



Superfund Program Implementation Manual Fiscal Year 2004/2005

*Program Implementation Guidance for **OSRTI**, OSRE, FFRRO,
and FFEO (Headquarters and Regional Offices)*

Program Goals and Planning Requirements

Program Implementation Procedures





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

April 4, 2003

MEMORANDUM

SUBJECT: FY 2004/2005 Superfund Program Implementation Manual (SPIM)

FROM: Paul Nadeau, Director
Planning, Analysis and Resources Management, OERR

Monica Gardner, Chief
Program Evaluation & Coordination Branch, OSRE

TO: Address List (attached)

PURPOSE

The purpose of this document is to transmit the attached OSWER Directive OSWER 9200.3-14-1G-Q "Superfund Program Implementation Manual (SPIM), Fiscal Year 2004/2005".

BACKGROUND

The SPIM was last published in April 2001 for FY 2002 and 2003 with five subsequent changes. For FY 2004 and 2005, the SPIM was circulated for review on December 16, 2002; and comments were to be received by January 24, 2003.

DOCUMENT

For FY 2004 and 2005, the SPIM is in a loose leaf, three ring binder format. It, also, is available as a WORDPERFECT and PDF file and will be available on the web @ <http://www.epa.gov/superfund/action/process/spim04.htm> in approximately 5 - 10 workdays. For this SPIM, Appendix F, Oil Pollution Prevention and Response Program, has been removed since the Oil program is under a separate appropriation. In addition, the majority of the SPIM text for the Brownfields program has been removed since that program is under its own appropriation for FY 04. Appendix G, "Government Performance and Results Act (GPRA)", will be sent out under separate cover upon finalization of the Agency's strategic plan for FY 03 - 08.

IMPACT ON CERCLIS/WASTELAN

Please see attached Impact Analysis.

ACTION

Please distribute this document to your Superfund and Federal Facilities managers and responsible staff. If you have any specific program questions, please contact the Subject Matter Expert identified at the end of each chapter or appendix of the SPIM. For general questions about the SPIM, please contact Robert White (703-603-8873).

Attachments



DISTRIBUTION LIST

Addressees

TO: Superfund Branch Chiefs (Regions I - X)
Regional Counsel Branch Chiefs (Regions I - X)

CC: Superfund National Policy Managers (Regions I - X)
Office of Regional Counsel (Regions I - X)
Information Management Coordinators (Regions I - X)
Budget Coordinators (Regions I - X)
Financial Management Coordinators (Regions I - X)
Michael B. Cook
Susan Bromm
Tom Kelly
Elliott Gilberg
Elaine Davies
Betsy Southerland
OERR Directors and Senior Process Managers
Regional Oil Removal Managers
Linda Garczynski (5101)
Juanita Standifer (5101)
Paul Connor
Sandra Connors
Neilima Senjalia
David Hindin (2222A)
James Woolford (5106G)
Dana Stalcup
Susan Janowiak (5103)
Lance Elson (2261A)
Randy Hippen
Marie Bell (5106G)
Willie Griffin
Sharon Blandford
Kenneth Lovelace
Ken Skahn
Terry Jeng
Richard Jeng (5103)
Tracy Hopkins
Mark Savedoff
Dela Ng
Scott Blair
Dan Dickson
Filomena Chau
Cate Tierney
Anne Berube
Kevin Brittingham (2733R)
Vince Velez

Charles Young
Nancy Riveland
Patricia Gowland
Hans Waetjen
Ben Hamm (5101)
Joshua Barber
Kathryn Frasso



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460
September 24, 2003

MEMORANDUM

SUBJECT: Change 1, FY 2004/2005 Superfund Program Implementation Manual (SPIM) &
Change 6, FY 2002/2003 Superfund/Oil Program Implementation Manual (SPIM)

FROM: Paul Nadeau, Director //Signed//
Planning, Analysis and Resources Management, OSRTI

Monica Gardner, Chief //Signed//
Program Evaluation & Coordination Branch, OSRE

Renee Wynn, Associate Director //Signed//
Federal Facilities Restoration and Reuse Office, OSWER

Charlotte Englert, Team Leader //Signed//
Resource Management and Administration, OEPPR
(Signatures on file at OSWER/OSRTI/PARM/5203G)

TO: Address List (attached)

This document transmits Change 1 to OSWER Directive 9200.3-14-1G-Q, "Superfund Program Implementation Manual (SPIM), Fiscal Year 2004/2005"; and Change 6 to OSWER Directive 9200.3-14-1G-P, "Superfund/Oil Program Implementation Manual (SPIM), Fiscal Year 2002/2003".

DOCUMENT

The FY 04/05 SPIM was published in April 2003. The proposed Change 1 was circulated for review on August 8, 2003; and comments were to be received by September 2, 2003. Please refer to the attached FY 04/05 SPIM Change 1 Log for a summary of the final changes.

Since publishing the FY 04/05 SPIM, a number of organization changes in the Office of Solid Waste and Remedial Response (OSWER) have occurred: 1) the Oil and Removal programs have moved to the Office of Emergency Prevention, Preparedness & Response (OEPPR); and 2) OERR has become the Office of Superfund Remediation and Technology Innovation (OSRTI). Terminology for these changes are not reflected in Change 1 but will be reflected in a later SPIM change.

The change to delete text for Fund-financed Coast Guard removals in the Removal Start and Completion definitions in Appendix B also applies to the FY 02/03 SPIM as Change 6. This change was circulated for review with the proposed Change 1 to the FY 04/05 SPIM. Please refer to the FY 02/03 SPIM Change 6 Log for a summary of the final changes.

IMPACT ON CERCLIS/WASTELAN

Please see attached Impact Analysis.

ACTION

The SPIM is in a loose leaf, three ring binder format. Please remove the old materials from your FY 02/03 and FY 04/05 SPIMs and insert the enclosed new materials. Changed or added text is redlined to assist you in identifying the changes. Addressees, also, will be sent revised WordPerfect (WP) files. If you have specific program questions, please contact the Subject Matter Expert identified on the change log or the last page of each section of the SPIM. Please contact Robert White (703-603-8873) for general SPIM questions. The FY04/05 SPIM can be found @ <http://www.epa.gov/superfund/action/process/spim04.htm> and the FY02/03 SPIM @ <http://www.epa.gov/superfund/action/process/spim.htm> . These documents will contain the updates for the FY 02/03 Change 6 and FY 04/05 Change 1 in approximately 5 - 10 workdays.

Attachments



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON D.C. 20460
March 3, 2004

MEMORANDUM

SUBJECT: Change 2, FY 2004/2005 Superfund Program Implementation Manual (SPIM)

FROM: Jeff Lape, Director //SIGNED//
Resources Management Division, OSRTI

Monica Gardner, Chief //SIGNED//
Program Evaluation & Coordination Branch, OSRE

Renee Wynn, Associate Director //SIGNED//
Federal Facilities Restoration and Reuse Office, OSWER

Charlotte Englert, Team Leader //SIGNED//
Resource Management and Administration, OEPPR
//SIGNATURES ON FILE//

TO: Address List (attached)

This document transmits Change 2 to OSWER Directive 9200.3-14-1G-Q, "Superfund Program Implementation Manual (SPIM), Fiscal Year 2004/2005".

DOCUMENT

The FY 04/05 SPIM was published in April 2003. Change 1 was approved on September 24, 2003. Change 2 was circulated for review on December 4, 2003 and comments were received by January 16, 2004. Please refer to the attached FY 04/05 SPIM Change 2 Log for a summary of the final changes.

This finalizes the text changes to the SPIM resulting from the re-organization of the Office of Emergency and Remedial Response (OERR) and the Technology Innovation Office (TIO) into the Office of Superfund Remediation & Technology Innovation (OSRTI).

IMPACT ON CERCLIS/WASTELAN

Please see attached Impact Analysis.

ACTION

The SPIM is in a loose leaf, three ring binder format. Please remove the old materials from your FY 02/03 and FY 04/05 SPIMs and insert the enclosed new materials. Changed or added text is redlined to assist you in identifying the changes. Addressees, also, will be sent revised WordPerfect (WP) files. If you have specific program questions, please contact the Subject Matter Expert identified on the change log or the last page of each section of the SPIM. Please contact Robert White (703-603-8873) for general SPIM questions. The FY04/05 SPIM can be found @ <http://www.epa.gov/superfund/action/process/spim04.htm> and will contain the updates for the Change 2, FY04/05 SPIM in approximately 5 - 10 workdays.

Attachments



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON D.C. 20460
June 14, 2004

MEMORANDUM

SUBJECT: Change 3, FY 2004/2005 Superfund Program Implementation Manual (SPIM)

FROM: Paige Peck, Director (Acting)
Resources Management Division, OSRTI
// Signature on file OSRTI //
John Michaud, Associate Director (Acting)
Federal Facilities Restoration and Reuse Office, OSWER
// Signature on file OSRTI //
Monica Gardner, Chief
Program Evaluation & Coordination Branch, OSRE
// Signature on file OSRTI //
Charlotte Englert, Team Leader
Resource Management and Administration, OEPPR
// Signature on file OSRTI //

TO: Address List (attached)

This document transmits Change 3 to OSWER Directive 9200.3-14-1G-Q, "Superfund Program Implementation Manual (SPIM), Fiscal Year 2004/2005".

DOCUMENT

The FY 04/05 SPIM was published in April 2003. Change 1 was approved on September 24, 2003. Change 2 was circulated for review on December 4, 2003 and issued on March 3, 2004. Change 3 was circulated for review on May 10, 2004, and comments were received by June 4, 2004. Please refer to the attached FY 04/05 SPIM Change 3 Log for a summary of the final changes. The log identifies changes to the SPIM driven by OSWER's response to OIG audit report number 2002-P-00016.

IMPACT ON CERCLIS/WASTELAN

Please see attached Impact Analysis.

ACTION

The SPIM is in a loose leaf, three ring binder format. Please remove the old materials from your FY04/05 SPIMs and insert the enclosed new materials. Changed or added text is redlined to assist you in identifying the changes. Addressees, also, will be sent revised WordPerfect (WP) files. If you have specific program questions, please contact the Subject Matter Expert identified on the change log or the last page of each section of the SPIM. Please contact Robert White (703-603-8873) for general SPIM questions. The FY04/05 SPIM can be found @ <http://www.epa.gov/superfund/action/process/spim04.htm> and will contain the updates for Change 3 in approximately 5 - 10 workdays.

Attachments



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460
September 24, 2004

MEMORANDUM

SUBJECT: Change 4, FY 2004/2005 Superfund Program Implementation Manual (SPIM)

FROM: Paige Peck, Director (Acting)
Resources Management Division, OSRTI
// Signature on file OSRTI //
John Michaud, Associate Director (Acting)
Federal Facilities Restoration and Reuse Office, OSWER
// Signature on file OSRTI //
Monica Gardner, Chief
Program Evaluation & Coordination Branch, OSRE
// Signature on file OSRTI //
Charlotte Englert, Acting Director
Business Operation Center, OEM
// Signature on file OSRTI //

TO: Address List (attached)

This document transmits Change 4 to OSWER Directive 9200.3-14-1G-Q, "Superfund Program Implementation Manual (SPIM), Fiscal Year 2004/2005".

DOCUMENT

The FY 04/05 SPIM was published in April 2003. Change 1 was approved on September 24, 2003. Change 2 was circulated for review on December 4, 2003 and approved on March 3, 2004. Change 3 was circulated for review on May 10, 2004, and approved on June 4, 2004. Change 4 was proposed and circulated for review on August 11, 2004; comments received on September 8, 2004. Please refer to the attached FY 04/05 SPIM Change 4 Log for a summary of the final changes. The log identifies changes to the SPIM driven by OSWER's response to OIG audit report number 2002-P-00016.

IMPACT ON CERCLIS/WASTELAN

Please see attached Impact Analysis.

ACTION

The SPIM is in a loose leaf, three ring binder format. Please remove the old materials from your FY04/05 SPIMs and insert the enclosed new materials. Changed or added text is redlined to assist you in identifying the changes. Addressees, also, will be sent revised WordPerfect (WP) files. If you have specific program questions, please contact the Subject Matter Expert identified on the change log or the last page of each section of the SPIM. Please contact Robert White (703-603-8873) for general SPIM questions. The FY04/05 SPIM can be found @ <http://www.epa.gov/superfund/action/process/spim04.htm> and will contain the updates for Change 4 in approximately 5 - 10 workdays.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460
January 11, 2005

MEMORANDUM

SUBJECT: Final **Change 5**, FY 2004/2005 Superfund Program Implementation Manual (SPIM)

FROM: Paige E. Peck, Director (Acting) ///SIGNED///
Resources Management Division , OSRTI

Renee Wynn, Deputy Director ///SIGNED///
Federal Facilities Restoration and Reuse Office, OSWER

Monica Gardner, Chief ///SIGNED///
Program Evaluation & Coordination Branch, OSRE

Kim Jennings, Acting Director ///SIGNED///
Business Operation Center, OEM
///SIGNATURES ON FILE @ OSRTI/BPEB///

TO: Address List (attached)

This document transmits the attached Change 5 to OSWER Directive 9200.3-14-1G-Q, "Superfund Program Implementation Manual (SPIM), Fiscal Year 2004/2005".

DOCUMENT

The FY 04/05 SPIM was published in April 2003. Change 1 was issued on September 24, 2003; Change 2, on March 3, 2004; Change 3, on June 14, 2004; and Change 4, on September 24, 2004. Proposed Change 5 was circulated for review on November 19, 2004; and comments were due on December 10, 2004. The attached Change Log provides a list of changes. This change introduces *Data Quality Objectives* as a supplement to this Manual. This supplement is meant to complement the SPIM with additional data quality information for CERCLIS users and does not supercede the SPIM. SPIM language will prevail if there are inconsistencies.

IMPACT ON CERCLIS/WASTELAN

Please see attached Impact Analysis.

ACTION

The SPIM is in a loose leaf, three ring binder format. Please remove the old materials from your FY04/05 SPIMs and insert the enclosed new materials. Changed or added text is redlined to assist you in identifying the changes. Addressees, also, will be sent revised WordPerfect (WP) files. If you have specific program questions, please contact the Subject Matter Expert identified on the change log or the last page of each section of the SPIM. Please contact Robert White (703-603-8873) for general SPIM questions. The FY04/05 SPIM can be found @ <http://www.epa.gov/superfund/action/process/spim04.htm> and will contain the updates for Change 5 in approximately 5 - 10 workdays.

Attachments



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460
April 1, 2005

MEMORANDUM

SUBJECT: Final FY 2006/2007 Superfund Program Implementation Manual (SPIM); & Change 6, FY 2004/2005 SPIM

FROM: Joan Harrigan-Farrelly, Director (Acting) //SIGNED//
Resources Management Division , OSRTI

Renee Wynn, Deputy Director //SIGNED//
Federal Facilities Restoration and Reuse Office, OSWER

Monica Gardner, Chief //SIGNED//
Program Evaluation & Coordination Branch, OSRE

Kim Jennings, Acting Director //SIGNED//
Business Operation Center, OEM
//SIGNATURES ON FILE @ OSRTI/BPEB//

TO: Address List (attached)

This document transmits the attached OSWER Directive 9200.3-14-1G-R, "Superfund Program Implementation Manual (SPIM)," Fiscal Year (FY) 2006/2007; and Change 6 to OSWER Directive 9200.3-14-1G-Q, "SPIM, FY 2004/2005".

DOCUMENT

The FY06/07 SPIM was circulated for review on December 13, 2004; and comments were to be received by January 21, 2005. The FY04/05 SPIM was last published in April 2003, with five subsequent changes, listed in the FY04/05 SPIM change log. The attached sixth change updates Chapter III, *Budget Planning Process & Financial Management*, for a recent reorganization at the Office of the Chief Financial Office (OCFO), and adds text for the new *People Plus* payroll system.

IMPACT ON CERCLIS/WASTELAN

Please see attached Impact Analysis.

ACTION

The SPIM is in a loose leaf, three ring binder format. Please remove the old materials from your FY04/05 SPIM and insert the enclosed new materials. Changed or added text is redlined to assist you in identifying the changes. Addressees, also, will be sent new *Adobe* (pdf) files. If you have specific program questions, please contact the Subject Matter Expert identified on the change log or the last page of each section of the SPIM. Please contact Robert White (703-603-8873) for general SPIM questions. The FY04/05 SPIM can be found @ <http://www.epa.gov/superfund/action/process/spim04.htm> and the FY06/07 SPIM @ <http://www.epa.gov/superfund/action/process/spim06/>. The new materials will be installed in approximately 5 - 10 workdays.

Attachments



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460
September 12, 2005

MEMORANDUM

SUBJECT: Change 1, FY 2006/2007 Superfund Program Implementation Manual (SPIM); & Change 7, FY 2004/2005 SPIM

FROM: Joan Harrigan-Farrelly, Director //SIGNED//
Resources Management Division , OSRTI

Renee Wynn, Deputy Director //SIGNED//
Federal Facilities Restoration and Reuse Office, OSWER

Monica Gardner, Chief //SIGNED//
Program Evaluation & Coordination Branch, OSRE

Dana Stalcup, Director //SIGNED//
Business Operation Center, OEM
//SIGNATURES ON FILE @ OSRTI/BPEB//

TO: Address List (attached)

This document transmits the attached Change 1 to OSWER Directive 9200.3-14-1G-R, "Superfund Program Implementation Manual (SPIM)," Fiscal Year (FY) 2006/2007; and Change 7 to OSWER Directive 9200.3-14-1G-Q, "SPIM, FY 2004/2005".

DOCUMENT

The FY06/07 SPIM was published in April 2005. The FY04/05 SPIM was published in April 2003, with six subsequent changes listed in the FY04/05 SPIM change log. Proposed Changes 1 and 7 were circulated for review on June 28, 2005 and comments were returned on July 27, 2005. The attached changes update the Data Quality Objectives timeliness requirements and updates text as noted in the change logs.

IMPACT ON CERCLIS/WASTELAN

Please see attached Impact Analysis.

ACTION

The SPIM is in a loose leaf, three ring binder format. Please remove the old materials from your FY04/05 & FY06/07 SPIMs and insert the enclosed new materials. Changed or added text is **redlined** to assist you in identifying the changes. Addressees, also, will be sent new *Adobe* (pdf) files. If you have specific program questions, please contact the Subject Matter Expert identified on the change log or the last page of each section of the SPIM. Please contact Robert White (703-603-8873) for general SPIM questions. The FY04/05 SPIM can be found @ <http://www.epa.gov/superfund/action/process/spim04.htm> and the FY06/07 SPIM @ <http://www.epa.gov/superfund/action/process/spim06/>. The new materials will be installed on the internet in approximately 5 - 10 workdays.

Attachments



DISTRIBUTION LIST

Addressees

TO: Superfund Branch Chiefs (Regions I - X)
Regional Counsel Branch Chiefs (Regions I - X)

CC: Superfund National Policy Managers (Regions I - X) Vincent Velez
Regional Counsels (Regions I - X) Charles Young
Information Management Coordinators (Regions I - X)
Budget Coordinators (Regions I - X)
Financial Management Coordinators (Regions I - X)
Michael B. Cook
Elaine Davies
Betsy Southerland
Susan Bromm
Elliott Gilberg
OSRTI Directors and Senior Process Managers
Charlotte Englert
Paul Connor
Sandra Connors
Neilima Senjalia
David Hindin (2222A)
James Woolford (5106G)
Dana Stalcup
Susan Janowiak (5103)
Terry Eby
Mark Mjonness
Lance Elson (2261A)
Randy Hippen
Marie Bell (5106G)
Willie Griffin
Sharon Blandford
Kenneth Lovelace
Ken Skahn
Terry Jeng
Richard Jeng
Tracy Hopkins
Mark Savedoff
Karin Koslow
Dela Ng
Dan Dickson
Cate Tierney
Deniz Ergener
Greg Madden
Kevin Brittingham (2733R)
Nancy Riveland
Patricia Gowland
Hans Waetjen
Joshua Barber
Steven Blankenship
Kathryn Frasso
Deborah Dietrich
Kerron Weston
Melinda Dickens



DISTRIBUTION LIST

Addressees

TO: Superfund Branch Chiefs (Regions I - X)
Regional Counsel Branch Chiefs (Regions I - X)

CC: Superfund National Policy Managers (Regions I - X)
Regional Counsels (Regions I - X)
Information Management Coordinators (Regions I - X)
Budget Coordinators (Regions I - X)
Financial Management Coordinators (Regions I - X)
Michael B. Cook
Betsy Southerland
Susan Bromm
Elliott Gilberg
OSRTI Division Directors and Branch Chiefs
Charlotte Englert
Paul Connor
Kathleen Johnson
Neilima Senjalia
David Hindin (2222A)
James Woolford (5106G)
Dana Stalcup
Susan Janowiak (5103)
Terry Eby
Mark Mjonness
Lance Elson (2261A)
Randy Hippen
Marie Bell (5106G)
Willie Griffin
Sharon Blandford
Kenneth Lovelace
Ken Skahn
Terry Jeng
Richard Jeng
Tracy Hopkins
Mark Savedoff
Karin Koslow
Dela Ng
Dan Dickson
Pat Kennedy
Kevin Brittingham (2733R)
Nancy Riveland
Patricia Gowland
Hans Waetjen
Joshua Barber
Steven Blankenship
Kathryn Frasso
Deborah Dietrich
Kerron Weston
Melinda Dickens
Tom DeHoff
Charles Young



DISTRIBUTION LIST

Addressees

TO: Superfund Branch Chiefs (Regions I - X)
Regional Counsel Branch Chiefs (Regions I - X)

CC: Superfund National Policy Managers (Regions I - X) Steven Wilson
Regional Counsels (Regions I - X) Eric Steinhaus
Information Management Coordinators (Regions I - X)
Budget Coordinators (Regions I - X)
Financial Management Coordinators (Regions I - X)
Michael B. Cook
Betsy Southerland
Susan Bromm
Elliott Gilberg
OSRTI Division Directors and Branch Chiefs
Charlotte Englert
Paul Connor
Kathleen Johnson
Neilima Senjalia
David Hindin (2222A)
James Woolford (5106G)
Dana Stalcup
Susan Janowiak (5103)
Terry Eby
Mark Mjonness
Lance Elson (2261A)
Randy Hippen
Marie Bell (5106G)
Willie Griffin
Sharon Blandford
Kenneth Lovelace
Ken Skahn
Terry Jeng
Richard Jeng
Tracy Hopkins
Mark Savedoff
Karin Koslow
Dan Dickson
Pat Kennedy
Kevin Brittingham (2733R)
Nancy Riveland
Randy Hippen
Patricia Gowland
Joshua Barber
Steven Blankenship
Kathryn Frasso
Deborah Dietrich
Kerron Weston
Melinda Dickens
Tom DeHoff
Charles Young
Monica Gardner
Bernard Schorle



DISTRIBUTION LIST

Addressees

TO: Superfund Branch Chiefs (Regions I - X)
Regional Counsel Branch Chiefs (Regions I - X)

CC: Superfund National Policy Managers (Regions I - X)
Regional Counsels (Regions I - X)
Information Management Coordinators (Regions I - X)
Budget Coordinators (Regions I - X)
Financial Management Coordinators (Regions I - X)
Michael B. Cook
Betsy Southerland
Susan Bromm
Elliott Gilberg
OSRTI Division Directors and Branch Chiefs
Charlotte Englert
Paul Connor
Neilima Senjalia
David Hindin (2222A)
James Woolford (5106G)
Dana Stalcup
Susan Janowiak (5103)
Terry Eby
Mark Mjonness
Lance Elson (2261A)
Randy Hippen
Marie Bell (5106G)
Willie Griffin
Sharon Blandford
Kenneth Lovelace
Ken Skahn
Terry Jeng
Richard Jeng
Tracy Hopkins
Mark Savedoff
Karin Koslow
Dan Dickson
Pat Kennedy
Kevin Brittingham (2733R)
Nancy Riveland
Randy Hippen
Patricia Gowland
Joshua Barber
Steven Blankenship
Kathryn Frasso
Deborah Dietrich
Kerron Weston
Melinda Dickens
Tom DeHoff
Charles Young
Monica Gardner

Steven Wilson
Eric Steinhaus
Lantha Gilmore
Barbara Edmonson
Bernard Schorle



DISTRIBUTION LIST

Addressees

TO: Superfund Branch Chiefs (Regions I - X)
Regional Counsel Branch Chiefs (Regions I - X)

CC: Superfund National Policy Managers (Regions I - X)
Regional Counsels (Regions I - X)
Information Management Coordinators (Regions I - X)
Budget Coordinators (Regions I - X)
Financial Management Coordinators (Regions I - X)
Michael B. Cook
Kathy Jones
Elizabeth Southerland
Susan Bromm
Elliott Gilberg
OSRTI Division Directors and Branch Chiefs
Laura Milton
Charlotte Englert
Paul Connor
Neilima Senjalia
David Hindin (2222A)
James Woolford (5106G)
Dana Stalcup
Susan Janowiak (5103)
Terry Eby
Mark Mjonness
Lance Elson (2261A)
Randy Hippen
Marie Bell (5106G)
Eric Steinhaus
Willie Griffin
Sharon Blandford
Kenneth Lovelace
Ken Skahn
Terry Jeng
Richard Jeng
Tracy Hopkins
Mark Savedoff
Karin Koslow
Dan Dickson
Pat Kennedy
Kevin Brittingham (2733R)
Randy Hippen
Patricia Gowland
Joshua Barber
Steven Blankenship
Deborah Dietrich
Kerron Weston
Melinda Dickens
Tom DeHoff
Sue Priftis
Charles Young
Monica Gardner

Eric Steinhaus
Lantha Gilmore
Barbara Edmondson
Bernard Schorle
Catherine Allen
Kim Jennings
Phyllis Anderson



DISTRIBUTION LIST

Addressees

TO: Superfund Branch Chiefs (Regions I - X)
Regional Counsel Branch Chiefs (Regions I - X)

CC: Superfund National Policy Managers (Regions I - X)
Regional Counsels (Regions I - X)
Information Management Coordinators (Regions I - X)
Budget Coordinators (Regions I - X)
Financial Management Coordinators (Regions I - X)
Michael B. Cook
Kathy Jones
Elizabeth Southerland
Susan Bromm
Elliott Gilberg
OSRTI Division Directors and Branch Chiefs
Laura Milton
Charlotte Englert
Paul Connor
Neilima Senjalia
David Hindin (2222A)
James Woolford (5106G)
Dana Stalcup
Susan Janowiak (5103)
Terry Eby
Mark Mjonness
Lance Elson (2261A)
Randy Hippen
Marie Bell (5106G)
Eric Steinhaus
Willie Griffin
Sharon Blandford
Kenneth Lovelace
Ken Skahn
Terry Jeng
Richard Jeng
Tracy Hopkins
Mark Savedoff
Karin Koslow
Dan Dickson
Pat Kennedy
Kevin Brittingham (2733R)
Randy Hippen
Patricia Gowland
Joshua Barber
Steven Blankenship
Deborah Dietrich
Kerron Weston
Melinda Dickens
Tom DeHoff
Sue Priftis
Charles Young
Monica Gardner

Eric Steinhaus
Lantha Gilmore
Barbara Edmondson
Bernard Schorle
Catherine Allen
Kim Jennings
Phyllis Anderson



DISTRIBUTION LIST

Addressees

TO: Superfund Branch Chiefs (Regions I - X)
Regional Counsel Branch Chiefs (Regions I - X)

CC: Superfund National Policy Managers (Regions I - X)
Regional Counsels (Regions I - X)
Information Management Coordinators (Regions I - X)
Budget Coordinators (Regions I - X)
Financial Management Coordinators (Regions I - X)
Michael B. Cook
Kathy Jones
Elizabeth Southerland
Susan Bromm
Elliott Gilberg
OSRTI Division Directors and Branch Chiefs
Laura Milton
Charlotte Englert
Paul Connor
Neilima Senjalia
David Hindin (2222A)
James Woolford (5106G)
Dana Stalcup
Susan Janowiak (5103)
Terry Eby
Mark Mjonness
Lance Elson (2261A)
Randy Hippen
Marie Bell (5106G)
Eric Steinhaus
Willie Griffin
Sharon Blandford
Kenneth Lovelace
Ken Skahn
Terry Jeng
Richard Jeng
Tracy Hopkins
Mark Savedoff
Karin Koslow
Pat Kennedy
Kevin Brittingham (2733R)
Randy Hippen
Patricia Gowland
Joshua Barber
Steven Blankenship
Deborah Dietrich
Kerron Weston
Melinda Dickens
Tom DeHoff
Sue Priftis
Charles Young
Monica Gardner

Eric Steinhaus
Lantha Gilmore
Barbara Edmondson
Bernard Schorle
Catherine Allen
Kim Jennings
Phyllis Anderson
Lori Lee
Bill Finan
Armando Santiago
Mary Bell

Impact Analysis
Change 1, FY 04/05 SPIM
22 SEP 03

The following are potential impacts resulting from the Change 1, FY 04/05 SPIM that may affect WasteLAN. The impacts identified are based on a limited review of the data. Additional impacts may be identified once the requirements analysis is complete.

Manager's Schedule

No impacts anticipated.

Chapter II

No impacts anticipated.

Chapter III

As a result of changes made to the *Who Pays For What Chart*, there may be an impact on the SCAP-04 report and the financial management screens to allow regions to plan TAGs, FF Oversight, Community Involvement and Five-year Review non-site specifically.

Appendix A

No impacts anticipated. Changes have already been made to add ERS Exclusion and NFFA decisions.

Appendix B

A new action 'Ready for reuse determination' will need to be added to WasteLAN. In addition, the SCAP Information screens along with the Site Status and Description/Operable Units screen will need to be updated to include new data fields for tracking acreage and sites with land ready for reuse data.

SCAP-14 and SCAP-15 may need to be updated to reflect change in responsibility of removal measures. SCAP-15 will need to be updated to include the new GPRM measures for reuse and final remedy selected.

Appendix C

Add two new qualifiers of 'Windfall Lien' and 'Reasonable Steps' to be made available for the Comfort Status Letters action.

Two new actions "107(r) Windfall Lien" and "Windfall Lien Assessment" with a SubAction of "All Necessary Information Received by EPA" and Action Qualifiers will need to be added to WasteLAN. A new Enforcement Instrument Categories Selected of "Windfall Lien Resolution Agreement" will need to be added under the action of "Consent Agreement."

Enforcement reports will be updated to reflect new measures of 'Windfall Lien Filed' and 'Windfall Lien Resolution - Assessed and Finalized' and addition of the type of Comfort Status Letters action. The ENFR-03 will need to be updated to give credit on the date of the PRP's written notice of intent to comply for all Unilateral Administrative Orders for response work.

Appendix D

No Impact anticipated.

Appendix E

No impact anticipated.

Appendix H

No impact anticipated.

Appendix M

Action lead codes of 'CG' and 'SG' will be deleted as available action leads for removal actions. In addition, the SCAP-14 and SCAP-15 reports will be modified to reflect the lead code changes and to reflect the changes in responsibilities (i.e., non-time critical removals to be tracked by OSRTI).

Impact Analysis
Change 2, FY 04/05 SPIM
24 FEBRUARY 04

The following are potential impacts resulting from the Change 2, FY 04/05 SPIM that may affect WasteLAN. The impacts identified are based on a limited review of the data. Additional impacts may be identified once the requirements analysis is complete.

Manager's Schedule

No impacts anticipated.

Chapter 1

No impacts anticipated.

Chapter 2

As a result of changes made to the *Target and Definition Change Requests*, sites cannot be substituted for five-year review targets, and the Five-Year Reviews must be completed by the actual completion date for each site. The *Additional Site Selection* screen may need to be modified to exclude Five Year Reviews.

Chapter 3

The action lead table may need to be updated to take out the MR lead as an available lead for the Five-Year Reviews. The SCAP-04 report may need to be updated based on changes to the 'Who Pays for What' table. WasteLAN has been updated to accommodate the new program results codes.

Appendix A

No impacts anticipated.

Appendix B

As a result of changes made to the *Decision Documents Developed* section, the required data screens for the *Cost Summary* screen will need to be modified to reflect changes. SCAP-14 logic may need to be modified to accommodate this change.

Change the subaction name of *RA On-Site Construction SubAction* to *RA On-Site Construction Start*. The Five Year Review planned completion date has been changed to five years after the *RA On-Site Construction Start SubAction* planned completion date instead of after the start date.

The action lead table may need to be updated to take out the MR lead as an available lead for Five-Year Reviews.

Appendix C

No impacts anticipated.

Appendix D

Change the subaction name of *RA On-Site Construction SubAction* to *RA On-Site Construction Start*.

Appendix E

No impacts anticipated.

Appendix G

SCAP-15 has been modified to accommodate new GPRA strategic goals.

Appendix H

No impacts anticipated.

Appendix J

No impacts anticipated.

Impact Analysis
Change 3, FY 04/05 SPIM
12 JULY 04

The following are potential impacts resulting from the Change 3, FY 04/05 SPIM that may affect WasteLAN. The impacts identified are based on a limited review of the data. Additional impacts may be identified once the requirements analysis is complete.

Manager's Schedule

No impacts anticipated.

Chapter 2

A database revision is needed to update the workplanning targets for FY 05.

Appendix A

SCAP-15 has been modified to accommodate new GPRA strategic goals.

Appendix B

Database and application changes are needed to update lead codes for O&F, FCOR and PCOR. The data rules for entering information for Land Ready for Reuse have changed and will require application changes.

Appendix E

No impacts anticipated.

Impact Analysis
Change 4, FY 04/05 SPIM
20 SEPTEMBER 04

The following are potential impacts resulting from the Change 4, FY 04/05 SPIM that may affect WasteLAN. The impacts identified are based on a limited review of the data. Additional impacts may be identified once the requirements analysis is complete.

Managers' Schedule

No impact

Chapter 2

No impact

Chapter 3

The new 'Action Codes for Financial Transactions' table in Chapter 3 will have a substantive impact on SCAP reports and Budget AOA screens, and could possibly impact reference tables and application behavior. A thorough review of the 'Action Codes for Financial Transactions' table is needed to fully understand all of the impacts to WasteLAN.

Appendix A

No impact

Appendix B

No impact

Appendix C

No impact

Impact Analysis
Change 5, FY 04/05 SPIM
10 January 05

The following are potential impacts resulting from the Change 5, FY 04/05 SPIM that may affect WasteLAN. The impacts identified are based on a limited review of the data. Additional impacts may be identified once the requirements analysis is complete.

Chapter 3

New Program Results Codes were added for BRAC. The Program Results Code for Federal Facilities Enforcement was changed.

Appendix A

No impact

Appendix B

Added new Five Year Review Report Due subaction.

Significant changes have been made to Environmental Indicators including new measures. The outdated Environmental Indicators module was replaced with the current Environmental Indicator data entry screens. The Add/Edit EI and Exposures/Releases Controlled worksheets can now be accessed in one location by selecting Program Management.

Appendix D

No impact

Impact Analysis
Change 6, FY 04/05 SPIM
1 April 05

The following are potential impacts resulting from the Change 6, FY 04/05 SPIM that may affect WasteLAN. The impacts identified are based on a limited review of the data. Additional impacts may be identified once the requirements analysis is complete.

Chapter 3
No impact

Impact Analysis
Change 7, FY 04/05 SPIM
12 September 05

The following are potential impacts resulting from the Change 7, FY 04/05 SPIM that may affect WasteLAN. The impacts identified are based on a limited review of the data. Additional impacts may be identified once the requirements analysis is complete.

Chapter 2

No impact

Chapter 3

New appropriation codes were added for Superfund Homeland Security and Superfund Carryover – Deobs. These codes should be made available in WasteLAN.

Appendix A

New measure “Referred from RCRA” should be added to WasteLAN to correspond with the new measure added to the SPIM.

Appendix B

No impact

Appendix C

No impact

Appendix E

No impact

Superfund Program Implementation Manual FY 04/05

Managers' Schedule of Significant Events

**This Page Left
Intentionally Blank**

MANAGERS' SCHEDULE OF SIGNIFICANT EVENTS

CERCLIS/WasteLAN is the official repository for Superfund data. Data are expected to be kept complete, current, and consistent in order to be readily available for routine, unexpected, and immediate needs.

FY 04

OCTOBER 2003 QUARTER 1 (FY 04)

- | | |
|----------------|---|
| 2 ¹ | The AAs and OC approve the first and second quarter AOA |
| 7 | HQ pulls national environment indicators (EI) data from WasteLAN |
| 7 | HQ pulls 4th quarter FY 03 accomplishment data from WasteLAN and provides for:
1) Special program reports and
2) Initial FY 03 end-of-year Program Assessment |
| 7 | HQ pulls 4th quarter FY 03 accomplishment data from WasteLAN for review of end of year accomplishments and inclusion in Annual Performance Report. |
| 7 | HQ pulls WasteLAN data to assist in preparation for FY 04 work planning. |
| Mid | HQ/Regions begin work planning sessions on the final FY04 GPR Annual Performance Goals and Program Targets/Measures and budget. |

NOVEMBER 2003

- | | |
|------|--|
| TBD | SF National Policy Managers Meeting |
| TBD | AA/RA Priorities Meeting for FY 05 |
| 4-6 | Superfund Focus Forum (SFF) - San Antonio, TX |
| 15 | Regions submit draft deobligation plans to OERR and OSRE |
| Late | OMB passback of FY 05 budget request |

DECEMBER 2003

- | | |
|------------------------------|--|
| Late
Nov/
Early
Dec | HQ appeal of the OMB FY 05 budget passback |
|------------------------------|--|

¹Dependent on approval of final appropriations.

JANUARY 2004 QUARTER 2 (FY 04)

- 8 SCAP Pull for First Quarter FY 04 accomplishments - 5th working day of the month
- Mid Headquarters sends memorandum to regions on final budgets, GPRA annual performance goals, and program targets/measures.
- Mid Regions revise WasteLAN to reflect final negotiated budget and GPRA performance goals and targets/measures.

FEBRUARY 2004

- Early HQ submits FY 05 Annual Performance Plan (budget request) to the President

- 20 HQ distributes FY 03 EI analysis to HQ/Regional managers

MARCH 2004

- 5 HQ pulls data from WasteLAN for 3rd quarter AOA for FY 04
- 22 HQ submits 3rd quarter AOA request to the AA/SWER and places it in WasteLAN
- 29 Regions input AOA into IFMS
- TBD Headquarters publishes Annual Performance Report for FY 03

APRIL 2004 QUARTER 3 (FY 04)

- 5 The AAs and OC approve the 3rd quarter AOA
- 7 HQ pulls accomplishment data from WasteLAN and provides for:
 - 1) Special program reports; and
 - 2) Mid-Year Work Planning evaluation
- 7 HQ pulls national environmental indicators (EI) data from CERCLIS
- 16 NPMs issue **National Program Guidance** for FY 05-06

MAY 2004

- 7 HQ analysis of Regional pipeline (upcoming year and one year out) and historical performance trends
- 14 HQ program offices characterize and submit their FY 05 program initiatives to the Regional Administrator.

MAY 2004 (cont'd)

- 28 HQ program offices meet with the Administrator to review FY 05 program goals
- 28 HQ sends memorandum to Regions on proposed budgets and GPRA annual performance goals and program targets/measures
- Late Annual Goal Team Meetings with Deputy Administrator on FY 04 progress and FY 06 priorities
- Late Superfund Focus Forum (technical)

JUNE 2004

- 3-25 Regions generate their plans for FY 05 and FY 06 by ensuring updated schedules and financial information in WasteLAN
- 7 HQ pulls financial data for analysis of Regional obligation/commitment rates
- 7 HQ presents FY 05 Superfund goals and priorities and FY 06 investments to the Administrator and Regional Administrators
- 11 Administrator and OC provide HQ program offices and Regions with policy for FY 06 budget formulation
- 21 HQ submits 4th quarter AOA request to the AAs and places it in WasteLAN
- 28 Regions input AOA to IFMS

JULY 2004 QUARTER 4 (FY 04)

- 2 The AAs and OC approve the 4th quarter AOA
- 8 HQ pulls planning information from WasteLAN:
1) for fourth quarter AOA; and
2) to support FY 05 and FY 06 budget request
3) to prepare for FY 05 Workplanning
- 8 HQ pulls 3rd quarter accomplishment information from WasteLAN.
- 8 Enforcement provides:
1) Special program reports; and
2) 3rd quarter performance evaluations
- Early HQ offices submit proposed FY 06 budgets

JULY 2004 (cont'd)

12-16 HQ program offices and lead Regions make presentation to Administrative/Deputy Administrator on FY 06 program priorities [FY 04 Budget Forum]

Mid HQ/Regions begin work planning sessions on the final FY 05 GPRA annual performance goals and program targets/measures and budget

19-23 Regional conference call on HQ analyses

Late Administrator passback of FY 06 budget request

AUGUST 2004

3 Draft GPRA commitments due to OCFO

Mid HQ develops FY 06 budget for submission to the Office of Management and Budget (OMB)

6 HQ pulls WasteLAN data to assist in preparation of the FY 06

Late HQ develops strategy for presenting the FY 06 budget to OMB

TBD Final revisions to FY 06 APGs and APMs due to OCFO

SEPTEMBER 2004

1 Final GPRA commitments due to OCFO

Early HQ submits FY 06 budget to OMB

8 HQ pulls data from WasteLAN for first quarter FY 05 AOA

Mid HQ performs final FY 05 Full Time Equivalent (FTE) distribution

20 HQ submits FY 05 first quarter AOA request to the AAs and places it in WasteLAN

27¹ Regions input AOA to IFMS

¹ Dependent on approval of final appropriations.

FY 05**OCTOBER 2004 QUARTER 1 (FY 05)**

- 4¹ The AAs and OC approve the first and second quarter AOA
- 7 HQ pulls national Environment Indicators (EI) data from WasteLAN
- 7 HQ pulls 4th quarter FY04 accomplishment data from WasteLAN and provides for:
1) Special program reports; and
2) Initial FY 04 end-of-year Program Assessment
- 7, 15 HQ pulls 4th quarter FY04 accomplishment data from WasteLAN for review of end of year accomplishments and inclusion in Annual Performance Report
- 7 HQ pulls WasteLAN data to assist in preparation of the FY 05 work planning.
- Mid HQ sends memorandum to regions on final budgets, GPRA annual performance goals and program targets/measures
- Mid Regions revise WasteLAN to reflect final negotiated budget and GPRA performance goals and targets/measures
- 26-28 Superfund Focus Forum (SFF)

NOVEMBER 2004

- TBD SF National Policy Managers Meeting
- 15 Regions submit draft FY 05 deobligation plans to OERR and OSRE
- Late OMB passback of FY 06 budget request
- TBD AA/RA Priorities Meeting for FY 04

DECEMBER 2004

- Late HQ appeal of the OMB FY 06 budget passback
- Nov/
- Early
- Dec

¹Dependent on approval of final appropriations.

JANUARY 2005 QUARTER 2 (FY 05)

7 SCAP Pull for First Quarter FY 05 Accomplishments - 5th working day of the month

FEBRUARY 2005

Early HQ submits FY 06 Annual Performance Plan (budget request) to the President

22 HQ distributes FY 04 EI analysis to HQ/Regional managers

MARCH 2005

7 HQ pulls data from WasteLAN for 3rd quarter AOA for FY 05

21 HQ submits 3rd quarter AOA request to the AA/SWER and places it in WasteLAN

28 Regions input AOA into IFMS

TBD Headquarters publishes Annual Performance Report for FY 04

APRIL 2005 QUARTER 3 (FY 05)

7 The AAs and OC approve the 3rd quarter AOA

7 HQ pulls accomplishment data from WasteLAN and provides for:
1) Special program reports; and
2) Mid-Year Work Planning evaluation

7 HQ pulls national Environmental Indicators (EI) data from CERCLIS

TBD NPMs issue consolidated guidance for FY 06-07

MAY 2005

- 6 HQ analysis of Regional pipeline (upcoming year and one year out) and historical performance trends
- 16 HQ program offices characterize and submit their FY04 program initiatives to the Regional Administrator
- 27 HQ sends memorandum to Regions on proposed budgets and GPRA annual performance goals and program targets/measures
- 31 HQ program offices meet with the Administrator to review FY 06 program goals
- Late Annual Goal Team Meetings with Deputy Administrator on FY 05 progress and FY 07 priorities
- Late Superfund Focus Forum (technical)

JUNE 2005

- 3-27 Regions generate their plans for FY 06 and FY 07 by ensuring updated schedules and financial information in WasteLAN
- 7 HQ pulls planning information from WasteLAN:
 - 1) for fourth quarter AOA; and
 - 2) to support FY 06 and FY 07 budget request
- 7 HQ pulls financial data for analysis of Regional obligation/commitment rates
- 7 HQ presents FY 06 Superfund goals and priorities and FY 07 investments to the Administrator and Regional Administrators
- 13 Administrators and OC provide HQ program offices and Regions with policy for FY 07 budget formulation
- 20 HQ submits 4th quarter AOA request to the AAs and places it in WasteLAN
- 27 Regions input AOA to IFMS

JULY 2005 QUARTER 3 (FY 05)

- 5 The AAs and OC approve the 4th quarter AOA
- 8 HQ pulls planning information from WasteLAN:
 - 1) for fourth quarter AOA; and
 - 2) to support FY 06 and FY 07 budget request
 - 3) to prepare for FY06 Workplanning

JULY 2005 (cont'd)

- 8 Enforcement provides:
1) Special program reports; and
2) 3rd quarter performance evaluations
- Early HQ offices submit proposed FY 07 budgets
- 11-15 HQ program offices and lead Regions make presentations to Administrative/Deputy Administrator on FY 07 program priorities [FY 07 Budget Forum]
- Mid HQ/Regions begin work planning sessions on the final FY 06 GPRA annual performance goals and program targets/measures and budget
- 18-22 Regional conference call on HQ analyses
- Late Administrator passback of FY 07 budget request

AUGUST 2005

- 3 Draft GPRA commitments due to OCFO
- 5 HQ pulls WasteLAN data to assist in preparation of the FY 07 budget
- Mid HQ develops FY 07 budget for submission to the Office of Management and Budget (OMB)
- Late HQ develops strategy for presenting the FY 07 budget to OMB

SEPTEMBER 2005

- 1 Final GPRA commitments due to OCFO
- Early HQ submits FY 07 budget to OMB
- 8 HQ pulls data from WasteLAN for first quarter FY 06 AOA
- Mid HQ performs final FY 06 Full Time Equivalent (FTE) distribution
- 19 HQ submits FY 06 first quarter AOA request to the AAs and places it in WasteLAN
- 26¹ Regions input AOA to IFMS

¹ Dependent on approval of final appropriations.

Acronyms

**This Page Left
Intentionally Blank**

AA —	Assistant Administrator
AA OSWER —	Assistant Administrator for the Office of Solid Waste and Emergency Response
AA OECA —	Assistant Administrator for the Office of Enforcement and Compliance Assurance
AAU —	Administrative Assistance Unit
AC —	Area Committee
ACP —	Area Contingency Plan
ADCR —	Automated Document Control Register
ADR —	Alternative Dispute Resolution
AHRC —	Allowance Holder/Responsibility Center
AN —	Account Number
AO —	Administrative Order
AOA —	Advice of Allowance
AOC —	Administrative Order on Consent
AOG —	Agency Operating Guidance
APG —	Annual Performance Goal
APM —	Annual Performance Measure
AR —	Administrative Record
ARAR —	Applicable or Relevant and Appropriate Requirements
ARCS —	Alternative Remedial Contracting Strategy
ARIP —	Accidental Release Information Program
ARM —	Administration and Resources Management
ASF —	Above-ground Storage Facility
AST —	Above-ground Storage Tank
ASTM —	American Society for Testing and Materials
ASTSWMO —	Association of State and Territorial Solid Waste Management Officials
ASTW —	Above-ground Storage Tank Workgroup
ASU —	Administrative Support Unit
ATSDR —	Agency for Toxic Substances and Diseases Registry
ATSDR HAZDAT —	Agency for Toxic Substances and Diseases Registry Hazardous Data System
BC/AOA —	Budget Control/Advice of Allowance
BCT —	Base Cleanup Team
BLM —	Bureau of Land Management
BRAC —	Base Realignment or Closure
BTAG —	Biological Technical Assistance Group
BUREC —	Bureau of Reclamation
CA —	Cooperative Agreement
CADD —	Corrective Action Decision Document
CAG —	Community Advisory Group
CAS No. —	Chemical Abstract Number
CBD —	Commerce Business Daily
CD —	Consent Decree
CEPP —	Chemical Emergency Preparedness and Prevention Program
CEPPO —	Chemical Emergency Preparedness and Prevention Office (OSWER)
CERCLA —	Comprehensive Environmental Response, Compensation, and Liability Act of 1980
CERCLIS —	Comprehensive Environmental Response, Compensation, and Liability Information System
CERFA —	Community Environmental Response Facilitation Act
CFO —	Chief Financial Officer
CI —	Community Involvement
CIAO —	Citizen Information and Access Offices
CIC —	Community Involvement Coordinator
CIOC —	Community Involvement & Outreach Center (OERR)
CIP —	Community Involvement Plan

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

FFRRO —	Federal Facilities Restoration and Reuse Office
FFIS —	Federal Facilities Information System
FFS —	Focused Feasibility Study
FMC-Ci—	Financial Management Center - Cincinnati
FMD —	Financial Management Division
FMFIA —	Federal Managers Financial Integrity Act
FMO —	Financial Management Office
FOIA —	Freedom of Information Act
FOSL —	Finding of Suitability to Lease
FOST —	Finding of Suitability to Transfer
FR —	Federal Register
FRP —	Facility Response Plan
FS —	Feasibility Study
FTE —	Full-time Equivalent
FUDS —	Formerly Used Defense Sites
FY —	Fiscal Year
FY/Q —	Fiscal Year/Quarter
GAD —	Grants Administration Division
GAO —	General Accounting Office
GFO —	Good Faith Offer
GICS —	Grants Information Control System
GIS —	Geographic Information System
GNL —	General Notice Letter
GPRA —	Government Performance and Results Act
HAZDAT —	Hazardous Data System
HHS —	Health and Human Services
HI —	Hazard Index
HQ —	Headquarters
HRS —	Hazard Ranking System
HSWA —	Hazardous and Solid Waste Amendments
HWC —	Hazardous Waste Collection
IAG —	Interagency Agreement
ICIS —	Integrated Compliance Information System
IFMS —	Integrated Financial Management System
IG —	Inspector General
IMC —	Information Management Coordinator
IMCenter —	Information Management/Program Measurement Center (OERR)
IMS —	Integrated Management Strategy
IOTV —	Interoffice Transfer Voucher
LAN —	Local Area Network
LEPC —	Local Emergency Planning Committee
LERP —	Local Emergency Response Plan
LOC —	Letter of Credit
LOE —	Level of Effort
LTCS —	Long Term Contracting Strategy
LTRA —	Long Term Response Action
MAD —	Method Accuracy and Description (MAD Code)
MAG —	Management Advocacy Group
MARS —	Management and Accounting Reporting System
MM/DD/YY —	Month/Day/Year
MMS —	Minerals Management Service
MOA —	Memorandum of Agreement
MOHR —	Magnitude of Hazard Reduction

MORR —	Magnitude of Risk Reduction
MOU —	Memorandum of Understanding
MSCA —	Multi-Site Cooperative Agreement
NACEPT —	National Advisory Committee on Environmental Policy and Technology
NAPL —	Non-Aqueous Phase Liquid
NBAR —	Non-Binding Allocation of Responsibility
NCP —	National Oil and Hazardous Substances Pollution Contingency Plan or National Contingency Plan
NEPPS —	National Environmental Performance Partnership System
NFRAP —	No Further Remedial Action Planned
NOAA —	National Oceanic and Atmospheric Administration
NOS —	Not Otherwise Specified
NPL —	National Priorities List
NPM —	National Program Manager
NRC —	National Response Center
NRS —	National Response System
NRT —	National Response Team
NSEP —	National Security Emergency Preparedness
NSFCC —	National Strike Force Communication Center
NTC —	Non-Time Critical
NTIS —	National Technical Information Services
NTSD —	National Technical Support Division
OAM —	Office of Acquisition Management
OARM —	Office of Administration and Resources Management
OBCR —	Office of Brownfields Cleanup and Redevelopment
OC —	Office of the Comptroller
OCFO —	Office of the Chief Financial Officer
OD —	Office Director
OECA —	Office of Enforcement and Compliance Assurance
OERR (Now OSRTI) —	Office of Emergency and Remedial Response (OSWER)
O&F —	Operational and Functional
OGC —	Office of General Counsel
OIG —	Office of the Inspector General
O&M —	Operation and Maintenance
OMB —	Office of Management and Budget
OPA —	Oil Pollution Act of 1990
OPAC —	On-line Payment and Collections
OPC —	Oil Program Center
OPRP —	Oil Pollution Response & Prevention Center (OERR)
ORC —	Office of Regional Counsel
ORD —	Office of Research and Development
OSC —	On-Scene Coordinator
OSRE —	Office of Site Remediation and Enforcement (OECA)
OSRTI —	Office of Superfund Remediation and Technology Innovation
OSW —	Office of Solid Waste
OSWER —	Office of Solid Waste and Emergency Response
OU —	Operable Unit
OUST —	Office of Underground Storage Tanks (OSWER)
PA —	Preliminary Assessment
PAH —	Polycyclic Aromatic Hydrocarbons
PARM —	Policy Analysis & Resources Management Center (OERR)
PC —	Personal Computer
PCB —	Polychlorinated biphenyl
PCOR —	Preliminary Close-Out Report

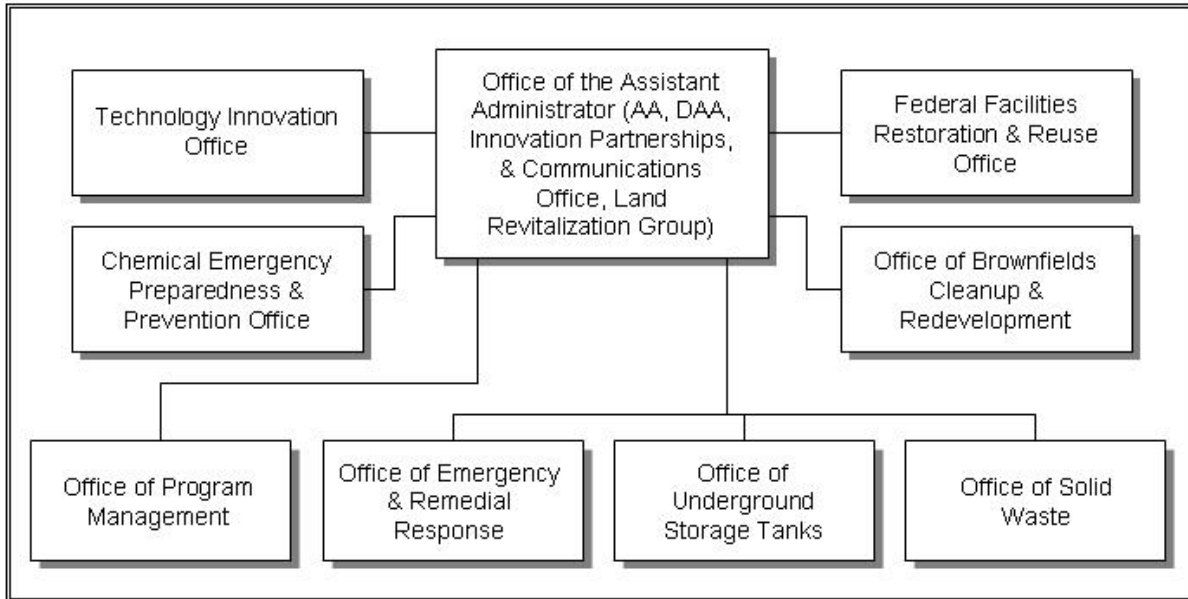
PECB —	Program Evaluation & Coordination Branch (OSRE)
PNRS —	Preliminary Natural Resource Surveys
PO —	Project Officer
POLREP —	Pollution Report
POS —	Program Operations Staff (OSRE)
PPED —	Policy & Program Evaluation Division (OSRE)
PPG —	Performance Partnership Grants
PQOP —	Pre-Qualified Officers Procurement
PR —	Procurement Request
PPA —	Prospective Purchaser Agreement
PREP —	Preparedness Response Exercise Program
PRP —	Potentially Responsible Party
PRSC —	Post Removal Site Controls
PSO —	Program Support Office
QA —	Quality Assurance
QAPP —	Quality Assurance Project Plan
QAT —	Quality Action Team
RA —	Remedial Action
RAC —	Response Action Contract
RADS —	Risk Assessment Data System
RAGS —	Risk Assessment Guidance for Superfund
RCMS —	Removal Cost Management System
RCP —	Regional Contingency Plan
RCRA —	Resource Conservation and Recovery Act
RCRC —	Regional Cost Recovery Coordinator
RD —	Remedial Design
RD/RA —	Remedial Design/Remedial Action
RDT —	Regional Decision Team
REMT —	Regional Emergency Preparedness Team
RESAT —	Regional Environmental Services Assistance Team
RFP —	Request for Proposal
RI —	Remedial Investigation
RI/FS —	Remedial Investigation and Feasibility Study
RME —	Reasonable Maximum Exposure
RMP —	Risk Management Plan
ROC —	Remedial Oversight Contract
ROD —	Record of Decision
RPM —	Remedial Project Manager
RPO —	Regional Project Officer
RRT —	Regional Response Team
RTP —	Research Triangle Park
SACA —	Site Assessment Cooperative Agreement
SACM —	Superfund Accelerated Cleanup Model
SAM —	Site Assessment Manager
SARA —	Superfund Amendments and Reauthorization Act of 1986
SAS —	Special Analytical Services
SB/RTC —	Statement of Basis/Response to Comments
SCAP —	Superfund Comprehensive Accomplishments Plan
SCORPIOS —	Superfund Cost Recovery Package and Image On-Line System
SDMS —	Superfund Document Management System
SEP —	Supplemental Environmental Project
SERC —	State Emergency Response Commission
SERP —	State Emergency Response Plan

SFO —	Servicing Finance Office
SI —	Site Inspection
SIBAC —	Simplified Interagency Billing and Collection
SIP —	Site Inspection Prioritization
SITE —	Superfund Innovative Technology Evaluation
SME —	Subject Matter Expert
SMOA —	Superfund Memorandum of Agreement
SMP —	Site Management Plan
SMSA —	Standard Metropolitan Statistical Area
SNAP —	Superfund National Assessment Program
SNL —	Special Notice Letter
SOL —	Statute of Limitations
SOW —	Statement of Work
SPCC —	Spill Prevention Control and Countermeasure
SPIM —	Superfund Program Implementation Manual
SRA —	Superfund Reform Act
SRIS —	Superfund Report Information System
SRP —	Superfund Redevelopment Program
SSA —	Site Screening and Assessment
SSAB —	Site Specific Advisory Board
SSC —	Superfund State Contracts
SSID —	Site/Spill Identification Number
SSP —	Site Safety Plan
START —	Superfund Technical Assistance and Response Team
STSI —	State, Tribal, & Site Identification Center (OERR)
TAG —	Technical Assistance Grants
TAT —	Technical Assistance Team
TDD —	Technical Direction Document
TOSC —	Technical Outreach Services for Communities
TRC —	Technical Review Committee
TRW —	Technical Review Workgroup
TSCA —	Toxic Substances Control Act
TSD —	Treatment, Storage, Disposal Facility
UAO —	Unilateral Administrative Order
USCG —	United States Coast Guard
USACE —	U.S. Army Corps of Engineers
USFWS —	United States Fish and Wildlife Service
USGS —	United States Geological Survey
VRP —	Vessel Response Plan
WA —	Work Assignment
WAM —	Work Assignment Manager
WasteLAN —	CERCLA Information System
ZPO —	Zone Project Officer

Organizational Charts

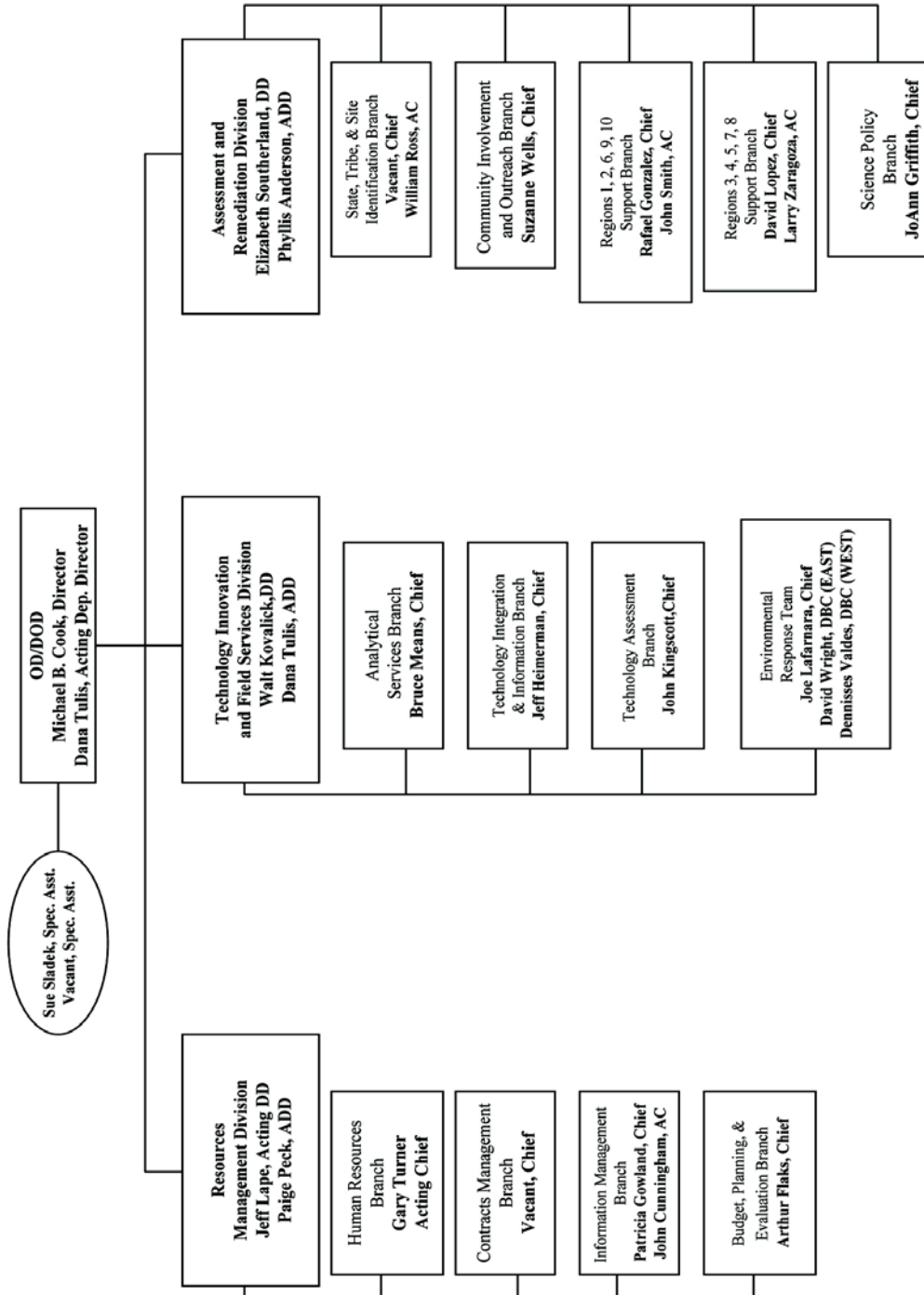
**This Page Left
Intentionally Blank**

Office of Solid Waste & Emergency Response

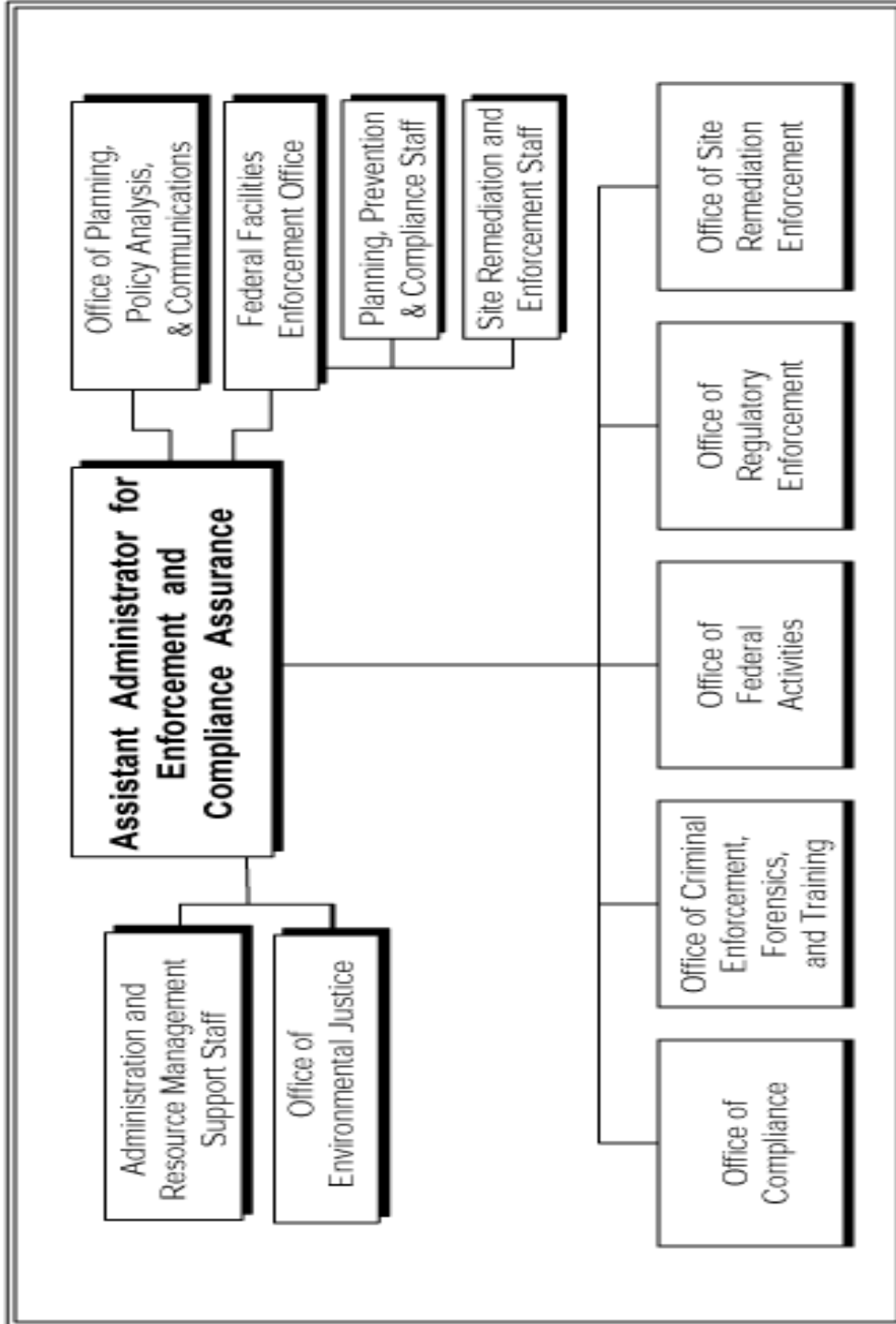


(To be revised at a later date)

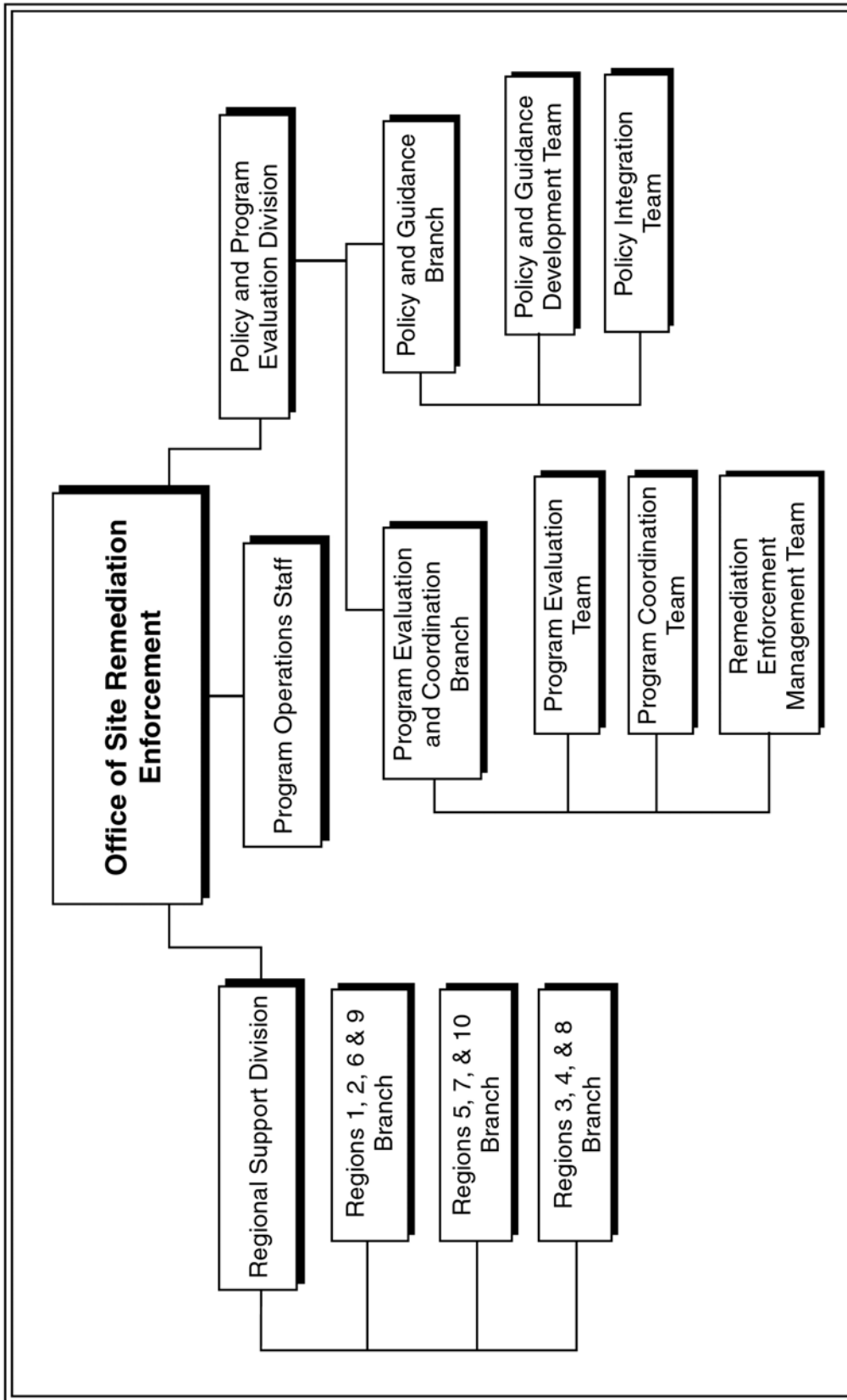
Office of Superfund Remediation and Technology Innovation
(as of January 5, 2004)



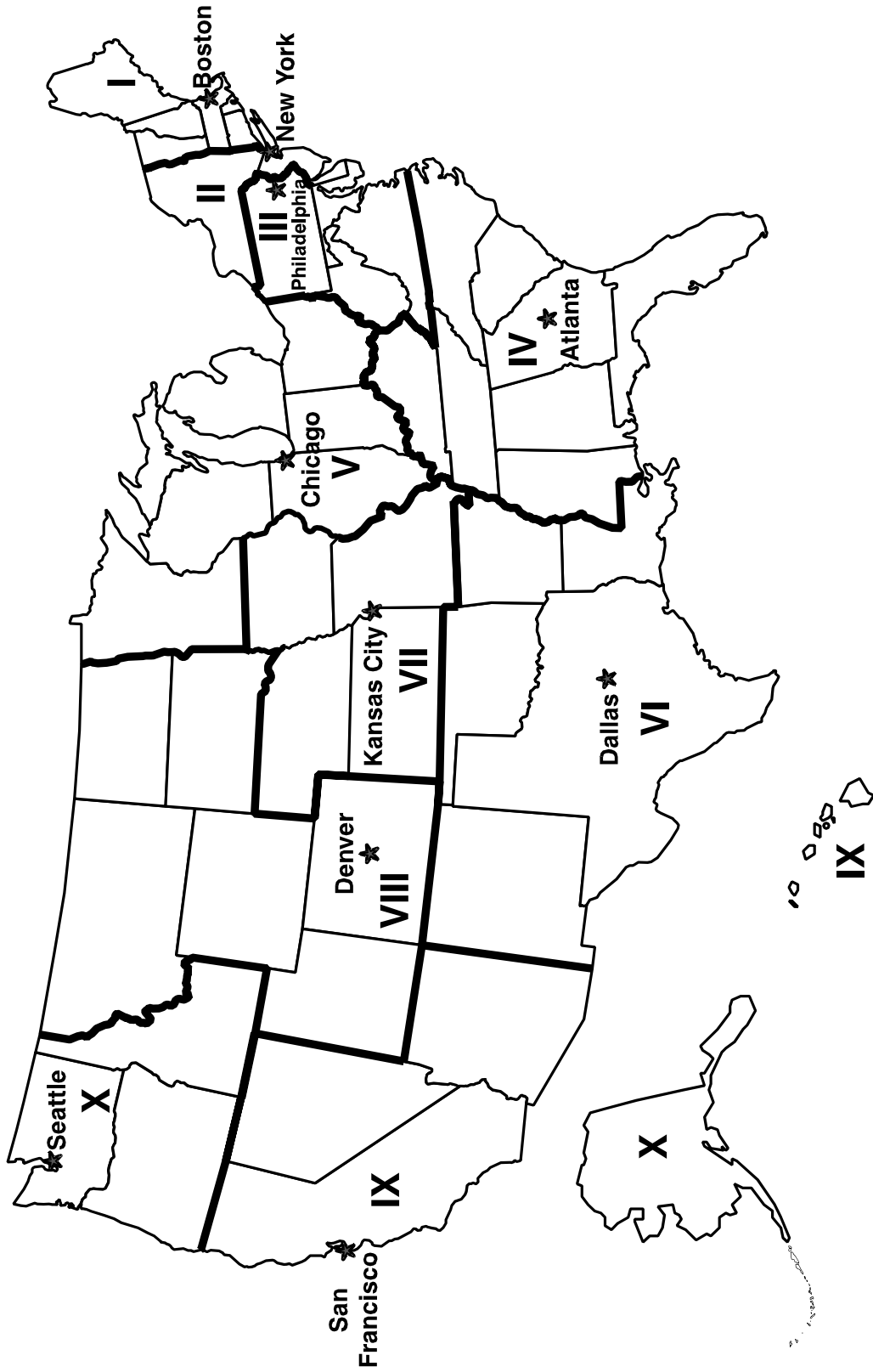
Office of Enforcement and Compliance Assurance



Office of Site Remediation Enforcement



Regional Map



DISCLAIMER

The policies and procedures established in this document are intended solely for the guidance of employees of the U.S. Environmental Protection Agency. They are not intended and cannot be relied upon to create any rights, substantive or procedural, enforceable by any party in litigation with the United States. EPA reserves the right to act at variance with these policies and procedures and to change them at any time without public notice.

**This Page Intentionally
Left Blank**

USE AND STRUCTURE OF THE MANUAL

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

- ☐ The FY 04/05 Superfund Program Implementation Manual contains information on:
- ☐ Managers' Schedule of Significant Events;
- ☐ Introduction;
- ☐ Program planning and reporting requirements; and
- ☐ Financial management.

In addition, the appendices at the end of the manual contain pipeline specific planning and reporting definitions.

- ☐ Appendix A presents measure definitions for Site Assessment/NPL Listing;
- ☐ Appendix B provides measure definitions for Response Actions;
- ☐ Appendix C presents measure definitions for Enforcement;
- ☐ Appendix D contains program priorities and measure definitions for Federal Facilities;
- ☐ Appendix E provides information on Superfund Information Systems;
- ☐ Appendix F no longer part of the SPIM. Oil program now assigned to OEPPR
- ☐ Appendix G contains Government Performance and Results Act (GPRA) objectives, subobjectives and reporting measures.
- ☐ Appendix H contains measure definitions for Community Involvement.
- ☐ Appendix J contains measure definitions for Tribal Involvement.
- ☐ Appendix M contains measure definitions for Removals (contains language removed from Appendix B).

**This Page Intentionally
Left Blank**

Superfund Program Implementation Manual FY 04/05
Table of Contents

**This Page Intentionally
Left Blank**

Superfund Program Implementation Manual FY 04/05

DISCLAIMER

Table of Contents

The policies and procedures established in this document are intended solely for the guidance of employees of the U.S. Environmental Protection Agency. They are not intended and cannot be relied upon to create any rights, substantive or procedural, enforceable by any party in litigation with the United States. EPA reserves the right to act at variance with these policies and procedures and to change them at any time without public notice.

MANAGERS' SCHEDULE OF SIGNIFICANT EVENTS	i
ACRONYMS	ix
ORGANIZATIONAL CHARTS	xvii
OSWER	xix
OSRTI	xx
OECA	xxi
OSRE	xxii
REGIONAL MAP	xxiv
 PROGRAM GOALS AND PLANNING REQUIREMENTS	
CHAPTER I INTRODUCTION	I-1
I.A. Purpose	I-1
I.B. Superfund	I-2
I.B.1 Introduction	I-2
I.B.2 Superfund and its History	I-3
I.C. Subject Matter Experts	I-4
 CHAPTER II PROGRAM PLANNING AND REPORTING REQUIREMENTS	 II-1
II.A Introduction	II-1
II.B Integrated Planning	II-2
II.C Introduction to the Superfund Comprehensive Accomplishment Plan (SCAP)	II-3
II.D Relationship of SCAP to other Management Tools	II-3
II.D.1 Management Tools	II-3
II.D.2 Superfund Information Systems	II-5
II.E Overview of the Planning Process (SCAP)	II-5
II.E.1 Planning Year	II-6
II.E.2 Operating Year	II-7
II.F Change Control Requirements	II-7
II.G HQ/Regional Roles and Responsibilities	II-8
II.G.1 Maintaining Planning/Accomplishment Data in WasteLAN	II-8
II.G.2 Program Evaluation	II-10
II.H Procedures for Annual Target Setting	II-11
II.I Work Planning	II-11
II.I.1 Planning Process	II-12
II.I.2 WasteLAN Reports for Planning/Target Setting	II-13
II.J Regional Accomplishment Reporting	II-14

Superfund Program Implementation Manual FY 04/05

Table Of Contents

Chapter II (cont'd)

WasteLAN Reports for Accomplishment Reporting	II-15
II.K HQ Evaluation of Regional Performance	II-16
II.K.1 Mid-Year Assessment	II-16
II.K.2 End-of-Year Assessment	II-17
II.K.3 Management Reporting	II-18
a. Superfund Management Reports	II-18
b. Annual Reporting Requirements	II-19
II.L Target and Definition Change Requests	II-19
Maintaining the Planning Estimates/Targets	II-20
II.M Special Reporting Topics	II-20
II.M.1 Site Assessment	II-20
II.M.2 Base Closure	II-20
II.M.3 Pre-SARA Sites Initiative	II-20
II.M.4 Mega Sites	II-21
II.M.5 Superfund Alternative Sites	II-21
II.N General Work Planning and Reporting Requirements	II-21
II.N.1 Data Lockout on Historical Accomplishments	II-21
II.N.2 Data Validation and Verification	II-22
II.N.3 Action Lead Codes	II-22
II.N.4 Lead Changes	II-24
II.N.5. Anomalies and Phased Projects	II-26
II.O Subject Matter Experts	II-27

CHAPTER III – SUPERFUND BUDGET PLANNING PROCESS AND FINANCIAL MANAGEMENT.. III-1

III.A. Introduction	III-1
III.B. Budget Planning and Priorities	III-1
III.B.1 Budget Development Process	III-1
a. Budget Formulation	III-1
b. Budget Review and Planning (Planning Year)	III-2
c. Budget Execution (Current Year)	III-2
III.B.2 Budget Structure	III-5
Program Results Code and National Program Managers	III-5
III.B.3 The FY04/05 Superfund Program Goals and Priorities	III-6
a. Response Program Budget	III-6
b. Homeland Security and Removal	III-7
c. Enforcement Budget	III-7
d. Federal Facilities Response Budget	III-8
e. Base Realignment and Closure	III-8
f. Federal Facilities Enforcement Budget	III-8
III.C. Regional Operating Plan and Advice of Allowance Development	III-9
III.C.1 Allocating Superfund Resources Among the Regions	III-9
III.C.2 Remedial Response Program Budget	III-10
a. Remedial Action AOA	III-10

Superfund Program Implementation Manual FY 04/05

Table of Contents

Chapter III (cont'd)

b. Pipeline Operations AOA	III-10
III.C.3 Homeland Security/Removal Response Program Budget	III-11
III.C.4 Federal Facilities Superfund Response Program Budget	III-11
a. Base Realignment and Closure (BRAC) Budget	III-11
III.C.5 Enforcement Program Budget	III-12
III.C.6 Federal Facilities Enforcement Program Budget	III-12
III.C.7 Deobligating Prior Year Ends	III-12
III.C.8 Budget Object Classes	III-13
III.C.9 Regional Change Requests for Reprogramming Among AOAs	III-13
III.C.10 Budget Sources and Associated Action Codes	III-13
III.D Superfund Financial Management	III-26
III.D.1 Financial Management Roles and Responsibilities	III-26
a. Regional Financial Management Office	III-26
b. Regional Administrator	III-26
c. Regional Program Office	III-27
d. On Scene Coordinator	III-27
e. Remedial Project Manager	III-27
f. Regional Project Officer/Deputy Project Officer	III-28
g. Administrative Support Unit	III-28
h. Office of Financial Management/Office of the Chief Financial Officer	III-28
i. Office of Acquisition Management	III-28
j. Grants Administration Division/Office of Administration	III-29
k. Budget Division/OCFO	III-29
l. Cincinnati Finance Center (CFC)/OFS	III-29
m. Research Triangle Park (RTP) Finance Center/OFS	III-29
III.D.2 Superfund Accounting Information	III-29
III.D.3 Financial Data Management Systems and Tools	III-32
III.D.4 Handling Financial Data in the CERCLIS/WasteLAN Environment	III-33
a. Entering Response and Federal Facility Data into CERCLIS/WasteLAN	III-33
b. Entering Enforcement Extramural Budget Data into CERCLIS/WasteLAN	III-33
c. Correcting Financial Data	III-34
III.D.5 The Funding Process	III-36
a. Approvals	III-36
b. Commitments	III-36
c. Obligations	III-37
d. Payments	III-37
e. Deobligations	III-37
III.D.6 Financial Management of Contracts	III-38
a. Contracts for Site-Specific Work	III-38
b. Contracts for Non-Site Specific Work	III-38
III.D.7 Other Financial Vehicles	III-40
a. Interagency Agreements	III-40
b. Cooperative Agreements (CA)	III-40
c. Superfund State Contracts (SSCs)	III-41
III.E Cost Recovery Process	III-42

Superfund Program Implementation Manual FY 04/05

Table Of Contents

Chapter III (cont'd)

III.E.1 Cost Recovery Referral Development Process	III-43
a. Initiation of Cost Recovery Process	III-43
b. Cost Documentation and Reconciliation	III-43
c. Work Performed Documentation and Reconciliation	III-43
d. Site File Maintenance	III-43
e. Superfund Indirect Costs	III-43
f. Annual Allocation	III-44
g. Cashout/Special Accounts	III-44
h. Department of Justice Involvement	III-44
III.F Superfund Financial Contact Information	III-45
III.F.1 Regional Cost Recovery Contacts	III-45
III.F.2 Headquarters Cost Recovery Contacts	III-46
III.F.3 Regional Budget Coordinators	III-47
III.F.4 Subject Matter Experts	III-48
INDEX	A

PROGRAM IMPLEMENTATION PROCEDURES

APPENDIX A – Site Assessment/NPL Listing Targets and Measures

A.A. SITE ASSESSMENT/NPL LISTING FY 04/05 TARGETS AND MEASURES	A-1
A.A.1 Site Assessment Program & NPL Listing Priorities	A-1
A.A.2 Site Assessment Backlogs	A-1
A.A.3 Overview of FY 04/05 Site Assessment/NPL Listing Targets and Measures	A-2
A.A.4 GPRA and Site Assessment	A-2
A.A.5 Site Status Indicators	A-4
A.A.6 Data Quality	A-6
A.A.7 Action Qualifiers for Site Assessment Actions (LANGUAGE FROM CH 2)	A-6
a. No Further Remedial Action Planned (NFRAP)	A-6
b. Former Evaluation	A-6
c. Perform a Removal	A-7
d. Defer the Site to RCRA (Subtitle C) or the NRC	A-7
e. Sites addressed as part of existing NPL sites	A-7
f. Sites addressed as part of other existing non-NPL sites	A-7
A.A.8 Special Initiatives	A-8
A.A.9 Site Assessment/NPL Listing Definitions	A-9
a. Pre-CERCLIS Screening Assessments	A-9
b. Referred from RCRA	A-11
c. Site Discovery	A-12
d. Sites Archived	A-13
e. Preliminary Assessments (PA) at Non-Federal Facility Sites	A-14
f. Federal Facility Preliminary Assessment Reviews	A-16
g. Site Inspections (SI) at Non-Federal Facility Sites	A-18
h. Combined PA/SI Assessments at Non-Federal Facility Sites	A-20
i. Federal Facility Combined PA/SI Reviews	A-21

Superfund Program Implementation Manual FY 04/05

Table of Contents

Appendix A (cont'd)

j. Site Inspection Prioritizations (SIPs) at Non-Federal Facility Sites	A-22
k. Site Reassessment	A-24
l. Expanded Site Inspections (ESI) at Non-Federal Facility Sites	A-25
m. Federal Facility SI Reviews	A-26
n. Federal Facility ESI Reviews	A-28
o. Integrated Expanded Site Inspection/Remedial Investigation (ESI/RI) at Non-Federal Facility Sites	A-29
p. State Deferral of Non-Federal Facility Sites	A-30
q. Hazard Ranking System Package (HRS)	A-32
r. Integrated Removal/Remedial Evaluation	A-33
s. NPL Listing	A-35
t. Other Cleanup Activity	A-37
A.B. SUBJECT MATTER EXPERTS	A-39

APPENDIX B – Response Action

B.A Current Program Priorities -	B-1
B.A.1 Protecting Human Health and the Environment	B-1
a. Removal Actions	B-1
b. Homeland Security	B-1
c. Pipeline Management Review/RA Construction	B-2
d. Post Construction	B-4
e. Superfund Alternative Sites	B-5
B.A.2 Maximizing Program Efficiency and Effectiveness	B-6
a. Innovative Technologies	B-6
b. Contract Management	B-7
c. Redevelopment	B-7
d. Reforms	B-8
B.B FY 04/05 RESPONSE TARGETS AND MEASURES	B-8
B.B.1 Overview of FY 04/05 Response Actions Targets/Measures	B-8
B.B.2 Superfund Durations	B-9
B.B.3 Record of Decision	B-12
a. ROD Changes	B-12
i. Other Remedy Changes	B-12
ii. Explanation of Significant Differences (ESDs)	B-12
iii. ROD Amendments	B-13
b. RODs Requiring No Physical Construction	B-13
B.B.4 Response Action Definitions	B-14
Part I. Remedy Selection	
a. Remedial Investigation (RI) Starts (NPL & Superfund Alternative)	B-14
b. Feasibility Study (FS) Starts (NPL & Superfund Alternative)	B-17
c. Combined RI/FS Start (NPL & Superfund Alternative)	B-20
d. Treatability Studies	B-24

Superfund Program Implementation Manual FY 04/05

Table Of Contents

Appendix B (cont'd)

e.	Start of Public Comment Period (<i>Proposed Plan to Public</i>) (NPL & Superfund Alternative)	B-24
f.	RI/FS Duration (NPL & Superfund Alternative)	B-25
g.	Engineering Evaluation/Cost Analysis (EE/CA)	B-26
h.	Decision Document Developed	B-27
i.	Final Remedy Selected	B-29
Part II. Remedial Implementation		
j.	Removal Starts and Removal Completions THESE MEASURES HAVE BEEN MOVED TO APPENDIX M	B-30
k.	Remedial Design (RD) Start (NPL & Superfund Alternative)	B-30
l.	RD Completion (NPL & Superfund Alternative)	B-33
m.	Remedial Action (RA) Start (NPL & PRP-lead Superfund Alternative)	B-34
n.	RA Contract Award (NPL & PRP-lead Superfund Alternative)	B-39
o.	Start of On-Site Construction	B-40
	Groundwater Monitoring	B-41
p.	Operational and Functional (O&F)	B-44
q.	Completion of a Response Action/Activity (NPL & PRP-lead Superfund Alternative)	B-45
r.	NPL Site Construction Completions	B-48
Part III. Post Construction Completion		
s.	Long-Term Remedial Response (LTRA and PRP LR) (NPL & PRP-lead Superfund Alternative)	B-52
t.	Operation and Maintenance (O&M)	B-54
u.	Cleanup Goals Achieved	B-55
v.	NPL Site Completions	B-56
w.	Five-Year Reviews	B-57
x.	Partial NPL Deletion	B-59
y.	Final NPL Deletion	B-60
z.	Sites with Land Ready for Reuse	B-61
aa.	Acres at Sites with Land Ready for Reuse	B-63
Part IV. Environmental Indicators		
bb.	Long-Term Human Health Protection Indicator	B-64
cc.	Migration of Contaminated Ground Water Under Control	B-67
dd.	Populations Protected	B-69
ee.	Cleanup Volumes	B-70
Part V. Support Activities		
ff.	Support Agency Assistance	B-71
gg.	Technical Assistance	B-72
hh.	Pre-design Assistance	B-72
B.C SUBJECT MATTER EXPERTS		B-74

Superfund Program Implementation Manual FY 04/05

Table of Contents

APPENDIX C – Enforcement

C.A FY04/05 TARGETS AND MEASURES FOR ENFORCEMENT	C-1
C.A.1 Overview	C-1
C.A.2 Promoting the Superfund Enforcement Program	C-2
C.A.3 Targets and Measures for Baseline Enforcement	C-7
Criteria for Credit of Enforcement Activities at Superfund Alternative Sites.	C-7
a. Potentially Responsible Party (PRP) Search Starts	C-8
b. PRP Search Completions	C-8
c. Section 104(e) Referrals and Orders Issued	C-9
d. Issuance of General Notice Letters (GNLs)	C-10
e. Issuance of Special Notice Letters (SNLs)	C-10
f. Expanded Site Inspection/Remedial Investigation/Feasibility Study (ESI/RI/FS) Negotiation Starts	C-10
g. Remedial Design/Remedial Action (RD/RA) Negotiation Starts (NPL & Superfund Alternative)	C-11
h. Completion or Termination of Negotiations for RD/RA (NPL & Superfund Alternative)	C-12
i. Completion or Termination of Negotiations for Cleanup (RD/RA, Removals, and Other) (NPL & Superfund Alternative)	C-13
j. Percentage of Remedial Action Starts Initiated by PRPs at Non-Federal Facility NPL and Superfund Alternative Sites	C-15
k. Total Response Commitments (Including Dollar Value)	C-16
l. Enforcement Settlements/Instruments for RD/RA/Long-Term Response (LR)	C-17
m. <i>De Minimis</i> Settlements and Number of Parties	C-19
n. Cashout Settlements	C-20
o. Section 106, 106 and 107, 107 Case Resolution	C-21
p. Issuance of Demand Letter	C-22
q. Total Cost Recovery Settlements (Including Dollar Value)	C-22
r. Past Costs Addressed \geq \$200,000 Via Settlements, Write-Offs, or Referrals	C-23
s. Recoverable Past Costs That Have Been Addressed by Program-to-Date Via Settlements, Write-offs, or Referrals	C-24
t. Number and Amount of CERCLA Penalties Assessed	C-26
u. Number and Amount of CERCLA Supplemental Environmental Projects (SEPs)	C-27
v. Use of Alternative Dispute Resolution (ADR)	C-27
w. Number of Settlements Where EPA Settled Based On Ability-to-Pay Determinations	C-29
x. Prospective Purchaser Agreements (PPAs) - Assessed and Finalized	C-29
y. Issuance Of Comfort/Status Letters	C-30
z. Orphan Share - EPA Offer and Compensation	C-31
aa. Non-exempt De Micromis Parties Settlements and Number of Parties	C-33
bb. PRP Oversight Administration	C-34

Superfund Program Implementation Manual FY 04/05

Table Of Contents

Appendix C (cont'd)

cc. Settlements Designating Deposits to Special Accounts	C-35
dd. Deposits into Special Accounts	C-36
ee. Settlements Designating Disbursements from Special Accounts to PRPs	C-37
ff. Disbursements From Special Accounts for Response Actions	C-38
gg. Closure of Special Accounts	C-39
hh. Pre-Remedial Enforcement Action at Superfund Sites	C-40
ii. Windfall Lien Filed	C-42
jj. Windfall Lien Resolution - Assessed and Finalized	C-42
C.B SUBJECT MATTER EXPERTS	C-43

APPENDIX D – Federal Facilities

D.A. FEDERAL FACILITIES PRIORITIES	D-1
D.A.1 Overview	D-1
D.A.2 Superfund Federal Facility Goals and Priorities	D-1
a. Strategic Federal Facility Goals	D-1
D.A.3 RCRA Activities at Federal Facility NPL Sites	D-3
D.A.4 BRAC Budget and Financial Guidance	D-3
a. Resources and Tracking Mechanisms	D-3
b. Accountability for Resources	D-4
D.A.5 Federal Facility Site Discovery/Site Assessment	D-5
a. Overview	D-5
b. Federal Facility Site Discovery and the Federal Facility Docket Process	D-5
c. Time Frames for Conducting Federal Facility Site Assessment	D-5
d. Authority for Conducting Federal Facility Site Assessment - E.O. 12580	D-6
e. Federal Facility Site Assessment Reports & EPA Review and HRS Evaluation	D-7
D.B. FACILITIES FY 04/05 TARGETS AND MEASURES	D-8
D.B.1 Overview of FY 04/05 Federal Facilities Targets and Measures	D-8
a. Reporting of Non-NPL Federal Facilities Data	D-8
D.B.2 Federal Facilities Site Discovery/Site Assessment Definitions	D-11
a. Site Discovery	D-11
b. Federal Facility Preliminary Assessment Reviews	D-12
c. Federal Facility SI Reviews	D-13
d. Federal Facility ESI Reviews	D-14
D.B.3 Federal Facilities Definitions	D-15
a. Base Closure Decisions	D-15
b. Federal Facility Agreement (FFA)/Interagency Agreement (IAG)	D-16
c. Federal Facility Dispute Resolution	D-17
d. Use of Supplemental Environmental Projects (SEPs)	D-17
e. Remedial Investigation/Feasibility Study (RI/FS) or RCRA Facility Investigation (RFI) Starts	D-18
f. Timespan from Final NPL Listing to RI/FS or RFI Start	D-18

Superfund Program Implementation Manual FY 04/05

Table of Contents

Appendix D (cont'd)

g.	Decision Documents	D-19
h.	Final Remedy Selected/Final ROD Authority	D-19
i.	Explanations of Significant Difference (ESD) and ROD Amendments	D-20
j.	Remedial Design	D-21
k.	Duration of ROD to IAG Negotiation Completion	D-22
l.	Remedial Action (RA) or RCRA Corrective Measure Implementation (CMI) Starts . . .	D-22
m.	Timespan from ROD Signature to RA Start	D-23
n.	RA or CMI Completions	D-23
o.	Removal or RCRA Interim/Stabilization Measure (ISM) — Starts and Completions . . .	D-27
p.	NPL Site Construction Completions	D-27
q.	Operation and Maintenance (O&M)	D-30
r.	Cleanup Goals Achieved	D-30
s.	Federal Facility Five-Year Reviews	D-31
t.	Federal Facility Partial NPL Deletion	D-32
u.	Federal Facility Final NPL Deletion	D-33
D.B.4	Community Involvement Definitions	D-34
a.	Restoration Advisory Boards (RABs)/Site-Specific Advisory Boards (SSABs)	D-34
b.	Technical Assistance Grants (TAGs) this section is pending review by OGC and EPA GRANTS	D-34
c.	Technical Outreach Services for Communities (TOSC)	D-35
D.C.	SUBJECT MATTER EXPERTS	D-35

Appendix E - Information Systems

E.A	Information Systems	E-1
E.A.1	The Purpose of WasteLAN	E-1
a.	Site Assessment	E-1
b.	Remedy Selection	E-2
c.	Federal Facilities	E-3
d.	Community Involvement	E-3
e.	Removal	E-4
f.	Enforcement	E-5
g.	Project Management	E-6
h.	Program Management	E-6
E.A.2	Superfund Data Architecture	E-7
E.A.3	Reporting Superfund Information	E-8
	WasteLAN Users	E-9
E.A.4	Applicability of the Freedom of Information Act	E-10
a.	Reports Releasable under Freedom of Information Act (FOIA)	E-10
b.	Sensitive Information Not Releasable under FOIA	E-10
c.	Ad Hoc Reporting	E-13
d.	Accessing FOIA Information	E-14

Superfund Program Implementation Manual FY 04/05

Table Of Contents

Appendix E (cont'd)

E.A.5 Data Owners/Sponsorship E-15

E.B DATA SPONSORS E-16

APPENDIX F – Oil Pollution Prevention and Response Program is no longer included in the SPIM. Oil program now assigned to OEPPR.

APPENDIX G – Government Performance and Results Act (GPRA)

G.A. GOVERNMENT PERFORMANCE AND RESULTS ACT (GPRA) OF 1993 G-1

 Background G-1

 G.A.1. Strategic Plan Requirements G-3

 a. Comprehensive Mission Statement G-3

 b. General Goals and Objectives G-3

 c. Description of How General Goals and Objectives Will Be Achieved G-3

 d. Goals in the Annual Performance Plan and in a Strategic Plan G-3

 e. Key Factors Affecting Achievement of General Goals and Objectives G-3

 f. Program Evaluations G-4

 G.A.2 Annual Performance Plan G-4

 a. Performance Goals G-4

 b. Resources G-4

 c. Performance Indicators G-4

 d. Verification and Validation G-4

 G.A.3. Annual Performance Report G-4

G.B. SUPERFUND GPRA STRUCTURE G-5

G.C. SUBJECT MATTER EXPERTS G-7

APPENDIX H – Community Involvement

H.A FY04/05 TARGETS AND MEASURES H-1

 H.A.1 Overview of FY04/05 Community Involvement Targets/Measures H-1

 a. Community Advisory Groups (CAGs)/Restoration Advisory Boards (RABs)/
 Site-Specific Advisory Boards (SSABs) H-1

 b. Technical Assistance Grants (TAGs) H-2

 c. Technical Outreach Services for Communities (TOSC) H-3

H.B CIOC DATA SPONSOR RESPONSIBILITIES H-3

 H.B.1 Role of CIOC as a Data Sponsor H-3

 H.B.2 National Program Requirements and the Data Sponsor Role H-4

 Program Goals and Objectives H-4

 Statutory Mandates H-4

Superfund Program Implementation Manual FY 04/05

Table of Contents

Regulatory and Policy Requirements H-4

Superfund Reforms H-11

Reauthorization, Congressional Inquiries and Audits H-11

H.B.3 CIOC Headquarters and Regional Organization H-11

H.B.4 Program Monitoring and Reporting H-12

 Data Quality H-12

 Management Reports H-13

 Coding Guidance H-13

 Modifications H-13

H.C Subject Matter Experts H-13

APPENDIX I (This Section Intentionally Left Blank)

APPENDIX J – Tribal Involvement

J.A. BUILDING SUPERFUND PARTNERSHIPS

 J.A.1. Enhanced State and Tribal Capabilities J-1

 J.A.2. Superfund Block Funding/EPA Performance Partnership Grants J-2

 J.A.3. Funding for States and Tribes J-2

J.B. FY 04/05 TARGETS AND MEASURES

 J.B.1. Overview J-2

 a. Superfund Assessments Conducted at Sites that are of Concern to Tribes (Current FY/Inception to Date) J-3

 b. Percentage of Sites that are of Concern to Tribes which have had a Superfund Assessment ... J-4

 c. Tribes Supported by Superfund Cooperative Agreements J-4

 d. Superfund Dollars Provided for Building Tribal Capacity J-5

 e. Percentage of Superfund Sites that are of Concern to Tribes Where a Tribe is Actively Involved J-5

J.C. SUBJECT MATTER EXPERTS J-6

APPENDIX K (This Section Intentionally Left Blank - Previously Assigned to Brownfields)

APPENDIX L (This Section Intentionally Left Blank)

APPENDIX M - Removals

M.A FY04/05 TARGETS AND MEASURES M-1

 M.A.1 Overview of FY04/05 Removal Targets/Measures M-1

 a. Removal Starts M-2

 b. Removal Completions M-4

M.B Subject Matter Experts M-6

Superfund Program Implementation Manual FY 04/05

List of Exhibits

CHAPTER I – PROGRAM GOALS AND PRIORITIES

EXHIBIT I.1 SUBJECT MATTER EXPERTS	I-4
--	-----

CHAPTER II – PROGRAM PLANNING AND REPORTING REQUIREMENTS

EXHIBIT II.1 FLEXIBILITY SCALE FOR BUDGETING/PLANNING	II-4
EXHIBIT II.2 HQ/REGIONAL INTEGRATED PLANNING RESPONSIBILITIES	II-5
EXHIBIT II.3 HQ/REGIONAL SCAP AND WasteLAN RESPONSIBILITIES	II-8
EXHIBIT II.4 EVALUATION RESPONSIBILITIES	II-10
EXHIBIT II.5 PROCEDURES FOR ANNUAL TARGET SETTING	II-12
EXHIBIT II.6 SCAP PLANNING/TARGET SETTING WasteLAN REPORTS	II-14
EXHIBIT II.7 PROGRAM EVALUATION WasteLAN REPORTS	II-16
EXHIBIT II.8 THE REGIONAL EVALUATION PROCESS	II-17
EXHIBIT II.9 ACTION LEAD CODES IN WasteLAN	II-23
EXHIBIT II.10 CODING OF TAKEOVERS	II-26
EXHIBIT II.11 REMEDIAL EVENTS, ANOMALIES, AND PROJECT PHASING	II-27
EXHIBIT II.12 SCAP REPORT CONTACTS	II-27
EXHIBIT II.13 SUBJECT MATTER EXPERTS	II-28

CHAPTER III – SUPERFUND BUDGET PLANNING PROCESS AND FINANCIAL MANAGEMENT

EXHIBIT III-1 BUDGET TIME LINE	III-3
EXHIBIT III-2 PROGRAM RESULTS CODE (PRC)	III-6
EXHIBIT III-3 WHO PAYS FOR WHAT	III-14
EXHIBIT III-4 ACTION CODES FOR FINANCIAL TRANSACTIONS	III-21
EXHIBIT III-5 ACCOUNT NUMBER STRUCTURE	III-31

Superfund Program Implementation Manual FY 04/05

List of Exhibits

Chapter III (cont'd)

EXHIBIT III-6 HANDLING FINANCIAL DATA IN THE CERCLIS/WASTELAN ENVIRONMENT III-35

EXHIBIT III-7 EPA FORMS COMMONLY USED FOR SUPERFUND PROCUREMENTS III-39

EXHIBIT III-8 REGIONAL SUPERFUND COST RECOVERY CONTACTS III-45

EXHIBIT III-9 HEADQUARTERS SUPERFUND COST RECOVERY CONTACTS III-46

EXHIBIT III-10 REGIONAL BUDGET COORDINATORS III-47

EXHIBIT III-11 HEADQUARTERS SUBJECT MATTER EXPERT CONTACTS III-48

APPENDIX A

EXHIBIT A.1 SITE ASSESSMENT/NPL LISTING ACTIVITIES A-3

EXHIBIT A.2 SITE ASSESSMENT ACTION QUALIFIERS A-8

EXHIBIT A.3 SUBJECT MATTER EXPERTS A-39

APPENDIX B

EXHIBIT B.1 RESPONSE ACTION ACTIVITIES B-10

EXHIBIT B.2 LONG-TERM HUMAN HEALTH PROTECTION INDICATOR B-66

EXHIBIT B.3 SUPERFUND MIGRATION OF CONTAMINATED GROUND WATER
UNDER CONTROL WORKSHEET B-68

EXHIBIT B.4 SUBJECT MATTER EXPERTS B-74

APPENDIX C

EXHIBIT C.1 ENFORCEMENT ACTIVITIES C-4

EXHIBIT C.2 SUBJECT MATTER EXPERTS C-43

Superfund Program Implementation Manual FY 04/05

List of Exhibits

APPENDIX D

EXHIBIT D.1 FEDERAL FACILITIES ACTIVITIES	D-9
EXHIBIT D.2 REMEDIAL PIPELINE FLOW CHARTS	D-26
EXHIBIT D.3 SUBJECT MATTER EXPERTS	D-35

APPENDIX E

EXHIBIT E-1 SUPERFUND DATA ARCHITECTURE	E-8
EXHIBIT E.2 DATA SPONSORS	E-16

APPENDIX F – Oil Pollution Prevention and Response Program is no longer included in the SPIM. Oil program now assigned to OEPPR.

APPENDIX G

EXHIBIT G.1 SUBJECT MATTER EXPERTS	G-7
--	-----

APPENDIX H

EXHIBIT H.1 COMMUNITY INVOLVEMENT REQUIREMENTS	H-5
EXHIBIT H.2 CIOC HQ AND REGIONAL ROLES AND RESPONSIBILITIES	H-12
EXHIBIT H.3 SUBJECT MATTER EXPERTS	H-13

APPENDIX J

EXHIBIT J.1. TRIBAL INVOLVEMENT ACTIVITIES	J-3
EXHIBIT J.2. SUBJECT MATTER EXPERTS	J-6

APPENDIX M

EXHIBIT M.1 REMOVAL ACTION ACTIVITIES	M-1
EXHIBIT M.2 SUBJECT MATTER EXPERTS	M-6

**FY 04/05 SPIM
CHANGE 7 LOG
12 SEPTEMBER 05**

Section	Requestor	Change Description
Chapter 2		
Exhibit II.13 SCAP Report Contacts	Randy Hippen	Delete Terry Jeng as a contact for the SCAP-13 report.
Exhibit II.13 SCAP Report Contacts	Brenda Haslett	Remove Dan Dickson from exhibit.
Exhibit II.14 Subject Matter Experts	Robert White	Add Julie Roemele.
Chapter 3		
III.D.2 Superfund Accounting Information	Robert White	Added new Appropriation Codes for Superfund Homeland Security and for Superfund Carryover - Deobs.
Exhibit III.7 Cost Recovery Contacts	Lynne Kershner	Remove Ruth Broome and add Diane Norton.
Appendix A		
A.A.4 GPRA and Site Assessment	Randy Hippen	Corrected the 2008 FAD goal and added language that will prevent removal-only sites from being considered as FAD candidates.
A.A.9.a – A.A.9.t	Robert White	Modified the language of the "Data Must be Entered By" column of the Data Entry Timeliness Requirement section to read: "It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs."
A.A.8 Special Initiatives	Randy Hippen	Added a new section to Appendix A regarding Special Initiatives.
A.A.9.b Referred from RCRA	Randy Hippen	Added a new section regarding Referred from RCRA.
A.A.9.f FF Preliminary Assessment Review	Lynne Kershner	Change the language in the start column (of the Data Entry Timeliness table) to say "Region begins review of Federal Facility PA report."
A.A.9.h FF Combined PA/SI Review; A.A.9.m FF SI Review; A.A.9.n FF ESI Review	Lynne Kershner	Add language in the start column (of the Data Entry Timeliness table) to say "Region begins review of Federal Facility SI report (or Combined PA/SI report, or ESI report)." Also add "Technical Direction Document."
A.A.9.q Hazard Ranking System Package (HRS)	Randy Hippen	Added language regarding regional quality control reviews of HRS Packages.
A.A.9.s NPL Listing	Randy Hippen	Removed NPL deletion text from NPL Listing action section.

**FY 04/05 SPIM
CHANGE 7 LOG
12 SEPTEMBER 05**

Section	Requestor	Change Description
Appendix B		
B.B.3.a – B.B.3.hh (Exceptions below)	Robert White	Modified the language of the "Data Must be Entered By" column of the Data Entry Timeliness Requirement section to read: "It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs."
B.B.3.i Final Remedy Selected	Brenda Haslett	Deleted language that Final Remedy Selected determination can be made at Deletion, PCOR or FCOR. This ensures consistency with CERCLIS.
B.B.3.v NPL Site Completions; B.B.3.w Five Year Reviews; B.B.3.x Partial NPL Deletion; B.B.3.y Final NPL Deletion	Robert White	Modified the language of the "Data Must be Entered By" column of the Data Entry Timeliness Requirement section to read: Within 5 working days, but no later than 10 working days.
Exhibit B.2 Long-Term Human Health Protection Indicator	Brenda Haslett	Add Long-Term Human Health Protection Indicator
B.C. Subject Matter Experts	Brenda Haslett/ Robert White	Remove Dan Dickson and James Konz and add Mary Bell to SME list.
Appendix C		
C.A.1 Overview	Alice Ludington/ Myra Cypser	Modify the language in this section in the third, fourth and fifth paragraph.
C.A.3 Targets and Measures for Baseline Enforcement	Alice Ludington/ Myra Cypser	Modify the language in the first paragraph to read, "WasteLAN coding requirements contained in the definitions below are only for key data elements."
C.A.3.e Issuance of Special Notice Letters	Alice Ludington/ Myra Cypser	Modify the language of the Definition.
C.A.3.g Remedial Design/Remedial Action (RD/RA) Negotiation Starts	Alice Ludington/ Myra Cypser	Modify the language of the Definition of Accomplishment.
C.A.3.k Total Response Commitments	Alice Ludington/ Myra Cypser	Modify the language of the Definition of Accomplishment.
C.A.3.l Enforcement Settlements/ Instruments for RD/RA/Long Term Response (LR)	Alice Ludington/ Myra Cypser	Modify the language of the Definition and Definition of Accomplishment.
C.A.3.m <i>De Minimis</i> Settlements and Number of Parties	Alice Ludington/ Myra Cypser	Modify the language of the Definition of Accomplishment.

**FY 04/05 SPIM
CHANGE 7 LOG
12 SEPTEMBER 05**

Section	Requestor	Change Description
C.A.3.r Past Costs Addressed >\$200,000 via Settlements, Write-offs or Referrals	Alice Ludington/ Myra Cypser	Modify the language of the Definition of Accomplishment.
Exhibit C.2 Subject Matter Experts	Alice Ludington/ Myra Cypser	Remove Dan Dickson and add Amy Tuberson and Mary Bell.
Appendix D		
Exhibit D.3 Subject Matter Experts	Josh Barber	Added Brandon Roache and Tracey Seymour.
Appendix E		
Exhibit E.2 Data Sponsors	Trish Gowland	Update the list of Data Sponsors.
DQOs		
Site Assessment Reports Completed	Robert White/ Randy Hippen	Deleted Angelo Carasea as an SME. Modified the language of the Timeliness section to include: "It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs."
Number of Final Assessment Decisions	Robert White/ Randy Hippen	Deleted Angelo Carasea as an SME. Modified the language of the Timeliness section to include: "It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs."
Final Remedy Selected	Robert White	Added Tracey Seymour as an SME. Modified the language of the Timeliness section to include: "It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs."
Sites with Land Ready for Reuse; Acres at Sites with Land Ready for Reuse	Robert White	Modified the language of the Timeliness section to include: "It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs."

**FY 04/05 SPIM
CHANGE 7 LOG
12 SEPTEMBER 05**

Section	Requestor	Change Description
Human Exposure/Groundwater Under Control	Robert White	<p>Deleted Melanie Hoff and added Rich Norris as the SME.</p> <p>Modified the language of the Timeliness section to include: "It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs."</p>
Construction Completion	Robert White/ Richard Jeng	<p>Modified the language of the Timeliness section to read: The PCOR and FCOR actions should be entered as the activity is completed. It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data for these actions must be entered prior to the end of the quarter in which the event occurs. However, final Construction Completion approval, on which the GPRA measure is based, is based upon review of the PCOR/FCOR documentation by the Headquarters Construction Completion Manager. Headquarters confirmation of CC sites must be entered by the end of the fiscal year in which the event occurred.</p>

**FY 04/05 SPIM
CHANGE 6 LOG**

1 APRIL 05

Section	Requestor	Change Description
Chapter 3		
Table of Contents III.D.1.h; III.D.1.k ; III.D.1.l ; III.D.1.m	Barbara Edmondson	Updated Chapter Subtitles in TOC.
III.D.1.h Office of Financial Management (OFM)/Office of the Chief Financial Officer; III.D.1.k Budget Division/OCFO; III.D.1.l Cincinnati Finance Center (CFC) - Office of Financial Services; III.D.1.m Research Triangle Park (RTP) Finance Center Office of Financial Services	Barbara Edmondson	Updated Chapter Subtitles.
III.D.3 Financial Data Management Systems and Tools	Barbara Edmondson	Deleted EPAYs language and added a bullet for PeoplePlus.
III.D.4.c Correcting Financial Data	Barbara Edmondson	Updated acronym for the OFM.
III.D.5.c Obligations	Barbara Edmondson	Updated the name of the Cincinnati Finance Center.
Exhibit III-8 Regional Cost Recovery Contacts	Robert White	Update list of Regional Superfund Cost Recovery Contacts.
Exhibit III-9 Headquarters Superfund Cost Recovery Contacts	Robert White	Update list of HQ Superfund Cost Recovery Contacts.
III.F.4 Subject Matter Experts	Barbara Edmondson	Updated name of the Office of Financial Management.

**FY 04/05 SPIM
CHANGE 5 LOG**

10 JAN 05 (corrected 1 APR 05)

Section	Requestor	Change Description
<p>SPIM DQO Supplement</p> <p>Reference: "Response to OIG Final Audit Report 'Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) Data Quality Audit Report No. 2002-P-00016," dated 24 DEC 02, from Marianne L. Horinko, Assistant Administrator, Office of Solid Waste and Emergency Response (OSWER), to Patricia H. Hill, Director, OIG Business Systems.</p> <p>One Recommendation is addressed in Change 5: Please see below. This Text Added 1 APR 05</p>		
DQO SPIM Supplement	Dave Reynolds	Data Quality Objectives for Superfund measures. <i>This document does not supercede the SPIM and if a conflict occurs, SPIM language will be the standard.</i> Addresses OIG Recommendation 2-1
<p>Chapter 3</p>		
III.B.1.a Budget Formulation; III.B.3.d Federal Facilities Response Budget; III.B.3.e Base Realignment and Closure; III.C.4 Federal Facilities Response Superfund Budget; III.C.4.a Base Realignment and Closure (BRAC); III.D.1.b Regional Administrator	Josh Barber	Added language updating Federal facilities budget information and adding language referring to BRAC.
Exhibit III-2 Program Results Codes	Alan Youkeles	Change the designation of one of the Program Results Codes from 302ED1 to 302EH2.
Exhibit III-2 Program Results Codes	Josh Barber	Add PRCs for BRAC.
Exhibit III-4 Action Codes for Financial Transactions	Alan Youkeles	Change the designation of one of the Program Results Codes from 302ED1 to 302EH2.
Exhibit III-4 Action Codes for Financial Transactions	Josh Barber	Change the PRC for Site Specific BRAC costs.
Exhibit III-8 Superfund Cost Recovery Contacts	Robert White	Update list of Superfund Cost Recovery Contacts.

**FY 04/05 SPIM
CHANGE 5 LOG**

10 JAN 05 (corrected 1 APR 05)

Section	Requestor	Change Description
Appendix A		
A.A.1 Site Assessment Program & NPL Listing Priorities; A.A.4 GPRA and Site Assessment; A.A.5 Site Status Indicators	Randy Hippen	Updated language.
A.A.8.c Sites Archived	Angelo Carasea/ Randy Hippen	Added a bullet to the Definition of Accomplishment.
A.A.8.e Federal Facility PA Reviews; A.A.8.l Federal Facility SI Reviews; A.A.8.m Federal Facility ESI Reviews	Randy Hippen	Deleted language regarding leads and modified the information in the Data Entry Timeliness requirement.
A.A.8.h Federal Facility Combined PA/SI Review	Randy Hippen	Added language for a new Federal facilities Combined PA/SI Review measure.
A.A.8.r Other Cleanup Activity	Angelo Carasea/ Randy Hippen	Modified the language for OCA starts and completions.
A.B Subject Matter Experts	Victoria Van Roden/ Randy Hippen	Update Subject Matter Experts.
Appendix B		
B.B.4.h Decision Document Developed	Jim Konz	Add language to Special Planning/Reporting Requirements regarding the Five Year Review subaction.
B.B.4.i Final Remedy Selected/Final ROD Authority	RobinM Anderson	Modify language for Final Remedy Selected measure.
B.B.4.s Long-Term Remedial Response	Jennifer Griesert	Modify the timeliness table to make it less confusing.
B.B.4. w Five-Year Reviews	Jim Konz	Added language to Five-Year Review measure regarding the new FYR Report Due subaction.
Part IV - Environmental Indicators	Rich Norris	There have been major changes to the EI section including new measures and new exhibits.

**FY 04/05 SPIM
CHANGE 5 LOG**

10 JAN 05 (corrected 1 APR 05)

Section	Requestor	Change Description
Appendix D		
D.A.2.a Strategic Federal Facility Goals	Josh Barber	Added a bullet about Environmental Management Systems and Pollution Reduction Targets.
D.A.4.a Resources and Tracking Mechanisms	Josh Barber	Added language regarding EPA financial tracking systems
D.A.5 Federal Facility Site Discovery/ Site Assessment	Josh Barber	Added new section about Federal Facility Site Discovery/Site Assessment.
D.B.2 Federal Facility Site Discovery/ Site Assessment Definitions	Josh Barber	Added new section with the definitions for Federal Facility Site Discovery/Site Assessment measures.
D.B.2.s Federal Facility Five-Year Reviews	Jim Konz/ Josh Barber	Added language to Federal Facility Five-Year Review measure regarding the new FYR Report Due subaction.

**FY 04/05 SPIM
CHANGE 4 LOG
20 SEP 04**

Section	Requestor	Change Description
Managers' Schedule		
Page v, October 2004	Robert White	Modified date for HQ 4 th quarter FY 04 accomplishment data pull. Corrected date of the Superfund Focus Forum.
Chapter II		
II.J Regional Accomplishment Reporting	Robert White/ Eugene Rainwater	Added note regarding new Data Entry Timeliness tables.
Chapter III		
Exhibit III-4	Alan Youkeles	Added "Action Codes for Financial Transactions" chart which takes effect in FY 2005.
Subject Matter Experts	Robert White	Updated the list of Subject Matter Experts.
Appendix A		
Reference: "Response to OIG Final Audit Report 'Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) Data Quality Audit Report No. 2002-P-00016," dated 24 DEC 02, from Marianne L. Horinko, Assistant Administrator, Office of Solid Waste and Emergency Response (OSWER), to Patricia H. Hill, Director, OIG Business Systems.		
One Recommendation is addressed in Change 4: Please see "Timeliness" Change below.		
General	Robert White	Added a new 'Data Entry Timeliness Requirements' section for appropriate measures. <i>Addresses OIG Recommendation 2-2</i>
Appendix B		
Reference: "Response to OIG Final Audit Report 'Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) Data Quality Audit Report No. 2002-P-00016," dated 24 DEC 02, from Marianne L. Horinko, Assistant Administrator, Office of Solid Waste and Emergency Response (OSWER), to Patricia H. Hill, Director, OIG Business Systems.		
One Recommendation is addressed in Change 4: Please see "Timeliness" Change below.		
General	Robert White	Added a new 'Data Entry Timeliness Requirements' section for appropriate measures. <i>Addresses OIG Recommendation 2-2</i>
B.B.4.p Operational and Functional; B.B.4.q Completion of a Response Action/Activity	Teresa Jones/ Debra Potter	Language changed for clarity.
Subject Matter Experts	Robert White	Updated the list of Subject Matter Experts.
Appendix C		

**FY 04/05 SPIM
CHANGE 4 LOG
20 SEP 04**

Section	Requestor	Change Description
C.A.3.hh Pre-Remedial Enforcement Actions at Superfund Sites	Dan Dickson	Language changed for clarity.

**FY 04/05 SPIM
CHANGE 3 LOG
12 JULY 04**

Section	Requestor	Change Description
Table of Contents/Use and Structure		
General	Robert White	Change CEPPPO to OEPPR.
Managers' Schedule		
Managers' Schedule	Sherri Clark	Updated dates for workplanning.
Chapter II		
II.E Overview of the planning process & II.E.1 Planning Year	Sherri Clark	Updated dates for workplanning.
Exhibit II.5 Procedures for FY 04/05 Target Setting	Sherri Clark	Updated dates for workplanning.
II.M.1 Site Assessment	Sherri Clark	Deleted unnecessary language.
Appendix A		
Reference:	"Response to OIG Final Audit Report 'Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) Data Quality' Audit Report No. 2002-P-00016," dated 24 DEC 02, from Marianne L. Horinko, Assistant Administrator, Office of Solid Waste and Emergency Response (OSWER), to Patricia H. Hill, Director, OIG Business Systems.	
<u>Two Recommendations are addressed in Change 3: Please see below.</u>		
A.A.1 Site Assessment Program and NPL Listing Priorities	Angelo Carasea	Removed language regarding the NACEPT Subcommittee.
A.A.4 GPRA and Site Assessment	Angelo Carasea	Updated section to reflect new GPRA language and to include new GPRA measure: Number of Site Assessments completed.
Exhibit A.1 Site Assessment/NPL Listing Activities	Angelo Carasea	Added new GPRA measure to the list of activities
A.A.5 Site Status Indicators	Angelo Carasea	Added language to clarify the use of the non-NPL status code of 'SX'. <i>Addresses OIG Recommendation 3.3</i> to reduce the use of the 'SX' code.
A.A.6 Data Quality	Angelo Carasea	Added section on data quality which includes a list of relevant Discovery and eFacts reports. <i>Addresses OIG Recommendation 3.1</i> to "Revise SPIM to provide guidance on use of reports "

**FY 04/05 SPIM
CHANGE 3 LOG
12 JULY 04**

Section	Requestor	Change Description
Appendix B		
B.B.4.p Operational and Functional	Tracy Hopkins/ Jennifer Griesert	Clarified language to indicate that fund is the valid lead for O&F and updated O&F completion definition.
B.B.4.q Completion of a Response Action/Activity	Tracy Hopkins/ Jennifer Griesert	Clarified language regarding RA completion.
B.B.4.r NPL Site Construction Completions	Tracy Hopkins/ Jennifer Griesert	Clarified language to indicate that fund is the only valid lead for FCOR and PCOR.
B.B.4.s Long-Term Response Action	Tracy Hopkins/ Jennifer Griesert	Updated language to clarify definition.
B. B.4.t Operation and Maintenance	Tracy Hopkins/ Jennifer Griesert	Updated language to clarify the use of PRP LR
B.B.4.III.u Cleanup Goals Achieved	Tracy Hopkins/ Jennifer Griesert	Definition revised to clarify what remedies the subaction is applicable.
B.B.4.III.v NPL Site Completions	Tracy Hopkins/ Jennifer Griesert	Language revised to indicate that fund is the only valid lead for the FCOR.
B.B.4.III.x Partial NPL Deletion	Tracy Hopkins/ Jennifer Griesert	Definition revised to clarify the use of start dates.
B.B.4.III.y Final NPL Deletion	Tracy Hopkins/ Jennifer Griesert	Definition revised to clarify the use of start dates.
B.B.4.III.z Sites with Land Ready for Reuse	Melissa Friedland	Information for Sites with Land Ready for Reuse will no longer be entered at pre-ROD actions. Language was changed to clarify that Reuse information will only be entered after the Actual Completion dates are entered for appropriate actions, except for Deletions.
B.B.4.III.aa Acres at Sites with Land Ready for Reuse	Melissa Friedland	Information for Acres at Sites with Land Ready for Reuse will no longer be entered at pre-ROD actions. Clarified that Reuse information will only be entered after the Actual Completion dates are entered for appropriate actions, except for Deletions.

**FY 04/05 SPIM
CHANGE 3 LOG
12 JULY 04**

Section	Requestor	Change Description
<p>Appendix E</p> <p>Reference: "Response to OIG Final Audit Report 'Comprehensive Environmental Response, Compensation, and Liability Information System (CERCLIS) Data Quality' Audit Report No. 2002-P-00016," dated 24 DEC 02, from Marianne L. Horinko, Assistant Administrator, Office of Solid Waste and Emergency Response (OSWER), to Patricia H. Hill, Director, OIG Business Systems.</p> <p><u>One Recommendation is addressed in Change 3: Please see below.</u></p>		
E.A.4 b. Sensitive Information Not Releasable under FOIA	Dan Dickson	Revised text for clarification
E.A.5 Data Owners/Sponsorship	Angelo Carasea/ Randy Hippen	Revised section to reflect what data quality checks (focus data studies) will be done. <i>Addresses OIG Recommendation 2.1</i> regarding Data Stewardship.

**FY 04/05 SPIM
CHANGE 2 LOG
24 FEB 04**

Section	Requestor	Change Description
General		
General - Changes through SPIM	Robert White	Change OERR to OSRTI and change CEPPPO to OEPPR.
Mangers' Schedule		
Acronym List	Robert White	Added OSRTI to acronym list.
Organization Charts	Robert White	Added OSRTI organizational chart
Chapter I		
Exhibit I.C Subject Matter Experts	Robert White	Updated Subject Matter Experts table.
Chapter II		
II.L Target and Definition Change Requests	Jim Konz	Program Targets for Five Year Reviews have been more clearly defined.
Chapter III		
Exhibit III-2 Program Results Code	Lynne Kershner	Program layout and results codes have been updated.
III.B.3 Superfund Program Goals and Priorities	Lynne Kershner	Added a section on Homeland Security and Removal goals and priorities. Updated the description of Homeland Security and Removal organization and corrected the program results codes in subsection titles.
III.C.8 Budget Object Classes	Lynne Kershner	Corrected Budget Object Class names.
Exhibit III-3 Who Pays for What	Brenda Haslett/ Alan Youkeles	Leads have been modified for Five Year Reviews in the "Who Pays for What" chart.
III.D.4.c Correcting Financial Data	Eugene Rainwater	Remove old reference to an Exhibit that has been deleted.
Exhibit III-10 Headquarters Subject Matter Experts	Robert White	The SME list has been updated.
Appendix A		
Exhibit A.3 Subject Matter Experts	Robert White	The SME list has been updated.

**FY 04/05 SPIM
CHANGE 2 LOG
24 FEB 04**

Section	Requestor	Change Description
Appendix B		
B.B.1 Overview of FY 04/05 Response Actions Targets/Measures	Jim Konz	Added language on Five-Year Reviews.
B.B.3.a ROD Changes	Hans Waetjen	Corrected address for EPA HQ ROD coordinator.
B.B.3.a.i, ii & iii Other Remedy Changes, Explanation of Significant Differences (ESDs), and ROD Amendments	Hans Waetjen	Added language which describes the requirements for an actual completion for the Other Remedy Change, Explanation of Significant Differences (ESDs) and ROD Amendments.
B. B.4.I.h Decision Document Developed	Hans Waetjen	Modified ROD Cost Data requirement to only require cost data that is listed in the decision document.
B.B.4.III.w Five Year Reviews	Jim Konz	Updated Five Year Reviews definition.
B.B.4.III.z Sites with Land Ready for Reuse	Hans Waetjen	Clarified definition for Sites with Land Ready for Reuse.
Exhibit B.4 Subject Matter Experts	Robert White	The SME list has been updated.
Appendix C		
Exhibit C.2 Subject Matter Experts	Robert White	The SME list has been updated.
Appendix D		
D.B.2.s. Federal Facility Five-Year Reviews	Jim Konz	Modified Five Year Review Special Planning/Reporting Requirement.
Appendix E		
E.A.4.a. Reports Releasable under Freedom of Information Act (FOIA)	Eugene Rainwater/ Dan Dickson	Remove sentence on Section 106 and 107 litigation. Modified language on Section 106 and 107 litigation in section E.A.4.b. Sensitive Information not Releasable under FOIA.
Exhibit E.2 Data Sponsors	Robert White	The SME list has been updated.

**FY 04/05 SPIM
CHANGE 2 LOG
24 FEB 04**

Section	Requestor	Change Description
Appendix G		
G.A Background	Patricia Kennedy	Added language regarding measuring the success of the Enforcement program.
G.B Superfund GPRA Structure	Peggy Scwebke	Updated Land Preservation and Restoration goal language.
G.B Superfund GPRA Structure	Janet Weiner	Updated language based on FY 04 Strategic Plan.
G.C Subject Matter Experts	Robert White	The SME list has been updated.
Appendix H		
Exhibit H.3 Subject Matter Experts	Robert White	The SME list has been updated.
Appendix J		
Exhibit J.2 Subject Matter Experts	Robert White	The SME list has been updated.

**FY 04/05 SPIM
CHANGE 1 LOG
22 SEP 03**

Section	Requestor	Change Description
Manager's Schedule		
Pull dates are the fifth working day of the month.	Robert White	Modified pull dates to be the fifth working day of the month.
Chapter II		
II.L - Target and Definition Change Request - Maintaining the Planning Estimates/Targets	Alan Youkeles	Language updated to reflect site specific targets listed in the Call Memo.
Chapter III		
Exhibit III.6, <i>Who Pays for What</i> Chart	Alan Youkeles	Added a note to the TAG, FF Oversight, Community Involvement and Five Year Review actions for site designation noting that these activities can be planed using 'WQ' but must be obligated site-specifically.
III.D.1.e Remedial Project Manager	Lynne Kershner	Changed section title Remedial Program Manager (RPM) to Remedial Project Manager (RPM).
III.D.4 Entering Response and Federal Facility Data into CERCLIS/WasteLAN	Leslie Peterson/ Lynne Kershner	Modified text reflect the current process.
III.D.6.b Contracts for Non-Site Specific Work	Paige Peck	Modified text reflect the current process.
Appendix A		
Exhibit A.1 Site Assessment/NPL Listing Activities	Randy Hippen	Non-NPL Site Status removed from Activity column.
A.A.4 GPRA and Site Assessment	Randy Hippen	Added language to FAD decision to capture OCAs.
A.A.5 Site Status Indicators NEW SECTION	Randy Hippen	Added a new section for Site Status Indicators. Also deleted the non-NPL Status measure since it was captured in this new section.
A.A.7.a Pre-CERCLIS Screening	Randy Hippen	Added language to the Pre-Screening Definition to include language on sampling.
A.A.7.b Non-NPL Status	Randy Hippen	Section deleted.
A.A.7.c Sites Archived	Randy Hippen	Added link to access Guidance on Archiving Sites.

**FY 04/05 SPIM
CHANGE 1 LOG
22 SEP 03**

Section	Requestor	Change Description
A.A.7.c Sites Archived	Randy Hippen	Added language to the Changes in Definition noting measure was updated concerning unarchived sites.
A.A.7.c Sites Archived	Randy Hippen	Added language to Special Planning/Reporting Requirements describing archive indicator in CERCLIS.
A.A.7.r Other Cleanup Activity	Randy Hippen/ Jennifer Griesert	Updated Other Cleanup Activity definition to further define the start date.
Appendix B		
B.A.1.e Superfund Alternative Sites	Dela Ng	Deleted references to SACM in the Superfund Alternative Sites summary. Also added language to the summary to include Regions seeking PRP-lead.
B.B.4.i Final Remedy Selected/Final ROD Authority NEW MEASURE	Robin M Anderson	Add language for new measure.
B.B.4.j Removal Starts and Removal Completions	Dana Stalcup	Removed Removal Start and Removal Completion measures and placed in new Appendix M.
B.B.4.j Removal Starts and Removal Completions	Dana Stalcup	References to Coast Guard lead removals have been removed. Coast Guard lead removal starts are recorded non-site-specifically.
B.B.4.x Partial NPL Deletion	Jennifer Griesert	Deleted reference to NPL Status of Partially Deleted from the NPL. This statement is untrue as there is no NPL status of Partially Deleted from the NPL.
B.B.4.z&aa. Sites with Land Ready for Reuse & Acres at Sites with Land Ready for Reuse NEW MEASURES	Janet Weiner/John Harris	Add language for new GPRA measures ‘Sites with Land Ready for Reuse’ and ‘Acres at Sites with Land Ready for Reuse.’
B.B.4.bb	Melanie Hoff	Changed from a program measure to a GPRA measure.

**FY 04/05 SPIM
CHANGE 1 LOG
22 SEP 03**

Section	Requestor	Change Description
Appendix C		
C.A.1 Overview	Dela Ng	Updated GPRA goals example.
Exhibit C.1 Enforcement Activities	Dela Ng	Corrected exhibit and added rows for Pre-Remedial Enforcement Action at Superfund Sites, Windfall Lien Filed, and Windfall Lien Resolution - Assessed and Finalized
C.A.3 Criteria for Credit of Enforcement Activities at Superfund Alternative Sites	Dela Ng	Deleted reference to SACM.
C.A.3.i Completion or Termination of Negotiations for Cleanup	Dela Ng	Changed from a program target to program measure.
C.A.3.j Percentage of Remedial Action Starts Initiated by PRPs at Non-Federal Facility NPL and Superfund Alternative Sites	Dela Ng	Changed from GPRA annual performance goal to program target.
C.A.3.k Total Response Commitments (Including Dollar Value)	Dela Ng	Change UAO date for all response work to the date of the PRPs written notice of intent to comply with the order.
C.A.3.m DeMinimis Settlements and Number of Parties	Dela Ng	Changed definition to a program measure.
C.A.3.x Prospective Purchaser Agreements (PPAs) - Assessed and Finalized	Dela Ng	Changed date CERCLA was amended.
C.A.3.x Prospective Purchaser Agreements (PPAs) - Assessed and Finalized	Dela Ng	Changed PPA assessments and PPAs signed to program measures.
C.A.3.y Issuance of Comfort/Status Letters	Dela Ng	Added requirement of qualifiers to note the type of comfort/status letter.
C.A.3.z Orphan Share - EPA Offer and Compensation	Dela Ng	Changed Orphan Share Compensation Offered to a program measure.
C.A.3.hh Pre-Remedial Enforcement Action at Superfund Sites	Dela Ng	Added new GPRA annual performance goal.
C.A.3. ii, and jj <i>Windfall Lien Filed;</i> and <i>Windfall Lien Resolution</i> - Assessed and Finalized. NEW MEASURES	Dela Ng	Added two new measures: <i>Windfall Lien Filed;</i> and <i>Windfall Lien Resolution</i> - Assessed and Finalized.

**FY 04/05 SPIM
CHANGE 1 LOG
22 SEP 03**

Section	Requestor	Change Description
Appendix D		
Exhibit D.1 Federal Facilities NPL Sites	Josh Barber	Added ESD or ROD Amendment activity.
D.B.2.a Base Closure Decisions	Josh Barber	Updated the Base Closure Measure to include a requirement for acreage data.
D.B.2.f Final Remedy Selected/Final ROD Authority	Josh Barber	Added measure for Final Remedy Selected/Final ROD Authority
D.B.2.i Explanations of Significant Difference (ESD) and ROD Amendments	Josh Barber	Added measure for Explanations of Significant Difference (ESD) and ROD Amendments.
D.B.2.r Federal Facility Partial NPL Deletion	Jennifer Griesert	Deleted reference to NPL Status of Partially Deleted from the NPL. This statement is untrue as there is no NPL status of Partially Deleted from the NPL.
D.B.3.b Technical Assistance Grants (TAGs)	Debra Potter	TAG definition has been rewritten.
Appendix E		
Exhibit E.2 Data Sponsors	Hans Waetjen	Updated data sponsors.
Appendix H		
H.A.1.b TAGs Measure	Debra Potter	TAG definition has been rewritten.
Appendix M		
Entire Appendix NEW APPENDIX	Dana Stalcup	Removal measure were taken from Appendix B and moved to this new appendix to reflect the changes in responsibilities for removals.

INDEX

Acronyms, xi

Administrative Reforms (see Reforms, Superfund)

Construction Completions

NPL Site, B-38

RA Construction, B-2

Enforcement

Targets and Measures, C-1, C-7

Environmental Indicators, B-48

Federal Facilities

Priorities, D-1

Targets and Measures, D-5

Reporting Non-NPL Data, D-5

Government Performance Results Act (see GPRA)

GPRA

Annual Performance Plan, G-4

Description, G-1

Goals, G-3

Objectives/Sub-objectives, G-3

Performance Goal, G-4

Resources, G-4

Strategic Plan Requirements, G-3

Structure, G-5

Information Systems, E-1

Manager's Schedule of Significant Events, i

Organizational Charts, xix

Program Goals and Priorities

Base Closures, D-3

Block Funding, J-2

Building Superfund Partnerships, J-1

Contract Management, B-7

Enforcement First, C-2

Environmental Indicators, B-48

Innovative Technologies, B-6

Maximizing Program Effectiveness,

Efficiency, B-6

NPL Listings, Clarifying Policy, A-2

Performance Partnership Grants, J-2

Post Construction Completions, I-4

Promoting Superfund Enforcement Program, C-2

Protect Human Health and Environment, B-1

Removal Actions, B-1

Site Assessment, A-1

State/Tribal Role, Enhancement, J-1

Program Planning and Reporting Requirements, II-1

Accomplishments Reporting, II-14

Action Lead Codes, II-22

Action Qualifiers, Assessment, A-5

Annual Target Setting, II-11

Annual Reporting Requirements, II-19

Anomalies and Phased Projects, II-26

Change Control Requirements, II-7

Change Requests, II-19

Data Lockout, II-21

Data Validation, II-22

HQ Evaluation of Regional

Performance, II-16

Information Systems, Superfund, II-5

Integrated Planning, II-2

Leads, II-22

Management Tools, II-3

Phased Projects, II-26

Planning/Target Setting, II-13

Program Evaluation, II-10

Roles/Responsibilities, II-8

SCAP, II-3, II-5

Site Assessment, II-20

Work Planning, II-11, II-21

Records of Decision (see RODs)

Regional Accomplishment Reporting, II-14

Regional Map, xxiv

Regional Performance,

HQ Evaluation of, II-16

End-of-Year Assessment, II-17

Management Reporting, II-18

Mid-Year Assessment, II-16

Response Actions

Targets and Measures, B-5

RODs

Amendments, B-9
ROD Amendments, B-8
Other Remedy Changes, B-9
Requiring No Physical Construction, B-10
ESDs, B-9
Definition of, B-8

SCAP

Change Control, II-7
Change Requests, II-19
Information Systems, II-5
Introduction to, II-3
Maintaining in WasteLAN, II-8
Maintaining Planning Targets/
Accomplishments, II-8
Management Tools, Relationship to, II-3
Overview of Planning Process, II-5
Program Evaluation, II-10
Roles and Responsibilities, HQ/Regional,
II-8
Target Setting, Annual, II-12
WasteLAN Reports, II-13, II-15
Work Planning, II-11, II-21

Site Assessments

Action Qualifiers, A-5
GPRA, A-3
Program Priorities, A-1
Targets and Measures, A-1

Superfund

Annual Reporting Requirements, II-19
Current Program Priorities, (see Program
Priorities)
GPRA, G-5
History of, I-3
Management Reports, II-18
Measures of Success (MOS), C-1
Performance Goal, B-6
Redevelopment Initiatives, B-7

Work Planning, II-11, II-21

Superfund Program Implementation Manual FY04/05

Chapter I: Introduction

**This Page Intentionally
Left Blank**

**Chapter I
Introduction**

Table of Contents

CHAPTER I INTRODUCTION I-1
 I.A. Purpose I-1
 I.B. Superfund I-2
 I.B.1 Introduction I-2
 I.B.2 Superfund and its History I-3
 I.C. Subject Matter Experts I-4

List of Exhibits

EXHIBIT I.1 SUBJECT MATTER EXPERTS I-4

**This Page Intentionally
Left Blank**

CHAPTER I INTRODUCTION

I.A PURPOSE

EPA, working in collaboration with the states, Indian tribes, and other Federal agencies, manages programs designed to cleanup priority hazardous waste sites and releases. These programs include Superfund, Brownfields, Resource Conservation and Recovery Act (RCRA), Underground Storage Tanks (UST), and Oil. The focus of those programs is to maximize the protection of human health and the environment and to allow these sites to be returned to productive use to improve the quality of life in America's communities.

The Superfund Program Implementation Manual (SPIM) is a planning document that defines program management priorities, procedures and practices for the Superfund Program (including response, enforcement, and Federal Facilities). The SPIM provides the link between the Government Performance and Results Act (GPRA), EPA's Strategic Plan, and the Superfund programs' internal processes for setting priorities, tracking and planning performance, and meeting program goals. It establishes the process to track overall program progress through program targets and measures.

The Government Performance and Results Act (GPRA) holds federal agencies accountable for using resources wisely and achieving program results. GPRA requires agencies to develop plans for what they intend to accomplish, measure how well they are doing, make appropriate decisions based on the information they have gathered, and communicate information about their performance to Congress and to the public. GPRA requires agencies to develop a five-year Strategic Plan, including a mission statement and long-term goals and objectives. EPA's strategic plan is divided into five goals: air; water; land; communities and ecosystems; and compliance and environmental stewardship. The Superfund program contributes to the goal of preserving and restoring the land. GPRA also requires agencies to develop annual Performance Plans, which provide annual performance commitments toward achieving the goals and objectives presented in the Strategic Plan; and annual Performance Reports, which evaluate an agency's progress toward achieving performance commitments.

The SPIM provides standardized and common definitions for the Superfund program, and it is part of EPA's internal control structure. As required by the Comptroller General of the United States, through government accepted accounting standards and auditing practices, this document defines program scope and schedule in relation to budget, and is used for audits and inspections by the General Accounting Office and the Office of the Inspector General. The SPIM is developed on a biennial basis, and this document provides information for the period covering FY 2004 and FY 2005. Revisions to the SPIM are issued during the biennial cycle as needed.

The SPIM contains three chapters and a number of appendices. Chapter 1 provides a brief summary of the Superfund Program and summarizes key program priorities and initiatives. Chapter 2 describes program planning and reporting requirements and processes. Chapter 3 describes the budget process and financial management requirements. Appendices A through J highlight program priorities and initiatives and provide detailed programmatic information, including program targets and measures, for critical parts of the Superfund Program.

Notice To Readers: At the time of publication of the FY 04/05 SPIM, several actions were underway that impacted the content of the document. These actions included: a re-organization of the Office of Emergency and Remedial Response (OERR) and re-naming it "Office of Superfund Remediation and Technology Innovation (OSRTI)"; a complete revision to the Agency's Strategic Plan and goal structure, and to the budgeting, accounting and performance management procedures; a comprehensive review of CERCLIS and the SPIM as part of the CERCLIS modernization project; and a reorganization within Office of Solid Waste and Emergency Response (OSWER) which will shift responsibility for the Superfund removal program from the Office of Superfund Remediation and Technology Innovation (OSRTI) to the Office of Emergency Preparedness, Prevention and Response (OEPPR), and consolidate responsibilities for homeland security within OEPPR. The SPIM as of Change 2 reflects these changes.

I.B SUPERFUND

I.B.1 Introduction

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

The overarching goals of the Superfund Program are ensuring the protection of human health and the environment, and maximizing the involvement of potentially responsible parties in conducting cleanups at sites, also known as “enforcement first”. EPA will continue to address the worst sites first, while balancing the need to complete response actions at sites.

To protect human health and the environment and address potential barriers to redevelopment, EPA works with states, Indian tribes, and other Federal agencies to:

- Assess sites and determine whether they meet the criteria for Federal Superfund response actions;
- Prevent, minimize, or mitigate significant threats at Superfund sites through removal actions;
- Generate risk assessments that consider the future use of the site and prepare accurate cost-performance data as the technical foundation for environmental cleanup decisions;
- Complete remedial cleanup construction at sites listed on the National Priorities List (NPL);
- Control human exposure to and the migration of contaminated groundwater at NPL sites;
- Develop technologies for cost-effective site characterization and remediation;
- Ensure long-term protectiveness of remedies by overseeing operation and maintenance and conducting five-year reviews;
- Enhance the role of states and Indian tribes in the implementation of the Superfund program;
- Pursue “enforcement first” throughout the Superfund cleanup process;
- Work with communities surrounding Superfund sites to improve their direct involvement in every phase of the cleanup process and their understanding of potential site risk;
- Continue progress of cleanups while increasing consistency with other EPA cleanup programs; and
- Promote reuse and redevelopment of Superfund sites.

I.B.2 Superfund and its History

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

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

In October 1986, Congress reauthorized CERCLA by enacting the Superfund Amendments and Reauthorization Act (SARA). 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.

The National Oil and Hazardous Substances Pollution Contingency Plan (NCP) is the major regulatory framework that guides the Superfund response effort. The NCP outlines a step-by-step process for implementing Superfund responses and defines the roles and responsibilities of EPA, other Federal agencies, states, private parties, and the communities in response to situations in which hazardous substances are released into the environment. In 1992, EPA introduced the Superfund Accelerated Cleanup Model (SACM). SACM was designed to expedite the cleanup of uncontrolled waste sites and redefine the way Superfund progress is measured.

The Omnibus Reconciliation Act of 1990, which extended Superfund authority, expired in 1994. Since 1994, many Congressional bills have been advanced to reauthorize the 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. 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 also 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 of 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.

EPA and other Superfund stakeholders have worked since the inception of the program to reduce risks posed by abandoned and uncontrolled hazardous waste sites. As of the end of FY 2002, EPA has evaluated more than 44,000 sites, conducted more than 7,000 removals, and completed construction at 846 of 1,498 sites on the NPL in an effort to protect human health and the environment. Final remedies have been selected at more than 1,100 sites, and design and implementation of the remedies is underway.

I.C SUBJECT MATTER EXPERTS

The following exhibit identifies the subject matter experts for Chapter I Introduction.

EXHIBIT I.1 SUBJECT MATTER EXPERTS

Subject Matter Expert	Subject Area	Phone #
Robert White	SPIM/SCAP Coordinator	(703) 603-8873
Dan Dickson	Enforcement	(202) 564-6041
Joshua Barber	Federal Facilities (FF)	(703) 603-0265
Lance Elson	Federal Facility Enforcement	(202) 564-2577
Janet Weiner Patricia Kennedy	GPRA	(703) 603-8717 (202)564-6061
Art Flaks	BPEB	(703) 603-9088
Jeff Lape	Resource Management	(703) 603-8914

To see a complete list of data sponsors, please refer to Data Sponsor List in Appendix E.

Superfund Program Implementation Manual FY 04/05

Chapter II: Program Planning and Reporting Requirements

**This Page Intentionally
Left Blank**

Chapter II Program Planning and Reporting Requirements

Table of Contents

CHAPTER II PROGRAM PLANNING AND REPORTING REQUIREMENTS	II-1
II.A Introduction	II-1
II.B Integrated Planning	II-2
II.C Introduction to the Superfund Comprehensive Accomplishment Plan (SCAP)	II-3
II.D Relationship of SCAP to other Management Tools	II-3
II.D.1 Management Tools	II-3
II.D.2 Superfund Information Systems	II-5
II.E Overview of the Planning Process (SCAP)	II-5
II.E.1 Planning Year	II-6
II.E.2 Operating Year	II-7
II.F Change Control Requirements	II-7
II.G HQ/Regional Roles and Responsibilities	II-8
II.G.1 Maintaining Planning/Accomplishment Data in WasteLAN	II-8
II.G.2 Program Evaluation	II-10
II.H Procedures for Annual Target Setting	II-11
II.I Work Planning	II-11
II.I.1 Planning Process	II-12
II.I.2 WasteLAN Reports for Planning/Target Setting	II-13
II.J Regional Accomplishment Reporting	II-14
WasteLAN Reports for Accomplishment Reporting	II-15
II.K HQ Evaluation of Regional Performance	II-16
II.K.1 Mid-Year Assessment	II-16
II.K.2 End-of-Year Assessment	II-17
II.K.3 Management Reporting	II-18
a. Superfund Management Reports	II-18
b. Annual Reporting Requirements	II-19
II.L Target and Definition Change Requests	II-19
Maintaining the Planning Estimates/Targets	II-20
II.M Special Reporting Topics	II-20
II.M.1 Site Assessment	II-20
II.M.2 Base Closure	II-20
II.M.3 Pre-SARA Sites Initiative	II-20
II.M.4 Mega Sites	II-21
II.M.5 Superfund Alternative Sites	II-21
II.N General Work Planning and Reporting Requirements	II-21
II.N.1 Data Lockout on Historical Accomplishments	II-21
II.N.2 Data Validation and Verification	II-22
II.N.3 Action Lead Codes	II-22
II.N.4 Lead Changes	II-24
II.N.5 Anomalies and Phased Projects	II-26
II.O Subject Matter Experts	II-27

**Chapter II
Program Planning and Reporting Requirements**

List of Exhibits

EXHIBIT II.1 FLEXIBILITY SCALE FOR BUDGETING/PLANNING II-4

EXHIBIT II.2 HQ/REGIONAL INTEGRATED PLANNING RESPONSIBILITIES II-5

EXHIBIT II.3 HQ/REGIONAL SCAP AND WasteLAN RESPONSIBILITIES II-8

EXHIBIT II.4 EVALUATION RESPONSIBILITIES II-10

EXHIBIT II.5 PROCEDURES FOR ANNUAL TARGET SETTING II-12

EXHIBIT II.6 SCAP PLANNING/TARGET SETTING WasteLAN REPORTS II-14

EXHIBIT II.7 PROGRAM EVALUATION WasteLAN REPORTS II-16

EXHIBIT II.8 THE REGIONAL EVALUATION PROCESS II-17

EXHIBIT II.9 ACTION LEAD CODES IN WasteLAN II-23

EXHIBIT II.10 CODING OF TAKEOVERS II-26

EXHIBIT II.11 REMEDIAL EVENTS, ANOMALIES, AND PROJECT PHASING II-27

EXHIBIT II.12 SCAP REPORT CONTACTS II-27

EXHIBIT II.13 SUBJECT MATTER EXPERTS II-28

CHAPTER II PROGRAM PLANNING AND REPORTING REQUIREMENTS

II.A INTRODUCTION

The Government Performance and Results Act (GPRA) establishes a general framework within which the Agency plans its activities. It focuses the Agency on planning strategically (in consultation with both internal and external customers), developing annual performance plans with annual performance goals, and carrying out regular program evaluations to ensure these goals are met effectively and efficiently.

The Office of Superfund Remediation and Technology Innovation (OSRTI), Office of Site Remediation Enforcement (OSRE), the Federal Facilities Enforcement Office (FFEO), and the Federal Facilities Restoration and Reuse Office (FFRRO) are responsible for overall program planning, including implementing the requirements of GPRA and reporting on Superfund program accomplishments. *The Superfund Comprehensive Accomplishments Plan (SCAP) is the process by which the Assistant Administrator for the Office of Solid Waste and Emergency Response (AA SWER), Assistant Administrator for the Office of Enforcement and Compliance Assistance (AA OECA), and senior Superfund managers monitor progress towards meeting GPRA annual performance goals.* In addition, SCAP will continue to be used as a management tool to project and track activities that contribute to these GPRA goals and support resource allocation. Regions should continue to plan and report accomplishments in WasteLAN as they have done traditionally.

To more clearly reflect the relationship between GPRA and the SCAP process, GPRA annual performance goals and measures and program targets and measures are defined as follows:

- **GPRA Annual Performance Goals (APG) and GPRA Annual Performance Measures (APM)** - The Agency's Annual Plan describes the specific annual performance goals, annual measures of outputs and outcomes, and activities aimed at achieving the performance goals that will be carried out during the year. APGs are the specific activities that the Agency plans to conduct during the fiscal year in an effort towards achieving its long-term strategic goals and objectives. APMs are used by managers to determine how well a program or activity is doing in achieving milestones that have been set for the year. The annual performance goals will inform Congress and Agency stakeholders of the expected level of achievement for the significant activities covered by the GPRA objective. The goals are a subset of the overall planning and budgeting information that has traditionally been tracked by the Superfund program offices.
- **Program Targets and Measures** are activities deemed essential to tracking overall program progress. Program targets are used to identify and track the number of actions that each Region is expected to perform during the year and to evaluate program progress. Program measures are used to show progress made in achieving program priorities. A subset of these program measures will be targeted for work planning purposes.

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

II.B INTEGRATED PLANNING

Integrated planning is the responsibility of HQ and Regional program offices; Regional finance offices; the States; Tribes; affected communities; the Office of Regional Counsel (ORC); DOJ; and other Federal agencies. Information on planned activities should also be coordinated with the Natural Resources Trustees and the Agency for Toxic Substances and Disease Registry (ATSDR). To provide adequate resources to achieve Superfund's GPRA objectives and sub-objectives, HQ allocates resources within and between the response, enforcement, and Federal facilities programs. Regions are responsible for providing data on the level of resources needed to accomplish those priority activities and negotiate commitments consistent with realistic site planning. Regions should not accept targets that require completion of activities that cannot be funded or staffed within the resources provided. This requires Regions to reconcile FY 04/05 targets and their Superfund pipeline with the financial operating plan proposed by HQ.

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

- *Formulation of the out year GPRA annual performance plan and budget occurs 12 to 18 months prior to the FY.* The GPRA annual performance plan 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 includes identification of major program issues, analysis of program costs, and alignment of resources among competing priorities. Activities receive resource allocations that are established by the Administrator and the Assistant Administrator for the Office of Solid Waste and Emergency Response (AA SWER) or the Assistant Administrator for the Office of Enforcement and Compliance Assurance (AA OECA).
- *Development of the initial operating plan occurs six months prior to the FY and generally is finalized early during the FY.* OSWER and OECA provide resources to support the program through the Advice of Allowance (AOA) and workload process. Regions are expected to work within the annual Regional budgets established at the start of the year until the mid-year evaluation. Regions have flexibility within the general budget and AOA structure to shift funds as needed to meet priority activities. (See Chapter III for additional information on shifting funds.) Once the operating plan is established at the start of the year, additional resources generally can be shifted to a Region only at the expense of resources from other Regions. However, HQ may shift funds among the Regions depending on the level of use and need.
- *Use of the mid-year evaluation to realign resources in the current FY.* Current year resource adjustments focus on changes needed due to cost and project schedule modifications. Changes may result in shifts within program areas and among Regions, and revised annual funding levels. Estimates developed in April/May for the upcoming FY represent the first formal opportunity for changing resources among program areas at a national level. The revised resource estimates also serve as a "baseline" for examining program needs in the budget year.

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

II.C INTRODUCTION TO THE SUPERFUND COMPREHENSIVE ACCOMPLISHMENT PLAN (SCAP)

The SCAP process is used by the Superfund program to plan, budget, track, and evaluate progress toward achieving Superfund GPRAs objectives and sub-objectives. The SCAP planning process is a dynamic, ongoing effort that has a significant impact on Superfund resource allocation and program evaluation. Planned obligations and reporting of GPRAs annual performance goals and measures are generated through SCAP and influence the Superfund budget and evaluation process. Such planning is a day-to-day responsibility of the Regions. An annual process has been established through which HQ and Regions formally develop work plans for the future. WasteLAN serves as the conduit for the SCAP process by providing both HQ and Regions with direct access to the same data. Through WasteLAN, reports can be produced allowing for daily interactive updates of planning and site cleanup progress information.

II.D RELATIONSHIP OF SCAP TO OTHER MANAGEMENT TOOLS

The SCAP process is crucial to Superfund program planning, tracking, and evaluation. As the Superfund program's central planning mechanism, it is interrelated with all Agency and Superfund program specific planning and management systems, including the GPRAs annual performance plan, the Superfund budget, Agency Operating Plan, Memorandum of Agreement/Management Agreements and the Superfund workload models. GPRAs annual performance goals are designed to reflect the strategic plans and the Agency's goals, objectives, and sub-objectives for the upcoming year. As such, SCAP serves as the Superfund Program's Memorandum of Agreement. In some cases, new categories are developed, or the projections for activities are adjusted, to match these goals.

II.D.1 Management Tools

Most of the Superfund program's budget is based on planning and accomplishment data recorded in WasteLAN. The operating year's budget is developed 18 months prior to its beginning. For example, data existing in the third quarter of FY 04 will be used to formulate the FY 06 budget. The site schedules reflected in WasteLAN serve as the foundation for determining out year budget priorities, such as the dollar levels to be requested in the budget. Because dollars for Fund-financed remedial actions (RAs), and remedial designs (RDs) dominate the overall Superfund budget, it is critical that the Regions identify RD and RA candidates and projected funding needs. Cost estimates for RAs should be derived using the draft feasibility study or record of decision estimates.

In FY 04/05, each Region's FTE distribution continues to be frozen at the FY 90 distribution ratio. While the freeze ensures that the total Regional Superfund resources are not affected, shifting of resources within the Region among the different program areas to support Agency/Regional program priorities may occur. All shifts will be based on the national budget (see Chapter III) and program priorities (see Chapter I and Appendices). Guidance for reprogramming between Program Results Codes (PRCs) are provided in the Agency's operating plan.

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

← Minimum			Maximum →		
Operating Year Budget (FY 04)	Planning Year Budget (FY 05)	Out Year Budget (FY 06)			
1. Operating Plan establishes funding ceiling (03/4)	2. Development of Operating Plan begins 6 Months Prior to FY and is based on prior years obligations and Regional projections for the upcoming years (Begins 04/2)	3. Formulations Begins 12-18 months prior to FY; largely dependent on Regional planning data in WasteLAN (Begins 04/3)			
1. Semi-annual targets are set - Targets can be changed only through a written request from the Regional Division Director to the OSRTI, OECA, or FFRRO Office Directors.	2. Regional GPRA annual performance goals finalized in September	3. National targets are set based on schedules and estimated costs for program activities, which drive budget request			
1. Additional funds can only be obtained through special requests	2. The budget is set but there is more leeway to make adjustments based on proven need	3. Budget is constrained based on resources cap imposed by AA and Administrator unless exception can be justified			
1. Regions have flexibility within general budget and AOA structure to shift funds to meet priority activities	2. Regions request funds to meet GPRA annual performance and Regional pipeline goals	3. Maximum flexibility to design budget to optimize cross-program priorities			
1. Mid-Year evaluation used to realign current year resources	2. Final GPRA annual performance goals set final resource levels (04/4)	3. N/A			
1. Resources for response actions will be funded based on the Priority Panel decisions	2. Candidate sites are identified for the Priority Panel	3. N/A			

EXHIBIT II.2
HQ/REGIONAL INTEGRATED PLANNING RESPONSIBILITIES

Regional Responsibilities	HQ Responsibilities
Manage projects to integrate Enforcement and Fund milestones and to ensure schedules and time lines are met	Establish a combined Fund, Enforcement, and Federal facilities hierarchy of program priorities in consultation with the Regions to be used in work planning and adjustment of targets
Involve the State, ORC, and finance offices in the planning process	Review integrated operating plans and site commitments proposed by the Regions prior to work planning
Provide accurate, complete, and timely project planning data in WasteLAN	Coordinate OSWER, OECA, DOJ, Financial Management Division (FMD), and the Office of Administration and Resources Management (OARM) activities throughout the planning process
Follow established planning procedures and requirements so that HQ has a common basis with which to evaluate Regional proposals (See Chapter III and the Appendices)	Work with Regional managers to formulate preliminary resource requests and determine how resources should be adjusted to meet program priorities
Assess Federal agencies environmental projects identified as part of the Office of Management and Budget (OMB) Circular A-11 process and the Federal Agency Environmental Management Program Planning Guidance (FEDPLAN)	Communicate with the Regions on changes/additions to schedules
Identify multi-media planning and cleanup opportunities	Provide funding consistent with each Region's active pipeline phases, shifting Regional resources if needed to support priority activities
Achieve program commitments	Develop policy and guidance in response to Congressional or Agency initiatives
Improve program efficiency by identifying potential unused funds and return them to HQ within reasonable time frame for redistribution	

II.D.2 Superfund Information Systems

Effective management of the Superfund program requires the availability of accurate information on Superfund sites throughout the country. CERCLIS was developed in the mid-1980s as an integrated system to hold national site assessment, remedial, removal, enforcement, and financial information. In FY 97, all Regions began using the third generation of CERCLIS, now called WasteLAN, to record Superfund planning and accomplishment information. (See Appendix E for more information on WasteLAN)

II.E OVERVIEW OF THE PLANNING PROCESS (SCAP)

The SCAP process generates data that fulfill the following functions:

- Tracking of accomplishments against GPRA annual performance goals and measures and program targets;
- Updating planning assumptions (schedules and funds) for the current FY;

- Developing planning data for the upcoming FY; and
- Providing data for out year budget planning purposes.

The SCAP planning process follows a semi-annual work planning schedule. The cycle begins in late March/April with a review of program progress and ends with a formal work planning session in July/August. Therefore, it is essential that planning and accomplishment data in WasteLAN remain current and up-to-date throughout the year and accomplishments be reported as soon as they occur. Site schedules and financial planning information should be reviewed and updated on an ongoing basis (at a minimum on a monthly basis). Note: All sites should be planned out through the deletion date as early as possible. By the time of the completion of a ROD, a site should have all planned dates entered into WasteLAN. As conditions change, the dates should be updated accordingly.

Following is a summary of the SCAP planning cycle for non-Federal facilities:

II.E.1 Planning Year

- *Third Quarter* - Regions continue their site planning using WasteLAN. The Regions should focus on their individual pipeline, the overall goals and priorities of the program as identified in the GPRA annual performance plan, and how they can achieve their portion of the national effort given proposed resources. In May, HQ issues a Call Memorandum that outlines the process and the procedures for the upcoming work planning sessions. The memorandum will include the finalized AOA structure, GPRA annual program performance targets and procedures to be used for developing the upcoming year's operating plan.
- *Fourth Quarter* - HQ pulls actual data for the current fiscal year and planning data for the next two FYs from WasteLAN on the fifth working day in July.

Regions can assume in FY 04 that their removal budget will be held at the same level as FY 03 and is unaffected by this proposal. Also, funding for a new start and on-going remedial actions will be unaffected by this proposal.

OSRTI reviews the CERCLIS/WasteLAN data and begins to develop a funding plan for the Remedial Action Advice of Allowance (AOA). OSRTI also uses these data to develop a draft Pipeline Operations AOA allocation that the regions use to develop initial pipeline-related targets for the upcoming year. Because a reorganization at the headquarters level for managing the removal and homeland security programs is underway at the time of this writing, the process for planning for these programs will be revised and the SPIM updated during FY 2004.

OSRE allocates the initial operating budget for technical enforcement for the upcoming fiscal year based on each region's share of the usage rate for enforcement activities. Legal enforcement funds are allocated equally between all ten regions. See Chapter 3 Section C for a more complete discussion on how funds are allocated.

- *July/August* - Regional work planning sessions will establish Regional budgets and targets (mid-year and end-of-year) and the operating plan (base budget plus increment) for the fiscal year.

II.E.2 Operating Year

- *Fourth Quarter (Planning Year) / First Quarter (Operating Year)* - Regional work planning sessions will establish proposed Regional budgets and targets (mid-year and end-of-year) and the operating plan (base budget plus increment) for the fiscal year. HQ will meet with the Division Directors to discuss the FY 04/05 Region-specific commitments and allocation of Regional funds based on the national GPRA annual program performance targets. The Superfund Federal Facilities Response Program will issue a memo that outlines Regional commitments and allocation of funds to both the Division Directors and the Superfund Federal Facility Program Manager.
- *Third Quarter* - At mid-year, HQ and the Regions will discuss Regional progress in achieving negotiated targets and Regional budget utilization (obligation rates). Based on these discussions, remaining funds will be allocated to the Regions to assure program targets are achieved. In some cases, this may involve a reallocation and shifting of resources among Regions. Enforcement extramural budget carryover amounts are calculated and the FY Regional enforcement budget allocation is finalized.

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

II.F CHANGE CONTROL REQUIREMENTS

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

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

II.G HQ/REGIONAL ROLES AND RESPONSIBILITIES

II.G.1 Maintaining Planning/Accomplishment Data in WasteLAN

Exhibit II.3 describes the HQ/Regional responsibilities for maintaining planning and accomplishment data in WasteLAN.

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

- Coordinate program planning, development, and reporting activities;
- Ensure Regional planning and accomplishments are complete, current, and consistent, and accurately reflected in WasteLAN by working with data sponsors and data owners;
- Provide liaison to HQ on SCAP process and program evaluation issues;
- Coordinate Regional evaluations by HQ; and
- Ensure that the quality of WasteLAN data is such that accomplishments and planning data can be accurately retrieved from the system.
- Ensure there is “objective” evidence to support accomplishment data entered in WasteLAN.

NOTE: 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.”

EXHIBIT II.3 HQ/REGIONAL SCAP AND WASTELAN RESPONSIBILITIES

Regional Responsibilities	HQ Responsibilities
Planning and scheduling all actions from site assessment and PRP search through NPL deletion Keeping planning and accomplishment data in WasteLAN up-to-date, including updating site schedules established at the ESI/RI stage and cost estimates for remedial actions when better planning data become available Reporting accomplishments in WasteLAN as they occur Entering and maintaining quarterly planning, budget, and accomplishment reporting for non-site specific activities Preparing change requests Tracking and maintaining the enforcement extramural budget and the Federal facilities budget Ensure there is “objective” evidence to support accomplishment data entered in WasteLAN	Negotiating final GPRA annual performance goals Determining the AOA based on planned activities in WasteLAN Responding to Regional requests for changes in plans through the change requests process Utilizing WasteLAN to obtain budget and other Superfund site information to respond to special requests for information and planning data Communicating with Regions and HQ offices regarding changes in budget, SCAP process, Superfund Program Implementation Manual, and other program guidance that will impact WasteLAN, and subsequently implementing these changes in WasteLAN Ensure there is “objective” evidence to support accomplishment data entered in WasteLAN by performing periodic reviews of a random CERCLIS data sample.

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;
- ☐ Helps IMC to ensure Regional resources associated with accomplishments are complete, current, and consistent, and accurately reflected in WasteLAN; and
- ☐ Provides liaison to HQ on program issues.

With the implementation of WasteLAN, two roles, Data Sponsor and Data Owners, were identified for improving the quality of data stored in WasteLAN. Data Sponsors include the Senior Process Managers or program offices in HQ. Both HQ and the Regions are Data Owners. Following are the responsibilities assigned to each of these roles:

•☐ ***Data sponsors***

- Identify data needs;
- Oversee the process of entering data into the system;
- Use data for reporting purposes;
- Conduct focus studies of the data entered;
NOTE: A “FOCUS STUDY” is where a data sponsor identifies a potential or existing data issue to a data owner (see below), IMC or other responsible source to determine if a data quality problem exists, and to solve the problem, if applicable. Focus studies can be informal via electronic messages.
- Provide definitions for data elements;
- Promote consistency across the Superfund program;
- Initiate changes in WasteLAN as the program changes;
- Provide guidance requiring submittal of these data;
- Support the development of requirements for electronic data submission; and
- Ensure there is “objective” evidence to support the accomplishment data entered in WasteLAN through identifying data requirements and checks to assure compliance by performing periodic reviews of a random CERCLIS data sample.

•☐ ***Data owners***

- Enter and maintain data in WasteLAN; and
- Assume responsibility for complete, current, consistent, and accurate data.

• **OSRTI Regional Centers**

- Measure regional data entry quality and records management quality and assist regions with problems;
- Report data problems to Data Sponsors and responsible teams;
- Sample data quality and records management quality when visiting regions by tracking selected dates of a transaction in WasteLAN to the corresponding dates of the supporting paper document to ensure there is “objective” evidence to support accomplishment data entered in WasteLAN.

II.G.2 Program Evaluation

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

**EXHIBIT II.4
EVALUATION RESPONSIBILITIES**

Regional Responsibilities	HQ Responsibilities
Meet semi-annual program targets and solve performance problems when they arise	Provide guidance to the Regions for the quarterly reporting, the mid-year assessment, the year-end assessment, and Regional reviews
Provide quarterly accomplishment and planning data to HQ through WasteLAN	Implement and report on follow-up action items from the Superfund mid-year assessment and Regional reviews
Maintain WasteLAN data quality at high levels for Superfund program and project management	Review performance data reported by the Regions and assist Regions having difficulties in meeting targets
Negotiate performance standards that provide individual accountability for targets	Conduct Regional reviews
Assess Federal agency needs identified during the FEDPLAN and OMB Circular A-11 processes	Continually assess program performance and analyze timeliness and quality of work
Participate in the Regional reviews	Recommend resource reallocation based on Regional needs and performance
	Assure that all staff are informed of results of performance reporting
	Compare Federal agency budget authorities, obligations, and outlays to monitor cleanup activities

The Superfund evaluation process provides managers with an opportunity to meet program objectives by:

- Examining program accomplishments;
- Analyzing and discussing issues that affect the successful operation of the Superfund program; and
- Initiating changes in program operations or reallocating/redirecting resources.

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

- ☐ Establishing semi-annual and annual targets and planning measures;
- ☐ Quarterly reporting of response, Federal facilities, and enforcement/program accomplishments and planning measures through WasteLAN;
- ☐ Semi-annual performance evaluation; and
- ☐ Regional reviews.

This strategy enables management to recognize high performance, concentrate Superfund resources in those Regions that demonstrate success, and provide training and technical assistance to those Regions that are experiencing difficulties.

II.H PROCEDURES FOR ANNUAL TARGET SETTING

The process for developing GPRA annual performance goals and measures for a FY begins with the strategic plan. National annual performance goals are established to support the program's strategic plan and provide the basis for out year budget requests. All Regional targets are established in October/November only after work planning sessions with OSRTI, OSRE, FFRRO, FFEO, and the Regions. In the Regions, a joint review of commitments should be undertaken by the program office and ORC. The dates for pulling WasteLAN data that will be used in developing the proposed Regional operating plan, generating the Regional workload and budget, and work planning can be found in the Manager's Schedule of Significant Events presented at the beginning of this Manual.

The Region's focus in work planning should be on its individual pipeline (i.e., more site assessments or more construction completion oriented), the overall goals and priorities of the program including GPRA objectives and sub-objectives, and how it can achieve its portion of the national effort given proposed resources. HQ compares Regional plans with program goals and resource allocations. In addition, HQ reviews past Regional accomplishments, 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. This provides HQ with a benchmark going into work planning on what the Region should be able to accomplish based on its unique pipeline status.

II.I WORK PLANNING

Regions are required to keep the planning and accomplishment data in WasteLAN current, complete, consistent, and accurate. Changes in planning information (schedules and funds) should be entered into WasteLAN within five days after the data owner [e.g., Remedial Project Manager (RPM)/On-Scene Coordinator (OSC)/Site Assessment Manager (SAM)] is aware of the need for the change.

II.I.1 Planning Process

Exhibit II.5 outlines the steps a Region must go through as part of its work planning responsibilities.

As a final check to ensure that planning data are current, complete, consistent, and accurate, Regions should routinely generate SCAP, Enforcement, and Audit reports. At an absolute minimum, reports should be generated prior to HQ development of the proposed operating plan and in late June for internal review of the planning data in WasteLAN. These planning data should reflect any adjustments made to the annual plan.

As designated, HQ pulls SCAP and Enforcement reports from WasteLAN. The data in these reports serve as the basis for HQ/Regional work planning. HQ will perform all work planning sessions based on the information in WasteLAN on these pull dates.

**EXHIBIT II.5
PROCEDURES FOR FY 04/05 TARGET SETTING**

Month	Regional Responsibilities	HQ Responsibilities
December/ January		Distribute draft SPIM for review and comment
April/May	Consult with States and ORC on FY activities	Prepare program and enforcement Regional operating plan based on average Regional obligations/tasking in the current year, projections for the upcoming years, and considering prior year expenditures. Analyze Regional pipelines
May/June	Update site schedules and funding needs based on plan, Regional pipeline, and national goals and priorities	Issue Call Memorandum outlining work planning process and procedures for work planning sessions
July/August/ September	Identify primary candidates for each target/measure activity by checking the target icon box on the Regional Planning screen. <ul style="list-style-type: none"> • <input type="checkbox"/> Primary projects have the greatest likelihood of meeting schedules and are used to determine SCAP commitments. Participate in HQ conference calls on analysis of Regional plan Enter proposed commitments for work planning. Primary candidate counts become the basis for commitments once target lockout is selected. These counts can be modified and non site specific target/measure activity counts can be added via the Regional Planning estimates/targets screen. Participate in work planning sessions to establish final targets and budget.	Review Regional plans in WasteLAN and pipeline workload and budget Review past Regional accomplishments and planned durations/dollars Review Regional requests for budget reserve Conduct Regional conference calls on the results of the analyses Participate in work planning sessions to establish final targets and budget

Month	Regional Responsibilities	HQ Responsibilities
October/ November	Participate in one day national meeting to communicate commitments and allocation of Regional funds based on national GPRA commitments Update primary candidate designations and budget data as necessary based on results of work planning sessions.	Participate in one day national meeting to communicate commitments and allocation of Regional funds based on national GPRA commitments
November	Revise targets during open season based on appropriations	Revise Regional Enforcement operating plans Revise Regional Response Operating Plans

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

II.I.2 WasteLAN Reports for Planning/Target Setting

Exhibit II.6 presents the WasteLAN reports used by HQ and the Regions in the establishment of Regional targets/measures. Following is a description of these reports:

- The *Site Summary Report* (SCAP-02) is used by EPA to display enforcement sensitive WasteLAN data for NPL and non-NPL sites.
- The *Response Financial Summary Report* (SCAP-04R), *Federal Facility Financial Summary* (SCAP-04F), and *Enforcement Financial Summary Report* (SCAP-04E) aggregate dollars by program area and provide both site-specific and non-site specific backup from WasteLAN. These reports should be used to compare the funding requests with the Regional budgets.
- The *Site Assessment Report* (SCAP-13) is used by EPA for reporting estimates, plans, and accomplishments for SCAP **site assessment** measures. The information provided by this report is used in conjunction with the SCAP-14 report to encompass the entire range of targets and measures.
- The *Superfund Accomplishments Report* (SCAP-14 and 14F) is used by EPA to track targeting, planning, and accomplishment actions in support of the Response, Enforcement, and Federal Facility programs.
- The *GPRA Report* (SCAP-15) is used by EPA to track GPRA performance goals and measures in support of the Response program.
- The *Reconciliation (SCAP-14 Audit) Report* (SCAP-16) is used to extract all potential candidates for a SCAP-14 category and provide the user with the ability to determine the way in which the action will be selected or eliminated based on the values or lack of values in the Select Logic columns.

- The *Cost Recovery Targeting Report* (ENFR-17) estimates potential targets for cost recovery.
- The *Measures of Success Report* (ENFR-62) provides the potential PRP oversight targets.

**EXHIBIT II.6
PLANNING/TARGET SETTING WASTE LAN REPORTS**

SCAP-2:	Site Summary Report
SCAP-4E:	Enforcement Financial Summary Report
SCAP-4F:	Federal Facility Financial Summary
SCAP-4R:	Response Financial Summary Report
SCAP-13:	Site Assessment Report
SCAP-14/14 F:	Superfund Accomplishments Report
SCAP-15:	GPRA Report
SCAP-16:	Reconciliation (SCAP-14 Audit) Report
ENFR-17:	Cost Recovery Targeting Report
ENFR-62:	Measures of Success Report

II.J REGIONAL ACCOMPLISHMENT REPORTING

Accomplishments data are entered into WasteLAN by the IMC, RPM, OSC, SAM, or other designated program staff (i.e., PRP search, cost recovery). Data on accomplishments should be entered into WasteLAN within five working days of the action occurring. **Only accomplishments correctly reported in WasteLAN will be recognized by HQ.** If a Region feels that it has correctly recorded an accomplishment that is not showing in the WasteLAN reports for accomplishment reporting, please contact the appropriate HQ office.

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

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

WasteLAN Reports for Accomplishment Reporting

Exhibit II.7 presents the WasteLAN reports HQ uses to evaluate Regional accomplishments. All are used for reporting and crediting accomplishments for targets and measures. Following is a description of these reports:

- The *SCAP Response Financial Summary Report* (SCAP-04R), *Federal Facility Financial Summary* (SCAP-04F), and *Enforcement Financial Summary* (SCAP-04E) aggregate dollars by program area and provide both site-specific and non-site specific backup from WasteLAN. These reports should be used to compare the funding requests contained in WasteLAN to the Regional budgets. Regions are prompted for “Approved” or “Alternate.”
- The *Site Assessment Report* (SCAP-13) is used by EPA for reporting estimates, plans, and accomplishments for SCAP site assessment measures.
- The *Superfund Accomplishments Report* (SCAP-14 and 14F) is used by EPA to track targeting, planning, and accomplishment actions in support of the Response, Enforcement, and Federal Facility programs.
- The *GPRA Report* (SCAP-15) is used by EPA to track GPRA performance measures in support of the response program.
- The *Reconciliation (SCAP-14 Audit) Report* (SCAP-16) is used to extract all potential candidates for a SCAP-14 category and provide the user with the ability to determine the way in which the action will be selected or eliminated based on the values or lack of values in the Select Logic columns.
- *Settlements Master Report* (ENFR-3) - This report lists all settlements to date. Data are divided by settlement category and summarized by FY, Region, and remedy.
- *De Minimis Settlements Report* (ENFR-07) - This report lists all the de minimis settlements including the number of parties.
- *Administrative/Unilateral Orders Issued* (ENFR-25) - This report lists AOs and UAOs that have been issued.
- *Measures of Success Report* (ENFR-62) - This report is intended to allow Regions to report progress on measures of success relating to enforcement fairness and trust fund stewardship.
- *Environmental Indicators Report* (ENVI-01) - This report provides EPA Regional management with a tool to easily monitor environmental indicators (EI) data.

**EXHIBIT II.7
PROGRAM EVALUATION WASTELAN REPORTS**

SCAP-4E:	Enforcement Financial Summary Report
SCAP-4F:	Federal Facility Financial Summary
SCAP-4R:	Response Financial Summary Report
SCAP-13	Site Assessment Report
SCAP-14/14 F:	Superfund Accomplishments Report
SCAP-15:	GPRA Report
SCAP-16:	Reconciliation (SCAP-14 Audit) Report
ENFR-3:	Settlements Master Report
ENFR-07	De Minimis Settlement Report
ENFR-25:	Administrative/Unilateral Orders Issued
ENFR-62:	Measures of Success Report
ENVI-01:	Environmental Indicators Report

II.K HQ EVALUATION OF REGIONAL PERFORMANCE

Accomplishment data associated with targets/asures are pulled from WasteLAN at the close of business of the fifth working day of the quarter; **therefore, it is necessary that the Regions update their accomplishments data as accomplishments occur, but in no case later than quarterly prior to the fifth working day pull date. HQ management tracks and bases its evaluation of Regional program performance on these data.** The data are pulled on a selected number of key indicators of progress in the Superfund program (e.g., construction starts and completions, removal completions, site characterization starts, response settlements and referrals, RODs, and cost recovery activities). These numbers are the official numbers used in any reports of progress given to the Administrator, Deputy Administrator (DA), AAs, Congress, and the media. Detailed HQ management evaluation occurs at two points during the FY: after the second quarter (mid-year assessment) and after the fourth quarter (end-of-year assessment). (See Exhibit II.8.) In addition, HQ may conduct Regional reviews in FY 04/05.

II.K.1 Mid-Year Assessment

The purpose of the mid-year assessment is to evaluate the utilization of Regional programmatic budgets. Specifically, the mid-year assessment will be used to:

- Provide both HQ and the Regions with an opportunity to assess performance;
- Provide data to HQ and the Regions to make decisions on distribution of remaining budget;
- Consider the impact of Regional program performance on the Superfund pipeline;
- Work with Regions experiencing difficulty in meeting their targets; and
- Identify trends in program performance and adjust program management strategies accordingly.

On the fifth working day of April, second quarter SCAP data are pulled from WasteLAN. Following the mid-year assessments, OSRTI, FFEO, FFRRO, and OSRE Directors brief the AA SWER or AA OECA on the steps being taken to ensure the accomplishment of annual targets. To ensure that these actions are implemented, HQ will track follow-up items and reallocate resources. The results of the mid-year assessment can result in increases or decreases to third or fourth quarter AOAs based on Regional GPRA performance and obligation rates. The measure of a Region's ability to meet their targets will be considered in October/November when final proposed FY commitments and Regional budgets, respectively, are established for the year.

II.K.2 End-of-Year Assessment

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

EXHIBIT II.8 THE REGIONAL EVALUATION PROCESS

1st Quarter	<ul style="list-style-type: none"> • Pull WasteLAN Reports on GPRA/Program Accomplishments
2nd Quarter Mid-Year Assessment	<ul style="list-style-type: none"> • Pull WasteLAN Reports on GPRA/Program Accomplishments and Internal Measures • Perform Regional Mid-Year Reviews • Evaluate Program Status • Brief Senior Management
3rd Quarter	<ul style="list-style-type: none"> • Pull WasteLAN Reports on GPRA/Program Accomplishments • Report on Progress of Regions having difficulties meeting Targets
4th Quarter End-of-Year Assessment	<ul style="list-style-type: none"> • Pull WasteLAN Reports on GPRA/Program Accomplishments and Internal Measures • Develop Senior Management Reports Package • Evaluate Annual Performance Status • Evaluate Annual Performance and produce National Progress Report • Provide input into next FY Work Planning • Brief Senior Management Process

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

HQ considers the end-of-year assessment in developing the final GPRA annual performance goals. In this way, the results of the end-of-year assessment have a double impact.

II.K.3 Management Reporting

The following sections provide a brief description of the reports available to support Superfund program management.

a. Superfund Management Reports

The implementation of an integrated WasteLAN data base and the improvement of WasteLAN data quality led to the development of a series of senior management reports. These management tools are designed to supplement conventional quarterly accomplishment reporting by providing a more comprehensive examination of program activity. The format and content of the reports has evolved over time to address a variety of project needs, providing EPA senior managers with summary graphic reports and backup site detail information.

The reports provide graphical representations of the status of targets and accomplishments, as well as analytic summaries of key aspects of the program including: status and duration of events; trend analysis of PRP involvement; cost recovery candidates; base closure joint indicators of progress; and the current status of negotiations, settlements, and litigation.

The reports, produced daily through Superfund eFacts, (currently in development), illustrate the progress being made by the Agency in both the movement of projects through the Superfund pipeline and in the trend toward increased involvement by PRPs. Superfund eFacts provides information on Site Assessment, Federal Facilities, Construction Completions, and SCAP and GPRA accomplishments. This data is available in regional, state, or national views.

Additional management reports produced by OSRE include:

- □ *Cost Recovery Targeting (ENFR-17)* - This report estimates potential targets for cost recovery.
- □ *ROD Amendment and RD/RA Negotiations Report (ENFR-22)* - This report is used to track RD/RA negotiation progress. The report is categorized into RD/RA negotiations started from signed ROD and No RD/RA negotiations started from signed ROD.
- □ *Ongoing RD/RA Negotiations Time Line (ENFR-11)* - This 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).

Additional management reports produced by FFRRO include:

- *BRAC Pipeline Report (BRAC-01)* - This report lists the pipeline actions within the current FY for any BRAC site.
- *Environmental Baseline Study (EBS) Report (BRAC-02)* - This report lists all Federal facility sites with EBS starts or completions within the FY.
- *Finding of Suitability to Transfer/Lease (BRAC-03)* - This report lists all sites for which EPA concurs on a finding of suitability for transfer/lease within the current FY.

b. Annual Reporting Requirements

Commencing March 31, 2000, and each year thereafter, the Agency is required to submit to the President and Congress a GPRA annual performance report that summarizes the program performance for the previous fiscal year. Specifically, each report will (a) review the success of achieving the program's objectives and sub-objectives during the fiscal year; (b) evaluate the annual performance plan for the current fiscal year relative to the performance achieved toward the performance objectives and sub-objectives in the fiscal year covered by the report; and (c) explain and describe where a performance objective/sub-objective has not been met, why it was not met, and those plans and schedules for achieving it.

II.L TARGET AND DEFINITION CHANGE REQUESTS

After targets have been finalized and funding levels developed, the SCAP process provides certain flexibility to modify plans during the year. Modifications to planned GPRA annual performance goals are termed change requests. ***Regional requests for changes to targets established in the annual plan must be forwarded in writing from the Regional Division Director to HQ OSRTI, OECA, or FFRRO Office Directors, as applicable, when the Region is unable to make a site substitution for a target. Site Substitutions are not allowed for five-year review targets. Sites targeted for Five-Year Reviews must be completed by the "due date" (planned completion date) established for each site.***

Any exceptions to the accomplishment definitions contained in the Appendices to this Manual are considered target definition changes. Regions also should note that changes made in WasteLAN to site schedules and other planning data will not automatically result in changes to targets.

Target changes that modify the Region's AOA require a financial change request. In these situations, the financial change request becomes the target change request. Chapter III outlines the change request procedures.

Although Regions have the flexibility to alter plans, they are still accountable for meeting the targets established at the beginning of the FY. Changes to commitments should not be made simply because targets will not be met. Regions should discuss with HQ during the mid-year reviews any issues that may affect the meeting of negotiated annual targets.

In some cases, however, changes to targets may be necessary and may be revised under the following conditions:

- Major, unforeseen contingencies arise that alter established priorities (i.e., Congressional action, natural disasters);
- Major contingencies arise to alter established Regional commitments (i.e., State legislative action);
- Measure or definition in system is creating an unanticipated negative impact;
- Major shifts in project approach; or
- Need to address newly identified site which represents a significant human health or ecological risk.

OSRTI, OECA, and FFRRO require that all target and definition changes be submitted to HQ no later than July. Optimally, such requests should be submitted during discussions with HQ during mid-year reviews.

Regions should not initiate any obligations against change requests until the HQ Office of the Comptroller (OC) and the Director of the appropriate office approve the revised AOA in IFMS. The site back-up in WasteLAN should be revised by the Region if the change is approved.

Under the Pipeline Operations AOA allocation methodology, Regions are allocated resources, in part, based on their targets for specific actions (e.g., RI/FS, RD, EE/CA) at specific sites. Because of this approach, Regions have flexibility to alter their plans regarding at which sites they conduct work, but they may not change the overall numerical target within each action category once the Pipeline Operations AOA resources are distributed among the Regions. The extent to which a Region meets or exceeds its target will have funding implications in the next year's distribution of Pipeline Operations AOA resources.

Maintaining the Planning Estimates/Targets

Regions are responsible for initiating the work planning process and for entering the preliminary and final targets into WasteLAN. Prior to work planning sessions with HQ, Regions can use the Regional Planning screen to identify which sites meet the planning logic as potential accomplishments for the upcoming FY. From this universe of sites (shown in red as Planning Data on the Regional Planning screen), Regions can identify primary candidate sites— those that are most likely to be accomplished. After identifying primary candidates (shown in blue on the Regional Planning screen), the Regions can then use the target lockout feature found on the Regional Planning screen to copy the primary candidate number to the Planning Estimates/Targets screen. This number is used as a starting point in identifying the Region's planning estimates/targets during work planning sessions. After work planning sessions are completed, Regions use the Planning Estimates/Targets screen to make any necessary changes. Once changes have been made and final targets/planning estimates are reviewed by HQ, HQ will "lock out" Regions (i.e. Regions will not be able to make any changes to these numbers). This final number is shown in red on the Accomplishments Tracking screen as the Planning Estimates/Target number. During the FY if changes have been made to the number of target commitments approved, HQ will "unlock" the target numbers allowing the Region to make the approved change(s), and then "relock" the screens.

In general, HQ does not require site-specific targeting. The four exceptions are Pipeline Operations AOA targets, Cost Recovery actions at sites with potential Statute of Limitations (SOLs) so that they will be addressed prior to the expiration of the SOL, *de minimis* settlements, and PRP Oversight Administration for each enforcement agreement. Changes to sites identified as targets for the latter three measures require HQ approval.

II.M SPECIAL REPORTING TOPICS

II.M.1 Site Assessment

As the nature of site assessments change, new reporting and accountability challenges to accurately portray the extent of State, Federal, and local government site assessment activities need to be addressed. Traditional CERCLA-reported site assessment accomplishments, including integrated assessments, should continue to be entered into WasteLAN when they occur. As Regions provide States flexibility in Cooperative Agreement applications and work plans by expanding the definition of types of assessment activities to be performed, the States also need to be accountable for the activities performed and provide quarterly or annual reports of the number of sites assessed, types or nature of assessments performed, and assessment results. Management systems at the State and probably Federal level will be needed to provide the accountability necessary and, also, to identify program accomplishments.

II.M.2 Base Closure

EPA is providing resources to support the President's Fast Track Cleanup program. To facilitate EPA's justification of these resources, Regions are required to support several data points for closing bases. WasteLAN has been modified to include these items.

II.M.3 Pre-SARA Sites Initiative

The Superfund program has developed a Pre-SARA site initiative to promote the resolution of issues which have delayed the completion of construction at hundreds of sites across the country. Prior to the enactment of the Superfund Amendments and Reauthorization Act of 1986 (October 16, 1986), EPA listed 711 sites (including 4 Federal facility sites) on the National Priorities List. At the end of FY 2002, there were 203 Pre-SARA sites not yet construction complete or deleted (including one RCRA deferral site). OSRTI is now considering a tracking system to supplement WasteLAN, containing narrative information submitted by the Regions on the causes of delays over the past 1 to 2 decades, the obstacles which remain to completing the sites, and the Region's plan of action to overcome site-specific obstacles.

II.M.4 Mega Sites

Generally, a site is considered to be 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 CERCLIS, a site is defined as a mega-site (MS) 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 value of all PRP or Federal Facility actual and expected extramural capital costs (as memorialized in documents such as settlements, orders, or MOAs) for removal or remedial action response activities (excluding long-term response) at the site exceeds \$50 million; OR
- the cumulative value of net actual extramural obligations for Fund-financed removal and remedial actions (excluding LTRA) at the site exceeds \$50 million; OR
- the cumulative value of post-ROD (or post-action memorandum), removal and remedial action obligations (excluding LTRA) planned in CERCLIS for the selected remedies at the site exceeds \$50 million; OR
- the cumulative value of any combination of the above costs 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 reclassified as MS. Conversely, if new information suggests that the site is not a mega-site, the designation of MP or MS should be removed. During annual workplanning discussions between Regions and Headquarters, the Regions will confirm these designations on a site-specific basis.

II.M.5 Superfund Alternative Sites (Please see Appendices A and B.)

II.N GENERAL WORK PLANNING AND REPORTING REQUIREMENTS

The following section discusses some general work planning and reporting requirements of the various Superfund offices.

II.N.1 Data Lockout on Historical Accomplishments

WasteLAN has a historical accomplishment lockout feature that logs and controls changes to Superfund data sensitive to Congressional inquiry. This feature uses the Accomplishment Change Log Screen and reports that list all changes that have been made to historical accomplishments data. A Regional manager for Superfund shall approve either in writing, or using the management review function in WasteLAN, each data change made by a Region to locked historical data. Only Regional IMCs, individuals designated by the IMC and Remedial Project Managers (RPMs), shall have access/authority to change/add/delete their own Region's data via a WasteLAN Smart Screen once written approval has been received. All other Regional personnel will be denied access to the change system. Written approval documents or records of approval via WasteLAN management review must be maintained by the IMC for the duration of the life cycle of the data changed (up to seven years).

Please Note: *In Regions that use Management Review*, RPMs will be able to make changes to prior year accomplishment data via the Accomplishment Change Log Screen. All changes made by RPMs will, however, need to be approved by the Regional Manager Reviewer.

Each Region will establish a policy or procedure to ensure that the appropriate people have knowledge of and approve of the change. All approval documents must bear a System Generated Reference Number or Document Number.

II.N.2 Data Validation and Verification

GPRA requires that an agency address its verification and validation procedures for performance data in the annual performance plan. WasteLAN data verification and validation procedures were incorporated as part of Superfund programs' submission to the EPA's annual performance plan.

A key component of WasteLAN verification/validation procedures is the Regional CERCLIS Data Entry Internal Control Plan. The control plans include: (1) Regional policies and procedures for entering data into WasteLAN; (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 WasteLAN; and (4) procedures to ensure that reported accomplishments meet accomplishment definitions. Also, Regions documented in their control plans the roles and responsibilities of key Regional employees responsible for WasteLAN data (e.g., Regional project manager, information management coordinator, supervisor, etc.), and the processes to assure that WasteLAN data are current, complete, consistent, and accurate.

With the increased emphasis on verifiable and validated data by GPRA, the program offices are requesting that the Regions review their current CERCLIS Data Entry Internal Control Plans and update their control plans according to the requirements listed above.

In addition, Regions are required to submit to their Regional Superfund Records Center the document that constitutes or justifies an accomplishment date (actual start or actual complete) recorded in WasteLAN. (Documentation requirements for these dates can be found in the Appendices to this Manual in the "Definition of Accomplishment" section of the applicable target or measure.) When submitting the documentation to its record center, the Region should provide the target/measure category and the WasteLAN Operable Unit (OU)/action name/sequence number. The Regional Records Center is to include these SCAP data with the document index data, and provide the document index number from its tracking system for entry into WasteLAN associated with the applicable accomplishment date.

II.N.3 Action Lead Codes

Action lead codes identify the entity performing the work at the site. Exhibit II.9 shows the valid project/action lead codes in WasteLAN.

A lead code must be placed in WasteLAN for all Actions. Only the leads that are valid for the chosen Action can be entered. Leads are not required for SubActions. Regions have the ability to code the lead for project support activities (e.g., community relations, support agency assistance, etc.) based on Regional preference. All enforcement actions (e.g., orders, decrees, PRP searches, etc.) performed by EPA should have a lead of "FE" (Federal Enforcement). All enforcement actions conducted by the State should have a lead of "SE" (State Enforcement). WasteLAN should not contain planned obligations for projects with "SR" or "SN" leads. No funds will be provided for activities with these leads.

The Agency acknowledges 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 (SR-lead). However, the 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 II.9: ACTION LEAD CODES IN WASTELAN

Lead	Definition
F	Fund-financed response actions performed by EPA (applies to response actions)
RP	PRP- financed response actions performed by the PRP under a Federal order/ CD (applies to response actions)
S	Fund- financed response actions performed by a State. Money provided through a Cooperative Agreement (CA) (applies to response actions)
PS	PRP-financed response actions performed by PRP under a State order/ CD with PRP oversight paid for or conducted by EPA through an EPA CA with the State, or, if oversight is not funded by EPA, a state Superfund Memorandum of Agreement (SMOA) or other formal document between EPA and the State exists which allows EPA review of PRP deliverables (applies to response actions)
SN	State-financed (no Fund dollars) response actions performed by the State (applies to response actions)
SR	PRP response under a State order/ CD and no EPA oversight support or money provided through a CA and no other formal agreement exists between EPA and the State (applies to response actions)
CG	Work performed by the Coast Guard - Limited to removals (applies to response actions)
MR	Work performed by PRP under a Federal CD with an agreement that the Fund will provide some reimbursement to the PRP (preauthorization for mixed work). (applies to response actions)
SE	Enforcement actions performed by a State. Money provided through a CA or, if not funded by EPA, a comparable enforcement document exists (applies to RODs and enforcement actions)
FE	Enforcement actions performed by EPA or work done by enforcement program at private or Federal facilities sites (applies to RODs and enforcement actions). Historically (Pre-FY 89) applied to RI/FS and RD response actions.
EP	Response actions performed by EPA using in-house resources
FF	Response actions performed by the Federal facility with oversight provided by EPA and/or the State at sites designated as Federal facilities on the NPL (also applies to RODs at Federal facilities)
TR	Indian Tribal Governments
CO	Community Organization (Only valid for Community Involvement Activities)
SD	State Deferral is a PRP- or State-financed response action at a non-NPL or proposed NPL site overseen or conducted by the State pursuant to a deferral agreement with the Region.
SC	State ROD with EPA concurrence
SW	State ROD without EPA concurrence

Lead	Definition
SA	PRP financed actions from a special account performed by EPA, where the majority ¹ of funding is disbursed from a special account (applies to response actions) .
SG	PRP financed actions from a special account performed by the United States Coast Guard, where the majority ¹ of funding is disbursed from a special account - Limited to removals (applies to response actions) .
ST	PRP financed actions from a special account performed by tribal governments, where the majority ¹ of funding is disbursed from a special account (applies to response actions)
SS	PRP financed actions from a special account performed by a state, where the majority ¹ of funding is disbursed from a special account. Money provided through a Cooperative Agreement (CA) (applies to response actions)

II.N.4 Lead Changes

A takeover or lead change occurs when the entity performing a response action changes after the action has started and credit has been given. Typically, this occurs when a settlement with the PRP had been reached after the action started. It may also occur when the Fund assumes an RP-lead project because of non-compliance with an Administrative Order (AO) or Consent Decree (CD).

In order to avoid delays resulting from PRPs assuming the lead during a discrete phase of the project (a takeover), a policy has been established that limits lead changes from EPA to PRPs in the middle of a phase of the Superfund process, except in situations where the change will not cause undue delays (OSWER Directive 9800.1-01, *Limiting Lead Transfers to Private Parties During Discrete Phases of the Remedial Process*, November 14, 1991). The policy applies to lead changes from EPA to PRPs only, not EPA takeovers of PRP work or lead changes involving States.

It is expected that much of the early site assessment activities will be Fund-lead. However, response lead changes (i.e., changeovers) can occur at any of the following points in the process:

- Prior to development of an EE/CA for a 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; and
- Prior to RA contract solicitation, when funding the RA would have significant implications for the Fund and when no significant delays will occur.

¹ Majority is defined to mean that the contribution from the Special Account for the total response cost (including direct and indirect costs) would meet or exceed the amount contributed by the largest non-PRP entity (i.e., EPA or State, where applicable). For example for a remedial action, based on the total estimated response cost, if 50% of that cost is derived from a Special Account, and 45% of the response cost is paid for out of Fund monies, and the State pays the remaining 5% share of the response cost, the majority of the response cost is being paid out of the Special Account. The appropriate use of Special Account funds is provided in the "Guidance on Key Decision Points in Using Special Account Funds" dated September 28, 2001.

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 into an Administrative Order on Consent (AOC) for performing the work.

If a PRP is allowed to take over a response action after dollars have been obligated, the Region should retain the funds needed for oversight of the entire PRP action and deobligate the rest. Funds that are deobligated may be replaced in the Region's AOA pursuant to the Agency's deobligation policy.

When dollars were originally obligated for Fund-financed actions and a takeover occurs, Regions will have to request a change in the account number through their Regional Financial Management Office (FMO). The Action code within the account number changes if the Agency is acting in an oversight role as opposed to performing the response action.

RP-lead projects that are deficient or where the PRPs are recalcitrant may be addressed by the response program. If the project requires substantial Fund involvement to correct, it should be coded as a takeover in WasteLAN.

If a takeover of an action does occur, a new Action must be created in WasteLAN. A takeover does not create a new OU. The completion date of the original Action must be the same as the start date of the new Action. Takeover/Phased Indicators must be entered with 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 a Fund-financed action has begun. 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 makes a decision to takeover the PRP-financed action. The steps to be taken to indicate this scenario in WasteLAN are as follows:

- 1) A new Action is added to WasteLAN at the same OU. In our example, a new combined RI/FS with a 'F' lead would be added.
- 2) The start date of this new Action is the date of the takeover.
- 3) A Takeover/Phased Indicator of "New Action Resulting from Takeover (TN)" is entered with the new Action.
- 4) The completion date of the latest action that was taken over is the same as the start date of the new Action (date of the takeover).
- 5) The Takeover/Phased Indicator of the latest action that was taken over is changed from a "New Action Resulting from Takeover (TN)" to a "Takeover of an Action Taken Over (TT)".

Exhibit II.10 provides an example of the WasteLAN coding. In this situation, no changes are made to the original action.

**EXHIBIT II.10
CODING OF TAKEOVERS**

Action Takeover							
OU	Action Name	Seq.	Lead	Actual Start	Actual Comp	Takeover/ Phased Indicator	Comments
01	Combined RI/FS	1	F	8/1/97	9/1/97	TO	Fund-financed Action being taken over by PRPs
01	PRP RI/FS	1	RP	9/1/97	12/1/97	TT	PRP Action initiated and taken over by Fund
01	Combined RI/FS	2	F	12/1/97		TN	Fund-Financed Action initiated

II.N.5. Anomalies and Phased Projects

Anomalies are those projects that do not fit the normal definitions of pipeline actions. Anomalies can be those projects that 1) do not receive SCAP credit, but still need to be tracked, or 2) occur out of the ordinary pipeline progression.

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 give credit for more FS starts than completions (the Agency would have to explain why FS work is not leading to a ROD), only one FS can receive credit for a start and completion. These projects are coded under the same OU with multiple sequence numbers and those FSs that will not receive credit are given a Takeover/Phased Indicator of "Other Start and Completion Anomaly (OA)."

At the RD and RA stages, a project may be phased or time-sequenced to accelerate the cleanup effort. Phasing is complementary to OUs. Whereas OUs break large, complex projects into smaller, more manageable work elements, phasing is a method to accelerate the implementation of the OUs. Phasing manipulates the internal steps required to complete each OU, thereby optimizing the overall schedule; for example, a RA that requires site clearing prior to constructing an incinerator. The clearing would be one phase of the RA, while the construction of the incinerator would be a second phase.

Regions enter a separate RA for each phase. Phases of each response action are shown in WasteLAN by the use of the Takeover/Phased Indicators of Phased Start (PS) and Phased Complete (PC) or Phased Start and Completion (PB) (See Exhibit II.11). 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 completed.

**EXHIBIT II.11
REMEDIAL EVENTS, ANOMALIES, AND PROJECT PHASING**

OU	Action Name	Seq.	Lead	Plan Start	Plan Comp	Takeover/ Phased Indicator	Comment
01	PRP RI/FS	1	RP	96/2	98/3		
01	PRP FS	1	RP	97/3	98/3	OA	No Credit for Start or Completion
01	PRP FS	2	RP	97/3	98/3	OA	No Credit for Start or Completion
01	R01	1	FE		98/3		
	AN01						
01	RD1		RP	99/1	00/2	PC	PHASE I
01	RD2		RP	99/2	00/3	PS	PHASE II
01	RA1		RP	00/3	01/1	PC	PHASE I
01	RA2		RP	00/3	04/1	PS	PHASE II

II.O Subject Matter Experts

Exhibit II.12 identifies all SCAP report contacts. Exhibit II.13 identifies the subject matter experts for Chapter II Program Planning and Reporting Requirements.

**EXHIBIT II.12 SCAP REPORT CONTACTS
(REPORTS OWNER: R WHITE)**

Designation	Title	Report/Data Owner
SCAP-2/11/12	Site Summary Report/FOIA	Robert White, (703) 603-8873 Margaret Brown, (703) 603-8876 et al
SCAP-4E	Enforcement Financial Summary (Enforcement maintains this report)	Alice Ludington, (202) 564-6066
SCAP-4F	Federal Facility Financial Summary	Marie Bell, (703) 603-0050
SCAP-4R	Response Financial Summary Report	Willie Griffin, (703) 603-8911

Designation	Title	Report/Data Owner
SCAP-13	Site Assessment Report	Randy Hippen, (703) 603-8829 Juanita Standifer, (202) 566-2764 James Maas, (202) 566-2778
SCAP-14	The Superfund Accomplishments Report	Robert White, (703) 603-8873 Renee Wynn, (703) 603-0049 Marie Bell, (703) 603-0050 et al
SCAP-15	GPRA Report	Janet Weiner, (703) 603-8717
SCAP-16	Reconciliation SCAP 14 Audit Report	Robert White, (703) 603-8873 et al

EXHIBIT II.13 SUBJECT MATTER EXPERTS

Subject Matter Experts	Subject Area	Phone #
Sharon Blandford Art Flaks	Chapter 2 Leads	(703) 603-8752 (703) 603-9088
Erin Conley	E-facts	(703) 603-8928
Mark Mjones	Emergency Response/Removal	(703) 603-8727
Julie Roemele	OSRTI Work Planning	(703) 603-9097
Janet Weiner	OSRTI /GPRA	(703) 603-8717
Alan Youkeles	BPEB	(703) 603-8784
Melanie Hoff	Program Planning/EI	(703) 603-8808
Matthew Charsky	RODs/Remedy Selection	(703) 603-8777
Robert White	SCAP Reports Owner	(703) 603-8873
Kevin Hollingsworth	Work Planning	(703) 603-9058
Jeff Lape	Resource Management	(703) 603-8914

**This Page Intentionally
Left Blank**

Superfund Program Implementation Manual FY04/05

**Chapter III: Superfund Budget Planning Process And Financial
Management**

**This Page Intentionally
Left Blank**

Chapter III Superfund Budget Process and Financial Management

Table of Contents

CHAPTER III SUPERFUND BUDGET PLANNING PROCESS AND FINANCIAL MANAGEMENT	III-1
III.A. Introduction	III-1
III.B. Budget Planning and Priorities	III-1
III.B.1 Budget Development Process	III-1
a. Budget Formulation	III-1
b. Budget Review and Planning (Planning Year)	III-2
c. Budget Execution (Current Year)	III-2
III.B.2 Budget Structure	III-5
Program Results Code and National Program Managers	III-5
III.B.3 The FY04/05 Superfund Program Goals and Priorities	III-6
a. Response Program Budget	III-6
b. Homeland Security and Removal	III-7
c. Enforcement Budget	III-7
d. Federal Facilities Response Budget	III-8
e. Base Realignment and Closure	III-8
f. Federal Facilities Enforcement Budget	III-8
III.C. Regional Operating Plan and Advice of Allowance Development	III-9
III.C.1 Allocating Superfund Resources Among the Regions	III-9
III.C.2 Remedial Response Program Budget	III-10
a. Remedial Action AOA	III-10
b. Pipeline Operations AOA	III-10
III.C.3 Homeland Security/Removal Response Program Budget	III-11
III.C.4 Federal Facilities Superfund Response Program Budget	III-11
a. Base Realignment and Closure (BRAC) Budget	III-11
III.C.5 Enforcement Program Budget	III-12
III.C.6 Federal Facilities Enforcement Program Budget	III-12
III.C.7 Deobligating Prior Year Ends	III-12
III.C.8 Budget Object Classes	III-13
III.C.9 Regional Change Requests for Reprogramming Among AOAs	III-13
III.C.10 Budget Sources and Associated Action Codes	III-13
III.D Superfund Financial Management	III-26
III.D.1 Financial Management Roles and Responsibilities	III-26
a. Regional Financial Management Office	III-26
b. Regional Administrator	III-26
c. Regional Program Office	III-27
d. On Scene Coordinator	III-27
e. Remedial Project Manager	III-27
f. Regional Project Officer/Deputy Project Officer	III-28
g. Administrative Support Unit	III-28

Chapter III Superfund Budget Process and Financial Management

Table of Contents (cont'd)

h. Office of Financial Management/Office of the Chief Financial Officer	III-28
i. Office of Acquisition Management	III-28
j. Grants Administration Division/Office of Administration	III-29
k. Budget Division/OCFO	III-29
l. Cincinnati Finance Center (CFC)/OFS	III-29
m. Research Triangle Park (RTP) Finance Center/OFS	III-29
III.D.2 Superfund Accounting Information	III-29
III.D.3 Financial Data Management Systems and Tools	III-32
III.D.4 Handling Financial Data in the CERCLIS/WasteLAN Environment	III-33
a. Entering Response and Federal Facility Data into CERCLIS/WasteLAN	III-33
b. Entering Enforcement Extramural Budget Data into CERCLIS/WasteLAN	III-33
c. Correcting Financial Data	III-34
III.D.5 The Funding Process	III-36
a. Approvals	III-36
b. Commitments	III-36
c. Obligations	III-37
d. Payments	III-37
e. Deobligations	III-37
III.D.6 Financial Management of Contracts	III-38
a. Contracts for Site-Specific Work	III-38
b. Contracts for Non-Site Specific Work	III-38
III.D.7 Other Financial Vehicles	III-40
a. Interagency Agreements	III-40
b. Cooperative Agreements (CA)	III-40
c. Superfund State Contracts (SSCs)	III-41
III.E Cost Recovery Process	III-42
III.E.1 Cost Recovery Referral Development Process	III-43
a. Initiation of Cost Recovery Process	III-43
b. Cost Documentation and Reconciliation	III-43
c. Work Performed Documentation and Reconciliation	III-43
d. Site File Maintenance	III-43
e. Superfund Indirect Costs	III-43
f. Annual Allocation	III-44
g. Cashout/Special Accounts	III-44
h. Department of Justice Involvement	III-44
III.F Superfund Financial Contact Information	III-45
III.F.1 Regional Cost Recovery Contacts	III-45
III.F.2 Headquarters Cost Recovery Contacts	III-46
III.F.3 Regional Budget Coordinators	III-47
III.F.4 Subject Matter Experts	III-48

**Chapter III
Superfund Financial Management**

List of Exhibits

EXHIBIT III-1 BUDGET TIME LINE III-3

EXHIBIT III-2 PROGRAM RESULTS CODE (PRC) III-6

EXHIBIT III-3 WHO PAYS FOR WHAT III-14

EXHIBIT III-4 ACTION CODES FOR FINANCIAL TRANSACTIONS III-21

EXHIBIT III-5 ACCOUNT NUMBER STRUCTURE III-31

EXHIBIT III-6 HANDLING FINANCIAL DATA IN THE CERCLIS/WASTELAN ENVIRONMENT III-35

EXHIBIT III-7 EPA FORMS COMMONLY USED FOR SUPERFUND PROCUREMENTS III-39

EXHIBIT III-8 REGIONAL SUPERFUND COST RECOVERY CONTACTS III-45

EXHIBIT III-9 HEADQUARTERS SUPERFUND COST RECOVERY CONTACTS III-46

EXHIBIT III-10 REGIONAL BUDGET COORDINATORS III-47

EXHIBIT III-11 HEADQUARTERS SUBJECT MATTER EXPERT CONTACTS III-48

**This Page Intentionally
Left Blank**

CHAPTER III SUPERFUND BUDGET PLANNING PROCESS AND FINANCIAL MANAGEMENT

III.A. INTRODUCTION

This chapter discusses the impact of the Superfund Comprehensive Accomplishments Plan (SCAP) process on the development of the outyear budget, the regional operating plan and the quarterly Advice of Allowance (AOA) process, and outlines Superfund financial management responsibilities. Provided in this chapter is general information on the Fiscal Year (FY) 04/05 response, enforcement, and Federal facility extramural budgets including funding priorities. Also included is a comprehensive list of actions and the appropriate budget source to fund those actions.

Budget resources are categorized as programmatic and/or administrative resources. Examples of Superfund programmatic expenses are obligations and expenditures for site assessment, cleanup, enforcement, regulation development support, and Congressionally directed reports. Examples of administrative expenses are staff related costs, salaries, and overhead. This chapter focuses on the programmatic budget process; it does not discuss administrative resources. The latter half of the chapter focuses on financial management including HQ and regional roles and responsibilities, the tools and systems used to track financial information, the various funding mechanisms available to EPA to support Superfund cleanup, and the cost recovery process. Finally, the last section of the chapter provides listings of the Superfund contacts in both HQ and the regions for various aspects of the budgeting and financial management process.

III.B BUDGET PLANNING AND PRIORITIES

III.B.1 Budget Development Process

The budget process is ongoing and in any given month activities may be taking place for several budget years at the same time. For instance, in FY04, the FY06 (outyear) budget is being formulated, the FY05 budget (planning year) is being reviewed and amended, and the FY04 budget (current year) is being implemented.

a. Budget Formulation (Outyear)

The budget formulation process begins in the spring, eighteen months prior to the start of the FY for which the budget is being prepared. The budget is submitted to Office of Management and Budget (OMB) approximately sixteen months prior to the start of that FY. This means that SCAP data existing in the second quarter of FY 04 is used to formulate the FY 06 budget request. The schedules for all response, enforcement, Federal facilities and base realignment and closure (BRAC) activities, and the planned obligations for Remedial Actions (RAs) and non time-critical removal actions reflected in CERCLIS/WasteLAN serve as the foundation for determining the dollar levels to be requested in the budget and the total level of Full-time Equivalents (FTEs) to be made available for distribution. As such, high quality site planning data are essential.

Priorities for budget formulation are guided by the Agency Strategic Plan. Output and outcome measures are defined for a five year period. Program initiatives that help achieve strategic goals and emphasize emerging priorities are defined annually through a series of executive level planning and decision meetings.

Budget requests, reflecting the Agency strategic plans approved initiatives and data in CERCLIS/WasteLAN, are prepared and sent to the Administrator in June/July. The Administrator makes any changes to the budget requests and passes them back to the program offices. The budget requests are revised and submitted to OMB in September. OMB

makes any changes to the budget requests and passes them back to EPA in November/December, nine months prior to the start of the budget FY. If the program offices do not agree with the budgets that are passed back from OMB, EPA initiates an appeals process in December. In mid-January, EPA prepares and submits the President's budget request. Generally, in the spring prior to the start of the FY, congressional hearings are held by appropriation committees on the President's Budget and action is taken to enact appropriations by the start of the fiscal year.

b. Budget Review and Planning (Planning Year)

The second phase of the budgeting process involves revising the budget to the extent possible and determining the allocation of funds for the regions for the upcoming fiscal year.

In the third quarter, HQ prepares the preliminary regional operating plan based on the President's budget request to Congress. In addition, program goals and priorities are first reviewed with the Administrator and then presented to the Regional Administrators. In some years, the appropriation is not enacted by the start of the fiscal year, and Congress passes a Continuing Resolution to fund the government until a final appropriation is enacted. Any increases, reductions or mandated redirections are reflected in the Agency's operating plan (generally 60 to 90 days after enactment of appropriations). In the fourth quarter, HQ reviews and analyzes regional planned financial information from CERCLIS/WasteLAN and discusses the proposed operating plan with the regions during the annual work planning sessions.

c. Budget Execution (Current Year)

Once the fiscal year begins and the appropriation is made, an operating plan is submitted to Congress for approval and a portion of the operating plan is allocated to the regions through advises of allowance (AOA).

Exhibit III.1 provides a timeline of the FY 04, FY 05, and FY 06 budget/financial activities. Timing for some activities is dependent on the completion of other actions; e.g., on occasion Congress does not pass an appropriation by the beginning of the fiscal year. The first quarter AOA is not issued until there is an appropriation and the Interim Operating Plan is loaded in the Agency's Budget Automated System. In recent years this has occurred as late as February.

**EXHIBIT III-1
BUDGET TIMELINE***

Month, Year	Outyear Budget (FY 06)	Planning Year Budget (FY 05)	Current Year Budget (FY 04)
October 2003	Revision to the Agency Strategic Plan begins.		<ul style="list-style-type: none"> • <input type="checkbox"/> Congress appropriates dollars to the Agency in the form of an annual appropriation or continuing resolution. • <input type="checkbox"/> EPA submits Agency Operating Plan to Congress for approval • <input type="checkbox"/> AA SWER and OC approve allocation of the first and second quarter portion of the AOA for the response budget • <input type="checkbox"/> AA OECA and OC approve allocation of the initial technical enforcement AOA and the full year AOA for the legal case budget
November 2003		<ul style="list-style-type: none"> • <input type="checkbox"/> OMB passback of budget request 	
December 2003		<ul style="list-style-type: none"> • <input type="checkbox"/> HQ appeal of the OMB budget passback 	<ul style="list-style-type: none"> • <input type="checkbox"/> December 31 is the end of the first quarter.
January 2004		<ul style="list-style-type: none"> • <input type="checkbox"/> President's Budget submitted to Congress 	
March 2004		<ul style="list-style-type: none"> • <input type="checkbox"/> Congressional Appropriation Hearing on President's Budget 	<ul style="list-style-type: none"> • <input type="checkbox"/> Agency typically has determined how to allocate prior year carryover. • <input type="checkbox"/> Operating plan typically has been enacted and loaded into IFMS which becomes opened to reprogrammings. • <input type="checkbox"/> Third quarter response AOAs and remaining enforcement AOA calculated • <input type="checkbox"/> March 31 is the end of the 2nd quarter.

Month, Year	Outyear Budget (FY 06)	Planning Year Budget (FY 05)	Current Year Budget (FY 04)
April 2004	<ul style="list-style-type: none"> •☐ Annual Planning Meeting for FY06 held 	<ul style="list-style-type: none"> •☐ HQ prepares preliminary regional operating plan 	<ul style="list-style-type: none"> •☐ Mid-year assessment held to evaluate utilization of regional programmatic budgets •☐ AA SWER and OC approve third quarter AOA for response •☐ AA OECA and OC approve final planned AOA for enforcement •☐ HQ summarizes resource distribution by function and statutes
May 2004		<ul style="list-style-type: none"> •☐ Regions generate their plan •☐ Meeting with the Administrator to review program goals 	
June 2004	<ul style="list-style-type: none"> •☐ HQ pulls financial planning information from CERCLIS •☐ Investments presented to the Administrator/Regional Administrators •☐ Administrator and OC provide policy for budget formulation 	<ul style="list-style-type: none"> •☐ Regions generate their plan. HQ pulls financial planning information from CERCLIS/WasteLAN •☐ Goals and priorities presented to the Administrator/Regional Administrators 	<ul style="list-style-type: none"> •☐ Fourth quarter response AOAs calculated •☐ June is the end of the 3rd quarter.
July 2004	<ul style="list-style-type: none"> •☐ Superfund investment summaries submitted to the Administrator and budget proposal to OC •☐ Presentation made to Administrator/Deputy Administrator (DA) on program priorities •☐ Administrator passback 	<ul style="list-style-type: none"> •☐ HQ reviews and analyzes regional budget request 	<ul style="list-style-type: none"> •☐ AA SWER and OC approve fourth quarter response AOAs •☐ HQ pulls target/accomplishment and financial data from CERCLIS/WasteLAN for analysis of regional obligation/commitment rate

Month, Year	Outyear Budget (FY 06)	Planning Year Budget (FY 05)	Current Year Budget (FY 04)
August 2004	<ul style="list-style-type: none"> •☐ HQ pulls data from CERCLIS for the development of the budget for submission to OMB •☐ HQ develops strategy for presenting the budget to OMB •☐ HQ submits budget to OMB 	<ul style="list-style-type: none"> •☐ HQ/regional work planning sessions held to establish mid-year and end-of-year budget/targets and operating plan (maybe held off until first quarter time frame). 	<ul style="list-style-type: none"> •☐ HQ continues to pull target/accomplishment and financial data from CERCLIS/WasteLAN for analysis of regional obligation/commitment rate
September 2004		<ul style="list-style-type: none"> •☐ First and second quarter AOA calculated 	<ul style="list-style-type: none"> •☐ HQ continues to pull target/accomplishment and financial data from CERCLIS/WasteLAN for analysis of regional obligation/commitment rate •☐ September 30 is the end of the 4th quarter and end of the fiscal year.

* Reprogramming does not take place until the Agency has an operating plan enacted by Congress.

III.B.2 Budget Structure

Program Results Code (PRC) and National Program Managers (NPM)

Note: At the time this chapter was written, the Agency's Strategic Plan was in the process of being revised to adopt a new five goal structure. In FY 04, the PRCs will be changed to reflect the new five goal structure. This chapter will be revised once the changes to the budget structure are known.

The Agency's budget structure is designed to reflect the Agency's Strategic Plan and annual commitment made under the Government Performance and Results Act (GPRA). Resources for Superfund cleanup and response activities and the civil enforcement program are primarily found under Goal 5, objective 01, and are divided across several subobjectives (primarily 02 for response and Federal facilities response and 03 for enforcement). The Program Results code (PRC) is the account number for the program field and is structured so it identifies the goal, objective, sub-objective and National Program Manager (NPM) associated with those resources. The NPM identifier is an alpha character used in the 6th position of the PRC. For instance, common NPMs for Superfund are "D" for OSWER and "E" for OECA. In addition, the Response Program includes a special tracking code, also referred to as an AOA code to identify each allowance, e.g., Removal, Remedial, Pipeline and Federal Facility Response.

It is important to distinguish among Superfund resources because Congress establishes Superfund spending caps in the appropriations report language. These spending caps are referred to as functions. Functions are currently defined as 1) Response, 2) Enforcement, 3) Management and Support. Exhibit III.2 shows PRCs that support key program areas. The exhibit also identifies the special tracking codes of the Advices of Allowance (AOA) that the Response program uses to allocate resources to the Regions. See Section III.C.2.

**EXHIBIT III-2
Program Results Code (PRC)**

Program	Program Results Code	Special Tracking Code (AOA Code)
Response Program		
Remedial Action	302DD2	R
Pipeline Operations	302DD2	P
Removal		
Removal Actions	302DC6	E
Removal Support	302DC6	S
Homeland Security	302D72	C
Federal Facility Response	302DC9	F
BRAC (non-site)	302D41	none
BRAC (site-specific)	302D41B4	none
Enforcement - Technical and Legal	302EC7	none
Federal Facility Enforcement	302EH2	none

For further discussion on Superfund accounting information, please see section III.D.2 in this chapter.

III.B.3 FY04/05 Superfund Program Goals and Priorities

The FY04/05 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 Program Budget addresses a different set of goals and priorities to achieve these aims.

Please note OSWER has undergone reorganization shifting Homeland Security and Removal functions to a new program budget under OEPPR.

a. Response Program Budget (302DD2)

The response program budget provides funds for:

- Site assessment and listing the highest risk sites on the NPL;
- Fund-financed Remedial Investigation/Feasibility Study (RI/FS), Remedial Design (RD), and Remedial Action (RA) projects;
- Oversight of all RP-lead RI/FS, RD, RA, and removal projects;
- Post Construction activities including Five-Year Reviews;
- Core Program cooperative agreements which assist states and tribes in developing infrastructure to support the federal Superfund program.

- ☐ Support activities, such as laboratory support;
- ☐ Community involvement;
- ☐ Support for redevelopment and reuse of Superfund sites after cleanup;
- ☐ Information management/data quality;
- ☐ New Non-time critical (NTC) removal actions above base removal budget;

b. *Homeland Security and Removal (302DC61/302D72)*

- ☐ Emergency and time critical removal actions to address the region's highest priority response actions at NPL and non-NPL sites to ensure that worst sites are being addressed first; and
- ☐ Homeland security readiness and response.

The first priorities for response funding are classic emergencies and activities at sites that will be used to meet the national construction completion goals. Ongoing RAs, mixed funding, and mixed work projects receive priority for funding over new cleanup work. New Fund-financed cleanup work (with the exception of emergency and time-critical removal actions) will be subject to priority ranking by the National Risk-Based Priority Panel and will be screened to ensure actions have been taken to compel all appropriate PRPs to conduct the cleanup. The Panel consists of representatives from each region and HQ (OSRTI and OSRE) and utilizes a risk-based environmental priority setting approach. New cleanup work is funded based on actual or potential risks to human health and the environment as well as the need to maintain construction progress. Determination on whether a project represents new or existing work will be made by the Panel. New cleanup work consists of large removal actions that exceed funding levels available within a region's baseline removal budget, as well as cleanup activities at sites where no previous actions have taken place. The panel meets one or more times a year for evaluation of projects.

c. *Enforcement Budget (302EC7)*

The enforcement budget is a combination of technical enforcement and legal enforcement resources. Both are funded under the OECA NPM. The enforcement case budget, both technical and legal, provides support for accomplishing goals and priorities, including:

- Addressing all cost recovery cases with total outstanding costs greater than \$200,000 for SOLs that may expire during or within six months of the budget year;
- Issuing of oversight bills in a timely fashion;
- Timely collection of Superfund accounts receivable;
- Focusing on collection of outstanding monies due to the Fund;
- Enhanced PRP searches (including those that support removal actions, orphan share determinations and *de minimis* settlements);
- Timely negotiations of PRP response actions;
- Maintaining ongoing litigation for response and cost recovery;

OSWER Directive 9200.3-14-1G-Q

- ☐ Ensuring PRP compliance with all work and cost recovery settlements;
- ☐ Settlements with *de minimis* parties and municipalities;
- ☐ Orphan share determinations/offers; and
- ☐ Issuing UAOs to the “largest manageable” number of PRPs.

d. Federal Facilities Response Budget (302DC9)

The Federal facilities response budget provides support for response work at all NPL Federal facilities. The following activities are priorities:

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

Extramural funds can be used for Base Realignment and Closure sites where oversight is needed.

e. Base Realignment and Closure (302D41 and 302D41B4)

The BRAC budget, with reimbursable resources coming from DoD, supports EPA’s participation in expediting the disposal and restoration of closing military bases to safe and productive reuse as quickly as possible while fulfilling its mandate to protect human health and the environment. BRAC activities:

- Promoting community involvement
- Expediting environmental restoration and property transfer
- Providing oversight and technical assistance
- Supporting up-front planning and scoping
- Maintaining remedies that protect human health and the environment

f. Federal Facilities Enforcement Budget (302EH2)

The Federal facilities enforcement budget (50104E) provides support for Federal Facility Agreement (FFA) (also known as Interagency Agreement (IAG)) negotiation activities as well as activities that ensure compliance with the FFAs. Specifically, 50104E provides support for:

- Negotiating FFAs /IAGs with Federal facilities listed on the NPL;
- Negotiating FFA/IAG amendments;
- Monitoring milestones and conducting oversight of all enforceable requirements to ensure proper implementation of signed FFA/IAG,
- Dispute resolution activities (as defined within each FFA) during FFA negotiations.

III.C. REGIONAL OPERATING PLAN AND ADVICE OF ALLOWANCE DEVELOPMENT

III.C.1 Allocating Superfund Resources Among the Regions

Superfund appropriation resources are primarily classified into three functional categories based on congressional direction: Response, Enforcement, and Management and Support. Within these functions, several National Program Managers and their Offices have responsibility for managing and allocating the Superfund appropriation resources. Within the Response function, this manual focuses on the allocation of regional extramural resources for the Superfund Remedial Response, Federal Facilities Response, and Homeland Security/Emergency Response programs. Within the Enforcement function, this manual applies to the extramural resources associated with the Superfund Enforcement and Federal Facilities Enforcement programs. This manual does not discuss Superfund appropriation resources related to the Management and Support function.

Each Superfund program addressed here has specific procedures for allocating extramural resources among the Regions, using Advices of Allowance (AOAs) to control and track resource use. Within each AOA, Regions are required to plan obligations in CERCLIS/WasteLAN. Obligations and expenditures are also tracked by AOA through the Integrated Financial Management System (IFMS) accounting code structure.

The Superfund Comprehensive Accomplishments Plan (SCAP) refers to both the annual work planning process for projecting accomplishments for a subject fiscal year and for the accomplishment reporting mechanism. Within the SCAP process, Regions plan obligations either site-, project-, OU-, or non-site specifically within each AOA. Some planned obligations are associated with specific site activities, while other planned obligations are estimates of total funding required for an activity within a Region (i.e., contract bulk funding). The CERCLIS/WasteLAN database has been designed to accommodate site- and non-site specific planning, although Regions should plan obligations site-specifically to the maximum extent practicable. Regions should also be certain all their extramural funding needs are reflected in CERCLIS/WasteLAN and correspond with the appropriate program AOA.

Regions are responsible for managing the funds issued in each AOA, and for operating within budget ceilings, floors, and other restrictions, and may not shift among functions (Response, Enforcement, and Management and Support). To the extent practicable, the regional budget for each AOA must balance at all times with the sum of actual obligations, open commitments to date, and remaining planned approved (discussed below) obligations. Planned and actual obligations of funds recertified to the Regions should be included in the “approved” regional budget. Regions should also enter planned obligations in CERCLIS/WasteLAN for reimbursable account resources (i.e., settlement and State cost share resources) as “approved,” using the appropriate AOA codes.

Generally, funds may be shifted within a function between programmatic and administrative budget object classes (BOCs) and may be reprogrammed between Allowance Holders and/or Regions as long as they remain within the designated function. In all cases, the Region must update CERCLIS/WasteLAN whenever funds are redirected/reprogrammed from their planned use. Headquarters must approve in advance the reprogramming of any resources among AOAs.

The Headquarters program offices regularly review IFMS obligations against the AOAs. During the last quarter of the year, OSWER and OECA will work with the Regions as necessary to ensure that all AOAs and obligations are aligned prior to year-end closing.

III.C.2 Remedial Response Program Budget

The Remedial Response program budget includes two AOAs, Remedial Action and Pipeline Operations, which are managed by the Office of Superfund Remediation and Technology Innovation (OSRTI). Each year, Headquarters determines the amount of resources to allocate these AOAs based on the process for developing the Agency's annual Operating Plan.

III.C.2.a. Remedial Action AOA

Regions are required to enter all planned obligations site-specifically in CERCLIS/WasteLAN within the Remedial Action AOA (AOA account code R), which includes remedial actions, long-term response actions, five-year reviews, and non-time-critical removals at NPL sites. The funding status of all planned obligations initially must be designated as "alternate" in the Remedial Action AOA in CERCLIS/WasteLAN.

Through the annual work planning process, OSRTI will develop a Remedial Action AOA funding plan using planned obligation data from CERCLIS/WasteLAN, projections of the availability of funds, and National Risk-Based Priority Panel project rankings. Once OSRTI issues its initial funding plan, Regions must switch the funding status designation in CERCLIS/WasteLAN from "alternate" to "approved" for the selected site-specific obligations. Planned obligations of funds that are recertified to a Region in the Remedial Action AOA should also be designated as "approved." Those planned obligations that maintain the "alternate" designation should include only the activities the Region would conduct if additional resources become available and will form the basis for additional funding decisions. During the course of the year, Regions must continuously update planned "alternate" obligations to accurately reflect the current year's additional funding needs.

Once an appropriation is enacted, Headquarters will allocate, pursuant to the Agency Interim and Final Operating Plans, funds to the Regions based on the OSRTI Remedial Action AOA funding plan. Regions are required to obtain OSRTI approval of any proposed changes to the funding plan greater than \$100,000, (e.g., shift resources among sites or activities within the Remedial Action AOA) and record all changes to planned obligations in CERCLIS/WasteLAN. If the fiscal year begins without an enacted appropriation, Headquarters will allocate available resources to each Region on a case-specific basis until an appropriation is enacted and the Operating Plan is approved.

Because of the changing needs of the Regions during the course of the year, OSRTI will continually monitor Regional obligation rates and usage of the Remedial Action AOA resources. Based on mid-year regional reviews, OSRTI will update the Remedial Action AOA funding plan to reflect changes in Regions' resource needs as well as additional resources that may become available (e.g., through deobligations). However, on a case-specific basis, OSRTI also may issue additional resources to a Region or allow it to use existing resources for work that is not included in the funding plan. Unless otherwise directed by OSRTI, and except for deviations of \$100,000 or less, Regions are required to return to Headquarters, through the reprogramming process, allocated resources that will not be used according to the funding plan. 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 Remedial Action AOA without prior OSRTI approval.

III.C.2.b. Pipeline Operations AOA

The Pipeline Operations AOA (AOA account code P) is distributed among the Regions based on the Pipeline Allocation Model. A portion of the allocation is based on historical allocations and the remaining portion is based on a work-based scoring system. At the initiation of the annual work planning process OSRTI will provide general guidance regarding its projections of the funding that will be available to the Regions through the Pipeline Operations AOA. Using this information, each Region will develop its Pipeline Operations AOA portion of its program operating plan and enter its planned obligations and accomplishments into CERCLIS/WasteLAN. Pursuant to work planning discussions with Headquarters and refined resource allocation projections based on the Pipeline Allocation Model, Regions will finalize their program operating plans in CERCLIS/WasteLAN. OSRTI will then finalize the Pipeline Operation AOA allocation using the Pipeline Allocation Model.

Planned obligations for regional activities within this AOA must fall within the total identified level, and should be shown in CERCLIS/WasteLAN by selecting "approved" from the Funding Status drop down list associated with the appropriate AOA category on the Budget Allowance Detail Backup screen. Funding needs above the Headquarters proposed total budget level must be designated as "alternate."

At the beginning of the fiscal year Headquarters will issue 60% of the Pipeline Operations AOA among the Regions. Headquarters will issue 20% of the AOA at the beginning of each of the 3rd and 4th quarters. If a Region's commitment/obligation rate is less than 50% at the end of the second quarter, Headquarters may delay the remaining allocation to the Region and renegotiate the Region's program operating plan for the remainder of the year, which could result in a reduction in the Region's budget. If the fiscal year begins without an enacted appropriation, Headquarters will allocate an equivalent share of the available resources to each Region until an appropriation is enacted and the Operating Plan is approved. Funds from the Pipeline Operations AOA may not be moved to any other AOA without prior OSRTI approval.

III.C.3. Homeland Security/Removal Response Program Budget

The Homeland Security/Removal response program budget is newly created for FY 2004. This budget has been created as a result of increased emphasis on homeland security and a FY 2003 OSWER reorganization that shifted responsibility for the removal program from OSRTI to the Office of Emergency Preparedness, Prevention and Response (OEPPR). During FY 2003, two AOAs separately addressed homeland security (AOA account code C) and removal (AOA account code E) within CEPPPO, now OEPPR, and OERR, now OSRTI, respectively. **The structure of the new budget and the SCAP process associated with it is currently under development. This section of the SPIM will be revised once the process for this budget is complete.**

III.C.4 Federal Facilities Superfund Response Program Budget

In FY 2005, an 'A' allowance was established in IFMS for Federal Facilities Superfund response extramural resources. Under the 'A' allowance (e.g., 1A00F = Region 1's Federal Facility extramural resources) each Region will receive 50% of its portion of the approved budget request during the first quarter, provided that the Agency has an enacted budget, and the remainder during the third quarter. Regional Federal Facilities Superfund Response budgets are determined during the annual workplanning sessions. If a Region has a low obligation rate, discussions will be held prior to third quarter distribution as to whether there is a need for the remainder of the funds. To request additional funds, a Region should contact FFRRO. Please include the amount needed and a justification for the funds.

Funds may be redirected within the Federal Facilities AOA to other BOCs and to other Regions or Headquarters offices, but may not be moved out of the Federal Facilities AOA without FFRRO's prior approval.

III.C.4.a Base Realignment and Closure (BRAC) Budget

Base Realignment and Closure Resources - To assist the Department of Defense (DoD) with cleaning up and transferring selected BRAC properties, DoD provides dollars to EPA to cover the cost for those employees working in the BRAC program. Once DoD receives transfer authority, the U.S. Army transfers half of the BRAC allocation to EPA via a Military Interdepartmental Purchase Request (MIPR). Once a fully executed Interagency Agreement (IAG) has been processed by Headquarters Grants Administration Division, resources are distributed via a reprogramming to the various Allowance Holders. Although resources are not loaded into IFMS on an installation-specific basis, DoD's funding notification letter indicates the FTE ceiling for each installation. To increase or decrease the funding level for any BRAC installation, regions must receive prior approval from Headquarters.

III.C.5 Enforcement Program Budget

The Enforcement program budget includes two components, technical and legal, which are managed by the Office of Site Remediation Enforcement. No account code for the AOA currently exists. The initial operating budget for technical enforcement is allocated based on each Region's share of the usage rate (as measured by expenditures for the current year to date and the preceding year) for enforcement activities. Headquarters allocates 70% 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 Phase 1 and 2 Operating Plan. This initial allocation will be made available in the Interim Operating Plan for spending as soon as the appropriation is passed by Congress and signed by the President.

An additional allocation will be made in the third quarter of the fiscal year for technical enforcement. OSRE will issue a call to the Regions in early March for requests for additional funding. Emphasis will be placed on funding program priorities which will be outlined in the call. The call will consider all sources of funding not previously allocated, including the remaining new obligating authority not allocated in the Interim Operating Plan, carryover of funds from the previous year, projected reprogramming, and a projection of regional resources to be deobligated and recertified. This second allocation of funds will be distributed around the beginning of May.

The legal enforcement budget is allocated equally between all ten Regions and made fully available in the Interim Operating Plan. Funds must not move into or out of the Enforcement function without Congressional approval. Funds may be redirected within the Enforcement AOA to other BOCs and to other Regions or Headquarters offices.

III.C.6 Federal Facilities Enforcement Program Budget

The Federal Facilities Enforcement program budget consists of two components, an EPM appropriation and a Superfund appropriation, which are managed by the Federal Facilities Enforcement Office. No account code for the AOA currently exists. At the beginning of the fiscal year, FFEO informs the regional Federal Facility Program Managers the amount each Region is allocated. The Regions are requested to provide FFEO with prioritized requests for resources, not to exceed the allocated amount. The resources consist of New Obligating Authority (NOA), and carryover of prior year funds. The funds are disbursed by project, and monitored by Headquarters.

Funds may not move into or out of the Enforcement function without Congressional approval. Funds may be redirected within the Federal Facility Enforcement AOA to other BOCs and to other Regions or Headquarters offices.

III.C.7 Deobligating Prior Year Funds

Another potential source of funding are obligations made in prior years where all payments have been made, the obligation is inactive, and there remains an unliquidated balance. Once it has been determined by the appropriate official that the unliquidated obligation is not needed, that amount may be deobligated. As a no-year appropriation, Superfund dollars which are obligated before the end of a given fiscal year and deobligated in a subsequent year may be recovered by the Agency and obligated again in that same year. These funds are reapportioned to the Agency by OMB and reissued to the Allowance Holders through a process called recertification. All recertified funds must be obligated within the fiscal year of deobligation.

Each year, the Annual Planning and Budget Division in the Office of the Chief Financial Officer along with OSRTI, OECA, and OEPPR jointly issues the Superfund Deobligation Guidance with OSRE. It explains the general procedures for deobligation of funds and the specific procedures as required by the National Program Manager (NPM) for the recertification of funds.

The deobligation of prior year funds is a good fiscal management practice and one which helps offset shortfalls in the Superfund budget. Regions should actively pursue deobligation of prior year funds. Projects prime for deobligation include Interagency Agreements (IAGs) with the U.S. Army Corps of Engineers (USACE) where the projects have been

completed, Fund-lead RAs taken over by the PRPs, and Fund-lead RAs where the actual construction contract award and oversight costs will be significantly less than the funds obligated. Expired contract are another prime course of funds available for deobligation. Regions may request that their share of deobligated funds be recertified and returned to the Region to address priority needs. Headquarters will work with the OCFO to ensure that any funds deobligated are returned to the Region through the recertification process following the guidelines established in the Superfund Deobligation Policy.

III.C.8 Budget Object Classes

Resources are used for funding programmatic needs and are divided into several different budget object classes (BOCs). This includes Programmatic Contracts and Interagency Agreements (IAGs) - BOC 37; Grants and Cooperative Agreements - BOC 41; and Programmatic expenses - BOC 36. In addition, Site-Specific Travel - BOC 28 is also funded using programmatic dollars.

Site-specific travel is traditionally managed as an administrative expense, but in the Superfund budget structure, site-specific travel is considered a programmatic expense. As such, program dollars can be used to fund site-specific travel. Regions can use up to \$150,000 or 0.5% (whichever is greater) of their Pipeline Operations AOA to support site-specific travel. Regions need to prioritize their program funding needs since dollars for site-specific travel must come out of the regional programmatic budget allocation. Funds may be reprogrammed between object classes without Headquarters approval. Headquarters will not increase a Region's budget or AOA to replace extramural funds used for site-specific travel.

III.C.9 Regional Change Requests for Reprogramming Among AOAs

In some situations, a reprogramming is required as a result of regional changes to the SCAP. Exhibit III.4 identifies flexible funding and other situations where an AOA change request is required. Headquarters will not approve a change request unless CERCLIS/WasteLAN is revised to reflect the change. Regions should submit all change requests to the appropriate OSWER or OECA contact via e-mail. The following information should be provided for a change request:

- Purpose/justification;
- Amount;
- Site name and Site Spill Identification (SSID) if the AOA is issued site-specifically;
- Program Results Codes; and
- Allowance that is being increased and/or allowance that is being decreased.

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

III.C.10 Budget Sources and Associated Action Codes

Exhibit III.6 identifies the major actions and the appropriate budget source (depending on the project/action lead) for planned obligations, as well as the AOA category under which each action falls. **Because of the recent creation of the Homeland Security (counter-terrorism) AOA and due to the recent reorganization of management responsibility of the removal program from OSRTI to OEPPR, the Budget Sources for action codes associated with Homeland Security/Removal program will be revised during FY 2004. Until these revisions are issued, Regions should use the most appropriate action codes for the costs of activities conducted within the Homeland Security and Removal AOAs (AOA account codes C and E, respectively).**

Disclaimer:

The Who Pays for What chart is valid for FY04. The new Action Codes for Financial Transactions chart will take effect in FY05.

EXHIBIT III-3
WHO PAYS FOR WHAT FY 04
 For FY 05 see Exhibit III-4

CERCLIS/WasteLAN ACTION NAME	ACTION CODE	SITE DESIGNATION	LEAD	BUDGET SOURCE/ AOA CATEGORY
Administrative Records	AR	S	CG, EP, F, S, TR FF FE, SE	Pipeline Operations Federal Facility Response Enforcement
Aerial Survey	AS	R	CG, EP, F, S, TR, RP, PS, MR FF	Pipeline Operations, Removal Federal Facility Response
Alternative Dispute Resolution	AD	B	CG, TR, F, PS, S, EP, SE, FE	Pipeline Operations Enforcement
Bulk Funding (outlays must not be charged to the WQ code, and with the exception of Core Program funding, outlays must be action-and site-specific)	WQ	R (with exception for core program funding)	F FF FE	Pipeline Operations Federal Facility Response Enforcement
Claim in Bankruptcy Proceedings	CB	S	FE	Enforcement
Combined RI/FS	CO	S	F, S, TR, SA, SS, ST, EP	Pipeline Operations
Combined PA/SI Deleted - Use Generic PA/SI (QB)	NX			
Community Involvement (non-federal facility)	CR	S <i>* Regions may plan using 'WQ' but must obligate site- specifically.</i>	EP, F, S, TR, RP, PS, MR	Pipeline Operations
Compliance Enforcement	UZ	S	FE, SE	Enforcement
Contract Management	JU	B	F FE FF	Pipeline Operations Enforcement Federal Facility Response
Contract Program Management (Administrative) Deleted - Use Contract Management (JU)	QC			
Cost Recovery Negotiation	NE	S	FE, SE	Enforcement
Cost Recovery Decision Document Deleted - Use NPL PRP Search (NS) or Non- NPL PRP Search (RP)	DD			

EXHIBIT III-3
WHO PAYS FOR WHAT FY 04
 For FY 05 see Exhibit III-4

CERCLIS/WasteLAN ACTION NAME	ACTION CODE	SITE DESIGNATION	LEAD	BUDGET SOURCE/ AOA CATEGORY
Deletion from NPL Deleted - Use Administrative Records (AR)	ND			
Design Assistance	DA	S	EP, F, S, TR, RP, PS, MR FF	Pipeline Operations Federal Facility Response
Ecological Risk Assessment Deleted - Use Risk Assessment (ED)	JF			
Enforcement Contract Management Deleted - Use Contract Management (JU)	TM			
Engineering Evaluation/Cost Analysis	EE	S	CG, EP, F, S, TR, RP, PS, MR, SA, SS, ST FF	Pipeline Operations Federal Facility Response
ESI/RI	SS	S	EP, F, S, TR FF	Pipeline Operations Federal Facility Response
ESI (Expanded Site Inspection)	ES	S	EP, F, S, TR	Pipeline Operations
Feasibility Study	FS	S	EP, F, S, TR, SA, SS, ST	Pipeline Operations
Federal Facility and BRAC General Support and Management	TX	N	FF	Federal Facility Response
Federal Facility Docket Deleted - Use Records Management (SW)	GA			
FF FS Deleted - Use FF Oversight (OX)	NI			
FF Oversight	OX	S <i>* Regions may plan using 'WQ' but must obligate site- specifically.</i>	FF	Federal Facility Response
FF ESI Review	TZ	R	EP, F, S, TR FF	Pipeline Operations Federal Facility Response
FF Community Involvement	LZ	S	FF	Federal Facility Response
FF PA Review	RX	R	EP, F, S, TR FF	Pipeline Operations Federal Facility Response
FF RD Deleted - Use FF Oversight (OX)	LX			

EXHIBIT III-3
WHO PAYS FOR WHAT FY 04
 For FY 05 see Exhibit III-4

CERCLIS/WasteLAN ACTION NAME	ACTION CODE	SITE DESIGNATION	LEAD	BUDGET SOURCE/ AOA CATEGORY
FF Removal Deleted - Use FF Oversight (OX)	LV			
FF RI Deleted - Use FF Oversight (OX)	NH			
FF RI/FS Deleted - Use FF Oversight (OX)	LW			
FF SI Review	TY	R	EP, F, S, TR FF	Pipeline Operations Federal Facility Response
FF RA Deleted - Use FF Oversight (OX)	LY			
Final Listing on NPL Deleted - Use Administrative Records (AR)	NF			
Five Year Review (Regions may bulk fund this action using the 'FE' action code and the 'WQ' SSID, but outlays must be site-specific.)	FE	S	EP, F, S, TR RP, PS FF	Remedial Action Pipeline Operations Federal Facility Response
Forward Planning /Redevelopment/Reuse	FM	S	F	Pipeline Operations
General Enforcement	GE	N	FE	Enforcement Federal Facility Enforcement
General Support and Management	BM	N	F	Pipeline Operations, Removal
Generic PA/SI	QB	R	EP, F, S, TR FF	Pipeline Operations Federal Facility Response
Groundwater Monitoring - Post ROD	GM	S	EP, F, S, TR, RP, PS, MR FF	Pipeline Operations Federal Facility Response
Health Assessment Deleted - Use Risk Assessment (ED)	HA			
HRS Package	HR	S	EP, F, S, TR	Pipeline Operations
IAG Negotiation Deleted - Use Negotiation - Generic (NG)	IN			
Information Mgt Support	IJ	B	F FE FF	Pipeline Operations Enforcement Federal Facility Response

EXHIBIT III-3
WHO PAYS FOR WHAT FY 04
 For FY 05 see Exhibit III-4

CERCLIS/WasteLAN ACTION NAME	ACTION CODE	SITE DESIGNATION	LEAD	BUDGET SOURCE/ AOA CATEGORY
Integrated Assessment	EA	R	EP, F, S, TR FF	Pipeline Operations Federal Facility Response
Integrated Assessment Combined PA/SI Deleted - Use Generic PA/SI (QB)	OU			
Integrated Assessment ESI Deleted - Use Generic PA/SI (QB)	OY			
Integrated Assessment ESI/RI Deleted - Use Generic PA/SI (QB)	OV			
Integrated Assessment HRS Package Deleted - Use Generic PA/SA (QB)	OZ			
Integrated Assessment PA Deleted - Use Generic PA/SI (QB)	PX			
Integrated Assessment SI Deleted - Use Generic PA/SI (QB)	QJ			
Laboratory Support	LA	B	F FE FF	Pipeline Operations Enforcement Federal Facility Response
Litigation - Generic	LT	S	FE, SE	Enforcement
Local Government Reimbursement	EV	S	F	Pipeline Operations
Long Term Response Action (LTRA)	LR	S	EP, F, S, TR, SA, SS, ST	Remedial Action
Management Assistance - Deleted - Use State Agency Support Cooperative Agreement	MA			
Multi-Site Cooperative Agreement Deleted - Use State Support Agency Cooperative Agreement (MA), Generic PA/SI (QB), or Bulk Funding (WQ) as appropriate	MS			
Negotiation - Generic	NG	S	FE, SE	Enforcement, Federal Facility Enforcement
Non-NPL PRP Search	RP	R	FE, SE	Enforcement
NPL RP Search	NS	S	FE, SE	Enforcement
Operations and Maintenance (for EPA- conducted O & M, only reimbursable resources may be used)	OM	S	RP, PS, MR, SS FF	Pipeline Operations Federal Facility Response

EXHIBIT III-3
WHO PAYS FOR WHAT FY 04
 For FY 05 see Exhibit III-4

CERCLIS/WasteLAN ACTION NAME	ACTION CODE	SITE DESIGNATION	LEAD	BUDGET SOURCE/ AOA CATEGORY
PA (Preliminary Assessment)	PA	R	EP, F, S, TR FF	Pipeline Operations Federal Facility Response
Partial Deletion Deleted - Use Administrative Records (AR)	GR			
Pre-CERCLIS Screening	HX	R	F, S, TR FF	Pipeline Operations Federal Facility Response
Preparation of Cost Documentation	PC	S	FE, SE	Enforcement
Proposal to NPL Deleted - Use Administrative Records (AR)	NP			
PPA Assessments	QX	S	FE	Enforcement
PRP FS	NK	S	RP, PS, MR	Pipeline Operations
PRP LR	ME	S	RP, PS, MR	Pipeline Operations
PRP RA	BF	S	RP, PS, MR	Pipeline Operations
PRP RD	BE	S	RP, PS, MR	Pipeline Operations
PRP Removal	BB	S	RP, PS, MR	Removal
PRP RI	NA	S	RP, PS, MR	Pipeline Operations
PRP RI/FS	BD	S	RP, PS, MR	Pipeline Operations
PRP Community Involvement Deleted - Use Community Involvement (CR)	EL			
RCRA Facility Assessment Deleted - Use Generic PA/SI (QB)	AA			
RD/RA Negotiation	AN	S	FE, SE	Enforcement
Real Property Acquisition	RL	S	F, S, TR	Pipeline Operations
Records Management	SW	B	F FE FF	Pipeline Operations Enforcement, Federal Facility Enforcement Federal Facility Response
Remedial Action	RA	S	EP, F, S, TR, SA, SS, ST	Remedial Action
Remedial Community Involvement Deleted - use Community Involvement (CR)	CR			

EXHIBIT III-3
WHO PAYS FOR WHAT FY 04
 For FY 05 see Exhibit III-4

CERCLIS/WasteLAN ACTION NAME	ACTION CODE	SITE DESIGNATION	LEAD	BUDGET SOURCE/ AOA CATEGORY
Remedial Contract Management Deleted - use Contract Management (JU)	JU			
Remedial Support and Management Deleted - Use General Support Management (BM)	BO			
Remedial Design	RD	S	EP, F, S, TR, SA, SS, ST	Pipeline Operations
Remedial Investigation	RI	S	EP, F, S, TR, SA, SS, ST	Pipeline Operations
Removal	RV	S	CG, EP, F, S, TR, SA, SS, ST, SG	Removal
Removal Contract Management Deleted- Use Contract Management (JU)	EZ			
Removal Community Involvement Deleted - Use Community Involvement (CR)	RC			
Removal Support and Management Deleted- Use General Support Management (BM)	BN			
Removal/Remedial Contract Management Deleted- Use Contract Management (JU)	JT			
Removal Negotiation	RN	S	FE	Enforcement
Removal Assessment	RS	R	CG, EP, F, S, TR, RP, PS, MR FF	Pipeline Operations, Removal Federal Facility Response
Removed from Proposed NPL Deleted - Use Administrative Records (AR)	NR			
Research & Development	BG	R	F, S, TR	Pipeline Operations
RI/FS Negotiation	FN	S	FE, SE	Enforcement
Risk Assessment/Health Assessment	ED	S	EP, F, S, TR, RP, PS, MR FF	Pipeline Operations Federal Facility Response
Section 104(e) Ref Litigation (site access)	SF	S	FE, SE	Enforcement
Section 106 Litigation	SX	S	FE, SE	Enforcement
Section 106/107 Litigation	CL	S	FE, SE	Enforcement
Section 107 Litigation	SV	S	FE, SE	Enforcement

**EXHIBIT III-3
WHO PAYS FOR WHAT FY 04**
For FY 05 see Exhibit III-4

CERCLIS/WasteLAN ACTION NAME	ACTION CODE	SITE DESIGNATION	LEAD	BUDGET SOURCE/ AOA CATEGORY
SEE Program	SM	B	F FE FF	Pipeline Operations Enforcement Federal Facility Response
SI (Site Inspection)	SI	R	EP, F, S, TR FF	Pipeline Operations Federal Facility Response
Site Security and Maintenance	PD	S	F, S, TR	Pipeline Operations
Site Reassessment Deleted - Use Generic Site Assessment (QB)	OO			
Site-Specific BRAC Costs	PX	S	FF	Federal Facility Response
State Support Agency Cooperative Agreement (Management Assistance)	MA	R	F FF	Pipeline Operations Federal Facility Response
State Core Program	SK	N	F	Pipeline Operations
Technical Assistance Grant	TG	S <i>* Regions may plan using 'WQ' but must obligate site-specifically.</i>	F FF	Pipeline Operations Federal Facility Response
Technical Assistance	TA	B	EP, F, S, TR, RP, PS, MR FF	Pipeline Operations Federal Facility Response
Training	TH	N	F FE	Pipeline Operations Enforcement
Tribal Support Agency Cooperative Agreement (Management Assistance)	TJ	R	F FE	Pipeline Operations Federal Facility Response
Tribal Core Program	TK	N	F	Pipeline Operations

KEY TO LEADS:		SD =	STATE DEFERRAL
CG =	COAST GUARD	SE =	STATE ENFORCEMENT
EP =	EPA IN-HOUSE	SG =	PRP-FINANCED ACTION From a Special Account PERFORMED BY USCG
F =	EPA FUND- FINANCED	SN =	STATE, NO FUND MONEY
FE =	FEDERAL ENFORCEMENT	SR =	PRP LEAD UNDER STATE
FF =	FEDERAL FACILITIES RESPONSE	SS =	PRP-FINANCED ACTION From a Special Account PERFORMED BY STATE
MR =	MIXED FUNDING FEDERAL/RP	ST =	PRP-FINANCED ACTION From a Special Account PERFORMED BY TRIBAL GOVERNMENT
PS =	PRP RESPONSE UNDER STATE	TR =	TRIBAL LEAD, FUND FINANCED
RP =	RESPONSIBLE PARTY		
S =	STATE, FUND FINANCED		
SA =	PRP-FINANCED ACTION FROM A SPECIAL Account PERFORMED BY EPA		
KEY TO SITE DESIGNATION:			
S =	SITE-SPECIFIC ONLY		
R =	SITE-SPECIFIC AND SITE-RELATED (ZZ) ONLY		
B =	SITE-SPECIFIC, SITE-RELATED (ZZ), AND NON-SITE		
N =	NON-SITE-SPECIFIC ONLY		

Disclaimer:

The Who Pays for What chart is valid for FY04. The new Action Codes for Financial Transactions chart will take effect in FY05.

EXHIBIT III-4
FY 2005 Action Codes for Financial Transactions
Sorted by CERCLIS Action Name

FY 2005 Superfund Extramural Action Codes to Be Used for Financial Transactions, Sorted by CERCLIS Action Name					
Action Name	Action Code	PRC	AOA	Site Des.	Lead
Administrative Records	AR	302DC6& 302DC9& 302DD2& 302EC7&	S FF P E	S S S S	CG, F, S, TR FF CG, F, S, TR FE, SE
Aerial Survey	AS	302DC6& 302DC9& 302DD2&	S FF P	S, WQ, ZZ S, WQ, ZZ S, WQ, ZZ	CG, F, S, TR, RP, PS, MR FF CG, F, S, TR, RP, PS, MR
Alternative Dispute Resolution	AD	302DD2& 302EC7&	P E	S, WQ, ZZ, 00 S, WQ, ZZ, 00	CG, F, S, TR, PS FE, SE
Bulk Funding (Outlays must not be charged to the WQ code, and with the exception of Core Program funding, must be action- and site-specific)	WQ	302DC6& 302DC9& 302DD2& 302EC7&	S FF P E	S, WQ, ZZ S, WQ, ZZ S, WQ, ZZ S, WQ, ZZ	F FF F FE
CERCLA Criminal Litigation	CC	302EC7& 501E52&	E E	E S	HQ only may use 302EC7& Not in CERCLIS
Claim in Bankruptcy Proceedings	CB	302EC7&	E	S	FE
Combined PA/SI	NX	Not Available—Use Generic PA/SI (QB)			
Combined RI/FS	CO	302DD2&	P	S	F, S, TR, SA, SS, ST
Community Involvement (Non-federal facility) (Regions may plan using the 'WQ' SSID but must obligate site-specifically)	CR	302DC6& 302DD2&	S P	S S	F, S, TR, RP, PS, MR F, S, TR, RP, PS, MR
Compliance Enforcement	UZ	302EC7&	E	S	FE, SE

EXHIBIT III-4
FY 2005 Action Codes for Financial Transactions
Sorted by CERCLIS Action Name

FY 2005 Superfund Extramural Action Codes to Be Used for Financial Transactions, Sorted by CERCLIS Action Name					
Action Name	Action Code	PRC	AOA	Site Des.	Lead
Contract Management	JU	302DC6& 302DC9& 302DD2& 302EC7&	S FF P E	S, WQ, ZZ, 00 S, WQ, ZZ, 00 S, WQ, ZZ, 00 S, WQ, ZZ, 00	F FF F FE
Contract Program Management (Administrative)	QC	Not Available--Use Contract Management (JU)			
Cost Recovery Decision Document	DD	Not Available--Use NPL PRP Search (NS) or Non-NPL PRP Search (RP)			
Cost Recovery Negotiation	NE	302EC7&	E	S	FE, SE
Deletion from NPL	ND	Not Available--Use Administrative Records (AR)			
Design Assistance	DA	302DC9& 302DD2&	FF P	S S	FF F, S, TR, RP, PS, MR
Ecological Risk Assessment	JF	Not Available--Use Risk/Health Assessment (ED)			
Enforcement Contract Management	TM	Not Available--Use Contract Management (JU)			
Engineering Evaluation/Cost Analysis (EE/CA)	EE	302DC6& 302DC9& 302DD2&	S FF P	S S S	CG, F, S, TR, RP, PS, MR, SA, SS, ST FF CG, F, S, TR, RP, PS, MR, SA, SS, ST
ESI/RI	SS	302DD2&	P	S	F, S, TR
Expanded Site Inspection (ESI)	ES	302DD2&	P	S	F, S, TR
Feasibility Study	FS	302DD2&	P	S	F, S, TR, SA, SS, ST
Federal Facility and BRAC General Support and Management	TX	302DC9& 302D41&	FF FF	00 00	FF FF
FF Community Involvement	LZ	302DC9&	FF	S	FF
FF Docket	GA	Not Available--Use Records Management (SW)			
FF ESI Review	TZ	302DC9&	FF	S, WQ, ZZ	F, S, TR
FF Five Year Review	VY	Not Available--Use FF Oversight (OX)			
FF FS	NI	Not Available--Use FF Oversight (OX)			
FF LR	MZ	Not Available--Use FF Oversight (OX)			
FF Oversight	OX	302DC9&	FF	S	FF
FF PA Review	RX	302DC9&	FF	S, WQ, ZZ	F, S, TR
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	302DC9&	FF	S, WQ, ZZ	F, S, TR
Final Listing on NPL	NF	Not Available--Use Administrative Records (AR)			
Five-Year Review (Regions may bulk fund this action using the 'FE' action code and the 'WQ' SSID, but outlays must be site-specific)	FE	302DD2& 302DD2&	P RA	S, WQ S, WQ	RP, PS F, S, TR
Forward Planning/ Redevelopment/ Reuse	FM	302DD2&	P	S	F
General Support and Management	BM	302DC6& 302DD2&	S P	00 00	F F

EXHIBIT III-4
FY 2005 Action Codes for Financial Transactions
Sorted by CERCLIS Action Name

FY 2005 Superfund Extramural Action Codes to Be Used for Financial Transactions, Sorted by CERCLIS Action Name					
Action Name	Action Code	PRC	AOA	Site Des.	Lead
General Enforcement	GE	302EH2& 302EC7&	FFE E	00 00	FE FE
Generic PA/SI	QB	302DC9& 302DD2&	FF P	S, WQ, ZZ S, WQ, ZZ	FF F, S, TR
Geophysical Support/ Mapping	GS	Not Available–Use Technical Assistance (TA)			
Groundwater Monitoring (Post-ROD)	GM	302DC9& 302DD2&	FF P	S S	FF F, S, TR, RP, PS, MR
Health Assessment	HA	Not Available–Use Risk/Health Assessment (ED)			
HRS Package	HR	302DC9& 302DD2&	FF P	S S	FF F, S, TR
Human Health Risk Assessment	ED	Renamed–See Risk/Health Assessment (ED)			
Hydro/Geological Support	HG	Not Available–Use Technical Assistance (TA)			
IAG Negotiation	IN	Not Available–Use Negotiation - Generic (NG)			
Information Management Support	IJ	302DC6& 302DC9& 302DD2& 302EC7&	S FF P E	S, WQ, ZZ, 00 S, WQ, ZZ, 00 S, WQ, ZZ, 00 S, WQ, ZZ, 00	F FF F FE
Integrated Assessment	EA	302DC9& 302DD2&	FF P	S, WQ, ZZ S, WQ, ZZ	FF F, S, TR
Integrated ESI	OY	Not Available–Use Generic PA/SI (QB)			
Integrated ESI/RI	OV	Not Available–Use Generic PA/SI (QB)			
Integrated HRS Package	OZ	Not Available–Use Generic PA/SI (QB)			
Integrated PA/SI	OU	Not Available–Use Generic PA/SI (QB)			
Integrated SI	QJ	Not Available–Use Generic PA/SI (QB)			
Interviews	HV	Not Available–Use NPL PRP Search (NS) or Non-NPL PRP Search (RP)			
Laboratory Support	LA	302DC6& 302DC9& 302DD2& 302EC7&	S FF P E	S, WQ, ZZ, 00 S, WQ, ZZ, 00 S, WQ, ZZ, 00 S, WQ, ZZ, 00	F FF F FE
Litigation - Generic	LT	302EC7&	E	S	FE, SE
Local Government Reimbursement (Evacuation State/Local)	EV	302DD2&	P	S	F
Long-Term Response Action (LTRA)	LR	302DD2&	RA	S	F, S, TR, SA, SS, ST
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	302EC7& 302EH2&	E FFE	S S	FE, SE FE, SE
Non-NPL PRP Search	RP	302EC7&	E	S, WQ, ZZ	FE, SE
NPL RP Search	NS	302EC7&	E	S, WQ	FE, SE
Operations and Maintenance (For EPA-conducted O&M, use only reimbursable resources only)	OM	302DC9& 302DD2&	FF P	S S	FF RP, PS, MR, SS
Partial Deletion from NPL	GR	Not Available–Use Administrative Records (AR)			
PPA Assessment	QX	302EC7&	E	S	FE
Pre-CERCLIS Screening	HX	302DC9& 302DD2&	FF P	S, WQ, ZZ S, WQ, ZZ	FF F, S, TR

EXHIBIT III-4
FY 2005 Action Codes for Financial Transactions
Sorted by CERCLIS Action Name

FY 2005 Superfund Extramural Action Codes to Be Used for Financial Transactions, Sorted by CERCLIS Action Name					
Action Name	Action Code	PRC	AOA	Site Des.	Lead
Pre-Remedial/Remedial Aerial Survey	AS	Renamed--See Aerial Survey (AS)			
Preliminary Assessment (PA)	PA	302DD2&	P	S, WQ, ZZ	F, S, TR
Preparation of Cost Documentation	PC	302EC7& 302JC7&	E	S S	FE, SE
Proposal to NPL	NP	Not Available--Use Administrative Records (AR)			
PRP FS	NK	302DD2&	P	S	RP, PS, MR
PRP LR	ME	302DD2&	P	S	RP, PS, MR
PRP Community Involvement	EL	Not Available--Use Community Involvement (CR)			
PRP RA	BF	302DD2&	P	S	RP, PS, MR
PRP RD	BE	302DD2&	P	S	RP, PS, MR
PRP Removal	BB	302DC6&	RV	S	RP, PS, MR
PRP RI	NA	302DD2&	P	S	RP, PS, MR
PRP RI/FS	BD	302DD2&	P	S	RP, PS, MR
RCRA Facility Assessment	AA	Not Available--Use Generic PA/SI (QB)			
RD/RA Negotiation	AN	302EC7&	E	S	FE, SE
Real Property Acquisition	RL	302DD2&	P	S	F, S, TR
Records Management	SW	302DC6& 302DC9& 302DD2& 302EC7& 302EH2&	S FF P E FFE	S, WQ, ZZ, 00 S, WQ, ZZ, 00 S, WQ, ZZ, 00 S, WQ, ZZ, 00 S, WQ, ZZ, 00	F FF F FE FE
Remedial Action	RA	302DD2&	RA	S	F, S, TR, SA, SS, ST
Remedial Community Involvement	CR	Renamed--See Community Involvement (CR)			
Remedial Contract Management	JU	Renamed--See Contract Management (JU)			
Remedial Design	RD	302DD2&	P	S	F, S, TR, SA, SS, ST
Remedial Investigation	RI	302DD2&	P	S	F, S, TR, SA, SS, ST
Remedial Support and Management	BO	Not Available--Use General Support and Management (BM)			
Removal (Regions may plan using the 'WQ' SSID but must obligate site-specifically) (RA AOA for Remedial Program Projects only)	RV	302DC6& 302DD2&	RV RA	S S	CG, F, S, TR, SA, SS, ST, SG F, S, TR
Removal/Remedial Contract Management	JT	Not Available--See Contract Management (JU)			
Removal Aerial Survey	AY	Not Available--See Aerial Survey (AS)			
Removal Assessment	RS	302DC6&	S	S, WQ, ZZ	CG, F, S, TR, RP, PS, MR
Removal Community Involvement	RC	Not Available--See Community Involvement (CR)			
Removal Contract Management	EZ	Not Available--See Contract Management (JU)			
Removal Negotiation	RN	302EC7&	E	S	FE
Removal Support and Management	BN	Not Available--Use General Support and Management (BM)			
Removed from Proposed NPL	NR	Not Available--Use Administrative Records (AR)			
Research and Development	BG	302DD2&	P	S, WQ, ZZ	F, S, TR
RI/FS Negotiation	FN	302EC7&	E	S	FE, SE
Risk/Health Assessment	ED	302DC9& 302DD2&	FF P	S S	FF F, S, TR, RP, PS, MR
Section 104(E) Referral Litigation	SF	302EC7&	E	S	FE, SE

EXHIBIT III-4
FY 2005 Action Codes for Financial Transactions
Sorted by CERCLIS Action Name

FY 2005 Superfund Extramural Action Codes to Be Used for Financial Transactions, Sorted by CERCLIS Action Name					
Action Name	Action Code	PRC	AOA	Site Des.	Lead
Section 106 Litigation	SX	302EC7&	E	S	FE, SE
Section 106/107 Litigation	CL	302EC7&	E	S	FE, SE
Section 107 Litigation	SV	302EC7&	E	S	FE, SE
SEE Program	SM	302DC6& 302DC9& 302DD2& 302EC7&	S FF P E	S, WQ, ZZ, 00 S, WQ, ZZ, 00 S, WQ, ZZ, 00 S, WQ, ZZ, 00	F FF F FE
Site Inspection (SI)	SI	302DD2&	P	S, WQ, ZZ	F, S, TR
Site Reassessment	OO	Not Available–Use Generic PA/SI (QB)			
Site Security and Maintenance	PD	302DD2&	P	S	F, S, TR
Site-Specific BRAC Costs	PX	302D41B4	FF	S	FF
State Core Program	SK	302DD2&	P	00	F
State Enforcement Management Assistance	EM	Not Available–Use State Support Agency Cooperative Agreement (MA)			
State Support Agency Cooperative Agreement	MA	302DC9& 302DD2&	FF P	S, WQ, ZZ S, WQ, ZZ	FF F
Technical Assistance	TA	302DC6& 302DC9& 302DD2&	S FF P	S, WQ, ZZ S, WQ, ZZ S, WQ, ZZ	F, S, TR, RP, PS, MR FF F, S, TR, RP, PS, MR
Technical Assistance Grant (Regions may plan using the 'WQ' SSID but must obligate site-specifically)	TG	302DC9& 302DD2&	FF P	S S	FF F
Topographical Mapping	TO	Not Available–Use Technical Assistance (TA)			
Training	TH	302DC6& 302DD2& 302EC7&	S P E	00 00 00	F F FE
Tribal Core Program	TK	302DD2&	P	00	F
Tribal Pilot Projects	TJ	Renamed–See Tribal Support Agency Cooperative Agreement (TJ)			
Tribal Support Agency Cooperative Agreement	TJ	302DC9& 302DD2&	FF P	S, WQ, ZZ S, WQ, ZZ	FF F
KEY TO LEADS:			SD	=	STATE DEFERRAL
CG	=	COAST GUARD	SE	=	STATE ENFORCEMENT
EP	=	EPA IN-HOUSE	SG	=	PRP-FINANCED ACTION From a Special Account PERFORMED BY USCG
F	=	EPA FUND- FINANCED	SN	=	STATE, NO FUND MONEY
FE	=	FEDERAL ENFORCEMENT	SR	=	PRP LEAD UNDER STATE
FF	=	FEDERAL FACILITIES RESPONSE	SS	=	PRP-FINANCED ACTION From a Special Account PERFORMED BY STATE
MR	=	MIXED FUNDING FEDERAL/RP	ST	=	PRP-FINANCED ACTION From a Special Account PERFORMED BY TRIBAL GOVERNMENT
PS	=	PRP RESPONSE UNDER STATE	TR	=	TRIBAL LEAD, FUND FINANCED
RP	=	RESPONSIBLE PARTY			
S	=	STATE, FUND FINANCED			
SA	=	PRP-FINANCED ACTION FROM A SPECIAL Account PERFORMED BY EPA			
KEY TO SITE DESIGNATORS:			KEY TO SPIM AOAs:		
S	=	SITE-SPECIFIC OBLIGATION	E	=	ENFORCEMENT
WQ	=	UNSPECIFIED-SITE OBLIGATION; SITE-SPECIFIC OUTLAY	FFE	=	FEDERAL FACILITIES ENFORCEMENT
ZZ	=	SITE-RELATED (ZZ) OBLIGATION	FF	=	FEDERAL FACILITIES RESPONSE
OO	=	NON-SITE (OO) OBLIGATION	RV	=	REMOVAL
			S	=	REMOVAL SUPPORT
			P	=	PIPELINE OPERATIONS
			RA	=	REMEDIAL ACTION

III.D. SUPERFUND FINANCIAL MANAGEMENT

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

III.D.1 Financial Management Roles and Responsibilities

Due to the complexities of the Superfund program, numerous organizational units within the Regional EPA offices have responsibility for Superfund financial management. As described in this document, the Regional Management Division is the organization in which financial management, budgetary, accounting, planning and assistance agreements, and administration functions are carried out. The Regional Servicing Finance Office (SFO), the Grants Officer and the Contracting Officers (CO) for the Response Action Contract (RAC), Superfund Technical Assessment and Response Team (START), Response Oversight Contract (ROC) and Emergency and Rapid Response Services (ERRS) contracts are considered to be a part of this division. Please see Section III.F.1 for a list of Regional Superfund Cost Recovery Contacts. This section first lists the primary regional offices with Superfund-related financial management responsibilities and the duties for which each office has responsibility or authority to perform. The next section lists the financial management roles and responsibilities of several staff positions.

a. Regional Financial Management Office

- ☐ Participates with the Regional Program Office to Assign Account Number, Document Control Number, and Cooperative Agreement identification numbers
- ☐ Enters quarterly AOA into IFMS, controls regional allowance
- ☐ Sets up regional account numbers in IFMS
- ☐ Processes Procurement Requests (PRs), Interagency Agreements (IAGs), and Cooperative Agreements (CAs)
- ☐ Enters commitments, obligations, and drawdowns into IFMS
- ☐ Reviews invoices, monthly financial reports, and payment requests
- ☐ Commits funds under regional contracts and modifications
- ☐ Assists regional program office in the pre-application phases of the CA development
- ☐ Maintains Superfund document files on regional costs and supports the preparation of documentation for cost recovery
- ☐ Maintains accounts receivable for cost recovery, cash outs, Superfund State Contracts (SSC) cost share, and oversight billings, and maintains billing and collection system
- ☐ Provides regional program office with financial data

b. Regional Administrator (unless delegated to Regional Program office)

- ☐ Approves cleanup actions under removal authority
- ☐ Approves consistency exemptions at NPL sites where the removal costs are more than \$2 million
- ☐ Awards CAs, IAGs, and Technical Assistance Grants (TAGs)
- ☐ Enters into SSCs
- ☐ Initiates response planning activities
- ☐ Ensures reimbursable BRAC costs are accurate and appropriate (1996 BRAC Guidance, Section 3.2.1)

c. Regional Program Office

- ☐ Assigns the Account Number
- ☐ Provides technical support to the Contracting Officer (CO)
- ☐ Reviews vouchers and/or financial reports
- ☐ Manages CAs and IAGs
- ☐ Issues S/SIDs
- ☐ Prepares Commitment Notices (CNs) and PRs
- ☐ Develops SSCs
- ☐ Approves Request for Proposals (RFPs) or Request for Bids and contracts developed by the States
- ☐ **Monitors** financial data on contracts, IAGs, and CAs into CERCLIS/WasteLAN
- ☐ Maintains Superfund document files on regional work performed
- ☐ Submits change requests
- ☐ Initiates and manages obligations

d. On Scene Coordinator (OSC)

- ☐ Is an employee of EPA or U.S. Coast Guard (USCG)
- ☐ Reacts to 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
- ☐ Prepares delivery orders and Prs
- ☐ Initiates PRs, Work Assignments (WAs), CAs, IAGs, and contracts
- ☐ Approves site-specific IAG invoices
- ☐ Establishes and maintains official site file
- ☐ Reviews and approves cleanup contractors' charges on a daily basis
- ☐ Tracks site costs against the established site ceiling
- ☐ Approves contractor invoices
- ☐ Acquires services using warrant for up to \$250,000

In some cases, an OSC may have a written "Delegation of Procurement Authority" signed by a Senior Procurement Manager (also called "Warrant Authority") and thus becomes an Ordering Officer.

e. Remedial Project Manager (RPM)

- ☐ Is an employee of EPA
- ☐ Initiates and manages removal actions and remedial actions
- ☐ Manages enforcement costs and activities
- ☐ Aware of, in control of, and responsible for site charges
- ☐ Ensures costs are reasonable and necessary
- ☐ Reviews contractor invoices and financial reports
- ☐ Establishes and maintains official site files in coordination with the Records Center
- ☐ Initiates PRs, WAs, CAs, IAGs, and contracts
- ☐ Approves site-specific IAG invoices

f. Regional Project Officer (RPO)/Deputy Project Officer (DPO)

- ☐ Is an employee of EPA
- ☐ 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 PRs, WAs, CAs, IAGs, and contracts
- ☐ Approves site-specific IAG invoices
- ☐ Identifies regional and site-specific contract requirements
- ☐ Reviews invoices
- ☐ Provides general contract management support

g. Administrative Support Unit

- ☐ Established in each regional program office
- ☐ Staffed with EPA staff (the non-government functions may be performed by a contractor)
- ☐ Provides administrative support to the OSC/RPM
- ☐ Provides liaison between OSC/RPM and other groups involved in administrative matters
- ☐ Provides support to regional program management
- ☐ Assists in developing removal site budgets and Action Memoranda
- ☐ Maintains the Removal Cost Management System (RCMS)
- ☐ Sets up and maintains active site files
- ☐ Completes PRs and CNs
- ☐ Reviews IFMS reports

Selected program offices in HQ also have Superfund Financial Management responsibilities. The main point of contact for technical program area specific financial management issues is the applicable OSRTI regional center. Contact Headquarters Program Analysis & Resources Management Center (PARM), Program Evaluation & Compliance Branch (PECB), Federal Facilities Enforcement Office (FFEO), or Federal Facilities Restoration and Reuse Office (FFRRO) with any issues pertaining to the AOA or overall budget resources. The next section lists the responsibilities of the HQ management offices.

h. Office of Financial Management (OFM)/Office of the Chief Financial Officer

- ☐ Collects HQ's Superfund cost documentation for cost recovery
- ☐ Oversees annual site-specific reporting process
- ☐ Issues financial policies and procedures
- ☐ Provides general accounting support
- ☐ Records transfer allocations
- ☐ Notifies Trust Fund to invest cost recoveries, fines, and penalties
- ☐ Establishes Superfund account numbers in IFMS

i. Office of Acquisition Management (OAM)

- ☐ Conducts Superfund contracting program
- ☐ Negotiates, awards, monitors, modifies, and terminates contracts
- ☐ Provides technical guidance on contract administration
- ☐ Provides cost and price analysis

j. Grants Administration Division (GAD)/Office of Administration

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

k. Budget Division/OCFO

- ☐ Allocates Superfund allowances among HQ and regions
- ☐ Approves regional allowances
- ☐ Monitors obligations against regular and site allowances
- ☐ Processes transfer allocations
- ☐ Processes change requests
- ☐ Reprogram allowances

l. Cincinnati Finance Center (CFC) Office of Financial Services

- ☐ Provides accounting support for all Superfund IAGs
- ☐ Processes disbursement requests from other agencies
- ☐ Processes billings for reimbursable activities
- ☐ Enters IAG obligations and disbursements into IFMS

m. Research Triangle Park (RTP) Finance Center Office of Financial Services

- ☐ Provides accounting support for all Superfund contracts
- ☐ Enters contract award and obligation data into IFMS
- ☐ Processes contractor invoices
- ☐ Enters payments into IFMS via the Contract Payment System

III.D.2. Superfund Accounting Information

Where EPA incurs costs that can be identified as solely benefitting Superfund, the Superfund Appropriation is to be directly charged through the Agency's account number structure. The 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; site project and cost organization. Exhibit III.7 provides specifics and an example of how to fill out the account number.

Fund/Appropriation Code - EPA controls appropriated funds and sub -accounts by using an Appropriation Code also known as the fund code. Superfund dollars are distinguished as appropriation code "T". Two and three digit appropriations codes are sub-accounts. For instance, prior year carryover balances including deobligations of prior year funds are distinguished as appropriation code "TC" and special accounts for cashout settlements are distinguished as "TR2". The four digit appropriation codes are TR2A and TR2B represent miscellaneous, transfer, deposit, and trust fund receipt accounts. The most frequently used codes for Superfund include the following:

Appropriation Code	Title
T	Superfund
T9	Superfund Homeland Security
TC	Superfund Carryover
TCD	Superfund Carryover - Deobs
TR	Superfund Reimbursable
TR1	Superfund Reimbursable -SSC
TR2	Non-Federal Special Accounts - unearned revenue (i.e., future costs)
TR2A	Federal Special Accounts - unearned revenue (i.e., future costs)
TR2B	Special Accounts - earned revenue (i.e., past costs and interest)

The Agency uses site/spill identifiers (SSIDs) to account for and accumulate Superfund costs by site. 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 take a response. When committing or obligating funds at sites where a SSID has not been assigned yet, the region may use “ZZ” in position 3 and 4 of the site/project position of the Account Number for PAs and SIs only. The “ZZ” should be used only if a site does not have an SSID. “WQ” is used for bulk or block funding only, i.e., where SSIDs exist but funds are not committed site specifically. When “WQ” or “ZZ” is used in the SSID position, funds are obligated non-site specifically. However, for WQ obligations, when the funds are paid out/disbursed, they must be associated with a site. (ZZ obligations may be drawn down as ZZ funds.) “00” can be used for dispersement of non-site specific core activities. Once a SSID has been established for the site, regions must revise all the financial accounting information (in IFMS and on the obligating document) with the correct SSID. The “ZZ” should not be used for future obligations once a SSID has been established at the site. (Information on changing IFMS data can be found later in this chapter.)

For IT-related transactions, a unique format is used for the site/project field. The following describes this format. Note: IT-related transactions will always be associated with the non-site Information Management (IJ) action in WasteLAN.

Position	Description
1	IT Identifier (this character will always be “L”)
2-3	Major or Significant Project
4	System/Project Phase (preliminary design, development, or maintenance)
5-6	Cost Area
7-8	Special Reporting Requirements (currently there are no special reporting requirements so this will always be zeros)

See the *New Information Technology Accounting Requirements* Comptroller Policy Announcement # 01-10 for additional information on the IT accounting requirements.

**EXHIBIT III-5
ACCOUNT NUMBER STRUCTURE**

Budget Fiscal Year	Fund (Appropriations)	Organization	Program Results Code	Site Project	Cost/Org
2 0 0 4	T	7 A O O P	5 0 1 0 2 D	0 7 2 3 C O 0 1	C 0 0 2

Data Element Field Name	Definition	Sample Entry
Budget Fiscal Year (8 characters)	The first four positions in this field identify the budget fiscal year (e.g., '2004'). The last four positions in this field identify the ending fiscal year, but these positions are not used by the Superfund program, and should be left blank.	<u>2 0 0 4</u> _ _ _ _
Fund (Appropriations) (6 characters)	The type of appropriation is entered in this field with up to first four characters indicating appropriations accounts and sub-actions (e.g., 'TR'). If the appropriation is billed or received (for cost recovery), valid entries can be up to 4 characters in length (e.g., 'HSCR'), with the last two positions left blank.	<u>T</u> _ _ _ _ _
Budget Organization (7 characters)	The Budget Organization field is the Allowance Holder/Responsibility Center (AHRC) code (e.g., '07H'). The AHRC code can be between 3 and 6 characters in length. For instance, the first two characters represent the allowance holder (e.g. Region 7 may be represented as 07 or 7A); the 3rd character is an alpha character which designate the responsibility center within the Region (see the Region's budget office for a list of these codes). The last three digits represent the Superfund AOA Code and a local option or congressional add-on (e.g., CUD - counter-terrorism response)"	<u>7 A O O P</u> _ _
Program Results Code (9 characters)	The first 6 characters identify the PRC as discussed earlier in this chapter in Section III.B.2 and in Exhibit III.2. The 7th and 8th characters are only used when a major program activity undertaken by the Agency needs to be represented. The 9th character is left blank.	<u>5 0 1 0 2 D</u> _ _ _
Site/Project (8 characters) - consists of S/SID, Action code, and Operable Unit	The first four digits are comprised of the site/spill identifier (SSID). The SSID is comprised of the Region number in the second position, e.g., '7' for Region 7 with a place holder of 0 in the first position. For Region 10, a '0' should be entered in this position. This combined with the third and fourth position is a unique numeric or alpha numeric site number. The SSID is followed by the action code in position 5 and 6. The action code is a 2 digit alpha character, a listing of which can be found in Exhibit III.6 the Who Pays for What Table. Finally, the operable unit is entered in positions 7 and 8 (e.g., '01' for operable unit 01). A unique format is used for IT related transactions (see reference to IT in section III.D.2).	<u>0 7 2 3 C O 0 1</u>
Cost Organization (7 characters)	The leading 'C' is the WasteLAN identifier used by IFMS. It is system generated in the first position of the Cost Organization field for WasteLAN actions. The numerical characters in the second, third and fourth positions represent the action sequence number, e.g., '002' for the second occurrence of an action at a site. The remaining positions should be left blank.	<u>C 0 0 2</u> _ _ _

III.D.3 Financial Data Management Systems and Tools

The following data management systems and tools are used to plan and track the use of extramural resources:

- ☐ CERCLIS/WasteLAN - Superfund specific database that houses site- and non-site specific data including the financial planning data used for generating SCAP 4 reports. WasteLAN is the system each region uses to enter region-specific data; CERCLIS is the system in HQ that integrates the data from WasteLAN into a national database.
- ☐ SCAP Reports - Standardized reports generated from CERCLIS/WasteLAN that support program planning and performance. The SCAP reports used by HQ to track the regional financial planning and execution are the SCAP 4 reports including: SCAP 4R for the Response budget; SCAP 4E for the Enforcement budget; and SCAP 4F for the Federal Facilities budget.
- ☐ Budget Automated System (BAS) - The central Agency system used to integrate strategic planning, annual planning, budgeting, and financial management. The system contains resource (dollars and FTE), planning, and performance data. BAS is an Agency-wide application; registered users have desktop access across a variety of platforms in all HQ and regional offices. The system supports budget formulation, annual planning and operating plan development. BAS also delivers automated budget tools (e.g., payroll forecasts), automated links to IFMS for comparison reports (operating plan and actual obligations/outlays), and automated links to accountability. BAS also has the capacity to support allocations of performance targets within the Agency and project-based planning/resource allocations within Offices.
- ☐ Integrated Financial Management System (IFMS) - The Agency's core financial system which supports the general ledger, budget execution, funds control, accounts payable, disbursements, accounts receivable and collections, travel, project cost accounting, fixed assets and standard reporting functions. IFMS interfaces with a number of Agency "mixed" (financial and nonfinancial) systems that are primarily for administrative purposes but contain limited financial data. An interface has been established between IFMS and CERCLIS to download actual financial data into CERCLIS. An interface also exists between IFMS and BAS. IFMS is maintained by the Administrative Systems Division of the Office of Information Resources Management.
- ☐ Management and Accounting Reporting System (MARS) - IFMS application that identifies the status of commitments, obligations, and payments for a site. MARS can select any data element maintained in IFMS, arrange those elements in any desired format, and print a report. Regional program office staff can request MARS reports from the regional Servicing Finance Office (SFO).
- ☐ ORBIT is designed to consolidate, integrate, and streamline existing reporting capabilities and to develop a corporate approach to the Agency's various reporting and information needs. ORBIT will improve the Agency's financial reporting capabilities and significantly expands the ability to integrate critical financial, administrative and program performance information useful for monitoring Agency operating activity, conducting trend analysis, and developing program strategy. The ad hoc reporting capability allows advance user groups to create custom reports useful to their organization and reporting needs.
- ☐ Financial Data Warehouse (FDW) - FDW is an official Agency reporting tool that will eventually replace MARS. FDW is a collection of data in an Oracle database from the following information systems: IFMS, SCORPIOS, and the Contract Payment System (CPS). The data that is stored in FDW is available to EPA users via the intranet at "intranet.epa.gov/fdw" and by direct desktop access through Lotus Approach, Impromptu, MS Access (a User ID, password, and database host name must be established). IFMS data in FDW is refreshed at least twice a day.
- ☐ Superfund Cost Recovery Package and Image On-Line System (SCORPIOS) - organizes cost information and produces reports that summarize the costs for a specific Superfund site. The SCORPIOS report is combined

with images of supporting cost and technical documentation to yield a complete cost recovery package. The system also provides calculations for oversight billing and tracking, charging of indirect costs, and the charging of annual allocation.

- PeoplePlus (PPL), the Agency's new integrated Human Resources, Benefits, Payroll, Time, and Labor Management System, is a time recording system as well as a labor distribution system. With PPL, both the time card and time sheet functions are combined. The user must record and attest all site charges that are entered in PPL each pay period. PeoplePlus electronically records this information and attributes it to the appropriate accounts by site. The information is then automatically passed into the Integrated Financial Management System (IFMS), EPA's accounting system, and then to the Superfund Cost Recovery Package Imaging and On-Line System (SCORPIOS), which is used for cost recovery.

III.D.4 Handling Financial Data in the CERCLIS/WasteLAN Environment

This section discusses the process for entering response and enforcement financial data into CERCLIS/WasteLAN.

IFMS data is downloaded nightly into CERCLIS/WasteLAN through an automated link. This automatic transfer of financial information from IFMS to CERCLIS/WasteLAN includes commitments and obligations data. Planned financial data must be entered into CERCLIS/WasteLAN by the region; however, the IFMS Account Number is generated by CERCLIS/WasteLAN at the time the planned obligation is first entered. This Account Number must be entered on all funding documents at the time the planned obligation is executed, i.e., committed or obligated. If the Account Number is not correct, the IFMS to CERCLIS/WasteLAN transfer will not work properly.

a. Entering Response and Federal Facility Data into CERCLIS/WasteLAN

Once the funding document has been processed by the region, and actual commitment or obligation data are entered into IFMS and transferred to CERCLIS/WasteLAN, the planned financial data should be deleted from CERCLIS/WasteLAN. The "Planned" Financial Type should not remain in the system once the funds are committed or obligated. Failure to delete the Planned Financial Type could cause the region to overstate its planned annual budget, which will result either in withholding AOA approval, or a reduction in next quarter's AOA.

b. Entering Enforcement Extramural Budget Data into CERCLIS/WasteLAN

Regions are responsible for entering planned financial data into CERCLIS/WasteLAN, actual commitments and obligations for enforcement actions are entered solely into IFMS by the regional FMO. Data is downloaded from IFMS into CERCLIS/WasteLAN on a nightly basis.

Account numbers must be established for each transaction before commitment and obligation. To ensure that all appropriate financial data are reflected in CERCLIS/WasteLAN, the following information along with the Account Number, should appear on obligation documents: EPA identification number (EPA-ID), S/SID, CERCLIS action or SubAction codes and OU number, WA number, amendment number, and amount.

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

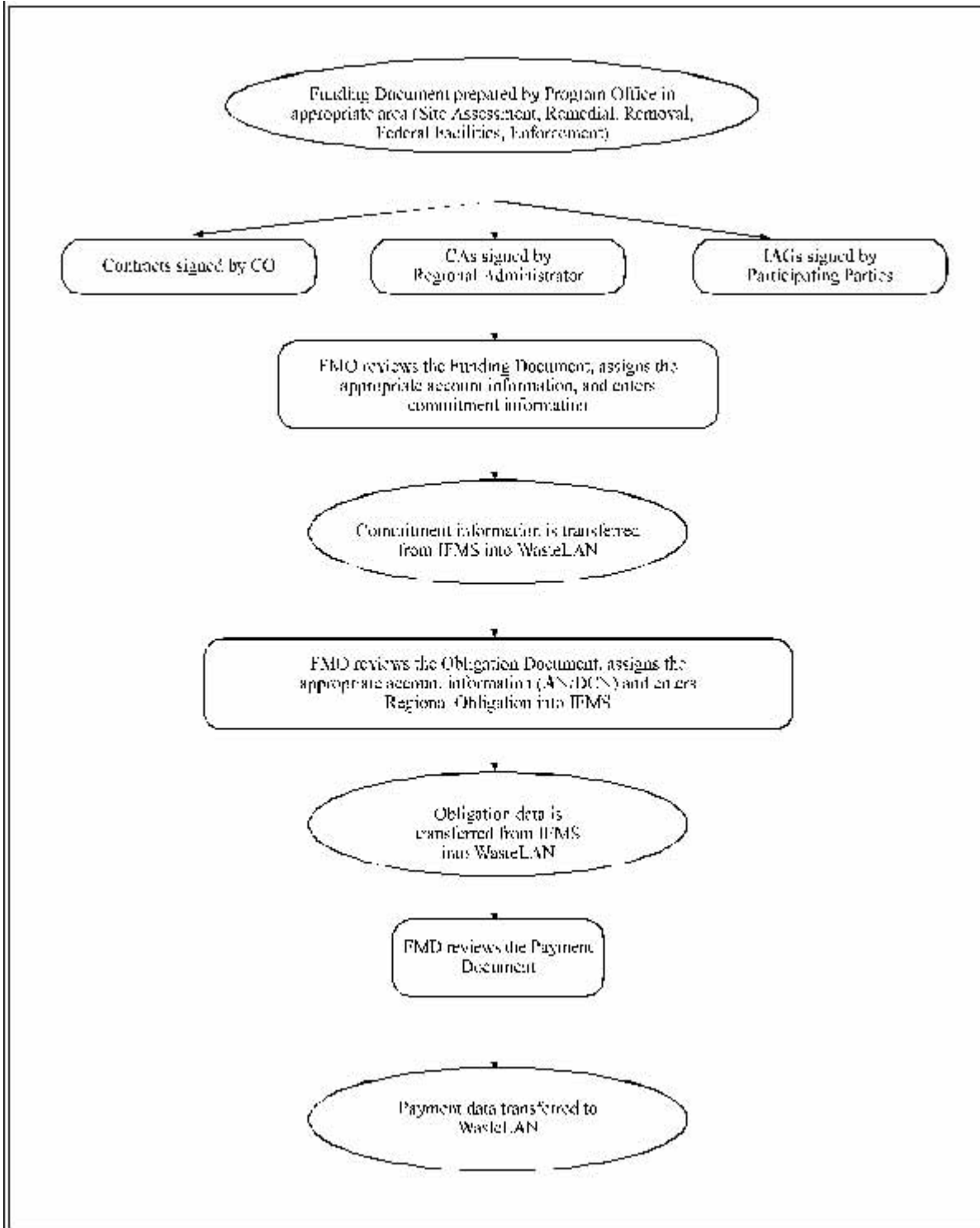
c. Correcting Financial Data

The IMC or Regional Superfund Budget Coordinator can request, on a regular basis, a report from the Regional financial office that contains all Superfund financial transactions in IFMS. The information in this report can be compared with the funding documents and the information in CERCLIS/WasteLAN. The Financial Data Warehouse is another source for this information. If there is a discrepancy between the financial data in CERCLIS/WasteLAN and IFMS, the funding document should be used to verify the information in both systems.

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

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

**EXHIBIT III-6
HANDLING FINANCIAL DATA IN THE CERCLIS/WASTE LAN ENVIRONMENT**



III.D.5 The Funding Process

EPA uses a variety of procurement mechanisms to carry out CERCLA-funded response actions. These include the procurement of contracts, interagency agreements, and cooperative agreements.

The process by which these vehicles are funded is accomplished in distinct but interrelated steps. Approvals, commitments, and obligations result in directing funds to a project and/or supplier. In addition, the payment and deobligation processes result in drawdowns from obligated funds.

a. Approvals

An approval by the AAs, Regional Administrator or official designee is authorization to undertake a CERCLA-funded response action.

- Removal Actions:
 - Regional Administrator approves actions costing up to \$6 million, approves removals costing up to \$6 million based on the emergency waiver, grants exemptions to the twelve months and \$2 million statutory limits based on consistency with the long-term action, and may re-delegate to the OSC the authority to approve actions costing up to \$250,000 in emergency situations and up to \$50,000 in non-emergency situations.
 - Before taking action, an Action Memorandum must be approved, except in emergency situations where verbal approval by the Regional Administrator is sufficient. The Action Memorandum documents whether the release meets the criteria of CERCLA and the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), and includes an estimated total project ceiling. The OSC uses the estimate of duration and cost in order to determine the proper approval authority.
 - In extreme emergencies, the OSC may initiate activities without preparing the necessary documentation in advance. The OSC must document the decision within 24 hours of initiating the response.
- RI/FS, RD, RA, Site Screening and Assessment, Enforcement, and Federal facilities:
 - Planning is accomplished through the SCAP process. Funds should not be committed or obligated unless the project is reflected in CERCLIS/WasteLAN.
 - Obligation planned and executed on an OU or site basis. Outlays (payments) should be attributed to the appropriate OU.
 - A Record of Decision (ROD) is required for all remedial actions. The ROD is signed by the Regional Administrator or designee, or the AA SWER. It documents the alternative decision-making process, demonstrates that the requirements of CERCLA and the NCP have been met, and provides the basis for future cost recovery actions.

b. Commitments

- Commitments are a reservation of funds but not a legal promise to pay a supplier. Once the regional Funds Certifying Officer (FCO) certifies the availability of funds, a spending action becomes a commitment. Funds that are committed but not obligated are called open commitments.
- There are two types of commitment documents: Procurement Requests (PRs) and Commitment Notices (CNs). PRs commit funds for contracts; CNs commit funds for CAs and reimbursable IAGs.

- Open commitments expire at the conclusion of the Budget Fiscal Year (BFY).
- Each commitment is assigned a Document Control Number (DCN). The DCN is a 6-digit code assigned by the regional Superfund Financial Office (SFO) to PRs and CNs. This same number is carried over from the PR or CN to the obligating document. It identifies the spending action in IFMS, just as a check number identifies a check.
- When IFMS transfers an obligation, each obligation is accompanied with a matching decommitment.
- The contract number/OSWER Directive Number (ODN) represents a specific contract. More than one actual obligation could fund a contract. Similarly, more than one DCN can be associated with one contract number/ODN.

c. Obligations

- Obligations legally bind the government to pay a supplier for goods or services. Obligated funds can no longer be used for any other purpose.
- A contractor, another Federal agency, or State cannot start work until funds have been obligated. Funds can be used only for the purpose for which they were obligated.
- Obligating documents must be processed in accordance with guidance issued by Office of Acquisition Management (OAM), Grants Administrative Division (GAD), and Office of Financial Management (OFM). Some contracts are awarded by OAM and entered into IFMS by the SFO/RTP; others are handled by the regions. Obligations for CAs are entered into IFMS by the regions; IAGs are entered by the Cincinnati Finance Center (CFC)/OFS.
- A CA is considered obligated when it is signed by the Regional Administrator. An IAG is considered obligated when it is signed by the other agency. Contracts are considered obligated when the CO signs the obligating document, or in the case of an ESS WA, when the CO signs the WA.

d. Payments (Outlays)

- Regions are responsible for reviewing and recommending payment of the invoice/voucher.
- Invoices from contractors/suppliers are submitted to the proper SFO for payment. Before payment, there must be an obligating document and a receiving report to verify that the work was completed, or that the goods received were satisfactory. Unpaid obligations remain in IFMS until paid, or until the allowance holder or obligating official notifies the SFO that no further payments will be made. When financial records are transferred from IFMS, each payment is accompanied with a matching deobligation.
- If the obligation was generic and the invoice is site-specific, IFMS shows the funds deobligated from the generic account and obligated and disbursed from the site-specific account.

e. Deobligations

- Regions should regularly review the status of all contracts, IAGs, CAs, and grants. If all activities have been completed, remaining funds should be deobligated immediately to make them available for other activities.

Regions should hold a small portion of contract obligations to fund site closeout activities. Also see Section C.5 earlier in this chapter for discussion of the current Deobligation Policy.

III.D.6 Financial Management of Contracts

The Agency's Superfund Contracts 2000 Strategy identifies the long-term needs of the Superfund program and provides a portfolio of Superfund contracts to meet those needs. During FY04/05, implementation of the strategy will continue.

Superfund contracts are awarded through standard procurement procedures (see the Office of the Comptroller's Resources Management Directives Systems 2550C, Chapter 2 of this document, and the EPA Contracts Management Manual, or refer directly to the directives prepared for each contract). Exhibit III.9 contains information on the procurement forms used for most Superfund contracts. The unique aspect of Superfund contract processing and financial tracking stems primarily from the need to associate contractor costs incurred with specific Superfund sites and OUs to support the cost recovery process. Cost recovery negotiations with PRPs, or court actions, require careful documentation of Federal costs incurred at each site/spill.

a. Contracts for Site-Specific Work

These contracts are obligated and tracked on a site-specific basis. They include RAC, START, Regional Oversight Contracts (ROC) and ERRS. Funds for RA may be obligated to specific sites, or bulk funded with site ID "WQ" and then paid out site specifically.

b. Contracts for Non-Site Specific Work

Non-site specific contracts are generally support type contracts which generally are not obligated site specifically, but can obligate site-specific funding on a task or delivery order basis, depending upon the type of contract.

General Site Support Contracts

- Generally not obligated on a site-specific basis; however some of these contracts allow for site-specific task or delivery orders which can be obligated on a site-specific basis.
- Capable of providing broad technical and planning support on an "as needed" basis
- Includes Response Action Contracts (RAC), Superfund Technical, Superfund Technical Assessment and Response Team (START), Regional Oversight (ROC), Emergency and Rapid Response Services (ERRS), Contract Laboratory Program (CLP), and Environmental Services Assistance Team (ESAT)
- Where funding has not been obligated on a site-specific basis, contractors submit site-specific attachment that includes invoiced costs for:
 - Each site with a S/SID;
 - All other sites;
 - Program management (if applicable);
 - Base and award fee (if applicable)
 - Fixed Fee (if applicable); and
 - Non-site activities (e.g., training).
- Where site-specific funding is obligated on a task or delivery order basis, the contractor either submits a separate monthly invoice for each site, or one invoice for the contract, with separate attachments for each site.
- Contractors submit original invoice to RTP and copies to HQ or regional PO
- PO reviews invoice

Enforcement Support Services (ESS) / Zone Enforcement Support Services (ZESS)

- Combination of general site support and site-specific contracts; however, not obligated on a site-specific basis
- Regions issue WAs against the contract on a site-specific basis
- Site-specific WAs are not entered into IFMS
- Contractors submit site specific attachment that includes invoiced costs for:
 - Each site with a S/SID;
 - All other sites;
 - Cost plus/fixed/award fee; and
 - Non-site activities (e.g., training).
- Contractors submit original invoice to RTP and copies to RPO
- RPO reviews invoice
- RPOs and WAMs may conduct concurrent reviews

Mission Support Contracts

- Provides support to HQ and regional program offices
- Not for site-specific work
- Not obligated site-specifically
- Administered totally by HQ

EXHIBIT III-7
EPA FORMS COMMONLY USED FOR SUPERFUND PROCUREMENTS

EPA Form Number	Form Name	Purpose	Comments
1900-8	Procurement Request/purchase Order	The Agency's basic form for requesting the procurement of any goods or services. Used to commit funds before obligating funds on any of these documents. Must be certified by FMO.	This form is the basis for entering a commitment in IFMS. The FMO enters an obligation only upon receiving a contract document or purchase order.
1900-48	Order for Services-Emergency Response to Hazardous Substance Release	Used by OSCs to obligate funds and contract for services (up to \$250,000) from commercial firms or a State or local government (if site not owned by State or subdivision at time wastes were disposed of) to respond to a release.	Results in a firm, fixed-price contract. No price adjustment may be made for work stated in contract. Contractor may submit only one invoice. FMO will process contract as an obligation.
1900-49	Notice to Proceed with Emergency Response to Hazardous Substance Release	Used by OSC to authorize a contractor to begin work on an emergency response (up to \$10,000 per incident). Negotiation of definitive contract and any modifications performed by CO.	A preliminary contractual instrument that must be made final by a designated CO. FMO will process notice as an obligation.

EPA Form Number	Form Name	Purpose	Comments
1900-56	Letter contract for State, Tribal Government, or Local Government Response to Emergency Hazardous Substance Release	Used by OSC to procure services from a State, local, or Tribal government to begin work on an emergency response (up to \$10,000 per incident) if site was not owned by State or subdivision at time of hazardous waste disposal. Negotiation of definitive contract and any modifications performed by CO.	Results in a cost reimbursement type agreement with a State, local, or Tribal government. It is a preliminary contractual instrument that must be made final by a CO. The appropriate FMO will process a letter or contract as an obligation.
1900-59	Delivery Order for ERRS	Used by OSCs to order services (up to \$250,000) from the ERRS contractor to respond to a release. All modifications and obligations greater than \$250,000 will be processed by the CO.	Has time and material provisions but uses fixed rates negotiated in ERRS contract. Order must be made final by a designated CO. FMO will process orders as an obligation.

III.D.7 Other Financial Vehicles

The following sections discuss interagency agreements, cooperative agreements, and Superfund State contracts.

a. Interagency Agreements (IAGs)

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

b. Cooperative Agreements (CA)

A Superfund Cooperative Agreement (CA) is a legal instrument between the Federal government and a State, political subdivision, or Indian Tribe that forms a working relationship in which both parties provide funding and services related to the design and implementation of Superfund responses. The CA transfers money, goods or services to the State or other recipient to lead or support Agency activities. It allows the State or other recipient to take responsibility for leading the Superfund response. In addition, it defines the level of involvement of EPA and the recipient and secures the State's CERCLA assurances. A CA for remedial action also should include provisions for obtaining required state cost share and other assurances.

Several offices are involved in the commitment process for a CA. The Regional Program Office (RPO) prepares the commitment notice and obtains the necessary program approvals; the Regional Comptroller's Office certifies availability of funds, assigns accounting data and enters commitment in IFMS; and the Grants Administration Division assigns the CA identification number. To obligate funds for a CA, the Regional Administrator (or his/her designee), first signs the CA. The Regional Comptroller's Office processes the obligation in accordance with OAM, GAD, and FMD requirements and then enters the obligation in IFMS.

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

c. Superfund State Contracts (SSCs)

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

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

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

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

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.

For additional information on financial management responsibilities related to SSCs, refer to the Resources Management Directives Systems 2550D, Chapter 9.

Requirements

- As provided by law, the State must provide its assurances through an SSC before Superfund resources can be used to finance a RA.
- SSC must be in place before EPA or a political subdivision can begin Fund-financed RA or NTC removal where the State is sharing costs.
- If USACE will perform the response action, a SSC must be in place before construction contract/agreement can be signed.
- If an IAG is used for the response action, a SSC must be signed before the IAG can be issued
- As part of its assurances, the State must agree to pay its cost share of 10 percent for a RA or NTC removal at privately operated sites, or 50 percent of all prior and future Superfund activities at publicly operated sites. These assurances are made prior to RA start.
- Contains program assurances and cost share payment schedule.

Development

- The SSC is developed by regional program office.

Accounts Receivable

- In most cases, States are required to provide cash payments to EPA for cost shares.
- As State cost share amounts become due, RPM/RPO forwards copy of SSC to Regional Comptroller's Office to record accounts receivable in IFMS.
- RPM/RPO will forward SSC modifications to Regional Comptroller's Office as required.

Payment Schedule

- The State can make its cost share payment(s) either in a lump sum advance or incrementally based on a payment schedule.
- If a State's cost share payment is received in advance, this amount should be used in lieu of EPA's appropriated funds. Matching amounts of reimbursable authority must be requested and issued before they can be used. Similarly, incremental progress payments should be applied to project costs where feasible in lieu of appropriated funds.

Billing

- According to the SSC payment schedule, the Regional Comptroller's Office will send the State a bill for collection indicating cost share amount to be paid.
- Regional Comptrollers Office will reference the SSC, including site name and site/spill identifier number on the bill.
- The State's payment is remitted to respective regional lockbox account.
- The State must include copy of bill with all remittances.

Receipt of Payment

- If payment is not received when due, the Regional Comptroller's Office will follow up with the State via dunning letters.
- Interest does not accrue on the billed amount if the State provides dollars before EPA obligates funds for RA. In this case, the Regional Comptroller's Office places amounts received in reimbursable account.

Closeout

- The RPM/RPO is responsible for advising the Regional Comptroller's Office to close out a SSC.
- Regional Comptroller's Office performs a reconciliation of financial data as part of the SSC close out process.
- State cost share funds remaining or received after the completion of work should be obligated to the project and the commensurate amount of appropriated funds deobligated for use at other sites.

III.E COST RECOVERY PROCESS

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

Cost recovery documentation is performed by a case development team composed of representatives from the Office of Regional Council (ORC), the regional program office, and the Regional SFO. The involvement and distribution of responsibilities of each of these offices during the cost recovery process varies among the regions, and may be defined by a Regional Inter-Office Memorandum of Understanding.

III.E.1 Cost Recovery Referral Development Process

a. Initiation of Cost Recovery Process

- Regional program office prepares and submits cost recovery **request** through Regional Cost Recovery Coordinator (RCRC) to Regional SFO. **Request** identifies date through which costs are to be documented and date documentation is required.
- RCRC requests site-specific reports generated by the Superfund Cost Recovery Package and Image On-Line System (SCORPIOS) to provide cost basis for negotiations with PRPs.

b. Cost Documentation and Reconciliation

- Involves collecting and reviewing documentation to ensure accounting and cost information are recorded correctly, costs are properly charged, Account Numbers refer to the appropriate site, and costs on documents are accurately reflected in IFMS.
- ☐ SFO documents regional Superfund costs and prepares cost summary, computes indirect costs, provides expert and factual financial witness testimony, and interprets financial documents and SCORPIOS reports.
- ☐ ORC reviews final cost summary and documentation in preparation for litigation and takes appropriate action pursuant to the Privacy Act and Confidential Business Information requirements.

c. Work Performed Documentation and Reconciliation

- Involves collecting and reviewing documentation to ensure that costs are being pursued for appropriate site activities.
- RCRC assembles copies of any task-creating document (WA, Purchase Order, Delivery Order, etc.) as well as amendments, modifications, progress reports and close-out reports for the tasks included in the cost recovery referral.
- ☐ RCRC works with the SFO to ensure agreement between the cost and work performed documentation.
- ☐ ORC reviews final work performed documentation package and takes appropriate action pursuant to the Privacy Act and Confidential Business Information requirements.

d. Site File Maintenance

- ☐ Diligent maintenance is crucial to cost recovery and is a regional responsibility.
- ☐ Financial files are maintained by the FMO until two years after all cost recovery litigation is complete.
- ☐ Work performed files are maintained by contracts officials or RCRC in accordance with Agency disposal guidance.
- ☐ Disposal of files is permitted 30 years after cost recovery is completed or upon completion of imaging or when no longer needed, whichever is later.
- ☐ Cost recovery documentation should be maintained by the RCRC until required by the litigation team.

e. Superfund Indirect Costs

EPA incurs costs that are attributable to individual Superfund sites and indirect costs which support the operation of the Superfund program in general and which also support site cleanups, but cannot be directly accounted for by an individual site. Annual indirect cost rates are computed linking the cleanup activity with the level of benefits received from the support activities.

f. Annual Allocation

The Annual Allocation Reporting Process was implemented to allow the Agency to capture Superfund site-related contract costs consistently and accurately for the purpose of cost recovery and external reporting. This process is the means by which administrative and other non-site costs (program management, capital equipment, start-up and site-supported costs) associated with the contractors' direct site work are redistributed to the appropriate Superfund sites. The process requires that the contractors follow a documented methodology for allocating certain non-site specific costs to sites and submit an annual allocation report.

g. Cashout/Special Accounts

A cashout is money received by EPA, a State, or another PRP under the terms of a settlement agreement [such as a consent decree (CD), administrative order on consent (AOC) or consent agreement] to address future response action costs at a specified Superfund site.

EPA is authorized to establish and maintain site-specific special accounts where PRPs agree to make cash payments toward response costs at a site (i.e. cashout and/or cost recovery settlements). Cashouts accepted under this authority should be placed in EPA site-specific special accounts before they are used. Once these cash payments have been obtained, the Agency may begin obligating and outlaying the funds in accordance with the settlement agreement.

The Agency has developed a framework to manage and use special accounts to facilitate site cleanup. Regions are encouraged to create and use special accounts as an incentive to secure private party cleanups and to fund EPA lead response actions. Special account funds may also be used, where appropriate, to assist response actions performed by a State or other Federal Agencies.

For more information on special accounts, please refer to the "Consolidated Guidance on the Establishment, Management and Use of CERCLA Special Accounts" issued September 2002.

h. Department of Justice (DOJ) Involvement

DOJ and the United States attorneys act on behalf of EPA in all cost recovery litigation. Only DOJ has the authority to settle a claim for any dollar amount more than \$500,000. EPA has the authority to settle for amounts less than \$500,000 in non-judicial actions. As a result, DOJ's involvement is essential to recovery of costs.

III.F. SUPERFUND FINANCIAL CONTACT INFORMATION

This section provides regional and HQ contact information to assist in resolving and clarifying any financial management issues or difficulties that are encountered.

III.F.1 Regional Superfund Cost Recovery Contacts

Exhibit III-8 identifies the Regional Superfund Cost Recovery Contacts.

**EXHIBIT III-8
REGIONAL COST RECOVERY CONTACTS**

Location/Region	Name of Contact	Phone Number
Region I	David Tornstrom Lee Clouthier Ruben Neira Robert Pavlucik	617/918-1135 617/918-1934 617/918-1939 617/918-1137
Region II	Richard Manna JoAnn Velez Leslie Peterson	212/637-3480 212/637-3462 212 637-4298
Region III	Daria Arnold Steven Pandza Diane Malancone	215/814-5171 215/814-5178 215/814-5172
Region IV	Connie Dempsy Sarah Franco Vickie Tellis	404/562-8240 404/562- 8215 404/516-8218
Region V	Anthony Audia Violet Stroggins	312/886-2196 312/353-4884
Region VI	Dennis McBride	214/665-7481
Region VII	David Piet Gay Ranes	913/551- 7526 913/551- 7442
Region VIII	Cheryl Pressley	303/312-6507
Region IX	Yvonne Fong David Wood	415/972-3698 415/972-3709
Region X	Diane Norton	206/553-2962
Cincinnati Finance Center	Pat Newman	513/487-2059
Las Vegas Finance Center	Alan Lewis	702/798-2480
Research Triangle Park Finance Center	Gloria Owens Betty Hamilton	919/541- 0052 919/541- 4280

III.F.2 Headquarters Superfund Cost Recovery Contacts

Exhibit III-9 identifies the Headquarters Superfund Cost Recovery Contacts.

**EXHIBIT III-9
HEADQUARTERS SUPERFUND COST RECOVERY CONTACTS**

Staff Name	Position	Areas of Specialization	Phone #
Lex Barker	Program Analyst	Annual Allocation; Special Projects	202/564-1400
Kevin Brittingham	Accountant	National Cost Documentation Advisor; Special Projects	202/564-4941
Tommy Brown	Financial Specialist	Cost Documentation and Reporting; Headquarters SCORPIOS Administrator	202/564-4936
Tom DeHoff	Accountant	Superfund Policy, Special Projects	202/564-4946
Bernadette Dunn	Accountant	Superfund Indirect Rates	202/564-4963
Barbara Edmondson	Accountant	National Cost Documentation; Superfund Account Codes; Special Projects	202/564-4927
Iantha Gilmore	Staff Director (Acting)	Superfund Policy Advisor, Financial Data Integration	202/564-7654
Tanya Jenifer	Financial Specialist	Cost Documentation; Payroll	202/564-4986
Leslie Kelley-Huffman	Accountant	Annual Allocation	202/564-4805
Levy Mazyck	Accountant	Superfund Indirect Costs	202/564-5219
Tina Van Pelt	Accountant	Annual Allocation; Superfund Contractor Invoice Accounting and Adjustment	202/564-4984

III.F.3 Regional Budget Coordinators

Exhibit III-10 identifies the Regional Budget Coordinators. In each Region a 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;
- ☐ Helps IMC to ensure regional resources associated with accomplishments are complete, current, and consistent, and accurately reflected in WasteLAN; and
- ☐ Provides liaison to HQ on program issues.

**EXHIBIT III-10
REGIONAL BUDGET COORDINATORS**

Name/Region	Phone #	Fax #
Susan Walter/Region I	(617) 918-1447	(617) 918-1291
Courtney McEnergy /Region II	(212) 637-4295	(212) 637-4360
Robin Faux/Region III	(215) 814-3133	(215) 814-3015
Charlotte Whitley/Region IV	(404) 562-8863	(404) 562-8842
Jatinder Singh/Region V	(312) 353-6756	(312) 353-9306
Helen Newman/Region VI Alternate/Carlene Chambers	(214) 665-6657 (214) 665-3181	(214) 665-6660
Teri Hankins/Region VII	(913) 551-7118	(913) 551-7145
Roger Hogerheide/Region VIII	(303) 312-6159	(303) 312-6065 (303) 312-6897
Linda Ma/Region IX Alternate/Eugene Rainwater	(415) 972-3232 (415) 972-3217	(415) 947-3528
Lynne Kershner/Region X	(206) 553-6518	(206) 553-0124

III.F.4 Subject Matter Experts

Exhibit III-11 identifies the Headquarters Subject Matter Experts (SMEs) for budget and financial information. The following Headquarters program officers are responsible for Superfund budget planning and execution.

- Office of Solid Waste and Emergency Response (OSWER)
 - Response Budget - Planning, Analysis and Resource Management (PARM) Center in the Office of Superfund Remediation and Technology Innovation (OSRTI)
 - Federal Facilities Response Budget - Federal Facilities Restoration and Reuse Office (FFRRO)
- Office of Enforcement and Compliance Assurance (OECA)
 - Enforcement Budget (Technical and Legal) - Program Evaluation and Coordination Branch (PECB) and the Program Operations Staff (POS) in the Office of Site Remediation Enforcement (OSRE)
 - Federal Facilities Enforcement - Federal Facilities Enforcement Office (FFEO)
- Office of Chief Financial Officer (OCFO)/ Office of Financial Management (OFM)
 - Annual Budget process - Annual Planning and Budget Division (APBD)

**EXHIBIT III-11
HEADQUARTERS SUBJECT MATTER EXPERTS**

Subject Matter Expert	Subject Area	Phone #
Alan Youkeles	Action Codes - PBEB/OSTRI	703/603-8784
Alice Ludington	Annual Budget Process - OSRE	202/564-6066
Willie Griffin	Annual Budget Process - PBEB/OSRTI	703/603-8911
Art Flaks	BPEB	703/603-9088
Hortensia Coffee	BRAC	703/603-0053
Laura Milton	Enforcement Budget	202/564-6017
Marie Bell	Federal Facilities Budget	703/603-0050
Lance Elson	Federal Facilities Enforcement Budget	202/564-2577
Larry Wilbon	OCFO	202/566-1903
Nancy Ortowski	Real Property Acquisitions	703/603-8785
Jeff Lape	Resource Management	703/ 603-8914
Steven Wilson	Resource Management	202/564-3646
Kevin Brittingham	Superfund Financial Management	202/564-4941
Robert White	SCAP Report Coordinator	703/603-8873

**This Page Intentionally
Left Blank**

Superfund Program Implementation Manual FY 04/05
Appendix A: Site Assessment/NPL Listing

**This Page Intentionally
Left Blank**

Appendix A
Site Assessment/NPL Listing
Targets and Measures

Table of Contents

A.A. SITE ASSESSMENT/NPL LISTING FY 04/05 TARGETS AND MEASURES	A-1
A.A.1 Site Assessment Program & NPL Listing Priorities	A-1
A.A.2 Site Assessment Backlogs	A-1
A.A.3 Overview of FY 04/05 Site Assessment/NPL Listing Targets and Measures	A-2
A.A.4 GPRA and Site Assessment	A-2
A.A.5 Site Status Indicators	A-4
A.A.6 Data Quality	A-6
A.A.7 Action Qualifiers for Site Assessment Actions (LANGUAGE FROM CH 2)	A-6
a. No Further Remedial Action Planned (NFRAP)	A-6
b. Former Evaluation	A-6
c. Perform a Removal	A-7
d. Defer the Site to RCRA (Subtitle C) or the NRC	A-7
e. Sites addressed as part of existing NPL sites	A-7
f. Sites addressed as part of other existing non-NPL sites	A-7
A.A.8 Special Initiatives	A-8
A.A.9 Site Assessment/NPL Listing Definitions	A-9
a. Pre-CERCLIS Screening Assessments	A-9
b. Referred from RCRA	A-11
c. Site Discovery	A-12
d. Sites Archived	A-13
e. Preliminary Assessments (PA) at Non-Federal Facility Sites	A-14
f. Federal Facility Preliminary Assessment Reviews	A-16
g. Site Inspections (SI) at Non-Federal Facility Sites	A-18
h. Combined PA/SI Assessments at Non-Federal Facility Sites	A-20
i. Federal Facility Combined PA/SI Reviews	A-21
j. Site Inspection Prioritizations (SIPs) at Non-Federal Facility Sites	A-22
k. Site Reassessment	A-24
l. Expanded Site Inspections (ESI) at Non-Federal Facility Sites	A-25
m. Federal Facility SI Reviews	A-26
n. Federal Facility ESI Reviews	A-28
o. Integrated Expanded Site Inspection/Remedial Investigation (ESI/RI) at Non-Federal Facility Sites	A-29
p. State Deferral of Non-Federal Facility Sites	A-30
q. Hazard Ranking System Package (HRS)	A-32
r. Integrated Removal/Remedial Evaluation	A-33
s. NPL Listing	A-35
t. Other Cleanup Activity	A-37
A.B. SUBJECT MATTER EXPERTS	A-39

**Appendix A
Site Assessment/NPL Listing
Targets and Measures**

List of Exhibits

EXHIBIT A.1	SITE ASSESSMENT/NPL LISTING ACTIVITIES	A-3
EXHIBIT A.2	SITE ASSESSMENT ACTION QUALIFIERS	A-8
EXHIBIT A.3	SUBJECT MATTER EXPERTS	A-39

APPENDIX A
A.A. Site Assessment/NPL Listing
FY 04/05 TARGETS AND MEASURES

A.A.1 SITE ASSESSMENT PROGRAM AND NPL LISTING PRIORITIES

Assessing the worst sites first continues as a national priority. 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.

While assessing the worst sites first, the regions also need to ensure that the backlog of sites needing Preliminary Assessments (PAs), Site Inspections (SIs), or Expanded Site Inspections (ESIs) does not grow unacceptably. The regions should consider integrating assessments to reduce cost and time to assess sites. Regions should continue the use of pre-CERCLIS screening to assure only appropriate sites are placed in CERCLIS/WasteLAN. The regions should also ensure the appropriate investigations of sites of Tribal concern that are on or near Indian Country.

To better accomplish the national priorities, the regions should continue negotiating work share agreements with individual States (and Tribes if applicable). This will help divide up the site assessment work and potentially enhance relations with the States and Tribes. This process will also serve to identify the current lead agency for the public.

Given sizeable workloads and constrained resources, regions are encouraged to pursue more cost- and time-efficient methods of assessing sites without compromising the quantity and quality of site assessment decisions. Regions should communicate progress and results of new assessment methods to other EPA regional and headquarters (HQ) site assessment staff.

HQ and regions should continue the streamlined process for listing sites on the National Priority List (NPL) and evaluate alternatives to listing sites while providing NPL quality cleanups.

Site assessment is the first step in determining whether a site meets the criteria for placement on the NPL. Listing a site on the NPL is one tool among many that are available to EPA and State cleanup program managers to accomplish the cleanup of contaminated waste sites. In light of current program resource realities, Fund-financed remedial action at NPL sites has become the tool of last resort. In 1992, EPA's Office of Emergency and Remedial Response (OERR, now OSRTI) issued a directive entitled "Guidance on Setting Priorities for NPL Candidate sites" (OSWER Directive 9203.1-06). The 1992 directive provided 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.

These can include recently identified sites, sites earlier in the site assessment process, or previously deferred RCRA sites. The regions should ensure the appropriate investigation of sites of tribal concern including sites in or near Indian Country.

A.A.2 SITE ASSESSMENT BACKLOGS

A key function of HQ is to report national progress in the 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 PA are collectively termed the "PA Backlog". Throughout this appendix, the procedures HQ uses to derive backlog is provided for each step in the site assessment process.

A.A.3 OVERVIEW OF FY 04/05 SITE ASSESSMENT/NPL LISTING TARGETS AND MEASURES

The Superfund Comprehensive Accomplishments Plan (SCAP) is used by the Assistant Administrator for the Office of Solid Waste and Emergency Response (AA OSWER), Assistant Administrator for the Office of Enforcement and Compliance Assurance (AA OECA), and senior Superfund managers to monitor the progress each region is making towards achieving the Government Performance and Results Act (GPRA) annual performance goals. In addition, SCAP will continue to be used as an internal management tool to project and track activities that contribute to these GPRA goals and support resource allocation. The program will set national goals based on historical performance and performance expectations within a limited budget for the performance goals in GPRA and track accomplishments in the activities contributing to those goals. Regions should continue to plan and report accomplishments in WasteLAN as they have traditionally.

To more clearly reflect the relationship between GPRA and the SCAP process, GPRA annual performance goals and measures and program targets and measures are defined as follows:

- **GPRA Annual Performance Goals (APG) and GPRA Annual Performance Measures (APM)** - The Agency's Annual Plan describes the specific annual performance goals, annual measures of outputs and outcomes, and activities aimed at achieving the performance goals that will be carried out during the year. APGs are the specific activities that the Agency plans to conduct during the fiscal year in an effort towards achieving its long-term strategic goals and objectives. APMs are used by managers to determine how well a program or activity is doing in achieving milestones that have been set for the year. The annual performance goals will inform Congress and Agency stakeholders of the expected level of achievement for the significant activities covered by the GPRA objective. The goals are a subset of the overall planning and budgeting information that has traditionally been tracked by the Superfund program offices.
- **Program Targets and Measures** are activities deemed essential to tracking overall program progress. Program targets are used to identify and track the number of actions that each region is expected to perform during the year and to evaluate program progress. Program measures are used to show progress made in achieving program priorities.

The following pages contain, in pipeline order, the definitions of the FY 04/05 Superfund site assessment targets and measures. Exhibit A.1 displays the full list of site assessment and activities defined in this Appendix. Exhibit A.2, at the end of this Appendix, identifies the Subject Matter Experts (SMEs).

A.A.4 GPRA AND SITE ASSESSMENT

Goal 3, Objective 3.2, Sub-objective 3.2.2: Clean Up and Reuse Contaminated Land contains the GPRA subobjective for Superfund assessment work. This subobjective states: "By 2008, control the risks to human health and the environment at contaminated properties or sites through cleanup, stabilization, or other action, and make land available for reuse." The Strategic Target for Superfund assessment work is that by 2008, EPA will:

- Make **41,086** final-assessment decisions under Superfund.
- Perform 88,000 health and environmentally based site assessments.

Final Assessment Decisions (FADs)

Regions may assign a FAD designation to a site **entered into CERCLIS with a discovery action and date** if any of the following conditions are met:

- The site has been proposed to or placed on the National Priorities List (NPL);
- The site has been removed from proposal to the NPL and no further assessment is needed;
- The decision made at the last completed assessment at the site is either:
 - No further remedial action planned (NFRAP);
 - Referred to Removal-NFRAP
 - Deferred to RCRA or 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 as a Superfund Alternative Site;
- The site has been cleaned up or is making progress towards cleanup as supported by documentation (worksharing agreements, site-specific progress reports, AOCs, remedial action plans, VCP/other MOAs, etc.) between the non-EPA party and EPA stating that the site has been or is being cleaned up or addressed according to appropriate cleanup standards;
- The site has been properly archived from the active CERCLIS site inventory.

Regions must delete the FADs designation should conditions change such that the site no longer meets any of the above conditions.

EPA regions are responsible for maintaining FAD designations in WasteLAN. FAD status is captured in WasteLAN by selecting the 'Final Assessment Decision' check box on the Site Description/Status/Operable Units screen.

WasteLAN populates the related 'Final Assessment Decision Date:' field with the current date. Regions can accept or edit this date.

The net increase in number of final assessment decisions in a fiscal year and the total number of sites with assessment decisions (inception to end of fiscal year) are included in EPA's Annual Report. These accomplishments are tabulated on the SCAP-15 report.

Health and Environmental Based Site Assessments

The measure, "number of site assessments completed" is used to measure the strategic target for health and environmental based site assessments. The measure looks at the existing site assessment actions with a completion date. The actions included in the definition are: Pre-CERCLIS Screening, Preliminary Assessment, FF PA Review, Site Inspection, FF SI Review, Combined PA/SI, Site Inspection Prioritization (SIP), Expanded Site Inspection, FF ESI Review, ESI/RI, Site Reassessment, Integrated Removal and Preliminary Assessment, Integrated Removal and Site Inspection, Integrated Removal and ESI, Integrated Removal and PA/SI, Integrated Removal and SIP, Integrated Removal and HRS Package, Integrated Removal and ESI/RI, and HRS Package. A detailed definition for completion of each of the actions is listed in this manual under the action's Definition of Accomplishment.

The total number of site assessments completed (inception to end of fiscal year) and the number of site assessments completed (current fiscal year) are tabulated on the SCAP-15 report.

EXHIBIT A.1 SITE ASSESSMENT/NPL LISTING ACTIVITIES

ACTIVITY	GPRA		PROGRAM	
	APG	APM	TARGET	MEASURE
Pre-CERCLIS Screening Assessment				✓ <input type="checkbox"/>
Site Discovery				✓ <input type="checkbox"/>
Sites Archived				✓ <input type="checkbox"/>
Preliminary Assessment (PA) at Non-Federal Facility Sites				✓ <input type="checkbox"/>
Federal Facility PA Review				✓ <input type="checkbox"/>
Site Inspection (SI) at Non-Federal Facility Sites				✓ <input type="checkbox"/>
Federal Facility SI Review				✓ <input type="checkbox"/>
Combined PA/SI Assessment at Non-Federal Facilities				✓ <input type="checkbox"/>
Site Inspection Prioritization (SIP) at Non-Federal Facility Sites				✓ <input type="checkbox"/>
Site Reassessment				✓ <input type="checkbox"/>
Expanded Site Inspection (ESI) at Non-Federal Facility Sites				✓ <input type="checkbox"/>

EXHIBIT A.1
SITE ASSESSMENT/NPL LISTING ACTIVITIES

ACTIVITY	GPRA		PROGRAM	
	APG	APM	TARGET	MEASURE
Federal Facility ESI Review				✓ <input type="checkbox"/>
Integrated ESI/RI at Non-Federal Facility Sites				✓ <input type="checkbox"/>
State Deferral of Non-Federal Facility Sites				✓ <input type="checkbox"/>
Hazard Ranking System (HRS) Package (Non-Federal Facility and Federal Facility)				✓ <input type="checkbox"/>
Integrated Removal Assessment & PA at Non-Federal Facility Sites				✓ <input type="checkbox"/>
Integrated Removal Assessment & SI at Non-Federal Facility Sites				✓ <input type="checkbox"/>
Integrated Removal Assessment & Combined PA/SI at Non-Federal Facility Sites				✓ <input type="checkbox"/>
Integrated Removal Assessments and Expanded Site Inspection (ESI)				✓ <input type="checkbox"/>
Integrated Removal Assessments and Site Inspection Prioritizations (SIPs)				✓ <input type="checkbox"/>
Integrated Removal Assessments and Hazard Ranking System (HRS)				✓ <input type="checkbox"/>
Integrated Removal Assessments and Expanded Site Inspection and Remedial Investigation (ESI/RI)				✓ <input type="checkbox"/>
NPL Listing				✓ <input type="checkbox"/>
Other Cleanup Activities				✓ <input type="checkbox"/>
<i>No. of Final Assessment Decisions *</i>	✓ <input type="checkbox"/>			
<i>No. of Site Assessment Report *</i>		✓ <input type="checkbox"/>		

NOTE: Accomplishments are pulled from WasteLAN on a semi-annual basis.

* *Italic* text indicates that this activity is a goal or measure that is not specifically defined in the Appendices to the Manual. Data to support reporting of these goals are already included in existing definitions.

A.A.5 Site Status Indicators

These site status indicators are entered through the Site Status and Description/Operable Units screen in WasteLAN.

Archive Indicator - this checkbox indicates if the site has been archived. NOTE: 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 clicks yes, the NFFA flag will be populated and an NFFA date will be system generated.

A site cannot be archived if there are any planned or ongoing 'archive prohibited actions' at the site. For a list of 'archive prohibited actions', refer to the *CERCLIS Archived Sites QRG*.

A site that has been archived 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 is no further Superfund site assessment, remedial, removal, enforcement, cost recovery, or oversight activities being

planned or conducted at the site. For more information about archiving sites in WasteLAN, refer to the *CERCLIS Archived Sites* QRG or the EPA's "Refining CERCLIS" website at: <http://www.epa.gov/superfund/programs/reforms/reforms/2-4c.htm>

Archive 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 archived.

NPL Status - displays the current NPL Status for the site. User may select from the drop down to enter or change the NPL Status of the site. Regional users have access to change the NPL Status to 'Not a valid site or incident', 'Not on the NPL', 'Addressed as part of an existing NPL site', and 'Pre-proposed site'. All other NPL Status values are added through a database revision and are uneditable.

Non NPL Status - 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.

Reporting non-NPL site status information allows EPA to clearly identify the progress a site has made in the Site Assessment Pipeline at any given time. For a list of Non-NPL Status values and more information about entering non-NPL status values in WasteLAN, refer to the *Reporting Non-NPL Status* QRG and the *Understanding NPL and Non-NPL Status Code Relationships* QRG.

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.

Non NPL Status Date - this field is system generated 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 of the site changed.

ERS Exclusion - this checkbox indicates if the region has made an eligible response site exclusion decision at the site.

Under CERCLA Section 101(41)(C), EPA may determine to exclude sites from the Brownfields eligible response universe if EPA "conducts or has conducted a preliminary assessment (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 National Priorities List or otherwise qualifies for listing on the National Priorities List."

NOTE: This checkbox may not be selected if the site if the NFFA checkbox has been selected.

For more information regarding making an ERS exclusion at a site, please refer to OSWER Directive 9230.0-170, entitled *Regional Determinations Regarding Which Sites are "Eligible Response Sites" under CERCLA Section 101(41)(C)(i), as Added By the Small Business Liability Relief and Brownfields Revitalization Act*.

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 determined to be excluded.

Final Assessment Decision (FAD) - this checkbox indicates if a final assessment decision has been made for the site. Regions are responsible for maintaining FAD designations in WasteLAN. The number of FADs is a GPRA measure.

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.

NFFA - this checkbox only applies to sites that have been assigned an ERS exclusion decision and denotes that if 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 Eligible Response Site, because it had obtained a preliminary score sufficient for possible listing, an Eligible Response Site again when EPA determines that "no further federal action will be taken" (NFFA). NOTE: Sites that have a NPL status of F, or P are not eligible for No Further Federal Action. 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.

NOTE: This checkbox may not be selected if the ERS Exclusion checkbox has been selected.

For more information regarding NFFA decisions, please refer to OSWER Directive 9230.0-170, entitled *Regional Determinations Regarding Which Sites are "Eligible Response Sites" under CERCLA Section 101(41)(C)(i), as Added By the Small Business Liability Relief and Brownfields Revitalization Act.*

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 the determination that no further federal action would be taken at the site.

A.A.6 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 CERCLIS/WasteLAN are available through the regional Discover application and through the national Superfund eFacts application. Discoverer reports include: Non-archived sites with no recent action, Non-NPL actions on-going and needed, SX Non-NPL status, Unallowable actions after archived, Invalid NPL/Non-NPL Status, and Discoverer Actions Completions. Superfund eFacts reports include: Active/no action (similar to Discoverer report 'Non-archived sites with no recent action'), Early DS date (similar to Discoverer report 'Discovery Actions Completions'), Missing SA Status, and Invalid NPL/SA Status (similar to Discoverer report 'Invalid NPL/Non-NPL Status'). The Regions should use these reports on a routine basis (at a minimum on a semiannual basis - prior to the mid-year review and end-of-year assessment) to better manage their site assessment data.

A.A.7 Action Qualifiers for Site Assessment Actions

Site screening and assessment decisions are made upon completion of each site assessment action. These decisions identify how the Region will proceed with site response and are recorded in WasteLAN as action qualifiers (Qualifiers). These decisions include:

a. No Further Remedial Action Planned (NFRAP)

No further Superfund remedial assessment work will be taken at a site with a NFRAP determination [Qualifier = (N) No Further Remedial Action Planned] unless new information warranting such action is presented to EPA.

NFRAP decisions should not be confused with WasteLAN 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 WasteLAN sites is made only when no further Superfund interest exists at a site. This means that sites are not archived if there are planned or ongoing removal or enforcement activities or if other Superfund interest still exists, even if a NFRAP decision was made during site assessment activities.

b. Further Evaluation

Upon completion of each site assessment action, the Region may determine that additional, more complex evaluation activities are required to determine whether or not the site should be pursued for placement on the NPL. A decision to conduct further evaluations at a site is recorded differently in WasteLAN depending on what site assessment activity is being performed.

For PAs, SIs, Site Reassessment, Combined PA/SI, and SIPs, further evaluation is denoted by either making a decision of higher priority [Qualifier = (H) High], or lower priority [Qualifier = (L) Low] for further evaluation.

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

Further evaluation activities upon completion of a HRS Package consist of HQ quality assurance and ultimately a decision on whether to propose the site to the NPL [Qualifier = (O) Site is being considered for proposal to the NPL].

c. Perform a Removal

Upon completion of PAs, SIs, SIPs, ESIs or ESI/RIs, the Region may determine that a time-critical or non-time critical (NTC) removal is necessary. The decision recorded for these actions are “Referred to Removal, Needs Further Remedial (Qualifier = F)” or “Referred to Removal, No Further Remedial (Qualifier = W).”

d. Defer the Site to RCRA (Subtitle C) or the NRC

Upon completion of PAs, SIs, ESIs, or SIPs at non-Federal facilities, the Region may determine that the site is excluded from Superfund consideration under policy, regulatory, or legislative restrictions and defer it to either the RCRA program [Qualifier = (D) Deferred to RCRA (Subtitle C)] or to the NRC [Qualifier = (DN) Deferred NRC].

e. Sites addressed as part of existing NPL sites

Upon completion of Site Assessment activities, such as PAs, SIs, SIPs, 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 WasteLAN:

- Upon completion of the site assessment activity 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 7-digit Site ID number of the parent site must be entered into the Parent Site ID field (Site Parent ID) for the child site;
- The 7-digit Site ID number of the child site must be entered into the Child Site ID field (Site Child ID) for the parent site; and
- 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.

f. Sites addressed as part of other existing non-NPL sites

Upon completion of a site assessment activity, 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 WasteLAN:

- Upon completion of the site assessment activity 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 7-digit Site ID number of the parent site must be entered into the Parent Site ID field (Site Parent ID) for the child site;
- The 7-digit Site ID number of the child site must be entered into the Child Site ID field (Site Child ID) 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 becomes a NPL site (NPL Status P, F, D, R, W), WasteLAN should be updated as described in section *d.* above.

Exhibit A.2 Site Assessment Action Qualifiers

SITE ASSESSMENT ACTION NAMES & CODES		Available Action Decisions												
		Deferred to NRC (DN)	Deferred to RCRA (DR)	Higher Priority for Further Assessment (HP)	Lower Priority for Further Assessment (LP)	NFRAP (N)	Recommended as a Superfund Alternative (SA)	Recommended for HRS Scoring (OS)	Referred to Removal or Further RA needed (FR)	Referred to Removal with Future RA needed (WR)	Region Confirmed Successful Deferral Completion (RS)	Region Terminated Deferral (RT)	Site is Being Addressed As Part of an NPL Site (N)	Site is Being Addressed As Part of Anomalous non-NPL site (B)
Pre-CERCLIS Screening	HX	NOT APPLICABLE												
Discovery	DS	NOT APPLICABLE												
Preliminary Assessment	PA	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Fed Fac PA Review	RX	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Site Inspection	SI	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Combined PA/SI	NX	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Site Inspection Prioritization	SH	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Site Reassessment	OO	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Expanded Site Inspections	ES	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Fed Fac SI Review	TY	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Fed Fac ESI Review	TZ	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
ESI/RI	SS	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
State Deferral	AQ									✓	✓			
HRS Package	HR	✓	✓			✓	✓		✓	✓				✓
Int Rmvl Assess and Preliminary Assessment	QT	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Int Rmvl Assess and Site Inspection	QJ	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Int Rmvl Assess and Site Inspection Prioritization	QO	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Int Rmvl Assess and Combined PA/SI	OU	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Int Rmvl Assess and ESI/RI	OV	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Int Rmvl Assess and Expanded Site Inspection	OY	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Int Rmvl Assess and HRS Package	OZ	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
Other Cleanup Activity	VA			✓	✓									

✓ = Valid for this Action

A.A.8 Special Initiatives

A special initiative flag is used in WasteLAN to note a HQ or Regional site special priority or other program initiative under which a Superfund site may be tracked, and that a planned or actual activity addresses. These special initiatives are flagged on the Add Special Initiative screen via the Site Status and Description/Operable Units screen. The special initiatives in WasteLAN apply to and are used by all program areas. The following are a listing of the most commonly used special initiatives within the site assessment program:

- Formally Used Defense Site (FUDS)
- Federal Facility Docket Site
- Vermiculite Investigation
- Site Inspection Prioritization Needed
- Tribal Inventory Site
- Tribal Concern
- Tribal Involvement
- Tribal Land
- RCRA 2005 Baseline
- RCRA Deferral
- RCRA Deferral - Further Superfund Assessment
- RCRA Deferral - New Decision
- RCRA Deferral - Lead Confirmed
- RCRA Deferral Audit
- Superfund Alternative

A.A.9 SITE ASSESSMENT/NPL LISTING DEFINITIONS

a. PRE-CERCLIS SCREENING ASSESSMENTS

Definition:

Pre-CERCLIS screening is the process of reviewing data on a potential site to determine whether it should be entered into the CERCLIS inventory for further evaluation. The process can be initiated through the use of several mechanisms, such as a phone call or referral by a State or other Federal agency. The information/collection process is normally limited to one or two days. Minimal sampling can be performed during the pre-CERCLIS screening action (less than \$2,000 sampling costs per screened site).

A site should not be entered into CERCLIS if:

- It is currently in CERCLIS or has been removed from CERCLIS and no new data warrants re-entry into CERCLIS;
- The site or contaminants found on the site are subject to certain limitations based on definitions in CERCLA;
- A State or Tribal remediation program is involved in response at the site and it is in the process of a final cleanup;
- The hazardous substance release at the site is regulated under a statutory exclusion (e.g., petroleum, natural gas, natural gas liquids, synthetic gas usable for fuel, normal application of fertilizer, release located in a workplace, naturally occurring, or covered by the Nuclear Regulatory Commission (NRC), or Uranium Mill Tailings Radiation Control Act (UMTRCA), [see CERCLA section 101(22)];
- The hazardous substance release at the site is deferred to another authority (e.g., RCRA Corrective Action);
- Site data are insufficient to determine if CERCLIS entry is warranted (i.e., based on potentially unreliable sources or with no information to support the presence of hazardous substances or CERCLA eligible pollutants or contaminants);
or
- Documentation clearly demonstrates that there is no potential for a release that could cause adverse environmental or human health impacts.

For more information on pre-CERCLIS screening please refer to Pre-CERCLIS Screening Assessments fact sheet (OSWER 9375.2-11FS). This fact sheet provides the minimum requirements for conducting these type of assessments.

Definition of Accomplishment:

Pre-Screening Starts - A pre-screening (Action Name = Pre-CERCLIS Screening) is started when the region begins collecting data and performing other tasks related to completion of the Pre-CERCLIS Screening Assessment Checklist; and WasteLAN contains the actual pre-screening start date (Actual Start) and an action lead of: "Fund-Financed (F)"; "EPA-In House (EP)"; "State-Financed (S)"; "Tribal (TR)." Pre-CERCLIS screening start dates are not required.

Pre-Screening Completions - A pre-screening (Action Name = Pre-CERCLIS Screening) is completed when:

- A Pre-CERCLIS Screening Assessment Checklist has been developed by EPA to document the decision and placed in the site file. The Pre-CERCLIS Screening actual completion date is the date the Checklist is finalized; and
- WasteLAN contains the actual Pre-CERCLIS Screening completion date (Actual Complete), a valid lead (Lead), and appropriate values in the NPL and Non-NPL Status fields.

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

Sites that require NPL assessment work, or both NPL assessment and removal work

- A Discovery Date on the Add Site screen, which corresponds to the actual completion date of the pre-screening action;
- An NPL Status of 'Not on the NPL' on the Add Site screen;
- A Non-NPL Status of 'PA Start Needed', 'Combined PA/SI Start Needed', or 'Integrated Removal Assessment PA Start Needed' on the Site Description/Operable Unit screen.

Sites that require only removal work

- An Initiation Date on the Add Site screen, which corresponds to the actual completion date of the pre-screening action;
- An NPL Status of 'Not on the NPL' on the Add Site screen;
- A Non-NPL Status of 'Removal Only' on the Site Description/Operable Unit screen.

Sites that require no further evaluation beyond the pre-screening

- An NPL Status of 'Not a Valid Site or Incident' on the Add Site 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.'

For more information on tracking Pre-CERCLIS Screening activities, please refer to the March 2002 guidance document entitled "Data Entry for Pre-Screening Sites."

Changes in Definition FY 02/03 - FY 04/05:

None.

Special Planning/Reporting Requirements:

All pre-CERCLIS screening activities should be tracked in WasteLAN, including activities at sites not found to be CERCLA-eligible. Sites that are screened out of CERCLIS will be tracked in WasteLAN through the "Not a Valid Site or Incident" values in the NPL and Non-NPL status field. If the decision is made that the site requires NPL assessment and potential cleanup under CERCLA authority, it should be added to the CERCLIS inventory by entering a Discovery Date and valid NPL and Non-NPL Statuses. A Discovery action or date should not be entered into WasteLAN if the site only needs a removal assessment/action and no NPL assessment work is necessary. For these sites with "removal-only" interest, the Site Initiation Date on the Add Site screen needs to be entered for these sites to be considered part of the CERCLIS inventory. Sites that are screened out of the CERCLIS inventory should be entered on the Add Site screen with no Discovery or Initiation date, and the NPL status 'Not a Valid Site or Incident'. The region will maintain a record based on a pre-screening action. This is a program measure.

Regions are responsible for maintaining the accuracy of the non-NPL status for every non-NPL site in the CERCLIS inventory. As new actions and new dates are entered into WasteLAN, the system automatically calculates a new value for this field based on the traditional sequence of site assessment work. Regions must confirm or change this value as appropriate.

Data Entry Timeliness Requirement:

SPIM Action/ Activity	Activity Type	SPIM Lead	Documentation Required	Documentation Approval/Date Requirements	Date Must Be Entered By
Action name = Pre-CERCLIS Screening (HX)	Program Measure	F, EP, S, TR	Pre-CERCLIS Screening Assessment checklist.	The date the checklist is final and WasteLAN contains the Pre-CERCLIS Screening completion date, lead, and NPL or Non-NPL status.	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.

b. REFERRED FROM RCRA**Definition:**

A site is Referred from RCRA when both RCRA and Superfund programs agree that the site may require additional investigation or cleanup under the Superfund program. Sites are considered for referral to Superfund from RCRA under a number of scenarios, including:

- sites with facilities that ceased treating, storing, or disposing of hazardous waste prior to November 19, 1980 (the effective date of Phase I of the Subtitle C regulations) and to which the RCRA corrective action or other authorities of Subtitle C cannot be applied;
- sites at which only materials exempted from the statutory or regulatory definition of solid waste or hazardous waste are managed;
- contamination areas resulting from the activities of RCRA hazardous waste handlers to which RCRA subtitle C corrective action authorities do not apply, such as hazardous waste generators or transporters, which are not required to have Interim Status or a final RCRA permit; and
- sites having a low priority or questionable enforcement under RCRA, such as non-filers or converters.

Further, facilities whose owners have demonstrated an inability to finance corrective action are referred to Superfund from RCRA.

Appropriate documentation must exist and be signed by both programs that in fact RCRA has turned the site over to Superfund, and Superfund has accepted the site. All sites referred to Superfund from RCRA must have a Referred from RCRA action and actual completion date documented in WasteLAN.

Definition of Accomplishment:

A site referred from RCRA is considered complete the date the region received the paperwork that documents the decision that the site warrants Superfund NPL assessment and/or potential cleanup attention is entered. The Referred from RCRA date is entered as the completion (actual completion) at the site. Valid leads for Referred from RCRA actions include: "Fund-Financed (F)"; "EPA-In House (EP)"; "State (S)", and "Tribal (TR)". An action qualifier of 'financial' should be added for all Referred from RCRA actions where the site is referred to Superfund due to a failed financial assurance.

Changes in Definition FY 04/05 - FY 06/07:

New measure in FY 06/07.

Special Planning/Reporting Requirements:

Actual start and planning dates are not required for the Referred from RCRA action. An action qualifier of 'financial' should be added to the Referred from RCRA action if the site was referred to Superfund as a result of a failed financial assurance. Special initiative flags of 'RCRA baseline 2005' and 'RCRA baseline 2008' have been added to CERCLIS. These fields will be populated and maintained by HQ.

Data Entry Timeliness Requirement:

SPIM Action/ Activity	Activity Type	SPIM Lead	Documentation Required	Documentation Approval/Date Requirements	Date Must Be Entered By
Action name = Referred from RCRA	Program Measure	F, EP, S, TR	Documentation of the site referral from RCRA and that the Superfund accepts the site warrants Superfund NPL assessment and potential cleanup attention.	The date the documentation of the referral from RCRA is received from the regional official and WasteLAN contains the Referred from RCRA actual completion date and lead.	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.

c. SITE DISCOVERY

Definition:

Site discovery is the process by which a potential hazardous waste site is entered into the CERCLIS inventory for NPL assessment activities. All sites moving through the NPL assessment process must have a Discovery action and actual completion date documented in WasteLAN. Entry of the site discovery date initiates the NPL assessment process and places the site on the Preliminary Assessment backlog.

Definition of Accomplishment:

Site discovery of non-Federal facilities is the date the region completes the pre-CERCLIS screening activities, and documents the decision that the site warrants Superfund NPL assessment and potential cleanup attention. The site 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. The Site Name and Discovery Date must be entered into WasteLAN for both Federal and non-Federal sites. Valid leads for site discovery actions include: “Fund-Financed (F)”; “EPA-In House (EP)”; “State (S)”, “Tribal (TR)”; and “Federal Facility (FF).”

Changes in Definition FY 02/03 - FY 04/05:

None.

Special Planning/Reporting Requirements:

Actual start and planning dates are not required for the Discovery action. The Discovery date is entered through the Add Site screen. The Discovery date will automatically populate the actual completion date for the Discovery action. Regions are now required to enter information on site type at the time of discovery on the Add Site or Site Discovery/Initiation screen. Multiple discovery actions are not allowed. Site discovery is a program measure.

Note: A separate field has been added to WasteLAN to record site initiation dates for removal-only sites. Sites that are subject only to removal interest generally do not require a discovery date. An exception is where a large scale removal action has been completed and the region seeks credit for a non-NPL site completion. Non-NPL site completions require site assessment review indicating the site has no further remedial actions planned. The discovery date for sites referred from removal to 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 CERCLIS inventory. As new actions and new dates are entered into WasteLAN, the system automatically calculates a new value for this field based on the traditional sequence of site assessment work. Regions must confirm or change this value as appropriate.

Data Entry Timeliness Requirement:

SPIM Action/ Activity	Activity Type	SPIM Lead	Documentation Required	Documentation Approval/Date Requirements	Data Must Be Entered By
Action name = Discovery (DS)	Program Measure	F, EP, S, TR, FF	Documentation of the decision that the site warrants Superfund NPL assessment and potential cleanup attention.	The Discovery date is entered through the Add Site screen. The Discovery date will automatically populate the actual completion date for the Discovery action.	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.

d. SITES ARCHIVED

Definition:

Archiving 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 is 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 CERCLIS inventory. Regions may also record general enforcement related activities (e.g. issuance of comfort letter or prospective purchaser agreements) and Brownfields activities (e.g. Targeted Brownfields Assessments) at archived sites. For more information on archiving sites in WasteLAN please refer to EPA's "Refining CERCLIS" website at: <http://www.epa.gov/superfund/programs/reforms/reforms/2-4c.htm>.

Backlogs

The Archive site backlog consists of the potential archive candidate sites described below.

Definition of Accomplishment:

An archive decision is recorded in WasteLAN at the site level. To receive credit for an archive decision, the Archive Indicator (Archive IND) must be checked, and the "Archive Date" entered on the Site Status and Description/Operable Units screen. 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 WasteLAN.

Although the underlying basis for archiving a CERCLIS site is whether or not Federal Superfund interest exists, several categories of sites are used to generate lists of potential archive candidate sites. Based on review of sites in these categories, regions should update the "Archive IND" and "Archive Date" field as appropriate in a timely fashion. These categories are:

- Sites that have only completed the site assessment process and have either been given 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 May, 1995 OSWER Directive 9375.6-11 titled "Guidance on Deferral of NPL Listing Determinations While States Oversee Response Actions" 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 NPL or non-NPL site, provided there is no further Federal Superfund interest at the area represented by the child site. Parent non-NPL sites should not be archived until all related child sites have been archived;
- Sites that have been entered into the CERCLIS inventory via entry of a site discovery and/or 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 preliminary assessment (PA) should be completed for these sites prior to designating archive status.
- Sites that have completed Other Cleanup Activities by a non-EPA party under the Site Assessment process and have no other Federal Superfund activity anticipated.

As appropriate, sites can be returned to the CERCLIS inventory by deleting the date in the Archive Date field. The Archive Indicator will automatically be deleted. A note explaining why the site was returned to the CERCLIS inventory must be prepared and placed in the site file.

Changes in Definition FY 02/03 - FY 04/05:

The measure has been updated to reflect the changes to WasteLAN adds a 'site unarchived' action to the project schedule when a user unarchives a site.

Special Planning/Reporting Requirements:

The Archive Indicator field in WasteLAN 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 CERCLIS inventory. Planning dates for archiving sites are not available. It is important to note that an archive decision is not the same as no further remedial action planned (NFRAP) decision. A NFRAP decision is recorded as an Action Qualifier, is made only at the conclusion of a site assessment action, and does not take into account any other Superfund programmatic activity that may be going on at a site such as removals or cost recovery. Archived sites is a program measure for both non-Federal and Federal facilities.

The WasteLAN application will prevent adding certain assessment, removal, remedial, and enforcement actions at archived sites. The CERCLIS-Archive Quick Reference Guide lists the prohibited actions. Prohibited actions can be added to a site by either: 1) returning the site to CERCLIS (e.g., substantial site characterization and/or cleanup is needed); or 2) requesting a database revision through Headquarters (e.g., entry of historical data). The restriction will not prevent users from entering action-related data such as start/completion dates, leads, qualifiers, etc., at existing actions. WasteLAN will also prevent the archival of NPL sites (Proposed, Final, and Deleted) and sites having a start and no completion date at an archive-prohibited action.

Archive designations need to 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 WasteLAN's reports module contains reports to help EPA regions maintain the integrity of archive data. The Potential Archive Site Inventory Report lists sites that may be eligible for archival. The Archived-To-Be-Reviewed Site Inventory Report lists sites that may warrant data corrections/updates or return to the active CERCLIS site inventory.

The WasteLAN application now captures archive designations by automatically generating an archive action and completion date when the Archive Date field is populated. In addition, a 'site unarchived' action and completion date is generated when the archive date or indicator is deselected (i.e., a decision is made to unarchive a site). Multiple Archive Site/Site Unarchived actions may be created at a site if the archive indicator is selected, deselected, and then selected again. Each time the archive indicator is selected/deselected at a site, a new Archive Site or Site Unarchived action will be created. These actions cannot be deleted except via a database revision.

e. PRELIMINARY ASSESSMENTS (PA) AT NON-FEDERAL FACILITY SITES

Definition:

A Preliminary Assessment (Action Name = Preliminary Assessment) is often the first phase of the NPL assessment process following site discovery. 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.

Regions may combine PA and SI activities where warranted by site conditions to reduce repetitive tasks and ultimately costs. The combining of PA and SI activities is known as a "Combined PA/SI Assessment" and is discussed in a separate measure below. The decision to perform a "Combined PA/SI Assessment" is made when site assessment activities are initiated.

Regions also have been encouraged to further reduce repetitive tasks and costs by combining site assessment and removal evaluation activities where warranted by site conditions. This integrated removal/remedial evaluation is further discussed in a separate measure, below.

There are instances when an Abbreviated Preliminary Assessment (APA), as opposed to a full PA, is warranted. Examples include, but are not limited to the following: 1) A site has been inappropriately listed in CERCLIS because it is either not eligible or it could be deferred to another response program; 2) Available information allows EPA to make an early decision to undertake a combined PA/SI, an SI, or another Superfund investigation; or 3) A no further remedial action planned (NFRAP) designation can be made without completing a full PA. An abbreviated PA should be conducted for sites entered into the CERCLIS inventory via a site discovery at which no work has started and, based on review, do not warrant any type of additional Superfund activity. For such sites, the typical PA reporting requirements are abbreviated. The APA Checklist or an APA report must address the requirements set forth in the Oil and Hazardous Substances National Contingency Plan (NCP).

For more information on Abbreviated Preliminary Assessments please refer to Abbreviated Preliminary Assessment fact sheet (OSWER 9375.2-09FS) This fact sheet provides guidance for conducting this type of assessment.

Backlogs

The Preliminary Assessment backlog consists of sites with a Non-NPL Status of either “PA start needed” or “PA ongoing”.

Definition of Accomplishment:

PA Starts - A PA (Action Name = Preliminary Assessment) is started when the region begins collecting data and performing other tasks related to development of the PA report; or when the region signs a letter, form, 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 WasteLAN contains the actual PA start date (Actual Start) and an action lead of: “Fund-Financed (F)”; “EPA-In House (EP)”; “State (S)”; or “Tribal (TR)”. PA start dates are required and are used by HQ as a program measure.

APA Starts - An Abbreviated 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.

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

- A PA Report has been developed by EPA; or received by the region from the Federal contractor or State/Tribal government; and the appropriate Regional official signs a letter, form, or memo approving the PA report. The PA actual completion date is the date the PA report is approved; and
- WasteLAN contains the actual PA completion date (Actual Complete), a valid lead (Lead), and a “decision” on whether further activities are necessary in the Qualifier field; and
- The decision is documented by completing the Site Decision Form 9100-3 in WasteLAN or an equivalent document. The decision document must be printed, signed by the appropriate Regional official, and placed in the file.

A valid decision must be recorded in WasteLAN upon completion of the PA. Please refer to Exhibit A.2 in section A.A.5 for a list of valid qualifiers for this action and a description of each qualifier.

APA Completions - An Abbreviated Preliminary Assessment is completed when an APA checklist or equivalent report has been completed 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 APA report. The APA actual completion date is the date the APA report is approved.

Changes in Definition FY 02/03 - FY 04/05:

None.

Special Planning/Reporting Requirements:

Regions should attempt to complete PAs at non-Federal Facility sites listed in WasteLAN within one year of the site discovery completion date.

If a region decides to perform an Abbreviated Preliminary Assessment (APA) rather than a Preliminary Assessment, it needs to be indicated on the SCAP Information screen. Once an APA is selected on the SCAP Information screen, the definition, documentation, and special notes changes will be reflected on the screen. PA starts and completions (Actual Start and Complete) are reported site-specifically in WasteLAN. 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 the CERCLIS inventory. As new actions and new dates are entered into WasteLAN, the system automatically calculates a new value for this field based on the traditional sequence of site assessment work. Regions must confirm or change this value as appropriate.

Data Entry Timeliness Requirement:

SPIM Action/ Activity	Activity Type	SPIM Lead	Documentation Required	Documentation Approval/ Date Requirements	Data Must Be Entered By
Action Name = Preliminary Assessment (PA)	Program Measure	F, EP, S, TR	Starts: Letter, form, memo; Technical Direction Document (TDD); Written confirmation from a State/Tribal government that the State/Tribal government will conduct the PA.	Starts: Signed by region. Date TDD is issued. Date EPA receives confirmation.	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.
Action Name = Preliminary Assessment (PA)	Program Measure	F, EP, S, TR	Completions: PA report; Letter, form, or memo approving the PA report; Site decision Form 9100-3 in WasteLAN or equivalent document.	Completions: Signed by the appropriate Regional official.	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.

f. FEDERAL FACILITY PRELIMINARY ASSESSMENT REVIEWS

Definition:

Federal Facility Preliminary Assessment Review is a quality assurance review of a PA report submitted by another Federal Agency. EPA’s involvement in PAs at Federal facilities differs from that at non-Federal facilities. While EPA conducts or funds development of PAs at non-Federal facilities, EPA’s role at Federal facilities is limited to reviewing PA reports developed and submitted by the Federal agencies responsible for a given Federal facility. Upon reviewing the PA 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 PA Review backlog consists of Federal facility sites with a Non-NPL Status of “FF-PA review needed” or “FF-PA review ongoing.”

Definition of Accomplishment:

Federal Facility PA Review Starts - A Federal Facility PA Review (Action Name = Federal Facility Preliminary Assessment Review) is started when the EPA starts an in-house review of the Federal facility PA or sends a letter, form, or memo to the EPA contractor requesting review of the Federal facility PA report, and WasteLAN contains the actual PA start date (Actual Start) and a valid action lead.

Federal Facility PA Review Completions - A Federal Facility PA Review (Action Name = Federal Facility Preliminary Assessment Review) is completed when:

- The appropriate Regional official signs a letter, form, or memo approving the PA report. The Federal Facility Preliminary Assessment Review actual completion date is the date the Federal facility PA report is approved;
- WasteLAN contains the actual Federal Facility Preliminary Assessment Review completion date (Actual Complete) a lead and a “decision” on whether further activities are necessary in the Qualifier field; and
- The decision is documented by completing the Site Decision Form 9100-3 in WasteLAN or an equivalent document. The decision document must be printed, signed by the appropriate Regional official, and placed in the file.

A valid decision must be recorded in WasteLAN upon completion of a Federal facility PA Review. Please refer to Exhibit A.2 in section A.A.5 for a list of valid qualifiers for this action and a description of each qualifier.

Changes in Definition FY 02/03 - FY 04/05:

None.

Special Planning/Reporting Requirements:

Regions should attempt to complete PA reviews at Federal facility sites listed in the CERCLIS inventory within 18 months of the site discovery completion date. Federal facility PA review starts and completions are reported site-specifically in WasteLAN. Federal Facility Preliminary Assessment Review starts and completions are program measures.

If the Federal facility PA report does not provide sufficient information to make a NPL assessment decision, the report should be referred back to the Federal facility (SubAction Name = Referred back to Fed Fac). The date the report is referred back to the Federal facility is entered into WasteLAN as the actual completion date (Actual Complete). The actual completion date and qualifier for the Federal Facility Preliminary Assessment 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 CERCLIS inventory. As new actions and new dates are entered into WasteLAN, the system automatically calculates a new value for this field based on the traditional sequence of site assessment work. Regions must confirm or change this value as appropriate.

Data Entry Timeliness Requirement:

SPIM Action/ Activity	Activity Type	SPIM Lead	Documentation Required	Documentation Approval/ Date Requirements	Data Must Be Entered By
Action Name = Federal Facility Preliminary Assessment Review (RX)	Program Measure	F, EP, S, TR	<p>Start: Region begins review of Federal facility PA report;</p> <p>Letter, form, memo;</p> <p>Technical Direction Document (TDD).</p>	<p>Start:</p> <p>Signed by region.</p> <p>Issued to EPA contractor or State/ Tribal government.</p>	<p>It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.</p>
			<p>Completion: PA Report;</p> <p>Letter, form, or memo approving the PA report;</p> <p>Site Decision Form 9100-3 in WasteLAN or an equivalent document.</p>	<p>Completion: Signed by the appropriate Regional official</p>	

g. SITE INSPECTIONS (SI) AT NON-FEDERAL FACILITY SITES

Definition:

The SI (Action Name = Site Inspection) 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 activity 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 activities.

Regions may combine PA and SI activities where warranted by site conditions to reduce repetitive tasks and, ultimately costs. The combining of PA and SI activities is known as a “Combined PA/SI Assessment” and is discussed in a separate measure. The decision to perform a “Combined PA/SI Assessment” is made during initial PA activities or even before a PA is conducted.

Regions have also been encouraged to further reduce repetitive tasks and costs by combining site assessment and removal evaluation activities where warranted by site conditions. This “Integrated Removal/Remedial Evaluation” activity is discussed in a separate measure.

Backlogs

The Site Inspection backlog consists of sites with a Non-NPL Status of either “SI start needed” or “SI ongoing”.

Definition of Accomplishment:

SI Starts - A SI (Action Name = Site Inspection) 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 Technical Direction Document (TDD) is issued to the contractor at a site (refer to OSWER Publication #9345.1-03 FS for further guidance on defining SI starts) and WasteLAN contains the actual SI start date (Actual Start) and an action lead of: “Fund-Financed (F)”; “EPA-In House (EP)”; “State (S)”; or “Tribal (TR)”. SI start dates are required.

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

- A SI Report has been generated by EPA; or received by the region from the Federal contractor or State/Tribal government; and the appropriate Regional official signs a letter, form, or memo approving the SI report. The SI actual completion date is the date the SI report is approved; and
- WasteLAN contains the actual SI completion date (Actual Complete), a valid lead (Lead), and a “decision” on whether further activities are necessary in the Qualifier field; and
- The decision is documented by completing the Site Decision Form 9100-3 in WasteLAN or an equivalent document. The decision document must be printed, signed by the appropriate Regional official, and placed in the file.

A valid decision must be recorded in WasteLAN upon completion of the SI. Please refer to Exhibit A.2 in section A.A.5 for a list of valid qualifiers for this action and a description of each qualifier.

Changes in Definition FY 02/03 - FY 04/05:

None.

Special Planning/Reporting Requirements:

Planning dates are not required for SIs. Actual start and completion dates are required for SIs. SI starts (Actual Start) and completions (Actual Complete) are reported site-specifically in WasteLAN. Site Inspection starts and completions at non-Federal Facility sites are program measures.

Regions are responsible for maintaining the accuracy of the non-NPL status for every non-NPL site in the CERCLIS inventory. As new actions and new dates are entered into WasteLAN, the system automatically calculates a new value for this field based on the traditional sequence of site assessment work. Regions must confirm or change this value as appropriate.

Data Entry Timeliness Requirement:

SPIM Action/ Activity	Activity Type	SPIM Lead	Documentation Required	Documentation Approval/ Date Requirements	Data Must be Entered By
Action Name = Site Inspection (SI)	Program Measure	F, EP, S, TR	<p>Start: Letter, memo, or form approving the site- specific SI work plan, Technical Direction Document (TDD).</p> <p>Completion: SI Report and signed letter, form, or memo approving the SI report. Site Decision Form 9100-3 in WasteLAN or an equivalent document.</p>	<p>Start: Signed by EPA or the State/Tribal government. Issued to contractor</p> <p>Completion: Signed by appropriate Regional official.</p>	<p>It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.</p>

h. COMBINED PA/SI ASSESSMENTS AT NON-FEDERAL FACILITY SITES

Definition:

Regions are encouraged to combine PA and SI activities where warranted by site conditions to reduce repetitive tasks and, ultimately, costs. The combining of PA and SI activities is known as a “Combined PA/SI Assessment”. The results of combined PA/SI assessment can be documented in one physical report, as long as the report contains all of the elements that would have been addressed under separate PA and SI reports. The report should state specifically that it covers both the PA and SI. The decision to conduct an SI as part of a combined assessment is made either prior to initiation of the PA or during initial phases of the PA and is documented in the initial task assignment provided to the contractor, by correspondence between EPA and the State, or by a form or memo to the file. As is the case with its individual components, a combined PA/SI is performed to determine what steps, if any, need to occur next at a site. Regions should employ FAS techniques wherever practical during PA/SI activities.

Regions are also encouraged to further reduce repetitive tasks and costs by combining site assessment and removal evaluation activities where warranted by site conditions. Combined PA/SI assessments may be applied in an integrated removal/remedial evaluation approach. Integrated Removal Assessment and Combined PA/SI (Action Name = Int. Rmvl Assess and Combined PA/SI) activities are entered as one action in WasteLAN and tracked as an internal planning measure.

Backlogs

The Combined PA/SI Assessment backlog consists of sites having a non-NPL status value of either “Combined PA/SI start needed” or “Combined PA/SI ongoing.”

Definition of Accomplishment:

Combined PA/SI Assessment Starts - A Combined PA/SI Assessment (Action Name = Combined PA/SI) starts when the region begins collecting data and performing other tasks related to development of the combined PA/SI assessment report; or when the region signs a letter, form, or memo to the EPA contractor or State/Tribal government (where applicable) requesting performance of a combined PA/SI assessment at a specific site or group of sites; or when EPA receives written confirmation from State/Tribal government that the State/Tribal government will conduct the combined PA/SI assessment. The actual start date (Actual Start) of the Combined PA/SI and a valid lead of: “Fund-Financed (F)”; “EPA-In House (EP)”; “State (S)”; or “Tribal (TR)”. Start dates are required.

Combined PA/SI Assessment Completions - A Combined PA/SI Assessment is completed when:

- A Combined PA/SI 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 Combined PA/SI report. The date the Combined PA/SI report is approved is entered into WasteLAN as the actual completion date of the Combined PA/SI; and
- The decision is documented by completing the Site Decision Form 9100-3 in WasteLAN, or an equivalent document. The decision document must be printed, signed by the appropriate Regional official, and placed in the file.

A valid decision must be recorded in WasteLAN upon completion of the Combined PA/SI Assessment. Please refer to Exhibit A.2 in section A.A.5 for a list of valid qualifiers for this action and a description of each qualifier.

Changes in Definition FY 02/03 - FY 04/05:

None.

Special Planning/Reporting Requirements:

Actual start and completion dates are required for combined PA/SIs. Combined PA/SI Starts (Actual start) and completions (Actual Complete) are reported site-specifically in WasteLAN. Combined PA/SI Assessment starts and completions at non-Federal Facility sites are program measures.

Regions are responsible for maintaining the accuracy of the non-NPL status for every non-NPL site in the CERCLIS inventory. As new actions and new dates are entered into WasteLAN, the system will ask the user to confirm or change this value as appropriate.

Data Entry Timeliness Requirement:

SPIM Action/ Activity	Activity Type	SPIM Lead	Documentation Required	Documentation Approval/ Date Requirements	Data Must Be Entered By
Action name = Combined PA/SI (NX)	Program Measure	F, EP, S, TR	<p>Start: Letter, form, or memo requesting a combined PA/SI;</p> <p>Written confirmation that the State/Tribal government will conduct the PA/SI.</p>	<p>Start: Signed by the Region.</p>	<p>It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.</p>
			<p>Completion: Combined PA/SI Report;</p> <p>Letter, form, or memo approving the PA/SI report;</p> <p>Site Decision form 9100-3 in WasteLAN or an equivalent document.</p>	<p>Completion: Signed by appropriate Regional official</p>	

i. FEDERAL FACILITY COMBINED PA/SI REVIEWS**Definition:**

Federal facility PA/SI Reviews (Action Name = Federal Facility PA/SI Review) is an EPA quality assurance review of a Combined PA/SI report submitted by another Federal agency. EPA's involvement in PA/SI activities at Federal facilities differs from that at non-Federal facilities. While EPA conducts or funds development of PA/SIs at non-Federal facilities, EPA's role at Federal facilities is limited to reviewing PA/SI reports developed and submitted by the Federal agencies responsible for a given Federal facility. Upon reviewing the PA/SI 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.

Definition of Accomplishment:

Federal Facility PA/SI Review Starts - A Federal facility PA/SI review (Action Name = Federal Facility PA/SI Review) is started when EPA starts in-house review of the Federal Facility PA/SI report, or sends a letter, form or memo to the EPA contractor requesting review of the Federal facility PA/SI report; and WasteLAN contains the actual Federal Facility PA/SI Review start date (Actual Start) and a valid lead action.

Federal Facility PA/SI Review Completions - A Federal facility PA/SI Review (Action Name = Federal Facility PA/SI Review) is completed when:

- The appropriate Regional official signs a letter, form, or memo approving the Federal facility PA/SI report. The date the Federal facility PA/SI report is approved is entered into WasteLAN as the actual completion date of the Federal facility PA/SI report; and
- WasteLAN contains the actual completion date (Actual Complete) of the Federal Facility PA/SI Review, a lead and a valid "decision" on whether further activities are necessary in the Qualifier field; and
- The decision is documented by completing the Site Decision Form 9100-3 in WasteLAN or an equivalent document. The decision document must be printed, signed by the appropriate Regional official, and placed in the file.

A valid decision must be recorded in WasteLAN upon completion of the Federal facility PA/SI reviews. Please refer to Exhibit A.2 in section A.A.5 for a list of valid qualifiers for this action and a description of each qualifier.

Change in Definition FY 02/03 - FY 04/05:

This is a new measure for FY 2005.

Special Planning/Reporting Requirements:

Planning dates are not required for Federal facility PA/SI reviews. Actual start and completion dates are required for Federal facility PA/SI reviews. Federal facility PA/SI Review starts (Actual Start) and completions (Actual Complete) are reported site-specifically in WasteLAN. Federal facility PA/SI Review starts and completions are program measures.

If the Federal facility PA/SI report does not provide sufficient information to make a NPL assessment decision, the report should be referred back to the Federal facility (SubAction Name = Referred back to Fed Fac). The date the report is referred back to the Federal facility is entered into WasteLAN as the actual completion date (Actual Complete). The actual completion date and qualifier for the Federal Facility PA/SI 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 CERCLIS inventory. As new actions and new dates are entered into WasteLAN, the system automatically calculates a new value for this field based on the traditional sequence of site assessment work. Regions must confirm or change this value as appropriate.

Data Entry Timeliness Requirement:

SPIM Action/ Activity	Activity Type	SPIM Lead	Documentation Required	Documentation Approval/ Date Requirements	Data Must Be Entered By
Action Name = Federal Facility PA/SI Review	Program Measure	F, EP, S, TR	<p>Start: Region begins review of Federal Facility Combined PA/SI.</p>	<p>Start: Sent to EPA contractor.</p>	<p>It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.</p>
			<p>Completion: Letter, form, or memo approving the Federal Facility PA/SI report; Site Decision Form 9100-3 or equivalent document.</p>	<p>Completion: Signed by appropriate Regional official.</p>	

j. SITE INSPECTION PRIORITIZATIONS (SIPS) AT NON-FEDERAL FACILITY SITES

Definition:

SIPs (SubAction Name = Site Inspection Prioritization) require the gathering of additional information to update site inspections performed under the original Hazard Ranking System (HRS). SIPs are performed only at sites where the last SI was completed prior to August 1, 1992, and further evaluation is required to determine what steps, if any, need to occur next at the site. For most regions, the original SIP back logs have been completed although a few still remain. SIPs are currently recorded in WasteLAN as SubActions (SubAction Name = Site Inspection Prioritization) to the last completed site inspection event (Action Name = Site Inspection).

In general, a finite number of sites were originally identified as needing SIPs and EPA has completed SIPs at nearly all of these sites. Nonetheless, EPA anticipates that a number of older sites addressed under the original HRS, which were not part of the original universe of sites needing SIPs, may now require SIPs based on new information received by EPA. This would apply to sites that were evaluated and assigned a NFRAP or Deferred decision under the original HRS prior to August 1, 1992, for which new information has been provided to EPA indicating further Superfund evaluation of the site is warranted.

Regions should employ FAS techniques wherever practical during SIP activities.

Backlogs

The Site Inspection Prioritization backlog consists of sites having a non-NPL status value of either “SIP start needed” or “SIP ongoing.”

Definition of Accomplishment:

SIP Starts - A SIP start is defined as the date the region signs a letter, form, or memo requesting a SIP be performed at a specific site. The date should be entered into WasteLAN as the actual start date (Actual Start) of the SIP SubAction. Valid leads for SIPs include: “Fund-Financed (F)””; “EPA In-House (EP)””; “State (S)””; or “Tribal (TR)””. SIP start dates are required, and are used by HQ as a program measure.

SIP Completions - A SIP (SubAction Name = Site Inspection Prioritizations) is complete when:

- A SIP 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 SIP report. The SIP actual completion date is the date the SIP report is approved; and
- WasteLAN contains the actual SIP completion date (Actual Complete), and a “decision” on whether further activities are necessary is recorded in the Qualifier field for the SubAction; and
- The decision is documented by completing the Site Decision Form 9100-3 in WasteLAN or an equivalent document. The decision document must be printed, signed by the appropriate Regional official, and placed in the file.

A valid decision must be recorded in WasteLAN upon completion of the SIP. Please refer to Exhibit A.2 in section A.A.5 for a list of valid qualifiers for this action and a description of each qualifier.

Changes in Definition FY 02/03 - FY 04/05:

None.

Special Planning/Reporting Requirements:

Actual start and completion dates are required for SIPs. SIP starts (Actual Start) and completions (Actual Complete) are reported site-specifically in WasteLAN. Decisions reached at the conclusion of SIP activities must be recorded with the SIP SubAction. Site Inspection Prioritization starts and completions at non-Federal facility sites are program measures.

Regions are responsible for maintaining the accuracy of the non-NPL status for every non-NPL site in the CERCLIS inventory. As new actions and new dates are entered into WasteLAN, the system automatically calculates a new value for this field based on the traditional sequence of site assessment work. Regions must confirm or change this value as appropriate.

Data Entry Timeliness Requirement:

SPIM Action/ Activity	Activity Type	SPIM Lead	Documentation Required	Documentation Approval/ Date Requirements	Data Must Be Entered By
Action Name = Site Inspection (SI)	Program Measure	F, EP, S, TR	Start: Letter, form, or memo requesting a site-specific SIP.	Start: Signed by region.	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.
SubAction Name = Site Inspection Prioritization (SH)			Completion: SIP Report; letter, form, or memo approving the SIP report; Site Decision Form 9100-3 in WasteLAN or an equivalent document.	Completion: Signed by appropriate Regional official.	

k. SITE REASSESSMENT

Definition:

A Site Reassessment represents the gathering and evaluation of new information on a site 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 activities (e.g., Preliminary Assessment, Site Inspection). The scope of work for a Site Reassessment activity 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. 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 Site Decision Form 9100-3 in WasteLAN, or an equivalent document. Correction of site disposition decisions (i.e., action qualifiers) based solely on file reviews should be documented using the historical lockout feature in WasteLAN and not as a new Site Reassessment action.

Definition of Accomplishment:

Site Reassessment Starts - A Site Reassessment (Action Name = Site Reassessment) start is defined as the date when EPA or 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 WasteLAN contains the actual Site Reassessment start date (Actual Start) and an action lead (Lead) of: "Fund-Financed (F)"; "EPA-In House (EP)"; "State (S)"; or "Tribal (TR)".

Site Reassessments Completions - A Site Reassessment (Action Name = Site Reassessment) is complete when:

- A Site Reassessment 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 Site Reassessment report. The Site Reassessment actual completion date is the date the Site Reassessment report is approved, and
- WasteLAN contains the actual Site Reassessment completion date (Actual Complete), a valid lead (Lead), and a valid "decision" on whether further activities are necessary in the Qualifier field; and
- The decision is documented by completing the Site Decision Form 9100-3 in WasteLAN or an equivalent document. The decision document must be printed, signed by the appropriate Regional official, and placed in the file.

A valid decision must be recorded in WasteLAN upon completion of the Site Reassessment. Please refer to Exhibit A.2 in section A.A.5 for a list of valid qualifiers for this action and a description of each qualifier.

Changes in Definition FY 02/03 - FY 04/05:

None.

Special Planning/Reporting Requirements:

Planning dates are not required for Site Reassessment. Actual start and completion dates are required for Site Reassessment. Site Reassessment starts (Actual Start) and completions (Actual Complete) are reported site-specifically in WasteLAN. Site Reassessment starts and completions are program measures for non-Federal facilities.

Regions are responsible for maintaining the accuracy of the non-NPL status for every non-NPL site in the CERCLIS inventory. As new actions and new dates are entered into WasteLAN, the system automatically calculates a new value for this field based on the traditional sequence of site assessment work. Regions must confirm or change this value as appropriate.

Data Entry Timeliness Requirement:

SPIM Action/ Activity	Activity Type	SPIM Lead	Documentation Required	Documentation Approval/ Date Requirements	Data Must Be Entered By
Action Name = Site Reassessment (OO)	Program Measure	F, EP, S, TR	Start: Letter, memo, or form approving the site-specific work plan or a TDD is issued.	Start: Signed by the EPA or State/Tribal government.	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.
			Completion: Site Reassessment report; Letter, form, or memo approving the report; Site Decision Form 9100- 03, or an equivalent document.	Completion: Signed by appropriate Regional official.	

I. EXPANDED SITE INSPECTIONS (ESI) AT NON-FEDERAL FACILITY SITES**Definition:**

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

Regions also have been encouraged to further reduce repetitive tasks and costs by combining site assessment and removal evaluation activities where warranted by site conditions. This is called an integrated removal/remedial evaluation (Action Name = Int. Rmvl Assess and Expanded Site Inspection).

Regions should employ FAS techniques wherever practical during ESI activities.

Backlogs

The Expanded Site Inspection backlog consists of sites where the Non-NPL Status is either “ESI start needed” or “ESI ongoing”.

Definition of Accomplishment:

ESI Starts - An ESI (Action Name = Expanded Site Inspection) start is defined as the date when EPA or 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 WasteLAN contains the actual ESI start date (Actual Start) and an action lead (Lead) of: “Fund-Financed (F)”; “EPA-In House (EP)”; “State (S)”; or “Tribal (TR)”.

ESI Completions - An ESI (Action Name = Expanded Site Inspection) 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 actual completion date is the date the ESI report is approved; and
- WasteLAN contains the actual ESI completion date (Actual Complete), a valid lead (Lead), and a valid “decision” on whether further activities are necessary in the Qualifier field; and
- The decision is documented by completing the Site Decision Form 9100-3 in WasteLAN or an equivalent document. The decision document must be printed, signed by the appropriate Regional official, and placed in the file.

A valid decision must be recorded in WasteLAN upon completion of the ESI. Please refer to Exhibit A.2 in section A.A.5 for a list of valid qualifiers for this action and a description of each qualifier.

Changes in Definition FY 02/03 - FY 04/05:

None.

Special Planning/Reporting Requirements:

Planning dates are not required for ESIs. Actual start and completion dates are required for ESIs. ESI starts (Actual Start) and completions (Actual Complete) are reported site-specifically in WasteLAN. ESI starts and completions are program measures for non-Federal facilities.

Regions are responsible for maintaining the accuracy of the non-NPL status for every non-NPL site in the CERCLIS inventory. As new actions and new dates are entered into WasteLAN, the system automatically calculates a new value for this field based on the traditional sequence of site assessment work. Regions must confirm or change this value as appropriate.

Data Entry Timeliness Requirement:

SPIM Action/ Activity	Activity Type	SPIM Lead	Documentation Required	Documentation Approval/ Date Requirements	Data Must Be Entered By
Action Name = Expanded Site Inspection (ES)	Program Measure	F, EP, S, TR	<p>Start: Letter, memo, or form approving the site specific work plan or</p> <p>TDD</p>	<p>Start: Signed by the EPA or State/Tribal government.</p> <p>Issued to the contractor at a site.</p>	<p>It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.</p>
			<p>Completion: ESI report;</p> <p>Letter, form, or memo approving the ESI report;</p> <p>Site Decision Form 9100- 3 in WasteLAN or an equivalent document.</p>	<p>Completion: Signed by appropriate Regional official.</p>	

m. FEDERAL FACILITY SI REVIEWS

Definition:

A Federal facility SI Review (Action Name = Federal Facility SI Review) is an EPA quality assurance review of a SI report submitted by another Federal agency. EPA’s involvement in SI activities at Federal facilities differs from that at non-Federal facilities. While EPA conducts or funds development of SIs at non-Federal facilities, EPA’s role at Federal facilities is limited to reviewing SI reports developed and submitted by the Federal agencies responsible for a given Federal facility. Upon reviewing the SI 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 SI Review backlog consists of sites with a Non-NPL Status of “FF-SI review needed” or “FF-SI review ongoing.”

Definition of Accomplishment:

Federal Facility SI Review Starts - A Federal facility SI review (Action Name = Federal Facility SI Review) is started when EPA starts in-house review of the Federal Facility SI report, or sends a letter, form, or memo to the EPA contractor requesting review of the Federal facility SI report; and WasteLAN contains the actual Federal Facility SI Review start date (Actual Start) and a valid action lead.

Federal Facility SI Review Completions - A Federal facility SI Review (Action Name = Federal Facility SI Review) is completed when:

- The appropriate Regional official signs a letter, form, or memo approving the Federal facility SI report. The date the Federal facility SI report is approved is entered into WasteLAN as the actual completion date of the Federal facility SI report; and
- WasteLAN contains the actual completion date (Actual Complete) of the Federal Facility SI Review, a lead and a valid “decision” on whether further activities are necessary in the Qualifier field; and
- The decision is documented by completing the Site Decision Form 9100-3 in WasteLAN or an equivalent document. The decision document must be printed, signed by the appropriate Regional official, and placed in the file.

A valid decision must be recorded in WasteLAN upon completion of the Federal facility SI reviews. Please refer to Exhibit A.2 in section A.A.5 for a list of valid qualifiers for this action and a description of each qualifier.

Changes in Definition FY 02/03 - FY 04/05:

None.

Special Planning/Reporting Requirements:

Planning dates are not required for Federal facility SI reviews. Actual start and completion dates are required for Federal facility SI reviews. Federal facility SI Review starts (Actual Start) and completions (Actual Complete) are reported site-specifically in WasteLAN. Federal facility SI Review starts and completions are program measures.

If the Federal facility SI report does not provide sufficient information to make a NPL assessment decision, the report should be referred back to the Federal facility (SubAction Name = Referred back to Fed Fac). The date the report is referred back to the Federal facility is entered into WasteLAN as the actual completion date (Actual Complete). The actual completion 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 CERCLIS inventory. As new actions and new dates are entered into WasteLAN, the system automatically calculates a new value for this field based on the traditional sequence of site assessment work. Regions must confirm or change this value as appropriate.

Data Entry Timeliness Requirement:

SPIM Action/ Activity	Activity Type	SPIM Lead	Documentation Required	Documentation Approval/ Date Requirements	Data Must Be Entered By
Action Name = Federal Facility SI Review (TY)	Program Measure	F, EP, S, TR	Start: Region begins review of Federal Facility SI report.	Start: Sent to EPA contractor.	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.
			Completion: Letter, form, or memo approving the Federal Facility SI report; Site Decision Form 9100- 3 or equivalent document.	Completion: Signed by appropriate Regional official.	

n. FEDERAL FACILITY ESI REVIEWS

Definition:

A Federal facility ESI Review (Action Name = Federal Facility ESI Review) is an EPA quality assurance review of an ESI report submitted by another Federal agency. EPA's involvement in ESI activities at Federal facilities differs from that at non-Federal facilities. While EPA conducts or funds development of ESIs at non-Federal facilities, EPA's role at Federal facilities is limited to reviewing ESI reports developed and submitted by the Federal agencies responsible for a given Federal facility. Upon reviewing the ESI 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 having a Non-NPL Status of "FF-ESI review needed" or FF-ESI review ongoing".

Definition of Accomplishment:

Federal Facility ESI Review Starts - A Federal facility ESI review (Action Name = Federal Facility ESI Review) is started when EPA starts in-house review of the Federal Facility ESI report, or sends a letter, form, or memo to the EPA contractor requesting review of the Federal Facility ESI report; and WasteLAN contains the actual Federal Facility ESI Review start date (Actual Start) and a valid action lead.

Federal Facility ESI Review Completions - A Federal Facility ESI Review (Action Name = Federal Facility ESI Review) is completed when:

- The appropriate Regional official signs a letter, form, or memo approving the Federal facility ESI report. The date the Federal facility ESI report is approved is entered into WasteLAN as the actual completion date of the Federal Facility, ESI report; and
- WasteLAN contains the actual completion date (Actual Complete) of the Federal Facility ESI Review, a lead (Lead), and a valid "decision" on whether further activities are necessary in the Qualifier field; and
- The decision is documented by completing the Site Decision Form 9100-3 in WasteLAN or an equivalent document. The decision document must be printed, signed by the appropriate Regional official, and placed in the file.

A valid decision must be recorded in WasteLAN upon completion of the Federal facility ESI reviews. Please refer to Exhibit A.2 in section A.A.5 for a list of valid qualifiers for this action and a description of each qualifier.

Changes in Definition FY 02/03 - FY 04/05:

None.

Special Planning/Reporting Requirements:

Planning dates are not required for Federal facility ESI reviews. Actual start and completion dates are required for Federal facility ESI reviews. Federal Facility ESI Review starts (Actual Start) and completions (Actual Complete) are reported site-specifically in WasteLAN. Federal Facility ESI Review starts and completions are program measures.

If the Federal facility ESI report does not provide sufficient information to make a NPL assessment decision, the report should be referred back to the Federal facility (SubAction Name = Referred back to Fed Fac). The date the report is referred back to the Federal facility is entered into WasteLAN as the actual completion date (Actual Complete). The actual completion 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 CERCLIS inventory. As new actions and new dates are entered into WasteLAN, the system automatically calculates a new value for this field based on the traditional sequence of site assessment work. Regions must confirm or change this value as appropriate.

Data Entry Timeliness Requirement:

SPIM Action/ Activity	Activity Type	SPIM Lead	Documentation Required	Documentation Approval/ Date Requirements	Data Must Be Entered By
Action Name = Federal Facility ESI Review (TZ)	Program Measure	F, EP, S, TR	Start: Region begins review of Federal Facility ESI report.	Start: Sent to EPA contractor.	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.
			Completion: Letter, form, or memo approving the Federal Facility ESI report; Site Decision Form 9100- 3 or equivalent document.	Completion: Signed by appropriate Regional official.	

o. INTEGRATED EXPANDED SITE INSPECTION/REMEDIAL INVESTIGATION (ESI/RI) AT NON-FEDERAL FACILITY SITES**Definition:**

The integrated ESI/RI (Action Name = 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 activities 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 are recommended at sites where conditions indicate that the HRS score will be above 28.5 and a remedial response will be needed. The RI portion of an ESI/RI is intended to be a site-wide activity. ESI/RIs actions should be entered into WasteLAN at operable unit '00'.

ESI/RIs may not always be feasible given known site conditions and activities completed to date. In some cases, it may be more prudent to conduct a separate ESI and RI. The definitions for RI/FS Completion and RI Completion (see definitions in Appendix B) 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 WasteLAN, a stand-alone ESI event (Action Name = Expanded Site Inspection) should not be recorded at that site.

Regions are also encouraged to further reduce repetitive tasks and costs by combining site assessment and removal evaluation activities where warranted by site conditions. This is called an integrated removal/remedial evaluation (Action Name = Int Rmvl Assess and ESI/RI) and is further discussed in a separate section below.

Backlogs

The ESI/RI backlog consists of sites with a Non-NPL Status of either "Integrated ESI/RI start needed" or "Integrated ESI/RI ongoing".

Definition of Accomplishment:

ESI/RI Starts - ESI/RI (Action Name = ESI/RI) start date is defined as the date when EPA approves the site-specific ESI/RI work plan and WasteLAN contains the actual ESI/RI start date (Actual Start) and an action lead of: "Fund-Financed (F)"; "EPA-In House (EP)"; "State (S)"; or "Tribal (TR)".

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

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

- ☐ The decision is documented by completing the Site Decision Form 9100-3 in WasteLAN or an equivalent document. The decision document must be printed, signed by the appropriate Regional official, and placed in the file.

A valid decision must be recorded in WasteLAN upon completion of the ESI/RI. Please refer to Exhibit A.2 in section A.A.5 for a list of valid qualifiers for this action and a description of each qualifier.

Changes in Definition FY 02/03 - FY 04/05:

None.

Special Planning/Reporting Requirements:

Planned start and completion dates are not required for ESI/RIs. Actual start and completion dates are required for ESI/RIs. ESI actions (Action Name = Expanded Site Inspection) should not be recorded separately in WasteLAN if they are conducted as part of an ESI/RI. ESI/RI starts and completions at non-Federal Facility sites are program measures.

Regions are responsible for maintaining the accuracy of the non-NPL status for every non-NPL site in the CERCLIS inventory. As new actions and new dates are entered into WasteLAN, the system automatically calculates a new value for this field based on the traditional sequence of site assessment work. Regions must confirm or change this value as appropriate.

Data Entry Timeliness Requirement:

SPIM Action/ Activity	Activity Type	SPIM Lead	Documentation Required	Documentation Approval/ Date Requirements	Data Must Be Entered By
Action Name = ESI/RI : SS	Program Measure	F, EP, S, TR	Start: Site-specific ESI/RI work plan.	Start: Approved by EPA.	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.
			Completion: Letter, form, or memo approving the ESI/RI report; Site Decision Form 9100- 3, or an equivalent document.	Completion: Signed by appropriate Regional official.	

p. STATE DEFERRAL OF NON-FEDERAL FACILITY SITES

Definition:

State Deferral (Action Name = State Deferral) is an administrative mechanism enabling States and Tribes, under their own laws, to respond at sites in the CERCLIS 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. Refer to the “Guidance on Deferral of NPL Listing Determinations While States Oversee Response Actions” (OSWER Directive 9375.6-11, May 1995) for additional information on this program.

Backlogs

The State Deferral backlog consists of CERCLIS sites with a Non-NPL Status of “Deferral of NPL listing decision while States oversee response”.

Definition of Accomplishment:

State Deferral Starts - The State Deferral (Action Name = 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 action must be recorded in WasteLAN with an action lead (Lead) of "State Deferral (SD)". State deferrals are applicable only to non-Federal facility sites that are not on the NPL.

State Deferral Completions The State Deferral (Action Name = State Deferral) completion date 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 completion date.

Valid decisions (Qualifiers) must be recorded in WasteLAN upon completion of the State Deferral. Please refer to Exhibit A.2 in section A.A.5 for a list of valid qualifiers for this action and a description of each qualifier.

Changes in Definition FY 02/03 - FY 04/05:

None.

Special Planning/Reporting Requirements:

Six SubActions can be entered for the State Deferral action to generically capture the different cleanup phases a site may be undergoing. These SubActions include:

1. Comprehensive Site Investigation (SubAction Name = Comprehensive Site Investigation)
2. Remedy Selection (SubAction Name = Remedy Selection);
3. Design (SubAction Name = Design);
4. Construction (SubAction Name = Construction); and
5. Post-Construction Maintenance (SubAction Name = Post Construction Maintenance)
6. Short Term Cleanup (SubAction Name = Short Term Cleanup)

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

Planned start and completion dates are not required for State Deferral actions. Actual start and completion dates are required. Sites successfully completing the deferral process are eligible for archiving (removal) from the CERCLIS inventory. 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 CERCLIS inventory. As new actions and new dates are entered into WasteLAN, the system automatically calculates a new value for this field based on the traditional sequence of site assessment work. Regions must confirm or change this value as appropriate.

Data Entry Timeliness Requirement:

SPIM Action/ Activity	Activity Type	SPIM Lead	Documentation Required	Documentation Approval/ Date Requirements	Data Must Be Entered By
Action Name = State Deferral (AQ)	Program Measure	SD	Start: Document deferring the site to the State.	Start: Signed by Regional Superfund program director and State program director.	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.
			Completion: Formal regional document confirming that the deferral has been completed successfully, or terminating the deferral agreement; or State certification that the deferral has been completed.	Completion: Signature Received by EPA.	

q. HAZARD RANKING SYSTEM PACKAGE (HRS)

Definition:

The HRS Package (Action Name = 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 Hazard Ranking System (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 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 the next steps, if any, are appropriate for a site (e.g., NPL listing, NFRAP, etc.)

Backlogs

The HRS backlog consists of sites having Non-NPL Status of either “HRS start needed” or “HRS ongoing”.

Definition of Accomplishment:

HRS Package Starts - An HRS Package (Action Name = 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 WasteLAN contains the actual HRS Package start date (Actual Start) and a valid action lead of “Fund-Financed (F)”; “EPA-In House (EP)”; “State (S)”; or “Tribal (TR)”. HRS Package start 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 activity 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 quality assurance review or after the site has been proposed to the NPL.

HRS Package Completions - An HRS Package (Action Name = HRS Package) is complete when:

- An HRS Package has completed HQ quality assurance review and HQ and the region agree to a final version, **or an HRS package has completed regional quality control review and the HRS package will not be submitted to HQ for quality assurance review**; and
- The following has been recorded in WasteLAN: 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 as the actual HRS Package completion date (Actual Complete), a lead (Lead), and a “decision” on whether further activities are necessary in the Qualifier field. Since HRS packages are pre-decisional, entry of HRS Package completion dates in WasteLAN may be delayed until after the site is proposed to the NPL, if applicable; and
- The decision is documented by completing the Site Decision Form 9100-3 in WasteLAN or an equivalent document. The decision document must be printed, signed by the appropriate Regional official, and placed in the file.

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

A valid decision must be recorded in WasteLAN upon completion of the HRS Package. Please refer to Exhibit A.2 in section A.A.5 for a list of valid qualifiers for this action and a description of each qualifier.

Changes in Definition FY 02/03 - FY 04/05:

None.

Special Planning/Reporting Requirements:

Planned start and completion dates are not required for HRS Packages. Actual start and completion dates are required for HRS Packages. HRS Package starts and completions at both Federal and non-Federal Facilities are program measures.

Regions are responsible for maintaining the accuracy of the non-NPL status for every non-NPL site in the CERCLIS inventory. As new actions and new dates are entered into WasteLAN, the system automatically calculates a new value

for this field based on the traditional sequence of site assessment work. Regions must confirm or change this value as appropriate.

Data Entry Timeliness Requirement:

SPIM Action/ Activity	Activity Type	SPIM Lead	Documentation Required	Documentation Approval/ Date Requirements	Data Must Be Entered By
Action Name = HRS Package (HR)	Program Measure	F, EP, S, TR	Start: Letter, form, or memo requesting site specific development of a HRS Package	Start: EPA signature.	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.
			Completion: Site Decision Form 9100- 3, or an equivalent document.	Completion: Signed by appropriate Regional official.	

r. INTEGRATED REMOVAL/REMEDIAL EVALUATION

Definition:

Integrated Removal/Remedial Evaluations are actions integrating both site assessment (e.g., Preliminary Assessment, Site Inspection) and removal assessment activities to reduce the overall time and money spent characterizing site conditions. The scope of the Integrated Removal/Remedial Evaluation will depend on which activities are being jointly conducted. Seven specific types of Integrated Removal/Remedial Evaluations will be tracked:

- Integrated Removal Assessments and Preliminary Assessments (Action Name = Int Rmvl Assess and Preliminary Assessment);
- Integrated Removal Assessments and Site Inspections (Action Name = Int Rmvl Assess and Site Inspection);
- Integrated Removal Assessments and Combined PA/SI (Action Name = Int Rmvl Assess and Combined PA/SI);
- Integrated Removal Assessments and Expanded Site Inspections (Action Name - Int. Rmvl Assess and Expanded Site Inspection);
- Integrated Removal Assessments and Hazard Ranking System (Action Name = Int. Rmvl Assess and HRS Package);
- Integrated Removal Assessments and ESI/RI (Action Name = Int. Rmvl Assess and ESI/RI); and
- Integrated Removal Assessments and Site Inspection Prioritizations (SubAction Name = Int Rmvl Assess and Site Inspection Prioritization).

Regions are encouraged to make use of integrated assessment approaches wherever appropriate. Requirements of site assessment actions (e.g., PA, SI) and removal assessments must still be met, even though they are conducted in an integrated fashion. Refer to appropriate sections of the SPIM and Superfund assessment guidance documents for further requirements of stand-alone assessment activities. The definitions and special planning/reporting requirements for all seven types of Integrated Removal/Remedial Evaluations listed above follow the same general concept. Generic definitions and requirements are provided below.

For more information on Integrated Removal/Remedial Assessments, please see OSRTI's Quick Reference Guidance Series document titled: "Improving Site Assessment: Integrated Removal and Remedial Site Evaluations" OSWER 9360.0-39FS, PB99-963314; dated April 2000.

Regions should employ FAS techniques wherever practical during Integrated Removal/Remedial Evaluation activities.

Backlogs

The Integrated Removal/Remedial Evaluation backlog consists of sites having a Non-NPL Status of "Integrated Removal/Remedial evaluation needed" or "Integrated Removal/Remedial evaluation ongoing".

Definition of Accomplishment:

Starts - An Integrated Removal/Remedial Evaluation (Action Name = Int. Rmvl Assess and Preliminary Assessment, Int. Rmvl Assess and Site Inspection, Int. Rmvl Assess and Expanded Site Inspection, Int. Rmvl Assess and Combined PA/SI, Int. Rmvl Assess and ESI/RI, and Int. Rmvl Assess and HRS Package) and (Subaction Name = Int. Rmvl Assess and Site Inspection Prioritization) start date is defined as the date when EPA approves the site-specific Integrated Removal/Remedial Evaluation work plan (e.g., Removal Assessment and SI work plan) and WasteLAN contains:

- ☐The actual Integrated Removal/Remedial Assessment start date (Actual Start) and an action lead (Lead) of: “Fund-Financed (F)”; “EPA-In House (EP)”; “State (S)”; or “Tribal (TR)”; and

Completions - An Integrated Removal/Remedial Evaluation (Action Name = Int. Rmvl Assess and Preliminary Assessment, Int. Rmvl Assess and Site Inspection, Int. Rmvl Assess and Expanded Site Inspection, Int. Rmvl Assess and Combined PA/SI, Int. Rmvl Assess and ESI/RI, and Int. Rmvl Assess and HRS Package) and (Subaction Name = Int. Rmvl Assess and Site Inspection Prioritization) is complete when:

- ☐The Integrated Removal/Remedial Evaluation report has been reviewed and accepted by the region and an appropriate Regional official signs a letter, form, or memo approving the report. The report must contain all of the information required for the related site assessment and must document the completion of a Removal Assessment to determine whether a removal action is necessary. A note to the site file must also be prepared indicating that the Integrated Removal/Remedial Evaluation report meets all the requirements for the related assessment activities; and
- ☐The Integrated Removal/Remedial Evaluation report approval date is entered into WasteLAN as the actual Integrated Removal/Remedial Assessment completion date (Actual Complete) with a valid lead (Lead); and
- ☐The decision is documented by completing the Site Decision Form 9100-3 in WasteLAN or an equivalent document. The decision document must be printed, signed by the appropriate Regional official, and placed in the file.

A valid decision must be recorded in WasteLAN upon completion of the PA. Please refer to Exhibit A.2 in section A.A.5 for a list of valid qualifiers for this action and a description of each qualifier.

Changes in Definition FY 02/03 - FY 04/05:

None.

Special Planning/Reporting Requirements:

Planning dates are not required for Integrated Assessments. Actual start and completion dates are required for Integrated Assessments. Integrated Assessment action qualifiers are required. Integrated Removal Assessment and PA, Integrated Removal Assessment and Site Inspection, Integrated Removal Assessment and Combined PA/SI, Integrated Removal Assessment and Expanded Site Inspection, Integrated Removal Assessment and Site Inspection Prioritization, Integrated Removal Assessment and ESI/RI and Integrated Removal Assessment and HRS Package starts and completions at non-Federal facilities are program measures.

Regions are responsible for maintaining the accuracy of the non-NPL status for every non-NPL site in the CERCLIS inventory. As new actions and new dates are entered into WasteLAN, the system automatically calculates a new value for this field based on the traditional sequence of site assessment work. Regions must confirm or change this value as appropriate.

Data Entry Timeliness Requirement:

SPIM Action/ Activity	Activity Type	SPIM Lead	Documentation Required	Documentation Approval/ Date Requirements	Data Must Be Entered By
Action Name = Int Rmvl Assess and Preliminary Assessment (QT)	Program Measure	F, EP, S, TR	Start: Site-specific Integrated Removal/Remedial Evaluation work plan (e.g., Removal Assessment and SI work plan);	Start: EPA approval.	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.
Int Rmvl Assess and Site Inspection (QJ)					
Int Rmvl Assess and Combined PA/SI (OU)			Completion: Letter, form, or memo approving the Integrated Removal/Remedial Evaluation report; or Note indicating that the report meets the requirements for the related assessment activities; Decision Form 9100-3, or an equivalent document.	Completion: Signed by appropriate Regional official.	
Int Rmvl Assess and Expanded Site Inspection (OY)					
Int Rmvl Assess and HRS Package (OZ)					
Int Rmvl Assess and ESI/RI (OV)					
Int Rmvl Assess and SIP (QO)					

s. NPL LISTING**Definition:**

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 28.50 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 of 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.

Backlogs

In general, the backlog for proposing sites to the NPL consists of sites having a Non-NPL Status of “HRS Package Completed - Further Evaluation Needed”.

Definition of Accomplishment:

Proposed NPL Listing - The process of proposing a site for placement on the NPL is complete (Actual Complete date) when a Proposed Rule proposing the site to the NPL [Action Name = Proposal to NPL] is published in the *Federal Register*.

Removal of Proposed NPL Listing - The process of removing a site from the list of proposed NPL sites starts (Actual Start date) when a proposal to remove the site is published in the *Federal Register* and is complete (Actual Complete date) when final notice of the removal is published in the *Federal Register* [Action Name = Removed from the Proposed NPL].

Final NPL Listing - The listing process for a site is complete (Actual Complete date) when a Final Rule adding the site to the NPL [Action Name = Final Listing on NPL] is published in the *Federal Register*.

Withdrawn from the Final NPL - The process of withdrawing a site is complete (Actual Complete date) when a Final Rule withdrawing the site [Action Name - Withdrawn from the NPL] is published in the *Federal Register*.

Changes in Definition FY 02/03 - FY 04/05:

None.

Special Planning/Reporting Requirements:

The following data are to be entered into WasteLAN:

Regional Responsibility

Regions are responsible for entering the following site-related information.

- Site name (Listing Site Name will not be editable)
- EPA Site ID
- Street Address
- City
- County
- State
- Zip Code
- Region
- Congressional district
- Regional Latitude and Longitude

HQ Responsibility

- The NPL listing Actions (Proposal to NPL, Removed from Proposed NPL, Final Listing on NPL, and Withdrawn from the NPL);
- The actual completion date for these actions;
- An action lead of Fund-financed (F);
- The NPL Status of “Proposed for NPL (P)”, Removed from list of proposed NPL sites (R)”, “Currently on Final NPL (F)”, “Withdrawn from NPL (W)”, and “Deleted from the NPL (D)”;
- The *Federal Register* citation;
- The Federal facility status; and
- *Federal Register* dates.

NOTE:

Further information on Deletion and Partial Deletion from the NPL can be found in Appendix B of this Manual. NPL Listing is a program measure.

Data Entry Timeliness Requirement:

SPIM Action/ Activity	Activity Type	SPIM Lead	Documentation Required	Documentation Approval/ Date Requirements	Data Must Be Entered By
Action name = Proposal to NPL (NP)	Program Measure	F	Proposed Rule proposing the site to the NPL.	Published in the Federal Register.	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.
Removed from the Proposed NPL (NR)			Start: Proposal to remove the site. Complete: Final notice of the removal.		
Final Listing on the NPL (NF)			Final Rule adding the site to the NPL.		
Withdrawn from the NPL (TW)			Final Rule withdrawing the site.		

t. OTHER CLEANUP ACTIVITY (OCA)**Definition:**

This action is used to document cleanup work at non-NPL sites being conducted by non-EPA parties without EPA enforcement or oversight.

Definition of Accomplishment:

OCA Starts - An OCA (Action Name = Other Cleanup Activity) start date is defined as the date EPA acknowledges that the site is being cleaned up by a non-EPA party as supported by documentation between EPA and the non-EPA party leading the cleanup. Valid leads for Other Cleanup Activity are: State Enforcement (SE), PRP Lead Under State (SR), State (S), No Fund Money (SN), Tribal (TR), Federal Facility (FF), PRP Response Under State (PS), and PRP (RP).

OCA FADs - The site has been cleaned up or is making progress toward cleanup as supported by written documentation (work sharing agreement, site specific progress report, AOC, remedial action plan, VCP/other MOA, etc.) between the non-EPA party and EPA stating that the site has been or is being cleaned up according to appropriate cleanup standards.

OCA Completions - An OCA (Action Name = Other Cleanup Activity) completion date is defined as the date EPA receives documentation from the non-EPA party that the site has been cleaned up in accordance with all applicable standards and requirements. The date the documentation is received is entered into WasteLAN as the actual completion date of the OCA;
and

The decision is documented by completing the Site Decision Form 9100-3 in WasteLAN, or an equivalent document. The decision document must be printed, signed by the appropriate regional official, and placed in the site file.

Valid decisions to be recorded in WasteLAN upon completion of the OCA include:

- (H) - High - Higher priority for further assessment; or
- (L) - Low - Lower priority for further assessment; or
- (N) - No further remedial action planned; or
- (D) - Deferred to RCRA (Subtitle C); or
- (DN) - Deferred to NRC; or
- (A) - Site is being addressed as part of an NPL site. A site having an event qualifier of Collapsed should have an NPL Status indicator (Site NPL Status) of "A" and a valid value in the Site Parent ID field; or
- (F) - Referred to the removal program with further remedial assessment needed; or
- (W) - Referred to the removal program with no further remedial assessment needed.

Changes in Definition FY 02/03 - FY 04/05:

None.

Special Planning/Reporting Requirements:

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

1. Comprehensive Site Investigation (SubAction Name = Comprehensive Site Investigation)
2. Remedy Selection (SubAction Name = Remedy Selection);
3. Design (SubAction Name = Design);
4. Construction (SubAction Name = Construction);
5. Post-Construction Maintenance (SubAction Name = Post Construction Maintenance); and
6. Short Term Cleanup (SubAction Name = Short Term Cleanup).

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

The following action qualifiers are available for these SubActions:

- (H) - High - Higher priority; and
- (L) - Low - Lower priority; and
- (Blank) - No qualifier specified.

Regions are responsible for maintaining the accuracy of the non-NPL status for every non-NPL site in the CERCLIS inventory. As new actions and new dates are entered into WasteLAN, the system automatically calculates a new value for this field based on the traditional sequence of site assessment work. Regions must confirm or change this value as appropriate.

Data Entry Timeliness Requirement:

SPIM Action/ Activity	Activity Type	SPIM Lead	Documentation Required	Documentation Approval/ Date Requirements	Data Must Be Entered By
Action name = Other Cleanup Activity (VA)	Program Measure	SE, SR, S, SN, TR, FF, PS, RP	Start: Documentation between EPA and the non-EPA party leading the cleanup.	Start: EPA acknowledges the site is being cleaned up by a non- EPA party. Completion: Date the non-EPA party completes/ completed cleanup work at a non-NPL site.	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.

A.B. SUBJECT MATTER EXPERTS

The following table identifies the subject matter experts for Appendix A: Site Assessment and NPL Listing Decisions.

EXHIBIT A.3 SUBJECT MATTER EXPERTS

Subject Matter Expert	Subject Area	Phone #
Randy Hippen	Site Assessment/NPL Listing	(703) 603-8829
Robert White	SPIM Lead	(703) 603-8873

**This Page Intentionally
Left Blank**

Superfund Program Implementation Manual FY 04/05

Appendix B: Response Actions

**This Page Intentionally
Left Blank**

Appendix B Response Action

Table of Contents

B.A	Current Program Priorities -	B-1
B.A.1	Protecting Human Health and the Environment	B-1
	a. Removal Actions	B-1
	b. Homeland Security	B-1
	c. Pipeline Management Review/RA Construction	B-2
	d. Post Construction	B-4
	e. Superfund Alternative Sites	B-5
B.A.2	Maximizing Program Efficiency and Effectiveness	B-6
	a. Innovative Technologies	B-6
	b. Contract Management	B-7
	c. Redevelopment	B-7
	d. Reforms	B-8
B.B	FY 04/05 RESPONSE TARGETS AND MEASURES	B-8
B.B.1	Overview of FY 04/05 Response Actions Targets/Measures	B-8
B.B.2	Superfund Durations	B-9
B.B.3	Record of Decision	B-12
	a. ROD Changes	B-12
	i. Other Remedy Changes	B-12
	ii. Explanation of Significant Differences (ESDs)	B-12
	iii. ROD Amendments	B-13
	b. RODs Requiring No Physical Construction	B-13
B.B.4	Response Action Definitions	B-14
Part I. Remedy Selection		
	a. Remedial Investigation (RI) Starts (NPL & Superfund Alternative)	B-14
	b. Feasibility Study (FS) Starts (NPL & Superfund Alternative)	B-17
	c. Combined RI/FS Start (NPL & Superfund Alternative)	B-20
	d. Treatability Studies	B-24
	e. Start of Public Comment Period (<i>Proposed Plan to Public</i>) (NPL & Superfund Alternative)	B-24
	f. RI/FS Duration (NPL & Superfund Alternative)	B-25
	g. Engineering Evaluation/Cost Analysis (EE/CA)	B-26
	h. Decision Document Developed	B-27
	i. Final Remedy Selected	B-29
Part II. Remedial Implementation		
	j. Removal Starts and Removal Completions THESE MEASURES HAVE BEEN MOVED TO APPENDIX M	B-30
	k. Remedial Design (RD) Start (NPL & Superfund Alternative)	B-30
	l. RD Completion (NPL & Superfund Alternative)	B-33
	m. Remedial Action (RA) Start (NPL & PRP-lead Superfund Alternative)	B-34
	n. RA Contract Award (NPL & PRP-lead Superfund Alternative)	B-39

o.	Start of On-Site Construction	B-40
	Groundwater Monitoring	B-41
p.	Operational and Functional (O&F)	B-44
q.	Completion of a Response Action/Activity (NPL & PRP-lead Superfund Alternative)	B-45
r.	NPL Site Construction Completions	B-48

Part III. Post Construction Completion

s.	Long-Term Remedial Response (LTRA and PRP LR) (NPL & PRP-lead Superfund Alternative)	B-52
t.	Operation and Maintenance (O&M)	B-54
u.	Cleanup Goals Achieved	B-55
v.	NPL Site Completions	B-56
w.	Five-Year Reviews	B-57
x.	Partial NPL Deletion	B-59
y.	Final NPL Deletion	B-60
z.	Sites with Land Ready for Reuse	B-61
aa.	Acres at Sites with Land Ready for Reuse	B-63

Part IV. Environmental Indicators

bb.	Long-Term Human Health Protection Indicator	B-64
cc.	Migration of Contaminated Ground Water Under Control	B-67
dd.	Populations Protected	B-69
ee.	Cleanup Volumes	B-70

Part V. Support Activities

ff.	Support Agency Assistance	B-71
gg.	Technical Assistance	B-72
hh.	Pre-design Assistance	B-72

B.C SUBJECT MATTER EXPERTS	B-74
----------------------------	------

**Appendix B
Response Action
Targets and Measures**

List of Exhibits

EXHIBIT B.1 RESPONSE ACTION ACTIVITIES B-10

EXHIBIT B.2 LONG-TERM HUMAN HEALTH PROTECTION INDICATOR B-66

EXHIBIT B.3 SUPERFUND MIGRATION OF CONTAMINATED GROUND WATER
UNDER CONTROL WORKSHEET B-68

EXHIBIT B.4 SUBJECT MATTER EXPERTS B-74

**This Page Intentionally
Left Blank**

APPENDIX B RESPONSE ACTIONS

B.A CURRENT PROGRAM PRIORITIES

B.A.1 Protect Human Health and the Environment

Protection of human health and the environment remains the highest priority for the Superfund Program. 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.

a. Removal Actions

The goal of EPA's emergency response and removal program is to provide quick response to immediate threats to public health and the environment from releases of hazardous substances whenever and wherever they occur.

EPA will continue to enhance its emergency response infrastructure through procurement of state-of-the-art response equipment and continued training and exercising of response personnel. EPA will also ensure that the appropriate resources and contract vehicles are available to conduct necessary removal actions.

b. Homeland Security

EPA played a crucial role in response to the terrorist attacks of September 11, 2001, particularly, through its emergency response program. In FY 2004, the Agency will improve its ability to respond effectively to terrorist-related chemical, biological, and radiological incidents. These enhancements will be achieved through continued improvement of national coordination and decision-making for large-scale incidents; improved field response capabilities in EPA Regions through better-trained responders and improved specialized equipment; improved capabilities of National Response System (NRS) special forces such as the Environmental Response Team (ERT) and the National Decontamination ("Decon") Team; and improved coordination with and enhancement of other response agencies.

In FY 2004 Homeland Security activities will continue to concentrate on implementing recommendations in the September 11 Lessons Learned Report. Efforts will include improving the operations of the National Incident Coordination Team which serves that EPA focal point for coordinating response efforts and handling cross-program and multi-program issues before and during terrorist incidents. The program will also continue to upgrade the EPA Emergency Operations Center and coordinate development of a comprehensive EPA Continuity of Operations/Continuity of Government plan that can be immediately activated when a catastrophic emergency occurs.

EPA's field response capability relies on a support infrastructure including specialized equipment, equipment inventories, and laboratory support. The Agency will continue to build on its equipment support by identifying state-of-the-art detection, monitoring, and response equipment designed to address chemical, biological, and radiological agents. Also, EPA will build inventories of standard response equipment such as personal protective gear to ensure that it is prepared to respond to multiple incidents. Equipment will be maintained and replaced as necessary to ensure the Agency has the best technology available.

EPA's field responders and National Response System special forces require extensive training in a variety of response-related areas, including scientific and technical training for detection, analysis, and response to chemical, biological, and radiological agents; and training in incident command system response management processes.

Training courses will be developed and implemented for different levels of response experience and involvement, including refresher courses for senior, experienced responders; in-depth training for newer responders in both scientific and response management areas; and training for all responders in state-of-the-art response techniques and emerging chemical, biological, and radiological threats.

EPA's Environmental Response Team (ERT) will continue to provide specialized field support to Regional responders, including specialized air monitoring, health and safety support, and other scientific and technical support. ERT will continue to enhance its capabilities in its Edison, New Jersey, Cincinnati, Ohio, and Las Vegas, Nevada, locations to ensure that they are ready at all times to quickly and effectively meet the specialized field support needs of EPA's responders, including those responses to terrorist incidents with biological, chemical, and radiological agents.

EPA will continue the development of the National Response Decontamination Team (Decon Team) that provides unique, immediate response capabilities to safely and effectively support decontamination activities related to chemical, biological, and radiological terrorism events. While focused domestically, the Decon Team may respond worldwide delivering scientific and engineering expertise for the decontamination of buildings, building contents, public infrastructure, indoor environments and the associated environmental media. The primary function of the Decon Team is to support EPA OSCs conducting or overseeing response activities under the authorities of the National Contingency Plan (NCP) at the scene of the aftermath of a weapon of mass destruction (WMD) event. The Decon Team is designed to integrate with and operate from within incident command structures, along with and complementing other Special Forces. When not fully engaged, this team is devoted to preparedness activities related to the team's primary function.

EPA's capability to respond effectively to chemical, biological, and radiological incidents will be measured through the Core Emergency Response (Core ER) program. This continued enhancement in EPA's Regional response capabilities will cover all aspects of the Core ER program, including Regional Response Centers, transportation, coordination with backup Regions, health and safety, delegation and warrant authorities, response readiness, response equipment, identification clothing, training and exercises, and outreach. The Agency will establish measurable improvement goals in Core ER and will work toward that improvement through exercises and other program enhancements.

EPA has established a criteria of excellence through the structure of the Core ER program. While EPA is currently prepared to respond to chemical, biological, and radiological incidents, improvement in the emergency response and homeland security readiness measure will demonstrate an increased ability to respond quickly and effectively to national-scale events. The FY 2004 Core ER target is to improve emergency response and homeland security readiness by 10% from the FY 2003 baseline performance.

c. Pipeline Management Review/RA Construction

The Agency initiated the Superfund Pipeline Management Review (PMR) during FY 2002 to evaluate and address the reduction in construction completions during FY 2001 and the potential shortfall of remedial action funding in FY 2002 and the out years. The purpose of the PMR is to ensure that Agency resources are properly focused to achieve maximum results, including protection of human health and the environment, as well as, progress towards completion of response actions at sites.

As of January 1, 2003, Superfund has 1,499 final and deleted sites on the NPL, of which approximately 650 require response actions (also called construction) to achieve protection of human health and the environment. As the program has matured, more sites have advanced to the construction phase. Superfund construction projects are technically complex and costly, and the growth in the number, size, duration and cost of these projects over time has resulted in a backlog of construction projects awaiting funding. Superfund cleanups directly support the Agency goal of ensuring that the Nation's land is protected.

Construction completion has been the primary performance measure for the Superfund program and the Agency remains committed to completing construction at Superfund sites. The program achieved 42 construction completions during FY 2002, for a total of 846 completions since the inception of the program. EPA projections indicate that construction completion accomplishments are likely to remain at approximately 40 during FY 2004. Since the beginning of the program, the Agency has averaged 42 construction completions per year. Through the PMR, EPA is increasing the precision with which it tracks construction completion candidates and projects future construction completion achievements, extending the planning horizon for making funding decisions for Superfund construction projects, and implementing new policies and actions to maximize the use of resources available for construction. The Agency has moved to a three year planning cycle to identify and track construction completion candidate sites. EPA continues to closely follow site progress and identify potential critical points as sites move toward construction completion.

Starting in FY 2003, as part of the three year cycle for construction completion planning and tracking, the Agency will regularly conduct detailed and comprehensive reviews of construction completion candidates for the current year and the following two years. The information collected from the discussions will be added to the tracking system to better follow site progress, identify potential problems, and sharpen projections of future construction completions.

Funding for Superfund construction projects is critical to achieving risk reduction and construction completion measures. Although funding levels for the program have remained relatively stable in recent years, the cost of the Superfund construction projects underway and those awaiting funding is increasing. As a result, a backlog of projects ready to begin construction; but awaiting funding has developed.

Through the PMR, the Agency is continuing the following internal actions to address the shortfall in funding:

1. Review the scope, budget and schedule of ongoing construction projects to ensure available resources are directed where they are immediately needed,
2. Review construction start candidates to ensure that sites that present an immediate risk to human health are addressed, while balancing the programmatic need to complete construction at other sites,
3. Emphasize "enforcement first" to maximize the involvement of responsible parties to conduct cleanups, and
4. Aggressively pursue alternative sources of funding to supplement annual appropriations. Alternate sources of funds include unexpended funds in program contracts and other funding agreements, and responsible party settlement resources that are available and can be used to finance response actions. EPA will use deobligated funds for remedial work at high priority sites.

The first priorities for response funding are classic emergencies and actions necessary to address immediate threats to human health. Ongoing RAs, mixed funding, and mixed work projects receive priority for funding over new cleanup work. New Fund-financed cleanup work (with the exception of emergency and time-critical removal actions) will be subject to priority ranking by the National Risk-Based Priority Panel and will be screened to ensure actions have been taken to compel all appropriate PRPs to conduct the cleanup. The Panel consists of representatives from each region and HQ (OSRTI and OSRE) and utilizes a risk-based environmental priority setting approach. New cleanup work is funded based on actual or potential risks to human health and the environment as well as the need to maintain construction progress. Determination on whether a project represents new or ongoing work will be made by the Panel. New cleanup work consists of large removal actions that exceed funding levels

available within a region's baseline removal budget, as well as cleanup construction activities at sites. The panel meets one or more times a year for evaluation of projects.

d. Post Construction

As a result of the increase in construction completion sites, the post construction workload required to ensure that the Superfund response actions remain protective for human health and the environment also is increasing. Post construction encompasses a number of discrete but related activities including: Five Year Reviews; implementation, monitoring and enforcement of institutional controls; operation and maintenance and long-term response actions; optimization of remedies; and deletion of sites from the NPL. EPA, states, Federal facilities, PRPs, local governments and communities all play an integral role in performing post construction activities. External stakeholder interest in post construction activities is high. The EPA Inspector General has completed reviews of the program's Five Year Review performance and corrective actions have been identified and implemented. Resources for the Future (RFF) and other external organizations have completed research studies on long term stewardship. In its report "Superfund's Future: What Will It Cost?", RFF is critical of the Agency's post construction efforts, particularly in the quality of Five Year Review reports and the implementation and management of institutional controls.

Five Year Reviews are required by statute and program policy, generally when residual contamination remains on site after cleanup. Five Year Reviews provide an opportunity to evaluate remedies, correct problems or deficiencies, and adjust operations and maintenance where necessary. Five Year Reviews have been completed at approximately 1000 sites as of October 2002. Between 150 and 180 reviews per year are scheduled over the next several years. The Agency committed to eliminate the backlog of overdue reviews by the end of 2002 and achieved this goal. Revised guidance on conducting Five Year Reviews was issued in June 2001 and training has been provided to all regions with the goal of improving the quality of the Five Year Reviews and the resulting reports.

Institutional controls are administrative and/or legal mechanisms intended to minimize the potential for exposure to contamination and protect the integrity of a remedy. Examples of institutional controls include zoning restrictions, excavation and building permits, easements, covenants, deed notices, and advisories. Although institutional controls are recognized as critical remedy components, the challenge is that they are often implemented, monitored and enforced by an entity other than those responsible for the cleanup. As a matter of policy, institutional controls are necessary if a site cannot support unrestricted use and unlimited exposure due to residual contamination and/or the presence of engineered remedy components that may be damaged by uncontrolled future site activities. Institutional controls can be used at any point in the cleanup, however, implementation frequently lags behind the completion of physical remediation. Institutional controls do not need to be in place to achieve construction completion, however, delays in implementing institutional controls will impact the ability to delete sites from the NPL. Guidance has been developed to aid with the identification, evaluation and selection of institutional controls and guidance is being developed on the implementation, monitoring and enforcement of institutional controls; estimating the costs of institutional controls; and planning for institutional controls. In addition, materials for community stakeholders and an institutional control tracking system are under development.

Operation and maintenance (O&M) is an important component of a Superfund response to ensure that the remedy performs as intended. Actions range from maintaining engineering containment structures (e.g., landfill covers) to operating groundwater remediation systems. O&M is the responsibility of the Federal facility, PRP or state. EPA is responsible for assuring that the work is adequately performed for the life of the project. One exception is for Fund-financed groundwater remediation systems where EPA retains operating responsibility for up to ten years (called Long Term Response Actions (LTRA)) prior to transferring the system to the state. Many sites are nearing the end of the ten year period and regions must prepare these sites for transfer. A guidance summarizing best practices is under development.

Once groundwater remediation systems have been operating, opportunities may exist to optimize or more efficiently operate the system. EPA has conducted pilot optimization studies and preliminary results indicate a potential to improve system performance and reduce costs. Once implemented, optimization reviews should provide assurances that these systems are operating efficiently prior to transfer to the state for long term operations. Optimization protocols also can be made available to PRPs and Federal facilities.

Sites can be deleted from the NPL once all response actions are complete, including implementation of institutional controls, and all cleanup levels have been achieved. As of October 2002, 265 sites were deleted from the NPL. Expeditious deletion of sites is a post construction emphasis. In FY 2003 and beyond, EPA plans to delete 30 sites per year.

e. Superfund Alternative Sites

The category of “Superfund Alternative (SA) sites” has been identified in OSWER 92-08.0-17, “Response Selection and Enforcement Approach for Superfund Alternative Sites,” a directive issued on June 24, 2002, by OSRE and OERR, now OSRTI. This “SA” designation is an important component of the work of the Superfund program, with an increased number of sites addressed as SA sites. In order to provide accurate reporting of work and appropriate credit to EPA Regions for cleanup of non-NPL sites as well as NPL sites, SA sites have been incorporated into the SPIM.

For purposes of this appendix, references to remedial pipeline activities [i.e., Remedial Investigation (RI), Feasibility Study (FS), Combined RI/FS, Remedial Design (RD), Remedial Action (RA)] at Superfund Alternative sites apply only to those Fund-lead and PRP-lead activities at sites that the region has determined would achieve a Hazard Ranking System (HRS) score greater than or equal to 28.5. Such response actions must be carried out in a manner not inconsistent with the National Contingency Plan (NCP). Sites proposed to the NPL are included in this category. Regions should maintain adequate site documentation to support the ‘Superfund Alternative’ designation based on the criteria referenced above. Regions should seek PRP-lead for all remedial pipeline activities at Superfund Alternative sites; these sites must be PRP-lead for RAs. Credit for PRP-lead remedial pipeline activities at Superfund Alternative sites will only be given for activities conducted pursuant to enforceable order or agreement. Sites that meet these criteria should be identified in WasteLAN using the special initiatives indicator of “Superfund Alternative.”¹

¹The measures outlined below for remedial pipeline activities at Superfund Alternative sites are established with the intent of capturing environmental progress previously not accounted for in existing reporting systems. Their establishment is not intended to affect established priorities for response resource allocation.

B.A.2 Maximize Program Effectiveness and Efficiency

To maximize the effectiveness and efficiency of the Superfund program during FY04/05, EPA HQ and regions will work to improve the implementation of the program based on the following processes.

a. Innovative Technologies

Environmental technology development and commercialization are a top national priority for this Administration. EPA is committed to encouraging the use of new or innovative technologies for contaminated soils and groundwater. Over the next decade, the Superfund program and other Federal agencies will spend billions of dollars each year to cleanup sites contaminated with hazardous wastes. This commitment will require the use of a wide range of site remediation processes. While existing technologies that characterize and remediate contaminated sites have been successful, the investment in site clean up provides new opportunities for the development of less expensive and more effective solutions.

The Agency has made considerable progress using new technologies in Superfund. More than half of the recent remedial cleanup decisions for source control call for technologies that were not available when the law was reauthorized in 1986. The large cleanup needs remaining in EPA programs, as well as the formidable future requirements for state and other Federal agencies, provide a continuing impetus to find more effective and less costly solutions.

The unique and varying problems posed by contaminated sites present a challenge that requires knowledge and techniques from different technical disciplines. The solutions to these problems are not to be found in existing design manuals or standards of practice. Rather, EPA is developing procedures as it goes along by creatively applying technologies from various industrial applications to unique site conditions. This field of hazardous site remediation is rapidly evolving and requires considerable effort to remain informed of recent developments.

EPA is attempting to expand the participation of responsible parties in technology development by altering the Agency's historical role and working more closely with the private sector as a partner with shared objectives. Conventionally, EPA has been viewed primarily as a regulator, permit issuer, and enforcer. These functions have kept it at arms' length from industry, which tended to view the Agency with a negative bias. EPA has been working to build new relationships with the private sector that are based on other EPA roles including technology broker, researcher, and grant maker. These cooperative efforts are expected to result in better-directed research and more joint demonstration projects. A number of significant collaborative endeavors in the areas of technology development and evaluation are currently under way.

The Agency is also very committed to the dissemination of information on technology development, evaluation and deployment. Electronic information resources offer the best hope for keeping pace with rapid developments in this field. The Clean-Up Information (CLU-IN) web site at <http://clu-in.org> offers waste professionals a rich source of current information on technologies and markets. The TechDirect monthly electronic-mail service offers subscribers up-to-date information on new remediation technology products and services developed by EPA.

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

b. Effective Contract Management

Good contract management is a Superfund priority, as well as an Agency-wide priority. In this regard, the Agency established a national workgroup to develop a new Superfund acquisition strategy for the year 2000 and beyond. The Contracts 2000 strategy builds upon the Long Term Contracting Strategy (LTCS) paradigm. The new strategy retains two key tenets of LTCS – a one-program approach and decentralization of contracts management to the regions – and keeps the LTCS contracts infrastructure in place.

The major goals of Contracts 2000 are: 1) balancing national consistency with regional flexibility; 2) introducing more competition into the contracting process; 3) increasing small, small disadvantaged, and women-owned business participation in the Superfund contracting program; 4) adopting new contracting vehicles and methods such as performance-based contracting, and fixed price contracting; and 5) developing “performance focused” statements of work for all of the follow-on contracts.

The Agency is currently in the implementation phase of the Contracts 2000 process. We have finalized national implementation plans for the START (Superfund Technical Assessment and Response Team), ERRS (Emergency and Rapid Response Services), ESS (Enforcement Support Services), ROC (Regional Oversight Contracts), and ESAT (Environmental Services Assistance Teams) contracts and developed a strategy for acquiring Superfund design and construction services when the current Response Action Contracts (RACs) expire starting in 2005.

c. Redevelopment

Superfund cleanups address real threats to public health and the environment and have been instrumental in returning sites to productive uses. In the last six years, EPA has become increasingly aware of the importance of fully exploring future use opportunities at Superfund sites with its partners before selecting and implementing cleanup remedies. This shift in thinking has resulted in Superfund sites, which were once thought to be unusable, being “recycled” back into productive use. EPA is encouraging the reuse of Superfund sites in several ways, such as making cleanup decisions that are consistent with intended reuse and limiting the liability of interested developers. Large and small businesses, shipping terminals, community libraries, sports fields, and golf driving ranges are just a few of the many ways in which Superfund sites are being reused following their cleanup.

The Superfund program is undertaking a nationally coordinated effort — the Superfund Redevelopment Program (SRP) — to facilitate the return of Superfund sites to productive use. Announced on July 23, 1999, this program builds on the success noted above, as well as on the achievements of the Superfund reforms focused on economic redevelopment. In carrying out this program, the priority remains the protection of human health and the environment. While operating within the current regulatory and statutory framework, EPA will take full advantage of its administrative flexibility in implementing SRP. The Superfund Program remains committed to accelerating the pace of cleanups without compromising its “enforcement first” approach, which includes the recovery of costs from those responsible for the pollution. SRP will focus on the activities that support remedy selection and design. EPA does not anticipate reopening formal decisions already made, such as RODs and enforcement orders and decrees.

Under SRP, pilot projects were selected to enhance the involvement of local governments in determining the potential future uses of Superfund sites and to demonstrate tools that can be used to facilitate redevelopment. Ten pilot sites were selected during FY 99, forty additional pilots were selected during FY 00, and 19 more sites in FY 02. All pilots are being monitored and evaluated for lessons learned and potential future program enhancements. The other components of SRP include: revisions to policy and guidance, where needed, and new guidance and technical tools; outreach to share information about site reuses, the tools that can help stakeholders repeat those successes at other sites, and the reuse potential of specific sites; and partnerships with other public and private entities with resources or other capabilities to support the redevelopment of the sites. (Please see the Superfund

Redevelopment web site at www.epa.gov/superfund/programs/recycle/index.htm). The reuse of Superfund sites is taking place now, and with a coordinated national effort, EPA can accomplish even more.

d. Reforms

Since 1993, EPA has launched three rounds of reforms to Superfund to address criticisms raised by affected parties and to improve the pace, cost, and fairness of the program. Each set of reforms consists of various initiatives and pilots focusing on changes to the program that can be implemented within the existing statutory framework. These reforms were intended to accomplish different goals, ranging from strengthening the program to testing concepts developed during Congressional debate on reauthorization legislation. The reforms have helped to improve the overall performance of the program. EPA has effectively reduced the pursuit of small volume (i.e., de minimis and de micromis) contributors by private parties, increased public involvement in the cleanup process by establishing Community Advisory Groups and promoting the availability of Technical Assistance Grants, promoted economic development and environmental justice with Brownfields and job training initiatives, and saved in excess of \$1 billion in estimated response costs through the National Remedy Review Board and the Remedy Update Reform. EPA has streamlined cleanups, increased fairness and made common sense improvements to Superfund. As a result of all the reforms, Superfund is a dramatically different program today than it was at its inception.

B.B. FY 04/05 RESPONSE TARGETS AND MEASURES

B.B.1. OVERVIEW OF FY 04/05 RESPONSE ACTIONS TARGETS/MEASURES

The Superfund Comprehensive Accomplishments Plan (SCAP) is used by the Assistant Administrator for the Office of Solid Waste and Emergency Response (AA OSWER), Assistant Administrator for the Office of Enforcement and Compliance Assurance (AA OECA), and senior Superfund managers to monitor progress each region is making towards achieving the Government Performance and Results Act (GPRA) annual performance goals. In addition, SCAP will continue to be used as an internal management tool to project and track activities that contribute to these GPRA goals and support resource allocation. The program will set national goals based on historical performance and performance expectations within a limited budget for the performance goals in GPRA and track accomplishments in the activities contributing to those goals. Regions should continue to plan and report accomplishments in WasteLAN as they have traditionally.

To more clearly reflect the relationship between GPRA and the SCAP process, GPRA annual performance goals and measures and program targets and measures are defined as follows:

- **GPRA Annual Performance Goals (APG) and GPRA Annual Performance Measures (APM)** - The Agency's Annual Plan describes the specific annual performance goals, annual measures of outputs and outcomes, and activities aimed at achieving the performance goals that will be carried out during the year. APGs are the specific activities that the Agency plans to conduct during the fiscal year in an effort towards achieving its long-term strategic goals and objectives. APMs are used by managers to determine how well a program or activity is doing in achieving milestones that have been set for the year. The annual performance goals will inform Congress and Agency stakeholders of the expected level of achievement for the significant activities covered by the GPRA objective. The goals are a subset of the overall planning and budgeting information that has traditionally been tracked by the Superfund program offices.
- **Program Targets and Measures** are activities deemed essential to tracking overall program progress. Program targets are used to identify and track the number of actions that each region is expected to perform during the year and to evaluate program progress. For Five Year Reviews, program targets are used to identify and track the specific number of sites, not actions. These sites must be targeted site specifically and cannot be substituted for other sites. Program measures are used to show progress made in achieving program priorities.

The following pages contain, in pipeline order, the definitions of the FY 04/05 removal and remedial activities, GPRA annual performance goals, GPRA and program measures, and removal and remedial project support activities. Exhibit B.1 displays the full list of removal and remedial activities defined in this Appendix. Exhibit B.4, at the end of this Appendix, lists the subject matter experts for each relevant subject area.

B.B.2. SUPERFUND DURATIONS [To be updated later]

The Superfund program has tracked remedial pipeline durations for several years in the Superfund Senior Management Reports as part of Superfund progress evaluation. As program management emphasis shifts from administrative progress to more comprehensive measurement of program progress, OSRTI will track additional durations besides the remedial pipeline durations. These durations include: Engineering Evaluation/Cost Analysis (EE/CA) duration; Expanded Site Inspection/Remedial Investigation (ESI/RI) duration; removal duration; average duration between proposed listing to first removal or remedial action; and average duration from action memorandum to first removal completion. In FY 04/05, OSRTI will track the average action and site durations presented below. These durations are not SCAP measures; they are presented here for informational purposes only. HQ is responsible for calculating and publishing the durations in the Superfund Senior Management Reports; however, regions are responsible for entering and maintaining accurate data from which durations can be derived.

The durations only cover non-Federal actions and are calculated based on actual dates. In addition, they do not include takeovers (within actions) or phased actions. These durations are tracked by the response and enforcement programs.

- ☐ Average Remedial Investigation/Feasibility Study (RI/FS) Duration
- ☐ Duration from Record of Decision (ROD) to Remedial Design (RD) Start
- ☐ Duration from ROD to Remedial Action (RA) Start

**EXHIBIT B.1
RESPONSE ACTION ACTIVITIES**

ACTIVITY	GPRA		PROGRAM	
	APG	APM	Target	Measure
Remedial Investigation (RI) Starts (NPL & Superfund Alternative)				✓☐
Feasibility Study (FS) Starts (NPL & Superfund Alternative)				✓☐
Combined RI/FS Starts (NPL & Superfund Alternative)				✓☐
Treatability Studies				✓☐
Start of Public Comment Period (Proposed Plan to Public) (NPL & Superfund Alternative)				✓☐
RI/FS Duration (NPL & Superfund Alternative)				✓☐
Decision Document Developed				✓☐
Final Remedy Selected/Final ROD Authority		✓☐		
Engineering Evaluation/Cost Analysis (EE/CA)				✓☐
Removal Starts	✓☐			
Removal Completions				✓☐
RD Start (NPL & Superfund Alternative)				✓☐
RD Completion (NPL & Superfund Alternative)				✓☐
RA Start (NPL & PRP-lead Superfund Alternative)				✓☐
RA Contract Award (NPL & PRP-lead Superfund Alternative)				✓☐
Start of On-Site Construction				✓☐
Operational and Functional (O&F)				✓☐
Completion of a Response Action/Activity (NPL & PRP-lead Superfund Alternative)				✓☐
NPL Site Construction Completions	✓☐			

NOTE: Accomplishments are updated and reported on a daily basis. Selected National reports are run quarterly.

EXHIBIT B.1 (cont'd)
RESPONSE ACTION ACTIVITIES

ACTIVITY	GPRA		PROGRAM	
	APG	APM	Target	Measure
Long-Term Response Action (LTRA & PRP LR) (NPL & PRP-lead Superfund Alternative)				✓ <input type="checkbox"/>
Operation and Maintenance (O&M)				✓ <input type="checkbox"/>
Cleanup Goals Achieved				✓ <input type="checkbox"/>
NPL Site Completions				✓ <input type="checkbox"/>
Five-Year Reviews			✓ <input type="checkbox"/>	
Partial NPL Deletion				✓ <input type="checkbox"/>
Final NPL Deletion			✓ <input type="checkbox"/>	
Sites with Land Ready for Reuse		✓ <input type="checkbox"/>		
Acres at Sites with Land Ready for Reuse		✓ <input type="checkbox"/>		
Human Exposure Under Control		✓ <input type="checkbox"/>		
Migration of Contaminated Groundwater Under Control		✓ <input type="checkbox"/>		
Populations Protected				✓ <input type="checkbox"/>
Cleanup Technologies Applied				✓ <input type="checkbox"/>
Support Agency Assistance				✓ <input type="checkbox"/>
Technical Assistance				✓ <input type="checkbox"/>
Pre-Design Assistance				✓ <input type="checkbox"/>

NOTE: Accomplishments are updated and reported on a daily basis. Selected National reports are run quarterly.

B.B.3 Record of Decision (ROD)

A ROD is prepared after completion of public comment period on the FS and proposed plan for an early action (remedial authority) or long-term response action. The ROD identifies the Agency's selected remedy.

a. ROD Changes

After a ROD is signed, new information may be generated that could affect the remedy selected. Three types of changes can occur: Other Remedy Change, Explanation of Significant Differences, and ROD Amendment. All of these documents need to be sent to the below HQ address within 5 (five) days after signing:

Decision Document Coordinator
US EPA (MC 5202G) 12th Floor
Crystal Gateway 1
1235 Jefferson Davis Hwy
Arlington, VA 22202

i. Other Remedy Changes Document Non-Significant Remedy Changes

Non-significant remedy changes fall within the normal scope of changes occurring during the Remedial Design/Remedial Action (RD/RA) or limited RA. These changes typically result from value engineering. This may cause minor changes in the type/cost of materials, equipment facilities, services, and supplies. When such changes do not significantly affect the scope, performance, or cost of the remedy, they are considered minor or non-significant.

Other Remedy Changes should be documented in a Note to File or Memorandum to File, titled "Other Remedy Change." Copies of these documents shall be placed into the Administrative Record (AR), and need to be mailed to the above address at HQ. Since the document is placed into the AR, it is available for public review. A formal public comment period, public meeting and responsiveness summary are not needed. An Other Remedy Change is not a new ROD and should not be coded as such in WasteLAN. It should be entered as a SubAction to the ROD (Action Name = Record of Decision and SubAction Name = Other Remedy Change). Other Remedy Change data are entered into WasteLAN at the time the document is signed. The date the Other Remedy Change at a NPL or Superfund Alternative site is signed by the designated Regional Official or the AA OSWER is reported as the actual completion date (Actual Complete) of the Other Remedy Change SubAction (Action Name=Record of Decision and SubAction Name=Other Remedy Change). Response action and cost data only need to be entered when they change. Other Remedy Changes are tracked as an internal reporting measure.

ii. Explanation of Significant Differences (ESDs) Document Significant Changes to a Component of a Remedy

Significant changes to a component of a remedy generally are incremental changes to the hazardous waste approach selected for the site (i.e., a change in timing, cost and implementation). These changes do not fundamentally alter the overall approach intended by a remedy. When significant changes are made to a component of a remedy, an Explanation of Significant Differences (ESD) should be prepared.

A copy of the ESD is placed into the AR, and a copy needs to be mailed to the above address at HQ. The ESD is made available to the public for review. A formal public comment period, public meeting, and responsiveness summary are not required. While the ESD is being prepared and made available to the public, response activities should continue. An ESD is not a new ROD and should not be coded as such in WasteLAN. It should be entered as a SubAction to the ROD (Action Name = Record of Decision and SubAction Name = Explanation of Significant Dif). ESD data are entered in WasteLAN at the time of ESD signature. The date the ESD at a NPL or Superfund

Alternative site is signed by the designated Regional Official or the AA OSWER is reported as the actual completion date (Actual Complete) of the ESD SubAction (Action Name = Record of Decision and SubAction Name = Explanation of Significant Diff). Response action and cost data only need to be entered when they change. ESDs are tracked as an internal reporting measure.

iii. ROD Amendments are Fundamental Changes to the ROD

When the hazardous waste management approach selected in the ROD is reconsidered, it is a fundamental change. For example, the innovative technology originally selected in the ROD did not perform satisfactorily during the pilot scale testing, and a decision is made to switch to another remedy. This would represent a fundamental change. If, as a result of PRP negotiations, the remedy in the ROD is changed from incineration to bioremediation, this also represents a fundamental change. When such fundamental changes or amendments are made to a remedy, the ROD process (revised proposed plan, public comment period, public meeting, responsiveness summary, and amended ROD) should be repeated. The amended ROD must be placed in the AR and a copy must be mailed to the above HQ address. A fundamental change to the ROD should be recorded as a ROD amendment SubAction in WasteLAN (Action Name = Record of Decision and SubAction Name = ROD Amendment). The date the designated Regional Official or the AA OSWER signs the amended ROD at a NPL or Superfund Alternative site should be recorded in WasteLAN as the actual completion date (Actual Complete) of the ROD Amendment SubAction (Action Name = Record of Decision and SubAction Name = ROD Amendment). Regions must enter the actual completion date of the ROD Amendment along with the Alternative Name, Media Name, Media Type, Selected Response Actions, and cost data. ROD Amendments are tracked as an internal reporting measure.

b. RODs Requiring No Physical Construction

At some NPL sites, EPA may determine, through the Remedial Investigation/Feasibility Study (RI/FS) (or other means), that no physical construction is necessary to protect human health and the environment. Such a determination may be documented in no action/no further action RODs, including RODs that only require monitoring, and Limited Action RODs requiring monitored natural attenuation or institutional controls only.

These ROD events should be coded into WasteLAN as follows:

- Action Name = Record of Decision;
- Alternative Name
- Media Name
- Media Type (Air, Groundwater, Leachate, Liquid Waste, Other, Residuals, Sediment, Sludge, Soil, Solid Waste, Surface Waste); and
- Selected Response Actions
 - No Action RODs:
 - No Action
 - No Further Action
 - Monitoring

Cost data should be entered as 0 (zero)

- Limited Action RODs:
 - Natural Attenuation
 - Institutional Controls (Access Restriction, Access Restriction-Guards, Deed Restriction, Drilling Restriction, Fishing Restriction, Institutional Controls Not Otherwise Specified (N.O.S.), Land Use Restriction, Monitoring, Recreational Restriction, Revegetation, Swimming Restriction, and Water Supply Use Restriction)

B.B.4 RESPONSE ACTION DEFINITIONS

PART I. REMEDY SELECTION

a. REMEDIAL INVESTIGATION (RI) STARTS (NPL & Superfund Alternative)

Definition:

The purpose of the RI is to collect data necessary to adequately characterize the site for the purpose of developing and evaluating 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 site-wide integrated ESI/RI assessment, or as a combined Remedial Investigation/Feasibility Study (RI/FS). The start of an RI/FS is a program measure. The RI start and RI/FS start definitions are the same. Regions are not required to enter the RI start date if the RI is being conducted as part of an ESI/RI or RI/FS.

Obligation of funds for forward planning, community relations and/or other support activities do not constitute a RI start. The appropriate use of Special Account funds for remedial investigations is provided in the "Guidance on Key Decision Points in Using Special Account Funds" dated September 28, 2001.

Definition of Accomplishment:

Fund-financed (Including F-, TR - and S-lead actions) - Credit for a Fund-financed RI (Action Name = Remedial Investigation) start at an NPL or Superfund Alternative site is received when funds are obligated and the actual start date (Actual Start) has been recorded in WasteLAN. Funds are obligated when:

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

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

PRP- financed from a Special Account (Including Special Account Financed Action performed by EPA (SA-lead), the State (SS-lead), or Tribal Government (ST-lead) actions¹) - Credit for a special account-financed RI (Action Name = Remedial Investigation) start at an NPL or Superfund Alternative site is received when funds are obligated and the actual start date (Actual Start) of the RI has been recorded in WasteLAN. Funds are obligated when:

¹ Actions qualify for SA, SS, and ST leads, when the majority of the funding for the total estimated cost of the RI (including direct and indirect costs) is to be paid from a Special Account. The amount contributed from a Special Account should meet or exceed the amount contributed by the largest non-PRP entity (i.e., EPA, State where applicable) toward the total estimated cost of the RI at the site. For example, if 60% of the funds needed to finance the RI are to be derived from a Special Account and 40% of the costs will be paid out of Fund monies (or a lesser amount if State cost share is received), the majority of the cost is being paid for out of a Special Account and the action qualifies for a SA, SS, or ST lead.

- The contract modification or work assignment for the RI has been signed by the EPA Contracting Officer; or
- An IAG has been signed by the other Federal agency (BUREC or USACE); or
- A Cooperative Agreement has been signed by the Regional Administrator or designee to conduct a RI.

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

PRP-financed under Federal enforcement (Includes RP- and MR-lead actions) - A PRP- financed RI (Action Name = PRP RI) under Federal enforcement at a NPL or Superfund Alternative site starts when one of the following enforcement actions occurs:

- An Administrative Order on Consent (AOC), in which the Potentially Responsible Parties (PRPs) agree to conduct the RI, is signed by the Regional Administrator or delegatee. The RI start date (Actual Start) is the date the AOC is signed. This is reported in WasteLAN as the AOC (Action Name = Administrative Order on Consent) completion date (Actual Complete); or
- The date (Actual Complete) the PRPs provide notice of intent to comply (SubAction Name = PRP Notify EPA of Intent to Comply) with a UAO for a RP-lead RI signed (Actual Complete) by the designated Regional official (Action Name = Unilateral Admin Order) and the Response Act Pd by Parties of "PRP RI"; or
- A Consent Decree (CD), in which the PRPs agree to conduct the RI, is referred by the region to Department of Justice (DOJ) or HQ. The RI start date (Actual Start) is the date the Regional Administrator signs the memo transmitting the CD to HQ or DOJ. This is recorded in WasteLAN as the CD (Action Name = Consent Decree) actual start date (Actual Start).

PRP-financed under State enforcement (PS-lead actions) - A PRP-financed RI (Action Name = PRP RI) under State enforcement at a NPL or Superfund Alternative site starts when a State order or comparable enforcement document (Action Name = State Order or State Decree), in which the PRPs agree to conduct the RI, is signed by the last appropriate State official or party (Actual Complete) and the site is covered by one of the following:

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

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

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

In-house (EP-lead action) - Credit for an in-house RI (Action Name = Remedial Investigation) start at a NPL or Superfund Alternative site is received on the date that the region conducts the initial RI scoping meeting. The start (Actual Start) is documented by a memo to file containing the minutes from the meeting.

Changes in Definition FY 02/03 - FY 04/05:

None.

Special Planning/Reporting Requirements:

Regions are not required to enter the RI start date if the RI is being conducted as part of an RI/FS or site-wide ESI/RI. The RI actual start date is reported site-specifically in WasteLAN. For PRP-financed RIs, both the RI start (Actual Start) and the CD start (Actual Start) or notice of intent to comply with a UAO, AOC, State order, or State decree completion dates (Actual Complete) must be entered into WasteLAN. These dates should be the same. Funds for RIs and RI oversight are found in the pipeline operations AOA. Superfund Alternative sites should be identified in WasteLAN using the special initiatives indicator of "Superfund Alternative." This is a program measure.

Data Entry Timeliness Requirement:

SPIM Action/ Activity	Activity Type	SPIM Lead	Documentation Required	Documentation Approval/ Date Requirements	Data Must Be Entered By
Action name = Remedial Investigation (RI)	Program Measure	F, TR, S, SA, SS, ST	Contract modification or work assignment; or An IAG; or Cooperative Agreement.	Signed by EPA Contracting Officer; or Signed by other Federal agency; Signed by Regional Administrator or designee.	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.
Action name = PRP RI (NA)	Program Measure	RP, MR	Administrative Order on Consent (AOC) A Consent Decree (CD) RP lead: Notice of intent to comply with a UAO	Signed by Regional Administrator or delegatee. Not specified PRP's provide notice and RI is signed by designated Regional official	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.

SPIM Action/ Activity	Activity Type	SPIM Lead	Documentation Required	Documentation Approval/ Date Requirements	Data Must Be Entered By
Action name = PRP RI (NA)	Program Measure	PS	State order, or comparable enforcement document A State Enforcement Cooperative Agreement; A Superfund Memorandum of Agreement (SMOA); or A general SMOA; or Other State/EPA agreement.	Signed by all appropriate State officials or parties; Signed by Regional Administrator, Signed by appropriate State and regional official, Signed by appropriate State and Regional officials, or Signed by the appropriate State and Regional official.	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.
Action name = Remedial Investigation (RI)	Program Measure	EP	Memo containing minutes regions' initial RI scoping meeting.	Memo to file.	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.

b. FEASIBILITY STUDY (FS) STARTS (NPL & Superfund Alternative)

Definition:

The primary objective of a 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. FS Starts and combined RI/FS starts is a program measure. Regions are not required to enter the FS start date if the FS is being conducted as part of a combined RI/FS. Obligation of funds for forward planning, community relations and/or other support activities does not constitute a FS start.

The appropriate use of Special Account funds for feasibility studies is provided in the "Guidance on Key Decision Points in Using Special Account Funds" dated September 28, 2001.

Definition of Accomplishment:

Fund-financed (Including F-, TR- and S-lead actions) - Credit for a Fund-financed FS (Action Name = Feasibility Study) start at a NPL or Superfund Alternative site is received when funds are obligated and the actual start date (Actual Start) is entered into WasteLAN. Funds are obligated when:

- The contract modification or work assignment for the FS has been signed by the EPA CO; or
- An IAG has been signed by the other Federal agency (USACE or BUREC); or

- A Cooperative Agreement has been signed by the Regional Administrator or his designee to conduct a FS.

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

PRP-financed from a Special Account (Including Special Account Financed Action performed by EPA (SA-lead), the State (SS-Lead), or Tribal Government (ST-lead) actions²) - Credit for a special account-financed FS (Action Name = Feasibility Study) start at a NPL or Superfund Alternative site is received when funds are obligated and the actual start date (Actual Start) is entered into WasteLAN. Funds are obligated when:

- The contract modification or work assignment for the FS has been signed by the EPA Contracting Officer; or
- An IAG has been signed by the other Federal agency (USACE or BUREC); or
- A Cooperative Agreement has been signed by the Regional Administrator or designee to conduct a FS.

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

PRP-financed under Federal enforcement (Including RP- and MR-lead actions) - A PRP- financed FS (Action Name = PRP FS) under Federal enforcement at a NPL or Superfund Alternative site starts when one of the following enforcement actions occurs:

- An AOC that addresses FS activities is signed by the Regional Administrator or delegatee. The FS start date (Actual Start) is the date the AOC is signed. This is recorded in WasteLAN as the AOC (Action Name = Administrative Order on Consent) actual completion date (Actual Complete); or
- The date (Actual Complete) the PRPs provide notice of intent to comply (SubAction Name = PRP Notify EPA of Intent to Comply) with a UAO for a RP-lead FS signed (Actual Complete) by the designated Regional official (Action Name = Unilateral Admin Order) and the Response Acts Pd by Parties of "PRP FS"; or
- The Regional Administrator signs the memorandum transmitting the CD to DOJ or HQ that addresses FS activities is referred by the region to DOJ or HQ. The FS start date (Actual Start) is the date (Actual Start) the Regional Administrator signs the memorandum transmitting the CD (Action Name = Consent Decree) to DOJ or HQ.

PRP-financed under State enforcement (PS- lead actions) - A PRP-financed FS (Action Name = PRP FS) under State enforcement at a NPL or Superfund Alternative site starts when a State order or comparable enforcement document (Action Name = State Order or State Decree), in which the PRPs agree to conduct the FS, is signed by the last appropriate State official or party (Actual Complete), and the site is covered by one of the following:

² Actions qualify for SA, SS, and ST leads, when the majority of the funding for the total estimated cost of the FS (including direct and indirect costs) is to be paid from a Special Account. The amount contributed from a Special Account should meet or exceed the amount contributed by the largest non-PRP entity (i.e., EPA, State where applicable) toward the total estimated cost of the FS at the site. For example, if 60% of the funds needed to finance the FS are to be derived from a Special Account and 40% of the costs will be paid out of Fund monies (or a lesser amount if State cost share is received), the majority of the cost is being paid for out of a Special Account and the action qualifies for a SA, SS, or ST lead.

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

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

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

In-house (EP-lead action) - Credit for an in-house FS (Action Name = Feasibility Study) start at a NPL or Superfund Alternative site is received on the date that the region conducts the initial FS scoping meeting. The start date (Actual Start) is documented by a memo to file containing the minutes from the meeting.

Changes in Definition FY 02/03 - FY 04/05:

None.

Special Planning/Reporting Requirements:

Regions are not required to enter the FS start date if the FS is being conducted as part of a combined RI/FS. The FS actual start date is entered into WasteLAN site-specifically. For a PRP-financed FS, both the FS start date (Actual Start) and the CD start date (Actual Start), or the notice of intent to comply with a UAO, AOC, State order or State decree actual completion date (Actual Complete) must be entered into WasteLAN. These dates should be the same. Funds for FS and FS oversight are contained in the pipeline operations AOA. Superfund Alternative sites should be identified in WasteLAN using the special initiatives indicator by designating these sites as "Superfund Alternative." This is a program measure.

Data Entry Timeliness Requirement:

SPIM Action/ Activity	Activity Type	SPIM Lead	Documentation Required	Documentation Approval/ Date Requirements	Data Must Be Entered By
Action name = Feasibility Study (FS)	Program Measure	F, TR, S	Contract modification or work assignment; or IAG; or Cooperative Agreement; or	Signed by the EPA CO; Signed by other Federal agency (USACE or BUREC); Signed by the Regional Administrator or his designee.	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.

SPIM Action/ Activity	Activity Type	SPIM Lead	Documentation Required	Documentation Approval/ Date Requirements	Data Must Be Entered By
Action name = Feasibility Study (FS)	Program Measure	SA, SS, ST	Contract modification or work assignment for the FS; or An IAG; or Cooperative Agreement.	Signed by EPA Contracting Officer; Signed by other Federal agency (USACE or BUREC); Signed by Regional Administrator or designee.	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.
Action name = PRP FS (NK)	Program Measure	RP, MR	AOC; or Notice of intent to comply with a UAO; or Memo transmitting CD to DOJ or HQ.	Signed by Regional Administrator or delegatee;	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.
Action name = PRP FS (NK)	Program Measure	PS	State order, or comparable enforcement document State enforcement Cooperative Agreement; SMOA; or Other State/EPA agreement.	Signed by all appropriate State officials or parties Signed by Regional Administrator Signed by appropriate State and Regional official Signed by the appropriate State and Regional official.	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.

c. COMBINED RI/FS START (NPL & Superfund Alternative)

Definition:

The purpose of the RI/FS is to assess site conditions and evaluate alternatives to the extent necessary to select a remedy.

The start of an RI/FS is a program measure. The RI/FS start and the RI start definition are the same. Regions are not required to enter the RI start date if the RI is being conducted as part of an RI/FS or a site-wide ESI/RI. Regions are not required to enter the FS start date if the FS is being conducted as part of a RI/FS.

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

The appropriate use of Special Account funds for remedial investigations/feasibility studies is provided in the "Guidance on Key Decision Points in Using Special Account Funds" dated September 28, 2001.

Definition of Accomplishment:

Fund-financed (Including F-, TR- and S-lead actions) - Credit for a Fund-financed RI/FS (Action Name = Combined RI/FS) start at a NPL or Superfund Alternative site is received when funds are obligated and the actual RI/FS start date (Actual Start) is reported in WasteLAN. Funds are obligated when:

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

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

PRP-financed from a Special Account (Including Special Account Financed Action performed by EPA (SA-lead), the State (SS-Lead), or Tribal Government (ST-lead) actions³) - Credit for a special account-financed RI/FS (Action Name = Combined RI/FS) start at a NPL or Superfund Alternative site is received when funds are obligated and the actual RI/FS start date (Actual Start) is reported in WasteLAN. Funds are obligated when:

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

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

PRP-financed under Federal enforcement (Includes RP- and MR-lead actions) - A PRP-financed RI/FS (Action Name = PRP RI/FS) under Federal enforcement at a NPL or Superfund Alternative site starts when one of the following enforcement actions occurs:

- An Administrative Order on Consent (AOC), in which the PRPs agree to conduct the RI/FS, is signed by the Regional Administrator or delegatee. The RI/FS start date (Action Name = PRP RI/FS) is the date the AOC is signed. This is recorded in WasteLAN as the AOC (Action Name = Administrative Order on Consent) completion date (Actual Complete); or
- The date (Actual Complete) the PRPs provide notice of intent to comply (SubAction Name = PRP Notify EPA of Intent to Comply) with a UAO for a RP-lead RI/FS signed (Actual Complete) by the designated Regional official (Action Name = Unilateral Admin Order), and the Response Acts Pd by Parties of "PRP RI/FS"; or

³ Actions qualify for SA, SS, and ST leads, when the majority of the funding for the total estimated cost of the RI/FS (including direct and indirect costs) is to be paid from a Special Account. The amount contributed from a Special Account should meet or exceed the amount contributed by the largest non-PRP entity (i.e., EPA, State where applicable) toward the total estimated cost of the RI/FS at the site. For example, if 60% of the funds needed to finance the RI/FS are to be derived from a Special Account and 40% of the costs will be paid out of Fund monies (or a lesser amount if State cost share is received), the majority of the cost is being paid for out of a Special Account and the action qualifies for a SA, SS, or ST lead.

OSWER Directive 9200.3-14-1G-Q

- A Consent Decree (CD) in which the PRPs agree to conduct the RI/FS, is referred by the region to DOJ or HQ. The RI/FS start date (Actual Start) is the date the Regional Administrator signs the memo transmitting the CD to HQ or DOJ. This is recorded in WasteLAN as the CD (Action Name = Consent Decree) actual start date (Actual Start).

PRP-financed under State enforcement (PS-lead actions) - A PRP-financed RI/FS (Action Name = PRP RI/FS) under State enforcement at a NPL or Superfund Alternative site starts when a State order or comparable enforcement document (Action Name = State Order or State Decree), in which the PRPs agree to conduct the RI/FS, is signed by the last appropriate State official or party (Actual Complete) and the site is covered by one of the following:

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

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

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

In-house (EP-lead action) - Credit for an in-house RI/FS (Action Name = Combined RI/FS) start at a NPL or Superfund Alternative site is received when the region has the initial RI/FS scoping meeting and the date is entered into WasteLAN. The start (Actual Start) is documented by a memo to file containing the minutes from the meeting.

Changes in Definition FY 02/03 - FY 04/05:

None.

Special Planning/Reporting Requirements:

Regions are not required to report a combined RI/FS start if a separate RI and FS are being conducted. The combined RI/FS actual start date is entered into WasteLAN site-specifically. For a PRP-financed RI/FS, the RI/FS start date (Actual Start) and the CD start date (Actual Start), or notice of intent to comply with a UAO, AOC, State order, or State decree actual completion date (Actual Complete) must be entered into WasteLAN. These dates should be the same. Funds for RI/FS and RI/FS oversight are contained in the pipeline operations AOA. The Superfund Alternative sites should be identified in WasteLAN using the special initiatives indicator by designating these sites as "Superfund Alternative." This is a program measure.

Data Entry Timeliness Requirement:

SPIM Action/ Activity	Activity Type	SPIM Lead	Documentation Required	Documentation Approval/ Date Requirements	Data Must Be Entered By
Action name = Combined RI/FS (CO)	Program Measure	F, TR, S, SA, SS, ST	Contract modification or work assignment; or IAG; or Cooperative Agreement	Signed by EPA CO; Signed by other Federal agency (USACE or BUREC); Signed by the Regional Administrator or designee.	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.
Action name = PRP RI/FS (BD)	Program Measure	RP, MR	Administrative Order on Consent (AOC); or Notice of intent to comply with a UAO for a RP-lead RI/FS and the Response acts Pd; or Memo transmitting Consent Decree (CD) to HQ or DOJ.	Signed by Regional Administrator or delegatee, Signed by designated Regional official and the Response acts Pd signed by parties of "PRP RI/FS", Signed by Regional Administrator transmitting the Consent Decree.	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.
Action name = PRP RI/FS (BD)	Program Measure	PS	State order or comparable enforcement document State enforcement Cooperative Agreement; SMOA; or Other State/EPA agreement.	Signed by all appropriate state officials and parties Signed by Regional Administrator, Signed by the appropriate State and Regional official, Signed by the appropriate State and Regional officials.	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.
Action name = Combined RI/FS (CO)	Program Measure	EP	Memo containing the minutes from initial RI/FS scoping meeting.	Not specified.	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.

d. TREATABILITY STUDIES

Definition:

Treatability studies are laboratory or field tests used to evaluate and implement one or more remedial alternatives.

Definition of Accomplishment:

Fund-financed (Including F-, S- or TR- lead) - The start date is the date of EPA’s written approval, as reflected in WasteLAN, of the treatability study work plan. The completion is the written approval of the report on the results of the treatability study.

PRP-financed (Including RP-, MR- or PS- lead) - The treatability study starts when EPA approves, in writing, the treatability study work plan submitted by the PRP. The completion is the approval of the report on the results of the treatability study.

Changes in Definition FY 02/03 - FY 04/05:

None

Special Planning/Reporting Requirements:

Treatability study (Action Name = Treatability Studies) planned and actual start and completion dates are not required in WasteLAN. Treatability studies are funded as part of an ESI/RI, RI/FS, or RD. Dollars are not budgeted, planned, or obligated separately. This is a program measure.

Data Entry Timeliness Requirement:

SPIM Action/ Activity	Activity Type	SPIM Lead	Documentation Required	Documentation Approval/ Date Requirements	Data Must Be Entered By
Action name = Treatability Studies (TS)	Program Measure	F, S, TR and RP, MR, PS	Start: EPA’s written approval of Treatability study work plan. Complete: Written approval of report on results of treatability study.	Start: Not specified. Complete: Not specified.	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.

e. START OF PUBLIC COMMENT PERIOD (PROPOSED PLAN TO PUBLIC) NPL & Superfund Alternative)

Definition:

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

Definition of Accomplishment:

The Start of Public Comment Period (Proposed Plan to Public) is accomplished at a NPL or Superfund Alternative site either (1) on the date the appropriate Regional official signs a letter transmitting RI/FS reports and the proposed plan to the site repository for public review, or (2) when the first page of the approved proposed plan, which lists the dates the public comment period starts and ends, is included in the site file. This date must be recorded in WasteLAN as the actual start date (Actual Start) of the SubAction, Public Comment Period (Action Name = Feasibility Study or Combined

RI/FS or PRP FS or PRP RI/FS and SubAction Name = Public Comment Period).

Changes in Definition FY 02/03 - FY 04/05:

None.

Special Planning/Reporting Requirements:

Accomplishments are based on the first proposed plan released to the public for each FS or RI/FS, regardless of lead. Superfund Alternative sites should be identified in WasteLAN using the special initiatives indicator designating these sites as “Superfund Alternative.” This is a program measure.

Data Entry Timeliness Requirement:

SPIM Action/ Activity	Activity Type	SPIM Lead	Documentation Required	Documentation Approval/ Date Requirements	Data Must Be Entered By
Action name = Feasibility Study (FS) or Combined RI/FS (CO) or PRP RI/FS (BD) SubAction Name = Public Comment Period (PB)	Program Measure	F, S, TR, SA, SS, ST, EP RP, MR, PS,	Letter transmitting RI/FS reports and proposed plan 1 st page of approved proposed plan.	Signed by appropriate Regional official Not specified.	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.

f. RI/FS DURATION (NPL & Superfund Alternative)

Definition:

The purpose of the RI/FS is to assess site conditions and evaluate alternatives to the extent necessary to select a remedy.

The RI/FS starts with the obligation of Fund monies; or the signature of an AOC, State order, or State decree for the RI or RI/FS; or the date the Regional Administrator signs the memorandum transmitting the CD to DOJ or HQ for RI or RI/FS; or the date the PRPs provide notice of intent to comply with a UAO; or the conduct of the RI/FS scoping meeting and culminates with the signature of the ROD.

The objective of this measure is to focus on good project management of critical portions of the traditional remedial pipeline and establish a methodology which accurately assesses program performance. Duration trends provide indicators of areas that require attention.

Only RI/FS projects that started post-SARA will be used for comparison and evaluation purposes.

Definition of Accomplishment:

This measure includes all RI/FS projects at a NPL or Superfund Alternative site that have a targeted completion date in FY 04/05. The RI/FS duration will be calculated based on the RI or Combined RI/FS Start and Decision Document Developed (ROD completion) definitions specified in this Manual. Regional performance in FY 04/05 will be compared to:

- The regional and national average duration of RI/FS projects completed in FY 02/03 or FY 03/04;

OSWER Directive 9200.3-14-1G-Q

- The regional and national average duration of RI/FS projects completed in previous quarters of FY 04/05.

Changes in Definition FY 02/03 - FY 04/05:

None.

Special Planning/Reporting Requirements:

WasteLAN will automatically look at actual RI or RI/FS start dates and actual ROD completion dates. HQ will perform the analysis of the average durations. Fund and PRP durations at NPL or Superfund Alternative sites will be tracked. Superfund Alternative sites should be identified in WasteLAN using the special initiatives indicator. RI/FS duration is a program measure.

g. ENGINEERING EVALUATION/COST ANALYSIS (EE/CA)

Definition:

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

Definition of Accomplishment:

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

Changes in Definition FY 02/03 - FY 04/05:

None

Special Planning/Reporting Requirements:

EE/CAs are reported site-specifically in WasteLAN. Funds for EE/CAs are contained in the pipeline operations AOA. This is a program measure.

Data Entry Timeliness Requirement:

SPIM Action/ Activity	Activity Type	SPIM Lead	Documentation Required	Documentation Approval/ Date Requirements	Data Must Be Entered By
Action name = Engineering Eval/Cost Analysis (EE)	Program Measure	F, S, TR, SA, SS, ST, EP, RP, PS, MR, CG	Start: EE/CA Approval Memorandum. Complete: Action Memorandum.	Start: Signed by appropriate Regional official. Complete: Signed by appropriate Regional official.	<i>It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.</i>

h. DECISION DOCUMENTS DEVELOPED

Definition:

A "Decision Document" is developed to document decisions or changes to decisions (at NPL, non-NPL, and Superfund Alternative sites) to:

- Perform an emergency, time-critical, or Non-Time Critical (NTC) removal; or
- Perform a remedial action.

Definition of Accomplishment:

Removals (Emergency, Time Critical, or NTC) - The date the On-Scene Coordinator (OSC), AA OSWER, or designated Regional official signs the first or original Action Memorandum for each removal. [Regions will not receive credit for subsequent Action Memos, (e.g., ceiling increases) at the same removal.] The date of the signature is recorded in WasteLAN as the actual completion date (Actual Complete) of the SubAction, Approval of Action Memo or Removal Action Memo Document. To receive credit for the Action Memo, the region must enter the OU, the media addressed, the media name, the selected alternative, the response technology, remedy cost data, Institutional Control information, and Five Year Review information.

Remedial - The date the designated Regional Official or the AA OSWER signs the ROD at a NPL or Superfund Alternative site for each RA. This date is reported in WasteLAN as the ROD (Action Name = Record of Decision) completion date (Actual Complete). To receive credit for the ROD, the region must enter the OU, the media addressed, the media name, the selected alternative, the response technology, remedy cost data, Institutional Control information, and Five Year Review information.

For State-lead RODs under CERCLA that result from a F, S, TR, EP lead FS or RI/FS; or a PS or MR-lead, PRP RI/FS or PRP FS where EPA concurs on the ROD should have a lead of SC. Accomplishments are reported as the date of the latest signature from EPA or the State, on the ROD at NPL or Superfund Alternative sites.

For State-lead RODs without EPA concurrence, the ROD should have a lead of 'SW'. The ROD will not be included in accomplishment reporting, however the ROD date should be recorded in WasteLAN as the date the State signs the ROD.

ROD Amendments - The date the designated Regional Official or the AA OSWER signs the amended ROD at a NPL or Superfund Alternative site should be recorded in WasteLAN as the actual completion date (Actual Complete) of the ROD Amendment SubAction (Action Name = Record of Decision and SubAction Name = ROD Amendment). The regions must use Copy Technical Data and update the information based on changes made by the current document. Changes may be made affecting the response technologies of the selected alternative, remedy cost data, Institutional Control information and Five Year Review information.

ESDs - The date the ESD at a NPL or Superfund Alternative site is signed by the designated Regional Official or the AA OSWER is reported as the actual completion date (Actual Complete) of the ESD SubAction (Action Name = Record of Decision and SubAction Name = Explanation of Significant Diff). The regions must use Copy Technical Data and update the information based on changes made by the current document. Changes may be made affecting the response technologies of the selected alternative, remedy cost data, Institutional Control information and Five Year Review information.

Other Remedy Changes - The date the Other Remedy Change at a NPL or Superfund Alternative site is signed by the designated Regional Official or the AA OSWER is reported as the actual completion date (Actual Complete) of the Other Remedy Change SubAction (Action Name=Record of Decision and SubAction Name=Other Remedy Change). The regions must use Copy Technical Data and update the information based on changes made by the current document.

OSWER Directive 9200.3-14-1G-Q

Changes may be made affecting the response technologies of the selected alternative, remedy cost data, Institutional Control information and Five Year Review information.

These decisions will be tracked separately but reported on a combined basis.

Changes in Definition FY 02/03 - FY 04/05:

Added requirements in order to receive credit for RODs, Action Memos or other decision documents.

Special Planning/Reporting Requirements:

To receive credit for an Action Memo, the region must enter the following data into WasteLAN:

- the media addressed through the action (Media Type and Media Name),
- the Selected Response Actions,
- the response action cost data,
- the Institutional Control information, and
- the Five Year Review year review information

To receive credit for a ROD, ROD amendment, ESD or Other Remedy Changes the Region must enter the following data into WasteLAN:

- the name of the selected alternative (Alternative Name),
- the media addressed in the ROD (Media Type and Media Name),
- the Selected Response Actions (which include Institutional Controls where anticipated). If Institutional Controls are anticipated at the site, Institutional Control Objectives need to be defined and entered into WasteLAN.
- associated cost data that are listed in the decision document that may be any or all of the following costs (Capital Cost (must always be entered even if 0), Annual O&M Cost, Total O&M Cost, Present Worth Cost, O&M Duration, and Discount Rate), and
- the Five Year Review type (if you select discretionary, provide the Five Year Review date. This will system generate a Five Year Review action, Five Year Review Report Due subaction, and planned date). (Planned RA On-Site Construction and planned PCOR and FCOR should be in the system by the time the ROD is entered).

WasteLAN will system generate the RI/FS or FS actual completion date if one does not already exist and a predecessor relationship was established between the RI/FS and the ROD.

Superfund Alternative sites should be identified in WasteLAN using the special initiatives indicator by designating these sites as "Superfund Alternative." This is a program measure.

Data Entry Timeliness Requirement:

SPIM Action/ Activity	Activity Type	SPIM Lead	Documentation Required	Documentation Approval/ Date Requirements	Data Must Be Entered By
Action name = Record of Decision (RO)	Program Measure	Only state leads are specified (SC and SW)	ROD.	Signed by designated Regional Official or the AA OSWER.	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.

SPIM Action/ Activity	Activity Type	SPIM Lead	Documentation Required	Documentation Approval/ Date Requirements	Data Must Be Entered By
Action name = ROD Amendment (JQ)	Program Measure	No leads specified	Amended ROD.	Signed by designated Regional Official or AA OSWER at a NPL or Superfund Alternative site.	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.
Action name = Record of Decision (RO): SubAction Name = Explanation of Significant Diff (EH)	Program Measure	No leads specified	ESD.	Signed by Regional Official or the AA OSWER.	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.
Action name = Record of Decision (RO) SubAction Name = Other Remedy Change (OT)	Program Measure	No leads specified	Other Remedy Change.	Signed by designated Regional Official or the AA OSWER.	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.

i. Final Remedy Selected

Definition:

This measure will track the Government Performance and Results Act (GPRA) Final Remedy Selected measure at NPL sites. Final Remedy Selected decisions will also be tracked in CERCLIS for non-NPL sites but will not count towards the GPRA goal. 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 for a site). This can include the signature of the final ROD, or ROD Amendment, or removal action memo at a site. In general an Explanation of Significant Difference will not constitute a Final Remedy Selected since that documents 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.

Definition of Accomplishment:

Credit under CERCLA for a Final Remedy Selected will be given when:

- Site has a Final ROD or ROD Amendment and no existing planned ROD, ROD Amendment, Removal Action memorandum, RI/FS or EE/CA and the action is designated as the Final Remedy. This is reported in WasteLAN as a ROD (Action Name = Record of Decision) or ROD Amendment (Action Name = ROD Amendment) with the date the designated Regional Official or the AA OSWER signs the ROD (Actual Complete) and the action has been designated a Final Remedy (Qualifier = 'R'); or
- Site has a Removal Action Memorandum and no existing planned ROD, RI/FS, or planned action memorandum and the action is designated as the Final Remedy. This is reported in WasteLAN as an Action Memorandum (Action Name = Action Memorandum) with the date the removal decision was completed (Actual Complete) and the action is designated a Final Remedy (Qualifier = 'R'); or

Changes in Definition FY02/03 - FY04/05:

This is a new measure for FY 04.

Special Planning/Reporting Requirements:

WasteLAN will automatically look for planned ROD, ROD Amendments, Removal Action Memorandums, RI/FS and EE/CAs when a user assigns the Final Remedy Selected qualifier at a ROD, ROD Amendment or Action Memorandum action. Final Remedy determinations for sites deleted from the NPL are part of the SNAP process. The system will not assign the Final Remedy for a deleted site if a Final Remedy determination has already been made at the site. Construction Completion sites for which a Final Remedy determination has not been made will be reviewed by HQ for the Final Remedy determination. HQ will perform the analysis of the total Final Remedies Selected. Dollars are not budgeted, planned, or obligated separately for this measure. This is a GPRA measure.

PART II. REMEDIAL IMPLEMENTATION

j. REMOVAL STARTS - THIS SECTION HAS BEEN MOVED TO APPENDIX M

Any SUPERFUND FINANCED Removals shall adhere to APPENDIX M, Removals.

REMOVAL COMPLETIONS - THIS SECTION HAS BEEN MOVED TO APPENDIX M

Any SUPERFUND FINANCED Removals shall adhere to APPENDIX M, Removals.

k. REMEDIAL DESIGN (RD) START (NPL & Superfund Alternative)

Definition:

The RD converts the remedy selected in the ROD into a final design document for the RA. The obligation of funds for design assistance or technical assistance does not constitute a RD start.

Pre-design activities will not be counted as a RD start.

Definition of Accomplishment:

Fund-Financed (Including F-, TR-, and S-lead actions) - A Fund-financed RD (Action Name = Remedial Design) at a NPL or Superfund Alternative site is started (Actual Start) when funds are obligated. An obligation is made when:

- The EPA CO signs the contract modification or work assignment for the RD; or
- A Cooperative Agreement is signed by the Regional Administrator or his designee; or
- An IAG is signed by the other Federal agency.

In those instances where design assistance is conducted prior to ROD signature, and there is not a new obligation of funds for a subsequent RD, the start of RD is defined as the written approval of the work plan to conduct these activities. If there is a new obligation of funds, the start of RD is defined as the date funds are obligated. When a RD has been prepared by other parties (e.g., water lines where the city already prepared plans and specifications) or plans developed for a similar remedy will be used, the RD actual start date is the same as the RA actual start date.

PRP-financed RD from a Special Account (including Special Account Financed Action performed by EPA (SA-lead), the State (SS-Lead), or Tribal Governments (ST-lead) actions⁴ - A PRP-financed RD from a Special Account (Action Name = Remedial Design) at an NPL or Superfund Alternative site is started (Actual Start) when funds are obligated. An obligation is made when:

- ☐ The EPA CO signs the contract modification or work assignment for the RD; or
- ☐ A Cooperative Agreement is signed by the Regional Administrator or his designee; or
- ☐ An IAG is signed by the other Federal agency.

In those instances where design assistance is conducted prior to ROD signature, and there is not a new obligation of funds for a subsequent RD, the start of RD is defined as the written approval of the work plan to conduct these activities. If there is a new obligation of funds, the start of RD is defined as the date funds are obligated. When a RD has been prepared by other parties (e.g., water lines where the city already prepared plans and specifications) or plans developed for a similar remedy will be used, the RD actual start date is the same as the RA actual start date.

PRP-financed under Federal enforcement (RP-lead) - The start (Actual Start) of a RP-lead RD (Action Name = PRP RD) at a NPL or Superfund Alternative site is credited on the date the earlier of the following actions takes place:

- ☐ The enforcement document under which the RD is to be conducted becomes effective;
 - For an Administrative Order on Consent (AOC), this is the date of signature of the AOC for RD by the Regional Administrator or his delegatee, or the date of signature of an amendment to an existing AOC to include RD;
 - For a Unilateral Administrative Order (UAO), this is the date of the PRP's written notice of intent to comply with the UAO;
 - For a CD, this is the date the Regional Administrator signs the memorandum transmitting the CD to DOJ or HQ; or
- ☐ An official written notice to proceed is issued by EPA to the PRP.

PRP-financed under Federal enforcement (MR-lead) - The start (Actual Start) of a MR-lead RD (Action Name = PRP RD) at an NPL or Superfund Alternative site is credited on the date the earlier of the following actions takes place:

- ☐ The enforcement document under which the RD is to be conducted becomes effective;
 - For an Administrative Order on Consent (AOC), this is the date of signature of the AOC for RD by the Regional Administrator or his delegatee, or the date of signature of an amendment to an existing AOC to include RD;
 - For a CD, this is the date the Regional Administrator signs the memorandum transmitting the CD to DOJ or HQ; or

⁴ Actions qualify for SA, ST, and SS leads, when the majority of funding for the total estimated response cost (including direct and indirect costs) is to be paid from a Special Account. The amount contributed from a Special Account should meet or exceed the amount contributed by the largest non-PRP entity (i.e. EPA, State where applicable) toward the total estimated response cost at the site. For example, if 60% of the funds needed to finance the estimated response are to be derived from a Special Account, and 40% of the response cost will be paid out of Fund monies (or a lesser amount if State cost share is received), the majority of the response cost is being paid for out of a Special Account and the action qualifies for a SA, ST, or SS lead.

- □ An official written notice to proceed is issued by EPA to the PRP.

PRP-financed under State enforcement (PS-lead actions) - Credit will be given (Actual Start) for a PS-lead RD (Action Name = PRP RD) at a NPL or Superfund Alternative site based on the issuance or effective date of a State order or other comparable State enforcement document for RD (or combined RD/RA). If the RD is covered by a pre-existing State order, credit will be based on the notice to proceed date.

Changes in Definition FY 02/03 - FY 04/05:

None.

Special Planning/Reporting Requirements:

The actual start date (Actual Start) of the RD (Action Name = Remedial Design or PRP RD) must be entered into WasteLAN. Accomplishments are reported site-specifically. Funds for RDs are in the pipeline operations AOA. This is a program measure. Superfund Alternative sites should be identified in WasteLAN using the special initiatives indicator by designating these sites as “Superfund Alternative.”

Data Entry Timeliness Requirement:

SPIM Action/ Activity	Activity Type	SPIM Lead	Documentation Required	Documentation Approval/ Date Requirements	Data Must Be Entered By
Action name = Remedial Design (RD)	Program Measure	F, TR, S, SA, SS, ST	Contract modification or work assignment for the RD, Cooperative Agreement, or IAG.	Signed by the EPA CO; or Signed by the Regional Administrator or his designee; or An IAG signed by the other Federal agency.	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.
Action name = PRP RD (BE)	Program Measure	RP, MR	Official written notice from the EPA to the PRP or the enforcement document under which the RD is to be conducted becomes effective (this can be either the AOC , or an amendment to an existing AOC to include RD; or The PRP's written notice of intent to comply with the UAO; or Memo transmitting the CD to DOJ or HQ).	Official written notice from the EPA AOC signed by the Regional Administrator or his delegatee for the RD PRP's written notice Signed by Regional Administrator.	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.

SPIM Action/ Activity	Activity Type	SPIM Lead	Documentation Required	Documentation Approval/ Date Requirements	Data Must Be Entered By
Action name = PRP RD (BE)	Program Measure	PS	State order or other comparable State enforcement document.	Signature and date on the enforcement document.	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.

I. RD COMPLETION (NPL & Superfund Alternative)

Definition:

The RD converts the remedy selected in the ROD into a final design document for RA.

Definition of Accomplishment:

A RD at an NPL or Superfund Alternative site is complete when:

- ***Fund-financed (Including F-, TR-, and S-lead actions)*** - EPA approves, in writing, the final design document.
- ***PRP-financed under Federal enforcement (Including MR- and RP-lead actions)*** - EPA approves, in writing, the final design document.
- ***PRP-financed under State enforcement (PS-lead actions)*** - the State approves the final design document.

Changes in Definition FY 02/03 - FY 04/05:

None.

Special Planning/Reporting Requirements:

The actual completion date (Actual Complete) of the RD (Action Name = Remedial Design or PRP RD) must be entered into WasteLAN. Accomplishments are reported site-specifically. This is a program measure. Superfund Alternative sites should be identified in WasteLAN using the special initiatives indicator by designating these sites as "Superfund Alternative." Regions are required to copy technical data from the ROD at completion of the RD. The regions are required to update any technical or cost data if there are any changes. This can be accessed through the Selected Remedy Summary screen.

Data Entry Timeliness Requirement:

SPIM Action/ Activity	Activity Type	SPIM Lead	Documentation Required	Documentation Approval/ Date Requirements	Data Must Be Entered By
Action name = Remedial Design (RD)	Program Measure	F, TR, S, SA, SS, ST	Written EPA approval of the final design document.	Not specified	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.

SPIM Action/ Activity	Activity Type	SPIM Lead	Documentation Required	Documentation Approval/ Date Requirements	Data Must Be Entered By
Action name = PRP RD (BE)	Program Measure	RP, MR	Written EPA approval of the final design document.	Not specified.	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.
Action name = PRP RD (BE)	Program Measure	PS	State approval of final design document.	Not Specified	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.

m. REMEDIAL ACTION (RA) START (NPL & PRP-lead Superfund Alternative)

Definition:

A RA is the implementation of the remedy selected in the ROD. Fund-financed remedial actions (including RAs financed from a Special Account) can only be funded at sites that are final on the NPL. PRP-financed (except RAs financed from a Special Account) actions may be performed at NPL and Superfund Alternative sites.

The appropriate use of Special Account funds for remedial actions is provided in the “Guidance on Key Decision Points in Using Special Account Funds” dated September 28, 2001.

DISCLAIMER: Regions will receive credit in the management of the Superfund program for “start” of a remedial action even though “initiation of physical on-site construction” may not have occurred for purposes of calculating a cost recovery statute of limitations. The date found in the remedial action actual start column of a CERCLIS 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.

Definition of Accomplishment:

Remedial Action

- ***Fund-financed (Including F-, TR-, and S-lead actions)*** - Credit for a RA start at a final NPL site is given on the date a contract modification for the RA is signed by the EPA CO or the IAG is signed by the other Federal agency or Cooperative Agreement is awarded, and funds are obligated.

Credit for a subsequent RA start under an existing IAG is given on the date the amendment to the IAG to include the new work is approved.

The actual start date (Actual Start) of the RA (Action Name = Remedial Action) is entered into WasteLAN.

If the action is initially funded by a bulk funding obligation, the start date is defined as the date the contracting officer signs the work assignment form or equivalent which initiates the action at the site.

- **PRP-financed RA from a Special Account (including Special Account Financed Action performed by EPA (SA-lead), the State (SS-Lead), or Tribal Governments (ST-lead) actions⁵)** - Credit for a RA start at a final NPL site is given on the date a contract modification for the RA is signed by the EPA CO or the IAG is signed by the other Federal agency or Cooperative Agreement is awarded, and funds are obligated. Such actions will be counted towards the PRP-lead portion of the annual program target of 70% new PRP lead RA starts at NPL and Superfund Alternative sites (see Enforcement Appendix C of the FY 04/05 SPIM, pages C1 and C4).

Credit for a subsequent RA start under an existing IAG is given on the date the amendment to the IAG to include the new work is approved.

The actual start date (Actual Start) of the RA (Action Name = Remedial Action) is entered into WasteLAN. If the action is initially funded by a bulk funding obligation, the start date is defined as the date the contracting officer signs the work assignment form or equivalent which initiates the action at the site.

- **PRP-financed under Federal enforcement (MR-lead actions)** - Credit for a RA (Action Name = PRP RA) start (Actual Start) at a NPL or Superfund Alternative site is given when either one of the following occurs and has been recorded in WasteLAN:
 - If work is performed by the PRPs under the same CD as the RD, the RA start is the date EPA approves, in writing, the PRP RD document (RD completion); or
 - Where the Fund performed the RD or the RD was done under a settlement/order for RD only and the PRPs are doing the RA under the terms of a separate CD or judgment for RA only, the RA start date (Actual Start) is either: (1) the same as the date (Actual Start) the Regional Administrator signs the memorandum transmitting the CD (Action Name = Consent Decree) to DOJ or HQ, (2) the date (Actual Complete) the judgment (Action Name = Judicial/Civil Judgment) was signed by the Federal judge, or (3) the date EPA approves, in writing, the final design document for the RD (RD completion), whichever of these dates that are applicable occur last.
- **PRP-financed under Federal enforcement (RP-lead actions)** - Credit for a RA (Action Name = PRP RA) start (Actual Start) at a NPL or Superfund Alternative site is given when one of the following occurs and has been recorded in WasteLAN:

If work is performed by the PRPs under the same CD or UAO (RP-lead RA only) as the RD, the RA start is the date EPA approves, in writing, the PRP RD document; or

Where the Fund performed the RD or the RD was done under a settlement/order for RD and the PRPs are doing the RA under the terms of a separate CD, UAO (RP-lead RA only) or judgment for RA only, the RA start date (Actual Start) is either: (1) the same as the date (Action Complete) of the PRP's written notice of intent to comply with the UAO for the RP-lead RA (Action Name = Unilateral Admin Order and SubAction Name = PRPs Ntfy EPA, Intent to Comply), (2) the date (Actual Start) the Regional Administrator signs the memorandum transmitting the CD (Action Name = Consent Decree), (3) the date (Actual Complete) the judgment (Action Name = Judicial/Civil Judgment) was signed by the Federal judge, or (4) the date EPA

⁵ Actions qualify for SA, ST, and SS leads, when the majority of funding toward the total estimated response cost (including direct and indirect costs) is to be paid from a Special Account. The amount contributed from a Special Account, should meet or exceed the amount contributed by the largest non-PRP entity (i.e., EPA, State), toward the total estimated response cost at the site. For example, if 50% of the funds needed to finance the estimated response are to be derived from a Special Account, and 45% of the response cost will be paid out of Fund monies, and the State pays the remaining 5% share of the response cost; the majority of the response cost is being paid out of a Special Account and the action qualifies for a SA, ST, or SS lead.

approves, in writing, the final design document for the RD (RD completion), whichever of these dates that are applicable occur last. Where the PRP is in significant non-compliance with the UAO for the RP-lead RA, credit will be withdrawn.

- ***PRP-financed under State enforcement (PS-lead actions)*** - If the PRP is doing work under a State order or comparable enforcement document, and the NPL or Superfund Alternative site is covered by a State enforcement cooperative agreement or State Memorandum of Agreement (SMOA) with a schedule for remedial action work at the site, and EPA approved the ROD, the RA (Action Name = PRP RA) start (Actual Start) is the date the State approves, in writing, the PRP RD document.

For both Fund- and PRP-financed actions - The region must identify the technologies to be constructed. To do this, the following information must be entered into WasteLAN: the Alternative Name, Media Name, Media Type, and the technology of the RA into the Response Action Type field (Selected Response Actions). Regions must also indicate if the RA is a long-term action (Critical Indicator = Long-Term Action).

Limited Remedial Action - RODs where the only action selected is Monitored Natural Attenuation and/or Institutional Controls. Limited actions are distinguished from remedial actions because there is typically no remedial design and are distinguished from no action/no further action RODs because there is at least some remedial action component. In the case of monitored natural attenuation, natural processes are used to attain cleanup goals, and the remedial action may only consist of adding monitoring wells and determining that the remedial action is complete. For institutional controls, the remedial action consists of ensuring the institutional controls are in place. Regions should enter monitored natural attenuation and institutional controls as remedial actions (Action Name = Remedial Action or PRP RA) with the Limited RA critical indicator in WasteLAN.

- ***Fund-financed (Including F-, TR-, and S-lead actions)*** - Credit for a Limited Action RA start at a final NPL site is given on the date ROD selecting a limited remedial action is signed. The actual start date (Actual Start) is entered into WasteLAN with the RA (Action Name = Remedial Action).
- ***PRP-financed RA from a Special Account (including Special Account Financed Action performed by EPA (SA-lead), the State (SS-Lead), or Tribal Governments (ST-lead) actions⁶)*** - Credit for a Limited Action RA start at a final NPL site is given on the date the ROD selecting a limited remedial action is signed. The actual start date (Actual Start) is entered into WasteLAN with the RA (Action Name = Remedial Action).
- ***PRP-financed under Federal enforcement (RP-lead actions)*** - When the PRPs are doing the Limited Action RA (Action Name = PRP RA) at a NPL or Superfund Alternative site under the terms of a CD, UAO or judgment for RA only, the RA start date (Actual Start) is the same as the date (Action Complete) of the PRP's written notice of intent to comply with the UAO (Action Name = Unilateral Admin Order and SubAction Name = PRPs Ntfy EPA, Intent to Comply); or the date the Regional Administrator signs the memorandum transmitting the CD (Action Name = Consent Decree) to DOJ or HQ; or the date (Actual Complete) the judgment (Action Name = Judicial/Civil Judgment) was signed by the Federal judge. Where the PRP is in significant non-compliance with the UAO, credit will be withdrawn.
- ***PRP-financed under Federal enforcement (MR-lead actions)*** - When the PRPs are doing the Limited Action RA at a NPL or Superfund Alternative site under the terms of a CD or judgment for RA only, the RA start date (Actual Start) is the same as the date (Actual Start) the CD (Action Name = Consent Decree) is transmitted by

⁶Actions qualify for SA, ST, and SS leads, when the majority of funding toward total estimated response cost (including direct and indirect costs) is to be paid from a Special Account. The amount contributed should meet or exceed the amount contributed by the largest non-PRP entity (i.e., EPA, State), toward the total estimated response cost at the site. For example, if 50% of the funds needed to finance the estimated response are to be derived from a Special Account, and 45% of the response cost will be paid out of Fund monies, and the State pays the remaining 5% share of the response cost; the majority of the response cost is being paid out of a Special Account and the action qualifies for a SA, ST, or SS lead.

the Regional Administrator to HQ or the DOJ; or the date (Actual Complete) the judgment (Action Name = Judicial/Civil Judgment) was signed by the Federal judge.

- **PRP-financed under State enforcement (PS-lead actions)** - When the PRPs are doing the Limited Action RA (Action Name = PRP RA) at a NPL or Superfund Alternative site under a State order or comparable enforcement document, and the site is covered by a State cooperative agreement or SMOA with a schedule for work at the site, and EPA approved the ROD, the Limited Action RA starts (Actual Start) on the issuance or effective date of the enforcement instrument.

For both Fund, Special Account, and PRP-financed actions - The region must identify the technologies to be constructed. To do this, the following information must be entered into WasteLAN: the Alternative Name, Media Name, Media Type, and the technology of the RA into the Response Action Type field (Selected Response Actions). Regions must also indicate the RA is a limited remedial action (Critical Indicator = Limited Remedial Action).

Changes in Definition FY 02/03 - FY 04/05:

None.

Special Planning/Reporting Requirements:

This is a program measure. The actual start date (Actual Start) of the RA (Action Name = Remedial Action or PRP RA), the critical indicator (Long-Term Action or Limited Remedial Action), and, for PRP-lead RAs, the appropriate enforcement information must be entered into WasteLAN. The region must enter the Alternative Name, Media Name, Media Type, and the remedial response actions (Selected Response Actions) associated with the RA into WasteLAN. Funds for Fund-financed RAs are planned on a site-specific basis and are placed by name in the RA AOA. Funds for oversight of RP-lead RAs are planned on a site-specific basis and are found in the pipeline operations AOA. Superfund Alternative sites should be identified in WasteLAN using the special initiatives indicator by designating these sites as “Superfund Alternative.”

Data Entry Timeliness Requirement:

SPIM Action/ Activity	Activity Type	SPIM Lead	Documentation Required	Documentation Approval/ Date Requirements	Data Must Be Entered By
Action name = Remedial Action (RA)	Program Measure	F, TR, S, SA, SS, ST	Contract modification for the RA or IAG.	RA signed by the EPA CO; or IAG signed by the other Federal agency.	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.
Action name = PRP RA (BF)	Program Measure	MR	Written approval by the EPA of the PRP RD document or, Memo transmitting the CD to DOJ or HQ The judgment, or written approval from the EPA of the final design document for the RD.	Not specified Signed by the Regional Administrator Signed by the Federal judge	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.

SPIM Action/ Activity	Activity Type	SPIM Lead	Documentation Required	Documentation Approval/ Date Requirements	Data Must Be Entered By
Action name = PRP RA (BF)	Program Measure	RP	Written approval from EPA of the PRP RD document; or PRP's written notice of intent to comply with the UAO Memo transmitting the CD and judgment EPA written approval of the final design document.	Not specified Not specified Memo signed by the Regional Administrator; judgment signed by the Federal judge 100% design approval by EPA	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.
Action name = PRP RA (BF)	Program Measure	PS	Written approval from the State of the PRP RD document.	Not specified	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.
Action name = Remedial Action (RA): <i>Limited Remedial Action</i>	Program Measure	F, TR, S, SA, SS, ST	Signed ROD.	ROD signature date	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.
Action name = PRP RA (BF): <i>Limited Remedial Action</i>	Program Measure	RP	PRP's written notice of intent to comply with the UAO; or Memo transmitting the CD to DOJ or HQ; or A judgment.	Not specified Signed by the Regional Administrator Signed by the federal judge.	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.
Action name = PRP RA (BF): <i>Limited Remedial Action</i>	Program Measure	MR	CD transmitted by the regional Administrator to HQ or the DOJ; or Judgment.	Not specified Signed by the Federal judge.	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.
Action name = PRP RA (BF): <i>Limited Remedial Action</i>	Program Measure	PS	Enforcement instrument.	Not specified	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.

n. RA CONTRACT AWARD (NPL & PRP-lead Superfund Alternative)**Definition:**

Award of RA contract is the date a contract for construction of the remedy is awarded.

Definition of Accomplishment:

Fund-financed (Including F-, TR-, and S-lead actions) - Date (recorded in WasteLAN as an Actual Complete) when the EPA, State, USACE, or BUREC awards (signs) a contract to initiate a Fund-financed RA.

If a RAC contractor is assigned RA responsibility, the award of RA contract at a final NPL site is defined as the date the RA subcontract is signed by the contractor. If an ERRS contractor will be performing the RA, award of RA contract is defined as the date (Actual Complete) the contract modification for the RA is signed by the EPA CO.

PRP-financed under Federal enforcement (Including MR-, RP-, and PS-lead actions) - Date (recorded in WasteLAN as an Actual Complete) when the PRP awards a contract to initiate the RA at a NPL or Superfund Alternative site, as documented in a memorandum to the site file.

Changes in Definition FY 02/03 - FY 04/05:

None.

Special Planning/Reporting Requirements:

The actual completion date (Actual Complete) must be placed in WasteLAN with the RA SubAction, Award of RA Contract (Action Name = Remedial Action or PRP RA and SubAction Name = Award of Contract). This is a program measure. Superfund Alternative sites should be identified in WasteLAN using the special initiatives indicator by designating these sites as "Superfund Alternative."

Data Entry Timeliness Requirement:

SPIM Action/ Activity	Activity Type	SPIM Lead	Documentation Required	Documentation Approval/ Date Requirements	Data Must Be Entered By
Action name = Remedial Action(RA)	Program Measure	F, TR, S	Contract, subcontract, or contract modification.	EPA, State, USACE, or BUREC signed contract. RA subcontract signed by the RAC contractor or the contract modification for the RA signed by the EPA CO.	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.
Action name = PRP RA (BF)	Program Measure	MR, RP, PS	Memo documenting PRP awarded contract.	Not specified	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.

o. START OF ON-SITE CONSTRUCTION

Definition:

This measure counts all removal actions, remedial actions, limited remedial actions, or RODs for groundwater monitoring at non-NPL, NPL, or Superfund Alternative sites.

Remedial Actions - A remedial action is the implementation of the remedy selected in the ROD. Remedial actions can only be funded at sites that are on the final NPL. This measure tracks each remedial action on-site construction at a site.

Limited Remedial Action - Limited remedial actions result from RODs which select monitored natural attenuation to attain cleanup goals and/or institutional controls as the only response actions. Limited actions are distinguished from no action/no further action RODs, such as those where groundwater monitoring is the only response activity selected. Regions should enter monitored natural attenuation and institutional controls as remedial actions (Action Name = Remedial Action or PRP RA) in WasteLAN.

Groundwater monitoring is defined as the collection and analysis of groundwater samples as a result of a ROD that addresses groundwater contamination at a site or operable unit. The purpose of the groundwater monitoring is to ensure that ROD assumptions regarding no action on the groundwater are correct rather than to verify performance of a groundwater restoration or containment remedy. If the ROD specifies that groundwater monitoring is the **only** activity that will be implemented during an operable unit groundwater cleanup, then it is a no action or no further action ROD. For this type of activity, regions should enter a groundwater monitoring activity/action: [Action Name = Grndwtr Monitor (Post-ROD)] into WasteLAN.

Definition of Accomplishment:

Remedial Action (RA On-Site Construction) – A site is addressed through a remedial action when the EPA, RAC, the USACE, BUREC, State or PRP, or their contractors have begun on-site construction work at a site for the remedial action remedy selected in the ROD.

- **Fund-financed (Including F-, TR-, and S- lead actions)** - EPA, the State or their contractors have begun work for on-site construction of the remedy at a site on the final NPL. A memo to file documenting that the contractor has mobilized and began substantial and continuous physical on-site remedial action is required. This date is entered into WasteLAN as the RA On-Site Construction SubAction (Action Name = Remedial Action and SubAction Name = RA On-Site Construction Start) actual completion date (Actual Complete).
- **PRP-financed under Federal enforcement (Including RP- and MR- lead actions)** - The PRPs or their contractors have begun work at a NPL or Superfund Alternative site for on-site construction of the remedy. The date of on-site construction must be documented in a memorandum to the site file stating when the contractor began substantial and continuous physical on-site remedial action. A copy of a report of start up from the contracting party is also acceptable. The date of on-site construction must be entered into WasteLAN as the RA On-Site Construction SubAction (Action Name = PRP RA and SubAction Name = RA On-Site Construction Start) actual completion date (Actual Complete).

In addition, to receive credit under this measure, the PRPs must be in compliance with a 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 WasteLAN for the enforcement instrument:

- The date (Actual Complete) the PRPs provide notice of intent to comply (Action Name = PRP Notfy EPA of Intent to Comply) with a UAO for the RP-lead RA signed (Actual Complete) by the designated Regional official (Action Name = Unilateral Admin Order), and the Response Acts Pd by Parties of “PRP RA”; or

- The date the CD (Action Name = Consent Decree) was signed by the PRPs, the designated Regional official, and the Federal judge (Actual Complete), and the Response Acts Pd by Parties of "PRP RA"; or
- The date a judgment (Action Name = Judicial/Civil Judgment) was signed by the Federal judge (Actual Complete), and the Response Acts Pd by Parties of "PRP RA."
- **PRP-financed under State enforcement (PS-lead actions)** - The PRPs or their contractors have begun work at a NPL or Superfund Alternative site for on-site construction of the remedy. The date of on-site construction must be documented in a memorandum to the site file stating when the contractor began substantial and continuous physical on-site remedial action. A copy of a report of start up from the contracting party is also acceptable. The date of on-site construction must be entered into WasteLAN as the RA On-Site Construction SubAction (Action Name = PRP RA and SubAction Name = RA On-Site Construction Start) actual completion date (Actual Complete). In addition, to receive credit under this measure, the PRPs must be working under a State enforcement instrument.

Limited Remedial Action - Credit for the start of a Limited Action RA is given when:

- **Fund-financed (Including F-, TR-, and S-lead actions)** - The ROD selecting a limited remedial action is signed at a site on the final NPL. The actual start date (Actual Start) is entered into WasteLAN with the RA (Action Name = Remedial Action).
- **PRP-financed under Federal enforcement (Including MR- and RP- lead actions)** - When the PRPs are doing the Limited Action RA at a NPL or Superfund Alternative site under the terms of a CD, UAO or judgment for Limited Action RA only, the RA start date (Actual Start) is the same as the date (Action Complete) of the PRP's written notice of intent to comply with the UAO for the RP-lead RA (Action Name = Unilateral Admin Order and SubAction Name = PRPs Ntfy EPA, Intent to Comply); or the date the Regional Administrator signs the memorandum transmitting the CD (Action Name = Consent Decree) to DOJ or HQ [as recorded in WasteLAN as the actual CD (Action Name = Consent Decree) start (Actual Start)]; or the date a judgment (Action Name = Judicial/Civil Judgment) is signed by the Federal judge (Actual Complete). Where the PRP is in significant non-compliance with the UAO for the RP-lead RA, credit will be withdrawn.
- **PRP-financed under State enforcement (PS-lead)** - When the PRPs are doing the Limited Action RA (Action Name = PRP RA) at a NPL or Superfund Alternative site under a State order or comparable enforcement document, and the site is covered by a State cooperative agreement or SMOA with a schedule for work at the site, and EPA approved the ROD, the Limited Action RA start (Actual Start) is the issuance or effective date of the enforcement instrument;

Groundwater Monitoring (as the only activity taken at the site or groundwater operable unit) - Credit is given for a groundwater monitoring activity [Action Name = Grndwtr Monitor (Post-ROD)] start (Actual Start) when:

- **Fund-financed (Including F-, TR-, and S- lead actions)** - Fund-financed Groundwater Monitoring starts at a site on the final NPL when:
 - EPA, the State, or their contractors take the first sample of an existing well after the ROD is signed; or
 - EPA, the State, or their contractors have begun work for on-site construction of a new well, if necessary, after the ROD is signed.

This date is documented in a memo to the file.

- **PRP-financed under Federal enforcement (Including MR- and RP- lead actions)** - PRP-financed groundwater monitoring under Federal enforcement starts at a NPL or Superfund Alternative site when:
 - The PRPs or their contractors take the first sample of an existing well after the ROD is signed; or
 - The PRPs or their contractors have begun work at a site for on-site construction of a new well, if necessary, after the ROD is signed.

This date is documented in a memo to the file.

- **PRP-financed under State enforcement (PS-lead actions)** - PRP-financed groundwater monitoring under State enforcement starts at a NPL or Superfund Alternative site when a State order or comparable State enforcement document is signed by the last State official.

Changes in Definition FY 02/03 - FY 04/05:

None.

Special Planning/Reporting Requirements:

RAs, limited remedial actions, and groundwater monitoring (post-ROD) starts will be tracked separately for management purposes. Groundwater monitoring and oversight of groundwater monitoring is covered under the Pipeline Operations AOA. The date of RA on-site construction (Action Name = Remedial Action and SubAction Name = RA On-site Construction Start) will be used for purposes of establishing the Statute of Limitation (SOL) determination. It is also used as the trigger date for a statutory Five-Year Review, if applicable. The Five Year Review planned completion date is set for five years after the RA On-Site Construction Start planned start date. The Five Year Review planned completion date will be greyed out and uneditable once the actual start date for the RA On-Site Construction Start is entered. This is a program measure.

Data Entry Timeliness Requirement:

SPIM Action/ Activity	Activity Type	SPIM Lead	Documentation Required	Documentation Approval/ Date Requirements	Data Must Be Entered By
Action name = Remedial Action (RA); SubAction name = RA On-Site Construction (RG)	Program Measure	F, TR, S	Memo	Not specified	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.
Action name = PRP RA (BF); SubAction name = RA On-Site Construction (RG)	Program Measure	RP, MR	Memo or a copy of a report of start up from the contracting party	Memo to site file.	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.
Action name = PRP RA (BF); SubAction name = RA On-Site Construction (RG)	Program Measure	PS	Memo or a copy of a report of start up from the contracting party. State enforcement instrument	Memo to site file.	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.

SPIM Action/ Activity	Activity Type	SPIM Lead	Documentation Required	Documentation Approval/ Date Requirements	Data Must Be Entered By
Action name = <i>Limited</i> Remedial Action (RA) SubAction name = RA On-Site Construction (RG)	Program Measure	F, TR, S	Signed ROD.	Not specified	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.
Action name = Unilateral Admin Order (UA) Consent Decree (CD) Judicial/Civil Judgement (JG)	Program Measure	MR, RP	PRP's written notice of intent to comply with UAO; or Memo transmitting the CD to DOJ or HQ; or Judgment signed by the Federal judge.	Not specified Signed by the Regional Administrator Signed by the Federal judge.	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.
Action name = <i>Limited</i> PRP RA (BF)	Program Measure	PS	State order or comparable enforcement document and a State cooperative agreement of MOA EPA approved ROD Enforcement instrument.	Not specified Not specified	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.
Action name = Grndwtr Monitor (Post-ROD) (GM)	Program Measure	F, TR, S	Start: Signed ROD and Memo.	Start: Not specified Memo to site file.	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.
Action name = Grndwtr Monitor (Post-ROD) (GM)	Program Measure	MR, RP	Start: Signed ROD and Memo.	Start: Not specified Memo to site file.	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.
Grndwtr Action name = Monitor (Post-ROD) (GM)	Program Measure	PS	Start: State order or comparable State enforcement document.	Start: Signed by last State official	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.

p. OPERATIONAL AND FUNCTIONAL (O&F)

Definition:

O&F activities are conducted after physical construction of the remedy is complete to ensure that it is functioning properly and operating as designed. A remedy is determined to be operational and functional either one year after construction is complete, or when EPA and the state concur that the remedy is functioning properly and is performing as designed. EPA may grant extensions to the one-year period, as appropriate. O&F activities occur during the last year of the RA activities. O&F determinations are only made for those remedies that have an operation and maintenance (O&M), Long-term response action (LTRA), or PRP Long-term response action (PRPLR) component. All leads except Federal facilities may have an O&F determination. Monitored natural attenuation also has a simplified O&F determination. EPA is responsible for the O&F determination (with concurrence from the appropriate parties); therefore all O&F subactions are given a Fund-financed lead code.

Definition of Accomplishment:

O&F activities are completed when the appropriate parties (e.g., State, PRP) concur that the remedy is operational and functional, and the completion (Actual Completion Date) of O&F (SubAction Name = Operational and Functional) is documented by a letter from EPA to the appropriate parties. The date of O&F is also documented in the Interim or Final RA Report, which is to be approved by the Region within 90 days after the remedy is O&F.

Changes in Definition FY 02/03 - FY 04/05:

The applicability of the O&F determination has been clarified.

Special Planning/Reporting Requirements:

The completion (Actual Complete) of O&F (Action Name = Operational and Functional) are reported site and OU specifically in WasteLAN. This is a program measure. As a subaction, O&F does not receive funding.

Data Entry Timeliness Requirement:

SPIM Action/ Activity	Activity Type	SPIM Lead	Documentation Required	Documentation Approval/ Date Requirements	Data Must Be Entered By
SubAction Name = Operational and Functional (OF)	Program Measure	F	Interim or Final RA Report Letter to the interested parties.	Approved by the Region within 90 days after the remedy is O&F Not specified	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.

q. COMPLETION OF A RESPONSE ACTION/ACTIVITY (NPL & PRP-lead Superfund Alternative)

Definition:

Remedial Actions - A Fund-financed remedial action at a final NPL site or PRP-lead remedial action at a NPL or Superfund Alternative site is the implementation of the remedy selected in the ROD. Remedial actions can only be funded at sites that are final on the NPL. This measure tracks each remedial action completion at a site.

Limited Remedial Action - Fund-financed limited remedial actions at a final NPL site or PRP-lead limited remedial actions at NPL or Superfund Alternative sites result from RODs which select monitored natural attenuation to attain cleanup goals and/or institutional controls as the only response actions. Limited actions are distinguished from remedial actions because there is typically no remedial design; and are distinguished from no action/no further action RODs because there is at least some remedial action component. In the case of monitored natural attenuation, the remedial action may only consist of adding monitoring wells and sampling until it is determined that the cleanup goals are met. For institutional controls, the remedial action consists of ensuring the institutional controls are in place. Regions should enter monitored natural attenuation and institutional controls as remedial actions (Action Name = Remedial Action or PRP RA) with the Limited RA critical indicator in WasteLAN.

Groundwater Monitoring (Post-ROD) - Fund-financed groundwater monitoring at a final NPL site or PRP-lead groundwater monitoring at a NPL or Superfund Alternative site is defined as the collection and analysis of groundwater samples as a result of a ROD that addresses groundwater contamination at a site or operable unit. The purpose of the groundwater monitoring is to ensure that ROD assumptions regarding no action on the groundwater are correct rather than to verify performance of a groundwater restoration or containment remedy. If the ROD specifies that groundwater monitoring is the **only** activity that will be implemented during a operable unit groundwater cleanup, then it is a no action or no further action ROD. Enter groundwater monitoring actions [Action Name = Grndwtr Monitor (Post-ROD)] into WasteLAN.

Remedial action, limited remedial action, and groundwater monitoring (post ROD) completions will be tracked separately but accomplishments will be reported on a combined basis.

Definition of Accomplishment:

Remedial Action Completion (Fund- or PRP-financed) - A Fund-financed RA completion at final NPL or a PRP-lead RA completion at a NPL or Superfund Alternative (Formerly NPL-Equivalent) site is achieved when the designated Regional official (Branch Chief or above, as determined by the EPA region) approves, in writing, the Interim or Final Remedial Action Report. 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. The date of the acceptance of the Interim or Final RA Report must be entered into WasteLAN as the RA (Action Name = Remedial Action or PRP RA) actual completion date (Actual Completion).⁷ If the Interim or Final RA report is delayed beyond 90 days, then the O&F determination (not RA completion) will be used for LTRA start, PRP LR start, or O&M start, as applicable.

An action qualifier must be entered into WasteLAN indicating the RA was completed via an Interim or Final RA Report (Action Qualifier = Interim RA or Final RA).

⁷The Interim or Final RA report may take some time to compile; however, the goal is to have the report submitted to the Region for approval within 90 days of the final inspection or O&F determination.

Interim Remedial Action Report

Criteria for EPA approval of the Interim RA Report are:

- ☐ The remedy includes groundwater or surface water restoration, with active treatment or monitored natural attenuation, to reduce contaminant concentrations to meet cleanup goals (and cleanup goals have not been achieved);
- ☐ For active treatment, the construction of the treatment system is completed, and the system is operating as intended (operational & functional);
- ☐ For monitored natural attenuation, any necessary RA, such as monitoring wells, has been constructed;
- ☐ If the OU includes remedy components other than groundwater, construction activities are complete and cleanup goals specified in the ROD have been achieved for these components;
- ☐ A contract final inspection or equivalent has been conducted; and
- ☐ The Interim RA Report contains the information described in, OSWER Directive 9320.2-09A-P, “Close Out Procedures for National Priorities List Sites.”

Note: When an Interim RA Report has already been prepared, the Interim RA report can simply be amended to create the Final RA Report. The amendment would add information on activities that occurred after the Interim RA Report was completed.

Final Remedial Action Report

Criteria for approval of the Final RA Report for a given OU are:

- ☐ All construction activities are complete, including site restoration and demobilization;
- ☐ All cleanup goals specified in the ROD have been achieved, including those for ground- and surface water restoration, if applicable;
- ☐ If containment, the remedy is operating as intended (operational & functional)
- ☐ A contract final inspection or equivalent has been conducted; and
- ☐ The Final RA Report contains the information described in, OSWER Directive 9320.2-09A-P, “Close Out Procedures for National Priorities List Sites.”

The following table provides examples of remedial actions and indicates when Remedial Action Completion can be achieved.

Remedial Action Completion Examples

Example RA	RA Complete
Excavation and off-site disposal of contamination.	After all wastes have been excavated and removed from the site to an approved location; site has been restored; cleanup goals have been achieved; and the Final RA Report is approved.
On-site treatment of wastes, other than groundwater or surface water, to achieve cleanup goals (e.g., soil vapor extraction, bioremediation, incineration).	After cleanup goals have been achieved for the treated wastes, site has been restored, and the Final RA Report is approved.
Containment remedies.	After construction of the designed remedy is complete, cleanup goals have been achieved, and the Final RA Report is approved.

Example RA	RA Complete
Groundwater and surface water restoration remedies that involve active treatment to reduce contaminant concentrations to meet cleanup goals.	After construction of the treatment plant and monitoring system are completed, the plant/system is operating as intended, (also called operational and functional, O&F) and the Interim RA Report is approved. (The Final RA Report is prepared when cleanup levels are achieved.)
Groundwater and surface water restoration remedies where restoration is later determined to be technically impracticable (TI waiver).	RA completion has already been documented by an interim RA Report, as above; however, the region, must prepare a ROD amendment to document the TI waiver.

Limited Remedial Action Completion (Fund- or PRP-financed)

The following table provides examples of limited remedial actions and indicates when Limited Remedial Action Completion can be achieved.

Limited Remedial Action Completion Examples

Example RA	RA Complete
Groundwater and surface water restoration remedies that involve monitored natural attenuation to reduce contaminant concentrations to meet cleanup goals.	After the ROD is signed, any necessary RA is conducted, and the Interim RA Report is approved. (Final RA Report is prepared when natural attenuation cleanup goals are achieved.)
Implement institutional controls.	When institutional controls are implemented as summarized in the Final RA Report.

Groundwater Monitoring (as the only activity taken at the site or groundwater operable unit)

Groundwater monitoring [Action Name = Grndwtr Monitor (Post-ROD)] completion at a final NPL site or PRP-lead groundwater monitoring completion at a NPL or Superfund Alternative site is defined as the date (Actual Complete) EPA determines that groundwater monitoring is no longer necessary. This determination may be documented in the Final Superfund Close-Out Report, five-year review report, or memorandum signed by the appropriate Regional official. A RA Report is not prepared since a RA is not being performed.

Changes in Definition FY 02/03 - FY 04/05:

None.

Special Planning/Reporting Requirements:

Remedial action, limited remedial action and groundwater monitoring (post ROD) completions will be tracked separately but accomplishments will be reported on a combined basis. Regions must enter an action qualifier into WasteLAN indicating the RA was completed via an Interim or Final RA Report (Action Qualifier = Interim RA or Final RA). Superfund Alternative sites should be identified in WasteLAN using the special initiatives indicator by designating these sites as "Superfund Alternative."

Data Entry Timeliness Requirement:

SPIM Action/ Activity	Activity Type	SPIM Lead	Documentation Required	Documentation Approval/ Date Requirements	Data Must Be Entered By
Action name = Remedial Action (RA) <i>Completion</i>	Program Measure	F, S, TR, MR, RP, PS	Written approval of the Interim or Final Remedial Action Report.	Written approval from the designated Regional official of the Interim or Final Remedial Action Report.	<i>It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.</i>
Action name = Limited Remedial Action (RA) <i>Completion</i>	Program Measure	F, S, TR, MR, RP, PS	ROD Interim or Final RA Report.	Signed by appropriate Regional official Approved by the Region within 90 days after the remedy is O&F	<i>It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.</i>
Action name = Grndwtr Monitor (Post-ROD) (GM)		F, S, TR, MR, RP, PS	Completion: Final Superfund Close-Out Report, Five Year review report, memorandum .	Completion: Not specified Not specified Signed by appropriate Regional official.	<i>It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.</i>

r. NPL SITE CONSTRUCTION COMPLETIONS

Definition:

Construction at a NPL site is considered complete when physical construction is complete for the entire site as a result of one or several removal or remedial actions; and a Preliminary or Final Close Out Report (PCOR or FCOR) has been signed by the designated Regional official and concurred with by HQ. The report must address construction activities for the entire site. There is only one NPL site construction completion per NPL site. For more detailed information, see OSWER Directive 9320.2-09A-P, "Close Out Procedures for National Priorities List Sites."

Definition of Accomplishment:

The following table explains coding and accomplishment requirements.

NPL Site Construction Completion		
Examples of last OU or activity	When Construction is Complete	Coding Requirements
1) Excavation and off-site disposal of contamination, 2) On-site treatment of wastes (except for groundwater restoration, bioremediation or soil vapor extraction), or 3) Containment remedies.	Pre-final inspection has been conducted, only minor punch list items remain, and the designated Regional official has signed the Preliminary or Final Close-Out Report (PCOR or FCOR).	The region enters completion date of the report into WasteLAN as the actual completion date (Actual Complete) of the Preliminary Close-Out Report [Action Name = Prelim Close-Out Rep Prepared], or the actual completion date (Actual Complete) of the Final Close-Out Report [Action Name = Close Out Report]
In-situ bioremediation, ex-situ bioremediation, or soil vapor extraction.	Treatment unit has been constructed, is operating as designed, studies show that technology will achieve cleanup goals, and the designated Regional official has signed the PCOR.	AND HQ enters the Construction Completion indicator into WasteLAN. This action constitutes HQ concurrence with the PCOR or FCOR documentation.
Groundwater and surface water restoration remedies that involve active treatment to reduce contaminant concentrations to meet cleanup goals.	Remedy is documented in final ROD (interim action RODs must be finalized), physical construction of the remedy is complete, and the designated Regional official has signed the PCOR.	
Groundwater and surface water restoration remedies that involve monitored natural attenuation to reduce contaminant concentrations to meet cleanup goals	Remedy is documented in final ROD (interim action RODs must be finalized), any necessary physical construction is complete, and the designated Regional official has signed the PCOR.	
RODs with contingency remedies	Physical construction of the remedy is complete, a pre-final inspection has been conducted, only minor punch list items remain, the PCOR or FCOR demonstrates that use of the contingency is not anticipated, and the designated Regional official has signed the PCOR or FCOR.	
Sites deleted from the NPL prior to reaching Construction Completion.	When (1) EPA determines that all physical construction is complete under all statutory authorities, and (2) all other applicable construction completion policy criteria have been satisfied.	Consistent with requirements for final NPL sites.

NPL Site Construction Completion		
Examples of last OU or activity	When Construction is Complete	Coding Requirements
Sites requiring no remedial action or no further remedial action in the last OU. This includes groundwater monitoring if that is the only activity specified in the ROD.	No action or no further action ROD has been signed, and the designated Regional official has signed the PCOR or FCOR. Effective in FY99, No Action RODs will not be accepted for Construction Completion.	The region enters the completion date of the report into WasteLAN as the actual completion date (Actual Complete) of the PCOR (Action Name = Prelim Close-Out Report Prepared) or the actual completion date (Actual Complete) of the Final Close-Out Report (Action Name = Close Out Report).
Institutional controls as the only remedy in the ROD.	The PCOR indicates that the institutional controls are in the schedule for site completion, and the designated Regional official has signed the PCOR. If institutional controls have been implemented, region can go directly to FCOR.	AND HQ enters the Construction Completion indicator into WasteLAN. This action constitutes HQ concurrence with the PCOR or FCOR documentation.
NPL site entirely addressed through removal actions. For removals with institutional controls, see above.	<p>Fund-Financed: Contractor has demobilized, as recorded in POLREP.</p> <p>PRP-Financed: Region certifies that PRPs or their contractor have completed the removal specified in the Action Memorandum and fully met the terms of the AO, CD or judgment</p> <p>Both Fund- and PRP-Financed: The designated Regional official has signed the FCOR. The FCOR must demonstrate that the removal process included an EE/CA, which complies substantially with NCP requirements.</p>	<p>The region enters the following into WasteLAN: The removal (Action Name = Removal Action or PRP Removal) actual completion date (Actual Complete) as reported in the POLREP; and the Qualifier that indicates that the site is Cleaned Up; and the actual completion date (Actual Complete) of the Final Close-Out Report (Action Name = Close Out Report);</p> <p>AND</p> <p>HQ enters the Construction Completion indicator into WasteLAN. This action constitutes concurrence with the FCOR documentation.</p>
<p>If an FCOR can be prepared initially, then the site can achieve the NPL Construction Completion and NPL Site Completion measure simultaneously. EPA is responsible for documenting construction completion, therefore all PCOR and FCOR actions are given a Fund-financed lead code.</p>		

Changes in Definition FY 02/03 - FY 04/05:

Changes made to the coding requirements column as a result of the PCOR and FCOR becoming an action level activity rather than a subaction. All PCOR and FCOR actions are now given a Fund-financed lead code.

Special Planning/Reporting Requirements:

Regions will not receive credit for a NPL Site Construction Completion until the actual completion date of the Preliminary or Final Close-Out Report is entered into WasteLAN, the necessary documentation is submitted to HQ, and HQ enters the construction completion indicator into WasteLAN. Regions identify sites to meet the goal prior to the start of the FY. Regions may receive credit under this measure and the NPL Site Completion measure as a result of the same remedial action or removal action. This is a GPRA annual performance goal.

Policy Five Year Review planned completion date is set for five years after the PCOR or FCOR planned completion date. The Five Year Review planned completion date will be greyed out once the actual completion date of the PCOR or FCOR is entered.

Data Entry Timeliness Requirement:

SPIM Action/ Activity	Activity Type	SPIM Lead	Documentation Required	Documentation Approval/ Date Requirements	Data Must Be Entered By
Action Name = Prelim Close-Out Rep Prepared (CM) or Close Out Report (CQ)	GPRA Annual Performance Goal	F	Preliminary or Final Close-Out Report (PCOR or FCOR)	Signed by designated Regional official and concurred with by HQ.	Within five working days, but no later than ten working days.
Action Name = Removal Action (RV)	GPRA Annual Performance Goal	F, S, TR, SA, SS, ST	POLREP FCOR	Final POLREP Signed by designated Regional Official	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.
Action Name = PRP Removal (BB)	GPRA Annual Performance Goal	MR, RP, PS	Action Memorandum FCOR	Not specified Signed by designated Regional Official	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.

PART III. POST CONSTRUCTION COMPLETION

s. LONG-TERM RESPONSE ACTION (LTRA and PRP LR) (NPL & PRP-lead Superfund Alternative)

Definition:

LTRA at a final NPL site is defined as the Fund-financed, or PRP-financed from a special account, operation of groundwater and surface water restoration actions (including monitored natural attenuation) 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 period of LTRA is administratively complete when:

- Measures restore ground- or surface-water quality to a level that assures protection of human health and the environment;
- Measures restore ground- or surface-water to such a point that the reductions in contaminant concentrations are no longer significant; or
- Ten years have elapsed; whichever is earliest.

PRP LR (PRP long-term response) is a specific type of O&M for those remedies with operation of ground-water and surface-water restoration actions (including monitored natural attenuation) 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 period of PRP LR is administratively complete when:

- Measures restore ground- or surface-water quality to a level that assures protection of human health and the environment; or
- Measures restore ground- or surface-water to such a point that the reductions in contaminant concentrations are no longer significant; whichever is earliest.

Note that LTRA and PRP LR do not apply to other remedies that require a long time to achieve cleanup goals, such as bioremediation, or soil vapor extraction. LTRA and PRP LR also do not apply to groundwater or surface water containment measures, groundwater monitoring, groundwater or surface water measures initiated for the primary purpose of providing a drinking water supply.

The appropriate use of Special Account funds is provided in the "Consolidated Guidance on the Establishment, Management and Use of CERCLA Special Accounts" dated October 4, 2002.

Definition of Accomplishment:

Fund-financed LTRA, PRP-financed from a Special Account (Including Special Account Financed Action performed by EPA (SA-lead), the State (SS-lead), or Tribal Government (ST-lead) actions) or PRP LR Start: LTRA at a final NPL site or PRP-LR at a NPL or Superfund Alternative site (Action Name = Long Term Response or PRP LR) begins (Actual Start Date) on the date the remedy is determined to be O&F. Note that RA completion may occur later than LTRA start because the Interim RA Report is to be submitted to the Region for approval within 90 days of the O&F determination.

Fund-financed LTRA or PRP-financed from a Special Account Completion: LTRA at a final NPL site is complete (Actual Complete Date) ten years after it begins, when cleanup goals are achieved as documented in the final RA Report, or when a technical impracticability determination is made, whichever is earlier. LTRA transitions to O&M if cleanup goals have not been achieved within the ten-year period.

PRP LR Completion: PRP LR at a NPL or Superfund Alternative site is complete (Actual Complete Date) when cleanup goals are achieved as documented in the final RA Report or when a technical impracticability determination is made, whichever is earlier.

Changes in Definition FY 02/03 - FY 04/05:

The date of LTRA and PRP LR start have been changed to be the O&F date.

Special Planning/Reporting Requirements:

LTRA and PRP LR are planned on a site-specific basis (Action Name = Long-term Response or PRP LR) in WasteLAN and are used for resource allocation purposes only. Funds for LTRA are issued site-specifically in the RA AOA. Funds for oversight of the PRP LR are contained in the pipeline operations AOA.

Superfund Alternative sites should be identified in WasteLAN using the special initiatives indicator by designating these sites as “Superfund Alternative.”

Data Entry Timeliness Requirement:

SPIM Action/ Activity	Activity Type	SPIM Lead	Documentation Required	Documentation Approval/ Date Requirements	Data Must Be Entered By
Action name = Long Term Response (LR)	Program Measure	F, S, TR, SA, SS, ST	Start Interim Remedial Action Report. Complete Letter to the State confirming LTRA transfer; or Final RA Report; or Technical impracticability determination	Start Written approval from the designated Regional Official. Complete Signed by the appropriate Regional official. Date is 10 years after LTRA began; or Written approval from the designated Regional Official (Branch Chief or above). Date is when cleanup goals are achieved; or Written approval from the designated Regional Official	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.
Action name = PRP LR (ME)	Program Measure	RP, MR, PS, SR	Start Interim Remedial Action Report Complete Final RA Report; or Technical impracticability determination	Start Written approval from the designated Regional Official Complete Written approval from the designated Regional Official (Branch Chief or above). Date is when cleanup goals are achieved; or Written approval from the designated Regional Official	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.

t. OPERATION AND MAINTENANCE (O&M)

Definition:

O&M are the activities required to maintain the effectiveness or the integrity of the remedy, and, in the case of Fund-financed or PRP-financed from a special account⁸ measures to restore ground- or surface- waters, continued operation of such measures beyond the LTRA period until cleanup goals are achieved. Except for Fund-financed or PRP-financed from a special account ground- or surface- water restoration actions covered under Section 300.435(f)(4) of the NCP, O&M measures are initiated after the remedy has achieved the remedial action objectives and remediation goals in the ROD, and is determined to be O&F (see definition of O&F).

Depending on the remedy that was implemented at the site/OU, O&M may not be required, may only be required for a defined timeframe, or may be required to be performed indefinitely. Examples of remedies where O&M may have an indefinite period of performance are sites where waste is contained on-site and the integrity of the cap must be maintained or sites where institutional controls must be maintained. In some instances, O&M may be complete when the ground- or surface- water restoration goals are met. The State or PRP is totally responsible for O&M.

Groundwater and surface water restoration measures, including monitored natural attenuation, conducted by the PRPs is technically defined as O&M. However, to better track these types of restoration remedies, regions should use PRP LR to indicate that these activities are being performed at the site.

The appropriate use of Special Account funds is provided in the “Consolidated Guidance on the Establishment, Management and Use of CERCLA Special Accounts” dated October 4, 2002.

Definition of Accomplishment:

O&M [Action Name = Operations and Maintenance] starts when the State or PRPs assume responsibility for all activities necessary to operate and/or maintain the long-term effectiveness or integrity of the actions selected in the ROD. O&M starts (Actual Start Date) on the date the remedy is declared O&F. Note that RA completion may occur later than O&M start because the Final RA Report is to be submitted to the Region for approval within 90 days of the O&F determination.

For OUs where Fund-financed or PRP-financed through a Special Account LTRA is required, O&M (Action Name = Operation and Maintenance) begins when LTRA is complete [see Definition of Long-Term Response Action (LTRA)].

Where appropriate, the completion of O&M is defined as the date (Actual Complete) the performance standards or conditions specified in the Cooperative Agreement that provides funds for the RA, Superfund State Contract (SSC), or CD signed by EPA, the PRPs and Federal judge have been met with respect to O&M. If O&M must be conducted indefinitely, regions should not enter an actual completion date.

Changes in Definition FY 02/03 - FY 04/05:

O&M start is the date of O&F or LTRA completion.

Special Planning/Reporting Requirements:

This is a program measure. O&M is planned site-specifically (Action Name = Operation and Maintenance) in WasteLAN and used for resource allocation purposes only. Funds for oversight of O&M are contained in the pipeline operations AOA and/or a site specific special account. If O&M is not required, regions should not enter the action in WasteLAN. Where O&M must be conducted indefinitely, regions should not enter a planned or actual completion date for the O&M action.

⁸ Actions qualify for PRP-financed from a Special Account performed by the State (SS lead), when the majority of funding for the total estimated O&M cost (including direct and indirect costs) is to be paid from a Special Account. The amount contributed from a Special Account should meet or exceed the amount contributed by the largest non-PRP entity (i.e., State where applicable) toward the total estimated O&M cost at the site. For example for O&M, if 60% of the funds needed to finance the estimated cost are to be derived from a Special Account and 40% of the costs will be paid by the State, the majority of the cost is being paid for out of a Special Account and the action qualifies for a SS lead.

If the only O&M activities being conducted by the PRPs at the site are groundwater or surface water restoration, including monitored natural attenuation, regions should use the 'PRP LR' Action instead of the 'Operations and Maintenance' Action. In this situation, regions should not enter both Actions.

Data Entry Timeliness Requirement:

SPIM Action/ Activity	Activity Type	SPIM Lead	Documentation Required	Documentation Approval/ Date Requirements	Data Must Be Entered By
Action Name = Operations and Maintenance (OM) Start	Program Measure	RP, PS, MR, SS, SR, SN	O&F determination in Final RA Report Letter to the State confirming LTRA transfer	Start: Signed by the designated Regional official. Signed by the appropriate Regional official. Date is 10 years after LTRA began.	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.

u. CLEANUP GOALS ACHIEVED

Definition:

This measure is used to indicate when cleanup goals are achieved for groundwater and surface water restoration remedies, including monitored natural attenuation. It tracks achievement of cleanup goals for these remedies because they have not yet been achieved at Remedial Action completion. This subaction is not used for other remedies.

Definition of Accomplishment:

Cleanup goals are achieved when the designated Regional official (Branch Chief or above) approves in writing the Final Remedial Action Report for a groundwater or surface water restoration remedy. This report should update information previously prepared in the Interim Remedial Action Report. For more detailed information, see OSWER Directive 9320.2-09A-P, "Close Out Procedures for National Priorities List Sites."

Changes in Definition FY 02/03 - FY 04/05:

None

Special Planning/Reporting Requirements:

Cleanup Goals Achieved is planned on a site-specific basis (Action Name = LTRA or PRP LR or Operations & Maintenance and SubAction Name = Cleanup Goals Achieved) in WasteLAN. This is a program measure.

Data Entry Timeliness Requirement:

SPIM Action/ Activity	Activity Type	SPIM Lead	Documentation Required	Documentation Approval/ Date Requirements	Data Must Be Entered By
Action Name = LTRA (LR) or PRP LR (ME) or O&M. SubAction = Cleanup Goals Achieved (OQ)	Program Measure	F	Final Remedial Action Report	Written approval from Regional official (Branch Chief or above)	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.

v. NPL SITE COMPLETIONS

Definition:

An NPL site must meet all six criteria below to be eligible for site completion:

- ☐ Cleanup goals specified in the RODs or removals are met;
- ☐ Institutional controls are in place;
- ☐ All Remedial Action Reports, On-Scene Coordinator Reports, and Pollution Reports have been completed;
- ☐ All RODs, ROD Amendments, and Explanation of Significant Differences (ESD) have been completed;
- ☐ The site is protective of human health and the environment; and
- ☐ The only remaining activities, if any, at the site are operation and maintenance activities that are performed by the State, Federal facility, or responsible parties.

There is only one NPL Site Completion per NPL site, and the site must be final on the NPL. For more detailed information, see OSWER Directive 9320.2-09A-P, “Close Out Procedures for National Priorities List Sites.”

Definition of Accomplishment:

A NPL Site Completion occurs when the Final Close-out Report (FCOR) has been signed by the Regional Administrator and concurred with by HQ. The region must enter the completion date (Actual Complete) of the Final Close-Out Report [Action Name = Remedial Action or PRP RA or O&M and SubAction Name = Close-Out Report] into WasteLAN. EPA is responsible for documenting site completion, therefore all FCOR actions are given a Fund-financed lead code.

For examples of when to prepare FCORs, see the table in section B.A.3.q, Completion of Response Action/Activity.

Changes in Definition FY 02/03 - FY 04/05:

All FCOR actions are now given a Fund-financed lead code.

Special Planning/Reporting Requirements:

Regions may receive credit under this measure and the NPL Site Construction Completion measure as a result of the same Final Closeout Report. This is a program measure.

Data Entry Timeliness Requirement:

SPIM Action/ Activity	Activity Type	SPIM Lead	Documentation Required	Documentation Approval/ Date Requirements	Data Must Be Entered By
Action name = Remedial Action (RA) or PRP RA (BF) or O&M (OM) SubAction: Close-Out Report (CQ)	Program Measure	F	Final Close-out Report (FCOR).	Signed by the Regional Administrator and concurred with by HQ.	<i>It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.</i>

w. FIVE-YEAR REVIEWS

Definition:

A five-year review is a review of remedial action(s) selected under CERCLA §121(c). 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. Where remedial actions are still under construction, 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 statutory reviews of any site at which a post-SARA remedy, upon attainment of cleanup levels specified in the ROD, will not allow for unlimited use and unrestricted exposure. EPA conducts policy reviews at sites where remedial actions will attain cleanup levels but will take longer than five years to complete, sites with pre-SARA remedies at which the cleanup levels do not allow unlimited use and unrestricted exposure, and at NPL removal only sites where cleanup levels do not allow unlimited use and unrestricted exposure. EPA may also conduct five-year reviews at its discretion for other sites.

Definition of Accomplishment:

Five-Year Review Starts - Credit is given for a five-year review start when:

- ☐ **Fund-financed (Including F-, TR-, S- or EP-lead actions)** - EPA or the State begins any of the tasks discussed in the latest Five-Year Review Guidance. This action may be documented by a memo to the file or EPA approval of a workplan for the five-year review. Note: EP-lead five-year reviews should have no associated funding.
- ☐ **PRP-financed (Including RP- or PS-lead actions)** - EPA approves the five-year review workplan submitted by the PRPs under the terms of an enforcement instrument. These lead codes indicate who finances and may perform some of the work. The five-year review is still required to be approved and signed by EPA.

The actual start date (Actual Start) for the five-year review (Action Name = Five Year Review) must be entered into WasteLAN.

Five-Year Review Completions

Planned Completion Date: Five-year review planned completion dates, and the Report Due (SubAction Name = FYR Report Due) date are system generated based on five-year review type entered at the time of ROD completion.

Statutory: The five-year review and FYR Report Due planned completion date fields are populated for five years after the RA On-Site Construction Start SubAction planned completion date. Both the five-year review planned completion date and the FYR Report Due planned completion date will be updated by the system based on the changes to the planned or actual completion dates for the triggering RA On-Site Construction Start subaction. The five-year review planned completion date will be editable. The FYR Report Due planned completion date will be greyed out and uneditable and will be locked once the actual completion date for the RA On-Site Construction Start subaction is entered.

Policy: The five-year review and FYR Report Due planned completion dates are populated for five years after the PCOR or FCOR planned completion date. Both the five-year review planned completion date and the FYR Report Due planned completion date will be updated by the system based on changes to the planned or actual completion dates for the triggering PCOR or FCOR. The five-year review planned completion date will be editable. The FYR Report Due planned completion date will be greyed out and un-editable and will be locked once the actual completion date of the PCOR or FCOR is entered.

Discretionary: The five-year review planned completion date is based on the date set by the user at the time of entry of five-year review type.

No Review: No five-year review action will be generated.

Actual Completion Date: The five-year review is complete on the date the designated Regional official signs the five-year review report stating whether the remedy is, or is not, protective of human health and the environment. The actual completion date (Actual Complete) for the five-year review (Action Name = Five Year Review) must be entered into WasteLAN.

Changes in Definition FY 02/03 - FY 04/05:

Changed RA On-Site Construction SubAction name to RA On-Site Construction SubAction Start. The date changed from planned start to planned completion for Statutory five-year reviews. Removed MR-lead and added language clarifying other leads for five-year reviews. Expanded the Definition of Accomplishment to include specifics about system-generated five-year review and FYR Report Due planned completion dates.

Special Planning/Reporting Requirements:

In order to receive credit for a five-year review completion the region must enter the following data into WasteLAN through the SCAP screens:

- applicable OUs
- the associated remedy(ies)
- associated issue for each remedy (when issue is identified, a determination must be made as to whether the issue ‘Affects Current Protectiveness” and “Affects Future Protectiveness”)
- recommendations or followup actions (a party responsible, oversight agency, and milestone date must be identified for each recommendation or followup action)
- protectiveness determination for each remedy/OU (if a determination is deferred, enter a date for when a protectiveness determination will be made)
- protectiveness statement as it appears in the five-year review

If the Construction Completion flag has been checked for the site, the user must enter the following information:

1. site protectiveness determination
2. site-wide protectiveness statement as it appears in the five-year review

All Sites must have the following information:

1. If future five-year reviews are necessary at the site indicate if this is the final five-year review at the site

Five-year review completes must be planned and reported site-specifically (Action Name = Five Year Review) in WasteLAN. Funds are allocated in the Remedial Action AOA. This is a program target for Superfund. Five-year review completes are a Program Measure for Federal facilities (See Exhibit B.1 in Appendix B and Exhibit D.1 in Appendix D).

Data Entry Timeliness Requirement:

SPIM Action/ Activity	Activity Type	SPIM Lead	Documentation Required	Documentation Approval/ Date Requirements	Data Must Be Entered By
Action name = Five-Year Review	Program Target	F, TR, S, EP	Start: Memo; or Workplan	Not specified EPA approval	Within 10 working days
Action name = Five-Year Review	Program Target	MR, RP, PS	Start: Five-year review workplan	EPA approval	Within 10 working days
Action name = Five-Year Review	Program Target	F, TR, S, EP, MR, RP, PS	Complete: Five-year review report	Signed by Regional official.	Within 10 working days

x. **PARTIAL NPL DELETION**

Definition:

EPA will consider partial deletion for portions of sites when no further response is appropriate for that portion of the site. Such portion may be a defined geographic unit of the site, perhaps as small as a residential unit, or may be a specific medium at the site (e.g., groundwater), depending on the nature or extent of the release(s). The criteria for partial deletion are the same as for final deletion. EPA must consider, in consultation with the State, 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.

Definition of Accomplishment:

The partial NPL deletion process begins when a Notice of Intent to Partially Delete (Action Name = Notice of Intent to Partially Delete) is published in the *Federal Register* for the specified portion of a site on the NPL. Notice of Intent to Partially Delete is completed (Actual Complete) the day the Federal Register is published. If the Direct Final Process for Partial Deletions is used, the process begins when the Direct Final Action Notice is published in the Federal Register [Action Name = Notice of Intent to Partially Delete].

The partial NPL deletion process (Action Name = Partial NPL Deletion) is complete (Actual Complete) when the Notice of Partial Deletion is published in the *Federal Register* for the specified portion of a site on the NPL. If the Direct Final Process for Partial Deletions is used and the comment period has ended with no adverse comments, the actual completion (Actual Complete) is the effective date of deletion specified in the Direct Final Action Notice.

Start dates are not required for either the Notice of Intent to Partially Delete (NOIPD) or the Partial NPL Deletion actions. The completion of the NOIPD action signifies the start of the partial deletion action.

HQ will enter the Partial Deletion and the Notice of Intent to Partially Delete from the NPL Action and the completion dates into WasteLAN.

For more detailed information, see OSWER Directive 9320.2-09A-P, "Close Out Procedures for National Priorities List Sites."

Changes in Definition FY 02/03 - FY 04/05:

Definition revised to clarify the use of start dates.

Special Planning/Reporting Requirements:

Partial NPL deletions are tracked separately from final NPL deletions. Partial site NPL deletions will be entered by HQ if a portion, or portions of the release remain listed on the NPL following completion of the partial deletion.

Partial deletions will be coded at specific Operable Units (OUs) when appropriate. Partial deletion actions that address multiple OUs or areas that do not directly correspond to a specific OU will be coded at OU00 (sitewide).

A site deletion (Action Name = Deletion from NPL) will be entered by HQ if the deletion activity addresses the remaining release listed on the NPL (either as a one-time deletion activity for the entire site as originally listed, or as the last deletion activity associated with a site subject to previous partial deletions). This is a program measure.

Data Entry Timeliness Requirement:

SPIM Action/ Activity	Activity Type	SPIM Lead	Documentation Required	Documentation Approval/ Date Requirements	Data Must Be Entered By
Action name = Partial NPL Deletion (GR)	Program Measure	F	<p>Start: Notice of Intent to Partially Delete or Direct Final Action Notice.</p> <p>Complete: Notice of Partial Deletion or Direct Final Action Notice.</p>	<p>Start: Published in the <i>Federal Register</i>.</p> <p>Complete: Published in the <i>Federal Register</i>.</p>	Within 5 working days, but no later than 10 working days.

y. **FINAL NPL DELETION**

Definition:

With State concurrence, EPA may delete sites from the NPL when it determines that no further response is appropriate under CERCLA. In making that determination, EPA considers:

- 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.

Definition of Accomplishment:

The deletion process for the entire site begins when a Notice of Intent to Delete [Action Name = Notice of Intent to Delete] is published in the *Federal Register*. If the Direct Final Process for Deletions is used, the process begins when the Direct Final Action Notice is published in the Federal Register [Action Name = Notice of Intent to Delete].

The deletion process for the entire site [Action Name = Deletion from the NPL] is complete (Actual Complete) when the Notice of Deletion is published in the *Federal Register*. If the Direct Final Process for Deletions is used and the comment period has ended with no adverse comments, the actual completion (Actual Complete) is the effective date of deletion specified in the Direct Final Action Notice.

Start dates are not required for either the Notice of Intent to Delete (NOID) or the Deletion from the NPL actions. The completion of the NOID action signifies the start of the deletion action.

HQ will enter the Final Deletion from the NPL Action and the actual completion dates into WasteLAN. For more detailed information, see OSWER Directive 9320.2-09A-P, "Close Out Procedures for National Priorities List Sites."

Changes in Definition FY 02/03 - FY 04/05:

Definition revised to clarify the use of start dates.

Special Planning/Reporting Requirements:

An entire site deletion action (Action Name = Deletion from NPL) will be entered by HQ if the deletion activity addresses the remaining release listed on the NPL (either as a one-time deletion event for the entire site as originally listed, or as the last deletion activity associated with a site subject to previous partial deletions). The Action, Final

Deletion from the NPL, will be used whether deletion is accomplished through the Notice of Deletion or the Direct Final Action Notice. When the Notice of Deletion is published or the date of deletion is effective, HQ will change the NPL Status in CERCLIS to “Deleted from Final NPL.” This is a program target.

Data Entry Timeliness Requirement:

SPIM Action/ Activity	Activity Type	SPIM Lead	Documentation Required	Documentation Approval/ Date Requirements	Data Must Be Entered By
Action name = Deletion from the NPL (ND)	Program Target	F	<p>Start: Notice of Intent to Delete or Direct Final Action Notice.</p> <p>Complete: Notice of Deletion or Direct Final Action Notice.</p>	<p>Start: Published in the <i>Federal Register</i>.</p> <p>Complete: Published in the <i>Federal Register</i>.</p>	Within 5 working days, but no later than 10 working days.

z. SITES WITH LAND READY FOR REUSE

Definition:

Sites with land ready for reuse applies to

- Non-NPL sites where a non-time-critical removal action was performed;
- NPL sites; and
- Superfund alternative sites.

A site has land ready for reuse when:

- The site or a portion of the site is currently in productive use, such as for commercial, recreational, ecological, residential, or public service purposes; or
- The Agency makes a determination that either: (1) Superfund response actions are unnecessary for the site or portion of the site ready for reuse (as a result of an investigation of the property), and EPA is not currently aware of any potential circumstances or any EPA or State or local restrictions that would make the site conditions not protective for reuse; or (2) the land has been remediated and all physical requirements in the response decision document have been fully implemented and successful (i.e., construction is complete and engineering and institutional controls are in place and operating properly). Please refer to “Guidance for Preparing Superfund Ready for Reuse Determination,” OSWER 9365.0-33-d for more information on making risk based reuse decisions. For additional information on this measure, please refer to the “Guidance for Documenting and Reporting the Superfund Revitalization Performance Measures.”

Definition of Accomplishment:

A site is considered to have land ready for reuse when a property reuse evaluation has been conducted and the Agency has documented this decision in one or more of the following documents:

- Record of Decision (ROD)
- Interim/Final RA Report
- Preliminary Close-Out Report
- Final Close-Out Report
- Final OSC Report (at the completion of the Removal action)
- Notice of Deletion/Partial Deletion, including Direct Final Notice of Deletion/Partial Deletion
- Five-Year Review

OSWER Directive 9200.3-14-1G-Q

- Finding of Suitability to Lease (Federal facilities)
- Finding of Suitability to Transfer (Federal facilities)
- Finding of Suitability to Early Transfer (Federal facilities)
- Ready for Reuse Determination
- Property Reuse Evaluation Checklist

A site has land ready for reuse on the date of the actual completion (as defined in other sections of the SPIM) of the applicable document(s) (e.g., ROD signature date), except Deletion notices. A site has land ready for reuse on the actual start date of the Deletion notice (as defined in other sections of the SPIM). A site may also be ready for reuse on the date the Ready-for-Reuse Determination or Property Reuse Evaluation Checklist is signed by the Regional division director or designee. This date is entered into CERCLIS as the action completion date of these Actions.

The total number of sites with land ready for reuse will be derived using data entered into WasteLAN on the acres ready for reuse (see the Acres at Sites with Land Ready for Reuse measure).

Changes in Definition FY 03 - FY 04:

This is a new reporting measure in FY 04. Clarified definition for sites with land ready for reuse.

Special Planning/Reporting Requirements:

This GPRA reporting measure includes Federal facility and non-Federal facility NPL sites, Superfund alternative sites, and Federal and non-Federal facility non-NPL sites where a non-time critical removal has been conducted. For non-Federal facilities, Regions will enter, on a site-specific basis at the Action level, the acres of land ready for reuse with the actual completion date of the appropriate Action (See the Acres at Sites with Land Ready for Reuse measure). Any acres of land ready for reuse that are determined as a result of a decision to delete the site from the NPL are entered with the actual start date of the Deletion Actions. At Federal facilities, the land ready for reuse will continue to be documented in a FOST, FOSL, or FOSET (as defined in Appendix D). The acres ready for reuse are entered in CERCLIS on the FOST and FOSL screens. Headquarters will use that information to derive the number of sites ready for reuse.

Data Entry Timeliness Requirement:

SPIM Action/ Activity	Activity Type	SPIM Lead	Documentation Required	Documentation Approval/ Date Requirements	Data Must Be Entered By
Action Name = Ready-for-Reuse Determination (PS)	GPRA APM	EP	Ready-for-Reuse Determination	Signed by Regional division director or designee.	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.
Action Name = Property Reuse Evaluation Checklist (UG)	GPRA APM	EP	Property Reuse Evaluation Checklist	Signed by Regional division director or designee.	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.

*For other actions that are applicable to Land Ready for Reuse see the appropriate Data Entry Timeliness Requirement.

aa. ACRES AT SITES WITH LAND READY FOR REUSE**Definition:**

Acres at sites with land ready for reuse is an estimate of the total land area, reported in acres, that either has been returned to productive use, or is ready for reuse based on the determination that either: (1) Superfund response actions are unnecessary for the site or portion of the site ready for reuse (as a result of an investigation of the property), and EPA is not currently aware of any potential circumstances or any EPA or State or local restrictions that would make the site conditions not protective for reuse; or (2) the land has been remediated and all physical requirements in the response decision document have been fully implemented (i.e., construction is complete and engineering and institutional controls are in place and operating properly). Please refer to “Guidance for Preparing Superfund Ready for Reuse Determination,” OSWER 9365.0-33-d for more information on making risk based reuse decisions. For additional information on this measure, please refer to the “Guidance for Documenting and Reporting the Superfund Revitalization Performance Measures.”

In addition, the acres at sites with land ready for reuse will be further designated as either ready for *restricted* use or ready for *unrestricted* uses, **unless the site is a Federal facility**. For further direction on reporting Acres at Sites with Land Ready for Reuse at Federal Facilities, see Appendix D of the SPIM: Base Closure Decisions. A site or portion of a site is ready for unrestricted use when response activities for the site/portion of the site are unnecessary or the cleanup goals for the land support residential use. A site or portion of a site is ready for restricted use when the cleanup goals for the land support other types of use (e.g., industrial, commercial, recreational). **For Federal facility sites**, Regions will only be required to report the *total acres* that are ready for reuse.

Definition of Accomplishment:

Regions will report the acres ready for reuse when a property reuse evaluation has been conducted and the Agency has documented this decision in one or more of the following documents:

- Record of Decision (ROD)
- Interim/Final RA Report
- Preliminary Close-Out Report
- Final Close-Out Report
- Final OSC Report (at the completion of the Removal action)
- Notice of Deletion/Partial Deletion, including Direct Final Notice of Deletion/Partial Deletion
- Five-Year Review
- Finding of Suitability to Lease (Federal facilities)
- Finding of Suitability to Transfer (Federal facilities)
- Finding of Suitability to Early Transfer (Federal facilities)
- Ready for Reuse Determination
- Property Reuse Evaluation Checklist

Acres are ready for reuse on the date of the actual completion (as defined in other sections of the SPIM) of the applicable document(s) (e.g., ROD signature date), except Deletion notices. A site has land ready for reuse on the actual start date of the Deletion notice (as defined in other sections of the SPIM). Acres may also be ready for reuse on the date the Ready-for-Reuse Determination or Property Reuse Evaluation Checklist is signed by the Regional division director or designee.

Changes in Definition FY 03 - FY 04:

This is a new reporting measure in FY 04.

Special Planning/Reporting Requirements:

This GPRA reporting measure includes Federal facility and non-Federal facility NPL sites, Superfund alternative sites, and Federal and non-Federal facility sites where a non-time critical removal has been conducted. At non-Federal facility sites, when entering the actual completion or actual start date (for Deletion Actions) for the Actions associated with the Agency documents listed above the Region must enter the following information into WasteLAN: (1) the number of acres that are ready for unrestricted reuse; and/or (2) the number of acres that are ready for restricted reuse. At Federal facilities, Regions will only report the *total number of acres* that are ready for reuse. The total number of acres at Federal facilities will continue to be entered on the FOST or FOSL screens. Headquarters will use this information to calculate the total acres of land ready for reuse. The completion and start dates for these Actions, except the Ready-for Reuse Determination and the Property Reuse Evaluation Checklist, are defined in other sections of the SPIM. The completion dates for the Ready-for-Reuse Determination and the Property Reuse Evaluation Checklist are defined above.

Data Entry Timeliness Requirement:

SPIM Action/ Activity	Activity Type	SPIM Lead	Documentation Required	Documentation Approval/ Date Requirements	Data Must Be Entered By
Action Name = Ready-for-Reuse Determination (PS)	GPRA APM	EP	Ready-for-Reuse Determination	Signed by Regional division director or designee.	<i>It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.</i>
Action Name = Property Reuse Evaluation Checklist (UG)	GPRA APM	EP	Property Reuse Evaluation Checklist	Signed by Regional division director or designee.	<i>It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.</i>

*For other actions that are applicable to Land Ready for Reuse see the appropriate Data Entry Timeliness Requirement.

PART IV. ENVIRONMENTAL INDICATORS

bb. LONG-TERM HUMAN HEALTH PROTECTION INDICATOR

Definition:

The Long-Term Human Health Protection 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.

"Unacceptable human exposures" are potential exposures associated with complete human exposure pathways that present an "unacceptable risk"—pathways by which an individual could reasonably be exposed to a hazardous substance, pollutant, or contaminant at levels that could result in injury, disease, or death. Unacceptable human exposures can be controlled by:

- Reducing the level of contamination associated with complete exposure pathways to the point where the exposure is no longer "unacceptable" and
- Controlling or eliminating contaminant migration to human receptors, preventing human receptors from contracting contaminants in-place, or controlling human receptor activity patterns (e.g., by reducing the potential frequency or duration of exposure).

The Progress Categories that describe the level of incremental human health protection achieved at a site are as follows:

- Insufficient data to determine human exposure control status;
- Current human exposures not controlled;
- Current human exposures not controlled but some human exposures control achieved;
- Current human exposures controlled;
- Current human exposures controlled and protective remedy in place; and
- Long-term human health protection achieved.

Definition of Accomplishment:

The criteria for determining the status of long-term human health protection at a site can be found in the Environmental Indicators Guidance Manual, the Long-Term Human Health Protection Data Quality Objectives document, and on the Superfund Environmental Indicators Website.

Changes in Definition FY 02/03 - FY 04/05:

This is a GPRA measure for FY 05.

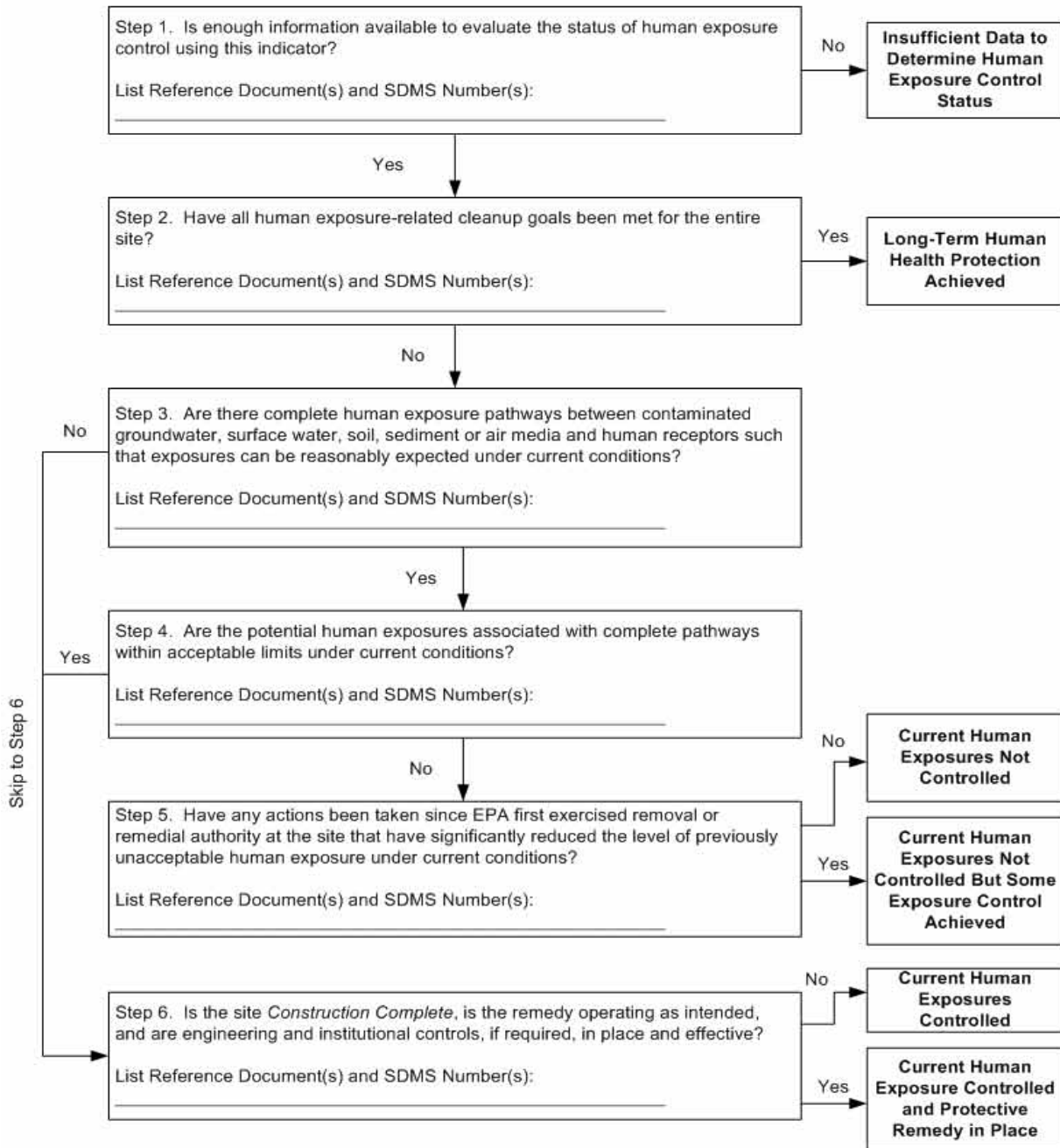
Special Planning/Reporting Requirements:

The Long-Term Human Health Protection worksheet (on the Program Management/Environmental Indicators screen) must be completed in CERCLIS and/or reviewed by October 15 of each year to reflect the status at each site as of the end of the prior fiscal year.

EXHIBIT B.2

Superfund Long-Term Human Health Protection Worksheet

Definition: The Long-Term Human Health Protection EI 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.



cc. MIGRATION OF CONTAMINATED GROUNDWATER UNDER CONTROL

Definition:

The Migration of Contaminated Groundwater Under Control indicator assesses whether groundwater contamination is below protective, risk-based levels or, if not, whether the migration of contaminated groundwater is stabilized and there is not 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 limited to sites with known past and/or present groundwater contamination.

Definition of Accomplishment:

The criteria for determining if groundwater migration is controlled are found in the Migration of Contaminated Groundwater Under Control Survey (refer to Exhibit B.3), the Environmental Indicators Guidance Manual, the Human Health Protection/Groundwater Under Control Data Quality Objectives document, and on the Superfund Environmental Indicators Website.

Changes in Definition FY 02/03 - FY 04/05:

This is a GPRA measure for FY 05.

Special Planning/Reporting Requirements:

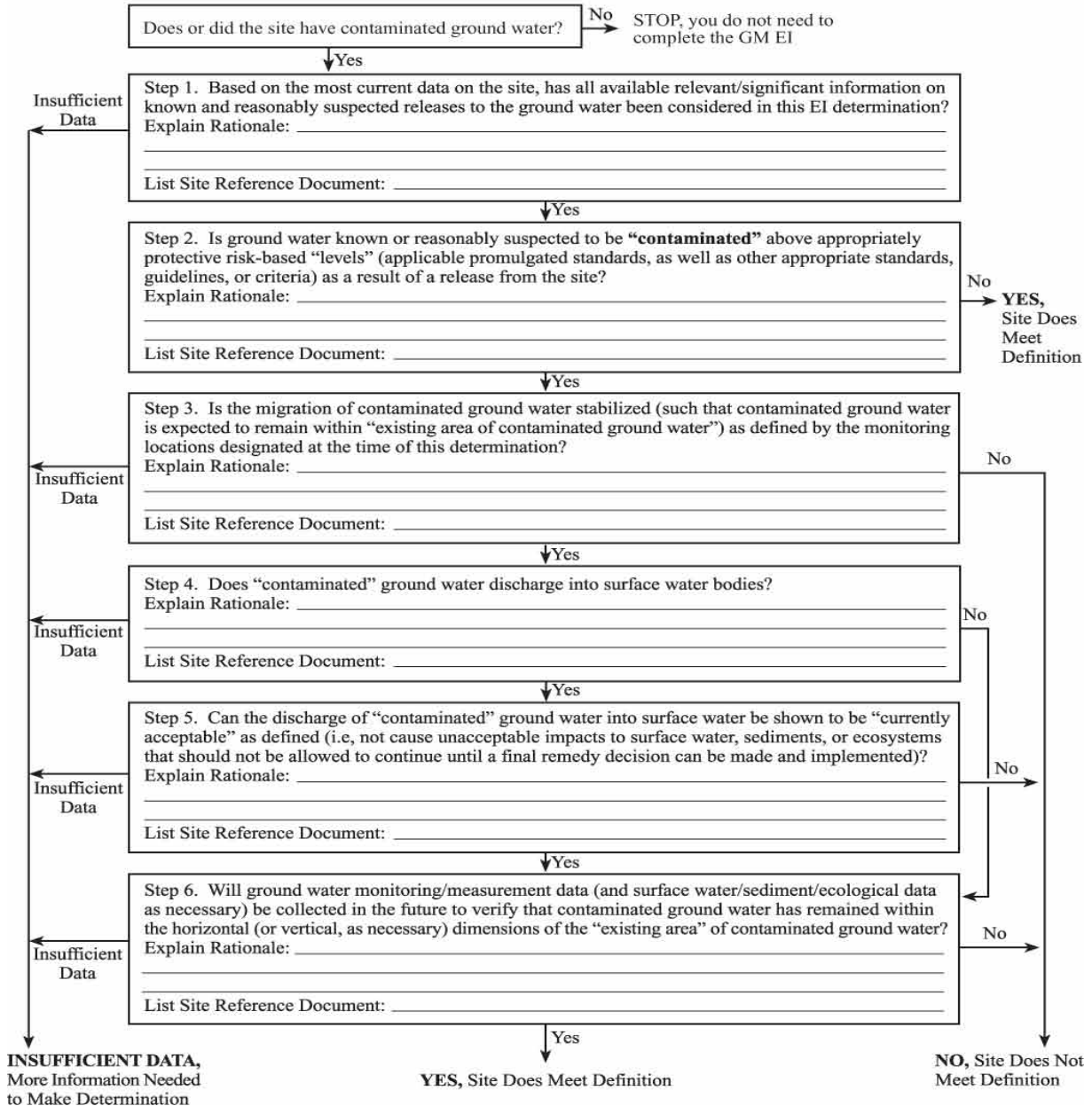
The Migration of Contaminated Groundwater survey (on the Program Management/Environmental Indicators screen) must be completed and/or reviewed by October 15 of each year in CERCLIS to reflect the status at each site as of the end of the prior fiscal year.

EXHIBIT B.3

Superfund Migration of Contaminated Ground Water Under Control Worksheet

Definition: Is the migration of contaminated ground water from the site being controlled through engineered or natural processes?

Region: _____
 State: _____
 EPA ID: _____
 Site Name: _____



dd. POPULATIONS PROTECTED**Definition:**

This measure tracks the environmental progress achieved at NPL, Superfund Alternative and non-NPL sites through the protection of human receptors from immediate threats of exposure to contaminated media. The following information will be reported under this measure:

- The number of human receptors protected during removals and remedial actions that result in:
 - Relocation of affected populations; or
 - Provision of an alternate water supply.

Definition of Accomplishment:

Population Protected data is required upon a removal or remedial action start where a population has been either relocated and/or provided an alternative drinking water supply in association with the following actions: Removal; PRP Removal; FF Removal; Remedial Action; PRP RA; FF RA; PRP Emergency Removal; or Initial Remedial Measure.

The following information must be entered into WasteLAN for each action resulting in a population being relocated or provided an alternative source of drinking water:

- Action - action associated with the population relocation or the provision of alternative drinking water;
- Affected Date - date the population was relocated or provided alternative drinking water;
- Protection Level - level (permanently, temporarily, or returned/reinstated) at which the population was relocated and or provided alternative drinking water; and
- Number Affected- number of people relocated or provided alternative drinking water.

The Populations Protected screen can be accessed through the one of the following: Program Management/Environmental Indicators or the EI icon can be used on the Removal or Remedial schedule when one of the following actions are selected: Removal; PRP Removal; FF Removal; Remedial Action; PRP RA; FF RA; PRP Emergency Removal; or Initial Remedial Measure.

Changes in Definition FY 02/03 - FY 04/05:

Definition revised to reflect restructure of Population Protected data. Population Protected data is now captured incrementally at the action level rather than the action-media level. Population Protected data entry is permitted without the selection of the associated population relocated or alternative drinking water supplied response action via the Add/Edit Response Action screen; however, for completeness it is recommended that both screens be updated during data entry.

Special Planning/Reporting Requirements:

See Definition of Accomplishment. Population Protected data is required to be updated once per year. Data documenting relocation or provision of alternative drinking water can typically be found in RODs, Action Memoranda, Pollution Reports, Remedial Actions Reports and Close Out Reports. This is a program measure.

ee. ***CLEANUP VOLUME***

Definition:

This measure tracks the amount of contaminated media that has been treated, stabilized, contained, or removed through the use of risk management technologies or engineering techniques.

Definition of Accomplishment:

Cleanup Volume data is required in association with a removal action (Removal, PRP Removal, FF Removal) start or complete as defined in the Removal Start and Removal Completion measures or a remedial action (Remedial Action, PRP RA, FF RA, PRP Emergency Removal, Initial Remedial Measure) start or complete as defined in the Start of a Response Action/Activity or Completion of a Response Action/Activity measures

The following information must be entered into WasteLAN for each medium addressed by the completed response action:

- Cleanup Date - date contaminated media was addressed
- Media Name - media name as documented in the Add/Edit Media screen and media type
- Original Amount - amount of contaminated media addressed
- Original Unit - volumetric unit of contaminated media

The Cleanup Volumes screen can be accessed through the following: Program Management/Environmental Indicators or the EI icon can be used on the Removal or Remedial schedule when one of the following actions are selected: Removal, PRP Removal, FF Removal, Remedial Action, PRP RA, FF RA, PRP Emergency Removal, or Initial Remedial Measure.

Changes in Definition FY 02/03 - FY 04/05:

Measure has been renamed from Cleanup Technologies Applied. Definition revised to reflect restructure of Cleanup Volume data. This measure is no longer directly tied to technology, and is captured incrementally rather than cumulatively.

Special Planning and Reporting Requirements:

Cleanup Volume data is required to be updated at a minimum of once per year. Data documenting volumes of contaminated media addressed can typically be found in RODs, Action Memoranda, Pollution Reports, Remedial Actions Reports and Close Out Reports. This is a program measure.

PART V. SUPPORT ACTIVITIES

ff. **SUPPORT AGENCY ASSISTANCE**

Definition:

The activities performed by another entity to support an EPA response is support agency assistance. The support agency furnishes necessary data to EPA, reviews response data and documents, and provides other assistance to EPA.

EPA may provide States, political subdivisions, and Indian Tribes with funding to carry out a variety of management responsibilities via a support agency Cooperative Agreement to ensure the meaningful and substantial involvement in response activities.

Unless otherwise specified in the Cooperative Agreement, all support agency costs, with the exception of RA support agency costs, may be planned under a single Superfund account number designated specifically for support agency activities. RA support agency activities must be planned site-specifically and require cost share provisions.

Definition of Accomplishment:

The start of support agency assistance (Action Name = Management Assistance) is the signature of the Cooperative Agreement by the Regional Administrator or his designee. The completion of support agency assistance is the expiration or termination of the assistance agreement.

Changes in Definition FY 02/03 - FY 04/05:

None

Special Planning/Reporting Requirements:

Funds for support agency assistance are contained in the pipeline operations, enforcement, or Federal facility AOA. Planned and actual start and completion dates are not required in WasteLAN. Funds may be planned or obligated site or non-site and OU specifically; however, they must be outlayed site-specifically. This is a program measure.

Data Entry Timeliness Requirement:

SPIM Action/ Activity	Activity Type	SPIM Lead	Documentation Required	Documentation Approval/ Date Requirements	Data Must Be Entered By
Action name = Management Assistance (MA)	Program Measure	F	<u>Start:</u> Cooperative Agreement. <u>Complete:</u> Expiration or termination of the assistance agreement.	<u>Start:</u> Signed by Regional Administrator or his designee <u>Complete:</u> Expiration or termination of the assistance agreement.	<i>It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.</i>

gg. TECHNICAL ASSISTANCE

Definition:

Technical assistance is support provided by a third party to EPA regions to conduct response activities. Third parties that may provide assistance include U.S. Army Corps of Engineers (USACE), U. S. EPA laboratories, U.S. Fish and Wildlife Service, Superfund Technical Assistance and Response Team (START), and Response Action Contracts (RAC) contractors.

Definition of Accomplishment:

The start of technical assistance (Action Name = Technical Assistance) is the obligation of funds for technical assistance. The completion is defined as the completion of the response activities for the stage at which technical assistance was requested.

Changes in Definition FY 02/03 - FY 04/05:

None

Special Planning/Reporting Requirements:

Technical assistance is paid for by the response program and is contained in the pipeline operations AOA. Planned and actual start and completion dates are not required in WasteLAN. Funds may be planned or obligated site- or non-site and OU specifically; however, they must be outlayed site-specifically. This is a program measure.

Data Entry Timeliness Requirement:

SPIM Action/ Activity	Activity Type	SPIM Lead	Documentation Required	Documentation Approval/ Date Requirements	Data Must Be Entered By
Action name = Technical Assistance (TA)	Program Measure	EP, F, S, TR, RP, PS, MR	Start: Obligation of funds.	Not specified	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.

hh. PRE-DESIGN ASSISTANCE

Definition:

Pre-design assistance activities are undertaken by the USACE in preparation for initiating RD activities. This includes:

- Synopsizing RD requirements in the Commerce Business Daily (CBD);
- Developing architect/engineer (A/E) firm pre-selection list;
- Contacting A/E firms on the pre-selection list to ascertain interest in project;
- Developing A/E selection list; and
- Selecting A/E firm.

Definition of Accomplishment:

The initiation of pre-design assistance (Action Name = Design Assistance) is the signature of the IAG by USACE (obligation of funds). The completion of design assistance is the start of RD.

Changes in Definition FY 02/03 - FY 04/05:

None

Special Planning/Reporting Requirements:

Funds for pre-design assistance should be obligated prior to the signature of the ROD. Planned and actual start and completion dates are not required in WasteLAN. Funds may be planned site-or non-site and OU specifically; however, they must be obligated site-specifically. Funds for design assistance are in the pipeline operations AOA. This is a program measure.

Data Entry Timeliness Requirement:

SPIM Action/ Activity	Activity Type	SPIM Lead	Documentation Required	Documentation Approval/ Date Requirements	Data Must Be Entered By
Action name = Design Assistance (DA)	Program Measure	EP, F, S, TR, RP, PS, MR	<u>Start:</u> IAG <u>Complete:</u> Not specified	<u>Start:</u> Signed by USACE <u>Complete:</u> Start of RD	It is good management practice to enter data regarding the event as soon as practicable after the event occurs. However, data must be entered prior to the end of the quarter in which the event occurs.

B.C. SUBJECT MATTER EXPERTS

The following table identifies the subject matter experts for Appendix B Response Actions.

EXHIBIT B.4 SUBJECT MATTER EXPERTS

Subject Matter Expert	Subject Area	Phone #
Richard Jeng	Construction Completion	703-603-8749
Rich Norris	Environmental Indicators	703-603-9053
RobinM Anderson	Final Remedy Assessment	703-603-8747
Carolyn Kenmore	Final Remedy Assessment	703-308-8644
Silvina Fonseca	Five-Year Reviews	703-603-8799
James Konz	Five-Year Reviews	703-603-8841
Jeff Heimerman	Innovative Technology	703-603-7191
JoAnn Griffith	Contaminant of Concern	703-603-8774
Michael Bellot	Institutional Controls	703-603-8905
Tracy Hopkins	Post-Construction	703-603-8788
Jennifer Griesert	Post-Construction	703-603-8888
JohnJ Smith	Remedial Implementation	703-603-8802
Robert White	Response Appendix Coordinator	703-603-8873
DavidE Cooper	Risk Assessment	703-603-8763
Matthew Charsky	RODs/Remedy Selection	703-603-8777
Janet Weiner	Superfund Redevelopment/GPRA	703-603-8717
Melissa Friedland	Superfund Redevelopment	703-603-9075

**This Page Intentionally
Left Blank**

Superfund Program Implementation Manual FY04/05

Appendix C: Enforcement

**This Page Intentionally
Left Blank**

Appendix C Enforcement

Table of Contents

C.A FY04/05 TARGETS AND MEASURES FOR ENFORCEMENT	C-1
C.A.1 Overview	C-1
C.A.2 Promoting the Superfund Enforcement Program	C-2
C.A.3 Targets and Measures for Baseline Enforcement	C-7
Criteria for Credit of Enforcement Activities at Superfund Alternative Sites.	C-7
a. Potentially Responsible Party (PRP) Search Starts	C-8
b. PRP Search Completions	C-8
c. Section 104(e) Referrals and Orders Issued	C-9
d. Issuance of General Notice Letters (GNLs)	C-10
e. Issuance of Special Notice Letters (SNLs)	C-10
f. Expanded Site Inspection/Remedial Investigation/Feasibility Study (ESI/RI/FS) Negotiation Starts	C-10
g. Remedial Design/Remedial Action (RD/RA) Negotiation Starts (NPL & Superfund Alternative)	C-11
h. Completion or Termination of Negotiations for RD/RA (NPL & Superfund Alternative) ..	C-12
i. Completion or Termination of Negotiations for Cleanup (RD/RA, Removals, and Other) (NPL & Superfund Alternative)	C-13
j. Percentage of Remedial Action Starts Initiated by PRPs at Non-Federal Facility NPL and Superfund Alternative Sites	C-15
k. Total Response Commitments (Including Dollar Value)	C-16
l. Enforcement Settlements/Instruments for RD/RA/Long-Term Response (LR)	C-17
m. <i>De Minimis</i> Settlements and Number of Parties	C-19
n. Cashout Settlements	C-20
o. Section 106, 106 and 107, 107 Case Resolution	C-21
p. Issuance of Demand Letter	C-22
q. Total Cost Recovery Settlements (Including Dollar Value)	C-22
r. Past Costs Addressed \geq \$200,000 Via Settlements, Write-Offs, or Referrals	C-23
s. Recoverable Past Costs That Have Been Addressed by Program-to-Date Via Settlements, Write-offs, or Referrals	C-24
t. Number and Amount of CERCLA Penalties Assessed	C-26
u. Number and Amount of CERCLA Supplemental Environmental Projects (SEPs)	C-27
v. Use of Alternative Dispute Resolution (ADR)	C-27
w. Number of Settlements Where EPA Settled Based On Ability-to-Pay Determinations ...	C-29
x. Prospective Purchaser Agreements (PPAs) - Assessed and Finalized	C-29
y. Issuance Of Comfort/Status Letters	C-30
z. Orphan Share - EPA Offer and Compensation	C-31
aa. Non-exempt De Micromis Parties Settlements and Number of Parties	C-33
bb. PRP Oversight Administration	C-34

**Appendix C
Enforcement**

Table of Contents (continued..)

cc. Settlements Designating Deposits to Special Accounts C-35

dd. Deposits into Special Accounts C-36

ee. Settlements Designating Disbursements from Special Accounts to PRPs C-37

ff. Disbursements From Special Accounts for Response Actions C-38

gg. Closure of Special Accounts C-39

hh. Pre-Remedial Enforcement Action at Superfund Sites C-40

ii. Windfall Lien Filed C-42

jj. Windfall Lien Resolution - Assessed and Finalized C-42

C.B SUBJECT MATTER EXPERTS C-43

**Appendix C
Enforcement**

List of Exhibits

EXHIBIT C.1 ENFORCEMENT ACTIVITIES C-4

EXHIBIT C.2 SUBJECT MATTER EXPERTS C-43

**This Page Intentionally
Left Blank**

C.A FY04/05 TARGETS AND MEASURES FOR ENFORCEMENT

C.A.1 OVERVIEW

The Superfund Comprehensive Accomplishments Plan (SCAP) is used by the Assistant Administrator for the Office of Solid Waste and Emergency Response (AA OSWER), the Assistant Administrator for the Office of Enforcement and Compliance Assurance (AA OECA), and senior Superfund managers to monitor the progress each region is making towards achieving the Government Performance and Results Act (GPRA) annual performance goals. In addition, SCAP will continue to be used as an internal management tool to project and track activities that contribute to these GPRA goals and support resource allocation. The program will set national goals based on historical performance and performance expectations within a limited budget for the performance goals in GPRA and track accomplishments in the activities contributing to those goals. Regions should continue to plan and report accomplishments in WasteLAN as they have traditionally.

To more clearly reflect the relationship between GPRA and the SCAP process, program targets and GPRA performance goals are defined as follows:

- **GPRA Annual Performance Goals** are a subset of the overall planning and budgeting information that has traditionally been tracked by the Superfund program offices. They are numerical goals that are established nationally prior to the start of the operating year. **For cost recovery, the emphasis will be on addressing all sites with total outstanding costs greater than or equal to \$200,000 prior to the expiration of the Statute of Limitations (SOL).**
- **Measures** are activities deemed essential to tracking overall program progress. There are two types of measures: GPRA annual performance reporting measures and program measures. GPRA measures **are used to track regional accomplishments** that occur **throughout** the year and are used to evaluate program progress **relative to projected targets that are set for each measure**. Program measures are used to track and/or project the number of actions that each region expects to perform during the year using anticipated resources; for example, the number of PRP search starts. A subset of these program measures will be **selected** for work planning purposes. They are identified with a T in Exhibit C.1.

Appendix C includes the enforcement Measures of Success that were devised by **Headquarters** in consultation with the regions to address **enforcement** reforms. These measures have been incorporated into the enforcement program as routine ways of doing business. With these measures, the program can produce a more complete picture of enforcement-related successes and accomplishments at Superfund sites.

In addition to the measures in this manual, the regions should continue to provide information in WasteLAN regarding Potentially Responsible Parties (PRPs) as requested in OSRE memorandum dated July 26, 1999, and Prospective Purchaser Agreements (PPAs) as requested in OSRE's memorandum dated December 6, 1999 entitled "Tracking the Prospective Purchaser Agreement Process in CERCLIS/WasteLAN." Compliance Monitoring should continue as requested in OSWER directive 9872.50. Regions should also use the WasteLAN Environmental Justice Indicator to identify potential Environmental Justice Sites.

C.A.2 PROMOTING THE SUPERFUND ENFORCEMENT PROGRAM

The Superfund enforcement program GPRA goals and measures will continue to ensure a fairer, more effective, and more efficient Superfund program. The program goals continue to focus on maximizing PRP participation, addressing past costs, reducing transaction costs, entering into fair settlements, and eliminating barriers to redevelopment. 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. EPA will continue to seek to maximize PRP participation at Superfund sites including NPL and Superfund Alternative sites. 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 \geq \$200,000:** For cost recovery, the emphasis will be on addressing all sites with total outstanding costs greater than or equal to \$200,000 prior to the expiration of the Statute of Limitations (SOL).
- **Completing Clean-up Negotiations in a Timely Manner:** Remedial Design/Remedial Action (RD/RA) negotiations should be completed within 120 days of the issuance of Special Notice Letters (SNLs). Normally, SNLs are issued at the same time as the signature of the Record of Decision (ROD).
- **Reducing Transaction Costs through *De minimis* Settlements:** EPA will continue to pursue §122(g) *de minimis* settlements, and resolve the potential liability of qualified small volume waste contributors, at the earliest date possible.
- **Entering Into Fair Settlements/Orphan Share Offers:** EPA will compensate a portion of the Superfund cleanup costs attributable to parties that are financially insolvent as a way to ensure that remaining viable PRPs are not asked to pay for substantially more than their share of the site costs.
- **Eliminating Barriers to Redevelopment/Assessing Request for Prospective Purchaser Agreements (PPAs):** Under the new Brownfields Amendment, parties who qualify as bonafide prospective purchasers, should no longer need PPAs with the Federal government to purchase contaminated property. EPA may consider entering into PPAs in instances where the public interest is served (i.e. where there is likely to be a significant windfall lien, and the prospective purchaser needs to resolve the lien, or where the purchase could potentially provide substantial environmental or community benefit).
- **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 EPA's oversight expectations for upcoming activities with settling PRPs who conduct non-time critical removals, remedial investigations/feasibility studies, remedial designs, or remedial actions during the fiscal year; and issue oversight bills that include appropriate cost documentation.

- **Providing for Responsible Fiscal Management:** EPA will place a high priority on sound fiscal management by managing and collecting Superfund accounts receivable. To accomplish this, program focus will be on:
 - Maximizing site-specific charging (intramural and extramural);
 - Maintaining prompt, current and accurate oversight billing;
 - Maximizing collections of monies due the Trust Fund; and
 - Resolving outstanding collection disputes.
- **Ensuring Compliance with Orders/Settlements:** EPA will continue to monitor compliance of PRP performance and payment obligations under administrative orders, consent decrees, and judgments; ensure compliance; and address substantial noncompliance in a timely manner.
- **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.
- **Using Alternative Dispute Resolution (ADR):** EPA is continuing to use ADR as a way to reduce the costs of achieving settlement with PRPs. Also, ADR can be used in other contexts (e.g., disputes with states regarding cleaning up sites).
- **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.

EXHIBIT C.1 ENFORCEMENT ACTIVITIES

FY04/05 Enforcement Performance Measures

The following table represents the FY04/05 Enforcement Performance Measures. This table is only relevant for Appendix C: Enforcement.

ACTIVITY	GPRA	EPA SR. MANAGERS	INQUIRIES: CONGRESS/ GAO/OIG/OMB	RESOURCE WORK PLANNING*
Potentially Responsible Party (PRP) Search Starts				P
PRP Search Completions				P
Section 104(e) Referrals and Order Issued				P
Issuance of General Notice Letters (GNLs)				P
Issuance of Special Notice Letters (SNLs)				P
Expanded Site Inspection/Remedial Investigation/Feasibility Study (ESI/RI/FS) Negotiation Starts				P
Remedial Design/Remedial Action (RD/RA) Negotiation Starts (NPL & Superfund Alternative)		✓ <input type="checkbox"/>		P
Completion or Termination of Negotiations for RD/RA (NPL & Superfund Alternative)		✓ <input type="checkbox"/>		P
Completion or Termination of Negotiations for Cleanup (RD/RA, Removals, and Other) (NPL & Superfund Alternative)		✓		P
Percentage of Remedial Action Starts Initiated by PRPs at non-Federal Facility NPL & Superfund Alternative Sites		✓ <input type="checkbox"/>	✓ <input type="checkbox"/>	T

* T = Program Target
P = Program Measure

ACTIVITY	GPRA	EPA SR. MANAGERS	INQUIRIES: CONGRESS/ GAO/OIG/OMB	RESOURCE WORK PLANNING*
Total Response Commitments (Including Dollar Value)	Report dollar value	✓ <input type="checkbox"/>		P
Enforcement Settlements/ Instruments for RD/RA/Long-Term Response (LR) (Including Dollar Value)		✓ <input type="checkbox"/>		P
<i>De Minimis</i> Settlements and Number of Parties		✓ <input type="checkbox"/>	✓	P
Cashout Settlements		✓ <input type="checkbox"/>		P
Section 106, 106 and 107, 107 Case Resolution		✓ <input type="checkbox"/>		P
Issuance of Demand Letter				P
Total Cost Recovery Settlements (Including Dollar Value)	Report the value of costs recovered	✓ <input type="checkbox"/>		P
Past Costs Addressed \geq \$200,000 Via Settlements, Write-Offs, or Referrals	✓ <input type="checkbox"/>	✓ <input type="checkbox"/>	✓ <input type="checkbox"/>	
Recoverable Past Costs That Have Been Addressed by Program to Date Via Settlements, Write-Offs, or Referrals		✓ <input type="checkbox"/>		P
Number and Amount of CERCLA Penalties Assessed		✓ <input type="checkbox"/>		P
Number and Amount of CERCLA Supplemental Environmental Projects (SEPs)		✓ <input type="checkbox"/>		P
Use of Alternative Dispute Resolution (ADR)		✓ <input type="checkbox"/>		P
Number of Settlements Where EPA Settled Based on Ability-to-Pay Determinations		✓ <input type="checkbox"/>		P

* T = Program Target
P = Program Measure

OSWER Directive 9200.3-14-1G-Q

ACTIVITY	GPRA	EPA SR. MANAGERS	INQUIRIES: CONGRESS/ GAO/OIG/OMB	RESOURCE WORK PLANNING*
Prospective Purchaser Agreements (PPAs) Assessed and Finalized		✓ <input type="checkbox"/>		P
Issuance of Comfort/Status Letters		✓ <input type="checkbox"/>		P
Orphan Share - EPA Offer and Compensation		✓ <input type="checkbox"/>		P
Non Exempt De Micromis Parties Settlements and Number of Parties		✓ <input type="checkbox"/>		P
PRP Oversight Administration		✓ <input type="checkbox"/>	✓ <input type="checkbox"/>	T
The number of enforcement actions taken at NPL sites to have PRPs conduct or participate in response activities compared to the total number of sites on the NPL. The percentage and estimated value of PRP commitments to response activities at non-Federal facility sites on the NPL		✓ <input type="checkbox"/>		
The total value of cost recovery settlements and judicial actions achieved, and past costs considered recoverable		✓ <input type="checkbox"/>		
The amount of money EPA has collected from PRPs compared to the total amount achieved in cost recovery settlements and judicial actions		✓ <input type="checkbox"/>		
The estimated amount of money PRPs have committed legally to site cleanup compared to the total amount of funds expended by the Superfund enforcement program		✓ <input type="checkbox"/>		
Settlements Designating Deposits to Special Accounts		✓ <input type="checkbox"/>	✓ <input type="checkbox"/>	P

* T = Program Target
P = Program Measure

ACTIVITY	GPRA	EPA SR. MANAGERS	INQUIRIES: CONGRESS/ GAO/OIG/OMB	RESOURCE WORK PLANNING*
Deposits into Special Accounts		✓☐	✓☐	P
Settlements Designating Disbursements from Special Accounts to PRPs		✓☐	✓☐	P
Disbursements from Special Accounts for Response Actions		✓☐	✓☐	P
Closure of Special Accounts		✓☐	✓☐	P
Pre-Remedial Enforcement Action at Superfund Sites	✓☐	✓☐	✓☐	
Windfall Lien Filed		✓☐	✓☐	P
Windfall Lien Resolution - Assessed and Finalized		✓☐	✓☐	P

T = Program Target
P = Program Measure

NOTE: Accomplishments are pulled from WasteLAN on a quarterly basis. Measures are planned and reported quarterly.

C.A.3 TARGETS AND MEASURES FOR BASELINE ENFORCEMENT

Note: WasteLAN coding requirements contained in the definitions **below** are only for key data elements. For a full list of requirements and suggested data elements, see the *SCAP Coding Guide* for the current FY.

Criteria for Credit of Enforcement Activities at Superfund Alternative Sites

For the purposes of this section, references to enforcement activities (i.e. RD/RA negotiation starts and completions) at Superfund Alternative sites apply only to those enforcement activities at sites that the region has determined would achieve a Hazard Ranking System (HRS) score greater than or equal to 28.5. Such response actions must be carried out in a manner not inconsistent with the National Contingency Plan (NCP). Proposed NPL sites are included in this category. Regions should maintain adequate site documentation to support the “Superfund Alternative” designation based on the criteria referenced above. Credit for PRP-lead remedial actions at Superfund Alternative sites will only be given for activities conducted pursuant to enforceable order or agreement. Sites that meet these criteria should be identified in WasteLAN using the special initiatives indicator designating these sites as “Superfund Alternative.”

a. POTENTIALLY RESPONSIBLE PARTY (PRP) SEARCH STARTS

Definition:

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 a SNL (at least 90 days prior to the obligation of funds for an 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.

Definition of Accomplishment:

If the National Priorities List (NPL) PRP search (Action Name = NPL RP Search) or non-NPL PRP search (Action Name = Non-NPL PRP Search) is being conducted by a contractor, the actual start date (Actual Start) is considered to be the date the PRP search work assignment or procurement request is signed by the Contracting Officer (CO) or the designated Contracting Officer Representative (COR). The start for both the NPL and non-NPL PRP search is documented by the signed procurement request or work assignment. If the NPL or non-NPL PRP search is conducted by EPA in-house, the actual start date (Actual Start) is the date EPA staff develops the PRP search plan, the date the On-Scene Coordinator (OSC) receives confirmation of a spill identification number from the Regional Finance Office, or the date EPA initiates and documents search activities by some other means.

Changes in Definition FY02/03- FY04/05:

None

Special Planning/Reporting Requirements:

PRP searches (Action Name = Non-NPL PRP Search or NPL RP Search) are planned and funds requested on a site-specific basis. PRP Search Starts is a program measure.

b. PRP SEARCH COMPLETIONS

Definition:

A PRP search completion constitutes the completion of the activities taken by the region to identify PRPs at a site. In conducting the PRP search, the region must consider which of the criteria outlined below are cost effective and reasonable to meet relative to the anticipated overall cleanup costs at the site. Upon completion, regions should document 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. Initiate a dialogue with early identified PRPs for the purpose of providing an opportunity for PRP input into the PRP search;
2. Collect the financial and contribution data needed to perform equitable share calculations;
3. Follow-up on all leads as a way to identify parties to the site;
4. Make *de minimis* and non-exempt *de micromis* determinations for all parties at the site;
5. Categorize all parties (e.g., Generator/Transporter, Owner/Operator, Small Business (\$2 million or less gross annual revenue and 25 or less employees), Municipal Solid Waste Contributor, etc.); and
6. Perform a financial viability determination on all PRPs asserting ability-to-pay problems.

Definition of Accomplishment:

The PRP search (Action Name = NPL RP Search or Non-NPL PRP Search) is complete when all applicable activities described in the Agency’s PRP Search Manual have been completed and documentation has been placed in the site file that the region has met all reasonable achievable criteria for the PRP search, a PRP search outcome report with a list of PRPs has been prepared and both the actual completion date (Actual Complete) and the outcome (Qualifier) of the search have been entered into WasteLAN. If no PRPs are found, the region must document in the site file that it has met all reasonable achievable criteria for the PRP search and enter the actual completion date (Actual Complete) and the Qualifier of ‘No PRPs Identified (NP)’ into WasteLAN. This definition applies to both Phase I (single owner, operator site) and Phase II (multi-generator site) PRP searches.

Changes in Definition FY02/03- FY04/05:

Revised *de micromis* to non-exempt de micromis in the Definition.

Special Planning/Reporting Requirements:

PRP search completions (Action Name = Non-NPL PRP Search or NPL RP Search) are planned on a site-specific basis. The search outcome (Qualifier) is to be entered into WasteLAN. The number of PRPs found may be system generated by entering and associating PRPs with sites and selecting an Identification Source of “PRP Search.” PRP search completions is a program measure.

c. SECTION 104(e) REFERRALS AND ORDERS ISSUED

Definition:

Section 104(e) referrals/orders are enforcement actions to compel PRPs to respond to EPA requests for information or to obtain site access.

Definition of Accomplishment:

The date of the memo from the Regional Administrator transmitting the Section 104(e) referral to HQ or to the Department of Justice (DOJ) is recorded in WasteLAN as the actual start date (Actual Start) of the Section 104(e) referral (Action Name = Section 104(e) Ref. Litigation). The date a Section 104(e) Unilateral Administrative Order (UAO) or Administrative Order on Consent (AOC) is signed by the Regional Administrator or delegatee is recorded in WasteLAN as the actual completion date (Actual Complete) of the UAO (Action Name = Unilateral Admin Order) or AOC (Action Name = Admin Order on Consent).

Changes in Definition FY02/03- FY04/05:

None.

Special Planning/Reporting Requirements:

The actual start date (Actual Start) of the referral (Action Name = Section 104(e) Ref. Litigation) or the actual completion date (Actual Complete) of the order (Action Name = Unilateral Admin Order or Admin Order on Consent) is entered into WasteLAN site-specifically. The Law/Section reported in WasteLAN should be “CERCLA 104(e)” [(Law/Section = CERCLA 104(e)]. This is a program measure.

d. ISSUANCE OF GENERAL NOTICE LETTERS (GNLs)

Definition:

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.

Definition of Accomplishment:

This action is accomplished on the date the GNL is signed by the appropriate EPA official and entered into WasteLAN as the SubAction, Notice Letters Issued, with an actual completion date (Actual Complete).

Changes in Definition FY02/03 - FY04/05:

None.

Special Planning/Reporting Requirements:

General Notice Letters are recorded as a SubAction to PRP search or negotiation actions. Issuance of GNLs is a program measure.

e. ISSUANCE OF SPECIAL NOTICE LETTERS (SNLs)

Definition:

An SNL is a letter under Section 122(e) of CERCLA from EPA to a PRP informing it of its 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, or RA) and can be extended if necessary.

Definition of Accomplishment:

This action is accomplished on the date the SNL is signed by the appropriate EPA official and entered into WasteLAN as a SubAction, Special Notice Issued, with an actual completion date (Actual Complete). The date of issuance of the SNL also constitutes the start of negotiations [Action Name = RI/FS Negotiations, RD/RA Negotiations, Negotiations (Generic), or Removal Negotiations].

Changes in Definition FY02/03 - FY04/05:

None.

Special Planning/Reporting Requirements:

SNLs are recorded as a SubAction to PRP search or negotiation actions. The actual completion date of the SNL is the same as the actual start date (Actual Start) of the applicable negotiation action. Issuance of SNLs is a program measure.

f. EXPANDED SITE INSPECTION/REMEDIATION INVESTIGATION/FEASIBILITY STUDY (ESI/RI/FS) NEGOTIATION STARTS

Definition:

ESI/RI/FS negotiations are discussions between EPA and the parties on their liability, willingness, and ability to conduct the ESI/RI/FS.

Definition of Accomplishment:

ESI/RI/FS negotiations start when:

- □ The first SNL is signed by the appropriate EPA official. This date is reported in WasteLAN as the start (Actual Start) of negotiations [Action Name = Negotiations (Generic) or RI/FS Negotiations] and the completion (Actual Complete) of the SNL SubAction (SubAction Name = Special Notice Issued); or
- □ A Section 122(a) waiver of SNL is signed by the appropriate EPA official with the intent to pursue negotiations without moratorium procedures. This date is reported in WasteLAN as the start (Actual Start) of negotiations [Action Name = Negotiations (Generic) or RI/FS Negotiations] and the completion (Actual Complete) of the SNL waiver SubAction (SubAction Name = Notice of S 122 Waiver Issued).

Changes in Definition FY02/03 - FY04/05:

None.

Special Planning/Reporting Requirements:

If the region does not plan to perform ESI/RI/FS negotiations at a site, negotiation dates should not be placed in WasteLAN. The start of ESI/RI/FS negotiations [Action Name = Negotiations (Generic) or RI/FS Negotiations] should be planned site-specifically. The “Response Actions Sought” are to be entered into WasteLAN. The Response Actions Sought” must include one or more of the following actions: PRP RI/FS, RI/FS, FS, PRP FS, RI, PRP RI, or ESI/RI. The actual start of the negotiation action is the same as the actual complete date (Actual Complete) of the SNL or waiver of SNL. ESI/RI/FS negotiation starts is a program measure.

g. REMEDIAL DESIGN/REMEDIAL ACTION (RD/RA) NEGOTIATION STARTS (NPL & Superfund Alternative)**Definition:**

RD/RA negotiations are discussions between EPA and the parties on their liability, willingness, and ability to implement the long-term remedy selected in the Record of Decision (ROD) for the site or Operable Unit (OU).

Credit is given at NPL and Superfund Alternative sites (NPL Status = Proposed for NPL, Currently on Final NPL, or Deleted from Final NPL; or Special Initiatives Indicator = “Superfund Alternative” with NPL Status = Not on the NPL, Removed from the Proposed NPL, Pre-Proposed Site, or Withdrawn) that are not Federal facility sites (Federal Facility Indicator = Not a Federal Facility or Status Undetermined).

Definition of Accomplishment:

RD/RA negotiations start when:

- The first SNL is signed by the appropriate EPA official. This date is reported in WasteLAN as the start (Actual Start) of negotiations [Action Name = Negotiations (Generic) or RD/RA Negotiations]; or,
- A Section 122(a) waiver of SNL is signed by the appropriate EPA official with the intent to pursue negotiations without moratorium procedures. This date is reported in WasteLAN as the start (Actual Start) of negotiations [Action Name = Negotiations (Generic) or RD/RA Negotiations].
- **Subsequent Negotiations** - An interim settlement arises/order is issued for a portion of the site work from an existing set of RD/RA negotiations and the Region does not plan to issue new special notice letter(s). The Region shall establish a new RD/RA negotiation event in WasteLAN with a start date the same as the completion date of the first set of RD/RA negotiations from which the interim settlement/order arose (i.e. Referral of Consent Decree for RD/RA,

Issuance of UAO for RD/RA). This date is reported in WasteLAN as the start (Actual Start) of negotiations [Action Name = Negotiations (Generic) or RD/RA Negotiations].

- **Concurrent Negotiations** - The next phase of negotiations begins before the completion of the current RD/RA negotiations and the Region does not plan to issue new special notice letter(s). The Region shall establish a new RD/RA negotiation event in WasteLAN using **as the start date of the new RD/RA negotiations** 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 (GFO) from PRPs that **delineates** the negotiations. This date is reported in WasteLAN as the start (Actual Start) of negotiations [Action Name = Negotiations (Generic) or RD/RA Negotiations].

Changes in Definition FY02/03 - FY04/05:

None.

Special Planning/Reporting Requirements:

If the region does not plan to conduct RD/RA negotiations, dates should not be entered into WasteLAN. The start of RD/RA negotiations [Action Name = Negotiations (Generic) or RD/RA Negotiations] is planned site-specifically. The "Response Actions Sought" are to be entered into WasteLAN. The "Response Actions Sought" must include one or more of the following actions: Remedial Design, Remedial Action, PRP RD, or PRP RA. The actual start of the negotiation action is the same as the actual completed date (Action Complete) of the SNL or waiver of SNL. Superfund Alternative sites should be identified in WasteLAN using the Special Initiatives Indicator of "Superfund Alternative". RD/RA negotiation starts is a program measure.

h. COMPLETION OR TERMINATION OF NEGOTIATIONS FOR RD/RA (NPL & Superfund Alternative)

Definition:

RD/RA negotiations are discussions between EPA and the parties on their liability, willingness, and ability to implement the long-term remedy selected in the ROD for the site or Operable Unit (OU).

RD/RA negotiations end when the region decides how to proceed with the RD/RA.

Definition of Accomplishment:

Credit is given at NPL and Superfund Alternative sites (NPL Status = Proposed for NPL, Currently on Final NPL, or Deleted from Final NPL; or Special Initiatives Indicator = "Superfund Alternative" with NPL Status = Not on the NPL, Removed from the Proposed NPL, Pre-Proposed Site, or Withdrawn) that are not Federal facility sites (Federal Facility Indicator = Not a Federal Facility or Status Undetermined) when:

- A signed Consent Decree (CD) under Section 106 or Sections **106 and 107** and a 10-point analysis for RD or RA is referred by the Regional Administrator to either DOJ or HQ. The negotiation [Action Name = Negotiations (Generic) or RD/RA Negotiations] actual completion date (Actual Complete) is the date of the signed transmittal memo, which is the CD (Action Name = Consent Decree) actual start date (Actual Start); or
- A Unilateral Administrative Order (UAO) for RD or RA is signed by the Regional Administrator or delegatee. The negotiation [Action Name = Negotiations (Generic) or RD/RA Negotiations] actual completion date (Actual Complete) is the date the UAO (Action Name = Unilateral Admin Order) is signed, which is the UAO actual completion date (Actual Complete); or

- ☐ A Section 106 or Sections 106 and 107 injunctive referral to compel the PRP to perform the RD or RA as specified in a UAO is referred by the Regional Administrator to DOJ or HQ. The negotiation [Action Name = Negotiations (Generic) or RD/RA Negotiations] actual completion date (Actual Complete) is the date of the Regional Administrator's transmittal memo, which is the litigation [Action name = Litigation (Generic), Section 106 & 107 Litigation, or Section 106 Litigation] actual start date (Actual Start); or
- ☐ EPA and PRPs are notified by a letter from DOJ of the date (Actual Complete) on which they will proceed to trial under an existing case [Action Name = Negotiations (Generic) or RD/RA Negotiations]; or
- ☐ An Administrative Order on Consent (AOC) or Consent Agreement (CA) for RD only is signed by the Regional Administrator or delegatee. Where an AOC or CA for RD only is issued, no credit will be given for the subsequent RA negotiation starts and completions. Credit will, however, be given under Total Response Settlements for the referral of a CD for RA to DOJ or HQ. The negotiation [Action Name = Negotiations (Generic) or RD/RA Negotiations] actual completion date (Actual Complete) is the date the AOC or CA is signed, which is the AOC (Action Name = Admin Order on Consent or Consent Agreement) actual completion (Actual Complete); or
- ☐ If Special Notice Letters are issued specifically to initiate RD/RA Negotiations and the negotiations result in an amendment to an existing settlement to include RD/RA, the negotiation [Action Name = Negotiations (Generic) or RD/RA Negotiations] actual completion date (Actual Complete) is the date the amended settlement is signed. This amendment date is tracked as the actual completion date (Actual Complete) of the settlement SubAction, Enforcement Action Amended; or
- ☐ Funds are obligated through a contract modification or work assignment signed by the CO, an IAG signed by the other Federal agency, or a Cooperative Agreement signed by the designated Regional official for a Fund-financed RD at NPL or Superfund Alternative sites or RA at NPL sites. The negotiation [Action Name = Negotiations (Generic) or RD/RA Negotiations] actual completion date (Actual Complete) is the date funds are obligated. If funds are not available and the region decides a UAO is not appropriate, the negotiation [Action Name = Negotiation (Generic) or RD/RA Negotiations] actual completion date (Actual Complete) is the date of the written documentation of the region's decision not to issue a UAO.

Changes in Definition FY02/03- FY04/05:

None.

Special Planning/Reporting Requirements:

This is a program measure. RD/RA negotiation completions are planned site-specifically. The negotiation completion date is reported in WasteLAN as the actual completion date (Actual Complete) of either generic negotiations or RD/RA negotiations [Action Name = Negotiations (Generic) or RD/RA Negotiations]. The "Response Actions Sought" and the outcome of the negotiations [Other Outcome(s) Selected or Outcome Actions Selected] also must be reported in WasteLAN. The "Response Actions Sought" must include one or more of the following actions: Remedial Design, Remedial Action, PRP RD, or PRP RA. Superfund Alternative sites should be identified in WasteLAN using the Special Initiatives Indicator of "Superfund Alternative".

i. COMPLETION OR TERMINATION OF NEGOTIATIONS FOR CLEANUP (RD/RA, REMOVALS, AND OTHER) (NPL & Superfund Alternative)

Definition:

Cleanup negotiations are discussions between EPA and the parties on their liability, willingness, and ability to conduct the cleanup. Negotiations are complete (for NPL and Superfund Alternative sites) when a decision has been made as to how the region will proceed with the cleanup.

Definition of Accomplishment:

Credit is given at NPL and Superfund Alternative sites (NPL Status = Proposed for NPL, Currently on Final NPL, or Deleted from Final NPL; or Special Initiatives Indicator = “Superfund Alternative” with NPL Status = Not on the NPL, Removed from the Proposed NPL, Pre-Proposed Site, or Withdrawn) that are not Federal facility sites (Federal Facility Indicator = Not a Federal Facility or Status Undetermined) when:

- ☐ A signed Consent Decree (CD) under Section 106 or Sections 106 and 107 and a 10-point analysis for RD, RA, groundwater monitoring activities post ROD, institutional controls, or a time-critical or NTC removal is referred by the Regional Administrator to either DOJ or HQ. The negotiation [Action Name = Negotiations (Generic), RD/RA Negotiations, or Removal Negotiations] actual completion date (Actual Complete) is the date of the signed transmittal memo, which is the CD (Action Name = Consent Decree) actual start date (Actual Start); or
- ☐ A Unilateral Administrative Order (UAO) for RD, RA, groundwater monitoring activities post ROD, institutional controls, or a time-critical or NTC removal is signed by the Regional Administrator or delegatee. The negotiation [Action Name = Negotiations (Generic), RD/RA Negotiations, or Removal Negotiations] actual completion date (Actual Complete) is the date the UAO (Action Name = Unilateral Admin Order) is signed which is the UAO actual completion date (Actual Complete); or
- ☐ An Administrative Order on Consent (AOC) or Consent Agreement (CA) for RD only, or groundwater monitoring activities post-ROD, or institutional controls is signed by the Regional Administrator or delegatee. Where an AOC or CA for RD only is signed, no credit will be given for the subsequent RA negotiation starts and completions. Credit will, however, be given under Total Response Settlements for the referral of a CD for RA to DOJ or HQ. The negotiation [Action Name = Negotiations (Generic) or RD/RA Negotiations] actual completion date (Actual Complete) is the date the AOC or CA is signed, which is the AOC (Action Name = Admin Order on Consent) or CA (Action Name = Consent Agreement) actual completion (Actual Complete); or
- ☐ An AOC or CA for a time-critical or NTC removal is signed by the Regional Administrator or delegatee. The negotiation [Action Name = Negotiations (Generic) or Removal Negotiations] actual completion date (Actual Complete) is the date the AOC or CA is signed, which is the AOC (Action Name = Admin Order on Consent) or CA (Action Name = Consent Agreement) actual completion date (Actual Complete); or
- ☐ A Section 106 or Sections 106 and 107 injunctive referral to compel the PRP to perform the cleanup (RD or RA) as specified in a UAO is referred by the Regional Administrator to DOJ or HQ. The negotiation [Action Name = Negotiations (Generic) or RD/RA Negotiations] actual completion date (Actual Complete) is the date of the Regional Administrator’s transmittal memo, which is the litigation [Action Name = Litigation (Generic), Section 106 & 107 Litigation, or Section 106 Litigation] actual start date (Actual Start); or
- ☐ A Prospective Purchaser Agreement (PPA) implementing the entire remedy is signed by the Regional Administrator or delegatee. Credit is not given for negotiation completions as a result of a PPA which implements part of the remedy. The negotiation [Action Name = Negotiations (Generic), Removal Negotiations or RD/RA Negotiations] actual completion date (Actual Complete) is the date the PPA (Action Name = Admin Order on Consent or Consent Agreement and Enf. Instrument Category = Prospective Purchaser Agreement) is signed by the Regional Administrator or delegatee which is the actual completion date (Actual Complete) of the AOC or CA; or
- ☐ EPA and PRPs are notified by a letter from DOJ of the date (Actual Complete) on which they will proceed to trial under an existing case [Action Name = Negotiations (Generic) or RD/RA Negotiations]; or

- For settlements that are amended to include cleanup actions, the negotiation [Action Name = Negotiations (Generic), RD/RA Negotiations, or Removal Negotiations] actual completion date (Actual Complete) is the date the amended instrument is signed. This amendment date is tracked as the actual completion date (Actual Complete) of the settlement SubAction, Enforcement Action Amended; or
- Funds are obligated through a contract modification or work assignment signed by the CO, an IAG signed by the other Federal agency, or a Cooperative Agreement signed by the designated Regional official for a Fund-financed time-critical or NTC removal or RA. Only those sites that are final on the NPL are eligible for Fund-financed RAs. The negotiation [Action Name = Negotiations (Generic), Removal Negotiations, or RD/RA Negotiations] actual completion date (Actual Complete) is the date funds are obligated. If funds are not available and the region decides a UAO is not appropriate, the negotiation [Action Name = Negotiations (Generic), Removal Negotiations, or RD/RA Negotiations] actual completion date (Actual Complete) is the date of the written documentation of the region's decision not to issue the UAO.

Changes in Definition FY02/03 - FY04/05:

Changed from a program target to a program measure.

Special Planning/Reporting Requirements:

This is a program measure. The negotiation completion date is reported in WasteLAN as the actual completion date (Actual Complete) of either generic negotiations, RD/RA negotiations, or removal negotiations [Action Name = Negotiations (Generic), RD/RA Negotiations, or Removal Negotiations]. The "Response Actions Sought" and the outcome of the negotiations [Other Outcome(s) Selected or Outcome Actions Selected] also must be reported in WasteLAN. Regions will receive credit for the completion of cleanup negotiations that result in the signature of an AOC or CA with a prospective purchaser that is implementing the entire remedy. Superfund Alternative sites should be identified in WasteLAN using the Special Initiatives Indicator of "Superfund Alternative".

j. PERCENTAGE OF REMEDIAL ACTION STARTS INITIATED BY PRPS AT NON-FEDERAL FACILITY NPL AND SUPERFUND ALTERNATIVE SITES

Definition:

A Remedial Action (RA) is the implementation of the remedy selected in the ROD, and for the purposes of this measure, occurs at non-Federal facility NPL and Superfund Alternative sites.

Definition of Accomplishment:

This measure is the percentage of enforcement lead (i.e., PRP-financed in the RA Start Definition of Accomplishment in Appendix B) RA starts at non-Federal facility NPL and Superfund Alternative sites. It is calculated as the enforcement percentage of the total number of non-Federal facility RA starts. The program target is to achieve 70 percent or more PRP-lead RA starts at non-Federal facility NPL and Superfund Alternative sites.

DISCLAIMER: Regions will receive credit in the management of the Superfund program for "start" of a remedial action even though "initiation of physical on-site construction" may not have occurred for purposes of calculating a cost recovery statute of limitations. The date found in the remedial action actual start column of a CERCLIS/WasteLAN report is a programmatic measure only, and cannot be relied on 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.

Changes in Definition FY02/03 - FY04/05:

Change from GPRA annual performance goal to program target.

Special Planning/Reporting Requirements:

This is a program target. See special planning requirements in Appendix B, Section **B.B.3.m**, RA Start definition. Superfund Alternative sites should be identified in WasteLAN using the Special Initiatives Indicator of “Superfund Alternative”.

k. TOTAL RESPONSE COMMITMENTS (INCLUDING DOLLAR VALUE)

Definition:

Total Response Commitments is the total universe of CERCLA enforcement instruments where the parties agree to conduct cleanup work and/or make cash payments toward future response costs at a site. This measure will require reporting of 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.

Definition of Accomplishment:

Enforcement Instruments at non-Federal facility NPL, Superfund Alternative, and non-NPL sites include:

- A Consent Decree (CD) signed by the Regional Administrator and PRPs and 10-point analysis is transmitted by the Regional Administrator to DOJ or HQ, under Section 106 or **Sections 106 and 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]. Credit for the CD referral (Action Name = Consent Decree) is given on the date on which the Regional Administrator’s transmittal memo is sent to DOJ or to HQ. **This date is** recorded in WasteLAN as the actual start date (Actual Start). **Types of CDs** include CDs for mixed work, preauthorized mixed funding, *de minimis*, and cashout settlements. The appropriate Enforcement Instrument Categories Selected also must be entered into WasteLAN.
- A Unilateral Administrative Order (UAO) is signed by the Regional Administrator or delegatee 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 PRP’s written notice of intent to comply with the order. This is reported in WasteLAN as the actual completion date (Actual Complete) of the Notice of Intent to Comply SubAction (SubAction Name = PRPs Ntfy EPA, Intent to Comply). The actual completion date (Actual Complete) of the order (Action Name = Unilateral Admin Order) is the date it is signed.

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, at a later date, the PRP agrees to a CD for the same work, credit will be given for the CD when it is referred by memo to DOJ or HQ. At this point the region will receive credit for the CD only and not the UAO. When adding the Consent Decree Action, the region should identify the UAO as the predecessor action through Action Relationships and enter the estimated value of the UAO 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 WasteLAN reporting requirements for the CD apply.

- An Administrative Order on Consent (AOC) or Consent Agreement (CA) is signed by the Regional Administrator or delegatee 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. The date the AOC or CA is signed (Action Name = Admin Order on Consent or Consent Agreement (CA)) is reported in WasteLAN as the actual completion date (Actual Complete).

- Commitment credit is also given when an AOC or Consent Agreement (CA) is signed that provides protection from potential future liability to a prospective purchaser that is implementing the remedy. The actual completion date (Actual Complete) is the date the AOC or CA (Action Name = Admin Order on Consent or Consent Agreement (CA) and Enf Instrument Category Selected = Prospective Purchaser Agreement) is signed by the Regional Administrator or delegatee.

Total Response Commitments will be reported as a combined total of CDs, CAs, AOCs, 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.

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). (The CD, AOC, CA, or UAO has an Overall Compliance Status of "Closed Order/Settlement"; and the SubAction = Closed Order or Settlement, or the SubAction = Closed Order or Settlement with Potential for Penalty Claim has an Actual Completion Date). In addition, a UAO that is converted to a CD is no longer active.

Changes in Definition FY02/03- FY04/05:

Added closed order or settlement. For UAOs for response work, commitment credit is given on the date of the PRP's written notice of intent to comply with the order.

Special Planning/Reporting Requirements:

The applicable "Response Actions Pd by Parties," the "Work the PRP Will Perform - Value" (see supplement to: OSWER Directive #9200.3-14-1a) or the "Federal Costs Settled - Future", "Other Relief Achieved", if applicable; and, if necessary, the "Enforcement Instrument Categories Selected" are to be reported in WasteLAN. Settlement credit will be given for an AOC or CA with a prospective purchaser if "Prospective Purchaser Agreement" is the selected enforcement instrument category. Existing settlements for ESI/RI, RI/FS or FS that are amended to include RD should be reported in WasteLAN. The date the amendment is signed is the actual completion date (Actual Complete) of the SubAction "Enforcement Action Amended." The region should also indicate the "Response Actions Pd by Parties" added under the settlement. Amended Instruments will not count for credit in the current year; however, the Total Response Commitments will be included in the program to-date dollar amount. 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. This is a program measure. The "Work the PRP Will Perform - Value" and "Federal Costs Settled - Future" (i.e., the value of total response commitments) will be reported for GPRA.

1. ENFORCEMENT SETTLEMENTS/INSTRUMENTS FOR RD/RA/Long-Term Response (LR) (Including Dollar Value)

Definition:

This measure is a subset of the universe of "Total Response Commitments." This is a measure of CERCLA enforcement settlements (CDs, AOCs, or CAs), or **other enforcement** instruments (UAOs) where the parties agree to conduct remedial (RD, RA, or LR) response work. This measure will require reporting of both the number of **enforcement settlements/instruments**, as well as the estimated value of the response work pursuant to each of those settlements/instruments.

Definition of Accomplishment:

Enforcement Instruments at non-Federal facility NPL, Superfund Alternative, and non-NPL sites include:

OSWER Directive 9200.3-14-1G-Q

- A Consent Decree (CD) signed by the Regional Administrator and PRPs and 10-point analysis is transmitted by the Regional Administrator to DOJ or HQ, under Section 106 or Sections 106 and 107, for PRPs to conduct or pay for the remedial or long-term response action [RD, RA, or LR]. Credit for the CD referral (Action Name = Consent Decree) is given on the date on which the Regional Administrator's transmittal memo is sent to DOJ or to HQ. This date is recorded in WasteLAN as the actual start date (Action Start). Types of CDs include CDs for mixed work, preauthorized mixed funding, *de minimis*, and cashout settlements. The appropriate Enforcement Instrument Categories Selected also must be entered into WasteLAN.
- Unilateral Administrative Order (UAO) for RD, RA, or LR is signed by the Regional Administrator or delegatee, and at least one of the PRPs has provided notice of intent to comply unconditionally. For UAOs for RD, RA, or LR, commitment credit is given on the date of the PRP's written notice of intent to comply with the order. This is reported in WasteLAN as the actual completion date (Actual Complete) of the Notice of Intent to Comply SubAction (SubAction Name = PRPs Ntfy EPA, Intent to Comply). The actual completion date (Actual Complete) of the order (Action Name = Unilateral Admin Order) is the date it is signed.

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, at a later date, the PRP agrees to a CD for the same work, credit will be given for the CD when it is referred by memo to DOJ or HQ. At this point, the region will receive credit for the CD only and not the UAO. When adding the Consent Decree Action, the region should identify the UAO as the predecessor Action through Action Relationships and enter the estimated value of the UAO 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 of response value may be necessary. The WasteLAN reporting requirements for the CD apply; or

- An Administrative Order on Consent (AOC) or Consent Agreement (CA) is signed by the Regional Administrator or delegatee for RD only, or a cashout settlement of *de minimis* parties for RA, or a LR such as groundwater monitoring post-ROD, or institutional controls. The date the AOC or CA is signed (Action Name = Admin Order on Consent (AOC) or Consent Agreement (CA)) is reported in WasteLAN as the actual completion date (Actual Complete).
- Credit is also given when an AOC or CA is signed for RD, RA, or LR work, and provides protection from potential future liability to a prospective purchaser that is implementing the remedy. The actual completion date (Actual Complete) is the date the AOC or CA (Action Name = Admin Order on Consent (AOC) or Consent Agreement (CA) and Enf Instrument Category Selected = Prospective Purchaser Agreement) is signed by the Regional Administrator or delegatee.

Enforcement Settlements/Instruments for RD, RA, or LR will be reported as a combined total of CDs, UAOs (with Notice of Intent to Comply), AOCs, and CAs where RD, RA or LR actions have been achieved. The value of RD, RA, or LR commitments is based on the estimated value of PRP response work and/or payments made by responsible parties toward future response work (i.e., cashouts).

Changes in Definition FY02/03 - FY04/05:

None.

Special Planning/Reporting Requirements:

The applicable "Response Actions Pd by Parties," the "Work PRP Will Perform - Value" of the response actions the PRPs are performing (see supplement to: OSWER Directive #9200.3-14-1a), or the "Federal Costs Settled - Future" and, if necessary, the "Enforcement Instrument Categories Selected" are to be reported in WasteLAN. Existing settlements for ESI/RI, RI/FS, or FS that are amended to include RD should be reported in WasteLAN. The date that the amendment is signed is the actual completion date (Actual Complete) of the SubAction "Enforcement Action Amended." The region should also indicate the "Response Actions Pd by Parties" added under the settlement/ instrument. Amended Instruments will not count for credit in the current year; however, the settlement/instrument will be included in the program to-date

amount. Enforcement Settlements/Instruments for RD/RA/ LR will be reported in the ENFR-03 report - Settlement type = "RD/RA/LR Only" category. This is a program measure.

m. DE MINIMIS SETTLEMENTS AND NUMBER OF PARTIES

Definition:

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 costs at the site exceed \$500,000 (excluding interest), the AOC can only be signed by the Regional Administrator or delegatee after prior written approval from DOJ. If DOJ does not approve or disapprove the order within 30 days, the order is considered approved and can then be signed by the region. The DOJ and the Regional Administrator or delegatee can agree to extend the 30-day period if necessary.

This measure will examine 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.

Definition of Accomplishment:

Credit is given at non-Federal facility NPL, Superfund Alternative, and non-NPL sites for *de minimis* settlements in the following two categories.

Category 1: *De minimis* settlements include:

- An Administrative Order on Consent (AOC) (Action Name = Admin Order on Consent) signed by the Regional Administrator or delegatee. **The date the AOC is signed is** reported in WasteLAN as the actual completion date (Actual Complete) **of the AOC (Action Name = Admin Order on Consent).**
- A memorandum transmitting the Consent Decree (CD) (Action Name = Consent Decree) signed by **the Regional Administrator and the *de minimis* parties to DOJ or HQ. The date of the transmittal memorandum is** reported in WasteLAN as the actual start date (Actual Start).

The number of signatories to the settlement is system generated in WasteLAN from the identification of the PRPs who have signed the settlement.

Category 2: Early *de minimis* settlements include:

- An **Administrative Order on Consent (AOC)** (Action Name = Admin Order on Consent) signed by the Regional Administrator or delegatee prior to the first remedy selection (ROD) at the site, or prior to a subsequent ROD which addresses response costs that are included in the settlement. **The date the AOC is signed is** reported in WasteLAN as the actual completion date (Actual Complete) of the AOC (Action Name = Admin Order on Consent).
- A memorandum transmitting the **Consent Decree (CD)** (Action Name = Consent Decree) signed by **the Regional Administrator and the *de minimis* parties and the Regional Administrator to DOJ or HQ prior to the first remedy selection (ROD) at the site or prior to a subsequent ROD which addresses response costs that are included in the settlement. The date of the transmittal memorandum is** reported in WasteLAN as the actual start date (Actual Start) of the CD (Action Name = Consent Decree).

The number of signatories to the settlement is system generated in WasteLAN from the identification of the PRPs who have signed the settlement.

Changes in Definition FY02/03- FY04/05:

Removed the request for the Regions to complete the *de minimis* Settlement Survey Form from Additional Reporting Requirements. Changed *De micromis* Settlements to Non-exempt De micromis Parties Settlements. Changed from program target and a GPRa annual performance reporting measure to a program measure.

Special Planning/ Reporting Requirements:

This is a program measure. The following information should be entered into WasteLAN for both Category 1 and Category 2 settlements:

- 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 on the Party Search/Information, Involvement tab:

- 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.” 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.

Additional Reporting Requirements:

Regions are requested to provide site-specific targets for *de minimis* settlements. During the fiscal year, regions can change sites within the target number without OSRE approval, but OSRE should be informed of any changes.

(Also see Non-exempt De Micromis Parties Settlements and Number of Parties.)

n. CASHOUT SETTLEMENTS

Definition:

This measure reports the total number of administrative or judicial settlements where the parties agree to make cash payments toward future response costs at a site.

Definition of Accomplishment:

Credit is given when:

- The Regional Administrator transmits the cashout CD (Action Name = Consent Decree) to DOJ or HQ as recorded in WasteLAN as the actual start date (Actual Start); or

- ☐ The Regional Administrator or delegatee signs the AOC (Action Name = Admin Order on Consent) for the cashout settlement as recorded in WasteLAN as the actual completion date (Actual Completion).

Changes in Definition FY02/03 - FY04/05:

None.

Special Planning/Reporting Requirements:

This is a program measure. Regions must enter the appropriate Enforcement Instrument Category “Federal Costs Settled - Future”, “Response Actions Pd by Parties”, and/or “Other Relief Achieved”. 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.

o. SECTION 106, 106 and 107, 107 CASE RESOLUTION (Including Claim in Bankruptcy)

Definition:

Case resolution is the conclusion of a Section 106, 106 and 107, 107 judicial action, or Claim in Bankruptcy by full settlement, final judgment, case dismissal, or case withdrawal, or final judgment.

Definition of Accomplishment:

Credit for case resolution is given at non-Federal facility NPL, Superfund Alternative, and non-NPL sites when:

- ☐ A Consent Decree (CD) is entered in the court and signed by the judge fully addressing the complaint with all parties;
- ☐ The region receives a memo or letter from DOJ withdrawing the case;
- ☐ A decision document is submitted by the judge dismissing the case; or
- ☐ A trial has concluded and a judgment rendered and signed by the judge fully addressing the complaint.

The Litigation or case resolution (Action Name = Litigation (Generic), Section 106 & 107 Litigation, Section 107 Litigation, Section 106 Litigation, or Claim in Bankruptcy Proceeding) actual completion date (Actual Complete) is defined as follows:

- Date full settlement CD is entered. This is the actual completion date (Actual Complete) of the CD, actual completion date of the SubAction = Entered by Court, and the litigation or bankruptcy action actual completion date (Actual Complete);
- Date case is withdrawn (SubAction Name = Case Withdrawn) as the SubAction completion and litigation or bankruptcy actual completion date (Actual Complete);
- Date case is dismissed (SubAction Name = Case Dismissed) as the SubAction and litigation or bankruptcy actual completion date (Actual Complete); or
- Date judgment is entered (Action Name = Judicial/Civil Judgment) as the judgment and the litigation or bankruptcy actual completion date (Actual Complete).

Changes in Definition FY02/03 - FY04/05:

None.

Special Planning/Reporting Requirements:

This is a program measure.

p. ISSUANCE OF DEMAND LETTER

Definition:

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 activities. Demand letters are typically sent for each separate response activity.

Definition of Accomplishment:

This Action is accomplished on the date (Actual Complete) the demand letter is signed by the appropriate EPA official and recorded in WasteLAN as a Action (Action Name = Demand Letters Issued) to the negotiation actions, Administrative/Voluntary Cost Recovery action, UAO, Litigation actions, or Decision Documents.

Changes in Definition FY02/03 - FY04/05:

None.

Special Planning/Reporting Requirements:

This is a program measure.

q. TOTAL COST RECOVERY SETTLEMENTS (INCLUDING DOLLAR VALUE)

Definition:

Total Cost Recovery Settlements is the total universe of CERCLA enforcement cost recovery settlements where the parties agree to pay past costs to the Agency. This measure will require reporting of both the number of settlements as well as the value of the past costs to be recovered pursuant to each of these settlements.

Definition of Accomplishment:

Settlements at non-Federal facility NPL, Superfund Alternative, and non-NPL sites include:

- ***Consent Decrees*** - Credit is given for CD settlements (Action Name = Consent Decree) for RD/RA with a cost recovery component, or CDs for cost recovery only that were not a result of a previous litigation referral, on the date of the Regional Administrator's memo transmitting the settlement to DOJ or HQ and recorded in WasteLAN as the actual start date (Actual Start).

For CD settlements that are for cost recovery only and result from a previous litigation referral, regions should not add a CD start date (Actual Start). Only the lodged (SubAction Name = Lodged by DOJ) and entered (SubAction Name = Entered by Court) SubActions, their actual completion dates (Actual Complete), and the actual completion date (Actual Complete) of the CD are recorded. The actual completion date of the CD is the date it is entered by the court. If the actual completion date for the Lodged by DOJ SubAction exists, credit will be given in the FY identified by this completion date.

- ***Administrative Settlements*** - Credit is given on the date that the Regional Office or DOJ receives payment from the PRPs in direct response to a demand letter for voluntary cost recovery or the date the Regional Administrator or delegatee signs the Administrative Order on Consent (AOC) or Consent Agreement (CA) for cost recovery. The date must be reported in WasteLAN as the actual completion date (Actual Complete) of the administrative/voluntary cost recovery (Action Name = Admin/Voluntary Cost Recovery), AOC (Action Name = Admin Order on Consent), or CA (Action Name = Consent Agreement).

Total Cost Recovery Settlements will be reported as the combined total of CDs, CAs, Administrative/Voluntary Cost Recovery actions and AOCs where cost recovery has been achieved.

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). (The CD, AOC, or CA has an Overall Compliance Status of “Closed Order/Settlement”; and the SubAction = Closed Order or Settlement, or the SubAction = Closed Order or Settlement with Potential for Penalty Claim has an **actual completion date (Actual Complete)**).

Changes in Definition FY02/03 - FY04/05:

Added closed order or settlement.

Special Planning/Reporting Requirements:

This is a program measure. The “Federal Costs Settled - Past” must be entered into WasteLAN. 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 for GPRA.

r. PAST COSTS ADDRESSED ≥ \$200,000 VIA SETTLEMENTS, WRITE-OFFS, OR REFERRALS

Definition:

Past Costs Addressed ≥ \$200,000 is the decision either to take cost recovery action by use of administrative cost recovery settlement, to transmit a Sections **106 and 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.

It only covers cases where EPA has incurred costs ≥ \$200,000. It is vital to the management of the cost recovery program that sites with upcoming Statute of Limitations (SOLs) be addressed prior to the expiration of the SOL. Therefore, regions will not be allowed to substitute FY 04/05 targeted sites that have SOLs occurring in or before FY 04/05 or the first quarter of FY 04/05.

Definition of Accomplishment:

Credit is given at non-Federal facility NPL, Superfund Alternative, and non-NPL sites.

Administrative Settlements - Credit is given on the date the Regional office or DOJ receives payment from the PRPs in direct response to a demand letter for voluntary cost recovery, or the date the Regional Administrator or delegatee signs the Administrative Order on Consent (AOC) or Consent Agreement (CA) that recovers 100 percent of the Trust Fund expenditures or settles a claim where the total response costs are less than \$500,000. The accomplishment of the administrative settlement is recorded in WasteLAN as the actual completion date (Actual Complete) of the administrative/voluntary cost recovery (Action Name = Admin/Voluntary Cost Recovery), AOC (Action Name = Admin Order on Consent), or CA (Action Name = Consent Agreement). If the settlement is compromised and total response costs are more than \$500,000, the AOC must be sent to DOJ for approval prior to signature by the Regional Administrator or delegatee.

Section 107 or 106 and 107 Judicial Referrals - Credit is given on the date of the Regional Administrator’s memo transmitting the referral to DOJ or HQ [Action Name = Litigation (Generic), Section 107 Litigation, or Section 106 & 107 Litigation] as recorded in WasteLAN as the actual start date (Actual Start).

This includes Consent Decree (CD) settlements (Action Name = Consent Decree) for RD/RA with a cost recovery component or CD settlements for cost recovery only that were not the result of a prior litigation referral. Credit is given for these CD settlements on the date of the Regional Administrator’s memo transmitting the settlement to DOJ or HQ and recorded in WasteLAN as the actual start date (Actual Start).

CD settlements that are for cost recovery only and result from a previous litigation referral do not count towards **this** target. The start date (Actual Start) for these actions is not reported in WasteLAN. Only the lodged (SubAction Name = Lodged by DOJ) and entered (SubAction Name = Entered by Court) SubActions, the SubAction actual completion date (Actual Complete), and the actual completion date (Actual Complete) of the CD are recorded. The actual completion date of the CD is the date it is entered by the court.

Decision Documents not to Pursue Cost Recovery - Credit is given when the decision document (Action Name = Cost Recovery Decsn Docmt - No Sue) is signed by the Regional office and recorded in WasteLAN as the actual completion date (Actual Complete). The decision not to pursue cost recovery also may be documented in an **enforcement instrument** 10-point settlement analysis. For both the Cost Recovery Decision Document Not to Sue and the 10-point analysis, the past costs that will not be recovered (Past Costs Written Off) and the reason the costs were written off should be reported in WasteLAN.

Bankruptcy Filing - Credit is given based on the date that the bankruptcy strategy package is prepared or on the date of the first creditor committee meeting as documented by the summary of the meeting. These dates are reported in WasteLAN as the SubAction "Creditors Committee Meeting" and/or "Bankruptcy Strategy Package" actual completion dates (Actual Complete). These SubActions are entered with the Claim in Bankruptcy action. For each Claim in Bankruptcy, the "Federal Costs Sought - Past" must be entered into WasteLAN.

Changes in Definition FY02/03 - FY04/05:

None.

Special Planning/Reporting Requirements:

All dates must be entered into WasteLAN. 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 or HQ for additional work but will be reinstated upon re-referral. For each settlement, the region must enter "Federal Costs Settled - Past" into WasteLAN. For each judicial referral, regions must enter "Federal Costs Sought - Past." For each decision not to pursue cost recovery, the "Past Costs Written Off" must be entered. Accomplishments are reported on a site-specific basis. Any changes to the target require prior approval by the OSRE. This is a GPRa annual performance goal.

s. RECOVERABLE PAST COSTS THAT HAVE BEEN ADDRESSED BY PROGRAM TO DATE VIA SETTLEMENTS, WRITE-OFFS, OR REFERRALS

Definition:

This measure supports the goal of Trust Fund Stewardship by reporting the amount and percentage of recoverable past costs that were addressed versus all recoverable past costs (i.e., past costs eligible for recovery, program-to-date). The regions are encouraged to address all of the recoverable past costs through enforcement activities so that the maximum amount of recoverable funds can be obtained to support Superfund cleanups.

Recoverable past costs are past costs that are considered potentially recoverable. These costs include EPA direct and indirect costs, plus contractor program management costs which are allocated to sites annually.

Some Superfund past costs are considered unrecoverable, including funds expended at orphan sites, costs that were compromised during previous cost recovery efforts, and costs that were previously written off. Indirect costs over and above those that are recoverable under the current indirect rates are also considered not recoverable.

Past Costs Addressed are costs addressed through administrative settlements, Section 107 or 106 and 107 judicial referrals including settlements for past costs under a CD, decision documents or 10-point settlement analysis documents not to pursue cost recovery, or bankruptcy filing. Depending on the enforcement action, the "Federal Costs Settled - Past," "Past Costs Written Off," or "Federal Costs Sought - Past" must be entered into WasteLAN.

Recoverable Past Costs include all past costs at the site, regardless of cost recovery status or previous cost recovery efforts. Recoverable costs include direct response costs, indirect costs allocated to the site using the applicable indirect rates, an estimate of contractor program management costs as allocated to the site, and any other costs charged to the site, as indicated by the appropriate Financial Management Division (FMD) system such as, Integrated Financial Management System (IFMS), the Superfund Cost Organization and Recovery Enhancement System (SCORES), or Superfund Cost Recovery Package and Image On-Line System (SCORPIOS). The percentage of recoverable past costs addressed is the amount of past costs addressed compared to the estimated total amount of recoverable past costs.

Definition of Accomplishment:

Credit is given at non-Federal facility NPL, Superfund Alternative, and non-NPL sites. Cost may be addressed through one or more of the following actions:

Administrative Settlements - Credit is given on the date the Regional office or DOJ receives payment from the PRPs in direct response to a demand letter for voluntary cost recovery, or the date the Regional Administrator or delegatee signs the Administrative Order on Consent (AOC) or Consent Agreement (CA) that recovers 100 percent of the Trust Fund expenditures or settles a claim where the total response cost are less than \$500,000. The accomplishment of the administrative settlement is recorded in WasteLAN as the actual completion date (Actual Complete) of the administrative/voluntary cost recovery (Action Name = Admin/Voluntary Cost Recovery), AOC (Action Name = Admin Order on Consent), or CA (Action Name = Consent Agreement). If the settlement is compromised and total response costs are more than \$500,000, the AOC must be sent to DOJ for approval prior to signature by the Regional Administrator.

Section 107 or 106 and 107 Judicial Referrals - Credit is given on the date of the Regional Administrator's memo transmitting the referral to DOJ or HQ [Action Name = Litigation (Generic), Section 107 Litigation, or Section 106 & 107 Litigation] as recorded in WasteLAN as the actual start date (Actual Start).

This includes CD settlements (Action Name = Consent Decree) for RD/RA with a cost recovery component and CD settlements for cost recovery only. For CD settlements for RD/RA with a cost recovery component and CD settlements that were not the result of prior litigation, credit is given on the date of the Regional Administrator's memo transmitting the settlement to DOJ or HQ. This date is reported in WasteLAN as the actual start date (Actual Start) of the CD (Action Name = Consent Decree). For CD settlements that are for cost recovery only and result from a previous litigation referral, the CD actual start date (Actual Start) is not reported in WasteLAN. Only the lodged (SubAction Name = Lodged by DOJ) and entered (SubAction Name = Entered by Court) SubActions, the SubAction actual completion date (Actual Complete), and the actual completion date (Actual Complete) of the CD are recorded. The actual completion date of the CD is the date it is entered by the court.

Decision Documents not to Pursue Cost Recovery - Credit is given when the decision document (Action Name = Cost Recvry Decsn Docmt - No Sue) is signed by the Regional office and recorded in WasteLAN as the actual completion date (Actual Complete). The decision not to pursue cost recovery also may be documented in a 10-point settlement analysis. For both the Cost Recovery Decision Document Not to Sue and the enforcement instrument 10-point settlement analysis, the past costs that will not be recovered (Past Costs Written Off) and the reason(s) the costs were written off should be reported in WasteLAN.

Bankruptcy Filing - Credit is given based on the date that the bankruptcy strategy package is prepared or on the date of the first creditor committee meeting as documented by the summary of the meeting. These dates are reported in WasteLAN as the SubAction "Creditors Committee Meeting" and/or "Bankruptcy Strategy Package" actual completion dates (Actual Complete). These SubActions are entered with the Claim in Bankruptcy action. For each Claim in Bankruptcy, the "Federal Costs Sought - Past" must be entered into WasteLAN.

Changes in Definition FY02/03- FY04/05:

None.

Special Planning/Reporting Requirements:

This is a program measure. See Definition and Definition of Accomplishment.

t. NUMBER AND AMOUNT OF CERCLA PENALTIES ASSESSED

Definition:

This measure supports the goal of Trust Fund Stewardship by providing information on the amount and number of final CERCLA penalties assessed. The measure identifies monies that are provided for the Trust Fund as a result of penalties assessed for violations of the CERCLA statute. The measure also supports the systematic reporting on the programmatic impacts of compliance and enforcement.

This measure is expressed as the dollar amount of the final assessed penalty under CERCLA. For civil judicial cases, this amount is the penalty assessed against the defendant(s) as specified in the Consent Decree or Court Order entered by the court or agreed to by the defendant(s). For administrative cases, it is the penalty agreed to in the final AOC or assessed directly by EPA under Section 109(a) and (b) of CERCLA.

The number of CERCLA penalties assessed is the number of civil, judicial, or administrative enforcement actions where a penalty was assessed under a CERCLA statute.

Definition of Accomplishment:

The number of CERCLA penalties assessed is the total number of enforcement actions (CDs, AOCs, judgments, or court orders) where a penalty was assessed under a CERCLA statute, including actions that are only for CERCLA or multi-media actions that contain a CERCLA component.

The value of CERCLA penalties assessed is the total dollar amount of penalties assessed under the CERCLA statute for violations of requirements contained in civil, judicial, and administrative enforcement actions. If the enforcement action consists of multi-media actions, this measure will only include the amount that is assessed under the CERCLA statute, to the extent that it can be specified.

Changes in Definition FY02/03 - FY04/05:

Changed Enforcement Docket System to Integrated Compliance Information System (ICIS) which was implemented in FY 02.

Special Planning/Reporting Requirements:

The “Stipulated Penalty Assessed - Amount Imposed” and/or “Statutory Penalty Assessed - Amount Imposed” should be entered into WasteLAN through the Penalty/SEP screens associated with the enforcement instrument. The number and value of CERCLA penalties will be obtained from the Office of Compliance using information reported in the Integrated Compliance Information System (ICIS) . This is a program measure.

u. NUMBER AND AMOUNT OF CERCLA SUPPLEMENTAL ENVIRONMENTAL PROJECTS (SEPs)

Definition:

SEPs are environmentally beneficial projects which a violator agrees to undertake in settlement of an enforcement action, but which the violator is not otherwise legally required to perform. The SEP could be for public health, pollution prevention, pollution reduction, environmental restoration and protection, assessments and audits, environmental compliance promotion, emergency planning and preparedness, or other program-specific projects.

This measure supports the goal of Trust Fund Stewardship by measuring the number and value of SEPs under CERCLA. The measure provides the opportunity for the violator to undertake environmentally beneficial projects that will potentially prevent the creation of additional Superfund sites, thus avoiding the need for using Trust Fund monies for future cleanups. The measure also supports the systematic reporting on the programmatic impacts of compliance and enforcement.

Definition of Accomplishment:

- The number of CERCLA SEPs is the total number of cases where a SEP was agreed upon under a CERCLA statute, including cases that are only for CERCLA or multi-media cases that contain a CERCLA component.
- The value of the CERCLA SEPs agreed upon is the estimated value of the SEP under the CERCLA statute for civil, judicial, and administrative enforcement actions. If the action is a multi-media action, the SEP will be the total value for all media not just media covered under CERCLA.

Changes in Definition FY02/03 - FY04/05:

Changed Enforcement Docket System to Integrated Compliance Information System (ICIS) which was implemented in FY 02.

Special Planning/Reporting Requirements:

The following information should be entered into WasteLAN through the Penalty/SEP screens associated with the enforcement instrument: the SEP Information - EPA Estimated Value and SEP Information - Category. The number and value of SEPs agreed upon under CERCLA will be obtained from the Office of Compliance using the information reported in the Integrated Compliance Information System (ICIS) . This is a program measure.

v. USE OF ALTERNATIVE DISPUTE RESOLUTION (ADR)

Definition:

This measure reports the number of sites where ADR techniques are employed in an attempt to reach settlement under CERCLA or to resolve disputes over cleanup standards and Applicable or Relevant and Appropriate Requirements (ARARs). Sites using ADR tools are divided into two categories: sites where the Agency employs and funds ADR in the CERCLA process; and sites where the Agency supports private party use of ADR in the CERCLA process. It does not include cases where the private parties use ADR without the Agency's support. This measure includes use of ADR in disputes regarding allocation of liability; in disputes with PRPs regarding alleged noncompliance with a settlement agreement; and in disputes with States and tribes regarding ARARs and cleanup standards. This measure will report site-specific use of ADR.

Definition of Accomplishment:

Credit is given at non-Federal facility NPL, Superfund Alternative, and non-NPL sites for ADR activities when:

- **Allocation of Shares of Responsibility** - The parties involved choose a neutral allocator. The date on which the allocator is chosen is recorded in WasteLAN as the actual start date (Actual Start) of the Alternative Dispute Resolution action. The ADR Process of “Allocation” should also be entered.
- **Arbitration** - The parties involved in binding or advisory negotiation (in a judicial setting) choose an arbitrator. The date on which the arbitrator is selected is recorded in WasteLAN as the actual start date (Actual Start) of the Alternative Dispute Resolution action. The ADR Process of “Arbitration” should also be entered.
- **Convening** - A neutral third party is selected to organize disputants for negotiations, assist them in the decision to use ADR, and assist in the selection of an ADR professional. The date on which the neutral third party is selected is recorded in WasteLAN as the actual start date (Actual Start) of the Alternative Dispute Resolution action. The ADR Process of “Convening” should also be entered.
- **Fact Finding** - A specialized neutral party with subject matter expertise is selected to resolve technical or factual issues. The date that the specialized neutral party is selected is recorded in WasteLAN as the actual start date (Actual Start) of the Alternative Dispute Resolution action. The ADR Process of “Fact Finding” should also be entered.
- **Mediation** - The parties select a neutral third party with no decision-making authority to assist during non-binding negotiations. The date on which the neutral party is selected is recorded in WasteLAN as the actual start date (Actual Start) of the Alternative Dispute Resolution action. The ADR Process of “Mediation” should also be entered.
- **Mini-Trial** - The involved parties begin the mini-trial. The date on which the mini-trial begins is recorded in WasteLAN as the actual start date (Actual Start) of the Alternative Dispute Resolution action. The ADR Process of “Mini-Trial” should also be entered.
- **Neutral Evaluation** - A neutral party is selected to assist a negotiation team in evaluating the potential for settlement or use of ADR professionals. The date on which the neutral party is selected is recorded in WasteLAN as the actual start date (Actual Start) of the Alternative Dispute Resolution action. The ADR Process of “Neutral Evaluation” should also be entered.
- **Settlement Judge** - A settlement judge (other than the one hearing the case) is selected (or agreed upon) to act as a mediator during the negotiation and settlement discussions of the parties. The date on which the settlement judge is selected is recorded in WasteLAN as the actual start date (Actual Start) of the Alternative Dispute Resolution action. The ADR Process of “Settlement Judge” should also be entered.

Changes in Definition FY02/03 - FY04/05:

None.

Special Planning/Reporting Requirements:

This is a Federal enforcement-lead (FE) action with an action name of “Alternative Dispute Resolution”. The response actions being discussed during the ADR process (“Response Actions Addressed”) and the ADR Process may be entered into WasteLAN. Credit will be based on the start date (Actual Start) of the ADR (Action Name = Alternative Dispute Resolution). This is a program measure.

w. NUMBER OF SETTLEMENTS WHERE EPA SETTLED BASED ON ABILITY-TO-PAY DETERMINATIONS

Definition:

The measure will help assess the extent to which EPA is using ability-to-pay determinations to achieve its goal of Enforcement Fairness. The measure will report the 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.

Definition of Accomplishment:

Total ability-to-pay settlements are counted as follows:

- ☐ When an AOC (Action Name = Admin Order on Consent) or Consent Agreement (CA) (Action Name = Consent Agreement) with the ability-to-pay PRPs is signed by the Regional Administrator or delegatee and reported in WasteLAN as the actual completion date (Actual Complete).
- ☐ When the Regional Administrator signs the memorandum transmitting the CD (Action Name = Consent Decree) signed by the ability-to-pay parties (and the Regional Administrator) to DOJ or HQ as reported in WasteLAN as the actual start date (Actual Start).

Changes in Definition FY02/03- FY04/05:

None.

Special Planning/Reporting Requirements:

This is a program measure. An Enforcement Instrument Categories Selected of "Ability to Pay" needs to be entered into WasteLAN .

x. PROSPECTIVE PURCHASER AGREEMENTS (PPAs) -ASSESSED AND FINALIZED

Definition:

In January 2002, CERCLA was amended through enactment of Public Law 107-118, titled the Small Business Relief and Brownfield Revitalization Act ("Brownfields Amendments"). Among other things, the Brownfields Amendments provide a limitation on liability for persons who qualify as bona fide prospective purchasers. Congress' intent in enacting this provision was to remove certain liability barriers to purchases of property and encourage redevelopment. While EPA believes the necessity for PPAs has been largely addressed by congressional action, the Agency recognizes that in limited instances the public interest will be served by entering into PPAs or some other form of agreement. This measure, therefore, will continue to report progress toward both the goals of enforcement fairness, and redevelopment of contaminated properties in these limited instances. This measure will quantify the number of prospective purchaser requests received and addressed by the Agency and the number of prospective purchaser agreements signed.

For the purpose of reporting, this measure will count:

- 1) The number of written requests (containing all necessary information required by EPA) for prospective purchaser agreements received by the Agency.
- 2) The number of written requests (with all necessary information required by EPA) that the Agency has denied, or the prospective purchasers have withdrawn.
- 3) The number of final proposed settlements sent to prospective purchasers for signature, in the form of Administrative Orders on Consent (AOC), Consent Agreements (CA), or Consent Decrees (CD).
- 4) The number of finalized settlement agreements (AOCs, CAs, CDs) that include prospective purchaser provisions.

Definition of Accomplishment:

Credit is given at non-Federal facility NPL, Superfund Alternative, and non-NPL sites:

- **Prospective Purchaser Requests Assessed:** This is the point at which the Agency has completed its work towards addressing a request for a prospective purchaser agreement, and the PPA request has been received from the potential or actual purchaser, with all necessary information required by EPA (Action Name = PPA Assessment and SubAction Name = All Necessary Information Received by EPA and the Action Actual Start Date and SubAction Actual Complete Date are entered into WasteLAN). The request has been assessed when the Agency denies the request, or the prospective purchaser withdraws the request, or the Agency has written and forwarded a final proposed settlement to the prospective purchaser for signature (Action Actual Complete with Action Qualifier = Request Denied or Withdrawal of Application by Requesting Party; or SubAction Name = Final Proposed Settlement Sent to Prospective Purchaser and SubAction Actual Complete Date).
- **Prospective Purchaser Agreement:** This is the completion of a PPA based on the date (Actual Complete) the Administrative Order on Consent (AOC) or Consent Agreement (CA) (Action Name = Admin Order on Consent or Consent Agreement) with a PPA component is signed by the Regional Administrator or delegatee or the date (Actual Start) the CD (Action Name = Consent Decree) with a PPA component is referred by the Regional Administrator or delegatee to either DOJ or HQ. Regions also must enter the Enforcement Instrument Category to indicate a PPA (Enforcement Instrument Categories Selected = Prospective Purchaser Agreement).

Changes in Definition FY02/03- FY04/05:

Changed PPA assessments and PPAs signed to program measures.

Special Planning/Reporting Requirements:

For each settlement, the region should enter the following information into WasteLAN: "Work PRP Will Perform - Value" and/or "Federal Costs Settled - Future" and "Response Actions Pd by Parties;" and/or "Federal Costs Settled - Past", "Response Actions Reimbursed", and/or "Other Relief Achieved" of "Other Activities for Cost Recovery"; and an Enforcement Instrument Categories Selected of "Prospective Purchaser Agreement". The number of PPA assessments and PPAs signed are program measures .

y. ISSUANCE OF COMFORT/STATUS LETTERS

Definition:

This measure supports EPA's Brownfields Program goals by facilitating the cleanup and reuse of previously used properties. Parties interested in purchasing, developing, or operating these 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 with regard to 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 qualify as a comfort/status letter.

Definition of Accomplishment:

The start date (Actual Start Date) for this action is the date that a written request is received by the Agency for a comfort/status letter from an interested party. If the comfort/status letter is a windfall lien or reasonable steps comfort/status letter, Regions must indicate this in WasteLAN (Action Qualifier = Windfall Lien or Reasonable Steps). A comfort/status letter is accomplished (Actual Complete Date) the day it is signed by the appropriate Regional Official.

Changes in Definition FY02/03 - FY04/05:

Changed Definition to reflect the Small Business Liability Relief and Brownfields Revitalization Act. Added entry of type of comfort/status letter in WasteLAN.

Special Planning/Reporting Requirements:

This is a program measure. Regions should track the property/site specific issuance of comfort/status letters electronically in WasteLAN. For each comfort/status letter that is a windfall lien or reasonable steps one, Regions should enter the Action Qualifier of “ Windfall Lien” or “Reasonable Steps” respectively into WasteLAN.

z. ORPHAN SHARE - EPA OFFER AND COMPENSATION**Definition:**

This measure reports on EPA efforts to compensate parties for the portion of the response costs attributable to insolvent and defunct parties (orphan share).

This measure includes negotiations and settlements for RI/FS, RD/RA, time-critical (TC) or non time -critical (NTC) removals, or appropriate cost recovery cases. This measure will report: 1) the number of negotiations where EPA offered to compensate for a portion of the orphan share; 2) the Maximum Amount Appropriate for Compensation (MAAC) under the 1996 Interim Guidance on Orphan Share Compensation for Settlers of Remedial Design/Remedial Action and Non-Time-Critical Removals and the 1997 Cost Recovery Addendum (dated: September 30, 1997); 3) the actual amount of compensation offered; 4) the number of settlements where EPA compensated for a portion of the orphan share; 5) the actual dollar amount of the orphan share compensated by EPA; and 6) the actual date the region made the offer.

Orphan share compensation offers are subject to the adequacy of cleanup program funding, and eligibility requirements under the policies. Orphan share compensation is *not* available at sites where there are no orphan parties, federal facilities, sites where every PRP is liable as a current or former owner and/or operator and the region has not identified any generator/transporter (i.e. “owner-operator only” sites), or sites where PRPs are performing work pursuant to a UAO, unless such parties are willing to convert the UAO to a CD. All other sites are eligible sites for purposes of this measure for work (i.e., Remedial Design/Remedial Action and Non-Time Critical Removal) negotiations at NPL sites. The method for determining the appropriate compensation to be offered by EPA is provided in the “Interim Guidance on Orphan Share Compensation for Settlers of Remedial Design/Remedial Action and Non-Time-Critical Removals” dated June 3, 1996 and the 1997 Cost Recovery Addendum (dated: September 30, 1997). The MAAC should not exceed the lesser of the following ceilings: 1) the orphan share; 2) the sum of all EPA unreimbursed past costs and EPA’s projected costs of overseeing the design and implementation of the Record of Decision (ROD) remedy, TC or NTC removal costs; or 3) 25 percent of the projected ROD remedy, TC or NTC removal costs at the site.

It should be noted that orphan share compensation at RI/FSs, time critical removals and non-NPL sites/Superfund Alternative sites is discretionary under the 1996 Orphan Share Policy. Although Regions should offer orphan share compensation during settlement negotiations for RD/RA and non-time critical removal actions at NPL sites, it is not required to offer orphan share compensation at time critical removals and non-NPL sites/ Superfund Alternative sites.

Definition of Accomplishment:

Credit is given at eligible non-Federal facility non-owner/operator only NPL, Superfund Alternative, and non-NPL sites for negotiations where EPA offered to compensate for a portion of the orphan share. In order to receive credit for orphan share compensation in any case, at a minimum, the PRP must have been informed that part of the Federal compromise at the site is attributable to orphan share. In negotiations for work, the PRP must be informed about the amount of the Federal compromise attributable to orphan share under the MAAC analysis. Credit is given where EPA **offered to compensate** for orphan share when:

OSWER Directive 9200.3-14-1G-Q

- ☐ The General Notice Letter (GNL) (for removals), first Special Notice Letter (SNL), Letter for Orphan Share Compensation (for on-going negotiations), or Memorandum for the Record for oral offers is signed by the appropriate EPA official for the site or operable unit (OU). The Memorandum of Records for oral offers may be, for example, a memorandum to the case file memorializing the oral offer. This date is reported in WasteLAN as the actual start date (Actual Start) of negotiations [Action Name = RI/FS Negotiations, RD/RA Negotiations, Removal Negotiations, or Negotiations (Generic)] or the completion date (Actual Complete) of the Letter for Orphan Share Compensation SubAction [SubAction Name = Letter for Orphan Share Compensation] or Memorandum for the Record SubAction [SubAction Name = Memorandum for the Record]; or
- ☐ A Section 122(a) waiver of SNL signed by the appropriate EPA official with the intent to pursue negotiations without moratorium procedures. This date is reported in WasteLAN as the actual start date (Actual Start) of negotiations [Action Name = RI/FS Negotiations, RD/RA Negotiations, Negotiations (Generic), or Removal Negotiations]; or
- ☐ A Demand Letter, Letter for Orphan Share Compensation (for on-going negotiations), or Memorandum for the Record for oral offers for cost recovery signed by the appropriate EPA official is sent to the parties. This date is reported in WasteLAN as the actual start date (Actual Start) of negotiations [Action Name = Cost Recovery Negotiations] or the completion date (Actual Complete) of the Letter for Orphan Share Compensation SubAction [SubAction Name = Letter for Orphan Share Compensation] or Memorandum for the Record SubAction [SubAction Name = Memorandum for the Record].

Credit is given at eligible non-Federal facility on-owner/operator only NPL, Superfund Alternative, and non-NPL sites where EPA **compensated** for a portion of the Orphan Share as follows:

- ☐ A CD (Action Name = Consent Decree) and a 10-point settlement analysis for RD or RA is signed under Section 106, **106 and 107**, 104(a), 104(b), or for cost recovery only under Section 107. The date when the Regional Administrator signs the memorandum transmitting the CD, signed by the parties and the Regional Administrator, to DOJ is reported in WasteLAN as the actual start date (Actual Start); or
- An AOC (Action Name = Admin Order on Consent) for RI/FS, a time-critical or NTC removal, or RD only is signed by the Regional Administrator or delegatee. The date on which the AOC is signed is reported in WasteLAN as the actual completion date (Actual Complete). For AOCs that are amended to include a time-critical or NTC removal, or RD only, the SubAction “Enforcement Action Amended” and the SubAction actual completion date (Actual Complete) must be entered into WasteLAN; or
- An AOC or Consent Agreement (CA) (Action Name = Admin Order on Consent or Consent Agreement) for cost recovery under Section 122(h) is signed by the Regional Administrator or delegatee. The date on which the AOC or CA is signed is reported in WasteLAN as the actual completion date (Actual Complete). For AOCs or CAs that are amended to include cost recovery, the SubAction “Enforcement Action Amended” and the SubAction actual completion date (Actual Complete) must be entered into WasteLAN.

Changes in Definition FY02/03 - FY04/05:

Changed Orphan Share Compensation Offered to a program measure.

Special Planning/Reporting Requirements:

Orphan Share Compensation Offered for *work* (i.e. Remedial Design/Remedial Action and Non-Time Critical Removal) negotiations at NPL sites is a program measure. The program measure is to offer orphan share compensation at 100% of eligible sites in work (i.e. Remedial Design/Remedial Action and Non-Time Critical Removal) negotiations at NPL sites. In addition, Orphan Share Compensated is a program measure. The applicable “Response Actions Pd by Parties,” must be entered into WasteLAN. Indicators on the existence of an orphan share at a site, including whether the orphan share policy applies for work at a site, an orphan share compromise was offered or compensated by EPA, the MAAC and ceiling type, the past and anticipated future costs offered and compensated by EPA will be entered into WasteLAN.

aa. NON-EXEMPT DE MICROMIS PARTIES SETTLEMENTS AND NUMBER OF PARTIES

Definition:

This measure reports the total number of administrative or judicial settlements that are reached solely under Section 122 of SARA, with PRPs qualified as non-exempt de micromis. It is rather unusual in that it measures success inversely. The lower the number of non-exempt de micromis parties settlements, the more successful the Agency's non-exempt de micromis policy.

Definition of Accomplishment:

Non-exempt de micromis parties settlements at non-Federal facility NPL, Superfund Alternative, and non-NPL sites include:

- An AOC (Action Name = Admin Order on Consent) signed by the Regional Administrator or delegatee, as reported in WasteLAN, as the actual completion date (Actual Complete).
- When the Regional Administrator signs the memorandum transmitting the Consent Decree (Action Name = Consent Decree), signed by the non-exempt de micromis parties and the Regional Administrator to DOJ or HQ, as reported in WasteLAN, as the actual start date (Actual Start).

The number of signatories to the settlement is system generated in WasteLAN from the identification of the PRPs associated with the settlement.

The following information should be entered into WasteLAN:

- Enforcement Instrument Categories Selected of "Non-exempt De Micromis";
- PRPs that signed settlement (Parties Associated with Action, Party Name).

To indicate the non-exempt de micromis parties that signed the settlement, the following information must be entered for each party on the Involvement screen:

- Basis of Liability of "Non-exempt De Micromis Party"; and
- Involvement Type of "Generator" or "Transporter".

Changes in Definition FY02/03 - FY04/05:

Changed to non-exempt de micromis parties and settlements.

Special Planning/Reporting Requirements:

While EPA will enter into non-exempt de micromis parties settlements when extremely small volume contributor parties are threatened with suit, the ultimate measure of success of this policy will be that non-exempt de micromis parties are no longer pursued and there is no need to enter into such settlements (see above). This is a program measure.

The number of signatories to the settlement will be system generated from the identification of the parties associated with the settlement.

bb. PRP OVERSIGHT ADMINISTRATION

Definition:

Through the Superfund Reform on the Administration of PRP Oversight (OS), EPA recognizes the value of working together with PRPs with whom the Agency has settlement agreements as a means to promote appropriate 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 cost. This measure reports EPA's efforts to work with PRPs to maximize the effectiveness and efficiency of EPA oversight and to send timely bills for oversight.

This measure applies to all PRPs at non-Federal facility NPL, Superfund Alternative, and non-NPL sites who:

- Are conducting, under Federal oversight, the non-time-critical removal action (NTCRA), remedial investigation/feasibility study (RI/FS), remedial design (RD), or remedial action (RA) phase of a cleanup, AND
- Have an Administrative Order on Consent (AOC), Consent Decree (CD), or other settlement document in place with EPA that provides for payment of oversight costs.

Definition of Accomplishment:

The annual accomplishment target shall be based on the number of agreements (as described in 2 above) in place for RP-lead events that will take place during the fiscal year. The regions will accomplish the following objectives for each PRP or group of PRPs that has such an agreement and is required to pay oversight costs:

The date of the accomplishment for this target is the later of the dates documenting completion of each of the actions below. Credit is given based on the date that:

- An offer (personal contact is strongly encouraged) is made to PRPs to discuss EPA's oversight expectations for upcoming activities. This date is reported in WasteLAN as the SubAction "Offer to Discuss EPA Oversight Expectations w/ PRPs" actual completion date (Actual Complete); AND
- An oversight bill consistent with the enforcement instrument is issued to PRPs or an accounting of costs is provided to PRPs. This date is reported in WasteLAN as the SubAction "Issuance of Oversight Bill" or as "Accounting of Oversight Costs Incurred" actual completion date (Actual Complete). If the settlement document is signed or referred within the current fiscal year only the "Offer to discuss EPA Oversight Expectations with PRPs" subaction is required.

Changes in Definition FY02/03 - FY04/05:

Removed reference to work planning process in Special Planning/Reporting Requirements since that information will be provided in the annual Superfund Work Planning memorandum.

Special Planning/Reporting Requirements

This is a program target. For the purposes of this measure only, Headquarters shall assume, unless otherwise informed by the regions, that PRPs 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 PRPs to discuss oversight expectations. The regions will identify those actions for which PRPs are required to pay oversight costs.

cc. SETTLEMENTS DESIGNATING DEPOSITS TO SPECIAL ACCOUNTS**Definition:**

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 PRP settlements. EPA is able to retain and apply the interest from these accounts to clean up the site at which the settlement occurred. Funds deposited in Special Accounts are immediately accessible for response costs, but may only be used to support response actions at the site(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 PRPs agree to make cash payments toward response costs at a site (i.e. cashout and/or cost recovery settlements), the measure will report 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 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 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.

Definition of Accomplishment:

This measure counts any settlement where there is a payment provision where funds will be deposited in a Special Account as follows:

- An Administrative Order on Consent (AOC) or Consent Agreement (CA) (Action Name = Admin Order on Consent or Consent Agreement) is signed that includes a payment provision, where funds will be placed in a special account. The date on which the Regional Administrator or delegatee signs the AOC or CA is reported in WasteLAN as the actual completion date (Actual Complete); or
- A signed Consent Decree (CD) (Action Name = Consent Decree) referred to DOJ/HQ under Section 106, 107, or 106 and 107 that includes a payment provision where funds will be placed in a Special Account. The date on which the Regional Administrator signs the memorandum transmitting the CD, signed by the parties and the Regional Administrator to DOJ or HQ is reported in WasteLAN as the actual start date (Actual Start). For CD settlements that are for cost recovery only and result from a previous litigation referral, regions should not add a CD start date (Actual Start). Only the lodged (SubAction = Lodged by DOJ) and entered (SubAction name = Entered by Court) SubActions, their actual completion dates (Actual Complete), and the actual completion date (Actual Complete) of the CD will be recorded. The actual completion date of the CD is the date it is entered by the court. If the actual completion date for the "Lodged by DOJ" SubAction exists, credit will be given in the FY identified by this completion date.

Changes in Definition FY02/03 - FY04/05:

None.

Special Planning/Reporting Requirements:

This is a program measure. Data that must be entered into WasteLAN for these settlements include:

- Federal Costs Settled - Past (for Cost Recovery Settlements);
- Federal Costs Settled - Future (for Cashout Settlements);
- Enforcement Instrument Categories Selected of "Cashout" (for Cashout Settlements);
- Response Actions Pd by Parties (for Cashout Settlements);
- Deposit to EPA Special Account; and
- Special Account Deposit Provision Flag.

dd. DEPOSITS INTO SPECIAL ACCOUNTS

Definition:

This measure will report the amount of all actual deposits into Special Accounts. This measure will be used to answer the question: How much money has EPA deposited into Special Accounts for response actions at Superfund sites? 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. Funds deposited in Special Accounts are immediately accessible for response costs at the site(s) covered by that Special Account. The source of the information reported under this measure is periodic extraction of information from EPA's Integrated Financial Management System (IFMS).

The measure will report the following:

- For each site for that fiscal year, the total amount of actual deposits into Special Accounts; and
- For each region for that fiscal year, the total amount of actual deposits into Special Accounts.

Definition of Accomplishment:

Regions transfer the funds to the Cincinnati Financial Management Center (CFMC) for deposit in the Special Account. Deposit dates are recorded by CFMC in IFMS. CFMC extracts data from IFMS for tracking and reporting purposes. This measure counts all deposits made at the time that Special Accounts are established and any subsequent deposits made to these accounts as follows:

- The date on which a Special Account is established by the CFMC with the initial deposit amount; and
- The date on which any subsequent deposits are made by CFMC to existing Special Accounts.

Changes in Definition FY02/03 - FY04/05:

None.

Special Planning/Reporting Requirements:

This is a program measure. Data that must be entered into IFMS includes:

- Amount of deposits into Special Accounts; and
- The date of deposits into Special Accounts.

ee. SETTLEMENTS DESIGNATING DISBURSEMENTS FROM SPECIAL ACCOUNTS TO PRPS**Definition:**

This measure will quantify the number of settlements in which EPA has agreed to disburse Special Account funds to PRPs 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 PRPs agree to conduct response actions at the site for which the Special Account was created, the measure will report the following:

- The number of response settlements which designate disbursement from Special Accounts to PRPs who conduct the response action; and
- The amount of funds designated to be disbursed from Special Accounts to PRPs in response action settlements.

Definition of Accomplishment:

This measure counts all settlements where there is a provision for disbursement of Special Account funds to PRPs as follows:

- A signed Consent Decree (CD) (Action Name = Consent Decree) is referred to DOJ/HQ under Section 106 or **106 and 107** that includes a disbursement provision. The date on which the Regional Administrator signs the memorandum transmitting the CD, signed by the parties and the Regional Administrator to DOJ or HQ is reported in WasteLAN as the actual start date (Actual Start); or
- An Administrative Order on Consent (AOC) or Consent Agreement (CA) (Action Name = Admin Order on Consent or Consent Agreement) is signed that includes a disbursement provision. The date on which the Regional Administrator or delegatee signs the AOC or CA is reported in WasteLAN as the actual completion date (Actual Complete).

Changes in Definition FY02/03 - FY04/05:

None.

Special Planning/Reporting Requirements:

This is a program measure. Data that must be entered into WasteLAN for these settlements include:

- Response Actions Pd by Parties;
- Work PRP Will Perform - Value;
- Paid from Special Account; and
- Special Account Disbursement Provisions Flag.

ff. DISBURSEMENTS FROM SPECIAL ACCOUNTS FOR RESPONSE ACTIONS

Definition:

This measure will assess the extent to which EPA uses Special Account funds for site cleanup by reporting the amount of all actual disbursements from Special Accounts for response actions. This measure will be used to answer the question: How much money has EPA disbursed from Special Accounts for response actions at Superfund sites? This measure will capture disbursements to all recipients, whether for PRP-lead, State-lead, or EPA-lead response actions since Special Account funds can be used to pay PRPs', States', and EPA's response costs .

This measure has sub-measures, which will report the amount of all actual disbursements from Special Accounts to PRPs, EPA, and States for response actions. The PRP sub-measure will be used to answer the question: How much money has EPA disbursed from Special Accounts to PRPs for response actions at Superfund sites? This sub-measure follows the measure entitled, "Settlements Designating Disbursements from Special Accounts to PRPs." Together, these answer the question: Of the amount designated in settlements to be disbursed to PRPs for response actions, what is the amount actually disbursed to PRPs? This measure and this sub-measure will be used to answer the question: Of the total amount disbursed from Special Accounts for response actions, what percentage is disbursed to PRPs? The State sub-measure will be used to report the amount of money disbursed from Special Accounts to States for response actions at Superfund sites. The EPA sub-measure will be used to report the amount of money disbursed from Special Accounts to EPA for response actions at Superfund sites. The latter sub-measure will include amounts given to EPA which the Agency subsequently sends to entities other than PRPs and States for response actions at Superfund sites.

The source of the information reported under this measure is periodic extraction of information from EPA's Integrated Financial Management System (IFMS).

The measure will report the following:

- For each site for that fiscal year, the total amount of actual disbursements from Special Accounts for response actions;
- For each site for that fiscal year, the total amount of actual disbursements from Special Accounts to PRPs for response actions;
- For each site for that fiscal year, the total amount of actual disbursements from Special Accounts to States for response actions;
- For each site for that fiscal year, the total amount of actual disbursements from Special Accounts to EPA for response actions;
- For each region for that fiscal year, the total amount of actual disbursements from Special Accounts for response actions;
- For each region for that fiscal year, the total amount of actual disbursements from Special Accounts to PRPs for response actions;
- For each region for that fiscal year, the total amount of actual disbursements from Special Accounts to States for response actions; and
- For each region for that fiscal year, the total amount of actual disbursements from Special Accounts to EPA for response actions.

Definition of Accomplishment:

Regions make disbursements from Special Accounts. Disbursements are recorded by the regions in IFMS. CFMC extracts data from IFMS for tracking and reporting purposes. This measure counts all disbursements made from Special Accounts for response actions as follows:

- The date on which the region disburses funds from the Special Account as recorded in IFMS.

The three sub-measures count all disbursements from Special Accounts to PRPs, States, and EPA for response actions as follows:

- The date on which the region disburses funds to PRPs from Special Accounts as recorded in IFMS.
- The date on which the region disburses funds to States from Special Accounts as recorded in IFMS.
- The date on which the region disburses funds to EPA from Special Accounts as recorded in IFMS.

Changes in Definition FY02/03- FY04/05:

None.

Special Planning/Reporting Requirements:

This is a program measure. Data that must be entered into IFMS includes:

- Actual disbursements from Special Accounts for response actions;
- Actual disbursements from Special Accounts to PRPs for response actions;
- Actual disbursements from Special Accounts to States for response actions;
- Actual disbursements from Special Accounts to EPA for response actions (This sub-measure is derived by subtracting the sum of the disbursements to PRPs and States from the disbursements from Special Accounts for response actions.); and
- The dates of disbursements from Special Accounts.

gg. CLOSURE OF SPECIAL ACCOUNTS

Definition:

This measure will report the closure of Special Accounts. This measure will be used to answer the question: Which Special Accounts were closed in a fiscal year? How much money was transferred from the Special Account to the general part of the Superfund Trust Fund? What are the dates of these closures? The source of the information reported under this measure is periodic extraction of information from EPA's Integrated Financial Management System (IFMS).

The measure will report the following:

- For each site at which a Special Account was closed for that fiscal year, the name of the site and the total amount of money transferred to the general part of the Superfund Trust Fund.
- For each region for that fiscal year, the total number of Special Accounts closed and the amount of money transferred to the general part of the Superfund Trust Fund.

Definition of Accomplishment:

Upon receipt of the signed memorandum requesting closure of a Special Account from the Regional Program Office/Financial Management Officer, the Cincinnati Financial Management Center (CFMC) will close out the Special Account and record the closeout date in IFMS. CFMC extracts data from IFMS for tracking and reporting purposes. This measure counts all transfers made at the time that Special Accounts are closed as follows:

- The date on which a Special Account is closed by the CFMC with the amount to be transferred to the general part of the Superfund Trust Fund.

Changes in Definition from FY 02/03 - FY 04/05:

This is a new measure for FY 04/05.

Special Planning/Reporting Requirements:

This is a program measure. Data that must be entered into IFMS include:

- Amount transferred from the Special Account; and
- The date that the Special Account is closed with the amount to be transferred from Special Accounts to the general part of Superfund Trust Fund.

hh. Pre-Remedial Enforcement Action at Superfund Sites

Definition:

This measure will support the Government Performance and Results Act (GPRA) goal of maximizing PRP participation at Superfund sites, thus promoting “Enforcement First”. The GPRA goal is for EPA to reach a settlement or take an enforcement action by the time of the Remedial Action (RA) start at 90% of non-federal Superfund sites (with RA starts during the fiscal year) that have known viable, liable parties. The objective of this measure is to take an enforcement action or to reach a settlement with PRPs prior to an RA start¹ at a site.

For purposes of GPRA reporting, this measure will count:

- The number of PRP-financed RA starts (in the FY);
- The number of Fund-financed RA starts (in the FY) with an enforcement action (i.e., Consent Decree (CD), Administrative Order on Consent (AOC), Consent Agreement (CA), Unilateral Administrative Order (UAO), voluntary cost recovery action, or litigation referral) at the site, prior to the Fund-financed RA start (in the FY).
- The number of Fund-financed RA starts (in the FY) at sites with identified viable, liable Potential Responsible Parties (PRPs), but no enforcement actions prior to a Fund-financed RA start (in the FY).

The GPRA accomplishment is the percentage resulting from the division of the numerator by the denominator as follows:

- Numerator = The number of PRP-financed RA starts (in the FY) + the number of Fund-financed RA starts (in the FY) with enforcement actions prior to the RA start.

¹ As defined in Appendix B of the SPIM.

- Denominator = The number of PRP-financed RA starts (in the FY) + Fund-financed RA starts (in the FY) with prior enforcement actions at the site + Fund-financed RA starts (in the FY) with viable, liable PRPs, at the site, but no enforcement actions prior to the RA start.

DISCLAIMER: Regions will receive credit in the management of the Superfund program for “start” of a remedial action even though “initiation of physical on-site construction” may not have occurred for purposes of calculating a cost recovery statute of limitations. The date found in the remedial action actual start column of a CERCLIS/ WasteLAN 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.

Definition of Accomplishment:

This measure counts non-Federal facility NPL and PRP-financed Superfund Alternative sites with:

1. PRP-financed RA starts (in the FY) as defined in Appendix B.
2. Fund-financed RA starts (in the FY) with prior enforcement actions at the site: These are Fund- financed RA starts as defined in Appendix B with enforcement actions at the site where the following dates of these actions are prior to the start date of the Fund-financed RA:
 - + Date (Actual Complete) that the AOC, CA or UAO (Action Name = Admin Order on Consent, Consent Agreement, or Unilateral Admin Order) is signed by the Regional Administrator or delegatee. This does not include orders that are for access or information only.
 - + Date (Actual Start) that the CD settlements (Action Name = Consent Decree) is referred by the Regional Administrator or delegatee to either DOJ or HQ.
 - + Date (Actual Complete) that the CD for cost recovery only and resulting from a previous litigation referral is entered by the court. If the actual completion date for the Lodged (SubAction Name = Lodged by DOJ) exists, that date will be used instead of the entered date.
 - + Date (Actual Complete) that the Regional Office or DOJ receives payment from the PRPs in direct response to a demand letter for voluntary cost recovery (Action Name = Admin/Voluntary Cost Recovery).
 - + Date (Actual Start) of the litigation referral (Action Name = Section 106 & 107 Litigation, Litigation (Generic), Section 106 Litigation, or Section 107 Litigation).
3. Fund-financed RA starts (in the FY) with PRPs, at the site, but no enforcement actions prior to the RA start: These are Fund-financed RA starts as defined in Appendix B with no enforcement actions at the site where the date of these actions as specified in #2 above are prior to the start date of the RA, but have viable, liable PRPs designated at the site (Parties Associated with Site, Noticed/Enf Act flag is set, and Not PRP Determination Made flag is not set).

Calculation of Accomplishment:

The numerator (the number of PRP-financed RA starts (in the FY) + Fund-financed RA starts (in the FY) with enforcement actions prior to the RA start), is divided by the denominator (the number of PRP-financed RA starts (in the FY) + Fund-financed RA starts (in the FY) with prior enforcement actions at the site + Fund-financed RA starts (in the FY) with viable, liable PRPs, at the site, but no enforcement actions prior to the RA start), to arrive at the GPRA percentage of RA starts with enforcement actions at sites with viable, liable PRPs.

[This measure will **not** include Fund-financed RAs at sites without enforcement actions prior to the RA start and where PRPs have not been identified.]

Changes in Definition from FY 02/03 - FY 04/05:

This is a new GPRA annual performance goal for FY 04.

Special Planning/Reporting Requirements:

This is a GPRA annual performance goal beginning in FY 04.

ii. WINDFALL LIEN FILED

Definition:

In January 2002, CERCLA was amended through enactment of Public Law 107-118, titled the Small Business Relief and Brownfield Revitalization Act (“Brownfields Amendments”). Section 107(r) provides that bona fide prospective purchasers are not liable as owner/operators for CERCLA response costs, but the property they purchase may be subject to a windfall lien where an EPA response action has increased the fair market value of the property. This lien arises “at the time at which costs are first incurred by the United States with respect to a response action at the facility.” CERCLA § 107(r)(4)(B). To “perfect” the lien, EPA must file a notice of the lien in accordance with CERCLA’s statutory requirements. This measure will quantify the number of windfall liens that are filed by the Agency.

Definition of Accomplishment:

The start date (Actual Start Date) for the windfall lien (Action Name = 107(r) Windfall Lien) is the date the lien was filed in the court by EPA in accordance with statutory requirements. The completion date (Actual Complete Date) is the date the lien was removed by the court.

Changes in Definition FY02/03- FY04/05:

This is a new measure for FY 04.

Special Planning/Reporting Requirements:

This is a program measure.

jj. WINDFALL LIEN RESOLUTION - ASSESSED AND FINALIZED

Definition:

In January 2002, CERCLA was amended through enactment of Public Law 107-118, titled the Small Business Relief and Brownfield Revitalization Act (“Brownfields Amendments”). Congress provided liability protection under CERCLA for bona fide prospective purchasers to encourage the purchase and reuse of contaminated properties. EPA may enter into a windfall lien resolution agreement with a purchaser if there is likely to be a significant windfall lien needing resolution. This measure will quantify the number of windfall lien resolution requests received and addressed by the Agency and the number of windfall lien resolution agreements signed.

For the purpose of reporting, this measure will count:

- 1) The number of written requests (containing all necessary information required) for windfall liens resolutions received by the Agency.
- 2) The number of written requests (with all necessary information required) that the Agency has denied, or the “bona fide prospective purchasers” have withdrawn.
- 3) The number of final proposed agreements sent to potential or actual purchasers for signature, in the form of Consent Agreements (CA).
- 4) The number of finalized agreements (CAs) that include the windfall lien resolution provisions.

Definition of Accomplishment:

Credit is given at non-Federal facility NPL, Superfund Alternative, and non-NPL sites:

- **Windfall Liens Resolutions Assessed:** This is the point at which the Agency has completed its work towards addressing a request for a windfall lien resolution (WLR) agreement. The WLR request has been received from the potential or actual purchaser, with all necessary information required (Action Name = Windfall Lien Assessment and SubAction Name = All Necessary Information Received by EPA and the Action Actual Start Date and SubAction Actual Complete Date are entered into WasteLAN). The request has been assessed when the Agency denies the request, or the potential or actual purchaser withdraws the request, or the Agency has written and forwarded a final proposed agreement to the potential or actual purchaser for signature (Action Actual Complete with Action Qualifier = Request Denied, Withdrawal of Request by Requesting Party; or Final Proposed Agreement Sent to Purchaser).
- **Windfall Lien Resolution Agreement:** This is the completion of a WLR Agreement based on the date (Actual Complete Date) the Consent Agreement (CA) (Action Name = Consent Agreement) with a WLR component is signed by the Regional Administrator or delegatee. Regions also must enter an Enforcement Instrument Category to indicate a WLR Agreement (Enforcement Instrument Categories Selected = Windfall Lien Resolution Agreement).

Changes in Definition FY02/03- FY04/05:

This is a new measure for FY 04.

Special Planning/Reporting Requirements:

WLR assessments and agreements are program measures. For each agreement, the region should enter the following information into WasteLAN: "Work PRP Will Perform - Value" and/or "Federal Costs Settled - Future" and "Response Actions Pd by Parties;" and/or "Federal Costs Settled - Past", "Response Actions Reimbursed", and/or "Other Relief Achieved" of "Other Activities for Cost Recovery"; and an Enforcement Instrument Categories Selected of "Windfall Lien Resolution Agreement".

C.B SUBJECT MATTER EXPERTS

The following exhibit identifies the subject matter experts for Appendix C (Enforcement).

EXHIBIT C.2 SUBJECT MATTER EXPERTS

Subject Matter Expert	Subject Area	Phone #
Scott Blair	Enforcement Data	(202) 564-6023
Monica Gardner	Enforcement Data	(202) 564-6053
Amy Tuberson	Enforcement Data	(202) 564-5152

**This Page Intentionally
Left Blank**

Superfund Program Implementation Manual FY 04/05

Appendix D: Federal Facilities

**This Page Intentionally
Left Blank**

Appendix D Federal Facilities

Table of Contents

D.A.	FEDERAL FACILITIES PRIORITIES	D-1
D.A.1	Overview	D-1
D.A.2	Superfund Federal Facility Goals and Priorities	D-1
	a. Strategic Federal Facility Goals	D-1
D.A.3	RCRA Activities at Federal Facility NPL Sites	D-3
D.A.4	BRAC Budget and Financial Guidance	D-3
	a. Resources and Tracking Mechanisms	D-3
	b. Accountability for Resources	D-4
D.A.5	Federal Facility Site Discovery/Site Assessment	D-5
	a. Overview	D-5
	b. Federal Facility Site Discovery and the Federal Facility Docket Process	D-5
	c. Time Frames for Conducting Federal Facility Site Assessment	D-5
	d. Authority for Conducting Federal Facility Site Assessment - E.O. 12580	D-6
	e. Federal Facility Site Assessment Reports & EPA Review and HRS Evaluation	D-7
D.B.	FACILITIES FY 04/05 TARGETS AND MEASURES	D-8
D.B.1	Overview of FY 04/05 Federal Facilities Targets and Measures	D-8
	a. Reporting of Non-NPL Federal Facilities Data	D-8
D.B.2	Federal Facilities Site Discovery/Site Assessment Definitions	D-11
	a. Site Discovery	D-11
	b. Federal Facility Preliminary Assessment Reviews	D-12
	c. Federal Facility SI Reviews	D-13
	d. Federal Facility ESI Reviews	D-14
D.B.3	Federal Facilities Definitions	D-15
	a. Base Closure Decisions	D-15
	b. Federal Facility Agreement (FFA)/Interagency Agreement (IAG)	D-16
	c. Federal Facility Dispute Resolution	D-17
	d. Use of Supplemental Environmental Projects (SEPs)	D-17
	e. Remedial Investigation/Feasibility Study (RI/FS) or RCRA Facility Investigation (RFI) Starts	D-18
	f. Timespan from Final NPL Listing to RI/FS or RFI Start	D-18
	g. Decision Documents	D-19
	h. Final Remedy Selected/Final ROD Authority	D-19
	i. Explanations of Significant Difference (ESD) and ROD Amendments	D-20
	j. Remedial Design	D-21
	k. Duration of ROD to IAG Negotiation Completion	D-22
	l. Remedial Action (RA) or RCRA Corrective Measure Implementation (CMI) Starts	D-22
	m. Timespan from ROD Signature to RA Start	D-23
	n. RA or CMI Completions	D-23
	o. Removal or RCRA Interim/Stabilization Measure (ISM) — Starts and Completions	D-27
	p. NPL Site Construction Completions	D-27

**Appendix D
Federal Facilities**

**Table of Contents
(Continued)**

q.	Operation and Maintenance (O&M)	D-30
r.	Cleanup Goals Achieved	D-30
s.	Federal Facility Five-Year Reviews	D-31
t.	Federal Facility Partial NPL Deletion	D-32
u.	Federal Facility Final NPL Deletion	D-33
D.B.4	Community Involvement Definitions	D-34
a.	Restoration Advisory Boards (RABs)/Site-Specific Advisory Boards (SSABs)	D-34
b.	Technical Assistance Grants (TAGs) this section is pending review by OGC and EPA	
	GRANTS	D-34
c.	Technical Outreach Services for Communities (TOSC)	D-35
D.C.	SUBJECT MATTER EXPERTS	D-35

**Appendix D
Federal Facilities**

List of Exhibits

EXHIBIT D.1 FEDERAL FACILITIES ACTIVITIES D-9

EXHIBIT D.2 REMEDIAL PIPELINE FLOW CHARTS D-26

EXHIBIT D.3 SUBJECT MATTER EXPERTS D-35

**This Page Intentionally
Left Blank**

APPENDIX D FEDERAL FACILITIES PRIORITIES

D.A FEDERAL FACILITIES PRIORITIES

D.A.1 OVERVIEW

To manage the Superfund Federal facilities program, the Federal Facilities Enforcement Office (FFEO) and the Federal Facilities Restoration and Reuse Office (FFRRO) use the Federal Facilities Leadership Council (FFLC) to help identify and resolve issues unique to the management of EPA's Superfund Federal facility response program. The FFLC is comprised of Superfund and/or the Resource Conservation and Recovery Act (RCRA) program and enforcement/counsel representatives from all regions, as well as representatives from the Federal facilities Headquarters (HQ) offices and other HQ offices that handle Federal facility issues.

Federal agencies conducting the cleanups have seen their budgets level out or reduced over the last few years. The FY 03 Department of Defense's (DoD) cleanup budget was \$1.8 billion including work at Base Closing installations, and the FY 03 Department of Energy's (DOE) environmental management budget was about \$6.7 billion. Other Federal agencies' budgets are considerably smaller. There are approximately 107 BRAC Installations where EPA supports the DoD cleanup and transfer process. EPA's FY 03 BRAC funding request to DoD provides \$8.6 million to fund 73.5 Full Time Equivalent (FTE) positions.

D.A.2 SUPERFUND FEDERAL FACILITY GOALS AND PRIORITIES

a. Strategic Federal Facility Goals

Superfund Federal facility activities have high visibility because of the significant threats posed by military and weapons sites, the impact of military base closings, the resources needed to implement DoD/DOE cleanup efforts at facilities listed on the NPL and other non-NPL facilities, and heightened State, Tribal and other stakeholder interests. Federal facility program goals for FY 02/03 are based on a number of related factors, including overall Superfund program goals, anticipated resource constraints, Congressional interest, and statutory requirements. Program activities and resources should be planned to achieve the following goals of the Federal facility program's strategic plan:

- ***Expediting Property Reuse*** - When installations are slated for closure or realignment, environmental restoration activities continue with the same cleanup objective as those of active installations -- protect human health and the environment. At the time of closure or realignment, specific BRAC property, and its possible future use, is identified. The closed or realigned property will eventually be transferred to another Service Component, Federal agency or a non-Federal entity, such as a state or local government or private entity. Along with cleanup objectives, BRAC installations focus on efficient property transfer, providing beneficial reuse of the property by the local community. At BRAC installations, both environmental restoration and property disposal activities are carried out pursuant to environmental and Federal property management laws (Defense Environmental Restoration Program (DERP), National Environmental Act, (NEPA), and CERCLA. Three overarching principles guide expedited cleanup: 1) protect human health and the environment; 2) make property available for reuse and transfer as soon as possible; and 3) provide for effective community involvement. In an effort to ensure that cleanup is addressed in a systematic and safe manner, with the worst sites remediated first, DoD developed the Relative-Risk Site Evaluation system. With revitalization being one of OSWER's six priorities, property reuse is a GPRA initiative OSWER is currently establishing for the cleanup program. The number of BRAC acres planned for transfer or lease, and the number of acres transferred or leased are currently being tracked by DoD.

- **Site Construction Completions** - Regional efforts should be focused on getting to completion of construction at Federal facilities whether they are accomplished under remedial or removal authority. Meeting this goal will help build the Superfund program's credibility, which is vital to Superfund's long-term success.
- **Involving Citizens in Environmental Decision Making** - The publication of the *Final Report of the Federal Facilities Environmental Restoration Dialogue Committee* in April 1996 was a watershed event for public involvement in Federal facility cleanups. As a result of the report, Federal agencies have established Restoration Advisory Boards (RABs) at DoD installations and Site Specific Advisory Boards (SSABs) at DOE facilities. Other Federal agencies are also starting to form advisory boards. Regional staff and management are expected to be especially sensitive to the requests at NPL facilities and at the BRAC facilities. Because of resource constraints, participation and support for non-NPL facilities is expected to be minimal. In addition, because many of the communities surrounding the Federal facilities are communities of color, low-income, and have been historically politically and economically disenfranchised, regions should give close scrutiny to environmental justice issues at the NPL Federal facilities. Regions need to work closely with State agencies and their Federal counterparts to ensure that the President's Executive Order on Environmental Justice is successfully carried out (E.O. 12898).
- **Environmental Indicators** - In addition to Construction Completions, Environmental Indicators (EI) provide current site information regarding risk reduction at sites where cleanup is ongoing. It is important to focus on EI data because it will ensure that those who monitor the Superfund program will be aware of progress at sites where construction has not been completed.
- **Enforcing the Laws** - The public needs to know that it will be protected from environmental hazards through vigorous enforcement by the EPA and the States for violations of environmental laws and situations that put people and natural resources at risk. EPA intends to use its 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.
- **Environmental Management Systems and Pollution Reduction Targets** - Executive Order 13148, *Greening the Government Through Leadership in Environmental Management*, established a framework for integrating environmental considerations into each Federal agency's mission through a variety of directives and goals, including the implementation of environmental management systems, reductions in releases of toxic chemicals, and elimination of procurement of ozone depleting substances. The E.O. requires that an EMS be implemented at appropriate Federal facilities by the end of 2005, based on a facility's size, complexity, and environmental aspects. Additionally, the E.O. requires Federal agencies to have a program in place to periodically audit facilities' compliance with environmental regulations. Findings from those audits are to be included in the budget and planning activities of the agency to ensure that non-compliance is adequately addressed.

Executive Order 13148 also call for further improvement in the Toxics Release Inventory (TRI) reduction success achieved under a previous E.O. The E.O. requires a 40% reduction in reported Federal releases by December 31, 2006, from a baseline year of 2001. Similarly, the E.O. reflects ongoing efforts to identify substitute chemicals or processes to reduce environmental damage, risk and liability. The language in the E.O. calls for development of a list of priority chemicals used by the Federal Government that may result in significant harm to human health or the environment and that have known, readily available, less harmful substitutes for identified applications and purposes. Agencies are directed to reduce the use of those priority chemicals.

Regions should continue to strive to place these priorities and project milestones in enforceable Federal Facility Agreements (FFAs)/Interagency Agreements (IAGs) at NPL sites. FFAs and IAGs should be viewed as living, dynamic

documents reflecting not only the best judgments by all parties of cleanup priorities and milestones at the time of agreement, but also that reflect the changing circumstances of environmental cleanup.

D.A.3 RCRA ACTIVITIES AT FEDERAL FACILITY NPL SITES

EPA has long recognized that because most of the Federal facility sites are also active facilities, RCRA requirements may also apply to certain **work management and site cleanup activities**. **Consistent with the Federal facility RCRA/CERCLA coordination policy developed under the One Cleanup Program, regions must strive to eliminate RCRA/CERCLA duplications wherever appropriate.** To get a better overall picture of a facility's cleanup activities, FFRRO has integrated into the Government Performance and Results Act (GPRA) and program measures several RCRA activities that are generally analogous with CERCLA activities. They include: RCRA Facility Investigation (RFI); Corrective Measures Study (CMS); Corrective Measure Design (CMD); Interim/Stabilization Measure (ISM); and Corrective Measure Implementation (CMI), Human Exposures Under Control and Migration of Contaminated Groundwater Under Control. FFEO has already accomplished a similar exercise through the Federal Facility Tracking System.

D.A.4 BRAC BUDGET AND FINANCIAL GUIDANCE

a. Resources and Tracking Mechanisms

The primary mission of the **BRAC** program is to ensure that the hazardous waste sites owned or operated by the Federal government are addressed and cleaned up as quickly as possible **and made available to support the reuse of properties**. Regional efforts should be focused on **achieving** completion of **cleanup** construction activities at Federal facilities whether they are accomplished under remedial or removal authority.

Under the Base Realignment and Closure Acts (BRAC) of 1988, 1991, 1993, and 1995, **490** military installations were scheduled for closure or realignment. Of this total, 107 are **covered through an MOU between EPA and DOD**, and of **this total 33 BRAC** sites are on the NPL. **The remaining are classified as non-NPL sites which require** some degree of decontamination. The Agency continues to assist DoD in assessing these properties, accelerating cleanup actions wherever possible, listing sites on the NPL when appropriate, and ensuring that remedies selected reflect the views of the affected communities surrounding the sites **and the proposed future reuse**. HQ and Regional managers must work with DoD, tribal, state, local governments, and private interests to expedite cleanup and support property transfer, reuse and economic development.

Program management guidance is included in **EPA's 1996 BRAC Fast Track** guidance. Beginning in FY 1994, DoD provided EPA, via an interagency funding agreement, with **funding** to support EPA's cleanup, **property transfer and public involvement** activities. DoD, EPA, and the Office of Management and Budget (OMB) worked together to develop the details of this agreement, which included 100 additional **FTEs** for EPA and \$7 million starting in FY 1994. In early FY 1996, EPA reached agreement with DoD to fund EPA support for BRAC 4 (1995) installations designated as Fast Track Cleanup sites. As a result, interagency funding agreement for BRAC rounds I, II, III, and IV was assured through FY 01. Although the program is ramping down, DoD is currently funding **62.0 BRAC reimbursable** FTEs. EPA and DOD **finalized** the FY 2002 EPA/DoD BRAC memorandum of understanding **ensuring funding will be provided** through FY 2005 to EPA for its continued support at BRAC installations. EPA's participation in the BRAC program has afforded DOD an estimated cost savings of \$344M and 403 project years through FY 2001. BRAC has enabled EPA to facilitate property reuse through expedited cleanup. The FY 2002 National Defense Authorization Act authorized a new round of BRAC for 2005. **EPA and DOD are currently working on a new memorandum of understanding to ensure funding post-September 2005 when the current MOU expires, and it will include sites slated for closure in the next round of BRAC.**

The majority of EPA's BRAC resources are **directed to** the regions for technical, regulatory **and property transfer** oversight at BRAC installations. EPA uses Base Closure funding for EPA personnel to participate on BRAC Base Cleanup Teams (BCT) as either the EPA designated team member or as technical experts. EPA Regional Federal Facility programs, in conjunction with the Office of Regional Counsel, Regional NEPA teams, State environmental regulatory agencies, and DoD, have formed a BCT for each of the BRAC installations. The BCT is comprised of one representative from the EPA region, one representative from the State, and one representative from DoD. The BCT serves as the primary forum in which issues affecting the execution of cleanup to facilitate reuse will be addressed. EPA relies upon in-house expertise; no BRAC funds are used for contractor support. Contractor support is provided under the Agency's Superfund Federal Facility response budget.

Regions are allocated work years and personnel, travel, and administrative funding based on negotiations **between** EPA and DoD. The level of EPA support varies depending on regional and base specific circumstances.

The Agency monitors these DoD reimbursable resources via the Office of the Comptroller's (OC) Integrated Financial Management System (IFMS), which tracks HQ and regional expenditures separately for each BRAC round. EPA utilizes site-specific charging to track resource utilization back to actual site work. This separate tracking of BRAC round expenditures is required by BRAC legislation. EPA reports quarterly on their utilization to DoD and annually to OMB. [OC, Financial Management Division (FMD), Cincinnati, Ohio invoices DoD on actual program obligations incurred by EPA.]

HQ receives regular program activity reports from the regional offices, on the progress of work at all **BRAC** installations. These reports are generated by the EPA Regional BRAC Cleanup Team personnel and provide HQ and DoD with pertinent program information related to cleanup and reuse. **FFRRO and the Cincinnati Finance Office use MARS, IFMS, Business Objects and Financial Data Warehouse for monitoring BRAC resources. The Cincinnati Finance Office provides quarterly BRAC billing statements (by installation and funds received, expended and remaining balance) to DoD.**

b. Accountability for Resources

BRAC reimbursable work years and funding **must be used** only for EPA related Base Closure activities. Military Base Closure activities are activities related to cleanup of specific **installations** identified by the Office of Solid Waste and Emergency Response (OSWER) (in consultation with DoD). These activities include: accelerating the identification of clean parcels under the Community Environmental Response Facilitation Act (CERFA); developing BRAC Cleanup Plans (BCP); promoting community involvement in cleanup decision-making; preparing and reviewing site documents [e.g., BCP, Environmental Baseline Survey (EBS), RI/FS, RODs, RD, and RAs] and RCRA documents (e.g., RFI Starts, CMD Starts, and ISM Starts and Completions); studying and sampling field data; National Environmental Protection Act (NEPA) review and analysis; assisting DoD or States with BRAC site issues; and activities supporting EPA personnel participation in the BRAC program. These activities are outlined in the Memorandum of Understanding between EPA and DoD dated February 3, 1994, and subsequent memorandums and guidance related to EPA BRAC resources.

As the signatory and executing agent for the reimbursable agreement with DoD, the Assistant Administrator for OSWER (AA OSWER) will rely on Regional Administrators and, as the primary focus of the EPA BRAC resources, the Regional RCRA/Superfund National Program Managers to ensure reimbursable costs are accurate and appropriate. Each region has identified an individual in the appropriate division that is responsible for coordinating the Regional BRAC program and resources, and acts as a day-to-day liaison with OSWER and DoD. FFRRO, within OSWER, provides the AA OSWER with programmatic and financial reviews of regions. Reprogramming of funds submitted to the OC require notification of FFRRO for their approval.

HQ and regional personnel utilizing BRAC resources should receive authorization from their appropriate regional senior managers and use the established BRAC budget program. The EPA Remedial Project Manager (RPM) and the support team are empowered to make decisions locally to the maximum extent possible. EPA has delegated certain authorities to the Regional Administrators (e.g., CERFA and CDR concurrence), who have in turn redelegated the authorities to other levels within their organizations. Regional personnel should be familiar with their internal delegation of authorities. Should the need arise, the RPM and support team will have the ability to raise issues immediately to senior EPA officials for resolution.

Note: Additional specific BRAC information can be found in EPA's 1996 *Fast Track Program Guidance*.

D.A.5 FEDERAL FACILITY SITE DISCOVERY/SITE ASSESSMENT

a. Overview

The Federal Facility Site Discovery and Site Assessment Process is different from the non-Federal site process in at least four aspects:

- (1) The process for Federal facilities involves listing Federal facility sites on the EPA Federal Agency Hazardous Waste Compliance Docket prior to conducting FF PAs;
- (2) Time frames for completing site assessment activities;
- (3) The authority for conducting Federal facility site assessments has been delegated to the Federal Agencies under Executive Order 12580; and
- (4) EPA is required to review Federal facility site assessment reports and evaluate such facilities in accordance with the HRS criteria.

b. Federal Facility Site Discovery and the Federal Facilities Docket Process

Section 120(c) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) requires EPA to establish a Federal Agency Hazardous Waste Compliance Docket which contains information reported to EPA by Federal facilities that manage hazardous waste or have or may have released hazardous waste.

Section 120(d)(1) of CERCLA requires that EPA take steps to assure that a PA be conducted for each Federal facility included on the published list of Federal facilities reported pursuant to Section 120(c) of CERCLA (the "Federal facilities docket"). Section 120(d)(3) of CERCLA requires that such evaluation be completed within a reasonable schedule. The PA is designed to provide information for EPA to consider when evaluating the site for potential listing on the National Priorities List. Any potential site is usually first entered into CERCLIS as a Site Discovery. Subsequent to this entry, the site is proposed as an addition to the Federal Docket¹.

c. Time Frames for Conducting Federal Facility Site Assessments

SARA section 120(d) originally required that a preliminary assessment (PA) be performed at federal facility sites within 18 months following placement on the docket, and listing on the National Priorities List (NPL) be completed within 30 months, if appropriate. This time frame was amended by section 330 of the 1997 Defense Authorization Act. The new language required that evaluation and listing be completed "in accordance with a reasonable schedule established by the Administrator."

¹ There may be instances when a facility included in the docket may not be listed in the CERCLIS database.

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 Superfund's CERCLIS hazardous waste site database. Potential budgeting issues of the 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 PA within 1 year of discovering a non-federal facility site (inclusion on CERCLIS). However, the need of federal agencies to wait for the next budget cycle to obtain funding may make the 1 year time frame problematic in many 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 submit completed PAs within 18 months from inclusion on the federal facility 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 4 years of CERCLIS listing. EPA believes this is a reasonable time frame for making listing decisions at federal facility sites as well. Following receipt of a PA, EPA typically evaluates the PA and determines if further work in the form of a Site Inspection (SI) is necessary. If so, the federal facility then performs the SI and submits it to EPA. Then, EPA evaluates the SI and determines if more information or sampling from the federal facility is needed. If it is, the federal agency obtains the information and/or performs the sampling. In some cases, an expanded SI may be needed to prepare an HRS package. Then, EPA prepares the HRS listing package, based on the data provided by the federal facility, and formally proposes the site for NPL listing. Historically, it was extremely 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 for both the federal facility and EPA.

Thus, the appropriate federal agency should conduct a preliminary assessment within 18 months of placement of its site on the Federal facility docket, and subsequent data should be provided to EPA to ensure a final listing decision within four years of docket placement. EPA and the individual agencies should work together to ensure these time frames are met.

d. Authority for Conducting Federal Facility Site Assessments - E.O. 12580

Sections 104(b) and (e) of CERCLA grant to the President broad investigative authority to conduct a PA or a Site Inspection (SI). The President has delegated this authority through Executive Order 12580 to the heads of the respective 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 in CERCLIS (see 40 CFR Part 300.420(b)(1) and (c)(1)). Section 300.5 of the NCP defines "lead agency" generally to be the 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.

EPA must take steps to assure 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.

e. Federal Facility Site Assessment Reports & EPA Review and HRS Evaluation

For Federal facilities, the Superfund site assessment process begins when the facility has been listed on the Federal Agency Hazardous Waste Compliance Docket. When a Federal facility submits a PA report, or if warranted an SI report, EPA evaluates the site in accordance with the Hazard Ranking System (HRS) final rule²² to determine whether the site poses a threat to human health and/or the environment.

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 “No Further Remedial Action Planned” (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 insufficient risk 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 the State or other Federal agency. If the results of the SI or combined PA/SI indicate that the site warrants further investigation based on the HRS evaluation, EPA will prepare an HRS scoring package to propose placing the site on the NPL. To make such an NPL decision, EPA may collect further data to complete the HRS package.

FF Docket sites can be tracked through the Federal Facility docket screen in CERCLIS. The Federal Facility Docket screen allows users to enter new Federal Facility Docket sites, select sites from the Federal Facility Docket universe, and to manage site assessment activities (i.e., Federal facility Preliminary Assessment Review and Federal facility Site Inspection review actions) at these sites. The Federal Facility Docket screen will assure that site assessment activities are being or have been conducted for all Federal Facilities listed on the docket per CERCLA Section 120(d). For more in depth understanding of the site assessment process for Federal Facilities see the new *Summary Guide to Conducting PAs at Federal Facilities (2004)* and the complete PA Guidance - *Guidance for Performing Preliminary Assessments Under CERCLA (1991)*; and the new *Federal Facilities SI Summary Guide (2004)* and the complete SI Guidance - *Guidance for Performing Site Inspections Under CERCLA (1992)*, and *Appendix A: Statutory and Regulatory Requirements Summary (2004)* to the Summary Guides.

²²Hazard Ranking System; Final Rule, 40 CFR Part 300, Appendix A, Federal Register, Vol. 55, No. 241, December 14, 1990.

D.B. FEDERAL FACILITIES FY 04/05 TARGETS AND MEASURES

D.B.1 OVERVIEW OF FY 04/05 FEDERAL FACILITIES TARGETS AND MEASURES

The Superfund Comprehensive Accomplishments Plan (SCAP) is used by the AA SWER, Assistant Administrator for OECA (AA OECA), and senior Superfund managers to monitor the progress each region is making towards achieving the Government Performance and Results Act (GPRA) targets and annual performance goals. In addition, SCAP will continue to be used as an internal management tool to project and track activities that contribute to these GPRA goals and support resource allocation. The program (regions and HQ) will set national goals based on historical performance and performance expectations within a limited budget for the performance goals in GPRA and track accomplishments in the activities contributing to those goals. Regions should continue to plan and report accomplishments in WasteLAN as has been done traditionally.

To more clearly reflect the relationship between GPRA and the SCAP process, GPRA annual performance goals and measures and program targets and measures are defined as follows:

- **GPRA Annual Performance Goals (APG) and GPRA Annual Performance Measures (APM)** - The Agency's Annual Plan describes the specific annual performance goals, annual measures of outputs and outcomes, and activities aimed at achieving the performance goals that will be carried out during the year. APGs are the specific activities that the Agency plans to conduct during the fiscal year in an effort towards achieving its long-term strategic goals and objectives. APMs are used by managers to determine how well a program or activity is doing in achieving milestones that have been set for the year. The annual performance goals will inform Congress and Agency stakeholders of the expected level of achievement for the significant activities covered by the GPRA objective. The goals are a subset of the overall planning and budgeting information that has traditionally been tracked by the Superfund program offices.
- **Program Targets and Measures** are activities deemed essential to tracking overall program progress. Program targets are used to identify and track the number of actions that each region is expected to perform during the year and to evaluate program progress. Program measures are used to show progress made in achieving program priorities.

The following pages contain, in pipeline order, the definitions of the FY 04/05 Federal facilities targets and measures. Exhibit D.1 displays the full list of Federal facilities activities that are defined in the remainder of the Appendix, and identifies the FY 04/05 targets and measures. Exhibit D.3, at the end of this Appendix, describes the planning requirements for Federal facilities activities.

a. Reporting of Non-NPL Federal Facilities Data

Regions are responsible for entering data into WasteLAN for **Non-NPL** Federal facility sites, especially the BRAC Sites.

EXHIBIT D.1 (1 of 3)
FEDERAL FACILITIES NPL SITES

ACTIVITY	GPRA		PROGRAM	
	APG	APM	Target	Measure
Site Discovery				✓☐
Federal Facility Preliminary Assessment Reviews				✓☐
Federal Facility SI Reviews				✓☐
Federal Facility ESI Reviews				✓☐
Base Closure Start (if applicable)				✓☐
Base Closure Completion (if applicable)		✓☐		
Federal Facility Agreement (FFA)/Interagency Agreement (IAG)				✓☐
Federal Facility Dispute Resolution				✓☐
Use of Supplemental Environmental Projects (SEPs)				✓☐
RI/FS or RCRA Facility Investigation (RFI) Starts				✓☐
Final NPL Listing to RI/FS Start		✓☐		
Decision Documents			✓☐	
Final Remedy Selected/Final ROD Authority		✓☐		
ESD or ROD Amendment				✓☐
Remedial Design				✓☐
Duration of ROD to IAG Completion		✓☐		
RA or Corrective Measure Implementation (CMI) Starts				✓☐
Timespan from ROD Signature to RA Start		✓☐		
RA or CMI Completion			✓☐	
Removal or RCRA Interim/Stabilization Measure (ISM) Starts		✓☐		
Removal or RCRA Interim/Stabilization Measure (ISM) Completions				✓☐
NPL Site Construction Completions	✓☐			
Operation and Maintenance (O&M)				✓☐
Cleanup Goals Achieved				✓☐
Federal Facility Five-Year Reviews				✓☐
Federal Facility Partial NPL Deletion				✓☐
Federal Facility Final NPL Deletion				✓☐
Restoration Advisory Boards (RABs)/Site-Specific Advisory Boards (SSABs)		✓☐		
Technical Assistance Grants (TAGs)				✓☐

NOTE: Accomplishments are pulled from WasteLAN on a bi-annual basis.

**EXHIBIT D.1 (2 of 3)
FEDERAL FACILITIES BRAC SITES**

ACTIVITY	GPRA		PROGRAM	
	APG	APM	Target	Measure
Site Discovery				✓☐
Federal Facility Preliminary Assessment Reviews				✓☐
Federal Facility SI Reviews				✓☐
Federal Facility ESI Reviews				✓☐
Base Closure Decision Starts (if applicable)				✓☐
Base Closure Decision Completions (if applicable)		✓☐		
RI/FS Start or RCRA Facility Investigation (RFI) Starts				✓☐
Decision Documents				✓☐
Final Remedy Selected/Final ROD Authority		✓☐		
ESD or ROD Amendment				✓☐
Remedial Design				✓☐
RA or Corrective Measure Implementation (CMI) Starts				✓☐
RA or CMI Completion				✓☐
Removal or RCRA Interim/Stabilization Measure (ISM) Starts		✓☐		
Removal or RCRA Interim/Stabilization Measure (ISM) Completions				✓☐
NPL Site Construction Completions (if on NPL)	✓☐			
Operation and Maintenance (O&M) (if applicable)				✓☐
Federal Facility Five-Year Reviews (if applicable)				✓☐
Federal Facility Partial NPL Deletion (if applicable)				✓☐
Federal Facility Final NPL Deletion (if applicable)				✓☐
Restoration Advisory Boards (RABs)/Site-Specific Advisory Boards (SSABs)		✓☐		
Technical Assistance Grants (TAGs)				✓☐
Technical Outreach Support for Communities (TOSC)				✓☐

EXHIBIT D.1 (3 of 3)
FEDERAL FACILITIES NON-NPL SITES

ACTIVITY	GPRA		PROGRAM	
	APG	APM	Target	Measure
RA or Corrective Measure Implementation (CMI) Starts				✓ <input type="checkbox"/>
RA or CMI Completion				✓ <input type="checkbox"/>
Removal or RCRA Interim/Stabilization Measure (ISM) Starts		✓ <input type="checkbox"/>		
Removal or RCRA Interim/Stabilization Measure (ISM) Completions				✓ <input type="checkbox"/>
Restoration Advisory Boards (RABs)/Site-Specific Advisory Boards (SSABs)		✓ <input type="checkbox"/>		
Technical Outreach Support for Communities (TOSC)				✓ <input type="checkbox"/>

NOTE: Definitions apply to all site categories.

D.B.2 FEDERAL FACILITIES SITE DISCOVERY/SITE ASSESSMENT DEFINITIONS

a. SITE DISCOVERY

Definition:

Site discovery is the process by which a potential hazardous waste site is entered into the CERCLIS inventory for NPL assessment activities. The process starts when the facility has been listed on 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 CERCLIS database.

All sites moving through the NPL assessment process must have a Discovery action and actual completion date documented in WasteLAN. Entry of the site discovery date initiates the NPL assessment process and places the site on the FF Preliminary Assessment Review backlog.

Definition of Accomplishment:

After the region determines the Federal facility is a valid CERCLA site, the site discovery date for Federal facilities is the date the site is formally added to the Federal Hazardous Waste Compliance Docket. The Site Name and Discovery Date must be entered into WasteLAN for sites. Valid leads for site discovery actions include: "Fund-Financed (F)"; "EPA-In House (EP)"; "State (S)"; "Tribal (TR)"; and "Federal Facility (FF)."

Changes in Definition FY 02/03 - FY 04/05:

This measure has been modified to reflect FF sites only.

Special Planning/Reporting Requirements:

Actual start and planning dates are not required for the Discovery action. The Discovery date is entered through the Add Site screen. The Discovery date will automatically populate the actual completion date for the Discovery action. Regions are now required to enter information on site type at the time of discovery on the Add Site or Site Discovery/Initiation screen. Multiple discovery actions are not allowed. Site discovery is a program measure.

Note: A separate field has been added to WasteLAN to record site initiation dates for removal-only sites. Sites that are subject only to removal interest generally do not require a discovery date. An exception is where a large scale removal action has been completed and the region seeks credit for a non-NPL site completion. Non-NPL site completions require site assessment review indicating the site has no further remedial actions planned. The discovery date for sites referred from removal to 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 CERCLIS inventory. As new actions and new dates are entered into WasteLAN, the system automatically calculates a new value for this field based on the traditional sequence of site assessment work. Regions must confirm or change this value as appropriate.

b. FEDERAL FACILITY PRELIMINARY ASSESSMENT REVIEWS

Definition:

Federal Facility Preliminary Assessment 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. Upon reviewing the PA or PA-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 PA Review backlog consists of Federal facility sites with a Non-NPL Status of "FF-PA review needed" or "FF-PA review ongoing."

Definition of Accomplishment:

Federal Facility PA Review Starts - A Federal Facility PA Review (Action Name = Federal Facility Preliminary Assessment Review) is started when the EPA starts an in-house review of the Federal facility PA or PA-equivalent, and WasteLAN contains the actual PA start date (Actual Start) and a valid action lead of "Fund-Financed (F)"; "EPA-In House (EP)".

Federal Facility PA Review Completions - A Federal Facility PA Review (Action Name = Federal Facility Preliminary Assessment Review) is completed when:

- ☐ The appropriate Regional official signs a letter, form, or memo approving the PA report. The Federal Facility Preliminary Assessment Review actual completion date is the date the Federal facility PA report is approved;
- ☐ WasteLAN contains the actual Federal Facility Preliminary Assessment Review completion date (Actual Complete) a lead and a "decision" on whether further activities are necessary in the Qualifier field; and
- ☐ The decision is documented by completing the Site Decision Form 9100-3 in WasteLAN or an equivalent document. The decision document must be printed, signed by the appropriate Regional official, and placed in the file.

A valid decision must be recorded in WasteLAN upon completion of a Federal facility PA Review. Please refer to Exhibit A.2 in section A.A.5 for a list of valid qualifiers for this action and a description of each qualifier.

Changes in Definition FY 02/03 - FY 04/05:

State and Tribal leads were deleted as valid leads for this action.

Special Planning/Reporting Requirements:

Regions should attempt to complete PA reviews at Federal facility sites listed in the CERCLIS inventory within a reasonable schedule upon receipt of a sufficient PA. PA review starts and completions are reported site-specifically in WasteLAN. Federal Facility Preliminary Assessment Review starts and completions are program measures.

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 (SubAction Name = Referred back to Fed Fac). The date the report is referred back to the Federal facility is entered into WasteLAN as the actual completion date (Actual Complete) of the SubAction, 'Referred back to Fed Fac'. The actual completion date and qualifier for the Federal Facility Preliminary Assessment 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 CERCLIS inventory. As new actions and new dates are entered into WasteLAN, the system automatically calculates a new value for this field based on the traditional sequence of site assessment work. Regions must confirm or change this value as appropriate.

c. FEDERAL FACILITY SI REVIEWS**Definition:**

Federal Facility Site Inspection Review is a quality assurance review of a 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. Upon reviewing the SI or SI-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 SI Review backlog consists of sites with a Non-NPL Status of "FF-SI review needed" or "FF-SI review ongoing."

Definition of Accomplishment:

Federal Facility SI Review Starts - A Federal Facility SI Review (Action Name = Federal Facility Site Inspection Review) is started when the EPA starts an in-house review of the Federal facility SI or SI-equivalent, and WasteLAN contains the actual SI start date (Actual Start) and a valid action lead of "Fund-Financed (F)"; "EPA-In House (EP)".

Federal Facility SI Review Completions - A Federal Facility SI Review (Action Name = Federal Facility Site Inspection Review) is completed when:

- ☐ The appropriate Regional official signs a letter, form, or memo approving the SI report. The Federal Facility Site Inspection Review actual completion date is the date the Federal facility SI report is approved;
- ☐ WasteLAN contains the actual Federal Facility Site Inspection Review completion date (Actual Complete) a lead and a "decision" on whether further activities are necessary in the Qualifier field; and
- ☐ The decision is documented by completing the Site Decision Form 9100-3 in WasteLAN or an equivalent document. The decision document must be printed, signed by the appropriate Regional official, and placed in the file.

A valid decision must be recorded in WasteLAN upon completion of a Federal facility SI Review. Please refer to Exhibit A.2 in section A.A.5 for a list of valid qualifiers for this action and a description of each qualifier.

Changes in Definition FY 02/03 - FY 04/05:

State and Tribal leads were deleted as valid leads for this action.

Special Planning/Reporting Requirements:

Regions should attempt to complete SI reviews at Federal facility sites listed in the CERCLIS inventory within a reasonable schedule upon receipt of a sufficient SI. SI review starts and completions are reported site-specifically in WasteLAN. Federal Facility Site Inspection Review starts and completions are program measures.

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 (SubAction Name = Referred back to Fed Fac). The date the report is referred back to the Federal facility is entered into WasteLAN as the actual completion date (Actual Complete) of the SubAction, 'Referred back to Fed Fac'. The actual completion 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 CERCLIS inventory. As new actions and new dates are entered into WasteLAN, the system automatically calculates a new value for this field based on the traditional sequence of site assessment work. Regions must confirm or change this value as appropriate.

d. FEDERAL FACILITY ESI REVIEWS

Definition:

Federal Facility Expanded Site Inspection Review is a quality assurance review of a 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."

Definition of Accomplishment:

Federal Facility ESI Review Starts - A Federal Facility ESI Review (Action Name = Federal Facility ESI Review) is started when the EPA starts an in-house review of the Federal facility ESI or ESI-equivalent, and WasteLAN contains the actual ESI start date (Actual Start) and a valid action lead of "Fund-Financed (F)"; "EPA-In House (EP)".

Federal Facility ESI Review Completions - A Federal Facility ESI Review (Action Name = Federal Facility ESI Review) is completed when:

- ☐ The appropriate Regional official signs a letter, form, or memo approving the ESI report. The Federal Facility Expanded Site Inspection Review actual completion date is the date the Federal facility ESI report is approved;
- ☐ WasteLAN contains the actual Federal Facility Expanded Site Inspection Review completion date (Actual Complete) a lead and a "decision" on whether further activities are necessary in the Qualifier field; and
- ☐ The decision is documented by completing the Site Decision Form 9100-3 in WasteLAN or an equivalent document. The decision document must be printed, signed by the appropriate Regional official, and placed in the file.

A valid decision must be recorded in WasteLAN upon completion of a Federal facility ESI Review. Please refer to Exhibit A.2 in section A.A.5 for a list of valid qualifiers for this action and a description of each qualifier.

Changes in Definition FY 02/03 - FY 04/05:

State and Tribal leads were deleted as valid leads for this action.

Special Planning/Reporting Requirements:

Regions should attempt to complete ESI reviews at Federal facility sites listed in the CERCLIS inventory within a reasonable schedule upon receipt of a sufficient ESI. ESI review starts and completions are reported site-specifically in WasteLAN. Federal Facility Expanded Site Inspection Review starts and completions are program measures.

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 (SubAction Name = Referred back to Fed Fac). The date the report is referred back to the Federal facility is entered into WasteLAN as the actual completion date (Actual Complete) of the SubAction, 'Referred back to Fed Fac'. The actual completion 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 CERCLIS inventory. As new actions and new dates are entered into WasteLAN, the system automatically calculates a new value for this field based on the traditional sequence of site assessment work. Regions must confirm or change this value as appropriate.

D.B.3 FEDERAL FACILITIES DEFINITIONS

a. BASE CLOSURE DECISIONS: START AND COMPLETIONS

Definition:

A base closure action occurs when EPA is involved in either a CERFA Section 120(h)(4) uncontaminated parcel determination, a Finding of Suitability to Transfer (FOST), a Finding of Suitability to Lease (FOSL), or a determination is made by EPA that an approved remedy is Operating Properly and Successfully (OPS) at BRAC locations pursuant to CERFA/CERCLA Section 120(h)(3). Under CERFA/CERCLA Section 120(h)(4), the military service must designate, and EPA/State is required to concur, 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 Section 120(h) of CERCLA. A FOSL documents that property at a BRAC location is environmentally suitable for lease, i.e., that the reuse does not impede the environmental response at the location and that the use of the property is limited to a manner which will protect human health and the environment. Under CERCLA Section 120(h)(3), before property can be transferred by deed, the military service must demonstrate to EPA that the approved remedy is operating properly and successfully.

The phrase “operating properly and successfully” involves two separate concepts: operating “properly” is used if the remedy is operating as designed; and, 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.

Definition of Accomplishment:

Base Closure Decision Start Date: Date that a document is received by EPA that identifies a facility or a parcel as a candidate to be transferred by deed or lease (e.g., EBS submitted); or a clean parcel determination is received by EPA for concurrence as required by CERFA; or the date of the written request submitted by the other Federal agency for concurrence on suitability to transfer or lease; or the date on which a written request for EPA concurrence is received that a 120(h)(3) remedy is operating properly and successfully.

Base Closure Decision Completion Date: The date the appropriate Regional official signs a letter, form, or memo stating that EPA has completed its review and provided comments or concurrence on the FOST or FOSL; or the date the appropriate Regional official signs a letter, form, or memo stating that EPA has completed its review of the demonstration that a remedy is operating properly and successfully for purposes of CERCLA section 120(h)(3); or the date the appropriate Regional official signs a letter concurring on a clean parcel identified under CERFA. **In addition to entering the date of completion, also enter the acreage covered by the Base Closure Decision Document.**

Changes in Definition FY 02/03 - FY 04/05:

None.

Special Planning/Reporting Requirements:

Base Closure Completions is a GPRA measure. Base Closure Starts is a program measure. Regions may enter acreage information through the FOST or FOSL screen in WasteLAN.

b. FEDERAL FACILITY AGREEMENT (FFA)/INTERAGENCY AGREEMENT (IAG)

Definition:

FFAs/IAGs are legal agreements between Federal agencies responsible for cleanup, EPA, and the States. A State may elect not to participate in FFA/IAG negotiations. FFA/IAGs set forth detailed requirements for performance of site response activities as well as appropriate enforcement responses to non-compliance with the FFA/IAG. The FFA/IAG requirement is set forth in Section 120(e) of CERCLA. **They are required at NPL facilities no later than 6 months after the first ROD is signed at the facility.**

Definition of Accomplishment:

FFA/IAG Start Date: Date notice letter is sent by EPA to the Federal facility, reported in WasteLAN as the actual start date (Actual Start) of FFA/IAG negotiations (Action Name = IAG Negotiation).

FFA/IAG Completion Date: Latter of the dates that the Federal agency, EPA, and/or State sign the IAG, or the date the Letter of Intent to sign an IAG is signed by all parties. This date must be reported in WasteLAN as the actual completion date (Actual Complete) of the FFA/IAG (Action Name = Federal Interagency Agreements).

Changes in Definition FY 02/03 - FY 04/05:

None

Special Planning/Reporting Requirements:

FFA/IAG starts will be tracked as IAG negotiations (Action Name = IAG Negotiation). FFA/IAG completions will be tracked as the completion (Actual Complete) of the FFA/IAG (Action Name = Federal Interagency Agreement). For those FFAs/IAGs that are elevated for dispute resolution, record the date elevated as the actual completion date of the SubAction "IAG Dispute Admin Referral" and not as the FFA/IAG completion date. Regions do not receive credit for FFA/IAG completion when the FFA/IAG is elevated to HQ for dispute resolution. This is a **Program Measure**.

c. FEDERAL FACILITY DISPUTE RESOLUTION

Definition:

When the Federal agency, State, and/or EPA make an effort to formally or informally resolve a FFA/IAG dispute after the FFA/IAG is signed.

Definition of Accomplishment:

Dispute Resolution Start Date: Date that any party to the FFA/IAG sends a letter to the other parties notifying them as to the issue in dispute. This is reported in WasteLAN as the actual start date (Actual Start) of dispute resolution (Action Name = Alternative Dispute Resolution).

Dispute Resolution Completion Date: Date the document resolving the issue is signed (e.g., letter of agreement, agreement document). This is reported in WasteLAN as the actual completion date (Actual complete) of dispute resolution (Action Name = Alternative Dispute Resolution).

Changes in Definition FY 02/03 - FY 04/05:

None

Special Planning/Reporting Requirements:

Federal Facility Dispute Resolution is reported in WasteLAN as Alternative Dispute Resolution (Action Name = Alternative Dispute Resolution) with a Federal facility (FF) lead. This is a program measure.

d. USE OF SUPPLEMENTAL ENVIRONMENTAL PROJECTS (SEPs)

Definition:

SEPs are environmentally beneficial projects which a Federal agency agrees to undertake to mitigate a monetary penalty, but which the violator is not otherwise legally required to perform. The SEP could be for public health, pollution prevention, pollution reduction, environmental restoration and protection, assessments and audits, environmental compliance promotion, emergency planning and preparedness, or other program-specific projects.

Definition of Accomplishment:

The date of agreement between EPA and Federal agency to implement a SEP is reported in WasteLAN as the SubAction "Supplemental Envir Projects". The estimated dollar value of the SEP must also be entered.

Changes in Definition FY 02/03 - FY 04/05:

None

Special Planning/Reporting Requirements:

This is a program measure. Both the number of SEPs and their estimated value will be tracked. The estimated value of the SEP is reported on the Penalty/SEP screen in the Federal Facilities module in WasteLAN.

e. REMEDIAL INVESTIGATION/FEASIBILITY STUDY (RI/FS) OR RCRA FACILITY INVESTIGATION (RFI) STARTS

Definition:

The RI/FS is a CERCLA investigation designed to characterize the site, assess the nature and extent of contamination, evaluate potential risks to human health and the environment, and develop and evaluate potential remedial alternatives. 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).

Definition of Accomplishment:

The RI/FS (Action Name = FF RI/FS or FF RI) or RFI (Action Name = RCRA Facility Investigation) start is defined as follows:

- Sites where there has been no RI/FS or RFI work started prior to the effective date of the FFA/IAG, the actual start date (Actual Start) is the EPA or State receipt of a draft work plan for the RI/FS or RFI; or
- Sites where RI/FS or RFI work has been started prior to the FFA/IAG effective date and there has been substantial EPA or State involvement (EPA or the State has reviewed and commented, approved/concurred, or accepted the work plan), the actual start date (Actual Start) is also the date of receipt of a draft RI/FS or RFI work plan (Note: this date will be prior to IAG completion date); or
- Sites where RI/FS or RFI work starts prior to the FFA/IAG effective date and there has been limited EPA or State involvement, the date of the RI/FS or RFI actual start date (Actual Start) is the latter date that EPA or the State and the other agency sign the FFA/IAG.

Changes in Definition FY 02/03 - FY 04/05:

None

Special Planning/Reporting Requirements:

This is a program measure.

f. TIMESPAN FROM FINAL NPL LISTING TO RI/FS

Definition:

Superfund Amendments and Reauthorization Act (SARA) Section 120(e) states “not later than six months after the inclusion of any facility on the NPL, the department, agency, or instrumentality shall ... commence a RI/FS for such facility.” This measure calculates the days and the time frame from final NPL Listing to the first RI/FS start. Sites with time frames greater than 180 days will be deemed not to have met this requirement.

Definition of Accomplishment:

This measure will calculate, by site, the interval between final NPL listing (publication of final listing in the *Federal Register*) and the actual date for the first RI/FS start. The timespan will be calculated based on the RI/FS start definition outlined above and the final NPL listing (Action Name = Final Listing on NPL) actual completion date (Actual Complete).

Changes in Definition FY 02/03 - FY 04/05:

None.

Special Planning/Reporting Requirements:

This is a GPRA APM reporting measure. Data in WasteLAN will be used to calculate the timespan on an annual basis. HQ will perform the analysis at the end of the fiscal year.

g. DECISION DOCUMENTS**Definition:**

Upon completion of a Federal facility RI/FS, CMS, Engineering Evaluation/Cost Analysis (EE/CA), the Federal agency selects a remedy that is presented in a cleanup decision document (e.g., ROD, RCRA Statement of Basis/Response To Comments, Action Memo, Removal Action Decision Document, **ROD Amendment or Explanation of Significant Difference (ESD)**). EPA may either approve or concur on the remedy selection or, in the case of a dispute, EPA may select the remedy. For EPA, this authority has been delegated to the Regional Administrator or her/his delegate.

Definition of Accomplishment:

Date (Actual Complete) the ROD (Action Name = Record of Decision), the appropriate RCRA Statement of Basis/Response to Comments (Action Name = RCRA SB/RTC), Action Memo (Action Name = Approval of Action Memo), Removal Action Decision Document (Action Name = Removal Action Decision Doc), **ROD Amendment (Action Name = Record of Decision and SubAction Name = ROD Amendment) or Explanation of Significant Difference (Action Name = Record of Decision and SubAction Name = Explanation of Significant Diff) or** is signed by the Regional Administrator or delegatee, or the date of EPA concurrence/approval on the clean-up decision document pursuant to FFA/IAG or other enforceable decision document, or the date of EPA's letter of concurrence.

Changes in Definition FY 02/03 - FY 04/05:

Removal Action Decision Document, **ROD Amendment and Explanation of Significant Difference** completion dates have been added to the accomplishment definition.

Special Planning/Reporting Requirements:

The ROD Completion date is the same as the RI/FS completion date. The EE/CA completion date is the same as the Action memo or Removal Action Decision Document completion date. The date of the RCRA Corrective Measure Decision document is the CMS Completion date. This is a program target.

h. Final Remedy Selected/Final ROD Authority**Definition:**

This measure will track the **Government Performance and Results Act (GPRA) Final Remedy Selected** at NPL Sites. **Final Remedy Selected documents will also be tracked in CERCLIS for non-NPL sites but will not count towards the GPRA goal.** 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 for a site). This can include the signature of the final ROD, **ROD Amendment or Removal Action** at a site. **Sites which are Construction Complete or sites deleted from the NPL may also be eligible for a Final Remedy Determination. In general, Explanation of Significant Difference will not constitute a Final Remedy Selected since that documents 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.**

Definition of Accomplishment:

Credit under CERCLA for a Final Remedy Selected is received when:

- A site has a Final ROD or ROD Amendment and no existing planned ROD, ROD Amendment, Removal Action Memorandum, RI/FS or EE/CA. The date the designated Regional Official or the AA OSWER signs the ROD at a site for each RA is reported in WasteLAN as the ROD (Action Name = Record of Decision) completion date (Actual Complete); or
- Site has a Removal Action Memorandum and no existing planned ROD, RI/FS, EE/CA or planned action memorandum.
- Site is Construction Complete as documented by the actual completion date (Actual Complete) of the Preliminary Close-Out Report (Action Name = Prelim Close-Out (PCOR) Rep Prepared), or the actual completion date (Actual Complete) of the Final Close-Out Report (Action Name = Close-Out Report) and HQ has entered the Construction Completion indicator in WasteLAN and no future ROD, ROD Amendment, Action Memorandum, RI/FS or EE/CA is planned. (The Final Remedy Selected designation may only be applied to the PCOR if there is no previous ROD, ROD Amendment, or Action Memorandum that constitutes the Final decision.)
- Site has been deleted from the NPL (Action Name = Final Deletion from NPL), which is documented when the Notice of Deletion is published in the Federal Register and no future ROD, ROD Amendment, Action Memorandum, RI/SF or EE/CA is planned. (The Final Remedy Selected designation may be applied to the Final Notice of Deletion if there is no PCOR and if there is no previous ROD, ROD Amendment or Action Memorandum that constitutes the Final decision.)

Changes in Definition FY02/03 - FY04/05:

This is a new measure for FY 04.

Special Planning/Reporting Requirements:

This is a GPRA measure.

i. EXPLANATIONS OF SIGNIFICANT DIFFERENCE (ESD) AND ROD AMENDMENTS

Definition:

An Explanation of Significant Difference (ESD) documents significant changes to a Record of Decision (ROD). Significant changes generally involve a change to a component of a remedy that does not fundamentally alter the overall cleanup approach. 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.

Definition of Accomplishment:

Explanation of Significant Difference: The Date (Actual Complete) the ESD (Action Name = Record of Decision and SubAction Name = Explanation of Significant Diff) is signed by the Regional Administrator or delegate, or the date of EPA concurrence/approval on the clean-up decision document pursuant to FFA/IAG or other enforceable decision document, or the date of EPA's letter of concurrence.

ROD Amendment: The date (Actual Complete) the ROD Amendment (Action Name = Record of Decision and SubAction Name = ROD Amendment) is signed by the Regional Administrator of delegate, or the date of EPA concurrence/approval on the cleanup decision document pursuant to FFA/IAG or other enforceable decision document, or the date of EPA's letter of concurrence.

Changes in Definition FY 02/03 - FY 04/05:

This is a new Program Measure

Special Planning/Reporting Requirements:

This is a Program Measure **but also counts towards the Program Target for Decision Documents.**

j. REMEDIAL DESIGN

Definition:

The RD is a CERCLA design that establishes the general size, scope, and character of a project, and details and addresses the technical requirements of the RA selected in the ROD. The RD may include, but is not limited to, drawings, specification documentation, and statement of bidability and constructability. The CMD is a RCRA design that establishes the general size, scope, and character of a project, and details and addresses the technical requirements of the CMC selected in the RCRA Corrective Measure decision document. The CMD may include, but is not limited to, drawings, specification documentation, and statement of bidability and constructability. A RD or CMD is complete when the plans and specifications for the selected remedy are developed and approved.

Definition of Accomplishment:

RD Start - If post-ROD, the RD (Action Name = FF RD) or CMD (Action Name = Corrective Measure Design) start date (Actual Start) is the date of submission of the RD or CMD work plan or other appropriate documents or statement of work. If work begins prior to the ROD, the RD or CMD actual start date (Actual Start) will be the ROD signature date or submission date of RD or CMD work plan or any other major deliverable (e.g., 30% design complete).

RD Completion - RDs and CMDs are considered complete the date a letter is signed by the appropriate Regional official approving the entire final RD or CMD package. If EPA does not approve the final RD or CMD package, the RD or CMD is considered complete the date of the Commerce Business Daily (CBD) or other appropriate publication requesting bids on the final RD or CMD package. This date is reported in CERCLIS as the actual completion date (Actual Complete) of the RD (Action Name = FF RD) or CMD (Action Name = Corrective Measure Design).

Changes in Definition FY 02/03 - FY04/05

New measure for FY 04/05.

Special Planning/Reporting Requirements:

This is a SCAP reporting measure. RD or CMD starts and completions are reported site-specifically (Action Name = FF RD or Corrective Measure Design) in CERCLIS.

k. DURATION OF ROD TO IAG NEGOTIATION COMPLETION

Definition:

The objective of this measure is to focus attention on the statutory requirement for an IAG to be entered into within 180 days after signature of the ROD. SARA Section 120(e) (2) states that “within 180 days [after signature of the ROD], the head of the department, agency, or instrumentality concerned shall enter into a IAG with the administrator for the expeditious completion by such department, agency, or instrumentality of all necessary remedial action at such facility.” This measure tracks compliance against the CERCLA Section 120 statutory requirements.

Definition of Accomplishment:

The duration of ROD to IAG will be calculated based on the actual completion date of the ROD (Action name = Record of Decision) and the latter of the dates that the Federal agency, EPA, and/or State sign the IAG, or the date the Letter of Intent to sign an IAG is signed by all parties, as reported in WasteLAN as the actual completion (Actual Completion) of FFA/IAG negotiations (Action Name = IAG Negotiation).

Changes in Definition FY 02/03 - FY 04/05:

None

Special Planning/Reporting Requirements:

This is a GPRA APM reporting measure. Data in WasteLAN will be used to calculate the timespan on a semi-annual basis. HQ will perform the analysis.

l. REMEDIAL ACTION (RA) OR RCRA CORRECTIVE MEASURE IMPLEMENTATION (CMI) STARTS

Definition:

A RA or 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.

Definition of Accomplishment:

Date on which substantial, continuous, physical, on-site, remedial actions begin pursuant to SARA Section 120(e) as documented by a memo or letter to EPA. This date is reported in WasteLAN as the actual RA (Action Name = FF RA) or CMI (Action Name = Corrective Measure Implementation) start date (Actual Start).

Changes in Definition FY 02/03 - FY 04/05:

None

Special Planning/Reporting Requirements:

This is a program measure. RA or CMI starts are reported site specifically (Action Name = FF RA or Corrective Measure Implementation) in WasteLAN.

m. TIMESPAN FROM ROD SIGNATURE TO RA START

Definition:

The objective of this measure is to focus attention on the statutory requirement for an RA start within 15 months of the ROD signature.

SARA Section 120(e) states that “substantial, physical, on-site remedial action shall be commenced at each Federal facility no later than 15 months after completion of the investigation and study.” This measure tracks compliance against the CERCLA Section 120 statutory requirements.

Definition of Accomplishment:

This measure will look at Federal agency performance by comparing the average timespan from ROD signature to RA start for all sites where a RA actually started in FY 04/05. Sites exceeding the 15 month requirement will be identified. Comparisons will be made to previous Agency performance to determine trends.

The durations will be calculated using the actual ROD (Action Name = Record of Decision) completion date (Actual Complete) and the actual RA (Action Name = FF RA) start date (Actual Start) in WasteLAN. The ROD signature and RA start definition contained in Decision Documents and RA or Corrective Measure Construction Starts, respectively, will be used in the analysis.

Changes in Definition FY 02/03 - FY 04/05:

None.

Special Planning/Reporting Requirements:

This is a GPRA APM reporting measure. Data in WasteLAN will be used to calculate the timespan on a semi-annual basis. HQ will perform the analysis.

n. RA OR CMI COMPLETIONS

Definition:

A RA or CMI is complete when construction activities are complete, a final inspection has been conducted, and an interim or final 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 120(h)(3) BRAC requirements for base closure.

Definition of Accomplishment:

The RA or CMI is complete the date that the designated Regional official (Branch Chief or above, as determined by the EPA Region) approves in writing the interim or final RA Report or signs the interim or final report or appropriate CMI reporting vehicle for the RA or CMI that documents the completion of construction activities. 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. The appropriate date must be recorded in WasteLAN as the actual completion date (Actual Complete) of the RA (Action Name = FF RA) or CMI (Action Name = Corrective Measure Implementation).

An action qualifier must be entered into WasteLAN indicating the RA was completed via an Interim or Final RA Report (Action Qualifier = Interim RA or Final RA).

Interim Remedial Action Report

Criteria for approval of the Interim Remedial Action Report are:

- ☐ The remedy includes groundwater or surface water restoration, with active treatment or natural attenuation, to reduce contaminant concentrations to meet cleanup goals and cleanup goals have not been achieved;
- ☐ The construction of the treatment and/or monitoring system is completed and the system is operating as intended;
- ☐ If the RA includes remedy components other than groundwater, construction activities are complete and cleanup goals specified in the ROD have been achieved for these components;
- ☐ A contract final inspection or equivalent has been conducted;
- ☐ Institutional controls, if applicable, are in place; and
- ☐ The Interim Remedial Action Report contains the information described in “Close Out Procedures for National Priorities List Sites.”

Note: When an Interim RA Report is prepared as indicated above, a Final RA Report is later required once cleanup goals for the groundwater or surface water restoration are achieved.

Final Remedial Action Report

Criteria for approval of the Final Remedial Action Report are:

- ☐ All construction activities are complete, including site restoration and demobilization;
- ☐ All cleanup goals specified in the ROD have been achieved, including ground and surface water restoration;
- ☐ A contract final inspection or equivalent has been conducted;
- ☐ Institutional controls, if applicable, are in place; and
- ☐ The Final Remedial Action Report contains the information described in “Close Out Procedures for National Priorities List Sites.”

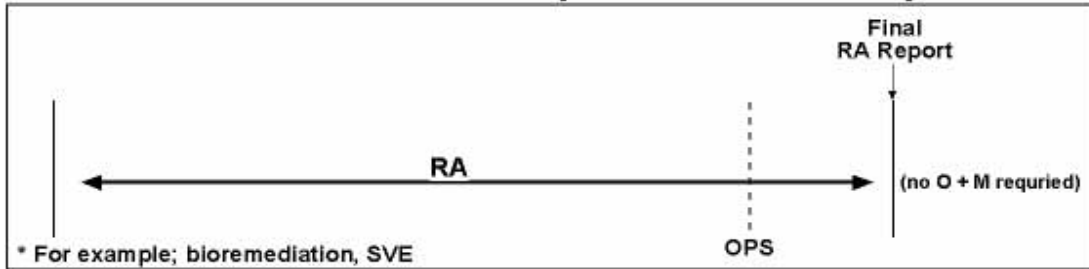
The following table provides examples of Remedial Actions and indicates when Remedial Action Completion can be achieved.

Remedial Action Completion Examples

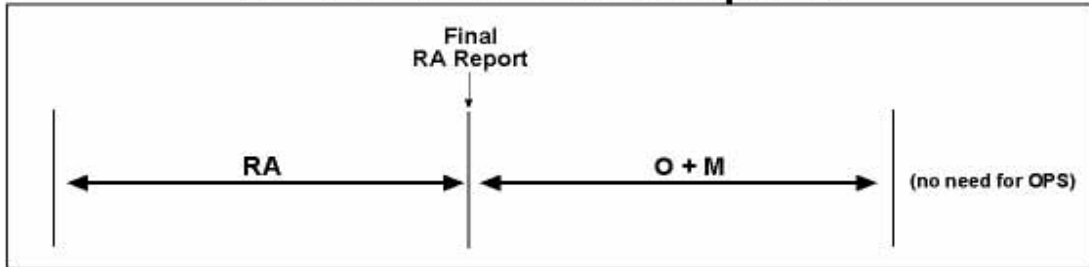
Example RA	RA Complete
Excavation and off-site disposal of contamination.	After all wastes have been excavated, removed from the site to an approved location, site has been restored, cleanup goals have been achieved, and the Final RA Report is approved. Since wastes have been removed, no O&M activities for this remedy are expected.
On-site treatment of wastes, other than groundwater or surface water, to achieve cleanup goals (e.g., soil vapor extraction, bioremediation, incineration).	After cleanup goals have been achieved for the treated wastes, site has been restored, and the Final RA Report is approved. Since wastes have been treated to achieve cleanup levels, no O&M activities for this remedy are expected.
Containment remedies (e.g., caps, flood/erosion control measures, barrier walls, leachate collection/treatment measures, groundwater measures to capture or prevent migration of plume, or surface water interception/diversion measures).	After construction of the designed remedy is complete, cleanup goals have been achieved, and the Final RA Report is approved. O&M activities follow.
Groundwater and surface water restoration remedies that involve active treatment to reduce contaminant concentrations to meet cleanup goals.	After construction of the treatment plant and monitoring system are completed, the plant/system is operating as intended, and the Interim RA Report is approved. O&M activities follow. The Final RA Report is prepared when cleanup levels are achieved.
Groundwater and surface water restoration remedies where restoration is later determined to be technically impracticable (TI waiver).	After ROD Amendment has documented the TI waiver, other cleanup goals have been achieved and Final RA Report is approved. O&M activities may follow if further monitoring is needed.

EXHIBIT D.2
Remedial Pipeline Flow Charts

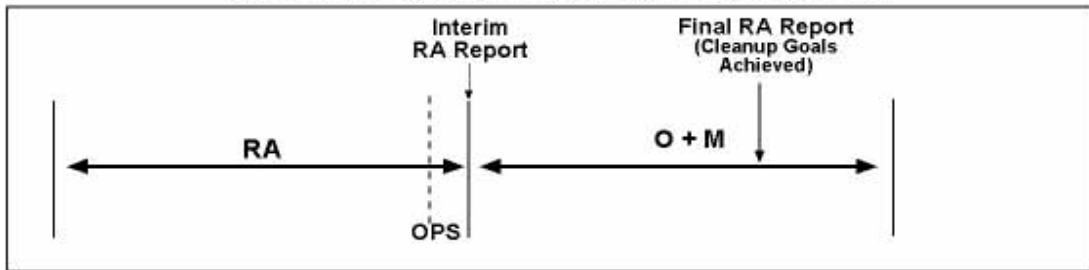
Treatment and Off-site Disposal Remedies Pipeline



Containment Remedies Pipeline



**Ground Water and Surface Water Restoration Pipeline
and Monitored National Attenuation**



OPS= Operating Properly & Successfully and applies only to BRAC sites.

Changes in Definition FY 02/03 - FY 04/05:

None

Special Planning/Reporting Requirements:

This is a program target. RA or CMI (Action Name = FF RA or Corrective Measure Implementation) completions are reported site specifically in WasteLAN. An action qualifier must be entered into WasteLAN indicating the RA was completed via an Interim or Final RA Report (Action Qualifier = Interim RA or Final RA).

o. REMOVAL OR RCRA INTERIM/STABILIZATION MEASURE (ISM) — STARTS AND COMPLETIONS

Definition:

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, and non-time critical (NTC) situations at BRAC, non-NPL or NPL sites. Under the Defense Environmental Restoration Program (DERP), DoD is required to notify EPA of its removal actions. Long-term O&M should not be conducted under the removal.

Definition of Accomplishment:

Removal/ISM Start Date: Date the Federal agency begins actual on-site removal work, or the date of Action Memorandum signature, or the date the lead Federal agency provides notice to EPA, or other decision document signature/approval. The date must be reported in WasteLAN as the actual start date (Actual Start) of the removal (Action Name = FF Removal) or ISM (Action Name = RCRA Interim/Stabilization Measure).

Removal/ISM Completion Date: Actual date the Federal agency has demobilized and notified EPA, completing the scope of work delineated in the Action Memorandum or other decision document. The date must be reported in WasteLAN as the actual completion date (Actual Complete) of the removal (Action Name = FF Removal), or ISM (Action Name = RCRA Interim/Stabilization Measure).

Changes in Definition FY 02/03 - FY 04/05:

None

Special Planning/Reporting Requirements:

See Definition of Accomplishment. Removal or RCRA ISM starts is a GPRA measure; Removal or RCRA ISM completions is a program measure.

p. NPL SITE CONSTRUCTION COMPLETIONS

Definition:

Construction at a NPL site is considered complete when physical construction is complete for the entire site as a result of one or several removal or remedial actions; and a Preliminary or Final Close Out Report (PCOR or FCOR) has been signed by the designated Regional official and concurred with by HQ. The report must address construction activities for the entire site. There is only one NPL site construction completion per NPL site, and the site must be final on the NPL. For more detailed information, see OSWER Directive 9320.2-09A-P, "Close Out Procedures for National Priorities List Sites."

Definition of Accomplishment:

The following table explains coding and accomplishment requirements.

NPL Site Construction Completion		
Examples of last OU or activity	When Construction is Complete	Coding Requirements
1) Excavation and off-site disposal of contamination, 2) On-site treatment of wastes (except for groundwater restoration, bioremediation or soil vapor extraction), or 3) Containment remedies.	Pre-final inspection has been conducted, only minor punch list items remain, and the designated Regional official has signed the Preliminary or Final Close-Out Report (PCOR or FCOR).	The region enters completion date of the report into WasteLAN as the actual completion date (Actual Complete) of the Preliminary Close-Out Report [Action Name = Prelim Close-Out Rep Prepared], or the actual completion date (Actual Complete) of the Final Close-Out Report [Action Name = Close Out Report] AND HQ enters the Construction Completion indicator into WasteLAN. This action constitutes HQ concurrence with the PCOR or FCOR documentation.
In-situ bioremediation, ex-situ bioremediation, or soil vapor extraction.	Treatment unit has been constructed, is operating as designed, studies show that technology will achieve cleanup goals, and the designated Regional official has signed the PCOR.	
Interim action RODs for groundwater restoration to reduce contaminant concentrations to meet cleanup goals.	Remedy is documented in final ROD, physical construction of the remedy is complete, and the designated Regional official has signed the PCOR.	
RODs with contingency remedies	Physical construction of the remedy is complete, a pre-final inspection has been conducted, only minor punch list items remain, the PCOR or FCOR demonstrates that use of the contingency is not anticipated, and the designated Regional official has signed the PCOR or FCOR.	
Sites deleted from the NPL prior to reaching Construction Completion.	When (1) EPA determines that all physical construction is complete under all statutory authorities, and (2) all other applicable construction completion policy criteria have been satisfied.	

NPL Site Construction Completion (cont'd.)		
Examples of last OU or activity	When Construction is Complete	Coding Requirements
Sites requiring no remedial action or no further remedial action in the last OU. This includes groundwater monitoring if that is the only activity specified in the ROD.	No action or no further action ROD has been signed, and the designated Regional official has signed the PCOR or FCOR. Effective in FY 99, No Action RODs will not be accepted for Construction Completion.	The region enters the completion date of the report into WasteLAN as the actual completion date (Actual Complete) of the PCOR (Action Name = Prelim Close-Out Report Prepared) or the actual completion date (Actual Complete) of the Final Close-Out Report (Action Name = Close Out Report).
Institutional controls as the only remedy in the ROD.	The PCOR indicates that the institutional controls are in the schedule for site completion, and the designated Regional official has signed the PCOR. If institutional controls have been implemented, region can go directly to FCOR.	AND HQ enters the Construction Completion indicator into WasteLAN. This action constitutes HQ concurrence with the PCOR or FCOR documentation.
NPL site entirely addressed through removal actions. For removals with institutional controls, see above.	Actual date the Federal agency has demobilized and notified EPA, completing the scope of work delineated in the Action Memorandum or other decision document. The date must be reported in WasteLAN as the actual completion date (Actual Complete) of the removal (Action Name = FF Removal), or ISM (Action Name = RCRA Interim/Stabilization Measure).	The region enters the following into WasteLAN: The removal (Action Name = Removal Action or PRP Removal) actual completion date (Actual Complete) as reported in the POLREP; and the Qualifier that indicates that the site is Cleaned Up; and the actual completion date (Actual Complete) of the Final Close-Out Report (Action Name = Close Out Report); AND HQ enters the Construction Completion indicator into WasteLAN. This action constitutes concurrence with the FCOR documentation.

Changes in Definition FY 02/03 - FY 04/05:

None

Special Planning/Reporting Requirements:

Regions will not receive credit for a NPL Site Construction Completion until the actual completion date of the Preliminary or Final Close-Out Report is entered into WasteLAN, the necessary documentation is submitted to HQ, and HQ enters the construction completion indicator into WasteLAN. Regions identify sites to meet the goal prior to the start of the FY. This is a GPRA annual performance goal.

q. OPERATION AND MAINTENANCE (O&M)

Definition:

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.

O&M [Action Name = Operations and Maintenance] starts when the designated EPA Regional Official (Branch Chief or above, as determined by the EPA region) approves in writing the Interim or Final Remedial Action Report.

Where appropriate, the completion of O&M is defined as the date (actual complete) specified in the FFA/IAG. If O&M must be conducted indefinitely, regions should not enter as actual completion date.

Changes in Definition for FY 02/03 - FY 04/05:

O&M also includes maintenance of institutional controls.

Special Planning/Reporting Requirements:

This is a program measure.

r. CLEANUP OBJECTIVES ACHIEVED

Definition:

This measure is used to indicate when cleanup **objectives** are achieved for groundwater and surface water restoration, including monitored natural attenuation. It tracks achievement of cleanup **objectives** for these remedies because they have not yet achieved cleanup **objectives** at Remedial Action completions.

Definition of Accomplishment:

Cleanup **objectives** are achieved when the designated Regional Official (Branch Chief or above) approves in writing the Final Remedial Action Report. This report should update information previously prepared in the Interim Remedial Action Report. For more detailed information, see OSWER Directive 9320.2-09A-P, "Close Out Procedures for Completion and Deletion of National Priorities List Sites."

Changes in Definition FY 02/03 - FY 04/05:

Cleanup Goals are now referred to as Cleanup Objectives.

Special Planning/Reporting Requirements:

Cleanup **Objectives** Achieved is planned on an action specific basis (Action Name = Operations & Maintenance and SubAction Name = Cleanup Goals Achieved) in WasteLAN. This is a program measure.

s. **FEDERAL FACILITY FIVE-YEAR REVIEWS**

Definition:

Five-year reviews are intended to evaluate whether the response action implemented at NPL site remains protective of public health and the environment, is functioning as designed, and necessary operation and maintenance is being performed. **At a minimum of every five years, EPA, or the lead Federal agency, conducts a statutory review any site at which a post-SARA remedy, upon, attainment of cleanup levels specified in the ROD, will not allow unlimited use and unrestricted exposure. EPA, or the lead Federal agency conducts policy reviews at sites where remedial actions will take longer than five years to complete, and sites with pre-SARA remedies at which the cleanup levels do not allow unlimited use and unrestricted exposure. EPA may conduct five-year reviews at their discretion for other sites.**

Definition of Accomplishment:

Federal Facility Five-Year Review Starts - Credit is given for a five-year review start when EPA approves the five-year review work plan submitted by the other Federal agency, or when the Federal facility actually starts the review or submits the draft document for review, as outlined in the ROD or IAG. The actual start date (Actual Start) for the five-year review (Action Name = **FF FYR**) must be entered into WasteLAN. There are multiple triggers for five-year reviews. Please reference policy to select the appropriate method for calculating the five-year review date.

Federal Facility Five-Year Review Planned Completions - The **FF FYR planned completion date and the report due (SubAction Name = FYR Report Due)** date are system generated based on the **Five-year review type** entered at the time of ROD completion.

Statutory: The **FF FYR and FYR Report Due planned completion date** fields are populated for five years after the Federal facility RA action planned start date. Both the **FF FYR planned completion date and the FYR Report Due planned completion date** will be updated by the system based on changes to the planned or actual start dates for triggering FF RA action. The **FF FYR planned completion date** will be editable. The **FYR Report Due planned completion date** will be greyed out and uneditable and will be locked once the actual start date for the FF RA is entered. Please see the Five-Year Review section of Appendix B for the definition of Statutory Five -Year review.

Policy: The **FF FYR and FYR Report Due planned completion dates** are populated for five years after the PCOR or FCOR planned completion date. Both the **FF FYR planned completion date and the FYR Report Due planned completion date** will be updated by the system based on changes to the planned or actual completion dates for the triggering PCOR or FCOR. The **FF FYR planned completion date** will be editable. The **FYR Report Due planned completion date** will be greyed out and un-editable and will be locked once the actual completion date of the PCOR or FCOR is entered. Please see the Five-Year Review section of Appendix B for the definition of Policy Five -Year review.

Federal Facility Five-Year Review Actual Completions - The five-year review is complete on the date the designated Regional official either signs the five year review report stating whether the remedy is, or is not, protective of human health and the environment, or has concurred on the five year review report, or has made their own protectiveness determination. The actual completion date (Actual Complete) for the five-year review (Action Name = **FF FYR**) must be entered into WasteLAN.

Changes in Definition FY 02/03 - FY 04/05:

Expanded the description of Definition of Accomplishment to include specifics about system-generated **FF FYR and FYR Report Due planned completion dates**. Updated Action Name.

Special Planning/Reporting Requirements:

Five-year Review Completes is a program measure. Five-year review completes must be planned and reported site-specifically (Action Name = **FF FYR**) in WasteLAN. The trigger for a statutory five-year review is the actual **start** date of the **FF RA Start**.

Note: Five-Year Review Completions are a program measure for Federal facilities. For Superfund, Five-Year Review Completions are program targets (See Exhibit B.1 in Appendix B and Exhibit D.1 in Appendix D).

t. FEDERAL FACILITY PARTIAL NPL DELETION

Definition:

EPA will consider partial deletion for portions of sites when no further response is appropriate for that portion of the site. Such portion may be a defined geographic unit of the site, perhaps as small as a residential unit, or may be a specific medium at the site (e.g., groundwater), depending on the nature or extent of the release(s). The criteria for partial deletion are the same as for final deletion. Given State concurrence, EPA considers:

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

The partial deletion action should only be used when the deletion does not address all releases listed on the NPL. If a deletion does cover the remaining release listed on the NPL, the action should be treated as a Final NPL Deletion (Action Name = Deletion from NPL), discussed below.

Definition of Accomplishment:

The partial NPL deletion process (Action Name = Partial NPL Deletion) starts (Actual Start) when a Notice of Intent to Delete is published in the *Federal Register* for that specified portion of the site. If the Direct Final Process for Partial Deletions is used, the process begins when the Direct Final Action Notice is published in the Federal Register [Action Name = Notice of Intent to Delete].

The partial NPL deletion process (Action Name = Partial NPL Deletion) is complete (Actual Complete) when the Notice of Partial Deletion is published in the *Federal Register* for that specified portion of the site. If the Direct Final Process for Partial Deletions is used and the comment period has ended with no adverse comments, the actual completion (Actual Complete) is the effective date of deletion specified in the Direct Final Action Notice.

Changes in Definition FY 02/03 - FY 04/05:

None

Special Planning/Reporting Requirements:

Partial NPL deletions are tracked separately from final NPL deletions (Action Name = Deletion from NPL). Partial site deletions will be entered by the regions if a portion, or portions, of the release remain listed on the NPL following completion of the partial deletion.

A site deletion (Action Name = Deletion from NPL) will be entered by the regions if the deletion activity addresses all remaining releases listed on the NPL (either as a one-time deletion action for the entire site as originally listed, or as the last deletion activity associated with a site subject to previous partial deletions). This is a program measure.

u. FEDERAL FACILITY FINAL NPL DELETION

Definition:

With State concurrence, EPA may delete sites from the NPL when it determines that no further response is appropriate under CERCLA. In making that determination, EPA considers:

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

EPA will consider deleting the entire site or portions of sites from NPL, as appropriate. EPA will consider partial deletion for portions of sites when no further response is appropriate for that portion of the site. Such portions may be a defined geological unit of the site, or may be a specific medium at the site. If a decision does cover the remaining release listed on the NPL, the action should be treated as a Final NPL Deletion. State concurrence is required for any deletion.

Definition of Accomplishment:

The deletion process for the entire site [Action Name = Deletion from the NPL] starts (Actual Start) when a Notice of Intent to Delete is published for the *Federal Register*. If the Direct Final Process for Partial Deletions is used, the process begins when the Direct Final Action Notice is published in the Federal Register [Action Name = Notice of Intent to Delete].

The deletion process for the entire site [Action Name = Deletion from the NPL] is complete (Actual Complete) when the Notice of Deletion is published in the *Federal Register*. If the Direct Final Process for Partial Deletions is used and the comment period has ended with no adverse comments, the actual completion (Actual Complete) is the effective date of deletion specified in the Direct Final Action Notice.

Changes in Definition FY 02/03 - FY 04/05:

None

Special Planning/Reporting Requirements:

An entire site deletion action (Action Name = Deletion from the NPL) will be entered by the regions if the deletion activity addresses the remaining release listed on the NPL (either as a one-time deletion event for the entire site as originally listed, or as the last deletion activity associated with a site subject to previous partial deletions). When the Notice of Deletion is published, the regions will change the NPL Status in WasteLAN to "Deleted from Final NPL." This is a program measure.

D.B.4 COMMUNITY INVOLVEMENT DEFINITIONS

The following section contains Community Involvement requirements for Federal facilities . Community Involvement requirements for non-Federal facility sites are included in Appendix J.

a. RESTORATION ADVISORY BOARDS(RABs)/SITE-SPECIFIC ADVISORY BOARDS (SSABs)

Definition:

Site-Specific Advisory Boards (SSABs) are a forum for experts and concerned stakeholders to provide advice and recommendations on DOE's Environmental Management strategic decisions. Restoration Advisory Boards (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.

Definition of Accomplishment:

RAB/SSAB Start (Established) Date: The actual start date of the RAB/SSAB is defined as the actual start date (Actual Start) of the initial RAB/SSAB information meeting (SubAction Name = Site-Specific Advisory Board Meeting or SubAction Name = Restoration Advisory Board Meeting).

RAB Completion (Adjourned) Date: The actual completion (Actual Complete) date of the 'Restoration Advisory Board' (SubAction Name = Restoration Advisory Board) is the date the RAB is adjourned by DoD (SubAction Name = Restoration Advisory Board).

SSAB Completion (Terminated) Date: The actual completion (Actual Complete) date of the 'Site-Specific Advisory Board' (SubAction Name = Site-Specific Advisory Board) is the date the SSAB is terminated by the Secretary of Energy (SubAction Name = Site-Specific Advisory Board).

Changes in Definition FY 02/03 - FY 04/05:

The RAB and SSAB start definitions were modified.

Special Planning/Reporting Requirements:

This is a GPRM measure. The data management approach for tracking the adjournment of RABs and the termination of SSABs is still under development. Site Specific Advisory Board Meeting and Restoration Advisory Board Meeting are valid SubActions under Federal Facility Community Relations.

b. TECHNICAL ASSISTANCE GRANTS (TAGs)

This measure is being withheld pending OGC & EPA Grants approval.

c. TECHNICAL OUTREACH SERVICES FOR COMMUNITIES (TOSC)**Definition:**

TOSC provides independent scientific and technical assistance to communities dealing with hazardous substance contamination questions. TOSC provides information and education to empower communities with an understanding of technical issues to more effectively participate in environmental decisions. TOSC is a service of the University-based Hazardous Substance Research Centers (HSRCs) which are, in part, supported by grants from EPA.

Definition of Accomplishment:

The start of a TOSC is the date when the MOU (Memorandum of Understanding) is signed, which is the date of the commitment between the community and the HSRCs. The date the MOU is signed should be reported in WasteLAN as the actual start date (Actual Start) of the TOSC (Action Name = Technical Outreach Services to Communities).

Changes in Definition FY 02/03 - FY 04/05:

None

Special Planning/Reporting Requirements:

The region must indicate on the Community Organizations Information screen that the organization is a TOSC recipient. This is a program measure.

D.C SUBJECT MATTER EXPERTS

Exhibit D.3 identifies the subject matter experts for Appendix D: Federal Facilities.

**EXHIBIT D.3
SUBJECT MATTER EXPERTS**

Subject Matter Experts	Subject Area	Phone #
Brandon Roache	Federal Facility Response	(703) 603-8704
Tracey Seymour	Federal Facility Response	(703) 603-8712
Joshua Barber	Federal Facility Response	(703) 603-0265

**This Page Intentionally
Left Blank**

Superfund Program Implementation Manual FY04/05

Appendix E: Information Systems

**This Page Intentionally
Left Blank**

**Appendix E
Information Systems**

Table of Contents

E.A Information Systems E-1

- E.A.1 The Purpose of WasteLAN E-1
 - a. Site Assessment E-1
 - b. Remedy Selection E-2
 - c. Federal Facilities E-3
 - d. Community Involvement E-3
 - e. Removal E-4
 - f. Enforcement E-5
 - g. Project Management E-6
 - h. Program Management E-6
- E.A.2 Superfund Data Architecture E-7
- E.A.3 Reporting Superfund Information E-8
 - WasteLAN Users E-9
- E.A.4 Applicability of the Freedom of Information Act E-10
 - a. Reports Releasable under Freedom of Information Act (FOIA) E-10
 - b. Sensitive Information Not Releasable under FOIA E-10
 - c. Ad Hoc Reporting E-13
 - d. Accessing FOIA Information E-14
- E.A.5 Data Owners/Sponsorship E-15

E.B DATA SPONSORS E-16

**Appendix E
Information Systems**

List of Exhibits

EXHIBIT E-1 SUPERFUND DATA ARCHITECTURE E-8

EXHIBIT E.2 DATA SPONSORS E-16

APPENDIX E

Information Systems

E.A Information Systems

E.A.1 THE PURPOSE OF WasteLAN

WasteLAN is the official repository of nationally defined and nationally required data for planning, tracking, and describing all activities at sites and removal incidents.

The following categories of site/incident activity have national definitions and national requirements:

- ☐ Site Assessment
- ☐ Remedy Selection
- ☐ Federal Facilities
- ☐ Community Involvement
- ☐ Removal
- ☐ Enforcement
- ☐ Project Management
- ☐ Program Management

a. Site Assessment

To support the site assessment process, WasteLAN provides the following capability:

- ☐ Enter, store, and retrieve basic site discovery information, including site identification (name and location), narrative description, contaminants, and site setting;
- ☐ Distinguish between removal program or site assessment program discoveries;
- ☐ Review and compare results of the Preliminary Assessment (PA), Site Inspection (SI), Expanded Site Inspection (ESI), and Site Inspection Prioritization (SIP), including overall Hazard Ranking System (HRS) site score and component pathway scores;
- ☐ Access to detailed information on each pathway score;
- ☐ Enter, store, and retrieve site assessment decision information, including qualifiers and text rationale and referrals to States or other program areas;
- ☐ Manage site assessment schedules through the Project Management module;

- ☐ Generate site assessment reports and perform ad hoc queries on basic site level and decision information, as well as site and pathway score information;
- ☐ Review contaminant information from the PA, SI, ESI, removal evaluation, or HRS;
- ☐ Access Superfund National Priorities List Assessment Program (SNAP) information in WasteLAN. Only the Site Assessment Manager and the Construction Completion Manager have the rights to change these data; and
- ☐ Create Headquarters (HQ) site assessment reports.

b. Remedy Selection

To support the remedy selection process, WasteLAN provides the following capability:

- ☐ Add and delete Actions and SubActions to the site schedule and add operable units (OUs);
- ☐ Add, edit, and review an Action and its associated operable unit, actual and planned start dates, and actual and planned completion dates;
- ☐ View and update site information, including medium, contaminants, concentrations, and regulations that possibly apply to the contaminant;
- ☐ Record and review Record of Decision (ROD) risk assessment information for each medium and media area including the worst risk scenarios;
- ☐ Review ROD contaminants of concern data and relevant standards, a summary of the contaminant-specific risks for each medium area, and cleanup levels for the contaminants;
- ☐ Review ROD risk data exposure scenarios by time frame for each medium area; scenarios contain pertinent factors (i.e. land use, exposure time frame, location, receptor, exposure route) and reflect at least one scenario for each land use assessed;
- ☐ Review a summary of pertinent ecological risk assessment information from the ROD including potential receptors, sensitive habitats, and endangered/threatened species;
- ☐ View site descriptions which can be used to aid in the development of remedial documents, such as proposed plans and ROD;
- ☐ View and compare data among pipeline actions for site and OU contaminants, contaminated medium, site and OU risk/threats, and selected remedy information;
- ☐ Identify program initiative sites, such as contaminated sediments or presumptive remedy sites;
- ☐ Perform queries to identify “like sites”;

- ☐ Review selected or amended remedies at sites with RODs, ROD amendments, and Explanation of Significant Differences (ESDs) including remedial response actions associated with the selected remedy;
- ☐ Review ROD abstracts; and
- ☐ Create HQ remedy reports.

c. Federal Facilities

To support Federal facilities, WasteLAN provides the following capability:

- ☐ Track the proper relationship between Federal facilities, Federal facility sites, parcels and OUs;
- ☐ Add, update, and delete Actions and SubActions and associated information;
- ☐ View, edit, and track information pertaining to dispute resolutions such as the issue triggering dispute, compliance status, and dispute type (i.e., informal or formal);
- ☐ Record, display, and view information pertaining to Interagency Agreement/Federal Facility Agreement (IAG/FFA) negotiations and agreements;
- ☐ Record, display, and update information pertaining to Base Realignment and Closure (BRAC) sites, including BRAC types, Fast Track sites, Environmental Baseline Survey (EBS) information, detailed parcel information, Finding of Suitability to Lease (FOSL) information, and Finding of Suitability to Transfer (FOST) information;
- ☐ Record key community involvement and outreach activities at Federal facilities;
- ☐ Display listings of all IAG milestones to be reviewed within a user specified time frame;
- ☐ Record and display a site abstract;
- ☐ Record and display Federal Facility Docket information;
- ☐ Provide the capability to track penalty and Supplemental Environmental Project (SEP) information;
- ☐ Provide access to all modules in WasteLAN (e.g., Removal, Remedy Selection, etc.) to view all technical and administrative data pertaining to a site; and
- ☐ Provide Headquarter Federal facility Reports.

d. Community Involvement

To support the community involvement process, WasteLAN provides the following capability:

- ☐ View Community Involvement Schedule information;

OSWER Directive 9200.3-14-1G-Q

- ☐ Enter and access online directions to the site;
- ☐ Enter and view listings and directions to potential locations in the area to hold public meetings;
- ☐ Enter and view information on scheduled public meetings and directions to the meeting location;
- ☐ Enter and view information on public meetings that were held related to a site;
- ☐ Access current site information from any user view;
- ☐ Enter and view a profile of demographic data for the community surrounding the site;
- ☐ Enter and view information about products such as fact sheets and community relations plans;
- ☐ Plan and report accomplishments and activities related to Community Involvement;
- ☐ Enter and view the address of site information repositories and identify which repositories contain Administrative Records; and
- ☐ Create HQ community involvement reports.

e. Removal

To support the removal process, WasteLAN provides the following capability:

- ☐ Add, update, and delete Actions and SubActions and associated information;
- ☐ Document On-Scene Coordinators (OSCs) assigned to the removal, EPA branch that is addressing the removal, site operable unit name, category of removal and outcome of the removal action, attorney assigned to the removal, planning status, removal media, contaminants data and risk, remedy implemented, and site funding rank;
- ☐ Track Action Memo types, support the Action Memo approval process, and capture response action scientific and location information;
- ☐ Develop removal fact sheets;
- ☐ Assist in the management of removal budgets for various contract vehicles and other EPA costs;
- Enter and store regional removal assessment detail description information including date assigned to OSC, where the site was referred from, referral date, response date, site visit date, media, flags for sampling performed, eligibility for removal, referred to remedial program office, and returned to State;
- Generate regional cost/financial management reports; and
- Create HQ removal reports.

f. Enforcement

To support the enforcement process, WasteLAN provides the following capability:

- ☐ Add, update, and delete Actions and SubActions and associated information;
- ☐ 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 type with a site;
- ☐ Generate party-related summary statistics;
- ☐ Group parties for enforcement actions or correspondence mailings;
- ☐ Track party compliance with letters and settlement terms;
- ☐ Track liens against a party's property;
- ☐ Document the issuance of Comfort/Status letters, the parties they were sent to, and the intended future use of the property;
- ☐ Track the assessment of Prospective Purchaser Agreements (PPAs);
- ☐ Track negotiations, including type of response actions sought, cost recovery amount sought, orphan share compensation offered and outcome;
- ☐ Track Alternative Dispute Resolution (ADR) usage, identifying sites where ADR was used, the outcome of the ADR, and the mediator used;
- ☐ 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, amount of orphan share that was actually compensated, 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 or non-exempt de micromis parties;
- ☐ Log case files, including EPA Docket and DOJ case numbers and names and district court location docket number;
- ☐ Track referrals, including the type of referral, statutes, response actions sought, cost recovery amount sought, and outcome;
- ☐ Track potential Statute of Limitations (SOLs);
- ☐ 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;
- ☐ Record the planned bills, actual bills, refunds/payments, and collections; and
- ☐ Create HQ enforcement reports.

g. Project Management

To support the site management process, WasteLAN provides the following capability:

- ☐ Maintain schedule for site activities;
- ☐ Add and delete Actions, SubActions, and new operable units to/from the schedule;
- ☐ View and edit action-specific information including operable unit, sequence number (system generated), lead, planned and actual start/complete dates, and planned start/complete Fiscal Year/Quarter (system generated);
- ☐ View the targeted Fiscal Year/Quarter for actions defined as regional targets;
- ☐ Define associations among actions and add user-defined actions to schedules;
- ☐ Reorder actions on the schedule and create what-if scenarios by “cascading” planned dates (automatically updating subsequent dates based on a schedule change);
- ☐ Add and view action-specific comments;
- ☐ Prepare Gantt charts, generate reports such as a Site Summary report, a Management Review report, and a Target Comparison report, and create/print weekly “notes” to keep managers apprised of “hot” issues;
- ☐ Access Smartscreens, which provide online SCAP definitions and apply SCAP logic during data entry and updates or edits;
- ☐ Enter or copy technical data through Smartscreens (e.g., remedy, media type). Data can be copied to subsequent actions to avoid duplicate data entry;
- ☐ View financial data by site, action, or financial transaction and track Superfund State Contracts (SSC) cost share payment and reimbursable account information;
- ☐ Generate ‘like dates’ for actions that, by definition, have the same actual start or actual complete date;
- ☐ Allow reviewers (e.g., Section Chiefs) to approve or disapprove schedule changes and financial transactions before they become official and notify Remedial Project Managers (RPMs) if any of their sites have been reviewed; and
- ☐ Generate HQ project management reports.

h. Program Management

To support the program management process, WasteLAN provides the following capability:

- ☐ 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;
- ☐ Track allowance change requests by viewing existing change request data used to issue/reprogram an allowance and generate a new change request online;

- View aggregate site planning data to support program planning and reporting measures and access data on a national (at 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;
- Identify the funding priority for Remedial Actions (RAs) and removals based on factors such as the status of PRP negotiations, whether the Remedial Design (RD) has reached 95% complete, and estimated cost;
- Associate sites with a specific national and/or regional priority;
- Enter Environmental Indicator (EI) data at the site/action level, and view summary information for Indicators identified in Appendix B at the national (at HQ only) and regional levels;
- Transfer financial data from Integrated Financial Management System (IFMS) on a daily basis; and
- Generate HQ program management reports.

E.A.2 SUPERFUND DATA ARCHITECTURE

The Superfund data architecture is comprised of various components that reside in the regions or at HQ. The goal of this architecture is to allow regions, the data owners, to enter data locally while still ensuring a national database is maintained for national reporting purposes.

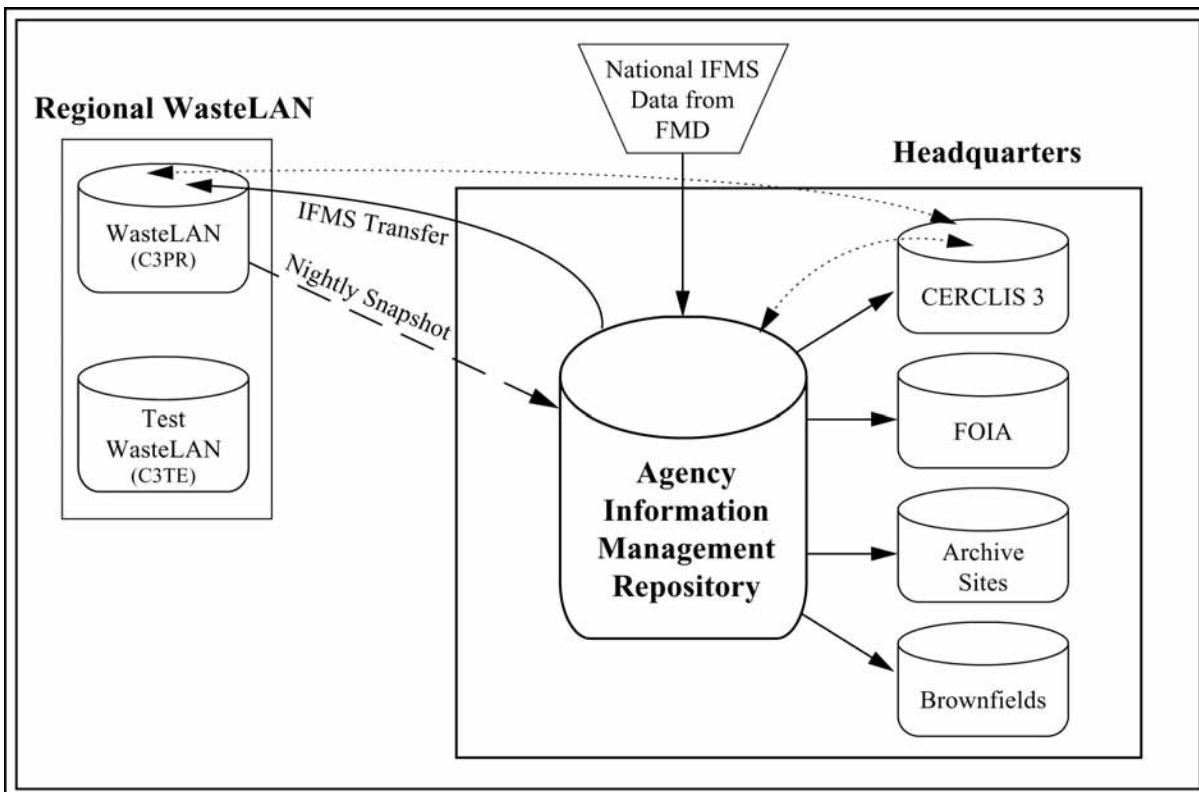
Exhibit E-1 outlines the relationship among various components of the Superfund data architecture. Each region enters their information into the regional WasteLAN system. Each night, data from the regional systems are sent via the “snapshot” process to the Agency Information Management repository, which is the Superfund program’s comprehensive data repository. HQ owned or regionally shared data are “snapshot” back to the regions on a regular basis. The following is the information that is updated as a result of this “reverse snapshot” process:

- ☐ Instantly: NPL Listing information
- ☐ Nightly: Construction Completion data
- ☐ Weekly: PRP data

Data that are snapshot nightly to the Agency Information Management is then divided into different, single purpose datasets to meet specific needs of the program. These datasets include, but are not limited to:

- *CERCLIS*: This dataset contains active sites and related program management information tracked through the SCAP process.
- *FOIA*: This dataset contains active sites and related information that is releasable to the public.
- *Archive*: This dataset contains archived sites and related information.
- *Others, as needed*: Additional datasets can be created to meet additional program needs and special initiatives as they are defined. For example, a “Pre-Discovery” dataset could be created to track information on sites prior to beginning the listing process.

EXHIBIT E.1
SUPERFUND DATA ARCHITECTURE



In addition, each day, financial data from the IFMS are transferred via Agency Information Management to the regional WasteLAN databases.

E.A.3 REPORTING SUPERFUND INFORMATION

The WasteLAN Reports Module is accessible to all users, and contains both nationally- and regionally-defined reports. The reports are categorized by the following program areas: Site Assessment, Risk Assessment, Remedy Selection, Federal Facilities, Community Involvement, Removal, Enforcement, Project Management, and Program Management. 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.

Reports in the Reports Module are being developed from a Select Logic Database (SLDB). The SLDB is a warehouse of select logic queries; because each query has been created using pieces of reusable code (RC), the select logic stored in the SLDB can be reused across multiple reports. The SLDB approach to developing reports has many benefits. By reusing select logic queries that have already undergone testing and validation, the SLDB approach promotes consistency and accuracy in program-wide reporting. In addition, because all select logic queries reside in one location, the effort required to maintain the Reports Library is significantly reduced.

The SLDB stores nationally- and regionally-defined queries. Queries that are nationally defined and used in national reports will be tested and validated by third-party testers. National queries will be sponsored by query owners at HQ. Query owners are responsible for updating queries in a timely manner when new system requirements are established to ensure that queries remain consistent with programmatic changes.

The regions can use national queries from the SLDB for regional reporting purposes. The regions also have the ability to develop and store regionally-defined queries in the SLDB. Regionally defined queries and reports are managed and maintained by the regions themselves.

If a particular report is similar in several regions, that report may be identified as a candidate for a national report. Also, if a regional query is identified for national implementation, the query will be validated, tested, and released as a national query. National queries and reports are managed by the HQ Reports Librarian.

The Reports Librarian role has been expanded to include the coordination and management of all national queries and reports. The Reports Librarian will continue to coordinate with query and report owners and developers, ensuring that reports and queries are developed consistently, in accordance with standards, and third-party tested. It is also the Reports Librarian's responsibility to see that all national queries and reports are unique (but reused when appropriate) and released to the user community on schedule.

The Reports Librarian is responsible for coordinating all steps of the reports development life cycle: requirements/design, specifications, coding, testing, maintenance, change management, standards development/adherence and documentation. This includes coordinating and facilitating bi-weekly Reports Status meetings with the reports team, maintaining the Lotus Notes Reports Status database, and communicating status with the reports community.

The Reports Librarian coordinates the addition of new national and/or HQ reports to the database. This process is framed by the forms available in the Reports Status Notes Database: the Reports Request form; Specifications, Code Delivery form; and the Sign-off form. The Reports Librarian ensures the Reports Request form is completed comprehensively and that the report being requested is not a duplication of an existing report. The Reports Librarian ensures that specifications are completed prior to a report being installed on the national menu, and assists in the coordination of hanging a report by ensuring that all the information on the Code Delivery form is completed by the reports developer. It is the Reports Librarian function to ensure that the process is documented by ensuring that the Sign-Off form is completed. All members of the reports community can contact the Reports Librarian for status information on any national and/or HQ report.

In addition to coordinating the addition of new reports, the Reports Librarian is responsible for monitoring changes to existing national and/or HQ reports and deleting obsolete reports from the menu. This means coordinating with the development team at large on behalf of the reports team. Attending Configuration Control Board meetings, reviewing change requests and monitoring regional comments in Lotus Notes, the suggestion box and e-mails are some of the methods used by the Reports Librarian to monitor changes. Usage reports and feedback from the regions and HQ are the methods used to determine obsolescence of a report.

WasteLAN Users

The WasteLAN application is for use by EPA staff with Superfund program responsibilities. WasteLAN may allow data owners to enter and manage their own data, however, regions will publish specific data management procedures that may implement a centralized or decentralized approach to data management. The information collected via the application is for unrestricted use by all parties except for that portion of the information identified as sensitive and not releasable under FOIA.

E.A.4 APPLICABILITY OF THE FREEDOM OF INFORMATION ACT

a. Reports Releasable under Freedom of Information Act (FOIA)

There is a set of system-generated reports that have sensitive information (records or information that are protected under FOIA and cannot be released to the public) removed and may be released under FOIA. These reports include:

- ☐ SCAP 12 (Site Summary Report for Non-NPL Sites);
- ☐ List 8E (Site/Response Action Listing Report/External);
- ☐ List 8T (Site/Event Listing, Archived Sites);
- ☐ List 9 (Site Comprehensive Listing);
- ☐ Enforcement 10 (The Settlements Master Report Public Version); and
- ☐ Enforcement 25 (Administrative and Unilateral Orders Issued).

Note: The SCAP 11, SCAP 12, List 8T, and List 9 are currently available to the public on the Superfund Home Page.

In addition, the Records of Decision System (RODS) may be released under FOIA. It provides the justification for the remedial action (treatment) chosen under the Superfund program and stores information on the technologies being used to clean up sites.

b. Sensitive Information Not Releasable under FOIA

FOIA is intended as a disclosure law, not a withholding law. In handling all FOIA requests, there should be a presumption in favor of releasing information. There are certain types of information, particularly enforcement information, that have been designated as sensitive and, therefore, are not releasable to the public because disclosure could cause significant harm to the Agency. All planning data fit into this category including:

- Section 106 and 107 litigation, Consent Decrees (CDs), and all related information where the planning information indicates that the action has been or will be referred to HQ or to the Department of Justice (DOJ). If the case is filed or CD lodged, the information may be released.
- PRP lead Remedial Investigation/Feasibility Study (RI/FS) projects and all related information where only planning data exist. If there is an actual PRP RI/FS start, the planned completion date (Fiscal Year/Quarter) can be released.
- Administrative Order and all related information where only planning data exist. This information is only releasable where an actual completion date exists.
- Information pertaining to cost recovery decision documents such as rationale for write off;

- ☐ Planned obligation amounts related to regional enforcement extramural budget activity associated with the following activities:
 - Litigation (106, 106/107, 107) support;
 - Removal Negotiations;
 - Non-NPL and NPL PRP search;
 - RI/FS negotiations;
 - RD/RA negotiations; and
 - Cost recovery negotiations.
- ☐ RD and RA planned events where the lead is the RP with no actual starts. When there is an actual start, the planned completion can be released.
- ☐ RI/FS and RD/RA negotiations planned start and completion dates. When there is an actual start, the planned completion can be released.
- ☐ Planned removal/remedial obligations.
- ☐ All planned activities for sites that have not been designated as final or proposed NPL sites in the Federal Register.

The following enforcement data also cannot be released:

- ☐ Information pertaining to the financial viability of PRPs;
- ☐ PRPs excluded from a UAO and reasons why PRP was not issued a UAO;
- ☐ Comments;
- ☐ Parties not issued a General and/or Special Notice Letter or associated with an actual enforcement instrument;
- ☐ Party identification under Section 104(e); and
- ☐ Compliance data

This information is protected from mandatory disclosure by the following FOIA exemptions and provisions:

- ☐ EXEMPTION 7 - Records or information compiled for law enforcement purposes. Specifically, EXEMPTION 7 (a) - could reasonably be expected to interfere with enforcement proceedings.

Exemption 7 - Records or Information Compiled For Law Enforcement Purposes

This exemption provides that records or information compiled for law enforcement purposes need not be disclosed in six specific instances. Even though a document falls under Exemption 7, the Agency, in its discretion, encourages release of the document unless release would significantly harm the Agency. Under this section, records or information can be withheld from disclosure if:

- Exemption 7 (a) - Disclosure could reasonably be expected to interfere with enforcement proceedings. Harm to the government's case in court by premature release of evidence or information or damage to the Agency's ability to conduct an investigation constitutes interference under the exemption.

- Exemption 7 (b) - Disclosure would deprive a person of a right to fair trial.
- Exemption 7 (c) - Disclosure could reasonably be expected to constitute an unwarranted invasion of personal privacy.
- Exemption 7 (d) - Disclosure could reasonably be expected to disclose the identity of a confidential source. This includes protection of information provided by the source on a criminal law enforcement investigation.
- Exemption 7 (e) - Disclosure would reveal a special technique or procedure for law enforcement investigations or prosecutions.
- Exemption 7 (f) - Disclosure could reasonably be expected to endanger the life or safety of any person.

As a result of 1986 Amendments to FOIA Exemption 7, the general coverage of Exemption 7 is no longer investigatory records but records of information compiled for law enforcement purposes. As long as some law enforcement authority exists and the record meets the threshold test for exemption 7, the record need no longer reflect or result from specifically focused inquiries by the Agency.

- EXEMPTION 5 - Privileged Interagency or Intra-Agency Memoranda. Specifically, EXEMPTION 5, Privilege 1 - Deliberate Process Privilege, and EXEMPTION 5, Privilege 4 - Government Commercial Information Privilege.

Exemption 5 - Privileged Interagency or Intra-Agency Memoranda

Intra-agency records include reports prepared by outside consultants at the request of the agency. Recommendations from State officials to Environmental Protection Agency (EPA) may be considered intra-agency records when EPA has solicited State comments, has a formal relationship with the State, and the records concern a specific deliberative process.

This exemption allows the Agency to withhold from disclosure interagency or intra-agency memoranda or letters which fall under the following privileges:

- The Deliberative Process Privilege protects the quality of the Agency's decision-making process (i.e., to protect against premature disclosure of proposed policies before they are adopted), to encourage candid discussions among Agency officials, and to avoid premature disclosure which could mislead the public.

Only pre-decisional, deliberative documents may be withheld. These are written prior to the Agency's final decision, and are not likely to be those that are written by a person with final decision-making authority. Drafts of documents usually fall under this category, and documents transmitted between the government and third parties during settlement negotiations are occasionally protected under this privilege.

The deliberative process privilege does not allow the withholding of purely factual portions of documents. These portions must be released if they can be segregated from the remainder of the document (partial denial). This requirement presents a problem where the facts themselves reflect on the Agency's deliberative process; in this instance, the factual portions may be withheld.

- The Attorney-Work Product Privilege allows the withholding of documents prepared in anticipation of possible litigation. Litigation need not have commenced but it must be reasonably contemplated. This privilege does not extend to purely factual documents unless they reflect the results of an attorney's evaluation.
- The Attorney-Client Privilege applies to confidential communications between attorney and client, including communications between an Agency attorney and Agency employee.
- The Government Commercial Information Privilege is available to the government for information it generates in the process leading up to the award of a contract. This privilege expires once the contract is awarded or upon withdrawal of the contractual offer. An example of this privilege is cost estimates prepared by the government and used to evaluate the construction proposals of private contractors.
- The Expert Witness Privilege is commonly invoked to allow the withholding of records generated by an expert witness.
- The Confidential Witness Statement Privilege allows statements obtained from confidential witnesses to be withheld.

The Agency encourages the discretionary release of documents falling under any of the privileges, unless release would significantly harm the Agency's decision-making process. All of the privileges may be waived if the Agency has disclosed the document to third parties.

The sensitive information listed above covers the information restricted from public disclosure as of the compilation of this Manual. Additional information may be added to this category and information may be restricted in specific instances (though the prior disclosure rule must be satisfied). If requested information is potentially able to be restricted under a FOIA provision (in this case, under Exemptions 5 or 7), the official receiving the request should contact the appropriate FOIA office to determine whether the information should be restricted.

c. Ad Hoc Reporting

In general, all regional requests for ad hoc reporting, a special request for records, or information that is not part of the approved public reports should be referred to the Office of Site Remediation and Enforcement (OSRE) Director immediately. The Regional official receiving the request should inform the requestor of this policy and advise the requestor to contact HQ for a decision on whether this information may be released. If the requested information is only available from a specific region, and HQ has decided to release this information, HQ will inform the responsible region that the information should be compiled and disclosed to the requestor.

Ad hoc reporting requests should be treated like FOIA requests. The following guidelines apply:

- If the information is protected under one of the FOIA exemptions, the information will not be disclosed (except in cases of discretionary release);
- Absent FOIA exemption protection, the information will be disclosed if it can be compiled or obtained in a reasonable amount of time by an Agency employee familiar with the subject area; and
- Fees for ad hoc reporting requests will be charged in accordance with the fee structure used for FOIA requests.

d. Accessing FOIA Information

There are several methods to access FOIA information.

- On the Internet, via the World Wide Web, several standard reports can be viewed or downloaded from the Superfund Information Systems area of the EPA Web site(<http://www.epa.gov/superfund/sites/siteinfo.htm>), through the “Order Superfund Products” link on the sidebar. Reports available for viewing or download include:
 - Inventory of CERCLIS and Archived Sites by State. This report, updated monthly, displays the number of sites by state/possession that are currently in CERCLIS; it also displays the number of sites by state/possession that have been archived or require no further remedial action.
 - CERCLIS and Archived Site Database and Text Files with Record Layout. These databases and text files, updated monthly, provide detailed information on sites that are currently in CERCLIS and sites that have been archived or require no further remedial action. The Record Layout identifies and provides the layout of the fields used.
 - National Priorities List (NPL) Site Map. The NPL Site Map, updated quarterly, displays the location (based on latitude and longitude coordinates) of sites across the nation that have been proposed, finalized, or deleted from the NPL
- Several standard reports and products can also be ordered from the Superfund Information Systems area of the EPA Web site (www.epa.gov/superfund/sites/siteinfo.htm), through the “Order Superfund Products” link on the sidebar. Reports and products that can be ordered online include:
 - List 8T- Archive Listing. This report, updated monthly, lists all sites that were previously listed as contaminated or were suspected of being contaminated, but have subsequently been cleared of contamination or are no longer suspected of contamination. The report lists the sites/incidents, addresses, and Congressional districts, and the remedial, removal, and community involvement activities associated with each site/incident. This report was previously called the “Transition Site/Event Listing.”
 - List 9- Site Comprehensive Listing. This report, updated monthly, lists all Superfund sites/incidents, addresses, and Congressional districts, and the remedial, removal, and community involvement activities associated with each site/incident.
 - SCAP 11- Site Summary Report for NPL Sites. This report, updated quarterly, provides detailed information on Superfund sites/incidents on the National Priorities List (NPL). Only the sites/incidents that have planned or actual remedial/removal activities are selected for inclusion on the report. The remedial/removal activities (planned or actual) as well as the enforcement activities (actual) related to each site/incident are listed.
 - SCAP 12- Site Summary Report for Non-NPL Sites. This report, updated quarterly, provides detailed information on Superfund sites/incidents that are not on the NPL. Only the sites/incidents that have planned or actual remedial/removal activities are selected for inclusion on the report. The remedial/removal activities (planned or actual) as well as the enforcement activities (actual) related to each site/incident are listed.
 - CERCLIS Reports CD. Produced quarterly, this CD includes the List 8T, List 9, SCAP 11, and SCAP 12 reports. The reports are produced in PDF format, utilize Adobe Acrobat, and are bookmarked, allowing users to follow a link directly to a desired report section (e.g., specific state, site) or search for and jump directly to any word or phrase in the report.

- Superfund Public Information System (SPIS) CD. The SPIS CD contains the complete text of official Records of Decision (ROD), Explanation of Significant Differences (ESD), and ROD Amendments signed and issued by EPA. Users are able to access ROD documents by conducting searches across all of the ROD documents using Adobe's search capabilities and by accessing the master list by EPA Regions of all documents contained on the CD. This CD is released on a quarterly basis and includes a summary section detailing new information that has become available since the previous release.
- NPL Fact Sheets CD. This CD contains a compilation of NPL Fact Sheets available from the ten EPA Regional Web sites, where the fact sheets are stored and updated. NPL Fact Sheets provide site history and descriptions, NPL listing history, threats and contaminants, cleanup approach, response action status, and environmental progress. Additionally, some fact sheets include information on community involvement and enforcement activities.
- The Superfund Order and Information Line (800-775-5037 or 202-260-8321) is an interactive phone/fax system that provides information from CERCLIS. By following voice prompts, the Superfund Order and Information Line allows users to request List 8T, List 9, SCAP 11, and SCAP 12 reports on CD-ROM.
- FOIA requests may also be submitted to an EPA region or HQ office for any FOIA reports or information. FOIA report requests should include the name of the FOIA report being requested, or the site name, city, county, state, and/or ZIP code for which information is being requested.

E.A.5 DATA OWNERS/SPONSORSHIP

HQ managers are taking an active role in improving the quality of data stored in WasteLAN by acting 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 ensure that the data they need to monitor performance and compliance with program requirements is captured and stored properly in WasteLAN. To meet this goal, HQ data sponsors identify their data needs, develop data field definitions, distribute guidance requiring submittal of these data. Data owners are normally site managers that need the data in support of site work. 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. These data are available for data evaluation and reporting. Data sponsorship helps promote consistency in both national and regional reporting. In addition, data sponsorship provides a tool to improve data quality through program evaluation and adjustments in guidance to correct weaknesses detected. Periodically, Data sponsors conduct focused data studies to determine if there are systematic data problems (e.g., incorrect use of codes, data gaps, etc.) across the regions.

E.B DATA SPONSORS

The following exhibit identifies the data sponsors for Appendix E, Information Systems.

**EXHIBIT E.2
DATA SPONSORS**

Data Sponsor	Subject Area	Phone #
Robert King	Project Management	(703) 603-8792
Sherry Clark	Work Planning (Response)	(703) 603-8736
Alice Ludington Sharon Cullen Scott Blair	Work Planning (Enforcement)	(202) 564-6066 (202) 564-6023 (202) 564-2256
Willie Griffin Alan Youkeles	Budget/Financial (Response)	(703) 603-8911 (703) 603-8784
Alice Ludington	Budget/Financial (Enforcement)	(202) 564-6066
Richard Jeng	Construction Completion	(703) 603-8749
Mary Bell	Cost Recovery	(202) 564-2256
Rich Norris	Environmental Indicators	(703) 603-9053
Joshua Barber Brandon Roache	Federal Facilities	(703) 603-0265 (703) 603-8704
Tracey Seymour	Federal Facilities Budget	(703) 603-8712
Lance Elson	Federal Facility Enforcement	(202) 564-2577
Carolyn Kenmore	Final Remedy	(703) 308-8644
Emily Johnson Silvina Fonseca	5-Yr Review	(703) 603-8764 (703) 603-8799
Janet Weiner	GPRA (OSRTI)	(703) 603-8717
Pat Kennedy	GPRA (OSRE)	(202) 564-6061
Matthew Charsky	Groundwater	(703) 603-8777
David Reynolds	Superfund e-Facts	(703) 603-8895
Michael Bellot	Institutional Controls	9703) 603-8905
Melissa Friedland	Land Ready for Reuse	(703) 603-8864
Shahid Mahmud	Mining Sites	(703) 603-8789

Data Sponsor	Subject Area	Phone #
Tracy Hopkins Jennifer Griesert	Post Construction	(703) 603-8788 (703) 603-8888
Scott Blair	PRP Data	(202) 564-6023
Schatzi FitzJames	Radioactive Sites	(202) 343-9478
Matthew Charsky	Remedial Remedy Selection	(703) 603-8777
Dana Stalcup	Removal/Counter Terrorism	(202) 603-8735
Bill Finan Dana Robinson	Removal Implementation	(202) 564-7981 (202) 564-8018
David E Cooper	Risk	(703) 603-8763
Randy Hippen	Site Assessment NPL Listing	(703) 603-8829
Filomena Chau	Special Accounts	(202) 564-4224
Bob Myers	Tribal Involvement	(703) 603-8851
David Reynolds	FOIA	(703) 603-8895
Alice Ludington Scott Blair Mary Bell	SCAP & Enforcement (ENFR) CERCLIS Reports	(202) 564-6066 (202) 564-6023 (202) 564-2256
John Cunningham David Reynolds	Data Quality	(703) 603-8708 (703) 603-8895
Robert White	CERCLIS SCAP Reports	(703) 603-8873

**This Page Intentionally
Left Blank**

Superfund Program Implementation Manual FY 04/05

Appendix F: Oil Pollution Prevention and Response Program

(Oil Prevention and Response Program is no longer included in the SPIM. Oil program now assigned to CEPPO.)

**This Page Intentionally
Left Blank**

Superfund Program Implementation Manual FY 04/05

Appendix G: Government Performance and Results Act (GPRA)

**This Page Intentionally
Left Blank**

Appendix G Government Performance and Results Act (GPRA)

Table of Contents

G.A.	GOVERNMENT PERFORMANCE AND RESULTS ACT (GPRA) OF 1993	G-1
	Background	G-1
	G.A.1. Strategic Plan Requirements	G-3
	a. Comprehensive Mission Statement	G-3
	b. General Goals and Objectives	G-3
	c. Description of How General Goals and Objectives Will Be Achieved	G-3
	d. Goals in the Annual Performance Plan and in a Strategic Plan	G-3
	e. Key Factors Affecting Achievement of General Goals and Objectives	G-3
	f. Program Evaluations	G-4
	G.A.2 Annual Performance Plan	G-4
	a. Performance Goals	G-4
	b. Resources	G-4
	c. Performance Indicators	G-4
	d. Verification and Validation	G-4
	G.A.3. Annual Performance Report	G-4
G.B.	SUPERFUND GPRA STRUCTURE	G-5
G.C.	SUBJECT MATTER EXPERTS	G-7

**This Page Intentionally
Left Blank**

Appendix G

Government Performance and Results Act (GPRA)

G.A GOVERNMENT PERFORMANCE AND RESULTS ACT (GPRA) OF 1993

Superfund's program planning and reporting requirements have evolved and matured in recent years. The National Goals Project of 2005 and the Chief Financial Officer's (CFO) Act started the evolution of Superfund program management by shifting the focus from tracking administrative and program outputs to a results-oriented future (e.g., Superfund Environmental Indicators) in which the program is held accountable for achieving quantifiable environmental results. Superfund has continued its evolution towards more outcome-oriented measures under the Congressionally mandated GPRA, which provides the overarching principles for Superfund program management.

Background

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

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

The purposes of the Act are to:

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

The Government Performance and Results Act (GPRA) holds federal agencies accountable for using resources wisely and achieving program results. GPRA requires agencies to develop plans for what they intend to accomplish, measure how well they are doing, make appropriate decisions based on the information they have gathered, and communicate information about their performance to Congress and to the public.

OSWER Directive 9200.3-14-1G-Q

The Superfund Remedial Program continually seeks to improve its ability to measure progress in achieving its true environmental mission: to control the risks to human health and the environment at contaminated properties, and to make land available for reuse.

In FY 2004, the Superfund Remedial Program will measure its progress in achieving environmental results through five key strategic targets. These five strategic targets include: (1) performing site assessments and making final assessment decisions, (2) selecting final remedies designed to clean up contamination to risk levels that are protective of human health and the environment and appropriate for reasonably anticipated future land use, (3) completing construction of the selected remedies, (4) protecting the public from the health effects of exposure to contamination, (5) controlling the migration of contaminated groundwater. Each strategic target represents an important milestone in achieving risk reduction; no one measure can itself adequately capture the total environmental benefits derived from the Superfund program.

Strategic targets (1) and (3), above, have been in place for several years. Two of the strategic targets, (4) and (5), were implemented for the first time in FY 2003. Strategic target (2) is new for FY 2004.

Strategic targets (4) and (5) highlight EPA's efforts to control human exposure pathways and the migration of contaminated groundwater at NPL and non-NPL sites. In FY 2002, these two strategic targets first provided baseline information about whether human exposures and the migration of contaminated groundwater are currently under control under the existing conditions at NPL sites. These two strategic targets focus on the current conditions at sites (i.e., current exposures and current land use) and highlight sites where some risk reduction has occurred as a result of EPA's activities. As such, these indicators seek to quantify the benefits resulting from intermediate cleanup and investigative activities.

The Human Exposure Under Control strategic target is designed to describe whether adequately protective controls are in place to prevent any unacceptable human exposure under current land and groundwater use conditions only. This strategic target does not consider potential future land or groundwater use conditions or ecological receptors. As of September 30, 2002, over 80% of NPL sites had human exposures under control. The Superfund program expects to control human exposures at an additional 10 sites for FY 2003 and FY 2004.

The Groundwater Migration Under Control strategic target is meant to describe whether the migration of contaminated groundwater from a Superfund site is being controlled through engineered remedies or natural processes. As of September 30, 2002, the migration of contaminated groundwater was under control at over 60% of NPL sites with contaminated groundwater. The Superfund program expects to control the migration of contaminated groundwater at an additional 10 sites for FY 2003 and FY 2004.

The Superfund Remedial program is committed to returning underutilized land to productive reuse through its cleanup and other actions. Superfund initiated a workgroup in FY 2003 to develop a strategic target for this activity. As a result of its efforts, Superfund is introducing a GPRA performance measure entitled "Acres of Land Available for Reuse" in FY 2004. This GPRA performance measure will be tracked under Appendix G, and SCAP 15, even though this measure is not a strategic target under the Strategic Plan. The purpose of this performance measure is to gather crucial data to support the ultimate development of a strategic target in the future.

The Superfund Enforcement program will continue to measure its success by applying the "Enforcement First" strategy and by recovering costs.

Other performance measure related activities include the One Cleanup Program Initiative, in which Superfund is an active participant. The Measuring for Results component of the One Cleanup Program Initiative involves developing an unified, cohesive set of performance measures for all cleanup programs. As a result of this effort, Superfund is introducing Strategic Target (2), which mirrors a similar performance measure used for years in the RCRA program.

In FY 2004, Superfund will also be working with Regions to extend the traditional and evolving performance measures, including construction completions, to the Superfund Alternative Sites. The current focus of this effort is to improve the quality of CERCLIS data, particularly on sites in the alternative universe. A HQ/regional workgroup is being formed to finalize the approach for tracking and counting construction completions.

G.A.1 Strategic Plan Requirements

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

The strategic plan covers a minimum period of six years, beginning in the fiscal year that it is written. The first EPA strategic plan was published in September 1997 and covered the nine years of FY 1997 through FY 2005. The latest strategic plan was published in October 2003 and covers the five years of FY 2004 through FY 2008. Strategic plan elements required by GPRA are as follows:

a. Comprehensive Mission Statement

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

b. General Goals and Objectives

The strategic plan documents the long-term programmatic, policy, and management goals of the agency, including the planned accomplishments and the schedule for their implementation. The general goals and objectives elaborate how the agency will carry out its mission. To the extent possible, this should be in the form of outcome-type goals. In the EPA strategic plan objectives are broken down into subobjectives to address specific issues not captured in the broad objective statements. These subobjectives correspond with program result codes (PRCs) in the EPA planning and budget structure.

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

c. Description of How General Goals and Objectives Will Be Achieved

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

d. Relationship Between Goals in the Annual Performance Plan and in a Strategic Plan

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

e. Key Factors Affecting Achievement of General Goals and Objectives

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

f. Program Evaluations

Program evaluations that were used in preparing the strategic plan should be briefly described. Also, a schedule for future program evaluations needs to be included.

Development of the strategic plan is considered to be an inherently governmental function; therefore, it can only be performed by Federal employees.

G.A.2 Annual Performance Plan

Agencies submit an annual performance plan to Congress with the enacted operating plan for each fiscal year. The performance plan includes:

a. Performance Goals

Objective, quantifiable, and measurable performance goals that define the level of performance to be achieved by a program activity. At EPA these are called annual performance goals (APGs).

b. Resources

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

c. Performance Indicators

Performance indicators to assess the relevant outputs, service levels, and outcomes of each activity. At EPA these are called annual performance measures (APMs).

d. Verification and Validation

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

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

G.A.3 Annual Performance Report

Agencies are required to submit an annual performance report to the President and Congress no later than March 31 of each year. The performance report includes:

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

- An explanation and description where a performance goal was not met, of: (a) why the goal was not met, (b) plans and schedules for achieving the performance goal; or (c) recommended action if the performance goal is impractical or infeasible (e.g., current or future funding is inadequate, an unforeseen occurrence impedes achievement);
- A description of the use and effectiveness of a managerial flexibility waiver in achieving the performance goal;
 - An indication of any individual or organizational consequences resulting from a failure, after using the waiver, to maintain the previous level of performance;
 - A brief explanation of the reasons for suspending or ending prematurely any waiver that was in effect for the fiscal year;
- A summary of the program evaluations completed during the fiscal year;
- Performance trend data for the three preceding fiscal years. These data will phase into the report (e.g., for FY 00, FY 99 data; for FY 01, FY 99 - FY 00 data; for FY 02, FY 99 - 01 data; for FY 03, FY 00 - 02 data); and
- An acknowledgment of the role and a description of the contributions made by non-Federal entities in the preparation of the report.

Development of the annual performance report is considered to be an inherently governmental function; therefore, it can only be performed by Federal employees.

G.B. SUPERFUND GPRA STRUCTURE

The following is EPA's planning and budgeting architecture for Superfund appropriations. These correspond to the 2003 Strategic Plan. Changes to both the architecture and annual performance goals and measures may occur if a new strategic plan is written or as part of the FY 2004 enacted operating plan process. The strategic plan and FY 2004 budget request can be found on the EPA internet at <http://www.epa.gov/ocfopage/>. The numerical goals indicated in each APG are national. Regions negotiate their own specific targets with Headquarters during the annual work planning sessions held in mid-October.

Goal 3: Land Preservation and Restoration

Preserve and restore the land by using innovative waste management practices and cleaning up contaminated properties to reduce risks posed by releases of harmful substances.

Objective 3.2: Restore Land

By 2008, control the risks to human health and the environment by mitigating the impact of accidental or intentional releases and by cleaning up and restoring contaminated sites or properties to appropriate levels.

Sub-objective 3.2.1: Prepare for and Respond to Accidental and Intentional Releases

By 2008, reduce and control the risks posed by accidental and intentional releases of harmful substances by improving our Nation's capability to prepare for and respond more effectively to these emergencies.

Strategic Targets:

- Each year through 2008, improve the Agency's emergency preparedness by achieving and maintaining the capability to respond to simultaneous large-scale emergencies and by increasing response readiness by 10 percent from a baseline established by the end of 2003 using the core emergency response criteria.
- Each year through 2008, respond to 350 hazardous substance releases and 300 oil spills.

OSWER Directive 9200.3-14-1G-Q

- Each year through 2008, minimize impacts of potential oil spills by inspecting or conducting exercises or drills at 6 percent of approximately 6,000 oil storage facilities required to have Facility Response Plans. (Between FY 1997 and FY 2002, 30 percent of these facilities were inspected.)

Sub-objective 3.2.2: Clean Up and Reuse Contaminated Land

By 2008, control the risks to human health and the environment at contaminated properties or sites through cleanup, stabilization, or other action, and make land available for reuse.

Strategic Targets:

- By 2008, perform 88,000 health and environmentally based site assessments and make 41,700 final-assessment decisions under Superfund, and assess 100 percent (approximately 1,714) RCRA baseline facilities. Universe of RCRA baseline facilities will be evaluated and, if necessary, adjusted in FY 2004.
- By 2008, control all identified unacceptable human exposures from site contamination to at or below health-based levels for current land and/or ground-water use conditions at 95 percent (approximately 1,628) of RCRA baseline facilities and 84 percent (1,259) of 1,494 Superfund human exposure sites (as of FY 2002).
- By 2008, control the migration of contaminated ground water through engineered remedies or natural processes at 80 percent (approximately 1,371) of RCRA baseline facilities and 65 percent (832) of 1,275 Superfund ground-water exposure sites (as of FY 2002).
- By 2008, select final remedies (cleanup targets) at 30 percent (approximately 514) of RCRA baseline facilities and approximately 82 percent (1,223) of 1,498 Superfund sites (as of FY 2002).
- By 2008, clean up and reduce the backlog of approximately 140,000 leaking UST sites by 50 percent, and complete construction of remedies at 20 percent (approximately 343) of RCRA baseline facilities and approximately 72 percent (1,086) of 1,498 Superfund sites (as of FY 2002). (Construction completion is a benchmark used to show that all significant construction activity has been completed, even though additional remediation may be needed for all cleanup goals to be met.)

Sub-objective 3.2.3: Maximize Potentially Responsible Party Participation at Superfund Sites

Through 2008, conserve Superfund trust fund resources by ensuring that potentially responsible parties conduct or pay for Superfund cleanups whenever possible.

Strategic Targets:

- Each year through 2008, reach a settlement or take an enforcement action before the start of a remedial action at 90 percent of Superfund sites having viable, liable responsible parties other than the federal government.
- Each year through 2008, address all Statute of Limitations cases for Superfund sites with unaddressed total past costs equal to or greater than \$200,000.

G.C SUBJECT MATTER EXPERTS

The following table identifies the subject matter experts for Appendix G.

EXHIBIT G.1 SUBJECT MATTER EXPERTS

Subject Matter Expert	Subject Area	Phone #
Richard Jeng/ Rafael Gonzalez	Construction Completion	(703) 603-8749 (703) 603-8892
Patricia Kennedy	Enforcement	(202) 564-6061
Melanie Hoff	Environmental Indicators	(703) 603-8808
Lance Elson	Federal Facility Enforcement	(202) 564-2577
Augusta Wills	Federal Facility Enforcement	(202) 564-2468
Joshua Barber	Federal Facility Response	(703) 603-0265
Robin M Anderson/ Carolyn Kenmore	Final Remedy Selection	(703) 603-8714 (703) 308-8644
Melissa Friedland	Land Re-use	(703) 603-8864
Janet Weiner	OSRTI/GPRA	(703) 603-8717
Terry Eby/ Dana Stalcup/ Charlotte Englert	Removals	(703) 603-8741 (703) 603-8725 (202) 564-8888
Robert White	Response Appendix Coordinator	(703) 603-8873
Angelo Carasea	Site Assessment	(703) 603-8828
Bill Ross	Site Assessment	(303) 312-7007

**This Page Intentionally
Left Blank**

Superfund Program Implementation Manual FY04/05
Appendix H: Community Involvement

**This Page Intentionally
Left Blank**

**Appendix H
Community Involvement**

Table of Contents

H.A	FY04/05 TARGETS AND MEASURES	H-1
H.A.1	Overview of FY04/05 Community Involvement Targets/Measures	H-1
a.	Community Advisory Groups (CAGs)/Restoration Advisory Boards (RABs)/ Site-Specific Advisory Boards (SSABs)	H-1
b.	Technical Assistance Grants (TAGs)	H-2
c.	Technical Outreach Services for Communities (TOSC)	H-3
H.B	CIOC DATA SPONSOR RESPONSIBILITIES	H-3
H.B.1	Role of CIOC as a Data Sponsor	H-3
H.B.2	National Program Requirements and the Data Sponsor Role	H-4
	Program Goals and Objectives	H-4
	Statutory Mandates	H-4
	Regulatory and Policy Requirements	H-4
	Superfund Reforms	H-11
	Reauthorization, Congressional Inquiries and Audits	H-11
H.B.3	CIOC Headquarters and Regional Organization	H-11
H.B.4	Program Monitoring and Reporting	H-12
	Data Quality	H-12
	Management Reports	H-13
	Coding Guidance	H-13
	Modifications	H-13
H.C	Subject Matter Experts	H-13

**Appendix H
Community Involvement**

List of Exhibits

EXHIBIT H.1 COMMUNITY INVOLVEMENT REQUIREMENTS H-5

EXHIBIT H.2 CIOC HQ AND REGIONAL ROLES AND RESPONSIBILITIES H-12

EXHIBIT H.3 SUBJECT MATTER EXPERTS H-13

APPENDIX H COMMUNITY INVOLVEMENT

H.A FY04/05 TARGETS AND MEASURES

H.A.1 OVERVIEW OF FY04/05 COMMUNITY INVOLVEMENT TARGETS/MEASURES

The Superfund Comprehensive Accomplishments Plan (SCAP) is used by the Assistant Administrator for the Office of Solid Waste and Emergency Response (AA OSWER), Assistant Administrator for the Office of Enforcement and Compliance Assurance (AA OECA), and senior Superfund managers to monitor the progress each Region is making towards achieving the GPRA targets and annual performance goals. Actual GPRA objectives do not include any community involvement activities.

The following pages contain the definitions of the FY04/05 community involvement activities: Community Advisory Group Program, Restoration Advisory Group Program, Site Specific Advisory Group Program, Technical Assistance Grant Program, and Technical Outreach Services for Communities.

a. COMMUNITY ADVISORY GROUPS (CAGs)/RESTORATION ADVISORY BOARDS (RABs)/SITE-SPECIFIC ADVISORY BOARDS (SSABs)

Definition:

Community Advisory Groups (CAGs) are public forums for people with diverse community interests to formally present and discuss their needs and concerns about a site in their neighborhood. CAGs may receive help from EPA; State, Tribal and local governments; and universities in such areas as supporting and participating in training, and assisting with administrative support and meeting facilitation.

Site-Specific Advisory Boards (SSABs) are a forum for experts and concerned stakeholders to provide advice and recommendations on DOE's Environmental Management strategic decisions. Restoration Advisory Boards (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.

Definition of Accomplishment:

CAG Established Date: The establishment of the Community Advisory Group is defined as the date (Actual Start) of the first meaningful (not interest finding) Community Advisory Group Meeting (Action Name = Community Advisory Group).

CAG Closeout Date: Date CAG (Action Name = Community Advisory Group) is completed/closed out (Actual Complete) by EPA and the CAG.

RAB/SSAB Start (Established) Date: The actual start of the RAB/SSAB is defined as the actual start date (Actual Start) of the initial RAB/SSAB information meeting (SubAction Name = Site-Specific Advisory Board Meeting or SubAction Name = Restoration Advisory Board Meeting).

RAB Completion (Adjourned) Date: The actual completion (Actual Complete) date of the 'Restoration Advisory Board' (SubAction Name = Restoration Advisory Board) is the date the RAB is adjourned by DoD.

SSAB Completion (Terminated) Date: The actual completion (Actual Complete) date of the 'Site-Specific Advisory Board' (SubAction Name = Site-Specific Advisory Board) is the date the SSAB is terminated by the Secretary of Energy.

Changes in Definition FY02/03 - FY04/05:

Added definition for CAG Closeout date. Modified RAB and SSAB start definition.

Special Planning/Reporting Requirements:

None

b. TECHNICAL ASSISTANCE GRANTS (TAGs)

Definition:

The Superfund Amendments and Reauthorization Act of 1986 (SARA) established the TAG program to provide technical assistance to eligible communities. This technical assistance allows communities to improve the decision making process at their sites.

Definition of Accomplishment:

The start of the TAG (Action Name = Technical Assistance Grant) is the date the award document is signed by the regional award official. For Superfund programmatic purposes, the completion of the TAG is the ending date of the budget and project period as documented in the award document; as documented in the one year extension document; as documented in a time period extension document; or as documented in other documents, such as a memo to the file prepared by the TAG coordinator to document these decisions. The planned or actual completion date in CERCLIS (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 CERCLIS data, including data prior to FY 89, which is the first fiscal year TAG appeared in the SPIM. In addition, the TAG completion definitions from previous years may also be used for TAGs completed within those years.

Changes in Definition FY02/03 - FY04/05:

Updated TAG language for definition of start and definition of completion.

Special Planning/Reporting Requirements:

TAG is a program measure. Planned start and completion dates are required in WasteLAN. 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 AOA.

c. TECHNICAL OUTREACH SERVICES FOR COMMUNITIES (TOSC)

Definition:

TOSC provides independent scientific and technical assistance to communities dealing with hazardous substance contamination questions. TOSC provides information and education to empower communities with an understanding of technical issues to more effectively participate in environmental decisions. TOSC is a service of the university-based Hazardous Substance Research Centers (HSRCs) which are, in part, supported by grants from EPA.

Definition of Accomplishment:

The start of the TOSC is the date when the MOU (Memorandum of Understanding) is signed, which is the date of the commitment between the community and the HSRCs. The date the MOU is signed should be reported in WasteLAN as the actual start date (Actual Start) of the TOSC (Action Name = Technical Outreach Services to Communities).

Changes in Definition FY02/03 - FY04/05:

None

Special Planning/Reporting Requirements:

The Region must indicate on the Community Organizations Information screen that the organization is a TOSC recipient.

H.B CIOC DATA SPONSOR RESPONSIBILITIES***H.B.1 ROLE OF CIOC AS A DATA SPONSOR***

This document clarifies the relationship among data sponsors and data owners. Under the direction of the *Community Involvement and Outreach Center (CIOC)*, this document presents Superfund data and reporting requirements needed to accomplish the following goals:

- Enhance discussion among data sponsors and data owners;
- Improve data quality; and
- Update Superfund reporting requirements by fully employing the information in WasteLAN to meet all statutory and management reporting requirements (e.g., CFO Act, CERCLA) on a real-time basis.

In the past, Headquarters has pulled CERCLIS data on the fifth working day of each month to support national reporting and significant calendar events. During FY 97, WasteLAN was implemented nationally and is the official data source for all national reporting. The transition to WasteLAN enables EPA to conduct real-time reporting which requires data to be current, complete, and consistent. Real-time reporting supports ad hoc requests, as well as statutory and management reporting requirements.

Community Involvement data are to be made available to Headquarters to support the purpose and to assist the data sponsor in meeting the program objectives. Significant calendar events for Community Involvement are included to identify what is current (i.e., reporting, special initiatives, etc.), complete (i.e., planned project schedules), and consistent with programmatic drivers.

H.B.2 NATIONAL PROGRAM REQUIREMENTS AND THE DATA SPONSOR ROLE

The following statutory, policy, and management requirements establish the mandate for meeting the program requirements described in the rest of this Appendix. A description of program goals and objectives, statutory mandates, regulatory and policy requirements, as well as subsequent program reforms and redirection in measuring program results are included in this section.

Program Goals and Objectives

The goal of Superfund's community involvement program is to encourage communications with affected citizens and participation in decision-making. Community involvement is not a phase in Superfund, like a removal or remedial

cleanup action, but rather it is an integral part of the entire process that benefits both the public and EPA. The program has three main objectives:

- Giving the public the opportunity to comment on and provide input into technical decisions that affect their lives;
- Informing the public of planned or ongoing activities and keeping them apprised of the nature of the environmental problem, the threats it may pose, the responses under consideration, and the progress that is being made; and
- Focusing and resolving conflict (conflict may be unavoidable in some circumstances, but it can be constructive if it brings into the open alternative viewpoints).

Statutory Mandates

Sections 113, 117, and 122 of CERCLA, as amended by the Superfund Amendments and Reauthorization Act (SARA), established eight principle requirements for community involvement:

- Developing a locally available administrative record;
- Establishing a locally available information repository;
- Notifying the public of the release of the Remedial Investigation/Feasibility Study (RI/FS) and Proposed Plan, and in the case of removal actions with a planning period of at least six months, the engineering evaluation/cost analysis (EE/CA);
- Providing a public comment period on the RI/FS, Proposed Plan, and EE/CA;
- Holding a public meeting on the RI/FS and Proposed Plan; Developing a meeting transcript;
- Providing notice and comment period on the Administrative Order on Consent or Consent Decree; and
- Developing a responsiveness summary on comments received on the RI/FS, Proposed Plan and EE/CA.

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 presented Exhibit H.2.

**EXHIBIT H.1
COMMUNITY INVOLVEMENT REQUIREMENTS**

Site Activity	Requirement(s)	Citation (Source)
For All Removal Actions		
Designate an Agency Spokesperson (Community Involvement Coordinator)	The Agency must designate a spokesperson to inform the public about the release and actions taken, to respond to questions, and to notify immediately affected citizens, State and local officials and, when appropriate, civil defense or emergency management agencies.	NCP, Section 300.415(m)(1)
Administrative Record	The Agency must establish an administrative record and make the administrative record available to the public at a central location at or near the site, if applicable.	SARA Section 113(k); NCP Section 300.820
For Removal Actions with Planning Period of Less Than Six Months		
Notice and Availability of Administrative Record	Within 60 days of the start of on-site removal activity, the lead Agency must make the administrative record available to the public and issue a notice of availability in a major local newspaper of general circulation.	NCP Sections 300.415(m)(2)(I) and 300.820(b)(1)
Public Comment Period	The Agency must provide a public comment period, if appropriate, of not less than 30 days from the time the administrative record is made available for public inspection.	NCP Section 300.415(m)(2)(ii)
Response to Significant Comments	The Agency must prepare a written response to significant comments.	NCP Section 300.415(m)(2)(iii)

Site Activity	Requirement(s)	Citation (Source)
For Removal Actions Expected to Extend Beyond 120 Days		
Community Interviews	By the end of the 120-day period, the Agency must conduct interviews with local officials, public interest groups, or other interested parties to determine their concerns and information needs, and to learn how citizens would like to be involved in the Superfund process.	NCP Section 300.415(m)(3)(I)
Community Involvement Plan (CIP)	The Agency must prepare a CIP, based on community interviews and other relevant information, that specifies the community involvement/outreach activities the Agency plans to undertake during the response. The Agency must complete this CIP within 120 days of the start of on-site removal activity.	NCP Section 300.415(m)(3)(ii)
Information Repository Establishment and Notification/ Notice of Availability of Administrative Record	Within 120 days of the start of on-site removal activity, the Agency must establish at least one information repository at or near the location of removal actions that contains items available for public inspection and copying. The Agency must inform the public of the establishment of the information repository and provide notice of the availability of the administrative record in the repository.	NCP Section 300.415(m)(3)(iii)
For Removal Actions with a Planning Period of at Least Six Months		
Community Interviews and Community Involvement Plan (CIP)	The Agency must follow the same procedures as outlined in the previous section, except that staff must conduct interviews and prepare a CIP prior to completion of the engineering evaluation/cost analysis (EE/CA)	NCP Section 300.415(m)(4)(I)
Information Repository Establishment and Notification/ Notice of Availability of Administrative Record	The Agency must follow the same procedures as outlined in the previous section, except that staff must establish the information repository and make the administrative record available no later than the signing the EE/CA approval memorandum	NCP Section 300.415(m)(4)(I)

Site Activity	Requirement(s)	Citation (Source)
For Removal Actions with a Planning Period of at Least Six Months		
Notice of Availability/ Description of EE/CA	The Agency must publish a notice of availability and a brief description of the EE/CA in a major local newspaper of general circulation.	NCP Section 300.415(m)(4)(ii)
Public Comment Period	Upon completion of the EE/CA, the Agency must provide at least 30 days for the submission of written and oral comments. The Agency must extend this comment period at least 15 days upon timely request.	NCP Section 300.415(m)(4)(iii)
Responsiveness Summary	The Agency must prepare a written response to significant comments and make this responsiveness summary available to the public in the information repository.	NCP Section 300.415(m)(iv)
Remedial Responses		
Prior to Remedial Investigation (RI)		
Community Interviews	The Agency must hold on-site discussions with local officials and community members to assess their concerns and determine appropriate community involvement activities.	NCP Section 300.430(c)(2)(I)
Community Involvement Plan (CIP)	The Agency must develop and approve a complete CIP based on community interviews before RI field activities start.	NCP Section 300.430(c)(2)(ii) (A-C)
Information Repository	The Agency must establish an information repository to contain items developed, received, published, or made available pursuant to SARA Section 117. The Agency must make these items available for public inspection and copying and inform interested citizens of the establishment of the information repository.	SARA Section 117(d); NCP Section 300.430(c)(2)(iii)
Technical Assistance Grant (TAG) Notification	The Agency must inform the public of the availability of TAGs and include in the information repository material that describes the TAG application process.	NCP Section 300.430(c)(2)(iv)

OSWER Directive 9200.3-14-1G-Q

Site Activity	Requirement(s)	Citation (Source)
Upon Commencement of Remedial Investigation		
Administrative Record	The Agency must establish an administrative record. The Agency must consider the participation of interested persons when developing the administrative record.	SARA Section 113(k); NCP Section 300.815
Administrative Record Notification	The Agency must publish a notice of availability of the administrative record in a major local newspaper of general circulation.	NCP Section 300.815
Upon Completion of the Feasibility Study (FS) and Proposed Plan		
RI/FS and Proposed Plan Notification and Analysis	The Agency must publish a notice of the availability of the RI/FS and proposed plan, including a brief summary of the proposed plan, in a major local newspaper of general circulation. The notice also must announce a comment period.	SARA Section 117(a); NCP Section 300.430(f)(3)(I)(A)
Public Comment Period on RI/FS and Proposed Plan	The Agency must provide at least 30 days for the submission of written and oral comment on the RI/FS and proposed plan. This comment period will be extended by a minimum of 30 additional days upon timely request.	SARA Section 117(a)(2); NCP Section 300.430(f)(3)(c)
Public Meeting	The Agency must provide an opportunity for a public meeting to be held at or near the site during the comment period.	SARA Sections 113 and 117(a)(2); NCP Section 300.430(f)(3)(I)(E)
Meeting Transcript	The Agency must prepare a meeting transcript and make it available to the public.	SARA Section 122(I); NCP Section 300.430(e)(5)(I)
Responsiveness Summary	The Agency must prepare a response to significant comments, criticisms, and new data submitted on the proposed plan and RI/FS, and ensure that this response document accompanies the ROD.	SARA Sections 113 and 117(b); NCP Section 300.430(f)(3)(I)(F)

Site Activity	Requirement(s)	Citation (Source)
Pre-ROD Significant Changes		
Discussion of Significant Changes	Upon determination that such changes could be reasonably anticipated by the public, the Agency must include in the ROD a discussion of significant changes and the reasons for such changes.	NCP Section 300.430(f)(3)(ii)(A)
Revised Proposed Plan and Public Comment	Upon determination that such changes could not have been reasonably anticipated by the public, the Agency must issue a revised proposed plan that includes a discussion of the significant changes and the reasons for such changes. The Agency must seek additional public comment on the revised proposed plan.	NCP Section 300.430(f)(3)(ii)(B)
After the ROD is Signed		
ROD Availability and Notification	The Agency must make the ROD available for public inspection and copying at or near the site prior to the commencement of any remedial action. Also, the Agency must publish a notice of the ROD's availability in a major local newspaper of general circulation. The notice must state the basis and purpose of the selected action.	NCP Section 300.430(f)(6)
Revision of the CIP Site Activity	Prior to the remedial design, the Agency should revise the CIP, if necessary, to reflect community concern, as discovered during interviews and other activities, that pertains to the remedial design and construction phase.	NCP Section 300.435(c)(1)
Post-ROD Significant Changes		
<i>Differs significantly from remedy in terms of scope, performance, or costs:</i>		
Notice and Availability of Explanation of Significant Differences	The Agency must publish a notice that briefly summarizes the explanation of significant differences and the reasons for such differences in a major local newspaper, and make the explanation of significant differences and supporting information available to the public in the administrative record and information repository.	NCP Section 300.435(c)(2)(I)(A) and (B)

Site Activity	Requirement(s)	Citation (Source)
Post-ROD Significant Changes (cont'd)		
<i>Fundamentally alters the basic features of the selected remedy with respect to scope, performance, or cost;</i>		
Notice of Availability/Brief Description of Proposed ROD Amendment	The Agency must propose an amendment to the ROD and issue a notice of availability and a brief description of the proposed amendment in a major local newspaper of general circulation.	NCP Section 300.435(c)(2)(ii)(A)
Public Comment Period, Public Meeting, Meeting Transcript, and Responsiveness Summary	The Agency must follow the same procedures as that required for completion of the FS and proposed plan.	NCP Section 300.435(c)(2)(ii)(B)-(F)
Notice and Availability of Amended ROD	The Agency must publish a notice of availability of the amended ROD in a major local newspaper and make the amended ROD and supporting information available for public inspection and copying in the administrative record and information repository prior to commencement of the remedial action affected by the amendment.	NCP Section 300.435(c)(2)(ii)(G) and (H)
Remedial Design (RD)		
Fact Sheet and Public Briefing	Upon completion of the final engineering design, the Agency must issue a fact sheet and provide a public briefing, as appropriate, prior to beginning remedial action.	NCP Section 300.435(c)(3)
NPL Additions		
Publication of Proposed Rule and Public Comment Period	EPA must publish the proposed rule in the <i>Federal Register</i> and seek comments through a public comment period.	NCP Section 300.425(d)(5)(I)
Publication of Final Rule and Response to Comments	EPA must publish the final rule in the <i>Federal Register</i> and respond to significant comments and significant new data submitted during the public comment period.	NCP Section 300.425(d)(5)(ii)

Site Activity	Requirement(s)	Citation (Source)
NPL Deletions		
Public Notice and Public Comment Period	EPA is required to publish a notice of intent to delete in the <i>Federal Register</i> and provide notice of the availability of this announcement in a major local newspaper. EPA must also provide a comment period of at least 30 days on the proposed deletion.	NCP Section 300.425(e)(4)(I) and (ii)
Public Access to Information	Copies of information supporting the proposed deletion must be placed in the information repository for public inspection and copying.	NCP Section 300.425(e)(4)(iii)
Response to Significant Comments	EPA must respond to each significant comment and any significant new data submitted during the comment period and include these responses in the final deletion package.	NCP Section 300.425(e)(4)(iv)
Availability of Final Deletion Package	The final deletion package must be placed in the local information repository once the notice of final deletion has been published in the <i>Federal Register</i> .	NCP Section 300.425(e)(5)

Superfund Reforms

Since 1993, EPA has launched three round of reforms to address criticisms raised by affected parties and to improve the pace, cost and public participation aspects of the program. Each set of reforms consists of various initiatives and pilots focusing on changes to the program that can be implemented within the existing statutory framework. The following are reforms related to the Community Involvement area: Community Advisory Groups; Technical Assistant Grants (TAGs), Community Involvement in the Enforcement Process Pilots, Pilot Remedy Selection by Selected States and Tribes, Pilot Community Based Remedy Selection, Superfund Ombudsman in Every Region, and Improve Communication with Superfund Stakeholders.

Reauthorization, Congressional Inquiries, and Audits

WasteLAN is the primary data source to support Reauthorization and Congressional inquiries, as well as questions from the Inspector General (IG), and General Accounting Office (GAO). An example of inquires specific to the Community Involvement program area is the number of Technical Assistance Grants provided.

H.B.3 CIOC HEADQUARTERS AND REGIONAL ORGANIZATION

To meet these national program requirements, specific roles and responsibilities have been identified for the Headquarters' and Regional staff that work in the Community Involvement program area. The table below summarizes each of these positions along with their responsibilities.

EXHIBIT H.2
CIOC HQ AND REGIONAL ROLES AND RESPONSIBILITIES

Title	Responsibilities
Community Involvement and Outreach Center (CIOC) (HQ)	Facilitate WasteLAN 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 WasteLAN.
Director, CIOC (HQ)	Provide a synergy to create useful program policy and guidance to help the Regions achieve program goals. Act as the central point of contact for the Regions and is responsible for providing Regional coordination support.
CIOC Staff (HQ) and Community Involvement Managers (CIMs) (Regions)	Participate in program reviews, as well as prepare periodic reports on Regional accomplishments, progress on problems, and respond to quick turn-around, site specific requests for information from senior management for Congressional requests, Regional visits or other needs. Serves as a forum for sharing information, lessons learned and issues on community involvement activities.
CIMs, Remedial Project Managers (RPMs) and On Site Coordinators (OSCs) (Regions)	Ensure all data necessary to meet the requirements(s) are in WasteLAN to support their Regional reporting needs and commitments to Headquarters.
Community Involvement Coordinators (CICs) (Regions)	As the data owner, provide current, complete, and consistent data into WasteLAN that are necessary to meet real-time reporting requirements and review data that are provided in hard copy or electronically submitted.
Information Management Coordinator (IMC) (Regions)	Coordinate with the CICs to ensure all data necessary to support reporting requirements are in WasteLAN on a real-time basis.
Budget Coordinator (Regions)	Ensure all data necessary to support the Regional budget are in WasteLAN prior to specified calendar events.

H.B.4 PROGRAM MONITORING AND REPORTING

Each reporting and associated data acquisition requirement specific to *Community Involvement* is discussed below. The detail includes: data quality objectives, data needs, as well as reports and associated coding guidance.

Data Quality

One of the goals of the *Community Involvement* data sponsor is to ensure data quality which requires data to be correctly entered into WasteLAN. Although the methodology of acquiring and reviewing data may change over time, both will contain a quality assurance (QA) process to ensure data quality.

Current, complete, and consistent data in WasteLAN will meet the *Community Involvement* data sponsor goals and objectives, as well as support real-time reporting. The following defines what the *Community Involvement* data sponsor views as current, complete, and consistent data:

Current - Data need to be entered as actions occur.

Complete - For the particular data element, all needed information is provided.

Consistent - Data should be consistent nationally. Also, within WasteLAN, data should be entered consistent with the data element definitions. The data entered should be entered using the same standard across all Regions/HQ.

Management Reports

SCAP-04 (TAGs)

WasteLAN provides the data necessary to support ad hoc requests as they relate to Reauthorization, GAO, and IG.

Coding Guide

The coding guidance for SCAP measures will be reflected in the Coding Guide.

Modifications (since last update)

Send all proposed changes to the appropriate data sponsor for review and approval and copy the Regional IMC. After the review of the proposed changes is completed, the data sponsor will send the changes to Robert White for review by Headquarters and Regional principals including Subject Matter Experts, Data Sponsors, and Senior Process Managers, if applicable. The preferred method is to mark-up a photo-copy of text you seek to change. The SPIM is a numbered EPA publication in loose leaf 3-ring binder format so that changes can be incorporated accordingly.

H.C Subject Matter Experts

The following exhibit identifies the subject matter experts for Appendix H, Community Involvement.

EXHIBIT H.3 Subject Matter Experts

Subject Matter Expert	Subject Area	Phone #
Leslie Leahy	Community Involvement	(703) 603-9929
Suzanne Wells	Community Involvement	(703) 603-8863
Freya Margand	TAGs	(703) 603-8889

**This Page Intentionally
Left Blank**

Superfund Program Implementation Manual FY 04/05

Appendix J: Tribal Involvement

**This Page Intentionally
Left Blank**

**Appendix J
Tribal Involvement**

Table of Contents

J.A. BUILDING SUPERFUND PARTNERSHIPS

- J.A.1. Enhanced State and Tribal Capabilities J-1
- J.A.2. Superfund Block Funding/EPA Performance Partnership Grants J-2
- J.A.3. Funding for States and Tribes J-2

J.B. FY 04/05 TARGETS AND MEASURES

- J.B.1. Overview J-2
 - a. Superfund Assessments Conducted at Sites that are of Concern to Tribes (Current FY/Inception to Date) J-3
 - b. Percentage of Sites that are of Concern to Tribes which have had a Superfund Assessment J-4
 - c. Tribes Supported by Superfund Cooperative Agreements J-4
 - d. Superfund Dollars Provided for Building Tribal Capacity J-5
 - e. Percentage of Superfund Sites that are of Concern to Tribes Where a Tribe is Actively Involved J-5

J.C. SUBJECT MATTER EXPERTS J-6

Appendix J
Tribal Involvement

List of Exhibits

EXHIBIT J.1.	TRIBAL INVOLVEMENT ACTIVITIES	J-3
EXHIBIT J.2.	SUBJECT MATTER EXPERTS	J-6

APPENDIX J TRIBAL INVOLVEMENT

J.A. BUILDING SUPERFUND PARTNERSHIPS

FY04/05 goals to support building Superfund partnerships and leveraging existing resources are:

- Provide tools for regions to use to promote and continue early community involvement in key cleanup decisions, specifically regarding land use, risk assessment, and RODs;
- Work with state, tribal, and business associations to determine ways to improve their capabilities to clean up hazardous substances and respond to spills; and
- Implement a cooperative program with oil companies to prevent and respond to leaking above ground tanks. Initiatives include continuing the implementation of the Brownfields Economic Redevelopment Initiative and SRP, enhancing the state/tribal role, providing states/tribes with increased funding allocation decision authority, clarifying the policy for NPL listings and deletions of sites based on RCRA deferral, and providing states and tribes with an increased role in remedy selection.

J.A.1. ENHANCED STATE AND TRIBAL CAPABILITIES

States and Indian tribes are key partners in the cleanup of Superfund hazardous waste sites. Regions should continue their efforts to enhance the role of states and tribes in the Superfund program. HQ strongly encourages the use of the full range of cooperative agreements to provide financial support for state and tribal Superfund programs and site-specific involvement in NPL and non-NPL sites. In particular, core funding is critical to develop, maintain and enhance states' and tribes' capacity to manage and implement CERCLA responses.

During FY 99-00, all regions participated in the National effort to pilot the "Plan to Enhance the Role of States and Tribes in the Superfund Program." In a January 2001 memorandum and accompanying evaluation report, HQ shared the lessons learned from pilot implementation with the regions, and provided direction for future on-going efforts to enhance EPA's partnership with states and tribes in the implementation of Superfund.

In FY 00, OERR developed four new annual performance measures (APM) for tribes under GPRA Goal 5.2.2: Respond to Superfund Hazardous Waste Sites, Objective 1. These were implemented as reporting APMs in FY 01. OERR will continue to emphasize increasing the number of Indian tribes participating in the Superfund program, as expressed through the number of tribes supported by Superfund cooperative agreements (APM 1). This will be evidenced by an increase in the number of site assessments (PA/SI) conducted in Indian Country (APM 2), the amount of funding for building tribal capacity (APM3), and the percentage of Superfund sites impacting Indian country where a tribe is involved as either the lead or support agency (APM 4). OERR manually gathered the information directly from the regions to establish a baseline for these performance measures for FY 02. As of FY 03, two new special initiative indicators, Tribal Concern (TC) and Tribal Involvement (TI), have been added to WasteLAN to aid in tracking these measures.

J.A.2. SUPERFUND BLOCK FUNDING/EPA PERFORMANCE PARTNERSHIP GRANTS

EPA has developed an Agency-wide system for providing states/tribes with increased funding allocation decision authority. The National Environmental Performance Partnership System (NEPPS) establishes a structure for Performance Partnership Grants (PPG), a single grant made to a state or tribe from grant funds allocated and otherwise available for existing categorical grants programs. PPGs are voluntary and provide states and tribes with the option to combine funds from two or more categorical grants into one or more PPG(s).

By statute, Superfund monies cannot be included in PPGs, however Superfund is utilizing consolidated (aka, block) cooperative agreement funding to move in a direction consistent with PPGs. EPA will be working to encourage further progress toward the goals of flexible funding within the context of strong program commitments to Superfund outcomes. The Superfund cooperative agreement regulation, Subpart O, is being revised to facilitate use of consolidated funding where appropriate.

J.A.3. FUNDING FOR STATES AND TRIBES

For FY 04/05 it is important that regions provide funding for state and tribal Core needs at a level approximately equivalent to the FY 1996-2001 average annual funding, within available resources. If, due to resource constraints or a reduced level of eligible state/tribal Core needs, regions plan to fund a state or tribe at less than 90% of the FY 1996-2001 average level for that state or tribe, notification to Headquarters is required.

Starting in FY03, Superfund Core Program Cooperative Agreements will no longer be the vehicle for funding the Brownfields Voluntary Cleanup Program. Due to the passage of the new Brownfields law (Public Law 107-118), FY 04/05 funding for state and tribal response programs (which includes Brownfields VCP's) will be provided under the authority of CERCLA 128(a). If the President's FY 04/05 budget passes, the CERCLA 128 grant program will be financed from new appropriations under categorical State and Tribal Assistance Grants (STAG) money, not Superfund money. Superfund money from FY02 and before that was allocated to Brownfields Voluntary Cleanup Programs or Targeted Brownfields Assessments (including money that is deobligated and reobligated) may continued to be used in Superfund Core Program Cooperative Agreements. Please note that this Brownfields-related Superfund money may not be used to fund CERCLA 128(a) cooperative agreements with states and tribes.

J.B. FY 04/05 TARGETS AND MEASURES

J.B.1. OVERVIEW

There are five measures which illustrate the extent to which the Superfund Program is active at sites which are of concern to tribes and the level of involvement of the tribes at those sites. The universe of sites considered for these measures is all Superfund sites—including NPL, NPL-equivalent, removal, and emergency response—which are of concern to a tribe, regardless of where the site is located in relation to tribal lands. These sites are determined by the site manager and regional tribal liaisons, in discussions with the tribes, and are identified in WasteLAN by use of the tribal flag [Special Initiative = Tribal Concern]. Regions should enter this flag when a site is first entered into WasteLAN or at any point after that at which a tribe expresses that the site is of concern to them.

Brownfields sites which are of concern to tribes are not included in these Superfund measures.

**EXHIBIT J.1.
TRIBAL INVOLVEMENT ACTIVITIES**

ACTIVITY	GPRA		PROGRAM	
	APG	APM	Target	Measure
Superfund Assessments Conducted at Sites that are of Concern to Tribes (Current FY/Inception to Date)		✓		
Percentage of Sites that are of Concern to Tribes which have had a Superfund Assessment				✓
Tribes Supported by Superfund Cooperative Agreements				✓
Superfund Dollars Provided for Building Tribal Capacity				✓
Percentage of Superfund Sites that are of Concern to Tribes where a Tribe is Actively Involved		✓		

a. SUPERFUND ASSESSMENTS CONDUCTED AT SITES THAT ARE OF CONCERN TO TRIBES (CURRENT FY/INCEPTION TO DATE)

Definition:

This measure counts all Superfund assessments conducted at sites that are of concern to tribes, regardless of whether USEPA, a state, or a tribe performs the assessment.

Definition of Accomplishment:

This number includes all types of assessments—including preliminary assessments (Action Name = Preliminary Assessment), site inspections (Action Name = Site Inspection), combined PA/SIs (Action Name = Combined PA/SI), expanded site inspections (Action Name = Expanded Site Inspections), removal assessments (Action Name = Removal Assessment), integrated removal assessments (Action Name = Int Rmvl Assess and Preliminary Assessment, Action Name = Int Rmvl Assess and Site Inspection, Action Name = Int Rmvl Assess and Combined PA/SI, Action Name = Int. Rmvl Assess and Expanded Site Inspection, Action Name = Int. Rmvl Assess and HRS Package, and Action Name = Int. Rmvl Assess and ESI/RI) and any reassessments (Action Name = Site Reassessment)—conducted at sites. A site that is of concern to a tribe is indicated by the Tribal Concern (TC) Special Initiative. There are two separate counts to this measure: one for the current fiscal year and one for the cumulative number of assessments from the inception of the Superfund program.

Changes in Definition FY 02/03- FY 04/05:

None.

Special Planning/Reporting Requirements:

This is a GPRA reporting measure. In order to receive credit for this measure, the Tribal Concern (TC) Special Initiative must be added to the Site Description/Operable Units screen in WasteLAN.

b. PERCENTAGE OF SITES THAT ARE OF CONCERN TO TRIBES WHICH HAVE HAD A SUPERFUND ASSESSMENT

Definition:

This measure tracks the percentage of sites that are of concern to tribes that have had a Superfund assessment performed at the site versus those that have not had any assessment performed to date.

Definition of Accomplishment:

This measure counts all sites that have a Tribal Concern (TC) special initiative that have also had any type of Superfund assessment—preliminary assessment (Action Name = Site Assessment), site inspection (Action Name = Site Inspection), combined PA/SI (Action Name = Combined PA/SI), expanded site inspections (Action Name = Expanded Site Inspections), integrated removal assessments (Action Name = Int Rmvl Assess and Preliminary Assessment, Action Name = Int Rmvl Assess and Site Inspection, Action Name = Int Rmvl Assess and Combined PA/SI, Action Name = Int. Rmvl Assess and Expanded Site Inspection, Action Name = Int. Rmvl Assess and HRS Package, and Action Name = Int. Rmvl Assess and ESI/RI) or removal assessment (Action Name = Removal Assessment)—at any point in time, as compared to the total universe of sites with a Tribal Concern (TC) Special Initiative.

Changes in Definition FY 02/03- FY 04/05:

None.

Special Planning/Reporting Requirements:

This is a program reporting measure. In order to receive credit for this measure, the Tribal Concern (TC) Special Initiative must be added to the Site Description/Operable Units screen in WasteLAN.

c. TRIBES SUPPORTED BY SUPERFUND COOPERATIVE AGREEMENTS

Definition:

This measure tracks the total number of tribes receiving Superfund assistance or support.

Definition of Accomplishment:

This measure counts all tribes supported by any Superfund cooperative agreement (i.e., core, support agency, pre-remedial, remedial, removal, or enforcement) regardless of the purpose of the agreement. If the cooperative agreement is with an inter-tribal consortium, the total number of tribes in that consortium are included in the count, regardless of the number of tribes which might receive direct support from the specific agreement in a given year. The measure counts all open cooperative agreements, regardless of the year in which it was awarded to the tribe. A cooperative agreement is identified as being with a tribe or tribal consortium if the fourth digit in the bud/org. field of the account number is “A” (tribal).

Changes in Definition FY 02/03- FY 04/05:

None.

Special Planning/Reporting Requirements:

This is a program reporting measure. In order to receive credit for this measure, the fourth digit in the bud/org. field of the account number for the cooperative agreement must be “A”.

d. SUPERFUND DOLLARS PROVIDED FOR BUILDING TRIBAL CAPACITY

Definition:

This measure tracks the total amount of Superfund dollars obligated through cooperative agreements with tribes to support their efforts to build tribal capacity.

Definition of Accomplishment:

This measure counts the total dollar amount obligated in the current fiscal year for any Superfund cooperative agreement with a tribe or inter-tribal consortium, regardless of the purpose of the agreement. A cooperative agreement is identified as being with a tribe or tribal consortium if the fourth digit in the bud/org. field of the account number is "A" (tribal).

Changes in Definition FY 02/03- FY 04/05:

None.

Special Planning/Reporting Requirements:

This is a program reporting measure. In order to receive credit for this measure, the fourth digit in the bud/org. field of the account number for the cooperative agreement must be "A".

e. PERCENTAGE OF SUPERFUND SITES THAT ARE OF CONCERN TO TRIBES WHERE A TRIBE IS ACTIVELY INVOLVED

Definition:

This measure tracks the percentage of Superfund sites that are of concern to a tribe, where a tribe plays an active role, versus those Superfund sites that are of concern to a tribe, where no tribe plays an active role.

Definition of Accomplishment:

A tribe is defined as playing an active role at a site if it has a written agreement (e.g., cooperative agreement, site-specific memorandum of agreement, or tribal environmental agreement (TEA)) with USEPA to participate at that site. These sites are identified in WasteLAN with a Tribal Involvement (TI) Special Initiative.

Changes in Definition FY 02/03- FY 04/05:

None.

Special Planning/Reporting Requirements:

This is a GPRA reporting measure. In order to receive credit for this measure, the Tribal Involvement (TI) Special Initiative must be added to the Site Description/Operable Units screen in WasteLAN.

J.C. SUBJECT MATTER EXPERTS

The following table identifies the subject matter experts for Appendix J, Tribal Involvement.

EXHIBIT J.2. SUBJECT MATTER EXPERTS

Subject Matter Expert	Subject Area	Phone #
Kirby Biggs	OSRTI Tribal GPRA Contact	(703) 308-8506
Robert Myers	OSWER Tribal Contact	(703) 603-8851

**Superfund Program Implementation Manual FY 04/05
Appendix K: Brownfields**

(Brownfields is no longer included in the SPIM. Appendix K is expected to become the Brownfields Program Manual assigned to OBCR)

**This Page Intentionally
Left Blank**

Superfund Program Implementation Manual FY04/05
Appendix M: Removals
(Applicable to all OSWER Removals regardless of financing)

**This Page Intentionally
Left Blank**

**Appendix M
Removals**

Table of Contents

M.A FY04/05 TARGETS AND MEASURES M-1

 M.A.1 Overview of FY04/05 Removal Targets/Measures M-1

 a. Removal Starts M-2

 b. Removal Completions M-4

M.B Subject Matter Experts M-6

**Appendix M
Removals**

List of Exhibits

EXHIBIT M.1 REMOVAL ACTION ACTIVITIES..... M-1
EXHIBIT M.2 SUBJECT MATTER EXPERTS.....M-6

M.A. FY04/05 REMOVAL TARGETS AND MEASURES

M.A.1. OVERVIEW OF FY 04/05 REMOVAL ACTIONS TARGETS/MEASURES

The Superfund Comprehensive Accomplishments Plan (SCAP) is used by the Assistant Administrator for the Office of Solid Waste and Emergency Response (AA OSWER), Assistant Administrator for the Office of Enforcement and Compliance Assurance (AA OECA), and senior Superfund managers to monitor progress each region is making towards achieving the Government Performance and Results Act (GPRA) annual performance goals. In addition, SCAP will continue to be used as an internal management tool to project and track activities that contribute to these GPRA goals and support resource allocation. The program will set national goals based on historical performance and performance expectations within a limited budget for the performance goals in GPRA and track accomplishments in the activities contributing to those goals. Regions should continue to plan and report accomplishments in WasteLAN as they have traditionally.

To more clearly reflect the relationship between GPRA and the SCAP process, GPRA annual performance goals and measures and program targets and measures are defined as follows:

- GPRA Annual Performance Goals (APG) and GPRA Annual Performance Measures (APM)** - The Agency's Annual Plan describes the specific annual performance goals, annual measures of outputs and outcomes, and activities aimed at achieving the performance goals that will be carried out during the year. APGs are the specific activities that the Agency plans to conduct during the fiscal year in an effort towards achieving its long-term strategic goals and objectives. APMs are used by managers to determine how well a program or activity is doing in achieving milestones that have been set for the year. The annual performance goals will inform Congress and Agency stakeholders of the expected level of achievement for the significant activities covered by the GPRA objective. The goals are a subset of the overall planning and budgeting information that has traditionally been tracked by the Superfund program offices.
- Program Targets and Measures** are activities deemed essential to tracking overall program progress. Program targets are used to identify and track the number of actions that each region is expected to perform during the year and to evaluate program progress. Program measures are used to show progress made in achieving program priorities.

The following pages contain the definitions of the FY 04/05 removal activities, GPRA annual performance goals, GPRA and program measures, and removal project support activities. Exhibit M.1 displays the full list of removal and activities defined in this Appendix. Exhibit M.2, at the end of this Appendix, lists the subject matter experts for each relevant subject area.

**EXHIBIT M.1
REMOVAL ACTION ACTIVITIES**

ACTIVITY	GPRA		PROGRAM	
	APG	APM	Target	Measure
Removal Starts	✓			
Removal Completions				✓

a. REMOVAL STARTS

Definition:

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 which may pose an imminent and substantial danger to public health or welfare. These risk reduction activities can be conducted as emergency, time-critical, or NTC removal actions. This measure tracks each removal action. The appropriate use of Special Account funds for removal actions is provided in the “Guidance on Key Decision Points in Using Special Account Funds” dated September 28, 2001.

Definition of Accomplishment:

A site is addressed by a removal action when the EPA, Response Action Contract (RAC), Emergency and Rapid Response Services (ERRS), State, or PRP, or their contractors, have mobilized for construction of the removal action specified in the Action Memorandum.

- **Fund-financed (Including F-, TR-, or S-lead) actions** - EPA, State or their contractors have begun work at a site for construction of the removal (emergency, time-critical, or non-time critical) as documented by a Pollution Report (POLREP). The date of on-site construction is reported in WasteLAN as the removal (Action Name = Removal Action) actual start date (Actual Start).
- **PRP- financed from a Special Account (Including Special Account Financed Action performed by EPA (SA-lead), the State (SS-Lead), or Tribal Government (ST-lead) actions ¹)** - EPA, State, tribal government or their contractors have begun work at a site for construction of the PRP-financed removal (emergency, time-critical, or non-time critical) as documented by a Pollution Report (POLREP). The date of on-site construction is reported in WasteLAN as the removal (Action Name = Removal Action) actual start date (Actual Start).
- **PRP-financed (Including RP- and MR- lead) actions under the terms of an AOC, UAO, CD, or judgment** - The PRPs or their contractors have begun work on-site for construction of the removal (emergency, time critical, or non-time critical) as documented in a POLREP AND the PRPs provide written notice of intent to comply with a UAO, or an enforcement instrument has been signed by EPA and the PRPs, or a judgment has been signed by a Federal judge.

The date of on-site construction is reported in WasteLAN as the removal (Action Name = PRP Removal) actual start date (Actual Start). The following information must be entered into WasteLAN for the enforcement instrument:

- The date the AOC (Action Name = Admin Order on Consent) was signed by the PRPs and the designated Regional official (Actual Complete), and the Response Acts Pd by Parties of “PRP Removal”; or
- The date (Actual Complete) the PRPs provide notice of intent to comply (Action Name = PRP Notfy EPA of Intent to Comply) with a UAO for a RP-lead removal signed (Actual Complete) by the designated Regional

¹Actions qualify for SA, SS, and ST leads, when the majority of the funding for the total estimated response cost (including direct and indirect costs) is to be paid from a Special Account. The amount contributed from a Special Account should meet or exceed the amount contributed by the largest non-PRP entity (i.e., EPA, State where applicable) toward the total estimated response cost at the site. For example for a removal action, if 60% of the funds needed to finance the estimated response are to be derived from a Special Account and 40% of the response costs will be paid out of Fund monies (or a lesser amount if State cost share is received), the majority of the response cost is being paid for out of a Special Account and the action qualifies for a SA, SS, or ST lead.

official (Action Name = Unilateral Admin Order), and the Response Acts Pd by Parties of “PRP Removal”; or

- The date the Regional Administrator signs the memorandum transmitting the CD (Action Name = Consent Decree) to DOJ or HQ and the Response Acts Pd by Parties of “PRP Removal”; or
- The date a judgment (Action Name = Judicial/Civil Judgment) was signed by the Federal judge (Actual Complete), and the Response Acts Pd by Parties of “PRP Removal.”
- ***PRP-financed (PS-lead actions) under terms of a State Order or decree*** - The PRPs or their contractors have begun work on-site for construction of the removal (emergency, time critical, or non-time critical) as documented in a Pollution Report (POLREP) and the State enforcement instrument has been signed by the appropriate State official.
- ***PRP-financed (RP-lead actions) emergency actions where no enforcement instrument exists*** - The PRP or their contractors have begun construction work on-site in response to an emergency incident, and EPA provides on-site technical oversight and/or is part of an incident command system/unified command (as documented in a POLREP). The date of construction is reported in WasteLAN as the removal (Action Name = PRP Emergency Removal), actual start date (Actual Start).

For both Fund- and PRP-financed removals, the following additional information must be entered into WasteLAN:

- The Critical Indicator classification of the removal [(1) Time Critical, (2) Non-Time Critical, or (3) Emergency];
- The media addressed through the removal (Media Type);
- The Media Name;
- The Response Action being conducted (Selected Response Actions);
- The response action cost data;
- The Institutional Control information; and
- The five year review information (at NPL sites only).

An endangerment determination should be documented when an Action Memo or Removal Action Decision Document or an enforcement instrument is prepared. Regions identify which of the documents contain the endangerment determination when they enter the actual completion date (Actual Complete) for the corresponding action into WasteLAN.

Changes in Definition FY 02/03 - FY 04/05:

Added requirements to be entered into WasteLAN for both Fund- and PRP-financed removals. **Removal measure were taken from Appendix B and moved to this new appendix to reflect the changes in responsibilities for removals. References to Coast Guard lead removals have been removed. Coast Guard lead removal starts are recorded non-site-specifically.**

Planning/Reporting Requirements:

Fund-financed removal, PRP removals under the terms of an enforcement instrument, and PRP emergency actions with no enforcement instrument starts will be tracked separately for management purposes. Removals are covered under the removal AOA. Removal starts and Emergency Responses (PRP emergency actions where no enforcement instrument exists) are a GPRA annual performance goal. **Removal start totals will not include Coast Guard leads. Coast Guard lead removals are recorded non-site-specifically in WasteLAN through the program management screen.**

b. REMOVAL COMPLETIONS

Definition:

Removal actions are responses performed at NPL or 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 which may present an imminent and substantial danger to public health or welfare. These risk reduction activities can be conducted as emergency, time-critical or NTC removal actions. This measure tracks each removal completion at a site.

DISCLAIMER: 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 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 complete column of a WasteLAN 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.

Definition of Accomplishment:

Following are the conditions under which a removal is considered complete:

- A Fund-financed removal is considered complete when the actions specified in the Action Memorandum are met, OR when the contractor has demobilized and left the site (as documented in the POLREP) and recorded as the removal (Action Name = Removal Action) actual completion date (Actual Complete) in WasteLAN.
- A PRP-financed removal performed by the PRP under the terms of a Federal enforcement instrument, is considered complete when the Region has certified that the PRPs have fully met the terms of an AOC, UAO, CD, or judgment and have completed the actions specified in the Action Memorandum (as documented in the POLREP) and recorded as the removal (Action Name = PRP Removal) actual completion date (Actual Complete) in WasteLAN.
- A PRP-financed removal performed by the PRPs under the terms of a State enforcement document is considered complete when the State has certified the PRPs have fully met the terms of the instrument AND have completed the actions specified in the Action Memorandum (as documented in the POLREP) and recorded as the removal (Action Name = PRP Removal) actual completion date (Actual Complete) in WasteLAN.
- A PRP-financed emergency action where no enforcement instrument exists 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 a POLREP) and recorded as the removal (Action Name = PRP Emergency Removal) actual completion date (Actual Complete) in WasteLAN.

In order to receive credit for a removal completion an endangerment determination must be performed. This endangerment determination may be documented in an Action Memo, Removal Action Decision Document or enforcement instrument. Regions identify which of these documents contain the endangerment determination by entering the actual completion date (Actual Complete) into WasteLAN.

For either Fund- or PRP-financed removals, an action qualifier (Qualifier) must be recorded to identify whether the action resulted in the site being “Cleaned Up” or “Stabilized.”

Action qualifiers are defined as follows:

- **Cleaned Up:** All threats have been addressed as defined in the Action Memo and the region determines that it has addressed all threats posed by the site (will not be returning for subsequent response activity). Also, all removal obligations and related work have been completed.
- **Stabilized:** All threats identified in the Action Memo have been addressed. The region may take additional removal actions as new threats are identified/investigatory information is available. Example: Leaking drums and contaminated soil in the area of the drums are excavated and disposed of in an approved off-site facility. Site is stabilized.

Exceptions:

Temporary demobilization and temporary storage on-site are not considered completions, unless temporary storage is the only action specified in the Action Memorandum to mitigate threats to public health, welfare, and the environment. Likewise, temporary off-site storage of hazardous substances at a Treatment, Storage, and Disposal (TSD) facility other than the facility of ultimate disposal is a continuation of the action, not a completion, unless temporary off-site storage at a TSD is the only action specified in the Action Memorandum. In addition, a removal would not be considered complete if:

- The Action Memorandum requires the EPA contractor to monitor the hazardous substances stored on-site or additional contractor expenditures are anticipated; or
- Hazardous substances are being stored at an off-site facility, other than the ultimate TSD facility required in the Action Memorandum.

A removal would be considered complete if:

- The scope of work for the action does not specify final off-site disposal of hazardous substances; the substances have been stabilized and are stored on-site due to circumstances such as the unavailability of a final treatment/disposal remedy; and no additional Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) removal authority funds are anticipated to be expended on this action. In this instance, no CERCLA removal authority funds will be expended for remedial-term site O&M. Any remedial-term site O&M (greater than 6 months) should be performed by the PRP or another agency (e.g., the State); or
- Hazardous substances are being stored off-site at the location of final disposal, and no additional contractor expenditures are anticipated for this action.

Changes in Definition FY 02/03 - FY 04/05:

Removal measure were taken from Appendix B and moved to this new appendix to reflect the changes in responsibilities for removals. References to Coast Guard lead removals have been removed. Coast Guard lead removal completions are recorded non-site-specifically.

Special Planning/Reporting Requirements:

Upon completion of a removal, an action Qualifier must be recorded to identify whether the removal resulted in the site being “Cleaned Up” or “Stabilized.” This is a program measure. Removal completion totals will not include Coast Guard leads. Coast Guard lead removals are recorded non-site-specifically in WasteLAN through the program management screen.

M.B Subject Matter Experts

The following exhibit identifies the subject matter experts for Appendix M, Removals.

EXHIBIT M.2 Subject Matter Experts

Subject Matter Expert	Subject Area	Phone #
Terry Eby	Removal Implementation	703-603-8741
Mark Mjoness	Removal Implementation	703-603-8727
Kevin Mould	Removal Implementation	703-603-8728
Charlotte Englert	Removal Financial	202-564-8888
Dana Stalcup	Removal Implementation	703-603-8735
Ray Worley	Removal Implementation	703-603-8724