were categorized as programmatic or administrative. Examples of programmatic expenses are contracts for site assessment and cleanup, regulation development support, and Congressionally directed reports. Examples of administrative expenses are staff related costs, overhead, and contracts for program evaluation support and data analysis. In the new structure, site-specific travel is considered a programmatic expense. As such, extramural dollars can be used to fund site-specific travel. Regions can use up to \$150,000 or 0.5 percent (whichever is greater) of their total allowance to support site-specific travel. Regions need to prioritize their extramural funding needs since dollars for site-specific travel must come out of the Regional budget allocation. HQ will not increase a Region's budget or AOA to replace extramural funds used for site-specific travel.

**EXHIBIT III.2**  
**OPERATING PLAN CATEGORIES**

RESPONSE	ENFORCEMENT
Removal Removal Action Removal Oversight Removal Analysis Site Characterization Fund-Financed RI/FS RI/FS Oversight Start Contract (Rem/Rvl) Remedial Analysis Site Assessment (State) Regional Analytic Budget Fund-Financed RD RP RD Oversight RP RA Oversight New Start Response Actions Ongoing Response Actions Mixed Funding/ Mixed Work Support TAG Core Grants ARCS Management Other/Tech Assistance ERCS Management	Removal Pre-RI/FS RI/FS Oversight State Enforcement Program Implementation
	FEDERAL FACILITIES
	RI/FS Remedial Design Remedial Action Program Support Early Actions Removal Actions

***Regional Analytical Budgets***

Beginning in the fourth quarter of FY 94, Regions are responsible for the procurement of Special Analytical Services (SAS) laboratory sample analyses. Routine Analytical Services (RAS) still will be handled by the Contract Laboratory Program (CLP); however efforts must be made to coordinate with the Budget Coordinators/IMCs. In cases where the RAS budget may exceed its distribution, the Region will be responsible for deciding whether to shift funds from other priority areas to purchase additional RAS services. Regions will estimate their SAS analytical needs as part of the SCAP development process and funds will be placed in the site characterization AOA. The allocation of funds will be based on the average number of samples collected during the site assessment, RD, and RA phases, the historical percentage of the samples that require SAS, and the average cost per sample for SAS.

**AOA Utilization**

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.** For example, if the commitment/obligation rate for one response allowance (i.e., site characterization) is 35 percent while the rate for another (i.e., removals) is 65 percent, the third quarter removal AOA would be issued, but the site characterization 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 AOA.** If a Region does not receive its third quarter enforcement AOA due to such an obligation shortfall, it is required to produce a site-specific spending plan in CERCLIS for both the third and fourth quarters by mid-May. To receive the full fourth quarter AOA, a 75 percent utilization rate is required. The undistributed third and fourth quarter AOA funds will be allocated to Regions that demonstrate a need.

HQ will continue to assist the Regions to facilitate the prompt obligation of funds. An effort will be made to increase the obligation rate by providing third quarter allowances to Regions in advance. Depending on whether a Region has achieved the above-cited criteria, Regions can request advances on their fourth quarter AOAs. HQ will provide Allowance/Obligation Comparison reports to the Regions for review on a monthly basis.

For those Regions that continue to have a low rate of commitment/obligation/tasking, OSWER and OECA will renegotiate the Region's operating plan for the remainder of the year in July. **This negotiation could potentially result in a reduction in the Region's annual budget.**

### ***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 OC and the Assistant Administrator for the Office of Solid Waste and Emergency Response (AA SWER) or the Assistant Administrator for the Office of Enforcement and Compliance Assurance (AA OECA). **No money will be issued to the Regions through the AOA process unless the appropriate project-specific obligation and open commitment data are reflected in CERCLIS (SCAP-4E/4R Reports).**

#### **Regional Allowances**

In FY 94, OERR restructured the response AOAs by combining the RD, RI/FS, and site characterization allowances into one allowance. Based on this restructuring, the OC will issue the following allowances to the Regions in FY 97:

- Site Characterization (non-site specific "site" allowance), which includes funds for:
  - Preliminary Assessment (PA), Site Inspection (SI), ESI, START Contract, RI, FS, and RD projects, treatability studies, risk assessments, Engineering Evaluation/Cost Analysis (EE/CA), design assistance, community relations, support agency assistance, technical assistance, groundwater monitoring, aerial surveys, topographical mapping, Brownfields-related site characterization activities (e.g., Phase I and Phase II environmental assessments);
  - Oversight of RI/FS, RD, RA, Groundwater monitoring, five-year review, Operation and Maintenance (O&M), and Long-Term Response Action (LTRA) projects; and
  - Regional analytic budgets and funding for SAS budgets (RAS budgets managed and funds held at HQ);
- RA (site-specific "site" allowance), which includes funds for RAs, early actions (remedial authority), LTRA, five-year reviews, and mixed funding/mixed work arrangements;
- Removal (non-site specific "site" allowance), which includes funds for emergencies, time-critical and NTC early actions, removal investigations, removal assessments, and oversight of removals at NPL and non-NPL sites;



- Other Response (non-site specific "regular" allowance), contains funds for response program and project support including: Alternative Remedial Contracting Strategy (ARCS), Response Action Contract (RAC), or Emergency Response Cleanup Services (ERCS) program management; Technical Assistance Grants (TAG); Core Program Cooperative Agreement (CPCA); pollution liability insurance; and Brownfields-related activities (e.g., developing systems to identify the Brownfields Pilots or conferences);
- Enforcement (non-site specific "regular" allowance); and
- Federal Facilities (non-site specific "regular" allowance).

The "site" allowance is an event-specific allowance. It is issued on a site- or non-site specific basis. The "regular" allowance includes site- and non-site specific events or activities, and is issued non-site specifically. The following sections explain how these allowances are developed and the flexibility available in the AOA structure.

### **The AOA Process**

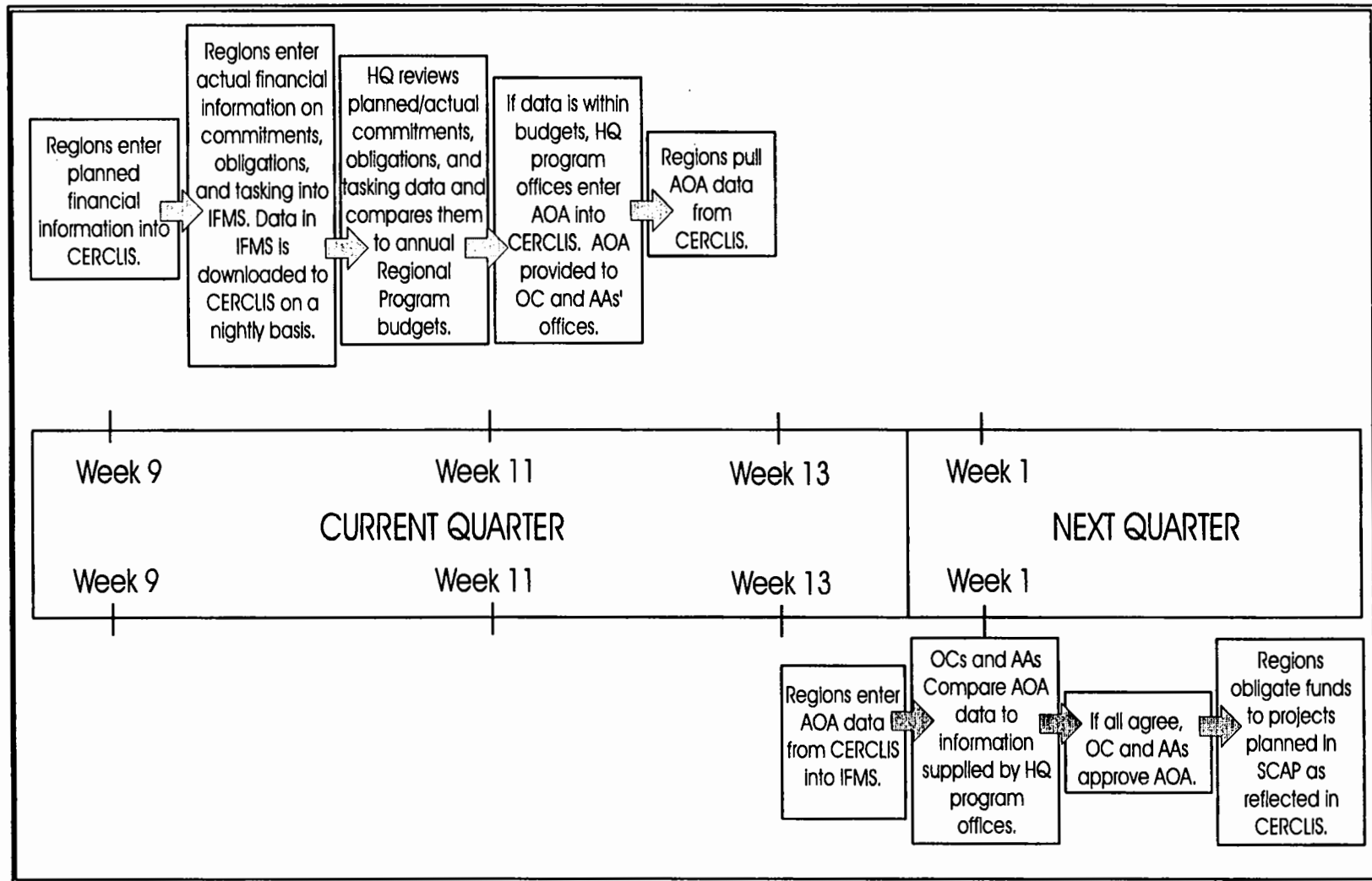
The AOA is based on the Phase III Operating Plan which identifies projected obligations for each quarter of the FY. The Phase III Operating Plan for FY 97 is based on the final SCAP plans developed in the fourth quarter of FY 96. Regional enforcement operating plans are adjusted after the start of the FY based on prior year obligation and ESS contract utilization and carryover. Funds available for obligation, however, are limited to projected needs for the upcoming quarter. Where Regional ESS carryover exists, only the funds necessary to cover the non-ESS needs will be issued in the AOA until the Region has tasked 65 percent of its ESS obligated untasked carryover.

On the monthly pull date prior to the end of each quarter, HQ will generate AOA reports (SCAP-4R, SCAP-4E, and SCAP-4F) that reflect the approved planned obligations in CERCLIS. If the planned and actual obligations and commitments in CERCLIS exceed the Regional budget, the Region will be contacted. CERCLIS must be revised to match the Regional budget before HQ will proceed with the AOA process in the Region (illustrated in Exhibit III-3). After discussions with the Regions to clarify questions or issues and ensure that the Regional budget was not exceeded, HQ will enter the AOAs into CERCLIS two weeks before the end of the quarter. Regions must pull these reports from CERCLIS and enter these amounts into IFMS. The one exception to this process pertains to first quarter allowances. Because first quarter allowances are entered into IFMS by HQ, Regional personnel do not have to pull the reports from CERCLIS or enter the amounts into IFMS for the first quarter.

The AAs and their staff, in conjunction with the OC, review the funding levels entered into IFMS by the Region and compare them to the AOA amounts generated by the HQ program offices. If the two agree within three working days after the start of the quarter, the HQ OC Budget Division, and the AAs and their staff approve the AOA in IFMS, and the funds are available for obligation. If the AOA entered into IFMS by the Regions does not agree with the AOA entered in CERCLIS by HQ, IFMS will not be approved. Only projects planned in CERCLIS can be funded by the AOA. Regional Budget Coordinators should work closely with their Regional finance office on the entry of the correct AOA into IFMS. These schedules may be revised if the third quarter AOA is issued early, or, if the Region requests, and HQ approves, an advance on their fourth quarter AOA.

The HQ program offices and OC Budget Division review weekly IFMS obligations against the AOA. If a Region exceeds any of the allowances, or a site-specific RA or early action (remedial authority) allocation, the HQ OC Budget Division will notify the Region and request resolution of the overcommitment/overobligation. The Region then has until the end of the current month to rectify the overcommitment/overobligation or shut down procedures will be initiated. If the Region does not submit a change request, decommit or deobligate funds, or effect corrections in IFMS as necessary, the HQ Budget Division will initiate reprogramming from the Region's regular allowance. Repeated violations of site or allowance allocations may result in partial or total withdrawal of the Region's site allowance.

**EXHIBIT III.3  
THE ADVICE OF ALLOWANCE PROCESS**



As is standard Agency policy, if a Region exceeds either the regular or site allowance, the HQ OC Budget Division will withdraw obligation authority in accordance with existing procedures. During the last quarter of the year, the HQ OC Budget Division will work with the Regions, OSWER, and OECA as necessary to ensure that all allowances and obligations are aligned prior to year-end closing.

If a Region receives funds in their AOA which were not obligated during the quarter received, the relevant planned obligation data in CERCLIS must be changed, or the amount must be placed in the contingency account. At the end of each quarter, HQ will review the AOA funds' remaining commitments and obligations, the contingency account, and planned obligation data. If AOA funds were not committed or obligated and the planned obligation data were not changed, HQ will take the following actions:

- Reduce the next quarter's AOA for other response, site characterization, enforcement, or Federal facility by the amount that was not committed or obligated; or
- Request that Regions follow the OC's change request procedures to return early action (remedial authority) or RA funds to HQ.

The Financial Reports (SCAP-4R, SCAP-4E, and SCAP-4F) and the Budget Control Reports (SCAP-21 and SCAP-21E) will be used to evaluate the status of the allowances.

To the maximum extent possible, Regions should plan for mixed funding/mixed work requirements prior to the development of the annual Regional budget.

The transfer of financial information from IFMS to WasteLAN/CERCLIS that began in FY 96 eliminates the need for manual entry of actual financial data, as well as the need to reconcile the data contained in the IFMS and CERCLIS databases. For more details on the impact of the IFMS transfer, see the section of the chapter entitled, "Handling Financial Data in the CERCLIS Environment."

### **AOA Flexibility**

Some flexibility exists within the AOA structure to shift funds both within and between allowances. Regions can shift funds between projects **within** the other response, site characterization, removal, enforcement, or Federal facility allowances without HQ approval. With HQ approval, funds can also be shifted **between** the site characterization and enforcement allowances, out of (but not into) the other response allowance, into (but not out of) the removal allowance, and into (but not out of) the site-specific RA allowance. Funds cannot be shifted into or out of the Federal facility allowance.

Shifting funds between projects **within** the other response, site characterization, removal, enforcement, or Federal facility allowance is a SCAP adjustment. It does not require HQ approval or a change request, but CERCLIS must be revised to reflect the shift. Allowable shifts **between** allowances are also SCAP adjustments, however. HQ approval of a change request is required. The change must be reflected in CERCLIS prior to HQ approval. Federal facility funds cannot be shifted to another allowance.

Based on Regional priorities, funds also may be reprogrammed between the response and enforcement allowances. These shifts require a change request and Congressional notification if the funds proposed for reprogramming exceed \$500,000. Any movement of funds into the removal or RA allowances also must be reported to Congress on a quarterly basis. Federal facility funds cannot be reprogrammed.

### ***RA Allowance***

To receive RA funds, the site must be on the NPL. The funding for RAs and early actions (remedial authority) are held in a reserve account for national distribution and issued site-specifically when sites are ready for funding [RD 95 percent complete, Superfund State Contract (SSC) signed]. As previously stated, the RA funding priorities are established by the priority setting panel.

Funding for ongoing projects, LTRA, and five-year reviews may be reprogrammed by the Regions. RA or early action (remedial authority) funds made available as a result of bids coming in below expected amounts will be returned to HQ for funding of other priority RA projects or early actions (remedial authority). In some cases, HQ may recommend that the Region retain the funds to support unanticipated cost escalations for RAs or early actions (remedial authority).

In situations where the PRPs settle after the AOA is issued, Regions may retain the funds needed for oversight. The remaining funds in the AOA must be sent back to HQ through a change request. RA funds cannot be moved into the site characterization AOA. If the site lead changes from Fund- to PRP-lead, the Region should deobligate funds from the RA AOA; separate provisions should be made to make adjustments to the site characterization allowance. The RA funds that are deobligated will be returned to HQ. In the situation where the PRPs take over after the obligation of funds for an RA or early action (remedial authority), the program office will need to work with the Regional Financial Management Office (FMO) to revise the Account Number (AN), since the Agency is acting in an oversight role instead of performing the response action.

### ***Flexibility in the Other Allowances***

Regions may redirect funds within the other response, removal, site characterization, enforcement, and Federal facility allowances to meet site or activity priorities. Additionally, funds in the other response allowance can be moved to the removal, site characterization, or RA allowance. However, it is important to note that, generally, funds cannot be shifted out of the removal allowance. Regions may shift funds more easily into the removal allowance from other non-site specific allowances (e.g., Other Response). Funds also cannot be shifted into or out of the Federal facility allowance.

Funds saved within the site characterization allowance as a result of a settlement or where actual costs are lower than estimated will generally stay within the Region. These funds may be used within the allowance for other site characterization projects. In addition, Regions may retain and redirect non-RA response funds made available as a result of the following actions:

- PRP takeovers or settlements;
- ESI/RI/FS or RD bids that are less than planned amounts; and
- Actual obligations that are less than planned obligations.

HQ approval generally will be given for the redirection of unused funds for Agency priorities. For further information on the National Budget/Agency priorities, see "Development of the FY 97 National Budget" earlier in this chapter.

A change request must be approved by HQ before funds can be reprogrammed to activities outside the allowance.

Response funds may be used to address deficient PRP projects. Regions are allowed to redirect funds in the site characterization AOA to accommodate this need. Regions also may shift funds for a Fund-financed RD to RD oversight when a CD is referred to HQ or the Department of Justice (DOJ) for lodging, or when PRPs indicate in writing that they will comply with a UAO.

In FY 90, HQ established a non-site specific remedial contingency account in CERHELP. The remedial contingency account cannot be used for developing Regional budgets. It can only be used during the operating year for "holding" remedial response funds made available:

- As a result of PRP takeovers or lead changes between remedial phases;
- By RD bids coming in under projected amounts; or
- In situations where the actual obligations were less than planned obligations.

As the Region identifies uses for these funds, the contingency account must be reduced and the site-specific planned/actual obligations must be entered into CERCLIS. The funds in the contingency account will be reviewed by HQ at mid-year and throughout the third and fourth quarters.

If a Region has a funding request during the year that was unplanned, the following approach should be followed in identifying funding sources:

- As a first step, Regions should determine if funds are available in the contingency accounts that can be redirected within or between allowances to perform the action;
- If no contingency funds are available, funds planned for obligation in future quarters (within the Region's annual budget) that will not be used as originally planned should be tapped;
- After mid-year, funds made available within the annual Regional budget as a result of the mid-year or third/fourth quarter adjustment process should be used; and
- If necessary, Regions may request an increase in their annual budget through the redirection of funds made available as a result of mid-year or third/fourth quarter adjustments in other Regions.

### **AOA Change Request Procedures**

Regions are required to operate within their quarterly AOA and their annual Regional budget. The funding for RAs and early actions (remedial authority) are held in a reserve account for national distribution and issued site-specifically when the schedules in CERCLIS indicate the site is ready for funding. Regions are responsible for managing the funds issued in the AOA, and for operating within budget ceilings, floors, and other restrictions. Consistent with the flexible funding initiatives discussed earlier in this chapter, Regions may:

- Shift funds between projects **within** the other response, site characterization, removal, Federal facility or enforcement allowances (HQ approval is not required); or
- Shift existing funds **between** allowances (other response, site characterization, and enforcement). HQ approval of a change request is required. Funds **cannot** be shifted into the other response allowance, out of the RA or removal allowance, or into or out of the Federal facility allowance; or
- 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 SCAP. Exhibit III.4 identifies flexible funding and other situations where an AOA change request is required. Exhibit III.5 describes the procedures to be followed in each of these situations. HQ will not approve a change request unless CERCLIS is revised to reflect the change.

Under IFMS, change requests are electronically transferred to HQ. The following information should be provided for a change request:

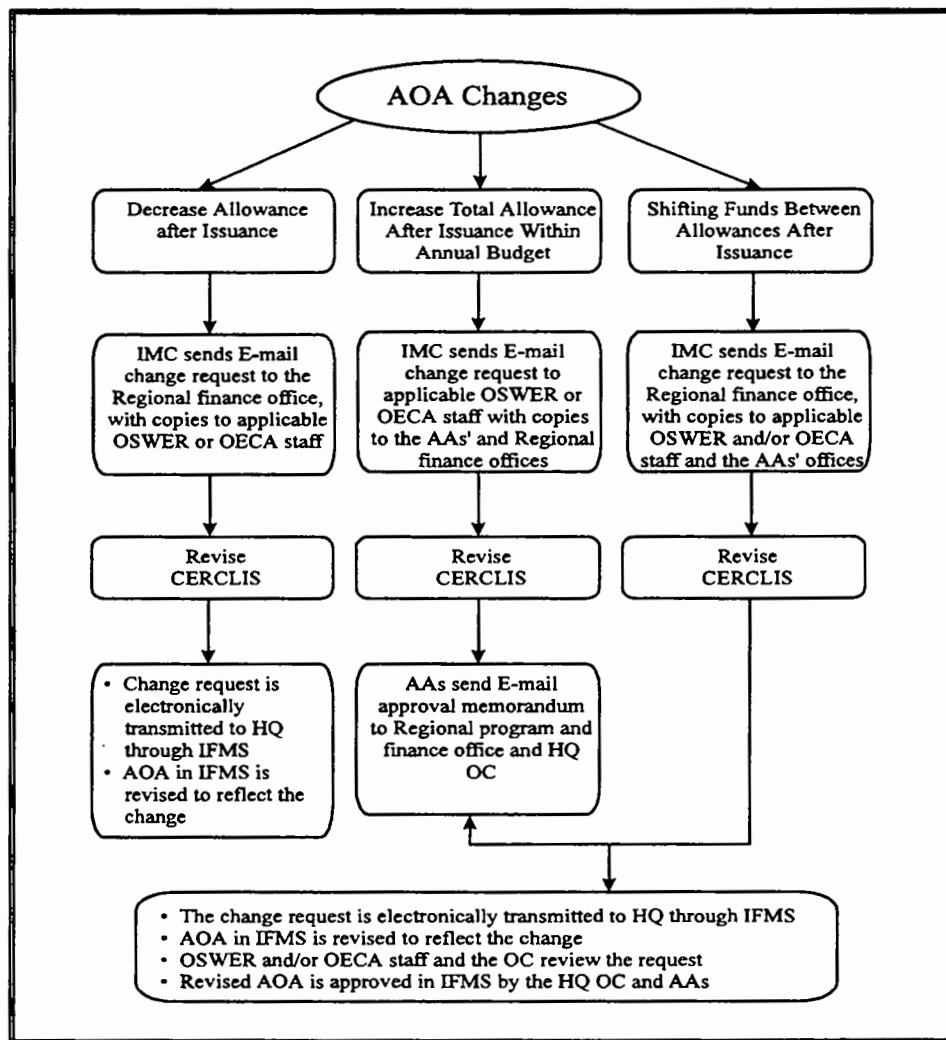
- Purpose/justification;
- Amount;
- Site name and Site Spill Identification (S/S ID) if allowance is issued site-specifically;
- Program element(s) (GBX-enforcement, FAX-response or YPX-Federal facility); and
- Allowance that is being increased and/or allowance that is being decreased.

If the change request is a reprogramming of funds between allowances, the net change should equal zero. The change request must be transmitted by authorized personnel in the Region's financial office. The site-specific record in CERCLIS should be revised when the change request is transmitted. Regions should not initiate any obligations against the change until the OC and AA SWER or AA OECA approve the revised AOA. Change requests generally take two weeks to process and approve. There is a \$500,000 limit for reprogramming between program elements (per action), and the request must be approved by the OC.

**EXHIBIT III.4  
CHANGE REQUEST REQUIRED**

Change Request Situation	Procedures in Exhibit III.5 to Be Followed
<ul style="list-style-type: none"> <li>• Allocation transfer IAGs</li> <li>• Transfer funds to other entities within EPA</li> <li>• Shifting funds (where allowable) between allowances after issuance</li> <li>• Increase total quarterly allowance after issuance (within annual budget)</li> <li>• Decrease total quarterly allowance after issuance</li> <li>• Increase RA or early action (remedial authority) funding after allowance is issued</li> <li>• Decrease RA or early action (remedial authority) funding after allowance is issued</li> <li>• Decrease RA or early action (remedial authority) funding as a result of PRP takeover</li> <li>• New RA or early action (remedial authority) funding after allowance is issued</li> </ul>	<ul style="list-style-type: none"> <li>• Decrease allowance after issuance</li> <li>• Decrease allowance after issuance</li> <li>• Shifting funds between allowances after issuance</li> <li>• Increases total allowance after issuance (within annual budget)</li> <li>• Decrease allowance after issuance</li> <li>• Increase total allowance after issuance (within annual budget)</li> <li>• Decrease allowance after issuance</li> <li>• Decrease allowance after issuance</li> <li>• Increase total allowance after issuance within annual budget</li> </ul>

**EXHIBIT III.5**  
**AOA CHANGE PROCESS PROCEDURES**



**RELATIONSHIP BETWEEN SCAP AND THE AOA**

Within the SCAP process, obligations are planned either site-, project-, OU-, or non-site specifically. Some planned obligations are associated with specific site activities, while other planned obligations are estimates of total funding required for an activity within a Region (i.e., contract bulk funding). The CERCLIS database has been designed to accommodate site- and non-site specific planning. Exhibit III.6 lists the actions for which obligations are planned on a site-, project-, or OU-specific basis versus those that are planned on a non-site specific basis. Regions should be certain all their extramural funding needs are reflected in CERCLIS such that there is a crosswalk between the CERCLIS planned financial data and the Regional AOA.

In addition to the site- and non-site specific planning, obligations also are planned and budgets developed on a program-specific basis. The "Budget Source" field identifies which program pays for the planned action. Exhibit III.7 presents the budget sources associated with each program. It is important that Regions accurately identify the

budget source, since each program develops an annual budget and has a separate AOA process. It also is important that the Regions maintain this budget source to eliminate potential impacts on the Regional AOA.

Exhibit III.8 identifies the major actions and the appropriate budget source (depending on the project/event lead) for planned obligations, as well as the AOA category under which each action falls. Funds for temporary or permanent relocations conducted by the Federal Emergency Management Agency (FEMA) should be given a budget source of 'HQ Removal' or 'HQ Remedial' after the IAG is signed and funds are transferred to HQ using the change request procedures. Funds for project support activities that are being conducted by Environmental Monitoring Systems Laboratory (EMSL), the Environmental Photographic Interpretation Center (EPIC), or other intra-agency assistance are allocated in the Regional budget. Once the change request transferring the funds to the other entity is processed, the budget source in CERCLIS should be changed to a HQ budget source.

**In prior years, both planned and actual financial information could be recorded for the actions listed below. However, beginning in FY 97 the following actions no longer have a corresponding IFMS code. This means that financial information for actual commitments and obligations cannot be entered into IFMS for these actions. As a result, no financial information associated with these actions will be transferred to CERCLIS via the IFMS transfer. Any actual financial information that is associated with these actions must be entered directly into CERCLIS via the screens in the Cost/Financial view.**

- ERRS Contract Mgt;
- Federal Interagency Agreement;
- Litigation (Generic);
- Negotiation (Generic);
- Records Management;
- Reg ERCS Contract Mangmt;
- Removal Contingency;
- RD Contingency;
- RD Oversight and CR;
- RI/FS Contingency; and
- RI/FS Oversight and CR.

In addition, the following actions are no longer contained in Exhibit III.6 and III.8 because they are either not enterable in IFMS, not currently tracked by any of the SCAP-4 reports, or have been deemed historical.

- Comm Relations Tech Assistance;
- Design Assistance;
- Forward Planning;
- Other; and
- Treatability Studies.



**EXHIBIT III.6**  
**SITE- VERSUS NON-SITE SPECIFIC PLANNED OBLIGATIONS**

Site-Specific	Non-Site Specific*
Admin/Voluntary Cost Recovery Alternative Dispute Resolution Brownfields** Combined RI/FS Deletion from NPL Engineering Eval/Cost Analysis Expanded Site Inspection** ESI/RI (including ESI/RI oversight)** Feasibility Study Federal Interagency Agreement Five Year Remedy Assessment Geophysical Support/Mapping Human Health Risk Assessment Integrated Assessment** Litigation <ul style="list-style-type: none"> <li>- Litigation (Generic)</li> <li>- Section 104(e) Ref Litigation</li> <li>- Section 106 Litigation</li> <li>- Section 107 Litigation</li> <li>- Section 106 &amp; 107 Litigation</li> </ul> Long Term Response Negotiations <ul style="list-style-type: none"> <li>- Negotiation (Generic)</li> <li>- Removal Negotiations**</li> <li>- RI/FS Negotiations**</li> <li>- RD/RA Negotiations</li> <li>- IAG Negotiations</li> <li>- Cost Recovery Negotiations</li> </ul> Non-Binding Allocation of Resp Federal Facilities Actions <ul style="list-style-type: none"> <li>- FF Removal**</li> <li>- FF RI/FS</li> <li>- FF RD</li> <li>- FF RA [including early actions (remedial authority)]</li> </ul> PRP Actions <ul style="list-style-type: none"> <li>- PRP Removal**</li> <li>- PRP RI/FS</li> <li>- PRP RD</li> <li>- PRP RA [including early actions (remedial authority)]</li> </ul> Preparation of Cost Docm Pkge Remedial Action [including early actions (remedial authority)] Remedial Design Remedial Investigation Removal** Removal Assessment** Site Inspection** Underground Storage Tank Remov	Administrative Records** Aerial Surveys <ul style="list-style-type: none"> <li>- Pre-Rem/Rem Aerial Survey**</li> <li>- Removal Aerial Survey**</li> </ul> Community Relations <ul style="list-style-type: none"> <li>- FF Community Relations**</li> <li>- PRP Community Relations**</li> <li>- Remedial Community Relations**</li> <li>- Removal Community Relations**</li> </ul> Contingency <ul style="list-style-type: none"> <li>- Other Remed Contingency**</li> <li>- Removal Contingency</li> <li>- RI/FS Contingency</li> <li>- RD Contingency</li> </ul> Contract Management <ul style="list-style-type: none"> <li>- ARCS Contract Mgt</li> <li>- ERCS Contract Mgt</li> <li>- RAC Contract Mgt</li> <li>- Reg ERCS Contract Mangmt</li> <li>- START Contract Mgt</li> <li>- Zone/Reg ERCS Contract Mngmt</li> </ul> Contract Program Mgt Generic PA/SI Health Assessment** Hydro/Geological Support** Information Mgt Support Laboratory Support** Management Assistance** Multi-Site Coop Agreement NSI-SARA Capacity Operations and Maintenance** Oversight and CR <ul style="list-style-type: none"> <li>- RI/FS Oversight and CR</li> <li>- RD Oversight and CR</li> </ul> Preliminary Assessment** Pre Natural Res Survey PRP Searches <ul style="list-style-type: none"> <li>- NPL RP Search**</li> <li>- Non-NPL PRP Search**</li> </ul> Records Management SEE Program Special Studies State Core Grant State Enf Manag Assistanc Technical Assistance** Technical Assistance Grant** TES/ESS Generic Obligation TES/ESS Program Management Topographical Mapping** Training
* For these activities, Regions must enter the number of sites involved and the contract vehicle. ** These activities may be planned site- or non-site specifically.	

**EXHIBIT III.7  
BUDGET SOURCES**

HQ Removal	Enforcement
HQ Remedial	Removal
HQ Enforcement	Reimbursable
Federal Facility Response and Federal Facility Enforcement	Remedial Other

**EXHIBIT III.8  
WHO PAYS FOR WHAT**

CERCLIS ACTION NAME	SITE-SPECIFIC	NON-SITE SPECIFIC	LEAD	BUDGET SOURCE	AOA CATEGORY
Admin/Voluntary Cost Recovery	✓		FE	Enforcement	Enforcement
Alternative Dispute Resolution	✓		FE	Enforcement	Enforcement
ARCS Contract Mgt		✓	* FF	Remedial Federal Facility	Other Response Federal Facility
Brownfields	✓	✓	*	Remedial	Site Characterization
Deletion from NPL	✓		* FF	Remedial Federal Facility	Other Response Federal Facility
Early Action (Remedial Authority)					
Remedial Action	✓		F,S,TR,MR	Remedial	Remedial Action
Early Action (Remedial Authority) Oversight					
PRP RA	✓		RP,PS	Remedial	Site Characterization
FF RA	✓		FF	Federal Facility	Federal Facility
Engineering Eval/Cost Analysis	✓		F,S,TR,MR	Remedial	Site Characterization
ERCS Contract Management					
Reg ERCS Contract Mangmt		✓	* FF	Removal Federal Facility	Removal Federal Facility
Zone/Reg ERCS Contract Mngmt		✓	* FF	Removal Federal Facility	Removal Federal Facility

\* Lead left to the Regions' discretion

**EXHIBIT III.8**  
**WHO PAYS FOR WHAT (cont'd)**

CERCLIS ACTION NAME	SITE-SPECIFIC	NON-SITE SPECIFIC	LEAD	BUDGET SOURCE	AOA CATEGORY
ERRS Contract Mgt		✓	* FF	Removal Federal Facility	Removal Federal Facility
Expanded Site Inspection	✓	✓	F,S,TR,MR, RP,PS FF	Remedial Federal Facility	Site Characterization Federal Facility
ESI/RI	✓	✓	F,S,TR,MR, RP,PS FF	Remedial Federal Facility	Site Characterization Federal Facility
Feasibility Study	✓		F,S,TR MR FF	Remedial Federal Facility	Site Characterization Federal Facility
Federal Interagency Agreement	✓		FF	Federal Facility	Federal Facility
Five Year Remedy Assessment	✓		F,S,TR,MR, RP,PS FF	Remedial Federal Facility	Site Characterization Federal Facility
Generic PA/SI		✓	F,S,TR,MR FF	Remedial Federal Facility	Site Characterization Federal Facility
Health Assessment	✓	✓	* FF	Remedial Federal Facility	Site Characterization Federal Facility
Integrated Assessment	✓	✓	F,S,TR,MR, RP,PS FF	Remedial Federal Facility	Site Characterization Federal Facility
Litigation					
Litigation (Generic)	✓		FE	Enforcement	Enforcement
Section 104(e) Ref Litigation	✓		FE	Enforcement	Enforcement
Section 106 Litigation	✓		FE	Enforcement	Enforcement
Section 107 Litigation	✓		FE	Enforcement	Enforcement
Section 106 & 107 Litigation	✓		FE	Enforcement	Enforcement

\* Lead left to the Regions' discretion

**EXHIBIT III.8**  
**WHO PAYS FOR WHAT (cont'd)**

CERCLIS ACTION NAME	SITE-SPECIFIC	NON-SITE SPECIFIC	LEAD	BUDGET SOURCE	AOA CATEGORY
Long Term Response	✓		F,S,TR,MR	Remedial	Remedial Action
			RP,PS	Remedial	Site Characterization
			FF	Federal Facility	Federal Facility
Negotiations					
Negotiation (Generic)	✓		FE	Enforcement	Enforcement
Removal Negotiations	✓	✓	FE	Enforcement	Enforcement
RI/FS Negotiations	✓	✓	FE	Enforcement	Enforcement
RD/RA Negotiations	✓		FE	Enforcement	Enforcement
IAG Negotiations	✓		FE	Enforcement	Enforcement
			FF	Federal Facility	Federal Facility
Cost Recovery Negotiations	✓		FE	Enforcement	Enforcement
NSI-SARA Capacity		✓	*	Remedial	Other Response
			FF	Federal Facility	Federal Facility
Operations and Maintenance	✓	✓	F,S,TR,MR,RP,PS	Remedial	Site Characterization
			FF	Federal Facility	Federal Facility
Other Remed Contingency	✓	✓	*	Remedial	Other Response
			FF	Federal Facility	Federal Facility
Preliminary Assessment	✓	✓	F,S,TR,MR	Remedial	Site Characterization
			FF	Federal Facility	Federal Facility
Project Support					
Administrative Records	✓	✓	*	Remedial	Site Characterization
				Enforcement	Enforcement
			FF	Federal Facility	Federal Facility
Contract Program Mgt		✓	FE	Enforcement	Enforcement
FF Community Relations	✓	✓	FF	Federal Facility	Federal Facility

\* Lead left to Regions' discretion

**EXHIBIT III.8**  
**WHO PAYS FOR WHAT (cont'd)**

CERCLIS ACTION NAME	SITE-SPECIFIC	NON-SITE SPECIFIC	LEAD	BUDGET SOURCE	AOA CATEGORY
Project Support (cont'd)					
Geophysical Support/Mapping	✓		* FF	Remedial Federal Facility	Site Characterization Federal Facility
Human Health Risk Assessment	✓		*	Remedial Enforcement	Site Characterization Enforcement
Hydro/Geological Support	✓	✓	* FF	Remedial Federal Facility	Site Characterization Federal Facility
Information Mgt Support		✓	* FF	Remedial Enforcement Federal Facility	Other Response Enforcement Federal Facility
Laboratory Support	✓	✓	* FF	Remedial Enforcement Federal Facility	Site Characterization Enforcement Federal Facility
Management Assistance	✓	✓	* FF	Remedial Enforcement Federal Facility	Site Characterization Enforcement Federal Facility
Multi-Site Coop Agreement		✓	*	Enforcement	Enforcement
Non-Binding Allocation of Resp	✓		FE	Enforcement	Enforcement
Pre Natural Res Survey		✓	* FF	Remedial Enforcement Federal Facility	Other Response Enforcement Federal Facility
Preparation of Cost Docm Pkge	✓		FE	Enforcement	Enforcement
Pre-Rem/Rem Aerial Survey	✓	✓	* FF	Remedial Federal Facility	Site Characterization Federal Facility
PRP Community Relations	✓	✓	RP,PS FF	Enforcement Federal Facility	Enforcement Federal Facility
Remedial Community Relations	✓	✓	F,S,TR,MR	Remedial	Site Characterization
Removal Aerial Survey	✓	✓	* FF	Removal Federal Facility	Removal Federal Facility
Removal Community Relations	✓	✓	F,S,TR,MR	Remedial	Site Characterization

\* Lead left to the Regions' discretion

**EXHIBIT III.8**  
**WHO PAYS FOR WHAT (cont'd)**

CERCLIS ACTION NAME	SITE-SPECIFIC	NON-SITE SPECIFIC	LEAD	BUDGET SOURCE	AOA CATEGORY
Project Support (cont'd)					
SEE Program		✓	*	Remedial Enforcement Federal Facility	Other Response Enforcement Federal Facility
Special Studies		✓	*	Remedial	Other Response
			FF	Federal Facility	Federal Facility
State Enf Manag Assistanc		✓	FE	Enforcement	Enforcement
Technical Assistance	✓	✓	*	Remedial Enforcement	Site Characterization Enforcement
			FF	Federal Facility	Federal Facility
Technical Assistance Grant	✓	✓	*	Remedial	Other Response
			FF	Federal Facility	Federal Facility
TES/ESS Generic Obligation		✓	FE	Enforcement	Enforcement
TES/ESS Program Management		✓	FE	Enforcement	Enforcement
Topographical Mapping	✓	✓	*	Remedial	Site Characterization
			FF	Federal Facility	Federal Facility
Training		✓	*	Remedial Enforcement	Other Response Enforcement
			FF	Federal Facility	Federal Facility
PRP Searches					
NPL RP Search	✓	✓	FE	Enforcement	Enforcement
Non-NPL PRP Search	✓	✓	FE	Enforcement	Enforcement
RAC Contract Mgt		✓	*	Remedial	Other Response
			FF	Federal Facility	Federal Facility
Records Management		✓	*	Remedial	Other Response
			FF	Federal Facility	Federal Facility
Remedial Action (RA)	✓		F,S,TR,MR	Remedial	Remedial Action
RA Oversight					
PRP RA	✓		RP,PS	Remedial	Site Characterization
FF RA	✓		FF	Federal Facility	Federal Facility

\* Lead left to the Regions' discretion

**EXHIBIT III.8**  
**WHO PAYS FOR WHAT (cont'd)**

CERCLIS ACTION NAME	SITE-SPECIFIC	NON-SITE SPECIFIC	LEAD	BUDGET SOURCE	AGA CATEGORY
Remedial Design (RD)	✓		F,S,TR,MR	Remedial	Site Characterization
RD Oversight					
PRP RD	✓		RP,PS	Remedial	Site Characterization
RD Oversight and CR		✓	*	Remedial	Site Characterization
			FF	Federal Facility	Federal Facility
FF RD	✓		FF	Federal Facility	Federal Facility
RD Contingency		✓	*	Remedial	Site Characterization
Remedial Investigation	✓		F,S,TR,MR,RP,PS	Remedial	Site Characterization
			FF	Federal Facility	Federal Facility
Combined RI/FS	✓		F,S,,TR,MR	Remedial	Site Characterization
RI/FS Contingency		✓	*	Remedial	Site Characterization
RI/FS Oversight					
PRP RI/FS	✓		RP,PS	Remedial	Site Characterization
RI/FS Oversight and CR		✓	*	Remedial	Site Characterization
			FF	Federal Facility	Federal Facility
FF RI/FS	✓		FF	Federal Facility	Federal Facility
Removal	✓	✓	F,S,TR,MR	Removal	Removal
Removal Contingency		✓	*	Removal	Removal
Removal Oversight					
PRP Removal	✓	✓	RP,PS	Removal	Removal
FF Removal	✓		FF	Federal Facility	Federal Facility
Removal Assessment	✓	✓	F,S,TR,MR	Removal	Removal
Site Inspection	✓	✓	F,S,TR	Remedial	Site Characterization
			FF	Federal Facility	Federal Facility
START Contract Mgt		✓	*	Remedial	Other Response
			FF	Federal Facility	Federal Facility
State Core Grant		✓	S,TR	Remedial	Other Response
Underground Storage Tank Remov	✓		*	Removal	Removal

\* Lead left to Regions' discretion

## ***SUPERFUND FINANCIAL MANAGEMENT***

The purpose of this section is to assist Regional program offices in carrying out their financial management responsibilities. It discusses the financial management tools and systems used by HQ and the Regions to enter and track financial information. It also details specific HQ and Regional financial management responsibilities. Finally, this section discusses the various financial management funding mechanisms available to EPA to support Superfund cleanup work.

Exhibit III.9 provides a list of financial management contacts to assist the Regions in resolving or clarifying any financial management issues or difficulties that are encountered.

### **EXHIBIT III.9 FINANCIAL MANAGEMENT CONTACTS**

<b>Location/Region</b>	<b>Name of Contact</b>	<b>Phone Number</b>
HQ	Charles Young	(202) 260-6890
Region I	Mary Ellen Stanis Troy Brown	(617) 565-3341 (617) 565-3778
Region II	Richard Manna Joann Velez	(212) 637-3465 (212) 637-3462
Region III	Steve Pandza Diane Malancone	(215) 566-5178 (215) 556-5172
Region IV	Connie Crumley Noey Berrera Kristy Dickens	(404) 347-3278 (404) 347-3278 (404) 347-3278
Region V	Mary Ellen Ryan Darius Taylor	(312) 353-6268 (312) 353-3241
Region VI	Cindy Brown John Eagles	(214) 665-7480 (214) 665-6535
Region VII	Ina Square Judy Novak	(913) 551-7357 (913) 551-7360
Region VIII	Philip Elbeck Judy Lehmann	(303) 312-6360 (303) 312-6166
Region IX	Tiffanie Pang Yvonne Fong	(415) 744-1742 (415) 744-1742
Region X	Gary Hansen Kathy Tsing	(206) 557-2901 (206) 553-4688
Research Triangle Park	Joe Safadi Betty Hamilton	(919) 541-4387 (919) 541-4280



**Financial Management Tools and Systems**

Exhibit III.10 describes the financial management tools and systems used by HQ and the Regions.

**EXHIBIT III.10**  
**FINANCIAL MANAGEMENT TOOLS AND SYSTEMS**

Tool/System	Description
Integrated Financial Management System (IFMS)	The Agency's official automated accounting, funds control, and monitoring system. Encompasses all of the Agency's financial systems for planning, budget formulation and execution, program and administrative accounting, and auditing. Maintained by the Administrative Systems Division of the Office of Information Resources Management.
Management and Accounting Reporting System (MARS)	IFMS application that identifies the status of commitments, obligations, and payments for a site. MARS can select any data element maintained in IFMS, arrange those elements in any desired format, and print a report. Regional program office staff can request MARS reports from the Regional Servicing Finance Office (SFO).
Account Number (AN)	In FY 96, the AN was expanded from a 10-digit number to a 6-field, 41-character number that identifies costs associated with a specific site and activity. EPA documents and records its direct and indirect costs for each cleanup action and tracks costs through IFMS.
Document Control Number (DCN)	A 6-digit number assigned by the Regional SFO to Procurement Requests (PRs) and Commitment Notices (CNs). This same number is carried over from the PR or CN to the obligating document. Identifies the spending action in IFMS, just as a check number identifies a check.
Automated Document Control Register (ADCR)	Allowance holder's mechanism for maintaining a running balance of all funds available to the allowance holder. Maintained in the SFO. Funds Certifying Officer (FCO) checks the ADCR balance when certifying availability of funds, then assigns a DCN and records it in the ADCR.
Site/Spill Identification Number (S/S ID)	3-digit number that identifies costs associated with a specific site. Established by the Regional officer. Before assigning a S/S ID, an EPA Identification Number (EPA ID) must exist. Also need to ensure that the site is not listed under another name. There should be only one S/S ID for each EPA ID. Sites should receive identifiers in CERCLIS if it appears that more than \$5,000 will be spent on a response action.

Exhibit III.11 details the new 6-field, 41-character Account Number. It identifies the new fields, what should be entered in each position of each field, and provides a sample entry for each of the six fields that comprise the Account Number.

**EXHIBIT III.11**  
**ACCOUNT NUMBER STRUCTURE**

<b>Data Element Name</b>	<b>Definition</b>	<b>Sample Entry</b>
Budget Fiscal Year (4 characters)	The first two positions in this field identify the budget fiscal year (e.g., '96'). The third and fourth positions in this field identify the ending fiscal year, but these positions are not used by the Superfund program, and should be left blank.	9 6 _ _
Appropriation (6 characters)	The type of appropriation is entered in this field, (e.g., 'TR'). If the appropriation is billed or received (for cost recovery), valid entries can be up to 4 characters in length (e.g., 'HSCR'), with the last two positions left blank.	T R _ _ _ _
Program Element (9 characters)	The program element value is either 'FAX' for the site assessment and removal programs, 'GBX' for enforcement, or 'YPX' for Federal facilities. The remaining six positions in this field should be left blank.	F A X _ _ _ _ _
Budget Organization (7 characters)	The Budget Organization field is the Allowance Holder/Responsibility Center (AHRC) code (e.g., '02H'). The AHRC code can be between 3 and 6 characters in length.	0 2 H _ _ _ _
Site/Project (8 characters)	The unique site identifier (S/S ID) should be entered in positions 1, 3 and 4, e.g., '0_23'. The Region number should be entered in position 2, e.g., '7' for Region 7 (For Region 10, a '0' should be entered in this position; for Region 1 and HQ a '1' is entered in this position). The action code is entered in positions 5 and 6 (e.g., 'AN' for RD/RA Negotiations). The Operable Unit is entered in positions 7 and 8 (e.g., '01' for Operable Unit number 01).	0 7 2 3 A N 0 1
Cost Organization (7 characters)	The leading 'C' is the CERCLIS identifier used by IFMS. It is system generated in the first position of the Cost Organization field for CERCLIS actions. The numerical characters in the second, third and fourth positions represent the action sequence number, e.g., '002' for the second occurrence of an action at a site. The remaining positions should be left blank.	C 0 0 2 _ _ _

### **"0ZZ" and "0WQ" Accounting Information**

When committing or obligating funds at sites where a S/S ID has not been assigned yet, the Region may use "0ZZ" in the S/S ID position of the Account Number for PAs and SIs only. "0WQ" should be used for committing or obligating funds for all other activities at sites where a S/S ID has not been assigned. The "0ZZ" and/or "0WQ" should be used only if a site does not have a S/S ID. When "0WQ" or "0ZZ" is used in the S/S ID position, funds are obligated non-site specifically. However, when the funds are paid out/dispensed, they must be associated with a site. Once a S/S ID has been established for the site, Regions must revise all the financial accounting information (in IFMS and on the obligating document) with the correct S/S ID. The "0ZZ" and/or "0WQ" should not be used for future obligations once a S/S ID has been established at the site. (Information on changing IFMS data can be found later in this chapter.)

### **Regional Financial Management Responsibilities**

Due to the complexities of the Superfund program, numerous organizational units within the Regional EPA offices have responsibility for Superfund financial management. These organizations and their responsibilities are detailed in Exhibits III.12 through III.15.

For the purposes of this document, the Regional Management Division is the organization in which financial management, budgetary, accounting, planning and assistance agreements, and administration functions are carried out. The Regional Servicing Finance Office (SFO) and the Contracting Officers (CO) for the ARCS, RAC, ERCS, Superfund Technical Assessment and Response Team (START), Response Oversight Contract (ROC) and ERRS contracts are considered to be a part of this division.

### **HQ Financial Management Responsibilities**

Selected program offices in HQ also have Superfund financial management responsibilities. The main point of contact for technical program area specific financial management issues is the applicable Regional center. Contact HQ's PARM with any issues pertaining to the AOA or overall budget resources. Exhibit III.14 identifies the responsibilities of the HQ management offices.

### **Financial Management and Funding Processes**

Regional financial authority consists of three distinct but interrelated parts: approvals, commitments, and obligations. The payment and deobligation processes result in drawdowns from obligated funds. Due to limited resources to fund FY 97 activities, it is essential that Regions deobligate unneeded prior year funds so they can be used to close the funding gap. The funding processes are outlined in Exhibit III.16. Exhibit III.17 indicates the process by which the Regions commit and obligate funds in the CERCLIS environment.

### **Financial Management Funding Mechanisms**

EPA uses a variety of funding mechanisms to carry out CERCLA-funded response actions. These include the following:

#### ***Contracts***

The Agency's Long-Term Contracting Strategy (LTCS) identifies the long-term contracting needs of the Superfund program and provides a portfolio of Superfund contracts to meet those needs over the next ten years. During FY 97, implementation of the strategy will continue.

Superfund contracts are awarded through standard procurement procedures (see the *OC's Resources Management Directives Systems 2550C*, Chapter 2 of this document, and the *EPA Contracts Management Manual*, or refer directly to the directives prepared for each contract). Exhibit III.18 contains information on the procurement

forms used for most Superfund contracts. The unique aspect of Superfund contract processing and financial tracking stems primarily from the need to associate contractor costs incurred with specific Superfund sites and OUs to support the cost recovery process. Cost recovery negotiations with PRPs, or court actions, require careful documentation of Federal costs incurred at each site/spill. Exhibits III.19 and III.20 describe key financial management processes for each of the primary categories of Superfund contracts, both site- and non-site specific.

#### ***Interagency Agreements (IAGs)***

An IAG is a written agreement between Federal agencies under which goods and services are provided. The Superfund program uses Disbursement IAGs and Allocation Transfer IAGs to request Federal agencies' assistance with site cleanups and associated activities, and to provide ongoing support or services. The Regional program office initiates and manages site-specific IAGs. U.S. Coast Guard (USCG)-lead removal IAGs and DOJ IAGs are negotiated, approved, awarded, and managed at HQ. The IAG specifies the services required, and identifies the method of payment. Exhibits III.21 and III.22 discuss IAG financial management.

#### ***Cooperative Agreements (CAs)***

A CA transfers property, funds, and/or services from EPA to States, political subdivisions, or Tribal governments to undertake the lead for a site-specific response, to defray the costs associated with participation in Federal-lead responses, or to build State or Tribal capability to implement CERCLA responses. CAs provide funding assistance to the State, political subdivision, or Tribal government, document responsibilities, and obtain State assurances. CAs must be approved by the Regional Administrator or designee. The steps for developing and managing the financial aspects of a CA in the Region are outlined in Exhibit III.23.

For additional information on the financial management of CAs, refer to the *Resources Management Directives Systems 2550D*, Chapter 9.

#### ***Superfund State Contracts (SSCs)***

When EPA or a political subdivision has the lead for an early action (remedial authority) or RA, a SSC is used to describe the State's role. A SSC is a legally binding agreement that provides the mechanism for obtaining required State cost share and other assurances, outlines the statement of work for the response action, and documents responsibilities for implementation of response activities at a site. When a political subdivision has the lead, the SSC is signed by EPA, the State, and the political subdivision.

The SSC does not obligate funds. Funds for Federal-lead projects must be obligated through an EPA PR with a contractor, or through an IAG with another agency. Funds for response actions conducted by a political subdivision are provided through a CA (see previous section).

The SSC must be signed prior to the obligation of funds for a RA or early action (remedial authority). EPA may obligate RD funds to initiate the RA or early action (remedial authority) procurement process, up to the point of soliciting for construction bids. In cases of extreme urgency, a solicitation [for bids on RA or early actions (remedial authority) work] may be issued before a SSC is signed. The solicitation must notify prospective bidders that the availability of funds for the contract is contingent on EPA and the State concluding a SSC. If the SSC is not signed before the bid opening, one of the following decisions must be made:

- The solicitation may be canceled; or
- The bid opening date may be postponed (giving bidders an opportunity to withdraw, modify, or submit new bids).

**EXHIBIT III.12**  
**REGIONAL FINANCIAL MANAGEMENT RESPONSIBILITIES**

Regional Administrator	Regional Program Office	Regional Management Division
<ul style="list-style-type: none"> <li>• Approves cleanup actions under removal authority</li> <li>• Approves consistency exemptions at NPL sites where the removal costs are more than \$2 million</li> <li>• Awards CAs</li> <li>• Awards IAGs</li> <li>• Enters into SSCs</li> <li>• Initiates response planning activities</li> <li>• Awards TAGs</li> </ul> <p>* All of these authorities may be re-delegated with the exception of removal actions deemed "nationally significant," consistency exemptions.</p>	<ul style="list-style-type: none"> <li>• Provides technical support to the CO</li> <li>• Reviews vouchers and/or financial reports</li> <li>• Manages CAs and IAGs</li> <li>• Prepares CNs and PRs</li> <li>• Develops SSCs</li> <li>• Negotiates CAs</li> <li>• Issues S/S IDs or requests that they be issued</li> <li>• Manages the Region's allowances</li> <li>• Approves Request for Proposals (RFPs) or Request for Bids and contracts developed by the States</li> <li>• Participates in pre-award financial management system reviews</li> <li>• Enters financial data on contracts, IAGs, and CAs into CERCLIS</li> <li>• Maintains Superfund document files on Regional work performed</li> <li>• Submits change requests</li> <li>• Initiates and manages deobligations</li> </ul>	<ul style="list-style-type: none"> <li>• Assigns AN, DCN, and CA identification numbers</li> <li>• Enters quarterly AOA into IFMS, controls Regional allowance, maintains ADCR, and reconciles transactions</li> <li>• Issues S/S IDs</li> <li>• Sets up Regional account numbers in IFMS</li> <li>• Processes PRs, IAGs, and CAs</li> <li>• Enters commitments, obligations, and drawdowns into IFMS</li> <li>• Reviews invoices, monthly financial reports, and payment requests</li> <li>• Obligates Regional contracts and modifications</li> <li>• Assists Regional program office in the pre-application phases of the CA development</li> <li>• Maintains Superfund document files on Regional costs, and supports the preparation of documentation for cost recovery</li> <li>• Maintains accounts receivable for cost recovery, cash outs, SSC cost share, and oversight billings, and maintains billing and collection system</li> <li>• Provides Regional program office with financial data</li> </ul>

**EXHIBIT III.13**  
**DESCRIPTION OF REGIONAL PROGRAM OFFICE FINANCIAL**  
**MANAGEMENT STAFF**

<b>On-Scene Coordinator (OSC)</b>	<b>Ordering Officer</b>	<b>Remedial Project Manager (RPM)</b>	<b>Regional Project Officer (RPO)/Deputy Project Officer (DPO)</b>	<b>Administrative Support Unit (ASU)</b>
<ul style="list-style-type: none"> <li>• Employee of EPA or U.S. Coast Guard (USCG)</li> <li>• Reacts to hazardous substance spills and releases, or threats of release</li> <li>• Initiates and manages cleanup actions under removal authority</li> <li>• Aware of, in control of, and responsible for site charges</li> <li>• Ensures costs are reasonable and necessary</li> </ul>	<ul style="list-style-type: none"> <li>• Typically an OSC</li> <li>• Must have a written "Delegation of Procurement Authority" signed by a Senior Procurement Manager</li> </ul>	<ul style="list-style-type: none"> <li>• Employee of EPA</li> <li>• Initiates and manages early actions (remedial authority) and long-term actions</li> <li>• Manages enforcement costs and activities</li> <li>• Aware of, in control of, and responsible for site charges</li> <li>• Ensures costs are reasonable and necessary</li> </ul>	<ul style="list-style-type: none"> <li>• Employees of EPA</li> <li>• Manages remedial, enforcement, removal, and general site support contracts</li> </ul>	<ul style="list-style-type: none"> <li>• Established in each Regional program office</li> <li>• Staffed with EPA staff (the non-government functions may be performed by a contractor)</li> <li>• Provides administrative support to the OSC/RPM</li> <li>• Provides liaison between OSC/RPM and other groups involved in administrative matters</li> <li>• Provides support to Regional program management</li> </ul>

**EXHIBIT III.14**  
**RESPONSIBILITIES OF REGIONAL PROGRAM OFFICE**  
**FINANCIAL STAFF**

OSC	Ordering Officer	RPM	RPO/DPO	ASU
<ul style="list-style-type: none"> <li>• Prepares site budgets and contract action requests</li> <li>• Completes Action Memoranda</li> <li>• Prepares delivery orders and PRs</li> <li>• Establishes and maintains official site file</li> <li>• Reviews and approves cleanup contractors' charges on a daily basis</li> <li>• Tracks site costs against the established site ceiling</li> <li>• Approves contractor invoices</li> <li>• Acquires services using warrant for up to \$250,000</li> </ul>	<ul style="list-style-type: none"> <li>• Obligates a maximum of \$250,000 for removal actions</li> <li>• Develops statements of work and cost ceilings for removals</li> </ul>	<ul style="list-style-type: none"> <li>• Reviews contractor invoices and financial reports</li> <li>• Establishes and maintains official site files</li> <li>• Initiates Work Assignments (WAs), CAs, IAGs, and contracts</li> <li>• Approves site-specific IAG invoices</li> </ul>	<ul style="list-style-type: none"> <li>• Evaluates and designates contractor award fees</li> <li>• Monitors contractors' activities</li> <li>• Reviews monthly contractor reports and site-specific attachments</li> <li>• Initiates WAs, CAs, IAGs, and contracts</li> <li>• Approves site-specific IAG invoices</li> <li>• Identifies Regional and site-specific contract requirements</li> <li>• Reviews invoices</li> <li>• Provides general contract management support</li> </ul>	<ul style="list-style-type: none"> <li>• Assists OSC/RPM in administrative duties</li> <li>• Assists in developing removal site budgets and Action Memoranda</li> <li>• Assists in daily cost monitoring via daily contractor reports</li> <li>• Maintains the Removal Cost Management System (RCMS)</li> <li>• Sets up and maintains active site files</li> <li>• Completes PRs and CNs</li> <li>• Reviews IFMS reports</li> </ul>

**EXHIBIT III.15(1 of 2)**  
**FINANCIAL RESPONSIBILITIES OF HQ MANAGEMENT OFFICES**

<b>Financial Management Division (FMD)/OC</b>	<b>Office of Acquisition Management (OAM)</b>	<b>Grants Administration Division (GAD)/Office of Administration</b>
<ul style="list-style-type: none"> <li>• Collects HQ's Superfund cost documentation for cost recovery</li> <li>• Oversees annual site-specific reporting process</li> <li>• Issues financial policies and procedures</li> <li>• Provides general accounting support</li> <li>• Records transfer allocations</li> <li>• Notifies Trust Fund to invest cost recoveries, fines, and penalties</li> <li>• Establishes Superfund ANs in IFMS</li> </ul>	<ul style="list-style-type: none"> <li>• Conducts Superfund contracting program</li> <li>• Negotiates, awards, monitors, modifies, and terminates contracts</li> <li>• Provides technical guidance on contract administration</li> <li>• Provides cost and price analysis</li> </ul>	<ul style="list-style-type: none"> <li>• Issues policies, regulations, and guidance for processing, awarding, and managing financial assistance agreements and IAGs</li> <li>• Issues identification numbers for all IAGs</li> <li>• Processes and awards HQ IAGs</li> </ul>

**EXHIBIT III.15(2 of 2)**  
**FINANCIAL RESPONSIBILITIES OF HQ MANAGEMENT OFFICES**

<b>Budget Division/OC</b>	<b>Financial Management Center-Cincinnati (FMC)</b>	<b>Research Triangle Park (RTP) Office of Administration</b>
<ul style="list-style-type: none"> <li>• Allocates Superfund allowances among HQ and Regions</li> <li>• Approves Regional allowances</li> <li>• Monitors obligations against regular and site allowances</li> <li>• Processes transfer allocations</li> <li>• Processes change requests</li> <li>• Reprograms allowances</li> </ul>	<ul style="list-style-type: none"> <li>• Provides accounting support for all Superfund IAGs</li> <li>• Processes disbursement requests from other agencies</li> <li>• Processes billings for reimbursable activities</li> <li>• Enters IAG obligations and disbursements into IFMS</li> </ul>	<ul style="list-style-type: none"> <li>• Provides accounting support for all Superfund contracts</li> <li>• Enters contract award and obligation data into IFMS</li> <li>• Processes contractor invoices</li> <li>• Enters payments into IFMS via the Contract Payment System</li> </ul>



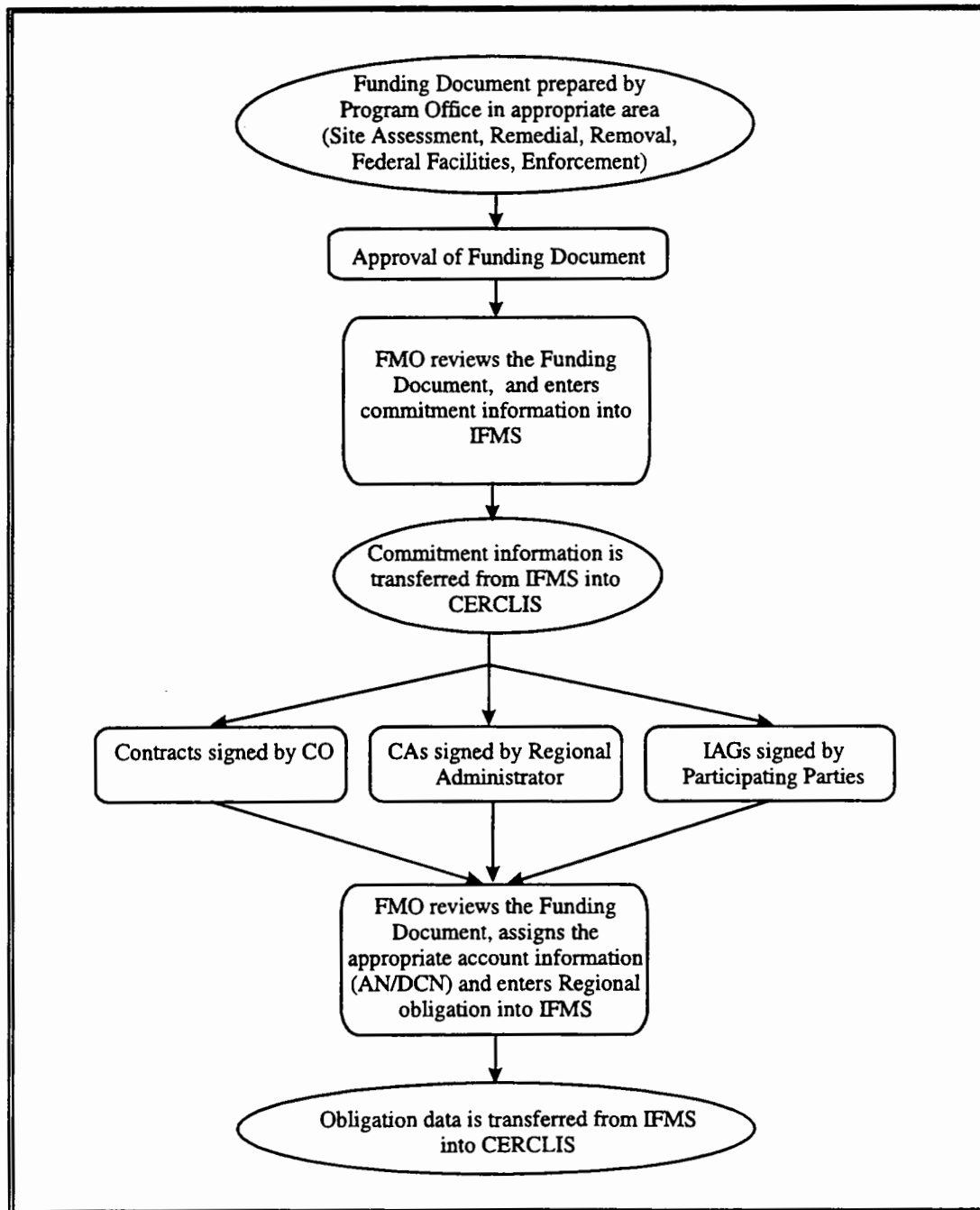
**EXHIBIT III.16**  
**FINANCIAL MANAGEMENT AND FUNDING PROCESSES**

Activity	Discussion
Approvals	<ul style="list-style-type: none"> <li>• An approval by the AAs, Regional Administrator or official designee is authorization to undertake a CERCLA-funded response action.</li> <li>• Early Actions (Removal Authority): <ul style="list-style-type: none"> <li>— Regional Administrator approves actions costing up to \$2 million, grants exemptions up to twelve months and \$2 million statutory limits based on consistency with the long-term action, and may re-delegate to the OSC the authority to approve actions costing up to \$50,000 in emergency situations.</li> <li>— Before taking action, an Action Memorandum must be approved, except in emergency situations. The Action Memorandum documents whether the release meets the criteria of CERCLA and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), and includes an estimated total project ceiling. The OSC uses the estimate of duration and cost in order to determine the proper approval authority.</li> <li>— In extreme emergencies, the OSC may initiate activities without preparing the necessary documentation in advance. The OSC must document the decision within 24 hours of initiating the response.</li> </ul> </li> <li>• Early Actions (Remedial Authority), RD, RA, Site Screening and Assessment, Enforcement, and Federal facilities: <ul style="list-style-type: none"> <li>— Planning is accomplished through SCAP. Funds cannot be committed or obligated unless the project is in SCAP.</li> <li>— Obligation planned and executed on an OU or site basis. Outlays (payments) should be attributed to the appropriate OU.</li> <li>— A Record of Decision (ROD) is required for all early actions (remedial authority) and long-term actions. The ROD is signed by the Regional Administrator/Deputy Regional Administrator, or the AA SWER. It documents the alternative decision-making process, demonstrates that the requirements of CERCLA and the NCP have been met, and provides the basis for future cost recovery actions.</li> </ul> </li> </ul>
Commitments	<ul style="list-style-type: none"> <li>• Commitments are a reservation of funds but not a legal promise to pay a supplier. Once the Regional FCO certifies the availability of funds, a spending action becomes a commitment. Funds that are committed but not obligated are called open commitments.</li> <li>• There are two types of commitment documents: PRs and CNs. PRs commit funds for contracts; CNs commit funds for CAs and reimbursable IAGs.</li> </ul>

**EXHIBIT III.16 (cont'd)**  
**FINANCIAL MANAGEMENT AND FUNDING PROCESSES**

Activity	Discussion
Obligations	<ul style="list-style-type: none"> <li>• Obligations legally bind the government to pay a supplier for goods or services. Obligated funds can no longer be used for any other purpose.</li> <li>• A contractor, another Federal agency, or State cannot start work until funds have been obligated. Funds can be used only for the purpose for which they were obligated, unless they are deobligated.</li> <li>• Obligating documents must be processed in accordance with guidance issued by OAM, GAD, and FMD. Some contracts are awarded by OAM and entered into IFMS by the SFO/RTP; others are handled by the Regions. Obligations for CAs are entered into IFMS by the Regions; IAGs are entered by the FMC-Cincinnati.</li> </ul>
Payments (Outlays)	<ul style="list-style-type: none"> <li>• Invoices from contractors/suppliers are submitted to the proper SFO for payment. Before payment, there must be an obligating document and a receiving report to verify that the work was completed, or that the goods received were satisfactory. Unpaid obligations remain in IFMS until paid, or until the allowance holder or obligating official notifies the SFO that no further payments will be made.</li> </ul>
Deobligations	<ul style="list-style-type: none"> <li>• Handled similarly to obligations. Same commitment and obligation documents and procedures are used, except that the dollar amount is a reduction. Availability of funds after deobligating depends on when the funds were obligated. Current year funds are available as soon as the deobligation is effective. Prior year funds revert back to HQ for redistribution. In order to reuse prior year funds, allowance holders must request a recertification of funds to their allowance.</li> <li>• Regions should regularly review the status of all contracts, IAGs, and CAs. If all activities have been completed, remaining funds should be deobligated immediately to make them available for other activities. Regions should hold 15 percent to fund site closeout activities.</li> </ul>

**EXHIBIT III.17**  
**HANDLING FINANCIAL DATA IN THE CERCLIS ENVIRONMENT**



**EXHIBIT III.18**  
**EPA FORMS COMMONLY USED FOR SUPERFUND PROCUREMENTS**

<b>EPA Form Number</b>	<b>Form Name</b>	<b>Purpose</b>	<b>Comments</b>
1900-8	Procurement Request/Purchase Order	The Agency's basic form for requesting the procurement of any goods or services. Used to commit funds before obligating funds on any of these documents. Must be certified by FCO.	This form is the basis for entering a commitment in IFMS. The FMO enters an obligation only upon receiving a contract document or purchase order.
1900-48	Order for Services-Emergency Response to Hazardous Substance Release	Used by OSCs to obligate funds and contract for services (up to \$2,500) from commercial firms or a State or local government (if site not owned by State or subdivision at time wastes were disposed of) to respond to a release.	Results in a firm, fixed-price contract. No price adjustment may be made for work stated in contract. Contractor may submit only one invoice. FMO will process contract as an obligation.
1900-49	Notice to Proceed with Emergency Response to Hazardous Substance Release	Used by OSC to authorize a contractor to begin work on an emergency response (up to \$10,000 per incident). Negotiation of definitive contract and any modifications performed by CO.	A preliminary contractual instrument that must be made final by a designated CO. FMO will process notice as an obligation.
1900-56	Letter contract for State, Tribal Government, or Local Government Response to Emergency Hazardous Substance Release	Used by OSC to procure services from a State, local or Tribal government to begin work on an emergency response (up to \$10,000 per incident) if site was not owned by State or subdivision at time of hazardous waste disposal. Negotiation of definitive contract and any modifications performed by CO.	Results in a cost reimbursement type agreement with a State, local, or Tribal government. It is a preliminary contractual instrument that must be made final by a CO. The appropriate FMO will process a letter or contract as an obligation.
1900-59	Delivery Order for ERCS and ERRS	Used by OCSs to order services (up to \$250,000) from the ERCS or ERRS contractor to respond to a release. All modifications and obligations greater than \$250,000 will be processed by the CO.	Has time and material provisions but uses fixed rates negotiated in ERCS or ERRS contract. Order must be made final by a designated CO. FMO will process orders as an obligation.

**EXHIBIT III.19**  
**FINANCIAL MANAGEMENT OF SITE-SPECIFIC CONTRACTS**

Contract Type	Commitment	Obligation	Payment
<ul style="list-style-type: none"> <li>• Obligated and tracked on a site-specific basis.</li> <li>• Includes ARCS, ERCS, RAC, START, and ERRS.</li> </ul>	<ul style="list-style-type: none"> <li>• PR is used to commit funds.</li> <li>• Usually prepared in advance of the obligating document except in emergency situations when they are prepared simultaneously or out of sequence.</li> <li>• Regional program office (OSC, Ordering Officer, RPM, RPO) prepares the PR for site-specific activities, obtains the necessary Regional office approvals, and forwards the document to the SFO for certification of funds and addition of accounting information (AN and DCN).</li> <li>• SFO enters the commitment into the IFMS.</li> </ul>	<ul style="list-style-type: none"> <li>• Obligated by the Regional CO, the Regional Ordering Officer (OSC), or HQ OAM. Obligational authority is determined by the type and amount of contract.</li> <li>• In emergency situations, OSCs have contractual authority to obligate up to \$250,000 via a delivery order under an existing contract. Regions have limited this authority to \$50,000.</li> <li>• SFO/RTP enters the obligation into IFMS.</li> </ul>	<ul style="list-style-type: none"> <li>• OSC or DPO reviews contractor invoices for early actions (removal authority) and signs statement indicating the services have been provided.</li> <li>• CO and RPM review contractor invoices for early actions (remedial authority) and long-term actions. RPM informs the Project Officer (PO) if the invoice accurately reflects contractors' activities.</li> <li>• Invoices must be reviewed within 5 days.</li> <li>• If the OSC disallows or disputes charges, a copy of the invoice is sent to the CO with an explanation. OSC sends original voucher with a copy of the explanation to RTP.</li> <li>• If the RPM identifies a problem, it should be reported to the PO for resolution.</li> <li>• Certified copies of the invoices are sent to SFO/RTP for processing and payment.</li> </ul>

**EXHIBIT III.20**  
**FINANCIAL MANAGEMENT OF NON-SITE SPECIFIC CONTRACTS**

Contract Type	Discussion	Payment
General Site Support	<ul style="list-style-type: none"> <li>• Not obligated on a site-specific basis</li> <li>• Capable of providing broad technical and planning support on an "as needed" basis</li> <li>• Includes START, CLP, and Environmental Services Assistance Team (ESAT)</li> </ul>	<ul style="list-style-type: none"> <li>• Contractors submit site-specific attachment that includes invoiced costs for:               <ul style="list-style-type: none"> <li>— Each site with a S/S ID</li> <li>— All other sites</li> <li>— Program management</li> <li>— Base and award fee</li> <li>— Non-site activities (e.g., training)</li> </ul> </li> <li>• Contractors submit original invoice to RTP and copies to HQ PO</li> <li>• PO reviews invoice</li> <li>• RPOs and DPOs may conduct concurrent reviews</li> </ul>
Enforcement Support Services (ESS)	<ul style="list-style-type: none"> <li>• Combination of general site support and site-specific contracts; however, not obligated on a site-specific basis</li> <li>• Regions issue WAs against the contract on a site-specific basis</li> <li>• Site-specific WAs are not entered into IFMS</li> </ul>	<ul style="list-style-type: none"> <li>• Contractors submit site-specific attachment that includes invoiced costs for:               <ul style="list-style-type: none"> <li>— Each site with a S/S ID</li> <li>— All other sites</li> <li>— Cost plus/fixed/award fee</li> <li>— Non-site activities (e.g., training)</li> </ul> </li> <li>• Contractors submit original invoice to RTP and copies to RPO</li> <li>• RPO reviews invoice</li> <li>• RPOs and WAMs may conduct concurrent reviews</li> </ul>
General Program Support Contracts	<ul style="list-style-type: none"> <li>• Provides support to HQ and Regional program offices</li> <li>• Not for site-specific work</li> <li>• Not obligated site-specifically</li> </ul>	<ul style="list-style-type: none"> <li>• Administered totally by HQ</li> </ul>

**EXHIBIT III.21**  
**DISBURSEMENT IAG FINANCIAL MANAGEMENT**

Commitment	Obligation	Payment	Closeout
<ul style="list-style-type: none"> <li>Regional program office initiates</li> <li>Regional SFO determines availability of funds</li> <li>Program office prepares IAG funding package, including CN, transmittal memo, EPA Form 1610-1, and Decision Memo that verifies legal authority</li> <li>Decision Official in Region approves</li> <li>Administrative Assistance Unit (AAU) conducts administrative review</li> <li>SFO adds accounting data and enters commitment into ADCR and IFMS</li> </ul>	<ul style="list-style-type: none"> <li>AAU obtains IAG number from GAD</li> <li>Action Official signs IAG</li> <li>AAU sends IAG to other Federal agency for signature</li> <li>AAU distributes executed IAG to program office, GAD, and FMC-Cincinnati, where obligation is recorded in IFMS</li> </ul>	<ul style="list-style-type: none"> <li>If other agency does not have reimbursable authority, FMC-Cincinnati pays before activities begin</li> <li>If other agency has reimbursable authority, service is provided first</li> <li>If the Simplified Interagency Billing and Collection system (SIBAC) or the On-line Payment and Collection system (OPAC) is used, payment is made before Region certifies. Region may request adjustments</li> <li>If paying by check, voucher submitted to FMC-Cincinnati               <ul style="list-style-type: none"> <li>FMC-Cincinnati forwards voucher to Region</li> <li>Region reviews and certifies</li> <li>FMC-Cincinnati pays voucher</li> </ul> </li> <li>USCOE direct site payment process allows EPA to directly pay for long-term actions with USCOE certification</li> </ul>	<ul style="list-style-type: none"> <li>Regional program office accepts final report</li> <li>AAU queries Regional program office when project period expires or when no project activity is shown for two quarters</li> <li>Regional program office determines whether IAG should remain open or be closed. Notifies AAU</li> <li>Regional program office prepares closeout request. Sends it to AAU</li> <li>AAU determines from FMC-Cincinnati that IAG is closed</li> <li>AAU sends closeout letter to other agency, and notifies GAD and Regional program office</li> </ul>

**EXHIBIT III.22**  
**ALLOCATION TRANSFER IAG FINANCIAL MANAGEMENT**

Commitment	Obligation	Payment	Closeout
<ul style="list-style-type: none"> <li>Regional program office initiates</li> <li>Develop preliminary cost estimate with other agency</li> <li>Regional program office prepares funding package, including EPA Form 1610-1, transmittal memo, and Decision Memo</li> <li>Decision Official reviews and approves funding package and submits to AAU</li> </ul>	<ul style="list-style-type: none"> <li>AAU obtains IAG number from GAD</li> <li>GAD enters IAG data into Grants Information Control System (GICS)</li> <li>Action Official signs IAG package</li> <li>AAU submits IAG to other agency for signature</li> <li>AAU distributes IAG to program office, GAD, and OC</li> <li>Program office submits change request to the Budget Formulation and Control Branch</li> <li>OC withdraws funds from Region's allowance and transfers them to the EPA transfer allocation account</li> <li>Financial Reports and Analysis Branch executes transfer</li> </ul>	<ul style="list-style-type: none"> <li>Obligational authority is transferred to other agency, EPA monitors expenditures</li> <li>Other agency submits monthly SF 133, Budget Execution reports on obligations and expenditures to FMD</li> <li>Other agency submits periodic status reports to program office and HQ Superfund Budget Branch</li> <li>Other agency maintains records and documentation, submits to EPA upon request</li> <li>Program office reviews progress reports</li> </ul>	<ul style="list-style-type: none"> <li>Same as disbursement IAG; however, AAU asks EPA Office of Inspector General (OIG) to request the other agency's OIG to determine financial status of the IAG</li> </ul>



**EXHIBIT III.23**  
**COOPERATIVE AGREEMENT FINANCIAL MANAGEMENT**

Commitment	Obligation	Payment	Deobligation	Transfer of Funds
<ul style="list-style-type: none"> <li>Regional Program Office prepares CN and obtains all necessary program approvals</li> <li>Regional Management Division certifies availability of funds, assigns accounting data, sets aside the funds on the ADCR, and enters commitment into IFMS</li> <li>AAU assigns CA identification number</li> </ul>	<ul style="list-style-type: none"> <li>Regional Administrator or his/her designee signs CA</li> <li>Regional Management Division processes obligation in accordance with OAM, GAD, and FMD requirements</li> <li>Regional Management Division enters obligation into ADCR and IFMS</li> </ul>	<ul style="list-style-type: none"> <li>By EPA-Automated Clearing House (EPA-ACH) Payment System</li> <li>Uses Department of Treasury electronic payment mechanism</li> <li>Payment request submitted to SFO</li> <li>SFO reviews to determine if:               <ul style="list-style-type: none"> <li>Budget period is valid</li> <li>EPA-ACH AN and summary detail are correct</li> <li>Project numbers valid</li> <li>Funds available</li> <li>Reports received</li> <li>Balance on hand not excessive</li> </ul> </li> <li>All or part of request may be approved</li> <li>SFO notifies recipient of modified or rejected payment</li> <li>If approved, EPA transfers to recipient's financial institution</li> <li>Region monitors monthly</li> </ul>	<ul style="list-style-type: none"> <li>Handled same as obligation, except dollar amount is reduction</li> <li>Availability of funds after deobligation depends on when they were originally obligated</li> <li>Currently, FY funds are available as soon as deobligation is effective</li> <li>Prior year funds revert to HQ for redistribution</li> <li>Regions should regularly review status</li> </ul>	<ul style="list-style-type: none"> <li>Under multi-site CA, funds can be transferred from one site to another site or one response phase to another response phase at the same site</li> <li>Called a transwitch</li> <li>Requires formal CA amendment</li> <li>CA amendment shows transfer of funds by changing accounting information</li> </ul>

To ensure that Fund monies are effectively used, procurement activities should be initiated with RD funds only when the Region is confident the SSC will be signed before bids are opened.

Exhibit III.24 explains the SSC financial management requirements. For additional information on financial management responsibilities related to SSCs, refer to the *Resources Management Directives Systems 2550D*, Chapter 9.

#### ***Cost Recovery/Cost Documentation***

CERCLA, as amended, imposes liability on responsible parties for the cost of responding to releases or threatened releases of hazardous substances from hazardous waste sites or spills. When these PRPs fail to clean up sites on their own, EPA may perform the cleanup and later attempt to recover the cleanup costs from the parties. Obtaining reimbursement for these costs through negotiation or judicial action is one of the primary goals of the Superfund program.

Cost recovery documentation is performed by a case development team composed of representatives from the ORC, the Regional program office, and the Regional SFO. The involvement and distribution of responsibilities of each of these offices during the cost recovery process does vary within each Region, and may be defined by a Regional Inter-Office Memorandum of Understanding. Exhibit III.25 is provided as a brief guide to the cost recovery case development process.

### ***HANDLING FINANCIAL DATA IN THE CERCLIS ENVIRONMENT***

This section discusses the process for entering response and enforcement extramural budget data into CERCLIS. During FY 96, an automated link for downloading IFMS data into WasteLAN/CERCLIS was initiated. Transfer of financial information from IFMS to CERCLIS will eliminate the need for manual entry of actual financial data (commitments and obligations) into CERCLIS. Planned financial data must still be entered into CERCLIS by the Region; the procedures for entering planned financial data remain the same.

**Note:** The procedures for handling financial data in CERCLIS is in the process of being revised by the IFMS Data Transfer Team in support of the implementation of the full transfer into CERCLIS 3. It will be detailed via change pages to this Manual when final procedures are in place.

**EXHIBIT III.24**  
**SSC FINANCIAL MANAGEMENT**

<b>Requirements</b>	<ul style="list-style-type: none"> <li>• In place before EPA or political subdivision begins Fund-financed early action (remedial authority), RA, or NTC removal where the State is sharing the cost</li> <li>• If USCOE is performing the action, SSC must be signed before construction contract is signed</li> <li>• Assures State will pay its cost share of 10% of an early action (remedial authority), RA, or NTC early action (removal authority) for privately operated sites or 50% of the ESI/RI/FS, RD, RA, and early action for publicly operated sites. At the time of the early action (remedial authority) or RA start, the State is required to pay 50% of all prior Superfund response activities</li> <li>• Contains program assurances and payment schedule</li> </ul>
<b>Development</b>	<ul style="list-style-type: none"> <li>• Developed by Regional program office</li> </ul>
<b>Accounts Receivable</b>	<ul style="list-style-type: none"> <li>• State may be required to provide cash payments to EPA</li> <li>• RPM/RPO forwards copy of SSC to Regional Management Division for accounts receivable processing</li> <li>• RPM/RPO forwards SSC modifications to Regional Management Division</li> </ul>
<b>Payment Schedule</b>	<ul style="list-style-type: none"> <li>• State payment schedules are negotiated and may be either lump-sum or incremental</li> <li>• State cost share is available and should be considered when requesting funding</li> </ul>
<b>Billing</b>	<ul style="list-style-type: none"> <li>• 30 days prior to SSC payment schedule, Regional Management Division will send notice of amount required and due date to State</li> <li>• Payment is sent to Regional Superfund lockbox address</li> <li>• Regional Management Division will reference SSC, including site name and identifier on invoice</li> <li>• State must include a copy of the invoice with any remittance</li> </ul>
<b>Receipt of Payment</b>	<ul style="list-style-type: none"> <li>• If funds not received when due, Regional Management Division follows up with RPM/RPO</li> <li>• RPM/RPO follow up with State and advise Management Division</li> <li>• No interest will accrue on invoiced amount if State dollars are provided before EPA obligates funds for an early action (remedial authority) or RA. In this case, the Region deposits money in Trust Funds and receives a reimbursable allowance</li> </ul>
<b>Closeout</b>	<ul style="list-style-type: none"> <li>• RPM/RPO is responsible for notifying Regional Management Division to close out SSC</li> <li>• Regional Management Division reconciles financial data</li> </ul>

**EXHIBIT III.25**  
**COST RECOVERY REFERRAL DEVELOPMENT PROCESS**

Activity	Description
Initiation of Cost Recovery Process	<ul style="list-style-type: none"> <li>Regional program office prepares and submits cost recovery checklist through Regional Cost Recovery Coordinator (RCRC) to Regional SFO. Checklist identifies date through which costs are to be documented and date documentation is required.</li> <li>RCRC requests site-specific reports generated by the Superfund Cost Organization and Recovery Enhancement System (SCORES) to provide cost basis for negotiations with PRPs.</li> </ul>
Cost Documentation and Reconciliation	<ul style="list-style-type: none"> <li>Involves collecting and reviewing documentation to ensure accounting and cost information are recorded correctly, costs are properly charged, ANs refer to the appropriate site, and costs on documents are accurately reflected in IFMS.</li> <li>SFO documents Regional Superfund costs and prepares cost summary, computes indirect costs, provides expert and factual financial witness testimony, and interprets financial documents and SCORES reports.</li> <li>ORC reviews final cost summary and documentation in preparation for litigation and takes appropriate action pursuant to the Privacy Act and Confidential Business Information requirements.</li> </ul>
Work Performed Documentation and Reconciliation	<ul style="list-style-type: none"> <li>Involves collecting and reviewing documentation to ensure that costs are being pursued for appropriate site activities.</li> <li>RCRC assembles copies of any task creating document (WA, Purchase Order, Delivery Order, etc.) as well as amendments or modifications, progress reports and close-out reports for the tasks included in the cost recovery referral.</li> <li>RCRC works with the SFO to ensure correspondence between the cost and work performed documentation.</li> <li>ORC reviews final work performed documentation package and takes appropriate action pursuant to the Privacy Act and Confidential Business Information requirements.</li> </ul>
Site File Maintenance	<ul style="list-style-type: none"> <li>Diligent maintenance is crucial to cost recovery and is a Regional responsibility.</li> <li>Financial files maintained by the FMO until 2 years after all cost recovery litigation is complete.</li> <li>Work performed files maintained by contracts officials or RCRC in accordance with Agency disposal guidance.</li> <li>Disposal of files is permitted after 20 years.</li> <li>Cost recovery documentation should be maintained by the RCRC until required by the litigation team.</li> </ul>

### **Entering Response and Federal Facility Data into CERCLIS**

Once the funding document has been processed by the Region, and actual commitment or obligation data are entered into IFMS and transferred to CERCLIS, the planned financial data must be deleted from CERCLIS. If a Region wants to retain planned financial data, it must enter the planned obligation into CERCLIS with a Regional Financial Type. The "Planned" Financial Type cannot remain in the system once the funds are committed or obligated. Failure to replace the Planned Financial Type could cause the Region to exceed its annual budget, which will result either in withholding AOA approval, or a reduction in next quarter's AOA.

As a result of the IFMS transfer, Regions will no longer enter actual commitments and obligations into CERCLIS for most actions (see "Note" below). Although planned financial data will still be entered into CERCLIS by the Regions, actual commitments and obligations for most actions will now be entered solely into IFMS by the Regional FMO. From IFMS the data will be downloaded into CERCLIS on a nightly basis. This new process will save time and should eliminate data errors associated with the double-entry and subsequent reconciliation of data between IFMS and CERCLIS.

**Note:** At the time of this printing, not all actions tracked in CERCLIS have a corresponding IFMS code. This means that actual financial information cannot be entered into IFMS for these actions. As a result, no financial information associated with these actions will be transferred to CERCLIS via the IFMS transfer. Any actual financial information that is associated with these actions must be entered directly into CERCLIS via the screens in the Cost/Financial view. Please refer to the discussion of Exhibit III.6 and III.8 earlier in this chapter under the section titled, "Relationship Between SCAP and the AOA," for a list of actions that are not part of the IFMS transfer and for which actual financial information will still need to be entered manually in CERCLIS.

### **Entering Enforcement Extramural Budget Data into CERCLIS**

After the implementation of the IFMS transfer, Regional personnel will no longer be responsible for entering obligations/tasking [Work Assignment (WA)] amounts into CERCLIS for the majority of CERCLIS enforcement actions. Although Regions are still responsible for entering planned financial data into CERCLIS, actual commitments and obligations for most enforcement actions will now be entered solely into IFMS by the Regional FMO. From IFMS, the data will be downloaded into CERCLIS on a nightly basis.

**Note:** At the time of this printing, not all actions tracked in CERCLIS have a corresponding IFMS code. This means that actual financial information cannot be entered into IFMS for these actions. As a result, no financial information associated with these actions will be transferred to CERCLIS via the IFMS transfer. Any actual financial information that is associated with these actions must be entered directly into CERCLIS via the screens in the Cost/Financial view. Please refer to the discussion of Exhibit III.6 and III.8 earlier in this chapter under the section titled, "Relationship Between SCAP and the AOA," for a list of actions that are not part of the IFMS transfer and for which actual financial information will still need to be entered manually in CERCLIS.

To ensure that all appropriate financial data are reflected in CERCLIS, the following information should appear on obligation documents: EPA identification number (EPA-ID), S/S ID, CERCLIS action or subaction codes and OU number, WA number, amendment number, and amount.

ANs must be established for each transaction before commitment and obligation. A CA is considered obligated when it is signed by the Regional Administrator. An IAG is considered obligated when it is signed by the other agency. Contracts are considered obligated when the CO signs the obligating document or, in the case of an ESS WA, when the CO signs the WA. Regions also are responsible for reviewing and recommending payment of the invoice/voucher (outlays) for these mechanisms. Once invoices are paid, these dollars are entered into IFMS. If the obligation is generic and the invoice is site-specific, IFMS shows the funds deobligated from the generic account and obligated and disbursed from the site-specific account.

**Correcting Financial Data**

The IMC or Regional Superfund Budget Coordinator can request, on a regular basis, a report from the Regional financial office that contains all Superfund financial transactions in IFMS. The information in this report can be compared with the funding documents and the information in CERCLIS. If there is a discrepancy between the financial data in CERCLIS and IFMS, the funding document should be used to verify the information in both systems. There are three kinds of corrections which may be needed on financial information in IFMS, as shown in Exhibit III.26.

Upon determining that the data on the funding document are correct, the IMC should give the Regional FMO a copy of the funding document, and any other relevant documentation showing that the IFMS data has been entered incorrectly. The Regional IFMS administrator is then responsible for correcting any data errors in IFMS. The IFMS administrator is the only person authorized to correct data entry errors or change financial information in the IFMS database. The OC has issued standard procedures for correcting IFMS data. The IMC or designee should work with the Regional FMO on a regular basis to make sure that all IFMS errors are corrected.

Errors in AN/DCN or other information on the original funding document can only be corrected by the same process used to initially create the financial record (by a contract/PR or by amendment of the IAG or CA).

**EXHIBIT III.26  
CORRECTIONS TO FINANCIAL INFORMATION**

- |   |
|---|
| <ul style="list-style-type: none"><li>• Data entry errors in IFMS</li><li>• Changing ANs or DCNs that were initially entered into IFMS</li><li>• Correcting errors in the source funding document or making other amendments to existing commitments or obligations</li></ul> |
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## **Appendix A: Site Screening and Assessment/Regional Decisions**

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## Appendix A

### Site Screening and Assessment/Regional Decision Targets and Measures

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## **APPENDIX A**

### **SITE SCREENING AND ASSESSMENT/REGIONAL DECISION FY 97 TARGETS AND MEASURES**

#### ***REINVENTING SITE ASSESSMENT***

The current site assessment process consists of completion of the Preliminary Assessment (PA), Site Inspection (SI), and Hazard Ranking System (HRS) documents, and placement on the National Priorities list. This data is entered into Superfund's information management system, the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS), for planning and accomplishment reporting purposes. The purpose behind site assessment has been to identify sites for the NPL, not to identify the most appropriate means for cleanup. Several developments have led EPA to consider redesigning the process including the need to encourage Brownfields redevelopment; the unintended stigma associated with adding a site into CERCLIS; and the increased expertise of State and some Tribal programs. EPA has begun various site assessment pilots to aid in developing a more efficient and effective Superfund site assessment program. Key goals are to give States increased responsibility, encourage early/more efficient cleanups, reduce costs, and promote environmental recovery and economic revitalization. Regions should follow the traditional site assessment process for sites listed in CERCLIS unless sites are being addressed through approved pilots.

#### ***OVERVIEW OF FY 97 SITE SCREENING AND ASSESSMENT/REGIONAL DECISION TARGETS AND MEASURES***

The Superfund Comprehensive Accomplishments Plan (SCAP) is used by the Assistant Administrator for the Office of Solid Waste and Emergency Response (AA SWER), Assistant Administrator for the Office of Enforcement and Compliance Assurance (AA OECA), and senior Superfund managers to monitor the administrative progress each Region is making towards achieving its Superfund goals. Superfund cleanup results are tracked through targets and measures at the SCAP level as well as internal reporting measures. Those Superfund activities not tracked at the SCAP level are monitored for internal management purposes by Headquarters (HQ).

The Superfund program will continue to serve as a pilot performance plan project under the Government Performance and Results Act (GPRA), which was discussed in Chapter I. SCAP will serve as the mechanism through which the Office of Emergency and Remedial Response (OERR) will track GPRA progress. As such, the program will set national goals based on historical performance and performance expectations within a limited budget for the four performance goals in GPRA and track accomplishments in the activities contributing to those goals. HQ will not establish specific Regional targets and measures for GPRA. Regions should continue to plan and report accomplishments in CERCLIS as they have traditionally. There are no additional GPRA-related reporting requirements for the Regions in FY 97.

The differences between SCAP targets and measures remain the same (i.e., a pre-determined numerical goal versus an activity deemed essential to tracking overall program progress, respectively). OERR will continue to track site assessment activities to document and evaluate administrative program progress and to analyze program trends. SCAP accomplishments will be pulled from CERCLIS on a quarterly basis. Planning measures are used to project the number of events and activities that each Region expects to perform during the year using anticipated resources. Reporting measures simply track the number of events and activities that occur throughout the year and are used to evaluate overall progress through the cleanup pipeline. Planning measures also report accomplishments.

The following pages contain, in pipeline order, the definitions of the FY 97 site screening and assessment/Regional decision SCAP targets and measures (with the prefix SSA or RDT), internal management planning and reporting measures, and site screening and assessment project support activities. Exhibit A.1 displays the full list of site screening and assessment and Regional decision activities defined in this Appendix. Exhibit A.2, at the end of this Appendix, identifies planning requirements for all site screening and assessment/Regional decision

activities.

### ***SUPERFUND DURATIONS***

The Superfund program has tracked remedial pipeline durations for several years in the Superfund Senior Management Reports as part of Superfund progress evaluation. As program management emphasis shifts from administrative progress to more comprehensive measurement of program progress, OERR will track additional durations besides the remedial pipeline durations. These durations include: Engineering Evaluation/Cost Analysis (EE/CA) duration; Expanded Site Inspection/Remedial Investigation (ESI/RI) duration; removal duration; average proposed listing to first removal or remedial action; and average duration from action memorandum to first removal completion. In FY 97, OERR will track the average event and site durations presented below. These durations are not SCAP measures; they are presented here for informational purposes only. HQ is responsible for calculating and publishing the durations in the Superfund Senior Management Reports; however, Regions are responsible for entering and maintaining accurate data from which durations can be derived.

The durations only cover non-Federal facility actions and are calculated based on actual dates. In addition, they do not include takeovers (within actions) or phased actions.

- Average Remedial Investigation/Feasibility Study (RI/FS) Duration
- Duration from ROD to RD Start
- Duration from ROD to RA Start

**EXHIBIT A.1**  
**SITE SCREENING AND ASSESSMENT/REGIONAL DECISION ACTIVITIES**

<b>ACTIVITY</b>	<b>SCAP</b>	<b>INTERNAL</b>
SSA-1 Site Characterization Starts	Measure	-
SSA-2 Site Screening and Assessment Decisions	Measure	-
SSA-3 Sites Archived	Measure	-
Site Discovery	-	Reporting
Preliminary Assessment (PA) Starts	-	Reporting
PA Completions	-	Planning
Site Inspection (SI) Starts	-	Reporting
SI Completions	-	Planning
Site Inspection Prioritization (SIP) Starts	-	Reporting
SIP Completions	-	Planning
Expanded Site Inspection (ESI) Starts	-	Planning
ESI Completions	-	Reporting
Integrated ESI/RI Starts	-	Reporting
Integrated ESI/RI Completions	-	Reporting
Hazard Ranking System (HRS) Package Starts	-	Reporting
HRS Package Completions	-	Planning
Integrated Removal/Remedial Evaluation Starts		Reporting
Integrated Removal/Remedial Evaluation Completions	-	Reporting
Regional Decisions	-	Reporting
Engineering Evaluation/Cost Analysis (EE/CA)	-	Planning
Community Relations	-	-
Support Agency Assistance	-	-
Technical Assistance	-	-
Technical Assistance Grants (TAGs)	-	-
RI Starts	-	Planning
FS Starts	-	Planning
Combined RI/FS Starts	-	Planning
Start of Public Comment Period (FS Report to Public)	-	Reporting
RI/FS Duration	-	Reporting
RDT-1 Decision Document Developed	Target	-

**NOTE:** Accomplishments are pulled from CERCLIS on a quarterly basis. Internal measures are planned and reported quarterly.

## ***SITE SCREENING AND ASSESSMENT/REGIONAL DECISION DEFINITIONS***

### ***SSA-1 • SITE CHARACTERIZATION STARTS***

#### **Definition of Target/Measure:**

Site characterization involves the collection of field data from a hazardous substance site for the purpose of characterizing the magnitude and severity that the hazard at the site poses to human health and the environment. A site characterization start is defined as the first Superfund financed SI, combined PA/SI, Removal Investigation, ESI, or Integrated ESI/RI at a site. Site characterization starts are tracked for non-Federal facilities only.

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

The Region will receive credit for a site characterization start when EPA or the State signs a letter, memo or form approving the work plan or a Technical Direction Document (TDD) is issued to the contractor at a site and the actual start date (Actual Start) is reported in CERCLIS for the first:

- SI (Action Name = Site Inspection); or
- Combined PA/SI (Action Name = Preliminary Assessment and Action Name = Site Inspection); or
- Removal Investigation (Action Name = Removal Investigation ); or
- ESI (Action Name = Expanded Site Inspection); or
- Integrated ESI/RI (Action Name = ESI/RI).

Regions only will receive credit for the first site characterization event started at a site. Regions cannot receive credit if a site characterization event began or was conducted at the site in a previous year. Credit is given for the first activity started. A site only can receive credit once.

#### **Changes in Definition FY 96 - FY 97:**

None

#### **Special Planning/Reporting Requirements:**

See Definition of Accomplishment. Accomplishments are reported site-specifically in CERCLIS as the actual start date of the appropriate event. This is a SCAP measure. Funds for PAs, SIs, SIPs, ESIs, and ESI/RIs are contained in the site characterization Advice of Allowance (AOA); funds for Removal Investigations are contained in the removal AOA.

If a combined PA/SI is being performed, Regions must enter the same start date for both the PA and SI actions. If an integrated ESI/RI (Action Name = ESI/RI) is being performed, Regions should **not** enter an ESI start date.

### ***SSA-2 • SITE SCREENING AND ASSESSMENT DECISIONS***

#### **Definition of Target/Measure:**

Site screening and assessment decisions are made at Superfund sites upon completion of all site assessment actions. These decisions identify how to proceed with site response and are recorded in CERCLIS as event qualifiers (Qualifier). These decisions include:

- (H) High - Higher priority for further assessment; or

- (L) Low - Lower priority for further assessment; or
- (G) - Recommended for HRS Scoring [i.e., development of HRS package, (Action Name = Hazard Ranking System Score Determination)]; or
- (N) - No further *remedial* action planned (NFRAP); or
- (D) - Deferred to Resource Conservation and Recovery Act (Subtitle C) or the Nuclear Regulatory Commission (NRC). **Note:** Federal Facilities cannot have deferred ('D') event qualifiers for site assessment events; or
- (A) - Site is being addressed as part of an NPL site. A site having an event qualifier of 'A' should have an NPL Status Indicator (Site NPL Status) of 'A' and a Parent Site ID (Site Parent ID) as well; or
- (F) - Referred to the removal program with further remedial assessment needed; or
- (W) - Referred to the removal program with *no* further remedial assessment needed.

**Note:** Not all decisions are applicable to each site assessment event. See Definition of Accomplishment for further information.

This is a SCAP measure.

### Definition of Accomplishment:

Since the site assessment process consists of several discrete evaluation stages, sites may receive credit for multiple decisions. For example, sites with both a PA and SI completed during a given fiscal year would reach a decision point upon completion of the PA as well as upon completion of the SI. This measure is designed to capture the number of decisions made so a given site may receive credit for more than one decision during the same fiscal year. Credit is given for **each** of the following site screening and assessment decisions made at a site:

### NFRAP

Superfund site assessment activities are suspended when the appropriate Regional official signs a letter, form, or memo approving the site assessment report (PA, SI, SIP, ESI, ESI/RI, or HRS Package) and makes a determination that no further remedial action is planned (NFRAP) or required. No further Superfund remedial assessment work will be taken at a site with a NFRAP determination unless new information warranting such action is presented to EPA. The date of the NFRAP determination must be entered in CERCLIS as the actual completion date (Actual Complete) of the appropriate site assessment action along with a valid lead (Lead) and appropriate action qualifier [Qualifier = (N) No Further Remedial Action Planned/Site Evaluation].

NFRAP decisions should not be confused with CERCLIS archiving. NFRAP decisions are made from a site assessment perspective only; they simply denote that further Superfund remedial assessment work is not required based on currently available information. In contrast, the archival of CERCLIS sites is made only when no further Superfund interest exists at a site. This means that sites are not archived if there are planned or ongoing removal or enforcement activities, or if other Superfund interest still exists, even for sites which have had NFRAP decisions made at them during site assessment activities.

**Note:** If the NFRAP decision is reached at the conclusion of the site inspection prioritization (SIP) subaction, the existing action qualifier (Qualifier) for the related site inspection action must be deleted and replaced with the NFRAP determination [Qualifier = (N) No Further Remedial Action Planned/Site Evaluation].

### ***Further Evaluation***

Upon completion of each site assessment action, the Region may determine that additional, more complex evaluation activities are required to determine whether or not the site should be pursued for placement on the NPL. This decision is effective when the appropriate Regional official signs a letter, form, or memo indicating further evaluation is required. A decision to conduct further evaluations at a site is recorded differently in CERCLIS depending on what site assessment activity is being performed.

For PAs, SIs, and SIPs, further evaluation is denoted by either making a decision of higher priority [Qualifier = (H) High] , or lower priority [Qualifier = (L) Low] for further evaluation, and recording this as the action qualifier in CERCLIS.

For ESIs and ESI/RIs, further evaluation is denoted by the decision to recommend the site for HRS Scoring [Qualifier = (G) Recommended for HRS Scoring].

Further evaluation activities upon completion of an HRS Package consist of HQ quality assurance and ultimately a decision on whether to propose the site to the NPL. This need for further evaluation is denoted in CERCLIS by recording an actual completion date (Actual Complete) for the HRS Package (Action Name = Hazard Ranking System Score Determi) and leaving the event qualifier field blank.

**Note:** If the further evaluation decision is reached at the conclusion of a SIP subaction, the existing action qualifier at the related site inspection action qualifier must be deleted and replaced with the further evaluation decision [Qualifier = (H) High or (L) Low or (G) Recommended for HRS Scoring].

### ***Perform an Early Action***

Upon completion of PAs, SIs, SIPs, ESIs, or ESI/RIs, the Region may determine that a time-critical or non-time critical (NTC) early action (removal authority) is necessary. This decision is effective when the appropriate Regional official signs a letter, form, or memo approving the related site assessment report documenting completion of the assessment activity and the need for early action. The decision is recorded for these events in CERCLIS by entering either an 'F' [Qualifier = (F) Referred to Removal, Needs Further Remedial] or a 'W' [Qualifier = (W) Referred to Removal, No Further Remedial] as the event qualifier.

**Note:** If the decision to perform an early action is reached at the conclusion of a SIP subaction, the existing action qualifier for the related site inspection event must be deleted and replaced with the decision to perform an early action [Qualifier = (F) Referred to Removal, Needs Further Remedial or (W) Referred to Removal, No Further Remedial].

### ***Aggregate the Site into Another "Parent" NPL Site***

Upon completion of PAs, SIs, SIPs, ESIs, or ESI/RIs, the Region may decide to collapse or combine a site into an existing "parent" NPL site. This would be done when contamination at a non-NPL site is being addressed by cleanup actions at an existing NPL site. This most frequently occurs at Federal facilities and sites with an area-wide groundwater contamination problem resulting from multiple sources. The decision to aggregate a site into an existing NPL site requires additional data handling requirements as follows:

- Upon completion (Actual Complete) of the site assessment activity that led to the decision to aggregate the site, the Region should enter an 'A' (addressed as part of an existing NPL site) in the Action Qualifier data field [Qualifier = (A) Site Being Addressed as Part of an NPL Site] in CERCLIS. This decision should be documented in the letter, form, or memo approving the site assessment report; and
- The EPA ID number of the parent site must be entered into the Parent Site ID field in CERCLIS (Site Parent ID) for the site which has been aggregated; and

- The NPL Status (Site NPL Status) for the site being aggregated must be changed to 'A' (Addressed as part of an existing NPL site); and
- After a site is aggregated into the parent site, no further work should be recorded at the aggregated site. Instead, any further response work performed at the aggregated site should be recorded under the existing parent NPL site, possibly as a separate operable unit.

**Note:** If the decision to aggregate the site is reached at the conclusion of a SIP subaction, the existing action qualifier for the related SI event (Action Name = Site Inspection) must be deleted and replaced by the decision to aggregate the site [Qualifier = (A) Addressed as Part of an Existing NPL Site].

***Defer the Site to RCRA (Subtitle C) or the NRC***

Upon completion of PAs, SIs, or SIPs at non-Federal facilities, the Region may determine that the site is excluded from Superfund consideration under policy, regulatory, or legislative restrictions and defer it to either the RCRA program or to the NRC. The date the decision is documented in a letter, form, or memo signed by the appropriate Regional official approving the site assessment report should be entered into CERCLIS as the actual completion date (Actual Complete) of the appropriate site assessment action, along with a valid event lead (Lead), and an action qualifier [Qualifier = (D) Deferred to RCRA (Subtitle C) or NRC].

**Note:** If the decision to defer the site is reached at the conclusion of a SIP subaction, the existing action qualifier (Qualifier) for the related SI action (Action Name = Site Inspection) must be deleted and replaced by the decision to defer the site [Qualifier = (D) Deferred to RCRA (Subtitle C) or NRC].

**Changes in Definition FY 96 - FY 97:**

None

**Special Planning/Reporting Requirements:**

See Definition of Accomplishment. Accomplishments are reported site specifically in CERCLIS. This is a SCAP measure. A NFRAP decision does not automatically equate to CERCLIS archival of a site. (See Chapter II for more information on archiving sites.)

**SSA-3 • SITES ARCHIVED**

**Definition:**

Archiving represents a site-wide decision or status indicating that no further interest exists at the site under the federal Superfund program based on available information. It is a comprehensive decision in that archive status means that there are no further site assessment, remedial, removal, enforcement, cost recovery, or oversight activities being planned or conducted at the site.

**Definition of Accomplishment:**

An archive decision is recorded in CERCLIS at the site level. To receive credit for an archive decision, the "Archive IND" must be checked, and the "Archive Date" entered. Archive designation should be documented by a note to the site file explaining that no further Federal Superfund interest exists at the site based on available information. The date of the note should be the date entered in the "Archive Date" field. Although the underlying basis for archiving a site is whether or not federal Superfund interest exists, several categories of sites are used to generate lists of potential archive candidate sites. Based on review of sites in these categories, Regions should update the "Archive IND" and "Archive Date" fields as appropriate in a timely fashion. These categories are:



- Sites that have only completed the site assessment process and have either been given a NFRAP or Deferred decision at the conclusion of the last completed site assessment event, and no other federal Superfund activity is anticipated;
- Sites that have completed both the removal and site assessment process, or have completed only the removal process with no site assessment work required (removal-only sites), or which have completed any related cost recovery and have no further federal Superfund activity anticipated;
- Sites removed from the proposed NPL, or final NPL (e.g., as a result of a lawsuit) that have no further federal Superfund activity anticipated;
- Sites deleted from the final NPL that have no further federal Superfund activity anticipated; and
- Sites that have been entered into CERCLIS that have not had any work started and, based on cursory review, do not warrant expenditure of site assessment or removal funding (i.e., sites that have been recorded in CERCLIS which should never have been entered in the first place). A discovery date and abbreviated preliminary assessment (PA) may be appropriate for these sites prior to designating archive status.

Sites Archived is an internal reporting measure for both non-Federal and Federal facilities.

#### **Changes in Definition FY 96 - FY 97:**

This is a new measure for FY 97.

#### **Special Planning/Reporting Requirements:**

See Definition of Accomplishment. Planning dates are not required. It is important to note that archive is not the same as no further remedial action planned (NFRAP). A NFRAP decision is recorded as an action qualifier and is made only at the conclusion of a site assessment action, and does not take into account any other Superfund programmatic activity that may be going on at a site such as removals or cost recovery.

### ***SITE DISCOVERY***

#### **Definition:**

Site discovery is the process by which a potential hazardous waste site is entered into CERCLIS. The process can occur through the use of several mechanisms, such as a phone call or referral by a State or another government agency. All sites moving through the remedial assessment process must have a discovery event and actual completion date recorded in CERCLIS.

The entry of a discovery action and date into CERCLIS initiates the remedial site assessment process and places the site on the backlog of sites needing preliminary assessments. Site discovery completions are an internal reporting measure.

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

The completion of a site discovery action is the date the Region is notified of a potential hazardous waste release/site and it is entered into CERCLIS. Site discovery is documented by a letter, form, or memo to the file signed by the appropriate Regional official that a site has been identified as a potential hazardous waste site. Valid site discovery actions require that the discovery action (Action Name = Discovery) and actual completion date (Actual Complete) be entered into CERCLIS.

#### **Changes in Definition FY 96 - FY 97:**

None

**Special Planning/Reporting Requirements:**

Actual start and planning dates are not required for site discovery actions. Multiple discovery events are not allowed.

**PRELIMINARY ASSESSMENTS (PA)****Definition:**

A Preliminary Assessment (Action Name = Preliminary Assessment) is the first phase of the site assessment that determines whether a site should be recommended for further Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) action. Federal, State, and local government files, geological and hydrological data, and data concerning site practices are reviewed to complete the PA report. An on- or off-site reconnaissance also may be conducted, although it is not required.

Regions may combine PA and SI activities where warranted by site conditions to reduce repetitive tasks and ultimately costs. The combining of PA and SI activities is known as a "Combined Assessment."

With the implementation of Superfund Accelerated Cleanup Model (SACM), Regions also have been encouraged to further reduce repetitive tasks and costs by combining site assessment and removal evaluation activities where warranted by site conditions. Terminology for this work has been changed from "Removal/Site Assessment Integrated Assessment" to "Integrated Removal/Remedial Evaluation" (Action Name = Integrated Assessment), and is further discussed in a separate section, below. Please note that when PAs are performed as part of an EA, information should be entered for both the EA and PA events. Special reporting requirements also apply to PA actions when they are performed as part of a combined assessment, as noted below.

PA Starts is an internal reporting measure. PA Completions is an internal planning measure.

**Definition of Accomplishment:**

**PA Starts** - A PA (Action Name = Preliminary Assessment) is started when the Region begins collecting data and performing other tasks related to development of the PA report; or when the Region signs a letter, form, or memo to the contractor or State (where applicable), requesting performance of a PA at a specific site or group of sites; or when EPA receives written confirmation from a State that the State will conduct the PA; **and** CERCLIS contains the actual PA start date (Actual Start) and valid event lead (Lead). PA start dates are not required but are used by HQ as an internal reporting measure.

**PA Completions** - A Preliminary Assessment (Action Name = Preliminary Assessment) is completed when:

- A PA Report has been developed by EPA; or received by the Region from the Alternative Remedial Contracts Strategy (ARCS), or Superfund Technical Assistance and Response Team (START) contractor; or received from the State; and the appropriate Regional official signs a letter, form, or memo approving the PA report; and
- CERCLIS contains the actual PA completion date (Actual Complete), a valid event lead (Lead), and a "decision" on whether further activities are necessary in the Event Qualifier Field (Qualifier).

Valid decisions upon PA completion to be recorded in the CERCLIS event qualifier field (Qualifier) include:

- (H) High - Higher priority for further assessment **Note:** The next stage of assessment would typically be a SI (Action Name = Site Inspection); or
- (L) Low - Lower priority for further assessment; or
- (N) - No further *remedial* action planned; or

- (D) - Deferred to RCRA (Subtitle C) or the NRC. **Note:** Federal facilities cannot have deferred ('D') event qualifiers for site assessment events; or
- (A) - Site is being addressed as part of an NPL site. A site having an event qualifier of 'A' should have an NPL Status Indicator (Site NPL Status) of 'A' and a Parent Site ID (Site Parent ID) as well; or
- (F) - Referred to the removal program with further remedial assessment needed; or
- (W) - Referred to the removal program with *no* further remedial assessment needed.

If the PA is part of a combined assessment, the same physical report may be used for both the PA and SI, as long as it contains all of the elements that would have been addressed under separate PA and SI reports. The report should state specifically that it covers both the PA and SI. The decision to move forward to conduct a SI as part of a combined assessment is documented in the task assignment provided to the contractor [e.g., TDD or Interagency Agreement (IAG)], by correspondence between EPA and the State, or by a form or memo to the file. PA Completions is an internal planning measure for both non-Federal and Federal facilities.

There are, however, instances when an abbreviated PA, as opposed to a full PA, is necessary. Sites in the CERCLIS inventory determined ineligible for Superfund response by Regional EPA site assessment personnel, and purported sites that are determined not to actually exist, do not undergo a complete PA. For such sites, the typical PA reporting requirements are abbreviated. The narrative report remains a requirement; however, it may be limited to the "Introduction," "Site Description, Operational History, and Waste Characteristics," and "Summary and Conclusions" sections. The narrative should present and fully support all of the information that led to EPA's decision to cease PA investigation at the site. As with a full PA report, factual statements within the narrative must be documented, and appropriate references of excerpts must be attached.

Only the first two pages of the PA data and site characteristics form are required for abbreviated PA sites. These pages provide necessary administrative information and general descriptive information about the site and associated wastes (if any). In addition, PA scoresheets or computerized PA-Score site scoring need not be completed for abbreviated PA sites.

### **Changes in Definition FY 96 - FY 97:**

There are no programmatic changes in definition for PAs this year. The definition and documentation requirements associated with abbreviated PAs have been added to provide a more complete representation of PA activities.

### **Special Planning/Reporting Requirements:**

Although actual start and planning dates are not required for PAs, actual start dates are useful in identifying PA event durations and the status of sites within the site assessment pipeline. Current HQ site assessment status reports, including those scheduled for implementation in CERCLIS 3, are designed to make use of PA start dates, when available. **Note:** If the PA is performed as part of a combined assessment, SI start dates are still required, even though PA start dates are not.

Also for combined assessments, the PA completion date (Actual Complete) entered into CERCLIS must be the same as the SI completion date (Actual Complete). Do not enter the PA completion date until there is a combined PA/SI report, even though a determination has already been made that a SI is needed. PAs performed as part of a combined assessment should receive an event qualifier [Qualifier = (H) High] which represents a high priority for further assessment.

For budget and resource allocations, separate projections must be made for EPA versus State PA completions. PA completions (Actual Complete) are reported site-specifically in CERCLIS. Only the first PA completion at a site will be given credit for SCAP funding purposes. For Federal facilities, EPA does not conduct the full scope of work for PAs. Instead, EPA reviews PAs prepared and submitted by the Federal agency responsible for the site. However, the same data is still required for both non-Federal and Federal facility PAs in CERCLIS. Federal facility PA reviews are estimated, based on national averages, to take about one-third as long as a normal, full-scale PA at a non-Federal facility.

## ***SITE INSPECTIONS (SI)***

### **Definition:**

The SI (Action Name = Site Inspection) involves the 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. A SI should provide adequate data to determine the site's HRS score.

Regions may combine PA and SI activities where warranted by site conditions to reduce repetitive tasks and ultimately costs. The combining of PA and SI activities is known as an "Integrated Assessment." With the implementation of SACM, Regions have also been encouraged to further reduce repetitive tasks and costs by combining site assessment and removal evaluation activities where warranted by site conditions. Terminology for this work has been changed from "Removal/Site Assessment Integrated Assessment" to "Integrated Removal/Remedial Evaluation" (Action Name = Integrated Assessment) and is further discussed in a separate section below. Please note that when SIs are performed as part of an EA, information should be entered for both the EA and SI events. Special reporting requirements also apply to SI events when they are performed as part of an integrated assessment, as noted below.

SI Starts is an internal reporting measure. SI Completions is an internal planning measure for non-Federal facilities and an internal reporting measure for Federal facilities.

### **Definition of Accomplishment:**

**SI Starts** - A SI (Action Name = Site Inspection) start date is defined as the date when EPA approves the site-specific SI work plan (refer to OSWER Publication #9345.1-03 FS for further guidance on defining SI starts) and CERCLIS contains the actual SI start date (Actual Start) and valid event lead (Lead). SI start dates are required and are used by HQ as an internal reporting measure.

**SI Completions** - A SI (Action Name = Site Inspection) is completed when:

- A SI Report has been generated by EPA; or received by the Region from the ARCS, or START contractor; or received from the State; and the appropriate Regional official signs a letter, form, or memo approving the SI report; and
- CERCLIS contains the SI report approval date as the actual SI completion date (Actual Complete), a valid event lead (Lead), and a "decision" on whether further activities are necessary in the Event Qualifier Field (Qualifier).

Valid decisions upon SI completion to be recorded in the event qualifier field (Qualifier) include:

- (H) High - Higher priority for further assessment **Note:** The next stage of assessment could be an ESI (Action Name = Expanded Site Inspection), an integrated ESI/RI (Action Name = ESI/RI), or preparation of an HRS package (Action Name = Hazard Ranking System Score Determini); or
- (L) Low - Lower priority for further assessment; or
- (N) - No further *remedial* action planned; or

- (D) - Deferred to RCRA (Subtitle C) or the NRC. **Note:** Federal facilities cannot have deferred ('D') event qualifiers for site assessment events; or
- (A) - Site is being addressed as part of an NPL site. A site having an event qualifier of 'A' should have an NPL Status Indicator (Site NPL Status) of 'A' and a Parent Site ID (Site Parent ID) as well; or
- (F) - Referred to the removal program with further remedial assessment needed; or
- (W) - Referred to the removal program with *no* further remedial assessment needed.

If the SI is part of a combined assessment, the same physical report may be used for both the PA and SI, as long as it contains all of the elements that would have been addressed under separate PA and SI reports. The report should state specifically that it covers both the PA and SI.

SI Completions is an internal planning measure for non-Federal facilities only. For Federal facilities, SI Completions are tracked as an internal reporting measure.

### **Changes in Definition FY 96 - FY 97:**

None

### **Special Planning/Reporting Requirements:**

Planning dates are not required for SIs. Actual start and completion dates are required for SIs.

For combined assessments, the SI completion date (Actual Complete) entered into CERCLIS must be the same as the PA completion date (Actual Complete). Do not enter the PA completion date until there is a combined PA/SI report, even though a determination has already been made that an SI is needed. **Note:** PAs performed as part of combined assessments should receive an event qualifier of 'H' which represents a high priority for further assessment.

For budget and resource allocations, separate projections must be made for EPA versus State SI completions. SI starts (Actual Start) and completions (Actual Complete) are reported site-specifically in CERCLIS. Only the first SI completion at a site will be given credit for SCAP funding purposes. Federal facility SIs (starts and completions) are tracked as an internal reporting measure. No funding is provided by HQ for SIs at Federal facilities.

## ***SITE INSPECTION PRIORITIZATIONS (SIPs)***

### **Definition:**

SIPs (Subaction Name = Site Inspection Prioritization) require the gathering of additional information at sites that were evaluated under the original HRS and still require NPL Listing decisions. The SIP is used to determine whether further site evaluation work is necessary at these sites. SIPs should be performed only at sites that had a SI completion prior to August 1, 1992. For most Regions, the original SIP backlog should have been completed in FY 95 with a few remaining in FY 96 and FY 97. SIPs are recorded in CERCLIS as subactions (Subaction Name = Site Inspection Prioritization) to the last completed site inspection event (Action Name = Site Inspection).

SIP Starts is an internal reporting measure. SIP Completions is an internal planning measure for non-Federal facilities and an internal reporting measure for Federal facilities.

### **Definition of Accomplishment:**

**SIP Starts** - A SIP start is defined as the date the Region signs a letter, form, or memo requesting a SIP be performed at a specific site. The date should be entered into CERCLIS as the actual start date (Actual Start) of the SIP subaction. SIP start dates are not required, but are used by HQ as an internal reporting measure.

**SIP Completions** - A SIP (Subaction Name = Site Inspection Prioritization) is complete when:

- A SIP Report has been developed by EPA; or received by the Region from the ARCS or START contractor; or received from the State; and the appropriate Regional official signs a letter, form, or memo approving the SIP report; and
- CERCLIS contains the SIP report approval date as the actual SIP completion date (Actual Complete), and a "decision" on whether further activities are necessary in the action qualifier field (Qualifier) for the appropriate Site Inspection event (Action Name = Site Inspection Prioritization).

Valid decisions at the conclusion of a SIP, which should replace the existing SI event qualifier (Qualifier), include:

- (H) High - Higher priority for further assessment **Note:** The next stage of assessment could be an expanded site inspection (Action Name = Expanded Site Inspection), an integrated ESI/RI (Action Name = ESI/RI), or preparation of an HRS package (Action Name = Hazard Ranking System Score Determini); or
- (L) Low - Lower priority for further assessment; or
- (N) - No further *remedial* action planned; or
- (D) - Deferred to RCRA (Subtitle C) or the NRC. **Note:** Federal facilities cannot have deferred ('D') event qualifiers for site assessment events; or
- (A) - Site is being addressed as part of an NPL site. A site having an event qualifier of 'A' should have an NPL Status Indicator (Site NPL Status) of 'A' and a Parent Site ID (Site Parent ID) as well; or
- (F) - Referred to the removal program with further remedial assessment needed; or
- (W) - Referred to the removal program with *no* further remedial assessment needed.

SIPs are typically performed as stand-alone events. That is, they are not integrated with removal assessments or removal investigations.

SIP Completions is an internal planning measure for non-Federal facilities only. For Federal facilities, SIP Completions are tracked as internal reporting measures only.

### **Changes in Definition FY 96 - FY 97:**

None

### **Special Planning/Reporting Requirements:**

Actual start and planning dates are not required for SIPs. Actual completion dates are required for SIPs.

SIP starts (Actual Start) and completions (Actual Complete) are reported site-specifically in CERCLIS. Only the first SIP completion at a site will be given credit for SCAP funding purposes. Federal facility SIPs (starts and completions) are tracked as an internal reporting measure. No funding is provided by HQ for SIPs at Federal facilities.

## ***EXPANDED SITE INSPECTIONS (ESI)***

### **Definition:**

The ESI (Action Name = Expanded Site Inspection) collects additional data beyond that collected in the SI to evaluate the site for HRS scoring. ESIs are reserved for more complex sites that cannot be adequately characterized using standard SI methodologies. Installation of groundwater monitoring wells is typical of activities performed under the ESI.

ESI Starts is an internal planning measure for non-Federal facilities. ESI Completions is an internal reporting measure for both non-Federal and Federal facilities.

With the implementation of SACM, Regions also have been encouraged to further reduce repetitive tasks and costs by combining site assessment and removal evaluation activities where warranted by site conditions. Terminology for this work has been changed from "Removal/Site Assessment Integrated Assessment" to "Integrated Removal/Remedial Evaluation" (Action Name = Integrated Assessment) and is further discussed in a separate section below. Please note that when ESIs are performed as part of an EA, information should be entered for both the EA and ESI events.

### **Definition of Accomplishment:**

**ESI Starts** - An ESI (Action Name = Integrated Assessment) start is defined as the date when EPA approves the site specific ESI work plan and CERCLIS contains the actual ESI start date (Actual Start) and valid event lead (Lead). ESI start dates are used by HQ as an internal planning measure for non-Federal facilities only. ESI start dates for Federal facilities are used by HQ as an internal reporting measure.

**ESI Completions** - An ESI (Action Name = Integrated Assessment) is complete when:

- An ESI Report has been developed by EPA; or received by the Region from the ARCS or START contractor; or received from the State; and the appropriate Regional official signs a letter, form, or memo approving the ESI report; and
- CERCLIS contains the ESI report approval date as the actual ESI completion date (Actual Complete), a valid event lead (Lead), and a "decision" on whether further activities are necessary in the Event Qualifier Field (Qualifier).

Valid decisions upon ESI completion to be recorded in the event qualifier field (Qualifier) include:

- (G) - Recommended for HRS Scoring (i.e., development of HRS package, Action Name = Hazard Ranking System Score Determini); or
- (N) - No further *remedial* action planned; or
- (A) - Site is being addressed as part of an NPL site. A site having an event qualifier of 'A' should have an NPL Status Indicator (Site NPL Status) of 'A' and a Parent Site ID (Site Parent ID); or
- (F) - Referred to the removal program with further remedial assessment needed; or
- (W) - Referred to the removal program with *no* further remedial assessment needed.

ESI Completions is an internal reporting measure for both non-Federal and Federal facilities.

### **Changes in Definition FY 96 - FY 97:**

None

**Special Planning/Reporting Requirements:**

Planning dates are not required for ESIs. Actual start and completion dates are required for ESIs.

ESI starts (Actual Start) and completions (Actual Complete) are reported site-specifically in CERCLIS. Only the first ESI start at a site will be given credit for SCAP funding purposes. Federal facility ESIs (starts and completions) are tracked as an internal reporting measure only. No funding is provided by HQ for ESIs at Federal facilities.

***INTEGRATED EXPANDED SITE INSPECTION/REMEDIAL INVESTIGATION (ESI/RI)*****Definition:**

The integrated ESI/RI (Action Name = ESI/RI) is a SACM-initiated integrated assessment consisting of an ESI (Action Name = Expanded Site Inspection) and a RI (Action Name = Remedial Investigation). The ESI/RI is used to expedite remedial response by characterizing the magnitude and severity of a hazardous waste site in one stage as opposed to subsequent stages under the traditional ESI-NPL Listing-RI approach. ESI/RIs should be performed at sites where conditions indicate that the HRS score will be above 28.5 and a remedial response will be needed.

ESI/RIs may not always be feasible given known site conditions and activities completed to date. In some cases, it may be more prudent to conduct a separate ESI or RI. RI activities may be conducted as part of an integrated ESI/RI, a combined RI/FS or as a separate RI. The definitions for RI/FS Completion and RI Completion (see definitions later in this appendix) are different from the definition for ESI/RI Completion. The definition of an ESI/RI Completion is the same as that of an ESI Completion. If an ESI/RI event is recorded in CERCLIS, a stand-alone ESI event (Action Name = Expanded Site Inspection) should **not** be recorded at that site. With the implementation of SACM, Regions have also been encouraged to further reduce repetitive tasks and costs by combining site assessment and removal evaluation activities where warranted by site conditions. Terminology for this work has been changed from "Removal/Site Assessment Integrated Assessment" to "Integrated Removal/Remedial Evaluation" (Action Name = Integrated Assessment) and is further discussed in a separate section below. Please note that when ESI/RIs are performed as part of an EA, information should be entered for both the EA and ESI/RI events.

ESI/RI Starts and Completions are internal reporting measures.

**Definition of Accomplishment:**

**ESI/RI Starts** - An ESI/RI (Action Name = ESI/RI) start date is defined as the date when EPA approves the site-specific ESI/RI work plan and CERCLIS contains the actual ESI/RI start date (Actual Start) and valid event lead (Lead). ESI/RI start dates are used by HQ as an internal reporting measure and are required.

**ESI/RI Completions** - An ESI/RI (Action Name = ESI/RI) is complete when:

- An ESI/RI Report has been reviewed and accepted by the Region and the appropriate Regional official signs a letter, form, or memo approving the ESI/RI report; and
- The following has been recorded in CERCLIS: the ESI/RI report approval date as the actual ESI/RI completion date (Actual Complete); a valid event lead (Lead); and a "decision" on whether further activities are necessary in the Event Qualifier Field (Qualifier).

Valid decisions upon ESI/RI completion to be recorded in the event qualifier field (Qualifier) include:

- (G) - Recommended for HRS Scoring (i.e., development of HRS package, Action Name = Hazard Ranking System Score Determini); or
- (N) - No further *remedial* action planned; or



- (A) - Site is being addressed as part of an NPL site. A site having an event qualifier of 'A' should have an NPL Status Indicator (Site NPL Status) of 'A' and a Parent Site ID (Site Parent ID); or
- (F) - Referred to the removal program with further remedial assessment needed; or
- (W) - Referred to the removal program with *no* further remedial assessment needed.

ESI/RI Completions is an internal reporting measure for both non-Federal and Federal facilities.

### **Changes in Definition FY 96 - FY 97:**

None

### **Special Planning/Reporting Requirements:**

Planned start and completion dates are not required for ESI/RIs. Actual start and completion dates are required for ESI/RIs.

ESI events (Action Name = Expanded Site Inspection) should not be recorded separately in CERCLIS if they are conducted as part of an ESI/RI.

## ***HAZARD RANKING SYSTEM PACKAGE (HRS)***

### **Definition:**

The HRS Package (Action Name = Hazard Ranking System Score Determini) documents a numeric score of the relative severity of a hazardous substance release or potential release based on: (1) the relative potential of substances to cause hazardous situations; (2) the likelihood and rate at which the substances may affect human and environmental receptors; and (3) the severity and magnitude of potential effects. The HRS Package also includes references and documentation in support of the score. The score is computed using the revised Hazard Ranking System (rHRS).

HRS Package Starts are not required but are tracked by HQ as an internal reporting measure. HRS Package Completions is an internal planning measure.

### **Definition of Accomplishment:**

***HRS Package Starts*** - An HRS Package (Action Name = Hazard Ranking System Score Determini) start is defined as the date when EPA signs a memo, form, or letter requesting development of an HRS Package for a specific site and CERCLIS contains the actual HRS Package start date (Actual Start) and valid event lead (Lead). Although HRS Package start dates are not required, when available, they are used by HQ as an internal reporting measure, specifically for identifying the status of sites in the site assessment pipeline and for measuring activity durations.

***HRS Package Completion*** - An HRS Package (Action Name = Hazard Ranking System Score Determini) is completed when an appropriate Regional official signs a letter, form, or memo approving the HRS Package for a site, thereby indicating the HRS Package is ready for HQ quality assurance. Submission of HRS Packages to HQ for technical assistance **does not** represent an HRS Package completion. Since HRS Packages are pre-decisional, entry of HRS Package completion dates in CERCLIS may be delayed until after the HRS Package has completed HQ quality assurance, or is proposed to the NPL. Entry of an HRS Package completion date (Actual Complete) into CERCLIS must be accompanied by a valid lead (Lead) and a valid "decision" on whether further listing activities are necessary in the Event Qualifier Field (Qualifier). Valid decisions upon HRS Package completion to be recorded in the event qualifier field include:

- (O) - Site is being considered for proposal to the NPL; and

- (N) - No further *remedial* action planned.

HRS Package Completions is an internal planning measure for both non-Federal and Federal facilities.

### **Changes in Definition FY 96 - FY 97:**

None

### **Special Planning/Reporting Requirements:**

Regional staff are currently responsible for entering HRS Package event information into CERCLIS including actual start (Actual Start) and completion (Actual Complete) dates, event leads (Lead), and event qualifiers (Qualifier). HQ staff are responsible for maintaining site characteristics data presented in the HRS Package following HQ quality assurance activities. This information is currently recorded in the Superfund NPL Assessment Program (SNAP) system maintained at HQ. Effective with CERCLIS 3, HQ staff will be responsible for entering HRS Package event qualifiers since these decisions are made after HQ quality assurance activities.

Planned start and completion dates are not required for HRS Packages. Actual start and completion dates are required for HRS Packages.

Entry of HRS event data into CERCLIS may be delayed until after the HRS Package has completed HQ quality assurance, or is proposed to the NPL.

## ***INTEGRATED REMOVAL/REMEDIAL EVALUATION***

### **Definition:**

Integrated Removal/Remedial Evaluations (Action Name = Integrated Assessment), formerly termed "Removal/Site Assessment Integrated Assessments," are SACM-originated events integrating both site assessment (Preliminary Assessment, Site Inspection, Expanded Site Assessment, or ESI/RI) and removal (removal investigation or removal assessment) activities to reduce the overall time and money spent characterizing site conditions. (The old event code RS has been revised to represent Removal Investigations at both non-NPL and NPL sites.) The scope of the Integrated Assessment will depend on which activities are being jointly conducted. Although the Integrated Assessment action is intended to track integrated removal and site assessment actions, it **should not** take the place of coding individual site assessment and removal actions. In other words, if an Integrated Assessment is conducted, it should be coded in CERCLIS along with the actions represented by that Integrated Assessment, such as a Removal Investigation and a Site Inspection. Integrated Assessments are tracked by HQ as an internal reporting measure. The individual events represented by Integrated Assessments are tracked separately under each respective category (i.e., Remedial Investigation and Site Inspection), which are then used as internal planning or reporting measures.

### **Definition of Accomplishment:**

**Starts** - An Integrated Removal/Remedial Evaluation (Action Name = Integrated Assessment) start date is defined as the date when EPA approves the site-specific Integrated Removal/Remedial Evaluation work plan and CERCLIS contains:

- The actual Integrated Assessment start date (Actual Start) and valid event lead (Lead); and
- The actual start date and action lead for the related site assessment action (Preliminary Assessment, Site Inspection, Expanded Site Assessment, or ESI/RI) equal to that recorded for the Integrated Assessment action; and
- The actual start date and action lead for the related removal action (Removal Investigation or Removal Assessment) equal to that recorded for the Integrated Assessment action.

Start dates are required and are used by HQ as an internal reporting measure.

**Completions** - An Integrated Removal/Remedial Evaluation (Action Name = Integrated Assessment) is complete when:

- The Integrated Assessment report has been reviewed and accepted by the Region and an appropriate Regional official signs a letter, form, or memo approving the Integrated Assessment report. The report must contain all of the information required for the related site assessment event and must document the completion of a Removal Assessment or Removal Investigation to determine whether a removal action is necessary. A note to the site file must also be prepared indicating that the Integrated Assessment report meets all the requirements for the related site assessment event(s); and
- The Integrated Assessment report approval date is entered into CERCLIS as the actual Integrated Assessment completion date (Actual Complete) with a valid event lead (Lead); and
- An actual complete date and event lead for the related site assessment event (Preliminary Assessment, Site Inspection, Expanded Site Assessment, or ESI/RI) equal to that recorded for the Integrated Assessment action is entered into CERCLIS; and
- An actual start date and event lead for the related removal event (Removal Investigation or Removal Assessment) equal to that recorded for the Integrated Assessment action is entered into CERCLIS; and
- A "decision" on whether further activities are necessary is entered into CERCLIS in the Action Qualifier field for the related site assessment event (Preliminary Assessment, Site Inspection, Expanded Site Assessment, or ESI/RI). Note that action qualifiers are allowed for Integrated Assessment actions but are not required. If entered, an Integrated Assessment action qualifier should be the same as that entered for the related site assessment action. Valid Integrated Assessment action qualifiers, or decisions, include:
  - (H) High - Higher priority for further assessment. **Note:** The next stage of assessment could be an SI (Action Name = Site Inspection), expanded site inspection (Action Name = Expanded Site Inspection), an integrated ESI/RI (Action Name = ESI/RI), or preparation of an HRS package (Action Name = Hazard Ranking System Score Determini); or
  - (L) Low - Lower priority for further assessment; or
  - (N) - No further *remedial* action planned; or
  - (D) - Deferred to RCRA (Subtitle C) or the NRC. **Note:** Federal facilities cannot have deferred ('D') event qualifiers for site assessment events; or
  - (A) - Site is being addressed as part of an NPL site. A site having an event qualifier of 'A' should have an NPL Status Indicator (Site NPL Status) of 'A' and a Parent Site ID (Site Parent ID).

**Note:** "Referred to the removal program" decisions are feasible from a programmatic perspective since a decision following completion of an Integrated Assessment may be to conduct an early action. However, these decisions are not allowed at EA, ESI, or ESI/RI events in the current version of CERCLIS. They will be allowed in CERCLIS 3. These decisions include:

- (F) - Referred to the removal program with further remedial assessment needed; or
- (W) - Referred to the removal program with *no* further remedial assessment needed.

In addition, recommendation for HRS scoring is a feasible decision if the EA represents a joint removal assessment or removal investigation and an ESI or ESI/RI. Although it is not allowed currently in CERCLIS, CERCLIS 3 also will enable the use of the action qualifier 'G' to represent the decision to recommend a site for HRS scoring [i.e., development of HRS package (Action Name = Hazard Ranking System Score Determination)]. This specific qualifier should be used only when the site assessment portion of an EA consists of an ESI or ESI/RI.

EA Completions is an internal reporting measure.

#### **Changes in Definition FY 96 - FY 97:**

None

#### **Special Planning/Reporting Requirements:**

Planning dates are not required for Integrated Assessments. Actual start and completion dates are required for Integrated Assessments EAs.

Integrated Assessment action qualifiers are allowed for EA actions but are not required. If entered, an Integrated Assessment action qualifier should be the same as that entered for the related site assessment event.

### ***REGIONAL DECISIONS***

#### **Definition:**

This measure will track decisions made by the Region [including the Regional Decision Team (RDT)] on whether to perform site assessment, enforcement, and early and long-term actions. The RDT is empowered by the Region to make those decisions that are delegated to its level. This body serves as a tool to ensure early and effective communication and should provide input for the traditional line decision-making authorities. Though the structure and responsibilities of the RDT vary from Region to Region, the RDT generally should provide policy and strategic direction to designated site managers.

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

The Regional decisions are reported in CERCLIS as a subaction (Subaction Name = RDT Decision) to the point in the assessment or response pipeline where the decision was made (i.e., PA, SI, ES, SS, or EA) to perform additional site assessment activities, early or long-term actions, or take enforcement action [e.g., Potentially Responsible Party (PRP) negotiations]. These decisions are documented in a letter, form, or memo to the file.

The dates of the Region's decisions (Subaction Name = RDT Decision) are entered as the actual subaction completion dates (Actual Complete). Each decision must be documented in a memo to the file and reported separately. HQ will link the events/activities the Region decided to perform to the Regional decision based on the subaction (Subaction Name = RDT Decision) completion date (Actual Complete) and the start dates (Actual Start) of subsequent actions.

#### **Changes in Definition FY 96 - FY 97:**

None

#### **Special Planning/Reporting Requirements:**

This is an internal reporting measure. This definition is for regional tracking purposes only. See Definition of Accomplishment for information on the CERCLIS reporting requirements.

## ***ENGINEERING EVALUATION/COST ANALYSIS (EE/CA)***

### **Definition:**

The EE/CA identifies objectives for a NTC response action, and includes an analysis of cost, effectiveness, and implementability of the various alternatives that may be used to satisfy these objectives.

### **Definition of Accomplishment:**

The actual start date of an EE/CA is the date that the appropriate Regional official signs the EE/CA Approval Memorandum. This information should be recorded in CERCLIS as the actual start date (Actual Start) of the EE/CA (Action Name = Engineering/Eval Cost Analysis). The actual completion date of an EE/CA is the date that the appropriate Regional official signs the Action Memorandum. This information should be recorded as the actual completion date (Actual Complete) of the EE/CA (Action Name = Engineering/Eval Cost Analysis).

### **Changes in Definition FY 96 - FY 97:**

None

### **Special Planning/Reporting Requirements:**

EE/CAs is an internal planning and reporting measure. They are planned and reported site-specifically in CERCLIS. Funds for EE/CAs are contained in the site characterization AOA.

## ***COMMUNITY RELATIONS***

### **Definition:**

Community Relations are the activities conducted in accordance with Superfund Amendments and Reauthorization Act of 1986 (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 Community Relations (Action Name = Remedial Community Relations) is the obligation or tasking of funds for the development of the Community Relations Plan (CRP) or when EPA initiates work on the CRP. For RP-lead or Federal facility sites where the PRP or other Federal agency is preparing the CRP in accordance with an Administrative Order (AO), Consent Decree (CD), or IAG, the start of CR is defined as EPA's written approval of the CRP. When EPA is preparing the CRP at RP- or EP-lead sites, CR begins when EPA initiates work on the CRP.

The completion of Community Relations is the deletion of the site from the NPL or the conclusion of an early action (removal authority) at non-NPL sites.

### **Changes in Definition FY 96 - FY 97:**

None

### **Special Planning/Reporting Requirements:**

Community Relations activities at Federal facilities are paid for by the Federal facility budget. Planned and actual start and completion dates are not required in CERCLIS. Funds may be planned site- (Action Name = Remedial Community Relations) or non-site specifically; however, they must be obligated or tasked site-specifically. Once funds are obligated, the non-site specific amount must be reduced. Funds for CR activities are in the Federal facility or site characterization AOAs.

## ***SUPPORT AGENCY ASSISTANCE***

### **Definition:**

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 the meaningful and substantial involvement in response activities.

Unless otherwise specified in the CA, all support agency costs, with the exception of RA or early action (remedial authority) support agency costs, may be planned under a single Superfund account number designated specifically for support agency activities. RA or early action (remedial authority) support agency activities must be planned site-specifically and require cost share provisions.

### **Definition of Accomplishment:**

The start of support agency assistance is the signature of the CA by the Regional Administrator or his designee. The completion of support agency assistance is the completion of all remedial activities at the site.

### **Changes in Definition FY 96 - FY 97:**

None

### **Special Planning/Reporting Requirements:**

Support agency assistance is paid for by the response program and is contained in the site characterization AOA. Planned and actual start and completion dates are not required in CERCLIS. Funds may be planned or obligated site- (Action Name = Management Assistance) or non-site specifically; however, they must be obligated site-specifically. Support agency assistance is paid for by the response program and is contained in the site characterization AOA. Planned and actual start and completion dates are not required in CERCLIS. Funds may be planned site- (Action Name = Management Assistance) 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 to conduct response activities. Third parties that may provide assistance include the U.S. Army Corps of Engineers (USCOE), the U.S. Fish and Wildlife Service, and ARCS, Response Action Contracts (RAC), or START contractors.

### **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 the stage at which technical assistance was requested.

### **Changes in Definition FY 96 - FY 97:**

None

**Special Planning/Reporting Requirements:**

Technical Assistance is paid for by the response program and is contained in the site characterization AOA. Planned and actual start and completion dates are not required in CERCLIS. Funds must be planned or obligated site- (Action Name = Technical Assistance) or non-site specifically; however, they must be outlaid site-specifically. Once funds are obligated, the non-site specific amount must be reduced.

***TECHNICAL ASSISTANCE GRANTS (TAGs)***

**Definition:**

TAGs 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, which is the obligation of funds for the TAG. The completion of the TAG is the completion of the final RA or early action, or the deletion of the site from the NPL.

**Changes in Definition FY 96 - FY 97:**

None

**Special Planning/Reporting Requirements:**

Planned and actual start and completion dates are not required in CERCLIS. Funds may be planned site-(Action Name = Technical Assistance Grants) 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 facility sites are contained in the Federal facility budget and found in the Federal facility AOA.

***REMEDIAL INVESTIGATION (RI) STARTS***

**Definition:**

The RI is an investigation designed to characterize the site, assess the nature and extent of the contamination and evaluate potential risk to human health and the environment.

The RI may be conducted alone, or as part of an integrated ESI/RI assessment, or a combined RI/Feasibility Study (FS). The start of an ESI/RI is captured in the SCAP measure, SSA-1 Site Characterization Starts. The start of an RI/FS is an internal planning and reporting measure. The RI start and RI/FS start definitions are the same. Regions are not required to enter the RI start date if the RI is being conducted as part of an ESI/RI, RI/FS, or ESI/RI/FS.

Obligation of funds for forward planning, community relations and/or other support activities do not constitute a RI start.

**Definition of Accomplishment:**

***Fund-financed (Including F-, MR-, and S-lead actions)*** - Credit for a Fund-lead RI start is received when funds are obligated and the actual start date (Actual Start) has been recorded in CERCLIS. Funds are obligated when:

- The contract modification for the RI has been signed by the EPA Contracting Officer (CO); or
- An IAG has been signed by the other Federal agency [or Bureau of Reclamation (BUREC)]; or
- A CA has been signed by the Regional Administrator or designee to conduct a RI.

If a subsequent RI is initiated without a new obligation of funds, the start date is defined as EPA's written approval of the work plan for the subsequent RI.

***PRP-financed (Includes RP-, and PS-lead actions)*** - Credit for a PRP-lead (RP) RI start is received when one of the following enforcement actions occurs:

- An Administrative Order on Consent (AOC), in which the potentially responsible parties (PRPs) agree to conduct the RI, is signed by the Regional Administrator. The RI start date is the AOC completion date (Regional Administrator signature date); or
- A CD, in which the PRPs agree to conduct the RI, is referred by the Region to Department of Justice (DOJ) or HQ. The RI start date is the date the Regional Administrator signs the memo transmitting the CD to HQ or DOJ.

Credit for a PS-lead RI start is received when a State order or comparable enforcement document, in which the PRPs agree to conduct the RI, is signed by the last appropriate State official or party and the site is covered by one of the following:

- State enforcement CA signed by the Regional Administrator; or
- Superfund Memorandum of Agreement (SMOA) signed by the appropriate State and Regional official containing a schedule for RI work at the site; or
- A general SMOA signed by the appropriate State and Regional officials covering remedial work to be undertaken with schedules defined before work commences; or
- Other State/EPA agreement signed by the appropriate State and Regional official.

If a subsequent RI is initiated without a new or amended AOC, CD, State order, or other comparable State enforcement document, the start date for the RI is documented by a letter, form, or memo from EPA or the State approving the work plan for the subsequent RI.

If an AOC, State order, or other comparable State enforcement document is amended for the subsequent RI, the start date is the date the last State official or Regional Administrator signs the amendment. If an EPA CD is amended, the start date is the date on which the memo transmitting the CD to HQ or DOJ is signed by the Regional Administrator.

***In-house (EP-lead action)*** - Credit for an EP-lead RI start is received on the date that the Region conducts the initial RI scoping meeting. The start is documented by a memo to file containing the minutes from the meeting.

### **Changes in Definition FY 96 - FY 97:**

None

### **Special Planning/Reporting Requirements:**

Regions are not required to enter the RI start date if the RI is being conducted as part of an ESI/RI, RI/FS, or ESI/RI/FS. The RI (Action Name = Remedial Investigation), combined RI/FS (Action Name = Combined RI/FS), or combined ESI/RI (Action Name = ESI/RI) actual start date (Actual Start) is reported site-specifically in CERCLIS. For PRP-financed RIs, both the RI start (Actual Start) and the CD start (Actual Start) or AO completion dates (Actual Complete) must be entered into CERCLIS. These dates should be the same. Funds for RIs and RI oversight are found in the site characterization AOA.



## ***FEASIBILITY STUDY (FS) STARTS***

### **Definition:**

The FS is used to develop and evaluate all potential remediation alternatives to clean a hazardous waste site.

The FS may be conducted alone, as part of an integrated ESI/RI/FS or a combined RI/FS. The start of an ESI/RI is tracked by the SCAP measure, SSA-1 Site Characterization Starts. Combined RI/FS starts is an internal reporting measure. Regions are not required to enter the FS start date if the FS is being conducted as part of a combined RI/FS or ESI/RI/FS.

Obligation of funds for forward planning, community relations and/or other support activities does not constitute a FS start.

### **Definition of Accomplishment:**

***Fund-financed (Including F-, MR-, and S-lead actions)*** - Credit for a Fund-lead FS start is received when funds are obligated and the actual start date (Actual Start) is entered into CERCLIS. Funds are obligated when:

- The contract modification for the FS has been signed by the EPA Contract Officer (CO); or
- An IAG has been signed by the other Federal agency (USCOE or BUREC); or
- A CA has been signed by the Regional Administrator or his designee to conduct a FS.

If a first or subsequent FS is initiated without a new obligation of funds, the start date is defined as the date of EPA's written approval of the work plan for the FS.

***PRP-financed (Includes RP-, and PS- lead actions)*** - Credit for a responsible party-lead (RP) FS is received when one of the following enforcement actions occurs:

- An AOC that addresses FS activities is signed by the Regional Administrator. The FS start date is the AOC completion date (Regional Administrator signature date); or
- A CD that addresses FS activities is referred by the Region to DOJ or HQ. The FS start date is the date of signature by the Regional Administrator on the memo transmitting the CD to DOJ or HQ.

A PS-lead FS starts when a State order or comparable enforcement document that addresses FS activities is signed by the last appropriate State official or party, and the site is covered by one of the following:

- State enforcement CA signed by the Regional Administrator; or
- SMOA signed by the appropriate State and Regional official containing a schedule for FS work at the site; or
- Other State/EPA agreement signed by the appropriate State and Regional official.

If a first or subsequent FS is initiated without a new or amended AOC, CD, State order, or other comparable State enforcement document, the start date of the FS is documented by a letter, form, or memo from EPA or the State approving the work plan for the subsequent FS.

If an AOC, State order, or other comparable State enforcement document is amended for the first or subsequent FS, the actual start date is the date the last State official or the Regional Administrator signs the amendment. If an EPA CD is amended, the start date is the date the Regional Administrator signs the memo transmitting the CD to HQ or DOJ.

***In-house (EP-lead action)*** - Credit for an EP-lead FS start is received on the date that the Region conducts the initial FS scoping meeting. The start date is documented by a memo to file containing the minutes from the meeting.

### **Changes in Definition FY 96 - FY 97:**

None

### **Special Planning/Reporting Requirements:**

Regions are not required to enter the FS start date if the FS is being conducted as part of a combined RI/FS or ESI/RI/FS. The FS (Action Name = Feasibility Study) or combined RI/FS (Action Name = Combined RI/FS) actual start date (Actual Start) is entered into CERCLIS site-specifically. For a PRP-financed FS, both the FS start date (Actual Start) and the CD (Action Name = Consent Decree) start date (Actual Start), or the AO (Action Name = Admin Order) completion date (Actual Complete) must be entered into CERCLIS. These dates should be the same. Funds for FS and FS oversight are contained in the site characterization AOA.

### ***COMBINED RI/FS START***

#### **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.

RI/FS activities may be conducted separately, as part of the combined RI/FS, or as part of an integrated ESI/RI or integrated ESI/RI/FS. The ESI/RI start is tracked by the SCAP measure, SSA-1 Site Characterization Starts.

Obligation of funds for forward planning, community relations and/or other support activities do not constitute a RI/FS start.

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

***Fund-financed (Including F-, MR-, and S-lead actions)*** - Credit for a Fund-lead RI/FS start is received when funds are obligated and the actual RI/FS start date (Actual Start) is reported in CERCLIS. Funds are obligated when:

- The contract modification for the RI/FS has been signed by the EPA CO; or
- An IAG has been signed by the other Federal agency (USCOE or BUREC); or
- A CA has been signed by the Regional Administrator or designee to conduct a RI/FS.

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

***PRP-financed (Includes RP-, and PS-lead actions)*** - Credit for a PRP-lead (RP) RI/FS start is received when one of the following enforcement actions occurs:

- An AOC that addresses RI/FS activities is signed by the Regional Administrator. The RI/FS start date is the AOC completion date (Regional Administrator signature date); or
- A CD that addresses RI/FS activities is referred by the Region to DOJ or HQ. The RI/FS start date is the date the Regional Administrator signs the memo transmitting the CD to HQ or DOJ.

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

- State enforcement CA signed by the Regional Administrator; or
- SMOA signed by the appropriate State and Regional official containing a schedule for RI/FS work at the site; or
- Other State/EPA agreement signed by the appropriate State and Regional officials.

If a first or subsequent RI/FS is initiated without a new or amended AOC, CD, State order, or other comparable State enforcement document, the start date of the RI/FS is documented by a letter, form, or memo from EPA or the State approving the work plan for the subsequent RI/FS.

If an AOC, State order, or other comparable State enforcement document is amended for the first or subsequent RI/FS, the start date is the date on which the last State official or Regional Administrator signs the amendment. If an EPA CD is amended, the start date is the date on which the memo transmitting the CD to HQ or DOJ is signed by the Regional Administrator.

***In-house (EP-lead action)*** - Credit for an EP-lead RI/FS start is received when the Region has the initial RI/FS scoping meeting. The start is documented by a memo to file containing the minutes from the meeting.

#### **Changes in Definition FY 96 - FY 97:**

None

#### **Special Planning/Reporting Requirements:**

Regions are not required to report a combined RI/FS start if an ESI/RI or separate RI and FS are being conducted. The combined RI/FS (Action Name = Combined RI/FS), or ESI/RI (Action Name = ESI/RI), or RI (Action Name = Remedial Investigation) and FS (Action Name = Feasibility Study) actual start dates (Actual Start) are entered into CERCLIS site-specifically. For a PRP-financed RI/FS, the RI/FS start date (Actual Start) and the CD (Action Name = Consent Decree) start date (Actual Start), or AO (Action Name = Admin Order) completion date (Actual Complete) must be entered into CERCLIS. These dates should be the same. Funds for RI/FS and RI/FS oversight are contained in the site characterization AOA. Combined RI/FS starts is an internal planning and reporting measure.

#### ***START OF PUBLIC COMMENT PERIOD (FS REPORT TO PUBLIC)***

##### **Definition:**

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

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

The start of public comment (FS report to public) is accomplished either (1) on the date the appropriate Regional official signs a letter transmitting RI/FS reports and the proposed plan to the site repository for public review, or (2) when the first page of the approved proposal plan, which lists the dates the public comment period starts and ends, is included in the site file. This date must be recorded in CERCLIS as the actual completion date (Actual Complete) of the FS or combined RI/FS subevent, 'CF,' start of public comment period (Action Name = Feasibility Study or Combined RI/FS and Subaction Name = Start of Public Comment).

#### **Changes in Definition FY 96 - FY 97:**

Documentation requirements have been clarified.

**Special Planning/Reporting Requirements:**

Accomplishments are based on the first proposed plan released to the public for each FS or RI/FS, regardless of lead. Start of public comment period (FS report to public) is an internal reporting measure.

***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 the RI or combined RI/FS and culminates with the signature of the ROD.

The objective of this measure is to focus on good project management of critical portions of the traditional remedial pipeline and establish a methodology which accurately assesses program performance. 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 combined RI/FS projects that have a targeted completion date in FY 97. The RI/FS duration will be calculated based on the RI or combined RI/FS Start and Decision Document Developed (FS or RI/FS completion) definitions specified in this Manual. Regional performance in FY 97 will be compared to:

- The Regional and national average duration of RI/FS projects completed in FY 95 and FY 96;
- The Regional and national average duration of RI/FS projects completed in previous quarters of FY 97.

**Changes in Definition FY 96 - FY 97:**

None

**Special Planning/Reporting Requirements:**

CERCLIS will automatically look at actual RI or combined RI/FS start dates and actual ROD completion dates. HQ will perform the analysis of the average durations. Fund and PRP durations will be tracked. RI/FS duration is an internal reporting measure.

***RDT-1 • DECISION DOCUMENT DEVELOPED*****Definition of Target/Measure:**

A "Decision Document" is developed to identify **each** decision (at NPL, non-NPL, and NPL caliber sites) to:

- Perform an emergency or time-critical early action (removal authority); or
- Perform a NTC early action (remedial or removal authority); or
- Perform a long-term action.

**Definition of Accomplishment:**

**Early Actions (Removal Authority) (Emergency, Time Critical, or NTC)** - The date the On-Scene Coordinator (OSC), AA SWER, or designated Regional official signs the **first or original** Action Memorandum for **each early action (removal authority)**. (Regions will not receive credit for subsequent Action Memos, e.g., ceiling increases at the same removal.) The date of the signature is recorded in CERCLIS as the actual completion date (Actual Complete) of the removal subaction, Approval of Action Memo (Action Name = Removal Action and Subaction Name = Approval of Action Memo or Remedial Action Master Plan). If a presumptive remedy is used at the site, it **must** be recorded in the Response Action Type field (Selected Response Action) in CERCLIS.

**Early or Long-Term Actions under Remedial Authority** - The date the Regional Administrator/Deputy Regional Administrator or the AA SWER signs the ROD for each early or long-term action under remedial authority. This date must be reported in CERCLIS as the actual RI/FS (Action Name = Combined RI/FS) or FS (Action Name = Feasibility Study) and ROD (Action Name = Record of Decision) completion date (Actual Complete). Final RODs will be tracked as a component of this target. If a presumptive remedy is used at the site, it **must** be recorded in the Response Action Type field (Selected Response Action) in CERCLIS. If a presumptive remedy is not used, the Response Action Type field (Selected Response Action) must be entered into CERCLIS.

For State-lead, State-signed RODs, where the ROD also is signed by EPA, accomplishments are reported as the date the State signs the ROD (as long as the date of the EPA signature precedes or is the same as the date of the State signature).

These decisions will be tracked separately but reported on a combined basis.

**Changes in Definition FY 96 - FY 97:**

None

**Special Planning/Reporting Requirements:**

See Definition of Accomplishment. Accomplishments are reported site-specifically in CERCLIS. This is a SCAP target.

**EXHIBIT A.2 (1 OF 8)**  
**SITE SCREENING AND ASSESSMENT/REGIONAL DECISION PLANNING REQUIREMENTS**

<b>Planning Requirements</b>	<b>SSA-1 Site Characterization Starts</b>	<b>SSA-2 Site Screening and Assessment Decisions</b>	<b>SSA-3 Sites Archived</b>	<b>Site Discovery</b>	<b>PA Starts</b>
<b>SCAP Target or Measure?</b>	Measure	Measure	Measure	-	-
<b>Internal Management?</b>	-	-	-	Reported	Reported
<b>Planned Site-Specifically?</b>	No	No	No	No	No
<b>Planned/Reported on Operable Unit or Whole Site Basis?</b>	Whole Site	Whole Site	Whole Site	Whole Site	Whole Site
<b>Reported Site-Specifically or in Non-Site Specific Portion of CERCLIS?</b>	Site-Specific	Site-Specific	Site-Specific	Site-Specific	Site-Specific
<b>AOA Category, if Fund-Financed?</b>	Site Characterization	N/A	N/A	N/A	Site Characterization
<b>AOA Category for Oversight?</b>	Site Characterization	N/A	N/A	N/A	N/A
<b>Basis for AOA?</b>	Site- or Non-Site Plans	N/A	N/A	N/A	N/A

**EXHIBIT A.2 (2 OF 8)**  
**SITE SCREENING AND ASSESSMENT/REGIONAL DECISION PLANNING REQUIREMENTS**

<b>Planning Requirements</b>	<b>PA Completions</b>	<b>SI Starts</b>	<b>SI Completions</b>	<b>SIP Starts</b>
<b>SCAP Target or Measure?</b>	-	-	-	-
<b>Internal Management?</b>	Planned	Reported	Planned	Reported
<b>Planned Site-Specifically?</b>	No	No	No	No
<b>Planned/Reported on Operable Unit or Whole Site Basis?</b>	Whole Site	Whole Site	Whole Site	Whole Site
<b>Reported Site-Specifically or in Non-site Specific portion of CERCLIS?</b>	Site-Specific	Site-Specific	Site-Specific	Site-Specific
<b>AOA Category, if Fund-Financed?</b>	Site Characterization	Site Characterization	Site Characterization	Site Characterization
<b>AOA Category for Oversight?</b>	N/A	N/A	N/A	N/A
<b>Basis for AOA?</b>	N/A	N/A	N/A	N/A

**NOTE:** Accomplishments are pulled from CERCLIS on a quarterly basis. Internal measures are planned and reported quarterly.

**EXHIBIT A.2 (3 OF 8)****SITE SCREENING AND ASSESSMENT/REGIONAL DECISION PLANNING REQUIREMENTS**

<b>Planning Requirements</b>	<b>SIP Completions</b>	<b>ESI Starts</b>	<b>ESI Completions</b>	<b>ESI/RI Starts</b>
SCAP Target or Measure?	-	-	-	-
Internal Management?	Planned	Planned	Reported	Reported
Planned Site-Specifically?	No	No	No	Yes
Planned/Reported on Operable Unit or Whole Site Basis?	Whole Site	Whole Site	Whole Site	Operable Unit
Reported Site-Specifically or in Non-site Specific Portion of CERCLIS?	Site-Specific	Site-Specific	Site-Specific	Site-Specific
AOA Category, if Fund-Financed?	Site Characterization	Site Characterization	Site Characterization	N/A
AOA Category for Oversight?	N/A	N/A	N/A	N/A
Basis for AOA?	N/A	N/A	N/A	N/A

**EXHIBIT A.2 (4 OF 8)****SITE SCREENING AND ASSESSMENT/REGIONAL DECISION PLANNING REQUIREMENTS**

<b>Planning Requirements</b>	<b>ESI/RI Completions</b>	<b>HRS Package Starts</b>	<b>HRS Package Completions</b>	<b>EA Starts</b>
SCAP Target or Measure?	-	-	-	-
Internal Management?	Reported	Planned	Planned	Reported
Planned Site-Specifically?	Yes	No	No	No
Planned/Reported on Operable Unit or Whole Site Basis?	Operable Unit	Whole Site	Whole Site	Whole Site
Reported Site-Specifically or in Non-site Specific Portion of CERCLIS?	Site-Specific	Site-Specific	Site-Specific	Site-Specific
AOA Category, if Fund-Financed?	N/A	Site Characterization	Site Characterization	N/A
AOA Category for Oversight?	N/A	N/A	N/A	N/A
Basis for AOA?	N/A	N/A	N/A	N/A

**NOTE:** Accomplishments are pulled from CERCLIS on a quarterly basis. Internal measures are planned and reported quarterly.

**EXHIBIT A.2 (5 OF 8)**  
**SITE SCREENING AND ASSESSMENT/REGIONAL DECISION PLANNING REQUIREMENTS**

Planning Requirements	EA Completions	Regional Decisions	EE/CA	Community Relations
SCAP Target or Measure?	-	-	-	-
Internal Management?	Reported	Reported	Planned	-
Planned Site-Specifically?	No	No	Yes	Not Required
Planned/Reported on Operable Unit or Whole Site Basis?	Whole Site	Operable Unit	Operable unit	Operable Unit
Reported Site-Specifically or in Non-site Specific Portion of CERCLIS?	Site-Specific	Site-Specific	Site-Specific	Not Required
AOA Category, if Fund-Financed?	N/A	N/A	Site Characterization	Site Characterization
AOA Category for Oversight?	N/A	N/A	Site Characterization	Site Characterization or Federal Facility
Basis for AOA?	N/A	N/A	Site-Specific Plans	Site- or Non-Site Specific Plans

**EXHIBIT A.2 (6 OF 8)**  
**SITE SCREENING AND ASSESSMENT/REGIONAL DECISION PLANNING REQUIREMENTS**

Planning Requirements	Support Agency Assistance	Technical Assistance	Technical Assistance Grants
SCAP Target or Measure?	-	-	-
Internal Management?	-	-	-
Planned Site-Specifically?	Not Required	Not Required	Not Required
Planned/Reported on Operable Unit or Whole Site Basis?	Whole Site	Operable Unit	Whole Site
Reported Site-Specifically or in Non-site Specific Portion of CERCLIS?	Not Required	Not Required	Not Required
AOA Category, if Fund-Financed?	Site Characterization	Other Response	Other Response
AOA Category for Oversight?	Site Characterization	Site Characterization	Other Response or Federal Facility
Basis for AOA?	Site- or Non-Site Specific Plans	Site- or Non-Site Specific Plans	Site- or Non-Site Specific Plans

**NOTE:** Accomplishments are pulled from CERCLIS on a quarterly basis. Internal measures are planned and reported quarterly.



**EXHIBIT A.2 (7 OF 8)****SITE SCREENING AND ASSESSMENT/REGIONAL DECISION PLANNING REQUIREMENTS**

<b>Planning Requirements</b>	<b>RI Starts</b>	<b>FS Starts</b>	<b>Combined RI/FS Starts</b>
<b>SCAP Target or Measure?</b>	-	-	-
<b>Internal Management?</b>	Planned	Planned	Planned
<b>Planned Site-Specifically?</b>	Yes*	Yes*	Yes*
<b>Planned/Reported on Operable Unit or Whole Site Basis?</b>	Operable Unit	Operable Unit	Operable unit
<b>Reported Site-Specifically or in Non-site Specific Portion of CERCLIS?</b>	Site-Specific	Site-Specific	Site-Specific
<b>AOA Category, if Fund-Financed?</b>	Site Characterization	Site Characterization	Site Characterization
<b>AOA Category for Oversight?</b>	Site Characterization	Site Characterization	Site Characterization
<b>Basis for AOA?</b>	Site-Specific Plans	Site-Specific Plans	Site-Specific Plans

**EXHIBIT A.2 (8 OF 8)****SITE SCREENING AND ASSESSMENT/REGIONAL DECISION PLANNING REQUIREMENTS**

<b>Planning Requirements</b>	<b>Start of Public Comment Period (FS Report to Public)</b>	<b>RI/FS Duration</b>	<b>RDT-1 Decision Document Developed</b>
<b>SCAP Target or Measure?</b>	-	-	Target
<b>Internal Management?</b>	Reported	Reported	-
<b>Planned Site-Specifically?</b>	Yes	No	Yes
<b>Planned/Reported on Operable Unit or Whole Site Basis?</b>	Operable Unit	Operable Unit	Operable unit
<b>Reported Site-Specifically or in Non-site Specific Portion of CERCLIS?</b>	Site-Specific	Site-Specific	Site-Specific
<b>AOA Category, if Fund-Financed?</b>	N/A	N/A	N/A
<b>AOA Category for Oversight?</b>	N/A	N/A	N/A
<b>Basis for AOA?</b>	N/A	N/A	N/A

\*"To be determined" sites are allowed for first starts.

**NOTE:** Accomplishments are pulled from CERCLIS on a quarterly basis. Internal measures are planned and reported quarterly.

## **Appendix B: Early/Long-Term Actions**

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## Appendix B

### Early and Long-Term Action Targets and Measures

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**Appendix B**  
**Early and Long-Term Action**  
**Targets and Measures**

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## **APPENDIX B**

### **EARLY AND LONG-TERM ACTION FY 97 SCAP TARGETS AND MEASURES**

#### ***OVERVIEW OF FY 97 EARLY AND LONG-TERM ACTION TARGETS/MEASURES***

The Superfund Comprehensive Accomplishments Plan (SCAP) is used by the Assistant Administrator for the Office of Solid Waste and Emergency Response (AA SWER), Assistant Administrator for the Office of Enforcement and Compliance Assurance (AA OECA), and senior Superfund managers to monitor the administrative progress each Region is making towards achieving its Superfund goals. Superfund cleanup results are tracked through targets and measures at the SCAP level as well as internal reporting measures. Those Superfund activities not tracked at the SCAP level are monitored for internal management purposes by Headquarters (HQ).

The Superfund program will continue to serve as a pilot performance plan project under the Government Performance and Results Act (GPRA), which was discussed in Chapter I. SCAP will serve as the mechanism through which the Office of Emergency and Remedial Response (OERR) will track GPRA progress. As such, the program will set national goals based on historical performance and performance expectations within a limited budget for the four performance goals in GPRA and track accomplishments in the activities contributing to those goals. HQ will not establish specific Regional targets and measures for GPRA. Regions should continue to plan and report accomplishments in CERCLIS as they have traditionally. There are no additional GPRA-related reporting requirements for the Regions in FY 97.

The differences between SCAP targets and measures remain the same (i.e., a pre-determined numerical goal versus an activity deemed essential to tracking overall program progress, respectively). OERR will continue to track site assessment activities to document and evaluate administrative program progress and to analyze program trends. SCAP accomplishments will be pulled from the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) on a quarterly basis. Planning measures are used to project the number of events and activities that each Region expects to perform during the year using anticipated resources. Reporting measures simply track the number of events and activities that occur throughout the year and are used to evaluate overall progress through the cleanup pipeline. Planning measures also report accomplishments.

The following pages contain, in pipeline order, the definitions of the FY 97 early and long-term action activities, SCAP measures (with the prefix ACT), internal management planning and reporting measures, and early and long-term action project support activities. Exhibit B.1 displays the full list of early and long-term action activities defined in this Appendix. Exhibit B.2, at the end of this Appendix, illustrates the long-term action process. Exhibit B.3, also at the end of this Appendix, identifies planning requirements for all early and long-term action activities.

#### ***SUPERFUND DURATIONS***

The Superfund program has tracked remedial pipeline durations for several years in the Superfund Senior Management Reports as part of Superfund progress evaluation. As program management emphasis shifts from administrative progress to more comprehensive measurement of program progress, OERR will track additional durations besides the remedial pipeline durations. These durations include: Engineering Evaluation/Cost Analysis (EE/CA) duration; Expanded Site Inspection/Remedial Investigation (ESI/RI) duration; removal duration; average proposed listing to first removal or remedial action; and average duration from action memorandum to first removal completion. In FY 97, OERR will track the average event and site durations presented below. These durations are not SCAP measures; they are presented here for informational purposes only. HQ is responsible for calculating and publishing the durations in the Superfund Senior Management Reports; however, Regions are responsible for entering and maintaining accurate data from which durations can be derived.

OSWER Directive 9200.3-14-1C

The durations only cover non-Federal actions and are calculated based on actual dates. In addition, they do not include takeovers (within actions) or phased actions. These durations are tracked by the response and enforcement programs.

- Average Remedial Investigation/Feasibility Study (RI/FS) Duration
- Duration from ROD to RD Start
- Duration from ROD to RA Start

**EXHIBIT B.1**  
**EARLY AND LONG-TERM ACTION ACTIVITIES**

<b>ACTIVITY</b>	<b>SCAP</b>	<b>INTERNAL</b>
Community Relations	-	-
Support Agency Assistance	-	-
Technical Assistance	-	-
Technical Assistance Grants (TAGs)	-	*
Treatability Studies	-	-
Design Assistance	-	-
RD Start	-	Planning
RD Completion	-	Planning
RA Start	-	Planning
RA Contract Award	-	Planning
<b>ACT-5 Sites Addressed Through Early or Long-Term Action On-Site Construction Starts</b>	Measure	-
<b>ACT-6 Early and Long-Term Action Completions</b>	Measure	-
<b>ACT-7 NPL Site Construction Completions Through Early Actions, Long-Term Actions, or RODs</b>	Measure	-
Operational and Functional (O&F)	-	-
Long Term Response Action (LTRA)	-	*
NPL Site Completions	Measure	-
Groundwater Monitoring	-	*
Operation and Maintenance (O&M)	-	*
Five-Year Reviews	Measure	-
Partial NPL Deletion	-	*
Final NPL Deletion	-	*
EI-1 Progress Through Environmental Indicators (EI)	Measure	-

NOTE: Accomplishments are pulled from CERCLIS on a quarterly basis. Those measures displayed in bold type are program priorities for FY 97.

\* These activities are planned for budgetary purposes.



## ***EARLY AND LONG-TERM ACTION DEFINITIONS***

### ***COMMUNITY RELATIONS (CR)***

#### **Definition:**

CRs 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 or tasking of funds for the development of the Community Relations Plan (CRP) or when EPA initiates work on the CRP. For RP-lead or Federal facility sites where the PRP or other Federal agency is preparing the CRP in accordance with an Administrative Order (AO), Consent Decree (CD), or Interagency Agreement (IAG), the start of CR is defined as EPA's written approval of the CRP. When EPA is preparing the CRP at RP- or 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 an early action at non-NPL or NPL caliber sites.

#### **Changes in Definition FY 96 - FY 97:**

None

#### **Special Planning/Reporting Requirements:**

CR activities at Federal facilities are paid for by the Federal facility budget (Action Name = FF Community Relations). Planned and actual start and completion dates are not required in CERCLIS. Funds may be planned site- (Action Name = PRP Community Relations or Remedial Community Relations or Removal Community Relations) or non-site specifically; however, they must be obligated or tasked site-specifically. Once funds are obligated, the non-site specific amount must be reduced. Funds for CR activities are in the Federal facility or site characterization Advice of Allowance (AOA).

## ***SUPPORT AGENCY ASSISTANCE***

#### **Definition:**

The activities performed by another entity in support of EPA comprise support agency assistance. 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 the 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 planned under a single Superfund account number designated specifically for support agency activities. RA support agency activities must be planned site-specifically and require cost share provisions.

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

The start of support agency assistance is the signature of the CA by the Regional Administrator or his designee.

The completion of support agency assistance is the completion of all remedial activities at the site.

**Changes in Definition FY 96 - FY 97:**

None

**Special Planning/Reporting Requirements:**

Support agency assistance is paid for by the response program and is contained in the site characterization AOA. Planned and actual start and completion dates are not required in CERCLIS. Funds may be planned or obligated site- (Action Name = Management Assistance) or non-site specifically; however, they must be outlayed 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 to conduct response activities. Third parties that may provide assistance include U.S. Army Corps of Engineers (USCOE), U.S. Fish and Wildlife Service, Alternative Remedial Contracting Strategy (ARCS), Superfund Technical Assistance and Response Team (START) and Response Action Contracts (RAC) contractors.

**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 the stage at which technical assistance was requested.

**Changes in Definition FY 96 - FY 97:**

Added START contractors to the list of third parties what may provide technical assistance.

**Special Planning/Reporting Requirements:**

Technical assistance is paid for by the response program and is contained in the site characterization AOA. Planned and actual start and completion dates are not required in CERCLIS. Funds may be planned or obligated site- (Action Name = Technical Assistance) or non-site specifically; however, they must be outlayed site-specifically. Once funds are obligated, the non-site specific amount must be reduced.

***TECHNICAL ASSISTANCE GRANTS (TAGs)***

**Definition:**

The Superfund Amendments and Reauthorization Act of 1986 (SARA) established the TAG program to provide technical assistance to eligible communities. The technical assistance allows communities to improve the decision making process at their sites.

**Definition of Accomplishment:**

The start of the TAG is the signature of the CA to the community group which is the obligation of funds for the TAG. The completion of the TAG is the completion of the final RA or early action, or the deletion of the site from the NPL.

**Changes in Definition FY 96 - FY 97:**

None

### **Special Planning/Reporting Requirements:**

Planned and actual start and completion dates are not required in CERCLIS. Funds may be planned site- (Action Name = Community Relations TA Grants) 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 facility sites are contained in the Federal facility budget and found in the Federal facility AOA.

## ***TREATABILITY STUDIES***

### **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** - If unexpended ESI/RI, FS, or RD funds are used for the treatability study, the start date is the date of EPA's written approval, as reflected in CERCLIS, of the treatability study work plan. The completion is the written approval of the report on the results of the treatability study.

**PRP-financed** - The treatability study starts when EPA approves, in writing, the treatability study work plan submitted by the Potentially Responsible Parties (PRPs). The completion is the approval of the report on the results of the treatability study.

### **Changes in Definition FY 96 - FY 97:**

Deleted the definition obligation of funds for treatability studies.

### **Special Planning/Reporting Requirements:**

Treatability study (Action Name = Treatability Studies) planned and actual start (Planned Start and Actual Start) and completion (Planned Complete and Actual Complete) dates are not required in CERCLIS. Treatability studies are funded as part of an ESI/RI, RI/FS, or RD. Dollars are not budgeted, planned, or obligated separately.

## ***DESIGN ASSISTANCE***

### **Definition:**

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

- Synopsizing RD requirements in the Commerce Business Daily (CBD); and
- Developing architect/engineer (A/E) firm pre-selection list; and
- Contacting A/E firms on the pre-selection list to ascertain interest in project; and
- Developing A/E selection list; and
- Tentatively selecting A/E firm.

### **Definition of Accomplishment:**

The initiation of design assistance is the signature of the IAG by USCOE (obligation of funds). The completion of design assistance is the start of RD.

**Changes in Definition FY 96 - FY 97:**

None

**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 CERCLIS. Funds may be planned site- (Action Name = Design Assistance) 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 site characterization AOA.

**REMEDIAL DESIGN (RD) START****Definition:**

The RD converts the remedy selected in the ROD into a final design package for RA. The obligation of funds for design assistance or technical assistance does not constitute a RD start.

Pre-design activities will not be counted as a RD start.

**Definition of Accomplishment:**

**Fund-Financed (MR-, F-, or S-lead actions)** - A Fund RD is started when funds are obligated. An obligation is made when:

- The EPA Contracting Officer (CO) signs the contract modification for the RD; or
- 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 design assistance is 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 written 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 a RD has been prepared by other parties (e.g., water lines where the city already prepared plans and specifications) or plans developed for a similar site will be used, the RD actual start date is the same as the RA actual start date.

**PRP-financed (RP- or PS-lead actions)** - For RP-lead, the start is credited on the date the earlier of the following actions takes place:

- The enforcement document under which the RD is to be conducted:
  - For an Administrative Order on Consent (AOC), this is the date of signature of the AOC for RD by the Regional Administrator or his designee, or the date of signature of an amendment to an existing AOC to include RD;
  - For a Unilateral Administrative Order (UAO), this is the date of the PRP's written notice of intent to comply with the UAO;
  - For a CD, this is either the date the CD is lodged by the DOJ, or the date the CD is entered with the court (depending on the wording of the CD); or
- An official written notice to proceed is issued by EPA to the PRP.

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

**Changes in Definition FY 96 - FY 97:**

The PRP-financed RD definition was revised to identify the effective date of each of the settlement tools.

**Special Planning/Reporting Requirements:**

The actual start date (Actual Start) of the RD (Action Name = Remedial Design or PRP RD) must be entered into CERCLIS. Accomplishments are reported site-specifically in CERCLIS. Funds for RDs are in the site characterization AOA. This is an internal planning measure.

***RD COMPLETION***

**Definition:**

The RD converts the remedy selected in the ROD into a final design package for RA.

**Definition of Accomplishment:**

A RD is complete when:

- ***Fund-financed (MR-, F-, or S-lead actions)*** - EPA approves, in writing, the final design package.
- ***PRP-financed (RP- or PS-lead actions)*** - EPA approves, in writing, the final design package. For State enforcement-lead (PS) RDs, the RD is complete when the State approves the final design package.

**Changes in Definition FY 96 - FY 97:**

None

**Special Planning/Reporting Requirements:**

The actual completion date (Actual Complete) of the RD (Action Name = Remedial Design or PRP RD) must be entered into CERCLIS. Accomplishments are reported site-specifically in CERCLIS. This is an internal planning measure.

***REMEDIAL ACTION (RA) START***

**Definition:**

A RA is the implementation of the remedy selected in the ROD.

**Definition of Accomplishment:**

***Fund-financed (MR-, F- or S-lead actions)*** - Credit for a RA start is given on the date a contract modification for the RA is signed by the EPA CO or the IAG is signed by the other Federal agency or CA is awarded, and funds are obligated.

Credit for a subsequent RA start under an existing IAG is given on the date the amendment to the IAG to include the new work is approved.

The actual start date (Actual Start) is entered into CERCLIS with the RA (Action Name = Remedial Action).

**PRP-financed (RP- or PS-lead actions)** - Credit for a RA start is given when one of the following occurs and has been recorded in CERCLIS:

- If work is performed by the PRPs under the same CD or UAO as the RD, the RA start is the date EPA approves, in writing, the PRP RD package (RD completion); or
- 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 State Memorandum of Agreement (SMOA) (PS-lead) with a schedule for long-term action work at the site, and EPA approved the ROD, the RA start is the date the State approves, in writing, 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 date (Actual Start) is the same as the date (Action Complete) of the PRP's written notice of intent to comply with the UAO (Action Name = Unilateral Admin Order) and (Subaction Name = PRPs Ntfy EPA, Intent to Comply) or the date the CD is transmitted by the Regional Administrator to HQ or the DOJ [as recorded in CERCLIS as the actual CD (Action Name = Consent Decree) start (Actual Start) and actual RA start (Actual Start)]. 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 technology of the RA into the Response Action Type field (Selected Response Actions) and whether the RA is an early action or long-term action (Critical Indicator = Early Action or Long-Term Action).

#### **Changes in Definition FY 96 - FY 97:**

None

#### **Special Planning/Reporting Requirements:**

This is an internal planning measure. The actual start date Actual Start of the RA (Action Name = Remedial Action or PRP RA) and the appropriate enforcement information must be entered into CERCLIS. The Region must enter the remedial response actions (Selected Response Actions) associated with the RA into CERCLIS. Funds for Fund-financed RAs are planned on a site-specific basis and are placed by name in the RA AOA. Funds for oversight of RP-lead RAs are planned on a site-specific basis and are found in the site characterization AOA. See Long-Term Action Flow Chart at the end of this Appendix (Exhibit B.2).

### **RA CONTRACT AWARD**

#### **Definition:**

Award of RA contract is the date a contract for construction of the remedy is awarded.

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

**Fund-financed (MR-, F-, or S-lead actions)** - Date (recorded in CERCLIS as an actual completion date) when the EPA, State, USCOE, or Bureau of Reclamation (BUREC) awards (signs) a contract to initiate a Fund-financed RA.

If the RAC or ARCS contractor is assigned RA responsibility, the award of RA contract is defined as the date the RA subcontract is signed by the contractor. If the Emergency Response Cleanup Services (ERCS) or Emergency and Rapid Response Services (ERRS) contractor will be performing the RA, award of RA contract is defined as the date the contract modification for the RA is signed by the EPA CO.

**PRP-financed (RP- or PS-lead actions)** - Date (recorded in CERCLIS as an actual completion date) when the PRP awards a contract to initiate the RA, as documented in a memorandum to the site file.

### **Changes in Definition FY 96 - FY 97:**

PRP accomplishment definition was revised.

### **Special Planning/Reporting Requirements:**

The actual completion date (Actual Complete) must be placed in CERCLIS with the RA subaction, Award of RA Contract (Action Name = Remedial Action or PRP RA and Subaction Name = Award of Contract). See Long-Term Action Flow Chart at the end of this Appendix (Exhibit B.2). This is an internal planning measure.

## ***ACT 5 • SITES ADDRESSED THROUGH EARLY OR LONG-TERM ACTION ON-SITE CONSTRUCTION STARTS***

### **Definition of Target/Measure:**

This measure counts all sites (NPL, non-NPL, or NPL caliber) where either early or long-term cleanup actions have been initiated to address risks to human health and the environment.

### **Definition of Accomplishment:**

**Long-Term Action (RA On-Site Construction)** – A site is addressed by a long-term action when the EPA, ARCS, RAC, the USCOE, BUREC, State or PRP, or their contractors, have mobilized for on-site construction of the long-term action remedy selected in the ROD. If groundwater monitoring is being performed using existing wells, the site is addressed when the first sample is taken.

A memo to file documenting that the contractor has mobilized to begin construction or a report of mobilization from the contractor is required or, when groundwater monitoring is being performed using existing wells, a report (or a memo to the file) that documents that the first sample has been taken is required.

- **Fund-financed (MR-, F-, or S-lead actions)** - The following data must be entered into CERCLIS:
  - The date of on-site construction as the RA on-site construction subaction (Action Name = Remedial Action and Subaction Name = RA On-Site Construction) actual completion date (Actual Complete); and
  - A “final” NPL status indicator (NPL Status = Currently on the Final NPL); and
  - A Critical Indicator, classifying the RA as a Long-Term Action (Critical Indicator = Long-Term Action); or
  - When groundwater monitoring is being performed using existing wells, the date that the first sample is taken (Action Name = Groundwater Monitoring) as an actual start date (Actual Start); and
  - A “final” NPL status indicator (NPL Status = Currently on the Final NPL).
- **PRP-financed (RP- or PS-lead actions)** - The work must be in compliance with an AOC, UAO, CD, or judgment. The date of on-site construction must be documented in a memorandum to the site file stating when the contractor mobilized on site to commence substantial and continuous remedial activity. A copy of a report of mobilization from the contracting party is also acceptable. The date of on-site construction must be entered into CERCLIS as the RA on-site subaction (Action Name = PRP RA and Subaction Name = RA On-Site Construction) actual completion date (Actual Complete). Also, the RA must be classified as a Long-Term Action (Critical Indicator = Long-Term Action).

***For both Fund- and PRP-financed action*** – The Region must enter the RA technology into the “Selected Response Actions” field.

***Early Action*** – A site is addressed by an early action when the EPA, RAC, ARCS, ERRS, ERCS, State, or PRP, or their contractors, have mobilized for construction of the early action specified in the ROD or Action Memorandum.

- ***Early Action (Removal Authority)*** – A Pollution Report (POLREP) documenting that the contractor has mobilized for construction of the removal (emergency, time-critical, or non-time critical) is required to document the accomplishment. The following data must be entered into CERCLIS:
  - The date of on-site construction as the early action (removal authority) (Action Name = Removal Action or PRP Removal) actual start date (Actual Start);
  - The Critical Indicator, classifying the early action as (1) Time Critical, (2) Non-time Critical, or (3) Emergency; and
  - The NPL Status as Proposed for NPL, Currently Final on the NPL, or Not on the NPL.

If a PRP is doing the work, it must be in compliance with an AOC, UAO, CD, or judgment.

The following documentation is required:

- A (POLREP documenting that the contractor has mobilized for construction of the removal; AND
- An AOC signed by the PRPs and the designated Regional official; or
- A UAO signed by the designated Regional official; or
- A CD signed by the PRPs, the designated Regional official, and the Federal judge; or
- A judgment signed by the Federal judge

- ***Early Action (Remedial Authority)***

***Fund-financed (MR-, F-, or S-lead actions)*** – A memorandum to the file or other documentation stating that the contractor has mobilized for construction of the early action (remedial authority) is required to document the accomplishment. The following data must be entered into CERCLIS:

- The date of obligation of funds for the early action (remedial authority) as the RA (Action Name = Remedial Action) actual start date (Actual Start) funds are obligated when the CO signs the contract modification, the IAG is signed by the other Federal agency, or a CA is signed by the Regional Administrator or his/her designee; and
- The date of early action under remedial authority on-site construction as the RA on-site construction subaction (Action Name = Remedial Action and Subaction Name = RA On-site Construction) actual completion date (Actual Complete); and
- The Critical Indicator as (4) Early Action; and
- The NPL Status as Proposed for NPL or Currently on Final NPL.



*PRP-financed (RP- or PS-lead actions)* – The work must be in compliance with an AOC, UAO, CD, or judgment. The following information must be entered into CERCLIS:

- The date of early action (remedial authority) on-site construction as the RA on-site construction subaction (Action Name = PRP RA and Subaction Name = RA On-site Construction) actual completion date (Actual Complete); and
- The Critical Indicator as (4) Early Action.

The following documentation is also required:

- Memo to the file documenting that the contractor has mobilized to being the early action (remedial authority); or
- Report of mobilization from the contractor; AND
- A UAO signed by the designated Regional official; or
- A CD signed by the PRPs, the designated Regional official, and the Federal judge; or
- A judgment signed by the Federal judge.

*For both Fund- and PRP- financed actions* - the Region must enter the RA technology into the “Selected Response Actions” field.

#### **Changes in Definition FY 96 - FY 97:**

None

#### **Special Planning/Reporting Requirements:**

See Definition of Accomplishment. Only the first early or long-term action will be counted in this measure. Regions cannot receive credit if an early action (removal or remedial) or RA began or was conducted at the site in a previous year. Funds for early actions (removal authority) may be planned or obligated site- or non-site specifically; however, they must be reported into CERCLIS site-specifically. Credit is given for the first activity started, and a site can only receive credit once. This is a SCAP reporting measure. Early and long-term action starts will be tracked separately for internal management purposes. The date of mobilization for RA on-site construction (Action Name = Remedial Action or PRP RA and Subaction Name = RA On-site Construction) will be used for purposes of establishing the statute of limitation (SOL) determination.

### ***ACT-6 • EARLY OR LONG-TERM ACTION COMPLETIONS***

#### **Definition of Target/Measure:**

Early actions (removal or remedial) are responses performed at NPL, non-NPL, or NPL caliber sites that eliminate or reduce threats to public health or the environment from the release, or potential release, of hazardous substances. These risk reduction activities can be conducted as emergency responses, time-critical or NTC removal actions, or as early actions (remedial authority). An action qualifier (Qualifier) must be recorded to identify whether the early action (removal authority) resulted in a “Total Site Cleanup,” a “Partial Site Cleanup,” or “Site Stabilization.” **This measure tracks each early action completion at a site.**

Action qualifiers are defined as follows:

- **Total Site Cleanup:** All threats have been addressed as defined in the Action Memo and the Region determines that it has addressed all threats posed by the site (will not be returning for subsequent response activity). Also, all removal obligations and related work have been completed.
- **Partial Site Cleanup:** Removal action(s) have been completed that have taken specified waste(s) off site, or permanent treatment technologies have been applied such that specified waste(s) will not have to be handled again.

Example: Contaminated drums are removed but soil contamination remains. Site is partially cleaned up.

- **Site Stabilization:** All threats identified in the Action Memo have been addressed and the Region may take additional removal actions as new threats are identified/investigatory information is available.

Example: Site is fenced to preclude entry/exit and drums are segregated and overpacked to prevent a release/contamination. Site is stabilized.

Long-term actions are cleanup responses intended to achieve the completion of more extensive site remediation such as restoration of surface and groundwater resources. **This measure tracks each long-term action completion at a site.**

Early and long-term action completions will be tracked separately but accomplishments will be reported on a combined basis.

### **Definition of Accomplishment:**

#### ***Early Action (Removal Authority)***

- A *Fund-financed early action (removal authority)* is considered complete when the actions specified in the Action Memorandum are met, **OR** when a ROD is signed which encompasses the actions specified in the Action Memorandum, **OR** when the contractor has demobilized and left the site (as documented in the POLREP) and recorded as the removal (Action Name = Removal Action) actual completion date (Actual Complete) in CERCLIS.
- *APRP-financed early action (removal authority)* is considered complete when the Region has certified that the PRPs have fully met the terms of an AOC, UAO, CD, or judgment and **EITHER** have completed the actions specified in the Action Memorandum (as documented in the POLREP) and recorded as the removal (Action Name = PRP Removal) actual completion date (Actual Complete) in CERCLIS **OR** a ROD (Action Name = Record of Decision) is signed which encompasses the actions specified in the Action Memorandum.

The completion of all early actions (removal authority) are credited under this measure.

#### **Exceptions:**

Temporary demobilization and temporary storage on-site are not considered completions, **unless temporary storage is the only action specified 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 action, not a completion, unless temporary off-site storage at a TSD is the only action specified in the Action Memorandum. In addition, an early action would not be considered complete if:

- The Action Memorandum requires the EPA contractor to monitor the hazardous substances stored on-site or additional contractor expenditures are anticipated; or

- Hazardous substances are being stored at an off-site facility, other than the ultimate TSD facility required in the Action Memorandum.

An early action would be considered complete if:

- The scope of work for the action does not specify final off-site disposal of hazardous substances; the substances have been stabilized and are stored on-site due to circumstances such as the unavailability of a final treatment/disposal remedy; and no additional Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) removal authority funds are anticipated to be expended on this action. In this instance, no CERCLA removal authority funds will be expended for long-term site O&M. Any long-term site O&M (greater than 6 months) should be performed by the PRP or another agency (e.g., the State); or
- Hazardous substances are being stored off-site at the location of final disposal, and no additional contractor expenditures are anticipated for this action.

***A Long-Term Action or Early Action (Remedial Authority)***

These actions are considered complete (Fund- or PRP-financed) when:

- Construction activities are complete; and
- A final inspection has been conducted; and
- The remedy is O&F; or
- Groundwater monitoring using existing wells is complete and cleanup goals have been met; and
- The designated Regional or State (PS-lead) official (Branch Chief or above) signs a letter accepting the RA or Early Action Report certifying that construction is complete or, when groundwater monitoring using existing wells is complete, the designated official signs a letter accepting the final sampling report.

Accomplishments are credited based on the date the designated Regional (or State) official signs a letter accepting the RA or Early Action Report. The date of the acceptance of the RA or Early Action Report must be entered into CERCLIS as the long-term action (remedial activity) (Action Name = Remedial Action or PRP RA) or the early action (remedial authority) (Action Name = Remedial Action or PRP RA) and Critical Indicators = [(4) Early Action)]. The date must be entered as an actual completion date (Actual Complete) into CERCLIS. When groundwater monitoring is performed using existing wells, the accomplishment is credited on the date of the acceptance of the final sampling report, which must be entered in CERCLIS as the groundwater monitoring action (Action Name = Groundwater Monitoring) actual completion date (Actual Complete).

The completion of all long-term actions or early actions (remedial authority) will be credited under this measure.

**Changes in Definition FY 96 - FY 97:**

None

**Special Planning/Reporting Requirements:**

This is a SCAP reporting measure. Early and long-term action completions will be tracked separately but accomplishments will be reported on a combined basis. For early actions (removal authority), an action Qualifier must be recorded to identify whether the removal resulted in a "Total Site Cleanup," a "Partial Site Cleanup," or "Site Stabilization." All early and long-term action completions will receive credit under this measure. See Long-Term Action Flow Chart at the end of this Appendix (Exhibit B.2).

***ACT-7 • NPL SITE CONSTRUCTION COMPLETIONS THROUGH EARLY ACTIONS,  
LONG-TERM ACTIONS, OR RODS***

**Definition of Target/Measure:**

Construction at a NPL site is considered complete when:

- Physical construction is complete for the entire site as a result of one or several early or long-term actions; or
- A ROD is signed for the only Operable Unit (OU) stating that no remediation is required; or
- A ROD is signed for the final OU stating that all necessary remediation was previously completed; or
- A ROD is signed for the final OU stating that the only remediation necessary is the implementation of an institutional control(s).

When groundwater monitoring is being performed using existing wells, construction completion is defined as the date that the Regional or State official signs a letter accepting the final sampling report indicating that the engineered portion of the groundwater remedy is functional.

**Sites that receive credit under this measure will have no further response actions, other than the ongoing “long-term response action” (LTRA) component of the cleanup actions being performed. Regions receive credit for construction completion only once per site.**

Accomplishments under this measure will count toward the goal of 650 site construction completions by the end of the year 2000.

**Definition of Accomplishment:**

The following tables have been added to more clearly depict coding and accomplishment requirements:

<b>NPL Site Construction Completion Through Early Actions (Remedial Authority) or Long-Term Actions or Groundwater Monitoring Using Existing Wells</b>		
<b>Definition of Accomplishment</b>	<b>Actual Completion Date</b>	<b>Coding Required</b>
<ul style="list-style-type: none"> <li>Construction activities at all OUs are complete; and</li> <li>A pre-final inspection for the <u>final OU</u> has been conducted; and</li> <li>A Preliminary Site Close-Out Report has been prepared*</li> </ul> <p style="text-align: center;"><b>OR</b></p> <ul style="list-style-type: none"> <li>Groundwater monitoring using existing wells is complete and the remedy is functioning as designed; and</li> <li>A Preliminary Site Close-Out Report has been prepared*</li> </ul>	Date the designated Regional official signs the Preliminary or Final Superfund Site Close-Out Report	<p>The completion date of the report must be entered into CERCLIS as the actual completion date (Actual Complete) of the Preliminary Superfund Site Close-Out Report [Action Name = Remedial Action or PRP RA and Subaction Name = Prelim Close-Out Rep Prepared <b>OR</b> Action Name = Remedial Action or PRP RA, Critical Indicator = (4) Early Action, and Subaction Name = Prelim Close-Out Rep Prepared <b>OR</b> Action Name = Groundwater Monitoring and Subaction = Prelim Closeout Report Prepared], or the actual completion date (Actual Complete) of the Final Superfund Site Close-Out Report [Action Name = Remedial Action or PRP RA and Subaction Name = Close Out Report <b>OR</b> Action Name = Remedial Action or PRP RA, Critical Indicator = (4) Early Action, and Subaction Name = Close Out Report <b>OR</b> Action Name = Groundwater Monitoring].</p>
<p>* A Preliminary Superfund Site Close-Out report is not required if the Region immediately prepares a Final Superfund Site Close-Out Report (Action Name = Record of Decision and Subaction Name = Close Out Report).</p>		

<b>RODs that Document Construction Completion</b> <b>(There should be no further early or long-term actions conducted at the site after these RODs are signed.)</b>		
Definition of Accomplishment	Actual Completion Date	Coding Requirements
ROD for the <b>only</b> OU that states that no remediation is required at the site.	Date Regional Administrator/ Deputy Regional Administrator signs the ROD.	Regions must enter the following into CERCLIS: The date of the ROD signature as the actual completion date (Actual Complete) of the ROD (Action Name = Record of Decision); the Alternative Name; the Media Name; the Media Type (Groundwater, Leachate, Liquid Waste, Other, Sediment, Sludge, Soil, Solid Waste, Surface Water); the Selected Response Action(s) (No Action or Natural Attenuation); <b>and</b> the actual completion date (Actual Complete) of the Final Superfund Site Close-Out Report (Action Name = Record of Decision and Subaction Name = Close Out Report).

<b>RODs that Document Construction Completion (Cont'd)</b> <b>(There should be no further early or long-term actions conducted at the site after these RODs are signed.)</b>		
<b>Definition of Accomplishment</b>	<b>Actual Completion Date</b>	<b>Coding Requirements</b>
ROD for the <b>final OU</b> that states that all necessary remediation is complete at the site. The ROD must include a construction completion certification or a separate Final Superfund Site Close-Out Report must be prepared and signed by the Regional Administrator.	Date Regional Administrator/ Deputy Regional Administrator signs the ROD or the date the Regional Administrator signs the Final Superfund Site Close-Out Report.	Regions must enter the following into CERCLIS: • <b>RODs with a construction completion certification</b> - The date of ROD signature as the actual completion date (Actual Complete) of the ROD (Action Name = Record of Decision); the Alternative Name; the Media Name; the Media Type (Groundwater, Leachate, Liquid Waste, Other, Sediment, Sludge, Soil, Solid Waste, Surface Water); the Selected Response Action (No Further Action); <b>and</b> the actual completion date (Actual Complete) of the Final Superfund Site Close-Out Report (Action Name = Record of Decision and Subaction Name = Close Out Report). <b>[Continued on Next Page]</b>

<b>RODs that Document Construction Completion (Cont'd)</b> <b>(There should be no further early or long-term actions conducted at the site after these RODs are signed.)</b>		
Definition of Accomplishment	Actual Completion Date	Coding Requirements
<b>[Continued From Previous Page]</b>  ROD for the <b>final OU</b> that states that all necessary remediation is complete at the site. The ROD must include a construction completion certification or a separate Final Superfund Site Close-Out Report must be prepared and signed by the Regional Administrator.	<b>[Continued From Previous Page]</b>  Date Regional Administrator/ Deputy Regional Administrator signs the ROD or the date the Regional Administrator signs the Final Superfund Site Close-Out Report.	<b>[Continued From Previous Page]</b>  <ul style="list-style-type: none"> <li>• <i><b>RODs with separate Final Superfund Site Close-Out Report</b></i> - the actual completion date (Actual Complete) of the ROD (Action Name = Record of Decision); the Alternative Name; the Media Name; the Media Type (Groundwater, Leachate, Liquid Waste, Other, Sediment, Sludge, Soil, Solid Waste, Surface Water); the Selected Response Action (No Further Action); and the actual completion date (Actual Complete) of the Final Superfund Site Close-Out Report (Action Name = Record of Decision and Subaction Name = Close Out Report).</li> </ul>



<b>RODs that Document Construction Completion (Cont'd)</b> <b>(There should be no further early or long-term actions conducted at the site after these RODs are signed.)</b>		
Definition of Accomplishment	Actual Completion Date	Coding Requirements
ROD for the <b>final OU</b> that states that the only necessary remediation at the site is the implementation of institutional control(s). The ROD must include a construction completion certification or a separate Final Superfund Site Close-Out Report must be prepared and signed by the Regional Administrator.	Date Regional Administrator/ Deputy Regional Administrator signs the ROD or the date the Regional Administrator signs the Final Superfund Site Close-Out Report.	Regions must enter the following into CERCLIS: <ul style="list-style-type: none"> <li>• <b>RODs with a construction completion certification</b> - The date of the ROD signature as the actual completion date (Actual Complete) of the ROD (Action Name = Record of Decision); the Alternative Name; the Media Name; the Media Type (Air, Groundwater, Leachate, Liquid Waste, Other, Residuals, Sediment, Sludge, Soil, Solid Waste, Surface Waste); the Selected Response Action(s) [Access Restriction, Deed Restriction, Drilling Restriction, Fishing Restriction, Institutional Controls (N.O.S.), Land Use Restriction, Monitoring, Recreational Restriction, Revegetation, Swimming Restriction, Water Supply Use Restriction]; <b>and</b> the actual completion date (Actual Complete) of the Final Superfund Site Close-Out Report (Action Name = Record of Decision and Subaction Name = Close Out Report).  <b>[Continued on Next Page]</b> </li> </ul>
<b>NOTE:</b> A ROD that includes a construction completion certification is equivalent to a Final Superfund Site Close-Out Report.		

<b>RODs that Document Construction Completion (Cont'd)</b> <b>(There should be no further early or long-term actions conducted at the site after these RODs are signed.)</b>		
Definition of Accomplishment	Actual Completion Date	Coding Requirements
<b>[Continued From Previous Page]</b>  ROD for the <b>final</b> OU that states that the only necessary remediation at the site is the implementation of institutional control(s). The ROD must include a construction completion certification or a separate Final Superfund Site Close-Out Report must be prepared and signed by the Regional Administrator <b>(continued)</b> .	<b>[Continued From Previous Page]</b>  Date Regional Administrator/ Deputy Regional Administrator signs the ROD or the date the Regional Administrator signs the Final Superfund Site Close-Out Report <b>(continued)</b> .	<b>[Continued From Previous Page]</b>  <ul style="list-style-type: none"> <li>• <b>RODs with separate Final Superfund Site Close-Out Report</b> - the actual completion date (Actual Complete) of the ROD (Action Name = Record of Decision); the Alternative Name; the Media Name; the Media Type (Air, Groundwater, Leachate, Liquid Waste, Other, Residuals, Sediment, Sludge, Soil, Solid Waste, Surface Waste); the Selected Response Action(s) [Access Restriction, Deed Restriction, Drilling Restriction, Fishing Restriction, Institutional Controls (N.O.S.), Land Use Restriction, Monitoring, Recreational Restriction, Revegetation, Swimming Restriction, Water Supply Use Restriction]; and the actual completion date (Actual Complete) of the Final Superfund Site Close-Out Report (Action Name = Record of Decision and Subaction Name = Close Out Report).</li> </ul>

<b>Early Actions (Removal Authority)</b> <b>(There should be no further early or long-term actions conducted at the site)</b>		
Definition of Accomplishment	Actual Completion Date	Coding Required
<p><b>Fund-Financed:</b> Contractor demobilized (recorded in POLREP)</p> <p><b>PRP-Financed:</b> Region certifies PRPs or their contractor have completed the early actions specified in the Action Memorandum and fully met the terms of AO, CD or judgment</p> <p><b>Both Fund- and PRP-Financed:</b> A Final Superfund Site Close-Out Report has been prepared and signed by the Regional Administrator/ Deputy Regional Administrator, OR</p> <p>A ROD that includes a construction completion certification is signed for the <u>final</u> OU that states that all necessary remediation is complete.</p>	<p>Date Regional Administrator/ Deputy Regional Administrator signs the ROD or Final Superfund Site Close-Out Report</p>	<p>The Region must enter the following into CERCLIS:</p> <ul style="list-style-type: none"> <li>• The removal (Action Name = Removal Action or PRP Removal) actual completion date (Actual Complete) (as reported in the POLREP); and</li> <li>• The early action Qualifier that indicates that the site is Cleaned Up; and</li> <li>• The actual completion date (Actual Complete) of the Final Superfund Site Close-Out Report (Action Name = Removal Action or PRP Removal and Subaction Name = Close Out Report); <b>OR</b></li> <li>• The date of the ROD signature as the actual completion date (Actual Complete) of the ROD (Action Name = Record of Decision ); the Alternative Name; the Media Name; the Media Type; the Selected Response Action(s); <b>and</b> the actual completion date (Actual Complete) of the Final Superfund Site Close-Out Report (Action Name = Record of Decision and Subaction Name = Close Out Report).</li> </ul>
<p><b>NOTE:</b> A ROD that includes a construction completion certification is equivalent to a Final Superfund Site Close-Out Report. There should be no further early or long-term actions conducted at the site after this ROD or Close-Out Report is signed. Regions may receive credit under this measure if LTRA is ongoing at another OU.</p>		

**Changes in Definition FY 96 - FY 97:**

None

**Special Planning/Reporting Requirements:**

See Definition of Accomplishment. The appropriate Critical Indicator must also be entered into CERCLIS for early actions (removal or remedial) — (1) Emergency, (2) Time-Critical, (3) Non-Time Critical, or (4) Early Action. This is a SCAP planning and reporting measure. Accomplishments under this measure will count toward the goal of 650 NPL Construction Completions by the end of the year 2000. Regions identified sites to meet the goal prior to the start of the FY. Only the final early or long-term action or ROD at the site receives credit under this measure. Regions may receive credit under both the NPL Site Completion and ACT-7, NPL Site Construction Completion measures, as a result of the same long-term action, early action (remedial), or ROD. There is only one NPL construction completion at a site.

***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 is 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 the final inspection, 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 on which the lead and support agencies (F- or S-lead RA) or the EPA and/or State official and PRPs (RP-, MR-, or PS-lead RA) agree through an inspection that the remedy is operating in accordance with the standards contained in the ROD and RD. This documentation is presented in the RA Report. Normally, O&F completion will occur within one year following completion of construction. The actual completion date (Actual Complete) is reported as O&F (Action Name = Operational and Functional).

**Changes in Definition FY 96 - FY 97:**

O&F is now reported in CERCLIS 3 as an action and not as the subaction to an RA.

**Special Planning/Reporting Requirements:**

Although it is an action, O&F (Action Name = Operational and Functional) only has an actual completion date (Actual Complete).

***LONG TERM RESPONSE ACTION (LTRA)*****Definition:**

LTRAs are response actions undertaken for the purpose of restoring ground or surface water quality. These actions require a continuous period of on-site activity before cleanup levels, specified in the ROD or 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 (Fund-financed LTRA) or EPA and/or the State and the PRPs (RP- or PS-lead) 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 96 - FY 97:**

None

**Special Planning/Reporting Requirements:**

LTRA is planned on a site-specific basis (Action Name = Long-term Response) in CERCLIS and is used for resource allocation purposes only. Funds for LTRA are issued site-specifically in the RA AOA. Funds for oversight of RP-lead LTRA are contained in the site characterization AOA. See Long-Term Action Flow Chart at the end of the Appendix (Exhibit B.2).

***NPL SITE COMPLETIONS***

**Definition of Target/Measure:**

An NPL site is completed when:

- Cleanup goals are reached as a result of one or several early or long-term actions; or
- A ROD is signed for the only OU at a site stating that no remediation is required; or
- A ROD is signed for the final OU at a site stating that all necessary remediation is complete; or
- A ROD is signed for the final OU stating that the only necessary remediation is the implementation of an institutional control(s).

When groundwater monitoring is being performed using existing wells, site completion is defined as the date that the Regional or State official signs a letter accepting the final sampling report.

**Sites that receive credit under this measure will have achieved final cleanup goals or have no further response actions, including LTRA. Regions receive credit for a site completion only once per site.**

**Definition of Accomplishment:**

The following table has been added to more clearly depict coding and accomplishment requirements.

NPL Site Completions Through Final Long-Term Action or Early Action (Remedial Authority) or Groundwater Monitoring Using Existing Wells		
Definition of Accomplishment	Actual Completion Date	Coding Required
<ul style="list-style-type: none"> <li>• Construction activities at all OUs are complete; or</li> <li>• LTRA at all OUs is complete; and</li> <li>• A pre-final inspection of the site has been conducted; and</li> <li>• A Preliminary Superfund Site Close-Out Report has been prepared and signed by the designated Regional official*;</li> <li>and</li> <li>• A final inspection has been conducted; and</li> <li>• The remedy is O&amp;F; and</li> <li>• A letter accepting the RA or Early Action Report has been signed by the designated Regional official (Branch Chief or above); and</li> <li>• A Final Superfund Site Close-Out Report has been prepared.</li> </ul> <p>[Continued on Next Page]</p>	Date the Regional Administrator signs the Final Superfund Site Close-Out Report.	The completion date of the Final Superfund Site Close-Out Report must be entered into CERCLIS as the actual completion date (Actual Complete) of the Final Superfund Site Close-Out Report [Action Name = Remedial Action or PRP RA and Subaction Name = Close Out Report <b>OR</b> Action Name = Remedial Action or PRP RA, Critical Indicator = (4) Early Action, and Subaction Name = Close Out Report <b>OR</b> Action Name = Groundwater Monitoring].

NPL Site Completions Through Final Long-Term Action or Early Action (Remedial Authority) or Groundwater Monitoring Using Existing Wells		
Definition of Accomplishment	Actual Completion Date	Coding Required
<p>[Continued From Previous Page]</p> <p><b>OR</b></p> <ul style="list-style-type: none"> <li>Groundwater monitoring using existing wells is complete; and</li> <li>LTRA at all OUs is complete; and</li> <li>A Preliminary Superfund Site Close-Out Report has been prepared and signed by the designated Regional official*; and</li> <li>A letter accepting the RA or Early Action Report has been signed by the designated Regional official (Branch Chief or above); and</li> <li>A Final Superfund Site Close-Out Report has been prepared.</li> </ul>	<p>[Continued From Previous Page]</p> <p>Date the Regional Administrator signs the Final Superfund Site Close-Out Report.</p>	<p>[Continued From Previous Page]</p> <p>The completion date of the Final Superfund Site Close-Out Report must be entered into CERCLIS as the actual completion date (Actual Complete) of the Final Superfund Site Close-Out Report [Action Name = Remedial Action or PRP RA and Subaction Name = Close Out Report <b>OR</b> Action Name = Remedial Action or PRP RA, Critical Indicator = (4) Early Action, and Subaction Name = Close Out Report <b>OR</b> Action Name = Groundwater Monitoring].</p>
<p>* A Preliminary Superfund Site Close-Out 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&amp;F phase), approval of the O&amp;M workplan, and establishment of institutional controls.</p> <p>A Preliminary Superfund Site Close-Out Report is unnecessary if the Region immediately prepares a Final Superfund Site Close-Out Report.</p>		

<b>RODs That Document Site Completion</b> <b>(There should be no future early or long-term actions, including LTRA, conducted at the site after this ROD is signed. If LTRA is ongoing at another OU, the signature of the ROD will not be credited as a site completion accomplishment.)</b>		
Definition of Accomplishment	Actual Completion Date	Coding Requirements
ROD for the <b>only</b> OU that states that no remediation is required at the site.	Date Regional Administrator/ Deputy Regional Administrator signs the ROD.	Regions must enter the following into CERCLIS: The date of the ROD signature as the actual completion date (Actual Complete) of the ROD (Action Name = Record of Decision); the Alternative Name; the Media Name; the Media Type (Groundwater, Leachate, Liquid Waste, Other, Sediment, Sludge, Soil, Solid Waste, Surface Water); the Selected Response Action(s) (No Action or Natural Attenuation); <b>and</b> the actual completion date (Actual Complete) of the Final Superfund Site Close-Out Report (Action Name = Record of Decision and Subaction Name = Close Out Report).



**RODs That Document Site Completion (Cont'd)**

**(There should be no future early or long-term actions, including LTRA, conducted at the site after this ROD is signed. If LTRA is ongoing at another OU, the signature of the ROD will not be credited as a site completion accomplishment.)**

Definition of Accomplishment	Actual Completion Date	Coding Requirements
<p>ROD for the <b>final OU</b> that states that all necessary remediation is complete at the site. The ROD must include a construction completion certification or a separate Final Superfund Site Close-Out Report must be prepared and signed by the Regional Administrator.</p>	<p>Date Regional Administrator/ Deputy Regional Administrator signs the ROD or the date the Regional Administrator signs the Final Superfund Site Close-Out Report.</p>	<p>Regions must enter the following into CERCLIS:</p> <ul style="list-style-type: none"> <li>• <b><i>RODs with a construction completion certification</i></b> - The date of the ROD signature as the actual completion date (Actual Complete) of the ROD (Action Name = Record of Decision); the Alternative Name; the Media Name; the Media Type (Groundwater, Leachate, Liquid Waste, Other, Sediment, Sludge, Soil, Solid Waste, Surface Water); the Selected Response Action (No Further Action) <b>and</b> the actual completion date (Actual Complete) of the Final Superfund Site Close-Out Report (Action Name = Record of Decision and Subaction Name = Close Out Report). [Continued on Next Page]</li> </ul>

**RODs That Document Site Completion (Cont'd)**

**(There should be no future early or long-term actions, including LTRA, conducted at the site after this ROD is signed. If LTRA is ongoing at another OU, the signature of the ROD will not be credited as a site completion accomplishment.)**

Definition of Accomplishment	Actual Completion Date	Coding Requirements
<p>[Continued From Previous Page]</p> <p>ROD for the <b>final</b> OU that states that all necessary remediation is complete at the site. The ROD must include a construction completion certification or a separate Final Superfund Site Close-Out Report must be prepared and signed by the Regional Administrator.</p>	<p>[Continued From Previous Page]</p> <p>Date Regional Administrator/ Deputy Regional Administrator signs the ROD or the date the Regional Administrator signs the Final Superfund Site Close-Out Report.</p>	<p>[Continued From Previous Page]</p> <ul style="list-style-type: none"> <li>• <i>RODs with separate Final Superfund Site Close-Out Report</i> - the actual completion date (Actual Complete) of the ROD (Action Name = Record of Decision); the Alternative Name; the Media Name; the Media Type (Groundwater, Leachate, Liquid Waste, Other, Sediment, Sludge, Soil, Solid Waste, Surface Water); the Selected Response Action (No Further Action); and the actual completion date (Actual Complete) of the Final Superfund Site Close-Out Report (Action Name = Record of Decision and Subaction Name = Close Out Report).</li> </ul>

**RODs That Document Site Completion (Cont'd)**

**(There should be no future early or long-term actions, including LTRA, conducted at the site after this ROD is signed. If LTRA is ongoing at another OU, the signature of the ROD will not be credited as a site completion accomplishment.)**

Definition of Accomplishment	Actual Completion Date	Coding Requirements
<p>ROD for the <b>final</b> OU that states that the only necessary remediation at the site is the implementation of institutional control(s). The ROD must include a construction completion certification or a separate Final Superfund Site Close-Out Report must be prepared and signed by the Regional Administrator.</p>	<p>Date Regional Administrator/ Deputy Regional Administrator signs the ROD or the date the Regional Administrator signs the Final Superfund Site Close-Out Report.</p>	<p>Regions must enter the following into CERCLIS:</p> <ul style="list-style-type: none"> <li>• <b>RODs with a construction completion certification</b> - The date of the ROD signature as the actual completion date (Actual Complete) of the ROD (Action Name = Record of Decision); the Alternative Name; the Media Name; the Media Type (Air, Groundwater, Leachate, Liquid Waste, Other, Residuals, Sediment, Sludge, Soil, Solid Waste, Surface Waste); the Selected Response Action(s) [Access Restriction, Deed Restriction, Drilling Restriction, Fishing Restriction, Institutional Controls (N.O.S.), Land Use Restriction, Monitoring, Recreational Restriction, Revegetation, Swimming Restriction, Water Supply Use Restriction]; <b>and</b> the actual completion date (Actual Complete) of the Final Superfund Site Close-Out Report (Action Name = Record of Decision and Subaction Name = Close Out Report).</li> </ul> <p><b>[Continued on Next Page]</b></p>
<p><b>NOTE:</b> A ROD that includes a construction completion certification is equivalent to a Final Superfund Site Close-Out Report.</p>		

**RODs That Document Site Completion (Cont'd)**

**(There should be no future early or long-term actions, including LTRA, conducted at the site after this ROD is signed. If LTRA is ongoing at another OU, the signature of the ROD will not be credited as a site completion accomplishment.)**

Definition of Accomplishment	Actual Completion Date	Coding Requirements
<p><b>[Continued From Previous Page]</b></p> <p>ROD for the <b>final OU</b> that states that the only necessary remediation at the site is the implementation of institutional control(s). The ROD must include a construction completion certification or a separate Final Superfund Site Close-Out Report must be prepared and signed by the Regional Administrator.</p>	<p><b>[Continued From Previous Page]</b></p> <p>Date Regional Administrator/ Deputy Regional Administrator signs the ROD or the date the Regional Administrator signs the Final Superfund Site Close-Out Report.</p>	<p><b>[Continued From Previous Page]</b></p> <ul style="list-style-type: none"> <li>• <b>RODs with separate Final Superfund Site Close-Out Report</b> - the actual completion date (Actual Complete) of the ROD (Action Name = Record of Decision); the Alternative Name; the Media Name; the Media Type (Air, Groundwater, Leachate, Liquid Waste, Other, Residuals, Sediment, Sludge, Soil, Solid Waste, Surface Waste); the Selected Response Action(s) [Access Restriction, Deed Restriction, Drilling Restriction, Fishing Restriction, Institutional Controls (N.O.S.), Land Use Restriction, Monitoring, Recreational Restriction, Revegetation, Swimming Restriction, Water Supply Use Restriction]; and the actual completion date (Actual Complete) of the Final Superfund Site Close-Out Report (Action Name = Record of Decision and Subaction Name = Close Out Report).</li> </ul>

**Changes in Definition FY 96 - FY 97:**

Revised measure to track only NPL site completions. Site completions through early actions (removal authority) are tracked through the signature of a ROD stating that all necessary remediation is complete.

**Special Planning/Reporting Requirements:**

See Definition of Accomplishment. See Long-Term Action Flow Chart at the end of this Appendix (Exhibit B.2). Regions may receive credit under both the NPL Site Completion and ACT-7, NPL Site Construction Completion measures, as a result of the same long-term action, early action (remedial), or ROD. There is only one site completion at a site. Only the final ROD, long-term action, or early action (remedial authority) at the site receives credit under this measure.

**GROUNDWATER MONITORING**

**Definition:**

Groundwater monitoring is defined as the collection and analysis of groundwater samples as a result of a ROD that addresses groundwater contamination at a site. The ROD will specify that (1) groundwater monitoring is the only action that will be taken at the site, or (2) groundwater monitoring is the only action that will be implemented during a groundwater cleanup.

**Definition of Accomplishment:**

Credit is given for a groundwater monitoring (Action Name = Groundwater Monitoring) start (Actual Start) when:

- **Fund-financed (MR-, F-, or S- lead actions)** – Funds are obligated for the groundwater monitoring. Funds are obligated when:
  - A contract modification for groundwater monitoring is signed by the EPA CO; or
  - A CA for groundwater monitoring is signed by the Regional Administrator or his/her designee; or
  - An IAG for groundwater monitoring is signed by the other Federal agency.
- **PRP-financed (RP- or PS-lead actions)** – PRP-financed groundwater monitoring starts when:
  - An AOC which includes groundwater monitoring is signed by the PRPs and the designated Regional official; or
  - A UAO which includes groundwater monitoring is signed by the designated Regional official.

Groundwater monitoring completion is defined as the date (Actual Complete) of a memorandum that determines that groundwater monitoring is no longer necessary. This memorandum should be included in the Final Superfund Close-Out Report or five-year review report. If this memorandum is not included in these documents, credit will be given on the date the memorandum is approved by EPA management. The date of the completion should be entered into CERCLIS with the Groundwater Monitoring action (Action Name = Groundwater Monitoring).

**Changes in Definition FY 96 - FY 97:**

None

**Special Planning/Reporting Requirements:**

See Definition of Accomplishment. For PRP-financed groundwater monitoring, the actual start date (Actual Start) of the monitoring and the actual completion date (Actual Complete) of the AO must be entered into CERCLIS.

## ***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 Fund-financed measures to restore ground or surface waters, continued operation of such measures beyond a period often 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 or early action (remedial authority) 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 (Action Name = Operation and Maintenance) is defined as the date (Actual Start) upon which the designated Regional official signs a letter accepting the RA or Early Action 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 (Actual Complete) specified in a CA, Superfund State Contract (SSC), or CD.

### **Changes in Definition FY 96 - FY 97:**

None

### **Special Planning/Reporting Requirements:**

O&M is planned site-specifically (Action Name = Operation and Maintenance) in CERCLIS and is used for resource allocation purposes only. Funds for oversight of O&M are contained in the site characterization AOA. See Long-Term Action Flow Chart at the end of this Appendix (Exhibit B.2).

## ***FIVE-YEAR REVIEWS***

### **Definition of Target/Measure:**

Five-year reviews are intended to evaluate whether the response action implemented at a NPL site remains protective of public health and the environment, is functioning as designed, and necessary operation and maintenance is being performed. EPA will conduct five-year reviews of any site at which a remedy, upon attainment of the ROD or Action Memorandum cleanup levels, will not allow unlimited use and unrestricted exposure. Five-year reviews generally involve a site visit or documentation of conditions noted through ongoing presence at the site.

EPA is responsible for conducting five-year reviews at all sites where required. Consistent with relevant settlement agreements, a lead agency may authorize PRPs to visit sites for five-year review purposes and to conduct studies and investigations for EPA. Five-year reviews are conducted on a site-wide basis.

### **Definition of Accomplishment:**

*Five-Year Review Starts* - Credit is given for a five-year review start when:

- *Fund-financed (MR-, F-, S-, or EP-lead actions)* - EPA or the State begins any of the tasks discussed in the five-year review guidance, "Structure and Components of Five-Year Reviews," OSWER Directive 9355.7-02 (May 23, 1991) or its first supplement, OSWER Directive 9355.7-02A (July 24, 1994). This action may be documented by a memo to the file or EPA approval of a workplan for the five-year review.
- *PRP-financed (RP- or PS-lead actions)* - EPA approves the five-year review workplan submitted by the PRPs under the terms of a settlement agreement.

The actual start date (Actual Start) for the five-year review (Action Name = Five-Year Remedy Assessment) must be entered into CERCLIS.

#### ***Five-Year Review Completions***

The five-year review is complete on the date the EPA division director signs a determination stating whether the remedy is, or is not, protective of human health and the environment. The actual completion date (Actual Complete) for the five-year review (Action Name = Five-Year Remedy Assessment) must be entered into CERCLIS.

The five-year review should start within five years of the first RA or early action (remedial authority) start (as defined in ACT-5, Sites Addressed Through Early or Long-Term Action On-Site Construction Starts) that results in any hazardous substances, pollutants, or contaminants remaining at the site. The five-year review must be complete within five years of the start of on-site construction.

#### **Changes in Definition FY 96 - FY 97:**

Combined five-year review starts and completes into one definition. Fund-lead starts were changed from the site visit to tasks specified in the five-year review guidance. PRP-lead starts changed from mobilization to EPA approval of the workplan. Completions changed from five-year review report to the division directors determination whether the remedy is protective of human health and the environment. In addition, completions are no longer tracked by lead.

#### **Special Planning/Reporting Requirements:**

Five-Year Review Starts *only* is a SCAP reporting measure. Five-year review starts and completes must be planned and reported site-specifically (Action Name = Five-Year Remedy Assessment) in CERCLIS. Funds are allocated in the RA AOA. See Long-Term Action Flow Chart at the end of this Appendix (Exhibit B.2).

### ***PARTIAL NPL DELETION***

#### **Definition:**

Partial deletions of releases/sites listed on the NPL were introduced during FY 96 to more fully communicate successful cleanup of portions of these sites. Historically, EPA policy has been to delete releases only after evaluation of the entire site. However, total site cleanup may take many years, while portions of the site may have been cleaned up and may be available for productive use. EPA will consider partial deletion for portions of sites when no further response is appropriate for that portion of the site. Such portion may be a defined geographic unit of the site, perhaps as small as a residential unit, or may be a specific medium at the site, e.g., groundwater, depending on the nature or extent of the release(s). The criteria for partial deletion are the same as for final deletion. Given State concurrence, EPA considers:

- Whether responsible or other parties have implemented all appropriate and required response actions;
- Whether all appropriate Fund-financed responses under CERCLA have been implemented and EPA has determined that no further cleanup by responsible parties is appropriate; or
- Whether the release of hazardous substances poses no significant threat to the public health, welfare, or the environment, thereby eliminating the need for remedial action.

A new action code (Action Name = Partial Deletion from NPL) is being added to CERCLIS to specifically record and track partial deletions. The partial deletion event should only be used when the deletion does not address the remaining release listed on the NPL. If a deletion does cover the remaining release listed on the NPL, the event should be treated as a Final NPL Deletion (Action Name = Final Deletion from NPL), discussed below.

**Definition of Accomplishment:**

The partial NPL deletion process (for a portion of a site on the NPL) starts when a Notice of Intent to Delete is published in the *Federal Register* for that specified portion of the site.

The partial NPL deletion process (for a portion of a site on the NPL) is complete when the Notice of Deletion is published in the *Federal Register* for that specified portion of the site.

**Changes in Definition FY 96 - FY 97:**

None

**Special Planning/Reporting Requirements:**

The actual start (Actual Start) and completion (Actual Complete) dates are to be reported in CERCLIS for partial NPL deletions (Action Name = Partial Deletion from NPL). Partial site deletions are tracked separately from entire site deletions. Partial site deletions should be used if a portion, or portions of the release remain listed on the NPL following completion of the partial deletion. An entire site deletion event (Action Name = Final Deletion from NPL) should be used if the deletion activity addresses the remaining release listed on the NPL (either as a one-time deletion event for the entire site as originally listed, or as the last deletion activity associated with a site subject to previous partial deletions).

***FINAL NPL DELETION*****Definition:**

With State concurrence, EPA may delete sites from the NPL when it determines that no further response is appropriate under CERCLA (Action Name = Final Deletion from NPL). In making that determination, EPA considers:

- Whether responsible or other parties have implemented all appropriate and required response actions;
- Whether all appropriate Fund-financed responses under CERCLA have been implemented and EPA has determined that no further cleanup by responsible parties is appropriate; or
- Whether the release of hazardous substances poses no significant threat to the public health, welfare, or the environment, thereby eliminating the need for remedial action.

EPA will consider deleting the entire site or portions of sites from the NPL, as appropriate. EPA will consider partial deletion for portions of sites when no further response is appropriate for that portion of the site. Such portions may be a defined geological unit of the site, or may be a specific medium at the site. State concurrence will be required for any partial deletion.

**Definition of Accomplishment:**

The deletion process for either the entire site or a portion of the site starts when a Notice of Intent to Delete is published in the *Federal Register*.

The deletion process for either the entire site or a portion of the site is complete when the Notice of Deletion is published in the *Federal Register*.

**Changes in Definition FY 96 - FY 97:**

None



**Special Planning/Reporting Requirements:**

The actual start date (Actual Start) and completion (Actual Complete) dates for entire site or partial site deletions are to be reported in CERCLIS with the deletion action (Action Name = Final Deletion from NPL). Additional guidance for coding partial deletions will be developed and distributed at a later date. Until new coding guidance is developed, Regions should indicate in the SCAP Note whether the deletion action encompasses the entire site or is a partial site deletion. HQ is reviewing the tracking of partial deletions.

***EI-1A • PROGRESS THROUGH ENVIRONMENTAL INDICATORS  
(ADDRESSING IMMEDIATE THREATS AT NPL AND NON-NPL SITES)***

**Note:** At the time this draft of the FY 97 Superfund Program Implementation Manual was developed, development of data entry screens for EI reporting in CERCLIS 3 had not yet been completed. Therefore, the CERCLIS 3 data element names are not included in this draft; the current CERCLIS data element names remain as "placeholders" for the CERCLIS 3 names once screens are completed.

**Definition of Target/Measure:**

This measure tracks how often acute threats to human health have been eliminated at NPL, NPL caliber, and non-NPL sites by preventing exposure to contaminated materials. This reduction will be measured in four areas: 1) sites with immediate (early) actions; 2) sites where an alternate water supply was provided; 3) sites where affected populations were relocated; and 4) sites where security was provided. Progress recorded by this indicator should reveal success in addressing immediate threats.

**Definition of Accomplishment:**

***Sites with immediate (early) actions***

All sites with a completed early actions under removal authority (C2101 = RV) will be counted. (See ACT-6 for early action under removal authority definition, coding and documentation requirements.)

***Sites where an alternate water supply was provided*** - The following data must be entered into CERCLIS:

- The medium is land (C1571 = LA); and
- The material is soil (C2501 = SO); and
- Drinking water was provided in any of the following ways (enter all that apply):
  - Permanent water supply (C3401 = W1); or
  - Temporary water supply (C3401 = W2); or
  - Water supply reinstated (C3401 = W3); and
- The receptor type is:
  - Residential population (C3441 = R); or
  - Industrial population (C3441 = I); and
- The number of people protected (C3442); and

- The population protection date (C3426).

Regions must document in a memo to the file or POLREP that an alternate drinking water source was supplied.

***Sites where affected populations were relocated*** - The following data must be entered into CERCLIS:

- The medium is land (C1571 = LA); and
- The material is soil (C2501 = SO); and
- The population was relocated in any of the following ways (enter all that apply):
  - Permanent relocation (C3401 = U1); or
  - Temporary relocation (C3401 = U2); or
  - Population returned (C3401 = U3); and
- The receptor type is:
  - Residential population (C3441 = R); or
  - Industrial population (C3441 = I); and
- The number of people protected (C3442); and
- The population protection date (C3426).

Regions must document in a memo to the file or POLREP that affected populations were relocated.

***Sites where security was provided*** - The following data must be entered into CERCLIS:

- The medium is land (C1571 = LA); and
- The material is soil (C2501 = SO); and
- Site security was provided in any of the following ways (enter all that apply):
  - Fence constructed (C3401 = S1); or
  - Guards posted (C3401 = S2); or
  - Other measures (e.g., deed restriction) (C3401 = S3); and
- The receptor type is:
  - Residential population (C3441 = R); or
  - Industrial population (C3441 = I); and
- The population protection date (C3426) is recorded.

Regions must document in a memo to the file or POLREP that site security measures were implemented.

### **Changes in Definition FY 96 - FY 97:**

None

### **Special Planning/Reporting Requirements:**

This is a SCAP reporting measure. Accomplishment data will be reported through the EI module in CERCLIS.

## ***EI-1B • PROGRESS THROUGH ENVIRONMENTAL INDICATORS (ACHIEVING PERMANENT CLEANUP GOALS)***

### **Definition of Target/Measure:**

This measure tracks cleanup progress at NPL sites by measuring the level of cleanup goal attainment. Goal attainment levels are tracked as follows: 1) goals fully achieved; 2) goals partially achieved; 3) cleanup underway; and 4) media affected. Goal attainment levels are tracked at the media level for each NPL site.

This measure also tracks whether a direct contact threat exists and/or has been eliminated as a result of cleanup actions.

### **Definition of Accomplishment:**

*Progress toward final cleanup goals*

*Full achievement of site goals for a medium at a NPL site (groundwater = 'GW,' surface water = 'SW,' land = 'LA,' and air = 'AI'):*

- All cleanup actions for a given medium (C1571 = GW or SW or LA or AI) are complete; and
- All ROD cleanup goals for that medium have been achieved; and
- No further cleanup work is expected for that medium.

The level of goal attainment must be entered into CERCLIS as "Fully Achieved" (C1572 = F). Regions must document in a RA or Early Action Report, POLREP or a memo to the file that all cleanup goals for a given medium have been achieved. (For specific coding and documentation requirements for cleanup action completions, see ACT-6, Early and Long-Term Action Completions.)

*Partial achievement of goals for a medium at a NPL site:*

- At least one cleanup action has been completed for a medium (C1571 = GW or SW or LA or AI); and
- At least one ROD cleanup goal for that medium has been achieved.

The level of goal attainment must be entered into CERCLIS as "Partially Achieved" (C1572 = P). Regions must document in a RA or Early Action Report, POLREP or memo to the file that one or more cleanup goals for a given medium have been achieved. (For specific coding and documentation requirements for cleanup action completions, see ACT-6, Early and Long-Term Action Completions.)

*Cleanup underway at a NPL site:*

- At least one cleanup action has been initiated for a medium (C1571 = GW or SW or LA or AI).

The level of goal attainment must be entered into CERCLIS as "Cleanup Underway" (C1572 = U). Regions must document in an Action Memorandum or memo to the file that cleanup actions for a given medium have begun. (For specific coding and documentation requirements for cleanup action starts, see ACT-5, Sites Addressed through Early and Long-Term Action On-Site Construction Starts.)

***Medium Affected at a non-NPL or NPL site:***

- A medium (C1571 = GW or SW or LA or AI) has been affected at a NPL site, but no cleanup work has begun; or
- A removal was performed at a NPL site prior to the establishment of long-term cleanup goals; or
- An affected medium has been identified at an on-NPL site.

The level of goal attainment must be entered into CERCLIS as "Medium Affected" (C1572 = A). Regions must document in a POLREP or a memo to the file that a given medium meets one of these criteria.

***Direct contact threats*** - The following data must be entered:

- The medium island (C1571 = LA); and
- The direct contact threat is:
  - Eliminated (C1573 = Y); or
  - Remains (C1573 = N); or
  - Does not exist (C1573 = Z).

Regions must document in a POLREP, ROD, RA or Early Action Report, or memo to the file that a given direct contact threat meets one of these criteria.

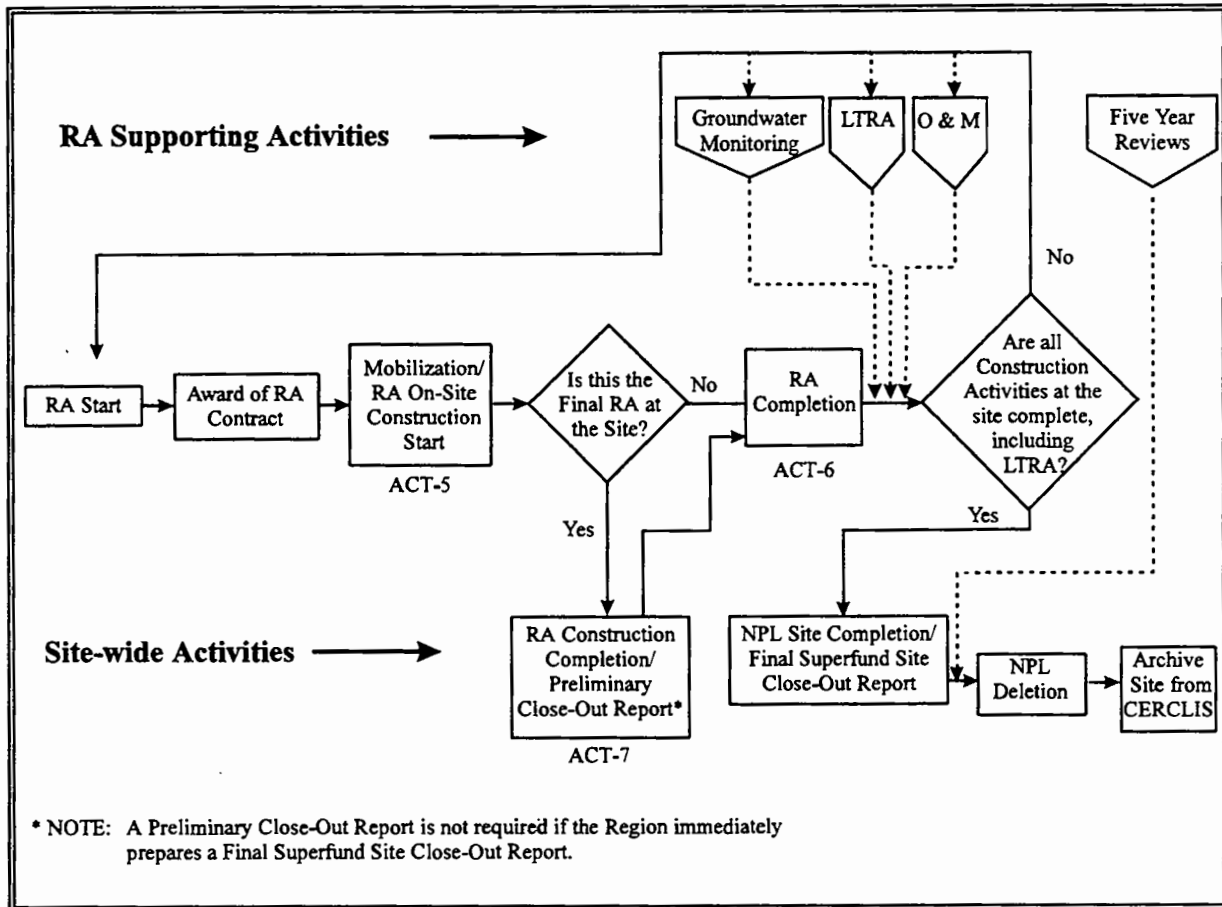
**Changes in Definition FY 96 - FY 97:**

None

**Special Planning/Reporting Requirements:**

This is a SCAP reporting measure. Accomplishment data will be reported through the EI module in CERCLIS.

**EXHIBIT B.2  
LONG-TERM ACTION FLOW CHART**



**EXHIBIT B.3 (1 OF 7)**  
**EARLY AND LONG-TERM ACTION PLANNING REQUIREMENTS**

Planning Requirements	Community Relations	Support Agency Assistance	Technical Assistance Grants (TAGs)
SCAP Planning or Reporting Measure?	-	-	-
Internal Planning or Reporting Measure?	-	-	-
Planned Site-Specifically?	Not Required	Not Required	Not Required
Planned/Reported on Operable Unit or Whole Site Basis?	Operable Unit	Whole Site	Operable Unit
Reported Site-Specifically or in Non-site Specific Portion of CERCLIS?	Not Required	Not Required	Not Required
AOA Category, if Fund-Financed?	Site Characterization	Site Characterization	Other Response
AOA Category for Oversight?	Site Characterization	Site Characterization	Other Response or Federal Facility
Basis for AOA?	Site- or Non-Site Specific Plans	Site- or Non-Site Specific Plans	Site- or Non-Site Specific Plans

**EXHIBIT B.3 (2 OF 7)**  
**EARLY AND LONG-TERM ACTION PLANNING REQUIREMENTS**

Planning Requirements	Technical Assistance	Treatability Study	Design Assistance
SCAP Planning or Reporting Measure?	-	-	-
Internal Planning or Reporting Measure?	-	-	-
Planned Site-Specifically?	Not Required	Not Required	Not Required
Planned/Reported on Operable Unit or Whole Site Basis?	Operable Unit	Operable Unit	Operable Unit
Reported Site-Specifically or in Non-site Specific Portion of CERCLIS?	Not Required	Not Required	Site-Specific
AOA Category, if Fund-Financed?	Other Response	Site Characterization	Site Characterization
AOA Category for Oversight?	Site Characterization	N/A	N/A
Basis for AOA?	Site- or Non-Site Specific Plans	Included with RI/FS or RD Funds	Site- or Non-Site Specific Plans

**NOTE:** Accomplishments are pulled from CERCLIS on a quarterly basis.

**EXHIBIT B.3 (3 OF 7)**  
**EARLY AND LONG-TERM ACTION PLANNING REQUIREMENTS**

Planning Requirements	RD Starts	RD Completions	RA Starts	RA Contract Award
SCAP Planning or Reporting Measure?	-	-	-	-
Internal Planning or Reporting Measure?	Planning	Planning	Planning	Planning
Planned Site-Specifically?	Yes	Yes	Yes	Yes
Planned/Reported on Operable Unit or Whole Site Basis?	Operable Unit	Operable Unit	Operable Unit	Operable Unit
Reported Site-Specifically or in Non-site Specific Portion of CERCLIS?	Site-Specific	Site-Specific	Site-Specific	Site-Specific
AOA Category, if Fund-Financed?	Site Characterization	N/A	Remedial Action	N/A
AOA Category for Oversight?	Site Characterization	N/A	Site Characterization	N/A
Basis for AOA?	Site-Specific Plans	N/A	Site-Specific Plans	N/A

**EXHIBIT B.3 (4 OF 7)**  
**EARLY AND LONG-TERM ACTION PLANNING REQUIREMENTS**

Planning Requirements	ACT-5 Sites Addressed Through Early or Long-Term Actions	ACT-6 Early and Long-Term Action Completions	ACT-7 NPL Site Construction Completions Through Early Action, Long-Term Actions, or RODs
SCAP Planning or Reporting Measure?	Reporting	Reporting	Planning and Reporting
Internal Planning or Reporting Measure?	-	-	-
Planned Site-Specifically?	Yes	Yes	Yes
Planned/Reported on Operable Unit or Whole Site Basis?	Operable Unit	Operable Unit	Whole Site
Reported Site-Specifically or in Non-site Specific Portion of CERCLIS?	Site-Specific	Site-Specific	Site-Specific
AOA Category, if Fund-Financed?	Removal or Remedial Action	N/A	N/A
AOA Category for Oversight?	Site Characterization	N/A	N/A
Basis for AOA?	Site- or Non-Site Specific Plans	N/A	N/A

**NOTE:** Accomplishments are pulled from CERCLIS on a quarterly basis.

**EXHIBIT B.3 (5 OF 7)**  
**EARLY AND LONG-TERM ACTION PLANNING REQUIREMENTS**

Planning Requirements	Operational and Functional (O&F)	Long-Term Response Actions (LTRA)	NPL Site Completions
SCAP Planning or Reporting Measure?	-	-	-
Internal Planning or Reporting Measure?	-	-	-
Planned Site-Specifically?	No	Yes	Yes
Planned/Reported on Operable Unit or Whole Site Basis?	Operable Unit	Operable Unit	Whole Site
Reported Site-Specifically or in Non-site Specific Portion of CERCLIS?	Site-Specific	Site-Specific	Site-Specific
AOA Category, if Fund-Financed?	N/A	Remedial Action	N/A
AOA Category for Oversight?	N/A	Site Characterization	N/A
Basis for AOA?	N/A	Site-Specific Plans	N/A

**EXHIBIT B.3 (6 OF 7)**  
**EARLY AND LONG-TERM ACTION PLANNING REQUIREMENTS**

Planning Requirements	Groundwater Monitoring	Operation and Maintenance (O&M)	Five-Year Reviews Started
SCAP Planning or Reporting Measure?	-	-	Reporting
Internal Planning or Reporting Measure?	-	-	-
Planned Site-Specifically?	Yes	Yes	Yes
Planned/Reported on Operable Unit or Whole Site Basis?	Operable Unit	Operable Unit	Whole Site
Reported Site-Specifically or in Non-site Specific Portion of CERCLIS?	Site-Specific	Site-Specific	Site-Specific
AOA Category, if Fund-Financed?	Site Characterization	N/A	Remedial Action
AOA Category for Oversight?	Site Characterization	Site Characterization	Site Characterization
Basis for AOA?	Site-Specific Plans	Site-Specific Plans	Site-Specific Plans

**NOTE:** Accomplishments are pulled from CERCLIS on a quarterly basis.



**EXHIBIT B.3 (7 OF 7)**  
**EARLY AND LONG-TERM ACTION PLANNING REQUIREMENTS**

Planning Requirements	Five-Year Review Completion	NPL Partial Deletion	Final NPL Deletion Initiation	EI-1 Progress Through Environmental Indicators
SCAP Planning or Reporting Measure?	-	-	-	Reporting
Internal Planning or Reporting Measure?	-	-	-	-
Planned Site-Specifically?	Yes	Yes	Yes	No
Planned/Reported on Operable Unit or Whole Site Basis?	Whole Site	Portion of Site as Identified	Whole Site	Whole Site
Reported Site-Specifically or in Non-site Specific Portion of CERCLIS?	Site-Specific	Site-Specific	Site-Specific	Site-Specific
AOA Category, if Fund-Financed?	N/A	N/A	N/A	N/A
AOA Category for Oversight?	N/A	N/A	N/A	N/A
Basis for AOA?	N/A	N/A	N/A	N/A

**NOTE:** Accomplishments are pulled from CERCLIS on a quarterly basis.

## **Appendix C: Enforcement**

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## Appendix C Enforcement

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**Appendix C  
Enforcement**

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## **APPENDIX C ENFORCEMENT FY 97 SCAP TARGETS AND MEASURES**

### ***OVERVIEW***

The Superfund Comprehensive Accomplishments Plan (SCAP) is used by the Assistant Administrator for the Office of Solid Waste and Emergency Response (AA SWER), Assistant Administrator for the Office of Enforcement and Compliance Assurance (AA OECA), and senior Superfund managers to monitor the administrative progress each Region is making towards achieving its Superfund goals. Superfund cleanup results are tracked through targets and measures at the SCAP level as well as internal reporting measures. Those Superfund activities not tracked at the SCAP level are monitored for internal management purposes by Headquarters (HQ).

The differences between SCAP targets and measures remain the same (i.e., a pre-determined numerical goal versus an activity deemed essential to tracking overall program progress, respectively). SCAP accomplishments will be pulled from CERCLIS on a quarterly basis. Planning measures are used to project the number of events and activities that each Region expects to perform during the year using anticipated resources. Reporting measures simply track the number of events and activities that occur throughout the year and are used to evaluate overall progress through the cleanup pipeline. Planning measures also report accomplishments.

The following pages contain, in pipeline order, the definitions of the FY 97 enforcement SCAP measures, internal management planning and reporting, and enforcement project support activities. Exhibit C.1 displays the full list of enforcement activities defined in this Appendix. Exhibit C.2, at the end of this Appendix, identifies planning requirements for these enforcement activities.

This appendix has been expanded to include the enforcement Measures of Success that were devised by HQ in consultation with the Regions. These measures, which can be found following the description of the existing SCAP measures, have been developed to respond to an increasing demand for information that is not currently tracked or reported through the SCAP process. By supplementing the existing SCAP targets and measures with these Measures of Success, the program hopes to produce a more complete picture of enforcement-related successes and accomplishments at Superfund sites than is currently available. In FY 97, new "Measures of Success" have been added to address compliance monitoring and the October 1995 Superfund Reforms. Specific enforcement Measures of Success definitions and reporting requirements are contained in this appendix.

In addition to the measures in this manual, the Regions should continue to provide information regarding PRPs and Compliance Monitoring as requested in OSWER directives. Upon implementation of CERCLIS 3, this information should be entered into that system.



**EXHIBIT C.1**  
**ENFORCEMENT ACTIVITIES**

ACTIVITY	SCAP	INTERNAL
Potentially Responsible Party (PRP) Search Starts	-	Reporting
PRP Search Completions	-	Reporting
Section 104(e) Letters Issued	-	Reporting
Section 104(e) Referrals and Orders Issued	-	Reporting
Issuance of General Notice Letters (GNLs)	-	Reporting
Issuance of Special Notice Letters (SNLs)	-	Reporting
ENF-1 Duration from Regional Decision or Record of Decision (ROD) to PRP Cleanup Negotiation Completion	-	Reporting
Expanded Site Inspection/Remedial Investigation/Feasibility Study (ESI/RI/FS) Negotiation Starts	-	Reporting
Remedial Design/Remedial Action (RD/RA) Negotiation Starts	Measure	-
ENF-2 Cleanup Negotiation Completions	Target	-
State Orders for ESI/RI/FS	-	Reporting
State Consent Decree for RD/RA	-	Reporting
ENF-3 Settlements for Cleanup Actions (including dollar value)	Measure	-
ENF-4 Section 122(g) Settlements and Number of Parties	Target	-
ENF-5 Percentage of PRP Lead Cleanup Actions to All Cleanup Actions	Measure	-
Section 106, 106/107, 107 Case Resolution	Measure	-
Administrative Record Compilation Completion	-	Reporting
Issue Demand Letter	-	Reporting
Cost Recovery Actions/Decisions < \$200K	-	Reporting
ENF-6 Past Costs Addressed $\geq$ \$200,000	Target	-

**NOTE:** Accomplishments are pulled from CERCLIS on a quarterly basis. Internal measures are planned and reported quarterly.

## ***ENFORCEMENT TARGET AND MEASURE DEFINITIONS***

**Note:** CERCLIS coding requirements contained in the definitions are only for key data elements. For a full list of requirements and suggested data elements, see the *SCAP Quick Reference Coding Guide* and the *Enforcement Data Quality Manual*.

## ***POTENTIALLY RESPONSIBLE PARTY (PRP) SEARCH STARTS***

### **Definition:**

A PRP search identifies PRPs at the site. At all sites, the PRP search activities should be initiated as soon as possible after the Region decides that a response (removal or remedial) action is likely to be required at the site. For remedial sites it should be initiated 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 an ESI/RI, or RI/FS, or early or long-term action.

### **Definition of Accomplishment:**

If the National Priorities List (NPL) PRP search (Action Name = NPL RP Search) or non-NPL PRP search (Action Name = Non-NPL PRP Search) is being conducted by a contractor, the actual start date (Actual Start) is considered to be the date the work assignment is signed by the Contracting Officer (CO). If it is conducted by EPA in-house, the actual start date (Actual Start) is the date EPA staff develop the PRP search plan. The start is documented by the written work plan. For non-NPL removal PRP search, the start is the initiation of title search through procurement request or Work Assignment.

### **Changes in Definition FY 96 - FY 97:**

Added additional information on non-NPL removal PRP searches.

### **Special Planning/Reporting Requirements:**

PRP searches (Action Name = Non-NPL PRP Search or NPL RP Search) are planned and funds requested on a site or non-site specific basis. Non-site specific projections for PRP searches are entered through the Program Management, NSI screens. PRP search starts is an internal reporting measure.

## ***PRP SEARCH COMPLETIONS***

### **Definition:**

A PRP search completion constitutes the completion of the activities taken by the Region to identify PRPs at a site. In conducting the PRP search, the Region must consider which of the criteria outlined below are cost effective and reasonable to meet relative to the anticipated overall cleanup costs at the site. Upon completion, Regions should document to the site file that they have met all reasonable achievable criteria. Criteria 1 is mandatory for all PRP search completions. The PRP search should ideally be completed prior to completion of cleanup negotiations; however, it is recognized that this may not be achievable in all situations.

The recommended criteria for a thorough PRP search are:

1. *Initiate a dialogue with early identified PRPs for the purpose of cooperative development of PRP search plans;*
2. Collect the financial data and contribution data needed to perform equitable share settlement;
3. Follow-up on all leads as a way to identify parties to the site;

4. Make *de minimis* and *de micromis* determinations for all parties at the site;
5. Categorize all parties [e.g., Generator/Transporter, Owner/Operator, Small Business (\$2 million or less gross annual revenue and 25 or less employees), Municipal Solid Waste Contributor, etc.]; and
6. Perform a financial viability determination on all recalcitrant parties and PRPs asserting ability-to-pay problems.

**Definition of Accomplishment:**

The PRP search (Action Name = NPL RP Search or Non-NPL PRP Search) is complete when all applicable activities described in the Agency's PRP Search Manual (revised FY 96) have been completed, a PRP search outcome report with a list of PRPs has been prepared, and the actual completion date (Actual Complete) and the outcome (Qualifier) of the search have been entered into CERCLIS. If no PRPs are found, the actual completion date (Actual Complete) and the outcome of the search (Qualifier) also are entered into CERCLIS. This definition applies to both Phase I (single owner, operator site) and Phase II (multi-generator site) PRP searches.

**Changes in Definition FY 96 - FY 97:**

Language added to Definition clarifying the criteria for a thorough PRP search.

**Special Planning/Reporting Requirements:**

PRP search completions (Action Name = Non-NPL PRP Search or NPL RP Search) are planned on a site- or non-site specific basis. The search outcome (Qualifier) is to be entered into CERCLIS. The number of PRPs found is system generated by entering and associating PRPs with sites and selecting an Identification Source of "PRP Search." Non-site specific projections for PRP searches are entered through the Program Management, NSI screens. PRP search completions is an internal reporting measure.

***SECTION 104(E) LETTERS ISSUED***

**Definition:**

This is a letter issued under Section 104(e) of the Superfund Amendments and Reauthorization Act of 1986 (SARA). It requests information from PRPs on matters such as: the nature and extent of a release or threatened release at a site; the nature and quantity of hazardous materials at the site; financial indemnification; and financial ability of the PRP to pay for possible response actions.

**Definition of Accomplishment:**

This activity is accomplished on the date the information request letter is signed by the appropriate EPA official and entered into CERCLIS as a subaction [Subaction Name = Issue Req Ltrs - (104e)] to an applicable enforcement action (Action Name = Non-NPL PRP Search or NPL RP Search,) with an actual subaction completion date (Actual Complete).

**Changes in Definition FY 96 - FY 97:**

None

**Special Planning/Reporting Requirements:**

Issuance of 104(e) letters will continue to be recorded at the subaction level [Subaction Name = Issue Req Ltrs - (104e)] under the PRP Search enforcement action (Action Name = Non-NPL PRP Search or NPL PRP Search), with a subaction actual completion date (Actual Complete). Section 104(e) letters issued is an internal reporting measure.

***SECTION 104(E) REFERRALS AND ORDERS ISSUED*****Definition:**

Section 104(e) referrals/orders are enforcement actions to compel PRPs to respond to EPA requests for information or to obtain site access.

**Definition of Accomplishment:**

The date of the memo from the Regional Administrator transmitting the Section 104(e) referral to HQ or to the Department of Justice (DOJ) is recorded in CERCLIS as the actual start date (Actual Start) of the Section 104(e) referral (Action Name = Section 104(e) Ref. Litigation). The date a Section 104(e) order [generally under the auspices of a Unilateral Administrative Order (UAO)] is signed by the Regional Administrator is recorded in CERCLIS as the actual completion date (Actual Complete) of the UAO (Action Name = Unilateral Admin Order).

**Changes in Definition FY 96 - FY 97:**

None

**Special Planning/Reporting Requirements:**

The actual start date (Actual Start) of the referral (Action Name = Section 104(e) Ref. Litigation) or the actual completion date (Actual Complete) of the order (Action Name = Unilateral Admin Order) is entered into CERCLIS site-specifically. The Law/Section reported in CERCLIS should be "CERCLA 104E" (Law/Section = CERCLA 104E). This is an internal reporting measure.

***ISSUANCE OF GENERAL NOTICE LETTERS (GNLs)*****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:**

This activity is accomplished on the date the GNL is signed by the appropriate EPA official and entered into CERCLIS as a subaction (Subaction Name = Notice Letters Issued) to a PRP Search or Negotiation action with an actual subaction completion date (Actual Complete).

**Changes in Definition FY 96 - FY 97:**

None

**Special Planning/Reporting Requirements:**

General Notice Letters are recorded at the subaction level. They are an internal reporting measure.

***ISSUANCE OF SPECIAL NOTICE LETTERS (SNLs)*****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(e) 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 (ESI/RI/FS, RD, RA, early action under remedial authority, groundwater monitoring/institutional controls) and can be extended if necessary.

**Definition of Accomplishment:**

This activity is accomplished on the date the SNL is signed by the appropriate EPA official and entered into CERCLIS as a subaction (Subaction Name = Special Notice Issued) to a PRP Search or Negotiation action with an actual subaction completion date (Actual Complete). The date of issuance of the SNL also constitutes the start of cleanup negotiations, including RD/RA negotiations [Action Name = RI/FS Negotiations, RD/RA Negotiations, Negotiations (Generic), or Removal Negotiations].

**Changes in Definition FY 96 - FY 97:**

None

**Special Planning/Reporting Requirements:**

SNLs are recorded at the subaction level. Issuance of SNLs is an internal reporting measure.

***ENF-1 • DURATION FROM REGIONAL DECISION OR ROD TO PRP CLEANUP  
NEGOTIATION COMPLETION***

**Definition of Target/Measure:**

This measures the duration from the Regional decision to proceed with a time-critical or Non-Time Critical (NTC) early action (removal authority), or a ROD for an early action (remedial authority) (for NPL and non-NPL sites) or long-term action, to negotiation completion.

**Definition of Accomplishment:**

***Early Action (Removal Authority)***

The duration is measured from the date of a memo to the file documenting the Regional decision to perform an early action under removal authority to the negotiation completion date.

- The following information must be reported in CERCLIS for the Regional decision:
  - The actual completion date of the Regional decision (Subaction Name = RDT Decision) as a subaction to the point in the pipeline where the decision was made (Action Name = Preliminary Assessment, Site Inspection, Expanded Site Inspection, Integrated Assessment, or ESI/RI) ; and
  - The qualifier of “(W) Referred to the removal program for response” or “(F) Referred to the removal program but remedial response still required.”
- Negotiations [Action Name = Negotiations (Generic) or Removal Negotiations] for early actions (removal authority) are considered complete (Actual Complete) when:
  - An Administrative Order on Consent (AOC) or a UAO is signed by the Regional Administrator; or
  - A Consent Decree (CD) is referred to DOJ or HQ under Section 106 or 106/107; or
  - Funds are obligated for a Fund-financed removal. Funds are obligated when a contract modification is signed by the CO; or a Cooperative Agreement (CA) is signed by the designated Regional official; or an Interagency Agreement (IAG) is signed by the other Federal agency. If funds are not available and the Region determines a UAO is not appropriate, and HQ concurs in writing, the negotiation [Action Name = Negotiation (Generic) or Removal Negotiation] actual completion date (Actual Complete) is the date of the HQ memorandum concurring with the Regional decision.

**Note:** The “Response Action Sought” under the negotiations should be one of the removal actions planned at the site.

***Long-Term Action or Early Action (Remedial Authority)***

The duration is measured from the date the ROD (Action Name = Record of Decision) is signed (Actual Complete) by the Regional Administrator or the AA OSWER to the negotiation completion date.

Negotiation [Action Name = Negotiations (Generic) or RD/RA Negotiations] or the long-term action or early action (remedial authority) are complete (Actual Complete) when:

- A memo is signed by the Regional Administrator transmitting the signed CD under Section 106 or Section 106/107 and a 10-point analysis to DOJ or HQ; or
- A UAO for an early action (remedial authority), RD, RA, or groundwater monitoring/institutional controls is signed by the Regional Administrator; or
- A memo is signed by the Regional Administrator transmitting the Section 106 or 106/107 injunctive referral to DOJ or HQ to compel the PRPs to perform the cleanup [early action (remedial authority), RD, RA, groundwater monitoring/institutional controls] as specified in a UAO to DOJ or HQ; or
- EPA and the PRPs are notified by a memo from DOJ of the date on which they will proceed to trial under an existing case; or
- Funds are obligated through contract modification signed by the CO, the IAG signed by the other Federal agency, or CA signed by the appropriate Regional official for Fund-financed early action (remedial authority), RD, RA, or groundwater monitoring/institutional controls. If funds are not available and the Region determines a UAO is not appropriate, and HQ concurs in writing, the negotiation completion date is the date of the HQ memorandum concurring with the Regional decision.

**Note:** The applicable remedial “Response Actions Sought” under the negotiations are to be entered into CERCLIS.

Durations will be calculated for all PRP cleanup negotiations completed in FY 97. The durations for NPL and non-NPL sites will be tracked separately but recorded as a combined total.

**Changes in Definition FY 96 - FY 97:**

This changed from a SCAP measure to an internal reporting measure.

**Special Planning/Reporting Requirements:**

Data on duration will be developed using CERCLIS. The durations will be calculated using the ROD (Action Name = Record of Decision) actual completion date (Actual Complete) or the Regional decision (Subaction Name = RDT Decision) actual completion date (Actual Complete) and the cleanup negotiation [Action Name = Negotiation (Generic), RD/RA Negotiations, or Removal Negotiations] actual completion date (Actual Complete). In addition to the negotiation activity and the actual completion date, Regions also must enter the outcome (Outcome) of the negotiations, the “Response Actions Sought” through negotiations, and if applicable the “Response Actions Achieved” through the settlement. HQ will conduct the duration analysis.

Duration trends will continue to focus on good project management of critical events, and address the need for continuous improvement relative to meeting the program’s goal of accelerating cleanups and reducing risks. Duration data will be coupled with specific analyses of problem factors to determine the causes of delays. This measure will

not be used for performance evaluation purposes. For additional reporting requirements, see the Definition of Accomplishment. This is an internal reporting measure.

### ***ESI/RI/FS NEGOTIATION STARTS***

#### **Definition:**

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

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

ESI/RI/FS negotiations start when:

- The first SNL is signed by the appropriate EPA official. This date is reported in CERCLIS as the start (Actual Start) of negotiations [Action Name = Negotiations (Generic) or RI/FS Negotiations] and the completion (Actual Complete) of the SNL subaction (Subaction Name = Special Notice Issued); or
- A Section 122(a) waiver of SNL is signed by the appropriate EPA official with the intent to pursue negotiations without moratorium procedures. This date is reported in CERCLIS as the start (Actual Start) of negotiations [Action Name = Negotiations (Generic) or RI/FS Negotiations] and the completion (Actual Complete) of the SNL waiver subaction (Subaction Name = Notice of S 122 Waiver Issued).

#### **Changes in Definition FY 96 - FY 97:**

None

#### **Special Planning/Reporting Requirements:**

If the Region does not plan to perform ESI/RI/FS negotiations at a site, negotiation dates should not be placed in CERCLIS. The start of ESI/RI/FS negotiations [Action Name = Negotiations (Generic) or RI/FS Negotiations] should be planned site-specifically. The "Response Actions Sought" and "Response Actions to be Reimbursed" (if applicable) are to be entered into CERCLIS. ESI/RI/FS negotiation starts is an internal reporting measure.

### ***RD/RA NEGOTIATION STARTS***

#### **Definition:**

RD/RA negotiations are discussions between EPA and the PRPs on their liability, willingness, and ability to implement the long-term remedy selected in the ROD for the site or Operable Unit (OU).

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

RD/RA negotiations start when:

- The first SNL is signed by the appropriate EPA official. This date is reported in CERCLIS as the start (Actual Start) of negotiations [Action Name = Negotiations (Generic) or RD/RA Negotiations] and the completion (Actual Complete) of the SNL subaction (Subaction Name = Special Notice Issued); or
- A Section 122(a) waiver of SNL is signed by the appropriate EPA official with the intent to pursue negotiations without moratorium procedures. This date is reported in CERCLIS as the start (Actual Start) of negotiations [Action Name = Negotiations (Generic) or RD/RA Negotiations] and the completion (Actual Complete) of the SNL waiver subaction (Subaction Name = Notice of S 122 Waiver Issued).

**Changes in Definition FY 96 - FY 97:**

This changed from an internal planning and reporting measure to a SCAP measure.

**Special Planning/Reporting Requirements:**

If the Region does not plan to conduct RD/RA negotiations, dates should not be entered into CERCLIS. The start of RD/RA negotiations [Action Name = Negotiations (Generic) or RD/RA Negotiations] is planned site-specifically. The "Response Actions Sought" and "Response Actions to be Reimbursed" (if applicable) are to be entered into CERCLIS. RD/RA negotiation starts is a SCAP measure.

**ENF-2 • CLEANUP NEGOTIATION COMPLETIONS****Definition of Target/Measure:**

Cleanup negotiations are discussions between EPA and the PRPs on their liability, willingness, and ability to conduct the cleanup. Negotiations are complete (for NPL and NPL caliber sites) when a decision has been made as to how the Region will proceed with the cleanup.

**Definition of Accomplishment:**

Credit is given at *NPL sites* when:

- A signed CD under Section 106 or Section 106/107 and a 10-point analysis for RD, RA, groundwater monitoring/institutional controls, early action (remedial authority), or a time-critical or NTC early action (removal authority) is referred by the Regional Administrator to either DOJ or HQ. The negotiation [Action Name = Negotiations (Generic), RD/RA Negotiations, or Removal Negotiations] actual completion date (Actual Complete) is the date of the Regional Administrator's signed transmittal memo, which is the CD (Action Name = Consent Decree) actual start date (Actual Start); or
- An UAO for RD, RA, groundwater monitoring/institutional controls, early action (remedial authority), or a time-critical or NTC early action (removal authority) is signed by the Regional Administrator. The negotiation [Action Name = Negotiations (Generic), RD/RA Negotiations, or Removal Negotiations] actual completion date (Actual Complete) is the date (Actual Complete) the UAO (Action Name = Unilateral Admin Order) is signed; or
- A Section 106 or Section 106/107 injunctive referral to compel the PRP to perform the cleanup (RD or RA) as specified in a UAO is referred by the Regional Administrator to DOJ or HQ. The negotiation [Action Name = Negotiations (Generic) or RD/RA Negotiations] actual completion date (Actual Complete) is the date of the Regional Administrator's transmittal memo, which is the litigation [Action Name = Litigation (Generic), Section 106 & 107 Litigation, or Section 106 Litigation] actual start date (Actual Start); or
- A Prospective Purchaser Agreement (PPA) implementing the remedy is signed by the Regional Administrator. The negotiation [Action Name = Negotiations (Generic), Removal Negotiations or RD/RA Negotiations] actual completion date (Actual Complete) is the date the AOC or CA (Action Name = Admin Order on Consent or Consent Agreement and Enf. Instrument Category = Prospective Purchaser Agreement) is signed by the Regional Administrator.
- EPA and PRPs are notified by a memo from DOJ of the date on which they will proceed to trial under an existing case. The negotiation [Action Name = Negotiations (Generic) or RD/RA Negotiations] actual completion date (Actual Complete) is the same as the date (Actual Complete) the trial begins (Subaction Name = Trial Started); or
- An AOC for RD only or an AOC for groundwater monitoring/institutional controls is signed by the Regional Administrator. Where an AOC for RD only is issued, no credit will be given for the subsequent RA negotiation



starts and completions. Credit will be given under ENF-3, Settlements for Cleanup Actions, for the referral of a CD for RA to DOJ or HQ. The negotiation [Action Name = Negotiations (Generic) or RD/RA Negotiations] actual completion date (Actual Complete) is the date the AOC is signed by the Regional Administrator, which becomes the new AOC (Action Name = Admin Order on Consent) actual completion date (Actual Complete).

For amended AOCs, the "Amended Instrument" flag must be checked and the amendment date tracked under the AOC subaction, Enforcement Action Amended, with an actual completion date (Actual Complete); or

- An AOC for a time-critical or NTC early action (removal authority) is signed by the Regional Administrator. Both the start and completion dates of the negotiation action are required to get credit for the completion. The negotiation [Action Name = Negotiations (Generic) or Removal Negotiations] actual start date (Actual Start) is the date the written or verbal notice of potential liability is provided to the PRPs. The negotiation [Action Name = Negotiations (Generic) or Removal Negotiations] actual completion date (Actual Complete) is the date the AOC is signed by the Regional Administrator, which is the AOC (Action Name = Admin Order on Consent) actual completion date (Actual Complete); or
- Funds are obligated through a contract modification signed by the CO, an IAG signed by the other Federal agency, or a CA signed by the designated Regional official for a Fund-financed time-critical or NTC early action (removal authority), early action (remedial authority) or long-term action. The negotiation [Action Name = Negotiations (Generic), Removal Negotiations, or RD/RA Negotiations] actual completion date (Actual Complete) is the date funds are obligated. If funds are not available and the Region decides a UAO is not appropriate and HQ concurs (in writing), the negotiation [Action Name = Negotiations (Generic), Removal Negotiations, or RD/RA Negotiations] actual completion date (Actual Complete) is the date of the HQ memorandum concurring with the decision not to issue the UAO.

Credit is given at *NPL caliber* sites when:

- A signed CD under Section 106 or Section 106/107 and a 10-point analysis for RD, RA, groundwater monitoring/institutional controls, early action (remedial authority), or a time-critical or NTC early action (removal authority) is referred by the Regional Administrator to either DOJ or HQ. The negotiation [Action Name = Negotiations (Generic), RD/RA Negotiations, or Removal Negotiations] actual completion date (Actual Complete) is the date of the Regional Administrator's memo transmitting the CD to HQ, which is the CD (Action Name = Consent Decree) actual start date (Actual Start); or
- A UAO or an AOC to initiate a time-critical or NTC early action (removal authority) is signed by the Regional Administrator. Both the start and completion dates of the negotiation action are required to get credit for the completion. The negotiation [Action Name = Negotiations (Generic) or Removal Negotiations] actual completion date (Actual Complete) is the date the order is signed by the Regional Administrator, which is the AOC [Action Name = Admin Order on Consent] actual completion date (Actual Complete) or the UAO (Action Name = Unilateral Admin Order) actual completion date (Actual Complete); or
- Funds are obligated through contract modification signed by the CO, an IAG signed by the other Federal agency, or a CA signed by the designated Regional official for a Fund-financed time-critical or NTC early action (removal authority). The negotiation [Action Name = Negotiations (Generic), or Removal Negotiations] actual completion date (Actual Complete) is the date funds are obligated. If funds are not available and the Region decides a UAO is not appropriate and HQ concurs (in writing), the negotiation [Action Name = Negotiations (Generic) or Removal Negotiations] actual completion date (Actual Complete) is the date of the HQ memorandum concurring with the decision not to issue the UAO.

This measure will track and report NPL and NPL caliber sites separately.

**Changes in Definition FY 96 - FY 97:**

Negotiation completion credit will be given for Prospective Purchaser AOCs and CAs if the PPA is implementing the remedy.

**Special Planning/Reporting Requirements:**

This is a SCAP Target. Cleanup negotiation completions are planned site-specifically. The negotiation completion date is reported in CERCLIS as the actual completion date (Actual Complete) of either generic negotiations, RD/RA negotiations, or removal negotiations [Action Name = Negotiations (Generic), RD/RA Negotiations, or Removal Negotiations]. The "Response Actions Sought," the outcome of the negotiations [Outcome(s) Selected or Outcome Actions Selected], and the "Law/Section Selected" also must be reported in CERCLIS. Negotiation completion credit will be given for Prospective Purchaser AOCs and CAs if the PPA is implementing the remedy.

***STATE ORDER FOR ESI/RI/FS*****Definition:**

Administrative Order (AO) or CD signed by the State and the PRPs for the PRPs to conduct the ESI/RI/FS.

**Definition of Accomplishment:**

The date the last State official signs the order or CD. All CERCLIS coding requirements for AOs and CDs apply. The enforcement action type should be State decree or State order (Action Name = State Consent Decree or State Order) and the actual completion date should be entered in the "Actual Complete" field in CERCLIS. The "Response Actions Achieved" and "Response Actions to be Reimbursed" (if applicable) also must be reported in CERCLIS.

**Changes in Definition FY 96 - FY 97:**

None

**Special Planning/Reporting Requirements:**

See Definition of Accomplishment. Projections for AOs for ESI/RI/FS are made site-specifically. State orders for ESI/RI/FS is an internal reporting measure.

***STATE CONSENT DECREE FOR RD/RA*****Definition:**

Judicial agreement between the State and the PRPs fully or partially settling a claim under the Comprehensive Environmental Response, Compensation, and Liability Act (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 PRPs and all appropriate State officials. All CERCLIS coding requirements for CDs apply. The enforcement action should be State decree (Action Name = State Consent Decree) and the actual completion date should be entered in the "Actual Complete" field in CERCLIS. In addition, the "Response Actions Achieved" field must denote that the CD was issued for RD and/or RA or groundwater monitoring.

**Changes in Definition FY 96 - FY 97:**

None

### **Special Planning/Reporting Requirements:**

See Definition of Accomplishment. State CD for RD/RA is an internal reporting measure.

## ***ENF-3 • SETTLEMENTS FOR CLEANUP ACTIONS***

### **Definition of Target/Measure:**

Settlements are the enforcement actions through which the PRP agrees to conduct the cleanup work. This measure will require reporting of both the number of settlements as well as the estimated value of the response work for each of those settlement.

### **Definition of Accomplishment:**

*Settlements at NPL, NPL caliber, and non-NPL sites include:*

- A CD signed by the Regional Administrator and PRPs and 10-point analysis is transmitted by the Regional Administrator to DOJ and HQ, under Section 106 or 106/107 for PRPs to conduct or pay for the response action [ESI/RI, FS, RD, RA, groundwater monitoring/institutional controls, time-critical or NTC early action (removal authority) or early action (remedial authority)]. Credit for the CD referral (Action Name = Consent Decree) is given on the date on which the Regional Administrator's transmittal memo is sent to HQ or to DOJ as recorded in CERCLIS as the actual start date (Actual Start). This includes CDs for mixed funding and cashout settlements. The appropriate Enforcement Instrument Category (Enf Instrument Category = Cashout, or Mixed Work/Preauthorization, or Preauthorization, or Mixed Funding) also must be entered into CERCLIS; or
- A UAO is signed by the Regional Administrator for RD, RA, groundwater monitoring/institutional controls, time-critical or NTC early action (removal authority) or early action (remedial authority), and PRPs provide written notice of intent to comply with the UAO. Credit for UAOs is given on the date of the PRP's written notice of intent to comply with the order. This is reported in CERCLIS as the actual completion date (Actual Complete) of the notice of intent to comply subaction (Subaction Name = PRPs Ntfy EPA, Intent to Comply). The actual completion date (Actual Complete) of the order (Action Name = Unilateral Admin Order) is the date it is signed; or
- If a PRP initially complies with a UAO, and later a CD is agreed to for the same work, credit will be given for the UAO when the PRPs provide written notice of intent to comply. Credit will be given for the CD when it is referred by memo to HQ or DOJ. At this point the UAO is converted to a CD and Regions will receive credit for the CD only and not the UAO.

The compliance status (Compliance Status) for the UAO should be changed to "Converted to Consent Decree." The Region must revise the estimated value of work to be performed (Estimated Present Worth Value) to the actual value or estimated value of the work actually performed by the PRPs under the UAO (Estimated Present Worth Value). If the PRPs did not conduct any work under the UAO, the dollars associated with the "Estimated Present Worth Value" should be "0."

The Region also must report the estimated value of the work to be performed by the PRPs under the CD (Estimated Present Worth Value). The total estimated value of the PRP work is the sum of the dollars associated with the UAO and the dollars associated with the CD. To signify that the CD was the result of a UAO, the Region must check the converted UAO flag (Converted UAO?) when entering the CD. The Region also should enter the date on which the UAO was converted to a CD (Converted Date) and specify the UAO that was converted (Converted to Consent Decree or AOC); or

- A Section 106 or 106/107 injunctive referral to compel the PRP to perform the cleanup [RD, RA, early action (remedial authority), or NTC early action (removal authority)] as specified in a UAO is transmitted by the

Regional Administrator to DOJ or HQ. Credit for the referral [Action Name = Section 106 Litigation, or Section 106 & 107 Litigation, or Litigation (Generic)] is based on the date the Regional Administrator signs the transmittal letter as recorded in CERCLIS as the actual start date (Actual Start). The "Response Actions Sought" under the litigation should be the same as the "Response Actions Achieved" for the UAO; or

- An AOC is signed by the Regional Administrator for an ESI/RI, FS, time-critical or NTC early action (removal authority) or RD, or an existing AOC for ESI/RI, or FS is amended for RD only. The Region must notify HQ in writing of its intent to issue SNLs to initiate cleanup negotiations within a specified period after the AOC signature date. The date the Regional Administrator signs the new AOC (Action Name = Admin Order on Consent) is reported in CERCLIS as the actual completion date (Actual Complete). For amended AOCs, the amendment date should be reported as the actual completion date (Actual Complete) of the subaction "Enforcement Activity Amended." To signify that the AOC has been amended, the Region must check the amended instrument flag (Amended Instrument?). The Region also should indicate the "Response Actions Added" under the AOC.
- At NPL sites, settlement credit is given when a Prospective Purchaser Agreement (PPA) AOC or CA which implements the remedy is signed. The actual completion date (Actual Complete) is the date the AOC or CA (Action Name = Admin Order on Consent or Consent Agreement and Enf Instrument Category = Prospective Purchaser Agreement) is signed by the Regional Administrator. Amended AOCs will NOT receive settlement credit for PPAs.

Settlements will be reported as a combined total for CDs, AOCs, and UAOs (where the PRPs have provided written notice of their intent to comply).

### **Changes in Definition FY 96 - FY 97:**

Settlement credit will be given for a Prospective Purchaser AOC or CA if the PPA is implementing the remedy. Amended AOCs will not receive settlement credit for PPAs.

### **Special Planning/Reporting Requirements:**

See Definition of Accomplishment. The applicable "Response Actions Sought," under the injunctive referral, "Response Actions Achieved," under the settlement and "Response Actions to be Reimbursed" if the settlement includes cost recovery are to be reported in CERCLIS. For each settlement, the Region must enter the "Estimated Present Worth" of the response actions the PRPs are performing and, if necessary, the "Enf Instrument Category." If the settlement also includes cost recovery, the "Past Costs Achieved" and/or "Cashout Funds Achieved" should be entered in CERCLIS. This is a SCAP measure. Settlement credit will be given for a Prospective Purchaser AOC or CA if the PPA is implementing the remedy. Amended AOCs will not receive settlement credit for PPAs.

## **ENF-4 • SECTION 122(g) SETTLEMENTS AND NUMBER OF PRPs**

### **Definition of Target/Measure:**

This measure reports the total number of administrative or judicial settlements that are reached solely under Section 122(g) of SARA, with PRPs qualified as *de minimis* or *de micromis* under Section 122(g). This type of settlement results in PRPs paying a minor portion of the estimated 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 signed (issued) by the Regional Administrator after prior written approval from DOJ. If DOJ does not approve or disapprove the order within 30 days, the order is considered approved and can then be signed by the Regional Administrator. The DOJ and the Regional Administrator can agree to extend the 30-day period if necessary.

This measure counts the total number of *de minimis* and *de micromis* settlements under Section 122(g). The number of PRPs offered the settlement and those who settle also are tracked under this measure.

**Definition of Accomplishment:**

Credit is given for de minimis and de micromis Section 122(g) settlements in the following two categories. **Only the de minimis settlements (Category 1) are targeted.**

**Category 1a:** Total de minimis settlements and number of parties offered as well as signatories to each settlement:

- When an AOC (Action Name = Admin Order on Consent) is signed by the Regional Administrator, as reported in CERCLIS as the actual completion date (Actual Complete).
- When the Regional Administrator signs the memorandum transmitting the CD (Action Name = Consent Decree), signed by the de minimis parties to DOJ, as reported in CERCLIS as the actual start date (Actual Start).
- The number of signatories to the settlement will be system generated in CERCLIS from the identification of the PRPs associated with the settlement. The number of parties offered the settlement will be system generated from the number of de minimis PRPs that received a Special Notice Letter.

**Category 1b:** Early de minimis settlements and number of parties offered as well as signatories to each settlement:

- When an AOC (Action Name = Admin Order on Consent) is signed by the Regional Administrator prior to the first remedy selection (ROD) at the site, or prior to a subsequent ROD in which response costs are addressed by the settlement. The date the AOC is signed is reported in CERCLIS as the actual completion date (Actual Complete) of the AOC (Action Name = Admin Order on Consent).
- When the Regional Administrator signs the memorandum transmitting the CD (Action Name = Consent Decree), signed by the de minimis parties and the Regional Administrator, to DOJ prior to the first remedy selection (ROD) at the site, or prior to a subsequent ROD in which response costs are addressed by the settlement. The date the CD is signed is reported in CERCLIS as the actual start date (Actual Start) of the CD (Action Name = Consent Decree).
- The number of signatories to the settlement will be system generated in CERCLIS from the identification of the PRPs associated with the settlement. The number of parties offered the settlement will be system generated from the number of de minimis PRPs that received a Special Notice Letter.

**Category 2:** Total de micromis settlements and number of parties offered as well as signatories to each settlement:

- When an AOC (Action Name = Admin Order on Consent) is signed by the Regional Administrator, as reported in CERCLIS as the actual completion date (Actual Complete).
- When the Regional Administrator signs the memorandum transmitting the CD (Action Name = Consent Decree), signed by the de micromis parties and the Regional Administrator, to the DOJ, as reported in CERCLIS as the actual start date (Actual Start).
- The number of signatories to the settlement will be system generated in CERCLIS from the identification of the PRPs associated with the settlement. The number of parties offered the settlement will be system generated from the number of de micromis PRPs that received a Special Notice Letter.

The following information should be entered into CERCLIS for both Category 1 and Category 2 settlements:

- Type of settlement (Enf Instrument Category = De minimis, De minimis/Cashout, De micromis, or De micromis/Cashout); and

- Law/Section (Law/Section Selected = CERCLA 122G); and
- PRPs or PRP group that signed settlement (PRP Name or PRP Group Selected); and
- PRP involvement status (PRP Involvement Status = De minimis Party, or De micromis Party); and
- PRP Involvement Type (Owner, Generator, or Transporter); and
- Dollar amount that will be used for future or past work covered by the settlement [Past Costs Achieved and/or Cashout Funds Achieved (as applicable)].

### **Changes in Definition FY 96 - FY 97:**

Revised language to specify that only the number of *de minimis* and/or *de micromis* parties be reported. The previous definition allowed for reporting of all parties to the settlement. Added requirements for determining *de minimis* or *de micromis* parties that signed the settlement or received SNLs.

### **Special Planning/Reporting Requirements:**

See Definition of Accomplishment. Category 1 settlements are a SCAP target. Category 2 accomplishments count toward the Superfund Reform "Measures of Success" for *de micromis* settlements. While EPA will enter into *de micromis* settlements when requested, the ultimate measure of success of this policy will be that *de micromis* parties are no longer pursued and there is no need to enter into such settlements.

Since many *de minimis* and *de micromis* settlements are cashouts, Regions also must enter the Enforcement Instrument Category for "Cashout" (Enf Instrument Category = De minimis/Cashout or De micromis/ Cashout) and the Past Costs Achieved or Cashout Funds Achieved, where applicable.

The number of signatories to the settlement will be system generated in CERCLIS from the identification of the PRPs associated with the settlement. The number of parties offered the settlement will be system generated from the number of *de minimis* or *de micromis* PRPs that received a Special Notice Letter.

## ***ENF-5 • PERCENTAGE OF PRP LEAD CLEANUP ACTIONS TO ALL CLEANUP ACTIONS***

### **Definition of Target/Measure:**

This measure calculates the percentage of RP-lead cleanup actions (early and long-term) to all cleanup actions (early and long-term).

A RP-lead cleanup action is defined as those actions where PRPs or their contractor(s) have mobilized for implementation of the time-critical or NTC early action (removal authority) (Action Name = RP Removal Action and Action Critical Indicator = Time-Critical or Non-Time Critical) selected by the Region and reflected in the Action Memorandum (Action Name = RP Removal Action and Subaction Name = Approval of Action Memo or Removal Decision Doc); or early action (remedial authority) (Action Name = RP RA and Action Critical Indicator = Early Action), RD/RA (Action Name = RP RD or RP RA) or groundwater monitoring/institutional controls [Action Name = Grndwtr Monitor (Post-ROD) and Lead = RP or PS or MR] documented in a ROD (Action name = Record of Decision). The cleanup action must be performed in compliance with a Federal AOC, UAO, CD or judgement, or a State (PS-lead only) order or decree. A cleanup action that is taken over by the Fund due to substantial non-compliance will not be counted as a RP-lead cleanup action.

“All cleanup actions” is defined as those actions where EPA or EPA contractors, a State or State contractors, or PRP or PRP contractors have mobilized for construction of the time-critical or NTC early action (removal authority) (Action Name = Removal Action or RP Removal and Action Critical Indicator = Time Critical or Non-Time Critical) specified in the Action Memorandum (Subaction Name = Approval of Action Memo or Removal Decision Doc), or the response actions specified in the ROD (Action Name = Record of Decision) for early actions (remedial authority) (Action Name = Remedial Action or RP RA and Action Critical Indicator = Early Action), RD/RA (Action Name = Remedial Design, RP RD, Remedial Action or RP RA), or groundwater monitoring/institutional controls [Action Name = Grndwtr Monitoring (Post-ROD) and Lead = RP or PS or MR].

Accomplishments will be based on the start date (Actual Start) of the response action [time-critical or NTC early actions (removal authority), RD, RA, early action (remedial authority), or groundwater monitoring/institutional controls].

The percentage of RP-lead early and long-term actions will be tracked separately (by removal and remedial categories as well as by NPL and NPL caliber) but reported as a combined total.

**Definition of Accomplishment:**

See Definition of Target/Measure.

**Changes in Definition FY 96 - FY 97:**

None

**Special Planning/Reporting Requirements:**

See Definition of Target/Measure. Data for this measure will be obtained using CERCLIS. HQ will perform the analysis.

This is a SCAP 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 full settlement, final judgment, case dismissal, or case withdrawal.

**Definition of Accomplishment:**

Credit for case resolution is given when:

- A CD is entered in the court and signed by the judge fully addressing the complaint with all parties; or
- The Region receives a memo or letter from DOJ, withdrawing the case; or
- A decision document is submitted by the judge dismissing the case; or
- A trial has concluded and a judgment rendered and signed by the judge fully addressing the complaint.

The Litigation or case resolution (Action Name = Litigation (Generic), Section 106 & 107 Litigation, Section 107 Litigation, or Section 106 Litigation) actual completion date (Actual Complete) is defined as follows:

- Date full settlement CD is entered. This is the CD (Action Name = Consent Decree), Entered by the Court (Subaction Name = Entered by Court), and the litigation actual completion date (Actual Complete);
- Date case is withdrawn (Subaction Name = Case Withdrawn) as the subaction completion and litigation actual completion date (Actual Complete);
- Date case is dismissed (Subaction Name = Case Dismissed) as the subaction and litigation actual completion date (Actual Complete); or
- Date judgment is entered (Action Name = Judicial/Civil Judgment) as the judgment and the litigation actual completion date (Actual Complete).

### **Changes in Definition FY 96 - FY 97:**

This changed from an internal reporting measure to a SCAP measure.

### **Special Planning/Reporting Requirements:**

See Definition of Accomplishment. The Outcome Actions Selected or Outcome(s) Selected, "Response Actions Sought" or "Response Actions Achieved" with "Estimated Present Worth Value" and "Response Actions to be Reimbursed," with Future Costs Achieved and Past Costs Achieved or Amount Sought and Anticipated Future Costs) also must be entered into CERCLIS. This is a SCAP measure.

## ***ADMINISTRATIVE RECORD COMPILATION***

### **Definition:**

An administrative Record (AR) is a compilation of all documents EPA used to make a specific decision on the appropriate response action to be taken at a Superfund site, whether the document supports or opposes the Agency's selected action. SARA specifies that ARs be compiled at sites where responses under remedial or removal authority are planned or are occurring, or where EPA is issuing a UAO or initiating litigation.

### **Definition of Accomplishment:**

The AR compilation (Action Name = Administrative Records) begins when the letter is signed transmitting the AR to the site repository and the actual start date (Actual Start) is entered into CERCLIS. The AR compilation is complete when the certification of completion memo is signed by the program office and the actual completion date (Actual Complete) is entered into CERCLIS.

### **Changes in Definition FY 96 - FY 97:**

None

### **Special Planning/Reporting Requirements:**

The start and completion of the compilation of the AR must be reported site-specifically (Action Name = Administrative Record) in CERCLIS. An Action Qualifier must be reported to indicate whether the AR is for a remedial or a removal activity [Qualifier = (E) Admin Record Compiled For a Remedial Event, or (V) Admin Record Compiled For a Removal Event]. The completion of the Administrative Record Compilation is an internal reporting measure.



## ***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:**

This subaction is accomplished on the actual completion date (Actual Complete) the demand letter is signed by the appropriate EPA official and recorded in CERCLIS as a subaction (Subaction Name = Demand Letters Issued) under Negotiation Actions or the Administrative/Voluntary Cost Recovery.

### **Changes in Definition FY 96 - FY 97:**

None

### **Special Planning/Reporting Requirements:**

Demand letters are recorded at the subaction level (Subaction Name = Demand Letters Issued). This is an internal reporting measure.

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

### **Definition:**

Cost recovery actions/decisions taken are decisions to take cost recovery action by use of administrative cost recovery settlement, Section 106/107 or 107 judicial referral for cost recovery, preparation of a decision document or 10-point settlement analysis document not to pursue cost recovery, bankruptcy filing, cash out settlement that includes recovery of past costs, or initiation of debt collection procedures.

This category only includes cost recovery actions (at NPL and non-NPL sites) for reimbursement of Trust fund amounts of less than \$200,000.

### **Definition of Accomplishment:**

**Administrative Settlements** - 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 CERCLIS as the actual completion date (Actual Complete) of the administrative/voluntary cost recovery (Action Name = Admin/Voluntary Cost Recovery), AOC (Action Name = Admin Order on Consent), or Consent Agreement (Action Name = Consent Agreement).

**Section 107 or 106/107 Judicial Referrals** - Credit is given on the date of the Regional Administrator's memo transmitting the referral to HQ or DOJ [Action Name = Section 106 & 107 Litigation, Litigation (Generic), or Section 107 Litigation] as recorded in CERCLIS as the actual start date (Actual Start). This includes CD settlements (Action Name = Consent Decree) for RD/RA with a cost recovery component. CD settlements that are for cost recovery only and result from a previous litigation referral **do not** count towards the measure. The start date (Actual Start) for these actions is **not** reported in CERCLIS. Only the lodged (Subaction Name = Lodged by DOJ) and entered (Subaction Name = Entered by Court) subactions, their actual subaction completion dates (Actual Complete), and the actual completion date (Actual Complete) of the CD are recorded. The actual completion date of a CD settlement is the date it is entered by the court.

**Decision Documents Prepared not to Pursue Cost Recovery** - Credit is given when the decision document (Action Name = Cost Recvry Decsn Docmt - No Sue) is signed by the Regional office and recorded in CERCLIS as the actual

completion date (Actual Complete). The decision not to pursue cost recovery also may be documented in a 10-point settlement analysis. This decision is coded in CERCLIS with the enforcement instrument by checking the Cost Written Off flag and entering the Cost Write-Off information on the Cost Write-Off screen. The dollars that will not be recovered (Past Costs and Future Costs), and the "Response Action Costs Written Off" should be reported in CERCLIS on the Cost Write-Off screen.

**Bankruptcy Filing** - Credit is given based on the date that the bankruptcy strategy package is prepared or on the date of the first creditor committee meeting as documented by a summary of the meeting. These dates are reported in CERCLIS as the actual completion dates (Actual Complete) of the claim in bankruptcy action (Action Name = Claim in Bankruptcy and Subaction Name = Creditors Committee Meeting or Bankruptcy Strategy Package).

**Cashout Settlements** - Credit is given on the date of the Regional Administrator's memo transmitting the cashout CD to HQ or DOJ or when the Regional Administrator signs the AOC for the cashout settlement with a cost recovery component. The CD (Action Name=Consent Decree) actual start date (Actual Start) or the AOC (Action Name = Admin Order on Consent) actual completion date (Actual Complete) and the Enforcement Instrument Category of "Cashout" (Enf Instrument Category = Cashout) must be entered into CERCLIS. For each settlement, the Region must enter the following information into CERCLIS: "Past Costs Achieved," and/or "Cashout Funds Achieved," as well as "Response Actions to be Reimbursed," and/or "Other Activities for Cost Recovery."

**Initiation of Debt Collection Procedures** - Credit is given on the date the initial demand letter is signed by an EPA official invoking use of debt collection procedures. The date the letter is signed is reported in CERCLIS as the actual completion date (Actual Complete) of the demand letter (Subaction Name = Demand Letters Issued) and the actual completion date (Actual Complete) of the administrative/voluntary cost recovery (Action Name=Admin/Voluntary Cost Recovery). Debt collection subactions in CERCLIS are: "Collection Services," "Administrative Offset," and "Tax Refund Offset" (Subaction Name). These subactions are valid **only** for the action "Admin/Voluntary Cost Recovery" (Action Name). The Law/Section reported in CERCLIS should be "Debt Collection Act DCA" (Law/Section Selected).

### **Changes in Definition FY 96 - FY 97:**

None

### **Special Planning/Reporting Requirements:**

All dates must be entered into CERCLIS. 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. For each settlement, the Region must enter the following information into CERCLIS: "Past Cost Achieved," and/or "Cashout Funds Achieved," or "Amount Sought" and/or "Anticipated Future Costs" as well as "Response Actions to be Reimbursed" and/or "Other Activities for Cost Recovery" flag, or "Past Costs" (Costs Written Off) and/or "Future Costs" (Costs Written Off) and "Response Action Costs Written Off". This is an internal reporting measure.

### **ENF-6 • PAST COSTS ADDRESSED ≥ \$200,000**

#### **Definition of Target/Measure:**

Past costs addressed ≥ \$200,000 is the decision to take cost recovery action by use of administrative cost recovery settlement, Section 106/107 or 107 judicial referral for cost recovery, settlement for past costs under a CD (with no prior litigation referral), preparation of a decision document or 10-point settlement analysis document not to pursue cost recovery, bankruptcy filing, cashout settlement that includes recovery of past costs, or initiation of debt collection procedures.

completion date (Actual Complete). The decision not to pursue cost recovery also may be documented in a 10-point settlement analysis. This decision is coded in CERCLIS with the enforcement instrument by checking the Cost Written Off flag and entering the Cost Write-Off information on the Cost Write-Off screen. The dollars that will not be recovered (Past Costs and Future Costs), and the "Response Action Costs Written Off" should be reported in CERCLIS on the Cost Write-Off screen.

**Bankruptcy Filing** - Credit is given based on the date that the bankruptcy strategy package is prepared or on the date of the first creditor committee meeting as documented by a summary of the meeting. These dates are reported in CERCLIS as the actual completion dates (Actual Complete) of the claim in bankruptcy action (Action Name = Claim in Bankruptcy and Subaction Name = Creditors Committee Meeting or Bankruptcy Strategy Package).

**Cashout Settlements** - Credit is given on the date of the Regional Administrator's memo transmitting the cashout CD to HQ or DOJ or when the Regional Administrator signs the AOC for the cashout settlement with a cost recovery component. The CD (Action Name=Consent Decree) actual start date (Actual Start) or the AOC (Action Name = Admin Order on Consent) actual completion date (Actual Complete) and the Enforcement Instrument Category of "Cashout" (Enf Instrument Category = Cashout) must be entered into CERCLIS. For each settlement, the Region must enter the following information into CERCLIS: "Past Costs Achieved," and/or "Cashout Funds Achieved," as well as "Response Actions to be Reimbursed," and/or "Other Activities for Cost Recovery."

**Initiation of Debt Collection Procedures** - Credit is given on the date the initial demand letter is signed by an EPA official invoking use of debt collection procedures. The date the letter is signed is reported in CERCLIS as the actual completion date (Actual Complete) of the demand letter (Subaction Name = Demand Letters Issued) and the actual completion date (Actual Complete) of the administrative/voluntary cost recovery (Action Name=Admin/Voluntary Cost Recovery). Debt collection subactions in CERCLIS are: "Collection Services," "Administrative Offset," and "Tax Refund Offset" (Subaction Name). These subactions are valid **only** for the action "Admin/Voluntary Cost Recovery" (Action Name). The Law/Section reported in CERCLIS should be "Debt Collection Act DCA" (Law/Section Selected).

### **Changes in Definition FY 96 - FY 97:**

None

### **Special Planning/Reporting Requirements:**

All dates must be entered into CERCLIS. 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. For each settlement, the Region must enter the following information into CERCLIS: "Past Cost Achieved," and/or "Cashout Funds Achieved," or "Amount Sought" and/or "Anticipated Future Costs" as well as "Response Actions to be Reimbursed" and/or "Other Activities for Cost Recovery" flag, or "Past Costs" (Costs Written Off) and/or "Future Costs" (Costs Written Off) and "Response Action Costs Written Off". This is an internal reporting measure.

### **ENF-6 • PAST COSTS ADDRESSED $\geq$ \$200,000**

#### **Definition of Target/Measure:**

Past costs addressed  $\geq$  \$200,000 is the decision to take cost recovery action by use of administrative cost recovery settlement, Section 106/107 or 107 judicial referral for cost recovery, settlement for past costs under a CD (with no prior litigation referral), preparation of a decision document or 10-point settlement analysis document not to pursue cost recovery, bankruptcy filing, cashout settlement that includes recovery of past costs, or initiation of debt collection procedures.

This measure includes cost recovery actions (at NPL and non-NPL sites) for reimbursement of Trust funds amounts of greater than or equal to \$200,000. It is vital to the management of the cost recovery program that sites with upcoming Statute of Limitations (SOLs) be addressed prior to the expiration of the SOL. Therefore, Regions will not be allowed to substitute FY 97 targeted sites that have SOLs occurring in FY 97 or before.

### **Definition of Accomplishment:**

**Administrative Settlements** - 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 the Regional Administrator signs the AOC or CA that recovers 100 percent of the Trust Fund expenditures or settles a claim where the total response cost are less than \$500,000. The accomplishment of the administrative settlement is recorded in CERCLIS as the actual completion date (Actual Complete) of the administrative/voluntary cost recovery (Action Name = Admin/Voluntary Cost Recovery,) AOC (Action Name = Admin Order on Consent,) or CA (Action Name = Consent Agreement). If the settlement is compromised and total response costs are more than \$500,000, the AOC must be sent to DOJ for approval prior to signature by the Regional Administrator.

**Section 107 or 106/107 Judicial Referrals** - Credit is given on the date of the Regional Administrator's memo transmitting the referral to HQ or DOJ [Action Name = Litigation (Generic), Section 107 Litigation, or Section 106 & 107 Litigation] as recorded in CERCLIS as the actual start date (Actual Start). This includes CD settlements (Action Name = Consent Decree) for RD/RA with a cost recovery component. CD settlements that are for cost recovery only and result from a previous litigation referral **do not** count towards this target. The start date (Actual Start) for these actions is **not** reported in CERCLIS. Only the lodged (Subaction Name = Lodged by DOJ) and entered (Subaction Name = Entered by Court) subactions, the subaction actual completion date (Actual Complete), and the actual completion date (Actual Complete) of the CD are recorded. The actual completion date of a CD settlement is the date it is entered by the court.

**Decision Documents Prepared not to Pursue Cost Recovery** - Credit is given when the decision document (Action Name = Cost Recvry Decsn Docmt - No Sue) is signed by the Regional office and recorded in CERCLIS as the actual completion date (Actual Complete). The decision not to pursue cost recovery also may be documented in a 10-point settlement analysis. This decision is coded in CERCLIS with the enforcement instrument by checking the Cost Written Off flag and entering the Cost Write-Off information on the Cost Write-Off screen. The dollars that will not be recovered (Past Costs and Future Costs), and the "Response Action Costs Written Off" should be reported in CERCLIS on the Cost Write-Off screen.

**Bankruptcy Filing** - Credit is given based on the date that the bankruptcy strategy package is prepared or on the date of the first creditor committee meeting as documented by a summary of the meeting. These dates are reported in CERCLIS as the actual completion date (Actual Complete) of the claim in bankruptcy action (Action Name = Claim in Bankruptcy and Subaction Name = Creditors Committee Meeting, or Bankruptcy Strategy Package).

**Cashout Settlements** - Credit is given on the date of the Regional Administrator's memo transmitting the cashout CD to HQ or DOJ or when the Regional Administrator signs the AOC for the cashout settlement with a cost recovery component of greater than or equal to \$200,000 as recorded in CERCLIS. The CD (Action Name = Consent Decree) actual start date (Actual Start) or the AOC (Action Name = Admin Order on Consent) actual completion date (Actual Complete) and the Enforcement Instrument Category of "Cashout" (Enf Instrument Category = Cashout) must be entered into CERCLIS. The AOC must be sent to DOJ for approval if the total site cost exceeds \$500,000. Credit is given for only those cashout settlements which include a cost recovery component recovering \$200,000 or more in past costs. For each settlement, the Region must enter the following information into CERCLIS: "Past Costs Achieved," and/or "Cashout Funds Achieved," as well as "Response Actions to be Reimbursed," and/or "Other Activities for Cost Recovery."

***Initiation of Debt Collection Procedures*** - Credit is given on the date the initial demand letter is signed by an EPA official invoking use of debt collection procedures. The date the letter is signed is reported in CERCLIS as the actual completion date (Actual Complete) of the demand letter (Subaction Name = Demand Letters Issued) and the actual completion date (Actual Complete) of the administrative/voluntary cost recovery (Action Name= Admin/Voluntary Cost Recovery). Debt collection subactions in CERCLIS are: "Collection Services," "Administrative Offset," and "Tax Refund Offset" (Subaction Name). These subactions are valid **only** for the action "Admin/Voluntary Cost Recovery" (Action Name). The Law/Section reported in CERCLIS should be "Debt Collection Act DCA" (Law/Section Selected).

**Changes in Definition FY 96 - FY 97:**

None

**Special Planning/Reporting Requirements:**

See Definition of Accomplishment. All dates must be entered into CERCLIS. 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. For each settlement, the Region must enter the following information into CERCLIS: "Past Costs Achieved" and/or "Cashout Funds Achieved," or "Amount Sought" and/or "Anticipated Future Costs" as well as "Response Actions to be Reimbursed" and/or "Other Activities for Cost Recovery" flag, or "Past Costs" (Costs Written Off) and/or "Future Costs" (Costs Written Off) and "Response Action Costs Written Off." This is a SCAP target.

## **ENFORCEMENT MEASURES OF SUCCESS FY 97**

### ***OVERVIEW OF SUPERFUND REFORMS MEASURES OF SUCCESS***

Over the past several years, EPA's Superfund Enforcement Program has been very successful in reaching settlements with PRPs. As a result of these efforts, PRPs now conduct the majority of cleanups throughout the United States, and Trust Fund monies have been highly leveraged. PRP site cleanup commitments have exceeded \$1 billion per year for three of the past five years.

Despite this success, however, the Superfund program has been criticized in the past by the Inspector General (IG), Government Accounting Office (GAO), the PRP community, and the general public for failing to have a successful program. To improve the Superfund program prior to reauthorization by the U.S. Congress, EPA has issued three rounds of administrative reforms. These rounds highlight enforcement reforms, improved cleanup effectiveness and efficiency, expanded community involvement and environmental justice, and enhanced State and local government roles in the Superfund program. In October 1995, EPA issued the third round of Superfund Reforms. These reforms were intended to assist Regions, State and local governments, communities, and private parties involved in Superfund cleanups. In the enforcement area, the main emphasis was to increase fairness in the enforcement process and to reduce transaction costs.

The initial Measures of Success (MOS) were developed in FY 96 to address these reform requirements. Additional measures are being added in FY 97 to address the third round of reforms. The Measures of Success will eventually supplement and possibly replace some of the existing SCAP targets/measures. These measures seek to provide a more complete picture of enforcement-related successes and accomplishments at Superfund sites.

**Note:** Information that is in bold, and italicized, type is currently being translated into discrete, reportable data elements. It cannot be reported in CERCLIS 3 at the time of distribution of this manual, but all reporting requirements will be met by the time CERCLIS 3 is implemented in all Regions.

### ***ENFORCEMENT MEASURES OF SUCCESS DEFINITIONS***

#### ***USE OF ALTERNATIVE DISPUTE RESOLUTION (ADR)***

##### **Definition:**

This measure reports the number of sites where ADR techniques are employed in an attempt to reach settlement under CERCLA. ADR is a tool that is being used to increase enforcement fairness. This measure will report site-specific use of ADR.

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

Sites using ADR tools are divided into two categories:

- Sites where the Agency employs and funds ADR in the CERCLA process; and
- Sites where the Agency supports private party use of ADR in the CERCLA process.

Valid ADR activities include:

- ***Allocation of shares of Responsibility*** - Credit is given on the date that the parties involved choose a neutral allocator. The date on which the allocator is chosen is recorded in CERCLIS as the actual start date (Actual Start) of the Alternative Dispute Resolution action. The ADR Type of "Allocation" should be entered into CERCLIS.
- ***Arbitration***- Credit is given on the date that the parties involved in binding or advisory negotiation (in a judicial setting) choose an arbitrator. The date on which the arbitrator is selected is recorded in CERCLIS as the actual start date (Actual Start) of the Alternative Dispute Resolution action. The ADR Type of "Arbitration" should be entered into CERCLIS.
- ***Convening***- Credit is given on the date that a neutral third party is selected to organize disputants for negotiations, assist them in the decision to use ADR, and assist in the selection of an ADR professional. The date on which the neutral third party is selected is recorded in CERCLIS as the actual start date (Actual Start) of the Alternative Dispute Resolution action. The ADR Type of "Convening" should be entered into CERCLIS.
- ***Fact Finding*** - Credit is given on the date that a specialized neutral party with subject matter expertise is selected to resolve technical or factual issues. The date that the specialized neutral party is selected is recorded in CERCLIS as the actual start date (Actual Start) of the Alternative Dispute Resolution action. The ADR Type of "Fact Finding" should be entered into CERCLIS.
- ***Mediation*** - Credit is given on the date that the parties select a neutral third party with no decision-making authority to assist during non-binding negotiations. The date on which the neutral party is selected is recorded in CERCLIS as the actual start date (Actual Start) of the Alternative Dispute Resolution action. The ADR Type of "Mediation" should be entered into CERCLIS.
- ***Mini-Trial***- Credit is given on the date that the involved parties begin the mini-trial. The date on which the mini-trial begins is recorded in CERCLIS as the actual start date (Actual Start) of the Alternative Dispute Resolution action. The ADR Type of "Mini-Trial" should be entered into CERCLIS.
- ***Neutral Evaluation*** - Credit is given on the date that a neutral party is selected to assist a negotiation team in evaluating the potential for settlement or use of ADR professionals. The date on which the neutral party is selected is recorded in CERCLIS as the actual start date (Actual Start) of the Alternative Dispute Resolution action. The ADR Type of "Neutral Evaluation" should be entered into CERCLIS.
- ***Settlement Judge*** - Credit is given on the date that a settlement judge (other than the one hearing the case) is selected (or agreed upon ) to act as a mediator during the negotiation and settlement discussions of the parties. The date on which the settlement judge is selected is recorded in CERCLIS as the actual start date (Actual Start) of the Alternative Dispute Resolution action. The ADR Type of "Settlement Judge" should be entered into CERCLIS.

#### **Changes in Definition FY 96 - FY 97:**

None

#### **Special Planning/Reporting Requirements:**

The following information must be reported in CERCLIS to receive credit for this measure. This is a Federal-enforcement lead (FE) activity with an action name of "Alternative Dispute Resolution" (Action Name). The appropriate "Response Actions Selected" indicating the actions being discussed during the ADR process should be entered into CERCLIS.

Credit will be based on the start date (Actual Start) of the ADR (Action Name = Alternative Dispute Resolution). Regions also should enter the ADR Type of "Allocation," "Arbitration," "Convening," "Fact Finding," "Mediation," "Mini-Trial," "Neutral Allocation," or "Settlement Judge."

### ***SETTLEMENTS WHERE EPA SETTLED BASED ON ABILITY-TO-PAY DETERMINATIONS***

#### **Definition:**

The measure will help assess the extent to which EPA is using ability-to-pay determinations to achieve its goal of Enforcement Fairness. The measure will report the percentage of administrative or judicial settlements that are reached under CERCLA with Potentially Responsible Parties (PRPs) qualified as limited ability-to-pay parties. This type of settlement results in: (1) PRPs paying less than their respective portion of the cost for site cleanup based on an ability-to-pay determination; (2) Payment over time for parties with limited ability to raise annual revenues; or (3) Parties providing in-kind service in lieu of cash payments.

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

Total ability-to-pay settlements are counted as follows:

- When an AOC (Action Name = Admin Order on Consent) with the ability-to-pay PRPs is signed by the Regional Administrator as reported in CERCLIS with the actual completion date (Actual Complete).
- When the Regional Administrator signs the memorandum transmitting the CD (Action Name = Consent Decree) signed by the ability-to-pay parties (and the Regional Administrator) to DOJ as reported in CERCLIS as the actual start date (Actual Start).

#### **Changes in Definition FY 96 - FY 97:**

None

#### **Special Planning/Reporting Requirements:**

To receive credit for this measure, the Enforcement Instrument Category of "Ability to Pay" (Enf Instrument Category = Ability to Pay) must be entered into CERCLIS.

Since many ability-to-pay settlements are cashouts, Regions must enter the Enforcement Instrument Category for "cashout" (Enf Instrument Category = Ability to Pay/Cashout). The settlement dollars that will be used for future (Cashout Funds Achieved) work or recovery of past costs (Past Costs Achieved) and the "Response Actions to be Reimbursed also must be entered into CERCLIS.

### ***RECOVERABLE PAST COSTS THAT HAVE BEEN ADDRESSED PROGRAM TO DATE***

#### **Definition:**

This measure supports the goal of Trust Fund Stewardship by reporting the amount and percentage of recoverable past costs that were addressed versus all recoverable past costs (i.e., past costs eligible for recovery, program-to-date). The measure encourages addressing all of the recoverable past costs through enforcement activities so that the maximum amount of recoverable funds can be obtained to support Superfund cleanups.

Recoverable past costs are past costs that are considered potentially recoverable. These costs include EPA direct and indirect costs, plus contractor program management costs which are allocated to sites annually.



Some Superfund past costs are considered unrecoverable, including funds expended at orphan sites, Federal facilities costs, costs that were compromised during previous cost recovery efforts, and costs that were previously written off. Indirect costs over and above those that are recoverable under the current indirect rates are also considered not recoverable.

**Past Costs Addressed** are costs addressed through administrative settlements (Action Name = Admin/Voluntary Cost Recovery, or Consent Agreement, or Admin Order on Consent), Section 107 or 106/107 judicial referrals [Action Name = Litigation (Generic), Section 107 Litigation, or Section 106 & 107 Litigation], decision documents not to pursue cost recovery (Action Name = Cost Recvry Decsn Docmt - No Sue), settlement under a CD (Action Name = Consent Decree), bankruptcy filing (Action Name = Claim in Bankruptcy), or the past cost component of cashout settlements (Action Name = Consent Decree or Admin Order on Consent and Enf Instrument Category = Cashout). The "Past Costs Achieved" "Past Costs Written Off," or "Past Costs Sought" must be entered into CERCLIS.

**Recoverable Past Costs** include all past costs at the site, regardless of cost recovery status or previous cost recovery efforts. Recoverable costs include direct response costs, indirect costs allocated to the site using the applicable indirect rates, an estimate of contractor program management costs as allocated to the site, and any other costs charged to the site, as indicated by the Integrated Financial Management System (IFMS) or the Superfund Cost Organization and Recovery Enhancement System (SCORES). For this measure, **estimated** total recoverable past costs will come from an IFMS data set that will be integrated with CERCLIS enforcement data and displayed on screen as "Total IFMS Costs to Date" or "Total Site Costs to Date (Direct and Indirect)." The **actual** past costs however, can only be determined through an audit of all of the site documentation.

The percentage of recoverable past costs addressed is the amount of past costs addressed compared to the estimated total amount of recoverable past costs.

### **Definition of Accomplishment:**

**Administrative Settlements** - Credit is given on the date: 1) the Regional office or DOJ receives payment from the PRPs in direct response to a demand letter for voluntary cost recovery; or 2) the date the Regional Administrator signs the AOC or CA that settles a claim where the total response costs are less than \$500,000. The accomplishment of the administrative settlement is recorded in CERCLIS as the actual completion date (Actual Complete) of the administrative/voluntary cost recovery (Action Name = Admin/Voluntary Cost Recovery,) AOC (Action Name = Admin Order on Consent,) or CA (Action Name = Consent Agreement). If the settlement is compromised and total response costs are more than \$500,000, the AOC must be sent to DOJ for approval prior to signature by the Regional Administrator. For each settlement, the Region must enter the following information into CERCLIS: "Past Costs Achieved," "Response Actions to be Reimbursed," and/or the "Other Activities for Cost Recovery" flag.

**Section 107 or 106/107 Judicial Referrals** - Credit is given on the date of the Regional Administrator's memo transmitting the referral to HQ or DOJ [Action Name = Litigation (Generic), Section 107 Litigation, or Section 106 & 107 Litigation] as recorded in CERCLIS as the actual start date (Actual Start). This includes CD settlements (Action Name = Consent Decree) for RD/RA with a cost recovery component. For CD settlements that are for cost recovery only and result from a previous litigation referral, the start date (Actual Start) for these actions is **not** reported in CERCLIS. Only the lodged (Subaction Name = Lodged by DOJ) and entered (Subaction Name = Entered by Court) subactions with the subaction actual completion date (Actual Complete), and the actual completion date (Actual Complete) for the CD (Action Name = Consent Decree) are recorded. The actual completion date of a CD settlement is the date it is entered by the court.

**Decision Documents Prepared not to Pursue Cost Recovery** - Credit is given when the decision document (Action Name = Cost Recvry Decsn Docmt - No Sue) is signed by the Regional office and recorded in CERCLIS as the actual completion date (Actual Complete). The decision not to pursue cost recovery may also be documented in a 10-point settlement analysis. This decision is coded in CERCLIS with the enforcement instrument by checking the Cost Written Off flag and entering the Cost Write-Off information on the Cost Write-Off screen. The dollars that will not

be recovered (Past Costs and Future Costs) and the "Response Actions to be Cost Written Off" also should be reported in CERCLIS on the Cost Write-Off screen.

**Bankruptcy Filing** - Credit is given based on the date that the bankruptcy strategy package is prepared or on the date of the first creditor committee meeting as documented by the summary of the meeting. These dates are reported in CERCLIS as the subaction "Creditors Committee Meeting" and/or "Bankruptcy Strategy Package" actual completion dates (Actual Complete). These subactions are entered with the Claim in Bankruptcy action. For each settlement, the Region must enter the following information into CERCLIS: "Past Costs Achieved," "Response Actions to be Reimbursed," and/or the "Other Activities for Cost Recovery" flag.

**Cashout Settlements** - Credit is given on the date of the Regional Administrator's memo transmitting the cashout CD to HQ or DOJ or when the Regional Administrator signs the AOC for the cashout settlement with a cost recovery component as recorded in CERCLIS. The CD (Action Name = Consent Decree) actual start date (Actual Start) or the AOC (Action Name = Admin Order on Consent) actual completion date (Actual Complete) and the Enforcement Instrument Category of "Cashout" (Enf Instrument Category = Cashout) must be entered into CERCLIS. The AOC must be sent to DOJ for approval if total site costs exceed \$500,000. For each settlement, the Region must enter the following information into CERCLIS: "Past Costs Achieved," and/or "Cash out Funds Achieved," and "Response Actions to be Reimbursed." If appropriate, the Region also must enter the "Other Activities for Cost Recovery" flag.

#### **Changes in Definition FY 96 - FY 97:**

None

#### **Special Planning/Reporting Requirements:**

See Definition and Definition of Accomplishment.

### ***PROSPECTIVE PURCHASER AGREEMENTS (PPAs)***

#### **Definition:**

This measure will report progress toward the goals of enforcement fairness and redevelopment of contaminated properties. Redevelopment of contaminated properties is accomplished by providing protection from CERCLA liability to prospective purchasers of contaminated property.

This measure counts the total number of Prospective Purchaser AOCs or CAs.

For EPA to consider entering into a PPA, the agreement must result in: (1) A substantial direct benefit to the Agency in terms of cleanup or funds for cleanup; or (2) A substantial indirect benefit to the community coupled with a lesser direct benefit to the Agency.

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

Credit is given for PPA based on the date (Actual Complete) the AOC or CA (Action Name = Admin Order on Consent or Consent Agreement) is signed by the Regional Administrator. Regions also must enter the Enforcement Instrument Category to indicate a PPA (Enf Instrument Category = Prospective Purchaser Agreement).

#### **Changes in Definition FY 96 - FY 97:**

None

#### **Special Planning/Reporting Requirements:**

For each settlement, the Region must enter the following information into CERCLIS to receive credit for the accomplishment: "Estimated Present Worth Value" and "Response Actions Achieved," and/or "Past Cost Achieved,"

“Cashout Funds Achieved,” “Response Actions to be Reimbursed,” and/or “Other Activities for Cost Recovery” and/or “Other Relief Sought.”

### ***NUMBER AND AMOUNT OF CERCLA PENALTIES ASSESSED VIA JUDGMENT***

#### **Definition:**

This measure supports the goal of Trust Fund Stewardship by providing information on the amount and number of final CERCLA penalties assessed via judgment. The measure identifies monies that are provided for the Trust Fund as a result of penalties assessed for violations of the CERCLA statute. The measure also supports the systematic reporting on the programmatic impacts of compliance and enforcement.

This measure is expressed as the dollar amount of the final assessed penalty via judgment under CERCLA. For civil judicial cases, this amount is the penalty assessed against the defendant(s) as specified in the Consent Decree, or Court Order entered by the court. For administrative cases, it is the penalty assessed in the final AOC or UAO.

The number of CERCLA penalties assessed is the number of civil, judicial, or administrative enforcement actions where a penalty was assessed under a CERCLA statute.

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

- The number of CERCLA penalties assessed is the total number of enforcement actions where a penalty was assessed under a CERCLA statute, including actions that are only for CERCLA or multi-media actions that contain a CERCLA component.
- The value of CERCLA penalties assessed is the total dollar amount of penalties assessed under the CERCLA statute for violations of requirements contained in civil, judicial, and administrative enforcement actions. If the enforcement action consists of multi-media actions, this measure will only include the amount that is assessed under the CERCLA statute, to the extent that it can be specified.

#### **Changes in Definition FY 96 - FY 97:**

None

#### **Special Planning/Reporting Requirements:**

The following information should be entered into CERCLIS with the enforcement instrument or referral action: “Penalty” flag and “Penalty Assessed Amount.” The number and value of CERCLA penalties will be obtained from the Office of Compliance using information reported on Case Conclusion Data Sheets until a linkage between CERCLIS 3 and EPA Docket is implemented.

### ***NUMBER AND AMOUNT OF SUPPLEMENTAL ENVIRONMENTAL PROJECTS (SEPs) AGREED UPON UNDER CERCLA***

#### **Definition:**

SEPs are environmentally beneficial projects which a violator agrees to undertake in settlement of an enforcement action, but which the violator is not otherwise legally required to perform. The SEP could be for public health, pollution prevention, pollution reduction, environmental restoration and protection, assessments and audits, environmental compliance promotion, emergency planning and preparedness, or other program-specific projects.

This measure supports the goal of Trust Fund Stewardship by measuring the number and value of SEPs under CERCLA. The measure provides the opportunity for the violator to undertake environmentally beneficial projects

that will potentially prevent the creation of additional Superfund sites, thus avoiding the need for using Trust Fund monies for future cleanups. The measure also supports the systematic reporting on the programmatic impacts of compliance and enforcement.

**Definition of Accomplishment:**

- The number of CERCLA SEPs is the total number of cases where a SEP was agreed upon under a CERCLA statute, including cases that are only for CERCLA or multi-media cases that contain a CERCLA component.
- The value of the CERCLA SEPs agreed upon is the estimated value of the SEP under the CERCLA statute for civil, judicial, and administrative enforcement actions. If the action is a multi-media action, the SEP will be the total value for all media not just media covered under CERCLA.

**Changes in Definition FY 96 - FY 97:**

None

**Special Planning/Reporting Requirements:**

The following information should be entered into CERCLIS with the enforcement instrument or referral action: "Penalty" flag, and the SEP "EPA Estimated Value," and "Category." The number and value of SEPs agreed upon under CERCLA will be obtained from the Office of Compliance using the information reported on the Case Conclusion Data Sheet until a linkage between CERCLIS 3 and EPA Docket is implemented.

***NONCOMPLIANCE WITH CONSENT DECREES, ADMINISTRATIVE ORDERS ON CONSENT, AND UNILATERAL ADMINISTRATIVE ORDERS***

**Definition:**

This measure identifies the number and percentage of cases where PRPs have not complied with a requirement of an enforcement instrument. Enforcement instruments include CDs, AOCs, and UAOs with a response action component. "Noncompliance" is defined as the PRP's failure, or refusal, to comply with a provision of an enforcement instrument, or a provision of an incorporated reference document such as a work plan. An "appropriate enforcement response" is defined as:

- Documentation of the violation, and notice in the file of the prospect for future enforcement action if additional violations are documented; or
- Other informal actions such as issuing warning letters or engaging in discussions with the PRPs; or
- Formal enforcement actions such as issuing demands for stipulated penalties or filing judicial actions for statutory penalties; or
- A combination of formal and informal responses.

**Definition of Accomplishment:**

This measure is to be reported for each type of formal enforcement instrument, as follows:

- ***Consent Decrees*** - The number of active lodged CDs (Action Name = Consent Decree) that contain response action provisions (Response Actions Achieved) where the settling PRP has failed or refused to comply with one or more provisions of the CD, or with provisions of any other document incorporated by reference (Compliance Status = In Violation - No Action Planned, or In Violation - Action Planned, or In Violation - Action Taken). The actual date (Actual Complete) the CD is lodged (Subaction Name = Lodged by DOJ) is the earliest date that could

trigger the settling PRP's response action obligation. The measure will be reported by fiscal year and quarter (Current FY/Q).

The percentage is the number of active signed CDs containing response action provisions for which there is noncompliance (as defined above) divided by the total number of active signed CDs containing response action provisions. (Compliance Status = In Compliance, or In Violation - No Action Planned, or In Violation - Action Planned, or In Violation - Action Taken). The measure will be reported by fiscal year and quarter (Current FY/Q).

- **Administrative Orders on Consent (AOCs)** - The number of active signed AOCs (Action Name = Admin Order on Consent) that contain response action provisions (Response Actions Achieved) where the PRP has failed or refused to comply with any provision of the AOC, or provisions of any other document incorporated by reference (Compliance Status = In Violation - No Action Planned, or In Violation - Action Planned, or In Violation - Action Taken). The date the Regional Administrator signs the AOC is reported in CERCLIS as the actual completion date (Actual Complete). The measure will be reported by fiscal year and quarter (Current FY/Q).

The percentage is the number of active signed AOCs containing response action provisions for which there is noncompliance (as defined above) divided by the number of AOCs containing response action provisions. (Compliance Status = In Compliance, or In Violation - No Action Planned, or In Violation - Action Planned, or In Violation - Action Taken). The measure will be reported by fiscal year and quarter (Current FY/Q).

- **Unilateral Administrative Orders (UAOs)** - The total number of active UAOs (Action Name = Unilateral Admin Order) that contain response action provisions (Response Actions Achieved) for which the PRP has failed or refused to comply with any provision of the UAO, or provisions of any other document incorporated by reference (Compliance Status = In Violation - No Action Planned, or In Violation - Action Planned, or In Violation - Action Taken, or the UAO does not have an associated subaction of "PRPs Ntfy EPA, Intent to Comply" with an actual complete date). The date of the signed UAO is reported in CERCLIS as the actual completion date (Actual Complete). The measure will be reported by fiscal year and quarter (Current FY/Q).

The percentage is the number of UAOs containing response action provisions for which there is noncompliance (as defined above) divided by the number of UAOs containing response action provisions. (Compliance Status = In Compliance, or In Violation - No Action Planned, or In Violation - Action Planned, or In Violation - Action Taken). The measure will be reported by fiscal year and quarter (Current FY/Q).

An enforcement instrument is active until the last provision of the instrument or of another document incorporated by reference is completed (The AOC, UAO, or CD does not have an associated subaction of Closed Order or Settlement with an Actual Complete date.) In addition, a UAO that is converted to a CD is no longer active (Compliance Status = Converted to Consent Decree).

### **Changes in Definition FY 96 - FY 97:**

This is a new measure for FY 97.

### **Special Planning/Reporting Requirements:**

Regions must enter the current fiscal year and quarter (Current FY/Q) and the overall compliance status (Compliance Status) for all enforcement instruments on a quarterly basis. The overall compliance status is based on the compliance status (Compliance Status) of the individual milestones (Milestone/Action) of the enforcement instrument.

The "Response Actions Achieved" and "Law/Section Selected" for the enforcement instrument must be entered into CERCLIS.

CERCLIS 3 will not be operational in all Regions at the beginning of FY97. Until CERCLIS 3 is operational in all Regions, this measure can only be tracked manually or through Regional systems.

***NONCOMPLIANCE WITH CONSENT DECREES, ADMINISTRATIVE ORDERS ON CONSENT, AND UNILATERAL ADMINISTRATIVE ORDERS THAT HAS BEEN ADDRESSED***

**Definition:**

This measure reports the number and percentage of formal response action enforcement instruments where an “appropriate enforcement response” was taken to address PRP noncompliance with provisions of the instruments. Response action enforcement instruments include CDs, AOCs, and UAOs that require a PRP to conduct response activities. “Noncompliance” is defined as the PRP’s failure or refusal to comply with a provision of an enforcement instrument, or provisions of any document, such as a work plan, that might be incorporated by reference. An “appropriate enforcement response” is defined as:

- Documentation of the violation, and notice in the file of the prospect for future enforcement action if additional violations are documented;
- Other informal actions such as issuing warning letters or engaging in discussions with the PRPs;
- Formal enforcement actions such as issuing demands for stipulated penalties or filing judicial actions for statutory penalties; or
- A combination of formal and informal responses.

**Definition of Accomplishment:**

This measure is to be reported for each type of formal enforcement instrument, as follows:

- ***Consent Decrees*** - The number of active lodged CDs (Action Name = Consent Decree) that contain response action provisions (Response Actions Achieved) for which an “appropriate enforcement response” was taken in response to PRP noncompliance with any provision of the CD, or provisions of any other documents incorporated by reference (Compliance Status = In Violation - Action Taken). The actual date (Actual Complete) the CD is lodged (Subaction Name = Lodged by DOJ) is the earliest date that could trigger the settling PRP’s response action obligation. The measure will be reported by fiscal year and quarter (Current FY/Q).

The percentage is the number of active CDs containing response action provisions where an appropriate enforcement response was taken (as defined above) divided by the total number of active CDs containing response action provisions for which there is PRP noncompliance (Compliance Status = In Violation - No Action Planned, or In Violation - Action Planned, or In Violation - Action Taken). The measure will be reported by fiscal year and quarter (Current FY/Q).

- ***Administrative Orders on Consent (AOCs)*** - The total number of active signed AOCs (Action Name = Admin Order on Consent) that contain response action provisions (Response Actions Achieved) for which an appropriate enforcement response was taken in response to PRP noncompliance with any provision of the AOC, or provisions of any other document that might be incorporated by reference (Compliance Status = In Violation - Action Taken). The date the Regional Administrator signs the AOC is reported in CERCLIS as the actual completion date (Actual Complete). The measure will be reported by fiscal year and quarter (Current FY/Q).

The percentage is the number of active AOCs containing response action provisions where an appropriate enforcement response was taken (as defined above) divided by the number of active AOCs containing response action provisions for which there is PRP noncompliance (Compliance Status = In Violation - No Action Planned, or In Violation - Action Planned, or In Violation - Action Taken). The measure will be reported by fiscal year and quarter (Current FY/Q).

- **Unilateral Administrative Orders (UAOs)** - The number of active signed UAOs (Action Name = Unilateral Admin Order) that contain response action provisions (Response Actions Achieved) for which an enforcement response was taken in response to PRP noncompliance with any provision of the UAO, or provisions of any other documents that might be incorporated by reference (Compliance Status = In Violation - Action Taken). The date the UAO is signed is reported in CERCLIS as the actual completion date (Actual Complete). The measure will be reported by fiscal year and quarter (Current FY/Q).

The percentage is the number of signed active UAOs containing response action provisions where an appropriate enforcement response was taken (as defined above) divided by the number of active UAOs containing response action provisions for which there is PRP noncompliance (Compliance Status = In Violation - No Action Planned, or In Violation - Action Planned, or In Violation - Action Taken). The measure will be reported by fiscal year quarter (Current FY/Q).

An enforcement instrument is active until the last provision of the instrument including all work plans or of another document incorporated by reference is completed (The AOC, UAO, or CD does not have an associated subaction of Closed Order or Settlement with an Actual Complete date.) In addition, a UAO that is converted to a CD is no longer active (Compliance Status = Converted to Consent Decree).

### **Changes in Definition FY 96 - FY 97:**

This is a new measure for FY 97.

### **Special Planning/Reporting Requirements:**

Regions must enter the current fiscal year and quarter (Current FY/Q) and the **overall** compliance status (Compliance Status) for all enforcement instruments on a quarterly basis. The overall compliance status is based on the compliance status (Compliance Status) of individual milestones (Subaction Name) of the enforcement instrument. In addition, an appropriate enforcement response (EPA Action Selected List) must be entered when a compliance status of In Violation - Action Taken has been entered for the milestone (Milestone/Action).

The "Response Actions Achieved" and the "Law/Section Selected" for the enforcement instrument must be entered into CERCLIS.

CERCLIS 3 will not be operational in all the Regions at the beginning of FY97. Until CERCLIS 3 is operational in all Regions this measure can only be tracked manually or through Regional developed systems.

## ***SUPERFUND REFORM (OCTOBER 1995) ENFORCEMENT MEASURES OF SUCCESS DEFINITIONS***

### ***EPA COMPENSATION OF A PORTION OF THE ORPHAN SHARE***

#### **Definition:**

This measure reports on EPA efforts to compensate parties for the portion of the response costs attributable to insolvent and defunct parties (orphan share). For negotiations that include RD/RA or NTC or time-critical early actions (removal authority), this measure will report: 1) the number of negotiations where EPA offered to compensate for a portion of the orphan share; 2) the estimated dollar amount of the orphan share at those sites; and 3) the amount of orphan share compensation **offered by EPA**.

When settling parties agree to perform the RD/RA, or NTC or time-critical early action (removal authority), this measure will report: 1) the number of settlements where EPA compensated for a portion of the orphan share; 2) the estimated total dollar amount of the orphan share at those sites; and 3) the actual dollar amount of the orphan shares **compensated by EPA**.

Orphan share compensation offers are subject to the adequacy of cleanup program funding. The method for determining the appropriate compensation to be offered by EPA is provided in the "Interim Guidance on Orphan Share Compensation for Settlers of Remedial Design/Remedial Action and Non-Time-Critical Removals" dated June 3, 1996.

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

Credit is given at sites for negotiations where EPA **offered** to compensate for a portion of the orphan share as follows:

- The General Notice Letter (GNL) (for removals), first Special Notice Letter (SNL), or Letter of Eligibility for Orphan Share Compensation (for on-going negotiations) is signed by the appropriate EPA official. This date is reported in CERCLIS as the actual start date (Actual Start) of negotiations [Action Name = RD/RA Negotiations, Removal Negotiations, or Negotiations (Generic)] and the actual completion date (Actual Complete) of the appropriate subaction (Subaction Name = General Notice Issued, Special Notice Issued, or ***Eligibility Letter Issued***); or
- A Section 122(a) waiver of SNL signed by the appropriate EPA official with the intent to pursue negotiations without moratorium procedures. This date is reported in CERCLIS as the actual start date (Actual Start) of Negotiations [Action Name = RD/RA Negotiations, Negotiations (Generic), or Removal Negotiations] and the actual completion date (Actual Complete) of the SNL waiver (Subaction Name = Notice of S 122 Waiver Issued).

Credit is given at sites where EPA **compensated** for a portion of the orphan share as follows:

- A CD (Action Name = Consent Decree) and a 10-point analysis for a NTC or time-critical early action (removal authority), RD, or RA is signed under Section 106, 106/107, 104(a), or 104(b). The date when the Regional Administrator signs the memorandum transmitting the CD, signed by the parties and the Regional Administrator, to DOJ is reported in CERCLIS as the actual start date (Actual Start); or
- An AOC (Action Name = Admin Order on Consent) for a NTC or time-critical early action (removal authority) is signed by the Regional Administrator. The date on which the Regional Administrator signs the AOC is reported in CERCLIS as the actual completion date (Actual Complete). For amended AOCs, the subaction "Enforcement Activity Amended" and the subaction actual completion date (Actual Complete) must be entered into CERCLIS. To signify that the AOC has been amended, the amended instrument flag (Amended Instrument?) must be checked.



The applicable "Response Actions Achieved," and "Law/Section Selected" must be entered into CERCLIS. *The existence of an orphan share at a site, as well as whether or not an orphan share package was offered or compensated by EPA, should be reported in CERCLIS.*

### **Changes in Definition FY 96 - FY 97:**

Settlement only is a proposed new SCAP target for FY 97.

### **Special Planning/Reporting Requirements:**

Orphan share compensated settlement is a proposed target for FY 97. Regions must also enter the *minimum and maximum total cost estimates for the orphan share (costs attributed to insolvent and defunct parties), the total costs of the orphan share that EPA offered to compensate, the past costs compensated by EPA, and the future costs to be compensated by EPA* into CERCLIS. For the total cost estimate of the orphan share, enter the minimum **and** the maximum of the cost range. Enter the same number for the minimum **and** the maximum if the estimate is a single number.

**Note:** The above logic also will be used to describe the orphan share and orphan share compensated at sites with PRP proposed allocations.

CERCLIS 3 will not be operational in all Regions at the beginning of FY 97. Until CERCLIS 3 is operational in all Regions, this measure can only be tracked manually or through Regional systems.

## ***USE OF INTEREST BEARING SPECIAL ACCOUNTS***

### **Definition:**

This measure will help assess the extent to which EPA is able to use Special Accounts in its efforts to increase fairness and promote PRP settlements. Special accounts became interest-bearing in FY 96. EPA is able to retain and apply the interest from these accounts to clean up the site at which the settlement occurred. Funds deposited in Special Accounts are immediately accessible for response costs, but may only be used to support response actions at the site covered by the settlements. This type of arrangement gives EPA more flexibility in settling the response costs that performing PRPs are required to pay and promotes fairness by providing a way for non-performing parties, especially small parties, to contribute to the response without long-term involvement.

For all CERCLA settlements where PRPs agree to make cash payments toward future response costs at a site (cashout), the measure will report the following:

- The total number of settlements, and the amount of future response costs achieved;
- The number of settlements which designate funds to Special Accounts;
- The percentage of settlements that also require funds to be deposited in Special Accounts;
- The amount of funds deposited in Special Accounts; and
- the percentage of the dollars dedicated to future work that are deposited in Special Accounts.

### **Definition of Accomplishment:**

This measure counts all settlements where any part of a PRP cash settlement is for future costs as follows:

- A signed CD (Action Name = Consent Decree) under Section 107 or 106/107 that includes a cashout provision. The date on which the Regional Administrator signs the memorandum transmitting the CD, signed by the parties and the Regional Administrator, to DOJ is reported in CERCLIS as the actual start date (Actual Start); or
- An AOC or CA (Action Name = Admin Order on Consent or Consent Agreement) that includes a cashout provision. The date when the Regional Administrator signs the AOC or CA is reported in CERCLIS as the actual completion date (Actual Complete).

Data that must be entered into CERCLIS for these settlements include:

- Cash out Funds Achieved;
- Date (Actual Complete) the Special Account is established (Subaction Name = Special Account Established) as a subaction to the CD, AOC or CA (not for use in SCAP reporting);
- *Cash out funds designated to a special account;*
- Enforcement Instrument Category (Enf Instrument Category = Cash out, De minimis/Cash out, or De micromis/Cash out);
- Response Actions to be Reimbursed; and
- Law/Section Selected.

The percentages will be calculated as follows:

- The percentage of cash settlements that contain provisions for payment of future response costs that also require these funds to be deposited in Special Accounts is the number of settlements that designate future response costs to Special Accounts divided by the number of settlements that contain provisions for payment of future response costs.
- The percentage of dollars dedicated to future work that are deposited in Special Accounts is the total dollars in Special Accounts under all settlements divided by the total cash out dollars achieved under all settlements that contain provisions for payment of future response costs.

### **Changes in Definition FY 96 - FY 97:**

This is a new measure for FY 97.

### **Special Planning/Reporting Requirements:**

Regions must enter the Cash out Funds Achieved as well as *the amount deposited to the special account* as specified in the enforcement instrument or 10-point settlement analysis submitted to Headquarters.

CERCLIS 3 will not be operational in all Regions at the beginning of FY97. Until CERCLIS 3 is operational in all Regions, this measure can only be tracked manually or through Regional systems.

## ***ISSUE CLEANUP ORDERS TO PARTIES IN AN EQUITABLE MANNER***

### **Definition:**

This measure shall support the Superfund Reform goal of enforcement fairness by seeking to ensure reasonable and fair issuance of unilateral administrative orders (UAOs) in accordance with the CERCLA Section 106 memorandum on UAOs of August 2, 1996. The Agency's policy on who should receive UAOs remains that: UAOs should be issued to the "largest manageable number" of PRPs, following consideration of the three specific factors listed below. The memorandum of August 2, 1996 established procedures to ensure that the Regions document their reasons for excluding certain PRPs from UAO issuance based on the consideration factors. The factors are:

- There is insufficient evidence of the PRP's potential liability,
- The PRP is not financially viable,
- The Party's contribution to the site (e.g., volumetric contribution or contribution in the form of prior work).

### **Definition of Accomplishment:**

This measure will include both NPL and non-NPL sites and will report:

- *The number of Unilateral Administrative Orders issued at the site.* Credit is given on the date a UAO is signed by the Regional Administrator for RD, RA, groundwater monitoring/institutional controls, time-critical or NTC early action (removal authority) or early action (remedial authority). This date is reported in CERCLIS as the actual completion date (Actual Complete) of the order (Action Name = Unilateral Admin Order).
- *The total number of parties identified in each UAO package.*
- *The number of parties in each UAO package identified to be excluded from the UAO.*

The percentage of parties that were not issued a UAO will be calculated from the total number of parties in each UAO package identified to be excluded (numerator) and the total number of PRPs associated with the UAO [all PRPs included and those that were excluded (denominator).]

The following information must be entered into CERCLIS:

- PRPs that were issued the UAO (PRP Name or PRP Group);
- Response Actions Achieved under the UAO; and
- *PRPs that were excluded from the UAO (PRP Name or PRP Group).*

In addition, one or more of the following must be entered for each PRP associated with the site that **was not** issued a UAO:

- Party status of "Non-Viable confirmed";
- Not PRP Determination Made flag; and/or
- Involvement status of *de minimis*, *de micromis* or *de minimis/de micromis*.

Parties that have contributed to the site in the form of prior work will be identified by looking at their involvement with other settlements at the site.

**Changes in Definition FY 96 - FY 97:**

This is a new SCAP measure for FY 97.

**Special Planning/Reporting Requirements:**

This is a SCAP measure. "Response Actions Achieved" must be reported in CERCLIS. This measure will be manually reported until CERCLIS 3 is operational.

***DE MICROMIS SETTLEMENTS AND NUMBER OF PARTIES***

(Contained in measure, ENF-4 • Section 122(g) Settlements and Number of PRPs, as a category 2 settlement.)

***OVERSIGHT COST SAVINGS***

**Definition:**

This measure reflects on EPA's efforts to reduce oversight costs where this can be accomplished without reducing the level of protection at a site. The potential for reducing oversight costs should be evaluated at every site where a cooperative PRP is performing the RI/FS, the RD/RA, the engineering evaluation/cost analysis (EE/CA), or NTC removal. Any oversight reductions should be balanced with the need to maintain the quality of the remediation. This measure will report the number of bills where the oversight was estimated to be reduced.

**Definition of Accomplishment:**

Accomplishment occurs on the date a memo is sent to the Regional finance office requesting that an oversight bill be sent to the PRPs. The memo contains the amount to be billed and indicates the oversight activities that were not performed.

This measure will be included in end-of-year reports and will indicate the number of qualifying oversight bills issued during the report year.

**Changes in Definition FY 96 - FY 97:**

This is a proposed new SCAP target for FY 97.

**Special Planning/Reporting Requirements:**

Because CERCLIS 3 will not be operational in all Regions at the beginning of FY 97, it may be necessary for some Regions to track this measure manually or through Regionally developed systems. Headquarters will work with the Regions during FY 97 in an effort to develop tools for estimating the costs saving of reduced oversight.

The following data are to be entered into CERCLIS:

- The actual completion date (Actual Complete) of the *Oversight Bill to Finance* subaction;
- *Oversight billed amount* proposed in the memo;
- *Oversight reduction* flag; and

- Name of PRP being billed.

The actual billed amount, the date of the billing, and the PRP billed will be transferred from IFMS.

## ***EPA ADOPTION OF ALLOCATIONS PROPOSED BY PARTIES INCLUDING COMPENSATION OF A PORTION OF THE ORPHAN SHARE***

### **Definition:**

This measure reports on EPA efforts to gauge the number of allocations proposed by PRPs as the basis for settlement and adopted by the Agency where standards for allocation determination have been followed. Agency compensation for a portion of the response costs attributable to insolvent and defunct parties (orphan share) may be provided in these situations, subject to adequacy of funding.

When the settling parties agree to perform the RD/RA, NTC removal, or TC removal, this measure will report: 1) the number of settlements where allocation agreements (conforming with Agency standards) were proposed by PRPs; 2) the estimated total dollar amount of the orphan share at those sites; and 3) the dollar amount of the orphan share compensated by EPA.

### **Definition of Accomplishment:**

Credit is given at sites for settlements where allocation agreements (conforming with Agency standards) were proposed by PRPs and EPA may have provided compensation for a portion of the orphan share as follows:

- A CD (Action Name = Consent Decree) and a 10-point analysis for a NTC removal, or time-critical early action (removal authority); RD, or RA with an allocation agreement is signed under Section 106, 106/107, or 104(a) or 104(b). The date when the Regional Administrator signs the memorandum transmitting the CD, signed by the parties and the Regional Administrator, to DOJ is reported in CERCLIS as the actual start date (Actual Start); or
- An AOC (Action Name = Admin Order on Consent) for a NTC or time-critical early action (removal authority) is signed by the Regional Administrator. The date when the Regional Administrator signs the AOC is reported in CERCLIS as the actual completion date (Actual Complete). For amended AOCs, the AOC must be coded as amended (Subaction Name = Enforcement Activity Amended) and the subaction actual completion date (Actual Complete) must be entered into CERCLIS. To signify that the AOC has been amended, the amended instrument flag (Amended Instrument) must be checked.

The applicable "Response Actions Achieved," and "Law/Section Selected" must be entered into CERCLIS. *The date of an allocation agreement* (Subaction Name = **PRP Allocation Agreement**) *conforming with Agency standards that was proposed by PRPs must be reported in CERCLIS as a subaction to the CD or AOC. In addition, the existence of an orphan share package, as well as whether the orphan share package was compensated by EPA, should be reported in CERCLIS.*

### **Changes in Definition FY 96 - FY 97:**

This is a new SCAP measure for FY 97.

### **Special Planning/Reporting Requirements:**

Where an orphan share exists, Regions must enter information into CERCLIS *on the minimum and maximum total cost estimates for the orphan share (costs attributed to insolvent and defunct parties), the past costs compensated by EPA, and the future costs to be compensated by EPA.* For the total estimate of the orphan share, enter the minimum **and** maximum of the cost range. Enter the same number for the minimum **and** the maximum if the estimate is a single number.

**EXHIBIT C.2 (1 of 5)**  
**ENFORCEMENT PLANNING REQUIREMENTS**

<b>Planning Requirements</b>	<b>PRP Search Starts</b>	<b>PRP Search Completions</b>	<b>Section 104(e) Letters Issued</b>	<b>Section 104(e) Referrals and Orders Issued</b>
SCAP Target or Measure?	-	-	-	-
Internal Management?	Reporting	Reporting	Reporting	Reporting
Planned Site-Specifically?	Yes	Yes	No	No
Planned/Reported on Operable Unit or Whole Site Basis?	Whole Site	Whole Site	Whole Site	Whole Site
Reported Site-Specifically or in Non-Site Specific Portion of CERCLIS?	Site-Specific	Site-Specific	Site-Specific	Site-Specific
AOA Category, if Fund-Financed?	Enforcement	N/A	N/A	Enforcement
AOA Category for Oversight?	N/A	N/A	N/A	N/A
Basis for AOA?	Site-Specific Plans	N/A	N/A	Site- or Non-Site Specific Plans

**EXHIBIT C.2 (2 of 5)**  
**ENFORCEMENT PLANNING REQUIREMENTS**

<b>Planning Requirements</b>	<b>Issuance of General Notice Letters</b>	<b>Issuance of Special Notice Letters</b>	<b>ENF-1 Duration from Regional Decision to PRP Cleanup Negotiation Completion</b>	<b>ESI/RI/FS Negotiation Starts</b>
SCAP Target or Measure?	-	-	-	-
Internal Management?	Reporting	Reporting	Reporting	Reporting
Planned Site-Specifically?	No	No	No	Yes
Planned/Reported on Operable Unit or Whole Site Basis?	Operable Unit	Operable Unit	Operable Unit	Operable Unit
Reported Site-Specifically or in Non-Site Specific Portion of CERCLIS?	Site-Specific	Site-Specific	Site-Specific	Site-Specific
AOA Category, if Fund-Financed?	N/A	N/A	N/A	Enforcement
AOA Category for Oversight?	N/A	N/A	N/A	N/A
Basis for AOA?	Site- or Non-Site Specific Plans	Site- or Non-Site Specific Plans	N/A	Site-Specific Plans

**EXHIBIT C.2 (3 of 5)**  
**ENFORCEMENT PLANNING REQUIREMENTS**

<b>Planning Requirements</b>	<b>RD/RA Negotiation Starts</b>	<b>ENF-2 Cleanup Negotiation Completions</b>	<b>State Orders for ESI/RI/FS</b>	<b>State Consent Decrees for RD/RA</b>
SCAP Target or Measure?	Measure	Target	-	-
Internal Management?	-	-	Reporting	Reporting
Planned Site-Specifically?	Yes	Yes	No	No
Planned/Reported on Operable Unit or Whole Site Basis?	Operable Unit	Operable Unit	Operable Unit	Operable Unit
Reported Site-Specifically or in Non-Site Specific Portion of CERCLIS?	Site-Specific	Site-Specific	Site-Specific	Site-Specific
AOA Category, if Fund- Financed?	Enforcement	N/A	Enforcement	Enforcement
AOA Category for Oversight?	N/A	N/A	N/A	N/A
Basis for AOA?	Site-Specific Plans	N/A	Site- or Non-Site Specific Plans	Site- or Non-Site Specific Plans

**EXHIBIT C.2 (4 of 5)**  
**ENFORCEMENT PLANNING REQUIREMENTS**

<b>Planning Requirements</b>	<b>ENF-3 Settlements For Cleanup Actions</b>	<b>ENF-4 Section 122(g) Settlements and Number of PRPs</b>	<b>ENF-5 Percentage of PRP Lead Cleanup Actions To All Cleanup Actions</b>	<b>Section 106, 106/107, 107 Case Resolution</b>
SCAP Target or Measure?	Measure	Target	Measure	Measure
Internal Management?	-	-	-	-
Planned Site-Specifically?	Yes	Yes	No	No
Planned/Reported on Operable Unit or Whole Site Basis?	Operable Unit	Operable Unit	Operable Unit	Operable Unit
Reported Site-Specifically or in Non-Site Specific Portion of CERCLIS?	Site-Specific	Site-Specific	Site-Specific	Site-Specific
AOA Category, if Fund- Financed?	Enforcement	Enforcement	N/A	N/A
AOA Category for Oversight?	N/A	N/A	N/A	N/A
Basis for AOA?	Site-Specific Plans	Site-Specific Plans	N/A	N/A

**EXHIBIT C.2 (5 of 5)**  
**ENFORCEMENT PLANNING REQUIREMENTS**

<b>Planning Requirements</b>	<b>Administrative Record Compilation Completion</b>	<b>Issue Demand Letter</b>	<b>Cost Recovery Action/Decisions &lt; 200K</b>	<b>ENF-6 Past Costs Addressed ≥ 200K</b>
SCAP Target or Measure?	-	-	-	Target
Internal Management?	Reporting	Reporting	Reporting	-
Planned Site-Specifically?	No	No	No	Yes
Planned/Reported on Operable Unit or Whole Site Basis?	Operable Unit	Operable Unit or Whole Site	Operable Unit or Whole Site	Operable Unit or Whole Site
Reported Site-Specifically or in Non-Site Specific Portion of CERCLIS?	Site-Specific	Site-Specific	Site-Specific	Site-Specific
AOA Category, if Fund-Financed?	Enforcement or Other Response	N/A	Enforcement	Enforcement
AOA Category for Oversight?	N/A	N/A	N/A	N/A
Basis for AOA?	Site- or Non-Site Specific Plans	Site- or Non-Site Specific Plans	Site-Specific Plans	Site-Specific Plans

**NOTE:** Accomplishments are pulled from CERCLIS on a quarterly basis. Internal measures are planned and reported quarterly.



## **Appendix D: Federal Facilities**

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## Appendix D Federal Facilities

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**Appendix D**  
**Federal Facilities**

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## **APPENDIX D FEDERAL FACILITIES PRIORITIES**

### **OVERVIEW**

To manage the Superfund Federal facilities program, the Federal Facilities Enforcement Office (FFEO) and the Federal Facilities Restoration and Reuse Office (FFRRO) use the Federal Facilities Leadership Council (FFLC). The FFLC is comprised of Regional Superfund and/or the Resource Conservation and Recovery Act (RCRA) program and enforcement/counsel representatives from all Regions, as well as representatives from the Federal facilities Headquarters (HQ) offices. The FFLC is co-chaired by FFEO, FFRRO, and Region 3, (lead region for Superfund Federal facilities). The FFLC provides a forum for policy advice and direction on various Federal facility program issues. There are also a number of other HQ/Regional groups providing advice including the "Federal Facilities Esquires," the "Base Closure Esquires," and the "Base Realignment and Closure (BRAC) Conference Call Group."

Federal agencies conducting the cleanups have seen their budgets level out or reduced over the last few years. The Department of Defense's (DoD) cleanup budget is approximately \$2.1 billion—not accounting for work at Base Closing installations, and the Department of Energy's (DOE) environmental management budget is about \$6.1 billion. Cleanups performed under the authority of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) comprise about 25% of DOE's budget, while Waste Management activities—many of which are CERCLA-like—encompass greater than 50% of DOE's budget. Other Federal agencies' budgets are considerably smaller. Exhibit D.1 presents a "Federal Facilities Profile" of the challenges facing the Federal government, which have been reproduced from a report from the Federal Facilities Policy Group (FFPG), co-chaired by the Office of Management and Budget (OMB) and Council on Environmental Quality.

Although the last five years have seen a marked increase in the environmental budgets for Federal agencies, there also has been substantial criticism. Common themes include, for example: too much being spent on studies; not enough sites cleaned up; too many sites being cleaned up to residential use levels; and the regulatory process too burdensome. These themes also are encountered on non-Federal facility Superfund cleanups. The most recent installment of this debate is found in the Federal Facilities Policy Group's Report, *Improving Federal Facilities Cleanup*, released in October 1995.

The FFPG's report highlights the need for statutory reform, administrative and regulatory reform, management reform, the development and implementation of cost-effective technologies, and budget process reform. EPA is pursuing an aggressive agenda to facilitate cleanups at both Federal facilities and non-Federal facilities sites.

Since the last update of this manual, new, significant responsibilities have been assumed by the Federal facilities Regional and HQ programs. Most notably is the Base Closure Program (BCP), a five-part program to mitigate economic dislocation and speed economic recovery of communities near military bases scheduled for realignment or closure, announced by President Clinton on July 2, 1993.

With the latest round of Base Realignment and Closure (BRAC 95), there are now approximately 108 Fast Track Cleanup Bases where EPA supports the DoD cleanup and transfer process. For FY 96, DoD has provided funding for 148 FTE—approximately \$13.1 million to fund these positions and related support. Comparatively speaking, this program is 75% the size of the Superfund Federal facilities program, excluding the contracts base. While FFRRO has provided specific program implementation guidance for EPA's BRAC Fast Track Program, several of these program management components are reiterated below.

**EXHIBIT D.1  
FEDERAL FACILITIES PROFILE**

<b>CHALLENGE</b>	<b>DOE</b>	<b>DoD</b>
Nature of Contamination	Radioactive, hazardous, and mixed waste and fissile material	Fuels and solvents, industrial waste, and unexploded ordinance
Estimated Number of Potentially Contaminated Sites and Major Site Types	10,000 sites - former weapons production facilities	21,425 - underground storage tanks - landfills - spill areas - storage areas
Number of Potentially Contaminated Facilities	137	1,769
Number of Active Sites	10,000	11,785
Current Estimate to Complete Cleanup*	\$200 to \$350 billion	\$26.2 billion
Estimate Being Revised	Released March 1995	Yes
Estimate of Years to Finish Cleanup	30-75+ years	20 years
Annual Budget** 1995 Actual 1996 Enacted 1997 President's Budget	\$5.8 billion \$6.1 billion \$6.1 billion	\$2.1 billion \$2.1 billion \$2.1 billion
Current Funding Source	Federal	Federal
Responsibility for Contamination	Agency	Agency
Maturity of Program	Adolescence	Mature
FY 95 Full-time Equivalent (FTE) (Cleanup) Federal Contractor	3,108 44,000	N/A N/A

\* DOE includes many unique operational, safety, and national security costs

\*\* DoD includes only Defense Environmental Security Cleanup budgets

**EXHIBIT D.1**  
**FEDERAL FACILITIES PROFILE (Cont'd)**

<b>CHALLENGE</b>	<b>DOI</b>	<b>USDA</b>	<b>NASA</b>
Nature of Contamination	Mining, municipal, and industrial wastes	Hazardous, mining, and chemical waste	Fuels, solvents, and industrial waste
Estimated Number of Potentially Contaminated Sites and Major Site Types	26,000 sites - abandoned mines - oil and gas production - landfills	3,000 sites - abandoned mines - landfills	730 sites - underground storage tanks - spill areas
Number of Potentially Contaminated Facilities	N/A	N/A	17
Number of Active Sites	26,000	3,000	575
Current Estimate to Complete Cleanup	\$3.9 to \$8.2 billion	\$2.5 billion	\$1.5 to 2 billion
Estimate Being Revised	None scheduled	Yes, due FY 96	Yes, due FY 96
Estimate of Years to Finish Cleanup	N/A	10 years - landfills 40 years - mines 50 years - NRD***	25 years
Annual Budget 1995 Actual 1996 Enacted 1997 President's Budget	\$65 million \$66 million TBD	\$16 million \$45 million \$46.5 million	\$21 million \$28 million \$25.6 million
Current Funding Source	Federal	Federal	Federal
Responsibility for Contamination	Agency, private parties, and local governments	Agency, private parties, and local governments	Agency
Maturity of Program	Infancy	Adolescence	Mature
FY 95 FTEs (Cleanup) Federal Contractor	N/A N/A	82 N/A	25 160

\*\*\* Natural Resources Damage

## ***SUPERFUND FEDERAL FACILITY GOALS AND PRIORITIES***

### **Strategic Federal Facility Goals**

Superfund Federal facilities activities have high visibility because of the significant threats posed by military and weapons sites, the impact of military base closings, the resources needed to implement DoD/DOE cleanup efforts at facilities listed on the NPL and other non-NPL facilities, and heightened State and stakeholder interest. Federal facilities program goals for FY 97 are based on a number of related factors, including overall Superfund program community involvement goals, anticipated resource constraints, Congressional interest, and statutory requirements. Program activities and resources should be planned to achieve the following goals of the Federal facilities program's strategic plan:

- ***Involving Citizens in Environmental Decision Making*** - The publication of the *Final Report of the Federal Facilities Environmental Restoration Dialogue Committee* in April 1996 was a watershed event for public involvement in Federal facility cleanups. As a result of the report, Federal agencies are now actively forming Restoration Advisory Boards (RABs) at DoD installations and Site Specific Advisory Boards (SSABs) at DOE facilities. Other Federal agencies are also starting to form advisory boards. EPA Regional and HQ programs need to continue to promote the formation of citizen advisory boards at NPL facilities and support, where requested, the boards. As facility circumstances vary, the level of support will vary as well. Regional staff and management are expected to be especially sensitive to the requests at NPL facilities and at the BRAC Fast Track facilities. Because of resource constraints, participation and support for non-NPL facilities is expected to be minimal. In addition, since many of the communities surrounding the Federal facilities are communities of color, low-income, and have been historically politically and economically disenfranchised, Regions should give close scrutiny to environmental justice issues at the NPL Federal facilities. Regions need to work closely with State agencies and their Federal counterparts to ensure that the President's Executive Order on Environmental Justice is successfully carried out (E.O. 12898).
- ***Enforcing the Laws*** - The public needs to know that it will be protected from environmental hazards through vigorous enforcement by the EPA and the States for violations of environmental laws and situations that put people and natural resources at risk. EPA intends to use its Federal facility enforcement authorities not only to compel compliance, but also to promote long-term policy objectives such as greater citizen involvement, pollution prevention, technology development, and natural resource management.
- ***Preventing Pollution*** - Focus on pollution prevention solutions at the source instead of "at the end of the pipe." Investing in pollution prevention saves money, minimizes environmental liability, and provides legitimate relief from operating under onerous pollution control regulation. Executive Order 12856, signed by President Clinton on August 3, 1993, requires Federal agencies to develop comprehensive pollution prevention strategies and seek to reduce by 50% their emissions of toxic chemicals or toxic pollutants by 1999.
- ***Implementation of the Base Closure Five Point Plan*** - Pursuant to the Congressional mandate, numerous military bases are undergoing realignment or complete closure, with the potential for severe economic impacts on the affected local communities. Rapid redevelopment and job creation are the top goals of this community reinvestment program, commonly referred to as the "Five Point Plan." The program calls for the Federal government to give priority to local economic redevelopment, provide transition and redevelopment assistance to workers and communities, put cleanup on a Fast Track, provide transition coordinators at major bases scheduled for closure or substantial realignment, and allocate more funds for economic development planning grants.



- ***Establishing BRAC Cleanup Teams*** - Environmental experts from EPA, DoD, and the State, working as a team, will be assigned to BRAC bases identified by DoD as Fast Track Cleanup sites, i.e., bases with environmental contamination where property will be available for transfer to a community. Decision making authority will be placed at the lowest practical level within each organization, and team members will be empowered to make decisions to expedite the process. The teams will conduct "bottom-up" reviews of the environmental conditions of the base, with the objective of accelerating cleanup while integrating base reuse priorities.
- ***Making Parcels Available for Reuse*** - The Fast Track Cleanup Program strives to make parcels available for reuse as quickly as possible, either by transfer of uncontaminated or remediated parcels, or lease of contaminated parcels where cleanup is underway. Coordination between the cleanup efforts and reuse efforts is a key factor in making parcels available for reuse. Parcels with the potential for reuse should be identified as early in the process as possible and given priority in the cleanup process where appropriate.
- ***Accelerating the National Environmental Policy Act (NEPA) Process*** - DoD is required to apply NEPA during the process of property disposal and reuse. Under NEPA, DoD must define the environmental impact of the proposed action, document adverse effects that cannot be avoided, and identify alternatives to the proposed action. The NEPA process and all documents required by NEPA (scoping report, draft Environmental Impact Statement, and final Environmental Impact Statement) should be completed within 12 months from the date a community submits its final reuse plan.

#### **Streamlining Federal Facilities Cleanup and Oversight**

Considerable progress has been made in streamlining the cleanup and oversight processes at Federal facilities. FY 97 will see additional efforts in this area. It is anticipated that policies on RCRA/CERCLA integration or parity, variable oversight, establishing a lead regulator for oversight at NPL sites, and prioritization of cleanup activities will be issued. In addition, there are other Superfund Administrative Reforms, announced in FY 95, that will be implemented at Federal sites as well as private sites—among the more important ones Regions need to consider are those associated with risk assessment and remedy selection. To adequately address environmental issues while continuing downsizing activities, the following directions were formed to aid in appropriate program management:

- ***RCRA/CERCLA Integration*** - Expected in FY 96, the purpose of this policy will be to generally establish that work conducted for RCRA corrective action is essentially equivalent to work that would have been conducted under a CERCLA cleanup and visa-versa. It is intended to establish "parity" between these activities so that EPA will not be imposing overlapping regulatory authorities on cleanup activities. Also associated with this guidance is the so-called "lead regulator" initiative and revisions to RCRA Subpart S.
- ***Lead Regulator*** - This guidance is expected by the end of FY 96. It is intended to compliment RCRA/CERCLA integration guidance and will provide that EPA Regions work closely with their State counterparts to eliminate or minimize overlapping regulatory jurisdictions (RCRA or CERCLA) and establish, to the extent practicable, a lead or sole regulator at a site.

Because the overall goal of the Administration is to build partnerships with the States and have them assume a greater role in protecting human health and environment, Regions should work closely with their States to have them assume a greater lead at Federal facility NPL sites **where they have the capacity, desire, and the ability to do so**. We recognize that each facility has a unique set of circumstances, but we are expecting Regional program offices to make a bona fide effort to work through the lead regulator and oversight issues with their State counterparts.

- **Streamlined Oversight** - As EPA resources are expected to continue to shrink while the Federal program stays at a generally a steady state, Regions should be implementing a process to provide for streamlining oversight of the remedial process. Guidance to be issued by the end of FY 96 will advise the Regions that they should be streamlining oversight for their NPL sites. This will involve tailoring the oversight requirements (i.e., what enforceable documents will be required as well as what is to be included in such documents) to a particular project or operable unit.

The guidance will recommend that the process should focus on up-front scoping and identification of what is actually needed and a bias for document reduction. In general, less documentation should be required at sites that are less complicated, sites that are using presumptive remedies, and sites where EPA, the States and external stakeholders believe that less oversight is required.

- **Prioritization** - DoD and DOE will soon have cleanup commitments that exceed their budgetary authorities. DoD Services and DOE have developed schemes to prioritize site activities based on risk and other factors. EPA needs to work with other Federal agencies, States and outside stakeholders to ensure that the most important sites are being addressed. As budgets are established on an annual basis, Regions should begin to develop approaches for annual review and consider adjusting milestones based on Federal budget constraints, new site information, cleanup progress, and other factors.

**EPA nor the States are bound to absolutely follow the results of DoD's relative risk model or DOE's qualitative risk evaluation model in establishing milestones; they should only be used to consider the outcomes in setting priorities.** There is an important caveat to prioritization. Both DOE's and DoD's approaches for priority setting call for active regulatory and stakeholder involvement. They also call for the explicit consideration of other factors such as existing enforceable agreements, community interest, environmental justice, and project implementation efficiencies. If a particular facility or installation is championing a "lock-step" adherence to their model's outcome, Regions should first work to resolve the issue at the site level; however, if there is no progress, Regions need to bring such situations to the attention of HQ. Based on Regional information, we have identified bases that have misinterpreted DoD guidance and corrections have been made.

Some DOE facilities are engaged in what they are calling "workouts" to find time and cost savings. Both EPA Regional program offices and HQ offices should actively participate in and support these efforts. For example, the result of the Hanford "workout" sessions from FY 95 were approximately \$1 billion in savings, while not impacting existing milestones. While carrying out EPA's mission to protect human health and the environment, we must also remember that we also are stewards for the taxpayer's dollars and should work with the lead Federal agency to ensure funds are spent wisely.

Regions should continue to strive to place these priorities and project milestones in enforceable FFAs/IGs at NPL sites. FFAs and IAGs should be viewed as living, dynamic documents reflecting not only the best judgments by all parties of cleanup priorities and milestones at the time of agreement, but also that reflect the changing circumstances of environmental cleanup. Regions should consider adding into either existing or new FFAs/IAGs the process for annual review and consider adjusting enforceable milestones.

The Superfund program has achieved substantial progress in cleaning up hazardous waste sites and protecting human health and the environment during its 16 year existence. However, there have been serious proposals for improvement of the statute and the program to make it faster, fairer, and more efficient. Since 1993, EPA has launched three rounds of reforms to Superfund to address criticisms raised by affected parties and to improve the pace, cost, and fairness of the program. Each set of reforms consists of various initiatives and pilots focusing on changes to the program that can be implemented within the existing statutory framework. These reforms were intended to accomplish different goals, ranging from strengthening of the program prior to reauthorization to testing concepts developed during Congressional debate on actual legislation. As a result of all the new and continuing reforms, Superfund is a dramatically different program today than it was at its inception.

EPA and other Superfund stakeholders have worked since the inception of the program to reduce risks posed by abandoned and uncontrolled hazardous waste sites. Since 1980, EPA has evaluated more than 40,000 sites, conducted over 4,200 early action, and has completed construction on approximately 350 of the more than 1,300 sites on the National Priorities List in an effort to protect human health and the environment. Much has changed in the Superfund program since 1980. Not only did the Superfund Amendments and Reauthorization Act (SARA) of 1986 produce significant legislative changes, but EPA also instituted a substantial number of administrative changes.

In October 1995, EPA Administrator Carol Browner, announced the third and final round of "Superfund Reforms." This third round of "common sense" reforms was intended to assist State and local governments, communities, and industries involved in cleanups to more easily: 1) make cost-effective cleanup choices that protect public health and the environment; 2) reduce litigation so more time and money can be spent on cleanup and less on lawyers; and 3) help communities become more informed and involved so that cleanup decisions make the most sense at the community level. These reforms apply to all parts of the Superfund program, including Federal facilities.

### ***RCRA ACTIVITIES AT FEDERAL FACILITY NPL SITES***

EPA has long recognized that since most of the Federal facilities sites are also active facilities, RCRA requirements may also apply to certain site cleanup activities. **Regions must strive to eliminate RCRA/CERCLA duplications wherever appropriate.** To get a better overall picture of a facility's cleanup activities, FFRRO is introducing into the SCAP measures several RCRA activities that are generally analogous with CERCLA activities. They include: RCRA Facility Investigation (RFI); Corrective Measures Study (CMS); Corrective Measure Design (CMD); Interim/Stabilization Measure; and Corrective Measure Construction. FFRRO is engaging in a pilot effort to merge data from CERCLIS and Resource Conservation and Recovery Information System (RCRIS) to accomplish this. (Note: This will be added as an element of CERCLIS 3.) FFEO has already accomplished a similar exercise through the Federal Facility Tracking System.

### ***BRAC BUDGET AND FINANCIAL GUIDANCE***

#### **Resources and Tracking Mechanisms**

Program management guidance is included in the BRAC Fast Track guidance. Beginning in FY 94, DoD provided EPA, via an interagency funding agreement, with reimbursable resources to support EPA's cleanup activities. DoD, EPA, and OMB worked together to develop the details of this agreement, which included 100 additional reimbursable work years for EPA and \$7 million starting in FY 94. In early FY 96, EPA reached agreement with DoD to fund EPA support for BRAC 4 (1995) installations designated as Fast Track Cleanup sites. As a result, interagency funding agreement for BRAC rounds 1, 2, 3 and 4 extends from FY 94 through FY 2000, and totals for FY 96 \$12.6 million to fund 146 workyears.

The majority of EPA's Fast Track resources (92%) are invested in the Regions. Regional personnel provide technical assistance and guidance to DoD and States at Fast Track Cleanup sites. EPA uses Base Closure funding for EPA personnel that participate on BRAC Cleanup Teams as either the EPA designated team member or as technical experts and support personnel that assist the teams. EPA relies upon in-house expertise; no BRAC funds are used for contractor support.

Regions are allocated via a workload model work years and personnel, travel, and administrative funding. The level of EPA support varies depending on Regional and base specific circumstances. (EPA's base closure workload model takes into account relevant data to assess the environmental condition and economic status of a Fast Track site.)

The Agency monitors these DoD reimbursable resources via the Office of the Comptroller's (OC) Integrated Financial Management System (IFMS), which tracks HQ and Regional expenditures separately for each BRAC round. EPA utilizes site-specific charging to track resource utilization back to actual site work. This separate tracking of BRAC round expenditures is required by BRAC legislation. EPA reports quarterly on their utilization to DoD and annually to the OMB. [OC, Financial Management Division (FMD), Cincinnati, Ohio invoices DoD on actual program obligations incurred by EPA.]

HQ receives regular program activity reports from the Regional offices, every two months, on the progress of work at all Fast Track installations. These reports are generated by the EPA Regional BRAC Cleanup Team personnel and provide HQ and DoD with pertinent program and personnel information related to cleanup and reuse. The OC Budget Division also provides to OSWER's FFRRO a monthly "BRAC Utilization Report" generated from their agency-wide Resource Management Integration System (RMIS).

This RMIS report details the status of expenditures by the Regional Base Closure resources, work years, personnel, travel, and administrative funding. This reporting is done for overall program management purposes and to track resource expenditures in each BRAC round. Regional Waste Management Directors will be provided copies of the reports and are expected to monitor the use of all BRAC resources within their respective Region.

#### **Accountability for Resources**

BRAC reimbursable work years and funding must be used only for EPA related military Base Closure activities. Military Base Closure activities are activities related to Fast Track Cleanup of specific bases identified by the Office of Solid Waste and Emergency Response (OSWER) (in consultation with DoD). These activities include: accelerating the identification of clean parcels under the Community Environmental Response Facilitation Act (CERFA); developing BRAC Cleanup Plans; promoting community involvement in cleanup decision-making; preparing and reviewing site documents [e.g., BCP, Environmental Baseline Survey (EBS), RI/FS, RODs, RD, and RAs] and RCRA documents (e.g., RFI Starts, CMD Starts, and IMS Starts and Completions); studying and sampling field data; NEPA review and analysis; assisting DoD or States with BRAC site issues; and support activities related to the performance of the EPA personnel participating in Fast Track Cleanup. These activities are outlined in the Memorandum of Understanding between EPA and DoD dated February 3, 1994, and subsequent memorandums and guidance related to EPA BRAC resources.

As the signatory and executing agent for the reimbursable agreement with DoD, the Assistant Administrator for OSWER (AA SWER) will rely on Regional Administrators and, as the primary focus of the EPA BRAC resources, the Regional RCRA/Superfund National Policy Managers to ensure reimbursable costs are accurate and appropriate. Each Region should identify an individual in the appropriate division that will coordinate the Regional BRAC program and resources, and can act as a day-to-day liaison with OSWER and DoD. FFRRO, within OSWER, will provide the AA SWER with programmatic and financial reviews of specific Regions. Reprogramming of funds submitted to the OC require notification of FFRRO for their approval.

HQ and Regional personnel utilizing BRAC resources should receive authorization from their appropriate EPA HQ or Regional senior management and use the established BRAC budget program. The EPA Remedial Project Manager (RPM) and the support team are empowered to make decisions locally to the maximum extent possible. EPA has delegated certain authorities to the Regional Administrators (e.g., CERFA concurrence), who have in turn redelegated the authorities to other levels within their organizations. Regional personnel should be familiar with their internal delegation of authorities. Should the need arise, the RPM and support team will have the ability to raise issues immediately to senior EPA officials for resolution.

EPA Regional Superfund or RCRA Divisions, in conjunction with the Office of Regional Counsel, Regional NEPA teams, State environmental regulatory agencies, and DoD, will form a BRAC Cleanup Team (BCT) for each base designated by DoD as a Fast Track base. The BCT will be comprised of one representative from the EPA Region, one representative from the State, and one representative from DoD. The BCT will serve as the primary forum in which issues affecting the execution of cleanup to facilitate reuse will be addressed.

**Note:** Additional specific BRAC can be found in the *Fast Track Program Guidance*.

## **FEDERAL FACILITIES FY 97 TARGETS AND MEASURES**

### ***OVERVIEW OF FY 97 FEDERAL FACILITIES TARGETS AND MEASURES***

The Superfund Comprehensive Accomplishments Plan (SCAP) is used by the Assistant Administrator for OSWER (AA SWER), Assistant Administrator for OECA (AA OECA), and senior Superfund managers to monitor the progress each Region is making towards achieving its Superfund goals. Superfund cleanup results are tracked through targets and measures at the SCAP level as well as internal reporting measures. Those Superfund activities not tracked at the SCAP level are monitored for internal management purposes by HQ.

The Superfund program will continue to serve as a pilot performance plan project under the Government Performance and Results Act (GPRA), which was discussed in Chapter I. SCAP will serve as the mechanism through which OSWER will track GPRA progress. As such, the program will set national goals based on historical performance and performance expectations within a limited budget for the four performance goals in GPRA and track accomplishments in the activities contributing to those goals. HQ will not establish specific Regional targets and measures for GPRA. Regions should continue to plan and report accomplishments in CERCLIS as they have traditionally. There are no additional GPRA-related reporting requirements for the Regions in FY 97.

The differences between SCAP targets and measures remain the same (i.e., a pre-determined numerical goal versus an activity deemed essential to tracking overall program progress, respectively). OERR will continue to include Federal facilities activities to document and evaluate program progress and to analyze program trends. SCAP accomplishments will be pulled from the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) on a quarterly basis. Planning measures are used to project the number of events and activities that each Region expects to perform during the year using anticipated resources. Reporting measures simply track the number of events and activities that occur throughout the year and are used to evaluate overall progress through the cleanup pipeline. Planning measures also report accomplishments.

The following pages contain, in pipeline order, the definitions of the FY 97 Federal facilities SCAP targets and measures (with the prefix FF). Exhibit D.2 displays the full list of Federal facilities activities that are defined in the remainder of the Appendix, and identifies the FY 97 SCAP targets and measures. Exhibit D.3, at the end of this Appendix, describes the planning requirements for Federal facilities activities.

#### **Reporting of Non-NPL Federal Facilities Data at BRAC Fast Track Sites**

In the past, Regions have not been requested to provide information at non-NPL Federal facility sites. However, beginning in FY 96, Regions have been requested to provide such information for BRAC Fast Track sites **only** because of the considerable presence of EPA at such sites. A series of BRAC SCAP reports is under development.

**EXHIBIT D.2**  
**FEDERAL FACILITIES ACTIVITIES**

ACTIVITY	SCAP	TARGETED/REPORTED	
		SEMI-ANNUALLY	ANNUALLY
FF-1 Base Closure Decision	Measure	X	X
FF-2 FFA/IAG Starts	Measure	X	X
FF-3 FFA/IAG Completions	Measure	X	X
FF-4 Federal Facility Dispute Resolution	Measure	X	X
FF-5 RI/FS or RCRA Facility Investigation (RFI) Starts (First and Subsequent)	Measure	X	X
FF-6 FS or Corrective Measure Study (CMS) Start	Measure	X	X
FF-7 Timespan from Final NPL Listing to RI/FS or RFI Start	Measure	-	X
FF-8 RI/FS Completions (ROD) or CMS Remedy Selection (First and Subsequent)	Target	X	X
FF-9 RI/FS or RFI/CMS Duration	Measure	-	X
FF-10 RD or RCRA Corrective Measure Design (CMD) Starts (First and Subsequent)	Measure	X	X
FF-11 RD or CMD Completions (First and Subsequent)	Measure	X	X
FF-12 RA or Corrective Measure Construction Starts (First and Subsequent)	Measure	X	X
FF-13 Timespan from ROD Signature to RA Start	Measure	-	X
FF-14 RA or Corrective Measure Construction Completion (First and Subsequent)	Target	X	X
FF-15 Final RA or Corrective Measure Construction Completion	Target	X	X
FF-16 RA Duration	Measure	-	X
FF-17 Timespan from RI/FS or RFI/CMS Start to RA Complete	Measure	-	X
FF-18 Removal, ERA, or RCRA Interim/Stabilization Measure (IMS) Starts & Completions	Measure	X	X
FF-19 Federal Facility Partial NPL Deletion	Measure	X	X
FF-20 Federal Facility Final NPL Deletion	Measure	X	X

**NOTE:** Accomplishments are pulled from CERCLIS on a quarterly basis.

## ***FEDERAL FACILITIES DEFINITIONS***

### ***FF-1 • BASE CLOSURE DECISIONS***

#### **Definition:**

A base closure action occurs when EPA is involved in either a CERFA Section 120(h)(4) uncontaminated parcel determination, a Finding of Suitability to Transfer (FOST), a Finding of Suitability to Lease (FOSL), or a determination is made by EPA that an approved remedy is operating properly and successfully at BRAC locations pursuant to CERFA/CERCLA Section 120(h)(3). Under CERFA/CERCLA Section 120(h)(4), the military service must designate, and EPA/State is required to concur, property that is uncontaminated. A FOST documents the conclusion that real property made available through the BRAC process is environmentally suitable for transfer by deed under Section 120(h) of CERCLA. A FOSL documents that property at a BRAC location is environmentally suitable for lease, i.e., that the reuse does not impede the environmental response at the location and that the use of the property is limited to a manner which will protect human health and the environment. Under CERCLA section 120(h)(3), before property can be transferred by deed, the military service must demonstrate to EPA that the approved remedy is operating properly and successfully.

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

*Base Closure Decision Start Date:* Date that a document is received by EPA that identifies a facility or a parcel as a candidate to be transferred by deed or lease (e.g., EBS submitted); or a clean parcel determination is received by EPA for concurrence as required by CERFA; or the date of the written request submitted by the other Federal agency for concurrence on suitability to transfer or lease; or the date on which a written request for EPA concurrence is received that a 120(h)(3) remedy is operating properly and successfully.

*Base Closure Decision Completion Date:* The date the appropriate Regional official signs a letter, form, or memo stating that EPA has completed its review and provided comments *or* concurrence on the FOST or FOSL; or the date the appropriate Regional official signs a letter, form, or memo stating that EPA has completed its review of the demonstration that a remedy is operating properly and successfully for purposes of CERCLA section 120(h)(3); or the date the appropriate Regional official signs a letter concurring on a clean parcel identified under CERFA.

#### **Changes in Definition FY 96 - FY 97:**

None

#### **Special Planning/Reporting Requirements:**

CERCLIS 3 will have capability to report this measure. However, at this time, this information cannot be collected through CERCLIS. Regions should submit a memo to the Director of FFRRO outlining Base Closure Decision accomplishments at the end of the second and fourth quarter. This is a SCAP reporting measure.

### ***FF-2 • FEDERAL FACILITY AGREEMENT (FFA)/INTERAGENCY AGREEMENT (IAG) STARTS***

#### **Definition:**

FFAs/IAGs are legal agreements between Federal agencies responsible for cleanup, EPA, and sometimes States that set forth detailed requirements for performance of site response activities as well as appropriate enforcement responses to non-compliance with the FFA/IAG. FFA/IAG requirement is set forth in Section 120(e) of CERCLA.

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

*FFA/IAG Start Date:* Date notice letter is sent by EPA to the Federal facility, reported in CERCLIS as the actual start date (Actual Start) of FFA/IAG negotiations (Action Name = IAG Negotiation).



**Changes in Definition FY 96 - FY 97:**

None

**Special Planning/Reporting Requirements:**

FFA/IAG starts will be tracked as IAG negotiations (Action Name = IAG Negotiation). This is a SCAP reporting measure.

***FF-3 • FFA/IAG COMPLETION*****Definition:**

FFAs/IAGs are legal agreements between Federal agencies responsible for cleanup, EPA, and sometimes States that set forth detailed requirements for performance of site response activities as well as appropriate enforcement responses to non-compliance with the FFA/IAG. FFA/IAG requirement is set forth in Section 120(e) of CERCLA.

**Definition of Accomplishment:**

*FFA/IAG Completion Date:* Latter of the dates that the Federal agency, EPA, and/or State sign the IAG, or the date the Letter of Intent to sign an IAG is signed by all parties. This date must be reported in CERCLIS as the actual completion date (Actual Complete) of the FFA/IAG negotiations (Action Name = IAG Negotiation) and the actual completion date (Actual Complete) of the FFA/IAG (Action Name = Federal Interagency Agreements).

**Changes in Definition FY 96 - FY 97:**

None

**Special Planning/Reporting Requirements:**

FFA/IAG completions will be tracked as both the completion (Actual Complete) of IAG negotiations (Action Name = IAG Negotiation) and the completion (Actual Complete) of the FFA/IAG (Action Name = Federal Interagency Agreement). For those FFAs/IAGs that are elevated for dispute resolution, record the date elevated as the milestone date, Civil Litigation Referred to HQ (Action Name = Federal Interagency Agreement and Subaction Name = IAG Dispute Admin Referral) and not as the FFA/IAG completion date. Regions do not receive credit for an FFA/IAG completion when the FFA/IAG is elevated to HQ for dispute resolution. This is a SCAP reporting measure.

***FF-4 • FEDERAL FACILITY DISPUTE RESOLUTION*****Definition:**

When the Federal agency, State, and/or EPA make an effort to formally or informally resolve an FFA/IAG dispute after the FFA/IAG is signed.

**Definition of Accomplishment:**

*Dispute Resolution Start Date:* Date that any party to the FFA/IAG sends a letter to the other parties notifying them as to the issue in dispute. This is reported in CERCLIS as the actual start date (Actual Start) of dispute resolution (Action Name = Alternative Dispute Resolution).

*Dispute Resolution Completion Date:* Date the document resolving the issue is signed (e.g., letter of agreement, agreement document). This is reported in CERCLIS as the actual completion date (Actual complete) of dispute resolution (Action Name = Alternative Dispute Resolution).

**Changes in Definition FY 96 - FY 97:**

None

**Special Planning/Reporting Requirements:**

Federal Facility Dispute Resolution is reported in CERCLIS as Alternative Dispute Resolution (Action Name = Alternative Dispute Resolution). This is a SCAP reporting measure.

***FF-5 • REMEDIAL INVESTIGATION/FEASIBILITY STUDY (RI/FS) OR RCRA FACILITY INVESTIGATION (RFI) STARTS — FIRST AND SUBSEQUENT***

**Definition:**

The RI/FS is a CERCLA investigation designed to characterize the site, assess the nature and extent of contamination, evaluate potential risks to human health and the environment, and develop and evaluate potential remedial alternatives. An RFI is a RCRA investigation designed to evaluate thoroughly the nature and extent of the release of hazardous wastes and hazardous constituents and to gather necessary data to support the Corrective Measure Study (CMS) and/or Interim/Stabilization Measure (ISM).

For an RI/FS or RFI to be counted as a first start, the site must not have had previous RI/FS or RFI activity. A subsequent RI/FS or RFI is any RI/FS or RFI that starts after the first one.

**Definition of Accomplishment:**

The RI/FS (Action Name = FF RI/FS or Remedial Investigation) or RFI (Action Name = RCRA Facility Investigation) start is defined as follows:

- Sites where there has been no RI/FS or RFI work started prior to the effective date of the FFA/IAG, the actual start date (Actual Start) is the EPA or State receipt of a draft workplan; or
- Sites where RI/FS or RFI work has been started prior to the FFA/IAG effective date and there has been substantial EPA or State involvement (EPA or the State has reviewed and commented, approved/concurred, or accepted the workplan); the actual start date (Actual Start) is also the date of receipt of a draft RI/FS or RFI workplan (Note: this date will be prior to IAG completion date); or
- Sites where RI/FS or RFI work starts prior to the FFA/IAG effective date and there has been limited EPA or State involvement, the date of the RI/FS or RFI actual start date (Actual Start) is the latter date that EPA or the State and the other agency sign the FFA/IAG.

The actual start (Actual Start) of a subsequent RI/FS or RFI is the date a workplan which addresses the subsequent RI/FS or RFI is received. When the subsequent RI/FS or RFI is described in the same workplan as the first RI/FS or RFI start, the subsequent RI/FS or RFI actual start date (Actual Start) is the same as the first RI/FS or RFI actual start date.

**Changes in Definition FY 96 - FY 97:**

None

**Special Planning/Reporting Requirements:**

This is a SCAP planning measure.

## ***FF-6 • FEASIBILITY STUDY (FS), CORRECTIVE MEASURE STUDY (CMS), or EE/CA STARTS***

### **Definition:**

The FS, a CERCLA study, is used to develop and evaluate all potential remediation alternatives to clean a hazardous waste site. The CMS, a RCRA study, is used to develop and evaluate corrective measure alternatives and to recommend the final corrective measure. The EE/CA identifies objectives for non-time critical (NTC) response action, and includes an analysis of cost, effectiveness, and implementability of the various alternatives that may be used to satisfy these objectives.

### **Definition of Accomplishment:**

The FS (Action Name = Feasibility Study), CMS (Action name = Corrective Measure Study), or EE/CA start is defined as follows:

- Sites where there has been no FS or CMS work started prior to the effective date of the FFA/IAG, the actual start date (Actual Start) is the EPA or State receipt of a draft workplan; or
- Sites where FS or CMS work has been started prior to the FFA/IAG effective date and there has been substantial EPA or State involvement (EPA or the State has reviewed and commented, approved/concurred, or accepted the workplan), the actual start date (Actual Start) is also the date of receipt of a draft FS or CMS workplan (**Note:** this date will be prior to the IAG completion date); or
- Sites where FS or CMS work starts prior to the FFA/IAG effective date and there has been limited EPA or State involvement, the FS or CMS actual start date (Actual Start) is the latter date that EPA or the State and the other agency sign the FFA/IAG; or
- EPA concurrence/approval of the EE/CA workplan.

The actual start (Actual Start) of a subsequent FS or CMS is the date a workplan which addresses the subsequent FS or CMS is received. When the subsequent FS or CMS is described in the same workplan as the first FS or CMS start, the subsequent FS or CMS actual start date (Actual Start) is the same as the first FS or CMS actual start date.

### **Changes in Definition FY 96 - FY 97:**

EE/CA added to the Definition of Accomplishment.

### **Special Planning/Reporting Requirements:**

This is a SCAP reporting measure. FS, CMS, or EE/CA start dates are reported site specifically (Action Name = Feasibility Study, Corrective Measure Study, or EE/CA) in CERCLIS.

## ***FF-7 • TIMESPAN FROM FINAL NPL LISTING TO RI/FS OR RFI START***

### **Definition:**

Superfund Amendments and Reauthorization Act (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 [or RFI] for such facility." This measure calculates the days and the timeframe from final NPL Listing to the first RI/FS or RFI start. Sites with timeframes greater than 180 days will be deemed not to have met this requirement.

**Definition of Accomplishment:**

This measure will calculate, by site, the interval between final NPL listing (publication of final listing in the *Federal Register*) and the actual date for the first RI/FS or RFI start. The timespan will be calculated based on the RI/FS start definition outlined in FF-5 RI/FS or RFI Starts - First and Subsequent, and the final NPL listing (Action Name = Final Listing on NPL) actual completion date (Actual Complete).

**Changes in Definition FY 96 - FY 97:**

Added RFI (Action Name = RCRA Facility Investigation) as a valid event entry. The measure's title was modified, and language was added clarifying the definition. This measure was formerly FF-6.

**Special Planning/Reporting Requirements:**

This is a SCAP reporting measure. Data in CERCLIS will be used to calculate the timespan on an annual basis. HQ will perform the analysis.

***FF-8 • DECISION DOCUMENTS — FIRST AND SUBSEQUENT***

**Definition:**

Upon completion of a Federal facility RI/FS, CMS, or EE/CA, the Federal agency selects a remedy for the Operable Unit (OU) that is presented in a cleanup decision document (i.e., ROD or RCRA corrective measure decision document). EPA or the State may either approve or concur on the remedy selection or, in the case of a dispute, they may select the remedy. For EPA, this authority has been delegated to the Regional Administrator or her/his designee.

**Definition of Accomplishment:**

Date the ROD, the appropriate RCRA corrective measure decision document, or appropriate EE/CA Action Memo is signed by the Regional Administrator/Deputy Regional Administrator or designee, or the date of EPA concurrence/approval on the clean-up decision document pursuant to an FFA/IAG or other enforceable decision document, or the date of EPA's letter of concurrence.

**Changes in Definition FY 96 - FY 97:**

EE/CA added to the Definition of Accomplishment.

**Special Planning/Reporting Requirements:**

See Definition of Accomplishment. This is a SCAP target.

***FF-9 • RI/FS OR RFI/CMS DURATION***

**Definition:**

The RI/FS is a CERCLA investigation designed to characterize the site, assess the nature and extent of contamination, evaluate potential risks to human health and the environment, and develop and evaluate potential remediation alternatives. RFIs are RCRA investigations designed to evaluate the nature and extent of hazardous releases and to gather necessary data to support a CMS. The CMS uses this data to develop and evaluate alternative cleanup approaches and ultimately recommend a final corrective measure.

The objective of this measure is to focus on good project management of a critical portion of the remedial pipeline and assess program performance. Duration trends provide indicators of areas that may require attention.

**Definition of Accomplishment:**

The RI/FS or RFI/CMS duration is calculated based on the RI/FS or RFI start and RI/FS or CMS completion definitions specified in FF-5, FF-6, and FF-7. Sites where an RI/FS is actually completed in FY 96 will be used in the analysis. Performance will be assessed by comparing:

- The Regional and national average duration of RI/FS projects completed in FY 92, FY 93, FY 94, and FY 95; with
- The Regional and national average duration of RI/FS projects completed in FY 96.

**Changes in Definition FY 96 - FY 97:**

None

**Special Planning/Reporting Requirements:**

This is a SCAP reporting measure. Data in CERCLIS will be used to calculate durations on an annual basis. HQ will perform the analysis.

***FF-10 • REMEDIAL DESIGN (RD) OR RCRA CORRECTIVE MEASURE  
DESIGN (CMD) STARTS — FIRST AND SUBSEQUENT***

**Definition:**

The RD is a CERCLA design that 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 CMD is a RCRA design that 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 CMD may include, but is not limited to, drawings, specification documentation, and statement of bidability and constructability.

Subsequent RD or CMD starts occur at NPL sites where previous RD or CMD activity has occurred.

**Definition of Accomplishment:**

If post-ROD, the RD (Action Name = FF RD) or CMD (Action Name = Corrective Measure Design) start date (Actual Start) is the date of submission of the RD or CMD work plan or other appropriate documents or statement of work (reported in CERCLIS as an actual start). If work begins prior to the ROD, the RD or CMD actual start date (Actual Start) will be the submission date of RD or CMD work plan or any other major deliverable (e.g., 30% design complete).

**Changes in Definition FY 96 - FY 97:**

None

**Special Planning/Reporting Requirements:**

This is a SCAP reporting measure. RD or CMD starts are reported site specifically (Action Name = Corrective Measure Design) in CERCLIS.

***FF-11 • REMEDIAL DESIGN (RD) OR CORRECTIVE MEASURE DESIGN (CMD)  
COMPLETIONS — FIRST AND SUBSEQUENT***

**Definition:**

A RD or CMD is complete when the plans and specifications for the selected remedy are developed and approved.

**Definition of Accomplishment:**

RDs and CMDs are considered complete the date a letter is signed by the appropriate Regional official approving the entire final RD or CMD package. If EPA does not approve the final RD or CMD package, the RD or CMD is considered complete the date of the Commerce Business Daily (CBD) or other appropriate publication requesting bids on the final RD or CMD package. This date is reported in CERCLIS as the actual completion date (Actual Complete) of the RD or CMD (Action Name = FF RD or Corrective Measure Design).

**Changes in Definition FY 96 - FY 97:**

None

**Special Planning/Reporting Requirements:**

This is a SCAP reporting measure. RD or CMD completions are reported site-specifically (Action Name = FF RD or Corrective Measure Design) in CERCLIS.

***FF-12 • REMEDIAL ACTION (RA) OR RCRA CORRECTIVE MEASURE  
CONSTRUCTION (CMC) STARTS — FIRST AND SUBSEQUENT***

**Definition:**

A RA or CMC is the implementation of the remedy selected in the ROD or appropriate RCRA corrective measure decision document at NPL sites to ensure protection of human health and the environment.

**Definition of Accomplishment:**

Date on which substantial, continuous, physical, on-site, remedial actions begin pursuant to SARA Section 120(e) as documented by a memo or letter to EPA. This date is reported in CERCLIS as the actual RA (Action Name = FF RA) or CMC (Action Name = Corrective Measure Construction) start date (Actual Start).

**Changes in Definition FY 96 - FY 97:**

None

**Special Planning/Reporting Requirements:**

This is a SCAP planning measure. RA or CMC starts are reported site specifically (Action Name = FF RA or Corrective Measure Construction) in CERCLIS.

***FF-13 • TIMESPAN FROM ROD SIGNATURE TO RA START***

**Definition:**

The objective of this measure is to focus attention on the statutory requirement for an RA start within 15 months of the ROD signature.

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 tracks compliance against the CERCLA Section 120 statutory requirements.

**Definition of Accomplishment:**

This measure will look at Federal agency performance by comparing the average timespan from ROD signature to RA start for all sites where an RA actually started in FY 96.

The corresponding ROD and sites exceeding the 15 month requirement will be identified. Comparisons will be made to previous Agency performance to determine trends.

The durations will be calculated using the actual ROD (Action Name = Record of Decision) completion dates (Actual Complete) and the actual RA (Action Name = FF RA) start dates (Actual Start) in CERCLIS. The ROD signature (RI/FS Completion) and RA start definition contained in FF-8 RI/FS Completions (ROD) or CMS Remedy Selection - First and Subsequent and FF-11 RA or Corrective Measure Construction Starts - First and Subsequent will be used in the analysis.

**Changes in Definition FY 96 - FY 97:**

None

**Special Planning/Reporting Requirements:**

This is a SCAP reporting measure. Data in CERCLIS will be used to calculate the timespan on an annual basis. HQ will perform the analysis.

***FF-14 • RA OR CMC COMPLETIONS — FIRST AND SUBSEQUENT*****Definition:**

A first and subsequent RA or CMC is complete when construction activities are complete, a final inspection has been conducted, and a RA Report or appropriate CMC reporting vehicle has been prepared and approved by EPA for a specific OU. This report summarizes site conditions and construction activities for the OU. Note: this date may be later than 120(h)(3) BRAC requirements for base closure.

**Definition of Accomplishment:**

The RA or CMC is complete the date that the designated Regional official signs a letter accepting the RA Report or appropriate CMC reporting vehicle for the first or subsequent RA or CMC or the date the Federal facility's construction manager submits a signed RA Report or appropriate CMC reporting vehicle that documents the completion of all construction activities for that OU, and that the remedy is Operational and Functional (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 CERCLIS as the actual completion date (Actual Complete) of the RA (Action Name = FF RA) or CMC (Action Name = Corrective Measure Construction).

**Changes in Definition FY 96 - FY 97:**

None

**Special Planning/Reporting Requirements:**

This is a SCAP target. RA or CMC (Action Name = FF RA or Corrective Measure Construction) completions are reported site specifically in CERCLIS.

## ***FF-15 • FINAL RA OR CMC COMPLETION***

### **Definition:**

A final RA is complete when:

- Construction activities at all OUs are complete; and
- LTRA at all OUs is complete; and
- A pre-final inspection of the site has been conducted; and
- A Preliminary Superfund Site Close-Out Report has been prepared and signed by the designated Regional official. 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 Operation and Maintenance (O&M) work plan, and establishment of institutional controls. The date of the Preliminary Superfund Site Close-Out Report should be reported in CERCLIS as the actual completion date (Actual Complete) of the RA subaction, Prelim Close-Out Rep Prepared (Action Name = FF RA and Subaction Name = Prelim Close-Out Rep Prepared); and
- A final inspection has been conducted; and
- The remedy is O&F, and the actual completion date (Actual Complete) of the O&F action (Action Name = Operational and Functional) has been entered into CERCLIS; and
- A letter accepting the RA Report has been signed by the designated Regional official (Branch Chief or above). The date the letter is accepted must be entered into CERCLIS as the RA (Action Name = FF RA) actual completion date (Actual Complete); and
- A Final Superfund Site Close-Out Report has been prepared.

### **Definition of Accomplishment:**

The final RA is complete the date the Regional Administrator signs the Final Superfund Site Close-Out Report documenting completion of the RA. The appropriate date must be recorded in CERCLIS as the actual completion date (Actual Complete) of the RA subaction, "Close Out Report" (Action Name = FF RA and Subaction Name = Close Out Report). An actual completion date (Actual Complete) must be entered to document completion of the final CMC (Action Name = Corrective Measure Construction).

### **Changes in Definition FY 96 - FY 97:**

Clarifying language was added to make the definition of accomplishment for Federal Facility Final RA completions consistent with the definition of accomplishment for non-Federal Facility Final RA completions at NPL sites (covered under the measure "NPL Site Completions" in Appendix B).

### **Special Planning/Reporting Requirements:**

Regions are required to plan the completion of the Close-Out Report prior to the FY. This is a SCAP target.



***FF-16 • RA DURATION*****Definition:**

The objective of this measure is to assess the success, as well as the complexity, of the Federal Facility Superfund program. The measure will also enable management to focus on sites where additional emphasis may need to be placed on enhancing the pace of response activities. Duration trends 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 96. Durations will be calculated using the actual RA start dates (Actual Start) and the actual RA completion dates (Actual Complete) in CERCLIS. The RA start and RA completion definitions are contained in FF-11 and FF-13.

**Changes in Definition FY 96 - FY 97:**

None

**Special Planning/Reporting Requirements:**

This is a SCAP reporting measure. CERCLIS will be used to calculate RA durations on an annual basis. HQ will perform the analysis.

***FF-17 • TIMESPAN FROM RI/FS START TO RA COMPLETE*****Definition:**

The objective of this measure is to focus on the timespan of essential components of the remedial pipeline. This measure reflects success in reducing the length of time needed to complete remedial activities at Federal facilities. Trends analyses will address the need for continuous improvements relative to meeting Agency goals.

**Definition of Accomplishment:**

This measure will look at Regional performance by analyzing the average duration from RI/FS or RFI start to RA completions for Federal facility OUs scheduled for RA completion in FY 96. The timespan will be calculated using the actual RI/FS (Action Name = FF RI/FS or Remedial Investigation) start date (Actual Start) and the RA (Action Name = FF RA) actual completion date (Actual Complete) in CERCLIS. The RI/FS start and RA completion definitions contained in FF-5 and FF-14 will be used in the analysis.

**Changes in Definition FY 96 - FY 97:**

None

**Special Planning/Reporting Requirements:**

This is a SCAP reporting measure. Data from CERCLIS will be used to calculate the timespan on an annual basis. HQ will perform the analyses.

## ***FF-18 • REMOVAL, EARLY ACTIONS, OR RCRA INTERIM/STABILIZATION MEASURE (ISM) — STARTS AND COMPLETIONS***

### **Definition:**

Removal actions and early actions (removal authority) are defined 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. ISMs are defined as RCRA removal actions that are intended to abate threats to human health and the environment from releases and/or to prevent or minimize the further spread of contamination while long-term remedies are pursued. Regions need to report removal actions conducted in response to emergency, time-critical, and non-time critical (NTC) situations at BRAC Fast Track non-NPL or NPL sites. Early actions are conducted in response to NTC situations. Under the Defense Environmental Restoration Program (DERP), DoD is required to notify EPA of its removal actions. **Long-term O&M should not be conducted under the removal.**

### **Definition of Accomplishment:**

**Removal/Early Action/ISM Start Date:** Date the Federal agency begins actual on-site removal work, or the date of Action Memorandum signature, or the date the lead Federal agency provides notice to EPA, or other decision document signature/approval. The date must be reported in CERCLIS as the actual start date (Actual Start) of the removal (Action Name = FF Removal), Early Action [Action Name = RA and Critical Indicator = (4) Early Action], or ISM (Action Name = Interim/Stabilization Measure).

**Removal/Early Action/ISM Completion Date:** Actual date the Federal agency has demobilized and notified EPA, completing the scope of work delineated in the Action Memorandum or other decision document. The date must be reported in CERCLIS as the actual completion date (Actual Complete) of the removal (Action Name = FF Removal), Early Action [Action Name = RA and Critical Indicator = (4) Early Action], or ISM (Action Name = Interim/Stabilization Measure).

### **Changes in Definition FY 96 - FY 97:**

ERAs are not tracked in CERCLIS 3; the definition has been modified to track early actions (removal authority) instead.

### **Special Planning/Reporting Requirements:**

See Definition of Accomplishment. Removal actions and early actions (removal authority) at Federal facilities are to be coded in CERCLIS as removals (Action Name = FF Removal), Early Action [Action Name = RA and Critical Indicator = (4) Early Action], or ISM (Action Name = Interim/Stabilization Measure). This is a SCAP reporting measure.

## ***FF-19 • FEDERAL FACILITY PARTIAL NPL DELETION***

### **Definition:**

Partial deletions of releases/sites listed on the NPL are being introduced during FY 96 to more fully communicate successful cleanup of portions of these sites. Historically, EPA policy has been to delete releases only after evaluation of the entire site. However, total site cleanup may take many years, while portions of the site may have been cleaned up and may be available for productive use. EPA will consider partial deletions for portions of sites when no further response is appropriate for that portions of the site. Such portion may be a defined geographic unit of the site, perhaps as small as a residential unit, or may be a specific medium at the site, e.g., groundwater, depending on the nature or extent of the release(s).

The criteria for partial deletion are the same as for final deletion. Given State concurrence, EPA considers:

- Whether responsible or other parties have implemented all appropriate and required response actions;
- Whether all appropriate Fund-financed responses under CERCLA have been implemented and EPA has determined that no further cleanup by responsible parties is appropriate; or
- Whether the release of hazardous substances poses no significant threat to the public health, welfare or the environment, thereby eliminating the need for remedial action.

A code (Action Name = Partial Deletion from NPL) has been added to CERCLIS to specifically record and track partial deletions. The partial deletion event should only be used when the deletion does not address the remaining release listed on the NPL. If a deletion does cover the remaining release listed on the NPL, the event should be treated as a Federal Facility Final NPL Deletion (Action Name = Final Deletion from NPL), discussed below.

### **Definition of Accomplishment:**

The partial NPL deletion process (for a portion of a site on the NPL) starts when a Notice of Intent to Delete is published in the *Federal Register* for that specified portion of the site.

The partial NPL deletion process (for a portion of a site on the NPL) starts when a Notice of Notice to Delete is published in the *Federal Register* for that specified portion of the site.

### **Changes in Definition FY 96 - FY 97:**

None

### **Special Planning/Reporting Requirements:**

The actual start (Actual Start) and completion (Actual Complete) dates are to be reported in CERCLIS for partial NPL deletions (Action Name = Partial Deletion from NPL). Partial site deletions are tracked separately from entire site deletions (Action Name = Final Deletion from NPL). Partial site deletions should be used if a portion, or portions, of the release remain listed on the NPL following completion of the partial deletion. An entire site deletion event (Action Name = Final Deletion from NPL) should be used if the deletion activity addresses the remaining release listed on the NPL (either as a one-time deletion event for the entire site as originally listed, or as the last deletion activity associated with a site subject to previous partial deletions). This is a SCAP reporting measure.

## ***FF-20 • FEDERAL FACILITY FINAL NPL DELETION***

### **Definition:**

With State concurrence, EPA may delete sites from the NPL when it determines that no further response is appropriate under CERCLA. In making that determination, EPA considers:

- Whether responsible or other parties have implemented all appropriate and required response actions;
- Whether all appropriate Fund-financed responses under CERCLA have been implemented and EPA has determined that no further cleanup by responsible parties is appropriate; or
- Whether the release of hazardous substances poses no significant threat to the public health, welfare or the environment, thereby eliminating the need for remedial action.

EPA will consider deleting the entire site or portions of sites from the NPL, as appropriate. This measure (Final NPL Deletions) would apply when an entire site as originally listed on the NPL is deleted through a one-time process, or upon deletion of the final component of a site that has been subject to previous partial deletions. Please note the "final component" in this case would represent the entire site/release at the time of final deletion.

**Definition of Accomplishment:**

The final NPL deletion process for the entire site starts when a Notice of Intent to Delete is published in the *Federal Register*.

The final NPL deletion process for the entire site is complete when the Notice of Deletion is published in the *Federal Register*.

**Changes in Definition FY 96 - FY 97:**

Revised language to reference "final" NPL deletion to differentiate this measure from partial NPL deletion.

**Special Planning/Reporting Requirements:**

The actual start (Actual Start) and completion (Actual Complete) dates for entire site deletions are to be reported in CERCLIS (Action Name = Final Deletion from NPL). This is a SCAP reporting measure.

**EXHIBIT D.3 (1 of 5)**  
**FEDERAL FACILITIES PLANNING REQUIREMENTS**

<b>Planning Requirements</b>	<b>FF-1 Base Closure Decisions</b>	<b>FF-2 FFA/IAG Starts</b>	<b>FF-3 FFA/IAG Completions</b>	<b>FF-4 Federal Facility Dispute Resolution</b>
<b>SCAP Target or Measure?</b>	Measure	Measure	Measure	Measure
<b>Planned/Reported Semi-Annually, Annually, or Both?</b>	Both	Both	Both	Both
<b>Planned Site-Specifically?</b>	No	Yes	Yes	No
<b>Planned/Reported on Operable Unit or Whole Site Basis?</b>	Operable Unit or Parcel	Whole Site	Whole Site	OU-Specific
<b>Reported Site-Specifically or in Non-Site Specific Portion of CERCLIS?</b>	Site-Specific	Site-Specific	Site-Specific	Site-Specific

**EXHIBIT D.3 (2 of 5)**  
**FEDERAL FACILITIES PLANNING REQUIREMENTS**

<b>Planning Requirements</b>	<b>FF-5 RI/FS or RFI Starts - First and Subsequent</b>	<b>FF-6 FS, CMS, or EE/CA Starts - First and Subsequent</b>	<b>FF-7 Timespan From NPL Listing to RI/FS Start</b>	<b>Decision Documents- First and Subsequent</b>
<b>SCAP Target or Measure?</b>	Measure	Measure	Measure	Target
<b>Planned/Reported Semi-Annually, Annually, or Both?</b>	Both	Both	Annual	Both
<b>Planned Site-Specifically?</b>	Yes	Yes	No	Yes
<b>Planned/Reported on Operable Unit or Whole Site Basis?</b>	Operable Unit	Operable Unit	Whole Site	Operable Unit
<b>Reported Site-Specifically or in Non-Site Specific Portion of CERCLIS?</b>	Site-Specific	Site-Specific	Site-Specific	Site-Specific

**NOTE:** Accomplishments are pulled from CERCLIS on a biannual basis.

**EXHIBIT D.3 (3 of 5)**  
**FEDERAL FACILITIES PLANNING REQUIREMENTS**

<b>Planning Requirements</b>	<b>FF-9 RI/FS or RFI Duration</b>	<b>FF-10 RD or CMD Starts - First and Subsequent</b>	<b>FF-11 RD or CMD Completions - First and Subsequent</b>	<b>FF-12 RA Starts - First and Subsequent</b>
SCAP Target or Measure?	Measure	Measure	Measure	Measure
Planned/Reported Semi-Annually, Annually, or Both?	Annual	Both	Both	Both
Planned Site-Specifically?	No	Yes	Yes	Yes
Planned/Reported on Operable Unit or Whole Site Basis?	Operable Unit	Operable Unit	Operable Unit	Operable Unit
Reported Site-Specifically or in Non-Site Specific Portion of CERCLIS?	Site-Specific	Site-Specific	Site-Specific	Site-Specific

**EXHIBIT D.3 (4 of 5)**  
**FEDERAL FACILITIES PLANNING REQUIREMENTS**

<b>Planning Requirements</b>	<b>FF-13 Timespan From ROD Signature to RA Start</b>	<b>FF-14 RA Completions - First and Subsequent</b>	<b>FF-15 Final RA Completions</b>	<b>FF-16 RA Duration</b>
SCAP Target or Measure?	Measure	Target	Target	Measure
Planned/Reported Semi-Annually, Annually, or Both?	Annual	Both	Both	Annual
Planned Site-Specifically?	No	Yes	Yes	No
Planned/Reported on Operable Unit or Whole Site Basis?	Operable Unit	Operable Unit	Whole Site	Operable Unit
Reported Site-Specifically or in Non-Site Specific Portion of CERCLIS?	Site-Specific	Site-Specific	Site-Specific	Site-Specific

**NOTE:** Accomplishments are pulled from CERCLIS on a bi-annual basis.

**EXHIBIT D.3 (5 of 5)**  
**FEDERAL FACILITIES PLANNING REQUIREMENTS**

<b>Planning Requirements</b>	<b>FF-17 Timespan From RI/FS to RA Completions</b>	<b>FF-18 Removal/ERA/ ISM Starts and Completions</b>	<b>FF-19 Federal Facility Partial NPL Deletion*</b>	<b>FF-20 Federal Facility Final NPL Deletion</b>
<b>SCAP Target or Measure?</b>	Measure	Measure	Measure	Measure
<b>Planned/Reported Semi-Annually, Annually, or Both?</b>	Annual	Both	Both	Both
<b>Planned Site-Specifically?</b>	No	No	Yes	Yes
<b>Planned/Reported on Operable Unit or Whole Site Basis?</b>	Operable Unit	Based on Individual Incident	Portion of Site as Identified	Whole Site
<b>Reported Site-Specifically or in Non-Site Specific Portion of CERCLIS?</b>	Site-Specific	Site-Specific	Site-Specific	Site-Specific

\* CERCLIS modification to record partial NPL deletions pending.

**NOTE:** Accomplishments are pulled from CERCLIS on a bi-annual basis.

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## **Appendix E: Superfund Information Systems**

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## Appendix E Superfund Information Systems

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**Appendix E**  
**Superfund Information Systems**

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## **APPENDIX E**

### **SUPERFUND INFORMATION SYSTEMS**

#### ***OVERVIEW***

The information required to effectively manage the Superfund program has grown increasingly complex in recent years. New program initiatives have sparked increases in data requirements, and data demands on EPA from Congress, outside interest groups, and the public continue to escalate. As the Agency approaches reauthorization, it is particularly important that the information supporting the program be consistent, easily accessible, and, most importantly, accurate.

Supporting the business processes of the Superfund program requires a broad range of information. Regional project managers require accurate and reliable information to manage and keep track of cleanup activities at Superfund sites. Regional and Headquarters managers require comprehensive information for program and budget planning and analysis, developing policies and procedures to enhance the program's effectiveness, and tracking Potentially Responsible Party (PRP) compliance with Agency enforcement actions.

Superfund's information systems have evolved with the program's expansion over time. In the mid-1980s, separate databases supported each program area. Maintaining separate databases made it difficult to obtain a comprehensive view of activities and progress at specific sites, and created obstacles for program-wide planning and accomplishments tracking efforts. In an effort to integrate Superfund information, CERCLIS, the Comprehensive Environmental Response, Compensation, and Liability Information System, was developed.

CERCLIS 2, a mainframe system, has served as the official, central repository of Superfund data containing national site assessment, remedial, removal, enforcement, and financial information. HQ Centers have relied heavily on the CERCLIS 2 database to generate official national reports and to carry out program management, analysis, evaluation, and reauthorization activities. A local area network (LAN) version of the system, WasteLAN, has provided the Regions with a means of accessing the information stored in CERCLIS 2. The Regions responsibility has been to maintain current site, project, and regional program management information in WasteLAN and regularly upload the information to the centralized CERCLIS 2 data base.

Although CERCLIS/WasteLAN succeeded in centralizing Superfund information once stored in separate databases, an increased need for cleanup information spurred aggressive systems development strategies across the program. New and existing program and project management systems were integrated into CERCLIS/WasteLAN, and multiple systems tools were developed to enhance them, including CleanLAN, RP2M, NPL-PAD, SMARTech, SMRS, and RELAI. The development of this vast network of support systems, which also included specialized Regional systems and "homegrown" databases, presented problems—each system required specialized knowledge and maintenance, and Superfund data were still not fully integrated.

Today, the future of Superfund information systems is being developed and tested according to requirements and guidelines established by Superfund personnel across the country. CERCLIS 3, the third generation of CERCLIS, is an integrated information system that has been designed to support the evolving business needs of the Superfund program. CERCLIS 3 will enable Superfund staff to share comprehensive and reliable data across the program, across EPA and, eventually, with other Federal partners and the public.

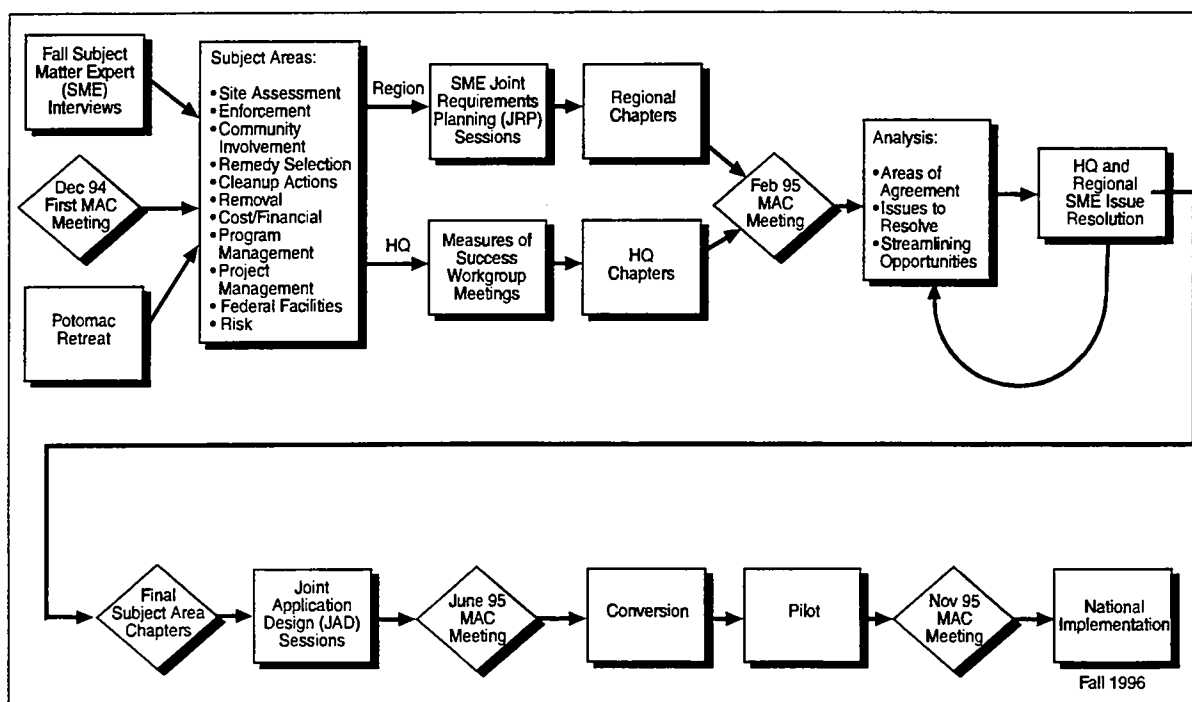
Superfund information will no longer be maintained across a vast network of regional and national systems and databases. CERCLIS 3 provides a single source for Superfund program information, linking site managers with program managers, community involvement personnel with enforcement officials, Regions with Headquarters, and Superfund staff with Congress and the general public. The information in CERCLIS 3 is divided by program area; however, information is shared across program areas, eliminating duplicate data entry and promoting program consistency.

The remainder of this Appendix will provide examples demonstrating how CERCLIS 3 will support each Superfund program area, both in the Regions and at Headquarters. Also included in this Appendix is a discussion of CERCLIS 3 reporting capabilities and an explanation of the Data Sponsorship program designed to ensure high quality Superfund data stored in CERCLIS 3.

### ***CERCLIS 3***

The concept behind the development of CERCLIS 3 is to re-engineer the flow of Superfund information. CERCLIS 3 was designed to satisfy specific goals set out during Regional data collection trips, joint requirements planning sessions, and Management Advisory Committee meetings. Some of the goals defined for CERCLIS 3 include: capturing information only once, at its source; automating and streamlining the data collection process; integrating with other support systems and tools, such as the Agency's Integrated Financial Management System (IFMS) and Geographic Information Systems (GIS); and supporting the day-to-day and long-term work of Superfund personnel. Exhibit E.1 shows the development methodology and process for CERCLIS 3.

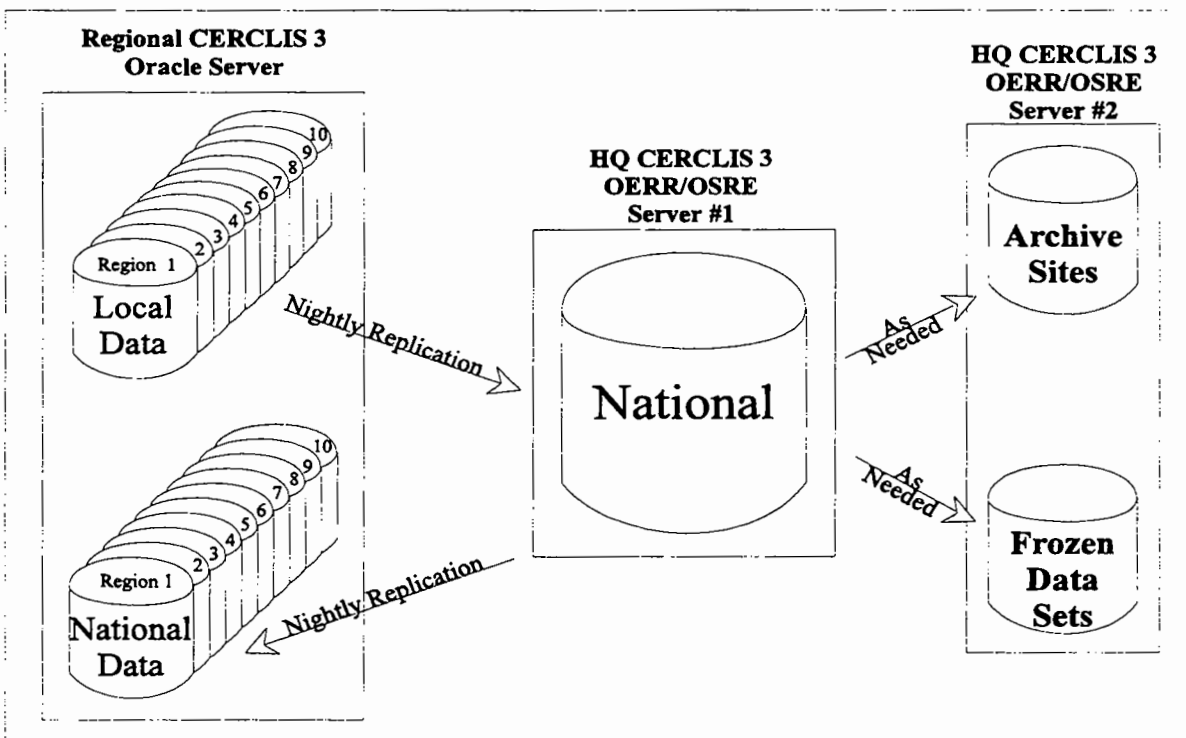
**EXHIBIT E.1**  
**CERCLIS 3 DEVELOPMENT PROCESS**



### **Data Architecture**

CERCLIS 3's Data Architecture has been designed so that all Superfund personnel will have access to accurate, up-to-date information. Information from Regional CERCLIS 3 users will be uploaded nightly to the national database at EPA Headquarters; in parallel, comprehensive national information will be downloaded each night to the Regional Production databases (see Exhibit E.2).

**EXHIBIT E.2  
CERCLIS 3 DATA ARCHITECTURE**



The weekly "backwards conversion" from CERCLIS 3 to CERCLIS 2 will allow Regions that are not on-line with CERCLIS 3 in the early stages of the system's implementation to access current Superfund information. Information entered into CERCLIS 2 by those same Regions will be uploaded quarterly to CERCLIS 3. CERCLIS 3 will also make national IFMS data available to both Regional and Headquarters users.

As the need arises, National CERCLIS 3 databases will be "frozen;" a copy of the database will be captured and stored at Headquarters as a record of Superfund information in the system at that time. In addition, information on Superfund sites will be archived annually.

CERCLIS 3 will benefit all Superfund personnel, both in the Regions and at Headquarters, in a number of ways. For example, CERCLIS 3 provides for greater control of the program evaluation process. It conveys reliable program and site information while eliminating redundant data collection and entry activities. CERCLIS 3 makes more data—including technical data not available in the past—available from a single "corporate" information system in creative formats that support decision making. Most importantly, CERCLIS 3 facilitates communication among Superfund personnel and promotes program consistency.

To illustrate some of the ways CERCLIS 3 will enhance the business activities of Superfund personnel, the following is a description of how the system will support specific user groups in the Regions and at Headquarters. For each user group, it describes how certain business processes will be refined and made more efficient by the implementation of CERCLIS 3.

### **Site Assessment and Project Management Personnel**

*CERCLIS 3 will track site discovery information, and will improve the quality of technical site data available.* CERCLIS 3 will allow Site Assessment Managers (SAMs) to enter, store, and retrieve basic site discovery information, from site name and address to latitude/longitude, spill source, and discovery method, as well as a textual descriptions of the site. Two copies of this information will be saved; one copy will be “frozen” as a permanent record of original site discovery, while the other copy will be available for use in other site assessment phases and throughout the pipeline. This national sharing of information will benefit site managers by eliminating redundant data collection and entry activities, and will improve the quality and consistency of data reported to HQ managers for program analysis, budgeting, and reauthorization purposes.

*CERCLIS 3 will help manage site activities and will support reauthorization analyses.* Regional Project Managers (RPMs) and On-Scene Coordinators (OSCs) will be able to track national, Regional, and user-defined Actions/SubActions in a comprehensive schedule that incorporates Gantt charts and calendars. These site schedules will be available to both Regional and Headquarters managers and will keep managers up-to-date on changes in the program’s status. Furthermore, by sharing and reusing data nationwide, informed, consistent program decisions will be promoted.

### **Enforcement Personnel**

*CERCLIS 3 will help attorneys search for and track PRPs, and will facilitate monitoring PRP compliance.* CERCLIS 3 will allow Superfund attorneys to associate PRPs with sites and enforcement actions with which they may have been involved. It will give attorneys the opportunity to document a particular PRP’s enforcement history and share this information with enforcement personnel in other Regions. CERCLIS 3 will allow the HQ enforcement team to monitor the percentage of PRP response actions in compliance with Consent Decrees (CDs), Administrative Orders (AOs), and Unilateral Administrative Orders (UAOs), as well as the amount of penalties assessed and collected.

*CERCLIS 3 will assist in determining the effectiveness of enforcement actions in pursuing PRPs.* CERCLIS 3 will enable enforcement personnel to determine when PRP searches are beginning and the level of PRP involvement at Superfund sites. Enforcement managers will be able to track the different enforcement mechanisms used to obtain PRP involvement, and analyze how these mechanisms have affected negotiation durations.

### **Community Involvement Personnel**

*CERCLIS 3 will allow community involvement personnel to access information on public meeting locations, community organizations, and public officials.* Community involvement personnel will be able to record and retrieve information on public meeting locations, including directions to the meeting. They will also be able to record information on community organizations that have expressed interest in a particular site, and identify citizens who are members of a particular organization. CERCLIS 3 will also provide screens for entering information on elected officials, including phone and fax numbers, date elected to office, and party affiliation.

*CERCLIS 3 will make technical data available to Headquarters community involvement personnel, and will assist the community involvement team in communicating information to interested parties.* The Headquarters community involvement team will have access to a wide variety of site information, including contaminant and cleanup data from RI/FSs and RODs and national information on Technical Assistance Grants (TAGs) and Community Advisory Groups (CAGs). CERCLIS 3 will provide a “public” view of technical site data in summarized formats, as well as tools for both the Regions and Headquarters to develop and customize the NPL Site Fact Sheets to support the community involvement program.



**Risk Assessment Personnel**

*CERCLIS 3 will assist in performing contamination assessments and data evaluations, and will make project planning more efficient.* CERCLIS 3 will provide the ability to record, review, and reuse information from the Preliminary Assessment (PA), Site Inspection (SI), Expanded Site Inspection (ESI), removal evaluation, and the Hazard Ranking Score (HRS). For each environmental medium, risk assessment personnel will have the opportunity to review and edit all contaminants of concern versus relevant standards, as well as access a summary of the contaminant-specific risks and hazards. CERCLIS 3 will also identify the risk assessment documentation available for each risk assessment performed at a site and provide a summary, for each document, of the uncertainties involved with the assessment.

*CERCLIS 3 will promote the use of risk assessment data in evaluating overall program progress.* CERCLIS 3 will support current program evaluation systems, such as Environmental Indicators (EI), SCAP, and the Government Performance and Results Act of 1993 (GPRA) pilot, and will bolster the effectiveness of these systems by incorporating performance measures that are focused on risk. By using risk-based data stored in CERCLIS 3, the risk assessment team will be able to ensure that the highest-risk sites are being addressed quickly and efficiently.

**IMCs and Regional Management Personnel**

*CERCLIS 3 will help IMCs establish regional planning estimates/targets.* CERCLIS 3 will provide IMCs with on-line access to site planning data for each target/measure activity. IMCs will be able to view planning data, summarized at the Region- or section-level, and access site-specific schedules. IMCs will be able to revise site schedules to update summary data without affecting the RPM's schedule. Furthermore, IMCs will be able to identify the primary candidate sites for each target/measure activity to form the basis for negotiations.

*CERCLIS 3 will help track the status of funds against the Regional budget, and will assist Headquarters managers in promoting consistency across the program.* Regional managers will be able to review all financial records associated with a particular allowance and perform "what if" scenarios on Regional spending plans by revising financial data and then reviewing the effect of the revisions on the Regional budget. Headquarters managers will benefit from standard data collection activities and reporting processes by having access to national data, allowing them to more easily analyze national trends and identify future initiatives that will promote program consistency.

**Program Analysis and Resource Personnel**

*CERCLIS 3 will support current program evaluation processes as well as new performance measures.* Because CERCLIS 3 was designed to incorporate current program evaluation tools, EI and SCAP processes will be seamlessly transitioned to the CERCLIS 3 environment. CERCLIS 3 will also have the flexibility to support a wide new range of program evaluation tools, like GPRA Pilot Measures and Measures of Success, in addition to enhancements to EI and SCAP. CERCLIS 3 will promote consistency in Superfund evaluation processes by providing program managers with a wide range of site data from each Region.

*CERCLIS 3 will help the Program Analysis and Resource team develop annual budgets and track expenditures.* CERCLIS 3 will provide Headquarters program managers with the information they need to determine Regional spending plans and develop annual Advices of Allowance (AOAs). CERCLIS 3 will also allow program managers to compare Regional spending plans to annual Regional negotiated budgets, and to track expenditures within each allowance category.

## **REPORTING SUPERFUND INFORMATION**

A Reports Library is currently being developed in CERCLIS 3. The Reports Library will be accessible by all CERCLIS 3 users, and will contain both nationally- and Regionally-defined reports. The reports are categorized by the following program areas: Enforcement, Federal Facilities, Program Management, Accomplishment, Remedy Selection, Removal Action, Risk Assessment, and Site Assessment.

Reports in the CERCLIS 3 Reports Library are being developed from a Select Logic Database (SLDB). The SLDB is a warehouse of select logic queries; because each query has been created using pieces of reusable code (RC), the select logic stored in the SLDB can be reused across multiple reports. The SLDB approach to developing reports has many benefits. By reusing select logic queries that have already undergone testing and validation, the SLDB approach promotes consistency and accuracy in reporting program-wide. In addition, because all select logic queries reside in one location, the effort required to maintain the Reports Library is significantly reduced.

The SLDB will store nationally- and Regionally-defined queries. Queries that are nationally defined and used in national reports will be tested and validated by third-party testers. National queries will be sponsored by query owners at Headquarters. Query owners are responsible for updating queries in a timely manner when new system requirements are established to ensure that queries remain consistent with programmatic changes.

The Regions will be able to use national queries from the SLDB for Regional reporting purposes. The Regions will also be able to develop and store Regionally-defined queries in the SLDB. Regionally defined queries and reports will be managed and maintained by the Regions themselves. The CERCLIS 3 Reports Steering Committee is currently discussing the process for and development of sharing queries and reports between Regions.

The Regions have submitted reports to Headquarters for analysis to determine if there are overlaps across the reports from each Region. If a particular report is similar in several Regions, that report may be identified as a candidate for a national report. Also, if a Regional query is identified for national implementation, the query will be validated, tested, and released as a national query. National queries and reports will be managed by the Headquarters Reports Librarian.

The Reports Librarian role has been expanded to include the coordination and management of all national queries and reports. The Reports Librarian will continue to coordinate with query and report owners and developers, ensuring that reports and queries are developed consistently, in accordance with standards, and third-party tested. It is also the Reports Librarian's responsibility to see that all national queries and reports are unique (but reused when appropriate) and released to the user community on schedule.

CERCLIS 3 also will offer the capability to create, run, and save ad hoc reports. The ad hoc reporting utility will give CERCLIS 3 reports users the ability to create and tailor reports to their own specific business processes, using report writing tools like InfoMaker and select logic from the SLDB.

Until Superfund personnel in all Regions and at Headquarters are using CERCLIS 3, and until the CERCLIS 3 Reports Library is fully developed, tested, and approved, official SCAP reports will be run from CERCLIS 2. However, because CERCLIS data will soon be entered in CERCLIS 3, the data required to generate official SCAP reports will need to be converted back into CERCLIS 2. This "backwards conversion" of data from CERCLIS 3 to CERCLIS 2 will serve as a temporary bridge between the systems for reporting Superfund information to program managers, Congress, and the public.

## ***APPLICABILITY OF THE FREEDOM OF INFORMATION ACT***

### **CERCLIS Reports Releasable under Freedom of Information Act (FOIA)**

There is a set of CERCLIS-generated reports that have sensitive information (records or information that are protected under FOIA and cannot be released to the public) removed and may be released under FOIA. These reports include:

- SCAP 11 (Site Summary Report for NPL Sites);
- SCAP 12 (Site Summary Report for Non-NPL Sites);
- List 8T (Site/Event Listing, Archived Sites);
- List 9 (Site Comprehensive Listing);
- Enforcement 10 (The Settlements Master Report— Public Version); and
- Enforcement 25 (Administrative and Unilateral Orders Issued).

The Records of Decision System (RODS) provides the justification for the remedial action (treatment) chosen under the Superfund program. Additionally, RODS stores information on the technologies being used to clean up sites. This information may be released under FOIA.

### **Sensitive Information Not Releasable under FOIA**

FOIA is intended as a disclosure law, not a withholding law. In handling all FOIA requests, there should be a presumption in favor of releasing information. There are certain types of information, particularly enforcement information, that have been designated as confidential and therefore not releasable to the public because disclosure could cause significant harm to the Agency. The following information fits into this category:

- Section 106 and 107 litigation and Consent Decrees (CD) and all related information where the planning information indicates that the action has or will be referred to Headquarters (HQ) or to the Department of Justice (DOJ). If the case is filed, the information may be released.
- Potentially Responsible Party (PRP) lead Remedial Investigation/Feasibility Study (RI/FS) projects and all related information where only planning data exist. If there is an actual PRP RI/FS start, the planned completion date (Fiscal Year/Quarter) can be released. However, no subsequent response dates are releasable.
- Remedial Design (RD)/Remedial Action (RA) - Administrative Order/CD and all related information where only planning data exist. This information is only releasable where an actual completion date exists.
- Planned obligation amounts related to Regional enforcement extramural budget activity associated with the following activities:
  - Litigation (106, 106/107, 107) support;
  - Removal Negotiations;
  - Non-NPL and NPL PRP search;

- RI/FS negotiations;
- RD/RA negotiations; and
- Cost recovery negotiations.
- RD and RA planned events where the lead is the RP with no actual starts. When there is an actual start, the planned completion can be released.
- RI/FS and RD/RA negotiations planned start and completion dates. When there is an actual start, the planned completion can be released.
- Planned removal/remedial obligations.
- All planned activities for sites that have not been designated as final or proposed NPL sites in the *Federal Register*.
- Information pertaining to the financial viability of PRPs.

This information is protected from mandatory disclosure by the following FOIA exemptions and provisions:

- EXEMPTION 7: Records or information compiled for law enforcement purposes. Specifically, EXEMPTION 7 (a) - could reasonably be expected to interfere with enforcement proceedings.

*Exemption 7 - Records or Information Compiled For Law Enforcement Purposes*

This exemption provides that records or information compiled for law enforcement purposes need not be disclosed in six specific instances. Even though a document falls under Exemption 7, the Agency, in its discretion, encourages release of the document unless release would significantly harm the Agency. Under this section, records or information can be withheld from disclosure if:

- Exemption 7 (a) — Disclosure could reasonably be expected to interfere with enforcement proceedings. Harm to the government's case in court by premature release of evidence or information or damage to the Agency's ability to conduct an investigation constitutes interference under the exemption.
- Exemption 7 (b) - Disclosure would deprive a person of a right to fair trial.
- Exemption 7 (c) - Disclosure could reasonably be expected to constitute an unwarranted invasion of personal privacy.
- Exemption 7 (d) - Disclosure could reasonably be expected to disclose the identity of a confidential source. This includes protection of information provided by the source on a criminal law enforcement investigation.
- Exemption 7 (e) - Disclosure would reveal a special technique or procedure for law enforcement investigations or prosecutions.
- Exemption 7 (f) - Disclosure could reasonably be expected to endanger the life or safety of any person.

As a result of 1986 Amendments to FOIA Exemption 7, the general coverage of Exemption 7 is no longer investigatory records but records of information compiled for law enforcement purposes. As long as some law enforcement authority exists and the record meets the threshold test for exemption 7, the record need no longer reflect or result from specifically focused inquiries by the Agency.

- **EXEMPTION 5: Privileged Interagency or Intra-Agency Memoranda.** Specifically, EXEMPTION 5, Privilege 1 - Deliberate Process Privilege, and EXEMPTION 5, Privilege 4 - Government Commercial Information Privilege.

*Exemption 5 - Privileged Interagency or Intra-Agency Memoranda*

Intra-agency records include reports prepared by outside consultants at the request of the agency. Recommendations from State officials to Environmental Protection Agency (EPA) may be considered intra-agency records when EPA has solicited State comments, has a formal relationship with the State, and the records concern a specific deliberative process.

This exemption allows the Agency to withhold from disclosure interagency or intra-agency memoranda or letters which fall under the following privileges:

- The Deliberative Process Privilege protects the quality of the Agency's decision-making process (i.e., to protect against premature disclosure of proposed policies before they are adopted), to encourage candid discussions among Agency officials, and to avoid premature disclosure which could mislead the public.

Only pre-decisional, deliberative documents may be withheld. These are written prior to the Agency's final decision, and are not likely to be those that are written by a person with final decision-making authority. Drafts of documents usually fall under this category, and documents transmitted between the government and third parties during settlement negotiations are occasionally protected under this privilege.

The deliberative process privilege does not allow the withholding of purely factual portions of documents. These portions must be released if they can be segregated from the remainder of the document (partial denial). This requirement presents a problem where the facts themselves reflect on the Agency's deliberative process; in this instance, the factual portions may be withheld.

- The Attorney-Work Product Privilege allows the withholding of documents prepared in anticipation of possible litigation. Litigation need not have commenced but it must be reasonably contemplated. This privilege does not extend to purely factual documents unless they reflect the results of an attorney's evaluation.
- The Attorney-Client Privilege applies to confidential communications between attorney and client, including communications between an Agency attorney and Agency employee.
- The Government Commercial Information Privilege is available to the government for information it generates in the process leading up to the award of a contract. This privilege expires once the contract is awarded or upon withdrawal of the contractual offer. An example of this privilege is cost estimates prepared by the government and used to evaluate the construction proposals of private contractors.
- The Expert Witness Privilege is commonly invoked to allow the withholding of records generated by an expert witness.
- The Confidential Witness Statement Privilege allows statements obtained from confidential witnesses to be withheld.

The Agency encourages the discretionary release of documents falling under any of the privileges, unless release would significantly harm the Agency's decision-making process. All of the privileges may be waived if the Agency has disclosed the document to third parties.

The sensitive information listed above covers the information restricted from public disclosure as of the compilation of this Manual. Additional information may be added to this category and information may be restricted in specific instances (though the prior disclosure rule must be satisfied). If requested information is potentially able to be restricted under a FOIA provision (in this case, under Exemptions 5, or 7), the official receiving the request should contact the appropriate FOIA office to determine whether the information should be restricted. Recently, a letter was sent to the Regions requesting their input as to what information should be considered enforcement sensitive and, thus, non-FOIAable. After Regional feedback has been analyzed, and guidance has been finalized, more detailed information will be provided.

### **Ad Hoc Reporting**

In general, all Regional requests for ad hoc reporting— a special request for records or information that is not part of the approved public SCAP reports— should be referred to the Office of Waste Programs Enforcement (OWPE) CERCLA Enforcement Division Director immediately. The Regional official receiving the request should inform the requestor of this policy and advise the requestor to contact HQ for a decision on whether this information may be released. If the requested information is only available from a specific Region, and HQ has decided to release this information, HQ will inform the responsible Region that the information should be compiled and disclosed to the requestor.

Ad hoc reporting requests should be treated like FOIA requests. And the following guidelines apply:

- If the information is protected under one of the FOIA exemptions, the information will not be disclosed (except in cases of discretionary release).
- Absent FOIA exemption protection, the information will be disclosed if it can be compiled or obtained in a reasonable amount of time by an Agency employee familiar with the subject area.
- Fees for ad hoc reporting requests will be charged in accordance with the fee structure used for FOIA requests.

### **Accessing FOIA Information**

There are several methods to access FOIA reports.

- On the Internet, via the World Wide Web, several standard CERCLIS reports can be downloaded from the Superfund Information home page (<http://www.epa.gov/superfund/>), accessed under the header "Standard Site Reports." To view downloaded reports, use the CERCLIS Report Browser, a DOS-based browsing tool, also available from the home page. Standard reports include:
  - **List 8T- CERCLIS Archive Listing.** All sites that were previously listed as contaminated or were suspected of being contaminated, but have subsequently been cleared of contamination or are no longer suspected of contamination. Previously called the "Transition Site/Event Listing."
  - **List 9- Site Location/Alias/Event Description Listing.** All Superfund sites/incidents, addresses, and Congressional districts, and the remedial, removal, and community relations events associated with each site/incident.
  - **SCAP 11- Site Summary Report for NPL Sites.** Detailed information on certain Superfund sites/incidents on the NPL. Only the sites/incidents that have planned or actual remedial/removal activities are selected for inclusion on the report.

- **SCAP 12- Site Summary Report for Non-NPL Sites.** Detailed information on certain Superfund sites/incidents that are not on the NPL. Only the sites/incidents that have planned or actual remedial/removal activities are selected for inclusion on the report.
- The Superfund Automated Phone and Fax Information System (1-800-775-5037) is an interactive phone/fax system that provides information about CERCLIS and the Record of Decisions System (RODS). By following voice prompts, the Superfund Automated Phone System allows users to request List 8T, List 9, SCAP 11, and SCAP 12 reports on diskette. Paper copies of these reports may also be requested using the Superfund Automated Phone System. Some products can be delivered immediately by fax; other products must be mailed.
- FOIA requests may also be submitted to a Regional or HQ office for any one of the FOIA reports. FOIA report requests should include the state, zip code, county, and/or city they are requesting, as well as which FOIA report they want.
- Enforcement 10 (The Settlements Master Report— Public Version) and Enforcement 25 (Administrative and Unilateral Orders Issued) are available by contacting OSRE. These reports are not available from Superfund's World Wide Web site or the Superfund Automated Phone and Fax Information System.

### ***DATA OWNERS/SPONSORSHIP***

HQ Centers are taking an active role in ensuring the quality of data stored in CERCLIS 3 by acting as data sponsors. Data sponsors ensure that the information necessary for supporting Superfund's business processes—including program analysis, management, and evaluation—is captured and stored properly in CERCLIS 3. To meet this goal, HQ data sponsors identify their data needs, develop data field definitions, and prepare coding guidance for entering data into the system. Data sponsors also determine data acquisition strategies for each data field. Part of this task is the responsibility of data sponsors to provide contract language to support the requirements for electronic data submission (EDS).

Data sponsorship promotes consistency and communication across the Superfund program. HQ data sponsors communicate and gain consensus from data owners on data collection and reporting processes. Periodically, data sponsors will verify the data entered and maintained by the Regions through audit reports and focused data studies, ensuring that coding guidance is being properly followed. Data sponsors will then work directly with the Regional IMC or HQ Center to identify and correct data errors.

HQ data sponsors assist data owners in maintaining and improving the quality of Superfund program data. Data sponsorship provides team support for data evaluation and reporting. It helps promote consistency in both national and Regional reporting. In addition, it ensures that data quality will continue as CERCLIS 3 evolves; for example, the coding guidance being developed by HQ data sponsors will eventually be available from CERCLIS 3's On-Line Guidance utility.

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## **Appendix F: Oil Pollution Prevention and Response Program**

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## Appendix F Oil Pollution Prevention and Response Program

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**Appendix F**  
**Oil Pollution Prevention and Response Program**

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## **APPENDIX F OIL POLLUTION PREVENTION AND RESPONSE PROGRAM PRIORITIES**

### ***OVERVIEW***

The Agency shares responsibility with the United States Coast Guard (USCG) for implementing major provisions of the Clean Water Act (CWA) and the Oil Pollution Act of 1990 (OPA). EPA will review Area Contingency Plans (ACPs), issue regulations for Facility Response Plans (FRPs) for non-transportation related offshore facilities, implement recommendations from a report to Congress on liners, inspect removal equipment at facilities, and address liability issues. The Agency has recently published regulations for non-transportation related onshore FRPs, and a major revision to the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The Agency will approve certain FRPs and conduct area drills. In addition, Regional offices will assist State Emergency Response Commissions (SERCs), Tribes, and Local Emergency Planning Commissions (LEPCs) in coordinating and linking FRPs with Community Response Plans (CRPs) developed pursuant to the Emergency Planning and Community Right Act of 1986 (EPCRA).

### ***OIL PROGRAM INITIATIVES***

In Fiscal Year (FY) 97, the Office of Solid Waste and Emergency Response (OSWER) will focus on addressing the following: above-ground storage tank/facility leakage and contamination; overseeing the continued implementation of FRPs through review, approvals, and inspections; overseeing implementation of the oil spill response provisions of the revised NCP; developing and maintaining data systems; improving the Spill Prevention Control and Countermeasures (SPCC) Program; and enhancing coordination within and between government agencies. These initiatives, which will improve response and enforcement activities related to oil spills and leaks, are described in more detail in the remainder of this section.

#### **Addressing Above-Ground Storage Facility (ASF) Leakage and Contamination**

In FY 96, the Agency completed a study to determine whether liners or other secondary containment means will help prevent and detect leaks at above-ground storage facilities. As a result of this study and related research, the Agency will initiate a cooperative program for industry, States, and environmental groups to investigate existing contamination, current facility design and procedures, and possible initiatives for contamination prevention and cleanup.

#### **Implementing FRPs**

The OPA of 1990 requires that certain facility owners and operators prepare plans to respond to worst-case discharges of oil or a substantial threat of such a discharge. Owners/operators of such "substantial harm facilities" must submit their plans or stop handling, storing, or transporting oil. To ensure that such plans are implemented and response readiness maintained, OSWER will engage in the following activities:

- ***Implement FRP Regulation for Offshore Facilities*** — Through a Memorandum of Understanding (MOU) with the USCG signed on February 3, 1994, EPA has been delegated the responsibility to regulate certain offshore facilities inside the continental coastline (including the Great Lakes, rivers, coastal wetlands, and Gulf Coast barrier islands).

- ***Develop Guidance on FRP Rule*** — To ensure comprehensive plan development, the Oil Program Center (OPC) will take the lead in developing a FRP guidance document. The document will contain such elements as the types of facilities that must prepare response plans, which plans must be approved, and what information should be contained in these plans.
- ***Coordinate with the Office of Enforcement and Compliance Assurance (OECA) on Oil Program Enforcement of the Spill Prevention Control and Countermeasures (SPCC)/FRP Rule*** — The primary goal of this initiative is to ensure that program regulations, policy, implementation, and enforcement are consistently applied and support the same basic program objectives.
- ***Develop and Implement Inspector Training to Ensure Consistent Implementation and Enforcement of the SPCC Prevention and Response Program*** — The goal is to develop a national inspector's training program pilot in conjunction with OECA and give training to all Regions.
- ***Develop Preparedness Response Exercise Program (PREP) Guidance/Scheduling*** — To ensure that facilities are able to fully implement their FRPs, the OPC will provide guidance on procedures and scheduling of periodic sessions during which a facility puts into practice its FRP and ensures its effectiveness.
- ***Continue to Review FRPs and Inspect Facilities*** — Inspections of facilities and FRPs will continue. FRPs submitted after 2/18/93 will have to be reviewed, inspected, and approved. The 5-year cycle of review and approval of the FRP also will continue. The OPC also may observe internal facility drills/exercises.

### **Implementing the NCP**

The revised NCP of 1994 implements several new regulations that directly affect the policies and procedures governing the Oil program. The NCP also redefines the roles and responsibilities of several program offices within the Oil program. These new regulations include a revision of Subpart J, which outlines technical requirements for chemical countermeasures, approval, and use on oil spills. They also include requirements for ACPs that ensure efficient responses to potential worst-case oil spills or discharges. The OPC will have an integral role in the implementation of Subpart J and the monitoring of ACPs, and will be assisted by several other offices in these efforts. The following activities will be implemented as a result of the revised NCP:

- ***Subpart J*** — Subpart J of the NCP requires EPA to prepare a product schedule of dispersants, chemicals, and other spill mitigating devices and substances, if any, that may be used in carrying out the NCP. Regional Response Teams (RRTs) and Area Committees (ACs), whose members are appointed by the President and consist of personnel from qualified Federal State and local agencies, will address as part of their planning activities the desirability of using dispersants, surface washing agents, surface collecting agents, bioremediation agents, or miscellaneous spill control agents such as those listed on the NCP product schedule. This effort requires effectiveness and toxicity testing for all product categories currently listed on the NCP product schedule. The Oil Program conducts validation testing for all dispersants.

The OPC is responsible for coordination, correspondence, and product review in support of Subpart J initiatives. In addition to this role, the OPC provides outreach to vendors, RRTs, and the general public regarding the use of chemical countermeasures. The OPC also continues to oversee research efforts on surface washing agents and dispersants. Furthermore, because of the breadth of chemical countermeasures research and field activities, the OPC coordinates extensively with the Office of Research and Development (ORD) and the Environmental Response Team (ERT).



- **Enhance the OPC's Involvement in Area Planning** — The OPC works with the Chemical Emergency Preparedness and Prevention Office (CEPPO) by monitoring area contingency planning efforts to ensure that they are providing the necessary link between the FRPs and the NCP, and that all contingency plans are coordinated to control a worst-case discharge of any size. OPC and CEPPO will ensure that plans are integrated and compatible, to the greatest extent possible, with all appropriate response plans of State, local, and non-Federal entities, and especially with Title III local emergency response plans.

### Developing and Maintaining Data Systems

The availability of complete and comprehensive data on oil spill incidents and facilities is an integral component of the Oil program's planning and response efforts. During the upcoming year, the Oil program will focus its efforts in this area on the further development of pilot projects that will lead to a new comprehensive Oil program database that records and tracks information on incidents (spills) and facilities. The program also will continue to maintain the current Emergency Response Notification System (ERNS), so that release notification information on oil and hazardous substances can be accessed quickly and efficiently. To achieve these goals, the Oil program will engage in the following activities:

- **Collection of Environmental Data** — OPC will continue to assist the Regions in gathering spatial data for area contingency planning purposes. This data will include environmentally sensitive areas, such as wetlands, drinking water intakes, endangered species locations and similar areas. OPC also will work with the Regions to incorporate this data and other spatial data, such as facility locations and spill locations, into a useable geographic information system (GIS) format, for both planning and response support purposes.
- **Develop Oil Database** — The Oil program database will be developed for the purpose of recording and tracking information on Oil program actions at a site-specific level. The database will be divided into two functional categories: incidents and facilities. The incident portion of the database will record all spills and the corresponding response actions at each site, while the facility portion of the database will be the medium for recording normal facility operations data. The database will interface with CERCLIS as necessary, and will be used primarily by the Regions to facilitate the flow of information within and between Regions. The database also will likely interface with some of the GIS applications described above.
- **Enhance and Maintain ERNS** — ERNS provides the most comprehensive data compiled on release notification of oil and hazardous substances nationwide. Information should be recorded in ERNS when a release is initially reported; when more specific data is verified, more detailed data on the spill should be entered into the system.

### Improving the SPCC Program

The owners/operators of any facility subject to oil pollution prevention regulations are required to prepare and implement a SPCC plan. Plans must detail the procedures put into place to prevent and control oil spills. To ensure that such plans are developed and adhered to, the Office of Emergency and Remedial Response (OERR) will engage in the following activities:

- **Define Regional Coordination Roles Between the OPC and the Regional Centers** — This initiative was established to promote open communication, prevent duplication of SPCC program efforts, and clearly define the roles of the OPC and Regional Coordination Centers.
- **Facilitate Regional Consistency** — The Oil program is working to facilitate consistency among the Regions in their implementation of SPCC inspections. (See the discussion on FRPs earlier in the chapter.)
- **Provide Regional Outreach** — Regional outreach efforts will be in the form of Headquarters (HQ) support of the Regions' efforts to successfully implement their oversight of the SPCC program.

- ***Provide team-building opportunities*** — To assist Regional coordination implementation teams, team-building activities such as matrix management will be used to better manage administrative processes and activities.
- ***Reduce Paperwork Burden*** — The Agency will propose revisions to significantly reduce the SPCC paperwork burden. In a 1995 report to the President, EPA committed to an Agency-wide 25% reduction.
- ***Implementing a Cooperative Program*** — HQ will work with Regions, States, industry, and environmental groups to implement a program whereby facilities upgrade equipment, monitor as necessary, and clean up contamination.

#### **Coordinating with Other Agencies**

The success of the Oil program relies heavily on the continued cooperation of several different agencies including the USCG, the Department of Transportation (DOT), the Minerals Management Service (MMS), the National Oceanic and Atmospheric Administration (NOAA), and the Department of the Interior (DOI). Cooperation among these agencies ensures the efficient implementation of the NCP and FRP rule. To better instill this cooperation, a national bulletin board that will provide a means to share information on oil spill prevention and responses will be developed, a MOU with the USCG will be prepared, and model MOUs for Regions/States will be developed.

### ***OIL SPILL PREVENTION AND CLEANUP ACTIVITIES***

HQ and the Regions will continue to work to decrease the environmental damage caused by oil spills. The following measures will be taken in an effort to prevent oil spills:

- ***Targeting Inspections at the Higher Risk Facilities*** — Where inspections disclose violations, enforcement actions will be taken in an effort to prevent problems before they occur.
- ***Increasing the Amount of Cost Recovery Documentation*** submitted to NPFC following completion of spill response efforts.
- ***Planning and Conducting Responses to Oil Spills*** — Response actions will be conducted with the goal of minimizing pollution and subsequent environmental damage, including increasing the number of removal orders issued.
- ***Increasing the Number of Enforcement Penalty Actions*** taken as a result of oil or hazardous substances discharge.
- ***Evaluating the Agency's Response to Spills*** to determine the most appropriate response to spills of varying severity.
- ***Improving the Science of Oil Spill Response Through Efforts with Other EPA Offices and Industry Groups to Sponsor Such New Technologies as In-Situ Oil Burning and Surface Cleaning Agents*** — The Oil program will work through the National Response Team (NRT) to address national oil issues including participation in the Science and Technology, Preparedness, and Response Committees. The OPC will participate in special projects/reports such as a proposal for the review and approval of response plans to be done by the Federal On-Scene Coordinator (OSC) with jurisdiction for response.

## **OIL POLLUTION PREVENTION AND RESPONSE PROGRAM PLANNING AND REPORTING REQUIREMENTS**

### ***OVERVIEW***

In FY 97, the Oil Pollution Prevention and Response Program will continue to work on the further refinement of its planning, prevention, and response activities and incorporation of these activities into the existing National Response System (NRS) framework.

### ***NATIONAL OIL AND HAZARDOUS SUBSTANCES POLLUTION CONTINGENCY PLAN***

The cornerstone of the Oil program's planning activities is the revised NCP, which outlines procedures and responsibilities for addressing potential oil and hazardous substance spills and discharges. This plan coordinates with, and is bolstered by, a number of similar Federal contingency plans, all of which are capable of handling "worst case discharges" of varying sizes and magnitudes. Exhibit F.1 displays the relationship of the Oil Pollution Prevention and Response Program plans and their relationship with the NCP.

### ***REGIONAL CONTINGENCY PLANS***

The Regions' plans for oil and hazardous waste spill responses are outlined in Regional Contingency Plans (RCPs). RCPs are developed by Regional Response Teams (RRTs) in conjunction with the States, and provide for timely, effective, and coordinated responses to oil and hazardous waste spills by various Federal agencies and other governmental organizations. In addition, RCPs must follow the format and the intent of the NCP and be coordinated with State Emergency Response Plans (SERPs), ACPs, and the Local Emergency Response Plans (LERPs) provided for under Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA).

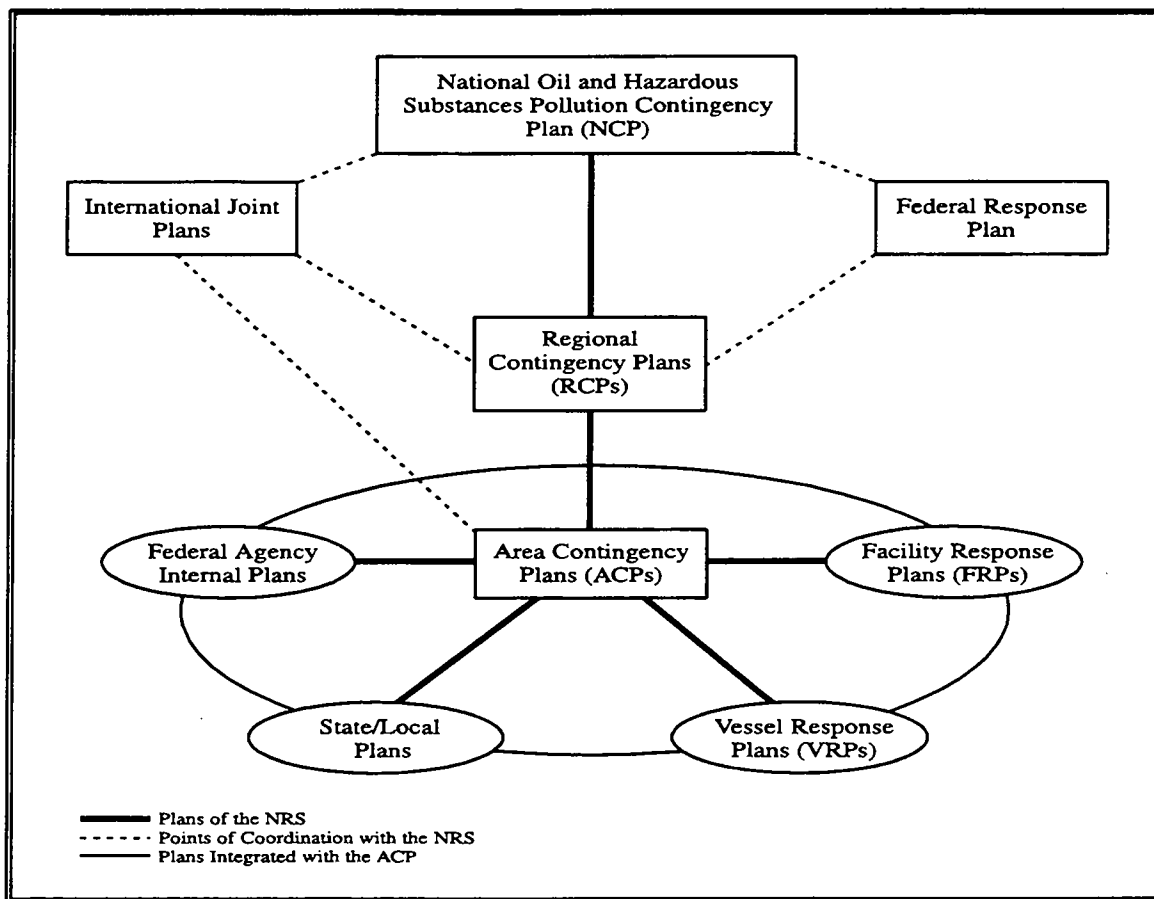
### ***AREA CONTINGENCY PLANS***

ACPs are locality-specific oil and hazardous waste spill response plans. All ACPs are under the supervisory authority of a federally appointed OSC, and are formulated by a body known as an Area Committee (AC). The ACs work in conjunction with the appropriate RRTs, Coast Guard District Response Groups (DRGs), the National Strike Force Communication Center (NSFCC), Scientific Support Coordinators (SSCs), LEPCs, SERCs, and Tribes to ensure consistency and prevent duplication of response efforts and responsibilities. The ACP also should be implemented in conjunction with provisions of the NCP and be effective in responding to a worst case discharge and mitigating or preventing a substantial threat of such a discharge from a vessel or facility operating within or near the area. The OSC may conduct emergency response drills to ensure that existing contingency plans and mechanisms are effective in dealing with a potential worst case discharge.

### ***FEDERAL RESPONSE PLAN***

If and when an oil or hazardous material spill is declared a national disaster by the President, the Federal Response Plan is the instrument used to ensure effective response and cleanup. The Federal Response Plan is an agreement signed by the 27 Federal departments and agencies responsible for responding to oil and hazardous waste spills. It is implemented only when an existing discharge is beyond the capabilities of the State and local authorities and/or the statutory authority of Federal agencies. Interagency Agreements (IAGs) may be utilized when necessary to ensure that Federal resources will be available for a timely response to a discharge or release.

**EXHIBIT F.1**  
**RELATIONSHIP OF OIL POLLUTION PREVENTION AND RESPONSE PROGRAM PLANS**



There are also several smaller governmental plans and organizations that play an integral role in the NRS. SERCs are responsible for designating emergency planning districts, appointing LEPCs for each district, and supervising the creation of LERPs in accordance with Title III, Section 303 of SARA. LERPs should be reviewed and updated at least once a year to ensure their accuracy and effectiveness. The SERCs and LEPCs also are responsible for receiving and processing information requests from the public regarding discharges or subsequent response actions. CRPs set forth provisions and guidelines for communication within and between communities in the event of a spill or discharge. These plans should be coordinated as closely as possible with other response plans and ensure fluid transfer of necessary information from the lead agency to the members of the local community.

The final components of the NRS are the SPCC Plans, FRPs, and Vessel Response Plans (VRPs), produced by owners or operators of facilities or vessels that are subject to the OPA. All owners and operators of OPA regulated facilities must produce and implement a SPCC plan, which outlines procedures for preventing and controlling oil spills. FRPs, which focus on reactive measures, such as how facility personnel are to respond to a discharge, are not required unless it is deemed that a specific facility could cause "substantial and or significant harm" to the surrounding environment. FRPs must be consistent with the NCP as well as with the appropriate RCPs and ACPs, and must be updated periodically to ensure effective response. Finally, all "tank vessels," as defined by section 311(j)(5) of the Clean Water Act (CWA) (as amended), must prepare and submit a VRP for responding to a worst case discharge, or to a substantial threat of such a discharge of oil or hazardous substances.

An NCP product schedule must be kept for all dispersants, surface washing agents, surface collecting agents, bioremediation agents, and miscellaneous oil spill control agents that may be used in mitigating oil and hazardous substance spills. Under Subpart J of the NCP, dispersant and bioremediation effectiveness testing and revised toxicity testing are required for all product categories listed on the NCP product schedule.

### ***COMMUNICATIONS REQUIREMENTS ASSOCIATED WITH A RELEASE***

The National Response Center (NRC), located at USCG HQ, is the national communications center for handling activities related to oil response actions. It acts as the single point of contact for all pollution incident reporting, and as the NRT communications center. Any oil spills or discharges must be reported by telephone to the NRC. The NRC is responsible for notifying the appropriate Federal OSC and any participating NRT member agencies of the release, and communicating all of the information that it has received to ensure that an appropriate response may be implemented. All of the information received from the initial notification report also must be entered into ERNS. This information can then be used by decision makers to solve emergency response and release prevention issues. When notification information is verified, more detailed data on the release should be added to ERNS. ERNS also can be accessed by enforcement personnel to determine whether or not timely notification of spills have been reported.

Specific reporting requirements must be met to ensure efficient communication and coordination during response actions. The Federal OSC must report any significant developments that occur during response actions to the RRT and other appropriate agencies through communications networks or other pre-approved channels. This information should be made available to the trustees of affected natural resources so that they remain informed during the course of the response action. The OSC also is required to produce (if the RRT or NRT deems it beneficial) a more detailed report on the removal actions taken, resources committed (financial and manpower), and problems encountered in responding to the spill or discharge. This report should be submitted first to the RRT, and then subsequently to the NRT within 30 days of its initial submission. In addition, Title III of SARA requires the reporting of information, as it becomes available, to community representatives that have a stake in the response actions. Two of the more commonly used mechanisms for ensuring compliance with Title III requirements are the establishment of a Joint Information Center, and/or an on-scene news office to report important developments as they occur. Finally, after the appropriate response action has been implemented, the lead agency is responsible for preparing a report that details the source of the release, PRP involvement, and the impacts or potential impacts on human health, welfare, and the environment posed by the discharge or spill.

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## **OIL POLLUTION PREVENTION AND RESPONSE PROGRAM FINANCIAL MANAGEMENT**

### ***OVERVIEW***

The CWA as amended by the OPA established a dedicated trust fund for EPA to use for implementing many OPA provisions. The USCG administers the trust fund. The oil budget, which includes oil spill prevention, preparedness, and response is (like the Superfund budget) multi-year money that conforms to the Agency's administrative and programmatic budget structure.

### ***BUDGET FORMULATION***

The Oil program's budget formulation process begins approximately 20 months before the budget execution year. Currently, the Oil program establishes and defines goals and initiatives for the budget year in support of the Agency's strategic plan. In line with Agency guidance, the Oil program also develops a budget strategy to achieve these goals and establishes outputs for measuring success. Examples of outputs include the number of oil spill cleanups, oil spill administrative enforcement actions, and oil spill FRP reviews.

### ***OPERATING PLAN DEVELOPMENT***

Once the Agency receives the Oil program appropriation, development of the finalized operating plan begins. The appropriated resources are allocated to Oil program activities, including response and regulatory support, enforcement, emergency response teams, and prevention.

### ***BUDGET EXECUTION***

During the budget execution year, Regions request programmatic funds for specific oil spill activities including:

- Responding to oil spills, monitoring private party responses, and investigating oil spill notifications;
- Conducting SPCC inspections including plan reviews, site visits, and follow-up;
- Reviewing FRPs to ensure safety and compliance, and to provide early identification of potential oil spill dangers;
- Providing technical assistance to the USCG in response to coastal oil spills; and
- Performing ACP drills through PREP.

HQ reprograms the funds for Regional expenditure based on required requests. Oil spill activities also are performed by and funded directly out of HQ for such purposes as:

- Promoting bioremediation implementation with the Regions.

As the budget execution year closes, the Oil program uses actual obligations as the framework for developing the next year's budget to ensure that the formulation process most closely reflects program trends.

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## OIL POLLUTION PREVENTION AND RESPONSE PROGRAM FY 97 MEASURES

### OVERVIEW

The following pages contain the definitions of the FY 97 Oil Pollution Prevention and Response Program measures. The measures are grouped under the following three program areas: Prevention/Preparedness; Response; or Enforcement. Exhibit F.2 displays these Oil program activities and indicates the program area grouping under which each measure falls. All oil program measures are reported semi-annually on a site- or facility-wide basis. Oil program measures are not reported site-specifically.

**EXHIBIT F.2**  
**FY 97 OIL POLLUTION PREVENTION AND RESPONSE PROGRAM ACTIVITIES**

Measure Name	Program Area
<i>OIL-1:</i> Spill Prevention, Control, and Countermeasure (SPCC) Inspections and Plan Reviews	Prevention/ Preparedness
<i>OIL-2:</i> Oil Facility Response Plans Reviewed and Approved	Prevention/ Preparedness
<i>OIL-3:</i> Area Contingency Plans	Prevention/ Preparedness
<i>OIL-4:</i> PREP Area Drills	Prevention/ Preparedness
<i>OIL-5:</i> Oil Spill Notifications	Response
<i>OIL-6:</i> Oil Spill Investigations/ Preliminary Assessment	Response
<i>OIL-7:</i> Oil Spill Cleanups	Response
<i>OIL-8:</i> Oil Spill PRP Monitoring/Directing	Response
<i>OIL-9:</i> Cost Documentation	Response
<i>OIL-10:</i> Administrative Penalty Enforcement Actions for Spill Violations and Prevention Regulation Violations	Enforcement
<i>OIL-11:</i> Judicial Enforcement Actions for Spill Violations and Prevention Regulation Violations	Enforcement
<i>OIL-12:</i> Orders for Removal Issued to a Responsible Party	Enforcement

## ***OIL POLLUTION PREVENTION AND RESPONSE PROGRAM DEFINITIONS***

### **PREVENTION/PREPAREDNESS MEASURES:**

#### ***OIL-1 • SPILL PREVENTION, CONTROL, AND COUNTERMEASURE (SPCC) INSPECTIONS AND PLAN REVIEWS***

##### **Definition:**

For this measure, SPCC inspections include site inspections and SPCC plan reviews performed by EPA and/or the support contractors. For both activities listed below, each separate facility or SPCC plan will count as a single credit, no matter how extensive or complex the facility is.

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

Two activities are counted separately for SPCC inspections (Action Name = SPCC Inspections/Reviews):

- Site inspection, which may include separate counts for an initial visit and for a follow-up compliance inspection; or
- The submittal of correspondence to a facility regarding the review of the SPCC plan.

##### **Changes in Definition FY 96 - FY 97:**

None

##### **Special Planning/Reporting Requirements:**

See Definition of Accomplishment. The number of inspections and plan reviews are reported non-site specifically in CERCLIS.

#### ***OIL-2 • OIL FACILITY RESPONSE PLANS REVIEWED AND APPROVED***

##### **Definition:**

Under the OPA, facilities that store oil and have the potential to cause "substantial harm" to the environment must prepare a response plan for a worst-case discharge. The subset of those facilities that have the potential to cause "significant and substantial harm" to the environment require review and approval by EPA, although all facilities may be reviewed by EPA. This measure counts the number of oil Facility Response Plans (FRPs) reviewed and approved by the Region.

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

The initial evaluation, detailed review, site inspection, and approval of one response plan will each be counted separately (Action Name = Facility Response Plan Review).

**Initial Evaluation:** Date of the first piece of correspondence from EPA to the facility that includes an initial determination of whether the plan is complete and identification of "significant and substantial harm" facilities. Regions will receive credit for an initial evaluation only once for each plan received.

**Detailed Review:** Date of the first piece of correspondence from EPA to the facility after completion of a review checklist or equivalent level of review. Regions will receive credit for detailed review of each plan once for each approval cycle or each material change and subsequent resubmission.

**FRP Site Inspections:** Date of each site visit made as part of a FRP review, as recorded in site files or inspection report. Regions will receive credit for each separate site visit as part of a FRP review.

**Final Approval:** Date of the letter from EPA to the facility approving the response plan. Regions will receive credit for each new approval during each review cycle.

**Changes in Definition FY 96 - FY 97:**

None

**Special Planning/Reporting Requirements:**

See Definition of Accomplishment. The number of response plans evaluated, reviewed, and approved are reported non-site specifically in CERCLIS.

***OIL-3 • AREA CONTINGENCY PLANS***

**Definition:**

Under the OPA, Regions are required to work with Area Committees (ACs) and develop Area Contingency Plans (ACPs). Regions vary as to whether they will publish a single plan with several sub-area annexes, or several separate ACPs. A Region that publishes one ACP with four sub-area annexes will receive the same credit as a Region that publishes four separate ACPs.

**Definition of Accomplishment:**

Regions will receive credit for each publication of a contingency plan for an area or sub-area within that Region. Publication consists of submission to the National Technical Information Service (NTIS) for public distribution, or an equivalent level of finalization for distribution (Action Name = Area Contingency Plans).

**Changes in Definition FY 96 - FY 97:**

None

**Special Planning/Reporting Requirements:**

See Definition of Accomplishment. The number of ACP publications are reported non-site specifically in CERCLIS.

***OIL-4 • PREPAREDNESS FOR RESPONSE EXERCISE PROGRAM (PREP)  
AREA DRILLS***

**Definition:**

OPA requires periodic drills and exercises of ACPs and FRPs. To satisfy this requirement, EPA in conjunction with other Federal agencies helped establish PREP. Area Drills, a key part of the PREP program, bring together one or more industry groups (e.g., facilities, vessels) and usually several Federal and State agencies on complex drill scenarios. Each year, six inland (one EPA-lead) and fourteen coastal area drills will be scheduled.

**Definition of Accomplishment:**

Two activities are counted separately for PREP Area Drills (Action Name = PREP Area Drills):

- EPA-lead PREP Area Drills, which will typically be one per year nationally; and
- Participation in non-EPA lead PREP Area Drills, which can include industry-lead drills or drills led by other Federal agencies. Region receives credit the date a letter, form, or memo is transmitted documenting the drill. EPA's role will likely include some level of participation during drill preparation as well as participation during the actual drill.

**Changes in Definition FY 96 - FY 97:**

None

**Special Planning/Reporting Requirements:**

See Definition of Accomplishment. The number of PREP Area Drills are reported non-site specifically in CERCLIS.

**RESPONSE MEASURES:**

***OIL-5 • OIL SPILL NOTIFICATIONS***

**Definition:**

An oil spill notification is defined as a report to EPA of an oil discharge into the environment. This measure includes the number of sites or incidents where an oil spill notification is received.

**Definition of Accomplishment:**

A release notification is counted when a report of an oil spill is received, processed, and logged by EPA through ERNS (Action Name = Oil Spill Notification).

**Changes in Definition FY 96 - FY 97:**

None

**Special Planning/Reporting Requirements:**

See Definition of Accomplishment. The number of oil spill notifications is reported non-site specifically in CERCLIS.

***OIL-6 • OIL SPILL INVESTIGATIONS/PRELIMINARY ASSESSMENTS*****Definition:**

An Oil Spill Investigation is the process of collecting field data on an actual or potential oil release for the purpose of characterizing the magnitude and severity of the hazard. This Preliminary Assessment is typically related to "mystery spills." It is geared towards determining the source of such spills and potential impacts prior to actually taking a response action (if one is needed).

**Definition of Accomplishment:**

Regions will receive credit for the site visit to investigate and conduct a Preliminary Assessment of a spill or potential spill. Oil Spill Investigations/Preliminary Assessments (Action Name = Oil Spill Investigations) are documented by a letter, form, or memo to the file recording the site visit.

**Changes in Definition FY 96 - FY 97:**

None

**Special Planning/Reporting Requirements:**

See Definition of Accomplishment. The number of oil spill investigations is reported non-site specifically in CERCLIS.

***OIL-7 • OIL SPILL CLEANUPS*****Definition:**

This measure is defined as an oil spill cleaned up by EPA using OPA funds. A single incident should be counted only once regardless of how many times an EPA OSC goes back on-scene or how many phases the response entails.

**Definition of Accomplishment:**

For this measure, oil spill cleanup starts and completions will serve as two separate counts.

***Oil Spill Cleanup Start Date:*** Date the contract modification, delivery order, or Pollution Reimbursement Funding Authorization for an oil spill cleanup at a site is signed (Action Name = Oil Spill Cleanup Starts).

***Oil Spill Cleanup Completion Date:*** Date the final Pollution Report (POLREP) is issued (Action Name = Oil Spill Cleanup Completions).

**Changes in Definition FY 96 - FY 97:**

None

**Special Planning/Reporting Requirements:**

See Definition of Accomplishment. The number of oil spill cleanups started and completed are reported non-site specifically in CERCLIS.

## ***OIL-8 • OIL SPILL PRP MONITORING/DIRECTING***

### **Definition:**

EPA may use OPA funds to provide oversight and technical assistance to PRP oil spills.

### **Definition of Accomplishment:**

The issuance of the first POLREP at a spill where the PRPs are performing a response will be considered the start of a monitoring/directing activity (Action Name = Oil Spill PRP Monitoring/Directing).

### **Changes in Definition FY 96 - FY 97:**

None

### **Special Planning/Reporting Requirements:**

See Definition of Accomplishment. The number of spills where EPA is providing oversight and technical assistance is reported non-site specifically in CERCLIS.

## ***OIL-9 • COST DOCUMENTATION***

### **Definition:**

In conducting responses to oil spills, the Agency can access the Oil Spill Liability Trust Fund's (OSLTF) emergency response allocation, which is managed by the U.S. Coast Guard (USCG). Based on EPA's agreements with USCG, the Agency must submit cost documentation packages within a reasonable amount of time after the completion of the oil spill response, and sometimes interim reports based on the duration of the response and the ends of fiscal years. This measure counts two activities: how many times the Region accessed the OSLTF [based on federal project numbers (FPNs) issued]; and how many cost documentation packages the Region prepared and submitted to the Cincinnati financial office. Although the account numbers established and cost documentation packages may not match the FPNs issued one-for-one, this measure will provide a good indicator of progress toward submitting the required documentation.

### **Definition of Accomplishment:**

For this measure, two activities are counted:

- Number of FPNs issued to the Region (date FPN issued) (Action Name to be determined); and
- Number of cost documentation packages the Region prepared and submitted to the Cincinnati financial office (date package submitted) (Action Name = Preparation of Cost Docm Pkge).

### **Changes in Definition FY 96 - FY 97:**

This is a new measure.

### **Special Planning/Reporting Requirements:**

See Definition of Accomplishment. The number of FPNs issued and cost documentation packages submitted are reported non-site specifically in CERCLIS.

**ENFORCEMENT MEASURES:**

***OIL-10 • ADMINISTRATIVE PENALTY ENFORCEMENT ACTIONS FOR SPILL VIOLATIONS AND PREVENTION REGULATION VIOLATIONS***

**Definition:**

Administrative enforcement actions are taken by the Region as a result of violations of Section 311(b)(3) and 311(j) of the Clean Water Act.

**Definition of Accomplishment:**

Date that the complaint is filed in the administrative docket (Action Name = Administrative Penalty Enforcement Actions for Spill Violations and Prevention Regulation Violations).

**Changes in Definition FY 96 - FY 97:**

None

**Special Planning/Reporting Requirements:**

See Definition of Accomplishment. The number of complaints filed is reported non-site specifically in CERCLIS.

***OIL-11 • JUDICIAL PENALTY ENFORCEMENT ACTIONS FOR SPILL VIOLATIONS AND PREVENTION REGULATION VIOLATIONS***

**Definition:**

Judicial enforcement cases are initiated by the Regions in response to violations of Section 311(b)(3) and 311(j) of the Clean Water Act.

**Definition of Accomplishment:**

Date of the letter or memo referring the case to the Department of Justice (DOJ) (Action Name = Judicial Penalty Enforcement Actions for Spill Violations and Prevention Regulation Violations).

**Changes in Definition FY 96 - FY 97:**

None

**Special Planning/Reporting Requirements:**

See Definition of Accomplishment. The number of judicial referrals is reported non-site specifically in CERCLIS.

***OIL-12 • ORDERS FOR REMOVAL ISSUED TO A RESPONSIBLE PARTY***

**Definition:**

This measure counts the number of Administrative Orders (AO) for removal issued to a party under Section 311 of the Clean Water Act.

**Definition of Accomplishment:**

An order is counted on the date it is signed by the appropriate Regional official (Action Name = Orders for Removals Issued to a Responsible Party).

**Changes in Definition FY 96 - FY 97:**

None

**Special Planning/Reporting Requirements:**

See Definition of Accomplishment. The number of orders issued is reported non-site specifically in CERCLIS.



## **Appendix G: GPRA Referenced Material**

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## Appendix G GPRA Referenced Material

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## APPENDIX G

### GPRA REFERENCED MATERIAL — PILOT MEASURES

#### **GPRA**

Superfund's program planning and reporting requirements have evolved and matured from intricate, internally focused measures, to aligning and measuring resources with activities, and reporting the environmental outcomes of the work undertaken at hazardous waste sites. The National Goals Project of 2005 and the Chief Financial Officers (CFO) Act are legislative and administrative initiatives that have guided the evolution of Superfund program management by gradually shifting the focus from administrative program success to a results-oriented future (e.g., Superfund environmental indicators) in which the program is held accountable for its actions. These various initiatives will be the starting point for finalizing the congressionally-mandated GPRA, which provides the overarching principles for Superfund program management now and in future years.

The Superfund response program was a GPRA performance measurement pilot in FY 96. The GPRA Pilot measures detailed in FY 96 will be carried over into FY 97. A workgroup has been formed that is in the process of revising the existing pilot measures. Additional guidance will be provided after the FY 97 Superfund Focus Forum Meeting. For additional information regarding GPRA strategic plan requirements, annual performance plans, and program performance reports, see Chapter I: Program Goals and Priorities.

*The following is provided as reference material for informational purposes only. This material may be changed at a later time. Users of this data are urged to ensure with appropriate sources that this information is still current.*

#### **ENVIRONMENTAL GOALS FOR AMERICA WITH MILESTONES FOR 2005**

- Goal: Places currently contaminated by hazardous or radioactive materials will no longer endanger public health and the natural environment, and they will be restored to uses desired by the community.
- Milestone 1: By 2005, long-term health threats will be eliminated and cleanup will be completed at 70 percent of the 1374 contaminated sites on the 1995 NPL.
- Milestone 2: By 2005, immediate health threats will be eliminated and long-term cleanup will be underway at 80 percent of the estimated sites that are expected to require cleanup.

#### **PERFORMANCE GOALS AND STRATEGIES**

##### **I. Screen and Assess Sites**

EPA's goal for the front-end of the program is to promptly assess sites and make sound decisions about any needed response action. For the majority of sites raised to EPA's attention (the CERCLIS Inventory), EPA and/or the State assesses the site and determines that No Further Response Action is Planned (NFRAP). A minority of sites are found to pose emergency or time-critical threats to human health and an Early Action response is conducted. Others are found to pose potential risks and require more in-depth studies [ESI/RI (Expedited Site Inspection/Remedial Investigation), EE/CA (Environmental Engineering/Cost Analysis), or RI/FS (Remedial Investigation/Feasibility Study)]. Upon completing these studies, EPA documents the need for a response, the alternative responses considered, and the response decision in a Record of Decision (ROD) or Action Memorandum.

A main thrust of the Superfund program in 1997 is to continue streamlining the cleanup process through the application of the Superfund Accelerated Cleanup Model (SACM) in conjunction with remedy reform measures. The SACM approach involves a continuous process for assessing site-specific conditions and the need for action using cross-program response planning. A key aspect of SACM is to increase the use of Early Action responses for contamination problems that can be effectively addressed without the traditional remedial process. The activities that will be tracked towards this goal are the number of:

- NFRAP sites;
- Action Memos;
- ESI/RIs, RI/FSs, EE/CAs (combined); and
- RODs.

## **II. Early and/or Long-Term Action Completions**

Once the appropriate response action is determined at non-Federal facility sites, EPA either reaches agreement with Potentially Responsible Parties (PRPs) to implement the remedy or conducts a Fund-financed response. It is through the construction of early and long-term response action projects that risks to human health and the environment are reduced. The program's goal is to address the worst risks first at Superfund sites and achieve the response goals established in RODs and Action Memos.

The Agency will continue to streamline long-term cleanup for media restoration activities through remedy reform initiatives such as establishing cleanup standards, developing risk protocols, and implementing presumptive remedies. By streamlining the cleanup process, sites will be ready for use sooner, promoting the economic redevelopment of the restored land. The activities that will be tracked towards this goal are:

- Number of Removal Completions (NPL/non-NPL)
  - Population Protection Measures (population protection, permanent/temporary; alternate water supply, permanent/temporary; site security measures)
- Other current Environmental Indicators (EI) Measures
  - Non-Time Critical Goal Attainment
- Number of NPL Site Remedial Actions Complete
  - Volumes Handled or Treated
  - Population Protection Measures
  - Media Goals Achieved (Soil, Groundwater, Surface Water)
- Risk Reduction
  - Case studies will be performed on various sites showing risk levels of contaminants before and after remediation. These case studies will be the basis for the development of more complete risk reduction measures. Draft will be submitted separately.
- Time from response Decision to Completion of Early/Long-Term Action.

**Related Goal:** Restoration of Contaminated Sites - Benchmark 2

By 2005, cleanup actions will be completed at 80% of the approximately 5,000 abandoned waste sites that currently are under assessment or listed on the NPL.

**III. Complete Construction at NPL Sites**

To ensure sites are continuing through the remedial pipeline through completion and eventual deletion from the NPL, the Agency has established a goal of reaching 650 construction completions by the year 2000 at Federal and non-Federal facility sites. The program is continuing to support this goal through remedial design (RD) and remedial action (RA) funding for sites scheduled to complete in this time frame. Remedy reform initiatives will enhance our ability to reach the 650 goal. In addition, project completions contribute to the potential for economic redevelopment of the surrounding area. The activities that will be tracked towards this goal are:

- Number of Construction Completions
  - Achieving Permanent Cleanup Goals
- Methods of Protection and Risk Reduction

**Related Goal:** Restoration of Contaminated Sites - Benchmark 1

By 2005, 70% of the abandoned hazardous waste sites currently on the NPL will be cleaned up.

**IV. Conduct Outreach and Provide Assistance to Foster Increased State, Tribal, and Community Involvement in Superfund.**

The goals of the program's environmental justice and community involvement and outreach efforts are to address concerns pertaining to the societal equity of EPA's responses at Superfund sites and enhance communities' access and input to site information. The Agency will enhance information access and outreach, increasing the communities' understanding of site response plans and actions. The communities will then have the additional information needed to take an active and informed role in the remediation process. EPA will put increased emphasis on using existing Technical Assistance Grant (TAG) authorities to assist the affected communities. These grants will provide communities the means to hire technical experts to assist in their understanding of issues related to site cleanup. As the citizens increase their involvement in site cleanup, they are able to play an active role in the economic redevelopment of their communities. The activities that will be tracked towards this goal are:

- Number and Value of TAGs Awarded
- Community Advisory Groups Established
- Number and Value of Core Co-op Agreement
- State, Tribal Involvement
- State Lead Co-op.

A formal evaluation of Citizen Information and Access Offices (CIAOs) and Community Work Groups (CWGs) will be done at the end of the pilot period.

Additional information on how these activities will be reported will be forthcoming.

## ***SUPERFUND REFORM MEASURES OF SUCCESS:***

The following are provided for informational purposes and are not finalized:

### **I. New Initiatives**

#### **A. Enforcement**

1. **Facilitate PRP Searches**  
Improve the quality of PRP searches, make information obtained more accessible, and conduct PRP searches sufficient for an allocation process at certain sites.
2. **Foster Expedited Settlements**  
Identify and offer eligible parties expedited settlements including nomination of additional parties [i.e., ability-to-pay settlements and early *de minimis* (pre-ROD) settlements at pilot sites].
3. **Pilot Allocations**  
Implement a process for allocation of responsibility for response costs at selected pilot sites.

#### **B. Economic Redevelopment**

4. **Brownfields Initiatives**  
Implement the Agency's Brownfields initiatives related to beneficial reuse of Superfund sites, including: (a) expanding the number of Brownfields pilots to 50 by the summer of 1996; (b) community outreach, involvement of Federal, State, Tribal and local stakeholders, financial assistance to political subdivisions (e.g., Brownfields grants), financial assistance to States/Tribes (e.g., limited financial assistance to encourage States/Tribes to develop Voluntary Cleanup Programs), and data collection; (c) issuing guidance that eliminates from the inventory of Superfund sites (CERCLIS) properties determined no longer of Federal interest; (d) issuing guidance that authorizes the Regions to clarify areas on or adjacent to NPL sites (including Federal facilities) determined to be uncontaminated; and (e) issuing guidance which identifies options to remove liability-based barriers to property transfers at certain sites (e.g., prospective purchaser guidance), and describes the circumstances under which the Agency will issue comfort/status letters and possibly, no action assurances.

#### **C. Community Involvement and Outreach**

5. **Community Advisory Groups (CAGs) and TAGs**  
Issue guidance encouraging the Regions to establish CAGs, implement early community involvement at more sites, and amend the TAG rule to facilitate community involvement (e.g., authorize training and earlier funding of community groups).
6. **Community Involvement in the Enforcement Process**  
Identify and pilot enhanced, innovative approaches to community involvement in technical settlement issues.



**D. Environmental Justice**

7. Training and Health Services Assistance to Communities  
Implement, in coordination with Health and Human Services (HHS), a pilot program that provides health services assistance to citizens in proximity to Superfund sites, and develop interagency pilots to train and employ community residents.

**E. Consistent Program Implementation**

8. Guidance for Remedy Selection  
Issue the Soil Screening Guidance and Land Use Guidance, initiated under Administrative Improvements, and complete additional presumptive remedy guidance for groundwater, wood treater sites, PCB sites, Manufactured Gas Plants (MGPs), and grain storage sites.
9. Risk Sharing In Implementing Innovative Technology  
Explore programs to share risks associated with implementing innovative technologies by: (a) agreeing to share the risk for a limited number of approved projects by "underwriting" the use of certain promising, innovative approaches; and (b) exploring and identifying concerns that are affecting the selection and use of innovative technologies by contractors.

**F. State/Tribal Empowerment**

10. Voluntary Cleanup Program  
Issue guidance which promotes State/Tribal Voluntary Cleanup Programs, encourages other States to create such programs, and, in conjunction with the Brownfields Initiative, authorizes limited financial assistance to such programs.
11. Integrated Federal/State Site Management Program  
Issue the State Deferral Guidance, initiated under Administrative Improvements, and continue and expand the current projects.
12. State Superfund Block Funding Options  
Explore States'/Tribes' interest in a pilot program which would develop options using a single cooperative agreement to finance for all Superfund activities within a State/Tribe [e.g., Preliminary Assessment/Site Inspection (PA/SI), Core Program, site-specific enforcement, and cleanup activities].

**II. Enhanced and Continuing Initiatives**

*De Minimis Settlements*

Alternative Dispute Resolution (ADR)

Continuation of Limited Number of Mixed Funding Pilots

Environmental Justice Initiative

Construction Completions

Superfund Accelerated Cleanup Model

Military Base Closure Initiative

Strengthening Contracts Management

***EPA Goals:***

The following is provided for informational purposes only:

1. **Clean Air:** Every American city and community will be free of air pollutants at levels that cause cancer or respiratory and other health problems. The air will be clearer in many areas, and life in damaged forests and polluted waters will rebound as acid rain is reduced.
2. **Clean Water:** America's rivers, lakes, and coastal waters will support healthy communities of fish, plants, and other aquatic life, and will support uses such as fishing, swimming, and drinking water supply for people. Wetlands will be protected and rehabilitated to provide wildlife habitat, reduce floods, and improve water quality. Groundwater will be uncontaminated.
3. **Healthy Terrestrial Ecosystems:** America will safeguard its ecosystems to promote the health and diversity of natural and human communities and to sustain America's environmental, social, and economic potential.
4. **Safe Drinking Water:** Every American public water system will provide water that is safe to drink all the time.
5. **Safe Food:** All foods Americans produce or consume will continue to be safe for all people to eat.
6. **Safe Homes, Schools, and Workplaces:** All Americans will live and work in safe and healthy environments.
7. **Toxic Free Communities:** By relying on pollution prevention in the way we produce, consume, reuse, and recycle materials, all Americans will live in toxic free communities.
8. **Preventing Accidental Releases:** Accidental releases of substances that endanger our communities and wildlife will be reduced to as near zero as possible. Those which do occur will cause only negligible harm to people, animals, and plants.
9. **Safe Wastes:** Wastes produced by every person and business in America will be stored, treated, and disposed of in ways that prevent harm to people and other living things.
10. **Restoration of Contaminated Sites:** Places in America currently contaminated by hazardous or radioactive materials will not endanger public health, and the natural environment will be restored to uses desired by the surrounding communities.
11. **Reducing Global Environmental Risks:** The United States and other nations will eliminate significant risks to human health and ecosystems arising from climate change, stratospheric ozone depletion, and other environmental problems of global concern.
12. **Empowering People with Information and Education:** Americans will be informed and educated participants in improving the environment.

***OFFICE OF SOLID WASTE & EMERGENCY RESPONSE (OSWER) GOALS:***

Please refer to the "ENVIRONMENTAL GOALS for AMERICA, WITH MILESTONES FOR 2005," for the most current goals.

***SUPERFUND REFORMS MEASURES OF SUCCESS (OERR & OECA)***

(From Round 3 of REFORMS):

1. Number of proposed cleanup decisions reviewed by the National Remedy Review Board and the estimated impact of reviews (e.g., percentage of recommendations for different alternative, dollar impact + or -).
2. Number of existing records of decision for site cleanups updated based on the latest in scientific information and technological advancements and the estimated dollar savings as a result of reviews.
3. Of the new RI/FS starts this year, the number (and percentage) of risk assessments designed by stakeholders (e.g., communities) or conducted by PRPs.
4. Of the new RI/FS starts this year, the number (and percentage) of risk assessments performed using the generic risk assessment statement of work and the number utilizing standard risk data reporting tables.
5. Number of EPA sites ranked as low priority when post-SI cleanup activities were considered, and the number of partial site deletions (Federal facility and other NPL sites) initiated by EPA to return property to productive uses.
6. Number of Federal Facility Agreements revised to reflect changes in priority activities within DoD and DOE facilities (i.e., number of agreements and number of milestones revised).
7. Number of non-Federal facility, NPL sites ranked (prioritized and funded) under the Superfund Risk-Based Priority Setting System.
8. Number of negotiations where EPA offered to compensate a portion of the orphan share and the total dollar amount offered; and number of settlements where EPA compensated for a portion of the orphan share and the total dollar amount compensated.
9. Number of settlements establishing interest-bearing special accounts for future site costs and the total dollar amount set aside in such accounts.
10. Number of sites where preparation of documentation of reasons why UAOs for RD/RA were not issued to special notice letter recipients.
11. Number of settlements with *de micromis* parties and number of *de micromis* parties entering into such settlements.
12. Number of sites where PRPs submitted proposed allocations as a basis for settlement and the total dollar amount where EPA offered to compensate a portion of the orphan share.
13. Number of sites at which EPA has reduced oversight activities, and thereby oversight costs, for cleanups conducted by cooperative and capable potentially responsible parties.
14. Number of NPL sites where the State (or Tribe) or community "selected" the cleanup remedy, consistent with the NCP.
15. Percentage of concerns addressed (i.e., referred, resolved, pending) by the Superfund Ombudsman.

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