EPA
United States
Environmental Protection
Agency

Superfund Program Implementation Manual

Fiscal Year 2025

Guidance for OSRTI, OSRE, FFRRO, FFEO, and OEM (Headquarters and Regional Offices)

Program Goals and Planning Requirements

Program Implementation Procedures

United States
Environmental Protection Agency

Office of Land and
Emergency Management

OLEM Directive 9200.3-158

Superfund Program Implementation Manual FY 25

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Acronyms

ACRONYMS LIST

A&E	Architecture and Engineering
A/T	Arranger/Transporter
ACS	Annual Commitment System
AD	Alternate Dispute Resolution
AH	Allowance Holder
AHRC	Allowance Holder/ Responsibility Center
AOC	Administrative Order on Consent
APA	Abbreviated Preliminary Assessment
ARD	Assessment and Remediation Division
ATP	Ability To Pay
ATSDR	Agency For Toxic Substances and Disease Registry
BAS	Budget Automation System
BC	Budget Coordinator
BFPP	Bona Fide Prospective Purchaser
BFPPA	Bona Fide Prospective Purchaser Agreement
BFS	Budget Formulation System
BFY	Budget Fiscal Year
BOC	Budget Object Class
BPEB	Budget Planning and Evaluation Branch
BRAC	Base Realignment and Closure
CA	Consent Agreement
CA	Cooperative Agreement
CAG	Community Advisory Group
CBD	Commerce Business Daily
CBOR	Compass Business Objects Reporting Tool
CC	Construction Completion
CCDS	Case Conclusion Data Sheet
CD	Consent Decree
CDW	Compass Data Warehouse
CERCLA	Comprehensive Environmental Response, Compensation, and Liability Act
CERCLIS	Comprehensive Environmental Response, Compensation, and Liability Information System
CERFA	Community Environmental Response Facilitation Act
CFC	Cincinnati Finance Center
CFR	Code of Federal Regulations
CIC	Community Involvement Coordinator
CIP	Community Involvement Plan
CIPIB	Community Involvement and Program Initiatives Branch
CLP	Contract Laboratory Program
CMD	Corrective Measure Design

CMI	Corrective Measure Implementation
CMS	Corrective Measure Study
CN	Commitment Notices
CO	Contracting Officer
COR	Contracting Officer's Representative
CPO	Contiguous Property Owner
CPOA	Contiguous Property Owner Agreement
CPRM	Cross Program Revitalization Measure
CPS	Contract Payment System
CR	Continuing Resolutions
CRP	Community Relations Plan
CUI	Controlled Unclassified Information
DCN	Document Control Number
DERP	Defense Environmental Restoration Program
DES	Design and Engineering Services
DNPV	Decision Not to Pursue Violations
DoD	Department of Defense
DOE	Department of Energy
DOJ	Department of Justice
EAS	EPA Acquisition System
EBS	Environmental Baseline Survey
ECMS	Enterprise Content Management System
EE/CA	Engineering Evaluation/Cost Analysis
EI	Environmental Indicator
EJ	Environmental Justice
EJSCREEN	Environmental Justice Screening and Mapping Tool
ENFR	Enforcement Program's SEMS Reporting Prefix
EO	Executive Order
EPA	Environmental Protection Agency
EPAAG	EPA Acquisition Guidelines
EPCRA	Emergency Planning and Community Right-To-Know Act
EPM	Environmental Programs and Management
ERR	Emergency Response and Removal
ERRS	Emergency and Rapid Response Services
ERS	Eligible Response Site
ESAT	Environmental Services Assistance Team
ESCA	Environmental Services Cooperative Agreement
ESD	Explanation of Significant Differences
ESI	Expanded Site Inspection
ESI/RI	Expanded Site Investigation/Remedial Investigation
ESO	Environmental Services and Operations
FAD	Final Assessment Decision
FAR	Federal Acquisition Regulations

FAS	Field Analytical Sampling
FCOR	Final Close-Out Report
FDMS	Federal Docket Management System
FDW	Financial Data Warehouse
FE&C	Federal Enforcement and Compliance
FEMA	Federal Emergency Management Agency
FF	Federal Facility
FFA	Federal Facility Agreement
FFEO	Federal Facilities Enforcement Office
FFERDC	Federal Facilities Environmental Restoration Dialogue Committee
FFLC	Federal Facilities Leadership Council
FFRRO	Federal Facilities Restoration and Reuse Office
FMD	Financial Management Division
FOIA	Freedom of Information Act
FOSET	Findings of Suitability to Early Transfer
FOSL	Finding of Suitability to Lease
FOST	Finding of Suitability to Transfer
FPS	Fellowship Payment System
FR	Federal Register
FRS	Facility Registration Service
FS	Feasibility Study
FTE	Full-Time Equivalent
FUDS	Formerly Used Defense Sites
FWS	Fish and Wildlife Service
FY	Fiscal Year
FY/Q	Fiscal Year/Quarter
FYR	Five-Year Review
GAAP	Generally Accepted Accounting Principles
GAD	Grants Administration Division
GAO	Government Accountability Office
GM	Groundwater Migration
GMID	Insufficient Data to Determine Migration of Contaminated Groundwater
GMNA	Migration of Contaminated Groundwater Not Applicable
GMNC	Migration of Contaminated Groundwater Not Under Control
GMUC	Groundwater Migration Under Control
GNL	General Notice Letter
GOVT	Government
GPAS	Grants Payment Allocation System
GPRA	Government Performance and Results Act
GPS	Global Positioning System
GSA	General Services Administration
HE	Human Exposure

HEID	Insufficient Data to Determine Human Exposure Control
HENC	Human Exposure Not Under Control
HEPR	Human Exposure Under Control and Protective Remedies in Place
HEUC	Human Exposure Under Control
HHPA	Human Exposure Under Control & Long-Term Human Health Protection Achieved
HLS	Homeland Security
HQ	Headquarters
HRS	Hazard Ranking System
IA	Interagency Agreement
IAG	Interagency Agreement
ICIS	Integrated Compliance Information System
ID	Identification
IDIQ	Indefinite Delivery Indefinite Quantity
IDOJ	In SNC – Referred To DOJ
IDOTS	Inter-Agency Doc Online Tracking System
IFAC	In SNC – Formal Action Taken and Compliance Accomplished
IFAP	In SNC – Formal Action Planned
IFAT	In SNC – Formal Action Taken
IFMS	Integrated Financial Management System
IFTO	In SNC – Fund Takeover
IGCE	Independent Government Cost Estimate
IGMS	Integrated Grants Management System
IIAC	Informal Action Taken and Compliance Accomplished
IIAC	In SNC – Informal Action Taken and Compliance Accomplished
IIAP	Informal Action Planned
IIAP	In SNC – Informal Action Planned
IIAT	In SNC – Informal Action Taken
IIDR	In SNC – In Dispute Resolution
IMB	Information Management Branch
IMC	Information Management Coordinator
IRMS	Integrated Resource Management System
ISM	Interim/Stabilization Measure
IT	Information Technology
JTI	Job Training Initiative
LGR	Local Government Reimbursement
LTRA	Long Term Response Action
LUC	Land Use Control
LUST	Leaking Underground Storage Tank
LVFC	Las Vegas Finance Center
MC	Munitions Constituents
MEC	Munitions and Explosives of Concern
MMRP	Military Munitions Response Program

MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
MP	Mineral Processing
MRS	Munitions Response Sites
MS	Mega-Site
NAI	Native American Interest
NARA	National Archives and Records Administration
NCP	National Contingency Plan
NFFA	No Further Federal Action
NFRAP	No Further Remedial Action Planned
NGGS	Next Generation Grants System
NN	Navajo Nation
NN	Navajo Nation
NOA	New Obligating Authority
NOAA	National Oceanic and Atmospheric Administration
NOID	Notice of Intent to Delete
NPL	National Priorities List
NPM	National Program Manager
NRC	Nuclear Regulatory Commission
NRMP	National Records Management Program
NTC	Non-Time Critical
NTCRA	Non-Time Critical Removal Action
O&F	Operational and Functional
O&M	Operation and Maintenance
OAM	Office of Acquisition Management
OAS	Office of Acquisition Solutions
OB	Office of Budget
OB/OD	Open Burning and Open Detonation
OC	Office of Compliance
OCA	Other Cleanup Activity
OCFO	Office of the Chief Financial Officer
OECA	Office of Enforcement and Compliance Assurance
OEM	Office of Emergency Management
OERR	Office of Emergency and Remedial Response
OFA	Other Federal Agency
OGC	Office of General Counsel
OGD	Office of Grants and Debarment
OIG	Office of Inspector General
OLEM	Office of Land and Emergency Management
OMB	Office of Management and Budget
OMS	Office of Mission Support
OMS	Office of Mission Support
OPS	Operating Properly and Successfully

ORD	Office of Research and Development
OS	Oversight
OSC	On-Scene Coordinator
OSRE	Office of Site Remediation Enforcement
OSRTI	Office of Superfund Remediation and Technology Innovation
OSWER	Office of Solid Waste and Emergency Response
OU	Operable Unit
PA	Preliminary Assessment
PAM	Superfund Pipeline Site Allowance Allocation Model
PAR	Performance and Accountability Report
PAT	Performance Assessment Tool
PCOR	Preliminary Close-Out Report
PCS	Pre-CERCLA Screening
PDF	Portable Document Format
PECB	Program Evaluation and Coordination Branch
PFAS	Per- and Polyfluoroalkyl Substances
PFP	People Under Current Conditions
PGMT	Program Management SEMS Reporting Prefix
PII	Personally Identifiable Information
PIN	Procurement Initiation Notifications
PLA	Prospective Lessee Agreement
POLREP	Pollution Report
PPA	Prospective Purchaser Agreement
PPED	Policy and Program Evaluation Division
PRC	Program Results Codes
PRN	Pre-Referral Negotiation
PROD	Preparedness and Response Operations Division
PRP	Potentially Responsible Party
QA	Quality Assurance
QC	Quality Control
QRG	Quick Reference Guide
RA	Remedial Action
RAB	Restoration Advisory Board
RAC	Remedial Acquisition Contract
RAF	Remedial Acquisition Framework
RAGS	Risk Assessment Guidance for Superfund
RAPC	Remedial Action Project Completion
RAU	Ready For Anticipated Use
RCRA	Resource Conservation and Recovery Act
RD	Remedial Design
RD/RA	Remedial Design/Remedial Action
RES	Remediation Environmental Services
RFA	RCRA Facility Assessment

RFI	RCRA Facility Investigation
RFO	Regional Finance Office
RFP	Request For Proposals
RI	Esi/Remedial Investigation
RI/FS	Remedial Investigation/Feasibility Study
RMA	Records Management Software Application
RMD	Resources Management Division
RMDS	Resources Management Directive System
ROD	Record of Decision
RPIO	Responsible Program Implementation Office
RPM	Remedial Project Manager
RPO	Regional Program Office
RSAC	Remedial Site Assessment Completion
RTI	Records Transfer Interface
RTP	Research Triangle Park
SA	Site Allowances
SAA	Superfund Alternative Approach
SAM	Site Assessment Manager
SARA	Superfund Amendments and Reauthorization Act
SCAP	Superfund Comprehensive Accomplishments Plan
SCORPIOS	Superfund Cost Recovery Package and Image On-Line System
SDMS	Superfund Document Management System
SDWA	Safe Drinking Water Act
SEE	Senior Environmental Employee
SEGS	Shared Enterprise Geodata and Services
SEMS	Superfund Enterprise Management System
SEMS-RM	SEMS Records Management Module
SEMS-SM	SEMS Site Management Module
SI	Site Inspection
SME	Subject Matter Expert
SMOA	Superfund Memorandum of Agreement
SNC	Substantial Noncompliance
SNL	Special Notice Letter
SOL	Statute of Limitations
SPIM	Superfund Program Implementation Manual
SPITS	Small Payment Information Tracking System
SPP	Site Profile Pages
SRNF	Compliance Status Reviewed - Not in SNC
SSAB	Site-Specific Advisory Board
SSC	Superfund State Contract
SSID	Site/Spill Identification Code
START	Superfund Technical Assistance and Response Team
SWRAU	Sitewide Ready for Anticipated Use

TAG	Technical Assistance Grant
TAPP	Technical Assistance for Public Participation
TASC	Technical Assistance Services for Communities
TC	Time Critical
TCE	Trichloroethylene
TDD	Technical Direction Document
TMOA	Tribal Memorandum of Agreement
TOSC	Technical Outreach Services for Communities
TSD	Treatment, Storage, and Disposal
UAO	Unilateral Administrative Order
USACE	United States Army Corps of Engineers
USCG	U.S. Coast Guard
UST	Underground Storage Tanks
UU/UE	Unlimited Use and Unrestricted Exposure
VCMA	Volume of Contaminated Media Addressed
WBS	Work Breakdown Structure
WEBOS	Web Order System
WL	Windfall Lien Resolution

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Chapter 1: Introduction

CHAPTER 1: Introduction

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CHAPTER 1: INTRODUCTION

1.A PURPOSE

The Environmental Protection Agency (EPA), working in collaboration with other federal agencies, states, Indian tribes, local governments and affected community members, manages programs designed to clean up priority hazardous waste sites and releases. These programs include Superfund, Resource Conservation and Recovery Act (RCRA) Corrective Action, and Underground Storage Tanks (UST). The focus of these programs is to maximize the protection of human health and the environment.

The Superfund Program Implementation Manual (SPIM) provides overarching program management priorities, procedures, and practices for the Superfund remedial, removal, enforcement, and Federal Facilities programs, providing the link between the Government Performance and Results Act (GPRA), EPA's Strategic Plan, and Superfund program internal processes. The SPIM provides standardized and common definitions for Superfund program accomplishments and processes for planning and tracking these accomplishments through program targets and measures.

The SPIM is part of EPA's internal control structure, and, as required by the Comptroller General of the United States through generally accepted accounting principles (GAAP) and auditing standards, this document defines program scope and schedule in relation to budget, and is used for audits and inspections by the Government Accountability Office (GAO) and the Office of the Inspector General (OIG). The SPIM is typically updated annually but may also be revised during the year as needed.

The SPIM is divided into thirteen separate chapters. Chapter 1 offers an introduction of Superfund along with descriptions of each of the Superfund programs and the Superfund Enterprise Management System (SEMS). Chapter 2 describes the Superfund program measures, budget and program planning, and reporting requirements. Chapter 3 describes the financial management mechanisms within the Superfund program and addresses resource management topics, financial vehicles for obligating resources, systems and tools that manage financial data, Superfund resource allocation procedures, Superfund State Contracts (SSCs), and special accounts. Chapter 4 describes SEMS data elements, including codes used for targeting and reporting accomplishments, codes that describe specific budget sources and actions, and the 'Who Pays for What' chart. Chapter 5 describes the structure and key elements of the site-level information tracked for each Superfund site.

The next six chapters highlight program priorities and initiatives and generally outline the management expectations for the removal, remedial, enforcement, and Federal Facility programs. The chapters are given in the following order: Chapter 6: Remedial Site Assessment, Chapter 7: Removal Program, Chapter 8: Remedial Program, Chapter 9: Federal Facility Program, Chapter 10: Enforcement, and Chapter 11: Community Involvement.

The last two chapters of the SPIM are Chapter 12: Information Systems and Chapter 13: Records and Information Management. Chapter 12 describes the various modules of SEMS. Chapter 13 describes the process of documenting records and information in the SEMS Records Management (SEMS-RM) module.

In addition, there is an appendix and an attachment that provide supplemental information to the SPIM. Appendix A includes subject matter expert and data sponsor contact information for both Headquarters (HQ) and regional offices. Attachment 1 provides a sortable and filterable format for the Program Required and Program Recommended documents as described by Chapter 13.

1.B INTRODUCTION

1.B.1 Superfund Legislative Background

Congress passed the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)in 1980, establishing the statutory authority for the Superfund program. The Superfund program addresses contamination from uncontrolled releases at Superfund hazardous waste sites that threaten human health and the environment. The overarching goals of the program are to ensure the protection of human health and the environment and to maximize the participation of potentially responsible parties (PRP) in conducting cleanups at sites, also known as 'enforcement first.' EPA continues to generally address the worst sites first, while balancing the need to complete response actions at all contaminated sites.

Prior to CERCLA, there was no authority for direct federal response to hazards posed by abandoned and uncontrolled hazardous waste sites. Existing environmental laws, such as 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 hazardous waste disposal problems.

CERCLA 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). SARA included Title III, a freestanding 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. SARA also included the Defense Environmental Restoration Program (DERP) which authorized the Department of Defense (DoD) to create a response program similar to EPA's Superfund remedial program.

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

The Omnibus Reconciliation Act of 1990, which extended Superfund authority, expired in 1994. Since 1994, many Congressional bills have been advanced to reauthorize the Superfund program, but none have been enacted. Many aspects of the program that have been subject to reauthorization proposals have been addressed through Superfund administrative reform. Through the act of appropriations, SARA authority for the Superfund program has been extended annually. During the 1990s, through various Defense Authorization Acts, Congress modified provisions of section 120, particularly those related to transfer of contaminated properties.

On January 11, 2002, President Bush signed into law the Small Business Liability Relief and Brownfields Revitalization Act (Public Law 107-188; H.R. 2869). The law provides a new definition of Brownfields as real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant. The law expands potential financial and technical assistance for Brownfields cleanup and revitalization, including grants for assessment, cleanup, and job training. In addition, the law provides limited liability relief to certain contiguous property owners and prospective purchasers of contaminated properties, and clarifies the innocent landowner defense to encourage Brownfields cleanup and redevelopment. The law also enhances the roles and funding for state and tribal response programs.

1.B.2 Description of Superfund Response and Enforcement Programs

The Superfund budget reflects a continued commitment to implementing GPRA with emphasis on completing construction at contaminated waste sites and maximizing PRP involvement in site cleanup. Each Superfund program/project addresses a different set of goals and priorities to achieve these objectives. The following descriptions are adapted from the Agency Program Project Description Book.

a. Superfund Remedial (000DD2)

The Superfund remedial program implements numerous processes including collecting data on sites to determine the need for CERCLA response, adding sites to the National Priorities List (NPL), conducting or overseeing investigations and studies to select remedies, and designing and constructing or overseeing construction of remedies and post-construction activities at non-Federal Facility sites, including returning sites to productive use. Additionally, the remedial program works closely with states and communities to ensure their meaningful involvement in cleanup decisions and implementation activities. The remedial program also conducts technical and administrative support activities to assist, monitor, and track response actions to ensure remedies are and remain protective, to provide public accountability, and to recover costs from PRPs, redevelopment functions, participation of states, tribes, and communities in cleanups, and enhancement of response capabilities of states and tribes.

b. Superfund Emergency Response and Removal (000DC6)

EPA's Emergency Response and Removal (ERR) program responds to chemical, oil, biological, and radiological releases and large-scale national emergencies, including homeland security incidents. More than 250 On-Scene Coordinators and other ERR staff

ensure that releases of hazardous substances and oil in the inland zone are appropriately addressed when state and local first responder capabilities have been exceeded or where additional support is needed. They also direct or monitor responses by responsible parties or other agencies. The priority is to prevent, reduce, or mitigate threats posed by releases or potential releases of hazardous pollutants. The ERR program prioritizes and provides services to sites that are known to pose greater actual or potential risk to public health and the environment. In carrying out these responsibilities, the ERR program coordinates with other EPA programs (including the Superfund remedial program), other federal agencies, states, tribes, and local governments.

c. Federal Facilities Response (000DC9)

The Agency's Superfund Federal Facilities response program provides technical and regulatory oversight at Federal Facilities, including Formerly Used Defense Sites (FUDS), to ensure protection of human health and the environment, effective program implementation, and meaningful public involvement, while facilitating restoration and reuse of the properties. The Federal Facilities program provides oversight of removal, remedial, and post-remedial work conducted by other federal agencies; this may include technical assistance, document review, and stakeholder involvement assistance to other federal agencies when their facilities are on the NPL.

d. Superfund Enforcement (000EC7)

The Superfund enforcement program works to ensure that PRPs either clean up contaminated sites themselves or pay for a cleanup performed by others (i.e., EPA, a state, or other PRPs). Superfund enforcement activities include finding the companies or people responsible for contamination at a site; determining whether those PRPs have the ability to pay for the cleanup; maximizing PRP performance of cleanups by negotiating Remedial Design/Remedial Action (RD/RA) and removal settlement agreements or issuing Unilateral Administrative Orders to all appropriate parties; monitoring and ensuring PRP compliance with performance or payment obligations under those enforcement instruments to ensure timely and protective cleanups at Superfund sites; and addressing cost recovery cases where Trust Fund dollars have been used to clean up sites.

e. Base Realignment and Closure (000D41 and 000D41B4)

Base Realignment and Closure (BRAC) was an EPA/DoD-supported reimbursable program carrying out accelerated cleanup at selected BRAC sites with the goal of providing for rapid economic conversion and redevelopment for the local communities affected by base closure. DoD provided reimbursement to EPA on an annual basis to fund EPA work years (FTEs) for the Agency's participation at selected DoD BRAC installations. EPA's role was to ensure protection of human health, effective program implementation, and meaningful public involvement while facilitating restoration and reuse of DoD's excess properties.

f. Federal Facilities Enforcement (000EH2)

The Federal Facilities Enforcement Office as well as the Federal Facilities regional programs ensure that federal agencies who own sites currently listed on the NPL have an Interagency Agreement (IA) in place to ensure clean up and compliance with federal environmental statutes and regulations. IAs are also referred to as Federal Facilities Agreements (FFAs). Activities include developing CERCLA guidance and policies for the Federal Facilities enforcement program, negotiating FFAs/IAs with federal agencies whose sites are listed on the NPL, monitoring milestones provided in the FFAs/IAs to ensure full implementation, using dispute resolution to ensure full implementation of FFA/IA,assessing stipulated penalties, and using supplemental environmental projects when appropriate.

1.C SUPERFUND ENTERPRISE MANAGEMENT SYSTEM (SEMS)

SEMS system currently supports data and record management and publication efforts related to cleanup activities for Sites whose characteristics fall under the umbrella of the Office of Land and Emergency Management (OLEM). The primary business functions supported by SEMS deal with High-Level site information such as planning and project management, including future planned obligations. SEMS also supports Superfund performance measure tracking in support of the GPRA and Superfund records management and information. SEMS also continues to serve as the Superfund program's official repository of electronic records and has business reporting and analytics capabilities.

Superfund Program Implementation Manual

FY 25

Chapter 2: Performance Measures, Planning and Reporting Requirements

CHAPTER 2: Performance Measures, Planning and Reporting Requirements

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CHAPTER 2: PERFORMANCE MEASURES, PLANNING AND REPORTING REQUIREMENTS

2.A INTRODUCTION

The Office of Emergency Management (OEM), Office of Superfund Remediation and Technology Innovation (OSRTI), the Federal Facilities Enforcement Office (FFEO), the Office of Site Remediation Enforcement (OSRE), and the Federal Facilities Restoration and Reuse Office (FFRRO) are responsible for overall program planning and for reporting on Superfund program accomplishments. This chapter describes the Environmental Protection Agency's (EPA) performance measurement approach generally, and, more specifically, the Superfund program's processes for planning, budgeting, tracking, and reporting progress internally and externally.

2.B PERFORMANCE GOALS AND MEASURES

The Government Performance and Results Act (GPRA) of 1993 provides a general framework for government accountability using strategic planning. Under this framework, EPA develops strategic plans, annual performance goals and other measures, and national program offices develop planning and tracking mechanisms as well as conduct program evaluations to ensure the Agency meets its goals effectively and efficiently.

The FY 2022 – 2026 EPA Strategic Plan is the foundation of the Agency's planning and budgeting process. The *Strategic Plan* is a five-year plan outlining the Agency's mission that establishes quantifiable goals and objectives, including GPRA Performance Measures, and describes the means and strategies that EPA programs employ to accomplish environmental results over a multi-year period. The Agency must update the *Strategic Plan* every three years or more often when there is significant policy, programmatic, or another type of change to the current plan.

EPA's Annual Performance Report defines the Agency's annual budget goals and objectives in greater detail by linking the annual budget to the Strategic Plan. Historically, the Annual Performance Report contains Annual Performance Report Commitments (Annual Commitments) for meeting the GPRA Performance Measures in the Strategic Plan as well as additional agency performance measures. Historically, the President's annual budget request to Congress, known as the Justification of Appropriation Estimates for the Committee on Appropriations (also known as the Congressional Justification) also contains the Annual Commitments.

Historically, each year in November, the Agency publishes the Performance and Accountability Report (PAR), which summarizes the program performance for the fiscal year (FY) just ended. The PAR consists of three reports, a summary Highlights Report, the Agency Financial Report, and the Annual Performance Report. The Annual Performance Report provides the results EPA achieved against its Annual Commitments and progress toward the long-term goals established in the Agency's Strategic Plan. All of the above documents referenced and additional

information on EPA's planning, budget, and annual performance is available at the Planning, Budget and Results webpage.

EPA's senior leadership tracks some performance measures in Bowling Charts. The Bowling Charts do not include all performance measures, rather, they focus on the metrics senior leadership is closely monitoring. In 2018, the EPA launched a new performance measure system, the Budget Formulation System (BFS) to replace the Budget Automation System (BAS)/Annual Commitment System (ACS). As such, ACS measures will now be referred to as National Program Management (NPM) measures.

In addition, EPA maintains Strategic Goals which are measurable commitments that represent high priorities for the Agency, have high relevance to the public or reflect the achievement of key agency missions, and will produce significant, measurable results over the next 12 to 24 months. The Superfund program has two Strategic Goals:

- By September 30, 2026, bring human exposures under control at an additional 60 Superfund sites.
- By September 30, 2026, complete 225 Superfund cleanup projects that address lead as a contaminant.

Exhibit 2.1 identifies the Superfund performance measures that are included in the President's budget and identifies which Superfund programs are responsible. A description of each measure is in the next section. This list is not exhaustive; additional performance measures are tracked internally and defined in the following sections.

EXHIBIT 2.1. SUPERFUND BUDGET MEASURES

Measure Name*	Annual Performance Report Commitments	Responsible Superfund Program
Removal actions completed annually	X	Removal
Number of Remedial Action project completions at Superfund National Priorities List (NPL) sites (RAPC)	X	Remedial, Federal Facilities
Number of Superfund sites with human exposure under control (HEUC)*	X	Remedial, Federal Facilities
Number of Superfund sites ready for anticipated use sitewide (SWRAU)*	X	Remedial, Federal Facilities
Number of Superfund cleanup projects completed that address Lead (Pb) as a contaminant (Lead Cleanups)	X	Remedial, Removal, Federal Facilities
Total Response Commitments	X	Enforcement
Total Cost Recovery Settlements	X	Enforcement
Value of PRP Oversight	X	Enforcement

***Beginning in FY 2014, performance measure results include non-NPL sites with Superfund Alternative Approach (SAA) agreements**

To support the GPRA framework, the Agency has several management and reporting tools to track its plans and accomplishments. The Office of the Chief Financial Officer (OCFO) uses the NPM to facilitate the development and tracking of the Annual Commitments by each EPA program, including Superfund. OCFO annually issues National Program Manager (NPM) guidance identifying the schedule for entering data into BFS. Coordinators in the Office of Land and Emergency Management (OLEM) and the Office of Enforcement and Compliance Assurance (OECA) work with their regional counterparts to ensure that the regional programs are aware of the schedule for entering draft and final bids and final performance commitments into BFS.

The Integrated Compliance Information System (ICIS) is a web-based national database for federal (and some state) enforcement and compliance data and is managed by OECA's Office of Compliance. ICIS is a comprehensive tool that integrates data from all media, including Superfund, and allows users to access multi-media enforcement and compliance data. The database is primarily used for programmatic management of EPA's Federal Enforcement and Compliance (FE&C) program. ICIS is used by OECA and the regions to manage information associated with the Volume of Contaminated Media Addressed (VCMA). VCMA is one of several national OECA measures to support cleaning up communities and advancing sustainable development. The VCMA measure counts commitments to clean up contaminated soil and groundwater media as a result of concluded Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and Resource Conservation and Recovery Act (RCRA) corrective action enforcement cases. Annually, OECA issues the Reporting Plan memorandum and its attachments which contain a schedule and detailed instructions for reporting FE&C activities and results for the FY. Deputy Regional Administrators (DRAs) certify to the accuracy and completeness of the ICIS and the Superfund Enterprise Management System (SEMS) data during the end-of-year certification process led by the Office of Compliance in coordination with the Office of Site Remediation Enforcement.

SEMS is an internal management tool used by program staff and managers to plan and track program activities and resource use. Various SEMS reports are used by senior Superfund managers in OLEM, the Office of Enforcement and Compliance Assurance (OECA), and the regions to monitor the progress each region is making towards achieving annual performance goals described in the *Strategic Plan* as well as help the program project future program performance.

2.B.1 Removal Program Measures

a. Removal Actions Completed

This measure tracks the number of removal completions performed by EPA or overseen by EPA where the primary responsible party has been identified and is performing the cleanup with or without an enforcement instrument (e.g., Administrative Order on Compliance [AOCs], Unilateral Administrative Order [UAOs] or voluntary agreements). The Agency or Potentially Responsible Party (PRP) is responding to the release of hazardous substances with the goal of cleaning the contamination and protecting human health and the environment. Removal actions fall into one of three categories: 1) emergency, 2) time-critical, and 3) non-time critical. EPA is the lead for Superfund-lead

removal actions when the responsible party cannot be identified or is unable to perform the cleanup. Funding for these actions comes from Superfund, established as part of CERCLA.

2.B.2 Remedial and Federal Facilities Program Measures

a. Number of Superfund Remedial Site Assessments Completed (Site Assessments)

Remedial site assessments are performed to determine and recommend the appropriate responses to releases of hazardous substances to the environment, including if there is a need for remedial cleanup or further EPA involvement. Completing site assessments determines which cleanup program is the best approach for addressing site conditions (National Priorities List [NPL], removal, state voluntary cleanup program, etc.). This also allows the program to show benefits earlier in the cleanup process. Federal Facilities site assessment is performed by federal agencies (E.O. 12580) and only reviewed by EPA in accordance with the Hazard Ranking System (HRS) criteria. More information about the site assessment measure can be found in Chapter 6, titled 'Remedial Site Assessment.'

b. Number of Remedial Action Project Completions at Superfund NPL sites (Remedial Action Projects)

This measure demonstrates progress in reducing risk to human health and the environment, since multiple Remedial Action (RA) projects may be necessary prior to achieving sitewide construction completion. Completion of the RA is documented in a Remedial Action Report (see *Close Out Procedures for National Priorities List Sites, OSWER 9320.2-22, May 2011*). More information about the RA Projects measure can be found in Chapter 8, titled 'Remedial Program.'

c. Annual Number of Superfund Sites with Remedy Construction Completed

Construction completion (CC) means physical construction of all cleanup actions is finished at a site, including actions to address all immediate threats and to bring all long-term threats under control. This measure tells the public that a site has generally entered a phase of long-term, routine operation and maintenance. Construction completion is documented in a Preliminary Close Out Report (*Close Out Procedures for National Priorities List Sites, OSWER 9320.2-22, May 2011*), and requires Headquarter's (HQ) concurrence. More information about the CC measure can be found in Chapter 8, titled 'Remedial Program.'

d. Number of Superfund Sites with Human Exposure Under Control

The Human Exposure Under Control (HEUC) environmental indicator documents long-term human health protection on a sitewide basis by measuring the progress achieved in controlling unacceptable human exposures to contamination. An environmental indicator baseline is established at the beginning of each fiscal year for measuring HEUC accomplishments, for sites on or deleted from the NPL or sites with Superfund Alternative Approach (SAA) agreements in place. Sites listed on the NPL or added as an SAA site during the current fiscal year are added to the baseline in the subsequent fiscal year. Information

about the HEUC indicator is available on EPA's Superfund Remedial Performance Measures website. More information about the HEUC indicator can be found in Chapter 8, titled 'Remedial Program.'

e. Number of Superfund Sites with Contaminated Groundwater Migration Under Control

The Groundwater Migration Under Control (GMUC) environmental indicator documents whether contamination is below protective, risk-based levels or, if not, whether the migration of contaminated groundwater is stabilized and there is no unacceptable discharge to surface water. Monitoring is conducted to confirm that affected groundwater remains in the original area of contamination. An environmental indicator baseline is established at the beginning of each fiscal year for measuring GMUC accomplishments for sites on or deleted from the NPL or sites with Superfund Alternative Approach (SAA) agreements in place. Sites listed on the NPL or added as an SAA site during the current fiscal year are added to the baseline in the subsequent fiscal year. Information about the GMUC indicator is available on EPA's Superfund Remedial Performance Measures website. More information about the GMUC indicator can be found in Chapter 8, titled 'Remedial Program.'

f. Number of Superfund Sites Ready for Anticipated Use Sitewide

The Sitewide Ready for Anticipated Use (SWRAU) measure counts construction complete Final and Deleted NPL and SAA sites for which, for the entire site, it is currently and accurately documented that: the site as a Human Exposure status of current human exposures under control and all protective remedy(ies) in place or long-term human health protection achieved; for media, the impact current and future land uses, all cleanup goals in the Record of Decision (ROD) or other remedy decision document(s) must be met so that there are no unacceptable risks; and all controls required for achieving protectiveness (engineered as well as institutional) are identified as part of the selected remedy in the ROD(s) or other remedy decision document(s), such as an Explanation of Significant Differences (ESD) or ROD Amendment, and are in place. SWRAU is an internal performance measure and is not a reporting of site-specific risk. It is based on information at the time the determination is made. It may change if the site's conditions change or if new information is discovered. While the SWRAU measure supports EPA's longstanding commitment to making land ready for reuse by communities, it is not a measure of actual reuse nor is it a requirement for use, reuse, or redevelopment. A Superfund site designated as SWRAU may or may not be in reuse and may not be available for reuse for a variety of reasons. Information about the SWRAU measure is available on EPA's Superfund Remedial Performance Measures website. More information about the SWRAU measure can be found in Chapter 8, titled 'Remedial Program.'

g. Number of National Priorities List Deletions and Partial Deletions

EPA may delete a final NPL site if it determines that no further response is required to protect human health or the environment. Sites that have been deleted from the NPL remain eligible for further Superfund-financed remedial action in the unlikely event that

conditions in the future warrant such action. Partial deletions can also be conducted at final NPL sites. Specific guidance regarding the criteria and process for deletions is contained in the *Close Out Procedures for National Priorities List Sites (OSWER 9320.2-22, May 2011*). More information about deletions can be found in Chapter 8, titled 'Remedial Program.'

h. Number of Superfund Cleanup Projects Completed That Address Lead (PB) As a Contaminant

Accomplishments for this measure are the number of cleanup actions that address lead as a contaminant as reported by EPA regional offices in SEMS during the fiscal year. The PB Cleanups performance measure is a subset measure of OSRTI's RAPCs and OEM's Removals Completed performance measures. Data includes Federal Facilities, PRP, and SAA sites. This is a five-year long-term performance goal supporting the FY 2022 – 2026 EPA Strategic Plan.

i. Advancing Site Assessment in Communities with Potential Environmental Justice Concerns

Accomplishments for this measure are the number of sites starting or completing assessments in locations having seven or more of the 13 Environmental Justice (EJ) Screening and Mapping Tool (EJScreen) indexes at or above the 80th percentile. Annual regional goals are established at 20 percent of the region's total number of non-Federal sites needing assessment that are located in these communities. Progress is tracked using the SEMS Site Assessment EJ Measure dashboard (SA-D009).

2.B.3 Enforcement Program Measures

a. Total Response Commitments

Total Response Commitments is the total universe of CERCLA enforcement instruments (Consent Decrees [CDs], Unilateral Administrative Orders [UAOs]), AOCs, Consent Agreements (CAs), Bankruptcy Settlements, Amendments and Judicial/Civil Judgments [JGs]) where private and federal parties agree to conduct cleanup work and/or make cash payments toward future response costs at a site. The value of Total Response Commitments is based on the estimated value of response work and/or payments (cash out) made by parties towards future investigation and cleanup at a site. See Chapter 10, titled 'Enforcement,' for further discussion on the measure.

b. Total Cost Recovery Settlements

Total Cost Recovery Settlements is the total universe of CERCLA enforcement cost recovery settlements (CDs, AOCs, CAs, Bankruptcy Settlements, JGs, and Administrative/Voluntary Cost Recovery actions i.e., demand letters) where the parties agree to pay past costs to the Agency. See Chapter 10, titled 'Enforcement,' for further discussion on the measure.

c. Value of PRP Oversight

The Value of PRP Oversight is the total amount billed to parties for PRP-lead actions where a settlement document is in place with EPA that provides for payment of federal oversight costs. See Chapter 10, titled 'Enforcement,' for further discussion on the measure.

d. RD/RA Negotiation Completions Within 365 Days

Each fiscal year, the Superfund Enforcement program counts the number of Remedial Design/Remedial Action (RD/RA), RD, and RA-only negotiations completed within 365 days of the start of the negotiations. See Chapter 10, titled 'Enforcement,' for further discussion on the measure.

e. RD/RA Negotiation Completions Over 365 Days

Each fiscal year, the Superfund Enforcement program counts the number of RD/RA, RD, and RA-only negotiations completed more than 365 days of the start of the negotiations. See Chapter 10, titled 'Enforcement,' for further discussion on the measure.

2.C ANNUAL PERFORMANCE REPORT AND BUDGET DEVELOPMENT CYCLE

The Agency's budget and the *Annual Performance Report* are developed hand-in-hand. The budget development process is ongoing, and, in any given month, activities may be taking place for several budget years at the same time. In any given year, the Agency is concurrently formulating the President's request for the outyear budget, planning the upcoming year's budget, and implementing (executing) the current year budget.

2.C.1 Outyear

Outyear preparation of the *Annual Performance Report* and budget formulation process typically begins in the spring, eighteen months prior to the start of the FY for which the budget is being prepared. Budget formulation is guided by the Strategic Plan, the *Annual Performance Report,* agency initiatives, and other emerging priorities. The *Annual Performance Report* includes objective, results-oriented, quantifiable, and measurable performance goals; resources necessary to meet goals; performance indicators to assess outputs, services, and outcomes; and verification and validation procedures. Development of the budget requires identification of major program issues, analysis of program costs, and alignment of resources among competing priorities. The plan, initiatives, priorities, and the budget are established through a series of executive-level meetings, which take place in the late spring and early summer.

Historically, EPA program offices generally submit budget formulation proposals to OCFO in the late spring. SEMS outyear planning data are used to inform senior managers of Superfund program resource trends and highlight opportunities to invest or disinvest in specific initiatives. As such, high quality site planning data are essential. Once the proposals pass through an internal review process, EPA submits its proposal to the Office of Management and Budget (OMB) in the late summer. Historically, after the late fall OMB 'passback', during which time other revisions to EPA's proposals may be made, the President submits a final budget (*Annual Performance Report*

and *Congressional Justification*) to Congress by the first Monday in February for the new FY beginning on October 1.

2.C.2 Planning Year

Historically, the second component of the budgeting process begins the summer before the upcoming FY and involves revising the budget in anticipation of enactment of an appropriation and determination of the allocation of funds for the regions for the new FY. During Phase I of operating plan development, OCFO sets preliminary targets, based on the President's budget request, for the national programs to use for developing initial resource allocations for regional budgets by budget object class (BOC) and other categories so that the financial system will be ready to make funds available once an appropriation (or continuing resolution) is passed. OCFO pre-calculates the regional targets for some of these categories, such as budgets for non-site travel, working capital fund, workforce support, and payroll. The Superfund national program offices determine resource allocations for the regions for the other BOC categories, including contracts and interagency agreements, grants and cooperative agreements, and site travel, but are not required to distinguish the allocations among these BOCs. OLEM program offices allocate most of these resources to the regions using site allowance codes that allow these program offices to budget the use of regional resources at a more detailed level in the Agency's financial system. OSRE does not use a site allowance code for budgeting enforcement resources to the regions, but the OSRE regional allocation is still often referred to as a site allowance.

Some HQ program offices (the remedial program in particular) initially assign most of the resources to a Regional Reserve, which does not identify the specific amounts that individual regions will receive in the upcoming year. Rather, during annual work planning meetings that start in late summer, HQ program offices review and analyze regional Superfund implementation and funding plans (based on SEMS data) and develop preliminary budget estimates for the regions for the upcoming year. The financial management components of this manual focus on the use of resources issued to the regions through the site allowances. A description of the financial management process is outlined in Chapter 3, titled 'Financial Management.'

2.C.3 Current Year

Phase II of operating plan development advances the planning year into the budget execution year as the new FY begins and the appropriation is enacted by Congress. Enacted operating plans for HQ and regional offices are finalized in the Agency's BFS by BOC, and OCFO issues initial resources to the programs through the Agency's financial management system.

Those HQ Superfund program offices that maintain Regional Reserve resources will send (issue or reprogram) these resources to individual regions throughout the course of the year in site allowances according to site-specific allocation methodologies, formulas, or funding plans (program-specific details are provided in the section on site allowances). For example, once funds become available, the HQ remedial program office will develop a preliminary ongoing construction funding plan and issue first quarter RA and Pipeline Operations Site Allowance resources to the regions. The HQ remedial program office will issue additional funds later in the year, taking into consideration changing regional plans.

In some years, an appropriation is not enacted by the start of the FY, and Congress passes one or more continuing resolutions (CR) to fund the government until a final appropriation is enacted. Under a CR, only a portion of the annual appropriation is made available for the Agency's use. OCFO issues special guidance to address funding issues under the CR, and any increases, reductions or mandated redirections are reflected in the Agency's final operating plan. Under short term CRs, the program offices work very closely with the regions to determine the funding needs on a monthly (or weekly) basis to ensure that the limited available resources are allocated where needed.

Superfund HQ program offices expect regions to work within the annual regional Superfund budgets allocated to them. Agency-wide policy allows regions and HQ offices to shift resources among programs (e.g., Superfund remedial and Superfund enforcement) on a limited basis throughout the year as long as they are consistent with specific program office and OCFO policies regarding those shifts. Within a specific program (e.g., Superfund remedial), regional Superfund program offices may shift appropriated funds among site allowances (e.g., Pipeline Operations and Remedial Action), but only with prior HQ program office approval. Historically, HQ program offices may also use a mid-year review process to assess progress in meeting performance targets and 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 resource shifts both within program areas and among regions.

Exhibit 2.2 provides a timeline for the formulation, planning, and execution processes. Timing for some activities is dependent on the completion of other actions; e.g., occasions when Congress does not pass an appropriation by the beginning of the FY.

EXHIBIT 2.2. BUDGET PLANNING TIMELINE

Month	Outyear Budget (FY 2)	Planning Year Budget (FY 1)	Current Year Budget (FY 0)
October		(From September Outyear Budget FY) Congress provides resources to the Agency in the form of an annual appropriation or continuing resolution. OCFO loads resources into Compass enabling spending, and once the appropriation is enacted, EPA submits the Agency's Operating Plan to Congress to finalize the enacted budget. OLEM develops preliminary ongoing construction funding plan and issues first quarter RA and Pipeline Operations Site Allowance resources to regions. OECA approve allocation of the initial technical Enforcement Site Allowance and the Full Year Site Allowance for the legal case budget	(From September Plan Budget FY)

Month	Outyear Budget (FY 2)	Planning Year Budget (FY 1)	Current Year Budget (FY 0)
November		OMB passback of budget request	OCFO issues prior year carryover
December	Revision to the Agency's Strategic Plan begins	HQ appeal of the OMB budget passback	
January			OLEM issues second-quarter RA Site Allowance resources to regions
February		President submits budget request to Congress	
March		Congressional Appropriation Hearing on President's Budget	Third-quarter Response Site Allowances and call memo for remaining Enforcement Site Allowance are issued
April	Annual national goal meetings are held OLEM pulls programs and financial planning information from SEMS to help OLEM managers develop proposals		Mid-year assessment held to evaluate regional progress and utilization of regional programmatic budgets OLEM issues third-quarter RA Site Allowance allocation to regions. OECA issues second allocation of Enforcement Site Allowance resources.
May	National planning meetings are held and NPMs submit investment/disinvestment proposals		OLEM generally begins to approve recertification requests of deobligated resources (may occur earlier)
June	OMB sets budget targets and OCFO issues policy for budget formulation	Regions submit and OLEM pulls program and financial planning information from SEMS (planning year budget process begins here)	Fourth-quarter response Site Allowances calculated
July	OCFO begins review process of national program proposals, develops a straw budget, and conducts a budget forum	OLEM reviews and analyzes regional budget estimates. Phase I operating plan development data are entered into BFS. OECA develops allocation of Enforcement Site Allowance for Phase I operating plan.	OLEM issues fourth-quarter RA Site Allowance resources and final allocation of Pipeline Site Allowance resources. HQ pulls target/accomplishment and financial data from SEMS for analysis of program accomplishments and obligation/commitment rate.
August	Agency leadership makes budget decisions and EPA submits proposed budget to OMB on the second Monday of the month.	OLEM/OECA/regions hold work planning meetings to establish budget/targets for planning year.	OLEM/OECA continues to pull target/accomplishment and financial data from SEMS for analysis of program accomplishments and regional obligation commitment rate.
September	(Go to beginning of Planning Year Budget)	OLEM develops preliminary ongoing construction funding plan (Go to beginning of Current Year Budget).	

2.D PLANNING AND REPORTING CYCLE

The Superfund planning and reporting process is roughly a 16-month cycle beginning in June. The cycle ends with final accomplishment reporting after the completion of the fiscal implementation year. Because the duration of this cycle exceeds a year, multiple cycles overlap, which means the regions and HQ conduct reporting activity for the current year and planning activity for subsequent years at the same time.

2.D.1 Third Quarter

a. Current Year Performance Tracking

On the sixth working day of April, OSRTI pulls second quarter planning and accomplishment data for the current FY from SEMS. Generally, OSRE pulls second-quarter enforcement accomplishments data from SEMS and other systems on the eleventh working day of April.

Historically, shortly after the sixth working day of April, OSRTI transfers mid-year annual Performance Measures data into BFS.

Historically, in the April/May timeframe, HQ and the regions may hold mid-year reviews to discuss regional progress in achieving current year negotiated targets and regional budget utilization (obligation rates). These discussions provide 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. These meetings also facilitate communications regarding site-specific technical and funding issues as well more general policy and strategic planning questions. Special Accounts are discussed further in section 3.K of Chapter 3, titled 'Financial Management.'

b. Planning for the Upcoming Year

Each year, OSRTI issues a Superfund Remedial Data Call memorandum with guidance for preparing program plans. The data call memorandum includes the schedule, scope, and areas of emphasis for developing the priorities, targets, and budgets for the upcoming three years.

In spring/summer, OSRE issues a separate Work Planning memorandum that provides planning guidance and instructions for developing the upcoming year's priorities, targets and budgets for the Superfund enforcement program. The memo informs regions of what to expect during the Work Planning process such as data requirements, meeting requirements and focus areas.

The Federal Facilities program conducts a separate work planning session with the regions that addresses similar topic areas as the remedial program, but with a program-specific focus. Schedules for this discussion are determined on an annual basis.

Work planning sessions allow both HQ program offices and the regions to communicate priorities, discuss new initiatives, and obtain preliminary estimates for program performance and funding needs for the upcoming FY. HQ may also use this opportunity to review past and projected regional accomplishments, historical obligation trends, and planned durations/dollars to ensure that the region is planning the appropriate amount of work given the dollars it is requesting.

2.D.2 Fourth Quarter

a. Planning for the Upcoming Year

HQ staff holds work planning meetings with each region once a year. Pursuant to the guidance in the Superfund Remedial Work Planning memorandum, regions will enter the applicable planning data into SEMS by a date designated by HQ in the Work Planning memorandum, and HQ program offices will review program target and accomplishment data before the meetings. Data to be reviewed include planned obligations; government-performed and PRP-performed planned activities/site schedules; and Remedial Acquisition Framework (RAF) task order plans for Fiscal Years 2019-2028. In addition to the planning year, a continued focus will be placed on three-year work planning. By extending our work planning focus to three future years, OLEM will be able to better support budget justifications and forecasts, better integrate the RAF into project planning, more strategically manage Special Accounts, and improve overall program performance.

b. End of Year Performance Tracking

HQ pulls preliminary end-of-year accomplishments on the fifth working day of September as a starting point for preparing for the end-of-year assessment that occurs in November. This information gives HQ an indication of progress expected through the end of the year and allows the regions and HQ to identify and review final issues that may affect program success. In the final weeks of the FY, HQ staff from each Superfund program office will closely monitor regions' progress toward meeting *Annual Performance Report* commitments and ensure that the accomplishment data are entered into SEMS, BFS, and ICIS in a timely manner.

2.D.3 First Quarter (of the subsequent year)

a. Planning for the Current Year

During the first quarter of the FY, HQ meets with the regional Division Directors to discuss the national program's annual performance goals. OSRTI develops a preliminary ongoing construction funding plan and allocates RA and Pipeline Operations Site Allowance resources to the regions. FFRRO finalizes regional commitments and has discussions on budget allocation during end-of-year regional work planning meetings.

b. Prior Year Performance Tracking

HQ pulls final SEMS accomplishment reports for annual performance measure accomplishments as well as all other regional accomplishments on the eleventh working day (holidays are not counted as a working day) of October. OSRTI and OEM annual performance measure data are transferred to BFS by HQ after a short review period following the eleventh working day of October. Regions explain differences that occur between the commitment and actual performance using the 'Comments' field on the results screen in BFS. Historically, HQ will publicly report these accomplishments in late October through mid-November. This schedule allows regions the opportunity to review end-of-year financial data, ensure that all accomplishments are accurately reflected in SEMS, and determine when the commitments were met.

Although OSRE coordinates end-of-year accomplishment reporting with OLEM and OECA, OSRE also pulls final SEMS accomplishment reports for annual performance measure accomplishments as well as all other regional accomplishments on the eleventh working day (holidays are not counted as a working day) of October as well. OECA's accomplishments reporting schedule differs from Superfund's. Each year, OECA issues the current FY's reporting plan. The 'Reporting Plan' describes the enforcement and compliance reporting requirements for regional and OECA offices, including key dates for second-quarter and end-of-year data entry and reporting as well as data certification deadlines. Typically, the annual 'Reporting Plan' is distributed to the regions in April.

2.E PLANNING, TARGET, AND ACCOMPLISHMENT REPORTS

The following lists provide the primary SEMS reports used by HQ and the regions to track regional performance. The first set of reports is used to establish regional targets/measures and to evaluate and report regional accomplishments. OSRE and FFRRO-specific management reports are also identified. OEM does not use SEMS to run any management reports.

Additionally, Superfund also maintains a set of senior management reports and dashboards that illustrate site progress through the Superfund pipeline and the involvement of PRPs in cleanup activities. These reports include regional, state, or national views and the reports on-site assessment, Federal Facilities, construction completions, work planning, performance on annual commitments and other internal program measures and provide a comprehensive picture of program activity.

2.E.1 OSRTI Management Reports for Planning/Target Setting and Accomplishment Reporting

- PGMT-008: The Actions and Associated Planned Ob Report is used by EPA to display activities with planned obligations associated with them. There are several options available to run the report including by Planned Ob Type, Planned Ob FY, and Program Area.
- SCAP-002: The Site Summary Report is used by EPA to display enforcement sensitive SEMS data for NPL and non-NPL sites.

- SCAP-004: The Financial Report will display aggregate dollars by program area and provide both site-specific and non-site-specific backup from SEMS. There will be various options available to run the report by specific program areas.
- SCAP-013: The Site Assessment Report is used for reporting site assessment plans and accomplishments. This report tracks a wide range of site assessment activities and complements the remedial site assessment completion data included in the SCAP-15 GPRA report.
- SCAP-014: The Superfund Accomplishments Report is used to track targeting, planning, and accomplishment actions in support of the remedial, enforcement, removal, and Federal Facility programs.
- SCAP-015: The GPRA Report is used to track GPRA performance goals and measures in support of the Response program.
- SA-D014: Site Assessment Accomplishments dashboard is used to report the results of assessments completed during the fiscal year and the number of sites needing remedial assessment.
- SA-D009: Site Assessment EJ Measure dashboard is used to report progress on the Advancing Site Assessment in Communities with Potential EJ Concerns measure

2.E.2 OSRE Management Reports

- ENFR-003: The Settlement Master Report is OSRE's official accomplishments report. The report displays the total universe of CERCLA enforcement instruments where parties have agreed to conduct cleanup work and/or make cash payments toward future site cleanup as well as reimburse EPA for past costs spent at their sites. The report displays and summarizes all settlements and orders completed during the user-selected time frame including the Value of Past Costs and Cashout settlements, and the Estimated Value of PRP Response.
- ENFR-007: The De Minimis Settlement Report displays administrative and judicial settlements with PRPs qualified as de minimis parties. The report provides the associated number of parties as well as the total number of de minimis settlements and the number of sites at which de minimis settlements were signed.
- ENFR-011: The Ongoing RD/RA Negotiations Timeline Report is used to track the duration of ongoing RD/RA negotiations. The report shows categories of duration (e.g., between 60 and 120 days).
- ENFR-016: The Cost Recovery Decision Documents Report provides justification for why past costs are unrecoverable and written off.
- ENFR-017: The Cost Recovery Targeting Report is a tool used to identify potential targets for cost recovery with upcoming statute of limitations.
- ENFR-022: The ROD Amendment and RD/RA Negotiations Report displays completed RODs and ROD Amendments and corresponding RD/RA negotiations where they exist.

The report is categorized into RD/RA negotiations started from signed ROD and No RD/RA negotiations started from signed ROD. The report calculates the duration of the ROD to the RD/RA Negotiation start and the duration of the ongoing RD/RA Negotiation.

- ENFR-025: The Administrative/Unilateral Orders Issued Report lists AOCs and UAOs that have been issued. The report is an audit report for the ENFR-03 Report. Unlike the ENFR-03 report however, the ENFR-025 report displays UAOs where Notice of Intent to Comply have not been received.
- ENFR-023 a, b and ENFR-024 a, b, c: Compliance Monitoring reports are a suite of reports used to track compliance with active CERCLA enforcement instruments that include work obligations.
- ENFR-067f: Financial Assurance Audit report is used to track open work settlements where financial assurance is required and to identify where SEMS financial assurance data is incomplete and/or where financial assurance is not adequate.
- SCAP 14G: Superfund Accomplishments report, sorts government performed pipeline activities into two categories: those funded with Special Account and /or mixed source financing and those without. The report allows OSRE to easily identify government-performed activities that are financed through responsible party contributions.
- ENFR-004: PRP Party Listing report displays the user-selected PRP names and all sites where the PRPs are either a party to an enforcement instrument and/or has been noticed as a potential party at a site. The site name, party name and enforcement instrument(s) are listed on the report.
- ENFR-036: RD/RA Negotiations Ongoing and Accomplishments report displays by duration categories (e.g., between 60 and 120 days) all ongoing RD/RA, RD-only, and RA-only negotiations and accomplishments for the user selected fiscal year.
- ENFR-062: Measure 2 Issuance of Comfort Status Letters report displays all sites where comfort status letters have been issued during the user selected fiscal year.
- ENFR-006: Litigation Master report provides a site-specific breakdown of litigation referrals and their associated milestone, remedy, and financial information.

2.E.3 FFRRO Management Reports

- FFRRO developed the Federal Facilities Work Planning module as a supplement to some of the retired FF SEMS Reports. Regions can access the work planning module. Regions should reach out to FFRRO's data coordinator for access. The Federal Facility Accomplishments Report is a subset of the SCAP-014 report (see 'report option' dropdown in SCAP-014). It includes several extra categories concentrating specifically on accomplishments at Federal Facility sites (NPL, non-NPL, and Base Realignment and Closure [BRAC])
- FF-005: The Federal Facility Audit Report lists all the Federal Facility data issues detected in SEMS for the selected FY.

- FF-015 – FF Percent Complete: This report is used by the Federal Facilities program to measure incremental progress at operable units within a larger Federal Facilities NPL site. The FF Percent Complete is based on an average of three specific factors at each Federal Facility NPL site: 1) Operable Unit (OU) percent complete; 2) Total actions percent complete; and 3) Duration of actions percent complete.

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Chapter 3: Financial Management

CHAPTER 3: Financial Management

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CHAPTER 3: FINANCIAL MANAGEMENT

3.A INTRODUCTION

This chapter introduces certain financial management components important to the Superfund program. The following section outlines the responsibilities of various offices and positions within the Agency in managing and administering Superfund resources. The chapter goes on to describe the Superfund financial account number structure; the various financial data management systems and tools for tracking Superfund costs; how financial data are handled in the Superfund Enterprise Management System (SEMS) environment; the financial vehicles available to carry out Superfund response actions; the processes by which the various Superfund programs make resource allocation decisions among the regions; and a brief overview of the cost recovery process. The final sections of this chapter address issues of special interest to financial management, including site-specific charging policy (including bulk funding), special accounts, Superfund State Contract (SSC) management, and using the Fiduciary Reserve. Various Superfund-specific financial management policies issued by the Office of the Chief Financial Officer (OCFO) may be found in the 2550D area of the Resources Management Directive System.

3.B FINANCIAL MANAGEMENT ROLES AND RESPONSIBILITIES

Due to the complexities of the Superfund program, multiple organizational units within the regional Environmental Protection Agency (EPA) offices have responsibility for Superfund financial management. This section lists the primary regional offices with Superfund-related financial management responsibilities and the duties for which each office has responsibility or authority. The next section lists the financial management roles and responsibilities of several staff positions. The last section lists the roles and responsibilities of the primary supporting headquarters offices.

3.B.1 Regional Organization Financial Roles and Responsibilities

a. Regional Administrator (unless delegated)

- Approves cleanup actions under removal authority.
- Approves consistency exemptions at National Priorities List (NPL) sites where the removal costs are more than $2 million.
- Awards Interagency Agreements (IAs), Cooperative Agreements (CAs), and Technical Assistance Grants (TAGs).
- Enters into SSCs.
- Initiates response planning activities.
- Ensures reimbursable Base Realignment and Closure (BRAC) costs are accurate and appropriate (*Interim Guidance for EPA's Base Realignment and Closure (BRAC) Program, April 2006, section 3.2.1*).

b. Regional Finance Office (RFO)

- Processes Procurement Requests (PRs), Requisitions (REQs), and commitment notices (CNs).
- Establishes Site/Spill Identifier (SSID) at the request of the Regional Program Office (RPO).
- Assigns Superfund Account Number, Document Control Number (DCN), and Cooperative Agreement (CA) identification number to funding documents.
- Controls regional site allowances.
- Sets up regional account numbers, including SSIDs, in Compass (the Agency's financial management system).
- Enters commitments into Compass.
- Reviews invoices, monthly financial reports, and payment requests.
- Maintains Superfund document files on regional costs and handles the compilation and review of cost documentation for cost recovery.
- Provides RPO with financial data as requested.
- Provides updates to Cincinnati Finance Center (CFC) for the SSC quarterly accrual.
- Enters reprogramming information for recertification of deobligated/reclassified amounts into Compass.
- Conducts redistribution of costs to various sites as requested by approving official once invoices are paid.

Note that some of these functions may be performed by the RPO, Office of the Controller Finance Centers, or other organizational units in some regions.

c. Regional Program Office (RPO)

- Prepares CNs, Requisitions (REQs), and Procurement Requests (PRs).
- Assigns Superfund Account Number as generated in SEMS to funding documents.
- Provides technical support to the Contracting Officer (CO).
- Reviews vouchers and/or financial reports.
- Manages CAs and IAs.
- Requests SSIDs from the Regional Finance Office (RFO).
- Develops SSCs.
- Provides updates to CFC for the SSC quarterly accrual.
- Monitors the transfer of financial data on contracts, IAs, and CAs from Compass into SEMS.
- Maintains Superfund document files on regional work performed for cost recovery.
- Monitors unliquidated obligations and deobligations.
- Requests recertification of any deobligated funds that are not automatically returned to Responsible Program Implementation Office (RPIO) and of any reclassified amounts.

Note that some of these functions may be performed by the RFO or other organizational units in some regions.

d. Administrative Support Unit

- Only exists in some RPOs, depending on regional structure.
- Provides administrative support to On-Scene Coordinators (OSCs) and Remedial Project Managers (RPMs).
- Provides liaison between OSC/RPM and other groups involved in administrative matters.
- Provides support to regional program management.
- Assists in developing regional removal or remedial budgets.
- Sets up and maintains active site files.
- Completes PRs, REQs, and CNs.
- Reviews Compass reports.

Note that some of these functions may be performed by the RFO, RPO, or other organizational units in some regions.

3.B.2 Regional Staff Financial Roles and Responsibilities

a. On-Scene Coordinator (OSC)

- Individual is an employee of EPA or U.S. Coast Guard (USCG).
- Individual is an Ordering Officer (must have 'Delegation of Procurement Authority', also called 'Warrant Authority', signed by a Senior Procurement Manager).
- Conducts response activities at hazardous substance spills and releases, or threats of release.
- Initiates and manages cleanup actions under removal authority.
- Aware of, in control of, and responsible for site charges.
- Ensures costs are reasonable and necessary.
- Prepares site budgets and contract action requests.
- Completes Action Memoranda.
- Initiates (in coordination with the Regional Contracting Officer's Representative [COR]) PRs, REQs, Contract Tasks, CAs, IAs.
- Approves site-specific and non-site-specific contractor and IA invoices.
- Establishes and maintains the official site file.
- Reviews and approves cleanup contractors' charges daily.
- Tracks site costs against the established site ceiling.
- Acquires services using a warrant for up to $250,000.

b. Remedial Project Manager (RPM)

- Individual is an EPA employee.

- Initiates and manages remedial actions and, if applicable, removal actions at remedial sites.
- Manages enforcement costs and activities.
- Aware of, in control of, and responsible for site charges.
- Ensures costs are reasonable and necessary.
- Reviews and approves contractor invoices and monthly technical and financial reports.
- Establishes and maintains official site files in coordination with the Records Center.
- Initiates site-specific PRs, CAs, and IAs (in coordination with the Regional Project Officer).
- Serves as the COR on contracts.
- Approves site-specific IA invoices.

c. Regional Contracting Officer's Representative (COR)

- Individual is an EPA employee.
- Manages remedial, enforcement, removal, and general site support contracts.
- Evaluates and designates contractor award fees.
- Monitors contractors' activities.
- Reviews monthly contractor reports and site-specific attachments.
- Initiates (in coordination with the RPM or OSC) REQs, PRs, and site-specific contracts.
- Prepares Advanced Procurement Plan (APP) or Task Order Package, including contract Statement of Work and Independent Government Estimate (IGE), for procurement of Superfund Mission contracts such as Superfund Technical Assistance and Response Team (START), Design and Engineering Services (DES), Remediation Environmental Services (RES), Environmental Services and Operations (ESO), and Emergency and Rapid Response Services (ERRS).
- Identifies regional and site-specific contract requirements.
- Provides general contract management support.

d. Regional Interagency Acquisition Agreement (IAA) and Grants Project Officer (GPO)

- Individual is an EPA employee.
- Monitors partners' activities.
- Approves site-specific IA invoices.
- Reviews monthly reports and site-specific attachments.
- Initiates Commitment Notices, Funding Recommendations, and Decision Memorandums for CA and Interagency Acquisition Agreements (IAA).

3.B.3 Headquarters Support Office Financial Roles and Responsibilities

Selected program offices in Headquarters (HQ), particularly within the OCFO and the Office of Mission Support (OMS), also have Superfund financial management responsibilities.

With respect to the Office of Land and Emergency Management (OLEM) and the Office of Enforcement and Compliance Assurance (OECA), the national response and enforcement program offices can address financial management issues associated with their programs. Refer to Appendix A to identify the appropriate contacts within each office. Other Superfund financial management functions provided by EPA's HQ support offices are briefly described below.

a. Cincinnati Finance Center (CFC), Office of the Controller, OCFO

- Provides accounting support for all Superfund IAs.
- Processes disbursement requests from other agencies.
- Issues and processes disbursements for reimbursable activities (e.g., special accounts).
- Enters IA obligations and disbursements into Compass.
- Enters all reclassification transactions into Compass.
- Records remedial state cost-share credits into Compass.
- Calculates quarterly accruals for SSCs.
- Monitors negative available balances in special accounts on a monthly basis.
- Calculates and applies interest earned to special accounts.
- Processes and approves all travel vouchers.

b. Office of Acquisition Solutions (OAS), OMS

- Manages Superfund contracting program.
- Negotiates, awards, monitors, modifies, and terminates contracts (some contracts are also awarded by COs in the regions).
- Provides technical guidance on contract administration.
- Provides cost and price analysis.

c. Office of Budget (OB), OCFO

- Allocates, approves, and reprograms Superfund allowances among HQ and regions.
- Monitors obligations and resource balances.
- Processes change requests.
- Reviews and approves regional requests for reimbursable authority.
- Approves requests to recertify prior year Superfund appropriated resources that have been deobligated and not automatically returned to original RPIO.
- Issues the deobligation recertification guidance memo.

d. Office of the Controller, OCFO

- Collects HQ Superfund cost documentation for cost recovery.
- Develops and issues Superfund indirect cost rates.
- Develops financial policies and procedures.
- Provides general accounting support.
- Manages investments in the Superfund Trust Fund and calculates interest rates.
- Establishes and maintains accounting models in Compass.

- Receives Superfund tax receipt collection amounts from the Department of Treasury each quarter.

e. Office of Grants and Debarment (OGD), OMS

- Issues policies, regulations, and guidance for processing, awarding, and managing financial assistance agreements and IAs.
- Issues identification numbers for all IAs.
- Processes and awards HQ IAs.

f. Research Triangle Park (RTP) Finance Center, Office of Controller, OCFO

- Provides accounting support for all Superfund contracts.
- Enters contract award and obligation data into Compass.
- Processes contractor invoices.
- Enters payments into Compass via the Invoice Processing Platform (IPP). Completes corrections on contracts and simplified acquisitions.
- Provides support of Grant Payments and financial closeout of Assistance Agreements for all 11 Grant Award Offices.
- Processes payments under EPA's Local Government Reimbursement (LGR) program for hazardous substance, pollutant, or contaminant threat response.
- Provides consolidation and certification of EPA's daily grant, vendor, and travel payments through the Treasury's Secure Payment System.

3.C SUPERFUND ACCOUNTING INFORMATION

The Agency's financial account number structure is integral to the Agency's management of financial resources and is used for processing and tracking financial transactions in Compass, the Agency's financial management system. All financial transactions entered in Compass use the first four data element fields described below. The unique aspect of Superfund financial tracking stems primarily from the need to associate EPA's incurred costs with specific Superfund sites, Operable Units (OU), and projects to support the cost recovery process; two additional data fields, Project and Cost Org, serve this purpose. Court actions and cost recovery negotiations with Potentially Responsible Parties (PRPs) require careful documentation of federal costs incurred at each SSID.

3.C.1 Superfund Account Number

The Superfund account number structure is comprised of six fields of data elements that identify the specific nature of the expense. These fields are the budget fiscal year; fund (or appropriation); organization; program results code (PRC); project; and cost organization. Exhibit 3.1. provides an example of an account number and a brief explanation of each field. The sections after the table provide more detail on each field.

EXHIBIT 3.1. SUPERFUND ACCOUNT NUMBER STRUCTURE

Budget Fiscal Year	Fund	Budget Organization	Program Results Code	Project	Cost/Org
2018____	TR2A__	7A00P__	000DD2___	0723RA01	C002___

Data Element Field Name	Definition	Sample Entry
Budget Fiscal Year (eight characters)	The first four positions in this field identify the beginning budget fiscal year (e.g., '2018'). The last four positions in this field identify the ending budget fiscal year (for expiring funds), but since Superfund funds are generally available until expended and do not expire these positions are not generally used by the Superfund program and should be left blank.	*2018*
Fund (six characters)	The type of appropriation in this field has up to four characters indicating appropriation accounts and sub-accounts, also known as "fund codes." The Superfund no-year appropriation fund code is 'T'. Multi-character 'T*' fund codes represent Superfund sub-accounts (e.g., 'TD', 'TR2A'). Each year OCFO publishes an Advice of Allowance memorandum that identifies which fund codes are available for use in the current fiscal year. The most frequently used codes for obligation of Superfund resources are identified in exhibit 3.2.	*TR*2A
Budget Organization (seven characters)	The Budget Organization field includes the Allowance Holder/Responsibility Center (AHRC) code, the Responsibility Center, and the Superfund site allowance code. The AHRC code can be between three and seven characters in length. In the regions, the first two positions represent the region and type of allowance holder (AH) in use. The 'A' AH is represented with the regional number in the first position and an 'A' in the second position. The '0' AH is represented by a '0' in the first position and the regional number in the second position (e.g., Region 7 may be represented as 07 or 7A; Region 10 is represented as 10 or 0A). The 'A' AH holds extramural appropriated resources that response program (OLEM) HQ offices have distributed to specific Superfund site allowances for Superfund actions. The '0' AH generally holds other regional resources such as personal compensation and benefits, site and non-site travel resources, and certain administrative expenses. OECA does not use the 'A' AH and distributes extramural as well as intramural resources to the '0' AH. At HQ, AH represents the National Program Manager (NPM) office responsible for managing and allocating the resources (e.g., '72' for the Office of Superfund Remediation and Technology Innovation [OSRTI], 'D3' for the Office of Emergency Management [OEM]). The third position of the Budget Organization is an alphanumeric character that designates the responsibility center within the region or HQ office (see the region's budget office for a list of these codes), and the fourth position has multiple region or HQ specific uses. The fifth position represents the Superfund site allowance code (shown in exhibit 3.3.) within the Response PRC (e.g., Pipeline Operations or Remedial Action). The response program Superfund site allowance codes are used with the 'A' AHs. Positions five through seven may also represent a local option or congressional add-on (e.g., CUD for counter-terrorism response) or to further identify resources beyond the fund code and PRC (e.g., RSF for	*7A00P__*

Data Element Field Name	Definition	Sample Entry
	Recovery Act Superfund Maintenance and Operations), or other special purposes. These uses may necessitate overriding the use of the fifth position as a Superfund site allowance. Regions may use a combination of characters within the Budget Organization Field to identify special account numbers for the use of special account resources. This practice varies across regions. Please contact OSRTI's special accounts coordinator or CFC for information about use of the Budget Org field for special account numbers.	
Program Results Code (PRC) (nine characters)	The first six positions identify the PRC. In prior fiscal years, the Agency financial strategic architecture was designed to reflect the Agency Strategic Plan and annual commitments made under the Government Performance and Results Act (GPRA). For example, under EPA's 2014 – 2018 Strategic Plan resources for Superfund Response programs were found under Goal 3, Objective 03 (the first three positions of the PRC were "303"), and resources for the Superfund enforcement and Federal Facilities enforcement programs were found under Goal 5, Objective 01 (the first three positions of the PRC were "501"). As of FY 2018, the Agency Strategic Plan goals and objectives are no longer part of the accounting structure for budget execution, so the first three positions of the PRC are all filled with zeros. The next three positions identify the NPM and program/project. The most common NPMs (fourth position of the PRC) associated with Superfund are OLEM (D), OECA (E), OCFO (J), and ORD (F). Program/projects (fifth and sixth positions of the PRC) further distinguish the nature of the work within each Superfund program office (i.e., Homeland Security is '72', Emergency Response and Removal is 'C6', Enforcement is 'C7', Federal Facilities is 'C9', Remedial is 'D2', and Federal Facilities Enforcement is 'H2'). Descriptions of the activities undertaken by each program project can be found in the Annual Performance Plan and Congressional Justification submitted to Congress each year, Positions seven through nine are reserved for special use, such as an RPIO activity code. In FYs 2018 and 2019, the RPIO activity code XIN was used to differentiate "Infrastructure" funding that was included in each of those years' appropriations. Other common RPIO activity codes used for Superfund resources include XRL (regional laboratory support) and XW2 (workforce support). Exhibit 3.3. shows PRCs that support key Superfund response program areas for which national program offices allocate resources to regional program offices, primarily through site allowances. Descriptions of each of the programs are found in Chapter 1, section 1.B.2. The exhibit also identifies the site allowance codes that the Response programs use to allocate resources to the regions. The site allowance codes are found in the fifth position of the Budget Organization field.	*000DD2*

Data Element Field Name	Definition	Sample Entry
Project	The first four positions define the SSID (also known as site/spill identifier), which the Agency uses to account for and to compile Superfund costs by site (i.e., Superfund format). The SSID is comprised of the regional number in the second position (e.g., '07' for Region 7) with an alphanumeric placeholder in the first position. For Region 10, '10' or 'A0' is generally entered in this position. The third and fourth positions are alphanumeric characters that, with the rest of the SSID, uniquely identify a site or some other form of financial transaction. Other SSIDs (ZZ, WQ, or 00 in the third and fourth positions) denote site-specific work where a site-specific SSID has not yet been established, or funding where the precise amount to be charged to a site or action is not known at the time of obligation, or non-site funding. Further detail on site-specific and non-site SSIDs is found in section 3.I. Positions five and six represent the action code, which is a two-character alpha code, a listing of which can be found in Chapter 4, exhibit 4.3 or the FY 2016 Dictionary of Superfund Action Codes for Compass Financial Transactions issued by OCFO, OLEM, and OECA. The Operable Unit number is entered in positions seven and eight (e.g., '01' for Operable Unit 01). The two-letter state code can be used in the OU positions for non-site cooperative agreements awarded to states, consistent with the FY 2016 Dictionary of Superfund Action Codes for Compass Financial Transactions. The Project field can also be used to track conference spending and information technology (IT) -related transactions. A unique format is used for IT-related transactions that overwrites Superfund-specific uses of this field. For IT obligations using special account resources, the Superfund format is used in the project field and overwrites the IT-related information because special account funds can only be spent site-specifically.	*0 7 2 3 R A 0 1*
Cost Organization	For the Superfund program, the first position of this field is system generated by 'C'. 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*

EXHIBIT 3.2. SAMPLE SUPERFUND APPROPRIATION CODES *(NOT INCLUSIVE)*

Fund Code	Title
T	Superfund annual congressional appropriations (this fund code is also used for funds obligated in the fiscal year [FY] prior to current FY and deobligated in current FY (such funds continue to reflect original the budget fiscal year [BFY)])
TC	Superfund Carryover
TD	Superfund Deobligations (recertified for obligation in current FY)
TR	Superfund Reimbursable – Funds-in Interagency Agreements
TR1	Superfund Reimbursable – SSC (state cost-share funds)
TR2	Non-Federal Special Accounts Future Costs
TR2A	Federal Special Accounts Future and Past costs
TR2B	Non-Federal Special Accounts Past Costs and Interest
TSD	Superfund Remedial Infrastructure Investment and Jobs Act (IIJA) Appropriation
TT	Superfund Tax Receipts

EXHIBIT 3.3. SUPERFUND PROGRAM RESULTS CODES AND SITE ALLOWANCE CODES

Program	Program Results Code	NPM	Site Allowance Name	Site Allowance Code (BFS Local Code)
Remedial Program	000DD2	OLEM	Remedial Action	R
			Pipeline Operations	P
	000FD2	ORD	Pipeline Operations	P
Emergency Response and Removal	000DC6	OLEM	Removal and Removal Support	E
	000FC6	ORD	Removal and Removal Support	E
Homeland Security	000D72	OLEM	Homeland Security	C
	000F72	ORD		
Federal Facility Response	000DC9	OLEM	Federal Facility Response	F
	000FC9	ORD		
BRAC (non-site)	000D41	OLEM		none
BRAC (site-specific)	000D41B4	OLEM		none
Superfund Enforcement	000EC7	OECA		none
	000JC7	OCFO		
	000FC7	ORD		
Federal Facility Enforcement	000EH2	OECA		none

3.D FINANCIAL DATA MANAGEMENT TOOLS

The following data management systems and tools are used to plan and track the use of EPA and Superfund resources.

3.D.1 Budget Formulation System (BFS)

Budget Formulation System (BFS) is the central EPA system that contains resource (dollars and full-time equivalent [FTE]), planning, and performance data used to support budget formulation, annual planning, and operating plan development. EPA also uses BFS to record and track regional commitments of performance targets within the agency and project-based planning/resource allocations within Offices. Reprogrammings that will move congressional annual appropriated funds between program projects should be entered into BFS. Reprogrammings to recertify prior year annual appropriations that are made available from deobligations or reclassifications should be entered in Compass and do not need to be entered into BFS.

3.D.2 Compass

Compass is the comprehensive name for EPA's financial management and reporting system. Compass contains the general ledger, budget execution, funds control, accounts payable, disbursements, accounts receivable and collections, travel, project cost accounting, fixed assets and standard reporting functions. Compass is integrated with a number of agency financial systems, including the Bank Card Payment System, the Fellowship Payment System (FPS), the Integrated Grants Management System (IGMS), Next Generation Grants System (NGGS), Concur (the agency's travel service provider), Property Inventory, eBusiness, the Grants Payment Allocation System (GPAS), BFS, the Inter-Agency Doc Online Tracking System (IDOTS), the Web Order System (WEBOS), the Small Payment Information Tracking System (SPITS), the EPA Acquisition System (EAS), the Integrated Resource Management System (IRMS), the Invoice Processing Platform (IPP), and PeoplePlus.

Reporting out of Compass may be done through the Compass Business Objects Reporting Tool or the Compass Data Warehouse.

3.D.3 Compass Data Warehouse (CDW)

The Compass Data Warehouse (CDW) is an official agency reporting tool available only to EPA users that contains a collection of financial and administrative data pulled from Compass and other agency systems. CDW data are refreshed constantly as transactions are processed in the Compass financial system.

Historical financial data in Compass and portions of the CDW are limited. While all open (i.e., unliquidated) obligations at the end of FY 2011 were migrated to Compass, completed transaction data only from budget fiscal year (BFY) 2001 and later are contained in Compass and portions of the CDW. The CDW intranet site has a link to Financial Data Warehouse (FDW) queries that may be used to access historic data, which are frozen as of FY 2011. These queries allow access to all data migrated to Compass as of the end of FY 2011, as well as historic data that did

not migrate. Neither CDW nor FDW contains certain pre-IFMS financial data, which are stored by OCFO elsewhere.

3.D.4 Compass Business Objects Reporting Tool (CBOR)

The Compass Business Objects Reporting tool (CBOR) provides a corporate, web-based approach to agency financial reporting and information needs. CBOR also integrates financial, administrative, and program performance information, which is useful for monitoring agency operating activity, conducting trend analysis, and developing program strategy. Financial information is pulled from the CDW. CBOR consists of three main components:

Standard Reports: Provide users with detail and summary information on automated disbursement, budget execution, fixed assets, General Ledger accounting, special accounts, and purchasing.

- Ad Hoc Reports: Provides users with custom reporting capabilities to meet the needs of their respective organizations.
- Information Centers: Provide users with a platform for posting, viewing, and sharing reports of interest with multiple users across their RPIO organization.

3.D.5 Superfund Enterprise Management System (SEMS)

SEMS houses Superfund site- and non-site-specific data, including the financial planning data used by program managers to monitor resource needs and uses. SEMS contains various screens and reports that support program planning and performance (see Chapter 2, titled 'Performance Measures, Planning and Reporting Requirements'). Regions enter planned obligations in SEMS. HQ and regions use the Superfund Comprehensive Accomplishments Plan (SCAP) 4 report to track regional financial planning. Resource planning data are usually considered enforcement sensitive and are not made available to the public, since they may inadvertently give leverage to PRPs who are negotiating settlements with EPA or compromise the acquisition process.

SEMS also imports Compass data on Superfund financial transactions (commitments, obligations, payments) to enable regions to track and manage their use of Superfund resources. Compass data are transferred nightly into SEMS through an automated link. The SEMS interface with financial information in Compass depends on the account number used for resource planning matching the account number associated with the financial transactions in Compass. Exhibit 3.1. details how SEMS matches Compass data with activities in the site schedule. Compass financial information in SEMS is used for management purposes only and is not an official representation of Superfund incurred costs or used for external reporting.

3.E HANDLING FINANCIAL DATA IN THE SEMS ENVIRONMENT

When regions plan resources in SEMS, the site and non-site obligation planning screens in SEMS generate Superfund account numbers (i.e., Budget Fiscal Year, Fund Code, Budget Organization, PRC, Project, Cost Organization, Financial Object Class) that are used as the basis

for initiating and executing financial transactions through the Agency's financial systems. The account number generated in SEMS must be entered on all funding documents at the time the planned obligation is executed, i.e., committed or obligated for entry into Compass. For certain transactions, such as special account financial transactions, the account number generated by SEMS may need to be altered when entered into Compass (i.e., if the Budget Organization code is used to identify the special account number, SEMS may not generate the correct Budget Organization data for that special account transaction). Any Compass financial transaction transferred to SEMS that does not match up with a SEMS account number will end up on the SEMS Compass exceptions screen.

The regional Information Management Coordinator (IMC) or Budget Coordinator can request, on a regular basis, a report from the RFO that contains all Superfund financial transactions in Compass. The CDW is another source for this information. This information can be used to compare the financial data in Compass to SEMS. If there is a discrepancy between SEMS and Compass, the funding document should be used to verify the information in both systems.

Errors in the account number or other information on the original funding document can only be corrected by the same process used to create the initial financial record (i.e., by a contract modification or by amendment to the IA or CA). Unmatched financial transactions may be linked manually to the associated SEMS action in the SEMS Compass exceptions screen. Some exceptions are the result of 00 obligations being redistributed to sites; these exceptions are also addressed by linking the financial transactions to the SEMS action.

3.F FINANCIAL VEHICLES

EPA uses a variety of acquisition vehicles to carry out Superfund response actions. The toolbox includes a variety of acquisition tools already familiar to the EPA workforce, such as site-specific contracts, Interagency and Cooperative Agreements, removal program contracts, regional oversight contracts, and regional specialty contracts.

3.F.1 Contracts

Superfund contracts are awarded through standard procurement procedures as outlined in the Federal Acquisition Regulations (FAR) and EPA Acquisition Guidelines (EPAAG). The most common contract vehicles include DES, ESO, RES, START, ERRS, Contract Laboratory Program (CLP), and Environmental Services Assistance Team (ESAT). There are three basic types of contracting within Superfund: site-specific, non-site-specific, and mission support contracts. Site-specific contracts are generally awarded to support work at a single site or project. Funds for site-specific contracts are obligated and tracked on a site-specific basis. The non-site-specific contract vehicles primarily support program areas, such as remedial or removal programs. Generally, the non-site support contracts allow for site-specific task or delivery orders, funding for which can be obligated on a site-specific basis. Task or delivery orders also may be bulk funded with the 'WQ' SSID (or 'WQ' action code) and then paid out site- or non-site-specifically. Bulk funding (WQ) is discussed in detail in section 3.I. Site Charging Policy.

The Remedial Acquisition Framework (RAF) includes three suites of nationally placed Indefinite Delivery Indefinite Quantity (IDIQ) multiple award contracts to support phases of the Superfund remedial process. These IDIQ contracts use performance-based contracting principles and competitively placed task orders to drive efficiency across the remedial program. The Design and Engineering Services (DES) contract provides architecture and engineering (A&E) services from investigations through preparing the remedial design. The Remediation Environmental Services (RES) contract provides remedial action services and construction. The Environmental Services and Operations (ESO) contract provides oversight and cleanup operations, as needed.

3.F.2 Interagency Agreements

An interagency agreement is a written agreement between federal agencies under which goods and services are provided. The Superfund program uses Disbursement IAs to request another federal agency's assistance with site cleanups and associated activities, and to provide ongoing support or services. HQ manages IAs with other agencies, including but not limited to, USCG, Department of Justice (DOJ), U.S. Fish and Wildlife Service (FWS), National Oceanic and Atmospheric Administration (NOAA), and United States Army Corps of Engineers (USACE). Each IA specifies the services required and identifies the method of payment. The regional program offices initiate and manage site-specific IAs, as well as some that are awarded for the purpose of providing technical assistance at multiple sites.

3.F.3 Cooperative Agreements

A Superfund CA is a financial instrument between the federal government and a state, political subdivision, or Indian tribe (including intertribal consortia) to provide funding for the design and implementation of Superfund responses. Superfund CAs serve several purposes, including pre-remedial activities, enforcement, site-specific removal and remedial responses, support agency functions, and general support for state and tribal Superfund programs. These CAs have unique provisions that are described in 40 CFR Part 35 Subpart O, including satisfying the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) provisions regarding state and tribal involvement and documenting required CERCLA assurances for remedial actions such as state cost share.

Several offices are involved in the commitment process for a CA. The RPO prepares the funding recommendation using the standard template in NGGS (new awards), generates the commitment notice, and obtains the necessary program approvals; the regional finance office certifies availability of funds, assigns DCN, and enters commitments in Compass; and the Grants Administration Division assigns the CA identification number. The Regional Administrator (or designee) must sign the CA before funds may be obligated. The Research Triangle Park Finance Center processes the obligation in accordance with the Office of Acquisition Management (OAM), Grants Administration Division (GAD), and Office of Controller requirements and then enters the obligation into Compass.

3.F.4 Grants

The Superfund program has limited grant-making authority, but does include a unique program called Technical Assistance Grants, authorized by the Superfund Amendments and

Reauthorization Act of 1986 (SARA), that was established to provide technical assistance to eligible communities. TAGs are available at NPL sites and sites proposed to the NPL where response actions have begun. An initial grant of up to $50,000 is available to qualified community groups so they can contract with independent technical advisors to interpret the technical information about the site and explain it to the community.

3.G ALLOCATING SUPERFUND RESOURCES AMONG THE REGIONS

Each Superfund national program office has specific procedures for allocating resources among the regions. This section focuses on resources that the national program offices allocate to the regions through site allowances, which the national program offices may track using CDW.

Each site allowance represents a national program office's annual allocation of extramural resources issued to the regions to fund specific program functions. Extramural resources are typically reprogrammed to regions in three budget object class (BOC) codes; the resources can subsequently be moved between BOCs as needed. The BOCs:

- BOC 36 = Administrative expenses
- BOC 37 = Contracts and Interagency Agreements
- BOC 41 = Grants and Cooperative Agreements

The national program offices also use various methodologies to allocate additional resources to the regions for other functions, namely site- and non-site-specific travel and Working Capital Fund (BOCs 28, 21, and 38, respectively). Travel resources are not planned in SEMS. Regions may use their discretion to plan the use of BOC 38 resources, which occasionally will be allocated from regional site allowances to fund, for example, information technology (IT) functions or aerial surveys, in SEMS. Other resources, such as those used to pay claims, are also not generally directly planned in SEMS.

3.G.1 Managing Site Allowance Resources in SEMS

Regions plan obligations in SEMS by site allowance and program/project (PRC code). Planned obligations in SEMS are site (i.e., project and OU-specific) or non-site-specific. Some planned obligations are associated with specific site activities, while other planned obligations are estimates of the total funding required for an action within a region (i.e., bulk funding). Regions should make sure all anticipated programmatic funding needs are reflected in SEMS and that the appropriate program site allowance is being used.

Once funds are issued to the regions, the regions are responsible for managing the funds within each site allowance and for operating within budget ceilings, floors, and other restrictions. Compass tracks all financial transactions in the agency, and commitments, obligations, and expenditures associated with the site allowances are imported into SEMS on a nightly basis to facilitate ongoing regional management of these funds. Additionally, regions must follow agency reprogramming guidelines issued annually by OCFO to shift resources among program/project codes or BOCs.

3.G.2 Using Prior Year Funds

Superfund appropriated resources are no-year appropriation funds. This means that EPA does not have congressional time constraints for obligating and expending these funds. However, OCFO issues an annual 'Advice of Allowance' policy to manage the execution of these and other agency resources.

a. Carryover

Under OCFO's policy, Superfund appropriated resources remain in Compass available for obligation for two years. If an organization does not obligate current BFY resources in the current year, the funds will 'carry over' and be available for use in the subsequent year. At the end of the second year, uncommitted/unobligated balances are swept by the Agency and used to meet the Administrator's priorities. Headquarters and regions should continue to strive for 100% obligation of funds in the year they are appropriated and minimize carryover.

At the discretion of the OSRTI Office Director, OSRTI may sweep and redistribute unallocated funds at the end of a fiscal year. If a region wants to carry forward unobligated funds, it must provide OSRTI with a justification for carrying funds forward and how the funds will be obligated in the next fiscal year.

Reimbursable authority for special account and Superfund state cost-share resources is automatically carried over by OCFO (the funds are typically made available by mid-October each fiscal year). OCFO monitors the utilization of carried over and requested reimbursable authority to ensure resources requested are being utilized.

b. Deobligations

For various reasons, a region will find that a portion of the funds obligated to an acquisition vehicle for performance of an action is no longer necessary on that vehicle; the unexpended amount is referred to as an unliquidated obligation. Because Superfund appropriations are no-year funds, under OCFO policy EPA may deobligate funds appropriated and obligated in a prior year for use in a subsequent year. The deobligation and reuse of prior year funds is a good fiscal management practice and required to maintain the program's financial integrity. When obligating funds, deobligated funds must be used before current year funds. Generally, funds obligated in the current fiscal year or the fiscal year prior to current fiscal year return directly to the allowance holder upon deobligation and do not require recertification. However, if a program deobligates funds that were issued two or more years prior (e.g., BFY 2019 or earlier (if the current year is BFY 2021)), the funds must first be recertified pursuant to procedures described in the *Deobligation Recertification Guidance - Superfund/LUST/Oil Spill Response Resources, February 2015*, (*'Recertification Policy'*), issued jointly by OCFO, Office of Superfund Remediation and Technology Innovation (OSRTI), the Office of Site Remediation Enforcement (OSRE), Office of Emergency Management (OEM), and Federal Facilities Restoration and Reuse Office (FFRRO), as necessary. Appropriated funds made available

from special account or SSC reclassifications must also be recertified consistent with the *Recertification Policy*.

The *Recertification Policy* also includes national program-specific policies regarding the use of recertified funds. Depending on the program, a region may be required to reprogram a portion of the prior year recertified appropriated funds to the national program office (to a 'National Pool'), who may redistribute these funds to other regional offices based on national priorities. The region would retain the balance for obligation in the current fiscal year.

Superfund Remedial Infrastructure Investment and Jobs Act (IIJA) funds will remain in Beginning Budget Fiscal Year (BBFY) 2022 and retain their TSD fund code until expended. As a result, deobligated TSD funds in future fiscal years will appear available in the allowance holder of the original obligation as BBFY 2022 TSD funds and will not need to be recertified. As outlined in the memo issued on February 21, 2023, "*Procedures for Deobligated Superfund Remedial Bipartisan Infrastructure Law Funds*," all deobligated Superfund Remedial IIJA funds should be reprogrammed by regions 100 percent to the National Remedial Pool (PRC code 000DD2, budget organization code 9R) as soon as they become available in the obligating Allowance Holder. Exceptions to this policy for 100% of deobligated IIJA funds to be reprogrammed to the National Remedial Pool must be approved by OSRTI and include, but are not limited to: Shifting site-specific resources from contracts, cooperative agreements, and interagency agreements (IAs) to new agreements for the same action at the same site, shifting site-specific resources from base or option periods under the same task order, or shifting ongoing work to new contractors due to conflict of interest. Regions should notify OSRTI/CPCMB in these situations.

Special account and Superfund state cost share (reimbursable) resources that are deobligated do not need to be recertified to be made available for use. Those amounts return automatically to the special account or reimbursable account and are available for obligation.

3.G.3 Removal Program Resources (PRC 000DC6)

OEM manages the removal response program budget. Removal extramural resources are allocated in one site allowance, the Removal and Removal Support Site Allowance (fifth position of the Budget Organization code is site allowance code E). NOTE: In prior fiscal years, Superfund Removal resources were also allocated in a site allowance code of "S" that is no longer used for new obligations. This allowance provides resources for emergency response and site-specific removal actions and for activities such as removal assessments, site management, equipment procurement and maintenance, and OSC training and exercises. Resource distribution under the removal site allowance is based upon a historical allocation methodology as well as the annual obligation of resources.

Following the enactment of the annual appropriations and establishment of the Agency's operating plan, HQ issues funding to the regions in two or more increments. The first increment

is distributed during the first quarter of the fiscal year and subsequent increments generally into the second quarter. HQ also retains a reserve for emergencies or removal actions that may exceed a region's annual resource allocation. Regions may request these funds at any point during the year by providing a justification to the Office of Emergency Management Director. If the reserve remains unobligated by early in the fourth quarter of each year, HQ will ask the regions to submit a list of critical sites that require additional resources. Sites selected for funding will be determined by the type of threat a site poses (e.g., potential for a significant fire, explosion or the threat of a catastrophic release).

3.G.4 Homeland Security Resources (PRC 000D72)

OEM manages the Homeland Security program budget. The program develops and maintains the Agency's Homeland Security capabilities and assets in both headquarters and regions. The Homeland Security (HLS) Site Allowance (fifth position of the Budget Organization code is site allowance code C) is used to allocate resources equally across the regions to implement core Homeland Security preparedness programs and activities. The program ensures readiness of EPA preparedness and response personnel through planning, training, and exercises, and coordinates Homeland Security activities with the Department of Homeland Security and other federal agencies to ensure consistency with the National Response Framework.

3.G.5 Remedial Response Program Resources (PRC 000DD2)

OSRTI manages the Superfund Remedial response program budget. The Superfund Remedial program addresses many of the worst contaminated areas in the United States by investigating contamination and implementing long-term cleanup remedies at sites on the National Priorities List (NPL). The Program also oversees response work conducted by PRPs at NPL and Superfund Alternative Approach (SAA) sites. Remedial extramural resources are allocated in two site allowances: Remedial Action (RA) and Pipeline Operations. Each year OSRTI determines the amount of funding to allocate to these site allowances based on the process for developing the Agency's annual budget.

Planned obligations for the Pipeline Operations and RA site allowances are reviewed per the instructions provided in the OSRTI annual data call/work planning memo, which is typically issued in the summer and focuses on three fiscal years—the year which is being entered into, plus the two out-years (e.g., if entering FY 2022, then work planning discussions would focus on FY 2022-2024). The three-year focus supports budget justifications and forecasts, RAF integration into project planning, managing special accounts, utilization of obligated funds, and overall program performance. Regions are encouraged to update SEMS to reflect known/likely funding needs beyond the three years.

a. Remedial Action Site Allowance

The RA Site Allowance (fifth position of the Budget Organization site allowance code is R) is used to allocate appropriated resources for new and ongoing remedial actions and non-time-critical removals at NPL sites (collectively termed 'construction'), long-term response actions, and five-year reviews. Regions are required to enter all planned

obligations site-specifically into SEMS for all actions funded through the RA Site Allowance.

Throughout the year, OSRTI works with the regions to develop funding plans for the upcoming year with regard to ongoing construction projects, including long-term response actions and five-year reviews. OSRTI relies on planned obligation data from SEMS, ongoing discussions with the regions, and projections of the availability of funds to develop a preliminary ongoing construction funding plan. Only funds that a region intends to obligate in the identified year for anticipated work should be planned for that year. Regions should ensure that available special account resources are planned and utilized to the maximum extent prior to entering plans for appropriated funds. Once an appropriation is enacted and funds are allocated to the national program offices through the operating plan, HQ will issue funds to the regions based on the preliminary ongoing construction funding plan. If the fiscal year begins without an enacted appropriation, HQ will allocate available resources to each region on a case-specific basis until an appropriation is enacted and the Operating Plan is approved. HQ and regions will continuously work together to update the plan based on site-specific cost estimate adjustments that occur throughout the year.

Regions are required to coordinate with the OSRTI Construction and Post Construction Management Branch for any proposed changes to the ongoing construction funding plan and to record all changes to planned obligations in SEMS, as well as additional funding needs. OSRTI will continually monitor regional obligation rates and usage of the RA Site Allowance resources in light of regional adjustments to plans throughout the fiscal year. Based on this monitoring and regular regional reviews, OSRTI will update the ongoing construction funding plan to reflect changes in regions' resource needs as well as additional resources that may become available (e.g., through recertifications to the national pool). Unless otherwise directed by OSRTI, regions are required to return allocated resources that will not be used according to the ongoing construction funding plan to HQ by way of the reprogramming process. OSRTI will include these resources in a national resource pool from which it will fund remaining program priorities. Regions may not shift resources into or out of the RA Site Allowance without prior OSRTI approval.

b. Pipeline Operations Site Allowance

The Pipeline Operations Site Allowance (fifth position of the Budget Organization site allowance code is P) is used to allocate appropriated resources for pre-construction site activities (e.g., site assessment, remedial investigation, remedial design, etc.) and non-site extramural activities such as records management. On an annual basis, HQ will determine the amount of funding to include in the Pipeline Operations Site Allowance based on available appropriation funds. OSRTI will provide general guidance regarding its projections of the funding that will be available to the regions through the Pipeline Operations Site Allowance. Using this information, each region will plan out the use of these resources and enter its planned and approved obligations in SEMS. Guidance on

entering planned and approved obligations is issued ahead of each fiscal year in the data call memo.

If the fiscal year begins without an enacted appropriation, HQ will work with each region to determine its funding needs until an appropriation is enacted and the Operating Plan is approved. Funds from the Pipeline Operations Site Allowance may not be moved to any other site allowance without prior OSRTI approval.

3.G.6 Superfund Federal Facilities Response Program (PRC 000DC9)

Regional Superfund Federal Facilities response budgets (fifth position of the Budget Organization code is site allowance code F) are determined during the annual work planning sessions. If the Agency has an enacted budget, each region will receive 50% of its portion of the approved budget during the first quarter and will receive the remainder during the third quarter. If a region has a low obligation/utilization rate, discussions will be held prior to third-quarter distribution as to what the need is for the remainder of the funds. To request additional funds, a region should contact Federal Facilities Restoration and Reuse Office (FFRRO) and provide a description of the amount needed and a justification for the funds. Funds may not be moved out of the Federal Facilities Site Allowance without the FFRRO office director's prior approval.

3.G.7 Base Realignment and Closure (BRAC)

The EPA/DoD BRAC MOU expired in September 2016 and EPA will no longer participate at non-NPL BRAC sites. EPA's annual budget request does not include additional support for BRAC I - IV-related services to DoD at non-NPL facilities. EPA continues to fulfill its statutory obligations at the 72 NPL installations which were affected by the fifth round of BRAC, and at certain non-NPL bases where EPA has a regulatory role. In addition, EPA regions may be requested to perform activities by states, tribes, local governments, the military components or others at certain facilities where EPA has no formal regulatory role. If EPA services are required at BRAC I – IV non-NPL installations or at levels above its base for non-NPL BRAC V-related installations, EPA would seek reimbursement from DoD.

3.G.8 Superfund Enforcement Program (PRC 000EC7)

OSRE manages the Superfund enforcement program budget. Superfund legal and technical enforcement resources are distributed under the program code 000EC7 (program code 000JC7 are Superfund enforcement financial management resources that are managed by OCFO and program code 000FC7 are Superfund enforcement financial management resources that are managed by ORD). The resources for this program are not assigned a site allowance code; they are identified in financial management databases by program/project.

The initial operating budgets for technical and legal enforcement extramural resources are allocated based on each region's share of the usage rate (as measured by expenditures for the current fiscal year to date and the preceding two years) for enforcement activities. HQ allocates 40 to 50% of the President's budget request (if there has been congressional appropriation committee mark-up, it will be the lesser of the two) in the early phases of the Operating Plan. The initial allocation may be reduced for a given region if the planned needs as

reported in the SCAP 4 report are less than the formulated amount. Each region should plan out Superfund enforcement resource needs and enter planned obligations and accomplishments into SEMS and ensure all needs reflected on the SCAP 4 report as valid. The initial allocation is made available once there is an enacted appropriation.

An additional allocation is typically made in the third quarter of the fiscal year. OSRE will use the planned obligations as shown on the SCAP 4 report as the basis for preparing the allocation. OSRE will issue a call to the regions to review those needs and identify any additional requests for funding. Emphasis is placed on funding program priorities as outlined in the call memo. The call considers all sources of unallocated funding, including the remaining new obligating authority, unobligated funds from the previous year, projected reprogrammings, reclassifications, deobligations, and recertifications as available to fund program needs. The third quarter allocation will be adjusted accordingly. In addition, unliquidated obligations older than two years will be considered as available to be deobligated. Regions should review their unliquidated obligations and determine if reasons exist that would prevent those obligations from being deobligated and provide that information along with their funding request.

3.G.9 Federal Facilities Enforcement Program Resources (PRC 000EH2)

The Federal Facilities enforcement program budget consists of two components: an Environmental Programs and Management (EPM) appropriation and a Superfund appropriation, which are both managed by the Federal Facilities Enforcement Office (FFEO). At the beginning of the fiscal year, Regions are asked to submit their FFEO funding requests through their Federal Facility Enforcement Enhancement plans. The Plans outline the region's planned Federal Facility enforcement and compliance plans for the coming fiscal year, and the regions are requested to prioritize these funding requests. The resources consist of New Obligating Authority (NOA), and carryover of prior year funds. The funds are disbursed by project and monitored by HQ. The resources for this program have not been assigned a site allowance code and are identified in financial management databases by program/project. Funds may not move into or out of the enforcement function without Congressional approval. Funds may be redirected within the Federal Facility Enforcement Site Allowance and to other regions or HQ offices.

3.H COST RECOVERY

CERCLA allows the federal government, states, and some private parties to recover Superfund response costs from PRPs. EPA is permitted to recover all costs of response that are found to be not inconsistent with the National Contingency Plan (NCP).

EPA's decision to pursue cost recovery is based on the evaluation of several factors, such as strength of liability evidence, financial strength of PRPs, and the amount of incurred costs.

EPA's cost recovery process involves documenting the costs for work at a site (or relating to a site), evaluating the factors for pursuing recovery of those costs, notifying parties of the costs along with a demand for payment, and negotiating a payment agreement. The Agency must document all its cleanup costs so they can be recovered later (see the next section on

Recoverable Costs). For example, costs related to any work performed by contractors must indicate that the work was authorized and completed. Further, cost documentation must prove that the costs were incurred and paid for by the government. Costs incurred by EPA are recorded in Compass via the use of the SSID and are paired and presented alongside images of supporting cost and technical documentation in the eRecovery system (formerly the Superfund Cost Recovery Package and Image On-Line System (SCORPIOS)) to yield a complete cost recovery package.

As a matter of policy, EPA typically sends a written demand letter to PRPs prior to filing a cost recovery lawsuit. The demand letter requests that the PRPs reimburse the Superfund Trust Fund for a specified amount and triggers the accrual of prejudgment interest on the costs sought by EPA. Following the issuance of a demand letter, EPA and PRPs will attempt to negotiate a settlement for the reimbursement of EPA's response costs. EPA will often pursue not only costs incurred ('past costs'), but also costs it anticipates incurring at or in connection with the site ('future costs'). If a PRP agrees to reimburse EPA for its costs, the resulting settlement will be documented in a judicial consent decree or in an administrative settlement. If a PRP refuses to reimburse EPA for its costs or if a settlement agreement cannot be reached, EPA may refer the case to the DOJ, who would then file a cost recovery action in court to recover past and/or future costs. EPA may deposit costs recovered through settlement agreements into special accounts within the Superfund Trust Fund (see section 3.K) to pay for cleanup activities at the site for which it received the money if future work remains to be performed at the site.

3.H.1 Recoverable Costs

EPA may recover all of its costs that are 'not inconsistent' with the NCP. Examples of costs that the courts have found are recoverable include:

- Direct costs associated with planning, implementing, or overseeing cleanup actions.
- Investigation and monitoring.
- Actions to limit access to the site.
- Indirect costs, as computed on the direct costs incurred at or in connection with site.
- EPA's contractor costs.
- Annual allocation costs (prior to October 1, 2021).

a. Direct Costs

Direct costs are those expenses directly traced to a particular action at a particular site. These costs can include, but are not limited to, the following expenses incurred by EPA and the cleanup contractor:

- Time spent on a cleanup-related action.
- Travel to and from the site.
- Contractor costs at the site.
- Equipment used at the site.

b. Contractors' Annual Allocation Costs

Contractors' annual allocation costs include money spent by government contractors doing site-related work not traceable to a particular site. For example, training received by contractors in handling hazardous materials is an allocable cost. This training is essential to Superfund cleanup site work, but the training received may be used at several sites.

Prior to October 1, 2021, on an annual basis contractors in certain classes were required to follow a documented methodology for allocating certain non-site-specific costs to sites and submit an annual allocation report to EPA for review and approval. Annual allocation costs were computed site-specifically in SCORPIOS for inclusion in a cost recovery demand or negotiations. Beginning October 1, 2021, the Agency's Superfund indirect cost pool contains non-site costs incurred under Superfund contracts in the annual indirect cost rate calculation and contractors are no longer required to submit an annual allocation report to EPA. Charges prior to October 1, 2021 still have annual allocation rates for costs incurred and will be handled in cost packages under old procedures. If annual allocation costs appear in cost packages for costs incurred on or after October 1, 2021, they should be removed.

More information can be found in RMDS 2550D Chapter 12, Superfund Cost Documentation and Cost Recovery (2550D-12-P1).

c. Indirect Costs

Indirect costs are EPA's expenses for managing the Agency. These costs are not directly traceable to any site-specific action and include, but are not limited to, the following expenses:

- Superfund program support.
- Agency support activities that benefit Superfund program.
- Non-site portion of personnel compensation and benefits.
- Office rent, utility, communication, and supply costs.

Indirect costs are computed site-specifically in eRecovery for inclusion in a cost recovery demand or negotiation. On an annual basis, OCFO issues actual regional indirect rates, with that rate used as a provisional rate for subsequent fiscal years. Actual and provisional rates can be found on the Superfund Indirect Cost Rate Issuance Memos site. More information about Superfund indirect cost rates can be found in RMDS 2550D-13.

More information about indirect rates and methodology can also be found on EPA's Superfund Cost Recovery webpage.

3.I SITE CHARGING POLICY (SITE-SPECIFIC, ZZ, 00 SSIDS)

The funding documents processed through EPA's administrative and financial systems must contain enough information to assign Superfund costs properly. Consequently, EPA uses

the SSID to track hazardous waste cleanup costs by site for cost recovery and reporting purposes. The SSID is a four-character alpha-numeric code occupying the first four positions of the Project field in EPA's Account Code Structure, as described in the Superfund Accounting Information (section 3.C.) of this chapter.

All costs directly associated with cleanup/response actions at or for a Superfund site must be charged to a site-specific SSID for that site. Costs to be charged include salaries and benefits, travel, rental and purchase of equipment and supplies, and those costs incurred by parties external to EPA, such as EPA's contractors, other federal agencies, local governments, and states. Generally, an SSID should be established when there is a reasonable expectation that a future response action will be taken, but no later than either site proposal to the NPL, execution of an action memo, or an official decision to undertake a response.

Regions and HQ offices should make every effort to obligate funds site-specifically to reduce the burden of redistributing funds to specific sites after expenditure. EPA does use SSID codes ZZ or 00 when it is impossible or impractical to charge certain Superfund costs to a specific site. These codes (see following sections) appear in the third and fourth position of the SSID and must be used by all regions and HQ offices charging costs for Superfund activities.

Additional information can be found in OCFO's Resource Management Directive System (RMDS) 2550D-04-P1.

3.I.1 WQ SSID, WQ Action Code, and WQ Operable Unit

'WQ' represents a generic code used to obligate funds when the precise amount to be charged to a site, non-site action, or OU is not known at the time of obligation. Regions and HQ offices should make every effort to minimize use of the WQ code to reduce the burden of redistributing funds after expenditure. The WQ code may be applied to the SSID, to the action code, and/or to the OU in the Project field in EPA's Account Code Structure.

a. WQ SSID

The WQ SSID is a generic SSID code (e.g., 02WQ) that EPA uses to obligate funds to IAs, cooperative agreements, grants, and contracts when the precise amount to be charged to specific sites or non-site actions is unknown at the time of obligation. Use of the WQ SSID is called 'bulk funding'.

Once WQ SSID obligations are expended, these costs must be redistributed from the WQ SSID to a site-specific, ZZ, or 00 SSID (see *Direct Charging of Superfund Costs Site-Specific Cost Accounting Methods, 2550D-04-P1, September 30, 2021* on EPA's intranet). Payroll and travel may not be charged to the WQ SSID.

Special account funds (appropriation codes TR2, TR2A, and TR2B) and state cost-share funds (appropriation code TR1) must be obligated to site-specific SSIDs. A WQ or non-site SSID may not be used for these funds.

b. WQ Action Code

The WQ action code is a generic action code (described in Chapter 4, titled 'SEMS Data Management and Coding') that occupies the fifth and sixth positions of the Project field in EPA's Account Code Structure. The WQ action code serves a similar function as the WQ SSID but applies to the type of actions that are being conducted in association with the site or non-site SSID. Use of the WQ action code is also called 'bulk funding'. It is possible to use both the WQ SSID and WQ action code simultaneously in the Project field of an obligating document (e.g., 02WQWQ00). Just like the WQ SSID, once WQ action code obligations are expended, these costs must be redistributed from the WQ action code to a site- or non-site-specific action code. Payroll and travel may not be charged to the WQ action code.

Special account funds for a specific site may be obligated to a WQ action code and then redistributed action-specifically upon expenditure. State cost-share funds must be obligated to site-specific SSIDs, and to site-specific remedial action codes.

c. WQ Operable Unit

The WQ code may be used in the OU field (7th & 8th positions of the project field) in association with obligating appropriated or special account funds. Use of the WQ code in the OU field will allow regions flexibility to obligate funds at sites with multiple operable units. Just like the WQ SSID and the WQ action code, once WQ OU obligations are expended, these costs must be redistributed from the WQ OU to the appropriate site-specific OU. Payroll and travel may not be charged to the WQ OU.

3.I.2 ZZ SSID

The 'ZZ' SSID (e.g., 02ZZ) records initial assessment costs at a Superfund site where an SSID has not been assigned. Within the removal program, costs charged to the ZZ SSID primarily include removal assessment and technical assistance-related costs. For the remedial program, costs charged to the ZZ SSID generally include, but are not limited to, preliminary assessment/site inspections. If EPA determines that a cleanup response is necessary, a site-specific SSID is set up to charge all future costs incurred. Generally, site-specific obligations associated with the Remedial Investigation and beyond should be assigned to a site-specific SSID, not the ZZ SSID.

Once a site-specific SSID is established, the approving official, usually the project officer, will request adjustment of previous extramural disbursements from the ZZ SSID to the site-specific SSID. Generally, readjustments should be conducted during the first billing cycle after the site-specific SSID is established. Redistributions of ZZ cooperative agreement disbursements are not required due to the complexity associated with tracking site-specific costs outside agency systems. Additionally, ZZ intramural redistributions are not required due to the relatively low amount of time charged. However, once a site-specific SSID is established, subsequent disbursements for the site should not be charged to the ZZ SSID.

3.I.3 00 SSID

The '00' SSID (e.g., 0200) is used to record general non-site-specific Superfund costs or when it is not economically feasible to charge costs on a site basis. For example, if an employee's time is divided among several sites in a manner that is not economically feasible to charge to a specific site (e.g., less than 15 minutes per site), or the time cannot be tracked by site, the 00 SSID should be used. Multi-site project management should also be charged to the 00 SSID when it is not economically feasible to divide costs among site-specific SSIDs. Efforts associated with preparing a response to a site-specific Freedom of Information Act request for information about a site are charged to the 00 SSID.

3.I.4 Redistributing Superfund Costs

Funds originally obligated non-site specifically may need to be redistributed as site-specific expenditures (see above). In addition, if the WQ code is used in the action code and/or OU field, those expenditures will need to be redistributed to the correct action code and/or OU field. If the Cost Organization field is used for non-site specific or WQ obligations, that field may also need to be redistributed to reflect the correct Cost Organization/financial activity sequence in association with the SSID, action code, and/or OU field the costs are redistributed to.

3.J SUPERFUND STATE CONTRACTS (SSC) AND COOPERATIVE AGREEMENTS

An SSC is a legally binding agreement between EPA and a state or tribe that provides the mechanism for obtaining statutorily required state cost share and other assurances, outlines the statement of work for the response action, includes a cost-share payment schedule, and documents responsibilities for the implementation of response activities at a site. The SSC does not obligate funds but is used to describe the state or tribe's role when EPA or a political subdivision has the lead for a Fund-financed remedial action or long-term response action. The SSC is signed by EPA, the state or tribe, and, if necessary, the political subdivision. The SSC must be signed prior to the obligation of funds for a Fund-financed RA. The region must provide the CFC copies of any SSC, amendment, or closeout document within five business days.

Alternatively, where a state or tribe has the lead for a Fund-financed RA, a remedial response CA, which transfers resources, is used to document the statutory assurances if applicable, and other requirements. EPA can also award a political subdivision a CA to conduct remedial response and enter into a parallel Superfund State Contract with the State if required (See 40 CFR §35.6800, when a Superfund State Contract is required). The political subdivision may also be a signatory to the Superfund State Contract. See Section 3. F. 3 for more information about Cooperative Agreements.

Greater detail is provided below and in Subpart O of 40 CFR Part 35, and in the following OCFO Resource Management Directive, *State Cost Share Provisions for Superfund State Contracts and Remedial Cooperative Agreements, 2550D-09-P1, March 17.*

3.J.1 Cost Share Provisions

A signed SSC or remedial response CA for remedial action has five statutorily required assurances, including a remedial state cost share assurance that must be made by a state before EPA can obligate or expend appropriated funds for remedial action (and long-term response action if applicable) at a site. Tribes are exempt from this requirement and do not have to provide the assurances for Fund-financed remedial actions. The following provisions address some of the basic components of the cost share assurance requirements.

Ten percent: Where a facility, whether privately or publicly owned, was not operated by the state or political subdivision thereof, either directly or through a contractual relationship or otherwise, at the time of any disposal of hazardous substances at the facility, the state must provide 10% of the cost of the remedial action, if CERCLA-funded (CERCLA 104(c)(3)(C)(i)); or

- Fifty percent or more (herein after referred to as 50%): Where a facility was operated by a state or political subdivision either directly or through a contractual relationship or otherwise, at the time of any disposal of hazardous substances at the facility, the state must provide at least 50% of the cost of removal, remedial planning, and remedial action if the remedial action is CERCLA-funded (CERCLA 104(c)(3)(C)(ii)); and
- Operation and Maintenance: The state must provide an assurance that it will assume responsibility for all future operation and maintenance (O&M) of CERCLA-funded remedial actions, including institutional controls if applicable, for the expected life of each such action.

Typically, a state's 10% cost share will be calculated by using specific action codes to identify extramural costs associated with the remedial action (action code RA) and long-term response action (action code LR). Costs associated with five-year reviews (action code FE) or FYR Addendums (action code WV) are not subject to state cost share. If the 50% or more cost-share requirement applies, other or additional action codes (for removal, investigations and planning, and design) may be included in the cost-share calculation. The RPO may consult with Regional Counsel and HQ program staff to confirm the scope of activities to be captured in the cost-share calculation and to ensure consistent application across the regions.

3.J.2 Constraints on Obligating Funds for RA

EPA may not obligate funds for Fund-financed RA without having a signed SSC or remedial CA in place. Regions are to use the Superfund State Contract Model Provisions, January 2022. When EPA conducts an EPA-performed, Fund-financed RA, it will most commonly obligate funds to a contractor or to another federal agency through an IA. EPA may obligate Remedial Design (RD) funds to initiate the RA procurement process, up to the point of soliciting for construction bids without a signed SSC. In cases of extreme urgency, a solicitation (for bids on RA work) may be issued before an SSC is signed. The solicitation must notify prospective bidders that the availability of funds for the contract is contingent on EPA and the state signing an SSC. 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. If the SSC is not signed before the bid opening, one of the following decisions must be made: 1) the solicitation

may be canceled; or 2) the bid opening date may be postponed (giving bidders an opportunity to withdraw, modify, or submit new bids) (See the *Obligation of Funds Under Superfund State Contracts, OSWER 9735.7-02, August 1993*).

Among other requirements, the SSC must contain a Statement of Work with the estimated costs per task, and a standard task to ensure a sign is posted at the site, the value of the remedy that EPA will implement using Fund resources (and the state's share), the amount of cost share that the state is assuring to provide, and a cost-share payment schedule. EPA may not expend RA resources in excess of the estimated value of the remedy determined in the SSC. If there are increases to the cost of the RA, the SSC must be amended to reflect the change and document the state's increased share of the cost (See *Superfund State Contract Model Provisions, OSWER 9242.3-18, November 2015* and *Ensuring the Adequacy of Cost Share Provisions in Superfund State Contracts, OERR 9375.7-01, March 1993*).

3.J.3 Cost Share Payments

A state may pay for its share of response costs using cash, in-kind services, credit, or any combination thereof. Greater detail of these cost-share payment provisions and their requirements are described in Subpart O, sections 35.6285 and 35.6815 (for more details see *RD/RA Resources: Superfund State Contracts*).

- Cash: A state may pay for its share of response cost by direct cash payments to EPA. Payment terms are specified in the SSC between the state and EPA.

In-kind Services: This form of payment must be documented in a cooperative agreement. Where EPA (or a political subdivision) is conducting the remedial action and an SSC is required, this form of payment must also be documented in the SSC. In-kind services are described in 2 CFR §200.306. In-kind services cannot be reimbursed to the state nor used to satisfy cost-share requirements at another site.

Credit: A state may satisfy its cost-share requirement using credits, which are limited to state site-specific expenses that EPA determines to be reasonable, documented, direct, out-of-pocket expenditures of non-federal funds for remedial action, as defined in CERCLA section 101(24), that are consistent with a permanent remedy at the site.

- Credits are established on a site-specific basis and only a state may claim credit.
- For sites already listed on the NPL, the state may be eligible for credit only if the state initiated the remedial action after obtaining EPA's written approval (authorization to conduct work).
- Expenditures of non-federal funds for removal actions, as defined in CERCLA section 101(23), are not eligible for credit.
- The state must first apply all credit to the site for which it was earned. With the approval of the EPA regional administrator (or delegate), the state may use excess credit earned at one site for its cost share at another site. EPA will not reimburse excess credit.

3.J.4 Using Funds from State Cost Share Payments

SSC collections are designated as reimbursable resources using the TR1 fund code. These funds must be used at the site for which they were collected, and EPA cannot obligate these funds until reimbursable authority is available. Unused reimbursable authority for Superfund state cost-share resources is carried over by OCFO at the end of each fiscal year. OCFO continues to monitor the utilization of requested reimbursable authority. To receive reimbursable authority in excess of the amount carried over, the RPO generally initiates a request and the RFO submits a reprogramming document in Compass to request unobligated TR1 resources associated with the site.

To maximize the use of appropriated resources elsewhere in the program, the region should annually assess the availability of TR1 funds at a site to determine whether these resources may be used in lieu of T funds. Generally, obligations of TR1 funds, relative to T obligations for remedial action, should roughly match the proportions specified in the cost-share contract (e.g., TR1 obligations would equal 10% of the value of total remedial action appropriation obligations). Since resource use is a dynamic process, such estimates will necessarily be rough, and the precise calculation of cost-share amounts will occur during periodic and final financial SSC reconciliation.

The amount of funds available from state cost share collections can be found in the Compass Business Objects Report (CBOR) "SSC Available Balance Report" available in the following path in CBOR: Public Folders/Compass/Super Fund. The available balance of state cost share collections can also be found in the *National SSC Management Dashboard* available in Qlik.

3.J.5 Close Out Process for SSCs

In order for a SSC to be closed, a final financial reconciliation must be completed such that remedial action costs (including all change orders, claims, total expenditures of annually appropriated and state cost-share funds, total collections, verification and application of credit and in-kind services, final payments, refunds, or transfers of State overpayments, etc.) are reconciled and documented to ensure that both EPA and the State have satisfied the CERCLA cost-share requirement. Further, the final financial reconciliation should reflect: (1) all billings/collections/credits, refunds, and transfers are completed; (2) all disbursements are recorded in EPA's financial system; (3) disbursements have been reclassified when applicable; (4) advances in EPA's financial system equal zero; and (5) there are $0 TR1/5R1 funds available for the site (use CBOR SSC Available Balance report to determine available balance or the Qlik National SSC Management Dashboard). Information about how to conduct a reclassification using TR1 funds can be found in *Technical Interpretation - Superfund Cooperative Agreements and Superfund State Contracts, 2550D-09-P1-T1, August 2012*).

The SSC can be Administratively Closed when: (1) the response activities under the SSC have been satisfactorily completed; (2) the final reconciliation described above has been completed; (3) the State has accepted transfer of any Federal interest in real property (as applicable); and (4) the State has assumed responsibility for all future operation and maintenance (O&M). The Administrative Closure is documented with an SSC amendment.

Final SSC Conclusion occurs when O&M is concluded, a PRP has taken over O&M requirements for the site and the SSC is terminated, or the SSC is terminated for other reasons. Final SSC Conclusion is documented with an SSC amendment.

Regions should regularly monitor sites with closed SSCs to ensure all available TR1 funds have been reclassified, disbursed, moved to another site, and/or returned to the state.

3.K SPECIAL ACCOUNTS

Special accounts are site-specific, interest-bearing accounts within the Superfund Trust Fund established through settlements and used to fund site-specific work. CERCLA authorizes EPA to retain and use funds received in settlement with PRPs at sites where future response work remains, which preserves other available Superfund resources (i.e., congressional annual appropriations, supplemental appropriations, Superfund tax receipts) for sites without viable PRPs. Use of special account resources directly supports EPA's "enforcement first" policy and helps to achieve more cleanup across the Superfund program without relying solely on EPA's other available Superfund resources, which are typically limited and not sufficient to fund all work across the Superfund program in a given fiscal year.

EPA's success in collecting funds from PRPs for future response work and placing those funds in special accounts has required EPA to place a greater focus on managing and using those funds. EPA manages special accounts to:

- Ensure available special account funds are needed for future site cleanup work and are being used as expeditiously as possible;
- Ensure special account funds rather than other available Superfund resources are used for response work as appropriate;

Reclassify and transfer funds to the general portion of the Superfund Trust Fund when they are no longer needed for future cleanup work at a site;

Close special accounts where funds are no longer required for work at the site, no unliquidated obligations remain, and no future deposits are expected; and,

Continue special accounts data collection to effectively monitor the planned and actual uses for these funds.

The SEMS Special Accounts Management screen enables regions to enter planning data for the use of available special account funds for individual sites. Regions are expected to plan the use of available funds in each special account consistent with guidance. Special account financial data are transferred into SEMS from Compass on a nightly basis; data are frozen in October (for work planning) and April (for mid-year) to allow regions to update static data for the planned use of available special account resources. Special account planning data should be updated at least twice a year during the work planning and mid-year review processes, but also more frequently when a milestone is reached (e.g., an account is established, funds are received, new planning information is available). OSRTI and OSRE review special account planning data to

ensure SEMS planning is consistent with guidance and special account funds are being used expeditiously to further cleanup work at sites. The 'Data Monitoring Plan for Special Accounts' (updated June 14, 2021) provides an overview of the special account financial and planning data that are reviewed by the regions and Headquarters during the work planning and mid-year review processes, as well as other times throughout the fiscal year.

Several reporting platforms are available to determine special account available balances and special account financial transactions.

- **Compass Business Objects Reporting (CBOR)**. There is a Special Accounts folder with existing standard special account reports and a Special Accounts universe with special account financial information for users to create ad hoc reports.
- **Special Accounts Interest Database Query**. A reporting tool that can be queried for special account balances. It also has an inquiry specific to special account receipts.

Compass Data Warehouse (CDW). Has standard queries used to display special account collections, commitments, obligations, and disbursements, as well as reimbursable authority available. There are no special account-specific queries, but fund codes can be used in queries to identify special account financial transactions.

- **Special Account Financial Data Qlik Dashboard**. Special account available-balance information from CBOR reports in a Qlik dashboard, as well as historical net receipts and interest and net obligations and disbursements by fiscal year.
- **SEMS Reports Dashboard.** Provides planning and audit reports based on the special account information in SEMS.

Several guidance documents are available to assist the planning and use of special account funds for response actions in the special accounts category in the Superfund Enforcement Policy and Guidance documents database site. Additional information about special accounts can be found on the Special Accounts intranet page maintained by OSRE, and in the Superfund Special Accounts Microsoft Team.

3.L INFRASTRUCTURE INVESTMENT AND JOBS ACT (IIJA)

The IIJA of 2021 (also referred to as the Bipartisan Infrastructure Law (BIL)) invested $3.5 billion in environmental remediation at Superfund National Priorities List sites and reinstated the Superfund chemical taxes, making it one of the largest investments in American history to address the legacy pollution that harms the public health of communities and neighborhoods. IIJA also waived the state cost share requirements under CERCLA 104(c)(3) for the $3.5 billion in funding provided by IIJA.

EPA prioritized use of IIJA funds for remedial action and long-term response action projects at non-federal NPL sites to maximize the opportunity to waive state cost share and more efficiently fund construction work that is typically the costliest portion of the Superfund remedial

cleanup process. IIJA funds must be utilized consistent with CERCLA and IIJA. The IIJA states the $3.5 billion is for "all costs associated with Superfund: Remedial activities."

All Superfund Remedial program IIJA funds available for extramural site work are expected to be allocated for site projects by the end of FY 2024. Deobligations of IIJA funds should be reprogrammed to Headquarters to be allocated for existing IIJA projects that may need additional funds due to change orders or expanded scopes of work.

The following describes how Superfund Remedial IIJA funds are allocated and managed in EPA's financial systems. OCFO's IIJA Resource Guidance SharePoint site is a resource for all IIJA guidance across the agency.

3.L.1 Beginning Budget Fiscal Year (BBFY) and Fund Codes

OCFO created fund code "TSD" for the obligation and expenditure of Superfund Remedial IIJA funds. This fund code will allow IIJA funds to be tracked separately from other Superfund funding sources.

Superfund Remedial IIJA funds were appropriated and apportioned to EPA in a lump sum in Beginning Budget Fiscal Year (BBFY) 2022. As a result, these funds will remain as BBFY 2022 TSD funds in the financial system until expended (i.e., the BBFY and fund code will not change regardless of fiscal year the funds are obligated).

3.L.2 Superfund Remedial Program Project

Similar to annual congressional appropriations, Superfund Remedial IIJA funds for program activities will be allocated in the Superfund Remedial program project ("D2"). OLEM/OSRTI will be responsible for the management and use of extramural IIJA funds in the Superfund Remedial D2 program project and the allocation of IIJA D2 FTE.

3.L.3 Management and Oversight Program Project

The administration of IIJA funds requires mission support functions across programs, such as human resources, grants administration, financial management, and legal advice.[1] The agency established a Management and Oversight (M&O) program project (code "MM") to clearly track, execute, and report on enabling support funds. All IIJA resources and FTE for OMS, OCFO, Office of the Administrator (OA) and Office of General Counsel (OGC) will operate entirely from the M&O program project in the Superfund IIJA appropriation. M&O funds may be used for: payroll, travel, working capital fund, and extramural needs.

[1] Annual Superfund appropriations (extramural and FTE/intramural) are allocated to OMS, OCFO, and OGC in the following program projects to track their support for implementation of EPA's Superfund program and appropriations: Acquisition Management, Human Resources Management, Financial Assistance Grants/IAG Management, Legal Advice, Central Planning, Budgeting, and Finance, as well as other program projects for information management and facilities. One program project was established for IIJA funds to track mission support activities.

3.L.4 Use of Superfund Remedial BIL Funds for Aircraft

Per Office of General Counsel, Superfund Remedial IIJA funds are allowed to be used for aircraft, including unmanned aircraft systems (UAS).

3.L.5 Spend Plans and Advice of Allowance Memorandums

OCFO will develop and provide IIJA operating plans, also called "Spend Plans," to Congress for the use of IIJA funds in the upcoming fiscal year. OCFO will also issue an Advice of Allowance memorandum each fiscal year about the allocation and use of IIJA funds.

3.L.6 Tracking and Use of Deobligated IIJA Funds

Superfund Remedial IIJA funds will remain in Beginning Budget Fiscal Year (BBFY) 2022 and retain their TSD fund code until expended. As a result, deobligated TSD funds in future fiscal years will appear available in the allowance holder of the original obligation as BBFY 2022 TSD funds and will not need to be recertified.

As outlined in the memo issued on February 21, 2023, "*Procedures for Deobligated Superfund Remedial Bipartisan Infrastructure Law Funds*," all deobligated Superfund Remedial IIJA funds should be reprogrammed by regions 100 percent to the National Remedial Pool (PRC code 000DD2, budget organization code 9R) as soon as they become available in the obligating Allowance Holder.

Exceptions to this policy for 100 percent of deobligated IIJA funds to be reprogrammed to the National Remedial Pool must be approved by OSRTI and include, but are not limited to, shifting site-specific resources from contracts, cooperative agreements, and interagency agreements to new agreements for the same site, shifting site-specific resources from base or option periods under the same task order, or shifting ongoing work to new contractors due to conflict of interest.

A standard report in the Budget Execution folder of Compass Business Objects Reporting (CBOR) can be used to identify deobligations of IIJA funds. OSRTI runs this report monthly to monitor deobligations of IIJA funds. Regions should reach out to staff in the Budget Planning and Evaluation Branch (BPEB) if they would like a copy of the CBOR report to be provided to them.

3.L.7 Using Multiple Superfund Fund Codes on the Same Funding Action

Superfund Remedial IIJA funds can be placed on cooperative agreements, interagency agreements, and contracts with any other available Superfund funds for site work with no additional approvals required. Superfund Remedial IIJA funds are available for the same purpose as all other Superfund funding sources available to the Superfund Remedial program (e.g., annual appropriations, special account funds, state cost share funds, etc.). As a result, using multiple Superfund fund codes on one financial document does not present a multiple appropriation issue.

Class waivers for Superfund Remedial IIJA funds and Superfund tax receipts were provided by the OGD specifically for cooperative agreements and interagency agreements in June

2022. issued on July 22, 2022, explicitly allows the use of Superfund Remedial IIJA funds along with other Superfund funding sources on contracts without the need for a waiver. funds along with other Superfund funding sources on contracts without the need for a waiver.

3.L.8 Bulk Funding

Superfund Remedial IIJA funds are being allocated to regions for specific projects at Superfund sites. As a result, the Superfund Remedial program will not bulk fund (i.e., use the "WQ" code in the SSID, action code, or OU field of the Site Project field) Superfund Remedial IIJA funds on cooperative agreements, interagency agreements, or contracts.

3.M SUPERFUND TAX RECEIPTS

On November 15, 2021, the IIJA (P.L. 117-58) reinstated and modified the taxes on listed chemicals and imported substances that use those listed chemicals as a feedstock ("Superfund chemical taxes"). The Superfund chemical taxes went into effect beginning July 1, 2022, and expire on December 31, 2031.

On August 16, 2022, the Inflation Reduction Act (IRA) (P.L. 117-169) reinstated and modified the taxes on oil and petroleum products ("Superfund petroleum taxes"). The Superfund petroleum taxes went into effect on January 1, 2023, and do not have an expiration date.

On December 29, 2022, the Consolidated Appropriations Act, 2023 (P.L. 117-328) included legislative language that allows all tax receipts collected in the Superfund Trust Fund from the prior fiscal year to be available without further congressional appropriation. In accordance with the legislative language in the Consolidated Appropriations Act, 2023, the Superfund tax receipts must be used to implement CERCLA.

3.M.1 Superfund Tax Allocation

Superfund tax receipts are potentially available to all NPMs that directly implement or directly support CERCLA program activities, with annual amounts depending on availability of funds and prioritization of activities. In FY 2023, the EPA began allocating available Superfund tax receipts to implement CERCLA. The agency's goal is to create a transparent, equitable, and accountable process that will ensure the efficient, effective, and appropriate use of Superfund tax receipts. A Superfund Tax Receipts Panel ("Panel") will evaluate NPM requests for use of available Superfund tax receipts each fiscal year and make recommendations to the Chief Financial Officer (CFO), OECA's Assistant Administrator (AA), and OLEM's AA, or their respective designees ("Decision Officials"), who will make the final recommendations on the allocation of Superfund tax receipts to the Deputy Administrator.

Requests for emergency use of tax receipts will follow a separate process. Emergency requests for tax receipts must be submitted by an AA (or designee) who implements the CERCLA. Requests will undergo initial review by the Decision Officials with final decision by the Deputy Administrator. The emergency request process may occur outside of the annual allocation process.

3.M.2 Superfund Tax Fund Codes

Superfund tax receipts will be issued with the "TT" fund code and are considered no-year funds and available for obligation until expended similar to the Agency's congressional annual appropriations. OCFO will issue a Superfund Tax Advice of Allowance each fiscal year that provides information about the use of Superfund tax receipts, recertification of deobligated Superfund tax funds, carryover of prior year Superfund tax receipts as well as other information.

3.M.3 Using Multiple Superfund Fund Codes on the Same Funding Action

Superfund tax receipt funds are available for the same purpose as all other Superfund funding sources available to the Superfund program (e.g., annual appropriations, special account funds, state cost share funds, etc.). As a result, using multiple Superfund fund codes on one financial document does not present a multiple appropriation issue and no additional approvals are required. Furthermore, the class waivers provided by the OGD specifically for cooperative agreements and interagency agreements in June 2022 applied to both Superfund Remedial IIJA funds as well as Superfund tax receipt funds. *Resource Management Directive 2520-T1, "Split-Funding with Multiple Appropriations,"* issued on July 22, 2022, explicitly allows the use of Superfund tax receipt funds along with other Superfund funding sources on contracts without the need for a waiver.

For more information about the use of Superfund tax receipts, please see the Superfund Tax Receipts SharePoint site.

3.N USE OF SUPERFUND FUNDS FOR AIRCRAFT

31 U.S.C. 1343(d) says that agencies need *specific* statutory authority to spend appropriated funds to purchase, maintain, or operate aircraft. In recent years, section 1343(d) has been interpreted to include UAS (aka, drones).

In FY 2024, only annually appropriated ("T") and IIJA ("TSD") funds may be used by EPA contractors to lease, operate and maintain (but not purchase) aircraft, including UAS or drones. Superfund tax and special account funds are not legally available for that purpose on contracts or interagency agreements. However, cooperative agreement recipients may use any Superfund funds provided to purchase, lease, maintain, and operate aircraft so long as is it reasonable, allocable and allowable under the cooperative agreement.

Please check with OSRTI and OEM for funds that may be used for aircraft in FY 2025 and beyond, as it is dependent on the language in appropriation bills each fiscal year.

3.O SITES WITH NO OTHER SOURCES OF FUNDING

At times EPA is asked to calculate the number of "orphan" sites, or sites where the federal government must pay for and conduct the response work required at the site because there are no other parties or sources of funding to pay for or conduct that work.

To do this, the program will calculate those sites where the federal government is the lead for performance of the cleanup work. Of those sites, there may be some with open special accounts for which funds are available from PRPs to conduct some or all of the response work. To calculate the number of sites where there are no other sources of funding for response work, the program will provide the number of final NPL sites where only the federal government is performing the response work and there are no open special accounts associated with the site.

There are a range of caveats to be provided with this information, including the federal government is also performing work at mixed-lead sites, where a PRP may be performing response work at part of a site and the federal government is performing response work at other portions of the site. In addition, even if a site has an open special account the funds available in that account may not be sufficient to cover the full costs at a site or may only be available for specific portions or work to be performed at the site.

3.P USING THE FIDUCIARY RESERVE TO ADDRESS COST OVERRUNS

EPA has a strong commitment to ensuring that unliquidated obligations are periodically reviewed, and if appropriate, are deobligated and made available for obligation where needed. Offices should deobligate any unliquidated obligations with expired project periods, except for funds to address immediate pending invoices (OSRTI recommends within 90 days).

The Agency's fiduciary and expired fund reserve accounts, which are monitored by the Office of Budget (OB), are available and sufficient to cover circumstances where funds were deobligated but subsequently needed to address unanticipated final expenditures. For Superfund, the Agency has an enhanced reserve to encourage timely deobligation and to help maintain the pace of cleanups. The obligating official, payment official, or Contracting Officer should fund the obligation using a modification that includes the appropriate accounting information, based on the year of the overrun. Program offices should not submit new commitments to cover these obligations. Use of the fiduciary reserve will not cause an Anti-Deficiency Act violation.

Accessing the fiduciary reserve does not require Office of Budget approval, only notification, if the amount is over $50,000. However, the Director, Office of Budget, at his/her discretion, may ask the program office responsible to reimburse the fiduciary reserve for any overrun with current dollars if OB believes there is a need to replenish the fiduciary reserve. Because the remedial program office may need to replenish the reserve, if the prior year obligation is over $50,000, the region should consult with OSRTI, Chief of the Budget Planning and Evaluation Branch (BPEB), before proceeding to fund the obligation.

For prior year obligations of Superfund resources other than the remedial program, please contact the appropriate program office.

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Chapter 4: SEMS Data Management and Coding

CHAPTER 4: SEMS Data Management and Coding

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CHAPTER 4: SEMS DATA MANAGEMENT AND CODING

4.A INTRODUCTION

The Superfund Enterprise Management System (SEMS) is the Superfund program's primary repository of program planning and accomplishment data, including resource planning estimates and program targets and measures. Regions are primarily responsible for all Superfund data in SEMS, which includes removal, site assessment, remedial, Federal Facility, and enforcement programs. SEMS data are reflected in Superfund Comprehensive Accomplishments Plan (SCAP) and other reports and dashboards which provide summary and detail information on site progress, target and measure accomplishments, and resource planning. Headquarters (HQ) uses reports and dashboards, among others, internally to manage regional performance as well as to report progress to the public. The Agency system for recording performance measure commitments and accomplishments is called the Budget Formulation System (BFS). Regions enter initial bids in BFS, which may be re-negotiated with headquarters before annual commitments for BFS measures are finalized and locked. BFS accomplishment data is updated monthly and must align with the information contained in SEMS.

This chapter describes in detail how HQ and the regions use SEMS to manage resource planning and program performance within Superfund. The first section outlines responsibilities for individual roles within the region and HQ as they relate to SEMS data entry. The next two sections deal with SEMS data requirements and treatment of SEMS accounting data. The final sections discuss specific SEMS codes, i.e., program results codes, action lead codes, budget codes, special interest codes and qualifiers.

4.B SEMS REGIONAL/HEADQUARTERS ROLES AND RESPONSIBILITIES

HQ and regions have individual and shared responsibilities to ensure that planning and accomplishment data are kept up to date in SEMS. These responsibilities also extend to participation in Superfund program performance reviews that use planning and accomplishment data in conjunction with discussions of regional practices and national program priorities. Such reviews enable management to recognize high performance, examine program accomplishments, analyze and discuss issues that affect the successful operation of the Superfund program, initiate changes in program operations or reallocate/redirect resources, and provide training and technical assistance to those regions that are experiencing difficulties.

Exhibit 4.1 describes general HQ/regional responsibilities for maintaining planning and accomplishment data in SEMS, and the following subsections outline roles and responsibilities of individual positions in the regions and HQ.

EXHIBIT 4.1. REGIONAL/HQ SEMS RESPONSIBILITIES

Regional Responsibilities	HQ Responsibilities
Add sites into SEMS and coordinate with financial management counterparts to assign Site/Spill Identifier (SSID)	Coordinate periodic meetings with regions and regularly communicate national program priorities
Plan and schedule all Superfund site activities and related extramural budgets in SEMS in a timely manner and in accordance with national schedules and guidance	Negotiate with regions to set regional targets that support the national annual target for each key program performance measure
Enter planning, budget, and accomplishment data into SEMS	Determine extramural program regional funding allocations
Keep all planning, budget, and accomplishment data up to date in SEMS	Communicate changes in budget, business processes, the Superfund Program Implementation Manual (SPIM), and provide other program guidance that affects planning with regions
Prepare and submit data or process change requests, as appropriate	Maintain SPIM accomplishment definitions, ensuring SEMS calculation logic for reports and dashboards accurately reflects definitions
Ensure there is 'objective' evidence to support accomplishment data in SEMS	Maintain functionality of SEMS and respond to regional requests for data or process changes through the change requests process
Prepare information to support periodic program management and planning meetings and reviews	Periodically review SEMS data for quality and timeliness
Review data entered in SEMS for accuracy	Continually assess program performance, provide guidance to, and solicit input from, regions on opportunities to improve program performance

4.B.1 Regional Roles

a. Information Management Coordinators

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

- Coordinate program planning, budget development, and reporting activities.
- Ensure regional planning and accomplishments are complete, current, and consistent, and accurately reflected in SEMS by working with subject matter experts (SME)s, data sponsors and data owners.
- Provide liaison to HQ on process and program review issues.
- Provide liaison to regional management and data entry staff, as appropriate.
- Ensure that the quality of SEMS data is such that accomplishments and planning data can be accurately retrieved from the system.
- Ensure that data is entered in a timely manner, ideally no later than 14 business days after an action is actually started or completed.
- Coordinate with Remedial Project Managers (RPMs) and Superfund Records Managers to link processed records to accomplishment data correctly and in a timely manner.

- Ensure there is 'objective' evidence[1] to support accomplishment data in SEMS.

b. Budget Coordinators

The Budget Coordinator serves as the regional lead for all Superfund program resource activities. The Budget Coordinator:

- coordinates the planning, development, and reporting of resources;
- coordinates the planning and execution of regional priorities;
- communicates and implements national and regional Superfund budget policies;
- assists IMC to ensure regional resources associated with Superfund site and non-site activities are complete, current, and consistent, and accurately reflected in SEMS; and
- serves as regional liaison to HQ on program budget issues.

4.B.2 HQ Roles

a. Data Sponsors

Data sponsors include the senior staff in program offices in HQ that, along with data owners, are responsible for the quality of data stored in SEMS for a specific program area.

Where applicable, the roles of the Data Sponsors are to:

- identify data needs;
- oversee the process of entering data into the system;
- use data for reporting purposes;
- conduct periodic audits;
- provide definitions for data elements;
- promote consistency across the Superfund program;
- initiate changes in SEMS as the program changes;
- provide guidance requiring submittal of these data;
- support the development of requirements for electronic data submission;
- ensure there is 'objective' evidence to support the accomplishment data in SEMS by identifying data requirements and checking to assure compliance by performing periodic reviews of a random SEMS data samples; and
- keep the SPIM up to date.

1 Objective Evidence Rule: 'All transactions must be supported by objective evidence, that is, documentation that a third party could examine and arrive at the same conclusion.'

b. Data Owners

Both HQ and/or the regions may be Data Owners. The primary responsibilities of Data Owners are to:

- coordinate with SMEs or Data Sponsors when there are issues or concerns related to data quality;
- enter and maintain data in SEMS;
- assume responsibility for complete, current, consistent, and accurate data;
- review data for quality;
- conduct periodic audits; and
- ensure there is 'objective' evidence[2] to support accomplishment data in SEMS.

c. Office of Superfund Remediation and Technology Innovation (OSRTI) Resource Management Division – Budget Planning and Evaluation Branch

The Budget Planning and Evaluation Branch (BPEB) provides leadership for budgeting, program planning, and program analysis for the Office of Superfund Remediation and Technology Innovation (OSRTI). The branch coordinates regional program and portfolio planning and review efforts, including negotiating regional pipeline action performance targets, tracking performance progress, and preparing year-end summary analyses. BPEB is also responsible for distributing and monitoring Remedial Action (RA) and Pipeline Operations Site Allowance funds, coordinating the annual regional unliquidated obligation analyses, and tracking and providing OSRTI approval of recertifications of deobligated/reclassified funds to the National RA Pool.

d. OSRTI Resource Management Division – Information Management Branch

The Information Management Branch (IMB) provides leadership for information management, mission support, records management and program measurement functions throughout OSRTI and the Superfund program. IMB designs, implements, and maintains SEMS, oversees the Superfund program's nationwide data quality efforts, and consults with HQ and Regional program offices on the development and operation of program databases and systems. IMB also manages the implementation of office automation systems and productivity tools for OSRTI and works closely with the Budget, Planning and Evaluation Branch, as well as with other staff throughout the other branches, to conduct comprehensive program evaluations of the Superfund program.

e. OSRTI Assessment and Remediation Division (ARD) Regional Support

OSRTI's Assessment and Remediation Division (ARD) generally includes the primary contacts for regions regarding site-specific issues and is often the primary conduit to regions for communicating and interpreting national policies related to the remedial program.

2 Ibid., 2.

f. Office of Site Remediation Enforcement (OSRE) Regional Support

The Office of Site Remediation Enforcement's (OSRE) Program Evaluation and Coordination Branch (PECB) in the Policy and Program Evaluation Division (PPED) has established specific contacts who communicate with regions on a variety of Superfund enforcement related matters including site-specific matters, national priorities, SEMS data, records, Integrated Compliance Information System (ICIS) data, and enforcement resource matters.

g. Office of Emergency Management (OEM) Regional Support

The Office of Emergency Management's (OEM) Preparedness and Response Operations Division (PROD) has specific contacts assigned to provide information to each region and to address questions or issues raised by any region that is associated with removal activities and Homeland Security. The Resources Management Division (RMD) supports OEM removal activities through analysis, planning, and budget support for the program. This includes measures planning and tracking, data quality assurance, resource allocation and redistribution, and other activities as required.

h. Federal Facilities Restoration and Reuse Office (FFRRO) Regional Support

The Federal Facilities Restoration and Reuse Office (FFRRO) has specific contacts who serve as the primary contacts for regions regarding site-specific issues and national policy. FFRRO works closely with OSRTI on issues that may have an impact upon both the federal and private cleanup programs in the regions.

4.C GENERAL SEMS DATA ENTRY/QUALITY CONTROL REQUIREMENTS

This section addresses several priorities regarding SEMS data entry and data quality of activities that are reported in SEMS.

4.C.1 Quality and Timeliness of Data Entry

It is essential that planning and accomplishment data in SEMS remain current and up to date throughout the year and that accomplishments are reported as they occur. At a minimum, HQ pulls targets and measures accomplishment data from SEMS at end of year. However, Environmental Protection Agency (EPA) managers, other agencies, and the public continually request up-to-date accomplishment, budget, and site-specific data from the program on a quick turnaround basis. "Live" data from SEMS is used for multiple dashboards used by senior management to make decisions as well as site profile pages. Additionally, live data feeds from SEMS are posted on public SEMS-based Search Superfund Site Information website at https://cumulis.epa.gov/supercpad/cursites/srchsites.cfm.

Data need to be consistent, accurate and timely to avoid confusion with data provided in prior data requests or by more than one entity.

All activities at National Priorities List (NPL) sites and sites with a Superfund Alternative Approach (SAA) agreement should be planned out through the entire cleanup cycle as early as

possible. During the Remedial Investigation/Feasibility Study (RI/FS), the regions should enter in SEMS all the estimated planned start and completion dates for future activities. Site schedule and financial planning information should be reviewed and updated on an ongoing basis. If changes in planning information (schedule and/or funding needs) warrant changes in SEMS, the data owner is responsible for making the changes within five working days after being made aware of the need for the change. Regions should ensure accomplishments data are reflected in SEMS within five working days of the action occurring unless otherwise noted in the program-specific chapters of this manual.

HQ only recognizes targets and accomplishments that are reported in SEMS as they appear in accomplishment reports and dashboards. Although HQ may perform data quality checks and inform regions of discrepancies, regions are responsible for performing data quality checks and making corrections to SEMS if the database or reports do not reflect accurate targets or actual accomplishments. Regions should ensure planning and accomplishment data are reflected in SEMS within five working days of the end of the quarter in which accomplishments occurred. In some cases, accomplishments are not tracked until the appropriate administrative record is associated to the record in SEMS – regions should make every effort to do so in a timely manner.

4.C.2 Setting Targets in SEMS

a. Remedial Program

Regions use the Targets and Work planning screen in SEMS to select targets. Information on this screen, the work planning dashboard as well as multiple reports, is used to review regional plans and targets during periodic discussions between HQ and the region. The procedures and schedule for finalizing targets are typically provided in a memo issued annually by OSRTI and OSRE. For pipeline activities, regions are required to set targets site-specifically. Within the same category (e.g., government RI/FS starts) a missed target can be substituted by the accomplishment of another non-targeted action. Target substitutions are permitted in other categories, except for five-year reviews; because five-year reviews must be completed by the statutory due date, substitutions are not allowed. Regions should discuss with HQ any issues that may affect their ability to meet negotiated targets.

Under the Superfund Pipeline Site Allowance Allocation Model (PAM), each region receives a score using weighting factors assigned to various pipeline categories. Regional allocations will be based on current year start targets, ongoing actions, and prior year completions for the following pipeline categories: government (GOVT) RI/FS, Potentially Responsible Party (PRP) RI/FS, GOVT Remedial Design (RD), PRP RD, and PRP Remedial Action (RA). For current year start targets for these activities, regions must set site-specific targets to receive credit in their allocation. Each regional office is allocated resources based on its score in relation to the national total.

In February 2018, the Pipeline Allocation Workgroup presented their recommendations for changes to the PAM to the Superfund Division Directors. The agreed-to changes to the PAM were implemented starting in FY 2019:

- Provide a base allocation of $3 million to each region.
- Decrease the holdback percentage from 5% to 2.5%.
- Remove the prior year Start Bonus factor.
- Remove two governors from the model: 1) the guarantee that a percentage of the allocation be based on the prior allocation, and 2) the mechanism that prevented a region from receiving 5% less than the prior year.

b. Federal Facilities Program

FFRRO will coordinate closely with the regions prior to End-of-Year work planning sessions to establish the next fiscal year (FY) targets. Although FFRRO will specifically reach out to the regions for Decision Document and RA Completion targets, regions are expected to set targets prior to End-of-Year work planning sessions for RI/FS Starts, Decision Documents, Final Remedy Selected, RA Starts, RA Completions, Five-Year Review Completions, Construction Completions, and Sitewide Ready for Anticipated Use.

c. Enforcement Program

Targets must be set site-specifically for past costs addressed greater than $500,000 for all sites with upcoming statute of limitation (SOL) concerns.

Each fiscal year, OSRE targets sites for cost recovery action that have upcoming SOLs occurring within an 18-month window of the new fiscal year with total unaddressed Superfund past costs equal to or greater than $500,000. All SOL cases are tracked and monitored throughout the fiscal year based on their SOL date. A missed target cannot be substituted by the accomplishment of another non-targeted action, because past costs must be addressed by the statutory due date. All final targets should be identified in SEMS by fiscal year quarter and appear on the SCAP-14 report.

d. Removal Program

HQ and the regional offices discuss the regional targets at several points every year. For removal activities, the target being monitored is the number of removal completions (Fund-lead and PRP-lead combined) in the fiscal year. The targets are set in the prior fiscal year, and each region's progress on reaching their target is checked on monthly bowling chart reporting and business review meetings.

4.D DATA VALIDATION AND VERIFICATION

The Government Performance and Results Act (GPRA) requires that an agency address its verification and validation procedures for performance data in the annual performance plan. SEMS data verification and validation procedures are incorporated as part of the Superfund program's submission to the Agency's annual performance plan.

A key component of SEMS verification/validation procedures is the regional *SEMS Data Entry Control Plan*. The control plans include: 1) regional policies and procedures for entering data into SEMS; 2) a review process to ensure that all Superfund accomplishments are supported by source documentation; 3) delegation of authorities for approval of data input into SEMS; and 4) procedures to ensure that reported accomplishments meet accomplishment definitions. In addition, regions should document the roles and responsibilities of key regional employees responsible for SEMS data (e.g., regional project manager, information management coordinator, supervisor, etc.), and the processes to assure that SEMS data are current, complete, consistent, and accurate.

Regions are required to update their *SEMS Data Entry Control Plan* at least annually, unless otherwise directed by HQ. HQ reviews these plans for conformance to national guidance and suggests improvements where necessary.

4.E PERFORMANCE LEAD CODES

SEMS uses multiple mechanisms to identify entities that are performing individual activities and the sources of funding for those activities. The site schedule in SEMS subdivides the major pipeline response phases (e.g., removal, RI/FS, RD, RA, LR) within each program area into GOVT, PRP and Federal Facility (FF) performed actions. Program accomplishments in the SCAP 14 are reported by these subdivisions. Pre-remedial actions within the Site Evaluation phase, including EPA reviews of site assessment reports submitted by other Federal agencies uses various types of GOVT (EPA in-house, EPA [contractors]), State and Tribal performance leads but no PRP or Federal Facility leads.

'Performance' lead codes allow regions to specify the entity that is conducting the work and are required for those activities that are recorded in the SCAP 14 Accomplishments report. Performance lead codes for GOVT activities more specifically identify which organization is performing the action itself (e.g., EPA in-house, EPA [contractors], State, Tribe). Performance lead codes for PRP activities identify the organization performing the oversight of the PRP-conducted response action (e.g., EPA in-house, EPA [contractors], State, Tribe). Oversight of work conducted by federal agencies under the Federal Facilities program use the 'Federal Facilities' performance lead code. Performance lead codes are assigned for each action and sub-action included in the Site Schedule in SEMS.

'Financial' lead codes are used to distinguish the various sources of funding and are required for those activities with associated financial transactions. Generally, sources of funding are subdivided into three groups, annually appropriated resources (in SEMS, state cost share resources are included in this category), special accounts, and mixed source (regions use the 'mixed source financing' code to represent multiple sources of funding for the same action and do not have to determine whether a specific source provides the majority of funding that action). Financial lead codes are assigned in the Add New Action/Sub-Action screen for each action included in the Site Schedule in SEMS.

Anomaly codes are used to designate leads for actions that are not recognized as performance accomplishments (i.e., state deferral, state action/oversight without a formal EPA agreement, state Record of Decision [ROD] without EPA concurrence). These codes are also entered in the Edit Site Schedule table for each action and sub-action selected through the Site Schedule in SEMS.

Exhibit 4.2 below identifies the codes and definitions of the performance and financial lead codes used in SEMS.

EXHIBIT 4.2. ACTION PERFORMANCE AND FINANCIAL LEAD CODES IN SEMS

Performing Leads

Lead Code	Name	Description
EP	EPA Performed In-House	EPA-performed response/enforcement actions using intramural resources.
F	EPA Performed	EPA-performed response/enforcement actions using extramural resources.
FF	Federal Facilities Performed	Federal Facility-performed response actions conducted under EPA oversight using either internal EPA or extramural resources.
PE	EPA Oversight In-House	PRP-performed response actions conducted under EPA oversight using intramural resources.
PS	State Oversight	PRP- or federal agency performed response actions conducted under the oversight of a state pursuant to a Cooperative Agreement (CA) with EPA, a Superfund Memorandum of Agreement (SMOA), or other formal document between EPA and the state that allows EPA review of PRP deliverables. If no formal agreement exists, use in conjunction with the SR anomaly code (no resources should be associated with projects having the SR anomaly code).
PT	Tribe Oversight	PRP- or federal agency performed response actions conducted under the oversight of a tribe pursuant to a CA with EPA, a Tribal Memorandum of Agreement (TMOA), or other formal document between EPA and the tribe that allows EPA review of PRP deliverables.
RP	EPA Oversight	PRP-performed response actions conducted under EPA oversight using either EPA or extramural resources.
S	State Performed	State-performed response/enforcement actions conducted pursuant to a CA with EPA, a SMOA, or other formal document between EPA and the state that allows EPA review of state deliverables. If no formal agreement exists, use in conjunction with the SN anomaly code.
TR	Tribe Performed	Tribe-performed response/enforcement actions conducted pursuant to a CA with EPA, a TMOA, or other formal document between EPA and the tribe that allows EPA review of tribal deliverables.

Financial Leads

Lead Code	Name	Description
FU	Fund Financing	Financed with appropriated resources and/or state cost share resources
MS	Mixed Source Financing	Financed with a combination of appropriated, special account resources, or other resources

Lead Code	Name	Description
OT	Other Financing	Financed by other Superfund reimbursables (e.g., TR, TR3) or non-Superfund related sources (e.g., state, Federal Emergency Management Agency (FEMA), Underground Storage Tank (UST), Oil)
SP	Special Account Financing	Financed with special account resources only.

Historical Performance Leads (retained as Performance lead only for historic actions)

Lead Code	Name	Description
CG	Coast Guard	Work performed by the Coast Guard - Limited to removals (Historic)
CO	Comm Org	Community Organization (Historic)
OH	Other	Other lead (Historic)
PP	Prosp Purch	Response actions funded by Department of Defense (DoD) performed at a Base Realignment and Closure (BRAC) site by a non-federal party that takes title to the BRAC property pursuant to Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) 120(h)(3)(C) (Historic)

4.F ACTION CODES AVAILABLE FOR FINANCIAL TRANSACTIONS

There are hundreds of action codes available for use in SEMS to assist regions in planning activities and recording accomplishments for regional and national program management. To simplify and facilitate consistent financial transaction coding in SEMS and Compass, the Agency's financial management system, the Superfund programs have determined that regions should assign financial planning and obligation information to only a subset of these activities. Exhibit 4.3 identifies those action codes that regions may use for planning obligations in SEMS as well as the appropriate Program Results Codes (PRC), Site Allowance(s) (SA), and SSID types (Site Designators) associated with them. For most activities, SEMS will assign the correct PRC, SA, and SSID type to a planned obligation, depending on the action for which resources are planned. Certain activities allow for choice of SA depending on program, which must be selected in the Site Obligations or Non-Site Obligations Planning screen in SEMS. Action codes used for commitments, obligations, and disbursements entered in Compass must be consistent with the *FY 2016 Dictionary of Superfund Action Codes For Compass Financial Transactions* issued by OCFO, OLEM, and OECA, unless otherwise noted below.

EXHIBIT 4.3. FY2021 SUPERFUND ACTION CODES FOR FINANCIAL TRANSACTIONS SORTED BY SEMS ACTION NAME ('WHO PAYS FOR WHAT')

Action	Code	PRC	SA	Site Des.
Administrative Records	AR	000DC6 000DC9 000DD2 000EC7	RV FF P E	S S S S

Action	Code	PRC	SA	Site Des.
Aerial Survey (formerly Pre-Remedial/Remedial Survey)	AS	000DC6 000DC9 000DD2	RV FF P	S, WQ, ZZ S, WQ, ZZ S, WQ, ZZ
Alternate Dispute Resolution	AD	000DD2 000EC7	P E	S, WQ, ZZ, 00 S, WQ, ZZ, 00
Bulk Funding **For extramural use only. May commit and obligate to this action code but must expend (redistribute) to a different action code. Can be used with special account funds in action and operable unit (OU) field.**	WQ	000DC6 000DC9 000DD2 000EC7	RV FF P E	S, WQ, ZZ, 00 S, WQ, ZZ, 00 S, WQ, ZZ, 00 S, WQ, ZZ, 00
CERCLA Criminal Litigation - **501EC7 is for HQ (Department of Justice [DOJ] Interagency Agreements [IAs]) use only.**	CC	000EC7 000E52	E E	S S
Claim in Bankruptcy Proceedings	CB	000EC7	E	S
Combined RI/FS	CO	000DD2	P	S
Community Involvement (non-Federal Facility) **May plan with WQ SSID but must obligate site-specifically if an SSID has been assigned to the site.**	CR	000DC6 000DD2	RV P	S S
Compliance Enforcement	UZ	000EC7	E	S
Contract Management	JU	000DC6 000DC9 000DD2 000EC7	RV FF P E	S, WQ, ZZ, 00 S, WQ, ZZ, 00 S, WQ, ZZ, 00 S, WQ, ZZ, 00
Cost Recovery Negotiation	NE	000EC7	E	S
Design Assistance	DA	000DD2	P	S
Emergency PRP Removal (Emergency Removals Without an Enforceable Instrument)	PJ	000DC6 000DC6	RV RV	S S
Engineering Evaluation/Cost Analysis (EE/CA)	EE	000DC6 000DC9 000DD2	RV FF P	S S S
Expanded Site Inspection/Remedial Investigation (ESI/RI)	SS	000DD2	P	S
Expanded Site Inspection (ESI)	ES	000DD2	P	S
Feasibility Study	FS	000DD2	P	S
Federal Facility and BRAC General Support and Management **000D41 is for payroll costs only.**	TX	000DC9 000D41	FF FF	00 00
FF Community Involvement	LZ	Not Available--Use FF Oversight (OX)		
FF ESI Review	TZ	Not Available--Use Generic PA/SI (QB)		
FF Five Year Review	VY	Not Available--Use FF Oversight (OX)		
FF Five-Year Review Addendum	WV	Not Available--Use FF Oversight (OX)		
FF FS	NI	Not Available--Use FF Oversight (OX)		
FF LR	MZ	Not Available--Use FF Oversight (OX)		

Action	Code	PRC	SA	Site Des.
FF Oversight FF Oversight **(**Site-Specific BRAC Costs) - **303D41XB4 is for payroll and site travel only.**	OX	000DC9 000D41XB4	FF	S S
FF PA Review	RX	Not Available--Use Generic PA/SI (QB)		
FF RA	LY	Not Available--Use FF Oversight (OX)		
FF RD	LX	Not Available--Use FF Oversight (OX)		
FF Removal	LV	Not Available--Use FF Oversight (OX)		
FF RI	NH	Not Available--Use FF Oversight (OX)		
FF RI/FS	LW	Not Available--Use FF Oversight (OX)		
FF SI Review	TY	Not Available--Use Generic PA/SI (QB)		
FF Operation and Maintenance	OM	Not Available--Use FF Oversight (OX)		
Five-Year Review **May obligate to WQ SSID but must plan/outlay site-specifically.**	FE	000DD2 000DD2	P RA	S, WQ S, WQ
Five-Year Review Addendum**.** **May obligate to WQ SSID but must plan/outlay site-specifically**	WV	000DD2 000DD2	P RA	S, WQ S, WQ
		Also see FF Five-Year Review Addendum		
Forward Planning/ Redevelopment/ Reuse	FM	000DD2	P	S
General Support and Management	BM	000DC6 000DD2	RV P	00 00
General Enforcement	GE	000EC7 000JC7 000EH2	E FFE	00 00 00
Generic PA/SI	QB	000DD2	P FF	S, WQ, ZZ
Groundwater Monitoring (Post ROD)	GM	000DD2 000DC9	P FF	S S
Hazard Ranking System (HRS) Package	HR	000DD2	P FF	S
Information Management Support	IJ	000DC6 000DC9 000DD2 000EC7	RV FF P E	S, WQ, ZZ, 00 S, WQ, ZZ, 00 S, WQ, ZZ, 00 S, WQ, ZZ, 00
Laboratory Support	LA	000DC6 000DC9 000DD2 000EC7	RV FF P E	S, WQ, ZZ, 00 S, WQ, ZZ, 00 S, WQ, ZZ, 00 S, WQ, ZZ, 00

Action	Code	PRC	SA	Site Des.
Legal Review and Analysis – **000DD2 is for payroll and site travel only. This change has not been made in the FY *2016 Action Code Dictionary*.**	PS	000EC7 000DD2	E	S, ZZ S
Litigation – Generic	LT	000EC7 000JC7	E	S S
Long-Term Response Action (LTRA)	LR	000DD2	RA	S
Management Assistance	MA	Renamed--See State Support Agency Cooperative Agreement (MA)		
Multi-Site Cooperative Agreement	MS	Not Available--Use State Support Agency Cooperative Agreement (MA), Generic PA/SI (QB), or Bulk Funding (WQ), as appropriate		
Negotiation – Generic	NG	000EC7 000JC7 000EH2	E FFE	S S S
Non-NPL PRP Search **– For expending unliquidated obligations only. Use QV for new obligations.**	RP	Not Available--Use PRP Search (QV)		
NPL RP Search **- For expending unliquidated obligations only. Use QV for new obligations.**	NS	Not Available--Use PRP Search (QV)		
Operation and Maintenance (O&M) - **Use Trust Fund resources only to oversee O&M. Use reimbursable resources to conduct or oversee O&M.**	OM	000DD2	P	S
Prospective Purchaser Agreement (PPA) Assessment	QX	000EC7	E	S
Pre-CERCLA Screening	HX	000DD2	P	S, WQ, ZZ
Preliminary Assessment (PA)	PA	000DD2	P	S, WQ, ZZ
Preparation of Cost Documentation	PC	000EC7 000JC7	E	S S
PRP FS	NK	000DD2	P	S
PRP LR	ME	000DD2	P	S
PRP RA	BF	000DD2	P	S
PRP RD	BE	000DD2	P	S
PRP Removal **Use Pipeline Site Allowance only for Remedial Program Projects.**	BB	000DC6 000DD2	RV P	S S
PRP RI	NA	000DD2	P	S
PRP RI/FS	BD	000DD2	P	S
PRP Search	QV	000EC7	E	S, WQ, ZZ
RA Contractor Acquisition	ZB	000DD2	P	S
RD/RA Negotiation	AN	000EC7	E	S
Real Property Acquisition	RL	000DD2	P	S
Records Management	SW	000DC6 000DC9 000DD2 000EC7 000EH2	RV FF P E FFE	S, WQ, ZZ, 00 S, WQ, ZZ, 00 S, WQ, ZZ, 00 S, WQ, ZZ, 00 S, WQ, ZZ, 00

Action	Code	PRC	SA	Site Des.
Remedial Action	RA	000DD2	RA	S
Remedial Design	RD	000DD2	P	S
Remedial Investigation	RI	000DD2	P	S
Removal **- May plan with WQ SSID but must obligate site-specifically.** **Use RA Site Allowance only for Remedial Program Projects.**	RV	000DC6 000DD2	RV RA	S S
Removal Assessment	RS	000DC6	RV	S, WQ, ZZ
Removal Negotiation	RN	000EC7	E	S
Research and Development	BG	000DD2	P	S, WQ, ZZ
RI/FS Negotiation	FN	000EC7	E	S
RI/FS Scoping	ZA	000DD2	P	S
Risk/Health Assessment	ED	000DC9 000DD2	FF P	S S
Section 104(E) Referral Litigation	SF	000EC7	E	S
Section 106 Litigation	SX	000EC7	E	S
Section 106/107 Litigation	CL	000EC7	E	S
Section 107 Litigation	SV	000EC7	E	S
Senior Environmental Employee (SEE) Program **- For extramural use only.**	SM	000DC6 000DC9 000DD2 000EC7	RV FF P E	S, WQ, ZZ, 00 S, WQ, ZZ, 00 S, WQ, ZZ, 00 S, WQ, ZZ, 00
Site Inspection (SI)	SI	000DD2	P	S, WQ, ZZ
Site Reassessment	OO	000DD2	P	S, WQ, ZZ
Site Security and Maintenance	PD	000DD2	P	S
Site-Specific BRAC Costs	PX	Not Available—Use FF Oversight (OX)		
State Core Program - **For extramural use only.**	SK	000DD2	P	00
State Support Agency Cooperative Agreement (formerly Management Assistance) - **For extramural use only.**	MA	000DC9 000DD2	FF P	S, WQ, ZZ S, WQ, ZZ
Technical Assistance	TA	000DC6 000DC9 000DD2	RV FF P	S, WQ, ZZ S, WQ, ZZ S, WQ, ZZ
Technical Assistance Grant - **For extramural use only. May plan with WQ SSID but must obligate site-specifically.**	TG	000DC9 000DD2	FF P	S S
Training	TH	000DC6 000DD2 000EC7	RV P E	00 00 00
Treatability Study	TS	000DD2	P	S
Tribal Core Program **- For extramural use only.**	TK	000DD2	P	00
Tribal Support Agency Cooperative Agreement **For extramural use only.**	TJ	000DC9 000DD2	FF P	S, WQ, ZZ S, WQ, ZZ

Site (SSID) Designators

S	Site-specific obligation
WQ	Unspecified obligation; outlays must be redistributed to S, ZZ or 00 site designators; may not be used with special accounts
ZZ	Site related (ZZ) obligation for site assessment; may not be used with special accounts
00	Non-site (00) obligation; may not be used with special accounts

Site Allowances (SA)

Site Allowance Code	Site Allowance Name	Compass Budget Org Code, Fifth Position
E (not in SEMS)	Enforcement	No Compass Budget Org Code
FFE (not in SEMS)	Federal Facilities Enforcement	No Compass Budget Org Code
FF	Federal Facility Response	F
RV	Removal and Removal Support	E
P	Pipeline Operations	P
RA	Remedial Action	R

4.G ANOMALIES AND OTHER SEMS CODES

4.G.1 Takeovers, Phased Indicators and Other Action Code Anomalies

Action anomaly codes (labeled Takeover or Lead Changes/Phased Indicators in SCAP reports) are used to signify activities that for some reason should not appear as valid starts or finishes in SCAP planning and accomplishment reports but which still require tracking. There are four general categories of anomaly codes: Takeover, Phased, Other Anomaly, and Voluntary Cleanup. Exhibit 4.4 is a reference table of all action anomaly codes in SEMS.

EXHIBIT 4.4. SEMS ACTION ANOMALY REFERENCE TABLE

Code	Description
TO	Original Action Take Over
TN	New Action Resulting from Take Over
TT	Takeover of an Action Taken Over
PS	Phased Start
PC	Phased Completion
PB	Phased Start & Completion
OS	Other Start Anomaly
OC	Other Completion Anomaly
OA	Other Start and Completion Anomaly
VC	Voluntary Cleanup; use in conjunction with S Performance Lead code
SD	State Deferral; use in conjunction with S Performance Lead code

Code	Description
SN	State Performed, No EPA Funding or CA; use in conjunction with S Performance Lead code
SR	PRP Under State Order, No Agreement with EPA; use in conjunction with PS Performance Lead code
SW	State ROD, No EPA Concurrence; use only with ROD action code; use in conjunction with S Performance Lead code

a. Takeovers

Over the course of a cleanup at a site, the lead for the various cleanup phases may change. For example, EPA may perform an RI/FS (GOVT RI/FS), but pursuant to a consent decree (CD) or administrative order on consent (AOC), a PRP may take responsibility for performing the RD (PRP RD). This form of lead change is not a takeover, because each entity is responsible for a discrete phase of work.

A takeover occurs when there is a change in the entity performing a response action after the action has been initiated but before it is completed. A takeover typically occurs when the PRP is unable or unwilling (e.g., due to non-compliance with an AOC or CD) to complete an action (e.g., PRP RD) that it started to perform, and a government agency must perform (take over) the action. In such a case, the original PRP Performed action should be terminated in SEMS and a new GOVT Performed action started using the appropriate anomaly codes (see below for takeover coding instructions).

In order to avoid delays resulting from lead changes, the *Limiting Lead Transfers to Private Parties During Discrete Phases of the Remedial Process, OSWER 9800.1-01, November 1991* encourages lead changes between discrete phase of response action, and discourages PRP takeovers of EPA performed actions that are already underway, except in unusual circumstances. The limitations in this policy do not apply to EPA takeovers of PRP work or lead changes involving states.

Although early site assessment activities will be GOVT Performed, response lead changes can occur at any of the following points in the process:

- Prior to development of an EE/CA for a non-time critical (NTC) removal action.
- Prior to the ESI/RI or RI/FS.
- Prior to the FS if the RI and FS are being done separately.
- After the ROD is signed and prior to beginning the RD or RA.
- Prior to RA contract solicitation, when funding the RA would have significant implications for the GOVT and when no significant delays will occur.

When circumstances warrant passing the lead to PRPs during a phase of cleanup, steps should be taken to minimize potential causes of delay. For example, if PRPs assume the lead during the RI/FS, they should be given a limit of 60 days to enter an AOC for performing the work.

If a PRP is allowed to take over a GOVT-financed response action after dollars have been obligated, the region should deobligate any unliquidated obligations, and use the region's available annually appropriated funds, deobligations, or special account funds to pay for oversight of the response action conducted by the PRP.

b. SEMS Coding for Takeovers

Using SEMS codes to identify takeovers will prevent reporting of multiple starts and finishes for the same response action on SCAP planning and accomplishment reports. A takeover creates a new action but does not create a new OU. In the case where one entity takes over an action from another, the region must establish a new action with the appropriate Performance lead code as well as apply the appropriate Action Anomaly Codes to both the original action and the new action.

The finish date of the original action must be the same as the start date of the new action. Takeover/Phased Indicators must be entered for both actions. The 'Original Action Takeover (TO)' indicator is used to flag the original action which has the change in lead, whereas a 'New Action Resulting from Takeover (TN)' indicator is used to flag the new action.

On rare occasions, an action that has been taken over requires an additional lead change. For example, EPA reaches settlement with the PRPs after an EPA performed action (e.g., GOVT RI/FS) has begun. The original GOVT RI/FS is terminated, and a new PRP RI/FS is started. After the PRPs start work, EPA experiences problems with the PRPs in meeting deadlines or in the quality of the work. As a result, EPA decides to take over the PRP-financed action.

The first three steps below describe the SEMS data entry for a takeover scenario. All five steps describe the data entry for a takeover and subsequent takeover of a takeover. Exhibit 4.5 provides examples of the SEMS coding for a takeover and a takeover of a takeovers.

1. The original GOVT RI/FS action is added to SEMS with the appropriate start date. The 'F' Performance lead code is selected in the Add Action/Sub-Action screen for the GOVT RI/FS action to indicate that EPA is performing the action (i.e., rather than the state).
2. After the PRP takes over the GOVT RI/FS work, the appropriate finish date is entered for the original GOVT RI/FS. The TO indicator is selected in the Edit Site Schedule table.
3. A new PRP RI/FS action is added under the same OU with the same start date as the finish date of the original GOVT RI/FS. The TN indicator is selected in the Edit Site Schedule table for this action. The 'RP' Performance lead code is selected in the Add Action/Sub-Action screen to indicate that EPA is overseeing the PRP response (i.e., rather than the state).

4. After EPA takes over the PRP RI/FS work, the appropriate finish date is entered for the PRP RI/FS. The TT indicator ('Takeover of an Action Taken Over') is selected in the Edit Site Schedule table (this replaces the previously used TN anomaly code).
5. A new GOVT RI/FS action is added under the same OU with the same start date as the finish date of the PRP RI/FS. The TN indicator is selected in the Edit Site Schedule table for this action. The 'F' Performance lead code is selected in the Add Action/Sub-Action screen to indicate that EPA is performing the action.

EXHIBIT 4.5. TAKEOVERS

OU	Action Name	Seq	Perf Lead	Act Start	Act Comp	Takeover/ Phased Indicator	Comments
01	GOVT Combined RI/FS	001	F	8/1/1997	12/1/1997	TO	Original Action Takeover--no Completion accomplishment
01	PRP RI/FS	002	RP	12/1/1997	3/1/1998	TN	New Action Resulting from Takeover--no Start accomplishment
01	GOVT Combined RI/FS	001	F	8/1/1997	12/1/1997	TO	Original Action Takeover--no Completion accomplishment
01	PRP RI/FS	002	RP	12/1/1997	3/1/1998	TT	Takeover of an Action Taken Over—no Start or Completion accomplishment
01	GOVT Combined RI/FS	003	F	3/1/1998	9/1/1999	TN	New Action Resulting from Takeover--no Start accomplishment

c. Phased Projects

At any stage in the cleanup process, a project may be phased or time-sequenced to accelerate the cleanup effort. Whereas OUs break large, complex projects into smaller, more manageable work elements, phasing is a method to accelerate the implementation of projects within OUs. Phasing manipulates the internal steps required to complete each OU, thereby optimizing the overall schedule of a GOVT RA that, for example, requires site clearing prior to constructing an incinerator. The clearing would be one phase of the GOVT RA, while the construction of the incinerator would be a second phase. In the case of a phased project, only the start of the initial action and the finish of the final action are recorded as valid accomplishments in SCAP accomplishment reports.

A region will plan in SEMS a separate action under the same OU for each phase of the action that is to be tracked uniquely. Phases of each response action are shown in SEMS using the Takeover/Phased Indicators of 'Phased Start (PS)' and 'Phased Complete (PC)' or 'Phased Start and Completion (PB)'. An example of these Takeover/Phased Indicators is given in exhibit 4.6 below. Funding required for each of the phases is tracked against the phase. However, the duration of the project is calculated from the date the first phase started to the date the last phase is finished.

In cases where HQ makes decisions to fund certain components of a GOVT RA project, HQ may direct a region to use or not use phased project coding to accurately depict the funding decision.

EXHIBIT 4.6. PHASED PROJECTS

OU	Action Name	Seq	Perf Lead	Act Start	Act Comp	Takeover/ Phased Indicator	Comments
01	GOVT RD	001	F	8/1/1997	12/1/1997	PC	Phase I (Phased Completion--no Completion accomplishment)
01	GOVT RD	002	F	12/1/1997	3/1/1998	PB	Phase II (Phased Both--no Start or Completion accomplishment)
01	GOVT RD	003	F	3/1/1998	9/1/1999	PS	Phase III (Phased Start--No Start accomplishment)

d. Other Anomalies

Anomalies are those projects that do not fit the definitions of pipeline activities as specified in this manual. Anomalies can be those projects that 1) should not appear on a SCAP planning and accomplishment report, but still need to be tracked or 2) occur out of the ordinary pipeline progression. Additionally, projects that are permanently suspended or discontinued should be assigned a finish date when such determination is made, with the appropriate anomaly code to signify the action's status. If the region determines that it is necessary to keep an action open (e.g., financial transactions), then the anomaly code should be assigned when the determination is made and the finish date should be entered as soon as it is feasible. This will ensure the project does not appear in reports to be a valid ongoing action.

An example of a SCAP anomaly occurs when different entities conduct FS work simultaneously that leads to a single ROD. Since it is inconsistent to report more FS starts than finishes (the Agency would have to explain why FS work is not leading to a ROD), the SCAP planning and accomplishment report should identify only one start and finish for one FS. These projects are coded under the same OU with multiple sequence numbers and those FSs that should not appear in the SCAP report should be assigned a Takeover/Phased Indicator of 'Other Start and Completion Anomaly (OA).' More examples of these Takeover/Phased Indicators as they relate to various performance leads are given in exhibit 4.7 below.

In addition, certain codes that were identified as lead codes in CERCLIS have become anomaly codes in SEMS. These codes represent activities with unique leads that are tracked in SEMS but are not included in SCAP accomplishment reports.

With respect to the SR anomaly projects, the Agency recognizes that states can and have assumed the lead role in reaching an agreement with the PRPs for response activities at NPL sites without negotiating a cooperative agreement or other formal agreement with

EPA. However, the National Contingency Plan (NCP) has determined that in the absence of a formal agreement, the state will not be officially recognized as the "lead agency" for the project and EPA will not concur on the remedy selected.

EXHIBIT 4.7. OTHER ANOMALIES

OU	Action Name	Seq	Perf Lead	Act Start	Act Comp	Takeover/Phased Indicator	Comments
01	PRP RI/FS	001	RP	8/1/1997	12/1/1997	OS	Other Start--No Start accomplishment
01	PRP FS	001	RP	12/1/1997	3/1/1998	OA	Other Anomaly--No Start or Completion accomplishment
01	Combined GOVT RI/FS	001	F	3/1/1998	9/1/1999	OC	Other Completion--No Completion accomplishment
01	Combined GOVT RI/FS	001	S	3/1/1998	9/1/1999	VC	Voluntary Cleanup; use in conjunction with S Performance Lead code
01	Combined GOVT RI/FS	001	S	3/1/1998	9/1/1999	SD	State Deferral; use in conjunction with S Performance Lead code
01	Combined GOVT RI/FS	001	S	3/1/1998	9/1/1999	SN	State-financed (no Fund dollars) response actions performed by the state (applies to response actions); use in conjunction with S Performance Lead code
01	PRP RI/FS	001	PS	3/1/1998	9/1/1999	SR	PRP response under a state order/ CD where no EPA oversight support or money is provided through a CA and no other formal agreement exists between EPA and the state (applies to response actions); use in conjunction with PS Performance Lead code
01	ROD	001	S	3/1/1998	9/1/1999	SW	State ROD without EPA concurrence; use only with ROD action code; use in conjunction with S Performance Lead code

e. Mega-Sites

Generally, a site is considered a mega-site if the combined extramural, actual and planned, removal and remedial action costs incurred by Superfund or by PRPs are greater than $50 million. The mega-site designation may be applied to any federal or non-Federal Facility NPL or non-NPL site. For the purposes of reporting in SEMS, a site should receive the mega-site (MS) special interest code if:

- the cumulative value of the extramural capital costs of all selected remedies (as expressed in decision documents such as RODs, ROD amendments, or action memoranda) exceeds $50 million; OR
- the cumulative estimated value of all PRP or Federal Facility actual and expected extramural capital costs (as memorialized in documents such as settlements, orders, or Memorandums of Agreement [MOA]) for removal or remedial action response activities (excluding Long Term Response Action [LTRA]) at the site exceeds $50 million; OR

- the cumulative value of net actual extramural obligations for GOVT-financed removal and remedial actions (excluding LTRA) at the site exceeds $50 million; OR
- the cumulative estimated value of post-ROD (or post-action memorandum), removal, and remedial action obligations (excluding LTRA) planned in SEMS for the selected remedies at the site exceeds $50 million; OR
- the cumulative value of any combination of the above costs, without double-counting estimates and/or obligations for the same actual work, exceeds $50 million.

A site is defined as a potential mega-site (MP) if the region, using its best judgment, expects that the total costs of removal and remedial actions will exceed $50 million, but the documentation of actual or expected costs (e.g., through decision or settlement documents or actual obligations) does not currently exist. Once such documentation is developed, the site should be reassigned as MS. Conversely, if new information suggests that the site is not a mega-site, the MP or MS special interest code should be removed.

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Chapter 5: Site Information

Chapter 5: Site Information

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CHAPTER 5: SITE INFORMATION

5.A INTRODUCTION

The Superfund program tracks site information data with the goal of compiling both basic identifying data that portray the physical location and characteristics of a site, as well as more detailed data that can be utilized as a progress indicator of where a site falls in the assessment and cleanup pipeline. This chapter describes the site-level information that is tracked by the Superfund program and the corresponding data entry requirements in the Superfund Enterprise Management System (SEMS).

5.B SITE

The term "site" is not defined in Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) but is generally synonymous with "facility" which is defined under CERCLA 101(9) as: (A) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, or aircraft, or (B) any site or area where a hazardous substance has been deposited, stored, disposed of, or placed, or otherwise come to be located; but does not include any consumer product in consumer use or any vessel.

For Superfund tracking purposes, a "Site" record is created in SEMS to track response activities associated with the facility, as defined in CERCLA (and in the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) in 40 CFR §300.5), including a confirmed or potential hazardous waste release or an unanticipated removal (incident) or other event. This record can be created in SEMS upon determination that involvement of the Superfund program is or may be required.

Although uncommon, a site record can be deleted from SEMS if the site was added by mistake and site has no action with an actual start or complete date and no financial data associated with it (e.g., duplicate of an existing site, unintentional/accidental creation of new site). A site should not be deleted if site action or financial data is associated to it. If a site with this information is determined to be a duplicate of an existing site, use the parent/child relationship in Superfund Enterprise Management System (SEMS) to track both sites (all subsequent information should be tracked at the parent site). There may be cases where a site has no existing or planned activities nor financial data but has other interest and should remain in SEMS.

NOTE: SEMS accommodates tracking CERCLA and non-CERCLA sites. CERCLA sites include sites that have been, are being, or are expected to be addressed using or based on CERCLA authorities. Sites subject to other authorities (e.g., Resource Conservation and Recovery Act [RCRA]) may be tracked in SEMS as non-CERCLA sites for program management efficiency purposes and to allow for non-CERCLA site records to be captured in SEMS-RM. Sites handled under multiple authorities may have CERCLA and non-CERCLA site records. SEMS includes a

Related Sites feature in Site Management to match CERCLA to non-CERCLA sites. More information on entering CERCLA and non-CERCLA sites into SEMS is available in the SEMS Add and Delete CERCLA/Non-CERCLA Sites User Guide. The remainder of this chapter focuses on site information associated with CERCLA sites entered into SEMS.

5.C INITIATING PROGRAM

Following notification of a potential site needing federal Superfund program attention, a search for the site in the SEMS Active, Archive and Non-site inventories using the SEMS Site Search Dashboard or other reliable data source(s) should be completed prior to creating a new CERCLA site record in SEMS. Users should also refer to the Facility Registry Service (FRS) and the EPA Envirofacts website[1] to help determine if the site exists in another EPA cleanup program **before** adding it to SEMS. If the site is not already in SEMS, the site can be added to the SEMS database via the Add CERCLA Site module. Superfund involvement varies based on the characteristics of a confirmed or potential release, including urgency of response needs, involvement of other Federal agencies, and the requirements of the remedial assessment and removal programs.

When a site is added to SEMS, the system generates an initial schedule based on the combined settings of the Federal Facility (FF) field, the Removal Site Initiation checkbox, and the Remedial Site Initiation checkbox on the Add Site Information screen. As new information becomes available, some sites initiated in one program (e.g., removal) may require involvement of another program (e.g., remedial site assessment). When this occurs, SEMS offers flexibility to incorporate activities from multiple programs into the same site schedule.

Additional information on adding a site to SEMS and the initial schedules generated in the system is available in Add and Delete CERCLA/Non-CERCLA Sites User Guide.

5.D IDENTIFICATION (ID) NUMBERS

SEMS tracks several different types of site identification (ID) numbers.

- Environmental Protection Agency (EPA) ID: The EPA ID Number is a unique 12-digit identifier for a site or facility that is created when a new site is added to SEMS. Before adding a site to SEMS, regions must research the SEMS database to ensure the site is not already tracked in SEMS. For new sites, the system automatically generates an EPA ID in the Add CERCLA Site Information screen. A user should change the system-generated EPA ID if needed (i.e., to match the RCRA handler/facility identification number already used in RCRAInfo, or the Brownfields ID) **only before** saving the site. Once the new site is added and saved, the EPA ID field can no longer be edited.

[1] The Envirofacts Multisystem Search integrates information from a variety of databases and includes latitude and longitude information. Each of these databases contains information about facilities that are required to report activity to a state or federal system. Using this form, you can retrieve information about hazardous waste (including the Biennial Report), toxic and air releases, Superfund sites, and water discharge permits. Facility information and a map of its location is provided. See also: Enviro Facts Overview

Except for Navajo Nation (NN) sites which span states and EPA regions, the first two characters of the EPA ID are the standard two-digit state abbreviation of the state in which the site is located.

In general, except for older sites, the last 7 digits in the EPA ID are the Site ID (see below).

- Site ID: The Site ID Number is a distinct seven-digit number assigned by SEMS to a site. The first two digits represent the region responsible for tracking the site. For example, all Site ID numbers for sites in Region 1 start with '01'.
- State Site ID: Optional site identification number used to track a site in a state database.
- Site/Spill ID (SSID): A unique alphanumeric identification code assigned to a site or incident by the EPA region for use in Compass Financials. A removal site is required to have an SSID before planning work. The second digit of the SSID represents the EPA region in which the site is tracked. The identifier must be unique and the system ensures that duplicate SSIDs are not entered. If more than one SSID is assigned to a site, one must be designated as primary.
- Parent Site/Child Sites: See section 5.S in this chapter for more information on tracking parent and child site identification numbers.

5.E SITE NAME

The Site Name is the primary name assigned in SEMS to a confirmed or potential hazardous waste release or an unanticipated removal (incident). If additional Site Names are identified, they may be entered as site alias names (see Alias Name/Location section 5.H).

For sites that get proposed to the National Priorities List (NPL), EPA confers with the region before including the site name in the proposed and final rulemaking published in the Federal Register. The Site Name published in the Federal Register is tracked as the Federal Register Site Name in SEMS and is also used to overwrite the primary Site Name. For sites placed on the NPL, primary site names can be changed as necessary, although the NPL deletion notice will need to reflect the Site Name as it appears in Appendix B of the NCP which contains the list of sites placed on the NPL. If/when necessary, Site Names listed in Appendix B can be revised by publishing a proposed rule in the Federal Register. If no adverse comments are received, Headquarters (HQ) will process the primary Site Name change in SEMS.

In general, regions can make minor changes to Site Names at a site proposed to or on the NPL (e.g., spelling out abbreviation, minor edits). Regions should check in with the HQ NPL Team for further instructions before making a more substantive change to the Sie Name.

5.F SITE LOCATION/GEOSPATIAL INFORMATION

SEMS requires the entry of general site locational information including street address, city, state, zip code, and county. Congressional district is required for NPL sites. Site location data

is entered using the Add Site module when a new site is added to SEMS. This information can be updated in the Location section of the Edit Site Summary screen within the Site Management module in SEMS. Geospatial data entered or updated in SEMS should comply with requirements specified in EPA's *Geospatial Superfund Site Data Definitions and Recommended Practices, OLEM Directive 9200.2-191, November 2017* and any additional requirements described in this section.

SEMS applies the requirements defined in the National Geospatial Data Procedure, August 2023 which details standards for collecting and managing geospatial data used by federal environmental programs and projects within the jurisdiction of EPA.

Regions should add decimal latitude and longitude values and associated metadata in SEMS for new sites added to the SEMS active site inventory once a specific location is determined for a site. To the extent practicable, this requirement extends to sites that have completed Pre-CERCLA Screening and do not get added to the active site inventory.

Since locations generally get refined as sites go through the assessment and cleanup process, site address and geospatial data in SEMS should be updated as necessary following completion of key phases in the Superfund pipeline. Geospatial data includes latitude and longitude coordinate values and associated metadata.

At a minimum, geospatial data should be collected when a site reaches certain cleanup process milestones. Recommended practices for generation of geospatial data include:

Highest Priority:

- Primary Site Location Data should be recorded and entered in SEMS. Point data may be improved, refined or corrected as data become available.
- Total Site Polygons may represent the sum of the Operable Units (OUs) or the extent of the Federal Facilities Agreement, and their entry into SEMS is recommended to be done concurrently with a Record of Decision's (ROD's) (or Action Memorandum's) publication. Regions are encouraged to submit total site polygons early in the Superfund process, and update them as they change, but a preliminary site polygon should be captured no later than the completion of the first ROD (or Action Memorandum) associated with a site.
- Operable Unit Polygons should be entered into SEMS when EPA issues a ROD (or Action Memorandum) to address a corresponding OU, but regions are encouraged to enter them earlier in the Superfund lifecycle.

Additional information, in order of priority for collection, when available:

- Institutional Controls location data should be captured when Institutional Controls (ICs) are implemented.
- Extent of Contamination polygons, while sometimes difficult to define and subject to revision, are valuable information, which regions are encouraged to share when

possible. Typically, these data would be defined during the Remedial Investigation (RI) and would be entered into SEMS after the RI (or the Engineering Evaluation/Cost Analysis (EE/CA)) is approved.

- Engineering Controls (ECs) location data may be captured when ECs are implemented.
- Continued Use/Reuse Polygons may be entered into SEMS concurrently with the identification of continued use and/or determination of acres ready for reuse.

To ease collection and submission of geospatial data, regions are encouraged to require electronic submission of geospatial data as part of enforcement agreements with potentially responsible parties and in statements of work (SOWs) for site-specific contract work. Please see the joint Office of Superfund Remediation and Technology Innovation (OSRTI) and Office of Enforcement and Compliance Assurance (OSRE) memorandum *Transmittal of Model Geospatial Data and Electronic Submission of Deliverables Language for Inclusion in CERCLA Statements of Work, September 2014* for appropriate model language for enforcement documents and contracts.

The guidelines for storage and access to Superfund geospatial information are as follows:

- Regions will be responsible for creating and maintaining regional geodatabases, following a standardized schema; a starter kit is available and can be obtained by emailing the the Office of Land and Emergency Management (OLEM) OSRTI Information Management Branch (IMB) internal address list.
- The SEMS team has developed web services to allow joining of attributes and data synchronization between the regional geodatabases and SEMS.
- The Shared Enterprise Geodata and Services (SEGS) team has completed the script(s) for auto-harvesting data from the Regions, archiving data changes over time, and merging regional data into national data layers. A preliminary web service has been created, but further discussion and a decision at the national level is required to determine the details of how best to serve these data out to the public and the rest of EPA. Contact GEOservices@epa.gov when your Region is ready to have Superfund data auto-harvested.
- The SEGS team has created national geospatial web services from the data layers residing on an EPA enterprise geospatial framework that can be used by other EPA data systems and applications such as the EPA GeoPlatform Online, the Environmental Dataset Gateway, FRS and Cleanups in My Community.

Multiple latitude/longitude coordinates may get tracked at a site. Additional attributes are available in SEMS to differentiate coordinate records. The following coordinate data is required for all sites in the SEMS active site inventory:

- Decimal Degree Latitude: The measure of the angular distance on a meridian north or south of the equator, in decimal degrees. When entering data, users must include the plus (+) or minus (-) sign prefix to designate the latitude is North or South of the equator. Except for certain territories in the Pacific Ocean, all sites in U.S. states and territories are located within the northern hemisphere and should use the plus (+) sign.
- Decimal Degree Longitude: The measure of the angular distance on a meridian east or west of the prime meridian, in decimal degrees. When entering data, users must include the plus (+) or minus (-) sign prefix to designate that the longitude is East or West of the Prime Meridian. Except for certain territories in the Pacific Ocean, all sites in U.S. states and territories are located within the western hemisphere and should use the minus (-) sign.
- Primary Flag: Indicates the primary latitude and longitude coordinates for the site. The Primary Flag must be assigned to one coordinate record at each site in the Active site inventory (each coordinate record consists of a single latitude and longitude coordinate). The coordinate record with the Primary flag must be located less than 1,000 meters (≤ Tier 6) of the site address. Tier 6 and other Tiers are defined in EPA's National Geospatial Data Policy. The coordinate record with the Primary flag will be used for public reporting purposes.
- Collection Date: The date that a point latitude/longitude measurement is collected.
- Collection Method**:** The method used to obtain latitude/longitude coordinates e.g. Global Positioning System device, census block centroid etc.
- Reference Point: A description of the location where geographic coordinates were taken, e.g., entrance to a facility, center of a facility, etc.

The following coordinate metadata is also required for all NPL and Superfund Alternative Approach (SAA) sites:

- NPL Coordinate Flag: Applies only to NPL sites. Identifies coordinates that were documented in the Federal Register in a proposed or final NPL rule. Once assigned, this flag and corresponding coordinates should not be changed in order to preserve this data at the time of listing.
- Verification Method: The process in which a latitude/longitude measurement has been verified by EPA staff, grantees or contractors.
- Reference Datum: A code identifying the reference datum of a latitude and longitude. WGS84 should be used for NPL and SAA site coordinates assigned the Primary flag in SEMS.
- Source Map Scale: A number that represents the proportional distance on the ground for one unit of measure on the map or photo.

SEMS can also be used to track the following non-required coordinate metadata:

- Source: The party responsible for providing the latitude/longitude coordinates.
- Accuracy Meters: The range (+/-) of accuracy in meters.
- Accuracy Measure Unit: The unit of measure applicable to the relative accuracy of the latitude/longitude coordinates.
- Geometry Type (Point/Line/Area): The geometric entity represented by one point or sequence of latitude and longitude points.
- Accuracy Unknown: The indicator that represents whether some method of accuracy information is still unknown or unavailable.
- Comments: The text that provides additional information about the geographic coordinates.

5.G GEOSPATIAL DATA QUALITY

The General Sites Latitude and Longitude Data Quality Report PGMT-GS-D004 (PGMT-060) is available in SEMS and can be used to review and improve the accuracy of coordinate data. This report identifies potential coordinate issues for sites in the SEMS active site inventory. Regions should review this report on an annual or more frequent basis to ensure coordinate data being released to the public is complete and accurate.

5.H ALIAS NAME/LOCATION

Site aliases are alternate names or addresses associated with a site. When the name of an existing site is changed, the new name is entered as the Site Name in SEMS. The former name should generally be added as an Alias site name to enable concordance with historical documents.

For NPL site name changes published in the Federal Register, OSRTI will add the former site name as an Alias site name in SEMS. Regions are responsible for adding all other Alias site names and locations as necessary.

5.I FEDERAL FACILITY STATUS

The distinction between FF sites and non-Federal Facility sites is an important one in tracking Superfund sites. The Federal Facility Status field in SEMS identifies whether or not a site is a federal (U.S. government) facility. The valid status values include:

- Federal Facility: The site is federally owned or subject to the jurisdiction, custody, or control of a department, agency, or instrumentality of the United States, except for land held in trust by the United States for a tribe.
- Not a Federal Facility: The site is not federally owned nor subject to the jurisdiction, custody, or control of a department, agency, or instrumentality of the United States. Includes sites on land held in trust by the United States for a tribe.

- Undetermined: Not enough information available to make a determination of Federal Facility status. EPA regions should update this status as soon as a determination can be made.

NPL sites that are not Federal Facilities are included in "Table 1 - General Superfund Section" within Appendix B to Part 300 of the NCP. NPL sites that are Federal Facilities are included in "Table 2 - Federal Facilities Section". These NCP tables are updated based on NPL rule-making procedures implemented by EPA. Once a site is added to one of these tables, the Federal Facility Status indicator in SEMS should not be changed unless and until a change is effected in the NCP tables via an NPL rule-making procedure.

5.J FORMERLY USED DEFENSE SITES (FUDS)

The Department of Defense's (DoD) Formerly Used Defense Sites (FUDS) program cleans up environmental contamination at properties which were under the jurisdiction of the Secretary of Defense, Secretaries of the Military Departments, or Secretaries of any predecessor departments or agencies of DoD and were owned by, leased to, or otherwise possessed at the time of actions leading to contamination by hazardous substances but were transferred from DoD control prior to October 17, 1986.

FUDS are identified in SEMS via the 'Formerly Used Defense Site' checkbox on the Edit Site Information Screen. Once a site is designated as a FUDS site, additional information should be entered on the Edit Site Information>FUDS Tracking tab. The FUDS Tracking tab includes screens for entering FUDS Details, United States Army Corps of Engineers (USACE) Project(s), and FUDS Aliases. This data should be entered during the Site Initiation process, or whenever this information first becomes available.

5.K SITE TYPE CATEGORY/SUB-CATEGORY

Site Type Category and Site Type Sub-Category data are assigned in SEMS at the time of site initiation and are used to identify and track the type of operations conducted at the site over its history. Multiple main Site Type categories and associated subcategories can be selected for sites. Users are required to enter at least one main site type and at least one site type subcategory when adding a site. If multiple main categories and subcategories are selected, one category/subcategory combination must be identified as the primary.

The main Site Type category selected should best describe the main operation that is taking place, or has taken place at the site and was a major contributor of the hazardous substance release(s) that caused the site to be considered for CERCLA removal or remedial assessment.

Regions should confirm the Site Type category and sub-category when sites are submitted for proposal to the NPL.

5.L NATIONAL PRIORITIES LIST (NPL) STATUS

The NPL Status field in SEMS tracks the current status of a site with respect to listing the site on the NPL.

The NPL is a list of national priorities among the known or threatened releases of hazardous substances, pollutants, or contaminants throughout the United States and trust territories. There are three mechanisms for placing sites on the NPL for possible remedial action:

- A site may be included on the NPL if it scores sufficiently high on the Hazard Ranking System (HRS). The HRS serves as a screening device to evaluate the relative threat that uncontrolled hazardous substances pose to human health or the environment. As a matter of agency policy, those sites that score 28.5 or greater on the HRS are eligible for the NPL.
- Each state may designate a single site as its top priority to be listed on the NPL, regardless of the HRS score.
- Certain sites may be listed regardless of their HRS score, if all the following conditions are met:
- The Agency for Toxic Substances and Disease Registry (ATSDR) of the U.S. Public Health Service has issued a health advisory that recommends dissociation of individuals from the release; and
  - EPA determines that the release poses a significant threat to public health; and
  - EPA anticipates that it will be more cost-effective to use its remedial authority than to use its removal authority to respond to the release.

SEMS includes a drop-down list of NPL Status values to select. When a site is added to the active inventory, the default NPL status value is 'Not on the NPL'. Regions can change the status for sites that have not been proposed or placed on the NPL. HQ is responsible for updating the NPL Status value beginning when a site is proposed to the NPL.

- Proposed NPL Listing: The process of proposing a site for placement on the NPL is complete when a Proposed Rule proposing the site to the NPL is published in the Federal Register. Sites proposed to the NPL are assigned an NPL Status value of 'Proposed for NPL', database code = P.
- Removal of Proposed NPL Listing: The process of removing a previous proposal to list a site on the NPL (also known as de-proposal) begins and simultaneously ends when a notice announcing the removal of the site from NPL proposal is published in the Federal Register (typically published in a regularly scheduled NPL proposed rule). The removal of a previous proposal to list a site may be based on criteria outlined in the *Guidelines for Withdrawing a Proposal to List a Site on the NPL, November 2002* or may be based on a documented deferral or referral to another cleanup authority. Sites proposed to the NPL that have an SAA agreement in place are generally expected to meet the criteria for deletion from the NPL.

Regions interested in pursuing de-proposal to the NPL should review the de-proposal guidance and consult with the HQ NPL Coordinator assigned to the region. Superfund Program Implementation Manual (SPIM) section 6.A.9 contains a description of cleanup alternatives. Sites removed from proposal to the NPL are assigned an NPL Status value of 'Removed from List of Proposed NPL Sites', database code = R. Following de-proposal of a site, regions should determine when to discontinue publishing a Superfund Progress Profile webpage on a site-specific basis.

- Final NPL Listing: The listing process for a site is complete when a Final Rule adding the site to the NPL is published in the Federal Register. Sites placed on the NPL are assigned an NPL Status value of 'Currently on NPL', database code = F.
- Withdrawn from the Final NPL: The process of withdrawing a site is complete when a Final Rule withdrawing the site is published in the Federal Register. Sites withdrawn from the NPL are assigned an NPL Status value of 'Withdrawn from NPL', database code = W.
- Deleted from the Final NPL: The process of deleting a site from the NPL begins when a Notice of Intent to Delete (NOID) is published in the Federal Register, and is completed when, after completion of a public comment period, a Notice of Deletion is published. Sites deleted from the NPL are assigned an NPL Status value of 'Deleted from NPL', database code = D. The date of the NPL deletion or partial deletion in SEMS is the effective date of deletion/partial deletion published in the Notice of Deletion/Notice of Partial Deletion in the Federal Register.

EPA's Superfund: National Priorities List (NPL) website contains current information sites proposed to, placed on, or deleted from the NPL.

Several NPL Status codes have a corresponding action that needs to be added to the site schedule when the NPL Status code is updated. Exhibit 5.1. NPL Listing Requirements includes these actions and associated date requirements:

EXHIBIT 5.1. NPL LISTING REQUIREMENTS

Action	Performance Lead	Action Date Requirements
NPL Listing Proposed	EPA Performed	A Proposed Rule proposing the site to the NPL is published in the Federal Register.
NPL Listing Removed from Proposed	EPA Performed	A Proposed Rule announcing removal of the site from proposal to the NPL is published in the Federal Register.
NPL Listing Final	EPA Performed	A Final Rule adding the site to the NPL is published in the Federal Register.
NPL Listing Withdrawal of Final	EPA Performed	A Final Rule withdrawing the site is published in the Federal Register.
Partial NPL Deletion	EPA Performed, EPA Performed In-House, Federal Facilities	Notice of Partial Deletion final rule published in the Federal Register or The effective date of the Partial Deletion as specified in the Federal Register
NPL Deletion	EPA Performed, EPA Performed In-House, Federal Facilities	Notice of Deletion final rule published in the Federal Register or The effective date of the Notice of Deletion as specified in the Federal Register

Special Planning/Reporting Requirements:

HQ will update the following SEMS data when NPL rules are published in the Federal Register:

- Rule type – NPL rule types include Proposal to NPL, Removed from Proposed NPL, Final Listing on NPL, Withdrawn from the NPL, Partial Deletion and Deletion from NPL.
- Federal Register (FR) Citation – FR volume and page number in the following format '##-FR-ppppppp'.
- FR Publication date.
- Effective Date.
- NPL Status of 'Proposed for NPL (P)', 'Removed from proposed NPL (R)', 'Currently on Final NPL (F)', 'Withdrawn from NPL (W)', or "Deleted from the Final NPL (D)'.

In addition, for each site listed in the published rule, HQ will review and update the following data (if needed):

- Site Name.
- Federal Register Site Name (for historical record keeping purposes should the SEMS site name change).
- HRS Score.
- Federal Docket Management System (FDMS) number, if not already assigned.

The following additional data will be updated by the system when a site is proposed to the NPL:

- The Final Assessment Decision (FAD) date will be added to the site and any associated child sites using the date of NPL proposal (this automatically checks the FAD box).
- The Eligible Response Site (ERS) Exclusion will be unchecked at the site and any associated child sites.
- The Non-NPL Status and date fields will be deleted.
- The NPL and Non-NPL statuses for any child sites of the updated site will be updated to reflect that Site is addressed as part of an NPL Site, and the Non-NPL status will be deleted.
- The Federal Facility status.
- Location data updates include latitude/longitude, street address, city, county and zip code.

NOTE: Further information on Deletion and Partial Deletion from the NPL can be found in Chapter 8, titled 'Remedial Program.' NPL Listing is a program measure.

5.M NON-NPL STATUS

The Non-NPL Status is a workload indicator in SEMS used to track summary level progress on non-NPL sites. Every site that is not proposed to, currently on, or deleted from the NPL is assigned a Non-NPL Status.

When a site is added to the SEMS active site inventory, the Non-NPL Status should generally be based on the initiating program as follows:

EXHIBIT 5.2. NON-NPL STATUS CODES BASED ON INITIATING PROGRAM

Initiating Program	Non-NPL Status
Federal Facility Remedial Site Assessment	Fed Fac Preliminary Assessment Review Start Needed
Non-Federal Remedial Site Assessment Only	PA Start Needed
Non-Federal Removal Only	Removal Only Site (No Site Assessment Work Needed)
Combination of Non-Federal Removal and Non-Federal Remedial Site Assessment	Integrated Removal Assessment Preliminary Assessment Start Needed

The Non-NPL Status field in SEMS displays the current Non-NPL Status for the site. User may select from the drop down to enter or change the Non-NPL status of the site. The available Non-NPL status values will be limited based on the NPL Status of the site. Regions should update the Non-NPL Status field in SEMS as soon as possible following entry of a site assessment action start and/or finish date. After completing a Site Assessment Decision form, the system will prompt the user to review and update the Non-NPL status as necessary.

Status Not Specified (SX) is one of the codes available for selection as a Non-NPL Status value. Regions may select this code only if no other available Non-NPL Status value is appropriate. If selected, the region should notify the EPA HQ Site Assessment Data Sponsor to determine whether a new Non-NPL Status value needs to be created. Regions should review sites with an SX value at a minimum on a semi-annual basis (prior to mid-year review and end-of-year assessment) and update this value as appropriate.

The Non-NPL Status is also tracked at sites completing the Pre-CERCLA Screening (PCS) process and not added to the active inventory. Non-NPL Status values specific to the PCS process are available for selection in SEMS.

Whenever users change the Non-NPL status after its initial entry, they are prompted to enter a Non-NPL Status Change Reason. The system requires the user to enter this before saving the updated status. Changes to the non-NPL status should be communicated to appropriate state staff and to tribes with a known interest in the site in a timely manner.

The Non-NPL Status Date is automatically populated by the system with the current date when the Non-NPL status of a site is changed. This field is editable and should reflect the date the Non-NPL status decision was made at the site.

5.N TRIBAL DATA

SEMS tracks several key data points related to work on sites that impact Native American entities. For purposes of these data points, “Native American entity” may refer to an American Indian tribe or Alaska Native entity.

- Navajo Nation Indicator: Sites that are on land under the governance of the Navajo Nation are managed by Region 9, regardless of the State in which it is located (which may be Region 6, Region 8 or Region 9). The Navajo Nation indicator is only available on the Add Site Information screen for Region 9 and should be marked when adding the site to SEMS.
- Native American Interest: The Native American Interest (NAI) checkbox is available on the Add Site Information screen and Site Status and Indicators box on the Edit Site Information screen. The Native American Interest checkbox should be selected for sites with potential, current, or former interest from one or more Native American entities whose members or land are directly or indirectly affected by a potential or known release. Examples of situations that may lead to a site being of interest to an affected Native American entity include:
  - The site lies wholly or partially in Indian Country.
  - The site lies on territory previously ceded by the Native American entity.
  - The site overlaps “usual and accustomed” areas or other areas where the Native American entity retains hunting, fishing, or gathering rights.
  - The Native American entity is located near the site and is affected by the release.

- The Native American entity holds a Fiduciary Trust over a natural resource that is or may be affected by the release.
- The Native American entity is the lead agency for an action at the site.
- The Native American entity enters into a site-specific agreement such as a site assessment cooperative agreement or receives a site-specific grant such as a technical assistance grant or performance partnership grant.
- A Native American entity indicates to EPA that it is interested in a site that it has demonstrated a cultural affiliation with or has been affected by.
- The site requires tribal consultation because of National Historic Preservation Act requirements.

The NAI checkbox can be selected when a site is added to SEMS or at any point in the pipeline. When this checkbox is selected, the "+ Add Site Tribe" prompt appears in SEMS and users are required to associate at least one Native American entity. Any Native American entity with interest in a site may be federally recognized or non-federally recognized.

- NAI Status: "Potential", "Current" or "Former" should be selected for each tribe associated to a site to reflect the status of their engagement with the site.
- NAI Status Date: NAI Status Date is defined as the date: 1) EPA initially determines a tribe is interested in the site (default can be the date a tribe is added to the site in SEMS); or 2) the date EPA learns tribal interest changed (e.g., date of letter or other communication).
- Associating Site to a Native American Entity: The " Add Tribe" feature in SEMS opens a searchable picklist of Native American entities available for selecting/associating to a site. The list of available Native American entities consists of the official list of federally recognized tribes in the Office of Mission Support - Environmental Information (OMS-EI) Tribal Entity Mapping spreadsheet and a small number of non-federally recognized tribes reported by regional EPA Superfund offices. At least one Native American entity must be associated to a site when the Native American Interest checkbox is selected. Additional entities can be associated to a site at any time. Regions should notify the OSRTI tribal coordinator(s) if a new non-federally recognized tribe needs to be added to the picklist in SEMS. Sites with an associated federally recognized tribe are subject to applicable tribal consultation requirements (although the region should also coordinate with non-federally recognized tribes where they are interested in a site).
- Site On Tribal Land: The Site On Tribal Land field is used to indicate whether the release of hazardous materials is or was in Indian country and any other land owned by the selected Native American entity. For more information on the definition of Indian Country, please visit the EPA website, or see your Regional Superfund Tribal Coordinator.

- Tribal Data Quality: Regions are responsible for maintaining accurate tribal data in SEMS, including keeping the NAI flag, NAI Status, NAI Status Date, On Tribal Land flag and associated tribe(s) up to date for each site. It is recommended to update tribal data as needed, but to support data quality OSRTI provides an annual dissemination of SEMS tribal data to Superfund regional tribal coordinators for quality assurance/quality control review. SEMS report " PGMT-GS-D005 (PGMT-061) Sites with Native American Interest" can be used to display current SEMS site-level data at sites with the Native American Interest flag checked in SEMS. Various filters are available to customize selection of sites and/or tribes. The report includes three sections: sites sorted by tribe name, sites sorted by site name, and sites without an associated tribe selected in SEMS. Additionally, EPA staff can access the Qlik Sense SEMS Tribal Data Quality Dashboard here. This dashboard displays potential issues with the accuracy of SEMS tribal indicators at NPL and SAA sites, and includes maps with tribal boundaries and NPL/SAA site locations.

5.O ELIGIBLE RESPONSE SITE EXCLUSION / NO FURTHER FEDERAL ACTION

SEMS includes indicators to track Eligible Response Site (ERS) Exclusion and No Further Federal Action (NFFA) Designations.

- ERS Exclusion Decision: The ERS Exclusion indicator in SEMS is used to indicate if the region has made an ERS exclusion decision at the site.
- Under CERCLA section 101(41) (C), EPA may exclude sites from the Brownfields eligible response universe if EPA conducts or has conducted a PA or Site Inspection (SI) and, after consultation with the state, determines or has determined that the site obtains a preliminary score sufficient for possible listing on the NPL or otherwise qualifies for listing on the NPL.

NOTE: This checkbox may not be selected if the site NFFA checkbox has been selected. Since NPL sites are excluded from the definition of Eligible Response Sites, HQ will uncheck the ERS Exclusion checkbox when updating SEMS for sites that get proposed to the NPL.

NPL sites, Federal Facility sites, and sites with planned or ongoing removals are excluded from the definition of ERS sites. For more information regarding making an ERS exclusion at a site, please refer to the *Regional Determinations Regarding Which Sites are Not "Eligible Response Sites" under CERCLA Section 101(41)(C)(i), as Added By the Small Business Liability Relief and Brownfields Revitalization Act, OSWER 9230.0-107, March 2003*.

- ERS Exclusion Date: This date is system generated with the current date when the checkbox is checked. This field is editable and should reflect the date the site was excluded.
- No Further Federal Action (NFFA): The NFFA indicator in SEMS only applies to sites that have been assigned an ERS exclusion decision and denotes that the site requires

No Further Federal Action. CERCLA section 101(41)(C)(i) authorizes EPA to make a site which was previously excluded as an ERS, because it had obtained a preliminary score sufficient for possible listing, an ERS again when EPA determines NFFA. The NFFA determination can be made at ERS excluded sites that have subsequently been deferred or referred to another cleanup authority and EPA determines the site requires No Further Federal Action under the federal Superfund program based on discussions with the other cleanup authority. NOTE: Proposed and final NPL sites and sites with SAA agreements are not eligible to receive the NFFA designation. In addition, if a site has any planned or ongoing enforcement, cost recovery or removal activities, the user will not be allowed to make an NFFA determination.

SEMS will not allow the NFFA indicator to be selected if the ERS Exclusion indicator is currently selected at a site.

For more information regarding NFFA decisions, please refer to the *Regional Determinations Regarding Which Sites are Not "Eligible Response Sites" under CERCLA Section 101(41)(C)(i), as Added By the Small Business Liability Relief and Brownfields Revitalization Act, OSWER 9230.0-107, March 2003*.

- NFFA Date: This date is system generated with the current date when the checkbox is checked. This field is editable and should reflect the date of the determination that no further federal action would be taken at the site.

5.P SITE INVENTORY DESIGNATIONS

SEMS divides sites into three main inventories: Non-Site, Active and Archive. Inclusion of a specific site or area in SEMS does not by itself represent a determination of any party's liability nor does it represent a finding that any response action is necessary. Users may filter the Site List in SEMS Site Information module by Active Inventory (Active) and Archive Inventory (Archived).

- Non-Site Inventory: Sites that are pre-screened prior to entry into the Active site inventory and determined not to require further Superfund remedial assessment are tracked in the SEMS Non-Site site inventory. Minimal information is tracked on these sites to account for the pre-screening work and for future reference should a screened site be resubmitted to the federal Superfund program. The Non-Site inventory may also be used to track other non-site-specific information.
- Active Inventory: The Active site inventory consists of sites placed on the NPL, and sites not on the NPL where site assessment, removal, remedial, enforcement, cost recovery, or oversight activities are planned or are being monitored or conducted.
- Archive Inventory: The Archive site inventory consists of non-NPL sites that were formerly in the Active site inventory which have no further site assessment, removal, remedial, enforcement, cost recovery or oversight needed under the federal Superfund program based on available information.

5.Q ARCHIVE INDICATOR

The Archive Indicator field in SEMS is used as a filter on Superfund reports and data sets to delineate whether a site is still in, or has been removed from, the SEMS Active Site inventory. The Archive designation represents a site-wide decision that no further interest exists at the site under the federal Superfund program based on available information. It is a comprehensive decision indicating there are no further Superfund site assessment, remedial, removal, enforcement, cost recovery, or oversight activities being planned or conducted at the site. Regions may perform re-evaluation work at a site while it is archived if site conditions change and/or new information becomes available. Sites re-evaluated and determined to need substantial site characterization and/or cleanup work under the federal Superfund program must be returned to the SEMS active inventory. Regions may also record general enforcement-related activities (e.g. issuance of comfort letter) at archived sites.

When an archive decision is made, a note must be prepared and placed in the site file explaining that no further federal Superfund interest exists at the site based on available information. Since archiving is a comprehensive decision, the note must represent the interests of the appropriate regional business units (e.g., site assessment, removal, etc.), including the regional RCRA program for archive designations based on site deferral to RCRA. Regions should also consult with state and/or tribal partners prior to making an archive designation to ensure any issues related to archiving are considered and handled appropriately. The date of the note is the Archive Date and entering this date automatically generates the Archive Indicator in SEMS.

Although the underlying basis for archiving a SEMS 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 Indicator and Archive Date field as appropriate in a timely fashion. These categories are as follows:

- Sites that have completed only the site assessment process and have been given either a No Further Remedial Action Planned (NFRAP) or Deferred decision at the conclusion of the last completed site assessment action, and no other federal Superfund activity is anticipated.
- Sites that have completed both the removal and site assessment process, or have completed the removal process and require no site assessment work (removal-only sites), and which have completed all related oversight, cost recovery/other enforcement work, and have no further federal Superfund activity anticipated;
- Sites that have successfully completed state deferral as described in the *Guidance on Deferral of NPL Listing Determinations While States Oversee Response Actions, OSWER 9375.6-11, May 1995* and no further federal Superfund activity is 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.
- Child sites addressed as part of a parent non-NPL site that has been properly archived.

- Sites that have been entered into the SEMS inventory via entry of a Remedial Site Assessment Initiation and/or Removal site initiation date which have not had any work started and, based on review, do not warrant any type of additional Superfund activity. An abbreviated PA should be completed for these sites prior to designating archive status.
- Non-NPL sites referred to another cleanup authority that have no further federal Superfund activity anticipated based on discussions with the other cleanup authority.
- Other sites with no further federal Superfund interest based on currently available information, including low priority NPL eligible sites where a state, tribal, or other Federally managed cleanup program exists and the state, tribe, or other Federal agency agrees NPL listing is not warranted based on available information.
- Sites assigned an NFFA designation as described in section 5.P, Eligible Response Site Exclusion / No Further Federal Action, above.

As appropriate, sites can be returned to the SEMS inventory by unchecking the Archive indicator. The Archive date will automatically be deleted. A note explaining why the site was returned to the SEMS inventory must be prepared and placed in the site file.

Planning dates for archiving sites are not available. It is important to note that an archive decision is not the same as a NFRAP decision. A NFRAP decision is recorded as a Qualifier, is made only at the conclusion of a site assessment action, and does not take into account any other Superfund programmatic action that may be going on at a site such as removals or cost recovery. Archived site is a program measure for both non-Federal and Federal Facilities.

The SEMS application will prevent adding certain assessment, removal, remedial, and enforcement activities at archived sites. Prohibited actions can be added to a site by either: 1) returning the site to SEMS (e.g., substantial site characterization and/or cleanup is needed); or 2) requesting a database revision through HQ (e.g., entry of historical data). The restriction will not prevent users from entering action-related data such as start/finish dates, leads, qualifiers, etc., at existing actions.

A site cannot be archived if there are any planned or ongoing archive prohibited actions at the site. SEMS will also prevent the archival of sites proposed to on (Final), or deleted from the NPL).

Indicating that a site has been archived will result in a pop-up message asking the user if they would like to make an NFFA determination at this time. If the user selects yes, the NFFA flag will be populated and an NFFA date will be system generated.

Archive designations should be made in a timely fashion to accurately portray the status of sites to all users of Superfund program information. The site assessment program area within the SEMS reports module contains reports to help EPA regions maintain the integrity of archived data. The SA-002 Report contains options to look at a Potential Archive Site Inventory which lists

sites that may be eligible for archival. In addition, it will provide an option to view an Archived-To-Be-Reviewed Site Inventory which lists sites that may warrant data corrections/updates or return to the active SEMS site inventory.

Multiple Archive Site/Site Unarchived actions may be created at a site if the archive indicator is added, deleted, and then added again. A pending SEMS change request is in place to create a new Archive Site or Site Unarchived action on the schedule each–time the archive indicator is added/deleted at a site.

The archive status of a child site should match the archive status of its parent site.

- Archive Date: This date is system generated with the current date when the Archive Indicator is updated. This field is editable and should reflect the date the site was last archived or unarchived.

5.R PARENT/CHILD RELATIONSHIPS

Parent/child relationships are established between sites when one site in SEMS is addressed as part of another site.

Upon completion of site assessment activities, such as PAs, SIs, Expanded Site Inspections (ESIs), or ESI/RIs, the region may decide that a site is best addressed as part of an existing 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. In this situation, the NPL site is considered the 'parent' and the non-NPL site is referred to as the 'child'. The decision to address a site as part of an existing NPL site requires the following information in SEMS:

- Upon completion of the site assessment action that led to the decision to combine the two sites, the region should enter a qualifier of 'Addressed as part an existing NPL site' (A) at the child site.
- The region should either: select the parent site on the Site Information page for the child site or select the child site on the Site Spill ID/Alias/Child Site tab in Site Information for the parent site.
- The NPL Status for the child site must be changed to 'Site is part of NPL Site' (A).

After a site is collapsed into the parent site, no further response work should be recorded at the child site. Instead, any further response work performed at that site should be recorded under the existing parent NPL site, possibly as a separate operable unit.

Upon completion of a site assessment action, it is also possible for the region to decide that a site is best addressed as part of another existing non-NPL site. The decision to combine multiple non-NPL sites requires the following information in SEMS:

- Upon completion of the site assessment action that led to the decision to combine the two sites, the region should enter a qualifier of 'Addressed as part of another non-NPL site' (B) at the child site;
- The region should either: select the parent site on the Site Information page for the child site, or select the child site on the Site Spill ID/Alias/Child Site tab in Site Information for the parent site; and
- The Non-NPL Status for the child site must be changed to 'Addressed as part of another non-NPL site' (B).

After a site is collapsed into the parent site, no further actions should be recorded at the child site. Instead, any further assessment or response work performed at that site should be recorded under the existing parent site.

If the parent site is an NPL site (proposed, final or deleted), the child site(s) must have an NPL Status of Site is Part of NPL site.

If the Parent is a Non-NPL site (not proposed, final or deleted), then the child site(s) must have an NPL Status of Not on the NPL and a Non-NPL Status of Addressed as Part of Another Non-NPL Site.

5.S FINAL ASSESSMENT DECISIONS (FAD)

The FAD field in SEMS is used as an indicator to track progress towards completing remedial site assessment work at sites entered into SEMS. A FAD indicates remedial site assessment work is complete under the federal Superfund program based on available information. Regions should assign a FAD designation to a site entered into SEMS with a discovery action and date if any of the following conditions are met:

- The site or its parent site has been proposed to or placed on the NPL;
- The site has been removed from proposal to the NPL and no further remedial assessment is needed;
- The decision made at the last completed remedial assessment at the site is either:
  - NFRAP;
  - Referred to Removal-NFRAP;
  - Deferred to RCRA or Nuclear Regulatory Commission (NRC); or
  - Addressed as part of an NPL or non-NPL site
- The site is being remediated under a formal state deferral agreement;
- The site is being remediated pursuant to an SAA agreement;
- Other Cleanup Activity (OCA) sites where no further site assessment work is anticipated beyond reviewing cleanup or closeout reports and related information (see section 6.A.8.k for more information on OCAs);

- The site has been properly archived from the active SEMS site inventory.

EPA regions are responsible for maintaining FAD designations in SEMS. FAD status is captured in SEMS by selecting the FAD check box on the Site Information tab, Site Status and Indicator(s) section of the Edit Site Information module (Edit Site Detail(s)). Once the FAD box is checked, SEMS automatically populates the related Final Assessment Decision Date field with the current calendar date. Regions can accept or edit this date before saving the information in SEMS. The FAD date should match the calendar date when the FAD decision was made. Backdating the FAD date is appropriate when data entry lags occur, even if the lag spans across FYs (e.g., sites where the FAD decision was made in a previous FY, but the FAD box was inadvertently left unchecked). HQ will select the FAD checkbox and enter the FAD date when a site is proposed to the NPL.

- Final Assessment Decision Date: This date is system generated with the current date when the checkbox is checked. This field is editable and should reflect the date the final assessment decision was made.

5.T OPERABLE UNIT (OU)

An operable unit (OU) is used to identify a portion of a Superfund site with which actions are associated. A typical operable unit would be removal of drums and tanks from the surface of a site. It is used for site/project and incident planning and tracking.

Sites should generally be remediated in operable units when early actions are necessary or appropriate to achieve significant risk reduction quickly; when phased analysis and response is necessary or appropriate given the size or complexity of the site; or to expedite the completion of total site cleanup. OUs are used to break up the site into more manageable parts to perform cleanup.

OU ‘00’ is generally used to track site-wide activities such as remedial site assessment and site-wide removal activities as well as some enforcement activities (e.g., Potentially Responsible Party (PRP) Search, Liens, etc.). OUs can be added to SEMS directly on the Site Schedule by right clicking on the Schedule and selecting Add Operable Unit. A list of all OUs for a site are available in the Edit Site Information, Operable Unit(s) tab.

The use of ‘00’ in the OU field is also used by default for non-site-specific financial transactions. Regions (and HQ) additionally have the option to use other OU values, in the Non-Site Obligations Planning screen in SEMS to further differentiate non-site-specific activities, including using this field to designate individual state recipients of non-site-specific funds. If funds originally obligated non-site-specifically are redistributed as site-specific expenditures, the expenditures must be redistributed to the correct OU in addition to the codes that must be adjusted (Site/Spill Identification Code [SSID], action code, OU in the project field; cost org field/financial activity sequence number).

5.U SITE DESCRIPTION

The Site Description field in SEMS is used to describe a site or incident such as history of the land use, state of operations of the facility, etc. The Site Description is made available to the public and therefore should not contain Personally Identifiable Information (PII).

5.V SITE COMMENTS

Site comments are notes about the site generally made by a SEMS user to clarify action at the site or to communicate important information related to site work. SEMS tracks the user who entered the comment and the date.

Superfund Program Implementation Manual

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Chapter 6: Remedial Site Assessment

CHAPTER 6: Remedial Site Assessment

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CHAPTER 6: REMEDIAL SITE ASSESSMENT

6.A INTRODUCTION

The Superfund remedial site assessment (aka remedial site evaluation) process evaluates sites to determine and implement the appropriate responses to releases of hazardous substances to the environment. See exhibit 6.1 for a chart of this process. During the site assessment process, Environmental Protection Agency (EPA), states, tribes or other federal agencies collect data to identify, evaluate, and rank hazardous waste sites based on Hazard Ranking System (HRS) criteria. The HRS is a numerically based screening system that uses information from initial, limited investigations to assess the relative potential of sites to pose a threat to human health or the environment. It is the principal mechanism EPA uses to place uncontrolled waste sites on the National Priorities List (NPL). Sites with HRS scores of 28.5 or greater are eligible for placement on the NPL. Non-federal sites on the NPL are eligible for Superfund-financed remedial actions.

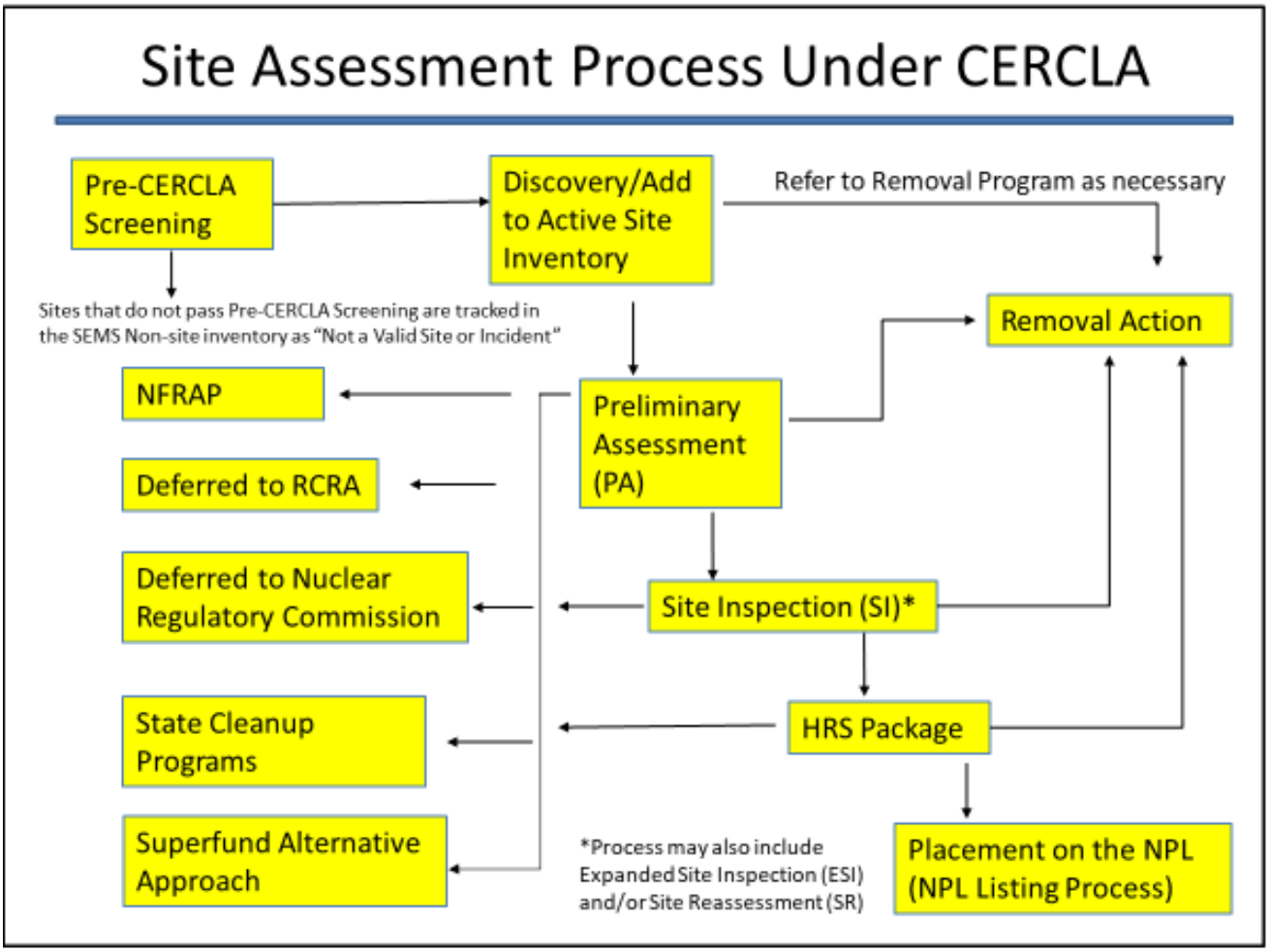
Superfund site assessment staff may be notified of a potential site through various mechanisms, including receipt of a citizen's petition, referrals from EPA's removal and Resource Conservation and Recovery Act (RCRA) programs, and referrals or notifications from states, tribes and other federal agencies. Following notification, a non-federal site undergoes a minimal screening process to determine whether the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) remedial site assessment process is appropriate. This process is referred to as Pre-CERCLA screening (PCS). Once a potentially hazardous site is identified as appropriate for the remedial site assessment process, it is assigned a Remedial Site Initiation (Discovery) date and is added to the Superfund Enterprise Management System (SEMS) Active site inventory. Using criteria established under the HRS, EPA and/or its state and tribal partners, or another federal agency, conducts a remedial Preliminary Assessment and if warranted, a remedial Site Inspection or other more in-depth remedial assessment to determine whether the site warrants short- or long-term cleanup attention.

Federal sites are generally submitted through the Federal Facilities Hazardous Waste Compliance Docket and do not go through the Pre-CERCLA screening process. Federal Facilities site assessment is generally performed by Federal Agencies (*Executive Order 12580*) and reviewed by EPA in accordance with the HRS criteria. EPA's responsibilities during the remedial assessment process at Federal Facilities are further discussed in Chapter 9, titled 'Federal Facility Program.', Federal Facility Program.

During the remedial site assessment process, the HRS model may be applied to derive a preliminary site HRS score. Sites with preliminary HRS scores below 28.5 generally require no further Superfund remedial interest and are assigned a No Further Remedial Action Planned (NFRAP) decision. The NFRAP decision can also be made at sites with preliminary HRS scores of 28.5 or higher if EPA believes the site would receive a No Action Record of Decision (ROD) if it was placed on the NPL.

Sites that do warrant further removal- or remedial-type study are referred to appropriate cleanup authorities, programs or approaches for further work, including EPA removal; RCRA; Nuclear Regulatory Commission (NRC); state, tribal, municipal or other federal cleanup programs; the Superfund Alternative Approach (SAA); and the NPL.

EXHIBIT 6.1 SUPERFUND REMEDIAL SITE ASSESSMENT PROCESS



6.A.1 Remedial Site Assessment Priorities

EPA regional offices should incorporate the following priorities into regional remedial site assessment business practices as practicable in each region and as available resources permit. Assessing the worst sites first continues as a national priority, regardless of the federal facility status of sites. The regions should identify the sites posing the highest risk or potential risk and develop a strategy to assess those sites in a timely manner, while balancing their other site assessment needs. The regions should include information from the EPA's Environmental Justice Screening and Mapping Tool (EJScreen) and the Council of Environmental Quality's Climate and Economic Justice Screening Tool (CEJST) during development of Pre-CERCLA Screening reports to improve the Agency's awareness and understanding of environmental justice (EJ) concerns associated with nearby communities at the beginning of the Superfund site assessment process.

While assessing the worst sites first, the regions must strive to meet annual remedial assessment commitments and goals established to ensure sites are assessed in a timely manner and to prevent the backlog of sites needing remedial assessment from rising unacceptably. Regional site assessment programs are encouraged to pursue more cost- and time-efficient methods of assessing sites without compromising the quantity and quality of site assessment decisions. This includes, among other approaches, integrating assessments to reduce cost and time to assess sites. Regions should continue the use of Pre-CERCLA screening at non-federal sites submitted for remedial assessment before adding them to the Active site inventory; however, this step can be bypassed when available information indicates a Preliminary Assessment is necessary. The regions should also ensure the appropriate remedial assessments of sites of tribal concern that are in or near tribal communities.

To better accomplish the national priorities, the regions should continue negotiating work share agreements with individual states (and tribes if applicable) in a manner that achieves program objectives in the most efficient manner possible.

Site assessment is the first step in determining whether a site meets the criteria for placement on the NPL. NPL Listing is one of several approaches for addressing sites where assessment indicates remedial study/cleanup is needed to address human health and/or ecological risks. NPL listing should be used when it is believed to be the best approach for addressing a site. EPA Superfund directive *Guidance on Setting Priorities for NPL Candidate Sites, OSWER 9203.1-06, October 1992* provides regions with general factors that should be considered in the risk-based decision making process for choosing sites to propose for listing pursuant to section 105(a)(8)(B) of CERCLA.

The SAA is generally the Agency's preferred enforcement approach for CERCLA non-NPL sites that are NPL-caliber, where feasible and appropriate. Additional information on the SAA is included in the Cleanup Alternatives section of this chapter (section 6.A.9).

6.A.2 Remedial Site Assessment Backlogs

A key function of Headquarters (HQ) is to report national progress in the remedial site assessment program. Workload estimates are critical indicators of future program needs. HQ captures these workload estimates by identifying the number of sites at various stages in the site assessment pipeline. These stages are commonly referred to as 'backlogs'. For example, sites needing completion of a CERCLA remedial Preliminary Assessment (PA) are collectively termed the 'PA Backlog'. HQ will monitor regional progress on the numbers of non-federal sites needing a PA or a listing decision using the SEMS SA-D012 and SA-D013 dashboards. A listing decision is defined as an assessed site with a NFRAP decision, or with a decision to study/clean up a site via the NPL or a non-NPL cleanup approach. Regions should consider these assessment workloads when planning assessment work; however, the primary goal within the assessment program continues to be assessing worst sites first.

6.A.3 Overview of Remedial Site Assessment Targets and Measures

The following pages contain, in pipeline order, the definitions of Superfund remedial site assessment targets and measures. Exhibit 6.2 displays the full list of remedial site assessment actions defined in this chapter and the associated reporting hierarchy.

The primary measure for Superfund remedial assessment work is Remedial Site Assessment Completions (RSACs). This measure reflects the total number of Pipeline-funded remedial site assessments at non-federal sites and reviews of remedial assessments provided by other federal agencies at Federal Facility (FF) sites. Numeric regional RSAC targets are developed annually and tracked in SEMS. RSAC accomplishment credit is given upon successfully recording the completion of the following site assessment reports in SEMS:

- Pre-CERCLA Screening (PCS).
- PA.
- Federal Facility PA Review.
- Site Inspection (SI).
- Federal Facility SI Review.
- Expanded Site Inspection (ESI).
- Federal Facility ESI Review.
- Site Reassessment.
- Federal Facility Site Reassessment Review.
- ESI/Remedial Investigation (RI).
- HRS Package.

Credit for completing a site assessment action is based on entry of specific data in SEMS as described in section 6.A.8 of this chapter. In general, all site assessment actions must have site coordinates tracked in SEMS to receive credit. Except for PCS actions, sites must have a completed Remedial Site Initiation (Discovery) action recorded in SEMS to get accomplishment credit for a Superfund remedial site assessment. In addition, entry of a Non-NPL Status value is required to receive credit for a PCS at an invalid site. Only remedial assessments with a finish date falling in the current FY will get captured in current year accomplishment reporting. All completed Superfund Pre-CERCLA screenings and all other remedial site assessments at sites with a completed discovery action will get captured in cumulative accomplishment (inception-to-date) reporting. The overall program priority of assessing worst sites first shall be a valid factor to consider when evaluating regional progress.

The annual and cumulative number of Superfund remedial site assessments completed along with site and action detail will be captured on the Superfund Comprehensive Accomplishments Plan (SCAP)-15 report and RSACs SA-D007 dashboard in SEMS and will be included in EPA's Annual Report. RSAC data will also be included on the SCAP-13 report in SEMS.

The following measures are tracked to capture the disposition of sites based on remedial site assessment work performed in the current fiscal year:

1. # Remedial Site Assessments Completed: NFRAP (site does not qualify for the NPL based on existing information) - this measure will capture the portion of Superfund remedial site assessments that result in:
    a. A NFRAP decision
    b. A decision the site is ineligible for entry into the Active site inventory (applies to Pre-CERCLA screening)
    c. Merging the site into another existing site
    d. Placing the site in the Archive site inventory
2. # Remedial Site Assessments Completed: Remedial Study/Cleanup Needed - this measure will capture the portion of Superfund remedial site assessments that are assigned one of the following decisions or status designations:
    a. Deferred to NRC
    b. Deferred to RCRA
    c. Referred to removal, no further remedial assessment
    d. Remedial activities under EPA enforcement, including sites addressed using an SAA agreement
    e. Other Cleanup Activity
    f. Assessment Complete – Decision Needed
    g. Referred to removal, needs further remedial assessment
3. # Remedial Site Assessments Completed: Further Site Assessment Needed - this measure will capture the portion of Superfund remedial site assessments that are assigned one of the following decisions:
    a. Higher priority for further assessment
    b. Lower priority for further assessment
    c. Recommended for HRS scoring
    d. Being considered for proposal to the NPL
    e. Needs a remedial preliminary assessment based on completion of a Pre-CERCLA screening report
    f. No decision entered or decision not included in previous two categories, including Status Not Specified

The SEMS Site Assessment Inventory Status dashboard (SA-D014) is used to report the results of assessments completed during the fiscal year and the number of sites needing remedial assessment.

A new Site Assessment Environmental Justice Measure was initiated in FY2024 to advance assessment work at sites located in communities with potential EJ concerns. The measure sets a goal to perform assessment work at 20 percent of non-Federal sites in the SEMS Active Site Inventory with locations relating to seven (7) or more EJScreen indexes at or above the 80th percentile and where the site Non-NPL Status is one of the following:

- Assessment Needed or Ongoing
- HRS Package Completed-Further Evaluation Needed
- Status Unspecified
- Referred to Removal-Further Assessment Needed

The SEMS Site Assessment EJ Measure dashboard (SA-D009) tracks the universe of sites eligible to receive credit for this measure along with current progress. Each site can only get credit one time during the measure tracking period. Sites tracked in SEMS as Federal Facilities and/or as Formerly Used Defense Sites (FUDS) are excluded from the measure universe.

The Site Assessment Data Quality Measure helps ensure site assessment site information posted on SEMS public webpages is complete, current, consistent and accurate. The Office of Superfund Remediation and Technology Innovation (OSRTI) will work with regions to identify SEMS data issues needing research and possible correction, establish regional goals to address these issues, and monitor progress towards achieving these goals.

Exhibit 6.2. presents a comprehensive list and reporting status of remedial site assessment measures:

EXHIBIT 6.1 REMEDIAL SITE ASSESSMENT MEASURES

Measure	External Program Reporting	Internal Program Reporting
No. of Superfund Remedial Site Assessment Completions (RSACs)	Superfund Annual Remedial Accomplishment Report	Target
No. of RSACs: NFRAP	Superfund Annual Remedial Accomplishment Report	Measure
No. of RSACs: Remedial Study/Cleanup Needed	Superfund Annual Remedial Accomplishment Report	Measure
No. of RSACs: Further Site Assessment Needed	Superfund Annual Remedial Accomplishment Report	Measure
SEMS Site Assessment Data Quality Measure	Not applicable	Measure
Site Assessment Environmental Justice (EJ) Measure	Not applicable	Measure

Key to Reporting Hierarchy
Measure = SCAP reporting measure but target not required.

6.A.4 Data Quality and Data Entry Timeliness Requirement

a. Data Quality

The regions should assure that their site assessment information is complete, current, consistent and accurate. To assist the regions in this determination, data quality reports for Superfund site assessment information in SEMS are available through the SEMS reporting tool. The SEMS Site Assessment DQ Measure dashboard (SA-D008) displays

information on sites with potential remedial site assessment data errors. Regions are required to review the data issues on this dashboard prior to the end of each fiscal year and make data corrections in SEMS as necessary to ensure end of year reporting is accurate and site assessment information posted on SEMS public webpages is complete, correct and consistent. This review applies to remedial assessment actions completed in the current fiscal year. The SEMS RSAC Audit dashboard (SA-D011) can be used to identify site data tracking issues that are preventing a site assessment action from receiving accomplishment credit on SEMS progress reports.

b. Data Entry Timeliness Requirement

It is good management practice to enter data regarding events as soon as practicable after the event occurs. Generally, to ensure data are reflected in quarterly reporting, data must be entered in SEMS prior to the quarterly pull date which occurs on the fifth business day following the end of each quarter or the 10th business day following the end of the fourth fiscal quarter.

6.A.5 Action Qualifiers for Remedial Site Assessment Actions

Site screening and assessment decisions are made upon completion of most types of remedial assessment actions. These decisions are tracked in SEMS as 'qualifiers' for applicable actions. To achieve accomplishment credit, the following actions must have a qualifier recorded for them in the SEMS Site Management module (qualifiers are added on the Edit Site Schedule table):

- PA.
- Federal Facility PA Review.
- SI.
- Federal Facility SI Review.
- ESI.
- Federal Facility ESI Review.
- Site Reassessment.
- Federal Facility Site Reassessment Review.
- ESI/RI.
- HRS Package.

The following actions must also have a decision/qualifier recorded for them when complete to enable the Agency to correctly determine the status of the site from the perspective of the Superfund remedial site assessment program:

- Other Cleanup Activity.
- Formal State Deferral.

SEMS Site Assessment DQ Measure dashboard (SA-D008) includes a 'Missing Qualifier at Completed Site Assessment Action' line item. Regions should pay particular attention to this data issue since it may prevent RSAC accomplishment credit and impact classification of site status in annual reporting.

Once a final decision is made on a remedial assessment report, Regions should communicate the decision and relevant site information to appropriate state and tribal partners as soon as practicable.

Most decisions are self-explanatory. Exhibit 6.3. Remedial Site Assessment Action Qualifiers displays available decisions/qualifiers for each type of remedial site assessment action. The following provides additional details for select decisions/qualifiers:

a. No Further Remedial Action Planned (NFRAP)

A NFRAP determination indicates the site does not qualify for the NPL based on available information unless new information warranting further assessment is received by EPA. NFRAP decisions should not be confused with archiving. NFRAP decisions are made from a site assessment perspective only; they simply denote that further Superfund NPL assessment work is not required based on currently available information. In contrast, the archival of SEMS 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 actions or if other Superfund interest still exists, even if a NFRAP decision was made based on remedial site assessment actions.

b. Higher Priority / Lower Priority

The High Priority/Low Priority qualifiers are attached to site actions based on the region's review of available information. There is no standard national definition for higher priority or lower priority. In general, sites with a higher priority remedial assessment decision are expected to need further remedial assessment attention sooner than sites with a lower priority decision.

c. Refer to Removal

Upon completion of a remedial assessment action, the region may determine that a time-critical, non-time critical, or other action from the EPA removal program is warranted.

Regional Site Assessment Managers (SAMs) should coordinate and consult with the Region's removal program when they learn of either sampling results with consistent exceedances of removal program screening values or other information indicating the site may pose an imminent threat to human health or the environment. See the Office of Land and Emergency Management (OLEM) memo *Remedial and Removal Program Coordination Regarding Potential Imminent Threats to Human Health or the Environment, August 11, 2016* for more information. If the removal program agrees to conduct any action, there are two different decisions used to track the referral of a site to the removal program. Which decision is used depends on whether the region believes additional

remedial assessment will still be needed following completion of work by the removal program. The two decisions are self-explanatory and include:

- Referred to Removal, Needs Further Remedial Assessment.
- Referred to Removal, No Further Remedial Assessment.

Regions should monitor those sites referred to removal that need further remedial assessment to ensure additional remedial assessment is not overlooked once removal work is complete. These sites are included in the "Referred to Removal – Needs Further Assessment" component of the SEMS Removal and Other Cleanup Activity (OCA) Sites to Monitor dashboard (SA-D006).

Sites with Removal-Only or Referred to Removal, No Further Remedial Assessment designations will be excluded from the backlog of sites needing remedial assessments.

d. Site Addressed as Part of Another NPL or Non-NPL site

Upon completion of a remedial site assessment action, the region may decide that a non-NPL site is best addressed as part of another pre-existing site. The pre-existing site may be on the NPL or not on the NPL. This most frequently occurs at Federal Facilities and sites with an area-wide groundwater contamination or sediment problem resulting from multiple sources. To address these situations, regions should select one site to serve as the parent site and the other site will become a child site. Parent sites may have multiple child sites. Once the parent/child relationship is established in SEMS, no further response work should be recorded at the child site. Instead, any further response work should be tracked under the parent site. The following data entry steps are required in SEMS when parent/child relationships are established:

- Upon completion of the remedial site assessment action that led to the decision to combine the two sites, the region should enter a qualifier of 'Addressed as part an existing NPL site' or 'Addressed as part of another non-NPL site' depending on whether the parent site is on the NPL.
- Add the parent site to the child site in the Details section of the Site Summary screen for the child site.
- Add the child site to the parent site in the Details section of the Site Summary screen for the parent site.
- The NPL Status for the child site must be changed to 'Site is part of NPL Site' if the parent site is an NPL site.
- The Non-NPL Status for the child site must be changed to 'Addressed as part of another non-NPL site' if the parent site is not an NPL site.

The Final Assessment Decision value for a child site should match that of its parent site.

e. Referred From RCRA

Referred to Superfund from RCRA due to owner inability to finance corrective action under RCRA. This qualifier only applies to the Remedial Site Initiation (Discovery) action.

f. Deferred to RCRA

Upon completion of a remedial assessment action, the region may determine that the site is excluded from Superfund consideration under policy, regulatory, or legislative restrictions and defer it to the RCRA program. It is the EPA's policy to defer placing sites on the NPL that can be comparably addressed under RCRA Subtitle C corrective action authorities; however, there are certain exceptions to this policy (e.g., uncooperative or bankrupt responsible party). See the following documents for additional information and documentation requirements: *Interim Guidance in Response to the OIG Audit "Superfund Sites Deferred to RCRA", OSWER 9200.1-31P, December 1999* and *Memo Regarding Coordination between RCRA Corrective Action Closure and CERCLA Site Activities, September 1996*.

Per the 1999 interim guidance referenced above, regional Superfund staff must provide written notification to RCRA staff when deferring a site from Superfund to RCRA and RCRA staff must confirm receipt of the deferral. When a deferred site cannot be addressed under RCRA, OSRTI's expectation is that RCRA staff will notify Superfund in which case Superfund staff will then need to determine the next step to address the site. RCRA sites not subject to Subtitle C can continue to be considered for NPL listing. If a site can be addressed under RCRA but does not qualify for the NPL, the site should be assigned a NFRAP decision. The 1999 interim guidance also recommends regional Superfund and RCRA staff maintain regular contact to discuss the status of sites that could potentially be deferred or that were recently deferred between programs.

SEMS includes a Related Sites feature on the Site Information/Details screen. Once confirmation of a deferred site to RCRA is received by Superfund, the deferred SEMS site should be related to the RCRA facility as necessary using the Related Sites feature in SEMS. Related sites are displayed on the SEMS FOIA-8 CERCLA to RCRA Site Associations report posted on the public SEMS Data and Reports webpage.

g. Deferred to NRC

Since September 8, 1983, EPA has generally deferred listing on the CERCLA NPL those sites that are subject to NRC's licensing authority, in recognition that NRC's actions are believed to be consistent with the CERCLA requirement to protect human health and the environment. However, as EPA indicated in the Federal Register notice announcing the policy of CERCLA deferral to NRC, if EPA "determines that sites which it has not listed as a matter of policy are not being properly responded to, the Agency will consider listing those sites on the NPL" (see 48 FR 40658).

In a Memorandum of Understanding (MOU) signed in 2002 by EPA and NRC, EPA reaffirmed its previous 1983 deferral policy. EPA expects that any need for EPA CERCLA

involvement in the decommissioning of NRC licensed sites should continue to occur very infrequently because EPA expects that the vast majority of facilities decommissioned under NRC authority will be decommissioned in a manner that is fully protective of human health and the environment. By this MOU, EPA agreed to a deferral policy regarding NRC decision-making without the need for consultation except in certain limited circumstances as specified in paragraphs V.C.2 and V.C.3 of the MOU.

The following documents provide additional details on deferrals to NRC and the EPA/NRC MOU:

- *Amendment to the NCP/NPL (section: Releases of Radioactive Materials), FR 48 40661, September 8, 1983; Memorandum Of Understanding (MOU) between the U.S. EPA and the U.S. Nuclear Regulatory Commission regarding Consultation and Finality on Decommissioning and Decontamination of Contaminated Sites, OSWER No. 9295.8-06a, October 9, 2002.*
- *Distribution of Memorandum of Understanding between EPA and the Nuclear Regulatory Commission, OSWER NO. 9295.8-06a, October 9, 2002*.

h. Assessment Complete – Decision Needed

This qualifier can be used at NPL caliber sites when all anticipated remedial site assessment work is completed and a decision still needs to be made regarding which remedial cleanup program approach to pursue (e.g., NPL, removal, state voluntary cleanup program).

When this qualifier is added to an action on the site schedule in SEMS, the site Non-NPL Status should be changed to "Assessment Complete - Decision Needed" and assigned a Non-NPL Status Date matching the completion date of the action.

Upon EPA determination of a remedial cleanup program approach at a site with a Non-NPL Status of Assessment Complete – Decision Needed, the site Non-NPL Status should be updated to reflect the appropriate cleanup approach (e.g., Other Cleanup Activity, Remedial Activities Under EPA Enforcement) and assigned a Non-NPL Status Date reflecting the date the cleanup program approach was selected. The Non-NPL Status Change Reason field can be used as necessary to add details regarding the cleanup program selection. The site schedule action with the qualifier of "Assessment Complete - Decision Needed" should remain unchanged to maintain the audit trail of site assessment decisions made at the site.

EXHIBIT 6.2 REMEDIAL SITE ASSESSMENT ACTION QUALIFIERS

SITE ASSESSMENT ACTION NAMES & CODES		Available Action Decisions: Add Site to Active Inventory (SI)	Do not Add Site to Active Inventory (DI)	Deferred to NRC (DN)	Deferred to RCRA (D)	Higher Priority for Further Assessment (H)	Lower Priority for Further Assessment (L)	NFRAP (N)	Recommended for HRS Scoring (G)	Referred to Removal, Needs Further RMDL ASMT (F)	Referred to Removal, No Further RMDL ASMT (W)	Region Confirmed Successful Deferral Completion (RS)	Region Terminated Deferral (RT)	Addressed as part of an existing NPL site (A)	Addressed as part of another non-NPL site (B)	Being considered for proposal to the NPL (O)	Assessment Complete - Decision Needed (AC)	Site Remediated via State or Tribal Program (ST)	Superfund Alternative (SA)	Referred from RCRA (RR)
Pre-CERCLA Screening	HX	✔	✔	NOT APPLICABLE																
Remedial Site Initiation (Discovery)	DS																			✔
Preliminary Assessment	PA			✔	✔	✔	✔	✔	✔	✔	✔			✔	✔		✔	✔	✔	
Federal Facilty PA Review	RX			✔	✔	✔	✔	✔	✔					✔	✔		✔	✔		
Site Inspection	SI			✔	✔	✔	✔	✔	✔	✔	✔			✔	✔		✔	✔	✔	
Federal Facility SI Review	TY			✔	✔	✔	✔	✔	✔					✔	✔		✔	✔		
Site Reassessment	OO			✔	✔	✔	✔	✔	✔	✔	✔			✔	✔		✔	✔	✔	
Federal Facility Site Reassessment Review	ZC			✔	✔	✔	✔	✔	✔					✔	✔		✔	✔		
Expanded Site Inspections	ES			✔	✔	✔	✔	✔	✔	✔	✔			✔	✔		✔	✔	✔	
Federal Facility ESI Review	TZ			✔	✔	✔	✔	✔	✔					✔	✔		✔	✔		
ESI/RI	SS			✔	✔	✔	✔	✔	✔	✔	✔			✔	✔		✔	✔	✔	
State Deferral	AQ											✔	✔							
HRS Package	HR			✔	✔			✔		✔	✔			✔	✔	✔	✔	✔	✔	
Other Cleanup Activity	VA			✔	✔	✔	✔	✔	✔	✔	✔			✔	✔	✔	✔	✔	✔	

6.A.6 Remedial Site Assessment Critical Indicators

Critical Indicators are used in SEMS to further describe the action at the site. Critical indicators are entered on the Edit Site Schedule table in the SEMS Site Management module. The critical indicators available for remedial site assessment actions include:

- Abbreviated PA - Available for the following actions:
  - PA.
  - Federal Facility PA Review.

Integrated Removal and Remedial Assessment (Int Rmvl/Rmdl Assess) - Available for the following actions:

- PA.
- Site Inspection.
- ESI.
- Site Reassessment.
- HRS Package.
- Integrated ESI/Remedial Investigation.
- Removal Assessment.

6.A.7 Coordination with State and Tribal Partners at Non-Federal Sites

Coordination between EPA, states and tribes throughout the Superfund site-assessment process is essential. Effective coordination conserves resources, accelerates assessment, and unifies goals and expectations during all phases of the site-assessment process. Opportunities for coordination occur throughout the site-assessment process from site notification through final site disposition.

The level of coordination required at non-Federal sites varies and is influenced by the extent to which states and tribes participate in Superfund site assessment actions, including whether a cooperative agreement is in place to conduct Superfund site assessment work. States, and to a lesser extent, tribes are the lead performing agency for about 50 percent of Superfund remedial site assessments completed each year; however, this percentage varies significantly across EPA Regions (from 0 to 100 percent).

Regions are encouraged to coordinate effectively with their state and tribal partners on Superfund site assessment work to the maximum extent practicable. Specific coordination points and elements to consider include:

- notifying states and tribes with a known interest of new site assessment strategic priorities, goals, policies, guidance and procedures;
- communicating site decisions and new and relevant site information to applicable states and tribes with known interest in a timely manner;

- transferring relevant site information in a timely manner and as necessary when sites are referred to a cleanup program or transitioned (NFRAP, OCA, etc.) to state or tribal agencies;
- informing applicable states and tribes of site-specific public meetings arranged by EPA to cover site assessment and/or NPL listing issues;
- clarifying EPA expectations for site assessment data collection, report contents, and preferred document formats as necessary; and
- maintaining an open and collaborative communication process on existing and emerging site assessment issues.

Additional information on coordinating site assessment with state and tribal partners is available to EPA staff and presented in EPA's *Quick Tips: Superfund Site Assessment Coordination at Non-Federal Sites, December 2016*.

6.A.8 Remedial Site Assessment Actions

Remedial site assessment and NPL listing actions need to be tracked in SEMS. These actions are captured under several different actions in the Site Evaluation section of the SEMS Action Template. Exhibit 6.4 displays Site Assessment actions included in the SEMS Action Template for Site Evaluation. Documents supporting site assessment actions are captured in SEMS Records Management (SEMS-RM). The SEMS-RM Document Identification number is associated to the action on the site schedule in SEMS Site Management (SEMS-SM). Chapter XIII, titled 'Superfund Records Management,' includes a list of documents that must be tracked in SEMS-RM. This list should be reviewed to determine which site assessment actions require documents in SEMS-RM and need to be associated with the action in SEMS-SM.

The following SEMS 2.0 User Guides provide information on entering remedial site assessment and related information into SEMS:

- Navigation User Guide
- Site Search User Guide
- Add and Delete CERCLA and Non-CERCLA Sites User Guide
- Site Summary User Guide
- Site Schedule User Guide
- Action Details Site Evaluation User Guide

These guides can be found in the SEMS 2.0 Communication SharePoint site.

EXHIBIT 6.3 SEMS ACTION TEMPLATE FOR SITE EVALUATION: SITE ASSESSMENT ACTIONS

Program/Phase/Action

Site Identification

SITE EVALUATION: Site Assessment Actions	SEMS CODE
Pre-CERCLA Screening Report	HX
105d Petition for PA	ZS

Site Initiation

SITE EVALUATION: Site Assessment Actions	SEMS CODE
Remedial Site Initiation (Discovery)	DS

Pre-Remedial Site Evaluation

SITE EVALUATION: Site Assessment Actions	SEMS CODE
Preliminary Assessment	PA
FF Preliminary Assessment Review	RX
Site Inspection	SI
FF Site Inspection Review	TY
Site Reassessment	OO
FF Site Reassessment Review	ZC
Expanded Site Inspection	ES
FF Expanded Site Inspection Review	TZ
Expanded Site Inspection/Remedial Investigation ESI/RI	SS
HRS	HR
Formal State Deferral	AQ
Other Cleanup Activity (OCA)	VA
Generic Assessment (used for funding purposes)	QB

a. 105d Petition for Preliminary Assessment (PA)

Action Definition:

This action is used to track receipt of and response to a CERCLA section 105d Petition for a PA. EPA may be notified of a potential site through various mechanisms including receipt of a *Preliminary Assessment Petition* (also known as a Citizens Petition). In the past, EPA responded to public requests to investigate suspected hazardous waste sites, however Congress formalized this process through CERCLA section 105(d), which provides the public an opportunity to notify EPA of a potential release by submitting a Preliminary Assessment Petition. For non-federal sites, PA petitions should be addressed by the EPA Regional Administrator for the region in which the release is located. For petitions involving Federal Facilities, the head of the appropriate federal agency is responsible for addressing the petition. See SPIM Chapter 9 Federal Facility Program for additional information on petitions involving Federal Facilities. See exhibit 6.5 for a chart of 105d petition for PA requirements. requirements.

Accomplishment Definition:

105d Petition for PA Starts: The date EPA receives a valid 105D Petition for a PA from any person or organization. Valid means the petition contains the minimum information described in EPA's *Preliminary Assessment Petition Fact Sheet, OSWER 9200.5-330FS, October 2002*, including how the petitioner is affected by the release.

105d Petition for PA Completions: The date EPA provides a formal response to the petitioner describing whether the petition was approved and the reasons for the decision. regarding the petition.

EXHIBIT 6.4 105D PETITION FOR PRELIMINARY ASSESSMENT (PA) REQUIREMENTS

Action	Performance Lead	Action Date Requirements
105d Petition for PA	EPA Performed In-House	**Start:** A CERCLA 105d Petition for a Preliminary Assessment is received by EPA. **Finish:** EPA provides a formal response to the petitioner.

Special Planning/Reporting Requirements:

EPA must respond to a valid 105D Petition for PA within one year of receipt of the petition. A Pre-CERCLA screening can be performed in response to a CERCLA 105(d) petition to conduct a remedial preliminary assessment. If the site does not warrant entry into the Active inventory, the PCS can be used to explain to the petitioner why a PA is not appropriate.

If a PCS is performed and the site warrants entry into the Active inventory, or if the region determines a PCS is unnecessary because a PA is warranted, the PA must be completed and a copy provided to the petition within one year of receipt of the petition.

b. Pre-CERCLA Screening (PCS)

Action Definition:

A PCS is a relatively low-cost initial collection and review of existing information for a potential Superfund site. The PCS helps determine whether the site should be addressed under the federal Superfund program or under another federal, state or tribal cleanup program, and whether the site should be entered into the SEMS Active site inventory for further remedial assessment.

PCS actions include reviewing existing information and collecting minimal additional information to determine whether a site warrants entry into the Superfund active inventory for further remedial assessment. Minimal additional information can include collecting limited sampling data (less than $10,000 sampling costs per screened site) subject to EPA regional policy, procedures or practices.

PCS actions generally apply to non-Federal facility sites. PCS actions do not apply at sites on the Federal Facilities Hazardous Waste Compliance Docket since these sites require completion of a preliminary assessment per CERCLA.

PCS actions should not be performed at sites that clearly do not fall within the scope of CERCLA nor at sites where information clearly indicates a CERCLA Preliminary Assessment is needed. In addition, the following minimum site location information should be available before initiating a PCS to avoid diverting resources to tracking down sites that may not exist:

- State.
- County.
- City.
- Street address (or section township and range Global Positioning System (GPS) coordinates, if available).
- Zip Code (if available).

A search for the site in the SEMS Active, Archive and Non-site inventories using the SEMS Site Search Dashboard or other reliable data source(s) should be completed prior to initiating a PCS. PCS actions should not be performed at sites in the SEMS Active or Archive site inventories. Initial or subsequent PCS actions may be performed when new information is received at a site in the Non-site inventory.

A Pre-CERCLA screening can be performed in response to a CERCLA 105(d) petition to conduct a remedial preliminary assessment. If the site does not warrant entry into the Active inventory, the PCS can be used to explain to the petitioner why a PA is not appropriate. If the site warrants entry into the Active inventory, completion of a PA is required within one year of the date of the petition.

Once regional staff determine a PCS is warranted, the potential site should be added to the SEMS database to track the PCS action. For PCS work conducted by a state or tribe pursuant to a cooperative agreement with EPA, the site(s) can be added to the SEMS database after EPA receives the PCS report.

For planning purposes, regions should complete a PCS report within one year after determining a PCS is warranted. The SEMS Sites Needing a Pre-CERCLA Screening (SA-D003) report, is available to track progress at sites in SEMS needing a PCS completion.

Regional remedial site assessment programs are responsible for reviewing PCS reports and making a final decision on whether to add the site to the SEMS Active site inventory for further remedial assessment. The PCS report is a Superfund core document and must comply with the relevant requirements described in Chapter 13, titled 'Superfund Records Management.' At a minimum, a PCS report should contain:

- a completed Pre-CERCLA Screening Checklist/Decision Form in electronic format compatible with SEMS data processing requirements (the latest version of the PCS checklist is posted on EPA's Pre-CERCLA Screening webpage); and
- a site map.

A Remedial Site Initiation (Discovery) action must be added to SEMS with a finish date for those sites determined to need further remedial site assessment (e.g. remedial preliminary assessment).

Regions should communicate final PCS report decisions to appropriate state staff and to tribes with a known interest in the site in a timely manner.

For more information on Pre-CERCLA screening, please refer to EPA's Superfund Site Assessment Process: Pre-CERCLA Screening website and the *Revised Pre-CERCLA Screening Guidance, December 2016.*

Accomplishment Definition:

Pre-CERCLA Screening Start - A Pre-CERCLA screening action is started when: 1) the region begins collecting data and performing other tasks related to completion of the PCS report; or 2) a PCS report is submitted by a state or tribe pursuant to a cooperative agreement with EPA; and SEMS contains the actual Pre-CERCLA screening action start date and an action lead of: EPA; EPA-In House; State; or Tribe. The Pre-CERCLA screening action start date can be the same as the action finish date.

Pre-CERCLA Screening Completion – A Pre-CERCLA screening is completed when:

- a PCS checklist has been approved and signed by EPA, including a decision made on whether to add the site to the SEMS remedial assessment active site inventory;
- the Pre-CERCLA screening finish date is the date the PCS report is signed by EPA; and
- SEMS contains the actual Pre-CERCLA screening action and finish date, a valid performance lead, and appropriate values in the NPL and Non-NPL Status fields.

In addition to the Pre-CERCLA screening action, entry of the following information is required:

Sites that require remedial assessment work only:

- A Remedial Site Initiation (Discovery) finish date.
- An NPL Status of 'Not on the NPL' in the Site Statuses section of the Site Summary screen in the SEMS Site Management module.
- A Non-NPL Status of 'PA Start Needed' in the Site Statuses section of the Site Summary screen.

Sites that require both remedial assessment and removal work:

- A Remedial Site Initiation (Discovery) finish date.
- A Removal Site Initiation finish date.
- An NPL Status of 'Not on the NPL' in the Site Statuses section of the Site Summary screen in the SEMS Site Management module.

- A Non-NPL Status of 'Integrated Removal Assessment PA Start Needed' in the Site Statuses section of the Site Summary screen.

Sites that require only removal work:

- A Removal Site Initiation finish date.
- An NPL Status of 'Not on the NPL' in the Site Statuses section of the Site Summary screen.
- A Non-NPL Status of 'Removal Only' in the Site Statuses section of the Site Summary screen.

Sites that require no further evaluation beyond the Pre-CERCLA screening:

- An NPL Status of 'Not a Valid Site or Incident' in the Site Statuses section of the Site Summary screen.
- A Non-NPL Status of 'Not a Valid Site or Incident', 'Not a Valid Site - RCRA Lead', 'Not a Valid Site - NRC Lead', 'Not a Valid Site - State Lead', or 'Not a Valid Site - Tribal Lead'.

EXHIBIT 6.5 PRE-CERCLA SCREENING REQUIREMENTS

Action	Performance Lead	Action Date Requirements
Pre-CERCLA Screening Report	EPA Performed, EPA Performed In-House, State Performed, Tribe Performed	**Start:** Date the Technical Direction Document (TDD) is issued or EPA or state/tribal government staff start work on the Pre-CERCLA Screening. **Finish:** An appropriate EPA regional official approves, signs and dates the Pre-CERCLA Screening report.

Special Planning/Reporting Requirements:

All Pre-CERCLA screening actions should be tracked in SEMS, including actions at sites not found to be CERCLA-eligible or otherwise eligible for entry into the Active site inventory. Sites that are screened from entry into the SEMS Active site inventory will be tracked in the Non-site inventory with 'Not a Valid Site or Incident' values in the NPL and Non-NPL status fields. If the decision is made that the site requires remedial site assessment under CERCLA authority, it should be added to the SEMS Active site inventory by entering a Remedial Site Assessment Initiation (Discovery) date and a valid NPL and Non-NPL Status. Starting in FY2025, RSAC accomplishment credit will not be given at sites without site coordinates entered into SEMS. Further, accomplishment credit for a PCS will not be given if the PCS completion date is after the Site Discovery date.

SEMS includes/will include an Auto-Populate Pre-CERCLA Screening Data feature in the Site Management module to facilitate entry of required data on the Pre-CERCLA Screening checklist. This feature also creates a Portable Document Format (PDF) file of the completed checklist in SEMS Records Management and associates this record to the site.

A PCS can be performed in lieu of a PA at sites referred to remedial assessment from EPA's removal program only if the site does not already exist in the Active site inventory. If the

referred site already exists in the Active site inventory, a PA or Combined PA/SI should be performed.

Regions are responsible for maintaining the accuracy of the non-NPL status for every non-NPL site in SEMS. As new actions and new dates are entered into SEMS, the system will ask the user to confirm or change this value as appropriate. Changes to the non-NPL status should be communicated to appropriate state staff and to tribes with a known interest in the site in a timely manner.

Data entry timeliness practices are important to obtain all accomplishments. See section 6.A.4 for details.

c. Remedial Site Initiation (Discovery)

Action Definition:
Remedial Site Initiation (Discovery) is the process by which a potential hazardous waste site is entered into the SEMS Active site inventory for remedial site assessment actions. All sites moving through the remedial site assessment process must have a Remedial Site Initiation (Discovery) action and finish date documented in SEMS. Entry of the Remedial Site Initiation (Discovery) date initiates the remedial site assessment process and places the site on the Preliminary Assessment backlog. See exhibit 6.5 for a chart of discovery requirements.

Accomplishment Definition:
Remedial Site Initiation (Discovery) of non-Federal Facilities is the date the region completes a Pre-CERCLA screening report indicating the site warrants entry into the Active site inventory for further Superfund remedial site assessment.

The Remedial Site Initiation (Discovery) date for Federal Facilities is the date the site is formally added to the Federal Facilities Hazardous Waste Compliance Docket indicating Superfund involvement is required. See SPIM Chapter 9 Federal Facility Program for additional information on the Site Discovery process at Federal Facilities.

EXHIBIT 6.6. REMEDIAL SITE INITIATION (DISCOVERY) REQUIREMENTS

Action	Performance Lead	Action Date Requirements
Remedial Site Initiation (Discovery)	EPA Performed, EPA Performed In-House, State Performed, Tribe Performed	**Start/Finish:** Documentation of the decision that the site warrants Superfund remedial site assessment.

Special Planning/Reporting Requirements:
A schedule will automatically be generated when a new site is added to SEMS. SEMS will assign the same calendar date to the Remedial Site Initiation (Discovery) actual start and actual finish date. The actual start/finish date must not be earlier than the Pre-CERCLA screening finish date. Multiple Remedial Site Initiation (Discovery) actions are not allowed.

d. Remedial Site Initiation (Discovery) versus Removal Site Initiation:

The Removal Site Initiation action is used by the removal program to track initiation of sites that have Superfund removal interest. Sites with only removal interest should not have a Remedial Site Initiation (Discovery) tracked in SEMS. Sites with only remedial site assessment interest should not have a Removal Site Initiation tracked in SEMS. Sites with both removal and remedial assessment interest should have both a Removal Site Initiation action and a Remedial Site Initiation (Discovery) action.

The Remedial Site Initiation (Discovery) actual start and finish date for a site referred from removal to remedial assessment or from RCRA to remedial assessment should be the date the referral decision is made.

Referrals from RCRA and accepted by the Superfund remedial site assessment program should be tracked in in SEMS by adding the "Referred from RCRA" critical indicator to the "Remedial Site Initiation (Site Discovery) action.

Regions are responsible for maintaining the accuracy of the non-NPL status for every non-NPL site in the SEMS inventory. As new actions and new dates are entered into SEMS, the system will ask the user to confirm or change this value as appropriate. Changes to the non-NPL status should be communicated to appropriate state staff and to tribes with a known interest in the site in a timely manner.

Data entry timeliness practices are important to obtain all accomplishments. See section 6.A.4 for details.

e. Preliminary Assessments (PA) at Non-Federal Sites

Action Definition:

A PA is often the first phase of the remedial site assessment process following Remedial Site Initiation (Discovery). The National Contingency Plan (NCP) requires completion of a PA at all sites moving through the remedial site assessment process. The PA is used to determine what steps, if any, need to occur next at the site. 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. Samples are not generally collected during a PA; however, limited sampling may be performed as necessary to determine whether further assessment (e.g., site inspection) is needed. See exhibit 6.6 for a chart of PA requirements.

Regions also have been encouraged to further reduce repetitive site characterization tasks and costs by combining site assessment and removal evaluation actions where warranted by site conditions. An integrated removal assessment and remedial preliminary assessment combines requirements of a both types of assessments into a single report.

There are instances when an Abbreviated Preliminary Assessment (APA) can be performed in lieu of a standard PA. An APA is preferred when: 1) available information

indicates the site would not pass the Pre-CERCLA screening step if it was not already in the SEMS Active site inventory; and 2) available information indicates an SI or ESI is warranted. *Improving Site Assessment: Abbreviated Preliminary Assessments, OSWER 9375.2-09FS, October 1999* provides information on conducting APAs and includes a checklist to help site assessors determine whether an APA report is appropriate for a given site. The checklist or an equivalent document can serve as documentation that the APA was completed. The APA checklist or equivalent report must address the requirements set forth in the NCP for conducting remedial preliminary assessments.

Accomplishment Definition:

PA Starts – A PA 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, memo, or issues a Technical Direction Document (TDD) to the EPA contractor or state/tribal government (where applicable), requesting performance of a PA at a specific site or group of sites; or when EPA receives written confirmation from a state/tribal government that the state/tribal government will conduct the PA; and SEMS contains the actual PA start date and a performing lead of: EPA; EPA-In House; State; or Tribal. PA start dates are required and are used by HQ as a program measure.

PA Completions – A PA is completed when:

- a PA Report has been developed by EPA; or received by the region from the federal contractor or state/tribal government; and the appropriate regional official signs a letter, form, or memo approving the PA report (the PA finish date is the date the PA report is approved); and
- SEMS contains the actual PA finish date and a decision on whether further activities are necessary in the Qualifier field; and
- the decision is documented by completing the Remedial Site Assessment Decision Form in SEMS.

A valid decision must be recorded in SEMS upon completion of the PA. Please refer to exhibit 6.3 for a list of valid qualifiers for this action and a description of each qualifier.

EXHIBIT 6.7. PRELIMINARY ASSESSMENT REQUIREMENTS

Site must be a non-Federal Facility site

Action	Performance Lead	Action Date Requirements
Preliminary Assessment	EPA Performed, EPA Performed In-House, State Performed, Tribe Performed	**Start:** A letter, memo, or form approving the site-specific work plan or TDD is signed by the appropriate official or EPA or state/tribal government start work on the Preliminary Assessment. **Finish:** An appropriate EPA regional official approves, signs and dates the Preliminary Assessment report and a site decision form is completed.

Special Planning/Reporting Requirements:
For planning purposes, regions should complete a PA at a non-Federal Facility site listed in the SEMS Active site inventory within one year of the Remedial Site Initiation (Discovery) finish date. Starting in FY2025, RSAC accomplishment credit will not be given at sites without site coordinates entered into SEMS.

Integrated removal assessment and remedial preliminary assessment reports are tracked in SEMS by entering a PA action and selecting INTEGRATED RV/RMDL as a critical indicator on the PA in the Edit Site Schedule table in the SEMS Site Management module.

APA reports are tracked in SEMS by entering a PA action and selecting APA as a critical indicator of the PA in the Edit Schedule table in the SEMS Site Management module.

PA starts and completions are reported site-specifically in SEMS. Preliminary Assessment completions at non-Federal Facility sites is a program measure. Regions are responsible for maintaining the accuracy of the non-NPL status for every non-NPL site in SEMS. As new actions and new dates are entered into SEMS, the system will ask the user to confirm or change this value as appropriate. Changes to the non-NPL status should be communicated to appropriate state staff and to tribes with a known interest in the site in a timely manner.

Data entry timeliness practices are important to obtain all accomplishments. See section 6.A.4 for details.

Please refer to Chapter 9, titled 'Federal Facility Program,' for a description of Federal Facility PA Review activities performed at Federal Facilities.

f. Site Inspections (SI) at Non-Federal Sites

Action Definition:
The SI involves the collection of field data from a suspected hazardous waste site to confirm or deny the presence of contamination and to further characterize contaminants, migration pathways, and background contaminant levels. The SI serves as a further screening action to determine what steps, if any, need to occur next at the site. Regions should employ Field Analytical Sampling (FAS) techniques wherever practical during conduct of SI actions. See exhibit 6.7 for a chart of SI requirements.

Regions also have been encouraged to further reduce repetitive site characterization tasks and costs by combining site assessment and removal evaluation actions where warranted by site conditions. An integrated removal assessment and remedial site inspection combines requirements of both types of assessments into a single report.

See section 6.A.8.e., Preliminary Assessments (PA) at Non-Federal Sites, above for a discussion on combining PA and SI actions into a single event.

Accomplishment Definition:

SI Starts – An SI start date at a non-Federal Facility site is defined as the date when EPA or the state/tribal government signs a letter, memo or form approving the site-specific SI work plan, or a TDD is issued to the contractor at a site (refer to *The Revised Hazard Ranking System: Evaluating Sites After Waste Removals, OSWER 9345.1-03FS, October 1991)* for further guidance on defining SI starts) and SEMS contains the actual SI start date and a performing lead of: EPA; EPA-In House; State; or Tribal. SI start dates are required.

SI Completions – An SI is completed when:

- an SI Report has been generated by EPA, or received by the region from the federal contractor or state/tribal government, and the appropriate regional official signs a letter, form, or memo approving the SI report (the SI finish date is the date the SI report is approved); and
- SEMS contains the actual SI finish date, a valid performing lead, and a decision on whether further activities are necessary in the Qualifier field; and
- the decision is documented by completing the Remedial Site Assessment Decision Form in SEMS.

A valid decision must be recorded in SEMS upon completion of the SI. Please refer to exhibit 6.3 for a list of valid qualifiers for this action and a description of each qualifier.

EXHIBIT 6.8. SITE INSPECTION REQUIREMENTS

Site must be a non-Federal Facility site

Action	Performance Lead	Action Date Requirements
Site Inspection	EPA Performed EPA Performed In-House State Performed Tribe Performed	**Start:** A letter, memo, or form approving the site-specific work plan or TDD is signed by the appropriate official or EPA or state/tribal government start work on the Site Inspection. **Finish:** An appropriate EPA regional official approves, signs and dates the Site Inspection report and a site decision form is completed.

Special Planning/Reporting Requirements:

For planning purposes, SIs at non-federal sites are expected to average two years from start to completion. Starting in FY2025, RSAC accomplishment credit will not be given at sites without site coordinates entered into SEMS.

Actual start and finish dates are required for SIs. SI starts and completions are reported site-specifically in SEMS. Site Inspection completions at a non-Federal Facility sites is a program measure.

Integrated removal assessment and remedial site inspection reports are tracked in SEMS by entering a SI action and selecting INTEGRATED RV/RMDL as a critical indicator for the SI on the Edit Site Schedule table in the SEMS Site Management module.

Regions are responsible for maintaining the accuracy of the non-NPL status for every non-NPL site in SEMS. As new actions and new dates are entered into SEMS, the system will ask the user to confirm or change this value as appropriate. Changes to the non-NPL status should be communicated to appropriate state staff and to tribes with a known interest in the site in a timely manner.

Data entry timeliness practices are important to obtain all accomplishments. See section 6.A.4 for details.

Please refer to Chapter 9, titled 'Federal Facility Program,' for a description of Federal Facility SI Review actions performed at Federal Facilities.

g. Site Reassessments at Non-Federal Sites

Action Definition:

A Site Reassessment represents the gathering and evaluation of new information on a site in the SEMS Active or Archive site inventory that was previously assessed under the federal Superfund program to determine whether further Superfund attention is needed. A Site Reassessment serves as a supplement to previous assessment work and not as a replacement for traditional assessment actions (e.g., Preliminary Assessment, Site Inspection). The scope of work for a Site Reassessment action is flexible but will usually represent a component of a traditional site assessment action. The intent of the Site Reassessment action is to document the expenditure of Superfund resources on older sites where EPA has received new information or learned that site conditions have changed. A Site Reassessment can also be performed to review substantive new information at an Other Cleanup Activity site being considered for a NFRAP decision or an alternative cleanup approach. See additional information on performing site reassessments at OCA sites in section k. Other Cleanup Activity (OCA) further below in this chapter. This action is also used to record further assessment decisions made after reviewing this new site information. A brief summary of work performed as part of the Site Reassessment action and the related site decision as a result of this work must be documented by completing the Remedial Site Assessment Decision Form in SEMS. A Site Reassessment action should not be used for the sole purpose of correcting a data entry error in SEMS. See exhibit 6.8 for a chart of site reassessment requirements.

Accomplishment Definition:

Site Reassessment Starts – A Site Reassessment start is defined as the date when EPA or a state/tribal government signs a letter, memo or form approving the site-specific Site Reassessment work plan or a TDD is issued to the contractor at a site and SEMS contains the actual Site Reassessment start date and a performing lead of: EPA, EPA-In House; State; or Tribal.

Site Reassessments Completions – A Site Reassessment is complete when:

- a Site Reassessment report has been developed by EPA or has been received by the region from the federal contractor or the state/tribal government, and the appropriate regional official signs a letter, form, or memo approving the Site Reassessment report (the Site Reassessment finish date is the date the Site Reassessment report is approved); and
- SEMS contains the actual Site Reassessment finish date, a valid performing lead, and a valid decision on whether further activities are necessary in the Qualifier field; and
- the decision is documented by completing the Remedial Site Assessment Decision Form in SEMS.

A valid decision must be recorded in SEMS upon completion of the Site Reassessment. Please refer to exhibit 6.3 for a list of valid qualifiers for this action and a description of each qualifier.

EXHIBIT 6.9. SITE REASSESMENT REQUIREMENTS

Action	Performance Lead	Action Date Requirements
Site Reassessment	EPA Performed EPA Performed In-House State Performed Tribe Performed	**Start:** A letter, memo, or form approving the site-specific work plan or TDD is signed by the appropriate official or EPA or state/tribal government staff start work on the Site Reassessment. **Finish:** An appropriate EPA regional official approves, signs and dates the Site Reassessment Report and a site decision form is completed.

Special Planning/Reporting Requirements:

For planning purposes, Site Reassessments at non-federal sites are expected to average one year from start to completion. Actual start and finish dates are required for Site Reassessment actions. Site Reassessments are reported site-specifically in SEMS. Site Reassessment completions are program measures for non-Federal Facilities. Starting in FY2025, RSAC accomplishment credit will not be given at sites without site coordinates entered into SEMS.

Integrated removal assessment and remedial Site Reassessment reports are tracked in SEMS by entering a Site Reassessment action and selecting INTEGRATED RV/RMDL as a critical indicator in the Edit Site Schedule table in the SEMS Site Management module

Regions are responsible for maintaining the accuracy of the non-NPL status for every non-NPL site in SEMS. As new actions and new dates are entered into SEMS, the system will ask the user to confirm or change this value as appropriate. Changes to the non-NPL status should be communicated to appropriate state staff and to tribes with a known interest in the site in a timely manner.

Data entry timeliness practices are important to obtain all accomplishments. See section 6.A.4 for details.

Please refer to Chapter 9, titled 'Federal Facility Program,' for a description of Federal Facility Site Reassessment Review actions as performed at Federal Facilities.

h. Expanded Site Inspections (ESI) at Non-Federal Sites

Action Definition:
The ESI 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. Regions should employ FAS techniques wherever practical during ESI activities. See exhibit 6.9 for a chart of ESI requirements.

Regions also have been encouraged to further reduce repetitive site characterization tasks and costs by combining site assessment and removal evaluation actions where warranted by site conditions. An integrated removal assessment and ESI combines requirements of a both types of assessments into a single report.

See section 6.A.8.e., Preliminary Assessments (PA) at Non-Federal Sites, above for a discussion on combining PA and SI actions into a single event.

Accomplishment Definition:
ESI Starts – An ESI start is defined as the date when EPA or a state/tribal government signs a letter, memo or form approving the site specific ESI work plan or a Technical Direction Document is issued to the contractor at a site and SEMS contains the actual ESI start date and a performing action lead of: EPA; EPA-In House; State; or Tribal.

ESI Completions – An ESI is complete when:

- an ESI Report has been developed by EPA; or received by the region from the federal contractor; or the state/tribal government; and the appropriate regional official signs a letter, form, or memo approving the ESI report (the ESI finish date is the date the ESI report is approved); and
- SEMS contains the ESI finish date, a valid performing lead, and a valid decision on whether further activities are necessary in the Qualifier field; and
- the decision is documented by completing the Remedial Site Assessment Decision Form in SEMS.

A valid decision must be recorded in SEMS upon completion of the ESI. Please refer to exhibit 6.3 for a list of valid qualifiers for this action and a description of each qualifier.

EXHIBIT 6.10. EXPANDED SITE INSPECTION REQUIREMENTS

Action	Performance Lead	Action Date Requirements
Expanded Site Inspection	EPA Performed, EPA Performed In-House, State Performed, Tribe Performed,	**Start:** A letter, memo, or form approving the site-specific work plan or TDD is signed by the appropriate official or state/tribal government staff to start work on the Expanded Site Inspection.

Action	Performance Lead	Action Date Requirements
		Finish: An appropriate EPA regional official approves, signs and dates the ESI report and a site decision form is completed.

Special Planning/Reporting Requirements:

For planning purposes, ESIs at non-federal sites are expected to average one year from start to completion. Actual start and finish dates are required for ESIs. ESI starts (Actual Start) and completions are reported site-specifically in SEMS. ESI starts and completions are program measures for non-Federal Facilities. Starting in FY2025, RSAC accomplishment credit will not be given at sites without site coordinates entered into SEMS.

Integrated removal assessment and expanded site inspection reports are tracked in SEMS by entering an ESI action and selecting INTEGRATED RV/RMDL as a critical indicator on the Edit Site Schedule table in the SEMS Site Management module.

Regions are responsible for maintaining the accuracy of the non-NPL status for every non-NPL site in the SEMS inventory. As new actions and new dates are entered into SEMS, the system will ask the user to confirm or change this value as appropriate. Changes to the non-NPL status should be communicated to appropriate state staff and to tribes with a known interest in the site in a timely manner.

Data entry timeliness practices are important to obtain all accomplishments. See section 6.A.4 for details.

Please refer to Chapter 9, titled 'Federal Facility Program,' for a description of this Federal Facility ESI Review actions performed at Federal Facilities.

i. Integrated ESI/Remedial Investigations (ESI/RI) at Non-Federal Sites

Action Definition:

The integrated Expanded Site Inspection/Remedial Investigation (ESI/RI) is an assessment consisting of an ESI and a RI. The ESI/RI is used to expedite remedial response by gathering site characterization data common to both ESI and RI actions in one step, thereby expediting the later collection of data when comprehensive RI activities are performed. The goal of ESI/RIs is to save time and costs characterizing sites when compared to the traditional, sequential ESI-NPL Listing-RI process. ESI/RIs facilitate but do not replace RIs and may be performed at sites where conditions indicate that the HRS score will be 28.5 or higher and a remedial response will be needed. The RI portion of an ESI/RI is intended to be a sitewide action. ESI/RI actions should be entered into SEMS at operable unit 00. See exhibit 6.10 for a chart of ESI/RI requirements.

ESI/RIs may not always be feasible given known site conditions and actions completed to date. In some cases, it may be more prudent to conduct a separate ESI and RI. The

definitions for Remedial Investigation/Feasibility Study (RI/FS) Completion and RI Completion (see definitions in Chapter 8, titled 'Remedial Program') 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 action is recorded in SEMS, a stand-alone ESI action should not be recorded at that site.

Regions also have been encouraged to further reduce repetitive site characterization tasks and costs by combining site assessment and removal evaluation actions where warranted by site conditions. An integrated removal assessment and integrated ESI/RI combines requirements of a both types of assessments into a single report.

Accomplishment Definition:

ESI/RI Starts – An ESI/RI start is defined as the date when EPA or a state/tribal government signs a letter, memo or form approving the site specific ESI work plan or a Technical Direction Document is issued to the contractor at a site and SEMS contains the actual ESI start date and a performing action lead of: EPA; EPA-In House; State; or Tribal.

ESI/RI Completions – An 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 (the ESI/RI finish date is the date the ESI/RI report is approved); and
- the following has been recorded in SEMS: the ESI/RI finish date; a valid performance lead; and a decision on whether further activities are necessary in the Qualifier field; and
- the decision is documented by completing the Remedial Site Assessment Decision Form in SEMS.
- A valid decision must be recorded in SEMS upon completion of the ESI/RI. Please refer to exhibit 6.3 for a list of valid qualifiers for this action and a description of each qualifier.

EXHIBIT 6.11. ESI/RI REQUIREMENTS

Action	Performance Lead	Action Date Requirements
Expanded Site Inspection/Remedial Investigation ESI/RI	EPA Performed, EPA Performed In-House, State Performed, Tribe Performed,	**Start:** A letter, memo, or form approving the site-specific work plan or TDD is signed by the appropriate official to start work on the Expanded Site Inspection and Remedial Investigation. **Finish:** An appropriate EPA regional official approves, signs and dates the Integrated Expanded Site Inspection and Remedial Investigation report and a site decision form is completed.

Special Planning/Reporting Requirements:
For planning purposes, ESI/RIs are expected to average one year from start to completion. Actual start and finish dates are required for ESI/RIs. ESI actions should not be recorded separately in SEMS if they are conducted as part of an ESI/RI. ESI/RI completions at non-Federal Facility sites are program measures. Starting in FY2025, RSAC accomplishment credit will not be given at sites without site coordinates entered into SEMS.

An integrated removal assessment and ESI/RI report is tracked in SEMS by entering an ESI/RI action and selecting INTEGRATED RV/RMDL as a critical indicator on the Edit Site Schedule table in the SEMS Site Management module.

Regions are responsible for maintaining the accuracy of the non-NPL status for every non-NPL site in the SEMS inventory. As new actions and new dates are entered into SEMS, the system will ask the user to confirm or change this value as appropriate. Changes to the non-NPL status should be communicated to appropriate state staff and to tribes with a known interest in the site in a timely manner.

Data entry timeliness practices are important to obtain all accomplishments. See section 6.A.4 for details.

j. Hazard Ranking System (HRS) Packages

Action Definition:
The HRS Package 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 HRS. Regions are responsible for preparing HRS packages for both Federal and non-Federal Facility sites. Regions submit a draft version of the HRS package to HQ for quality assurance (QA) review. Regions and HQ work together to address issues and agree on a final version of the HRS package. Based on results of the completed HRS package and other factors, regions determine what next steps, if any, are appropriate for a site (e.g., NPL listing, NFRAP, etc.). See exhibit 6.11 for a chart of HRS package requirements.

A full HRS package is required for sites being addressed through the SAA; however, the HRS package does not have to go through the EPA HQ QA process.

Regions also have been encouraged to further reduce repetitive site characterization tasks and costs by combining site assessment and removal evaluation actions where warranted by site conditions. An integrated removal assessment and HRS Package combines requirements of both types of assessments into a single report.

Accomplishment Definition:

HRS Package Starts – An HRS Package start is defined as the date when EPA signs a memo, form, or letter requesting development of a HRS Package for a specific site and SEMS contains the actual HRS Package start date and a valid performance lead of: EPA-In House; State; or Tribal. HRS Package start and finish dates are required for both Federal and non-Federal Facility sites and are used to identify the status of sites in the site assessment pipeline and to measure action durations.

Due to the pre-decisional nature of HRS packages, regions may postpone entry of HRS start dates until after the HRS package has gone through HQ QA review or after the site has been proposed to the NPL.

HRS Package Completions – An HRS Package is complete when:

- an HRS Package has completed HQ QA review and HQ and the region agree to a final version, or an HRS package has completed regional quality control (QC) review and the HRS package will not be submitted to HQ for QA review; and
- the following has been recorded in SEMS: the approval date for the final version of the HQ QA reviewed (if submitted to HQ) or regional QC reviewed (if not submitted to HQ); HRS Package date or the NPL Proposal publication date as the actual HRS Package finish date; a performance lead; and a decision on whether further activities are necessary in the Qualifier field; and
- the decision is documented by completing the Remedial Site Assessment Decision Form in SEMS.

NOTE: Submission of HRS Packages to HQ for technical assistance does not represent an HRS Package completion.

A valid decision must be recorded in SEMS upon completion of the HRS Package. Please refer to exhibit 6.3 for a list of valid qualifiers for this action and a description of each qualifier.

EXHIBIT 6.12. HRS PACKAGE REQUIREMENTS

Action	Performance Lead	Action Date Requirements
HRS	EPA Performed, EPA Performed In-House, State Performed, Tribe Performed,	**Start:** A letter, memo, or form approving the site-specific work plan or TDD is signed by the appropriate official or state/tribal government staff to start work on the HRS Package. **Finish:** HRS Package has completed HQ quality assurance review and HQ and the Region agrees to a final version, or HRS Package is completed at a site with a Superfund Alternative Agreement.

Special Planning/Reporting Requirements:
For planning purposes, HRS packages are expected to average one year from start to completion. Starting in FY2025, RSAC accomplishment credit will not be given at sites without site coordinates entered into SEMS.

Actual start and finish dates are required for HRS Packages. HRS Package completions at both Federal and non-Federal Facilities are program measures.

Integrated removal assessment and HRS Package reports are tracked in SEMS by entering an HRS Package action and selecting INTEGRATED RV/RMDL as a critical indicator on the Edit Schedule table in the SEMS Site Management module.

Regions are responsible for maintaining the accuracy of the non-NPL status for every non-NPL site in the SEMS inventory. As new actions and new dates are entered into SEMS, the system will ask the user to confirm or change this value as appropriate. Changes to the non-NPL status should be communicated to appropriate state staff and to tribes with a known interest in the site in a timely manner.

Data entry timeliness practices are important to obtain all accomplishments. See section 6.A.4 for details.

k. Other Cleanup Activity (OCA)

Action Definition:
This action is used to document the referral of a non-NPL site to a state, tribal, or federal environmental cleanup program for remedial-type work without EPA enforcement or oversight. EPA expects remedial-type work at these sites will be completed under the laws, regulations and policies applicable to the state, tribe or other Federal agency managing the cleanup work. Remedial-type work can include comprehensive site investigations in support of making cleanup determinations, interim cleanup actions, removals or final cleanup decisions, including decisions that cleanup is not required. For this definition, 'without EPA enforcement or oversight' means that there is no continuous and substantive involvement on the part of EPA while remedial-type work is ongoing, such as routinely reviewing work products and other documents and providing comments to the non-EPA party. See exhibit 6.14 for a chart of other cleanup activity requirements.

OCA status should only be used for sites that have completed a PA within the Superfund site assessment process and are considered to be NPL-caliber (i.e., existing information indicates that the site may achieve an HRS score ≥ 28.5 and the site warrants remedial-type work as described above).

Regions should review the status at each OCA site at least once every two years to determine whether the site still meets the definition of an OCA site, and to confirm the OCA approach is still the optimal cleanup approach based on site-specific circumstances. Status reviews may include reviewing information provided by the state, tribe, or other

Federal agency such as site listings, online or other readily available information resources, site summaries, or other relevant content enabling EPA to determine if the OCA status is still accurate.

The Non-NPL Status and Non-NPL Status Date should be updated to reflect the results of the status reviews if:

- sufficient progress is being made such that the site is no longer considered a likely NPL candidate or otherwise no longer meets the definition of an OCA site, the Non-NPL Status can be changed (e.g., NFRAP) and the Non-NPL Status Date should be updated to reflect the date of this determination;
- the OCA approach is determined to no longer be the optimal cleanup approach but the site is still considered a likely NPL candidate, the Non-NPL Status should be changed (assign Assessment Complete-Decision Needed if an alternative cleanup approach has not been determined) and the Non-NPL Status Date should be updated to reflect the date of this determination;
- a status review determines the OCA approach is still warranted, the Non-NPL Status should continue to reflect the OCA status and the Non-NPL Status Date should be updated to reflect the date of this determination.

Regions should use the "OCA Sites with Non-NPL Status > 2 Yrs Old" component of the SEMS Removal and OCA Sites to Monitor dashboard (SA-D006) to obtain a list of OCA sites that have not been checked in over two years based on the Non-NPL Status Date in SEMS.

When new site information is received at an OCA site, a Site Reassessment or other remedial site assessment action may be performed to determine whether the site is still eligible for the NPL. The Site Reassessment, or other remedial site assessment action listed in section 6.A.3 of this chapter, receives credit towards the RSAC accomplishment measure. However, a started or completed OCA action does not itself receive RSAC accomplishment credit. See Special Planning/Reporting Requirements below for associated SEMS tracking details when a remedial site assessment is performed at an OCA site.

Accomplishment Definition:

OCA Starts – An Other Cleanup Activity start date is defined as the date EPA refers the site to the state, tribal, or federal environmental cleanup program for further consideration or acknowledges that the site is being cleaned up by a non-EPA party as supported by existing documentation. Preferred minimum documentation required to proceed with an OCA start is written confirmation from the other party that it agrees to take the lead and provide cleanup status updates to EPA on at least a bi-annual basis. This minimum documentation requirement may be relaxed in cases where it is clear based on other information that cleanup work is progressing adequately. An example of other information is a web page managed by the other party that provides periodic site cleanup progress updates to the public.

OCA Completions – An Other Cleanup Activity completion applies to sites in the active site inventory and is defined as either: 1) the date EPA obtains or receives documentation from the non-EPA party that the site has been addressed in accordance with all applicable standards (i.e., determination that cleanup was successfully completed or that cleanup was not necessary); 2) the date EPA determines remedial-type work will not be completed by the non-EPA party (e.g., site referred back to EPA or otherwise returned to EPA for evaluation of other cleanup approaches); or 3) the date EPA determines, based on documentation from the non-EPA party, that sufficient progress related to needed remedial-type work is being made such that the site is not considered a likely NPL candidate. The date the documentation is received or determination is made is entered into SEMS as the finish date of the OCA.

The minimum documentation required to record a determination that cleanup was successfully completed at a site in the active site inventory is a close-out report or equivalent document submitted by the non-EPA party indicating no further remedial cleanup is needed. A finish date for the OCA action and a NFRAP qualifier should be entered into SEMS, and the site can be archived if no further Superfund interest exists.

Minimum documentation required to record a determination that remedial-type work will not be completed by the non-EPA party is a signed document from the non-EPA party stating work will not be completed. In cases where a signed document is not available from the other party, EPA shall, at a minimum, submit a signed document to the non-EPA party stating EPA is resuming an active role in pursuing additional remedial assessment and/or an alternative cleanup approach. A finish date for the OCA action can be entered into SEMS with a lower or higher priority or other further assessment-type qualifier.

Minimum documentation required to record a determination that sufficient progress has been made such that a site in the Active site inventory is no longer considered a likely NPL candidate is a progress report or equivalent document submitted by the non-EPA party providing sufficient information for the region to make a NFRAP determination. A finish date for the OCA action and a NFRAP qualifier should be entered into SEMS, and the site can be archived if no further Superfund interest exists.

In cases where EPA, states, tribes, municipal governments or other federal agencies decide to perform a site reassessment or other remedial site assessment to confirm no further Superfund interest is warranted, a finish date should be added to the OCA action in SEMS with a lower or higher priority qualifier and the appropriate site reassessment or other remedial assessment action should be added to the site schedule in SEMS.

In SEMS, the OCA decision is documented by completing the Remedial Site Assessment Decision Form in SEMS, or an equivalent document. A valid decision must be recorded in SEMS upon completion of the OCA Action. Please refer to exhibit 6.3 for a list of valid qualifiers for this action and a description of each qualifier.

EXHIBIT 6.13. OTHER CLEANUP ACTIVITY REQUIREMENTS

Action	Performance Lead	Action Date Requirements
Other Cleanup Activity (OCA)	EPA Oversight, Federal Facilities, State Oversight, State Performed, Tribe Performed	**Start:** EPA refers the NPL-caliber site to a state, tribal, or non-EPA federal environmental cleanup programmer, acknowledges the site is being cleaned up by one of these programs based on supporting documentation. **Finish:** EPA has documentation from the state, tribal or non-EPA federal environmental cleanup program indicating cleanup was successfully completed, or cleanup was unnecessary, or sufficient progress has been made to make a NFRAP decision, or EPA determines a different cleanup approach is needed for an NPL-caliber site.

Special Planning/Reporting Requirements:

When new site information is received at an OCA site, a Site Reassessment or other remedial site assessment action may be performed to determine whether the site is still eligible for the NPL. The remedial site assessment action and appropriate decision should be added to the site schedule in SEMS. The OCA action and Non-NPL Status should be updated in SEMS as follows:

If the remedial site assessment results in a NFRAP decision, the Non-NPL Status should be changed from OCA to NFRAP and the Non-NPL Status Date should be updated (the remedial site assessment completion date can be used as a default date for the updated Non-NPL Status Date). A completion date should be assigned to the OCA action along with a corresponding NFRAP decision on the site schedule in SEMS (the remedial site assessment completion date can be used as a default completion date for the OCA action).

If the remedial site assessment results in a decision that further OCA work is needed, the Non-NPL Status should remain as OCA and the Non-NPL Status Date should be updated to reflect the completion date of the remedial site assessment. The OCA action on the site schedule can remain as is until new information determines the OCA action is complete or a decision is made to pursue a different cleanup approach.

If the remedial site assessment results in a decision that a different cleanup approach is needed or further remedial site assessment is needed, the Non-NPL Status and Non-NPL Status Date should be updated accordingly and a completion date and appropriate decision should be assigned to the OCA action on the site schedule in SEMS.

Recording Final Assessment Decisions at Other Cleanup Activity Sites – Regions can assign a Final Assessment Decision in SEMS to those OCA sites where no further site assessment work is anticipated beyond reviewing cleanup progress/closeout reports and related information. If new information is received or conditions change such that further site assessment is warranted (e.g., site reassessment), regions can delete the Final Assessment Decision in SEMS.

OCA-designated sites should have the Eligible Response Site (ERS) Exclusion flag added to them. Once a site no longer complies with the OCA definition or is otherwise no longer following the OCA approach, the ERS Exclusion flag should be removed and a No Further Federal Action (NFFA) designation should be assigned if no further Superfund activity is needed based on currently available information.

As needed, an Action Anomaly Code can be recorded at the OCA action as follows:

- Other Start Anomaly (OS) – use if only an actual start date has been recorded.
- Other Start and Completion Anomaly (OA) – use if both a start and finish date have been recorded.

The following six actions can be entered under the Other Cleanup Activity to generically capture the different cleanup phases a site may be undergoing:

1. Comprehensive Site Investigation.
2. Remedy Selection.
3. Design.
4. Construction.
5. Post-Construction Maintenance.
6. Short Term Cleanup.

Action start and finish dates are available for documenting the start and completion of the different cleanup phases being conducted at non-NPL sites by non-EPA parties.

Regions are responsible for maintaining the accuracy of the non-NPL status for every non-NPL site in the SEMS inventory. Changes to the non-NPL status should be communicated to appropriate state staff and to tribes with a known interest in the site in a timely manner.

Data entry timeliness practices are important to obtain all accomplishments. See for details.

l. Formal State Deferral

Action Definition:

State Deferral is an administrative mechanism enabling states and tribes, under their own laws, to respond at sites in the SEMS inventory that EPA would otherwise not soon address. Under the State Deferral program, EPA anticipates that responses may be quick and efficient, yet still be protective of the environment and of communities' rights to participate in the decision-making process. See exhibit 6.13 for a chart of state deferral requirements.

In general, candidates for Formal State Deferral consist of NPL-caliber sites not on the NPL that are determined by EPA and the state to need an NCP-equivalent remedial cleanup

and the state is willing to enter into a site-specific or area-wide deferral Memorandum of Agreement as described in EPA's *Guidance on Deferral of NPL Listing Determinations While States Oversee Response Actions, OSWER 9375.6-11, May 1995*. This guidance and related modifications to the state deferral program included in EPA's Modifications to the State Deferral Program in Response to Office of the Inspector General Report No. E1SFF8-11-0020-8100234 State Deferrals: Some Progress, but Concerns for Long-Term Protectiveness Remain Directive, OSWER 9375.6-11A. April 12, 2002 establish specific criteria and requirements for implementing the Formal State Deferral approach at a site. Site cleanup progress must be reviewed annually. Key requirements include: establish specific criteria and requirements for implementing the Formal State Deferral approach at a site. Site cleanup progress must be reviewed annually. Key requirements include:

- site-specific or area-wide deferral Memorandum of Agreement (MOA);
- CERCLA protective cleanup;
- community participation comparable to NCP, including ensuring the community can raise concerns to EPA;
- annual progress review;
- 5-Year reviews or equivalent when hazardous contaminants remain on site; and
- EPA oversight varies from minimal to moderate.

Accomplishment Definition:

State Deferral Starts – The state deferral process start is defined as the date when the regional Superfund program director and the state program director sign a document deferring the site to the state under the terms established in the deferral guidance. A State Deferral (AQ) action at Operable Unit 00 must be recorded in SEMS.

State Deferral Completions – The state deferral completion is defined as either: 1) the signature date of a formal regional document confirming that the deferral has been completed successfully or terminating the deferral agreement; or 2) 90 days after the date EPA receives state certification that the deferral has been completed. The outcome (Qualifier) of the state deferral must be entered with the finish date.

A valid decision (Qualifier) must be recorded in SEMS upon completion of the state deferral. Options include:

- region confirmed successful deferral completion (RS); or
- region terminated deferral (RT)

EXHIBIT 6.14. STATE DEFERRAL REQUIREMENTS

Action	Performance Lead	Action Date Requirements
State Deferral	State Deferral	**Start:** Regional Superfund program director and the State program director sign a document deferring the site to the state under the terms established in the deferral guidance.

Action	Performance Lead	Action Date Requirements
		Finish: 1) Formal regional document confirming that the deferral has been completed successfully or terminating the deferral agreement; or 2) EPA receives state certification that the deferral has been completed.

Special Planning/Reporting Requirements:

Although not required, six sub-actions can be entered for the State Deferral action to generically capture the different cleanup phases a site may be undergoing. These sub-actions include:

7. Comprehensive Site Investigation;
8. Remedy Selection;
9. Design;
10. Construction;
11. Post-Construction Maintenance; and
12. Short Term Cleanup.

Start and finish dates are available for documenting the start and completion of the different cleanup phases being conducted at non-NPL sites by non-EPA parties.

Actual start and finish dates are required. Sites successfully completing the deferral process are eligible for archiving (removal) from the SEMS inventory. Formal State Deferral starts and completions are program measures.

Regions are responsible for maintaining the accuracy of the non-NPL status for every non-NPL site in the SEMS inventory. As new actions and new dates are entered into SEMS, the system will ask the user to confirm or change this value as appropriate. Changes to the non-NPL status should be communicated to appropriate state staff and to tribes with a known interest in the site in a timely manner.

Data entry timeliness practices are important to obtain all accomplishments. See section 6.A.4 for details.

6.A.9 Cleanup Alternatives

The Superfund remedial process begins once sites are brought to the attention of the Superfund remedial site assessment program. As the EPA uses all available tools to ensure the protection of human health and the environment, various avenues for site cleanup are evaluated during remedial site assessment to determine which is the most appropriate to meet site cleanup needs.

In addition to determining whether placing a site on the NPL is the most efficient option to achieve site cleanup, the EPA evaluates a number of other options for addressing site issues.

Below are descriptions of each of these site cleanup options. Additional information on cleanup alternatives is included in EPA's Superfund Task Force Recommendation 13, *Summary of Findings: Examine Opportunities to Achieve Protective Cleanup at NPL-Caliber Sites* issued July 2019.

a. Referral to EPA Removal

Removal actions are quick responses to immediate threats from hazardous substances to eliminate dangers to the public. Typical situations requiring removal actions include chemical fires or explosions, threats to people from exposure to hazardous substances, or contamination of drinking water supplies. Types of removal actions include removing and disposing of hazardous substances, constructing a fence or taking security precautions to limit human access to a site, providing a temporary alternative water supply to local residents when drinking water is contaminated, and temporarily relocating area residents if necessary.

Upon completion of a remedial assessment action, the region may determine that a time-critical, non-time critical (NTC), or other action from the EPA removal program is warranted. Regional SAMs should coordinate and consult with the Region's removal program when they learn of either sampling results with consistent exceedances of removal program screening values or other information indicating the site may pose an imminent threat to human health or the environment. See the OLEM memo *Remedial and Removal Program Coordination Regarding Potential Imminent Threats to Human Health or the Environment, August 11, 2016* for more information. If the removal program agrees to conduct any action, there are two different decisions used to track the referral of a site to the removal program. The decisions depend upon whether or not the region believes additional remedial assessment will still be needed following completion of work by the removal program. The two decisions are self-explanatory and are tracked as an action decision (qualifier) and as the Non-NPL Status. They are:

1. Referred to Removal – Needs Further Remedial Assessment
2. Referred to Removal – No Further Remedial Action Planned

Regions should monitor those sites referred to removal that need further remedial assessment to ensure additional remedial assessment is not overlooked once removal work is complete.

Sites with Removal-Only or Referred to Removal, No Further Remedial Assessment designations will be excluded from the backlog of sites needing remedial assessments. Headquarters will maintain a tracking report in SEMS to help Regions monitor assessed sites with Referred to Removal decisions.

b. Deferral to RCRA

Upon completion of remedial assessment action, the region may determine that the site is excluded from Superfund consideration under policy, regulatory, or legislative

restrictions and defer it to the RCRA program. It is the EPA's policy to defer placing sites on the NPL that can be comparably addressed under RCRA Subtitle C corrective action authorities; however, there are certain exceptions to this policy (e.g., uncooperative or bankrupt responsible party). See the following documents for additional information: *Interim Guidance in Response to the OIG Audit "Superfund Sites Deferred to RCRA", OSWER 9200.1-31P, December 1999* and *Memo Regarding Coordination between RCRA Corrective Action Closure and CERCLA Site Activities, September 1996*. RCRA sites not subject to Subtitle C can continue to be considered for NPL listing. If a site can be addressed under RCRA but does not qualify for the NPL, the site should be assigned a NFRAP decision. See section 6.A.5.f. Action Qualifiers for Remedial Site Assessment Actions, Deferred to RCRA earlier in this chapter for more information on tracking Deferred to RCRA decisions in SEMS.

c. Deferral to Nuclear Regulatory Commission (NRC)

Since September 8, 1983, EPA has generally deferred listing on the CERCLA NPL those sites that are subject to NRC's licensing authority, in recognition that NRC's actions are believed to be consistent with the CERCLA requirement to protect human health and the environment. However, as EPA indicated in the Federal Register notice announcing the policy of CERCLA deferral to NRC, if EPA "determines that sites which it has not listed as a matter of policy are not being properly responded to, the Agency will consider listing those sites on the NPL" (see 48 FR 40658).

In a MOU signed in 2002 by EPA and NRC, EPA reaffirmed its previous 1983 deferral policy. EPA expects that any need for EPA CERCLA involvement in the decommissioning of NRC licensed sites should continue to occur very infrequently because EPA expects that the vast majority of facilities decommissioned under NRC authority will be decommissioned in a manner that is fully protective of human health and the environment. By this MOU, EPA agreed to a deferral policy regarding NRC decision-making without the need for consultation except in certain limited circumstances as specified in paragraphs V.C.2 and V.C.3 of the MOU.

The following documents provide additional details on deferrals to NRC and the EPA/NRC MOU:

- *Amendment to the NCP/NPL (section: Releases of Radioactive Materials), FR 48 40661, September 8, 1983; Memorandum Of Understanding (MOU) between the U.S. EPA and the U.S. Nuclear Regulatory Commission regarding Consultation and Finality on Decommissioning and Decontamination of Contaminated Sites, OSWER No. 9295.8-06a, October 9, 2002.*
- *Distribution of Memorandum of Understanding between EPA and the Nuclear Regulatory Commission, OSWER NO. 9295.8-06a, October 9, 2002*.

d. Other Cleanup Activity

Sites that are not on EPA's NPL that have completed the Superfund remedial assessment process and are considered to be NPL-caliber (i.e., existing information indicates that the site may achieve an HRS score ≥ 28.5 and the site warrants remedial-type work) may be addressed under a state, tribal, municipal, or other federal agency environmental cleanup

program. EPA refers to these sites as Other Cleanup Activity (OCA) sites. EPA expects remedial-type work at these sites will be completed under the laws, regulations and policies applicable to the state, tribe or other Federal agency managing the cleanup work. Remedial-type work can include comprehensive site investigations in support of making cleanup determinations, interim cleanup actions, removals or final cleanup decisions, including decisions that cleanup is not required. At these sites, there is no continuous and substantive EPA involvement while remedial-type work is ongoing, such as routinely reviewing work products and other documents and providing comments.

EPA performs a monitoring role at OCA sites in the Active site inventory by checking in with state, tribal, municipal and other federal agency partners on the status of cleanup work at these sites at least once every two years. Should conditions change such that federal Superfund involvement becomes necessary, EPA will work with these partners to determine an alternative approach for addressing a site.

EPA's SEMS inventory contains limited information on these sites. SEMS information on OCA sites in the Active site inventory is included in EPA's LIST 8R-Active Site Inventory With Action Details report posted monthly on the Superfund Data and Reports webpage. EPA's Search Superfund Site Information web query can also be used to generate a list of OCA sites. EPA staff will generally need to forward public inquiries for specific cleanup information at non-Federal OCA sites to state, tribal, municipal or other government partner staff. See SPIM Chapter 9 Federal Facility Program for additional information related to Federal Facilities.

The Non-NPL Status in SEMS is used to track the specific OCA designation based on the type of government entity administratively responsible for site cleanup. The following four OCA status designations and accompanying definitions are provided to assist EPA staff in making consistent OCA status designations across regions:

Other Cleanup Activity: State-Lead Cleanup:
A state agency with environmental responsibilities has requested or agreed to pursue a non-NPL cleanup under a state government managed cleanup program such as a state Superfund or other enforcement program, a State Voluntary Cleanup program, or other program with sufficient oversight ability to ensure progress is effectively monitored and communicated annually to the EPA.

Other Cleanup Activity: Tribal-Lead Cleanup:
A tribal government program with environmental responsibilities has requested or agreed to pursue a non-NPL cleanup under a tribal government managed cleanup program with sufficient oversight ability to ensure progress is effectively monitored and communicated annually to the EPA.

Other Cleanup Activity: Municipal/Other Government-Lead Cleanup:
A municipal or other local government program with environmental responsibilities has requested or agreed to pursue a non-NPL cleanup under a municipal or other local

government managed cleanup program with sufficient oversight ability to ensure progress is effectively monitored and communicated annually to the EPA.

Other Cleanup Activity: Federal Facility-Lead Cleanup:
A non-EPA federal agency with environmental responsibilities has requested or agreed to pursue a non-NPL cleanup under their own federally mandated cleanup program with sufficient oversight ability to ensure progress is effectively monitored and communicated annually to the EPA.

The four types of OCA designations are tracked in the Non-NPL Status column in SEMS. Sites with these designations must also have an OCA action added to their project schedule in SEMS. The schedule action enables EPA to track the start and finish of OCA work as well as progress made while OCA work is underway.

The OCA cleanup option does not apply to sites being addressed under RCRA Subtitle C corrective action. Subtitle C sites should use the RCRA deferral cleanup option.

e. Formal State Deferral

State Deferral is an administrative mechanism enabling states and tribes, under their own laws, to respond at sites in the SEMS inventory that EPA would otherwise not soon address. Under the State Deferral program, EPA anticipates that responses may be quick and efficient, yet still be protective of the environment and of communities' rights to participate in the decision-making process.

In general, candidates for Formal State Deferral consist of NPL-caliber sites not on the NPL that are determined by EPA and the state to need an NCP-equivalent remedial cleanup and the state is willing to enter into a site-specific or area-wide deferral Memorandum of Agreement as described in EPA's *Guidance on Deferral of NPL Listing Determinations While States Oversee Response Actions, OSWER 9375.6-11, May 1995*. This guidance and related modifications to the state deferral program included in *EPA's Modifications to the State Deferral Program in Response to Office of the Inspector General Report No. E1SFF8-11-0020-8100234 State Deferrals: Some Progress, but Concerns for Long-Term Protectiveness Remain Directive, OSWER 9375.6-11A, April 12, 2002* establish specific criteria and requirements for implementing the Formal State Deferral approach at a site. Site cleanup progress must be reviewed annually. Key requirements include:

- site-specific or area-wide deferral MOA;
- CERCLA protective cleanup;
- community participation comparable to NCP, including ensuring the community can raise concerns to EPA;
- annual progress review;
- 5-Year reviews or equivalent when hazardous contaminants remain on site;
- EPA oversight varies from minimal to moderate.

Refer to the guidance on for additional information on this program.

f. Superfund Alternative Approach (SAA)

When a liable Potential Responsible Party (PRP) demonstrates it is viable and cooperative, EPA regional offices, at their discretion, may enter into a SAA agreement with the PRP to facilitate the cleanup of a site. The SAA uses the same investigation and cleanup process and standards that are used for sites listed on the NPL. The SAA is generally the Agency's preferred enforcement approach for CERCLA non-NPL sites that are NPL-caliber, where feasible and appropriate.

Threshold eligibility criteria for using the SAA are:

- site contaminants are significant enough that the site would be considered NPL-caliber (i.e., the site would have a HRS ≥ 28.5 and need remedial-type work);
- a long-term response (i.e., a remedial action) is anticipated at the site;
- there is a willing, capable PRP who will negotiate and sign an agreement with EPA to perform the investigation or cleanup; and
- EPA determines if the SAA is appropriate at a particular site. (A PRP may request that a site be evaluated for the SAA.) If a site meets criteria 1 and 2 above, EPA and the PRP may choose to negotiate an SAA agreement. The SAA agreement is equivalent to an agreement negotiated at an NPL site.

Potentially responsible parties, or a subset of PRPs, may choose not to negotiate an SAA agreement. In that case, the site would proceed to cleanup on a different path.

The following transparency and accountability requirements apply to sites using the SAA:

- Prior to starting negotiations for a SAA agreement, the regions should bring the site to the NPL-listing panel for discussion regarding site characteristics (including adequate documentation supporting a HRS score of ≥ 28.5) and planned use of the SAA. This is the same panel that reviews sites that the regions propose to list on the NPL. Adequate HRS documentation consists of a full HRS package prepared by the region. The HRS package does not have to go through the EPA HQ QA process.
- The regions should notify the public of its intent to use CERCLA authority at the site.
- The regions should use SEMS to track the same progress milestones for sites with SAA agreements as those that are tracked for PRP-lead sites listed on the NPL.
- Final SAA agreements will be reviewed at EPA HQ and catalogued on EPA's SAA website so that all interested parties can know what sites have a SAA agreement.
- The regions will develop and maintain on the internet the same site-specific fact sheets that are developed for sites listed on the NPL.
- EPA will report annually on progress at sites using the SAA.

- EPA will maintain and update the SAA web pages as a source of public information on the approach. SAA web pages include a list of sites with SAA agreements, links to their site-specific fact sheets, and links to related information.

The SEMS includes three radio buttons in Site Summary related to EPA's a Superfund Alternative Approach agreements to better track and report accomplishments at sites using the SAA. These radio buttons include:

- SAA Agreement - Indicates an SAA agreement has been signed for the site.
- Former SAA Agreement Site - Indicates a site had a signed SAA agerement, but the agreement is no longer active and in effect.
- Regionally Identified SAA Site - Tracks sites reported as following an SAA-type process prior to implementation of the SAA policy.

Regions are responsible for ensuring the correct code comports with the list of sites posted on the SAA website. For historical reporting purposes, this code should remain in place once properly added to SEMS. The code should not be deleted regardless of the outcome of the SAA unless it was originally added due to a data entry error.

A SEMS user must have the Construction Completion Management Approval role to edit the "SAA Agreement" radio button.

Additionally, there can be multiple enforcement agreements at a site including sites where an SAA agreement has been negotiated. Therefore, regions should select 'Superfund Alternative Approach Agreement per OECA' from the enforcement instrument Categories list in the Edit Action Details screen in SEMS to indicate the specific agreement(s) that are the SAA agreement(s) at the site. The SEMS FOIA-14 Superfund Alternative Approach Agreement Sites and Agreements report is available on the public Superfund Data and Reports webpage. Additional information related to entering SAA-related information in SEMS is included in SPIM Chapter 10, Enforcement, section 10.A.3. Superfund Alternative Approach (SAA) Sites and in the SEMS Site Summary User Guide.

EPA's Office of Enforcement and Compliance Assurance (OECA) is responsible for reviewing final SAA agreements and maintaining the SAA website. SAA guidance and the latest list of sites with SAA agreements can be found on the Superfund Alternative Approach website.

g. NPL Listing

The NPL is a list of national priorities among the known or threatened releases of hazardous substance, pollutants, or contaminants throughout the United States. The list, which is appendix B of the NCP (40 CFR part 300), was required under Superfund law. The NPL is required to be revised annually and it is intended primarily to guide EPA in determining which sites warrant further investigation to assess the nature and extent of public health and environmental risks associated with a release of hazardous substances, pollutants or contaminants. Sites with HRS scores of 28.5 or greater are eligible for placement on the NPL.

Only non-Federal Facility sites on the NPL are eligible for Superfund-financed remedial actions. EPA's Superfund: National Priorities List (NPL) website contains current information sites proposed to, placed on, or deleted from the NPL.NPL listing should be used when it is believed to be the best approach for addressing a site. EPA's 1992 directive, *Guidance on Setting Priorities for NPL Candidate Sites, OSWER 9203.1-06, October 1992*, provided general factors that should be considered in the risk-based decision making process for choosing sites to propose for listing pursuant to section 105(a)(8)(B) of CERCLA.

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Chapter 7: Removal Program

Chapter 7: Removal Program

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CHAPTER 7: REMOVAL PROGRAM

7.A PROTECT HUMAN HEALTH AND THE ENVIRONMENT

Protection of human health and the environment remains the highest priority for the Superfund program. The Environmental Protection Agency (EPA) will continue to address the worst sites first while balancing the need to complete response actions at sites. The Agency will ensure that available resources are disbursed in a fiscally sound manner. Maximizing Potentially Responsible Party (PRP) involvement remains a high priority.

7.A.1 Overview of Removal Actions Target and Measures

The following pages contain, in pipeline order, the definitions of removal program targets and measures. Federal agencies are delegated removal authority by EO 12580 and may be reviewed by EPA in accordance with established Federal Facility Agreements. For information on reporting removals at federal facilities, see Chapter 9, titled 'Federal Facility Program.' Exhibit 7.1 displays the reporting hierarchy of removal actions defined in this chapter.

EXHIBIT 7.1. REMOVAL PROGRAM ACTIONS

Action	External Program Reporting	Internal Program Reporting
Action Memos		Headquarters (HQ)
Removal Starts		HQ
Removal Completions	BFS	Target

NOTE: For each action, the definitions and reporting requirements in this chapter specify applicability with respect to National Priorities List (NPL) status, action lead, and actual start and finish dates.

Key to Reporting Hierarchy
Target = Superfund Comprehensive Accomplishments Plan (SCAP) target and reporting measure.
HQ = Tracked by HQ for program management purposes, but not a SCAP target or measure.

7.A.2 Removal Program Performance Action Leads

As part of the transition to the Superfund Enterprise Management System (SEMS) in Fiscal Year (FY) 2014, site-related actions were modified to more accurately track the actual remedial pipeline work performed by EPA, states, and tribes rather than the source of funding. This was done at the action name level by identifying different sub-action for government conducted or PRP conducted actions (where the government performs oversight of the PRP) and by creating two new lead codes, Performance lead and Financial lead, to replace the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) lead code, which was often used to identify the funding source for actions.

For example, a Removal (RV action code, see 2016 Action Code Dictionary) previously could be Fund-financed using the F-, TR-, S-lead actions, or PRP-financed using the SA-, SS-, or ST-lead actions. The lead code identified both who conducted the action as well as how it was

financed. Similarly, the PRP RV described an RV conducted by a PRP, with a different set of lead codes. EPA's approach now uses Government Removal to denote a removal performed by a government entity (with exception of a federal facility, which has its own action and its own Performance lead code). The Performance lead code identifies whether EPA, a state, or a tribe is conducting the work. A PRP Removal is removal work performed by the PRP, and the Performance lead code identifies whether EPA, a state, or a tribe is performing oversight of the work done by the PRP. Separate financial lead codes in SEMS are used to identify the funding source of any government or PRP-performed action—Fund, Special Account, or Mixed Sources. Superfund financial management is addressed in Chapter 3 of this document. Financial Lead codes are discussed in more detail in Chapter 4, section 4.D, of this document.

7.A.3 Data Entry Timeliness

The regions should assure that their site information is complete, current, consistent and accurate. It is essential that planning and accomplishment data in SEMS remain current throughout the year and that accomplishments are reported as they occur. Regions should ensure planning and accomplishment data is generally reflected in SEMS within ten working days of the end of the quarter in which it occurred. See section 4.C.1 of this document for additional information about data quality and timeliness standards.

7.A.4 Removal Initiation

Removal Initiation is the process by which a potential hazardous waste site is entered into SEMS inventory for removal response actions. All sites considered removal only sites should have a removal initiation date entered in SEMS as soon as the site is added. A site should be added when the Site/Spill ID (SSID) is assigned or when the On-Scene Coordinator (OSC) deploys. Entry of the removal initiation date begins the removal process and distinguishes it from the National Priorities List (NPL) assessment process. If the site needs to go through the NPL assessment process, then a Site Discovery date is required (see Chapter 6, titled 'Remedial Site Assessment,' for further information on sites needing remedial assessment work).

7.A.5 Action Memo

An Action Memo is developed to document decisions for removal actions at NPL, non-NPL, and Superfund Alternative sites. Authority is granted when the Action Memo is signed by the appropriate regional official. Subsequent Action Memos may be generated during a removal action to document ceiling increases, scope of work changes, 12-month exemptions, and $2M exemptions. Approval signatures for Action Memoranda should be consistent with the appropriate position as set forth by both National and Regional Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) 14-2 Delegations.

EXHIBIT 7.2. ACTION MEMORANDUM REQUIREMENTS

Action	Performance Lead	Action Date Requirements
Action Memo	EPA Performed, EPA Performed In-House, EPA Oversight, State Performed	**Start/Finish:** Date Action Memo signed by the appropriate regional official

Special Planning/Reporting Requirements:

1. To receive credit for Action Memos, the Action Memo action must be linked to the appropriate Removal Action.
2. Specific information must be added to the Edit Action Details screen within the SEMS Site Management (SEMS-SM) Module. This includes removal action details, media, response technology, Action Memo type, and ceiling costs. All fields for data entry are found on the SEMS Edit Action Details screen upon selection of the applicable Removal Action.
3. To ensure data completeness in documenting removal actions requiring senior management signatures on Action Memos to allow an exemption to the 12-month duration and $2M cost ceiling, these Action Memos will be uploaded into SEMS per the requirements outlined in Chapter 13, titled 'Superfund Records Management.'

7.A.6 Removal Action

Removal actions are responses performed at NPL and non-NPL sites that eliminate or reduce threats to public health or the environment from the release, or potential release, of hazardous substances or pollutants or contaminants that may pose an imminent and substantial danger to public health or welfare. These risk reduction activities can be conducted as emergency, time-critical, or non-time critical removal actions. The appropriate use of special account funds for removal actions is provided in the *Guidance on the Planning and Use of Special Account Funds, OSWER 9275.1-20, September 2010*.

Classic Emergencies: Removals where the release requires that on-site activities be initiated within hours of the lead agency's determination that a removal action is appropriate. If the work is ongoing beyond a year, the removal type must be changed to Time-Critical or Non-Time-Critical.

Time-Critical: Removals where, based on the site evaluation, the lead agency determines that a removal action is appropriate and that there is a period of less than six months after site evaluation before on-site activities must be initiated.

Non-Time Critical: Removals where, based on the site evaluation, the lead agency determines that a removal action is appropriate and that there is a planning period of more than six months before on-site activities must begin. The lead agency will undertake an Engineering Evaluation/Cost Analysis (EE/CA) for non-time critical removals. These removal actions are most often led by the remedial program or funded by PRPs.

EXHIBIT 7.3. REMOVAL ACTION REQUIREMENTS

Action	Performance Lead	Action Date Requirements
GOVT Removal	EPA Performed, State Performed, Tribe Performed	**Start:** Initial Pollution Report (POLREP) documenting date of mobilization to the site for the start of removal work specified in the Action Memo **Finish:** Is documented in a POLREP that identifies the Completion Date as the date when all on-site work specific in the Action Memo has been completed and**/or** the OSC deems

Action	Performance Lead	Action Date Requirements
		that no further mobilization to the site is anticipated to address the threats identified in the Action Memo.
PRP Removal with Enforcement Instrument	EPA Oversight, EPA Oversight (Special Account Financed)	**Start:** Initial POLREP documenting date of mobilization to the site for the start of removal work specified in the Action Memo or enforceable document **Finish:** For actions where the POLREP occurred prior to FY18, the date of Notice of Completion document to the PRPs will be the milestone date. Otherwise, it is documented in a POLREP that identifies the Completion Date as the date when all on-site work specified in the Action Memo has been completed and/or the OSC deems oversight has been completed.
	State Oversight, Tribe Oversight	**Start:** Initial POLREP documenting date of mobilization to the site for the start of removal work specified in the Action Memo or enforceable document **Finish:** A POLREP documenting the completion date and the date that the state certified that the PRPs have fully met the terms of the enforcement instrument and have completed all work specified in the Action Memo.
PRP Emergency Removal with no Enforcement Instrument	EPA Oversight	**Start:** Initial POLREP documenting EPA's role in conducting oversight of the PRP-lead action and date that the PRPs mobilized to the site to start the removal work **Finish:** A POLREP documenting the date that EPA along with the Unified Command / Incident Command have determined that the emergency has been stabilized (completion date).

Special Planning/Reporting Requirements (Starts):

1. The completion of a Preliminary PRP Search is required prior to the initial non-emergency response action at a site.
2. To receive credit for the start of a PRP removal action with an enforcement instrument, the date of the following applicable enforcement instrument must be entered in SEMS as well as all required data elements for the enforcement instrument identified in Chapter 10:
   - The date the Administrative Order on Consent (AOC) or Consent Agreement (CA) was signed by the designated regional official; or
   - The date the PRPs provide notice of intent to comply with the Unilateral Administrative Order (UAO); or
   - The date the Consent Decree (CD) is entered by the court requiring the PRP to conduct or pay for the removal action; or
   - The date the final judgment is signed by the federal judge and entered by the court; The removal must also be associated with the appropriate enforcement instrument.
3. For both Government and PRP removals, the Response Type (Critical Indicator) field must be entered into the SEMS-SM Module.

Program policy remains enforcement first. Headquarters (HQ) encourages the regions, in order to have the ability to bill for oversight costs, to use enforceable instruments for PRP-Lead time-critical and non-time critical removals.

PRP Removals with No Enforcement Instrument (PJ): A PRP Removal With No Enforcement Instrument (PJ) should be a response action that:

- Is classified as an Emergency Response (i.e., not a Time Critical or Non-Time-Critical Removal)
- Involves the mobilization of an EPA On-Scene Coordinator (OSC) to the incident site
- Involves the release or threat of release of a hazardous substance, pollutant or contaminant
- Involves EPA oversight or participation in the oversight (i.e., unified command) of an identified PRP that is conducting clean-up activities

OSCs and regional removal programs should make the determination of when an emergency response is considered complete. In cases where a PJ response does not meet these criteria, or is not completed within 30 days of initial mobilization (not including waiting for disposal or administrative delays), the region should contact the Office of Emergency Management (OEM) to discuss the possible use of an enforcement instrument and to determine if the response should be counted as a PJ or another action (e.g., Time-Critical PRP Removal with Enforcement Instrument) for Government Performance and Results Act (GPRA) credit.

A PRP-financed emergency removal action with no enforcement instrument is considered complete when the OSC, in consultation with the unified command/incident command system if applicable, has determined that the emergency is stabilized (as documented in the POLREP).

Special Planning/Reporting Requirements (Finish): The removal program requires the actual start and finish dates to be entered for removal completions. The data elements listed below must also be entered in SEMS for Government and PRP Removal completions. If these fields are left blank the removal will not be captured on reports and will not count towards the GPRA annual performance goal.

- Removal Action Name and Sequence Number.
- Performance Lead.
- Response Type (Critical Indicator).
- Start Date.
- Completion Date.
- Media Name.
- Media Type.
- NPL / Non-NPL.

- Site Type / Subtype.
- Action Qualifier (Stabilized / Cleaned Up).
- Volume.
- Contaminants.
- Contaminants of Concern.
- Latitude / Longitude, including:
  - Collection date.
  - Latitude (decimal).
  - Longitude (decimal).
  - Collection Method.
  - Reference Datum.
  - Source Map Scale.
  - Verification Method.
  - Reference Point.
- Tribal Government Ownership.
- $2 Million Statutory Exemption.
- 12-Month Statutory Exemption.
- Final Action Memo Cost Ceiling.

Contaminants of Concern should be limited to those contaminants that are driving the removal action (maximum 5).

Common Exceptions: An entry of '0' (zero) for volume is valid when no volume information for contaminated material is reported by EPA or the PRP, or if EPA activities include only air monitoring or groundwater sampling. Specific cases for other possible exceptions will be evaluated as needed.

The Action Qualifier should be determined using the following definitions:

- Stabilized: Immediate threats to human health and the environment have been mitigated.
- Cleaned Up: Clean-up criteria in the action memo have been met.

The volume tracks the amount of contaminated media that has been treated, stabilized, contained, or removed using risk management technologies, engineering techniques, or institutional controls. The Cleanup Volumes information can be accessed through the CleanUp Volume section of the Edit Action Details screen of the Removal action. Data documenting volumes of contaminated media addressed can typically be found in the Record of Decision, Action Memoranda, and Pollution Reports.

The $2 million and 12-month statutory exemptions are based on whether an exemption granting action memo covering the removal action has been signed. For each exemption type, select Y or N from the dropdown box to designate the response for the action.

The final action memo cost ceiling is concurrent with the information in 7.A.5, 'Action Memo', requiring action memo ceiling data entry. The requirement in this chapter only applies to the final action memo cost ceiling for the action.

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, a Removal would not be considered complete if: a) The Action Memorandum requires the EPA contractor to monitor the hazardous substances stored on-site or additional contractor expenditures are anticipated; or b) Hazardous substances are being stored at an off-site facility other than the ultimate TSD facility required in the Action Memorandum.

Regions will receive credit in the management of the Superfund program for completion of a removal action even though the removal action itself may not be complete for cost recovery statute of limitations purposes. Agency policy for statute of limitations purposes provides that a removal action is not complete until EPA has made a final decision on whether any additional cleanup activity is required (and, if it is required, until EPA has both made a final decision on such additional activity and has completed the design for that activity). The date found in the removal action, actual finish column of a SEMS report is a programmatic measure only, 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 change such data at any time without public notice.

Superfund Program Implementation Manual

FY 25

Chapter 8: Remedial Program

Chapter 8: Remedial Program

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CHAPTER 8: REMEDIAL PROGRAM

8.A REMEDIAL PROGRAM TARGETS AND MEASURES

As described in Chapter 1 of this manual, the Superfund remedial program implements numerous processes to determine the need for and to conduct response actions. These processes include collecting data on sites to determine the eligibility for a Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) response, conducting or overseeing investigations and studies to select remedies, designing and constructing or overseeing construction of remedies and post-construction activities at non-Federal Facility (FF) sites. The remedial program also includes technical and administrative support activities, redevelopment functions, participation of states, tribes, and communities in cleanups, and enhancement of response capabilities of states and tribes.

The following pages contain the definitions of remedial activities, programmatic measures, and remedial project support activities. Exhibit 8.1 displays the internal and external reporting hierarchy for the full list of remedial activities defined in this chapter.

EXHIBIT 8.1. REMEDIAL PROGRAM ACTIVITIES

Activity	External Program Reporting	Internal Program Reporting
Remedial Action Project Completion (RAPC)	Budget Formulation System (BFS)	Target
Construction Completion (CC)		Target
Migration of Contaminated Groundwater Under Control (GMUC)		Target
Human Exposure Under Control (HEUC)	BFS, Strategic Plan	Target
Sitewide Ready for Anticipated Use (SWRAU)	BFS	Target
Remedial Investigation/Feasibility Study (RI/FS) (RI, FS, Combined RI/FS)		Target
Decision Document (Record of Decision [ROD], ROD Amendment, Explanation of Significant Differences [ESD])		Target
Remedial Design		Target
Five-Year Review (FYR)		Target
National Priorities List (NPL) Deletion and Partial Deletion		Target
Proposed Plan		Measure
Proposed Plan Comment Period		Measure
Engineering Evaluation/Cost Analysis (EE/CA)		Measure
Non-Time Critical Removal Action (NTCRA)		Measure

Activity	External Program Reporting	Internal Program Reporting
Operational and Functional Determination (O&F)		Measure
Long Term Response Action (LTRA)		Measure
Operation and Maintenance (O&M)		Measure
Groundwater Monitoring		Measure
Site Completion		Measure
Remedial Action (RA) Contract Award		Headquarters (HQ)
Start of On-Site Construction		HQ
Treatability Study		Regional
Support Agency Assistance		Regional
Technical Assistance		Regional

For each action, the definitions and reporting requirements in this chapter specify applicability with respect to NPL status, action performance lead, and actual start and finish dates.

Key to Reporting Hierarchy
BFS = Regional targets are established in Budget Formulation System.
Strategic Plan = National target is publicly reported in Agency fiscal year (FY) 2022-2026 Strategic Plan.
Target = Superfund Comprehensive Accomplishments Plan (SCAP) target and reporting measure.
Measure = SCAP reporting measure, target not required.
HQ = Tracked by HQ for program management purposes, but not a SCAP target or measure.
Regional = Tracked by regions only, primarily for financial management purposes.

Where noted in this document, specific actions may be applicable at non-National Priorities List (NPL) sites with a Superfund Alternative Approach (SAA) settlement pursuant to the current SAA guidance. Additional details on the SAA category of sites can be found in Chapter 10, titled 'Enforcement.' Sites using the SAA should be identified in Superfund Enterprise Management System (SEMS) using the Special Interest code of 'Site with SA Agreement per SAA guidance' in order to ensure accurate reporting.

8.B REMEDIAL PROGRAM PERFORMANCE LEADS

SEMS captures two aspects of actions, the entity that performs the work itself (e.g. EPA, state, tribes, and potentially responsible parties [PRPs]) as well as the funding source for those actions. These aspects are captured by a combination of the activity name, performance lead code, and financial lead codes. For example, EPA uses Government remedial investigation (RI) to denote a RI performed by a government entity (not at a federal facility site, which has its own action and performance lead codes). The performance lead code identifies whether EPA, a state, or a tribe is conducting the work. Similarly, a PRP RI is RI work performed by the PRP, and the performance lead code identifies whether EPA, a state, or a tribe is performing oversight of the work done by the PRP. Financial lead codes in SEMS are used to identify the funding source of any government or PRP-performed action—Fund, Special Account, or Mixed Sources. Superfund

financial management is addressed in Chapter 3 of this document. Financial lead codes are discussed in more detail in Chapter 4, section 4.E, of this document.

8.C DATA ENTRY TIMELINESS

The regions should assure that their site information is complete, current, consistent and accurate. It is essential that planning and accomplishment data in SEMS remain current throughout the year and that accomplishments are reported as they occur. Regions should ensure accomplishment data are generally reflected in SEMS within five working days of the end of the quarter in which accomplishments occurred. See section 4.C.1 of this document for additional information about data quality and timeliness standards.

8.D REMEDIAL PROGRAM DEFINITIONS

8.D.1 Remedy Selection

a. Remedial Investigation

The purpose of the RI is to collect data necessary to adequately characterize the site to develop and evaluate effective remedial alternatives. The RI provides information to assess the risks to human health and the environment and to support the development, evaluation, and selection of appropriate response alternatives.

The RI may be conducted alone, as part of a sitewide integrated Expanded Site Inspection/Remedial Investigation (ESI/RI) assessment, or as a Combined Remedial Investigation/Feasibility Study (RI/FS). The RI action should only be added to SEMS when the RI is conducted as a stand-alone action.

b. Feasibility Study

The primary objective of the feasibility study (FS) is to ensure that appropriate remedial alternatives are developed and evaluated such that an appropriate remedy may be selected.

The FS may be conducted alone or as part of a Combined RI/FS. The FS action should only be added to SEMS when the FS is conducted as a stand-alone action.

c. Combined RI/FS

The purpose of the Combined RI/FS (action code CO, or BD if PRP-led) is to assess site conditions and evaluate alternatives to the extent necessary to select a remedy.

Regions should not report a Combined RI/FS start if a separate RI and FS are being conducted and have been reported. The RI/FS start and the RI start definition are the same.

The following exhibit describes the requirements to accomplish start and finish at NPL and SAA sites for RI, FS, and Combined RI/FS remedial pipeline actions.

EXHIBIT 8.2. RI, FS, AND COMBINED RI/FS REQUIREMENTS

Action	Performance Lead	Action Date Requirements
Site must be an NPL or SAA site		
GOVT RI, GOVT FS GOVT RI/FS,	EPA Performed State Performed Tribe Performed	**Start:** Contract modification or work assignment/task order signed by EPA CO; OR an Inter-agency Agreement signed by other federal agency; OR Cooperative Agreement signed by Regional Administrator or designee. OR Date when the EPA requests the RI/FS. **Finish:** RI only - RI Report signed by appropriate regional official; FS or Combined RI/FS - Remedy Decision document (ROD, ROD amendment, ESD) signed by appropriate regional official
	EPA Performed In-House	**Start:** Date Memo to file documenting initial scoping meeting signed by appropriate regional official; **Finish:** RI only - RI Report signed by appropriate regional official; FS or Combined RI/FS - Remedy Decision document (ROD, ROD amendment, ESD) signed by appropriate regional official
PRP RI, PRP FS, PRP Combined RI/FS	EPA oversight	**Start:** Administrative Order on Consent (AOC); OR Notice of intent to comply with Unilateral Administrative Order (UAO); OR Memo transmitting Consent Decree (CD) to the Department of Justice (DOJ) or HQ – signed by Regional Administrator or designee; OR Date when the EPA requests the RI/FS **Finish:** RI only - RI Report signed by appropriate regional official; FS or Combined RI/FS - Remedy Decision document (ROD, ROD amendment, ESD) signed by appropriate regional official
	State Oversight, Tribe Oversight	**Start:** State enforcement Cooperative Agreement; or Superfund Memorandum of Agreement (SMOA); Tribal Memorandum of Agreement (TMOA) or other State/Tribal/EPA agreement – signed by the appropriate state and regional officials; OR Memo transmitting CD to HQ or DOJ signed by the appropriate regional official OR Date when the EPA/State/Tribe requests the RI/FS **Finish:** RI only - RI Report signed by appropriate regional official; FS or Combined RI/FS - Remedy Decision document (ROD, ROD amendment, ESD) signed by appropriate regional official

Special Planning/Reporting Requirements:

If a subsequent GOVT-RI, GOVT-FS, or GOVT Combined RI/FS is initiated without a new obligation of funds, the start date that is recorded in SEMS is EPA's written approval of the work plan for the subsequent action.

If a subsequent PRP-RI, PRP-FS, or PRP-Combined RI/FS is initiated under an amended Administrative Order on Consent (AOC), Consent Decree (CD) state order, or comparable state enforcement document, the start date as recorded in SEMS is the date the last state official or Regional Administrator/designee signs the amendment. If a CD is amended, the

start date is the date the Regional Administrator signs the memorandum transmitting the CD to the Department of Justice (DOJ) or Headquarters (HQ).

If a subsequent PRP-RI, PRP-FS, or PRP-Combined RI/FS is initiated without a new or amended AOC, CD, state order, or other comparable state enforcement document, the start date for the subsequent action recorded in SEMS is documented by a letter, form, or memo from EPA or the state approving the work plan for the subsequent action.

d. Treatability Studies

Treatability studies are laboratory or field tests used to determine whether available technologies will effectively decontaminate a given matrix in order to develop feasible remedial alternatives. Treatability studies are not a program requirement but if performed should be tracked at the regional level but this action is not a program target or measure.

EXHIBIT 8.3. TREATABILITY STUDY REQUIREMENTS

Site must be an NPL or SAA site

Action	Performance Lead	Action Date Requirements
Perform Treatability Study (Optional; but if performed, must be tracked in SEMS)	EPA, Tribe, State, EPA In-house	**Start:** Approval of Treatability Study Work Plan **Finish:** Approval of Treatability Study Report

e. Proposed Plan

The Proposed Plan briefly summarizes the site conditions, nature and extent of contamination, human health and ecological risk assessments and the alternatives studied in the detailed analysis phase of the RI and FS reports or RI/FS report, highlighting the key factors that led to identifying the Preferred Alternative. The Proposed Plan and other documents forming the basis for the lead agency's response selection must be available in the Administrative Record file. The Proposed Plan is provided to the public during the Public Comment Period. EPA is responsible for preparing the Proposed Plan at Fund- and PRP-Lead NPL sites and at non-NPL sites with Superfund Alternative Approach (SAA) agreements. Regions must enter the Proposed Plan sub-action to either the FS, RI/FS, PRP FS, or PRP RI/FS action in SEMS, along with planned start and finish dates, within 30 days of completing the Feasibility Study or added to EPA's public list of sites with SAA agreements. Regions must enter the Proposed Plan actual start and/or completion dates in SEMS prior to OSRTI's quarterly or annual accomplishments reporting. The Proposed Plan is an HQ reporting measure.

EXHIBIT 8.4. PROPOSED PLAN REQUIREMENTS

Site must be an NPL or SAA site

Action	Performance Lead	Action Date Requirements
Develop Proposed Plan	EPA	**Start:** The date EPA begins or assigns development of a Proposed Plan. **Finish:** Signature date of the appropriate official on the final version of the Proposed Plan.

f. Proposed Plan Public Comment Period

The Public Comment Period for a Proposed Plan is the time during which EPA accepts comments from the public on the proposed actions and decisions included in the Proposed Plan. CERCLA § 117(a)(2) requires that the Agency provide a "reasonable opportunity for submission of written and oral comments and an opportunity for a public meeting at or near the facility." The National Oil and Hazardous Substances Pollution Contingency Plan (NCP), at 40 CFR § 300.430(f)(3)(c), specifies that the Agency must "[p]rovide a reasonable opportunity, not less than 30 calendar days, for submission of written and oral comments on the proposed plan and the supporting analysis and information located in the information repository, including the RI/FS. Upon timely request, the lead agency will extend the comment period by a minimum of 30 additional days.

EXHIBIT 8.5. PROPOSED PLAN PUBLIC COMMENT PERIOD REQUIREMENTS

Site must be an NPL or SAA site

Action	Performance Lead	Action Date Requirements
Proposed Plan Public Comment Period	EPA Performed, EPA Performed In-House, EPA Oversight, State Performed, State Oversight	**Start:** Start date of the Proposed Plan public comment period, i.e., the date specified in the Proposed Plan Notice. **Finish:** Closing date of the Proposed Plan public comment period or closing date from the approved request to extend comment period.

g. Non-Time Critical Removal Action

EPA's remedial program is authorized to take removal actions under limited circumstances. Two documents make up this process and both are part of the approved action memorandum.

The Engineering Evaluation/Cost Analysis (EE/CA) identifies objectives for a non-time critical removal action (NTCRA) and includes an analysis of cost, effectiveness, and the ability to implement the various alternatives that may be used to satisfy these objectives. EE/CAs are reported site-specifically in SEMS as an internal program measure.

An Action Memorandum is developed to document decisions at NPL, non-NPL, and SAA sites for removal actions. Decisions are documented in an approval memorandum and authority is granted when the action memorandum is signed by the appropriate official.

EXHIBIT 8.6. NON-TIME CRITICAL EE/CA AND NTCRA REQUIREMENTS

Site must be an NPL, non-NPL or SAA site

Action	Performance Lead	Action Date Requirements
GOVT Engineering Evaluation/Cost Analysis (EE/CA)	EPA, Tribe, State, EPA In-house	**Start:** Signature date of the EE/CA Approval Memorandum signed by appropriate regional official **Finish:** Action Memo signed by the appropriate official
PRP EE/CA	EPA Oversight, State or Tribal Oversight	**Start:** Signature date of the EE/CA Approval Memorandum signed by appropriate official (This memo will include any enforcement instrument provision for oversight funding) **Finish:** Action Memo signed by the appropriate official
GOVT Non-Time Critical Removal Action (NTCRA)	EPA Performed, State Performed, Tribe Performed	**Start:** Initial Pollution Report (POLREP) documenting date of mobilization to the site for the start of removal work specified in the Action Memo **Finish:** Final POLREP documenting the completion date when all work specified in the Action Memo has been completed and the OSC deems that no further mobilization to the site is anticipated.
PRP Non-Time Critical Removal Action (NTCRA) with Enforcement Agreement	EPA Oversight, EPA Oversight (Special Account Financed)	**Start:** Initial POLREP documenting date of mobilization to the site for the start of removal work specified in the Action Memo or enforceable document **Finish:** Final POLREP documenting the completion date where the OSC deems oversight has been completed.
	State Oversight, Tribe Oversight	**Start:** Initial POLREP documenting date of mobilization to the site for the start of removal work specified in the Action Memo or enforceable document **Finish:** Final POLREP documenting the completion date and the date that the state certified that the PRPs have fully met the terms of the enforcement instrument and have completed all work specified in the Action Memo
PRP Non-Time Critical Removal Action (NTCRA) with no Enforcement Agreement	EPA Oversight	**Start:** Initial POLREP documenting EPA's role in conducting oversight of the PRP-lead action and date that the PRPs mobilized to the site to start the removal work **Finish:** Final POLREP documenting the date that EPA along with the Unified Command / Incident Command have determined that the emergency has been stabilized (completion date)

h. Remedial Decision Documents

A Remedial Decision Document is developed to document decisions or changes to decisions for NPL, non-NPL, and SAA sites to perform an RA.

Government Decision Document – A remedial decision document is documented in a Record of Decision (ROD). The ROD documents the selected remedy, provides the basis for taking action at a site/s, and documents compliance with statutory requirements. It is prepared after completion of the FS and public comment on the Proposed Plan. A ROD may be the final action for the site/operable unit or it may be interim. An interim action

is limited in scope and only addresses areas/media that also will be addressed by a final site/operable unit ROD. Interim actions either are implemented for separate operable units or may be a component of a final ROD for other portions of the site.

RODs may also be identified as "early" actions. An early action is one that is taken before the RI/FS for the site or operable unit has been completed. Early actions may be either interim or final. Although preparation of an RI/FS Report is not required for an early action, there must be documentation that supports the rationale for the action to fulfill the NCP's Administrative Record requirements.

Modifications to a Government Decision Document – After a ROD is signed, new information may be obtained that could affect the scope, performance, and/or cost of the selected remedy. Three types of changes require documentation:

- Fundamental Changes – documented in a ROD Amendment
- Significant Changes – documented in an Explanation of Significant Differences (ESD)
- Insignificant or Minor Changes – documented in a Memo to the File

Guidance on the appropriate use of ROD Amendments, ESDs and Other Remedy Changes (Memo to File) is available in *A Guide to Preparing Superfund Proposed Plans, Records of Decision, and Other Remedy Selection Decision Documents, OSWER 9200.1-23.P, July 1999.*

The SEMS Records Management (SEMS-RM) document ID number for each of these documents needs to be sent to the following e-mail group within five days after signing: Office of Land and Emergency Management (OLEM) Office of Superfund Remediation and Technology Innovation (OSRTI) HQ Records Team: OLEM OSRTI HQ Records Team. Please ensure that the documents are text-searchable PDFs of the final version. The documents should contain signed signature pages and all appendices and attachments (especially figures and tables).

EXHIBIT 8.7. REMEDIAL ACTION DECISION DOCUMENT REQUIREMENTS

Site may be NPL or SAA Site

Action	Performance Lead	Action Date Requirements
GOVT ROD	EPA Performed, EPA Performed In-House, EPA Oversight, State Performed, State Oversight, Tribe Performed	**Start/Finish:** Approved ROD signed by designated official.

Action	Performance Lead	Action Date Requirements
GOVT ROD Amendment	EPA Performed, EPA Performed In-House, EPA Oversight, State Performed, State Oversight, Tribe Performed	**Start/Finish:** Amended ROD signed by designated official
GOVT ESD	EPA Performed, EPA Performed In-House, EPA Oversight, State Performed, State Oversight, Tribe Performed	**Start/Finish:** ESD signed by designated official
GOVT Other Remedy Change (Optional; but must be tracked in SEMS if performed)	EPA Performed	**Start/Finish:** Memo to File signed by designated official

These are internal program targets and measures.

SEMS contains action qualifiers. The following action qualifier can be associated with remedy decisions:

- Final Remedy Selected at Site

8.D.2 Remedial Implementation

a. Remedial Design

The Remedial Design (RD) details and addresses the technical requirements (plans and specifications) of the Remedial Action (RA). The obligation of funds for design assistance or technical assistance does not constitute an RD start.

Accomplishments are reported site-specifically. This is an internal program target and measure.

EXHIBIT 8.8. REMEDIAL DESIGN REQUIREMENTS

Government RD must be at NPL sites; PRP RD may occur at NPL or SAA sites

Action	Performance Lead	Action Date Requirements
GOVT RD	EPA Performed, EPA Performed In-House, State Performed, Tribe Performed	**Start:** Contract modification or work assignment/task order for the RD signed by the CO; OR Cooperative Agreement signed by Regional Administrator or designee; OR Interagency Agreement (IA) signed by the other federal agency; OR Memorandum to file documenting start of in-house work signed by appropriate regional official. **Finish:** EPA approves, in writing, the Final Design submittals.

Action	Performance Lead	Action Date Requirements
PRP RD	EPA Oversight	**Start:** The enforcement document under which the RD is to be conducted becomes effective (e.g., the AOC, or an amendment to an existing AOC) signed by Regional Administrator or designee; or the PRP's written notice of intent to comply with the UAO; OR Memo transmitting the CD to DOJ or EPA HQ signed by the Regional Administrator or designee; OR written notice to proceed with a subsequent phase of the remedial design under an existing enforcement agreement by EPA to the PRP where multiple RD/RA phases are anticipated. **Finish:** EPA concurs in writing with Final Design document.
	State Oversight, Tribe Oversight	**Start:** State order or other comparable state or tribal enforcement document signed and issued to PRP. **Finish:** State or Tribe concurs in writing with Final Design document.

Special Planning/Reporting Requirements:

In those instances where design execution is included in a broad task order (e.g., RI/FS and RD), the start of the RD is defined as the date funds are obligated to start RD actions.

b. RA Contractor Acquisition

Retaining the designer after the RD is complete is a practice that is critical to ensuring successful RA execution.

RA contractor acquisition encompasses all RD support activities where EPA may require designer input after the approval of the final design and before the RA contract is awarded. Activities may include assisting EPA in developing components of the RA acquisition package, answering requests for information (RFIs) from prospective bidders during RA contractor solicitation and other RA contractor acquisition-related support.

EXHIBIT 8.9. RA CONTRACTOR ACQUISITION REQUIREMENTS

Site must be an NPL site

Action	Performance Lead	Action Date Requirements
GOVT RA Contractor Acquisition	EPA Performed	**Start:** Obligation of funds on new or existing acquisition vehicle to fund this scope of work, OR memo documenting start of RA Contractor Acquisition by design contractor or RD Complete. **Finish:** Date that acquisition being supported is awarded.

Special Planning/Reporting Requirements:

Funding is provided from the Pipeline Site Allowance.

c. Remedial Action

Remedial Action**:** An RA is the actual construction or implementation of a discrete scope of actions supporting a Superfund site cleanup. Each RA project is generally designed to achieve progress toward specific remedial action objectives (RAOs) identified in a CERCLA

remedy decision document (e.g., ROD, ROD amendment, ESD). This includes all required activities for implementation of the RA. Government RAs can only be funded at sites that are on the NPL (Final or Deleted). PRP-financed RAs (including RAs financed from a Special Account) may be performed at NPL and non-NPL SAA sites. RA accomplishments, termed 'Remedial Action Project Completions' are both an internal program target and an external program reporting measure in the Budget Formulation System (BFS).

Institutional Control Remedial Action**:** An institutional control RA is an anomaly-coded RA used solely to fund the institutional control implementation (or oversight of other entities, like PRPs or state/local entities implementing the institutional control) component of a selected remedy where the engineered components of the RA have already been completed. The institutional control RA is not intended for implementation of institutional-control-only remedy decisions. In those situations, the "Remedial Action" action should be used without an anomaly code. Because this institutional control action is associated with an existing completed RA, the Other Start and Completion anomaly code should be used. Where the selected remedy includes physical construction as well as ICs, and the physical construction has not occurred, typically, this action is not used. In this circumstance, any implementation funding needs may be associated with implementation of the engineering components of the remedy.

EXHIBIT 8.10. REMEDIAL ACTION REQUIREMENTS

Government RA must be at NPL sites; PRP RA may occur at NPL or non-NPL SAA sites

Action	Performance Lead	Action Date Requirements
GOVT RA	EPA Performed, EPA Performed In-House, State Performed, Tribe Performed	**Start:** ***Remedial Action & Institutional Control Remedial Action:*** Contract modification or work assignment/task order for the RA signed by the CO; Cooperative Agreement signed by Regional Administrator or designee; Interagency Agreement (IA) signed by the other federal agency; or Approval of an RA Work Plan for EPA in-house work. **Finish:** ***Remedial Action:*** date of RA Report signature by appropriate regional official ***Institutional Control Remedial Action:*** Documentation confirming that the institutional control instrument designated in the ROD has been fully implemented
PRP RA	EPA Oversight	**Start:** Signature date of EPA Regional Administrator or designee approving the PRP RD document; OR Memo transmitting the CD to DOJ or HQ; OR The judgment, or written approval from the EPA of the final design document for the RD, OR PRP's written notice of intent to comply with UAO; OR written notice to proceed issued by EPA to the PRP **Finish:** Date of RA Report signature (or concurrence) by appropriate regional official
	State Oversight	**Start:** Date of state written approval of the PRP RD document **Finish:** Date of RA Report signature (or concurrence) by appropriate regional official

Special Planning/Reporting Requirements:
This is an internal program target and measure. The actual start date of the RA must be entered in SEMS. EPA and state/tribe signature of a Cooperative Agreement (CA) or Superfund State Contract (SSC) is required before appropriated resources can be provided for a Government RA Start.

Remedial Action Project Completions (RAPCs) are a BFS program measure with an annual target. The measure includes Government, PRP (including Special Account-funded) and Federal Facility RA completions at final and deleted NPL sites. Beginning in FY2014, the Superfund remedial program began including RAPCs at sites with an SAA agreement in the BFS tally of RAPC accomplishments. The RAPC measure augments the existing sitewide Construction Completion measure and reflects the large amount of work being done at Superfund sites. The measure provides valuable information to communities by demonstrating incremental progress in reducing risk to human health and the environment at sites. Each RAPC is supported in an approved RA Report signed by the designated regional official. For more detailed information on the specific requirements for RAPC, see *Close Out Procedures for National Priorities List Sites, OLEM 9320.2-23, June 2022*.

For PRPs, the actual completion date should be entered in SEMS along with the actual start date for the next appropriate pipeline action (e.g., a PRP LR action for groundwater or surface water restoration actions or an Operation and Maintenance (O&M) action).

RA and institutional control RA completions will be tracked separately but accomplishments (excluding anomaly-coded RAs) will be reported on a combined basis.

Documenting Implemented Institutional Controls in SEMS:
Once institutional controls have been put in place as part of RA work, Regions should enter the institutional control instruments as record documents in SEMS Record Management. As noted in Chapter 13, section D.1, *all* Superfund records must be captured in SEMS, which includes Institutional Controls Instruments. Regions should also enter institutional controls related metadata in the institutional controls module in SEMS Site Management. The purpose of the institutional controls module in SEMS Site Management is for Regions to track information related to the types of institutional control instruments and the affected media and use restrictions in place at Superfund sites. Please see the institutional controls user guide for detailed information regarding entering institutional controls related metadata into the institutional controls module in SEMS Site Management, which can be found at the following SharePoint site.

d. Start of On-Site Construction

This measure counts the initiation of on-site construction for all RAs at NPL or non-NPL sites.

On-Site Construction for an RA begins when the EPA, United States Army Corps of Engineers (USACE), state, tribe, or PRP, or their contractors, have begun on-site construction work for the selected in the ROD or other decision document.

EXHIBIT 8.11. START OF ON-SITE CONSTRUCTION REQUIREMENTS

Start of On-Site Construction RA must be at NPL sites; PRP RA may occur at NPL or SAA sites

Action	Performance Lead	Action Date Requirements
GOVT On-Site Construction Start	EPA Performed, EPA Performed In-House	**Start/Finish:** Memo to the site file documenting substantial and continuous physical on-site construction has started; or a copy of a report of start up from the contracting party is acceptable.
PRP Starts RA On-Site Construction	EPA Oversight	**Start/Finish:** Memo to the site file documenting substantial and continuous physical on-site construction has started; or a copy of a report of start up from the contracting party is acceptable.
PRP Starts RA On-Site Construction	State Oversight	**Start/Finish:** Memo to the site file documenting substantial and continuous physical on-site construction has started; or a copy of a report of start-up from the contracting party is acceptable. NOTE: PRP must also be in compliance with a state enforcement instrument.

Special Planning/Reporting Requirements:

For a PRP action to meet this measure, the PRP must be in compliance with a Unilateral Administrative Order (UAO), or an enforcement instrument signed by EPA and the PRPs, or a judgment signed by a federal judge. The following information must be entered into SEMS for the enforcement instrument:

- The date the PRP provides notice of intent to comply with a UAO signed by the designated regional official and the PRPs; or
- The date the CD was signed by the PRPs, the designated regional official and the federal judge; or
- The date a judgment was signed by the federal judge and PRPs.

The date of RA On-Site Construction Start will be used for purposes of establishing the Statute of Limitations (SOL) determination. It is also used as the trigger date for a statutory Five-Year Review (FYR), if applicable. The FYR Report Due finish date for the first statutory FYR is set for five years after the actual RA On-Site Construction Start date. The On-Site Construction may be tracked by HQ for program management purposes, but it is not a program target or measure.

e. Conduct Operational and Functional (O&F) Period

"A remedy becomes 'operational and functional' either one year after construction is complete, or when the remedy is determined concurrently by EPA and the state to be

functioning properly and is performing as designed, whichever is earlier. EPA may grant extensions to the one-year period, as appropriate." (40 CFR §300.435(f)(2))

The O&F period normally is considered to be the time when minor adjustments are made, as necessary, to ensure that a remedy is functioning properly. Activities during the O&F period generally are considered part of the RA for purposes of the cost-share requirements of CERCLA §104(c)(3). The O&F period is intended to lead up to the O&F determination, which typically is made for all constructed remedies that result in O&M and/or Long-Term Response Action (LTRA).

For Fund-financed remedies involving O&M and/or LTRA, EPA and the state conduct a joint inspection at the end of all remedy construction activities in order to start the O&F period (40 CFR §300.515(g)):

"For Fund-financed remedial actions, the lead and support agencies shall conduct a joint inspection at the conclusion of construction of the remedial action to determine that the remedy has been constructed in accordance with the ROD and with the remedial design."

The results of the inspection and date should be summarized in a letter from EPA to the state documenting the start of the O&F period.

If less than one year has passed since the start of the O&F period, EPA and the state jointly determine that the remedy is O&F during a second joint inspection (40 CFR§35.6805(q)):

"Final inspection of the remedy. The SSC must include a statement that following completion of the remedial action, the State and EPA shall jointly inspect the project to determine that the remedy is functioning properly and is performing as designed."

Consistent with 40 CFR §300.435(f)(2), above, if one year has passed, the remedy is determined to be O&F unless EPA grants an extension to the one-year period.

For PRP-lead remedies, the PRP normally continues to be responsible for the remedy after it transitions into O&M. Nonetheless, EPA recommends, but does not require, an O&F determination for a PRP-lead remedy to affirm that the remedy is functioning properly and performing as designed, and that O&M has begun. For federal facility-lead remedies, a similar determination, "Operating Properly and Successfully," is sometimes made during the process of property transfer (see Chapter 9, titled 'Federal Facility Program').

EXHIBIT 8.12. OPERATIONAL AND FUNCTIONAL REQUIREMENTS

Site must be an NPL or SAA site.

Action	Performance Lead	Action Date Requirements
Conduct O&F Period	EPA Performed, EPA Performed In-House,	**Start:** The constructed remedy's joint inspection conducted by EPA and the state (or PRP, if appropriate) normally should mark the start of the O&F period. The O&F start should be

Action	Performance Lead	Action Date Requirements
	State Performed	documented in a letter from EPA to the state (or PRP, if appropriate). This letter should reference the results of the EPA-State joint inspection and the NCP provisions describing the O&F period. **Finish:** The finish is the date of the O&F determination, which is either the date of a second joint inspection between EPA and the state to determine that the remedy is O&F, or one year after the O&F start, whichever is sooner. EPA should send another letter to the state citing the O&F start and O&F determination dates.

Special Planning/Reporting Requirements:

Completion of this action may be tracked by HQ for program management purposes, but it is not a program target or measure. The O&F period is funded as part of RA; the O&F action does not receive separate funding.

In 2017, EPA updated the *Guidance for the Management of Superfund Remedies in Post Construction, OLEM 9200.3-107, February 2017* and standardized the documentation requirements for O&F start and finish. To ensure a timely transition to LTRA and O&M activities, the O&F determination should be documented in an EPA letter to the state. Prior to this guidance update, the RA Report or a letter were used to document the O&F determination. The RA report is no longer the appropriate documentation to report the completion of this measure. Sample letters to document the start and finish of O&F are available in Appendix D of the 2017 Guidance.

f. Final Inspection by EPA

The "Final Inspection by EPA" action is no longer in use. Prior guidance regarding the action can be found in the FY22 SPIM (Doc ID 100003024) which is available on the SPIM website.

g. Construction Completion

Construction Completion (CC) is both an internal program target and an external program reporting measure. Construction at an NPL or non-NPL SAA site is considered complete when the remedy is documented in a final ROD, physical construction of the remedy is complete, a contract pre-final inspection has been conducted and only minor punch list items remain, and a Preliminary Close-Out Report (PCOR) has been signed by the designated regional official and HQ has concurred. In some instances, if a site meets both the CC and Site Completion criteria simultaneously, a Final Close-Out Report (FCOR) may be prepared (in lieu of a PCOR) to satisfy documentation requirements for both milestones. There is only one CC accomplishment per site and hence the PCOR or FCOR must address construction activities for the entire site. Since CC is a sitewide measure, construction completion of the last response action at a site generally determines when a site becomes eligible for CC. Since ICs do not require physical construction, a site can achieve the CC measure before ICs are in place. For more detailed information on the

specific requirements for CC, see *Close Out Procedures for National Priorities List Sites, OLEM 9320.2-23, June 2022*.

EXHIBIT 8.13. CONSTRUCTION COMPLETION REQUIREMENTS

Site must be an NPL or SAA site.

Action	Performance Lead	Action Date Requirements
GOVT PCOR	EPA Performed, EPA Performed In-House	**Start/Finish:** Signature date of PCOR signed by appropriate regional official and HQ selection of Special Interest code of CC or SAA CC.
GOVT FCOR	EPA Performed, EPA Performed In-House	**Start/Finish:** Signature date of FCOR signed by appropriate regional official and HQ selection of Special Interest code of CC or SAA CC

Special Planning/Reporting Requirements:

Credit for a CC is official when the signature date of an HQ-approved Preliminary (or Final) Close-Out Report is entered in SEMS, and HQ selects the appropriate NPL or non-NPL SAA site indicator in SEMS. Regions identify sites to meet the goal prior to the start of the FY. HQ reviews all PCORs/FCORs prior to regional signature. When significant revisions are necessary, HQ will review a second time before the regional signature. Upon HQ concurrence, regional signature is obtained and a PDF copy with the SEMS Records Management document ID is submitted to the HQ CC Coordinator. The CC Coordinator assigns the CC sequence number in SEMS (aka, flipping the CC flag). The CC indicator only applies to final and deleted NPL sites as well as SAA sites. Beginning with FY 2014, Superfund began counting sites with SAA agreements in this measure, per the OECA policy.

8.D.3 Post Construction Completion

a. Long-Term Response Action and PRP LR

"For fund-financed remedial actions involving treatment or other measures to restore ground- or surface-water quality to a level that assures protection of human health and the environment, the operation of such treatment or other measures for a period of up to ten years after the remedy becomes operational and functional will be considered part of the remedial action." (40 CFR §300.435(f)(3))

Government LTRA refers to the operation of groundwater and surface water restoration remedies, including monitored natural attenuation, following the O&F determination, for the first 10 years of operation, or until cleanup levels are achieved, whichever is earlier.

PRP long-term response is a specific type of O&M for groundwater and surface-water restoration remedies (including monitored natural attenuation) conducted by responsible parties. The 10-year time period described above does not apply to PRP Long-Term Response Action (PRP LR).

Note that Government LTRA and PRP LR do not apply to source remediation RAs that simply require a long time to achieve cleanup levels, such as bioremediation or soil vapor extraction. Government LTRA and PRP LR also do not apply to groundwater or surface water containment measures, groundwater monitoring, or groundwater or surface water measures initiated for the primary purpose of providing a drinking water supply.

EXHIBIT 8.13. LTRA REQUIREMENTS

Government LTRA must be at NPL sites; PRP LR may occur at NPL or SAA sites.

Action	Performance Lead	Action Date Requirements
GOVT LTRA	EPA Performed, EPA Performed In-House, State Performed, Tribe Performed	**Start:** Letter documenting O&F determination signed by the designated regional official. **Finish:** Report containing valid monitoring data that demonstrate cleanup goals have been achieved signed by the appropriate regional official; or Letter to the state confirming LTRA transfer to O&M signed by the appropriate regional official if cleanup levels have not been achieved within the 10-year period.
PRP Long-Term Response (PRP LR)	EPA Oversight, State Oversight	**Start:** Letter documenting O&F determination signed by the designated regional official; OR Date of RA Report Signature (or concurrence) by the designated regional official. **Finish:** Report containing valid monitoring data (e.g., routine O&M report) documenting that cleanup goals have been achieved.

Special Planning/Reporting Requirements:

Government LTRA and PRP LR are planned on a site-specific basis in SEMS and are used for resource allocation purposes only. The duration of a Government LTRA action should be no more than 10 years. Funds for Government LTRA are issued site-specifically in the RA Site Allowance. Funds for oversight of the PRP LR are contained in the Pipeline Operations Site Allowance. Completion of LTRA and/or PRP LR is an internal program measure.

A sample letter to to the state confirming LTRA transfer to O&M is available in Appendix D of the *Guidance for the Management of Superfund Remedies in Post Construction, OLEM 9200.3-107, February 2017*.

b. Operation and Maintenance (O&M)

O&M includes the activities required to maintain the effectiveness or the integrity of the remedy and continued operation of such measures beyond the LTRA period until cleanup levels are achieved, where applicable. For Government LTRA, O&M measures are initiated after the LTRA period has ended and the restoration remedy is transferred to the state and continues until groundwater or surface water cleanup levels are achieved.

Except for ground- or surface- water restoration activities covered under section 300.435(f)(4) of the NCP, O&M measures are initiated after the remedy has achieved the

RA objectives and remediation goals in the ROD, and is determined to be O&F (see definition of O&F in 8.D.2e).

O&M is not required for all RAs. However, for containment remedies or RAs that require ICs, O&M is generally required for an indefinite period. As stated above, for groundwater or surface water restoration remedies, O&M may be complete when the ground- or surface- water restoration cleanup levels have been met.

In general, the state or PRP is fully responsible for funding and conducting O&M activities.

EXHIBIT 8.15. OPERATIONS & MAINTENANCE REQUIREMENTS

Site must be an NPL or SAA site.

Action	Performance Lead	Action Date Requirements
Operations and Maintenance (O&M)	EPA Oversight, State Oversight	**Start:** Containment Remedies – A letter to the state documenting the O&F determination, signifying that the state has assumed responsibility for all activities necessary to operate and/or maintain the long-term effectiveness or integrity of the actions selected in the ROD Groundwater or Surface Water Restoration Remedies – Letter to the state confirming LTRA transfer signed by the designated regional official (NOTE: date should be no more than 10 years after LTRA Start) **Finish:** If applicable, documentation, signed by the appropriate regional official, stating the RA objectives and cleanup levels selected in the ROD and documented in the Superfund State Contract (SSC), Cooperative Agreement or consent decree have been met. NOTE: If O&M will be conducted indefinitely, a planned finish date of 100 years or more in the future is recommended; however, do not enter an actual finish date.
PRP Operations & Maintenance (PRP O&M)	EPA Oversight, State Oversight	**Start:** Letter documenting the O&F determination signed by the designated regional official; or Date of RA Report signature (or concurrence) by the designated regional official. **Finish:** If applicable, report containing valid monitoring data (e.g., routine O&M report) documenting that the cleanup levels have been achieved. NOTE: If O&M will be conducted indefinitely, a planned finish date of 100 years or more in the future is recommended; however, do not enter an actual finish date.

Special Planning/Reporting Requirements:

Completion of O&M is an internal program measure. O&M is planned site-specifically in SEMS. Oversight of O&M is funded from the Pipeline Operations Site Allowance and/or a site-specific Special Account. If O&M is not required, regions should not enter the action into SEMS. Where O&M must be conducted indefinitely, a planned finish date of 100 years or more in the future is recommended; however, regions should not enter an actual finish date for the O&M action.

If PRPs are conducting an O&M action at the site to achieve groundwater or surface water restoration, regions should use the PRP LR action instead of the O&M action.

c. Cleanup Goals Achieved

The Cleanup Goals Achieved action is no longer in use. Prior guidance regarding the action can be found in the FY22 SPIM (Doc ID 100003024) which is available on the SPIM website.

d. Groundwater Monitoring (Post-ROD)

This measure addresses groundwater monitoring at non-NPL, NPL, or SAA sites that is specifically intended to ensure that assumptions that form the basis of a No Action ROD for groundwater are still valid. If the ROD specifies that groundwater monitoring is the only activity that will be implemented, then it is a No Action or No Further Action ROD.

This measure is not intended to track routine groundwater monitoring activities that occur during site characterization or to verify performance of a groundwater RA (e.g., extraction and treatment of groundwater, or monitored natural attenuation).

EXHIBIT 8.16. GROUNDWATER MONITORING REQUIREMENTS

Site may be a non-NPL, NPL or SAA site.

Action	Performance Lead	Action Date Requirements
Groundwater Monitoring (Post-ROD)	EPA Performed, EPA Oversight, State Oversight, State Performed, Tribe Performed	**Start:** ROD signature date **Finish:** Memo documenting completing of the post-ROD groundwater monitoring activity.

Special Planning/Reporting Requirements:

Groundwater monitoring and oversight of groundwater monitoring are covered under the Pipeline Operations Site Allowance. This is an internal program measure.

e. Site Completion

An NPL or non-NPL SAA site must meet all of the following criteria to be eligible for site completion:

- All remedial decision documents have been completed and the selected remedies are consistent with EPA policy and guidance;
- All response actions have been completed and documented; and
- All ICs are in place.

There is only one Site Completion per NPL or SAA site. For more detailed information, see *Close Out Procedures for National Priorities List Sites, OLEM 9320.2-23, June 2022*.

EXHIBIT 8.17. NPL SITE COMPLETIONS REQUIREMENTS

Action	Performance Lead	Action Date Requirements
GOVT FCOR	EPA Performed, EPA Performed In-House	**Start/Finish:** Signature date of FCOR signed by appropriate regional official and HQ selection of Special Interest code of CC or SAA CC

Special Planning/Reporting Requirements:

Regions may receive credit under this measure and the Construction Completion (CC) measure as a result of the same Final Close Out Report, if a Preliminary Close Out Report did not already qualify the site for CC. This is an internal program measure.

f. Five-Year Reviews (FYR)

An FYR is a review of RA(s) selected under CERCLA 121(c) that leaves waste in place above levels that allow for unlimited use and unrestricted exposure (UU/UE). The purpose of the FYR is to determine whether the remedy at a site is or will be protective of human health and the environment and to evaluate the implementation and performance of the selected remedy. EPA conducts statutory reviews of any site at which a post-Superfund Amendments and Reauthorization Act of 1986 (SARA) remedy, upon attainment of cleanup levels specified in the ROD, will not allow for UU/UE. EPA conducts policy reviews at sites where s will attain cleanup levels that, upon completion, will allow for UU/UE, but will take longer than five years to complete, at sites with pre-SARA remedies at which the cleanup levels do not allow for UU/UE, and at NPL removal only sites where cleanup levels do not allow UU/UE and no RAs have or will take place. EPA may also conduct FYRs at their discretion at other sites or remedies.

Five-year reviews for sites with multiple OUs, as a matter of policy, should address all OUs and RAs that have been initiated at the time of the review and will require a FYR. Per the 2001 Comprehensive FYR guidance, it is recommended to combine the separate reviews of different OUs into a single five-year review prior to, or following, construction completion for the entire site. However, no OU should be reviewed later than five years after its trigger date or previous review.

Additional information on requirements and procedures for conducting FYRs can be found in the *Comprehensive Five-Year Review Guidance, OSWER 9355.7-03B-P, June 2001* and other supplemental FYR guidance, which can be found on EPA's Writing Five-Year Reviews at Superfund website. Refer to Chapter 9, titled 'Federal Facility Program,' on recording Federal Facility FYRs.

Statutory Reviews:

The FYR and FYR Report Due finish date fields for the first FYR are typically planned for five years from the earliest planned or actual RA On-Site Construction Start date that will leave waste in place above UU/UE among the operable units (OU) included in the FYR. FYR Report Due planned finish dates are based on statutory or policy deadlines and should not be changed unless triggers change. Actual RA On-Site Construction Start is the

standard trigger for the first statutory FYR for a site or OU. For remedies where the On-Site Construction Start action may not be used, a non-standard triggering date will need to be entered in its place. This date will typically be the first monitoring event following ROD signature or the ROD signature date itself (see *Comprehensive Five-Year Review Guidance, OSWER 9355.7-03B-P, June 2001)*. Subsequent FYR Report Due finish dates are triggered from the signature date of the previous FYR.

Policy Reviews:

The FYR and FYR Report Due finish dates are typically planned for five years after the earlier PCOR or FCOR planned finish date for the first policy FYR for a site or OU. FYR Report Due planned finish dates are based on statutory or policy deadlines and should not be changed unless triggers change. Subsequent FYR Report Due finish dates are triggered from the signature date of the previous FYR.

Discretionary Reviews:

The FYR planned finish date is based on the date set by the user at the time of entry of FYR type.

EXHIBIT 8.18. FIVE-YEAR REVIEW REQUIREMENTS

Action	Performance Lead	Action Date Requirements
GOVT Five-Year Review	EPA Performed, EPA Performed In-House, State Performed, Tribe Performed	**Start:** Memo to file or work plan documenting tasks approved by designated regional official **Finish:** Five-Year Review report, or concurrence memo for state or tribal lead FYRs, signed by designated regional official.
GOVT Five-Year Review Addendum	EPA Performed EPA Performed In-House State Performed Tribe Performed	**Start/Finish:** Five-Year Review Addendum report, OR signed concurrence memo for a state or tribal lead FYR addendum, signed by designated regional official.

Special Planning/Reporting Requirements:

Please see the FYR User Guide for detailed information on planning for and entering FYR data into SEMS. (NOTE: this is an internal EPA document.) User guides can be found at the following site:
(https://usepa.sharepoint.com/sites/SEMS2.0Communication/SitePages/Training.aspx**)**.

The following information is captured in the SEMS FYR module:

- The ability to associate issues/recommendations with the correct OU and response actions;
- The ability to update a trigger on a planned FYR and calculate the associated due date;
- The ability to enter/track more than one FYR with multiple OUs for each site;

- The ability to update milestone dates and track the current status of implementation for FYR Issues and Recommendations;
- An FYR addendum for completed reviews with protectiveness deferred statements; and
- The ability to capture the protectiveness determination and statement for all OUs included in FYRs.

In order to receive credit for an FYR, the region must enter the following data in SEMS:

- Applicable OUs:
- Associated issue for each OU (if there is no issue, enter the relevant OUs with the 'No Issue' category);
- Recommendations or follow-up actions (a party responsible, oversight agency, and milestone date must be identified for each recommendation or follow-up action);
- Protectiveness determination for each OU; and
- Protectiveness statement for each OU as it appears in the FYR report.

If the site Construction Completion flag has been checked, the user must enter the following information:

- Sitewide protectiveness determination.
- Sitewide protectiveness statement as it appears in the FYR Report.

To receive credit for the FYR addendum completion, the user must enter the following information in SEMS:

- The new protectiveness determination for those OUs that were deferred;
- Protectiveness Statement as it appeared in the FYR addendum for those OUs that were deferred; and
- If new issues/recommendations are referenced in the FYR Addendum, enter them into the FYR Action Detail screens through the FYR parent action for the addendum. NOTE: No issues/recommendations should be removed, only additional ones added as identified in the FYR Addendum.

All sites must have the following information:

- If future FYRs are not necessary at the site, indicate that this is the final FYR at the site by selecting the 'no' radio button under the heading designating whether future FYRs are necessary and provide a brief explanation. Per the *Comprehensive Five Year Review Guidance, OSWER 9355.7-03B-P, June 2001*, the discontinuation of FYRs should be documented in an FYR or in a memo to HQ.

- If future FYRs are necessary, select the 'yes' radio button and enter the next planned FYR into SEMS with the appropriate FYR Report Due date. FYR dates must be planned and reported site-specifically in SEMS.

- When planning FYR actions in SEMS, the "FYR Report Due" sub-action (action code WE) **is required**.

Funds to conduct FYRs are allocated in the Remedial Action Site Allowance. This is an internal program target and measure.

g. Sitewide Ready for Anticipated Use (SWRAU)

Sites that are Final or Deleted on the NPL or have an SAA agreement in place that are CC are eligible for the SWRAU designation. To be eligible, SAA sites must be designated as SAA per the current SAA guidance and the special indicator of SAA construction complete must be selected. SAA sites count as regional and national targets. Eligible sites are not counted toward the SWRAU measure until they have achieved several key requirements:

- The site has a Human Exposure (HE) status of current human exposures under control and all protective remedy(ies) in place (HEPR) or long-term human health protection achieved (HHPA).

- For media that impact current and future land uses, all cleanup goals in the RODs or other remedy decision document(s) must be met so there are no unacceptable risks.

- All controls required for achieving protectiveness (engineered as well as institutional) are identified as part of the selected remedy in the ROD(s) or other remedy decision document(s), such as an ESD or ROD Amendment, and are in place.[1]

See exhibit 8.19 SWRAU Performance Measure Decision Tree for more information on the key requirements.

The SWRAU achievement is obtained when the following occur:

- The entire site meets the criteria established in the *Superfund Guidance on Sitewide Ready for Anticipated Use (SWRAU) Performance Measure, September 2023*.

[1] The term ICs "in place" generally means implemented with plans for maintenance and monitoring for compliance to ensure long-term effectiveness. When ICs needed for protectiveness are not identified in a ROD or other CERCLA decision document, Regions should develop a CERCLA decision document requiring it as part of the site-selected remedy. If ICs are not part of the selected remedy in a CERCLA decision document, EPA cannot ensure they are in place for the long term, enforce them, or require the necessary maintenance and monitoring.

- Within SEMS, the Actual Finish Date for the SWRAU Action has been entered in the Site Schedule screen, and the SWRAU Evaluation Checklist in the SWRAU Action Details screen has been completed and approved by Regional and HQ Reviewers so that the SWRAU Action Details screen indicates *"Is this site SWRAU? = Yes" and "HQ Approved = Yes".*

The SWRAU Date will auto populate with the Actual Finish Date for the SWRAU Action in the Site Schedule and will serve as the official Headquarters record of SWRAU achievement. Regions may also submit a completed Superfund Checklist for Reporting the SWRAU Measure (SWRAU Evaluation Checklist report) in PDF format to HQ for recordkeeping. The Superfund Checklist for Reporting SWRAU is available in the *Superfund Guidance on Sitewide Ready for Anticipated Use (SWRAU) Performance Measure, September 2023*.

The determination that a site is SWRAU is based on the information available at the time the determination is made (see exhibit 8.19). If, after a site has been designated as SWRAU, EPA becomes aware that any of the requirements are no longer met, then the site will cease to be designated as SWRAU and a SWRAU retraction is required as soon as that determination is made, and no later than the end of the current fiscal year. The Region should notify Headquarters (OSRTI and FFFRO, as needed) and enter the Retraction within SEMS.

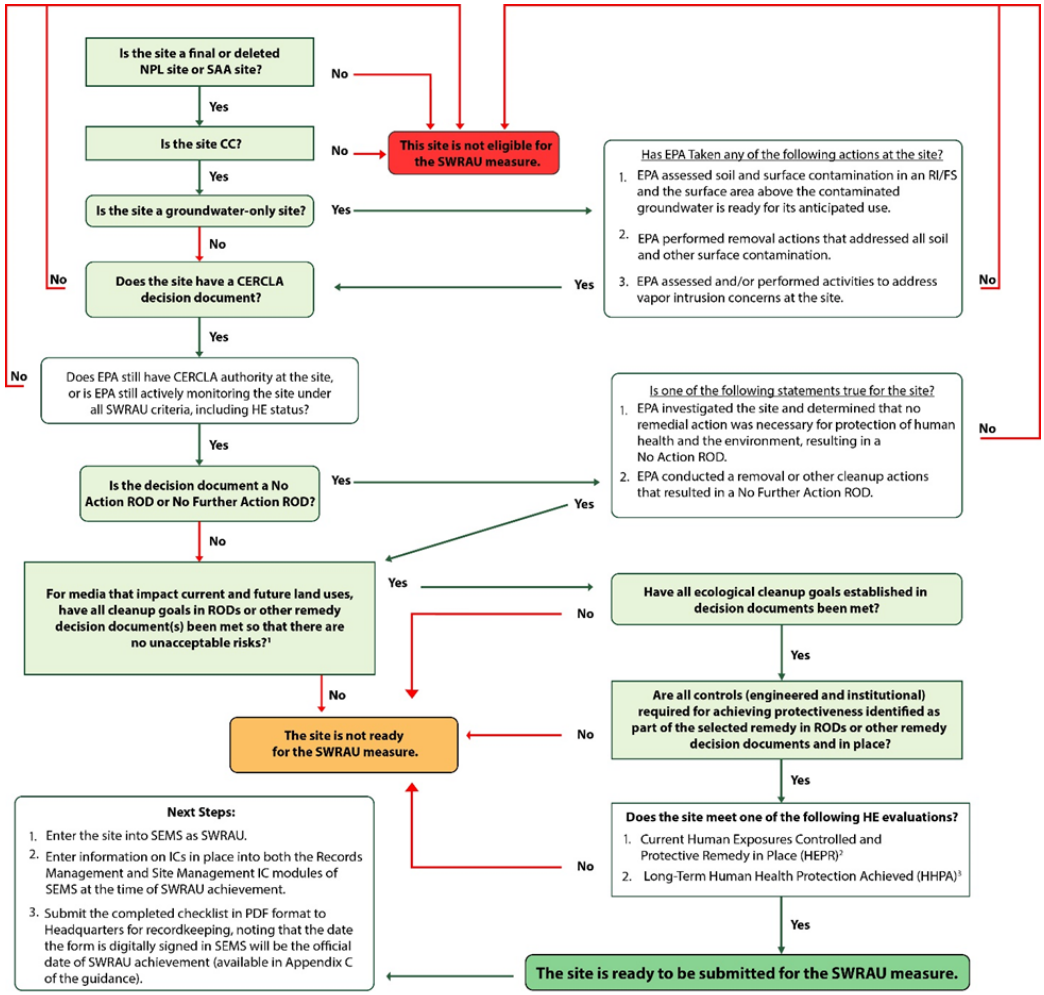
Within SEMS, the Retraction Action and Actual Finish Date for the Retraction Action should be added to the Site Schedule, and the SWRAU Retraction Checklist in the Retraction Action Details screen should be completed and approved by Regional and HQ Reviewers so that the Retraction Action Details screen indicates *"Is the SWRAU Retracted = Yes" and "HQ Approved = Yes".* The date of the SWRAU Retraction will auto populate with the Actual Finish Date for the Retraction Action in the Site Schedule. Regions may also submit a completed Superfund Checklist for Retracting a Site from the SWRAU Measure (SWRAU Retraction Checklist report) in PDF format to HQ for recordkeeping. The Superfund Checklist for Retracting a Site from SWRAU is available in the *Superfund Guidance on Sitewide Ready for Anticipated Use (SWRAU) Performance Measure, September 2023*.

The SEMS User Guide for the Site Schedule, SWRAU Action Details and Retraction Action Details screens provide more detailed information on data entry for SWRAU within SEMS.

Special Planning/Reporting Requirements:

SWRAU is both an internal program target and an external program reporting measure in the BFS.

EXHIBIT 8.19. SWRAU PERFORMANCE MEASURE DECISION TREE



Please contact Headquarters with questions, or if ICs or decision documents create challenges to meeting the measure.

Notes:

[1] Only those cleanup goals that affect current or planned future use must be met to achieve SWRAU. Groundwater cleanup goals DO NOT have to be met, so long as the remedy, including mitigation measures and all appropriate institutional controls, are in place and documented. In cases where groundwater contamination creates a vapor intrusion risk, Regions should consider whether this pathway impacts current or future reasonably anticipated land uses.

[2] Human Exposures Controlled and Protective Remedy in Place (HEPR): Sites are usually assigned to this category when human exposures are under control for current conditions, all physical construction is complete, systems are operating as intended, and institutional controls are in place and effective, but one or more of the human exposure-related cleanup goals have not yet been met.

[3] Long-Term Human Health Protection Achieved (HHPA): Sites usually are assigned to this category when all human exposure-related cleanup goals defined for a site (including implementation of effective engineering controls and institutional controls) have been met.

h. Partial NPL Deletion

EPA will consider partial deletion for portions of sites when no further response is appropriate for that portion of the site. Such a 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) or an operable unit, depending on the nature or extent of the release(s). The criteria for partial deletion and final deletion are the same. EPA must determine, with state concurrence, whether the following criteria have been met for the specified portion of the site:

- Responsible or other parties have implemented all appropriate response actions required;
- All appropriate Fund-financed response under CERCLA has been implemented, and no further cleanup by responsible parties is appropriate; or
- The remedial investigation has shown that the release poses no significant threat to public health, or the environment and, therefore, taking of remedial measures is not appropriate.

For more detailed information, see *Close Out Procedures for National Priorities List Sites, OLEM 9320.2-23, June 2022*.

SEMS no longer tracks the 'Notice of Intent to Delete' nor the 'Notice of Intent to Partially Delete' as separate actions. These two actions are now historic in SEMS 2.0. The Federal Register notices remain part of the official Federal Register publication process and are still actively used. These now historic actions are no longer available to add to the SEMS site schedule. The Federal Register notice determines the effective date at the time of the publication. The effective date of the rule is typically the same as the publication date.

EXHIBIT 8.14. PARTIAL NPL DELETION REQUIREMENTS

Action	Performance Lead	Action Date Requirements
Partial NPL Deletion	EPA Performed, EPA Performed In-House, Federal Facilities	**Start:** Notice of Intent to Partially Delete published in the Federal Register proposed rule. **Finish:** Notice of Partial Deletion published in the Federal Register final rule OR The effective date of the Partial Deletion as published in the Federal Register final rule

Special Planning/Reporting Requirements:

Partial NPL deletions are tracked separately from final NPL deletions. Partial NPL deletions will be entered in SEMS under Site Management. The Headquarters NPL Rule Manager will "Add New NPL Rule" on the NPL Rule screen, which allows them to enter the NPL Rule Type, NPL Rule citation/Federal Register Number (as XXFRXXXX, e.g. 82FR33026), the Federal Register effective date, and publication date. The Regions are responsible for entering all planning dates in the Site Schedule. The start date of the Partial NPL deletion is the publication date the proposed rule, also known as the 'Notice of Intent to Partially Delete', is published in the Federal Register. Partial deletions will only be coded at specific OUs when a single OU is subject to the partial deletion and the particular OU is specified in the Notice of Intent to Partially Delete in the *Federal Register.* Partial deletions that are not specific for an OU, e.g. a matrix or portion of an OU, or multiple OUs will be included under OU 00 with a Regional Action Note.

Partial Deletion Justification – The Regions are responsible for preparing a site-specific justification for each partial deletion. The justification is submitted to the HQ National Deletion Coordinator for review prior to regional signature. The justification shall specify

media and impacted OUs included in the partial deletion and media and impacted OUs that remain on the NPL. The justification shall describe remedial goals and RA objectives from decision documents and RAs completed to implement the remedy. Include rationale for meeting the criteria for site deletion, community involvement activities, and discussion of remaining O&M activities, monitoring and FYRs. For more detailed information, see *Close Out Procedures for National Priorities List Sites, OLEM 9320.2-23, June 2022.*

i. Final NPL Deletion

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:

- Responsible or other parties have implemented all appropriate response actions required;
- All appropriate Fund-financed response under CERCLA has been implemented, and no further cleanup by responsible parties is appropriate; or
- The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

A site deletion will be entered in SEMS by EPA if the deletion action addresses the remaining release listed on the NPL (either as a one-time deletion action for the entire site as originally listed, or as the last deletion action associated with a site subject to previous partial deletions). Regions submit a Final Close Out Report (see section 8.D.3.e, Site Completion) to the HQ National Deletion Coordinator for review prior to obtaining regional signature.

For more detailed information, see *Close Out Procedures for National Priorities List Sites, OLEM 9320.2-23, June 2022.*

EXHIBIT 8.15. NPL DELETION REQUIREMENTS

Action	Performance Lead	Action Date Requirements
NPL Deletion	EPA Performed, EPA Performed In-House, Federal Facilities	**Start:** Notice of Intent to Delete published in the Federal Register proposed rule **Finish:** Notice of Deletion published in the Federal Register final rule OR The effective date of the Notice of Deletion as published in the Federal Register

Special Planning/Reporting Requirements:

The effective date of the deletion is published in the *Federal Register*. Final NPL Deletions are entered in SEMS in the NPL Rule screen under the "My Work List" menu. The

Headquarters NPL Rule Manager will "Add New NPL Rule" on the NPL Rule screen, which allows them to enter the NPL Rule Type, NPL Rule citation/Federal Register Number (as XXFRXXXX, e.g. 82FR33026), and Federal Register effective date. The Regions are responsible for entering all planned deletion dates in the Site Schedule..

At some sites, certain actions may continue after the site deletion. These include O&M, monitoring and FYRs. The FCOR needs to reflect which of these actions will continue post deletion and which are completed.

8.D.4 Environmental Indicators

a. Human Exposure Under Control

The Human Exposure Under Control Environmental Indicator documents the progress achieved towards providing long-term human health protection by measuring the incremental progress achieved in controlling unacceptable human exposures at a site. The indicator applies to final and deleted NPL sites and SAA sites. In general, sites may be brought Under Control by the following methods:

- Reducing the level of contamination. For purposes of this policy, 'contamination' generally refers to media containing contaminants in concentrations above appropriate protective risk-based levels associated with complete exposure pathways to the point where the exposure is no longer 'unacceptable;' and/or
- Preventing human receptors from contacting contaminants in-place; and/or
- Controlling human receptor activity patterns (e.g., by reducing the potential frequency or duration of exposure).

Five categories have been created to describe the level of human health protection achieved at a site:

- Insufficient data to determine human exposure control status (HEID);
- Current human exposures not under control (HENC);
- Current human exposures under control (HEUC);
- Current human exposures under control and protective remedy or remedies in place (HEPR); and
- Current human exposures under control, and long-term human health protection achieved (HHPA).

The six-step Sitewide Human Exposure status evaluation process is described in the *Superfund Environmental Indicators Guidance, October 2022, page 12*.

The Human Exposure (HE) evaluation reflects current sitewide conditions. For sites that have been categorized as current human exposures under control and long-term human health protection achieved, it also reflects reasonably anticipated future sitewide conditions. As data collection and analysis or response actions occur or environmental conditions change, it is expected that regions will update HE evaluations and update SEMS

to reflect changes in status. This should generally occur within 10 days of a known change. It is expected that regions will review the status of all HE evaluations at a minimum annually and confirm that each site has an updated and accurate HE evaluation. If there is no change in the status of the site, update the 'Last Review Date' in SEMS on the HE tab in the Environmental Indicators module within 10 days of the review.

Entering Human Exposure Data on the Exposure Pathway Description Tab of the HE SEMS Module:

EPA publishes Human Exposure Pathway Descriptions to the public on the Human Exposure Dashboard and each site's Profile page, for sites categorized as HENC or HEID.

At the time a site is designated HENC or HEID, the region should draft a Human Exposure Pathway Description and enter it in the Unofficial Description field in the Human Exposure Pathway Description tab in SEMS. Regions should update the Unofficial Pathway Description field annually (from the [month] [year] indicated in the Pathway Description), or whenever a status change occurs (e.g., from HEID to HEUC). Pathway Descriptions should be succinct and provide a clear description of why a site is listed, along with information about the steps EPA plans to take to address exposures. Additionally, language should follow EPA's writing standards for the web and be written consistently with template examples provided below (also found in the Environmental Indicators Guidance).

The OSRTI Environmental Indicators data sponsor reviews and approves (provided the Pathway Description is written consistent with requirements) Unofficial Pathway Descriptions. In cases where the OSRTI data sponsor does not approve the region's Pathway Description, he/she will enter their rationale in the "HQ Rationale for Disapproval" field. When Unofficial Pathway Descriptions are approved in SEMS, the system automatically populates the Official Pathway Description with the approved language. Official Pathway Descriptions are published to the web. Templates for Human Exposure Pathway Descriptions are found in the *Superfund Environmental Indicators Guidance, October 2022, page 18*.

Special Planning/Reporting Requirements:

The status of each site in the Human Exposure universe must be reviewed at least annually, regardless of whether the site should change HE categories. The exposure justification paragraphs for HENC and HEID sites must be reviewed and updated to reflect current site progress at least annually, or whenever conditions change. If there is a known change in the HE status of a site, SEMS should be updated within 10 days (Site Schedule/Environment Indicator(s)); the HE status should be reviewed and approved by the regional Division Director or his/her designee. HE evaluations should be made (and entered) or reviewed at all Final and Deleted NPL sites and SAA sites prior to the end of the fiscal year, September 30. In cases where this is not possible, the region should contact the data sponsor for these measures. HE changes entered during the first ten working days of the new fiscal year will be counted as accomplishments for the prior fiscal

year. This practice may differ from that required for other measures; special notice should be taken. Site condition changes may be documented in RODs, ROD Amendments, Removal Action Memoranda, Pollution Reports, Close Out Reports, and Five-Year Reviews.

This is a key program target and measure; the program reports accomplishments to external parties and makes available to the public real-time changes to the exposure justification paragraphs.[2]

Accuracy Requirement:

The Sitewide Human Exposure Environmental Indicator is designed to allow Remedial Project Managers (RPMs) to make first-hand determinations based on their knowledge of current conditions at a site as well as actions undertaken at a site. Complete certainty regarding the above factors is not a necessary condition to make a Sitewide Human Exposure evaluation at a site. In characterizing a site as 'current human exposures not under control', a region is making a determination that: 1) there are currently completed human exposure pathways and 2) that those exposure pathways pose an unacceptable risk to humans based on the magnitude, frequency, duration and route(s) of exposure relative to the exposure concentrations and chemical intakes. Where a region lacks sufficient information to make such a determination on whether there are completed pathways or whether a completed pathway poses an unacceptable risk, a site should be classified as 'insufficient data to determine human exposure control status' (HEID). A site is placed in one of the three 'under control' categories when a region has determined that there are not currently completed human exposure pathways or that exposure(s) that may be occurring do not pose an unacceptable risk to humans based on the magnitude, frequency, duration and route(s) of exposure relative to the exposure concentrations and chemical intakes. Documents such as RI/FS reports, RODs, Action Memoranda, Pollution Reports, and Close Out Reports are typically consulted by RPMs to assist completion of the HE worksheet. To support the response for each worksheet question, the RPMs should provide the SEMS Document ID number in the document number field for every document referred to in answering each question. Further, the RPM should provide the complete citation of each referenced document in the Reference section of the worksheet and provide a complete copy of each referenced document.

b. Migration of Contaminated Groundwater Under Control

The Migration of Contaminated Groundwater Under Control indicator assesses only whether groundwater contamination is below protective, risk-based levels or, if not, whether the migration of contaminated groundwater is stabilized and there is no unacceptable discharge to surface water and monitoring will be conducted to confirm that affected groundwater remains in the original area of contamination. This indicator is

[2] For detailed information regarding HE determinations, see Chapter 4 of the *Superfund Environmental Indicators Guidance: Human Exposure Revisions, March 2008*.

limited to sites with known past and/or present groundwater contamination. The indicator applies to proposed, final, and deleted NPL sites and SAA settlement sites.

The six-step groundwater migration evaluation process is described in the *Superfund Environmental Indicators Guidance, October 2022, page 24*. .

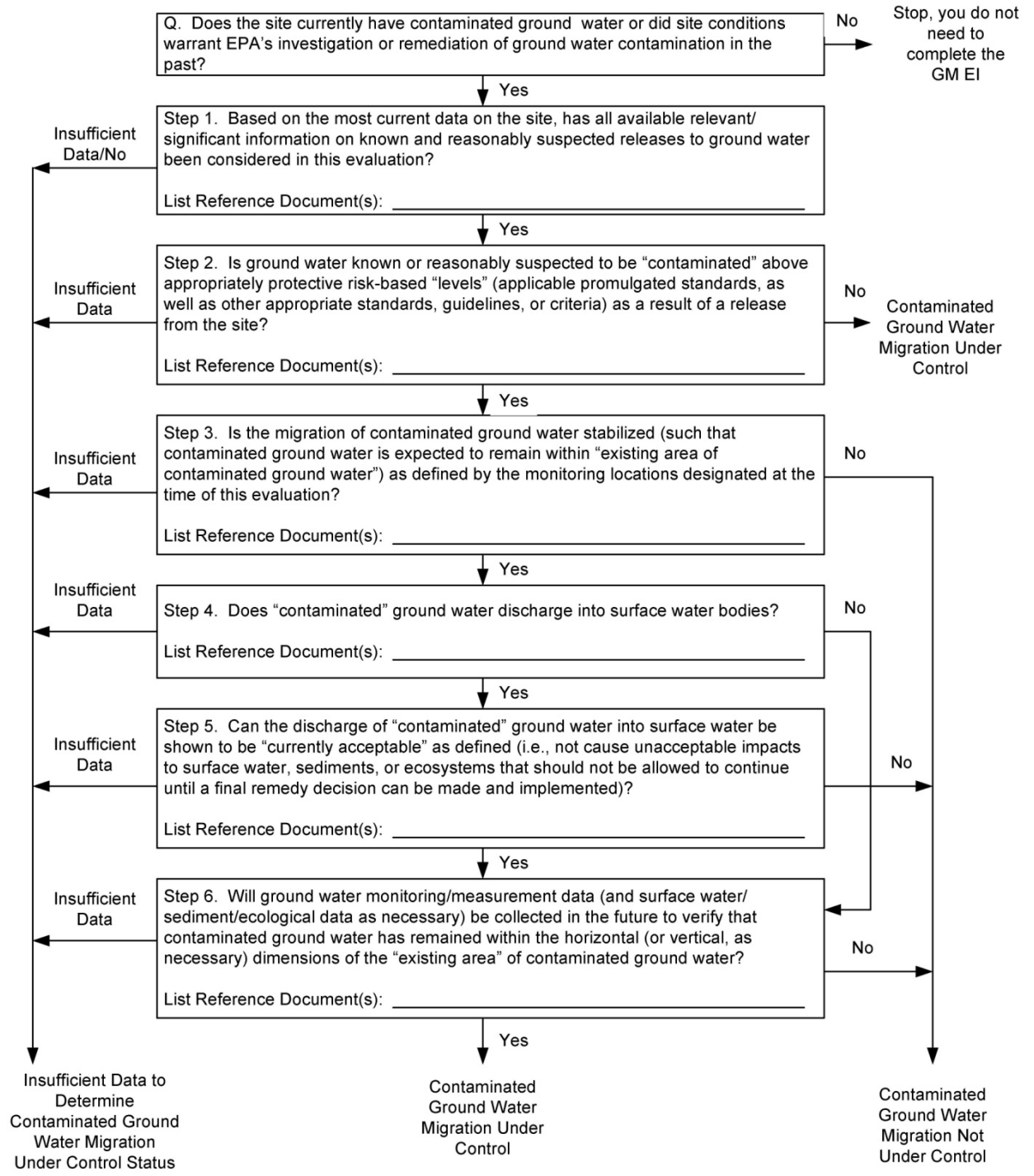
Special Planning/Reporting Requirements:

The Migration of Contaminated Groundwater Environmental Indicator worksheet must be completed in SEMS and/or reviewed before the end of the fiscal year. If there is a known change in Groundwater Migration (GM) status, SEMS should be updated within 10 days (Site Schedule/Environment Indicator(s)). It is expected that regions will review the status of all GM evaluations at a minimum annually, and confirm that each site has an updated and accurate GM evaluation. GM evaluations must be made (and entered) or reviewed at all Proposed, Final, and Deleted NPL sites and SAA sites prior to the end of the fiscal year in order to be included in the Superfund Comprehensive Accomplishments Plan (SCAP) end of year report pull. In cases where this is not possible, the region should contact the data sponsor for these measures. GM changes entered during the first ten working days of the new fiscal year will be counted as accomplishments for the prior fiscal year. This practice may differ from that required for other measures; special notice should be taken. Site condition changes may be documented in RODs, ROD Amendments, Removal Action Memoranda, Pollution Reports, Close Out Reports, and Five-Year Reviews.

EXHIBIT 8.16. SUPERFUND MIGRATION OF CONTAMINATED GROUNDWATER UNDER CONTROL WORKSHEET

17

Definition: Is the migration of contaminated ground water being controlled through engineered or natural processes?



Accuracy Requirement:

The Groundwater Migration approach was designed to allow RPMs to make first-hand determinations based on their knowledge of current conditions at a site as well as actions undertaken at a site. These determinations must be made with reasonable certainty using all available documentation on media contamination for current land and groundwater use. Documents such as RI/FS reports, RODs, Action Memoranda, Pollution Reports, and Close Out Reports are typically consulted by RPMs to assist completion of the surveys. To support the response for each worksheet question, the RPMs should provide the SEMS Document ID number in the document number field for every document referred to in answering each question. Further, the RPM should provide the complete citation of each referenced document in the Reference section of the worksheet and provide a complete copy of each referenced document.

8.D.5 Support Activities

a. Support Agency Assistance

Support Agency Assistance refers to the activities performed by another entity to support an EPA response action. 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 to ensure meaningful and substantial involvement in response activities.

Unless otherwise specified in the Cooperative Agreement, all support agency costs may be planned under a single Superfund account number designated specifically for support agency activities. Fund-financed actions that require cost share (including action codes RA and LR) must be planned separately and site-specifically.

EXHIBIT 8.18. SUPPORT AGENCY ASSISTANCE REQUIREMENTS

Action	Performance Lead	Action Date Requirements
State Support Agency Cooperative Agreement	EPA Performed, EPA Oversight, State Performed, State Oversight, Federal Facilities	**Start:** Cooperative Agreement Signed by Regional Administrator or his designee **Finish:** Expiration or termination of the assistance agreement

Special Planning/Reporting Requirements:

Funds for support agency assistance are contained in the pipeline operations, enforcement, or Federal Facility Site Allowance. Start and finish dates need to be entered in SEMS. Funds may be planned or obligated site or non-site and OU specifically; however, they must be outlayed site-specifically. This action may be tracked at the regional level but it is not a program target or measure.

b. Technical Assistance

Technical assistance is support provided by a third party to EPA regions to conduct response activities. Third parties that may provide assistance include USACE, U.S. EPA laboratories, U.S. Fish and Wildlife Service, Superfund Technical Assistance and Response Team (START), Superfund Remedial Acquisition Framework (RAF) and other contractors.

EXHIBIT 8.19. TECHNICAL ASSISTANCE REQUIREMENTS

Action	Performance Lead	Action Date Requirements
Technical Assistance	EPA Performed, EPA Performed In-House, EPA Oversight, State Performed, State Oversight, Tribe Performed	**Start:** Obligation of Funds for technical assistance signed by the Contracting Officer **Finish:** Completion of response activities for the stage at which technical assistance was requested; OR Closeout of the task order or contract under which the technical assistance was performed

Special Planning/Reporting Requirements:

Technical assistance is paid for by the response program and is contained in the Pipeline Operations Site Allowance. Start and finish dates need to be entered in SEMS. Funds may be planned or obligated site- or non-site and OU specifically; however, they must be outlaid site-specifically. This action may be tracked at the regional level but it is not a program target or measure.

Superfund Program Implementation Manual

FY 25

Chapter 9: Federal Facility Program

CHAPTER 9: Federal Facility Program

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CHAPTER 9: FEDERAL FACILITY PROGRAM

9.A FEDERAL FACILITY SUPERFUND GOALS AND PRIORITIES

9.A.1 Overview

To facilitate cleanup, property transfer, and reuse, the Environmental Protection Agency (EPA) has taken on a major role in forging proactive, innovative solutions to address environmental problems at Federal Facility Superfund sites. Within EPA, there are several offices that conduct activities relating to federal facilities. To provide a unified program to the Federal Facility Superfund community, these offices often collaborate on initiatives to meet stakeholder needs. The offices most heavily involved in Federal Facility Superfund activities include:

- Federal Facilities Restoration and Reuse Office (FFRRO)
- Federal Facilities Enforcement Office (FFEO)
- Office of General Counsel (OGC)
- EPA Regional offices
- Office of Superfund Remediation and Technology Innovation (OSRTI)

Multiple federal statutes establish requirements for EPA and other federal agencies to protect human health and the environment through cleanups at Federal Facility Superfund sites, including the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, which was amended by the Superfund Amendments and Reauthorization Act (SARA) in 1986; the National Oil and Hazardous Substances Pollution Contingency Plan (NCP); the National Defense Authorization Act amendments; various Base Realignment and Closure (BRAC) Acts; and the Resource Conservation and Recovery Act (RCRA).

With certain exceptions specified in CERCLA 120(a), each federal agency shall be subject to CERCLA to the same extent as a private entity, including liability. Federal agencies shall comply with all guidelines, rules, regulations, and criteria related to removal and remedial actions and shall not adopt guidelines inconsistent with those established by the EPA Administrator.

To manage the Superfund Federal Facility program, FFRRO and FFEO engage the Federal Facilities Leadership Council (FFLC) to identify and resolve issues unique to the management of EPA's Superfund Federal Facility (FF) response program. The FFLC is comprised of Superfund and/or RCRA program and enforcement/counsel representatives from all regions, as well as representatives from FFRRO and FFEO.

a. Federal Facility Goals

Superfund Federal Facility activities have high visibility because of the significant threats posed by releases of hazardous substances at federal sites, the impact to stakeholders of military base closings, the resources needed to implement Department of Defense

(DoD)/Department of Energy (DOE) cleanup efforts at facilities listed on the National Priorities List (NPL), and heightened interests from state, Tribal, and local governments and other stakeholders. Federal Facility program goals are based on a number of related factors, including overall Superfund program goals, anticipated resource constraints, and statutory requirements. Program activities and resources should be planned to achieve the following goals of the Federal Facility Superfund program:

- Decision Documents and Remedial Action Completions: Selecting remedial actions through Decision Documents and implementing remedial actions through Remedial Action Completions are high priority measures for the Federal Facility Program and key indicators for progress in getting sites through the CERCLA Pipeline and to protective cleanups. Regions should plan and target these measures to the month for the current fiscal year as well as planning for outyears. Completion dates for these actions should be entered in the Superfund Enterprise Management System (SEMS) and approved no later than 5-days following the month of completion (e.g. any January accomplishment should be in SEMS and approved by February 5th).
- Property Transfer and Reuse: Federal Facility NPL sites generally encompass thousands of acres. EPA is committed to returning this land to beneficial reuse, in coordination with the goals of the other Federal Agencies to dispose of excess federal property, and to help stimulate local economies. During the remedy selection phase, cleanup goals are set based upon planned future land use. Property transfer and reuse might occur at installations that were slated for closure or realignment via the BRAC process or at sites where local communities have expressed interest to acquire land for redevelopment purposes. Land can be transferred as smaller parcels of the larger property, as the federal owner often retains portions of the property for ongoing use or because remedial action objectives have not yet been achieved. Regardless of how property slated for transfer is identified, EPA's core mission of protecting human health and the environment remain a key focal point during when decisions are made related to transfer.
- Environmental Indicators: Environmental Indicators continue to serve as a measure of protectiveness for the Agency. Human Exposure (HE) is reported under the Government Performance and Results Act (GPRA) framework for the Superfund program and should be updated by the Regions every 12 months. Although no longer reported as part of GPRA, Groundwater Migration (GM) should also be updated within the 12-month timeframe. These measures provide current site information regarding risk reduction to human health and the environment at NPL Sites.
- Sitewide Ready for Anticipated Use (SWRAU)[1]: Revitalization continues to be a priority for the Office of Land and Emergency Management (OLEM). Sites that are Final or Deleted on the NPL or have a Superfund Alternative Approach (SAA)

[1] For additional information on SWARU, please view Chapter 8/Remedial

agreement in place that are CC are eligible for the SWRAU designation. To be eligible, SAA sites must be designated as SAA per the current SAA guidance and the special indicator of SAA construction complete must be selected. SAA sites count as regional and national targets. Eligible sites are not counted toward the SWRAU measure until they have achieved several key requirements:

- The site has a Human Exposure (HE) status of current human exposures under control and all protective remedy(ies) in place (HEPR) or long-term human health protection achieved (HHPA).
- For media that impact current and future land uses, all cleanup goals in the Records of Decision (RODs) or other remedy decision document(s) must be met so there are no unacceptable risks.
- All controls required for achieving protectiveness (engineered as well as institutional) are identified as part of the selected remedy in the ROD(s) or other remedy decision document(s), such as an ESD or ROD Amendment, and are in place.

When the entire site no longer meets a Human Exposure Under Control determination of Current Human Exposure Controlled or Protective Remedy in Place or Long-Term Human Health Protection Achieved, the site is no longer eligible for a SWRAU determination. Consult with headquarters to rescind SWRAU designations.

- Involving Citizens, Local Governments, and Tribes in Environmental Decision Making**:** The publication of the Final Report of the Federal Facilities Environmental Restoration Dialogue Committee (FFERDC) in April 1996 was a watershed event for public involvement in Federal Facility cleanups. As a result of the Report, federal agencies have established Restoration Advisory Boards (RABs) at DoD installations and Site-Specific Advisory Boards (SSABs) at DOE facilities. Other federal agencies have also formed advisory boards. Because of resource constraints, EPA regional participation and support for non-NPL facilities is minimal. Regions should 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 expects to be protected from environmental hazards through vigorous enforcement by the EPA and the states of violations of environmental laws, and to be protected from conditions that put people and natural resources at risk. EPA intends to use its 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.

Regions should continue to strive to place these priorities and project milestones in enforceable Federal Facility Agreements (FFAs)/Interagency Agreements (IAs) at NPL sites. FFAs and IAs should reflect the best judgments by all parties of cleanup priorities

and milestones at the time of agreement and should be relied on to navigate through the CERCLA Process.

9.A.2 EPA's Federal Facility Superfund Cleanup Principles

- Consideration of Human Health and Environmental Risk and Other Factors in Federal Facility Environmental Cleanup Decision Making: Protection of human health and the environment and meeting applicable or relevant and appropriate requirements (ARARs) are threshold criteria at all Superfund sites, including Federal Facilities. Addressing the sites that pose the greatest risk will generally be a driving factor, but not the only factor, in determining environmental cleanup priorities and milestones. In setting priorities and milestones, regions should consider:

- Human Health and Environmental Risk: Risk assessments and other analytical tools used to evaluate risks to human health (including non-cancer as well as cancer health effects) and the environment all have scientific limitations and require assumptions in their development. As decision-aiding tools, risk assessments should be used in a manner that recognizes those limitations and assumptions. In addition to criteria established by statute, regulation or guidance, as noted below there are other factors that affect whether and to what extent cleanups are to occur. The role of the RPM is to engage productively with the Other Federal Agencies, and EPA Subject Matter Experts (SMEs) as needed, to ensure that the risk assessment is suitable in scope and that the assumptions and parameters are appropriate, given the identified scenarios, sources, receptors and exposure pathways. The RPM should ensure that the risk assessments are carefully reviewed by SMEs and that EPA comments are properly addressed.

- Emerging pollutants, contaminants and hazardous substances of concern: As analytical detection methods improve and health risk data are better defined, EPA and the federal community are detecting chemicals, like perchlorate and perfluorinated compounds, at lower levels of concern and at a greater number of sites. Thus, we may need to expand the scope of investigations and cleanup actions, and take other actions to adequately address these and other emerging chemicals.

- Five-Year Reviews: Five-Year Reviews are a critical opportunity to determine if new and emerging contaminants may be calling into question the assumptions underlying our understanding of site risks and remedy protectiveness. FFRRO has developed a review template to facilitate the systematic review of per- and polyfluoroalkyl substances (PFAS) and other emerging contaminants in five-year reviews. Remedial Project Managers (RPMs) and risk assessors should consult with Headquarters (HQ) to check for updates in policies and to assure consistency in application.

- Other Factors: In addition to human health and environmental risk, other factors that warrant consideration in setting environmental cleanup priorities and milestones include, but are not limited to:
  - cultural, social, and economic factors, including environmental justice considerations;

- short-term and long-term ecological effects and environmental impacts in general, including damage to natural resources and lost use;
- making land available for other uses;
- acceptability of the action to regulators, tribes, and public stakeholders;
- statutory requirements and legal agreements;
- life cycle costs;
- permanence and reliability of remedy;
- pragmatic considerations, such as the ability to execute cleanup projects in a given year, and the feasibility of carrying out the action in relation to other actions at the facility;
- overall cost and effectiveness of a proposed action.

- Green Remediation: The practice of considering all environmental effects of remedy implementation and incorporating options to minimize the environmental footprints of cleanup actions. EPA strives for remedies that use natural resources and energy efficiently, reduce negative impacts on the environment, minimize or eliminate pollution at its source and reduce waste to the greatest extent possible. Therefore, green remediation reduces the demand placed on the environment during cleanup actions. EPA's OLEM issued the *Principles for Greener Cleanups, August 2009*, ('Principles document'). The *Principles document* defines the five core elements that may be considered when evaluating and implementing a green cleanup: Total Energy Use and Renewable Energy Use, Air Pollutants and Greenhouse Gas Emissions, Water Use and Impacts to Water Resources, Materials Management and Waste Reduction and Land Management and Ecosystems Protection. Green Remediation practices fit within existing cleanup programs and comply with existing statutes and regulations. Green Remediation can be applied throughout all phases of cleanup, including site investigation, design, construction, operation, and monitoring. For more information, visit the Greener Cleanups website.

- Collaboration: The Superfund Federal Facility program will continue to work in a collaborative fashion with other federal agencies, other regulators, tribal governments, local governments and communities. Typically, EPA looks to all affected stakeholders for ideas and innovative solutions and, where appropriate, encourages the incorporation of stakeholder recommendations into policy and practice. In many situations, EPA's statutory responsibilities will place the Agency in a leadership role that requires convening the relevant parties and facilitating interaction. In general, EPA is responsible for reviewing plans, methods and reports, to ensure consistency with statutory requirements, standard practices and applicable guidance, and elevating issues of concern for management input, and/or enforcement, as needed. In other situations, EPA will act as one of the many interested parties in a collaborative problem-solving effort convened by another federal agency, tribe, state, local government or a private entity. However, it is important to recall that collaboration cannot replace the core functions of a regulatory agency nor compromise EPA decision-making and enforcement responsibilities.

- Innovation: Federal Facilities should continue to serve as a test bed for new cleanup technologies and new cleanup processes. We should continue efforts, working with others, to promote more effective and efficient cleanups that support redevelopment and reuse of contaminated properties, especially those that support the mission of the responsible agency. Efforts to improve and streamline the cleanup process should continue to focus on reducing paperwork and developing more collaborative relationships among all parties.
- Consistency of Treatment between Federal Facilities and Private Sites: Federal Facilities, especially NPL sites, are generally large complex sites. CERCLA requires that Federal Facilities be treated the same as other entities. The RPM can consult with the HQ Regional Coordinator to ensure consistency. HQ should survey for inconsistencies through document review.
- Consultation: FFRRO' s goals for the consultation and review processes are to promote common understanding of CERCLA remedy decision-making regulations, policies, and guidance; ensure consistency in remedial action selection nationally; and identify and/or avoid policy issues and gaps. Areas of interest for HQ consultation include, but may not be limited to, land use controls (see IX.A8), PFAS consultations for sites where PFAS is being investigated or has been detected, five-year reviews, groundwater restoration, remedies greater than or equal to $100 million, munition response remedies, radiation sites, and lead sites.
- Environmental Justice: As Federal Facilities Superfund sites affect many diverse communities and communities of low income, the federal government has an obligation to make special efforts to reduce the adverse effects of environmental contamination related to Federal Facility Superfund actions on affected communities that have historically lacked economic and political power, adequate health services, and other resources. This needs to continue to be a focus for the program, and RPMs should be knowledgeable in EPA tools and methods that can be applied to address Environmental Justice issues and concerns. Three actions that we can take right now include:
  - Know the communities. Identify those that may be vulnerable or disproportionately impacted. EPA, the State and the other federal agencies need to have a common understanding of who may be more vulnerable and/or disproportionately impacted using a combination of local knowledge and tools such as EJScreen.
  - Make sure that the risks of disproportionately impacted communities are assessed. Make sure through review and comment, that relevant environmental justice (EJ)-related exposure scenarios are captured in the risk assessments to understand potential impacts on these communities.
  - Make sure these communities have the opportunity for meaningful engagement. Advocate for effective inclusion in community outreach endeavors. EPA can make funds available for community engagement (Technical Assistance Services for Communities [TASC], Technical Assistance Grants [TAGs]).

- Stakeholder Involvement: Involvement by the public continues to be an area of emphasis at Federal Facilities. Federal Facility cleanup decisions and priorities should reflect a broad spectrum of stakeholder input from affected communities including indigenous peoples, low-income communities, and people of color. Stakeholder involvement has, in many instances, resulted in significant cleanup cost reductions. It should therefore not only be considered as a cost of doing business but as a potential means of efficiently determining and achieving acceptable cleanup goals. Indeed, Community Acceptance is one of the nine criteria for the evaluation of remedial alternatives.
- The Role of Negotiated Cleanup Agreements: Enforceable cleanup agreements play a critical role both in overseeing priorities at a site and providing a means to define and balance the respected interdependent roles and responsibilities in Federal Facilities cleanup decision making. EPA must continue to hold federal agencies accountable for meeting the terms of these agreements to ensure timely and protective cleanup.
- The Critical Role of Future Land Use or Activity Determinations: Reasonably anticipated future land uses should be considered when making cleanup and reuse decisions for Federal Facilities. The communities that are affected by Federal Facility cleanups, along with their state and local governing bodies and affected tribes, should be given a significant role in determining reasonably anticipated future use of federal property that is expected to be transferred, and in how future use determinations will be used in making cleanup decisions. RPMs can make sure that the public (through community meetings RABs etc...) is informed of potential future land use and activity determinations. RPMs should also be alert to changing land uses and make sure that they are considered in the remedial process and in the evaluation of protectiveness during five-year reviews.
- The Importance of Characterizing Sites Correctly: The identification and characterization of contamination and the evaluation of health impacts on human populations, including those with environmental justice concerns, and ecological effects are essential parts of the cleanup process. If a quality characterization is done, money and time can be saved during the response phase. Characterization must also include proper quality assurance/quality control processes to ensure that data are used to make decisions of known and reliable quality. RPMs have a critical role in QA/QC and should include SMEs in review and comment as needed. RPMs should consult with HQ if there are systemic concerns.

9.A.3 Federal Facility Docket and Site Discovery/Site Assessment

a. Overview

The U.S. EPA Federal Agency Hazardous Waste Compliance Docket (Docket) Process and Federal Facility Site Discovery/Site Assessment Process are different from the non-Federal Facility Site Assessment Process; and are governed by a specific set of statutes and

guidance in the CERCLA, 1980, as amended by the SARA, 1986, and in the NCP. The Federal Facility process is different in at least four ways:

- Federal Facility Docket Process and Federal Facility Discovery Process: The process for Federal Facilities involves adding Federal Facility sites on the Docket (CERCLA/SARA section 120(c)) prior to entry of the Site Discovery in SEMS.
- Federal Facility Site Assessment and Time Frames: The time frame for completion of Federal Facility site assessment actions following Site Discovery is that of 'a reasonable time schedule' (CERCLA/SARA section 120(d)) as Amended in 1997; and for completion of Hazard Ranking System (HRS) evaluations the time frame is within four years from Site Discovery.
- Authority for Conducting Federal Facility Site Assessments - Executive Order 12580: The authority for conducting Federal Facility site assessments has been delegated to the federal agencies under Executive Order 12580 (E.O. 12580), and CERCLA 120(h).
- Federal Facility Site Assessment Reports & EPA Review and HRS Evaluation: EPA is required to review Federal Facility site assessment reports and evaluate such facilities in accordance with the HRS criteria (authority retained by EPA).

b. Federal Facility Docket Process and the Federal Facility Site Discovery Process

EPA is required to establish a Federal Agency Hazardous Waste Compliance Docket ('Docket') under section 120(c) of the CERCLA of 1980, as amended by SARA of 1986. Section 120(c) requires EPA to establish a Docket that contains information reported to EPA by Federal Facilities that manage hazardous waste or from which a reportable quantity of hazardous substances have been or may be released. The Docket was established by EPA in 1988.

The Docket is used to identify Federal Facilities that should be evaluated to determine if they pose a threat to public health or welfare and the environment sufficient to warrant inclusion on the National Priorities List; and to provide a mechanism to make this information available to the public. As new facilities are reported to EPA by federal agencies, EPA publishes a list of these facilities in the *Federal Register*.

The Docket contains information submitted by federal agencies under the following authorities:

- Section 103 of CERCLA requires owners or operators of vessels or facilities to notify the National Response Center of a release of a reportable quantity of a hazardous substance (notification of a release or potential release);
- Section 3005 of RCRA provides EPA authority to establish a permitting system for hazardous waste treatment, storage, and disposal (TSD) facilities, which in turn requires them to submit certain information as part of the permit application (interim status/permitting authority). The hazardous waste permitting program is generally implemented by authorized states;

- Section 3010 of RCRA requires hazardous waste generators, transporters, and TSD facility owners/operators to notify EPA of their hazardous waste activities (notification of hazardous waste activity);
- Section 3016 of RCRA requires Federal Facilities to submit an inventory of hazardous waste sites they own or operate, or have owned and operated in the past (biennial inventory of hazardous waste activities);
- 'Other' has been added as a reporting mechanism to indicate those Federal Facilities that otherwise have been identified to have releases or threat of releases of hazardous substances. EPA's NCP, (40 CFR 300.405) further addresses the discovery or notification and outlines what constitutes discovery of a hazardous substance release, and states that a release may be discovered in several ways.

This information is collected and stored in the Federal Facilities E-Docket tool. Facilities are identified via web query pulls from RCRAInfo and the Web-based Emergency Operations Center (WebEOC), and is compiled for Regional Docket Coordinator review and proposal to the Docket. Following publication of the site's addition to the Docket in the *Federal Register*, the site must immediately be entered in SEMS as a Site Discovery. If the site has been previously listed in RCRAinfo, the same EPA ID should be used in SEMS. The Site Discovery Date is that of the publication in the *Federal Register*. For additional information see the *Docket Reference Manual, Federal Agency Hazardous Waste Compliance Docket, Interim Final, November 2013;* as well as the Federal Agency Hazardous Waste Compliance Docket website.

CERCLA/SARA, as amended, section 120(d) (1) requires that EPA take steps to assure that a Preliminary Assessment (PA) be completed and that evaluation and listing of sites be completed within a reasonable time frame (CERCLA/SARA, as amended, section 120(d) (3)) for each Federal Facility included on the published list of Federal Facilities reported pursuant to section 120(c) of CERCLA/SARA (the 'Federal Facilities docket'). The PA is designed to provide information for EPA to consider when evaluating the site for potential listing on the NPL. E.O. 12580 delegated the authority to conduct Federal Facility PAs and, when warranted, Federal Facility Site Inspections (SIs) to the federal agencies.

EPA believes the most reasonable schedule for assessing Federal Facility sites listed on the Docket would be one consistent with the schedule for assessing non-Federal Facility sites which are tracked in SEMS. Potential budgeting issues of a Federal Facility may also be a factor in conducting a PA. Under Superfund policy (OSWER directive 9200.3-14-1E), EPA attempts to complete a non-Federal Facility PA within one year of that site's discovery (inclusion in SEMS). However, the need of federal agencies to wait for the next budget cycle to obtain funding may make the one year time frame problematic in some cases. Further, past experience using the 18 month time frame has shown it to be a reasonable period of time for completion of the Federal Facility PA. As a result, it is appropriate to expect Federal Facilities to strive to submit completed Federal Facility PA Reports within 18 months from inclusion on the Docket. Of course, in cases where a PA

petition is submitted pursuant to CERCLA section 105(d), a PA may need to be completed within 12 months.

It is worth noting that under section 116(b) of SARA, a facility should be evaluated within four years of SEMS listing. EPA believes this is a reasonable time frame for making listing decisions at Federal Facility sites as well. On receipt and following evaluation of a Federal Facility PA and, if warranted, a Federal Facility Site Inspection (SI), EPA would make a determination either of No Further Remedial Action Planned (NFRAP) under EPA's Superfund program (CERCLA/SARA); or of potential NPL candidate. However, if further EPA involvement is warranted for an HRS evaluation and proposal of the site to the NPL, then all these steps, from Discovery to NPL proposal, have to be completed within a four year time frame. Historically, it was sometimes difficult for EPA and the federal agencies to complete these tasks within the 30 months originally provided under section 120(d), and EPA believes 48 months is a more appropriate and reasonable time frame for both the Federal Facility and EPA.

EPA and the individual agencies should work together to ensure these time frames are met.

c. Authority for Conducting Federal Facility Site Assessments -

Sections 104(b) and (e) of CERCLA grant to the President broad investigative authority to conduct a PA and/or a SI. The President has delegated this authority through E.O.12580 to the heads of the respective federal executive departments and agencies with jurisdiction, custody, or control over their facilities. The NCP provides for the lead federal agency to perform a PA and, as appropriate, an SI, on all sites on the Docket and in SEMS (see CERCLA/SARA 120(d) and 40 CFR Part 300.420(b)(1) and (c) (1)). Section 300.5 of the NCP defines 'lead agency' generally as that federal executive agency with jurisdiction, custody, and control over the facility on which a release occurs or is from (except in the case of an emergency). Accordingly, each federal agency typically is the lead agency to conduct a PA or an SI on facilities within its respective jurisdiction, custody, or control. Lead agency, or the responsible federal agency, can differ from the federal agency ownership party. The Federal Agency Owner field of the Docket is the federal department or agency that owns the facility at the time of Docket addition, deletion, and/or correction whereas the Responsible Federal Agency is the lead agency responsible for the oversight.

EPA must take steps to ensure that a PA is completed for facilities on the Federal Facilities docket where the respective federal agencies are delegated the authority to conduct a PA or SI, and thus the respective federal agencies are the 'lead agency' for conducting such investigations.

Federal Facilities that conduct a PA may satisfy some of the PA reporting requirements through work already conducted pursuant to the RCRA corrective action program or state cleanup programs. For example, a facility at which a RCRA Facility Assessment (RFA) has been conducted may base its PA on the RFA report. When work conducted under such

non-CERCLA authorities is the basis for satisfying PA requirements, the facility should demonstrate that all information required for the CERCLA PA is provided. In some instances, it may be appropriate to provide supplemental information to ensure that all hazardous substances, pollutants, or contaminants at the facility are addressed. Similarly, at a Federal Facility sites when under CERCLA 120(h) ownership Federal Real Property is being transferred, where there have been observed releases, the Federal Facilities may satisfy some of the PA reporting requirements through work already conducted for General Services Administration (GSA) Environmental Phase II Reports or other environmental investigations done by DoE/DoD. Again, as in the foregoing RCRA Facility Assessment discussion, the Federal Facilities should demonstrate that all information required for the CERCLA PA is provided, and as appropriate, provide similar supplemental information as mentioned above.

For additional information see the *Federal Facilities Remedial Preliminary Assessment Summary Guide, July 2005* and the *Federal Facilities Remedial Site Investigation Summary Guide, July 2005*.

d. Federal Facility Site Assessment Reports & EPA Review and HRS Evaluation

For Federal Facilities, the site assessment process under CERCLA/SARA begins when the Federal Facility site has been added to the Docket. When a Federal Facility submits a Federal Facility PA report (also see CERCLA 104(h)), and if warranted a Federal Facility SI report, EPA evaluates the site in accordance with the HRS final rule[2] to determine whether the site poses a threat to human health and the environment sufficient to warrant inclusion on the NPL.

If EPA determines that the site does not pose a threat to human health and the environment based on the data provided in the PA or SI reports, then EPA will designate a decision of NFRAP under Superfund. A decision not to take further response/remedial action under the Superfund program is based on a finding that the facility/situation does not meet the minimum CERCLA eligibility requirements or that there is an insufficient threat to human health or welfare, or the environment to be included or proposed at this time on the NPL by the EPA. This decision does not preclude any further action at the facility by other EPA programs, by the states or other federal agencies. If there is a clear non-compliance with other environmental programs, EPA will make a deferral to the appropriate alternate authorities. Should EPA receive new information and/or issue new rule making that warrants further EPA involvement, EPA will reactivate the site.

If the results of a Federal Facility SI indicate that the Federal Facility site warrants further investigation based on the HRS evaluation, EPA will prepare an HRS scoring package to evaluate proposal of the site on the NPL. To make such an NPL decision, EPA may collect further data to complete the HRS package.

[2] Hazard Ranking System; Final Rule, 40 CFR Part 300, Appendix A, *Federal Register*, Vol. 55, No. 241, December 14, 1990.

e. Tracking of Federal Facility Sites in SEMS

Federal Facilities are tracked in SEMS, EPA's official CERCLA/SARA sites tracking system. It allows authorized EPA SEMS users to enter new Federal Facility Docket sites. SEMS users can access that and other screens to select and track Federal Facility sites in the SEMS universe, and to manage site assessment actions (i.e., Federal Facility Preliminary Assessment Review and Federal Facility Site Inspection Review actions) at these sites.

SEMS tracks site assessment actions that are being or have been conducted for all Federal Facilities listed on the Docket pursuant to CERCLA section 120 et al.

For a more in depth understanding of the site assessment process for Federal Facilities, please reference the following documents:

- EPA *Federal Facilities Remedial Preliminary Assessment Summary Guide, July 2005*;
- EPA *Federal Facilities Remedial Site Inspection Summary Guide, July 2005*;
- Appendix A to the above: *Federal Facilities Remedial Preliminary Assessment Summary Guide, July 2005* and *Federal Facilities Remedial Site Inspection Summary Guide, July 2005* for Law/Regulations: Summary of Appropriate Legislation/Regulation; Definition of Site; and Site Assessment Process for Federal Facilities;
- EPA *Guidance for Performing Preliminary Assessments Under CERCLA, OSWER 9345.0-01A, September 1991*;
- EPA *Guidance for Performing Site Inspections Under CERCLA, Interim Final, OSWER 9345.1-05, September 1992*.

9.A.4 BRAC Budget and Financial Guidance

In 1994, EPA and DoD entered into the first BRAC Memorandum of Understanding (MOU) establishing responsibilities and funding for EPA's assistance in accelerating cleanup at 107 realigning and closing installations. However, the MOU expired in September 2016 and EPA will no longer participate at non-NPL BRAC sites to assess BRAC properties and determine their suitability for transfer and/or lease, accelerate cleanup actions, or ensure that remedies selected reflect the views of the affected communities surrounding the sites and the proposed future reuse

EPA continues to fulfill its statutory obligations at NPL BRAC installations. In addition, EPA regions may be requested to perform activities by states, tribes, local governments, the military components or others at certain Non-NPL, including Non-NPL BRAC, facilities where EPA has no formal regulatory role. Given EPA's resource constraints, each region has to examine those requests individually and determine whether it can positively respond. EPA's annual budget request does not include additional support for BRAC-related services to DoD at non-NPL BRAC V facilities. If EPA services are required at levels above its base for non-NPL BRAC V related installations, EPA would seek reimbursement from DoD. See the *Interim Guidance for EPA's Base Realignment and Closure (BRAC) Program, April 2006* for more information.

9.A.5 Cleanup Privatization at BRAC NPL Sites

EPA recognizes that the privatization of the cleanup at BRAC sites can present an opportunity to integrate redevelopment planning with cleanup. Such privatized cleanups provide another option to federal and state agencies and local communities to help maximize the impact of cleanup and redevelopment resources to help move properties back into productive reuse more quickly.

Privatization refers to a site where: 1) a non-federal party will take title to BRAC property; 2) the property will be transferred using CERCLA 120(h)(3)(C) early transfer, covenant deferral authority; and 3) the transferee, rather than the military, will conduct the cleanup using funding provided by the DoD. The DoD funding to the transferee is provided through an Environmental Services Cooperative Agreement (ESCA). Other documents that are typically required for such transfers include an amendment to the existing Federal Facility Agreement. The amendment provides: that in the event the transferee defaults on the cleanup of the property or fails to meet the cleanup standards, the military is obligated to return and complete the cleanup; negotiation of an Administrative Order on Consent (AOC) with the non-federal entity who is to be responsible for the cleanup; and the issuance of a Finding of Suitability to Early Transfer (FOSET). Importantly, the AOC provides for continuing EPA and state oversight and the reimbursement of such oversight costs. (See pages 18-21 of the *Interim Guidance for EPA's Base Realignment and Closure (BRAC) Program, April 2006*) Early transfer covenant deferral requests seek deferral of the CERCLA 120(h)(3)(A)(ii)(I) deed covenant that all remedial action has been taken.

9.A.6 Military Munitions Response Program

Millions of acres of former munitions use or manufacturing areas have been transferred from DoD control to non-federal entities or other federal agencies to be used for other purposes (a large percentage of these properties now are identified as Formerly Used Defense Sites [FUDS]). DoD has an online inventory of munitions response sites (MRS) and associated acreage that are potentially contaminated. Furthermore, active military installations and installations affected by the BRAC program may have locations other than operational ranges contaminated with Munitions and Explosives of Concern (MEC) and Munitions Constituents (MC). While some MRS are fairly small (e.g., small arms ranges, burial pits and trenches), others may be dozens or even hundreds of square miles in area (e.g., former bombing ranges). In addition to MEC, these MRS may have soil, groundwater, and surface water contamination from MC or other sources (including explosives and heavy metals, depleted uranium, and at a small number of sites, chemical warfare agents or chemical warfare materiel. The MC may derive from a number of sources. Such sources include: live-fire training or testing, low order detonations of munitions used in training or testing, open burning and open detonation (OB/OD) treatment/destruction activities, or munitions burial. Explosives safety (e.g., the potential for the detonation of MEC) is usually the principal concern during munitions response actions involving MEC.

The National Defense Authorization Act for Fiscal Year 2002 (P.L. 107-107) directed DoD to develop and maintain an inventory of defense sites that are known or suspected to contain unexploded ordnance, discarded munitions or munitions constituents. The *EPA Munitions*

Response Guidelines, OSWER 9200.1-101, July 2010 were developed to provide guidance to project managers overseeing munitions response actions at locations other than operational ranges where MEC/MC are suspected to be or have been encountered. Types of response actions include, but are not limited to, assessments, investigations and cleanups under the authorities of CERCLA, RCRA, and, where appropriate, response actions under other federal environmental authorities, such as the Safe Drinking Water Act (SDWA). The Guidelines may be useful in situations involving enforcement, permitting, and emergency or time critical actions where MEC/MC are involved. There are several ongoing collaborative efforts with DoD, states and others to address MRS issues. These include multi-agency munitions response policy workgroups, training programs, quality assurance/quality control requirements, and technology evaluations.

EPA issued *Recommendations for EPA Regional Offices on Preliminary Assessments and Site Inspections for the Department of Defense Military Munitions Response Program, OSWER 9200.3-60, April 2010* to the regions to clarify issues with the DoD Military Munitions Response Program (MMRP). In some situations, an MRS that is within the boundaries of an NPL site may not be currently included in the list of areas of concern, facility inventory, or other description of sites to be addressed under a FFA or other document providing for regulatory oversight (e.g., RCRA 7003 order). The MRS should be added to the FFA (or other oversight document) as soon as practicable together with an enforceable schedule of milestones, including primary and secondary documents. To resolve any disagreements that arise over adding the MRS, EPA regions should use the tools provided by the applicable FFA, including the Dispute Resolution process. Neither Congress' enactment of Defense Environmental Restoration Program (DERP) providing funds to address munitions, nor DoD's administrative creation of its MMRP to spend that money, exempts DoD from or alters CERCLA section 120 requirements. That includes the requirement for an FFA for any cleanup at a Federal Facility on the NPL.

Regions should flag their MMRP Operable Units (OU) using the 'Federal Facility OU Type', 'OU MMRP Flag'. See IX.A.9 for more details.

9.A.7 Stakeholder Involvement

By Executive Order, Federal Facilities have lead responsibilities for cleanup activities under CERCLA. This means that they are responsible for implementing the full suite of community involvement activities that Superfund performs for private sites. Federal Facilities are required to staff this function with personnel who are knowledgeable about all aspects of public participation and who are authorized to encourage and support the public in becoming involved in the cleanup decision-making process through early and meaningful community involvement activities.

For DoD sites, Superfund staff will participate in RAB, offer access to technical assistance through the TAG and TASC programs, remind the DoD facility to offer their Technical Assistance for Public Participation (TAPP) program to RAB members, assure that the facility updates its mailing list and provides frequent community update fact sheets, and approximately every two years, review the Community Involvement Plan (CIP) to determine the need for an update. For

Department of Energy sites, the above applies, except that the stakeholder groups are called SSABs or Community Advisory Councils.

In its regulatory role, Superfund provides oversight of stakeholder involvement, often through its Community Involvement Coordinators (CIC). In the absence of an assigned CIC, the Superfund Remedial Project Manager is responsible to ensure early and meaningful public participation through all cleanup stages. It is expected that the RPM and the CIC (as assigned) should get to know and be accessible to community stakeholders, with the goal of building trust through honest, open and transparent communications. The RPM and CIC (as assigned) will work with the Other Federal Agencies to ensure that potential Environmental Justice concerns are identified and addressed.

The RPM and/or the CIC may review and comment on the CIP, and consult on other documents and strategies that Other Federal Agencies use to engage the community at key steps in the CERCLA process, such as the organization of community meetings, the development of factsheets, and notices of document availability. EPA staff will assure that the facility maintains an updated mailing list, and that plans and documents are updated to meet the changing needs of communities and site conditions.

Superfund staff will, through review and comment, ensure that public participation documents, like the Proposed Plan, are of the highest quality in terms of clarity, completeness, ease of use and plain language.

Regions should document their community involvement activities, particularly RABs, as 'Restoration Advisory Board (RAB)/Site-Specific Advisory Board' code 'SSRAB'.

9.A.8 Land Use Controls (LUCs)

Land Use Controls (LUCs) may consist of non-engineered instruments, such as administrative and legal controls or engineered and physical barriers, such as fences and security guards. LUCs help to minimize the potential for exposure to contamination and/or protect the integrity of a response action and are typically designed to limit land and/or resource use or to provide information that helps modify or guide human behavior at a site.

LUCs are often a significant and heavily relied upon part of the selected remedy to ensure long-term protectiveness. LUCs may be used when contamination is first discovered, when remedies are ongoing, and when residual contamination remains onsite at a level that does not allow for unrestricted use and unlimited exposure after cleanup. The NCP emphasizes that LUCs are meant to supplement engineering controls and that LUCs should rarely be the sole remedy at a site.

EPA issued guidance, *Sample Federal Facility Land Use Control ROD Checklist with Suggested Language (LUC Checklist), OSWER 9355.6-12, January 2013*. This guidance provides direction on describing and documenting LUCs in federal facility response actions under CERCLA in RODs, Explanation of Significant Differences (ESDs), remedial designs (RDs), remedial action work plans (RAWPs), and Land Use Control Implementation Plans (LUCIPs). The LUC Checklist also

provides recommended language for creating enforceable LUC requirements in these documents to ensure the protectiveness of CERCLA remedies. EPA Regional programs are responsible for ensuring that LUCs or ICs are properly documented for federal facility NPL sites and some BRAC sites.

HQ LUC Review Process:

- Regions are encouraged to consult with FFRRO when selecting or implementing LUCs, in particular new RPMs or anyone who would like an extra review of a document or to discuss a LUC issue. HQ promotes an "open door" policy for LUC reviews or consultations.
- Mandatory Review:
  - *Regions 5-10:* HQ reviews all decision documents (RODs, ESDs, RD/RAs, RAWP, and Land Use Control Implementation Plans (LUCIPs) that include LUCs.
    - These reviews are intended to document proficiency in applying the LUC Checklist.
    - HQ review consists of evaluating the LUC Checklist filled out by the Region and providing comments on its implementation.
- Regions Provide All Completed LUC Checklists to HQ Regardless of HQ Mandatory Review:
  - *All Regions* will send completed LUC Checklist(s) to Jyl Lapachin and George Burnett.
- Rationale:
  - If the LUC Checklist is embedded in RODs, ESDs, RD/RAs, RAWP, and LUCIPs, issues will be identified, and will ensure that LUCs will be implemented properly.
  - The LUC Checklists will be uploaded to the LUC SharePoint Site and will provide transparency in regional routine use of the LUC Checklist and provide a national-level dataset for analysis and to identify trends.
  - It will serve to bring knowledge across regions and agencies.
- Additional Points:
  - LUCs are an important part of the Remedial Action at most Federal Facility Superfund sites and it is imperative to maintain national consistency and create enforceable LUCs in the ROD stage.
  - HQ maintains a 2-week, or faster, turnaround time on all reviews, and will continue to work with the Region to sustain project schedules.
  - LUC Review protocol from the 2005 Woolford/Kling Memo, Review of Institutional Controls (IC) Language in Federal Facility Remedial Designs, RODs, Explanation of Significant Differences (ESDs), ROD Amendments and other Post-ROD Documents.
  - Once the project manager (and the attorney, where possible) has reviewed the IC language, please forward a completed checklist along with the document to HQ for review.

- Fill out the checklist and reference the page number in the applicable document that corresponds to the particular checklist item number.
- Identify whether the document falls short with regard to particular items on the checklist and, if so, provide alternative language to resolve the issue. If you believe the document is adequate, note that on the checklist with respect to that item.
- If a Region receives comments from a federal facility along with the document, review the comments and reconcile them against the checklist. Forward to HQ only the specific IC issues/comments which you cannot resolve.

9.A.9 Special Interest Sites and Operable Units for Flagging in SEMS

Sitewide FUSRAP Flag: Regions are responsible for flagging Sites under the Formerly Utilized Sites Remedial Action Program (FUSRAP). These are sites managed by the U.S. Army Corps of Engineers with contamination resulting from the nation's early atomic energy program. FUSRAP was initiated in 1974 to identify, investigate and, if necessary, clean up or control sites throughout the United States contaminated as a result of Manhattan Engineer District (MED) or early Atomic Energy Commission (AEC) activities. Both the MED and the AEC were predecessors of the U.S. Department of Energy (DOE). Additional details on FUSRAP sites can be found at the USACE page.

Regions are responsible for flagging Federal Facility OUs in two key areas:

1. **Federal Facilities PFAS Operable Units**: This flag should be applied at OUs that have planned or ongoing actions in SEMS where PFAS has been detected. Regions should reach out to the FFRRO data lead to have the flag applied.
2. **Military Munition Response Program (MMRP) Operable Units**: The Federal Facility MMRP OU Designation should be used on Federal Facility site OUs with ongoing activities that address or will address environmental contamination associated with military munitions. This mainly constitutes sites under the DoD Military Munitions Response Program (MMRP). DoD keeps an inventory of these munitions response sites on DENIX. Please note that some DoD components have historically investigated and cleaned up small arms ranges under the Installation Restoration Program (IRP) but please add those to the MMRP OU designation as well. Regional RPMs or IMCs are able to update the FF OU MMRP flag.

9.B FEDERAL FACILITY PROGRAM TARGETS AND MEASURES

9.B.1 Overview of Federal Facility Targets and Measures

The following pages contain, in pipeline order, the definitions of Federal Facility targets and measures. Exhibit 9.1 displays the internal and external reporting hierarchy for the full list of Federal Facilities activities defined in this chapter.

Regions are responsible for entering data into SEMS for Federal Facility NPL sites and Non-NPL sites where the Region is involved in the review process of the documents/actions listed below. Regions should notify FFRRO and make them aware of the Non-NPL and formerly Federal

Facility Sites that their Federal Facility Program manages (may include Superfund Alternative Approach Sites, Formerly Used Defense Sites (FUDS) etc...).

EXHIBIT 9.1. FEDERAL FACILITIES NPL SITES

Action	External Program Reporting	Internal Program Reporting
FFAs/IAAs		Measure
Remedial Site Assessment Completions		Measure
RI/FS or RFI Starts		Measure
Decision Documents (RODs, ROD Amendments, ESDs, Action Memos)	BFS/Mission Measure	Target
Final Remedy Selected		Measure
RD or RCRA CMD Starts		Measure
RD or CMD Completions		Measure
RA or CMI Starts		Measure
RA or CMI Completions	BFS/Mission Measure	Target/Superfund Target
Removal or RCRA ISM Starts		Measure
Removal or ISM Completions		Measure
Operation and Maintenance (O&M) Starts		Measure
Federal Facility Five-Year Reviews (FYR)		Target
Human Exposure Under Control (HEUC)	BFS, Strategic Plan	Superfund Target
Sitewide Ready for Anticipated Use (SWRAU)	BFS	Superfund Target

Key to Reporting Hierarchy
Strategic Plan = National target is publicly reported in Agency's Strategic Plan.
Target = Superfund Comprehensive Accomplishments Plan (SCAP) target and reporting measure.
Measure = SCAP reporting measure, but target not required.
BFS/Mission Measure = Regional targets are established in Budget Formulation System.
Superfund Target = Superfund Comprehensive Accomplishments Plan (SCAP) target and reporting measure for the broader Superfund Program. Federal Facility accomplishments count towards these measures. Additional details can be found in the Remedial Chapter 8.

9.B.2 Data Entry Timeliness, Overall Data Quality Management and Targeting

The Regions should assure that their site information is complete, current, consistent and accurate. **It is essential that planning and accomplishment data in SEMS remain current throughout the year and that accomplishments are reported as they occur, particularly with the monthly reporting requirements for Federal Facility Decision Documents and Remedial Action Completions. Decision Documents and Remedial Action Completions should be entered into SEMS and approved shortly after completion. Previous month accomplishments not entered and approved by the Regions by the 5th of each month may not be captured in monthly reporting.** It is important that data for future FY projections, 3-years from the current fiscal year

(FY), is projected as accurately as possible. FFRRO relies on this data for understanding National Program and Regional resource needs, projecting National Program measures, and future accomplishments. Regions should ensure planning and accomplishment data is generally reflected in SEMS within five working days of the end of the month in which it occurred. See section IV.C.1 of this document for additional information about data quality and timeliness standards.

FFRRO has developed tools to assist Regions in maintaining a high-quality dataset. The Federal Facilities work planning module allows Regions to access data specific to their Region. The module highlights key areas surrounding data quality, accomplishments and general progress being made at sites. The work planning module, which pulls information directly from SEMS and displays it in Qlik, refreshes daily and can be accessed by the Regions year round (contact John Burchette for access).

Additionally, FFRRO has developed a monthly email deliverable which will provide Federal Facility SEMS data and budget information. Please reach out to FFRRO data lead for additional details and/or to be included on the list.

Given that Federal Facility Decision Documents and Remedial Action Completions are the primary measures for the Federal Facilities Program, **Regions are asked to target these actions through the targeting module in SEMS**. These targets are expected to be finalized by the 2nd week of October in each year. Note that a new process will be in place for targets which are pushed out. Regions will now be required to select from a drop-down list as to the reasoning that a target was moved. This process was previously manually done via email.

9.B.3 Federal Facilities Site Discovery/Site Assessment Definitions

a. Remedial Site Initiation (Discovery)

Remedial Site Initiation (Discovery) is the process by which a potential hazardous waste site is entered into the SEMS inventory for NPL assessment activities. All sites moving through the NPL assessment process must have a Remedial Site Assessment Initiation milestone and actual finish date documented in SEMS. Entry of the Remedial Site Assessment Initiation date initiates the NPL assessment process and places the site on the FF Preliminary Assessment Review backlog.

The process typically starts when the facility has been added to the Federal Agency Hazardous Waste Compliance Docket. NOTE: There may be instances when a facility included in the docket may not be listed in the SEMS database.

EXHIBIT 9.2. REMEDIAL SITE INITIATION (DISCOVERY) REQUIREMENTS

Action	Performance Lead	Action Date Requirements
Remedial Site Initiation (Discovery)	Federal Facilities	**Start/Finish:** After the region determines the Federal Facility is a valid CERCLA site, the site discovery date for Federal

Action	Performance Lead	Action Date Requirements
		Facilities is the date of publication in the Federal Register formally adding the site to the Federal Agency Hazardous Waste Compliance Docket.

Special Planning/Reporting Requirements:
Planned start/finish dates will automatically be generated when a new site is added to SEMS. The same calendar date should be entered for both the Remedial Site Initiation (Discovery) actual start and actual finish date. The actual start/finish date must not be earlier than the Pre-CERCLA Screening finish date. Multiple Remedial Site Initiation (Discovery) actions are not allowed.

NOTE: The Removal Site Initiation (Discovery) activity is used by the removal program to track initiation of sites that have Superfund removal interest. Sites with only removal interest should not have a Remedial Site Initiation (Discovery) activity tracked in SEMS. Sites with only remedial assessment interest should not have a Removal Site Initiation (Discovery) activity tracked in SEMS. Sites with both removal and remedial assessment interest should have both a Removal Site Initiation (Discovery) activity and a Remedial Site Initiation (Discovery) activity. The Remedial Site Initiation (Discovery) actual start/finish date for a site referred from removal to remedial assessment or from RCRA to remedial assessment should be the date the referral decision is made.

Regions are responsible for maintaining the accuracy of the non-NPL status for every non-NPL site in the SEMS inventory. As new actions and new dates are entered into SEMS, the system will ask the user to confirm or change this value as appropriate.

Site discovery is an internal program measure.

b. Federal Facility Preliminary Assessment Reviews

Federal Facility PA Review is a quality assurance review of a PA or PA-equivalent report submitted by another federal agency. EPA's role at Federal Facilities is to review PA reports developed and submitted by the federal agencies responsible for a given Federal Facility. EPA may also approve the review done by a state in lieu of its review. Upon reviewing the PA or PA-equivalent report for accuracy, completeness, and working with the other federal agency to address any deficiencies, EPA then determines what next steps are appropriate with respect to additional response action. Guidance can be found in the *Federal Facilities Remedial Preliminary Assessment Summary Guide, July 2005*.

There are instances when an Abbreviated Preliminary Assessment (APA) can be performed in lieu of a standard PA. The *Improving Site Assessment: Abbreviated Preliminary Assessments, OSWER 9375.2-09FS, October 1999* provides information on conducting APAs and includes a checklist to help site assessors determine whether an APA report is appropriate for a given site. The checklist or an equivalent document can serve as documentation that the APA was completed. The APA checklist or equivalent report

must address the requirements set forth in the NCP for conducting remedial preliminary assessments.

Once a Federal Facility site has been entered into the SEMS site inventory for remedial assessment, an APA may be performed if the site/release:

- is regulated under a statutory exclusion (e.g., petroleum);
- is subject to certain limitations based on definitions in CERCLA (e.g., naturally occurring substance in its unaltered form);
- can be addressed as part of another site already in SEMS;
- will be deferred to another program (e.g., RCRA, Nuclear Regulatory Commission [NRC], EPA removal) based on existing policy considerations (follow-up confirmation of the deferral is required);
- requires no further remedial assessment; or
- will require a Superfund site inspection.

Backlogs: The Federal Facility PA Review backlog consists of Federal Facility sites with a Non-NPL Status of FF-PA review needed or FF-PA review ongoing.

EXHIBIT 9.3. FEDERAL FACILITY PRELIMINARY ASSESSMENT REVIEW REQUIREMENTS

Action	Performance Lead	Action Date Requirements
FF Preliminary Assessment Review	EPA Performed, EPA Performed In-House, Tribe Performed, State Performed	**Start:** EPA starts an in-house review of the Federal Facility PA or PA-equivalent report, or sends a letter, form, or memo to the EPA contractor requesting review of the Federal Facility PA or PA-equivalent report. **Finish:** The appropriate Regional official signs a letter, form, or memo approving the PA report; and a Site Decision Form, or equivalent document is completed.

Special Planning/Reporting Requirements:

Regions should attempt to complete PA reviews at Federal Facility sites listed in the SEMS inventory within a reasonable schedule upon receipt of a sufficient PA. PA review starts and completions are reported site-specifically in SEMS. Federal Facility Preliminary Assessment Review starts and completions are internal program measures. An action qualifier representing a valid decision must be recorded in SEMS (see Chapter 6, titled 'Remedial Site Assessment,' for a list of valid qualifiers).

If the Federal Facility PA report does not provide sufficient information to complete the PA, the report should be referred back to the Federal Facility. The actual finish date and qualifier for the Federal Facility Preliminary Assessment Review should not be entered until all the report deficiencies have been addressed.

An Abbreviated Preliminary Assessment report at a Federal Facility is tracked in SEMS by entering a Federal Facility PA Review activity and selecting APA as a critical indicator on the Federal Facility PA Review activity in the edit Site Schedule table.

Regions are responsible for maintaining the accuracy of the non-NPL status for every non-NPL site in the SEMS inventory. As new actions and new dates are entered into SEMS, the system will ask the user to confirm or change this value as appropriate.

c. Federal Facility Site Inspection Reviews

Federal Facility Site Inspection Review is a quality assurance review of an SI or SI-equivalent report submitted by another federal agency. EPA's role at Federal Facilities is to review SI reports developed and submitted by the federal agencies responsible for a given Federal Facility response. Upon reviewing the SI or SI-equivalent report for accuracy, completeness, and working with the other federal agency to address any deficiencies, EPA then determines what next steps are appropriate. Guidance can be found at *Federal Facilities Remedial Site Inspection Summary Guide, July 2005*.

Backlogs: The Federal Facility SI Review backlog consists of sites with a Non-NPL Status of FF-SI review needed or FF-SI review ongoing.

EXHIBIT 9.4. FEDERAL FACILITY SITE INSPECTION REVIEW REQUIREMENTS

Action	Performance Lead	Action Date Requirements
FF Site Inspection Review	EPA Performed, EPA Performed In-House, Tribe Performed, State Performed	**Start:** EPA starts in-house review of Federal facility SI report; OR EPA sends a letter, form, or memo to the EPA contractor requesting review of the Federal facility SI report. **Finish:** A letter, form, or memo approving the Federal facility SI report and a completed Site Decision Form (located in CERCLIS) or an equivalent document is signed by the appropriate Regional official.

Special Planning/Reporting Requirements:
Regions should attempt to complete SI reviews at Federal Facility sites listed in the SEMS inventory within a reasonable schedule upon receipt of a sufficient SI. SI review starts and completions are reported site-specifically in SEMS. Federal Facility Site Inspection Review starts and completions are internal program measures. An action qualifier representing a valid decision must be recorded in SEMS (see Chapter 6, titled 'Remedial Site Assessment,' for a list of valid qualifiers).

If the Federal Facility SI report does not provide sufficient information to complete the SI, the report should be referred back to the Federal Facility. The actual finish date and qualifier for the Federal Facility Site Inspection Review should not be entered until all the report deficiencies have been addressed.

Regions are responsible for maintaining the accuracy of the non-NPL status for every non-NPL site in the SEMS inventory. As new actions and new dates are entered into SEMS, the system will ask the user to confirm or change this value as appropriate.

d. Federal Facility Expanded Site Inspection (ESI) Reviews

Federal Facility Expanded Site Inspection (ESI) Review is a quality assurance review of an ESI or ESI-equivalent report submitted by another federal agency. EPA's role at Federal Facilities is to review ESI reports developed and submitted by the federal agencies responsible for a given Federal Facility. Upon reviewing the ESI or ESI-equivalent report for completeness, and working with the other federal agency to address any deficiencies, EPA then determines what next steps are appropriate with respect to NPL listing.

Backlogs: The Federal Facility ESI Review backlog consists of sites with a Non-NPL Status of FF-ESI review needed or FF-ESI review ongoing.

EXHIBIT 9.5. FEDERAL FACILITY EXPANDED SITE INSPECTION REVIEW REQUIREMENTS

Action	Performance Lead	Action Date Requirements
FF Expanded Site Inspection Review	EPA Performed, EPA Performed In-House, Tribe Performed, State Performed	**Start:** EPA starts in-house review of the Federal facility ESI report; OR EPA sends a letter, form, or memo to the EPA contractor requesting review of the Federal facility ESI report. **Finish:** A letter, form, or memo approving the Federal facility ESI report and a completed Site Decision Form; OR an equivalent document is signed by the appropriate Regional official.

Special Planning/Reporting Requirements:

Regions should attempt to complete ESI reviews at Federal Facility sites listed in the SEMS inventory within a reasonable schedule upon receipt of a sufficient ESI. ESI review starts and completions are reported site-specifically in SEMS. Federal Facility Expanded Site Inspection Review starts and completions are internal program measures. An action qualifier representing a valid decision must be recorded in SEMS (see Chapter 6, titled 'Remedial Site Assessment,' for a list of valid qualifiers).

If the Federal Facility ESI report does not provide sufficient information to complete the ESI, the report should be referred back to the Federal Facility. The actual finish date and qualifier for the Federal Facility Expanded Site Inspection Review should not be entered until all the report deficiencies have been addressed.

Regions are responsible for maintaining the accuracy of the non-NPL status for every non-NPL site in the SEMS inventory. As new actions and new dates are entered into SEMS, the system will ask the user to confirm or change this value as appropriate.

9.B.4 Federal Facilities Accomplishment Definitions

a. Base Closure Decisions

A base closure action occurs when EPA is involved in either a CERCLA section 120(h)(4) uncontaminated parcel Community Environmental Response Facilitation Act (CERFA) 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 at an NPL site is Operating Properly and Successfully (OPS) at BRAC locations pursuant to CERCLA section 120(h)(3). Under CERCLA section 120(h)(4), the military service must designate, and EPA/state is required to concur, on 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 the CERFA amendment to 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 at the NPL site is operating properly and successfully.

The phrase 'operating properly and successfully' involves two separate concepts: operating 'properly' is used if the remedy is operating as designed; operating 'successfully' is used if the operation of the remedy will achieve the cleanup levels or performance goals for the particular contaminant delineated in the decision document. Where more than one remedial action is required for a parcel, all such actions must operate properly and successfully. Therefore, EPA interprets the term 'operating properly and successfully' to mean that the remedial action was engineered and implemented and is functioning in such a manner that it is expected to achieve cleanup goals and adequately protect human health and the environment.

b. Non-BRAC Property Actions

A non-BRAC property transfer action occurs when EPA has reviewed and concurred on:

- The transfer of non-BRAC property from the federal government under CERCLA 120(h)(3)(A): A federal agency may request that EPA review and comment/concur on transfers under this section. However, EPA is not statutorily required to provide concurrence or comment for the transfer to occur, other than in instances where an OPS determination is required to be made prior to the transfer of deed.
- An early transfer under CERCLA 120(h)(3)(C): For facilities listed on the NPL, EPA is required to approve the deferral of the covenant found in CERCLA 120(h)(3)(A)(ii)(I) that all remedial action necessary to protect human health and the environment has been taken before the date of transfer. The EPA Early Transfer Guidance should be used to approve such requests.
- An OPS determination pursuant to CERCLA 120(h)(3) for facilities listed on the NPL: Under CERCLA section 120(h)(3), before property can be transferred by deed, the federal department or agency must demonstrate to EPA that the approved remedy at the NPL site is operating properly and successfully.
- A concurrence to DOE for the lease of property on the NPL under the Hall Amendment: Leasing of real property at DOE weapons production facilities that are either being closed or reconfigured is subject to the requirements of the Hall Amendment under the following conditions: 1) the Hall Amendment is the

authority invoked for a lease, and 2) the real property to be leased is on the NPL. In these cases, DOE must request the concurrence of the EPA Regional Administrator for the proposed lease. DOE may lease if EPA concurs within 60 days or EPA fails to respond to DOE's concurrence request after 60 days. The Joint DOE/EPA Interim Policy Statement on Leasing Under the Hall Amendment (1998) governs these leases.

- A CERCLA 120(h)(4) uncontaminated parcel determination: Under the CERFA amendment to CERCLA section 120(h)(4), the federal department or agency must designate, and EPA is required to concur, on property that is a part of a facility listed on the NPL that is uncontaminated. For property not closed or realigned pursuant to a base closure law, the identification and concurrence is required to be made at least six months before the termination of operations on the facility.

A property transfer model letter has been developed for Regions to use in regard to an issue that the regions have identified when reviewing Department of Defense (DOD) property transfer documents. Often, the transfer documents (e.g., Findings of Suitability to Transfer (FOSTs) and Findings of Suitability for Early Transfer (FOSETs)) contain language that inappropriately attempts to transfer environmental responsibility for potential releases of certain hazardous substances (e.g., asbestos-containing material (ACM), lead-based paint (LBP), and/or pesticides) remaining onsite to future transferees. Examples of this language are included in the bullets below (taken from recent FOSTs and FOSETs):

- The Grantee covenants and agrees that if the Grantee takes any action with regard to the Property, including demolition of structures or any disturbance or removal of soil that may expose, or cause a release of, a threatened release of, or an exposure to, any such pesticide, Grantee assumes all responsibility and liability therefor.
- The Grantee, its successors and assigns agree to be responsible for any remediation or abatement of asbestos found to be necessary on the Property to include ACM in or on buried pipelines that may be required under applicable law or regulation.
- Prior to permitting the occupancy of the Property where its use subsequent to sale is intended for residential habitation, the Grantee specifically agrees to perform, at its sole expense, the Army's abatement requirements under Title X of the Housing and Community Development Act of 1992 (Residential Lead-Based Paint Hazard Reduction Act of 1992).

This language contravenes CERCLA § 120(h), as federal agencies cannot transfer their environmental cleanup obligations for the release or threat of release of hazardous substances to any other party, including future transferees. In addition, should there be nearby communities with environmental justice concerns, DOD's attempt to transfer cleanup responsibility may have disproportionate consequences.

In the past, when DOD has refused to remove this language from their transfer documents, we have advised regions to submit a letter during the public comment period stating that while EPA agrees with the transfer (if we do), the Agency disagrees with the language as inconsistent with CERCLA 120(h). The letter is included in the administrative record and supplied to the future transferee.

The model letter should be used for when the regions encounter this language in DOD property transfer documents. The purpose of the model is to ensure national consistency in the treatment of this issue and to provide notice in the administrative record that the language is inconsistent with the law. The model has been reviewed by the regions and various HQ offices.

Note that the model addresses both types of property transfer documents – FOSTs and FOSETs. With regard to FOSTs, it is our expectation that the regions will submit a letter during the public comment period when the language is present. Similarly, it is our expectation that the regions will submit a letter when a FOSET is at issue, even if EPA concurs with the early transfer. Outside of submitting letters, the regions are encouraged to use the language contained in the model as a guide when responding to DOD on this issue at the site-level.

Special Planning/Reporting Requirements:

In addition to entering the finish date, regions must also enter the acreage covered by the property action. Acreage information can be entered through the FOST or FOSL Action Detail screens in SEMS.

EXHIBIT 9.6. PROPERTY ACTIONS

Action	Performance Lead	Action Date Requirements
Operating Properly and Successfully	Federal Facilities	**Finish:** EPA determines that the remedy is operating properly and successfully.
Environmental Baseline Study	Federal Facilities	**Finish:** EPA reviews and comments on the EBS.
FF Finding of Suitability to Transfer (FOST)	Federal Facilities	**Start:** An Environmental Baseline Survey (EBS), submitted by the other federal agency, will be prepared encompassing any property to be transferred to support the FOST determination. EPA will be notified at the initiation of the EBS and the FOST to assure adequate opportunity to review and provide comments. **Finish:** EPA submits a letter to the other federal agency, stating that EPA has completed its review and provided comments or concurrence on the transfer. The DoD Components will provide public notice of the signing of the FOST and will retain the signed FOST, including all regulatory comments and responses on the EBS and/or FOST, in the transaction file (and the Administrative Record, where

Action	Performance Lead	Action Date Requirements
		applicable) and will make the FOST available to the public upon request.
FF Finding of Suitability to Early Transfer (FOSET)	Federal Facilities	**Start:** For NPL sites, the landholding federal agency submits a Covenant Deferral Request (CDR) to EPA for review and approval. The CDR should have information of sufficient quality and quantity for EPA to support the request for deferral and provide a basis for EPA to make its determination. **Finish:** Prior to transfer at NPL sites, EPA must approve deferral of the covenant found in CERCLA 120(h)(3)(A)(ii)(I) that all remedial action necessary to protect human health and the environment has been taken before the date of transfer. The EPA Early Transfer Guidance should be used to approve such requests.
FF Finding of Suitability to Lease (FOSL)	Federal Facilities	**Start:** An Environmental Baseline Survey (EBS), submitted by the other federal agency, will be prepared encompassing any facility or parcel to be transferred by deed or lease. EPA will be notified at the initiation of the EBS and the FOSL to assure adequate opportunity to review and provide comments. **Finish:** EPA submits a letter to the other federal agency, stating that EPA has completed its review and provided comments or concurrence on the transfer or leasing document(s).

Special Planning/Reporting Requirements:

In addition to entering the start and finish dates, Regions have the opportunity to enter additional details regarding the transfer such as acreage and any other relevant information the Region would like to record.

c. Federal Facility Agreement (FFA)/Interagency Agreement (IA)

FFAs/IAs are legal agreements between federal agencies responsible for cleanup, EPA, and the states. A state elects whether to participate in FFA/IA negotiations. FFA/IAs set forth detailed requirements for performance of site response activities as well as penalties for non-compliance with the FFA/IA. The FFA/IA requirement is set forth in section 120(e) of CERCLA. Such agreements are required at NPL facilities no later than six months after the first ROD is signed at the facility.

When significant and timely progress is not being made to resolve a disagreement, the FFA Parties should make it known that the disagreement has risen to the level of an informal dispute. In accordance with the FFAs, before formal dispute is invoked, it is expected that the Parties will have engaged in a meaningful informal dispute resolution process. To conduct a meaningful informal dispute resolution process, the dispute should be defined, and all Parties should use best efforts, along with consistent and frequent communication, to resolve issues at the lowest level possible. If a Party would find it

helpful, it may wish to develop a written statement articulating the issue(s) the Party believes are in dispute. Consultation with Agency legal counsel and notification to the appropriate FFRRO Regional Coordinator should be conducted. Federal Facility RPMs should consider the information in the Principles for Reinforcing Federal Facility Agreement Informal and Formal Dispute Timelines memo dated September 18, 2018, and the *Updated Procedures for Tracking and Resolving Federal Facility Agreement Informal and Formal Disputes in a Timely Manner* memo and email issued by FFEO and FFRRO dated September 30, 2020.

EXHIBIT 9.7. FFA/IA REQUIREMENTS

Action	Performance Lead	Action Date Requirements
FFA/IA Negotiation	EPA In-House	**Start:** Notice letter signed by the appropriate EPA official is sent to the Federal facility. **Finish:** FFA/IA is signed by the federal agency, EPA, and/or state.

Special Planning/Reporting Requirements:

This is an internal program measure. Regions do not receive credit for FFA/IA completion when the FFA/IA is elevated to HQ for dispute resolution.

d. Federal Facility Dispute Resolution

When the federal agency, state, and/or EPA make an effort to formally resolve a FFA/IA dispute after the FFA/IA is signed.

EXHIBIT 9.8. FEDERAL FACILITY DISPUTE RESOLUTION REQUIREMENTS

Action	Performance Lead	Action Date Requirements
Alternative Dispute Resolution	EPA In-House	**Start:** Letter from any Party of the FFA/IA to the other Parties notifying them as to the issue in dispute. **Finish:** Document resolving the issue is signed by the appropriate regional official (e.g., letter of agreement, agreement document).

Special Planning/Reporting Requirements:

This is an internal program measure.

e. Federal Facility Informal and Formal Disputes

There are times when Informal and Formal Disputes are unavoidable at Federal Facility Sites. Regions should now track these actions in SEMS as a sub-action under the FFA/IAG for the site.

EXHIBIT 9.9. FEDERAL FACILITY DISPUTE RESOLUTION REQUIREMENTS

Action	Performance Lead	Action Date Requirements
FF Informal Disputes	Federal Facilities	**Start:** Prolonged disagreement (i.e., for more than 2 months) among the FFA parties. **Finish:** FFA parties resolve Informal Dispute or FFA party elevates to Formal Dispute through a written statement of dispute in accordance with the applicable FFA (e.g., to the Dispute Resolution Committee).
FF Formal Disputes	Federal Facilities	**Start:** FFA party elevates to Formal Dispute through a written statement of dispute in accordance with the applicable FFA (e.g., to the Dispute Resolution Committee). **Finish:** Parties reach unanimous written agreement or RA resolves the dispute by issuing a written position on the dispute or, if the dispute is elevated to the EPA Administrator, the EPA Administrator resolves the dispute by written decision, in accordance with the applicable FFA.

Special Planning/Reporting Requirements:
This is an internally tracked activity.

f. Pre-RI Screening Level Assessment and Expanded Pre-RI Screening Level Assessment

There are times when EPA and the other Federal Agencies may need to gather more information on sites to evaluate whether a Remedial Investigation/Feasibility Study (RI/FS) is appropriate. These evaluations will consist of a limited scope assessment which are designed to distinguish between sites that clearly pose little or no threat to human health or the environment and sites that may pose a threat and require further investigation.

These codes should be utilized for Federal Facility sites that are already on the NPL where a new release, pathway or contaminant is being initially investigated. The purpose of this work is to determine whether the site needs to move on to an RI/FS.

The FF Pre-RI Screening Level Assessment code should be utilized for instances where readily available information is collected which describes the site location, operational history and a basic evaluation of potential pathways and receptors. Limited sampling may be conducted under this phase.

The FF Expanded Pre-RI Screening Level Assessment code should be utilized for instances where additional information needs to be collected to determine whether an RI/FS is appropriate. The information collected in the Expanded Pre-RI Screening Level Assessment should build from that which was collected in the Pre-RI Screening Level Assessment. This effort may include further limited sampling and limited risk evaluations or comparisons.

EXHIBIT 9.9. PRE-RI AND EXPANDED PRE-RI SCREENING LEVEL ASSESSMENTS

Action	Performance Lead	Action Date Requirements
FF Pre-RI Screening Level Assessment	Federal Facilities	**Start:** EPA starts an in-house review of the Pre-RI Screening Level Assessment report or equivalent. **Finish:** Date the OFA finalizes the Pre-RI Screening Level Assessment document or equivalent.
FF Expanded Pre-RI Screening Level Assessment	Federal Facilities	**Start:** EPA starts an in-house review of the Expanded Pre-RI Screening Level Assessment or equivalent. **Finish:** Date the OFA finalizes the Expanded Pre-RI Screening Level Assessment document or equivalent.

g. Remedial Investigation/Feasibility Study (RI/FS) or RCRA Facility Investigation (RFI)

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. A 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).

EXHIBIT 9.10. RI/FS OR RCRA FACILITY INVESTIGATION (RFI) REQUIREMENTS

Action	Performance Lead	Action Date Requirements
FF RI/FS FF RI	Federal Facilities	If there has been no Previous RI/FS or RFI work or RI/FS or RFI work started prior to the FFA/IA effective date and there has been substantial EPA or state involvement (EPA or the state has reviewed and commented, approved/concurred, or accepted the work plan) **Start:** RI/FS or RFI draft work plan received by EPA. OR For new sites listed on the NPL with ongoing RI/FS work, FFA/IA signed by EPA. **Finish:** Decision document signed by appropriate EPA Official.
RCRA Facility Investigation	Federal Facilities	Start: RI/FS or RFI draft work plan received by EPA. OR For new sites listed on the NPL with ongoing RI/FS work, FFA/IA signed by EPA or the state and the other agency. Finish: Decision document or equivalent signed by appropriate EPA Official.

Special Planning/Reporting Requirements:

This is an internal program target and measure.

h. Decision Documents

Upon completion of a Federal Facility RI/FS, CMS, or Engineering Evaluation/Cost Analysis (EE/CA), EPA and the other federal agency select an action that is presented in a cleanup decision document (e.g., ROD, RCRA Statement of Basis/Response to Comments, Action Memo, ROD Amendment or Explanation of Significant Differences [ESD]). EPA may either approve or concur on the remedy selection or, in the case of a dispute, EPA may select the remedy. In cases of an Action Memo, where EPA does not typically have approval authority, the date that the OFA finalizes/signs the document should be considered the completion date for the purposes of reporting in SEMS. If EPA does formally approve the Action Memo, the date of EPA approval is used.

EXHIBIT 9.11. DECISION DOCUMENT REQUIREMENTS

Action	Performance Lead	Action Date Requirements
FF ROD, FF Explanation of Significant Difference, FF ROD Amendment	Federal Facilities	**Start/Finish:** Record of Decision, ESD, or ROD Amendment signed by the appropriate EPA official.
Action Memo	Federal Facilities	**Start/Finish:** EPA approval of the Action Memo or Date the Action Memo is finalized by the other Federal Agency.

Special Planning/Reporting Requirements:

This is an internal program target and measure. Generally, one ROD document equals one ROD target completion, even if the ROD covers multiple OUs. If OUs have tracked separately throughout the process and have come together for the purpose of efficiency associated with signature/briefings, the Region should contact FFRRO ahead of the signature of the document. HQ's ROD data entry contractors will enter in the associated remedy selection information.

The regions should not enter a Remedial Design (RD) or a Remedial Action (RA) following a 'No Action ROD'.

The regions should ensure that RODs, ESDs, ROD Amendments, EE/CA, action memos, Removal Action Decision Documents and RCRA equivalent documents are uploaded into the SEMS Records Management.

i. Final Remedy Selected

This measure will track the Final Remedy Selected at NPL Sites. A Final Remedy Selected occurs when a final decision has taken place at a site (i.e. the final remedy has been selected at the last OU of a site). This can include the signature of the Final ROD, ROD Amendment or Removal Action at a site. In general, an ESD will not constitute a Final Remedy Selected since ESDs document a non-fundamental change to a remedy. Also, a

partial deletion from the NPL does not constitute a Final Remedy Selected since it does not constitute a final decision for the entire site.

EXHIBIT 9.12. FINAL REMEDY SELECTED REQUIREMENTS

Action	Performance Lead	Action Date Requirements
FF Record of Decision, RCRA Statement of Basis/Response to Comments, Removal Action Decision – Action Memorandum, FF GOVT Remedy Decision Change (ROD Amendment Only)	Federal Facilities	**Start/Finish:** FF ROD - Record of Decision signed by appropriate EPA Official. RCRA SB/RTC - RCRA SB/RTC signed or concurred on by the appropriate EPA Official AM - Date the Action Memo is finalized by the other Federal Agency. FF ROD Amendment - ROD Amendment signed by the appropriate EPA Official.
GOVT PCOR	EPA Performed EPA Performed In-House	**Start/Finish:** Signature date of PCOR signed by appropriate regional official and HQ selection of Special Interest code of CC or SAA CC; OR Site is Construction Complete with Preliminary Close-Out report signed by EPA, and no future ROD, ROD Amendment, Action Memorandum, RI/FS or EE/CA is planned and no previous ROD, ROD Amendment, or Action Memorandum exists that constitutes the final decision.
GOVT FCOR	EPA Performed EPA Performed In-House	**Start/Finish:** Signature date of FCOR signed by appropriate regional official and HQ selection of Special Interest code of CC or SAA CC; OR Final Close-out Report signed by appropriate regional official; OR Site is Construction Complete with Final Close-Out report signed by EPA, and no future ROD, ROD Amendment, Action Memorandum, RI/FS or EE/CA is planned.

Special Planning/Reporting Requirements:

This is an internal program target and measure. To receive Final Remedy Decision credit when a site is Construction Complete, the site must have the Construction Completion indicator in SEMS (entered by HQ) and no future ROD, ROD Amendment, Action Memorandum, RI/FS or EE/CA is planned at the site. The Final Remedy qualifier must be selected for the activity that represents the final remedy.

j. Partial NPL Deletion

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) or an operable unit, depending on the nature or extent of the release(s). The criteria for partial deletion are the same as for final deletion. EPA must consider with State concurrence, whether the following criteria have been met for that portion of the site:

- Responsible or other parties have implemented all appropriate response actions required;
- All appropriate Fund-financed response under CERCLA has been implemented, and no further cleanup by responsible parties is appropriate; or
- The remedial investigation has shown that the release poses no significant threat to public health, or the environment and, therefore, taking of remedial measures is not appropriate.

For more detailed information, see *Close Out Procedures for National Priorities List Sites, OSWER 9320.2-23, June 2022*.

SEMS no longer tracks the 'Notice of Intent to Delete' nor the 'Notice of Intent to Partially Delete' as separate actions. These two actions are now historic in SEMS 2.0. The Federal Register notices remain part of the official Federal Register publication process and are still actively used. These now historic actions are no longer available to add to the SEMS site schedule. The Federal Register notice determines the effective date at the time of the publication. The effective date of the rule is typically the same as the publication date.

EXHIBIT 9.13. PARTIAL NPL DELETION REQUIREMENTS

Action	Performance Lead	Action Date Requirements
Partial NPL Deletion	EPA Performed, EPA Performed In-House, Federal Facilities	**Start:** Notice of Intent to Partially Delete published in the Federal Register proposed rule. **Finish:** Notice of Partial Deletion published in the Federal Register final rule OR The effective date of the Partial Deletion as published in the Federal Register final rule

Special Planning/Reporting Requirements:

Partial NPL deletions are tracked separately from final NPL deletions. Partial NPL deletions will be entered in SEMS under Site Management. The Headquarters NPL Rule Manager will "Add New NPL Rule" on the NPL Rule screen, which allows them to enter the NPL Rule Type, NPL Rule citation/Federal Register Number (as XXFRXXXX, e.g. 82FR33026), the Federal Register effective date, and publication date. The Regions are responsible for entering all planning dates in the Site Schedule. The start date of the Partial NPL deletion is the publication date the proposed rule, also known as the 'Notice of Intent to Partially Delete', is published in the Federal Register. Partial deletions will only be coded at specific OUs when a single OU is subject to the partial deletion and the particular OU is specified in the Notice of Intent to Partially Delete in the *Federal Register.* Partial deletions which

are not specific for an OU, e.g. a matrix or portion of an OU, or multiple OUs will be included under OU 00 with a Regional Action Note.

Justification – The Regions are responsible for preparing a site-specific justification for each partial deletion. The justification is submitted to the HQ National Deletion Coordinator for review prior to regional signature. The justification shall specify media and impacted OUs included in the partial deletion and media and impacted OUs that remain on the NPL. The justification shall describe remedial goals and remedial action objectives from decision documents and remedial actions completed to implement the remedy. Include rationale for meeting the criteria for site deletion, community involvement activities, and discussion of remaining Operation and Maintenance (O&M) activities, monitoring and FYRs. For more detailed information, see *Close Out Procedures for National Priorities List Sites, OLEM 9320.2-23, June 2022.*

k. Final NPL Deletion

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:

- Responsible or other parties have implemented all appropriate response actions required;
- All appropriate Fund-financed response under CERCLA has been implemented, and no further cleanup by responsible parties is appropriate; or
- The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, taking of remedial measures is not appropriate.

A site deletion will be entered in SEMS by EPA if the deletion action addresses the remaining release listed on the NPL (either as a one-time deletion action for the entire site as originally listed, or as the last deletion action associated with a site subject to previous partial deletions). Regions submit a Final Close Out Report (see section 8.D.3.e, Site Completion) to the HQ National Deletion Coordinator for review prior to obtaining regional signature.

For more detailed information, see *Close Out Procedures for National Priorities List Sites, OSWER 9320.2-23, June 2022*.

EXHIBIT 9.14. NPL DELETION REQUIREMENTS

Action	Performance Lead	Action Date Requirements
NPL Deletion	EPA Performed, EPA Performed In-House, Federal Facilities	**Start:** Notice of Intent to Delete published in the Federal Register proposed rule **Finish:** Notice of Deletion published in the Federal Register final rule

Action	Performance Lead	Action Date Requirements
		OR The effective date of the Notice of Deletion as published in the Federal Register.

Special Planning/Reporting Requirements:

The effective date of the deletion is published in the *Federal Register*. Final NPL Deletions are entered in SEMS in the NPL Rule screen under the "My Work List" menu. The Headquarters NPL Rule Manager will "Add New NPL Rule" on the NPL Rule screen, which allows them to enter the NPL Rule Type, NPL Rule citation/Federal Register Number (as XXFRXXXX, e.g. 82FR33026), and Federal Register date of publication. The Regions are responsible for entering all planned deletion dates in the Site Schedule.

At some sites, certain actions may continue after the site deletion. These include O&M, monitoring and FYRs. The FCOR needs to reflect which of these actions will continue post deletion and which are completed.

l. Remedy Decision Changes

A ROD Amendment documents fundamental changes to the remedy selected in the ROD. Fundamental changes involve an appreciable change or changes in the scope, performance, and/or cost or may be a number of significant changes that together have the effect of a fundamental change. HQ's ROD data entry contractors will enter in the associated remedy selection information.

An ESD documents significant changes to a ROD. Significant changes generally involve a change to a component of a remedy that does not fundamentally alter the overall cleanup approach. HQ's ROD data entry contractors will enter in the associated remedy selection information.

EXHIBIT 9.15. REMEDY DECISION CHANGE REQUIREMENTS

Action	Performance Lead	Action Date Requirements
ROD Amendment	Federal Facilities	**Start/Finish:** ROD Amendment signed by the appropriate EPA Official.
Explanation of Significant Differences	Federal Facilities	**Start/Finish:** ESD signed by the appropriate EPA Official.

Special Planning/Reporting Requirements:

ROD Amendments and ESDs count towards the program target for Decision Documents.

m. Remedial Design (RD) or RCRA Corrective Measure Design (CMD)

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 biddability and constructability. The RCRA Corrective Measure Design (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 CMD selected in the RCRA Corrective Measure decision document. The CMD may include, but is not limited to, drawings, specification documentation, and statement of biddability and constructability. An RD or CMD is complete when the plans and specifications for the selected remedy are developed and approved.

EXHIBIT 9.16. RD OR RCRA CMD REQUIREMENTS

Action	Performance Lead	Action Date Requirements
FF RD	Federal Facilities	**Start: -** RD draft workplan or first version of the design received by EPA. **Finish:** RD Report approved by EPA.
RCRA Corrective Measure Design	Federal Facilities	**Start:** RCRA Corrective Measure Design (CMD) workplan or any other major design deliverable received by EPA. **Finish:** Letter is signed by the appropriate EPA Official approving the entire final Corrective Measure Design (CMD).

Special Planning/Reporting Requirements:
This is an internal program measure.

n. Remedial Action (RA) or RCRA Corrective Measure Implementation (CMI)

A RA or RCRA Corrective Measure Implementation (CMI) 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. A RA or CMI is complete when construction activities are complete, a final inspection has been conducted, and an RA Report or appropriate CMI reporting vehicle has been prepared and approved by EPA in writing. This report summarizes site conditions and construction activities. NOTE: This date may be later than 12 0(h)(3) BRAC requirements for base closure.

EXHIBIT 9.17. RA OR RCRA CMI REQUIREMENTS

Action	Performance Lead	Action Date Requirements
FF RA	Federal Facilities	**Start:** Memo, letter or notification to EPA documenting the date on which substantial, continuous, physical, on site, remedial actions began. **Finish:** RA Report approved/signed by appropriate EPA Official.
RCRA Corrective Measure Construction	Federal Facilities	**Start:** Substantial, continuous, physical, On-Site, Remedial Action begins pursuant to SARA Section 120(e). **Finish:** Designated Regional official signs a letter accepting the appropriate CMI reporting vehicle that documents the completion of construction activities or signs the report; or

Action	Performance Lead	Action Date Requirements
		the Region prepares a report documenting the completion of construction activities.

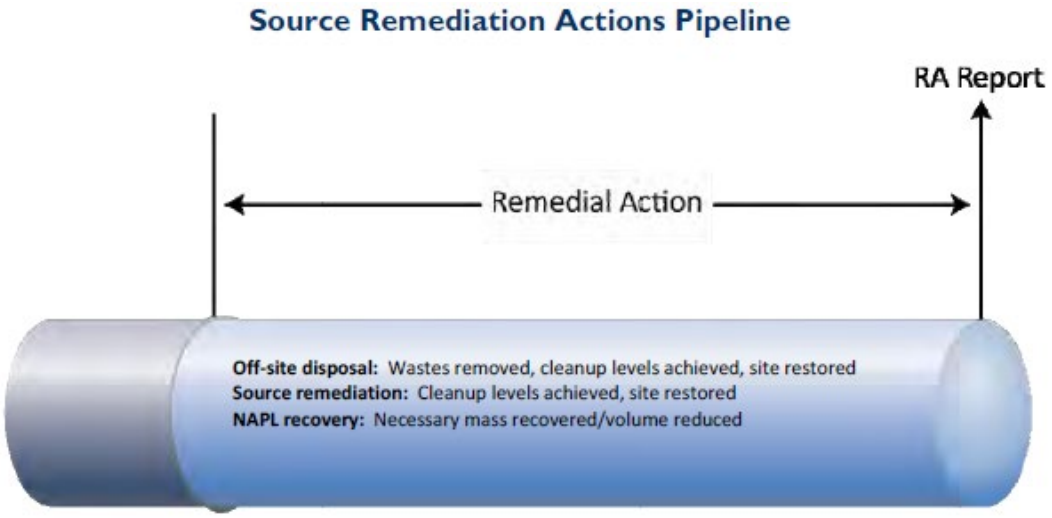
Special Planning/Reporting Requirements:

RA or CMI Starts is an internal program target and measure. RA or CMI completions is a program target. RA or CMI completions are reported site specifically in SEMS. In lieu of a report from the contractor's construction manager, the region must prepare a report to document the completion. The approval can be provided with an appropriate signature on the RA Report cover sheet or by letter to the originator of the RA Report.

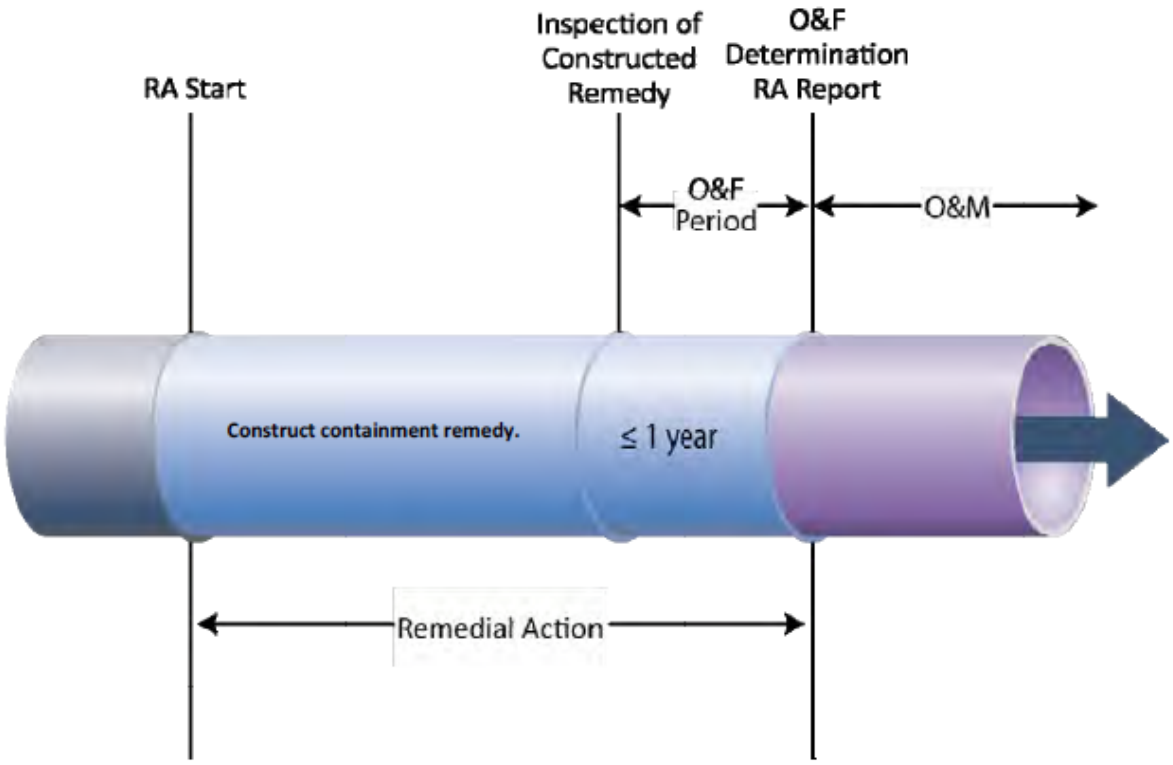
'Remedial Action Project Completions' is a key program measure with an annual target. The measure includes Fund, Potentially Responsible Party (PRP) (including Special Account-funded) and Federal Facility RA completions at final and deleted NPL sites. The measure augments the sitewide Construction Completion measure and reflects the large amount of work being done at Superfund sites. Reporting on the measure provides valuable information to communities by demonstrating incremental progress in reducing risk to human health and the environment at sites.

Examples of Remedial Action completions and criteria for EPA approval of an RA Report may be found in Chapter 2 of the *Close Out Procedures for National Priorities List Sites, OSWER 9320.2-23, June 2022*. Region's should note and utilize the ability to document incremental progress in terms of implementing a Remedial Actions. Examples would be actions or portions of actions that will be implemented on different timelines. These can be tracked as separate RA's.

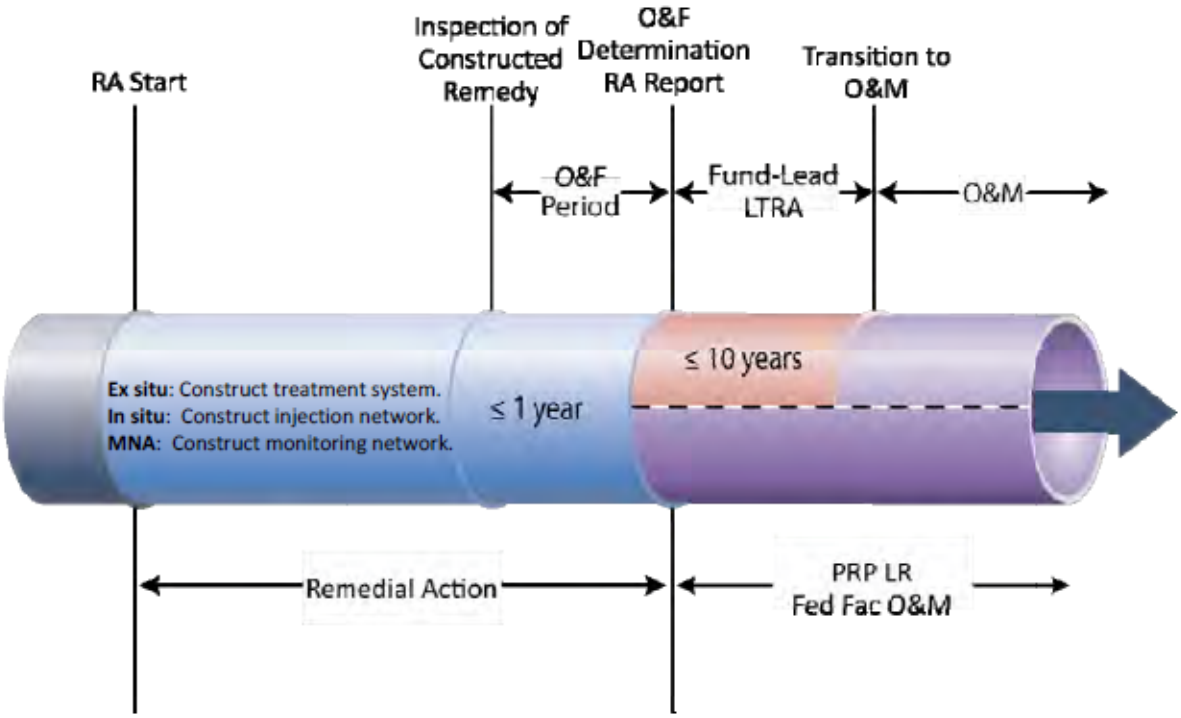
EXHIBIT 9.18. REMEDIAL PIPELINE FLOW CHARTS



Source and Groundwater Containment Actions Pipeline



Groundwater and Surface Water Restoration Actions Pipeline



o. Removal or RCRA Interim/Stabilization Measure (ISM)

Removal actions 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 (TC), and non-time critical (NTC) situations at BRAC, non NPL or NPL sites. Under the DERP, DoD is required to notify EPA of its removal actions. Long term O&M should not be conducted under the removal.

EXHIBIT 9.19. REMOVAL OR RCRA ISM REQUIREMENTS

Action	Performance Lead	Action Date Requirements
FF Removal	Federal Facilities	**Start:** Federal agency begins actual on-site removal work. **Finish:** Federal agency notifies EPA of demobilized, completing the scope of work delineated in the Action Memorandum or other decision document.
RCRA Interim/Stabilization Measure	Federal Facilities	**Start**: Federal agency begins work On-Site. **Finish:** Federal agency demobilized and notified EPA, completing the scope of work delineated in the Action Memorandum or other Decision Document.

Special Planning/Reporting Requirements:

This is an internal program measure.

p. Operation and Maintenance (O&M)

O&M are the activities required to maintain the effectiveness or integrity of the remedy including institutional controls. Except in the case of groundwater or surface restoration remedies, including monitored natural attenuation, O&M measures are initiated after cleanup goals are achieved and the remedy is operating as intended. In the case of groundwater or surface water restoration remedies, including monitored natural attenuation, O&M measures are initiated when the remedy is operating as intended.

EXHIBIT 9.20. OPERATION AND MAINTENANCE REQUIREMENTS

Action	Performance Lead	Action Date Requirements
FF Operations and Maintenance	Federal Facilities	**Start:** Date the RA Report is signed (or concurred on) by the designated EPA official. **Finish:** The Remedial Goals have been achieved that allow for unlimited use and unrestricted exposure or as otherwise specified in the FFA/IA.

Special Planning/Reporting Requirements:
O&M Start is an internal program measure.

q. Percent Construction Completion

Although no longer a primary program measure, the percent construction complete measure serves as a good indicator of incremental progress being made at Federal Facility Sites. The percent construction complete measure is based on the average of three specific factors at each Federal Facility NPL site: 1) OU percent complete; 2) Total actions percent complete; and 3) Duration of actions percent complete. To reflect progress at each site, HQ will calculate the percentage complete for each of the three factors and determine the average of the factors combined. This combined average will reflect the percent construction complete at each site. HQ will then calculate the national average of all site-specific percentages. FFRRO will monitor Program progress in the net increase in the national percent of construction completions (CC) for NPL FF sites.

r. Federal Facility Five-Year Reviews

A Five-Year Review is a review of remedial action(s) selected under CERCLA section 121(c) that leaves waste in place above levels that allow for unlimited use and unrestricted exposure (UU/UE). The purpose of the Five-Year Review is to determine whether the remedy at a site is/remains protective of human health and the environment and to evaluate the implementation and performance of the selected remedy. EPA conducts statutory reviews of any site at which a post-SARA remedy, upon attainment of cleanup levels specified in the ROD, will not allow for UU/UE. Where remedial actions are either still under construction or completed, a Five-Year Review determines whether immediate threats have been addressed and whether EPA continues to expect the remedy to be protective when all remedial actions are complete. EPA conducts policy reviews at sites where remedial actions will attain cleanup levels that upon completion will allow for UU/UE but will take longer than five years to complete, at sites with pre-SARA remedies at which cleanup levels do not allow for UU/UE, and at NPL removal only sites where cleanup levels do not allow unlimited use and unrestricted exposure. Discretionary reviews may be conducted at the discretion of the lead agency.

Five-Year Reviews should not be entered for FUDS and non-NPL Federal Facilities because they are not conducted under the purview of EPA's oversight. Additional information on requirements and procedures for conducting Five-Year Reviews can be found in the *Comprehensive Five-Year Review Guidance, OSWER 9355.7-03B-P, June 2001*.

EXHIBIT 9.21. FEDERAL FACILITY FIVE-YEAR REVIEW REQUIREMENTS

Action	Performance Lead	Action Date Requirements
FF Five-Year Review	Federal Facilities	**Start:** Five-year review work plan submitted by the other Federal Agency is approved by EPA;OR Other Federal Agency submits the draft document to EPA for review; OR The Five-Year Review kick-off meeting occurs. **Finish:** The designated EPA official signs the final report submitted by the other Federal Agency or the concurrence letter; OR EPA issues an independent finding of protectiveness of the remedy before or on the statutory due date.
FF Five-Year Review Addendum	Federal Facilities	**Finish:** Five-year review addendum, stating a new protectiveness determination of all remedies that have deferred protectiveness determinations is signed by the appropriate EPA official.

Statutory: The 1st FF Five-Year Review (FYR) planned finish date should be scheduled for five years after the Federal Facility RA activity planned start date. All subsequent FF FYRs are scheduled for five years after the planned finish date of the previous FYR with the exception of situations where the FYR was completed >3-months early. In those situations, the subsequent FYR should be planned five years from the actual finish date of the current FYR.

Policy: The 1st FF FYR planned finish date should be scheduled for five years after the date the site achieved Construction Completion. All subsequent FF FYRs are scheduled for five years after the planned finish date of the previous FYR with the exception of situations where the FYR was completed >3-months early. In those situations, the subsequent FYR should be planned five years from the actual finish date of the current FYR.

Discretionary: The FYR planned finish date is based on the date set by the user at the time of entry of FYR type.

Special Planning/Reporting Requirements:

Five-year Review completion is an internal program target and measure. Five-year review completions must be planned and reported site-specifically in SEMS. There are multiple triggers for five-year reviews. Please reference program guidance available at the Superfund Five-Year Reviews website as well as the Five-Year Reviews of Federal Facility Cleanups website to select the appropriate method for calculating the Five-Year Review due date.

When planning FYR actions in SEMS, the "FYR Report Due" sub-action is required to indicate the required due date of the FYR. This sub-action will automatically populate in the site schedule with a planned finish date calculated based upon a trigger date through the "Calculate Planned FYR" functionality.

Situations do occur where multiple NPL sites are covered under a single five-year review report. In these situations the date of the report will be used to signify the completion of the five-year review for each of the NPL sites.

All Sites must have the following information:

- If future Five-Year Reviews are not necessary at the site, indicate that this is the final Five-Year Review at the site by selecting the 'no' radio button under the heading asking whether future FYRs are necessary. The user should also enter a description of the reason why future reviews are not needed. If future FYRs are necessary, select the 'yes' radio button.
- In response to several Office of Inspector General (OIG) audit reports, *Five-Year Review Program Priorities, OSWER 9200.2-60, May 2007* states that in order to improve the quality and consistency of five-year review reports, Headquarters has asked that all draft five-year review reports be sent to Headquarters for review. As part of the EPA Lean Management System, FFRRO has developed improvements to its internal review of draft five-year review reports. FFRRO is reviewing draft reports within 30 calendar days from receipt form the RPM. FFRRO is using review time as a metric for program improvement.
- If the Region issues an independent finding of the protectiveness of the remedy before or on the statutory due date, the RPM should send a draft copy of the letter to HQ for review. HQ will review the letter and provide comments within two days. In addition, if the Region issues an independent finding of "not protective", the Region should consult with Headquarters before finalizing the determination.
- The Federal Workgroup on Five-Year Reviews has developed community tools for site managers to help educate and communicate to stakeholders on the five-year review process. Site managers are encouraged to use these tools which can be found on the Five-Year Review of Federal Facility Cleanups website.

Regions should ensure that Five-Year Reviews and Addendums are uploaded into the SEMS Document Management System.

9.B.5 Community Involvement Definitions

The following section contains Community Involvement requirements for Federal Facilities. Community Involvement requirements for non-Federal Facility sites are included in Chapter 11, titled 'Community Involvement.'

a. Restoration Advisory Boards (RABs)/Site-Specific Advisory Boards (SSABs)

SSABs are a forum for concerned stakeholders to provide advice and recommendations on DOE's Environmental Management strategic decisions. RABs provide a forum through which members of nearby communities can provide input to DoD's environmental restoration program. RABs and SSABs complement other community involvement activities, such as public meetings, mailings, and local information repositories.

b. Community Involvement Plans

The Community Involvement Plan is typically published within one year of a site being listed on the National Priorities List. For federal facility sites that were placed on the National Priorities List more than two decades ago, the Community Involvement Plan may be out of date. Updates to the Community Involvement Plan should be conducted at a frequency that is appropriate for the site and consider changing demographics, newly discovered information about the site, environmental justice concerns, climate resiliency concerns and any other pertinent information.

EXHIBIT 9.22. RAB/SSAB AND COMMUNITY INVOLVEMENT PLAN REQUIREMENTS

Action	Performance Lead	Action Date Requirements
SSRAB - Restoration Advisory Board (RAB)/Site-Specific Advisory Board (SSAB)	Federal Facilities	**Start:** Initial RAB/SSAB information meeting establishing the Board **Finish:** Official notification that the RAB is adjourned by DoD or SSAB is terminated by the Secretary of Energy
Federal Facilities Community Involvement Plan	Federal Facilities	**Finish:** The date the Community Involvement Plan (CIP) is published and released to the public.

Special Planning/Reporting Requirements:

This is an internal program measure. The SSRAB code can be found under the Community Involvement Actions Phase.

c. Technical Assistance Grants (TAGs) and Technical Assistance Services for Communities (TASC)

SARA established the TAG program to provide technical assistance to eligible communities. This technical assistance allows communities to improve the decision-making process at their sites.

In addition, TASC may be made available to communities. TASC contracts were developed to provide communities that live near hazardous waste sites with independent technical assistance to help them understand the technical issues related to hazardous substance contamination and cleanup so that they can substantively participate in the decision-making process.

EXHIBIT 9.23. TAG & TASC REQUIREMENTS

Action	Performance Lead	Action Date Requirements
Technical Assistance Grant (TAG)	EPA In-House	**Start:** Date of award as noted in EPA's official grants database/system. **Finish:** Date of closure as noted in EPA's official grants database/system.
Technical Assistance Services for Communities (TASC)	EPA In-House	**Start:** COR issues technical direction to the contractor, defining and initiating the project. **Finish:** EPA approves the final deliverable under a project;

Action	Performance Lead	Action Date Requirements
		project is closed when contract ends; or COR discontinues project through technical direction to the contractor.

Special Planning/Reporting Requirements:

Planned start and finish dates are entered in SEMS. Funds may be planned site-or non-site specifically; however, they must be obligated site specifically. Funds for TAGs at Federal Facility sites are contained in the Federal Facility budget and found in the Federal Facility Site Allowance.

The planned or actual finish date in SEMS (whichever is applicable) must be changed to reflect the date of the most recent source document, e.g., award document, one-year extension document, memo to the file, etc. These definitions may be applied to all historical Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) and SEMS data, including data prior to fiscal year (FY) 89, which is the first fiscal year TAGs appeared in the SPIM. In addition, the TAG completion definitions from previous years may also be used for TAGs completed within those years. There can only be one active TAG at a site.

Superfund Program Implementation Manual

FY 25

Chapter 10: Enforcement

CHAPTER 10: Enforcement

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CHAPTER 10: ENFORCEMENT

10.A ENFORCEMENT

10.A.1 Promoting the Superfund Enforcement Program

The Superfund enforcement program goals and measures will continue to ensure a fairer, more effective, and more efficient Superfund program. The program goals continue to focus on maximizing Potentially Responsible Party (PRP) participation, addressing past costs, reducing transaction costs, entering into fair settlements, and supporting cleanup and reuse by third parties. The major areas of emphasis for the Superfund enforcement program include the following:

- Maximizing PRP Involvement/Enforcement First: Maximizing PRP participation is critical to achieve the greatest possible number of cleanups, and to conserve Trust Fund resources. Key areas of emphasis are early initiation of PRP searches, completing negotiations in a timely manner, and maximizing PRP-lead cleanup activities. The Environmental Protection Agency (EPA) will continue to seek to maximize PRP participation at Superfund sites including National Priorities List (NPL) sites and sites using the Superfund Alternative Approach (SAA). As a result of the enforcement first strategy, PRPs have undertaken the majority of new cleanup actions over the past years, leveraging Fund resources to maximize total cleanups.
- Addressing Past Costs: Each year, address all unaddressed Superfund costs at sites prior to the Statute of Limitations (SOL) via settlements, referrals to the Department of Justice (DOJ), filing a claim in a bankruptcy proceeding, or, where appropriate, write-off.
- Completing Clean-up Negotiations in a Timely Manner: Remedial Design/Remedial Action (RD/RA) negotiations should be completed within 300 days of the issuance of Special Notice Letters (SNLs). SNLs should be issued within 90 days after the signature of the Record of Decision (ROD).
- Supporting Cleanup and Reuse by Third Parties: As a result of the landowner liability protections in the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), federal involvement is not necessary in most private real estate transactions involving contaminated properties. However, EPA and the Department of Justice recognize that a site-specific agreement with the federal government addressing the liability concerns of a prospective purchaser, lessee or other third party may facilitate the cleanup and reuse of some sites of federal interest.
- Providing PRP Oversight: EPA will continue to focus on efforts to engage in dialogue with PRPs that have settlements with EPA to promote oversight that ensures the development and implementation of protective cleanups, gives careful consideration to the associated costs being charged to PRPs, and maximizes EPA recovery of oversight. EPA will continue to offer to discuss its oversight expectations for upcoming

activities with settling PRPs who conduct non-time critical removals, Remedial Investigations/Feasibility Studies (RI/FS), Remedial Designs (RD), or Remedial Actions (RA) and issue oversight bills that include appropriate cost documentation.

- Providing for Responsible Fiscal Management: EPA will continue to focus on sound fiscal management and collection of Superfund accounts receivable that are more than 120 days delinquent in each region to maximize collections of monies due to the Trust Fund.
- Ensuring Compliance with Settlements/Orders: EPA will continue to monitor compliance of PRP performance with active CERCLA enforcement instruments that include work obligations and address substantial noncompliance in a timely manner.
- Securing Cleanup Commitments through Financial Assurance: EPA will continue to monitor Financial Assurance requirements for active CERCLA enforcement instruments that include work obligations to ensure responsible parties have the resources to complete the cleanup work.
- Using Special Accounts for Site Cleanup: EPA will continue to emphasize the use of Special Accounts for site cleanup. This includes finalizing settlements that provide for deposits to and disbursements from Special Accounts, approving actual deposits and disbursements, reclassifying Special Account funds where appropriate, and closing out such accounts in a timely manner, thus freeing up such funds for future use at other sites, through the general appropriation process.
- Issuing Unilateral Administrative Orders (UAOs) Equitably: 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.

10.A.2 Overview of Enforcement Program Targets and Measures

The following pages contain the definitions of enforcement program targets and measures. Exhibit 10.1 displays the reporting hierarchy of enforcement actions defined in this chapter.

EXHIBIT 10.1. ENFORCEMENT PROGRAM PERFORMANCE MEASURES

Activity	External Program Reporting	Internal Program Reporting
PRP Search Starts		Measure
PRP Search Completions		Measure
Preliminary PRP Search Completions		Measure
Section 104(e) Referrals for Judicial Orders or Warrants		HQ
Submittal of Pre-Referral Negotiation (PRN) package to DOJ for RD/RA Negotiations		HQ

Activity	External Program Reporting	Internal Program Reporting
Issuance of General Notice Letters (GNLs)		HQ
Issuance of Special Notice Letters (SNLs)		HQ
Negotiation Starts: Expanded Site Inspection (ESI)/RI/FS; RD/RA; Removal; Cost Recovery; and Generic		Measure
Completion or Termination of Negotiations: (ESI/RI/FS; RD/RA, Removals, Cost Recovery, and Other)		Measure
Ongoing RD/RA, RD and RA-only Negotiations		Measure
Ability to Pay Party Insurance Negotiations		Measure
Total Response Commitments (Including Dollar Value) **	X	Measure
Volume of Contaminated Media Addressed (VCMA) **	X	Measure
Active Response Enforcement Instruments in Substantial Noncompliance (SNC)		HQ
Cleanup Commitments Secured through Financial Assurance for Active Response Enforcement Instruments		HQ
De Minimis Settlements and Number of Parties		Measure
Section 106, 106/107, 107 Case Resolution		Measure
Issuance of Demand Letter		HQ
Past Costs Addressed Via Settlements, Referrals, Filing a Claim in Bankruptcy Proceedings, or where appropriate Write-Off		Target
Total Cost Recovery Settlements (Including Dollar Value) **	X	Measure
Total Value of PRP Oversight *	X	Measure
Lien on Real Property		HQ
Number and Amount of CERCLA Penalties Assessed**	X	Measure
Number of Settlements Where EPA Settled Based on Ability-to-Pay Determinations		Measure
Agreements with Prospective Purchasers (PPA), Prospective Lessees (PLA), Bona Fide Prospective Purchasers (BFPPAs), Bona Fide Prospective Lessees (BFPLAs), and Contiguous Property Owners (CPOAs)**	X	Measure
Issuance of Comfort/Status Letter **	X	Measure
Windfall Lien Resolution – Finalized**	X	Measure
Oversight Administration		Measure
Settlements Designating Funds for Deposit to Special Accounts		Measure

Activity	External Program Reporting	Internal Program Reporting
Settlements Designating Funds for Disbursement from Special Accounts to PRPs		Measure
Site Revitalization		Measure

Key to Reporting Hierarchy
Target = Superfund Comprehensive Accomplishments Plan (SCAP) target and reporting measure.
Measure = SCAP reporting measure, but target not required.
HQ = Tracked by HQ for program management purposes, but not a SCAP target or measure.
X = Annual Performance Report
* The Total Value of PRP Oversight is reported in Compass.
** Values are publicly reported enforcement end-of-year accomplishments.

10.A.3 Superfund Alternative Approach (SAA) Sites

At NPL-caliber sites, when a liable PRP demonstrates it is viable and cooperative, EPA regional offices, at their discretion, may enter into a Superfund Alternative Approach (SAA) agreement with the PRP to facilitate the cleanup of a site. The SAA uses the same investigation and cleanup process and standards that are used for sites listed on the NPL. The SAA is generally the Agency's preferred enforcement approach for Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) non-NPL sites that are NPL-caliber, where feasible and appropriate.

Threshold eligibility criteria for using the SAA are:

- Site contaminants are significant enough that the site would be eligible for listing on the NPL (i.e., the site would have a Hazard Ranking System [HRS] ≥ 28.5);
- A long-term response (i.e., a RA) is anticipated at the site; and
- There is a willing, capable PRP who will negotiate and sign an agreement with EPA to perform the investigation or cleanup.

EPA determines if the SAA is appropriate at a particular site. (A PRP may request that a site be evaluated for the SAA.) If a site meets the first two criteria above, EPA and the PRP may choose to negotiate an SAA agreement. The SAA agreement is equivalent (uses the same authority and includes the same requirements) to an agreement negotiated at an NPL site.

Potentially responsible parties, or a subset of PRPs, may choose not to negotiate an SAA agreement. In that case, the site would proceed to cleanup on a different path.

The following transparency and accountability requirements apply to sites using the SAA:

- Prior to starting negotiations for a SAA agreement, the regions should bring the site to the NPL listing panel for discussion regarding site characteristics (including adequate documentation supporting a HRS score of > 28.5) and planned use of the SAA. This is the same panel that reviews sites that the regions propose to list on the NPL. Adequate HRS documentation consists of a full HRS package prepared by the

region. The HRS package does not have to go through the EPA Headquarters quality assurance process.

- EPA should notify the public of its intent to use CERCLA authority at the site.
- The regions should use the Superfund Enterprise Management System (SEMS) to track the same progress milestones for sites with SAA agreements as those that are tracked for PRP-lead sites listed on the NPL.
- Final SAA agreements will be reviewed at EPA Headquarters and catalogued on EPA's SAA website so that all interested parties can know what sites have a SAA agreement.
- The regions will develop and maintain on the internet the same site-specific fact sheets that are developed for sites listed on the NPL.
- EPA will report annually on progress at sites using the SAA.
- EPA will maintain and update the SAA website as a source of public information on the approach. The SAA website includes a list of sites with SAA agreements, links to their site-specific fact sheets, and links to related information.

SEMS includes three radio buttons in Site Summary related to EPA's Superfund Alternative Approach agreements to better track and report accomplishments at sites using the SAA. These radio buttons include:

- SAA Agreement - Indicates an SAA agreement has been signed for the site.
- Former SAA Agreement Site - Indicates a site had a signed SAA agreement, but the agreement is no longer active and in effect.
- Regional Identified SAA Site - Tracks sites reported as following an SAA-type process prior to implementation of the SAA policy.

Regions are responsible for ensuring the correct code comports with the list of sites posted on the SAA website. For historical reporting purposes, this code should remain in place once properly added to SEMS. The code should not be deleted regardless of the outcome of the SAA unless it was originally added due to a data entry error.

Additionally, there can be multiple enforcement agreements at a site including sites where an SAA agreement has been negotiated. Therefore, regions should select 'Superfund Alternative Approach Agreement per OECA' from the enforcement instrument Categories list in the Edit Action Details screen in SEMS to indicate the specific agreement(s) that are the SAA agreement(s) at the site. The SEMS FOIA-14 Superfund Alternative Approach Agreement Sites and Agreements report is available on the public Superfund Data and Reports webpage.

EPA's Office of Enforcement and Compliance Assurance (OECA) is responsible for reviewing final SAA agreements and maintaining the SAA website. The SAA website includes SAA guidance and the latest list of sites with SAA agreements.

10.A.4 Enforcement Program Performance Leads

SEMS captures two aspects of actions, the entity that performs the work itself (e.g. EPA, state, tribes, and PRPs) as well as the funding source for those actions. These aspects are captured by a combination of the action name, performance lead code, and the financial lead codes, respectively. For example, EPA uses Government RI to denote a RI performed by a government entity, though not a federal facility, which has its own action and its own Performance lead code. The Performance lead code identifies whether EPA, a state, or a tribe is conducting the work. Similarly, a PRP RI is RI work performed by the PRP, and the Performance lead code identifies whether EPA, a state, or a tribe is performing oversight of the work done by the PRP. Separate financial lead codes in SEMS are used to identify the funding source of any government or PRP-performed action—Fund, Special Account, or Mixed Sources. Superfund financial management is addressed in Chapter 3 of this document. Financial Lead codes are discussed in more detail in Chapter 4, section 4.E, of this document.

10.A.5 Data Entry Timeliness

The regions should assure that their site information is complete, current, consistent and accurate. It is essential that planning and accomplishment data in SEMS remain current throughout the year and that accomplishments are reported as they occur. Regions should ensure planning and accomplishment data is generally reflected in SEMS within five working days of the end of the quarter in which it occurred. See section 4.C.1 of this document for additional information about data quality and timeliness standards.

10.A.6 Releasability of Enforcement Planning Data

Enforcement site-specific planning data/information is developed to assist headquarters and the Regions in open and frank discussions to determine the appropriate work and enforcement strategies for the site in any fiscal year. Such information reflects pre-decisional communication which the agency can withhold under Exemption 5: Deliberative Process Privilege of the Freedom of Information Act (FOIA). Such documents should be clearly marked “Deliberative Process – Not Releasable”.

10.A.7 Enforcement Program Definitions

a. Potentially Responsible Party (PRP) Search Starts

A PRP search identifies PRPs at the site and establishes PRP liability, capability, and financial viability. 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 sites where remedial actions will be conducted, the PRP search should be initiated in time to send an SNL (at least 90 days prior to the obligation of funds for an Expanded Site Inspection [ESI]/RI, RI/FS or RA). For sites where removal actions will be conducted, the PRP search should be initiated as soon as the need for the removal has been identified in order to give a verbal notice of potential liability or to issue a general notice letter.

b. PRP Search Completions

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 in the site file that they have met all reasonable achievable criteria. Criterion 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. PRPs have been afforded opportunities to participate in or contribute to the PRP search, and the information contributed has been verified and/or authenticated and incorporated in the PRP search.
2. All relevant and material leads from CERCLA section 104I responses, interviews, and their primary or source documents have been pursued.
3. Sufficient information and evidence have been obtained to support the government's liability case or to determine that no viable PRPs exist or can be found.
4. PRPs have been categorized and financial and waste contribution information needed to perform orphan share calculations has been collected.
5. Ability to pay determinations (including but not limited to the investigation and analysis of any applicable insurance coverage) have been made for those PRPs who have asserted inability to pay in good faith; and
6. General notice letters have been issued to all PRPs being pursued.

c. Preliminary PRP Search Completion

A Preliminary PRP Search is the completion of certain activities taken to make an initial identification of PRPs at a site to determine if there are PRP(s) that are able to perform or finance all or a portion of the initial non-emergency CERCLA removal or remedial response action at a site. A Preliminary PRP search is required before the first Government lead action can be started at a site.

The Preliminary PRP Search will be considered complete when the regions perform the PRP Search tasks steps outlined in section 1 or 2 below.

1. Regions have completed and properly documented PRP Search tasks A-E, below, as appropriate and practicable.

   A. Site Location and Property Description

   The region has, as thoroughly as possible, identified the site location (including one or more of the following: street address; parcel ID#; legal description from current deed of ownership; and/or tax map) as necessary to complete requirement 1.B. below.

B. Current and Past Site Ownership Identification/Notification

The region has, using the tools most appropriate for the site, conducted activities to identify current site owners as well as past site owners at the time of disposal of hazardous substances and where those site owner PRPs exist and can be located within a reasonable time, considering the exigencies of the situation, the region has provided verbal notice and/or issued General Notice Letters to those parties the region determines to be liable and capable of performing the initial response action at the site. In addition, as a part of this task, regions have obtained information necessary to secure site access in order to allow for performance of the initial non-emergency response action at the site.

C. Site Operation Identification/Notification

If the operator(s) of the site/facility that caused the release or threat of release of hazardous substances are different from the site/facility owner(s) at the time of disposal, the region has undertaken PRP Search activities necessary to identify site/facility operators and where those site operator PRPs exist and can be located within a reasonable time, considering the exigencies of the situation, the region has provided verbal notice and/or issued General Notice Letters to those parties the region determines to be liable and capable of performing the initial non-emergency response action at the site.

D. Site Owner/Operator Liability/Financial Viability Determination

For each party identified under A., B. or C. of this section, the region has determined, based on publicly available information whether: 1) the party may be liable under section 107(a) of CERCLA; and 2) the party may be financially capable of performing or paying for all, or a portion of, the initial non-emergency response action at the site.

E. Arranger/Transporter(A/T) Identification/Notification

The region has determined, based on readily available information such as site records, that either 1) no A/T PRPs appear to exist at the site or 2) there are A/T PRPs at the site, and the region has provided verbal notice and/or issued General Notice Letters to those A/T PRPs initially identified through such information who the region determines to be liable and capable of performing the initial non-emergency response action at the site and determined that, to the extent that A/T PRPs exist, additional PRP search efforts may be required.

OR

2. The region has completed all, or a portion of, the above PRP Search tasks and entered into a settlement with or issued orders to compel the identified PRPs to perform the initial non-emergency response action at the site.

EXHIBIT 10.2. PRP SEARCH REQUIREMENTS

Action	Performance Lead	Action Date Requirements
PRP Search	EPA	**Start:** The signature date of the Contracting Officer or Contracting Office Representative on a work assignment or procurement request, or the date EPA develops the PRP search plan; or the date a spill identification number has been assigned to a site, or the date EPA initiates and documents search activities by some other means. When a Preliminary PRP Search is required, the first PRP Search at a site should have the same start date as the Preliminary PRP Search. **Finish:** Date all applicable activities described in the Agency's PRP Search Manual have been completed and documented in the site file that the region has met all reasonable achievable criteria for the PRP search and a PRP Search outcome report with a list of PRPs has been prepared. The finish date and outcome must be entered in SEMS. If no PRPs are found, the Qualifier of 'No PRPs Identified' must be entered in SEMS.
Preliminary PRP Search	EPA	**Start:** The signature date of the Contracting Officer or Contracting Office Representative on a work assignment or procurement request, or the date EPA develops the PRP search plan; or the date a spill identification number has been assigned to a site, or the date EPA initiates and documents search activities by some other means. The Preliminary PRP Search, when required, and the first PRP Search at a site should have the same start date. **Finish:** The date regions have completed and documented in the site file PRP Search tasks A-E in section 1 above as appropriate and practicable, or the date the region has entered into a settlement with or issued orders to compel the identified PRPs to perform the initial non-emergency response action at the site.

d. Section 104(e) Referrals for Judicial Orders or Warrants

Section 104(e) referrals/orders are enforcement actions to compel PRPs to respond to EPA requests for information or to obtain site access.

EXHIBIT 10.3. SECTION 104(E) REFERRALS FOR JUDICIAL ORDERS OR WARRANTS

Action	Performance Lead	Action Date Requirements
Section 104(e) Referral Litigation	EPA	**Start:** Signature date of the memo from the Regional Administrator transmitting the referral to DOJ. **Finish:** The date a section 104(e) judicial order or warrant is issued by a court.

Special Planning/Reporting Requirements:

The Law/Section reported in SEMS should be CERCLA 104(e).

e. Submittal of Pre-Referral Negotiation (PRN) Package to DOJ for RD/RA Negotiations

A PRN package is a brief summary and analysis of the case and recommends a case management strategy. The PRN package should include a copy of the case Negotiation Plan and a draft CD and should be submitted to DOJ by 30 days after the ROD is signed.

EXHIBIT 10.4. PRE-REFERRAL NEGOTIATION PACKAGE REQUIREMENTS

Action	Performance Lead	Action Date Requirements
Pre-Referral Negotiation (PRN) Package	EPA	**Finish**: Date PRN package is submitted to DOJ.

Special Planning/Reporting Requirements:

Pre-Referral Negotiation Packages are recorded as a milestone to RD/RA negotiations in SEMS. As such, the predecessor/successor relationship should be established in SEMS through View/Manage Relationships.

f. Issuance of General Notice Letters (GNLs)

Letter sent by EPA under section 122 of CERCLA 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.

EXHIBIT 10.5. GENERAL NOTICE LETTER REQUIREMENTS

Action	Performance Lead	Action Date Requirements
General Notice Letters	EPA	**Finish:** Signature date of General Notice Letter by appropriate EPA official

Special Planning/Reporting Requirements:

The date of issuance of the General Notice Letter (GNL) may also constitute the start of the applicable negotiation. GNLs are recorded as a milestone to PRP Search or Removal, Cost Recovery or RI/FS Negotiations in SEMS. As such, the predecessor/successor relationship should be established in SEMS through View/Manage Relationships.

g. Issuance of Special Notice Letters (SNLs)

An SNL is a letter under section 122(e) of CERCLA from EPA to a PRP informing the recipient of their potential liability and soliciting an offer to conduct the planned response action(s) at the site. The SNL triggers a moratorium on certain EPA actions allowing the PRP to consider EPA's invitation to negotiate. The moratorium period varies depending on the response action (ESI/RI/FS, RD, RA or Removal) and can be extended if necessary.

EXHIBIT 10.6. SPECIAL NOTICE LETTER REQUIREMENTS

Action	Performance Lead	Action Date Requirements
Special Notice Letters	EPA	**Finish:** Signature date of Special Notice Letter by appropriate EPA official

Special Planning/Reporting Requirements:

The date of issuance of the SNL also constitutes the start of the applicable negotiation. SNLs are recorded as a milestone to Negotiations in SEMS. As such, the predecessor/successor relationship should be established in SEMS through View/Manage Relationships.

h. Issuance of Demand Letter

A section 122(e) letter issued from EPA to the PRP requesting that the PRP reimburse the Fund for a specific amount associated with one or more response actions. Demand letters are typically sent for each separate response action.

EXHIBIT 10.7. DEMAND LETTER REQUIREMENTS

Action	Performance Lead	Action Date Requirements
Demand Letters Issued	EPA	**Finish:** The date the demand letter is signed by the appropriate EPA official.

i. Negotiation Starts: Expanded Site Inspection/Remedial Investigation/Feasibility Study (ESI/RI/FS); Remedial Design/Remedial Action (RD/RA); Removal; and Cost Recovery

Negotiations are discussions between EPA and the parties on their liability, willingness, and ability to conduct the ESI/RI/FS, Removal Action or to implement the long-term remedy selected in the Record of Decision (ROD) for the site or operable unit.

Cost recovery negotiations are discussions between EPA and the responsible parties on their liability for reimbursement to EPA for the Agency's past expenditures cleaning up sites.

EXHIBIT 10.8. NEGOTIATION START REQUIREMENTS

Action	Performance Lead	Action Date Requirements
RI/FS Negotiations or Removal Negotiations Action Name = RI/FS Negotiations (FN); Removal Negotiations (RN); or Negotiations (Generic) (NG)	EPA	**Start:** Signature date of first General Notice Letter or Special Notice Letter by appropriate EPA official. OR Signature date of the Waiver of Special Notice Letter by appropriate EPA official

Action	Performance Lead	Action Date Requirements
Cost Recovery Negotiations Action Name = Cost Recovery Negotiations (NE); or Negotiations (Generic) (NG) **Site must be Non-Federal Facility NPL, non-NPL or SAA site**		**Start:** Signature date of first General Notice Letter by appropriate EPA official. OR The date the Demand Letter is signed by the appropriate EPA official for Cost Recovery Negotiations.
RD/RA Negotiations Action Name = RD/RA Negotiations (AN) or Negotiations (Generic) (NG) **Site must be an NPL or SAA site**	EPA	**Start:** Signature date of the first Special Notice Letter by appropriate EPA official. OR Signature date of the Waiver of Special Notice Letter by appropriate EPA official with the intent to purse negotiations without moratorium procedures. OR For Bifurcated/Subsequent RD/RA Negotiations, the start date for the RA-only negotiation is: a) the same as the finish date of an existing set of RD/RA Negotiations from which an interim settlement/order arose for RD only; or b) the signature date of the letter by the appropriate EPA official transmitting the draft consent decree and statement of work to the PRP requesting a good faith offer to perform the RA. OR For Concurrent RD/RA Negotiations the start date is whichever is earlier either the date concurrent negotiations are first documented in meeting minutes or in a Memorandum for the Record or the date the letter is signed by the appropriate EPA official accepting the Good Faith Offer from PRPs that delineates the negotiations.

Special Planning/Reporting Requirements:

If the region does not plan to perform negotiations at a site, negotiation dates should not be entered in SEMS. The start of negotiations should be planned site specifically.

For each negotiation the following information must be reported in SEMS:

- Parties included in the negotiations.
- Any past or future costs sought, as applicable.
- Value of parties' response work sought and source, as applicable.
- Response actions sought for performance or reimbursement.
- Other Relief(s) sought, as applicable.

The 'Response Actions Sought' must include one or more of the following actions: PRP Removal, Removal, PRP RI/FS, RI/FS, FS, PRP FS, RI, PRP RI, ESI/RI, RD, RA, PRP RD or PRP RA.

The Negotiations (Generic) (NG) activity can be used in SEMS to code any negotiation type instead of using the conventional codes (RD/RA Negotiations (AN), RI/FS Negotiations (FN), Removal Negotiations (RN), and Cost Recovery Negotiations (NE)). However, because this activity is generic, coding the statutes and the remedy types correctly is mandatory.

Bifurcated RD/RA negotiations occur when an interim settlement/order is issued for the Remedial Design (RD) from an existing set of RD/RA negotiations and the region does not plan to issue new SNL(s). For the subsequent RA-only negotiation, the region shall establish a new RD/RA negotiation event in SEMS. Superfund Comprehensive Accomplishments Plan (SCAP) credit will be given for the subsequent RA-only negotiation start and finish. The appropriate Action Qualifier of Subsequent Negotiations (SN) should be selected in SEMS for the RA-only negotiation. Additionally, the predecessor/successor relationship should be established in SEMS between the initial RD/RA negotiation and the subsequent RA-only negotiation through View/Manage Relationships.

Concurrent Negotiations occur when the next phase of negotiations begins before the completion of the current RD/RA negotiations and the region does not plan to issue new SNL(s). A new RD/RA negotiation event should be established in SEMS. When concurrent negotiations occur, the appropriate Action Qualifier of Concurrent Negotiations (CN) should be selected in SEMS for the first RD/RA negotiation (the issuance of SNL is the start date of the first negotiation action in SEMS). See the Negotiation Start Requirements in the table above for the start date of the second/concurrent RD/RA negotiation event. There is no Action Qualifier assigned to the second/concurrent negotiation action in SEMS. Additionally, the predecessor/successor relationship should be established in SEMS between the first RD/RA negotiation and the second/concurrent RD/RA negotiation through View/Manage Relationships.

In instances where RD/RA negotiations extend beyond 300 days and a written plan to complete negotiations is required, Regions should record the event in SEMS using the RD/RA Negotiation Completion Plan action for the appropriate negotiation action in SEMS. The date the completion plan is submitted to Headquarters is the finish date of the RD/RA Negotiation Completion Plan action. Additionally, Regions should update the RD/RA Negotiation planned finish date in SEMS to reflect the new planned negotiation finish date agreed to and approved by Headquarters in the written plan.

j. Completion or Termination of Negotiations: (Expanded Site Inspection/Remedial Investigation/Feasibility Study [ESI/RI/FS]; Remedial Design/Remedial Action [RD/RA]; Removals; and Cost Recovery)

Cleanup negotiations are discussions between EPA and the responsible parties on their liability, willingness, and ability to conduct the ESI/RI/FS or Removal, or implement the long-term remedy selected in the ROD for the site or Operable Unit (OU). Negotiations are complete when a decision has been made as to how the region will proceed with the cleanup.

Cost recovery negotiations are between EPA and the responsible parties on their liability for reimbursement to EPA for the Agency's past expenditures cleaning up sites.

EXHIBIT 10.9. COMPLETION OR TERMINATION OF NEGOTIATION REQUIREMENTS

Action	Performance Lead	Action Date Requirements
ESI/RI/FS Negotiations, Removal Negotiations RD/RA Negotiations, Cost Recovery Negotiations Action Name = RI/FS Negotiations (FN); Removal Negotiations (RN); RD/RA Negotiations (AN); or Cost Recovery Negotiations (NE) Negotiations (Generic) (NG) **Site must be Non-Federal Facility NPL, non-NPL or SAA site**	EPA	**<u>Finish</u>:** Date a signed CD and a 10-point analysis for RD or RA, groundwater monitoring activities post-ROD, institutional controls or a time critical (TC) or non-time critical (NTC) removal is referred by the Regional Administrator to DOJ. The finish date is the date of the signed transmittal memo, which is the CD start date. OR Signature date of the UAO by the Regional Administrator or delegate for RD or RA, groundwater monitoring activities post ROD, institutional controls, or a TC or NTC removal. UAO credit under Total Response Commitments however is given when notice of intent to comply is received. The date the UAO is signed is also the UAO finish date. OR Signature date of the AOC or Consent Agreement (Administrative) (CA) by the Regional Administrator or delegate for RD only, or groundwater monitoring activities post-ROD, or institutional controls, or a TC or NTC removal. When an AOC or CA for RD only is signed, no credit will be given for the subsequent RA negotiation start or finish. Credit will; however, be given under Total Response Commitments for the referral of a CD for RA only. The negotiation finish date is also the AOC or CA finish date.

Action	Performance Lead	Action Date Requirements
		OR If Special Notice Letters are issued specifically to initiate RD/RA negotiations and the negotiations result in an amendment to an existing enforcement instrument to include cleanup activities, or an existing enforcement instrument is amended to include cleanup actions the finish date is the date the amended enforcement instrument is signed. OR
		The date the 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. The negotiation's finish date is the date of the Regional Administrator's transmittal memo which is the litigation start date (Litigation [Generic], section 106/107 Litigation or section 106 Litigation). OR Date funds are obligated through a contract modification or work assignment signed by the Contracting Officer, an Interagency Agreement (IA) is signed by the other federal agency, or a Cooperative Agreement is signed by the designated regional official for a government-financed TC or NTC removal, a RD at NPL or SAA sites or an RA at NPL sites. If funds are not available and the region decides a UAO is not appropriate, the negotiation finish date is the date of the written documentation of the region's decision not to issue a UAO.

Special Planning/Reporting Requirements:

The negotiation completion date is reported in SEMS as the finish date of either RD/RA Negotiations, ESI/RI/FS Negotiations, Removal Negotiations or Cost Recovery Negotiations.

For each negotiation completion the following information must be reported in SEMS:

- Associated Enforcement Instrument, Litigation, or Other Resulting Enforcement Action.
- Other Outcome(s), as applicable.

k. Ongoing RD/RA, RD and RA-Only Negotiations

The 2019 Remedial Design/Remedial Action (RD/RA) Negotiation Policy memorandum ("2019 Negotiation Policy ") established a process to accomplish more prompt cleanups with a commitment to shorten negotiation duration timeframes. The established process provides up to 365 days to negotiate and enter into a RD/RA consent decree (CD) or RD only administrative settlement or issue a UAO after the start of negotiations.

Beginning in fiscal year 2022, the Office of Site Remedial Enforcement (OSRE) started reporting two Bowling Chart measures based on the 2019 Negotiation Policy. The two

reporting-only measures (no targets) are ongoing RD/RA, RD and RA-only negotiations for negotiations 1) under 365 days, and 2) over 365 days. These quarterly reporting measures will keep OECA and OSRE informed about progress on bringing negotiations to closure in a timely manner and will assist with implementation of the 2019 Negotiations policy.

It is essential that RD/RA negotiations planning and accomplishments data in SEMS remain current throughout the year and that accomplishments are reported as they occur to ensure progress is accurately reported each quarter to OECA and OSRE.

For reporting requirements refer above to section 10.A.7.j.

l. Ability to Pay (ATP) Party Insurance Negotiations (Generic Negotiations)

Ability to Pay Party (ATP) Insurance negotiations are discussions between EPA and the insurer of an ATP party on the ATP party's liability, EPA's incurrence of response costs, and the availability of insurance resources to provide funding to address EPA's costs.

EXHIBIT 10.10. ABILITY TO PAY (ATP) PARTY INSURANCE NEGOTIATION REQUIREMENTS

Action	Performance Lead	Action Date Requirements
Negotiations (Generic) (NG)	EPA	**Start:** Negotiations start upon EPA's submission of a claim to an insurance company. Such initial claims are usually letters to an insurance company detailing costs that have been, or will be, incurred by EPA and an offer to negotiate a resolution of the claim on behalf of the ATP party. **Finish:** Negotiations conclude either on the date the ATP party and its insurer execute a settlement agreement, or the date of written documentation of the region's decision not to pursue the specific insurer for costs attributable to the ATP party.

EPA makes the claim on behalf of the ATP party. The settlement is between the ATP party and the insurer. EPA/DOJ does not sign this agreement. The insurance settlement relates back to a prior Administrative Order on Consent (AOC) or CD which gives EPA the right to proceed on the ATP party's behalf. The settlement is negotiated by EPA/DOJ and the insurer. The ATP party reviews the final product and signs the agreement. Proceeds are forwarded to EPA to do future work at a site or to reimburse the EPA for past cleanup costs.

Special Planning/Reporting Requirements:

Ability to Pay Party Insurance Negotiations should be entered in SEMS as Negotiations (Generic).

For each negotiation the following information must be reported in SEMS:

- Party included in the negotiations.
- Response Actions Sought for performance or reimbursement and value.
- Other Relief(s) Sought, Potential Insurance Component should be selected.

- Other Outcome(s) Selected, as applicable.

A final agreement resulting from Ability to Pay Insurance Negotiations should be entered in SEMS as a Settlement (Generic). For Enforcement Instrument Categories, Insurance Recovery Efforts should be selected.

See Total Response Commitments for additional data requirements.

m.Total Response Commitments (Including Dollar Value)

Total Response Commitments are the total universe of CERCLA federal enforcement instruments where private and federal parties agree to conduct cleanup work and/or make cash payments toward future response costs at a site. This measure requires reporting both the number of enforcement instruments as well as the estimated value of the response work and/or cash payments toward future response costs pursuant to each of those instruments.

EXHIBIT 10.11. TOTAL RESPONSE COMMITMENT REQUIREMENTS

Site must be Non-Federal Facility NPL, non-NPL or SAA site

Action	Performance Lead	Action Date Requirements
Consent Decree	EPA	**Finish:** Date the CD is entered by the court, under section 106 or sections 106/107 for PRPs to conduct or pay for the response action (ESI/RI, RI, RI/FS, FS, RD, RA, groundwater monitoring activities post-ROD, institutional controls, time critical or NTC removal).
Unilateral Administrative Order or Order (Generic)	EPA	**Finish:** Date the UAO or Order (Generic) is signed by the Regional Administrator or delegate for response work, and at least one of the PRPs has provided notice of intent to comply unconditionally. Commitment credit is given on the date of the PRPs written notice of intent to comply with the order. This is reported in SEMS as the finish date of the Notice of Intent to Comply sub-action.
Administrative Order on Consent, Consent Agreement (Administrative) or Settlement (Generic)	EPA	**Finish:** The date the AOC, CA or Settlement (Generic) is signed by the Regional Administrator or delegate for PRPs to perform or pay for an ESI/RI, RI, RI/FS, FS, time critical or NTC removal, RD, monitored natural attenuation, institutional controls, or groundwater monitoring post-ROD.
Judicial/Civil Judgment	EPA	**Finish:** The conclusion of a section 106, or section 106/107 judicial action by final judgment for PRPs to conduct or pay for the response action. Credit for a Judicial/Civil Judgment is given on the date on which the final judgment is signed by the judge and entered by the court. .
Bankruptcy Settlement	EPA	**Finish:** The conclusion of a claim in bankruptcy proceedings by final judicial settlement. Credit is given for a Bankruptcy Settlement to pay for future response work on the date the bankruptcy settlement is entered by the court and recorded in SEMS as the finish. The allowed claims amount for future response work should be entered in SEMS.

Action	Performance Lead	Action Date Requirements
Enforcement Action Amended	EPA	**Finish:** The date the amendment to an existing enforcement instrument is signed by the Regional Administrator or delegate that includes additional cleanup activities. Amended enforcement instruments will count for credit in the fiscal year they are signed.

Total Response Commitments will be reported as a combined total of CDs, CAs, AOCs, JGs, Bankruptcy Settlements, Generic Settlements and Orders, Enforcement Action Amendment, and UAOs where response actions have been achieved and/or parties agree to make cash payments toward future response costs at a site. The value of Total Response Commitments is based on the estimated value of PRP response work and/or payments made by responsible parties toward future response costs at a site as well as the allowed claim amount for bankruptcy settlements.

Special Planning/Reporting Requirements:

For each enforcement instrument, the following information must be reported in SEMS:

- Applicable Law Section.
- Applicable Enforcement Instrument Categories.
- Parties that signed the enforcement instrument (Parties Associated with Action, Party Name).
- Applicable Response Actions Paid by Parties (Work the PRP Will Perform); Other Relief Achieved.
- Value/dollar amount settled that will be used for current or future work covered by the enforcement instrument (Work PRP Will Perform - Value, Federal Costs Settled - Past and/or Federal Costs Settled - Future [as applicable]).
- Financial Assurance Provisions.

Other Relief Achieved Selected of "Model Community Impact Mitigation Language (MCIML)" refers to whether the enforcement instrument includes the model Community Impact language set forth in the 08/31/2021 model RD/RA CD SOW, the 08/10/2022 model ASA for Removal by Prospective Purchaser (paragraph 16), or the 09/29/2022 model ASAOC for Removal (paragraph 17).

To receive credit for settlements that provide protection from future liability to prospective purchasers the Enforcement Instrument Category Selected must = Prospective Purchaser Agreement (PPA), Bona Fide Prospective Purchaser Agreement (BFPPA), Contiguous Property Owner Agreement (CPOA), Bona Fide Prospective Lessee Agreement (BFPLA), Prospective Lessee Agreement (PLA) or Windfall Lien Resolution Agreement.

If a PRP initially complies with a UAO, credit will be given for the UAO when the first PRP provides written notice of intent to comply. If, later, the PRP agrees to a CD for the same

work, credit will be given for the CD when it is entered by the court. At this point the region will receive credit for the CD only and not the UAO. When adding the CD action, the region should identify the UAO as the predecessor action in SEMS and enter the estimated value of the UAO in SEMS as the estimated value of the CD if the CD covers the same work. If the CD covers more work than the UAO it replaces, a revised estimate may be necessary. The SEMS reporting requirements for the CD apply.

An enforcement instrument is active until the provisions of the instrument, or another document incorporated by reference are completed, including payment provisions and monitoring (except for any activity related to record retention).

Instruments that have been 'closed' after all work obligations have been completed should be designated as such by using the compliance status value 'Work Under Order/Settlement Completed (WOSC)' in SEMS. When appropriate, the 'Closed Order or Settlement' sub-action should also be used indicating that all obligations under the enforcement instrument (i.e., both work and payment obligations) are complete. In addition, a UAO that is converted to a CD is no longer active.

One recommendation of the Superfund Taskforce was to create a repository of completed enforcement documents for information sharing. Thus, a special collection has been established in SEMS-Records Management (SEMS-RM) for completed enforcement instruments (special collections #36559).

As in the past, new enforcement instruments (CD, AOC, UAO, CA, Judgements, Amendments, Settlements and Orders (Generic) and Bankruptcy Settlements) completed should be entered in SEMS Site Management. Regions are required to associate the applicable document to the corresponding action in SEMS. This can be done by scrolling over to the Document column and clicking on the 'Add/Edit Document.' Users will be taken to the Action Records section of the Edit Action Details screen. Select 'Add Record', choose the applicable document from the list of documents at the site and then add. Then select Finish Date. Refer to the SEMS Records Transfer Interface (RTI) User Guide, Section 5, for direction in how to submit electronic records via the SEMS-RM module.

Completed enforcement instruments are public records, as such, access to these documents in SEMS should be assigned as 'uncontrolled'. At the end of each fiscal year, OSRE will move the documents into the special collections established in SEMS-RM. The appropriate Settlement Action Qualifier of MF (Multi-Site-First Site) or MS (Multi-Site-Subsequent Site) should be entered in SEMS in the Edit Site Schedule table for a single settlement covering multiple sites to apportion the dollars correctly across individual sites without double counting the settlement or the settlement value.

Dollars received in a cashout settlement should be deposited in an interest-bearing Special Account if site-specific conditions warrant. See the measure, Settlements Designating Deposits to Special Accounts, for more information. The 'Work the PRP Will

Perform – Value' and 'Federal Costs Settled – Future' (i.e., the value of total response commitments) will be reported annually to Congress.

n. Volume of Contaminated Media Addressed (VCMA)

The Volume of Contaminated Media Addressed (VCMA) is one of several measures to support cleaning up communities and advancing sustainable development. The VCMA measure counts commitments to clean up contaminated soil and groundwater media as a result of concluded CERCLA and Resource Conservation and Recovery Act (RCRA) corrective action enforcement cases.

Superfund VCMA data for contaminated soil and/or water should be entered into the Integrated Compliance Information System (ICIS) for the following actions:

- Superfund remedial actions, at the time an enforcement document is finalized (e.g., issuance of a unilateral order or corrective action order, signing of an agreement on consent or CD) using data available from the RI, FS, and/or ROD (or any other relevant data).
- Superfund non-time critical removal actions, at the time an enforcement document is finalized using data available from the engineering evaluation/cost analysis, and/or the action memorandum (or any other relevant data).
- Superfund time critical removal actions, at the time an enforcement document is finalized using data available from the action memorandum (or any other relevant data). Sometimes few data are available for such cases at the time of the action memorandum. If insufficient data exist for an estimate at the time of the action memorandum, the value for the measure should be entered at the soonest practical time after the settlement as data are available to calculate the measure, with the caveat that the best available value for the measure should always be entered in the same fiscal year in which the enforcement document is finalized.

The OECA measure is a national measure. Information for this target is entered into OECA's ICIS database. The Case Conclusion Data Sheet (CCDS) guidance provides detailed calculation methodologies for estimating the contaminated soil and water to be addressed pursuant to the environmental statutes of CERCLA and RCRA Corrective Action. Additionally, the CCDS provides specific instructions on how to enter the VCMA information into ICIS. For further information on calculating the VCMA measures refer to the CCDS Guidance and the Environmental Benefits Calculation tool booth, which can be found on the OECA Planning, Measures, and Oversight Division Intranet site.

o. Total Active Response Enforcement Instruments in Substantial Noncompliance (SNC) and Not Addressed through Formal Enforcement

The CERCLA compliance monitoring module in SEMS tracks instances of substantial noncompliance (SNC) with active CERCLA enforcement instruments. The SNC tracking system is described in the joint Office of Site Remediation Enforcement (OSRE) and the Federal Facilities Enforcement Office (FFEO) memorandum *Determining and Tracking*

Substantial Noncompliance with Superfund Enforcement Instruments in the Superfund Enterprise Management System, June 2020. NOTE: This memorandum updates and supersedes the August 2009 *Guidance on Determining and Tracking Substantial Noncompliance with CERCLA Enforcement Instruments in CERCLIS*.

The SNC tracking system tracks compliance with active CERCLA enforcement instruments that include work obligations. Work obligations are broadly defined to encompass all non-payment obligations contained in a CERCLA enforcement instrument, including reporting requirements, submission of work plans, performance of work, provision of financial insurance, and implementation of institutional controls.

The SNC tracking system and this measure help EPA prioritize the most serious violations of existing enforcement instruments and ensure a timely and appropriate enforcement response to them. In addition, the compliance tracking system helps EPA identify and analyze regional and national trends in addressing substantial noncompliance. This measure builds on the SNC tracking guidance to track the timeliness and nature of regional responses to instances of SNC by identifying enforcement instruments that have been in SNC status for two or more consecutive quarters without being addressed through formal enforcement action or returned to non-SNC status.

EXHIBIT 10.12. SUMMARY OF SEMS COMPLIANCE STATUS VALUES

Compliance Status	Formal Enforcement Taken?	Description
Compliance Status Reviewed - Not In SNC (SRNF)	Not applicable	The EPA Region has completed its review of the parties' compliance with work obligations under the enforcement instrument and has determined, based on available information, that it is not in substantial noncompliance (SNC). This value should also be used when an enforcement instrument was previously found to be in SNC and is no longer in SNC.
In SNC – Informal Action Planned (IIAP)	No	The enforcement instrument is in SNC as to work obligations and the EPA Region is planning to take an informal enforcement action such as a phone call, a warning letter, or a warning e-mail.
In SNC – Informal Action Taken (IIAT)	No	The enforcement instrument is in SNC as to work obligations and the EPA Region has taken an informal enforcement action such as a phone call, a warning letter, or a warning e-mail.
In SNC – Formal Action Planned (IFAP)	No	The enforcement instrument is in SNC as to work obligations and the EPA Region is planning to take a formal enforcement action by invoking the penalty or other formal mechanisms outlined in the enforcement instrument.
In SNC – Formal Action Taken (IFAT)	Yes	The enforcement instrument is in SNC as to work obligations and the Region has taken a formal enforcement action by invoking the penalty or other formal mechanisms outlined in the enforcement instrument.

Compliance Status	Formal Enforcement Taken?	Description
In SNC – Informal Action Taken and Compliance Accomplished (IIAC)	Yes	The enforcement instrument was in SNC as to work obligations and the EPA Region took informal enforcement action, with the result that the instrument was no longer in SNC by the end of the quarter. Use only where SNC was identified and resolved in a single quarter.
In SNC – Formal Action Taken and Compliance Accomplished (IFAC)	Yes	The enforcement instrument was in SNC as to work obligations and the EPA Region took formal enforcement action, with the result that the instrument was no longer in SNC by the end of the quarter. Use only where SNC was identified and resolved in a single quarter.
In SNC – In Dispute Resolution (IIDR)	Yes	The EPA Region should use in lieu of 'In SNC - Formal Action Taken' when the dispute resolution provisions of the enforcement instrument have been invoked with respect to work obligations.
In SNC – Referred to DOJ (IDOJ)	Yes	Noncompliance has been addressed by referral to the Department of Justice (DOJ). This also includes instances where a case is sent to DOJ to file a bankruptcy proof of claim when a party who was performing work has entered bankruptcy. This level of specificity is required to allow EPA Headquarters to track whether DOJ is taking action in accordance with the Interagency Agreement (IAG). The EPA Region should use this value in lieu of 'In SNC – Formal Action Taken'.
In SNC – Fund Takeover (IFTO)	Yes	Noncompliance has been addressed by fund takeover of the work addressed by the enforcement instrument.
Decision Not to Pursue Violations (DNPV)	Yes	The EPA Region decided not to pursue violations. Primarily for use when no work remedy is available, and the EPA Region decides not to pursue penalties. Do not use this value when further work obligations remain (it closes out SNC tracking of the instrument). In that circumstance, revert to "Compliance Status Reviewed – Not in SNC" and describe the decision not to pursue violations in the comment field.
Work Under Order/Settlement Completed (WOSC)	Not applicable	All the work obligations under the enforcement instrument have been completed to the satisfaction of EPA.

Special Planning/Reporting Requirements:

For each enforcement instrument that reports a 'Decision Not to Pursue Violations (DNPV),' the region is required to briefly describe, in the Compliance Status Comment Field, the nature of the noncompliance and the rationale for deciding not to pursue the violations.

For each response enforcement instrument that has been in SNC status for two or more consecutive quarters and not yet addressed by formal enforcement action, the region is required to briefly describe in the Compliance Status Comment Field the nature of the noncompliance and the informal enforcement action taken, or the formal or informal enforcement action planned to address the noncompliance.

All compliance status comment fields will be considered enforcement sensitive and will not be subject to release under the Freedom of Information Act (FOIA), as compliance status determinations include information about planned enforcement actions.

Frequency of Reporting:
Regions should update the compliance status of all open enforcement instruments in SEMS on a quarterly basis for all active instruments where work is not yet completed. Once all actions addressed by an enforcement instrument are 'Construction Complete' and the operable unit(s) at which those actions were completed is in either the Operations and Maintenance phase or the Long-Term Remedial Action phase, the frequency of compliance status reporting can be reduced to annually.

Once a region makes an initial 'Not in SNC' determination for an access-only enforcement instrument, further compliance status determinations will not be required unless a subsequent limitation or denial of access occurs, in which case quarterly determinations will be required until the region once again determines that the instrument is 'Not in SNC' status.

Instruments that have been 'closed' after all non-payment work obligations have been completed should be designated as such by using the compliance status value 'Work Under Order/Settlement Completed (WOSC)' in SEMS. When appropriate, the 'Closed Order or Settlement' milestone in SEMS should also be used indicating that all obligations under the enforcement instrument (i.e., both work and payment obligations) are complete.

p. Cleanup Commitments Secured through Financial Assurance for Active Response Enforcement Instruments

Financial assurance requirements ensure that responsible parties have the resources to complete cleanup work obligations they assume under CERCLA enforcement instruments. Financial assurance ensures the availability of adequate financial resources to conduct site cleanups in the event liable parties default on or stop performing their cleanup obligations. Enforcement instruments requiring CERCLA cleanup work should include financial assurance provisions where appropriate. This measure tracks the total universe of CERCLA enforcement instruments where parties have agreed to provide financial assurance to secure site cleanup. It will also track instances where financial assurance may not be required.

For all enforcement instruments at non-Federal Facility NPL, SAA, and non-NPL sites where there is cleanup work this measure will track the:

- Total number and value of all open enforcement instruments with cleanup work obligations.
- Total number and value of enforcement instruments with cleanup work obligations where financial assurance is required / is not required.

- Total financial assurance amount currently required and provided for open enforcement instruments with cleanup work obligations.

This measure is intended to help EPA identify and monitor active CERCLA response enforcement instruments where financial assurance requirements are and are not being met. OSRE will actively monitor financial assurance data on a quarterly basis and work with regions to ensure a timely and appropriate enforcement response to address cases where adequate financial assurance is not being provided.

Special Planning/Reporting Requirements:

For enforcement instruments included as a part of this measure see the Total Response Commitments definition of accomplishment. Because financial assurance provides the availability of financial resources to help ensure that a site cleanup will be completed, enforcement instruments for cost recovery only or the cost recovery component of an enforcement instrument will not be counted in this measure. When entering the details of the enforcement instrument in the Enforcement Instrument Screens in SEMS Site Management, Regions are required to select either 'yes' or 'no' to indicate whether financial assurance is required.

In addition, the following information is required to be entered in SEMS Site Management under the Financial Assurance section of the Edit Action Detail screen for Enforcement Instrument when financial assurance is required:

- Original value/amount of Financial Assurance required
- Current value/amount of Financial Assurance required and date

Additionally, the following data is required to be entered in the Add Financial Assurance Mechanism screen for each individual financial mechanism provided:

- Type of financial mechanism being provided (Letter of Credit, Trust Fund, etc.)
- Value/amount of coverage being provided
- Annual recertification date, if applicable
- Corporate Guarantor, if applicable
- Name of PRP providing the financial assurance
- Effective date of financial assurance mechanism
- Mechanism status and date (Active, Inactive, Cashed, etc.)
- Issuing institution, if applicable

SEMS will auto sum all the 'active' financial mechanisms and populate the 'Total Amount of Active Instruments' data field in the Financial Assurance section of the Edit Action Detail screen. Additionally, SEMS retains a history of the amount of financial assurance required on this screen. Once the current value/amount of financial assurance required is updated a history pop-up screen is displayed. Likewise, SEMS will send an automated email notification to regional Informational Management Coordinators (IMCs) and/or individuals designated to receive such notification by the region 30 days prior to the annual recertification date that is entered in SEMS for an individual financial mechanism.

Generally, responsible parties agree to provide financial assurance within 30 days of the entry of the CD, upon completion of the AOC or Consent Agreement (CA), or when complying with the UAO.

Frequency of Reporting:
Regions should regularly review and update, as necessary, the financial assurance information in SEMS for all open enforcement instruments requiring cleanup work to ensure accuracy and to track compliance. Both the financial test and corporate guarantee require annual submissions of relevant financial documents and must be reviewed and updated at least annually. The remaining acceptable financial mechanisms are generally automatically renewable, e.g., letters of credit, insurance, trust funds, and surety bonds, and may not require annual updating in SEMS. However, these mechanisms should be reviewed periodically to ensure, for example, that the face amount is sufficient to cover the remaining cost of the cleanup work at the site. If a PRP at any time during the fiscal year no longer passes the financial test/corporate guarantee or a financial mechanism is canceled or terminated, the financial assurance data in SEMS should be updated with the accepted alternate financial assurance mechanism as soon as possible to ensure accurate and up to date information.

Instruments that have been 'closed' after all non-payment work obligations have been completed should be designated as such by using the compliance status value 'Work Under Order/Settlement Completed (WOSC)' in SEMS. When appropriate, the 'Closed Order or Settlement' milestone in SEMS should also be used indicating that all obligations under the enforcement instrument (i.e., both work and payment obligations) are complete.

q. De Minimis Settlements and Number of Parties

This measure reports the total number of administrative or judicial settlements that are reached under section 122(g) of CERCLA, with PRPs qualified as de minimis. 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 cost at the site exceeds $500,000 (excluding interest), then the AOC can only be signed by the Regional Administrator or delegate after prior written approval from DOJ. If DOJ does not approve of the order within 30 days, the order is considered approved and can then be signed by the region. The DOJ and the Regional Administrator or delegate can agree to extend the 30-day period if necessary.

This measure will count the total number of de minimis settlements under section 122(g), the number of PRPs who sign such settlements, and the number of sites at which de minimis settlements were signed.

EXHIBIT 10.13. DE MINIMIS SETTLEMENT REQUIREMENTS

Site must be Non-Federal Facility NPL, non-NPL or SAA site

Action	Performance Lead	Action Date Requirements
Administrative Order on Consent	EPA	**Finish:** The data the AOC is signed by the Regional Administrator or delegate.
Consent Decree	EPA	**Finish:** The date the CD signed by the Regional Administrator and the de minimis parties is transmitted to DOJ or HQ. The date of the transmittal memorandum is reported in SEMS as the CD start date.

The number of signatories to the settlement is system generated in SEMS from the identification of the PRPs who have signed the settlement.

Special Planning/Reporting Requirements:
For each settlement the following information must be entered in SEMS.

- Enforcement Instrument Categories Selected of de minimis.
- PRPs that signed the settlement (Parties Associated with Action, Party Name).
- Dollar amount that will be used for current, future, or past work covered by the settlement (Work PRP Will Perform - Value, Federal Costs Settled - Past and/or Federal Costs Settled - Future [as applicable]); and
- Applicable Response Actions Pd by Parties, Other Relief Achieved, or Response Actions Reimbursed.
- To indicate the de minimis PRPs that signed the settlement, the following information must be entered for each party in Site Party Details:
  - Basis of Liability of 'De Minimis party'; and
  - Involvement Type of 'Owner', 'Generator' or 'Transporter'.

Since many de minimis settlements are cashouts, regions also must enter an Enforcement Instrument Category of 'Cashout' when applicable. Dollars received in a de minimis cashout settlement should be deposited in an interest-bearing Special Account if site-specific conditions warrant. See the Settlements Designating Deposits to Special Accounts measure for additional information. The number of signatories to the settlement is system generated from the identification of the PRPs who have signed the settlement.

r. Section 106, 106/107, 107 Case Resolution (Including Claim in Bankruptcy)

Case resolution is the conclusion of a section 106, 106/107, 107 judicial action, or Claim in Bankruptcy by full settlement, case dismissal, case withdrawal, or final judgment.

EXHIBIT 10.14. SECTION 106, 106/107, 107 CASE RESOLUTION (INCLUDING CLAIM IN BANKRUPTCY) REQUIREMENTS

Site must be Non-Federal Facility NPL, non-NPL or SAA site

Action	Performance Lead	Action Date Requirements
Consent Decree/Bankruptcy Settlement	EPA	**Finish:** The date the CD or Bankruptcy Settlement is signed by the judge fully addressing the complaint with all parties and is entered by the court. This is the finish date of the CD or Bankruptcy Settlement as well as the litigation or bankruptcy finish date in SEMS.
Litigation Outcome: Case Withdrawn	EPA	**Finish:** The date the region receives a memo or letter from DOJ withdrawing the case. This is the finish date of the Litigation Outcome: Case Withdrawn and the litigation or bankruptcy finish date in SEMS.
Litigation Outcome: Case Dismissed	EPA	**Finish:** The date a decision document is submitted by the judge dismissing the case. This is the finish date of the Litigation Outcome: Case Dismissed and the litigation or bankruptcy finish date in SEMS.
Litigation Outcome: Judgment	EPA	**Finish:** The date a trial has concluded, and a judgment is rendered and signed by the judge fully addressing the complaint. This is the finish date of the Judgment and the Litigation Outcome: Judgment as well as the litigation finish date.

s. Past Costs Addressed via Settlements, Referrals, Write-Offs, or Claims in Bankruptcy

Past Costs Addressed is the decision either to take cost recovery action by use of administrative cost recovery settlement, to transmit a Section 106/107 or 107 judicial referral for cost recovery, including settlements for past costs under a CD (with no prior litigation referral), to prepare a decision document or 10-point settlement analysis document not to pursue cost recovery, or to file a claim in bankruptcy.

This measure covers cases where EPA has incurred Superfund costs. It is vital to the management of the cost recovery program that sites with upcoming SOL be addressed prior to the expiration of the SOL.

EXHIBIT 10.15. PAST COSTS ADDRESSED REQUIREMENTS

Action	Performance Lead	Action Date Requirements
Administrative Order on Consent or Consent Agreement (Administrative)	EPA	**Finish:** The date the Regional Administrator or delegate signs the AOC or CA that recovers 100% of EPA expenditures or settles a claim where the total response costs compromised are less than $500,000.
Administrative/Voluntary Cost Recovery	EPA	**Finish:** The date the regional office or DOJ receives payment from the PRPs in direct response to a demand letter for voluntary cost recovery.

Action	Performance Lead	Action Date Requirements
Litigation (Generic), or section 107 Litigation, or section 106/107 Litigation	EPA	**Finish:** Credit for addressing past costs is given on the date of the Regional Administrator's memo transmitting the referral to DOJ. This is also the litigation start date in SEMS.
Consent Decree	EPA	**Finish:** Credit for addressing past costs is given for CDs for RD/RA with a cost recovery component or CDs for cost recovery only that were not the result of a prior litigation referral. Credit is given on the date of the Regional Administrator's memo transmitting the CD to DOJ. This is also the CD start date in SEMS. For CD settlements that are for cost recovery only and result from a prior litigation referral, a CD start date should not be entered.
Cost Recovery Decision Document – No Sue	EPA	**Finish:** Signature date of the Cost Recovery Decision Document – No Sue action. The past costs that will not be recovered and the reason the costs were written off must be reported in SEMS.
10-Point Settlement	EPA	**Finish:** The decision not to pursue cost recovery may be documented in an enforcement instrument 10-point settlement analysis. This is also the finish date of the 10-Point Settlement sub-action. The amount of past costs that will not be recovered and the reason the costs were written off must be reported in SEMS.
Claim in Bankruptcy Proceedings	EPA	**Finish:** The date the claim in bankruptcy proceedings is transmitted to DOJ. This is also the Claim in Bankruptcy Proceedings start date in SEMS. For each claim in bankruptcy, the 'Federal Costs Sought – Past' must be entered in SEMS.

Special Planning/Reporting Requirements:

- For each judicial referral, settlement or Claim in Bankruptcy the 'Federal Costs Sought – Past' must be entered in SEMS.
- 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 DOJ for additional work but will be reinstated upon re-referral
- AOC and CA settlements that do not recover 100% of the Trust Fund expenditures or where compromised total response costs are more than $500,000 must be sent to DOJ for approval prior to signature by the Regional Administrator or delegate.
- CD settlements for cost recovery that result from a previous litigation referral do not count towards this target.
- Credit for addressing past costs via a Claim in Bankruptcy Proceedings must be taken during the fiscal year in which the action was taken. If, as is often the case, a bankruptcy settlement is reached in a later fiscal year and credit for addressing past costs was not taken at the time of the claim in bankruptcy, regions will not receive credit for addressing past costs in the fiscal year in which the bankruptcy settlement occurs. Regions will however receive credit under Total Response

Commitments and/or Total Cost Recovery Settlements as applicable in the fiscal year in which the bankruptcy settlement is entered.

- Each fiscal year OSRE targets and track sites for cost recovery action that have upcoming SOLs occurring within an 18-month window of the new fiscal year e.g., between October 1, 2022 thru March 31, 2024, with total unaddressed Superfund past costs (i.e., total EPA expenditures incurred at sites less settlements for past costs and/or write-offs of past costs) equal to or greater than $500,000. All cases with SOLs that potentially expire within the 18-month window are targeted for cost recovery action and are tracked/monitored based on their SOL date throughout the fiscal year.

The ENFR-017 Cost Recovery Targeting Report is used to identify the potential cost recovery SOL workload for a selected fiscal year or date range.

For RAs the potential SOL date is calculated by adding six years to the RA On Site Construction Start or the RA Actual Start date in SEMS. For Removal Actions the date is calculated by adding three years to the Removal Action Actual Finish date or 6 years from a 104(c)(1)(C) Waiver Actual Finish date in SEMS. For all other response actions, the SOL date is calculated by adding three years to the Actual Finish date in SEMS.

The dates found in the actual start and actual finish columns in SEMS are programmatic measures only and cannot be relied upon for final cost recovery statute of limitation purposes. The time allowed under the statute of limitations can vary depending upon the nature of the specific site and case. The maximum time EPA must initiate legal proceedings is determined by individual regional case management teams.

When the SOL has been tolled, a Tolling Agreement action should be entered in SEMS for the appropriate action with a start date (i.e., the effective date of the tolling agreement) and a planned finish date (the date the tolling agreement is set to expire). Once the tolling agreement has expired the expiration date should be entered in SEMS as the finish date. If the tolling agreement is extended, which is often the case, a new Tolling Agreement action should be established in SEMS with a start date the same as the finish date of the prior Tolling Agreement action to maintain a history of the tolling agreement extensions.

t. Total Cost Recovery Settlements (Including Dollar Value)

Total Cost Recovery Settlements is the total universe of CERCLA Federal enforcement cost recovery settlements where the parties agree to pay past costs to the Agency. This measure requires reporting both the number of settlements as well as the value of the past costs to be recovered pursuant to each of these settlements.

EXHIBIT 10.16. TOTAL COST RECOVERY SETTLEMENT REQUIREMENTS

Site must be Non-Federal Facility NPL, non-NPL or SAA site

Action	Performance Lead	Action Date Requirements
Consent Decree	EPA	**Finish:** The date the CD is entered by the court with a cost recovery component, or CDs for cost recovery only. CDs that are for cost recovery only and result from a previous litigation referral, regions should not record a CD start date.
Administrative/Voluntary Cost Recovery	EPA	**Finish:** The date the regional office receives payment from the PRPs in direct response to a demand letter for voluntary cost recovery.
Administrative Order on Consent or Consent Agreement (Administrative) or Settlement (Generic)	EPA	**Finish:** The date the AOC, CA or Settlement (Generic) is signed by the Regional Administrator or delegate for cost recovery.
Judicial/Civil Judgment	EPA	**Finish:** The conclusion of a section 106/107 judicial action by final judgment with a cost recovery component, or for cost recovery only. Credit for a Judicial/Civil Judgment is given on the date on which the final judgment is signed by the judge and entered by the court.
Bankruptcy Settlement	EPA	**Finish:** The conclusion of a claim in bankruptcy proceedings by final judicial settlement. Credit is given for a Bankruptcy Settlement where cost recovery had been achieved on the date the bankruptcy settlement is entered by the court. The allowed claims amount for cost recovery should be entered in SEMS.

Special Planning/Reporting Requirements:

Total Cost Recovery Settlements will be reported as the combined total of CDs, CAs, Administrative/Voluntary Cost Recovery actions, JGs, USs, Settlements (Generic) and AOCs where cost recovery has been achieved.

For each settlement the following information must be reported in SEMS:

- Parties that signed the settlement (Parties Associated with Action, Party Name).
- Applicable Response Actions Reimbursed by Parties.
- Other Relief Achieved, if any.
- Federal Costs Settled – Past (Dollar amount for past work covered by the settlement).

The appropriate Settlement Action Qualifier of MF (Multi-Site-First Site) or MS (Multi-Site-Subsequent Site) should be entered in SEMS on the Edit Site Schedule table for a single settlement covering multiple sites to apportion the dollars correctly across individual sites without double counting the settlement or the settlement value.

An enforcement instrument is active until the provisions of the instrument, or another document incorporated by reference is completed including payment provisions and monitoring (with the exception of any activity related to record retention). Instruments for cost recovery only that have been 'closed' after all payment obligations have been completed should be designated as such by using the 'Closed Order or Settlement' sub-action in SEMS.

Instruments that have been 'closed' after payment obligations have been completed should be designated as such by using the 'Closed Order or Settlement' sub-action in SEMS indicating that all payment obligations under the enforcement instrument are complete.

This measure will be reported in the ENFR-03 report. The 'Federal Costs Settled – Past' (i.e. the value of costs recovered) will be reported annually to Congress.

u. Lien on PRP Property

EPA has the authority to file notice of a lien on any real property where Superfund expenditures have been made. CERCLA 107(l) liens automatically arise when EPA incurs removal or remedial costs at a site and notifies the property owner(s) of their potential liability. Filing of notice of a federal lien is beneficial to the government's efforts to recover costs.

For purposes of monitoring when a federal lien has been filed by EPA this measure tracks when EPA has taken action to file the lien and when EPA has made the decision to release the lien or the date when the lien is no longer enforceable, whatever comes first.

EXHIBIT 10.17. LIEN REQUIREMENTS

Action	Performance Lead	Action Date Requirements
Lien on PRP Property	EPA	**Start:** The date the appropriate EPA Official signs and files the lien. **Finish:** The date the appropriate EPA Official signs the document releasing the lien or the date the lien is no longer enforceable by operation of the SOL, whichever comes first.

v. Total Value of PRP Oversight

EPA incurs oversight costs while overseeing cleanup work performed and paid for by parties at Superfund sites. EPA bills parties for its oversight costs in accordance with the 'future cost' payment provision contained in settlement agreements where parties have agreed to perform work at their sites. To ensure that site work is properly performed by parties, and in accordance with the terms of the settlement agreement, EPA will oversee the parties' work and will bill the parties for the cost of its oversight work each year.

When a party is scheduled to be issued an oversight bill, the region will compile its oversight costs site-specifically using eRecovery. eRecovery is a report generator that compiles costs site-specifically from Compass, the Agency's official accounting system,

and includes images of supporting cost documentation in a comprehensive cost recovery package. eRecovery is used to prepare a detailed cost summary of the site costs, which includes direct and indirect costs, needed to prepare the bill. Once the costs have been reviewed and verified by regional officials as being correct/accurate, the region will prepare a bill and transmit it to the party.

Afterward, a copy of the bill is provided to the Office of the Chief Financial Officer's (OCFO) Cincinnati Finance Center (CFC) so that a corresponding accounts receivable can be recorded and tracked to ensure that payment is made. At the end of each fiscal year, OSRE reports the oversight amounts billed by the regions and subsequently recorded by CFC as accounts receivable as part of OSRE's accomplishments for that fiscal year.

w. Number and Amount of CERCLA Penalties Assessed

This measure is expressed as the dollar amount of the final assessed penalty for violations under the CERCLA statute. 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 or agreed to by the defendant(s). For administrative cases, it is the penalty agreed to in the final AOC or CA or assessed directly by EPA under section 109(a) and (b) of CERCLA.

The number of CERCLA penalties assessed is the total number of civil, judicial, or administrative enforcement instruments (CDs, AOCs, CAs, judgments, or court orders) where a penalty was assessed under CERCLA. If the enforcement instrument consists of multi-media actions, this measure will only include the amount assessed under the CERCLA statute, to the extent that it can be specified.

EXHIBIT 10.18. CERCLA PENALTIES ASSESSED REQUIREMENTS

Action	Performance Lead	Action Date Requirements
Administrative Order on Consent or Consent Agreement (Administrative)	EPA	**Finish:** The date an AOC or Consent Agreement with a penalty assessed and agreed to by the defendant(s) is signed by the Regional Administrator or delegate.
Consent Decree or Court Order/Judgment	EPA	**Finish:** The date the CD or Court Order is entered by the court with a penalty assessed or agreed to by the defendant(s).

x. Number of Settlements Where EPA Settled Based on Ability-to-Pay Determinations

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 number of administrative or judicial settlements that are reached under CERCLA with 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.

Total ability-to-pay settlements are counted as follows:

17 EXHIBIT 10.19. ABILITY-TO-PAY DETERMINATION REQUIREMENTS

Action	Performance Lead	Action Date Requirements
Administrative Order on Consent or Consent Agreement (Administrative)	EPA	**Finish:** The date an AOC or CA **with the ability-to-pay PRPs** is signed by the Regional Administrator or delegate.
Consent Decree	EPA	**Finish:** The date the CD is signed by the Regional Administrator and **the ability-to-pay parties** and transmitted to DOJ. The date of the transmittal memorandum is reported in SEMS as the CD start date.

Special Planning/Reporting Requirements:

For each settlement the appropriate Enforcement Instrument Category should be selected in SEMS: 'Ability to Pay.'

y. Agreements with Prospective Purchasers (PPAs), Prospective Lessees (PLAs), Bona Fide Prospective Purchasers (BFPPAs), Bona Fide Prospective Lessee Agreement (BFPLA) and Contiguous Property Owners

CERCLA includes liability protections for prospective purchasers, lessees, and other third parties who acquire contaminated property but are not responsible for the contamination and meet certain criteria. Although these statutory protections generally eliminate the need for site-specific agreements with parties who qualify for the statutory protection, the Agency recognizes that, in some instances, the public interest will be served by entering into site-specific agreements with prospective purchasers, prospective lessees, bona fide prospective purchasers, bona fide prospective lessees, and contiguous property owners.

For the purpose of reporting, this measure counts:

- The number of finalized settlement agreements (AOCs, CAs, CDs) that include provisions for prospective purchasers.
- The number of finalized settlement agreements (AOCs, CAs, CDs) that include provisions for prospective lessees.
- The number of finalized settlement agreements (AOCs, CAs, CDs) that include provisions for bona fide prospective purchasers.
- The number of finalized settlement agreements (AOCs, CAs, CDs) that include provisions for bona fide prospective lessees.
- The number of finalized settlement agreements (AOCs, CAs, CDs) that include provisions for CPOAs.

EXHIBIT 10.1820 PPA, PLA, BFPPA, BFPLA AND CPOA AGREEMENT REQUIREMENTS

Action	Performance Lead	Action Date Requirements
Administrative Order on Consent or Consent Agreement (Administrative)	EPA	**Finish:** The date an AOC or CA **with a PPA, PLA, BFPPA, or BFPLA component** is signed by the Regional Administrator or delegate. The date the AOC or CA is signed is reported in SEMS as the AOC or CA finish.
Consent Decree	EPA	**Finish:** Date the CD **with a PPA, PLA, BFPPA, or BFPLA component** is entered by the court. The date the CD is entered is reported in SEMS as the CD finish.
Administrative Order on Consent or Consent Agreement (Administrative)	EPA	**Finish:** The date an AOC or CA **with a CPOA component** is signed by the Regional Administrator or delegate. The date the AOC or CA is signed is reported in SEMS as the AOC or CA finish.

Special Planning/Reporting Requirements:

For each settlement the appropriate Enforcement Instrument Category should be selected in SEMS: 'Prospective Purchaser Agreement' (PPA); 'Prospective Lessee Agreement' (PLA), 'Bona Fide Prospective Purchaser Agreement'(BFPPA); 'Bona Fide Prospective Lessee Agreement' (BFPLA); or 'Contiguous Property Owner Agreement' (CPOA).

For additional SEMS reporting requirements see Total Response Commitments.

z. Issuance of Comfort/Status Letter

Parties interested in purchasing, developing, or operating certain properties are provided information, upon request, regarding the potential for EPA actions. Comfort/status letters, while providing some assurances, are intended solely for informational purposes and only communicate EPA's intent regarding enforcement or response authorities. Comfort/status letters do not provide a release from CERCLA liability, and therefore, are not considered 'no action assurances.' Any response to a solicitation for information on EPA's involvement or potential involvement/interest in a property qualifies as a comfort/status letter.

EXHIBIT 10.19. COMFORT/STATUS LETTER REQUIREMENTS

Action	Performance Lead	Action Date Requirements
Comfort Status Letter	EPA	**Finish:** The date the letter is signed by the appropriate regional official.

Special Planning/Reporting Requirements:
Regions should track the property/site-specific issuance of comfort/status letters in SEMS. For each comfort/status letter that is a windfall lien or reasonable steps comfort letter, regions should enter the Action Qualifier of 'Windfall Lien' or 'Reasonable Steps' respectively in SEMS.

One recommendation of the Superfund Taskforce was to create a repository of completed enforcement documents for information sharing. Thus, a special collection has been established in SEMS-Records Management (SEMS-RM) for comfort/status letters issued (special collections #22963).

As in the past, new comfort/status letters issued should be entered in SEMS Site Management. Regions are required to associate the applicable document to the corresponding action in SEMS. This can be done by scrolling over to the Document column and clicking on the 'Add/Edit Document.' Users will be taken to the Action Records section of the Edit Action Details screen. Select 'Add Record', choose the applicable document from the list of documents at the site and then add. Then select Finish Date. Refer to the SEMS Records Transfer Interface (RTI) User Guide, Section 5, for direction in how to submit electronic records via the SEMS-RM module.

Comfort/Status letters issued are public records, as such, access to these documents in SEMS should be assigned as 'uncontrolled'. At the end of each fiscal year, OSRE will move the comfort/status letters into the special collections established in SEMS-RM.

aa. Windfall Lien Resolution Agreements

Section 107(r) of CERCLA provides liability protection for bona fide prospective purchasers to encourage the purchase and reuse of contaminated properties. Section 107(r) includes a provision that authorizes EPA to enter into a windfall lien resolution agreement with a purchaser if the purchaser is likely to receive a significant windfall.

This measure will quantify the number of windfall lien resolution agreements signed. For reporting, this measure counts the number of finalized settlement agreements (AOCs and CAs) that include the windfall lien resolution provisions.

EXHIBIT 10.20. WINDFALL LIEN RESOLUTION REQUIREMENTS

Site must be Non-Federal Facility NPL, non-NPL or SAA site

Action	Performance Lead	Action Date Requirements
Administrative Order on Consent or Consent Agreement (Administrative)	EPA	**Finish:** The date an AOC or CA **with a Windfall Lien component** is signed by the Regional Administrator or delegate. The date the AOC or CA is signed is reported in SEMS as the AOC or CA finish.

Special Planning/Reporting Requirements:
For each settlement the appropriate Enforcement Instrument Category of 'Windfall Lien' should be selected in SEMS. For additional SEMS reporting requirements see Total Response Commitments.

bb. Oversight Administration

EPA recognizes the value of working together with parties with whom the Agency has settlement agreements to promote appropriate oversight that ensures the development and implementation of protective cleanups; considers the associated costs being charged to parties; and maximizes EPA recovery of oversight cost. This measure reports EPA's efforts to work with parties to maximize the effectiveness and efficiency of EPA oversight and to send timely bills for oversight.

This measure applies to all parties at non-Federal Facility NPL, SAA, and non-NPL sites who:

- Are conducting, under federal oversight, the non-time critical removal action (NTCRA), RI/FS, RD, or RA phase of a cleanup, and
- Have an AOC, CD, or other settlement document in place with EPA that provides for payment of oversight costs.

EXHIBIT 10.21. OVERSIGHT ADMINISTRATION REQUIREMENTS

Site must be Non-Federal Facility NPL, non-NPL or SAA site

Action	Performance Lead	Action Date Requirements
Offer to Discuss EPA Oversight Expectations w/ PRPs	EPA	**Finish:** The date the offer is made to parties to discuss EPA's oversight expectations for upcoming activities.
Issuance of Oversight Bill	EPA	**Finish:** The date an oversight bill consistent with the enforcement instrument is issued to parties.

Special Planning/Reporting Requirements
The annual accomplishment measure shall be based on the number of agreements (as described in the second bullet above) in place for PRP-lead events that will take place during the fiscal year. The date of the accomplishment for this measure is the later of the dates documenting completion of each of the actions above.

For the purposes of this measure only, HQ shall assume, unless otherwise informed by the regions, that parties that have entered into agreements with EPA will receive annual oversight bills unless the settlement was entered into in the current fiscal year. In that event no bill is required; however, the region will be expected to offer to meet with the parties to discuss oversight expectations. The regions will identify those actions for which parties are required to pay oversight costs.

cc. Settlements Designating Funds for Deposit to Special Accounts

This measure will assess the extent to which EPA is able to direct the deposit of settlement funds into Special Accounts under CERCLA section 122(b) (3), in its efforts to increase fairness and promote settlements. EPA can 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(s) covered by the settlement. Funds deposited into a Special Account may be the result of response costs achieved under de minimis, ability to pay, bankruptcy, cashout, Prospective Purchaser Agreement (PPAs), or other settlements.

For all CERCLA settlements where parties agree to make cash payments toward response costs at a site (i.e. cashout and/or cost recovery settlements), the measure reports the following:

- The total number of cashout and cost recovery settlements, and the estimated amount of response costs achieved from those settlements.
- The number of settlements which designate funds for deposit to Special Accounts for response costs, and the percentage of these settlements compared to the total number of cashout and cost recovery settlements; and
- The amount of funds designated for deposit to Special Accounts by the settlement for response costs and the percentage of these funds, compared to the total amount of response costs achieved from all cashout and cost recovery settlements.

EXHIBIT 10.22. SETTLEMENTS DESIGNATING FUNDS FOR DEPOSIT TO SPECIAL ACCOUNTS REQUIREMENTS

Action	Performance Lead	Action Date Requirements
Administrative Order on Consent or Consent Agreement (Administrative)	EPA	**Finish:** The date an AOC or CA is signed by the Regional Administrator or delegate that **includes a payment provision where funds will be placed in a Special Account**.
Consent Decree	EPA	**Finish:** Date the CD is entered by the court, under section 106, 107, or 106/107 that **includes a payment provision where funds will be placed in a Special Account**.

Special Planning/Reporting Requirements:

This measure counts any settlement, where there is a payment provision for funds to be deposited in a Special Account

For each settlement the following information must be reported in SEMS:

- Federal Costs Settled - Past (for Cost Recovery Settlements).
- Federal Costs Settled - Future (for Cashout Settlements).
- Enforcement Instrument Categories Selected (for Cashout Settlements).
- Response Actions Paid by Parties (for Cashout Settlements).

- Deposit to EPA Special Account; and
- Special Account Deposit Yes/No Selected.

For additional SEMS reporting requirements see Total Response Commitments.

dd. Settlements Designating Funds for Disbursement from Special Accounts to Parties

This measure will quantify the number of settlements in which EPA has agreed to disburse Special Account funds to parties for response actions at the site where the Special Account funds were collected. Response actions can be removal or remedial, under administrative or judicial settlements (under Agency guidance, Special Account funds are not available to parties performing work under a UAO).

For all CERCLA settlements where parties agree to conduct response actions at the site for which the Special Account was created, the measure reports the following:

- The number of response settlements that designate disbursement from Special Accounts to parties who conduct the response action; and
- The amount of funds designated to be disbursed from Special Accounts to parties in response action settlements.

EXHIBIT 10.23. SETTLEMENTS DESIGNATING FUNDS FOR DISBURSEMENT FROM SPECIAL ACCOUNTS TO PRPS REQUIREMENTS

Action	Performance Lead	Action Date Requirements
Administrative Order on Consent or Consent Agreement (Administrative)	EPA	**Finish:** The date an AOC or CA is signed by the Regional Administrator or delegate that **includes a disbursement provision**.
Consent Decree	EPA	**Finish:** Date the CD is entered by the court, under section 106, 107, or 106/107 that **includes a disbursement provision.**

Special Planning/Reporting Requirements:

For each settlement the following information must be reported in SEMS:

- Response Actions Paid by Parties.
- Work PRP Will Perform – Value.
- Paid from Special Account; and
- Special Account Disbursement Provisions Flag.

For additional SEMS reporting requirements see Total Response Commitments.

10.A.8 Agreements at SWRAU Sites

This measure captures enforcement efforts to facilitate the cleanup and reuse of previously used Superfund properties by entering into agreements with liable responsible parties to conduct the investigation and cleanup of a site or by addressing the liability concerns of purchaser, lessees, and other third parties at those sites.

Enforcement accomplishments will be based on the number of Superfund sites that are sitewide ready for anticipated use (SWRAU) where enforcement efforts contributed to the site being cleaned up or where an enforcement document(s) was involved to address/resolve liability concerns.

Enforcement Measure of Accomplishment:

Enforceable agreements play a critical role in cleaning up sites. Enforcement will track cleanup agreements at SWRAU sites where the agreement finish date is prior to the SWRAU date:

- Consent Decrees (CDs)
- Administrative Order on Consents (AOCs)
- Consent Agreements (CAs)
- Unilateral Administrative Orders (UAOs)
- Settlements (Generic)
- Orders (Generic)

Enforcement will also track enforcement documents produced at SWRAU sites which address potential liability concerns of prospective purchasers and other third parties under CERCLA:

- Comfort/Status letters that address liability concerns/issues – including reasonable steps letters
- Prospective Purchaser Agreements (PPAs)
- Prospective Lessee Agreements (PLAs)
- Bona Fide Prospective Purchaser Agreements (BFPPAs)
- Bona Fide Prospective Lessee Agreements (BFPLAs)
- Contiguous Property Owner Agreements (CPOAs)
- Windfall lien resolution agreements

Special Planning/Reporting Requirements:

Specific sites will be identified by OLEM's SWRAU measure. Enforcement accomplishments will be a subset of those sites.

Credit for enforcement accomplishments will be based on the number of sites where responsible parties have contributed to the cleanup at the site or where the liability concerns of non-liable parties were addressed. The finish date of enforcement instruments [AOCs, CAs, CDs, UAOs, Generic Settlements and Orders] where parties agree to conduct cleanup work and/or make cash payments toward future cleanup costs at a site will be counted. In addition, cost recovery settlements where the costs recovered are deposited into a site-specific special account to fund part or all of the cleanups will also be counted.

Credit for addressing the liability concerns of non-liable parties will be based on finalized settlement agreements (AOCs, CAs, CDs) that include provisions for BFPPs, CPOs, PPAs, PLA or have a Windfall lien component. Credit for Comfort/Status letters will be given on the date the letter is signed. Finalized settlement agreements and Comfort/Status letter finish dates counted will be prior to the SWRAU date.

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Chapter 11: Community Involvement

Chapter 11: Community Involvement

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CHAPTER 11: COMMUNITY INVOLVEMENT

11.A INTRODUCTION

Community involvement is the process of engaging in dialogue and collaboration with community members throughout the Superfund process. Community involvement activities include Community Advisory Groups (CAGs), Technical Assistance Grants (TAGs), Technical Assistance Services for Communities (TASC), Just In Time (JIT) community services, and the Superfund Job Training Initiative (Super JTI). These activities are the core components of the Superfund Community Involvement and Program Initiatives Branch's (CIPIB) work to support the Environmental Protection Agency's (EPA) Strategic Plan. While Restoration Advisory Boards (RABs)/Site-Specific Advisory Boards (SSABs) involve community involvement activities, the work of these Boards is addressed in the Federal Facilities section of the Superfund Program Implementation Manual (SPIM).

The community involvement data tracked and reported by the program are currently in review and may be modified in Superfund Enterprise Management System (SEMS) in the future. The SPIM will be updated to reflect any system changes and to support the reporting of community involvement information.

11.A.1 Roles and Responsibilities

To meet these national program requirements, specific roles and responsibilities have been identified for the Headquarters (HQ) and regional staff that work in the community involvement program area. The following table summarizes each of these positions along with their responsibilities.

EXHIBIT 11.1. HQ AND REGIONAL ROLES AND RESPONSIBILITIES

Title	Responsibilities
Data Sponsors (HQ)	Facilitate SEMS staying closely aligned with the Superfund program, including developing and updating guidance that requires submission of these data for national reporting needs, maintaining and updating data element definitions, and developing and implementing the process of gathering, reviewing and entering the data into SEMS.
Managers of Data Sponsors (HQ)	Direct and oversee the creation of useful program policy and guidance to help the regions achieve program goals. Act as the central point of contact for the regions and provide regional coordination support.
Data Sponsors (HQ) and Community Involvement Managers (regions)	Participate in program reviews, as well as preparing periodic reports on regional accomplishments and progress on problems. Respond to quick turn-around, site specific requests for information from senior management for Congressional requests, regional visits, or other needs. Serve as a forum for sharing information and lessons learned on community involvement activities.
Community Involvement Coordinators (CICs), Remedial Project Managers (RPMs) and On-Scene Coordinators (OSCs)	Ensure all data necessary to meet the requirements(s) are in SEMS to support regional reporting needs and commitments to HQ.

Title	Responsibilities
Information Management Coordinator (IMC)	Coordinate with the CICs/RPMs/OSCs to ensure data necessary to support reporting requirements are in SEMS according to timeliness requirements.
Budget Coordinator	Ensure all data necessary to support the regional budget are in SEMS prior to specified calendar events.
Records Manager/Records Center Staff (regions)	Coordinate with CICs/RPMs/OSCs/IMC to ensure program records are properly managed in SEMS and made available in the Administrative Record and Information Repository, as appropriate.

11.A.2 National Approach for Applying SEMS EJ Flag

The Office of Superfund Remediation and Technology Innovation (OSRTI) is updating the 2021 interim national protocol for setting environmental justice flags in the Superfund Enterprise Management System (SEMS). As part of the update, OSRTI has collected boundaries for proposed, final, deleted or Superfund Alternative Agreements (SAA) sites, which will provide more accurate data. For other sites, a circle with a one-mile buffer[1] around the latitude/longitude point or address is used. Federal facility sites undergo the same analysis with a three-mile radius where site boundaries are not available. These different site areas are compared to census block group information found in the EJScreen application.

EPA considers sites to have potential EJ concerns where one or more of the 13 EJScreen application's EJ Indexes for any census block group intersecting with a Superfund site area is at or above the 80th percentile at the **national average** or **state average** level.

a. EJ Indicator Flag

The indicator flag in SEMS, "Potential EJ concern per state or national EJScreen" replaced the previous flag "Environmental Justice Indicator."

11.B NATIONAL PROGRAM REQUIREMENTS

11.B.1 Program Goals and Objectives

The goal of Superfund community involvement is to advocate and strengthen early and meaningful community participation during Superfund cleanups. Superfund community involvement staff at Headquarters and in the regions strive to:

- Encourage and enable community members to get involved.
- Listen carefully to what the community is saying.
- Take the time needed to deal with community concerns.
- Change planned actions where community comments or concerns have merit.
- Keep the community well informed of ongoing and planned activities.
- Explain to the community what EPA has done and why.

11.B.2 Regulatory and Policy Requirements

Section 300 of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) and subsequent policy directives and guidance documents establish the requirements for community involvement through every phase of Superfund's cleanup process. These requirements are specifically outlined in appendix A of the *Superfund Community Involvement Handbook, OLEM 9230.0-50, January 2016*.

11.B.3 Data Entry Timeliness

The regions should assure that their site information is complete, current, consistent and accurate. It is essential that planning and accomplishment data in SEMS remain current throughout the year and that accomplishments are reported as they occur. Regions should ensure planning and accomplishment data is generally reflected in SEMS within five working days of the end of the quarter in which it occurred. See section 4.C.1 of this document for additional information about data quality and timeliness standards.

11.C COMMUNITY INVOLVEMENT ACTIVITIES

11.C.1 Overview of Community Involvement Activities

This section contains the definitions of the following community involvement activities: CAGs, TAGs, TASC and the Super JTI.

a. Community Involvement Plans (CIP)

The Community Involvement Plan (CIP), previously known as the Community Relations Plan (CRP), specifies the outreach activities that EPA will use to address community concerns and expectations, as learned from community interviews. It helps advise the Community Involvement Coordinator (CIC) and site team on appropriate activities. The CIP is a public document that local residents can use to make sure EPA is responsive and proactively engaging the community.

For remedial actions, the NCP [40 CFR §300.435(c)(2)(ii)(A-C)] requires a CIP be in place before remedial investigation field activities start. It also states that "prior to the initiation of [remedial design], the lead agency shall review the CRP to determine whether it should be revised." [40 CFR §300.435(c)(1))]

For removal actions lasting 120 days or more, the NCP [40 CFR §300.415(n)(3)(ii)] requires the lead agency to prepare a formal CIP based upon community interviews and other relevant information by the end of the 120-day period. For removal actions with a planning period of at least six months, the CIP must be completed prior to the completion of the Engineering Evaluation/Cost Analysis.

b. Assessing and Addressing Environmental Justice and Tribal Concerns

EPA defines environmental justice as "the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the

development, implementation, and enforcement of environmental laws, regulations, and policies." Fair treatment means that no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from negative environmental consequences of industrial, governmental, and commercial operation or program and policies. Meaningful involvement means that: (1) potentially affected community members have an appropriate opportunity to participate in decisions about a proposed activity that will affect their environment and/or health; (2) the public's contribution can influence the regulatory agency's decision; (3) the concerns of all participants involved will be considered in the decision-making process; and (4) the decision-makers seek out and facilitate the involvement of those potentially affected.

In the Agency's implementation of environmental justice, EPA has expanded the concept of fair treatment to include not only the consideration of how burdens are distributed across all populations, but also how benefits are distributed. To integrate EPA's definition of environmental justice into practice, the Superfund program incorporates a few best practices, such as:

- Identifying communities with potential environmental justice concerns: Many communities affected by Superfund sites are lower income, higher minority or indigenous, and more burdened by other environmental stressors when compared to the general population. Site teams should consider assessing whether environmental justice concerns are present at a site because this may provide important information for cleanup and for community involvement purposes. EPA's Guidance on Considering Environmental Justice during the Development of Regulatory Actions, released in May 2015, outlines several factors to help site team members assess whether a community might have environmental justice concerns. The factors are: (1) proximity and exposure to emission sources; (2) unique exposure pathways; (3) physical infrastructure; (4) multiple stressors and cumulative impacts; (5) capacity to participate in decision-making; and (6) higher risk in response to exposure among minority populations, low-income populations, and/or indigenous peoples.
- Considering the collection of relevant data and using EPA's EJScreen tool to help identify communities that may have potential environmental justice concerns (see box on previous page). Relevant data that the site team should consider may include demographic data (e.g., ethnicity/race, education, languages spoken), relevant existing health information (e.g., asthma rates, nutritional status), and information about additional environmental burdens (e.g., toxic release facilities, air pollution data) in affected populations. The collection and consideration of this information should be discussed in the site's CIP. Site decisions should consider sensitive subpopulations as well as unique exposure pathways from site contamination. For this reason, demographic information and information about potential environmental factors affecting the community should be shared among the site team in a timely manner, sometimes even before the CIP is final. This should help ensure that these factors can be

considered appropriately during the risk assessment or during the preparation of other appropriate site analyses or decisions. For example, the risk assessment and development of cleanup levels may take into consideration exposure assumptions or other factors related to sensitive subpopulations. (For information about the risk assessment process, see the Risk Assessment Guidance for Superfund (RAGS) Part A, which provides guidance on the human health evaluation activities that are conducted during the baseline risk assessment.)

- Planning and implementing enhanced community involvement opportunities: Relevant information about potential environmental justice concerns should be considered when developing the CIP and when planning and conducting specific community involvement activities. For sites that affect indigenous peoples, special care should be taken to consult with tribal leaders and environmental officials whenever the site team works with tribal members. Site teams should consider tailoring community involvement approaches to reach out more effectively to specific populations. Some examples include using translation or interpretation services; partnering with local community groups or community leaders; employing nontraditional media outlets for outreach; identifying nongovernment locations to hold public meetings; scheduling community involvement activities at times other than during subsistence fishing, hunting, or agriculture seasons; and continuing to distribute paper copies of outreach materials when members of the community lack access to electronic forms of communication. Site teams also are encouraged to consult with their Regional Environmental Justice Coordinators and EPA Tribal Program Managers, as appropriate, and to work with state, local, or tribal governments to determine whether they can offer assistance or insights into how to meet the special needs of a community with environmental justice concerns.

EXHIBIT 11.2. COMMUNITY INVOLVEMENT PLAN REQUIREMENTS

Action	Performance Lead	Action Date Requirements
Community Involvement Plan	EPA Performed In-House	**Finish:** The date the Community Involvement Plan (CIP) is published and released to the public.*

*** CIPs should also be updated after the ROD is signed, or as needed, and EPA should determine whether additional community interviews are needed.**

Special Planning/Reporting Requirements:

Planned start and finish dates are entered in SEMS. Funds may be planned site-or non-site specifically; however, they must be obligated site specifically. Funds for CIPs at Federal Facility sites are contained in the Federal Facility budget and found in the Federal Facility Site Allowance.

The planned or actual finish date in SEMS (whichever is applicable) must be changed to reflect the date of the most recent final document.

c. Community Advisory Groups (CAGs)

A CAG is an organized group of local stakeholders representing the diversity of community interests for a Superfund site. CAGs serve as a point for exchanging information among the local community, EPA, the state regulatory agency, and other agencies involved in Superfund cleanups. CAGs also provide a forum for community members to present and discuss their needs and concerns related to the Superfund decision-making process. CAGs may receive help from EPA, state, tribal and local governments, and universities in areas such as meeting facilitation, technical assistance, and administrative support.

EXHIBIT 11.3. COMMUNITY ADVISORY GROUPS

Action	Performance Lead	Action Date Requirements
Community Advisory Group	EPA Performed In-House	**Start:** Community Advisory Group has first meaningful meeting of the established group. **Finish:** As determined by the Community Advisory Group on a case by case basis.

d. Technical Assistance Grants (TAGs)

The Superfund Amendments and Reauthorization Act of 1986 (SARA) established the TAG program to provide technical assistance in interpreting site-related technical information to eligible communities. This technical assistance enables communities to better participate in and inform the decision-making process at their sites.

EXHIBIT 11.4. TECHNICAL ASSISTANCE GRANTS REQUIREMENTS

Action	Performance Lead	Action Date Requirements
Technical Assistance Grant	EPA Performed In-House	**Start:** Date of award as noted in EPA's official grants database/system. **Finish:** Date of closure as noted in EPA's official grants database/system.

Special Planning/Reporting Requirements:

Planned start and finish dates are entered in SEMS. Funds may be planned site-or non-site specifically; however, they must be obligated site specifically. Funds for TAGs at Federal Facility sites are contained in the Federal Facility budget and found in the Federal Facility Site Allowance.

The planned or actual finish date in SEMS (whichever is applicable) must be changed to reflect the date of the most recent source document, e.g., award document, one-year extension document, memo to the file, etc. These definitions may be applied to all historical Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) and SEMS data, including data prior to fiscal year (FY) 89, which is the first fiscal year TAGs appeared in the SPIM. In addition, the TAG completion definitions from previous years may also be used for TAGs completed within those years. There can only be one active TAG at a site.

e. Technical Assistance Services for Communities (TASC)

TASC was developed to provide communities that live near hazardous waste sites with independent technical assistance to help them understand the technical issues related to hazardous substance contamination and cleanup so that they can substantively participate in the decision-making process. Just in Time and Super JTI are two related services provided to communities.

Just in Time community services are offered through the EPA's Conflict Prevention and Resolution Center contract. The OSRTI provides regions with access to neutral third-party consultation, collaboration and dispute resolution support services to help prevent, constructively discuss, and address or resolve difficult issues or conflicts with community members and other Superfund site stakeholders**.**

Super JTI provides community members with training and follow-on job opportunities and fosters partnerships that remain long after a Superfund site is cleaned up.

Technical Outreach Services for Communities (TOSC) action data exist in SEMS for historical purposes only. The TOSC program has been replaced by the TASC program.

EXHIBIT 11.5. TASC

Action	Performance Lead	Action Date Requirements
Technical Assistance Services for Communities (TASC)	EPA Performed In-House	**Start:** COR issues technical direction to the contractor, defining and initiating the project. **Finish:** EPA approves the final deliverable under a project; project is closed when contract ends; or COR discontinues project through technical direction to the contractor

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Chapter 12: Information Systems

Chapter 12: Information Systems

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CHAPTER 12: INFORMATION SYSTEMS

12.A INFORMATION SYSTEMS

The Office of Superfund Remediation and Technology Innovation's (OSRTI) information systems portfolio has been established to ensure that all Superfund information technology (IT) investments align with the Environmental Protection Agency (EPA) mission and support business needs. They are designed to minimize program risks and maximize return on investment throughout each IT investment's lifecycle. Together the portfolio systems provide a structured, integrated toolset to assist management and staff to support the business and mission needs of the Agency.

In fiscal year 2020, due to significant changes in the Superfund program direction and some outdated Superfund Enterprise Management System (SEMS) technologies, the Office of Land and Emergency Management (OLEM) made a decision to modernize and re-engineer SEMS by:

- Moving towards newer technology.
- Re-architecting the database to address programmatic gaps in requirements.
- Taking advantage of reducing storage costs by moving to a cloud environment.
- Enhancing user experience by re-designing the user interfaces based on human-centered design.
- Improving data dissemination and visualization functionality.

SEMS legacy applications, databases, processes, business rules, security requirements, external/internal user interfaces, and storage requirements will be re-evaluated to address accessibility, usability, performance, right-size environment, and costs concerns.

12.A.1 Overview of SEMS

SEMS is EPA's official repository of nationally defined and required data for planning and tracking Superfund activities across all areas of the pipeline (site assessment, remedial activities and removal actions) at hazardous waste sites. This includes sites that are on the National Priorities List (NPL) or are being considered for the NPL. SEMS represents a joint redesign of the current application and ongoing collaboration between Superfund's Remedial, Removal, Federal Facilities, Enforcement, and Emergency Response programs. It provides its wide audience base with a means of ongoing analysis of Superfund Program actions and informational needs at the site, regional and national management levels.

SEMS provides access to a variety of program data, including Superfund records. The system is being re-designed to serve as a nexus linking OLEM data to systems in other program offices, such as EPA s Office of Emergency Management, the Office of Enforcement and Compliance Assurance, and the Office of Mission Support.

The following sections provide a summary of the information specific to each program area that is contained in SEMS. Additional guidelines can be found in each referenced chapter of this document.

a. Remedial Site Assessment (See Chapter 6)

To support the remedial site assessment and NPL listing processes, SEMS provides the following capabilities:

- Enter, store, and retrieve basic site discovery information, including site identification (name and location), narrative description, and site setting.
- Identify the Site Assessment Manager (SAM) and other site contacts.
- Distinguish between removal program site initiation and remedial site assessment program discoveries.
- Enter, store, and retrieve site assessment decision information, including qualifiers and text rationale, as well as referrals to states or other program areas.
- Manage schedule of site assessment actions.
- Store program records that support remedial site assessment and NPL listing decisions.
- Generate standard reports and perform ad hoc queries.
- Track information associated with NPL listing actions, including Federal Register citations, Federal Docket Management System (FDMS) numbers, Hazard Ranking System (HRS) scores and changes to NPL status.

b. Removal Program (See Chapter 7)

To support the removal process, SEMS provides the following capabilities:

- Manage schedule of removal actions.
- Identify the On-Scene Coordinator (OSC) and other site contacts.
- Track the type of removal response (e.g., emergency, time critical or non-time critical), media addressed, contaminants of concern, and response technology.
- Assist in the management of removal budgets for various contract vehicles and other EPA costs.
- Store program records that support removal program decisions.
- Generate standard reports and perform ad hoc queries.

c. Remedial Program (See Chapter 8)

To support the remediation process, SEMS provides the following capabilities:

- Manage schedule of remedial actions.
- Identify the Remedial Project Manager (RPM) and other site contacts.
- View and update remedy decision information, including media addressed, contaminants of concern, and response technology.

- View and update Five-Year Review information, including issues, recommendations and protectiveness statements.
- Track key performance measures for the remedial program, including Construction Completion, Environmental Indicators and Sitewide Ready for Anticipated Use.
- Assist in the management of remedial budgets for various contract vehicles and other EPA costs.
- Store program records that support remedial program decisions.
- Generate standard reports and perform ad hoc queries.

d. Federal Facility Program (See Chapter 9)

To support Federal Facilities, SEMS provides the following capabilities:

- Manage schedule of Federal Facility actions.
- Record, display, and update information pertaining to Base Realignment and Closure (BRAC) sites, including BRAC types, Fast Track sites, Environmental Baseline Survey (EBS) information, Finding of Suitability to Lease (FOSL) information, and Finding of Suitability to Transfer (FOST) information.
- Record and display Federal Facility Docket information.
- Assist in the management of Federal Facility budgets for various contract vehicles and other EPA costs.
- Store program records that support Federal Facility program decisions.
- Generate standard reports and perform ad hoc queries.

e. Enforcement Program (See Chapter 10)

To support the enforcement process, SEMS provides the following capabilities:

- Manage schedule of enforcement actions.
- Identify site attorneys and other contacts.
- Capture and retrieve information about Potentially Responsible Parties (PRPs) and other parties and associate parties with all sites and enforcement actions with which they have been involved.
- Document a party's involvement at a site.
- Group parties for enforcement actions or correspondence mailings.
- Track party compliance with settlement terms.
- Track liens against a party's property.
- Document the issuance of Comfort/Status letters.
- Track Bona Fide Prospective Purchaser Agreements (BFPPs), Prospective Purchaser Agreements (PPAs), Prospective Lessee Agreements (PLAs), Contiguous Property Owners (CPOs) and Windfall Lien Agreements (WL).
- Track negotiations, including the type of response actions sought and cost recovery amount sought.

- Track settlements, type and estimated value of response actions to be performed by the parties, cost recovery funds achieved, response actions that are being reimbursed, cash out funds achieved, the amount and type of financial assurance provided by parties, amount of funds to be disbursed from a Special Account or deposited into a Special Account as part of the settlement, and whether the settlement was with de minimis parties.
- Log case numbers and names.
- Track referrals, including the type of referral, statutes, response actions sought, cost recovery amount sought, and outcome.
- Track pipeline actions start and finish dates used to calculate potential Statute of Limitations (SOL) dates.
- View costs written off and the rationale behind a decision not to pursue cost recovery.
- Track the timely issuance of oversight bills or accounting of oversight costs incurred.
- Generate standard reports and perform ad hoc queries.

f. Community Involvement (See Chapter 11)

To support the community involvement process, SEMS provides the following capabilities:

- Manage schedule of community involvement actions.
- Identify the Community Involvement Coordinator (CIC) and other site contacts.
- Store program records that support community involvement decisions.
- Generate standard reports and perform ad hoc queries.

g. Project Management

To support the project management process, SEMS provides the following capabilities:

- Manage schedules for all site actions.
- Identify RPMs and other site contacts.
- View and edit action-specific information including operable unit, sequence number, performance lead, qualifiers, critical indicators, and planned and actual start/finish dates.
- View the targeted fiscal year/quarter (FY/Q) for actions defined as regional and national targets.
- Define predecessor and/or successor relationships between actions.
- Add and view action-specific comments.
- View financial data by site, action, or financial transaction and track Superfund State Contracts (SSC) cost share payment and reimbursable account information within Portfolio Management.
- Allow reviewers (e.g., Section Chiefs) to approve or disapprove schedule changes and financial transactions before they become official.

- Generate standard reports and perform ad hoc queries.

h. Program Management

To support the program management process, SEMS provides the following capabilities:

- View allowance and budget information for a comparison of regional spending plans to the negotiated budget for each allowance.
- Record and access all site and non-site financial details associated with an allowance.
- View aggregate site planning data to support program planning and reporting measures and access data on a national (at Headquarters [HQ] only), regional, branch, or section level, or by program office.
- Access project schedule details for sites included in the aggregated information on planning and reporting measures and identify target candidates.
- Track progress in meeting targets and planning estimates, view details on target and alternate sites that support these targets/estimates for each planning and reporting measure, and substitute target and alternate sites when necessary.
- Associate sites with a specific national and/or regional priority initiatives.
- Enter Environmental Indicator (EI) and Land Reuse data at the site/action level, and view summary information for Indicators identified in Chapter 8, titled 'Remedial Program,' at the national (at HQ only) and regional levels.
- View financial data transferred from Compass on a daily basis.
- Generate HQ program management reports.

12.A.2 SEMS System Components

SEMS is comprised of various modules that allow for data entry and/or retrieval. The goals of this architecture are to allow regions, as the primary data owners, to enter data and ensure that the national database contains all regional data, and to allow all users to run reports and retrieve data as necessary.

System users enter site information into SEMS through a variety of interfaces. Basic site information (e.g., location, site action type), site schedules, planned site obligations and other action-specific information is entered in the Site Management Module (SEMS-SM). Supporting documentation is entered and indexed through the Records Management Module (SEMS-RM). Users may run reports, customize dashboards and perform ad hoc queries through the Reporting Tool. SEMS also includes support components, such as the System Administration Module and the Portal.

Regular exports of datasets from SEMS have been recreated in a manner that is consistent with the datasets provided from the Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS). These data extracts include:

- Active: This dataset contains active sites and related program management information tracked through the Superfund Comprehensive Accomplishments Plan (SCAP) process.
- Freedom of Information Act (FOIA): This dataset contains active sites and related information that is releasable to the public.
- Archive: This dataset contains archived sites and related information.

Additional datasets can be created to meet additional program needs and special initiatives as they are defined.

In addition, each day, financial data from Compass are transferred into SEMS.

12.A.3 Reporting Superfund Information

The SEMS Reporting Tool is accessible to users at HQ and in the regions, and contains nationally defined reports and dashboards. The reports are categorized by program areas, including Site Assessment, Five Year Reviews, Federal Facilities, Removal, Enforcement, Project Management, and Program Management, among others. HQ program managers and staff have access to the database and the ability to use the application to display data and print reports. In many cases the application can be used by program managers in lieu of contacting regional staff for inquiries on data or site information.

12.A.4 SEMS Information on the Internet

Since the OneEPA changes, effective on October 1, 2015, SEMS information has been made available to the public via the internet in a variety of different formats. The major formats are described below

a. Superfund Site Profile Pages (SPP)

The Superfund Site Profile Pages (SPP) are Drupal pages which are created for each NPL site. The SPPs contain the following information, which is pulled from the Site Management module of SEMS (SEMS-SM):

- Site Status (CC, HEUC, GMUC, and SWRAU).
- NPL Status (P, F, D).
- Site Address.
- Site Contacts.
- Site Aliases.
- Contaminants of Concern (CoC).
- Operable Units (OUs).

The SPPs also show published Administrative Record Collections and Special Collections of records for the site, which is pulled from the Records Management module of SEMS (SEMS-RM). Hard links to site specific records can be added to the SPPs to highlight time sensitive information or data for public information.

b. Key Documents Required for Site Profile Pages (SPP)

Beginning in FY 2022, each SPP has a Key Documents collection with select action records chosen by Superfund subject matter experts to provide visitors to the site profile pages with quick access to key information about cleanup decisions and actions. The Key Documents collection will appear at the top of the list of Reports and Documents collections on the Site Documents & Data Page of the SPP.

The site team will identify the official version of the documents on the list below and, after legal review and approval for publication, will assign them to the Key Documents collection in SEMS-RM, with the assistance of records managers as needed.

EXHIBIT 12.1. KEY DOCUMENTS REQUIRED FOR SITE PROFILE PAGES

Key Documents Required for Site Profile Pages
Deletion/Partial Documents (as relevant: FCOR or partial deletion, and a partial deletion justification)
Engineering Evaluation/Cost Analysis (EE/CA) for Non Time-Critical Removal Actions
Explanation of Significant Differences (ESD)
Federal Register Notice
Five-Year Review Report
Index of documents included in the Administrative Record
Proposed Plan
Public Involvement documentation including: fact sheets, Community Involvement Plans (CIP), newspaper and other public notices, documentation of public meetings, public comments and responses to significant comments
Record of Decision (ROD)
Record of Decision (ROD) Amendment
Remedial Investigation/Feasibility Study (RI/FS), workplan and final
Risk and Endangerment assessments
Site Listing Narrative
Settlement documents such as finalized Consent Decrees, Administrative Orders, Consent Agreements, Unilateral Administrative Orders, Generic Settlements & Orders, Judgements, and Bankruptcy Settlements & Amendments
Technical studies of significance performed for the site

The SPPs can be accessed via the following websites:

- Cleanups in My Community.
- Search for Superfund Sites Where You Live.
- Redirects from individual regional pages or press releases

c. Superfund Records Collections (SEMS-PUB)

SEMS-PUB is a search interface which allows a member of the public to search for Superfund records in published Administrative Records or Special Collections. Users can search using the following criteria:

- Region.
- Collection Type.

- Collection ID.
- Collection Description.
- State (not available for HQ collections).
- Site (not available for HQ collections).
- EPA ID (not available for HQ collections).

Based on the results of the search, a user can access the files along with a limited amount of SEMS-RM metadata (date, title, document ID, author, addressee, pages, and size) related to those files. All documents published to the web via SEMS-PUB must have an access control of "Uncontrolled".

Links to documents in SEMS-PUB are provided on other Superfund websites via searchable tables (an example of a searchable table can be seen on the Contaminants at Superfund Sites website. Searchable tables will eventually replace hard-linking to individual documents.

d. Superfund Remedial Performance Measures

The Superfund Remedial Performance Measures website provides the public with pie and bar charts which describe the number of sites that fall into six performance measures. This information comes from SEMS-SM and the Superfund Reporting Tool. Superfund Remedial Performance Measures can be accessed on the Superfund Remedial Performance Measures website.

e. Superfund Data and Reports

The Superfund Data and Reports website provides the public with a select set of SEMS data reports. The reports available as of the FY 2025 SPIM are:

- Superfund Data and Reports Data Dictionary.
- FOIA 1 – List of Sites with Potential Smelting-Related Operations.
- FOIA 2 – Completed RODs, ROD Amendments, and ESDs.
- FOIA 3 – List of All Proposed NPL Sites.
- FOIA 4 – List of All Final NPL Sites.
- FOIA 5 – List of all Deleted NPL Sites.
- FOIA 7 – Remedy and Contaminant Data (two reports).
- FOIA 8 – CERCLA to RCRA Site Associations.
- FOIA 11 – Noticed Parties at SEMS Sites.
- FOIA 12 – Lien on Property.
- FOIA 13 – Public Settlement Report.
- FOIA 14 – Superfund Alternative Approach Agreement Sites and Settlements.
- List 8R – Active and Archived Site Inventory with Action Details.
- LIST 10 – Top 20 Contaminants at Superfund Sites.

There are also reports and data files available from the CERCLIS decommissioning in September 2014. Superfund Data and Reports can be accessed on the Superfund Data and Reports website.

12.A.5 Data Owners/Sponsorship

HQ program staff take an active role in improving the quality of data stored in SEMS by serving as data sponsors. 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. Data sponsors/owners ensure that the data they need to monitor performance and compliance with program requirements are captured and stored properly in SEMS. To meet this goal, HQ data sponsors identify their data needs, develop data field definitions, and distribute guidance requiring submittal of these data. Data ownership may either be centralized through the Information Management Coordinator (IMC) or a centralized team or decentralized through the RPMs that input the data into the system. Data owners follow the guidance they receive from data sponsors as they acquire and submit data. HQ data sponsors assist data owners in maintaining and improving the quality of Superfund program data through program evaluation and adjustments in guidance to correct weaknesses detected. Data sponsors/owners may conduct audits to determine if there are systematic data problems (e.g., incorrect use of codes, data gaps, etc.).

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Chapter 13: Superfund Records Management

Chapter 13: Superfund Records Management

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CHAPTER 13: SUPERFUND RECORDS MANAGEMENT

13.A RECORDS MANAGEMENT COMPLIANCE

13.A.1 Regulatory and Policy Requirements

Records serve as the Agency's historical data; they are of critical importance in ensuring that the organization continues to function effectively and efficiently, and in compliance with federal regulations and policies. The Office of Superfund Remediation and Technology Innovation (OSRTI) engages with the Regions in the development of national standards, best practices, and technology innovation to meet federal requirements and Superfund Program goals for efficient and responsive access to and dissemination of Superfund records and information.

The Federal Records Act of 1950, as amended, requires all federal agencies to make and preserve records containing adequate and proper documentation of their organization, function, policies, decisions, procedures, and essential transactions. These records are public property and must be managed according to applicable laws and regulations.

44 U.S.C 2902, Objectives of Records Management, requires agencies to establish a records management program, defined as a planned, coordinated set of policies, procedures, and activities needed to manage its recorded information. Essential elements include issuing up-to-date records management directives, properly training those responsible for implementation, and carefully evaluating the results to ensure adequacy, effectiveness, and efficiency.

The Office of Management and Budget (OMB)/NARA directive M-19-21 directs all federal agencies to transition business processes to an electronic environment, including managing all permanent records in an electronic format by 2019. See also OMB directive M-23-07: Update to Transition to Electronic Records.

13.B MANAGING SUPERFUND RECORDS

13.B.1 SEMS Records Management (SEMS-RM) and SEMS Site Management (SEMS-SM)

Since the inception of Superfund and its original information management system, Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS), the Program has leveraged advanced technology to better support the efficient and effective operation of the Superfund program through the integration of records management (RM) and site management (SM) into what is now an enterprise management system, SEMS.

SEMS-RM is the central component in ensuring compliance with regulatory and policy records management requirements. The RM module utilizes Superfund program-specific metadata to store and retrieve documents at Headquarters (HQ) and across all 10 regions of EPA. Records that are associated to site actions in the SEMS-SM module must first be added to the SEMS-RM module.

a. Electronic Records Management

Well ahead of OMB/NARA's recent directives to go paperless, Superfund has been digitizing records since the 1990's.

The date span for SEMS records ranges from 1970 to the present, although there are some scanned reference documents dated earlier than 1970. As of June 2024, SEMS has over 11M records.

For several years, digitized Superfund records have served as the de facto record in the conduct of EPA business with a range of stakeholders including states, tribes, concerned citizens, the legal community, and other federal agencies. From the beginning, the Program has been committed to the accuracy, quality, and long-term preservation of digitized records to ensure their ability to stand up to legal scrutiny and document cleanup work that often continues over decades.

b. Publishing Records to the Site Profile Pages (SPP)

Many Superfund record types are required by law to be proactively made available for public reference within specific timeframes. Traditionally that has meant providing paper copies to designated, legally required repositories located near the site such as a public library or town hall. However, for several years now, site profile pages on the EPA website (epa.gov) have become the public's preferred method for accessing site records which are published directly from SEMS. Local information repositories are still required by the National Oil and Hazardous Substances Pollution Contingency Plan ((NCP) but, because of EPA efforts, in 2013 the NCP was amended to allow electronic-only availability of Administrative Records if it is determined that the site repository and the community do not require the analog version. Since then, and especially during the COVID pandemic, it has become apparent to both Superfund records managers and Community Involvement Coordinators that communities are turning first to the digitized documents available on the site profile pages for site information rather than the local repository.

c. Retention Management

All federal government records are required to have a retention schedule approved by the National Archives and Records Administration (NARA). EPA uses the terms "records schedules" or "schedules." A records schedule provides mandatory instructions on how long to keep records (retention) and when they can be destroyed and/or transferred to alternate storage facilities (disposition). Schedules identify which records are temporary (eligible for destruction after a specific time period) and which are permanent (transferred to NARA after a specific time period). As defined in 36 CFR 1220.18, permanent records should be protected, secured, and preserved while they are still in Agency custody.

Superfund records relate to environmental issues within the United States and have historical value for both commerce and quality of life uses. As such, a significant portion of Superfund records have been designated by NARA as permanent records of the United States due to their continuing value for historical or environmental research. The nature of the Superfund program requires site-specific records be scheduled as permanent records and ultimately turned over to NARA (as a comparison, approximately only 3% of all federal records are scheduled as permanent). Additionally, Superfund records that are not permanent records of the United States require long-term temporary retention (e.g., 75 years for sampling data) that is still far longer than many other records throughout the federal government. 86% of the records in SEMS have permanent retention.

Superfund currently has 17 records schedules which will eventually be consolidated into one schedule when approved by NARA. When records are submitted to SEMS, the Retention Module will assign the appropriate records schedule according to the site status and site type.

13.B.2 Roles and Responsibilities

Anyone who creates, receives, works with Superfund records is responsible for submitting and managing their records in the Records Management module of the Superfund Enterprise Management System (SEMS-RM).

a. Identifying Records

If you answer "yes" to any of the following questions, you may have a record:

- Was it created in the course of business?
- Was it received for action/does it document Environmental Protection Agency (EPA) activities and actions?
- Is it mandated by statute or regulation?
- Does it support financial obligations or legal claims?
- Does it communicate EPA requirements?
- Does it document financial transactions?
- Does it have historical information or evidential value?

Note that many files in staff possession meet the conditions in this list but may not rise to being official records and could be considered working files. For help in identifying and managing Superfund records, contact the Superfund Records Manager for the relevant Region or HQ. A list of Regional Superfund Records Managers (SFRM) is available in Appendix A.

b. The Regional Superfund Records Manager

The Regional Superfund Records Manager (SFRM) is the Region's point of contact for anything pertaining to its management and use of Superfund records and information including web publishing, docket and field repository coordination, FOIA response, system administration, records center operations, customer support and training, and

strategic planning. The SFRM works with an array of stakeholders to ensure maximum compliance with records management requirements and program goals.

EXHIBIT 13.1 REGIONAL SUPERFUND RECORDS MANAGER RESPONSIBILITIES AND STAKEHOLDERS

Core Responsibility	Stakeholders
Lead management of the Region's Superfund records.	Superfund staff; Community Involvement; OSRTI
Facilitate access to records, as appropriate.	SEMS System Administrator; site team; IMC
Publish collections to the web.	Site team
Provide training on records policies and procedures.	Regional Superfund community; RLO; OSRTI
Collaborate with OSRTI and Regional colleagues on policy implementation and process improvement.	OSRTI IMB and SMEs; SFRM monthly and annual meetings

EXHIBIT 13.2 SPOTLIGHT ON THE ADMINISTRATIVE RECORD

Spotlight on the Administrative Record

Creation of the AR is a coordinated effort between the Superfund records team and the site team.

The Administrative Record (AR) contains the documents that form the basis for the selection of a response action. An AR is required by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended by the Superfund Amendments and Reauthorization Act (SARA). The AR must be prepared in accordance with federal statute (CERCLA,42 USC 9613(k) (1)), regulations (NCP 40 CFR 300.800-825), and agency guidance, and must be produced as scheduled and in a manner that is consistently organized and accessible.

The EPA Administrative Record Coordinator (AR Coordinator) monitors data in the Superfund Enterprise Management System (SEMS) Site Management module (SEMS-SM) to be aware of upcoming decision documents or settlement documents that may require creation of an AR.

The Remedial Project Manager (RPM) or On-Scene Coordinator (OSC) designates the documents to be included in the AR and ensures they are provided to the Superfund records center or SEMS on an on-going basis. The records team indexes and scans or processes each document into SEMS.

The EPA Case Team or RPM/OSC reviews and approves the index.

A Superfund records manager places the AR collection on the web using SEMS-Pub (https://semspub.epa.gov/src/search) as the default method of distribution. CD/DVDs or paper ARs should be sent to the site's information repository only on request of the EPA Case Team/RPM or field repository.

The AR Coordinator creates a repository letter for the AR telling the repository that the AR is now on the web and provides the Universal Resource Locator (URL) to access the collection.

Federal Facility NPL Site AR

For Federal Facility NPL sites, while EPA is the lead regulatory agency that ensures CERCLA requirements are met, the lead federal agency (owner/operator of the facility) is responsible for site remediation, community involvement and creating and maintaining the Administrative Record for the site. A complete copy of the Administrative Record can be obtained by contacting the lead agency and/or the site's public Information Repository. The EPA Remedial Project Manager and/or Community Involvement Coordinator may also be able to help direct the public to the Administrative Record. Some site documents may be included in the Reports and Documents section of the Site Profile Page for the site.

13.C CAPTURING SUPERFUND RECORDS

13.C.1 How Records Get Added to SEMS- RM

Records can exist in both paper and in electronic formats. The Superfund Program digitizes paper records into SEMS and automatically converts them to PDF. Other formats such as Excel and Zip files are retained in their native format. Professional records management staff perform functions on submitted records that enable the preservation of and access to records determined to be releasable to the public. These functions are referred to as "processing" or "preparing" records and include quality assurance for scan quality; ensuring every page within a PDF record is full-text searchable (OCR: Optical Character Recognition) including oversized images; and making the records 508 compliant by tagging (via document properties) for web Accessibility.

c. Records Submittal

Superfund records management staff coordinate the receipt of paper record submissions both in person in the Records Center and via the Records Transfer Interface (RTI) which enables submitters to initiate the submittal, including special instructions and required records metadata, from within SEMS-RM itself. Similarly, electronic records of any format can be submitted via email, OneDrive, SharePoint, or RTI.

The Office of Superfund Remediation and Technology Innovation (OSRTI) has developed an Outlook-to-SEMS "connector" functionality for direct transfer of email records into SEMS-RM. Users can organize their Superfund emails from their Inbox, Outbox and Online Archive (which contains emails carried over from Lotus Notes) into Outlook folders, labeling the folders with required SEMS metadata. The Connector will automatically copy email records from these transfer folders to SEMS-RM, using the metadata to catalog the records. A visual indicator appears on the email indicating when the email has been transferred.

13.D PURPOSE OF RECORDS FOR SUPERFUND

Superfund records provide important information about activities and decisions at hazardous waste sites addressed by the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The records cover overall program guidance as well as all distinct phases of the Superfund program from site discovery, community involvement, cleanup actions proposed or selected, enforcement actions, and site reuse. All Superfund program records must be captured in SEMS-RM.

13.D.1 Action Records in SEMS

A subset of Superfund program records, Action Records support a SEMS-Site Management (SEMS-SM) action because it is the evidence that the action was completed or because the document has high value and is best associated to a specific action for tracking purposes. Action Records which are not defined as Key Documents may be published on the Site Profile Pages at the Region's discretion.

Action Records were formerly referred to as "program-required." When records were mainly in paper, it was useful to single out a subset of records as "required" to ensure their capture in SEMS. Now that we are squarely in the Electronic Records Management (ERM) era, we simply say that all Superfund records must be captured in SEMS. The "program-required" spreadsheet has been removed from the FY25 SPIM as it undergoes revision to reflect updated definitions and business processes. The spreadsheet will be inserted back into the SPIM when the revision is completed.

In the SEMS-SM module, Action Records document the progress of sites and the program in general as follows:

a. Capture Into SEMS-RM

Action Records must be captured by the Region into SEMS-RM.

b. Associate to SEMS-SM Action

Upon verification that the document supports the SEMS-SM action data, the document's SEMS-RM Document Identification number is associated to the action by the office that submits the record. A document may support a SEMS-SM action because it is the evidence that the action was completed or because the document has high value and is best associated to a specific action for tracking purposes (e.g., Superfund State Contracts, Financial Assurance Instruments, Institutional Control Instruments, etc.).

c. Add to National Collection

Select Action Records are to be added to HQ Collections in SEMS-RM. Some of the collections are published to make the documents available to the public. The Regional SEMS Data Entry Control Plan (Chapter 4 - SEMS Data Management and Coding) should specify which method the Region follows to support this objective:

1. Adding regional documents directly to the national collection by including select regional staff to each collection group, or
2. Notifying the HQ Subject Matter Expert (SME) when new documents are available to be added to the national collection. The HQ Collection Owner/SME may be notified by one of the following:
   - Periodically running and reviewing the PGMT-006 or other query in the SEMS Reporting Tools to locate the SEMS-RM Regional Doc ID that was associated tothe action, or
   - Receiving notification from the Regional Superfund Site Records Manager, via email, that the document was added to SEMS-RM and provide the SEMS-RM Regional Doc ID.

d. Key Documents Collection

To help the public quickly locate the key documents for a site, a subset of Superfund records has been designated Key Documents, as described in Chapter 12 - Information Systems. For sites with Site Profile Pages, the site team identifies the official version of

the site's Key Documents and, after legal review and approval for publication, assigns them to the Key Documents collection in SEMS-RM, with the assistance of records managers as needed. The Key Documents collection appears at the top of the list of Reports and Documents collections on the Site Documents & Data section of the Site Profile Page.

13.D.2 Action Records Goals and Objectives

Supplementing its regulatory responsibilities pertaining to records management, the Superfund program has the following additional program-level goals and objectives for documenting cleanup actions.

EXHIBIT 13.3 ACTION RECORD GOALS AND OBJECTIVES

Objective Number	Objective	Goal
1	Ensure all Action Records are captured into the program's official record keeping system (SEMS-RM).	Within five (5) working days of the finalization of the document/Actual date of accomplishment in SEMS-Site Management Module (SEMS-SM).
2	Ensure all Action Records are associated to the appropriate action within the Site Schedule.	Within ten (10) working days of the accomplishment date.
3	Ensure select Action Records are added to specified published regional site-specific and HQ collections. Some of these collections proactively make the document available to the public via EPA's website (for example, the Key Documents collection on Site Profile Pages).	Within twenty (20) working days of the accomplishment date.
4	For sites with Site Profile Pages, the site team shall identify the official version of the documents on the Key Documents list and add them to the Key Documents collection in SEMS-RM, with the assistance of records managers as needed.	Publish all key documents for a particular site to the Key Documents collection on the site's profile page even if the document already appears in another collection on the page (e.g., ROD, Five Year Review, AR).

13.E REPORTING AND DISCLOSURE

13.E.1 SEMS Records Reports

A variety of reports are available via the SEMS-Reporting Tool to assist HQ and the Regions in verifying, tracking, and monitoring their performance of meeting the records goals and objectives of the Superfund program. Examples are:

- PGMT-006: Actions with SEMS Doc Info is used by EPA to display activities and the SEMS-RM Doc IDs associated with them. The report can be run for a variety of parameters including activity date, activity, and/or program required and key ("SPP

required") documents. The Collections tab identifies SEMS collections to which associated documents have been assigned.

- PGMT-033: Actions with SEMS Doc Info shows all sites with planned, ongoing, overdue and/or completed actions, selectable by action type.
- RM-002: Collection Count Records Report displays various record information for Administrative Record Collections and Special Collections in HQ and all 10 Regions.

The regional SEMS Data Entry Control Plan (Chapter 4 - SEMS Data Management and Coding) should be used to reflect the reports being used.

13.E.2 Disclosure

SEMS-RM is a key EPA information asset used to meet the Superfund program's responsibilities for recordkeeping and transparency particularly in response to litigation, FOIA requests, and audits. It enables the proactive disclosure of SEMS records via web publishing (e.g., the Administrative Record) and proactive release of records and record-types that have a high expectation of being requested by the public, and provides multiple distribution methods such as the web, FTP, CD/DVD-ROM, and email. On the EPA website, the public can search for records related to cleanups in their community and other Superfund data such as information on common contaminants found at Superfund sites. Additional Superfund information is available to the public on EPA's Superfund Data and Reports and Superfund Sites Where You Live websites.

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Appendix A: Regional and Headquarters Contacts

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APPENDIX A: REGIONAL AND HEADQUARTERS CONTACTS

A.A HEADQUARTERS (HQ) SUBJECT MATTER EXPERTS/DATA SPONSORS

Subject Area	Name of Contact	Email
Budget Formulation System (BFS) & Remedial Superfund Performance Measures	Daniel Ginsburg (OSRTI) Claire Polacheck (OSRTI) Mary Bell (OSRE) Jem Zillmer (OEM) John Burchette (FFRRO)	ginsburg.daniel@epa.gov polacheck.claire@epa.gov bell.mary@epa.gov zillmer.jemalyn@epa.gov burchette.john@epa.gov
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Construction Completions	Chip Love	love.chip@epa.gov
Cost Recovery Statute of Limitations (SOL)	Mary Bell	bell.mary@epa.gov
Data Quality (Program)	Sheldon Selwyn (OSRTI) Mary Bell (OSRE)	selwyn.sheldon@epa.gov bell.mary@epa.gov
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*NOTE: Up-to-date lists of Regional Coordinators can be found on the OSRTI SharePoint site.