

Lower Neponset River Superfund Site Superfund Workshop | November 2022

Government and the Superfund Process

The U.S. Environmental Protection Agency (EPA) administers the federal government's Superfund program.¹ EPA is part of the executive branch of our government – meaning EPA implements and enforces federal laws and regulations. The Superfund program is supported by other EPA offices and government agencies. All relevant offices and agencies coordinate to address contaminated sites, protect human health and the environment, pursue those responsible for the contamination, and support redevelopment of cleaned-up sites to restore and revitalize communities. The following table describes the roles and responsibilities of the government agencies that may be involved at the Lower Neponset River Superfund site.

Federal Agencies

Federal agencies are created by laws passed by Congress or through presidential executive orders. Federal agencies determine how federal laws should be implemented across the United States and its territories. Each federal agency manages different laws and their work only falls within the parameters of those laws. Multiple federal agencies may become involved to help address local situations, depending upon the agencies' mission and expertise.



U.S. Environmental
Protection Agency
(EPA)

EPA manages the [national Superfund program](#), through its headquarters in Washington, D.C. and 10 regional offices. EPA has the authority to clean up uncontrolled or abandoned releases of contamination, such as asbestos and lead, that pose a threat to public health and the environment, which includes – but is not limited to – sites on the [National Priorities List \(NPL\)](#). EPA's Superfund program oversees long-term cleanups and short-term cleanups known as removal actions. Removal actions can be either emergency, time-critical or non-time-critical depending on the extent and type of contamination.

¹ There are also state Superfund programs that are different from the federal government's Superfund program. This fact sheet focuses on agency responsibilities as they relate to the federal government's Superfund program.



[Agency for Toxic Substances and Disease Registry \(ATSDR\)](#)

[Response, Compensation, and Liability Act of 1980](#) (CERCLA, commonly known



[Bureau of Land Management \(BLM\)](#)

BLM is part of the U.S. Department of the Interior. BLM's mission is to sustain the health, diversity and productivity of public lands for present and future generations. Under the [Comprehensive Environmental Response, Compensation, and Liability Act of 1980](#) (CERCLA, commonly known as Superfund), BLM has the authority to remediate environmental contamination on its public lands, prepare and implement emergency responses for oil and chemical spills, and recover costs from potentially responsible parties. BLM carries out these functions through its [Abandoned Mine Lands program](#) and [Hazardous Materials Management program](#).



[Department of Defense \(DOD\)](#)

DOD's mission is to provide the military forces needed to deter war and ensure national security. DOD includes the Army, Marine Corps, Navy, Air Force, Space Force and Coast Guard armed forces of the United States. The Army National Guard and the Air National Guard are the reserve components of the armed forces and operate in part under state authority. At DOD Superfund sites, DOD is the lead agency while EPA provides oversight in accordance with an interagency agreement often referred to as a [Federal Facility Agreement \(FFA\)](#).

- An FFA is enforceable and provides the technical, legal and management framework for the cleanup.

EPA assists in the transfer of properties and provides regulatory oversight at many types of DOD sites, including [Base Realignment and Closure \(BRAC\)](#) sites and properties that are [formerly used defense sites \(FUDS\)](#).



Department of Energy (DOE)

DOE's mission is to address the country's energy, environmental and nuclear challenges to ensure national security and prosperity. At DOE Superfund sites, DOE is the lead agency while EPA provides oversight in accordance with an interagency agreement often referred to as a [Federal Facility Agreement \(FFA\)](#). The FFA is enforceable and provides the technical, legal and management framework for the cleanup.



HUD regulates affordable housing and equitable community development to ensure fair and equal housing opportunities for all. HUD's community development programs and grants may provide assistance for infrastructure, community centers, public services and other needs. HUD also works with EPA at Superfund sites to help ensure residents of HUD assisted housing are protected from human health risks from Superfund sites.



Federal Emergency Management Agency (FEMA)

FEMA is part of the U.S. Department of Homeland Security. FEMA's mission is to help people before, during and after manmade or natural disasters. FEMA leads planning and training for hazardous materials emergency management, including incidents at manufacturing, processing, storage and disposal facilities as well as hazardous materials in transit by highways, water, rail and air.



National Oceanic and Atmospheric Administration (NOAA)

NOAA is part of the U.S. Department of Commerce. NOAA focuses on understanding and predicting changes in climate, weather, oceans and coasts. NOAA also works to conserve and manage coastal and marine ecosystems and resources. At coastal zone Superfund sites, NOAA may provide scientific support coordinators to advise on responses to oil and chemical spills, chemical hazard analyses and other scientific issues.



National Park Service (NPS)

NPS is part of the U.S. Department of the Interior. NPS manages the National Park System to preserve natural and cultural resources and educate and inspire present and future generations. NPS has the authority to lead cleanups at sites in its jurisdiction under the [Comprehensive Environmental Response, Compensation, and Liability Act of 1980](#) (CERCLA, commonly known as Superfund).

- NPS has an [Abandoned Mineral Lands program](#) that maintains a nationwide inventory of abandoned mineral lands within the NPS system and collaborates with other agencies to address related safety, environmental and cultural issues.



[U.S. Army Corps of Engineers](#)



[U.S. Coast Guard \(USCG\)](#)



[U.S. Fish and Wildlife Service \(USFWS\)](#)



[U.S. Forest Service \(USFS\)](#)



[U.S. Geological Survey \(USGS\)](#)

USCG is part of the U.S. Department of Homeland Security. USCG protects and defends the country's coastlines and waterways. USCG provides on-scene coordinators to manage removal of oil spills or hazardous substance releases within coastal zones and coordinates with EPA if further long-term cleanup may be required.

- USCG also manages and staffs the [National Response Center](#), the national point of contact for reporting all oil, chemical, radiological and biological releases in the United States and its territories, which is where many releases leading to Superfund sites are reported and initially discovered.

USFWS is responsible for implementing the [Endangered Species Act](#) to

USFS is part of the U.S. Department of Agriculture. Its mission is to sustain the health, diversity and productivity of the nation's forests and grasslands for present and future generations. USFS has the authority to respond to or clean up sites in its jurisdiction under the [Comprehensive Environmental Response, Compensation, and Liability Act of 1980](#) (CERCLA, commonly known as Superfund) but does not have access to funding directly.

- USFS has its own [Abandoned Mine Land program](#) to mitigate the impacts of mine operations on National Forest System lands. Many of these mining sites are Superfund sites.

USGS is part of the U.S. Department of the Interior. USGS collects, monitors and analyzes information about natural resource issues. At Superfund sites, USGS provides expertise to EPA to support [abandoned mine lands](#) investigations and cleanups.

Tribal Governments/Tribal Agencies

The U.S. government has a government-to-government relationship with federally recognized tribes. Federally recognized tribes have the power to form their own governments, make and enforce laws, and tax, license and regulate activities within their jurisdictions. EPA may enter into cooperative agreements with tribal governments to support EPA in the response to and cleanup of a Superfund site. A [Superfund cooperative agreement](#) is a legal agreement that provides for funds to be transferred from EPA to a state or tribal government for cleanup activities.

State Agencies

Each state government has its own constitution and state agencies and is responsible for enforcing local laws that are separate from federal laws. At Superfund sites, EPA may enter into either [cooperative agreements](#) or contracts with state agencies to perform hazardous waste cleanup actions. If EPA is considering the [Superfund Alternative \(SA\)](#) approach for a site, EPA consults with and receives approval from the state in which the site is located.



Massachusetts
Department of
Environmental
Protection (Mass DEP)

EPA is required to work with state environmental agencies during negotiations with parties known as [potentially responsible parties \(PRPs\)](#) that may have contributed to or caused the contamination at a site. EPA and state environmental agencies also work together during the [National Priorities List \(NPL\)](#) listing and deletion process, site investigations, and the selection and implementation of site cleanup remedies. States share the costs of Fund-financed remedial actions incurred at sites listed on the NPL.



Massachusetts
Department of
Public Health (DPH)

[Agency for Toxic Substances and Disease Registry \(ATSDR\)](#) may enter into agreements with state health departments to conduct [public health assessments or health consultations](#) at the site. DPH has staff with expertise that can inform site-related public health issues, including regional office staff who can share local health information and perspectives.

Local Government

Local governments generally include counties (or boroughs or parishes) and municipalities (such as cities or towns). EPA and state environmental agencies keep local officials aware of cleanup progress through telephone conversations, emails, in-person meetings and briefings. City and county government agencies may also provide key information about Superfund sites, including information on past site operations and parties that may have contributed to contamination.

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